258

1124

95

363

95

J. U.

Monday 26th January 1846

At a Co. wants the Foujdaree Ct.
who has sent
G. J. W. that of Dy. ____ 1st. Prisone
Mr Malcolm ap. prisonment Dy. ____ 2nd. Prisone
J. E. J. Judge of Dy. ____ 3rd. Prisone Jr
affirm

Read Calr. miscellaneous Petition pt. 4
on the 30th October 1845 by Dy. the late Pellay of Zr
Combaconum.

(Here enter F. Ct. P. No. 192 of 1845)

This is an application for the interfer-
of the Court of Foujdaree Adalut to order an investigation
into certain charges preferred by the Petitioner against the
2nd Goomastah in the Mahomedan Officers Court
at Combaconum the Head of Police of the Combaconum
Talook and a Goomastah attached to the Cutchery of the
Joint Magistrate of having destroyed his crops by
opening a watercourse, broken into his house and robbed
him of property to a very considerable amount and
preferred various false charges against him in conse-
-quence of which he has been unjustly subjected to
fine and imprisonment on several occasions.

2. On a vague and rambling address of
this nature unaccompanied by copies of any orders
passed by the Magistracy or Sessions Court to whom

the

the Petitioner should in the first place have applied for
redress, to the Court of Foujdaree Adalut would not be justifi
in ordering an investigation requested by the Petitioner.

3.

With reference to the alleged obstruction
of the Tank
a dispute which appears to have resulted from
referred to the right of stopping the watercourse
of opinion that that part of the address to the Court are of
in the nature of a suit for damages before the Civil Court.

If the Petitioner have any good and
sufficient grounds to complain of the proceedings of the
Police or Magistracy he should present an address stating
in precise terms the grievances which he may have
experienced and what steps he may have taken to obtain
redress from the Magistrate and finally from the Sessions
Judge, presenting at the same time copies of such
Orders as may have been passed by those authorities,
which the Court of Foujdaree Adalut will be prepared
to take into consideration, and will adopt such measures
as the circumstances of the case may appear to require.

Ordered that Extract from these Proceed-
ings be furnished to the Petitioner on his application.

Read Miscellaneous Petition presented
on the 24th November 1845 by Hamed Saib of the Zillah of
Chittoor.

(Here enter S. D. Qu. P. No. 2240 of 1845)

1

The Petitioner represents himself to be

the brother of the 1st Prisoner in Case No. 25/1845
convicted of having wantonly and severely wound
runaway convicts who had been retaken and del
to his charge and that of other Jail Peons and Se
to Seven years imprisonment with hard labor
by the Sessions Judge of Chittoor.

2.

He affirms that the charge pre
against his brother was false. That he had acted
conformity with the orders of the Daffadar but
this officer being alarmed at the consequences of its
being known that the wounds had been inflicted by
his orders and fearing that his appointment would
be conferred on Petitioners brother induced the rest of
the guard to declare that Petitioners brother had inflict
the wounds without any reason.

He prays the Court therefore to call
3.
for all the proceedings in the case and to direct the
release of his brother.

The Court of Foujdaree Adalut having
4
duly considered the statements made by the Petitioner
in his Petitions as well as the abstract of the evidence
recorded in the Calendar of the Case see no reason
whatever to question the conviction of the prisoner

Syed Hamed.

The Petition is accordingly dismissed.

4

Ordered that Extract from these Proceedings
be

no reason for modifying their order of the 1st inst in which they declined to accede to ap-
request to that above recorded; made in her Pe-
tition Nos 74 and 84 of 1845.

The Petitioner is referred to the said
of the 13th of May and is informed that it is Petitioner Jos
Ordered that Extract from the Pris and Judge
Proceedings be furnished to the Petitioner on he Pris and Judge
application.

Read letter dated the 2nd Instant from the Sessions Judge of Cuddapah forwarding the record of the Sessions Court in the
trial in Case No 55 on the Calendar of the Sessions Court
for 1845.

(Here enter No 51 of 1846)

The Court of Foujdaree Adalut on a deliberate consideration of all the circumstances of the
case in evidence before them, being of opinion that the
proof against the prisoners
1st Villapoo Venkatagaudoo
2nd Zadapa Gungadoo.
and
5th Yerla Venkatagaudoo.
is sufficient to convict them of the crime of housebreaking
and theft and that against the prisoner
10th Coolpem Soobbanah.
to commit him of having received stolen property knowing
it to be such, do convict them severally thereof; and
sentence

Mr. J. Waters
and
Mr. J. D. J. Boileau.

be furnished to the Petitioner on his application.

Read Miscellaneous Petition presented on the 8th December 1845 by Abdool Careem of the Zillah of Coimbatore.

(Here enter F. C. Mr. P. No 234 of 1845)

The Petitioner again urges his request that the Court will interfere in his behalf remove his suspension from office and order his immediate restoration.

2. Orders have already been passed by the Court on Petitioners case under dates 29th September and 24th November 1845. to those orders he is referred and informed, that they are final.

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

Read Miscellaneous Petition presented on the 15th December last by Atreenwasa Unnual of the Zillah of Chingleput.

(Here enter F. C. Mr. P. No 239 of 1845)

1. The Petitioner repeats the request that the Court will order the release of her husband convicted in Case No 2 of 1845 on the file of the Session Court of Chingleput of theft and sentenced to 7 years imprison-
ment with hard labor in irons.

2. The Court of Foujdaree Adalut see

no

with reference to the provisions of Section XXI Regulation
VII of 1802, Clause third Section II Regulation of 1825,
Regulation VIII of 1828 and Clause Second Section IV
Regulation VII of 1822 sentence the Prisoners.

5th Yerla Venkatreyandoo.

to receive 100 lashes with a Cat o' nine tails, and to be
imprisoned and kept to hard labor in irons on the public
roads or other public works for and during the period of
seven (7) Years; the Prisoners.

1st Pullapoo Venkatreyandoo

and

2nd Zadapee Gungadoo.

to be imprisoned and kept to hard labor in irons on the
public roads or other public works for, and, during the
period of Seven (7) Years and the Prisoner

10th Chinnum Soobbanah.

to be imprisoned and kept to hard labor in irons on the
public roads or other public works for, and, during the period
of three (3) years. The Court of Foujdaree Udalut being
further of opinion that the prisoner

9th Gaudraloo Shiddanah

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

1. The 1st, 2nd, 4th, 5th 6th and 7th Prisoners
in this case were charged with having broken into the
house

26th January 1846.

house of the Prosecutor by night during his a[bsence] Udalut
and stolen therefrom gold and silver jewels, read[y]
cloths &c. valued at Rupees 5777-15-- one Judge

2. The 3rd, 8th, 9th, and 10th Prisoners Judge
charged with having received a part of the said one Judge
knowing it to have been stolen.

3 The 3rd, 4th, 6th, 7th and 8th Pris[oners]
have been unconditionally released by the Session[s] dated the
who concurred with the Law officer in acquitting th[em]
of the crimes respectively charged against them. Viz agreed

4 The Session Judge also concurred in [the]
the Law officer in the conviction of the 1st, 2nd, and 5th
Prisoners, but dissenting from the opinion recorded final
by that officer in favor of the innocence of the 9th
and 10th prisoners has referred the case for the consider[ation]
and final orders of the Foujdaree Udalut.— 45

5. The Court of Foujdaree Udalut having abode
attentively considered the record of this case entirely concur[s] Udalut
with the Session Judge in the conviction of the 1st 2nd
5th and 10th prisoners of the crimes severally laid to their alat
charge, and approve of the sentences recommended by submit[ted]
that officer to be passed upon them.—

6. The Court are however of opinion that
the evidence against the 9th Prisoner is altogether —
insufficient to her conviction, as it is not proved that agreed Udalut
she examined, or was aware of the contents of the —
bundle on

bundle which she permitted the 2d Prisoner to deposit in her house, and which, the Court observe, was openly placed on a shelf without apparently any attempt having been made to conceal it.-

7. Adverting moreover to the practice prevailing among itinerant persons of the caste of the 2d Prisoner, of carrying loads about the Country on their bullocks, the Court are disposed to credit the assertion of the 9th Prisoner that she unwillingly received the bundle unconscious of the manner in which it had been obtained.-

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

(Vide following letter No. 228.)

Read return dated the 6th Ultimo from the Principal Sudr. Ameen of Trichinopoly to the precept of the Fouzdaree Adalut under date the 26th November 1845 containing their observations on the Criminal Reports for the Month of October 1845.-

(Here enter F: W: No. 3587 of 1845).

P. W.

Tuesday 27th January 1846.

At a Court of the Fouzdaree Adalut

Present.

G. S. Walters Esquire — 1st Puisne Judge

Malcolm Lewin Esquire — 2d Puisne Judge

T. & J. Baikie Esquire — 3d Puisne Judge

Read again letter dated the 10th December 1845 from the Agent to the Govt. at Fort St George at Vizagapatam submitting a report on the trial of a prisoner charged with wilful murder for the consideration and final orders of the Fouzdaree Adalut.-

(Here enter F: W: No. 3693 of 1845)

Read also Return dated the 16th Instant from the same officer to the precept of the Fouzdaree Adalut of the 31st December last desiring the submission of an English translation of the entire record of the Case, above mentioned.-

(Here enter No. 218 of Records)

The Court of Fouzdaree Adalut

Mr M. Lewin
and
Mr T. & J. Baikie

bundle which she permitted the 2d Prisoner to deposit in her house, and which, the Court observe, was openly placed on a shelf without apparently any attempt having been made to conceal it.-

7. Adverting moreover to the practice prevailing among itinerant persons of the caste of the 2d Prisoner, of carrying loads about the Country on their bullocks, the Court are disposed to credit the assertion of the 9th Prisoner that she unwillingly received the bundle unconscious of the manner in which it had been obtained.-

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

(Sent following letter No. 128.)

Read return dated the 6th Ultimo from the Principal Sudr. Ameen of Trichinopoly to the precept of the Foujdaree Adalut under date the 26th November 1845 containing their observations on the Criminal Reports for the Month of October 1845.-

(Here enter F. C. No. 3587 of 1845).

End. 1 H.

P. C.

Tuesday. At a Court of the Foujdaree Adalut
27th January 1846.

Present.

G. J. Waters Esquire — 1st Puisne Judge.
Malcolm Lewin Esquire — 2d Puisne Judge.
T. & J. Baikie Esquires — 3d Puisne Judge.

Read again letter dated the 10th December 1845 from the Agent to the Governor Fort St George at Vizagapatam submitting a report on the trial of a prisoner charged with wilful murder for the consideration and final orders of the Foujdaree Adalut.

(Here enter P. C. No. 3698 of 1845)

Read also Return dated the 16th Instant from the same officer to the precept of the Foujdaree Adalut of the 31st December last desiring the submission of an English translation of the entire record of the Case, above mentioned.-

(Here enter No. 318 of 1846)

The Court of Foujdaree Adalut

Mr M. Lewin
Mr T. & J. Baikie

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

"Coomaraupoo Ramundhora"

is sufficient to convict him of the crime of Culpable homicide, for which the penalty of death is awardable under the Mahomedan Law as declared in futwah of their Law officers, do convict him thereof and under the provisions of Clause Second Section XV Regulation VII of 1832 sentence him to be imprisoned and kept to hard labor in the public prison at Masulipatam for and during the period of (14) fourteen Years.—

In this case the prisoner was charged with murder, but the Agent being of opinion that the prisoner is convicted of Culpable Homicide, proposes to sentence him to 5 years' imprisonment with hard labor in irons under clause Second Section XV. Regulation VII of 1832.

2 Considering the two wounds inflicted

inflicted by the Prisoner with a weapon plainly indicate a determination on his part to take the life of the deceased, the Court are unable to concur with the Agent in the measure of punishment proposed by him.—

3 It would further appear that the prisoner was the aggressor tho' his object in the first instance was not probably to commit murder.—

4 Under these circumstances the Court consider that the punishment now proposed to be inflicted would be justifiable in this case.—

Ordered, that Extract from these proceedings be forwarded to the Agent to the Governor of Fort Saint George at Vizagapatam for his information

/ Sent following letter No 130. /

Read letter dated the 17th January 1846 from the Sessions Judge of Mangalore, submitting for the consideration and final Sentence of the Punishment Adalut the record of trial in Case No 105 of 1845 on the

27th January 1846.

Mr C. S. Waters
and
Mr H. S. Boileau

the Mangalore Calendar.

/Here Enter Ft. No. 359 of 1845./

The Court of Foujdaree
Adalut on a deliberate consideration of
all the circumstances of the Case in
evidence before them, being of opinion
that the proof against the prisoner
"Myndapoo"
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, so soon as convenient
can be, after the receipt of this warrant
at a spot to be selected by the Sessions
Judge of Mangalore in the immediate
vicinity of the place where the Murder was
committed.

/Sent following letter No. 131/

Read Calendar in Case No. 381
of 1845, submitted by the Sessions Judge of Chittoor

/Here enter No. 333./

The above Calendar not requiring
any

H.C.

27th January 1846.

any remark from the Court of Foujdaree
Adalut.

Ordered that Extract
from these Proceedings be forwarded
to the Sessions Judge of Chittoor for
information.

/Sent in No. 132/

Read Calendar of Cases
Nos. 91, 93, 94, 95, and 98 of 1845 submitted
by the Sessions Judge of Mangalore under
date the 10th January 1846.

/Here Enter Ft. Nos. 133-134-135-137 & 138/

Read returns dated the 16th
Instant from the Sessions Judge of Salem
to the precept of the Foujdaree Adalut under
date the 10th idem directing the immediate
release of Erula Samen the 2d prisoner
in Case No. 48 of 1845.

/Here Enter Ft. No. 144 of 1845/

Read returns dated the
15th Instant from the Sessions Judge
of Nellore to the precept of the Foujdaree
Adalut under date the 24th December 1845
directing, that in the event of any Sentences

27th January 1846.

the Mangalore Calendar.

/Here enter Ft. No. 339 of 1845/

Mr. G. I. Waters
and
Mr. H. E. I. Boileau

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 "Myndapoo" 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, sentenced him to suffer death, by being hanged, so soon as conveniently can be, after the receipt of this warrant at a spot to be selected by the Sessions Judge of Mangalore in the immediate vicinity of the place where the Murder was committed.—

/Sent following letter No. 131/

Read Calendar in Case No. 81 of 1845, submitted by the Sessions Judge of Chittoor

/Here enter No. 333/

The above Calendars not requiring any

Ft.

27th January 1846. answ. remark from the Court of Foujdaree Adalut.

Ordered that Extract from those Proceedings be forwarded to the Sessions Judge of Chittoor for information.—

/Sent pr No. 132/

Read Calendar of Cases Nos. 91, 92, 94, 95, and 98 of 1845 submitted by the Sessions Judge of Mangalore under date the 10th January 1846.

/Here enter Ft. Nos. 133. 134. 135. 136 & 137/

Read returns dated the 15th Instant from the Sessions Judge of Salem in obedience to the precept of the Foujdaree Adalut under date the 10th idem, directing the immediate release of Erala Samen the prisoner in Case No. 46 of 1846.

/Here enter Ft. No. 145 of 1846/

Read return dated the 15th Instant from the Sessions Judge of Nellore in obedience to the precept of the Foujdaree Adalut under date the 24th December 1845 directing that in the event of any of the sentences

of the Zillah of Trinov for the half yearly ending the 31st december 1845.—

/Here Enter Fl. No. 179 of 1846/

Read report dated the 15th Instant submitted by the Sessions Judge of Trichinopoly of Casualties of Prisoners released in the Zillah of Trichinopoly in the Month of December by the Sessions

/Here Enter Fl. No. 180 of 1846/

Read letter dated the 15th Instant from the Sessions Judge of Trichinopoly, transmitting the statement of the Actual produce of the labor of the prisoners in the Jail at Trichinopoly for the 4th Quarter of 1845.—

/Here Enter Fl. No. 181 of 1846/

Read Jail report under date the 15th Instant submitted by the Sessions Judge of Trichinopoly for the Month of December 1845.—

/Here Enter Fl. No. 182 of 1846/

Read Calendar of case No. 36 of 1845 submitted by the Sessions Judge of Trichinopoly under date the 16th January 1846.

/Here Enter Fl. No. 185 of 1846/

Read

sentences of corporal punishment awarded to any of the prisoners in Case No. 20 on the Calendar for 1845. and approved of by the Foujdaree Udalut not having been duly executed, they may be carried into effect without further delay.—

/Here Enter Fl. No. 145 of 1845/

Read Calendar of Case No. 74 of 1845 submitted by the Sessions Judge of Cuddapah under date the 14th January 1845.

/Here Enter Fl. No. 148 of 1846/

Read Calendar of Cases Nos. 85 and 86 of 1845 submitted by the Sessions Judge of Cuddalore under date the 16th January 1845.—

Here Enter Fl. No. 174 of 1845.

Read Calendar of Case No. 4 of 1846 submitted by the Sessions Judge of Combaconum under date the 15th January 1845.—

/Here Enter Fl. No. 175 of 1845/

Read Statement dated the 16th Instant submitted by the Sessions Judge of Vizagapatam of batta paid to prosecutors and witnesses attending before the Sessions Court

January 1846

Read Calendar of Case No 1 of 1846 submitted by the Sessions Judge Coimbatore under date the 15th January 1846.

(Here enter F.H. No 205 of 1846)

Read Calendar of Case No 60 of 1845 submitted by the Sessions Judge of Salem under date the 16th January 1846.

(Here enter F.H. No 208 of 1846)

F. D.

Wednesday 20th January 1846. At a Court of the Foujdaree Adalut

Present

George I. Waters Esqre 1st Puisne Judge
Malcolm Lewin Esqre 2d Puisne Judge
T. C. I. Boileau Esqre 3d Puisne Judge

Read Criminal Reports under date the 3rd Instant submitted by the Sessions Judge of Tanjore for the month of December 1845.

(Here enter F. D. No 84)

Case No 128

1. The Court observe that if the Sessions Judge before disposing of this case had secured the attendance of the Prosecutor daughter the evidence against the prisoner would apparently have been sufficient to his conviction of the offence laid to his charge

Case No 133.

2. The Court entirely concur in the opinion recorded by the Sessions Judge regarding the inadequacy of the punishment awarded to the prisoner in this case by the Moosty Sudr Ameen.

Ordered, that Extract from

these

January 1846.

Read Calendar of Cases &c
Nº 59 of 1845 submitted by the Sessions Judge
Coimbatore under date the 15th January 1846.

(Here Enter F.H. Nº 205 of 1846)

Read Calendar of Cases &c
60 of 1845 submitted by the Sessions Judge
of Salem under date the 16th January 1846.

(Here Enter F.H. Nº 208 of 1846)

F. H.

Wednesday
20th January 1846. At a Court of the Foujdaree Adalut

Present

George J. Waters Esqre 1st Puisne Judge
Malcolm Lewin Esqre 2d Puisne Judge
T. C. I. Boileau Esqre 3d Puisne Judge

Read Criminal Reports under
date the 3rd Instant submitted by the Sessions
Judge of Tanjore for the month of December
1845.

(Here enter F. D. Nº 84)

Case Nº 128 1. The Court observe that if the Sessions Judge before disposing of this case had secured the attendance of the Prosecutor daughter the evidence against the prisoner would apparently have been sufficient to his conviction of the offence laid to his charge.

Case Nº 183. 2. The Court entirely concur in the opinion recorded by the Sessions Judge regarding the inadequacy of the punishment awarded to the prisoner in this case by the Moofty Cutcherry.

Ordered, that Extract from

these

28th January 1846.

these Proceedings be sent to the Sessions Judge of Masulipatam for his information.

(Sent in No. 134.)

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

(Here enter F. D. No. 91.)

Case No. 66. 1. The Court of Zoujdaree Adalut observe to be informed what measures may have been adopted by the Magistrate of Rajahmundry in consequence of the remarks recorded on this case by the Subordinate Judge regarding the misconduct of the Police Duffadar and Peons.

2. Adverting to the Extract from the Proceedings of the Sessions Court appended to these reports, the Court of Zoujdaree Adalut observe that the Sessions Judge had no authority to suspend a sentence passed on by the acting Sudr Ameen pending a reference to the Magistrate, it being incumbent upon the former officer to pass his orders with

28th January 1846.

with reference to the evidence before him stating good and sufficient reasons for any modifications which he might see fit to order in the sentences awarded by the Officer of the Subordinate Court.

Ordered, that Extract from these Proceedings (Para 2) be sent to the Sessions Judge of Rajahmundry for his information and future guidance.

(Sent in No. 135.)

Ordered also, that Extract from these Proceedings be sent to the Subordinate Judge of Rajahmundry for his information and for communication of para 1 to the Magistrate for the information and guidance of that Officer and for report direct to the Zoujdaree Adalut by precept returnable within X days from and after its receipt.

(Sent following precept No. 136.)

Read Criminal Reports under date the 1st January 1846 submitted by the Principal Sudr Ameen of Timmelly for the month of December 1845.

(Here enter F. D. No. 134.)

Adverting

these Proceedings be sent to the Sessions Judge of Rajahmundry for his information.

(Sent in No. 134.)

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

(Here enter F.D. No. 91.)

Case No. 66. 1. The Court of Zoujdaree Adalut desire to be informed what measures may have been adopted by the Magistrate of Rajahmundry in consequence of the remarks recorded on the case by the Subordinate Judge regarding the misconduct of the Police Duffadar and Peons.

2. Adverting to the Extract from the Proceedings of the Sessions Court appended to these reports, the Court of Zoujdaree Adalut observe that the Sessions Judge had no authority to suspend a sentence passed by the acting Sudr Ameen pending a reference to the Magistrate, it being incumbent upon the former officer to pass his orders with

with reference to the evidence before him stating good and sufficient reasons for any modifications which he might see fit to order in the sentences awarded by the Officer of the Subordinate Court.

Ordered, that Extract from these Proceedings (Para 2) be sent to the Sessions Judge of Rajahmundry for his information and future guidance.

(Sent in No. 135.)

Ordered also, that Extract from these Proceedings be sent to the Subordinate Judge of Rajahmundry for his information and for communication of Para 1 to the Magistrate for the information and guidance of that Officer and for report direct to the Zoujdaree Adalut by precept returnable within X days from and after the receipt.

(Sent following precept No. 136.)

Read Criminal Reports under date the 1st January 1846 submitted by the Principal Sudr Ameen of Tinnevelly for the month of December 1845.

(Here enter F. D. No. 134.)

Adverted

28th January 1846.

Case No. 161.

C. O. No. 124

Adverting to the rule laid down in the Circular Order noted Marginally, the Court of Foujdaree Udalut observe that under the circumstances of a fracture of the Prosecutor's left arm having resulted from the Assault charged against the prisoners in this case, the case should have been committed for trial before the Court of Sessions. The Principal Sudr Ameen will in future strictly conform to the Circular Order above referred to and explain his neglect of it in the present instance.

Case No. 166

2. The Court consider that with reference to the evidence in this case as contained in the report, no grounds existed for the Assumptions deduced therefrom by the Principal Sudr Ameen.

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

(Sent in No. 137)

Read letter dated 9th January 1846 from the Sessions Judge of Pollicherry

F. P.

28th January 1846.

Pollicherry.

(Here enter F. W. No. 112 of 1846)

This communication originates out of a refusal by the Magistrate of Malabar to submit for the consideration of the Session Judge, certain proceedings held by the Magistrate into the conduct of a Police Peon, on the grounds that under the orders of Government of the 19th November 1833, the Session Courts would appear to be relieved from any share in the superintendence, control and revision of the native revenue and Police Establishments.

2. The Magistrate's Proceedings were called for in consequence of a Petition presented to the Session Judge by a Peon of the Cottayam Talook Cutcherry appealing from the decision passed by the Magistrate dismissing him from his situation because he had preferred a false accusation against the Tahsildar of his Talook, charging him with having received bribes from parties concerned in two cases of murder.

The

28th January 1846.
Case No. 161.
C. O. No. 124

Adverting to the rule laid down in the Circular Order noted Marginally, the Court of Foujdaree Udalut observe that under the circumstances of a fracture of the Prosecutor's left arm having resulted from the assault charged against the prisoners in this case, the case should have been committed for trial before the Court of Sessions. The Principal Sudr Ameen will in future strictly conform to the Circular Order above referred to and explain his neglect of it in the present instance.

Case No. 166

2. The Court consider that with reference to the evidence in this case as contained in the report, no grounds existed for the assumptions deduced therefrom by the Principal Sudr Ameen.

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

(Sent in No. 137)

Read letter dated 9th January 1846 from the Sessions Judge of Pellicherry

F. C.
28th January 1846.

Pellicherry.

(Here enter F. C. No. 142 of 1846)

This communication originates out of a refusal by the Magistrate of Malabar to submit for the consideration of the Sessions Judge, certain proceedings held by the Magistrate into the conduct of a Police Peon, on the grounds that under the orders of Government of the 19th November 1833, the Sessions Courts would appear to be relieved from any share in the superintendence, control and revision of the native revenue and Police Establishments.

2. The Magistrate's Proceedings were called for in consequence of a Petition presented to the Session Judge by a Peon of the Cottayam Talook Cutcherry appealing from the decision passed by the Magistrate dismissing him from his situation because he had preferred a false accusation against the Tahsildar of his Talook, charging him with having received bribes from parties concerned in two cases of murder.

The

3. The Sessions Judge conceives the order of Government referred to by the Magistrate inapplicable to the Petitioners case, as the Court must have the power of calling for the proceedings in all cases disposed of by Police officers, and if the investigations in the cases alluded to were not conducted with due zeal and in conformity to the Regulations the Court might take a different view of the conduct of the Peon-

4. The Court have no hesitation in declaring their concurrence with the opinion expressed by the Magistrate.

5 It is clear that the Superintendence of the native Police and revenue Establishments is entirely removed from the jurisdiction of the Courts and is entrusted to the Board of Revenue, to whom and to whom alone under Government, is the Collector and Magistrate responsible for its efficiency and due management.

6. It is of course open to the Sessions Judge to review any case of Police which may have been investigated or disposed of by the District Police or Magistracy, to which his attention has been drawn either by the abstract entered in the Calendars forwarded by the Magistrate or on presentation of a Petition in view to the amendment of errors in the proceedings of the Police or Magistracy; but such revision can never be undertaken with a view to interfere with the proceedings of the Magistrate in regard to the removal or alterations in the Police or Revenue Establishments over which the Courts have no control.

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

(Sent in No. 138.)

Read Return dated 19th December 1845 from the Principal Sudr Ameen of Masulipatam to the precept of the Fouzdaree Udalut of the 16th idem; calling for a copy of the order of the Sessions Court of Masulipatam which was quoted by the Principal Sudr Ameen in his Criminal Report as the authority for the commitment of Case No. 24 of

of 1845 in that Report.

(Here enter No. 3762 of 1845)

1. From this return it appears that no orders were issued to the Principal Sudr Ameen by the late Officiating Session Judge to commit the case in question to the Sessions Court but that officer considering that the orders contained in the 2d Parah of the proceedings of the Sessions Court of the 23d September last (a copy of which was forwarded with the Principal Sudr Ameen's return of 29th November last) directed its commitment be acted in conformity thereto and the prisoner was accordingly forwarded to the Sessions Court.

2d. The Court observe that the Principal Sudr Ameen appears to have misunderstood the order of the Officiating Session Judge of the 23d September last which directed the apprehension by the Magistrate of a person who from the records of the case before the Sessions Court appeared liable to a charge of receiving stolen property but in no way superseded the exercise by the Principal Sudr Ameen

J.U.

20th January 1846.

Ameen of that discretionary power and judgment vested in his office and which the law presumes will be brought into use in each case before it is committed for trial before the Sessions Court.

3. The Court consider the commitment in this case to have been improper and they would recommend to the Principal Sudr Ameen's attentive consideration the sentiments and principles laid down in Circular Order 20th July 1829. C.

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

(Sent in No. 139)

Read letter dated the 12th December 1845 from the Sessions Judge of Cuddapah submitting for the final sentence of the Sessions Court the records of Trial in Case No. 41 of 1845.

(Here enter No. 3728 of 1845.)

Read also return dated 15th January 1846. from the Acting Sessions Judge

J.

of 1845 in that Report.

(Here enter No. 3762 of 1845)

1. From this return it appears that no orders were issued to the Principal Sudr Ameen by the late Officiating Session Judge to commit the case in question to the Session Court but that officer considering that the orders contained in the 2d Parah of the proceedings of the Session Court of the 23d September last (a copy of which was forwarded with the Principal Sudr Ameen's return of 29th November last) directed its commitment be acted in conformity thereto and the prisoner was accordingly forwarded to the Session Court.

2d. The Court observe that the Principal Sudr Ameen appears to have misunderstood the order of the Officiating Session Judge of the 23d September last which directed the apprehension by the Magistrate of a person who from the records of the case before the Session Court appeared liable to a charge of receiving stolen property but in no way superseded the exercise by the Principal Sudr

Ameen

Ameen of that discretionary power and judgment vested in his office and which the law presumes will be brought into use in each case before it is committed for trial before the Session Court.

3. The Court consider the commitment in this case to have been improper and they would recommend to the Principal Sudr Ameen's attentive consideration the sentiments and principles laid down in Circular Order 20th July 1829. C.

Ordered, that a Copy of these Proceedings be forwarded to the Principal Sudr Ameen of Masulipatam for his information.

(Sent in No. 139)

Read letter dated the 12th December 1845 from the Session Judge of Cuttack submitting for the final sentence of the Provincial Adalut the record of Trial in Case No. 41 of 1845.

(Here enter No. 3720 of 1845.)

Read also return dated 15th January 1846. from the Acting Session Judge

J

20th January 1846

of Calicut, to the precept of the Tonjdaree Udalut under date the 9th January 1846 calling for a report as to the state of mind of the Prisoner in the above case.

(Here enter No 209)

Mr G. S. Walters and Mr M. Lewin

The Court of Tonjdaree Udalut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner Taity Manakadavata Acha is sufficient to convict her of assault, for which according to the Mahomedan Law officers, discretionary punishment is awardable, do convict her thereof; and with reference to the provisions of Clause third Section VII Regulation XV of 1808, do sentence her to be imprisoned and kept to labor suitable to her sex for and during the period of one year.

The Prisoner in this case was charged with having severely beaten and wounded the Prosecutor's Mother with a heavy and

pointed piece of wood, from the effects of which she died on the following day.

2. On an attentive consideration of the entire record of the case, the Court of Tonjdaree Udalut see strong reason to doubt whether the blows inflicted by the prisoner were the cause of the death of the deceased.

3. The Court accordingly resolve to sentence the Prisoner for the assault which she is proved to have committed, to one years imprisonment with labor suited to her sex.

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

(Sent following letter No 150.)

Read letter dated the 29th December 1845 from the Sessions Judge of Mangalore, submitting for the final sentence of the Tonjdaree Udalut the records of Trial in Case No 99 of 1845.

(Here enter No 22.)

20th January 1846.

Mr. M. Lewin
and
Mr. J. C. 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 proof against the prisoners

1st Venkuppa, and

2nd Buysuppa-

is sufficient to convict them of assault, for which according to the Mahomedan Law, as declared in futwas of their Law Officers, discretionary punishment is awardable, do convict them thereof; and with reference to the provisions of Clause third Section VII. Regulation XI 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 three years.

1. The Prisoners in this case were charged with having been concerned with one Rama Cumbly and other prisoners in Case No 18 of 1844 on the file of the Sessions Court in committing a severe assault upon the Prosecutor's brother Beeranta, and on the 4th and 5th instances by striking them with clubs

F. D
20th January 1846.

clubs &c. in consequence of which the said Beeranta died on the following day.

2. On a perusal of the records of this case, the Court of Foujdaree Udalut are of opinion that under the circumstance of a death having resulted from the assault charged against the prisoners, in which they are fully proved to have been concerned, the sentence of one year's imprisonment proposed by the Sessions Judge would be insufficient to meet the demands of justice; it has accordingly been enhanced to three years imprisonment with hard labor.

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

(Sent following letter No. 141.)

Read Calendar of Cases Nos of 1846 on the file of the Sessions Court of Chingleput, submitted under date the 15th January 1846 by the Sessions Judge of that Court.

(Here enter F. D. No 102 of 1846)

Before

28th January 1846.

1. Before disposing of this Calendar the Court of Fouzdaree Udalut desire to have before them a more specific and detailed account of the extent and nature of the injury sustained by the Prosecutor.

2. The deliberate cutting off a man's lip is a species of mutilation which seems to require heavy punishment and the period this wounds inflicted on the Prosecutor took in curing would appear to indicate that it was a severe one.

3. The Sessions Judge will accordingly from the records of the trial, supply the required information.

4. The Court presume that in this case the instructions contained in C.O. 10th April 1833 have been attended to. The Sessions Judge will therefore forward a Copy of the Memo. made by the Principal Sudr Ameen as well as of the certificate furnished by the Medical Officer in charge of the Jail, of the nature and extent of the injury sustained by the Prosecutor.

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

F. D.

28th January 1846.

of Chingleput for his information by precept returnable in X days from and after its receipt.

(Sent following precept No. 452.)

Read communication under date the 22d January 1846 from the Sessions Judge of Chittoor submitting the records of case No 1 of 1846 for the consideration and final orders of the Fouzdaree Udalut.

(Here enter F. D. No. 253)

The Court of Fouzdaree Udalut

Mr. J. Waters and Mr. J. C. J. Boileau

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

Shaik Mohieddeen

is not convicted on presumptive proof, or on the evidence of credible witnesses or on his own confession of the crime of Perjury, do acquit him thereof and direct that he be unconditionally released.

(Sent following letter No. 113.)

1. The Prisoner in this case was charged with Perjury in having given two

contrary

contrary depositions on Solemn affirmation regarding a bribe alleged to have been given by him to one Appasamiah the Swabnavis in the Cutcherry of the acting Joint Magistrate of North Arcot.-

2. The Sessions Judge dissenting from the Futwa of the Law Officer which acquitted the prisoner on the ground, "that there was no injury sustained by any "one in consequence of the false evidence "given by him has referred the case for "the decision of the Foujdaree Adalut.

3. Adverting to the nature of the first question put to the Prisoner by the Acting Joint Magistrate which it was impossible for him to answer in the affirmative without criminating himself, the Court of Foujdaree Adalut are of opinion that the commitment of the Prisoner on a charge of Perjury was improper, and accordingly direct that he be unconditionally released forthwith.-

Ordered

S. D.

20th January 1846.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Chittoor for his information and guidance by precept returnable within V days, from and after its receipt.-

(Sent following precept No. 154)

Read letter dated 16th Ultimo from the Sessions Judge of Calicut, stating, with reference to para 60 of that Court's proceedings of the 5th Ultimo, that he has arrived at the conviction that it is not advisable to adopt any further judicial proceedings with a view of establishing a charge of conspiracy

(Here enter No. 37/35) 5

F. U.

Thursday. 29th. January 1846.

At a Court of the Foujdaree Udalut.

Present

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

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

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

Read letters dated respectively the 27th. November and 2nd. December 1845 from the Sessions Judges of Tellicherry and Calicut forwarding statements showing the number of cases forwarded to the Criminal Court by each Head of Police in the Districts of Tellicherry and Malabar and the manner in which they were disposed of during the 2nd. half of 1844.—

(Here enter Nos. 3541 and 3585 of 1845)

1. Before proceeding to the preparation fo. the information of the Government, of the General Statement founded on the Reports above recorded, the Court of Foujdaree Udalut resolve to call upon the Magistrates of Malabar to state whether the cases reported to have been transmitted from the Talooks noted marginally × to the Criminal Court at Tellicherry have not erroneously been included also in the list of cases forwarded to the Criminal Court at Calicut, it appearing, on reference to the similarly in the number of persons and cases, that some mistake has occurred.—

× Cherikut. Cannanore. Tellicherry. Cottiote. Cartenad. Cauay. Wynaad. As seen.

Ordered

F: U:

Thursday. 29th. January 1846.

At a Court of the Fouzdaree Udalut.

Present

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

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

T: C: S: Boileau Esqr. ——— 3rd. Puisne Judge.

Read letters dated respectively the 27th. November and 2nd. December 1845 from the Sessions Judges of Tellicherry and Calicut forwarding statements showing the number of cases forwarded to the Criminal Court by each Head of Police in the Districts of Tellicherry and Malabar and the manner in which they were disposed of during the 2nd. half of 1844.—

(Here enter Nos. 3541 and 3585 of 1845)

1. Before proceeding to the preparation fo. the information of the Government, of the General statement founded on the Reports above recorded, the Court of Fouzdaree Udalut resolve to call upon the Magistrate of Malabar to state whether the cases reported to have been transmitted from the Talooks noted marginally to the Criminal Court at Tellicherry have not erroneously been included also in the list of Cases forwarded to the Criminal Court at Calicut, it appearing, on reference to the similarly in the number of persons and cases, that some mistake has occurred.—

× Cherikul.
Cannanore. Anjeeen.
Tellicherry
Cottiote
Cartenaad.
Cowayi.
Wynaad.

Ordered

Ordered that Extract from these Proceedings be sent to the Magistrate of Malabar by precept returnable without delay.—

(Sent following Precept No. 148.)

Read letter dated 23rd December 1845 from the Sessions Judge of Tinnevelly requesting the opinion of the Court of Foujdaree Adalut as to whether prosecutions for perjury will be against certain parties committed by the Principal Sudr Ameen.—

(Here enter F: C: No. 3787 of 1845).

1. It appears that 5 witnesses having deposed to certain facts before a Police officer, did on oath before the Magistrate deny their Police depositions—but that being interrogated they subsequently admitted that they had been bought off and again gave a deposition on oath confirming their original Police deposition.—

2. For these two contradictory statements on oath the 5 witnesses have been committed to take their trial for perjury.—

3. But it appears to the Sessions Judge that the Law does not contemplate a prosecution for perjury under such circumstances. He conceives that their depositions before the Magistrate tho' on separate pieces of paper and given on different dates might properly be received as one deposition and tho' they contain contradictions yet such do not appear to the Sessions Judge to amount to that voluntary and corrupt perjury contemplated by Law.—

4. No injury, the Sessions Judge adds, to the parties nor any defeat to justice has resulted from the contradictions and he therefore requests the opinion of the Foujdaree Adalut whether the Prosecutions might not be abandoned.—

5. The Court are utterly at a loss to conceive on what grounds the perjury in this case can admit of an excuse, and they are as much at a loss to conceive on what grounds a doubt can be entertained as to whether perjury has been committed.—

6. If the facts of the case are correctly stated in the Sessions Judges letter the parties guilty of perjury have been guilty of perjury of the very worst kind they have sold themselves to pervert the justice of the case.—

7. In regard to the legality of the prosecution it would seem that two depositions on a fact material to the issue of a judicial inquiry have been given on oath, contradictory one of another. the very offence described in Regulation III of 1826.—

8. The Court consider the reference of this case improper. There are no grounds for it whatever and it is only wonderful that a person holding the High office of Sessions Judge should have entertained doubts on a case so plain.—

Ordered

Ordered that Extract from these Proceedings be sent to the Magistrate of Malabar by precept returnable without delay.—

(Sent following Precept No. 148.)

Read letter dated 23rd December 1845 from the Sessions Judge of Tinnevelly requesting the opinion of the Court of Foujdaree Adalut as to whether prosecutions for perjury will lie against certain parties committed by the Principal Sudr Ameen.—

(Here enter F. C. No. 3787 of 1845).

1. It appears that 5 witnesses having deposed to certain facts before a Police officer, did on oath before the Magistrate deny their Police depositions—but that being interrogated they subsequently admitted that they had been bought off and again gave a deposition on oath confirming their original Police depositions.—

2. For these two contradictory statements on oath the 5 witnesses have been committed to take their trial for perjury.—

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volunteary and corrupt perjury contemplated by Law.—

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5. The Court are utterly at a loss to conceive on what grounds the perjury in this case can admit of an excuse, and they are as much at a loss to conceive on what grounds a doubt can be entertained as to whether perjury has been committed.—

6. If the facts of the case are correctly stated in the Sessions Judges letter the parties guilty of perjury have been guilty of perjury of the very worst kind they have sold themselves to pervert the justice of the case.—

7. In regard to the legality of the prosecution it would seem that two depositions on a fact material to the issue of a judicial inquiry have been given on oath, contradictory one of another. the very offence described in Regulation III of 1826.—

8. The Court consider the reference of this case improper. There are no grounds for it whatever and it is only wonderful that a person holding the High office of Sessions Judge should have entertained doubts on a case so plain.—

Revd

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

(Sent in No. 149.)

Read Calendar of Case No. 25 of 1845 on the file of the Sessions Court of Tellicherry, submitted under date the 31st. December last by the Sessions Judge of that Court.—

(Here enter F. C. No. 52 of 1846.)

1. Three prisoners in this case were charged with having removed from Prosecutrix person and kept in forcible possession of certain gold jewels valued at 320 Rupees.

"The trial was commenced on the 18th. December when it appeared that the statement of the Prosecutrix Vakeel was mere hear say, and the evidence of the 1st. and 3rd. witnesses was contradictory regarding points material to the issue of the trial."

"Under these circumstances and as the Prisoners prayed most earnestly that the jewels which were forwarded to the Court by 3rd. Prisoners sister, thro' the Kazis might be unconditionally restored to the Prosecutrix the Sessions Judge did not deem it necessary to examine the other witnesses or to obtain a futwa."

2. The Prisoners were therefore released on the 19th. with an admonition and the jewels caused to be delivered to the Prosecutrix it being evident that she should have sued the Prisoners who are her relations in a Civil Court.

The

3 The Court observe that the whole of the proceedings of the Sessions Judge in this case are illegal and very irregular. it was his duty before putting the prisoners on their trial to have ascertained whether the prosecution could stand and if the original record had been carefully perused and considered which it ought to have been the Court suppose the nature of the case would hardly have escaped the notice of the Sessions Judge, but this portion of his duty not having been fully complied with and the prisoners having been put on their trial, they were entitled to a verdict and it was not competent to the Sessions Judge to release them without having first obtained a futwah from his Law officer.—

4 The Court cannot fail to express both their surprise and disapprobation at the irregularities committed.—

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

(Sent in No. 150.)

Read return dated 8th. January 1846. from the Principal Sudr. Ameen of Chingleput to the precept of the Foujdara Wadut of the 3rd. idem conveying their remarks and orders on the Chingleput Criminal Reports for the month of November last.—

(Here enter F. C. No. 77 of 1846.)

Adverting to the explanation given in

29th January 1846.

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

(Sent in No. 149.)

Read Calendar of Case No. 25 of 1845 on the file of the Session Court of Tellicherry, submitted under date the 31st December last by the Session Judge of that Court.—

(Here enter F. C. No. 52 of 1846.)

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The

F. C.
29th January 1846.

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4 The Court cannot fail to express both their surprise and disapprobation at the irregularities committed.—

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

(Sent in No. 150.)

Read return dated 8th January 1846 from the Principal Sudr Ameen of Chingleput to the precept of the Foujdara Adalut of the 3rd idem conveying their remarks and orders on the Chingleput Criminal Reports for the Month of November last.—

(Here enter F. C. No. 77 of 1846.)

Adverting to the explanation given in

in the above return of the causes which have hitherto prevented the disposal of case No. 80 of 1845, and to the very long period the case has already been under investigation the Court of Foujdaree Adalut resolve to request the Sessions Judge to call up the case and if evidence cannot be obtained to substantiate the charge preferred, to direct the immediate release of the prisoner.—

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

(Sent following Precept No. 157.)

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

(Sent in No. 152.)

Read return dated the 20th. Ultimo from the Sessions Judge of Nellore to an Extract from the Proceedings of the Foujdaree Adalut under date the 16th. idem directing him to transmit to the office of their Register for cancelment the Proceeding which reached his Court with their Precept under date the 6th. November last about punishment for the prisoner in Calendar No. 26 of 1845.—

(Here enter F. C. No. 3748 of 1845.)

Read letter dated the 20th. Ultimo from the Sessions Judge of Chittoor transmitting a Death Warrant

29th. January 1846.

Warrant issued by him in conformity with the final sentence of the Foujdaree Adalut in Case No. 29 of 1845 duly executed and returned by the Subordinate Criminal Judge together with a copy of a letter received from the said officer.—

(Here enter F. C. No. 3749 of 1845.)

Read return dated the 18th. Ultimo from the Sessions Judge of Trichinopoly to the precept of the Foujdaree Adalut under date the 9th. idem stating that the Prisoner in Case No. 32 of 1845, on the file of his Court should have been sentenced to a period of imprisonment not less than 4 Years, under the provisions of Regulation VI of 1811, it being competent to the Acting Sessions Judge to propose a mitigation, in the event of his considering the prescribed punishment too severe; and that in consideration of the small amount appropriated by him the Court are pleased to reduce the prescribed period of imprisonment to that already awarded, the Sentence being amended in conformity with the foregoing observations.—

(Here enter F. C. No. 3751 of 1845.)

Read return dated the 16th. Ultimo from the Principal Sudr. Ameen of Tinnevelly to the precept of the Foujdaree Adalut under date the 6th. idem directing him to amend the charge in Criminal No. 101 by designating it as a breach of certain Revenue Laws and to explain how 26th. August has been entered as the date of arrival of Prisoners at Court whilst the 1st. Prisoner is stated to have been apprehended on

on the 9th September following and further to amend the sentence in Criminal No. 11th by adjudging labor suited to the sex of the Prisoner.-

(Here enter F. R: No. 3755 of 1845).

Read return dated the 22nd Ultimo from the Sessions Judge of Nellore to the precept of the Foujdaree Adalut under date the 18th idem sanctioning the mitigated punishment recommended by him for the prisoner in Calendar No. 32 of 1845 and directing that the prisoner be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of Eight years.-

(Here enter F. R: No. 3758 of 1845).

Read Calendars in Cases Nos. 44 and 45 of 1845. submitted by the Sessions Judge of Bellary under date the 19th Ultimo.-

(Here enter F. R: Nos. 3763 and 3764 of 1845).

Read Calendar in Case No. 43 of 1845.- submitted by the Sessions Judge of Tinnevelly under date the 18th Ultimo.-

(Here enter F. R: No. 3765 of 1845).

Read Report dated the 15th Ultimo submitted by the Magistrate of Bellary of cases tried by the Magistracy under the Provisions of Section LIV Act VII of 1843 during the Month of November 1845.-

(Here enter F. R: No. 3768 of 1845).

Friday
30th January 1846.

F. R.

At a Court of the Foujdaree Adalut

Present

G. J. Walter Esqr. — 1st Puisne Judge
M. Lewin Esqr. — 2nd Puisne Judge
L. C. J. Balleau Esqr. — 3rd Puisne Judge

Read letter dated the 6th Instant from the Agent to the Governor of Fort Saint George at Vizagapatam transmitting the record of trial in case No. 26 of 1845 on the file of his Court.-

(Here Enter F. R: No. 95 of 1846.)

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,

Woolly Cumullo

is sufficient to convict him of the crime of Treason and Rebellion, do convict him thereof; and under the provisions of Section II, Regulation I of 1834, sentence him to suffer death by being hanged, as soon as conveniently can be after the receipt of this warrant at a spot to be selected by the Agent to the Governor, in the immediate vicinity of the place where the outrage was committed, and his body to be subsequently suspended in chains on a high gibbet to be erected on the said spot

The Court of Laydown Adalat direct that their sentence in Suit No. 26 from the Agent to the Governor of East Coast Ganjam of Vizagapatam, together with the whole of the proceedings held in the case be transmitted to the Secretary to Government in the Judicial Department, for the purpose of being laid before the Most Noble the Governor in Council to the intent that the Court may in conformity with the provisions of Section V Regulation XX of 1802, Regulation I of 1834, and Section V Act V of 1843, receive the orders of Government before they direct their sentence to be carried into execution.-

The Court desire to intimate that the 2d Judge dissents from the above sentence, being of opinion that a sentence of transportation would meet the justice of the case - and he has minuted accordingly.-

(Sent in No. 157)

Read Calendar under date the 15th Instant of Cases Nos. 63 and 64 of 1845, submitted by the Sessions Judge of Combaconum.-

(Here enter Sit: No. 175)

Case No. 63

1. The Prisoners in this case were charged with having in an armed gang assaulted and beaten the Prosecutors on the high road, and robbed them of Cloths and Cash valued at Rupees 3.-

2. The Sessions Judge concurring in the verdict of the Jury which convicted the prisoners of

of the crime laid to their charge, sentenced the prisoners to 14 years imprisonment with hard labor in irons, under the provisions of Clause third, Section IV Regulation XV of 1803, but being of opinion, with reference to the extreme youth of the 5th Prisoner and the fact of his having been under the guidance of the other prisoners, that in his case the prescribed punishment would be too severe, recommends that in his case the period of Imprisonment awarded be reduced to 5 years.-

3. Before passing any final orders regarding the mitigation of punishment proposed by the Sessions Judge, the Court of Laydown Adalat desire to be informed of the age of the 5th prisoner, whether he is related to any of the other prisoners in the case, and whether he had borne a good character previous to the commission of the offence of which he stands convicted.-

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Combaconum for his information and guidance by first receipt returnable within V days from and after its receipt.-

(Sent following Receipt No. 159)

Read Letter from Case No. 35 of 1845 submitted under date the 19th Instant, by the Sessions Judge of Nellore.-

(Here enter No. 205 of 1846)

The

The prisoner in this case is convicted of the crime of gang robbery, but as the personal violence used by him was trifling, the ends of justice do not in the opinion of the Sessions Judge seem to demand the full amount of punishment assignable, and he accordingly resolves under Volume second Section III. Regulation I of 1825, to recommend that the Court of Sudder Adalut be pleased in mitigation to sanction a sentence of imprisonment and hard labor for ten years only.-

The Court of Sudder Adalut having maturely considered the circumstances of the case as stated in the above Kubooleut, sanction under Volume Third Section III Regulation I of 1825 the mitigated punishment recommended by the Sessions Judge; and accordingly direct that the prisoner,

"Chullah Tantegundee"

be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (10) Ten years.-

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Nuddea for his information by precept returnable in 3 days from and after its receipt.-

Sent following Receipt No 159

Read Report under date the 15th Instant; of cases tried by the Magistrate of Cuddapah under the provisions of Section LIV. Act

E.L.

30th January 1846.

Act VII of 1843 during the month of December 1845.

(Here enter E.L. No 170)

Case No 1

1. The prisoner in this case, a girl of 16 years, was charged with having wounded the Prosecutrix son by striking him on the head with a stone, and has been sentenced to 2 Months imprisonment with labor.-

2. The Court of Sudder Adalut have frequently ruled that in sentences awarding labor to females it should be specified that the labor adjudged is "suited to their sex".-

3. On a perusal of the abstract of the case as contained in the Report the Court see reason to question the sufficiency of the sentence on which the prisoner has been convicted, and they accordingly resolve to direct that the sentence of the Acting Magistrate be suspended pending a revision of the case by the Sessions Judge, who will be pleased to call up the record and pass such orders as he may think proper reporting the same for the information of the Sudder Adalut.-

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Cuddapah for his information and guidance by precept returnable within XXV days from and after its receipt.-

Sent following Receipt No 160

Ordered also, that Extract of these proceedings be sent to the Acting Magistrate of Cuddapah for

for his information and future guidance.

(Sent in No: 161.)

Read Criminal Reports under date the 7th Instant, submitted by the Principal Sudr Ameen of Vizagapatam for the month of December 1845.

(Here enter Ltr. No: 137.)

Case No: 45. 1.

The Statement of the charge prefixed against the prisoner in this case concludes with the following words "and with being apprehended in the Rajahmundry District".

2.

The re-apprehension of the prisoner being obviously no part of the offence charged against him, the Court of Sudder Adawlut direct that the sentence above quoted be erased from the statement of the charge.

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

(Sent in No: 162)

Read again Criminal Reports under date the 9th December 1845, submitted by the Acting Subordinate Judge of Cuddapah for the month of November 1845.

(Here enter Ltr. No: 3639 of 1845.)

Read also return under date the 19th Instant from the Acting Subordinate Judge of Cuddapah, to the precept of the Sudder Adawlut dated

30th January 1846.

dated the 10th idem, containing their observations on the foregoing Criminal Reports.

(Here enter Ltr. No: 226.)

Case No: 248. 1.

The Court of Sudder Adawlut observe that in their remarks on the case stated marginally entered in para 6 of their proceedings under date the 10th Instant, the term "Cattle stealing" was inadvertently substituted for "Breaking".

As it appeared from the abstract

2.

of the evidence as contained in the report that the prisoners in the case had been convicted of the latter offence, the Court of Sudder Adawlt direct that the Regulation quoted by the Acting Subordinate Judge was inapplicable and the period of Imprisonment awarded insufficient.

The Court now direct that the designation of the offence entered in the heading affixed to the statement of the charge, be amended with reference to the foregoing observations.

Ordered, that Extract from these Proceedings be sent to the Acting Subordinate Judge of Cuddapah for his information and guidance.

(Sent in No: 163)

Read Criminal Reports under date the 2nd Instant submitted by the Subordinate Judge of Chittoor for the month of December 1845.

(Here enter Ltr. No: 154)

The

Cases Nos 194- 1. The Prisoner in this case having been convicted of "House-breaking" the sentence should have been awarded under the provisions of Clause Sixth Section II Regulation VI of 1822.

Cases Nos 196- 2. Under the rule laid down in the
C.C. 13th August 1833. Circular Order dated Marginally, the aggravating circumstances which brought this case within the provisions of Regulation VI of 1822 should have been stated.

3. The Court however observe that under any circumstances, as the prisoner has been convicted merely of theft, the Clause and Section quoted which only refer to cases of house-breaking are inapplicable.

4 The Court desire that the errors above adverted to be now supplied.

Case Nos 197. 5. The explanation offered for the delay which occurred in the transmission of this case to the Criminal Court is unsatisfactory.

6. The Court require an explanation of the delay which took place both previous and subsequent to the reference made to the Magistracy by the Head of District Police; the nature of which should have been stated.

Cases Nos 197-201. 7. The Court of Sudder Adalut see reason to question the propriety of the manner in which these cases have been disposed of; and accordingly resolve to direct the Sessions Judge to call up the records and to pass such orders as he may think proper reporting the same for the information of the Court.

Evidence Vakeel.

Case Nos 198. 8. The Court of Sudder Adalut have repeatedly interdicted the insertion in the Monthly Criminal Reports of unmeaning terms unaccompanied by an explanation of their meaning in English.

In the 4th Column the 28th November

9. is assigned as the date of the apprehension of the prisoner in this case, whereas in the Column appropriated to the explanation of delay they are stated to have been captured on the 29th idem.

10. The Court require an explanation of the discrepancy adverted to, and also desire to be informed where the prisoners were detained from the date of their apprehension to that of their appearance before the Head of District Police.

Case Nos 200. 11 Adverting to the very insufficient grounds on which the prisoner in this case appears to have been committed to the Criminal Court the Sudder Adalut direct that the Acting Magistrate will take such notice of the conduct of the Head of District Police who sent up the case as may effectually prevent the recurrence of similar commitments in future.

Case Nos 201. 12. The detention in the Lockup of the prisoner in this case from the 26th to the 29th November is unexplained.

13 The Court desire to be informed under what circumstances the Head of District Police omitted to send up the Prosecutor and witnesses with the case to the Criminal Court.

He

Case No. 194. 1. The Prisoner in this case having been convicted of "House-breaking" the sentence should have been awarded under the provisions of Clause 2nd Section II Regulation VI of 1822.

Case No. 196 – C.C. 13th August 1833. 2. Under the rule laid down in the Circular Order dated marginally, the aggravating circumstances which brought this case within the provisions of Regulation VI of 1822 should have been stated.

3. The Court however observe that under any circumstances as the Prisoner has been convicted merely of theft, the Clause and Section quoted which only refer to cases of House-breaking are inapplicable.

4. The Court desire that the error above adverted to be now supplied.

Case No. 197. 5. The explanations offered for the delay which occurred in the transmission of this case to the Criminal Court is unsatisfactory.

6. The Court require an explanation of the delay which took place both previous and subsequent to the reference made to the Magistracy by the Head of District Police, the nature of which should have been stated.

Cases No. 197-201. 7. The Court of Enquiry Adalat see reason to question the propriety of the manner in which these cases have been disposed of, and accordingly resolve to direct the Sessions Judge to call up the records and to pass such orders as he may think proper respecting the same for the information of the Enquiries

Enquiries Adalat.

Case No. 198. 8. The Court of Enquiry Adalat have repeatedly intimated the intention in the Monthly Criminal Reports of removing terms unaccompanied by an explanation of their meaning in English.

9. In the 4th Column the 25th November is assigned as the date of the apprehension of the prisoners in this case, whereas in the Column appropriated to the explanation of delay they are stated to have been captured on the 29th idem.

10. The Court require an explanation of the discrepancy adverted to, and also desire to be informed when the prisoners were detained from the date of their apprehension to that of their appearance before the Head of District Police.

Case No. 200. 11. Adverting to the very insufficient grounds on which the prisoners in this case appear to have been committed to the Criminal Court the Enquiries Adalat direct that the Acting Magistrate will take such notice of the conduct of the Head of District Police who sent up the case as may effectually prevent the recurrence of similar commitments in future.

Case No. 201. 12. The detention in the Lock up of the prisoners in this case from the 26th to the 29th November is unexplained.

13. The Court desire to be informed under what circumstances the Head of District Police omitted to send up the Prosecutor and witnesses with the case to the Criminal Court.

He

30th January 1846.

Cases No. 212.

11. The Court of Enquiry Dublat requires an explanation of the grounds on which the case after having been dismissed by the Acting Justice Magistrate was subsequently reopened and transmitted to the Criminal Court.

5 The Court desire to be furnished with copies of the communications which passed between the Prosecutor and the Acting Magistrate; and of the Extract from the Proceedings of the Enquiry Court adverted to in this Report.

Cases No. 211 & C.C. No. 82. 16. Under the rule laid down in the Circular Order noted marginally the nature of the reference made to the Acting Justice in this case should have been stated.

17 The attention of the Acting Magistrate of North Street is directed to the Circular Order noted in the margin, in order to the adoption of such measures as may prevent the occurrence of unnecessary references in cases clearly cognizable by the Criminal Courts.

C.C. No. 22.

Ordered that Extract from the Proceedings (Case 7) be sent to the Enquiry Dublat for his information and guidance by precipt returnable within XV days from and after its receipt.

Sent following Precipt No. 164

Ordered also, that Extract of these Proceedings be sent to the Subordinate Judges

J

30th January 1846.

for his information and guidance and for Dublat communication of paras 8-9-10-11-12-13-14-15-16- and 17 to the Acting Magistrate of North Street for the information and guidance of that officer, and for report direct to the Enquiry Dublat by precipt returnable within X days from and after its receipt.

Sent following Precipt No. 165

Read return dated 15th January 1846 from the Enquiry Judge of Londdepal to the precipt of the Enquiry Dublat of the 10th idem communicating his remarks and orders on the case No. 64 of 1845 on the Londdepal Calendar

(See also No. 190 of 1846.)

Adverting to the remark contained in para 5 of the Enquiry Dublat proceedings above recorded that in intimating to the prisoner that a recommendation would be made to the Enquiry Dublat in his favor, the Enquiry Judge had transgressed the instructions laid down in Circular Order 20th March 1845 - the Judge states that tho' he communicated to the prisoner that a recommendation for some mitigation would be made in his favor, he did not communicate to him not pass the mitigated sentence proposed which only seems to be what the Circular Order 20th March 1834 prohibits being done.

He adds that he pursued the course which appeared to him to be pointed out by the Circular Order in question and which

30th January 1846

which has hitherto been opposed by the Court of Sujdaree Udalut, but should a different course be now considered requisite and be prescribed, he will of course conform to it - at the same time he however would remark that the Circular Order of the 8th May 1815 which expressly enjoins the communication to the prisoner of a recommendation for mitigation does not appear to have been ever cancelled -

3. The Court of Sujdaree Udalut observe that under the Circular Order quoted out to the Sessions Judge he ought to have made no mention to the prisoner of the proposed mitigation but have confined himself "merely" to intimate to him himself liable" -

4. This order is too plain to need comment or any direction for the future guidance of the Sessions Judge -

5 The rule laid down in the 4th para of the Circular Order 8th May 1815 is superseded by the later order of the 20th March 1834 -

Ordered, that Extract of this Proceedings be sent to the Sessions Judge of Cuttack for his information

(Extract in No 166)

By

F. No.

Saturday,
31st January, 1846.

At a Court of the Sujdaree Udalut.

Present,

G. J. Waters Esqre. ——— 1st Puisne Judge;
Malcolm Lewin Esqre. ——— 2nd Puisne Judge;
T. E. J. Boileau Esqre. ——— 3rd Puisne Judge;

Read Criminal Reports and Statements dated the 31st Ultimo submitted by the Principal Sudr Ameen of Cuttack for the month of December 1845 -

(Here enter F. No. 165)

Case No. 199. 1. The Court of Sujdaree Udalut infer that Regulation VIII has been inadvertently quoted instead of Regulation XVII of 1832 in support of the sentence awarded in this case to the Prisoner who was convicted of gross and culpable neglect whereby certain convicts placed under his charge were enabled to effect their escape -

Case No. 203. 2. The Court observe that in this case Section VIII Regulation X has been erroneously quoted instead of Section X Regulation VIII of 1802 - The Court declare that the errors above adverted to, be amended

The

Cases Nos 209. 3. The manner in which the Prisoner in this case effected his entrance into the Prosecutor's House, having been ruled by the Foujdaree Udalut to constitute "breaking" the heading affixed to the Statement of the charge is incorrect and must be amended.

Case No 211 4. The Court of Foujdaree Udalut direct that the fine imposed upon the Prisoner in this case, be remitted, as in the absence of direct proof it was incumbent upon the Principal Sudr Ameen either to release the Prisoner unconditionally, or to place him under a requisition of security.

Section VII Regulation X of 1816. 5. Independently of the Regulation quoted by the Principal Sudr Ameen being altogether inapplicable to the offence charged against the Prisoner, the Court observe that the provisions of the Regulation under which the offence of "Receiving stolen property" is punishable, do not authorize the imposition of a fine.—

Clause fifth Section IV Regulation VII of 1822.

Case No 215. 6. Adverting to "the extreme youth" of the prisoner in this case and to the fact that he has only been convicted of an "attempt to

steal" the Court consider the sentence passed extremely severe and accordingly direct that the period of Imprisonment awarded be reduced to 3 Months.—

Ordered, that Extract from these proceedings be sent to the Principal Sudr Ameen of Cuddalore for his information and guidance by precept, returnable within 5 days from and after the receipt.—

(Vide following precept No 158.)

Read Criminal Reports under date the 10th Instant submitted by the Subordinate Judge of Bellary for the month of December 1845.—

(Here enter Title No 138.)

Cases Nos 161 and 162. 1. The Prisoner in these Cases having been charged with an offence for which the Regulations do not prescribe that any specific penalty shall be inflicted, the Court of Foujdaree Udalut observe that the sentence should have been awarded under the provisions of Section VII Regulation X of 1816 an answer having been previously obtained from the Mahommedan Law Officer

in conformity with the rule laid down in the
C.O. 28th July 1829. Circular Order noted marginally.—

Cases Nos. 200 203 and 206. 2. In these cases the Subordinate Judge has omitted to conform to the rule laid
C.O. 11th April 1832. down in the Circular Order noted in the margin which requires that when a case remains undisposed of at the close of a Supplemental Report, a full explanation of the delay should be given in the column headed "not Examined."—

Case No. 227. 3. The Court have ruled that in all
C.O. 15th July 1829. cases of escape a separate sentence should be passed to take effect on the Expiration of the sentence awarded for the original offence which led to the prisoners confinement.—

4. The Court accordingly direct that an additional sentence be passed upon the Prisoner in this Case in conformity with the foregoing remarks.—

Cases Nos. 229 and 230. 5. The prisoner in these cases having been convicted on two separate charges, the Court consider the sentence awarded altogether inadequate to meet the demands of justice.—

Case No. 233. 6. The grounds assigned by the Head

Head of District Police as explanatory of the delay which occurred in the transmission of the Prisoners in this case to the Criminal Court have been repeatedly denounced by the Fouzdaree Adalut as inadmissible.—

Ordered, that Extract from these proceedings be sent to the Subordinate Judge of Bellary for his information and guidance and for communication of para. 6 to the Magistrate for the information and guidance of that Officer by precept, returnable within 10 days from and after its receipt. (Sent following precept No. 169.)

Read Criminal Reports under date the 1st January 1846 submitted by the Subordinate Judge of Combaconum for the month of December 1845.—

(Here enter F.C. No. 153.)

Case No. 228. 1. Adverting to the letter of the Fouzdaree Adalut under date the 31st December 1845 to the address of the Sessions Judge the Court infer that this case has now been disposed of.—

Case No. 258. 2. The Court of Fouzdaree Adalut desire

desire to be informed under what circumstances of aggravation the Subordinate Judge considered it necessary to commit the Prisoners in this case who are charged with theft for trial before the Sessions Court.—

Case No. 273. 3. The Court do not perceive the gist of the reason assigned by the Police Ameen for the reference made to the Magistrate in this case viz: "the theft being within 30 Rupees", and accordingly desire that further explanation may be submitted.—

Cases Nos. 273, 278 and 292. 4. The Court resolve to direct that the sentences of corporal punishment awarded in these cases be remitted.—

Cases Nos. 280 and 281. 5. The Court desire to be furnished with a full explanation of the circumstances of aggravation under which these cases were committed for trial before the Sessions Court.—

Ordered, that Extract from these proceedings be sent to the Subordinate Judge of Combaconum for his information and guidance and for communication of para: 3 to the Magistrate of Tanjore for the information and guidance of that Officer and for report direct

direct to the Tanjore Vakeel by Precept returnable within 10 days from and after its receipt.—

(Sent following Precept No. 170)

Read again Criminal Reports under date the 12th December 1845 submitted by the Principal Sudr Ameen of Guntoor for the month of November 1845.—

(Here enter Fll. No. 3664 of 1845)

Read also communication under date the 15th Instant from the Principal Sudr Ameen of Guntoor requesting further instructions with reference to the Proceedings of the Tanjore Vakeel under date the 10th idem containing their observations on the foregoing Criminal Reports.—

(Here enter Fll. No. 164)

1. The Court observe that in the margin of their proceedings above referred to, the No. 81 was owing to a clerical error substituted for 80, the number of the case to which their remarks contained in Paras. 2 and 3 had reference.—

2. The Principal Sudr Ameen will therefore

desire to be informed under what circumstances of aggravation the Subordinate Judge considered it necessary to commit the Prisoners in this case who are charged with theft for trial before the Sessions Court.—

Case No. 273. 3. The Court do not perceive the gist of the reason assigned by the Police Ameen for the reference made to the Magistrate in this case viz: "the theft being within 30 Rupees", and accordingly desire that further explanation may be submitted.—

Cases Nos. 273, 278 and 292. 4. The Court resolve to direct that the sentences of corporal punishment awarded in these cases be remitted.—

Cases Nos. 280 and 281. 5. The Court desire to be furnished with a full explanation of the circumstances of aggravation under which these cases were committed for trial before the Sessions Court.—

Ordered, that Extract from these proceedings be sent to the Subordinate Judge of Combaconum for his information and guidance and for communication of para. 3 to the Magistrate of Tanjore for the information and guidance of that Officer and for report direct

direct to the Tanjore Vakeel by precept returnable within 10 days from and after its receipt.—

(Sent following precept No. 170)

Read again Criminal Reports under date the 12th December 1845 submitted by the Principal Sudr Ameen of Cuntoor for the Months of November 1845.—

(Here enter Ftl. No. 3664 of 1845)

Read also communication under date the 15th Instant from the Principal Sudr Ameen of Cuntoor requesting further instructions with reference to the Proceedings of the Tanjore Vakeel under date the 10th idem containing their observations on the foregoing Criminal Reports.—

(Here enter Ftl. No. 1864)

1. The Court observe that in the margin of their proceedings above referred to, the No. 81 was owing to a clerical error substituted for 80, the number of the case to which their remarks contained in Paras. 2 and 3 had reference.—

2. The Principal Sudr Ameen will therefore

therefore be pleased to communicate the Decision in question to the Head Assistant Magistrate in charge of Guntoor without further delay.—

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

/Sent in № 171./

Read Criminal Reports for the Month of December 1845 submitted under date the 10th January 1846 by the Sessions judge of Nellicherry.—

/Here enter Fll. № 130 of 1846/

Report № 1. Case № 107. 1. The Court having ruled that climbing over a wall constitutes breaking this case should have been disposed of under the provisions of Clause Sixth Section II Regulation VII of 1822 and the period of imprisonment should have been as explained in Circular Orde № 139 in excess of 6 months.—

2. The Court will not now disturb the Sentence passed by the Sessions judge but they desire that the necessary alterations

may

may be made in the heading &c. in his office copy of the Report by the Sessions judge.—

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

/Sent in № 172/

Read return dated 17th January 1846 from the Sessions judge of Cuddapah to the precept of the Faujdaree Adalut of the 14th Idem desiring to be informed of the particular circumstances of aggravation which in the opinion of the Subordinate judge rendered the commitment of Case № 71 of 1845 of the Cuddapah Calendar necessary.—

/Here enter Fll. № 196 of 1846/

1. It appears that the Subordinate judge was induced to commit the case in consequence of the remarks of the Faujdaree Adalut of the 13th May 1835 on Case № 50 on the Cuddapah Criminal Reports for March 1835.—

2. The Court observe that the circumstances of the case referred to by the Subordinate judge are not analogous to those of

of Case No. 71 of 1845.—

It is clear that in the present case the offence committed was only theft. The Subordinate Judge should be careful in applying the principles laid down in one case to another case to ascertain that the analogy between the two cases is complete.—

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

(Sent in No. 173.)

Read Calendar dated the 3d Instant submitted by the Acting Sessions Judge of Salem in Case No. 1 of 1846.—

(Here enter No. 103.)

Read return dated the 9th Instant from the Sessions Judge of Coimbatore to the precept of the Sunderee Vakeel under date the 15th Ultimo directing the immediate restoration of Banka Naiken late Duffadar of the Dharapooram Talook to the Office he formerly held or to another of equal emolument.—

(Here enter No. 118.)

Read

Read return dated the 10th Instant from the Principal Sudr Ameen of Trichinopoly to the precept of the Sunderee Vakeel under date the 31st Ultimo conveying their remarks on the headings of the charges in the Cases Nos. 43 and 44 of the Criminal Reports for November 1845.—

(Here enter No. 139.)

Read Criminal Reports dated the 31st Ultimo submitted by the Sudr Ameen of Cochin for the month of December 1845.—

(Here enter No. 150.)

Read Criminal Reports dated the 9th Instant submitted by the Principal Sudr Ameen of Tanjore for the month of December 1845.—

(Here enter No. 157.)

Read return dated the 15th Instant from the Session Judge of Nellore to the precept of the Sunderee Vakeel under date the 3d Instant containing their remarks on the Criminal Reports submitted by the Principal Sudr Ameen of Nellore for the month

3rd January 1845.

month of November 1845—

/Here enter No. 160/

Read Statement dated the 1st Instant submitted by the Sessions Judge of Coimbatore of Batta paid to Prosecutors and Witnesses attending before the Sessions Court during the 2d Half of 1845—

/Here enter No. 177/

Read Statement dated the 1st Instant submitted by the Sessions Judge of Combaconum of Batta paid to Prosecutors and Witnesses attending before the Sessions Court for the 2d Half of 1845—

/Here enter No. 191/

Read Statement dated the 14th Instant submitted by the Acting Sessions Judge of Salem of Batta paid to Prosecutors and Witnesses attending before the Sessions Court during the 2d Half of 1845—

/Here enter No. 192/

Read Calendar dated the 5th Instant submitted by the Sessions Judge of Chittoor in Case No. 31 of 1845—

/Here enter No. 224/—

Ent. W.

F. C.

Monday 3d February 1845.

At a Court of the Foujdaree Adalut.

Present

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

Read Miscellaneous Petition presented on the 30th June 1845 by E. Venkatasamy Mooktyar Vakeel on behalf of C. I. Ramasspah Naidoo Zemindar of Langoondy—

(Here enter F. C. M. P. No. 115 of 1845).

Read also Miscellaneous Petition — presented on the 15th September 1845 by Pillay Mooktyar Vakeel on behalf of Peter Phillip — Dorayhia a Goa Inhabitant of Zillah Tinnevelly—

(Here enter F. C. M. P. No. 169 of 1845)

Read also Miscellaneous Petition — presented on the 22d September, 30th and 27th October 1845 by Veerabaddrien Mooktyar Vakeel on behalf of — Vulleynummay wife of Soobbien Prisoner in Case No. 17 of the Tinnevelly Calendar for 1845—

(Here enter F. C. M. P. No. 171, 196 and 201 of 1845)

The above Petitions cannot consistently with the Regulations, be brought under consideration by the Foujdaree Adalut, first because it is signed, not by

by the party from whom it purports to proceed, but by his Mooktyar Vakeel;- Secondly because it is addressed to the Foujdaree Adalut, not by the individual himself of whose case it treats, but by a person not being a constituted Vakeel of the Court, through whose Agency it has been placed before the Court.-

2. The Mooktyar Vakeel presenting an address of the above description should be empowered by a Vakalutnamah only to give into the Foujdaree Adalut Court the Petition of his principal.-

Ordered that these Petitions be accordingly dismissed and Extract from their Proceedings be furnished to the Petitioners Mooktyar Vakeels respectively on their application.-

Read Miscellaneous Petition presented on the 20th. October 1845 by Casee Chella parooma pillay of Salem.-

(Here enter F: M: P: No. 186 of 1845)

As the above address refers to matter of a Civil nature the Court of Foujdaree Adalut decline to bring it under consideration.-

Ordered accordingly that it be removed from the File of the Court.-

Read Miscellaneous Petition presented on the 3rd. November last by Narrama Naiken Father of Mootoosawmy Naiken Prisoner in Case No. 9 of the Trichinopoly

Trichinopoly Calendar for 1845.-

(Here enter F: M: P: No. 205 of 1845).

The Petitioner repeats the prayer for

1

the release of his son contained in his former address which

* No. 143 of 1845. was rejected by the Foujdaree Adalut in their proceedings

dated 29th. September 1845.-

2. The Court of Foujdaree Adalut see no

reason to modify their orders of the 29th. September 1845

to which the Petitioner is referred as final.-

Petition dismissed.-

3.

Ordered that Extract from these

proceedings be granted to the Petitioner on his application.-

Read Miscellaneous Petition presented by

on the 10th. November last by Moonsamy Chetty of zillah

Chingleput.-

(Here enter F: M: P: No. 208 of 1845)

Adverting to the Decree of the late

1.

Provincial Court for the Centre Division in Special

Appeal suit No. 23 of 1836, the Petitioner, who belongs

to the right hand caste, complains that his opponents,

members of the left hand caste, having carried an idol

termed "Streebavanee Ummah" in procession thro' certain

streets accompanied by a dancing girl of their caste;

Petitioner and his party objected to their so doing as

contrary both to Mamool and the Decree of the late Provin-

cial Court above adverted to; that the people of the

left

left hand caste however persisted in their proceedings.

2. The Petitioner states that if he complains to the Magistracy, he will not obtain justice as the people of the left hand party are rich and influential; he therefore prays that the Magistrate of Chingleput may be directed to institute enquiry into the matter and require conformity with custom and the Decree in question.-

3. From a consideration of the Papers connected with this Petition it clearly appears that by a final judgment (vide Special Appeal Decree No. 23 of 1836) the Parties opposed to the Petitioner, who belong to the left hand caste were prohibited from taking their processions thro' the streets pertaining to the Petitioner who belongs to the right hand caste.-

4. It is asserted in this Petition that certain of the left hand caste have openly infringed these orders, this however comes before the Court in the light of assertion only, and the Petitioner admits that he has not applied to the lower authorities.-

5 Under such circumstances and seeing that any infraction of the Decree cannot obtain without the danger of a serious breach of the Peace. The Court think the Petitioner had better present his complaint to the Magistrate exhibiting at the same time a copy of the said Decree in Special Appeal No. 23. of 1836. The Magistrate will no doubt immediately perceive

perceive the necessity of inquiring into the matter and passing the necessary orders.-

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

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

(Sent in No. 181.)

Read Miscellaneous Petitions presented on the 8th. December 1845 and 9th. January 1846. by Ranoo Boyee of Zillah Vellore.-

(Here enter F. Cr. P. Nos. 230 of 1845 & 1 of 1846).

1. The object of these Petitions is to induce the Court of Foujdaree Adalut to order the release and restoration to office of Petitioners son Hanoomunta Row late Bunty Police Ameen of Vellore and 7 others Prisoner in case No. 29. of 1845 on the file of the Sessions Court at that station who was sentenced by the Session Judge to three years imprisonment with hard labor in irons for having wilfully affixed his signature to a false and corrupt Punchayetnamah and made a false report to the Magistrate of Vellore.-

2. The foregoing sentence has been instigated by the Court of Foujdaree Adalut to imprisonment for one year without labor or irons.-

From

left hand caste however persisted in their proceedings.

2. The Petitioner states that if he complains to the Magistracy, he will not obtain justice as the people of the left hand party are rich and influential; he therefore prays that the Magistrate of Chingleput may be directed to institute enquiry into the matter and require conformity with custom and the Decree in question.-

3. From a consideration of the Papers connected with this Petition it clearly appears that by a final judgment (vide Special Appeal Decree No. 23 of 1836) the Parties opposed to the Petitioner, who belongs to the left hand caste were prohibited from taking their processions thro' the streets pertaining to the Petitioner who belongs to the right hand caste.-

4. It is asserted in this Petition that certain of the left hand caste have openly infringed these orders, this however comes before the Court in the light of assertion only, and the Petitioner admits that he has not applied to the lower authorities.-

5 Under such circumstances and seeing that any infraction of the Decree cannot obtain without the danger of a serious breach of the Peace. The Court think the Petitioner had better present his complaint to the Magistrate exhibiting at the same time a copy of the said Decree in Special Appeal No. 23. of 1836. The Magistrate will no doubt immediately

perceive

perceive the necessity of inquiring into the matter and passing the necessary orders.-

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

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

(Sent in No. 181.)

Read Miscellaneous Petitions presented on the 8th. December 1845 and 9th. January 1846. by Ranoo Boyee of Zillah Nellore.-

(Here enter F. Ch. P. No. 230 of 1845 & 1 of 1846.)

1. The object of these Petitions is to induce the Court of Foujdaree Adalut to order the release and restoration to office of Petitioners son Hanoommula Row late Busty Police Ameen of Nellore and 7th. Prisoner in case No. 29. of 1845 on the file of the Sessions Court at that station who was sentenced by the Session Judge to three years imprisonment with hard labor in irons for having wilfully affixed his signature to a false and corrupt Punchayetnamah and made a false report to the Magistrate of Nellore.-

2. The foregoing sentence has been mitigated by the Court of Foujdaree Adalut to imprisonment for one year without labor or irons.-

From

3. From a perusal of the Calendar of the case referred to the Court of Foujdaree Adalut were satisfied of the guilt of all the prisoners concerned therein, and see nothing on the face of these Petitions which would induce them to alter the opinion at which they have arrived.—

4 These Petitions are dismissed.—

Ordered that Extract from these Proceedings be furnished to the Petitioner on her Application.—

Read Miscellaneous Petition presented on the 8th December 1845 by Soottooreddy of Zillah Trichinopoly.—

(Here enter F. M: P. No. 233 of 1845)

1. The object of this Petition is to induce the Court of Foujdaree Adalut to cancel a requisition of security under which the Petitioner has been placed by the Pundit Sudr Ameen of Trichinopoly in consequence of a charge of bribery having been preferred against him by certain persons and to restore him to the office of Village Moonsiff from which he has been dismissed.—

2. The Petitioner alleges that the charge was false and that the case was insufficiently investigated by the Pundit Sudr Ameen; and, having been unable to obtain redress from the late Acting Sessions

1 Session Judge, he prays the Court to call up the proceedings and to reverse the orders of the Principal Sudr Ameen.—

The Court of Foujdaree Adalut resolve

3. to send a translation of this Petition to the Sessions Judge of Trichinopoly who will be pleased to call up the record of the case therein referred to, and to pass such orders as he may think proper, reporting the same for the information of the Foujdaree Adalut.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Trichinopoly for his information and guidance by precept returnable within XV days from and after the receipt.—

(Sent following Precept No. 182)

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

Read Miscellaneous Petition presented on the 8th December last by Anabalavan Pillay of Zillah Cuddalore.—

(Here enter F. M: P. No. 237 of 1845).

The Petitioner states that his brother-

1 in-law Davaseeanany Pillay preferred a petition of complaint to the Magistrate of Cuddalore, charging one Sadaseva Pillay and others with having plundered and carried away a heap of corn belonging to him; that the Magistrate endorsed it to the Tahsildar directing an enquiry into the case, but that the adverse party, aware of

1

of this, preferred a cross complaint charging Petitioner's brother-in-law and others with having caused damage to their corn and, by means of pecuniary influence, obtained an order from the Magistrate that the Tahsildar should enquire into the latter complaint within 5 days.

2. The Petitioner represents that the Tahsildar delayed investigation for one year and committed certain irregularities which were brought to the notice of the Magistrate by two or three addresses, which failed of procuring for them redress; that Devaseeamany's brother then presented a Petition to the Sessions Judge, but returned it with directions to him to obtain the final orders of the Magistracy in the case.-

3. The Petitioner prays therefore that the Sessions Judge may be directed to call for the record of proceedings from the Magistrate and pass orders thereon.-

4. The Petitioner is informed that he must produce copy of any order, against which he appeals.-

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

Read Miscellaneous Petition presented on the 17th December 1845 by Alamalou of Zillah Combaconum.-

(Here enter F. Gr: P. No. 241 of 1845)

1. This is a third application for the release of

of Petitioners daughter who was sentenced to five years imprisonment by the Sessions Judge of Combaconum for being concerned in a gang-robbery.-

2. The Petitioner is referred to this Courts Proceedings under date the 24th February and 21st April 1845 No further orders will be passed on the subject of this address.-

3 Petition is dismissed.-

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

Read again Copies of the Calendar in Cases Nos. 85, 89, and 90 of 1845 submitted by the Sessions Judge of Mangalore under date the 10th January 1846.-

(Here enter F. Ll: Nos. 120, 121, and 122)

Read also Miscellaneous Petition presented on the 31st December 1845 by T. Assiah Vakeel on behalf of Ibram and three others relatives of the Prisoners in the foregoing Cases.-

(Here enter F. Gr: P. No. 252 of 1845).

The Prisoners in the above Cases were severally charged with Perjury in having falsely deposed on solemn affirmation to certain facts material to the issue of case No. 44 of 1845 on the file of the Sessions Court, and have been severally sentenced to four years Imprisonment with hard labor in irons under the provisions of Clause first, Section III Regulation VII of 1811.-

1.

The

2.

The Petitioners assert that their relatives are innocent of the crime laid to their charge and that the evidence on which they have been convicted is false, and pray the Court to reverse the sentences which have been awarded to them and to order their release.-

3.

The Court of Foujdaree Adaulut resolve to forward a translation of this Petition to the Sessions Judge of Mangalore who will be pleased to offer such observations as he may think proper, with reference to the allegations contained therein.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Mangalore for his information and guidance by precept returnable within X days from and after its receipt.-

(Sent following Precept No. 183.)

Ordered also that Extract from these proceedings be furnished to the Petitioners Vakeel on his application.-

Read the Criminal Reports submitted by the Agent to the Governor of Fort St. George at Kurnool for the Month of December 1845.-

(Here enter No. 199)

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

Ordered therefore that Extract from these proceedings be forwarded to the Agent to the Governor of Fort St. George at Kurnool for his information.-

(Sent in No. 184.)

Read Supplemental Report under date the 30th Ultimo of Persons apprehended in the separate Tracts of Vizagapatam and delivered to the Agency, regarding whom no final orders had been passed at the date of the Report ending the 30th November 1845.-

(Here enter F.U. No. 276 of 1846)

Read also Report under date the 20th Ultimo of Persons apprehended in the separate Tracts of Vizagapatam and delivered to the Agency in the Month of December 1845.-

(Here enter F.U. No. 277)

No murder having been committed

Case No. 75.

1.

in this case the heading affixed to the statement of the charge is incorrect and must be amended in order to enable the Court to appreciate the propriety of the Sentence which has been awarded, the Agent will be pleased to report on the present condition of the wounded man.-

Case No. 78.

2.

As it appears that the assault charged against the Prisoner in this case was committed in the execution of his duty the Court direct that, unless there exist circumstances of aggravation which have not been stated in the Report, the sentence awarded be remitted forthwith.-

Ordered that Extract from these Proceedings be

be sent to the Agent to the Governor of Fort St. George in Vizagapatam for his information and guidance by precept returnable within V days from and after its receipt.

(Sent following Precept No. 1[illegible])

Read report dated the 9th. Ultimo submitted by the Session Judge of Tanna of persons apprehended in the jurisdiction of the Sudr. Ameen's Court at Sarey for the Month of December 1845.

(Here enter F. C. No. 152 of 1846).

Read report dated the 31st. December 1845. submitted by the Magistrate of Malabar of cases tried by the Magistracy under the provisions of Section LIV Act VIII of 1843 during the month of December 1845.

(Here enter F. C. No. 168 of 1846)

Read return dated the 15th. Ultimo from the Subordinate Judge of Salem to the precept of the Foujdaree Adalut under date the 10th. January 1846 conveying their remarks on the Criminal reports for the Month of November 1845.

(Here enter F. C. No. 171 of 1846.)

F. C.

Tuesday, 3rd. February 1846.

At a Court of the Foujdaree Adalut.

Present,

The Hon'ble G. J. Waters, Esqr. — 1st. Puisne Judge,
M. Lewin, Esqr. — 2d. Puisne Judge,
T. E. J. Boileau, Esqr. — 3d. Puisne Judge.

Read letter dated the 21st. January 1846 from the Agent to the Governor of Fort St. George at Vizagapatam, submitting a Summary of the evidence against a prisoner charged with House-breaking, and communicating his opinion as to the punishment to be passed.—

(Here Enter No. 298 of 1846).

The Court of Foujdaree Adalut having maturely considered the Summary of the evidence taken before the Agent, his statement of the grounds for a conviction, and his opinion as to the punishment which should be awarded to the accused,

resolve

3d February 1846

resolve to confirm the proposed sentence of /7/ Seven years imprisonment with hard labor in irons on the prisoner "Voolakah Venkadoo".—

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

/Sent in No. 187./

Read letter dated the 16th Ultimo from the Session Judge of Trichinopoly forwarding the record of trial in Case No. 34 of 1845 on the file of the Session Court.—

/Here enter No. 202 of 1846./

Read again Calendar of Case No. 16 of 1844 submitted by the Acting Session Judge of Trichinopoly under date the 15th September 1844.—

/Here enter No. 2480 of 1844./

Read also, again return dated 27th September 1844 from the Acting Session Judge of Trichinopoly to

3d February 1846

the precept of the Zoujdaree Adalut under date the 21st September 1844 calling for a full and clear explanation on the several points and errors pointed out, regarding the Calendar of Case No. 16 of 4 on the file of the Session Court at Trichinopoly.—

/Here enter No. 2667 of 1844./

Mr. G. J. Waters and Mr. M. Lewin

The Court of Zoujdaree Adalut on a deliberate consideration of the circumstances of the case in once before them, being of opinion the proof against the prisoners 1st Permaul Canderan

and

2d Aurran Canderan

sufficient to convict them of the of theft, do convict them therefore with reference to the provisions of Mahomedan Law as declared in of their Law Officers, amounting to the punishment of "Amputation of one limb" for his of "Sirkut" and to the pro-

wing No. 188./

Read

3d. February, 1846.

3d. February, 1846.

of 1802 sentence them to
and kept to hard labor
public roads, or other pu
and during the period of
1. In this c
are charged with having
at 12 o'Clock on the nig
August 1844, corresp
Judy of Coroothee, c
of the 1st Witness wit
in Sholamadavy, in t
by scaling the wall,
from the Prosecutor wa
on his way from Tan
Jewels and other artic
Rupees 401½.-
2. The
Officer convicts the p
and declares them lia
but the Sessions Jud
that the crime four
Officer is neither
crime of Robbery
Acting Sessions Judge
Acts of Section
dated 27th May
the Sessions Judge
the pro

3d. February, 1846.

entire case for the final judgment of the
Court of Foujdaree Udalut under Section
of XII Regulation VIII of 1802.-

The Sessions Judge considers
the prisoners convicted of gang robbery
by open violence.-

It appears to the Court
that the case does not amount to one
of robbery by open violence and that
nothing more than a theft has been
committed. They have accordingly sen-
tenced both prisoners to punishment
for in that offence and adverting the fuller
information exhibited in the entire pro-
ceedings now before the Court they also
direct that the sentence in Case No 16 of
the 8th 45 on the prisoner
Moolooourpen",
be reduced to the same measure of
punishment.-

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

Sent following letter No 188.

Read

Mr. G. J. Waters
and
Mr. M. Lewin

3rd February, 1846.

Read Copy of the Calendar of Cases Nos. 9, 10, 11, and 12 of 1845 submitted by the Acting Sessions Judge of Calicut under date 5th January, 1846.—

(Here enter F.M.C. No. 79 of 1846.)

Case No. 9. 1. The prisoner in this case was committed to the Sessions Court on a charge of Perjury in having deposed on Solemn affirmation before the Principal Sudr. Ameen of Cochin to having given a bribe of Rupees 25 to the Sheristadar of the Principal Sudr Ameen's Court at a certain time and place, it being clearly proved to the satisfaction of the Principal Sudr Ameen that at the time stated the Sheristadar was distant from the place at which the bribe was alleged to have been given.—

2. The Acting Sessions Judge dismissed the case without trial on the ground that the proceedings held by the Principal Sudr Ameen were

"of an Official and not" a Judicial "character, which latter it is absolutely "necessary they should have in order "to the maintenance of an Indictment "for Perjury".—

Cases Nos. 10, 11 & 12. 3. These cases being intimately connected with the preceding one were for the reasons above stated dismissed without trial by the Acting Sessions Judge.

4. The Court of Sessions Judge desire to be informed on what grounds the Acting Sessions Judge has been enabled to decide that the enquiry conducted in these cases by the Principal Sudr Ameen was of an Official and not of a Judicial character.— The Acting Sessions Judge is further requested to exhibit in a succinct form the point at issue in the investigation

3rd February, 1846.

investigation out of which the alleged perjury has arisen and in what way the Statements charged as perjury bear upon it.—

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

Sent following precept No. 189/5

End. W.

Wednesday,
4th February, 1846.

F. C.

At a Court of the Foujdaree Adalut.

Present.

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

Read return and supplemental return dated 17th September and 1st October 1845 from the Sessions Judge of Rajahmundry to the precepts of the Foujdaree Adalut of the 2d September requiring the early transmission of the records of the trials in Cases Nos. 5, 9, and 11 of 1845 called for in the Courts' proceedings of the 8th August last.—

(Here enter Nos. 2757 and 2884 of 1845)

Read also letters dated 15th and 17th September 1845 from the Sessions Judge of Rajahmundry submitting for the consideration and final sentence of the Foujdaree Adalut an English translation of the records of the trials in cases Nos. 9 and 11 of 1845.—

(Here enter Nos. 2911 and 2932 of 1845)

Read also letter dated 31st December 1845 from the Sessions Judge of Rajahmundry soliciting

3rd February, 1846.

investigation out of which the alleged perjury has arisen and in what way the Statements charged as perjury bear upon it.—

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

Sent following precept No. 189/—

Wednesday,
4th February, 1846.

F. C.

At a Court of the Foujdaree Adalut.

Present.

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

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(Here enter Nos. 2757 and 2884 of 1845)

Read also letters dated 15th and 17th September 1845 from the Sessions Judge of Rajahmundry submitting for the consideration and final sentence of the Foujdaree Adalut an English translation of the records of the trials in cases Nos. 9 and 11 of 1845.—

(Here enter Nos. 2911 and 2932 of 1845)

Read also letter dated 31st December 1845 from the Sessions Judge of Rajahmundry soliciting

soliciting permission to reduce the amount of Security demanded from the 1st Prisoner in Case No 5 as may be within his reach.-

(Here enter Fl No 23 of 1846)

1. The trials originate with the murder on the 15th March 1845 of one Boola Brummadoo younger brother of the 1st Prosecutor. The Prisoner in No 11 Nursemaloo, a Land owner of some consequence, is charged with having together with his principal dependant, Bombiah alias Venkamah, the Prisoner in this case No 9, and his Ploughmen Prisoners in No 5, on the suspicion that he had plundered his House illegally apprehended the deceased (Prosecutors Bro) on the 14th of March, and tortured him to death on the 15th idem by striking him with Plough-handles and pinching the Testicles with an iron instrument &c.

2. The Futwa declared the Prisoners in No 5 (Six in Number) to be not convicted. the Prisoner in No 9 to stand exposed to strong suspicion and the Prisoner in No 11 also to be guilty on strong suspicion of Kuttwamdoo wilful murder. The degree of suspicion however was not deemed by the Law Officer to be greater than to warran

warrant "Tandeh" (upon which no punishment is ever awarded).-

3. The Sessions Judge coinciding with the futwa sentenced the 1st Prisoner in No 5 as also the Prisoners in Cases 9 and 11 to fine Security. The others were discharged, his opinion appears to be that Nursemaloo (Prisoner in No 11) was not actually concerned in torturing or murdering the deceased (and for this he assigns various reasons) but supposes him to have given encouragement to his people in their endeavours to recover his property, when they relying upon this carteblanche proceeded to the atrocities which caused his death. He also supposes that the Prisoner in No 9 and 1st Prisoner in No 5 "were some way or other "concerned.

4. The Court do not altogether concur in what the Sessions Judge has written regarding the almost impossibility of Nursemaloo not being actually concerned and tho' not of opinion that he took an active part in the matter, their impression is that he encouraged his people to use illegal means to recover his property and that they (certainly suspicion is established against the 1st Prisoner in No 5 and Prisoner in No 9

proceeded

soliciting permission to reduce the amount of Security demanded from the 1st Prisoner in Case No 5 as may be within his reach-

(Here enter Sl No 23 of 1846)

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proceeded

4th February 1846.

proceeded to every great barbarity.

5. The earlier Police reports shew that the Prisoners in Nos 9 and 11 were almost immediately informed against. That they fled. That the body was found bearing aggravated marks of the wanton and horrible torture inflicted. Of the facts of the deceased and his relatives (the Prosecutors) having been illegally apprehended by the Prisoner in No. 11 and it is quite certain that their attempts to prove an alibi on the 14th and 15th completely failed. It was indeed refuted by the facts appearing on the record in relation thereto. The body was found also in the Prisoner's shed where these horrible scenes were perpetrated.

6. The Prisoner fled as it appears under the conviction that he had caused the mischief by leaving the deceased in the hands of his Roughmen with directions it is not to put him to death but to recover the property by means not warranted by Laws.

7. The Court of Foujdaree Adaulut concur in the general correctness of the Memo: of dissere=pancies appended to the Petition in Case No 11 and of the arguments used by the Sessions Judge and

F.C.

4th February 1846.

and accordingly resolve to direct the issue of the necessary orders for binding the parties concerned to security.

8. The provisions of Section XI Regulation VII of 1827 leave it discretionary with the Sessions Judge to determine the Number, amount and period of the security he will therefore exercise his own discretion in these points as well as to the propriety of reducing the amount of the security demanded from the 1st Prisoner in Case No. 5.

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

(Sent in No. 191)

Read Supplemental return dated 15th January 1846 from the Sessions Judge of Masulipatam to the precept of the Foujdaree Adaulut of the 10th December 1845 conveying their remarks and orders on the Calendar of Case No. 6 of 1845 on the file of the Sessions Court of Masulipatam.

(Here enter F.C. No. 188 of 1846.)

1. In this case one of high way robbery beyond unarmed individual the late Sessions Judge passed sentence of six years imprisonment under

proceeded to every great barbarity.

5. The earlier Police reports shew that the Prisoners in Nos. 9 and 11 were almost immediately informed against. That they fled. That the body was found bearing aggravated marks of the wanton and horrible torture inflicted. Of the fact of the deceased and his relatives (the Prosecutors) having been illegally apprehended by the Prisoner in No. 11 and it is quite certain that their attempts to prove an alibi on the 14th and 15th completely failed. It was indeed refuted by the facts appearing on the record in relation thereto. The body was found also in the Prisoner's shed where these horrible scenes were perpetrated.

6. The Prisoner fled as it appears under the conviction that he had caused the mischief by leaving the deceased in the hands of his Kloughmen with directions it is not to put him to death but to recover the property by means not warranted by Law.

7. The Court of Foujdaree Adaulut concurs in the general correctness of the Memo: of Discrepancies appended to the Pickwat in Case No 1 and of the arguments used by the Sessions Judge and

and accordingly resolve to direct the issue of the necessary orders for binding the parties concerned to security.

8. The provisions of Section XI Regulation VI of 1827 leave it discretionary with the Session Judge to determine the Number, amount and period of the security. He will therefore exercise his own discretion in these points as well as as to the propriety of reducing the amount of the security demanded from the 1st Prisoner in Case No. 5.

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

(Sent in No. 191)

Read Supplemental return dated 15th January 1846 from the Sessions Judge of Masulipatam to the precept of the Foujdaree Adaulut of the 10th December 1845 conveying their remarks and orders on the Calendar of Case No. 6 of 1845 on the file of the Sessions Court of Masulipatam.

(Here enter F.C. No. 188 of 1846.)

1. In this case one of high way robbery beyond unarmed individual the late Sessions Judge passed sentence of six years imprisonment under

under the provisions of Clause Seventh Section II Regulation XV of 1803 on a finding of Dokoolub—

2 The Court of Sudder Adawlut in their proceedings pointed out that the course adopted by the Officiating Sessions Judge in this case was erroneous and in contravention of their orders issued in Circular Order No. 56—

3. The offence charged being one not provided for by the Regulations and therefore to be disposed of under the Mahomedan Law and the objections raised by the Law Officer to a finding of Hud not affecting the nature and criminality of the offence, and evidently repugnant to the principles of equable justice, the Sessions Judge was directed to take another future under the provisions of Clause fourth Section II Regulation XI of 1803 and then proceed thereupon as directed in Clause Third of that Section and in order to facilitate the proceedings of the Sessions Judge the form of the question was even given, in this it was pointedly asked to what punishment would the prisoner have been liable if the Special exceptions in bar of Hud had not existed.

4 To this question the Law Officer has been permitted to submit a most vague, unsatisfactory answer.

answer. He declares that the penalty of Hud cannot be declared against the prisoner in the case under the Law, and that he has declared the same in his answer of the 14th June; the bar to Hud in the answer of the 14th June is that the crime was committed in a Town or Village. This is one of the scrupulous distinctions specified in the preamble of Regulation XV of 1803 as repugnant to the principles of public and equable justice and for the removal of which that Law provides—

5. The Law Officer then proceeds to state that if the party is convicted of Highway robbery he would be liable to 14 years imprisonment and if of theft to 7 years. It being obvious that no specific reply has as yet been given to the question put to him, the Moofty should now be called upon to declare one—

6. On this finding the Sessions Judge has sentenced the prisoner to 14 years imprisonment and adds that he can find in the case, no grounds of mitigation—

7. Adverting to the view taken of the case by the late Sessions and Officiating Sessions Judge of Masulipatam, the Court resolve to call

4th February 1846.

call for an English translation of the record of the case which the Sessions Judge will be pleased to submit without delay.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Masulipatam for his information by precept returnable in XXX days from and after its receipt.

(Sent following Precept No. 192.)

Read report dated 20th Ultimo submitted by the Magistrate of Tinnevelly of cases tried by the Magistracy under the provisions of Section LIV Act VIII of 1843 during the month of December 1845.

(Here enter F.R. No. 326 of 1846)

Read return dated 24th Ultimo from the acting Sessions Judge of Calicut to the precept of the Foujdaree Adalut under date the 14th January 1846 sanctioning a mitigated sentence against 2d Prisoner in case No. 80 of 1845 on the Calendar of the Session Court.

(Here enter F.R. No. 330 of 1846)

Read Calendar dated 24th Ultimo submitted by the Sessions Judge of Salem in case No. 630 of 1845.

(Here enter F.R. No. 337 of 1846)

Ent. F.R.

F.R.

Thursday 5th February 1846.

At a Court of the Foujdaree Adalut.

Present.

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

M. Lewin Esqre. — 2d Puisne Judge.

J. C. J. Boileau Esqre. 3d Puisne Judge.

Read letter dated the 27th December 1845 from the Sessions Judge of Salem forwarding the trial in Case No. 53 on the Calendar of the Session Court for 1845.

(Here enter F.R. No. 257 of 1846)

Mr. J. C. J. Boileau

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 Sengoda Coundan,

and

2nd Sottien,

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

5th February, 1846.

or on their own confession of the crime of Murder, do acquit them thereof; but considering that strong suspicion though not amounting to conviction, attaches to them, they direct that they be required under Clause Sixth Section II Regulation XV of 1803, to find two sureties in 100 Rupees each, for their good behaviour and appearance when required within three years, or in default thereof, that they be detained for a similar period in confinement - but being of opinion that the prisoners

3rd Coppen

and

4th Cundappen alias Mondeepien

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confession of the crime above stated, do acquit them thereof; and direct that they be unconditionally released. -

/Sent following letter No. 195/

Read

5th February, 1846.

Read letter dated the 20th Ultimo from the Sessions Judge of Mangalore forwarding the trial in Case No. 102 on the Calendar of the Session Court for 1845. -

/Here enter F.C. No. 294 of 1846/

The Court of Foujdaree

Mr. G. J. Waters.
and
Mr. T. C. J. Boileau.

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 "Pudma"

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. 196/

Read Criminal Reports under date the 17th January 1846 submitted by the Principal Sudr Ameen of Trichinopoly for the month

5th February, 1846.

or on their own confession of the crime of Murder, do acquit them thereof; but considering that strong suspicion though not amounting to conviction, attaches to them, they direct that they be required under Clause Sixth Section II Regulation XV of 1803, to find two sureties in 100 Rupees each, for their good behaviour and appearance when required within three years, or in default thereof, that they be detained for a similar period in confinement - but being of opinion that the prisoners

3rd Cooppen

and

4th Cundappen alias Mondeepien

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confession of the crime above stated, do acquit them thereof, and direct that they be unconditionally released. -

/Sent following letter No. 195/

Read

5th February, 1846.

Read letter dated the 20th Ultimo from the Sessions Judge of Mangalore forwarding the trial in Case No. 102 on the Calendar of the Sessions Court for 1845. -

/Have entered F.M.C. No. 294 of 1846/

Mr G. J. Waters.
and
Mr T. C. J. Boileau.

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

'Pudma'

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. 196/

Read Criminal Reports under date the 17th January 1846 submitted by the Principal Sudr Ameen of Trichinopoly for the month

5th February, 1846.

month of December 1845.-

/Here enter F.H.C. No. 203 of 1846/.

Case No. 146. 1. In order to enable the Court of Foujdaree Udalut to appreciate the nature of the offence charged in this case it should have been stated whether the Tatty door thro' which the prisoner is stated to have effected his entry into the Prosecutor's house was closed, or not.-

2. The Court desire that this omission may be now supplied.-

Ordered, that Extract from these Proceedings be sent to the Principal Sudr Ameen of Trichinopoly for his information and guidance by precept returnable within V days from and after its receipt.-

/Sent following precept No. 197/

Read letter dated the 20th Ultimo from the Subordinate Judge of Chittoor forwarding a Statement shewing the manner in which the Services of the Convicts

F.H.C.

5th February, 1846.

Convicts were disposed of during the last half year ending on the 31st December, 1845.-

/Here enter No. 229 of 1846/.-

1. The Court of Foujdaree Udalut direct that the above Statement be returned to the Subordinate Judge of Chittoor, in view to the insertion therein of the heading required to show the nature and object of the statement.-

2. The last column has been erroneously headed agreeably to that of before, the column which precedes it, an irregularity which should likewise be rectified; its heading also should not differ from that contained in the printed Form.-

3. The Subordinate Judge in retransmitting the Statement, will explain under what circumstances 178 out of 268 Convicts, or nearly two thirds of the entire strength

strength of the Zillah Jail, are declared to be unfit for road labor, the data being specified on which the Subordinate Judge's opinion has been formed.—

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

/Sent following precept No. 198./

Read return dated the 27th December 1845 from the Joint Magistrate in charge of Canara to the precept of the Foujdaree Udalut under date the 20th idem desiring to be informed whether the commitment of the Prisoner in case No. 1 tried by the Magistracy under Section I. IV Act VII of 1843 in the month of October 1845 was to the Criminal Court, or to the Jail, as the result of her failure to produce the security

security demanded.—

/Here enter F. No. 114 of 1846./

Read return dated the 8th Ultimo from the Subordinate Judge of Madura to the precept of the Foujdaree Udalut under date the 24th December 1845 remarking on the Criminal Reports for the month of October 1845.—

/Here enter F. No. 115 of 1846./

Read Statement dated the 31st December 1845 submitted by the Sessions Judge of Nellore of Extra peons and Convict labor on Report for the month of December 1845.—

/Here enter F. No. 141 of 1846./

Read Statement dated the 9th Ultimo from the Sessions Judge of Honore shewing the amount realized by the labor of the Prisoners in the Jail for the 4th Quarter of 1845.—

/Here enter F. No. 150 of 1846./

Read

15th February 1846.

Read return dated the 13th Ultimo from the Subordinate Judge of Caliaut to the precipt of the Fouzdaree Udalut under date the 8th idem, remarking on the incomplete state of Case № 1920 on the Criminal Reports for November last.-

/Here Enter F.U. № 194 of 1846/-

Read return dated the 13th Ultimo from the Magistrate of Madura to the precept of the Fouzdaree Udalut under date the 22d December 1845 forwarding a revised return of cases disposed of by the Magistracy under Section XXXIII Act VIII of 1843. and shewing, as to be presumed from his silence and revision of Heading that the Joint Magistrate is aware of his previous error.-

/Here Enter F.U. № 197 of 1846/-

Ed W.

F.U.

Friday 6th February 1846.

At a Court of the Fouzdaree Udalut.

Present -

G. F. Waters Esquire ——— 1st Puisne Judge

Malcolm Lewin Esquire ——— 2d Puisne Judge

H. S. Boileau Esquire ——— 3d Puisne Judge

Read report dated the 22d January 1846 from the Acting Magistrate of Chingleput, of cases tried by the Magistracy under the provisions of Section LIV Act VIII of 1843. for the month of December 1845.

/Here Enter № 282/

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

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

/Sent w № 200/-

Read letter dated the 31st December

December 1845 from the Sessions Judge of Rajahmundry forwarding the Calendar in Case No. 25 of 1845 and states that Cases Nos. 9 and 11 are in abeyance waiting the orders of the Court of Foujdaree Adalut

(Here Enter Fee No. 24 of 1845)

Read return dated the 31st December 1845 from the Subordinate Judge in charge of the Sessions Court of Madura to the precept of the Foujdaree Adalut under date the 20th ultimo containing their remarks on the Calendar of Cases No. 57 of 1845 submitted by the Sessions Judge of Madura under date the 3d instant and directing him to release the prisoners in the said case forthwith unconditionally.—

(Here Enter Fee No. 39 of 1845)

Read report dated the 3d January 1846 submitted by the Sessions Judge of Salem of cases pending on the 31st December 1845 before the Sessions Judge of Salem for a period in excess of 35 days calculated from the date of Commitment.

(Here Enter Fee No. 39 of 1845)

Read report dated the 1st January 1846 submitted by the Agent to the Governor of Fort Saint George in Vizagapatam of Cases pending on the 30th November and committed for trial during the Month of December 1845 and which have been before the Court of the Agent to the Governor of Fort St. George in Vizagapatam for a period in excess of 25 days calculated from the date of Commitment.

(Here Enter Fee No. 43 of 1846)

Read report dated the 2d January 1846 submitted by the Sessions Judge of Mangalore of cases pending trial before him for the Month of December 1845.—

(Here Enter Fee No. 46 of 1846)

Read return dated the 7th January 1846 from the Subordinate Criminal Judge of Chittoor to the precept of the Foujdaree Adalut under date the 3d instant commenting on the

Criminal

6th February 1846.

Criminal Reports for the Month of November 1845.-

/ Here Enter F.U. No. 57 of 1845 /

Read Report dated the 7th January 1846 submitted by the Magistrate of Tanjore of cases tried under Section LIII Act VII of 1843. in December 1845.

/ Here Enter F.U. No. 61 of 1845. /

Read Statement dated the 31st December 1845 submitted by the Sessions Judge of Coimbatore, shewing the instances in which the powers of punishment created by Regulation X of 1832 have been exercised for December 1845.-

/ Here Enter F.U. No. 64 of 1845 /

Read Report under date the 31st December 1845 submitted by the Sessions Judge of Coimbatore of Convict Labor for the Month of December 1845.-

/ Here Enter F.U. No. 65 of 1845 /

Ent. Ltr.

F. U.

Saturday 7th February 1846.

At a Court of the Foujdaree Udalut.-

Present.-

G: J. Waters Esquire — 1st Puisne Judge.-
Malcolm Lewin Esquire — 2nd Puisne Judge.-
T. E. J. Boileau Esquire — 3rd Puisne Judge.-

Read letter dated 11th December 1845 from the Agent to the Governor of Fort Saint George at Tanjam submitting a report of the trial of case No. 15 of 1845 on the file of the Agent.-

/ Here enter No. 3717 of 1845 /

Read also return dated the 23rd Ultimo from the same Officer to the precept of the Foujdaree Udalut of the 9th idem, calling for an English translation of the record of trial in Case No. 15 of 1845.-

/ Here enter No. 335 of 1846 /

Mr. Mc. Lewin and Mr. T. J. Boileau.

The Court of Foujdaree Udalut on a deliberate consideration of all the circumstances of the case in

6th February 1846

Criminal Reports for the Month of November 1845.-

(Here Enter F.U. No. 59 of 1845)

Read Report dated the 7th January 1846 submitted by the Magistrate of Tanjore of cases tried under Section VIII Act VII of 1843 in December 1845

(Here Enter F.U. No. 61 of 1845)

Read Statement dated the 31st December 1845 submitted by the Sessions Judge of Coimbatore, shewing the instances in which the powers of punishment created by Regulation X of 1832 have been exercised for December 1845.-

(Here Enter F.U. No. 64 of 1845)

Read Report under date the 31st December 1845 submitted by the Sessions Judge of Coimbatore of Convict Labor for the Month of December 1845.-

(Here Enter F.U. No. 65 of 1845)

F. U.

Saturday 7th February 1846.

At a Court of the Foujdaree Udalut.-

Present.-

G: J. Waters Esquire — 1st Puisne Judge.-
Malcolm Lewin Esquire — 2nd Puisne Judge.-
T. E. J. Boileau Esquire — 3rd Puisne Judge.-

Read letter dated 11th December 1845 from the Agent to the Governor of Fort Saint George at Ganjam submitting a report of the trial of Case No. 15 of 1845 on the file of the Agent.-

(Here enter No. 3717 of 1845.)

Read also return dated the 23rd Ultimo from the same Officer to the precept of the Foujdaree Udalut of the 9th idem calling for an English translation of the record of trial in Case No. 15 of 1845.-

(Here enter No. 335 of 1846.)

The Court of Foujdaree Udalut on a deliberate consideration of all the circumstances of the case in

in evidence before them, being of opinion
that the proof against the prisoner
"Sowrah Sreedoo"
is sufficient to convict him of the crime
of House-breaking by night accompanied with
wounding do convict him thereof; and
with reference to the provisions of Clause
third Section II Regulation VII of 1822 and
Clause second Section II Regulation I of 1825
sentence him to be transported to such
place or places beyond sea as the Governor
in Council shall appoint there to be
imprisoned and kept to hard labor in
irons on the public roads or other public
works for and during the period of his
natural life.

1 The Agent convicted the
prisoner in this case of having in con-
junction with four other persons who
have not been apprehended, broken into
a house by opening the door mat,
and stolen therefrom certain articles
of the value of 17 Rupees, and further
of

of having, when seized by the Prosecutor,
stabbed him with a knife, wounding
him severely on the left side of the
belly, and slightly on the right thigh.
and proposed that he be sentenced
under the provisions of Clause fourth
Section II Regulation VI of 1822, to be
imprisoned and kept to hard labor in
irons for the period of fourteen years.

2 The Court of Foujdaree Ada-
-lut considering that the nature of the
wounds inflicted by the prisoner were
such as to bring the offence charged
within the provisions of Clause third
Section II Regulation VI of 1822, called
for an English translation of the record
of the trial.

3 The Court are of opinion
that the peculiarly aggravating cir-
-cumstances of this case demand no less
a measure of punishment than trans-
-portation for life, which they have
accordingly adjudged the prisoner to
suffer.

in evidence before them, being of opinion that the proof against the prisoner

"Sourah Sreadoo"

is sufficient to convict him of the crime of House-breaking by night accompanied with wounding do convict him thereof; and with reference to the provisions of Clause third Section II Regulation VII of 1822 and Clause second Section II Regulation I of 1825 sentence him to be transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of his natural life.

1. The Agent convicted the prisoner in this case of having in conjunction with four other persons who have not been apprehended, broken into a house by opening the door mat, and stolen therefrom certain articles of the value of 17 Rupees, and further of

of having, when seized by the Prosecutor, stabbed him with a knife, wounding him severely on the left side of the belly, and slightly on the right thigh: and proposed that he be sentenced under the provisions of Clause fourth Section II Regulation VII of 1822, to be imprisoned and kept to hard labor in irons for the period of fourteen years.

2 The Court of Foujdaree Adalut considering that the nature of the wounds inflicted by the prisoner were such as to bring the offence charged within the provisions of Clause third Section II Regulation VII of 1822, called for an English translation of the record of the trial.

3 The Court are of opinion that the peculiarly aggravating circumstances of this case demand no less a measure of punishment than transportation for life, which they have accordingly adjudged the prisoner to suffer.

suffer.-

4. It is evident that the prisoner was seized in the commission of a theft and that in order to effect his escape he inflicted a dangerous wound on the prosecutor which could not be otherwise regarded than as an attempt to take the prosecutor's life.-

Ordered, that Extract from these Proceedings, be forwarded to the Agent to the Governor of Fort Saint George at Ganjam, for his information.-

(Sent following letter No. 202.)

Read Calendar in Case No. 1 of 1846, submitted by the Sessions Judge of Honore under date the 19th Ultimo.-

(Here enter F.C. No. 305.-

1. The prisoner is charged with having struck the Prosecutor's brother with a club, and wounded him with a billhook, in consequence of which the said Gopala died on the next day.-

2. The Sessions Judge has released

released the Prisoner under a requisition of security on the recorded grounds, that there is the evidence only of those who heard the deceased make a verbal Statement to the effect that he was beaten by the 1st Prisoner and that the 2d Prisoner was with him.-

The 2nd Prisoner states that he heard a cry immediately after the 1st Prisoner had gone in the direction of the place in question, and was told by 1st Prisoner that he had slapped the deceased.-

This the Sessions Judge considers insufficient to convict the 1st Prisoner upon, but there are strong grounds for supposing that he beat the deceased for having allowed his cattle to graze on the land claimed by the 1st Prisoner.-

It is however evident that 1st Prisoner had no intent to kill the deceased.- His death must have been chiefly occasioned by the weakness of his constitution, and the helpless state

in

in which he appears to have been
laying in the jungle for about 18 hours.

3. It appears to the Court
that the evidence in this case was
sufficient to convict the Prisoner at
least of assault, and they disapprove
of the decision passed by the Sessions
Judge.

4. The Court further consider
that the proceedings of the Sessions
Judge do not in this case evidence that
concern for the elicitation of the truth,
which every judicial enquiry should
manifest.

5. It would seem from the
abstract that the evidence of the 2d Prisoner
would have been of use in the prose-
cution, and as he was not implicated
by the deceased, the Court conceive
that he should have been released
by the Sessions Judge, and have been
converted into a witness.

Ordered, that Extract

from these Proceedings, be sent to the
Sessions Judge of Honore, for his in-
formation.

Sent in No. 203.

Read Calendar of Case
No. 101 of 1845, submitted by the Sessions
Judge of Mangalore, under date the
21st ultimo.

(Here enter No. 293.)

1. The prisoner in this case
is charged with having concealed her
pregnancy, and thrown her bastard child
after its birth, secretly into a dry well,
and on conviction was sentenced by
the Sessions Judge under Clause VII
Section II Regulation XV of 1803 to six
months' imprisonment with suitable
labor.

2. The Court consider this
punishment altogether inadequate and
culpably lenient.

3. The Court further desire
to be informed whether the Child
expelled

expelled by means of the medicine adminis-
-tered, was living or not.-

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

(Sent following precept No. 204.)

Read Calendar of Cases Nos 73, 74, 75 and 76 of 1845, submitted by the Sessions Judge of Combaconum under date the 20th January 1846.-

(Here enter F. D. No. 243 of 1846.)

Case No. 73. 1. The 2nd and 3rd Prisoners in this case have been convicted in two instances of house-breaking and theft and have been sentenced by the Sessions Judge to 7 years' imprisonment with hard labor in irons under Section XXI Regulation VIII of 1802, but as they appear to have been under the guidance of the 1st Pri-
-soner the Sessions Judge recommends a mitigation

mitigation of punishment to 5 years' im-
-prisonment with hard labor in irons.-

2. The Court of Foujdaree Uda-
-lut having maturely considered the circumstances of the case as represen-
-ted in the above Calendar sanction under Clause third Section III Regulation I of 1825 the mitigated punishment recom-
-mended by the Sessions Judge and accor-
-dingly direct that the Prisoners

2nd Puroomooyum

and

3rd Moottan

be imprisoned and kept to hard labor in irons, on the public roads, or other public works, for and during the period of 5 years.-

Case No. 75. 3. Before acceding to the re-
-commendation made by the Sessions Judge in favor of the prisoner in this case the Court of Foujdaree Adalut de-
-sire to know the age of "the youth" convicted of house-breaking and theft.

The

4. The Prisoner in this case is charged with having at Yelungaudo Trooovady Taluk on the 1st December 1831 assaulted and severely beaten with clubs the elder brother of 1st Witness aged about 50 Years, and thereby caused his death.-

5. The prisoner was convicted by the Jury of the crime laid to his charge.- The Sessions Judge concurred in their finding and sentenced the prisoner to 6 months' imprisonment with hard labor in irons under Clause Seventh Section II Regulation XV of 1803.-

6. The charge in this case appearing to the Court to amount almost to one of murder- the Judges are not prepared to concur in the propriety of the punishment awarded; and await a more detailed exposition of the case, in which it will be the duty of the Sessions Judge to shew what has actually been proved against the Prisoner.-

The

7. The Court observe that their order which requires the transmission of the Calendar immediately after the close of the trials has been neglected by the Sessions Judge in the cases under observation, two of which were disposed of on the 23rd of December last and two on the 5th January a period of 28 days being allowed to intervene in respect of the first and of 15 days in respect of the latter two trials- the Sessions Judge's Calendar being dated the 20th Ultimo of which explanation is requested.-

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

(Sent following precept No 205.)

Read return dated the 15th Ultimo from the Sessions Judge of Tanjore to the precept of the Foujdaree Adalut

7th February 1846.

Udalut under date the 20th December 1845 calling for an English translation of the record of the trial in case No. 22 on the Calendar for the year 1845.

(Here enter F. C. No. 241 of 1846.)

1. The Prisoner in this case was charged with having taken the prosecutrix a girl of about 8 years to a jungle about 80 Fathoms from her house, robbed her of the gold ornaments on her neck valued at 29 Rupees, and wounded her on her nose, arm, head and hand with a knife with intent to kill, and was acquitted - but the Session Judge considering that suspicion attached to him in consequence of the statement of the Prosecutrix, and the confession said to have been made by the Prisoner before the Police bound him to security.

2. The Court of Foujdaree Udalut seeing grounds for questioning the acquittal of the prisoner called for the

F. C.
7th February 1846.

the record of the trial.

3. Having attentively considered the proceedings held in this case the Court are surprised at the judgment passed in this case by the Session Judge.

4. The confession of the prisoner and the statement of the 1st Witness the corroborated as they are by other circumstances in evidence in the trial are in the opinion of the Foujdaree Udalut sufficient for the conviction of the Prisoner.

5. The Court consider the Session Judge would have evinced less want of judgment, and justice would have been more promoted, had he dissented from the finding of the Law Officer.

Ordered, that Extract from these Proceedings be forwarded to the Session Judge of Honore for his information.

Sent in No. 206.

7th February 1846.

Read Statement dated the 11th July last submitted by the Principal Collector of Madura, of charges incurred without sanction in fasly 1254 in the Districts of Madura and Dindigul.

(Here enter No. 265 of 1846.

Before submitting to Government the above statement, the Court of Fouzdaree Udalut desire to be furnished by the Magistrate with a report of the circumstances under which it was deemed necessary to pay to the Peon Seenee, so large a sum as Rupees 215-0-0 for the apprehension of the "robbers who committed 9 thefts" the number of the individuals whom he apprehended being specified as well as the circumstances attending their capture.

Ordered, that Extract from these Proceedings be forwarded to the Magistrate of Madura, by precept returnable in XV days, from and after its receipt.

(Sent following precept No. 207)

Read return dated the 23rd Ultimo

7th February 1846.

Ultimo from the Subordinate Judge of Madura to the precept of the Fouzdaree Udalut under date the 16th Idem remarking on the Criminal Reports for the month of November 1845.

(Here enter F. Ud. No. 314 of 1846)

Read return dated the 23rd Ultimo from the Principal Sudr Ameen of Tinnevelly to the precept of the Fouzdaree Udalut under date the 12th Idem requiring to know the designation of the offence charged in Criminal No. 123 of 1845 and by whom the case was disposed of and also directing the Principal Sudr Ameen to communicate Paras 4, 7, 8, 9, 10 of the Extract under return to the Magistrate for his information.

(Here enter F. Ud. No. 318 of 1846)

Read return dated the 27th Ultimo from the Session Judge of Salem to the precept of the Fouzdaree Udalut under date the 22nd Idem requiring him to furnish explanation regarding delays in trial No. 56 of 1845.

(Here enter F. Ud. No. 323 of 1846)

F. C.

Monday 9th. February 1846

At a Court of the Foujdaree Adalut

Present

G. A. Waters Esqr. — 1st. Puisne Judge

Malcolm Lewin Esqr. — 2nd. Puisne Judge

J. E. A. Boileau Esqr. — 3rd. Puisne Judge

Read letter dated the 5th. Instant from the Session Judge of Chittoor submitting the record of the trial in Case No. 3 on the Calendar of the Sessions Court for 1846.

(Here enter F. C. No. 419 of 1846)

Mr. Mc. Lewin. The Court of Foujdaree Adalut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner Chelaveum is sufficient to convict him of the crime of Gang Robbery, do convict him thereof, and, under the provisions of Clause third, Section IV. Regulation XV of 1803, sentence him to be imprisoned, and kept to hard labor in irons, on the public roads or other public works, for, and, during the period of (14) fourteen years.—

(Sent following letter No. 208.)

Read Miscellaneous Petition presented on the 26th. Ulmo 1845 by Fatmah Beeb of Zillah Masulipatam

F. U.

Monday 9th. February 1846

At a Court of the Foujdaree Udalut

Present

G. A. Waters Esqr. — 1st. Puisne Judge

Malcolm Lewin Esqr. — 2nd. Puisne Judge

T. E. A. Boileau Esqr. — 3rd. Puisne Judge

Read letter dated the 5th. Instant from the Sessions Judge of Chittoor submitting the record of the trial in case No. 3 on the Calendar of the Sessions Court for 1846.

(Here enter F. U. No. 419 of 1846)

Mr. M. Lewin.

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

Chelaveem

is sufficient to convict him of the crime of Gang Robbery, do convict him thereof, and, under the provisions of Clause third, Section IV. Regulation XV of 1803, sentence him to be imprisoned, and kept to hard labor in irons, on the public roads or other public works, for, and, during the period of (14) fourteen years.—

(Sent following letter No. 208.)

Read Miscellaneous Petition presented on the 26th. Ulto. 1845 by Fatimah Beeb of Zillah Masulipatam

Masulipatam.

(Here enter F. Dr. P. No. 95 of 1845).

1. This is an application for the interference of the Court of Fouzdaree Adalut to set aside certain orders of the late Civil Judge of Masulipatam under date the 10th. March 1845 directing the commitment on a charge of forgery of the Petitioner's husband lately an acting Peon in the Principal Sudr. Ameen's Court at that station.—

2. The Petitioner sets forth that the charge preferred against her husband has been maliciously got up by the Nazir of the Principal Sudr. Ameen's Court who has combined with the servants of the Civil and Sessions Court to effect his (her husband's) ruin; and that her husband dreading the result of such a combination has absconded from the District.—

3 Under the circumstance of the Petitioner's husband having withdrawn himself from the operation of the orders complained of, which renders his conduct open to much suspicion, the Court of Fouzdaree Adalut refuse to interfere in the matter.—

4 Petition is dismissed.

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

Read again Miscellaneous Petition — presented on the 20th. October last by Narrainasamy stating with reference to the Return of the Sessions Judge of

of Combaconum under date the 5th. August to the Precept of the Fouzdaree Adalut dated 28th. July 1845 that the witnesses, whom in his former address the Petitioner asserted to have been named on behalf of the 1st. Prisoner in the case therein referred to, were nominated by him not before the Session Judge, but on his trial before the Criminal Court.—

(Here enter F. Dr. P. No. 195 of 1845).

Read also return dated 30th. January 1846 from the Sessions Judge of Combaconum to the Precept of the Fouzdaree Adalut under date the 19th. of the same month, directing that officer to refer to the record of the case and if necessary ascertain by enquiry the truth of the allegations set forth in the aforesaid Petition &c.—

(Here enter F. D. No. 350 of 1846).

In his return the Sessions Judge —

1. reports that on referring to the record he finds that no witnesses had been named by the 1st. Prisoner on his trial in the Subordinate Court; and that therefore the allegations of the Petitioner are false.—

2. The Court of Fouzdaree Adalut see no cause for their further interference in behalf of the Petitioner and accordingly direct that the prayer of his Petition be dismissed.—

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

Read

9th. February 1846.

Read Miscellaneous Petitions presented on the 10th. and 17th. November 1845 by Ringachurry of Zillah Trichinopoly.—

(Here enter F. Dr: P. Nos. 211 and 215 of 1845).

1. The object of these Petitions is to induce the Court of Foujdaree Adalut to order the Magistrate of Trichinopoly to punish certain Vedagalars for various illegal acts which the Petitioner alleges to have been committed in contravention of the Decrees passed in the suits noted marginally wherebly the Petitioner and others are deprived of certain privileges awarded to them by the Decrees in question.—

Original Suit No. 130 of 1808 on the file of the late Zillah Court of Trichinopoly.
Original Suit No. 82 of 1825 on the file of the Zillah Court of Combaconum.

2. On a perusal of these addresses the Court of Foujdaree Adalut fail to discover any one instance in particular wherein the parties accused by the Petitioner are shewn to have committed a breach of the Peace, or to have openly disobeyed the orders of the authorities, and are therefore precluded from passing any precise orders on the subject.—

3. Adverting however to the state of things set forth by the Petitioner, which if unattended to, may lead to serious disturbances the Court resolve to forward translations of these Petitions to the Magistrate of Trichinopoly who will be pleased to pass such orders as he may think proper reporting the same for the information of the Foujdaree Adalut.—

Ordered

F. 16:

9th. February 1846.

Ordered that Extract from these Proceedings be sent to the Magistrate of Trichinopoly for his information and guidance by precpt returnable within XV days from and after its receipt.

(Sent following Precpt No. 209)

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

Read Miscellaneous Petition presented on the 24th. November last by Soobbarayen of Zillah Madura.

(Here enter F. Dr: P. No. 222 of 1845).

1. The Petitioner who prays that, under circumstances stated, the Collector may be directed to restore to him a certain Merasee right, is informed that the Court of Foujdaree Adalut have no authority to issue such directions to the Collector: the Petitioner's appeal should be preferred (if cause exists) to the Board of Revenue.—

2. Petition dismissed.—

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

Read Miscellaneous Petition presented on the 24th. November 1845 by Subbapaty Moodely of Zillah Cuddalore.—

(Here enter F. Dr: P. No. 225 of 1845)

1. The object of this Petition is to induce the

the Court of Foujdaree Udalut to declare the Petitioner's innocence of charge brought against him by one Ramasawmy Chetty Prosecutor in the case noted marginally, of which he was acquitted by the Head of District Police who originally tried the case and to order the admission on the file of the Zillah Court of Cuddalore of a suit for damages on account of defamation of character which the Petitioner is desirous of instituting against the party abovementioned.—

Case No. 19 on the file of the Sessions Court of Cuddalore.

2. The Court see nothing on the face of this Petition which would call for the interference of the Foujdaree Udalut.—

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

Read Miscellaneous Petition presented on the 8th. December last by N. Arulammah, wife of Palatoory Audenarrunnapah 1st. Prisoner in Case No. 24 of the Nellore Calendar for 1843.—

(Here enter S. In: P. No. 231 of 1845)

1. The object of this address is to induce the Court of Foujdaree Udalut to order the release of the Petitioner's husband, Prisoner in the aforesaid case, who was convicted of assault and wounding and sentenced by the Sessions Judge of Nellore to 7 years imprisonment with hard labor in irons.—

2. The Petitioner asserts in support of her application that the evidence of the witnesses for the prosecution, most of whom are near relations to the

Prosecutors, is unworthy of credit; and that as the Prosecutors were on bad terms with the Prisoner in consequence of a dispute regarding the Curnum Inerafsee of the village Chomatah, he was falsely charged with assault and wounding.

3. On a review of the Calendar the Court of Foujdaree Udalut have already pronounced[x] the opinion that the Sentence passed upon the Petitioner's husband is just and merited — and they see nothing in the Petitioners present address, to induce them to alter their view of the case; they therefore decline to interfere in behalf of the Petitioner in the manner solicited.—

[x] Foujdaree Udalut proceedings 26th. November 1845.

Ordered accordingly that the prayer of the Petitione be rejected, and that Extract from these proceedings be granted to her on her application.—

Read Miscellaneous Petition presented on the 22nd. December 1845 by Sachelingum of Zillah Combaconum.—

(Here enter S. In: P. No. 247 of 1845)

1. This is an application for the interference of the Foujdaree Udalut to order an enquiry into certain charges which the Petitioner states that he has preferred against the Puttah Seroonsiff and certain other inhabitants of Terooppovanum before the Magisterial and Judicial authorities in the Zillah, but without success no investigation of the matter having yet been commenced.—

2. The Court resolve to send this Petition to the Sessions Judge of Combaconum who will be pleased to

9th February 1846.

to pass such orders as the circumstances of the case may appear to require, reporting the same for the information of the Foujdaree Adalut.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Combaconum for his information and guidance by precept returnable within XV days from and after its receipt.-

(Sent following Precept No. 210.)

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

Read Miscellaneous Petition presented on the 3rd December 1845 by T. Appiah Vakeel on behalf of Aboysoocootty of Zillah Mangalore.-

(Here enter F. M. P. No. 351 of 1845)

1. The object of this Petition is to induce the Court of Foujdaree Adalut to order the release of the Petitioner's father C. Moydeen Cootty first prisoner in Case No. 44 of 1845 on the file of the Session Court of Mangalore, who has been sentenced to undergo 14 Years Imprisonment in banishment in the Zillah of Calicut and to receive 195 lashes.-

2. The Petitioner adverts to various irregularities which are alleged to have taken place in the investigation of the case both by the Police and by the Judicial authorities;- endeavours to show several material discrepancies in the evidence of the witnesses on whose testimony his father has been convicted; and alleges that the charge was got up by the Head of

9th February 1846.

of District Police who for reasons stated had previously conceived enmity towards his father, and that of the sum of Rupees 13,000 Va. which has been made over to the Prosecutor by the Session Judge the greater part was his fathers own property, and that the remainder had been deposited with him by his elder sister to be kept in security during the infancy of her sons.-

3. The Court of Foujdaree Adalut resolve to forward a translation of this Petition to the Session Judge of Mangalore who will be pleased to offer any observations that may occur to him with reference to the allegations contained therein.-

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

(Sent following Precept No. 211.)

Ordered also that Extract from these Proceedings be furnished to the Petitioner's Vakeel on his application.-

Read letter dated the 9th Ultimo from the Session Judge of Tellicherry submitting for the consideration of the Foujdaree Adalut copy of a communication from the Magistrate of Malabar, questioning the authority of a Session Court to notice an appeal against a sentence of a Joint Magistrate previous to the case to which it relates having been laid before the Magistrate as the immediate superior of the Joint Magistrate.-

(Here enter No. 143).

The

1.

The Court of Foujdaree Adalut see no grounds whatever for considering it necessary that under the existing Law, a party dissatisfied with the decision of a Subordinate Magistrate, should in the first instance appeal to the Magistrate, instead of addressing himself to the Judge of the Session Court, who has authority over all proceedings by the Magistracy, it being obvious that in many cases redress may be solicited from the Session Court at less cost and less inconvenience to those seeking it, than if the course were pursued which the Magistrate of Malabar now advocates.--

2.

A Communication to the Magistrate by the Session Judge notifying the decision of the Session Court will, as pointed out by Mr. Forsyth, obviate the only inconvenience likely to arise from the Magistrate not being first addressed by the appealing party.--

Ordered that Extract from these Proceedings be sent to the Session Judge of Tellicherry for his information and guidance.--

(Sent in No. 212.)

Read Criminal Reports under date the 15th January 1846 submitted by the Subordinate Judge of Madura for the Month of December 1845.--

(Here enter Fl. C. No. 204).

Cases No. 226 233.

1.

Adverting to the reasons assigned by the Subordinate Judge for demanding security from the

the Prisoners in this case the Court of Foujdaree Adalut observe that the Subordinate Judge was bound to act upon his own appreciation of the evidence irrespective of the opinion entertained by the Session Court, and that if he were of opinion that the evidence warranted the commitment of the Prisoners, he failed in his official duty in placing them under a requisition of security.--

Case No. 228.

2.

The Moofty Sudr Ameen appears to have erroneously appreciated the testimony of the 4th witness in this case whose evidence should have been held to be entitled to weight as he grazed the Buffalo previous to its being stolen.--

3

Under the circumstances of the case as stated in the report the Court are of opinion that security might with propriety have been demanded.--

Case No. 232.

4

The Subordinate Judge has misquoted the Regulation applicable to "Housebreaking" of which offence the 5th, 7th, 11th and 12th Prisoners in this case were convicted, and in sentencing those Prisoners to six months Imprisonment has contravened the rule laid down in the Circular Order noted marginally which directs that in cases of House-breaking the period of Imprisonment awarded should be in excess of six months.--

Circular Order No. 139.

Case No. 233.

5.

The general tenor of the remarks recorded

recorded in para 1 of these Proceedings is applicable to this case also.-

Case No. 236. 6. The Court desire that the Sudr. Ameen may be called upon to explain for what reason he considered the evidence of the two eye witnesses insufficient to the conviction of the prisoners in this case.-

Case No. 241. 7. In quoting the authority for the commitment of the prisoners in this case the Subordinate Judge has omitted to enter the number of the year in which the Regulation cited, was passed.-

8. The Court desire that this omission may be supplied.-

Case No. 249. 9. The same individual having been concerned in this and the preceding case the separate sentences awarded should have been merged into a single sentence.-

Case No. 257. 10 The Court of Foujdaree Adalut desire to be informed under what circumstances the 1st and 2d prisoners in this case were despatched to the Talook Cutcherry under charge of the prosecutor in the preceding case instead of being placed under the legal custody of a constituted authority.-

Case No. 263. 11 The Court infer that the conduct of the Jailor who is stated to have assisted the Prisoners in this case in effecting their escape from the Jail at Pannbenn has been brought under enquiry.-

12. Adverting to the explanation offered for

for the delay in the submission of these Reports the Court of Foujdaree Adalut cannot recognize the validity of an excuse based on the neglect of a ministerial officer, who is responsible to the Subordinate Judge for the due performance of his duty, the latter being responsible to the Foujdaree Adalut.-

13. The Foujdaree Translator should have been fined for the neglect of duty which caused the delay adverted to.-

Ordered that Extract from these Proceedings be sent to the Subordinate Judge of Madura for his information and guidance and for communication of para: 10 to the Magistrate for the information and guidance of that Officer by precept returnable within X days from and after its receipt.-

(Sent following Precept No. 213.)

Read letter dated the 17th Ultimo from the Session Judge of Bangalore requesting the opinion of the Court of Foujdaree Adalut whether it is competent to employ Sudr Ameens, not being Mahommedan Law officers, as Assessors in the trial of Session Cases.-

(Here enter No. 240)

The Court of Foujdaree Adalut do not find that the employment in the manner proposed of the Sudr Ameens in question, can legally be objected

objected to, but they are averse from giving their support to a system which goes to form a Jury or a body of assessors from amongst the officers of a Court where a Prisoner may be under trial; and it is observed that the Government have recently been addressed by this Court with a view to the adoption of measures for effectually preventing Sessions Judges from thus employing individuals connected with the judicial Establishments in the Provinces.—

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

(Sent in No. 214.)

Read return dated the 26th Ultimo from the Sessions Judge of Chingleput to the precept of the Fouzdaree Adalut under date the 24th idem directing the Sessions Judge to explain the cause of the excess of 5 Prons authorized by him during the Month of December 1845.—

(Here enter No. 307)

The Fouzdaree Adalut are unable from the Sessions Judges remarks in the above Return, to satisfy themselves whether the explanation which that officer has given of the excess of 5 Prons, is correct or otherwise; the 7th Column of the "Convict Labor Statement" exhibiting 554 as the No. of Convicts worked outside the Jail, whilst the Statement of Extra Prons shows that 564

is the No. of Prisoners so worked. As the check placed by the Fouzdaree Adalut on the monthly statement has always reference to the No. of Convicts entered in Column 7 and not to the aggregate specified in any other Report, the Session Judge will be pleased to explain how the difference above referred to has occurred.—

Ordered that Extract from these Proceedings be sent to the Session Judge of Chingleput by precept returnable within V days from and after its receipt.

(Sent following Precept No. 215)

Read Calendar of Case No. 100 of 1845 submitted by the Session Judge of Mangalore under date the 24th January 1846.—

(Here enter No. 325 of 1846)

The Court observing that the Session Judge has omitted in this Calendar to mention the names ages and profession of the Jury associated with him in the trial of the Case resolve to direct that this omission be now supplied; and that care be taken in future to avoid it.—

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

(Sent following Precept No. 216.)

Read return dated the 19th Ultimo from the Magistrate of Salem to the precept of the Fouzdaree Adalut

objected to, but they are averse from giving their support
to a system which goes to form a Jury or a body of
Case. assessors from amongst the officers of a Court where a
Prisoner may be under trial, and it is observed that
the Government have recently been addressed by this
Case. Court with a view to the adoption of measures for
effectually preventing Session Judges from thus
employing individuals connected with the judicial Establish-
ments in the Provinces.—

Ordered that Extract from these Proceed-
ings be sent to the Session Judge of Mangalore for
Case. his information and guidance.—

(Sent in No. 214.)

Read return dated the 26th. Ultimo
from the Session Judge of Chingleput to the precept
Case. of the Foujdaree Adalut under date the 24th. idem
directing the Session Judge to explain the cause of the
excess of 5 Peons authorized by him during the month
of December 1845.—

(Here enter No. 307)

The Foujdaree Adalut are unable from
Case. the Session Judges remarks in the above Return, to satisfy
themselves whether the explanation which that officer
has given of the excess of 5 Peons, is correct or otherwise
the 7th. Column of the "Convict Labor Statement" exhibiting
55½ as the No. of Convicts worked outside the Jail
whilst the Statement of Extra Peons shows that 56½
is

9th. February 1846.

is the No. of Prisoners so worked. As the check placed
by the Foujdaree Adalut on the monthly statement has
always reference to the No. of Convicts entered in Column
7 and not to the aggregate specified in any other Report,
the Session Judge will be pleased to explain how
the difference above referred to has occurred.—

Ordered that Extract from these Proceed-
ings be sent to the Session Judge of Chingleput by
precept returnable within V days from and after its receipt.

(Sent following Precept No. 215)

Read Calendar of Case No. 100 of 1845
submitted by the Session Judge of Mangalore under date
the 24th. January 1846.—

(Here enter S. C. No. 325 of 1846)

The Court observing that the Session
Judge has omitted in this Calendar to mention the names
ages and profession of the Jury associated with him
in the trial of the case resolve to direct that this omission
be now supplied; and that care be taken in future to
avoid it.—

Ordered that Extract from these Proceed-
ings be sent to the Session Judge of Mangalore for
his information by precept; returnable in 3 days from
and after its receipt.—

(Sent following Precept No. 216.)

Read return dated the 19th. Ultimo from
the Magistrate of Salem to the precept of the Foujdaree
Adalut

Udalut under date the 11th Ultimo directing him to conform to the Orders therein contained, and to return the precept within five days after its receipt.—

(Here enter F. C: No. 351 of 1846)

Read Calendar in Case No. 1 of 1846. — submitted by the Session Judge of Trichinopoly under date the 29th Ultimo.—

(Here enter F. C: No. 360 of 1846)

Read Calendar in Case No. 1 of 1846. — submitted by the Session Judge of Rajahmundry under date the 27th Ultimo.—

(Here enter F. C: No. 361 of 1846)

Read return dated the 31st Ultimo from the Session Judge of Cuddalore to the precept of the Fouzdaree Udalut under date the 24th Ultimo confirming the Sentence proposed by him against the 1st 2d 3d 4th 5th and 13th Prisoners in Session Case No. 77 of 1845 and directing the release of the 6th and 14th Prisoners.—

(Here enter F. C: No. 369 of 1846)

Read report dated the 31st Ultimo — submitted by the Session Judge of Bellary of a case pending on the 31st December 1845.—

(Here enter F. C: No. 381 of 1846)

Read Calendar in Case No. 105 of 1845 submitted by the Session Judge of Mangalore under date the 30th Ultimo.—

(Here enter F. C: No. 382 of 1846)

Read

Read Statement dated the 1st Ultimo submitted by the Subordinate Judge of Combaconum shewing the amount realized by the labour of Prisoners in the 4th Quarter 1845.—

(Here enter F. C: No. 393 of 1846)

Read return dated the 29th Ultimo from the Agent to the Governor of Fort St. George at Vizagapatam to the precept of the Fouzdaree Udalut under date the 15th Ultimo desiring him to call up the records in Cases No. 68 and 72 on the Report of persons apprehended in the separate tracts of Vizagapatam and delivered to the Agency during the month of November 1845.—

(Here enter F. C: No. 394 of 1846)

Read report dated the 2d Instant submitted by the Session Judge of Salem of cases pending on the 31st Ultimo before him for upwards of 25 days from the date of Commitment and accounts for delay.—

(Here enter F. C: No. 398 of 1846).

Read report dated the 31st Ultimo submitted by the Session Judge of Trichinopoly of a case pending for trial before his Court in excess of 25 days from the date of Commitment.—

(Here enter F. C: No. 401 of 1846)

Read Statement dated the 29th Ultimo submitted by the Session Judge of Tellicherry of batta paid

paid to Prosecutors and Witnesses attending before him during the 2nd. Half year 1845.-

(Here enter F: C: No. 402 of 1846)

Read Calendar in Case No. 45 of 1845 submitted by the Session Judge of Tinnevelly under date the 30th. Ultimo.-

(Here enter F: C: No. 406 of 1846).

Read Statement dated the 29th. Ultimo submitted by the Session Judge of Tellichery shewing the manner in which the Convicts are disposed of, and the number of Peons and Duffadars employed to guard the Convicts exclusive of the fixed Jail guard.-

(Here enter F: C: No. 407 of 1846).

Read report dated the 3rd. Instant submitted by the Session Judge of Rajahmundry of cases pending for trial before his Court on the 31st. Ultimo.-

(Here enter F: C: No. 414 of 1846)

Read return dated the 3rd. Instant from the Subordinate Judge of Coimbatoor to the precept of the Foujdaree Adalut under date the 31st. Ultimo which accompanied the Extract from their proceedings held upon the Criminal Reports for the Month of December 1845.-

(Here enter F: C: No. 416 of 1846)

Read return dated the 4th. Instant from the Sessions Judge of Chingleput to the precept of the Foujdaree Adalut under date the 29th. Ultimo directing him

him to call up case No. 80 of 1845 of the file of the Principal Sudr. Ameen, and if evidence cannot be obtained to substantiate the charge preferred to direct the immediate release of the Prisoner.-

(Here enter F: C: No. 422 of 1846).

Read return dated the 5th. Instant from the Sessions Judge of Chingleput to the precept of the Foujdaree Adalut under date the 24th. Ultimo directing him to call up the record in Criminal case No. 97 of 1845 disposed of by the Principal Sudr. Ameen to pass such orders as may seem to him to be proper and report the same for the information of the higher Court.-

(Here enter F: C: No. 423 of 1846)

Read return dated the 5th. Instant from the Sessions Judge of Nellore to the precept of the Foujdaree Adalut under date the 30th. Ultimo sanctioning the mitigated punishment recommended by him for the prisoner in Calendar No. 35 of 1845 and directing that the prisoner be imprisoned and kept to hard labor in irons for Ten years.-

(Here enter F: C: No. 424 of 1846)

Read report dated the 1st. Instant submitted by the Sessions Judge of Cuddapah of cases pending on the 31st. December 1845 and committed for trial during the Month of January 1846.-

(Here enter F: C: No. 427 of 1846)

Read

9th. February 1846

Read Calendar in Case No. 72 of 1845 submitted by the Sessions Judge of Cuddapah under date the 4th. Instant.-

(Here enter F. C. No. 429 of 1846)

Read Calendar in Case No. 3 of 1846. submitted by the Sessions Judge of Chingleput under date the 4th. Instant.-

(Here enter F. C. No. 431 of 1846)

Read return dated the 2nd. Instant from the Principal Sudr. Ameen of Tinnevelly to the Extract of the Foujdaree Adalut dated 28th. January 1846. requiring him to explain his neglect to conform to Circular Order No. 124 in the disposal of Case No. 161 of 1845.-

(Here enter F. C. No. 432 of 1846)-

Ed. W.

F. C.

Tuesday.
10th. February 1846

At a Court of the Foujdaree Adalut.-

Present.

G. J. Watson Esquire — 1st. Puisne Judge.-
Malcolm Lewin Esquire — 2nd. Puisne Judge.-
J. E. J. Boileau Esquire 3rd. Puisne Judge.-

Read letter dated 20th. January 1846 from the Sessions Judge of Rajahmundry submitting under Circular Order Foujdaree Adalut 26th. November 1821 the Calendar of a Case of Homicide released by him without trial with his proceedings thereon and stating the circumstances under which he was guided in disposing of the case.-

(Here enter No. 259)

1. In this case the prisoners were charged with having in the night struck the Prosecutor's father severely with sticks, thereby causing wounds, of which he died on the following day.-

2. The Sessions Judge considered that the extent of the violence actually inflicted.

inflicted, was certainly not premeditated and possibly not intended, that it was done in the prosecution of a lawful act, and that therefore it was his duty to release the accused without trial, with a caution to inflict in future no more punishment than is necessary to disable and secure persons similarly trespassing or stealing."

3. The Subordinate Judge not concurring in the view taken of the case by the Sessions Judge, requested that the indictment in the case might be returned to him for amendment, stating for reasons assigned - that he believed it never was the intention of Government in the letter, Extract from which is published by Circular Order, Fouzdaree Adalut 18th March 1833 to declare homicide justifiable, in every case, in which it might occur in resisting offences, but only when such homicide occurred in "resisting attacks on life and

10th February 1846.

and property". In the present instance the Subordinate Judge observed that there was nothing on record to shew that the prisoners knew the deceased to have even stolen the sheaves - and he doubted whether the stealing of sheaves from an open field is a heinous offence. The Subordinate Judge added that there was no reason to believe that the deceased was armed in any way - "The prisoners were two, one at least armed with a stick, against one unarmed individual. He certifies that it was not shewn that the deceased had stolen the paddy from the prisoners, and that there is nothing to prove that the Prisoners were obliged to have recourse to the very severe measures they did to secure the Offender; and that it appeared that the body had received many blows, any one of which must have disabled the deceased. The Subordinate Judge further stated that in committing the case he was of opinion that the Prisoners had acted not in defence of property,

10th February 1816.

property, but as vindicatory of their own, or others rights.-

4. The Session Judge however failed to appreciate the force of the Subordinate Judge's remarks and issued peremptory orders for the immediate release of the prisoner.-

5. The Session Judge has in his letter referred to several cases in the Bengal printed reports, which he considers support his view of the case, and justify his proceedings, and he concludes by the expression of his opinion that the best protection of property and prevention of crimes against it, is the certainty that the owners or guards are on the alert to repel force by force, and to disable and secure thieves and that any interference in punishing excess of violence when unaccompanied with premeditated malignity, or cruelty is injudicious, and would tend to increase instead of to diminish acts of violence and plunder.-

6. The Court of Foujdaree Udalut consider

F. W.
10th February 1816.

consider it quite clear that the prisoners should have been tried by the Session Judge.- No justification whatever appears in the case as represented in the papers now submitted, for killing the deceased, and if he was killed when it was in the power of the prisoners to apprehend him, and bring him to justice, or if he were killed except out of any unavoidable necessity, so as to excuse the killing which does not appear, the act was murder or manslaughter.- If the representation of the Subordinate Judge be correct, the act of the prisoners would appear to partake more of the nature of the former than of the latter offence, for it was not only a deliberate act, but it appears to have savoured of much cruelty.

7. The Court consider the proceedings of the Session Judge to be characterized by much precipitance and impropriety, and they resolve to direct that the prisoners be reapprehended

and

and put on their trial. The Sessions Judge will at the same time give the Subordinate Judge an opportunity of amending the charge in the case should any amendment be necessary.-

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

/Sent in No. 219./

Read letter dated the 19th Ult. from the Sessions Judge of Rajahmundry forwarding for the orders of the Court of Foujdaree Udalut certain correspondence between himself and the Subordinate Judge of Rajahmundry on the subject of swearing Vakeels in Criminal Trials.-

/Vide inter No. 258./

1. The reference submitted to the Court of Foujdaree Udalut appears to result from the different view taken by the Sessions Judge and Subordinate Judge of the proceedings of this Court dated 7th July

para: 2.

July 1843 in regard to the examination on solemn affirmation of Prosecutors Vakeels.-

2. In those proceedings the attention of the late Criminal Judge of Rajahmundry was drawn to the Circular Order noted marginally, which lays down a general principle, to the effect that it is objectionable to examine on oath the mere agent of an injured individual, who knows nothing of his own knowledge.-

Dated 27th December 1815 - para. 10.

3. It is obvious, however, that if a Vakeel before a Criminal Court can depose to facts connected with a case under enquiry, which he himself witnessed or became personally acquainted with, his testimony must be received on oath as a witness for the prosecution.

4. The Judges are not satisfied that any real necessity existed for an address to this Court on the point now disposed of and with advertence to

10th February 1846.

to the frequent references from the Courts at Rajahmundry which of late have reached the Foujdaree Udalut, the Judges desire that the Officers who raised it, will in future deliberate before imposing on the Foujdaree Udalut the task of considering correspondence if it can be avoided.-

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Rajahmundry for his information and guidance and communication to the Subordinate Judge.-

/Sent in No. 220./

Read Calendar of Case No. 2 of 1846 submitted by the Session Judge of Coimbatore under date the 17th Ultimo.-

/Here enter F. C. No. 336./

1. The prisoner in this case is convicted of having attacked the Prosecutor on the Road, and robbed him of his earrings valued at Rupees 5, after having assaulted him by beating him with

F. C.

10th February 1846.

with his hands, and torn the lower lobe of his right ear, but the Session Judge considering the prescribed punishment too severe recommends a mitigation thereof.

2. The Court of Foujdaree Udalut but having maturely considered the circumstances of the case represented in the above Calendar sanction under Clause third Regulation I of 1825 the mitigated punishment recommended by the Session Judge and accordingly direct that the prisoner

Maroodum

be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 5 Years.-

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

/Sent following precept No. 221./

Read

10th February 1846.

to the frequent references from the Courts at Rajahmundry which of late have reached the Foujdaree Udalut, the Judges desire that the Officers who raised it, will in future deliberate before imposing on the Foujdaree Udalut the task of considering correspondence if it can be avoided.-

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Rajahmundry for his information and guidance and communication to the Subordinate Judge.-

/Sent in No. 220./

Read Calendar of Case No. 2 of 1846 submitted by the Sessions Judge of Coimbatore under date the 17th Ultimo.-

/Here enter F. Vo. No. 336/

1. The prisoner in this case is convicted of having attacked the Prosecutor on the Road, and robbed him of his earrings valued at Rupees 5, after having assaulted him by beating him with

10th February 1846.

with his hands, and torn the lower lobe of his right ear, but the Sessions Judge considering the prescribed punishment too severe recommends a mitigation thereof.-

2. The Court of Foujdaree Uda-lut having maturely considered the circumstances of the case represented in the above Calendar sanction under Clause third Regulation I of 1825, the mitigated punishment recommended by the Sessions Judge and accordingly direct that the prisoner

"Maroodum"

be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 5 Years.-

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

/Sent following precept No. 221./

Read

10th February 1846.

10th February 1846.

Read report submitted under date 23d January 1845 by the Governor's Agent at Vizagapatam of the trial of a prisoner charged with robbery by open violence.-

/Here enter No. 319 of 1846/

The Court of Foujdaree Udalut having duly considered the circumstances of this case as stated in the above report concur with the Agent in opinion that the proof against the prisoner "Sungapoo Poligaradon" is sufficient to convict him of the crime of robbery by open violence do convict him thereof and under the provisions of Clauses third and fifth Section II Regulation XV of 1803. do sentince him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of /8/ eight years.-

Ordered, that Extract from these Proceedings be forwarded to the Agent

10th February 1846.

Agent to the Governor of Fort Saint George at Vizagapatam for his information by precept returnable in 3 days from and after its receipt.-

/Sent following precept No. 222./

The Court of Foujdaree Udalut having been requested by the Government to furnish certain information in regard to the trial of Case No. 46 on the Chittoor Calendar for 1844.-

Resolved that the Sessions Judge of Chittoor be required to submit an English translation of the record of the above trial without delay.-

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

/Sent following precept No. 223./

F. 46.

Wednesday 11th February, 1846. At a Court of the Foujdaree Udalut.

Present,

Wm G. T. Waters Esqre ——— 1st Puisne Judge,

Malcolm Lewin Esqre — 2d Puisne Judge,

T. C. J. Boileau Esqre — 3d Puisne Judge,

Read Calendar of Case No. 62 of 1845 on the file of the Sessions Court of Salem submitted under date the 27th January last.

Whereon enter F. 46. No. 364 of 1846.

1. Seven prisoners in this case are charged with house breaking and theft of property exceeding in value 3,000 Rupees.—

2. The Law Officer convicts the 1st, 2nd, 3d and 7th of the crime charged on Zunnee which lib strong presumptive proof and declares them liable to corroborate but acquits the 4th, 5th and 6th prisoners and declares them only to be open to suspicion of having in their possession property known to have been stolen by their husbands the 1st, 2nd and 7th prisoners.—

3. The Sessions Judge accordingly sentenced the 1st, 2d, 3d and 7th prisoners to

7

7 years imprisonment under the provisions of Clause Seventh Section II Regulation XV of 1803 and placed the 4th, 5th and 6th under requisitions of security.—

4. Under the provisions of Clause third Section II Regulation XV of 1803 it was requisite that a second futwa should have been demanded in the case of the 1st, 2d, 3d and 7th prisoners and the 4th, 5th and 6th prisoners were entitled to an unconditional release on the plea of coercion.—

5. The Court of Foujdaree Udalut deem it necessary therefore to direct that the Sessions Judge do call on the Mahomedan Law Officer to declare to what specific punishment the prisoners 1st, 2nd, 3rd and 7th would have been liable had they been convicted by full legal evidence to pass new sentences in conformity with the provisions of Section XXI Regulation VII of 1802 and immediately to release the 4th, 5th and 6th prisoners if still in confinement or otherwise to cancel their bail bonds.—

Ordered, that Extract from these proceedings

proceedings be forwarded to the Sessions Judge of Salem for his information by precept returnable in 3 days from and after its receipt.

/Sent following precept No. 226./

Read Calendar of Case No. 3 of 1846 on the file of the Sessions Court of Rajahmundry submitted under date the 29th January 1846.—

/Here enter F.H. No. 362 of 1846/

In this case the prisoner is charged with entering into a house and stealing but the manner in which the entry was effected is not stated this omission must now be supplied.—

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

/Sent following precept No. 227./

Read Calendar of Case No. 1 of 1846 submitted by the Acting Sessions Judge of Madura under date the 29th Ultimo.—

/Here enter No. 374/

The 1st Prisoner in this case is convicted,

1.

7 years imprisonment under the provisions of Clause Seventh Section II Regulation XV of 1803 and placed the 4th, 5th and 6th under requisitions of security.—

4. Under the provisions of Clause third Section II Regulation XV of 1803 it was requisite that a second futwa should have been demanded in the case of the 1st, 2d, 3d and 7th prisoners and the 4th, 5th and 6th prisoners were entitled to an unconditional release on the plea of coercion.—

5. The Court of Sudr Dewanny Adawlut deem it necessary therefore to direct that the Sessions Judge do call on the Mahomedan Law Officer to declare to what specific punishment the prisoners 1st, 2nd, 3rd and 7th would have been liable had they been convicted by full legal evidence to pass new sentences in conformity with the provisions of Section XXI Regulation VII of 1802 and immediately to release the 4th, 5th and 6th prisoners if still in confinement or otherwise to cancel their bail bonds.—

Ordered, that Extract from these proceedings

proceedings be forwarded to the Sessions Judge of Salem for his information by precept returnable in 3 days from and after its receipt.—

/Sent following precept No. 226./

Read Calendar of Cases No. 3 of 1846 on the file of the Sessions Court of Rajahmundry submitted under date the 29th January 1846.—

/Here enter F.H. No. 362 of 1846/

In this case the prisoner is charged with entering into a house and stealing but the manner in which the entry was effected is not stated this omission should now be supplied.—

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

/Sent following precept No. 227./

Read Calendar of Cases No. 1 of 1846 submitted by the Acting Sessions Judge of Madura under date the 29th Ultimo.—

/Here enter No. 374/

1. The 1st Prisoner in this case is convicted

convicted of having" in company with the Prisoner
"in Calendar No. 15 of 1845 (who came armed with
"Bill-hooks, Cudgels &c. and wounded the
"Prosecutor and robbed him of his Vastey
"Cloth and hand Kerchief &c. valued at Rs.
=pees 1-4-0 and had cut and carried away
"paddy valued at Annas 8) come armed
"with an iron pointed cudgel and stabbed
"and wounded the Prosecutor, and this 3rd
"Prisoner is convicted of having aided and
"abetted the above Prisoner in the commission
"of the above act" and they were sentenced
under Clause 3rd Section IV Regulation XV
of 1803, to be imprisoned with hard labor in
irons for 14 years. As however the assault
proved against these Prisoners did not appear
to have been of a very aggravated nature and
as in No. 15 the Tanjore Vakil approved
of the mitigated punishment of seven years
imprisonment recommended by the Sessions
Judge to be passed on four of the least
Criminal of the Prisoners, the Acting Sessions
Judge recommends a similar mitigation of
punishment in the present case.—

The

2. The Court of Foujdaree Adalut
having maturely considered the circumstances
of the case represented in the Calendar, are
of opinion that the mitigated Sentence of
seven Years imprisonment proposed by the
Sessions Judge is insufficient for the punish-
ment of the prisoners in question who have
been convicted of "robbery by open violence"
and they accordingly resolve to direct that
the said prisoners

1st Vunjoo Caroopanen alias Caroopanen
and
3rd Santanen

be imprisoned and kept to hard labor in
irons on the public roads or other public
works for and during the period of 8 Years.—

Ordered, that Extract from
these proceedings be forwarded 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. 228. /

Read Criminal Reports under
date the 11th Ultimo submitted by the

Principal

Principal Sudr Ameen of Guntoor for the month of December 1845.—

/Here enter. F.H. No. 163/

Cases No. 81 and 84.

Adverting to the nature of the evidence against the 2d Prisoner which appears to the Court insufficient to warrant his conviction of the crime laid to his charge and also to the imputed misconduct of the Police Duffadar in the former of the cases noted marginally and with reference to the natures of the offence charged in the latter, the Court resolve to direct the Session Judge to call up the proceedings in these cases and pass such orders as he may think proper reporting the same for the information of the Foujdaree Adalut.—

Ordered that Extract, from these proceedings be sent to the Session Judge of Guntoor for his information and guidance by precept returnable within 15 days from and after its receipt.—

/Sent following precept No. 229/

Ordered also, that Extract from these proceedings be forwarded to the Principal Sudr

Sudr Ameen of Guntoor for his information.—

/Entries No. 230./

Read Calendar of Case No. 1 of 1846 on the file of the Sessions Court of Tellicherry submitted under date the 23d Ultimo.—

/Here enter No. 338 of 1846/

1. The prisoners in this case are charged "with having beaten the 3d prosecutor "with hands and sticks in consequence of his "remonstrating with them for removing co- "mmunite from his paramba. The first prisoner "further with having wounded 2d prosecutrix "on the forehead with a stick and 2d "Prisoner further with having fractured 1st "Prosecutrix' right arm by a blow with a "stick."—

2. The Prisoners were convicted "of the crimes charged" and sentenced "to be "imprisoned and kept to hard labor in irons "the 1st for one year the 2d for three years."—

3. The Court of Foujdaree Adalut consider the prisoners to have been too leniently dealt with: the assault involving a fracture of a limb demanded a severity of

of punishment far beyond what has been awarded.—

4. The want of judgment displayed by Mr. Forsyth in adjudging punishment in aggravated cases has repeatedly called for notice from the Foujdaree Adalut.—

5. The Court of Foujdaree Adalut consider that such a lenient sentence as that under observation does not do credit to the discrimination of the Sessions Judge presiding as he does in a District where wounding is so commonly resorted to upon the slightest provocation.—

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

/Sent in No. 331./

Read return dated 30th January 1846 from the Sessions Judge of Chingleput to the precept of the Foujdaree Adalut of the 28th idem calling for a more specific and detailed account of the extent and nature of the injury sustained by the Prosecutor in Case No. 1 of 1846.—

/Here enter P.P. No. 342 of 1846./

Adverting

Adverting to the nature and extent of the injury which the above return shews was inflicted on the prosecutor the Court consider the measure of punishment awarded to have been extremely lenient.—

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

/Sent in No. 232./

Read return dated the 30th January 1846 from the Sessions Judge of Bellary to the precept of the Foujdaree Adalut and order on the Calendar of Case No. 48 of 1845 on the file of the Sessions Court of Bellary.—

/Here enter P.P. No. 380 of 1846./

Under the explanation afforded in the foregoing return the Court are satisfied with the judgment passed by the Sessions Judge in Case No. 48 of 1845.—

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

/Sent in No. 233./

Read

of punishment far beyond what has been awarded.—

4. The want of judgment displayed by Mr. Forsyth in adjudging punishment in aggravated cases has repeatedly called for notice from the Foujdaree Adalut.—

5. The Court of Foujdaree Adalut consider that such a lenient sentence as that under observation does not do credit to the discrimination of the Sessions Judge presiding as he does in a District where wounding is so commonly resorted to upon the slightest provocation.—

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

/Sent in No. 331./

Read return dated 30th January 1846 from the Sessions Judge of Chingleput to the precept of the Foujdaree Adalut of the 28th idem calling for a more specific and detailed account of the extent and nature of the injury sustained by the Prosecutor in Case No. 1 of 1846.—

/Vide Enter P.A. No. 342 of 1846./

Adverting

Adverting to the nature and extent of the injury which the above return shews was inflicted on the prosecutor the Court consider the measure of punishment awarded to have been extremely lenient.—

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

/Sent in No. 332./

Read return dated the 30th January 1846 from the Sessions Judge of Bellary to the precept of the Foujdaree Adalut of the 24th idem covering their proceedings and orders on the Calendar of Case No. 48 of 1845 on the file of the Sessions Court of Bellary.—

/Vide Enter P.A. No. 380 of 1846./

Under the explanation afforded in the foregoing return the Court are satisfied with the judgment passed by the Sessions Judge in Case No. 48 of 1845.—

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

/Sent in No. 333./

Read

Read letter dated the 20th December last from the Sessions Judge of Cuddapah offering further remarks regarding the disposal of the Case No. 47 of the Calendar for 1845.—

/Here enter No. 3752 of 1845/

The additional explanation submitted in the above address by the Sessions Judge, Mr. Inglis, diminishes to a certain extent the liability to censure which the record of the case in question rendered apparent, when it was originally transmitted to the Sudder Adalut. It is, however, clear, whatever may have been the Sessions Judge's own impression in regard to the ultimate result of the injuries sustained by the girl, that the trial of the case, was, at the least, premature.—

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

/Sent in No. 234/

Read the Criminal Reports dated the

1st Ultimo submitted by the Sessions Judge of Tinnevelly for the months of December 1845.

/Here enter No. 230/

Read return dated the 22nd Ultimo from the Sessions Judge of Cuddapah to the precept of the Sudder Adalut under date the 10th Ultimo directing the Sessions Judge to call up the record of the Case No. 249 of the Criminal reports for November 1845 and to pass such order as he may think proper.—

/Here enter No. 262/

Read Calendar dated the 22nd Ultimo submitted by the Sessions Judge of Trichinopoly in Case No. 37 of 1845.—

/Here enter No. 271/

Read Calendar dated the 21st Ultimo submitted by the Sessions Judge of Combaconum in Case No. 77 of 1845.—

/Here enter No. 272/

Read Calendar dated the 19th Ultimo submitted by the Sessions Judge of Bellary in Case No. 38 of 1845.—

/Here enter No. 273/

Read

11th February 1846.

Read Calendar dated the 22d Ultimo submitted by the Sessions Judge of Chingleput in Case No. 2 of 1846.—

(Here enter No. 275)

Read return dated the 21st Ultimo from the Principal Sudr Ameen of Trichinopoly to the precept of the Fouzdaree Adalut under date the 8th Ultimo containing their observations on the Criminal Reports for the month of November 1845.—

(Here enter No. 284)

Read Calendar dated the 21st Ultimo submitted by the Sessions Judge of Chittoor in Case No. 2 of 1846.—

(Here enter No. 304)

Read Statement dated the 31st December 1845 submitted by the Sessions Judge of Chingleput of batta paid to Prosecutors and Witnesses attending before the Sessions Court for the 2d half of 1845.—

(Here enter No. 327)—

Ent 7 H.

F. A.

Thursday, 12th February, 1846.

F. A.

At a Court of the Fouzdaree Adalut.

Present,

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

Read letter under date the 29th Ultimo from the Sessions Judge of Cuddapah forwarding an English Translation of the Record in Case No. 69 of 1845 for the consideration and final Sentence of the Fouzdaree Adalut.—

(Here enter F. A. No. 384 of 1846)

The Court of Fouzdaree Adalut,

Mr. Waters and Mr. Lewin

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

1st Yanady Davaregadoo,

and

2d J. Chinna Ratakegadoo

is sufficient to convict them of the crime of Robbery and Murder do convict them severally thereof, but, being of opinion under the circumstances

11th February 1846.

Read Calendar dated the 22d Ultimo submitted by the Sessions Judge of Ringlepatt in Case No. 2 of 1846.—

/Here enter No. 275/

Read return dated the 21st Ultimo from the Principal Sudr Ameen of Trichinopoly to the precept of the Tanjaore Adalut under date the 8th Ultimo containing their observations on the Criminal Reports for the months of November 1845.—

/Here enter No. 284/

Read Calendar dated the 21st Ultimo submitted by the Sessions Judge of Chittoor in Case No. 2 of 1846.—

/Here enter No. 304/

Read Statement dated the 31st December 1845 submitted by the Sessions Judge of Ringlepatt of batta paid to Prosecutors and Witnesses attending before the Sessions Court for the 2d half of 1845.—

/Here enter No. 327/—

Ent. W.

J. A.

Thursday
12th February, 1846.

At a Court of the Tanjaore Adalut.

Present,

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

Read letter under date the 29th Ultimo from the Sessions Judge of Cuddapah forwarding an English Translation of the Record in Case No. 69 of 1845 for the consideration and final Sentence of the Tanjaore Adalut.—

/Here enter J. A. No. 384 of 1846/

The Court of Tanjaore Adalut,

Mr. Waters and Mr. Lewin

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

1st Tanady Davaregadoo,

and

2d J. Chinna Ratchegadoo:

is sufficient to convict them of the crime of Robbery and Murder do convict them severally thereof, but, being of opinion under the circumstances

circumstances of the case; that the punishment to which the prisoners are liable under the provisions of Section X Regulation VIII of 1802 would in this instance be too severe the Court under the provisions of Clause third Section III Regulation I of 1825 sentence the prisoners to be transported 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 Court of Tinnevelly Udalur do not observe that any necessity existed for the transmission of this Case to the Acting Head Assistant Magistrate prior to its being forwarded to the Subordinate Criminal Court, the case having been previously examined by the Head of District Police, as well as by the Subordinate Officer.—

2. The Court are of opinion that such a circuitous mode of proceeding in the examination of cases cognizable by the Criminal Courts should never be resorted to except and for very urgent reasons.—

Ordered that Extract from these proceedings be sent to the Sessions Judge of Tinnevelly for his information and for communication to the Acting Magistrate for the information and future guidance of that Officer.—

(Sent following letter No. 235.)

12th February 1846

Read letter dated 29th January 1846 from the Subordinate Judge of Combaconum forwarding the record of a conviction in a charge of housebreaking in criminal No. 22 of 1846 and requesting Sanction to modify the sentence awarded to the 2d Prisoner.—

(Here enter F. No. 355 of 1846)

1. The prisoner in question was convicted of housebreaking and was sentenced under the provisions of Clause Sixth Section III Regulation VII of 1822 to six and a quarter months imprisonment with labor in irons.—

2. The Subordinate Judge represents that "he is a lad of 14 years of age, and that he "was employed under the 1st Prisoner in tending "the Prosecutors cattle, and has evidently been "inveigled by him into the commission of a crime "the consequences of which he could scarcely be aware "of. It therefore appears to "the Subordinate Judge "that a couple of dozen lashes privately administered would be a more suitable punishment for such an offender than imprisonment with labor particularly

12th February 1846.

"particularly as the Combaconum Jail will not admit
"at present of any real classification of its inmates
"except during lock up hours."—

3. The Court of Foujdaree Udalut
approve of the recommendation submitted above, and resolve
to sanction the modification of the sentence pro-
posed by the Subordinate Judge.—

Ordered that Extract from these proceedings
be forwarded to the Subordinate Judge of Comba-
conum for his information by precept, returnable in
three days from and after its receipt.—

(Sent following precept No. 236.) S

W.

K

F. U

Saturday
15th February 1845 At a Court of the Foujdaree Udalut

Present

G. J Walers Esquire —— 1st Prisnr Judge

Malcolm Lewin Esquire —— 2d Prisnr Judge

J. & J. Boileau Esquire —— 3d Prisnr Judge

Read Criminal Reports
under date the 31st December 1845 submitted
by the Subordinate Judge of Salem for the
Month of December 1845.

(Vere Entered Vol No 155)

Case No 218. 1 The statement of the charge —
preferred against the 3d Prisoner in this Case
is incomplete and must be amended,
the "evil intent" which constitutes the gist
of the charge having been omitted.—

2. The Court desire to be informed
where the Prisoners were detained from
the 22d of November, the date of their ap-
prehension, to the 25th inst, that of their
appearance before the Head of District
Police

Case No 219. 3 The detention of the prisoners

in this case for four days in the Custody of the Village Moonsiff is unexplained.

Case No 224 4 Adverting to the rule laid down in the Circular Order noted marginally the explanation offered by the Head of District Police for the detention of the 2d prisoner in this case is unobjectionable.

24th January 1822

5 The Court desire to be informed where the 1st Prisoner was detained from the 26th to the 29th November; and for what reason the case having been closed on the 2d December was not immediately forwarded to the Subordinate Court.

Case No 227 6 The Court see reason to question the propriety of the sentence passed in this case; and accordingly 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.

Ordered that Extract from these Proceedings /para 6/ be sent to the Sessions Judge of Salem for his information and

guidance by precept returnable within XV days from and after its receipt.—

/Sent following precept No 237/

Ordered also that Extract from these proceedings be sent to the Subordinate Judge of Salem for his information and guidance and for communication of paras 2 3 4 and 5 to the Magistrate of Salem for the information of that Officer and for report direct to the Foujdaree Adalut by precept returnable in X days from and after its receipt.—

/Sent following precept No 238/

Read Calendar of Case No 2 of 1846 on the file of the Session Court of Bellary submitted under date the 29th January last.

/Here Enter Flt No 372 of 1845/

1 Adverting to the remarks of the Sessions Judge pointing out great irregularities and defects in the proceedings of the Head of Police in the investigation

investigation of this Case - the Court of Foujdaree Adalut desire to be informed what notice has been taken by the Magistrate of the conduct of the Police officer in question.-

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Bellary by precept returnable in 8 days, from and after its receipt.-

(Sent following precept No 239)

Read letter dated the 9th ultimo from the Sessions Judge of Cuddalore, transmitting the record of trial in case No 87 of 1845 on the Calendar of the Sessions Court for the final sentence of the Foujdaree Adalut.-

(Fore Cases No 386 of 1845.)

Mr C A Lewin and Mr T. T. Bircan

The Court of Foujdaree Adalut on a deliberate consideration of all the circumstances of the Case in evidence before them; being of opinion that the proof against the Prisoners 1st Ramalingum Pundaram 2d Kweatachella Naick-

is sufficient to convict them of the crime of Homicide by administering poison, for which the penalty of Deyat is awardable under the Mahomedan Law as declared in futwas of their Law Officers, do convict them thereof and under the provisions of Clause Second Section XV Regulation VII of 1832 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 (5) five years

1 The 1st Prisoner in this case is charged with having administered Corrosive Sublimate and other poisons to one — Sodah Naick and thereby caused his death -

2 The 2d Prisoner is charged with having supplied the poisons in question to the 1st Prisoner, and with having assisted in administering them.-

3. The Sessions Judge dissents from the Futwa of the Law officers

which

which acquits the prisoners of the crime laid to their charge and recommends that they should be convicted of Homicide and sentenced to imprisonment with hard labor in irons for the respective periods of five and two years.

4 The Court of Foujdaree Adaulat having had under their deliberate consideration the entire record of this case do not find any sufficient grounds for making a distinction in the punishment to be awarded to the 1st and 2d Prisoners.

5 The Court consider the guilt of the 2d Prisoner fully equal to, if not greater than that of the 1st, as the deceased was his relation; he purchased the poisonous drugs, and his order to discover the perpetrator of the theft which had been committed in his house, was the originator of the incantations and other fatal measures

measures resorted to by the 1st Prisoner to forces from the deceased a confession of the offence imputed to him.

6 It is fully proved that most deadly poisons were procured by the 2d Prisoner from the 2d and 3d Witnesses, and had the whole been administered death must have instantaneously ensued, but from the fact that merely a portion was given to the deceased the Court are disposed to infer that the prisoners had not intention of taking away his life.

7. The Court observe that in the letter submitted with the record of this case, the Sessions Judge has omitted to quote the authority for the sentence proposed by him to be passed upon the prisoners in this case.

Ordered, that Extracts from these proceedings be sent to the

the Sessions Judge of Cuddalore for his information and guidance.—

/Sent following letter No 240./

Read return dated 7th ultimo from the Subordinate Judge of Tombaconum to the precept of the Fouzdara Adalat under date the 25th November 1845 ordering that the commitment of the prisoner Soobaramien in No 192 of 1845 and all such proceedings as have taken place subsequent to it be quashed, the case being remanded to the Subordinate Court to be disposed of under the regulations.—

(Here Enter F. Re. No 68 of 1845)

Read letter dated the 7th Ultimo from the Sessions Judge of Salem submitting the return to the death Warrant in trial No 45 of the Sessions Court of Salem for 1845 and the letter required by the Circular Order of the Court of Fouzdara Adalat of the 20th September 1830.—

/Here Enter Jl. No 70 of 1845/

Read

Read report dated the 7th January 1846 submitted by the Sessions Judge of Masulipatam of convicts labor for the Month of December 1845.—

/Here Enter Jl. No 97 of 1845/

Read report dated the 7th January 1846 submitted by the Sessions Judge of Masulipatam of casualties and of Prisoners released for the Month of December 1845.—

/Here Enter Jl. No 98 of 1845/

Read report and Supplemental Report dated the 1st January 1846 submitted by the Agent to the Governor of Fort St. George at Ganjam, of persons apprehended in the separate Tracts of Ganjam and delivered to the Agency in the Month of December 1845.—

/Here Enter Jl. No 106 of 1845/

Read report dated the 10th January 1846 submitted by the Sessions Judge of Cuddalore of Casualties and of Prisoners released during the Month of

of December 1845.

/There Enters File No. 109 of 1846./

Read report dated the 11th January 1846 submitted by the Sessions Judge of Cuddalore of Convict Labor for the Month of December 1845.-

/There Enters File No. 110 of 1846./

Read return dated the 8th January 1846 from the Agent to the Governor of Fort St. George at Kurnool, to the Precept of the Foujdaree Adalut under date the 3rd January 1846, returning the return dated 8th December 1845 with the alteration required.-

/There Enters File No. 108 of 1846/

Read Statement dated the 10th January 1846. from the Sessions Judge of Cuddalore of the Estimated value of the product of the Prisoners Labor for the Month of December 1845.-

/There Enters File No. 111 of 1846/

Read Statement dated the 10th January 1846. submitted by the Sessions Judge

Judge of Cuddalore of Extra Peons employed in the Jail at Cuddalore during the Month of December 1845.-

/There Enters File No. 112 of 1845./

Read Statement dated the 10th January 1846 from 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 December 1845.-

/There Enters File No. 113 of 1846/

F. U.

Saturday 14th February 1846. At a Court of the Fouzdaree Udalut

Present.

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

M. Lewin, Esqre — 2d Puisne Judge.

T. E. J. Boileau, Esqre 3d Puisne Judge.

Read Communication under date the 3rd February 1846 from the Sessions Judge of Chittoor submitting for the consideration and final orders of the Court of Fouzdaree Udalut at the request of the Subordinate Judge copy of a communication from that Officer forwarding copy of a letter addressed to the Acting Magistrate of North Arcot by the Acting Joint Magistrate having reference to the Sentence passed by the Subordinate Judge in Criminal Case No 3 of 1846 on the file

F. U.

Saturday 14th February 1846. At a Court of the Foujdaree Udalut

Present.

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

M. Lewin, Esqr. — 2d Puisne Judge.

T. & J. Boileau, Esqr. — 3d Puisne Judge.

Read communication

under date the 3d February 1846 from the Sessions Judge of Chittoor submitting for the consideration and final orders of the Court of Foujdaree Udalut at the request of the Subordinate Judge copy of a communication from that Officer forwarding copy of a letter addressed to the Acting Magistrate of North Arcot by the Acting Joint Magistrate having reference to the Sentence passed by the Subordinate Judge in Criminal Case No 3 of 1846 on the file

14th February, 1846.

file of his Court.

Were Entered F.C. No. 408 of 1846/

Before entering upon the consideration of the matter involved in the Sessions Judge's communication, the Judges of the Foujdaree Udalut require to be furnished with a Copy ~~of the letter addressed~~ to the Subordinate Judge by the Acting Magistrate Mr Lovell forwarding the communication of the Acting Joint Magistrate; a transcript of the letter in question not having reached the Court.—

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Chittoor for his information and guidance by precept returnable within VII days from and after its receipt.—

/Sent following precept. No. 243./

Ed. W.

DDb

M

+

J. W.

Monday 16th February 1846.

At a Court of the Foujdaree Adalut.

Present.

G. I. Waters Esqr. ——— 1st Puisne Judge.

Malcolm Lewin Esqr. ——— 2d Puisne Judge.

J. E. I. Boileau Esqr. ——— 3d Puisne Judge.

Read again Miscellaneous Petition presented on the 18th August last by Parvathy of Zillah Chittoor—

(Here enter M. P. No. 151 of 1845)

Read also return dated the 22d October 1845 from the Session Judge of Chittoor to the precept of the Foujdaree Adalut under date the 22d September last directing that a full enquiry should be made into the Statements contained in the foregoing petition, and the result thereof reported through the Session Judge to the Court of Foujdaree Adalut.—

(Here enter No. 3130 of 1845)

Read also return dated the 8th December last from the same officer to the precept of the Foujdaree Adalut dated the 10th November last, directing that the enquiry directed in their former orders be instituted without further delay &c.—

(Here enter No. 3738 of 1845)

Read again also return dated the 3d Instant from

from the same officer to the precept of the Foujdaree Adalut under date the 9th. Ultimo, directing the completion of the enquiry into Petitioner's case and the submission to the Foujdaree Adalut of a full report on the subject to be made by the Acting Magistrate with the remarks of the Sessions Judge thereon.-

(Here enter No. 410 of 1846) -

1. It appears from the return submitted by the Sessions Judge that the three witnesses who were not examined by the Head Assistant Magistrate during the original investigation of the Petitioners case, have now been examined and have denied all knowledge of the matter set forth in her complaint; and have corroborated the statements of the other witnesses that the Petitioner was herself accused of robbing one Poothy, and that on a search being made in her house certain articles were found, which though not proved to be stolen property, were kept in deposit owing to the Petitioner having neglected to adduce proof that they were her property.-

2. Under these circumstances the Court consider any further enquiry into the matter of the Petitioners complaint unnecessary; and accordingly resolve to dismiss the Petition.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Cuttoor for his information

and for communication to the Acting Magistrate of North Arcot.-

(Sent in No. 215.)

Ordered also, that Extract from these Proceedings be furnished to the Petitioner on her Application.-

Read Miscellaneous Petition -

presented on the 22nd. December last by Baul Naiken late Duffadar of the Dharapooram Talook in Zillah Coimbatore.-

(Here enter F. R. P. No. 245 of 1845)

Adverting to the proceedings of the

1. Foujdaree Adalut dated 15th. December last on the subject of the Petitioners removal from office, by which he is permitted to draw salary in arrears from the date of his dismissal and requests that the Magistrate may be directed to commit for perjury the Prosecutor and witnesses who falsely deposed to the charge of corruption which was brought against him.-

The Petitioner complains that a

2. Belt, his own property, was taken away from him and given over to the individual who succeeded to the appointment vacated by his dismissal.-

The Court of Foujdaree Adalut do not

3. think it necessary to pass any orders in the Petitioners case; but, with reference to the Petitioners allegations regarding

regarding his Bail, the Court direct that copy of his Petition be forwarded to the Magistrate of Coimbatore for his consideration.-

Ordered that Extract from these Proceedings be sent to the Magistrate of Coimbatore for his information.-
(Sent in No. 246)

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

Soobaroyen of Madura moves the Court to return the enclosures in his Miscellaneous Petition No. 222 of 1845.-

Ordered accordingly.-

Moonesamy Chetty of Chingleput moves the Court to return the enclosures in his Miscellaneous Petition No. 208 of 1845.-

Ordered accordingly.-

Read Calendar of case No. 75 of 1845 submitted by the Sessions Judge of Cuddapah under date the 22d. January 1846.-

(Here enter F. C. No. 269 of 1846.)

1. The prisoners in this case were charged with having attacked the Prosecutor, on the high road, struck him with their hands and robbed him of ready money, and a Madapatam Cloth Vc., valued at Rupees 3.-

2. The Sessions Judge, concurring in the opinion of the Assessors, who convicted the Prisoners of the crime of "Robbery by open violence," sentenced them severally to 14 Years imprisonment with hard labor in irons under the provisions of Clause third Section IV Regulation XV of 1803.-

3. On a consideration of the circumstances of this case, as stated in the Calendar, the Court of Foujdaree Adalut are of opinion that the sentences which have been passed may with propriety be mitigated and accordingly under the provisions of Section XXXV Act VIII of 1843 direct that the prisoners.-

1st. Panathagaumo Venkutnumregah.-
and
2d. Chinna Pillagadoo.

be imprisoned and kept to hard labor in irons on the public roads or other public works, for the period of (8) eight years.-

Ordered, that Extract from these proceedings be sent to the Sessions Judge of Cuddapah for his information and guidance.-
(Sent in No. 247.)

Read letter dated the 21st Ultimo from the Agent to the Governor of Fort St. George at Vizagapatam, submitting a summary of the evidence against certain prisoners charged with Gang robbery and communicating his opinion as to the punishment to be passed.-

(Here enter No. 299)

1. The Court of Foujdaree Adalut having maturely

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 and accordingly direct that the prisoners

4th. Vuttah Appegaudoo.
5th. Padisetty Bheemanah alias Dougapah.
6th. Vuntala Sonadoo.
7th. Vuntala Boodaradoo.
8th. Killy Lingaiah.
9th. Dogala Bhoopaty.
10th. Killy Chinna Boodaradoo.
11th. Killy Pada Boodaradoo.
12th. Moongly Sonadoo.
13th. Dagala Sonadoo
14th. Goodesah Sonadoo.
16th. Vuntala Lutchmoodoo.
17th. Janaparedy Sonadoo.
18th. Killy Baradoo.
19th. Voudroo Sonadoo.
20th. Voudroo Ieaiboo alias Avgooroo.

and

22d. Vuntala Curranah.

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 prisoner

21st. Vapachadoo Pydee

be imprisoned and kept to — labor suitable to her sex for and during the period of (14) fourteen years and that the

the prisoner

1st. Ignitah Veeranah

be required to find two sureties at 50 Rupees each for his good behaviour and appearance when required within two years, or in default thereof that he be detained for a similar period in confinement.-

2. The Court of Foujdaree Adalut have confirmed the sentences proposed by the Agent but they desire to be informed whether the 21st. prisoner is the wife of any of the prisoners concerned in the case, and that in the mean while the execution of her sentence be suspended.-

3. With reference to parah: 17 of the Agents letter, the Court of Foujdaree Adalut desire that Mr. Arbuthnot be apprised that under clause third Section IV Regulation XV of 1803 it is competent to him to sentence to the term of imprisonment specified in that provision, "any person who tho' not present may have been convicted of "having procured and caused by hire, counsel, or command "the perpetration of a robbery, or attempt of robbery in "pursuance of a preconcerted plan" and that as far as the Court are able to judge from the abstract of the evidence submitted by the Agent it would appear that the 1st. prisoners offence fell clearly within this provision.-

4 As however he has been acquitted by a competent tribunal: the Court deem it right that he should have the benefit of the error committed

and

and will not therefore interfere with the sentence of the Agent in his case.-

— Ordered that Extract from these Proceedings be sent to the Agent to the Governor of Fort St. George at Vizagapatam for his information by precept returnable in 5 days from and after its receipt.-

(Sent following Precept No. 248.)

Read Calendar of Case No. 64 of 1845 submitted by the Sessions Judge of Salem under date the 27th. January 1846.-

(Here enter F. C: No. 365).

1. The Prisoner in this case was charged with having in company with seven others broken into the Prosecutors house, beaten and otherwise ill treated the 2nd. Prosecutrix; and robbed the house of property valued at Rupees 4-4-0.-

2. The Sessions Judge concurring in the Finding of the Law officer which convicted the prisoner of the crime laid to his charge, has sentenced the prisoner (who is an old offender having been formerly punished for Cattle stealing) to 14 Years Imprisonment with hard labor in irons under the provisions of Clause third Section IV. Regulation XV of 1803.-

3. As it appears that no personal injury was sustained by the Prosecutrix in this case the Court of Foujdaree Adalut are of opinion that the period of Imprisonment, awarded to the prisoner may with propriety be reduced.-

reduced.-

4. The Court accordingly resolve to sentence the prisoner

Shappatha Ramuen
alias
Timma royen.

to imprisonment with hard labor in irons on the public roads or other public works, for, and during the period of 10 Years under the provisions of Section XXXV. Act. VII of 1843.-

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

(Sent in No. 249)

Read Calendar in Case No. 41. of 1846 submitted by the Sessions Judge of Cuddapah under date the 30th. Ultimo.-

(Here enter No. 373)

1. The prisoner in this case has been convicted of robbery by open violence and has been sentenced by the Sessions Judge to be imprisoned and kept to hard labour in Irons for the period of 14 Years under clause third Section IV Regulation XV of 1803.-

2. Adverting to the circumstances of this case which present no features of aggravation the Court of Foujdaree Adalut are of opinion that the ends

ends of justice will be met by a Sentence of 8 years imprisonment, and they accordingly resolve to direct that the prisoner

"Maulacolah Tissereegadoo"

be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 8 years.-

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

(Sent following Receipt No. 250.)

Read Calendar of Cases Nos. 2 and 3 of 1846. submitted by the Sessions Judge of Combaconum under date the 3rd. Instant.-

(Here enter No. 413)

Case No. 2.

1. In this case the Sessions Judge convicts the prisoner of having broken into the house of Prosecutor with intent to steal and with having severely wounded him on his wrists with a razor when seized, and has sentenced him to 7 Years imprisonment with hard labor in irons, under Clause 4th. Section II. Regulation VI of 1822 and to receive 195 lashes.-

2. The Sessions Judge remarks that "this "is a clear case - the Prisoner went to the Prosecutor's house for no other object than to steal, seeing that he is a regular thief twice convicted of House breaking and

"and punished with one years imprisonment. His "confession before the Police is proved by the 6th and 7th "witnesses and he was seized in the very act with "the Razor".-

"The Prosecutor had both his wrists "cut and it appears that the Prisoner used the Razor "for the purpose of effecting his escape from the gripe "of the Prosecutor, but as his object was not accom- "plished, the Sessions Judge considered that the ends "of Justice will be attained by 7 years imprisonment."

3. The Court consider the sentence far too lenient and utterly at variance with the intention of the Legislature in the enactment of the provisions quoted by the Sessions Judge it is further observed that the prisoner is a "regular thief" and has already "been twice convicted of house breaking one of the circumstances of aggravation specified in Clause fourth Section II Regulation VI of 1822.-

Case No. 3

4. The Court of Foujdaree Adalut having maturely considered the circumstances of this case as represented in the Calendar resolve to sanction under Clause third Section III Regulation I of 1835 the mitigated punishment recommended by the Sessions Judge and accordingly direct that the prisoner

"Veerupen"

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

period

Period of 5 Years.-

5. The Court in conclusion would point out for the notice of the Sessions Judge the delay that has been permitted to occur in the transmission of the Calendar of these Cases to the Foujdaree Adaulut.-

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

(Sent following Precept No. 257.)

Read again Calendar of Cases No. 54. 55 and 56 of 1845 submitted by the Sessions Judge of Combaconum under date the 12th December 1845.-

(Here enter F. C. No. 3654 of 1846)

Read also return under date the 28th January 1846. from the Sessions Judge of Combaconum to the precept of the Foujdaree Adaulut dated the 20th idem directing the Sessions Judge to report the age of the 3d Prisoner in Case No. 54 of the foregoing Calendar and whether there is reason to infer that he received the stolen property on his own account or to conceal it for the other prisoners, and also requiring him to specify the rank and profession of the Jurors associated with him in the trial of the Cases included in the said Calendar.-

(Here enter F. C. No. 331 of 1846)

1. Under the explanation offered by the Sessions Judge, the Court are of opinion that no sufficient grounds

grounds existed for the punishment awarded to the 3d prisoner in Case No. 54, who is stated to be a boy of 17 years.-

2. The Court accordingly direct that he be unconditionally released forthwith.-

3. The Court consider the system of selecting Jurors by rotation extremely objectionable, and open to much obvious abuse, and therefore desire that it be discontinued in future.-

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Combaconum for his information and guidance by precept returnable within V days from and after its receipt.-

(Sent following Precept No. 252.)

Read Calendars dated the 30th and 31st January 1846. from the Sessions Judge of Nellore forwarding for the consideration and final sentence of the Foujdaree Adaulut English translations of the records of the Trials in Cases No. 33 and 34 of 1845 on the Nellore Calendar.-

(Here enter No. 368 and 387)

1. Before disposing of these trials the Court of Foujdaree Adaulut desire that further evidence be taken regarding the state of the prisoner's mind especially from the Police officer of the place or places in which he has usually resided.-

The

16th. February 1846.

2. The Sessions Judge will accordingly be pleased to adopt measures for taking all available evidence on this point and will submit it at the earliest date for the final decision of the Toujdaree Udalut.—

Ordered, that Doctract from these proceedings be sent to the Sessions Judge of Nellore for his information by precept returnable in 25 days from and after its receipt.—

(Sent following Precept No. 253.) J

E.N.S

Tuesday,
17th. February 1846.—

T. U.

At a Court of the Toujdaree Udalut.

Present,

George T. Waters Esqre. 1st. Puisne Judge,
Malcolm Lewin Esqre. 2d. Puisne Judge,
J. C. J. Borlean Esqre. 3d. Puisne Judge,

Read letter dated the 20th. Ultimo from the Session Judge of Rajahmundry submitting for the orders of this Toujdaree Udalut the Petition of Mootta Suttoola Pullegandoo requesting that his two brothers now in Jail may have credit for the time they actually suffered imprisonment under circumstances stated.

(Here Enter No. 353)

The Court of Toujdaree Udalut consider the request of the Petitioner, M. Pullegandoo, to be reasonable and accordingly authorize the Session Judge to issue instructions for the release of the Prisoners in question, four months and two days prior to the expiration of the periods specified in the warrant

of

of the Judge on Circuit under which they are now in confinement.

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

(Sent in No. 267.)

Read Statement dated 11th Ultimo submitted by the Session Judge of Calicut required by Circular Order No. 4 for the 2d half of 1845.

(Here enter F. D. No. 190)

Read letter dated 12th Ultimo from the Magistrate of Madura reporting the powers vested in Magistrates &c. by Section LIV Act VII of 1843 have not been exercised in last month.

(Here enter F. D. No. 192)

Read letter dated 15th Ultimo from the Session Judge of Chicacole assigning reasons for the non transmission of the Statements required by Circular orders under date the 24th August 1835, and 9th June 1837 for 4th quarter 1845.

(Here enter F. D. No. 210)

Read letter dated 15th Ultimo from the Session Judge of Chicacole submitting a statement shewing the amount of batta paid to the Prosecutors and witnesses who attended before his Court during the 2d half of 1845.

(Here enter F. D. No. 211)

Read return dated 19th Ultimo from the Session Judge of Guntoor to the precept of the Sonjdaree Adalut under date the 10th January 1846 directing him to call up the Record of the case No. 19 on the Criminal Reports of the Principal Sudr Ameen of Guntoor for the month of November 1845 and to pass such orders as he may think proper, reporting the same for the information of the Court of Sonjdaree Adalut.

(Here enter F. D. No. 220)

Read return dated 16th Ultimo from the Acting Subordinate Judge of Mangalore to the precept of the Sonjdaree Adalut under date the 10th January 1846 conveying remarks in certain cases of the Criminal Report for the month of November last

(Here enter F. D. No. 225)

of the Judges on Circuit under which they are now in confinement.

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

(Sent in Pr. 27.)

Read Statement dated 11th ultimo submitted by the Sessions Judge of Calicut required by Circular Order No. 4 for the 2d half of 1845.

(Here enter F. D. No. 198)

Read letter dated 12th ultimo from the Magistrate of Madura reporting the powers vested in Magistrates by Section LIV Act VII of 1843 have not been exercised in last month.

(Here enter F. D. No. 198)

Read letter dated 15th ultimo from the Sessions Judge of Chicacole assigning reasons for the non transmission of the Statements required by Circular Orders under date the 25th August 1835, and 9th June 1837, for 4th quarter 1845.

(Here enter F. D. No. 210)

Read letter dated 5th ultimo from the Sessions Judge of Chicacole submitting a statement shewing the amount of batta paid to the Prosecutors and witnesses who attended before his Court during the 2d half of 1845.

(Here enter F. D. No. 211)

Read return dated 19th ultimo from the Sessions Judge of Guntoor to the precept of the Foujdaree Adalut under date the 10th January 1846 directing him to call up the Records of the case No. 49 on the Criminal Reports of the Principal Sudr Ameen of Guntoor for the month of November 1845 and to pass such orders as he may think proper, reporting the same for the information of the Court of Foujdaree Adalut.

(Here enter F. D. No. 220)

Read return dated 16th ultimo from the Acting Subordinate Judge of Maingalore to the precept of the Foujdaree Adalut under date the 10th January 1846 conveying remarks in certain cases of the Criminal Report for the Month of November last

(Here enter F. D. No. 225)

Read letter dated 19th Ultimo from the Magistrate of Cuchinopoly explaining the delay noticed in paras 4 and 6 of the Extract of Tonjdaree Adalut dated 5th January 1846.

(Here enter T. D. No. 281)

Read letter dated 16th Ultimo from the Joint Magistrate in charge of Canara explaining the cause of delay in committing Case No. 210 on the File of the Subordinate Court of Mangalore, to the Criminal Court, as required in Proceedings dated 10th January 1846.

(Here enter T. D. No. 282)

Read Extract from the Minutes of Consultations under date the 20th Ultimo Deferring the disposal of the application for remunerating the Sailor at Cuddalore for his superintendence of the receiving Department, until the conclusion of the enquiry against Mr. Lascelles.

(Here enter T. D. No. 284)

Read return dated 20th Ultimo from the Principal Sudr Ameen of Kurnoole

to

to the precept of the Tonjdaree Adalut under date the 10th January 1846 requiring explanation for delays and irregularities in the Police Proceedings &c.

(Here enter T. D. No. 246)

Read Statement dated 1st December 1845 submitted by the Sessions Judge of Chingleput shewing the amount realized by the labor of Prisoners in this Zillah for the 4th Quarter 1845.

(Here enter T. D. No. 263)

Read return dated 19th Ultimo from the Principal Sudr Ameen of Cochin to the precept of the Tonjdaree Adalut under date the 10th January 1846 on the review of the Criminal Reports for the Month of November 1845.

(Here enter T. D. No. 264)

Read Calendar dated 20th Ultimo submitted by the Sessions Judge of Mangalore in Case No. 90 of 1845.

(Here enter T. D. No. 260)

Read

Read Calendar dated 22d Ultimo Submitted by the Sessions Judge of Cuddapah in Case No. 96 of 1845.

(Here enter F. W. No. 270.)

Read Calendar dated 19th Ultimo, Submitted by the Sessions Judge of Bellary in Case No. 1 of 1846.

(Here enter F. W. No. 274)

Read letter dated 20th Ultimo from the Magistrate of Madura Submitting Explanations required by Proceedings of the Foujdaree Adalut 4th December, in cases Nos. 181, 197, 199 and 204, as per Return of Subordinate Judge for November.

(Here enter F. W. No. 286)

Read letter dated 25th Ultimo from the Magistrate of Nellore Submitting explanation regarding the delay in the transmission of the Case No. 86 of 1845 before the Head of Police of Wordeaghery.

(Here enter F. W. No. 287)

Read Return dated 20 Ultimo from the Agent to the Governor of Fort St. George at Rumnad to the precept of the Foujdaree Adalut

Adalut under date the 8th January 1846 stating that the sentence recorded in the Proceedings forwarded with it has been carried into effect

(Here enter F. W. No. 289)

Read return dated 23d Ultimo from the Sessions Judge of Trichinopoly to the precept of the Foujdaree Adalut under date the 8th January 1846 directing him to call up the proceedings held in Criminal Cases Nos. 185 and 186 on the file of the Principal Sudr Ameens Court and pass such orders as he may think proper, reporting the same for the information of the Foujdaree Adalut.

(Here enter F. W. No. 296)

Read Calendar dated 24th Ultimo Submitted by the Sessions Judge of Cuddapah in Case No. 69 of 1845.

(Here enter F. W. No. 301)

Read Calendar dated 25th Ultimo Submitted by the Sessions Judge

Read Calendar dated 22d Ultimo Submitted by the Sessions Judge of Cuddapah in Case No. 76 of 1845.

(Here enter F. W. No. 270.)

Read Calendar dated 19th Ultimo, Submitted by the Sessions Judge of Bellary in Case No. 1 of 1846.

(Here enter F. W. No. 274)

Read letter dated 20th Ultimo from the Magistrate of Madura Submitting Explanations required by Proceedings of the Foujdaree Adalut 4th December, in Cases Nos. 181, 197, 199 and 204, as per return of Subordinate Judge for November.

(Here enter F. W. No. 286)

Read letter dated 20th Ultimo from the Magistrate of Nellore Submitting explanation regarding the delay in the transmission of the Case No. 86 of 1845 before the Head of Police of Woodeaghery.

(Here enter F. W. No. 287)

Read return dated 20th Ultimo from the Agent to the Governor of Fort St. George at Kurnool to the precept of the Foujdaree Adalut

Adalut under date the 8th January 1846 stating that the sentence recorded in the Proceedings forwarded with it has been carried into effect

(Here Enter F. W. No. 289)

Read return dated 23d Ultimo from the Sessions Judge of Trichinopoly to the precept of the Foujdaree Adalut under date the 8th January 1846 directing him to call up the proceedings held in Criminal Cases Nos. 185 and 186 on the file of the Principal Sudr Ameens' Court & take such orders as he may think proper, reporting the same for the information of the Foujdaree Adalut.

(Here enter F. W. No. 296)

Read Calendar dated 24th Ultimo Submitted by the Sessions Judge of Cuddapah in Case No. 69 of 1845.

(Here enter F. W. No. 301)

Read Calendar dated 24th Ultimo Submitted by the Sessions Judge

17th February 1846

Judge of Cuddapah in Case No. 1 of 1846.

(Here enter F. C. No. 308)

Read Calendar dated 2d ultimo submitted by the Sessions Judge of Masulipatam in Case No. 11 of 1845.

(Here enter F. C. No. 306.)

Read return dated 2d ultimo from the Sessions Judge of Chicacole to the precept of the Foujdaree Adalut under date the 1st December 1845, directing him in Para 3 to call for the proceedings of the Moopleo Suds known in Case No. 15 of 1845, together with a clear and succinct Statement of the Case, and to pass such orders as he may think proper, reporting the same for the information of the Foujdaree Adalut.

(Here enter F. C. No. 309)

Read Return dated 28th ultimo from the Subordinate Judge of Combaconum to the precept of the Foujdaree Adalut under date the 3d January 1846 forwarding remarks on the Criminal Reports for the month of November 1845.

(Here Enter F. C. No. 312)

Wednesday
18th February 1846.

F. C.

At a Court of the Foujdaree Adalut

Present

The Hon'ble George J. Waters Esqre 1st Puisne Judge.
Malcolm Lewin Esqre 2d Puisne Judge.
C. B. C. J. Borleau Esqre 3d Puisne Judge.

Read again Extract Minutes of Consultation dated the 23d December 1845, No. 942 conveying the opinion of Government in regard to the general principle laid down by the Court of Foujdaree Adalut in their proceedings held on a reference from the Agent to the Governor at Vizagapatam dated 28th June 1845.

(Here enter No. 3705 of 1845)

Read also again the communication from the Agent to the Governor above referred to, requesting to know by what tribunal a person guilty of Perjury in giving Evidence in a Court held without the Agency limits, the case having originated within them, can be tried

(Here enter No. 1940 of 1845)

Read

Read also Order of Government dated 14th Ultimo, forwarding transcript of an address from the Agent to the Governor at Vizagapatam, representing the inconveniences likely to arise from the operation of the rule, contained in Zoojdaree Udalut proceedings dated 28th July 1845 that the party committing perjury under the circumstances described in the reference from the Agent above intended, cannot be indicted for such perjury.

Dated 20th July 1845

(Here enter No. 283 of 1845)

Under the more complete State-ment of the matter submitted for determination by the Court of Zoojdaree Udalut by the Agent to the Governor, which is made in that Functionary's communication to the Most Noble the Governor in Council under date the 20th July last, the Judges are of opinion that perjury committed under the circumstances stated by the Agent is clearly an indictable offence and they further consider that it should be tried by the Authority having local jurisdiction at the place of its occurrence which in the instance

instance referred to by the Agent to the Governor would be the Criminal Court of the Zillah.

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. 261.)

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

(Sent in No. 262.)

Read letter dated the 20th Ultimo, from the Agent to the Governor of Fort St. George at Ganjam, submitting an English translation of the Records of trial in Case No. 1 of 1846 for the final sentence of the Zoojdaree Udalut.

(Here enter No. 285 of 1846)

The Court of Zoojdaree

Wm. G. Bates

Udalut on a deliberate consideration of all the circumstances of the Case

in

in evidence before them, being of opinion that the prisoner

"Ramachendra Brumnah"

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession of the crime of fraud, do acquit him thereof, and direct that he be unconditionally relea-sed.

The Prisoner in this case was charged with having falsely represented to Rugoonath Sing the Zemindar of Dara-cotta, that in consideration of a certain bribe to be given this his intervention to P.B. Smollett Esqre late Acting Agent and Collector of Ganjam, he would obtain the release from attachment of the Dara-cotta Zemindary; and thereby fraudulently persuaded the Zemindar to agree to the assignment to him of the Razeenamah admitted by the Court of the Agent in Suit No. 30 of 1845, which Suit had been

been instituted, and a Razeenamah admit-ting the claim entered therein, at his (the prisoners) advice.

2. The Agent considers the evidence sufficient to convict the prisoner of the crime laid to his charge, and recommends that he be sentenced to 3 years imprison-ment with labor under the provisions of Clause Seventh Section II Regulation XII of 1808.

3. The Court of Foujdaree Adalut having had under their deliberate consi-deration the record of this case consider the evidence altogether insufficient to warrant the conviction of the prisoner.

4. It is alleged that the prisoner in the presence of Several persons entered up-on a conversation which had for its ob-ject the hopeless task of liberating the Zemindar's estate from a Revenue attach-ment by bribing the Collector Mr. Smollett.

5. Such an assertion the Court consider perfectly incredible and in this view

view they are confirmed by the letters which have been filed by the Prisoner, and which were written by the Zemindar, or by some of his Dependents.

6. Adverting to the fact that the witnesses for the prosecution are the servants of the Zemindar, the Court are strongly impressed with the belief that the Charge has resulted from a conspiracy as stated by the Prisoner in his defence.

Ordered, that Extract from these Proceedings be sent to the Agent to the Governor of Fort St. George in Ganjam for his information.

(Sent following letter No. 263.)

Read Calendar dated 31st ultimo submitted by the Sessions Judge of Tinnevelly in Case No. 46 of 1845.

(Here enter F. D. No. 480)

Read Report dated 2d. Instant submitted by the acting Sessions Judge of Madura of Cases pending (on the 31st December 1845) and committed

committed for trial during the month of January 1846.

(Here enter F. D. No. 436)

Read letter dated 8th Instant from the Sessions Judge of Tinnevelly, explaining the delay in submitting the Report of Cases pending trial during the month of January 1846.

(Here enter F. D. No. 489)

Read Calendar dated 8th Instant submitted by the Sessions Judge of Tinnevelly of Case No. 5 of 1846.

(Here enter F. D. No. 444)

Read Calendar dated 2nd Instant, submitted by the Sessions Judge of Tinnevelly of Case No. 12 of 1846.

(Here enter F. D. No. 456)

Read Report dated 4th Instant submitted by the Agent to the Governor of Fort St. George in Vizagapatam of Cases pending on the 31st December 1845 and committed for trial during the month of January 1846.

(Here enter F. D. No. 458)

Read

view they are confirmed by the letters which have been filed by the Prisoner, and which were written by the Zemindar, or by some of his Dependents.

6. Adverting to the fact that the witnesses for the prosecution are the servants of the Zemindar, the Court are strongly impressed with the belief that the Charge has resulted from a conspiracy as stated by the Prisoner in his defence.

Ordered, that Extract of these Proceedings be sent to the Agent to the Governor of Fort St. George in Ganjam for his information

(Sent following letter No. 263.)

Read Calendar dated 31st ultimo Submitted by the Sessions Judge of Tinnevelly in Case No. 46 of 1845.

(Here enter F.C. No. 480)

Read Report dated 2d. Instant Submitted by the Acting Sessions Judge of Madura of Cases pending (on the 31st December 1845) and committed

committed for trial during the month of January 1846.

(Here enter F.C. No. 486)

Read letter dated 8th Instant from the Sessions Judge of Tinnevelly, explaining the delay in submitting the Report of Cases pending trial during the month of January 1846.

(Here enter F.C. No. 489)

Read Calendar dated 8th Instant submitted by the Sessions Judge of Tinnevelly of Case No. 5 of 1846.

(Here enter F.C. No. 484)

Read Calendar dated 2nd Instant, Submitted by the Sessions Judge of Tinnevelly of Case No. 12 of 1846.

(Here enter F.C. No. 456)

Read Report dated 4th Instant Submitted by the Agent to the Governor of Fort St. George in Vizagapatam of Cases pending on the 1st December 1845 and committed for trial during the month of January 1846.

(Here enter F.C. No. 458)

Read

Read Statement dated 31st Ultimo submitted by the Sessions Judge of Coimbatore shewing the instances in which the powers of punishment created by Regulation X of 1832 have been exercised for January 1846.

(Here enter J. D. No 460)

Read Report, dated 31st Ultimo submitted by the Sessions Judge of Coimbatore, of the Labor of Convicts for January 1846.

(Here enter J. D. No 461)

Read Calendar dated 1st Instant submitted by the Sessions Judge of Mangalore in Case No 1 of 1846.

(Here enter J. D. No 462)

Read Calendar dated 9th Instant submitted by the Sessions Judge of Cuddapah in Case No 2 of 1846.

(Here enter J. D. No 479)

Read Calendar dated 4th Instant submitted by the Sessions Judge of Chittoor in Case No 4 of 1846.

(Here enter J. D. No 480)

J. D.

Thursday 19th February 1846.

J. D.

At a Court of the Tanjore Udalut.

Present,

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

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

T. C. J. Boileau Esqre. ——— 3d Puisne Judge,

Read Calendar of Case No 39 of 1845 submitted by the Sessions Judge of Coimbatore under date the 11th December 1845.

(Here enter No 446 of 1846)

The 1st Prisoner in this case was convicted of gang robbery; but the Sessions Judge conceiving the punishment of 14 years imprisonment to which he is liable, too severe in his case, recommends a mitigation thereof.—

2. The Court of Tanjore Udalut on a due consideration of all the circumstances of the case represented in the above Calendar, Sanction under Clause third, Section III, Regulation I of 1825, the mitigated punishment recommended by the Sessions Judge and accordingly direct that the prisoner

"1st Soonjoveera Goundan"

Read Statement dated 31st Ultimo submitted by the Sessions Judge of Coimbatore shewing the instances in which the powers of punishment created by Regulation X of 1832 have been exercised for January 1846.

(Here enter J. D. No 460)

Read Report, dated 31st Ultimo submitted by the Sessions Judge of Coimbatore, of the Labor of Convicts for January 1846.

(Here enter J. D. No 461)

Read Calendar dated 4th Instant submitted by the Sessions Judge of Mangalore in Case No 1 of 1846.

(Here enter J. D. No 462)

Read Calendar dated 9th Instant submitted by the Sessions Judge of Cuddapah in Case No 2 of 1846.

(Here enter J. D. No 479)

Read Calendar dated 1st Instant submitted by the Sessions Judge of Chittoor in Case No 4 of 1846.

(Here enter J. D. No 480)

Entd

J. 46.

Thursday, 19th February, 1846.

At a Court of the Tanjore Adalut.

Present,

G. J. Waters Esqre 1st Puisne Judge,

Malcolm Lewin Esqre 2nd Puisne Judge,

T. C. J. Boileau Esqre 3rd Puisne Judge,

Read Calendar of Case No 39 of 1845 submitted by the Sessions Judge of Coimbatore under date the 11th December 1845.

(Here enter No 446 of 1846)

The 1st Prisoner in this case was convicted of gang robbery; but the Sessions Judge conceiving the punishment of 14 years imprisonment to which he is liable, too severe in his case, recommends a mitigation thereof.—

2. The Court of Tanjore Adalut on a due consideration of all the circumstances of the case represented in the above Calendar, sanction under Clause third, Section III, Regulation I of 1825, the mitigated punishment recommended by the Sessions Judge and accordingly direct that the prisoner "1st Sompoovera gounden"

be

be imprisoned and kept to hard labor in irons on the publics 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 Coimbatore for his information by precept returnable in 3 days from and after its receipt.—

/Sent following precept No. 264/

Read again letter dated the 24th December 1845, from the Acting Sessions Judge of Calicut, submitting the record of the trial in Case No. 42 on the Calendar for 1845 and recommending, for reasons assigned, that the Prisoner be sentenced to suffer death.—

/Vide enter No. 3799 of 1845/

Read also return dated the 26th Ultimo from the same Officer, to the precept of the Fouzdaree Adalut under date the 20th idem, desiring the Acting Sessions Judge to state whether he had, before the commencement of the trial ascertained from the Prisoner in Case No. 42 of 1845 if he was willing to be tried by the Acting Sessions Judge.—

/Vide enter No. 341 of 1846/

The

1. The Prisoner in this case having been committed to the Sessions Court by Mr. Baynes in the capacity of Subordinate Judge, previous to his appointment to the Office of Acting Sessions Judge, the Court of Fouzdaree Adalut deemed it necessary before entering upon the consideration of the record to require that Officer to report whether with reference to the mode of procedure indicated in the Circular Order noted margin-

Circular Order 21st August 1833.

-ally, he had before placing the prisoner at the bar of the Sessions Court, ascertained from him by personal inquiry, if he had any objection to urge against the trial being proceeded with by the late Subordinate Judge.—

2. As it appears from the above return that Mr. Baynes has neglected to conform to the rule laid down in the Circular Order above quoted, and as the Court of Fouzdaree Adalut do not concur in the Arguments used by that Officer in order to show the inapplicability of the former mode of procedure to the present judicial system,

system, as modified by the provisions of Sections XXIX and LVI, Act VII of 1843, the judges consider that all the proceedings before Mr. Baynes as Sessions judge must be held null and void; and accordingly they deem it necessary to submit their opinion that the Prisoner

Tundaparakal Moyi

should be sent for trial to another tribunal and they would recommend that the sanction of Government be now accorded to his transfer for that purpose to the Sessions Court at Tellicherry.—

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 265./

Ordered also, that Extract from these proceedings be forwarded to the Acting Sessions judge of Calicut for his information and guidance.—

/Sent in No 266./

Read

Read again Calendar of Case No 50 of 1845 on the file of the Sessions Court of Combaconum submitted under date the 31st October 1845.—

/Here enter Fll. No 3197 of 1845/

Read also communication under date the 17th December last from the Sessions Judge of Combaconum submitting an abstract translate of the charge preferred and supported by the prisoner in the foregoing case against the 1st witness, and of the evidence by which it was attempted to be proved.—

/Here enter Fll. No 3198 of 1845/

1. In explanation of the course adopted by him in remanding this case to the Subordinate Court the Sessions judge states "that the charge preferred against "the 1st witness Terowengada Moodelly involves only a quarrel which was certainly "within the cognizance of the Police or Magistrate as the Prosecutor admits that the "trinkets alleged to have been taken were not "lost by him but found again in the place "where the quarrel took place."—

The

2. The Court of Foujdaree Udalut utterly fail to appreciate the force of the argument advanced by the Sessions Judge in support of the course pursued by him.—

3. The Court observe that the question to be decided in this case, was not whether an assault or robbery or both actually occurred, but whether the parties charged leagued together in the manner Exhibited in the Calendar to prove a false charge of assault and robbery against the 1st witness.—

4. A perusal of the abstract submitted by the Sessions Judge has satisfied the Court of Foujdaree Udalut of the correctness of the opinion recorded in their proceedings of the 21st November last that it was incumbent upon the Sessions Judge to dispose of the case himself.—

Ordered, that Extract from these proceedings be sent to the Sessions Judge of Combaconum for his information and future guidance and for communication to the Subordinate Judge for the information of that Officer.—

(Sent in No. 267.)

Read

Read letter dated the 6th Instant from the Agent to the Governor of Fort St. George at Vizagapatam, submitting a further report of the Prisoner in Case No. 9 of 1815 charged with wilful murder, and recommends that he may be transported beyond Sea for, and during his life.—

(Here Enter No. 276)

Mr. D. C. Waters
Mr. M. Lewin
and
Mr. T. 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 proof against the prisoner "Himmut Khan" is sufficient to convict him of the crime of murder do convict him thereof, but being of opinion under the circumstances of the case, that the punishment to which the prisoner is liable under the provisions of Section X Regulation VIII of 1802 would in this instance be too severe the Court under the provisions of Clause third Section III Regulation I of 1825 sentence the prisoner to be transported to such place or places beyond Sea as the Governor

2. The Court of Foujdaree Udalut utterly fail to appreciate the force of the argument advanced by the Sessions Judge in support of the course pursued by him.—

3. The Court observe that the question to be decided in this case, was not whether an assault or robbery or both actually occurred, but whether the parties charged leagued together in the manner exhibited in the Calendar to prove a false charge of assault and robbery against the 1st witness.—

4. A perusal of the abstract submitted by the Sessions Judge has satisfied the Court of Foujdaree Udalut of the correctness of the opinion recorded in their proceedings of the 21st November last that it was incumbent upon the Sessions Judge to dispose of the case himself.—

Ordered, that Extract from these proceedings be sent to the Sessions Judge of Combaconum for his information and future guidance and for communication to the Subordinate Judge for the information of that Officer.—

(Sent in No. 267.)

Read

Read Letter dated the 6th instant from the Agent to the Governor of Fort St. George at Vizagapatam, submitting a further report of the Prisoner in Case No. 9 of 1845 charged with wilful murder, and recommends that he may be transported beyond Sea for, and during his life.—

(Here enter No. 476)

Mr. G. L. Waters
Mr. M. Lewin
and
Mr. T. 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 proof against the prisoner

"Himmuth Khan"

is sufficient to convict him of the crime of murder do convict him thereof, but being of opinion under the circumstances of the case, that the punishment to which the prisoner is liable under the provisions of Section X Regulation VIII of 1802 would in this instance be too severe the Court under the provisions of Clause third Section III Regulation I of 1825 sentence the prisoner to be transported to such place or places beyond Sea as the Governor

Governor in Council shall appoint thereto 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.—

(Vide following letter No. 268.)

Read Calendar of Case No. 2 of 1846 on the file of the Sessions Court of Nellore submitted on the 7th Instant by the Sessions Judge.—

(Here enter F.H. No. 465.)

1. The prisoner in this case convicted of attempting self destruction, has been sentenced by the Sessions Judge to six months imprisonment under the provisions of Clause Seventh Section XI Regulation XV of 1803.—

2. The Court consider this punishment under the circumstances of the case, to be excessive, and they are of opinion that two months imprisonment from the date of the prisoners apprehension, would have fully met the justice of the case.—

3. This period having Expired on the 4th Instant, the prisoner will be released

released immediately on the receipt of these orders.—

4. The Court presume that Section XI of Regulation XV of 1803, was incorrectly transcribed for Section II of the same regulation.—

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

(Vide following precept No. 269.)

Read return dated the 6th Instant from the Sessions Judge of Chittoor to the precept of the Tanjore Vakeel under date the 28th Ultimo directing the reconditional release of Shaik Mohiddeen the prisoner in Case No. 1 of 1846 on the file of that Court.—

(Here enter No. 481.)

Read return dated the 9th Instant from the Subordinate Judge of Chittoor to the precept of the Tanjore Vakeel under date the 30th Ultimo conveying their

their observations on the Criminal Reports for the month of December 1845.—

/Here enter No. 482/

Read the Criminal Reports dated the 10th Instant submitted by the Sessions Judge of Chingleput for the month of January 1846.—

/Here enter No. 484/

Read the Criminal Reports dated the 31st Ultimo submitted by the Sessions Judge of Nellore for the month of January 1846.—

/Here enter No. 540/

Read the Criminal Reports dated the 7th Instant submitted by the Principal Sudr Ameen of Tanjore for the month of January 1846.—

/Here enter No. 544/

Read Calendar dated the 29th Ultimo submitted by the Sessions Judge of Cuddalore in Cases No. 4 and 5 of 1846.—

/Here enter No. 550/

Read Calendar dated the 31st December 1845 submitted by the Acting Sessions

Sessions Judge of Madura in Case No. 64 of 1845.—

/Here enter No. 551/

Read Calendars dated the 10th and 12th Instant submitted by the Sessions Judge of Tinnevelly in Cases No. 57 and 58 of 1845.—

/Here enter No. 555 and 585/

Read return dated the 14th Instant from the Sessions Judge of Cuddapah to the precept of the Foujdaree Adalut under date the 30th Ultimo directing him to call for the Proceedings in Case No. 1 of the report of Cases tried by the Magistracy of Cuddapah and to pass such orders as may appear proper reporting the same for the information of the Foujdaree Adalut.—

/Here enter No. 558/

Read the Criminal Report dated the 1st Instant submitted by the Sessions Judge of Tinnevelly for the month of January 1846.—

/Here enter No. 567/

Read Calendar dated the

13th

their observations on the Criminal Reports for the month of December 1845.-

/Here enter No. 482/

Read the Criminal Reports dated the 10th Instant submitted by the Sessions Judge of Chingleput for the month of January 1846.-

/Here enter No. 484/

Read the Criminal Reports dated the 31st Ultimo submitted by the Sessions Judge of Nellore for the month of January 1846.-

/Here enter No. 540/

Read the Criminal Reports dated the 7th Instant submitted by the Principal Sudr Ameen of Tanjore for the month of January 1846.-

/Here enter No. 544/

Read Calendar dated the 29th Ultimo submitted by the Sessions Judge of Cuddalore in Cases No. 4 and 5 of 1846.-

/Here enter No. 550/

Read Calendar dated the 31st December 1845 submitted by the Acting Sessions

Sessions Judge of Madura in Case No. 64 of 1845.-

/Here enter No. 551/

Read Calendars dated the 10th and 12th Instant submitted by the Sessions Judge of Tinnevelly in Cases No. 57 and 58 of 1845.-

/Here enter No. 555 and 585/

Read return dated the 14th Instant from the Sessions Judge of Cuddapah to the precept of the Sudr Adawlut under date the 30th Ultimo directing him to call for the Proceedings in Case No. 1 of the report of Cases tried by the Magistracy of Cuddapah and to pass such orders as may appear proper reporting the same for the information of the Sudr Adawlut.-

/Here enter No. 558/

Read the Criminal Reports dated the 1st Instant submitted by the Sessions Judge of Tinnevelly for the month of January 1846.-

/Here enter No. 567/

Read Calendar dated the

13th

19th February 1846.

13th Instant submitted by the Sessions Judge of Bellary in Case No. 39 of 1845.

(Here enter No. 569)

Read return dated the 14th Instant from the Sessions Judge of Coimbatore to the precept of the Foujdaree Adalut under date the 10th Instant sanctioning the mitigated punishment of 5 Years imprisonment with hard labor in irons to be passed on the Prisoner in Case No. 2 of 1846.—

(Here enter No. 575)

F. A.

Friday
20th February 1846

F. A.

At a Court of the Foujdaree Adalut

Present.

Hon'ble G. J. Waters Esqre. 1st Puisne Judge.
Malcolm Lewin Esqre. 2d Puisne Judge.
T. E. J. Boileau Esqre. 3d Puisne Judge.

Read letter dated 7th January 1846 from the Sessions Judge of Nellore, submitting for the consideration and final sentence of the Foujdaree Adalut an English translation of the record of the trial in Case No. 23 of 1845 on the file of the Sessions Court.—

(Here enter F. A. No. 94 of 1846.)

1 In this case the 1st and 2d Prisoners are charged with house-breaking and theft of property amounting to Rupees 3269, and the 3d and 4th prisoners with receiving part of the stolen property knowing it to have been stolen.—

2 By the futwah of the Law Officer the 1st 2d and 4th prisoners are convicted

20th February 1846. convicted of the crimes respectively charged against them, and the 3d prisoner is acquitted.—

3. The Sessions Judge dissents from this finding as far as regards the 1st and 2d prisoners.—

4. It appears to him that the evidence against these Prisoners "is in-sufficient for their conviction, and that they "should be released."

5 From the 3d prisoner he con-siders "it might be well to require se-curity

6 And he recommends that the 4th prisoner should be sentenced to im-prisonment and hard labor in irons for 14 Years, under Clause fourth Section II Regulation VI of 1822.—

7. This prisoner having been charged with receiving stolen property knowing it to be stolen, and having been convicted of this offence by the Law Officer without any remarks from the Sessions Judge to shew that he differs from

20th February 1846. from that opinion, the Court presume that Clause fourth Section II Regulation VI of 1822 may have been inadvertently quoted or erroneously transcribed for Clause second Section IV Regulation VI of 1822.— But as it is impossible to gather from his letter what is the precise opinion of the Sessions Judge, and as no distinct opinion is given as to the crime of which the 4th prisoner is convicted, the Court resolve in accordance with the spirit of their Circular Order of the 11th March 1834, to direct the Sessions Judge to sub-mit an amended letter.—

8 The Court further desire that it be pointed out to the Sessions Judge that it was competent to him under the construction put by the Court on the provisions of Clause Second Section VI Regulation XV of 1803 in their Circular Order No 47 to direct the release on security of the 3d prisoner without reference to the Foujdaree Udalut.—

Ordered

20th February 1846.

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

(Sent following precept No. 270)

Read Calendar of Case No. 67 of 1845 submitted by the Sessions Judge of Combaconum under date the 6th Instante.—

(Here enter F. C. Vol 455)

The 1st and 2d prisoners in this case were charged with having strangled the newly born female child of the 1st Prisoner and secretly buried it in an heap of ashes in the Yard of the 3d prisoner.— The 3d prisoner was charged with having been accessory to the said crime.—

2. The Sessions Judge concurring in the verdict of the Jury who entirely acquitted the 2nd and 3d Prisoners of the crimes respectively laid to their charge, and convicted the 1st Prisoner of secretly burying the child in order to conceal its birth, acquitting her of the graver charge

20th February 1846 charge of child murder, has sentenced the 1st Prisoner to 6 years imprisonment with labor suited to her sex under the provisions of Clause Seventh Section II Regulation XV of 1803, and has ordered the other prisoners to be unconditionally released.—

3. Adverting to the nature of the offence proved against the 1st Prisoner in this case, the Court of Foujdaree Adawlut consider the sentence which has been awarded to be unnecessarily severe.— They accordingly resolve to sentence the prisoner

Choeummaul

to be imprisoned for and during a period of six months, with labor suited to her sex under the provisions of Section XXXV Act VII of 1843.—

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

(Sent in No. 271.

Read

30th February 1846.

Read again Calendar dated the 15th January 1846, from the Sessions Judge of Combaconum of Cases Nos. 63 and 64 of 1845.—

(Here enter No 175 of 1846.)

Read also return dated the 6th Instant, to the precept of the Foujdaree Adalut under date the 30th Ultimo— desiring to be informed of the age of the 6th Prisoner, whether he is related to any of the other Prisoners, and whether he had borne a good character previous to the commission of the offence of which he stands convicted in Case No. 63 of 1845.—

(Here enter No 437 of 1845)

This prisoner was convicted of Gang robbery, but in consequence of his extreme youth, and of the fact of his having been under the guidance of the other prisoners in the case, the Sessions Judge recommended that the punishment to which he was liable by Law, should — in his case be reduced to 5 years imprisonment.

It

30th February 1846.

It appears from the foregoing return, that the prisoner in question is aged about 18 years, that he is not related to the other prisoners, but is one of their associates.—

3. The Court of Foujdaree Adalut having maturely considered the circumstances of the case represented in the Calendar and the above return, are of opinion that the mitigated sentence of 5 Years imprisonment, proposed by the Sessions Judge, is quite insufficient for the punishment of the offence proved against the Prisoner, and accordingly resolve to direct that the prisoner

"6th Rungasamy"

be imprisoned and kept to hard labor in irons, on the public roads or other public works for and during the period of 8 Years.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Combaconum for his information

20th February 1846.

Read again Calendar dated the 15th January 1846, from the Sessions Judge of Combaconum of Cases Nos. 63 and 64 of 1845.—

(Here enter No 175 of 1846.)

Read also return dated the 6th Instant, to the precept of the Foujdaree Adalut under date the 30th Ultimo— desiring to be informed of the age of the 6th Prisoner, whether he is related to any of the other Prisoners, and whether he had borne a good Character previous to the commission of the offence of which he stands convicted in Case No. 63 of 1845.—

(Here enter No 437 of 1845)

This prisoner was convicted of Gang robbery, but in consequence of his extreme youth, and of the fact of his having been under the guidance of the other prisoners in the case, the Sessions Judge recommended that the punishment to which he was liable by Law, should — in his case be reduced to 5 years imprisonment.

It

20th February 1846.

It appears from the foregoing return, that the prisoner in question is aged about 18 years, that he is not related to the other prisoners, but is one of their associates.—

3. The Court of Foujdaree Adalut having maturely considered the circumstances of the case represented in the Calendar and the above return, are of opinion that the mitigated sentence of 5 years imprisonment, proposed by the Sessions Judge, is quite insufficient for the punishment of the offence proved against the Prisoner, and accordingly resolve to direct that the prisoner

"6th Rungasamy."

be imprisoned and kept to hard labor in irons, on the public roads or other public works for and during the period of 8 years.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Combaconum for his information

20th February 1846 information by precept returnable in 3 days from and after its receipt.—

Sent following Precept No. 272.

Read Extract from the Proceedings of the Sessions Judge of Tinnevelly dated 4th February 1846, submitting a more detailed explanation of the doubts entertained by the Sessions Judge as to whether the indictment in the 5 cases of perjury referred to in his letter of the 23d December last can stand.—

(Here enter F. R. No. 462 of 1846)

The foregoing Extract brings to the notice of the Foujdaree Adalut many important facts not before them in the previous correspondence, tending greatly to modify their view of the cases in question.—

2. It is however impossible for the Judges of the Foujdaree Adalut on a mere brief abstract to form any correct judgment of all the bearings of a Case, and on a reconsideration they feel

F. R.

20th February 1846.

feel it would be improper for them to hazard an opinion on such a reference as the foregoing. It is for the Sessions Judge in each case after a mature deliberation of the evidence on record, to act on his own judgment and to dispose of it according to its merits.—

3. The Sessions Judge is doubtless able to discern what is and what is not perjury. If there has been a wilful contradiction on oath on a point material to the issue of a judicial investigation, or if the party has sworn falsely to any material point, he should be proceeded against as laid down in the Regulations, and the Sessions Judge should not seek to divest himself of that important and necessary responsibility which his office imposes upon him, by references of this nature.—

4. It will be the duty of the Sessions Judge now to decide whether there are in the five cases referred to such facts

20th February 1846

facts as divest the act charged of the character of perjury or any mitigating facts whatever, and then to dispose of the case to the best of his judgment — leaving it to the higher Court either on appeal or in the regular course to notice his proceedings as circumstances may indicate. —

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

(Sent in No. 273.

Read letter dated 9th Instant from the Sessions Judge of Cuddapah, forwarding the record of Case No. 149 of 1845 on the Calendar of the Sessions Court for the final sentence of the Tonjaree Vaadut.

(Here enter F. C. No. 491)

Mr. J. Waters and Mr. T. J. Pinkam

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

Jungum Sharabeyagandoo

is

20th February 1846

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. 274.)

Read letter dated 4th Instant from the Sessions Judge of Tinnevelly, submitting an original Memo from the Magistrate having reference to the Proceedings of the Court of Tonjaree Vaadut of the 3rd December 1845, held on review of the Magistrate's Proceedings in Case No. 5 of 1845 of the Magistrate's file. —

(Here enter F.C. No. 492 of 1846.)

Read return dated 6th Instant from the Sessions Judge of Tinnevelly, to the precept of the Tonjaree Vaadut of the 12th January 1846, requiring the Sessions Judge to call up the records of Cases Nos 119, 120 and 124 of the Principal Sudr Ameen and Sudr Ameens' file for 1845, and to

reply

20th February 1846

facts as divest the act charged of the character of perjury or any mitigating facts whatever, and then to dispose of the case to the best of his judgment— leaving it to the higher Court either on appeal or in the regular course to notice his proceedings as circumstances may indicate.—

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

(Sent in No. 273.

Read letter dated 9th Instant from the Sessions Judge of Cuddapah, forwarding the record of Case No. 74 of 1846. on the Calendar of the Sessions Court for the final sentence of the Fouzdaree Adalut.

(Here enter F. R. No. 491)

Mr. G. J. Waters and Mr. T. E. J. Boileau

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

Jungum Sharabrogaudoo

is

20th February 1846

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. 274.)

Read letter dated 4th Instant from the Sessions Judge of Tinnevelly, submitting an original Memo from the Magistrate having reference to the Proceedings of the Court of Fouzdaree Adalut of the 3d December 1845, held on perusal of the Magistrates' Proceedings in Case No. 5 of 1845 of the Magistrates' file.—

(Here enter F. R. No. 492 of 1846.)

Read return dated 4th Instant from the Sessions Judge of Tinnevelly, to the precept of the Fouzdaree Adalut of the 12th January 1846, requiring the Sessions Judge to call up the records of Cases Nos. 119, 120. and 124 of the Principal Sudr ameen and Sudr ameens' file for 1845, and to

Seal

20th February 1846. pass such orders thereon as he may think proper, reporting the same for the information of the Court of Tanjore Adalut.—

(Here enter F. C. No 463 of 1846)

Read return dated 3d Instant from the Principal Sudr Ameen of Kumbum, to the precept of the Tanjore Adalut under date the 10th January 1846, directing the Principal Sudr Ameen to communicate Paras 2 and 3 of the Proceedings of the Tanjore Adalut under the same date to the Head Assistant Magistrate in charge of Kumbum, regarding case No 280 on the Criminal Reports for the month of November 1845.—

(Here enter F. C. No 467 of 1846)

Read report dated 6th Instant submitted by the Magistrate of Tanjore, of Cases tried under the provisions of Section I. IV Act VII of 1843 in January 1846.—

(Here enter F. C. No 468 of 1846)

Read letter dated 23 Instant from the Sessions Judge of Honore, stating that he has no Report to furnish of Cases pending

F. C.

20th February 1846. pending before the Session Court for more than 25 days during the month of January 1846.—

(Here enter F. C. No 472 of 1846)

Read return dated 6th Instant from the Sessions Judge of Chittoor, to the Precept of the Tanjore Adalut under date the 30th January 1846 requiring him to send for and examine the records in Cases Nos 197 and 201 of 1845, on the file of the Subordinate Court, and pass such orders thereon as may appear proper, reporting the same for the information of the Higher Courts.—

(Here enter F. C. No. 474 of 1846)

Read return dated 10th Instant from the Sessions Judge of Chingleput, to the precept of the Tanjore Adalut under date the 9th Idem, directing him to explain the cause of the Precept of 5 Persons authorized by him during the month of December 1845.—

(Here enter F. C. No 485 of 1846)

Read Calendar dated 1st January 1846 submitted by the Sessions

Judge

20th February 1846 Judge of Jimmevelly of Trials held before him from 1st July to 31st December 1845.—

(Here enter F. No. No. 487 of 1846)

Read letter dated 4th Instant from the Magistrate of Jimmevelly, forwarding with reference to the Proceedings of the Soujdaree Adaulut of the 12th Ultimo, Explanation of delays in certain causes on the file of the Principal Sudr Ameen's Court.—

(Here enter F. No. No. 488 of 1846)

Read letter dated 10th Instant from the Acting Magistrate of [illegible] informing that no Sentence has been passed by the Magistracy under the provisions of Act VII of 1843 during the month of January 1846.—

(Here enter F. No. No. 489 of 1846)

Read letter dated 10th Instant from the Magistrate of South Arcot affording explanation regarding the delay in Cases No. 184 and No. 191 referred to in the Court's Proceedings, forwarded thro' the Principal Sudr Ameen of Cuddalore.

(Here enter F. No. No. 495 of 1846)

Read letter dated 4th Instant from

20th February 1846 from the Magistrate of Nellore, informing that no cases cognizable under Section VII Act VII of 1843 were disposed of during January last.—

(Here enter F. No. No. 496 of 1845.)

Read letter dated 7th Instant from the Magistrate of Rajahmundry reporting that the powers vested by Act VII of 1843 have not been exercised in January 1846.—

(Here enter F. No. No. 497 of 1846)

Read letter dated 10th Instant from the Magistrate of Guntoor, reporting that no cases have been tried by the Magistracy under the provisions of Section VII Act VII of 1843 during the month of January 1846.—

(Here enter F. No. No. 498 of 1846)

Lt. B.W.

Saturday, 21st February 1846.

At a Court of the Foujdary Adalut.—

Present—

Leen Gfst R. G. J. Waters Esqre —— 1st Puisne Judge.—

seen E.T. Malcolm Lewin Esqre — 2nd Puisne Judge.—

Seen Roll. T. E. J. Boileau Esqre — 3d Puisne Judge.—

Read 4th Criml Calendar in Case No. 56 of 1845, submitted by the Session Judge of Madura, under date the 1st December 1845.—

(Here enter No. 35530 of 1845.)

Read also return dated the 29th January 1846 from the Acting Sessions Judge of Madura, to the precept of the Foujdary Adalut under date the 15th December 1845, calling upon the late Sessions Judge to submit an English translation of Calendar, Case No. 56 of 1845.—

(Here enter 246. No. 385 of 1846.)

1. The 2 Prisoners in this case, convicted by the Law Officer and Sessions Judge of the crime of Arson, were sentenced, under Clause Seventh, Section II, Regulation XV of 1803, to 7 years imprisonment with hard labor in irons.—

2. The Court of Foujdary Adalut doubting the propriety of the Conviction, called for a

a translation of the record,- and now having maturely considered the whole of the proceedings, they are confirmed in their view that the judgment of the late Session Judge is not borne out by the evidence in the case.- It appears to the Court- that the charge originated in malice and that the evidence is utterly false and worthless.- They accordingly resolve to direct that the Prisoners-

"1st Authy and

2nd Peria Caroopen"

be immediately released.-

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

(Sent following precept No. 277.)

Read Calendar of Cases No. II of 1846 on the file of the Sessions Court of Tinnevelly, submitted under date the 31st Ultimo by the Sessions Judge.-

(Here enter F. No. 471.)

The Court of Foujdary Adalut desire that the Sessions Judge be requested in future, in cases tried with the assistance of a Jury or of Assessors, to insert their verdict as given either jointly or singly in the 11th column of the Calendar,

and

and not to embody it with his remarks or sentence in the case.-

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

(Sent in No. 278.)

Read letter dated the 9th Instant- from the Acting Magistrate of Cuddapah, informing that no cases have been tried by the Magistracy under Section LIV Act VII of 1843 during the Month of January last.-

(Here enter No. 499.)

Read letter dated the 6th Instant from the Sessions Judge of Chingleput, reporting the escape and capture of a Convict.-

(Here enter No. 502.)

Read letter dated 9th Instant from the Magistrate of Masulipatam, reporting that no cases of the description alluded to in Section LIV Act VII of 1843 have come under his cognizance during the Month of January 1846.

(Here enter No. 504.)

Read return dated the 12th Instant from the Sessions Judge of Nellore, to the precept of the Foujdary Adalut under date the 22d Ultimo, directing

directing him to explain why the trial of the case No. 23 on the Calendar for 1845 could not commence earlier than the 2nd October, what occupied him till the 20th idem the date on which the witness Narapareddy was first called for and the cause of the very great delay which has taken place in the submission of the record of the trial to the Foujdary Udalut.-

(Here enter No. 506.)

Read, return dated 10th Instant from the Session Judge of Mangalore to the precept of the Foujdary Udalut under date the 24th Ultimo on review of the Calendar in case No. 7 of 1845.-

(Here enter No. 516.)

Read letter dated 10th Instant from the Session Judge of Chicacole, submitting copy of a letter received from the Magistrate of Nellore by which it will appear that the Peons who were in charge of the Prisoner Shaik Madenah, were committed for trial before the Principal Sudr Ameen at that station for gross neglect of duty.-

(Here enter No. 517.)

Read Report No. 6 dated 11th Instant submitted by the Sessions Judge of Masulipatam

Masulipatam, of casualties and of Prisoners released in the Zillah in the Month of January 1846.-

(Here enter No. 521.)

Read Report dated 11th Instant submitted by the Sessions Judge of Masulipatam, of Convict labor for the Month of January 1846.-

(Here enter No. 522.)

Read Statement dated 11th Instant submitted by the Sessions Judge of Masulipatam, shewing the instances in which the powers of punishment created by Regulation X of 1832 have been exercised.-

(Here enter No. 523.)

Read Report No. 6. dated 12th Instant submitted by the Sessions Judge of Cuddalore, of casualties and of Prisoners released in the Jail at Cuddalore during the Month of January 1846.-

(Here enter No. 524.)

Read Report dated 12th Instant submitted by the Sessions Judge of Cuddalore, of Convict labour for the Month of January 1846.-

(Here enter No. 525.)

Read

Read Estimate dated 12th Instant submitted by the Session Judge of Cuddalore, of the value of the product of Prisoners labor for the Month of January 1846.-

(Here enter No. 526.)

Read Statement dated 12th Instant submitted by the Session Judge of Cuddalore, of Extra Pews &c employed in the Jail during the Month of January 1846.-

(Here enter No. 527.)

Read Statement dated 12th Instant submitted by the Session Judge of Cuddalore. shewing the instances in which the powers of punishment created by Regulation X of 1832 had been exercised in the months of January 1846.-

(Here enter No. 528.)

Read return dated 13th Instant from the Principal Sudr Ameen of Cuddalore, to the precept of the Foujdary Udalut of the 31st Ultimo, directing the refund of fine in Case No. 211 and mitigating the period of sentence in Case No. 215 &c.-

(Here enter No. 529.)

Read return dated 12th Instant from the Subordinate Judge of Bellary, to the precept

21st February 1846.

of the Foujdary Udalut of the 31st Ultimo, conveying the orders of the Court on the Criminal Reports for the months of December 1845.-

(Here enter No. 530.)

Read letter dated 10th Instant from the Magistrate of Bellary, informing that the powers vested by Section XLIV Act VII of 1843 had not been exercised by the Magistracy during the months of January 1846.-

(Here enter No. 534.)

Read Report No. 2 dated 1st Instant submitted by the Agent to the Governor S.t Fort St. George at Ganjam of persons appre hended in the separate tracts of Ganjam, and delivered to the Agency in the Months of January 1846.-

(Here enter No. 536.)

Read Criminal Reports dated 12th Instant, submitted by the Session Judge of Guntoor for the Months of January 1846.-

(Here enter No. 539.)

H. M.

F. U.

Monday
23rd February 1846.

At a Court of the Foujdaree Udalut.

Present:

George F. Waters Esquire 1st Puisne Judge.
Malcolm Lewin Esquire 2d Puisne Judge.
T. C. P. Birdeau Esquire 3d Puisne Judge.

Read again Calendar of Case No. 53 of 1845 on the file of the Session Court of Madura submitted under date the 17th November 1845 by the Session Judge.

(Here enter F.U. No. 3513 of 1845.)

Read also return under date the 2d Instant, from the Session Judge of Madura to the precept of the Foujdaree Udalut dated the 20th December last directing that Officer to submit for the consideration of the Court of Foujdaree Udalut an English Translation of the record of the foregoing Case.

(Here enter F.U. No. 434 of 1846.)

1. The Prisoners in this Case were charged with having in company with seven others not apprehended come armed with cudgels to

he had been present at the commission of the robbery being of opinion that strong suspicion attached to him, and also to the 1st Prisoner on the ground that he was reported by the Police to be a robber and bad character; has sentenced the prisoners respectively to furnish two sureties in the sum of Rupees 20 each, for their good conduct, and personal appearance when required during a period of two years, or in default to be imprisoned for a similar period.

3. The Court of Foujdaree Udalut are of opinion that no sufficient grounds exist for the requisition of security under which the 1st prisoner in this Case has been placed, as it appears that the suspicion which the Session Judge considers to attach to him, does not arise from the circumstances of the case under trial, but from the general report of his character made by the Police authorities to which however, the attention of the Magistrate should be now directed

4. The Court accordingly direct that the 1st Prisoner,

Moorooogon.

be unconditionally released forthwith.

Ordered

F. U.

23d February 1846.

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

(Sent following precept No 283.

Read Calendar of Case No 38 of 1845, submitted by the Session Judge of Trichinopoly under date the 10th February 1846.

(Here enter F. U. No 508)

The Court of Foujdaree Udalut seeing reason to question the propriety of the manner in which this Case has been disposed of direct that an English translation of the entire record be submitted for their consideration.

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

(Sent following precept No 284.

Read Criminal Reports made date the 6th Instant submitted by the Principal Sudr Ameen of Vizagapatam for the month

month of January 1846.

(Here enter F.C. № 510.)

Case № 4.

The Court of Foujdaree Udalut consider the evidence against the Prisoner in this Case altogether insufficient to warrant the requisition of security under which he has been placed and accordingly direct that he be unconditionally released forthwith.

Ordered that Extract from these Proceedings be sent to the Principal Sudr Ameen of Vizagapatam for his information and guidance by precept returnable within V days from and after its receipt.

(Sent following precept № 285.)

Read Miscellaneous Petition presented on the 15th December 1845 by Soobbarayen late Tahsildar of Caroor Talook in the Zillah of Coimbatore.

(Here enter M.P. № 242 of 1845.)

1. The Petitioner prays the Court of Foujdaree Udalut to furnish him with a copy of their Proceedings under date the 16th October 1845 directing his dismissal from the Office of Head of Police of Caroor, and also with copies of the communications received by the Foujdaree Udalut from

from the Session Court and Magistracy having reference to his Case.

2. The Court are pleased to direct that the Petitioner be furnished with a copy of para: 6 of their proceedings of the 16th October 1845; but decline to grant a copy of the other documents to which the Petitioner refers.

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

Read Miscellaneous Petition presented on the 19th January 1846 by Shaik Meeran of Zillah Chingleput.

(Here enter F.M.P. № 6 of 1846.)

1. This is an application for the interference of the Court of Foujdaree Udalut to reverse a sentence of seven years imprisonment with hard labor in irons awarded by the Session Judge of Chingleput to the Petitioner's brother-in-law Mahomed Selar 1st Prisoner in the Case noted marginally.

19 of 1845 on the file of the Session Court of Chingleput.

2. The Court of Foujdaree Udalut having had under their deliberate consideration the Calendar of the Case referred to, together with the allegations set forth in this address,

see

see no grounds whatever to question the propriety of the sentence which the Petitioner desires to be reversed.

3. The Court accordingly resolve to dismiss this Petition.

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

Read again Calendar of Case No. 84 of 1845 on the file of the Session Court of Mangalore submitted under date 24th January 1846 by the Session Judge.

(Here enter F. R. No. 322.)

Read also Miscellaneous Petition presented on the 2d February 1846 by Ispimul Row Vakeel on behalf of Soobeeya Bhut of Dillah Mangalore.

(Here enter F. M. P. No. 13 of 1846.)

1. This is an application for the interference of the Court of Foujdaree Udalut to order the punishment of the prisoners in the foregoing Case who have been released by the Session Judge and to direct the remission of a fine of Rupees 20 imposed by that Officer upon

upon the Petitioner the 1st portion of the Case in question.

2. The Court of Foujdaree Udalut having had under their deliberate consideration the Calendar of the Case referred to by Petitioner together with the allegations set forth in her address see no reason to question the propriety of the decision at which the Session Judge has arrived in concurrence with the Mahomedan Law Officers and accordingly resolve to dismiss this Petition.

The Court decline to order the remission of the fine alleged by the Petitioner to have been imposed upon him by the Session Judge, feeling assured that it was awarded on good and sufficient grounds.

4 Petition dismissed.

Ordered that Extract from these proceedings be furnished to the Petitioner's Vakeel on his application.

Read again copies of the Calendars in Cases Nos. 88, 89 and 90 of 1845, submitted by the Session Judge of Mangalore under date the 10th January 1846.

(Here enter Nos. 120, 121 and 122.)

Read

see no grounds whatever to question the propriety of the sentence which the Petitioner desires to be reversed.

3. The Court accordingly resolve to dismiss this Petition.

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

Read again Calendar of Case № 84 of 1845 on the file of the Session Court of Mangalore submitted under date 24th January 1846 by the Session Judge.

(Here enter F.H. № 322.)

Read also Miscellaneous Petition presented on the 2d February 1846 by Spinnul Row Vakeel on behalf of Sorbeeya Bhut of Gillah Mangalore.

(Here enter F.H.P. № 13 of 1846)

1. This is an application for the interference of the Court of Foujdaree Udalut to order the punishment of the prisoners in the foregoing Case who have been released by the Session Judge and to direct the permission of a fine of Rupees 20 imposed by that Officer upon

upon the Petitioner the 1st witness in the case in question.

2. The Court of Foujdaree Udalut having had under their deliberate consideration the Calendar of the Case referred to by Petitioner together with the allegations set forth in his address see no reason to question the propriety of the decision at which the Session Judge has arrived in concurrence with the Mahomedan Law Officers and accordingly resolve to dismiss this Petition.

The Court decline to order the

3. permission of the fine alleged by the Petitioner to have been imposed upon him by the Session Judge, feeling assured that it was awarded on good and sufficient grounds.

Petition dismissed.

4 Ordered that Extract from these proceedings be furnished to the Petitioners Vakeel on his application.

Read again copies of the Calendars in Cases № 88, 89 and 90 of 1845, submitted by the Session Judge of Mangalore under date the 10th January 1846.

(Here enter № 120, 121 and 122.)

Read

Read again Miscellaneous Petition presented on the 31st December 1845 by T. Appiah Vakeel on behalf of Ibraim and three others relatives of the prisoners in the foregoing Cases.

Here enter F. M. P. No 253 of 1845.

Read also return under date the 12th February 1846 from the Session Judge of Mangalore to the precept of the Foujdaree Udalut dated the 2d idem forwarding an English Translation of the foregoing Petition and directing the Session Judge to report upon the allegations contained therein.

(Here enter F. U. No 559)

1. Under the explanation offered by the Session Judge the Court of Foujdaree Udalut are fully satisfied of the propriety of the sentences awarded to the prisoners in the Cases above referred to, and they accordingly resolve to dismiss this Petition.

2 Petition dismissed.

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

(Sent in No. 286.)

Ordered

Ordered also that Extract from these Proceedings be furnished to the Petitioners Vakeel on his application.

Read Calendar of Case No. 13 of 1845 submitted by the Session Judge of Chicacole under date the 11th Instant.

(Here enter F. U. No 599)

Read Calendars of Cases Nos 1 and 2 of 1846 submitted by the Session Judge of Guntoor under date the 17th Instant.

(Here enter F. U. Nos 606 and 609)

Read Calendar of Case No. 63 of 1845 submitted by the Session Judge of Tinnevelly under date the 14th Instant.

(Here enter F. U. No 607)

Read return dated the 16th Instant from the Acting Session Judge of Madura to the precept of the Foujdaree Udalut under date the 11th Idem directing that the 1st and 3d Prisoners in Case No. 1 of 1846 be imprisoned and kept to hard Labor in irons on the public roads or other public works

Read again Miscellaneous Petition presented on the 31st December 1845 by T. Appiah Vakeel on behalf of Ibraim and three others relatives of the prisoners in the foregoing Cases.

Here enter F. M. P. № 252 of 1845.

Read also return under date the 12th February 1846 from the Session Judge of Mangalore to the precept of the Tongdaree Udalut dated the 2d idem forwarding an English Translation of the foregoing Petition and directing the Session Judge to report upon the allegations contained therein.

(Here enter F. U. № 559)

1. Under the explanation offered by the Session Judge the Court of Foujdaree Udalut are fully satisfied of the propriety of the sentences awarded to the prisoners in the Cases above referred to, and they accordingly resolve to dismiss this Petition.

2 Petition dismissed.

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

(Sent in № 286.)

Ordered

Ordered also that Extract from these Proceedings be furnished to the Petitioners Vakeel on his application.

Read Calendar of Cases № 13 of 1845 submitted by the Session Judge of Chicacole under date the 11th Instant.

(Here enter F. U. № 599)

Read Calendars of Cases № 1 and 2 of 1846 submitted by the Session Judge of Guntoor under date the 14th Instant.

(Here enter F. U. № 606 and 609)

Read Calendar of Case № 63 of 1845 submitted by the Session Judge of Tinnevelly under date the 14th Instant.

(Here enter F. U. № 607)

Read return dated the 16th Instant from the Acting Session Judge of Madura to the precept of the Foujdaree Udalut under date the 11th Idem directing that the 1st and 3d Prisoners in Case № 1 of 1846 be imprisoned and kept to hard Labor in irons on the public roads or other public works

23rd February 1846.

works for and during the period of 8 years.

(Here enter F.U. No. 610.)

Read return dated the 16th Instant from the Subordinate Judge of Salem to the precept of the Foujdaree Udalut, but under date the 13th Idem conveying their remarks on the Criminal Reports for the month of December 1845.

(Here enter F.U. No. 613.)

Ed. H.

F.U.

Wednesday 25th February, 1846.

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 February 1846 submitted by the Subordinate Judge of Bellary for the month of January 1846.—

(Here enter F.U. No. 511)

Case No. 203. 1. The Court of Foujdaree Udalut having reason to question the propriety of the sentence awarded to the prisoner in this case resolve to direct the Sessions Judge to call up the record and to pass such order thereon as he may think proper reporting the same for the information of the Foujdaree Udalut.—

Case No. 20. 2. The Court desire to be informed where the prisoner in this case was detained from the 5th of January the date of his apprehension to the 10th idem that of his appearance before the Head of District Police.

The

23d. February 1846.

works for and during the period of 8 years.

(Here enter F.H. No. 610.)

Read return dated the 16th. Instant from the Subordinate Judge of Salem to the precept of the Foujdaree Udalut. but under date the 13th. Idem conveying their remarks on the Criminal Reports for the Month of December 1845.

(Here enter F.H. No. 613.)

Ed. F.H.

F.H.

Wednesday 25th. February, 1846.

At a Court of the Foujdaree Udalut.

Present,

G. A. 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. February 1846 submitted by the Subordinate Judge of Bellary for the month of January 1846.—

(Here enter F.H. No. 511)

Case No. 203. 1. The Court of Foujdaree Udalut seeing reason to question the propriety of the Sentence awarded to the prisoner in this case resolve to direct the Sessions Judge to call up the record and to pass such order thereon as he may think proper reporting the same for the information of the Fouj-daree Udalut.—

Case No. 20. 2. The Court desire to be informed where the prisoner in this case was detained from the 5th. of January the date of his apprehention to the 10th. idem that of his appearance before the Head of District Police.

The

25th February 1846.

Case No. 21.

3. The Magistrate will be pleased to report in what manner he may have noticed the conduct of the Police Peon who is stated to have detained certain of the Prisoners in this case for a period of ten days in the Taluk.—

Ordered, that Extract from these proceedings be sent to the Subordinate Judge of Bellary for his information and for communication of paras. 2 and 3 to the Magistrate for the information and guidance of that Officer and for report direct to the Tahsildar Cheluk by precept returnable within 10 days from and after its receipt.—

End 6

(Sent following precept No. 288)

Ordered also, that Extract from these proceedings (para. 1) be forwarded to the Sessions Judge of Bellary for his information and guidance by precept returnable within 10 days from and after its receipt.—

(Sent following precept No. 289)

Read Criminal Reports under date the 10th Instant submitted by the Principal Sudr Ameen of Masulipatam for

F.H.

25th February 1846.

for the month of January 1846.—

(Here enter F.H. No. 548)

Case No. 3. 1. Adverting to the rule laid down in Circular Order No. 62 the Court of Sudr Adawlut desire to be informed of the nature of the reference made to the Magistrate by the Head of District Police which is assigned as the cause of the delay which occurred in the transmission of this case to the Criminal Court.—

Cases Nos. 4, 5 and 6. 2. The Prisoners in these cases having been charged with an offence appreh- -ended within the jurisdiction of the Magis- -trate that Officer will be pleased to state under what circumstances he deemed it necessary to order their commitment to the Criminal Court.—

Ordered, that Extract from these proceedings be sent to the Principal Sudr Ameen of Masulipatam for his in- -formation and for communication to the Magistrate for the information and guidance of that Officer and for report direct to the Tahsildar Cheluk by precept &c returnable

returnable within 10 days from and after its receipt.—

/Sent following precpt No. 290./

Read Calendar of Case No. 1 of 1846 on the file of the Sessions Court of Nellore submitted under date the 7th Instant by the Sessions Judge.—

/Here enter F.H. No. 464/

The Court of Foujdaree Udalut seeing reason to question the propriety of the Sentence awarded to the Prisoner in this case resolve to direct the Sessions Judge to submit for their consideration an English Translation of the Record with the least practicable delay.—

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Nellore for his information and guidance by precpt returnable within 15 days from and after its receipt.—

/Sent following precpt No. 291./

Read Calendar of Cases No. 8 of 1846 on the file of the Sessions Court of Hombaconum submitted under date the 13th Instant

by

by the Sessions Judge.—

/Here enter F.H. No. 552 of 1846/

The Court of Foujdaree Udalut seeing reason to question the propriety of the Sentence awarded to the prisoner in this case resolve to direct the Sessions Judge to submit for their consideration an English translation of the record with the least practicable delay.—

Ordered, that Extract from these proceedings be sent to the Sessions Judge of Hombaconum for his information and guidance by precpt returnable within 15 days from and after its receipt.—

/Sent following precpt No. 292./

Read again Criminal Reports under date the 12th January 1846 submitted by the Principal Sudr Ameen of Nellore for the Month of December 1845.—

/Here enter F.H. No. 117/

Read also return under date the 30th Ultimo from the Sessions Judge of Nellore to the precpt of the Foujdaree Udalut dated the 22d idem directing that Officer to call upon

the

2 2. 25th February 1846.-

the record of Case No. 129 of the above Criminal Reports and to pass such order as he might think proper reporting the same for the information of the Sudr Court.-

/Here enter F.H. No. 343/

1. Assuming that the evidence in this case leads to the conclusion that the child as stated in the charge was born dead, which appears to be the opinion entertained by the Sessions Judge, the Court of Sudr Ameen had full jurisdiction over the offence, and it was therefore not competent to the Sessions Judge to enhance the sentence awarded.-

2. The Court of Sudr Adawlut accordingly resolve to annul the sentence of 6 months imprisonment which has been awarded by the Sessions Judge and affirm the acquittal of the Prisoner under a requisition of security as originally ordered by the Principal Sudr Ameen.-

3. The Court of Sudr Adawlut concur

25th February 1846.-

concur with the Sessions Judge that the prisoner was punishable under the Mahomedan law for the offence charged against her.-

Ordered, that Extract from these proceedings be sent to the Sessions Judge of Nellore for his information and guidance and for communication to the Principal Sudr Ameen.-

/Sent in No. 293./

Read Calendar of Cases Nos. 5 and 6 of 1846 on the file of the Sessions Court of Combaconum submitted under date the 3d. February 1846.-

/Here enter F.H. No. 415 of 1846/

Adverting to the remarks on this Calendar that the 2nd Prisoner admits his having been before punished with Six months imprisonment for cattle stealing which conviction the Subordinate Judge certifies cannot be traced. the Court of Sudr Adawlut would observe for the future guidance of the Sessions Judge that when a former conviction is brought against

against a prisoner the record of it is necessary and that if commission of a former offence cannot be traced, in a legal way - it should not be used as a means against a prisoner and consequently should not be quoted in the Calendar -

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

(Sent in No. 294)

Read Calendar of Case No. 62 of 1845 on the files of the Sessions Court of Madura submitted under date 10th February 1846. -

(Here enter F.H. No. 554 of 1846)

1. The Court of Foujdaree Adalut observe that the abstract of the indictment in this case should have shewn more specifically than it does the place where the robbery charged was committed it is not sufficient to mention that it took place in the "Cusbah" or Chief Town of a Taluk. -

2. The designation of the crime is also incorrect it should have been "robbery by

F.H.
25th February 1846. -

by open violence attended with aggravating circumstances" and not "theft and wounding". -

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

(Sent in No. 295)

Read letter dated the 14th Instant, from the Sessions Judge of Valicut submitting for the final Sentence of the Foujdaree Adalut the record of the trial in Case No. 2 of 1846. -

End F.H.

(Here enter No. 604 of 1846.)

Mr. M. Lewin and Mr. T.E.J. Baker.

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

"Addat Reyan alias Conjee Kootan Nair"

is sufficient to convict him of the crime of Murder, do convict him thereof; and under the provisions of Section 2 - Regulation VIII of 1802, sentence him to suffer death by being hanged at the usual time

against a prisoner the record of it is necessary and that if commission of a former offence cannot be traced, in a legal way - it should not be used as a means against a prisoner and consequently should not be quoted in the Calendar -

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

(Sent in № 294)

Read Calendar of Case № 62 of 1845 on the file of the Sessions Court of Madura submitted under date 10th February 1846. -

(Here enter F.H. № 554 of 1846)

1. The Court of Foujdaree Adalut observe that the abstract of the indictment in this case should have shewn more specifically than it does the place where the robbery charged was committed it is not sufficient to mention that it took place in the "Cushah" or Chief Town of a Taluk. -

2. The designation of the crime is also incorrect it should have been "robbery by

by open violence attended with aggravating circumstances" and not "theft and wounding".

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

(Sent in № 295)

Read letter dated the 14th Instant, from the Sessions Judge of Salem submitting for the final sentence of the Foujdaree Adalut the record of the trial in Case № 2 of 1846. -

End F.H.

(Here enter № 604 of 1846)

Mr. M. Lewin and Mr. T. E. J. Bilken.

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

"Addat Kuyan alias Coonjee Kootan Nair"

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

time

time and place of execution.—

The attention of the Acting Sessions Judge is directed to para. 3 of the circular letter from this Court dated 16th October 1845, which in the communication accompanying the above trial, has been disregarded.—

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

/Sent following letter No. 296./

Read return dated the 24th Instant from the Sessions Judge of Hanover to the precept of the Toujdaree Adalut under date the 16th idem, conveying their observations and orders on the Calendar of Cases Nos. 2 and 3 of 1846.—

/Here Enter No. 646/s

Ed. W.

F. 46.

Thursday, 26th February, 1846. At a Court of the Toujdaree Adalut.

Present,

The Hon. G. I. Waters Esqre. — 1st Puisne Judge;
M. Malcolm Lewin Esqre. — 2d Puisne Judge;
J. E. J. Boileau Esqre. — 3d Puisne Judge;

Read Criminal Reports under date the 5th Instant submitted by the Sessions Judge of Hanover for the Month of January 1846.—

/Here enter F. 46. No. 509 of 1846/

Case No. 1 / Adverting to a remark recorded in the abstract of this case regarding the 1st and 2d Witnesses who, it is stated, complain that "they were beaten and therefore stand in the "light of prosecutors"— the Court resolve to draw the attention of the Magistracy Zillah Aumeen to the Circular Orders noted marginally in which the practice of repeating the evidence of prosecutors as inadmissible, is denounced.—

C. O. 25th Feb. 1829
C. O. 27th July 1832.

2. The Court require a clear and explicit statement of the nature of the evidence adduced against the 1st prisoner which is not furnished in the abstract of the case contained in these reports.—

Adverting

26th February 1846.

Case No. 4

3. Adverting to the nature of the offence proved against the prisoner in this case, the Court consider the punishment awarded unwarrantable by Lenient.

Case No. 5

4. The causes assigned for rejecting the testimony of the 1st and 2d witnesses in this case lead the Court of Foujdaree Udalut to infer that the Moofty Sudr Ameen is in the habit of weighing evidence upon the principles of the Mahomedan law.

5. That officer should be aware that in his capacity of Criminal Judge he is bound to act upon the provisions of the Madras Code of Regulations and not upon the rules of the Mahomedan Law, a practice which has been frequently prohibited in the proceedings of the Foujdaree Udalut.

Case No. 7
C.O. 31st August 1833. B

6 Adverting to the rule laid down in the Circular Order noted marginally the Court of Foujdaree Udalut desire to be informed for what reason the prisoner in this case has been exempted from "irons".

Ordered that Extract from these proceedings be sent to the Sessions Judge of Honore

26th February 1846. Honore for his information and guidance by pre-cept, returnable within ten days. from and after its receipt.

(Sent following precpt No. 298.)

End W.H.

F. 46.

Friday 27th. February 1846.

At a Court of the Foujdaree Udalut.

Present

G. J. Waters Esqre. 1st. Puisne Judge

Malcolm Lewin Esqre. 2d. Puisne Judge

T. E. J. Boileau Esqre. 3d. Puisne Judge

Read Calendar dated 14th. Instant. in Case No. 3 of 1846 submitted by the Sessions Judge of Nellore.—

Vide enter F. 46. No. 557.

1. The Prisoners in this case convicted of Housebreaking and theft of property amounting to 209 Rupees were sentenced by the Sessions Judge under the provisions of Section XXI Regulation VII of 1802 to seven years imprisonment.—

2. It appears to the Court of Foujdaree Udalut that five Years imprisonment would meet the ends of justice in this case which exhibits no circumstances of aggravation requiring a heavier measure of punishment.—

3. The Court accordingly resolve to direct that the Prisoners

February 1846.

1st. Cheravoor Venkatiah and
2nd. Allankoola Mammedegander
be sentenced to imprisonment with hard labor
in irons on the public roads — the public
works for and during the period of five years.

Ordered that the Police Peon
prosecutor be furnished to the Sessions Judge
of Tellicherry by precept returnable in 5 days
from and after its receipt.—

(Sent following precept No. 300.)

Read Criminal Reports under
date the 1st Instant submitted by the
Subordinate Judge of Combaconum for the month
of January 1846.—

(Here enter F.H. No. 538)

Cases Nos. 1 and 12. 1. The Court of Tanjore Vakeel desire to be informed what notice may have been taken by the Magistrate of Tanjore of the delay which occurred in the transmission of these Cases to the Criminal Court.—

Case No. 3. 2. Adverting to the cause assigned for the delay which took place in this case the Court desire that it may be explained for

for what reason the Examination was entered upon by the Deputy Police Officer who, it appears, was incompetent to dispose of the case himself.—

Case No. 4. 3. The Court of Tanjore Vakeel 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 deem proper, reporting the same for the information of the Tanjore Vakeel.—

Case No. 5. 4. The Court are not satisfied with the explanation for the delay which took place in the commitment of this case, and they desire to be informed under what circumstances the Examination of the case could not be closed in a shorter period than seven days.—

Case No. 13 5. The Court infer that the impropriety of the reference which is assigned as the cause of delay in the transmission of this case to the Criminal Court, has been duly noticed by the Joint Magistrate.

Case No. 14. 6. The reference made to the Magistrate

and

1st Cheravum Venkatiah and
2nd Allankola Naumedegaundoo

be sentenced to imprisonment with hard labor in irons on the public roads or other public works for and during the period of five years.—

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

(Sent following precept No. 300.)

Read Criminal Reports under date the 1st Instant submitted by the Subordinate Judge of Combaconum for the month of January 1846.—

(Here enter F.H. No. 538)

Cases Nos. 1 and 12. 1. The Court of Sujdaree Adalut desire to be informed what notice may have been taken by the Magistrate of Tanjore of the delay which occurred in the transmission of these Cases to the Criminal Court.—

Case No. 3. 2. Adverting to the cause assigned for the delay which took place in this case the Court desire that it may be explained for

for what reason the Examination was entered upon by the Deputy Police Officer who, it appears, was incompetent to dispose of the case himself.—

Case No. 4. 3. The Court of Sujdaree Adalut 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 deem proper, reporting the same for the information of the Sujdaree Adalut.—

Case No. 5. 4. The Court are not satisfied with the explanation for the delay which took place in the commitment of this case, and they desire to be informed under what circumstances the Examination of the case could not be closed in a shorter period than seven days.—

Case No. 13 5. The Court infer that the impropriety of the reference which is assigned as the cause of delay in the transmission of this case to the Criminal Court, has been duly noticed by the Joint Magistrate.

Case No. 14. 6. The reference made to the Magistrate

1st Cheraum Venkatia and
2nd Allenkoola Maumedegaudoo
be sentenced to imprisonment with hard labor
in irons on the public roads or other public
works for and during the period of five years.—

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

Sent following precept No. 300.

Read Criminal Reports under
date the 1st Instant submitted by the
Subordinate Judge of Combaconum for the month
of January 1846.—

(Vide Letter F.H. No. 538)

Cases Nos. 1 and 12. 1. The Court of Sunjaree Adalut desire to be informed what notice may have been taken by the Magistrate of Tanjore of the delay which occurred in the transmission of these Cases to the Criminal Court.—

Case No. 3. 2. Adverting to the cause assigned for the delay which took place in this case the Court desire that it may be explained

for

for what reason the Examination was entrusted upon by the Deputy Police Officer who, it appears, was incompetent to dispose of the case himself.—

Case No. 4. 3. The Court of Sunjaree Adalut 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 deem proper, reporting the same for the information of the Sunjaree Adalut.—

Case No. 5. 4. The Court are not satisfied with the explanation for the delay which took place in the commitment of this case, and they desire to be informed under what circumstances the Examination of the case could not be closed in a shorter period than seven days.—

Case No. 13 5. The Court infer that the impropriety of the reference which is assigned as the cause of delay in the transmission of this case to the Criminal Court, has been duly noticed by the Joint Magistrate.

Case No. 14. 6. The reference made to the Magistrate

in this case evinced great ignorance on the part of the Head of District Police, who has omitted to state under what circumstance the Prosecutor and witnesses were not forwarded to his Cutcherry together with the prisoners.—

7. The Court desire that the Magistrate of Tanjore will call the attention of the Heads of Village Police in the District under his charge to the provisions of Section V Regulation XI of 1816.—

Cases Nos. 15. 8. In omitting to state the nature of the reference made to the Magistrate in this case the Head of Police has infringed the rule laid down in Circular Order No. 62.—

Case No. 22 9. The Court of Tanjore Zillah do not observe that any necessity existed for the Examination of this case by the Assistant Magistrate who instead of sending for the parties should have ordered their immediate transmission to the Criminal Court.—

Ordered, that Extract from these proceedings be sent to the Subordinate Judge of Combaconum for his information and for

communication

communication of para.s 1, 2, 4, 5, 6, 7, 8, and 9 to the Magistrate of Tanjore for the information and guidance of that officer and for report direct to the Tanjore Zillah by precept returnable within 15 days from and after its receipt.—

/Sent following precept No. 302./

Ordered also, that Extract from these proceedings /para. 3/ be sent to the Sessions Judge of Combaconum for his information and guidance by precept returnable within 10 days from and after its receipt.—

/Sent following precept No. 303./

Read Criminal Reports under date the 1st. Instant submitted by the Principal Sudr Ameen of Tinnevelly for the Months of January 1846.—

/Vide entry F.R. No. 545./

Cases Nos. 10 and 11. 1. Adverting to the opinion stated to have been expressed by the Mazoomdar regarding the nature of the charges preferred in these cases the Court desire to be informed on what grounds they were committed to the Criminal Court.—

The

27 Code No. 14. 2. The reference made to the Magistracy in this case evinces great ignorance on the part of the Head of District Police.—

3. The Court regret to observe that independent of the delay of three days which occurred previous to the reference in question, nine days were permitted to elapse before the orders of the Magistracy were forwarded to the Head of Police.—

4. The Court require an explanation of the delays above adverted to.—

Code No. 18. 5. The Court of Sudder Adawlut desire to be informed where the prisoners in this case were detained from the 26th of December the date of their apprehension to the 1st January that of their appearance before the Head of District Police.—

6. The subsequent delay of 17 days in the transmission of the case to the Criminal Court is extremely discreditable to the Head of Police, and calls for serious notice.—

Ordered, that Extract from these proceedings be sent to the Principal Sudder

Sudder Ameen of Tinnevelly for his information and for communication to the Joint Magistrate in charge for his information and guidance and for report direct to the Foujdaree Adalut by precept returnable within 15 days from and after its receipt.—

(Next following precept No. 333.)

Read return dated the 17th Ultimo from the Sessions Judge of Honore to the precept of the Foujdaree Adalut under date the 10th idem conveying their determination on the Criminal Reports for the month of November 1845.—

(Here enter No. 260.)

Read letter dated the 26th Ultimo from the Principal Sudder Ameen of Tinnevelly forwarding Extract from the Proceedings of the Sessions Court under date the 19th idem setting aside a sentence by that Officer, as an Appendix to December Criminal Reports.—

(Here enter No. 358.)

Read return dated the 3d instant from

from the Magistrate of Malabar to the pre-
-cpt of the Foujdaree Udalut under date
the 29th idem requiring him to explain the
reasons for including in the Statement for-
warded to the Criminal Court at Calicut
for the 2d half of 1844 the cases reported
to have been transmitted to the Criminal
Court at Tellicherry.—

(Here enter No. 448)

Read letter dated the 10th Instant
from the Magistrate of Rajahmundry re-
-porting respecting the Case No. 66 refer-
-red to in the Court's Proceedings of the 28th Ultimo.

(Here enter No. 531)

Read letter dated the 9th Instant
from the Magistrate of Bellary submitting
with reference to the Proceedings of the Court
of Foujdaree Udalut dated 16th Ultimo Ex-
-planation on the delay in the transmission
of Cases No. 187, 208, 210 and 211 to the
Criminal Court.—

(Here enter No. 533.)

F. U.

Saturday 28th Febuary 1846.

At a Court of the Foujdaree Udalut

Present.

The Hon. George I. Waters Esquire 1st Puisne Judge.
Malcolm Lewin Esquire 2d Puisne Judge.
C. E. I. Boileau Esquire 3d Puisne Judge.

Read Criminal Reports under date the 1st Instant submitted by the Subordinate Judge of Rajahmundry for the Month of January 1846.

(Here enter F. U. No. 492.)

Report No. 1. Case No. 3.

1. Adverting to the rule laid down in Circular Order No. 62 the Court desire to be informed of the nature of the reference made to the Magistrate in this Case which should have been stated by the Head of District Police.

Case No. 7.

2. The Court require a more satisfactory explanation of the delay which occurred in this Case, the witnesses not having been examined for 21 days after the apprehension of the prisoners.

Ordered that Extract from these

these Proceedings be sent to the Subordinate Judge of Rajahmundry for his information and guidance, and for communication to the Magistrate for the information and guidance of that Officer and for report direct to the Foujdaree Ada. but by precept returnable within X days from and after its receipt.

(Sent following precept No. 307.

Read Criminal Reports under date the 13th February 1846 submitted by the Principal Sudr Ameen of Guntoor for the month of January 1846.

(Here enter F. Ds. No. 543.)

Case No. 88.

The Court of Foujdaree Udalut seeing reason to question the propriety of the disposal of this Case resolve to direct the Session 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 Udalut.

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

(Sent following precept No. 308)

Ordered

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

(Sent in No. 309)

Read Supplemental Report dated the 20th Instant submitted by the Agent to the Governor of Fort St. George at Vizagapatam, of persons apprehended in the separate tracts of Vizagapatam and delivered to the Agency, and regarding whom no final orders had been passed at the date of the Report ending the 31st December 1845.

(Here enter F. D. No. 655.)

Ent[illegible]

these Proceedings be sent to the Subordinate Judge of Rajahmundry for his information and guidance, and for communication to the Magistrate for the information and guidance of that Officer, and for report direct to the Foujdaree Ada-lut by precept returnable within X days from and after its receipt.

(Sent following precept № 307.

Read Criminal Reports under date the 13th February 1846 submitted by the Principal Sudr Ameen of Guntoor for the month of January 1846.

(Here enter F. H. № 543.)

Case № 88.

The Court of Foujdaree Udalut seeing reason to question the propriety of the disposal of this Case resolve to direct the Session 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 Udalut.

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

(Sent following precept № 308)

Ordered

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

(Sent on № 309)

Read Supplemental Report dated the 20th Instant submitted by the Agent to the Governor of Fort St. George at Vizagapatam, of persons apprehended in the separate tracts of Vizagapatam and delivered to the Agency, and regarding whom no final orders had been passed at the date of the Report ending the 31st December 1845.

(Here enter F. H. № 655. /pr

Entd

J: U:

Monday, 2nd March, 1846.

At a Court of the Fouzdaree Adalut.

Present;

G: I: Waters Esqre — 1st Puisne Judge,

Malcolm Lewin Esqre — 3d Puisne Judge,

I: E: I: Boileau Esqre — 3d Puisne Judge,

Read Miscellaneous Petition presented on the 22d December 1845 by Coka Venkatachellum Naidoo of zillah Nellore.

(Here enter M: P: No 348 of 1845)

1. The Petitioner requests he may be furnished with a Copy of the order passed by the Court of Fouzdaree Adalut directing the release of his brother in-law Venkata Rungarow, 1st Prisoner in Case No 13 of 1845 on the file of the Sessions Court at Nellore.

2. The Court observe that Venkata Rungarow is at liberty by a personal application to the Sessions Judge of Nellore to demand a Copy of the warrant issued by the Court of Fouzdaree Adalut for his release.

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

Read Miscellaneous Petition presented on the 31st December last by Succajee Row and Veeramala Row of Zillah Madura.

(Here enter M: P: No 254 of 1845)

The

1. The Petitioners again repeat the prayer,
x Nos 40 and 191 of 1845. contained in their former addresses and which has twice been rejected in Foujdaree Adalut proceedings dated 25th March and 8th December 1845.-

2. The Petitioners are again referred to the Court's orders of the 25th March and 8th December 1845. If what is affirmed in their present address be correct, there exists the greater reason for their following the instructions which those orders afford.-

3 Petition finally dismissed.-

Ordered that Extract from these Proceedings be furnished to the Petitioners on their application.-

Read Miscellaneous Petition presented on the 26th January 1846 by Nulla Goundon of the Zillah of Salem.-

(Here enter F: M: Nos. P. No. 10 of 1846).

1. The Petitioner declares that the charge of robbery preferred against his brother the 8th Prisoner in Case No. 50 on the Salem Calendar for 1845 was the result of ill feeling entertained against him by certain parties mentioned in the Petition.-

2. That notwithstanding the falsity of the charge and the want of any evidence to substantiate it his bother has been unjustly convicted and illegally sentenced to 14 years imprisonment. He prays the Court to call for the record and order the release of

of his brother.-

3. On a reperusal of the Calendar the Court of Foujdaree Adalut see no reason to question the truth of the charge the propriety of the conviction or the justice of the sentence passed on the prisoner Chinnan. He was distinctly recognized by two witnesses disinterested in the prosecution to whom he was previously known and had the benefit of witnesses examined in his defence.-

4 The present Appeal in his behalf to set aside the sentence recorded against him is therefore dismissed.-

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

Read Miscellaneous Petition presented on the 2nd February 1846. by Vakeel T. Appiah in behalf of Sungiah of the zillah of Mangalore.-

(Here enter F: M: P: No. 15 of 1846)

1. The Petitioner who represents himself to be the brother-in-law of the prisoner in case No. 100 on the Mangalore Calendar for 1845 complains against the conviction of his brother-in law on a charge of forgery and also against the sentence of 5 years imprisonment awarded thereon.-

2. The Court of Foujdaree Adalut observe that

that the Calendar in which the Sentence complained against is inserted contains no exposition of the grounds of the Sessions Judges finding but merely sets forth that he "concurred in the verdict" of the Jury it is obvious that such an entry is insufficient to enable the Foujdaree Adalut to form any judgment of the merits of the case or of it bearings as exhibited in the trial.-

3 The Court accordingly resolve to direct that a Copy of this Petition be forwarded to the Sessions Judge of Mangalore for any remarks he may have to offer on the allegations contained in it. The Sessions Judge will also supply the omission above pointed out in his Calendar and submit a concise but clear statement of the grounds of his sentence passed in Case No. 100 / 1845.-

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

(Sent following Precept No. 312.)

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

Read Criminal Reports under date the 31st January last submitted by the Sessions Judge of Chicacole for the Month of January 1846.-

(Here enter F. A: No. 542)

The

Report No. V

Case No. 1

1. The Court of Foujdaree Adalut direct that the statement of the charge in this case may be amended, "the Guilty Knowledge" which forms the gist of the offence charged having been omitted.-

Case No. 2.

2. Adverting to the remarks recorded regarding the 1st witness in this Case to the effect that "he was lately punished for theft committed by him and is therefore looked upon as a Prosecutor" (the force of which argument the Judges fail to appreciate) the Court desire that the Sessions Judge will call the attention of the Moofty Sudr Ameen to the rule laid down in the Circular Order noted Marginally in which the practise of rejecting the evidence of Prosecutors as inadmissable is strictly denounced.-

Circular Order 25th February 1829.

3. The Moofty Sudr Ameen will be pleased to bear in mind that it is incumbent upon him when acting in the capacity of Criminal Judge to follow the rules laid down in the Regulations without reference to the principles of the Mahommedan Law.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Chicacole for his information and guidance and for Communication of paras: 2 and 3 to the Moofty Sudr Ameen for the information and future guidance of

that

that officer by precept returnable within X days from and after its receipt.-

(Sent following Precept No. 313.)

Read Miscellaneous Petition presented on the 19th January 1846 by A. Rammanah of Cuddapah.

(Here enter F. C. Cr. P. No. 7 of 1846).

1. The Petitioner represents himself to be the nephew of the 3rd Prisoner in Case No. 48 of 1845 on the Cuddapah Calendar and complains against the sentence passed by the Sessions Judge on his Uncle who was convicted of manslaughter and sentenced to 2 years imprisonment with labor in irons.-

2. The Petitioner alleges that the complaint preferred against his Uncle and the other prisoners in the case was false and got up by the real offenders to screene themselves that the trial of the case was not efficiently conducted and that of the charge is proved his Uncle merits a severer punishment than that awarded in the case and he prays the Court to call for the record and release his Uncle.-

3. The Court of Foujdaree Adalut on a deliberate consideration of the circumstances set forth in this Petition as well as of the remarks recorded by the Sessions Judge in the Calendar in which the case is entered resolve to direct the Sessions Judge to submit an English translation of the record with the least practicable delay.-

Ordered

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

(Sent following Precept No. 314)

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

Read Miscellaneous Petition presented on the 9th February 1846 by Adackayee Ummal of the Zillah of Combaconum.-

(Here enter F. C. Cr. P. No. 19 of 1846).

1. The Petitioner who represents herself to be the mother of the 3rd Prisoner in Case No. 65 of 1845 on the file of the Session Court of Combaconum complains of the sentence passed on her son who was convicted of having fraudulently mortgaged to the Prosecutor certain gilt ornaments under the plea that they were gilt and sentenced to 3 years imprisonment with hard labor in irons.-

2. The Petitioner represents that her son took no part in the mortgage but that he merely accompanied the 2nd Prisoner to the house of the Prosecutor whom he had pointed out to the 2nd Prisoner as one likely to accommodate her with a loan and that therefore he was not responsible for any fraud which might have been committed by the other prisoners in the case.

She

2nd March 1846.

She further adds that her son was acquitted by the Jury and prays the Court to call for the record and order the release of her son.—

3. The Court of Foujdaree Adalut resolve on a consideration of the whole circumstances of the case as represented in the Calendar and set forth in the foregoing Petition to call for the record of the trial and they accordingly direct that the Sessions Judge be pleased to submit an English translation of it with the least practicable delay, explaining at the same time with reference to the rule indicated for observance by Circular Order No. 178, whether the verdict of each Juror on the trial of Petitioner's son, was reduced to writing. If the rule was observed, translations of the verdicts will of course be submitted with that of the trial; the Sessions Judge will however report with adverteuce to the alleged nature of the verdict stated by Petitioner to have been given, whether any deference of opinion did occur between himself and the Jurors.—

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

(Sent following Precept No. 315.)

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

Suncajee.

F. C.

2nd March 1846.

Suncajee Row and Seroomala Row, move the Court to return the enclosures in their Miscellaneous Petition No. 254 of 1845.—

Ordered accordingly.—

Read letter dated the 21st Ultimo from the Sessions Judge of Cuddalore submitting the record of trial in case No. 1 on the Calendar of the Sessions Court for 1846.—

(Here enter F. C. No. 669 of 1846)

Mr. G. I. Waters.

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

1st Paramanen.

2nd Woomayen

3rd Nettacall Ammayen

and

5th Ponaday

is sufficient to convict them of the crime of gang robbery, attended with rape, do convict them severally thereof; and under the provisions of clauses second and fifth, Section IV Regulation XV of 1803, and clause third Section 4 Regulation I of 1825, sentence the prisoners

2nd Woomayen

and

5th Ponaday.

to receive One hundred and Ninety five lashes with a cat o'nine tails, and to be transported to such place

or

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 publics works, for,
and during the period of their natural lives, the prisoner

1st. Paremanen.

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

3rd. Nettacall Ammayen

to be imprisoned and kept to hard labor in irons, on the
publics roads, or other publics works, for, and during the
period of (14) fourteen years.-

(Sent following letter No. 316.)5

Ent. W.

F. C.

Tuesday, 3d. March 1846.- At a Court of the Fouzdary Adawlut.

Present.

Lea. J.P.P. J. J. Waters Esqre. 1st. Puisne Judge.-
Lea. J.P. Malcolm Lewin Esqre. 2d. Puisne Judge.-
Lea. J.P.P. T. E. J. Boileau Esqre. 3d. Puisne Judge.

Read Calendar under date the 12th. February 1846 of Case No. 3 of 1846 submitted by the Sessions Judge of Monoar.-

(Vide Inter F.C. No. 620 of 1846.)

1. The Prisoners in this case were charged with having gone with others in a party to the Prosecutor's house, entered in, lighted torches ill treated the Prosecutor and others, and robbed therefrom property valued at Rupees 5-8-4-- and also property from the adjacent house of one Ganapa Bhut valued at Rupees 14-15-7.-

2. The Sessions Judge concurred with the Law Officer in the acquittal of the Prisoners but being of opinion that strong suspicion attached to the 1st. 2d. and 3d. Prisoners placed them severally under a requisition of security for a period of three years, the 1st. prisoner being adjudged to produce two Sureties in the sum of

of Rupees 50 each, and the other prisoners two sureties in the sum of Rupees 20 each, or in default to be imprisoned for a similar period, and ordered the 4th Prisoner to be unconditionally released.-

3.

The Court of Foujdary Adalut from a perusal of the Calendar of this case see no sufficient grounds for the demand of security from the 1st, 2d, and 3d Prisoners, and they accordingly direct, that the Sessions Judge will submit an abstract of the evidence, which he considers to justify the requisition he has made.-

Ordered, that Extract from these proceedings be sent to the Sessions Judge of Tanjore for his information and guidance by precept, returnable within x days from and after its receipt.-

(Sent following precept No 317.)

Read again Criminal Reports under date the 12th December, 1845, submitted by the Principal Sudr Ameen of Trichinopoly for the month of November 1845.-

(Herewith F. Vol. No 3656 of 1845.)

Read also communication under date the 16th January 1846 from the Magistrate of Tanjore submitting an explanation of the delay

delay which occurred on the part of the Police Ameen of Sengepatty in the transmission to the Magistrate of Trichinopoly of Case No 130 contained in the foregoing Criminal Reports.-

(Herewith F. Vol. No 339 of 1846.)

Under the explanation afforded by the Magistrate of Tanjore the Court of Foujdary Adalut approve of the course adopted by the Police Ameen of Sengepatty in the case referred to.-

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

(Sent in No 318.)

Ordered also, that Extract from these proceedings be forwarded to the Principal Sudr Ameen of Trichinopoly for his information.-

(Sent in No 3184)

Read return dated the 16th January last from the Magistrate of Rajahmundry to the precept of the Foujdary Adalut under date the 31st December 1845, requiring that officer to submit for the consideration of the Judges, a statement of the facts bearing upon the Munsiff's

of

3d March 1846.

of Judgeship, as they now appear, as well as of those, which induced the attachment of his estate, together with an explanation of his views, as to what he thinks should be done with it.-

(Here enter No. 252 of 1846)

1. As it appears from the above communication, that in the opinion of the Magistrate there is a probability of the Munsufdar being convicted of certain charges of Gang robbery about to be brought for trial before the Sessions Judge of Rajahmundry, the Judges of the Foujdary Adalut resolve to postpone passing orders on the Magistrates report above entered, until the result of the Munsufdars trial shall have been reported to this Court; and as it is not found that the Calendar of the Case in which the Munsufdar is concerned has been as yet transmitted to the Foujdary Adalut, the Judges resolve to request the Sessions Judge to lose no time in bringing to a close the trial and reporting the result.-

2. The Judges further request the Sessions Judge will lay before the Court of Foujdary Adalut a translation of the entire record, for their information, should a necessity not arise for its being referred to them for final

Sentence

No. 21

F. 26.

3d March 1846.-

sentence under the Regulations.-

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Rajahmundry for his information and Guidance by Precept, returnable without delay.-

(Sent following precept No. 319)

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

(Sent in No. 320.)

Read letter dated the 9th Ultimo from the Sessions Judge of Rajahmundry, submitting for final orders by the Judges of the Foujdary Adalut, Copy of a letter from the Acting Magistrate relative to the construction put upon Regulation I of 1820 by the Principal Sudr Ameen of Chicacole, as to whether Beer can be sold or not without a licence.-

(Here enter No. 475 of 1846)

The construction, referred to by the Acting Magistrate, is contained in the sentence passed by the Principal Sudr Ameen in Case No. 3 of 1846 on his Criminal File, wherein he declares, that it does not appear that Beer is included in the spirituous or fermented liquors contemplated

contemplated by Regulation I of 1820.-

2. The Acting Magistrate remarks on the opinion of the Principal Sudr Ameen, that he is led to consider that beer, being undoubtedly a fermented as well as an intoxicating liquor, comes within the spirituous and fermented liquors, the unlicensed sale of which is forbidden by Section III Regulation I of 1820, and that he is desirous the point should be settled authoritatively.-

3. The Sessions Judge differs from the Acting Magistrate in his view of the question, being of opinion that the fermented malt liquor generally called Beer, does not any more than the fermented liquor, called Ginger Beer, come under the provisions of the Abkary Regulation.-

4. The Judges of the Sudr Dewanny Adalut having attentively considered the subject concur with the Acting Magistrate, that Beer, being a fermented liquor is not excluded from the operation of Regulation I of 1820.-

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Chingleput for his information and communication to the Acting Magistrate and Principal Sudr Ameen of Chingleput respectively.

respectively.-

(Sentence No. 321.)

Read again Criminal Report under date the 5th January last, submitted by the Subordinate Judge of Calicut for the Months of December 1845.-

(Here enter F. R. No. 8 of 1846.)

Read also Return dated the 29. January last from the acting Sessions Judge of Calicut to the precept of the Sudr Dewanny Adalut under date the 22nd January 1846. directing revision of proceedings in Case No. 225 of 1845, on the Criminal file of the Subordinate Court, and transmitting Extract of Acting Sessions Judge's proceedings thereon.-

(Here enter No. 399 of 1846.)

1. The Court of Sudr Dewanny Adalut do not clearly comprehend the grounds, on which the Acting Sessions Judge has declared in the proceedings which accompany the above Return, that a Prisoner convicted of embezzlement has been illegally convicted, because the conviction has taken place under the provisions of Section VII Regulation X of 1816 instead of clause 3rd Section II Regulation XV of 1803. They observe that the latter

authority

contemplated by Regulation I of 1820.-

2. The Acting Magistrate remarks on the opinion of the Principal Sudr Ameen, that he is led to consider that Beer, being undoubtedly a fermented as well as an intoxicating liquor, comes within the spirituous and fermented liquors, the unlicenced sale of which is forbidden by Section III Regulation I of 1820, and that he is desirous the point should be settled authoritatively.-

3. The Sessions Judge differs from the Acting Magistrate in his view of the question, being of opinion that the fermented malt liquor generally called Beer, does not come under the fermented liquor, called Ginger Beer, come under the provisions of the Abkary Regulation.-

4. The Judges of the Foujdary Adalut having attentively considered the subject concur with the Acting Magistrate, that Beer, being a fermented liquor is not excluded from the operation of Regulation I of 1820.-

Ordered that Extract from these proceedings be forwarded to the Session Judge of Chingleput for his information and communication to the Acting Magistrate and Principal Sudr Ameen of Chingleput respectively.

respectively.-

(Sentence No. 321.)

Read again Criminal Reports under date the 5th January last, submitted by the Subordinate Judge of Calicut for the Month of December 1845.-

(Here entered F. C. No. 8 of 1846.)

Read also Return dated the 29. January last from the Acting Sessions Judge of Calicut to the precept of the Foujdary Adalut under date the 22nd January 1846. directing revision of proceedings in Case No. 225 of 1845, on the Criminal file of the Subordinate Court, and transmitting Extract of Acting Sessions Judge's proceedings thereon.-

(Here entered No. 399 of 1846.)

1. The Court of Foujdary Adalut do not clearly comprehend the grounds, on which the Acting Sessions Judge has declared in the proceedings which accompany the above Returns, that a Prisoner convicted of embezzlement has been illegally convicted, because the conviction has taken place under the provisions of Section VII Regulation X of 1816 instead of Clause Sixth Section II Regulation XV of 1803. They observe that the latter authority

authority would have been quoted, if the punishment, which the Subordinate Judge was competent to award under Section VII Regulation X of 1816,- had in his opinion been insufficient, and the case had been committed to the Sessions Court as requiring a more severe punishment.-

2. The Judges of the Foujdary Udalut with the information now before them, consider the sentence passed by the Subordinate Judge to be unobjectionable, and the order of the Acting Session Judge quashing such sentence to be altogether erroneous.-

3. As the Acting Session Judge has but recently been called to his present duties, the Court of Foujdary Udalut resolve to suggest to him the propriety of advising with the upper Court, before taking any ulterior steps of the legality of which the Acting Session Judge should (adverting to his inexperience) entertain doubt.-

4. The Prisoner having however been released by the Acting Session Judge's orders, the Foujdary Udalut will not direct his reapprehension.-

Ordered, that Extract from these proceedings be sent to the Acting Session Judge

of

Halicut for his information (and communication) of paras 1, 2 and 4 to the Subordinate Judge.-

(Sent in No. 322.)

Read Criminal Reports under date the 31st January 1846 submitted by the Principal Sudr Ameen of Cuddalore for the Month of January 1846.-

(Has enter F. W. No. 612 of 1846.)

Suppl. Report. Case No. 217.- 1. Has 2nd Prisoner in this case, having admitted his guilty knowledge of the crime charged, should in the opinion of the Court of Foujdary Udalut have been punished as an "accessory"...

Report No. V. Case No. 1.- 2. Adverting to the admission made by the 3d and 4th Prisoners in this case the Court of Foujdary Udalut are of opinion that the evidence was sufficient for their full conviction of the crime laid to their charge.-

3. The Court do not now disturb the sentences, which have been passed in the foregoing cases.-

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

(Sent in No. 323.)

Read the Criminal Reports dated the 10th Ultimo submitted by the Sessions Judge of Bonore of the Sudr Ameens Court at Sirsy for the month of January last.-

(Here enter No. 373 of 1846.)

Read Statement dated 1st January last, submitted by the Sessions Judge of Tinnevelly of Batta paid to Prosecutors and Witnesses attending before his Court from 1st July to 31st December 1845.-

(Here enter No. 378 of 1846)

Read Report dated 14th Ultimo submitted by the Sessions Judge of Tschinopoly of Casualties and of Prisoners released in that Zillah in the month of January 1846.-

(Here enter No. 380 of 1846.)

Read Convict labour Report dated 14th Ultimo submitted by the Sessions Judge of Tschinopoly, and the Estimate value of all articles produced by the labor of Prisoners in the Jail at that Station during the month of January last.-

(Here enter No. 381 of 1846.)

Read letter dated 13th Ultimo from the Magistrate of Canara reporting that the irregularity

irregularity of the proceedings of the Head of Police at Honore in Case No. 125 of 1845 remarked upon by the Sunjdary Udalut in their Proceedings of the 10th January 1846, had been pointed out to that Officer.-

(Here enter No. 384 of 1846.)

Read return dated the 12th Ultimo from the Agent to the Governor of Fort St. George at Vizagapatam to the precept of the Sunjdary Udalut of the 2nd Idem, pointing out some discrepancies in the Criminal Monthly returns for December last.-

(Here enter No. 389 of 1846)

Read return dated 14th Ultimo from the Sessions Judge of Mangalore to the precept of the Sunjdary Udalut of the 9th Idem directing him to supply the omission, in the Calendar in Case No. 100 of 1845, of the names, ages and profession of the Jury associated with him in the trial of that Case.-

(Here enter No. 391 of 1846.)

Read return dated 16th Ultimo from the Sessions Judge of Salem to the precept of the Sunjdary Udalut of the 11th Idem directing him to call for a 2nd Instance regarding the

3d March 1846.—

the 1st 2nd 3d and 7th Prisoners in Calendar No. 62 of 1845 and to pass fresh sentences on them and to release the 4th, 5th, and 6th, the wives of the 1st 2nd and 7th Prisoners.—

(Here enter No. 600 of 1846.)

Read return dated 16th Instno from the Session Judge of Rajahmundry to the precept of the Sudder Adalut of the 11th Instno directing him to state the manner in which the 1st Prisoner in Case No. 3 of 1846 on the Sessions Calendar gave his Entry into the Prosecutor's house.—

(Here enter No. 602 of 1846)

Read Statement dated 1st January last submitted by the Sessions Judge of Chittoor of Batta paid to the Prosecutor, and Witnesses attending before the Sessions Court from 1st July to 31st December 1845.—

(Here enter No. 618 of 1846.)

Read letter dated 14th Instno from the Principal Sudr Ameen of Tinnevelly, requesting insertion of the dates of apprehension of Prisoners in Criminal Case No. 9 of 1846 in the Monthly Criminal Reports for the month of January 1846.—

(Here enter No. 623 of 1846.)

Read

3d March 1846.—

Interpretation.

Of Section III Regulation I of 1820.

On a reference to the Court of Sudder Adalut it has been ruled, that Beer being a fermented as well as an intoxicating liquor, comes within the class of spirituous and fermented liquors, the unlicensed sale of which is forbidden by Section III Regulation I of 1820.—

By the Sudder Adalut.

(Circular No. 324)

Wednesday
4th March 1846. S. C.

At a Court of the Toujdaree Udalut

Present.

G. J. Waters Esqre. 1st Puisne Judge
M. Lewin Esqre. 2d. Puisne Judge
J. E. J. Boileau Esqre. 3d Puisne Judge

Read Criminal Reports dated the 1st January 1846. submitted by the Acting Subordinate Judge of Mangalore for the month of December 1845.

(Here enter No. 131)

Report No. 1 The Court of Toujdaree Udalut
Case No. 219 resolve to point out for the future information of the Acting Subordinate Judge, that he had no authority to order that a sentence of acquittal passed by the Sudr Ameen, should not be carried into effect until the receipt of orders from the Sessions Judge, who himself should direct the observance by the Sudr Ameen of such rules as may be necessary to afford to the Sessions Judge

4th March 1846

an opportunity of superviding the criminal proceedings of the Sudr Ameen to the extent declared necessary in Tanjore Adalut proceedings dated the 7th April 1845 without calling for the intervention of the Subordinate Judge or for the expression of the Subordinate Judge's opinion.—

2 The orders passed by the Sessions Judge directing the acting Subordinate Judge himself to dispose of the case in question is deemed by the Tanjore Adalut to have been illegal and should be cancelled.—

3 The Court of Tanjore Adalut therefore direct that the Session Judge will again call up the records of the case and pass such orders as he may think proper, reporting the same for the information of the Tanjore Adalut.—

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

and

5th March 1846

and guidance, and communications to the Subordinate Judge.—

(Sentence No. 326.)

Read again Calendar of Case No. 61 of 1845 submitted by the Session Judge of Salem under date the 5th January last.

Here enter No. 70 of 1846

Read also return dated the 16th Ultimo from the same officer to the precept of the Tanjore Adalut of the 23d January 1846 directing him to submit the translation of Case No. 61 on the Calendar of the Session Court of Salem for 1845.—

(Here enter No. 601 of 1845)

1 In this case 3 prisoners are in the Calendar stated to have been charged with "having at night with intent to kill severely beaten the Prosecutor on his way to his field with a stick so as to break his arm.—

The

4th March 1846

2. The Law Officer declared the crime of wounding not fully proved against the prisoners, but as in support of the statements of the Prosecutor and the 1st and 2d witnesses relative to the identification, the prisoners are bad characters he pronounced them liable to Kohoobut on Zumeeghalib

3. The Session Judge observed that by the evidence of the Prosecutor it is shewn he recognized the three prisoners, when attacking and aiming the blows he warded off, and when the 3d prisoner struck and wounded his arm; and by that of the 1st witness, that he also identified the prisoners, who he previously knew, when going off, and as he and the 2nd witness have deposed the Prosecutor, immediately on their arrival named the prisoners, he is of opinion that the assault is clearly established against the three prisoners, this not with intent to

Kill

J No

4th March 1846

Kill, as the Prosecutor allows no threats were used at the time or previously, and the prisoners had no other weapons but sticks, and therefore concurring in the finding of the Law Officer and as the Prosecutor has received a fracture of both bones of the left arm the Session Judge sentenced the prisoners under the provisions of Clause VII Section II Regulation XV of 1803 to four years imprisonment with hard labor in irons on the public roads or other public works.

4 It appearing to the Court of Foujdaree Udalut from the perusal of the Calendar that this was an aggravated case of assault beyond the jurisdiction of the Sessions Judge the record of the trial was called up.

5 Having attentively considered the whole of the proceedings the Court of Foujdaree Udalut cannot but express their extreme surprise

at

4th March 1846.

at the decision arrived at in this case by the Sessions Judge whose judgment is far from approved. It is clearly and satisfactorily shewn by the evidence of the Prosecutor as well as that of the 2 first witnesses - and the fact is recorded in the Report of the Police Officer at Page 51 of the Police Proceedings - that the 3 accused parties had run off before these witnesses arrived and therefore their testimony on which the Sessions judge relies as to the identification of the prisoners is utterly worthless - It is clear to the Court, the night being dark that the prisoners could not have been identified and they therefore resolve to set aside the conviction and sentence of the Sessions Judge and to direct that the prisoners

1st Ratta Kyen alias Tripetty

2 " Saravoo

3 " Chinnaroyen "

be

14th March 1846.

be immediately set at liberty -

The record does not shew on what charge the prisoners were arraigned and tried - The Sessions Judge will be pleased to explain this omission. -

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Salem by precept returnable in III days from and after its receipt. -

(Sent following precept No 327.)

Read Criminal Reports dated the 14th ultimo submitted by the Principal Sudr Ameen of Chingleput for the month of January 1846. -

(Here enter No 546)

Report No 1 ... Adverting to the statement
Case No 1 by the Principal Sudr Ameen that
the Prisoner is a boy of tender age, the
Court of Foujdaree Udalut consider
that the ends of justice will be

more

14th March 1846. be more satisfactorily met by the im=
=mediate infliction of a corporal punish=
=ment and the release of the Prisoner
at once unless the Jail admits of his
being incarcerated without coming in
contact with the main body of convicts
in the Jail

2 They accordingly resolve to
direct the suspension of the sentence
of imprisonment with labor without
irons awarded by the Principal Sudr
Ameen and the submission of a report
on the point above noticed, with a state=
=ment of the number of lashes the Prin=
=cipal Sudr Ameen may consider it ad=
=visable to inflict.—

3. The Court also desire that the
Acting Magistrate will ascertain and
report for their information whether the
prisoner has any means of earning
a livelihood.—

Case No 4 4 The Court of Foujdaree Udalut
seeing reason to question the propriety
of the disposal of this case resolve to
direct

F. C.
4th March 1846. direct the Sessions Judge to call up
the record and to pass such orders
as he may deem proper reporting the
same for the information of the
Foujdaree Udalut.—

Ordered that Extract from
these Proceedings be sent to the Prin=
=cipal Sadr Ameen of Chingleput
for his information and guidance and
for communication of para 3 to the
Acting Magistrate for the infor=
=mation and guidance of that Officer
by precept returnable in X days from
and after its receipt.—

Sent following Precept No 328

Ordered also that Ex=
=tract from these Proceedings be
sent to the Sessions Judge of Chingle=
=put by precept returnable in X days
from and after its receipt.—

Sent following Precept No 329

F. C.

Tuesday 5th March 1846.

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 the 31st December 1845 from the Sessions Judge of Salem, submitting the record of trial in Case No. 49 of the Sessions Court of Salem for 1845.-

(Here enter F. C. No. 627 of 1846.-

Read also letter dated the 27th Ultimo, from the Sessions Judge of Salem, reporting the death of Para Lutchoomon, 2nd prisoner in Case No. 49 of 1845.-

(Here enter No. 708 of 1846)

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

1st Cootty Counden

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession of the crime of murder, do acquit him thereof, but considering that strong suspicion, tho' not amounting to

Conviction

Mr. Mc. Lewin.

Mr. J. E. I. Boileau.

F: U:

Tuesday 5th March 1846.

At a Court of the Foujdaree Adalut.

Present

Mr. J. Waters Esqre — 1st Puisne Judge

Malcolm Lewin Esqre — 2d Puisne Judge

J. E. J. Boileau Esqre — 3d Puisne Judge.

Read letter dated the 31st December 1845 from the Sessions Judge of Salem, submitting the record of trial in Case No. 49 of the Sessions Court of Salem for 1845.-

(Here enter F: U: No. 627 of 1846.-

Read also letter dated the 27th Ultimo, from the Sessions Judge of Salem, reporting the death of Para Lutchoomon, 2d prisoner in Case No. 49 of 1845.-

(Here enter No. 708 of 1846).

Mr. Mc. Lewin.

Mr. J. E. J. Boileau.

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

1st Coolly Counden

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession of the crime of murder, do acquit him thereof, but considering that strong suspicion, tho' not amounting to

Conviction

conviction, attaches to him, they direct that he be required under Clause sixth, Section II Regulation XV of 1803 to find surety in an amount to be determined at the discretion of the Sessions Judge for his good behaviour and appearance when required, within a period which that officer will define; or in default thereof that he be detained for a similar period in confinement- and that the prisoners,

4th Coolandavalan
5th Moottien
6th Peroomal.
7th Arnachellum
8th Pallecodattan alias Parmasen.
9th Lutchomon, talaiar
10th Paramoonegan
and
11th Para Sarien.

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confession of the above crime, do acquit them thereof, and direct that they be unconditionally released.-

1. The Prisoners in this case were charged with having killed one Govindon, the brother of the 1st Prosecutor and husband of the 3rd Prosecutrix by striking him with sticks, stones and a mallet after having tied him to the post of a shed, and then with having thrown the body with a stone tied to it into

a well.-

2. On an attentive consideration of the record of this case, the Court of Foujdaree Adawlut consider that the various discrepancies observable in the testimony of the 1st witness the only eye witness of the murder which is alleged to have been committed, render her evidence insufficient to warrant the conviction of the prisoners.-

3. The Court however see no reason to doubt that a murder has been committed and being of opinion that strong suspicion attaches to the 1st Prisoner, they resolve to direct that that individual be placed under a requisition of security and that the remaining prisoners be unconditionally released forthwith.-

4. The Court observe for the information and future guidance of the Sessions Judge that the prisoners when arraigned should have been separately called on to plead and should have severally affixed their signatures to the arraignment.-

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

(Sent following letter No. 37.)

Read Criminal Reports under date

the

the 12th February 1846. submitted by the Principal Sudr Ameen of Trichinopoly for the month of January 1846.

(Here enter F: 66: No. 549).

Case No. 9. 1. The Court seeing reason to question the propriety of the disposal of this case, resolve to direct the Session 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. 10. 2. Adverting to the remarks recorded in the abstract of this case to the effect that "the evidence of the 3rd witness is useless", the Court of Foujdaree Adalut desire to be informed on what grounds the Principal Sudr Ameen was led to form the above opinion.

3. A Remark of the nature of that under notice is insufficient to convey to the Court a correct impression of the manner in which the evidence has been appreciated by the Principal Sudr Ameen, and should therefore be always accompanied by a succinct abstract of the testimony to which it refers.—

Ordered, that Extract from these Proceedings be sent to the Principal Sudr Ameen of Trichinopoly for his information and guidance by precept returnable within V days, from and after its receipt.—

(Sent following Receipt No. 338.)

Ordered

F: 66:

5th March 1846.

Ordered also that Extract from these Proceedings (Para 1) be sent to the Session Judge of Trichinopoly for his information and guidance by precept returnable within X days from and after its receipt.—

(Sent following Receipt No. 339.)

Read Calendar of Cases No. 9, 10, 11, 12, 13 and 14 of 1846. submitted by the Session Judge of Combaconum under date the 13th February 1846.

(Here enter F: 66: No. 553 of 1846).

Case No. 9. 1. The prisoner in this case convicted of having feloniously uttered 2 leaden Quarter rupees has been sentenced by the Session Judge to 4 Years imprisonment with hard labor in irons.—

2. The punishment appears to the Court of Foujdaree Adalut to be excessive and altogether disproportioned to the offence they accordingly resolve, in exercise of the power vested in them by Section XXXV Act VII of 1843, to mitigate it and to direct that the prisoner

"Ramasawmy Pillay"

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 from the date of his apprehension.

Case No. 10. 3. The 1st prisoner in this case was convicted of having enticed the son of the prosecutrix to

to a jungle thrown him down and kneeling upon his neck until he was speechless and insensible and tearing the lobe of his left ear robbed him of a pair of ear-rings valued at Rupees 3-8-- and was sentenced by the Sessions Judge to 10 Years imprisonment with hard labor in irons under clause fourth Section II Regulation VII of 1822.--

4 The Court observe that the provision granted by the Sessions Judge is quite inapplicable to the case in question which should have been disposed of as laid down in Circular Order 56. In commutation however of the punishment of 14 Years imprisonment to which the prisoner is liable under the provisions of Section XXI Regulation VIII of 1802 The Court of Foujdaree Adalut under Section XXXV Act VII of 1843 resolve to pass on him the sentence of 10 Years imprisonment but they direct that the sentence of the Sessions Judge be amended accordingly.--

Case No. 11 5. The Court of Foujdaree Adalut having maturely considered the circumstances of this case as represented in the Calendar sanction under Section XXXV Act VII of 1843 the mitigated punishment recommended by the Sessions Judge, and accordingly direct the prisoner

3d Veeren.

be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (2) two years.--

Ordered

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

(Sent following Precept No. 340.)

Read Calendar in Case No. 67 and 8 of 1846 submitted by the Sessions Judge of Chittoor.--

(Here enter No. 621)

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

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

(Sent in No. 341.)

Read Calendars dated the 18th Ultimo submitted by the Sessions Judge of Chingleput in Cases Nos. 5 and 6 of 1846.--

(Here enter No. 638)

Adverting to certain remarks by the Sessions Judge regarding the disposal in Her Majesty Supreme Court, of a case connected with that reported on in the above Calendars, the Judges of the Foujdaree Adalut being of opinion that it is not within the province of the Sessions Judge to comment on the labors of Her Majestys Judges, resolve to return the Calendars in order to the remarks in question being removed therefrom.--

Ordered

5th March 1846.

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

Extd

(Sent following Precept No. 342.)

Read letter dated the 28th January 1846. from the Subordinate Judge of Madura accounting for the delay in making a report regarding the investigations into the irregularities in the Paumbam Jail with reference to their orders contained in the Extract dated the 15th November 1845.—

(Here enter F. C. No. 346 of 1846).

Friday
6th March 1846

F. C.

At a Court of the Foujdaree Adalut.

Present

George L. Waters Esqr. 1st Puisne Judge
Malcolm Lewin Esqr. 2nd Puisne Judge
L. Eo. L. Boileau Esqr. 3rd Puisne Judge.

Read Calendar of Case No. 1 of 1846 submitted by the Session Judge of Salem under date the 13th February 1846.

(Here enter F. C. No. 108 of 1846)

Five Prisoners in this case are convicted of Gang robbery, and the Session Judge had sentenced the 1st, 2nd, 3rd and 5th Prisoners to 14 years imprisonment with hard labor in irons, but in consideration of the youth of the 4th prisoner, who he states is "apparently not more than 15 years of age" he recommends that the sentence as regards him may be mitigated to 2 years imprisonment with hard labor suited to his age.

The Court of Foujdaree Adalut

possessing the power under Section XXXV, Act VII of 1843 the mitigated punishment recommended by the Session Judge, and considering that the ends of justice will be sufficiently met by a punishment of 8 years imprisonment

5th Marc

6th March 1846.

Judgment in the case of the other prisoners, the Court of Fojdarce Udalut direct that the Prisoners,

1st Mauron of Moraspr,

2nd Peria Chenna Royen of Seryemputtee,

3rd Chenna Chenna Royen, and

5th Chennum

be imprisoned and kept to hard labor in irons, on the public roads or other public works for and during the period of 8 (eight) years and the Prisoner

4th Panman

be imprisoned and kept to hard labor suited to his age on the public roads or other public works for and during the period of (2) two years.

3 The Sessions Judge had in the abstract of the indictment in the Calendar omitted to specify how the entry into the Prosecutor's house was effected by the Prisoners this omission he will be careful to avoid in future similar cases.

4 It was further necessary that the Sessions Judge should have entered in the columns devoted to the finding, after the names of the Assessors, an abstract of the verdict given by them either collectively or singly, and also that the ages and condition in life of the Assessors should have been stated.

Ordered

6th March 1846.

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. 344)

Read Supplemental Report and

Report of cases tried by the Magistracy under the provisions of Section I, IV, Act VII, of 1843 during the month of December 1845, submitted by the Magistrate of Canara under date the 13th Ultimo.

(Here enter Folio Nos 575 and 576 of 1846.)

The Court of Fojdarce Udalut observe with reference to the rule laid down in Circular Order No. 40, that these Reports should have been forwarded so as to reach this Court on or before the 15th January last.

Supplemental Report Canara 821

2 Adverting to the entry in the columns of charge, the Magistrate is informed that the Court of Fojdarce Udalut have repeatedly ruled that the Reports of cases should be complete in themselves without reference to any former Reports.

3 The authority for the sentence passed has not been quoted.

The Court require an explanation of

4

6th March 1846.

of the remark "that the Defendant in this case was not in "confinement during the enquiry."

5. The Court infer that that individual was present during the examination of the case.

Report Case & 21. Circular Order 26th September 1832.

6. Adverting to the rule laid down in the Circular Order noted marginally the Court observe that an abstract of the charge preferred against the Defendants in this case should have been entered in the 2nd Column of the Report.

7 The provisions of the Law applicable to the sentences passed in this and in the following cases have not been quoted.

8 The Court desire that the omissions above adverted to may be now supplied.

9 The remarks recorded in paras 4 and 5 of these Proceedings are applicable to this case also.

Cases & Nos 2 3

10 The mission in these cases to affix as a heading to the Statement of the charge, the designation of the offence charged, is in direct contravention of the rule laid down in Circular Order No. 168.

11 The Court of Foujdaree Udalut have frequently prohibited the citation of their Circular Orders as the authority for sentences passed by the Judicial

Title
6th March 1846

Judicial and Magisterial authorities.

Case No. 3.

12 In directing the attention of the Magistrate of Canara to the omission in this case of the date on which the sentence was passed, the Court resolve with reference to the numerous omissions observable in the reports under review to request that that officer will prevent the recurrence of similar irregularities in future.

Ordered, that Extract from these Proceedings be sent to the Magistrate of Canara for his information and future guidance by precept returnable within XX days from and after its receipt.

(Sent following precept No. 345.)

Read Criminal Report under date the 2nd Ultimo submitted by the Subordinate Judge of Chittoor for the month of January 1846.

(Recorded F.R. No. 469.)

Case & 21 1 The Court observe in this case an infraction by the Village Police of the rule laid down in Section V, Regulation XI of 1816, and they desire to be informed under what circumstances the examination of the case which appears to have been commenced on the 26th December was not completed before the 31st Idem.

Case No. 2. 2 The Court require an explanation of the non appearance "of some of the important witnesses in "this case" for three days subsequent to the apprehension of the

of the remark "that the Defendant in this case was not in "confinement during the enquiry."

5. The Court infer that that individual was present during the examination of the case.

Report Case 121. Circular Order 26th September 1832

6. Adverting to the rule laid down in the Circular Order noted marginally the Court observe that an abstract of the charge preferred against the Defendants in this case should have been entered in the 2nd Column of the Report.

7. The provisions of the Law applicable to the sentences passed in this and in the following cases have not been quoted.

8. The Court desire that the omissions above adverted to may be now supplied.

9. The remarks recorded in paras 4 and 5 of these Proceedings are applicable to this case also.

Cases Nos 2 3

10. The omission in these cases to affix as a heading to the Statement of the charge, the designation of the offence charged, is in direct contravention of the rule laid down in Circular Order No. 168.

11. The Court of Foujdaree Udalut have frequently prohibited the citation of their Circular Orders as the authority for sentences passed by the Judicial

Title.
6th March 1846

Judicial and Magisterial authorities.

Case No. 3.

12. In directing the attention of the Magistrate of Canara to the omission in this case of the date on which the sentence was passed, the Court resolve with reference to the numerous omissions observable in the reports under review to request that that officer will prevent the recurrence of similar irregularities in future.

Ordered, that Extract from these Proceedings be sent to the Magistrate of Canara for his information and future guidance by precept returnable within XX days from and after its receipt.

(Sent following precept No. 345.)

Read Criminal Reports under date the 2nd Ultimo submitted by the Subordinate Judge of Chittoor for the month of January 1846.

(Herewith File No. 469.)

Case No. 1.

1. The Court observe in this case an infraction by the Village Police of the rule laid down in Section V, Regulation XI of 1816, and they desire to be informed under what circumstances the examination of the case which appears to have been commenced on the 26th December was not completed before the 31st Idem.

Case No. 2.

2. The Court require an explanation of the non appearance "of some of the important witnesses in "this case" for three days subsequent to the apprehension of the

the Prisoner.

3 The Court seeing reason to question the propriety of the release of the Prisoner, resolve to direct the Session 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. 3 4 Adverting to the explanation furnished by the Acting Joint Magistrate of the North Arcot for the delay of 8 days which occurred in the transmission of this case to the Criminal Court, the Court of Foujdaree Adalut desire to be informed why the investigation made by that officer was not brought to a close at an earlier period.

Case No. 7. 5 The Court observe that the orders of the Session Judge to the effect "that the Pundit Shudr Aumeen should have called upon the prisoners in this case "to produce security" are illegal and should be recalled, the power of requiring security from vagrants or suspicious characters being entirely restricted to the Magistracy.

Cases Nos. 8 12. 6 The Court require a more detailed explanation of the delays which occured in the transmission of these cases to the Criminal Court than those entered in the Report under review.

7 The extreme dilatoriness which marks the proceedings of the Head of Police of Vellore calls for

serious notice from the Acting Magistrate.

Cases Nos. 12. 15. 8 The designation of the offence charged against the Prisoners in these cases "Plunder" is incorrect and must be amended, as it would appear to amount to "Gang robbery "by open violence".

Case No. 13 9 The Court are not satisfied with the explanation offered for the great and apparently unnecessary delay (17 days) which took place in this case; and they observe that in omitting to state the nature of the reference made to the Acting Joint Magistrate, the Head of District Police has infringed the rule laid down in Circular Order No. 62, to which he will be pleased carefully to conform in future.

Case No. 15 10 Adverting to the delay in the investigation of this case before the Head of District Police, the Court of Foujdaree Adalut desire to be informed for what reason the examination in the case of the 1st, 2nd, 3rd, 4th, 5th, 6th, 14th and 18th Prisoners who it appears were brought before that officer on the 2nd and 3rd of January was not completed before the 23rd idem.

Case No. 19 11 The orders of the Acting Magistrate directing the detention of the 2nd Prisoner in this case pending the apprehension of the 1st Prisoner were in direct contravention of the repeated instructions of the Foujdaree Adalut.

12 The Subordinate Judge will be pleased to report to what caused the unusual mortality which is observ-

able

=able in the Jail under his charge during the period embraced in these Reports is to be attributed.

8 The Court observe that if the Subordinate Judge in communication with the Medical Officer is of opinion that the mortality in question is to be assigned to the crowded state of the Jail, it was incumbent upon him to report the same for the information of the Foujdaree Udalut, in conformity with the rule laid down in the Circular Order noted marginally.

Circular Order 12th July 1830 B.

Ordered that Extract from these Proceedings, paras 3 and 5 be sent to the Session Judge of Chittoor for his information and guidance by precept returnable within X days from and after its receipt.

(Sent following precept No. 346.)

Ordered also that Extract from these Proceedings be sent to the Subordinate Judge of Chittoor for his information and guidance, and for communication of paras 1, 2, 4, 6, 7, 9, 10 and 11 to the Acting Magistrate of North Arcot for the information and guidance of that officer, and for report direct to the Foujdaree Udalut by precept returnable within XV days from and after its receipt.

(Sent following precept No. 347.)

Read Criminal Reports under date the 5th February 1846, submitted by the Subordinate Judge of

FDc.

of Calicut for the month of January 1846.

(Here enter FDc. No. 470 of 1846.)

Report No. V Case No. 25. 1. Adverting to the release of three of the five prisoners in this case, the Court of Foujdaree Udalut direct that the Subordinate Judge in reporting upon the disposal of the remaining prisoners will not fail to submit a complete statement of the case without reference to any former report.

Case No. 9. 2 With reference to the delay which occurred in the appearance of the witnesses in this case, the Court of Foujdaree Udalut desire that the Magistrate of Malabar will call the attention of the heads of Village Police in the District under his charge to the provisions of Section V, Regulation XI of 1816, with a view to the prevention of similar delays in future.

Case No. 10 3. The delay which occurred in this case of 14 days which are stated to have been spent "in enquiries made to ascertain the prosecutor's name" calls for serious notice from the Magistrate.

4 The Subordinate Judge will be pleased to state the cause of the great sickness which appears to have prevailed in the Jail under his charge during the period comprised in these Reports.

5 The Court observe that the Extract from

able in the Jail under his charge during the period embraced in these Reports is to be attributed.

8 The Court observe that if the Subordinate Judge in communication with the Medical Officer is of opinion that the mortality in question is to be assigned to the crowded state of the Jail, it was incumbent upon him to report the same for the information of the Foujdaree Adalut, in conformity with the rule laid down in the Circular Order noted marginally.

Circular Order 12th July 1830 B.

Ordered that Extract from these Proceedings, paras 3 and 5 be sent to the Sessions Judge of Chittoor for his information and guidance by precept returnable within X days from and after its receipt.

(Sent following precept No. 346.)

Ordered also that Extract from these Proceedings be sent to the Subordinate Judge of Chittoor for his information and guidance, and for communication of paras 1, 2, 4, 6, 7, 9, 10 and 11 to the Acting Magistrate of North Arcot for the information and guidance of that officer, and for report direct to the Foujdaree Adalut by precept returnable within XV days from and after its receipt.

(Sent following precept No. 347.)

Read Criminal Reports under date the 5th February 1846, submitted by the Subordinate Judge of

F.A.C.

6th March 1846.

of Calicut for the month of January 1846.

(Here enter F.R. No. 470 of 1846.)

Report No. V Case No. 5. 1 Adverting to the release of three of the five prisoners in this case, the Court of Foujdaree Adalut direct that the Subordinate Judge in reporting upon the disposal of the remaining prisoners will not fail to submit a complete statement of the case without reference to any former report.

Case No. 9. 2 With reference to the delay which occurred in the appearance of the witnesses in this case, the Court of Foujdaree Adalut desire that the Magistrate of Malabar will call the attention of the heads of Village Police in the District under his charge to the provisions of Section V, Regulation XI of 1816, with a view to the prevention of similar delays in future.

Case No. 10 3. The delay which occurred in this case of 14 days which are stated to have been spent "in enquiries made to ascertain the prosecutor's name" calls for serious notice from the Magistrate.

4 The Subordinate Judge will be pleased to state the cause of the great sickness which appears to have prevailed in the Jail under his charge during the period comprised in these Reports.

5 The Court observe that the Extract

from

6th March 1846.

from the Proceedings of the Session Court dated 4th Inst. time on Case No 39 of 1846 file of the Subordinate Court a copy of which has been submitted as an appendix to these Reports should have been forwarded to the Sudr Ameen direct, instead of being transmitted to that officer through the Subordinate Court, who have no authority over him in his judicial capacity.

6 Adverting to the fact that no Translator is attached to the Subordinate Court, the Court of Tondaree Adalut fail to comprehend the orders of the Acting Session Judge directing the Subordinate Judge to furnish the Moofty Sudr Ameen with a translate of the Proceedings in question.

Ordered, that Extract from these Proceedings be sent to the Subordinate Judge of Cuttack for his information and guidance, and for communication of paras 2 and 3 to the Magistrate of Balasore for the information and guidance of that officer by precept returnable within XV days from and after its receipt.

(Sent following precept No 348)

Ordered also that Extract of paras 5 and 6 of these Proceedings be sent to the Acting Session Judge of Cuttack for his information.

(Sentence No 349.)

J. W.

Saturday 7th March 1846.

At a Court of the Tondaree Adalut.

Present

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

Read Calendar of Case No 5 of 1846 submitted by the Session Judge of Cuttack under date the 4th February 1846.

(Here enter No 598.)

1. The prisoner in this case an unarmed individual has been convicted of having attacked the Prosecutor in the Jungle and robbed him of his Carry valued at 1 Rupee.

2. The Law Officer in his first futwa acquitted the prisoner on certain technical objections taken to the competency of the witnesses but on these being removed the prisoner was declared liable to Dokoobut and sentenced by the Session Judge under the provisions of Clause third Section IV. Regulation XV of 1803 to 14 Years imprisonment.

3. The Session Judge has in this case overlooked the Circular Order No 56 which declares that highway robbery by a single unarmed individual does not come within the definition of robbery by open violence

violence as defined in Clause first Section III Regulation XV of 1803 but must be dealt with exclusively under the Mahomedan Law - Another futwah should therefore have been taken to remove the bar to a sentence of Hud and punishment adjudged under Section XXI — Regulation VIII of 1802 according to the finding of the Law officer to the extent of 7 or 14 years imprisonment.

4 It appears however to the Court of — Foujdaree Udalut that as the property robbed is only valued at 1 Rupee, and as no actual violence would seem to have been used and nothing appears against the former — character of the prisoner a punishment of 8 Years imprisonment would sufficiently meet the ends of justice.—

5. The Sessions Judge will accordingly — amend his sentence and either submit a recommendation of mitigation to the extent suggested above or state what may in his judgment militate against such a reduction of the punishment awarded by Law to the offence committed by the prisoner.—

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

(Sent following Precept No. 352)

Read again Criminal Reports under date the 9th December 1845 submitted by the Acting Subordinate

Subordinate Judge of Cuddapah for the month of — November 1845.—

(Here enter F. C. No. 3639 of 1845).

Read also communication under date the 16th February 1846. from the Acting Magistrate of Cuddapah.—

(Here enter F. C. No. 639)

1. In conformity with the orders — contained in this Court's Proceedings under date the 10th January last calling for a report of the — measures adopted by the Acting Magistrate in — consequence of certain strictures recorded by the — Acting Subordinate Judge on the conduct of the Head Police of Budwail Talook in the examination of the case noted marginally; that officer submits — translation of an arzee received from the Head of — Police in question, states that "he considers the strictures "recorded by the Acting Subordinate Judge uncalled "for and unmerited by the Head of Police who far "from deserving censure merited in his opinion — "praise for his exertions in the investigation of the "case;" and suggests that the Sessions Judge be — directed to call up the case for revision.—

Case No. 242 of 1845. on the file of the Subordinate Criminal Court.

2. The Court of Foujdaree Udalut having attentively considered the arguments addduced by the Acting Magistrate in support of the opinion recorded by

violence as defined in Clause first Section III Regulation XV of 1803 but must be dealt with exclusively under the Mahomedan Law - Another futwah should therefore have been taken to remove the bar to a sentence of Hud and punishment adjudged under Section XXI — Regulation VIII of 1802 according to the finding of the Law officer to the extent of 7 or 14 years imprisonment.

4. It appears however to the Court of — Foujdaree Adalut that as the property robbed is only valued at 1 Rupee, and as no actual violence would seem to have been used and nothing appears against the former — character of the prisoner a punishment of 8 Years imprison- = ment would sufficiently meet the ends of justice.—

5. The Sessions Judge will accordingly — amend his sentence and either submit a recommendation of mitigation to the extent suggested above or state what may in his judgment militate against such a reduction of the punishment awarded by Law to the offence committed by the prisoner.

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

(Sent following Precept No. 352)

Read again Criminal Reports under date the 9th December 1845 submitted by the Acting Subordinate

Subordinate Judge of Cuddapah for the month of — November 1845.—

(Here enter F. C. No. 3639 of 1845)

Read also communication under date the 16th February 1846 from the Acting Magistrate of Cuddapah.—

(Here enter F. C. No. 639)

1. In conformity with the orders — contained in this Court's Proceedings under date the 10th January last calling for a report of the — measures adopted by the Acting Magistrate in consequence of certain strictures recorded by the — Acting Subordinate Judge on the conduct of the Head of Police of Budwail Taluk in the examina- of the case noted marginally; that officer submits translation of an argee received from the Head of — Police in question, states that "he considers the strictures "recorded by the Acting Subordinate Judge uncalled "for and unmerited by the Head of Police who far "from deserving censure merited in his opinion — "praise for his exertions in the investigation of the "case," and suggests that the Sessions Judge be — directed to call up the case for revision.—

Case No. 242 of 1845 on the file of the Subordinate Criminal Court.

2. The Court of Foujdaree Adalut have attentively considered the arguments adduced by the Acting Magistrate in support of the opinion recorded by

by him regarding the circumstances of the case under notice consider that the further investigation recommended by that officer may be attended with advantage and accordingly direct that the Sessions Judge will call up the record and pass such orders thereon as he may deem proper reporting the same for the information of the Foujdaree Adalut.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Cuddapah for his information and guidance by precept returnable within XX days from and after its receipt.—

(Sent following Precept No. 353.)

Ordered also that Extract from these Proceedings be sent to the Joint Magistrate in charge of Cuddapah for his information.—

(Sent in No. 354.)

Read Calendar of Case No. 9 of 1846. submitted by the Sessions Judge of Chittoor under date the 14th February 1846.—

(Here enter F. C. No. 650 of 1846).

The Court observe that the delay which was permitted to occur between the closing of this trial and passing sentence on the prisoner should have been avoided; and it is hoped that arrangements may be made by the Sessions Judge to prevent a similar one in future.—

Ordered

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

(Sent in No. 355.)

Read Calendar of case No. 57 of 1845. submitted by the Acting Sessions Judge of Madura under date the 21st Ultimo.—

(Here enter F. C. No. 664 of 1846)

The Prisoners in this case were charged with having with a false key opened the Padlock of the Poultry Godown in the Bungalow of the Prosecutor's Master and stolen therefrom six Coimbatore sheep valued at Rupees 30.—

1.

2. The Sessions Judge approving of the Futwah of the Law officer which convicted the 1st and 2nd Prisoners on Thokamut or suspicion of the crime laid to their charge pronounced them liable to Tandib or slight punishment or release at the discretion of the Judge, and fully acquitted the 4th Prisoner; has ordered the unconditional release of the 2nd and 4th Prisoners and sentenced the 1st Prisoner to furnish security in two sureties in the sum of Rupees 25 each for a period of twelve months, or in default to be imprisoned for a similar period.—

3. It appears that the 3rd Prisoner deceased previous to the commencement of the trial

before

7th March 1846.

before the Sessions Court.—

4 The Court of Foujdaree Udalut are of opinion that no sufficient grounds exist for the requisition of security under which the 1st Prisoner in this case has been placed; and they accordingly direct that the security bonds be cancelled, if any such have been executed.—

5 Adverting however to the previous bad character of the Prisoner the Court of Foujdaree Udalut desire that he may be transferred to the Magistrate, in order to the adoption by that officer of such precautionary measures as may be deemed advisable.—

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

(Sent in No. 366.)

Read Calendar of case No. 18 of 1846 on the file of the Sessions Court of Combaconum submitted under date the 23d February 1846 by the Sessions Judge.—

(Here enter F. G: No. 623)

The Court of Foujdaree Udalut seeing reason to question the propriety of the sentence awarded in this case resolve to direct that an English Translation of the entire record may be submitted for their consideration with the least practicable delay.—

Ordered that Extract from these Proceedings

7th March 1846.

Proceedings be sent to the Sessions Judge of Combaconum for his information and guidance by precept returnable within X days from and after its receipt.—

(Sent following Precept No. 357.)

Read return dated 19th Ultimo from the Sessions Judge of Cuddapah to the precept of the Foujdaree Udalut under date the 16th idem directing that the Prisoner in Case No. 4 of the Calendar for 1846 be imprisoned and kept to hard labor in Irons for the period of 8 years.—

(Here enter F. G: No. 624 of 1846)

Read return dated the 17th Ultimo from the Sessions Judge of Mangalore to the precept of the Foujdaree Udalut under date the 7th idem calling for information whether the child which the prisoner in Case No. 101 of 1845 on the Mangalore Calendar was charged with having thrown, after its birth, secretly into a well, was living or not.—

(Here enter F. G: No. 625 of 1846)

Read return dated 19th Ultimo from the Sessions Judge of Guntoor to the precept of the Foujdaree Udalut under date the 11th idem directing him to call up Proceedings Nos. 81 and 84 of 1845 on the file of the Guntoor Principal Sudr Ameen, and to pass such orders as he may think proper reporting the same for their information.—

(Here enter F. G: No. 628 of 1846)

Read

7th March 1846

Read return dated 31st Ultimo from the Sessions Judge of Nellore to the precept of the Foujdaree Adalut under date the 19th idem directing him to release the prisoner in Calendar No. 2 of 1846.

(Here enter F. A. No. 629 of 1846).

Read return dated 19th Ultimo from the Subordinate Judge of Combaconum to the precept of the Foujdaree Adalut under date the 12th idem approving of the recommendation submitted by him and sanctioning the modification of the sentence proposed by him to the 2nd Prisoner in Criminal No. 22 of 1846.

(Here enter F. A. No. 632 of 1846)

Read Statement dated 7th Ultimo submitted by the Sessions Judge of Masulipatam of Batta paid to the Prosecutors and Witnesses attending before him.

(Here enter F. A. No. 633 of 1846)

Read Calendar in Case No. 3 of 1846 submitted by the Sessions Judge of Bellary under date the 18th Ultimo.

(Here enter F. A. No. 636 of 1846)

Read Calendar in Case No. 8 of 1846 submitted by the Sessions Judge of Cuddapah under date the 20th Ultimo.

(Here enter F. A. No. 637 of 1846).

End 7th.

F. A.

Monday 9th March 1846. At a Court of the Foujdaree Adalut.

Present.

George J. Waters Esquire 1st Puisne Judge.
Malcolm Lewin Esquire 2d Puisne Judge.
T. E. J. Boileau Esquire 3d Puisne Judge.

Read Miscellaneous Petition presented on the 22d December 1845 by Annamaly Pattalin of the Gillah of Trichinopoly

(Here enter F. A. M. P. No. 243 of 1845.)

The Petitioner who represents himself to be the uncle of the two prisoners in Case No. 60 of 1845 on the Combaconum Calendar complains that his nephews have been maliciously, unjustly convicted and illegally sentenced in the said Case on a charge of gang-robbery to 8 years imprisonment, and he prays the Court to call for the proceedings in the Case and order the release of his nephews.

The Court of Foujdaree Adalut having again looked over the Calendar in which the Case referred to is entered, see no reason whatever to question the propriety of

of the sentence complained against.

3. The Court of Foujdaree Udalut accordingly resolve to reject the prayer of this Petition and to direct that copy of these proceedings be furnished to the Petitioner on his application.

Ordered accordingly.

Read Miscellaneous Petition presented on the 9th January 1846 by Narrain-ammah and 4 others of the Zillah of Nellore.

(Here enter F.U. M.P. No 2 of 1846)

1. The Petitioners representing themselves to be the wives of the 1st, 2d, 3d, 4th and 5th prisoners in Case No 29 of 1845 on the Nellore Calendar, pray the Court to order the release of their husbands who were convicted of having wilfully affixed their signatures to a false bill of inquest, and were sentenced by the Court of Session to 1 Years imprisonment with hard labor in irons. This sentence was subsequently reduced by the Foujdaree Udalut to six months imprisonment without labor in irons.

2. On a perusal of the Calendar of the Case the Court of Foujdaree Udalut were satisfied

satisfied of the guilt of the several prisoners charged therein and their opinion remains unchanged by any thing advanced in the foregoing Petition. The Court also see no reason for altering the terms of the sentence finally declared on the prisoners.

Ordered accordingly that the prayer of this Petition be rejected and that copy of these Proceedings be furnished to the Petitioners on their application.

Read again Miscellaneous Petition presented on the 31st December 1845 by T. Appiah Vakeel on behalf of Aboyscoolty & Dillah Mangalore, praying for the release of the Petitioners Father & Moideen Scoolty first prisoner in Case No 44 of 1845 on the file of the Session Court of Mangalore who has been sentenced to undergo 14 Years imprisonment in banishment in the Zillah of Canara and to receive 195 lashes.

(Here enter F.R.P. No 251 of 1845.)

Read also petition dated the 26th February 1846 from the Session Judge of Mangalore to the precept of the Foujdaree Udalut under date the 9th Inst forwarding translation

of the sentence complained against.

3. The Court of Foujdaree Udalut accordingly resolve to reject the prayer of this Petition and to direct that copy of these proceedings be furnished to the Petitioner on his application.

Ordered accordingly.

Read Miscellaneous Petition presented on the 9th January 1846 by Nanoiammah and 4 others of the Zillah of Nellore.

(Here enter F.U.M.P. No 2 of 1846)

1. The Petitioners representing themselves to be the wives of the 1st, 2d, 3d, 4th and 5th prisoners in Case No 29 of 1845 on the Nellore Calendar, pray the Court to order the release of their husbands who were convicted of having wilfully affixed their signatures to a false bill of ingrest, and were sentenced by the Court of Session to 1 Years imprisonment with hard labor in irons. This sentence was subsequently reduced by the Foujdaree Udalut to six months imprisonment without labor in irons.

2. On a perusal of the Calendar of the Case the Court of Foujdaree Udalut were satisfied

9th March 1846.

satisfied of the guilt of the several prisoners charged therein and their opinion remains unchanged by any thing advanced in the foregoing Petition. The Court also see no reason for altering the terms of the sentence finally declared on the prisoners.

Ordered accordingly that the prayer of this Petition be rejected and that copy of these Proceedings be furnished to the Petitioners on their application.

Read again Miscellaneous Petition presented on the 30th December 1845 by T. Appiah Vakeel on behalf of Aboyecoolly of Zillah Mangalore praying for the release of the Petitioners Father C. Moideen Coolly first prisoner in Case No 44 of 1845 on the file of the Session Court of Mangalore, who has been sentenced to undergo 14 Years imprisonment in banishment in the Zillah of Canara and to receive 195 lashes.

(Here enter F.R.P. No 251 of 1845.)

Read also return dated the 26th February 1846 from the Session Judge of Mangalore to the precept of the Foujdaree Udalut under date the 9th Idem forwarding translation

9th March 1846.

translation of a Petition presented on behalf of Aboyoocootty, son of the 1st Prisoner in Case No 44 of 1845 on the Calendar, and calling upon the Session Judge for such observations as may occur to him with reference to the allegations therein contained.

(Here enter No 718 of 1846)

The Court of Foujdaree Udalut consider the above return to exhibit a most satisfactory refutation of the allegations advanced by the Petitioner against the sentence passed on his father, and then accordingly decline to interfere in the manner prayed for.

Ordered that the prayer of the foregoing petition No 251. be rejected, and that copy of these proceedings be granted to the petitioner if asked on his application.

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

(Sent in No 360)

Read Miscellaneous Petition presented on the 2d February 1846, by Vellian of the Zillah

F. U.

9th March 1846. Zillah of Salem.

(Here enter F. M. P. No 16 of 1846)

1. The Petitioner related to the 1st, 2d, 3d, 6th, and 7th prisoners in Case No 50 of 1845 on the Salem Calendar prays the Court to call for the record and annul the sentence which he characterizes as "flagrantly unjust."

2. The prisoners in question were convicted of Gang robbery and sentenced by the Session Judge to 14 Years imprisonment.

3. The Court of Foujdaree Udalut consider the evidence as represented in the Calendar to be both clear and conclusive against the prisoners in whose behalf the petition under consideration has been presented and they see no reason for disturbing the sentence passed upon them.

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

Read Miscellaneous Petition presented on the 2d Ultimo by Ramoolooyee of Zillah Nellore.

(Here enter F. M. P. No 17 of 1846)

The

1. The Court of Foujdaree Udalut having already despaced of two former Petitions, containing the same Appeal on behalf of Petitioners son as that now preferred with the reasons for its rejection. Petitioner is now referred thereto.

Foujdaree Udalut Proceedings dated 2d February 1846.

2. Petition dismissed.

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

Read Miscellaneous Petition presented on the 23d February last by Vengoo-ryen of Tillah Tinnevelly.

(Here enter F.A. M. P. No 33 of 1846)

1. The Petitioner with reference to his former Petitions Nos 138 and 175 of 1845 and to the order of the Foujdaree Udalut thereon prays to be furnished with copy of the Session Judge's return of the 17th November last.

2. The Court of Foujdaree Udalut observe that in their proceedings above referred to, the Session Judge was required to pass such orders as the circumstances of the case may appear to require on the Petitions presented by

by the Petitioner and in his return the Session Judge has reported that "the Petitions of "Vengoovyen will be replied to by the Session "Judge according to the tenor of his return."

3. There appearing therefore no necessity for furnishing the Petitioner with copy of the Session Judge's return, the Court of Foujdaree Udalut decline to accede to the request made in the above Petition.-

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

Read communication under date the 3d Ultimo from the Session Judge of Chittoor, submitting for the consideration and final orders of the Court of Foujdaree Udalut at the request of the Subordinate Judge copy of a communication from that Officer forwarding copy of a letter addressed to the Acting Magistrate of North Arcot by the Acting Joint Magistrate having reference to the sentence passed by the Subordinate Judge in Criminal Case No 3 of 1846 on the file of his Court.

(Here enter No 408 of 1846)

Read

9th March 1846

Read also return dated the 16th Ultimo from the same Officer, to the precept of the Fouzdaree Udalut under date the 14th idem, requiring a copy of the letter addressed to the Subordinate Judge by the Acting Magistrate Mr Lovell, forwarding the communication of the Acting Joint Magistrate on the subject of the sentence in Criminal Case No 3 of 1846.

(Here enter No 576 of 1846.)

The comments regarding the sentence of the Subordinate Court in the Case referred to, which in his address to his immediate superior, the Acting Joint Magistrate, Mr R. R. Cotton, has permitted himself to offer, are considered by the Court of Fouzdaree Udalut to be irregular and improper; and it is accordingly resolved to direct the Session Judge of Chittoor to require the Acting Magistrate to return the address in question to the Acting Joint Magistrate. It is further resolved to point out for the future guidance of the Acting Magistrate that if he deemed himself justified in transmitting

F. D.

9th March 1846

transmitting the communication of the Subordinate Magistrate to the Criminal Court of the Zillah, it became an obvious duty on his part, not to content himself with becoming a mere medium of transmission, but to record regarding the subject of the observations made by the junior Magistrate, such opinion as the case, in his more experienced view, appeared to call for.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Chittoor for communication to the Subordinate Judge and the Acting Magistrate of North Arcot, for their information and guidance.

(Sent in No 361)

Read return dated 21st February 1846 from the Session Judge of Combaconum, to the precept of the Fouzdaree Udalut of the 16th idem, directing the unconditional release of the 3rd prisoner in Case No 56 of 1845, and desiring him to discontinue the practice of selecting jurors by rotation.

(Here enter F. D. No 647 of 1846)

Adverting

Adverting to the instructions solicited by the Session Judge in the concluding para of the foregoing petion; the Court of Foujdaree Udalut are of opinion that the 1st and 2d prisoners in Case No 54 having been convicted in two other Cases of being in possession of stolen property obtained by house-breaking, are undeserving of the clemency proposed by the Session Judge - The Law will therefore be allowed to take its course in regard to them.

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

(Sent pr. No 362.)

Read Criminal Reports under date the 13th Ultimo, submitted by the Agent to the Governor of Fort St. George at Hurnool for the month of January 1846.

(Here enter F.U. No 6191)

Case No 4.

Adverting to the intimate connection which appears have existed between the five Prisoners in this Case, and the position of their dwellings, the Court of Foujdaree Udalut consider that the Case presented circumstances of a sufficiently suspicious character to warrant a requisition of security from the 2d, 3d, and 4th Prisoners who have been unconditionally released -

Ordered that Extract from these Proceedings be sent to the Agent to the Governor of Fort St. George at Hurnool for his information and future guidance -

(Sent in No 363)

Read letter dated 21st Ultimo, from the Session Judge of Masulipatam, submitting an English translation of the Record of Trial in Case No 1 of the Calendar for 1846.

(Here enter No 704 of 1846.)

Mr. L. I. Waters.
Mr. M. Lewin.
and
Mr. J. L. I. Binlans.

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

1st Poolla Shayeegandoo alias Saheboogandoo

and

2d Manchaverapoo Chintadoo

is sufficient to convict them of the crime

of

9th March 1846.

Adverting to the instructions solicited by the Session Judge in the concluding para of the foregoing petition, the Court of Fouzdaree Udalut are of opinion that the 1st and 2d prisoners in Case No 54 having been convicted in two other Cases of being in possession of stolen property obtained by housebreaking, are undeserving of the clemency proposed by the Session Judge. The Law will therefore be allowed to take its course in regard to them.

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

(Sent pr. No 362.

Read Criminal Reports under date the 13th Ultimo, submitted by the Agent to the Governor of Fort St. George at Kurnool for the month of January 1846.

(Here enter F.U. No 619)

Case No 4.

Adverting to the intimate connection which appears have existed between the five Prisoners in this Case, and the position of their dwellings, the Court of Fouzdaree Udalut consider that the Case presented circumstances of a sufficiently suspicious character to warrant a requisition of security from the 2d, 3d, and 4th Prisoners who have been unconditionally released.

9th March 1846

Ordered that Extract from these Proceedings be sent to the Agent to the Governor of Fort St. George at Kurnool for his information and future guidance.

(Sent in No 363

Read letter dated 21st Ultimo, from the Session Judge of Masulipatam, submitting an English translation of the Record of Trial in Case No 1 of the Calendar for 1846.

(Here enter No 704 of 1846.)

M. L. S. Waters.
M. M. Lewin.
and
M. F. L. S. Boileau.

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

1st Poolla Shayeegandoo alias Sahebooganda

and

2d Manchaverapoo Chintadoo

is sufficient to convict them of the crime

of

9th March 1846.

Housebreaking, do convict them thereof, and with reference to the provisions of Section XXI, Regulation VII of 1802; Clause third Section II Regulation I of 1825, and Regulation VIII of 1828, sentence the prisoner,

1st Podlee Shayegandoo alias Sahebroogandoo to receive 195 lashes with a Cat-o-nine tails, and to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (7) seven Years; and the prisoner,

2d Manchiaraipoo Chintadoo to be imprisoned and kept to hard labor in irons, on the public roads or other public works for and during the period of (3) three Years.—

1. The Prisoners in this Case were charged with having broken into the Prosecutors house, and stolen therefrom a Brass Tumbal valued at Rupees 1-4:—

2. The Session Judge dissenting from the Futwa of the Law Officer regarding the 2d Prisoner, has referred the Case for the consideration and final orders of the Fouj-daree Udalut.

3. The Court of Fouj-daree Udalut having

F. U.

9th March 1846.

having attentively perused the entire record of this Case, cannot concur with the Session Judge in the acquittal of the 2d Prisoner, against whom they consider the charge to have been most satisfactorily established.

4. Adverting to the confessions made by that individual before the Police and before the Criminal Court, the Court of Fouj-daree Udalut find it difficult to understand how the Session Judge has been enabled to arrive at the opinion recorded by him.—

Ordered, that Extract from these Proceedings be sent to the Session Judge of Masulipatam for his information and guidance.

(Sent following letter No. 364)

Read return dated 21st February 1846, from the Agent to the Governor of Fort St. George at Vizagapatam, to the precept of the Fouj-daree Udalut of the 16th idem, conveying their remarks and orders on the report of the trial of certain prisoners charged with gang-robbery.

Here enter F. U. No. 679 of 1846.

With

9th March 1846.

With reference to the remarks contained in the 2d and two following paras of the above return, the Court of Foujdaree Udalut are satisfied of the propriety of the conviction of the 21st prisoner, but in exercise of the authority vested in them under the provisions of Section XXXV Act VII of 1843, they resolve to mitigate the sentence passed upon her, and to direct that the said prisoner,

21 Vapachadoo Pydee.

be imprisoned and kept to labor suitable to her sex, on the public roads or other public works for and during the space of five years.

Ordered that Extract from these proceedings be sent to the Governor's Agent at Vizagapatam, by precept returnable in III days from and after its receipt:

(Sent following precept No 365.

Read again Calendars of Cases Nos 68, 69, 70, 71 and 72 of 1845 submitted under date the 10th January 1846 by the Session Judge of Combaconum.-

(Here enter F.D. No 100 of 1846.)

Read also return dated 14th Febmary 1846 from the Session Judge of Combaconum

9th March 1846

Combaconum to the precept of the Foujdaree Udalut of the 22d January preceding, calling for an English translation of the record of the trial in Case No 72 of 1845 as well as in Case No 66 with which it is connected -

(Here enter F.D. No 603 of 1846.)

1. In Case No 72 the 2 prisoners were convicted of Gang robbery and sentenced by the Session Judge under the provisions of Clause third Section IV Regulation XV of 1803 - to 14 years imprisonment, with a view to recommend a mitigation of punishment to 7 years imprisonment.

2. On a perusal of the Calendar the Court of Foujdaree Udalut saw reason to doubt whether any robbery had been committed in the Case. -

3. But having now duly weighed the whole record, they are satisfied with the Session Judge's judgment in the Case, and in accordance with his recommendation they resolve in the exercise of the authority vested in them by the provisions of Section XXXV Act VII of 1843 to mitigate the prescribed

9th March 1846.

prescribed sentence in favor of the prisoners,
"1st Sinan"
and
"2d Auron."
who they direct be imprisoned and kept to
hard labor in irons on the public roads or
other public works for and during the period
of (7) seven years.

Ordered that Extract from
these proceedings be sent to the Session Judge
of Combaconum for his information by pre-
cept returnable in V days from and after its
receipt.

(Sent following precept No. 366.

Rungacharry of Trichinopoly,
moves the Court to return the enclosures in
his Miscellaneous Petitions Nos. 211 and 215
of 1845.

Ordered accordingly.

Read return dated the 3d
Ultimo from the Session Judge of
Trichinopoly to the Precept of the Foujdaree
Udalut under date the 31st December 1845,
forwarding copy of a Miscellaneous Petition
presented

F. U.
9th March 1847

presented on the 30th June 1845 by
Namaseevayem Pillay Mooktyar Vakeel
in behalf of Sashiem of the Zillah of
Trichinopoly, complaining of his having
been bandied about from one authority
to another without obtaining any redress
and directing the Session Judge to request
the Magistrate to make a personal in-
vestigation into the Petitioners case and
report the result for their information.

(Here enter F. U. No. 444 of 1846)

Read return dated the
21st Ultimo from the Magistrate of
Trichinopoly to the precept of the Fouj-
-daree Udalut under date the 9th Idem-
directing the Magistrate to issue such
orders as may seem proper to prevent
disturbances between two sects at
Seerengham.

(Here enter F. U. No. 689 of 1846)

9th March 1846.

prescribed sentence in favor of the prisoners,

"1st Sinan"

and

"2d Auron."

who they direct be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (7) seven years.-

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

(Sent following precept No 266

Rungachary of Trichinopoly, moves the Court to return the enclosures in his Miscellaneous Petitions Nos 211 and 215 of 1845.-

Ordered accordingly-

Read return dated the 3d Ultimo from the Session Judge of Trichinopoly to the Precept of the Fouzdaree Udalut under date the 31st December 1845, forwarding copy of a Miscellaneous Petition presented

F. U.
9th March 1847

presented on the 30th June 1845 by Namasseevoyem Pillay Mooktyar Vakeel in behalf of Sashian of the Pillah of Trichinopoly, complaining of his having been bandied about from one authority to another without obtaining any redress and directing the Session Judge to request the Magistrate to make a personal investigation into the Petitioners case and report the result for their information.-

(Here enter F. U. No 464 of 1846)

Read return dated the 21st Ultimo from the Trichinopoly to the precept of the Fouzdaree Udalut under date the 9th Instant directing the Magistrate to issue such orders as may seem proper to prevent disturbances between two sects at Seerengham.

(Here enter F. U. No 689 of 1846)

J: W:

Tuesday,
10th March 1846.

At a Court of the Foujdaree Udalut.

Present

Gy: S: Waters Esqre ——— 1st Puisne Judge,
Malcolm Lewin Esqre ——— 2nd Puisne Judge,
S: C: S: Boileau Esqre ——— 3rd Puisne Judge,

Read Criminal Reports dated the 12th Ultimo submitted by the Principal Sudr Ameen of Nellore for the Month of January 1846.—

(Here enter No. 566).

Supplemental Report 1
Case No. 141.

The Court of Foujdaree Udalut observe that in this and several other cases in the Reports under review the date on which the sentence passed by the Criminal Court received the confirmation of the Session Judge is entered as the date of sentence—

2. The Court of Foujdaree Udalut direct the discontinuance of this system which is obviously incorrect.—

Case No. 148.

Circular Order dated 13th July 1829.

3. Adverting to the rule laid down in the Circular Order noted marginally the Court of Foujdaree Udalut direct that an additional sentence be passed upon the prisoner for the "escape" of which he has been convicted to take effect upon the expiration of the sentence awarded for the offence which led to his confinement.—

The

Report No. V 4
Case No. 1.

The Magistrate of Nellore will be pleased to report the cause of the delay which occurred in the transmission of this case to the Criminal Court, no explanation having been submitted by the Head of District Police.—

Ordered that Extract from these Proceedings be sent to the Principal Sudr Ameen of Nellore for his information and guidance, and for Communication of para: 4 to the Magistrate for the information and guidance of that officer, and for report direct to the Foujdaree Adalut by precept, returnable within X days from and after its receipt.—

(Sent following Precept No. 370.)

Read Calendar of case No. 63 of 1845 on the file of the Session Court of Madura submitted under date the 19th February last.—

(Here enter F: C: No. 642 of 1846).

Before disposing of this Calendar the Court of Foujdaree Adalut desire to be informed of the specific grounds on which the demand of Security made upon the 1st 2d and 6th to 13th prisoners rest. It is obvious that a mere unsupported Police admission is insufficient to warrant such a requisition.—

Ordered that Extract from these Proceedings be sent to the Acting Session Judge of Madura by precept returnable in

in 5 days from and after its receipt.—

(Sent following Precept No. 371.)

Read Calendar of case No. 15 of 1846 on the file of the Session Court at Combaconum submitted under date the 20th Ultimo by the Session Judge.—

(Here enter F: C: No. 649 of 1846).

1. The Prisoners in this case were charged "with having armed with sticks attacked the Prosecutors when sleeping near a cattle fold, beaten and robbed them of money Vizt valued at Rupees 60-5-8.

2. The Session Judge concurring in the verdict recorded by the Jury which convicted the prisoners of the crime laid to their charge, has sentenced them severally to 14 Years imprisonment with hard labor in irons under the provisions of Clause third Section IV Regulation XV of 1803.—

3. As it does not appear that the assault proved against the prisoners in this case, was of a serious nature, the Court of Foujdaree Adalut resolve to reduce the period of Imprisonment awarded to the several prisoners in this case to 8 years under the provisions of Section XXXV Act VII of 1843.

Ordered that Extract from these Proceedings be sent to the Session Judge of Combaconum for his information and guidance.—

(Sent in No. 372.)

Read

10th March 1846.

Read letter dated the 5th Ultimo from the Magistrate of Tanjore submitting explanations with reference to the remarks, contained in the Extract from the Proceedings of the Court of Foujdaree Adalut under date the 3d Ultimo on certain Criminal Cases.-

(Here enter F. C. No. 449 of 1846)

Read letter dated the 10th Ultimo from the Magistrate of Tanjore submitting explanations regarding the remarks contained in Paras 3, 6, and 8 of an Extract from the proceedings of the Court of Foujdaree Adalut on Criminal Cases Nos. 176, 190 and 193 of the file of the Subordinate Court of Combaconum.-

(Here enter F. C. No. 505 of 1846).

Read return dated the 20th Ultimo from the Agent to the Governor of Fort St. George at Vizagapatam to the precept of the Foujdaree Adalut under date the 10th idem conveying the sentence of the Court on a Prisoner Lingapoo Potigaudoo.-

(Here enter F. C. No. 660 of 1846)

Read Calendar in Case No. 2 of 1846. submitted by the Sessions Judge of Trichinopoly under date the 21st Ultimo.-

(Here enter F. C. No. 663 of 1846).-

Ent. W.

F. C.

Wednesday 11th March, 1846.

At a Court of the Foujdaree Adalut

Present.

G. J. 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 10th February 1846 submitted by the Sessions Judge of Tellicherry for the month of January 1846.-

(Here enter F. C. No. 541 of 1846).-

Report No. V. Case No. 1.

1. The Court of Foujdaree Adalut desire to be informed what notice may have been taken by the Magistrate of Malabar of the conduct of the Adhikary who appears to have concocted a false charge against the prisoner in this case, independent of the infraction of the provisions of the enactment noted marginally which has been pointed

Clause first Section V Regulation XI of 1816

pointed out by the Sessions Judge.-

Case No 2. 2. Adverting to the nature of the offence proved against the prisoner in this case the Court of Foujdaree Udalut are of opinion that no sufficient grounds existed for the leniency which has been exhibited by the ~~Sessions Judge~~ in exempting him from "irons" on account of his previous respectability.-

Case No 3. 3. Assuming that the prisoner in this case was apprehended by an Officer of Village Police the Court observe that the provisions of Section V Regulation XII of 1816 have been infringed.-

Case No 5. 4. The Magistrate will be pleased to report what measures he may have adopted in consequence of the representation made to him by the Sessions Judge regarding the omission in this case by the Police Ameen to forward to the Court a list of the property found in the prisoner's house.-

The

Case No 6. 5. The Court desire to be furnished with a report of the Magistrate's proceedings with reference to the irregularities committed by the Adhikary in searching the house of the prisoner in this case, which call for serious notice.-

Case No 9. 6. Adverting to the nature of the instrument used by the Prisoner in this case the Court of Foujdaree Udalut observe that with reference to the repeated instructions of Government and of this Court, the case should have been committed for trial before the Sessions Court.-

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Tellicherry for his information and guidance and for communication of paras 1, 3, 4 and 5 to the Magistrate of Malabar for the information and guidance of that Officer and for report direct to the Foujdaree Udalut by precept returnable

11th March, 1846

returnable within XV days from and after its receipt.-

/Sent following precept No. 375./

Read again letter under date the 7th January 1846 from the Sessions Judge of Nellore submitting for the consideration and final sentence of the Foujdaree Adalut an English translation of the record of the trial in case No. 23 of 1845 on the file of the Sessions Court.-

/Here enter F.M. No. 94 of 1846/-

Read also return under date the 28th Ultimo from the Sessions Judge of Nellore to the precept of the Foujdaree Adalut dated the 20th idem directing him to amend the foregoing letter.-

/Here enter F.M. No. 711 of 1846/-

Mr. T.C.J. Boileau.

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

F.M.

11th March, 1846

that the proof against the prisoner

4th Padoor Ramasawmy

is sufficient to convict him of so having received stolen property knowing it to be such, do convict him thereof, and under the provisions of Clause Second Section VII Regulation VII of 1822 sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of eight years- and considering that strong suspicion though not amounting to conviction attaches to the prisoner

3d Cankerla Appiah

the Court under the provisions of Clause Sixth Section II Regulation XV of 1803 direct that he be required to find two sureties in an amount of 100 Rupees each for his good behaviour and appearance when required, within a period of /3/ three years, or in default thereof that he be

be detained in confinement for that period - but being of opinion that the prisoners

1st Alloor Narasareddy,

and

2d Alloor Rungapareddy,

are not convicted on presumtive proof, or on the evidence of credible witnesses or on their own confession of the crime of Housebreaking and theft, do acquit them thereof, and direct that they be set at liberty.-

1. The Sessions Judge submits with this return an amended letter in which he recommends the unconditional release of the 1st and 2d Prisoners in the case above referred to, and proposes that the 3rd Prisoner be placed under a requisition of security and the 4th Prisoner sentenced to imprisonment with hard labor in irons for the period of 14 years.-

The

2. The Court of Foujdaree Udalut having attentively perused the entire record of this case approve of the course recommended by the Sessions Judge with reference to the 1st, 2d, and 3d Prisoners and they concur in the full conviction of the 4th Prisoner against whom they consider the charge to have been most satisfactorily established, but being of opinion with reference to the circumstances of the case that the prescribed punishment would be too severe they resolve to pass on the 4th Prisoner a mitigated sentence of 8 years Imprisonment with hard labor in irons which they consider will be sufficient to meet the demands of justice.-

3. With reference to the question noted by the Sessions Judge regarding the application of Circular Order No. 47, the Court of Foujdaree Udalut are of opinion that

that such prisoners as the Sessions Judge may in concurrence with the Law Officer consider not guilty are entitled to release irrespectively of any difference of opinion regarding the other prisoners.—

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

/Sent following letter No. 376./

Read Calendar in Case No. 11 of 1846 submitted by the Sessions Judge of Cuddalore under date the 27th Ultimo.—

/Here Enter F.W. No. 723 of 1846/-

Read return dated the 3d Instant from the Sessions Judge of Nellore to the precept of the Foujdaree Adalut under date the 27th Ultimo resolving to direct that the prisoners in Calendar No. 3 of 1846 be sentenced to imprisonment with

F.W.

with hard labor in irons for the period of five years only instead of for Seven years to which they were sentenced by the Sessions Court.—

/Here Enter F.W. No. 725 of 1846/-

Read report dated the 26th Ultimo submitted by the Magistrate of Canara of cases tried by the Magistracy under the provisions of Section I. III. Act VIII of 1843 during the month of January 1846.—

/Here Enter F.W. No. 732 of 1846/-

Read report dated the 2d Instant submitted by the Sessions Judge of Salem of cases pending on the 28th Ultimo before him for upwards of 25 days from the date of commitment and accounting for delays.—

/Here Enter F.W. No. 737 of 1846/-

Read Statement dated the 2d Instant submitted by the Sessions Judge of Mangalore of the actual produce of the labor of the

Prisoners

11th March, 1846.

Prisoners and the application of the Fund arising therefrom from 1st October to 31st December 1845, furnished with reference to the Circular Order No. 88 dated 9th January 1837.-

Were enter F.No. 746 of 1846/-

Read return dated the 4th Instant from the Subordinate Judge of Combaconum to the precept of the Foujdaree Adalut under date the 27th Ultimo forwarding remarks on the Criminal Reports for the month of January 1846.-

Were enter F.No. 748 of 1846/-

Read return dated the 4th Instant from the Officiating Principal Sudr Ameen of Masulipatam to the precept of the Foujdaree Adalut under date the 25th Ultimo directing the Officiating Principal Sudr Ameen to communicate to the Magistrate of Masulipatam their remarks on the Criminal Reports of this Court for the month of January

January last.-

Were enter F.No. 749 of 1846/-

Read letter dated the 5th Instant from the Session Judge of Bellary forwarding the Report of cases pending in the Session Court on the 31st January 1846, and explaining the cause of delay in its transmission.

Were Enter F.No. 754 of 1846/-

Read return dated the 4th Instant from the Session Judge of Bellary to the precept of the Foujdaree Adalut under date the 25th Ultimo, directing him to call up the record of Case No. 203 of 1845 on the Criminal file of the Subordinate Court and pass such orders thereon as he might think proper reporting the same for the information of the Foujdaree Adalut

Were Enter F.No. 756 of 1846/-

Read return dated the 5th Instant from the Subordinate

Judge

11th March, 1846.

Judge of Bellary to the precept of the Fouzdaree Udalut under date the 25th Ultimo conveying the orders of the Court on the Criminal Reports for the month of January 1846.—

//Here Enter F.U6. No. 757 of 1846//-

Read letter dated the 3rd Instant from the Sessions Judge of Tinnevelly explaining the delay in submitting the Report of Cases pending trial before the Sessions Court during the month of February 1846.—

//Here Enter F.U6. No. 759 of 1846//-5

WM
M

Ent'd

F.U6.

Thursday
12th March, 1846. At a Court of the Fouzdaree Udalut.

Present

The Hon'ble G. L. Waters Esqre. ——— 1st Puisne Judge
Malcolm Lewin Esqre. ——— 2d Puisne Judge
T. E. J. Boileau Esqre. ——— 3d Puisne Judge

Read letter dated the 17th Ultimo from the Subordinate Judge of Mangalore reporting that 6 Convicts recommended by the Zillah Surgeon to be removed to Buntwall for change of scene and air, have been made over to the charge of the Magistrate to be lodged in the Jail at Buntwall in the hope that the extreme urgency for the immediate adoption of the measure will be deemed a sufficient warrant for its having been carried into execution previous to the sanction of the Fouzdaree Udalut having been obtained.—

//Here enter No. 631//

It is observed that Circular Order No. 1164 clearly shows that a transfer

11th March, 1846.

Judge of Bellary to the precept of the Fouzdaree Udalut under date the 25th Ultimo conveying the orders of the Court on the Criminal Reports for the month of January 1846.—

//Here enter F.U. No. 757 of 1846//-

Read letter dated the 3rd Instant from the Sessions Judge of Tinnevelly explaining the delay in submitting the Report of Cases pending trial before the Session Court during the month of February 1846.—

//Here enter F.U. No. 759 of 1846//-5

End. F.U.

F.U.

Thursday
12th March, 1846. At a Court of the Fouzdaree Udalut.

Present

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

Read letter dated the 17th Ultimo from the Subordinate Judge of Mangalore reporting that 6 Convicts recommended by the Zillah Surgeon to be removed to Buntwall for change of scene and air, have been made over to the charge of the Magistrate to be lodged in the Jail at Buntwall in the hope that the extreme urgency for the immediate adoption of the measure will be deemed a sufficient warrant for its having been carried into execution previous to the sanction of the Fouzdaree Udalut having been obtained.—

//Here enter No. 631//

It is observed that Circular Order No. 1164 clearly shows that a transfer

11th March, 1846.

Judge of Bellary to the precept of the Foujdaree Udalut under date the 25th Ultimo conveying the orders of the Court on the Criminal Reports for the month of January 1846.—

/Here enter F.U. No. 757 of 1846/-

Read letter dated the 3rd Instant from the Sessions Judge of Tinnevelly explaining the delay in submitting the Report of Cases pending trial before the Sessions Court during the month of February 1846.—

/Here enter F.U. No. 759 of 1846/-5

WM
M

End 11th

F.U.

Thursday
12th March, 1846. At a Court of the Foujdaree Udalut.

Present

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

Read letter dated the 17th Ultimo from the Subordinate Judge of Mangalore reporting that 6 Convicts recommended by the Zillah Surgeon to be removed to Buntwall for change of Scene and air, have been made over to the charge of the Magistrate to be lodged in the Jail at Buntwall in the hope that the extreme urgency for the immediate adoption of the measure will be deemed a sufficient warrant for its having been carried into execution previous to the sanction of the Foujdaree Udalut having been obtained.—

/Here enter No. 631/

It is observed that Circular Order No. 1164 clearly shows that a transfer

transfer of the nature reported may be made under the authority of the Officer in charge of a Jail without previous reference to this Court. The above communication from the Subordinate Judge was therefore not required.—

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

/Sent in No. 377./

Read the Criminal Reports dated the 31st January 1846 submitted by the Principal Sudr Ameen of Cochin for the month of January 1846.—

/Here enter No. 565/

Read return dated the 14th Ultimo from the Subordinate Judge of Rajahmundry to the precept of the Tonjadarce Vakeel under date the 28th January 1846 on review of the Criminal Reports for the month of January 1846.—

/Here enter No. 590/

Read Calendar dated the 31st Decembr

December last submitted by the Acting Sessions Judge of Madura in Case No. 85 of 1845.—

/Here enter No. 643/

Read return dated the 21st Ultimo from the Sessions Judge of Combaconum to the precept of the Tonjadarce Vakeel under date the 7th idem desiring to inform the age of the Prisoner in Case No. 75, requiring a more detailed exposition of the Case No. 76 and requesting an explanation of the cause of delay in forwarding the Calendar of Cases Nos. 73, 74, 75 and 76 of 1845.—

/Here enter No. 648/

Read letter dated the 17th Ultimo from the Sessions Judge of Honore stating with reference to the observation made in para. 5 of the Proceedings of the Tonjadarce Vakeel dated 10th Ultimo, that an attempt was made by the Sessions Court to convert the 2d Prisoner in Case No. 1 of 1846 on the Calendar into a witness but as he denied having witnessed the act

act charged against the 1st Prisoner, his evidence did not appear to be of any value.

(Here Enter No. 652)

Read return dated the 20th Ultimo from the Sessions Judge of Bellary to the precept of the Foujdaree Adalut under date the 13th idem directing that information be given as to what notice has been taken by the Magistrate of the conduct of the Head of Police of Humply in consequence of their remarks of the Sessions Court in Case No. 2 of 1846.

(Here enter No. 654)

Read report dated the 20th Ultimo submitted by the Agent to the Governor of Fort St. George at Vizagapatam of persons apprehended in the Separate Tracts of Vizagapatam and delivered to the Agency in the month of January 1846.

(Here enter No. 656)

End 4th

J. A.

At a Court of the Foujdaree Adalut.

Friday 13th March 1846.

Present.

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

Read again Calendar of Case No. 49 of 1845 submitted by the Sessions Judge of Combaconum under date the 29th November, 1845.

(Here enter F. A. No. 3526 of 1845)

Read also return dated the 7th Ultimo from the Sessions Judge of Combaconum to the precept of the Foujdaree Adalut under date the 13th January 1846 requiring the submission of a translation of the entire record of the Case No. 49 of 1845 and the suspension of the sentence passed therein.

(Here enter F. A. No. 490 of 1846)

The Court of Foujdaree Adalut seeing

1.

reason to doubt the propriety of the sentences passed by the Sessions Judge of Combaconum in Case No. 49 of 1845 as set down in his Calendar of the 29th November last, were induced to call for the record of trial.—

A consideration of the same has confirmed

2.

the doubts entertained by the Judges, regarding the

the insufficient and illegal grounds upon which no less than six Prisoners have been condemned to 14 years imprisonment in irons with hard labour, and one to receive 100 lashes with a Cat O'nine tails! It is a subject both of astonishment and regret to reflect that an Officer of such standing in the service as the Session Judge of Combaconum, and who ought to posses extensive experience, should have fallen into the gross errors manifested upon these proceedings under review, and painful as may be the conclusion, the Judges can account for them only upon the supposition that the Session Judge has neglected to bestow that degree of attention upon the record, which a sense of duty and humanity imperatively demanded.

3. Of the Prisoners 13 in number, the 1st, 4th, 7th, and 10th being principals in the robbery, as also the 11th, 12th, and 13th Prisoners (receivers) were properly punished, they confessed before the Police, and gave up certain of the booty which had fallen to their shares.

4 The 3rd Prisoner who is asserted in the Calendar to have confessed before the Police has denied throughout, as also the 9th Prisoner, nor was any property given up by nor discovered with them, letting alone therefore their crimination, by certain other Prisoners, a fact which the Foujdaree Court have

have over and over again ruled to be of no value or importance; these two men have been convicted upon the depositions of certain Witnesses who deposed to having identified them as taking part in the robbery.

5. Now it was before the Session Judge (who states in his Calendar that the complaint was preferred on the 29th September and 15th October 1845, altho' that made before Police Ameen is dated the 6th September and the Arzee of the Sub Police officer to the Police Ameen dated the 3rd September shews that the Village authorities (whose report the Session Judge has omitted to forward) had even then written an account of the robbery which took place the preceding night) that the earliest date at which any of the robbers had been apprehended was the 23rd September, and that the earliest dates upon which the said Prisoners were confronted with the Witnesses who pretend to have identified them, before the Police, was the 4th and before the Session Judge, the 20th of October.

6. A full month therefore intervened before the Witnesses and the Prisoners were confronted, and yet the Session Judge tho' the former admitted before him that they had never seen the Prisoners before the robbery, and tho' the record shews that Prosecutor and Witnesses were in the greatest alarm, and terror hiding some here and some there, has, with the

the Jury, given implicit credit to such assertions, dispensing not only with cross examination but with all questioning as to relative position, distance, time, vicinity of other Witnesses and similar interrogatories, which it is to be supposed would present themselves under such circumstances or be anxiously sought for, where the happiness of so many families and the liberty of so many Persons was concerned: that the Jury, whom the Sessions Judge thought fit to make use of in so intricate a Case, paid no attention to these matters, may not be surprising, but that the Sessions Judge knowing it is to be presumed how worthless such evidence is, and how systematically it is rejected by the upper Court, should have been so inattentive is indeed astonishing; The very facts in which these Witnesses do agree, repeated one after the other under such circumstances and regarding so many Prisoners should have placed him upon his guard and suggested the belief that the Witnesses so pretending to identify the Prisoners had actually derived their knowledge from the declarations of certain Prisoners who had criminated others during their confessions.—

7. So much for the 3d and 9th Prisoners. and precisely the same remarks apply to the 2d, 5th, 6th, and 8th, to the latter of whom it is proposed also

also to administer 100 lashes (excepting indeed that they are stated to have confessed before the Police, a confession assuming it made without deceit or ill usage altogether insufficient to conviction.—

8. Under this view of the case the Court resolve to set aside the conviction of the 2d, 3d, 5th, 6th, 8 and 9th prisoners and to direct that the prisoners

3d Saundanoottoomaleveran
and
9th Mooroodumpaly.—

be unconditionally released but as the admissions of the other prisoners before the Police are uniform, and in detail the Court resolve to direct that the

2d Ramanaleveran
5th Pumbiavillatian
6th Moottooveerapalion
and
8th Valaparattien.

be required to furnish two sureties of 25 Rupees each surety for their good behaviour and appearance when required within the period of one year or in default thereof that they be detained for one year in confinement.—

Ordered that — Extract from these Proceedings be sent to the Session Judge of Combaconum for his information by Precept returnable

the Jury, given implicit credit to such assertions, dispensing not only with cross examination but with all questioning as to relative position, distance, time, vicinity of other Witnesses and similar interrogatories, which it is to be supposed would present themselves under such circumstances or be anxiously sought for, where the happiness of so many families and the liberty of so many Persons was concerned: that the Jury, whom the Sessions Judge thought fit to make use of in so intricate a Case, paid no attention to these matters, may not be surprising, but that the Sessions Judge knowing it is to be presumed how worthless such evidence is, and how systematically it is rejected by the upper Court, should have been so inattentive is indeed astonishing; The very facts in which these Witnesses do agree, repeated one after the other under such circumstances and regarding so many Prisoners should have placed him upon his guard and suggested the belief that the Witnesses so pretending to identify the Prisoners had actually derived their knowledge from the declarations of certain Prisoners who had criminated others during their confessions.—

7. So much for the 3rd and 9th Prisoners. and precisely the same remarks apply to the 2nd, 5th 6th, and 8th, to the latter of whom it is proposed also

also to administer 100 lashes (excepting indeed that they are stated to have confessed before the Police, a confession assuming it made without deceit or ill usage altogether insufficient to conviction.

8. Under this view of the case the Court resolve to set aside the conviction of the 2nd, 3rd, 5th, 6th, 8 and 9th prisoners and to direct that the prisoners

3rd Saundanisottoonaleveran
and
9th Mooroodumpaly.

be unconditionally released but as the admissions of the other prisoners before the Police are uniform, and in detail the Court resolve to direct that the prisoners

2nd Ramanaleveran
5th Pumbiavillatian
6th Moottooveerapalion
and
8th Valaparattien.

be required to furnish two sureties of 35 Rupees each surety for their good behaviour and appearance when required within the period of one year or in default thereof that they be detained for one year in confinement.—

Ordered that — Extract from these Proceedings be sent to the Sessions Judge of Combaconum for his information by Precept returnable

returnable in X days from and after its receipt.—

(Sent following Receipt No. 379)

Read Criminal Reports under date the 9th Ultimo submitted by the Acting Subordinate Judge of Cuddapah for the Month of January 1846.

(Here enter F. C. No. 512 of 1846).

Suppl. Report. Case No. 234. 1. The Court desire to be furnished with an Extract from the Proceedings of the Sessions Court which are adduced as the authority for the commitment of the Prisoner in this case.

Case No. 271. 2. The Court of Foujdaree Adalut consider that no grounds existed for the transfer to the Magistracy of the Prisoner in this case who having been kept in confinement on a false accusation of Murder, and acquitted thereof should have been forthwith unconditionally released by the Acting Subordinate Judge.

Cases Nos. 1, 2, 8 and 19. 3. The Court see reason to question the propriety of the sentences awarded in these cases, and they accordingly 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.—

4. The Court of Foujdaree Adalut consider the explanation offered for the delay which took place in the transmission of this case to the Criminal Court exceedingly unsatisfactory.—

M.

Case No. 14. 5. It does not appear from what causes the Head of District Police was prevented from completing the enquiry where it was commenced nor is any reason assigned for the great delay which took place in the reply of the Acting Magistrate to the reference made by the Head of Police the nature of which under the rule laid down in Circular Order No. 62. should have been stated.—

Case No. 17. 6. The delay which occurred in this case is extremely reprehensible and reflects greatly on the efficiency both of the Village and of the District Police, nor does it appear that any necessity existed for the reference made to the Acting Head Assistant Magistrate.—

Case No. 21. 7. The Court desire to be informed what notice may have been taken by the Acting Magistrate of the irregular detention of the Prisoners in this case by the Police Peon by whom he was apprehended.—

8. The Acting Subordinate Judge will be pleased in communication with the Medical Officer to report the apparent cause of the great sickness which appeared to have prevailed in the Jail under his charge during the period embraced in these reports.—

Ordered that Extract from these Proceedings

returnable in X days from and after its receipt.—

(Sent following Receipt No. 379)

Read Criminal Reports under date the 9th Ultimo submitted by the Acting Subordinate Judge of Cuddapah for the Months of January 1846.

(Here enter F. C. No. 512 of 1846).

Suppl. Report. 1.
Case No. 234. The Court desire to be furnished with an Extract from the Proceedings of the Sessions Court which are adduced as the authority for the commitment of the Prisoner in this case.

Case No. 271. 2. The Court of Foujdaree Udalut consider that no grounds existed for the transfer to the Magistracy of the Prisoner in this case who having been kept in confinement on a false accusation of Murder, and acquitted thereof should have been forthwith unconditionally released by the Acting Subordinate Judge.

Cases Nos. 1, 2, 8 and 19. 3. The Court see reason to question the propriety of the sentences awarded in these cases, and they accordingly resolve to direct the Session 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 Udalut.

4. The Court of Foujdaree Udalut consider the explanation offered for the delay which took place in the transmission of this case to the Criminal Court exceedingly unsatisfactory.—

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Case No. 21. 7. The Court desire to be informed what notice may have been taken by the Acting Magistrate of the irregular detention of the Prisoners in this case by the Police Peon by whom he was apprehended.—

8. The Acting Subordinate Judge will be pleased in communication with the Medical Officer to report the apparent cause of the great sickness which appeared to have prevailed in the Jail under his charge during the period embraced in these reports.—

Ordered that Extract from these Proceedings

Proceedings (para: 3) be sent to the Sessions Judge of Cuddapah for his information and guidance by precept returnable in XX days from and after its receipt.-

(Sent following Precept No. 380.)

Ordered also that Extract from these Proceedings be sent to the Acting Subordinate Judge for his information and guidance and for communication of paras: 2-5-6 and 7 to the Joint Magistrate in charge of the District for the information and guidance of that officer and for report direct to the Foujdaree Adalut by precept returnable in X days from and after its receipt.-

(Sent following Precept No. 381)

Read letter dated the 7th. Ultimo from the Sessions Judge of Trichinopoly submitting the usual Half yearly report and Statements for the 2d. Half of 1845.-

(Here enter No. 513)

The Court of Foujdaree Adalut desire to receive from the Magistrate of Trichinopoly any explanation he may be prepared to offer to account for the large number of deaths which during the year 1845, have been attributed, it is observed, to accidental drowning.-

7.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Trichinopoly for his information by precept returnable without delay.-

(Sent following Precept No. 382.)

F. A.

13th. March 1846.

Read Criminal Report under date the 19th. Ultimo submitted by the Subordinate Judge of Madura for the month of January 1846.-

(Here enter F. A. No. 670)

Suppl. Report Case No. 246. 1. The Court desire to be informed on what grounds the 6th. Prisoner in this case who is proved to have been in possession of the stolen sheep which he was charged with having attempted to purchase, has been exempted from "irons" in the sentence awarded to him by the Moofty Sudr. Ameen.-

Case No. 257. 2. The Court observe that the Peon who permitted a woman to remove the handcuff from the hands of the 1st. and 2d. Prisoners in this case - under the circumstances stated in the report, should be severely reprimanded.-

3. Certain remarks recorded in the report of this case to the effect that the "charge is not proved against the prisoners" and that the punishment under gone is a "sufficient punishment" require explanation their meaning not being sufficiently apparent to the Court of Foujdaree Adalut.-

Case No. 259. 4. Adverting to a remark recorded in the abstract of the evidence in this case that "the prisoners robbed the Prosecutor of his Cloths Viz. as specified in the charge" the Court of Foujdaree Adalut observe that in the Statement of the charge no mention of a robbery

robbery occurs.-

Case No. 262. 5. The Court observe that the Subordinate Judge should not omit in cases appearing in the supplemental Report to insert in the margin the name of the Talook from which the case is received, in conformity with instructions conveyed in the Circular Order noted marginally.-

Circular Order 1st January 1832.

Case No. 263 6. The Court desire that this case be disposed of without any further delay.-

Report No. V Case No. 2. 7. In the explanation of delay submitted by the Head of Police the Prisoners in this case are stated to have been forwarded to the Court on the 3d of January whereas in the 5th Column of the Report the 1st idem is assigned as the date of their leaving the Talook.-

8. This apparent discrepancy requires explanation.-

Para. 1 Circular Order 68. 9. Adverting to the rule laid down in the Circular Order noted marginally, the Court of Foujdaree Adawlut desire to be informed on what grounds the Subordinate Judge considered himself justified in committing the prisoners in these cases in the charge of cattle stealing.-

Cases No. 3 and 9. 10. The Court see reason to question the propriety of the disposal of these cases and they accordingly resolve to direct the Acting Sessions Judge to call up the

13th March 1846.

the records and to pass such orders as he may think proper, reporting the same for the information of the Foujdaree Adawlut.-

11. The delay of 10 days which occurred in the examination of this case by the Police Mazoomdar requires explanation.-

Case No. 8. 12. The Court observe that the complaint which it was apparently necessary to make to the Magistrate regarding the release of the Prisoners in this case by the Village Moonsiff should not have caused delay in the disposal of the case by the Head of District Police.-

Case No. 11. 13. The Court desire that the Acting Session Judge will enquire into and report upon the sufficiency of the causes assigned for the great delay which occurred in the transmission of this case to the Criminal Court.-

Case No. 12. 14. Adverting to the alleged value of the property said to have been stolen in this case the Court desire that it may be explained on what grounds the Subordinate Judge has considered it necessary to summon witnesses for the defence.-

Case No. 13. 15. From the explanation of delay submitted by the Head of District Police it appears that the 2d and 3d Prisoners in this case arrived at the Talook Cutchery on the 31st December, whereas in the 4th Column

Column of the Report they are stated to have been apprehended on the 9th January.-

16. This apparent contradiction requires to be explained.-

Case No. 13. 17. Clause sixth has been substituted, the Court infer, inadvertently for Clause fourth of the Section and Regulation quoted in support of the Sentence awarded in this case.-

18. The Court desire that this error may be amended.-

Case No. 22. 19 With reference to the cause assigned for the delay in the disposal of this case the Court observe that the sentence in a case of "Escape" is independent of that to be passed for the offence which may have led to the original detention of a prisoner, and should therefore be awarded immediately upon conviction.-

Ordered that Extract from these Proceedings (Paras: 10, 13) be sent to the Acting ~~Sessions~~ Judge of Madura for his information and guidance by precept returnable within XV days from and after its receipt.-

(Sent following Precept No. 383.)

Ordered also that Extract from these Proceedings be sent to the Subordinate Judge for his information and guidance and for communication of paras. 2, 7, 8, 11, 12, 15, and 16 to the Magistrate for the information

information and guidance of that officer and for report direct to the Fouzdaree Adalut by precept returnable within X days from and after its receipt.-

(Sent following Precept No. 384).

Read again Criminal Reports - under date the 2d January 1846. submitted by the Subordinate Judge of Chittoor for the month of - December 1845.-

(Here enter F. G. No. 154).

Read also communication under date the 24th February 1846. from the Acting Magistrate of North Arcot submitting explanations on certain cases of the above Criminal Reports as required in Proceedings of the Fouzdaree Adalut dated 30th January 1846.-

(Here enter F. G. No. 690 of 1846)

The Court of Fouzdaree Adalut - Consider the explanation afforded by the Acting - Magistrate of North Arcot in these cases to be satis- - factory.-

Ordered that Extract from these - Proceedings be sent to the Acting Magistrate of North Arcot for his information.-

(Sent in No. 385.)

Ordered also that Extract from these Proceedings be sent to the Subordinate - Judge

Judge of Chittoor for his information.-

(Sent in No. 386.)

Read Report dated 11th Ultimo for the 2nd Half of 1845 submitted by the Sessions Judge of Coimbatoor.-

(Here enter No. 644 of 1846)

As the present system affords no means of ascertaining by local examination, whether the provisions of Act XII of 1843 are observed by the Civil Judges, the Court of Sudder Adalut desire that the Drafts of Decrees passed by the Civil Judge of Coimbatoor during the year 1845 may be submitted for their inspection.-

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Coimbatoor by precept returnable without delay.-

(Sent following Precept No. 387.)

Read Calendar in Cases No. 54 and 59 of 1845. submitted by the Session Judge of Tinnevelly under date the 19th Ultimo.-

(Here enter F. C. No. 665 of 1846)

Read Calendar in Case No. 2 of 1846. submitted by the Session Judge of Tinnevelly under date the 20th Ultimo.-

(Here enter F. C. No. 671 of 1846)

Read Calendar in Case No. 3 of 1846. submitted

submitted by the Session Judge of Mangalore under date the 31st Ultimo.-

(Here enter F. C. No. 675 of 1846).

Read Calendar in Case No. 4 of 1846. submitted by the Session Judge of Mangalore under date the 31st Ultimo.-

(Here enter F. C. No. 676 of 1846)

Read communication dated the 23rd Ultimo from the Magistrate of Tanjore submitting explanation with regard to an Extract of the Court, dated 31st January last stating that the Court do not perceive the "Gist" of the reason assigned by the Police Ameen for the reference made to Magistrate in Case No. 273 of Criminal file of Subordinate Court of Coimbatoor, and calling for further explanation.-

(Here enter F. C. No. 678 of 1846).

Read Calendar in Case No. 3 of 1846. submitted by the Session Judge of Trichinopoly under date the 23rd Ultimo.-

(Here enter F. C. No. 682 of 1846.)

Read letter dated the 23rd Ultimo from the Session Judge of Mangalore forwarding the Warrant issued by him for the execution of the sentence of death passed by the Court of Foujdaree Adalut on Mayndapoo Prisoner in Case No. 104 of 1845 on the Mangalore Calendar, with the endorsement of the Subordinate Judge certifying due

due execution thereof, and copy of a Report made by him according to the Circular Order of the Foujdaree Udalut under dates the 3rd May and 30th September 1830.-

(Here enter F: U: No. 686 of 1846.-

Read return dated the 23rd Ultimo from the Sessions Judge of Coimbatore to the precept of the Foujdaree Udalut under date the 19th idem sanctioning the mitigated punishment of 8 Years Imprisonment with hard labor in irons to be passed on the 1st Prisoner in Case No. 39 of 1845.-

(Here enter F: U: No. 687 of 1846).

Read letter dated the 24th Ultimo from the Sessions Judge of Mangalore forwarding Warrant issued by him for the execution of the sentence of death passed by the Court of Foujdaree Udalut on Pudma prisoner in Case No. 102 of 1845 on the Calendar, and Copy of a Report of the Subordinate Judge stating that the same took place on the 23rd instant at 5 P. M.:-

(Here enter F: U: No. 698 of 1846)

Read letter dated the 23rd Ultimo from the Magistrate of Coimbatore affording Explanation in Criminal Cases Nos. 130 and 134 as directed by the Proceedings of the Foujdaree Udalut dated 24th December 1845.-

(Here enter F: U: No. 701 of 1846)-

Ent. W.

F. U.

Saturday 14th March 1846.- At a Court of the Foujdaree Udalut

Present

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

Mr. M. Lewin.

Read letter dated the 7th Instant from the Sessions Judge of Cuddalore transmitting the Record of the trial in Case No. 3 on the Calendar of the Sessions Court for 1845.-

(Here enter No. 794)

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

1st Narain Padiachee
2d Vencatroyen
and
4th Appavoo

is sufficient to convict them of the crime of robbery by open violence, do convict them thereof, and under the provisions of Clause third,

third, Section IV, Regulation XV of 1803, sen-
tence them to be imprisoned and kept to
hard labor in irons on the public roads, or
other public works, for, and, during the
period of /14/ fourteen years.—

/Sent following letter No. 392./

Read Calendar of Cases No. 8 of
1846 on the file of the Sessions Court of Huddalore
submitted under date the 27th Ultimo by
the Sessions Judge.—

/Here enter Fl. No. 721/

The Court do see reason to question the propriety of the
disposal of this case; and they accordingly
resolve to direct that an English transla-
tion of the Record may be submitted for
their consideration with the least practicable
delay.—

Ordered, that Extract from
these proceedings be sent to the Sessions
Judge Huddalore for his information and
guidance by precept returnable within
10 days from and after its receipt.—

/Sent following precept No. 393./

Read

Read communication under
date the 17th Ultimo from the Acting Sessions
Judge of Cuddalore.—

/Here enter Fl. No. 641 of 1846/

1. The Acting Sessions Judge desires
to be favored with the instructions of the
Court of Sudder Adalut regarding the
course to be pursued by him in the case
a prisoner who was committed by him for
trial before the Sessions Court.—

2. It appears that at the time
of his commitment which the Acting
Sessions Judge states was made by him
when Subordinate Judge tho' merely no-
minally and pro formâ as the case had
been originally investigated by the present
Subordinate Judge Mr. Goodwyn when
acting in that office, the prisoner having
been pronounced by the Medical Officer
to be of unsound mind was returned
to the Subordinate Judge with certain
orders from the Sessions Court.—

3. The Medical Officer having
now reported the Prisoner to be in a state

4

of sanity Mr. Baynes suggests that he be remanded to the Subordinate Court for commitment de novo in order to the removal of any technical objections which may exist to his (Mr. Baynes) trying the case.—

4. Before passing any final order on the matter adverted to in the Acting Sessions Judge's communication, the Court of Tinjanee Vaalut desire to be furnished with a more detailed and explicit statement of the circumstances of the case than that which has been now submitted.—

5. The Court of Tinjanee Vaalut do not understand how a prisoner can be committed "merely nominally and pro forma" and they accordingly desire that Mr. Baynes will explain the terms in question the applicability of which to the commitment of a prisoner is not apparent to the Tinjanee Vaalut.—

Ordered, that Extract from these proceedings be sent to the Acting Sessions Judge of Salem for his information and guidance by precept returnable within

10

10 days from and after its receipt.—

(Sent following precept No. 394)

Read Blank report of Cases pending on the 31st January and committed for trial during the month of February 1846 before the Sessions Judge of Nellore and which have continued before the Sessions Court for a period in excess of 25 days from the date of commitment.—

(Here enter F.H. No. 720 of 1846.)

The Court observe that the transmission of this blank statement was unnecessary. The attention of the Sessions Judge is recalled to para. 2 Circular Order 4th September 1820.—

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

(Sent in No. 395)

Read Calendar of Cases No. 7 of 1846 on the file of the Sessions Court of Chingleput submitted under date the 2d Instant.—

(Here enter F.H. No. 730 of 1846)

Sa

1. In behalf of the 1st prisoner in this case who has been convicted of rob. -bing his master of Rupees 310 in ready money and sentenced to 7 years imprisonment with hard labor in irons under the pro -visions of Section XXI Regulation VII of 1802 the Session Judge recommends that the prescribed punishment be mitigated to a sentence of 4 Years imprisonment with labor in irons.—

2. The Court of Foujdaree Udalut having duly considered the circumstances of the case as represented in the Calendar concur with the view taken by the Sessions Judge and resolve to accede to the recom -mendation made in behalf of the prisoner "1st Veerasamy"

who they direct be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 4 Years.—

3. The Court observe that the heading of the charge in this case should have been "theft" and not "House breaking and

theft".—

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

/Sent following precept No. 396/

Read return dated the 27th Ultimo from the Sessions Judge of Salem to the precept of the Foujdaree Udalut under date the 13th idem directing him to call for and review the proceedings in Case No. 227 of the Criminal Reports submitted by the Subordinate Judge for the month of December 1845.—

/Here enter No. 709/

Read return dated the 28th Ultimo from the Sessions Judge of Salem to the precept of the Foujdaree Udalut under date the 23d idem directing the release of Moroogun the 1st Prisoner, charged with Gang Robbery in Case No. 59 of the Calendar of the Sessions Court for 1845, and a commu -nication to be made to the Magistrate as regarding

14th March 1846.

regarding his general character.—

/Here enter No. 710/

Read letter dated the 20th Ultimo from the Session Judge of Cuddapah reporting the execution of the Prisoner in Case No. 74 of the Calendar for 1845.—

/Here enter No. 712/

Read Calendar dated the 13th Ultimo submitted by the Agent to the Governor of Fort St. George at Kurnool of Cases referred for final Sentence of the Foujdaree Adalut in the month of January 1846.—

/Here enter No. 713/

Read Statement dated the 13th Ultimo submitted by the Agent to the Governor of Fort St. George at Kurnool of Extra Peons employed at the Jail of Kurnool in the month of January 1846.—

/Here enter No. 714/

Read Calendar dated the 27th Ultimo submitted by the Session Judge of Cuddalore in Case No. 10 of 1846.—

/Here enter No. 722/

Ent WH

F. W.

Monday,
16th March, 1846.

At a Court of the Foujdaree Adalut.

Present,

Cy. S. Waters Esqre. 1st Puisne Judge,
Malcolm Lewin Esqre. 2d Puisne Judge,
T. R. S. Boileau Esqre. 3d Puisne Judge.

Read again Miscellaneous Petition presented on the 10th November last by Alamelou, complaining that the Magistrate and Joint Magistrate of Combaconum refused to furnish her with copies of certain orders passed by the latter Functionary in a case in which the Petitioner was tried for theft and acquitted

/Here enter F. W. M. P. No. 210 of 1845/

Read also return dated 4th February from the Session Judge of Combaconum to the Precept of the Foujdaree Adalut under date the 9th January 1846, directing that Officer to call upon the Magistrate to state whether the Petitioner's representations are true, and if so to assign the

the grounds on which both he and the Joint Magistrate declined to grant a copy of the proceedings asserted to have been so frequently and unsuccessfully applied for.

(Here enter P. W. No. 561 of 1846)

The Session Judge forwards copy of a return from the Magistrate, in which that Officer states that the said Alamalou requested "the Joint Magistrate to furnish her with "copies of proceedings in two cases, one of "which was decided 8 and the other 5 years "previously. These documents the Joint Magis- "trate did not deem it necessary to supply."

2 The Court of Foujdaree Udalut are of opinion that the papers of the nature referred to may with propriety be refused at such distant periods of time, unless good and sufficient reasons be assigned for their production.

3 The Court resolve therefore to direct that the Petitioner be called upon to state within one month the substantial reasons why her request is now preferred and why she so long deferred making to obtain transcripts

transcripts of the orders in question.

Ordered that Extract from these proceedings be sent to the Session Judge of Combaconum for his information and for communication to the Magistrate.

(Sent in No. 409)

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

Read again Miscellaneous Petition presented on the 18th August last by Parvathy of Zillah Chittoor

(Here enter M. P. No. 151 of 1845)

Read also return dated the 22d October 1845 from the Session Judge of Chittoor to the precept of the Foujdaree Udalut under date the 22d September last, directing that a full enquiry should be made into the Statements contained in the foregoing petitions and the result thereof reported through the Session Judge to the Court of Foujdaree Udalut

(Here enter No. 3130 of 1845)

Read also return dated the 8th December last from the same Officer to the

the precept of the Fouzdaree Udalut dated the 10th November last, directing that the enquiry directed in their former orders be instituted without further delay viz.

(Here enter No. 3728 of 1845)

Read again also return dated the 3d Ultimo from the same officer to the precept of the Fouzdaree Udalut dated the 9th January last, directing the completion of the enquiry into Petitioner's case and the submission to the Fouzdaree Udalut of a full report on the subject to be made by the Acting Magistrate with the remarks of the Session Judge thereon.

(Here enter No. 410 of 1846.)

Read also Miscellaneous Petition presented on the 22d December 1845 by Parvathy of Zillah Chittoor.

(Here enter M. P. No. 250 of 1845)

1. The Court of Fouzdaree Udalut having adopted such measures as appeared necessary with reference to the circumstances stated in the Petitioner's former address passed their final orders under date the 16th Ultimo to

which the Petitioner is referred.

2. From a perusal of this address the Court see no grounds for a reconsideration of the matter and they accordingly resolve to dismiss this Petition.

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

Read Miscellaneous Petition presented on the 31st December last by Adam Saib 1st Prisoner in Criminal Case No. 110 of 1843 on the file of the Subordinate Court at Salem.

(Here enter F. U. M. P. No. 253 of 1845)

1. The Petitioner complains of an order by the Session Judge of Salem, confirming the proceedings of the Subordinate Judge at that Station in the aforesaid Case, sentencing the Petitioner, who was charged with making a fraudulent interpolation in a certain Document, to six Months imprisonment and to a fine of two hundred Rupees, commutable, if not paid, for a further period of Imprisonment for six Months.

2. The Petitioner asserting that some

of

the precept of the Foujdaree Udalut dated the 10th November last, directing that the enquiry directed in their former orders be instituted without further Delay Viz.

(Here enter No. 3728 of 1845)

Read again also return dated the 3d Ultimo from the same officer to the precept of the Foujdaree Udalut dated the 9th January last, directing the completion of the enquiry into Petitioner's case and the submission to the Foujdaree Udalut of a full report on the subject to be made by the Acting Magistrate with the remarks of the Session Judge thereon.

(Here enter No. 410 of 1846.)

Read also Miscellaneous Petition presented on the 22d December 1845 by Parvatty of Zillah Chittoor.

(Here enter M. P. No. 250 of 1845)

1. The Court of Foujdaree Udalut having adopted such measures as appeared necessary with reference to the circumstances stated in the Petitioner's former address passed their final orders under date the 16th Ultimo to which

which the Petitioner is referred.

2. From a perusal of this address the Court see no grounds for a reconsideration of the matter and they accordingly resolve to dismiss this Petition.

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

Read Miscellaneous Petition presented on the 31st December last by Adam Saib 1st Prisoner in Criminal Case No. 11 of 1843 on the file of the Subordinate Court at Salem.

(Here enter F. U. M. P. No. 253 of 1845)

1. The Petitioner complains of an order by the Session Judge of Salem, confirming the proceedings of the Subordinate Judge at that station in the aforesaid Case, sentencing the Petitioner, who was charged with making a fraudulent interpolation in a certain document, to six Months imprisonment and to a fine of two hundred Rupees, commutable, if not paid, for a further period of Imprisonment for six Months.

2. The Petitioner asserting that some

of

of his enemies made the interpolation in question and that he is guiltless of the act, prays that the Session Judge may be directed to order the fine to be refunded to him.

3. The Petitioners Case not being fully before the Court of Fonjdaree Adalut in consequence of his failure to submit with his Petition copy of such address as he may have presented to the Session Judge and that functionary's order thereon, the Court of Fonjdaree Adalut decline to bring the matter under consideration.

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

Read Miscellaneous Petition presented on the 2d Ultimo by Moostapha ally Khan, Vakeel, on behalf of Soobroya Pillay of Zillah Cuddalore.

(Here enter F. A. M. P. No 14 of 1846)

1. The object of this address is to induce the Court of Fonjdaree Adalut to overrule an order passed by the Session Judge of Cuddalore under date the 27th October 1845, refusing to direct the Magistracy to cause the keys and Jewels appertaining to the Pagoda of Mootkoo Coomaraswamy at Porto Novo, which are in charge of one Arroontalingum Pillay to be delivered over to the Petitioner, and advising him to establish his right to hold possession of those articles, by a Civil Suit.

2. The Petitioner asserts that he, and his ancestors, have superintended the Pagoda in question; and that Arroontalingum pillay has no right whatever in the Pagoda.

3. The Court of Fonjdaree Adalut see no reason to question the propriety of the order of the Session Judge and decline to interfere in behalf of the Petitioner in the manner solicited.

4. Petition dismissed.

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

Read again Calendar in Case No 358 of 1845 submitted by the Session Judge of Madura under date the 1st December 1845.

(Here enter F. A. No 3553 of 1845)

Read

Read again also return dated the 29th January 1846 from the Acting Session Judge of Madura to the precept of the Tonjadarees Udalut under date the 15th December 1845 calling upon the late Session Judge to submit an English translation of Calendar in Case No. 56 of 1845.

(Here enter F. U. No. 385 of 1846)

Read also return under date the 26th Ultimo from the Acting Session Judge of Madura to the precept of the Tonjadaree Udalut dated the 21st idem, directing the immediate release of the prisoners in the foregoing case.

(Here enter F. U. No. 695 of 1846)

1. The Acting Session Judge states in his return that he has issued a warrant to the Subordinate Judge directing him to release the prisoners in the case referred to.

2. The Court desire that the Acting Session Judge will report the execution of their orders by the Subordinate Judge which is not stated in the return under review.

Ordered that Extract from these

proceedings be sent to the Acting Session Judge of Madura for his information and guidance by precept returnable within 5 days from and after its receipt.

(Sent following precept No. 407)

Read Miscellaneous Petition presented on the 17th November 1845 by Sumpraty Ramiah of Zillah Chittoor.

(Here enter F. U. M. P. No. 217 of 1845)

1. Adverting to this Courts Proceedings under date the 15th September last directing the refund of a fine imposed upon the Petitioner by the late Magistrate of North Arcot for an alleged false complaint preferred by him against the Poligar of Bungany Palleam the Petitioner states that the charge of having plundered his house preferred by him against the Poligar in question and alluded to in his former address presented to this Court under date the 8th April 1845 has not been enquired into, no orders on that point having been issued by the Tonjadaree Udalut.

2. As it appears that no enquiry has at any time been instituted into the charge preferred

referred to in this address, the Court of Foujdaree Udalut resolve to direct the Acting Magistrate of North Arcot to examine any witnesses the Petitioner may adduce to prove the truth of his assertions regarding the robbery and plunder which he alleges to have been committed by the Poligar; and this enquiry the Court consider it is desirable that the Acting Magistrate should conduct in person, reporting the result for their information.

Ordered that Extract from these proceedings be sent to the Acting Magistrate of North Arcot for his information and guidance by precept returnable within 30 days from and after its receipt.

Sent following precept No. 402.

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

Read Criminal Reports under date the 1st Ultimo submitted by the Subordinate Judge of Mangalore for the Month of January 1846.

(Here enter P. C. No. 537)

The

Supplemental Report. Case No. 51.

1. The Court of Foujdaree Udalut consider the sentence passed in this case unwarrantably severe and they accordingly resolve to reduce the period of Imprisonment awarded to one Month and to remit the stripes under the provisions of Section XXXV Act VII of 1843.

Case No. 235.

2. The Court of Foujdaree Udalut have ruled that Cases of "Arson" do not fall within the jurisdiction of the Criminal Courts, and they accordingly resolve to annul the sentence awarded to the prisoner in this case and direct that he be committed for trial before the Session Court.

3. The Court of Foujdaree Udalut would further observe that independent of the grounds above stated, the "worthless Character" of the prisoner would have been sufficient to justify his commitment.

Report No. 5. Case No. 1.

4. The Court of Foujdaree Udalut consider the causes assigned for the delay which occurred in the transmission of this case to the Criminal Court extremely unsatisfactory, and they desire to be informed

informed why the case which appears to have been completed on the 9th of January was not forwarded by the Head of Police until the following day.

5. The Court of Tonjdaree Udalut observe that the 5th Prisoner in this case having been formerly convicted of "theft" has been properly committed to take his trial before the Court of Sessions under Clause third Section IV Regulation VI of 1822.

6. But the other prisoners the offences laid to their charge having been committed independently of each other and in all human probability at different times should have been tried separately, and punished by the Acting Subordinate Judge unless any of the circumstances noted in the above mentioned clause apply to them, or unless as noted in the 2d Clause of the Section and Regulation quoted they were aware of the aggravating circumstances attendant upon the robbery of the property which they were charged with having received at the time that they received and concealed it.

The

7. The 5th Prisoner should not have been committed for the offences charged because charged in two cases neither of which had been proved against him.

Cases Nos 6 and 15. 8. The Court of Tonjdaree Udalut see reason to question the propriety of the disposal of these cases and they accordingly resolve to direct the Session Judge to call up the records and to pass such orders as he may think proper, reporting the same for the information of the Tonjdaree Udalut.

Case No 13. 9. The Court of Tonjdaree Udalut are of opinion that the delay which occurred in the transmission of this case to the Criminal Court calls for serious notice from the Magistrate.

Case No 14. 10. The Court of Tonjdaree Udalut consider that the circumstances of this case place it beyond the jurisdiction of the Criminal Court and they accordingly resolve to annul the sentence and to direct that the prisoner be committed for trial before the Session Court.

11. The Court of Tonjdaree Udalut cannot recognize the wounds which a prisoner may have received as a ground for mitigation of

of punishment.

Case No. 17. 12. The Court of Tonjdaree Udalut observe that the Duffadar to whom the prisoners in this case were delivered should have forwarded them to the Head of Police immediately on their apprehension, the grounds specified for their detention having been repeatedly demanded by the Tonjdaree Udalut.

13 The Court of Tonjdaree Udalut observe that the Subordinate Judge has omitted to state in the usual manner from what date to what date the peons entertained for fractional periods of the month embraced in these reports, were employed.

14 The Court desire that this omission may be now supplied.

Ordered that Extract from these Proceedings (para: 8) be sent to the Session Judge of Mangalore for his information and guidance by precept returnable within 10 days from and after its receipt.

(Sent following precept No. 403.

Ordered also that Extract from these proceedings be sent to the Subordinate

Judge

Judge of Mangalore for his information and guidance and for communication of paras 4 and 12 to the Magistrate of Canara for the information and guidance of that Officer and for report direct to the Tonjdaree Udalut by precept returnable within 15 days from and after its receipt.

(Sent following) precept No. 404.

Read Calendar of Case No. 5 of 1846 on the file of the Session Court of Bellary submitted under date the 23d Ultimo by the Session Judge.

(Here enter F. U. No. 681)

1. The Prisoner in this Case was charged with having received certain property valued at Rupees 61-6-6 which formed part of certain stolen property valued at Rupees 472-12. knowing the same to have been stolen.

The Session Judge concurring

2. in the Fetwa of the Law Officer which acquitted the prisoner on the ground that the evidence was insufficient for his conviction, but differing in opinion with reference to the fact

fact that the prisoner had secreted the property after he had brought it, that strong suspicion attached to him, ordered him to furnish security for a period of two years in two sureties in the sum of Rupees 40 each, or in default to be imprisoned for a similar period.

3. The Court of Tonjdaree Udalut observe for the information and future guidance of the Session Judge and of the Subordinate Judge that this prisoner should not have been committed for trial before the Session Court under the provisions of the Law quoted in support of his commitment, unless it appeared that he was aware of the aggravating circumstances attendant upon the commission of the House breaking and theft of the property which he was charged with having received.

Clause Second Section IX Regulation XI of 1822.

Ordered that Extract from these Proceedings be sent to the Session Judge of Bellary for his information and for communication to the Subordinate Judges for his information and future guidance.

(Sent in No. 405)

Read

F. U.
16th March 1846.

Read letter dated 28th Ultimo from the Session Judge of Guntoor forwarding for the consideration and orders of the Tonjdaree Udalut, a copy of a letter from the Magistrate of Guntoor soliciting instructions as to the course to be pursued by Magistrates with reference to the effects of deceased strangers or others together with copy of the Civil Judges proceedings thereon.

(Here enter F. U. No. 724 of 1846.)

1. The Magistrate reports that the practice in the Zillah of Guntoor and in several others with respect to the effects of deceased strangers or others whose property, in the absence of other claimants, is taken charge of by the Police is for the Police to retain charge of the effects until the representatives of the deceased, to whom in all practicable cases information is sent thro' the Magistrate in whose jurisdiction they reside, attend to claim them. In the event of no claimant being forthcoming, it has been usual to sell or send the property to the Court and the Magistrate considers it desirable that a general rule

should

fact that the prisoner had secreted the property after he had brought it, that strong suspicion attached to him, ordered him to furnish security for a period of two years in two sureties in the sum of Rupees 40 each, or in default to be imprisoned for a similar period.

3. The Court of Foujdaree Udalut observe for the information and future guidance of the Session Judge and of the Subordinate Judge that this prisoner should not have been committed for trial before the Session Court under the provisions of the Law quoted in support of his commitment, unless it appeared that he was aware of the aggravating circumstances attendant upon the commission of the House breaking and theft of the property which he was charged with having received.

Clause Second Section III Regulation IX of 1822.

Ordered that Extract from these Proceedings be sent to the Session Judge of Bellary for his information and for communication to the Subordinate Judge for his information and future guidance.

(Sent in No. 408)

Read

F. U.
16th March 1846.

Read letter dated 28th Ultimo from the Session Judge of Guntoor forwarding for the consideration and orders of the Foujdaree Udalut, a copy of a letter from the Magistrate of Guntoor soliciting instructions as to the course to be pursued by Magistrates with reference to the effects of deceased strangers or others together with copy of the Civil Judges proceedings thereon.

(Here enter F. U. No. 724 of 1846.)

1. The Magistrate reports that the practice in the Zillah of Guntoor and in several others with respect to the effects of deceased strangers or others whose property, in the absence of other claimants, is taken charge of by the Police is for the Police to retain charge of the effects until the representatives of the deceased, to whom in all practicable cases information is sent thro' the Magistrate in whose jurisdiction they reside, attend to claim them. In the event of no claimant being forthcoming, it has been usual to sell or send the property to the Court and the Magistrate considers it desirable that a general rule

should

should be laid down to ensure uniformity in different Zillahs.

2 The practice in such cases according to the Session Judge's experience, has been for the Head of Police to send the property at once to the Court with such particulars, as he may be able to obtain of the deceased's name, Country &c. and for the Criminal Judge to take the necessary steps to discover the heirs and in the event of no one appearing, to sell the property as unclaimed - this duty the Session Judge concludes will now fall on the Subordinate Judges and Principal Sudr Ameens

3 The Court of Foujdaree Udalut desire the Magistrate to be informed that the course pointed out by the Session Judge is the correct one and the one which they believe is usually followed. It is obviously the only one which can be deemed to be in conformity with the provision of Clause seventh Section XVI Regulation III of 1802. a reference to which might perhaps have saved the present correspondence.

Ordered that Extract from these proceedings

proceedings be sent to the Session Judge of Guntoor for his information.

(Sentence No. 406)

Read Calendar of Case No. 111 of 1846 on the file of the Session Court of Calicut submitted under date the 5th Instant by the Acting Session Judge.

(Here enter F. C. No. 789 of 1846.)

The Court of Foujdaree Udalut observing that the Acting Session Judge has omitted to enter as a heading to the Statement of the Charge the designation of the crime brought against the prisoner in this case direct that his attention be called to the omission and that he be requested to avoid it in future.

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

(Sentence No. 407)

Read Criminal Reports under date the 11th Ultimo submitted by the Principal Sudr Ameen of Coimbatore for the month of January 1846.

(Here enter F. C. No. 547)

Adverting

Supplemental Report Case No. 149.

1 Adverting to the remark recorded at the conclusion of the Report of this case, the Court of Fouzdaree Udalut observe that the Principal Sudr Ameen was not justified in bringing under his judicial consideration any dismissal from a public situation of parties charged with a Criminal offence which may have been ordered by the Magistrate.

Report No. V. Case No. 2.

2. The Court of Fouzdaree Udalut are not satisfied that the prisoner in this case "an under Abkaree Renter" is punisable for the result of the absence in his coole from the chief renter of specific mention of the particular places in which he is licensed to sell arrack and they accordingly desire to be furnished with a more detailed Statement than that which is contained in these reports of the circumstances under which the Principal Sudr Ameen has considered the prisoner guilty of a Criminal offence and in this Statement they direct that it may be particularly specified whether the defect in the cowl adverted to is attributable to collusion between the Chief Renter and the prisoner.

In

Case No. 11

3. In order to judge of the propriety of the disposal of this Case, the Court of Fouzdaree Udalut desire to be informed whether the door by the removal of which the prisoner is stated to have effected his entry into the Prosecutors house, was fastened or not at the time of the commission of the robbery.

Case No. 12.

4. The Court of Fouzdaree Udalut do not appreciate the nature of the reasons assigned for the delay by the Principal Sudr Ameen in the disposal of this case wherein the Proceedings on which the charge is founded have been laid before the Principal Sudr Ameen by the Sudr Ameen under Section VII Regulation VIII of 1829, and they accordingly resolved to direct the Acting Session Judge to look into the Case and to pass such orders as may appear necessary for bringing the case for trial before the Principal Sudr Ameen reporting the same for the information of the Fouzdaree Udalut.

5. The detention of the Prisoners from the 27th of December the date of their apprehension to the 14th of January on which date

date they are stated to have been forwarded from the Talook, requires explanation.

Case No. 14. 6. The Court of Fouzdaree Adalut observe that the Principal Sudr Ameen has misunderstood the orders quoted by him in support of the course adopted in this case, it not being competent to that officer to frame a charge of escape from the custody of the "Village Police" and they accordingly direct the transfer of the Prisoner to the Magistracy in order to the adoption of measures for his transmission to the Court on the charge of escape if found necessary.

Ordered that Extract from these proceedings (para: 4) be sent to the Acting Session Judge of Coimbatore for his information and guidance by precept returnable within 15 days from and after its receipt.

Sent following precept No. 408.

Ordered also that Extract from these proceedings be sent to the Principal Sudr Ameen of Coimbatoor for his information and guidance by precept returnable within 10 days from and after its receipt.

(Sent following precept No. 409.

Read

16th March 1846.

Read the Criminal Reports submitted by the Subordinate Judge of Salem for the Month of January 1846.

(Here enter No. 564)

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

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

(Sent in No. 410)

No reply having been received from the Acting Magistrate of North Arcot to the Proceedings of this Court under date the 20th November last, requiring explanation regarding Cases Nos. 171 and 173 of the Chittoor Criminal Reports for the Month of October 1845.

Ordered that the Acting Magistrate of North Arcot be required to make reply to the above proceedings without delay.

(Sent in No. 411)

Read

Read again letter dated the 6th January 1846 from the Agent to the Governor of Fort St. George at Vizagapatam transmitting the record of trial in Case No. 26 of 1845 on the file of this Court.

(Here enter F. C. No. 95 of 1846)

Read also Extract from the Minutes of Consultation dated the 11th Instant, No. 167, confirming the sentence passed by the Foujdaree Adalut on the Prisoner in Case No. 26 of 1845 on the file of the Agent to the Governor of Fort Saint George at Vizagapatam.

(Here enter F. C. No. 826)

Mr. G. S. Walters
Mr. M. Levin
and
Mr. T. E. S. Boileau

Under authority of the Most Noble the Governor in Council the Court do accordingly direct that the Prisoner,

"Woolly (Davellao"

do suffer death by being hanged so soon as conveniently can be after the receipt of this Warrant at a spot to be selected by the Agent to the Governor in the immediate vicinity of the place where the outrage was committed and his body to be subsequently suspended in chains on a high gibbet to be erected on the said spot.

(Sent following letter No. 412.)

Read Calendar of Case No. 7 of 1846 on the file of the Session Judge of Combaconum submitted under date the 17th Ultimo.

(Here enter F. C. No. 605 of 1846)

1. In this case the prisoner is charged with having at noon of 21st December 1845, broken into a room in the house of the Prosecutor, and stolen from thence certain Documents of the value of Rupees 2369-6-11.

2. The Jury convicted the Prisoner of the crime laid to his charge.

3. The Session Judge concurred in that finding, and sentenced the Prisoner to 7 years imprisonment with hard labour in irons under Section XXI Regulation VII of 1802.

4. The Court of Foujdaree Adalut cannot concur in the view taken of this Case by the Session Judge, it appears

appears to them that neither "treachery" of any kind nor the "theft" are established against the Prisoner - It rather seems to them that the chicanery is imputable to the Complainant who availing himself of his brother's dying situation has endeavoured to grasp the whole of his property by bringing forward the present charge against the prisoner and thereby securing a better opportunity of defrauding the prisoner of that portion of it which would have descended to him, as the marriage portion of his wife, had the contingency mentioned on its settlement been realized.

The Court consider nothing whatever established against the prisoner, and they resolve in the exercise of the power vested in them by Section XXXV Act VII of 1843 to over rule the sentence of the Session Judge and to direct that the prisoner,

"Igen alias Casavasastry"

be set at liberty.

Ordered

16th March 1846.

Ordered that Extract from these Proceedings be sent to the Session Judge of Combaconum for his information by precept returnable in 3 days from and after it's receipt.

(Sent following precept No. 413.)

Read Statement dated the 23d August 1845, submitted by the Agent to the Governor of Fort Saint George at Vizagapatam, of Cases forwarded by the Heads of Police to the Criminal Court during the 2d Half of 1844 -

(Here enter F. C. No. 2861 of 1845)

Read letter dated the 1st October 1845 from the Session Judge of Cuddalore, submitting a Statement of Cases forwarded to the Criminal Court by the Heads of Police during the 2d Half of 1844.

(Here enter F. C. No. 2851 of 1845)

Read letter dated the 3d October 1845 from the Session Judge of Cuddapah forwarding the Statement called for in

the

the Foujdaree Udalut's letter of the 14th September 1845, for the 2d Half of 1844.

(Here enter F. U. No. 2861 of 1845)

Read letter dated the 9th October 1845 from the Officiating Session Judge of Masulipatam reporting that the Statement for the 2d Half of 1844 required by Circular Order No. 175 of the Foujdaree Udalut will be submitted immediately on its receipt from the Magistrate.

(Here enter F. U. No. 2975 of 1845)

Read letter dated the 13th November 1845 from the Session Judge of Chingleput submitting a Statement of Cases forwarded to the Criminal Court by the Heads of Police for the 2d Half of 1844.

(Here enter F. U. No. 3330 of 1845)

Read letter dated the 12th November 1845 from the Session Judge of Coimbatore, submitting two Statements of Cases forwarded to the Criminal Court by the Heads of Police, and two others from the Magistrate, for the 2d Half of 1844 and 1st Half of 1845.

(Here enter F. U. No. 3357 of 1845)

Read letter dated the 12th November 1845 from the Session Judge of Guntoor, submitting two Statements of Cases forwarded to the Criminal Court by the Heads of Police, for the 2d Half of 1844 and 1st Half of 1845.

(Here enter F. U. No. 3360 of 1845)

Read letter dated the 12th November 1845 from the Agent to the Governor of Fort Saint George at Kurnool, submitting a Statement of Cases forwarded to the Criminal Court by the Heads of Police, for the 2d Half of 1844.

(Here enter F. U. No. 3389 of 1845)

Read letter dated the 17th November 1845 from the Session Judge of Bellary, submitting two Statements of Cases forwarded to the Criminal Courts by the Heads of Police for the 2d Half of 1844 and 1st Half of 1845.

(Here enter F. U. No. 3424 of 1845)

Read letter dated the 21st November 1845 from the Session Judge of Trichinopoly submitting a Statement of Cases forwarded to the Criminal Court by the Heads of Police, for the 2d Half of 1844.

(Here enter F. U. No. 3451 of 1845)

Read

16th March 1846

Read letter dated the 19th November 1845 from the Session Judge of Chicacole, submitting two Statements of Cases forwarded to the Criminal Courts by the Heads of Police for the 2d Half of 1844 and 1st half of 1845

(Here enter F. C. No. 3454 of 1845)

Read Memo. dated 19th November 1845 from the Session Judge of Tinnevelly submitting two Statements of Cases forwarded to the Criminal Court by the Heads of Police for the 2d Half of 1844 and 1st Half of 1845

(Here enter F. C. No. 3465 of 1845)

Read letter dated 24th November 1845 from the Session Judge of Howrah, submitting a Statement of Cases forwarded to the Criminal Court by the Heads of Police for the 2d Half of 1844

(Here enter F. C. No. 3504 of 1845)

Read letter dated the 27th November 1845 from the Session Judge of Tellicherry submitting two Statements of Cases forwarded to the Criminal Court by the Heads of Police for the 2d Half of 1844 and 1st Half of 1845.

(Here enter F. C. No. 3541 of 1845)

Read

16th March 1846

Read letter dated the 2d December 1845 from the Session Judge of Calicut, submitting copy of a communication from the Magistrate of Malabar, and a revised Criminal Statement for the 2d Half of 1844.

(Here enter F. C. No. 3585 of 1845)

Read letter dated the 6th December 1845 from the Session Judge of Madura, submitting two Criminal Statements prepared agreeably to the form prescribed, for the 2d Half of 1844 and 1st Half of 1845.

(Here enter F. C. No. 3613 of 1845)

Read letter dated the 5th December 1845 from the Agent to the Governor of Fort Saint George at Ganjam, submitting two Statements of Cases forwarded to the Criminal Court by Heads of Police for the 2d Half of 1844 and 1st Half of 1845.

(Here enter F. C. No. 3631 of 1845)

Read letter dated the 13th December 1845 from the Principal Sudr Ameen in charge of the Session Court of Masulipatam, submitting two Statements of Cases forwarded to

the

16th March 1846

the Criminal Court by the Heads of Police, for the 2d Half of 1844 and 1st Half of 1845.

(Here enter F. C. No 3706 of 1845)

Read letter dated the 27th December 1845 from the Session Judge of Mangalore, submitting a Statement of Cases forwarded to the Criminal Court by the Heads of Police for the 2d Half of 1844.

(Here enter F. C. No 4 of 1846.)

Read letter dated the 31st December 1845 from the Session Judge of Combaconum, submitting two Statements of Cases forwarded to the Criminal Court by the Heads of Police, for the 2d Half of 1844 and 1st Half of 1845.

(Here enter F. C. No 9 of 1846.)

Read letter dated the 3d February 1846 from the Session Judge of Cuddapah, submitting two Statements of Cases forwarded to the Criminal Courts by the Heads of Police, for the 2d Half of 1844 and 1st Half of 1845

(Here enter F. C. No 428 of 1846.)

End F.C.

F. C.

Tuesday, 17th March 1846. At a Court of the Foujdaree Udalut

Present

G. I. Waters Esqre ——— 1st Prisne Judge

Malcolm Lewin Esqre ——— 2d Prisne Judge

J. E. I. Boileau Esqre ——— 3d Prisne Judge

Read Calendar of Case No 54 of 1846 on the file of the Sessions Court of Nellore submitted under date the 6th Instant by the Sessions Judge.

(Here enter F. C. No 766 of 1846)

The prisoners in this Case charged with gang robbery on the high way have been discharged from the bar, under Circular Order 26th November 1821 by the Sessions Judge on the grounds that the evidence in the case is not such as to justify the putting the prisoners on their trial.

2. The Court of Foujdaree Udalut are of opinion that with such a primâ facie case as the abstract of the evidence detailed in the Calendar shews to have been sustainable against the prisoners they should not have been

been discharged without trial and it is accordingly resolved to over rule the Sessions Judge's order and to direct that the prisoners be again reapprehended and put upon their trial - it will of course be open to the Magistrate to forward any additional evidence which he may have had it in his power to procure against the prisoners.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Bellary for his information by precept returnable in 3 days from and after its receipt.

(Sent following precept No. 415.)

Read return dated the 6th Instant from the Principal Sudr Ameen of Chingleput to the precept of the Foujdaree Adalut of the 4th Instn conveying their observations and orders on the Criminal Reports for the month of January 1846.

(Here enter F.R. No. 750 of 1846)

Case No. 1

In their review of the Monthly Criminal Reports the Court of Foujdaree Adalut adverting to the Statement by the Principal Sudr Ameen that the Prisoner is a boy of tender

tender age considered that the ends of justice would be more satisfactorily met by the immediate infliction of corporal punishment and the release of the Prisoner at once, unless the Jail admitted of his being incarcerated without coming in contact with the main body of Convicts in the Jail and they therefore called for a report on the point with a Statement of the number of lashes the Principal Sudr Ameen might consider it advisable to inflict.

2. In their return the Principal Sudr Ameen states "that although the Prisoner "is young in years, still he is a troublesome "fellow and that on the same day on which "he was sentenced he sneaked away from "the cook house and got out of the Fort "stating to the gate Peon that he had "been released;" he further reported that on being brought back "the Sessions Judge "had sentenced the prisoner to receive two "dozen lashes with a cat-o-nine tails and "to be incarcerated in the Jail without "coming in contact with the main body

of

17th March 1846

been discharged without trial and it is accordingly resolved to over rule the Sessions Judge's order and to direct that the prisoners be again apprehended and put upon their trial - it will of course be open to the Magistrate to forward any additional evidence which he may have had it in his power to procure against the prisoners.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Sillore for his information by precept returnable in 3 days from and after its receipt.

(Sent following precept No. 415.)

Read return dated the 6th Instant from the Principal Sudr Ameen of Chittagong put to the precept of the Foujdaree Udalut of the 4th Instant conveying their observations and orders on the Criminal Reports for the months of January 1846.

(Here enter F.No. 7550 of 1846)

Case No. 1

In their review of the Monthly Criminal Reports the Court of Foujdaree Udalut adverting to the statement by the Principal Sudr Ameen that the Prisoner is a boy of tender

17th March 1846.

tender age considered that the ends of justice would be more satisfactorily met by the immediate infliction of corporal punishment and the release of the Prisoner at once, unless the Jail admitted of his being incarcerated without coming in contact with the main body of Convicts in the Jail and they therefore called for a report on this point with a statement of the number of lashes the Principal Sudr Ameen might consider it advisable to inflict.

2. In their return the Principal Sudr Ameen states "that although the Prisoner "is young in years, still he is a troublesome "fellow and that on the same day on which "he was sentenced he sneaked away from "the cook house and got out of the Fort "Stating to the gate Peon that he had "been released;" he further reported that on being brought back "the Sessions Judge "had sentenced the prisoner to receive two "dozen lashes with a cat-o-nine tails and "to be incarcerated in the Jail without "coming in contact with the main body

of

17th March 1846.

"of Convicts in the Jail"

3. Under these circumstances the Court of Foujdaree Udalut resolve to call on the Sessions Judge to refer to the record and to pass on it such orders as may appear proper reporting the same for the information of the Foujdaree Udalut—

Ordered that Extract from these proceedings be sent to the Sessions Judge of Chingleput by precept returnable in 6 days from and after its receipt—

(Sent following precept No. 416)

Ordered also that Extract from these proceedings be forwarded to the Principal Sudr Ameen of Chingleput for his information—

(Sent in No. [illegible])

Read again Calendar of Case No. 61 of 1845 on the file of the Sessions Court of Cuddapah submitted by the Sessions Judge under date the 19th November 1845

(Here enter F. Rs. No. 3427 of 1845)

Read

2/

F. Rs.

17th March 1846

Read also return dated 29th December 1845 from the Sessions Judge of Cuddapah to the Precept of the Foujdaree Udalut under date the 2d December 1845 calling upon him to state what notice the Acting Magistrate of Cuddapah had taken of the Summulmadoogoo Head of Police's conduct in Case No. 61 of the Calendar for 1845—

(Here enter F. Rs. No. 110 of 1846)

Read also return dated 23d February 1846 from the same Officer to the precept of the Foujdaree Udalut under date the 15th January 1846 calling for the Sessions without further delay of the report called for in the Court's proceedings of the 2d January last with reference to the conduct of the Summulmadoogoo Head of Police brought under consideration in the above Case—

(Here enter F. Rs. No. 666 of 1846)

In the Calendar the Sessions Judge remarked that "the proceedings in "this Case are of a nature very discreditable to "the Summulmadoogoo Head of Police, and "shew much inefficiency and negligence on

his

17th March 1846

"his part" and he was of opinion that "if the Head
"of Police had on his arrival at the village, the
"scene of the murder, examined into the case and
"gone fully into it, there was every probability that
"the truth might have been elicited and the guilty
"brought to punishment - but from his not doing
so there are great obstacles to the ever attaining
such result" "By the delay" the Head of Police
in the judgment of the Sessions Judge "allowed
"the witnesses (as he might have been sure would
"be the case) to be tampered with and suborned
"to depose falsely and to accuse guilty and in-
"nocent alike" The Tahsildar it appeared
returned to Jummulmadugoo immediately
after the inquest leaving his Peons to find
the traces of the murderers and did not enter
into the case himself for a week afterwards
and his excuse for so doing is that the Dussera
had commenced when all public servants are
excused from official duty and that none of
the accused were apprehended and "to support
"the latter excuse, he has falsely," the Sessions
Judge adds, "stated the date of the prisoner's
apprehension

17th March 1846.

"apprehension" as the 6th October instead of the
"4th as is proved to have been the case"

2. The Magistrate in his report
censures in the strongest terms the conduct of
the Head of Police as exhibited in the pro-
ceedings in the case in question - The murder
in this case arose out of a family feud and
the Magistrate expresses it as "his decided
"opinion that the Head of Police" leaning in
"favor of Soonkee Reddy has been the main
"cause of the atrocious deed having been perpe-
trated" - and "he feels deeply convinced that the Head of
"Police wilfully committed [illegible] innocent parties
"in order to screen the guilty and to afford
"time to allow witnesses to be tampered with,
"and suborned by the friends of the guilty
"party to accuse their enemies, innocent persons,
"whom he plausibly committed to the Court
"on the evidence of these witnesses, which evidence
"if he had cross questioned he must have dis-
"covered was unworthy of credit, relying as
"he did, on the apparently strong reasons he
"had in support of his proceedings viz" - the
"known enmity that existed between those of
the

"his part" and he was of opinion that "if the Head
"of Police had on his arrival at the village, the
"scene of the murder, examined into the case and
"gone fully into it, there was every probability that
"the truth might have been elicited and the guilty
"brought to punishment - but from his not doing
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"time to allow witnesses to be tampered with,
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"party to accuse their enemies, innocent persons,
"whom he plausibly committed to the Court
"on the evidence of these witnesses, which evidence
"if he had cross questioned he must have dis-
"covered was unworthy of credit, relying as
"he did, on the apparently strong reasons he
"had in support of his proceedings viz" - the
"known enmity that existed between those of
the

17th March 1876

"the party he committed and that of the deceased
"and the improbability of what he heard at the
"time that the deceased had been murdered by
"her own party viz.t by Sonkeereddy her nephew
"in whose house she lived and by Hoorsee Reddy
"her brother-in-law"

3. The Magistrate concludes his report by stating "his firm conviction that this officer was "aware at the time of all the real circumstances "of the Case as connected with the murder, but "admitting even that he was not, his gross neglect "of duty in a matter of such importance seemingly "otherwise unaccountable, reflects such discredit on "him that I consider him undeserving of further "service - I therefore, have no alternative but to recom- "mend his dismissal"

4 The Sessions Judge concurs generally with the Acting Magistrate in the view of the Case taken by him and considers that the Head of Police was guilty of very culpable negligence and has shewn himself to be unfit for the situation he holds but with reference to the proposal to dismiss him entirely from the service

and

2/

J No.
17th March 1876.

and adverting also to the fact that negligence and inefficiency only have been proved against him and that the high degree of criminality implied by wilful and intentional misconduct is only matter of inference and suspicion which may or possibly may not be well founded - the Sessions Judge has deemed it proper to mention that Krishna Row has been about 20 years in the service and has hitherto borne a good character, that he is the son of a very respectable, able and deserving old public servant, Nagoda Row, Treasurer of this District for about 30 years, and at present Deputy Sheristadar, and that he has not had much experience in his present situation, having been only appointed to it about 18 months ago by the late Principal Collector and Magistrate as under these circumstances it may perhaps be considered that removal to some inferior and less responsible situation would be sufficient -

5. The Court of Sanjdarec Adalut consider that the remarks of the Sessions Judge in his Calendar scarcely bear out his

his present proposals.—

6. The case as before the Court exhibits a remarkable instance of inattention on the part of a Police Officer to the general duty of searching for evidence as well as to the positive provisions of the Regulations;—it also shows that in order to screen himself from the effects of gross misconduct, the Head of Police has not hesitated to falsify dates, and the Court are apprehensive that there are strong grounds for believing that he has not scrupled even to resort to measures of a more atrocious nature and attempted, for private ends, to prevent the justice of the case.—It is hardly possible to believe that the Head of Police was induced by an impartial judgment on the evidence, to commit the parties he forwarded to the Criminal Court, but even admitting such a supposition possible, which the other gross irregularities committed by the Police Officer forbid, the Court consider that the glaring want of judgment therein evidenced, and the gross negligence, misconduct and inefficiency proved against Kristna Row,

leave

leave the Judges of the Foujdaree Adalut no alternative but that of directing, in the exercise of the power vested in them by Section XXXIX, Act VII of 1843, his immediate dismissal from the public service.—

Ordered that Extract from these proceedings be sent to the Sessions Judge of Cuddapah for his information by precept returnable within 5 days from and after its receipt.

/ Sent following precept No. 468. /

Ent'd

Wednesday
8th March 1846. At a Court of the Lafjdaree Adalut
held

Seen G.M.
Seen D.R.
Seen B.M.

G: J: Watson Esqre _____ 1st Puisne Judge
M: Lewin Esqre _____ 2nd Puisne Judge
D: E: J: Baikaw Esqre _____ 3rd Puisne Judge

Read Criminal Reports under date the 1st March 1846, submitted by the Lafsion Judge of Honore for the Month of February 1846.
(Here enter S.L. No. 805)

Report No. V
Case No. 11

The Court of Lafjdaree Adalut
regret to observe a delay of 15 days in the transmission of orders passed by the additional Joint Magistrate of Canara on the reference submitted to him in this case by the Lafsion, an explanation of which they desire may be submitted for their consideration.

Ordered, that Extract from these Proceedings be sent to the Lafsion Judge of Honore for his information, and for communication to the Magistrate of Canara for his information and guidance, by present returnable within X days from and after its receipt.

(Sent following Receipt No. 420)

Read Criminal Reports under date the 5th March 1846, submitted by the Subordinate Judge of Cutcut for the Month of February 1846
(Here enter S.L. No. 792)

Report No. V
Case No. 27.

1. Assuming that the prisoners in this case were apprehended by an officer of Village Celi, the Court of Enjidene Udalut observe an infraction of the rule laid down in Section V Regulation XI of 1816.

2. The Court of Enjidene Udalut have repeatedly pointed out the inadequacy of the second reason regarding the Prisoners' honour, which has been assigned by the Head of Celi for the delay which occurred in the transmission of this case to the Criminal Court, and they accordingly desire that the Magistrate will notice the irregularity.

Ordered, that Extract from these proceedings be sent to the Subordinate Judge of Cuttack for his information and guidance, and for communication to the Magistrate of Sambalpur for the information and guidance of that officer.

(Sent in No. 421)

Read Calendar of Case No. 19 of 1846 on the file of the Sessions Court of Cuttack, submitted under date the 4th Instant by the Sessions Judge.

(Here enter No. 767)

1. The Prisoner in this case, a Paharry, was charged with having taken a bribe of Rs. 1-2 from one Ramsardien, whom he was guarding to the Police Cutchery, and examined at his escape.

The

2. The Sessions Judge concurring in the verdict of the Jury, who convicted the prisoner of the crime laid to his charge, has sentenced him to 2 years imprisonment with hard labor in irons, under the provisions of Clause 2nd Section XI Regulation XIII of 1832. but being of opinion that the prescribed punishment is too severe, recommends that the period of Imprisonment awarded be reduced to 1 year.

3. Before passing any final orders with reference to the mitigation proposed by the Sessions Judge, the Court of Enjidene Udalut desire that a copy of the Prisoner's confession as recorded before the Sessions Court may be submitted for their consideration.

Ordered, that Extract from these proceedings be sent to the Sessions Judge of Cuttack for his information and guidance by first opportunity within X days from and after its receipt.

(Sent following Receipt No. [illegible])

Read Supplemental Report dated 13th February 1846, submitted by the Magistrate of Cuttack of Cases tried by the Magistracy under the provisions of Section XIV Act VII of 1843, during the Month of December 1845.

(Here enter No. 596.)

Read Calendar dated 3rd March 1846, submitted by the Sessions Judge of Cuttack of Case No. 17 of 1846.

(Here enter No. 762)

Read

15th March 1846.

Read Criminal Reports dated 28th Ultimo, submitted by the Sessions Judge of Chicacole for the month of February 1846.

(Here enter No. 793)

Read Calendar dated the 6th March 1846, submitted by the Acting Sessions Judge of Cuddapah in Case No. 4 of 1846.

(Here enter No. 802.)

Read Calendar dated the 6th March 1846, submitted by the Sessions Judge of Tinnevelly in Case No. 6 of 1846.

(Here enter No. 803.)

Read Calendar dated the 28th February 1846, submitted by the Sessions Judge of Salem in Case No. 67 1846.

(Here enter No. 809.)

Read Calendar dated the 9th March 1846, submitted by the Sessions Judge of Bellary in Case No. 6 of 1846.

(Here enter No. 810.)

Read Calendar dated the 7th March 1846, submitted by the Sessions Judge of Tinnevelly in Cases No. 62 of 1845 and 19 of 1846.

(Here enter No. 811.)

Read Criminal Reports dated 5th March 1846, submitted by the Principal Sudr Ameen of Ishapore for the Month of February 1846.

(Here enter No. 814.

15th March 1846.

Read Supplemental Report dated 9th March 1846. submitted by the Principal Sudr Ameen of Guntoor for the Month of January 1846.

(Here enter No. 815.)

Read Criminal Reports dated 11th March 1846, submitted by the Sessions Judge of Chingleput for the Month of February 1846.

(Here enter No. 816.)

Read Calendar dated 10th March 1846. submitted by the Sessions Judge of Chingleput in Case No. 4 of 1846.

(Here enter No. 824.)

Ed. R.M.

15th March 1846.

Read Criminal Reports dated 28th Ultimo, submitted by the Sessions Judge of Chicacole for the Months of February 1846.-

(Here enter No: 793)

Read Calendar dated the 5th March 1846, submitted by the Acting Sessions Judge of Cuddapah in case No: 4 of 1846.-

(Here enter No: 802.)

Read Calendar dated the 6th March 1846, submitted by the Sessions Judge of Coimbatoor in case No: 6 of 1846.-

(Here enter No: 803.)

Read Calendar dated the 28th February 1846, submitted by the Sessions Judge of Salem in case No: 6 of 1846.-

(Here enter No: 809.)

Read Calendar dated the 9th March 1846, submitted by the Sessions Judge of Bellary in Case No: 6 of 1846.-

(Here enter No: 810.)

Read Calendar dated the 4th March 1846, submitted by the Sessions Judge of Coimbatoor in cases No: 62 of 1845 and 19 of 1846.

(Here enter No: 811.)

Read Criminal Reports dated 5th March 1846, submitted by the Principal Sudr Ameen of Tinnevelly for the Month of February 1846.

(Here enter No: 814.

15th March 1846.

Read Supplemental Report dated 9th March 1846. submitted by the Principal Sudr Ameen of Guntoor for the Month of January 1846.-

(Here enter No: 815.)

Read Criminal Reports dated 11th March 1846, submitted by the Sessions Judge of Chingleput for the Month of February 1846.-

(Here enter No: 816.)

Read Calendar dated 10th March 1846. submitted by the Sessions Judge of Chingleput in case No: 4 of 1846.-

(Here enter No: 824.)

Et Bll.

East

Thursday,
19th March, 1846.

J. U.

At a Court of the Tanjadore Udalut,

Present,

G. J. 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 2d Instant submitted by the Subordinate Judge of Chittoor for the month of February 1846.—

Report Case No. 1. The Court of Tanjadore Udalut are of opinion that no sufficient grounds exist for the requisition of security under which the 4 Prisoners in this case has been placed and they accordingly desire that the security bonds, if any such have been executed be cancelled forthwith - and that he be unconditionally released, unless he bear a generally bad character in which case they direct that he be

19th March 1846. be transmitted to the Acting Magis-
-trate of North Arcot in order to the
adoption of such precautionary measures
as that Officer may deem necessary.—

2 With reference to the fore-
-going observations the Court of Fouj-
-daree Adalut resolve to direct the at-
-tention of the Moofty Dhr Ameen to
the instructions conveyed in Circular
Order № 13 para 2 regarding the re-
-quisition of Security.—

Report № V-3.

Cases № 28 31 33. 3 The Court of Foujdaree Adalut desire to be informed of the nature of the references made in these cases by the Heads of District Police which under the rule laid down in Circular Order № 62 should have been stated in the explanation of delay.—

Case № 29. 4 In the explanation of the delay which occurred in the transmis-
-sion of this Case to the Criminal Court "the 27th of February" has, the Court of Foujdaree Adalut infer, owing

19th March 1846. owing to a clerical error been substituted for the "27th January" as the date of the apprehension of the 1st and 2d Prisoners

Case № 35. 5 The Court of Foujdaree Adalut consider that this case might with propriety have been disposed of by the Magistracy under the provi-
-sions of Clause Second Section III — Regulation III of 1819.—

Case № 36. 6. The use of the terms "Burglary" and "Burglariously" has been frequently prohibited by the Court of Foujdaree Adalut and they accordingly direct that it be discontinued in future.—

Case № 37. 7 In order to judge of the propriety of the heading affixed to the statement of the charge, the Court of Foujdaree Adalut desire to be informed whether the door thro' which the prisoner is said to have effected his entry into the Prosecutors house was fastened or not at the time.—

Ordered

19th March 1846.—

Ordered that Extract from these Proceedings be sent to the Subordinate Judge of Chittoor for his information and guidance for communication of paras 3, 4 and 5 to the Acting Magistrate of North Arcot and of paras 1 and 2 to the Moosty Sudr Ameen for the information and guidance of those officers by Precept returnable within X days from and after its receipt.—

(Sent following Precept No. 423.)

Read report dated 11th Instant from the Sessions Judge of Guntoor of Convict labor of the Jail under his charge for the month of February 1846.

(Here enter F. No. No 836 of 1846)

Read return dated 14th Instant from the Sessions Judge of Chittoor to the precept of the Foujdaree Udalut under date the 6th March 1846 requiring

F. No.

19th March 1846. requiring that the record in case No. 2 of 1846 on the file of the Subordinate Court, should be sent for and examined and the result of that examination reported for their consideration and also pointing out the illegality of the order issued to the Pundit Sudr Ameen in case No. 7 of 1846.—

(Here enter F. No No. 842 of 1846)

Read return dated 14th Instant from the Subordinate Judge of Chittoor to the precept of the Foujdaree Udalut of the 6th March 1846 commenting on the Monthly Criminal Reports for the month of January 1846.—

(Here enter F. No No. 843 of 1846)

Read return dated 11th Instant from the Subordinate Judge of Rajahmundry to the Precept of the Foujdaree Udalut of the 28th February 1846 offering explanation of the delay and reference made in cases Nos. 3 and 7 on

19th March 1846

on the Criminal Reports for the month of January 1846.—

(Here enter F. C. No 847 of 1846)

Read Calendar dated 11th Instant submitted by the Session Judge of Tinnevelly of Case No 3 of 1846.—

(Here enter F. C. No 863 of 1846)

Read report dated 12th Instant from the Session Judge of Tinnevelly of Casualties and of Prisoners released in the Zillah of Tinnevelly in the month of February 1846.—

(Here enter F. C. No 864 of 1846)

Read Estimate dated 12th Instant from the Session Judge of Tinnevelly of value of the produce of the labor of Prisoners, and convicts labor Report of the Jail of Tinnevelly under the charge of the Sessions Judge during the month of February 1846.—

(Here enter F. C. No 865 of 1846)

Read

19th March 1846.

Read Criminal Reports under date the 1st Instant from the Session Judge of Tinnevelly for the month of February 1846.—

(Here enter F. C. No 867 of 1846)

Read Calendar dated 12th Instant from the Session Judge of Tinnevelly of Case No 10 of 1846.—

(Here enter F. C. No 893 of 1846.)

End/11

F.D.C.

Friday,
20th March, 1846

At a Court of the Foujdaree Udalut

— Present —

Mr. George I. Waters Esqre 1st
Mr. Malcolm Levin Esqre 2nd } Puisne Judges
T. E. I. Boileau Esqre 3rd

Read Criminal Reports under date the 1st instant submitted by the Subordinate Judge of Rajahmundry for the month of February 1846.

(Here enter F.D.C. No. 823 of 1846.)

Report No. V
Case No. 21
C.O.C No. 168

1. The Court of Foujdaree Udalut observe an infraction of the rule laid down in the Circular Order noted marginally in the omission to affix as a heading to the statement of the charge the designation of the offence charged against the prisoner.

2. The prisoner in this case having been convicted of "house breaking", which offence when unaccompanied by aggravating circumstances is punishable under the provisions of Clause sixth, Section II, Regulation VI, of 1822, the citation of Section VII, Regulation X of 1816 in support of the

the sentence passed upon him under the orders of the Session Judge is incorrect.

3. The Court direct that this error may be amended.

Ordered that Extract from these Proceedings (Paras 2 and 3) be sent to the Session Judge of Rajahmundry for his information and future guidance.

(Sent in C. No. 424)

Ordered also that Extract from these Proceedings be sent to the Subordinate Judge of Rajahmundry for his information and guidance.

(Sent in C. No. 425.)

Read Report dated 2nd C. March 1846 submitted by the Acting Session Judge of C. Madura of Cases pending on the 31st January 1846 and committed for trial during the month of February 1846 before the Session Court of C. Madura.

(Here enter F.R. C. No. 779)

Read Calendar dated 7th C. March 1846 submitted by the Session

Judge

Judge of Cuddapah in Case C. No. 6 of 1846.

(Here enter F.R. C. No. 783)

Read Calendar dated 7th C. March 1846 submitted by the Session Judge of Cuddapah in Case C. No. 7 of 1846.

(Here enter F.R. C. No. 784)

Read Report dated 6th C. March 1846 submitted by the Session Judge of Masulipatam of Casualties and of Prisoners released in the Zillah of C. Masulipatam in the month of February 1846.

(Here enter F.R. C. No. 787)

Read Convict labor Report dated 6th C. March 1846 submitted by the Session Judge of Masulipatam for the month of February 1846.

(Here enter F.R. C. No. 788)

Read Calendar dated 7th C. March 1846 submitted by the Acting Session Judge of C. Madura in Case No. 9 of 1846.

(Here enter F.R. No. 790)

Read

the sentence passed upon him under the orders of the Session Judge is incorrect.

3. The Court direct that this errot may be amended.

Ordered that Extract from these Proceedings (Paras 2 and 3) be sent to the Session Judge of Rajahmundry for his information and future guidance.

(Sent in C. No. 424)

Ordered also that Extract from these Proceedings be sent to the Subordinate Judge of Rajahmundry for his information and guidance.

(Sent in C. No. 425.)

Read Report dated 2nd March 1846 submitted by the Acting Session Judge of Madura of Cases pending on the 31st January 1846 and committed for trial during the month of February 1846 before the Session Court of Madura.

(Here enter F.R. No. 779)

Read Calendar dated 7th March 1846 submitted by the Session Judge

Judge of Cuddapah in Case No. 6 of 1846.

(Here enter F.R. No. 783)

Read Calendar dated 7th March 1846 submitted by the Session Judge of Cuddapah in Case No. 7 of 1846.

(Here enter F.R. No. 784)

Read Report dated 6th March 1846 submitted by the Session Judge of Masulipatam of Casualties and of Prisoners released in the Zillah of Masulipatam in the month of February 1846.

(Here enter F.R. No. 787)

Read Convict labor Report dated 6th March 1846 submitted by the Session Judge of Masulipatam for the month of February 1846.

(Here enter F.R. No. 788)

Read Calendar dated 7th March 1846 submitted by the Acting Session Judge of Madura in Case No. 9 of 1846.

(Here enter F.R. No. 790)

Read

20th March 1846

Read Calendar dated 7th March 1846 submitted by the Session Judge of Madura in Case No: 61 of 1845 on the file of the Session Court

(Here enter F.C. No: 791)

End: 1th

F. C.

Saturday 21st March 1846

At a Court of the Foujdaree Udalut.

Present

George J. Walters Esqr. ——— 1st Puisne Judge.

Malcolm Lewin Esqr. ——— 2nd Puisne Judge

T. E. J. Boileau Esqr. ——— 3rd Puisne Judge

Read letter dated 10th instant from the Session Judge of Cuddapah submitting an English translation of the record of trial in case No: 70 on the Calendar for 1845.

(Here enter F. C. No: 829 of 1846)

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

"Jutt Govindoo Lutchoongaudoo"

is sufficient to convict him of the crime of murder and robbery, to convict him thereof; but being of opinion under the circumstances of the case, that the punishment to which the prisoner is liable under the provisions of Section X, Regulation VIII of 1802 would in this instance be too severe, the Court under the provisions of Clause Third, Section III, Regulation I of 1825 sentence the prisoner to be transported to such place or places beyond sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons on the public roads or

or other public works for and during the period of his natural life.

1 The Prisoner in this case was charged with having murdered the Prosecutor's uncle T. Venkatramaniah when accompanying him as a hired cooly from Singaravandlapully to Coonda Sorrum and with having robbed him of many clothes &c. valued at Rupees 30.

2 The Sessions Judge dissenting from the verdict of the Assessors pronouncing the prisoner to be only liable to suspicion, and being of opinion that the crime laid to his charge has been fully proved against him, recommends that the prisoner be adjudged to suffer the extreme penalty of the Law.

3 The Court of Sudder Adawlut having deliberately considered the entire record of this case, see reason to concur in the opinion recorded by the Sessions Judge that a murder has been committed, but under the circumstances of the case adduced in evidence they consider that a sentence of transportation for life will meet the demands of justice.

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

(Sent following letter No. 426)

Read

Read letter dated 26th Ultimo from the Magistrate of Tanjore explaining why the Prisoners at Negapatam are employed on work for 9 hours in a day.

(Here enter F.R. No. 703 of 1846)

1 The Magistrate also explains that the Prisoners at Mayaveram are always allowed two hours at midday to rest.

2 The Court of Foujdaree Adawlut observe that under such circumstances the Jail return forwarded by the Magistrate on the 28th January last, was erroneously prepared, as it was therein shown that the hours of labor were from 6½ Oclock A.M. to 5 Oclock P.M.

It is further observed that the entry made in the 18th Column of the amended statement enclosed in the Magistrate's letter of the 24th Ultimo, does not correspond with the explanation given in the above communication. It is accordingly necessary to request the required alteration may be made in the statement here with transmitted.

"From 6½ to 12 Oclock A.M. and from 1 to 5 Oclock P.M."

Ordered that Extract from these Proceedings be sent to the Magistrate of Tanjore for his information by precept returnable in XV days from and after its receipt.

(Sent following precept No. 427.)

Read letter dated 24th Ultimo from the Magistrate

21st March 1846.

Magistrate of Tanjore.

(Here enter Fole. No. 694 of 1846.)

Convict Statement for the 2nd half of 1845.
Jail Return, for 1845.

1 Of the periodical statements noted mar=
=ginally the first was on the 18th Ultimo returned to the Magis=
=trate of Tanjore for amendment, explanation in respect of the
second having by a separate letter of the same date been call=
=ed for, and they are now resubmitted in an amended form
with the above communication from the Magistrate.

2 As of the four errors pointed out in the for=
mer of the two statements three have been corrected, it appears
necessary only to observe that the retention in the office of the
Magistrate of the statement sent back to him prevents the Court
of Foujdaree Udalut from ascertaining in respect of the fourth
whether the Magistrate has rightly inferred that "the figures
"entered in Column 17 have been erroneously brought into cal=
"culation" in this Court.

3 It is found that the printed forms trans=
=mitted to the Magistrate on the 18th of February last, were inad=
=vertently substituted for those to which the Court's communic=
=ation had reference.

Ordered that Extract from these Pro=
=ceedings be sent to the Magistrate of Tanjore for his in=
=formation.

(Sent in No. 428.)

Jr

F. U.

Monday.
23rd March 1846. At a Court of the Foujdaree Udalut.

Present:

Geo. G. W.
Seen G. P. S.
Lecce

G. J. Waters Esquire 1st Puisne Judge.
Malcolm Lewin Esquire 2nd Puisne Judge.
J. E. J. Boileau Esquire 3rd Puisne Judge.

Read Criminal Reports under date the 12th Ultimo, submitted by the Principal Sudr Ameen of Trichinopoly for the month of February 1846.

(Here enter F. U. No. 852.)

Report No. V. Case No. 13. 1 The Court of Foujdaree Uda=
=lut observe that the prisoners in this
case being Cavilgars might with propriety
have been sentenced to imprisonment for
periods in excess of six months.

Case No. 16. 2 Adverting to the provisions
of Section V Regulation XI of 1816, the
Court of Foujdaree Udalut desire to
be informed why the witnesses were
not forwarded with the prisoners to
the

21st March 1846.

Magistrate of Tanjore

(Here enter Fde № 694 of 1846.)

Convict Statement for the 2nd half of 1845.
Fasli Return, for 1845.

1 Of the periodical statements noted margi=nally the first was on the 18th Ultimo returned to the Magis=trate of Tanjore for amendment, explanation in respect of the second having by a separate letter of the same date been called for, and they are now resubmitted in an amended form with the above communication from the Magistrate.

2 As of the four errors pointed out in the for=mer of the two statements three have been corrected, it appears necessary only to observe that the retention in the office of the Magistrate of the statement sent back to him prevents the Court of Foujdaree Udalut from ascertaining in respect of the fourth whether the Magistrate had rightly inferred that "the figures "entered in Column 17 have been erroneously brought into cal="culation" in this Court.

3 It is found that the printed forms trans=mitted to the Magistrate on the 18th February last, were inad=vertently substituted for those to which the Court's communi=cation had reference.

Ordered that Extract from these Pro=ceedings be sent to the Magistrate of Tanjore for his in=formation.

(Sent in № 428.)

Monday.
23rd March 1846.

F. D.

At a Court of the Foujdaree Udalut.

Present.

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Lee

G. J. Waters Esquire — 1st Puisne Judge.
Malcolm Lewin Esquire — 2nd Puisne Judge.
T. E. J. Boileau Esquire — 3rd Puisne Judge.

Read Criminal Reports under date the 12th Ultimo, submitted by the Principal Sudr Ameen of Trichinopoly for the month of February 1846.

(Here enter F. D. № 852.)

Report № V. Case № 13.

1 The Court of Foujdaree Uda=lut observe that the prisoners in this case being Cavilgars might with propriety have been sentenced to imprisonment for periods in excess of six months.

Case № 16.

2 Adverting to the provisions of Section V Regulation XI of 1816, the Court of Foujdaree Udalut desire to be informed why the witnesses were not forwarded with the prisoners to the

the Head of District Police.

Ordered, that Extract from these Proceedings be sent to the Principal Sudr Ameen of Trichinopoly for his information and guidance, and for communication of para 2 to the Magistrate for the information and guidance of that Officer, and for report direct to the Foujdaree Udalut by precept returnable within X days from and after its receipt.

Sent following precept No. 430.

Read Miscellaneous Petition presented on the 9th March 1846, by T. Ramachendriah Vakeel on behalf of Ammbole Karasapoy of Zillah Mangalore.

(Here enter F. M. P. No. 50 of 1846)

1. The object of this Petition is to obtain the annulment of a fine of Rupees 2 imposed upon the Petitioner by the Assistant Magistrate of Canara, and also of a requisition of security under which he has been placed by that

Officer.-

2. The Petitioner states that he has failed to obtain redress either from the Magistrate or from the Sessions Judge.-

3. The Court of Foujdaree Udalut can pass no orders on the matters of this address, until the Petitioner have submitted for their consideration a copy of the orders of the Magistrate to which he refers.-

Ordered, that Extract from these Proceedings be furnished to the Petitioner's Vakeel on his application.-

Read Miscellaneous Petition presented on the 23rd January 1846, by Valayadaver of Tinnevelly.-

(Here enter F. M. P. No. 35 of 1846.)

1. The Petitioner complains that his father is prevented intering the limits of the District of Tinnevelly, and that his pension is held in abeyance until his return to Trichinopoly.- He states

states that his father has complained to the Sessions Judge of Madura where he is now residing, of the conduct of the Collector of Madura, but has obtained no redress. The Sessions Judge declining to interfere in the matter.-

2. He accordingly prays the Court of Foujdaree Udalut to direct the Sessions Judge to institute an enquiry into his complaint, or else to call up the record of the case and pass orders thereon.-

3. The Court of Foujdaree Udalut observe that the Petitioner has evidently kept back the chief matter relating to his father, and has entirely concealed the circumstances which under some specific directions appear to have led to his residence being restricted to one particular Zillah.-

4. The Petitioner should address himself to Government if his father has any substantial ground of grievance against the local authorities named

named in his Petition.-

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

Read Miscellaneous Petition presented on the 26th January last, by G. Narasimaloo of Nellore.-

(Here enter F. C. No. 11 of 1846)

1. The Petitioner complains of the sentence passed in Case No. 23 of 1845 on the Nellore Calendar on his brother in law, who, convicted of having received stolen property knowing it to be such, has been sentenced by this Court to 8 years imprisonment with hard labor in irons.-

2. The Court of Foujdaree Udalut can receive no appeal against Courts sentences, which are by the law final.-

3. The prayer of this Petition is accordingly rejected.-

Ordered that Extract from these Proceedings be granted to the

the Petitioner on his application.-

Read again Calendar of Cases Nos. 63 and 64 of 1845, submitted by the Sessions Judge of Combaconum under date the 15th January 1846.-

(Here enter F. No. No. 175.)

Read also Miscellaneous Petitions presented on the 16th February 1846, by Chinnoo Padayatchy, Puchey, Moothoosawmy Padayatchy, Mungathal, Meenatchee and Vally of Zillah Combaconum.-

(Here enter F. M. C. Nos. 21, 22, 23, 24, 27 and 29 of 1846.)

1. The object of these Petitions is to induce the Court of Foujdaree Udalut to reverse the sentences awarded to the prisoners in the 1st of the foregoing Cases.-

2. Adverting to the assertion of the Petitioners, that the sentence in question was passed without any evidence having been heard for the defence, although the Prisoners especially entreated the Sessions Judge to summon certain witnesses on their

their behalf; the Court of Foujdaree Udalut direct that the Session Judge will report whether the Prisoners were called upon to state whether they had any witnesses whom they wished to be summoned, whether any attended, and whether he was specially applied to, as the Petitioners represent to summons witnesses to depose to specific facts.-

3. The Session Judge will also be pleased to submit an abstract of the evidence in both cases on which was founded, the remarks recorded by him in Case No. 63 regarding the plan pursued by the Prisoners in the perpetration of their robberies.-

4. The Court of Foujdaree Udalut further desire to be informed how the prisoners severally pleaded before the Session Court, and to be furnished with a translation of the confession made by the 1st Prisoner before the Police Authorities.-

Ordered

23rd. March 1846.

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

(Sent following precept No. 431.)

Ordered, 2dly that Extract from these Proceedings be granted to the Petitioner on their application.

Read Miscellaneous Petition presented on the 9th Ultimo, by Doogge-pauze Venkiah, late Police Gomastah in the Chendaloor Division in Zillah Nellore.

(Vide enter M. D. No. 58 of 1846.)

1. The object of this Petition is to induce the Court of Foujdaree Udalut to declare the Petitioner eligible for employment in the public service, from which he states that he was dismissed by the late Joint Magistrate of Nellore, in consequence of certain charges having been

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23rd. March 1846.

preferred against him and the Head of Police of the Division, on which they were committed to the Criminal Court, and subsequently to the Sessions Court and were convicted and sentenced by the Sessions Judge.

2. The sentences awarded by that Officer having been reversed by the Foujdaree Udalut, who ordered the unconditional release of the Petitioner and of the Head of District Police, it appears that the Petitioner applied to the Magistrate of Nellore for the restoration of his former office, but that the Petition presented by him was returned with an endorsement that, "it required no answer."

3. Before passing any final orders on this matter, the Court of Foujdaree Udalut resolve to forward a translation of this Petition to the Magistrate of Nellore, who will be pleased to offer such observations as he may think proper with reference to the allegations

contained

23rd. March 1846.

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

(Sent following precept No. 431.)

Ordered 2dly that Extract from these Proceedings be granted to the Petitioners on their application.

Read Miscellaneous Petition presented on the 9th Ultimo, by Doogge-pauze Venkiah, late Police Tomaskah in the Chendaloor Division in Zillah Nellore.-

(Here enter M. P. No. 58 of 1846.)

1. The object of this Petition is to induce the Court of Foujdaree Udalut to declare the Petitioner eligible for employment in the public service, from which he states that he was dismissed by the late Joint Magistrate of Nellore, in consequence of certain charges having been

F. Vo.

23rd. March 1846.

preferred against him and the Head of Police of the Division, on which they were committed to the Criminal Court, and subsequently to the Sessions Court and were convicted and sentenced by the Sessions Judge.-

2. The sentences awarded by that Officer having been reversed by the Foujdaree Udalut, who ordered the unconditional release of the Petitioner and of the Head of District Police, it appears that the Petitioner applied to the Magistrate of Nellore for the restoration of his former office, but that the Petition presented by him was returned with an endorsement that, "it required no answer."-

3. Before passing any final orders on this matter, the Court of Foujdaree Udalut resolve to forward a translation of this Petition to the Magistrate of Nellore, who will be pleased to offer such observations as he may think proper with reference to the allegations

contained

contained therein.-

Ordered, that Extract from these Proceedings be sent to the Magistrate of Tellore for his information and guidance, by precept returnable within XV days from and after its receipt.-

(Sent following precept No. 432.)

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

Read Miscellaneous Petition presented on the 16th. February 1846, by Aroomooga Puttalew of the Zillah of Combaconum.-

(Here enter F. No. No. 25 of 1846.)

1. The Petitioner again complains against the sentence passed upon his brothers, prisoners in Case No. 31 of 1845 on the Combaconum Calendar, and states that they were charged thro' malice, and that the evidence against them was got up by their enemies.-

Before

2. Before disposing of this Petition, the Court of Foujdaree Udalut resolve to call on the Sessions Judge of Combaconum, to submit a summary of the evidence which was adduced and was by the Sessions Judge considered to weigh against the 5th and 13th Prisoners in the above mentioned case.- The Sessions Judge will further state how long after the perpetration of the robbery the property found in the houses of these prisoners was discovered there- and will submit the deposition of the Prosecutor, in which he endeavors to account for the omission in the first list of the property found on these prisoners.-

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

(Sent following precept No. 433.)

Ordered

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

Read again Miscellaneous Petition presented on the 2nd. February 1846, by T. Appiah Vakeel on behalf of Sungiah of Tillah Mangalore.-

(Here enter F. M. P. No. 15 of 1846.)

Read also return under date the 10th. Instant from the Sessions Judge of Mangalore, to the precept of the Foujdaree Udalut dated the 2d. idem, forwarding the foregoing Petition for any remarks that the Sessions Judge might have to offer, and directing that Officer to submit a concise and clear statement of the grounds of the sentence passed by him on the prisoners in Case No. 100 of 1845, on the file of the Session Court.-

(Here enter F. D. No. 840.)

1. The Court of Foujdaree Udalut having attentively perused this return

return, consider the explanations submitted by the Sessions Judge to be satisfactory, and they see no reason to question the propriety of the sentence of which the Petitioner complains.-

2. The Court of Foujdaree Udalut accordingly resolve to dismiss this Petition.-

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

(Sent in No. 434.)

Ordered also that Extract from these Proceedings be granted to the Petitioner's Vakeel on his application.

Ed.
B. W.

J. U.

Friday 24th March 1846. At a Court of the Jaffna Udalut.

Present

George J. Waters Esqre 1st Puisne Judge.
Malcolm Lewin Esqre 2d Puisne Judge.
J. C. J. Boileau Esqre 3d Puisne Judge.

Read Calendar of Case No 9 of 1846 submitted by the Session Judge of Tinnevelly under date the 9th March 1846.

(Here enter J. U. No 835 of 1846)

The Session Judge should have stated in the Calendar the authority under which the fine of 15 Rupees was imposed on the Prosecutor and this omission must now be supplied.

Ordered that Extract from these Proceedings be sent to the Session Judge of Tinnevelly by precept returnable in VIII days from and after its receipt.

Sent following precept No 437

Read Criminal Reports under date the 26th February last submitted by the Principal Sudr Ameen of Cuddalore for

24th March 1846.

for the month of February 1846.

(Here enter F. U. №851.)

Report №V. Case №15.

The Court of Foujdaree Udalut observe that the prisoner in this Case not having been concerned in any other case contained in these reports, the insertion of his name "in red ink" was superfluous, and calculated to mislead the Court in their perusal of the Reports.

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

(Sent in №438)

Read return dated the 26th Ultimo from the Session Judge of Combaconum to the precept of the Foujdaree Udalut under date the 20th Idem directing that the 6th Prisoner in Case №63 of 1845 be imprisoned and kept to hard labor in irons for the period of 8 years as the proposed mitigation of sentence is quite insufficient for the punishment of the offence.

(Here enter F. U. №697.)

F. U.

Wednesday, 25th March, 1846.

At a Court of the Foujdaree Adalut

Present

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

Malcolm Lewin Esqre ——— 2d Puisne Judge

W. C. J. Borlase Esqre ——— 3d Puisne Judge

Read again Calendar of Case №93 of 1845 submitted by the Sessions Judge of Mangalore under date the 10th January last.

(Here Enter №125.)

Read also return dated the 30th January 1846 from the above Officer to the Precept of the Foujdaree Adalut of the 24th Idem calling for a copy of the Proceedings of the Sessions Court under date the 25th September 1845 which led to the commitment of the case abovementioned and others.

(Here Enter №383.)

The Court of Foujdaree Adalut observing that case №93 was taken in

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Case

25th March 1846

in the Calendar laid before the Sessions Judge to have been committed pursuant to orders from that functionary called for a copy of them which is now before the Court showing that the Sessions Judge directed the acting Subordinate Judge to take measures for committing certain witnesses to stand their trial before the Sessions Court on charges of Perjury which would be prepared and forwarded to the Subordinate Court and also that in order to prove those charges against the witnesses, the evidence detailed in a Memo from the Sessions Judge was ordered to be taken by the Acting Subordinate Judge.

2 It is inferred that the instructions of the Sessions Judge were issued in conformity with a practice prevailing before the new judicial System was introduced and under which it was deemed incumbent on a Criminal Judge to commit for trial on a charge of perjury any prisoner regarding whom the order

25th March 1846.

order of commitment emanating from a Superior Court was distinct and imperative; whereas a discretion was allowed to the committing authority when the perjury had occurred before an inferior tribunal.

3. The Court of Foujdaree Adalut as now constituted are however of opinion that the practice cannot be upheld and they recently ruled that no legal commitment had been made in a case wherein the enquiry of the Subordinate Court had been fettered by the instructions of the Sessions Judge, the Subordinate Judge being of opinion that he had no alternative but to conform to the requisition addressed to him by the superior functionary

4 The present Court of Foujdaree Adalut believe the provisions of Section VI Regulation VI of 1811. to require that in the committing Court in cases of perjury, the same regular trial shall take place as in trials for other offences and that the powers of commitment or otherwise as which

which are vested in the Subordinate Judge or Principal Sudr Ameen shall be wholly uncontrolled by the orders of the Authority before whom the perjury shall have occurred

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

Sent in No. 443.

F.U.

Friday, 27th March, 1846.

At a Court of the Foujdaree Udalut.

Present,

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

Read Calendar of Case No. 3 of 1846 submitted by the Acting Sessions Judge of Madura under date 9th. Instant.—

(Here enter F.U. No. 812 of 1846)

1. Two prisoners in this case are charged with having at night in company with 10 others, not yet apprehended, come armed with cudgels and forcibly carried away 38 Sheep valued at Rupees 32-and Annas 8, and with having at the same time wounded the 2d. Prosecutor.—

2. In the Abstract of the evidence drawn out by the Subordinate Judge it is stated that the 2d. Prosecutor added that he fainted from the beating he had received and that he was conveyed away from the spot.—

3. In his remarks the Acting

Sessions

Sessions Judge makes no allusion to the violence charged in the case or the injuries sustained by any of the accusing parties. This is an important omission and one which the nature of the case obviously pointed out should not have been allowed to occur.—

4. The Acting Judge will therefore now submit a more detailed statement of the effect of the violence charged in the case.—

Ordered that Extract from these proceedings be forwarded to the Acting Sessions Judge of Madura for his information & that a precept returnable in 3 days from and after its receipt.—

/Sent following precept No. 249/

Read letter dated the 9th Instant from the Sessions Judge of Chittoor forwarding for the consideration and final sentence of the Tondiaree Vakeel an English translation of the record of the trial in Case No. 6 on the file of Chittoor Sessions Court.—

/Here enter T.R. No. 785 of 1846/

1. In this case two Prisoners are charged with having assaulted the Prosecutor Yellooyandoo's

Yellooyandoo's Brother Bodeyandoo, and so severely beaten him with sticks and stones as to occasion his immediate death, and with having stolen from him a pair of Ear rings valued at Rupee 1-1-0.

2. In the 1st. Parah of his letter the Sessions Judge Mr. Lavie states the stolen ear-rings were received from the wife of the 3d. prisoner, but Mr. Lavie has omitted to examine this woman. She ought with the Peons deputed to bring the jewels to have been carefully examined on this point, and also as to all that occurred and was said in her house previous to the delivery of the jewels.—

3. The Court of Tondiaree Vakeel resolve therefore to return the English translation of the record of this case to the Sessions Judge of Chittoor with instructions to issue a precept directing the attendance of the wife of the 3d. prisoner and of the Peons deputed to her house and in the presence of the prisoners in this case take the Examination upon oath

with in the points mentioned above.—

4. The Sessions Judge will permit the prisoners to cross examine these witnesses and to offer any thing further in their defence should they wish it at the close of the Examination.—

5. The Sessions Judge will annex English translation of the additional evidence so taken to the record and will retransmit the same for the consideration and final judgment of the Zillah Court.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Chittoor by precept returnable in 25 days from and after its receipt.—

/Sent following precept No 457/

Read letter dated the 13th Ultimo from the Sessions Judge of Mangalore.—

/Here Enter No 592/

1. The Sessions Judge forwards copy of a letter from the Subordinate Judge, in which that officer suggests that in certain cases, a person sentenced to pay a fine and in default thereof to be imprisoned, should, in the event

event of his stating his inability and intention of paying the fine at his own village, be allowed a certain period to do so before being put upon the roads to work, but expresses the opinion that for reasons assigned, the measure proposed by the Subordinate Judge would introduce an uncertainty and delay in carrying sentences into execution, which would be inconvenient.—

2. The Judge of the Tanjavore Adalut agrees with the Session Judge in the view he has taken of the Subordinate Judge's propositions, but sees no reason should the Prisoner represent himself capable of paying the fine, why the Judge should not hold any communication he may deem proper with the Magistrate in view to the payment being made, the commuted sentence meanwhile being enforced.—

Ordered, that Extract from these proceedings be forwarded to the Session Judge of Mangalore for his information and for communication to the Subordinate Judge.—

/Sent in No 457./

Read

27th March 1846.

Read Criminal Reports under date the 2d Instant submitted by the Officiating Principal Sudr Ameen of Masulipatam.

(Here enter F.H. No. 741)

Report No. 1
Code No. 7.

The inadequacy of the cause assigned for the delay which occurred in the transmission of this case to the Criminal Court, namely the wounds received by the 3d and 4th witnesses and their consequent inability to proceed to the Court when the examination of the case by the Head of Police was completed, has been repeatedly pointed out by the Court of Foujdaree Udalut.

Ordered, that Extract from these proceedings be sent to the Officiating Principal Sudr Ameen of Masulipatam for his information and for communication to the Magistrate for the information and guidance of that Officer.—

(Sent in No. 452)

Saturday
28th March 1846

F.H.6.

At a Court of the Foujdaree Udalut.

—Present—

George I. Waters Esqre 1st Puisne Judge
Malcolm Lewin Esqre 2d Puisne Judge
T.E.I. Boileau Esqre 3d Puisne Judge

Read letter dated the 20th Instant from the Session Judge of Chittoor submitting for the final orders of the Foujdaree Udalut the record of the trial in Case No. 10 on the Calendar for 1846.

(Here enter F.H.6 No. 924)

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

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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

28th March 1846.

The Prisoner in this case was charged with having severely wounded with a sword his wife Atchee aged 11 years, her Aunt Chengee, and Boya Yellogaudoo, the nephew of the 2nd Prosecutor, in consequence of which wounds the said Atchee and B. Yellogaudoo died, the former immediately, and the latter after an interval of three days.

2 The Court of Foujdaree Udalut having attentively perused the record of this case, fully concur in the opinion recorded by the Session Judge that the prisoner should be adjudged to suffer the extreme penalty of the Law for the dreadful crime of which he stands convicted.

3 The Court of Foujdaree Udalut would observe for the information and future guidance of the Session Judge that it is informal when a prisoner is arraigned to call upon him for any statement beyond the plea of "Guilty" or "Not Guilty"

Whatever a prisoner may have to state in his defence should be received when the

28th March 1846.

the case for the prosecution has been closed.

Ordered that Extract from these Proceedings be sent to the Session Judge of Chittoor for his information and guidance.

(Sent following letter No. 456.)

Read return dated 6th March 1846 from the Session Judge of Chingleput to the precept of the Foujdaree Udalut under date the 5th March 1846 returning the Calendar in Cases Nos. 5 and 6 of 1846 in order to the removal of the remarks made by the Session Judge regarding the disposal in Her Majesty's Supreme Court of a Case connected with that reported in the above Calendar.

(Here enter F. Mc. No. 751)

Read return dated 10th March 1846 from the Session Judge of Salem to the precept of the Foujdaree Udalut under date the 4th March 1846 directing the release of the three prisoners in Case No. 61 on the Calendar of the Session Court and requiring explanation regarding the omission of the charge in the translation of the record called up

(Here enter F. Mc. No. 807)

28th March 1846.

Read return dated 7th March 1846 from the Session Judge of Tinnevelly to the precept of the Foujdaree Udalut under date the 26th February 1846 conveying their remarks on the Criminal Reports of this Court for the month of January 1846.

(Here enter F.R. No 846)

Read return dated 16th March 1846 from the Session Judge of Chingleput to the precept of the Foujdaree Udalut under date the 4th March 1846 directing the Session Judge to call up the record in Case No 40 of 1846 on the file of the Principal Sudr Ameen, and to pass such orders as he may deem proper reporting the same for the information of the Foujdaree Udalut.

(Here enter F.R. No 871)

Read letter dated 14th March 1846 from the Magistrate of Masulipatam submitting the explanation called for by the Foujdaree Udalut relative to certain Criminal cases in their proceedings under date 25th February 1846.

(Here enter F.R. No 899.)

Monday 30th March 1846. F.U.

At a Court of the Foujdaree Udalut.

Present.

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

Read letter dated the 15th Instant from the Session Judge of Bellary forwarding for the final sentence of the Foujdaree Udalut the record of trial in case No 6 on the Calendar of his Court for 1846.

(Have enter F.R. No 946 of 1846)

Mr G. J. Waters and Mr M. Lewin.

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

Bojeegah

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 459)

Read

Read Miscellaneous Petitions presented on the 30th June and 22d September 1845 by Yerra Vencatasamy Mooktyar Vakeel on behalf of C. Dawajee Ramuppa Naidoo zemindar of Cungondy.

(Here Enter I. M. P. Nos 116 and 174 of 1845.)

Read also Miscellaneous Petitions presented on the 17th November and 8th December 1845 by Saravana Pillay Mooktyar Vakeel on behalf of Coomarasamy Tumberan of Combaconum.

(Here Enter M. P. Nos 213 and 236 of 1845.)

Read also Miscellaneous Petition presented on the 7th July 1845 by Lutchmee Narsiah Mooktyar Vakeel on behalf of M. Nurasinmoodoo of Guntoor.

(Here Enter M. P. No 126 of 1845.)

Read also Miscellaneous Petition presented on the 29th September 1845 by Shanmooga Pillay Mooktyar Vakeel on behalf of Shanmooga Madava Naiker of Madura.

(Here Enter M. P. No 178 of 1845.)

Read also Miscellaneous Petition presented on the 19th January last by Lutchmanaprasad of Tinnevelly.

(Here Enter M. P. No 80 of 1846.)

Read

Read also Miscellaneous Petition presented on the 9th Instant by T. Anantaramiah Mooktyar Vakeel on behalf of C. Chelamiah of Guntoor.

(Here Enter M. P. No 53 of 1846.)

Neither of the above Petitions can consistently with the Regulations be brought under consideration by the Tanjore Zillah Court, first because they are signed, not by the party from whom they purport to proceed, but by his Mooktyar Vakeel, - Secondly because they are addressed to the Tanjore Zillah Court, not by the individual himself of whose case they treat, but by a person not being a constituted Vakeel of the Court, through whose agency they have been placed before the Court.-

The Mooktyar Vakeel presenting an address of the above description should be empowered by a Vakalutnamah only to give into the Tanjore Zillah Court the Petition of his Principal.-

Ordered that these Petitions be accordingly dismissed and Extracts of the proceedings be furnished to the Petitioners Mooktyar Vakeels

30th March 1846.

Vakeels respectively on their application.

Read Miscellaneous Petition presented on the 17th November 1845 by Ram Sing of Zillah Tinnevelly.-

(Here Enter F.M.P. No 219 of 1845)

Read also Miscellaneous Petition presented on the 8th December 1845 by Vencata Prasad of Zillah Tinnevelly.-

(Here Enter F.M.P. No 238 of 1845)

1 In these addresses the Petitioner adverted to various irregularities said to have been committed by the late Magistrate of Tinnevelly Mr E. B. Thomas, in the examination of case in which the Petitioner Ram Sing was Defendant.-

2. The Court of Foujdaree Adalut observe that the matter referred to in these addresses have been fully disposed of in their proceedings under date the 3d December 1845, and being therefore of opinion that no further orders are required, they resolved to dismiss these Petitions.-

Ordered that Extract from these proceedings be furnished to the Petitioners on their

30th March 1846.

their application.-

Read Miscellaneous Petition presented on the 16th Ultimo by Narraimmah of the Zillah of Chittoor.-

(Here Enter F.M.P. No 31 of 1846)

1. The Petitioner who is represented to be the wife of the 1st Prisoner in case No 807 1845 on the file of the Session Court of Chittoor prays for the release of her husband who convicted of Grievous wounding was sentenced by the Court of Foujdaree Adalut to 14 years imprisonment with labor in irons.-

2 The Petitioner affirms that her husband was innocent.-

3. There is no appeal from the sentence of the Foujdaree Adalut which was passed after mature consideration and is by the Law final.- The Court further see nothing in the allegations of the Petitioner, deserves the least consideration.-

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

Read Miscellaneous Petition presented by

by Calyteer to Nadan and 430 others of Zillah Tinnevelly.-

(Here Enter In Pr. No 370 of 1846)

1. The Petitioners solicit the interference of the Court of Foujdaree Adalut in order to relieve them and the Hindoo inhabitants of Tinnevelly generally, from alleged acts of oppression on the part of certain Missionaries and Catechists which result they assert, from the influence of the Missionaries with the Collector and Magistrate of the District.-

2. The Court of Foujdaree Adalut see nothing in the above address which would justify their complying with the Petitioners's application which is rejected.-

Ordered that Extract from these proceedings be granted to the Petitioners on their application.-

Read Miscellaneous Petition presented on the 16th March 1846 by Talo Monogro and two others of the Zillah of Madura.-

(Here Enter Pr. No 370 of 1846)

The Petitioners repeat the prayer of their Petitions Nos. 185 and 193 of 1845, which as the

the Court having fully considered and replied to in their proceedings of the 24th November last, no further orders appear necessary.-

Ordered that the prayer of this Petition be rejected and that copy of these proceedings be furnished to the Petitioners on their application.-

Read communication under date the 6th Instant from the Principal Sudr Ameen of Vizagapatam.-

(Here Enter Pr. No 831 of 1846)

Read also Criminal Reports under date the 6th Instant submitted by the Principal Sudr Ameen of Vizagapatam for the month of February 1846.-

(Here Enter Pr. No 832 of 1846)

Report No V Cases Nos 8, 9, 10.

1. The Court of Foujdaree Adalut see reason to question the propriety of the sentences passed upon the Prisoners in these cases and they accordingly direct that the Sessions Judge of Chicacole will call up the proceedings and pass such orders thereon as he may think proper, reporting the same for the information of the Foujdaree Adalut.-

With

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

(Sent following Precept No. 462)

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

(Sent in No. 468.

Read Criminal Reports under date the 12th March 1846 submitted by the Subordinate Judge of Masura for the month of February 1846.-

(Here Enter Ct. Rs 887 of 1846)

Supplemental Report. Case No 29.

1. The Court of Foujdaree Adalut observe that in this case the Sudr Ameen has omitted to examine the parties who apprehended the prisoners whose evidence would apparently have been of essential importance to the issue of the trial.-

Report No V Case No 36. C.O. 25th February 1829.

2. Adverting to the rule laid down in the Circular Order noted marginally the Court of Foujdaree Adalut observe that the offences charges against the prisoners in this case having been

been committed on different dates, formed matter for two distinct charges.-

Case No 38.

3. The Court of Foujdaree Adalut consider that the headings affixed to the Statements of Charge should be framed with reference to the result of the trial before the Criminal Court.

4. With reference to the above opinion the Court of Foujdaree Adalut observe that the heading in this case should have been merely "Assault."

Case No 41.

5. In the explanation of delay the 3d and 4th Prisoners in this case are stated to have been apprehended on the 30th January whereas in another column the 4th item is assigned as the date of their apprehension.-

6. This apparent discrepancy requires to be explained.-

Case No 42

7. The Court require an explanation of the delay of ten days which the Head of District Police permitted to elapse previous to making the reference to the Magistrate which is assigned as a cause of delay in the transmission of the case to the Criminal Court.-

Case No 43.

8. Adverting to the identification of

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

(Sent following Precept No. 462)

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

(Sent in No. 463.

Read Criminal Reports under date the 12th March 1846 submitted by the Subordinate Judge of Madura for the month of February 1846.-

(Here Enter Ft. No. 887 of 1846)

Supplemental Report. Case No 29.

1. The Court of Foujdaree Adalut observe that in this case the Sudr Ameen has omitted to examine the parties who apprehended the prisoners whose evidence would apparently have been of essential importance to the issue of the trial.-

Report No V. Case No 36. C.O. 23rd February 1839.

2. Adverting to the rule laid down in the Circular Order noted marginally the Court of Foujdaree Adalut observe that the offences charged against the prisoners in this case having been

been committed on different dates, formed matter for two distinct charges.-

Case No 38.

3. The Court of Foujdaree Adalut consider that the headings affixed to the Statements of Charge should be framed with reference to the results of the trial before the Criminal Court.

4. With reference to the above opinion the Court of Foujdaree Adalut observe that the heading in this case should have been merely "Affault."

Case No 41.

5. In the explanation of delay the 3rd and 4th Prisoners in this case are stated to have been apprehended on the 30th January whereas in another column the 4th idem is assigned as the date of their apprehension.-

6. This apparent discrepancy requires to be explained.-

Case No 42

7. The Court require an explanation of the delay of ten days which the Head of District Police permitted to elapse previous to making the reference to the Magistrate which is assigned as a cause of delay in the transmission of the case to the Criminal Court.-

Case No 43.

8. Adverting to the identification

of

of the Prisoners in this case by the 3d Prosecutor and the discovery of the stolen property in their houses the Court of Foujdaree Udalut require a more detailed explanation than that which has been submitted in this report, of the conclusion arrived at by the Subordinate Judge.

Case No 44. 9 The offence proved against the Prisoner in this case having only amounted to a theft, the sentence should have been passed under the provisions of Regulation X of 1816 and the period of imprisonment awarded should not have been in excess of five months.-

10. The Court of Foujdaree Udalut desire that the sentence be moved in conformity with the foregoing observations.-

Case No 48 11 The Court of Foujdaree Udalut observe that "Gang Robbery" would have been a sufficient designation of the offence charged in this case and they direct that the heading affixed to the statement of the charge be amended accordingly.-

12. The delays apparent in the transmission of the Prisoners to the Subordinate Court are not satisfactorily explained.-

The

F.R.

30th March 1846.

Case No 49 13. The Court of Foujdaree Udalut desire to be informed where the prisoner in this case was detained for the 1st of February the date of his apprehension to the 7th idem that of his appearance before the Head of District Police.-

Ordered that Extract from these Proceedings be sent to the Subordinate Judge of Nagpoor for his information and guidance and for communication of Paras 7, 12 and 13 to the Magistrate for the information and guidance of that officer and for report direct to the Foujdaree Udalut by precept returnable within XV days from and after its receipt.-

(Sent following Precept No 464.

Read Criminal Reports under date the 7th March 1846 submitted by the Subordinate Judge of Combaconum for the month of February 1846.-

(Here Enter FR No 888 of 1846)

Reports No V Case No 36. 1 The Court of Foujdaree Udalut desire that a more detailed statement of the circumstances of this case than that which is contained in these Reports may be submitted for their consideration.-

The

Case No 40. 2 The Court of Fouzdaree Adaulut regret to observe that the examination of this case by the Head of District Police was not commenced for 10 days after the appearance of the prisoner before that officer and request the Magistrate will satisfy himself as to the cause of delay.-

Case No 45. 3 The lengthened period of 23 days during which this case was under enquiry by the Head Assistant Magistrate requires to be explained.

Case No 46. 4 The Court of Fouzdaree Adaulut consider the explanation offered for the delay which took place in the transmission of this case to the Criminal Court extremely unsatisfactory.

Ordered that Extract from these Proceedings be sent to the Subordinate Judge of Combaconum for his information and guidance and for communication of paras 2, 3 and 4 to the Magistrate of Tanjore for the information and guidance of that officer and for report direct to the Fouzdaree Adaulut by Precept returnable within X days from and after its receipt.-

(Sent following Precept No 465.

Read letter dated the 28th January last

last from the Sessions Judge of Rajahmundry forwarding copy of a communication from the Subordinate Judge requesting to be informed with reference to the remarks of the Court of Fouzdaree Adaulut in Circular Order No 159 and with adverteence to a remark in Extract of Proceedings of the Sessions Court of Rajahmundry dated 22d December 1845 on case No 24 of 1845, whether in committable cases he is precluded from examining a prisoner-

(Vide Extract F.R. No 3100 of 1846)

1. The Subordinate Judge observes that he cannot suppose the Court of Fouzdaree Adaulut intended to set aside the provisions of Clause first, Section IX, Regulation X of 1816, wherein it is expressly stated that, "upon a prisoner being brought before the Criminal Judge, he shall enquire into the circumstance of the charge and examine the prisoner," and that by Circular Order No 159 he understood the Court of Fouzdaree Adaulut to mean that he could not take a prisoners defence, or examine him, with a view to his defence, and not that he was precluded from observing the provisions

provisions of the Regulation above quoted which remains unrepealed.

2. Assuming the question of the Subordinate Judges to be whether the Circular Order of the Foujdaree Adawlut, No 159, absolutely prohibits the putting any question whatsoever to a Prisoner, the Session Judge remarks that in his opinion it does, its wording being absolute, and as comprehensive as can be.

3. The Judges of the Foujdaree Adawlut think that neither the regulations nor the Circular Order of the Court ever intended that a Criminal Judge should be debarred that communication with a prisoner which is sanctioned for his obtaining justice and making his defence, before the authority who decides the case. but they observe that the committing authority has no right to take the defence of a prisoner although it is his duty to see that nothing take place before him capable of obstructing his defence.

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

5

FH.

30th March 1846.

for communication to the Subordinate Judge.

Sent in No 466.

Read Criminal Reports under date the 10th Instant submitted by the Subordinate Judge of Bellary for the month of February 1846.

(Here Enter FH No 854 of 1846)

Supplemental Report Case No 206.

1. The Court of Foujdaree Adawlut required an explanation of the delay which occurred in the transmission of the orders passed by the Magistrates on the reference made to him in this case by the Head of District Police.

Case No 228.

2. The Court of Foujdaree Adawlut desire to be furnished with the Extract from the Proceedings of the Sessions Judge referred to in this case, which should have been submitted as an appendix to the report.

Case No 9

3. With reference to the grounds assigned for the delay in the examination of this case, the Magistrate will be pleased to explain why the requisition made by the Criminal Court for the attendance of four Individuals resident in the Nizams Territory has not hitherto been complied with.

Report No V Case No 24

4. The Court of Foujdaree Adawlut observe

observe that the 1st Prisoner in this case being a Police Peon, the case should have been committed for trial before the Session Court.-

5. This error appears to have escaped the observation of the Session Judge who has had the record of the case under consideration.-

Ordered that Extract from these Proceedings (paras 4 and 5) be sent to the Session Judge of Bellary for his information.-

Sent in No. 467.

Ordered also, that Extract from these Proceedings be sent to the Subordinate Judge of Bellary for his information and guidance and for communication of paras 1 and 3 to the Magistrate for the information and guidance of that Officer and for report direct to the Foujdaree Adawlut by precept returnable within X days from and after its receipt.-

Sent following Precept No 468.

Read Miscellaneous Petition presented on the 16th February 1846 by Soobarayadoo of the Zillah of Chittoor.

(Here Enter F. M. Proc. 30 of 1846)

The Petitioner who represents himself

himself to be the elder brother of the 2d Prisoner in case No 8 of 1845 on the file of the Sessions Court of Chittoor states that good and sufficient security been tendered for his brother, the Nazir demanded a bribe of 20 Rupees which his brother refusing to pay another Peon was dispatched to the village where the sureties resided with instructions to declare the securities insufficient that this Peon acted in compliance with the wishes of the Nazir and produced a false list which having been kept by the Nazir for 2 months was at last presented to the Subordinate Judge who rejected the security tendered.-

2. He further adds that inconsequence of the Subordinate Judges ignorance of any native language parties cannot communicate with him direct and that the Servants of the Court are in league with the Nazir and therefore that he has been unable to obtain redress.-

3. It also appears that the Petitioner has appealed to the Session Judge who rejected his Petition.-

4. The Court of Foujdaree Adawlut resolve to direct that copy of this Petition be

be forwarded to the Session Judge of Chittoor who will satisfy himself by a personal inquiry of the Village authorities of the competency or otherwise of the sureties tendered and will also investigate into the charge of bribery preferred against the Nazir reporting the result for the information of the Sirgaree Cutcherry.-

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

(Sent following Precept No. 469.

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

Read letter dated the 22d January 1846 from the Session Judge of Tinnevelly explaining the measure of punishment awarded by the Session Judge in case No 38 of 1845.-

(Here Enter F.R No 297 of 1846)

Read return dated the 27th ult. January 1846 from the Subordinate Judge of

of Calicut to the Precept of the Sirgaree Cutcherry under date the 22d January 1846 directing the alteration of the Regulation quoted in case No 219 of the Calendar for December 1845.-

(Here Enter F.R No 356 of 1846)

Read letter dated the 14th Ultimo from the Magistrate of Madura explaining in answer to remarks of the Sirgaree Cutcherry of the 16th January on Subordinate Judge's file cases for November Nos. 213-214-219-218-227-231 232-235 and 239- and promises to send the explanations of the Joint Magistrate on Nos 204 217 and 220 as soon as received.-

(Here Enter F.R No 597 of 1846)

Read statement dated the 1st ult. January 1846 submitted by the Agent to the Governor in Ganjam shewing the number of trials referred to the Sirgaree Cutcherry by him from 1st January to 31st ult. December 1845.-

(Here Enter F.R No 615 of 1846)

Read letter dated the 25th Ultimo from the Joint Magistrate of Madura offering explanation in Nos ult. 204, 217 and 220 of a return from the Subordinate Court for

be forwarded to the Session Judge of Chittoor who will satisfy himself by a personal inquiry of the Village authorities of the competency or otherwise of the sureties tendered and will also investigate into the charge of bribery preferred against the Nazir reporting the result for the information of the Sheristadar Board.-

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

(Sent following Precept No. 469.

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

Read letter dated the 22d January 1846 from the Session Judge of Tinnevelly explaining the measure of punishment awarded by the Session Judge in case No 38 of 1845.-

(Here Enter P.R. No. 297 of 1846)

Read return dated the 27th ult. of January 1846 from the Subordinate Judge of

of Calicut to the Receipt of the Sheristadar Board under date the 22d January 1846 directing the alteration of the Regulation quoted in Case No 219 of the Calendar for December 1845.-

(Here Enter P.R. No 356 of 1846)

Read letter dated the 14th Ultimo from the Magistrate of Madura explaining in answer to remarks of the Sheristadar Board of the 16th January on Subordinate Judge's file cases for November Nos. 213. 214-219-218-227-231 232-235 and 239- and promises to send the explanations of the Joint Magistrate on Nos. 204 217 and 220 as soon as received.-

(Here Enter P.R. No 597 of 1846)

Read statement dated the 1st January 1846 submitted by the Agent to the Governor in Ganjam shewing the number of trials referred to the Sheristadar Board by him from 1st January to 31st December 1845.-

(Here Enter P.R. No 615 of 1846)

Read letter dated the 25th Ultimo from the Joint Magistrate of Madura offering explanation in Nos. 204, 217 and 220 of a return from the Subordinate Court for

for December 1845.

Read return dated the 9th Instant from the Subordinate Judge of Madura to the Precept of the Foujdaree Adawlut under date the 9th February 1846 remarking on the Criminal Reports for the month of December 1845.

(Here Enter FR No 786 of 1846)

Read return dated the 13th Instant from the Subordinate Judge of Calicut to the Precept of the Foujdaree Adawlut under date the 6th March 1846 directing communication of certain parts to the Magistrate and requiring explanation as to the causes of the great sickness prevailing in the Jail Hospitals during the Month of January last.

(Here Enter FR No 913 of 1846)

Exd HH

F U

Tuesday
31st March 1846

At a Court of the Fouzdaree Adalut

Present

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

Malcolm Lewin Esqre ——— 2d Puisne Judge

T. E. I. Boileau Esqre — 3d Puisne Judge

Read letter dated 20th Instant from the Session Judge of Cuddalore, submitting an English translation of the Record of trial in Case No. 6 on the Calendar of 1846.

(New enter No. 948 of 1846.)

Mr. M. Lewin and Mr. T. E. I. Boileau

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

1st Arooza Doss Nimon,

and

2d Arumdatijaya Nimon,

is sufficient to convict them of assault of an aggravated nature, for which, according to the Mahomedan Law as declared in futwas of their

their Law Officers, discretionary punishment is awardable, do convict them thereof, and with reference to the provisions of Clause third Section VII Regulation XV of 1803 sentence them to be imprisoned and kept to hard labor in irons, on the public roads or other public works, for and during the period of six months.

1. The 2d and 3d Prisoners in this Case were charged with having Murdered one Appandy Ninan by beating him on the head with sticks, and the 1st 4th and 5th Prisoners were charged with having aided and abetted in the commission of the said Crime.

2. The Session Judge dissents from the Futwa of the Law Officer which acquits all the Prisoners; and being of opinion that the evidence is sufficient to convict the 1st and 2d Prisoners of the crimes respectively laid to their charge; recommends that the 2d Prisoner be sentenced to the mitigated punishment of 10 years imprisonment with hard labor in irons, and the 1st Prisoner to 6 months imprisonment without labor or irons. In proposing these sentences the

Session

Session Judge states that it does not appear though previous malice existed, that the Murder was premeditated nor was it in all probability intended, even at the moment when the blow was struck which caused the death of the deceased.

3. The Court of Foujdaree Udalut having attentively perused the record of this Case consider that it is not satisfactorily proved by which of the prisoners the fatal blow was struck; and adverting to the apparent absence of all premeditation to murder the deceased they are of opinion that for the assault committed a sentence of 6 months imprisonment with hard labor in irons in the Case of the 1st and 2d Prisoners will be sufficient to meet the ends of justice.

4. The Court also desire that on the expiration of this sentence the prisoners may be transferred to the Magistrate of South Arcot in order to the adoption by that Officer of such precautionary measures in respect of the 1st and 2d Prisoners as will prevent any future breach of the peace. That

Officer

Officer will also now be pleased to adopt similar measures with reference to the other parties concerned in this Case who have been released by the Session Judge.

Ordered that Extract from these Proceedings be sent to the Session Judge of Cuddalore for his information and guidance and for communication to the Magistrate of South Arcot.

(Sent in No. 476.

Read again Calendar of Case No. 8 of 1846. on the file of the Session Court of Combaconum submitted under date the 13th February by the Session Judge.

(Here enter F. U. No. 552 of 1846.)

Read also return dated 16th Instant from the same Officer to the precept of the Tonjdaree Udalut of the 25th Ultimo calling for an English translation of the record of the trial in the above Case.

(Here enter F. U. No. 926 of 1846.)

1. The Court of Tonjdaree Udalut having seen reason on a perusal of the Calendar to question the propriety of the conviction

of

of the prisoners in this Case called for the record of the trial.

2. It now appears to them on a consideration of the whole of the proceedings of the Case that the proof against the prisoners was sufficient to warrant the judgment of the Session Judge.

3. The prisoners were criminated by the man who was shot during the robbery; they absconded after the robbery and resisted the Peons sent to apprehend them, these circumstances with the identification of the prisoners by the witnesses amounts in the opinion of the Tonjdaree Udalut to a strong presumption of their having been concerned in the robbery charged.

4. The Court approve of the sentence awarded by the Session Judge.

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

(Sent following precept No. 477.

Read

Officer will also now be pleased to adopt similar measures with reference to the other parties concerned in this Case who have been released by the Session Judge.

Ordered that Extract from these Proceedings be sent to the Session Judge of Cuddalore for his information and guidance and for communication to the Magistrate of South Arcot.

(Sent in No. 476.

Read again Calendar of Case No. 8 of 1846. on the file of the Session Court of Combaconum submitted under date the 13th February by the Session Judge.

(Here enter F. U. No. 552 of 1846.)

Read also return dated 16th Instant from the same Officer to the precept of the Tonjdaree Udalut of the 25th Ultimo calling for an English translation of the record of the trial in the above Case.

(Here enter F. U. No. 926 of 1846.)

1. The Court of Tonjdaree Udalut having seen reason on a perusal of the Calendar to question the propriety of the conviction

of

of the prisoners in this Case called for the record of the trial.

2. It now appears to them on a consideration of the whole of the proceedings of the Case that the proof against the prisoners was sufficient to warrant the judgment of the Session Judge.

3. The prisoners were criminated by the man who was shot during the robbery; they absconded after the robbery and resisted the Peons sent to apprehend them, these circumstances with the identification of the prisoners by the witnesses amounts in the opinion of the Tonjdaree Udalut to a strong presumption of their having been concerned in the robbery charged.

4. The Court approved of the sentence awarded by the Session Judge.

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

(Sent following precept No. 477.

Read

Officer will also now be pleased to adopt similar measures with reference to the other parties concerned in this case who have been released by the Session Judge.

Ordered that Extract from these Proceedings be sent to the Session Judge of Cuddalore for his information and guidance and for communication to the Magistrate of South Arcot.

(Sent in No. 476.

Read again Calendar of Case No. 8 of 1846. on the file of the Session Court of Combaconum submitted under date the 13th. Febuary by the Session Judge.

(Here enter T. U. No. 552 of 1846.)

Read also return dated 16th. Instant from the same Officer to the precept of the Tonjdaree Udalut of the 25th. Ultimo calling for an English translation of the record of the trial in the above Case.

(Here enter T. U. No. 926 of 1846.)

1. The Court of Tonjdaree Udalut having seen reason on a perusal of the Calendar to question the propriety of the conviction

of

of the prisoners in this Case called for the record of the trial.

2. It now appears to them on a consideration of the whole of the proceedings of the Case that the proof against the prisoners was sufficient to warrant the judgment of the Session Judge.

3. The prisoners were criminated by the man who was shot during the robbery; they absconded after the robbery and resisted the Peons sent to apprehend them, these circumstances with the identification of the prisoners by the witnesses amounts in the opinion of the Tonjdaree Udalut to a strong presumption of their having been concerned in the robbery charged.

4. The Court approve of the sentence awarded by the Session Judge.

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

(Sent following precept No. 477.

Read

31st March 1846.

Read again Calendar of Case Nos 5 of 1846 on the file of the Session Court of Nellore submitted under date the 7th February 1846 by the Session Judge of Nellore.

(Here enter F. C. No. 464 of 1846.)

Read also return dated 17th March 1846 from the same Officer to the precept of the Tongdaree Adalut of the 25th Ultimo calling for an English translation of the record of the trial of the above Case.

(Here enter F. C. No. 180 of 1846.)

Mr. G. L. Waters and Mr. T. E. L. Birkett

The Court having considered the record of this trial are of opinion that the ends of justice will be met in this Case by a punishment of 5 years imprisonment and they accordingly resolve in virtue of the power vested in them by Section XXXIII Act XII of 1843 to direct that the prisoner,

"Nellore Goorawappa"

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

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

(Last following precept No. 479)

31st March 1846.

Read Calendar of Case No. 9 of 1846 on the file of the Session Court of Cuddalore submitted under date the 13th March last by the Session Judge.

(Here enter F. C. No. 861 of 1846)

The prisoners in this Case convicted of Gang robbery have been sentenced by the Session Judge under the provisions of Clause third Section IV Regulation XV of 1803 to 14 years imprisonment with labor in irons but on the grounds that they are not in the habit of committing robberies and because tho' they have undoubtedly committed a robbery in this instance it does not appear that it was with the premeditated intention of robbing him that they attacked the Prosecutor the Session Judge recommends a mitigation of the prescribed punishment to the extent of 5 and 3 years severally in the cases of the 1st and 3d and of the 2d 4th 5th 6th 7th 8th 9th 10th and 12th prisoners the 11th 13th and 14th prisoners were acquitted and released.

The

2. The Court of Fouzdaree Udalut viewing this as a most aggravated case of Gang robbery are unable to comply with the recommendation of the Session Judge. The sentence prescribed by the Law must be allowed to take effect on each prisoner.

3. The Court desire that translations of the reports of the Head of Police and of the Head of the Village alluded to in the Session Judges remarks in this case may be submitted for their consideration in view to the issue of further orders in this case.

Ordered that Extract from these proceedings be sent to the Session Judge of Cuddalore for his information by precept returnable in 8 days from and after its receipt.

(Sent following precept No. 479.

Read Calendar of Case No. 11 of 1846 on the file of the Session Court of Cuddapah submitted under date the 19th Instant by the Session Judge.

(Here enter F. U. No. 959 of 1846.)

1. The Court of Fouzdaree Udalut approve

approve of the sentence passed in this case.

2. But observing that the name of the Zillah has been omitted from the heading of the Calendar and the designation of the crime from the heading of the charge: the Court of Fouzdaree Udalut resolve to direct that the Calendar be returned to the Session Judge who will issue the necessary instructions for the amendment of the same.

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

(Sent following precept No. 480.)

Read letter dated the 6th Instant from the Session Judge of Honore submitting for the consideration and orders of the Fouzdaree Udalut a reference connected with a Case sent by the Head of Police of Sondah to the Zillah Court.

(Here enter No. 820.)

1. Under the circumstances detailed in the Session Judge's communication, which

2. The Court of Foujdaree Udalut viewing this as a most aggravated case of Gang robbery are unable to comply with the recommendation of the Session Judge. The sentence prescribed by the Law must be allowed to take effect on each prisoner

3. The Court desire that translations of the reports of the Head of Police and of the Head of the Village alluded to in the Session Judge's remarks in this Case may be submitted for their consideration in view to the issue of further orders in this case.

Ordered that Extract from these proceedings be sent to the Session Judge of Cuddalore for his information by precept returnable in 8 days from and after its receipt.

(Sent following precept No. 479.

Read Calendar of Case No. 11 of 1846 on the file of the Session Court of Cuddapah submitted under date the 19th Instant by the Session Judge.

(Here enter F. U. No. 959 of 1846.)

1. The Court of Foujdaree Udalut approve

approve of the sentence passed in this case.

2. But observing that the name of the Zillah has been omitted from the heading of the Calendar and the designation of the crime from the heading of the charge: the Court of Foujdaree Udalut resolve to direct that the Calendar be returned to the Session Judge who will issue the necessary instructions for the amendment of the same.

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

(Sent following precept No. 480.)

Read letter dated the 6th Instant from the Session Judge of Honore submitting for the consideration and orders of the Foujdaree Udalut a reference connected with a Case sent by the Head of Police of Sundah to the Zillah Court.

(Here enter No. 820.)

1. Under the circumstances detailed in the Session Judge's communication, which

which shows that the Prisoner in the Case in question was entrusted by the Prosecutor with certain property which he is now unable to deliver up, the Session Judge states that he has some doubt in what manner the Prisoner ought to be charged; whether with a breach of trust and fraudulent misappropriation of property, under Foujdaree Udalut Circular Order dated 1st September 1843, the Prisoner not being a 'Servant' of the Prosecutor which is the description of person declared by the said Circular Order to be liable to punishment, or, whether the Prisoner should be tried for a simple theft under Section X Regulation I of 1825; and accordingly he requests the Judges of the Foujdaree Udalut will favor him with their opinion on the point.

2. The Judges of the Foujdaree Udalut consider the case to depend on whether or not the Prisoner was in legal possession when he made away with the property and on that point the Session Judge is competent himself to form an opinion from a review of the entire proceedings

Ordered that Extract from these Proceedings be sent to the Session Judge of Honore for his information and guidance.

(Sent in No. 481.

Read return dated 10th March 1846 from the Session Judge of Chittoor to the precept of the Foujdaree Udalut of the 7th idem conveying their remarks and orders on the Chittoor Calendar of Case No. 5 of 1846.

(Here enter F U No. 797 of 1846.)

The Court of Foujdaree Udalut having maturely considered the circumstances of the case as represented in the Calendar and in the above return, sanction the mitigated punishment recommended by the Session Judge of Chittoor and accordingly direct that the prisoner,

"Bodegadoo"

be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 8 years.

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

(Sent following precept No. 482.) Read

Read Criminal Reports under date the 10th Instant, submitted by the Principal Sudr Ameen of Coimbatore for the Month of February 1846.

(Here enter F. C. No. 835)

Report No. V. Case No. 33. 1. The non transmission of the Witnesses in this Case together with the Prisoners to the Sub Officer of Police; the delay on the part of that Officer in proceeding to visit the Prosecutor's Hut; the reference made by him to the Head of District Police and that made by the latter Officer to the Magistrate; and the delay which occurred in the transmission of the Magistrates reply; all these points required to be fully explained.

Cases Nos. 33 40 and 43. 2 The Court of Foujdaree Udalut seeing reason to question the propriety of the manner in which these cases have been disposed of resolve to direct the Acting Session Judge to call up the records and to pass such orders as he may think proper reporting the same for the information of the Foujdaree Udalut.

Cases Nos. 34 and 40. 3 With reference to the acts charged against the Prisoners in these Cases, the Court

S. U.

31st March 1846.

Court of Foujdaree Udalut consider the heading ("Maiming and Wounding") affixed to the Statement of the charge inappropriate and they accordingly direct that the term "Assault" be substituted in its stead.

Case No. 36. 4 Assuming that the Prisoners in this Case were apprehended by an Officer of Village Police, the Court of Foujdaree Udalut observe an infraction of the provisions of Section V Regulation XII of 1816 which requires explanation.

Case No. 38. 5 The Court of Foujdaree Udalut desire to be informed where the Prisoners in this Case were detained from the 8th of February, the date of their apprehension to the 13th idem that of their appearance before the Head of District Police.

6 The Court of Foujdaree Udalut observe that this explanation should have been called for by the Criminal Court.

Case No. 39. C. O. No. 62. 7 Adverting to the rule laid down in the Circular Order noted marginally the Court of Foujdaree Udalut desire to be informed of the nature of the reference made in

in this Case to the Magistrate by the Head of District Police and they also require an explanation of the delay of six days in its transmission.

Case No. 44. 8. The Magistrate will be pleased to states for the information of the Court of Fouzdaree Udalut on what grounds he considered it necessary to order the transmission of this Case to the Criminal Court.

9. The Court of Fouzdaree Udalut desire that the Acting Session Judge will in communication with the Medical Officer state for their information the apparent causes of the mortality which has prevailed in the Jail under his charge during the period embraced in these Reports.

Ordered that Extract from these Proceedings (paras 2 and 9) be sent to the Acting Session Judge of Coimbatore for his information and guidance by precept, returnable within 10 days from and after its receipt.

(Sent following precept No. 483.

Ordered also that Extract from

from these Proceedings be sent to the Principal Sudr Ameen for his information and guidance, and for communication of paras. 1, 4, 5, 7 and 8 to the Magistrate for the information and guidance of that Officer, and for report direct to the Fouzdaree Udalut by precept, returnable within 10 days from and after its receipt.

(Sent following precept No. 484.

Read Criminal Reports under date the 11th March 1846 submitted by the Agent to the Governor of Fort St. George at Vizagapatam for the Month of February 1846.

(Hereunto F. U. No. 886)

Case No. 5. With reference to the nature of the offence charged against the prisoner in this Case the Court of Fouzdaree Udalut observe that the term "Theft" should have been affixed as heading to the Statement of the charge, which they desire may be amended in conformity to the foregoing remarks.

Ordered that Extract from these Proceedings be sent to the Agent to the

the Governor of Fort St. George at Kurnool for his information and guidance.

(Sent in No. 485.

Read Calendar of Cases No. 12 of 1846 submitted by the Session Judge of Cuddapah under date the 5th Instant.

(Here enter F. U. No. 764 of 1846)

Read report dated 28th February 1846, submitted by the Principal Sudr Ameen in charge of the Session Court of Coimbatore, of Convict Labour for the month of February last.

(Here enter F. U. No. 774 of 1846.)

Read return dated the 3d Instant from the Principal Sudr Ameen of Vizagapatam to the precept of the Tondaree Adalut under date the 23d Ultimo, conveying their observations on the Criminal Reports for the Month of January 1846.

(Here enter F. U. No. 778 of 1846)

The

1. The Register lays before the Court the following Statements drawn up in his Office from the Returns received thro' the Session Courts, exhibiting the operations of the Village and District Police, and the Magistracy, of the Subordinate Criminal Courts and of the Courts of Session respectively; he also submits an Abstract of the operations of the Tondaree Adalut from the 1st of July to the 31st December 1844 according to the forms approved by Government.

(Here enter No. 1 to 9.)

Statements Nos. 1 and 2. Village Police.

2. Statement No. 1, with the details in No. 2, exhibits the number of persons summoned before the Village and District Police and the Magistracy, for Petty Offences punishable by themselves, together with the number of acquittals and convictions, and the nature of the punishments inflicted.

3. The total number of persons brought before the Village Police, together with the number acquitted or convicted of Petty

Petty offences, as compared with the preceding half year, or from the 1st of January to the 30th June 1844, is as follows.

Persons Summoned	Persons acquitted		Persons Punished
	After investigation	Without investigation upon Payment	
From the 1st of January to the 30th June 1844 — 4513	568	692	3253
From the 1st of July to the 31st December " — 4264	643	877	2744

4. Of the 2744 persons punished by the Village Police, 2225 were confined in the Village Choultry and 519 in the Stocks.

5. Complaints for Petty Assaults or Affrays constitute the great majority of the cases which came under cognizance by the Village Police.

6. Out of 4264 persons brought before them, 3688 were charged with Petty Assaults or Affrays, and 576 with Petty theft; of the former 2269 were punished, of the latter 473.

7. In the District of Vizagapatam the Village Police do not appear to have exercised during the half year under review, their judicial

judicial powers in petty Criminal Cases.

(District Police) 8. The total number of persons brought before the District Police from the 1st July to the 31st December 1844, for Petty Offences punishable by themselves, was 66453; besides whom there were also 1441 persons whose cases were not disposed of at the date of the last report, forming a total of 67,894.

9. The number of persons summoned in the preceding half year and those under examination before the District Police at its commencement was 6084.

10. Of the 67,894 persons brought before the District Police during the half year under review, 22683 were acquitted, against 679 of whom the charge was considered to be wilfully false and malicious, and 24987 were discharged on a mutual settlement of their dispute, or without investigation, for default or other cause.

11. The total number of persons convicted and punished by the District Police, was 16941 without reference to the Magistracy

Petty offences, as compared with the preceding half year, or from the 1st of January to the 30th June 1844, is as follows.

Persons Summoned	Persons acquitted		Persons Punished
	after investigation	without investigation upon Reasonable cause	
From the 1st of January to the 30th June 1844 — 4513	568	692	3253
From the 1st of July to the 31st December " — 4264	643	877	2744

4. Of the 2744 persons punished by the Village Police, 2225 were confined in the Villag Choultry and 519 in the Stocks

5. Complaints for Petty Assaults or Affrays constitute the great majority of the cases which come under cognizance by the Village Police.

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7. In the District of Vizagapatam the Village Police do not appear to have exercised during the half year under review, their judicial

judicial powers in petty Criminal Cases.

(District Police) 8. The total number of persons brought before the District Police from the 1st July to the 31st December 1845 for Petty offences punishable by themselves, was 6645; besides whom there were also 1441 persons whose cases were not disposed of at the date of the last report, forming a total of 67,894.

9. The number of persons summoned in the preceding half year and those under examination before the District Police at its commencement, was 67894.

10. Of the 67,894 persons brought before the District Police during the half year under review, 22683 were acquitted, against 679 of whom the charge was considered to be wilfully false and malicious, and 2487 were discharged on a mutual settlement of their dispute, or without investigation, for default or other cause.

11. The total number of persons convicted and punished by the District Police, was 16941 without reference to the

Magistracy

Magistracy, and 1835 after reference to that authority, making a total of 18776; and 1148 are entered as under examination at the close of the report.

12. Of the persons punished by the District Police 13287 were fined, 5276 confined in the Choultry with or without labor, 124 in the Stocks, and 89 were flogged by order of the Magistrate on reference made to that authority under the provisions of Clause second, Section III, Regulation II of 1821.

13. The sum remitted to the Magistracy on account of the 13,287 persons fined by the District Police was Rupees (12,219-4-4) twelve thousand two hundred and nineteen, and one anna and three four-

Magistracy.

14. Before the Magistracy there was brought for Petty Offences in the period under review, 3831 persons, and there were also before them 115 whose cases had not been disposed of at the close of the last report, making a total of 3946; of these 1908 were acquitted, against 42 of whom the charge was considered wilfully false and malicious; 632 were discharged

discharged on a compromise of their differences; 1338 were convicted and punished, 881 by fine, 408 by imprisonment, 49 by flogging, and 68 were under examination at the close of the report.

15. During the half year now reported on, 184 persons being Police Officers, were charged with abuse of authority; there were also 3 before the Magistracy whose cases had not been disposed of at the close of the last report, making a total of 187, of whom 125 were acquitted, 53 punished, 45 by fine, 8 by imprisonment and 9 were under examination.

Crimes and Misdemeanors

Statements Nos 3 & 4.

16. The Statements Nos 3 and 4 exhibit the operations of the District Police and Magistracy with respect to all crimes and misdemeanors not punishable by themselves, but by the Superior Tribunals.

17. By the first of these Statements it appears that the number of Crimes committed during the six Months under review

was

was 4313, in which 12,901 persons are supposed to have been concerned being 573 cases more than in the preceding six months.

18. Of 12901 persons supposed to have been concerned in the cases ascertained to have occurred during the period under review, 6033 individuals, it is calculated have escaped apprehension, the number is thus 775 more than are supposed to have eluded apprehension during the previous half year.

19. It will also be seen that the total number of cases brought before the Magistracy during the half year under observation is 279, including 938 persons, of which 51 Cases and 121 persons were disposed of by the Magistrates under Section LIV Act VII of 1843.

20. In the Districts of

Coimbatore
Masulipatam
Nellore
Rajahmundry
South Arcot

and

Vizagapatam

no cases were disposed of by the Magistracy under the authority vested in Magistrates by the Act abovementioned.

21. The Court now proceed to take into consideration the Annual Reports submitted by the several Magistrates on the state of the Police in their respective Districts.

22. The Reports from the Heads of Police, required by the 53d para: of the Despatch from the Honorable the Court of Directors, under date the 17th October 1831 are considered by the Court not to require observation with reference to the authority of Government recently received for their discontinuance, and therefore they are not submitted on the present occasion.

Syt: Minr: of Con: dated 5th Novr: 1845 No: 813.

Zillah Guntoor.

23. The reports from this Zillah do not call for particular observation.

24. The Session Judge has remarked

31st March 1846.

remarked in respect of the number of crimes committed in 1844 being in excess of those committed in 1843, by 218, that it is a very large increase, but that he is of opinion that it is only an apparent and not an actual increase of crime and that the cause of this apparent increase is that assigned by the Acting Magistrate, Mr. Daniel White who thinks that it may be ascribed to the active exertions on the part of the Native Heads of Police in discovering, and reporting, with more punctuality than formerly, every case which occurs in their respective divisions.

25. The Tondiarpet Udalut have nothing on record to justify a contrary supposition, and under the testimony borne by the Session Judge to the exertions for the improvement of the Police of the District which have been made by the late Acting Magistrates Messrs. Lockhart and White, the Court trust the Session Judge's impression will prove to be well founded.

26. The Court further trust that the orders stated to have been issued by the Acting Magistrate for the early disposal of the 334 cases remaining

remaining on the Files of the Police Officers at the close of the 1st half of 1844, have been effectual in bringing them to a speedy issue.

27. It is observed that the serious delays occurring before the Police Officers of this Zillah have attracted the notice of Government and that a Special Report has been called for, should they continue.

Mins. of Con: dated 30th June 1845

28. The attention of the Magistracy is therefore earnestly requested to the necessity of urging the Heads of Police under their authority to close and unremitting zeal in this important branch of their duties.

29. The aggregate of the deaths by accidental or intentional drowning, amounts during the entire year 1844, to 105.

30. The Court hope that the reports received from the local police authorities in regard to cases of the above nature, are carefully scrutinized in view to prevent their being attributed to other than the real causes.

Vellore paras 10 and 11.

31. In the 9th and 10th paras of the Session Judges report at is proposed to vest

the

the Police authorities with power to send up both parties as offenders against the public peace, to be prosecuted by the Vakeel of Government, in every case when an act of violence has been in reality provoked by any improper conduct of the person complaining of it.

32. The Foujdaree Adalut are of opinion that it is unnecessary to make any general rule in respect of such cases, the laws in force being, they consider, plain and sufficiently well calculated to meet them

para 12. 33. The suggestion of the Session Judge that the "forms prescribed by the Courts Circular Orders should be inserted in any new Edition of those orders which may be in contemplation, appears to deserve attention and will be communicated for the information of Mr. Pharoah the publisher of the late Edition who, it is understood, is now on the point of preparing a new one.

Masulipatam. 34. The Report received from the Magistrate in this Zillah does not appear to

to require any remark from the Foujdaree Adalut- neither does the Report from the Magistrate of Rajahmundry further than that the number of Suicides by drowning seems to be excessive and to demand explanation whether the cases thus designated may not be instances of violent death, covered by an erroneous denomination.

Rajahmundry.
Males- 13
Females- 69
82

35. The Session Judge will accordingly be pleased to call upon the Magistrate to make such further enquiries as the circumstances of any of the cases referred to may appear to require.

Chicacole para 6. 36. In this para: an opinion is recorded by the Session Judge in respect of the inadequate monthly remuneration granted to Peons in Zillah Chicacole.

37. The Court of Foujdaree Adalut do not view the subject in the same light as the Session Judge, it being clear to them that the pay allowed to such officers is ample, when the price of provisions is considered comparatively with their cost in the more Southern Districts.

The

31st March 1846

Vizagapatam and Ganjam. 38 The reports from the Magistrates of these Districts have been submitted by the Session Judge of Zillah Chicacole in which they are both comprised.

39 The Tondaree Udalut have already expressed themselves opposed to the reintroduction of the rattan as an instrument for the infliction of corporal punishment, instead of the Cat of 9 tails, and are by no means prepared now to concur with the late Acting Magistrate of Ganjam, Mr. Smollett, in his proposition to resort to the use of the rattan; or to agree with him in the propriety of empowering Native Heads of Police, of their own authority, to carry into effect with the rattan, sentences involving flogging.

para: 7. 40. In respect of the Acting Magistrate's remarks regarding the advisability of appointing in this Presidency Commissioners of Revenue and Circuit, on the supposition that the system has answered well in Bengal and Bombay, the Judges of the Tondaree Udalut do not find that they are enabled to offer an opinion, founded

founded on information contained in their official records, and they are not prepared to support the suggestion on any other grounds.

Canara 41. The Report from the Magistrate of this District for the period under review, has been submitted to the Judge of the Session Court of Mangalore; but it will be observed para: 2 from that Officer's report, that arrangements have been made by the Tondaree Udalut for receiving future Half-yearly Reports for the portions of the province placed under the separate jurisdiction of the Judges of Mangalore and Honore, from those functionaries respectively.

para: 6 42. The Tondaree Udalut entirely concur in the opinion of the late Acting Magistrate and the Session Judge regarding the necessity of locating an Ameen of Police at Coompta and of appointing at Honore a Cutwal, with the establishments proposed for the two offices; but the Court observe that any suggestion of the nature in question should

should be brought to notice in a distinct communication, with reference to the late orders of the Supreme Government of India laying down precise rules for observance whenever an increase of Establishment may be applied for. Independently of those rules, the Tarparee Udalut consider it objectionable to mix up in a report on the Magisterial and Criminal operations of the year, suggestions of the kind under remark, which according to the existing practice of the Tarparee Udalut cannot be finally disposed of before the Reports of the several Zillahs within the Courts jurisdiction are submitted to the Government, and in respect of which, consequently, no conclusive order can be despatched to the local authorities, until many months after the suggestions may have been submitted by them.

43. The Session Judge is accordingly requested, in communication with the Magistrate of Mangalore, to arrange for the transmission through the proper department in the prescribed form of the application required

31st March 1846

required before sanction can be obtained for the proposed increase of Establishment.

para: 7. 44. The Tarparee Udalut are not prepared to support the modification of the existing law which is contemplated in paras. 6 and 18 of the Joint Magistrate and Acting Magistrates Reports, by conferring on the Magistracy and Sudr Ameens at detached stations, the power of punishing the offences described in Clause fourth, Section III. Regulation XII of 1822, under the provisions of Section XII Regulation X of 1816; neither would the Court after it and vest in Heads of Police the power of committing to the Courts parties guilty of giving false evidence before themselves or of suborning the same

para: 8.

para: 10 45. The Court feel satisfied that an adequate reward would be granted by the Government to the persons concerned in saving the lives of individuals in danger, on the case being well authenticated and laid before them with a recommendation from

from the local authorities; but the Court agree with the Session Judge in thinking that legislature on such a subject would be altogether nugatory.

Malabar 46 The Magistrate of Malabar has remarked that the increase of 316 cases in the year under review does not appear to have been produced by any great excess in crimes of a serious nature. The Court of Foujdaree Udalut regret however, to observe that 45 cases of Murder and 114 of wounding appear in the Statement submitted by the Magistrate, thus showing in respect of the first mentioned crime an excess of above the number reported to have occurred in 1843.

Session Courts of Tellicherry & Honore 47 The Court see nothing calling for remark in the reports received from the Session Judges of Tellicherry and Honore whose observations under the circumstances stated in para: 41 are necessarily entitled to the results of the Criminal operations of their own Courts.

Chingleput 48 The Court agree with the Session Judge

Judge of Chingleput that the Statements received from the Magistrate call for observation only in respect of the number of accidental deaths caused by falling into wells and they resolve to act upon the Session Judge's suggestion to the extent of requiring the Magistrates generally, to ascertain what wells within their respective jurisdiction have not been enclosed by a wall and to arrange in respect of all such being adjacent to a public thoroughfare for the immediate enforcement of the provisions of Section II Act XXI of 1841.

49 In respect of wells which are not so situated, the Court do not find that it is competent to the Magistracy to compel under a penalty, the proprietors thereof, so to fence them in as to prevent any risk therefrom; but it is obvious that the local influence of a Magistrate and his Subordinates when properly applied, will go far to induce the inhabitants to adopt such measures of a preventive nature as may be required

required where wells are not adjacent to a public thoroughfare; and to this effect their opinion will be communicated for the information of the Magistracy.

Chittoor

50. Although a report on the state of the roads or indeed any part of them may not, strictly speaking, be within the limit of a Session Judge's duty when reviewing the Magisterial operations of the Zillah, the Court of Foujdaree Adalut do not consider that they would be justified in keeping from the notice of the Government the statement made by the Session Judge, Mr Lavie, in regard to the wretched condition of the road between Vellore and Chittoor and the latter place and Arcot.

para: 11

Cuddalore para 7 Mag.te Report

51. The Judges of the Foujdaree Adalut are of opinion with the late Acting Session Judge and the Magistrate, that it is extremely desirable a repetition of the experiment made at the private cost of the latter officer to search the Jungles in a particular Talook for the discovery of gang robbers should be officially sanctioned, and that he should be

be permitted for that purpose, to entertain an Extra Duffadar and 12 Peons on the salaries proposed in para: 8 of the Magistrate's Report; but in this instance, as in that noted in a former part of these proceedings, the Court observe that under existing rules, the Magistrate's application should be accompanied by the Form prescribed by the Government of India for general guidance, on the receipt of which the Court will be prepared to transmit it to the Government for sanction.

para: 12

52. The concluding para: of the Magistrate's Report has reference to a suggestion formerly made by him in regard to remunerating Village officers by fixed salaries, or by the grant of Manniam lands; as the subject is believed to be still under consideration before the Board of Revenue or the Government, the Court of Foujdaree Adalut do not feel that it is again necessary to repeat the opinions which at different periods have been submitted for the consideration of Government.

The

31st March 1846

Cuddapah para: 7 Sess: Judge's Report

53. The increase during the year 1844, in the number of heinous crimes, viz: 4 cases of robbery with murder and 42 cases of Gang robbery, is stated by the Session Judge, Mr. Inglis, to be, in his opinion, no more than was to be anticipated from the number of desperate characters who escaped from Jail in the beginning of the year. The Foujdaree Udalut cannot but hope that the Session Judge's view may be correct, the more especially that a general reduction in the extent of crimes of the above mentioned nature, may be expected, consequent on the withdrawal to their own Jails, of the numerous gangs of Convicts, who, until recently, were worked on the Great Western and other roads under superintendence which, the Court believe, offered far more chances of escape than will now be afforded.

para: 9 54. The Session Judge is considered by the Court to have pointed out a proper mode by which the subdivision of severed lands may gradually be effected. He has also, the Court think

think, suggested an unobjectionable manner of rewarding, under the operation of Section X, Regulation XIII of 1832, any meritorious exertions on the part of Peons, whose services in extraordinary cases involving wounds or serious hurts, would doubtless, as the Session Judge remarks, be treated with liberality when brought to the notice of the Government through the usual channel of this Court.

para: 11. 55 The Judges of the Foujdaree Udalut fully concur in the view taken by the Session Judge of the comprehensive signification due to the term "Sirdar" under the circumstances which he has supposed.

56. The reports from Zillahs Bellary, Madura, Salem, Combatore and Tinnevelly and from the Agents to the Governor in Ganjam and Vizagapatam do not call for separate observations.

Bellary
Madura
Salem
Combatore &
Tinnevelly
Agents in Ganjam and Vizagapatam

Combaconum. 57 The Foujdaree Udalut are unable to adopt the view entertained by the Session Judge of this Zillah, in regard

to

31st March 1846

Cuddapah
para: 7 Sess: Judge's Report.

53. The increase during the year 1844, in the number of heinous crimes, viz: 4 Cases of robbery with murder and 42 Cases of Gang robbery, is stated by the Session Judge, Mr. Inglis, to be, in his opinion, no more than was to be anticipated from the number of desparate characters who escaped from Jail in the beginning of the year. The Foujdaree Udalut cannot but hope that the Session Judge's view may be correct, the more especially that a general reduction in the extent of crimes of the above mentioned nature, may be expected, consequent on the withdrawal to their own Jails, of the numerous gangs of Convicts, who, until recently, were worked on the Great Western and other roads under superintendence which, the Court believe, offered far more chances of escape than will now be afforded.

para: 9.

54. The Session Judge is considered by the Court to have pointed out a proper mode by which the subdivision of service lands may gradually be effected. He has also, the Court think

F. U.

31st March 1846.

think, suggested an unobjectionable manner of rewarding, under the operation of Section X, Regulation XIII of 1832, any meritorious exertions on the part of Peons, whose services in extraordinary cases involving wounds or serious hurts, would doubtless, as the Session Judge remarks, be treated with liberality when brought to the notice of the Government through the usual channel of this Court.

para: 11.

55. The Judges of the Foujdaree Udalut fully concur in the view taken by the Session Judge of the comprehensive signification due to the term "Serdar" under the circumstances which he has supposed.

Bellary
Madura
Salem
Coimbatore &
Tinnevelly
Agents in Ganjam and Vizagapatam.

56. The reports from Zillahs Bellary, Madura, Salem, Combatore and Tinnevelly and from the Agents to the Governor in Ganjam and Vizagapatam do not call for separate observations.

Combaconum.

57. The Foujdaree Udalut are unable to adopt the view entertained by the Session Judge of this Zillah, in regard

to

to the efficacy of Tom Toms and Horns in creating intimidation to thieves and keeping the inhabitants on the alert, and would not press upon the local Magistracy the adoption of any such measure as the Session Judge suggests.

para: 17 58 The Court in their proceedings dated 19th June 1845, explained for the information of the Session Judge, in what manner it was competent to the local authorities to treat parties concerned in aiding and abetting individuals preferring false and malicious complaints.

Trichinopoly 59 The evils arising from the inefficiency of the Village Police in this District as represented by the Magistrate, Mr. A. P. Onslow, appear to the Court of Foujdaree Adalut to demand early notice, and the Judges therefore deem it not out of place to solicit the attention of the Most Noble the Governor in Council to the representation addressed to the Board of Revenue in respect of drawing up a plan for a reform of the Police of this

Zillah

Zillah, but of the result of which the Court are not aware that they have been informed.

60. The Court however, are not satisfied that the desired reformation could be secured in a better or more expeditious manner than by appointing a Commissioner for the express purpose of revising the Police and they resolve therefore respectfully to press upon the notice of the Government the arrangement to the above stated effect which was suggested by the late Acting 1st Judge of the Provincial Court of Circuit for the

Circuit report for the 1st Sess: 1840

Centre Division in the report noted marginally.

61. (David Pillay, the Head of Police in respect of whose slipperiness, the Magistrate of Trichinopoly has recorded his opinion in para: 13 of his report was it is observed, recently removed from office under authority from Government.

Supt: Mins: of Con: dated 23d Sept: 1845 No. 1130.

62. The views of the Agent regarding the measure of punishment which should be meted out to the Witnesses in cases of

Agent to the Govr. in Tinnevelly.

false

false complaint, render it necessary to
furnish to that Officer a transcript of the
dated 19th June 1845. para 4. Courts proceedings recorded on remarks
of a similar nature received from the Session
Judge of Combaconum under date 26th February
1845.

63 Adverting to the several Requisitions
which have been addressed to the Court of
Foujdaree Adalut to furnish their opinion
of the working of the judicial system as
modified by Act VII of 1843, the Judges feel,
with the very limited experience of which
they have been enabled to acquire since its
first introduction, that any opinion they
might now offer would be entitled to but
little weight. It is obvious that as respects
rapidity in the disposal of trials coming
before the Session Courts, an improvement
has been effected over the tardy proceedings
of the abolished Courts of Circuit, but
beyond the expression of their sentiments
on that point the Judges are not satisfied
that they would be justified in declaring
their

their view of a change which it appears to
them can be fully and properly appreciated
only by the aid of greater experience and more
extensive data than those furnished by the
operations of fifteen months. They therefore
respectfully beg leave to defer recording
their sentiments lest future results
prove them to have been premature.

Statements Nos 5 and 6. Subordinate Criminal Courts. 64 Statement No. 5, with the
details in No. 6, exhibits the operations of the
Subordinate Courts from the 1st July to 31st
December 1845.

65 The total number of Cases brought
before those tribunals during the above period,
inclusive of those not disposed of at the close
of the preceding report, is 1642, including 3449 prisoners.

66 In the preceding half year the
total number of Cases brought before the same
tribunals was 1501, including 3333 prisoners being
an increase in the half year under review of 141
Cases and 116 prisoners.

67. Of the Cases brought and depending
before the Subordinate Courts, 78 were Cases of
Murder

Murder, 40 of Culpable Homicide, 12 of Robbery and Murder, 3 of Poisoning, 100 of Gang Robbery attended with aggravating circumstances, 65 of Gang Robbery without aggravating circumstances, 30 of Robbery by a single individual, 34 of House breaking by day, 275 of House breaking by night, 188 of Theft, 64 of receiving stolen goods, 23 of Arson, 18 of Rape, 6 of Adultery, 14 of Procuring abortion, 20 of Forgery, 46 of Perjury, 123 of Maiming and Wounding, 98 of a Breach of Revenue Laws, 94 of Cattle Stealing Killing or Wounding, 1770 of Assault, 69 of False and Malicious accusations &c. &c.

68. Of the 3449 prisoners brought before the Subordinate Courts,

69. In cases adjudicable by those Authorities.

589 were released unconditionally.

Against 9 of whom the charge was considered wilfully false & malicious.

82 were released on Security.

30 were detained on demand of Security.

971

971 were convicted and punished in cases cognizable by the Subordinate Criminal Courts.

70. In cases cognizable by the Session Courts,

390 were released by the Subordinate Courts

against 13 of whom the charge was considered wilfully false & malicious.

52 were released on Security.

48 were detained on demand of Security

1166 were committed for trial.

114 were under Examination.

7 admitted as approvers.

3449

71. Of the 971 persons who were convicted and punished by the Subordinate Courts.

599 were imprisoned

261 were fined

3 were flogged

53 were imprisoned and fined

55 were imprisoned and flogged

971

The

72. The number of persons convicted and punished by the Subordinate Courts in the preceding half year was 910, the number committed was 935, and the number unconditionally released in cases either punishable by themselves or the Courts of Session was 1161.

73. The report required in para 4 of the Minutes of Consultation under date the 24th October 1839 No. 853 and submitted by the Session Judges regarding the manner in which the Sudr Ameens have exercised the Criminal jurisdiction conferred upon them by Regulation III of 1833, shew that generally they have exercised their duties as Criminal Judges satisfactorily.

Statements No. 7 & 8. Courts of Session

74. The Statements Nos. 7 and 8 exhibit the operations of the Session Courts from 1st July to 31st December 1844.

75. The cases of every description which came before those Courts during the six months under review, were 526, including 1326 persons, being 189 persons more

more than were arraigned in the Session Courts during the 1st half of the year 1844.

76. Of the 1326 persons who were committed for trial, 384 were released unconditionally, of whom 35 were considered to have been falsely and maliciously accused, 187 were released on Security, 480 were convicted and punished.

77. Of these latter

11 were flogged and imprisoned for a term exceeding 7 years.

23 Ditto Ditto for a term not exceeding 7 years.

123 were imprisoned for a term exceeding 7 years without flogging

317 were imprisoned for 7 years and under without flogging

3 were fined and imprisoned.

3 were fined & discharged.

78. There were 97 cases including 185 prisoners referred to the Foujdaree Adalut.

27 cases containing 60 prisoners remained undisposed

undisposed of by the Session Courts at the close of this report, 17 prisoners were returned to the Subordinate Criminal Courts to be there disposed of, 2 prisoners were returned to the same Courts in view to the charge against them being further investigated, 6 prisoners were discharged from the bar, 2 prisoners died, 1 prisoner was returned to the Magistrate, the offence having been committed on the Island of Bombay and 2 Prisoners escaped before trial.

79. The greatest number of cases brought before the Session Courts during the period under observation was at

Cuddapah 68 of which 13 Cases were referred to the Foujdaree Adalut
Mangalore 42 ... do ... 6 ... do ... do
Cuddalore 41 ... do ... 6 ... do ... do
Madura 41 ... do ... 4 ... do ... do
Combaconum 39 ... do ... 4 ... do ... do
Chittoor 36 ... do ... 6 ... do ... do
Calicut 34 ... do ... 7 ... do ... do

Trichinopoly 27 ... do ... 5 ... do ... do
Bellary 26 ... do ... 5 ... do ... do
Nellore 25 ... do ... 9 ... do ... do
Tinnevelly 20 ... do ... 3 ... do ... do
Coimbatore 20 ... do ... 4 ... do ... do
Tellicherry 20 ... do ... 2 ... do ... do

80. Of the 97 Trials referred to the Foujdaree Adalut by the Session Courts, the Futwahs delivered by their Law Officers were concurred in by those tribunals in 52 trials, but the nature of the offences made the trials of necessity referrible, and 45 Cases were referred because the Session Judges did not approve of the Futwahs of their Law Officers.

Statement No. 9 exhibits the

Statement No. 9. Foujdaree Adalut.

81. operations of the Foujdaree Adalut during the 2d half of the year 1846.

It shews that at the date of the

82. last report, there were 3 Cases including 6 prisoners, which had not been disposed of, and that there were received during the half year, 85 Trials including 166 prisoners, making together 88 Trials and 172 prisoners, whereof

45

31st March 1846.

45 were Trials for Murder, 1 a Case of Culpable Homicide, 3 Cases of Robbery and Murder, 1 Case of Accessary to Murder, 1 Case of Poisoning, 1 Case of Manslaughter, 1 Case of Wounding with intent to commit Murder and Robbery, 2 Cases of Wounding and Robbery, 1 Case of Assault and Wounding, 2 Cases of Maiming and Wounding, 3 Cases of Rape, 7 Cases of Gang Robbery attended with aggravating circumstances, 6 Cases of Gang Robbery without aggravating circumstances, 2 Cases of Arson, 1 Case of Highway Robbery and conniving at the escape of a Prisoner, 1 Case of Burglary, 1 Case of Forgery, 2 Cases of Perjury, 1 Case of Subornation of Perjury, 1 Case of House breaking by night and Robbery, 3 Cases of Theft, 1 Case of uttering Counterfeit Coin, and 1 Case of concealing the birth of a Child.

83. Of the 88 Trials, 84 were disposed of within the half year under report, leaving 4 Cases undisposed of at the close of the Report.

84. Of the 84 Cases containing 163 prisoners in

F. C.

31st March 1846.

in which the Court of Fouzdaree Udalut proceeded to judgment.

20 Prisoners were released unconditionally
9 were ordered to be released on security
132 were convicted and sentenced to punishment
2 were returned to the Session Judge to be disposed of in the Session Court.

163.

Of the 29 Prisoners 23 were considered Convicted by the Session Judge All of whom were convicted by the Session Judge.

85 Of the 132 prisoners convicted.

23 were sentenced to suffer death.
6 Flogged and Transported.
33. Transported without flogging.
2 Flogged and imprisoned for more than 7 and not more than 14 years.
38 Imprisoned for more than 7 and not more than 14 years without flogging.
30 Imprisoned for 7 years and under, without flogging.
132

86. In conformity to the instructions contained in the 22d para: of the Extract from the Minutes of Consultation under date the 8th of August 1834, the Judges beg leave to explain that out of the 36 Cases referred to the Fouzdaree Udalut because the presiding Judge disapproved of the Futwa of the Law Officer, the decision of the Session Judge was affirmed by the Fouzdaree Udalut

Udalut in 26 Cases.

87 The subjoined Statement supplies the information required by the Honorable the Court of Directors in the 41st Para. of their General Letter under date the 20th March 1833 as to the "number of sentences passed by each Judge of the Zillah Udalut whether sitting singly or whether more than one Judge be present."

C. J. Casamajor Esqre	2d and Acting 1st Judge	3	15	Singly & Conjointly	Attached to this Court from 1st July to 23d August 1844
H. Dickinson Esqre	1st Judge	4	18	"	4th Octr to 31st Decr
M. Lewis Esqre	3d and Acting 2d Judge	7	47	During the whole period	
A. Maclean Esqre	Acting 3d Judge	12	52	D°	D°

88 A Statement is also transmitted shewing what number of referrible Trials have actually been referred to the Zillah Udalut within the period under review, and what has been the average number of days delay in the disposal of those Trials, as required by the 33d para. of the General Letter from the Honorable the Court of Directors dated 20th of March 1833.

89 With reference to the instructions contained in Para 18 of the General Letter from the Honorable the Court of Directors dated 19th February 1840,

1840, the Judges beg to submit two Statements marked **A** and **B** shewing the extent to which the Magistrates have themselves discharged their Police duties, and how far it has been delegated by them to their Assistants, and in accordance with the Honorable Court's further instructions conveyed in para. 1 of their letter dated 30th December 1842, the Judges beg also to forward a Statement marked **C** shewing the extent and degree of Supervision and Control exercised by the Magistrates over the Proceedings of their Assistants.

90 The Statement marked **D** shewing the number of Cases forwarded to the Criminal Courts by each Head of Police, and the manner in which they were disposed of is also submitted, in obedience to the orders conveyed in para. 20 of the Extract from the Minutes of Consultation dated 30th June 1845.

91 Accompanying the Statements submitted for the consideration of Government will be found Statements in Abstract exhibiting the State of Crime during the 2d half

Udalut in 26 Cases.

87 The subjoined Statement exhibits the information required by the Honorable the Court of Directors in the 41st Paras. of their General Letter under date the 20th March 1833 as to the "number of Sentences passed by each Judge of the Zillahs "Udalut whether sitting singly or whether more "than one Judge be present."

Gr. I. Casamajor Esqre	2d and Acting 1st Judge	3	15	Sudr Committy. Attached to this Court	
H. Dickinson Esqre	1st Judge	4	18	From 1st July to 23d August 1844	
M. Lewin Esqre	3d and Acting 2d Judge	7	47	4th Octr to 31st Decr	
A. Maclean Esqre	Acting 3d Judge	12	52	During the whole period	

88 A Statement is also transmitted shewing what number of referrible Trials have actually been referred to the Zillahs Udalut within the period under review, and what has been the average number of days delay in the disposal of those Trials, as required by the 33d para: of the General Letter from the Honorable the Court of Directors dated 20th of March 1833.

89 With reference to the instructions contained in Para: 8 of the General Letter from the Honorable the Court of Directors dated 19th February 1840,

1840, the Judges beg to submit two Statements marked **A** and **B** shewing the extent to which the Magistrates have themselves discharged their Police duties, and how far it has been delegated by them to their Assistants, and in accordance with the Honorable Courts further instructions conveyed in para: 1 of their letter dated 30th December 1842, the Judges beg also to forward a Statement marked **C** shewing the extent and degree of Supervision and Controul exercised by the Magistrates over the Proceedings of their Assistants.

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91 Accompanying the Statements submitted for the consideration of Government will be found Statements in abstract exhibiting the State of Crime during the 2d half

half of 1845 in the separate tracts of the Vizagapatam, Ganjam and Kurnool Districts placed under the jurisdiction of the Government Agents.

92. The Judges on this occasion also beg permission to submit the report not arranged in alphabetical order, because previous to the receipt of the instructions of Government on the point the Statements had been partly filled in, and the strength of the Sheristadars Department of the Registers Office is so utterly insufficient for the mere duties thrown on it under the existing system that it was deemed inadvisable to begin the labor of preparation de novo.

93. The Judges beg to state that the submission of their Report has been delayed by the tardiness with which the required reports were forwarded by the Magistrates of Ganjam and Vizagapatam - by the necessity of returning for revision by the Session Judges Statements Nos 1 - 2 - 3 - and 4; by the necessity for procuring the new additional Statement required in the

Extract from the Minutes of Consultation dated (marginally) and also by the inadequate means at the Registers disposal for the examination and check of the returns and statements now received from 20 different Session Courts with new Establishments instead of from the practiced and efficient Establishments of no more than 4 Provincial Courts of Circuit.

Ordered that Extract from these proceedings, together with Copies in Triplicate of all Statements and Reports connected therewith, be forwarded to the Secretary to Government in the Judicial Department, for the purpose of being laid before the Most Noble the Governor in Council

(Sent in No 486)

Ordered also that Extract from these proceedings (paras 23 to 30. 48 and 49) be sent to the Session Judge of Guntoor for his information and for communication to the Magistrate by precept returnable in 15 days from and after its receipt.

(Sent following) precept No 487.

Ordered

Ordered also that Extract from these proceedings (paras: 31-32-33-48 and 49) be sent to the Session Judge of Nellore for his information and for communication of paras 48 and 49 to the Magistrate by precept returnable in 15 days from and after its receipt.

(Sent following precept No. 488.

Ordered also that Extract from these proceedings (paras: 34-48-and 49) be sent to the Session Judge of Masulipatam for his information and for communication of paras 48 and 49 to the Magistrate by precept returnable in 15 days from and after its receipt.

(Sent following precept No. 489.

Ordered also that Extract from these proceedings (paras: 34-35-48 and 49) be sent to the Session Judge of Rajahmundry for his information and for communication to the Magistrate by precept returnable in 15 days from and after its receipt.

(Sent following precept No. 490.

Ordered also that Extract from

these proceedings (paras. 36-37-38-39-40-48 and 49) be sent to the Session Judge of Chicacole for his information and for communication of paras: 38-48 and 49 to the Magistrate of Vizagapatam and of paras 38-39-40-48 and 49 to the Magistrate of Ganjam by precept returnable in 15 days from and after its receipt.

(Sent following precept No. 491.

Ordered also that Extract from these proceedings (paras. 41-42-43-44-45-48 and 49) be sent to the Acting Session Judge of Canara for his information and for communication to the Magistrate by precept returnable in 15 days from and after its receipt.

(Sent following precept No. 492.

Ordered also that Extract from these proceedings (paras 46-48 and 49) be sent to the Session Judge of Malabar for his information and communication to the Magistrate by precept returnable in 15 days from and after its receipt.

(Sent following precept No. 493.

Ordered also that Extract from these

31st March 1846.

Ordered also that Extract from these proceedings (paras: 31-32-33-48 and 49) be sent to the Session Judge of Nellore for his information and for communication of paras 48 and 49 to the Magistrate by precept returnable in 15 days from and after its receipt.

(Sent following precept No. 488.

Ordered also that Extract from these proceedings (paras: 34-48 and 49) be sent to the Session Judge of Masulipatam for his information and for communication of paras 48 and 49 to the Magistrate by precept returnable in 15 days from and after its receipt.

(Sent following precept No. 489.

Ordered also that Extract from these proceedings (paras 34-35-48 and 49) be sent to the Session Judge of Rajahmundry for his information and for communication to the Magistrate by precept returnable in 15 days from and after its receipt.

(Sent following precept No. 490.

Ordered also that Extract from these

31st March 1846.

proceedings (paras. 36-37-38-39-40-48 and 49) be sent to the Session Judge of Chicacole for his information and for communication of paras. 38-48 and 49 to the Magistrate of Vizagapatam and of paras 38-39-40-48 and 49 to the Magistrate of Ganjam by precept returnable in 15 days from and after its receipt.

(Sent following precept No. 491.

Ordered also that Extract from these proceedings (paras. 41-42-43-44-45-48 and 49) be sent to the Acting Session Judge of Canara for his information and for communication to the Magistrate by precept returnable in 15 days from and after its receipt.

(Sent following precept No. 492.

Ordered also that Extract from these proceedings (paras 46-48 and 49) be sent to the Session Judge of Malabar for his information and communication to the Magistrate by precept returnable in 15 days from and after its receipt.

(Sent following precept No. 493.

Ordered also that Extract from the se

these proceedings (paras: 48 and 49) be sent to the Session Judge of Chingleput for his information and for communication to the Magistrate by precept returnable in 15 days from and after its receipt.

(Sent following precept No. 494.

Ordered also that Extract from these proceedings (paras: 48-49 and 50) be sent to the Session Judge of Chittoor for his information & for communication of paras 48 and 49 to the Magistrate by Precept returnable in 15 days from and after its receipt.

(Sent following precept No. 495

Ordered also that Extract from these proceedings (paras: 48. 49. 51 and 52) be sent to the Session Judge of Cuddalore for his information and for communication to the Magistrate by Precept returnable in 15 days from and after its receipt.

(Sent following precept No. 496.

Ordered also that Extract from these proceedings (paras: 48. 49. 53. 54 and 55) be sent to the Session Judge of Cuddapah for his information

information and for communication of paras (48 and 49) to the Magistrate by Precept returnable in 15 days from and after its receipt.

(Sent following precept No. 497

Ordered also that Extract from these proceedings (paras: 48. 49 and 56) be sent to the Session Judges of Bellary, Madura, Salem, Coimbatore and Tinnevelly for their information and for communication of paras 48 and 49 to the Magistrates by Precept returnable in 15 days from and after its receipt.

(Sent following precept No. 498.

Ordered also that Extract from these proceedings (paras: 48. 49. 57 and 58) be sent to the Session Judge of Combaconum for his information and for communication of paras: 48 and 49 to the Magistrate by Precept returnable in 15 days from and after its receipt.

(Sent following precept No. 499.

Ordered also that Extract from

from these proceedings (paras: 48. 49. 59. 60 and 61) be sent to the Session Judge of Tschinopoly for his information and for communication to the Magistrate by Precept returnable in 15 days from and after its receipt.

(Sent following precept No. 500.

Ordered also that Extract from these proceedings (paras: 48. 49 and 62) be sent to the Agent to the Governor of Fort St. George at Kurnool for his information and guidance by Precept returnable in 15 days from and after its receipt.

(Sent following precept No. 501.

Wednesday
14th April 1846.

No.

At a Court of the Foujdaree Udalut.

Present—

George J. Waters Esqre 1st Puisne Judge

Malcolm Leiren Esqre 2nd Puisne Judge

T.E.J. Boileau Esqre 3rd Puisne Judge

Read Criminal Reports under date the 28th February last submitted by the Subordinate Judge of Salem for the month of February 1846—

(Here enter F.M.C. No. 916)

Adverting to the rule laid down in the Circular Order noted marginally, the Court of Foujdaree Udalut observe that the reason assigned is altogether insufficient to justify the delay of 20 days which occurred in the transmission of this case to the Criminal Court.

Report V. V
Case No. 21
C.O. 14th January 1822.

Cases Nos. 28, 29. 2

The Court of Foujdaree Udalut desire to be furnished by the Magistrate with a report of the dates on which the Prisoners in these cases were severally apprehended, and with an explanation of the omission on the part of the Head of District Police to insert

Thursday ... 1st Court of the Tuticorin Adalut.

1st April 1846

1st April 1846

present the dates in question in the reports transmitted by him to the Criminal Court.

Cadjan No 30 27

With reference to the number of persons said to have been concerned in the commission of the offence charged against the prisoners in these cases, the Court of Tuticorin Adalut observe that the term "Conspiracy" should have been affixed as a heading to the statement of the charge.

Ordered, that Extract from these Proceedings be sent to the Subordinate Judge of Salem for his information and guidance, and for communication of paras 1 and 2 to the Magistrate, for the information and guidance of that officer, and for report direct to the Tuticorin Adalut by precept returnable within X days from and after its receipt.

(Sent following precept No 503)

Read return dated 11th February 1846 from the Acting Sessions Judge of Calicut, to the precept of the Tuticorin Adalut under date the 3rd idem, requesting the Acting Judge to state on what grounds he was enabled to decide that the enquiry conducted by the Principal Sudr Ameen in Cases Nos 9. 10. 11 and 12 on the Calendar for 1845 was of an official and not judicial character, and also to exhibit the point arising out of which the alleged perjury arose, and in what way the statements charged as perjury bore upon it, which is done accordingly—

(Here enter F.46. No 577)

Read Calendar dated 2nd March 1846 submitted by the Sessions Judge of Cuddapah in Case No 9 of 1846.

(Here enter F.46. No 728)

Read Calendar dated 27th February 1846 submitted by the Sessions Judge of Tinnevelly in Case No 52 of 1845.

(Here enter F.46. No 729)

Read Calendar dated 28th February 1846 submitted by the Sessions Judge of Tinnevelly in Case No 60 of 1845.

(Here enter F.46. No 743)

Read Calendar under date the 28th February 1846 submitted by the Sessions Judge

1st April 1846.

Judge of Chicacole in Case No. 1 of 1846.

(Here enter F.U. No. 765)

Read Calendar dated 9th March 1846 submitted by the Sessions Judge of Tinnevelly in Case No. 17 of 1846.

(Here enter F.U. No. 855)

Read Calendar dated 3rd March 1846 submitted by the Sessions Judge of Tinnevelly in Case No. 1 of 1846.

(Here enter F.U. No. 768)

Read Criminal Reports dated 10th March 1846 submitted by the Sessions Judge of Tellicherry for the month of February 1846.

(Here enter F.U. No. 849)

Read Criminal Reports dated 28th February 1846 submitted by the Principal Sudr Ameen of Cochin for the month of February 1846.

End.

(Here enter F.U. No. 850)

F.U.

Thursday 2d April 1846.

At a Court of the Foujdaree Adalut.

Present

G. S. Waters Esqre. 1st Puisne Judge

Malcolm Lewin Esqre. 2d Puisne Judge

T. C. J. Boileau Esqre. 3d Puisne Judge

Read Criminal Reports under date the 11th Ultimo, submitted by the Principal Sudr Ameen of Chingleput for the month of February 1846.

(Here enter F.U. No. 833)

Suppl. Report Case No. 80. Report No. V. Cases Nos. 11. 14 and 29.

1. The Court of Foujdaree Adalut see reason to question the propriety of the manner in which these cases have been disposed of, and they accordingly resolve to direct the Sessions Judge to call up the records and to pass such orders as he may think proper, reporting the same for the information of the Foujdaree Adalut.

Case No. 32

2. The Court of Foujdaree Adalut have repeatedly prohibited the removal of prisoners from place to place after their appearance before the Head of District Police, and they accordingly desire that the

the Acting Magistrate of Ellingelpet will direct the discontinuance of this practice by the Heads of Police in the District under his charge.—

Ordered, that Extract from these proceedings (para: 1) be sent to the Sessions Judge of Ellingelpet for his information and guidance by precept returnable within 15 days from and after its receipt.—

(Sent following precept No. 511.)

Ordered also, that Extract from these proceedings be sent to the Principal Sudr Ameen of Ellingelpet for his information and for communication of para. 2 to the Acting Magistrate for the information and future guidance of that officer.—

(Sent in No. 512.)

Read report of cases tried by the Magistracy of Rajahmundry under the provisions of Section LIV Act VII of 1843 during the month of February and submitted by the Magistrate under date the 7th Ultimo.—

(Here enter F.U. No. 880)

It is clear that the case entered in

in this report is beyond the jurisdiction of the Magistrate. The Court desire to be informed of the result of the appeal which it appears was admitted by the Sessions Judge from the Magistrate's decision.

Ordered, that Extract from these proceedings be forwarded to the Magistrate of Rajahmundry by precept returnable in 15 days from and after its receipt.

(Sent following precept No. 513.)

Read again Calendar of Case No. 38 of 1845 on the file of the Sessions Court of Tichinopoly submitted under date the 10th February last by the Sessions Judge.—

(Here enter F.U. No. 508 of 1846)

Read also return dated 10th March 1846 from the same officer to the precept of the Fouzdaree Adaulut of the 23d February 1846 calling for an English translation of the record of the above trial.—

(Here enter F.U. No. 818)

The Court of Fouzdaree Adaulut having attentively considered the record of the trial of Case No. 38 of 1845 see no reason for disturbing

disturbing the sentence passed therein by the Sessions Judge.—

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

/Sent in No. 814./

Read again letter dated the 7th February 1846 from the Sessions Judge of Chicacole forwarding for the consideration and final sentence of the Foujdaree Adalut an English translation of the record of the trial in Case No. 12 of 1845 on the file of the Sessions Court of Chicacole.—

/Here enter Ft. No. 560 of 1846/

Read also letter dated 6th March 1846 from the same officer retransmitting the foregoing letter amended according to the rule laid down in the 3rd para: of the Circular instructions dated 16th October 1845.—

/Here enter No. 801 of 1846/

1. The prisoners in this case accused of Murder and Robbery, have been acquitted by the Sessions Judge and Law Officer of the crimes charged, but as the Law

Law Officer has declared them entitled to be released and the Sessions Judge considers that strong suspicion attaches to them he has referred the trial because he is of opinion that "as the case cannot possibly "be brought under para: 8 of the Circular "Order 5th June 1845, no evidence or the "slightest intimation that the prisoners "ever were otherwise than respectable being "before the Court, the power of sentencing "them to security on his own responsibility "is taken out of his hands."—

2. The Court cannot but express their extreme surprize at the enunciation of the opinion above expressed. The Circular Order referred to by the Sessions Judge originated out of a reference made by a Judge on Circuit regarding the legality of his requiring Security from certain parties fully acquitted by the Futwah- but who were persons of infamous character.—

3. In their reply the Court of Foujdaree Adalut quoting the latter part of Clause Sixth Section II Regulation XV of 1816 ordained

which runs as follows: "When the Judge before
"whom a prisoner may be tried shall not
"consider him convicted on such presumptive
"proof or on the evidence of credible witnesses
"or on his own confession he shall not sentence
"the prisoner to suffer any punishment what-
=ever may be the Futwah of the Law Officer
"but in cases of strong suspicion tho' not
"amounting to conviction as well as upon proof
"of notorious bad character the Judge of Circuit
"may direct the Criminal Judge to detain
"the prisoner in custody until he shall
"give security for his future good behaviour
"and appearance when required" declared their
opinion on the point referred (viz: whether
it is competent for a Judge on Circuit to demand
security from a person of bad character not
=withstanding his full acquittal and declared
reliance by the Law Officer) to the following
effect "that the foregoing Section authorizes
"the Judges of Circuit to require security in
"cases where notorious bad character may be
"proved to their satisfaction whatever may
"be the futwah of their Law Officer"- The

Court

Court not having been called on for any opinion
regarding cases of "strong suspicion tho' not
amounting to conviction" did not construe
that portion of the Law- but it is per-
=fectly clear that if a Judge is competent
under the construction given in the above
Circular Order to require security from
notorious bad character whatever may be
the futwah of the Law Officer- he is
equally competent to demand security from
persons under strong suspicion of being
guilty of the crime not proved against
them- May both fall under the same
rule and must be treated in the same way

4. But if the above was not
apparent to the Sessions Judge the instruc-
=tions conveyed in Circular Order 16th March
1825 leave Mr. Glass without any excuse,
it being there declared that it is "open to
a Judge of Circuit to require security from
all prisoners who may appear to be under
strong suspicion of guilt whether such
be the declaration of the Futwah or
otherwise".-

St

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"whom a prisoner may be tried shall not
"consider him convicted on such presumptive
"proof or on the evidence of credible witnesses
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"of notorious bad character the Judge of Circuit
"may direct the Criminal Judge to detain
"the prisoner in custody until he shall
"give Security for his future good behaviour
"and appearance when required" declared their
opinion on the point referred (viz: whether
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=withstanding his full acquittal and declared
reliance by the Law Officer) to the following
effect "that the foregoing Section authorizes
"the Judge of Circuit to require Security in
"cases where notorious bad character may be
"proved to their satisfaction whatever may
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Court

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that portion of the Law - but it is per-
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under the construction given in the above
Circular Order to require Security from
notorious bad character whatever may be
the futwah of the Law Officer - he is
equally competent to demand Security from
persons under strong suspicion of being
guilty of the crime not proved against
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rule and must be treated in the same way.

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=tions conveyed in Circular Order 16th March
1825 leave Mr. Glass without any excuse,
it being there declared that it is "open to
a Judge of Circuit to require Security from
all prisoners who may appear to be under
strong suspicion of guilt whether such
be the declaration of the Futwah or
otherwise".

It

5. It being competent to a Sessions Judge under Clause Sixth Section II Regulation XV of 1803 to dispose of this case without reference to the Foujdaree Udalut the Court direct that the record be returned to the Sessions Judge of Chicacole who will demand from the Prisoners such amount of security and for such period as in his judgment the merits of the case may appear to demand and forward the usual Calendar at the close of his proceedings.—

6. The Court would point out for future instruction that their intention in para: 3 of the Circular letter of the 16th. October 1845 in requiring a statement in the letter accompanying a referred trial of "the nature of the crime" was not merely to secure a bare entry of the designation of the crime charged, but a succinct and clear abstract of the indictment preferred in the case - such as, in fact would put the Court in possession on reading the letter, of a short but clear history of the main features of the crime committed by the prisoners.—

The

7. The Court cannot close these Proceedings without recording there severe displeasure at the very great delay which the Sessions Judge has allowed to occur in the submission of the translated record of this case.—

8. The trial before the Sessions Judge commenced on the 6th. and closed on the 29th. November, the case was set down for reference to the Foujdaree Udalut on the 3d. December and did not reach this Court till the 17th. February having only been submitted on the 7th. idem. thus occupying from its commencement till its despatch the extraordinary period of 3 months.—

9. The Court have again to desire the Sessions Judge will adopt immediate and effective measures for expediting the translation of referred cases.—

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

(Sent in No. 515.)

Read returns dated 14th. March 1846

Jeun

from the Sessions Judge of Guntoor to the pres-
-cpt of the Tahsildar Wandut of the 28th February
last calling on him to review the sentence of
the Principal Sudr Ameen in Case No. 88 of
1846 in the Guntoor Criminal Reports for
January and to pass on it such orders as may
appear proper.—

(Here enter Fl. No. 866 of 1846)

1. The Sessions Judge having considered
the whole of the proceedings held in the fore-
-going case in which the prisoner was sentenced
by the Principal Sudr Ameen to 7 months imprisonment has recorded his
opinion that "there were no grounds whatever
"for sending the Prisoner for trial to the Principal
"Sudr Ameen nor was there the slightest evidence
"before the Principal Sudr Ameen on which
"to convict the prisoner" who was accordingly
ordered to be released.—

2. The Court of Tahsildars Wandut
regret to observe the great want of judgment
displayed in this instance by the Principal
Sudr Ameen of Guntoor and they expect that
more care will be exhibited by that Officer
in

in future in the trial of criminal cases—

Ordered, that Extract from the
proceedings be sent to the Sessions Judge of
Guntoor for his information and for communi-
-cation to the Principal Sudr Ameen.—

(Sent in No. 876.)

Read return dated 18th March
1846 from the Acting Sessions Judge of Madura
to the precept of the Tahsildar Wandut of
the 10th January 1846 calling for English
translations of the records of the trials in
Cases Nos. 45 and 59 of 1845 on the file of
the Sessions Court of Madura.—

(Here enter Fl. No. 949 of 1846)

The Court of Tahsildars Wandut
being satisfied from a consideration of the above
records of the corrections of the sentences passed
by the late Acting and by the Sessions Judge
on the prisoners charged in Cases Nos. 45 and
59 of 1845 direct that the same be commu-
-nicated to the Acting Sessions Judge of
Madura for his information.—

Ordered, that Extract from
these proceedings be sent to the Acting Sessions
Judge

from the Sessions Judge of Guntoor to the pres-
-cpt of the Foujdaree Udalut of the 28th. January
last calling on him to review the sentence of
the Principal Sudr Ameen in Case No. 88 of
1846 on the Guntoor Criminal Reports for
January and to pass on it such orders as may
appear proper.—

(Here enter F.U. No. 866 of 1846)

The Sessions Judge having considered
the whole of the proceedings held in the fore-
-going case in which the prisoner was sentenced
by the Principal Sudr Ameen for knowingly
to 7 months imprisonment has recorded his
opinion that "there were no grounds whatever
"for sending the Prisoner for trial to the Principal
"Sudr Ameen nor was there the slightest evidence
"before the Principal Sudr Ameen on which
"to convict the prisoner" who was accordingly
ordered to be released.—

2. The Court of Foujdaree Udalut
regret to observe the great want of judgment
displayed in this instance by the Principal
Sudr Ameen of Guntoor and they expect that
more care will be exhibited by that Officer
in

in future in the trial of criminal cases—

Ordered, that Extract from the
proceedings be sent to the Sessions Judge of
Guntoor for his information and for communi-
-cation to the Principal Sudr Ameen.—

(Sent in No. 876.)

Read return dated 18th. March
1846 from the Acting Sessions Judge of Madura
to the precept of the Foujdaree Udalut of
the 10th. January 1846 calling for English
translations of the records of the trials in
Cases Nos. 45 and 59 of 1845 on the file of
the Sessions Court of Madura.—

(Here enter F.U. No. 949 of 1846)

The Court of Foujdaree Udalut
being satisfied from a consideration of the above
records of the correctness of the sentences passed
by the late Acting and by the Sessions Judge
on the prisoners charged in Cases Nos. 45 and
59 of 1845 direct that the same be commu-
-nicated to the Acting Sessions Judge of
Madura for his information.—

Ordered, that Extract from
these proceedings be sent to the Acting Sessions
Judge

2d April 1846.

Judge of Madura for his information.—

/Sent in No. 577./

Read Calendar in Case No. 13 of 1846, submitted by the Sessions Judge of Cuddalore.—

/Here enter No. 979/

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

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

/Sent in No. 578./

Read Calendar dated the 27th Ultimo submitted by the Acting Sessions Judge of Madura in Case No. 5 of 1846.—

/Here enter No. 1035./

Read Calendar dated the 30th Ultimo submitted by the Sessions Judge of Chingleput in Case No. 14 of 1846.—

/Here enter No. 1037/5

F. U.

Friday
3d April 1846.

At a Court of the Foujdaree Udalut.

Present

George J. Walters Esqr. 1st Puisne judge.
Malcolm Lewin Esqr. 2d Puisne judge.
T. E. S. Boileau Esqr. 3d Puisne judge.

Read letter dated the 24th Ultimo from the Session Judge of Mangalore submitting for the final sentence of the Foujdaree Udalut the Proceedings in Case No. 5 of 1846.

/Here enter F. U. No. 999/

The Court of Foujdaree Udalut

Mr. G. J. Walters
and
Mr. T. E. S. Boileau.

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

"1st Narantatty Deramma"

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession of the crime of Murder, do acquit him thereof, but considering that strong suspicion though not amounting to conviction attaches to him, they direct that he be required under

Clause

Clause sixth, Section II Regulation XV of 1803 to give two securities at 150/ one hundred and fifty 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.

(Sent following letter No. 825.

Read letter dated the 17th Ultimo from the Session Judge of Salem submitting for the final sentence of the Foujdaree Adalut the record of the Trial in Case No. 1 on the Calendar of the Session Court for 1846.

(Here enter F. A. No. 909.)

The Court of Foujdaree Adalut,

Mr. L. J. Waters.

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

1st Seenengen,
2d Seerehga Mooppen,
3d Colundagounden,
4th Allaly Mooppen,
5th Cumpa Mooppen,
6th Maura Mooppen,
7th Coopagounden,
8th Lauchy Mooppen,
9th Coopa Mooppen,
and
10th Sanarapalany,

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confession of the Crime of Gang Robbery and Wounding, do acquit them thereof, and direct that they be unconditionally released.

(Sent following letter No. 826.

Read Calendar of Case No. 13 of 1846 submitted by the Session Judge of Tinnevelly under date the 17th Ultimo.

(Here enter F. A. No. 945.)

1. The Prisoner in this Case was charged with having in company with 4 others on the high road robbed the 2d Prosecutor of certain cloths belonging to the 1st Prosecutor valued at Rupees 1-12--

2. The Session Judge concurring in the Futwah of the Law Officer pronouncing the prisoner to be guilty of the Crime laid to his charge has informed him of the penalty viz: 14 years imprisonment with hard labor in irons to which he has rendered himself liable, but being of opinion on the ground that the act proved against the prisoner was unpremeditated, and that the

the prescribed punishment would be too severe, recommends that the period of imprisonment awardable be reduced to 4 years and that the prisoner be also sentenced to receive 195 lashes with a Cat-o-nine tails.

3. Under the circumstances stated by the Session Judge the Court of Foujdaree Udalut approve of the mitigation proposed by that Officer and they accordingly resolve under the provisions of Clause third Section III Regulation I of 1825 to sentence the prisoner

Kandesawmy

to suffer Imprisonment with hard labor in irons on the public roads or other public works for a period of 4 years and to receive on his bare back 195 lashes with a cat-o-nine tails.

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

(Sent in No. 527.

Read again Calendar of Case No 4 of 1846 on the file of the Session Court

F. U.

3d April 1846. Court of Nellore submitted under date the 6th Ultimo by the Session Judge.

(Here enter F. U. No 766 of 1846)

Read also return under date the 21st Ultimo from the Session Judge of Nellore to the precept of the Foujdaree Udalut dated the 17th idem directing that the prisoners in the foregoing Calendar, who were discharged by the Session Judge without trial, be reapprehended and put upon their trial.

(Here enter F. U. No 952 of 1846)

The Session Judge states in his return that he has called upon the Magistrate to cause the reapprehension of the prisoners in this Case, submits for the information of the Court of Foujdaree Udalut that "the Prosecutor and 3d witness "are inhabitants of Valakatoorroo in the "Zillah of Rajahmundry, and the 1st witness is an inhabitant of Seetanagaram "at the Northern extremity of the Zillah "of Guntoor" and adverting to the hardship which will be entailed on these individuals by

by a requisition to return to Nellore "at the "risk of the prisoners being fully acquitted "after all," requests permission "to direct the "reapprehension of the Prisoners only in the event "of the Magistrates having been able to obtain "any additional evidence against them."

2. Under the circumstances represented by the Session Judge, the Court of Foujdaree Udalut resolve to cancel their orders of the 17th Ultimo directing the reapprehension of the prisoners in the Cases referred, and to desire that instructions to this effect may be accordingly issued to the Magistrate.

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

(Sent in No. 528.)

End 1st

J. U.

Saturday, 4th April, 1846. At a Court of the Foujdaree Udalut.

Present

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

Read letter dated the 23d Ultimo from the Sessions Judge of Dooroe transmitting the record of the trial in Case No. V on the Calendar of the Sessions Court for 1846.

(Here enter J. U. No. 1031 of 1846)

Mr. G. I. Waters. and Mr. M. Lewin. The Court of Foujdaree Udalut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner,

"Burry Burra,"

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. 528 A)

Read again Calendar in Case No. 63 of 1845 submitted by the Sessions Judge of Cuddapah under

under date the 7th January 1846.-

(Here enter F. C: No. 80 of 1846)

Read also return under date the 23d Ultimo and supplemental Return dated the 19th Ultimo from the Session Judge of Cuddapah to the precept of the Foujdaree Adalut dated the 22d January 1846- directing the submission to the Foujdaree Adalut of an English Translation of the record in the foregoing case.

(Here enter F. C: No. 667 of 1846)

1. The Prisoners in this case from 1st to 4th were charged with having in company with others gone armed with muskets in a gang to the Prosecutor's houses, broken open the doors with axes, entered in, burned and wounded the 1st Prosecutor and the 2d Prosecutors mother with torches, and robbed gold and silver Jewels ready money, cloths, Brass utensils &c. valued at Rupees 3,583-3-

2. The Prisoners from 5th to 8th were charged with having aided and abetted the other prisoners in the commission of the said crime and with having received from them part of the stolen property, knowing it to be such.-

3. By a Second Court ordered by the Sessions Judge to be inserted in the indictment, the 1st Prisoner was also charged with having received stolen property knowing the same to have been stolen-

4 It appears that the trial was commenced and part of the evidence for the prosecution taken previous to the death of the late Mahommedan Law officer of the Session Court and was in consequence of the demise of that officer concluded with the assistance of assessors.-

5. The Session Judge concurring in the verdict of the assessors which convicted the 2d and 3d Prisoners of gang robbery and the 1st, 5th, 6th & 8th, Prisoners of receiving stolen property, knowing it to have been stolen and acquitted the 4th and 7th Prisoners, has ordered the unconditional release of the two latter individuals, has sentenced the 1st 5th 6th and 8th Prisoners to imprisonment with hard labor in irons, the 1st for the period of three years and the 5th, 6th and 8th severally for the period of six months under the provisions of Clause second Section IV Regulation VI of 1822; and has informed the 2d and 3d Prisoners of the extent of punishment to which they have rendered themselves liable, but being of opinion with reference to the circumstances under which these prisoners appeared to have been concerned in the commission of the crime charged against them "they having been employed to act as cooles and "make an appearance of numbers without taking "any actual part in the robbery or being allowed

to

"to participate much in the plunder" that in this case the prescribed punishment would be too severe recommends that the period of Imprisonment awardable be reduced to 2 years.—

6. The Court of Foujdaree Adalut having attentively perused the entire record of this Case are satisfied as to the propriety of the sentences passed on the 1st., 5th., 6th. and 8th. prisoners and of the acquittal of the 4th. and 7th. Prisoners, and under the circumstances represented by the Sessions Judge they approve of the mitigation of punishment proposed by that officer on behalf of the 2d. and 3d. Prisoners and they accordingly resolve to sentence the 2d. and 3d. Prisoners,

Chakla Ramoodoo.
and
Arava Ramoodoo

severally to Imprisonment with hard labor in irons on the Public roads or other Public works for and during the period of two years.—

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

(Sent in No. 529.)

Read Criminal Reports under date the 1st. Ultimo submitted by the Subordinate Judge of Mangalore for the Month of February 1846.

(Here enter F. Cl. No. 805)

The

F. Cl.
4th. April 1846.

Supplemental Report. Case No. 3. Report No. V. Case No. 26.

1 The Court of Foujdaree Adalut see reason to question the propriety of the disposal of these Cases and they accordingly direct that the Sessions Judge will call up the records and pass such orders as he may think proper, reporting the same for the information of the Foujdaree Adalut.—

Case No. 22.

2. The manner in which the prisoner in this Case effected his entry into the Prosecutors house Viz. by climbing thro' an aperture between the wall and the roof having been frequently ruled by the Foujdaree Adalut to constitute "Breaking," the Court of Foujdaree Adalut direct that the "heading" affixed to the statement of the charge may be amended accordingly.—

Case No. 25.

3 The Court of Foujdaree Adalut desire to be informed what notice may have been taken by the Magistrate of Canara of the negligence displayed by the Peshcar, in omitting in the 1st. instance to forward in this Case all the witnesses to the Criminal Court, and they trust that no efforts will be spared by the Officer of the Magisterial Department to ensure the conviction of the parties by whom the Murder charged has been committed.—

Case No. 27.

Circular Order 13th. July 1829.

4 Adverting to the rule laid down in the Circular Order noted marginally the Court of Foujdaree Adalut observe that with reference to the nature of the offence proved against the prisoner in this

this case, to a separate sentence should have been passed upon him to take effect on the expiration of such punishment as may have been awarded for the offence which led to his confinement.—

Case No. 226 of 1845. 5 The Court of Foujdaree Adalut are of opinion that instead of requiring the Subordinate Judge to dispose of this case which had been previously tried by the Hindoo Sudr Ameen, the Sessions Judge might with propriety have overruled the acquittal of the prisoner by the latter officer, and directed that sentence should be passed upon him, specifying what it should be.—

6. The Court of Foujdaree Adalut desire that the Subordinate Judge will in communication with the Medical officer state for their information, the apparent cause of the great sickness which has prevailed in the Jail under his charge during the period embraced in these Reports.—

7. The Court of Foujdaree Adalut observe that the dates between which the Extra persons entertained for broken periods of the month under review may have been employed, should always be specified in the Criminal Reports. The Subordinate Judge will now be pleased to supply this omission.—

Ordered that Extract from these Proceedings (paras: 1 and 5) be sent to the Sessions Judge of Mangalore for his information and guidance by precept returnable

returnable within X days from and after its receipt.—

(Sent following precept No. 530.)

Ordered also that Extract from these Proceedings be sent to the Subordinate Judge of Mangalore for his information and guidance and for communication of (para: 3) to the Magistrate of Canara for his information and guidance and for report direct to the Foujdaree Adalut by precept returnable within XV days from and after its receipt.—

(Sent following precept No. 531.)

Read return dated the 21st Ultimo from the Acting Subordinate Criminal Judge of Cuddapah to the precept of the Foujdaree Adalut under date the 13th idem remarking upon the Criminal Reports of the Subordinate Court for January 1846.—

(Here enter F. A. No. 955 of 1846)

Read Calendar in Case No. 7 of 1846 submitted by the Sessions Judge of Bellary under date the 16th Ultimo.—

(Here enter F. A. No. 957 of 1846)

Read Calendar in Case No. 11 of 1846 submitted by the Sessions Judge of Chittoor under date the 10th Ultimo.—

(Here enter F. A. No. 960 of 1846)

Read Calendar of Case No. 47 of 1845 submitted by the Sessions Judge of Trinomelly under date the 18th Ultimo.—

(Here enter F. A. No. 961 of 1846)

Read Calendars in Cases Nos. 50 and 51

of

4th April 1846.

of 1845. submitted by the Sessions Judge of Tinnevelly under date the 18th Ultimo.—

(Here enter F: C: No. 962 of 1846).

Read Calendars in Cases Nos. 7 and 8 of 1846. submitted by the Sessions Judge of Tinnevelly under date the 18th Ultimo.—

(Here enter F: C: Nos. 963 and 964 of 1846)

Read Calendar in Case No. V of 1846 submitted by the Acting Sessions Judge of Calicut under date the 19th Ultimo.—

(Here enter F: C: No. 966 of 1846).

Read Calendar in Case No. 22 of 1846. submitted by the Sessions Judge of Tinnevelly under date the 20th Ultimo.—

(Here enter F: C: No. 967 of 1846)

Read Calendar in Case No. 4 of 1846. submitted by the Sessions Judge of Trichinopoly under date the 20th Ultimo.—

(Here enter F: C: No. 970 of 1846)—

1000

Encl 14

Read report dated the 28th February 1846 submitted by the Magistrate of Malabar of cases tried by the Magistracy of Malabar under the provisions of Section LIV Act VII of 1843 for the Month of February 1846.—

(Here enter F: C: No. 1013 of 1846).

F. C.

Monday, 6th April 1846.

At a Court of the Foujdaree Adalut.

Present

G: I: Waters Esqre ____ 1st Puisne Judge,

Malcolm Lewin Esqre ____ 2nd Puisne Judge

J. C. J. Boileau Esqre ____ 3rd Puisne Judge,

Read Miscellaneous Petition presented on the 19th January 1846 by C. Chinna appiah of the Zillah of Nellore.—

(Here enter F: C: Mr: P: No. 9 of 1846)

1. The Petitioner prays for the release of his elder brother the 3rd Prisoner in Case No. 23 of 1845 on the Nellore Calendar, who he declares has been injustly accused and whose case he has been given to understand is under reference to the Foujdaree Adalut.—

2. The Court of Foujdaree Adalut observe that the Petitioner's brother was on the 11th March last acquitted by them, but on the grounds of strong suspicion was required to furnish security.—

3 This sentence is final and admits of no appeal.—

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

Read

Read Miscellaneous Petitions presented on the 26th. January and 16th. February 1846 by Soobboo Pillay of zillah Combaconum.-

(Here enter F. M. P. Nos. 12 and 26 of 1846)

1 The Petitioner prays the Court of Foujdaree Udalut to reverse a sentence passed upon his son Seethanparum now a prisoner in the jail at Combaconum.-

2. The Court of Foujdaree Udalut cannot pass any orders on the matter of these addresses until the Petitioner state for their information when and by what authority the sentence of which he complains was passed, and what steps he may have taken to obtain redress from the Judicial authorities in the zillah.-

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

Read Miscellaneous Petition presented on the 16th. February 1846. by Parvatty of zillah Chittoor.-

(Here enter F. M. P. No. 28 of 1846).

1. The object of this Petition is to induce the Court of Foujdaree Udalut to order a reinvestigation of her case by the Acting Joint Magistrate of North Arcot by whom she considers that the matter will

be more thoroughly enquired into than it has been by the Acting Magistrate.-

2. The Court of Foujdaree Udalut will pass no further orders on the matter of the Petitioners Complaints which have been most fully enquired into and proved to be unfounded.-

3 This Petition is dismissed.-

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

Read Miscellaneous Petition presented on the 9th. March 1846 by Rajuppa Oodiar of the zillah of Chittoor.-

(Here enter F. C. M. P. No. 54 of 1846)

1. The Petitioner complains that in consequence of his wife having made away with certain property (specified in the Petition) belonging to him he placed some grain and sundry other articles which were in his house under the care of his brother in Law and at the same time informed the Village Moonsiff of the fact. but that this officer from ill-will to his brother-in-law instigated his wife to prefer a charge of theft against the brother in Law, and on this false charge has searched the house of his brother-in-law and subjected him and several others of the family to great indignities.-

The

2. The Court of Foujdaree Adalut observe that if the Petitioner has any well grounded complaint to prefer against his wife or the Village authorities he should in the first instance make it to the Police or Magistracy. The interference of the Foujdaree Adalut in the present instance is uncalled for and would be premature:-

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

Read again Miscellaneous Petition presented on the 30th June 1845 by Vanasevampillay Mooktyar Vakeel on behalf of Sashiem of Zillah Trichinopoly praying under circumstances detailed that the Magistrate of Trichinopoly may be directed to institute a personal enquiry into the matter of his address.-

(Here enter M: P. No. 113 of 1845)

Read also return dated the 3rd February 1846. from the Sessions Judge of Trichinopoly to the precept of the Foujdaree Adalut under date the 31st December 1845 forwarding copy of the above Petition and directing the Sessions Judge to request the Magistrate to make the personal investigation solicited by the Petitioner and report the result for their information.-

(Here enter No. 444 of 1846)

The

F. A.
6th April 1846.

1. The Magistrate having as directed enquired into the case of the Petitioner passed sentence on the 4th Instant dismissing the charge made by him, for want of proof, and stated the opinion that the Civil Court alone could decide upon the question out of which the charge arose.

2. Under such circumstances no further order from the Foujdaree Adalut appears necessary.-

Ordered accordingly that the prayer of the Petition be rejected and that Extract from these Proceedings be granted to the Petitioner on his application.-

Read again Miscellaneous Petition presented on the 22nd December 1845 by Sackelingum of Zillah Combaconum, complaining that tho' he has preferred certain charges against the Puttah Moonsiff and certain other inhabitants of Terooppovanum before the Magisterial and Judicial authorities in the Zillah, he has received no redress no investigation of the matter having yet been commenced; and praying for the interference of the Foujdaree Adalut to order an enquiry into the charges in question.-

(Here enter F. A. P. No. 247 of 1846)

Read also return dated 19th March 1846. from the Sessions Judge of Combaconum to the Precept of the Foujdaree Adalut under date the 9th February 1846. requiring him to pass such orders in the

the case of Sachelingum, the above Petitioner as the circumstances of the case may require and to report the same for the information of the Foujdaree Adalut.-

(Here enter F: Cl: No. 938 of 1846)

The Return of the Sessions Judge shews that the Petitioner failed to substantiate his assertion at the proper time and place;- no orders therefore are necessary from the Court of Foujdaree Adalut on the allegations preferred by him especially as they are shewn to be unfounded.-

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

Read again Calendar of case No. 4 of 1846 on the file of the Session Court of Chittoor submitted under date the 4th February 1846 by the Sessions Judge.-

(Here enter F: Cl: No. 480 of 1846).

Read also Miscellaneous Petition presented on the 23rd February 1846. by Baly Chetty and Callatty Moodely of Zillah Chittoor.-

(Here enter F: Mi: P: No. 34 of 1846)

1. The object of this Petition is to induce the Court of Foujdaree Adalut to overrule the acquittal and release of the Prisoners in the foregoing case, to Punish them for the offence charged against them which the Petitioners allege to have been clearly proved by the evidence adduced, and to order the restoration to the Petitioners

6th April 1846.

Petitioners of certain grain of which they state that they were robbed by the Prisoners and which has been placed in deposit under the orders of the Sessions Judge.-

2. Before passing any finial orders on the matter of this Petition the Court of Foujdaree Adalut resolve to direct that an English Translation of the record of the case therein referred to may be submitted for their consideration.-

Ordered that Extract from these Proceedings together with a copy of the Petitioners address (to be returned) be sent to the Sessions Judge of Chittoor by precept returnable within XX days from and after its receipt.-

(Sent following precept No. 534.)

Ordered also that Extract from these Proceedings be furnished to the Petitioners on their application.-

Read return under date the 21st February 1846 from the Magistrate of Trichinopoly to the precept of the Foujdaree Adalut dated the 9th idem forwarding to that officer translation of Miscellaneous Petitions presented on the 10th and 17th November 1845 by Rungacharry of Zillah Trichinopoly and directing him to issue such orders as might seem proper, to prevent disturbances between the two sects therein referred to.-

(Here enter F: Cl: No. 689 of 1846)

Read

Read also Miscellaneous Petition presented on the 11th. Ultimo by Ringacharry of Zillah Trichinopoly.—

(Here enter F: W: P: No. 59 of 1846).

1. The Magistrate states in his return that the misunderstanding between the two sects referred to demand his constant vigilance to prevent a breach of the peace." and that "in conformity with the orders of the Court he has reiterated his injunctions to the parties to avoid a breach of the peace."

2. The Court of Foujdaree Adalut fully approve of the Magistrates' Proceedings and they see no reason for their interference in the matter of this Petition in which the Petitioner merely reiterates the contents of his former addresses not specifying any particular act of grievance as having been committed by any individual in particular.—

3. Petition is dismissed.—

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

(Sent in No. 535.)

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

Read again Criminal Reports under date

date the 10th. December 1845 submitted by the Subordinate Judge of Bellary for the Month of November 1845.—

(Here enter F: W: No. 3699 of 1845)

Read also communications under dates the 11th. and 17th. March 1846. from the Subordinate Judge of Bellary.—

(Here enter F: W: No. 845 and 937 of 1846).

1. It appears from the foregoing correspondence that the prisoner in the case noted marginally who was charged with suppressing information of a murder, has been released by the Subordinate Judge in consequence of the party said to have been murdered having made his appearance before the Amildar and stated that "the prisoners "originally forwarded to the Court in Case No. 199. "of 1845 did attempt to murder him, and thinking they "had killed him they put him into a cloth and threw "him into a tank but that he managed to extricate "himself, and fearing to go back to his own Village "he went to Madras, and thence returned."

Case No. 206 of 1845. on the file of the Criminal Court.—

2. Under these circumstances the Court of Foujdaree Adalut are of opinion that the Magistrate should adopt such measures as present circumstances may seem to call for in respect of the prisoners released.—

Ordered that Extract from these Proceedings

Proceedings be sent to the Subordinate Judge of Bellary for his information and for communication to the Magistrate, for the information and guidance of that office.

(Sent in No. 536.)

Read again Criminal Reports under date the 10th. February 1846. submitted by the Session Judge of Tellicherry for the month of January 1846.-

(Here enter F. C: No. 541).

Read also return under date the 17th. March 1846. from the Session Judge of Tellicherry to the precept of the Foujdaree Adalut dated the 11th. idem conveying their observations on the foregoing Criminal Reports.-

(Here enter F. C: No. 968 of 1846)

1.

Adverting to certain remarks recorded in the proceedings of the Foujdaree Adalut under date the 11th. Ultimo on the disposal of a case of wounding, the Session Judge states "that he will in future commit for trial before the Session Court every case of wounding" in which a knife is used.

2.

The Court of Foujdaree Adalut consider that the adoption of a general rule of this nature would be extremely objectionable, as it is probable that instances will frequently occur in which the peculiar circumstances of the case would render a strict adherence to such a rule, inexpedient.-

Ordered that Extract from these Proceedings

Proceedings be sent to the Sessions Judge of Tellicherry for his information and future guidance.-

(Sent in No. 537.)

Read Convict labor report dated the 13th. Ultimo submitted by the Sessions Judge of Cuddalore for the month of February 1846.-

(Here enter F. C: No. 857 of 1846)

Read Estimate dated the 13th. Ultimo submitted by the Sessions Judge of Cuddalore of the value of the product of the Prisoners labour for the month of February 1846.-

(Here enter F. C: No. 858 of 1846)

Read Statement dated the 13th. Ultimo submitted by the Sessions Judge of Cuddalore of Extra Peons employed during the month of February 1846.-

(Here enter F. C: No. 859 of 1846).

Read Statement dated the 13th. 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 February 1846.-

(Here enter F. C: No. 860 of 1846)

Read Statement dated the 11th. Ultimo submitted by the Agent to the Governor of Fort St. George at Kurnool of Extra Peons employed in the month of February 1846.-

(Here enter F. C: No. 870 of 1846).

Read

6th April 1846.

Read return dated the 16th Ultimo from the Sessions Judge of Chingleput to the precept of the Foujdaree Udalut under date the 14th idem sanctioning the mitigation of punishment recommended in Case No. 7 of 1846 of the file of the Sessions Court of Chingleput.

(Here enter F. U. No. 872 of 1846).

Read return dated the 13th Ultimo from the Sessions Judge of Salem to the precept of the Foujdaree Udalut under date the 6th idem mitigating the punishment passed on the Prisoners in Calendar No. 4 of 1846 of the Sessions Court.

(Here enter F. U. No. 873 of 1846)

Read letter dated the 12th Ultimo from the Acting Sessions Judge of Calicut transmitting the Warrant issued for the execution of the sentence of death passed on the Prisoner in Case No. II of 1846 on the Calendar of the Sessions Court with the endorsement of the Subordinate Judge, and copy of his report.

(Here enter F. U. No. 877 of 1846).

Ed. W.

F. U.

Tuesday 7th April 1846. At a Court of the Foujdaree Udalut.

Present.

G. J. Watens Esquire — 1st Puisne Judge.
Malcolm Lewin Esquire — 2d Puisne Judge.
J. B. J. Boileau Esquire — 3d Puisne Judge.

Read Calendar dated the 21st Ultimo submitted by the Acting Sessions Judge of Calicut in Case No. 1 of 1846.

(Here enter No. 987)

1. The Prisoner in this Case is charged with having stabbed the Prosecutor with a Knife under his left shoulder and inflicted a severe and dangerous wound, and has been sentenced to imprisonment with hard labor for a period of three Years.

2. The Acting Sessions Judge in convicting the prisoner remarks that "his act can only be regarded as "a most wanton and cruel one - the place

of

7th April 1846.

"of the wound and its nature - as long
"cut would seem to indicate an intent
"merely to cut and maim, rather than
"any murderous design."

3. The Court of Foujdaree
Udalut consider the arguments of the
Acting Sessions Judge to be all in favor
of a severe punishment, while the sentence
passed is most lenient.

Ordered that Extract from
these Proceedings be forwarded to the Acting
Sessions Judge of Calicut for his infor-
=mation.

(Sent in Pc. 542.)

Wednesday.
8th April 1846.

Seen & Dd
seen & Dd
Dacca

No.

At a Court of the Foujdaree Adalut.

Present

G. J. Waters Esqre ——— 1st Pundit Kuffe.
Malcolm Lewin Esqre — 2d Pundit Kuffe.
T. E. J. Boileau Esqre — 3d Pundit Kuffe.

Read records of Case No 60 of 1845, transmitted by the Sessions Judge of Tinnevelly for the final decision of the Court of Foujdaree Adalut.

(Vide Enter No 935 of 1846)

Upon this records mention is occasionally made of certain Sticks, & Cadjans &c upon which various of the Prisoners were apprehended. They do not however appear among the translated Papers forwarded to the Court. The deficiency the Sessions Judge will supply by forwarding translations of the same, (of the dates especially) and of all Warrants which may have been issued in the Case from first to last.

The

2 The precise nature of the information upon which the warrants issued, and by whom and when given, should be supplied when wanting by the Magistrate with whom the Sessions Judge will communicate if necessary.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Tinnevelly by precept returnable without delay.—

(Sent following precept No. 544)

Read again Calendar of Case No. 63 of 1845, on the file of the Sessions Court of Madura, submitted under date the 19th February 1846.

(Here enter No. 642)

Read also Return dated the 19th Ultimo from the Acting Sessions Judge of Madura, to the precept of the Foujdaree Adawlut dated the 10th idem, directing that Officer to state the specific grounds on which the requisition of security from the No. 2 Prisoners in the foregoing Case is founded.

(Here enter No. 929)

1 Adverting to the remark recorded in the return of the Acting Sessions Judge, that "the 13th Prisoner was not required to produce security, the Court of Foujdaree Adawlut observe that that Prisoner was inadvertently referred to in their proceedings of the 10th Ultimo.—

2 The Judges are of opinion that no sufficient grounds exist for the requisition of security from the 12th Prisoners, and they accordingly direct that that individual be unconditionally released forthwith.—

Ordered, that Extract from these Proceedings be sent to the Acting Sessions Judge of Madura for his information and guidance, by precept returnable in 7 days from and after its receipt.—

(Sent following precept No. 545)

Read again Letter dated the 17th February 1846 from the Acting Sessions

Sessions Judge of Calicut, requesting the instructions of the Court of Fouzdaree Adalut for the Acting Judge's guidance in Case No. 28 of 1845 on the Calendar, the Prisoner in which, was then reported by the Civil Surgeon to be of unsound mind and to now be unfit to stand his trial.—

(Here Enter No. 641.)

Read also return dated the 19th Ultimo from the same Officer, to the precept of the Fouzdaree Adalut under date the 16th idem, requiring explanation of the expression "committed provisionally and pro forma", made use of in the Acting Sessions Judge's communication of the 19th February last, which is explained accordingly.—

(Here Enter No. 977.)

Under the circumstances stated by the Acting Sessions Judge, the Court of Fouzdaree Adalut resolve to order the Subordinate Judge to complete

complete all preliminary proceedings, and to recommit the Case referred to, according as the circumstances may call for that measure.

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

(Sent in No. 546.)

Read again letters dated the 30th and 31st January 1846, from the Sessions Judge of Tellicherry, submitting the record of trial in Cases Nos. 33 and 34, on the file of the Sessions Court, for the final sentence of the Fouzdaree Adalut

(Here Enter Nos. 368 and 387 of 1846)

Read also return dated the 16th March 1846, from the Sessions Judge of Tellicherry, to the precept of the Fouzdaree Adalut under date the 16th February last, directing him to take further evidence in Calendar No. 33

and

and 34 of 1845, regarding the state of the Prisoner's mind, especially from the Police Officers of the place or places in which he has usually resided, and submitted for the final decision of the Foujdaree Adalut.—

/Here Enter Ffl No. 879 of 1846/

Mr. G. T. Waters.

The Court of Foujdaree Adalut, on a deliberate consideration of all the Circumstances of the Case in evidence before them, being of opinion that the Prisoner

"Charoo Rowmoody Vencatsaudry."

when laboring under temporary insanity removed the 1st. Witness, and attempted to commit suicide, do acquit him of the charges thereof; but considering that his release would be unsafe and improper, they direct that he be placed in Custody, and that the Sessions Judge be desired to forward at the close of each six months, a report upon his Conduct from the Medical Officers attached to the Jail.—

(Sent following Letter No. 547/

Read

8th April 1846.

Read Calendar of Case No. 13 of 1846, submitted by the Sessions Judge of Cuddapah under date the 31st March 1846.

/Here Enter Ffl No. 1057 of 1846/

Read letter dated the 30th March 1846 from the Sudr Ameen in charge of the Subordinate Court of Bellary, submitting an explanation of the delay which occurred in the transmission of Case No. 31 in "Criminal Monthly Reports" for February 1846.—

/Here Enter Ffl No. 1061 of 1846/

Read report dated the 1st Instant, submitted by the Sessions Judge of Salem, of Cases pending on the 31st March 1846, before the Sessions Court of Salem for upwards of 25 days, calculated from the date of commitment.—

/Here Enter Ffl No. 1063 of 1846/

Read Calendar of Case No. 16 of 1846, submitted by the Sessions Judge

Judge of Cuddalore under date the 31st March 1846.-

/Here Enter Fl. No. 1064 of 1846/

Read Report dated the 1st April 1846, submitted by the Sessions Judge of Cuddapah, of Cases pending on the 28th February and Committed for trial during the Month of March 1846.-

/Here Enter Fl. No. 1071 of 1846/

Read Report dated the 1st April 1846 submitted by the Sessions Judge of Bellary, of Cases pending on the 28th February 1846 before the Sessions Court for longer than 25 days

/Here Enter Fl. No. 1079 of 1846/

Read Report dated the 1st April 1846, submitted by the Sessions Judge of Rajahmundry, of Cases pending before the Sessions Court of Rajahmundry on the 31st March 1846.

/Here Enter No. 1080 of 1846/

Read Calendar of Case

No.

No. 12 of 1846 submitted by the acting Sessions Judge of Calicut under date the 31st March 1846.-

/Here Enter Fl No. 1081 of 1846/

Read Calendar of Case No. 11 of 1846, submitted by the Sessions Judge of Tinnevelly, under date the 30th March 1846.

/Here Enter Fl No. 1082 of 1846/-

Read return dated the 2d Instant from the Subordinate Judge of Combaconum, to the Precept of the Tanjore Circuit dated the 30th March 1846, conveying certain observations passed on perusal of the Criminal Reports submitted by them for the Month of February 1846.-

/Here Enter Fl. No. 1083 of 1846/

Read communication dated the 31st March 1846, from the Joint Magistrate in charge of Tinnevelly explaining the cause of the delay in Cases Nos. 10-11-14 and 18 noticed in

the

8th April 1846.-

the Proceedings of the Fouzdaree Adalut under date the 27th February 1846

/Here Enter Fa. No. 1085. of 1846./

Read Return dated the 4th Instant from the Sessions Judge of Combaconum, to the precept of the Fouzdaree Adalut under date the 31st March 1846, approving of the sentence passed by the Sessions Judge in Case No. 8 of 1846.

/Here Enter Fa No. 1092 of 1846/

Read report dated the 1st Instant submitted by the Sessions Judge of Tinnevelly, of Cases pending before him up to the 31st March 1846, in which the trial has been delayed beyond 25 days.-

/Here Enter Fa No. 1096 of 1846/

Read Calendar of Case No. 14 of 1846, submitted by the Sessions Judge of Madura under date the 3d Instant.-

(Here Enter Fa No. 1097 of 1846.-

Fb.

Thursday, 9th April 1846. At a Court of the Fouzdaree Adalut

Present,

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

Malcolm Lewin Esqre. 2d Puisne Judge,

J. E. J. Boileau Esqre. 3d Puisne Judge,

Read Criminal Report under date the 1st March 1846 submitted by the Officiating Principal Sudr Ameen of Tinnevelly for the Month of February 1846.-

/Here enter Fb. No. 900 of 1846/

Report No. 1 / The Court of Fouzdaree Adalut

Cases Nos. 36-39. direct that an explanation of the delay which occurred in the transmission of these cases to the Criminal Court may be submitted for their information.-

Case No. 33. 2 The Court of Fouzdaree Adalut consider the punishment adjudged to the prisoner in this case unnecessarily severe and they accordingly direct that the period of imprisonment awarded to him be reduced to three months.-

Case No. 54. 3. The Court of Fouzdaree Adalut observe

9th April 1846.

observe that the inadequacy of the cause assigned for the delay in the transmission of this case to the criminal Court viz.te the non-appearance of witnesses has been repeatedly pointed out in the proceedings of the Sunjdaree Udalut.-

Ordered that Extract from these Proceedings be sent to the Officiating Principal Sudr Ameen of Tinnevelly for his information and guidance and for communication of paras 1 and 3 to the Acting Magistrate for the information and guidance of that officer and for report direct to the Sunjdaree Udalut by precept returnable within ten days from and after its receipt.-

(Sent following precept No. 549.)

Read Calendar of Case No.7 of 1846 on the file of the Sessions Court at Salem submitted under date the 14th Ultimo.-

(Here enter S.C. No. 921 of 1846.)

The Court of Sunjdaree Udalut are clearly of opinion that it could not have been contemplated by the Legislature in the enactment of Section XXXIII Act VII of 1843 to authorize the employment as Assessors of Officers on the Magisterial or Revenue Establishments of the Zillah, and they consider the selection of those officers for such

9th April 1846.

such a duty extremely objectionable.-

The Court see reason to question the propriety of the disposal of this case and may accordingly direct that an English Translation of the entire record may be submitted for their consideration with the least practicable delay.-

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

(Sent following precept No. 550.)

Read again Calendar dated the 5th Ultimo submitted by the Acting Sessions Judge of Salem in Case No.3 of 1846.-

(Here enter S.C. No. 789 of 1846.)

Read also letter dated the 21st Ultimo from the same officer requesting further instructions with reference to the Extract from the proceedings of the Sunjdaree Udalut dated 16th March 1846 which point out the omission of the heading to the charge in No.3 on the Calendar for 1846 it having never yet been specified to the Calendar either in the Sessions

9th April 1846

on Subordinate Court—

/Here enter F.C. No. 981 of 1846/

1 In their proceedings dated 16th March 1846, it was intimated by the Court of Foujdaree Adalut to the Acting Session Judge that in the Calendar of Case No. 3 of 1846 he had omitted to enter as a heading to the column of charge the designation of the crime of which the Prisoner stood accused, and his future attention to the point was requested.—

2. The Acting Session Judge now submits for the consideration of the Foujdaree Adalut, that the Calendar laid by him before this Court, is a true copy of that which he received from the Court of the Subordinate Judge and that it has not been usual to enter the heading referred to in Calendars, as Circular Order No. 168 adverts only to the Monthly Criminal Reports, but he requests authority to require the Subordinate Judge to make the necessary entry of the heading under remark in all Calendars hereafter sent up.—

3 The Court of Foujdaree Adalut deem it desirable that the column of charge in each Calendar should exhibit the heading required

F.C.
9th April 1846.

required in the Monthly Criminal Reports, by Circular Order 168, and they see no objection to the Acting Session Judge issuing an intimation to that effect to the Subordinate Court, such an arrangement being, they observe, consistent with the spirit and interest of the Circular Order above quoted.—

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

(Sentence No. 557.)

Read report dated 20th March 1846 of persons apprehended in the separate tracts of Vizagapatam and delivered to the Agency in the month of February.

/Here enter F.C. No. 973 of 1846/

The Court of Foujdaree Adalut observe that the provisions of Clause Sixth instead of those of Clause fourth Section II Regulation VI of 1822 should have been quoted in support of the sentence passed in the case of house breaking entered in the above report.—

Ordered that Extract from these proceedings be forwarded to the Acting Agent of

of Vizagapatam for his information.-

(Sent in No. 552.)

Read letter dated 28th Ultimo from the Sessions Judge of Cuddapah submitting for the final sentence of the Sudder Adalut the proceedings in Case No. 6 of 1846.-

(Here enter F. No. 1044 of 1846)

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

Balah Vencatah

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

1 The Court of Sudder Adalut observing that the 1st witness before the Head of Police then stated that she actually saw the Prisoner throw the Mill stone upon the head of the deceased think it was incumbent on the Sessions Judge to have questioned her upon so important a point-

2 The Court further draw the attention

attention of the Sessions Judge to Section XXXVI Regulation VIII of 1802 regarding the examination of the Translation of a trial and also to the impropriety of questioning any Prisoner, when taking his defence as he is observed to have done; he may however record any statement or explanation which the accused may of his own free choice desire to offer, relative to the charge.-

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

(Sent following letter No. 553)

Read letter dated 31st Ultimo from the Sessions Judge of Cuddalore submitting for the final sentence of the Sudder Adalut the proceedings in Case No. 7 of 1846.-

(Here enter F. No. 1068 of 1846)

The Court of Sudder Adalut

M. & I Waters

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 Mahomed Cassim

is sufficient to convict him of the crime of robbery

of Vizagapatam for his information.—

(Sent in No. 552.)

Read letter dated 28th Ultimo from the Sessions Judge of Cuddapah submitting for the final sentence of the Zoydaree Adalut the proceedings in Case No. 6 of 1846.—

(Here enter F. H. No. 1044 of 1846)

The Court of Zoydaree 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

Balah Vencatah

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

1

The Court of Zoydaree Adalut observing that the 1st witness before the Head of Police then stated that she actually saw the Prisoner throw the Drill stone upon the head of the deceased think it was incumbent on the Sessions Judge to have questioned her upon so important a point.—

2

The Court further draw the attention

attention of the Sessions Judge to Section XXXVI Regulation VII of 1802 regarding the examination of the Translation of a trial and also to the impropriety of questioning any Prisoner, when taking his defence as he is observed to have done; he may however record any statement or explanation which the accused may of his own free choice desire to offer, relative to the charge.—

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

(Sent following letter No. 553)

Read letter dated 31st Ultimo from the Sessions Judge of Cuddalore submitting for the final sentence of the Zoydaree Adalut the proceedings in Case No. 7 of 1846.—

(Here enter F. H. No. 1068 of 1846)

M. b. I Waters

The Court of Zoydaree 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 Mahomed Cassim

is sufficient to convict him of the crime of robbery

robbery by open violence), do convict him thereof, and with reference to the provisions of Clause third Section III Regulation I of 1825, sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of /2/ two years.—

(Sent following Letter No. 554.)

Circular Order
No. 180.

As, under existing rules, the record in Police proceedings generally exhibits only the date of the original charge or information preferred against an accused party, it has been represented to the Court of Foujdaree Adalut, that judicial functionaries in the provinces are unable always to determine whether any unnecessary delay has taken place before the Police in their conduct of the preliminary enquiries.—

The Court of Foujdaree Adalut accordingly resolve to direct that in future the several Officers of Police shall add to the records of cases transmitted to the Magistracy or to the Criminal Court, a statement of the

the hour on which the charge or information was preferred to them.—

(Sent following Circular Order No. 555.)

Read Supplemental Report dated 20th Ultimo submitted by the Acting Agent to the Governor of Fort St George at Vizagapatam, of persons apprehended in the separate Tracts of Vizagapatam and delivered to the Agency and regarding whom no final orders had been passed at the date of the Report ending the 31st January 1846.—

/Here enter F.C. No. 972 of 1846/

Read return dated the 18th Ultimo from the Sessions Judge of Chicacole, to the precept of the Foujdaree Adalut, under date the 2d Ultimo, on the review of the Criminal Reports for the Month of January 1846.—

/Here enter F.C. No. 974 of 1846/

Read Calendar in Cause No. 12 of 1846 submitted by the Sessions Judge of Cuddalore.—

/Here enter F.C. No. 980 of 1846/

Read return dated the 25th Ultimo from

from the Subordinate Judge of Chittoor, to the precept of the Fouzdaree Udalut, dated the 19th Ultimo, commenting on the Monthly Criminal Reports for the Month of February 1846.

/Here enter F.C. No. 983 of 1846/

Read return dated the 25th Ultimo from the Sessions Judge of Cuddapah, to the precept of the Fouzdaree Udalut dated the 17th Ultimo directing the dismissal from the public service of Krishna Row the Head of Police of Jummulmadgoo Talook.—

/Here enter F.C. No. 991 of 1846/

Read Calendar in Case No. 3 of 1846 submitted by the Acting Sessions Judge of Coimbatore.—

/Here enter F.C. No. 994 of 1846/

Read Calendar in Case No. 7 of 1846 submitted by the Sessions Judge of Canara.—

/Here enter F.C. No. 1007 of 1846/

Read letter dated the 23d Ultimo from the Magistrate of Tanjore, submitting explanation with regard to the Extract from the proceedings of the Fouzdaree Udalut under date the

the 27th February 1846 containing their remarks on several Criminal Cases.—

/Here enter F.C. No. 996 of 1846/

Read Calendar in Case No. 4 of 1846, submitted by the Sessions Judge of Guntoor.—

/Here enter F.C. No. 1009 of 1846/

Read Calendar in Case No. 9 of 1846, submitted by the Acting Sessions Judge of Calicut.—

/Here enter F.C. No. 1021 of 1846/

Read return dated the 24th Ultimo, from the Sessions Judge of Trangabare to the precept of the Fouzdaree Udalut under date the 16th Ultimo, directing him to call up the records of Cases No. 6 and 15 on the Criminal file of the Subordinate Court for 1846, and to pass such orders as may appear proper reporting the same for the information of the Court of Fouzdaree Udalut.—

/Here enter F.C. No. 1026 of 1846/

Read return dated the 26th Ultimo

9 9th April 1846.

Ultimo from the Acting Subordinate Judge of Mangalore, to the precipt of the Fouydaree Udalut under date the 16th Ultimo, conveying their remarks on the Criminal Reports for the month of January 1846.

Here enter F.U. No. 1027 of 1846/5

Ent 7th.

F. U.

Tuesday 14th April, 1846.

At a Court of the Fouydaree Udalut.

Present,

Hy. I. Waters Esqre. ____ 1st. Puisne Judge,
Malcolm Lewin Esqre. ____ 3rd. Puisne Judge,
T. C. I. Boileau Esqre. ____ 3rd. Puisne Judge.

Read Miscellaneous Petition presented on the 19th January 1846 by Rawootha Hammud Levy of Zillah Tinnevelly.-

(Here enter F. M. P. No. 4 of 1846).

1. The Petitioner, Fatherinlaw of the Prisoners in Case No. 38 of 1845 on the Tinnevelly Calendar complains of a sentence of two years imprisonment with hard labor in irons, passed by the Sessions Judge of Tinnevelly on the said Prisoners, who were convicted of the crime of culpable Homicide laid to their charge.-

2. The Petitioner asserts that the charge against the Prisoners was maliciously false and supported by evidence concocted by some of the Prisoners enemies, he prays therefore that the Sessions Judge may be directed to release them.-

3. The Court on review of the abstract statement of the Calendar declared an opinion in their Proceedings of the 16th January last that the sentence passed

passed against the Prisoners was unjustifiably
lenient, it cannot therefore be altered.-

4 Petition rejected.-

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

Read Miscellaneous Petition presented
on the 2nd Ultimo by Rungiah Naiken a relation of the
1st Prisoner in Case No. 88 of the Cuddalore Calendar for
1843.-

(Here enter F. Gr. P. No. 44 of 1846)

1 The object of this address is to induce
the Court of Foujdaree Udalut to order the Sessions Judge
of Cuddalore to release the 1st Prisoner in the above
mentioned case, who was convicted of housebreaking and
sentenced to 7 years imprisonment with hard labor in
irons.-

2. The Petitioner asserts the Prisoner's
innocence and declares that the crime was charged
against him thro' the malice of some of his enemies.

3. The Court of Foujdaree Udalut having
reviewed the Calendar of the cases laid before them
by the Session Judge, see no cause to disturb the
sentence passed upon the Prisoner and decline there-
fore to interfere in behalf of the Petitioner in the manner
solicited.-

Petition

4 Petition dismissed.-

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

Read Miscellaneous Petition presented
on the 2nd March 1846 by Ramiah of the Zillah of
Chittoor.-

(Here enter F. G. P. No. 46 of 1846.)

1 The Petitioner complains of several
acts of injury detailed in the Petition which he affirms
have suffered from parties named and states that the
they have been brought to the notice of the Police he
has been able to obtain no redress and that in conse-
quence of the ill success attending the appeal made
by him in the matter referred to in his Petition No. 44
to the Session Court he has applied direct to this
Court.-

2. He prays the Court to call for all
the proceedings and documents connected with his
complaint and issue instructions to the Session Judge
to see that redress is afforded him.-

3. If the Petitioner has any complaint
to prefer against the proceedings of the Police he should
in the first instance address the Magistrate from whose
decision an appeal would lie to the Session Court.-

4. The Foujdaree Udalut can only
interfere where it is shewn by copies of the orders

of

of the local authorities that redress has been derived to a well grounded complaint.-

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

Read Miscellaneous Petition presented on the 2nd March 1846 by Rummunah of the zillah of Chittoor.-

(Here enter F: M: P: No: 47 of 1846).

1. The Petitioner states that a robbery having been committed in his house by certain parties specified in the Petition he brought the circumstance to the notice of the Police and adduced proof against the accused yet that they have been released and the stolen property found in their houses returned to them.

2. He further adds that he has appealed to the Sessions Judge who called for the record but on a representation from the Police officer dismissed his appeal without a consideration of the record.-

3. And he prays the Court to call for the record require the Sessions Judge to examine into the case to punish the accused parties and to restore to him the property stolen from him.-

4 The Court of Foujdaree Adalut are unable to give any consideration to the circumstances stated in this Petition which must be disposed of by the local authorities.-

Judge

Ordered

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

Read Miscellaneous Petition presented on the 23rd March 1846 by F: Appiah Vakeel on behalf of Tummaka of Honore the wife of the prisoner in Case No: 21 of 1845 on the Honore Calendar.-

(Here enter F: 66: M: P: No: 63 of 1846)

1. The Petitioner complains against the sentence passed by the Session Judge of Honore on her husband who was convicted in Case No: 21 of 1845 on the file of the Session Court of Honore of the offence of having apprehended one Sumbiah on the ground of a Proclamation issued in the Nugger Division of the Mysore Territory for his apprehension on a charge of murder and obtained a Bond from him by intimidation for a false debt and then released him in place of delivering him over to the Police.-

2. She prays the Court to call for the proceedings held in the case and to release her husband.-

3 The Court of Foujdaree Adalut resolve to direct that a translation of the record of the trial in this case be submitted for their consideration by the Session Judge of Honore who will be furnished with a copy of the Petition for such remarks as he may wish to offer upon it.-

Ordered that Extract from these Proceedings

Proceedings be sent to the Sessions Judge of Honore by precept returnable in XXX days from and after its receipt.

(Sent following Precept No. 563.)

Ordered also that Extract from these Proceedings be furnished to the Petitioners Vakeel on his application.-

Read Miscellaneous Petition presented on the 23rd Ultimo by Arroockany Ummah mother of Lutchmanen Prisoner in Case No. 78 of the Cuddalore Calendar for 1845.-

(Here enter F. Dr. P. No. 64 of 1846).

1 The Petitioner complains of the sentence of 7 Years imprisonment with hard labor in irons passed by the Session Judge of Cuddalore upon her son the prisoner in the abovementioned case, who was convicted of housebreaking.-

2. She asserts that one Sashappa Naiken, from hatred of her son, maliciously preferred the charge against him and procured false witnesses to prove it. She prays therefore that the record of the trial may be called for and perused.-

3 On referring to the Calendar in which the aforesaid case is entered, the Court of Foujdaree Adalut see no reason to question the propriety of the conviction of the Petitioner's son or of the sentence passed upon him by the Session Judge.-

Ordered,

14th April 1846.

Ordered, therefore, that the prayer of the Petitioner be rejected; and that Extract from these proceedings be granted to the Petitioner on her application.-

Read Miscellaneous Petition presented on the 30th Ultimo by N. Asummah of Zillah Nellore.-

(Here enter F. Dr. P. No. 67 of 1846).

1 The Petitioner repeats the prayer for the release of her husband contained in her former address, and which was rejected by the Court in F. Dr. P. No. 231 of 1845. their proceedings dated 9th February 1846.-

2. The Petitioner is referred to the Courts former order and this Petition is dismissed.-

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

Read letter dated the 4th Instant from the Session Judge of Salem, submitting for the final sentence of the Foujdaree Adalut the record of the trial in Case No. 3 on the Calendar for 1846.-

(Here enter F. Dr. No. 1104)

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

1st Cauman Chetty

2nd Karoppa Goundan

Mr. J. E. J. Boileau.

3rd

3d Coollacaully Goundan
5th Ittiegoundan alias
Ittaspagoundan.
6th Nulliegoundan.
and
7th Palany Goundan.

is sufficient to convict them of Affault, for which according to the Mahomedan Law, as declared in Futwas of their Law officers discretionary punishment is awardable, do convict them thereof; and with reference to the provisions of Clause third Section VII Regulation XV of 1803 sentence the prisoners

1st Caumun Chetty
2d Caroopa Goundan
and
3d Coollacaully Goundan.

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (2) two years- and the prisoners

5th Ittiegoundan alias
Ittaspagoundan.
6th Nulliegoundan
and
7th Palany goundan

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of six months.-

(Sent following letter No. 564)

The

F. C.
14th April 1846.-

The Court of Foujdaree Adalut observe that three of the prisoners in this case, have been subjected to a series of interrogatories, some of which had a direct tendency to criminate them. Such a proceeding has been repeatedly reprobated by the Foujdaree Adalut as very objectionable, and inconsistent with the course prescribed, for the conduct of criminal trials. The Sessions Judge will be careful in future to discontinue it.-

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

(Sent following Precept No. 565.)

Read Calendar of case No. 2 of 1846 on the file of the Sessions Court of Madura submitted by the Acting Sessions Judge under date the 5th March 1846.-

(Here enter F. C. No. 783 of 1846)

The Court of Foujdaree Adalut being unable from the statements in the Calendar to judge of the propriety of the disposal of this case resolve to direct the Acting Sessions Judge to submit an English translation of the record of the trial for their consideration with the least practicable delay.-

Ordered that Extract from these

Proceedings

14th April 1846.

Proceedings be sent to the Acting Sessions Judge of Madura for his information by precept returnable in XX days from and after its receipt.-

(Sent following Precept No. 566.)

Read Calendar in case No. 2 of 1846 on the file of the Sessions Court at Masulipatam submitted under date the 18th Ultimo by the Sessions Judge.-

(Here enter S. C. No. 1008)

1. The Prisoner in this case was charged with having killed the Prosecutrix husband by stabbing him in the left side with a knife.-

2. The Sessions Judge concurring in the Futwah of the Law officer which acquitted the Prisoner of the crime laid to his charge has ordered him to be unconditionally released.-

3. Before finally disposing of this case the Court of Foujdaree Adalut desire that the Sessions Judge will submit for their consideration a more detailed explanation of the grounds on which he has considered himself justified in ordering the Prisoner's release.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Masulipatam for his information and guidance by Precept returnable in XV days from and after its receipt.-

(Sent following Precept No. 567.)

Read

14th April 1846.

Read Calendar dated the 27th Ultimo submitted by the Acting Sessions Judge of Madura in case No. 60 of 1845.-

(Here enter No. 1020)

The Court of Foujdaree Adalut resolve to call for an immediate report from the Acting Sessions Judge on the circumstances of the death of 4 out of the 9 prisoners charged in the case entered in the above Calendar.-

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

(Sent following Precept No. 568.)

Read Calendar in Cases No. 10 and 11 of 1846, submitted by the Acting Sessions Judge of Calicut.-

(Here enter No. 1043)

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

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

(Sent in No. 569.)

Read letter dated the 30th Ultimo from the Sessions Judge of Tinnevelly submitting the record of the

14th. April 1846.

the trial in Case No. 8 of 1846.

(Here enter No. 1046)

In this case the Court of Foujdaree Adalut desire to see translations of the different declarations made by the Prisoner upon oath and which ought to have accompanied the trial. The Session Judge will state also whether the Principal Sudr Ameen in conformity with the last para: of Circular Order of the 31st. January 1814 informed the Prisoner of the difference between his two statements and allowed him an opportunity of explaining.

Ordered that Extract from these Proceedings be sent to the Session Judge of Tinnevelly by precept returnable in V days from and after its receipt.

(Sent following precept No. 570.)

Read Miscellaneous Petition presented on the 16th Ultimo by T. Appiah Vakeel on behalf of Sheahan Putter and two others of Zillah Calicut.

(Here enter F. Mc. P. No. 58 of 1846)

The object of this address is to induce the Court of Foujdaree Adalut to set aside proceedings held by the Session Judge of Calicut under date the 16th December 1845, reversing the Decisions of the Magistrate and his Head Assistant, whereby those officers directed certain lands to be placed in possession of

of the 2nd. and 3rd. Petitioners and instructed the Magistrate to make over the property in question to their opponent and to refer the Petitioners before the Foujdaree Adalut to a Civil action for the establishment of their claim.

2. The Petitioners assert that the 1st. Petitioner had a mortgage lien on a portion of the lands and a Parumba which with his consent had been let out to the 2nd. and 3rd. Petitioners on Verumpatom tenure, and that the adverse Party, Kakoony Nair assisted by a great number of people, reaped and carried away by force the crop on the lands in question, for which act they were fined by the Magistrate.

3. Altho' the Court of Foujdaree Adalut are of opinion that the Civil Judge has in his order of the 16th. December 1845 wandered somewhat out of the subject immediately demanding notice and gone more fully into the question of proprietory right than was necessary to decide upon a mere point of "possession", they see nothing upon his proceedings which tends at all to shew that his final orders are incorrect, or that any injustice has been committed. The Court are well aware of the difficulties often attendant upon adjusting conflicting claims in Malabar, though apparently very simple in their character, and seeing in the instance now brought under consideration, that great labor must attend

attend its final adjudication, they confirm the Sessions Judge's order which refers Petitioners to Civil Court.-

4 Petition dismissed.-

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

(Sent in No. 571.)

Ordered also that Extract from these Proceedings be granted to the Petitioner's Vakeel on his application.-

Read letter dated the 14th. Ultimo from the Acting Sessions Judge of Calicut stating with reference to Extract Proceedings Foujdaree Adalut 3d. idem upon his annulment of the sentence in No. 235 of the Criminal File of 1845 the circumstances which led him to regard "embezzlement" as a crime punishable only by him.-

(Here enter F. C: No. 920 of 1846)

Read return dated the 18th. Ultimo from the Officiating Principal Sudr Ameen of Tinnevelly to the precept of the Foujdaree Adalut under date the 27th. February last giving cover to an Extract from the Proceedings of the said Court containing observations and Orders on the Criminal reports for the Month of January 1846.-

(Here enter F. C: No. 930 of 1846.-

Read.

Read return dated the 20th. Ultimo from the Sessions Judge of Chingleput to the precept of the Foujdaree Adalut under date the 17th. idem calling upon him to refer to the record in Criminal Case No. 1 of 1846 of the file of the Principal Sudr. Ameen and to pass such orders as may appear proper reporting the same for the information of the Higher Court.-

(Here enter F. C: No. 931 of 1846)

Read return dated the 16th. Ultimo, from the Acting Agent to the Governor of Vizagapatam to the precept of the Foujdaree Adalut under date the 9th. idem mitigating the sentence of the Prisoner Vapachadoo Pydee from 14 to 5 Years imprisonment with Labor agreeable to her sex.-

(Here enter F. C: No. 932 of 1846)

Read communication dated the 16th. Ultimo from the Magistrate of Rajahmundry submitting the explanation required by the Foujdaree Adalut relative to Cases No. 3 and 7 of the Criminal Report for January 1846.-

(Here enter F. C: No. 933 of 1846.-

Read letter dated the 16th. Ultimo from the Magistrate of Salem submitting explanation in Criminal Cases No. 211. 219 and 224.-

(Here enter F. C: No. 938 of 1846).

Read Calendar in Case No. 9 of 1846 submitted by the Sessions Judge of Bellary under date.

14th April 1846.

date the 17th Ultimo.-

(Here enter F. C. No. 943 of 1846).

Read Calendar in Case No. 10 of 1846.
submitted by the Sessions Judge of Rajahmundry under
date the 17th Ultimo.-

(Here enter F. C. No. 944 of 1846).

Read return dated the 21st Ultimo from
the Sessions Judge of Combaconum to the precept of the
Fouzdaree Adalut under date the 27th February 1846. directing him
to call up the record in Criminal No. 4 of 1846 and to pass
such orders as may deem proper reporting the same for the
information of the Fouzdaree Adalut.-

(Here enter F. C. No. 953 of 1846).

Read return dated the 20th Ultimo
from the Acting Sessions Judge of Madura to the precept
of the Fouzdaree Adalut under date the 16th idem. containing
their remarks on the return under date 26th February last from
the above officer to their Precept of the 21st Idem directing the
immediate release of the Prisoners in Calendar Case No. 36 of 1845.
on the file of the Sessions Court of Madura and desiring him to
report the execution of their orders by the Subordinate Judge
which is not stated in the return under review.-

(Here enter F. C. No. 934 of 1846)

End 14

F. C.

Wednesday
15th April 1846. } At a Court of the Fouzdaree Adalut.

Present.

G. J. Waters Esquire — 1st Puisne Judge.
Malcolm Lewin Esquire — 2nd Puisne Judge.
J. B. J. Boileau Esquire 3rd Puisne Judge.

Read Calendar of Cases Nos.
7 and 8 of 1846, submitted by the Sessions
Judge of Salem under date the 26th
Ultimo.-

(Here enter No. 1036.)

The Prisoners in this case
1.
8 in number were convicted of "having
"riotously assembled together to the
"number of above 100 persons armed with
"sticks, stones &c. assaulted, beaten and
"pelted and slightly wounded and bruised
"a party of tobacco Peons, who had seized
"a quantity of smuggled Tobacco (about
"6 Maunds) in the 1st Prisoner's house and
"were conveying it and 1st 2nd and 7th
"Prisoners to the Village Cutcherry and
"with having rescued the said Tobacco
"and Prisoners from the Revenue Officers
and

"and forced the latter to take to flight."

The 1st 2nd and 7th Prisoners were further convicted of having "been found in pos-
"session of about 6 Maunds of smuggled
"Tobacco valued at about 50 Rupees."

"In apportioning their pun-
"ishments, the Acting Sessions Judge
"observed that it is necessary to distin-
"guish between the 3rd Prisoner and
"the others. He was clearly proved to
"have been the one who commenced the
"riot, and was therefore sentenced to one
"years imprisonment."

2. The 1st 2d and 7th Prisoners as regards their part in the affray, are deemed by the Acting Session Judge to be the least culpable. "they were "apprehended as smugglers, and do "not appear to have excited the others "to rescue them, tho' when they did "so they availed themselves of the op-
"portunity and aided in the affray, "tho' not taking a very active part. "looking however to the fact of them being found

found engaged in smuggling tobacco: "and to the strong suspicion necessarily "excited — that they were in league "with the party who attacked the "Peons and rescued them, they were "sentenced to 6 months imprisonment. "the 4th 5th 6th and 8th Prisoners were — "proved to have taken an active part "throwing stones, running off with "tobacco &c., and were all also sen-
"tenced to 6 months imprisonment."

"All the sentences being "under Section VII Regulation VII of 1811"

3. The Court of Foujdaree Udalut consider these sentences to be culpably lenient. Such a case as this called for exemplary punishment.

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

(Sent in No. 574.)

Read Report of Case tried by the Magistracy of Cuddapah under

under the provisions of Section LIV Act VII of 1843 during the month of February 1846 submitted under date the 24th Ultimo by the Acting Magistrate.-

(Here enter No. 997)

Cases Nos. 1.
" 2.

Adverting to the use of the term "Hoozoor" in the reports of these cases, the Court of Foujdaree Udalut observe that the insertion in the reports submitted by the Judicial and Magisterial Authorities of Native Terms unaccompanied by an explanation of their meaning in English has been frequently prohibited by the Foujdaree Udalut.-

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

(Sent in No. 575.)

Read letters under date the 19th March 1846 from the Sessions Judge of Bellary submitting for the consideration and final sentence of the Court

Court of Foujdaree Udalut an English Translation of the entire record in Case No. 1 of 1846.-

(Here enter F. No. No. 989 of 1846)

Before finally disposing of this case the Court of Foujdaree Udalut desire that the Session Judge will examine Captain West the Officer Commanding the Detachment at Cooty or the Native Officers of the Company to which the prisoner belongs regarding the state of mind and general conduct of that individual since they have been acquainted with him and they direct that an English translation of the depositions given on this point be submitted for their consideration with the least practicable delay.-

Ordered that Extract from these Proceedings be sent to the Session Judge of Bellary for his information and guidance by precept returnable without delay.-

(Sent following precept No. 576.)

Read

Read Calendar of Cases Nos 8 and 9 of 1846 on the file of the Sessions Court of Salem submitted under date the 27th Ultimo by the Sessions Judge.

(Here enter F. Uc. No. 1056 of 1846.)

The Court would observe for the information of the Sessions Judge that they consider the practice of selecting Vakeels to sit as Assessors or Juries in Criminal trials to be objectionable and one that should if possible be avoided.

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

(Sent in No. 577.)

Read letter dated the 13th Ultimo from the Sessions Judge of Salem furnishing explanation relative to para 4 of the Extract from the proceedings of the Court of Sowdaree Udalut of the 5th Ultimo, on Case No. 49 of the Calendar of the Sessions Court with respect to the arraignment of prisoners.

prisoners.

(Here enter No. 874.)

The Sessions Judge is informed that when the same crime is charged against more than one Prisoner, the record need not exhibit, either in Original or its translation, more than a single arraignment, but that the pleas of the several Prisoners should be separately taken down and separately entered in the translation submitted to the Sowdaree Udalut.

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

(Sent in No. 578.)

Read Calendar of Case No. 5 of 1846 on the file of the Sessions Court of Cuddapah submitted under date the 19th Ultimo by the Sessions Judge.

(Here enter F. Uc. No. 958 of 1846.)

1. The Prisoners in this case were charged

15th April 1846.

Read Calendar of Cases Nos 8 and 9 of 1846 on the file of the Sessions Court of Salem submitted under date the 27th Ultimo by the Sessions Judge.

(Here enter F. C. No. 1056 of 1846.)

The Court would observe for the information of the Sessions Judge that they consider this practice of selecting Vakeels to sit as Assessors or Juries in Criminal trials to be objectionable and one that should if possible be avoided.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Salem for his information

(Sent in No. 577.)

Read letter dated the 13th Ultimo from the Sessions Judge of Salem furnishing explanation relative to para 4 of the Extract from the proceedings of the Court of Foujdaree Udalut of the 5th Ultimo, on Case No. 49 of the Calendar of the Sessions Court with respect to the arraignment of prisoners.

15th April 1846.

prisoners.-

(Here enter No. 874.)

The Sessions Judge is informed that when the same crime is charged against more than one Prisoner, the record need not exhibit, either in Original or its translation, more than a single arraignment, but that the pleas of the several Prisoners should be separately taken down and separately entered in the translation submitted to the Foujdaree Udalut.-

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Salem for his information and guidance.-

(Sent in No. 578.)

Read Calendar of Case No. 5 of 1846 on the file of the Sessions Court of Cuddapah submitted under date the 19th Ultimo by the Sessions Judge.-

(Here enter F. C. No. 958 of 1846.)

1. The Prisoners in this case were charged

charged with having in company with about 20 others gone in a gang armed with spears and sticks and a lighted torch to the house of the 2nd Witness entered in by lifting up the street door from its hinges, struck the 2nd and 10th Witnesses and robbed them of property valued at Rupees 3-1- and with having entered the prosecutors house thro' the open gateway, struck and wounded the 1st Witness and struck with sticks the Prosecutor and 3rd and 4th Witnesses who were lying down in the house and plundered the house of ready money, gold and silver Jewels valued at Rupees 2001 and also with having set fire to and destroyed the houses together with property therein valued at about Rupees 140.-

2. The Sessions Judge concurs with the Law Officer in the acquittal of the 1st 3rd 4th 6th 7th 8th and 9th prisoners but being of opinion that strong suspicion attaches to them has placed them

them severally under requisition of security.-

3. With regard to the 2nd and 5th Prisoners the Sessions Judge dissents from the Futwah which convicts those individuals of the crime laid to their charge and he recommends that they should also be placed under requisition of security and adverting to the number of cases at present in hand in the Sessions Court suggests that the submission to the Foujdaree Udalut of the entire record of this case be dispensed with.-

4. The Court of Foujdaree Udalut are of opinion that under the circumstance of the Sessions Judge and Law Officer being totally at variance as to the guilt of the 2nd and 5th Prisoners, they would not be justified in dispensing with the submission of the entire record in this case which they accordingly desire may be transmitted in the usual manner.-

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

Judge of Cuddapah for his information and guidance by precept returnable within XX days from and after its receipt.

(Sent following precept No. 579.)

Read Calendar of Case No. 3 of 1846 submitted by the Session Judge of Masulipatam under date the 23d March 1846.

(Here enter F.C. No. 1018 of 1846.)

On a consideration of all the circumstances of this case the Court of Foujdaree Udalut are of opinion that the mitigated sentence of 7 Years imprisonment proposed by the Session Judge is insufficient for the punishment of the Prisoner and at variance with the intention of the legislature which draws a marked difference between the crime of Highway robbery and simple theft- and they accordingly resolve to direct the prisoner

"Vungalaputty Cetaroo"

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

public works for and during the period of (8) Eight years.

Ordered that Extracts from these Proceedings be forwarded to the Session Judge of Masulipatam for his information by precept returnable in VI days from and after its receipt.

(Sent following precept No. 580.)

Read Calendar of Case No. 5 of 1846 on the file of the Session Court at Nellore submitted under date the 31st Ultimo by the Session Judge.

(Here enter F.C. No. 1042 of 1846)

1. The Prisoner in this case was charged with having cut his throat with a knife so as to cause a severe wound with intent to commit suicide.

2. The Session Judge concurring in the Futwa of the Law Officer which convicted the Prisoner of the crime laid to his charge and declared him liable

15th 15 15th April 1846.

liable to Dokoobut has sentenced to imprisonment with hard labor in irons for one year under the provisions of Clause seventh Section II Regulation XV of 1803.-

3 The Court of Foujdaree Udalut consider this sentence unnecessarily severe and they accordingly resolve to reduce the period of imprisonment awarded to the prisoner to one month to be calculated from the date on which the sentence was passed.-

4 Adverting to the nature of the offence proved against the prisoner the Court of Foujdaree Udalut are of opinion that an ignominious punishment should not have been adjudged.-

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

(Sent in No. 582)
Read Criminal Reports

under

F. Uc.
15th April 1846.

under date the 9th March 1846 submitted by the Acting Subordinate Criminal Judge of Cuddapah for the month of February 1846.-

(Here enter F. Uc. No. 834 of 1846.)

Supplemental Report Case No. 262 of 1845.-

The Court of Foujdaree Udalut observe that the submission in the Criminal Reports of information regarding the final disposal of Cases committed to the Session Courts is inappropriate, these reports being merely intended to show the proceedings of the Criminal Courts.-

Case No. 28 of 1846. 2 On a perusal of the abstract of the evidence in this case as contained in the Report, the Court of Foujdaree Udalut are of opinion that no grounds existed for the commitment of the prisoner to the Criminal Court.-

Case No. 30. 3 The Court of Foujdaree Udalut require to be furnished with an explanation of the grounds on which the Police Ameen of Cuddapah considered himself justified in committing this

5

15th Report No. V.

this case to the Criminal Court.

Case No. 35. 4. The reference made to the Acting Magistrate which is assigned as a cause of delay in the transmission of this case to the Criminal Court evinces gross ignorance of his duty on the part of the Police Ameen and calls for serious notice.

Case No. 36. 5. The Court of Foujdaree Udalut require an explanation of the delay of 16 days which the Head of Distruct Police permitted to elapse before referring this case for the orders of the Acting Magistrate.

6. The reference itself proves the Head of Police to be unfit for his office as the offence charged, if supported by evidence, was obviously beyond the jurisdiction of the Police or Magistracy; and in the appreciation of evidence it was incumbent upon the Head of Police to act on his own judgment.

The

Case No. 42. 7. The Court of Foujdaree Udalut consider the grounds adduced by the Acting Subordinate Judge insufficient to warrant the requisition of security ——— from the 1st Prisoner in this case and they accordingly direct that he be unconditionally released forthwith.

8. In the opinion of the Foujdaree Udalut the case might with propriety have been dismissed by the Head of District Police.

Case No. 46. " 51 " 52 9. The Court see reason to question the propriety of the manner in which these cases have been disposed of and they accordingly desire that the Session Judge will call up the records and pass such orders as he may think proper, reporting the same for the information of the Foujdaree Udalut.

Case No. 48. 10. The Court of Foujdaree Udalut observe in this case an infraction of Section V. Regulation XII of 1816

to.

15th April 1846.

to the provisions of which enactment the Acting Magistrate will be pleased to direct the attention of the officers of Village Police in the District under his charge.-

Case No 49. 11. In this case the Court of Foujdaree Udalut observe another instance of the unnecessary references which so frequently mark the proceedings of the Heads of Police in the Cuddapah District.-

12. This practise the Acting Magistrate should discourage by every means in his power, as it is in direct contravention of frequently repeated orders and materially tends to abridge the exercise of means which are legally vested in the police of acting independently of an immediate superior.-

13. The Court of Foujdaree Udalut direct that the Acting Subordinate Judge will in communication with the Medical Officer report the cause of the great sickness which appears to have

15th April 1846. have prevailed in the Jail under his charge during the period comprised in these Reports.-

Ordered that Extract from these (Proceedings (para 9) be sent to the Sessions Judge of Cuddapah for his information and guidance by precept returnable within XV days from and after its receipt.-

(Sent following precept No 582)

Ordered also that Extract from these Proceedings be sent to the Subordinate Judge of Cuddapah for his information and guidance and for communication of paras 2.3.4, 5.6.8, 10, 11 and 12 to the Acting Magistrate for the information and guidance of that Officer and for report direct to the Foujdaree Udalut by precept returnable within XV days from and after its receipt.-

(Sent following precept No 583)

- to further return having been received from the Subordinate Judge of Madura to the precept of this

15th April 1846.

to the provisions of which enactments the Acting Magistrate will be pleased to direct the attention of the officers of Village Police in the District under his charge.-

Case No. 49.- 11. In this case the Court of Foujdaree Udalut observe another instance of the unnecessary references which so frequently mark the proceedings of the Heads of Police in the Cuddapah District.-

12. This practise the Acting Magistrate should discourage by every means in his power, as it is in direct contravention of frequently repeated orders and materially tends to abridge the exercise of means which are legally vested in the police of acting independently of an immediate superior.-

13. The Court of Foujdaree Udalut direct that the Acting Subordinate Judge will in communication with the Medical Officer report the cause of the great sickness which appears to have

Jp 26.

15th April 1846.- have prevailed in the Jail under his charge during the period comprised in these Reports.-

Ordered that Extract from these Proceedings (para 9) be sent to the Sessions Judge of Cuddapah for his information and guidance by precept returnable within XV days from and after its receipt.-

(Sent following precept No. 582)

Ordered also that Extracts from these Proceedings be sent to the Subordinate Judge of Cuddapah for his information and guidance and for communication of paras 2, 3, 4, 5, 6, 8, 10, 11 and 12 to the Acting Magistrate for the information and guidance of that Officer and for report direct to the Foujdaree Udalut by precept returnable within XV days from and after its receipt.-

(Sent following precept No. 583)

No further return having been received from the Subordinate Judge of Madura to the precept of this

this Court dated the 9th. February last on the review of the Criminal Reports for the month of December 1845.-

Ordered that the Subordinate Judge of Madura be required to make a full return to the precept aforesaid without delay.-

(Sunk in No. 584.)

Read Extract from the Proceedings of the Sessions Court of Bellary dated 20th. Ultimo submitting explanations regarding the remarks recorded by the Fouzdaree Adalut on the committal of case No. 5 of 1846 on the file of the Sessions Court of Bellary.-

(Here enter Fy. Ac. No. 988 of 1846.)

1. The Prisoner in the case in question was committed under Clause Second, Section IV, Regulation VII of 1822. for having knowingly received Pc. Rs. 61-6-6 worth out of the 472 Rupees worth of property stolen from the Prosecutor.-

2. In reviewing the Calendar the

the Court of Fouzdaree Adalut deemed it right to caution the Sessions and Subordinate Judges against the trial and committal of persons under the provisions quoted unless it appeared that they were at the time of receiving aware of the aggravating circumstances attendant on the commission of the crime which took it out of the jurisdiction of the lower Court.-

3. In his return the Sessions Judge states that "as the Prosecutor's name was on certain of the articles received by the Prisoner, and as the theft had been committed thirteen days before the said articles came into his possession, there was room for presuming that the Prisoner if he received the said property knowing it to have been stolen, must also have been aware of the particular theft by which it had been required.-

4. The Court consider that mere

15th April 1846.

mere presumption that the Prisoner was cognizant of the aggravating circumstances is not sufficient to warrant his committal. The point should be clearly proved.

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

(Sent in No. 585.)

End 1st

J: C:

Thursday 16th April 1846

At a Court of the Foujdaree Adalut.

Present.

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

Malcolm Lewin Esqr. ——— 2nd Puisne Judge

T: E: J: Boileau Esqr. ——— 3rd Puisne Judge

Read Calendar of Case No. 1 of 1846. submitted by the Sessions Judge of Combaconum under date the 27th January last.

(Here enter F: C: No. 332)

1. In this case the 4th and 5th prisoners, convicted of having received certain beads, part of stolen property, knowing it to be such, have been sentenced to one years imprisonment with labor suited to their sex under Clause Second, Section IV, Regulation VI of 1822.

2. The Court observe, that tho' it is clear these prisoners were fully cognizant of the fact that the property they received was stolen property, yet it is no where shewn that they were aware of the aggravating circumstances connected with the abstraction of the property; and therefore they should have been punished under clause fourth, of the Section and Regulation quoted by the Sessions Judge.

3. Parties can only be punished under

Clause

15th April 1846.

mere presumptions that the Prisoner was cognizant of the aggravating circumstances is not sufficient to warrant his committal. The point should be clearly proved.-

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

(Sent in No. 585.)

End 11

F: C:

Thursday 16th April 1846.

At a Court of the Foujdaree Adalut.

Present

G: I: Waters Esqr. ——— 1st Puisne Judge.

Malcolm Lewin Esqr. ——— 2nd Puisne Judge

F: C: I: Boileau Esqr. ——— 3rd Puisne Judge.

Read Calendar of Case No. 1 of 1846. submitted by the Sessions Judge of Combaconum under date the 27th January last.-

(Here enter F: C: No. 332)

1. In this case the 4th and 5th prisoners, convicted of having received certain beads, part of stolen property, knowing it to be such, have been sentenced to one years imprisonment with labor suited to their sex under Clause Second, Section IV, Regulation VII of 1822.-

2. The Court observe, that tho' it is clear these prisoners were fully cognizant of the fact that the property they received was stolen property, yet it is no where shewn that they were aware of the aggravating circumstances connected with the abstraction of the property, and therefore they should have been punished under clause fourth, of the Section and Regulation quoted by the Sessions Judge.-

3. Parties can only be punished under

clause

clause second of the Section and Regulation referred to, who are convicted of having "purchased or received plundered "or stolen property of any description knowing at the "time of purchasing or receiving the same that such property had been obtained in the perpetration of robbery by open "violence or of theft accompanied with any of the aggravating "circumstances described in Clause Second Section II or Clause "Second Section III of that Regulation."-

4 In this instance the circumstances of aggravation was that the value of the property stolen from the house exceeded 100 Madras Rupees - and unless it can be shewn that these prisoners were aware of this circumstance it is clear that the case does not fall within the provisions of Clause Second Section IV Regulation VI of 1822 hence and as Clause 4th of the above does not apply to the Courts of Session - the sentence should have been passed under Clause seven Section 2. Regulation 15 of 1803.-

5. The Session Judge will be pleased to amend his sentence accordingly.-

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

(Sent following Precept No. 588.)

Read again Jail returns for the year 1845

16th April 1846.

1845 submitted by the Subordinate Judge of Salem - under date the 1st January 1846.-

(Here enter F. C: No. 457)

Read also communication under date the 4th March 1846 from the Subordinate Judge of Salem submitting an amended Jail Return for the year 1845 and a statement shewing the number of casualties among the prisoners confined in the Jail at Salem during the last ten years distinguishing those occasioned by cholera and by other diseases.-

(Here enter F. C: No. 747)

Read also communication under date the 13th March 1846 from the Magistrate of Tanjore requesting that 60 Convicts may be placed at his disposal for the purpose of keeping in repair the roads and other public works at Tranquebar.-

(Here enter F. C: No. 868)

1. On a perusal of the Jail Returns - submitted by Mr. Frere, the Subordinate Judge of Salem - for the year 1845 from which it appeared that the number of deaths among the Convicts - during the year in question amounted to 83, the Judge of the Foujdaree Adalut deemed it necessary to call upon that officer to explain under what peculiar circumstances so great a mortality had occurred.-

2. In reply to this requisition the Subordinate

Subordinate Judge states, that, of the number of deaths which have occurred during the year 1845 in the jail under his charge 57 were from Epidemic Cholera, and he submits a statement shewing the number of casualties among the Convicts in the Salem Jail during the last ten years, from which the Judges observe that it is stated by Mr. Frere "that the average number of deaths from Cholera during the period in question has been 12 per cent. annually, and those from other causes nearly the same or 12-2 per cent. annually, making a total percentage of deaths among the Convicts of 24-2 per cent. annually".-

3. After stating his inability to suggest a remedy for the high rate of mortality shown to prevail among the Convicts in the Jail under his charge "unless "the Government should feel justified in erecting a new "and more spacious Jail in a more healthy locality and "at a short distance from the town, the wards of the "present Jail being very low and ill adapted to the "climate" the Subordinate Judge concludes by drawing the attention of the Court of Foujdaree Adalut to a fact observable in the statement under remark "that the average probability of life in the case of a Convict confined in the Jail at Salem for a lengthened term, is only four years".-

4 The Judges of the Foujdaree Adalut having

having given their deliberate attention to the lamentable state of things described by the Subordinate Judge, are of opinion that in view to the early adoption of remedial measures, it is incumbent on them to reduce the number of inmates in the Jail under Mr. Frere's charge, and if possible to create a change in the sanitary influence felt in the Jail, by the removal of a portion of the prisoners now in confinement at Salem to another station, an arrangement which with reference to the application above entered from the Magistrate of Tanjore for the aid of Trangnebar of 60 Convicts for the purposes described in that officers address, may be immediately effected should the Most Noble the Governor in Council be pleased to approve of the transfer.-

5. Meanwhile with reference to the Dated 11th December 1838. order of Government noted marginally the Court resolves to require the Subordinate Judge of Salem at once to make the usual arrangements for the removal to the Jail at Combaconum of 60 Convicts whose unexpired sentences shall exceed six months.-

6. The Judges would further recommend that the Civil Engineer of the Division be authorized to place himself in communication with the Sessions Judge, the Subordinate Judge and the officer in Medical charge of the Jail at Salem, for the purpose of

of devising such measures as may tend permanently to diminish the great mortality prevalent among the Convicts at that station either by enlarging and otherwise improving the accommodation afforded in the present building, or should this appear to be impracticable, by the erection of a new Jail to be constructed on an improved principle, and situated in a more healthy locality than that in which the prisoners are now confined.-

Ordered that Extract from these Proceedings be sent to the Secretary to Government in the Judicial Department for the information of the Most Noble the Governor in Council.-

(Sent in No. 589.)

Ordered also that Extract from these Proceedings (paras: 4 and 5) be sent to the Subordinate Judges of Combaconum and Salem for their information and guidance.-

(Sent in No. 590.)

Read again Calendar of Case No. 18 of 1846 submitted by the Sessions Judge of Combaconum under date the 23rd February 1846.-

(Here enter F: C: No. 673 of 1846)

Read also return dated 21st March 1846 from the Sessions Judge of Combaconum to the precept of the Foujdaree Adalut of the 7th idem directing him to

16th April 1846.

to submit an English translation of the record in Case No. 18 of 1846 on the file of the Session Court.-

(Here enter No. 971 of 1846)

1. The record in this case was called up because the Court of Foujdaree Adalut saw reason on a perusal of the Calendar to question the propriety of the conviction of the prisoner and a consideration of it has only confirmed their former impression.-

2. In this case the Prisoner a woman was charged with house breaking and theft of property to the amount of Rupees 566. and the Jury having convicted her of having been accessory to the burglary and theft laid to her charge she was sentenced by the Session Judge to 5 years imprisonment with labor suited to her sex.-

3 The Police Proceedings exhibit no proof whatever that the Robbery charged was perpetrated. The Subordinate officer of Police reports 6 days after its alleged perpetration, that he had inspected the spot, but did not report having seen any hole or other indication of a burglarious entrance or of theft nor is this most essential point deposed to by any one on the trial; nor have pains been taken by the Session Judge, or a single question been put by him to establish it; tho' the indictment charged the Prisoner with house breaking

4.

4 It further appears that the first step in this case taken by the police was not on information received from the Prosecutor, for "he had not complained about the theft" but "on the Subordinate "Police officer coming to understand it" from some other source - and the Thasildar in reporting to the Subordinate Judge the measures which had been adopted to discover the depredators states that the house of one Veerapadiady a suspected person, was not searched in consequence of the Prosecutor declaring that none of the stolen property "would be found in it."

5. The only part of the stolen property that was recovered was a pair of silver leg clams which it is reported were found near the gate of the Prisoner.—

6. The statement of the man who discovered these is exctremely suspicious and should have led the Sessions Judge to a most searching cross examination - He states that he and the Prosecutor after searching the Prisoner's house and finding nothing were leaving the place; that the Prosecutor went first and he after him; and that he trod upon a cloth Bag in the inner part of the gate close by the south wall of it; that on his so taking up the bag it was found to contain a small knot of red rag which proved to be the Silver chains - It appears from his

his own admissions that the Subordinate Police officer and others had gone over the same ground before him and apprehended the Prisoner.—

7. The discovery of the two broken boxes in the field proves nothing whatever, for these might have been easily placed there and the discovery of the bag and ornament, even if free from suspicion of foul play, would prove nothing against the prisoner, for had she been guilty of the theft she would no doubt have concealed the bag and not shown it upon the floor.—

8. The sentence of the Jury appears inconsistent with itself; it goes to shew that certain property was traced to the Prisoner proving (if any thing) "possession", but not her being accessory to the crime charged a receiver is indeed strictly speaking an accessory after the fact, but this was not the meaning attaching to the finding of the Jury.—

9. Under this view of the case the Court of Foujdaree Adalut direct that the prisoner "Augemmy" be immediately released.—

10. The Court of Foujdaree Adalut regret to observe that this is the second time within a very brief space they have been called on

ow to animadvert on the proceedings of the Sessions Judge of Combaconum.—

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

(Sent following Receipt No. 591.)

Read return dated the 14th Ultimo from the Principal Sudr. Ameen of Trichinopoly to the precept of the Foujdaree Adalut under date the 5th idem containing their observations on the Criminal Reports for the month of January 1846.:

(Here enter F: C: No. 880 of 1846).

Read Criminal reports dated the 10th Ultimo submitted by the Sessions Judge of Honore of the Sudr. Ameen's Court at Sirsy for the month of February 1846.—

(Here enter F: C: No. 885 of 1846)

Read Calendar in Case No. 48 of 1846 submitted by the Sessions Judge of Tinnevelly under date the 12th Ultimo.—

(Here enter F: C: No. 889 of 1846).

Read Calendar in Case No. 49 of 1846 submitted by the Sessions Judge of Tinnevelly under date the 12th Ultimo.—

(Here enter F: C: No. 890 of 1846.—

Read

Read Statement dated the 16th Ultimo submitted by the Sessions Judge of Nellore of Extra prons, Convict labor Report, and statement of information required by the Circular Order Foujdaree Adalut 18th Feby for the month of February 1846.— (Here enter F: C: No. 892 of 1846).

Read return dated the 12th Ultimo from the Sessions Judge of Honore to the precept of the Foujdaree Adalut under date the 3rd idem conveying their remarks on the review of the Calendar in Case No. 3 of 1846.—

(Here enter F: C: No. 894 of 1846)

Read Calendar in Case No. 12 of 1846 submitted by the Sessions Judge of Chittoor under date the 10th Ultimo.—

(Here enter F: C: No. 901 of 1846)

Read return dated the 17th Ultimo from the Sessions Judge of Combaconum to the precept of the Foujdaree Adalut under date the 5th idem, directing him to mitigate and amend the sentences passed in Cases No. 9 and 10 of 1846.—

(Here enter F: C: No. 908 of 1846).

Read return dated the 14th Ultimo from the Sessions Judge of Trichinopoly to the precept of the Foujdaree Adalut under date the 5th idem directing him to call up the record in Case No. 7 on the file of the Principal Sudr Ameens Court and to pass such orders as he may think proper

reporting

reporting the same for their information.—

(Here enter F: C: No. 910 of 1846)

Read return dated the 18th Ultimo from the Principal Sudr Ameen of Nellore to the precept of the Foujdaree Adalut under date the 10th idem containing their observations on the Criminal Reports for the Month of January 1846.—

(Here enter F: C: No. 914 of 1846).

Read letter dated the 14th Ultimo from the Magistrate of Bellary submitting explanation for the detention of the Prisoner in Case No. 20 and as regards the conduct of the Police Row in case No. 21 as called for in their Proceedings dated 25th February last.—

(Here enter F: C: No. 915 of 1846).—

End 16.

F. C.

Saturday 18th April 1846.— At a Court of the Foujdary Adalut.—

Present.

The Hon'ble G. S. Walters Esqre — 1st Puisne Judge.—

Malcolm Lewin Esqre — 2d Puisne Judge.—

T. E. J. Boileau Esqre — 3d Puisne Judge.—

Read Calendars in Cases Nos. 14 and 15 of 1846 submitted by the Sessions Judge of Cuddalore.—

(Here enter No. 1017.)

The above Calendars not requiring any remarks from the Court of Foujdary Adalut.—

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

(Sent in No. 599.)

Read return dated 3d April 1846 from the Sessions Judge of Cuddalore to the precept of the Foujdary Adalut of the 31st Ultimo conveying their remarks and orders on Calendar of Cases No. 9 of 1846 on the file of the Sessions Court of Cuddalore.—

(Here enter F. C. No. 1091 of 1846.)

The Court of Foujdaree Adalut are unable from the papers now submitted to — appreciate

appreciate the motive which may have actuated the Head of the Police of Tennamalie to misrepresent in his report the true facts of the case but though it is not clear that he acted with a criminal design his conduct on the occasion is open to the severest censure and to very strong suspicion.-

2. The Court accordingly resolve to direct that a copy of the Sessions Judges remarks recorded in the Calendar be forwarded to the Magistrate who will inform the Head of Police in question that he has incurred the severest displeasure of the Foujdary Adalut and warn him that any future misconduct on his part which may be brought to notice will subject him to immediate dismissal if not to still more harsh measures.-

3. The Magistrate will take such notice of the conduct of the Head of the Village as may appear to him to be proper.-

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

(Sent in Nº 600)

Read letter, dated the 2nd Instant, from the Sessions Judge of Guntoor, forwarding an English translation of the Records of trial in Case Nº 3 on

on the Calendar of 1846.-

(Here enter Nº 1065 of 1846.)

The Court of Foujdary Adalut

Mr. M. Levin. on a deliberate consideration of all the circumstances

and of the case as evidenced before them, being of opinion

Mr. J. J. Vallain. that the proof against the prisoner

1st Cuttah Sutchemy-

is sufficient to convict her of the crime of administering medicine to procure abortion and thereby causing death, and that that against the prisoner

2d Yamurty Soobbama.

is sufficient to convict her of being accessary after the fact, for which, according to the Mahomedan Law, as declared in futwas of their Law Officers, discretionary punishment is awardable do convict them thereof, and with reference to the provisions of Clause third Section VII Regulation XV of 1803, do sentence the prisoner

1st Cuttah Sutchemy.

to be imprisoned and kept to labor suitable to her sex for and during the period of (5.) five years: and the prisoner

2d Yamurty Soobbama.

to be imprisoned without labor for and during the period of (3) three months.-

This

18th April 1846.-

1. The 1st Prisoner in this case was charged with having given medicine to the Prosecutrix's daughter for the purpose of procuring abortion, in consequence of which she died; and with having in company with the 2d Prisoner carried away and secreted the dead body.-

2. The 2d Prisoner was charged with having abetted the 1st Prisoner in the commission of the above crime.-

3. The Sessions Judge recommends that the 1st and 2d Prisoners be sentenced to imprisonment with hard labor in irons for the respective periods of two and one year.-

4. The Court of Sudder Adalut having deliberately considered the entire record of this case are of opinion that with reference to the prevalence of the crime proved against the 1st Prisoner, which so frequently terminates in death, any punishment short of 5 Years imprisonment would be insufficient.-

5. With the exception of the act of securing the body of the deceased the Court do not consider that the 2d Prisoner is proved to have participated in the crime of the 1st Prisoner; and they are therefore of opinion that in her

18th April 1846.-

her case a sentence of 3 months' imprisonment without labor or irons will be sufficient to meet the demands of justice.-

6. The Court of Sudder Adalut observe that in the examination of this case the Principal Sudr Ameen has infringed the rule laid down in the Circular Order dated the 12th April 1819, in sending up to the Sessions Court the witnesses to the confession made by the 2d Prisoner before the Police.-

7. Under the same order it was incumbent upon the Sessions Judge to dispense with the examination of the 14th and 15th Witnesses.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Guntoor for his information and guidance and for communication of para 6 to the Principal Sudr Ameen for the information and future guidance of that officer.-

(Sent in No 601.)

Read Extract from the Minutes of Consultation under date the 15th Instant, commuting the sentence of Death awarded the Prisoner Woolly Daoulloo in case No 26 of 1845 on the File of the Court of the Agent to the Governor of Fort St George

Fort St George at Vizagapatam which was confirmed by Government in the Extract from the Minutes of Consultation dated 14th March 1846 No. 167 to transportation to Singapore.-

(Here enter No. 1174)

Under authority of the Most Noble the Governor in Council the Court do accordingly direct that the Prisoner

Woolly Dawnlloo

be transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor in irons on the public roads or other public works for (and) during the period of his natural life.-

(Sent following letter No. 602)

Resolved that the Agent to the Governor at Vizagapatam be requested to return for cancelment the sentence forwarded from this Court under date the 16th March 846.

Ordered that Extract from these proceedings be forwarded to the Agent to the Governor of Fort St. George at Vizagapatam, for his information by precept returnable in XV days from (and) after its receipt.-

(Sent following precept No. 603.

Read again Criminal Reports under date the 9th Ultimo submitted by the Acting Subordinate Judge of Cuddapah for the month of January 1846.-

(Here enter J. C. No. 512 of 1846.)

Read also return under date the 2d Instant, from the Session Judge of Cuddapah to the precept of the Foujdary Adalut dated the 13th Ultimo directing that Officer to call up the records of Cases Nos. 1, 2, 8 and 19 in the foregoing Criminal Reports and to pass such orders as he should think proper reporting the same for the information of the Foujdary Adalut.-

(Here enter J. C. No. 1073 of 1846.)

On a perusal of the Extract from the Proceedings of the Sessions Court submitted with the foregoing return, the Court of Foujdary Adalut approve of the reduction of the sentences awarded to the prisoners in Cases Nos. 1 and 8 of the release of the prisoner in Case No. 2 and of the confirmation of the sentence passed by the Criminal Court in Case No. 19 on the grounds stated by the Session Judge.-

Ordered that Extract from these proceedings be sent to the Session Judge of Cuddapah

Cuddapah for his information.-

(Sent in No. 604)

Read Calendar of Case No. 6 of 1846 submitted by the Session Judge of Mangalore under date the 4th Ultimo.-

(Here enter No. 781.)

Read Calendar of Case No. 5 of 1846 submitted by the Session Judge of Honore under date the 16th Ultimo.-

(Here enter No. 986.)

Read Calendar of Case No. 4 of 1846 submitted by the Session Judge of Bellary under date the 24th Ultimo.-

(Here enter No. 1010.)

Read Supplemental return dated the 7th Instant from the Sessions Judge of Cuddapah & the precept of the Foujdary Adalut of the 13th Ultimo directing him to call up the records in Cases Nos. 1. 2. 8 and 19 of the Criminal Reports for February 1846 and to pass orders as he may think proper.-

(Here enter No. 1134.)

Read letter dated the 9th Instant from the Sessions Judge of Bellary forwarding the original death warrant in Case No. 6 of 1846, together

together with copy of the letter of the Sudr Ameen in charge of the Subordinate Court reporting the execution of the prisoner.-

(Here enter No. 1151.)

Read letter dated the 4th Instant from the Magistrate of Canara submitting explanation of delay in several cases alluded to in the proceedings of the Foujdary Adalut dated 16th March 1846.-

(Here enter No. 1164.)

Read report dated the 1st Instant submitted by the Agent to the Governor of Fort St George at Ganjam of persons apprehended in the separate tracts of Ganjam and delivered to him and his Assistants in the months of March 1846.-

(Here enter No. 1176.)

Read report dated the 1st Instant submitted by the Agent to the Governor of Fort St George at Ganjam shewing the sentences of the Foujdary Adalut received in the Months of March 1846.-

(Here enter No. 1177.)

Read

18th April 1846.-

Read Convict labor report dated the 11th Instant submitted by the Session Judge of Masulipatam for the month of March 1846.-

(Here enter No. 1178.)

Read report dated the 11th Instant submitted by the Session Judge of Masulipatam- of casualties and of Prisoners released in the Zillah in the months of March 1846.-

(Here enter No. 1179)

Read the Criminal Reports No. 5 dated the 7th Instant submitted by the Principal Sudr Ameen of Ellore for the Months of March 1846.-

(Here enter No. 1189.)

Read the Criminal Reports No. 5. dated the 4th Instant submitted by the Moosty Sudr Ameen in charge of the Principal Sudr Ameen's Court of Guntoor for the months of March 1846.-

(Here enter No. 1190.)

End

F. U.

Monday, 20th April 1846.- At a Court of the Foujdaree Udalut.-

-Present-

Hon'ble G. J. Waters Esqre. _____ 1st Puisne Judge.-

Malcolm Lewin Esqre. _____ 2nd Puisne Judge.-

T. E. J. Boileau Esqre _____ 3rd Puisne Judge.-

Read Miscellaneous Petition presented on the 2d February last by C. Jyavarupa of Nellore.-

(Here enter M. P. No. 18 of 1846.)

1. The Petitioner prays for the release of his brother Cheroo Ramoody Uncatadry Prisoner in Cases No. 33 and 34 of 1845 on the Nellore Calendar, charged with having wounded his wife and attempted to commit suicide.-

2. The Court of Foujdaree Udalut observe that the Petitioner's brother was on the 8th Instant acquitted by them; but considering that his release would be unsafe and improper, they directed that he be placed in custody and that the Sessions Judge be desired to forward at the close of each six months a report upon his conduct from the medical officer attached to the Jail.-

Ordered

18th April 1846.-

Read Convict labor report dated the 11th Instant submitted by the Session Judge of Masulipatam for the month of March 1846.-

(Here enters No. 1178.)

Read report dated the 11th Instant submitted by the Session Judge of Masulipatam of casualties and of Prisoners released in the Zillah in the month of March 1846.-

(Here enter No. 1179)

Read the Criminal Report No. 5 dated the 7th Instant submitted by the Principal Sudr Ameen of Stalinpoor for the Months of March 1846.-

(Here enter No. 1180.)

Read the Criminal Report No. 5 dated the 11th Instant submitted by the Moofsly Sudr Ameen in charge of the Principal Sudr Ameen's Court of Gunteor for the months of March 1846.-

(Here enter No. 1190)

Ent WK

F. U.

Monday, 20th April 1846.- At a Court of the Foujdaree Udalut.-

-Present-

Lieut Col R G. J. Waters Esqre. ——— 1st Puisne Judge.-

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

T. E. J. Boileau Esqre. ——— 3d Puisne Judge.-

Read Miscellaneous Petition presented on the 2d February last by C. Syavamyya of Nellore.-

(Here enter M. P. No. 15 of 1846.)

1. The Petitioner prays for the release of his brother Cheroo Roomoody Vencatadry Prisoner in Cases Nos. 33 and 34 of 1845 on the Nellore Calendar, charged with having wounded his wife, and attempted to commit suicide.-

2. The Court of Foujdaree Udalut observe that the Petitioner's brother was on the 8th Instant acquitted by them; but considering that his release would be unsafe and improper, they directed that he be placed in custody and that the Sessions Judge be desired to forward at the close of each six months a report upon his health from the medical officer attached to the Jail.-

Ordered

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

Read Miscellaneous Petition presented on the 2d Ultimo by Alamaloo, wife of Auttymootoo and sister in law of Pungavanoy Prisoners in Case No 69 of the Combaconum Calendar for 1845.

(Here enter F. Gr. D. No 40 of 1846.)

1. The Petitioner complains of a sentence of 14 years imprisonment with hard labor in irons passed by the Sessions Judge of Combaconum upon her husband and brother in law, Prisoners in the aforesaid Case, under a conviction of Gang Robbery.-

2. The Petitioner asserts that the abovementioned Prisoners acting on orders from the Head of Police apprehended and brought to trial two individuals named Appavoo and Lutchmanen who had been concerned in the Robbery charged in the case in question, for which service the Magistrate directed the Head of Police to pay them a reward of 50 Rupees- however that the Head of Police Calliyanarow and the Duffadar, Vyapooree withheld it and appropriated it to themselves

themselves; subsequently that as the two Prisoners applied for it, the Head of Police conceived hatred towards them and adopted measures, by means of one Kristnen, to get them apprehended and brought to trial as having taken part in the said Robbery.-

3. The Petitioner further asserts that on a former occasion, when the Prisoners were seized and shewn to the Prosecutor Ponnen, a barber, he declared that he had not seen them on the night of the Robbery, but was subsequently prevailed on by the Police Officers to depose to the contrary effect.-

4. The Petitioner therefore prays the record may be called for and considered, and the Sessions Judge directed to release her relatives.-

5. Before passing final orders on this Petition the Court of Foujdaree deem it desirable to have before them the record of proceedings held in the trial of the Prisoners, and accordingly resolved to call upon the Sessions Judge to submit an English translation thereof with the least practicable delay.

6. The Prisoners it is observed were (as stated) identified by 4 persons, who had never seen them before, but this seems the principal evidence.- There are several points in this Petition which appear to require explanations.- The

Court

Court forward therefore a translation of it to the Sessions Judge and direct that Officer to afford such explanations regarding its contents, as he may think proper, especially regarding that part which refers to the reward of 50 Rupees adverted to.-

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Combaconum by precept returnable in 30 days from and after its receipt.-

(Sent following precept No 609)

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

Read again Miscellaneous Petition presented on the 9th February last by Adackayee Ummall of Zillah Combaconum complaining of the sentence passed by the Sessions Judge of Combaconum on her son, the 3d prisoner in Case No 65 of 1845 on the Combaconum Calendar.-

(Here enter M. P. No 19 of 1846.)

Read also return dated the 25th ultimo from the Sessions Judge of Combaconum to the precept of the Tondarce Cloalu under date the 2nd Idem calling for with reference to the above petition an English translation of the record of Case No 65

No 86.

20th April 1846.-

of 1845, and requiring certain explanations in regard to the verdict of the Jury.

(Here enter 17/9/45)

The 3d Prisoner in this case was convicted of a charge of having fraudulently mortgaged to the Prosecutors certain gilt ornaments, pretending that they were gold, and was sentenced by the Sessions Judge to imprisonment with labor in irons for a period of (3) three years.-

1.

2. The Petitioner declares, that her son took no part in the mortgage, but merely accompanied the 2d Prisoner to the house of the 1st Prisoner whom he (the son) had pointed out to the 2d Prisoner as one likely to accommodate him with a loan and that, therefore, he was not responsible for any fraud committed by the other prisoners in the case.-

3. It appears to the Tondarce Cloalu on a deliberate consideration of the entire record, that the circumstance of the 3d Prisoner having attested the bond executed by the 2d Prisoner to the 1st Prosecutor, might perhaps, with his general agency in the matter, be held to originate suspicion against him sufficient for a demand of security, but the Court do not think that when this

20th April 1846.

this measure is warranted, on a review of all the circumstances of the case.-

4. It is no where shewn that the 3d Prisoner, who has no concern with the charge emanating from the 2nd Prosecutrix, was aware that the ornament pawned to the 1st Prosecutor was of base metal. He has no where admitted such guilty knowledge, but throughout has declared that he considered the ornament pawned to be gold, and this declaration has not been gainsayed or refuted.- He has admitted that he did not closely examine the jewel and the Prosecutor himself deposes that he was recommended by the Prisoner before receiving the ornament, to have it weighed by the Sheriff. That the article was accordingly taken to a Goldsmith and weighed but the Prosecutor, it appears, foolishly contented himself with only that process. The 3d Prisoner cannot in the opinion of the Sonjaree Court be held responsible for the Prosecutor's careless omission, as it would seem that if the 3d Prisoner's good advice had been followed, it would probably have led to the detection of the dishonesty of the 1st and 2d Prisoners; the tendering of the advice is therefore

20th April 1846.

therefore much in favour of the 3d Prisoner.-

5. The Court of Sonjaree Udalut regret to observe that, so far as the Translations of the record show, the examination of the witnesses to the so termed confessions of the Prisoners before the Police, was not conducted with that scrupulous care, which usually characterizes the proceedings of the Subordinate Court at Combaconum. The replies of the deponents exhibit in monchment a mixture of singular and plural nouns and pronouns to the question regarding the Prisoners, that it is impossible from their examination to affirm which prisoners are specifically adverted to. Further the Court of Sonjaree Udalut observe that the Sessions Judge not only omitted to put any question to the witnesses now under remark, to ascertain whether the confessions of the prisoners were given voluntarily, but has been satisfied with their assurance that the Prisoners all confessed the crime tho' such statement is contrary to the true facts of the case.-

6. The Court of Sonjaree Udalut trust that it will not again be necessary that they should notice a similar want of care in the

Session

20th April 1846.

Sessions Judge's proceedings.-

For the reasons above assigned it is
the opinion of the Court of Sudder Adalut on a
mature consideration of the record of the trial, that
the charge preferred has not been established against
the Prisoner

"Jyyanpuddon"

and they accordingly resolve to direct that he be
immediately set at liberty.-

Ordered, that Extract from these
proceedings be forwarded to the Sessions Judge of
Combaconum by precept returnable in V days from
and after its receipt and for communication to the
Subordinate Judge.-

(Sent following precept No 610)

Ordered also that Extract from these
proceedings (paras 1, 2, 3, 4 and 7.) be furnished to
the Petitioner on her application.-

Read Miscellaneous Petition
presented on the 9th March 1846 by Moorooseppa
Ordian of Zillah Chittoor.-

(Here entered F.R.C. M.P. No 55 of 1846.)

1. The Petitioner complains of certain
proceedings held by the Sessions Judge of Chittoor
under

F.R.C.
20th April 1846.

under date the 26th February last confirming
the decision of the Acting Joint Magistrate
of North Arcot, which dismissed a complaint pre
ferred by the Petitioner against one Aroonachella
Ordian the Village Moonseff of Moorooganunga
lum and others, charging them with having seized
the Petitioner and his relatives on a charge of
robbery, maltreated them, received a bribe of 20
Rupees from them and then released them.-

2. The Petitioner asserts that the
charge was fully proved by the witnesses already
examined in his behalf, and that he called some
other witnesses, but that they were not examined. He
now prays, that the decision of the Acting Joint
Magistrate may be overruled, and that Officer
directed to deal with his opponents as the law
requires.-

3. The Court of Sudder Adalut
observe that the number of Witnesses examined
on behalf of Petitioner is quite sufficient for every
useful purpose.-

4. Altho' it appears from the
proceedings of the Session Judge that he
has perused the record, it is not shewn what

contradictions

20th April 1846.

Sessions Judge's proceedings.-

7. For the reasons above assigned it is the opinion of the Court of Sudder Adalut on a mature consideration of the record of the trial, that the charge preferred has not been established against the Prisoner

"3rd Jeyyamputtun"

and they accordingly resolve to direct that he be immediately set at liberty.-

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Combaconum by precept returnable in V days from and after its receipt and for communication to the Subordinate Judge.-

(Vide following precept No. 618)

Ordered also that Extract from these proceedings (paras 1, 2, 3, 4 and 7.) be furnished to the Petitioner on her application.-

Read Miscellaneous Petition presented on the 9th March 1846 by Moorooguppa Ordean of Zillah Chittoor.-

(Here enter F.R.C. M.P. No. 55 of 1846.)

1. The Petitioner complains of certain proceedings held by the Sessions Judge of Chittoor under

F.R.C.

20th April 1846.

under date the 26th February last confirming the decision of the Acting Joint Magistrate of North Arcot, which dismissed a complaint preferred by the Petitioner against one Aroonachella Ordian the Village Moonsiff of Moorooganunga lum and others, charging them with having seized the Petitioner and his relatives on a charge of robbery, maltreated them, received a bribe of 20 Rupees from them and then released them.-

2. The Petitioner asserts that the charge was fully proved by the witnesses already examined in his behalf, and that he called some other witnesses, but that they were not examined. He now prays, that the decision of the Acting Joint Magistrate may be overruled, and that Officer directed to deal with his opponents as the law requires.-

3. The Court of Sudder Adalut observe that the number of Witnesses examined on behalf of Petitioner is quite sufficient for every useful purpose.-

4. Altho' it appears from the proceedings of the Session Judge that he has perused the record, it is not shewn what

contradictions

contradictions are to be found upon the declarations of the Witnesses.-

5. The Court resolve, therefore, to call upon the Session Judge of Chittoor to procure and forward the record of proceedings held in the Petitioner's case together with an English translation thereof with as little delay as possible.-

Ordered, that Extract from these proceedings be sent to the Session Judge of Chittoor for his information by Precept returnable in XXX days from and after its receipt.-

(Sent following precept No. 611)

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

Read Miscellaneous Petition presented on the 9th March last by Mungalum of the Zillah of Combaconum and wife of the 1st Prisoner in Case No. 58 of 1845 on the file of the Session Court of Combaconum.-

(Here enter T. M. P. No. 57 of 1846.)

1. The object of this Petition is to obtain the release of the above mentioned prisoner who

who the Petitioner declares has been unjustly convicted and sentenced on a false charge of robbery originating in malice and supported by bribery to 14 years imprisonment by the Session Judge of Combaconum.-

2. Adverting to the facts alleged in this Petition and to the remarks of the Sessions Judge recorded in the Calendar, the Court do not deem it proper to call for an English translation of the record of the trial.-

3. The Sessions Judge will accordingly prepare and submit without delay an English translation of the proceedings in this case.-

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

(Sent following precept No. 612)

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

Read Miscellaneous Petition presented on the 6th April 1846 by Valyaeley Pillay Mootteyar Vakeel on behalf of Ganapaty

20th April 1846.

Ganapaty Pillay late Tahseldar of Combatore.-

(Here enter F. M. P. No. 72 of 1846.)

1. The object of this Petition is to induce the Court of Sunderee Adalut to reverse the sentence passed by them upon the Petitioner the prisoner in Case No. 24 of 1846 on the file of the Sessions Court of Combatore.-

2. The sentence of which the Petitioner complains was passed by the Sunderee Adalut on a mature consideration of the record of the trial, and must take its course.-

3. This Petition is dismissed.-

Ordered that Extract from these proceedings be furnished to the Petitioner's Vakeel on his application.-

Read Miscellaneous Petition presented on the 6th Instant by Soobboo Pillay of Zillah Combaenmum.-

(Here enter F. M. P. No. 74 of 1846.)

1. The Petitioner reiterates the statements contained in his two former addresses, and prays that the Court will cancel the sentence passed upon his son, on a perusal of all the records connected with his trial.-

+ Nos. 12 and 26 of 1846.

The

F. 46.

20th April 1846.

2. The Petitioner is referred to the order passed by the Sunderee Adalut on the 6th Instant on a similar application.- Petition rejected.-

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

Read Miscellaneous Petitions presented on the 2d. 23d. and 30th March 1846 by Ammundanaty Ummaul and Chinna Colunda Aynar of Zillah Coimbatore.-

(Here enter F. M. P. Nos. 41, 45, 65, and 66 of 1846.)

1. The object of the Petitions presented by Ammundanaty Ummaul and Chinna Colunda Aynar is to induce the Court of Sunderee Adalut to overrule the acquittal by the Sessions Judge of Coimbatore of Appanda Aynar 3d. Prisoner in Case No. 6 of 1846 on the file of the Sessions Court who, the Petitioners state, has returned to his village and threatens them with vengeance for having preferred the charge on which he was brought to trial.-

2. The Petitioner Ummanee Ummaul prays the Court to order the release of the 1st and 2d.

Prisoners

Prisoners in the case in question whom she alleges to be innocent of the offence laid to their charge.-

3. The Court of Tinjdaree Udalut disposed on the 31st Ultimo of the case referred to by the Petitioners after deliberate consideration, being fully satisfied that the 1st and 2d Prisoners were concerned in the affraint from which resulted the death of Appanda a Tyar.

4. The Court in their proceedings of the 31st Ultimo had directed the Magistrate of South Arcot on the expiration of the custody awarded to those prisoners to adopt such precautionary measures regarding them as will prevent any future breach of the peace; and they have also ordered the adoption at present of similar measures with reference to the parties concerned in this case who have been released by the Sessions Judge.- To these orders the Petitioners are referred.-

Ordered that Extract from these proceedings be granted to the Petitioners on their application.-

Read

Read letter dated 26th February 1846 from the Sessions Judge of Tinnevelly submitting the record of the trial in cases Nos. 53 and 56 of 1845, for the final sentence of the Court of Tinjdaree Udalut.-

(Here enter S.C. No. 707 of 1846.)

Mr. M. Stokes and Mr. F.J. Boileau.-

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

1st Swamysawroy.-
2d Shevubramasawroy.-
3d Tyahpoormadan.-
4th Peregasawmy.-
5th Shevanandinja peroomab.-
6th Ramasawmy.- and
7th Shevanandinjan.-

are not convicted on presumptive proof or on the evidence of credible witnesses, or on their own confession of the crime of Gang robbery attended with aggravating circumstances, do acquit them thereof, and direct that so far as relates to these cases they be unconditionally released.-

(Sent following letter No. 613)

Stokes

20th April 1846.

1. Seven Prisoners in three cases were charged with having at 12 o'Clock at night, come with a mob of about 400 persons, armed with cusgels, spears &c. and with torches, and committed a Gang robbery, in the Prosecutor's house, to the extent of Rupees 98-8-; as also with having robbed 22 other houses accompanied with violence. - The 2d Prisoner was further charged with having at the same time committed a rape on the 7th witness, and also with having burnt her left hand with a Torch.

2. The Law Officer acquitted all the Prisoners on the ground that no body witnessed the Robbery committed in the Prosecutor's house, and that the violence committed on the person of the 7th Witness was unsupported by the evidence of any eye-witness.-

3. The Sessions Judge did not concur in this futwah - He considered the evidence sufficient for the conviction of all the prisoners of having been concerned with the Gang who plundered the Village, and committed a rape on the person of the 7th Witness.-

4. With respect to the rape committed on the person of the 7th witness, the Sessions Judge saw

5. F.W.
20th April 1846.-

saw "no reason to doubt that fact - But in his opinion "the 7th witness did not, and under the circumstances "could not at the time, have identified the particular "persons who ravished her, he saw however strong rea "sons for suspecting that the 2d Prisoner was one of "the Prisoners, who committed this violence and "entertained no doubt of the 7th witness having identi "fied the 2d Prisoner when he burnt her with the "torch."-

5. The Sessions Judge has accordingly referred the trial under the provisions of Section XXII Regulation VII of 1802, and has recommended that the 1st and 2d Prisoners who were also concern "ed in Case No. 52 should be transported - In respect of the 3d Prisoner who is concerned in Case No. 57 and 60, he is of opinion that the ends of justice will be sufficiently met by a Sentence of 14 years im "prisonment in banishment.-

6. In respect to the 4th Prisoner, the Sessions Judge considers that a Sentence of 10 years imprisonment with hard labour in irons will be a sufficient punishment; and as regards the 6th and 7th Prisoners a Sentence of 7 years imprison "ment with hard labor in irons.-

7. The 5th Prisoner is stated to be an old and infirm man and in reference to his advanced age (prematurely old if his age has been correctly given at 55 years) the Assistant Judge proposes a sentence of 4 years imprisonment with hard labor in irons, or such labor as he may be found able to perform. -

8. The Court of Foujdary Udalut have acquitted all the Prisoners being able to place no reliance whatever on any part of the evidence in the case. In regard to the robbery the Court agree in the verdict of the Moofty. -

9. The Prosecutor's identification of all the accused (with whom none of his property has been detected) by the glare of a single torch, and by their voices is altogether incredible and that he should have been able to recognize them in a scene of such alarming confusion, as every where prevailed at the time of the robbery, augmented, too by the excited feelings of parties so opposed to each other and between Civil and religious differences existed is equally so. -

10. It has not been denied by the greater part of the evidence that many of the causes of offence

offence set forth in the defence and developed in the enquiry did exist, nor that these had tended to arouse for some time past, feelings of ill will between the converts to Christianity and the Hindoos and contributed to induce a ferment in the District which terminated in the present outbreak - But who were the aggressors in these scenes of violence remains yet to be proved. -

11. Regarding the rape the Court also are of opinion that the charge is not proved against the 2nd Prisoner. -

12. With reference to the charge of burning, it is clear to the Court that if the Prosecutors daughter had the means of recognizing the Prisoner who burnt her, she had the opportunity of identifying the prisoner who violated her, and that it was impossible she should be mistaken as to the 2d Prisoner if he really did rape her, there is however much discrepancy on the point, no two witnesses, who have deposed being in accordance one with the other -

13. There is moreover in the case testimony which may with almost perfect certainty be pronounced to be false - The Court allude to the

20th April 1846.

the evidence of the 11th witness the son of the Prosecutor. The Court have not the least doubt that there is not a word of truth in the statements of this witness - its perfect falsehood is self evident. -

14. With such evidence as this before the Court they are not prepared to adopt any penal measure whatever against the prisoners - but were if they were so disposed, they would find it impossible from the nature of the indictment which contains the most extraordinary charge. The Prisoners are charged with having robbed the Prosecutor's house and, "also with having robbed "22 other houses accompanied with violence". -

15. It was impossible for the prisoners to plead to such an indictment. -

16. The Court would direct the Sessions Judge to be more careful in framing his charges, and remind him that when a substantive offence is brought against a Prisoner, it is necessary that the indictment should set forth the facts as to parties, dates, place &c. &c.

C.O. 31st January 1814 - para: 2.

17. Regarding the Proceedings of the Magistrate the Court regret to find them marked with numerous irregularities which -

resolve

F.66.
20th April 1846. -

resolve themselves under the following heads. -

I. Reading over the depositions of the witness to him before entering on his examination. This irregularity which appears throughout the Magistrates Proceedings has been repeatedly denounced specially in Circular Order 27th December 1815 and Circular Order No. 189 - These Circular Orders it is true were not originally addressed to Magistrates yet the principles they contain especially this one of putting a witness in possession of formerly recorded evidence apply to the Proceedings of Magistrates equally with those of the higher Courts. -

II. The issue of a general warrant - This practice has been denounced in Circular Order No. 117. The Court desire that a copy of the general warrant alluded to in the depositions given before the Joint Magistrate of Tinnevelly on the 17th December last by Sooppen be submitted for their information. -

III. The requiring witnesses to name parties who they heard had been concerned in the robbery - The Court hardly suppose the Magistrate requires to be informed that hearsay evidence is of no weight and cannot be received in a Criminal trial. -

IV. The putting the Prisoners on their

defence

20th April 1846.-

defence.-

18. The Court desire that a full explanation may be submitted in regard to these irregularities, and also why the Magistrate ordered the Police Officer to forward the cases to him instead of allowing them to be transmitted in due course to the Criminal Court.-

19. The Court further require to know more at large what circumstances appeared to the Magistrate to call for the extraordinary measure of locating a Police Jamaah at Poolanoor (sic) also the extent of this establishment.-

Ordered that Extract from these proceedings be sent to the Session Judge of Tinnevelly for his information by Precept returnable within XX days from and after its receipt.-

(Sub following precept No. 614.)

Read return dated 26th March 1846 from the Session Judge of Rajahmundry to the proceedings of the Faujdarry Adalut of the 20th Idem directing the amendment of the Section and Regulation cited by him in support of the revised sentence directed to be passed on the prisoner in Case

No.

No. 21 on the Criminal file, who had been released by the Joint Sessions Ameen.-

(Proceedings F.A. Dt. 10th April 1846.)

1. The Prisoner in this case was convicted of having jumped over the wall of the Prosecutrix' house with intent to steal and was sentenced by the Sessions Judge under Section VIII Regulation X of 1816 to six months imprisonment.

2. The Court in their proceedings of the 20th ultimo, observing that the prisoner had been convicted of house breaking, declared the citation of the above Section and Regulation to be incorrect. The offence established being punishable under Sixth Section II Regulation VI of 1822. The Session Judge was directed to amend the error.-

3. In his return the Session Judge endeavours to justify his proceedings by stating that the prisoner "was convicted of an attempt to commit a theft in a dwelling house by climbing over the wall, that there were no aggravating circumstances, that he broke open no door, and broke thro' no wall, and had no house breaking implement".-

4. It has been repeatedly ruled by the

the Tongaaree Udalut that jumping over a wall and so obtaining an "entrance into a dwelling house" constitutes a "breaking into such house and that the offence therefore falls within the provisions of clause sixth Section II Regulation VII of 1822".-

5. The Session Judge will accordingly now carry into execution the order conveyed to him in para 3 of the Court's proceedings of the 20th Ultimo.-

6. The Judges are unable to appreciate the force of the Session Judge's reasoning in the latter part of his return. They cannot see how he is bound in classifying crimes to consider of what effect the classification may prove to the prisoner, much less is he bound to anticipate the commission of future offences by the prisoner. Each offence must be classed according to the requirements of the Law and can be affected by no private considerations.-

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

(Sent in No. 615.)

Read

Read letter dated 21st Ultimo from the Session Judge of Tinnevelly forwarding for the consideration and final sentence of the Tongaaree Udalut an English translation of the record of the trial in Case No. 7 on the Tinnevelly Calendar for 1846.-

(Here enter No. 1045.)

1. The Session Judge having neglected the duty so strictly enjoined in Circular Order dated 14th March 1834, of distinctly declaring his opinion in regard to the conviction of the prisoner as well as to the measure of punishment that should be passed upon him, and the grounds for his opinion on these points, the Court of Tongaaree Udalut resolve, in accordance with the intimation conveyed in the Circular Order in question, to return the above letter for amendment.-

2. The Court further desire that the translation of the two contradictory depositions, which form the subject of the perjury be submitted for their consideration.-

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

(Sent in No. 616.)

Read

20th April 1846.-

Read the Criminal Report dated the 8th Instant submitted by the Agent to the Governor of Fort St George at Kurnool for the Months of March 1846.-

(Here enter No. 1193.)

Read Statement dated the 8th Instant submitted by the Agent to the Governor of Fort St George at Kurnool of Extra Peons employed at the Jail in the Month of March 1846.-

(Here enter No. 1194.)

Read Calendar of Cases No. 8 of 1846 submitted by the Sessions Judge of Honore under date the 6th Instant.-

(Here enter No. 1195)

Read Statement dated 31st Ultimo submitted by the Sessions Judge of Nellore of Extra peons, Convict Labor Report and Report VI with the exception of the statement of information required by the Circular Order No. 80 dated 6th December 1836 there being none to be entered in it, for March 1846.-

(Here enter No. 1201.)

Read

20th April 1846.-

Read the Criminal Report dated the 11th Instant submitted by the Principal Sudr Ameen of Chingleput for the Month of March 1846.-

(Here enter No. 1205)

Read Report dated the 11th Instant submitted by the Session Judge of Cuddalore of Casualties and of Prisoners released in the Jail during the Months of March 1846.-

(Here enter No. 1206.)

Read Estimate dated the 11th Instant submitted by the Session Judge of Cuddalore of the value of the product of Prisoners labor for the months of March 1846.-

(Here enter No. 1208.)

Read Statement dated the 11th Instant submitted by the Session Judge of Cuddalore of Extra Peons Vakeels employed in the Jail during the Month of March 1846.-

(Here enter No. 1209)

Read Convict labor Report dated the 11th Instant submitted by the Session Judge of Cuddalore for the Months of March 1846.-

(Here enter No. 1207.)

Read

20th April 1846.

Read return dated the 15th Instant from the Session Judge of Chingleput to the precept of the Foujdaree Adalut of the 2d Instant directing him to call up the records in Cases Nos 80 of 1845 and Nos 11 14 and 29 of 1846 of the file of the Principal Sudr Ameen and to pass such orders as he may think proper reporting the same for the information of the Higher Court.—

(Here enter No 1212.)

Fa 7/8

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F. W.

Friday 24th April 1846.

At a Court of the Foujdaree Adalut

Present,

G: S: Waters Esqr ____ 1st Puisne Judge

Malcolm Lewin Esqr ____ 2d Puisne Judge

T. E. S. Boileau Esqr ____ 3d Puisne Judge

Read Calendar of Case No 16 of 1846 submitted by the Sessions Judge of Combaconum under date the 23d February last.—

(Here enter No 672)

The Court of Foujdaree Adalut seeing reason to question the propriety of the manner in which this case has been disposed of resolve to direct the Sessions Judge to submit an English translation of the record of the trial without delay.—

Ordered that Extract from these proceedings be sent to the Sessions Judge of Combaconum by precept returnable in XXV days from and after its receipt.—

(Sent following precept No 646).

Read return and supplemental return dated 3d and 30th Ultimo from the Sessions Judge of Masulipatam to the precept of the Foujdaree Adalut of the 4th February last conveying their remarks on the Sessions Judge's supplemental return of 15th January and calling for

for an English translation of the record of the trial in Case No. 6 of 1845 on the file of the Sessions Court of Masulipatam.—

(Here enter F. C. Nos. 758 and 1067 of 1846).

1. The prisoner in this case convicted of robbery by a single unarmed individual was sentenced by the late Acting Sessions Judge of Masulipatam to six years imprisonment under the provisions of clause seventh Section II Regulation XV of 1803.—

2. The Court of Foujdaree Adalut having pointed out that this was a Case to which the course indicated in Circular Order No. 62. was applicable, directed that the sentence should be amended and an application for a mitigation of the punishment declared by the Law, submitted should the Sessions Judge see fit.—

3. To these instructions the Sessions Judge replied that he had passed a sentence of 14 years imprisonment with hard labor in irons on the prisoner under the provisions of Section XXI Regulation VII of 1802. as he deemed him convicted of high way robbery and saw no grounds for recommending any mitigation of the prescribed punishment.—

4 Adverting to the different views entertained by the Sessions Judge and the late Acting Sessions Judge of the measure of punishment which ought to be adjudged in this case the Court of Foujdaree Adalut resolved to call

for an English translation of the proceedings.—

Having maturely considered the record the Court of Foujdaree Adalut are of opinion that the case does not demand a heavier punishment than 8 Years imprisonment but adverting to the fact that a sentence of six years has already been promulgated in it the Court deem it right to confirm that sentence and accordingly direct that the prisoner

"Vundum Audegandoo"

to be imprisoned and kept to hard labor in irons on the publick roads or other publick work for and during the period of 6 (six) years.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Masulipatam by precept returnable in 5 days from and after its receipt.—

(Sent following Precept No. 647).

Read return dated the 28th March 1846. from the Principal Sudr Ameen of Coimbatore to the Precept of the Foujdaree Adalut under date the 16th idem conveying their observations on the Criminal Report for the Month of January last.—

(Here enter No. 1025)

In this case the Court of Foujdaree Adalut

1. directed the Principal Sudr Ameen to furnish the

Report No. V
Case No. 2 of 1846.

with a more detailed statement of the circumstances under

for an English translation of the record of the trial in Case No. 6 of 1845 on the file of the Sessions Court of Masulipatam.—

(Here enter F. C. Nos. 758 and 1067 of 1846).

1. The prisoner in this case convicted of robbery by a single unarmed individual was sentenced by the late Acting Sessions Judge of Masulipatam to six years imprisonment under the provisions of clause seventh Section II Regulation XV of 1803.—

2. The Court of Foujdaree Adalut having pointed out that this was a Case to which the course indicated in Circular Order No. 62 was applicable, directed that the sentence should be amended and an application for a mitigation of the punishment declared by the Law, submitted should the Sessions Judge see fit.—

3. To these instructions the Sessions Judge replied that he had passed a sentence of 14 years imprisonment with hard labor in irons on the prisoner under the provisions of Section XXI Regulation VII of 1802. as he deemed him convicted of high way robbery and saw no grounds for recommending any mitigation of the prescribed punishment.—

4 Adverting to the different views entertained by the Sessions Judge and the late Acting Sessions Judge of the measure of punishment which ought to be adjudged in this case the Court of Foujdaree Adalut resolved to call

for an English translation of the proceedings.—

Having maturely considered the record the Court of Foujdaree Adalut are of opinion that the case does not demand a heavier punishment than 8 years imprisonment but advert to the fact that a sentence of six years has already been promulgated in it the Court deem it right to confirm that sentence and accordingly direct that the prisoner

"Vundum Audegandoo"

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 6 (six) years.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Masulipatam by precept returnable in 5 days from and after its receipt.—

(Sent following Precept No. 647.)

Read return dated the 26th March 1846. from the Principal Sudr Ameen of Coimbatore to the Precept of the Foujdaree Adalut under date the 16th idem conveying their observations on the Criminal Report for the month of January last.—

(Here enter No. 1025)

Report No. V
Case No. 2 of 1846.

In this case the Court of Foujdaree Adalut

1. directed the Principal Sudr Ameen to furnish the with a more detailed statement of the circumstances

under

20th & 24th April 1846

for an English translation
Case No. 6 of 1845 on the
Masulipatam.-

(Here enter

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1846.

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the defect in the Cowle adverted to
attributable to collusion between
the Prisoner.-

2.

In his reply the
Ameen states that the case was no
himself, but by the Hindoo Sudr Ame
was referred; and that as that officer
Coimbatore, the Principal Sudr Ameen
supply the information called for.-

3.

The Court apprehend th
the case would furnish the information
they accordingly resolve to desire the Ac
Judge to look into the Proceedings held
the report called for.-

4

The Acting Sessions Judg
pleased to call on the Principal Sudr Ame
furnish him with a copy of the Case as it
the Monthly Criminal report and of para 2
Court's Proceedings of the 16th Ultimo held in
the Criminal Reports for the Month of Janu

Ordered that Extract from thes
-ings be sent to the Acting Sessions Judge of Coim
his information by precept returnable in ten days
after its receipt.-

(Sent following Receipt No. 648

Read Criminal Reports under date
the 2nd April 1846. submitted by the officiating Princip
Sudr Ameen of Masulipatam for the Months of March 1846.-

(Here enter F. C. No. 1084 of 1846)

1

On a perusal of the abstract of the
evidence in this case as contained in the Report the
Court of Foujdaree Adalut consider that no sufficient
grounds existed for the commitment of the prisoners
and they accordingly direct that in the event of the
case not having been yet disposed of by the Sessions
Court, the commitment be quashed and sentence pass
by the Principal Sudr Ameen.-

2.

Adverting to the great delay which
occurred in the transmission of this case to the Crimin
Court, the Court of Foujdaree Adalut require a more detail
explanation than that submitted in these Reports -
which they consider extremely unsatisfactory.-

Ordered that Extract from these Proceed
-ings be sent to the officiating Principal Sudr Ameen
of Masulipatam for his information and guidance and
for communication of para: 2 to the Magistrate, for
the information and guidance of that officer and for
report direct to the Foujdaree Adalut by precept
returnable within V days from and after its receipt.-

(Sent following precept No. 649.)

Read again Criminal Reports under
date

under which the Prisoner was of the record of the trial in
Criminal offence and in particular ... of the Sessions Court of ...
the defect in the Cowle adverted ...
attributable to collusion between ... (Vide Nos. 758 and 1067 of 1846).
the Prisoner.--

2. In his reply the ... in this case convicted of
Ameen states that the case was ... Judge of Masulipatam to
himself, but by the Hindoo Sudr A... the provisions of clause
was referred; and that as that officer ... V of 1803.--
Coimbatore, the Principal Sudr Ameen ... Adalut having
supply the information called for.-- ... to which the conclu...

3. The Court apprehend ... was applicable, directed
the case would furnish the informa... ...ded and an application
they accordingly resolve to desire the ... declared by the Law,
Judge to look into the Proceedings held ... see fit.--
the report called for.--

4 The Acting Sessions ... the Sessions Judge
pleased to call on the Principal Sudr Ameen ... on the prisoner
furnish him with a copy of the case as ... Regulation VII. of
the Monthly Criminal report and of ... ish way robbery
Courts' Proceedings of the 16th Ultimo held in any mitigation
the Criminal Reports for the Month of June

Ordered that Extract from the ... views entertained
...ings be sent to the Acting Sessions Judge of Coimbatore ... Sessions Judge
his information by precept returnable in ten days ... to be adjudged
after its receipt.--

(Sent following Precept No. 648) resolved to
call

Read Criminal Reports under date
the 2nd April 1846. submitted by the officiating Princip...
Sudr Ameen of Masulipatam for the Month of March 1846.--

(Here enter F. C. Nos. 1084 of 1846)

1 On a perusal of the abstract of the
evidence in this case as contained in the Report the
Court of Foujdaree Adalut consider that no sufficient
grounds existed for the commitment of the prisoners
and they accordingly direct that in the event of the
case not having been yet disposed of by the Sessions
Court, the commitment be quashed and sentence passed
by the Principal Sudr Ameen.--

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occurred in the transmission of this case to the Crimi...
Court, the Court of Foujdaree Adalut require a more detail...
explanation than that submitted in these Reports --
which they consider extremely unsatisfactory.--

Ordered that Extract from these Proceed...
...ings be sent to the Officiating Principal Sudr Ameen
of Masulipatam for his information and guidance and
for communication of para: 2 to the Magistrate, for
the information and guidance of that officer and for --
report direct to the Foujdaree Adalut by precept --
returnable within V days from and after its receipt.--

(Sent following precept No. 649.)

Read again Criminal Reports under
date

dated the 12th March 1846. submitted by the Principal Sudr. Ameen of Trichinopoly for the Month of February 1846.—

(Here enter F. C. No. 852 of 1846).

Read also return under date the 11th Instant from the Principal Sudr. Ameen of Trichinopoly to the precept of the Foujdaree Adalut dated the 23d March last containing their observations on the foregoing Criminal Reports.—

(Here enter F. C. No. 1186 of 1846).

Report No. V
Case No. 13

1. Adverting to the remarks recorded by the Foujdaree Adalut regarding the period of Imprisonment awarded in the case noted originally which the Court observed might with propriety have been in excess of six Months the Principal Sudr. Ameen states that Clause fourth Section III Regulation VII of 1832 was erroneously cited as the authority for the sentence passed in the case in question, instead of Section VII Regulation X of 1816. under which with reference to the trifling value of the cow stolen, Vizt. Four annas, the prisoners should have been sentenced.—

2. The Court of Foujdaree Adalut consider this explanation satisfactory.—

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

(Sent in No. 650.)

Read

Read Calendar of Case No. 15 of 1846 submitted by the Session Judge of Salem under date the 31st March 1846.—

(Here enter No. 1115)

1. In this Case the Prisoner was convicted of Gang robbery and was sentenced by the Session Judge to 14 Years imprisonment under the provisions of Clause 3d Section IV Regulation XV of 1803. but as a similar sentence passed on the prisoners in Case No. 4 connected with this Case was mitigated to 8 Years the Session Judge recommends that the period of Imprisonment of this Prisoner may likewise be reduced to 8 years.—

2. The Court of Foujdaree Adalut on a due consideration of all the circumstances of the Case and of the observations recorded by the Session Judge sanctioned under clause 3d Section III Regulation I of 1825 the mitigated punishment recommended by the Session Judge of Salem and accordingly direct that the Prisoner.

"Lolla Bolim"

be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (8) Eight Years.—

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

24th April 1846.-

from and after its receipt.-

(Sent following Precept No. 657.)

Read return dated the 10th Instant from the Sessions Judge of Combaconum to the precept of the Foujdaree Adalut of the 23d Ultimo calling for a summary of evidence in Case No. 31 of 1845 and requiring to know how long after the perpetration of the robbery the property was discovered in the house of the 5th Prisoner Veda desiring him also to submit the deposition of the Prosecutor.-

(Here enter No. 1182)

Adverting to the nature of the information contained in the papers submitted in the foregoing return the Court of Foujdaree Adalut desire the Sessions Judge will submit for their consideration any police documents capable of shewing the first information against the 5th and 11th prisoners and that he will also state the date of the apprehension of these prisoners.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Combaconum by precept returnable in 5 days from and after its receipt.-

(Sent following Precept No. 658)

Saturday
25th April 1846

J. A.

At a Court of the Foujdaree Adalut

Present

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

Malcolm Lewin Esqre — 2d Puisne Judge,

P. E. J. Boileau Esqre — 3d Puisne Judge,

Read letter dated the 16th Instant from the Sessions Judge of Combaconum, submitting an English translation of the Record of trial in Case No. 20 of the Calendar of 1846.-

(Here Enter No. 1259 of 1846.)

Mr G. J. Waters

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

1st Cheegan

2d Chinnammanal (Fem)

3d Ponnammanal

is sufficient to convict them of the crime

25th April 1846

of administering deleterious Drugs thereby causing death and of Robbery, and that against the Prisoner

1st Verdict

to convict her of having received stolen property knowing it to be such, as convicted them severally thereof, but, being of opinion under the circumstances of the case, that the punishment to which the prisoners are liable under the provisions of Section X Regulation VIII of 1802 would in this instance be too severe, the Court under the provisions of Clause third Section III Regulation I of 1825 and Clause second Section IV Regulation VI of 1822, sentence the Prisoner,

1st Chengan,

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

2d Chinnammanal

to be transported to such place or places beyond sea, as the Governor in Council shall appoint, there to be imprisoned and kept to Labour suitable to her sex, for, and, during the period of her natural life; the prisoner,

3d Ponnamma

to be imprisoned and kept to Labour suitable to her sex, for, and, during the period of (10) ten years; and the prisoner,

4th Verdict,

to be imprisoned and kept to labor suitable to her sex, for, and, during the period of (7) seven years. (Sent following letter No. 655)

The Sessions Judge write to explain why he has taken separate confessions from the Prisoners after they had pleaded guilty to the indictment.

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

(Sent following precept No. 656)

Read

25th April 1846.

Read Calendar of Case No: 12 of 1845 submitted by the Sessions Judge of Chicacole under date the 31st October 1845.

(Here Enter Fl. No: 1255 of 1846.)

Read Calendar of Case No: 10 of 1846. Submitted by the Sessions Judge of Bellary under date the 17th Instant.

(Here Enter Fl. No: 1270 of 1846.)

Read Calendar of Case No: 21 of 1846 submitted by the Sessions Judge of Tinnevelly under date the 16th Instant.

(Here Enter Fl. No: 1276 of 1846.)

Read Calendar of Case No: 11 of 1846 submitted by the Sessions Judge of Madura under date the 17th Instant.

(Here Enter Fl. No: 1275 of 1846.)

End Fl.

F. C.

Monday 27th April 1846.

At a Court of the Foujdaree Adalut

Present

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

Malcolm Lewin Esqr. ——— 2d Puisne Judge

T. E. J. Boileau Esqr. ——— 3d Puisne Judge.

Read Miscellaneous Petitions presented on the 15th September, the 3d and 10th November 1845, by Ramasawmy Pillay of Zillah Combaconum.—

(Here enter F. Fl. P. Nos. 166, 204, and 209 of 1845)

The object of these Petitions is to induce

1. the Court of Foujdaree Adalut to order the Sessions Judge, Subordinate Judge, of Combaconum and the Collector and Sub Collector of Tanjore to form themselves into a Committee for the purpose of enquiring into certain matters therein adverted to.—

2. The Court of Foujdaree Adalut can pass no orders on statements of the indefinite character of those contained in these addresses.—

3. It is open to the Petitioner to apply to the Magistrate authorities who are competent to enquire into his case.—

4 Petition dismissed.—

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

Read

25th April 1846.

Read Calendar of Case No. 12 of 1845 submitted by the Sessions Judge of Chicacole under date the 31st October 1845.

(Here Enter Fl. No. 1255 of 1846.)

Read Calendar of Case No. 10 of 1846 submitted by the Sessions Judge of Bellary under date the 17th Instant.

(Here Enter Fl. No. 1270 of 1846.)

Read Calendar of Case No. 21 of 1846 submitted by the Sessions Judge of Tinnevelly under date the 16 Instant.

(Here Enter Fl. No. 1276 of 1846.)

Read Calendar of Case No. 11 of 1846 submitted by the Sessions Judge of Madura under date the 17th Instant.

(Here Enter Fl. No. 1275 of 1846.)

End Fl.

J. W.

Monday 27th April 1846.

At a Court of the Foujdaree Adalut

Present

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

Malcolm Lewin Esqr. ——— 2d Puisne Judge

T. E. J. Boileau Esqr. ——— 3d Puisne Judge.

Read Miscellaneous Petitions presented on the 15th September, the 3d and 10th November 1845, by Ramasawmy Pillay of Zillah Combaconum.

(Here enter F. M. P. Nos. 166, 204, and 209 of 1845)

The object of these Petitions is to induce

1. the Court of Foujdaree Adalut to order the Sessions Judge Subordinate Judge, of Combaconum and the Collector and Sub Collector of Tanjore to form themselves into a committee for the purpose of enquiring into certain matters therein adverted to.—

The Court of Foujdaree Adalut can

2. pass no orders on statements of the indefinite character of those contained in these addresses.—

It is open to the Petitioner to apply

3. to the Profusil authorities who are competent to enquire into his case.—

Petition dismissed.—

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

Read

27th April 1846.

Read again Miscellaneous Petition presented on the 17th November last, by Sampraty Ramiah of zillah Chittoor.—

(Here enter F: Mi: P: No: 217 of 1845.)

Read also return under date the 15th Instant from the Acting Magistrate of North Arcot, to the precept of the Foujdaree Adalut dated the 18th Ultimo, containing their orders on the matter of the foregoing Petition.—

(Here enter F: Ul: No: 1215 of 1846)

1. The Acting Magistrate states in his return that "the Petitioner has appeared before him and stated that he is unable to prove the charge preferred by him against the Poligar of Bungaru Polem, and that his complaint has consequently been dismissed."

2. Under these circumstances the Court of Foujdaree Adalut resolve to dismiss this Petition.—

Ordered, that Extract from these Proceedings be sent to the Acting Magistrate of North Arcot for his information.—

(Sent in No: 662.)

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

Read Miscellaneous Petition presented on the 22nd December last by Goolam Razak Vakeel on

27th April 1846.

on behalf of Poodiagate Cootty ally Ramkar and another of zillah Calicut.—

(Here enter F: Mi: P: No: 244 of 1845)

1. The Petitioners complain of certain proceedings held by the Sessions Judge of Calicut affirming an order of the Magistrate of Malabar investing one Kunnooty Ramkar with the possession of certain property to which they (the Petitioners) assert that they are entitled.—

2. The Petitioners pray the Court of Foujdaree Adalut to overrule the orders of the Sessions Judge and of the Magistrate; and order the land in question to be placed in their possession pending the decision of a suit now at issue regarding the proprietary right thereto.—

3. The Court of Foujdaree Adalut decline to interfere in the matter of the Petition, and they observe that the decision of the Tahseeldar to which they advert was altogether illegal, it being competent to the Magistrate alone to decide as to the possession of the disputed lands pending the decision of the proprietary right.—

4. The Court of Foujdaree Adalut accordingly resolve to dismiss this Petition.—

Ordered, that Extract from these Proceedings be furnished to the Petitioners Vakeel on his application.

Read

27th April 1846.

Read again Miscellaneous Petition presented on the 17th November last by Sampraty Ramiah of zillah Chittoor.-

(Here enter F: M: P: No. 217 of 1845.)

Read also return under date the 15th Instant from the Acting Magistrate of North Arcot, to the precept of the Foujdaree Adalut dated the 16th Ultimo, containing their orders on the matter of the foregoing Petition.-

(Here enter F: C: No. 1215 of 1846)

1. The Acting Magistrate states in his return that "the Petitioner has appeared before him and stated that he is unable to prove the charge preferred by him against the Poligar of Bungaru Polem, and that his complaint has consequently been dismissed".-

2. Under these circumstances the Court of Foujdaree Adalut resolve to dismiss this Petition.-

Ordered, that Extract from these Proceedings be sent to the Acting Magistrate of North Arcot for his information.-

(Sent in No. 662.)

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

Read Miscellaneous Petition presented on the 22nd December last by Goolam Razah Vakeel on

27th April 1846.

on behalf of Poodiagate Lootty ally Swarkar and another of zillah Calicut.-

(Here enter F: M: P: No. 244 of 1845)

1. The Petitioners complain of certain proceedings held by the Sessions Judge of Calicut affirming an order of the Magistrate of Malabar investing one Kunnooty Swarkar with the possession of certain Jenm property to which they (the Petitioners) assert that they are entitled.-

2. The Petitioners pray the Court of Foujdaree Adalut to overrule the orders of the Sessions Judge and of the Magistrate, and order the land in question to be placed in their possession pending the decision of a suit now at issue regarding the proprietary right thereto.-

3. The Court of Foujdaree Adalut decline to interfere in the matter of the Petition, and they observe that the decision of the Tahseeldar to which they advert was altogether illegal, it being competent to the Magistrate alone to decide as to the possession of the disputed lands pending the decision of the proprietary right.-

4. The Court of Foujdaree Adalut accordingly resolve to dismiss this Petition.-

Ordered, that Extract from these Proceedings be furnished to the Petitioners Vakeel on his application.-

27th April 1846.

Read Miscellaneous Petition presented on the 2d March 1846 by Iyoovingar of Zillah Tinnevelly—

(Here enter F. W: P. No. 43 of 1846)

The Petitioner is again referred to the

1. Proceedings of this Court under date the 21st July last in which the matter adverted to in this address was finally disposed of; and he is warned against taking up the time of the Court of Foujdaree Adalut by any further applications on the same subject.—

2. This Petition is dismissed.—

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

Read Petitions presented on the 9th Ultimo by T. Ramachendriah Vakeel on behalf of Pootha Setty and 5 others, the 1st, 2d, 3d, 4th, 5th and 6th Prisoners in case No. 2 of 1846. on the file of the Sessions Court of Honore, praying the interference of the Foujdaree Adalut to set aside the sentence passed upon them by the Sessions Judge of 14 Years imprisonment with hard labor in irons.—

(Here enter F. W: P. Nos. 49, 51 and 52)

1. Before finally disposing of the matter, the Court of Foujdaree Adalut resolve to transmit English translations of the above petitions to the Sessions Judge, who will be pleased to inform them whether there is any truth in the statements of the Petitioners that

that he declined examining the witnesses named by them severally in support of their defence.—

2. The Sessions Judge will likewise, with reference to the record of the case, report whether the discrepancies alleged in the aforesaid petitions exist in the evidence for the prosecution.—

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

(Sent following Precept No. 663.)

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

Read Extract Minutes of Consultation dated 9th February 1846, No. 77, appointing Captain H. Power Joint Magistrate of Chingleput with jurisdiction over the Cantonment of St. Thomas' Mount, and desiring the Foujdaree Adalut to direct the adoption of certain measures in consequence.—

(Here enter S. No. 285)

1. Ordered that transcript of the above Extract be forwarded to the Sessions Judge of Chingleput for his information and communication to the acting Magistrate of that Zillah, who should be instructed to furnish Joint Magistrate, Captain Power, with the Forms of Calendars referred to in Section IX Regulation

Regulation IX of 1816, in order to their being submitted quarterly to the Sessions Judge with the Magistrate's own reports, for revision, and the issue of such orders as they may appear to require.-

2. The Joint Magistrate should also be called upon to furnish the Acting Magistrate with a Monthly report, in the prescribed Form, of the cases which he may dispose of under the powers vested in the Magistracy by Section LIV, Act VII of 1843.-

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

(Sent in No. 664.)

Read Calendar of Case No. VI of 1846. submitted by the Acting Sessions Judge of Calicut under date the 3rd. Instant.-

(Here enter F. H: No. 1122 of 1846).

1. In this case 4 Prisoners were charged with Gang Robbery, and all have been acquitted - but the 1st. Prisoner appearing to the Acting Sessions Judge to labor under strong suspicion, he has been required to furnish security.-

2. The Court are unable from the Acting Sessions Judge's statement to discover any ground for the demand of security made upon the 1st. Prisoner, the only evidence against him is his identification by the 1st.

27th. April 1846.

1st. and 2nd. witnesses, which the Acting Sessions Judge pronounces to be "wholly unworthy of reliance". The Court presume the Acting Sessions Judge hardly requires to be informed that a Talook confession is no ground for a requisition of Security.-

3. If the Acting Sessions Judge can show nothing more in justification of his assertion, than the worthless evidence of the 1st. and 2nd. witnesses, the 1st. Prisoner as well as the 2nd & 3rd. should be released.-

4. The Court accordingly desire Mr. Bayne will submit a further explanation on this point.-

Ordered, that Extract from these Proceedings be sent to the Acting Sessions Judge of Calicut by Precept returnable within 5 days from and after its receipt.-

(Sent following Precept No. 665)

Read letter dated 11th. Instant from the Sessions Judge of Rajahmundry, requesting to be informed whether the 2nd. Prisoner in case No. 24 of 1845 on his File can be sent to Vizagapatam to be there tried on a charge of Gang robbery which he confessed before the Magistrate of Rajahmundry.-

(Here enter No. 1183)

It would appear from the sentence proposed by the Sessions Judge of Rajahmundry to be passed

passed on the 2nd Prisoner in the case No. 24 of 1845, that the Gang robbery which the prisoner confesses to have committed within the jurisdiction of the Governor's Agent at Vizagapatam is of a graver description than the offence of which he has been convicted in Case No. 24 of 1845, and that therefore he ought to be forwarded to Vizagapatam; previously, however, to issuing such an order, the Court of Foujdaree Adalut deem it right to direct that a copy of Summaty Noocanna's confession taken before the Magistrate of Rajahmundry, with such other papers as that officer may consider necessary for a full understanding of the case, be sent to the Government Agent at Vizagapatam for his opinion.-

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

(Sent in No. 666.)

Read communication under date the 9th Instant from the Sessions Judge of Tellicherry.-

(Here enter F. C. No. 1185)

1. Adverting to the order of Government (No. 139) dated the 5th Ultimo authorising the transfer of the Prisoner in case No. 42 of 1845 on the file of the Sessions Court at Calicut for trial to the Sessions Court at Tellicherry, the Sessions Judge desires to be informed whether he should recommence the trial de-

novo, or merely examine the four witnesses who gave their depositions before the Acting Sessions Judge of Calicut Mr. Baynes.-

2. The Court of Foujdaree Adalut observe that the Sessions Judge of Tellicherry should commence the trial of the case adverted to, from the point at which the late Sessions Judge of Calicut Mr. H. Morris closed his proceedings, the proceedings before Mr. Baynes having been declared to be null and Void, the trial should be concluded as if nothing subsequent to the proceedings of Mr. Morris had taken place.-

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

(Sent in No. 667.)

Read Criminal Reports under date the 1st Instant submitted by the Subordinate Judge of Combaconum for the months of March 1846.-

(Here enter F. C. No. 1191 of 1846)

Adverting to the youth of the 1st Prisoner in this case the Court of Foujdaree Adalut consider the sentence passed upon her too severe, and they accordingly resolve to reduce the period of Imprisonment awarded to two months.-

Report No. V
Case No. 54.

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

passed on the 2nd Prisoner in the case No. 34 of 1845, that the gang robbery which the prisoner confesses to have committed within the jurisdiction of the Governors Agent at Vizagapatam is of a graver description than the offence of which he has been convicted in Case No. 34 of 1845, and that therefore he ought to be forwarded to Vizagapatam; previously, however, to issuing such an order, the Court of Foujdaree Adalut deem it right to direct that a copy of Summaty Noocana's confession taken before the Magistrate of Rajahmundry, with such other papers as that officer may consider necessary for a full understanding of the case, be sent to the Government Agent at Vizagapatam for his opinion.-

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

(Sent in No. 666.)

Read communication under date the 9th Instant from the Sessions Judge of Tellicherry.-

(Here enter F. C. No. 1185)

1. Adverting to the order of Government (No. 139) dated the 5th Ultimo authorising the transfer of the Prisoner in Case No. 42 of 1845 on the file of the Sessions Court at Calicut for trial to the Sessions Court at Tellicherry, the Sessions Judge desires to be informed whether he should recommence the trial de

de-novo, or merely examine the four witnesses who gave their depositions before the Acting Sessions Judge of Calicut Mr. Baynes.-

2. The Court of Foujdaree Adalut observe that the Sessions Judge of Tellicherry should commence the trial of the case adverted to, from the point at which the late Sessions Judge of Calicut Mr. H. Morris closed his proceedings; the proceedings before Mr. Baynes having been declared to be null and Void, the trial should be concluded as if nothing subsequent to the proceedings of Mr. Morris had taken place.-

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

(Sent in No. 667.)

Read Criminal Reports under date the 1st Instant submitted by the Subordinate Judge of Coimbatoor for the months of March 1846.-

(Here enter F. C. No. 1191 of 1846)

Report No. V
Case No. 34

Adverting to the youth of the 1st Prisoner in this case the Court of Foujdaree Adalut consider the sentence passed upon her too severe, and they accordingly resolve to reduce the period of Imprisonment awarded to two months.-

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

for his information and guidance.-

(Sent in No. 668.)

Read Calendar of Case No. 9 of 1846.-
submitted by the Session Judge of Rajahmundry under
date the 8th Instant.-

(Here Enter No. 1196)

The Court of Foujdaree Adalut conclude
that the inferences which might be drawn from the evidence
recorded in this case unfavorable to the character of the
District Moonsiff of Pengoudah have received full
consideration from the Sessions Judge, and that he is
satisfied that the conduct of Suffer Ramanah remains
unimpeached.-

Ordered, that Extract from these Proceed-
-ings be sent to the Sessions Judge of Rajahmundry
by precept returnable in 8 days from and after its receipt.

(Sent following Precept No. 669.)

Read Calendar of Cases Nos. 28-29 and
30 of 1846 submitted by the Sessions Judge of Combaconum
under date the 13th Instant.-

(Here enter F: G: No. 1204 of 1846).

1. It does not appear to the Court of
Foujdaree Adalut that sufficient grounds have been
shewn by the Sessions Judge in this Calendar for the
requisition of security made by him on the 1st Prisoner
who, if only "a vagabond" and "vagrant" should be
transmitted

transmitted to the Magistrate to be dealt with by
that officer as may appear to him right under the
Regulation.-

2. The Court further observe that the
Sessions Judge has omitted to conform to the require-
-ments of the Circular Order No. 148. The bare entry
of the finding of the Mahommedan Law Officer as made
in Cases Nos. 28 and 29 is quite insufficient to allow
of the Court's judging of the manner in which the
Case has been disposed of.-

3. The Sessions Judge will be careful
to avoid this omission in future.-

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

(Sent following Precept No. 670.)

Read Miscellaneous Petition presented
on the 2d Ultimo by Rahemunkhan of Zilla Chittoor

(Here enter F: G: No. 39 of 1846).

The Petitioner complains of a Decree
passed by the Civil Judge of Chittoor in Appeal
Suit No. 9 of 1845, reversing the award of the Pundit
Sudr Ameen in Original Suit No. 296 of 1844,
which was instituted by him for the recovery of
the sum of Rupees 339. the amount of principal
and

for his information and guidance.-

(Sent in No. 668.)

Read Calendar of Case No. 9 of 1846.- submitted by the Sessions Judge of Rajahmundry under date the 8th. Instant.-

(Here Enter No. 1196)

The Court of Foujdaree Adalut conclude that the inferences which might be drawn from the evidence recorded in this case unfavorable to the character of the District Moonsiff of Pengondah have received full consideration from the Sessions Judge, and that he is satisfied that the conduct of Suffer Ramaiah remains unimpeached.-

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

(Sent following Precept No. 669.)

Read Calendar of Cases Nos. 28-29 and 30 of 1846. submitted by the Sessions Judge of Combaconum under date the 13th. Instant.-

(Here enter F. C. Nos. 1204 of 1846).

1. It does not appear to the Court of Foujdaree Adalut that sufficient grounds have been shewn by the Sessions Judge in this Calendar for the requisition of security made by him on the 1st. Prisoner who, if only "a vagabond" and "vagrant" should be transmitted

transmitted to the Magistrate to be dealt with by that officer as may appear to him right under the Regulation.-

2. The Court further observe that the Sessions Judge has omitted to conform to the requirements of the Circular Order No. 148. The bare entry of the finding of the Mahommedan Law Officer as made in Cases Nos. 28 and 29 is quite insufficient to allow of the Court's judging of the manner in which the Case has been disposed of.-

3. The Sessions Judge will be careful to avoid this omission in future.-

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Combaconum for his information and guidance within X days from and after its receipt.-

(Sent following Precept No. 670.)

Read Miscellaneous Petition presented on the 2nd. Ultimo by Rahemankhan of zilla Chittoor.

(Here enter F. C. No. 39 of 1846).

The Petitioner complains of a Decree passed by the Civil Judge of Chittoor in Appeal Suit No. 9 of 1845, reversing the award of the Punchayet Sudr Ameen in Original Suit No. 296 of 1844, which was instituted by him for the recovery of the sum of Rupees 239. the amount of principal and

and interest due on a document executed to his (the Petitioner's) wife by the Defendant, and prays the Court of Fouzdaree Adalut to order the restoration to him of certain Bonds which he asserts that the Defendant caused to be stolen from his house and which are now deposited in the Civil Court, and to punish the perpetrators of the theft in question.

2. The Court of Fouzdaree Adalut decline to interfere in the matter of this Petition which should have been brought before them in the form of an application for the admission of a Special Appeal.

3. Independent of the above irregularity the Court of Fouzdaree Adalut observe that the tone in which the Petitioner has permitted himself to address the Court, of itself is sufficient to preclude their entering upon a consideration of the matters to which he adverts.

4. Petition dismissed.

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

(Sent in No. 671.)

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

Read again Miscellaneous Petition presented on the 9th February last by Doogga rauze Venkiah late Police Goomastah in the Cundaloor Division

in Zillah Nellore.

F. C.
27th April 1846.

(Here enter Mr. P. No. 58 of 1846).

Read also return under date the 6th Instant from the Magistrate of Nellore, to the precept of the Fouzdaree Adalut dated the 23d Ultimo, directing that officer to offer such observations as he might think proper with reference to the allegations contained in the foregoing Petition.

(Here enter F. C. No. 1227 of 1846).

1. It appears from the Magistrate's return that the Petitioner when he presented himself before that officer and applied for restoration to office conducted himself in a most disrespectful manner.

2. Under these circumstances the Court of Fouzdaree Adalut decline to interfere in the matter of this Petition, which is accordingly dismissed.

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

(Sent in No. 672.)

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

Read return dated the 10th Instant from the Subordinate Judge of Madura to the precept

27th April 1846.

Precept of the Foujdaree Adalut under date the 13th Ultimo, reviewing and remarking on the Criminal Reports for the Months of January 1846.—

(Here enter F. C. No. 1264 of 1846).

Read letter dated the 15th Instant from the Magistrate of Bellary, submitting with reference to the Extract from the Proceedings of the Court of Foujdaree Adalut dated 30th Ultimo explanation on delay occa. in Cases Nos. 206 and 9 of the Bellary Calendar.—

(Here enter F. C. No. 1265 of 1846).

Read letter dated the 16th Instant from the Magistrate of Madura, submitting his view of Cases Nos. 257 of 1845; and of Nos. 3 and 8 of 1846, as animadverted upon by the Foujdaree Adalut on the 13th March.—

(Here enter F. C. No. 1266 of 1846)

Read return dated the 22nd Instant from the Sessions Judge of Chicacole, to the precept of the Foujdaree Adalut under date the 30th Ultimo, directing him to call up the proceedings in Cases Nos. 8, 9 and 10 of the Report No. V. of the Vizagapatam Principal Sudr Ameen's Court, and pass such orders thereon as he may think proper, reporting the same for the information of the Foujdaree Adalut.—

(Here enter F. C. No. 1350 of 1846.—

27th. April 1846.

Precept of the Foujdaree Adalut under date the 13th. Ultimo, reviewing and remarking on the Criminal Reports for the Months of January 1846.—

(Here enter F: C: No. 1264 of 1846).

Read letter dated the 15th. Instant from the Magistrate of Bellary, submitting with reference to the Extract from the Proceedings of the Court of Foujdaree Adalut dated 30th. Ultimo, explanation on delay Vea. in Cases Nos. 206 and 9 of the Bellary Calendar.—

(Here enter F: C: No. 1265 of 1846).

Read letter dated the 16th. Instant from the Magistrate of Madura, submitting his view of Cases Nos. 257 of 1845; and of Nos. 3 and 8 of 1846, as animadverted upon by the Foujdaree Adalut on the 13th. March.—

(Here enter F: C: No. 1266 of 1846)

Read return dated the 22d. Instant from the Sessions Judge of Chicacole, to the precept of the Foujdaree Adalut under date the 30th. Ultimo, directing him to call up the proceedings in Cases Nos. 8, 9 and 10 of the Report No. V, of the Vizagapatam Principal Sudr. Ameen's Court, and pass such orders thereon as he may think proper, reporting the same for the information of the Foujdaree Adalut.—

(Here enter F: C: No. 1350 of 1846.—

F. U.

Tuesday,
28th. April, 1846.

At a Court of the Foujdaree Adalut.

Present,

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

Read Criminal Reports under date the 6th. Instant submitted by the Subordinate Judge of Calicut for the Months of March 1846.—

(Here enter F. U: No. 1157 of 1846)

Report No. V
Cases Nos. 34-40.

The Court of Foujdaree Adalut consider
1. the commitment of these cases to the Criminal Court on such very insufficient grounds as are apparent in the Report improper and desire that this may be intimated to the Heads of Police concerned.—

Case No. 48.

2. The Court of Foujdaree Adalut have ruled that the provisions of Act III of 1844 are inapplicable to this Presidency.—

3. The Court concur in the opinion of the Subordinate Judge that this case should have been disposed of by the Magistracy.—

Ordered that Extract from these Proceedings be sent to the Subordinate Judge of Calicut for his information and for Communication to the Magistrate of Malabar for the information of

of that officer.-

(Sent in No. 677.)

Read report of cases tried by the Magistracy in the District of Tanjore under the provisions of Section XIV. Act. VII of 1843 during the months of March last.-

(Here enter No. 1167)

1.

The above report not being prepared in the manner prescribed by the rules in force for the guidance of the judicial authorities, as required by the Circular instructions of this Court, dated the 21st August 1843, the Judges direct that it be returned to the Magistrate of Tanjore for amendment.-

2.

The Report merely exhibits the sentence passed on the Prisoners and gives a statement of the charge brought against them, the latter being defective as failing to shew how the party committing the imputed theft, obtained access to the spot where the cups stolen were kept, whether by a breaking or otherwise,- no statement is given of the grounds of the Assistant Magistrate's sentence as required by Circular Order 16th November 1831, nor does the report explain the cause of the detention of the prisoner apprehended on the 1st and 2nd March for more than the period allowed under this Court's Orders 5 days.-

Ordered that Extract from these Proceedings be

be sent to the Magistrate of Tanjore for his information by precept returnable in 15 days from and after its receipt.-

(Sent following Precept No. 678.)

Read Criminal Reports under date the 31st Ultimo submitted by the Principal Sudr Ameen of Cuddalore for the Month of March 1846.-

(Here enter F. D. No. 1220 of 1846)

Supplemental Report Case No. 21.

The Court of Foujdaree Adalut desire that the Magistrate of South Arcot will report for their information what measures may have been adopted regarding the conduct of the Village Curnums referred to in the report of this case.-

Ordered that Extract from these Proceedings be sent to the Principal Sudr Ameen of Cuddalore for his information and for communication to the Magistrate of South Arcot for the information and guidance of that officer and for report direct to the Foujdaree Adalut by precept returnable within X days from and after its receipt.-

(Sent following Precept No. 679.)

Read Report of cases tried by the Magistracy of Vellore under the provisions of Section XIV Act. VII of 1843 during the Month of March 1846. submitted by the Magistrate under date the 16th Instant.-

(Here enter F. D. No. 1248 of 1846)

The

28th April 1846.

Case No. 8.

1 The Court of Foujdaree Adalut observe that the heading required by Circular Order No. 168 has not been affixed to the statement of the charge preferred against the prisoners in this case.—

2. Under the rule laid down in Circular Order 16th November 1831 an abstract of the testimony on which the Prisoners are convicted should have been inserted in the 7th Column of this Report.—

3. The Court of Foujdaree Adalut.— accordingly resolve to direct that an amended report of this case prepared with reference to the foregoing observations be submitted for their consideration.—

Ordered that Extract from these Proceedings be sent to the Magistrate of Vellore for his information and guidance by precept returnable within X days from and after its receipt.—

(Sent following Precept No. 680.)

Read letter dated 25th March 1846 from the Subordinate Judge of Madura reporting on the examination held by him regarding the abuses that have taken place in the Jail at Pammban and forwarding the correspondence and the Calendar connected with the same.—

(Here enter F. G. No. 1028 of 1846).

1. The Subordinate Judge in this letter reports that "sufficient evidence has been elicited from

2.

F. G.
28th April 1846.—

22 individuals to require in his opinion the committal of the Jailer 5 convicts and 2 inhabitants of Pammbum for trial before the Session Court for housebreaking and for being found in possession of stolen property.—

2. He refers the Court to an abstract recorded in a copy of a Calendar, submitted with his letter for a particular of the evidence obtained from the parties examined and appends copies 1st of a letter addressed to him by Lieutenant Robertson stating that he had discovered a part of the property stolen from the house of Private Inzay and asking for the Subordinate Judge and as to how he should proceed to trace out the perpetrators of the burglary and 2nd copy of a communication addressed by the late Head Assistant Mr. Kane to the Magistrate— copy of which had already been submitted by the Session Judge with the Calendar of Case No. 24 of 1845.—

3. The only additional information which the communication styled by the Subordinate Judge a report, above recorded puts the Court of Foujdaree Adalut in possession of is, that the Jailer, 5 convicts, and 2 inhabitants of Pammbam have been committed to stand their trial before the Session Court.—

4 It is obvious that such a report in no

no way meets the requisition of Government who in their Minutes of Consultation of the 4th. September last pronounced the information furnished in the late Head Assistants Report and in the Calendar of the Sessions Judge to be altogether insufficient and the Court can not but express their extreme surprise that notwithstanding the Subordinate Judge was in possession of the sentiments of the Government on this point he should have satisfied himself with recording the bare fact above stated.-

5. The Subordinate Judge will now be pleased to enter more explicitly into the subject — shewing the extent of the irregularities committed in the Jail at Pamban the circumstances in which they were exhibited, the causes to which they were attributable and the persons to whom they were chargeable.-

6. In submitting this report the Subordinate Judge will understand that he is required to enter at large into these particulars stating fully his opinion on such point together with the grounds of that opinion.-

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

(Sent following Precept No. 681.)

Read return dated the 28th. Ultimo from

28th. April 1846.

from the Session Judge of Tinnevelly to the Precept of the Fouzdaree Adalut under date the 24th. idem requiring him to quote the authority under which the fine of 15 Rupees was imposed on the Prosecutor in Case No. 9 of 1846.-

(Here enter F. C. No. 1047 of 1846)

Read return dated the 31st. Ultimo from the Session Judge of Cuddapah to the Precept of the Fouzdaree Adalut under date the 7th. idem directing him to call up the record of the Case No. 242. of 1845 on the file of the Subordinate Criminal Court and to pass such orders as he may deem proper for the information of the Fouzdaree Adalut.-

(Here enter F. C. No. 1048 of 1846)

Read Statement dated 1st. January 1846. submitted by the Session Judge of Nellore of Batta paid to Prosecutors and witnesses attending before him from 1st. July to 31st. December 1845.-

(Here enter F. C. No. 1051 of 1846).

Read Calendar in Case No. 15 of 1846. submitted by the Session Judge of Cuddapah under date the 4th. Instant.-

(Here enter F. C. No. 1114 of 1846).

Read letter dated the 9th. Instant from

28 28th April 1846.

from the Acting Magistrate of North Arcot submitting explanation in Cases Nos. 187. 188. 194 and 195 on the Criminal Reports for November 1845, as directed in the Extract from the Proceedings of the Foujdaree Udalut under date 3rd January 1846.-

(Here enter F. U. No. 1138 of 1846).

Read Criminal Reports dated the 1st Instant submitted by the Sessions Judge of Honore of the Sudr Ameens Court at Sirsy for the Months of March 1846.-

(Here enter F. U. No. 1218 of 1846).

Read Calendars in Cases Nos. 17 and 18 of 1846. submitted by the Session Judge of Cuddalore under date the 14th Instant.-

(Here enter F. U. No. 1223 of 1846)

Read Report dated the 11th Instant from the Magistrate of Coimbatore of Cases tried by him under the provisions of Section I. IV. Act VII of 1843 during the Month of March 1846.-

(Here enter F. U. No. 1225 of 1846)

Read Calendar in Case No. 18 of 1846 submitted by the Session Judge of Chingleput under date the 14th Instant.-

(Here enter F. U. No. 1228 of 1846)

Ent W.

F. U.

Wednesday, 29th April, 1846.

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.

Read letter dated the 18th Instant from the Sessions Judge of Cuddalapah, submitting the final Sentence of the Foujdaree Udalut, for the proceedings in Case No. 14 of 1846.-

(Here enter F. U. No. 1281 of 1846)

The Court of Foujdaree Udalut

Mr. Lewin and Mr. Boileau

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

"Mundoola Zullee Goorovadoo"

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. 686)

Read

29th April 1846.

Read report of Cases tried by the Magistracy of Cuddapah under the provisions of Section LIV Act VII of 1843 during the month of March 1846 submitted under date the 13th Instant by the Acting Magistrate.-

/Sent to Sr. No. 1216 of 1846/

Case No 1

The Court of Foujdaree Udalut observe that the heading required by Circular Order No 168 has not been affixed to the statement of the charge preferred against the Prisoners in this Case.-

2. Adverting to the admission of evidence of the letter forwarded to the Magistrate by the Sub Assistant Revenue Surveyor one of the parties whom the prisoners in this Case were charged with having assaulted and with reference to the fact that the fracture of a limb resulted from the assault in question the Court of Foujdaree Udalut resolve to direct that the sentence passed in this Case be suspended, pending a revision of the proceedings by the Sessions Judge who will be pleased to call up the record and to pass such orders as he may think proper

29th April 1846.

proper, reporting the same for — — — the information of the Foujdaree Udalut.

The Court of Foujdaree Udalut

3.

utterly fail to appreciate the force of the reasons assigned by the Acting Magistrate for dispensing with the examination of the Prisoner's witnesses whose evidence, as he considered himself competent to dispose of the case, he was obviously bound to receive.-

Ordered that Extract from the proceedings be sent to the Acting Magistrate of Cuddapah for his information and future guidance.-

/Sent in Sr. No 687/

Ordered also that, Extract from these proceedings be sent to the Sessions Judge of Cuddapah for his information and guidance by precept returnable within XV days from and after its receipt.-

/Sent following precept No 688/

Read Criminal Reports under date the 1st Ultimo submitted by the

29th April 1846.

Read report of Cases tried by the Magistracy of Cuddapah under the provisions of Section XIV Act VII of 1843 during the month of March 1846 Submitted under date the 13th Instant by the Acting Magistrate.-

/ Secretariat No. 1216 of 1846 /

Case No 1

1. The Court of Foujdaree Udalut observe that the heading required by Circular Order No 168 has not been affixed to the statement of the charge preferred against the Prisoners in this Case.-

2. Adverting to the admission of evidence of the letter forwarded to the Magistrate by the Sub Assistant Revenue Surveyor one of the parties whom the prisoners in this Case were charged with having assaulted and with reference to the fact that the fracture of a limb resulted from the assault in question the Court of Foujdaree Udalut resolve to direct that the sentence passed in this Case be suspended, pending a revision of the proceedings by the Sessions Judge who will be pleased to call up the record and to pass such orders as he may think proper

29th April 1846.

proper, reporting the same for — — with the information of the Foujdaree Udalut.

3. The Court of Foujdaree Udalut utterly fail to appreciate the force of the reasons assigned by the Acting Magistrate for dispensing with the examination of the Prisoners witness whose evidence, as he considered himself competent to dispose of the case, he was obviously bound to receive.-

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

/ Sent in No 687 /

Ordered also that, Extract from these proceedings be sent to the Sessions Judge of Cuddapah for his information and guidance by precept returnable within XV days from and after its receipt.-

/ Sent following precept No 688 /

Read Criminal Reports under date the 1st Ultimo submitted by the

29th April 1846

the Agent to the Governor of Fort St. George in Ganjam for the month of February 1846.-

/Here enter F.C. No. 882 of 1846/

Report No. 2- Before the Agent. case No. 1.

1 It is not apparent whether the prisoner in this case has been convicted of "Breaking" or of "receiving stolen property" but the Regulation quoted in support of the sentence is inapplicable to both of these offences.-

case No. 3.

2 The detention in the Jaloork of the prisoner in this case for 13 days requires explanation.

Before the Agent case No. 2.

3. The Court of Foujdaree Adalut require an explanation of the delay of nearly one month which occurred in the transmission of this case to the Court of the Assistant Agent.-

4 The Court of Foujdaree Adalut consider the requisition of security from a prisoner upon whom a fine has been imposed for the same offence to be obviously improper and they accordingly direct that the Agent will revise the proceedings in these cases and pass such orders as he may think proper reporting the same for the information of the Foujdaree Adalut.

cases Nos. 2-3.

5. The heading required by Circular Order No. 168 should have been affixed to the Statement of

F.C.
29th April 1846.

of the charge preferred against the prisoner in this case.-

6. The Court of Foujdaree Adalut desire to be informed of the cause of the delay of eight days which occurred in the transmission of this case to the Court of the Assistant Agent.

7 Adverting to the inconvenience for purposes of entry and record caused to the department of this Court's Register by the submission of the Agents monthly Criminal Reports on several separate sheets of paper, the Court of Foujdaree Adalut resolve to direct that in future the reports in question be submitted stitched together so as to form a single communication.-

Ordered that Extract from these proceedings be sent to the Agent to the Governor of Fort St George in Ganjam for his information and guidance, by precept returnable within XV days from and after its receipt.-

/Sent following precept No. 889./

Read Calendar of Case No. 80 of 1846 on the file of the Sessions Court at Rajahmundry submitted under date the 7th Instant

Instant by the Sessions Judge.

/Here enter F.C. No. 1252 of 1846/

The Prisoner in this Case charged with having broken into the Prosecutors house by digging through the wall and removing the fastening of the door and with having carried away therefrom a box containing Jewels Cash &c. valued at Rupees 381-4; has been sentenced by the Sessions Judge to seven years imprisonment with hard labor in irons and 150 lashes; the authority quoted for such sentence being Section XXI Regulation VII of 1802 and Section II Regulation VI of 1827.-

2. The Courts of Fouzdaree Adalut observe that there was no necessity for the quotation of the latter enactment cited in support of the sentence passed in this Case.-

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

/Sent in No. 690./

Read Criminal Reports under date

date the 7th April 1846 submitted by the Sessions Judge of Ellore for the months of march 1846.-

/Here enter F.C. No. 1217 of 1846/

Case No. 26. 1 The Magistrate of Canara will be pleased to report for the information of the Fouzdaree Adalut why the witnesses in this Case were not forwarded with the prisoners to the Criminal Court by the Head of District Police.-

Case No. 28 2 The Court of Fouzdaree Adalut have repeatedly prohibited the insertion of Native dates in the column of charge of the Monthly Criminal Reports.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Ellore for his information and guidance and for communication of para 1 to the Magistrate of Canara for the information and guidance of that officer and for report direct to the Fouzdaree Adalut by precept returnable within X days from and after its receipt.-

/Sent following precept No. 691./

Read Calendar of Case No. 26

Instant by the Sessions Judge.

/Here enter F.H. No. 1252 of 1846/

The Prisoner in this Case charged with having broken into the Prosecutors house by digging through the wall and removing the fastening of the door and with having carried away therefrom a box containing Jewels Cash &c valued at Rupees 381-4, has been Sentenced by the Sessions Judge to seven years imprisonment with hard labor in irons and 150 lashes; the authority quoted for such Sentence being Section XXI Regulation VII of 1802 and Section II Regulation VI of 1827.-

2. The Court of Sonjdarce Udalut observe that there was no necessity for the quotation of the latter enactment cited in support of the Sentence passed in this Case.-

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

/Sent in No. 690./

Read Criminal Reports under date

date the 7th April 1846 submitted by the Sessions Judge of Canara for the months of March 1846.-

/Here enter F.H. No. 1217 of 1846/

Case No. 26. 1 The Magistrate of Canara will be pleased to report for the information of the Sonjdarce Udalut why the witnesses in this Case were not forwarded with the prisoners to the Criminal Court by the Head of District Police.-

Case No. 28 2 The Court of Sonjdarce Udalut have repeatedly prohibited the insertion of Native dates in the column of charge of the Monthly Criminal Reports.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Canara for his information and guidance and for communication of para 1 to the Magistrate of Canara for the information and guidance of that officer and for report direct to the Sonjdarce Udalut by precept returnable within X days from and after its receipt.-

/Sent following precept No. 691./

Red Calendar of Case No. 26

7

29th April 1846

of 1846 on the file of the Sessions Court at Combaconum submitted under date the 17th Instant by the Sessions Judge.-

/Here enter F.R. No. 1271 of 1846/

The Court of Foujdaree Udalut observe that under Circular Order No. 148 an English Translation of the entire Putwa should have been inserted in the Calander for their information.- The Sessions Judge will now submit it.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Combaconum for his information and future guidance by precept returnable in V days from and after its receipt.-

/Sent following precept No. 672./

Read Criminal Reports under date the 1st Instant submitted by the Subordinate Judge of Rajahmundry for the month of March 1846.-

/Here enter F.R. No. 1268 of 1846/

Report No. V Case No. 23. /Adverting to the manner in which the Prisoner in this Case is stated to have

29th April 1846.

have effected his entry into the Prosecutor's Godown viz: by opening the padlock," the Court of Foujdaree Udalut observe that the offence charged amounts to "Breaking" and they direct that the heading affixed to the Statement of the charge be amended accordingly.-

Case No. 24. 2 The Court of Foujdaree Udalut have observed with much Surprise the order which the Head Assistant Magistrate is stated to have issued in the reference made to him by the Head of Police regarding the disposal of this Case.-

3. If the Head Assistant Magistrate considered the offence charged against the prisoners not to amount to a theft, the case it is obvious, was not committable; if on the other hand he considered them guilty of "theft," a compromise was clearly inadmissible.-

Case No. 25 4 The Court of Foujdaree Udalut see reason to question the propriety of the disposal of this Case and they accordingly resolve to direct the Sessions Judge to call up

29th April 1846.

up the record and to pass such orders as he may think proper reporting the same for the information of the Foujdaree Udalut

Case No. 26. 5 The Court of Foujdaree Udalut require an explanation of the great delay which occurred in the transmission of this case to the Criminal Court.

Ordered that Extract from these proceedings /para 4/ be forwarded to the Sessions Judge of Rajahmundry for his information and guidance by precept returnable within two days from and after its receipt.

/Sent following precept No. 692./

Ordered also that Extract from these proceedings be forwarded to the Subordinate Judge for his information, and for communication of paras 2 and 3 to the Magistrate for the information and guidance of that Officer and for report direct to the Foujdaree Udalut by precept returnable within ten days from and after its receipt.

/Sent following precept No. 693./

Read

29th April 1846.

Read again Calendar dated the 17th February last submitted by the Sessions Judge of Combaconum in Case No. 7 of 1846.

/Here enter F. No. 605 of 1846/

Read also return dated the 19th Ultimo from the same Officer to the precept of the Foujdaree Udalut under date the 16th idem directing the release of the Prisoner in Case No. 7 of 1846.

/Here enter F. No. 927 of 1846/

Adverting to the opinion formed by himself of the powers vested in the Court of Foujdaree Udalut under the provisions of Section XXXV Act VII of 1843, the Sessions Judge reports in the above return that he considers he is justified in suspending the order issued by the Court of Foujdaree Udalut for the release of the Prisoner in Case No. 7 of 1846 on the Combaconum Calendar in view to the calling up and revision by the Foujdaree Udalut of the entire proceedings held on the trial of the Prisoner, a course of procedure

29th April 1846

procedure which the Sessions Judge submits would be more consistent with the practice generally observed and with justice and right than that now adopted by this Court of annulling on a perusal of a Calendar, showing only the general features of a case, a Sentence actually passed by a Sessions Judge.

2. The Court of Faujdaree Udalut find nothing in the arguments used by the Sessions Judge which leads them to doubt the legality of the exercise of the power under which they have directed the release from confinement of the Prisoner in question and which order the Sessions Judge is accordingly requested immediately to carry into effect.

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

(Sent following precept No. 695)

Read return dated the 28th

March

F46

29th April 1846

March 1846 from the Sessions Judge of Combaconum to the precept of the Faujdaree Udalut under date the 13th idem directing the Sessions Judge to alter the sentences passed on some of the Prisoners in Calendar No. 49 of 1845.

(Here enter F.C. No. 1039 of 1846)

With reference to the statement made in para: 20 of the above Return the Court of Faujdaree Udalut resolve to desire the Sessions Judge to submit for their information a full and distinct explanation of the meaning of the said para: and also to lay before them a copy of such instructions as with advertence thereto, he may have issued to the Magistrate of the District.

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

(Sent following precept No. 696)

Ent'd W.

29th April 1846.

procedure which the Sessions Judge submits would be more consistent with the practice generally observed and with justice and right than that now adopted by this Court of annulling on a perusal of a Calendar, showing only the general features of a case, a Sentence actually passed by a Sessions Judge.

2. The Court of Foujdaree Udalut find nothing in the arguments used by the Sessions Judge which leads them to doubt the legality of the exercise of the power under which they have directed the release from Confinement of the Prisoner in question and which order the Sessions Judge is accordingly requested immediately to carry into effect.

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

(Sent following precept No. 695.)

Read return dated the 28th

Inard

4/ FC

29th April 1846.

March 1846 from the Sessions Judge of Combaconum to the precept of the Foujdaree Udalut under date the 13th idem directing the Sessions Judge to alter the Sentences passed on some of the Prisoners in Calendar No. 49 of 1845.

(Here enter F.C. No. 1039 of 1846)

With reference to the Statement made in para: 20 of the above Return the Court of Foujdaree Udalut resolve to desire the Sessions Judge to submit for their information a full and distinct explanation of the meaning of the said para: and also to lay before them, a copy of such instructions as with advertence thereto, he may have issued to the Magistrate of the District.

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

(Sent following precept No. 696.)

End H.

F. U.

Thursday
30th April 1846

At a Court of the Tonjdaree Adalut.

Present

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

Malcolm Lewin Esqre ——— 3d Puisne Judge

J. C. J Boileau Esqre ——— 3d Puisne Judge

Circular Order

No 181.

Adverting to references made to the Court of Tonjdaree Adalut for information whether it is competent to a committing Officer as was formerly the case to call upon a Prisoner ordered for commitment, to specify the names and residence of the parties whom he may wish to cite as witnesses for his defence before the Session Court, the Tonjdaree Adalut resolve by a Circular Order to notify their present opinion, that nothing contained in Act VII of 1843. can be held to prohibit a question to a committed Prisoner calculated to elicit information of the above

above mentioned nature, which when followed up (as it should be) by the issue of a summons is calculated to expedite a decision of the case, and in such respect to further the object for which the act was mainly passed; tho' it should not be permitted to bind the Prisoner to the adoption of any particular line of defence, or to preclude his naming other Witnesses when on his trial should he wish to do so, on points relevant to the defence.

2 The Court of Tanjore Adalut also resolve to circulate their reply to a reference from a Subordinate Judge as to whether, adverting to Circular Order No. 159, a Subordinate Judge in committable cases is precluded from examining a Prisoner.-

The Judges of the Tanjore Adalut think that neither the regulations, nor the Circular Orders of the Court, ever intended that a Criminal Judge should be debarred that communication with a prisoner which is

30th April 1846

is essential to his obtaining justice, and making his defence before the authority who decides the case; but they observe that the committing authority has no right to take the defence of a prisoner, although it is his duty to see that nothing takes place before the Criminal Court capable of obstructing his defence.

Sent following Circular Order No. 699.

Cod. W.

Friday
1st May 1846.

F. Ud.

At a Court of the Foujdaree Adaulut

Present.

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

Read letter dated the 13th Ultimo from the Sessions Judge of Rajahmundry recommending that the disposal of the first four of certain cases adverted to, be differred until the arrival of a case which is expected from the Magistrate as the charge in the last mentioned is against the identical two prisoners concerned in the other cases.

(Here enter No. 1214)

1. Owing to the failure of the Sessions Judge to show distinctly in the above communication, which of the five charges referred to, were dropped in the Subordinate Court as wanting proof, the Judges of the Foujdaree Adaulut have no information as

1st May 1846.

as to the nature of the three charges actually forwarded to the Sessions Judge, who will accordingly be pleased now to specify the particulars required to render clear the question which he has propounded.-

2 The Court of Foujdaree Udalut are however of opinion that in cases of the character described justice should not be slow and they think that delay should therefore not take place in their investigations.-

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

(Sent in No. 704.)

Read letter dated the 17th Ultimo from the Sessions Judge of Chittoor submitting with his favorable recommendation copy of a letter and the original Moyen Zabitah which accompanied it, received from the Acting Magistrate

1st May 1846.

Magistrate of North Arcot requesting the sanction of Government may be obtained for an increase of the Police Establishment to be employed in the Town of Vellore amounting to 60 Rupees per mensem.-

(Here enter No. 1235.)

As it is believed that the Police of Vellore are aided by the Military Police on the spot, the Court of Foujdaree Udalut before bringing the Sessions Judge's proposition under consideration, desire to know the extent of the population within the jurisdiction of the Police Aumeen of Vellore and whether the District Head of Police is not able to afford the assistance now stated to be requisite.

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

(Sent following precept No. 705.)

1st May 1846.-

Read Calendar in Cases Nos. 20 and 21 of 1846 on the file of the Sessions Court at Salem submitted under date the 17th Ultimo by the Sessions Judge.-

(Here enter F. No. No. 1287)

1. In case No. 20 the prisoner was charged with having attacked the Prosecutor on the high road, and with having beaten and robbed him of ready money cloths and ornaments valued at Rupees 33-2-..-

2. In Case No. 21 the same prisoner was charged with having stolen gold and silver ornaments valued at Rupees 89 which had been buried under ground in the shed of the Prosecutor.-

3. The Sessions Judges concurring with the Law Officer in the conviction of the prisoner of both the offences charged against him has sentenced him to imprisonment with hard labor in irons for the period of 14 Years.-

4. The Court of Foujdaree Udalut

F No

1st May 1846.- Udalut desire to be informed why the foregoing sentences was not pronounced until the 17th Ultimo; the trials having been completed on the 11th idem.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Salem for his information and guidance by precept returnable within V days from and after its receipt.-

(Sent following precept No. 706.)

Read Calendar of Case No. 31 of 1846 on the file of the Sessions Court at Combaconum submitted under date the 20th Ultimo by the Sessions Judge.-

(Here enter F. No. No. 1284 of 1846)

1. The 1st and 2nd Prisoners in this case were charged with having at night broken into the house of the Prosecutor and stolen therefrom Cash, Jewels &c. valued at Rupees 704.-

2. The 3rd Prisoner was charged with having received a portion of the said stolen property knowing it to

1st May 1846

to have been stolen.

3 The Sessions Judge concurring in the verdict of the Jury which convicted the Prisoners of the crimes respectively laid to their charge has sentenced the prisoners to imprisonment with hard labor in irons the 1st and 2nd severally for the period of seven years and the 3rd for the period of one year.

4 Before disposing of this Calendar the Court of Foujdaree Adalut desire that the Sessions Judge will state for their information whether the prisoners in this case named any witnesses in their defence; and if so, whether they were examined.

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

(Sent following precept No 707 / S

Ed 4th

Calendar 2nd May 1846.

At a Court of the Foujdaree Adalut.

Present.

G. J. Walters Esquire — 1st Puisne Judge.

Malcolm Lewin Esquire — 2nd Puisne Judge.

J. B. J. Boileau Esquire — 3rd Puisne Judge.

Read again letter dated the 9th March 1846 from the Sessions Judge of Chittoor forwarding for the consideration and final sentence of the Foujdaree Adalut an English translation of the record of trial in Case No 6 on the file of the Sessions Court of Chittoor (Hereunto F. R. No 785 of

Read also return dated the 9th Ultimo to the precept of the Foujdaree Adalut of the 27th March last returning the English Translations of the Record of the trial in Case No 6 on the file of the Sessions Court of Chittoor with instructions to direct the attendance of the wife of the 3rd Prisoner and of the Peons deputed to her house and in the presence of the Prisoners in this case take the examinations upon Oath on the points specified and retransmit the

the same with the English translations of the additional evidence so taken annexed thereto.

(Here enter F. H.C. No. 1234 of 1846)

1. The Court of Zillah Batticaloa 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 Mootiyaloogadoo alias Ramasawmy and
2nd Luchcegandoo.-

is sufficient to convict them of the crime of Robbery and Murder, do convict them severally thereof; but being of opinion under the circumstances of the case, that the punishment to which the prisoners are liable under the provisions of Section X Regulation VIII of 1802 would in this instance, be too severe the Court under the provisions of Clause third Section II Regulation I of 1825, and Regulation VIII of 1828, sentence the prisoner

1st Mootiyaloogadoo alias Ramasawmy

to receive one hundred lashes with a cat o nine tails and to be transported to such place or places beyond sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons on the

the public roads or other public works, for, and during the period of his natural life; and the prisoner,

2nd Luchcegandoo,

to be transported to such place or places beyond sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons, on the public roads or other public works, for, and during the period of his natural life.-

(Sent following) letter No. 711.

Read Calendar of Cases Nos. 24 and 25 of 1846 on the file of the Sessions Court at Combaconum submitted under date the 13th Ultimo by the Sessions Judge.

(Here enter S.C. No. 1203 of 1846)

Case No. 24. 1 The Court of Zillah Batticaloa see no reason to question the propriety of the sentence passed upon the prisoner in the case noted marginally, and they accordingly direct that an English translation of the entire record may be submitted for their consideration.-

2. Adverting to the omission on the part of the Sessions Judge to submit an English translation of the

Settwahs

2d May 1846.

Sutwahs in these cases, the Court of Foujdaree Udalut resolves to call the attention of that Officer to the rule laid down in the Circular Orders noted marginally, to which he will be pleased to conform in future.-

C.C. 1845.

Ordered, that Extract from these Proceedings be sent to the Judges of Combaconum, for his information and guidance, by precept returnable within XV days, from and after its receipt.-

(Sent following precept No 712.)

Read return dated the 13th Ultimo from the Acting Sessions Judge of Coimbatore to the precept of the Foujdaree Udalut under date the 31st March last conveying their observations and orders on the Criminal Reports of the Principal Sudr Ameen of Coimbatore for the month of March 1846.-

(Here enter No 1242)

1. In the antapenultimate para of the proceedings by the Sessions Judge on Case No 33 of 1846 before the Principal Sudr Ameen, the Acting Sessions Judge refers to a letter "in explanation

Dated 13th April 1846

F. Vo.
2d. May 1846.

explanation" of the Principal Sudr Ameen's disposal of the case, which the Principal Sudr Ameen appears to have addressed to the Session Court.-

2. If the Principal Sudr Ameen's letter was not the result of a requisition from the Acting Session Judge for the explanation tendered, the Court of Foujdaree Udalut are of opinion that the Principal Sudr Ameen was not warranted in submitting it to the Session Court and that he is liable to censure for not so framing the sentence passed and recorded in the Criminal Report as to render explanation unnecessary.-

Ordered, that Extract from these Proceedings be forwarded to the Acting Session Judge of Coimbatore and for communication to the Principal Sudr Ameen of Coimbatore.-

(Sent in No 713.)

Read return dated the 27th

27th Ultimo from the Sessions Judge of Combaconum to the precept of the Foujdaree Adalut under date the 16th Idem directing the release of the Prisoner in Case No. 18 of 1846.

(Here enter No. 1346)

1. In the 2nd Para of the above return the Sessions Judge states that "the existence of a hole in the side wall of the Prosecutor's House" as deposed to by the Prosecutor "is corroborated by the report of the Sub Police Officer."

2. As the translation of the report aforesaid, furnished by the Sessions Judge, does not corroborate any such fact, the Sessions Judge will be pleased to transmit the original report by return of Tappal for the consideration of the Judges of this Court.

Ordered, that Extract from these Proceedings be forwarded to the Sessions

Sessions Judge of Combaconum, by precept returnable in one day from and after its receipt.

(Sent following precept No. 714.)

Read return dated the 22d Ultimo from the Sessions Judge of Combaconum to the precept of the Foujdaree Adalut under date the 16th Idem requiring to amend the sentence passed by him in Case No. 1 of 1846.

(Here enter F. Rc. No. 1298 of 1846)

Read Calendar of Case No. 17 of 1846 submitted by the Sessions Judge of Cuddapah under date the 21st Ultimo.

(Here enter F. Rc. No. 1300 of 1846)

Read Calendar of Case No. 19 of 1846 submitted by the Sessions Judge of Cuddalore under date the 20th Ultimo.

(Here enter F. Rc. No. 1302 of 1846)

Read Calendar of Case No. 14 of 1846 submitted by the Sessions Judge of Calicut under date the

ther

2nd May 1846.

the 20th Ultimo.

/Here enter F. 86. No. 1304 of 1846./

Read return dated the 20th Ultimo from the Sessions Judge of Masulipatam to the precept of the Fouzdaree Udalut under date the 4th Instm directing him to submit a more detailed explanation of the grounds on which he has considered himself justified in ordering the release of the Prisoner in Case No. 2 of 1846 of his file.

/Here enter F. 86. No. 1308 of 1846./

Redd Calendar of Case No. 16 of 1846 submitted by the Acting Sessions Judge of Madura under date the 22nd Ultimo.

/Here enter F. 86. No. 1315 of 1846/

Read return dated the 23rd Ultimo from the Acting Subordinate Judge of Cuddapah to the precept of the Fouzdaree Udalut under date the 15th Instm remarking upon the Criminal Reports of his Court for February 1846.

/Here enter F. 86. No. 1319 of 1846/

Read

F. 86.

2nd May 1846.

Read report dated the 31st March last submitted by the Magistrate of Malabar of Cases tried by the Magistracy under the Provisions of Section XIV. Act VII of 1843 during the month of March 1846.

/Here enter F. 86. No. 1321 of 1846./

F. C.

Monday 4th. May, 1846. At a Court of the Foujdaree Adalut.

Present.

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

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

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

Read letter dated the 25th. Ultimo from the Sessions Judge of Salem submitting for the final Sentence of the Foujdaree Adalut the record of Trial in Case No. 5 of 1846.—

(Here enter No. 1326).

The Court of Foujdaree Adalut on a

Mr. Mc. Lewin and Mr. T. E. J. Boileau deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoners

1st. Gengum.

2nd. Chenny Reddy.

3rd. Cawaree.

4th. Vencatyen.

5th. Vencatem.

and

6th. Chinnan.

is sufficient to convict them of the crime of Gang robbery and wounding, do convict them thereof; and under the provisions of Clause Second, Section IV.

Regulation

Regulation XV. of 1803, and Regulation VIII of 1828, — sentence the prisoners

1st. Gengunn
and
3d. Cavaree.

severally to receive (195) one hundred and ninety five lashes with a Cat-o-nine tails, and to be transported to such place or places beyond sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard in irons on the publics roads or other publics works for and during the period of their natural lives- and the prisoners

2d. Chenny Reddy.
4th. Vencatyen.
5th. Vencatten.
and
6th. Chinnan.

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

(Sent following letter No. 717.)

1 The Prisoners in this case were — charged with having in company with three or four others not apprehended entered the Prosecutor's huts with lighted torches and sticks, and with having tied

tied and beaten them (the Prosecutors).-

2. They were also charged with having burnt the fingers of the 1st. Prosecutor by wrapping them in cloth and setting fire to the same; with having tortured the 2d. Prosecutrix by applying a press to her arms and with having robbed the hut of the 1st. Prosecutor; of property valued at Rupees 67-8-- and that of the 2d. Prosecutrix of property worth Rupees 217.-

3 The Sessions Judge concurs in the verdict of the assessors convicting all the prisoners of the crimes laid to their charge, and recommends that the 1st. and 3d. Prisoners be sentenced to transportation and that the other prisoners be severally sentenced to imprisonment with hard labor in irons for the period of 14 years.-

4 The Court of Foujdaree Adalut having attentively perused the entire record of this case are of opinion that with reference to the atrocious acts proved against the prisoners the sentences propsed by the Session Judge would be insufficient to meet the demands of justice; and they accordingly resolve to sentence all the prisoners to transportation for life, this sentence to be enhanced in the case of the 1st. and 3d. prisoners severally by the infliction of 195 stripes.-

Ordered

4th. May 1846.

Ordered that Extract from these Proceed-
=ings be sent to the Session Judge of Salem for his
information and guidance by precept returnable within
X days from and after its receipt.-

(Sent following Precept No. 718).

Read Calendar of case No. 37 of 1845
on the file of the Session Court at Bellary submitted
under date the 13th. February last by the Session Judge.

(Here enter F. C: No. 568 of 1846).

1. The 1st., 2d., 3d., 5th., and 6th. Prisoners
in this case were charged with having gone to the
Prosecutors house with weapons and torches, broken
open the door with hatchets, entered in and robbed
from the house gold and silver ornaments, ready
money, brass utensils, cloths &c. valued at Rupees
2000-14-0.-

2. The 4th. Prisoner was charged with
having purchased part of the stolen property knowing
it to have been robbed.-

3. The Session Judge has sentenced
the 1st. Prisoner as principal in the commission of the
robbery and the 2d., 3d. and 5th. Prisoners as accessories
thereto, severally to 14 years imprisonment, with
hard labor in irons; the authority quoted for the
sentence passed upon the 1st. Prisoner being clause

F. C:

4th. May 1846.

third Section IV Regulation XV of 1803 and that for
the sentence awarded to the other prisoners being
Clause Second Section IV Regulation VI of 1822.-

4 On a perusal of this Calendar it
would appear that the 1st. and 2d. Prisoners were both
convicted by the Law Officer by Zunna ghalib of
robbery on the grounds of their confession before
the Police and surrender of the property robbed.-

5 The case being technically one
of robbery by open violence the Court of Foujdaree
Adalut observe that each of the said Prisoners
(and not the 1st. only) should have been
sentenced under Clause third Section IV Regulation
XV of 1803.-

6. If however the Session Judge saw
grounds to dissent from the Futwa and considered
the offence proved against the 2d. Prisoner to fall
under the provisions of Clause second Section IV
Regulation VI of 1822. or Clause fourth Section IV
Regulation XV of 1803 it was incumbent upon
him (after the Law officer to abide by his
original view of the case) to refer the trial for the
consideration of the Foujdaree Adalut.-

7. The Court of Foujdaree Adalut are of
opinion that the case of the 2d. Prisoner with reference
to the nature of his admission Viz. that he joined
the

4th. May 1846.

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

(Sent following Precept No. 718).

Read Calendar of case No. 37 of 1845 on the file of the Sessions Court at Bellary submitted under date the 13th. February last by the Sessions Judge.-

(Here enter F. C: No. 568 of 1846).

1. The 1st., 2d., 3d., 5th., and 6th. Prisoners in this case were charged with having gone to the Prosecutors house with weapons and torches, broken open the door with hatchets, entered in and robbed from the house gold and silver ornaments, ready money, brass utensils, cloths &c. valued at Rupees 2000-14-0.-

2. The 4th. Prisoner was charged with having purchased part of the stolen property knowing it to have been robbed.-

3. The Sessions Judge has sentenced the 1st. Prisoner as principal in the commission of the robbery and the 2d., 3d. and 5th. prisoners as accessories thereto, severally to 14 years imprisonment, with hard labor in irons; the authority quoted for the sentence passed upon the 1st. Prisoner being clause third

F. C:
4th. May 1846.

third Section IV Regulation XV of 1803 and that for the sentence awarded to the other prisoners being clause Second Section IV Regulation VI of 1822.-

4 On a perusal of this Calendar it would appear that the 1st. and 2d. Prisoners were both convicted by the Law Officer by Zunna ghabit of robbery on the grounds of their confession before the Police and surrender of the property robbed.-

5 The case being technically one of robbery by open violence the Court of Foujdaree Adalut observe that each of the said Prisoners (and not the 1st. only) should have been sentenced under clause third Section IV Regulation XV of 1803.-

6. If however the Sessions Judge saw grounds to dissent from the Futwa and considered the offence proved against the 2d. Prisoner to fall under the provisions of clause second Section IV Regulation VI of 1822. or clause fourth Section IV Regulation XV of 1803 it was incumbent upon him (assuming the Law officer to abide by his original view of the case) to refer the trial for the consideration of the Foujdaree Adalut.-

7. The Court of Foujdaree Adalut are of opinion that the case of the 2d. Prisoner with reference to the nature of his admission Viz. that he joined the

the gang and set out to commit the robbery comes more completely under the provisions of Clause fourth Section IV Regulation XV of 1803 than under the Law which punishes for the receiving of stolen goods and the Court therefore direct that the Sessions Judge will sentence the 2d Prisoner under the provisions of Clause fourth Section IV Regulation XV of 1803.-

8.

In regard to the 3d and 5th Prisoners the Sessions Judge will be pleased with reference to Clause Second Section IV Regulation VI of 1822 to state whether they knew when they received the stolen property with a knowledge of it being stolen, that it had been so obtained under any of the aggravating circumstances detailed in Clause Second Section III Regulation VI of 1822.-

9.

The Sessions Judge will observe that the receiving stolen property with a knowledge of its being simply stolen, is a different offence from receiving it with a knowledge that aggravating circumstances attended the theft.-

10.

When there is not this knowledge provided against a convicted receiver the Sessions Judge must of necessity pass sentence under the provisions of Clause Seventh Section II Regulation XV of 1803.-

11.

In this case the Sessions Judge will act

act in conformity with the above observations and report his final proceedings for the information of the Foujdaree Adalut.-

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

(Sent following Precept No. 719)

Read Criminal Reports under date the 6th Ultimo submitted by the Principal Sudr Ameen of Vizagapatam for the Months of March 1846.

(Here enter F. C. No. 1161 of 1846).

Report No. V. Cases Nos. 16 & 19.

1. Adverting to the rule laid down in Circular Order No. 62, the Court of Foujdaree Adalut desire to be informed of the nature of the references made to the Magistrate in these Cases.-

2. The Court also direct that the dates on which the references in question were submitted and the orders passed thereon received by the Head of District Police, may be stated for their information.-

Case No. 17.

3. As it does not appear that the prisoner in this case was a "servant" in the Prosecutor's house although she is stated to have been an "inmate", the Court of Foujdaree Adalut observe that the provisions of the Law quoted in support

support of the sentence are inapplicable, and they accordingly direct with reference to the provisions of Clause fifth Section III Regulation VI of 1822, that Section VIII Regulation X of 1816. be inserted as the authority for the sentence awarded in this case.-

Case No. 18. 4 The Court of Foujdaree Udalut are clearly of opinion that no grounds exciated for the commitment of this case to the Criminal Court.-

Ordered that Extract from these Proceedings be sent to the Principal Sudr. Ameen of Vizagapatam for his information and guidance and for communication of paras 1, 2, and 4 to the Magistrate for the information and guidance of that officer and for report direct to the Foujdaree Udalut by precept returnable within XV days from and after its receipt.-

(Sent following Precept No. 720.)

Read Report of cases pending on the 28th. February 1846. and committed for trial during the months of March 1846. before the Session Court of Madura submitted under date the 1st. Ultimo by the Acting Session Judge.-

(Here enter F: U: No. 1120 of 1846).

1 The Court of Foujdaree Udalut consider the delays observable in many of the cases contained in this report to be in the highest degree discreditable to

F. U.
4th. May 1846.-

to the Acting Session Judge.-

2. The Court would especially advert to case No. 20 which it appears after a delay of five weeks was discovered to be unfit for trial before the Session Court and returned to the Committing authority.-

3. The Acting Session Judge will be pleased to explain why the trial of case No. 220 and 241. of 1845 committed on the 8th. December 1845 was not commenced until the 18th. of February last.-

4 Should similar dilatoriness continue to be observable in the proceedings of the Acting Session Judge W. Greenway, the Court of Foujdaree Udalut will feel it incumbent on them to make the matter the subject of a Communication to Government.-

Ordered that Extract from these Proceedings be sent to the Acting Session Judge of Madura for his information and guidance by precept returnable within X days from and after its receipt.-

(Sent following Precept No. 721.)

Read Calendar in Case No. 32 of 1846. submitted by the Session Judge of Combaconum.-

(Here enter F: U: No. 1305)

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

Ordered

Ordered that Extract from these proceed-
-ings be forwarded to the Sessions Judge of Combaconum
for his information:-

(Sent in No. 722)

Read Calendars in Cases Nos. 8-9-10 and
13 of 1846 on the file of the Sessions Court at Chingleput
submitted under date the 30th. March 1846.-

(Here enter F: C: No. 942).

1. The Prisoners in these Cases were
charged with "perjury" and on conviction have been
severally sentenced by the Sessions Judge to Imprison-
-ment with hard labor in irons for the period of four
years - the authority quoted for such sentences being
Clause first Section III Regulation VII of 1811
2. The Perjury charged against the
prisoners in the first and two last of these cases
being founded upon two contradictory depositions
in regard to the same matters, to which offence
the punishment provided in Clause first, Section
III, Regulation VII of 1811 is extended by the provisions
of Regulation III of 1826, the Court of Foujdaree Adawlut
observe that both the above Regulations should
have been quoted in support of the sentences passed.
3. With reference however to case No. 9
the Court of Foujdaree Adawlut observe that one of the
two contradictory depositions, on which the charge

of perjury is founded, having been given before
the Police authorities, the conviction of the
prisoner on such a charge is illegal; and they
accordingly resolve to annul the sentence awarded
by the Sessions Judge, and direct that the prisoner
Poonen
be unconditionally released forthwith.-

Ordered that Extract from these
Proceedings be sent to the Sessions Judge of Chingleput
for his information and guidance by precept returnable
within V days from and after its receipt.-

(Sent following Precept No. 723.)

Read Criminal Reports dated the 1st.
Ultimo submitted by the Subordinate Judge of Chittoor
for the Month of March 1846.-

(Here enter No. 1219)

Report No. V
Case No. 42.

1 The Court of Foujdaree Adawlut observe
that the Sessions Judge was not competent to order
the Sudr Ameen to address the Foujdaree Adawlut
through the medium of the Subordinate Court; as
the Subordinate Judge has no authority over the
Sudr Ameen in his judicial capacity and must
cancel his order Vide.-
2. The punishment awarded in this
case having commenced, the Sessions Judge had no
authority to remit a portion of the sentence without
the

the sanction of the Foujdaree Adalut.—

3. Adverting to the statement made by the Prosecutor in this case the offence charged against the Prisoners would appear to be "Theft with an attempt to wound."—

4 The Pundit Sudr Ameen will be pleased to state whether in the deposition given by the Prosecutor before him, any mention was made of "the attempt to wound" which that individual appears to have stated to his witnesses to have been made by the Prisoner, as in the event of such a statement having been made it is obvious that no grounds existed for the remission of a portion of the sentence as ordered by the Session Judge - but on the contrary that the offence should have been visited with still greater severity.—

5. The Court do not gather a clear insight into the circumstances of this case from the abstract prepared by the Principal Sudr. Ameen, and they desire that that officer will adopt an uniform system in adverting to the depositions of witnesses, whether he refers to their names, or to the numbers by which they are designated.—

Case No. 47. 6. In detaining some of the Prisoners in this case pending the apprehension of other accused parties, the Police Ameen has contravened the

Fr. 86.

4th. May 1846.

Circular Order 24th. January 1832.— the Circular Order noted marginally.—

Case No. 59. 7. Adverting to the manner in which the 1st. Prisoner in this case is stated to have effected his entry into the Prosecutors house Vizt. by climbing over the wall the Court of Foujdaree Adalut observe that the offence charged amounts constructively to "Breaking" as ruled in their standing orders of the 31st. May 1842 and 27th. August 1844 and they direct that the heading affixed to the statement of the charge be amended accordingly.—

Case No. 60. 8. The Subordinate Judge will be pleased to state on what grounds he considers that "this case ought not to have been sent to the Criminal Court".—

Cases Nos. 21. 40. 45. 52. 53. 56. 57. 58. 61. 62. and 63.— 9. The cases noted marginally exhibit unjustifiable delays on the part of the Police authorities whose general dilatoriness calls for the adoption of stringent measures by the Acting Magistrate.—

Ordered that Extract from these Proceedings (paras 1, 2 and 4) be sent to the Session Judge of Chittoor for his information and guidance.—

(Sent in No. 724)

Ordered also that Extract from these Proceedings be sent to the Subordinate Judge of Chittoor for his information and guidance and for communication of

of paras 3. 4. 5. 6 and 9 to the Acting Magistrate of North Arcot for his information and guidance by precept returnable in 10 days from and after its receipt.

(Sent following Precept No. 728)

Read Calendar in Case No. 3 of 1846 submitted by the Sessions Judge of Guntoor under date the 7th Ultimo.—

(Here enter F. C. No. 1143 of 1846)

Read return dated the 25th Ultimo from the Magistrate of Salem to the precept of the Foujdaree Adalut under date the 22d idem Enclosing Copies of Correspondence with the Magistrate of Coimbatore and South Arcot relative to the escape of a prisoner.—

(Here enter F. C. No. 1331 of 1846)

Read statement dated the 1st Ultimo submitted by the Subordinate Judge of Combaconum showing the amount realized by the labor of the Prisoners in the first Quarter of 1846.—

(Here enter F. C. No. 1340 of 1846)

Read return dated the 27th Ultimo from the Sessions Judge of Cuddalore to the precept of the Foujdaree Adalut under date the 22d idem reducing the sentence passed against the Prisoner in Sessions Case No. 8 of 1846 to 8 years imprisonment with

4th May 1846.

with hard labor in irons.—

(Here enter F. C. No. 1345 of 1846)

Read return dated the 24th Ultimo from the Subordinate Judge of Madura to the Proceedings of the Foujdaree Adalut dated 15th idem calling for a further return to their precept of the 9th February last.—

(Here enter F. C. No. 1351 of 1846)

Read letter dated the 24th Ultimo from the Acting Magistrate of Tinnevelly forwarding explanation of delay in the transmission of Cases Nos. 36. 39. and 54 in Report No. V.—

(Here enter F. C. No. 1353 of 1846)

Read Calendars in Cases Nos. XV and XVI of 1846 submitted by the Acting Sessions Judge of Calicut under date the 25th April 1846.—

(Here enter F. C. No. 1357 of 1846.

Read return dated the 27th Ultimo, from the officiating Principal Sudr. Ameen of Masulipatam, to the precept of the Foujdaree Adalut under date the 24th idem forwarding the remarks of the Court of Foujdaree Adalut on the Criminal Reports of this Court for the last month.—

(Here enter F. C. No. 1359 of 1846.

Read

4th May 1846.

Read report dated the 1st Instant submitted by the Sessions Judge of Salem of cases pending on the 30th idem before him for a period in excess of 25 days calculated from the date of commitment and accounting for delay—

(Here enter F: C: No. 1379 of 1846)

Read Calendar in Case No. 12 of 1846 submitted by the Sessions Judge of Pillay under date the 27th Ultimo—

(Here enter F: C: No. 1381 of 1846)—

F. C.

Tuesday 5th May 1846.

At a Court of the Foujdaree Adalut.

Present

G: J: Waters Esqre ——— 1st Puisne Judge
Malcolm Lewin Esqre ——— 2nd Puisne Judge
T: E: J: Boileau Esqre ——— 3rd Puisne Judge

Read Criminal Reports under date the 9th Ultimo submitted by the Principal Sudr Ameen of Coimbatore for the Month of March 1846—

(Here enter F: C: No. 1172 of 1846)

Read also communication under date the 13th Ultimo from the Principal Sudr Ameen of Coimbatore, transmitting copy of an Extract from the Proceedings of the Sessions Court having reference to Case No. 39 of 1846. disposed of by the Moofty Sudr Ameen and entered in the foregoing Criminal Reports—

(Here enter F: C: No. 1214)

Adverting to the very insufficient grounds on which it would appear from the report of the Principal Sudr Ameen that these cases were committed to the Criminal Court, the Court of Foujdaree Adalut resolve to direct that a Copy of the report in question be forwarded to the late Sudr Ameen Alaga Pillay who will be pleased to offer such explanation

Supplemental Report 1.

Cases No. 12.
26.
27.
28.
29.
30.
31.
32.

explanation as he may think proper with reference thereto

Case No. 39.

2.

The Court of Foujdaree Adalut conside that it was competent to the Acting Sessions Judge on a review of the proceedings in this case to order the delivery of the Cattle therein referred to, to the party who he considered entitled to them, pending the decision of a Civil Suit regarding the proprietary right, and they request that that officer will now act accordingly.

3.

The Court of Foujdaree Adalut desire to be informed on what authority any of the witnesses in this case were admitted as "Queen's evidence" as stated by the Moofty Sudr Ameen.

Case No. 42.

4

The Court of Foujdaree Adalut entirely approve of the manner in which this case has been disposed of by the Principal Sudr Ameen.

Report No. V
Case No. 49

5.

The Court of Foujdaree Adalut see reason to question the propriety of the disposal of this case, and they accordingly resolve to direct the Acting 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. 51.

6.

In order to judge of the propriety of the leading affixed to the Statement of the charge in this case, the Court of Foujdaree Adalut desire to be informed in what manner the prisoner was said to have effected his entry into the Prosecutor's house

o The

5th May 1846.

Case No. 39.

7.

The Court require further information respecting this charge as it applies to each of the Prisoners.—

Ordered that Extract from these proceedings be sent to the Principal Sudr Ameen of Coimbatore for his information and guidance and for communication of para: 1 to Alaga Pillay late Acting Sudr Ameen now at Combaconum for the information and guidance of that officer and for report direct to the Foujdaree Adalut by precept returnable within 15 days from and after its receipt.—

(Sent following Precept No. 728)

Ordered also that Extract from these Proceedings (paras: 2 and 5) be sent to the Acting Session Judge of Coimbatore for his information and guidance by precept returnable within 10 days from and after its receipt.—

(Sent following Precept No. 729.)

Read again letter dated 21st March last, from the Session Judge of Tinnevelly submitting an English translation of the Record of trial in Case No. 7 of the Calendar for 1846.—

(Here enter No. 1045 of 1846).

Read also letter dated 25th Ultimo, from the Session Judge of Tinnevelly, submitting amended letters dated 30th and 21st March last to be

substituted

substituted for those which accompanied the Records of the Trials in Cases Nos. 7 and 8 of 1846 also a translation of the two contradictory statements given by the Prisoner in Case No. 7 of 1846.-

(Here enter F. R: No. 1348 of 1846)

Mr. I. E. I. Boileau.

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

"Nullaseven"

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

1. The Court of Foujdaree Adalut having attentively considered the record of this case in which the Prisoner stands charged with perjury are of opinion that the evidence is insufficient to convict him of that offence.-

2. It is alleged that the Prisoner gave a deposition before the Magistrate affirming a previous deposition given before the Head of District Police, and that before the Principal Sudr. Ameen he retracted his original deposition and likewise stated that he had denied having made the statements contained in it when read over to him during his examination before the Magistrate.-

Two

3 Two attesting witnesses have deposed that the Prisoner admitted the correctness of his original deposition when examined by the Magistrate; but as that officer has failed to certify the fact, as prescribed in clause first Section XVIII Regulation VII of 1802. the Court of Foujdaree Adalut are of opinion that the charge of perjury cannot be sustained, and they accordingly direct that the prisoner be unconditionally released forthwith.-

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

(Sent following letter No. 73A)

Read Criminal Reports under date the 31st March last submitted by the Subordinate Judge of Salem for the month of March 1846.-

(Here enter F. R: No. 1250 of 1846)

Adverting to the number of persons

Supplemental Report. said to have been concerned in the commission of the

Case No. 40.- Robbery charged against the Prisoner in this case, the Court of Foujdaree Adalut observe with reference to their Circular Order 23d. February 1829. that "Gang Robbery" is the appropriate designation of the offence charged, and they direct that the heading affixed to the statement of the charge be amended accordingly.

Case No. 46. 2. The insertion in red ink of the name of

of the 2d. Prisoner in this case was unnecessary; as that individual is not concerned in any other case appearing in this report.—

3. Assuming the Hindoo Subr. Ameen to mean that the sentence passed on the 2d. prisoner is merely pro formâ and that no punishment is enforced in this case in consequence of that individual being under sentence for a similar offence in a former case, the Court of Foujdaree Adalut observe that this circumstance does not relieve the prisoner from liability to an increased punishment, and they accordingly desire that the sentence of six Months Imprisonment awarded may be enforced.—

Report No. V
Case No. 48. 4. The Court of Foujdaree Adalut require an explanation of the detention of the prisoners in this case before the Head of District Police from the 6th to 10th February to the 23d. idem on which date the case, it appears, was called up by the Assistant Magistrate.

Case No. 49. 5. The 2d. prisoner in this case having been convicted of "melting Jewels" should have been sentenced under Section IX. Regulation XIII of 1832 — which the Subordinate Judge will be pleased to substitute for the provisions of the Law quoted in the Report.—

Case No. 53. 6. The Court of Foujdaree Adalut desire to be informed where the prisoner in this case was detained

detained from the 10th. of February the date of his apprehension to the 23d. idem on which he is stated to have been produced before the Assistant Magistrate.—

Ordered that Extract from these Proceedings be sent to the Subordinate Judge of Salem for his information and guidance and for communication of paras 4 and 6 to the Magistrate for the information and guidance of that Officer and for report direct to the Foujdaree Adalut by — precept returnable within XV days from and after its receipt.—

(Sent following Precept No. 731.)

Read Criminal Reports under date the 13th. Ultimo, submitted by the Subordinate Judge of Madura for the month of March 1846.—

(Here enter F. R. No. 1251 of 1846)

Supplemental Report. 1 The Moosfty. Sudr. Ameen will be
Case No. 55. pleased to explain on what grounds he awarded the
Report No. V apparently disproportioned period of Imprisonment
Case No. 70. adjudged to the prisoners in these cases in commutation of the fine imposed upon them.—

Case No. 71. 2 The Court of Foujdaree Adalut observe that the charges preferred against the prisoners in this case formed matter for two distinct cases.—

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

5th. May 1846.

for his information and guid[illegible] by precept returned within V days from and after its receipt.—

(Sent following Precept No. 732.)

Read report dated the 1st. Ultimo submitted by the Acting Session Judge of Coimbatore of Cases pending on the 31st. March and committed for trial during the month of February 1846.—

(Here enter F. C. No. 1099 of 1846)

Read return dated the 4th. Ultimo from the Session Judge of Vellore to the precept of the Foujdaree Adalut under date the 31st. March 1846.— reducing the punishment of seven (7) years imprisonment awarded by him to the Prisoner in Calendar No. 1 of 1846. to imprisonment for five years only.—

(Here enter F. C. No. 1106 of 1846).

Read report dated the 31st. March 1846 submitted by the Acting Session Judge of Coimbatore of the labor of Convicts for March 1846).—

(Here enter F. C. No. 1109 of 1846)

Read return dated the 4th. Ultimo from the Subordinate Judge of Salem to the Precept of the Foujdaree Adalut under date the 1st. April 1846. conveying the remarks of the Judges on the Criminal Reports for the month of February 1846.—

(Here enter F. C. No. 1110 of 1846)

Ed. W.

F. C.

Wednesday, 6th. May, 1846.

At a Court of the Foujdaree Adalut.

Present.

George J. Waters Esqre. 1st. Puisne Judge,

Malcolm Lewin Esqre. 2d. Puisne Judge,

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

Circular Order.

No. 182.

The Court of Foujdaree Adalut having observed that a Case laid before a Session Judge, was stated in the Calendar of the Subordinate Court to have been committed to the Session Judge for trial, pursuant to orders from that functionary, called for a copy thereof which being submitted, it was found that the Session Judge had directed the Subordinate Judge to adopt measures for the commitment of certain witnesses to stand their trial before the Session Court on charges of perjury, which would be prepared and forwarded to the Subordinate Court; and also that in view to establish those charges against the witnesses in question, it was ordered that

the

the evidence detailed in a Memo from the Session Judge should be taken by the Subordinate Judge.

2. With this information before them, the Court of Foujdaree Udalut issued to the Session Judge the following instructions, which they resolve to circulate for the information and guidance of the judicial Officers within their jurisdiction.

"It is inferred that the instructions of the Session Judge were issued in conformity with a practice prevailing before the new judicial system was introduced and under which it was deemed incumbent on a Criminal Judge to commit for trial on a charge of perjury, any prisoner regarding whom the order of commitment emanating from a Superior Court was distinct and imperative; whereas a discretion was allowed to the committing authority when the perjury had occurred before an inferior tribunal."

"The Court of Foujdaree Udalut as now constituted are however of opinion that

that the practice cannot be upheld and they recently ruled that no legal commitment had been made in a case where in the enquiry of the Subordinate Court had been fettered by the instructions of the Session Judge, the Subordinate Judge being of opinion that he had no alternative but to conform to the requisition addressed to him by the superior functionary."

"The present Court of Foujdaree Udalut believe the provisions of Section VI Regulation VI of 1811 to require, that in the committing Court in Cases of perjury, the same regular trial shall take place as in trials for other offences and that the powers of commitment or otherwise which prevailed in the Subordinate Judge or Principal Sudr Ameen shall be wholly uncontrolled by the orders of the authority before whom the perjury shall have occurred."

Sent following Circular Order No 737.

Read letter dated the 30th March last from the Session Judge of Bellary

the evidence detailed in a Memo from the Session Judge should be taken by the Subordinate Judge.

2. With this information before them, the Court of Foujdaree Udalut issued to the Session Judge the following instructions, which they resolve to circulate for the information and guidance of the judicial officers within their jurisdiction.

"It is inferred that the instructions of the Session Judge were issued in conformity with a practice prevailing before the new judicial system was introduced and under which it was deemed incumbent on a Criminal Judge to commit for trial on a charge of perjury, any prisoner regarding whom the order of commitment emanating from a superior Court was distinct and imperative; whereas a discretion was allowed to the committing authority when the perjury had occurred before an inferior tribunal."

"The Court of Foujdaree Udalut as now constituted are however of opinion

that the practice cannot be upheld and they recently ruled that no legal commitment had been made in a case wherein the enquiry of the Subordinate Court had been fettered by the instructions of the Session Judge, the Subordinate Judge being of opinion that he had no alternative but to conform to the requisition addressed to him by the superior functionary."

"The present Court of Foujdaree Udalut believe the provisions of Section VI Regulation VII of 1811 to require that in the committing Court in Cases of perjury, the same regular trial shall take place as in trials for other offences and that the powers of commitment or otherwise which are vested in the Subordinate Judge or Principal Sudr Ameen shall be wholly uncontrolled by the orders of the authority before whom the perjury shall have occurred."

Sent following Circular Order No 737.

Read letter dated the 30th March last from the Session Judge of Bellary

6th May 1846.

Bellary referring for the final sentence of the Foujdaree Udalut the record of the Trial in Case No 4 on the Calendar of the Session Court for 1846.

(Here enter F. D. No 1066.)

Mr. J. C. I. 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 proof against the prisoner

Kunchar Raulah,

is sufficient to convict him of the crime of Robbery and Murder, do convict him thereof; but being of opinion under the circumstances of the Case that the punishment to which the prisoner is liable under the provisions of Section X Regulation VIII of 1802 would in this instance be too severe, the Court, under the provisions of Section XXXIV Act VII of 1843 sentence the prisoner to be transported to such place or places beyond sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons on the public roads

or

F. D.

6th May 1846

or other public works, for, and, during the period of his natural life.

(Sent following letter No 738.

Read letter dated the 3d Ult. from the Session Judge of Salem, submitting for the final sentence of the Foujdaree Udalut the record of the Trial in Case No 13 on the Calendar of the Session Court for 1846.

(Here enter F. D. No 1368)

Mr. G. L. Waters.

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

"Palany,"

is sufficient to convict him of the Crime of Wounding with intent to kill, for which according to the Mahomedan Law as declared in fuliwas of their Law Officers, discretionary punishment is awardable, do convict him thereof, and, with reference to the provisions of Clause third, Section VII, Regulation XV of 1803, and Section XXXIV, Act VII of 1843, adjudge him to be transported

to

6th May 1846.

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

Sent following letter No. 739.

Read return dated the 28th Ultimo from the Session Judge of Salem to the precept of the Foujdaree Udalut under date the 24th Idem, mitigating the sentence passed on the Prisoner in Case No. 15 of 1846.

(Here enter F. U. No. 1361)

Read Calendar of Case No. 33 of 1846. submitted by the Session Judge of Combaconum under date the 29th Ultimo.

(Here enter F. U. No. 1363)

Read return dated the 27th Ultimo from the Acting Session Judge of Cuddalore to the precept of the Foujdaree Udalut under date the 21st Idem, mitigating the sentence passed on the Prisoner in Case No. 13 of 1846.

(Here enter F. U. No. 1371)

Read

6th May 1846.

Read return dated the 28th Ultimo from the Session Judge of Tinnevelly to the precept of the Foujdaree Udalut under date the 21st Idem directing the unconditional release of all the Prisoners in Case No. 3 of 1846.

(Here enter F. U. No. 1372)

Read Calendars of Cases No. 33 and 26 of 1846 submitted by the Session Judge of Salem under date the 29th Ultimo.

(Here enter F. U. No. 1384)

Read return dated the 30th Ultimo from the Magistrate of Tanjore to an Extract of an Extract from the proceedings of the Foujdaree Udalut of 30th March last, containing remarks on certain criminal Cases, and calling for explanation regarding them.

(Here enter F. U. No. 1387)

Read report dated the 1st Instant submitted by the Session Judge of Combaconum of Cases pending on the 30th March and committed for trial during the

6th May 1846.

the month of April 1846.

(Here enter F.U. No. 1391)

Read return dated the 2d Instant from the Session Judge of Combaconum in obedience to the precept of the Foujdaree Udalut under date the 29th Ultimo requiring him to submit translation of Putta of the Law Officer in Case No. 26 of 1846.

(Here enter F.U. No. 1392)

Read report dated the 1st Instant submitted by the Session Judge of Bellary of a Case pending on the 31st March and committed for trial during the month of April 1846.

(Here enter F.U. No. 1393)

End. H.

F.U.

Thursday 7th May, 1846.

At a Court of the Foujdaree Udalut.

Present,

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

Malcolm Lewin Esqre. — 2d Puisne Judge.

T. C. J. Boileau Esqre. — 3d Puisne Judge.

Read Criminal Reports under date the 13th Ultimo submitted by the Principal Sudr Ameen of Trichinopoly for the month of March 1846.

(Here enter F.U. No. 1221 of 1846)

Suppl. Report Case No. 15.

1. The Court of Foujdaree Udalut have repeatedly prohibited the quotation of their Circular Orders in support of sentences, the orders in question being merely explanatory of the provisions of the Law to which they refer.—

Report No. V Case No. 20.

2. The Court of Foujdaree Udalut observe that the facts stated in the charge preferred against the prisoners in this case are not sufficiently specific for a Criminal Prosecution; nor is any Criminal offence alleged against the 1st Prisoner. The omission as regards the 1st Prisoner should now be supplied

supplied and unless acts of an illegal character were distinctly established against the Prisoner punished, the fines imposed should be re-mitted.—

3. The Principal Sudr Ameen has also failed to state the period of imprison-ment to which on failure to pay the fines imposed the 2d 3d and 4th Prisoners would have been liable.—

Cadr No 21 4. The Court of Foujdaree Udalut deem it proper to question the propriety of the requi-sition of security under which the prisoner in this cadr was placed and they accordingly direct that the Session Judge will call up the record, and pass such orders as he may think proper reporting the same for the in-formation of the Foujdaree Udalut.—

Cadr No. 23. 5. The Prisoner in this cadr being an officer in the service of Government the offence proved against him assumes a more serious complexion and the Court of Fou-jdaree Udalut consider that no grounds exist for his exemption from hard labor and irons, which they desire may be added to the sentence

awarded to him.—

Ordered, that Extract from these proceedings be sent to the Principal Sudr Ameen of Trichinopoly for his information and guidance by precept returnable within 10 days from and after its receipt.—

(Sent following precept No 744.)

Ordered also that Extract from these proceedings (paras: 3) be sent to the Session Judge of Trichinopoly for his informa-tion and guidance by precept returnable within 10 days from and after its receipt.—

(Sent following precept No 745.)

Read Criminal Reports under date the 11th Ultimo submitted by the Principal Sudr Ameen of Nellore for the month of March 1846.—

(Here enter F.H. No. 1173.)

Suppl. Rept. 1. Adverting to the statement made

Cadr No 58. by the Prisoner in this cadr before the Police that his name is "Ducksamy Pandaroo" and not "Gopaul Lingadoo" as subsequently stated before the Principal Sudr Ameen the Court of Foujdaree Udalut observe that the

the former of the above names should have been entered as an alias in the 2d. Column of the Report.—

Case No. 20. 2. In the remarks recorded by the Sessions Judge on this case that officer observes that the Criminal Courts have no power to pass sentence under the provisions of Section XXXIX Regulation IX of 1816.—

3. The Court of Foujdaree Adalut resolve to direct the attention of the Sessions Judge to Section XXXIV Regulation X of 1816 in which the provisions of the enactment above quoted are declared applicable to the office of a Criminal Judge.—

Case No. 21. 4. The Sessions Judge will be pleased to state for the information of the Foujdaree Adalut whether the circumstances of this case are in his opinion of such a nature as to justify the commitment of the Prisoner to the Sessions Court.—

Report No. V Case No. 27. 5. The Court of Foujdaree Adalut see reason to question the propriety of the disposal of this case and they accordingly resolve to direct the Sessions Judge to call up

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. 29. 6. The Court of Foujdaree Adalut desire to be informed where the prisoners in this case were detained from the 23d. February the date of their apprehension to the 8th. of March on which date they are stated to have been produced before the Head of District Police.—

Ordered, that Extract from the proceedings be sent to the Principal Sudder Ameen of Nellore for his information and guidance and for communication of paras. 6 to the Magistrate for the information and guidance of that Officer and for report direct to the Foujdaree Adalut by precept returnable within 15 days from and after its receipt.—

/Sent following precept No. 746/

Ordered also, that Extract from these proceedings paras. 2, 3, 4 and 5 be sent to the Sessions Judge of Nellore for his information and guidance by precept returnable within 10 days from and after its receipt.—

/Sent following precept No. 747/

Read

Read Calendar of Cases No. 44 of 1846 submitted by the Sessions Judge of Tinnevelly under date the 11th March last.—

(Here enter No. 902)

1. The prisoner in this case convicted of attempting to break into a house has been sentenced by the Sessions Judge to 4 Years imprisonment with hard labor in irons and to receive 195 lashes with the cat-o-nine tails under the provisions of Clauses Second and fifth Section II Regulation VI of 1822, Clause first Section V Regulation XV of 1803, and Section II Regulation VI of 1827.—

2. The Court observe that the provisions of Clauses Second and fifth Section II Regulation VI of 1822 and Clause first Section V Regulation XV of 1803 are not applicable to this case which should have been disposed of under Clause Seventh Section II Regulation XV of 1803. The Court will not however interfere with the sentence passed by the Sessions Judge who will direct that the necessary verbal alteration be made.—

Ordered, that Extract from these proceedings

7th May 1846.

proceedings be forwarded to the Sessions Judge of Tinnevelly by precept returnable in 3 days from and after its receipt.—

(Sent following precept No. 748.)

Read Calendar dated the 16th Ultimo submitted by the Sessions Judge of Trichinopoly in Case No. 6 of 1846.—

(Here enter No. 1256)

1. The Prisoner in this case, a Pulia Pean, is charged with having on the 6th March last, allowed the escape of a person named Veeroothooran, who had been placed under his charge by the Police Peons of Lalgoody, and was confined in the Tanah Chaulky on a charge of Arson.—

2. The Mahomedan Law Officer was of opinion there were grounds for suspecting that the escape was owing to the Prisoners neglect.—

3. The Sessions Judge remarked "there is no sufficient proof of connivance on the part of the prisoner to warrant conviction;" he arrived at that conclusion "mainly on the testimony of the Prisoners 1st, 5th and 6th Witnesses"

witness" adding "with connivance" the prisoner is charged." He is further remarked "the Sessions Judge must therefore release him on take security on that specific charge, and as he thinks there exists sufficient suspicion to warrant the latter course, he resolves under Clause Sixth, Section II Regulation XV of 1813 to call on the prisoner to furnish such Security for his good behaviour and appearance when required, in two sureties in 35 Rupees each for one Year and, in default, adjudge him to be imprisoned for that period."—

4. The Sessions Judge concludes by stating he regrets that he did not return the case for trial to the Principal Sudr Ameen as he thinks the proof would have justified punishment under Clause first Section XI Regulation XIII of 1832 for culpable neglect, but as the prisoner has been tried for the graver offence, that course is no longer open to him.—

5. The Court of Sudr Adawlut consider that the Prisoner must be unconditionally released; the charge is defective; it neither

neither sets forth that the escape was effected by the connivance of the accused or from his neglect of duty; it is acknowledged that there is no proof to the former and the supposed culpability in the latter respect, has not been made the subject of enquiry; but the Court consider that it is not too late for the Subordinate officer to punish him for the minor offence if it can be maintained on a distinct charge being laid.—

6. Ordered accordingly that any Security Bond entered into on behalf of the Prisoner be now cancelled and that the Sessions Judge do issue such further orders as may be necessary to have the released Prisoner brought to trial for the minor offence if upon due consideration of all circumstances the interests of justice should appear to call for the adoption of such measure with reference to the time the Prisoner has been in confinement.—

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Trichinopoly by precept returnable in

in 25 days from and after its receipt.-

(Sent following precpt No 749)

Read letter dated the 25th Ultimo from the Sessions Judge of Chittoor submitting an amended Jail return received from the Subordinate Judge together with a copy of a letter under date the 24th Ultimo received from the latter Officer.-

(Here enter No 1311)

1. The Subordinate Judge has correctly supposed that it is impossible for him to make the total number of Prisoners in Column 11 correspond with that in Column 2, because Column 12 shews that 32 Prisoners on the 2d of January last were not employed at all.-

2. The Subordinate Judge has apparently overlooked the fact that in the statement first submitted by him, Column 12 was left blank. In the one now before the Tirjdaree Vakeel it has been filled up by the insertion therein of "32" when blank it was necessary only that the entry of Column XI should agree with that of Column II; but since Column XII now

Exhibits

Exhibits an entry it is sufficiently obvious that the entries in Columns XI and XII should correspond with those in Column II.-

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Chittoor for communication to the Subordinate Judge.-

(Sent in No 750)

Read again Criminal Reports under date the 12th March 1846 submitted by the Subordinate Judge of Madura for the Month of February 1846.-

(Here enter F.R. No 807 of 1846)

Read also return under date the 18th Ultimo from the Subordinate Judge of Madura to the precpt of the Tirjdaree Vakeel dated the 30th March last containing their observations on the foregoing Criminal Reports.-

(Here enter F.R. No 1330 of 1846)

The Court of Tirjdaree Vakeel consider the explanation offered by the Subordinate Judge for the release of the Prisoner in Case No 43 of the foregoing

Reports

7th May 1846.—

Reports altogether satisfactory.—

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

/Section No. 767./—

End 11.

4th

Friday
8th. May 1846.

F. Vo.

At a Court of the Foujdaree Adalut.

Present

G. J. Waters Esquire—1st Puisne Judge.
Malcolm Lewin Esquire—2nd Puisne Judge.
J. & J. Boileau Esquire—3rd Puisne Judge.

Read Criminal Reports under date the 9th Ultimo, submitted by the Acting Subordinate Judge of Cuddapah, for the month of March 1846.—

/Hise entered F. Vo. No. 1171 of 1846/

Supplemental Report—Case No. 45 and Report No. V Case No. 75.—

1. The Court of Foujdaree Adaw-
=lut seeing reason to question the propri-
=ety of the disposal of these Cases re-
=solved to direct the Session Judge to
call up the record and to pass such
orders as he may think proper report-
=ing the same for the information of
the Foujdaree Adalut.—

Case No. 60.

2. The irregular detention of the prisoners in this case in charge of Village Peons from the 10th. to the 21st.

8th May 1846.

21st of February; and the non-transmission of the witnesses together with the Prisoner as required by the Provisions of Section V Regulation XI of 1816 call for notice from the Acting Magistrate.

Case No. 61. 3. The Court of Zillah Udalut trust that the Acting Magistrate will spare no exertion to trace out the person or persons who perpetrated the murder charged in this case.

Case No. 69. 4. The Court of Zillah Udalut desire to be informed why the Prisoners in this case were detained from the respective dates of their apprehension to the 28th February.

Case No. 71. 5. The Court of Zillah Udalut require an explanation of the grounds on which the Head of District Police considered himself justified in committing this case to the Criminal Court.

Ordered that Extract from these Proceedings be sent to the Acting Subordinate Judge of Cuddapah, for

8th May 1846.

for his information and guidance and for communication of paras 2, 3, and 5 to the Acting Magistrate for the information and guidance of that Officer and for report direct to the Zillah Udalut by precept returnable within XV days from and after its receipt.

(Sent following precept No. 755)

Ordered also that Extract from these Proceedings (transmitted) be forwarded to the Sessions Judge of Cuddapah for his information and guidance by precept returnable within XV days from and after its receipt.

(Sent following precept No. 756)

Read Criminal Reports under date the 11th Ultimo submitted by the Acting Ameen in charge of the Subordinate Court at Bellary for the month of March 1846.

(Here enter S. C. No. 136 of 1846)

Supplemental Report Case No. 116.

The Acting Ameen has omitted

omitted to quote the authority for the sentence passed in this case, which omission must be now supplied.

2. The Court of Foujdaree Udalut observe that the Sessions Judge ordered the Sudr Ameen to review the sentence in question but that the latter Officer on revision adhered to his original opinion.

3. The Court consider the course adopted by the Sessions Judge erroneous; it being incumbent on him, if he considered that the decision of the Sudr Ameen required amendment or annulment to dispose of the case himself.

Case No. 40. 4. The Court observe a clerical error in the report of this case the word "prisoner" having in two places been substituted apparently for "1st Witness."

Report No. V Case No. 45. 5. The 1st Prisoner in this case having been convicted of "house breaking" should

have been sentenced under the provisions of Clause sixth Section II Regulation VI of 1822 and in the

Case No. 47. case noted marginally with reference to the amount which the Prisoner was convicted of having stolen, the sentence should have been passed under the provisions of Section VII Regulation X of 1816.

Case No. 49. 6. The Prisoners in this case are stated to have left the Talook on the 6th March whereas the date assigned for the apprehension of the 6th Prisoner is the 8th idem.

7. The above apparent discrepancy required explanation.

Case No. 51. 8. The Court of Foujdaree Udalut concur in the opinion stated in the report of this case to have been expressed by the Sessions and Subordinate Judge viz that "the Sudr Ameen is not competent to try committable cases."

With

8th May 1846.

Case No. 59.

9. With reference to the foregoing opinion the Court of Foujdaree Adaulut observe that the Shuhr Ameen was not legally competent to try this case, one of the two prisoners concerned being charged with a committable offence in a separate case.

10. Adverting to the amount proved to have been stolen by the 2nd Prisoner, the sentence passed should have been awarded under the provisions of Clause fourth Section III Regulation VI of 1832.

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

(Sent following precept No. 757)

Ordered, also that Extract from these Proceedings (Paras 2 and 3) be sent to the Sessions Judge of Bellary for

8th May 1846.

for his information and future guidance.

(Sent in No. 758.)

Read Calendar of case No. 7 of 1846 submitted by the Acting Sessions Judge of Coimbatore under date the 1st Ultimo.-

(Here enter F. No. 1314)

The Prisoners in this case were charged with having severely wounded the Prosecutor by cutting him with Billhooks and attempted to murder him.-

1.

The Acting Sessions Judge concurred in the finding of the Mahomedan Law Officer which convicted the 3 prisoners and declared them liable to Dokoobut.-

2.

The Acting Sessions Judge who describes the attack as a most savage one- and states that it might have been fatal- has sentenced the Prisoners to be severally imprisoned with

3

8th May 1846.

with hard labor in Irons for the period of 7 Years, under Clause Seventh Section II Regulation XV of 1803.-

4 / It appears to the Court of Foujdaree Udalut that the intent to kill and the severity of the wounds so wantonly inflicted on the Prosecutor required a higher degree of punishment than that which the Acting Sessions Judge was competent to award under the authority quoted and that the record of the case should have been referred for a final sentence by this Court.-

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

(Sent in No. 759)

Read letter dated the 24th Ultimo from the Sessions Judge of Chittoor submitting the record of the trial in Case No. 13 on the Calendar of the Sessions

J. U.
8th May 1846.

Sessions Court for 1846.

(Here enter No. 1312)

Before passing any orders in respect of the above trial, the Court of Foujdaree Udalut resolve to call upon the Sessions Judge to state whether the prisoners had an opportunity afforded to them of cross examining all the witnesses.-

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

(Sent following precept No. 760.)

End Pt.

Read Supplemental return dated the 30th Ultimo from the Acting Magistrate of Cuddapah to the precept of the Foujdaree Udalut under date the 22nd July last forwarding Copy of a letter from the Joint Magistrate and of the Official Memorandum therein alluded to stating that he has dismissed the

8th May 1846.

the charge brought against the Head of Police of Budwail Taluk in case No 1 of the Report for April 1845.

(Here enter P. C. No 1385 of 1846.)

Read letter dated the 27th Ultimo, from the Magistrate of Cuddapah reporting to have duly animadverted on the negligence of the Police Officer in Case No 23 alluded to in the Court's proceedings of the 4th Instant, and that the necessary orders have been issued to insure the conviction of the parties in the Case.

(Here enter P. C. No 1397 of 1846)

Read report dated the 1st Instant, from the Subordinate Judge in charge of the Session Court of Rajahmundry of Cases awaiting for trial before them on the 30th April 1846.

(Here enter P. C. No 1399 of 1846)

Read letter dated the 4th Instant from the Session Judge of Chittoor submitting copy of a return received from the Subordinate Judge under date the 2nd Instant

8th May 1846. Idem stating that the Prisoner in Case No 10 of the Calendar 1846 made a free confession of his guilt both before him and at the Gallows.

(Here enter P. C. No 1402 of 1846.)

Read letter dated the 2nd Instant from the Magistrate of Masulipatam submitting the explanation called for on the subject of the delay on the part of the Chullapully Head of Police in sending to Court the Case therein alluded to.

(Here enter P. C. No 1406 of 1846.)

F. C.

Saturday 9th May 1846.

At a Court of the Foujdaree Adalut.

Present

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

Read again Report of Cases tried by the Magistracy of Rajahmundry under the provisions of Section LIV Act VII of 1843 during the Month of February 1846.—

(Here enter F. C. No. 800)

Read also return under date the 7th Ultimo from the Magistrate of Rajahmundry to the Precept of the Foujdaree Adalut dated the 2nd idem requiring to be informed of the result of an Appeal made to the Session Court regarding the case entered in the foregoing Report in the disposal of which it appeared to the Foujdaree Adalut that the Magistrate had exceeded his jurisdiction.—

(Here enter F. C. No. 1322)

1. The Court of Foujdaree Adalut having attentively perused the Magistrates return together with the Extract from the Proceedings of the Session Court submitted therewith appreciate the

the motives by which the Magistrate was actuated in entering on the enquiry of the Case in question — and those which have induced him to offer for the consideration of the Foujdaree Udalut the remarks made in the return.—

2. The Court of Foujdaree Udalut are not fully satisfied of the propriety of the order passed by the Sessions Judge releasing the Prisoners from the unexpired period of the imprisonment adjudged by the Magistrate, but as their release has taken place, it seems inadvisable to direct their reapprehension.—

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

(Sent in No. 761)

Ordered also that Extract from these Proceedings be sent to the Subordinate Judge in charge of the Sessions Court at Rajahmundry for his information.—

(Sent in No. 762)

Read Communications under date the 23d and 24th Ultimo from the Subordinate Judge of Madura.

(Here enter F. D. Nos. 1339 and 1382 of 1846)

1. The Subordinate Judge submits copy of an Extract from the Proceedings of the Sessions Court under date the 11th Ultimo returning the Prisoners in the

Case Nos. 12 of 1846. the Case noted marginally to be disposed of by the Criminal Court, and requests the permission of the Foujdaree Udalut to answer the objections taken by the Acting Sessions Judge to the committal of the Case in question.—

2. The Court of Foujdaree Udalut observe that any observations which the Subordinate Judge may have to offer with reference to the proceedings of the Sessions Court, should be submitted thro' the Sessions Judge, the established channel for communication with the Foujdaree Udalut in respect of Cases once committed by a Criminal Court for trial.

Ordered that Extract from these Proceedings be sent to the Subordinate Judge of Madura for his information and guidance.—

(Sent in No. 763.)

Read again Calendar of Case No. 45 of 1846. submitted by the Sessions Judge of Chingleput under date the 7th Ultimo.—

(Here enter F. D. No. 1141 of 1846).

Read also return under date the 28th Ultimo from the Sessions Judge of Chingleput to the precept of the Foujdaree Udalut dated the 23d idem directing the Sessions Judge to state for the information of the Foujdaree Udalut what proceedings as

as to the identification of the Prisoners when the robbery took place.—

(Here enter F: B: № 1347 of 1846)

1. The Prisoners in this case were charged with having attacked the Prosecutor and his servant on the highroad, with having beaten and wounded them, and with having robbed them of cash, brass utensils and cloths valued at Rupees 12.—

2. The Sessions Judge concurring in the Futwa of the Law officer who committed the Prisoners of the crime laid to their charge, has sentenced them severally to imprisonment with hard labor in irons for the period of 14 years, in consideration of the prisoners not being old or hardened offenders and that the crime appears to have been committed more on the spur of the moment than in pursuance of any preconcerted plan" the period of Imprisonment awarded be reduced to seven years.—

3. Adverting to the strength of the Gang and the severe wounding committed by the prisoners and affirmed in the earliest Police Reports, a translation of which has been submitted by the Sessions Judge the Court of Foujdaree Adalut consider that they would not be justified in according their sanction to the mitigation of punishment proposed

proposed in this case by the Sessions Judge.— 9

Ordered that Extract from these — 2

Proceedings be sent to the Sessions Judge of Chingleput for his information and guidance.— 3

(Sent in № 764) 4

Read Calendar of case № 3 of 1846 5

on the file of the Sessions Court at Tellicherry submitted 6

under date the 23d Ultimo by the Sessions Judge.— 7

(Here enter F: B: № 1349)

1. The Prisoner in this case charged with having set fire to the Prosecutors house and thereby caused loss of property valued at Rupees 10 and documents for about Rupees 300; has been sentenced by the Sessions Judge to Imprisonment with hard labor in irons for the period of Seven years.

2. Adverting to the previous conviction of the Prisoner of the same heinous offence — proved against him in this case, the Court of Foujdaree Adalut consider that the trial might with propriety have been referred for their consideration.—

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

(Sent in № 765)

No reply having been received from

as to the identification of the Prisoners when the robbery took place.-

(Here enter F. C. No. 1347 of 1846)

1. The Prisoners in this case were charged with having attacked the Prosecutor and his servant on the highroad, with having beaten and wounded them, and with having robbed them of cash, brass utensils and cloths valued at Rupees 12/-.

2. The Sessions Judge concurring in the Futwa of the Law officer which convicted the prisoners of the crime laid to their charge, has sentenced them severally to imprisonment with hard labor in irons for the period of 14 Years, but recommends that "in consideration of the prisoners not being old or hardened offenders and that the crime appears to have been committed more on the spur of the moment, than in pursuance of any preconcerted plan" the period of Imprisonment awarded be reduced to seven years.-

3. Adverting to the strength of the gang and the severe wounding committed by the prisoners and affirmed in the earliest Police Reports, a translation of which has been submitted by the Sessions Judge the Court of Foujdaree Adalut consider that they would not be justified in according their sanction to the mitigation of punishment proposed

proposed in this case by the Sessions Judge.- d

Ordered that Extract from these -

Proceedings be sent to the Sessions Judge of Chingleput for his information and guidance.- b.

(Sent in No. 764.) 1

Read Calendar of case No. 3 of 1846 2

on the file of the Sessions Court at Tellicherry submitted 1

under date the 23rd Ultimo by the Sessions Judge.- 1

(Here enter F. C. No. 1349)

1. The Prisoner in this case charged with having set fire to the Prosecutors house and thereby caused loss of property valued at Rupees 10 and documents for about Rupees 300; has been sentenced by the Sessions Judge to Imprisonment with hard labor in irons for the period of seven years.- 2

2. Adverting to the previous conviction of the prisoner of the same heinous offence proved against him in this case, the Court of Foujdaree Adalut consider that the trial might with propriety have been referred for their consideration.-

Ordered that Extract from these

Proceedings be sent to the Sessions Judge of Tellicherry for his information.-

(Sent in No. 765)

No reply having been received from

from the Acting Magistrate of North Arcot, to the proceedings of this Court dated the 6th March 1846, conveying their observations and Orders on Cases Nos 1. 2. 3. 8. 12. 13. 15 and 19 on the Chittoor Criminal Reports for the month of January 1846.—

Ordered, that the Acting Magistrate of North Arcot be required to reply to the above proceedings without delay.—

(Sent in No 766.)

Read Calendar under date the 24th Ultimo of case No 12 of 1846. on the file of the Sessions Court of Salem.—

(Here enter F. Gl: No 1334)

1. The Prisoners in this case 1 to 14 were charged with having entered the Prosecutrix's house by opening the door which was shut unbolted, and with having held her pressed her down and robbed her of cash household utensils jewels grain &c valued at Rupees 747-13-6.—

2. The 15th Prisoner is charged with having melted a silver jewel forming part of the above property knowing it to have been obtained by robbery.—

3. The Sessions Judge concurring in the Futwa of the Law officer which convicted the 1st, 4th, 5th, 6th, 8th, 9th, 10th, 11th, 12th and 15th prisoners of

of the crimes respectively laid to their charge and declared the 2nd, 3rd, 7th, 13th and 14th Prisoners liable to suspicion, has sentenced the 4th, 5th, 6th, 8th, 9th, 10th, 11th and 12th prisoners to Imprisonment with hard labor in irons for the period of 14 Years and the 15th Prisoner for the period of 4 Years the authority quoted for the sentence passed upon that individual being clause Second Section IV Regulation VI of 1822.—

4 The Sessions Judge has directed the 2nd and 3rd Prisoners to furnish security in two sureties bound in the sum of Rupees 25 each for the period of two years or in default to be imprisoned for a similar period; and has ordered the 7th and 13th prisoners to be unconditionally released, there being nothing against them but their Police confessions.—

5. The 14th Prisoner is stated to have died in Jail of Cholera.—

6. The Court of Foujdaree Adalut observe that the 15th Prisoner should be sentenced under the provisions of Clause seventh Section II Regulation XV of 1803 unless it can be shewn that he was aware of the aggravating circumstances attendant upon the robbery in the

Commission

commission of which the property was obtained — which he was charged with having melted.

J. On this point the Sessions Judge will be pleased to report.—

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

(Sent following Precept No. 767)

No reply having been received from the Joint Magistrate in charge of Cuddapah, to the proceedings of this Court dated the 13th March 1846, conveying their observations and orders on Case No. 271 of the Supplemental Report, and Cases Nos. 14-17 and 21 of the Cuddapah Criminal Reports for the month of January 1846.—

Ordered that the Magistrate of Cuddapah be required to reply to the above proceedings without delay.—

(Sent in No. 768.)

Read letter dated the 4th Instant from the Sessions Judge of Combaconum forwarding translation of Futwahs of the Law officer in Cases Nos. 22, 24 and 25 of 1846.—

(Here enter F. C: No. 1411 of 1846.—

Read return dated the 1st Instant from

from the Sessions Judge of Masulipatam to the precept of the Fouzdaree Adalut under date the 24th April 1846. directing that the Prisoner in Case No. 6 of 1845 on the file of the Sessions Court of Masulipatam be imprisoned and kept to hard labor in Irons, on the public Roads &c., for (6) six years.—

(Here enter F. C: No. 1415 of 1846).

Read Report dated the 1st Instant submitted by the Acting Sessions Judge of Madura of Cases pending (on the 31st March) and committed for trial during the month of April 1846.—

(Here enter F. C: No. 1421 of 1846).

Read return dated the 2nd Instant from the Acting Sessions Judge of Calicut to the precept of the Fouzdaree Adalut under date the 27th April 1846. calling for further explanation of his reasons for requiring security from the 1st Prisoner in Sessions Case No. VI of 1846, who as directed in 3rd para of their proceedings under the same date has been discharged unconditionally there being no further reason to be alleged against him.—

(Here enter F. C: No. 1426 of 1846)

Read Report dated the 1st Instant, submitted by the Sessions Judge of Mangalore of Cases pending trial before him for the month of April

9th May 1846.

April 1846.-

(Here enter F: 86: No: 1428 of 1846).

Read return dated the 1st Instant from the Acting Subordinate Judge of Mangalore to the Precept of the Foujdaree Adalut under date the 23d April 1846. conveying remarks in certain cases in the Criminal Report for the Month of March 1846.-

(Here enter F: 86: No: 1431 of 1846.-

End 7th

F. U.

Monday, 11th May 1846. At a Court of the Foujdaree Udalut.

Present,

Hon'ble G. & R. George J. Walters Esqr. 1st Puisne Judge.

Hon'ble Malcolm Lewin Esqr. 2d Puisne Judge.

Hon'ble J. C. J. Boileau Esqr. 3d Puisne Judge.

Read again Miscellaneous Petition presented on the 28th July 1845 by T. Appiah Vakeel on behalf of M. Kristnah of Gillah Vizagapatam.—

(Hereunto N. P. No 135 of 1845.)

Read again report dated the 19th July 1845 submitted by the Agent to the Governor of Fort St. George at Vizagapatam of Persons apprehended in the separate tracts of Vizagapatam, and delivered to the Agency in the Month of June 1845.

(Hereunto No 2154 of 1845.)

Read also return dated the 13th November 1845 from the same Officer to the precept of the Foujdaree Udalut under date the 3d idem calling for a report on certain alleged irregularities in the trial of the

2d

2d prisoner in Case No 26 on the file of the Principal Assistant Agent's Court.

(Here enter No 3447 of 1845.)

1. It appears from a communication addressed to the Agent by his Acting Principal Assistant Mr C. J. Shubrick, in reply to the requisition of this Court for information, whether, as alleged by Petitioner, the Witnesses for the Prosecution in Case No 26 were examined in the absence of the 2d Prisoner MaKenah Appala Narasimalu, and those nominated by him not examined at all, that the Acting Principal Assistant with the view of impeding the Public Service as little as possible, and to see whether there were grounds for proceeding against the Prisoners (Public servants), entered on the investigation of the Case in their absence; but as soon as his enquiry led him to believe that they were concerned in the charge preferred against them, he summoned them to the Kuzzeree and detained the witnesses till their arrival. the Record of the Case shewing that the Depositions of the witnesses were then read

over

over to the Prisoners, and the Question put to them whether they wished to cross examine them.

2. The Court of Foujdara Udalut consider the course of procedure taken by the Acting Principal Assistant to be objectionable and irregular. tho' no doubt his motives were praiseworthy.

3. The course of procedure objected to has evidently been taken under Section XIV Regulation IX of 1816, which authorizes a preliminary enquiry previously to issuing a Warrant for the apprehension of an accused Person, when the Magistrate may see cause to distrust the truth of a complaint preferred to him, it is obvious however that such preliminary enquiry cannot extend to recording the evidence of Witnesses in the absence of the accused Person, for this again would be to overlook the provisions of Section XXIV of the Regulation above referred to, and indeed to act in opposition thereto; whereas the two Sections quoted are in no way opposed to each other, when correctly understood.—

Advertising

4. Adverting to the Agent's wish for information whether he can receive appeals from his Assistants judgment after the Criminal Reports have been transmitted to the Court of Foujdaree Udalut, and if a Case in Appeal is still undisposed of when the Reports are despatched, how it is to be entered, the Court observe that the first question should be answered in the affirmative, any modification by the Agent of the Assistants' decisions being reported to the Foujdaree Udalut as an appendix to the usual monthly report, in conformity with the practice existing in respect of Session Judges and Magistrates.

5. As regards the latter question the Court would point out that conformably with the practice of the Criminal Courts, the Assistant Agent's sentence should be entered in the regular report and a copy of the Agent's proceedings held in the appeal against it transmitted, if necessary, in the manner abovementioned.

Ordered, that Extract from these

these proceedings be forwarded to the Agent to the Governor of Fort St. George at Vizagapatam for his information and guidance and communication of paras 1. 2 and 3 to the late Acting Principal Assistant.

(Sent in No. 771)

Read Miscellaneous Petition presented on the 23d December 1845 by Atchamah of Tillah Chittoor.

(Here enter M. P. No. 249)

1. The Petitioner complains of an Order passed by the Session Judge of Chittoor under date the 9th May 1845 affirming the dismissal by the Acting Head Assistant Magistrate of North Arcot of a complaint presented by her and the imposition of a fine of Rupees 20, levied from her by that Officer on the ground that the complaint preferred by her was false and vexatious.

2. The Court of Foujdaree Udalut resolve to cancel the order of the Session Judge affirming the imposition of the fine of which the Petitioner complains, that Officer having

having expressly admitted the infliction of the penalty in question by the Acting Head Assistant Magistrate to have been irregular and illegal, and they accordingly direct that the amount of the fine be immediately refunded to the Petitioner.

3. Before finally disposing of that part of this address which has reference to the dismissal of the Petitioners complaint, the Court direct that an English Translation of the record of enquiry may be submitted for their consideration.

Ordered, that Extract from these proceedings be forwarded to the Session Judge of Chittoor for his information and guidance by precept returnable within XXV days from and after its receipt.

(Sent following precept - No 772)

Ordered also, that Extract from these proceedings be furnished to the Petitioner on her application.

Read - Miscellaneous Petition presented on the 19th January 1846 by V Venkatachellum

Venkatachellum of Villah Nellore.

(Reventer F. M. P. No 3 of 1846)

1. The Petitioner reiterates the request contained in his former address, that the sentence awarded to V. Narasimah 6th Prisoner in Case No 29 of 1845 on the file of the Session Court of Nellore may be remitted.

2. The Court of Foujdaree Adalut having finally disposed of the matter of this Petition will pass no further orders thereon.

Petition is dismissed.

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

Read again - Miscellaneous Petition presented on the 16th February 1846, by Soobarayadoo of Villah Chittoor.

(Reventer F. M. P. - No 30 of 1846)

Read also return under date the 11th Ultimo from the Session Judge of Chittoor to the precept of the Foujdaree Adalut dated the 30th March last forwarding

warding a translation of the foregoing Petition, and directing that Officer to satisfy himself by a personal examination of the Village authorities of the competency or otherwise of the security tendered by the Petitioner in behalf of his brother the 2d Prisoner in Case No. 8 of 1845 on the file of the Session Court; and also to investigate the charge of bribery preferred by him against the Nazir of the Subordinate Court.

(Here enter F. D. No. 1234)

The Court of Fouzdaree Ada. but having attentively perused this return entirely concur in the opinion recorded by the Session Judge, that the statements advanced by the Petitioner are false and groundless, and they accordingly resolve to dismiss the Petition.

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

(Sent in No. 773)

Ordered

F. D.

11th May 1846.

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

Read Miscellaneous Petition presented on the 23d February and 30th March last by Appasastry of Combaconum.

(Here enter M. P. Nos. 32 and 71 of 1846)

The Petitioner prays for the release of his father Eswara Sastry Prisoner in Case No. 7 of 1845, charged with having stolen certain documents of the value of Rupees 2,369. 6. 11.

The Court of Fouzdaree Ada. but on a review of the Calendar ordered the release of the Petitioner's father on the 29th Ultimo. No order seems now to be called for on the above addresses, which accordingly are rejected.

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

Read Miscellaneous Petitions presented

presented on the 16th March and 6th April 1846
by G. Narasimooloo of Gillah Nellore.

(Here enter F. M. P. Nos 61 and 73 of 1846)

1 The Petitioner in these addresses again requests the Court of Fouydaree Udalut to order the release of his brother-in-law the 4th Prisoner in Case No 23 of 1845 on the Nellore Calendar.

2 The Court of Fouydaree Udalut have already informed the Petitioner that they can receive no Appeals from their sentences which are by Law final, and they accordingly resolve to dismiss these Petitions.

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

Read Miscellaneous Petition presented on the 27th April 1846 by Aroomooguem Pillay of Gillah Pychinopoly.

(Here enter F. M. P. No 93 of 46)

1 This is an application for the interference of the Court of Fouydaree Udalut to order the restoration of the Petitioner to the situation of Tamah Peon from which he states that he has been recently dismissed by the Magistrate of Pychinopoly.

2 The Court of Fouydaree Udalut have no authority to issue the orders solicited by the Petitioner and they accordingly resolve to dismiss the Petition.

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

Read again Criminal Reports under date the 10th February 1846, submitted by the Session Judge of Tellicherry for the month of January 1846.

(Here enter F. U. No 541 of 46)

Read also communication under date the 17th Ultimo from the Registrate of Malabar, submitting copy of a communication from the Joint Registrate having reference to certain irregularities and omissions adverted to in the proceedings of the Fouydaree Udalut under date the 16th March last

on

11th May 1846.

on review of the foregoing Criminal Reports-

(Here enter F. U. № 1296.)

The Court of Foujdaree Udalut consider the explanation offered by the Joint Magistrate regarding the alleged misconduct of the Adhikary in the case noted marginally, to be altogether satisfactory.

Case № 1.

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

(Sent in № 774.)

Read again Calendar of Cases № 73, 74, 75 and 76 of 1845 submitted by the Session Judge of Combaconum under date the 20th January 1846.

(Here enter F. U. № 243 of 1846.)

Read again also return under date the 31st February 1846 from the Session Judge of Combaconum to the precept of the Foujdaree Udalut dated the 7th idem, directing that Officer to state the age of the

F. U.

11th May 1846.

the prisoner in Case № 75, requiring a more detailed exposition of Case № 76, and an explanation of the delay in the submission of the foregoing Calendars.

(Here enter F. U. № 648.)

Read again also Miscellaneous Petitions presented on the 26th January and 16th February 1846 by Soobboo Pillay of Gillah Combaconum, together with that presented by the same individual on the 14th Ultimo, complaining of the sentence passed on the son of Chetumbarum prisoner in Case № 75 of 1845 on the file of the Session Court at Combaconum.

(Here enter F. M. P. № 12, 26, and 83 of 1846.)

Before finally disposing of the matter of these Petitions the Court of Foujdaree Udalut resolve to direct that an English Translation of the entire record in the Case above referred to (№ 75 of 1845) may be submitted for their consideration.

Ordered

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

(Sent following precept No 775)

Read Miscellaneous Petition presented on the 14th Ultimo by Rumga Chetty of Tillah Tjichinopoly.

(Here enter F. M. D. No 84 of 46)

1. Adverting to this Courts Proceedings under date the 6th Ultimo, discovering his former address and observing on his omission "to specify therein any particular act of grievance as having been committed by any individual in particular" the Petitioner in this address mentions the names of certain individuals of the Vadagalai sect, whom he charges with having illegally usurped the privilege of reciting the Vedas in the Sreerungum Pagoda, and prays the Court of Foujdaree Udalut to issue orders to the Sessions Judge directing him to punish the parties named,

named, and to adopt such measures as may prevent the recurrence of the grievance to which he adverts.

2. The Court of Foujdaree Udalut resolve to forward an English Translation of this Petition to the Magistrate of Tjichinopoly who will be pleased to take such steps as justice may require, reporting the same for their information.

Ordered, that Extract from these Proceedings be sent to the Magistrate of Tjichinopoly for his information and guidance by precept returnable within XV days from and after its receipt.

(Sent following precept No 776)

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

Read Miscellaneous Petition presented on the 14th Ultimo by Annamalay Puttalen of Tillah Combacconum.

(Here enter F. M. D. No 81 of 1846.)

1. The object of this Petition

is

11th May 1846.

is to induce the Court of Fouzdaree Uda-
-lut to reverse the sentences awarded to
the Petitioner's son-in-law Thamanee Ad-
-akka Puttan and to his nephew Moono-
-gien Puttalan 1st and 2d Prisoners in Case
№ 60 of 1845 on the file of the Session Court
at Combaconum.

2. Before finally disposing of
the matter of this Petition the Court of Fou-
-daree Udalut resolve to forward a transla-
-tion thereof to the Session Judge, who will
be pleased to state whether the assertion
made by the Petitioner is true, that the
prisoners offered before him to prove that
on the date on which the robbery charged
against them was said to have taken place,
they were absent from the village in which
it was said to have been committed.

Ordered, that Extract from
these Proceedings be sent to the Session
Judge of Combaconum for his information
and guidance by precept returnable with-
-in X days from and after its receipt.

(Sent following precept № 777)

Ordered

F. Uc.

11th May 1846.

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

Read Miscellaneous Petition
presented on the 14th Ultimo by Shaik Beer
of Vellah Trichinopoly.

(Here enter F. M. P. № 80 of 1846.)

1. The Petitioner prays the
Court of Fouzdaree Udalut to order his pe-
-tition to the Office of Naique in the
said Establishment at Trichinopoly from
which he states that he was dismissed
by the late Acting Session Judge in con-
-sequence of certain complaints preferred
against him by a Bazar man.

2. It appears that the Peti-
-tioner's conduct in connection with the
complaints in question was made the
subject of an investigation by the Prin-
-cipal Sudr Ameen under orders from the
Acting Session Judge - which resulted
in the Principal Sudr Ameen declaring
an opinion favorable to the Petitioner who
he observed had already been dismissed
by

by the Acting Session Judge -

3. From a perusal of this Petition and of its enclosures the Court of Foujdaree Udalut fail to understand clearly the nature of the charges preferred against the Petitioner which the Principal Sudr Ameen was ordered to enquire into or that of the circumstances under which the Acting Session Judge removed him from public employ -

4. They therefore request the Session Judge will now submit for their consideration a report of the cause which led to the Petitioners dismissal, and of the proofs by which they were supported, as also of the circumstances under which the matter was subsequently transferred to the Court of the Principal Sudr Ameen, whose proceedings are unintelligible -

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

(Sent following precept No. 778)

Read

Read letters dated the 10th and 14th March 1846 from the Principal Sudr Ameen of Vizagapatam, requesting, under circumstances stated, that a Body of 100 Convicts may be transferred to the Jail under his charge from that attached to the Session Court at Ichapoor -

(Here enter Nos. 839 and 905.)

Read also Extract from the Minutes of Consultation dated the 16th February 1846 No. 179, forwarding for the opinion of the Court of Foujdaree Udalut a communication from the Board of Revenue in the Department of Public Works, accompanied by a letter from the Civil Engineer 1st Division, containing a suggestion that the Prisoners transferred from Rajahmundry to Vizagapatam may be recalled for employment on works of importance at the former place and stating that none of the 80 Prisoners sent from the Jail at Rajahmundry to Vizagapatam on the 3rd March 1841, are now or have ever been employed on the public Works under his

dated 16th January 1846.

11th May 1846.

his charge at Vizagapatam, and that it was only lately that he heard by accident that they had been located there for that purpose, the only Prisoners given to him being 60 men who were made over by the Judge when he first went to Vizagapatam, before any were detached from Rajahmundry.

(Here enter No 301)

1. On reference to a return dated the 14th November 1843. from the Principal Sadr Ameen of Vizagapatam to the precept of the Foujdaree Adalut under date the 6th idem, directing the late Acting Principal Sadr Ameen to report in detail what number of Convicts were then employed under the orders of the Military authorities, or those of the Civil Engineer of the division, on works of a public nature in and about the town of Vizagapatam, it is observed that the Principal Sadr Ameen Mr Rose reported that 60 Convicts were under the Engineer and were employed to assist in the building of a Church, and in constructing a Bulwark.

2. On reference also to the orders of

F. U.

11th May 1846.

of Government dated 21st October 1843, sanctioning the transfer to Chicacole of the Jailor, and the Subordinates who then formed the permanent establishment of the Jail at Vizagapatam; constituting the Jail at Chicacole the central and general Jail of the District and requesting the Court of Foujdaree Adalut to pass orders for the detention of the Convicts then employed at Vizagapatam upon the Public works under construction there, until completed; and adverting to the fact that the usual Criminal Reports last received from the Principal Sadr Ameen of Vizagapatam show that the public works in question have been completed, the Court of Foujdaree Adalut resolve before submitting to Government an opinion on the transfer back to Rajahmundry of the Convicts in question, to call upon the Principal Sadr Ameen to explain under what circumstances the orders of Government have not been conformed to as it appears clear that the required transfer might long since have been effected, and

the

the other arrangements contemplated in the order of Government fully carried out instead as the Principal Sudr Ameen now proposes, of adding 100 more Convicts to the present strength of the Jail at Vizagapatam.

3. Adverting further to the representation of the Civil Engineer above quoted, the Principal Sudr Ameen will also explain how it has occurred that a body of Convicts declared by him to be employed under the Civil Engineer, have never been so worked although transferred to Vizagapatam for that express purpose.

Vide letter dated 16th January 1846.

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

(Sent following precept No. 779)

Read Criminal Reports under date the 7th Ultimo submitted by the Session Judge of Tellicherry for the month of March 1846.

(Here enter F. U. No. 1170)

The

Report No. V, Case No. 18.

1. The Court of Foujdaree Udalut desire to be informed on what grounds this Case was committed to the Criminal Court, the offence charged being apparently cognizable by the Magistracy.

Case No. 21.

2. With reference to the small amount of the property which the prisoners in this Case were charged with having fraudulently appropriated the Court of Foujdaree Udalut, consider that sentence should have been passed under Section VII Regulation X of 1816.

Circular Order No. 139.

3. Adverting to the remarks recorded on this Case by the Session Judge and contained in the appendix submitted with these Reports, the Court of Foujdaree Udalut observe that that Officer has erroneously construed the Circular Order to which he refers, and in which it is declared that Section III Regulation VI of 1827 has expressly corrected the interpretation given by the Foujdaree Udalut in their proceedings

of

11th

the other arrangements contemplated in the order of Government fully carried out instead of adding 100 more Convicts to the present strength of the Jail at Vizagapatam.

3. Adverting further to the representation of the Civil Engineer above quoted, the Principal Sudr Ameen will also explain how it has occurred that a body of Convicts declared by him to be employed under the Civil Engineer, have never been so worked although transferred to Vizagapatam for that express purpose.

Vide letter dated 16th January 1846.

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

(Sent following precept No. 179)

Read Criminal Reports under date the 7th Ultimo submitted by the Session Judge of Tellicherry for the month of March 1846.

(Here enter F. U. No. 1170)

The

Report No. V, Case No. 18.

1. The Court of Foujdaree Udalut desire to be informed on what grounds this Case was committed to the Criminal Court, the offence charged being apparently cognizable by the Magistracy.

Case No. 21.

2. With reference to the small amount of the property which the prisoners in this Case were charged with having fraudulently appropriated the Court of Foujdaree Udalut, consider that sentence should have been passed under Section VII Regulation X of 1816.

Circular Order No. 139.

3. Adverting to the remarks recorded on this Case by the Session Judge and contained in the appendix submitted with these Reports, the Court of Foujdaree Udalut observe that that Officer has erroneously construed the Circular Order to which he refers, and in which it is declared that Section III Regulation VI of 1827 has expressly corrected the interpretation given by the Foujdaree Udalut in their proceedings

of

11th May 1826

of the 12th October 1826 to the provisions of Clause fourth Section III Regulation VII of 1822 viz: that the offences therein specified were intended to be punished more severely than they could be by Section VII Regulation X of 1816.-

Ordered, that Extract from these Proceedings be sent to the Session Judge of Tellicherry for his information and guidance and for communication of para 1 to the Magistrate of Malabar for the information and guidance of that Office and for report direct to the Foujdaree Udalut by precept returnable within X days from and after its receipt.

(Sent following precept No. 780)

Read again letter dated 9th March 1826 from the Session Judge of Tinnevelly transmitting an English translation of the Record of the trial in Case No. 60 of 1825 for the final Judgment of the Court of Foujdaree Udalut.-

(Here enter No. 925.)

Read also Return dated the 18th

F. Uc.

11th May 1826

18th Ultimo from the Session Judge of Tinnevelly to the precept of the Foujdaree Udalut under date the 8th April 1826 requiring the Session Judge to forward translations of the Lists headjaus & referred to, in the Record of the Trial No. 60 of 1825.- also translations of all warrants which may have been issued in the Case.-

(Here enter No. 1293.)

The Court of Foujdaree Udalut resolve to return the lists which accompanied the foregoing communication with a view to the insertion in red ink opposite the names enumerated therein, of the number and names of the prisoners as they stand on the record of the trial.-

Ordered, that Extract from these proceedings be sent to the Session Judge of Tinnevelly by Precept returnable without delay.-

(Sent following precept No. 781.)

Ent'd

FM

Tuesday
12th May 1846.

At a Court of the Tongadarce Adalat

Present

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

Malcolm Lewin Esqre — 3d Puisne Judge,

P. E. J. Boileau Esqre — 3d Puisne Judge,

Read Calendar of Case

No 42 of 1845 submitted under date the

10th January 1846 by the Sessions Judge of

Jaffnapatam.

/ Vide Order F.M. No 107 of 1846 /

In this Calendar two prisoners have been convicted by the Sessions Judge of Gang Robbery but as the case is by no means one of those violent cases of assault and plunder which call for the full measure of punishment authorized by the Law the Sessions Judge is of opinion that the ends of justice will be sufficiently met by a sentence of 4 years imprisonment and hard labor as regards — the 4th prisoner and a sentence of 3 years imprisonment with hard

labor

labor in irons as respects the third prisoner and he begs to propose such mitigation of punishment accordingly.-

3 The Court of Zoyd aree Adalut having maturely considered the circumstances of the case represented in the above Calendar sanction under clause 3d Section III Regulation 2 of 1825 the mitigated punishment recommended by the Sessions Judge of Tinnevelly and accordingly direct that the Prisoner

4th Chittrapoothra Nadan

be imprisoned and kept to hard labor in irons on the public roads or other public works for, and during the period of 4 Years, and that the prisoner,

3d Teroomalacdoondonadan,

be imprisoned and kept to hard labor in irons on the public roads or other public works for, and during the period of 3 years.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Tinnevelly by precept, returnable in

3 days from and after it's receipt.-

/Sent following precept No 782/

Read Return dated the 29th April 1846. from the Acting Sessions Judge of Madura to the precept of the Zoydaree Adalut under date the 15th March 1846. conveying certain observations on Cases Nos 3 and 9 in Criminal Reports, passed under date the 17th February submitted by the Subordinate Judge of Madura for January 1846.-

/Here Enter Tlc No 1370 of 1846/

Read Report dated 1st Instant from the Sessions Judge of Chittoor of Cases pending on the 30th April 1846 before the Sessions Court of Chittoor for a period in excess of 25 days calculated from the date of Commitment.-

/Here Enter Tlc. No 1403 of 1846/

Read Calendar of Cases No 42 of 1846 submitted by the Sessions Judge of Tinnevelly under date the 1st May 1846.-

/Here Enter Tlc. No 1409 of 1846/

Read

13th May 1846.

Read Calendar of Cases No 34 of 1846 submitted by the Sessions Judge of Combaconnum under date the 4th May 1846.

(Here enter F. C. No 1312 of 1846)

Read Calendar of Cases Nos 64 of 1845 and 28, 30, and 37 of 1846 submitted by the Sessions Judge of Tinnevelly under date the 2d May 1846.

(Here enter F. C. Nos 1429 & 1430 of 1846)

End 7 W.

F. C.

Wednesday 13th May 1846.

At a Court of the Foujdaree Adalut.

Present

G. I. Waters Esqre — 1st Puisne Judge

Malcolm Lewin Esqre — 2d Puisne Judge

T. C. I. Boileau Esqre — 3d Puisne Judge.

Read Communication under date the 20th Ultimo from the Sessions Judge of Bonore reporting the execution on that date of the prisoner in Case No 5 on the Calendar for 1846 pursuant of the sentence of the Foujdaree Adalut dated the 4th idem.

(Here enter F. C. No 1310)

The Sessions Judge having omitted to state that the rule laid down in Circular Order No 32 was duly conformed to in the execution of the prisoner referred to in this Communication the Court of Foujdaree Adalut desire that the information in question may be now submitted.

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

(Sent following Precept No 784.)

Read Calendar of Cases No 25 of 1846.

on

on the file of the Sessions Court at Salem submitted under date the 24th Ultimo by the Sessions Judge.—

(Here enter F. C. No. 1335)

1. The Prisoner in this Case was charged with having in company with 9 others entered the Prosecutor's sheep fold after beating the 1st and 2nd witnesses and with having robbed therefrom 9 sheep valued at Rupees 4-8 and also with having robbed the 1st and 2nd witnesses of their Cumblies and kerchiefs valued at Rupees 2-13.—

2. The Sessions Judge concurring in the Futwa of the Law Officer which convicted the prisoner of the robbery laid to his charge has recorded against him a sentence of Imprisonment with hard labor in irons for the period of 14 years but being of opinion with reference to the circumstance that the 1st and 2nd witnesses who state that they were beaten by the robbers with sticks now bear no marks whatever of wounds, that the ends of justice will be met by a more lenient sentence recommends that the period of Imprisonment awarded be reduced to 2 years with such labor as the state of the prisoner's leg which has received a compound fracture will eventually admit of his undertaking.

3. Under the circumstances stated by the Sessions Judge and adverting to the present scarcity of

13th May 1846.

of food in the Salem District the Court of Foujdaree Adawlut approve of the mitigation proposed in this case by the Sessions Judge and they accordingly resolve under the provisions of Clause third Section III Regulation I of 1825 to sentence the prisoner

Mackery.

to imprisonment with suitable labor for the period of two years.—

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

(Sent in No. 786.)

Read again Criminal Reports—the under date the 14th November 1845 submitted by the Subordinate Judge of Madura for the Months of October 1845.—

(Here enter F. C. No. 3385 of 1845).

Read also return under date the 29th Ultimo from the Acting Sessions Judge of Madura to the precept of the Foujdaree Adawlut dated the 24th December 1845 directing that officer to call up the record of Case No. 202 contained in the foregoing Criminal Reports and to pass such orders as he might think proper reporting the same for the information of the Foujdaree Adawlut.—

(Here enter F. C. No. 1367 of 1846)

The

13th May 1846.

1. The Acting Sessions Judge in his return submits an Extract from the Proceedings of the Sessions Court under date the 23d Ultimo having reference to the case above referred to in which it is stated that the sentence (passed therein) was approved by the Sessions Judge under date the 12th November 1845.—

2. In order to judge of the propriety of the grounds on which the Sessions Judge approved of the sentence adverted to the Court of Foujdaree Adalut direct that an Extract from the Proceedings of the Sessions Court under date the 12th November 1845, to which the Acting Sessions Judge refers, may be submitted for their consideration.—

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

(Sent following Precept No. 786.)

Read again Calendar in Case No. 19 of 1846. submitted by the Sessions Judge of Cuddapah under date the 11th Ultimo.—

(Here enter F. C. No. 1168 of 1846).

Read also return under date the 30th Ultimo from the Sessions Judge of Cuddapah to the precept of the Foujdaree Adalut dated the 23d ideno

F. C.
13th May 1846.

idem directing that officer to submit a Memorandum of the contradictions which in his opinion render the evidence in the foregoing case not worthy of credit.—

(Here enter F. C. No. 1373).

1. The Court of Foujdaree Adalut consider the grounds assigned by the Sessions Judge for the opinion recorded by him regarding the evidence in the case above referred to, quite satisfactory.

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

(Sent in No. 787.)

Read again Criminal Reports under date the 4th March 1846. submitted by the Sessions Judge of Honore for the Month of February 1846.—

(Here enter F. C. No. 806)

Read also return under date the 27th Ultimo from the Sessions Judge of Honore to the precept of the Foujdaree Adalut dated the 18th March last requiring an explanation of the delay of 18 days which occurred in the transmission of the orders passed by the Acting Joint Magistrate of Canara on the reference submitted to him by the Peshcar in Case No. 14 contained in the foregoing

foregoing Criminal Reports.-

(Here enter F: C: No. 1374)

1. The Sessions Judge submits with this return copy of a return from the Magistrate of Canara forwarding the explanation furnished by the Acting Joint Magistrate regarding the delay above adverted to.-

2. The Court of Foujdaree Adalut consider the reasons assigned by the Acting Joint Magistrate for the great delay which he permitted to take place in the case under notice extremely unsatisfactory, and they trust that that officer will carefully avoid the recurrence of similar delays.-

Ordered that Extract from these Proceedings be sent to the Magistrate of Canara for his information and for communication to the Acting Joint Magistrate for the information and future guidance of that officer.-

(Sent in No. 786)

Read Calendar in Case No. 20 of 1846. on the file of the Sessions Court of Cuddapah submitted under date the 30th. Ultimo by the Session Judge.-

(Here enter F: C: No. 1383).

The Court of Foujdaree Adalut regret to observe that an interval of one week took

place

place between the conclusion of the trial and the passing of the sentences awarded to the Prisoners in this case. Such delay should in future be avoided.

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

(Sent in No. 789.)

Read return dated the 14th. Ultimo from the officiating Principal Sudr. Ameen of Tinnevelly to the Precept of the Foujdaree Adalut under date the 9th. idem directing him to reduce to 3 Months the period of imprisonment awarded to Prisoner in Criminal Case No. 38 of 1846 and to communicate paras 1 and 3 of the Extract under return to the Joint Magistrate in charge for his information.-

(Here enter F: C: No. 1332 of 1846).

Read letter dated the 15th. Ultimo from the Session Judge of Trichinopoly transmitting the usual Statement of the actual produce of labor of the Prisoners in the Jail at this station for the 1st. quarter of 1846.-

(Here enter F: C: No. 1336 of 1846).

Read Report dated the 15th. Ultimo submitted by the Session Judge of Trichinopoly of casualties and of Prisoners released in the month of

of March 1846.-

(Here enter F. C: No. 1237 of 1846).

Read Estimate dated the 15th Ultimo from the Sessions Judge of Trichinopoly of the value of all articles produced by the labor of Prisoners, and Convicts labor report of the Jail during the Months of March 1846.-

(Here enter F. C: No. 1238 of 1846).

Read return dated the 16th Ultimo from the Acting Sessions of Madura to the precept of the Foujdaree Adalut under date the 8th idem containing their remarks on the Calendar of Case No. 63 of 1845 on the file of his Court and directing him to release forthwith the 12th Prisoner in the said Case unconditionally.-

(Here enter F. C: No. 1243 of 1846).

Read Criminal Reports dated the 1st Ultimo submitted by the Sessions Judge of Tinnevelly for the Month of March 1846.-

(Here enter F. C: No. 1249 of 1846)

Read Calendar in Cases No. 5 and 6 of 1846. submitted by the Acting Sessions Judge of Coimbatore under date the 14th Ultimo.-

(Here enter F. C: No. 1254 of 1846).-

End C.

F. C.

Tuesday 14th May 1846. At a Court of the Foujdaree Adalut

Present.

G. I. Waters Espre. ___ 1st Puisne Judge.

Malcolm Lewin Espre. ___ 2nd Puisne Judge

J. E. I. Boileau Espre. ___ 3rd Puisne Judge.

Read again letter under date the 19th March 1846 from the Sessions Judge of Bellary submitting for the consideration and final sentence of the Court of Foujdaree Adalut an English Translation of the entire record in Case No. 7 of 1846.-

(Here enter F. C: No. 989 of 1846).

Read also return dated the 2nd Instant from the Subordinate Judge in charge of Bellary to the precept of the Foujdaree Adalut under date the 15th Ultimo directing that further evidence be taken in Case No. 7 of the Calendar for 1846.-

(Here enter F. C: No. 1422 of 1846).

Mr. G. I. Waters 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 prisoner "Appavoo" is

is sufficient to convict him of the crime of Murder do convict him thereof, but being of opinion under the circumstances of the case, that the punishment to which the prisoner is liable under the provisions of Section X Regulation VIII of 1802, would, in this instance, be too severe, the Court under the provisions of Clause third Section III Regulation I of 1825 sentence the prisoner to be transported to such place or places beyond sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons on the public roads or other public works, for, and during the period of his natural life.—

(Sent following letter No. 792.)

Read letter dated the 14th. Ultimo from the Sudr Ameen in charge of the Subordinate Court of Bellary stating, with reference to the Extract from the Proceedings of the Foujdaree Adalut under date the 6th. idem, that the Subordinate Judge when releasing the Prisoner in Case No. 206 of 1845 wrote to the Magistrate on the 16th. March 1846, giving his opinion that the individual said to have been murdered and the Prisoner in question would both appear to have been guilty of grof falsehood; and that both of the said individuals have subsequently been forwarded to the Court.—

(Here enter F. C. No. 1247 of 1846)

Read

Read letter dated the 17th. Ultimo from the Magistrate of Trichinopoly in reference to the Extract from the proceedings of the Court of Foujdaree Adalut dated 23rd. March 1846, stating that the Moonsiff forwarded witnesses and the prisoner, the latter becoming refractory on the road and refused to proceed the witnesses dispersed.—

(Here enter F. C. No. 1277 of 1846).

Read return dated the 18th. Ultimo from the Acting Subordinate Judge of Mangalore to the Precept of the Foujdaree Adalut under date the 4th. idem, conveying remarks in certain Cases of the Criminal Reports for the Month of February 1846.—

(Here enter F. C. No. 1282 of 1846)

Read letter dated the 20th. Ultimo from the Session Judge of Cuddapah, reporting the execution of the Prisoner Bala Venkatah in Case 6 of the Calendar for 1846.—

(Here enter F. C. No. 1283 of 1846)

Read Calendar in Case No. 6 of 1846 submitted by the Session Judge of Nellore under date the 21st. Ultimo.—

(Here enter F. C. No. 1285 of 1846).

Read statement dated the 31st. March 1846. submitted by the Session Judge of Chingleput

13 14th May 1846.

Clingler put shewing the amount realized by the labour of the Prisoners for the 1st Quarter of 1846.—

(Here enter F. C. No. 1288 of 1846)

Read return dated the 21st Ultimo from the Session Judge of Salem to the precpt. of the Foujdaree Adalut under date the 14th idem furnishing explanation relative to remarks of the Court of Foujdaree Adalut in Calendar No. 3 of 1846.—

(Here enter F. C. No. 1291 of 1846)

Read report dated the 20th Ultimo submitted by the Agent to the Governor of Fort St. George at Vizagapatam of persons apprehended in the Separate Tracts of Vizagapatam and delivered to the Agency in the month of March 1846.—

(Here enter F. C. No. 1323 of 1846).

Read return dated the 22nd Ultimo from the Session Judge of Masulipatam to the precpt. of the Foujdaree Adalut under date the 15th idem, directing that the Prisoner in Case No. 3 of 1846 on the file of the Session Court, be imprisoned and kept to hard labor in Irons, on the public roads, or other public works, for and during the period of 8 years.—

(Here enter F. C. No. 1330 of 1846)—

S. & L.

F. 66.

Friday 14 May 1846.

At a Court of the Foujdaree Adalut.

Present,

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

Read letter dated the 7th Instant from the Acting Sessions Judge of Coimbatore, submitting for the final Sentence of the Foujdaree Adalut, the proceedings in Case No. 8 of 1846.—

(Here enter F. C. No. 1470 of 1846)

M. M. Lewin.

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

1st Ramgadaung padyachee

and

2d Mootoo padyachee

is sufficient to convict them of the crime of Gang Robbery, do convict them thereof; and with reference to the provisions of Clause third Section

15th May 1846.

Section IV Regulation XV of 1803, and Section XXXIV Act VII of 1843, sentenced 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 9/14/ fourteen years.-

/Sent following letter No. 779./

Read Calendar of Case No. 11 of 1846 on the file of the Sessions Court at Bellary submitted under date the 23rd ultimo by the Sessions Judge.-

/Here enter Ltr. No. 1332 of 1846./

1 The Prisoner in this case, an old offender, was charged with having opened the door of the Prosecutor's house which was secured with a latch, and entered in with intent to steal.-

2. The Sessions Judge being of opinion that strong suspicion attaches to the Prisoner seeing that he is an old offender and that he had an iron instrument in his possession at the time he made the entry into the Prosecutor's house but that there is no evidence upon

15th May 1846.

upon which he can be convicted of having entered with intent to steal as he touched no property in the house and came out when called to by the Prosecutor in him of attempting to run off, as a thief under ordinary circumstances would do has remanded the prisoner without placing him on his trial in order that the Subordinate Judge may put him on his defence, and if he should fail to clear himself of suspicion require security from him for his future good behaviour and appearance when called for.-

3. From a perusal of the Sessions remarks recorded by the Sessions Judge it appears to the Court of Foujdaree Adalut that the evidence in this case is sufficient to convict the prisoner of the offence with which he stands charged.-

4 Adverting to the circumstance of his being an old offender and of his being found within the Prosecutor's house with housebreaking

14

15th May 1846.

Saturday
16th May 1846

P. W.

At a Court of the Foujdaree Udalut

Present

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

Malcolm Lewin Esqr. ——— 2d Puisne Judge

C. E. J. Boileau Esqr. ——— 3d Puisne Judge

Read extract from the Minutes of Consultation dated 15th January 1846 No 28, requesting the opinion of the Judges of the Sudr and Foujdaree Udalut on a communication from the Magistrate of Trichinopoly dated the 20th November last on the subject of the disregard paid by deponents, to the obligation which the form of affirmation now in use, in lieu of oaths, is intended to impress upon them.—

(Here Enter No 1361)

Read again letter dated the 20th November 1845 from the Magistrate of Trichinopoly on the above mentioned subject.

(Here Enter No 3508 of 1845)

Mr

houses taking instruments in his hands the Court of Foujdaree Udalut consider that it is incumbent upon the prisoners to prove that he did not enter for an illegal purpose and they accordingly direct that the Sessions Judge will order his recommitment, and place him on his trial without delay.—

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

(Sent in No 800 - /s

Ent WK

1 The Magistrate's communication contains a representation of the disadvantages which, in his opinion, are attached to the present system of receiving evidence on solemn affirmation and closes with a remark that as the fear of punishment is the only incentive likely to be generally acknowledged, and as punishment depends on detection, and detection is as likely to follow a departure from truth, after a simple declaration, as after the most solemn adjuration, no good reason exists "why "a simple declaration that the deponent "will tell the truth, the whole truth and "nothing but the truth, should not be substituted for the solemn affirmation "now in use".

2 The Judges of the Sudr and Foujdaree Adawlut do not concur in the view which the Magistrate of Trichinopoly has taken of the adjuration legalized by the provisions of Act V of 1840. Finding

on

15th May 1846.

Dated 28th June 1836
City forwarded.

on reference to the Court's address to the Law Commission regarding the abolition of oaths, that the sentiments expressed by this Court as then constituted (which the present Court adopt as their own) had apparently not been deemed by the legislative authorities in Bengal, of weight sufficient to remove the impression then abroad against the propriety of continuing the old form of oath, it was thought inexpedient when Mr. Cadow's letter of the 28th November last reached the Court, to forward thereon any recommendations for the alteration of an Act so recently passed after considerable discussion and deliberation.

3 As, however, the Government now desire to be informed of the views entertained by this Court on the subject, the Judges do not hesitate to declare their belief that a mistake was made in abolishing the old form of oath, which was often effectual where the

the present one is not, tho' the present form has something about it which by a person of intelligence would be regarded as nothing less than the oath and they think that the objectionable state of things described by Mr Ouston can be remedied only by a return to the former system of administering oaths, a course of proceeding which they also would support with their strong recommendation.

Ordered that Extract from these proceedings be sent to the Secretary to Government in the Judicial department for submission to the Most Noble the Governor in Council.

/ Sent in No. 803. /

Read Calendar dated the 7th March Last submitted by the Sessions Judge of Chingleput in Cases Nos 11 and 12 of 1866.

/ Vide Cases No. 705. /

Under the circumstances of the case as they appear from the Calendar, the Court of Foujdaree Adalut are pleased to sanction the

F.C.

16th May 1866

the mitigation of punishment proposed by the Sessions Judge in regard of Chellum the 2d Prisoner in Case No 11 of 1866 on whom accordingly a sentence of (4) four years imprisonment with hard labor in irons will now be declared by the Sessions Judge.

2 In respect of the 3d Prisoner in the same case, who has been punished by the Sessions Judge with imprisonment with hard labor in irons for a period of (2) two years under the provisions of Clause Second, Section V Regulation VI of 1822, for receiving from the 1st and 2d Prisoners part of the property stolen by them knowing it to be such, the Court of Foujdaree Adalut resolve to point out for the future guidance of the Sessions Judge, that the sentence passed should have been recorded under Clause Seventh, Section III Regulation XV of 1813 on the grounds that the 3d Prisoner, it is certain, could have had no knowledge of the aggravating circumstances adverted to

to in Clause Second Section IV Regulation VI of 1822 attending the theft charged against the 1st And 2d Prisoners in Case No 11; that the prisoner in question does not appear to answer to the description of Criminal specified in clause third Section II of the Regulation above quoted and that Clause Fourth thereof, cannot legally be rendered applicable in support of Sentences passed by Sessions Judges.

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

/ Sent in No 804 /

Read Calendar of case No 15 of 1846 submitted by the Acting Sessions Judge of Madura under date the 8th Ultimo—

/ Here Enter No 1164 of 1846 /

The 1st Prisoner in this case convicted of robbery by open violence has been, under Clause third Section II Regulation XV

of 1803, adjudged to suffer imprisonment with hard labor in irons for (16) Sixteen years.—

As however the robbery was not accompanied by cruelty, torture or other act of aggravation, the Acting Sessions Judge has recommended that the sentence be mitigated by reducing the period of imprisonment to (8) Eight years.—

On a due consideration of all the circumstances of the case the Court of Sudder Adawlut under Clause third Section III Regulation I of 1825, the mitigated sentence recommended by the Acting Sessions Judge of Madura and accordingly direct that the Prisoner

1st Aroomoogam

be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (8) Eight years.

Ordered

15th May 1846.

Ordered, that Extract from these Proceedings be sent to the Acting Sessions Judge of Madura by precept returnable in 5 days from and after its receipt.—

/Sent following precept No 805./

Read letter dated 30th April 1846 from the Sessions Judge of Cuddalore submitting, for the final sentence of the Foujdaree Adalut, the proceedings in Case No. 20 of 1846.

/Vide Cutcherry No 1890/

The Court of Foujdaree Adalut

Mr G. S. Waters—
and
Mr M. Lewin—

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

Chengelroya peddy alias
Cumdasawmy peddy.

is sufficient to convict him of the crime of Highway robbery when single and unarmed, do convict him thereof; and with reference to the provisions of the Mahomedan Law as declared in the Futwas

Fee
15th May 1846.

Futwas of their Law Officers, annexing the penalty of amputation of two limbs to that offence, and to the provisions of Section XXI Regulation VII of 1802, do sentence him to be imprisoned and kept to hard labor in irons, on the public roads, or other public Works, for, and, during the period of (14) fourteen years

1 The Prisoner in this case was charged with having attacked the Prosecutrix on the high road, beaten and kicked her, torn her right ear and robbed her of property valued at Rupees 50-12-0

2 The Sessions Judge dissenting from the Futwa of the Law officers which acquits the Prisoner of the crime laid to his charge has referred the trial for the consideration and final order of the Foujdaree Adalut and recommends that the Prisoner be sentenced to 7 years' imprisonment with hard labor in irons under the provisions of Clause Seventh Section II Regulation

16th May 1846

Regulation XI of 1803.—

3 The Court of Tondaree Adalut having attentively perused the entire record of this case are fully satisfied of the Prisoner's guilt, but they consider that any punishment short of 14 years' imprisonment with hard labor in irons to which the prisoner has rendered himself liable, would be insufficient to meet the demands of justice.—

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

/ Sent following letter No: 886. /

The record of the trial in case No: 9 of 1846 on the file of the Sessions Court of Honore under reference to the Court of Tondaree Adalut not having been submitted to this Court—

Ordered that the Sessions Judge of Honore be required by precept returnable

16th May 1846

returnable in 3 days from and after its receipt to show what progress has been made in the preparation of the English translation of the trial in question and to explain the cause of the said delay in referring the above trial for the final orders of the Tondaree Adalut—

/ Sent following precept No: 887. /

End 7th

Regulation XII of 1803.—

3 The Court of Foujdaree Adalut having attentively perused the entire record of this case are fully satisfied of the Prisoner's guilt, but they consider that any punishment short of 14 years' imprisonment with hard labor in irons to which the prisoner has rendered himself liable, would be insufficient to meet the demands of justice.—

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

/ Sent following letter No: 806. /

The record of the trial in case No: 9 of 1846 on the file of the Sessions Court of Honore under reference to the Court of Foujdaree Adalut not having been submitted to this Court.—

Ordered that the Sessions Judge of Honore be required by precept returnable

returnable in 3 days from and after its receipt to show what progress has been made in the preparation of the English translation of the trial in question and to explain the cause of the delay in referring the above trial for the final orders of the Foujdaree Adalut.—

/ Sent following precept No: 807. /

End 7th.

F. 26.

Monday,
18th May 1846. At a Court of the Poygidaree Udalut.

Present:-

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

Read Miscellaneous Petitions presented on the 6th and 20th Ultimo by Murzym-mah of Zillah Cuddapah.-

(Vide enter F. No. P. Nos 7 and 8 of 1846)

1. The Petitioner prays the Court of Poygidaree Udalut to order the release of his nephew Ramuppah 2nd Prisoner in Case No 7 of 1846 on the file of the Sessions Court at Cuddapah who has been sentenced to 14 years imprisonment with hard labor in irons for "Gang robbery"

2. The Court of Poygidaree Udalut see no reason to question the propriety of the sentence of which the Petitioner complains, and they accordingly resolve to dismiss these Petitions.-

Ordered

18th May 1846.

Ordered, that Extract from these proceedings be furnished to the Petitioner on her application.-

Read Miscellaneous Petition presented on the 14th Ultimo by Arunthia Vezia Sastry of Zillah Chittoor.

(Herewith F. M. P. N° 79 of 1846.)

1. The Petitioner prays the Court of Foujdarree Udalut to set aside certain orders passed by the Sessions Judge of Chittoor under date the 7th January last affirming the dismissal by the Magistracy of a complaint preferred by him against certain parties for having ejected him and his brother from a pagoda in which he alleges that they are entitled to perform religious ceremonies.-

2. The Court of Foujdarree Udalut observe that in referring the Petitioner to the Civil Court the Sessions Judge has pointed out to him the proper course for obtaining redress for the grievance of which he complains.-

3. The Court accordingly resolve to dismiss this Petition.-

Ordered

18th May 1846.

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

Read Miscellaneous Petition presented on the 20th Ultimo by Venkataramma Moodely of Zillah Chittoor.

(Herewith F. M. P. N° 88 of 1846.)

1. The Petitioner complains of certain proceedings held by the Sessions Judge of Chittoor under date the 16th March last in which that officer refused to interfere with an order passed by J. H. Bell Esqr one of Her Majestys Justices of the Peace dismissing a charge preferred by the Petitioner against Captain Shaw Paymaster at Vellore on the ground that Captain Shaw had already been fined for assaulting the Petitioner, and that the other matters set forth in the charge were of a Civil nature.-

2. The Court of Foujdarree Udalut having attentively perused this Petition together with the documents submitted

18th May 1846.-

submitted therewith are of opinion that the case has been properly disposed of, and they accordingly refuse to interfere.-

3. The Court observe that the evidence of the 1st witness examined by Mr. Bell shows that at least part of the charge preferred by the Petitioner is false.-

4. Petition dismissed.-

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

Read Miscellaneous Petition presented on the 20th Ultimo by Razabhai of Zillah Chittoor.-

(Here enter F. M. P. No 89 of 1846.)

1. The object of this Petition is to induce the Court of Foujdaree Adalut to issue orders to the Sessions Judge of Chittoor to direct the restoration to the Petitioner of certain Bonds which she alleges to have been stolen from her by the parties by whom they were executed in consideration of a loan advanced by the Petitioner.-

2. The Court of Foujdaree Adalut cannot

2

F. 86.

18th May 1846.-

cannot interfere in the matter of this Petition which should in the first instance be enquired into by the local Judicial and Magisterial authorities to whom the Petitioner is accordingly referred.-

3. The Petitioner is warned against again making use of the improper language in an address to the Foujdaree Adalut which in many parts of this Petition she has permitted herself to adopt with reference to the Civil and Sessions Judge.-

4. Petition dismissed.-

Ordered, that Extract from these proceedings be furnished to the Petitioner on her application.-

Read Miscellaneous Petition presented on the 27th Ultimo by Veerabadra Padiachy of Zillah Cuddalore.-

(Here enter F. M. P. No 90 of 1846.)

1. The object of this Petition is to induce the Court of Foujdaree Adalut to reverse the sentence awarded to the Petitioner's son A. Ramasamy Prisoner in

cases

15th May 1846.-

Case No. 56 of 1844 on the file of the Sessions Court at Cuddalore.-

2. The Court of Foujdaree Udalut see no reason to question the propriety of the sentence awarded to the Petitioner's son who they observe was charged with the robbery proved against him immediately after its commission, and was criminated by several of the prisoners in case No. 21 of 1843 who were convicted and punished for the same offence.-

3. The alibi set up by the Prisoner in his defence and now urged by the Petitioner is easily explained by the fact that the prisoner absconded immediately after the perpetration of the robbery of which he has been convicted.-

4. The Court accordingly resolved to dismiss this Petition.-

Ordered, that Extract from these proceedings be furnished to the Petitioner on this application.-

Read Miscellaneous Petition presented on the 27th Ultimo by Chinnacoutty Unnimal

15th May 1846.-

Unnimal of Zillah Cuddalore.-

(Heretofore F. M. P. No. 700 of 1846)

1. The object of this Petition is to induce the Court of Foujdaree Udalut to reverse the sentence awarded to the Petitioner's husband Sutchinanen Prisoner in case No. 78 of 1845 on the file of the Sessions Court of Cuddalore.-

2. The Court of Foujdaree Udalut having attentively perused this Petition together with the abstract of the evidence contained in the Calendar of the case therein referred to see no reason to question the propriety of the sentence awarded to the Prisoner whose guilt they consider to have been most satisfactorily established.-

3. The Court accordingly resolved to dismiss this Petition.-

Ordered, that Extract from these proceedings be furnished to the Petitioner on her application.-

Read Miscellaneous Petition presented on the 4th Instant by Moocoola

15th May 1846.

Moocoola Puttee of Zillah Cuddalore.-

(Herewith F. M. P. No 107 of 1846.)

1. The Petitioner complains of certain proceedings held by the Session Judge of Cuddalore under date the 18th Ultimo in which that officer refused to interfere with the orders passed by the Magistrate of South Arcot on a complaint preferred by him against a Police Duffadar and certain other individuals whom he charged with having ill-treated him when under confinement in consequence of a false charge brought against him by one of the parties in question.-

2. The Court of Foujdaree Udalut having attentively perused this Petition together with its enclosures see no reason to interfere with the order of the Session Judge which evidently meets the requirements of the case and they accordingly resolve to dismiss the Petition.-

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

The

F. 16.

15th May 1846.

The Records of the trials in cases Nos 24 and 25 of 1845 and 2, 4, 7, 12 and 13 of 1846 on the file of the Session Court of Rajahmundry under reference to the Court of Foujdaree Udalut not having been submitted to this Court.-

Ordered, that the Session Judge of Rajahmundry be required by precept returnable in 3 days from and after its receipt to show what progress has been made in the preparation of the English translations of the trials in question, and to explain the cause of the delay in referring the above trials for the final orders of the Court of Foujdaree Udalut.-

(Sent following precept No 809.

The Record of the trial in case No 10 of 1846 on the file of the Session Court of Madura under reference to the Foujdaree Udalut not having been submitted to this Court.-

Ordered, that the Acting Session Judge of Madura be required by precept returnable within 3 days from and after its receipt

18th May 1846.

Moocoola Puttee of Zillah Cuddalore.

(Seventeen F. M. P. No 107 of 1846.)

1. The Petitioner complains of certain proceedings held by the Sessions Judge of Cuddalore under date the 8th Ultimo in which that officer refused to interfere with the orders passed by the Magistrate of South Arcot on a complaint preferred by him against a Police Duffadar and certain other individuals whom he charged with having ill-treated him when under confinement in consequence of a false charge brought against him by one of the parties in question.-

2. The Court of Foujdaree Udalut having attentively perused this Petition together with its enclosures see no reason to interfere with the order of the Sessions Judge which evidently meets the requirements of the case and they accordingly resolve to dismiss the Petition.-

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

The

F. 16.

18th May 1846.

The Records of the trials in cases Nos 24 and 25 of 1845 and 2, 4, 7, 12 and 13 of 1846 on the file of the Sessions Court of Rajahmundry under reference to the Court of Foujdaree Udalut not having been submitted to this Court.-

Ordered, that the Sessions Judge of Rajahmundry be required by precept returnable in 3 days from and after its receipt to show what progress has been made in the preparation of the English translations of the trials in question, and to explain the cause of the delay in referring the above trials for the final orders of the Court of Foujdaree Udalut.-

(Sent following precept No 809.

The Record of the trial in case No 10 of 1846 on the file of the Sessions Court of Madura under reference to the Foujdaree Udalut not having been submitted to this Court.-

Ordered, that the Acting Sessions Judge of Madura be required by precept returnable within 3 days from and after its

receipt

18th May 1846.

receipt to show what progress has been made in the preparations of the English translation of the trial in question and to explain the cause of the delay in referring the above Trial for the final orders of the Toujdaree Udalut.-

(Sent following precept No. 810.

The Record of the trial in case No. 5 of 1846 on the file of the Session Court of Masulipatam under reference to the Court of Toujdaree Udalut not having been submitted to this Court.-

Ordered that the Session Judge of Masulipatam be required by precept returnable in 3 days from and after its receipt to show what progress has been made in the preparation of the English translation of the trial in question and to explain the cause of the delay in referring the above Trial for the final orders of the Toujdaree Udalut.-

(Sent following precept No. 811.

Read Calendars of cases -

No.

18th May 1846.

No. 19 and 20. on the file of the Session Court at Cuddapah submitted under date the 1st Instant by the Acting Session Judge.-

(Here enter F. C. No. 1418 of 1846.)

Case No. 19.

1. The Prisoner in this case was charged with having in consequence of the Prosecutor having demanded the payment of a debt due to him cut and severely wounded the three Prosecutors with a knife.-

2. The Acting Session Judge concurring in the Futwa of the Law Officer which convicts the prisoner of the crime of wounding has sentenced him to two years imprisonment with hard labor in irons under Clause seventh Section II Regulation XV of 1803.-

3. It appears to the Court of Toujdaree Udalut that the Acting Session Judge in endeavouring to discover extenuating circumstances, in the commission of the assault charged against the prisoner in this case has not sufficiently considered the nature of the act proved against him to which the sentence awarded is apparently extremely

18th May 1846.

extremely disproportioned.-

4. The Court accordingly resolve to direct that an English Translation of the entire record may be submitted for their consideration, and they desire that the Acting Session Judge will explain in what sense he applied the term "Artificial" to the two wounds inflicted on the 3rd Prosecutor.-

Case No. 20. 5. The Court of Fouzdaree Udalut approve of the sentence of corporal punish-ment awarded to the Prisoners in this case.-

Ordered, that Extract from these proceedings be sent to the Acting Session Judge of Calicut for his information and guidance by precept returnable within XV days from and after its receipt.-

(Sent following precept No. 812.)

Read again Miscellaneous Petition presented on the 16th February 1846 by Aroomooga Puttalen of Zillah Combaconum.-

(Here enter F. M. P. No. 25 of 1846.)

Read also return under date the 29th Ultimo from the Session Judge of Combaconum

4.

F. C.

18th May 1846.- Combaconum to the precept of the Fouzdaree Udalut dated the 24th idem directing that Officer to submit for the consideration of the Judges of the Fouzdaree Udalut any Police Documents capable of shewing the first information against the 5th and 11th Prisoners in case No. 31 of 1845 on the file of the Sessions Court and also requiring him to state the date of the Prisoners apprehension.-

(Here enter F. C. No. 1360 of 1846.)

1. The Sessions Judge submits with his return translation of a Mochilka executed by the 6th witness in the case adverted to before the Police Ameen of Sengeputty, and states that the 5th Prisoner was apprehended on the 15th, and the 11th Prisoner on the 16th May 1845.-

2. Adverting to the long interval which elapsed between the perpetration of the robbery charged against the prisoners in the case referred to viz: from the 7th April to the 5th June, and with reference to the fact that no information was given against the 5th and 11th Prisoners for nearly 2 months

month after the commission of the robbery, the Court of Foujdaree Adalut see reason to question the propriety of the sentences which have been passed, and they accordingly resolve to direct that an English translation of the entire record may be submitted for their consideration with the least practicable delay the sentences passed being suspended until further orders from this Court.-

Ordered, that Extract from these proceedings be sent to the Sessions Judge of Combaconum for his information and guidance by precept returnable within ~~XXXV~~ days from and after its receipt.-

(Sent following precept No. 813.

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

Read Miscellaneous Petition presented on the 6th Ultimo by Rungiengar Mookteyar Vakeel on behalf of Rungiengar and others of Zillah Tinnevelly.-

(Have enter F. M. P. No. 75 of 1846.)

The Petitioners complain of a fine

fine imposed upon them by the Head Assistant Magistrate of Tinnevelly and present an Extract from the Proceedings of the Sessions Court in which the Sessions Judge observes that "the Petitioners have already appealed to the Magistrate by whom the Head Assistant Magistrate's sentence was confirmed and he therefore sees no grounds for his interference."-

2. The Court of Foujdaree Adalut observe that under no Regulation is an appeal to the Magistrate final, and they accordingly resolve to forward a translation of this Petition to the Sessions Judge who will be pleased to call up the record of the case therein referred to, and pass such orders as he may think proper reporting the same for the information of the Foujdaree Adalut.-

Ordered, that Extract from these proceedings be sent to the Sessions Judge of Tinnevelly for his information and guidance by precept returnable within ~~XX~~ days from and after its receipt.-

(Sent following precept No. 814

Ordered

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

Read Miscellaneous Petition presented on the 20th April 1846 by Aromachilla Tanjerayen of Zillah Combaconum.

(Here enter F. Mc. P. No. 85 of 1846.)

1. The object of this Petition is to induce the Court of Foujdaree Adalut to reverse the sentence awarded to the 2d, 3d, 4th 5th, 6th and 7th Prisoners in case No. 22 of 1846. on the file of the Sessions Court of Combaconum, the four former of whom the Petitioner states are his Nephews and the two latter servants employed in the cultivation of his lands.-

2. The Petitioner asserts that the charge preferred against the Prisoners in the case referred to was got up from malice and that the evidence by which it was supported was false.-

3. Before finally disposing of the matter of this Petition the Court of Foujdaree Adalut resolve to direct that an English Translation of the record in the

case to which the Petitioner refers may be submitted for their consideration.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Combaconum for his information and guidance by precept returnable within XXXV days from and after its receipt.-

Sent following precept No. 815.-

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

Read letter dated the 7th Instant from the Sessions Judge of Trichinopoly submitting the Jail Reports for the month of April last.-

(Here enter F. Mc. No. 1488.)

Read return dated the 9th Instant from the Sessions Judge of Cuddapah to the precept of the Foujdaree Adalut of the 15th Ultimo directing him to call up the records in Cases Nos. 46, 51 and 52 of the Criminal Reports for the month of February last and to pass such orders

as

18th May 1846.

as he may think proper.-

(Here enter F. 16. No. 1490.)

Read Criminal Reports for the month of April last submitted by the Sessions Judge of Guntoor under date the 8th Instant.-

(Here enter F. 16. No. 1495.)

Read Calendar in Case No. 24 of 1846 submitted by the Sessions Judge of Cuddapah under date the 9th Instant.-

(Here enter F. 16. No. 1496.)

Read Report dated the 7th Instant from the Magistrate of Rajahmundry of cases tried by the Magistracy under the provisions of Section LIV Act VII of 1843 during the month of April last.-

(Here enter F. 16. No. 1515.)

Read Criminal Reports for the month of April last submitted by the Principal Sudr Ameen of Cochin under date the 30th Ultimo.-

(Here enter F. 16. No. 1527.)

Read Calendar in Case No. 21 of 1846 submitted by the Sessions Judge of Cuddalore

End F. 16.

18th May 1846.

Cuddalore under date the 12th Instant.-

(Here enter F. 16. No. 1529.)

Read Calendar in Case No. 20 of 1846 submitted by the Sessions Judge of Chittoor under date the 5th Instant.-

(Here enter F. 16. No. 1531.)

Read Extract from the proceedings of the Sessions Court of Chittoor under date the 12th Instant annulling the sentence of six months imprisonment awarded by the Acting Joint Magistrate of North Arcot on Goolam Ahmud Khan who was charged with purloining a diamond ring belonging to Captain Whistler.-

(Here enter F. 16. No. 1532.)

Read return dated the 7th Instant from the Sessions Judge of Honore to the precept of the Foujdaree Adalut of the 29th Ultimo conveying their remarks on the Criminal Reports of the Zillah Court of Honore for the month of March last.-

(Here enter F. 16. No. 1535.)

Tuesday 19th May 1846.

At a Court of the Cuyidaree Adalut.

Present

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

Malcolm Lewin Esqre _____ 2d Puisne Judge,

P. E. J. Boileau Esqre _____ 3d Puisne Judge,

Read letter dated the 5th Instant from the Agent to the Governor of Fort St. George at Fannoh, submitting a Summary of the evidence against two prisoners charged with Gang robbery, and communicating his opinion as to the punishment to be inflicted -

(Here enter No 1452)

The Court of Cuyidaree Adalut having maturely considered the Summary of the evidence taken before the Agent, his Statement of the grounds for a conviction, and his opinion as to the punishment which should be awarded to the accused, resolve to confirm the proposed sentence of fourteen years imprisonment with labor in irons on the prisoners

Sumseevagadoo

(a)

Byjoo

Ordered

19th May 1846.

Ordered, that Extract from these proceedings be sent to the Agent to the Govmt of Fort St. George at Rumnad for his information.—

Cleut in No. 816.

Read again Criminal Reports under date the 12th December 1846 submitted by the Subordinate Judge of Madura for the month of November 1846.—

(Here enter P.C. No. 1369 of 1846.)

Read also return under date the 2d Instant from the Acting Sessions Judge of Madura to the precept of the Conjeeveram Adawlut dated the 15th January last, directing that Officer to call up the records of Cases Nos. 172, 180, 185, 195, 205 and 215 in the foregoing Criminal Reports and to pass such orders as he should think proper reporting the same for the information of the Conjeeveram Adawlut.—

(Here enter P.C. No. 1420 of 1846.)

1. The Acting Sessions Judge submits with his return an Extract from the Proceedings held by him on the cases referred to.—

Case No. 172. 2. The Acting Sessions Judge will be pleased to submit an Extract from the Proceedings of his Court under date the 26th November last shewing

shewing the grounds on which he approved of the disposal of the case by the Criminal Court.—

Case No. 185. 3. The Court of Conjeeveram Adawlut observe that the apparent apathy of the Prosecutor in this case rendered it the more incumbent upon the Subordinate Judge to institute a strict enquiry into the cause of the death of the deceased and adverting to the statement of two witnesses who deposed to the commission of an assault by them of the Prisoners, the Court resolve to direct that the Acting Sessions Judge will submit a more detailed explanation of the grounds on which he approved of the unconditional release of all the Prisoners ordered by the Subordinate Judge.—

Case No. 195. 4. The Court of Conjeeveram Adawlut desire to be furnished with an Extract from the Proceedings of the Sessions Court under date the 4th November 1846 affirming the sentence passed in this case by the Pundit Sudr Ameen, as they observe that a separate sentence should have been awarded for the escape prowd against the Prisoners in this case to take effect on the expiration of the punishment adjudged for the offence

offence which originally led to his confinement.—

Case No. 215. 6. The Court of Sonjdaree Adawlut observe that the Extract from the Proceedings of the Session Court under date the 12th December last overruling the sentence passed in this case by the Punchait Sudr Ameen should have been forwarded as an appendix to the Monthly Criminal Reports, and they desire that it may be now submitted by the acting Session Judge.—

Ordered, that Extract from these Proceedings be sent to the acting Session Judge of Madura for his information and guidance by precept returnable within X days from and after its receipt.—

(Sent following Precept No. 817.

Ordered, also that Extract from these pro=ceedings/Paras 5/ be sent to the Subordinate Judge of Tinnevelly for his information and future guidance.—

(Sent in No. 818.

Read Calendars of Cases Nos. 19 and 22 on the file of the Session Court at Salem submitted under date the 28th Ultimo by the Session Judge.—

(Here enter Cir. No. 1362)

Case No. 19. 1. The prisoners in this case were charged with having armed with weapons entered the Sheds of the Prosecutors after knocking down the Shed of the 1st

1st Prosecutor, and ill-treated the 1st and 2d Prosecutors and the 3d Prosecutors sons and farm servants and also with having robbed them of property belonging to the 1st Prosecutor valued at Rupees 2-4- to the 2d Prosecutor valued at Rupees 3-12- and the 3d Prosecutors sons and farm servants valued at Rupees 10-3-6.—

3. The Session Judge concurring in the Futwa of the Law Officer which convicts all the prisoners of the crime laid to their charge, has recorded against them the prescribed sentence of Imprisonment with hard labor in irons for the period of 14 years, but being of opinion with reference to the prevailing scarcity of food in Salem and to the absence of aggravating circum=stances attendant on the commission of the robbery that the prescribed punishment would be too severe recommends that the 1st and 3d to 9th Prisoners be severally sentenced to 7 years imprisonment with hard labor in irons, and exempting to the extreme youth of the 2d prisoner, a lad of apparently 15 years proposes that the period of Imprisonment awarded be in his case reduced to 2 years—

Case No. 22. 3. The prisoners in this case were charged with having entered the 1st Prosecutors house by forcibly opening the door, broken open the box of the

the room and robbed therefrom property belonging to the 1st and 4th Prosecutors valued at Rupees 31-12-6 and with having at the same time entered the house of the 2d Prosecutor by opening the door and attempted to commit a robbery, and also with having examined the Granary outside the door of the 2d Prosecutor with a similar purpose.—

4.

The Sessions Judge concurring in the Opinion of the Law officer which convicts the 1st 2d 5th 7th 8th 9th 10th and 11th Prisoners of the offences charged against them and declares suspicion to attach to the 3d 4th 6th and 12th Prisoners, has sentenced the 1st, 2d, 8th 7th 8th 9th 10th & 11th Prisoners severally to imprisonment with hard labor in irons for the period of 14 years but for the reasons adduced in favor of the mitigation proposed by him in the preceding number recommends that the prescribed period of imprisonment be reduced to 4 years.—

5th

The Sessions Judge has required the 3d 4th and 6th Prisoners to furnish security in two sureties bound in the sum of Rupees 10 each for the period of one year or in default to be imprisoned for a similar period.—

6.

No sentence has been recorded against the 12th Prisoner, that individual having been

sentenced

sentenced to 18 months imprisonment with hard labor in irons for cattle stealing in Criminal Case No. 42 of 1846.—

7.

Adverting to the recent prevalence of Gang robberies by night in the Zillah of Salem, the Court of Foujdaree Adawlut consider that the sentences proposed in these cases by the Sessions Judge would be insufficient to meet the demands of justice, but concurring in the opinion of that officer that the prescribed punishment would be too severe they resolve to sentence the prisoners not marginally to imprisonment with hard labor in irons on the public roads or other public works for and during the period of eight years and the prisoner Kroney an to imprisonment with hard labor in irons on the public roads or other public works for and during the period of four years.—

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

(Sent in No. 819.

Read again Report of cases tried

by

Case No. 19.

1st Poyan Lachaparaman
2d Ashen
4th Sundanen
6th Curopen
5th Conga sara Auron
7th Vbraya pien ahais Sadayen
8th Cungon ahais Modalay
9th Pulany

Case No. 22.

1st Pura Paryandy.
2d Vellay.
5th Parpa Pothon
7th Thorikulay
8th Ponnen
9th Nunday
10th Chinna Pillay
11th Coppen

by the Magistrate of Cuddalore under the provisions of Section LIV Act VII of 1843 during the Months of March 1846 submitted under date the 13th Instno by the Acting Magistrate.—

(Here enter C. D. No. 1216)

Read also return under date the 4th Instant from the Sessions Judge of Cuddalore to the precept of the Court of Circuit dated the 29th Ultimo directing that Officer to call up the record of the case No. 1 contained in the foregoing Report and to pass such orders as he should think proper reporting the same for the information of the Court of Circuit.—

(Here enter C. D. No. 1413 of 1846.)

1. The Sessions Judge submits with his return an Extract from the Proceedings of his Court under date the 2d Instant annulling the sentence awarded to the 2d Prisoner in the case above referred to and ordering the commitment of that individual to the Criminal Court for re-trial on the charge preferred against him, and affirming the disposal of the case by the Acting Magistrate with reference to the remaining Prisoners.—

2. The Court of Circuit direct approve of the orders passed in this case by the Sessions

19th May 1846.

Judge.—

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

(Sent in No. 820.

Read Calendar dated the 7th Instant submitted by the Sessions Judge of Trichinopoly in Case No. 7 of 1846.—

(Here enter No. 1483)

The Court of Circuit direct consider this case has been judiciously disposed of by the Sessions Judge.—

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

(Sent in No. 821.

Read again Criminal Reports under date the 12th March 1846 submitted by the Subordinate Judge of Madura for the Month of February 1846.—

(Here enter C. D. No. 667 of 1846)

Read also communication under date the 28th Ultimo from the Magistrate of Madura.—

(Here enter C. D. No. 1386 of 1846)

1. Adverting to the remarks recorded by the Magistrate regarding the delay in the reference made by the Head of District Police in Case No. 42 of the foregoing Criminal Report the

the Court of Enquiry are desirous that the Head of Police may be required to state the actual cause of the delay in question.—

2. This information the Court observe should have been called for and submitted by the Magistrate who has contended himself with recording the result of his own surmises as to the probable nature of the delay.—

3. The Subordinate Judge should have pointed out to the Magistrate the number of the case to which the remarks recorded in para 12 of this Court's Proceedings under date the 12th March last had reference, in order that the latter officer might have an opportunity of adopting such measures as he might deem proper, regarding the delay therein adverted to.—

4. This omission must be now supplied.—

Ordered, that Extract from these Proceedings be sent to the Magistrate of Madura for his information and guidance by speedy return = able within XV days from and after its receipt.—

(Sent following Precept No. 6241

Ordered also, that Extract from these Proceedings — (paras 3 and 4) and of paras 2 and 3

of

19th May 1846.

of the Magistrate's communication under notice be sent to the Subordinate Judge of Madura for his information and guidance.—

(Sent in No. 823.

Read again Criminal Reports under date the 11th Instant submitted by the Sheristeen in charge of the Subordinate Court at Bellary for the month of March 1846.—

(Here enter C. D. No. 1316)

Read also communication under date the 29th Instant from the Subordinate Judge of Bellary forwarding an appendix to the foregoing Criminal Reports containing Extracts from the Proceedings of the Sessions Court.—

(Here enter C. D. No. 1389)

Adverting to the remarks recorded in the Extract from the Proceedings of the Sessions Court dated 18th April 1846 on Case No. 63 of the foregoing Criminal Reports, the Court of Enquiry deem desirous to be informed of the results of the enquiry which the Magistrate has been directed to institute into the conduct of the Head of District Police in the case adverted to.—

Ordered, that Extract from these Proceedings be sent to the Magistrate of Bellary

for

for his information and guidance by precept returnable within XX days from and after its receipt:—

(Sent following Precept No. 824.

Read communication under date the 18th Instant, from the Sessions Judge of Tinnevelly.—

(Here enter P.R. No. 1292)

1. In this communication the Sessions Judge submits for the consideration and orders of the Judges of the Sudder Adawlut copy of a memorandum received from the officiating Principal Sudr Ameen together with the opinion recorded by the Mahommedan Law officer on a question put to him in which he declared that the offence charged in case No. 87 of 1826 re-opened in conformity with the orders of the Sudder Adawlut under date the 3d December last is not punishable under the provisions of the Mahomedan Law.—

2. The Sessions Judge suggests that the question and answer adverted to be referred to the Cazee ool Cozzat for his opinion as to the correctness of the Mooftee's interpretation.—

3. The Court of Sudder Adawlut observe that the question put by the officiating Principal Sudr Ameen was whether "a prisoner charged with having attempted to bribe a public servant of the Collector by offering

offering him a sum of money, noted in a Cadjan chit, as an inducement to use his interest with the Collector in order to the removal of certain suspicions entertained by that Gentleman against the prisoner, and to a favorable view being taken of a case in which the Prisoner then stood before the Magistrate, is punishable by the Mahomedan Law, and if so, how?"—

4. The Court of Sudder Adawlut are not satisfied that they clearly understand the precise object of the bribe referred to in the foregoing question and they accordingly resolve to direct that the Sessions Judge will state in more specific terms the purpose which the Prisoner sought to effect in offering the bribe adverted to.—

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

(Sent following Precept No. 825.

Read letter dated the 29th Ultimo from the Sessions Judge of Honore, submitting the English translation of the Record of trial in Case No. 8 on the Calendar for 1826.—

(Here enter No. 1424)

The

19th May 1846.

Mr. Waters,
and
Mr. Boileau,

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

"Ellen"

is sufficient to convict him of the crime of Murder, do convict him thereof; but, being of opinion under the circumstances of the case, that the punishment to which the prisoner is liable under the provisions of Section X, Regulation VIII of 1802, would in this instance be too severe, the Court, under the provisions of Clause third, Section III Regulation I of 1825, sentence the prisoner to be transported to such place or places beyond Sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of his natural life —

(Sent following letter No. 826.

Read again letter dated 20th March last, from the Sessions Judge of Tinnevelly, submitting the English translation of the Record of trial in Case No. 8 on the Calendar for 1846 —

(Here enter No. 1046 of 1846.)

Read

23rd May 1846.

19th May 1846.

Read also return dated 21st Instant, from the Sessions Judge of Tinnevelly, to the precept of the Enquiry Adjutant under date the 14th April last, requiring the submission of translations of the different declarations on oath made by the prisoner in Case No. 8 of 1846 —

(Here enter No. 1309 of 1846)

Mr. Waters,
and
Mr. Boileau,

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

"Vellein"

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession of the crime of Perjury, do acquit him thereof, and direct that he be unconditionally released —

1. The Court of Enquiry Adjutant having attentively perused the entire record of this case are of opinion that the contradictory statement on which the charge against the Prisoner is based, this obviously suggested by corrupt motives, were immaterial to the issue of the Judicial enquiry at which they were made, and are therefore insufficient to warrant the conviction

of

of the Prisoner on the charge of perjury.—

2. The Court of Conjeveram Adalut observe that the statement of the Prisoner that he saw the Prosecutor sitting wounded in or near the House of the accused Sampathaven, as it did not prove that the latter was the person who wounded him, could not in any way affect the result of the trial.—

3. The Court accordingly resolve to direct the Prisoner's unconditional release.—

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

(Sent in No. 827.

Read Criminal Report under date the 7th Instant submitted by the Officiating Principal Sudr Ameen of Chingleput for the Month of March 1826.—

(Here enter C.C. No. 1222 of 1826.)

Supplemental Report Case No. 32. 1. The Acting Magistrate will be pleased to notice the irregular conduct of the Head of District Police in taking evidence for the defence in this case which was obviously beyond his jurisdiction.—

Report No. V. Case No. 67. 2. Adverting to the nature of the offence proved against the 1st prisoner in this case the Court of

C.C.:

19th May 1826.

of Conjeveram Adalut observe that the sentence should have been passed under the provisions of Clause fourth Section IV of the Regulation quoted.—

Cases Nos. 58. 59. 64. 66. 3. The Court of Conjeveram Adalut require an explanation of the great delays which occurred in the transmission of these cases to the Criminal Court.—

Case No. 63. 4. In order to judge of the propriety of the commitment of this case the Court of Conjeveram Adalut desire to be informed whether the prisoner was shown to be aware of the aggravating circumstance attendant on the theft in the commission of which the stolen property was obtained which he was charged with having received, Viz. the value of the property in question being above Rupees 100.—

5. The Court of Conjeveram Adalut are of opinion that in all cases in which no reasons are assigned by Heads of Police for delays occurring in their transmission to the Criminal Courts, the Lower Court should report the same to the Sessions Judge in order to that Officer obtaining from the Magistracy the required

required information which should be submitted to the Conjedara Adalut if possible with the Monthly Criminal Reports.

Ordered, that Extract from these Proceedings be sent to the officiating Principal Sudr Ameen of Chingleput for his information and for communication of paras 1 and 3 to the Acting Magistrate; for the information and guidance of that officer and for report direct to the Conjedara Adalut by precept returnable within X days from and after its receipt.—

(Sent following Precept No. 828.

Read letter dated 9th Instant from the Sessions Judge of Masulipatam &c.

submitting the English translation of the Record of trial in Case No. 6 on the Calendar for 1826.

(See also No. 1557 of 1826)

Mr. Waters. and Mr. Lewin,

The Court of Conjedara 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 "Linigumgoonta Reddy" is sufficient to convict him of the crime of theft, do

do convict him thereof; and under the provisions of Section XXI Regulation VII of 1802 and the provisions of the Mahommedan Law as declared in futwas of their Law officers which annex the penalty of amputation of one limb to that offence, 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.—

And the Court of Conjedara Adalut have no doubt that the opinion which has from first to last been formed by the Sessions Judge in this case, is correct, it appears to them that the proofs do not go to more than the commission of theft and they think a sentence exceeding 7 years imprisonment cannot be passed.—

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

Sess. J.

(Sent following Letter No. 829.

F. C.
23d May 1826

23d May 1846

+

J. W.

Wednesday, 20th May, 1846.

At a Court of the Fouzdaree Adalut.

Present

G. I. Waters Esqre. ____ 1st. Puisne Judge

Malcolm Lewin Esqre. ____ 2d. Puisne Judge

J. E. I. Boileau Esqre. ____ 3d. Puisne Judge.

Read Report of cases pending before the Session Court at Tinnevelly up to the 30th. April 1846. in which the trial has been delayed beyond 25 days, submitted under date the 1st. Instant by the Session Judge.-

(Here enter S. C. No. 141 of 1846)

Cases Nos. 4, 20 of 1846, 26, 27 and 32.

The Court of Fouzdaree Adalut.- consider the non arrival of the three witnesses summoned from Madras at the request of the 1st. Prisoner altogether insufficient to warrant the delay which has occurred in the conclusion of the trial as regards the 13 remaining prisoners and they accordingly direct that the case be disposed of forthwith as respects the 13 prisoners adverted to.-

Ordered, that Extract from these Proceedings be sent to the Session Judge of Tinnevelly for his information and guidance.-

(Sent in No. 830.)

Read

Read Calendar of case No. 7 of 1846. on the file of the Sessions Court at Madura submitted under date the 6th. Instant by the Acting Sessions Judge.-

(Here enter F. C. No. 1481 of 1846).

1. The Prisoners in this case were charged with having at night made an opening in the Prosecutors house and stolen therefrom property valued at Rupees 157-4.-

2. The Acting Sessions Judge concurring in the Futwa of the Law officer which convicted the 2nd. 3rd. and 4th. Prisoners of the crime laid to their charge and declared them liable to Hud and 1st. and 5th. Prisoners to labor under slight suspicion has ordered the unconditional release of the ~~two~~ latter mentioned prisoners and has sentenced the 2nd. 3rd. and 4th. severally to Imprisonment with hard labor in irons for the period of seven years, the authority quoted for such sentence being Clause first Section V and Clause third Section II Regulation XV of 1803 and Section XXI Regulation VII of 1802.-

3. The Court of Foujdaree Adalut observe that the above prisoners having been convicted of Housebreaking by night and declared liable to Hud the provisions of Section XXI Regulation VII of 1802. alone should have been quoted in support of

of the sentence passed.-

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

(Sent in No. 831.)

Read Calendar in Case No. 7. of 1846. on the file of the Sessions Court at Trangalore submitted under date the 2nd. Instant by the Sessions Judge.-

(Here enter F. C. No. 1484 of 1846)

1. The prisoners in this case were charged with having in company with others unknown entered the Prosecutrix's house by an open door, assaulted the Prosecutrix and the inmates of her house and plundered therefrom property valued at Rupees 43-2-4.-

2. The Sessions Judge concurring in the verdict of the jury which acquitted the prisoners of the crime laid to their charge, but pronounced them liable to suspicion, has directed them severally to produce ~~two~~ sureties in the sum of Rupees 50 each for the period of two years or in default to be imprisoned for a similar period.-

3. The Court of Foujdaree Adalut desire that the Sessions Judge will state for their information the grounds of the acquittal recorded by the

the Jury in favor of the Prisoners in this case.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Mangalore for his information and guidance by Precept returnable within V days from and after its receipt.—

(Sent following Precept No. 882).

Read return dated the 6th. Instant from the Principal Sudr. Ameen of Cuddalore to the precept of the Foujdaree Adalut under date the 28th. Ultimo, directing to be informed of the measures adopted regarding the conduct of the Village Moonsiff in case No. 21 of 1846.

(Here enter F. C. No. 1441 of 1846)

Read report dated the 1st. Instant submitted by the Sessions Judge of Cuddapah of cases pending on the 31st. March and committed for trial during the Month of April 1846.—

(Here enter F. C. No. 1442 of 1846).

Read Calendar in Case No. 14 of 1846. submitted by the Acting Sessions Judge of Madura under date the 5th. Instant.—

(Here enter F. C. No. 1443 of 1846).

Read Calendar in Case No. 19 of 1846. submitted by the Acting Sessions Judge of Madura under date the 5th. Instant.—

(Here enter F. C. No. 1444 of 1846).

Read report dated the 1st. Instant

Submitted

submitted by the Sessions Judge of Honore of cases pending on the 31st. March and committed for trial during the Month of April 1846.—

(Here enter F. C. No. 1455 of 1846)

Read Statement dated the 24th. Ultimo submitted by the Sessions Judge of Mangalore of the actual produce of the labor of the Prisoners, and the application of the Fund arising therefrom from 1st. January to 31st. March 1846, furnished with reference to Circular Order No. 88 dated 9th. January 18[illegible].

(Here enter F. C. No. 1456 of 1846)

Read return dated the 4th. Instant from the Sessions Judge of Mangalore to the precept of the Foujdaree Adalut under date the 23d. Ultimo directing him to call up the record of case No. 36 of 1846. on the Criminal File and to pass such orders as he may think proper, reporting the same for the information of the Foujdaree Adalut.—

(Here enter F. C. No. 1457 of 1846).

Read letter dated the 5th. Instant from the Sessions Judge of Cuddapah, reporting the execution of the Prisoner Immadoola Zullee Gooroovadoo in case No. 14 of the Calendar for 1846.—

(Here enter F. C. No. 1458 of 1846)

Read report dated the 6th. Instant submitted by the Sessions Judge of Masulipatam

of

of Casualties and of Prisoners released in the Month of April 1846.—

(Here enter F: G: No. 1459 of 1846).

Read report dated the 6th. Instant submitted by the Sessions Judge of Masulipatam of Convict labor for the Month of April 1846.—

(Here enter F: G: No. 1460 of 1846).

Read return dated the 7th. Instant from the Magistrate of Tanjore to the precept of the Foujdaree Adalut under date the 28th. Ultimo returning the Report of cases tried by the Magistracy under Section LIV Act VII of 1843 in March 1846.—

(Here enter F: G: No. 1461 of 1846)

Read return dated the 5th. Instant — from the Agent to the Governor of Fort St. George at Vizagapatam to the precept of the Foujdaree Adalut under date the 18th. Ultimo and returning for cancel- = ment the Sentence of the Foujdaree Adalut under date the 16th. March 1846. together with its accompani- = ment.—

(Here enter F: G: No. 1462 of 1846).

Read return dated the 6th. Instant from the Subordinate Judge in charge of the Session Court of Rajahmundry to the precept of the Foujdaree Adalut under date the 29th. Ultimo, directing him to call up the record of case No. 25 of 1846. and to pass such —

Orders

F: G:
23d. May 1846.

20th. May 1846.

Orders as he may think proper reporting the same to the Foujdaree Adalut.—

(Here enter F: G: No. 1463 of 1846).

Read return dated the 6th. Instant from the Subordinate Judge of Rajahmundry to the precept of the Foujdaree Adalut under date the 29th. Ultimo requiring explanation to the Remarks of the Court on the Criminal Reports for the Month of March 1846.—

(Here enter F: G: No. 1463 of 1846).

Read Extract dated the 6th. Instant from the Acting Session Judge of Coimbatore — stating that the Remarks of the Foujdaree Adalut — contained in their Proceedings of the 2nd. Instant were communicated to the Principal Sudr Ameen.—

(Here enter F: G: No. 1468 of 1846).

Read report dated the 6th. Instant, submitted by the Magistrate of Trichinopoly of cases tried by the Magistracy under the provisions of Section LIV Act VII of 1843 during the Month of April 1846.—

(Here enter F: G: No. 1474 of 1846).

Read Criminal Reports dated the 9th. Instant submitted by the Session Judge of — Chingleput for the Month of April 1846.—

(Here enter F: G: No. 1473 of 1846)

Read

20th May 1846.

Read Criminal Reports dated the 5th Instant submitted by the officiating Principal Sudr Ameen of Masulipatam for the month of April 1846.—

(Here enter F. C: No. 1477 of 1846).

Read Criminal Report dated the 30th Ultimo submitted by the Session Judge of Chicacole for the months of April 1846.—

(Here enter F. C: No. 1478 of 1846).

Read Calendar in Case No. 31 of 1846 submitted by the Session Judge of Tinnevelly under date the 5th Instant.—

(Here enter F. C: No. 1482 of 1846).

Read Calendar in Case No. 8 of 1846. submitted by the Session Judge of Mangalore under date the 2d Instant.—

Ex. N.S.

(Here enter F. C: No. 1485 of 1846).

23d May 1846

F. C.

Thursday.
21st May 1846

At a Court of the Foujdaree Adalut

Present

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

Read Extract from the Minutes of Consultation dated 26th January 1846, No. 54. communicating a copy of an Extract from a General Letter from the Honorable the Court of Directors dated 8th October 1845— No. 20

(Here Enter No. 1901)

The Court of Foujdaree Adalut are glad that it is in their power to report that, of the four Escaped Convicts referred to in para 36 of the General Letter Communicated in the above Extract, the two principal offenders were apprehended in the district of South Arcot on the 20th January 1842, but the Judges regret that the Records

para 36. Ex. Mins of Cons.

of

21st May 1846

their Court do not show that the two prisoners who at the time of their escape were about to be tried for highway robbery, have as yet been captured.-

Ordered, that Extract from these Proceedings be sent to the Secretary to Government in the Judicial Department for submission to the Most Noble the Governor in Council.-

/ Sent in No. 833. /

Read Supplemental report and report No. V submitted by the Principal Sudr Ameen of Guntoor under date the 12th Instant. of persons apprehended in the Zillah of Guntoor for the month of April 1846- together with a statement of Batta paid to the Prosecutors and witnesses who have attended during the said month-

/ Here Enter Jdl No. 1542 of 1846 /

Read Calendar of Case No. 8 of 1846 Submitted by the Acting Sessions Judge of Calicut under date the 9th Instant-

/ Here Enter Jdl No. 1540 of 1846 /

Read

21st May 1846

Read Criminal Reports submitted by the Sessions Judge of Tanjore under date the 7th Instant for the month of April 1846-

/ Here Enter Jdl No. 1550 of 1846 /

Read Criminal Reports submitted by the Sessions Judge of Salem under date the 15th Instant for the Month of April 1846-

/ Here Enter Jdl No. 1552 of 1846 /

Read return under date the 13th Instant from the Saboordinate Judge of Salem, to the precept of the Foujdaree Adalut under date the 5th Instt, conveying their remarks on the Criminal Reports for the month of March last-

/ Here Enter Jdl No. 1553 of 1846 /

Read report dated the 12th Instant submitted by the Magistrate of Tanjore. of Cases tried by the Magistracy under the provisions of Section IIIV Act VII of 1843-

/ Here Enter Jdl No. 1539 of 1846 /

Read

21th May 1846

Read petition dated the 15th Instant from the Sessions Judge of Nellore to the precept of the Foujdaree Adalut under date the 7th Instt, conveying their remarks and orders on the Criminal Reports of the Principal Sudr Ameen of Nellore for the Month of March 1846.

(Here Enter F.C. No. 1561 of 1846)

Read Statement submitted by the Agent to the Governor of Fort St. George at Kurnool under date the 13th May 1846 of Extra Peons employed in the Jail at Kurnool in the Month of April 1846.-

(Here Enter F.C. No. 1567 of 1846.)

Read Calendar submitted by the Agent to the Governor of Fort Saint George at Kurnool of Cases referred for final Sentence of the Foujdaree Adalut for the Month of April 1846.)

(Here Enter F.C. No. 1569 of 1846.)

F.C.

F.C.

Friday 22nd May 1846.

At a Court of the Foujdaree Adalut.

Present,

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

Malcolm Lewin Esqre ——— 2d Puisne Judge,

J. C. J. Boileau Esqre ——— 3d Puisne Judge.

Read, return dated the 5th May 1846 from the Sessions Judge of Chingleput to the precept of the Foujdaree Adalut under date the 4th Instt, annulling the sentence passed by the Sessions Judge in case No. 9 of 1846, directing the release of the prisoner Gungan

(Here Enter F.C. No. 1644 of 1846)

1 The Sessions Judge reports the release of the prisoner referred to, but states that he was tried under Clause first, Section III Regulation VII of 1811 for giving intentionally and deliberately by a false deposition before the Sessions Court, and not for having given two contradictory depositions-

2 Under the above circumstances

21st May 1846

Read return dated the 15th Instant from the Sessions Judge of Nellore to the precept of the Foujdaree Adalut under date the 7th Instt, conveying their remarks and orders on the Criminal Reports of the Principal Sudr Ameen of Nellore for the Month of March 1846.

(Here Enter FH No. 1561 of 1846.)

Read Statement submitted by the Agent to the Governor of Fort St. George at Kurnool under date the 13th May 1846 of Extra Peons employed in the Jail at Kurnool in the Month of April 1846.-

(Here Enter FH No. 1567 of 1846.)

Read Calendar submitted by the Agent to the Governor of Fort Saint George at Kurnool of Cases referred for final Sentence of the Foujdaree Adalut for the month of April 1846.

(Here Enter FH No. 1569 of 1846.)

Exd. F.S.

FH.

Friday 22nd May 1846.

At a Court of the Foujdaree Adalut.

Present,

G. J. Masters Esqre ——— 1st Puisne Judge,

Malcolm Lewin Esqre ——— 2d Puisne Judge,

T. E. J. Boileau Esqre ——— 3d Puisne Judge.

Read, return dated the 5th May 1846 from the Sessions Judge of Chingleput to the precept of the Foujdaree Adalut under date the 4th instt, annulling the Sentence passed by the Sessions Judge in Case No. 9 of 1846, directing the release of the prisoner therein

(Here Enter FH No. 1544 of 1846.)

1 The Sessions Judge reports the release of the prisoner referred to, but states that he was tried under Clause first, Section III Regulation VII of 1811. for giving intentionally and deliberately a false deposition before the Sessions Court, and not for having given two contradictory depositions.

2 Under the above circumstances

circumstances the Court of Foujdaree Udalut fail to understand why the Prisoner's testimony before the Sessions Court was put in contradistinction with that given before the Police and both proved by evidence as being contradictory the one to the other. It is needless to observe that a Prisoner denying on oath his prior averments before the Police is not liable to commitment for Perjury for the bare fact of his admissions before the District officer will not constitute sufficient grounds for the charge or conviction, but if, as the Sessions Judge observes, he was committed under clause first, Section III, Regulation VII of 1811, for giving a wilfully false deposition before the Sessions Judge, then, the trial ought to have been held under that Provision and rules of procedure, and the facts of the case to which he forswore, if material to the issue of the trial, ought to have been established by independent evidence in opposition to his statements

Statements-

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

Sent in No 838. /-

Read letter dated the 12th Instant from the Sessions Judge of Tellicherry submitting the record of the trial in case No 2 on the Calendar for 1846-

Mr G J Waters.

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

1st Kannegerry Kellon-

is sufficient to convict him of the crime of Assault and Wounding, for which according to the Shahomedan Law as declared in Futwas of their Law

22ª May 1846

Law officers discretionary punishment is awardable, do convict him thereof; and with reference to the provisions of Clause third Section VII Regulation XV of 1803, and Section XXXV Act VII of 1843, 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.-

In the opinion of the Fouzdaree Adalut there can be no doubt of the Prisoner's guilt, and as the atrocious offence proved against him is shown to have endangered the life of the prosecutor, and is moreover (as observed by a judicious remark in the Futwa) an offence seriously affecting the peace of a whole Family and by consequence the interests of the community at large the Court of Fouzdaree Adalut approve and

F. C.

22ª May 1846.

and confirm the sentence of transportation proposed by the Sessions Judge.

2. The Sessions Judge is informed that he should have examined on oath the Medical Officer who attended the Prosecutor.-

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

(Sent following letter Nº 839.)

Read Calendar of Case Nº 6 of 1846 from the Sessions Judge of Canara under date the 9th May 1846.-

(Here Enter F.C. Nº 1575 of 1846)

Read Calendar of Case Nº 293 of 1846 submitted by the Sessions Judge of Tanjore under date the 11th May 1846.-

(Here Enter F.C. Nº 1576 of 1846)

Read Calendar of Case Nº 8 of 1846 submitted by the Sessions Judge of Trichinopoly under date the 15th May 1846.-

(Here Enter F.C. Nº 1577 of 1846)

Read Criminal Reports submitted by

22ª May 1846

Law officers discretionary punishment is awardable, do convict him thereof, and with reference to the provisions of Clause third Section VII Regulation XV of 1803, and Section XXXV Act VII of 1843, 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.—

In the opinion of the Fonjdaree Adalut there can be no doubt of the Prisoner's guilt, and as the atrocious offence proved against him is shown to have endangered the life of the prosecutor, and is moreover (as observed by a judicious remark in the Futwa) an offence seriously affecting the peace of a whole Family and by consequence the interest of the community at large the Court of Fonjdaree Adalut approve and

F. A.

22ª May 1846.

and confirm the sentence of transportation proposed by the Sessions Judge.

2 The Sessions Judge is informed that he should have examined on oath the Medical Officer who attended the Prosecutor.—

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

(Sent following letter № 839.)

Read Calendar of Case № 6 of 1846 from the Sessions Judge of Coimbatore under date the 9th May 1846.

(Here Enter F.A. № 575 of 1846)

Read Calendar of Case № 29 of 1846 submitted by the Sessions Judge of Tinnevelly under date the 11th May 1846.—

(Here Enter F.A. № 576 of 1846)

Read Calendar of Case № 8 of 1846 submitted by the Sessions Judge of Pulicinopoly under date the 15th May 1846.—

(Here Enter F.A. № 577 of 1846)

Read Criminal Reports submitted by

F. C.
22d M. 1846

22 22d May 1846.

by the Sessions Judge of Tinnevelly under date the 1st May 1846, for the month of April last—

/ Here Enter Fl. No. 1583 of 1846 /

Read Calendar of Case No. 12 of 1846 submitted by the Acting Sessions Judge of Coimbatore under date the 5th May 1846—

/ Here Enter Fl. No. 1598 of 1846 /

Read Calendars of Cases Nos. 16 33 and 34 submitted by the Sessions Judge of Tinnevelly under date the 15th May 1846.

/ Here Enter Fl. Nos. 1627-1628-1629 of 1846 /

Read Calendar of Case No. 6 of 1846, submitted by the Sessions Judge of Masulipatam under date the 11th May 1846.

/ Here Enter Fl. No. 1642 of 1846 /—

Entd. W.A.

F. U.

Saturday,
23rd. May 1846.

At a Court of the Foujdaree Udalut.

Present.

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

Read letter dated the 24th. Ultimo from the Subordinate Judge of Chittoor stating the causes of the unfitness for road labour of certain Convicts in the Jail at Chittoor.—

(Here enter No. 1318).

Adverting to the remark of the Subordinate Judge that in the Convict statement referred to "there is no column for convicts whose "unexpired terms of imprisonment are under six "months" the Court of Foujdaree Udalut would point out for the Subordinate Judges information, that the statement in question is intended to show how many Convicts whose unexpired sentences of imprisonment exceed six months are in Jail, in view to transfers of such Convicts being made should a necessity arise and that under such circumstances it is needless to insert in the Return the numbers of those who are not available for that

F. U.

F. U.

Saturday
23rd. May 1846.

At a Court of the Foujdaree Adalut.

Present.

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

Read letter dated the 24th. Ultimo from the Subordinate Judge of Chittoor stating the causes of the unfitness for road labour of certain Convicts in the Jail at Chittoor.—

(Here enter No. 1318).

Adverting to the remark of the Subordinate Judge that in the Convict statement referred to "there is no column for convicts whose "unexpired terms of imprisonment are under six "months" the Court of Foujdaree Adalut would point out for the Subordinate Judges information, that the statement in question is intended to show how many Convicts whose unexpired sentences of imprisonment exceed six months are in Jail, in view to transfers of such Convicts being made should a necessity arise and that under such circumstances it is needless to insert in the Return the numbers of those who are not available for

that

that purpose —

Ordered that Extract from these —
Proceedings be sent to the Subordinate Judge of —
Chittoor for his information and guidance.—

(Sent in №. 843.)

Read letter dated the 22d. Ultimo,
from the Session Judge of Honore forwarding the
Session Report for the year 1845.—

(Here enter №. 1355)

1.
Adverting to para: 16 of the above
Report in which the Session Judge proposes that
Civil Debtors be permitted to work for their own
benefit whilst in Jail, the Court of Foujdaree Udalut
resolve to request the Session Judge to submit a more
distinct proposition in regard of the subject adverted
to than that contained in the para: quoted from.—
2. The Court of Foujdaree Udalut —
further desire to be informed whether a savings
Bank has not been Established in the District of
Canara, under the control and management of the
Collector.—

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

(Sent following Precept №. 844)

Read

F. C.
23d. May 1846.

23d. May 1846.

Read return dated the 6th. Instant
from the Acting Session Judge of Madura to
the precept of the Foujdaree Udalut under date the
14th. Ultimo calling for an immediate report from
that officer on the circumstances of the death of
4 out of the 9 Prisoners charged in Case №. 60.
on the Calendar for 1845.—

(Here enter №. 1466).

The above communication appears
to require no further remark from the Court of
~~Foujdaree~~ Udalut as regards the mortality for which
cause has now been assigned; but they resolve
to request the Acting Session Judge to direct the
attention of the Subordinate Judge to their Circular
Order dated 12th. July 1830 **B** and to require its
strict observance whenever any unusual —
mortality may lead to the supposition that
Special measures of precaution or remedy —
may be expedient or desirable.—

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

(Sent in №. 845.)

Read the Criminal Reports
submitted by the Principal Sudr Ameen of
Vizagapatam

23d. May 1846.

Vizagapatam, for the Month of April 1846.—

(Here enter No. 1498).

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

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

(Sent in No. 846.)

Read the Criminal Reports submitted by the Principal Sudr. Ameen of Chingleput, for the Month of April 1846.—

(Here enter No. 1543)

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

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

(Sent in No. 847.)

Read Calendar dated the 4th. November 1845. submitted by the Sessions Judge of Coimbatoor in cases Nos. 51 and 52 of 1845.

(Here enter No. 3238 of 1845)

In the first of the two Calendars above entered, a Prisoner, Arnachellum, was charged with having

F. C.

23d. May 1846.

having struck the Prosecutor's father a blow with his fist on the left temple and thereby caused his death on the same evening.—

2. The trial was completed with the aid of two Jurors who convicted the Prisoner of the crime laid to his charge" concurring in their verd. the Sessions Judge sentenced the Prisoner to 8 years imprisonment with hard labor under Clause 1st. Section XV Regulation VII of 1802.—

3. The Court of Foujdaree Udalut get to gather of what offence the Prisoner has been convicted under the concurrent views of the Sessions Judge and Jurors.—

4. Assuming the Prisoner however to have been convicted of Manslaughter, the Court of Foujdaree Udalut are of opinion that sentence should have been declared under the provisions of clause seventh, Section II, Regulation XV of 1803, as it is obvious that a case tried by a Sessions Judge and a Jury cannot consistently be closed and punishment awarded under an authority which supposes the previous assistance of a Law officer, the delivery of a Futwah distinguishing the Class of homicide brought home to the accused, the nature of the evidence leading to the

prisoners

prisoner's conviction, whether amounting to full legal evidence or strong presumptive proof and the sum to be paid for the Deyut; all, however, of which necessary preliminaries are in this case, absent.—

5. A similar anomaly is observable in respect of the latter of the two Calendars under remark, wherein a servant, accused of having stolen certain images from his Master, is punished by the Sessions Judge, who disposed of the case with the aid of assessors, under Section XXI. Regulation VII of 1802.—

6. The Court of Foujdaree Adalut resolve therefore to bring to the notice of the Sessions Judge that they recently ruled that in cases of conviction for theft before a Sessions Judge sitting with a Jury, a Prisoner should be punished there being no wounding or serious personal injury under clause seventh Section II Regulation XV of 1803.—

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

(Sent in No. 848.)

Read return dated the 13th Instant from the Sessions Judge of Combaconum to the precept of the Foujdaree Adalut under date the 31st March 1846.

Conveying

conveying their observations on the 2nd half yearly Criminal Report of 1844 and requiring to communicate Paras 48 and 49 of their Proceedings to the Magistrate.

(Here enter F. R. No. 1553 of 1846).

Read return dated the 16th Instant from the Principal Sudr Ameen of Nellore to the precept of the Foujdaree Adalut under date the 7th idem containing their observations on the Criminal Reports receipt the Months of March 1846.—

(Here enter F. R. No. 1590 of 1846).

Read return dated the 14th Instant from the Sessions Judge of Tinnevelly to the precept of the Foujdaree Adalut under date the 7th idem pointing out that Clause Seventh Section II Regulation XV of 1803 should have been quoted as the authority for the Sentence in Case No. 14 of 1846. and directing that the necessary alteration be made accordingly.

(Here enter F. R. No. 1610 of 1846)

Read return dated the 16th Instant from the Acting Sessions Judge of Madura to the precept of the Foujdaree Adalut under date the 31st March 1846. directing him to communicate to the Magistrate of Madura paras. 48 and 49 of the Extract from their Proceedings of the above date on the Half yearly Criminal Reports for the 2nd half of 1844.—

(Here enter F. R. No. 1612 of 1846)

Read

23rd May 1846.

23rd

Read Criminal Reports dated the 11th Instant submitted by the Sessions Judge of Poona of the Sudr Ameen's Court at Sirur for the month of April 1846.-

(Here enter F. Cs. No. 1617 of 1846).-

F. C.

F. C.

Tuesday, 26th May 1846.-

At a Court of the Foujdaree Adalut

Present

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

Malcolm Lewin Esqre ——— 2nd Puisne Judge.

T. C. J. Boileau Esqre ——— 3rd Puisne Judge.

Read again Miscellaneous

Petition presented on the 19th January last, of the

R. Ramannah of Zillah Cuddapah.-

(Here enter F. M. P. No 7 of 1846.)

Read also return under date the 2nd Ultimo, and supplemental Return dated the 7th Instant, from the Sessions Judge of Cuddapah, to the precept of the Foujdaree Adalut dated the 2nd March last, directing that Officer to submit an English Translation of the record in case No 48 of 1845, on the file of the Sessions Court.-

(Here enter F. C. Cs. No. 1072 and 1523.)

The Court of Foujdaree Adalut having had under their deliberate consideration the entire record of the case referred

23d May 1846.

23d J.

Read Criminal Reports dated the 11th Instant submitted by the Sessions Judge of Hooghly of the Sudr. Ameen's Court at Sirey for the month of April 1846.—

(Here enter F. Cs. No. 1617 of 1846).—

Tuesday, 26th May 1846.

F. C.

At a Court of the Foujdaree Adalut

Present

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

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

J. C. J. Bolleau Esqre. ——— 3d Puisne Judge

Read again Miscellaneous Petition presented on the 19th January last, by R. Ramanmah of Zillah Cuddapah.—

(Here enter F. M. P. No. 7 of 1846)

Read also return under date the 2nd Ultimo, and supplemental Return dated the 7th Instant, from the Sessions Judge of Cuddapah, to the precept of the Foujdaree Adalut dated the 2nd March last, directing that Officer to submit an English Translation of the record in case No. 48 of 1845, on the file of the Sessions Court.—

(Here enter F. Cs. Nos. 1072 and 1523)

The Court of Foujdaree Adalut having had under their deliberate consideration the entire record of the case referred

referred to in the foregoing Petition, are entirely satisfied as to the propriety of the conviction of the 3rd Prisoner, and of the sentence awarded to him by the Session Judge of which the Petitioner complains.-

2. The Court of Foujdaree Adalut accordingly resolve to dismiss the Petition.-

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

(Sent in No. 850)

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

Read again petition presented on the 23rd February last by Baby Chetty and another of Zillah Chittoor.-

(Here enter F. No. P. No. 34 of 1846.)

Read also return and supplemental return dated respectively the 17th Ultimo and 20th Instant, from the Session Judge of Chittoor, to the precepts of the Foujdaree Adalut dated the 6th Ultimo forwarding a translation of the foregoing petition, and directing

directing that Officer to submit an English translation of the record of the case No. 1 of 1846 on the file of the Sessions Court of Chittoor.-

(Here enter F. No. P. No. 261 and B. 1835 of 4 from Sessions)

1. The Court of Foujdaree Adalut having attentively perused the return record of the case, together with the observations contained in the Return of the Sessions Judge dated the 17th Ultimo, are of opinion that the evidence adduced by the Prosecutor and five Hindu witnesses, is totally worthless.- They accordingly resolve to dismiss the petition.-

2. The Court at the same time resolve that the Sessions Judge be informed that they entirely approve of his proceedings and sentence in the case referred to.-

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

(Sent in No. 857)

Ordered also, that Extract from these proceedings be furnished to the

26th May 1846.- the Petitioners upon their application.-

Read again Calendar of Case No 59 of 1845 on the file of the Sessions Court of Combaconum, submitted under date the 6th January 1846 by the Sessions Judge.-

(Hereunto T. P. No. 53 of 1846.)

Read also petition presented on the 27th Ultimo by Moottoowra Pethowenden of Zillah Combaconum.-

(Hereunto T. M. P. No. 85 of 1846.)

1. The object of this Petition is to induce the Court of Foujdaree Udalut to overrule the sentence awarded by the Sessions Judge to the 1st and 2nd Prisoners in the foregoing case, and issue orders for their release.-

2. Before passing any final orders on the matter of the Petition, the Court of Foujdaree Udalut resolve to forward a copy of its translation to the Sessions Judge, who will be pleased to submit, for the Court's consideration, any remarks he may have to offer upon the Petitioner's address, forwarding also therewith an English translation of the record of the trial referred to. The sentences passed

T. P.

26th May 1846.- passed on the 1st and 2nd Prisoners in question will be suspended until the transmission to the Sessions Judge of the final orders of the Court of Foujdaree Udalut.-

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

(Sent following precept No. 852.

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

Read petition presented on the 20th Ultimo by Soobbaroyadoo of Zillah Chittoor.-

(Hereunto T. M. P. No. 87 of 1846.)

1. The Petitioner complains of certain irregularities alleged to have been committed in the course of the investigation directed by the proceedings of this Court dated the 28th March last, in order to ascertain the competency of certain security tendered by the Petitioner on behalf of his brother the 2nd Prisoner in

Case

26th May 1846.

Case Nos 8 of 1845 on the file of the Sessions Court of Chittoor.-

2. The Court of Foujdaree Udalut observe that the matters of the foregoing address, has been disposed of in their proceedings under date the 11th Instant, which are final, and to which, the Petitioner is accordingly referred.-

3. Petition dismissed.-

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

Read petition presented on the 27th Ultimo by Tyluvoy of Zillah Cuddalore.-

(Here enter F. M. P. No 99 of 1846)

1. The object of this petition is to procure the release of the 1st Prisoner in Case No 3 of 1845 on the Cuddalore Calendar who was sentenced to 14 years imprisonment with hard labor in irons.-

2. The Court of Foujdaree Udalut see no reason to question the correctness of the sentence passed upon the Prisoner

26th May 1846.

Prisoner; and they accordingly resolve to dismiss the Petition.-

Ordered, that Extract from these proceedings be furnished to the Petitioner upon his application.-

Read petition presented on the 27th Ultimo by Ponnumbalah Vetty of Zillah Cuddalore.-

(Here enter F. M. P. No 104 of 1846)

1. This is an application for the release of the Petitioner's father, the 13th Prisoner in case No 77 on the Cuddalore Calendar for May 1845 who was sentenced to imprisonment for 14 years with hard labour in irons.-

2. The Court of Foujdaree Udalut see no reason to question the propriety of the sentence complained of and accordingly dismiss the Petition.-

Ordered, that Extract from these proceedings be furnished to the Petitioner upon his application.-

Read petition presented on the 11th instant by Moottooreddy of Zillah Cuddalore

26th May 1846.

Cuddalore, praying for the issue of orders directing the release of his brother Cheengalroya Reddy the Prisoner in case No. 20 of 1846 on the Calendar of the Sessions Court of Cuddalore.-

(Here enter F. Mo. P. No. 110 of 1846.)

1. The Court of Foujdaree Udalut decline complying with the prayer of the petition, as they cannot entertain the slightest doubt of the guilt of the Prisoner, whom, on a mature consideration of the trial of the case, they have sentenced to imprisonment for 14 years with hard labour in irons.-

2. Petition dismissed.-

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

Read petition presented on the 18th Instant by Ganapaty Pillay late Jafeldar of Coimbatore.-

(Here enter F. Mo. P. No. 113 of 1846.)

The Petitioner reiterates the prayer contained in his former petition, which was rejected by this Court's proceedings dated the 20th Ultimo.- *No. 72 of 1846.

The

F. Mo.

26th May 1846.

2. The Court of Foujdaree Udalut find nothing in the present petition which would justify them in altering the view they have already formed of the Petitioner's case; and they therefore, decline passing any further orders in the matter.-

3. Petition dismissed.-

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

Read again Calendar of case No. 70 of 1846 on the file of the Sessions Judge of Combaconum submitted under date the 17th February 1846.-

(Here enter F. Mo. No. 605 of 1846.)

Read again also return dated the 19th March last from the Sessions Judge of Combaconum, to the precept of the Foujdaree Udalut dated the 16th idem, directing the release of the prisoner in Case No. 9 of 1846.-

(Here enter No. 927.)

Read also return under date the 4th Instant from the same Officer, to the precept of the Foujdaree Udalut dated

the

26th May 1846.

the 29th Ultimo, requiring that their order of the 16th March last directing the release of the prisoner in the foregoing case be immediately carried into effect.-

(Here enter F.Rc. No. 1440 of 1846.)

In this return the Sessions Judge reports the release of the Prisoner in conformity with the orders of the Foujdaree Udalut, and requests that the question mooted in his previous return as to the legality of the annulment by the Foujdaree Udalut of a sentence passed by a Sessions Judge, merely on a consideration of the Calendar, may be submitted to Government for their decision.-

2. The Court of Foujdaree Udalut are of opinion that they would not be justified in making a reference to Government for the interpretation of an Act of which by law they are the legal interpreters and they accordingly decline to comply with the request made by the Sessions Judge.-

Ordered, that Extracts from these proceedings be sent to the Sessions Judge of Combaconum for his information

(Entered No. 853)

26th May 1846.

Read Calendar of Case No. 24 of 1846 on the file of the Sessions Court at Salem submitted under date the 6th Instant, by the Sessions Judge.-

(Here enter F.Rc. No. 1479 of 1846.)

1. The Prisoners in this case were charged with having waylaid the Prosecutor in the high road, with having beaten and wounded him, and also with having robbed him of property valued at Rupees 7-12-0.-

2. The Sessions Judge concurring in the Futwa of the Law Officer which convicts the 5th, 6th and 7th Prisoners of the crime laid to their charge and pronounces suspicion to attach to the 1st, 2d, 3d and 4th entirely acquitting the 8th Prisoner has ordered the unconditional release of the five latter mentioned prisoners, and has recorded against the 5th, 6th and 7th Prisoners severally sentence of imprisonment with hard labor in irons for the period of 14 years.-

3. Adverting however to a declaration

26th May 1846.-

declaration made by the Prisoners that their intention was merely to steal grain, and to the trifling nature of the injuries inflicted on the Prosecutor, the Sessions Judge is of opinion that in this case the prescribed punishment would be too severe, and accordingly recommends that the period of imprisonment awardable be reduced to 3 years.-

4. On a perusal of the abstract of the evidence in this case as contained in the Calendar, the Court of Foujdaree Udalut are of opinion that no sufficient grounds exist for the mitigation proposed by the Sessions Judge.-

5. The Court of Foujdaree Udalut are unable to reconcile the certificate given by the Assistant Surgeon, with the statement made by the Sessions Judge regarding the nature of the injuries received by the Prosecutor, and they would observe for the future guidance of the latter officer, that in awarding punishment, he should be guided by the facts proved against the accused, without

F. Uc

26th May 1846.-

reference to their declared intention, which in this case he has adduced as a ground for the exercise of lenieney.-

Ordered, that Extract from these proceedings be sent to the Sessions Judge of Salem for his information and guidance

(Sent in No. 854)

Read again Report of cases tried by the Magistracy of Nellore under the provisions of Section XIV Act VII of 1843 during the month of March 1846, submitted by the Magistrate under date the 16th Ultimo.-

(Here enter F. Uc. No. 1248 of 1846.)

Read also return under date the 11th Instant from the Magistrate of Nellore, to the precept of the Foujdaree Udalut dated the 28th Ultimo, directing that officer to submit an amended report of the case contained in the foregoing communication.-

(Here enter F. Uc. No. 1516.)

Adverting to the extremely lenient sentence awarded to the 1st Prisoner in this case and to the absence of any apparent

26th May 1846

apparent reason for the cruel treatment to which the complainant appears to have been subjected, the Court of Foujdaree Udalut see reason to question the propriety of the manner in which the case has been disposed of, and they accordingly direct that the Sessions Judge will call up the proceedings, and pass such orders thereon as he may think proper, reporting the same for the information of the Foujdaree Udalut.

Ordered, that Extract from these proceedings be sent to the Sessions Judge of Nellore for his information and guidance by precept returnable ~~within XX~~ days from and after its receipt.

(Sent following precept No. 855.)

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

(Sent in No. 856.)

Read again Criminal Reports dated the 1st Ultimo submitted by the Subordinate Judge of Chittoor for the month of March 1846

(Reference No. 219.)

Read

26th May 1846

Read also Extract from the Proceedings of the Sessions Court at Chittoor under date the 7th Instant.

(Reference No. 1453.)

From a perusal of the foregoing Extract from the Proceedings of the Sessions Court the Court of Foujdaree Udalut do not see clearly the grounds of the proceedings recited by the Sessions Judge in the case therein referred to, and they accordingly direct that a copy of the further representation stated to have been made to him by the Pundit Sudr Ameen may be submitted for their consideration.

2. The Court of Foujdaree Udalut observe that the practice adopted by Mr. Lavie in his official correspondence in referring to communications merely with reference to their dates without alluding to the subject matter embraced in them is for purpose of reference extremely inconvenient and objectionable.

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

(Sent following Precept No.

F. C.

Wednesday, 27th May 1846.- At a Court of the Foujdary Udalut.

Present.

seen GWW — George J. Waters Esqre — 1st Puisne Judge

seen WPS — Malcolm Lewin Esqre — 2d Puisne Judge.

seen JVB — J. E. J. Boileau Esqre. 3d Puisne Judge.

Read again Criminal Reports under date the 11th February last submitted by the Principal Sudr Ameen of Combatore for the month of January 1846.- (Here enter F. C. No. 547.)

Read again also return under date the 26th March last from the Principal Sudr Ameen of Combatore, to the precept of the Foujdary Udalut dated the 16th Idem, conveying their observations on the foregoing Criminal Reports.- (Here enter F. C. No. 1025.)

Read also return under date the 8th Instant from the Acting Sessions Judge of Combatore, to the precept of the Foujdary Udalut dated the 24th Ultimo, directing that officer to review the proceedings in Case No. 2 of the foregoing Criminal Reports, and submit a report thereon.

27th May 1846.-

thereon for the consideration of the Foujdary Udalut.-

(Here enter F. 86. No. 1502.)

1. Under the circumstances stated in the return of the Acting Session Judge, the Court of Foujdary Udalut fully concur with that officer in the opinion that no criminality can attach to the prisoner in the case referred to for the act with which he was charged, and they therefore resolve to direct that in the event of the fine awarded to him having been paid, the amount be immediately refunded.-

Ordered that Extract from these Proceedings be forwarded to the Acting Session Judge of Coimbatore for his information and guidance, and for communication to the Principal Sudr Ameen for the information of that officer by precept returnable within V days from and after its receipt.-

(Sent following precept No. 859.

Read letter dated the 24th Ultimo from the Acting Session Judge of Coimbatore, forwarding the trial of the case No. 6 of 1846 on the Coimbatore Calendar.-

(Here enter F. 86. No. 1325 of 1846.)

The

27th May 1846.-

1. The Court of Foujdary Udalut having taken into consideration the trial of the case referred to, do not find the word "testimed" or "legal" introduced in the second question proposed by the Acting Sessions Judge to the Mahomedan Law Officer of this Court, so as to show whether the objections of the Law Officer go to the law or to the credibility of the evidence.-

2. Before passing judgment on the case under reference, the Court consider it necessary that the question should be corrected, & they accordingly desire the Acting Sessions Judge to propound an amended question to the Mahomedan Law Officer of his Court, and obtain his answer thereto, forwarding the same, together with its translation, for their consideration.-

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

(Sent following precept No. 860.

Read letter dated the 16th Instant, from the Sessions Judge of Combaconum submitting an English translation

27th May 1846.-

Translation of the Record of trial in Case No. 33 on the Calendar for 1846.-

(Vide enter No. 1606 of 1846.)

Wm. M. Leyne.- The Court of Sessions Utatut, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner-

"Criminally"

is sufficient to convict him of the crime of Rape attended with robbery, for which, in the absence of the requisite conditions of Had, discretionary punishment is awardable, under the Mahomedan Law, as declared in futwahs of their law officers, do convict him thereof; and with reference to the provisions of Clause third Section VII Regulation XV of 1803, and Section XXXIII Act VII of 1843, do sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (14) fourteen years.-

1. The Prisoner in this case was charged with having forcibly ravished the Prosecutrix and robbed her of gold beads valued at Rupees 5-.-

The

P. 46.

27th May 1846.-

2. The Sessions Judge concurs in the verdict recorded by the Jury convicting the Prisoner of the offence laid to his charge, and recommends that he be sentenced to transportation for life.-

3. The Court of Sudiary Utatut having attentively perused the entire record of this case, consider that a sentence of 14 years imprisonment with hard labor in irons will be sufficient to meet the demands of justice.-

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

(Sent following precept No. 861)

Read Report of cases tried by the Magistracy of North Arcot, under the provisions of Section LIV Act VII of 1843 during the month of April 1846, submitted under date the 13th Instant by the Acting Magistrate.-

(Vide enter P. 46. No. 1539.)

Case No. 1. 1. In the report of this case the Acting Joint Magistrate has fallen into the error of placing in juxta-position the testimony given before himself on oath, and the statements said

said to have been made by the Prisoners and wit-
-nesses before the Regimental Officer.-

2. The Acting Joint Magistrate has
also omitted to insert in Column 2 of the report
a brief statement of the facts charged against the
prisoners.-

3. The Court of Sudary Adalut
further doubting the propriety of the manner in
which the case has been disposed of, resolve to direct
that the Sessions Judge will call up the proceedings
held therein before the Acting Joint Magistrate, and pass
such orders thereon as he may think proper, report-
-ing the same for the information of the Sudary
Adalut.-

Ordered that Extract from these
proceedings be sent to the Sessions Judge of Chittoor
for his information and guidance by precept returna-
-ble within X days from and after its receipt.-

(Sent following precept No. 862.

Ordered also, that Extract from
these proceedings be forwarded to the Acting
Magistrate of Chittoor for his information, and
for communication to the Acting Joint
Magistrate for the information and future
guidance

27th May 1846.

guidance of that Officer.-

(Sent in No. 863.

Read again letter dated the 31st
January last, from the Sessions Judge of Tinnevelly,
submitting the original Record of the Trial in Case
No. 46 of 1845.-

(Here enter No. 1421 of 1846.)

Read also Letter dated the 30th
Ultimo, from the Sessions Judge of Tinnevelly, sub-
-mitting a translation in English of the record of
the Trial in Case No. 46 of 1845.-

(Here enter No. 1407 of 1846.)

W. M. Lewin.
and
W. T. E. J. Boileau.

The Court of Sudary Adalut,
on a deliberate consideration of all the circum-
-stances of the case in evidence before them,
being of opinion that the prisoners

1st Vaidamoorty alias Pillay.
2d Suppanny.
3d Sundrapady.
4th Sundrymuttoo.
5th Corttaulem.
6th Sevanoo.
7th Nynaud.
8th Ungamadapillay.
and
9th Mottoosawmy Pillay.-

are not convicted on presumptive proof, or on the evi-
-dence of credible witnesses, or on their own con-
-fession of the crime of Robbery by open violence,

do

do acquit them thereof; and in so far as this case is concerned direct that they be unconditionally released.-

1. The Prisoners in this case 1 to 7 were charged with having at night assembled a mob of 200 or 300 persons, and committed a brick light robbery in the house of the Prosecutor to the amount of about Rupees 292-4, and also with having robbed 13 other houses."-

2. The 8th Prisoner was charged with having "with a view to buy off the witnesses and frustrate legal evidence caused to be given a bribe of Rupees 3 through the 9th Prisoner to each of 5 witnesses, and also with having endeavoured to corrupt the Head Police Moonshee of the Magistrate's office with intent to aid the escape of the prisoners charged."

3. The 9th prisoner was charged with having aided and abetted the 8th in the commission of the above offence.-

4. The Sessions Judge dissenting from the Futwa of the Law Officer, which acquits all the prisoners of the offences generally laid to their charge, has referred the trial for the consideration and final orders of the Sudder Udalut,

and

and recommends that the 8th Prisoner be sentenced to Imprisonment with hard labor in irons for the period of 10 years, and the 2d 3d 4th 5th 6th and 7th Prisoners severally to the same punishment for the period of 7 years.-

5. The Sessions Judge proposes that the 8th and 9th Prisoners be sentenced to Imprisonment for the respective periods of 18 and 6 months with suitable labor without irons, and be fined severally in the sum of Rupees 100 and Rupees 30, such fines being in default of payment commuted to Imprisonment for the respective periods of 6 and 3 months.-

6. The Court of Sudder Udalut having attentively considered the entire record of the case are of opinion, that no grounds exist for the conviction of any of the Prisoners charged, and they accordingly resolve to direct that they all be unconditionally released forthwith.-

7. The Law Officer has succinctly stated in his Futwa the various contradictions observable in the evidence which he considers to entitle the prisoners to an acquittal, and with such glaring discrepancies before him, the Court of Sudder Udalut are at loss to understand how the Sessions Judge could have arrived at the opinion recorded

recorded by him.-

8. The Court observe that the Prosecutor admitted before the Sessions Judge that "he preferred no complaint", and this statement is borne out by the date of the deposition taken from him by the Tahsildar viz: the 13th of November last, or eight days after the alleged commission of the robbery.-

9. The 1st 2d and 3d witnesses named in the 1st instance by the Prosecutor as the only person capable of proving the alleged robbery, have since been convicted of perjury, and the Court of Fouzdaree Udalut consider that the 4th and 5th witnesses have obviously been guilty of that offence.-

10. With regard to the 5th Witness the Magistrate has certified, that when examined by him that individual "prevaricated so extensively, that he could not record his evidence."

11. The depositions of the 7th 8th and 9th witnesses, who are Christians, and state that they were conducted by the mob to the scene of plunder, the Court of Fouzdaree Udalut consider to be utterly unworthy of credit, with reference to the discrepancies in their statements regarding the identity of the Prisoners who carried off the grain &c.-

12. The Court see reason to believe that these

these witnesses were suborned by the Collector & Jacob, by whom it appears that they were sent to the Magistrate.-

13. Nor can the Court attach any degree of credit to the evidence of the 10th Witness a female, who is stated to have delivered two letters to the 2nd Prisoner, and deposed that that individual when applying for them, informed her that they were blessed in robbing the Prosecutor's house.-

14. The evidence of the 11th 12th and 13th witnesses is merely "hearsay", and therefore in itself unworthy of much consideration.-

15. Against the 8th and 9th Prisoners the former of whom is charged with "bribery," and the latter with having aided and abetted in the commission of that offence, the Court of Fouzdaree Udalut consider the evidence to be equally defective, the testimony of the 6th and 8th witnesses (the former of whom had charge of the 7th Prisoner and the other of the five witnesses said to have been bribed) being throughout contradictory with reference to the circumstances under which the bribe was offered, by whom the money was received, by whom distributed, and in what sums it was paid to the several witnesses.-

16. The 14th witness who deposes that

that the 9th Prisoner requested his aid in behalf of his relative the 4th Prisoner, does not state that any undue overture was made; the 15th and 16th witnesses merely speak to the above fact as having been mentioned to them by the 14th witness, and the 16th witness mentions that the 8th Prisoner called at the house of his master (the 11th witness) when he was absent at Tellicherry.-

17. The Court of Foujdaree Adalut have been thus minute in analyzing thus the depositions of the witnesses in this case, in order to place clearly before the Sessions Judge the grounds on which they so entirely dissent from the view of the case at which that officer has arrived, and also to bring to his notice many points which have been apparently overlooked.-

18. The Court of Foujdaree Adalut would finally observe for the information and future guidance of the Sessions Judge, that the charge of bribery preferred against the 3d and 9th Prisoners in this case should have constituted a distinct trial, as the Magistrate who was concerned in these proceedings is not now in the district, the Court of Foujdaree Adalut refrain from noticing the irregularities in his proceedings.-

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

(Sent in No. 864.)

Read

Read Calendar of Case No. 7 of 1846, submitted by the Sessions Judge of Rajahmundry under date the 28th March 1846.-

(Here enter S.C. No. 1055 of 1846.)

Read Calendar of Case No. 13 of 1846 submitted by the Sessions Judge of Salem under date the 21st Instant 1846.-

(Here enter S.C. No. 1146 of 1846.)

Read Calendar of Case No. 20 of 1846, submitted by the Sessions Judge of Mangalore under date the 8th Instant.-

(Here enter S.C. No. 1519 of 1846.)

Read the Criminal Reports dated the 8th Instant, submitted by the Sessions Judge of Tellicherry for the months of April 1846.-

(Here enter S.C. No. 1521 of 1846.)

Read return dated the 16th Instant from the acting Sessions Judge of Coimbatore, to the precepts of the Foujdaree Adalut under date the 31st March last, conveying their observations and orders on the Half Yearly Criminal Reports for the 2d Half of 1845.-

(Here enter S.C. No. 1685 of 1846.)-

H. D. M.

that the 9th Prisoner requested his aid in behalf of his relative the 4th Prisoner, does not state that any undue overture was made; the 15th and 16th witnesses merely speak to the above facts as having been mentioned to them by the 14th witness, and the 16th witness mentions that the 8th Prisoner called at the house of his master (the 4th witness) when he was absent at Tellicherry.—

17. The Court of Foujdaree Udalut have been thus minute in analyzing thus the depositions of the witnesses in this case, in order to place clearly before the Session Judge the grounds on which they so entirely dissent from the view of the case at which that Officer has arrived, and also to bring to his notice many points which have been apparently overlooked.—

18. The Court of Foujdaree Udalut would finally observe for the information and future guidance of the Session Judge, that the charge of bribery preferred against the 3d and 9th Prisoners in this case should have constituted a distinct trial, as the Magistrate who was concerned in these proceedings is not now in the district, the Court of Foujdaree Udalut refrain from noticing the irregularities in his proceedings.—

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

(Sent in No. 864.)

Read

Read Calendar of Case No. 7 of 1846, submitted by the Session Judge of Rajahmundry under date the 28th March 1846.—

(Here enter F. Dy. No. 1055 of 1846.)

Read Calendar of Case No. 13 of 1846 submitted by the Session Judge of Salem under date the 21st Instant 1846.—

(Here enter F. Dy. No. 1146 of 1846.)

Read Calendar of Case No. 20 of 1846, submitted by the Session Judge of Mangalore under date the 8th Instant.—

(Here enter F. Dy. No. 1519 of 1846.)

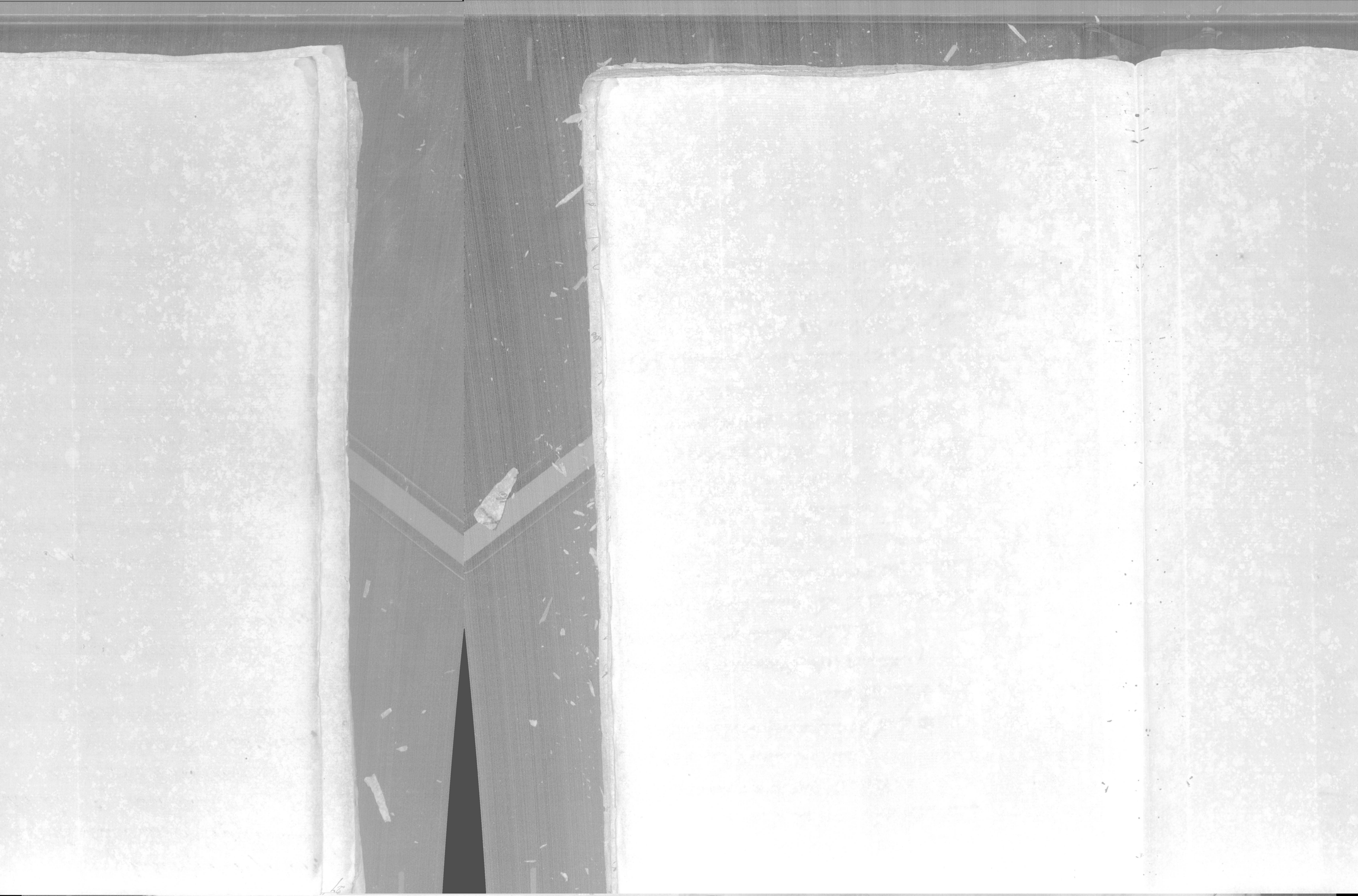
Read the Criminal Reports dated the 8th Instant, submitted by the Session Judge of Tellicherry for the month of April 1846.—

(Here enter F. Dy. No. 1521 of 1846.)

Read return dated the 16th Instant from the acting Session Judge of Coimbatore, to the precept of the Foujdaree Udalut under date the 31st March last, conveying their observations and orders on the Half Yearly Criminal Reports for the 2d Half of 1845.—

(Here enter F. Dy. No. 1608 of 1846.)—

Read



Fl. 16.

Thursday 28th. May, 1846.

At a Court of the Foujdaree Adalut.

Present.

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

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

J. C. J. Boileau Esqre. ——— 3rd. Puisne Judge.

Read letter dated the 21st. Instant from the Acting Sessions Judge of Coimbatore, submitting an English translation of the Record of Trial in Case No. 9 of the Calendar for 1846.—

(Here enter No. 1653)

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

2nd. Carroppan

and

4th. Selly

is sufficient to convict them of the crime of Culpable Homicide, for which the Penalty of Deyut is awardable under the Mahomedan Law, as declared in futwas of their law officers, do convict them thereof; and with reference to the provisions of Clause second, Section XV, Regulation VII of 1802, and Section XXXIII, Act VII of 1843, do sentence them to be imprisoned and kept to hard labor

Mr. G. J. Waters.

labor in irons on the publis roads or other publis works, for, and during the period of (6) six months. The Court being further of opinion that the prisoners

3rd Goundiagoundon

and

5th Vellyen.

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confession of the crime above mentioned, do acquit them thereof, and direct that they be set at liberty.

(Sent following Letter No. 869.)

1. The Court of Foujdaree Adalut entertain no doubt that the deceased's death was caused by some internal injury resulting from the blows inflicted on him by the prisoners, but considering all the facts of the case and the extenuating circumstances adduced by the Acting Session Judge in the 22nd and 23rd paras of his letter, they are of opinion that the ends of justice will be sufficiently met by a sentence of six months imprisonment in the case of the 3rd and 4th prisoners.

2. In the absence of the requisite report from the Magistrate, the Court of Foujdaree Adalut are precluded from passing any orders in the case of the Head Police of Carur, and they desire that the Acting Session Judge will intimate to the Magistrate of

28th May 1846.

of Coimbatore that the Judges of the Foujdaree Adalut are awaiting the receipt of his communication on the subject.

Ordered, that Extract from these Proceedings be sent to the Acting Session Judge of Coimbatore by precept returnable in 10 days, from and after its receipt.

(Sent following Precept No. 870.)

Read letter dated the 9th Instant from the Magistrate of Canara, submitting an explanation relative to the conduct of the Police officers in Cases Nos. 30 and 39 referred to in the Proceedings of the Foujdaree Adalut under date the 23rd April 1846.

(Here enter F. A. No. 1558 of 1846).

Read letter dated the 11th Instant from the Magistrate of Canara, submitting copy of the Proceedings of the Session Court at Honore in explanation of the omission to send up the witnesses with the Prisoner in Case No. 26, called for by the Foujdaree Adalut in Proceedings dated the 29th April 1846.

(Here enter F. A. No. 1570 of 1846).

Read return dated the 15th Instant from the Acting Session Judge of Coimbatore, to the precept of the Foujdaree Adalut under date the 5th Inst.

Conveying

labor in irons on the public roads or other public works, for, and during the period of (6) six months. The Court being further of opinion that the prisoners

3rd Goundiagoundon

and

5th Vellyen.

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confession of the crime above mentioned, do acquit them thereof, and direct that they be set at liberty.-

(Sent following Letter No. 869.)

1. The Court of Foujdaree Adalut entertain no doubt that the deceased's death was caused by some internal injury resulting from the blows inflicted on him by the prisoners, but considering all the facts of the case and the extenuating circumstances adduced by the Acting Sessions Judge in the 22nd and 23d parahs of his letter, they are of opinion that the ends of justice will be sufficiently met by a sentence of six months imprisonment in the case of the 2nd and 4th prisoners.-

2. In the absence of the requisite report from the Magistrate, the Court of Foujdaree Adalut are precluded from passing any orders in the case of the Head Police of Carur, and they desire that the Acting Sessions Judge will intimate to the Magistrate of

28th May 1846.

of Coimbatore that the Judges of the Foujdaree Adalut are awaiting the receipt of his communication on the subject.-

Ordered, that Extract from these Proceedings be sent to the Acting Session Judge of Coimbatore by precept returnable in 10 days, from and after its receipt.-

(Sent following Precept No. 870).

Read letter dated the 9th Instant from the Magistrate of Canara, submitting an explanation relative to the conduct of the Police officers in Cases Nos. 30 and 39 referred to in the Proceedings of the Foujdaree Adalut under date the 23d April 1846.-

(Here enter F. C. No. 1558 of 1846).

Read letter dated the 11th Instant from the Magistrate of Canara, submitting copy of the Proceedings of the Session Court at Honore in explanation of the omission to send up the witnesses with the Prisoner in Case No. 26, called for by the Foujdaree Adalut in Proceedings dated the 29th April 1846.-

(Here enter F. C. No. 1570 of 1846).

Read return dated the 15th Instant from the Acting Session Judge of Coimbatore, to the precept of the Foujdaree Adalut under date the 5th Instant

Conveying

28th May 1846.

conveying their observations and orders on the Criminal Reports of the Principal Sub Ameen of Coimbatore for the month of March 1846.—

(Here enter F. C. No. 1607 of 1846)

Read return dated the 19th Instant from the Acting Subordinate Judge of Cuddapah to the precept of the Foujdaree Adalut under date the 8th idem, remarking upon the Criminal Reports for March 1846.

(Here enter F. C. No. 1633 of 1846)

Read letter dated the 20th Instant from the Sessions Judge of Nellore, submitting Copy of the Calendar in No. 14 of 1845 and stating reasons for the delay in despatching it.—

(Here enter F. C. No. 1639 of 1846)

Read return dated the 20th Instant from the Sessions Judge of Tinnevelly, to the precept of the Foujdaree Adalut under date the 12th idem, sanctioning the mitigation of punishment proposed by him in Case No. 42 of the Calendar of 1845.—

(Here enter F. C. No. 1656 of 1846)

F. A.

Thursday 29th May 1846

At a Court of the Foujdaree Adalut

Present—

Geo: J. Waters Esqre — 1st Puisne Judge

Malcolm Lewin Esqre — 2d Puisne Judge

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

Read letter dated the 9th Instant, from the Sessions Judge of Bauce, submitting an English translation of the record of Trial in Case No. 9 on the Calendar for 1846.—

(Here Enter No. 1585)

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

1st Corruggu, Canr

2d Manoo,

is sufficient to convict them of the crime of Murder, do severally convict them

Mr. J. G. Waters
Canr
Mr. M. Lewin

them thereof; and, under the provisions of Section X Regulation VIII of 1802, sentence the Prisoner,

1st Cossugga,

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 prisoner,

2d Mano,

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

1 On an attentive consideration of the record of this trial, the Court of Sajidaree Adalut

Adalut are of opinion there can be no doubt that the 2d Prisoner was concerned in the murder of the deceased, and much might be said in favor of her suffering the extreme penalty of the Law.-

On the other hand the Court

2

are impressed with the belief that the jealousy and malice entertained against the deceased by the 1st Prisoner may have originated the murder and that his suggestions and influence led the 2d Prisoner to aid in a crime which on her part was not necessary to a separation from the individual with whom she was cohabiting.-

It therefore appears to

3

the Court that justice will be satisfied by the life of one of the prisoners, and that example calls for no more.-

They accordingly resolve to

4

transport the 2d Prisoner and allow the extreme penalty of the law to take its course in respect of the 1st.-

Observed

29th May 1846

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

/Sent following letter No 873./

Read Extract from the Minutes of Consultation dated the 20th September 1845 No 697

/Vide Inter No 2843 of 1845/

From the Registers of the Foujdaree Adalut dated 2nd December 1846 No 178-
From the Regr of the Fd: dated 11th February 1845 No 24-

Adverting to the letters noted marginally, the Court of Foujdaree Adalut are now required to bring under consideration and to report on certain communications and correspondence laid before Government by the Commissioner in Mysore regarding two subjects; first, an apparent disinclination on the part of Mr Giles, late Magistrate of Salem, cordially to cooperate with the Magistracy of Mysore in the apprehension of individuals believed to have been concerned in the commission of Gang robbery in the Mysore territory; Secondly the case of one Ramaiah

Dated 21st July and 3d September 1845

Fd:

29th May 1846

Ramaiah, an inhabitant of Salem, who was tried by one of the Superintendents Courts in Mysore and sentenced by the Commissioner to transportation for life, a decision to which Mr Giles took exception.-

2 In regard to the case of Ramaiah, the Court of Foujdaree Adalut on a deliberate review of the circumstances under which he has been convicted by a jury of his countrymen, whose view has been adopted by 3 European Magistrates, are clearly of opinion that justice has been done and that the propriety of the sentence passed on him is beyond all doubt.-

3 In respect of the want of co-operation by Mr Giles with the Magistrates in Mysore and particularly with the Superintendent of the Astagram Division, it appears to the Court of Foujdaree Adalut after a full examination of all the papers in the case, that Mr Giles has been much to blame

and

and that he failed in his duty in not placing confidence in the proceedings of the Mysore authorities, who, he was bound to suppose were actuated by the same desire of justice as animated himself.

4 Further the Court think that if the Mysore Magistracy, thro' the Native police, made wrong seizures, Mr. Gleig ought to have been satisfied with stating his opinion, leaving the issue to the authorities directing them.

5 The Court find that Mr. Gleig observes he was appointed to protect those under him, as well as to punish them, but it is not found that he had a right to assume that his protection was called for against a European Magistrate.

6 Admitting, however, that he had such a right, it seems to the Judges of the Tanjore Adalut that his protective powers have gone beyond propriety, as Mr. Gleig not merely gained a right of protection, but

but a right to pronounce upon the proceedings of the Mysore officers who had the same jurisdiction as himself.

7 The Court of Tanjore Adalat conceive Mr. Gleig to have lost sight of the main question, which as they view it, was simply whether the Mysore Magistrates had authority to act in the Company's territory, but whether (admitting the authority) it was duly exercised, it, the Court apprehend, a matter of no real moment. The Mysore Magistrates and those of the Company were for the service of the State and for the good of the public one and the same; and it was, the Court think, the duty of Mr. Gleig to give his cheerful aid, to correct the faults, if there were any, on the side of the Mysore Magistrates.

8 Mr. Gleig, however, seems to have devoted all his energy to finding fault, and to have set himself against

Officers

29th May 1846

officers who were as eager as himself to serve the public, assuming that they were doing injustice, tho' they could not possibly have any such motive, - that justice was seated with himself, and had departed from all others.

9 The Judges consider it is much to be regretted that the course of judicial administration in Mysore should have suffered so much obstruction at Mr Bleig's hands, as that resulting from his detention of the six individuals sent to him by the Superintendent of the Astagram Division on the 5th June 1846 and they would require their immediate return to the Superintendent, and if already set at liberty, the issue of the orders best calculated to effect their early reapprehension.

10 While taking the view of Mr Bleig's proceedings above recorded, the Court of Foujdaree Adalut feel nevertheless bound to declare their opinion that a Magistrate within the jurisdiction

F.U.

29th May 1846.

jurisdiction of the Foujdaree Adalut could not legally recognize and act upon a warrant of the nature of that issued from the Court of the Superintendent at Bangalore under date the 5th January 1846 addressed to Ramjah Naik Killadar of Malore Talook.—

11 The issue of General Warrants by the Magistracy in this Presidency is expressly forbidden under the existing orders of the Court of Foujdaree Adalut and as a power of that description is so obviously calculated to furnish the holders of it with the means of doing injury as to have led to its condemnation in all Civilized States it seems unnecessary to dilate on the disadvantages likely to result from it.—

C. O. No. 117

Ordered that Extract from these Proceedings be sent to the Secretary

29th May 1846.

Secretary to Government in the Ju-
dicial Department for submission
to the Most Noble the Governor in
Council --

Dated in No 874. /s

End 1846.

F. W.

Saturday 30th. May 1846. At a Court of the Foujdaree Udalut

Present

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

Malcolm Lewin Esqre. —— 2d. Puisne Judge

J. E. J. Boileau Esqre. —— 3d. Puisne Judge

Read return dated the 16th. instant from the Session Judge of Combaconum to the precept of the Foujdaree Udalut under date the 25th. Ultimo requiring the Session Judge to explain why he has taken separate confessions from the Prisoners in Case No. 20 of 1846 after they had pleaded guilty to the Indictment.—

(Here enter No. 1587)

Adverting to the Session Judge's explanation that the custom of taking separate confession from Prisoners prevails since the establishment of the Session Court, the Judges of the Foujdaree Udalut resolve to require the discontinuance of the practice, which can lead, they consider, to no good result and has the effect of uselessly swelling the record.—

Ordered that Extract from these Proceedings be sent to the Session Judge of Combaconum

Combaconum for his information and guidance.-

(Sent in No. 876.)

Read Calendar of case No. 37 of 1846 on the file of the Session Court of Combaconum submitted under date the 16th Instant.-

(Here enter F. C. No. 1596 of 1846).

1. The prisoner in this case, convicted of having assaulted the prosecutors wife and wounded her on the neck, chest, arms and hands with a knife, has been sentenced by the Session Judge of Combaconum to 3 years imprisonment with hard labor in irons.-

2. The Session Judge remarks that there can be no doubt that the prisoner in a violent passion and after altercation with the 1st witness stabbed her repeatedly, and that if the knife he stabbed her with had been sharp, she might have been killed, but it does not appear to the Session Judge that the prisoner had any intention of killing the 1st witness.-

3. Considering the number and apparently severe nature of the wounds inflicted on the 1st witness, the Court of Foujdaree Adalut cannot but look on the sentence passed in this case as culpably lenient.-

4. The Court further desire to be informed why the Session Judge has omitted to submit with the Calendar a translation of the verdict pronounced by

by the Jury in this case and they direct that in future every Calendar of a case tried by either Jurors or assessors may be accompanied with a translation of the verdict prepared in the same manner as the translations of the futwah enjoined in Circular Order No. 148.-

Ordered that Extract from these proceedings be sent to the Session Judge of Combaconum by precept returnable in 5 days from and after its receipt.-

(Sent following Precept No. 877)

Read Calendars of Cases Nos. 10 to 15 on the file of the Session Court of Mangalore submitted under date the 13th May 1846 by the Session Judge.-

(Here enter F. C. Nos. 1620 to 1625 of 1846)

1. Before finally disposing of these Calendars, the Court of Foujdaree Adalut desire to have before them translations of the plaint and answers filed in Original Suit No. 9 of 1844 before the Sudr Ameen; of the Nishoody A alleged to have been forged by the 1st Prisoner in Case No. 10 and also of the depositions of the parties committed for perjury in cases Nos. 12 to 15 both inclusive.-

2. The Session Judge will accordingly be pleased to cause the same to be prepared and submitted

30th May 1846.

submitted without delay.—

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

(Sent following Precept No. 876.)

F. Ho.

Monday, 1st June, 1846.—

At a Court of the Foujdaree Adalut.

Present,

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

Read return dated the 20th Ultimo from the Sessions Judge of Combaconum to the precept of the Foujdaree Adalut dated 20th April 1846 requiring the submission of an English translation of the trial in case No. 58 of 1846 on the file of the Session Court.—

(Here enter F. Ho. No. 1697 of 1846.)

Before finally disposing of the trial above referred to, the Court of Foujdaree Adalut desire to have before them a copy and translation of the Report of the robbery charge which was made by the village Moonsiff the day of its commission or the day after: the Sessions Judge is accordingly requested to procure and submit the document in question.

Ordered that Extract from the proceedings be forwarded to the Sessions Judge of

30th May 1846.

submitted without delay.—

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

Entd.

(Sent following Precept No. 878.)

F. No.

Monday, 1st June, 1846.—

At a court of the Foujdaree Udalut.

Present,

G. I. Waters Esqre. ——— 1st Puisne Judge,

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

J. E. I. Boileau Esqre. ——— 3d Puisne Judge,

Read return dated the 20th Ultimo from the Sessions Judge of Combaconum to the precept of the Foujdaree Udalut dated 20th April 1846 requiring the submission of an English translation of the trial in case No. 58 of 1846 on the file of the Sessions Court.—

/ Here enter F. No. 1697 of 1846 /

Before finally disposing of the trial above referred to, the Court of Foujdaree Udalut desire to have before them a copy and translation of the Report of the robbery charge, which was made by the Village Moonsiff the day of its commission or the day after: the Sessions Judge is accordingly requested to procure and submit the document in question.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge

of

1th June 1846.-

of Combarrumm, by precept returnable in five days from and after its receipt.-

/ Sent following precept No. 881 /

Read again Calendar of Case No. 7 of 1846 on the file of the Sessions Court at Salem submitted under date the 14th March 1846.-

/ Here enter F. 66. No. 921 of 1846 /

Read also returns dated 8th Ultimo from the Sessions Judge of Salem to the precept of the Fouzdaree Udalut of the 9th April, directing him to submit a translation of Case No. 7 of 1846.- on the Calendar of the Sessions Court of Salem.-

/ Here enter F. 66. No. 1469 of 1846 /

Before passing final orders in respect of the trial now before them, the Court of Fouzdaree Udalut desire to see a copy of the warrant issued for the apprehension of Panchul Kalya Koopun, and they accordingly desire the Sessions Judge to forward the same together with its translation for their consideration.-

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

/ Sent following precept No. 882 / Read

1th June 1846.-

Read Calendar of Case No. 66 of 1845 on the File of the Sessions Court at Cuddapah dated 9th February 1846.-

/ Here enter F. 66. No. 477 of 1846 /

The 1st and 2d Prisoners in this Calendar have been convicted of House Breaking and theft, and, under the provisions of Section XII, Regulation VII of 1802, have been sentenced to seven years imprisonment with hard labor in irons by the Sessions Judge who disposed of the trial with the assistance of Assessors.-

Adverting to the absence from 2 the investigation, of the Moofty and consequently to the absence of the preliminaries necessary under Mahomedan Law to justify the passing of a Sentence of Hud, commuted under the existing rule, the Court of Fouzdaree Udalut observe that punishment should have been awarded under Clause seventh Section II Regulation XV of 1793.-

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

/ Sent in No. 883 /

Read Calendar of Case No. 21 of

1st June 1846.

of 1845 on the Rajahmundry File dated 6th October 1845.-

/Here enter F. No. 2969 of 1845/

1 The Prisoner in this case, charged with having broken into a dwelling house by night, has been tried by the Sessions Judge assisted by Jurors and has been sentenced to seven years imprisonment with hard labor in irons, under Section XXI Regulation VII of 1802.-

2 In the absence of the preliminaries necessary under Mahomedan Law, to justify a sentence of Hud, the Sessions Judge is informed that the prisoner should have been sentenced under Clause seventh, Section II Regulation XV of 1803.-

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

/Sentence No. 884/

Read Calendar of Case No. 3 of 1846 on the File of the Sessions Court of Chicacole submitted under date the 9th Ultimo by the Sessions Judge.

/Here enter F. No. 1578 of 1846/

The

2/ F. No.

1st June 1846.

1 The 1st 2d 3d 4th and 6th prisoners in this case convicted of house breaking and theft have been sentenced by the Sessions Judge to 7 years imprisonment under the provisions of Section XXI Regulation VII of 1802. But as this is the first time the prisoners have been convicted, as the value of the property stolen was small and as they ingenuously and openly confessed their crime the Sessions Judge recommends that the prescribed punishment be reduced to two years imprisonment with labor in irons.-

2. On a due consideration of all the circumstances of the case the Court of Foujdaree Adalut resolve to accede to the recommendation made by the Sessions Judge of Chicacole and under the provisions of Clause third, Section III Regulation I of 1825, they direct that the prisoners

1st Yekkaladevee Kettadoo

2d Yellabilley Polugadoo

3d Yedalapanka Goruvadoo -

4th Kandiakotah Yellegadoo

and

6th Yekkaladevee Sunnadhegadoo

6z

1st June 1846.

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

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

(Sent following precept No 885)

Read Criminal Reports under date the 7th Ultimo submitted by the Principal Sudr Ameen of Itchapore for the month of April 1846.

(Here enter F.C. No 1526 of 1846)

Report No 4 Case No 2.

With reference to the Appeal Suits stated in the abstract of this case to have been preferred by the Principal Sudr Ameen before the Civil Court at Chicacole, the Court of Fouzdaree Udalut desire to be informed in what Court the Original Suits were tried from which the Appeals in question have arisen.

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

1st June 1846.

of Itchapore for his information and guidance by precept returnable within five days from and after its receipt.

(Sent following precept No 886)

Read Petition presented on the 27th April last by Cundasawmy Reddy of Zillah Chittoor.

(Here enter F.C. No P. No 103 of 1846)

This is an application for the interference of the Fouzdaree Udalut to set aside the proceedings of the Sessions Judge of Chittoor dated the 25th March 1846, reversing the decision of the Moofty Sudr Ameen of that Station, whereby the prisoners in Criminal Case No 21 of 1846, were sentenced each to pay a fine of 10 Rupees and to be imprisoned for two months, on account of the assault committed by them upon the Petitioner, the prosecutor in the said case.

The Court of Fouzdaree Udalut consider the proceedings of the Sessions Judge annulling the Sentence of the Moofty Sudr Ameen, to be perfectly correct - seeing that both

1th June 1846.

both parties had been previously fined, for a joint and petty assault, / no theft, as imputed, having been established, / by a competent authority, the Court are of opinion that the accused in this instance could not again be subjected to any further penalty for the same offence.—

Petition dismissed.—

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

Read petition presented on the 18th Ultimo by Annoogum Pillay of Tillah Trichinopoly.—

/ Here enter F. C. M. P. No. 114 of 1846 /

The prayer of the foregoing address is the same as that of the Petition presented by the Petitioner on the 27th April last.—

No. 93 of 1846.

The Court of Fouzdaree Adalut direct that the Petitioner be informed that they can pass no further orders in his case than those contained in their proceedings of the 11th Ultimo, to which he is referred as fined.—

Petition dismissed.

Ordered

(3) F. C.

1th June 1846.

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

Read petition presented on the 15th September last by T. Govindoodos of Tillah Chittoor.—

/ Here enter F. C. M. P. No. 165 of 1845 /

The object of the foregoing address is to induce the Court of Fouzdaree Adalut to order the restoration to the Petitioner of a certain thatched house, alleged to have been purchased by him, but from possession of which he was eventually ousted in order to its being made over to one Soobareddy by the Magistrate; a proceeding which appears from the petition to have been confirmed by the Sessions Court of Chittoor.

The Court of Fouzdaree Adalut observe that the Petitioner's entire representation partakes of a civil character, in demanding the proprietary right to, and possession of a house, upon a Bill of Sale, whilst another individual contends that it is his property.—

The

1st June 1846.

The issue can only be determined by a Civil Suit; and the present occupant and Claimant too, Soobaredoly, must be permitted to remain in the said house, according to the Magistrate's order, until he is legally ejected.

Petition dismissed.

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

Mootooreddy of Cuddalore, moves the Court to return the enclosures in his Civil Collusive Petition No. 110 of 1846.

Ordered accordingly.

Read return dated the 25th ultimo, from the Sessions Judge of Combaconum to the precept of the Foujdaree Adalut under date the 29th April 1846, requiring the Sessions Judge with reference to case No. 49 of 1845 - explanation of the meaning of para 20 of his Return, and to send copy of an Extract proceedings of the Sessions Court issued to the Magistrate.

(Vide letter F.A. No. 1393 of 1846)

1st June 1846.

The proceedings of the Sessions Judge in the trial referred to, in the above communication, being under the consideration of the Court of Foujdaree Adalut, it seems necessary at once to require the immediate recal by the Sessions Judge of the instructions which he appears to have issued to the Magistrate of Tanjore under date the 28th March last regarding the mode of preparing evidence in cases of gang robbery and further to direct that he do order the Magistrate immediately to cancel any orders which under the Sessions Judge's instructions may have been circulated to the District Police authorities in the Magisterial departments.

2 The conduct of the Sessions Judge in permitting himself to issue the instructions in question will form matter for separate notice and subsequent communication.

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

(Sent following precept No. 887.)

F.H.

Tuesday,
2d. June, 1846. At a Court of the Four Hon'ble Puisne

Present,

The Hon'ble J. J. Waters — Esqre. 1st. Puisne Judge,
Malcolm Lewin — Esqre. 2d. Puisne Judge,
T. E. J. Boilleau — Esqre. 3d. Puisne Judge,

Read Sessions Report dated 15th. April 1846, submitted by Mr. Forsyth, Sessions Judge of Tellicherry, for the year 1845.

(Here Enter F.H. No 1439 of 1846)

1. On an attentive consideration of the subject of para 21 in the above Report, the Judges are satisfied that much weight is due to the observations of the Sessions Judge respecting the inutility of observing in regard to cases cognizable only by the Sessions Judge, the forms of Commitment usual where the Sessions and Subordinate Courts are under separate functionaries; and as there appears to be no legal objection to the adoption of the measure, they resolve to intimate to the Sessions Judges at Chicacole, Honore and Tellicherry that in cases coming under

under the jurisdiction of the Sessions Court, the trial should proceed on the record received from the Magistracy & Police, as if no commitment were required; it being obviously a labor of supererogation that in his capacity of Subordinate Judge, an officer should commit to himself in the higher capacity of Sessions Judge.

2. The above expressed opinion will be considered by the Sessions Judges referred to, as cancelling any previous instructions issued on the same subject from the Courts of Foujdaree Adalut.

3. Adverting to the communication Return from Joint Magistrate noted marginally the Court of Foujdaree Adalut dated 2d January 1846 to Precept of the Session Court dated 16th idem. requests the Session Judge will instruct the Joint Magistrate that where evidence is taken in a case heard before him that evidence should be taken before the parties and by himself.

Ordered that Extract from these Proceedings be sent to the Session Judge of Tellicherry for his information and guidance.

(Sent in No. 889.)

Ordered also, that Extract from these

these Proceedings (paras 1 and 2) be sent to the Session Judges of Honore and Chicacole for their information and guidance.-

(Sent in No. 890.)

Read Calendar of case No 18 of 1846 on the file of the Session Court at Chittoor submitted under date the 24th April last by the Session Judge.-

(Here Enter Fl No 445 of 1846)

The Prisoners in this case were charged with having attacked the Prosecutor on the high road and robbed him of cash &c to the amount of Rupees 11-6-.-

The Session Judge concurring in the verdict of the assessors which convicted the Prisoners of the offence laid to their charge has recorded against them a sentence of Imprisonment with hard labor in irons for the period of 14 years; but being of opinion with reference to the small amount of the stolen property and the absence of aggravating circumstances attendant on the commission of the robbery, that in this case the prescribed punishment would be too severe, recommends that

that the period of Imprisonment awarded be reduced to eight years.-

3. The Court of Foujdaree Adawlut approve of the mitigation of punishment proposed in this case by the Sessions Judge for the reasons stated by that officer and they accordingly resolve under the provisions of Clause third Section III Regulation I of 1825 to sentence the prisoners

1st Vencatakrishnadoo
and
2d Baligadoo

severally to imprisonment with hard labor in irons on the public roads or other public works for and during the period of eight years.

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

Sent in No. 891.

Read Calendar dated the 30th ult. returns submitted by the Acting Sessions Judge of Calicut in case No. 23 of 1846.-

(Here Enter FH No. 1497 of 1846)

1. The Prisoner in this case was charged with having accompanied by 8 or 10 others

FH

proceeded armed with sticks and torches to the Prosecutors house entered by the open door and seized certain of the inmates of the house and stolen therefrom property valued at Rupees 228-12-6.

2. The Acting Sessions Judge concurring in the Future of the Law Officer which convicts the prisoner of the crime laid to his charge has recorded against him a sentence of 14 years of imprisonment with hard labor in irons.-

3. Adverting however to the absence of any peculiarly aggravating circumstances in the commission of the robbery and to the seeming probability that the prisoner was merely an inferior actor as stated by him in his confession on which the proof of his guilt mainly rests, the Acting Sessions Judge is of opinion that the prescribed punishment would be too severe and accordingly recommends that the period of imprisonment awardable be reduced to 8 years.-

4. Under the circumstances stated by the Acting Sessions Judge the Court of Foujdaree Adawlut approve of the mitigation of punishment

that the period of Imprisonment awarded be reduced to eight years.-

3. The Court of Foujdaree Adawlut do approve of the mitigation of punishment proposed in this case by the Sessions Judge for the reasons stated by that officer and they accordingly resolve under the provisions of Clause third Section III Regulation I of 1825 to Sentence the prisoners

1st Vencatakrishnadoo
and
2d Baligadoo

severally to imprisonment with hard labor in irons on the public roads or other public works for and during the period of eight years.-

Ordered that Extract from these Proceedings be sent to the Session Judge of Chittoor for his information and guidance.-

(Sent in No 891.

Read Calendar dated the 30th Ultimo submitted by the Acting Session Judge of Calicut in case No 23 of 1846.-

(Here Enter FH No 1497 of 1846)

1. The Prisoner in this case was charged with having accompanied by 8 or 10 others

others proceeded armed with sticks and torches to the Prosecutor's house entered by the open door to seized certain of the inmates of the house and stolen therefrom property valued at Rupees 228-12-6.

2. The Acting Session Judge concurring in the Futwa of the Law Officer which convicts the prisoner of the crime laid to his charge has recorded against him a Sentence of 14 years as imprisonment with hard labor in irons.-

3. Adverting however to the absence of any peculiarly aggravating circumstances in the commission of the robbery and to the seeming probability that the prisoner was merely an inferior actor as stated by him in his confession on which the proof of his guilt mainly rests, the Acting Session Judge is of opinion that the prescribed punishment would be too severe and accordingly recommends that the period of imprisonment awardable be reduced to 8 years.-

4. Under the circumstances stated by the Acting Session Judge the Court of Foujdaree do not approve of the mitigation of punishment.

punishment proposed by that officer in this case and they accordingly resolve under the provisions of Clause third Section III Regulation I of 1825 to sentence the prisoner

Achayata Raman Nair

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

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

(Sent in No. 892)

Read Calendar of case No 22 of 1846 on the file of the Sessions Court at Calicut submitted under date the 9th ultimo by the Acting Sessions Judge.-

(Here Enter Ft No 1525 of 1846)

1. The Prisoners in this case were charged with having introduced or caused to be introduced a certain drug or drugs into the person of one Amooney then 7 months gone with child by the 1st Prisoner, in order to procure abortion which treatment caused

caused abortion shortly after and subsequently the death of the said Amooney.-

2. The Acting Sessions Judge concurring in the Futwa of the Law officer which convicted the Prisoners of the offence laid to their charge has sentenced them to Imprisonment with hard labor in Irons the 2d with labor suitable to her sex without irons for the respective periods of 7 and 4 years the enactment quoted for such sentence being Clause Seventh Section II Regulation XV of 1803.-

The Court of Sudder Adawlut consider with reference to the frequent occurrence of the very heinous offence proved against the Prisoners in this case that the trial might with propriety have been referred to this Court a course which the Acting Sessions Judge was authorized to adopt under the concluding provisions of the Clause quoted.-

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

(Sent in No. 893).

Read

2d June 1846.

Read Criminal Reports under date the 13th Ultimo submitted by the Agent to the Governor of Fort St. George at Kurnool for the Month of April 1846.

(Here Enter F.R. No. 1580 of 1846)

Case Nos 15 to 19 — 1. In order to judge of the propriety of the heading affixed to the statement of the charge preferred against the prisoners in these cases the Court of Foujdaree Adaulut desire to be informed in what manner the Prisoners respectively effected their entry into the Prosecutors house.—

Case No 15 — 2. In the absence of any particip=ation in the theft, the Court of Foujdaree Adaulut observe that the apprehension of the 2d Prisoner in company with the 1st affords no ground for the charge preferred against the former.

Ordered that Extract from these proceedings be sent to the Agent to the Governor of Fort St. George at Kurnool for his information and guidance by precept returnable within X days from and after its receipt.—

(Sent following Precept No. 894)

Read

3/

F.R.

2d June 1846.

Read Criminal Reports dated 30th April 1846 submitted by the Subordinate Judge of Salem for the month of April 1846.

(Here Enter No. 1593 of 1846)

Case No 73 — 1. The Foujdaree Adaulut desire that the irregularity of the transmission of this case by the Police officer to the Criminal Court, be brought to the special notice of the Magistrate.

2. The offence charged against the prisoner should have been designated as "attempt at Theft" and must be amended.

Case No 75 — 3. As the Prisoner in this case is stated to be an old offender and to have been punished on two former occasions, the Court are of opinion that he ought to have been committed to take his trial before the Sessions Judge.

Ordered that Extract from these Proceedings be sent to the Subordinate Judge of Salem for his information and for communication of para 1 to the Magis=trate for his information and guidance.—

(Sent in No. 895)

Read Criminal Reports dated 12th

12th Ultimo submitted by the Subordinate Judge of Madura for the month of April 1846.

(Here Enter No. 1594 of 1846)

Case No 80. 1. With reference to the 3d Prisoner in this case who was forwarded to the Subordinate Court for giving a false deposition in support of the false complaint preferred by the 1st and 2d Prisoners the Court observe that Regulation IX of 1832 as explained by their Circular Order No 57, does not authorize the punishment of witnesses who may have appeared in support of false charges preferred before the Police Officers, but applies only to the party by whom the false charge shall have been preferred, and this construction of the law should be communicated by the Magistrate to the Police Officers of Cannoor Taluk.

Case No 82. 2. The charge on which the Prisoner in this case has been brought to trial being for having effected his escape from legal custody, the sentence passed on him should have been declared to be in addition to whatever punishment

punishment short of transportation, may eventually be awarded by the Session Judge for the offence of which he stands accused in the preceding case, and should not take effect until after the result of the Prisoner's trial for the graver offence, shall have been intimated to the Subordinate Court.

Case No 87. 3. The above remark is applicable also to this case.

Ordered that Extract from these proceedings be forwarded to the Subordinate Judge of Madura for his information and for communication of para 1 to the Magistrate for his information and guidance.

(Sent in No. 896).

Read Calendar of case No 19 of 1846 on the file of the Session Judge of Chittoor submitted under date the 5th Ultimo.

(Here Enter Fl. No 1530 of 1846)

The prisoner in this case convicted of Highway robbery by a single unarmed individual has been sentenced by the Session Judge under the provisions of Section XXI of Regulation

2d June 1846.

Regulation XII of 1802 to fourteen years imprisonment with hard labor in irons but in consequence of the value of the stolen property being small and the case not having been attended with any aggravating circumstances the Sessions Judge recommends that the sentence be reduced to 8 years imprisonment with labor in irons.

2. The Court of Foujdaree Adalut having maturely considered the circumstances of the case represented in the above calendar sanction under Clause third Section III Regulation I of 1825 the mitigated punishment recommended by the Sessions Judge of Chittoor and accordingly direct that the prisoner

"Mootum"

be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of Eight (8) years.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Chittoor for his information by Precept returnable in 30 days from and after its receipt.-

(Sent following Precept No 897.)

Read

2d June 1846.

Read Criminal Reports under date the 12th Ultimo submitted by the Principal Sudr Ameen of Nellore for the Month of April 1846.-

(Here Enter F.C. No 1545 of 1846)

Case No 40. 1. The Court of Foujdaree Adalut desire to be informed where the Prisoner in this case was detained from the 15th of March the date of his apprehension to the 23rd idem that of his appearance before the Head of District Police.-

Case No 53. 2. Similar information is also required in this case the prisoners having been apprehended on the 30th March five days previous to their appearance before the Head of District Police.-

Ordered that Extract from these Proceedings be sent to the Principal Sudr ameen of Nellore for his information and for communication to the Magistrate for the information and guidance of that officer and for report direct to the Foujdaree Adalut by Precept returnable within X days from

from and after its receipt.-

(Sent following Precepts No. 898).

Read return dated the 12th Ultimo from the Session Judge of Salem to the Precept of the Sonjdaree Adawlut under date the 4th May 1846 enhancing the punishments proposed by him on the prisoners in Calendar No 5 of 1846.-

(Here Enter F.H. No 1557 of 1846)

Read Report dated the 15th Ultimo submitted by the Actg Magistrate of Chingleput of cases tried by the Magistracy under the Provisions of Section IIV Act VII of 1843 for the Month of April 1846.-

(Here Enter F.H. No 1571 of 1846)

Read Calendar of Case No 18 of 1846 submitted by the Acting Sessions Judge of Madura under date the 15th Ultimo.-

(Here Enter F.H. No 1597 of 1846)

Read letter dated the 18th Ultimo from the Acting Subordinate Judge of Mangalore annexes copy of a letter from the Magistrate dated 13th Ultimo affording explanation regarding the neglect of Mangalore Cutwall and Bliss Ameen in Case No 55 of 1846 on the Criminal

Criminal Reports for last month.-

(Here Enter F.H. No 1638 of 1846)

Read return dated the 20th Ultimo from the Sessions Judge of Trichinopoly to the Precept of the Sonjdaree Adawlut under date the 7th May 1846 directing him to call up the record in Criminal case No 21 of 1846 on the file of the Principal Sudr Ameens Court and pass such orders as he may think proper reporting the same for the information of the Sonjdaree Adawlut.-

(Here Enter F.H. No 1662 of 1846)

Read Calendar of case No 16 of 1846 submitted by the Sessions Judge of Tinnevelly under date the 21st Ultimo.-

(Here Enter F.H. No 1693 of 1846)

Read return dated the 20th Ultimo from the Acting Sessions Judge of Madura to the Precepts of the Sonjdaree Adawlut under date the 16th May 1846 sanctioning the Mitigated sentence recommended by him and directing that the 1st Prisoner Auroomoogum in case No 13 on the Calendar for 1846 be imprisoned and kept to hard labor in irons on the public

public roads or other public works for and during the period of (8) Eight years.-

(Here enter F'l No 1696 of 1846)

Read supplemental Return dated the 25th Ultimo from the Session Judge of Rajahmundry to the Receipt of the Court of Foujdaree Adawlut under date the 29th April 1846 directing him to call up the record in Case No 25 of 1846 Subordinate Courts file and to pass orders thereon reporting the same to the Higher Court.-

(Here Enter F'l No 1717 of 1846)

Read return dated the 9th Ultimo from the Acting Magistrate of North Arcot to the Receipt of the Foujdaree Adawlut under date the 23d April 1846 amending the decision of the Acting Joint Magistrate in the case of a Sepoy, convicted of theft under the provisions of Section IV. Act VIII/1843.-

(Here Enter F'l No 1720 of 1846)

Read final return dated the 26th Ultimo from the Acting Sessions Judge of Coimbatore to the Receipt of the Foujdaree Adawlut under date the 31st March 1846 conveying their observations and orders on the Half yearly Criminal Reports for the 2d Half of 1845.

(Here Enter F'l No 1724 of 1846)

Ent'd

J. A.

Wednesday 3d June 1846.

At a Court of the Foujdaree Adawlut

Present.

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

Malcolm Lewin Esqr. ——— 2d Puisne Judge

J. E. I. Boileau Esqr. ——— 3d Puisne Judge.

Read letter dated the 22d Ultimo, from the Sessions Judge of Mangalore referring for the consideration and sentence of the Foujdaree Adawlut — Case No. 20 on the Calendar of the Sessions Court for 1846.-

(Here enter F. A. No. 1729 of 1846)

The Court of Foujdaree Adawlut on a

Mr. Mc. Lewin

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

"Billa Canna"

is sufficient to convict him of the crime of wilful murder, do convict him thereof; but being of opinion under the circumstances of the Case, that the punishment to which the prisoner is liable under the provisions of Section X, Regulation VIII of 1802, would in this instance be too severe, the Court under the provisions of Clause third, Section III, Regulation I of 1825, and Section XXXIV, Act VIII of

of 1843, 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 publics roads or other public works for and during the period of his natural life.—

(Sent following letter No. 901).

Read Criminal Reports under date the 12th Ultimo submitted by the Principal Sudr. Ameen of Trichinopoly for the Month of April 1846.—

(Here enter F. R. No. 1544 of 1846).

Report No. V. 1 Adverting to the omission of the Heads
Cases Nos. 28. 29. of District Police who committed these cases to the Criminal Court to offer any explanation of the intervals which elapsed between the apprehension of the Prisoners and their arrival at the Police Cutcherry, the Court of Fouydaree Adalut direct that the Magistrate will now submit the requisite information.—

Case No. 38. 2. It does not appear from the report of this case whether the 1st Prisoner did or did not prefer the false and malicious accusation to the Police Ameen with which he stands charged and the Court of Fouydaree Adalut accordingly direct that an amended report of the case may be submitted for their consideration.—

Ordered

Ordered that Extract from these Proceedings be sent to the Principal Sudr. Ameen of Trichinopoly for his information and guidance and for communication of para. 1 to the Magistrate for the information and guidance of that officer and for report direct to the Fouydaree Adalut by precept returnable within X days from and after its receipt.—

(Sent following Precept No. 902).

Read Calendars of cases Nos. 15 and 16. of 1846. on the file of the Sessions Court at Chittoor submitted under date the 7th April last by the Sessions Judge.—

(Here enter F. R. Nos. 1547 and 1548 of 1846).

Case No. 15. 1. The prisoner in this case was charged with having attacked the Prosecutors on the high road with having severely assaulted the 2d Prosecutor and robbed them of cloths Vizt. Valued at Rupees 8.—

2. The Sessions Judge concurs in the Futwa of the Law officer convicting the Prisoner of the crime laid to his charge, and has sentenced him in case No. 16 in which he has been convicted of a similar offence to 14 Years imprisonment with hard labor in irons.—

Case No. 16. 3. The 1st, 2d and 3d Prisoners in this case were charged with having attacked the Prosecutor on

on the high road and after assaulting and thrown-
stones at him robbed him of cash to the amount of
Rupees 3-8-0.-

4 The 4th Prisoner was charged as an
accessary in having encouraged the other prisoners
in the commission of the above offence.-

5th The 5th Prisoner was charged as
an accessary after the fact in concealing a stolen
cumbly found on the road knowing it to have-
been stolen.-

6 The Sessions Judge concurring in
the Futwa of the Law officer which convicts the
1st 2nd and 3rd Prisoners severally of the offences
laid to their charge, acquitting the 4th and 5th
Prisoners has ordered the unconditional release of
the two latter mentioned Prisoners and sentenced
the 1st Prisoner (also concerned in the previous
case) to 14 years imprisonment with hard labor
in irons but being of opinion with reference to
the absence of aggravating circumstances in the
commission of the robbery proved in this case
that for the 2nd and 3rd Prisoners the prescribed
punishment would be too severe, recommends that
the period of imprisonment awardable to them be
reduced to 8 years.-

On

7 On the grounds stated by the
Sessions Judge the Court of Foujdaree Adalut-
approve of the mitigation proposed by that officer
and they accordingly resolve under the provisions
of clause third, Section III Regulation I of 1825 to
sentence the prisoners

2nd Pareya Cheruen.
and
3rd Moottagan.

to Imprisonment with hard labor in irons on the
public roads or other public works.-

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

(Sent in No. 903)

Read letter dated the 15th Ultimo,
from the Acting Sessions Judge of Coimbatore,-
requesting sanction to issue fresh warrants to the
Principal Sudr Ameen fixing the commencement
of the sentence of the Foujdaree Adalut in Case No. 11
of 1845 of the Calendar of the Sessions Court of
Coimbatore, from the 28th June 1845.-

(Here enter No. 1603)

Under the circumstances stated
in the above letter, the Court resolve to authorise
the Acting Sessions Judge, to issue fresh warrants
for the imprisonment of the Prisoners in the case
referred

referred to, according to the terms of the sentence passed on them by the Foujdaree Adalut commencing from the 28th. June 1845.-

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Coimbatore for his information and guidance.-

(Sent in No. 904)

Read Report under date the 30th. April last of cases tried by the Magistracy of Malabar under the provisions of Section LIV Act VII of 1843, during the Month of April 1846.-

(Here enter F. R. No. 1675 of 1846)

Case No. 1.

The Court of Foujdaree Adalut desire to be informed in what manner the prisoner in this case effected his entry into the Prosecutor's house as in the absence of this information they are unable to ascertain whether the authority quoted in support of the sentence passed by the Magistrate has been correctly applied.-

Ordered that Extract from these Proceedings be sent to the Magistrate of Malabar for his information and guidance by precept returnable within V days from and after its receipt.-

(Sent following Precept No. 905).

Read return dated the 22d. Ultimo from the Sessions Judge of Chittoor to the precept of

of the Foujdaree Adalut under date the 31st. March 1846. conveying their observations on the Half yearly Criminal Reports for the 2d. half of 1844.-

(Here enter F. R. No. 1659 of 1846).

Read return dated the 18th. Ultimo from the Sessions Judge of Trichinopoly to the precept of the Foujdaree Adalut under date the 7th. idem, directing the unconditional release of the prisoner in Case No. 6 of 1846, on the file of his Court, and the adoption of any measures, if necessary, to bring the released prisoner to trial on a charge of culpable neglect.-

(Here enter F. R. No. 1661 of 1846).

Read return dated the 23d. Ultimo from the Sessions Judge of Cuddapah to the precept of the Foujdaree Adalut under date the 8th. idem, directing to call up the Records in Cases Nos. 45 and 75 of the Criminal Reports for the Month of March 1846. and to pass such orders as he may think proper.-

(Here enter F. R. No. 1663 of 1846).

Read return dated the 19th. Ultimo from the Subordinate Judge of Bellary to the precept of the Foujdaree Adalut under date the 8th. idem conveying the orders of the Court on the

Criminal

3rd. June 1846.

Criminal Reports for the month of March 1846.—

(Here enter F. R: No. 1671 of 1846).

Read Calendar in Case No. 5 of 1846. submitted by the Sessions Judge of Guntoor under date the 21st. Ultimo.—

(Here enter F. R: No. 1680 of 1846).

Read Calendar in Case No. 23 of 1846. submitted by the Sessions Judge of Cuddapah under date the 22nd. Ultimo.—

(Here enter F. R: No. 1682 of 1846).

Read return dated the 23rd. Ultimo from the Sessions Judge of Masulipatam to the precept of the Fouzdaree Adalut under date the 18th. idem requiring him to show what progress has been made in the preparation of the English translation of the Record in Case No. 5 of 1846, and to explain the cause of the delay in referring the trial for their final orders.—

(Here enter F. R: No. 1691 of 1846).

Read Calendar in Case No. XXIV of 1846 submitted by the Acting Sessions Judge of Calicut under date the 23rd. Ultimo.—

(Here enter F. R: No. 1706 of 1846)

Read Calendar in Case No. 19 of 1846. submitted by the Sessions Judge of Chingleput under

F.R:

3rd. June 1846.—

under date the 15th. Ultimo.—

(Here enter F. R: No. 1707 of 1846)

Read Calendar in Case No. 20 of 1846. submitted by the Sessions Judge of Chingleput under date the 27th. Ultimo.—

(Here enter F. R: No. 1708 of 1846).

Read Calendar in Case No. 30 of 1846. submitted by the Sessions Judge of Salem under date the 25th. Ultimo.—

(Here enter F. R: No. 1709 of 1846)

Read Calendar in Case No. XII of 1846. submitted by the Sessions Judge of Honore under date the 20th. Ultimo.—

(Here enter F. R: No. 1710 of 1846).

Read return dated the 23rd. Ultimo from the Principal Sudr. Ameen of Vizagapatam to the precept of the Fouzdaree Adalut under date the 4th. idem offering certain remarks on the Criminal Monthly Reports for March last.—

(Here enter F. R: No. 1713 of 1846).

Read letter dated the 22nd. Ultimo from the Magistrate of Coimbatore submitting the explanation called

3d/n J. 3d/n June 1846.

called for in the Extract from the Proceedings of the Court of Forjdare Walut dated 31st/n March last.-

Exd.

(Here enter F: C: No: 1714 of 1846).s

F. 116.

Thursday,
4th June, 1846. At a Court of the Foujdaree Udalut

Present.

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

Read letter dated the 6th Ultimo from the Acting Sessions Judge of Calicut forwarding the record of trial in Case No. 17 of 1846 on his Calendar for final orders by the Foujdaree Udalut.

(Here enter No. 1524)

The Court of Foujdaree Udalut cannot proceed to bring under consideration the trial of the case above referred to, unless there be evidence before them regarding the state of mind of the Prisoner when the acts charged against him were committed: they accordingly resolve to request the Acting Sessions Judge will now send for the parents relatives or neighbours of the Prisoner and institute a

a comprehensive investigation on that point
and submit with his opinion a translation
of the further proceedings which he may hold.

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

(Sent following precept No. 906)

Read Criminal Reports under
date the 1st Ultimo submitted by the Subor-
dinate Judge of Combaconum for the month
of April 1846.-

(Here enter File No. 582 of 1846.)

Report No. V.
Case No. 84. 1. Adverting to the causes assigned
for the delay which occurred in the trans-
mission of this case to the Criminal Court
the Court of Foujdaree Udalut observe
that the performance of Revenue duties
has frequently been declared insufficient
to warrant delay in the examination of
a Criminal case.-

Case No. 87 2. The Court of Foujdaree Udalut
do not fully appreciate the "impossibility"
adverted to by the Subordinate Judge

and

and assigned in the ground for the uncondi-
tional release of the prisoner in this case
and they accordingly direct that further
explanation on this point may be submitted
for their consideration.

Case No. 90. 3. The 1st Prisoner in this case
having been sentenced to solitary confinement
it is obvious, the Court of Foujdaree Udalut
observe, that hard labor cannot be enforced
and they direct that the sentence be
amended accordingly.-

Case No. 93 4. The Court of Foujdaree Udalut
desire to be informed where the Prisoners
in this case were detained from the 19th
of March the date of their apprehension
to the 8th of April that of their appearance
before the Head of District Police.-

Case No. 96. 5. The Court of Foujdaree
Udalut see reason to question the propriety
of the manner in which this case has been
disposed of, and they accordingly 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

4th June 1846.

Case No. 101.

for the information of the Tondiarpet Udalut.

6.

The Magistrate of Tanjore will be pleased to institute an enquiry into the imputed misconduct of the Head of Police who committed this case to the Criminal Court, reporting the result for the information of the Tondiarpet Udalut.

Ordered, that Extract from these proceedings (paras 1 to 5) be sent to the Sessions Judge of Combaconum for his information and guidance by precept returnable within X days from and after its receipt.

(Sent following precept No. 907)

Ordered also, that Extract from these proceedings be sent to the Subordinate Judge of Combaconum for his information and guidance and for communication of paras 4 and 6 to the Magistrate of Tanjore for the information and guidance of that officer and for report direct to the Tondiarpet Udalut by precept returnable within XX days from and after its receipt.

(Sent following precept No. 908)

Read

Reports
Case No. 82

Case

F. Ute

4th June 1846.

Read Criminal Reports under date the 20th Instant submitted by the Agent to the Governor of Fort St. George in Vizagapatam for the month of April 1846.

(Hereunto F. Ute No. 1689 of 1846.)

Supplemental Report
Case No. 8.

The Court of Tondiarpet Udalut require an explanation of the delay of 19 days which occurred in the transmission of the Prisoners in this case to the Court of the Assistant Agent.

Ordered, that Extract from these proceedings be sent to the Agent to the Governor of Fort Saint George at Vizagapatam for his information and guidance by precept returnable within X days from and after its receipt.

(Sent following precept No. 909)

Read Calendar under date the 13th Ultimo of case No. 35 of 1846 on the file of the Session Court at Combaconum.

(Here enter F. Ute No. 1549 of 1846.)

The Prisoner in this case was charged with having forged four letters purporting

4th June 1846.

purporting to be written by the Prosecutor to one Ponnambala Pillay and requiring the delivery of certain cloths with intent to defraud the Prosecutor.-

2. The Prisoner was also charged with having uttered the forged letters adverted to, and with having fraudulently obtained from Ponnambala Pillay cloths valued at Rupees 84-3.-

3. The Sessions Judge concurs in the verdict recorded by the Jury convicting the Prisoner of the offence laid to his charge and has sentenced him to 2 years imprisonment with hard labor in irons under the provisions of Clause seventh Section II Regulation XV of 1803.-

4. In order to judge of the propriety of the sentence awarded to the Prisoner in this case the Court of Foujdaree Udalut desire to be informed whether that individual has been convicted of "Forgery" as charged against in the 1st instance, or merely of having uttered forged letters as stated in the 2nd Count.-

5. The Court also desire that the grounds

4th June 1846.

grounds upon which the verdict recorded by the jury is based, may be stated for their information.-

Ordered, that Extract from these proceedings be sent to the Sessions Judge of Combaconum for his information and guidance by precept returnable within X days from and after its receipt.-

(Sent following precept No 910)

Read Criminal Reports dated 30th April 1846 submitted by the Principal Sudr Ameen of Cuddalore for the month of April 1846.-

(Here enter No 1528.)

Case No 41. Adverting to the opinion expressed by the Principal Sudr Ameen in the statement of the grounds for releasing the Prisoners in this case, the Court desire to be informed in what manner the Magistrate may have noticed the misconduct imputed to the Village Moonsiffs.-

Case No 48. 2. The Regulation quoted by the Principal Sudr Ameen is not applicable to the crime with which the Prisoner in this case is charged, who from being a

servants

4th June 1846.

servant of the Prosecution became subject to the enhanced punishment provided by Clause fourth Section III Regulation VI of 1822.-

3. The Court of Fouzdaree Udalut observe that the Monthly Criminal Reports required to be submitted by the Sessions Judge under their orders dated 21st August 1843, have been erroneously sent up with those from the Principal Sudr Ameen- the Circular letter from this Court of the 1st April 1846, merely requiring the transmission by the Sessions Judge of the former reports stitched together so as to form a single communication.-

Ordered, that Extract from these proceedings be forwarded to the Principal Sudr Ameen of Cuddalore for his information and guidance and for communication of para: 1 to the Magistrate for his information and guidance and for report direct to the Fouzdaree Udalut by precept returnable within V. days from and after its receipt.-

(Sent following precept No 911)

Ordered

3.

F. Ub.

4th June 1846.

Ordered also, that Extract from these proceedings (para: 3) be sent to the Sessions Judge of Cuddalore for his information.-

(Sent in No 912,

Read letter dated 16th Ultimo from the Sessions Judge of Honore submitting for the consideration and final sentence of the Fouzdaree Udalut an English translation of the record of the trial in Case No X of 1846 on the file of the Sessions Court of Honore.-

(Hereenter F. Ub. c No 1654 of 1846.)

1. Before disposing of this trial the Court of Fouzdaree Udalut desire to be informed of the grounds of the verdict of "not guilty" pronounced by the Assessors Vencatesha Poy Channa Prubhoo and Munga Poy.-

2. The Sessions Judge will accordingly be pleased to call on them to favor the Court of Fouzdaree Udalut with their reasons for considering the crime of murder not proved against the prisoner in this case.

Ordered

4th June 1866.-

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

(Sent following precept No. 913.)

Read letter dated the 23d Ultimo from the Acting Civil and Sessions Judge of Madura requesting instructions as to whose proper duty it will be to take charge of the Jail during the absence of the Subordinate Judge.-

(Here enter S.Dc. No. 1013.)

The Court of Foujdaree Adalut are of opinion that during the Subordinate Judge's absence, the Sessions Judge should receive charge of the zillah Jail.-

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

(Sent in No. 914.)

End

S. C.

Friday,
5th June 1846.— At a Court of the Foujdary Udalut.

Present—

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

Read letter dated the 29th Ultimo from the Acting Sessions Judge of Coimbatore submitting an English translation of the Record of trial in Case No. 10 of the Calendar for 1846.—

(Here enter No. 1764 of 1846.)

The Court of Foujdary Udalut

Mr. T. E. J. Boileau.

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

2d Colindan.

is sufficient to convict him of the crime of Gang Robbery, do convict him thereof, and with reference to the provisions of Clause third Section IV Regulation XV of 1803, and Sections XXXIII and XXXIV Act VII of 1843 sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (14) fourteen

fourteen years, but being of opinion that the prisoners

1st Parian.

and

3rd Palany alias Cockum.

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confession of the above crime, do acquit them thereof, and direct that they be unconditionally pleased.-

1. The Prisoners in this Case were charged with having at midnight gone in a gang to the cattle-pen of the Prosecutor wounded one of his labourers on the head with an axe, beaten another and his son with a stick, robbed them of their clothes &c. and plundered the huts of sundry agricultural implements &c.-

2. The Acting Sessions Judge concurs in the Finding of the Law Officer as it respects the 2d 4th and 5th Prisoners, but being of opinion that the evidence is sufficient to convict the 1st and 3d Prisoners who have both been acquitted by the Law Officer has referred the case for the consideration and final orders of the Foujdary Adalut and recommends that the 1st 2d and 3d

Prisoners

Prisoners be severally imprisoned with hard labor in irons for the period of 14 years.-

3. The Court of Foujdary Adalut having attentively perused the entire record of this case are unable to concur with the Acting Sessions Judge in their appreciation of the evidence of the 2d and 3d witnesses which that Officer considers sufficient to convict the 1st and 3d Prisoners of the offences charged against them.-

4. The Court of Foujdary Adalut observe that the witnesses in question materially differ in their Statements regarding the persons concerned in wounding the 1st Witness and asserting to their admission that "it was dark" when they recognized the prisoners, and to the statement of the 2d witness before the Police and Principal Sudr Ameen that dust was thrown into his eyes so that he could not see, when the 1st Witness received the wound inflicted on him, the Court are of opinion that such evidence is insufficient to justify the conviction of the 1st and 3d Prisoners and they accordingly direct that the latter be unconditionally released forthwith.-

Ordered that Extract from

these

5th June 1846.-

these proceedings be sent to the Acting Sessions Judge of Coimbatore for his information and guidance.—

(Sent following Letter No. 915)

Read return dated 6th Ultimo from the Sessions Judge of Salem to the precept of the Foujdary Adalut of the 1st Idem requiring to be informed of the delay which occurred in the promulgation of the sentence passed in cases Nos. 20 and 21 on the Salem Calendar for 1846.—

(Hd enter F.G. No. 1436 of 1846.)

1. With reference to the explanation afforded in the above return the Court of Foujdary Adalut consider the delay which occurred in the preparation and submission of the Sessions futwah by the Law Officer to be highly improper. If this Law Officer is in the habit as he undoubtedly should be of taking notes during the trial no delay need occur in delivering in his verdict.—

2. The Sessions Judge will endeavour to obviate a similar delay in future.—

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

(Sent in No. 916.)

Read

2- F.G.

5th June 1846-

Read Calendar of Cases No. 11 of 1846 on the file of the Sessions Court of Calicut submitted under date the 18th Ultimo by the Acting Sessions Judge of that Zillah.-

(Hd enter F.G. No. 1679 of 1846.)

1. Three Persons were committed in this case the 1st with having committed a highway robbery and against the 2d and 3d with aiding and abetting him in the commission of those crimes- all the prisoners were acquitted and released.—

2. The Court of Foujdary Adalut entirely concur with the Acting Sessions Judge in the view he has taken of this case. The charge of robbery was obviously and clearly false and they cannot but regret that greater pains was not taken to sift and test the evidence adduced in support of this false charge. The committal of the prisoners was highly improper and does not reflect much to the credit of the Commanding Officer who it is hoped will use greater care and caution in future.-

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

1199

to the Principal Sudr Ameen of Cochin.—

(Sent in No. 917.)

Read letter dated 11th March 1846 from the Acting Magistrate of Cuddapah submitting the explanations called for in this Court's proceedings of the 13th March last respecting the detention by Police of certain cases entered in the Cuddapah Criminal Reports for the Month of January 1846.—

(Here enter F. C. No. 1591 of 1846.)

Case No. 14.

Adverting to the concluding remarks made by the Magistrate on the detention of this case the Court of Foujdary Adalut would observe that in cautioning the Police Ameen of Pungunoor against making any reference for the future under the penalty of a fine the Acting Magistrate has gone too far. The Court of Foujdary Adalut have at on time ruled that references from the Police to the Magistrate are at all times and uniformly to be prohibited as the Acting Magistrate would seem to infer and they would particularly recal Mr. Cochrane's attention to para 4 of their Circular Order No. 22 which clearly and fully expresses their views on this subject. The Acting Magistrate will accordingly be

be pleased to recal his admonition and issue fresh instructions in conformity with the injunctions contained in the Circular Order above quoted report-ing the result to the Foujdary Adalut.—

Ordered that Extract from these proceedings be forwarded to the Acting Magistrate of Cuddapah for his information by precept returnable in 3 days from and after its receipt.

(Sent following precept No. 918)

Read Calendar of Case No. 40 of 1846 on the file of the Sessions Court of Tellicherry submitted under date the 9th Ultimo by the Sessions Judge of that Zillah.—

(Here enter F. C. No. 1520 of 1846.)

1. The Prisoner in this case has been convicted of having stolen a golden watch and chain valued at about 500 Rupees from the effects of his master.—

2. The Sessions Judge has communicated to him the sentence to which he has rendered himself liable but in consequence of his having expressed great contrition, confessed his crime before the Joint Magistrate and delivered up the gold watch and chain, and hitherto borne a good character and because

because there would have been no conviction had he not confessed. The Sessions Judge begs to recommend that the prisoner be sentenced to imprisonment and hard labor in irons for 4 years.-

3. The Court of Foujdary Adalut are unable to see sufficient in the grounds advanced by the Sessions judge to justify them in acceding to his recommendation in favor of the prisoner- a theft by a servant always demands a heavy punishment and in this instance the value of the property stolen was large. The law will accordingly be allowed to take its course on the prisoner.-

Ordered that Extract from these proceedings be forwarded to the Acting Sessions judge of Tellicherry by precept, returnable in 5 days from and after its receipt.-

(Sub following precept No. 919)

Read Calendar of Case No. 17 of 1846 on the file of the Sessions Court at Tradure submitted under date the 15th ultimo by the Acting Sessions Judge.-

(Here enter F.C.C. No. 1650 of 1846.)

1. The prisoner in this case was charged with having in company with the prisoners

prisoners in cases Nos. 28 and 32 of 1845 on the file of the Sessions Court, and five others not yet apprehended forcibly robbed the Prosecutor of 48 sheep valued at Rupees 30.-

2. The Acting Sessions judge concurring in the Futwa of the Law Officer which convicts the prisoner of the crime laid to his charge, has sentenced him to Imprisonment with hard labor in irons for the period of 14 years.-

3. As it appears that the prisoner in this case did not attempt to use his stick the Court of Foujdary Adalut are of opinion that the mitigated sentence of 8 years imprisonment which has been awarded to the other members of the gang, will be sufficient to meet the demands of justice, and they accordingly resolve under the provisions of Section XXXV Act VII of 1843 to sentence the prisoner

Angurn Singhely-

to imprisonment, with hard labor in irons on the public roads or other public works for and during the period of eight years.-

Ordered that Extract from these proceedings be sent to the Acting Sessions Judge

of Madura for his information and Guidance.-

(Sent in Sr. 970)

Read Criminal Reports under date the 1st Ultimo submitted by the Acting Subordinate Judge of Mangalore for the month of April 1846.-

(Here enter F. 86. Nº. 1581 of 1846.)

Reports Nº. V Case Nº. 50. 1. The Court of Foujdary Udalut require an explanation of the delay which the Magistrate of Canara permitted to occur in the transmission of his orders on the reference made to him in this case by the Head of District Police.-

Case Nº. 51. 2. In the explanation of the delay which took place in this case the prisoners are stated to have appeared before the Peishcar on the 21st and 22nd of March whereas in the 4th Column of the Report the 22nd and 24th idem are assigned as the dates of their apprehension.-

3. This apparent discrepancy requires to be explained.-

4. The explanation offered for the delay which occurred in the transmission of the case to the Criminal Court the Court of Foujdary Udalut consider extremely unsatisfactory as they

observe

observe that the prisoners in the other case adverted to, were not apprehended until the 31st of March, and it is therefore obvious that no necessity existed for examination of the two cases at the same time.-

Case Nº. 59. 5. The Court of Foujdary Udalut observe that in this case instead of referring to English Law Books which are only partially applicable to the judicial system in this country the Hindoo Juds Ameen should have propound-ed a question to the Mahumedan Law Officer in conformity with the rule laid down in Circu-lar Order 28th January 1828.-

Case Nº. 61. 6.- The authority quoted in support of the sentence passed in this case is incorrect, Regulation X of 1832 having been inserted instead of Regulation IX of 1832.-

7. The Court desire that this error, which they infer is merely clerical, may be now corrected.-

8. The Court of Foujdary Udalut consider the abstracts of the evidence in several of the cases comprised in this Report objec-tionably long and diffuse.-

Her

5th June 1846.—

9. The abstracts in question should always be brief and succinct as far as may be consistent with clearness and perspicuity.—

Ordered that Extract from these proceedings be sent to the Acting Subordinate Judge of Mangalore for his information and guidance and for communication of paras 1 and 4 to the Magistrate of Canara for the information and guidance of that Officer and for report direct to the Foujdary Adalut by precept returnable within XV days from and after its receipt.—

(Sent following precept No. 971).

Read return dated 4th May 1846 from the Sessions Judge of Salem to the precept of the Foujdary Adalut of the 9th Idem requiring further explanations regarding the 15th Prisoner in Case No. 12 of 1846 on the Salem Calendar.—

(Here enter F.P. No. 1560 of 1846.)

1. The Court of Foujdary Adalut observe that in this return the Sessions Judge has failed to conform to the requisition made in the proceedings of the 9th ultimo.—

2. It was not the opinion of the Sessions Judge the Court desired to be favoured with but

F.P.

5th June 1846.

but whether there existed sufficient proof in the evidence adduced in the case to establish the fact that the prisoner at the time he received the stolen property was aware that it had been obtained by the perpetration of gang robbery by open violence as defined in Section IV Regulation XV of 1803.—

3. If this point was not clearly established by the evidence in the case the Sessions Judge will be pleased to amend his sentence in conformity with the instructions conveyed in parah 6 of this Courts' proceedings above quoted.—

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Salem by precept returnable in 3 days from and after its receipt.—

(Sent following precept No. 972) —

Ent'd H.

F. C.

Saturday 6th. June 1846.

At a Court of the Foujdaree Adalut.

Present,

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

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

J. E. J. Boileau Esqre. —— 3rd. Puisne Judge,

Read Criminal Reports under date the 13th. Ultimo submitted by the officiating Principal Sudr Ameen of Tumuelly for the month of April 1846.

(Here enter F. C. No. 1595 of 1846).

The Court of Foujdaree Adalut —

Supplemental Report

Case No. 59. desire to be informed what measures may have been adopted by the Acting Magistrate regarding the prisoners in this case who are obviously unfit to be retained in the Service of Government.

The Principal Sudr Ameen —

Case No. 70. 2. will be pleased to state for the information of the Foujdaree Adalut whether the Prisoner in this case was committed on the charge of "Robbery" or of receiving stolen property knowing it to have been stolen and in the event of the Commitment having been founded on the latter charge the Court desire to be informed whether it appeared that the prisoner was aware of the aggravat

aggravating circumstance attendant on the commission of the robbery Viz: the amount of the property stolen.—

Report No. V
Case No. 78.

3. The Court of Foujdaree Adalut observe that in the preparation of the report of this case the rule laid down in the Circular Order noted marginally has been disregarded the abstract being extremely diffuse and filled with unnecessary details.—

Circular Order 16th November 1831.

Case No. 83.

4 The Court of Foujdaree Adalut regret to observe great delay and irregularity in the examination of this case by the Police authorities and adverting to the rule laid down in Circular order No. 62 the Court direct that the nature of the reference made to the Head Assistant Magistrate, may be stated for their information.—

Case No. 84

5. The delay in this case which it appears was nearly a Month under examination by the Head Assistant Magistrate requires explanation.—

Case No. 87

6. The Court of Foujdaree Adalut consider the long detention, which the Prisoners in this case have undergone, a sufficient punishment for the offence laid to their charge and they accordingly direct that the prisoners be released without further delay.—

7. The Court observe that their orders

of

6th June 1846.

of the 19th July 1845 should have prevented the error which led to the detention adverted to, the Court, having therein expressly declared that offences of this nature are not punishable by the Revenue authorities.—

Ordered that Extract from these Proceedings be sent to the Principal Sud: Ameen of Tinnevelly for his information and guidance and for communication of paras 1, 4, 5, 6 and 7 to the Acting Magistrate for the information and guidance of that officer and for report direct to the Foujdaree Adalut by Precept returnable within XV days from and after its receipt.—

(Sent following Precept No. 97)

Read Calendar of case No. 21 of 1846 on the file of the Sessions Court of Cuddapah submitted under date the 18th Ultimo by the Sessions Judge of that Zillah.—

(Here enter F. C: No. 1619 of 1846)

1. The 10 first prisoners in this case were charged "with having at 10 o'clock at night in "company with some others gone armed in a gang "with guns axes &c and with lighted torches to the "prosecutor's house, entered in by cutting a hole in the "street door with an axe and by removing the latch "thro the breach burned the prosecutor's father with

an

"a torch, struck him with a stick broke the staple of the room door & robbed
"therefrom gold and silver Jewels ready money cloths
"brass utensils &c. valued at Rupees 243-9."-

2. The 8 first of these prisoners were by the Mooftу convicted "of gharut gherry" and declared "liable to Hud of two limbs".-

3. The Sessions Judge concurring in the finding of his Law officer sentenced the Prisoners 1st. to 8th. "to be imprisoned and kept to hard labor in "irons for the period of 14 Years under clause third "Section IV Regulation XV of 1803".-

4 As far as the Court are able to judge from the information placed before them in this Calendar the Sessions Judge would seem to have exceeded his powers. Clause second of the Section and regulation quoted by the Sessions Judge expressly provides that in all cases of gang robbery in which any person may have been "burnt" the prisoners convicted of having been concerned in such robbery shall be transported - and in their Circular Order of the 15th. May 1832. the Court of Foujdaree Udalut directing "the particular attention of the Judges of "Courts of Circuit to the provisions of Clause second" of the Section and Regulation above quoted under which" they added "it is not competent to a Court of Circuit

"Circuit to dispose of a case of robbery by open violence
"in which any person may have been wounded
"maimed burnt or subjected to other personal injury
"torture or cruelty not occasioning homicide" or
when "a dwelling house or houses may have been
set on fire or any other Criminal aggravating Act
committed in the prosecution of robbery or intent
to rob;" required that as in all such cases the prescribed
"penalty was transportation for life the trial
"should be referred for the consideration and final
"judgment of the Court of Foujdaree Udalut".-

5. Neither the remarks of the Sessions Judge nor those of the Mooftee at all refer to the alleged burning and it does not any where appear that the prosecutors father Sahoo was at any time examined - nor is any thing on record before the Foujdaree Udalut to shew the extent and nature of the alleged wounds.-

6. If this part of the charge were false or the personal injury received were property of that trifling nature indicated in Circular Order 23d. November 1820 it was the duty of the Sessions Judge under Circular Order 5th. August 1829 or parah 6 Circular Order 15th. May 1832 to have noted these points in the Calendar for the information of the higher Court.-

The

7. The Sessions Judge will now be pleased to explain his omission to examine Shasoo and also to state what circumstances appeared to him to justify the disposal of this case under Clause third rather than clause second Section IV Regulation XV of 1803.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Cuddapah by precept returnable in 5 days from and after its receipt.-

(Sent following Precept No. 928.)

Read letter dated the 26th Ultimo from the Acting Sessions Judge of Madura, submitting the record of the trial in Case No. 10 on the Calendar for 1846.-

(Here enter No. 1745).

Mr. G. I. Waters.
Mr. I. E. I. Boileau.

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

Vencatasawmy Naiken

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

usual time and place of execution.-

1. In the deposition of the 7th witness in this case it is stated that "the Inazoomdar having called upon the prisoner to speak the truth he voluntarily gave a 2nd Declaration confessing the crime."

2. The Court of Foujdaree Adawlut suppose that the occurrence of the word "Voluntarily" induced the Acting Sessions Judge to desist from putting in detail the usual questions to the Witnesses relative to the circumstances, under which the Prisoners admission before the Police Officer was made.-

3. The Court however are of opinion that the Acting Sessions Judge was not justified in this omission, the more especially as it appears that the prisoner had received a certain promise of release from the Police Peon (the 1st and 2nd Witnesses) when he delivered up the ornaments he had robbed from the deceased.-

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

(Sent following letter No. 929.)

Read return dated 19th Ultimo from the

the Principal Sudr Ameen of Trichinopoly to the precept of the Foujdaree Adalut of 7th idem conveying their remarks and orders on the Trichinopoly Criminal Reports for the month of March 1846.-

(Here enter F: C: No. 1643 of 1846).

1. The Court see no reason for disturbing the sentence passed by the Principal Sudr Ameen of Trichinopoly in case No. 20 of 1846.-

2. They would however observe for his future guidance that the communted period of imprison=ment should be stated at the period of passing sentence.-

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

(Sent in No. 930.)

Read Calendar of case No. 24 of 1846 on the file of the Sessions Court of Cuddalore submitted under date the 27th Ultimo by the Sessions Judge of that Zillah.-

(Here enter F: C: No. 1688 of 1846)

1. All the prisoners in this case have been convicted of gang robbery by open violence and have been sentenced under the provisions of Clause third Section IV Regulation XV of 1803 to 14 Years imprisonment

imprisonment with hard labor in irons.-

2. But adverting to the age of the 4th prisoner who appears not to be more than 14= The Sessions Judge recommends that his term of imprisonment should be reduced to two years.-

3. Adverting to all the circumstances of this case as stated in the Calendar the Court of Foujdaree Adalut resolve under the power vested in them by Clause third Section III Regulation I of 1825. to mitigate the punishment to which the prisoner

4th Andum.

has rendered himself liable and they accordingly direct that he be whipped in a manner suitable to his age and be imprisoned for 2 months in the Jail in such manner and in such place as the Sessions Judge may deem fit the last month being passed in solitary confinement.-

4 The Court of Foujdaree Adalut observe that the Sessions Judge has again failed to comply with the instruction conveyed in Circular Order 20th March 1834 and explained to him not long since.-

5. The Sessions Judge will in future refrain from communicating to a prisoner that a recommendation

recommendation of mitigation or pardon has been made in his favor.-

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

(Sent in No. 931.)

Read return dated the 25th. Ultimo from the Session Judge of Mangalore to the precept of the Foujdaree Adalut under date the 20th. idem calling for information of the grounds of the acquittals recorded by the Jury in favor of the prisoners in Case No. 7 on the Calendar for 1846.-

(Here enter F. C. No. 1734 of 1846).

Read return dated the 22d. Ultimo from the Session Judge of Honore to the precept of the Foujdaree Adalut under date the 13th. idem calling upon him to state whether the rule laid down in Circular Order No. 32 was duly conformed to in the execution of the Prisoner in Case No. 5 on the Calendar for 1846.-

(Here enter F. C. No. 1736 of 1846).

Read letter dated the 28th. Ultimo from the Magistrate of Salem reporting the cause of delay of 20 days in Case No. 21 and stating that the reason assigned by the Tahsildar in Cases Nos. 28 and

Ed. M.

and 29 not being satisfactory he has been warned to be more cautious in future.-

(Here enter F. C. No. 1740 of 1846).

Read Calendar in Case No. 38 of 1846 submitted by the Session Judge of Tinnevelly under date the 27 Ultimo.-

(Here enter F. C. No. 1747 of 1846).

Read return dated the 27th. Ultimo from the Magistrate of Bellary to the precept of the Foujdaree Adalut under date the 19th. idem informing that the further examination referred to in the Extract from the Proceedings of the Session Court dated 18th. April was accordingly held by the Acting Head Assistant Magistrate and no Murder or Homicide being proved the case was dismissed as groundless and that the Head of Police was fined for the irregularities in his Proceedings in the said case.-

(Here enter F. C. No. 1750 of 1846).

Read Calendar in Case No. 39 of 1846 submitted by the Session Judge of Tinnevelly under date the 29th. Ultimo.-

(Here enter F. C. No. 1756 of 1846).-

Monday,
8th June 1846.

At a Court of the Coimbatore Adalut.

Present

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

Malcolm Lewin Esqre _____ 2d Puisne Judge,

J. E. J. Boileau Esqre _____ 3d Puisne Judge,

Read Miscellaneous Petition presented by R. Ennomala Row Vakeel on behalf of Rungamadal Pillay 8th Prisoner in Case No. 46 of 1846 on the Calendar of the Sessions Court at Tinnevelly.—

(Here enter Mr. P. No. 38 of 1846)

The trial in the above case having been referred for the final sentence of the Coimbatore Adalut who directed the release of the Prisoner on the 27th Ultimo, no order seems now to be called for on the above address, which accordingly is rejected.—

Ordered, that Extract from these proceedings be furnished to the Petitioner's Vakeel on his application.—

Read Miscellaneous Petition presented on the 18th Ultimo by Coontarady of Coimbatore.—

(Here enter Mr. Petn. No. 115 of 1846)

The Petition above adverted to, being read

reports not to be sufficiently intelligible for the purposes of a certified translation.—

Ordered that the said Petition be returned to the Party, and that he be required to present an amended Petition in a better digested, and more intelligible form.—

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

Read Miscellaneous Petition presented on the 26th Ultimo by Emoocola Pattien of Zillah Cuddalore.—

(Here enter Dt. Pl: Mis: Pt. No. 118 of 1846)

The object of this Petition is to induce the Court of Sovidaree Adalut to reconsider their orders of the 18th Ultimo dismissing the Petition presented by him on the 4th idem in which he complained of certain orders of the Civil Judge of Cuddalore refusing to interfere with the proceedings of the Magistrate of South Arcot in a complaint preferred by him against a Police Duffadar and certain other individuals.—

The Court of Sovidaree Adalut see no reason to modify the orders to which the Petitioner adverts and which were passed on a full consideration of the case.—

The

Court accordingly resolve to dismiss this Petition.—

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

Read Miscellaneous Petition presented on the 27th April last by Govindaspa of Bellary.—

(Here enter Dt. Pl: Mis: Pet. No. 102 of 1846)

The above petition not bearing the signature or mark of the Petitioner, the Court of Sovidaree Adalut are not prepared to bring it under consideration.—

Ordered accordingly that it be removed from the file of the Court.—

Read Miscellaneous Petition presented on the 14th April last by Soobaraya Padiachy of Chingleput.—

(Here enter Dt. Pl. No. 82 of 1846)

As the above address refers to matter of a Civil nature the Court of Sovidaree Adalut decline to bring it under consideration.—

Ordered accordingly that it be removed from the file of the Court.—

Read Miscellaneous Petition presented on the 4th Ultimo by D. Venkiah of

of the Zillah of Nellore.—

(Here enter C. Gn. C. No. 108 of 1846.)

Adverting to this Court's Proceedings under date the 27th April last dismissing his application to be restored to the situation from which he was dismissed by the late Joint Magistrate of Nellore, the Petitioner now prays the Court of Foujdaree Adawlut to pass an order declaring that "the refusal of the Magistrate of Nellore to restore "him to his situation is no impediment to his being "employed elsewhere."—

The Court of Foujdaree Adawlut have no authority to interfere regarding the dismissal of a Revenue officer and they accordingly resolve to dismiss this Petition.—

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

Read Criminal Reports under date the 9th Ultimo submitted by the Acting Subordinate Judge of Cuddapah for the month of April 1846.

(Here enter C. C. No. 1612 of 1846.)

Report No. V
Case No. 81. 1. The Court of Foujdaree Adawlut observe that any instructions from them are unnecessary regarding the restoration of the property to the Prosecutor in this case, which should be ordered by the Court by which the case has been tried and

and which has decided that the Prosecutor is the lawful owner of the property adverted to.—

Case No. 87. 2. The Court of Foujdaree Adawlut desire that the Acting Magistrate will investigate the charge of ill treatment made by the Prisoner in this case against the Police authorities and urged by him in explanation of his confession, reporting the result of such investigation for the information of the Foujdaree Adawlut.—

Cases Nos. 89 and 90. 3. Adverting to the nature of the assaults proved against the Prisoners in these cases the Court of Foujdaree Adawlut consider the sentences passed unwarrantably lenient.—

Case No. 92 4. With reference to the grounds assigned by the Acting Subordinate Judge for attaching credit to the confession made by the Prisoner in this case before the Head of District Police the Court of Foujdaree Adawlut are of opinion that that individual might with propriety have been placed under a requisition of security.—

Case No. 98. 5. The Prisoner in this case having on a previous occasion been convicted of "theft", the sentence awarded appears to the Court of Foujdaree Adawlut extremely lenient.—

Ordered

Ordered, that Extract from these Proceedings be sent to the Acting Subordinate Judge of Cuddalore for his information and guidance and for communication of para. 2 to the Acting Magistrate for the information and guidance of that officer for report direct to the Zoujdaree Adalut.—

(Sent in No. 935).

Read Miscellaneous Petition presented on the 9th March last by a Mookteyar Vakeel on behalf of Mr. Pollick of Tinnevelly.—

(Here enter S.C. M. P. No. 56 of 1846)

The Petitioner complains of the proceedings of the Magistrate and Sessions Judge of Tinnevelly held in reference to certain disputes existing between the Petitioner and his Son in Law and prays for the interference of the Zoujdaree Adalut.—

The Petitioner is informed that the Court of Zoujdaree Adalut is not the medium of adjusting the private quarrels set forth in this Petition, and which appear susceptible of settlement thro' the intervention of friends only.—

If the Petitioner has been injured in regard to matters of a Civil nature, he should proceed as by Law directed in the Civil Courts.—

If in matters of a Criminal nature the Petitioner or his wife have been injured and have not received redress at the hands of the Magistrate.

and

(and Sessions Judge on appeal to him) he should simply state the facts divested of all extraneous circumstances, and the Court if they see sufficient cause, will call upon the proper authorities for explanation.—

Ordered, that the Petition be dismissed and that Extract from these proceedings be furnished to the Petitioner's Vakeel on his application.—

Read again Miscellaneous Petition presented on the 14th April last by Amasamy Puttaien of Tillah Combaconum.—

(Here enter S.C. Rec. P. No. 81 of 1846)

Read also return under date the 28th Ditto from the Sessions Judge of Combaconum to the precept of the Zoujdaree Adalut dated the 11th idem directing that officer to report whether the prisoner in Case No. 60 of 1845 on the file of the Sessions Court offered to prove an alibi.—

(Here enter S.C. No. 1733 of 1846)

1. The Sessions Judge states in his return that the allegations made on behalf of the 1st Prisoner that he named evidence before the Sessions Court to prove an alibi are perfectly false; that the 2d Prisoner named witnesses who he states were able to prove his absence during the months of February and March

March from the Village in which the robbery charge against him was committed, but that the robbery in question having taken place on the 7th of April following and (the Sessions Judge) deemed it inexpedient to cite the witnesses named.—

2. Under these circumstances the Court of Sudder Adawlut see no reason to interfere with the sentence awarded to the Prisoner referred to in the foregoing Petition which is accordingly dismissed.—

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

(Sent in No. 936).

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

Read again Miscellaneous Petition presented on the 14th Ultimo by Ramyachary of Zillah Trichinopoly.—

(Here enter P. Misc: Pet. No. 84 of 1846)

Read also return under date the 22d Ultimo from the Magistrate of Trichinopoly to the precept of the Sudder Adawlut dated the 11th idem directing that Officer to take such steps as justice may require in the matter of the foregoing Petition.—

(Here enter P. M. No. 1721)

1. The Court of Sudder Adawlut having perused the return of the Magistrate and the documents submitted

submitted therewith entirely concur in the view of the case recorded by that Officer.—

2. It is clear that except by the adoption of measures to ensure the preservation of the public peace the Magistrate has no authority to interfere in the matter adverted to by the Petitioner who if he considers that any Civil Right conferred on him by a Decree of Court has been infringed, should appeal for redress to the Civil Tribunal by whom the Decree may have been passed.—

3. The Court of Sudder Adawlut resolve to dismiss this Petition.—

Ordered that Extract from these Proceedings be sent to the Magistrate of Trichinopoly for his information.— (Sent in No. 937).

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

Read Miscellaneous Petition presented on the 4th Ultimo by P. Appadoo Vakeel on behalf of Vallyapally Cooroo of Zillah Malabar.—

(Here enter P. M. Pet. No. 109 of 1846)

1. The Petitioner complains of certain proceedings held by the Acting Sessions Judge of Calicut

Calicut under date the 28th of February last affirming a fine imposed upon him by the Magistrate of Malabar on a charge preferred against him and certain other individuals by the Cahsildar of Ernaad Talook.—

2. Before finally disposing of the matter of this Petition, the Court of Zoujdaree Udalut resolve to direct that the Acting Session Judge will submit for their consideration a copy of the Magistrate's order of which the Petitioner complains and which, it appears has been retained in the Session Court.—

3. The Acting Session Judge will also be pleased to ascertain from the Magistrate and report to the Zoujdaree Udalut whether the Petitioner, as he asserts, cited witnesses to disprove the charge preferred against him, and if so whether they were examined.—

Ordered, that Extract from these Proceedings be sent to the Acting Session Judge of Calicut for his information and guidance by precept returnable within XV days, from and after its receipt.—

(Sent following Precept No. 938.

Ordered also, that Extract from these

proceedings be furnished to the Petitioner's Vakeel on his application.—

Read again letter dated the 24th April last from the Acting Session Judge of Coimbatore, submitting the record of the trial in Case No 6 on the Calendar for 1846.—

(Here enter No. 1325)

Read also return dated the 1st Instant from the Acting Session Judge of Coimbatore to the precept of the Zoujdaree Udalut dated the 27th Ultimo, commanding him to put an amended Question to the Mahomedan Law officer in regard to Case No 6 on the Calendar for 1846 and to forward a translation of his answer.—

(Here enter No. 1778)

Mr. Waters,
and
Mr. Lewin,

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

1st Lemboo
2d Coolum
and
3d Coolie

is sufficient to convict them of the crime of Gang Robbery, do convict them thereof, and under the provisions of Clause third Section IV Regulation XII of 1807, sentence them to be imprisoned and kept to hard labour in

in irons on the public roads or other public works for and during the period of (14) fourteen years. The Court of Zoujdaree Adalut being further of opinion that the prisoners

4th Colcaura Coollum

5th Morroodon

6th Coonjun

and

7th Langaron

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confession of the above crime, do acquit them thereof; but considering that strong suspicion though not amounting to conviction attaches to them, they direct that they be required under Clause 4th Section II Regulation XV of 1803, to furnish sureties in an amount to be determined at the discretion of the Sessions Judge, for their good behaviour and appearance when required within a period which that Officer will define, or in default thereof, that they be detained for a similar period in confinement.—

1. The Prisoners in this case were charged with Gang Robbery by open violence.—

2. The Acting Sessions Judge concurs with the Law Officer in the conviction of the 1st 2d and 3d Prisoners, but being of opinion that the evidence is insufficient

insufficient for the conviction of the 4th 5th 6th and 7th Prisoners, has referred the trial for the consideration and final orders of the Zoujdaree Adalut recommending that the 1st 2d and 3d Prisoners be severally sentenced to imprisonment with hard labor in irons for the period of 14 years and that the other prisoners be unconditionally released forthwith.—

3. The Court of Zoujdaree Adalut having attentively perused the entire record of this case concur with the Acting Sessions Judge in the conviction of the 1st 2d and 3d Prisoners and approve of the sentence proposed by that Officer to be passed upon them.—

4. The Court however differ from the Acting Sessions Judge in their appreciation of the evidence against the 4th 5th 6th and 7th Prisoners and they consider that they would not be justified in ordering the unconditional release of those individuals.—

6. These Prisoners, the Court of Zoujdaree Adalut observe, produced some Rupees admitting that they had received the same as their share of the plundered property.—

6. It is obvious that if, as they afterwards asserted, they had realized the Rupees in question by selling Cattle and in collecting Rent money, they

would

would have been able to adduce proof of the same; whereas they do not appear to have made the attempt or to have called a single witness.—

7. No reason can be discovered for their inability to prove the plea urged in their defence.—

8. The Court of Zoujdaree Adalut accordingly direct that the 4th 5th 6th and 7th Prisoners be severally placed under a requisition of Security, the amount thereof to be determined at the discretion of the Acting Sessions Judge.—

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

(Sent following Letter No. 939).

Read letter dated the 19th ultimo, from the Sessions Judge of Cuddapah submitting an English translation of the Record in Case No. 10 on the Calendar for 1846.—

(Here enter No. 1636 of 1846)

Mr. Lewin,
and
Mr. Boileau,

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

opinion that the proof against the Prisoners

1st "Nallamakala Mabalaso"

and

2d "Lumbady Kuragadoo"

is sufficient to convict them of the crime of Gang Robbery attended with aggravating circumstances, do convict them severally thereof; and with reference to the provisions of Clause third Section IV Regulation XV of 1803, adjudge the Prisoner

1st "Nallamakala Mabalaso"

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

2d "Lumbady Kuragadoo"

to be imprisoned and kept to hard labor in irons on the public roads, or other public works, for, and during the period of (14) fourteen years; but being of opinion that the Prisoner

3d Ramaneyneo Chemoogadoo,

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession of the above crime, do acquit him thereof, and direct that he be unconditionally released.—

The

8th June 1846.

1. The 1st 2d & 3d Prisoners in this case were charged with having gone with others in a going with torches to the Prosecutors House burnt him with the torches and robbed him of property valued at Rupees 528-4--

2. The 4th Prisoner was charged with having received part of the stolen property knowing the same to have been stolen--

3. The Session Judge concur with the Law officer in the conviction of the 1st and 2d Prisoners of the crime laid to their charge and in the acquittal of the 4th Prisoner, whom he has ordered to be released, but being of opinion that the evidence is insufficient to establish the guilt of the 3d Prisoner, who has been convicted by the Law officer, has referred the trial for the consideration and final orders of the Foujdaree Udalut--

4. The Court of Foujdaree Udalut having attentively perused the entire record of this case are of opinion, with reference to the state in which it appears that the Prosecutor was left by the torture inflicted on him and adverting to the character of the 1st Prisoner who from his own confession is proved to be a desperate and habitual robber,

that

S.H.

8th June 1846.

that in this case any sentence short of transportation for life would be insufficient to meet the demands of justice--

5. Under the above views of the case the Court of Foujdaree Udalut also consider the sentence recommended by the Session Judge to be passed upon the 2d Prisoner unjustifiably lenient and they accordingly resolve to increase the period of imprisonment proposed by that Officer from 8 to 14 years--

6. The Court of Foujdaree Udalut concur with the Session Judge in the acquittal of the 3d Prisoner--

Ordered, that Extract from these Proceedings be sent to the Session Judge of Cuddapah for his information and guidance--

(Sent following letter No. 940)--

Read Criminal Reports under date the 5th Instant submitted by the Subordinate Judge of Chittoor for the month of April 1846--

(Here enter C.L. No. 1446 of 1846)

Supplemental Report Case No. 54.

1. Adverting to the number of prisoners tried in this Case the Court of Foujdaree Udalut require an explanation regarding the statement of the

the charge in which reference is made only to one prisoner.—

2. The Court desire that the Acting Magistrate of North Arcot will investigate the delay of five months which occurred in the transmission of this case to the Criminal Court, and adopt such measures with reference thereto as he may think proper, reporting the same for the information of the Conjeveram Adalut.—

3. The Court of Conjeveram Adalut further direct that the Head of Police be called upon to state his reasons for committing the 2d Prisoner.—

Report No. V Case No. 66. 4. It appears to the Court of Conjeveram Adalut that the evidence in this case was sufficient for the Prisoner's conviction, and they accordingly direct that the Sessions Judge will call up the record and pass such orders as he may think necessary, reporting the same for the information of the Conjeveram Adalut.—

Case No. 70. 5. The Court of Conjeveram Adalut approve of the remarks recorded by the Subordinate Judge regarding the irregular reference by the Acting Magistrate of North Arcot of a complaint made

made against one officer of the Native Police for trial by another, and they desire that the Acting Magistrate will explain on what grounds he neglected to observe the provisions of Regulation III of 1819 and the rule laid down in Circular Order under date 20th March 1834.—

Cases Nos. 71 and 72. 6. With reference to the observations recorded in these cases by the Subordinate Judge regarding the Police Ameen of Villore, the Court of Conjeveram Adalut resolve to direct that the Acting Magistrate will report his opinion as to the official competency of that officer.—

7. The Court observe that the Acting Magistrate has recently proposed an addition to the present Police establishment at Villore, which perhaps if efficiently superintended might prove sufficient.—

Case No. 73. 8. Adverting to the nature of the offence charged in this case, the Court of Conjeveram Adalut are clearly of opinion that the case is committable, and that the order of the Sessions Judge returning it for disposal by the Subordinate Court is incorrect.—

The

8th June 1826.

9. The Court of Sonjdarea Dedutut accordingly resolve to annul the sentence which has been passed, and direct that the prisoner be recommitted for trial before the Session Court.—

10. The Court further desire that the Session Judge will explain why the Calendar of this Case which was returned to the Subordinate Judge on the 15th Ultimo has not yet been laid before the Sonjdarea Dedutut as required by the standing orders of this Court.—

Case No. 74. 11. Adverting to the opinion recorded by the Subordinate Judge that this case might have been disposed of under Section XXXIII Regulation IX of 1816, the Court of Sonjdarea Dedutut are utterly unable to understand on what grounds that Officer considered himself justified in awarding a sentence of three months imprisonment, which with reference to the nature of the offence proved against the Prisoner, and her position in the Prosecutor's establishment, is obviously too severe.—

12. The Court accordingly direct that the Prisoner be now immediately released.—

13. The Subordinate Judge will be pleased

S.D.

8th June 1826. pleased to submit an explanation of the inconsistency in his proceedings above adverted to.—

Case No. 76. 14. The Court of Sonjdarea Dedutut desire that the Session Judge will revise the proceedings in this case, reporting the result for their information.

Case No. 76. 15. It appears to the Court of Sonjdarea Dedutut that obviously no grounds existed for the commitment of the prisoner to the Criminal Court as ordered by the Acting Magistrate.—

Case No. 78. 16. With reference to the rule laid down in the final para of Sonjdarea Dedutut Circular Order under date the 26th February 1820, the Court of Sonjdarea Dedutut consider the evidence in this case sufficient to warrant the commitment of the 2d Prisoner, and they accordingly direct that that individual be re-apprehended and committed for trial before the Sessions Court.—

Case No. 79. 80. 17. The Court of Sonjdarea Dedutut have repeatedly prohibited the use of the term "Burglary," and they accordingly direct that the heading affixed to the statement of the charge in these cases, be amended by the substitution of the term "House breaking, in its stead.—

Case No. 81. 18. The Court of Sonjdarea Dedutut concur in the opinion recorded by the Subordinate Judge that this case is committable, and they accordingly resolve

resolve to amend the sentence which had been passed by the Subordinate Judge, and direct that the 1st Prisoner be committed for trial before the Sessions Court.—

Ordered, that Extract from these Proceedings paras 4-8-9-10-14 and 18 be sent to the Sessions Judge of Chittoor for his information and guidance by Sheriff returnable within XV days from and after its receipt.—

(Sent following Precept No. 941.)

Ordered also that Extracts from these proceedings be sent to the Subordinate Judge of Chittoor for his information and guidance and for communication of paras 2-3-5-6-7- and 18 to the Acting Magistrate of North Arcot for the information and guidance of that officer, and for report direct to the Sessions Judge Ordered by Sheriff returnable within XXV days from and after its receipt.—

(Sent following Precept No. 942.)

Armogum Pillay of Tirchinopoly moves the Court to return the enclosures in his Miscellaneous Petition No. 114 of 1846.—

Ordered accordingly.

Moosoola Puttun of Cuddalore, moves the Court to return the enclosures in his Miscellaneous Petition No. 107 of 1846.—

Ordered accordingly.—

F. U.

Tuesday.
9th June 1846. At a Court of the Foujdaree Udalut.

Present

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

Read again Calendar of Case No. 16 of 1846 submitted by the Session Judge of Combaconum under date the 23d February last.-

(Here enter F. U. No. 672 of 1846)

Read also return under date the 20th Ultimo from the Session Judge of Combaconum to the precept of the Foujdaree Udalut dated the 24th April last directing the submission of an English Translation of the entire record of the Case above referred to.-

(Here enter F. U. No. 1652 of 1846)

1. The Prisoners in this Case were charged before the Session Court with having administered drugs to

the

the Prosecutor's wife, aged 16 years, led her away from her husbands' house and robbed her of Jewels &c valued at Rupees 100, and were pentenced by the Session Judge who concurred in opinion with the two Jurors who assisted at the trial, - the 1st Prisoner to seven Years imprisonment with hard labor in irons and the 2d Prisoner (a female) to five years imprisonment with labor suited to her sex; the authority quoted for such pentence being Clause seventh, Section II, Regulation XV of 1803. -

2. The Court of Foujdaree Uda-lut having attentively considered the entire record now laid before them, are of opinion that the charge against the prisoners is not proved in any single point. There is no evidence, the Foujdaree Udalut consider, to the narcotic drug having been adminis-tered, nor is there evidence that any pro-perty was taken from the female. The object of the 1st prisoner was, the Court believe, the peduction of the Prosecutors wife and that alone; - if the case as laid down

down in the charge before the Session Court, had been proved, it was a refer-rible Case, one of a very aggravated na-nature, as it involved drugging a fe-male, carrying her away from her hus-bands house, robbing her, and the intent to defile her -

3. The Court of Foujdaree Uda-lut accordingly resolve to acquit the prisoners, being of opinion that the Prosecutors wife left her husbands house partly because of a quarrel and partly because the 1st Prisoner seduced her from it. Charges of this kind the wholly void of truth are brought to save the fame of the female. It is ac-cordingly ordered that the Prisoners -

1st Sabapaty Parjachee,

and

2d Amma Coolly,

be forthwith set at liberty. -

4. The Session Judge will be pleased to state for the information of the Foujdaree Udalut under what

circumstances

the Prosecutor's wife, aged 16 years, led her away from her husbands' house and robbed her of Jewels &c valued at Rupees 100, and were sentenced by the Session Judge, who concurred in opinion with the two Jurors who assisted at the trial, - the 1st Prisoner to seven Years imprisonment with hard labor in irons and the 2d Prisoner (a female) to five years imprisonment with labor suited to her sex; the authority quoted for such sentence being Clause seventh, Section II, Regulation XV of 1803. -

2. The Court of Foujdaree Uda- -lut having attentively considered the entire record now laid before them, are of opinion that the charge against the prisoners is not proved in any single point - There is no evidence, the Foujdaree Udalut consider, to the narcotic drug having been adminis- -tered, nor is there evidence that any pro- -perty was taken from the female. The object of the 1st prisoner was, the Court believe, the seduction of the Prosecutors wife and that alone; - if the case as laid down

down in the charge before the Session Court, had been proved, it was a refer- -rible Case, one of a very aggravated na- -ture, as it involved drugging a fe- -male, carrying her away from her hus- -bands house, robbing her, and the intent to defile her -

3. The Court of Foujdaree Uda- -lut accordingly resolve to acquit the prisoners, being of opinion that the Prosecutors wife left her husbands house partly because of a quarrel and partly because the 1st Prisoner seduced her from it - Charges of this kind tho' wholly void of truth are brought to save the fame of the female. It is ac- -cordingly ordered that the Prisoners -

1st Sabapathy Pariyachee,

and

2d Amma Coolly,

be forthwith set at liberty. -

4. The Session Judge will be pleased to state for the information of the Foujdaree Udalut under what circumstances

circumstances he deemed it necessary to take two separate defences from the 1st Prisoner on two following dates, the 16th and 17th February last, and why the defence of the 2d Prisoner was not received, on the first of the two days during which the trial took place.

Ordered that Extract from these Proceedings be sent to the Session Judge of Combaconum for his information and guidance by precept returnable within 2 days from and after its receipt.

(Sent following precept No. 944)

Read Extract from the Minutes of Consultation dated 5th May 1846. No. 113.

(Here enter No. 911.)

1. In the above Extract the Court of Foujdaree Udalut are called upon to consider and report regarding a proposition made in the concluding para: of a letter addressed to the Government by Lieutenant Colonel Thompson, late Joint Magistrate at Ootacamund, in which he has described the inconveniences

F. U.

9th June 1846.

inconveniences resulting from the limited powers possessed by the Joint Magistrate for repressing thefts committed by servants and for which he proposes as a remedial measure that the Officer Commanding the Hills be made a Principal Sudr Ameen or that his "powers as a Magistrate be so extended as to "make them equal at all events to those "of a Sudr Ameen."

2. The criminal powers possessed by Principal Sudr Ameens and Sudr Ameens being coordinate in respect of punishment to be awarded by themselves, the Court of Foujdaree Udalut but are induced to believe that the suggestion made by Lieutenant Colonel Thompson is intended to mean that his Magesterial authority should be rendered equal to the judicial criminal powers exercised by a Principal Sudr Ameen. an arrangement by which he would be enabled to take cognizance in a

circumstances he deemed it necessary to take two seperate defences from the 1st Prisoner on two following dates, the 16th and 17th February last, and why the defence of the 3d Prisoner was not received, on the first of the two days during which the trial took place.

Ordered that Extract from these Proceedings be sent to the Session Judge of Combaconum for his information and guidance by precept returnable within 4 days from and after its receipt.

(Sent following precept No. 944)

Read Extract from the Minutes of Consultation dated 1st May 1846. No. 113.

(Here enter No. 911.)

1. In the above Extract the Court of Foujdaree Udalut are called upon to consider and report regarding a proposition made in the concluding para: of a letter addressed to the Government by Lieutenant Colonel Thompson, late Joint Magistrate at Ootacamund, in which he has described the inconveniences

inconveniences resulting from the limited powers possessed by the Joint Magistrate for repressing thefts committed by servants and for which he proposes as a remedial measure that the Officer Commanding the Hills be made a Principal Sudr Ameen or that his "powers as a Magistrate be so extended as to "make them equal at all events to those "of a Sudr Ameen."

2. The criminal powers possessed by Principal Sudr Ameens and Sudr Ameens being coordinate in respect of punishment to be awarded by themselves, the Court of Foujdaree Udalut are induced to believe that the suggestion made by Lieutenant Colonel Thompson is intended to mean that his Magesterial authority should be rendered equal to the judicial criminal powers exercised by a Principal Sudr Ameen. an arrangement by which he would be enabled to take cognizance in a

a Criminal Judge, of all such Cases aris-
ing within his jurisdiction, as are now brought
before the Subordinate Criminal Courts, the
power being at the same time vested in him
of committing for trial before the Session
Court at Combatore any case demanding
a more severe punishment than he would
be empowered to inflict as Principal
Sudr Ameen.-

3. The Court observe that such
a measure would be the mere applica-
tion to a Joint Magistrate of the prin-
ciple under which the present Zillah
Courts have been established at Chicacole,
Tellicherry and Honore and they see no
objection to its adoption, assuming the
requisite authority to have been first
obtained from the Supreme Government
for adding to the existing number of
Subordinate Courts presided over by a
Principal Sudr Ameen.-

Ordered that Extract from
these proceedings be forwarded to the
Secretary to Government in the Judicial
Department.

Department for submission to the
Most Noble the Governor in Council.-
(Sent in No. 945).

Read again Calendar of
Cases Nos 28-29 and 30 of 1846 submit-
ted by the Session Judge of Combaconum
under date the 13th April last.
(Here enter F. D. No. 1204 of '46)

Read also return under date the
the 13th Ultimo from the Session Judge of
Combaconum to the precept of the Foug-
-dare Adalut dated the 27th April last
conveying the instructions of the Foug-
-dare Adalut on the foregoing Calendar.
(Here enter F. D. No. 1554 of '46)

The Session Judge states
in his return that the 1st Prisoner in Case
No. 28 lies under strong suspicion of hav-
-ing committed the offence charged
against him and adverts to the cir-
-cumstance of his being a stranger in
the Country and having been found in
company with the prisoners who have
been convicted.-

The

9th June 1846.

2. The Court of Fouydaree Udalut consider the evidence as stated in the Calendar insufficient to justify the requisition of security under which the 1st Prisoner has been placed and they are still of opinion that the most appropriate way of disposing of that individual is to transfer him to the Magistracy as ordered in their proceedings of the 27th April last.

3. It is not clear from the return of the Session Judge whether the instructions of the Fouydaree Udalut on the point above adverted to, have been carried out, and the Court accordingly resolve to direct that the Session Judge, should he not already have obeyed their orders, will now cancel the security bonds forthwith and transfer the prisoner to the Magistrate to be dealt with as a "Vagrant," reporting the same for the information of the Fouydaree Udalut.

Ordered that Extract from these Proceedings be sent to the Session Judge

F. U.

9th June 1846.

Judge of Combaconum for his information and guidance by precept returnable within X days from and after its receipt.

(Sent following precept No. 946).

Read Calendar in Case No. 20 of 1846 on the file of the Session Court at Madura submitted under date the 23d Ultimo by the Acting Session Judge.

(Here enter F. U. No. 1695 of 46)

From the very meagre statement of this Case contained in the Calendar the Court of Fouydaree Udalut are unable to judge of the propriety of the sentence passed, and they accordingly direct that an English Translation of the entire record be submitted for their consideration.

Ordered that Extract from these proceedings be sent to the Acting Session Judge of Madura for his information and guidance by precept returnable within X days from and after its receipt.

(Sent following precept No. 947).

Read

9th 9th June 1846.

Read Report of Cases tried by the Magistracy of Combatore under the provisions of Section LIV Act VII of 1843 during the month of April 1846, submitted by the Magistrate under date the 12th Ultimo.

(Here enter F. D. № 1677 of '46)

The Court of Foujdaree Uda-lut have declared the provisions of Regu-lation VI of 1822 inapplicable to the Ma-gistracy in the exercise of the additional powers granted under Section LIV Act VII of 1843 and they accordingly direct that the sentence passed in the Case contained in this report be amended by the citation of only Section VII Regulation X of 1816 in-stead of the enactment quoted.

Ordered that Extract from these Proceedings be sent to the Magis-trate of Coimbatore for his information and guidance by precept returnable within X days from and after its receipt.

(Sent following precept № 948)

Ent'd

9th 9th June 1846.

Read Report of Cases tried by the Magistracy of Combatore under the provisions of Section LIV Act VII of 1843 during the month of April 1846. submitted by the Magistrate under date the 12th Ultimo.

(Here enter F. D. № 1677 of '46)

The Court of Foujdaree Uda- -lut have declared the provisions of Regu- -lation VI of 1822 inapplicable to the Ma- -gistracy in the exercise of the additional powers granted under Section LIV Act VII of 1843 and they accordingly direct that the sentence passed in the Case contained in this report be amended by the citation of only Section VII Regulation X of 1816 in- -stead of the enactment quoted.

Ordered that Extract from these Proceedings be sent to the Magis- -trate of Combatore for his information and guidance by precept returnable within X days from and after its receipt.

(Sent following precept № 948)

Ed 11th

S. Vo.

Wednesday, }
10th June 1846. } At a Court of the Foujdaree Adalut.

Present

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

Read Criminal Reports under date the 8th Ultimo, submitted by the Principal Sudr Ameen of Coimbatore, for the month of April 1846.

(Here enter S. Vo. No. 1508 of 1846.)

Supplemental Report Case No. 46.

1. The objections urged by the Principal Sudr Ameen against the evidence of the mother of the Prosecutrix in this Case, appear to the Court of Foujdaree Adalut to be unsound, unless justified by the circumstances of the case.

2. Nor do the Court of Foujdaree Adalut appreciate the argument advanced by the Principal

Sudr

10th June 1846. Sudr Ameen in support of the regue-
-stion of security under which the
-o- prisoner has been placed, and
which they observe should not have
been made, unless warranted by the
evidence adduced.-

3. With reference to the fore-
-going observations the Court of
Foujdaree Udalut resolve to direct that
the Principal Sudr Ameen will
submit for their consideration a more
detailed report of the circumstances
of the case, specifically pointing out
the evidence on which he considered
himself justified in making a reque-
-stion of security.-

Report No V.
Case No 68. 4. The Principal Sudr Ameen
has apparently overlooked the main
point to be considered in this case,
viz: whether the Prisoner's child was
secretly buried or not.-

5. If the burial of the child
was

10th June 1846. was secret, the Court of Foujdaree
Udalut observe that the prisoner was
punishable under the rule laid down
in Circular Order No 151.-

Case No 69. 6. Adverting to the opinion
recorded by the Principal Sudr Ameen
in Case No 51, that the commission
of the theft originally charged against
the prisoner in this case was doubtful,
the Court of Foujdaree Udalut desire
to be informed, on what grounds that
Officer has inflicted for the escape
the highest sentence awardable by
Law.-

Case No 71. 7. The Court of Foujdaree
Udalut require an explanation of
the omission by the Head of District
Police to forward the Prosecutor and
witnesses in this case, together with
the Prisoner to the Criminal Court.-

Case No 72. 8. The Court of Foujdaree
Udalut desire to be informed what
notice may have been taken by the
Magistrate,

10th June 1846.

e Magistrate of the grose negligence evinced in this case by the Head of District Police, in omitting to search the house of the Prisoner.-

Case No. 76 9 The Court of Foujdaree Udalut have frequently as opposed to every principle of justice, prohibited the examination of witnesses for the prosecution after prisoners have been put on their defence; a course of proceeding which it appears from the Principal Sudr Ameen's report, has been adopted in the examination of this case by the Joint Magistrate of Potacammud.-

Case No. 77 10 The Court of Foujdaree Udalut consider the sentence in this case too severe, with refarence to the nature of the act proved against the prisoner, involving no moral guilt and they accordingly direct that the prisoner be now unconditionally released.-

Case No. 81.- 11 Adverting to the irregularity committed

F. U.

10th June 1846 committed by the Head of District Police to which the escape of the prisoner in this case may be attributed, the Court of Foujdaree Udalut resolve to remit the sentence awarded for the escape.-

Case No. 84 12 The Court of Foujdaree Udalut have declared the provisions of Act III of 1844 to be inapplicable to this Presidency, and they desire that the sentence passed in this case, be amended accordingly - and a fresh report transmitted to the Magistrate together with a copy of this para.

13 Adverting to the submission with these Reports of the monthly Criminal Statements, hitherto received direct from the Acting Sessions Judge, the Court of Foujdaree Udalut observe that it was not intended by this recent Circular letter that

Dated 1st May 1846.-

the

10th June 1846.

Read Calendar of Case No. 14 of 1846 on the file of the Sessions Court at Salem, submitted under date the 9th April last by the Sessions Judge.-

(Here enter F.C. No. 1751 of 1846.)

Adverting to the one person in this Calendar of several of the usual Columns, the Court of Foujdaree Udalut resolve to direct that it be returned to the Sessions Judge, in order to the submission of an amended Calendar prepared in conformity with existing rules.

Ordered, that Extract from these Proceedings, be sent to the Sessions Judge of Salem for his information and guidance by precept returnable within V days from and after its receipt.-

(Sent following precept No. 954)

Read again Calendar of Cases Nos. 63 and 64 of 1845, submitted by the Sessions Judge of Combaconum under date

10th June 1846.

the documents in question should be submitted through the medium of the Principal Sudr Ameen, but that instead of being transmitted as five separate communications, they should be stitched together so as to form a single communication.-

Ordered, that Extract from these Proceedings, (Para 13) be sent to the Acting Sessions Judge of Coimbatore, for his information and future guidance.-

(Sent inc No. 952)

Ordered, also that Extract from these Proceedings be sent to the Principal Sudr Ameen of Coimbatore for his information and guidance, and for communication of paras 7, 8, and 9 to the Magistrate for the information and guidance of that Officer, and for report direct to the Foujdaree Udalut by precept returnable within XV days from and after its receipt.-

(Sent following precept No. 953)

10th June 1846.

date the 15th January 1846.

(Here enter F. No. 175 of 1846)

Read also return under date the 10th Instant from the Session Judge of Combaconum, to the precept of the Fouj: -daree Udalut dated the 23rd Ultimo directing that Officer to report whether the prisoners in Cases Nos. 63 and 64 of 1845, named any witnesses in their defence and whether any were examined; to submit an abstract of the evidence in both cases; to state how the Prisoners severally pleaded before the Session Court, and to forward a translation of the confession made by the 1st Prisoner before the Police.-

(Here enter F. No. 1181 of 1846)

4. It appears from the return of the Session Judge that all the prisoners in the cases referred to pleaded "not guilty" before the Session Court and that they all with the exception of the 1st and 10th Prisoners, named witnesses whom they wished to be examined in their

F. No.

10th June 1846.- their defence and who they stated were able to depose to certain specific facts.-

2. The Sessions Judge adverting to the nature of the alibi which the Prisoners alleged that the witnesses named by them were able to prove states that for reasons assigned in respect of each alibi he considered it quite unnecessary to send for their witnesses and therefore dispensed with their examination.-

3. The Court of Fouj-daree Udalut having perused this return consider that the manner in which from his own statements the trials therein referred to, are shown to have been conducted by the Sessions Judge, reflects great discredit on that Officer.-

4. The Prisoners who pleaded an alibi were fully entitled to have their witnesses called and examined, and it is obvious that had such an alibi been proved in the case of all the

10th & 10th June 1846.

the prisoners, except the 1st and 10th, the case for the prosecution must have fallen to the ground.-

5. The omission of the Sessions Judge to examine the prisoners witnesses has rendered the sentences passed upon them of doubtful propriety;-

6 The Sessions Judge will therefore be pleased to suspend the sentences awarded to the Prisoners pending the consideration by the Sowdaree Udalut of the entire record of these cases, an English translation of which the Court desire may be submitted to them with the least practicable delay.-

Ordered that Extracts from these Proceedings be sent to the Sessions Judge of Combaconum for his information and guidance, by precept returnable within V days from and after its receipt.-

(Sent following precepts 1st 1955).

F: 46:

Thursday 11th: June 1846.

At a Court of the Foujdaree Adalut.

Present.

G: I: Waters Esqre: ——— 1st: Puisne Judge

Malcolm Lewin Esqre ——— 2nd: Puisne Judge

I: E: I: Boileau Esqre ——— 3rd: Puisne Judge

Read Communication from the Session Judge of Chittoor dated 30th: Ultimo, showing on what grounds he had cancelled the sentence passed by Acting Joint Magistrate, Mr: R: R: Cotton, in Case No: 1 of 1846, wherein Sepoy Gholam Mahomed Khan was convicted of stealing a diamond ring and sentenced by the Acting Joint Magistrate to imprisonment without irons for a period of six months; and submitting certain correspondence between himself and the Magistracy of North Arcot on the subject of that sentence.—

(Here enter No: 1649 of 1846).

1. The Court of Foujdaree Adalut fail to comprehend the doubt expressed in the closing para: of ——— Mr: R: R: Cotton's letter to the Acting Magistrate, as the amendment of the sentence passed on the Prisoner in question which was directed by the Foujdaree Adalut, had reference solely to the omission of hard labor in irons which appeared in the Acting

proceedings 23rd: April 1846.

Joint

J: 86:

Thursday 11th June 1846.

At a Court of the Foujdaree Adalut.

Present.

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

Malcolm Lewin Esqr ——— 2nd Puisne Judge

J: C: J: Boileau Esqr ——— 3rd Puisne Judge.

Read Communication from the Sessions Judge of Chittoor dated 20th Ultimo, showing on what grounds he had cancelled the sentence passed by Acting Joint Magistrate, Mr. R: R: Cotton, in Case No. 1 of 1846, wherein Sepoy Gholam Mahomed Khan was convicted of stealing a diamond ring and sentenced by the Acting Joint Magistrate to imprisonment without irons for a period of six months; and submitting certain correspondence between himself and the Magistracy of North Arcot on the subject of that sentence.—

(Here enter No. 1649 of 1846).

1. The Court of Foujdaree Adalut fail to comprehend the doubt expressed in the closing para: of Mr. R: R: Cotton's letter to the Acting Magistrate, as the amendment of the sentence passed on the Prisoner in question which was directed by the Foujdaree Adalut, had reference solely to the omission of hard labor in irons which appeared in the Acting Joint

proceedings 23rd April 1846.

Joint Magistrates sentence.-

2. It is observed that Mr. Cotton's expression that his opinion of the case" remained unchanged" after the view of the proper appellate authority had been officially declared for his information and guidance, as a Junior Subordinate functionary, was as much out of place and irregular, as it is disrespectful and insubordinate.- Mr. R. R. Cotton is warned that any future instance of a disinclination to yield to the injunctions addressed to him by his judicial superiors, will impose upon the Court of Foujdaree Adalut the necessity of seriously noticing that and previous instances of a similar nature.-

3. It is to be regretted that the Acting Magistrate has in this matter also allowed himself to become the mere medium of transmission to the Session Court of sentiments and a communication which it was his duty to control and check by exacting immediate obedience to the orders of the Session Judge.-

4 The Session Judge is requested to call upon the Acting Magistrate to affix consecutive numbers to the cases appearing in the Reports of trials disposed of under Section IstIV Act VII of 1843, commencing from the beginning of the year.-

Ordered

11th June 1846.

Ordered that Extract from these Proceedings be sent to the Session Judge of Chittoor for his information and communication to the Acting Magistrate of North Arcot.-

(Sent in No. 958)

Read again Criminal Reports under date the 11th November 1845 submitted by the Subordinate Judge of Madura for the month of October 1845.-

(Here enter F. C. No. 3386 of 1845).

Read again also return under date the 29th April 1846. from the Acting Session Judge of Madura, to the precept of the Foujdaree Adalut dated the 24th December 1845, directing that Officer to call up the record of Case No. 202.- contained in the foregoing Criminal Reports and to pass such orders as he might think proper reporting the same for the information of the Foujdaree Adalut.-

(Here enter F. C. No. 1369 of 1846).

Read also return under date the 20th Ultimo from the same officer to the precept of the Foujdaree Adalut dated the 13th idem directing him to submit for their consideration an Extract from the proceedings of the Session Court under date

date the 12th November 1845.-

(Here enter F: C: No. 1669 of 1846)

From a perusal of the translate
1. of the Sentence passed by the Hindoo Sudr. Ameen
in case No. 203 submitted with this return in
which that officer has therein fully recorded
the grounds upon which it was passed, the Court
of Foujdaree Adalut are satisfied that the punish-
-ments severally awarded to the prisoners were
adequate to the offence proved against them.-

Adverting however, to the manner
2. in which the Prisoners effected their entry into
the Prosecutor's house Viz. by "scaling a wall"
which has been ruled by the Foujdaree Adalut
to constitute breaking, the Court observe that
the case was committable, but they resolve to
give the prisoners the benefit of the error in
which the Hindoo Sudr. Ameen has fallen.-

Ordered, that Extract from these
Proceedings be sent to the Acting Session Judge
of Madura, and for communication to the Hindoo
Sudr. Ameen for his information and guidance.-

(Sent in No. 959)

Read again Criminal Reports
under date the 12th December, 1845 submitted by
the

the Subordinate Judge of Madura for the Month of
November 1845.-

(Here enter F: C: No. 369 of 1845).

Read also return under date the
2d Ultimo, from the Acting Session Judge of
Madura, to the precept of the Foujdaree Adalut dated
the 16th January last, directing that officer to call
up the records of cases No. 172, 180, 185, 195, 205 and
215 in the foregoing Criminal Reports and to pass
such orders as he should think proper reporting
the same for the information of the Foujdaree Adalut.

(Here enter F: C: No. 1430 of 1846).

Read also return under date the
28th Ultimo from the same officer to the precept
of the Foujdaree Adalut dated the 19th idem
containing their remarks on the foregoing return.-

(Here enter F: C: No. 1739 of 1846).

The Court of Foujdaree Adalut having
attentively perused the Extracts from the Proceedings
of the Session Court submitted with this return
having reference to certain cases disposed of by the
Subordinate Judge and Pundit Sudr. Ameen approve
of the orders passed in each by the late Session
Judge and by the present Acting Session Judge respectively.

Ordered, that Extract from these
Proceedings be sent to the Acting Session Judge
of

of Madura for his information.—

(Sent in No. 960.)

Read report dated the 1st Instant submitted by the Sessions Judge of Salem of Cases pending on the 31st May 1846. before the Sessions Judge for upwards of 30 days from the date of commitment and accounting for delay.—

(Here enter F. C: No. 1771 of 1846)

Read return dated the 30th Ultimo from the Sessions Judge of Bellary to the precept of the Foujdaree Adalut under date the 4th May 1846. directing amendments of the provisions under which certain Prisoners in Case No. 37 of the Sessions Calendar for 1845 were sentenced.—

(Here enter F. C: No. 1777 of 1846).

Read report dated the 1st Instant submitted by the Sessions Judge of Cuddapah of Cases pending on the 30th April 1846. and committed for trial during the Month of May 1846.—

Here enter F. C: No. 1779 of 1846)

Read Calendar in Case No. 9 of 1846. submitted by the Sessions Judge of Trichinopoly under date the 1st Instant.—

(Here enter F. C: No. 1788 of 1846).

Read report dated the 1st Instant

Submitted

submitted by the Acting Sessions Judge of Coimbatore of Cases pending on the 31st May and Committed for trial during the Month of May 1846

(Here enter F. C: No. 1789 of 1846).

Read report dated the 1st Instant submitted by the Acting Sessions Judge of Madura of Cases pending on the 30th April and Committed for trial during the Month of May 1846.—

(Here enter F. C: No. 1790 of 1846).

Friday 12th June, 1846.

At a Court of the Tenjdaree Old

Present

G. J. Waters Esqre. 1st. Puisne

Malcolm Lewin Esqre. 2d. Puisne

T. L. J. Boileau Esqre. 3d. Puisne

Read Calendars in Cases Nos. 10 and 11 of 1846 on the file of the Sessions at Salem submitted by the Sessions Judge of Salem under date the 16th April last

(Here enter F.H. No. 1286 of 1846)

The Court of Tenjdaree Olda having attentively perused the Calendars of those cases in which the prisoners are charged with having entered the Prosecutors houses and robbed therefrom grain and other articles, are of opinion that the mitigated sentence of four years imprisonment with hard labor in irons which the Sessions Judge has recommended to be passed on those of the prisoners whom in concurrence with the Law Officer he has convicted, would be insufficient to meet

the

the demands of justice.-

2. The Court of Sujdaree Adalut are aware that considerable scarcity is at present felt throughout the country, but not they think to such an extent as to deprive the acts charged in these cases of the criminality involved in Gang-robbery; and adverting to the number of persons who are proved to have been collected together with the object of plunder, the Court consider that they would not be justified in awarding to those convicted a sentence of less than 8 Years imprisonment.-

3. With reference to the above opinion the Court of Sujdaree Adalut resolve under the provisions of Clause third Section III Regulation I of 1825 to sentence the prisoners in Case No. 10.-

1st. Ramen
2nd. Vailun
3rd. Mavrappourron
4th. Collun
5th. Yiriadon
6th. Ponnon son of Yiriadon
7th. Ramen son of Mootloo
8th. Mootlun

11th. Callondy Ramen
12th. Ramen
13th. Coollandy
14th. Body
15th. Turavoo Kara Maurae
17th. Punachy
19th. Tadon
20th. Mootton
22d. Tunnicatty Maron
23d. Munjany Pully Coduttan

and in Case No. 11

1st. Pachy
2nd. Ponnen
4th. Ninaun
5th. Vincatasawmy
6th. Rungun
9th. Ramen

Severally to imprisonment with hard labor in irons on the public roads or other public works for and during the period of 8 Years.-

Ordered, that Extract from these proceedings be sent to the Session Judge of Salem for his information and guidance.-

(Sent in No. 962.)

Read

1846.

Read return dated 25th May 1846 from the Acting Sessions Judge of Madura to the precept of the Foujdaree Adalut of the 18th idem requiring the Acting Sessions Judge to shew what progress had been made in the preparation of the English translation of the trial in Case No. 10 on the Madura Calendar for 1846 under reference to this Court and to explain the cause of delay in submitting the record of the above case for the final sentence of the Foujdaree Adalut.—

(Here enter F.A. No. 718 of 1846)

The Court would observe with reference to the explanation submitted in the foregoing return that if the superintendence of the Sessions Judge over the ministerial department of his Court were of that active nature which it should be the delay in this case would perhaps have been avoided. The Court consider the Sessions Judge responsible for the speedy and correct translation of referred trials and they look to them to make such arrangements as will enable them to perform this duty effectually. they trust that

No. 16.

12th June 1846.

that similar delays will not be permitted by the Acting Sessions Judge of Madura to occur again.—

Ordered, that an extract from these proceedings be forwarded to the Acting Sessions Judge of Madura for his information.—

(Sent in No. 963)

Read Calendar of Case Nos. 14, 20, 26, 27 and 32 of 1846 on the file of the Sessions Court of Tinnevelly dated 27th May 1846

(Here enter F.A. No. 746 of 1846)

The Sessions Judge has concurred in the acquittal of the prisoners because there appeared to him to be no sufficient evidence to the specific charge of their having been the persons who committed the robbery in the Procurators houses but the evidence of certain of the witnesses who speak to having seen the prisoners committing plunder and outrage in other houses and in other parts of the village at the same time were in his opinion strong presumptive evidence in support of the Procurators accusations and under the strong suspicion attaching to

the

the 2d, 7th, 8th and 13th prisoners the Judges
have resolved in this case to require security
from them the other prisoners have all been
unconditionally released.—

2. Before disposing of this Calendar
the Court of Fujdaree Udalut desire to be
informed whether the evidence of the wit-
nesses" who speak to having seen the prisoners
"committing plunder and outrage in other
"houses &c. is sufficient for their commitment
in such cases.—

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

Sent following precept No. 964/

Read again Report of Cases tried by the Magistracy of North Arcot under the provisions of Section LIV Act VII of 1843 during the month of April 1846 submitted under date the 13th Ultimo by the Acting Magistrate.—

/Vide entry F.Y. No. 539/

Read also return dated the 4th instant from

from the Sessions Judge of Chittoor to the precept of the Fujdaree Udalut under date the 27th Ultimo requiring that the Record of the proceedings in Case No. 1 tried before the Joint Magistrate of North Arcot should be sent for by the Sessions Judge and such orders passed thereon as to him might seem proper.—

/Vide entry F.Y. No. 769/

1. It appears from the above communication that on the 18th Ultimo the Sessions Judge approved and confirmed the sentence passed by the Acting Joint Magistrate in the case referred to, against which an appeal had been presented to the Session Court by Shaikh Mustoom Younger brother of the Prisoner.—

2. The Court of Fujdaree Udalut are not satisfied under the circumstances stated regarding the charge against the Prisoner in question, his trial and the grounds of conviction, that justice has been done, and they accordingly resolve to direct the suspension of the sentence awarded & the

12th June 1846.—

the Prisoner and the immediate transmission of the original record of proceedings held in the case before the Acting Joint Magistrate and the Police should any have been then taken together with any correspondence which may have passed in respect of the case.—

3. Adverting to the remarks of the Sessions Judge that he "cannot talk to what particular case" reference were made in the proceedings of the Tongdaree Udalut dated 27th Ultimo, it seems necessary to draw the attention of the Sessions Judge to the Extract in question in the margin of which "Case No. 1" is entered and as in the Report received in those proceedings there was only one case, the Court of Tongdaree Udalut do not understand the difficulty under which Mr Lewis has, they regret to observe, been labouring.—

Ordered, that Extract from those proceedings be forwarded to the Sessions Judge of Chittoor by precept returnable in 2 days from and after its receipt.—

Dk sent following precept No 963/2

Saturday 13th June, 1846.

F. 11.

At a Court of the Tongdaree Udalut.

Present,

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

Read letter dated the 7th May 1846 from the Subordinate Judge of Rajahmundry, reporting the escape of a Convict, and the habitual negligence of the guards and requesting permission to alter the system of guarding Convicts at labor.—

(Here enter F. 11. No. 1537)

1. The Court of Tongdaree Udalut fail in their appreciation of the advantages likely to result, as supposed by the Subordinate Judge, from the innovation on the established system of guarding Convicts which he proposes to make by the introduction of Monitors, and accordingly decline to sanction it as an Experiment.—

2. The Subordinate Judge holds in his

his own hands the ready means of Escaping from the Jail Rond on the Establishment of the Subordinate Court more devotion to the interests of Government than they appear hitherto to have Exhibited and the Foujdaree Adalut Expect that a proper opportunity of effecting a thorough reformation of the Jail guards will not be allowed to Escape if the Subordinate Judge's warning is found to have passed unheeded.—

Ordered that Extract from these proceedings be forwarded to the Subordinate Judge of Rajahmundry for his information and guidance.—

/Sent in No. 969/

Read letter dated the 25th Ultimo from the Session Judge of Salem forwarding the record of the trial in Case No. 14 on the Calendar of the Session Court for 1846.—

/Here enter No. 816/

The Court of Foujdaree Adalut on a deliberate consideration of all the circumstances of the case in evidence before them, being

Mr. H. I. Waters and Mr. M. Lewin.

being of opinion that the proof against the prisoner

Venkiah

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 the prisoner to suffer death by being hanged at the usual time and place of Execution.—

/Sent following letter No. 970/

Read letter dated 13th May 1846 from the Subordinate Judge of Bellary forwarding a copy of a letter from the Zillah Surgeon of Bellary recommending a change in the diet of the prisoners in the Jail at Bellary.—

/Here enter Ftl. No. 1566 of 1846/

Considering that Jowah and other grains of the country form the ordinary diet of the people at large in the Bellary District the Court are unable to see the necessity for any change in the present System of dieting the prisoners in the Jail at that Station

Station.—

2. Before however finally disposing of this reference the Court resolve to direct that it be submitted with its enclosure by the Subordinate Judge to the Sessions Judge of Bellary who will favor the Court with his opinion on the necessity or advisability of the proposed change.—

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

/Sent in No. 971/

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

/Sent in No. 972/

Read Letter dated 5th Ultimo from the Acting Sessions Judge of Madura submitting for the final sentence of the Tinjavee Adalut the proceedings in Case No. 65 of 1845.—

/Here Enter No. 1499/

The Court of Tinjavee Adalut

Mr. L. S. Waters
Mr. M. Lewin
and
Mr. T. E. J. Brien.

on

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 " Amma Mootoo Nauden,
2nd " Soobbah Reddy,
and
3rd " Palany Comauroo Nauden,

is sufficient to convict them of the crime of Murder, do convict them thereof, and under the provisions of Section X Regulation VIII of 1802 sentence the prisoner

2nd " Soobbah Reddy,

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

1st " Amma Mootoo Nauden,

and

3rd " Palany Comauroo Nauden,

are liable under the provisions of Section X Regulation VIII of 1802, would in this instance be too severe, the Court, under the

Station.-

2. Before however finally disposing of this reference the Court resolve to direct that it be submitted with its enclosure by the Subordinate Judge to the Session Judge of Bellary who will favor the Court with his opinion on the necessity or advisability of the proposed change.-

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

/Sent in No. 971/

Ordered also, that Extract from these proceedings be forwarded to the Session Judge of Bellary for his information.-

/Sent in No. 972/

Read letter dated 5th Ultimo from the Acting Session Judge of Madura submitting for the final sentence of the Tinjanore Court the proceedings in Case No. 65 of 1845.-

/Here enter No. 1499/

The Court of Tinjanore Court

on

Mr. L. Waters
Mr. M. Lewin
and
Mr. T. E. J. Eaton.-

F.H.
13th June 1846.-

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 Amma Mootoo Nauden,
2nd Soobbah Reddy,
and
3rd Palany Comauroo Nauden,

is sufficient to convict them of the crime of Murder, do convict them thereof, and under the provisions of Section X. Regulation VIII of 1802 sentence the prisoner

2nd Soobbah Reddy,

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

1st Amma Mootoo Nauden,
and
3rd Palany Comauroo Nauden,

are liable under the provisions of Section X. Regulation VIII of 1802, would in this instance be too severe, the Court, under the

the provisions of Clause Second, Section VII Regulation I of 1825, sentence the prisoner,

1st. Amma Moottoo Nauden,

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

3rd. Palany Coomaroo Nauden

to be imprisoned and kept to hard labor in irons, on the public roads or other public works, for, and, during the period of 17 seven years.— The Court of Foujdaree Udalut being further of opinion that the prisoner,

4th. Totalagoo Counden

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession of the above crime, do acquit him thereof; and direct that he be unconditionally released.—

1. The Prisoners in this case were charged with having in company with Rungasamy

Rungasamy Reddy and Ramasamy Reddy murdered the son of the 1st. Prosecutrix by cutting off his head with a Bill-hook.—

2. The Acting Sessions Judge expresses his concurrence with the Mahomedan Law Officer in the conviction of the Prisoners and recommends that the 1st. and 2nd. Prisoners be adjudged to suffer the extreme penalty of the Law, and the 3rd. and 4th. Prisoners sentenced to imprisonment with hard labor in irons for the period of 14 years.—

3. The Court of Foujdaree Udalut having deliberately considered the entire record of this case approve of the sentence of death in the case of the 2nd. prisoner who has been clearly convicted of having taken a part in the brutal murder charged against him.—

4. The Court of Foujdaree Udalut also concur in the conviction of the 1st. and 3rd. Prisoners. but with reference to the peculiar circumstances of the case as stated in the evidence, they are of opinion that a

sentence

sentence of transportation for life in the case of the former and in that of the latter of 7 years imprisonment with hard labor in irons will be sufficient to meet the de-=mands of justice.-

5. The Court of Foujdaree Adalut consider that no grounds exist for suspecting the 4th Prisoner of participation in the murder and adverting to the length of time that individual has already been in confine-=ment, they resolve to direct his unconditional release forthwith.-

6. The Court of Foujdaree Adalut direct that the Magistrate will spare no exertions to effect the apprehension of Rungasamy Reddy and Ramasamy Reddy who are still at large. Adverting to the notorious character and great local in-=fluence of the former they are of opinion that a reward should immediately be offered for his apprehension - and under this view they hereby authorize the Magistrate to proclaim the offer of a reward

reward in any sum not exceeding Rupees 500 which he may consider sufficient for the purpose.-

Ordered, that Extract from these proceedings be sent to the Sessions Judge of Madura for his information and for communication of para: 6 to the Magistrate of Madura for the informa-=tion and guidance of that officer.-

/Sent following letter No. 993./

Read return dated 16th May 1846 from the Principal Sudr Ameen of Coimbatore to the precept of the Foujdaree Adalut of the 5th idem conveying their re-=marks and orders on the Coimbatore Crimi-=nal Reports for the month of March last.-

/Here enter F.A. No. 809 of 1846/

With reference to the explana-=tion afforded by the Moofties Sudr Ameen of the use of the term "Queens evidence" as applied to certain witnesses cited by him, the Court of Foujdaree Adalut would observe that the Criminal Courts are at liberty to

to call and examine any witnesses they may deem necessary in the cases coming before them but that the application of the term "Queens evidence" to witnesses cited by the Court is incorrect and must not be again made. Such a term is only applicable to approvers in Her Majesty's Supreme Court of Judicature.

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

/Sent in No. 974/

Read letter dated 20th Ultimo from the Subordinate Judge in charge of the Zillah Court of Rajahmundry.—

/Here enter F.H. No. 1684 of 1846/

1. With this letter the Subordinate Judge submits a communication from the Magistrate of Rajahmundry objecting to the principle on which the prisoner in a Criminal trial had been released by him.—

2. The prisoner was charged with escaping

escaping from a Police Peon who the Subordinate Judge states had apprehended him on his own suspicion only and not on any specific charge and was declared by the Subordinate Judge not liable to punishment under Clause third Section V Regulation VII of 1822.—

3. Before disposing of this reference the Court of Sudr Ameen desire to see any deposition from the Peon in question exhibiting clearly the grounds on which he apprehended the Prisoner and if none such exist the Subordinate Judge will be pleased to have one taken from him.—

4. A translation of such deposition will be submitted without delay.—

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

/Sent following precept No. 975/

Read letter dated 26th May 1846 from

13th June 1846.

from the Magistrate of Rajahmundry submitting the explanation called for in the Courts proceedings of the 29th April last regarding the order issued by the Head Assistant Magistrate to the Head Police of Bickavole as to the disposal of case №24 in the Rajahmundry Criminal Reports for the month of March last.—

(Here enter F.H. №1686 of 1846)

1. Under the peculiar circumstances of the case explained in the Head Assistant Magistrates communication to the Magistrate the Court of Foujdaree Udalut are disposed to approve of his order and to consider it to have been judicious.—

2. The Magistrate will be pleased to communicate this opinion to his assistant Mr. T. J. Knox.—

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

(Sent in №1936)

Ed. H.

F. H.

Monday, 15th June, 1846. At a Court of the Foujdaree Udalut.

Present.

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

Read Miscellaneous Petitions presented on the 23rd February last and 1st Instant, by Gopaulo Chitty and Venkatarama Chitty of zillah Chingleput.—

(Here enter F. Rs. P. №368129 of 1846).

1. Adverting to certain proceedings held by the authorities at St. Thomas' Mount and affirmed in appeal by the Sessions Judge of Chingleput and to certain Civil suits instituted in consequence by the Petitioners before the Civil Judge, they (the Petitioners) now pray that the Court of Foujdaree Udalut "will be pleased to call up and peruse the records of proceedings held in the case in which they are complainants and the declarations of the 3rd and 6th Defendants and pass a just decision on it."—

2. The Court cannot on a Miscellaneous Petition presented on the Foujdaree side interfere with the Decrees which have been passed in Civil suits and from which the Petitioners are at liberty to appeal in the usual manner.—

The

3 The Court accordingly resolve to dismiss this Petition.—

Ordered that Extract from these Proceedings be furnished to the Petitioners on their application.—

Read Miscellaneous Petition presented on the 27th April last by Moothummaul and Ramyaspadiyachy of Zillah Cuddalore.—

(Here enter F. W: P. No. 92 of 1846).

Read again also Calendar in Case No. 88 of 1845 on the file of the Sessions Court at Cuddalore submitted under date the 31st December last by the Sessions Judge.—

(Here enter F. W: No. 21)

1 The Petitioners pray the Court of Foujdaree Adalut to reverse the sentence awarded to their relative Veerum the 1st prisoner in the foregoing case whom they assert to be innocent of the robbery laid to his charge.—

2. The Court of Foujdaree Adalut see no reason to question the propriety of the sentence of which the Petitioners complain and they accordingly resolve to dismiss this Petition.—

Ordered that Extract from these Proceedings be furnished to the Petitioners on their application.—

Read

Read Miscellaneous Petition presented on the 26th May 1846 by Soobba Pillay of the zillah of Combaconum.—

(Here enter F. W: P. No. 116 of 1846).

1. The Petitioner representing himself to be the brother of the Sixth prisoner in case No. 26 of 1846 on the Combaconum Calendar complains of the conviction and punishment of his brother and prays the Court of Foujdaree Adalut to call for the record of the proceedings and to order his release.—

2. The sixth prisoner in question was convicted of being an accessary after the fact to a case of homicide and theft and also of having made a false report to the Head of the Police representing that the deceased had destroyed himself by poison and was sentenced by the Sessions Judge of Combaconum to two years imprisonment with labor in irons.—

3. The Petitioner states that the whole of the evidence on which his brother was convicted is false and was got up thro the instrumentality of the Head of Police who to satisfy private feelings forced the witnesses to depose in the manner recorded.—

4. The Court see no reason to question the propriety of the conviction of the prisoner in question whose guilt was established by the clearest evidence and

and

and they decline to interfere in the case in the manner prayed for.-

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

Read Miscellaneous Petition presented on the 26th May 1846 by Mooddoorunnien of the Zillah of Combaconum.-

(Here enter F. C. M. P. No. 119 of 1846)

1. The Petitioner who is the nephew of the 1st prisoner in case No. 26 of 1846 on the Combaconum Calendar complains of the injustice of his Uncle having been convicted of the Homicide of a person who destroyed himself by poison and prays the Court to call for the proceedings and release his Uncle.-

2. The Petitioner states that the deceased person whom his Uncle is charged with killing, destroyed himself in consequence of a family quarrel and that the accusation was got up by certain of his enemies whose depredations on his farm he had attempted to put a stop to.-

3. The Court of Foujdaree Udalut having again referred to the Calendar see no cause to question the propriety of the conviction of the prisoner in question whose sentence must therefore take its course.-

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

Read

F. C.
15th June 1846.-

Read letter dated 28th May 1846. from the Session Judge of Combaconum.-

(Here enter No. 1730 of 1846).

1. The Sessions Judge's address has for its object to bring about a reconsideration of Foujdaree Udalut Circular Order No. 181 on the ground that, by the existing law, a committing tribunal is not empowered to receive the defence of a Prisoner whom it may have resolved to commit for trial by a Sessions Court.-

2. The Court of Foujdaree Udalut see no reason, on a review of the arguments used by the Sessions Judge, for any modification of the Circular Order referred to, which, although declaring the opinion of the Foujdaree Udalut that the committing officer may ascertain the names of witnesses whom a Prisoner may desire to summon, no where directs, as assumed by the Sessions Judge, that a Prisoner's defence shall be heard in the committing Court.-

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

(Sent in No. 977)

Read Calendars in Cases Nos. 38, 39, 40, and 41, on the file of the Sessions Court at Combaconum submitted

submitted under date the 29th Ultimo, by the Sessions Judge.—

(Here enter F. C: No. 1743)

Cases Nos. 40 & 41.

The Court of Foujdaree Adalut see reason to question the propriety of the sentences awarded in the Cases noted marginally and they accordingly resolve to direct that English Translations of the entire records may be submitted for their consideration with the least practicable delay and that the requisitions of security under which the prisoners have severally been placed be suspended until further orders.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Combaconum for his information and guidance by precept returnable within XX days from and after its receipt.—

(Sent following precept No. 1778)

Read Miscellaneous Petition presented on the 16th March 1846 by Sinnummaul of the Zillah of Cuddalore.—

(Here enter F. C: Mi. P. No. 62 of 1846).

1. The Petitioner prays for the release of her husband the 3rd prisoner in Case No. 23 on the Cuddalore Calendar for 1843.—

2. This prisoner was convicted of the crime of Gang robbery by open violence and was sentenced

sentenced by the Acting Session Judge Mr. Lascelles to 14 years imprisonment with hard labor in irons.—

3. The petitioner declares that the charge originated out of a quarrel and is false and unfounded.—

4 The Court of Foujdaree Adalut having referred to the Calendar see no occasion for questioning the conviction of the prisoner in question. They therefore decline to interfere in the case in the manner prayed for.—

Ordered accordingly that the prayer of this Petition be rejected and that Copy of these proceedings be furnished to the Petitioner on her application.—

Read letter dated the 29th Ultimo from the Session Judge of Cuddapah, submitting the record of the trial in Case No. 16 on the Calendar for 1846.—

(Here enter No. 1797)

Mr. J. E. J. Boileau.

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

Kristnadoy

is sufficient to convict him of the crime of Wounding, for which according to the Mahomedan Law, as declared in futwas of their Law officers, discretionary punishment

punishment is awardable, do convict him thereof, and with reference to the provisions of Clause third Section VII Regulation XV of 1803, and Section XXXIV Act VII of 1843, 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.—

Adverting to the omission by the Sessions Judge to examine the witnesses named for the defence set up by the Prisoner in this Case the Court of Foujdaree Adalut observe that on all occasions on which a Sessions Judge may see fit to dispense with the examination of witnesses named for the defence owing to the irrelevancy of the facts regarding which they are called to depose, to the particular points on which the decision of the case rests it is incumbent upon that officer to enter his reasons on the record and to acquaint the Prisoner with them.—

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

(Sent following letter No. 979)

Read.

F. C.:

15th June 1846.—

Read letter dated the 5th Instant from the Sessions Judge of Mangalore —→ submitting the record of the trial in Case No. 34 on the Calendar of the Session Court for 1846.—

(Here enter F. C. No. 1842 of 1846)

Mr. Mc. Lewin
and
Mr. J. D. I. Boileau

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 Luckunna 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. 980.)

Read again Miscellaneous Petition presented on the 2nd Instant last by Alamaloo wife of Authymoolum and —→ Sister-in-law of Rengasamy Prisoner in Case No. 69 of the —→ Combaconum Calendar for 1845.—

(Here enter F. M. P. No. 40 of 1846)

Read also return under date the 29th Ultimo from the Sessions Judge of Combaconum to the precept of the Foujdaree Adalut dated the 20th idem calling for explanation regarding the

Contents

punishment is awardable, do convict him thereof, and with reference to the provisions of Clause third Section VII Regulation XV of 1803, and Section XXXIV Act VII of 1843, 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.—

Adverting to the omission by the Sessions Judge to examine the witnesses named for the defence set up by the Prisoner in this Case the Court of Foujdaree Adalut observe that on all occasions on which a Sessions Judge may see fit to dispense with the examination of witnesses named for the defence owing to the irrelevancy of the facts regarding which they are called to depose, to the particular points on which the decision of the case rests it is incumbent upon that officer to enter his reasons on the record and to acquaint the Prisoner with them.—

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

(Sent following letter No. 979)

Read.

F. A:
15th June 1846.—

Read letter dated the 5th Instant from the Sessions Judge of Mangalore —, submitting the record of the trial in Case No. 34 on the Calendar of the Sessions Court for 1846.—

(Here enter F. A: No. 1842 of 1846)

Mr. M: Lewin
and
Mr. S. D. I. Boileau

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 Luckunna 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. 980.)

Read again Miscellaneous Petition presented on the 2nd March last by Alamaloo wife of Anthymoothoo and — Sister-in-law of Rengasamy Prisoner in Case No. 69 of the — Combaconum Calendar for 1845.—

(Here enter F. M: P. No. 40 of 1846)

Read also return under date the 29th Ultimo from the Sessions Judge of Combaconum to the precept of the Foujdaree Adalut dated the 20th idem calling for explanation regarding the same

15th June 1846.

contents of the foregoing Petition and directing the submission of an English Translation of the record of the case therein referred to.—

(Here enter F: C: No. 1737)

Before finally disposing of this case the Court of Foujdaree Adalut desires that an English Translation of the original warrant adverted to in that issued under date the 26th September 1845 and of the record of the former trial which appears to have been held upon other prisoners concerned in this case and apprehended at a much earlier period may be submitted for their consideration with the least practicable delay.

Ordered that Extract from these Proceedings be sent to the Session Judge of Combaconum for his information and guidance by Precept returnable within XV days from and after its receipt.—

(Sent following Precept No. 981.)

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

Ld W.

Read return dated the 29th April 1846. from the Session Judge of Bellary to the

15th June 1846.

precept of the Foujdaree Adalut under date the 31st March 1846. directing the enforcement of the provisions of Section II Act XXI of 1841, in regard to unenclosed wells near public thorough-fares.—

(Here enter F: C: No. 1375 of 1846).

Read return dated the 1st Ultimo from the Session Judge of Cuddalore to the precept of the Foujdaree Adalut under date the 31st March 1846 conveying their observations on the half yearly Criminal Reports for the 2nd half of 1844 and directing the communication of the same to the Magistrate.—

(Here enter F: C: No. 1376 of 1846)

Read return dated the 4th Ultimo, from the Session Judge of Nellore to the precept of the Foujdaree Adalut under date the 31st March 1846 containing observations on the Half yearly Criminal Reports for the 2nd half of 1844 and directing him to communicate to the Magistrate paras 48 and 49 of the Extract of their Proceedings which accompanied it.

(Here enter F: C: No. 1401 of 1846).

Read return dated the 1st Ultimo from the Session Judge of Tinnevelly to the precept of the Foujdaree Adalut under date the 31st March 1846 requiring him to communicate to the Magistrate paras 48 and 49 of the Proceedings of the Court of Foujdaree Adalut of the same

15th June 1846.

same date directing the immediate enforcement of the provisions of Section II Act XXI of 1841. as respects wells near a thoroughfare.-

(Here enter F: 16: No. 1416 of 1846).

Read return dated the 6th Ultimo from the Sessions Judge of Chingleput to the precept of the Foujdaree Adalut under date the 31st March 1846. on the half yearly Criminal Reports for the 2nd half of 1845 and conveying their observations in respect to the wells being required to be enclosed by a wall to prevent accidental deaths.-

(Here enter F: 16: No. 1425 of 1846).

Read return dated the 2nd Ultimo, from the Acting Sessions Judge of Calicut to the precept of the Foujdaree Adalut under date the 31st March 1846 forwarding Extract of their Proceedings on the Half yearly Criminal Reports for the 2nd half of 1844.-

(Here enter F: 16: No. 1427 of 1846)

Read return dated the 5th Ultimo from the Sessions Judge of Salem to the precept of the Foujdaree Adalut under date the 31st March 1846 directing the communication to the Magistrate of Salem of paras. 48 and 49. of the proceedings relative to the enclosing and fencing of wells.-

(Here enter F: 16: No. 1435 of 1846).

Read

F: 16:
15th June 1846.

Read return dated the 5th Ultimo from the Sessions Judge of Guntoor to the precept of the Foujdaree Adalut under date the 31st March 1846. containing their observations on the half yearly Criminal Statements for the 2nd half of 1844.-

(Here enter F: 16: No. 1438 of 1846).

Read return dated the 7th Ultimo from the Agent to the Governor of Fort St. George at Kurnool to the precept of the Foujdaree Adalut under date the 31st March 1846. intimating that the Courts instructions regarding the enclosing of wells will be carried into effect as early as practicable.-

(Here enter F: 16: No. 1491 of 1846).

Read return dated the 6th Ultimo from the Sessions Judge of Cheacole to the precept of the Foujdaree Adalut under date the 31st March 1846. directing him to furnish the Magistrates of Vizagapatam and Ganjam with copies of certain Paras of the Extract of proceedings which accompanied it passed upon the review of the Criminal Reports submitted by him for the 2nd half of 1844.-

(Here enter F: 16: No. 1501 of 1846).

Read return dated the 8th Ultimo from the Sessions Judge of Bangalore to the precept of the Foujdaree Adalut under date the 31st March 1846. on review of the Half yearly Criminal Reports for the

15th June 1846.

15

the 2d Half of 1844.-

(Here enter F. C: No. 1518 of 1846).

Read return dated the 16th Ultimo from the Sessions Judge of Cuddapah to the precept of the Foujdaree Adalut under date the 31st March 1846. directing that pages 48 and 49 of the proceedings of the Foujdaree Adalut dated 31st idem be communicated to the Acting Magistrate of Cuddapah.-

(Here enter F. C: No. 1586 of 1846).-

15th Nov 1846

Ex. No 6

J. U.

Tuesday 16th June, 1846.

At a Court of the Fouydaree Adalut

Present.

G. J. Waters Esqr —— 1st Puisne Judge

Malcolm Lewin Esqr —— 2nd Puisne Judge

J. E. J. Boileau Esqr —— 3rd Puisne Judge.

Read letter dated the 28th Ultimo from the Acting Sessions Judge of Calicut, submitting the record of the trial in Case No. 21 on the Calendar for 1846.-

(Here enter J. U. No. 1767)

Mr. Ml. Lewin and Mr. J. E. J. Boileau. on deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoners.

1st Kanishen Poollakel Coonjee, Kelloo alias Kelloo Coolty.-

2nd Kanishen Vellarakal alias Poodoocody Ramar.-

3rd Kanishen Kara Kollangara Canaren.

4th Kara Kollangara alias Karumbil Coony

5th Tiew Anjella alias Vellapil Raricken and

6th Tiew Padingara Choolil Canaren.

is sufficient to convict them of the crime of Murder, do convict them severally thereof, and under the

provisions

provisions of Section X Regulation VIII of 1802 —
Sentence the Prisoners

1st Kanishen Poollakeb Coonjee Kelloo
alias Kelloo Coolly —
and
6th Iven Padrejare Shoolaib Lannen —

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

2d Kanishen Vellarakat alias Poodoocoody Ranar.
3d Kanishen Kara Kollangaree Canaren.
4th Kara Kollangaree alias Karimbib Oonny
and
5th Iven Angella alias Vellapil Raricken

are liable under the provisions of Section X Regulation VIII of 1802, would in this instance be too severe, the Court, under the provisions of Clause Second Section VI Regulation I of 1825, sentence the prisoners,

2d Kanishen Vellarakat alias Poodoocoody Ranar,
3d Kanishen Kara Kollangaree Canaren;
and
4th Kara Kollangara alias Karimbib Oonny

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

16th June 1846.

for and during the period of their natural lives
and the prisoner

5th Iven Angella alias Vellapil Raricken

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (14) fourteen Years.—

1. The 1st, 2d, 3d, and 4th Prisoners in this Case were charged with having murdered one Chundoo Punniker, brother of the Prosecutor and the first Prisoner; and the 5th and 6th Prisoners with having aided and abetted in the commission of the Crime.

2. The Acting Sessions Judge —, concurring with the Law officer in the conviction of the prisoners of the crimes respectively laid to their charge — recommends that the 1st, 2d, 3d, 4th and 6th Prisoners be sentenced to suffer death at the place where the Murder was committed, and that the 5th Prisoner be transported for life. He further suggests that the body of the 1st Prisoner be after his execution suspended in chains on a gibbet to be erected on the spot.—

3. The Court of Foujdaree Adaulut — having attentively and deliberately considered the entire record of this Case are satisfied that all the

prisoners

prisoners charged have been clearly convicted of the fearful crime for which they have been brought before the Sessions Court. But they are not of opinion that any necessity exists for enforcing the utmost penalty of the law on the number of individuals whom the Sessions Judge has recommended for a sentence of death, believing that a measure of such severity would be calculated to mark the inhumanity rather than the majesty or justice of the Law.—

Nor do the Court of Foujdaree Adalut approve of the suggestion made by the Acting Sessions Judge that the execution of the prisoners should be carried into effect on the spot of the murder, the crime proved against the prisoners, being in the opinion of the Court, in itself of a nature too fearfully revolting to require the adoption of such a measure in order to its future prevention.—

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

(Sent following letter No. 985)

Read letter dated the 9th. Instant from the Acting Sessions Judge of Coimbatore submitting the record of the trial in Case No. 11 on the

F. A.
16th. June 1846.

Mr. G. J. Waters.

the Calendar of the Sessions Court for 1846.—
(Here enter F. A. No. 1861 of 1846).

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

1st. Cader Khan
and
2d. Chokalinga Auchary

is sufficient to convict them of the crime of Highway Robbery do convict them thereof and with reference to the provisions of Clause third Section IV Regulation XV of 1803 and Section XXXIII Act VII of 1843 sentence them to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of fourteen years.—

(Sent following letter No. 986)

Read letter dated the 30th. Ultimo from the Acting Sessions Judge of Madura submitting the record of the trial in Case No. 9 on the Calendar of the Sessions Court for 1846.—
(Here enter F. A. No. 1791 of 1846).

Mr. G. J. Waters
and
Mr. J. E. J. Boileau

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

16th June 1846.

F. C.
16th June 1846.

Mr. G. J. Waters.

the Calendar of the Sessions Court for 1846.—
(Here enter F. C. No. 1861 of 1846).

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

1st. Cader Khan
and
2nd. Chokalinga Auchary

is sufficient to convict them of the crime of Highway Robbery do convict them thereof and with reference to the provisions of Clause third Section IV Regulation XV of 1803 and Section XXXIII Act VII of 1843 sentence them to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of fourteen years.—

(Sent following letter No. 986.)

Read letter dated the 30th Ultimo from the Acting Sessions Judge of Madura submitting the record of the trial in Case No. 9 on the Calendar of the Sessions Court for 1846.—
(Here enter F. C. No. 1791 of 1846).

Mr. G. J. Waters
and
Mr. F. E. J. Boileau

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 charged have been clearly convicted of the fearful crime for which they have been brought before the Sessions Court. But they are not of opinion that any necessity exists for enforcing the utmost penalty of the law on the number of individuals whom the Sessions Judge has recommended for a sentence of death, believing that a measure of such severity would be calculated to mark the inhumanity rather than the majesty or justice of the Law.—

Nor do the Court of Foujdaree Adalut approve of the suggestion made by the Acting Sessions Judge that the execution of the prisoners should be carried into effect on the spot of the Murder, the Crime proved against the prisoners, being in the opinion of the Court, in itself of a nature too fearfully revolting to require the adoption of such a measure in order to its future prevention.—

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

(Sent following letter No. 985)

Read letter dated the 9th Instant from the Acting Sessions Judge of Coimbatore submitting the record of the trial in Case No. 11 on the

the proof against the prisoner
Soobbee
is sufficient to convict her of the crime of Murder, do convict her thereof; but, being of opinion under the circumstances of the case, that the punishment to which the prisoner is liable under the provisions of Section X Regulation VIII of 1802 would in this instance be too severe, the Court under the provisions of Clause third Section III Regulation I of 1825 sentence her to be transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to labor suitable to her sex for and during the period of her natural life.-

(Sent following letter No. 987)

Read communication under date the 20th Ultimo from the Agent to the Governor of Fort St. George in Ganjam submitting with his opinion the notes recorded by him on Criminal Trial No. 3 of 1846 for the consideration and orders of the Foujdaree Adalut.-

(Here enter F:16: No. 1699)

1. The Prisoner in this case was charged with highway robbery in having assaulted the Prosecutor on the highway struck him several blows with a cudgel, and taken from his person various

articles valued at Rupees 3 2.-

2. The Agent considers the prisoner clearly convicted of the crime laid to his charge but on the ground that there are "no aggravating circumstances connected with the case proposes a mitigated sentence of Imprisonment with hard labor in irons for the period of 8 Years.-

3 The Court of Foujdaree Adalut having attentively perused the Agent's communication and the notes submitted therewith see no grounds whatever for the mitigation of punishment recommended by that officer, and they accordingly resolve under the provisions of clause third Section IV Regulation XV of 1803 to Sentence the prisoner

Buddy Poodmah.

to Imprisonment with hard labor in irons on the public roads or other public works for and during the period of 14 Years.-

Ordered, that Extract from these Proceedings be sent to the Agent to the Governor of Fort St. George in Ganjam for his information and guidance.-

(Sent in No. 1988)

Read again Calendar of Cases Nos. 24 and 25 of 1846 on the file of the Sessions Court at Combaconum submitted under date the 13th April last.

16th June 1846.

last by the Sessions Judge.-

(Here enter F: C: No. 1303 of 1846).

Read also return under date the 28th Ultimo from the same officer to the precept of the Foujdaree Adalut dated the 2nd idem directing to - submit an English Translation of the entire record in the former of the foregoing cases.-

(Here enter F: C: No. 1728 of 1846).

1. The Prisoner in this case was charged with having attempted forcibly to ravish the Prosecutrix: and having been convicted by the Sessions Judge in concurrence with the Law officer has been Sentenced to imprisonment with hard labor in irons, for the period of two years.-

2. The Court of Foujdaree Adalut having attentively considered the entire record of this case the submission of which on a perusal of the Calendar they deemed it necessary to require are confirmed in the opinion that the evidence is insufficient to convict the prisoner of the crime laid to his charge.-

3. It would appear from the evidence that the prisoner wished to hold intercourse with the Prosecutrix and that with that object his cloths were spread on the ground, which is not consistent with the alleged violence.-

The

F: C:
16th June 1846.

4 The Court of Foujdaree Adalut are disposed to credit the statement of the prisoner the more especially as it accounts for the fact that his cloth with the Doodies in it were in the hands of the Prosecutrix when her husband came up.-

5. Under this view of the case the Court of Foujdaree Adalut resolve to direct that the Prisoner be unconditionally released forthwith.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of - Combaconum for his information and guidance by precept returnable within V days from and after its receipt.-

(Sent following Precept No. 987).

Read Calendar in Case No. XXVII of 1846. submitted by the Acting Sessions Judge of Calicut under date the 3rd Instant.-

(Here enter F: C: No. 1821 of 1846).

Read report dated the 1st Instant, submitted by the Sudr Ameen Moosfty incharge of the Civil and Sessions Court of Sucadab of cases pending on the (30th April 1846) and committed for trial during the months of (May 1846).-

(Here enter F: C: No. 1824 of 1846).

Read Calendar in Case No. 18 of 1846 submitted

submitted by the Sessions Judge of Bellary under date the 5th. Instant.-

(Here enter F: C: No. 1826 of 1846).

Read Calendar in Case No. 17 of 1846. submitted by the Sessions Judge of Bellary under date the 5th. Instant.-

(Here enter F: C: No. 1827 of 1846).

Read Calendar in Case No. 18 of 1846 submitted by the Sessions Judge of Bellary under date the 5th. Instant.-

(Here enter F: C: No. 1828 of 1846).

Read Calendar in Cases No. 22 and 23 of 1846. submitted by the Sessions Judge of Cuddalore under date the 6th. Instant.-

(Here enter F: C: No. 1829 of 1846).

Read Calendar in Case No. 25 of 1846 submitted by the Sessions Judge of Cuddalore under date the 6th. Instant.-

(Here enter F: C: No. 1830 of 1846).

Read Calendar in Case No. 16 of 1846. submitted by the Sessions Judge of Mangalore under date the 3rd. Instant.-

(Here enter F: C: No. 1832 of 1846).

Read Calendar in Case No. 17 of 1846. submitted by the Sessions Judge of Mangalore under

under date the 3rd. Instant.-

(Here enter F: C: No. 1833 of 1846).

Read Calendar in Case No. 18 of 1846. submitted by the Sessions Judge of Mangalore under date the 3rd. Instant.-

(Here enter F: C: No. 1834 of 1846).

Read Criminal Report dated the 31st. Ultimo submitted by the Sudr Ameen Moofty in charge of the Civil and Sessions Court of Chicacole for the Months of May 1846.-

(Here enter F: C: No. 1839 of 1846).

Read Calendar in Case No. XI of 1846. submitted by the Sessions Judge of Honore under date the 2nd. Instant.-

(Here enter F: C: No. 1847 of 1846).-

Wednesday
17th June 1846

Sessions Court

At a Court of the Foujdaree Udalut.

Present,

G. J. Wolters Esquire — 1st Puisne Judge
Malcolm Lewin Esquire — 2nd Puisne Judge
J. & J. Boileau Esquire — 3rd Puisne Judge

Read Calendar of Cases No. 13 of 1846 on the file of the Sessions Court at Bellary submitted under date the 27th April last by the Sessions Judge.

(Here enter F. D. No. 1382)

1 The Sessions Judge, being of opinion that sufficient grounds did not exist for anticipating the conviction of the prisoners in this case if put upon their trial, has remanded the case to the Subordinate Judge for further examination pointing out in what points he considered the evidence to be defective.

2 The Court of Foujdaree Udalut having attentively perused the

17th June 1846.

the remarks recorded in the Calendar of this case by the Sessions Judge, fully approve of the course adopted by that Officer for the reasons stated by him.

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

(Sent in No. 992.)

Read again Criminal Reports under date the 13th April last submitted by the Subordinate Judge of Madura for the month of March 1846.

(Here enter S. U. No. 1251 of 1846.)

Read also returns under date the 26th Ultimo from the Subordinate Judge of Madura to the precept of the Toyjdaree Udalut dated the 5th Idem containing their observations on the foregoing Criminal Reports.

(Here enter S. U. No. 1772.)

The Court of Toyjdaree Udalut

17th June 1846.

Udalut are satisfied with the explanation offered by the Moofty Sudr Ameen with reference to the periods of Imprisonment awarded to the Prisoners in the cases noted marginally in commutation of the fines imposed upon them.

Case Nos. 55-70

Ordered, that Extract from these Proceedings be sent to the Subordinate Judge of Madura for his information and for communication to the Moofty Sudr Ameen.

(Sent in No. 993.)

Read letter dated the 20th Ultimo from the Agent to the Governor of Fort Saint George at Vizagapatam forwarding the record of the trial in Case No. 5 on the Calendar of the Agent to the Governor for 1846.

(Here enter No. 1694.)

Mr. J. J. Waters.
and
Mr. T. E. J. Britton.

The Court of Toyjdaree Udalut on a deliberate consideration of all the circumstances of the case in

17th June 1846.

in evidence before them being of opinion that the proof against the Prisoners

1st Madoogoola Chinna Cunnayah alias Dongundhora

and

2nd Kemoodoo Ramundhora alias Sobhadhora

is sufficient to convict them of the crime of Murder, do convict them thereof; and under the provisions of Section X Regulation VIII of 1802 sentence the prisoner

2nd Kemoodoo Ramundhora alias Sobhadhora

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 prisoner

1st Madoogoola Chinna Cunnayah alias Dongundhora

is liable under the provisions of Section X Regulation VIII of 1802 would in this instance

17th June 1846.

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

1 The Prisoners in this case three in number were charged with murder and robbery in having in company with one Sunneyasey not apprehended assaulted with sundry instruments one Pesalah Cannanaikoodoo and inflicted on him certain wounds of which he died.-

2 The Prisoners were further charged with having robbed the deceased of sundry cloths and ready money.-

Adverting

3. Adverting to the extreme youth of the 3rd Prisoner "a mere boy apparently not more than twelve or thirteen years of age" the Agent has acquitted him, being of opinion that he is not a likely person to have been a party to the robbery or a confident in the schemes of the other conspirators.

4. The Agent however considers it proved by the evidence and by their own confessions that the 1st and 2nd Prisoners are guilty of the robbery and of having aided and abetted in the murder of the deceased and recommends that they be sentenced to suffer death.

5. The Court of Foujdaree Udalut having attentively perused the entire record in this case fully approve of the sentence proposed by the Agent to be passed upon the 2nd Prisoner, but with reference to the

the circumstances of the case as stated in the evidence they consider that in the case of the 1st Prisoner a sentence of transportation for life will be sufficient to meet the demands of justice.

Ordered, that Extract from these Proceedings be sent to the Agent to the Governor of Fort Saint George in Vizagapatam for his information and guidance.

(Sent following Letter No. 994)

Read again Criminal Reports under date the 1st April last submitted by the Subordinate Judge of Chittoor for the month of March 1846.

(Here enter F. Vo. No. 1219)

Read also return under date the 12th Ultimo from the Subordinate Judge of Chittoor to the precept of the Foujdaree Udalut dated the 4th idem containing their observations on the foregoing Criminal Reports.

(Here enter F. Vo. No. 1538)

Adverting

17th June 1846.

1. Adverting to the explanation offered by the Subordinate Judge regarding the dismissal without trial of Case No. 60 on the foregoing Criminal Reports, the Court of Tondaree Udalut regret that the Subordinate Judge should have considered the Circular Order under which he erroneously acted, in any way applicable to the offence charged in that case.

Circular Order 20th March 1834-A

2. The Court of Tondaree Udalut observe that the offence imputed to the Prisoner sent to the Subordinate Court was "preferring a false complaint" and it must, the Court believe, have escaped the Subordinate Judge's notice, that the prisoner in question was not the party, an Officer of Police, against whom complaint had been made, the enquiry into which another Police Officer under existing rule, is prohibited from holding, but the individual by whom such complaint had actually been preferred and in respect of which, therefore, it was the obvious duty of the Subordinate Judge to have declared

No. 86

17th June 1846.

declared whether the provisions of Regulation IX of 1832 should or should not be enforced.

3. The Court of Tondaree Udalut accordingly direct that the Subordinate Judge will communicate copy of these proceedings to the Magistracy in order to measures being taken for the prisoner's re-apprehension and trial on the charge for which he was originally committed to the Criminal Court.

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

(Sent following precept No. 995) 8

Ent'd

Thursday
18th June 1846

S. Va.

At a Court of the Tinnevelly Adalut.

Present.

G. J. Waters Esquire — 1st Puisne Judge.
Malcolm Lewin Esquire — 2nd Puisne Judge.
J. E. J. Boleau Esquire — 3rd Puisne Judge.

Read communication under date the 13th Ultimo from the Sessions Judge of Cuddalore.

(Here enter S. Va. No. 1556)

1. The Sessions Judge submits with this communication copy of a letter from the Principal Sudr Ameen with Translations of two Tamil Memoranda recorded by that Officer having reference to the conduct of the Head of Police of Chidambarum in committing the persons in these cases noted marginally on the charges of having in each case preferred a false complaint against the Village Moonsiff of Arasoor; whereas in the opinion of the Principal Sudr Ameen the Head of District Police was well aware

Nos. 41 and 42 of 1846
Principal Sudr Ameen's
Criminal Files

aware that the complaints in question were true.-

2. The Sessions Judge states his concurrence in the opinion recorded by the Principal Sudr Ameen that both the charges preferred by the Prisoner referred to are correct; and that the Head of Police was aware of the fact, and recommends that the Head of District Police be dismissed the service.-

3. Before passing any orders in this matter the Court of Foujdaree Udalut resolve to direct the Sessions Judge to address a copy of his communication under notice, to the Magistrate of South Arcot who will be pleased to submit for their information, the report required by Clause second Section XXXIX Act VII of 1843.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Cuddalore for his information and guidance and for communication to the Magistrate of South Arcot.-

Sent in Sr. 999 /-

Ext 1846.

Friday, 19th June 1846.

S. C.

At a Court of the Sungdaree Udalut.

Present.

G. J. Walters Esquire — 1st Puisne Judge.
Malcolm Lewin Esquire — 2nd Puisne Judge.
J. E. J. Boileau Esquire — 3rd Puisne Judge.

Read letter dated the 2nd Instant from the Sessions Judge of Chittoor forwarding the record of the trial in Case No. 21 on the file of the Session Court for 1846.

(Here enter S. C. No. 1794)

Mr. Mc. Lewin and Mr. J. E. J. Boileau.

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

1st. Anjaneyaudoo.

and

2nd. Condareddy

is sufficient to convict them of the crime of Murder; do convict them thereof

thereof, and under the provisions of Section X Regulation VIII of 1802 sentence the prisoner

1st "Injaveegaudoo"

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 prisoner

2nd "Condaredoly"

is liable under the provisions of Section X Regulation VIII of 1802, would in this instance, be too severe, the Court under the provisions of Clause third Section III Regulation I of 1825 sentence 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.

(Sent following letter No. 1001.)

Read

Read letter dated 1st Instant from the Magistrate of Salem submitting the explanation called for in this Court's proceedings of the 5th Ultimo regarding the delay which occurred before the Police in the transmission to the Subordinate Court of Cases Nos 48 and 53 on the Salem Criminal Reports for March last.

(Here enter F. Vo. No. 1782 of 1846)

The Court are fully satisfied with the explanation submitted by the Acting Head Police of Daramporey regarding the delay attributable to him in the examination of these cases, but they desire to know under what circumstances the Assistant Magistrate deemed the step of interfering with the Proceedings of the Head of Police and calling up the case advisable and proper.

Ordered that Extract from these Proceedings be forwarded to the Magistrate

19th June 1846.

Magistrate of Salem by precept returnable in V days from and after its receipt.

(Sent following) precept No. 1002.

Read letter dated the 8th Instant from the Sessions Judge of Chittoor, submitting the record of the trial in Case No. 24 on the Calendar for 1846.

(Here enter No. 1841.)

The 8th Witness Gomagee Row, deposes before the Sessions Judge that the Prisoner's talook Declaration bears his attestation in token of his being present throughout. The Translation of the same exhibits the name of the 7th Witness only. The Sessions Judge is required to state whether this is (as the Court of Foujdaree Udalut suppose) an inadvertent omission on the part of the Translator, or Copyist.

Ordered, that Extract from these 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. 1003.)

Read

F. No.

19th June 1846.

Read Criminal Reports under date the 8th Instant submitted by the Subordinate Judge of Chittoor for the month of May 1846.

(Here enter F. No. No. 1822.)

Supplemental Report. Case No. 49.

Adverting to the nature of the reasons assigned by the Acting Moofty Sudr Ameen for discrediting the evidence of the Prosecutrix and witnesses in this case which are founded on the principles of the Mahomedan Law, and are therefore inapplicable to a case tried by the Moofty in his capacity of Criminal Judge, the Court of Foujdaree Udalut 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 their information.

Report No. V Case No. 83.

2. The Court of Foujdaree Udalut require an explanation of the grounds on which the Head of District Police considered himself justified in committing the 3d and 4th Prisoners in this case to

19th June 1846 — Magistrate of Salem by precept returnable in V days from and after its receipt.

(Sent following) precept No. 1002 /

Read letter dated the 8th Instant from the Sessions Judge of Chittoor, submitting the record of the trial in Case No. 24 on the Calendar for 1846.

(Here enter No. 1841)

The 8th Witness Somagiee Row, deposes before the Sessions Judge that the Prisoner's talook Declaration bears his attestation in token of his being present throughout. The Translation of the same exhibits the name of the 7th Witness only. The Sessions Judge is required to state whether this is (as the Court of Foujdaree Udalut suppose) an inadvertent omission on the part of the Translator, or Copyist.

Ordered, that Extract from these 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. 1003

Read

F. No.

19th June 1846 — Read Criminal Reports under date the 1st Instant submitted by the Subordinate Judge of Chittoor for the month of May 1846.

(Here enter F. No. No. 1822)

Supplemental Report. Case No. 49 — Adverting to the nature of the reasons assigned by the Acting Mooftee Sudr Ameen for discrediting the evidence of the Prosecutrix and witnesses in this case which are founded on the principles of the Mahomedan Law and are therefore inapplicable to cases tried by the Mooftee in his capacity of Criminal Judge, the Court of Foujdaree Udalut 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 their information.

Report No. V Case No. 83. — 2. The Court of Foujdaree Udalut require an explanation of the grounds on which the Head of District Police considered himself justified in committing the 3d and 4th Prisoners in this case to

to

19th June 1846.-

0 to the Criminal Court.-

Case Nº 91. 3 Adverting to the trivial number of stripes awarded to the 4th Prisoner in this case the Court of Foujdaree Udalut resolve to direct their entire re-mission.-

Case Nº 90. 4. The Court of Foujdaree Uda-lut utterly fail to appreciate the force of the arguments advanced by the Acting Moofty Sudr Ameen for discrediting the evidence of the 2nd witness in this case nor do they consider that any grounds have been drawn in the report for the conviction of the 2nd Prisoner.-

5 The Court accordingly resolve to direct the revision of the case by the Sessions Judge who will be pleased to report the result thereof to the Fouj-daree Udalut.-

Ordered that Extract from these Proceedings (paras 1, 4 and 5) be sent to the Sessions Judge of Chittoor for his information and guidance by precept returnable within XXXV days from and after it's receipt.

(Sent following precept Nº 1004)

Ordered

19th June 1846.-

Ordered also that Extract from these Proceedings be sent to the Subordinate Judge of Chittoor for his information and guidance and for communication of para 3 to the Acting Magistrate for the information and guidance of that Officer and for report direct to the Foujdaree Udalut by precept returnable within X days from and after it's receipt.-

(Sent following precept Nº 1005)

Ent

Saturday
20th June 1846.

F.C.

At a Court of the Fouzdaree Adawlut.

Present.

J. I. Waters — Esqre 1st Puisne Judge.

Malcolm Lewin — Esqre 2d Puisne Judge.

T. E. J. Boileau — Esqre 3d Puisne Judge.

Read Calendar of case No 140 of 1846 on the file of the Sessions Court of Coimbatore submitted by the Acting Sessions Judge under date the 26th ultimo.-

(Here Enter F.C. No 1755 of 1846)

The prisoner in this case has been convicted of the offence of robbery by open violence committed by himself singly and unarmed and is liable to a sentence of 14 years imprisonment with hard labor in irons.-

2. The Acting Sessions Judge is of opinion that the ends of justice will be attained in this instance by a mitigated sentence of seven years imprisonment with labor in irons, which sentence he recommends to be passed on the prisoner.-

Sovereign

3. Adverting to the distinction made by the legislature between cases of Robbery and simple theft and considering the whole of the circumstances of this case, the former character of the prisoner, and the fact of his having committed the offence now charged and proved against him so immediately upon his release from prison, the Court of Foujdaree Adalut are of opinion that the sentence proposed by the Acting Sessions Judge is insufficient for the punishment of the prisoner in question, and they accordingly resolve to direct that

"Elevata Raik"

be imprisoned and kept to hard labor in irons on the public roads, or other public works for and during the period of 8 years.

Ordered that Extract from these proceedings be sent to the Acting Sessions Judge of Coimbatore for his information by precept returnable in V days from and after its receipt.

(Sent following Precept No. 1007.

Read Calendar dated the 22d. Ultimo submitted by the Sessions Judge of Masulipatam in

in case No 7 of 1846.

(Here Enter No. 1819 of 1846)

The Court of Foujdaree Adalut see reason to question the propriety of the disposal of this case, and they accordingly resolve to direct that an English translation of the Record may be submitted for their consideration with the least practicable delay the sentence passed by the Sessions Judge being suspended until the receipt by him of the final orders of this Court.

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

(Sent following Precept No. 1008)

Read Calendar dated the 29th Ultimo submitted by the Acting Sessions Judge of Coimbatore in Case No. 15 of 1846.

(Here Enter No. 1836 of 1846)

As it is not shewn by what means the Prisoners were identified during the night, and as the 1st. Saliva discredits the evidence of the 1st. and 2d. witnesses on account of contradiction, the Court of Foujdaree Adalut are

are unable to judge of the propriety of the sentence passed and they accordingly direct that an English Translation of the entire record be submitted for their consideration the sentence of the Acting Sessions Judge being suspended until the receipt by him of the final orders of this Court.

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Coimbatore for his information by Precept returnable in XXX days from and after its receipt.

(Sent following Precepts No. 1009)

From the Subordinate Judge of Combaconum to the Precept of the Fouzdaree Dated under date the 4th June 1846 forwarding certain remarks on the Criminal Reports for the month of April 1846.

(Here Enter F.C. No 1874 of 1846)

Read final Return dated the 10th Instant from the Acting Sessions Judge of Coimbatore to the Precept of the Fouzdaree Adalut under date the 5th May 1846 conveying their observations and opinion on the Criminal Reports of the Principal Sudder Ameen of Coimbatore for March 1846.

(Here Enter F.C. No 1875 of 1846)

Con.d

X

F. 46

Monday. 22d. June 1846. At a Court of the Fouzdaree Adalut

Present

Lieu. G.J.W. — G. J. Waters Esqre. ——— 1st. Puisne Judge

Lieu. P.S. — M. Lewin Esqre. ——— 2d. Puisne Judge

Lieu. Hall. — J. E. J. Boileau Esqre. ——— 3d. Puisne Judge

Read Petition presented on the 26th May 1846, by Awoola Nageredoly of Cuddapah.

(Here enter F.C. No. 917 of 1846)

The above petition not bearing the signature or mark of the Petitioner, the Court of Fouzdaree Adalut are not prepared to bring it under consideration.—

Ordered accordingly that it be removed from the file of the Court.—

Read Calendar of Case No. 23 of 1846 on the file of the Sessions Court of Chittoor dated 30th Ultimo.—

(Here enter F.C. No. 1818 of 1846)

The prisoner in this case convicted of having cut off with a bill hook the nose and left ear of his wife has under the provisions of Clause

22nd June 1846.

Clause seventh Section II Regulation XV of 1803 been sentenced to seven years imprisonment.

2 Judging from the circumstances as detailed in the Calendar this appears to the Court of Fouzdaree Udalut to be a case beyond the jurisdiction of the Sessions Court and calling for exemplary punishment.

3 The Sessions Judge will accordingly now submit an English translation of the record and will at the same time explain why he abstained from referring the case for the final decision of the Fouzdaree Udalut.

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

(Sent following precept No. 1013)

Read again Calendars of Case No. 7 of 1846 on the file of the Sessions Court at Salem submitted under date the 14th March 1846.

/Here enter F. Rs. No. 921 of 1846/

Read also returns dated the 8th

Returns

22nd June 1846.

Returns from the Sessions Judge of Salem to the precept of the Fouzdaree Udalut of the 9th April 1846 directing him to submit a translation of Case No. 7 of 1846 on the Calendar of the Sessions Court of Salem.

/Here enter F. Rs. No. 1469 of 1846/

Read also return dated the 5th Instant from the same Officer to the precept of the Fouzdaree Udalut of the 1st idem requiring the Submission of the copy of the warrant and translation which was issued for the apprehension of the Prisoner in Case No. 7 of 1846.

/Here enter F. Rs. No. 1140 of 1846/

The Court of Fouzdaree Udalut having attentively considered the record of this case and the warrant submitted with the last mentioned return see no reason for questioning the propriety of the conviction recorded in the Case or for disapproving of the Sentence awarded in it by the Sessions Judge of Salem.

Ordered that Extract from these

22d June 1846.

these proceedings be forwarded to the Sessions Judge of Salem for his information.-

(Sent in No. 1014.)

Read report dated the 22d Ultimo submitted by the Agent to the Governor of Fort St George at Ganjam of persons apprehended in the Separate tracts of Ganjam and delivered to the Agent and his Assistant in the Month of April 1846.-

/Here enter F. No. 1723 of 1846./

The Agent in his proceedings dated 14th Ultimo has done all that is necessary and the Court of Foujdaree Udalut consider that he has very properly noticed the careless way in which the Sentences of the Assistant Agent have been drawn out.-

Ordered that Extract from these proceedings be forwarded to the Agent to the Governor of Fort St George at Ganjam for his information.-

(Sent in No. 1015.)

Read Miscellaneous Petition presented on the 1st Instant by Sroomachella Thungayan of

22d June 1846.

of Tillah Combaconum.-

/Here enter F. No. M. P. No. 1310 of 1846./

1. The object of this Petition is to induce the Court of Foujdaree Udalut to order the suspension of the Sentences passed on the 2d 3d and 4th Prisoners in Case No. 20 for 1846 on the file of the Sessions Court at Combaconum the record of which case has been called for by the Foujdaree Udalut in their proceedings under date the 18th Ultimo.-

2. The Court of Foujdaree Udalut now direct that the Sentences awarded to the prisoners in the case adverted to be suspended until further orders,- in the event of its suspension not having resulted as a matter of course, from their requisition to the Sessions Judge for translations of the entire record.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Combaconum for his information and guidance by precept returnable within five days from and after its receipt.-

(Sent following precept No. 1016.)

Ordered

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

Read again Miscellaneous -
Petitions presented on the 26th January and 18th February 1846 by Soobbo Pillay of Zillah Combaconum together with that presented by the same individual on the 14th Ultimo; complaining of the Sentence passed on Chetumbrum prisoner in Case No. 75 of 1845 on the file of the Sessions Court at Combaconum-

/Here enter J.M. M.P. Nos. 12, 26 and 83 of 1846/

Read also return under date the 9th Instant from the Sessions Judge of Combaconum to the precipt of the Fouzdaree Udalut dated the 11th ultimo directing that officer to submit an English Translation of the record in Case No. 75 of 1845.-

/Here enter J.M. No. 1850 of 1846/

1 The Court of Fouzdaree Udalut having attentively perused the entire record of this case entirely differ from the Sessions Judge in their appreciation of the evidence which they consider altogether insufficient to convict

the prisoner of the offence laid to his charge.-

2. Moreover regarding the actual occurrence of the robbery charged the Court of Fouzdaree Udalut consider the evidence extremely unsatisfactory.-

3. It appears that the Prosecutor preferred no complaint to the Police for a month after the alleged date of the robbery and although he states that he communicated information of the robbery on the following morning to a Chettoo Peon, this statement has not been corroborated.-

4. The testimony of the witnesses called to prove the robbery is merely "hearsay" evidence, none of the Prosecutor's family having been aware that a robbery had taken place until the following morning, when that individual states that he saw the door open and a bamboo against the wall.-

6. The 1st witness a relative of the Prosecutor in describing the meeting between himself and the prisoner states that the latter affirmed the property said to have been stolen, to be his own, and this statement

22nd June 1846.

statement is corroborated by the 2d and also by the 3d witness who, the Court of Zoojdaree Udalut are inclined to believe, entrapped the prisoner to the prosecutor's house under a false pretext.—

6. There is no evidence in support of the statement of the Prosecutor that the prisoner when brought to his house by the 3d witness ran away.—

7. The prisoner has denied the charge throughout assigning as the cause of its fabrication a quarrel which he alleges to have originated in the house of the 1st witness.—

8. It was of course an easy matter to find persons ready to depose to the resemblance of the "Coojpee" found on the prisoner's person to others in the prosecutors possession, and the fact that other articles were found in a field where they may have been designedly placed is no proof of the prisoner's guilt.—

9 The Court of Zoojdaree Udalut would further observe that the Head of District Police considered the charge unproved.—

With

3

F. Dc.

22d June 1846.

10. With reference to the above observation the Court of Zoojdaree Udalut resolve to direct that the prisoner "Chedumbaram" be unconditionally released forthwith.—

Ordered that Extract from these proceedings be sent to the Sessions Judge of Combaconum for his information and guidance by precept returnable within six days from and after its receipt.—

/Sent following precept No. 1077/

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

Read Miscellaneous Petitions presented on the 4th instt by Madame Chettumbaramm and Mahomed Saib of Tillak Cuddapah.—

/Here enter F. Dc. M. P. Nos. 105 & 106 of 1846/

The object of these Petitions is to induce the Court of Zoojdaree Udalut to reverse the Sentence of Seven years imprisonment awarded by the Sessions Judge of Cuddapah

22nd June 1846.

Cuddapah to Sreebhoy Jaun Bandah Saib and Rothnayarakalee 2 and 3rd Prisoners in Case No. 13 of 1846 on the file of the Sessions Court.—

2. Before disposing of these Petitions the Court of Foujdaree Adalut resolve to direct that an English Translation of the record of the case therein referred to may be submitted for their consideration and that the Sentences passed by the Sessions Judge be suspended until the receipt by him of the final orders of this Court.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Cuddapah for his information and guidance by precept returnable within fifteen days from and after its receipt.—

(Sent following precept No. 1018.)

Ordered also that Extract &c from these proceedings be furnished to the Petitioners on their application.—

Read Miscellaneous Petition presented on the 26th Ultimo by Seeavaramma Venguamah of Zillah Nellore.

(Sent intro. F. Ct. M. P. No. 124 of 1846.)

This is an application for the interference

22nd June 1846

interference of the Court of Foujdaree Adalut to order the restoration of the Petitioner to the Situation of Peon in the Zillah Court of Nellore from which he states that he was removed about three years ago and transferred to the temporary Situation of Jail Peon.—

With reference to the long period which the Petitioner has permitted to elapse without preferring any appeal against the proceedings of which he now complains, and adverting to his own admission to produce any order having reference to his case, the Court of Foujdaree Adalut resolve to dismiss this petition.—

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

Read Miscellaneous Petition presented on the 8th Instant by Ramah Ramah of Zillah Chittoor and brother of the 3rd Prisoner in Case No. 44 of 1844 on the

file

22

22d June 1846.

file of the Sessions Court.

/Here enter F.H.M.P. No. 138 of 1846/

The Court of Foujdaree Udalut have repeatedly declared their approval of the sentence passed in the case referred to in this Petition which is accordingly rejected.

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

Ramachundra row late Tahsildar of the Talook of Buddapooday in the Zillah of Nellore, moves the Court to return the enclosures in his Foujdaree Miscellaneous Petition No. 110 of 1845.

Ordered accordingly

End F.H.

x

F.H.

Tuesday.
23d June, 1846.

At a Court of the Foujdaree Udalut.

Present.

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

Read letter dated the 11th Instant from the Sessions Judge of Combaconum forwarding the trial in Case No. 36 on the Calendar of the Sessions Court for 1846.

/Here enter F.H.C. No. 1870 of 1846/

Mr. M. Lewin.

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

1st Cauttaun,

2d Auroomoogum,

and

3d Moothoocaroopen,

is sufficient to convict them of the crime

22

22d June 1846.

file of the Sessions Court.

/Here enter F.M.M.P. No. 138 of 1846/

The Court of Foujdaree Udalut have repeatedly declared their approval of the sentence passed in the case referred to in this Petition which is accordingly rejected.

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

Ramachundra now late Tahsildar of the Talook of Buddapoody in the Zillah of Nellore, moves the Court to return the enclosures in his Foujdara Miscellaneous Petition No. 110 of 1845.

Ordered accordingly

End. F.M.

F.M.

Tuesday 23d June, 1846.

At a Court of the Foujdaree Udalut

Present.

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

Read letter dated the 11th Instant from the Sessions Judge of Combaconum forwarding the trial in Case No. 36 on the Calendar of the Sessions Court for 1846.

/Here enter F.M. No. 1870 of 1846/

Mr. M. Lewin.

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

1st Cauttaan,

2d Auroomoogum,

and

3d Moothoocaroopen,

is sufficient to convict them of the crimes

22nd June

23rd June, 1846

crime of Rape attended with Highway robbery, for which, in the absence of the requisite conditions of Wud, discretionary punishment is awardable under the Mahomedan Law, as declared in futwas of their Law Officers, do convict them severally thereof; and with reference to the provisions of Clause third Section VII Regulation XV of 1803, Clause third Section II Regulation I of 1825, and Section XXXIV Act VII of 1843, sentence the prisoners severally to receive one hundred and ninety five lashes with a Cat-o-nine tails, and to be transported to such place or places beyond Sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of their natural lives.—

Sent following letter No. 1029/—

Read

23rd June, 1846—

Read letter dated the 16th Ultimo from the Session Judge of Honore forwarding the trial in Case No. 10 on the Calendar of the Session Court for 1846—

Vide Inter F. C. No. 1654/

Read do return dated the 11th Instant from the Session Judge of Honore to the precept of the Foujdaree Adalut under date the 4th idem directing him to call on the Assessors to give their reasons for considering the crime of Murder not proved against the Prisoner in Case No. 10 on the Calendar for the year 1846.—

Vide Inter F. C. No. 1962/—

Mr. M. Lewin and Mr. T. C. J. Boileau—

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

Curdy alias Medeea

is sufficient to convict him of the

crime

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. 1020/

Read Criminal Reports
under date the 1st. Instant submitted
by the Principal Sudr. Ameen of
Masulipatam for the month of
May 1846.—

/Here enter F. C. No. 1781 of 1846/

Case No. 19.

Adverting to the nature
of the theft charged against the pris-
soner in this case the Court of
Foujdaree Adalut consider the sentence
awarded for the escape extremely
severe and they accordingly resolve to
direct that unless any circumstances
of aggravation not apparent from
the Report can be shown to have
been attendant on the commission
of the theft in question, the period
of Imprisonment awarded be reduced

End Ft.

to

F. C.

23d June, 1846.

to two months.—

Ordered, that Extract
from these Proceedings be sent to
the Principal Sudr. Ameen of
Masulipatam for his information
and guidance by precept, returnable
within X days from and after its
receipt.—

/Sent following precept No. 1022/

Read report of cases
pending on the 30th April and com-
-mitted for trial during the month
of May 1846 before the Sessions Judge
of Combaconum.—

/Here enter F. C. No. 1787 of 1846/

The first of the cases
entered in this Statement occupied
the Sessions Judge three days in the
trial viz. the 30th and 31st March and
the 1st of April. The trial was not
however closed till the 18th May and the
futwah had not been submitted by
the Law Officer on the 31st idem-being
an interval of 13 days.—

The

2.

The futwah of the Law Officer should in every case be delivered without delay and in most cases it should be given on the day immediately succeeding that on which the trial may be brought to a close.-

3.

The Sessions Judge will accordingly be pleased to explain more fully what circumstances prevented the trials being closed before the 18th May and will also obtain and submit with his remarks an explanation of the Mooftys delay in submitting the futwah.-

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

Sent following precept. No. 1024

Read Criminal Reports dated the 4th Instant submitted by the Sessions Judge of Guntoor for the

the month of May 1846.-

Were Enter F.No. 1798.

Read Calendar of Case No. 27 of 1846 submitted by the Sessions Judge of Cuddapah under date the 4th Instant.-

Were Enter F.No. 1799.

Read Calendar in Case No. 29 of 1846 submitted by the Sessions Judge of Salem under date the 5th Instant.-

Were Enter F.No. 1800.

Read Calendar of Case No. 14 of 1846 submitted by the Sessions Judge of Honore under date the 30th Ultimo.-

Were Enter F.No. 1801.

Read Calendar of Case No. 35 of 1846 submitted by the Sessions Judge of Tinnevelly under date the 2d Instant.-

Were Enter F.No. 1802.

Read

22nd 23rd June, 1846.

Read Calendar of Case No. 36 of 1846 submitted by the Sessions Judge of Tinnevelly under date the 1st Instant.—

(Here Enter F.C. No. 1803.)

Read report dated the 1st Instant submitted by the Sessions Judge of Tinnevelly of cases pending before him up to the 31st Ultimo in which the Trial has been delayed beyond 25 days.—

(Here Enter F.C. No. 1804.)

Read report dated the 1st Instant submitted by the Sessions Judge of Mangalore of Cases pending trial before him for the month of May 1846.—

(Here Enter F.C. No. 1805.)

Read again letter dated 6th Ultimo from the Acting Sessions Judge of Calicut submitting for the final sentence of

3

F.C.

23rd June, 1846.

of the Foujdaree Udalut the Proceedings in Case No. 17 of 1846.—

(Here Enter No. 1524.)

Read also, return dated 9th June 1846 from the Acting Sessions Judge of Calicut to the precept of the Foujdaree Udalut under date the 4th June 1846 requesting the Acting Sessions Judge to send for the parents, relatives or neighbours of the Prisoner in Case No. 17 of 1846 on the Calendar and investigate a comprehensive investigation on his state of mind when the acts charged against him were committed, and submits with the Acting Judge's opinion a translation of the further proceedings.—

(Here Enter No. 1896.)

Mr. G. J. Waters.
Mr. F. C. 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 proof against the prisoner "Kounalody Docker"

is

is sufficient to convict him of the crime of Murder do convict him thereof, but bring of opinion under the circumstances of the case, that the punishment to which the prisoner is liable under the provisions of Section X Regulation VIII of 1802, would in this instance be too severe, the Court, under the provisions of Clause third Section III Regulation I of 1825, sentence the prisoner to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of his natural life.—

1. The Prisoner in this case was charged with having murdered the 1st Prosecutor's wife and wounded the 2d Prosecutor by stabbing them with a Knife.—

2. It appears from the return of the Acting Sessions Judge that that Officer has been unable to procure any further information

information regarding the state of the Prisoners mind at the time of the commission of the acts charged against him.—

3. Adverting to the absence of any apparent cause or motive for the murder of which the prisoner has been most clearly convicted and with reference to certain remarks in the evidence which tend to show that he is a person of weak intellect, the Court of Sujdaree Adalut consider that a sentence of transportation would in this case be altogether an inappropriate punishment and they accordingly resolve to sentence the prisoner to imprisonment with hard labor in irons for the period of his natural life.—

Ordered,

23

23d June, 1846.

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

Sent following letter No. 1024/5

Encl. 1 H.

Read return dated the 18th Ultimo from the Sessions Judge of Tellicherry to the precept of the Foujdaree Adalut under date the 11th Idem, requiring that para 8 of Extract from this proceedings be communicated to the Magistrate of Malabar for report direct to that Court respecting grounds on which case No. 18 of 1846 was committed to Sessions Court of Tellicherry.—

Here enter F. Vo. No. 1660/-

Read return dated the 23rd Ultimo from the Sessions Judge of Rajahmundry to the precept of the Foujdaree Adalut under date the 18th Idem, requiring him to show what progress has been made in the preparation of the English translations of the cases Nos. 24, & 25 of 1845 & 2, 4, 7, 12 & 13 of 1846 & to explain the cause of the delay in referring them for the final sentence of the Foujdaree Adalut.—

Here enter F. Vo. No. 1702/-

F. Vo.

Wednesday 24th June, 1846.

At a Court of the Foujdaree Adalut

Present

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

Read Criminal Report under date the 6th Instant submitted by the Principal Sudr Ameen of Vizagapatam for the month of May 1846.—

Here enter F. Vo. No. 1865/-

Case No. 26.

From a perusal of the Report of this case the Court of Foujdaree Adalut are of opinion that the evidence is sufficient to the conviction of the prisoner and they accordingly resolve to direct the Sessions Judge of Chicacole to call up the record and to pass such orders as he may think proper reporting the same for their information.—

Ordered,

24th June, 1846.

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Chicacole for his information and guidance by precept returnable within XV days from and after its receipt.—

/Sent following precept. No. 1029/

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

/Sent in No. 1030/

Read Calendar dated the 29th Ultimo submitted by the Sessions Judge of Coimbatore in Case No. 16 of 1846.—

/Here enter F. No. 1807/

Read Final return dated the 4th Instant from the Acting Sessions Judge of Coimbatore to the precept of the Fouzdaree Adalut under date the 31st March 1846 conveying their observations

24th June, 1846.

observations and orders on the Criminal Reports of the Zillah of Coimbatore for February 1846.—

/Here enter F. No. 1808/

Read return dated the 11th Ultimo from the Agent to the Governor of Fort St. George at Ganjam to the precept of the Fouzdaree Adalut under date the 29th April 1846 conveying their observations and orders on the Criminal Reports for the month of February 1846.—

/Here enter F. No. 1811/

Read Calendar in Case No. 25 of 1846 submitted by the Acting Sessions Judge of Calicut under date the 23rd May 1846.—

/Here enter F. No. 1820/

Read return dated the 6th Instant from the Acting Sessions Judge of Coimbatore to the precept of

23d & 24th June, 1846.

of the Foujdaree Udalut under date the 27th Ultimo directing that the fine imposed upon the Prisoner in Case No. 2 of the Criminal Reports for the month of January 1846, if levied be immediately refunded.—

Were enter F.C. No. 1837/—

Read Criminal Reports dated the 4th Instant submitted by the Session Judge of Masulipatam for the month of May 1846.—

Were enter F.C. No. 1853/—

Read return dated the 9th Instant from the Session Judge of Cuddapah to the precept of the Foujdaree Udalut under date the 30th May 1846 desiring to inform why he has omitted to submit the translation of the Verdict of the Jury in Case No. 37 of 1846 and directing to forward in future the translation of the Verdict of every case tried by Jurors or assessors.—

Were Enter F.C. No. 1849/5

F.C.

Thursday, 25th June, 1846.

At a Court of the Foujdaree Udalut.

Present.

G. J. Walters Esqr.—1st Puisne Judge

Malcolm Lewin Esqr.—2d Puisne Judge

T.E. J Britton Esqr.—3d Puisne Judge

Read return dated 11th June 1846 from the Session Judge of Cuddapah to the precept of the Foujdaree Udalut of the 6th idem calling for certain explanations in regard to case 21 of 1846 on the Cuddapah Calendar.

Were Enter F.C. No. 1871 of 1846

Under the explanation afforded in the above return the Court of Foujdaree Udalut are satisfied with the manner in which this case has been disposed of.—

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

his information.—

/Sent in No 1032./

Read return dated the 15th September 1845 from the Sessions Judge of Combaconum to the precept of the Foujdaree Adalut under date the 9th idem requiring that officer to award the sentence passed in Cases No 28 and 29 of 1845, the former under Clause Fourth Section II, the latter under Clause Fourth Section III Regulation II of 1822.—

/Here Enter No 2702 of 1845

Adverting to the Sessions Judge's remark that on a former occasion Mr Beauchamp, the late Acting Sessions Judge, passed his sentence in a similar case under Clause Seventh Section II Regulation XV of 1816 and that the Foujdaree Adalut on a review of the Calendar of that case observed that the provisions of Clause Fourth Section III Regulation II of 1822 should have been also quoted, which induced the Sessions Judge

Judge to quote, as he did, the provisions of the said two Regulations in the aforesaid Case No 28 of 1845; the Court of Foujdaree Adalut, as now constituted, resolve to record their opinion that the Court's order to quote the two Regulations was wrong.—

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

/Sent in No 1033./

Read Calendar of Cases No XIII of 1846 submitted by the Sessions Judge of Tanjore under date the 5th June 1846.—

/Here Enter Ftl No 1691 of 1846/

Read Calendar of Cases No 56 of 1846 submitted by the Sessions Judge of Trinevelly under date the 9th June 1846.—

/Here Enter Ftl No 1693 of 1846.

Read Calendar of Cases of

23rd June 1846.

of 1846 submitted by the Sessions Judge of Belleary under date the 16th June 1846.—

(Here Enter Fle No 1696 of 1846)

Read return dated 18th June 1846 from the Sessions Judge of Salem to the precept of the Tongdaree Adalut under date the 16th idem directing the submission of an amended Calendar in Case No 14 of 1846 of the file of the Sessions Court at Salem.—

(Here Enter Fle No 1690 of 1846)

End Do.

Friday,
26th June, 1846. At a Court of Tongdaree Adalut

Present,—

G. I. Waters Esqre ——— 1st Puisne Judge,

Malcolm Lewin Esqre ——— 2d Puisne Judge,

F. C. J. Borlean Esqre ——— 3d Puisne Judge,

Read return dated 12th May 1846 from the Sessions Judge of Combaconum to the precept of the Tongdaree Adalut of the 1st idem desiring to be informed whether the prisoner in Case No 31 of 1846 names any witnesses in his defence and if so whether those witnesses were examined

(Here Enter Fle No 1534 of 1846)

Under the explanation afforded in the foregoing return the Court of Tongdaree Adalut resolve to call up the record of the trial above referred to, and they direct that the Sessions Judge will be pleased

please to submit an English translation of it with the least practicable delay.-

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

/ Sent following precept No 1034 /

Read letter dated 11th June 1866 from the Acting Sessions Judge of Cuttack

/ Here enter Ferd No 1786 of 1866 /

1 In this letter the Acting Sessions Judge solicits the instructions of the Sudder Dewanny Adawlut as to the law of a case pending before him.-

2 It appears that in a case of theft of property exceeding 500 Rupees perpetrated by two Servants and a watchman employed in the Land the watchman and 3 receivers were apprehended and

and committed to the Sessions Court

3 The trial has been closed and all the prisoners convicted & the 1st prisoner the watchman & one of the perpetrators of the theft has been sentenced to 7 years' imprisonment under the provisions of Clause Sixth Section V Regulation XV of 1803 which would seem to have no applicability to the Case in question.-

4 The Acting Sessions Judge doubt arises as to the degree in which the other prisoners are affected by this Conviction and he asks whether the 1st Prisoner is to be considered as convicted of theft under such aggravating circumstances as to bring the receivers within the scope of Clause Second Section III Regulation VII of 1822 and render them liable to 14 years' imprisonment or whether they can only be sentenced under the 4th Clause of the same Section

26th June 1846

section to 2 years

5 The Court of Fouzdaree Adalut observe that the question proposed by the Acting Sessions Judge of Calicut was disposed of by them on the 24th August 1838 and they resolve to furnish Mr Bayers with a copy of those proceedings for his information. They would at the same time inform him that it must be established that the Receiver at the time of receiving the stolen property was aware that the property stolen exceeded in value 300 Rupees.

6 The Court have at present nothing to do with the terms of the sentences proposed to be passed by the Acting Sessions Judge that is a point left entirely at his discretion in the present stage of the proceedings.

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

/Sent in No 1035/

Read

F.H.

26th June 1846

Read Letter dated 15th Instant from the Acting Sessions Judge of Calicut submitting for the final Sentence of the Fouzdaree Adalut the proceedings in Case No 20 of 1846.

/Here Enter No 1909/

Mr. M Lewin and Mr. Borlean-

The Court of Fouzdaree Adalut on a deliberate Consideration of all the circumstances of the Case in evidence before them being of opinion that the proof against the Prisoner Kalakingal Koonjoo Nair alias Chungara Nair- is sufficient to convict him of the crime of wounding, for which, according to the Mahomedan Law, as declared in Futwahs of their Law Officers, discretionary punishment is awardable, do convict him thereof, and with reference to the provisions of Clause third Section VII Regulation XV of 1803, sentence him to be transported to such place or places beyond sea as the Governor in Council shall appoint

appoint there to be imprisoned and kept
to hard labor in irons on the public
Roads or other public works for and
during the period of his natural life.

The Court of Sessions Adalut
having attentively perused the entire record
of this case fully concur with the Acting
Sessions Judge in the conviction of the
prisoner; but adverting to the murderous
intent with which he is proved to
have stabbed the Prosecutor they consider
that any Sentence short of transportation
for life would be insufficient to meet
the demands of Justice.-

Ordered that Extract
from these Proceedings be sent to the
acting Sessions Judge of Cuttack
for his information and Guidance.-

Sent following letter No 1036/

Read Jail Report submitted
by the Principal Sudr Ameen in Charge
of the Zillah Court of Nellore for the

Month of May last.-

(Here Enter Ext No 1903 of 1846)

Read biennial Reports
submitted by the Principal Sudr Ameen
of Cuttack under date the 31st Ultimo
for the Month of May 1846.-

(Here Enter Ext No 1904 of 1846)

Read Calendar of Case
No 20 of 1846 submitted by the Sessions
Judge of Salem under date the 11th June
1846.-

(Here Enter Ext No 1907 of 1846)

Read Calendar of Case
No 41 of 1846 submitted by the Sessions
Judge of Tinnevelly under date the 10th
June 1846.-

(Here Enter Ext No 1909 of 1846)

Read Calendar of Case
No 15 of 1846 submitted by the Sessions
Judge of Rajahmundry under date the 11th
June 1846.-

(Here Enter Ext No 1910 of 1846)

Read Calendar of Case

&c &c

26th June 1846

26th June 1846.

No 20 of 1846 submitted by the Sessions
Judge of Caliente.-

(Here enter F.U. No 1911 of 1846)

Read return dated the 13th
June 1846 from the Principal Sudr Ameen
of Trichinopoly to the precept of the Fouzdaree
Adalut under date the 3d inst conveying
their observations and orders on the Criminal
Reports for the Month of April 1846.-

(Here enter F.U. No 1915 of 1846.)

Read Criminal Reports
submitted by the Sessions Judge of Trichinopoly
under date the 12th Instant for the Month
of May 1846.-

(Here enter F.U. No 1918 of 1846.)

Ent W.H.

J.C.

Saturday
27th June, 1846.-

At a Court of the Fouzdaree Adalut.

Present,

The Hon. G. S. Waters Esqre. ____ 1st. Puisne Judge.
Malcolm Lewin Esqre. ____ 2nd. Puisne Judge.
T. C. S. Boileau Esqre. ____ 3rd. Puisne Judge.

Read again Calendar of Cases
Nos. 19 and 20 on the file of the Sessions Court
of Caliente submitted under date the 1st. Ultimo
by the Acting Sessions Judge.-

(Here enter F.U. No. 1918 of 1846)

Read also return dated 4th
Instant from the Acting Sessions Judge of
Caliente to the precept of the Fouzdaree
Adalut of the 18th Ultimo calling for an
English translation of the record of the trial
in Case No. 19 of 1846 on the Caliente Calendar
and calling for an explanation of the term
"artificial pound" made use of by the Acting
Sessions Judge in his Calendar.—

(Here enter F.U. No. 1938 of 1846)

1. After a most attentive and
anxious consideration of the record of the
foregoing trial the Court of Fouzdaree Adalut
are

are of opinion that the sentence of the Acting Sessions Judge in this case was quite inadequate and by no means commensurate with the offence proved against the prisoner.—

2. The Prisoner was the aggressor his use of his knife was most dastardly and his plea of adultery appears unfounded.—

3. The infliction of the injuries received from the prisoner was unwarrantable and unjustifiable and their number and extent as described in the proceedings were such as to have justified the Acting Judge in passing the full extent of punishment adjudicable by the Law under which sentence was passed viz: seven years instead of the two years imprisonment awarded in the case.—

4. The Court consider there has been a failure of justice in this case and trust the Acting Sessions Judge will endeavor to exhibit greater circumspection and care in future.—

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

Judge of Calicut for his information.—

(Sent in No. 1039)

Read Calendar of Case No. 19 of 1846 on the file of the Sessions Court of Mangalore submitted under date the 3rd Instant by the Sessions Judge.—

(Here enter Ft. No. 1035)

The Prisoner in this case who

1. has been convicted of Housebreaking and theft and is stated to have been on a former occasion sentenced for a similar offence to 2 Years' Imprisonment and 150 lashes, has now been sentenced by the Sessions Judge to six Years imprisonment with hard labor in irons and 195 lashes.—

2. Adverting to the length of time which has elapsed since the prisoner's apprehension the Court of Sudder Adawlut resolve to direct that the sentence of corporal punishment awarded to him be reduced to 100 lashes.—

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

(Sent in No. 1040.)

Pea

7th June 1846.

Read Calendar of Cases No. 17 of 1846 on the file of the Sessions Court of Coimbatore submitted under date the 9th Instant by the Acting Sessions Judge.—

(Here enter Fll. No. 1860 of 1846)

1. The two prisoners in this case who are Talians have been convicted by the Acting Sessions Judge of the crime of Highway robbery and have been sentenced under the provisions of Section XXI Regulation VII of 1802 to 14 Years imprisonment with hard labor in irons.—

2. Before disposing of the Calendar the Court of Foujdaree Udalut are desirous of being informed whether the prisoners can from their employments be looked upon in the light of Police Officers.—

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

(Sent following precept No. 1044)

Read Criminal Reports under date the 12th Instant submitted by the Principal

7th.
27th June 1846.

Principal Sudr Ameen of Nellore for the month of May 1846.—

(Here enter Fll. No. 1886)

Suppl. Report Case No. 34. 1. The Court of Foujdaree Udalut are at a loss to comprehend the meaning of the following expression used by the Principal Sudr Ameen regarding the 4th Prisoner in the Case viz. "he having appeared to be omitted" and require explanation.—

Case No. 56. 2. The insertion at the commencement of the statement of the charge of the words "the Prisoners are charged" is in the opinion of the Foujdaree Udalut altogether unnecessary and should be discontinued.—

Case No. 57. 3. Adverting to the unnecessary details with which the abstracts of cases tried by the Moosty Sudr Ameen are filled the Court of Foujdaree Udalut resolve to direct that that officer will adopt a brief and succinct form in the preparation of his reports as far as may be consistent with clearness and perspicuity.—

Ordered, that Extract from these proceedings be sent to the Principal

Sudr

27th June 1846.

Sub Aumeen of Nellore for his information and guidance and for communication of paras 3 to the Moofty for the information and guidance of that officer by precept returnable within V days from and after its receipt.—

(Sent following precept No. 1042)

Read Criminal Reports under date the 12th Instant submitted by the Subordinate Judge of Madura for the month of May 1846.—

(Here enter Ct. No. 1900)

Code No. 101. 1. The Court of Foujdaree Adalut observe that the insertion of the term "theft" in the heading affixed to the statement of the charge in this case is incorrect, that offence having neither been charged nor proved, and they desire that the heading may be amended accordingly.—

2. Adverting to the circumstances of the case as stated in the report the Court of Foujdaree Adalut consider the sentence passed extremely lenient.—

Code No. 102 3. In the absence of aggravating circumstances

circumstances attendant on the commission of the offence charged in this case the Court of Foujdaree Adalut see no grounds for the infliction of the stripes awarded by the Moofty Sub Ameen, and they accordingly resolve to direct their remission the more especially as it does not appear that the prisoner is an old offender or that he bears a bad character.—

Code No. 103. 4. It is obvious that the Sub Officer of Police had no authority to detain the prisoner in this case in his custody for six days previous to forwarding him to the Head of District Police.—

5. Adverting to the gross irregularity observable in this case viz. the Prosecutor having been permitted to search the Prisoners house the Court of Foujdaree Adalut request the to direct the annulment of the requisition of security under which the Prisoner has been placed.—

Code No. 105. 6. From a perusal of the abstract of the evidence in this case the Court of Foujdaree Adalut are of opinion that the 1st Prisoner might with propriety have been placed

27th June 1846.

27th June 1846.—

plaint under a requisition of security.—

Ordered, that Extract from these proceedings be sent to the Subordinate Judge of Madura for his information and guidance and for communication of paras. 4 and 5 to the Magistrate for the information and guidance of that officer by precept returnable within 10 days from and after its receipt.—

/Sent following precept No. 1043./

Read return dated 9th June 1846 from the Magistrate of Madura to the precept of the Sunjaree Vakeel of the 19th Ultimo calling for further explanation regarding the delay in the Talook of certain cases entered in the Madura Criminal Reports for the months of February last.—

/Here enter F.H. No. 1876 of 1846/

The Court of Sunjaree Vakeel desire that the Magistrate of Madura be informed that the explanations of the detention of Cases No. 42 and 48 in the Talook are deemed quite satisfactory.—

Ordered, that Extract from these proceedings be forwarded to the Magistrate of

F.H.

27th June 1846.—

of Madura for his information.—

/Sent in No. 1044/

Read Criminal Reports under date the 31st Ultimo submitted by the Principal Sudr Ameen of Tuddaloor for the month of May 1846.—

/Here enter F.H. No. 1905/

Report No. V
Case No. 55.

The Court of Sunjaree Vakeel have repeatedly prohibited the insertion of Native dates in the Monthly Criminal Reports and they desire that the practice adverted and henceforth be discontinued by the Principal Sudr Ameen.—

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

/Sent in No. 1045/

Read again letter dated the 8th Ultimo from the Sessions Judge of Chittoor submitting the record of the trial in Case No. 24 on the Calendar of the Session Court for 1846.—

/Here enter No. 1841./

Read

placed under a requisition of security.—

Ordered, that Extract from these proceedings be sent to the Subordinate Judge of Madura for his information and guidance and for communication of paras: 4 and 5 to the Magistrate for the information and guidance of that officer by precept returnable within 10 days from and after its receipt.—

/Sent following precept No. 1043./

Read return dated 9th June 1846 from the Magistrate of Madura to the precept of the Tinjanore Udalut of the 19th Ultimo calling for further explanation regarding the delay in the Talook of certain cases entered in the Madura Criminal Reports for the months of February last.—

/Here enter F.H. No. 1876 of 1846/

The Court of Tinjanore Udalut desire that the Magistrate of Madura be informed that the explanations of the detention of Cases No. 42 and 48 in the Talook are deemed quite satisfactory.—

Ordered, that Extract from these proceedings be forwarded to the Magistrate of

of Madura for his information.—

/Sent in No. 1044/

Read Criminal Reports under date the 31st Ultimo submitted by the Principal Sudr Ameen of Kuddalore for the month of May 1846.—

/Here enter F.H. No. 1905/

Report No. V
Cases No. 55.

The Court of Tinjanore Udalut have repeatedly prohibited the insertion of Native dates in the Monthly Criminal Reports and they desire that the practice adverted may henceforth be discontinued by the Principal Sudr Ameen.—

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

/Sent in No. 1045/

Read again letter dated the 8th Ultimo from the Sessions Judge of Chittoor submitting the record of the trial in Case No. 24 on the Calendar of the Session Court for 1846.—

/Here enter No. 1841/

Read—

27th June 1846

Read also return dated the 22d Ultimo from the Subordinate Judge in charge of the Sessions Court of Chilaw to the precept of the Foujdaree Adawlut under date the 19th idem stating that the 8th witness Gomajee put in Case No. 24 on the Calendar 1846 deposed before the Sessions Judge that the Prisoners talook declaration bears his attestation in token of his being previously thumbprint and that the translation of the same Exhibits the name of the 7th witness only, and requiring to state whether this is an inadvertent omission on the part of the translator or scribe.—

/Here enter No. 2021/

Mr. M. Lushington
and
Mr. T. E. J. 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 prisoner

"Chirravandoo"

is sufficient to convict him of the crime of Murder, do convict him thereof; and under the provisions of Section X. Regulation VIII

27th June 1846.

of 1802, sentence him to suffer death by being hanged at the usual time and place of execution.—

/Sent following letter No. 1046/

Read Criminal Report to under date the 11th Instant, submitted by the Principal Sudr Ameen of Trichinopoly for the month of May 1846.—

/Here enter Ct. No. 1884/

Cash No. 46.

The Court of Foujdaree Adawlut see reason to question the propriety of the sentence awarded in this case and therefore accordingly resolve to direct the Sessions Judge to call up the record and to pass such orders as he may deem proper reporting the same for their information.—

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Trichinopoly for his information and guidance by precept returnable within 15 days from and after its receipt.—

/Sent following precept No. 1847/

Ordered also, that Extract from these proceedings be forwarded to the Principal

27th June 1846.

Principal & Sub Amount of Tschinpoly for
his information.—

/ Section No. 1048 /—

End W.

J. W.

Monday
29th June 1846.

At a Court of the Foujdaree Adalut

Present

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

Read again Miscellaneous Petition —
presented on the 9th March last by Mungalum of Zillah
Combaconum wife of the 1st Prisoner in Case No. 58 of
1845 on the file of the Sessions Court of Combaconum.

(Here enter F. No: P. No. 57 of 1846)

Read again also return dated the 20th
Ultimo from the Sessions Judge of Combaconum to
the precept of the Foujdaree Adalut dated the 20th April
1846 requiring the submission of an English Translation
of the trial in case No. 58 of 1845 on the file of the
Sessions Court.—

(Here enter No. 1697)

Read also return under date the 9th
Instant from the same officer to the precept of the
Foujdaree Adalut dated the 1st idem directing him to
submit a Copy and translation of the report of the
robbery charged in the foregoing case, which was
made by the Village Moonsiff on the day of its

Commission

Commissioner on the day after.-

(Here enter F. Cr: No. 1848)

1 The Court of Foujdaree Adalut having deliberately considered the entire record of this case together with the report of the Village Moonsiff now submitted are of opinion that no credit can be attached to the evidence on which the conviction of the prisoner has been based, it being clear from a perusal of the report in question that the alleged identification of the prisoners by the Prosecutor and witnesses did not take place.-

2. Adverting to the number of witnesses who have deposed to the identity of the Prisoners the Court of Foujdaree Adalut fail in their appreciation of the grounds advanced by the Sessions Judge to account for the hesitation on the part of the Prosecutor and his wife (the 4th. witness) to come forward at first contrasted with the confident testimony they afterwards gave.-

3. It appears clear to the Court of Foujdaree Adalut that the prisoners in this case having been apprehended on suspicion the evidence was afterwards concocted in such a manner as to tally with the facts.-

4 With reference to the foregoing observations the Court of Foujdaree Adalut resolve to direct

F. A.

29th. June 1846.

direct that the prisoners in this case be unconditionally released forthwith.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Combaconum for his information and guidance by precept returnable within V days from and after its receipt.-

(Sent following Precept No. 1056)

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

Read again Miscellaneous Petition presented on the 23d. March last by T. Appiah Pakeel on behalf of Sunnacka the wife of the Prisoner in case No. 21 of 1845 on the file of the Sessions Court at Honore.-

(Here enter F. Mr: P. No. 63 of 1846).

Read also return under date the 25th. Ultimo from the Sessions Judge of Honore to the precept of the Foujdaree Adalut dated the 14th. April last requiring the submission of an English Translation of the record in the case above referred to.-

(Here enter F. Cr: No. 1768).

The Court of Foujdaree Adalut

1.

having attentively perused the record of the case referred to in the foregoing Petition are satisfied

of the justice of the sentence of which the Petitioner complains.—

End W.

2 The Petition is accordingly dismissed.

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

Ordered also that Extract from these Proceedings be sent to the Sessions Judge of Honore for his information.—

(Sent in No. 1057)

Read again Miscellaneous Petition presented on the 6th April last by Rungeengar Mooktyar Vakeel on behalf of Rungeengar and others of Zillah Tinnevelly.—

(Here enter F. W. P. No. 75 of 1846).

Read also return under date the 17th Instant from the Sessions Judge of Tinnevelly to the precept of the Foujdaree Adalut dated the 18th Ultimo directing that officer to call up the proceedings in the case referred to in the foregoing Petition and to pass such orders as he should think proper reporting the same for the information of the Foujdaree Adalut.

(Here enter F. W. No. 1997)

1. The Court of Foujdaree Adalut having perused the return of the Sessions Judge approve of the remission by that officer of the fine awarded

F. W.

29th June 1846.

awarded to the Petitioners by the Head Assistant Magistrate.—

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

(Sent in No. 1058)

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

Read again Miscellaneous Petition presented on the 14th April last by Shaik Peer late of a Bank on the Jail establishment at Trichinopoly complaining of his removal from the public employ and praying for an order for his restoration to his former office.—

(Here enter F. W. P. No. 80 of 1846).

Read also return dated 28th Ultimo from the Sessions Judge of Trichinopoly to the Precept of the Foujdaree Adalut of the 11th idem calling for a report of the causes which led to the dismissal of the said Shaik Peer and of the proofs by which they were supported as also of the circumstances under which the matter was subsequently transferred to the Court of the Principal Sudr Ameen.—

(Here enter F. W. No. 1749 of 1846.

The Court perceive from the recorded sentence

sentence of the Principal Sudr Ameen that the charge of extortion preferred against the Petitioner was not considered to have been established and as farras the Court of Foujdaree Adalut are able to judge from the grounds of the Principal Sudr Ameens Sentence they see reason to approve it; further as the papers before the Foujdaree Adalut do not show that any culpability has been made out against the Petitioner by any proof whatever his dismissal having resulted from an uncorroborated report from a Police Ameen to the Magistrate laid before the late Acting Sessions Judge by the latter functionary, the Court of Foujdaree Adalut think the Petitioner should be restored to the office he held unless the present Sessions Judge can show reason to the contrary.—

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

(Sent following Precept No. 1059)

Ordered also that Ectract from these proceedings be furnished to the Petitioner on his Application.—

Read again Miscellaneous Petition presented on the 4th May 1846. by T. Appeal Vakeel on behalf of Velly Lapully Coroo Menon, complaining of

of an order passed by the Acting Sessions Judge of Calicut, affirming the proceedings of the Magistrate of Malabar, imposing a fine of 25 Rupees upon the Petitioner on account of a charge of assault preferred against him and certain other Individuals by the Tahsildar of Ernaad.—

(Here enter F. Mc. P. No. 109 of 1846).

Read also Return dated 19th June 1846. from the Acting Sessions Judge of Calicut to the Precept of the Foujdaree Adalut under date the 8th of the same month, calling upon that officer to submit for their consideration a Copy of the Magistrates order, of which the Petitioner complains, as also to ascertain from the Magistrate and report whether the Petitioner cited witnesses to disprove the charge preferred against him, and if so whether they were examined.—

(Here enter F. C. No. 2019 of 1846).

On a consideration of the Papers now before them the Court of Foujdaree Adalut are of opinion that the Petitioner has been deservedly punished.—

Petition dismissed.—

Ordered that Ectract from these Proceedings be sent to the Acting Sessions Judge of Calicut for his information.—

(Sent in No. 1060.)

Ordered.

29th June 1846.

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

Read Miscellaneous Petition presented on the 26th Ultimo by Mungummah of zillah — Cuddapah.—

(Here enter M: P: No. 123)

1 The subject of the above address having already been disposed of by the Foujdaree Adalut, no further order will be passed.—

2. Petition dismissed.—

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

Read Miscellaneous Petition presented on the 28th Instant by Sheik Abdoollah, late — Havildar of the 28th Regiment Native Infantry.—

(Here enter F: A: M: P: No. 135 of 1846).

Read again also the Return of the Sessions Judge of Mangalore, forwarding the Record in Case No. 65 of 1844 on the Calendar, wherein the Petitioner was charged with Murder.—

(Here enter No. 952 of 1845)

1 The object of this Petition is to induce the Court of Foujdaree Adalut to reconsider an order alleged to have been issued by them for the Petitioner's dismissal

dismissal from the Military service and to order his restoration thereto.—

2. The Petitioner is informed that the last Court of Foujdaree Adalut did not dismiss him from the service, and that the Judges of the Foujdaree Adalut have no authority to dismiss any soldier whatever. The Petitioner will find on referring to his discharge certificate, that he was dismissed by order of the Commander in Chief.—

3 When the Petitioner was released by the Sessions Judge of Mangalore subsequently to his trial for murder, the then Acting Magistrate questioned the correctness of the judgment, and on grounds assigned required the Court of Foujdaree Adalut to revise the proceedings of the Sessions Judge.—

4 In the execution of their duty they was done accordingly, and the Sessions Judge was reprimanded by the Foujdaree Adalut, two Judges concurring; it clearly appearing that one Prisoner had even before two European authorities confessed his crime and implicated Petitioner as the actual murderer also that one witness, an approver, had confirmed the fact and that it was corroborated by collateral evidence.—

5. Upon these grounds the Court of Foujdaree

29th June 1846.

Foujdaree Adalut came to a resolution that security at least should have been demanded from the Petitioner and that he ought not to have been unconditionally released by the Sessions Judge.—

6. The Court of Foujdaree Adalut can find nothing whatever upon the evidence which can in any degree alter the opinion so formed.—

7. As to the Petitioners request to the effect that the Foujdaree Adalut will restore him to the service and direct the Commanding officer of the 28th Regiment Native Infantry to replace him in his former position, the Court posses no power or authority whatever to issue such instructions.—

8. Petition is dismissed.—

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

Read Miscellaneous Petition presented on the 8th Instant by Annamarawze of Zillah Chittoor.

(Here enter F. Gn: P. No. 137).

1 If the statements made in the above address have reference to the proceedings of the Magistracy the subject should first be brought to the notice of the Sessions Court.—

2. Petition dismissed.—

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

Read

Read Miscellaneous Petition presented on the 22nd Instant by Jeevun Ram of Surat.—

(Here enter F. Gn: P. No. 157 of 1846).

1. The object of this Petition is to induce the Court of Foujdaree Adalut to ascertain by the examination of any natives of Guzerat who may be resident in Madras the identity of certain articles now under charge of the Principal Sudr Ameen at Nellore which the Petitioner alleges to have been the property of his wife whom he states to have been drowned in the Penna river at Nellore in the month of January 1845.—

2. The Petitioner states that at Nellore there are no natives of Guzeerat and consequently that the names in Goozeeratee which the articles in question bear cannot be received in support of his claim to them and that on this account the Principal Sudr Ameen to whom he applied for the articles adverted to, has referred him to the Madras authorities.—

3 The Court of Foujdaree Adalut cannot interfere in the matter adverted to in this address which should be disposed of by the local authorities to whom the Petitioner is accordingly referred.—

Petition dismissed.—

4 Ordered

29th June 1846.

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

Shaik Abdoollah moves the Court to return the enclosures in his Miscellaneous Petition No. 135 of 1845.-

Ordered accordingly.-

Read Calendar of Case No. 14 of 1846. on the file of the Sessions Court at Rajahmundry submitted under date the 8th Instant by the Sessions Judge.-

(Here enter F. C: No. 1892)

1. The prisoner in this case was charged with having proceeded to the Prosecutors house in company with 40 or 50 men armed with offensive weapons; forcibly broken open the door thereof and robbed therefrom property valued at Rupees 937-4.-

2. The Sessions Judge concurring with the Law officer in the conviction of the prisoner has sentenced him to 14 years imprisonment with hard labor in irons; but "considering that he was not a Sirdar but a Subordinate and that there was no infliction of cruelty (attendant on the commission of the robbery) and that but for his own confession the evidence alone might not have convicted

F. C:

29th June 1846.

convicted him" recommends that the prescribed period of Imprisonment, be reduced to ten years.-

3. Adverting to the large value of the property in the robbery of which the prisoner in this case is proved to have taken a part and the number of persons concerned, the Court of Foujdaree Adalut consider that they would not be justified in according their sanction to the mitigation of punishment proposed by the Sessions Judge.-

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

(Sent in No. 1061)

No return having been received from the Acting Sessions Judge of Madura to the precept of this Court dated the 22nd April last, calling for an English translation of the record in Case No. 8 on the Calendar for 1846.-

Ordered, that the Acting Sessions Judge of Madura be required to make a return to the precept aforesaid without further delay.-

(Sent in No. 1062)

Read Criminal Reports under date the 1st Instant submitted by the Principal Sudr Ameen of Tinnevelly for the months of May 1846.-

(Here enter F. C: No. 1887)

Adverting

29th June 1846.

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

Shaik Abdoollah moves the Court to return the enclosures in his Miscellaneous Petition No. 135 of 1845.-

Ordered accordingly.-

Read Calendar of Case No. 14 of 1846 on the file of the Sessions Court at Rajahmundry submitted under date the 8th Instant by the Sessions Judge.-

(Here enter F. C: No. 1892)

1. The prisoner in this case was charged with having proceeded to the Prosecutor's house in company with 40 or 50 men armed with offensive weapons, forcibly broken open the door thereof and robbed therefrom property valued at Rupees 937-4.-

2. The Sessions Judge concurring with the Law officer in the conviction of the prisoner has sentenced him to 14 years imprisonment with hard labor in irons; but "considering that he was not a Sirdar but a Subordinate and that there was no infliction of cruelty (attendant on the commission of the robbery) and that but for his own confession the evidence alone might not have convicted

F. C:

29th June 1846.

convicted him" recommends that the prescribed period of Imprisonment, be reduced to ten years.-

3. Adverting to the large value of the property in the robbery of which the prisoner in this Case is proved to have taken a part and the number of persons concerned, the Court of Foujdaree Adalut consider that they would not be justified in according their sanction to the mitigation of punishment proposed by the Sessions Judge.-

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

(Sent in No. 1061)

No return having been received from the Acting Sessions Judge of Madura to the precept of this Court dated the 22nd April last, calling for an English translation of the record in Case No. 8 on the Calendar for 1846.-

Ordered, that the Acting Sessions Judge of Madura be required to make a return to the precept aforesaid without further delay.-

(Sent in No. 1062)

Read Criminal Reports under date the 1st Instant submitted by the Principal Sudr Ameen of Tinnevelly for the month of May 1846.-

(Here enter F. C: No. 1887)

Adverting

Supplemental Report.

Case No. 87.

Adverting to a remark recorded at the conclusion of the Report of this case that "no proclamation issued by the Magistrate prohibiting the sale of Palmyra trees by their owners is filed in this case" the Court of Foujdaree Adalut observe that had such a document been filed it could have been of no avail for the punishment of the prisoners: the act charged against them having been declared by the Foujdaree Adalut not to be a punishable offence.—

Report No. V
Case No. 93.

2.

The offences charged against the prisoner in this case formed matter for two distinct charges and with reference to the rule laid down in the Circular Order noted marginally should have been disposed of by two separate Sentences, that awarded for the escape commencing on the expiration of the punishment adjudged for the original offence.—

Circular Order 13th July 1829.

3.

The Principal Sudr Ameen will be pleased to explain his omission to conform to the Circular Order above adverted to to which his attention must have been frequently directed with reference to the period during which he has presided over Criminal Court.—

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 No. 1063)

Read return dated 6th June 1846 from the Sessions Judge of Mangalore to the precept of the Foujdaree Adalut of the 30th Ultimo calling for translations of the plaint and answer in original Suit No. 9 of 1844 of the Nishoodee A alleged to have been forged by the 1st prisoner in Case No. 10 on the Mangalore Calendar for 1846. and of the depositions of the parties committed to perjury in cases Nos. 12 to 15 on the same Calendar.—

(Here enter F. R: No. 1873 of 1846).

Read again also Calendars in Cases Nos. 10 to 15 on the file of the Sessions Court of Mangalore bearing date the 13th May last.—

(Here enter F. R: Nos. 1620 to 1625).

1.

The prisoners in these Cases charged with forgery and perjury were released by the Sessions Judge without trial because he for reasons stated at length in the Calendars is by no means satisfied that the Nishoody the subject of the prosecution is a forgery.—

2.

On a consideration of the Calendars and of the papers submitted by the Sessions Judge it

29th June 1846.

it appears to the Court of Foujdaree Udalut that the Sessions Judge has acted prematurely in dismissing the cases without trial and they direct that the prisoners be reapprehended and put upon their trial.—

3. The Keshoody which is dated 1830 is declared to have been written by one Calyana Ramarya. The Defendant produced it as so written and the witnesses swore to this fact: while it would appear that this is not the truth inasmuch as Calyana Ramarya is proved to have deceased in 1827. The Sessions Judge has endeavored to explain and palliate this fact as the Court think unsatisfactorily and with such a primâ facie case before him he was not warranted in discharging the prisoners from the bar without trial. It would seem that the witnesses had deposed to a false document and that the Defendant had subarned them to do so.—

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

(Sent following Precept No. 1064.)

W.M.

M

F. 46.

Tuesday 30th June 1846.

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 Criminal Reports under date the 6th. Instant, submitted by the Principal Sudr Ameen of Itchapore for the Month of May 1846.—

(Here enter F. 46. No. 1906)

1. The Court of Foujdaree Udalut resolve to direct that this Report be returned to the Principal Sudr Ameen for amendment by a condensation of the abstract entered in it, which have been extended uselessly, and to the great inconvenience of the Foujdaree Udalut to a most objectionable length.—

2. In these reports the Court of Foujdaree Udalut require a clear but succinct abstract of the main facts and general features of each case, in the preparation of which the Principal Sudr Ameen will experience no difficulty whatever if he have properly examined the cases themselves.—

Ordered that Extract from these Proceedings be sent to the Principal Sudr Ameen of Itchapore for his information and guidance by

preceptor

precept returnable within V days from and after its receipt.—

(Sent following Precept No. 1068).

Read the Criminal Reports submitted by the Sessions Judge of Tellicherry for the Month of May 1846.—

(Here enter No. 1922).

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

Ordered therefore that, Extract from these Proceedings be forwarded to the Sessions Judge of Tellicherry for his information.—

(Sent in No. 1069.)

Read letter dated the 15th Instant from the Acting Sessions Judge of Coimbatore, stating with reference to the Extract from the Proceedings of the Foujdaree Adalut under date the 10th Instant, that the Criminal Reports and Jail Reports for April last were stitched together and submitted direct from the Sessions Court.—

(Here enter No. 1946).

1. The Court of Foujdaree Adalut find that the Reports in question were forwarded in the manner stated by the Acting Sessions Judge.—

2. It would appear that the contrary impression

impression was caused by the Memorandum of the Acting Sessions Judge being regarded as having reference solely to the statements usually received from the Sessions Court; and by the Registry number of the Foujdaree Adalut having been entered on the larger blank space afforded by the Report of the Principal Sudr Ameen, within which the Establishment of this Court had folded the smaller reports of the Acting Sessions Judge.—

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

(Sent in No. 1070)

Read Criminal Reports submitted date the 31st Ultimo, submitted by the Subordinate Judge of Salem for the month of May 1846.—

(Here enter F. G: No. 1950 of 1846).

Case No. 109.

1. Adverting to the rules laid down in Circular Order No. 62 the Court of Foujdaree Adalut direct that the nature of the reference made to the Joint Magistrate in this case by the Head of District Police may be stated for their information.—

2. In the explanation of the delay which occurred in the transmission of this case to the Criminal Court it is stated that the Head of District Police completed the investigation on the

the 17th of May and submitted the record to the Joint Magistrate on the 13th idem.-

3. This apparent discrepancy requires to be explained.-

Case No. 111. 4. Adverting to the grounds assigned for the detention in the Talook of those of the prisoners in this case who were first apprehended, the Court of Foujdaree Adalut observe an infraction of the instructions conveyed in their Circular Order under date the 24th January 1822 to which the Magistrate will be pleased to direct the attention of the several Heads of Police in the District under his charge.-

Ordered that Extract from these Proceedings be sent to the Subordinate Judge of Salem for his information and guidance and for communication to the Magistrate for the information and guidance of that officer and for report direct to the Foujdaree Adalut by precept returnable within X days from and after its receipt.-

(Sent following Precept No. 1071).

Read letter dated the 12th Instant from the Sessions Judge of Tinnevelly soliciting the opinion of the Court of Foujdaree Adalut whether it is competent to a Sessions Judge to order a lower Court to re-open a case finally disposed of by it, in view to further evidence being there taken on behalf of a prisoner when

when the record on review by the Sessions Judge may in that officer's opinion exhibit an insufficient examination of the defence.-

(Here enter No. 1961).

The Court of Foujdaree Adalut are clearly of opinion that it is the duty of the Sessions Judge to order the Principal Sudr Ameen to call for and carefully examine the witnesses for the defence of the Prisoner referred to, whose testimony seems necessary for the complete investigation of the charge brought against the Prisoner.-

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

(Sent in No. 1072).

Read again letter dated 24th April 1846 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. 13 of 1846 on the Calendar of the Sessions Court.-

(Here enter F. 16: No. 1312 of 1846)

Read also return dated 11th May 1846 from the Sessions Judge of Chittoor to the Precept of the Foujdaree Adalut under date the 8th May 1846, desiring to be informed whether the

the

the Prisoners in Case No. 13 of 1816 on the file of the Sessions Court of Chittoor had an opportunity afforded to them of cross examining all the witnesses

(Here enter F. C. No. 157 of 1846).

Wm. G. I. Waters.
and
Wm. F. E. I. Boileau.

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

1st. Syed Ally
and
2nd. Mustan

is sufficient to convict them of the crime of Murder, do convict them thereof; and under the provisions of Section X Regulation VIII of 1802, Sentence the prisoner

1st. Syed Ally

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 prisoner

2nd. Mustan

is liable under the provisions of Section X Regulation VIII of 1802 would in this instance be too severe, the Court under the provisions of Clause Second Section VI Regulation I of 1825, Sentence him to

to be transported to such place or places beyond sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of his natural life.-

(Sent following letter No. 1073)

1. In this case two prisoners are charged with having at 10 O'clock on the morning of the 2nd. March 1846, murdered Abbas ally alias Abbasneak, husband of the Prosecutrix the 1st. Prisoner by stabbing him with a knife the 2nd. Prisoner by stricking him severely with a stick - The Law officer has convicted the 1st. Prisoner as a Principal in the murder and declared him liable to kisas, and found the second guilty of being an accessary, and pronounced him liable to Tazeer.-

2. The Sessions Judge states that "he differs slightly with respect to the latter finding, as he considers that the 2nd. Prisoner "was equally concerned in the murder, altho the "1st. Prisoner inflicted the fatal wound by which "Abbas ally alias Abbasneak met his death; "and that he ought not therefore to receive as mitigated

instigated punishment and accordingly recommends that both Prisoners be hanged.-

3. The Court of Foujdaree Adalut have sentenced only the first Prisoner to be hanged, but have transported the second.-

4 In this case the Prisoners and many others assert that the murder was set on foot by one Hoosein Jamakhan, who had quarrelled with the deceased, and the 1st witness a dancing Girl, (whom he had kept) but who at the time of the alleged murder was in the keeping of the deceased.-

5. The female had lodged a complaint against Hussain Jumah Khan, which the latter attempted to compromise but was prevented doing so by the influence of the deceased over the 1st witness - and it is alleged that hereupon he determined to settle the matter by the employment of assassins.-

6. The evidence shows that on the return of the female from the Police office, she was grossly assaulted by the Prisoners, that on the deceased interfering, her was struck with a slipper, and afterwards killed by the 1st Prisoner, as alleged.-

There

13. As the Court see strong grounds for suspecting that the 1st Prisoner, and the Prisoner Chundoomeyah who has absconded, acted in this 1st instance and under the instigation of the

F. K.
30th June 1846.

7. There is much evidence to the effect that the death of Abbas Sirdar was the result of a drunken brawl, but there is no to believe from the record that the quarrel arose, was the mere pretence for the which was to follow.-

8. There is no motive assigned in the record for the attack on the deceased the frequent mention of the Hussein Jumah Khan, and the Prisoner in had failed in his attempt to carry it deem it afford the strongest ground to the deceased that the really active part now. They conceive yet eluded justice; it the 2nd Prisoner was that the allegations at the ends of justice will arisen to the extent transportation.- they are throughout that Extract from the foundation.- Sessions Judge of Chittagong

9. If precept returnable in 10 had not gone out.-

the act sanctioned following Precept No. 1074 Order

Letter,

record for a charge against Hussein Jamah khan,
the Sessions Judge should have directed his commit-
ment when the whole matter might have been laid
open; without an investigation ab radice; it was
impossible that justice should be done. Had the
Sessions Judge deemed that the evidence was insuf-
ficient on which to frame a charge against Hussein
Jamah khan, he should have held so much
investigation on the point alleged against him,
would have sufficed to lay open satisfactorily
existence or non existence of premeditation.

The Court also consider the inter-
position of the Town Cauzee in the Trial, (the
against
attempt
so by th
witness
determ
ment o
6.
return of
was grossly
the deceased interfering, he was struck with a
slipper, and afterwards killed by the 1st prisoner,
as alleged.

13.

As the Court see strong grounds
for suspecting that the 1st prisoner, and the Prisoner
Shundoomeyah who has absconded, acted in this
case at the instance and under the instigation of
Hussein Jamah khan, they resolve to desire the
Sessions Judge to forward the whole of the proceed-
ings to the Acting Magistrate who will personal
hold an investigation in the case, and adopt
measures as may secure the conviction of the
other parties implicated in it.

The Magistrate will report
14
direct to the Foujdaree Adalut what he may have
done in pursuance of these orders, fully detailing
the grounds of his final orders.

In regard to the 1st prisoner in
15.
this case under consideration, the Court deem it
clear that he was hired to assassinate the deceased,
and that he struck the fatal blow. They concur
with the Law officer that the 2d prisoner was
only an accessary and that the ends of justice will
be satisfied by his transportation.

Ordered, that Extract from the
Proceedings be sent to the Sessions Judge of Chitta-
for his information by precept returnable in 10
from and after its receipt.

(Sent following Precept No. 1074
Order

30th June 1846.

Ordered also, that Extract
these Proceedings (paras 13 and 14) be sent
Magistrate of North Arcot for his information
precept returnable in 20 days from and after its

(Sent following Precept No. 1075)

Read return dated the 5th Instan
the Session Judge of Chittoor, to the precept of
Foujdaree Adalut under date the 2d Instant, sanc
the mitigated punishment recommended by him
directing that the Prisoner Kroothen in Case No.
of 1846 should be imprisoned and kept to h
labor in irons for the period of 8 years.—

(Here enter F: C: No. 1795 of 1846)

Read return dated the 8th Instant
from the Session Judge of Salem, to the precept of
the Foujdaree Adalut under date the 5th Instant, calling
further explanation regarding the 15th Prisoner in
Case No. 12 of 1846.—

(Here enter F: C: No. 1845 of 1846)

Read return dated the 10th Instant
from the Principal Sudr Ameen of Nellore, to the
precept of the Foujdaree Adalut under date the 3d Inst
containing observations on the Criminal Reports for
the months of April 1846.—

(Here enter F: C: No. 1855 of 1846)

Read

Read return dated the 8th Instant,
from the Agent to the Governor of Fort St. George at
Kurnool, to the precept of the Foujdaree Adalut und
date the 2nd Instant, submitting the explanation
called for on the Courts remarks on the Criminal
Reports for April 1846.—

(Here enter F: C: No. 1882 of 1846)

Read Statement dated the 8th Inst
submitted by the Agent to the Governor of Fort St
George at Kurnool, of Extra Peons employed at
the Jail of Kurnool in the Month of May 1846.—

(Here enter F: C: No. 1863 of 1846)

Read Criminal Reports dated the
13th Instant submitted by the Sessions Judge of
Chingleput, for the Months of May 1846.—

(Here enter F: C: No. 1852 of 1846)

Read return dated the 9th Instant
from the Acting Magistrate of Cuddapah, to the
precept of the Foujdaree Adalut under date the 5th
Instant, directing him to recall his admonition
to the Police Ameen of Poonganoor in Criminal
Case No. 14 of 1846.—

(Here enter F: C: No. 1881 of 1846)

Read Criminal Reports dated the
13th Instant submitted by the Principal Sudr
Ameen

June 1846

1846.

Annexe of Chingleput for the Month of M
(Here enter F: G: No. 1888 of 1846)

Read Criminal Reports dated
1st Instant, submitted by the Sessions Judge of
Tinnevelly for the Month of May 1846.
(Here enter F: G: No. 1921 of 1846).

Read Criminal Reports dated the
13th Instant, submitted by the Sessions Judge of
Cuddalore for the Month of May 1846.
(Here enter F: G: No. 1923 of 1846).

Read return dated the 9th Inst
from the Magistrate of Malabar, to the precept
the Foujdaree Adalut under date the 3d Instant
informing that the Prisoner in Case No. 1 reported
to have been disposed of in April last under the
Provisions of Act VIII of 1843 effected his entry into
the Prosecutors house by an open door.
(Here enter F: G: No. 1928 of 1846).

Read return dated the 10th Instant
from the Sessions Judge of Tellicherry, to the precept
of the Foujdaree Adalut under date the 5th Instant,
refusing to mitigate the prescribed punishment
recommended on behalf of Prisoner in Case No. 4 of
1846 on Calendar of the Sessions Court of Tellicherry
and directing that the prescribed sentence may

1846.

be passed.
(Here enter F: G: No. 1929 of 1846).

Read Calendar in Case No. 2 of
1846. submitted by the Sessions Judge of Cuddalore
under date the 15th Instant.
(Here enter F: G: No. 1942 of 1846).

Read Criminal Reports dated
the 3d Instant, submitted by the Sessions Judge
of Honore of the Sudr Ameens Court at Sirsy for
the Month of May 1846.
(Here enter F: G: No. 1943 of 1846).

Read return dated the 12th Instant
from the Sessions Judge of Chicacole, to the precept
of the Foujdaree Adalut under date the 1st Instant
directing that the 1st, 2d, 3d, 4th and 6th
Prisoners in Case No. 3 of 1846, on the Chicacole
Calendar be imprisoned & kept to hard labor in
irons for and during the period of two years.
(Here enter F: G: No. 1955 of 1846)

Read final return dated the 16th
Instant from the Acting Sessions Judge of Coimbatore
to the precept of the Foujdaree Adalut under date
the 27th Ultimo, directing that the fine imposed upon
the Prisoner in Case No. 2 of the Criminal Reports
for January 1846, if levied, be immediately refunded.
(Here enter F: G: No. 1963 of 1846).

Read

30th March 1846.

Vakeels respectively on their application.

Read Miscellaneous Petition presented on the 17th November 1845 by Ram Sing of Zillah Tinnevelly.-

(Here Enter F.M.P. No 219 of 1845)

Read also Miscellaneous Petition presented on the 8th December 1845 by Vencata Prasad of Zillah Tinnevelly.-

(Here Enter F.M.P. No 238 of 1845)

1 In these addresses the Petitioner adverted to various irregularities said to have been committed by the late Magistrate of Tinnevelly Mr E. B. Thomas, in the examination of case in which the Petitioner Ram Sing was Defendant.-

2. The Court of Foujdaree Adalut observe that the matter referred to in these addresses have been fully disposed of in their proceedings under date the 3d December 1845, and being therefore of opinion that no further orders are required, they resolved to dismiss these Petitions.-

Ordered that Extract from these proceedings be furnished to the Petitioners on their

30th March 1846.

their application.-

Read Miscellaneous Petition presented on the 16th Ultimo by Narraimmah of the Zillah of Chittoor.-

(Here Enter F.M.P. No 31 of 1846)

1. The Petitioner who is represented to be the wife of the 1st Prisoner in case No 807 1845 on the file of the Session Court of Chittoor prays for the release of her husband who convicted of Grievous wounding was sentenced by the Court of Foujdaree Adalut to 14 years imprisonment with labor in irons.-

2 The Petitioner affirms that her husband was innocent.-

3. There is no appeal from the sentence of the Foujdaree Adalut which was passed after mature consideration and is by the Law final.- The Court further see nothing in the allegations of the Petitioner, deserves the least consideration.-

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

Read Miscellaneous Petition presented by

by Calyteer to Nadan and 430 others of Zillah Tinnevelly.-

(Here Enter In Pr. No 370 of 1846)

1. The Petitioners solicit the interference of the Court of Foujdaree Adalut in order to relieve them and the Hindoo inhabitants of Tinnevelly generally, from alleged acts of oppression on the part of certain Missionaries and Catechists which result they assert, from the influence of the Missionaries with the Collector and Magistrate of the District.-

2. The Court of Foujdaree Adalut see nothing in the above address which would justify their complying with the Petitioners's application which is rejected.-

Ordered that Extract from these proceedings be granted to the Petitioners on their application.-

Read Miscellaneous Petition presented on the 16th March 1846 by Talo Monogro and two others of the Zillah of Madura.-

(Here Enter Pr. No 370 of 1846)

The Petitioners repeat the prayer of their Petitions Nos. 185 and 193 of 1845, which as the

the Court having fully considered and replied to in their proceedings of the 24th November last, no further orders appear necessary.-

Ordered that the prayer of this Petition be rejected and that copy of these proceedings be furnished to the Petitioners on their application.-

Read communication under date the 6th Instant from the Principal Sudr Ameen of Vizagapatam.-

(Here Enter Pr. No 831 of 1846)

Read also Criminal Reports under date the 6th Instant submitted by the Principal Sudr Ameen of Vizagapatam for the month of February 1846.-

(Here Enter Pr. No 832 of 1846)

Report No V Cases Nos 8, 9, 10.

1. The Court of Foujdaree Adalut see reason to question the propriety of the sentences passed upon the Prisoners in these cases and they accordingly direct that the Sessions Judge of Chicacole will call up the proceedings and pass such orders thereon as he may think proper, reporting the same for the information of the Foujdaree Adalut.-

With

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

(Sent following Precept No. 462)

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

(Sent in No. 468.

Read Criminal Reports under date the 12th March 1846 submitted by the Subordinate Judge of Masura for the month of February 1846.-

(Here Enter Ct. Rs 887 of 1846)

Supplemental Report. Case No 29.

1. The Court of Foujdaree Adalut observe that in this case the Sudr Ameen has omitted to examine the parties who apprehended the prisoners whose evidence would apparently have been of essential importance to the issue of the trial.-

Report No V Case No 36. C.O. 25th February 1829.

2. Adverting to the rule laid down in the Circular Order noted marginally the Court of Foujdaree Adalut observe that the offences charges against the prisoners in this case having been

been committed on different dates, formed matter for two distinct charges.-

Case No 38.

3. The Court of Foujdaree Adalut consider that the headings affixed to the Statements of Charge should be framed with reference to the result of the trial before the Criminal Court.

4. With reference to the above opinion the Court of Foujdaree Adalut observe that the heading in this case should have been merely "Assault."

Case No 41.

5. In the explanation of delay the 3d and 4th Prisoners in this case are stated to have been apprehended on the 30th January whereas in another column the 4th item is assigned as the date of their apprehension.-

6. This apparent discrepancy requires to be explained.-

Case No 42

7. The Court require an explanation of the delay of ten days which the Head of District Police permitted to elapse previous to making the reference to the Magistrate which is assigned as a cause of delay in the transmission of the case to the Criminal Court.-

Case No 43.

8. Adverting to the identification of

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

(Sent following Precept No. 462)

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

(Sent in No. 463.

Read Criminal Reports under date the 12th March 1846 submitted by the Subordinate Judge of Madura for the month of February 1846.-

(Here Enter Ft. No. 887 of 1846)

Supplemental Report. Case No 29.

1. The Court of Foujdaree Adalut observe that in this case the Sudr Ameen has omitted to examine the parties who apprehended the prisoners whose evidence would apparently have been of essential importance to the issue of the trial.-

Report No V. Case No 36. C.O. 23rd February 1839.

2. Adverting to the rule laid down in the Circular Order noted marginally the Court of Foujdaree Adalut observe that the offences charged against the prisoners in this case having been

been committed on different dates, formed matter for two distinct charges.-

Case No 38.

3. The Court of Foujdaree Adalut consider that the headings affixed to the Statements of Charge should be framed with reference to the results of the trial before the Criminal Court.

4. With reference to the above opinion the Court of Foujdaree Adalut observe that the heading in this case should have been merely "Affault."

Case No 41.

5. In the explanation of delay the 3rd and 4th Prisoners in this case are stated to have been apprehended on the 30th January whereas in another column the 4th idem is assigned as the date of their apprehension.-

6. This apparent discrepancy requires to be explained.-

Case No 42

7. The Court require an explanation of the delay of ten days which the Head of District Police permitted to elapse previous to making the reference to the Magistrate which is assigned as a cause of delay in the transmission of the case to the Criminal Court.-

Case No 43.

8. Adverting to the identification

of

of the Prisoners in this case by the 3d Prosecutor and the discovery of the stolen property in their houses the Court of Foujdaree Udalut require a more detailed explanation than that which has been submitted in this report, of the conclusion arrived at by the Subordinate Judge.

Case No 44. 9 The offence proved against the Prisoner in this case having only amounted to a theft, the sentence should have been passed under the provisions of Regulation X of 1816 and the period of imprisonment awarded should not have been in excess of five months.-

10. The Court of Foujdaree Udalut desire that the sentence be moved in conformity with the foregoing observations.-

Case No 48 11 The Court of Foujdaree Udalut observe that "Gang Robbery" would have been a sufficient designation of the offence charged in this case and they direct that the heading affixed to the statement of the charge be amended accordingly.-

12. The delays apparent in the transmission of the Prisoners to the Subordinate Court are not satisfactorily explained.-

The

F.R.

30th March 1846.

Case No 49 13. The Court of Foujdaree Udalut desire to be informed where the prisoner in this case was detained for the 1st of February the date of his apprehension to the 7th idem that of his appearance before the Head of District Police.-

Ordered that Extract from these Proceedings be sent to the Subordinate Judge of Nagpoor for his information and guidance and for communication of Paras 7, 12 and 13 to the Magistrate for the information and guidance of that officer and for report direct to the Foujdaree Udalut by precept returnable within XV days from and after its receipt.-

(Sent following Precept No 464.

Read Criminal Reports under date the 7th March 1846 submitted by the Subordinate Judge of Combaconum for the month of February 1846.-

(Here Enter FR No 888 of 1846)

Reports No V Case No 36. 1 The Court of Foujdaree Udalut desire that a more detailed statement of the circumstances of this case than that which is contained in these Reports may be submitted for their consideration.-

The

Case No 40. 2 The Court of Fouzdaree Adaulut regret to observe that the examination of this case by the Head of District Police was not commenced for 10 days after the appearance of the prisoner before that officer and request the Magistrate will satisfy himself as to the cause of delay.-

Case No 45. 3 The lengthened period of 23 days during which this case was under enquiry by the Head Assistant Magistrate requires to be explained.

Case No 46. 4 The Court of Fouzdaree Adaulut consider the explanation offered for the delay which took place in the transmission of this case to the Criminal Court extremely unsatisfactory.

Ordered that Extract from these Proceedings be sent to the Subordinate Judge of Combaconum for his information and guidance and for communication of paras 2, 3 and 4 to the Magistrate of Tanjore for the information and guidance of that officer and for report direct to the Fouzdaree Adaulut by Precept returnable within X days from and after its receipt.-

(Sent following Precept No 465.

Read letter dated the 28th January last

last from the Sessions Judge of Rajahmundry forwarding copy of a communication from the Subordinate Judge requesting to be informed with reference to the remarks of the Court of Fouzdaree Adaulut in Circular Order No 159 and with adverteence to a remark in Extract of Proceedings of the Sessions Court of Rajahmundry dated 22d December 1845 on case No 24 of 1845, whether in committable cases he is precluded from examining a prisoner-

(Vide Extract F.R. No 3100 of 1846)

1. The Subordinate Judge observes that he cannot suppose the Court of Fouzdaree Adaulut intended to set aside the provisions of Clause first, Section IX, Regulation X of 1816, wherein it is expressly stated that, "upon a prisoner being brought before the Criminal Judge, he shall enquire into the circumstance of the charge and examine the prisoner," and that by Circular Order No 159 he understood the Court of Fouzdaree Adaulut to mean that he could not take a prisoners defence, or examine him, with a view to his defence, and not that he was precluded from observing the provisions

30th June 1846.

Read return dated 15th June
from the Magistrate of Coimbatoor, to the
the Foujdaree dated 10th
and certain modifications to
furnished by the
Act No VII of
(Here enter F. C. No. 1977 of

Read letter dated the 19th June
the Acting Sessions Judge of Coimbatore subm
remarks suggested by the sentences passed the
Judges of the Foujdaree Adalut in Cases No and
of the Calendars of the Sessions Court of Coim
for 1846 with reference to the Provisions of sections
XXXIII and XXXIV of Act VII of 1843.
(Here enter F. C. No. 2002 b).