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375

F. U.

Monday
1st July 1850.

H.a Court of Foujdaree Udalut

Present

G.S. Hooper Esqre. 1st Puisne Judge
E.P. Thompson Esqre. 2nd Puisne Judge
A. Freese Esqre. Actg. 3rd Puisne Judge

Read Miscellaneous Petitions presented on the 10th June 1850 by Pacche Paniyakka Ponniun and Meenakshi of Zillah Trichinopoly / Hereunto F.M. P. Nos. 94, 95 & 96 of 1850 /

These Petitions have for their object the release of the 3rd, 4th, 10th, 11th and 12th prisoners in case No. 23 of 1849 on the file of the Sessions Court of Trichinopoly.

Mr. G.S. Hooper:
Mr. E.P. Thompson.
and
Mr. A. Freese.

The Court of Foujdaree Udalut have perused the record of the case referred to and have concurred in the convictions of the prisoners abovementioned of the crime laid to their charge.

The Court of Foujdaree Udalut accordingly resolve to dismiss these Petitions

Ordered that Extracts from these Proceedings be furnished to the Petitioners

on

1st July 1850. on their application.—

Read Miscellaneous Petition presented on the 10th June 1850 by Soobraianaya of Zillah Combaconum.

/Here enter F. M. P. No. 97 of 1850/

1 This is an application for the interference of the Court of Foujdaree Udalut to set aside the Sentence passed upon the Petitioners Father, who was convicted in Criminal Cases Nos. 33 and 34 on the file of the Suddder Ameen of Combaconum of "Harbouring" and "False complaint" and adjudged to suffer six months' imprisonment.—

2 The Court of Foujdaree Udalut decline to act in the manner solicited. The Petitioner, if dissatisfied with the conviction, and Sentence passed on his Father by the Criminal Court, must in the first instance address the Session Court, and if still dissatisfied, he will then be at liberty to apply to the Foujdaree Udalut.—

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

1st July 1850. on his application.—

Read Miscellaneous Petition presented on the 10th June 1850 by Sankarappa Naikkan of Zillah Tinnevelly.

/Here enter F. M. P. No. 93 of 1850/

Mr. G. S. Hooper. Mr. E. P. Thompson. and Mr. A. Freese.

The Court of Foujdaree Udalut see no reason to question the justice or the propriety of the Sentence awarded to the Petitioner's brother, prisoner in case No. 32 of 1849 on the file of the Session Court of Tinnevelly, and they accordingly resolve to dismiss this application.

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

Read Miscellaneous Petition presented on the 17th June 1850 by Woochanmaul of Zillah Coimbatore.

/Here enter F. M. P. No. 103 of 1850/

Mr. G. S. Hooper. Mr. E. P. Thompson. and Mr. A. Freese.

1 The Petitioner prays the Court of Foujdaree Udalut to direct the transfer of her son a prisoner in case No. 66 of 1846 on

1st July 1850.

on the file of the Session Court of Coimbatore. now undergoing a sentence of Imprisonment & in banishment at Chittoor from the Jail at that place to the Jail at Salem, or Trichinopoly, in order that she may be enabled periodically to visit him without interruption to her private affairs.

2 With this application the Court of Foujdaree Adalut refuse to comply.

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

Read Miscellaneous Petition presented on the 17th June 1850 by Gaitka Mootto Lingum of Zillah Masulipatam.

/ Here enter F. M. P. No. 104 of 1850 /

M. G. S. Hooper. 1 The Petitioner appeals from
M. E. P. Thompson. an order passed by the Session Judge of
and Masulipatam under date the 15th February
M. A. Freese. 1850 confirming a fine imposed upon him by the Magistrate.

2 The Court of Foujdaree Adalut see no reason to interfere with the orders of the Session

F. 46.

1st July 1850.

Sessions Judge confirming the proceedings of the Magistrate in the matter adverted to, which it is observed were passed upon a perusal of the record, the evidence against the Petitioner appearing to be clear and satisfactory. The Court accordingly dismiss the Petition.

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

Read Criminal Reports of the Sessions Court of Chingleput for the month of May 1850.

/ Here enter F. M. No. 1542 of 1850 /

Report B
Case No. 33

1 The sentence passed being one of 3 months, Section VII Regulation X of 1816 should have been quoted.

It appears doubtful to the

2 Court of Foujdaree Adalut upon a perusal of the Statement of charge in this case, whether or not the Prisoner was in the Service of the Prosecutor at the time that he committed the theft. The fact should be distinctly stated.

3 The Court observe that the

No. 43

Offence

1st July 1850.

Offence committed by the Prisoner in this case was clearly one of "breaking" and not a simple "Theft" as stated by the Session Judge. The Court direct that the law quoted by the Mooftу in support of the Sentence be amended accordingly.

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

/Sent in N.o 900/

Read Criminal Reports submitted by the agent in the Hill Tracts of Orissa for the month of April 1850.

/Here enter F. C. No. 1557 of 1850/

The Court of Foujdaree Udalut observe that the second individual whose name is entered in the 2d column of the foregoing report, not having been apprehended should not have been entered as a prisoner.

Ordered that Extract from these Proceedings be forwarded to the Agent in the Hill Tracts of Orissa for his information and guidance.

/Sent in N.o 899/

Read

1st July 1850.

Read Criminal Reports submitted by the Sessions Judge of Cuddapah for the month of May 1850.

/Here enter F. C. No. 1596 of 1850/

Report B
Case No. 149.

The Court of Foujdaree Udalut observe that the period of Imprisonment awarded to the Prisoner in the case who has been convicted of "Cattle Stealing" not being in excess of six months, the Sentence should have been passed under Section VII. Regulation X of 1816.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddapah for communication to the Subordinate Judge.

/Sent in N.o 910/

Read Miscellaneous Petition presented on the 17th June 1850 by R Teroomul row vaked on behalf of S. Vencata Row of Zillah Rajahmundry.

/Here enter F. M. P. No. 101 of 1850/

Mr. G. S. Hooper.
Mr. E. P. Thompson.
and
Mr. A. Steele.

The Petitioner appeals from an order passed by the Sessions Judge of Rajahmundry under date the 4th April 1850 confirming certain proceedings

F. June 1850.

proceedings of the Magistrate of that Zillah direct-
=ing the removal of certain pials erected by the
Petitioner in front of his house and imposing a
fine upon the Petitioner of Rupees 3.-

2 The Court of Foujdaree Udalut
see no reason to interfere with the orders passed
by the Session Judge, from which it appears that
that Officer confirmed the proceedings of the
Magistrate in the matter referred to after
perusal of the entire record of the case.-

3 The Court accordingly resolve to
dismiss this Petition.-

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

Ordered also that Extract from
these Proceedings be forwarded to the Session Judge
of Rajahmundry for his information.-

/ Sent in No. 811. /

Read Miscellaneous Petition
presented on the 17th June 1850 by Marvidapillay
of Zillah Trichinopoly.

/ Here enter F. M.P. No. 102 of 1850 /

Mr. G.L. Hooper.
Mr. E.P. Thompson
and
Mr. A. Deane.

The Petitioner complains of the
unjust

F. 16.
17th July 1850

unjust dismission by the Moofty Sudder
Ameen of a charge of "Assault with wounding"
preferred by him against one Jyahrah Pillay.
Petitioner maintains that the charge in question
was well founded, and states that on his
offering to present three Petitions to the Acting
Session Judge complaining of the injustice
which had been done to him, that Officer
declined to receive them.-

2 Before passing their final
Orders on this Petition, the Court of Foujdaree
Udalut deem it proper to forward the English
translation thereof to the Acting Session Judge
who will be pleased to state whether or not
the Petitioner's allegation that he declined to
receive the Petitions in question is correct.-

Ordered that Extract from these
Proceedings be forwarded to the Acting Session
Judge of Trichinopoly for his information
and guidance by precept returnable within
3 days from and after its receipt.-

/ Sent following precept No. 812. /

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

on

1st July 1850.

on his application.-

Read Criminal Reports submitted by the Sessions Judge of Bellary for the month of May 1850.

/Here enter F. R. No. 1570 of 1850/.

Report B
Case No. 68.

The Court of Foujdaree Adalut desire to be informed upon what ground this case was committed to the Criminal Court.

Ordered that Extracts from these Proceedings be forwarded to the Sessions Judge of Bellary, by precept returnable within 5 days from and after its receipt.

/Sent following precept No. 813./

Read Criminal Reports submitted by the Acting Sessions Judge of Tinnevelly for the month of May 1850.

/Here enter F. R. No. 1613 of 1850/

Report B
Case No. 55

The Court of Foujdaree Adalut observe that the manner in which the prisoner in this case effected his entry into the Prosecutor's house Viz. by opening the bolt of the door constitutes "breaking" and that the sentence should therefore have been passed under the provision of Clause Sixth Section III Regulation

1st July 1850.

Ordered that Extracts from these Proceedings be forwarded to the Acting Sessions Judge of Tinnevelly for communication to the Principal Sudder Ameen.

/Sent in No. 814./

Read Criminal Reports submitted by the Sessions Judge of the cacole for the month of May 1850.

/Here enter F. R. No. 1598 of 1850/

Report A
Case No. 14.

The Court of Foujdaree Adalut observe that a period of Imprisonment should have been specified, in the event of the 2 witnesses in this case failing to pay the fine awarded to him.-

2 The Submission of the report A the Court consider to have been unnecessary, the Sentence of the Principal Sudder Ameen not having been disturbed.-

3 A note to the effect that the Proceedings had been called for and perused by the Sessions Judge, but that the Sentence had not been disturbed would have been sufficient.-

Ordered

1st July 1850.

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

/Sent in N.o 816/

Read Criminal Report submitted by the Agent of the Governor of Fort St. George in Vizagapatam for the month of May 1850.

/Here enter F. C. N.o 1612 of 1850/

Code N.o 13.

The Court of Foujdaree Udalut desire to be informed upon what Grounds the Sentence in this case was passed under the provision of the Laws quoted. Viz. Clause fourth Section III Regulation VII of 1822.

Ordered that Extract from these Proceedings be forwarded to the Agent to the Govr. Government of Fort Saint George in Vizagapatam by precept returnable within V days from and after its receipt.

/Sent following Precept N.o 816./

Read Calendar of Case N.o 45 of the Sessions Court of Cuddapah for 1850.

/Here enter F. C. N.o 1621 of 1850/

With reference to the note of the Sessions

F. C.

1st July 1850.

Session Judge on this case the Court of Foujdaree Udalut observe that that Officer must act upon his own judgement in respect to fining and remowing the parties to whom he refers.

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

/Sent in N.o 817./

Read Miscellaneous Petition presented on the 10th June 1850 by Mootooveeren Pillay of Zillah Combaconum.-

/Here enter F. M. P. N.o 99 of 1850/

M.r G. S. Hooper.
M.r C. P. Thompson
and
M.r A. Freese.

1 This is an application for the interference of the Court of Foujdaree Udalut to set aside the Sentence recorded by the additional Sudder Ameen of Combaconum against the Prisoner's Brother, Prisoner in case N.o 10 of 1850, on his conviction of Fraud-

2 The Petitioner avers the innocence of his Brother, and maintains that the charge was falsely preferred against him at the instigation of one Appasawmy Vaudiar, who

is

1st July 1850.

is his enemy.

3 The Court of Foujdaree Udalut decline to interfere in the manner solicited. The Petitioner, if he has any thing to urge against the conviction of the Prisoner and the sentence passed upon him must first address himself to the Session Court.

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

Read a Report dated the 13th Ultimo submitted by the Session Judge of Mangalore of Persons apprehended in the Zillah of Mangalore and delivered to the Subordinate Judge and tried in the Month of May 1850.

/ Here enter F. C. No. 1571 of 1850 /

Read Calendar of Case No. 15 of 1850 Submitted by the Session Judge of Salem under date the 12th Ultimo.

/ Here enter F. C. No. 1572 of 1850 /

Read Calendar of Case No. 4 of 1850 submitted by the Session Judge of Chicacole under date the 13th Ultimo.

/ Here enter F. C. No. 1573 of 1850 /

Read

1st July 1850.

Read Calendar of case No. 7 of 1850 submitted by the Session Judge of Honore under date the 12th Ultimo.

/ Here enter F. C. No. 1575 of 1850 /

Read Calendar of Case No. 18 of 1850 submitted by the Session Judge of Rajahmundry under date the 15th Ultimo.

/ Here enter F. C. No. 1577 of 1850 /

Read Calendar of Case No. 7 of 1850 submitted by the Session Judge of Cuddalore under date the 18th Ultimo.

/ Here enter F. C. No. 1583 of 1850 /

Read Calendar of case No. 8 of 1850 submitted by the Session Judge of Cuddalore under date the 18th Ultimo.

/ Here enter F. C. No. 1584 of 1850 /

Read Calendar of Case No. 9 of 1850 submitted by the Session Judge of Cuddalore under date the 18th Ultimo.

/ Here enter F. C. No. 1585 of 1850 /

Read Calendar of Case No. 11 of 1850 submitted by the Session Judge of Cuddalore under date the 19th Ultimo.

/ Here enter F. C. No. 1586 of 1850 /

Read

1st 1st July 1850.

Read Calendar of Case No. 12 of 1850 submitted by the Sessions Judge of Cuddalore under date the 19th Ultimo.

/ Here enter F. Dc. No. 1587 of 1850 /

Read letter dated the 15th Ultimo from the Sessions Judge of Calicut transmitting the Warrant issued for the execution of the Sentence of death passed on the Prisoner in Calendar No. 41 of 1850 with the endorsement of the Subordinate Judge and copy of his report under Circular Order dated 3rd May 1850.

/ Here enter F. Dc. No. 1589 of 1850 /

Read Calendar of Case No. 13 of 1850 submitted by the Sessions Judge of Mangalore under date the 15th Ultimo.

/ Here enter F. Dc. No. 1591 of 1850 /

F. Dc.

Tuesday 2nd July 1850. } At a Court of the Fouzdaree Udalut.

Present

G. S. Hooper Esqre — 1st Puisne Judge.
E. P. Thompson Esqre — 2nd Puisne Judge.
H. Forbes Esqre — 3rd Puisne Judge.

Read Criminal Reports submitted by the Sessions Judge of Calicut for the months of May 1850.

/ Here enter F. Dc. No. 1569 of 1850 /

Case No. 116. 1. The Court of Fouzdaree Udalut see reason to question the competency of the Criminal Court to dispose of this case, with reference to the nature of the offence with which the Prisoner was charged, and they accordingly resolve to direct the Sessions Judge to review the proceedings and to pass such orders thereon as he may think proper, reporting the same for the information of the Fouzdaree Udalut.

Case No. 134. 2. The Court of Fouzdaree Udalut observe that the heading affixed to the Statement of charge in this case is incorrect, and that the crime charged should have

2nd July 1850. have been designated as an "attempt at Sodomy."

Case No 208 of 1849. 3 The Court of Fonjdaree Udalut observe that no report in regard to the prisoner in this case who has been acquitted on the ground of insanity has yet reached the Fonjdaree Udalut, and they direct that the same may be now submitted.

Ordered, that Extract from these Proceedings, be forwarded to the Session Judge of Calicut, for his information and guidance, by precept returnable within X days, from and after its receipt.

(Sent following precept. No 810.)

Read letter under date the 18th June 1850 from the Session Judge of Chuccode

(Here enter F. Dis. No. 1628 of 1850.)

1. This letter has reference to the remarks recorded by the Court of Fonjdaree Udalut in their proceedings of the 1st Ultimo commenting upon the trial of Case No 5 of 1850 on the file of the Session Court of Chuccode

2. In regard to the remarks contained in the 5th para of the proceedings in question that "only one witness (the 1st) deposes to having seen the deceased going in company with the prisoner on the morning she was missed," the Session Judge observes that "there is the evidence of the 2nd Witness to the effect that this had attracted the attention of the 1st Witness before any alarm had arisen in consequence of the girls disappearance."

3. This circumstance, the Court of Fonjdaree Udalut observe, does not in any way alter the fact noticed in their proceedings that only one witness had observed the prisoner in company with the deceased on the morning referred to, and it is obvious that the testimony of the 2nd Witness on this point can only be considered hearsay evidence in regard to what she had heard from the 1st Witness that the latter had observed.

4. The evidence to which the Session Judge refers as having fully established the identity of the beads discovered in the prisoner's house with those worn by the deceased on the day she was missed, the Court of Fonjdaree Udalut consider most unsatisfactory; the witnesses in question not having been questioned by what marks

they

2nd July 1850

they were enabled to recognize them and their evidence on this point being therefore obviously worthless when it appears that the maker of the Beads was unable to identify them.

5. The possibility to which the Sessions Judge adverts that "the Beads in question being "merely of thin shell of gold and made eleven "months before might very easily have been "compressed and altered in appearance" the Court of Fouzdaree Udalut consider might have equally interfered with their recognition by mere casual observers as with their identification by the person by whom they were made.

6. With reference to the peculiar circumstances under which the Sessions Judge should confront witnesses with each other in cases where their testimony disagrees the Court of Fouzdaree Udalut observe that this is a point upon which the Sessions Judge should be guided entirely by his own discretion.

7. The Court of Fouzdaree Udalut find that the inquest paper, the absence of which was commented upon in the 10th para. of their proceedings, was transmitted with the record and that therefore the communication

of

F No.

2nd July 1850

of that para. to the Magistrate of Ganjam is unnecessary.

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

(Sent in No. 819.)

Read Calendar of Case No. 11 of 1850 of the Sessions Court of Trichinopoly.

(Record entered No. 1635 of 1850)

The Court of Fouzdaree Udalut

1. but approve of the recommendation made by the Sessions Judge in this case, that the sentence recorded against the 3d 4th 5th 6th 8th and 9th Prisoners on their conviction of "Robbery by open violence" be mitigated to 8 years' imprisonment with hard labor in irons, and the Sessions Judge is authorized to issue his warrants accordingly.

2. The Court are also of opinion that the same leniency may be extended towards the 7th Prisoner, and on the recommendation of the Acting Sessions Judge, the Court will be prepared to mitigate his

sentence

2nd July 1850.

sentence in like manner. If the Acting Session Judge be unable to concur in the above opinion, he will be pleased to submit translation of such portions of the Record as may concern the 7th Prisoner for the consideration of the Foujdaree Udalut.

Ordered, that Extracts from these Proceedings, be forwarded to the Acting Session Judge of Tinchinopoly, by Precept returnable within III days, from and after its receipt.

(Sent following precept No 830

F. U.

Wednesday 3rd. July, 1850.

At a Court of the Foujdaree Adalut.

Present

G. S. Hooper Esqre. —— 1st. Puisne Judge.
E. P. Thompson Esqre. — 2nd. Puisne Judge.
W. A. Morehead Esqre. — 3rd. Puisne Judge.

Read letter dated the 28th. Ultimo, from the Sessions Judge of Chinglepul submitting for the final Judgment of the Foujdaree Adalut the Record of case No. 12 of 1850. of the Calendar of the Sessions Court.—

(Here enter F. A. No. 1664 of 1850).

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,

"Mooneyen alias Mooneswamy"

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 in No. 824).

Mr. E. P. Thompson
Mr. W. A. Morehead.

Read letter dated 22nd. June 1850. from the Sessions Judge of Guntoor forwarding an

an Original Letter dated 20th Idem from the Magistrate who, on the ground that the substitution of English for native numerals in Police Papers is likely to lead to mistakes, delay and confusion, requests that the orders of the 29th April 1850 may be reconsidered.-

(Here enter F. C. No. 1630 of 1850).

The Court of Foujdaree Adalut observe that a table, showing the English in juxtaposition with their corresponding Teloogoo numerals suspended in the Cutcherry, would enable a Gomastah of the most ordinary ability to master English figures in a day and they entertain no doubt but that very slight exertion on the part of the Local authorities will overcome all those difficulties which the returns received from the Heads of Police have led the Magistrate to anticipate.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Guntoor for communication to the Magistrate.

(Sent in No. 825).

Read Calendar of Case No. 9 of 1850 submitted by the Session Judge of Honore under date the 14th Ultimo.-

(Here enter F. C. No. 1617 of 1850)

Read.

Read Calendar of Case No. 9 of 1850 submitted by the Session Judge of Guntoor under date the 19th Ultimo.-

(Here enter F. C. No. 1618 of 1850).

Read Criminal Report Dated the 15th Ultimo submitted by the Session Judge of Honore for the Month of May 1850.-

(Here enter F. C. No. 1619 of 1850).

Read Calendar of Case No. XLVIII of 1850 submitted by the Session Judge of Calicut under date the 18th Ultimo.-

(Here enter F. C. No. 1623 of 1850).

Read Calendar of Case No. 31 of 1850 submitted by the Session Judge of Rajahmundry under date the 19th Ultimo.-

(Here enter F. C. No. 1624 of 1850).

Read return dated the 19th Ultimo from the Session Judge of Mangalore to the precept of the Foujdaree Adalut under date the 13th May 1850 requiring him to submit the original Petty Calendars of Cases disposed of by the Magistracy during the 1st Quarter of 1850.-

(Here enter F. C. No. 1629 of 1850).

Read Calendar of Case No. 147

of

3d July 1850.

of 1850 submitted by the Sessions Judge of Cuddapah under date the 22d Ultimo.—

(Here enter F. C. No. 1631 of 1850).

Read Calendar of Case No. 32 of 1850 submitted by the Sessions Judge of Mangalore under date the 20th Ultimo.—

(Here enter F. C. No. 1633 of 1850).

2d Ditto.

F. C.

Friday 5th July 1850.

F. C.

At a Court of the Foujdaree Udalut

Present

The Hon'ble G. S. Hooper Esqre — 1st Puisne Judge

E. P. Thompson Esqre — 2d Puisne Judge

W. A. Morehead Esqre — 3d Puisne Judge.

F. C.

Read letter dated the 25th Ultimo from the Sessions Judge of Cuddapah submitting for the final Judgment of the Foujdaree Udalut the Record in Case No. 11 of 1850 of the Calendar of the Sessions Court.—

(Here enter F. C. No. 1660 of 1850).

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,

"Bogum Chenchoogadoo"

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 in No. 926).

Mr. G. S. Hooper

Mr. W. A. Morehead

Read Calendar of Case No. XLVIII

of

3. 5th July 1850.

of 1850 submitted by the Sessions Judge of Calicut under date the 20th Ultimo.-

(Here enter F. C. No. 1634 of 1850).

Read Calendar of Case No. 6 of 1850. submitted by the Sessions Judge of Chicacole under date the 20th Ultimo.-

(Here enter F. C. No. 1638 of 1850).

Read Calendar of Case No. 11 of 1850. submitted by the Sessions Judge of Mangalore under date the 21st Ultimo.-

(Here enter F. C. No. 1639 of 1850).

Read Calendar of Case No. 11 of 1850 submitted by the Sessions Judge of Mangalore under date the 21st Ultimo.-

Rs. 1800.

(Here enter F. C. No. 1640 of 1850).

F. C.

Saturday 6th July 1850.

At a Court of the Foujdaree Udalut

Present

J.R. G. S. Hooper Esqr. 1st Puisne Judge.

P.R. E. P. Thompson Esqr. 2nd Puisne Judge.

W.H. W. A. Morehead Esqr. 3rd Puisne Judge.

Read Extract from the Proceedings of the Sessions Court of Rajahmundry under date the 23rd May and 21st June 1850, on review of the Magistrate's Petty Calendars for the 1st Quarter of 1850.

/ Hereunto F. C. No. 1637 of 1850 /

Punished Calendar Case No. 5.

1 The Prisoner in this Case "Chenchalada Ramachendaraiyu" was charged with "Assault", and on conviction has been sentenced by the acting Head Assistant Magistrate to receive six stripes with a Cat-o-nine tails under Clause Fifth Section V and Clause third Section VI Regulation X of 1832.

2 From the nature of the Sentence, and from the enactment cited in Support thereof

6th July 1850.

thereof, the Court of Fouzdaree Udalut infer that the accused party was a Prisoner under the charge of the Head Assistant Magistrate and, if such be the Case, the Court observe the Case ought not to have been entered in this Calendar.

The Sessions Judge will be pleased to call upon Submit the Magistrate for information upon this point, and the same for the consideration of the Fouzdaree Udalut.

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

/ Sent following precept No. 827. /

Read Calendar of Case No. 15 of 1850 of the Sessions Court of Nellore.

/ Here enter F. C. No. 1665 of 1850 /

The Highway Robbery of which the 4 Prisoners in this Case were convicted having been unattended with aggravating circumstances the Court of Fouzdaree Udalut are of opinion that the period of imprisonment which they have been adjudged to suffer may with propriety be reduced to Seven years and on the recommendation of the Sessions Judge the Court will

6th July 1850.

will be prepared to mitigate the Prisoners' Sentences accordingly.

2 If the Sessions Judge be unable to concur in the above opinion he will be pleased to submit a translation of the entire record of the Case for the consideration of the Fouzdaree Udalut.

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

/ Sent following precept No. 828. /

Read letter dated the 1st Inst. from the Sessions Judge of Chengleput Report-ing that no cases to be reported on, as required by the Circular letters dated the 16th October 1844, and 21st January 1845 were pending last month before the Sessions Court.

/ Here enter F. C. No. 1678 of 1850 /

Read letter dated the 29th Ultimo from the Sessions Judge of Bellary Forwarding Copy of the Acting Magistrates Return to his proceedings of the 18th Ultimo held in reviewing the petty Calendars for the 1st Quarter 1850.

/ Here enter F. C. No. 1684 of 1850 /

Read

6th July 1850.

Reads Report dated the 2nd Instant Submitted by the Session Judge of Nellore of Cases pending before the Session Court during the month of June 1850.

/ Here enter F.C. No. 1688 of 1850 /

Reads Report dated the 1st Instant Submitted by the Session Judge of Cuddalore of Cases pending on the 30th June 1850 committed for trial during the month of May 1850. before the Session Court of Cuddalore.

/ Here enter F.C. No. 1690 of 1850 /

Reads Calendar of Case No. 17 of 1850 Submitted by the Session Judge of Cuddalore under date the 1st Instant.

/ Here enter F.C. No. 1692 of 1850 /

Reads Letter dated the 1st Instant from the Session Judge of Masulipatam Reporting that there are no Criminal Cases Spending beyond 25 days.

/ Here enter F.C. No. 1698 of 1850 /

Reads report dated the 1st Instant Submitted by the Session Judge of Cuddapah of Cases Spending on the 31st May and committed for trial during the Month

F.C.
6th July 1850.

Month of June 1850 which remained on the file of the Sessions Court of Cuddapah for more than 25 days.

/ Here enter F.C. No. 1699 of 1850 /

E. 186

F. 16

Monday 8th July 1850.

At a Court of the Fouzdaree Udalut

Present

G. L. Hooper Esqre 1st Puisne Judge

E. P. Thompson Esqre 2nd Puisne Judge

W. A. Morehead Esqre 3rd Puisne Judge

Read letter dated the 4th Ultimo from the Session Judge of Cuddapah submitting for the final Judgement of the Fouzdaree Udalut the record of case No. 59 of 1849 of the Calendar of the Session Court-

(Dire entered F. 16 No. 1522 of 1850)

Mr. G. L. Hooper
Mr. E. P. Thompson

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 Chinniah

2nd Bende Takurredy

3rd Kooloor Ramoodoo

4th P. Venkatareddy

5th T. Wokenadoo

6th

8th July 1850

6th Dibbadoo

and

7th Venkatachalamiah

is sufficient to convict them of the crimes so charged, do convict them thereof, and under the provisions of Section X Regulation VIII of 1802, Sintence the Prisoners -

2nd Bundi Takerreddy

to suffer death by being hanged so soon as so conveniently can be after the receipt of this warrant, at a spot to be selected by the Sessions Judge of Cuddapah in the immediate vicinity of the place where the Murder was committed, and the Prisoners -

1st Chinniah

3rd Kooloor Ramoodoo

4th P. Venkatareddy

5th T. Wokenadoo

6th Dibbadoo

and

7th Venkatachalamiah

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

8th July 1850

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 Foujdaree Sedalut observe that the confessions of the Prisoners before the Subordinate Court ought to have been taken in detail. The mere reading over to Prisoners their confessions made before the Police, and requiring them to acknowledge the same is not sufficient. -

2 The Court consider the Sessions Judge to have erred in allowing the Prisoners to enter into a lengthened explanation of their conduct when arraigned. This proceeding was irregular and must not again be resorted to. whatever statement a Prisoner may have to make should be reserved for his defence -

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

/ Sent in No. 831. /

Read Return dated the 20th May 1850 Submitted by the Sessions Judge of

8th July 1850

of Cuddapah to the precept of the Sovidance Udalut under date the 13th May 1850 directing the submission of the Original Petty Calendars of cases disposed of by the Magistracy during the 1st Quarter 1850.

/Here enter F. C. No. 1332/

Read letter dated the 30th May 1850 from the Joint Magistrate in charge of Salem Transmitting a statement of the quantity and value of articles manufactured by convicts for Sicky 1257 and the cause of delay assigned.

/Here enter F. C. No. 1436/

Read letter dated the 13th Ultimo from the Session Judge of Calicut submitting with reference to para 2 of this Court's letter of the 18th February last, copies of the correspondence with the Magistrate of Malabar together with the Original Statements and two revised ones, received from that Officer.

/Here enter F. C. No. 1576/

Read letter dated the 24th Ultimo from the Session Judge of Madura submitting Warrant issued for execution of Prisoner in

Calendar

8th July 1850.

Calendar Case No. XII of 1850 with return made thereto and separate letter.

/Here enter F. C. No. 1655/

Read Calendar of Case No. 16 of 1850 Submitted by the Session Judge of Nellore under date the 29th Ultimo.

/Here enter F. C. No. 1663/ co

Do 1850.

Wpk

F. C.

Thursday 9th July, 1850.

At a Court of the Foujdaree Adalut.

Present

G. S. Hooper Esqr. — 1st Puisne Judge
E. P. Thompson Esqr. — 2nd Puisne Judge
W. A. Morehead Esqr. — 3rd Puisne Judge

Read again letter dated 30th March 1850 from the Sessions Judge of Rajahmundry, — submitting for the sanction of Government a Bill for Rupees 78-1-6 the amount of Compensation payable to Extra Translators employed upon the records of Cases 1 and 6 on the Calendar for 1850. and 32 and 34 on that for 1849.

(Here enter F. C. No. 826 of 1850)

Read also again letter dated 17th April 1850 from the same Officer, explaining as required by the Court of Foujdaree Adalut under date 11th Idem the circumstances under which Servants on the Permanent Establishment of his Court were allowed to undertake the additional duty above referred to.—

(Here enter F. C. No. 1011 of 1850).

Read also again letter dated 22d April 1850 from the same submitting a further

Bill

Bill for compensation to the parties employed in translating the records of Cases 51, 52 and 53 on the Calendar for 1849 amounting to Rupees 121-13.

(Here enter F. C. No. 1066 of 1850).

The Court of Foujdaree Adalut decline to submit the Bills in question for the sanction of Government. They consider that as the Sessions Judge had fully qualified translators on his establishment the arrears, which called for the instructions conveyed in their letter of the 15th February 1850, ought not to have been allowed to accumulate, and that to remunerate permanently employed servants, whose whole time and energies the Government are at all times entitled to demand, for the additional work that an emergency may make it necessary to require of them is objectionable and liable to give rise to great abuse.

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

(Sent in No. 1032).

Read Statement dated 26th Ultimo, submitted by the Sessions Judge of Cuddapah of Batta paid to Prosecutors and Witnesses in attendance before the Session Court of Cuddapah from 1st July to 31st December 1849.

(Here enter F. C. No. 1057 of 1850)

Read

Read Calendar of Cases No. 24 of 1850 submitted by the Sessions Judge of Coimbatore under date the 15th Ultimo.

(Here enter F. C. No. 1059 of 1850).

Read letter dated the 27th Ultimo, from the Sessions Judge of Coimbatore submitting Copies of two Extracts from the Proceedings of the Sessions Court under dates the 4th and 26th June 1850, respectively, with other Papers therewith connected.

(Here enter F. C. No. 1067 of 1850).

Read Calendars of Cases 15 and 16 of 1850 submitted by the Sessions Judge of Cuddalore under date the 29th Ultimo.

(Here enter Nos. 1069 and 1071 of 1850)

Read Calendar of Case No. 24 of 1850 submitted by the Sessions Judge of Bellary under date the 26th Ultimo.

(Here enter F. C. No. 1072 of 1850).

Read Calendar of Case No. 19 of 1850 submitted by the Sessions Judge of Cuddalore under date the 29th Ultimo.

(Here enter F. C. No. 1073 of 1850).

Read Calendar of Case No. 11 of 1850 submitted by the Sessions Judge of Honore

9th July 1850.

Honors under date the 22d Ultimo.-

(Here enter F. C. No. 1614 of 1850).-

Ja. 1850.

F C

Wednesday 10th July 1850.

At a court of the Fouzdaree Udalut

Present.

G. S. Hooper Esqr. 1st Puisne Judge

E. P. Thompson Esqr. 2d Puisne Judge

W. A. Morehead Esqr. 3d Puisne Judge

Read again Calendar of Case No. 11 of 1850 of the Session Court of Trichinopoly.

(Here enter F. C. No. 1635 of 1850)

The Court of Fouzdaree Udalut direct that the annexed remarks of the Cazee-ooloo Coozat upon the Futwa declared in this case be communicated to the Mahamedan Sudder Ameen for his information and future guidance-

Ordered that Extract from these Proceedings be forwarded to the Acting Session Judge of Trichinopoly for his infor-mation and future guidance-

(Sentence No. 835)

Read

9 10th July 1850.

Read Calendar of Case No. 25 of 1850 of the Sessions Court of Coimbatore.—

/ Here enter F. C. No. 1662 of 1850 /

The Court of Fouzdaree Udalut observe that the offence committed by the Prisoners in this Case was one of "Robbery by open violence" and not "Snatching" as stated in the Calendar. The Sessions Judge will be, therefore pleased to amend his Sentence accordingly.—

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

/ Sent in No. 836. /

Read Calendar of Case No. 94 1850 of the Sessions Court of Tellicherry.—

/ Here enter F. C. No. 1675 of 1850 /

1. The Court of Fouzdaree Udalut observe that the offence committed by the Prisoner in this Case was one of "Highway Robbery" and not "Snatching" as stated in the Calendar, and the Prisoner should have been sentenced under Section XX Regulation VII of 1802 a

mitigation.

10th July 1850.

mitigation of the Sentence prescribed by that enactment being applied for under the provisions of Section IV Regulation I of 1825 to such extent as the Sessions Judge might deem proper.—

2. The above course the Sessions Judge will now be pleased to pursue.—

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Tellicherry by precept returnable within III. days from and after its receipt.—

/ Sent following precept No. 837. /

Read Calendar of Case No. 24 of 1850 of the Sessions Court of Nellore.

/ Here enter F. C. No. 1666 of 1850 /

1. With reference to the fact recorded in this case that the "Robbery" was attended with aggravating circumstances, the Court of Fouzdaree Udalut are of opinion that the Sentence which has been passed upon the Prisoners may with propriety be reduced to Seven years imprisonment with hard labor in irons.

2. If the Sessions Judge be enabled to

10th July 1850.

to concur in the above opinion he will be pleased to submit his recommendation that the Prisoners sentences may be mitigated accordingly. If he dissents therefrom he will be pleased to submit a translation of the entire record of the case for the consideration of the Foujdaree Udalut.

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

/Sent following precept No. 838./

Read again Calendar of case No. 13 of 1850 of the Sessions Court of Cuddalore

/Here enter F. Uc. No. 1588 of 1850/

Read also Return dated the 29th June 1850 made by the Sessions Judge to the Precept of the Foujdaree Udalut under date the 27th June 1850, containing the observations of the Court on review of the Calendar of the above Case.

/Here enter F. Uc. No. 1668 of 1850/

The Court of Foujdaree Udalut are of opinion that under all the circumstances of the above Case the Sentence recorded by the Sessions

F. Uc.

10th July 1850.

Session Judge against the Prisoner is unnecessarily severe, and that one of three years imprisonment with hard labor in irons will adequately meet the demands of justice.

2 If the Sessions Judge, upon a recommendation of the facts of the Case, be enabled to concur in the foregoing opinion, he will be pleased to submit a recommendation for the mitigation of the Prisoners' Sentence to that extent. If he dissents therefrom he will be pleased to submit a translation of the entire Records of the Case for the consideration of the Foujdaree Udalut.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddalore by precept returnable within IIII days from and after its receipt.

/Sent following precept No. 839./

Read Calendar of Case No. 20 of 1850 submitted by the Sessions Judge of Mangalore under date the 2nd Instant.

/Here enter F. Uc. No. 1711 of 1850/

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

Mangalore of Cases pending on the 31st May and committed for trial in the month of June 1850 -

/Here enter F. Ck. No. 1712 of 1850/

Read Report dated the 1st Instant submitted by the Session Judge of Salem of Cases pending on the 30th June 1850 before him for a period in excess of 25 days calculated from the date of Commitment -

/Here enter F. Ck. No. 1721 of 1850/

Read Report dated the 1st Instant submitted by the Session Judge of Honore of Cases pending before him for a Period exceeding 25 days during the month of June 1850.

/Here enter F. Ck. No. 1732 of 1850/

Read letter dated the 1st Instant from the Session Judge of Tellicherry Reporting that no cases was before the Session Court during June 1850 for a period in excess of 25 days from the date of Commitment -

/Here enter F. Ck. No. 1734 of 1850/

Read letter dated the 8th Instant from the Session Judge of Chingleput Reporting the execution of the Prisoner Moneyan alias Lo Moonesawmy in case No. 12 of 1850 of the Calendar

of

of the Sessions Court of Chingleput -

/Here enter F. Ck. No. 1741 of 1850/

Read letter dated the 8th Instant from the Session Judge of Nellore submitting Report on the manner in which the Sudder ameen Moufte of the Zillah Court has exercised criminal jurisdiction during the 1st half year 1850 -

/Here enter F. Ck. No. 1745 of 1850/

Ld 18/7.

Gyk

F.V6.

Thursday, 11th. July, 1850. At a Court of the Foujdaree Udalut.

Present

G.S. Hooper, Esquire - 1st. Puisne Judge.

E.P. Thompson, Esquire - 2d. Puisne Judge.

W.A. Morehead, Esquire - 3d. Puisne Judge.

Read again Calendar of Case No. 63 of 1849 of the Sessions Court of Cuddapah.

/Here enter F.V6. No. 158 of 1850/

Read also again Miscellaneous Petition presented on the 11th. March 1850 by A. McRitchie Esquire Vakeel on behalf of Condiah of Zillah Cuddapah.

/Here Enter F. M.P. No. 54 of 1850/

Read also Return dated the 25th. April made by the Sessions Judge of Cuddapah to the Precept of the Foujdaree Udalut under date the 22d. March 1850, calling for the entire

Record

11th July, 1850.

Record of the above Case.

/Here Enter F.C. No. 1085 of 1850/

Read also Miscellaneous Petition presented on the 26th March 1850 by A. M. Ritchie Esquire Vakeel on behalf of Condiah of Zillah Cuddapah.

/Here Enter F. M. P. No. 66 of 1850/

Mr G. S. Hooper and Mr E. P. Thompson.

1. In the foregoing Case four Prisoners, Officers of Government, were charged with grose abuse of authority, and with being accessary after the fact to the murder which formed the subject matter of trial in Case No. 59 of 1849 on the file of the Sessions Court of Cuddapah.

2. The Mohamedan Law Officer convicted the first Prisoner of Codola Hoskine on abuse of authority and the 2d, 3d and 4th Prisoners of Tohmut of the said crime.

3. The Sessions Judge concurred in the conviction of the first Prisoner, but acquitted and unconditionally released

11th July, 1850.

released the 2d, 3d and 4th Prisoners on the ground that there was not sufficient proof of any actual criminal intent in their stated proceedings.

4. The Record of the Case was called for by the Court of Foujdaree Udalut on the application of A. M. Ritchie Esquire Vakeel on behalf of the Brother of the first Prisoner and after a careful and deliberate consideration of the same, the Court are of opinion that the evidence against the said Prisoner is not sufficient to establish the charge fully against him and they accordingly direct that he be released.

5. At the same time, however, the Court consider that there is in the Record of this Case, as well as in that of No. 59, above adverted to, so much which affects the character of the Prisoner as an efficient, zealous, and upright Police Officer as to render him unfit for future employment

11 11th July, 1850.

employment in the public service and the Court, therefore, prohibit his re-employment.

6. The Court consider the Sessions Judge to have erred in omitting to take evidence for the defence of the Prisoner, and his reasons for not doing so to be insufficient.

7. The Court direct that the appended remarks of the Cazee-ool Cuzzat upon the Futwa recorded in this Case be communicated to the Mohamedan Law Officer for his information and future guidance.

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

/Sent following Precept No. 210./

Ordered also, that Extract from these Proceedings para. 1 & 5 be given to the Petitioner's Vakeel on his application.

Read

F.16.

11th July, 1850.

Read again Calendar of Case No. 20 of 1850 on the file of the Sessions Court of Masulipatam.-

/Here enter F.16. No. 1593 of 1850./-

Read also Miscellaneous Petition forwarded by the Sessions Judge of Masulipatam from Allum Lakshmeepaty of that Zillah.-

/Here enter F.M.D. No. 105 of 1850./-

Mr G. S. Hooper
Mr R. P. Thompson
Mr W. A. Maclean (Law)

1. The Petitioner prays the Court of Foujdaree Udalut to reverse the sentence awarded to his brother-in-law Janapamook Naugunnah prisoner in the foregoing case.-

2. Before finally disposing of this Petition the Court of Foujdaree Udalut resolve to direct that a copy thereof be forwarded to the Sessions Judge with instructions to that Officer to state whether the plea of unsoundness of mind therein set forth was advanced by the prisoner on his trial or by his relations on his behalf; and whether any witnesses were examined

on

11th July, 1850.

on this point, and if so, with what result.—

3. The Sessions Judge will also be pleased to report whether or not the state of the prisoner's bodily health is such as the Petitioner describes.

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

/Sent following Precept. No. 3141./

Read letter Dated 26th June 1850 from the Sessions Judge of Chicacole requesting that a female Convict may be transferred from the Chicacole to the Vizagapatam Jail.

/Here Enter F.26. No. 1677./

Under the circumstances represented by the Sessions Judge the Court of Sudder Adalut order the removal of the female Convict referred to in this communication to the Jail at Vizagapatam.—

11th July, 1850.

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

/Sent in No. 3142./—

4th 1810.

F. No.

Friday
12th July 1850. } At a Court of the Fouzdaree Udalut

Present.

G. S. Hooper Esqr — 1st Puisne Judge
C. P. Thompson Esqr — 2nd Puisne Judge
W. A. Morehead Esqr — 3rd Puisne Judge

Read again Calendars of Cases Nos 14 and 15 of 1849 of the Sessions Court of Chittoor.

(Here enter F. No. Nos 1013 and 1014 of 1849)

Read also Return dated the 5th February made by the Sessions Judge of Chittoor to the Precept of the Fouzdaree Udalut under date the 24th January 1850, directing the release of the 1st 2nd and 3rd Prisoners in the above Cases - and requiring further explanation regarding them.

(Here enter F. No. 344 of 1850.)

The Court of Fouzdaree Udalut having now before them the whole of the documents connected with the foregoing Cases as well as the explanations afforded in regard to them by the Sessions Judge and having given the same their careful consideration, are constrained

to

12th July 1850.

to record their opinion that Mr Lowell has not evinced that Care and attention in the disposal of these Cases which he ought to have done.

2. The Court expect that Mr Lowell will, in future, be more careful in the preparation of his Calendars and other papers connected with Cases which may come before him for disposal.

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

Sent in No 945.

Fl. No.

Saturday
13th July 1850 } At a Court of the Fouzdaree Udalut

Present:

G. S. Hooper Esqr — 1st Puisne Judge
C. P. Thompson Esqr — 2nd Puisne Judge
W. A. Morehead Esqr — 3rd Puisne Judge

Read report of Cases pending on the 31st May, and committed for trial during the Month of June 1850 before the Sessions Judge of Calicut.

(Here enter Fl. No. 1700 of 1850)

As it appears from the above return that the small pox has broken out in the Jail of Calicut, the Court of Fouzdaree Udalut request that the Sessions Judge will immediately report whether the Rules laid down in Fouzdaree Udalut Circular Order No. 14 dated the 12th September 1834 have been strictly attended to. Should no precautionary measures have as yet been taken to stay the progress of the disease the Court direct that they be immediately resorted to.

Ordered that Extract from these

Proceedings

13th July 1950.

Proceedings be forwarded to the Sessions Judge of Calicut by Precept returnable within III days from and after its receipt.

(Sent following Precept No 848)

No further return having been received from the Sessions Judge of Honore to the Precept of the Tonjdaree Adalut under date the 10th March 1950 Calling for an English Translation of such portions of the record of Case No 37/1950 on the file of his Court as relate to the 1st Prisoner.

Ordered that the Sessions Judge be requested to submit without delay a further return to the above precept.

Sent in No 849

No return having been received from the Sessions Judge of Honore to the Precept of the Tonjdaree Adalut under date the 30th April 1950 calling for an English Translation of such portions of the record in Trial No 3 of 1950 on his file as bear upon the case of the 3d Prisoner.

Ordered that the Sessions Judge of

13th July 1950.

of Honore be called upon to forward the return in question without delay.

Sent in No 850

No return having been received from the Sessions Judge of Honore to the Precept of the Tonjdaree Adalut dated 30th April 1950. Calling for certain papers connected with Case No 2 of 1950 on the file of his Court.

Ordered that the Sessions Judge of Honore be requested to forward the return in question without delay.

(Sent in No 851)

Bld.

GJK

F.11

Monday 15th July 1850 } At a Court of the Tonjdaree Adalut.

Present

Gpt R. G. S. Hooper Esqre 1st Puisne Judge

Wm. for E.P.J. E. P. Thompson Esqre 2d Puisne Judge

W. A. Morehead Esqre 3d Puisne Judge

Read Calendar of Case

No. 14 of 1850 of the Session Court of

Cuddalore.

/ Here Enter F.R. No. 1670 of 1850 /.

Adverting to the fact that

the Prisoners in this Case were not called

upon by the local authorities to disperse,

and, consequently, did not refuse to do

so, the Court observed that the enactment quoted

by the Session Judge is inapplicable,

and that the Case ought to have been disposed

of under Clause 1 Section II Regulation

XV of 1808.

Ordered, that Extract from

these Proceedings be forwarded to the Session

Judge of Cuddalore for his information

and guidance.

/ Sent in Paper /

Read

15th July 1850

Read Miscellaneous Petition presented on the 1st July 1850 by T. Appiah Vakeel on behalf of Comby Coolty adigoddy of Gillah Tellicherry.

/Here enter F. M. P. No. 108 of 1850/

Mr. C. P. Thompson J.

The Petitioner appeals from an Order passed by the Session Judge of Tellicherry confirming an order of the Magistrate of Malabar for the restoration to one Tarayadenkandil Pillady Sydel adwoddy and his brother Kelloo adwoddy of certain documents which had been taken from them by the Police.

2. The Court of Foujdaree Adalut see no reason to question the propriety of the Order passed by the Session Judge in the matter, and they accordingly resolve to dismiss the Petitioner's application.

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

Read

15th July 1850.

Read the following Letter dated the 1st July 1850. from the Session Judge of Calicut.

/Here enter F. M. No. 1710 of 1850/

The Session Judge requests the instructions of the Court of Foujdaree Adalut in respect to whether, under para 5 of the Extract from the Proceedings of the Foujdaree Adalut dated the 22d January 1841, he is to consider himself prohibited from hearing, and passing Orders on two Petitions presented by Sail Boss, appealing from an Order of the Subordinate Judge pronouncing them to be unfit for re-employment.

2. The Court of Foujdaree Adalut are of opinion that it is clearly within the competency of the Session Judge to receive and dispose of the Petitions presented by the individuals in question, as well as those presented by any other parties who may deem themselves aggrieved by the acts of his Subordinate officers.

Ordered

15th July, 1850.

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

/ Sent in Rt. 950. /

Mr. G. S. Hooper
Mr. B. P. Thompson
and
Moorta Boochiah

Read Miscellaneous Petition presented on the 24th. June 1850 by Pawathy Ummal of zillah Chittoor.

/ Here Enter F.M.P. No. 108 of 1850 /

Before finally disposing of this Petition the Court of Foujdaree Adalut resolve to direct that the Sessions Judge of Chittoor will report for their information the result of the enquiry directed in the 9th para of the remarks recorded by him in case No. 16 of 1850 in regard to the ill-treatment alleged to have been received by the 1st prisoner.

Ordered, that Extract from these Proceedings be forwarded to the Session Judge of Chittoor for his information and guidance by precept returnable within ~~ten~~ days from and after its receipt.

/ Sent in Rt. 959 /

15th July 1850.

Ordered also, that Extract from these Proceedings be given to Petitioner on her application.

Read again Calendar of Case No. 9 of 1850 of the Sessions Court of Chittoor.

/ Here Enter F.H. No. 1802 of 1850 /

Read also Return under date the 1st July 1850 made by the Sessions Judge of Chittoor to the precept of the Foujdaree Adalut dated the 29th June 1850 conveying the observations and orders of the Court on the above case.

/ Here Enter F.H. No. 1702 of 1850 /

The explanation afforded by the Sessions Judge in the foregoing Return being too incomplete to enable the Court of Foujdaree Adalut to judge of the propriety of the disposal of the case, it is resolved to call upon the Sessions Judge to submit for their consideration translations of such portions of the Record as may have reference to the first Prisoner.

Ordered

15th July 1850

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Chittoor by precept returnable within ~~XX~~ days from and after its receipt.

/ Sent following Precept No 260 /

Read return dated 15th May 1850 from the Sessions Judge of Cuddalore to the Precept of the Foujdaree Udalut under date the 13th May 1850 calling for the original Petty Calendars of cases disposed of by the Magistracy during the 1st Quarter of 1850.

/ Vide Entry Ft. No. 1245 of 1850 /

Read returns dated 29th May 1850 from the Sessions Judge of Nimar to the Precept of the Foujdaree Udalut under date the 13th May 1850 calling upon the Sessions Judge to forward the Petty Calendars of Cases disposed of by the Magistracy during the first Quarter of 1850.

Ex 99 / Vide Entry Ft. No. 1250 of 1850 /

15th July 11

F. No.

Thursday
18th July, 1850.

At a Court of the Fouzdaree Udalut.

Present.

G.S. Cooper, Esquire 1st Puisne Judge.

E.P. Thompson, Esquire 2d Puisne Judge.

W.A. Morehead, Esquire 3d Puisne Judge.

Read Miscellaneous Petition presented on the 8th July 1850 by Mootoo-veera Pillay of Zillah Combaconum.

(Here Enter F. M. P. No. 113 of 1850.)

The Petitioner is referred to the former orders passed by the Court of Fouzdaree Udalut in the matter to which this Petition relates.

Mr. G.S. Cooper.
Mr. E.P. Thompson
and
Mr. W.A. Morehead

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

Read letter under date the 3d July 1850 from the Sessions Judge of Combatore submitting an English translation

translation of the entire record of Case
№ 21 of 1850 on the file of the Session
Court for the final judgement of the
Fouzdaree Udalut.—

/Here enter F. Ulc. № 1716 of 1850/—

1. Before finally disposing
of this case the Court of Fouzdaree
Udalut deem it necessary that further
evidence should be laid before them in
regard to the circumstances which led
to the apprehension of the prisoner
and of the 1st witness.—

2. It does not appear clear
whether the prisoner and the 1st witness
were apprehended in consequence of
the information given to the Head of
Police by the 5th Witness, the day after
the murder is alleged to have been
committed, to the effect that he had
on the previous day seen the prisoner
and the 1st witness in company with
the deceased at the well in which
the body was discovered, or whether
their apprehension took place in con-

consequence

consequence of the statements of the 2
witness, and on this point the Court
of Fouzdaree Udalut direct that further
evidence may be taken and submitted
for their consideration.—

3. It appears from the evidence
of the 12th witness that, besides the 5th
witness, one Keatnon stated on the
occasion of the discovery of the body
that he had seen the prisoner at the well
in question on the previous day.—

4. The Court of Fouzdaree
Udalut direct that that individual may
be examined, and they consider that the
evidence of the Duffadar who was sent
to apprehend the prisoner, and if ne-
necessary that of the Head of Police,
should be taken, in order that the cir-
-cumstances which led to his apprehen-
-sion may be fully cleared up.—

5. With reference to the
denial of the prisoner before the Police
of any knowledge of the 1st Witness the
Court of Fouzdaree Udalut direct that the
truth of her assertion that she was kept by

the

15th July, 1850

the prisoner may be tested by the Examination of witnesses competent to depose upon this point.

6. The Court of Foujdaree Udalut observe that in all cases of Murder in which it may be practicable the body should be submitted to the inspection of an European Medical Officer, or of a dresser as required by the Circular Order dated 27th December 1815.

7. In this case, in which it was obviously important to ascertain whether the wounds discovered upon the corpse were such as the dagger produced before the Court was likely to have occasioned, the description of the wounds appears to the Court of Foujdaree Udalut far from satisfactory, and as the body was found near Coimbatore the Court of Foujdaree Udalut observe that the Zillah Surgeon should have been called upon to inspect it.

8. The Court of Foujdaree Udalut direct that the remarks contained in the two preceding paras: may be communicated to the Acting Magistrate of Coimbatore for his future guidance.—

Ordered,

No 116.

18th July, 1850.

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Coimbatore by precept returnable within IV days from and after its receipt.—

Sent following Precept No 869 &c

Dd 18/7.

15

F. U.

Friday ---
19th July 1850

At a Court of the Foujdaree Adaulut

Present

G. L. Cooper Esqr. ——— 1st Puisne Judge
E. P. Thompson Esqr. ——— 2d Puisne Judge
W. A. Morehead Esqr. ——— 3d Puisne Judge

Read again Criminal Reports submitted by the Sessions Judge of Cuddapah for the month of May 1850. —

(Here enter F. U. No. 1596 of 1850)

Read also letter under date the 5th July 1850 from the Sessions Judge of Cuddapah. —

(Here enter F. U. No. 1767 of 1850)

The Court of Foujdaree Adaulut resolve to direct that an English Translation of the record of the case referred to in the correspondence forwarded with the foregoing letter be submitted for their consideration. —

× Case No. 125 of 1850 on the file of the Sub. Criminal Court.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Cuddapah for his information and guidance by precept returnable —

within

within X days from and after its receipt.-

(Sent following Precept N°877

Read letter dated 6th July 1850

from the Subordinate Judge of Rajahmun-
dry transmitting the translation of a depo-
sition given by the 3d Prisoner in Case
N° 93 of 1850 on the Criminal File and
requesting that authority may be granted
for his being admitted as an approver.-

(Here enter F.W. N° 1763 of 1850)

1 The Subordinate Judge states
that the Prisoners have confessed the
crime (Culpable Homicide) with which
they are charged before him, but that the
witnesses who fully established the case
for the prosecution before the Police, deny
before the Court all knowledge of the
matter and that no further evidence is
forthcoming.-

2 Under the circumstances
stated by the Subordinate Judge the Court
of Foujdaree Udalut doubt whether any
thing will be gained by admitting the 3d
Prisoner as an approver and consider that
as the Prisoners have confessed before the
Subordinate

Subordinate Court they should be at once
committed to the Sessions Court.-

Ordered that Extract from these
proceedings be sent to the Subordinate
Judge of Rajahmundry for his in-
formation.-

(Sent in N° 870)

Read letter dated the 6th Instant
from the Session Judge of Bellary, sub-
mitting for the final judgment of the
Foujdaree Udalut the record of Case N° 23
of 1850 of the Calendar of the Session Court

(Here enter F.W. N° 1797 of 1850)

The Court of Foujdaree Udalut,
Mr. E.P. Thompson.
and on a deliberate consideration of all the circum-
Mr. W.A. Morehead stances of the case in evidence before them,
being of opinion that the proof against the
Prisoners,

2d Erlagadoo

and

3d Lingadoo

is sufficient to convict them of the crimes
charged, do convict them thereof.- and Sentence
them to be transported to such place or
places beyond Sea as the Governor in
Council

19th July 1850.

Council shall appoint there to be imprisoned and kept to hard labor in irons on the public roads or other public works for, and, during the period of their natural lives-

The Court of Foujdaree Udalut consider that the Sentence proposed by the Session Judge to be passed upon the 2d and 3d prisoners in this Case would be insufficient to meet the demands of justice-

2 The Court of Foujdaree Udalut are of opinion that the 1st 2d and 3d witnesses should have been examined before the Session Court and that the confessions of the 2d and 3d prisoners before the Subordinate Court should have been recorded in detail.-

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

(Sent following letter No 879)

Ex 1812

F. W.

At a Court of the Foujdaree Udalut.

Saturday - 20th July 1850 }

Present

W.R. G. S. Hooper Esqre —— 1st Puisne Judge

W.R. for E.P.J. E. D. Thompson Esqre —— 2d Puisne Judge

W.R. for 3d Judge W. A. Morehead Esqre —— 3d Puisne Judge

Read letter dated 13th Instant from the Session Judge of Calicut Submitting for the final judgment of the Fouj: daree Udalut the record of Case No 53 of 1850 on the Calendar of the Session Court.-

(Here enter F. W. No 1848 of 1850)

The Court of Foujdaree Udalut,

Mr. G. S. Hooper and Mr. E. P. Thompson

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

"Koopen"

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.—

(Sent following letter No. 1861)

Read letter dated 12th Instant from the Sessions Judge of Cuddapah—, Submitting for the final judgment of the Foujdaree Adalut the records of Case— No. 46 of 1850 of the Calendar of the— Session Court.—

(Here enter F. R. No. 1833 of 1850)

The Court of Foujdaree Adalut, on a deliberate consideration of all the cir=cumstances of the case in evidence before them, being of opinion that the proof— against the prisoner,

"Alama Mooneswamy"

is sufficient to convict him of the crime of Murder, do convict him thereof, and— under the provisions of Section 2 Regu=lation XIII of 1802 Sentence him to suffer death by being hanged at the usual time and place of execution.—

(Sent following letter No. 1802)

L B.

Monday, 22nd July 1850. — At a court of the Tongdaree Udalut. —

Present

Sd/ G. S. Hooper Esquire — 1st Puisne Judge. —

Sd/ for S. P. J. E. P. Thompson Esquire — 2d Puisne Judge. —

W. A. Morshead Esquire — 3d Puisne Judge. —

Read again Calendar of Case No. 11 of 1850 of the Session Court of Tpalimopoly.

(Here enter F. 11. No. 1635 of 1850.)

Read also Return dated 5th July made by the Acting Session Judge of Tpalimopoly to the Precept of the Tongdaree Udalut under date the 2d July 1850 containing the observations and orders of the Court in the above case. —

(Here enter F. 11. No. 1714 of 1850.)

In conformity with the recommendation made by the Acting Session Judge in the foregoing Return, the Court of Tongdaree Udalut direct that the sentence recorded against the 7th Prisoner in the above case be mitigated to 8 years' imprisonment with hard labor in irons, and the Acting Session Judge is authorized to issue a fresh Warrant accordingly. —

Ordered

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

Sent in No.

Read again Calendar of Case No. 15 of 1850 on the file of the Sessions Court of Nellore.—

(Here enter T. U. No. 1665 of 1850.)

Read also return under date the 8th July 1850 from the Sessions Judge of Nellore to the precept of the Tondiarce Udalut dated the 6th July 1850 conveying their orders on the foregoing case.—

(Here enter T. U. No. 1738 of 1850.)

In conformity with the recommendation made by the Sessions Judge in this case the Court of Tondiarce Udalut authorize that Officer to reduce the period of imprisonment awarded to the prisoner to seven years.—

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

(Sent in No.

Paid

Read the following letter dated the 5th July 1850 from the Sessions Judge of Chittoor.

(Here enter T. U. No. 1723 of 1850.)

1. With the above communication the Sessions Judge submits for the consideration of the Court of Tondiarce Udalut copies of a correspondence which has passed between the Magistrate and the Subordinate Judge relative to the release by the latter Officer of certain women and children in Criminal Cases Nos. 47 and 69 on the file of the Subordinate Court.—

2. It appears that the individuals in question, who are the wives children, and female dependants of the principal offenders in the above cases, and were more or less implicated in the charges of House breaking, and Gang Robbery preferred against them, have been released by the Subordinate Judge on the ground that they, as married women, are not responsible in charges of the nature referred to, as it must be presumed, unless there is positive evidence to the contrary, that they acted under the coercion of their husbands.—

3. The Magistrate takes exception to the above exposition of the Law, and being

22nd July 1850.—

being of opinion that the release of the Prisoners on these grounds will be attended with pernicious consequences, has requested that the point may be submitted for the decision of the Foujdaree Adalut.—

4. The Court of Foujdaree Adalut are of opinion that the Subordinate Judge's exposition of the Law on the point referred for their consideration is correct, and, in directing the release of the individuals in question, they consider Mr. Brett to have evinced a sound discretion.—

Ordered, that Extract from these proceedings be forwarded to the Session Judge of Guntoor for his information and for communication to the Magistrate and Subordinate Judges respectively.—

(Sent in No.

Read Calendar of Case No. 34 of 1850 of the Session Court of Masulipatam.—

(Here enter J. A. No. 1776 of 1850.)

1. The Court of Foujdaree Adalut are of opinion that, under all the circumstances of this case, a sentence of one years imprisonment will be adequate punishment for the offence of which the Prisoner has been convicted, and on the recommendation

J. A.

22nd July 1850.—

recommendation of the Session Judge the Court will be prepared to mitigate the sentence which has now been recorded against her to that extent.—

2. If the Session Judge be unable to concur in the foregoing opinion, he will be pleased to submit a translation of the entire record of the case for the consideration of the Foujdaree Adalut.—

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

(Sent following precept No.

Read Calendar of Cases No. 22 and 23 of 1850 of the Session Court of Cuddalore.—

(Here enter J. A. Nos. 1788 and 1789 of 1850.)

1. The Court of Foujdaree Adalut are of opinion that the sentence which has been recorded against the Prisoner in each of the above Cases on his conviction of "Perjury" may with propriety be reduced to one years imprisonment with hard labor in irons—and on the recommendation of the Session Judge the Court will be prepared to mitigate the Prisoner's sentence

22nd

sentence to that extent.—

2. . . . . If the Sessions Judge be unable to concur in the above opinion, he will be pleased to submit a translation of the entire records for the consideration of the Court of Sudder Adalut.—

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Cuddalore by precept returnable within III days from and after its receipt.—

(Sent following precept. No.

Read Calendar of Case No. 37 of 1850 of the Sessions Court of Masulipatam.—

(Here enter F. H. No. 1791 of 1850)

1 The Court of Sudder Adalut consider the sentence recorded by the Sessions Judge against the Prisoner in this case to be unnecessarily severe, and that one of 6 months' imprisonment will adequately meet the demands of justice.—

2. . . . . If the Sessions Judge be unable to concur in the above opinion he will be pleased to submit a recommendation for the mitigation of the Prisoner's sentence accordingly:—if he differs therefrom he will be pleased to submit a

translation of the entire Record.—

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Masulipatam by Precept returnable within III days from and after its receipt.—

(Sent following Precept No. £—

No 78

22

F.M.

Tuesday
23rd July 1850

At a Court of the Fojdaree Adalut

Present

G. A. Hooper Esqre ——— 1st Puisne Judge

H. P. Thompson Esqre ——— 2d Puisne Judge

W. A. Morehead Esqre ——— 3d Puisne Judge

Read again Calendar of Case No 24 of 1850 of the Sessions Court of Nellore.

(Here Enter F.M. No 1666 of 1850)

Read also Return dated the 13th July made by the Sessions Judge of Nellore to the Precept of the Fojdaree Adalut under date the 15 July 1850, containing the observations usual in the Courts on the above Case.

(Here Enter Pte No 1808 of 1850)

In accordance with the recommendation made by the Sessions Judge in the foregoing Return, the Court of Fojdaree Adalut resolve to direct that the sentence recorded against the Prisoners in the above Case be reduced to 7 years' imprisonment with hard labor in irons.

2. The Sessions Judge will be pleased to issue fresh Warrants in accordance with the foregoing resolution.

Ordered that Extracts from

these

these Proceedings be forwarded to the Sessions Judge of Nellore for his information and guidance.-

/Seal to issue/

Read Calendar of Case No 25 of 1850 of the Sessions Court of Nellore.-

/Here enter the No 1686 of 1850/

Read also Letter dated the 13th July 1850 from the Sessions Judge of Nellore, submitting an English translation of the Record of the above case for the final sentence of the Court of Sudder Adalut.-

/Here enter Disc. No 1806 of 1850/

1 In this Case the Prisoner was charged with having stolen from his Father, the first witness, a box containing ready money jewels and cloths valued in the aggregate at Rupees 331-3-0.-

2 The Original Fatwa of the Mahomedan Law Officer convicts the Prisoner of the Crime charged, but declares Hudd to be barred on the ground that the 1st Witness stood in the light of a Procurator. that the Prisoner did not admit the Theft before the Sessions Court- and that the Articles before the Court were not kept in Custody from the Prisoner. In reply to a second question the Moofty declared Hudd to be still barred as the evidence of the 1st Witness was uncorroborated, and the

the two objections last mentioned were still in existence.-

3 The Case has been referred by the Sessions Judge for the final sentence of the Court of Sudder Adalut on the ground that the Fatwa is erroneous.-

4 The Court of Sudder Adalut are of opinion that the reference of this Case was irregular. The Sessions Judge pronounced the Fatwa to be erroneous, but this in itself the Court observe, forms no grounds for referring the trial to the Sudder Adalut as the Fatwa might have been transmitted for the opinion of the Case. vide Circular.-

5 The Court are however of opinion that the difficulty met with in this Case arises entirely from the 2d question put by the Sessions Judge to the Moofty, to remove the technical objections raised by that officer to the declaration of "Hudd", not being sufficiently full and explicit, in as much as the said question was merely put under Clause first Section II Regulation XV of 1829 to get over the objection raised to the evidence of the first Witness, and did not include, as it ought to have done, agreeable to the provisions of Clause fourth Section II Regulation XV of 1803, the "Special exceptions" likewise held by the

23d July 1850

the Moofty to bar a Sentence of Death.

6. The Court accordingly resolve to remand the case to the Sessions Judge, who will be pleased to dispose of the same with reference to the foregoing observation.

Ordered that a Extract from these Proceedings be forwarded to the Sessions Judge of Tellore for his information and guidance.

(sent in No 890)

Read again Calendar of Cases No 13 of 1850 of the Sessions Court of Cuddalore.

(Here enter F.C. No 1888 of 1850)

Read also Return dated the 13th July made by the Sessions Judge of Cuddalore to the Precepts of the Fouzdaree Adalut under date the 6 July 1850 containing the observations of the Court in the above case.

(Here enter the No 1793 of 1850)

1. In accordance with the recommendation made by the Sessions Judge in the foregoing Return, the Court of Fouzdaree Adalut resolve to direct that the Sentence recorded against the Prisoner in the above Case, be reduced to (3) three Years' imprisonment with hard labor in irons.

2. The Sessions Judge will be pleased to issue a fresh warrant in accordance with the foregoing resolution.

Ordered that a Extract from these Proceedings be forwarded to the Sessions Judge of Cuddalore for his information and guidance.

Rd 1852.

(sent in No 891.)

F. C.

Wednesday 24th July 1850

At a Court of the Fouzdaree Adalut

Present

W.K. G. L. Hooper Esqre 1st Prisne Judge

W.K. for E.P.J. E. P. Thompson Esqre 2d Prisne Judge

W. A. Morehead Esqre 3d Prisne Judge

Read letter dated the 9th July 1850 from the Agent to the Governor in Ganjam submitting for the final judgment of the Fouzdaree Adalut the Record of Case No 17 of 1850 on the Calendar.

(Here enter F.C. No 1888 of 1850)

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,

Mr E. P. Thompson

"Bolegadoo"

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

The Court of Fouzdaree Adalut

consider the evidence of the guilt of the Prisoner in this

this case to be most complete, and are of opinion that any sentence short of the extreme penalty of the Law would be insufficient to meet the demands of justice.

2 The Court of Foujdaree Udalut resolve to direct that in all cases set down for reference for the final judgment of the Foujdaree Udalut a calendar of the case should be transmitted prepared in the form in which the Calendars are forwarded by the Session Courts, a specimen of which is sent herewith.

Ordered that Extract from these Proceedings be forwarded to the Agent to the Governor in Council for his information and guidance.

(Sent in N° 897)

Read Criminal Reports submitted by the Session Judge of Tellicherry for the month of June 1850.

(Here enter F. Ud. N° 1769 of 1850)

Report N°. Case N° 25.

It appears to the Court of Foujdaree Udalut that the offence charged in this case amounted to Highway Robbery, and as such should have been committed for trial to the Session Court.

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

(Sent in N° 898)

24th July 1850.

Read Criminal Reports submitted by the Session Judge of Salem for the month of June 1850.

(Here enter F. Ud. N° 1795 of 1850)

The Court of Foujdaree Udalut observe that the spot in which the theft charged in this case is alleged to have been committed should have been specified in the statement of charges.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Salem for communication to the Subordinate Judges.

(Sent in N° 899)

Read letter dated 10th July 1850 from the Principal Sudr Ameen of Cochin transmitting copy of a Petition from Mrs Ann Dorothy Leibschwager, and requesting that the Advocate General may be consulted as to whether any and what measures should be taken by him in his capacity of Justice of Peace against Mr. John Harris, who is charged therein with incest.

(Here enter F. Ud. N° 1811 of 1850)

The Court of Foujdaree Udalut observe that a Justice of the Peace has no jurisdiction in a case of this nature, which under the Law of England

24th July 1850

England as cognizable by the Ecclesiastical Courts also.

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

D 15 (Sent in No. 900) H

F. 26.

Thursday 25th July 1850 } At a Court of the Foujdaree Adalut Present

GH — G. S. Hooper Esqr — 1st Pusne Judge
PT — C. P. Thompson Esqr — 2d Pusne Judge
W. A. Morehead Esqr — 3d Pusne Judge

Read again Miscellaneous Petitions presented on the 10th and 21st January 1850 by Tavvencata Ramanoja Iyengar of Zillah Combaconum.

(Vide enter F. M. P. Nos 14 and 42 of 1850)

Read also return under date the 15th July 1850 from the Sessions Judge of Combaconum to the Precept of the Foujdaree Adalut dated the 20th May 1850 conveying their orders upon the foregoing petitions.

(Vide enter F. Ct. No 1050 of 1850)

As it appears from the foregoing return that the Petitioner has made a false representation to the Court of Foujdaree Adalut in regard to the disposal of his complaint and the alleged refusal of the Magistrate, to grant him a copy of the order passed upon it, the Court of Foujdaree

Adalut

25th July 1850.

Udaluté consider the Sessions Judge to have acted correctly in insisting upon the Petitioners producing a copy of the order appealed from before passing orders upon his case.

2 The Petitioners application is dismissed.

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

(Sent in No. 901)

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

Read again Calendar of Case No. 10 of 1849 on the file of the Sessions Court of Cuddalore.—

(Here enter F. Uc. No. 2664 of 1849.)

Read also Miscellaneous Petition presented on the 11th April 1850 by Gyondapa Padeyāchy of Zillah Cuddalore.

(Here enter F. Uc. No. 77 of 1850)

Read also return under date the 4th July 1850 from the Sessions Judge of Cuddalore to the precept of the Fouzdaree Udaluté dated the 10th June 1850 conveying their orders on the foregoing

F. Uc
25th July 1850.

foregoing Case.

(Here enter F. Uc. No. 1710 of 1850)

The Court of Fouzdaree Udaluté

1 have attentively considered those portions of the voluminous record of this Case which have reference to the 1st 2d 3d 4th 10th 11th and 13th Persons and are of opinion that the evidence adduced justifies their conviction of the offence laid to their charge.

The Petition presented by Gyondapa

2 Padeyāchy is accordingly dismissed.

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

(Sent in No. 902.)

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

Read Miscellaneous Petition presented on the 4th July 1850 by Mootoo Coomarasamy Pillay of Zillah Tinnevelly.

(Here enter F. Uc. P. No. 110 of 1850)

The Court of Fouzdaree Udaluté

1 see no reason to question the propriety of the sentence awarded to the Petitioner's brother-in-law

Nullaseenen

Nullaseevan Pellay 1st Prisoner in Case No 26 of 1849 on the file of the Sessions Court of Tinnevelly, and this Petition is accordingly dismissed.

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

Read Calendar of Case No 203 of 1850 of the Sessions Court of Chittoor.

(Here enter F. M. No 1016 of 1850)

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this Case, that the sentence recorded against the first Prisoner on his conviction of "Housebreaking and theft" be mitigated to 5 years imprisonment with hard labor in irons - and the Sessions Judge is authorized to issue his warrant accordingly -

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

(Sent in No 903)

Read Calendar of Case No 50 of 1850 of the Sessions Court of Calicut -

(Here enter F. M. No 914 of 1850)

25th July 1850.

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this Case, that the sentence recorded against the two Prisoners on their conviction of "Housebreaking and theft" be mitigated to 10 months imprisonment with hard labor, but without irons - and the Sessions Judge is authorized to issue his warrant accordingly -

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

(Sent in No 904)

Read Calendar of Case No 214 of 1850 of the Sessions Court of Cuddalore.

(Here enter F. M. No 1045 of 1850)

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this Case, that the sentence recorded against the Prisoner on her conviction of "Housebreaking with theft" be mitigated to three (3) years' imprisonment with labor suited to her sex, and the Sessions Judge is authorized to issue his warrant accordingly -

Ordered that Extract from these

Proceedings be forwarded to the Sessions Judge of Cuddalore for his information and guidance.—

(Sent in No. 905

Read the following letter dated the 13th July 1850 from the Sessions Judge of Tellicherry

(Here enter Fl. No. 1003 of 1850.)

With the above communication the Sessions Judge submits copy of a letter from the Magistrate of Tellicherry, in which that officer requests the instructions of the Court of Foujdaree Udalut in respect to his competency under Act XIX of 1850, to place the female child of a Prisoner under the care of the Reverend W. Jewett, whose motives in undertaking the charge of her being purely religious, and beneficent, the consideration of either "premium" or "faithful service", cannot, the Magistrate observes, constitute a part of the contract, the execution of which is required by the said Act.

2. The Court of Foujdaree Udalut are of opinion that it is clearly competent to the Magistrate under the Act in question, to provide for the welfare of the child in the manner suggested in his letter. The stipulations of a "premium" and "faithful service" are merely inserted in the form of contract between the Master and Apprentice, as being a portion of the reciprocal advantages to be derived therefrom by the former but if the party receiving the Apprentice chooses to dispense with the fulfilment of those stipulations, it is obvious that he can do so without detriment to his acceptance of the contract.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judges for his information and communication to the Magistrate of Tellicherry.—

(Sent in No. 906

Circular.

Read Extract from the Minutes of Consultation of Government under date 11th July 1850 No. 1141 upon the letter from the Court of Foujdaree Udalut dated 27th June 1850 reporting that the temporary Jail in Cuttack had been destroyed by fire and that 29 of the prisoners had perished in the flames.

(Here enter Fl. No. 1754 of 1850.)

1. The Right Honorable the Governor in Council remarks that "the loss of life that has now been reported seems

"seems in a great measure to have been owing
"to the system observed in the temporary Jails
"of linking together parties of 10 or 15 Convicts
"by a Chain passed through the fetters of each.
"This practice was prohibited by the Government
22d July 1814 "under date 1st July 1814 and a Circular Order
"to that effect issued by the Foujdaree Court.
"The Judges will be pleased to repeat the
"prohibition and to make it applicable to
"all Jails temporary as well as permanent."

2 The Court of Foujdaree Udalut direct that these orders be circulated to the several Sessions Judges who will be pleased to communicate them to all Officers in charge of Jails within their jurisdiction and to enforce strict conformity to them.

Ordered that Extract from these Proceedings be sent to the several Sessions Judges for their information and for communication to all Officers in charge of Jails.

(Sentence Nos. 907)

Read Calendar of Cases Nos. 21. 22. 23. 25. and 26 of 1850 of the Sessions Court of Rajahmundry

Rajahmundry
(Here enter F. Dc. Nos. 1835. 1836. 1837. 1839 and 1840 of 1850.)

1. The Court of Foujdaree Udalut are of opinion that the sentence recorded against the 2d and 3d Prisoners in the above cases on their conviction of "receiving stolen property" may with propriety be reduced in the case of the 2d Prisoner to 7 years imprisonment, and in that of the 3d Prisoner to 5 years imprisonment, both with hard labor in irons and on the recommendation of the Sessions Judge the Court will be prepared to mitigate their sentences accordingly.

3. Should, however, the Sessions Judge dissent from the above opinion he will be pleased to submit a translation of the entire record of those Cases for the consideration of the Court of Foujdaree Udalut.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Rajahmundry by Precept returnable within III days from and after its receipt.

(Sent following Precept No. 900)

Read

25th July 1850.

Read Calendar of Cases 21 of 1850 of the Sessions Court of Mangalore.

(Here enter F. No. 775 of 1850)

The abstract of the Futwa and the precise grounds of the reference of this Case not having been entered in the Calendar as required by Foujdaree Adalut Circular Order dated the 11th October 1822, the Court of Foujdaree Adalut resolve to return the Calendar to the Sessions Judge in order that the omission may now be supplied:—

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Mangalore for his information and guidance by Precept returnable within 10 days from and after its receipt.

(Sent following Precept No. 909)

Read again Miscellaneous Petition presented on the 11th February 1850 by R. Seroonul now Vakeel on behalf of Chenaya Gowda of Zillah Honore.

(Here enter F. Mo. P. No. 39 of 1850)

Read again also Calendar of Cases No. 37 of 1849 on the file of the Sessions Court of Honore.

(Here enter F. No. No. 2472 of 1849)

25th July 1850.

Read also return under date the 11th April 1850 and Supplemental return under date the 6th July 1850 from the Sessions Judge of Honore to the Precept of the Foujdaree Adalut dated the 10th March 1850 directing the submission of an English translation of the portion of the record of the foregoing Case relating to the 1st Prisoner.

(Here enter F. No. Nos. 960 and 1775 of 1850)

The Court of Foujdaree Adalut observe that the only evidence against the 1st prisoner in this Case consists in his Crimination by the 2d and 3d prisoners and in the alleged discovery of the article No. 4 in his granary nineteen days after the robbery took place.

2 The crimination of the 1st Prisoner by the 2d and 3d Prisoners is of Course worthless if unsupported by other evidence, and to the evidence to the alleged discovery of the article No. 4, to its identity with the chain which was stolen or to the assertion that it fell to the 1st Prisoner's share and was concealed by him in his granary the Court of Foujdaree Adalut can attach no credit, the whole circumstances

circumstances of the case leading to a contrary conclusion and inducing the belief that it was put there by the Prosecutor, or by his people or the Police.—

3 The Court of Foujdaree Udalut accordingly direct that the 1st prisoner be unconditionally released.

4 The Court of Foujdaree Udalut desire to be informed why the evidence of Bapah and Chinna Veeriya who were examined before the Peishcar (Pages 47 and 53) was not taken before the Sessions Court; and whether the detention of the 1st Prisoner by the Peishcar for a period of eight days after his first apprehension has been communicated to the Magistrate.

5 The Circumstance of the 1st prisoner's apprehension on the 13th September and subsequent discharge on the 22d idem should have been stated in the Calendar of the case.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Vizagapatam by Precept returnable within 10 days from and after its receipt.

(Sent following Precept No 910).

Ordered

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

4d W

F. U.

Friday 26th July, 1850.

At a Court of the Fouzdaree Adalut

Present

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

E. P. Thompson Esqre — 2nd Puisne Judge

W. A. Morehead Esqre — 3rd Puisne Judge.

Read Criminal Reports submitted by the Sessions Judge of Mangalore for the Month of June 1850.—

(Here enter F. U. No. 1831 of 1850).

Case No. 91

1. The Court of Fouzdaree Adalut require to be furnished with a further explanation shewn the remarks contained in the report of this Case convey in regard to the nature of the offence committed by the 6th witness for which it appears that he has been sentenced to pay a fine of Rupees 10. commutable in default of payment to six weeks Imprisonment, the authority quoted for such sentence being Section VII Regulation XIII of 1832.

2. The Court of Fouzdaree Adalut observe that one month is the full period of Imprisonment awardable under the Regulation quoted, and in regard to the offence charged against the witness in question Viz. the suppression of the fact of relationship existing between him and the

2nd

2nd prisoner the Court desire to be informed whether that suppression extended to a denial which they observe would be necessary to constitute a Criminal offence punishable under the Law quoted.

Ordered. That Extract from these Proceedings be sent to the Sessions Judge of Mangalore by precept returnable within V days from and after its receipt.

(Sent following Precept No. 911)

Read Criminal Reports submitted by the Acting Sessions Judge of Trichinopoly for the month of June 1850.

(Here enter S. C. No. 1857 of 1850).

Cases No. 53. 54.

1.

The Court of Foujdaree Adalut observe that the prisoners in these cases should not have been committed to the Criminal Court; the offence charged in No. 54 of refusing to pay a fine imposed by a Village Moonsiff under the provisions of Section XIX Regulation IV of 1816 being punishable by that officer under Section XXV of the same enactment.

2.

An assault having been charged in Case No. 53 the prisoner if convicted was merely liable to punishment for a breach of the Peace by the Police or Magistracy under the general Regulations.

3.

In conclusion the Court of Foujdaree Adalut

26th July 1850.

Adalut observe that resistance to legal process unless that resistance be offered to the process of a Magistrate which is specially provided for in Sections XVII. XVIII and XIX Regulation IX of 1816. does not constitute a Criminal offence.

Ordered that Extract from these proceedings be forwarded to the Acting Sessions Judge of Trichinopoly for communication to the Magistrate and Principal Sudr Ameen.

(Sent in No. 912).

Sd 1850

F. 86.

Saturday 27th July, 1850.

At a Court of the Foujdaree Adalut.

Present.

G. S. Hooper Esqr. ——— 1st Puisne Judge
E. P. Thompson Esqr. — 2nd Puisne Judge
W. A. Morehead Esqr. — 3rd Puisne Judge.

Read letter dated 15th July 1850.

from the Session Judge of Coimbatore soliciting sanction for the offer of a reward of Rupees 100 for the recapture of the Prisoner noted in the margin who effected his escape on the 7th July 1850.—

× Rungha Setty.

(Here enter F. 86. No. 1829 of 1850).

1. As it appears that the reward in question has been already published by the Magistrate the Court of Foujdaree Adalut will not decline to recommend it for the sanction of Government but they see no sufficient reason for so large a sum as 100 Rupees having been offered on this occasion and consider that the reward fixed by Circular Order of Foujdaree Adalut No. 104 would have been ample.—

2. The Court of Foujdaree Adalut further observe that the Descriptive Roll submitted with this communication has not been prepared according to their Circular Order

of

27th July 1850.

of the 16th May 1832. to which consequently the attention of the Sessions Judge will be called.—

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

(Sent in No. 917).

Ex. Bld.

H. A. L.

F. U.

Monday 29th July 1850. At a Court of the Foujdaree Udalut.

Present

GJR — G. S. Hooper Esqre. 1st Puisne Judge.

EPT — E. P. Thompson Esqre. 2nd Puisne Judge.

WAM — W. A. Morehead Esqre. 3rd Puisne Judge.

Read Criminal Reports submitted by the Sessions Judge of Chittoor for the month of June 1850.

(Here enter F. U. No. 1856 of 1850.)

Case No. 102. The Court of Foujdaree Udalut observe that the manner in which the prisoner effected his entry into the house of the Prosecutor in this case should have been entered in the statement of charge.

Case No. 107. The Court of Foujdaree Udalut direct that the amended sentence which may be passed in this case consequent upon the orders of the Sessions Judge be reported for their information.

Case No. 109. The Court of Foujdaree Udalut

direct

29th July 1850.

direct that the requisition of security under which the 2nd prisoner in this case has been placed be annulled; the power of demanding security from "old offenders" not being vested in the Criminal Courts who are authorized to make such demands only in those cases in which strong suspicion may be considered to attach to a prisoner of having committed the Specific offence charged.

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

/Sent in No. 920/

Reads Reports of cases disposed of by the Magistracy of Guntoor under the extended powers vested in it by Act VII of 1843 during the month of June 1850.

/Here enter G. O. No. 1866 of 1850./

Case No. 16

The Court of Foujdaree Udalut observe that the provisions of Clause fourth Section III Regulation VI of 1822 have been incorrectly quoted in support of the sentence awarded to the prisoner in this case the Officer of the Magistracy not having been vested with the power of disposing of Cases under the provision of

29th July 1850.

of that enactment.-

The Court of Foujdaree Udalut further observe that these reports need not be forwarded with a separate letter.-

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge for communication to the Magistrate of Guntoor.-

/Sent in No. 921/

Reads Calendar of Case No. 12 of 1850 of the Sessions Court of Guntoor.-

/Here enter G. O. No. 1869 of 1850/

The Court of Foujdaree Udalut direct that the attention of the Magistrate be drawn to the insufficiency of the grounds upon which the Prisoners in this case were committed for trial before the Sessions Court.-

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

/Sent in No. 922./

Reads Calendar of Case No. 18 of 1850 of the Sessions Court of Salem.-

Here

29th July 1850.

/ Here enter F. C. No. 1871 of 1850 /

Adverting to the fact that no serious injuries were received by the Prosecutors from the assault committed by the Prisoners, the Court of Foujdaree Udalut resolve to modify the Sentence recorded against the latter by the Session Judge by directing their exemption from irons.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Salem for his information and guidance—

/ Sent in No. 923 /

Read Miscellaneous Petition presented on the 11th July 1850 by Veerasamy Naidoo of Zillah Chinglepute—

/ Here enter F. C. No. 115 of 1850 /

Mr. G. S. Hooper.
Mr. E. P. Thompson
and
Mr. W. A. Morehead

The Petitioner complains of certain proceedings of the Joint Magistrate at St. Thomas' Mount in the investigation of a charge of theft preferred by the Petitioner against the Cutwall of that cantonment.—

The Court of Foujdaree Udalut observe that any representation the Petitioner may have to make against the Proceedings of

F. C.

20th July 1850.

of the Joint Magistrate at St. Thomas' Mount should be addressed in the first instance to the Magistrate of Chinglepute.

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

Read again Calendar of Case No. 7 of 1850 of the Session Court of Tinnevelly—

/ Here enter F. C. No. 925 of 1850 /

Read also Miscellaneous Petition presented on the 11th July 1850. by Cheturbara tandavum of Zillah Tinnevelly—

/ Here enter F. M. P. No. 116 of 1850 /

Mr. G. S. Hooper.
Mr. E. P. Thompson
and
Mr. W. A. Morehead.

1 This is an application for the release of the Petitioner's Brother, who was convicted in the above Case of "Sheep Stealing" and sentenced by the Court of Foujdaree Udalut to /7/ Seven years imprisonment with hard labor in irons. The Petitioner contends that the charge in question was falsely preferred against his Brother at the instigation of one "Candymeaby vandapillay" with whom his family

29th July 1850. family are at enmity, and in proof of his statement, the Petitioner adduces several instances in which charges of a similar nature have been preferred by that individual against the members of his family but which has been uniformly dis= =missed by the presiding authorities.-

2 Before passing their final Orders on this Petition the Court of Foujdaree Udalut resolve to forward the English transla= =tion thereof to the Acting Sessions Judge, who will be pleased to ascertain and report whether or not there is any foundation for the allegation of the Petitioner that enmity exists between his family and the individual named candymady vandapillay. The acting Sessions Judge will at the same time be pleased to report generally upon the character and conduct of= the accused "Vailayoodem"

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Tinnevelly by Precept = returnable within X days from and after its receipt.

/ Sent following Precept No. 924. /

Ordered

29th July 1850. Ordered also that Extract from these Proceedings be furnished to the Petitioner on his application.-

Read Report of cases disposed of by the Magistracy of Salem under the provisions of Section LIV Act VII of 1843 during the month of June 1850.

/ Here enter F. R. No. 1867 of 1850 /

Case No. 6. 1 The Court of Foujdaree Udalut direct that the report of this case in the form A may be transmitted for their consideration.

Cases Nos 7 & 8. 2 One prisoner convicted in each of these cases of abuse of authority has= been sentenced to pay a fine of Rupees 40. commutable in default of payment to = imprisonment for the term of four months, the authority quoted for such sentence being Section VII Regulation X of 1816 and Act VII of 1843.-

3 The Court of Foujdaree Udalut observe that this sentence is irregular the offence charged not being punishable under the Regulations quoted.-

4 Do. providing for the offence of

29th July 1850. of "abuse of authority" a Special enactment has been passed Viz: Regulation III of 1819 and if the Head Assistant Magistrate considered the powers vested in him by Clause Second Section III of that Regulation to be insufficient for the disposal of these cases it was incumbent upon him under Clause third of that Section to commit the prisoner for trial to the Criminal Court, the extended jurisdiction conferred on the Magistracy by Act XVII of 1843 being merely an extension of the powers formerly vested in it by Regulation IX of 1816 in cases not provided for by a Special enactment.

5 The Court of Fouzdaree Udalut accordingly resolve to direct that the Sentence passed upon the Prisoner in these Cases be cancelled and that the Prisoner be committed for trial to the Criminal Court under Clause third Section III Regulation III of 1819.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Salem for his information, and for communication to the Magistrate by Precept returnable within V days from and after its receipt.

F. 16
29th July 1850.

/ Sent following Precept No. 925 /

Read Return dated the 6th Instant from the Session Judge of Bellary to the Precept of the Fouzdaree Udalut under date the 1st Idem calling for information as to the grounds upon which case No. 68 B report was committed to the Criminal Court.

/ Here enter F. 16 No. 1747 of 1850 /

Read Calendar dated 10th Instt. Submitted by the Session Judge of Chingleput of Prisoners Sentenced under Clause 2d Section V Regulation VI of 1822.

/ Here enter F. 16. No. 1758 of 1850 /

Read Statement dated the 1st Instant submitted by the Subordinate Judge of Combaconum Shewing the amount realized by the labor of Prisoners in the Second Quarter of 1850.

/ Here enter F. 16 No. 1765 of 1850 /

Read Calendar of Case No. 26 of 1850 submitted by the Session Judge of Calicut under date the 5th Instant.

/ Here enter F. 16. No. 1766 of 1850 /

29th July 1850.

Reads report dated the 5th Instant
Submitted by the Session Judge of Tellicherry
of Casualties, convict Labor report and Statement
of Extra Peons for June 1850.

/Here enter F.C. No. 1768 of 1850/

Reads report dated the 2d Instant
Submitted by the Session Judge of Tellicherry of the
Labor of Convicts in the Jail at Cannanore for June 1850.

/Here enter F.C. No. 1770 of 1850/

Reads Calendar of Case No. 15
of 1850 Submitted by the Acting Session Judge
of Trichinopoly under date the 10th Instant.

/Here enter F.C. No. 1772 of 1850/

Reads Calendar of Case No. 18 of
1850 Submitted by the Session Judge of Cuddalore
under date the 11th Instant.

/Here enter F.C. No. 1773 of 1850/

Reads Calendar of Case No. 18 of
1850 Submitted by the Session Judge of Cuddapah
under date the 10th Instant

/Here enter F.C. No. 1774 of 1850/

Reads Statement dated the
6th Instant Submitted by the Session Judge of
Tellicherry of batta paid to ~~Prosecutors~~ and witnesses per
attending

29th July 1850

attending before the Session Judge during the 1st
Half year 1850.

/Here enter F.C. No. 1782 of 1850/

Reads Calendar of Case No. 26 of
1850 Submitted by the Session Judge of Nellore
under date the 12th Instant.

/Here enter F.C. No. 1790 of 1850/

Reads Statement dated the
11th Instant Submitted by Session Judge of
Guntoor required by Circular order No. 4 of the
Court of Foujdaree Udalut of the trials referred
by the Session Court during the 1st Half year
1850.

/Here enter F.C. No. 1792 of 1850/

Reads Return dated the 8th
Instant from the Agent to the Governor of
Vizagapatam to the precept of the Foujdaree
Udalut under date the 1st Idem explaining on
what ground a Prisoner charged with theft
was punished under Clause 4 Section 3
Regulation VII of 1822.

/Herenter F.C. No. 1794 of 1850/ S

Rs. 180.

F. No.

Tuesday
30th July 1850. At a Court of the Fouzdaree Udalut

Present.

GK — G. S. Hooper Esqre — 1st Puisne Judge.
DPT — A. P. Thompson Esqre — 2nd Puisne Judge.
WM — W. A. Morehead Esqre — 3rd Puisne Judge.

Circular Order.

No. 191.

The Court of Fouzdaree Udalut direct that a Certificate in the accompanying Form be hereafter invariably sent with every Prisoner whose removal on account of sickness to another Jail may be certified by the Medical Officer in charge to be absolutely and urgently necessary in addition to the warrants specified in Circular Order Fouzdaree Udalut No. 144 and the descriptive Roll prescribed by Circular Order 21st October 1830. B.

Nominal list of a Prisoner in the Jail Hospital at ——— under removal to the Dillah of ———

Name and Caste.	Age.	When last vaccinated or inoculated.	Nature of Disease.	Previous state of health and abstract of his case.	Summary of treatment and cures prescribed and Diet allowed.

(Signed)
Dillah. Surgeon.

(Sent following Circular Order No. 926)

Read

30th July 1850.

Read Criminal Reports submitted by the Sessions Judge of Tinnevelly for the month of June 1850.

(Here enter F. No. Nos. 1886 of 1850)

Magistrate's Report 1. Case No. 11.

The Court of Foujdaree Udalut observe that the provisions of the Law should have been stated under which the sentence awarded to the prisoner in this case was passed.

2. The Court of Foujdaree Udalut direct that the requisition of security under which the prisoners have been placed by the Assistant Magistrate be annulled, such requisition being illegal in those cases in which parties may have been convicted and punished for a specific offence.

Ordered, that Extract from these Proceedings, be forwarded to the Acting Sessions Judge of Tinnevelly, for his information and for communication to the Acting Magistrate.

(Sent in No. 927)

Read Calendar of Case No. 10 of 1850 on the file of the Sessions Court of Tellicherry.

(Here enter F. No. Nos. 1894 of 1850)

The

30th July 1850.

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this case that the period of Imprisonment awarded to the Prisoners be reduced to five years, and do the Court authorize the Sessions Judge to issue his warrant accordingly.

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

(Sent in No. 928.)

Read Criminal Reports, submitted by the Sessions Judge of Coimbatore for the month of June 1850.

(Here enter F. No. Nos. 1881 of 1850.)

Case No. 115.

The Court of Foujdaree Udalut observe that the sentence awarded in this case should have been passed under the provisions of Clause Sixth, Section II, Regulation VI of 1832; the prisoner having been convicted of House breaking and Theft.

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

(Sent in No. 929)

Read

30th July 1850.

Read Report of Case No. 41 of 1850 disposed of by the Sessions Judge of Masulipatam.-

(Here enter F. 26. No. 1863.)

1. The Court of Foujdaree Udalut direct that the Sessions Judge will call the attention of the Magistrate to this case, the commitment of which by the Head of Police appears to the Court to have been a most unjustifiable proceeding on the part of that Officer.-

2. The Court of Foujdaree Udalut observe that the returns of cases disposed of by the Sessions Judge in his capacity of Criminal Judge should be submitted monthly, as is the practice in the Subordinate Courts.-

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

(Sent in No. 930)

Read Calendar of Cases No. 26 of 1850 of the Sessions Court of Cuddalore.-

(Here enter F. 26. No. 1882 of 1850)

The

F. 26.

30th July 1850.

1. The Court of Foujdaree Udalut are of opinion that under all the circumstances of the case a further mitigation in the Prisoner's sentence than that proposed by the Sessions Judge, may, with propriety be allowed, and under the provisions of Clause third, Section X, Regulation I of 1825, the Court resolve to direct that the term of his imprisonment be reduced to three (3) years.-

2. The Sessions Judge will be pleased to issue a fresh warrant in conformity with the foregoing resolution.-

Ordered, that Extract from these Proceedings, be forwarded to the Sessions Judge of Cuddalore, by Precept returnable within III days, from and after its receipt.-

(Sent following precept. No. 931)

Read the following Letter dated the 18th July 1850 from the Sessions Judge of Salem.-

(Here enter F. 26. No. 1884 of 1850.)

1. The Sessions Judge, adverting to the Extract from the Minutes of Consultation under date the 13th October 1849, directing the confinement in safe custody for life of Annant Chinnama

30th July 1850.

Chinnama Naiken Insane Prisoner in Case No. 22 on the Calendar of the Session Court of Salem for 1849, submits copy of a Letter from the Dillah Surgeon, reporting on the state of the Prisoner's mind, and requests that, with reference thereto, the further instructions of Government may be obtained in regard to the Prisoner's future disposal.-

2. The Court of Fonjdaree Udalut observe that it will not be necessary for the Session Judge to require the Medical Officer to make further reports regarding the Prisoner of the nature of that now submitted.- The Order of Government referred to by the Session Judge directs the Prisoner's confinement in safe custody for life, without reference to his future condition, and it was not contemplated that he should be thereafter delivered over to the charge of his friends.-

Ordered, that Extract from these Proceedings, be forwarded to the Session Judge of Salem for his information and guidance.-

(Sent in No. 932)

Read Supplemental Return

dated

30th July 1850.

dated 13th July 1850 from the Session Judge of Chittoor in the precept of the Court of Fonjdaree Udalut under date 23d May 1850, calling for translations of those portions of the record of Case No. 39 on the Calendar for 1849 which affect the 2d Prisoner Rabeya Begum alias Ashura Bee.-

(Here enter F. Ua. No. 1820 of 1850)

1. The Court of Fonjdaree Udalut direct that the Session Judge be required to specify the particular Count of the indictment upon which the said Prisoner was convicted.-

2. The Session Judge will be pleased also to report whether the said 2d Prisoner was placed upon her trial by the Session Judge without the intervention of the Magistrate or the Police; or whether the course prescribed in Circular Order Fonjdaree Udalut 28th October 1822 was followed by that Officer.-

Ordered, that Extract from these Proceedings, be sent to the Session Judge of Chittoor, by precept returnable within III days, from and after its receipt.-

(Sent following precept No. 933.

Read

30th July 1850.

Reads letter under date the 15th July 1850 from the Sessions Judge of Calicut submitting the Criminal Reports for the month of June 1850.

(Here enter F. No. No. 1883 of 1850.

Cases Nos. 109 110. 1. With reference to the sentences awarded in these cases, wherein the prisoners have been convicted of wounding with a knife, and have been punished by the imposition of a trifling fine, the Court of Foujdaree Udalut resolve to direct the attention of the Sessions Judge to the opinion conveyed in the Extract from the Minutes of Consultation under date the 15th November 1836 that "the great frequency of cases of cutting" "and maiming consequent on the universal" "wearing of the Knife in Malabar fully warrants" "as well as imperatively requires that the of-" "-fence should be visited with far greater" "severity, than in countries in which a simi-" "-lar state of things does not prevail".

2. With reference to the recommendation contained in para 2 of the letter which accompanied the foregoing Reports the

F. No.

30th July 1850. the Court of Foujdaree Udalut direct that the Sessions Judge will direct such a modification of the punishment awarded in Case No. 149 as may seem to him to be proper, the rule laid down in Circular Order No. 139 to which the Sessions Judge adverts as precluding him from ordering such investigation, being in the opinion of the Judges unwarranted by the provisions of the enactments to which it has reference.

Ordered, that Extract from these Proceedings, be forwarded to the Sessions Judge of Calicut, by precept returnable within X days, from and after its receipt.

(Sent following precept No. 934)

Reads Criminal Reports submitted by the Sessions Judge of Nellore for the month of June 1850.

(Here enter F. No. No. 1855)

Case No. 79. 1. The prisoner in this case was charged with having administered medicine to the Prosecutor's she buffalow which was big with a calf to the value of Rupees 14 and killed

30th July 1850.

killed it in a water course and on conviction has been sentenced to one years Imprisonment with hard labor in irons.

2. The Court of Fouzdaree Udalut observe that the acts charged against the prisoner as stated in the indictment do not of necessity involve any criminality on the part of the prisoner and they accordingly direct that further explanation may be submitted regarding the nature of the offence of which the prisoner has been convicted.-

Case Nº 80. 3. The Court of Fouzdaree Udalut observe that with reference to the amount of the theft proved against the prisoner in this case the sentence should have been passed under Clause fourth, Section III. Regulation VI of 1822; the theft of property exceeding in value Rupees 50 not being punishable under the provisions of Section VII, Regulation X of 1816.-

Case Nº 89. 4. The value of the property which the prisoners in this case were charged with having stolen first should have been specified in the statement of charge.-

Ordered,

30th July 1850.

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

(Sent following precept Nº 935) do

Ld Wy

W/R

Thursday
1st August 1850

At a Court of the Poydaree Adalut

Present

G. S. Hooper Esqre ——— 1st Puisne Judge
E. P. Thompson Esqre ——— 2d Puisne Judge
W. A. Morehead Esqre ——— 3d Puisne Judge

Read upon Miscellaneous Petitions presented on the 18th April and 6th June 1850 by Sreeramula Iyengar Mookhteyar Vakeel on behalf of Runjachariar and others of Tellak Trichinopoly.

Here enter Fm P No 80 and 98 of 1850

Read also Miscellaneous Petition presented on the 1st July 1850 by the same Vakeel on behalf of the same parties.—

Here enter Fm P No 109 of 1850.

Read also Return dated the 5th July 1850 made by the acting Sepoy Judge of Trichinopoly to the Precept of the Poydaree Adalut under date the 17 June 1850. calling for copies of certain documents connected with the matter marked in the foregoing Petitions.—

Here enter Fm No 1713 of 1850

Mr. G. S. Hooper

The above Petitioners seek to obtain the cancellation of an order passed by the Magistrate of Trichinopoly, and confirmed by the acting Sepoy Judge, ordering Petitioners to

to the institution of a Civil action for the recovery
of the damages alleged to have been sustained
by them in the destruction, by certain Brahmans
of the Nadagada Caste, of a Temporary Pandaram erected
by them on the Southern Rajagopuram of the Sree-
rangum Devastanam -

2. The Comte of Longdarree having taken into their consideration the order
of the Magistrate, against the Confirmation of
which by the Sessions Judge the Petitioners now
appeal, as well as a Subsequent order of the
Magistrate in the same matter submitted with
the foregoing Return, are satisfied that the
said Orders were perfectly correct and proper;
and such as were required under the circum-
stances of the case; and the Comte, therefore, refuse
to disturb them. The parties are at the same time
recommended to conform to the instructions, and to
attend to the warnings of the Magistrate as
contained in his Orders, and to avoid renewed
disputes and disturbances in future.

Ordered that extract from
these Proceedings be given to the Petitioners
named in his application.

Ordered also that extract
from these Proceedings be sent to the Acting
Sessions Judge of Trichinopoly for his information
and for communication to the Magistrate.

(True Copy) Sd/ [illegible]

Read again Miscellaneous Petition
presented on the 17th June 1850 by Maroodas Pillay
of Tillack Trichinopoly
(Vide Order 7th Aug. 1850)

Read also Return dated the
20th July made by the acting Sessions Judge
of Trichinopoly to the Precept of the Comptroller
dated 11th ult. under date the 11th July 1850 requiring
that Officer to state whether, or not, as set
forth by the above Petitioners, he declined to
receive three Petitions presented by them
(Vide Order 7th Aug. 1850)

From the foregoing Return
the Comte of Longdarree understand that
the above allegation of the Petitioners is "quite
untrue" and the Comte of Longdarree understand
therefore, resolve, to dismiss this Petition -

Mr G. S. Hooper
and
Mr W. S. Stockett

The Comte at the same time
however, deem it proper to remark with
reference to the concluding observation of the
acting Sessions Judge that in Cases of appeals
from the decisions passed by the Magistrates
under Section IV. Act VII of 1852, the production,
by the aggrieved parties, of the Order appealed
from, is not absolutely necessary to the
reception of their Petitions -

Ordered that extract from
these Proceedings be forwarded to the
Acting

1st August 1850

Acting Sessions Judge of Tinnevelly for his inform-
ation and future guidance.

(Sent on 8th 943.)

Ordered also that a Extract
from these Proceedings - Shaw 1 - be given
to the Petitioner on his application.-

Read Calendar of Case No 16 of
1850 on the file of the Sessions Court of Tinnevelly

(Here enter Pro No 1892 of 1850)

Before passing their final orders in
this Case the Court of Sudder Adawlut request
to direct that the reports sent to the Police
Magistrate immediately after the occurrence of
the Robbery with which the Prisoners are
charged, and the first complaints preferred by
the Prosecutor to the Police may be submitted
for their consideration -

2. According to the statements
in the Prosecutor's deposition that the village
Watchmen came to his house the night the
robbery took place, the Court of Sudder
Adawlut are of opinion that the evidence
of those individuals should have been taken.

3. The Court of Sudder Adawlut
desire that the accompanying copy of
the remarks recorded by the Circuit
Judge upon the Tuticorin Records in this
Case may be communicated to the
Mahomedan

No 6
1st August 1850.

Mahomedan Law Officer.

Ordered that extracts from
these Proceedings be sent to the Acting
Sessions Judge of Tinnevelly to procure returnable
to Sessions Court within Ten days from date after its receipt
(Sent following precepts No 945.)

Read Calendar of Case No
25 of 1850 submitted to the Sessions Court of Bellary
under date the 6th July 1850.

(Here enter Pro No 1782 of 1850)

Read Criminal Reports dated
5th Ultimo submitted to the Acting Sessions Judge of
Madura for the Month of June 1850.

(Here enter Pro No 1790 of 1850)

Read Criminal Reports dated
15th Ultimo submitted to the Sessions Court of
Bellary for the month of June 1850.-

(Here enter Pro No 1880 of 1850)

Read Calendars of Cases No 28 & 29
1850 submitted to the Sessions Court of Rajah-
mundry under date the 10th July 1850.

(Here enter Pros No 1862 & 1863 of 1850)

Read Letter dated 22d Ultimo
from the Acting Sessions Judge of Madura trans-
mitting the Petty Calendars of Cases disposed of
by the Magistrate and his Assistants for the
2d Quarter of 1850 and the proceedings
held thereon.

(Here enter Pro No 1913 of 1850) Read

1st August 1850.

Read Return dated 19th July 1850
from the Sessions Judge of Cuttack to the precepts
of the Tongdaree Mudulut under date the 13th
July 1850 calling upon him to report, with reference
to the prevalence of Female Sut in the Cuttack
Zilla, whether the rules laid down in Circular order
Tongdaree Mudulut &c the have been strictly attended
to, and if not to carry into the instructions therein
contained without delay

(Here enter Tabular No 1917 of 1850.)

Read Return dated 23d July 1850
from the Sessions Judge of Bundelcund to the precepts
of the Tongdaree Mudulut dated 19th July 1850
reporting the circumstances
Prisoners in Cause No 630 of the Calendar for 1849.

(Here enter Tabular No 1919 of 1850.)

Read Calendars of Causes No 17420.
of 1850 submitted by the Sessions Judge of Salem
under date the 18th instant.

(Here enter Tabular Nos 1921 & 1922 of 1850)

Read Calendar of Cause No 490 of
1850 submitted by the Sessions Judge of Cuddapah
under date the 27th July 1850.

(Here enter Tabular No 1948 of 1850.)

4th 1850.

F. W.

At a Court of the Foujdaree Udalut

Saturday — 3d August 1850

Present

G. A. Cooper Esqre —— 1st Puisne Judge

E. P. Thompson Esqre —— 2d Puisne Judge

W. A. Morehead Esqre —— 3d Puisne Judge

Read letter dated 27th Ultimo from the Sessions Judge of Mangalore submitting for the final judgment of the Foujdaree Udalut the record of Case No. 23 of 1850 of the Calendar of the Sessions Court.

(Vide enter F. W. No. 1481 of 1830)

The Court of Foujdaree Udalut

Mr. E. P. Thompson
and
Mr. W. A. Morehead

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

"Coombar Dooma"

is sufficient to convict him of the crime of wilful 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 the 9th 50

Read

3d August 1850

Read letter dated 25th Ultimo from the Sessions Judge of Calicut submitting for the final judgment of the Foujdaree Adalut the record of Case No. 57 of 1850 on the Calendar of the Sessions Court.

(Here enter F. R. No. 1975 of 1850)

Mr. G. S. Hooper and Mr. W. A. Morehead.

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,

"Tayodil Choychee"

is sufficient to convict her of the crime charged, do convict her thereof, and Sentence her to be imprisoned and kept to labor suitable to her sex for and during the period of her natural life.

(Sent following letter No 951.)

Read Calendar of Case No. 16 of 1850 on the file of the Sessions Court of Combaconum.

(Here enter F. R. No. 1911 of 1850)

The Court of Foujdaree Adalut approve of the recommendation made by the Sessions Judge in this Case that

3d August 1850.

that the period of Imprisonment awarded to the prisoners be reduced to one year, and they authorize the Sessions Judge to issue his warrant accordingly.

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

(Sent in No 952

Read communication dated the 3d Ultimo from the Sessions Judge of Calicut forwarding copies of the Sessions Courts proceedings on a review of the Statements of Cases disposed of by the several Police Officers during the 1st Quarter of 1850 and of the Magistrates return thereto.

(Here enter F. R. No. 1803 of 1850)

Read Return dated 11th Ultimo from the Sessions Judge of Rajahmundry to the precept of the Foujdaree Adalut under date the 6th July 1850 requiring certain information respecting the disposal of Case No. 3 entered in the Magistrates Punished Calendar for the 1st Quarter

of

of 1850.—

(Here enter F. D. No. 1805 of 1850)

Read letter dated the 9th. Ultimo from the Sessions Judge of Chicacole stating that as no disbursements were made towards the support of any Prisoner's children, and as no articles were manufactured by them, during the 2d. Quarter, the required State=ments have not been sent.—

(Here enter F. D. No. 1807 of 1850)

Read Statement submitted by the Sessions Judge of Chicacole under date the 8th. Ultimo, of Batta paid to Prose=cutors and Witnesses attending before the Sessions Court of Chicacole, during the 1st. Half of 1850.—

(Here enter F. D. No. 1809 of 1850)

Read Calendar of Case No. 19 of 1850 submitted by the Sessions Judge of Mangalore under date the 11th. Ultimo.

(Here enter F. D. No. 1815 of 1850)

Read Criminal Report under date the 15th. Ultimo submitted by the Sessions Judge of Chingleput for the month of June 1850.

(Here enter F. D. No. 1818 of 1850)

F. D.:

3d. August 1850.—

Read Criminal Reports &c. — dated the 15th. Ultimo submitted by the Sessions Judge of Cuddalore for the month of June 1850.—

(Here enter F. D. No. 1819 of 1850)

Read Calendar dated 15th. Ultimo submitted by the Sessions Judge of Chingleput of a Prisoner sentenced under Clause 2d. Section V Regulation VII of 1822.—

(Here enter F. D. No. 1821 of 1850)

Read Statement dated 30th. June 1850 submitted by the Sessions Judge of Chingleput — of Batta paid to Prosecutors and Witnesses attending before the Sessions Court for the half years ending 30th. June 1850.—

(Here enter F. D. No. 1822 of 1850)

Read Statement dated 30th. June 1850 submitted by the Sessions Judge of — Chingleput shewing the amount realized by the labor of Prisoners for the 2d. Quarter of 1850 —

(Here enter F. D. No. 1823 of 1850)

Read Form B of Criminal Cases disposed of in the Month of June 1850 submitted by the Sessions Judge of Guntoor under

3d August 1850

under date the 15th Ultimo.

(Here enter F. D. No. 1832 of 1850)

Read Report dated the 1st Ultimo submitted by the Sessions Judge of Rajahmundry of persons apprehended in his Zillah and delivered to the Criminal Judge in the Month of June 1850.

(Here enter F. D. No. 1834 of 1850)

Ex 1850

F. 16.

Monday 5th August 1850. At a Court of the Foujdaree Udalut

Present.

GSR G. S. Hooper Esqr. 1st Puisne Judge

ER E. P. Thompson Esqr. 2nd Puisne Judge

WM W. A. Morehead Esqr. 3rd Puisne Judge

Read again Calendar of Case

N. 9 of 1850 of the Sessions Court of Tellicherry.

/Here enter F. 16 N. 1675 of 1850/.

Read also Return dated the

19th July 1850 made by the Sessions Judge of

Tellicherry to the Precept of the Foujdaree

Udalut under date the 10th July 1850 conveying

the observations and Orders of the Court on

the above Case -

/Here enter F. 16. N. 1930 of 1850/

In accordance with the recommendation made by the Sessions Judge in the foregoing Return, the Court of Foujdaree Udalut resolve to direct that the Sentence recorded against the Prisoner in the above

Case

5th August 1850

Case on his conviction of "Highway Robbery", be mitigated to three years imprisonment with hard labor in irons, and the Sessions Judge is authorised to issue his warrant accordingly &c.

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

/ Sent in No. 956 /

Read Calendar of Case No. 49 of 1850 on the file of the Sessions Court of Calicut

/ Here enter F. C. No. 1923 of 1850 /

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this case that the period of Imprisonment awarded to the prisoner be reduced to two years, and the Court of Foujdaree Udalut authorise the Sessions Judge to issue his warrant accordingly.

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

/ Sent in No. 957 /

Read

5th August 1850.

Read Calendar of Case No. 42 of 1850 of the Sessions Court of Cuddapah

/ Here enter F. C. No. 1927 of 1850 /

With reference to the remarks recorded by the Sessions Judge on this Case, the Court of Foujdaree Udalut deem it proper to direct that the Magistrate be called upon to institute a full and searching enquiry into the merits of the case, with a view to his ascertaining whether or not a Robbery actually took place, and in submitting this information, the Sessions Judge will be pleased to forward translations of the Surchasmi's report, and also of the first report of the case made to the Head of Police.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddapah for his information and guidance and for communication to the Magistrate by Precept returnable within X days from and after its receipt.

/ Sent following precept No. 950. /

Read Calendar of Case No. 14 of 1850 of the Sessions Court of Madura.

Here

5th August 1850.

/ Here enter F 66 No. 1928 of 1850 /

The Court of Foujdaree Udalut
seeing reason to question the propriety of the
disposal of the above Case, resolve to direct that
an English translation of the entire Records be
submitted for their consideration -

Ordered that Extract from
these Proceedings be forwarded to the Acting
Sessions Judge of Madura by Precept
returnable within XXX days from and after its
receipt -

/ Sent following Precept No. 967 /

Read Miscellaneous Petition
presented on the 8th July 1850 by Ponnammaul
of Zillah Combaconum -

/ Here enter F. M. P. No. 111 of 1850 /

M^r G. S. Hooper
M^r E. P. Thompson
&
M^r W. A. Morehead

The Petitioner is referred to the
former orders passed by the Court of Foujdaree
Udalut in the matter to which this Petition
relates -

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

Read Miscellaneous Petition
presented

F. 66.

5th August 1850.

presented on the 8th July 1850 by Soobramanya
Pillay of Zillah Combaconum -

/ Here enter F. M. P. No. 112 of 1850 /

M^r G. S. Hooper
M^r E. P. Thompson
&
M^r W. A. Morehead

The Court of Foujdaree Udalut
seeing reason to question the propriety of the order
passed by the Sessions Judge of Combaconum -
under date the 6th May 1850 dismissing the
Petitioner's application for the reversal of the
Sentence awarded to his father in Cases No. 33
and 34 of 1850 on the file of the Subordinate
Criminal Court, and they accordingly resolve
to dismiss this application.

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

Read Miscellaneous Petition
presented on the 8th July 1850 by Thangamarraiyan
of Zillah Tinnevelly -

/ Here enter F. M. P. No. 114 of 1850 /

M^r G. S. Hooper

The Petitioner is referred to the
former order passed by the Court of Foujdaree
Udalut in the matter to which this Petition
relates and this Petition is dismissed

Ordered that Extract from
these

5th August 1850. these Proceedings be furnished to the Petitioner on his application.

Read Calendar of Case No. 24 of 1850 submitted by the Session Judge of Rajahmundry under date the 10th Ultimo.

/Here enter F. C. No. 1838 of 1850/

Read Calendar of Case No. 27 of 1850 submitted by the Session Judge of Rajahmundry under date the 10th Ultimo.

/Here enter F. C. No. 1841 of 1850/

Read Calendar of Case No. 32 of 1850 submitted by the Session Judge of Rajahmundry under date the 13th Ultimo.

/Here enter F. C. No. 1844 of 1850/

Read Calendar of Case No. 26 of 1850 submitted by the Session Judge of Bellary under date the 13th Ultimo.

/Here enter F. C. No. 1846 of 1850

Read Statement dated the 7th Ultimo submitted by the Session Judge of Combaconum of Battah paid to Prosecutors and witnesses during the 1st half of the year 1850.

/Here enter F. C. No. 1853 of 1850/

Read

5th August 1850. B

Read Report dated the 15th Ultimo submitted by the Session Judge of Masulipatam for the Month of June 1850.

/Here enter F. C. No. 1854 of 1850/

Read Statement dated the 15th Ultimo submitted by the Acting Session Judge of Trichinopoly shewing the amount realized by the labor of Prisoners in the 2nd Quarter of 1850.

/Here enter F. C. No. 1859 of 1850/

Read Statement dated the 17th Ultimo submitted by the Session Judge of Cuddalore of Batta paid to Prosecutors and witnesses who attended before the Session Court of Cuddalore during the 1st Half year of 1850.

/Here enter F. C. No. 1864 of 1850/

Read Criminal Reports dated the 17th Ultimo submitted by the Session Judge of Nellore for the Month of June 1850.

/Here enter F. C. No. 1868 of 1850/

Read Calendar of Case No. 16 of 1850 submitted by the Session Judge of-

5th August 1850.

of Salem under date the 11th Ultimo.-

/Here enter F. C. No. 1870 of 1850/

Reads Calendar of Case No. 19 of 1850 submitted by the Sessions Judge of Salem under date the 11th Ultimo.-

/Here enter F. C. No. 1872 of 1850/

Reads Calendar of Case No. 26 of 1850 submitted by the Sessions Judge of Coimbatore under date the 2d Ultimo.-

/Here enter F. C. No. 1873 of 1850/

Ex. 1820.

F C

Tuesday 6th August 1850

Acts Courts of the Tondaree Maadulu

Present:-

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

C. P. Thompson Esqre ——— 2d Puisne Judge

W. A. Morehead Esqre ——— 3d Puisne Judge

Reads Calendar of Case No 17 of 1850 on the file of the Sessions Court of Combaconum

/Here Enter F C No 1924 of 1850/

The Court of Tondaree Maadulu

approve of the recommendation made by the Sessions Judge in this Case that the period of Imprisonment awarded to the prisoner be reduced to 2 years, and they authorize the Sessions Judge to issue his warrant accordingly.-

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

/Sealed in No 963./

Reads again Calendars of Cases No 22 and 23 of 1850 of the Sessions Court of Cuddalore

(Here Enter the Nos 1788 and 1789/1850)

Reads also returns dated the 25 July made by the Sessions Judge of Cuddalore, to the Precepts of the Tondaree Maadulu under date the 22d July 1850, communicating the orders

of the Court in the above cases.

(Here Enter Fee No 1931. of 1850)

In accordance with the recommendation made by the Sessions Judge in the foregoing Return, the Court of Enquiries Cuddalore resolve to direct that the Sentence recorded against the two prisoners in the above Cases in their conviction of "Perjury" be mitigated to one years imprisonment with hard labor in irons and the Sessions Judge is authorized to issue his warrant accordingly

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

(Seals pm No 963.)

Read Calendar of Case No 16 of 1850 submitted by the Sessions Judge of Madura under date the 18th ultimo.

(Here Enter Fee No 1874 of 1850)

Read Statements submitted by the Acting Sessions Judge of Madura, under date the 15th ultimo, of Batta paid to Prosecutors and Witnesses attending before him during the 1st Half year 1850.

(Here Enter Fee No 1875 of 1850.)

Read Quarterly Returns under date the 15th July 1850 submitted by the Assistants Agents to the Governor of Fort Saint George

in charge of Nurseries for the month of June 1850

(Here Enter Fee No 1877 of 1850)

Read Letter dated 19th ultimo from the Sessions Judge of Cuddalore forwarding Copy of a Warrant, and of a letter reporting the execution of the Prisoner in Case No 11 of the Calendar for 1850.

(Here Enter Fee No 1878 of 1850)

Read Statements submitted by the Acting Sessions Judge of Tinnevelly under date the 1st instant, of Batta paid to Prosecutors and Witnesses before the Sessions Court from the 1st January to 30th June 1850.

(Here Enter Fee No 1885 of 1850)

Read Half yearly Statements of Convicts ending 30th June 1850 submitted by the Acting Subordinate Judge of Madura under date the 17th ultimo.

(Here Enter Fee No 1887 of 1850)

Read Letter dated 20th ultimo from the Sessions Judge of Cuddalore forwarding the original petty Calendars of the Cases disposed of by the Acting Magistrate and his Assistants during the 2d Quarter of 1850 and also Copy of the Proceedings of the Sessions Court dated 18th July 1850 containing the observations of the Sessions Judge thereon

(Here Enter Fee No 1891 of 1850)

Read

6th August 1850.

Read Calendar of Cases Nos. 29 and 30 of 1850 submitted by the Sessions Judge of Calicut dated the 17th ultimo.

(Here Enter Nos. 1093 of 1850)

Read Calendars of Cases Nos. 25, 26, and 27 of 1850 submitted by the Sessions Judge of Mangalore under date the 16th July 1850.

(Here Enter Nos. 1894, 1895 & 1896 of 1850)

Read Calendar of Case No. 27 of 1850 submitted by the Sessions Judge of Cuddalore under date the 20th July 1850.

(Here Enter Sl. No. 1898 of 1850.)

Read Calendar of Case No. 28 of 1850 submitted by the Sessions Judge of Tanjore under date the 19th July 1850.

(Here Enter No. 1899 of 1850)

Sd 1850.

No. 1.

Wednesday 7th August 1850.

At a Court of the Tinjanore Adalut

Present

G. L. Hooper Esqre ——— 1st Puisne Judge.
C. D. Thompson Esqre ——— 2d Puisne Judge.
W. A. Morehead Esqre ——— 3d Puisne Judge

Read letter dated the 24th ultimo from the Sessions Judge of Rajahmundry, submitting for the final adjudication of the Tinjanore Adalut the Records of Case No. 19 of 1850 of the Calendar of the Sessions Court

(Here Enter No. 2014 of 1850.)

the Court of Tinjanore Adalut,

Mr. G. L. Hooper
and
Mr. W. A. Morehead

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

"Mynadee Rama Naikadee"

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

The Court of Tinjanore Adalut are of opinion that the prisoner should have been called upon by the Sessions Judge for any explanation he might have had to offer with reference to this

7th August 1850

his confession before the Subordinate Courts.

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

(Sent in No 966)

Read Extract from the Proceedings of the Sessions Courts of Bellary under date the 22d July 1850

(Here enter Dis No 1942 of 1850)

These proceedings have reference to a letter addressed to the Sessions Judge by the Acting Magistrate of Bellary regarding certain enquiries made upon the conduct of the Peishcar of Oravakonda in connection with case No 23 of 1850 on the file of the Sessions Courts as recorded in the letters of the Sessions Judge of the 6th July 1850 referring the case in question for the final judgment of the Courts of Sunjavara Sedalah

2. The Courts of Sunjavara Sedalah concur in the opinion recorded by the Sessions Judge that the explanation submitted by the Peishcar in regards to the course adopted by him in examining the witnesses in the case referred to, is not satisfactory and the direction that the Acting Magistrate write home and clearly to the Peishcar the several irregularities in his proceedings attended to by the Sessions Judge.

Ordered Extracts from these Proceedings

7th August 1850

be sent to the Sessions Judge of Bellary for communication to the Acting Magistrate

(Sent in No 967)

Read Calendar of Case No 18 of 1850 on the file of the Sessions Courts of Cuddapah

(Here enter Dis No 1947 of 1850)

The Courts of Sunjavara Sedalah approve of the recommendation made by the Sessions Judge in this case that the sentence of imprisonment awarded to the prisoner be reduced to three months, and they authorize the Sessions Judge to issue his warrant accordingly.

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

(Sent in No 968)

Read Calendar of Case No 30 of 1850 on the file of the Sessions Courts of Rajahmundry

(Here enter Dis No 1949 of 1850)

The Courts of Sunjavara Sedalah observe that the very shewed abstracts of the evidence recorded by the Sessions Judge in this case was unnecessary as clear and succinct exposition of the facts of the case with the opinion of the Sessions Judge as to the result of the trial being sufficient to convey the information which the Courts of Sunjavara Sedalah require regarding cases disposed of by the Sessions Courts.

Ordered

of August 1850

Ordered that Extract from these
Proceedings be sent to the Sepoy Judge of Rajah
-mundry for his information and Guidance.-
/Sent 9th Aug 1850/

Aug 1850.

F.C.

Thursday/
8th August, 1850. At a Court of the Foujdaree Udalut

Present.

G.S. Cooper, Esquire 1st Puisne Judge.
E.P. Thompson, Esquire 2d Puisne Judge.
W.A. Morehead, Esquire 3d Puisne Judge.

Read Miscellaneous Petition
presented on the 22d July 1850 by
Vencataramanaya of Zillah Salem.
/Here Enter F.C. No. P. No. 118 of 1850/

Mr G.S. Cooper.
Mr E.P. Thompson
and
Mr W.A. Morehead

The Court of Foujdaree Udalut observe that the representation contained in this Petition which has reference to the issue of a warrant for the apprehension of a relative of the Petitioner upon a charge which the Petitioner declares to be unfounded, should be addressed to the Magistrate of Salem.-

Ordered, that Extract from

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

Read again Calendar of Case No. 37 of 1850 on the file of the Sessions Court of Masulipatam.—

/Here Enter F.M. No. 1791 of 1850/—

Read also return under date the 26th July 1850 from the Sessions Judge of Masulipatam to the precept of the Foujdaree Udalut dated the 22d July 1850 conveying their orders on the foregoing case.—

/Here Enter F.M. No. 1972 of 1850/—

Read also Miscellaneous Petition forwarded by the Sessions Judge of Masulipatam from C. Veerasamy Naidoo of that Zillah.—

/Here Enter F.M.P. No. 120 of 1850/—

Mr. G. S. Hooper.
Mr. E. P. Thompson and
Mr. W. A. Monkhouse

Before finally disposing of the foregoing case the Court of Foujdaree Udalut deem it proper to direct that an English Translation of the record it may be submitted for their consideration and that the sentence

sentence awarded to the prisoner be suspended pending the receipt of final orders from the Foujdaree Udalut.—

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

/Sent following Precept No. 974/—

Read again Calendar of Case No. 34 of 1850 of the Sessions Court of Masulipatam.—

/Here Enter F.M. No. 1776 of 1850/—

Read also Return dated the 26th July, made by the Sessions Judge of Masulipatam to the Precept of the Foujdaree Udalut under date the 22d July 1850, communicating the Orders of the Court on the above case.—

/Here Enter F.M. No. 1971 of 1850/—

1. In accordance with the recommendation made by the Sessions

8th August, 1850

Sessions Judge in the foregoing Return the Court of Foujdaree Udalut resolve to direct that the sentence recorded against the Prisoner in the above Case be mitigated to one years' imprisonment.—

2. The Sessions Judge will be pleased to issue a fresh Warrant in conformity with the foregoing resolution.—

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

/Sent in No. 975/—

Read Calendar of Cases No. 51 and 52 of 1850 of the Sessions Court of Calicut.—

/Here Enter F.C. Nos. 1978 and 1979 of 1850/

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in these Cases that the sentences, which have been passed upon the two Prisoners on their conviction of "Perjury" be mitigated

F.C.

8th August, 1850

mitigated to one years' imprisonment with hard labor in irons - and the Sessions Judge is authorized to issue his Warrants accordingly.—

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

/Sent in No. 976/—

Read again Miscellaneous Petition forwarded by the Sessions Judge of Masulipatam from Atluru Lakka-mupaty of that Zillah.—

/Here Enter F. M.P. No. 105 of 1850/—

Read also return under date the 22d July 1850 from the Sessions Judge of Masulipatam to the precept of the Foujdaree Udalut dated the 11th July 1850 conveying their orders on the foregoing Petition.—

/Here Enter F.C. No. 1950 of 1850/—

In the foregoing return

Mr. G. S. Hooper
Mr. E. P. Thompson
and
Mr. W. A. Morehead

the Sessions Judge has satisfactorily shown that the plea of insanity put

8th August, 1850

put forth in the foregoing Petition on behalf of the prisoner in case No. 20 of 1850 on the file of the Sessions Court is entirely unfounded and that the statement of his ill-health is likewise incorrect.—

2. The Court of Foujdaree Udalut accordingly resolve to dismiss the Petitioner's application.—

Ordered, that a Extract from these Proceedings be forwarded to the Sessions Judge of Masulipatam for communication to the Petitioner.—

/Sent in No. 977 /—

Translations of the record of trial in referred Sessions Case No. 114 of 1850 on the Chittoor file not having as yet been received by this Court.—

Ordered, that the Sessions Judge of Chittoor be called upon to submit the same without delay.—

/Sent in No. 978 /—

Translation

8th August, 1850.

Translations of the record of trial in referred Sessions Cases No. 29 and 36 of 1850 on the Cuddapah file not having been as yet received by this Court;

Ordered that the Sessions Judge of Cuddapah be called upon to transmit the same without delay.—

/Sent in No. 979. /—

4th 1850.

No.

Friday,
9th August, 1850.

Present

Hot a Court of the Fouzdaree Udalut.

G/R G. S. Hooper, Esquire 1st Puisne Judge.
E/P E. P. Thompson, Esquire 2d Puisne Judge.
W. A. Morehead, Esquire 3d Puisne Judge.

Read Miscellaneous Petition presented on the 25th July 1850, by Marooda Mootta Pillay of Zillah Trichinopoly.—

/Vide Enter F. M. D. No. 119 of 1850/

Mr G. S. Hooper. 1.
Mr E. P. Thompson. and
Mr W. A. Morehead.

This is an application for the interference of the Court of Fouzdaree Udalut to set aside the sentence recorded by the Principal Sudder Ameen of Trichinopoly against the Petitioner's Brother, who was convicted in Case No. 33 of 1850 of "possessing stolen property Knowingly", and adjudged to suffer two years' imprisonment with hard labor in irons.—

Petitioner

2. Petitioner asserts that his Brother is innocent of the crime charged, and contends that the alleged stolen property was placed in their house by one Sungapilly at the instigation of another individual named Rayum with whom they are at enmity.—

3. Before passing their final Orders on this Petition, the Court of Foujdaree Udalut resolve to forward it to the Acting Sessions Judge at Tuckinopoly, who will be pleased to call for the Record of the Case referred to, and after due consideration of the same pass such Orders in the matter, as may to him seem called for.—

4 The Acting Sessions Judge will also be pleased to ascertain and report for the information of the Foujdaree Udalut, under whose Orders a search was made in the Prisoner's house, and whether any complaint had

had been previously made of the robbery alleged to have been committed in November 1849 of which the property found in the Prisoners house is stated to have formed a part.—

Ordered, that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Tuckinopoly by Precept returnable within X days from and after its receipt.—

/Sent following Precept No 900./—

Read again Letter dated the 22d ultimo from the Sessions Judge of Mangalore, referring for the final Judgment of the Foujdaree Udalut, the Record of Case No 21 of 1850 of the Calendar of the Sessions Court.—

/Here Enter F.C. No 1941 of 1850/—

Read also return dated the 31st ultimo from the Sessions Judge of Mangalore, to the precept of the Foujdaree Udalut under date the 25th idem,

returning

9th August, 1850

returning the Calendar of Case No. 21 of 1850 in order that the Abstract of the Futwa and the precise grounds of the reference of that case, may be entered therein.—

/Here Enter F.C. No. 2029 of 1850/

Mr. G. S. Hooper.
and
Mr. W. A. Marshall

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,

"Soobbappoo"

is sufficient to convict him of the crime of Culpable Homicide, for which the penalty of Deyut is awardable under the Mohummedan Law as declared in Futwas of their Law Officers do convict him thereof and under the provisions of Clause 2nd, Section XV Regulation VII of 1802, sentence him to be imprisoned and kept to hard labor in Irons on the public roads or other public works for and during the period of (2) Two years.—

/Sent in No. 901/

F.C.

9th August, 1850

Read the following Letter dated the 27th July 1850 from the Subordinate Criminal Judge of Bellary.—

/Here Enter F.C. No. 1991 of 1850/

1. Adverting to his previous communication to the Foujdaree Udalut under date the 30th March last, the Subordinate Judge submits for the consideration and Orders of the Court, translations of the entire proceedings held by him in Cases Nos. 129 and 130 of 1849 - and 48 and 49 of 1850 on the file of the Criminal Court, together with copies of certain correspondence connected therewith.—

2. The Subordinate Judge states that after a careful investigation of these cases, he is satisfied that the offences charged against the Prisoner in Cases Nos. 129 and 130 of 1850 were not committed by that individual, but by the Prisoner in Cases Nos. 48 and 49 of 1850 - and under these circumstances the Subordinate Judge requests that he

he may be authorized to cancel his former sentence and to pass a fresh sentence upon the Prisoner, whom he has now convicted.—

3. The Court of Foujdaree Udalut have deemed it unnecessary to go through the entire Proceedings held in these Cases, being satisfied, from a careful consideration of the correspondence submitted with the Subordinate Judge's Letter, of the correctness of the opinion entertained by that Officer in respect to the innocence of the party sentenced by him in Cases Nos. 129 and 130 of 1850.—

The Court accordingly authorize the Subordinate Judge to cancel his former sentences, and to pass fresh sentences upon the Prisoner in Cases Nos. 48 and 49, the Calendars of which will of course be submitted as usual to the Sessions Judge.—

Ordered, that a Extract from these Proceedings be forwarded to

to the Subordinate Judge of Bellary for his information and guidance.—

/Sent in No. 902/—

Read Calendar of Case No. 28 of 1850 of the Session Court of Cuddalore.—

/Here enter F.C. No. 1960 of 1850/—

The Court of Foujdaree Udalut are of opinion that a sentence of four years' imprisonment with hard labor in irons will be adequate punishment for the offence of which the Prisoner in this case has been convicted, and, on the recommendation of the Session Judge, the Court will be prepared to mitigate the sentence now recorded against the Prisoner to that extent.—

1.

2. If the Session Judge be unable to concur in the above opinion, he will be pleased to submit an English translation of the entire Record for the consideration of the Foujdaree Udalut.—

The

9th August, 1850

3. The Court direct that the annexed remarks of the Cauzee-ool Coozzat upon the Futwa declared in this Case be communicated to the Mohamedan Law Officer for his information and future guidance.—

Ordered, that Extract from these Proceedings be forwarded to the Session Judge of Cuddalore by Precept returnable within III days from and after its receipt.—

/Sent following Precept No. 983./—

Read Calendars of Cases Nos. 31 and 32 of 1850 submitted by the Session Judge of Bellary under date the 30th ultimo.—

/Here enter F.116. Nos. 1988 and 1989 of 1850/—

Read Calendar of Case No. 21 of 1850 submitted by the Session Judge of Cuddalore under date the 1st Instant.—

/Here enter F.116. No. 1990 of 1850/—

Read letter dated the 30th ultimo

F.116.

9th August, 1850.

ultimo from the Sessions Judge of Cuddapah, reporting the Execution of the Prisoner in Case No. 46 of the Calendar for 1850.—

/Here Enter F.116. No. 1993 of 1850/—

Read letter dated the 1st Instant from the Session Judge of Cuddalore, reporting that no Case was pending trial before the Session Court for a period exceeding 25 days calculated from the date of commitment during the month of July 1850.

/Here Enter F.116. No. 1999 of 1850/—

Read letter dated the 27th ultimo from the Session Judge of Honore, forwarding Statement of the amount realized by labor of Prisoners in the Jail at Honore in the 2d Quarter of 1850, and stating that the Sudder Ameen of Sirsy has reported that he has no such Statement to furnish.—

/Here Enter F.116. No. 2000 of 1850/—

Read

9th August, 1850.

Read return dated the 2d Instant from the Sessions Judge of Cuddalore to the precept of the Foujdaree Udalut under date the 30th July 1850 observing that a further mitigation in the sentence of the Prisoner in Session Case No. 26 of 1850 may be allowed and directing the terms of his imprisonment be reduced to three years and a fresh warrant to be issued.—

//Here Enter F.No. 2001 of 1850/-

Read Jail Report dated the 1st ultimo submitted by the Sessions Judge of Salem for the month of June 1850.—

//Here Enter F.No. 2003 of 1850/-

Read letter dated the 2d Instant from the Sessions Judge of Nellore reporting that no cases were pending before the Session Court for trial exceeding 25 days.—

//Here Enter F.No. 2005 of 1850/-

Read Statement dated the 30th ultimo submitted by the Sessions Judge

9th August, 1850.

Judge of Masulipatam of Batta paid to Prosecutors and Witnesses attending before him for the 1st half year 1850.—

//Here Enter F.No. 2008 of 1850/-

Ed. R.W.

F. U.

Monday
12 August 1850 At a Court of the Sessions Adalut

Present

G. S. Hooper Esqr ——— 1st Puisne Judge.
C. P. Thompson Esqr ——— 2d Puisne Judge.
W. R. Morehead Esqr ——— 3d Puisne Judge.

Read letter dated 20th July 1850 from the Sessions Judge of Calicut submitting copy of an application from the Magistrate of Malabar requesting that the convict Chinnoo Coorg Nair may during the remainder of his Sentence be exempted from wearing irons.

Vide Rules the N. 1955 of 1832.

Under the circumstances stated in this communication the Court of Sessions Adalut agree to the Magistrates request and authorize the Sessions Judge to exempt the convict in question from wearing irons during the remainder of his sentence.

Ordered that extract from these Proceedings be sent to the Sessions Judge of Calicut for his information

Sent in N. 991

Read letter from the Sessions Judge of Canara dated 23d July 1850 reporting that a Prisoner convicted in Case N. 51 on the Calendar for 1850, of theft, and sentenced to 7 years' imprisonment has confessed that he escaped from the Jail at Mangalore in February 1850 when undergoing a sentence of seven years' imprisonment and requesting authority

to transfer the said Convict to the Subordinate Judge of Mangalore for trial for the escape

/Here Enter the No 1973 of 1850./

The Judge of the Court of Sessions considers authorize the transfer of the Prisoner in question to Mangalore for trial for the escape, but as they see no necessity for his being retransferred to the Jails at Honore they desire that a copy of the sentence awarded to him by the Sessions Judge of Honore be forwarded to the Subordinate Judge at Mangalore, in order that the Prisoner may undergo the full period of his imprisonment in the Jails at that station

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

/Sent in No 992./

Read Statement, dated the 15th Ultimo, submitted by the Sessions Judge of Canara, of Batta paid to Prosecutors and Witnesses attending before the Sessions Court of Canara during the 1st Half of 1850

/Here Enter Do No 1950 of 1850/

Read Statement, dated the 1st Ultimo submitted by the Sessions Judge of Coimbatore, of Batta paid to Prosecutors and Witnesses attending before the Sessions Court during the 1st Half of 1850.

/Here Enter Do No 1901 of 1850/

Read Criminal Returns, dated the 15th Ultimo submitted by the Sessions Judge of Honore for

for the Month of June 1850.

/Here Enter the No 1903 of 1850/

Read Criminal Returns under date the 5th Ultimo submitted by the Agent to the Governor of Fort Saint George abstracts for the month of June 1850.

/Here Enter the No 1904 of 1850/

Read Statement dated 25th Ultimo submitted by the Sessions Judge of Salem of Batta paid to Prosecutors and Witnesses attending before the Sessions Court for the 1st Half of 1850.

/Here Enter the No 1932 of 1850/

Read Calendar of Case No 54 of 1850 submitted by the Sessions Judge of Calicut under date the 22d Ultimo

/Here Enter the No 1935 of 1850/

Read Calendar of Case No 29 of 1850 submitted by the Sessions Judge of Cuddalore under date the 27th Ultimo.

/Here Enter the No 1936 of 1850/

Read Calendar of Case No 26 of 1850 submitted by the Sessions Judge of Cuddapah under date the 26th Ultimo.

/Here Enter the No 1937 of 1850/

Read Calendar of Case No 13 of 1850 submitted by the Sessions Judge of Chingleput under date the 25th Ultimo

/Here Enter the No 1938 of 1850/

Read Calendar of Case No 29 of 1850 submitted by the Sessions Judge of Bellary under date the

12th August 1850

9

The 25th Millions.

(Here Enter Fn. No. 1939 of 1850)

Roobucar Letter dated the 22nd Instant from the Agent to the Governor at Bengal submitting an Extract from the Proceedings of the Court of the Agent at Ganjam under date the 18th July last.

(Here Enter Fn. No. 1946 of 1850.)

Ent. 1863.

Fn. No.

Tuesday 13th August 1850

Adawlut Court of the Foujdaree Udalut

Present

The Hon'ble G. S. Cooper Esqre — 1st Puisne Judge

The Hon'ble E. D. Thompson Esqre — 2d Puisne Judge

The Hon'ble W. A. Morehead Esqre — 3d Puisne Judge

Roobucar Letter dated 9th Instant from the Sessions Judge of Chingleput submitting for the final judgment of the Foujdaree Udalut the Police Criminal and Sessions Proceedings held in a trial for Rape in Case No. 13 of 1850, recommending the Prisoner to 3 Years imprisonment with hard labor in irons.

(Here Enter Fn. No. 2072 of 1850)

The Court of Foujdaree Udalut,

Mr. E. D. Thompson

on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner "Ramen" is sufficient to convict him of the crime of

of Rapes for which, in the absence of the requisite conditions of Hind, discretionary punishment is awardable under the Mahomedan Law, as declared in futwas of their Law Officers, do convict him thereof; and with reference to the provisions of Clause third Section VII Regulation XV of 1803 and Section XXXIV 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 (3) three years.

(Sent in No. 993)

Read Statement dated 22nd Ultimo from the Session Judge of Masulipatam, of amount realized by the labor of Convicts in the 2nd Quarter of 1850

(Here Enter F.H. No. 1951 of 1850)

Read Statement dated 22nd Ultimo from the Session Judge of Calicut, of Batta paid to Prosecutors and Witnesses during the 1st half of 1850

(Here Enter F.H. No. 1957 of 1850)

Read Calendar of Case No. 27 of 1850, submitted by the Session Judge of Coimbatore

13th August 1850

Coimbatore, under date the 6th Ultimo

(Here Enter F.H. No. 1959 of 1850)

Read Statement required by Circular Order No. 4 for the 1st half of 1850 submitted by the Session Judge of Calicut under date the 22nd Ultimo.

(Here Enter F.H. No. 1956 of 1850)

Read Sentence passed by the Session Judge of Coimbatore on the Jail Jemedar and 3 Peons charged with having allowed the escape of a Prisoner submitted under date the 24th Ultimo.

(Here Enter F.H. No. 1963 of 1850)

Read Convict Labour Report of the Jail at Cocanadah for the month of May 1850, submitted by the Session Judge of Rajahmundry under date the 25th Ultimo

(Here Enter F.H. No. 1969 of 1850)

Read Convict Labour Report of the Jail at Cocanadah for the month of April 1850, submitted by the Session Judge of Rajahmundry under date the 25th Ultimo

(Here Enter F.H. No. 1970 of 1850)

Read

13th August 1850

Read Calendar of Case No. 12 of 1850, submitted by the Sessions Judge of Trichinopoly under date the 29th Ultimo.

(Here Enter F. Us No 1976 of 1850)

Read Calendar of Case No 55 of 1850, submitted by the Sessions Judge of Calicut under date the 13th Ultimo.

(Here Enter F. U. No. 1977 of 1850.)

Read Calendar of Case No. 19 of 1850, submitted by the Sessions Judge of Combaconum under date the 30th Ultimo.

(Here Enter F. U. No. 1980 of 1850.)

Read Letter dated the 1st Instant from the Sessions Judge of Chingleput, reporting that no Cases to be reported on as required by the Circular Letters dated 16th October 1844 and 21st January 1845 were pending last month before the Sessions Court

(Here Enter F. U. No. 1985 of 1850)

Read Statement, dated the 1st Ultimo, submitted by the Sessions Judge of Salem, of Batta paid to Prosecutor and Witnesses for the 1st half of 1850.

(Here Enter F. U. No. 1986 of 1850)

Rs 810

F. Us.

Thursday
15th August 1850. } At a Court of the Foujdaree Udalut.

Present.

G. S. Cooper Esqre — 1st Puisne Judge.
E. P. Thompson Esqre — 2d Puisne Judge.
W. A. Morehead Esqre — 3d Puisne Judge.

Read Miscellaneous Petition presented on the 29th July 1850, by Chinnadoo Padiachey and Chidambaree Mudely of Trichinopoly.

(Here enter F. M. P. No. 121 of 1850.)

The Court of Foujdaree Udalut resolve to direct that the English Translation of the foregoing Petition be transmitted to the Acting Sessions Judge of Trichinopoly, who will be pleased to submit an explanation with reference to the allegations therein set forth.

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Trichinopoly by precept returnable within 8 days, from and after its receipt.

(Enter following precept No 990)

Read

Read again Report of cases disposed of by the Magistracy of Salem under the provisions of Section LIV Act VII of 1843 during the months of June 1850.

(Here enter F. No. 1867 of 1850.)

Read also returns under date the 2d August 1850, from the Sessions Judge of Salem, to the precept of the Fouzdaree Udalut dated the 29th July 1850, conveying their orders on the foregoing Report.

(Here enter F. No. 2004 of 1850.)

1. With reference to the orders of the Court of Fouzdaree Udalut that the sentence awarded to the prisoners in cases Nos 7 and 8 of the foregoing Report should be annulled, and that the prisoner should be committed for trial to the Criminal Court under Clause third Section III Regulation III of 1819, the Sessions Judge states that it appears from the proceedings of the Head Assistant Magistrate, that the prisoner was not in the service of Government when the charges upon which he has been convicted were preferred, and he desires to be informed whether under these circumstances the orders of the

the Fouzdaree Udalut for his commitment to the Criminal Court should be carried out.

2. The Court of Fouzdaree Udalut infer that the prisoner referred to was in the service of Government when the offences charged against him were committed and if this supposition be correct they desire that their orders for his commitment may be carried into effect.

3. If the dismissal of the prisoner from the public service had occurred previous to the commission of the acts laid to his charge, the Court of Fouzdaree Udalut are at a loss to understand how the charge of "abuse of authority" could have been established against him and they direct that on this point further explanations may be submitted.

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Salem, by precept returnable within x days from and after its receipt.

(Sent following precept No. 999.)

Read letter dated 27th July 1850 from the Magistrate of Malabar reporting the assassination of the Nuzeer of Pudunagarum in Palghat and requesting authority to

15th August 1850. to offer a reward of Rupees 500 for the discovery, apprehension and conviction of the parties concerned.-

(Here enter F. P6. No 1983.)

The Court of Fouzdaree Udalut resolve with reference to the circumstances stated in the letter now before them to authorize the offer of the reward recommended by the Magistrate viz^n 500 Rupees.-

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

(Sent in No 1000)

Read Letter dated the 3rd August 1850 from the Sessions Judge of Nellore, submitting the Calendars of Cases disposed of by the Magistracy for the 2nd Quarter of 1850.-

(Here enter F. P6. No 2007 of 1850.)

Calendar of persons punished. Case No 7

1. In this case one Prisoner was charged with "Petty Theft"- and on conviction has been sentenced by the Acting Head Assistant Magistrate to 20 days' imprisonment with hard labor in irons.-

The

F. P6

15th August 1850.

2. The Court of Fouzdaree Udalut observe that the amount of property stolen in this case should have been entered in the Calendar, in order that the Court might have an opportunity of judging whether the offence committed by the Prisoner was one of Petty theft.-

3. The Court request that the Sessions Judge will point out to the Magistrate, that he is not required to forward with his Petty Calendars, the Calendars of cases disposed of by the Magistracy under the extended powers vested in them by Section XIV Act VII of 1843- the transmission of the reports of such cases with the monthly Criminal Returns being sufficient.-

Ordered, that Extracts from these Proceedings, be forwarded to the Sessions Judge of Nellore for his information and for communication to the Magistrate.-

(Sent in No 1001)

Read Letter dated the 29th July 1850 from the Acting Sessions Judge of Tinnevelly, submitting the Calendars of Cases disposed

15th August 1850.

disposed of by the Magistracy for the 2d Quarter of 1850.

(Here enter F. No. No. 2016 of 1850)

1. The Court of Tonjdaree Udalut observe that in the Calendars of persons furnished during the period under review several cases have been entered which were dealt with by the Magistracy under the extended powers vested in them by Section LIV Act VII of 1843. The Acting Sessions Judge will be pleased to inform the Acting Magistrate that as the report of such cases is invariably transmitted with his monthly Criminal Returns, their entry in the Petty Calendars is uncalled for.

Ordered, that Extract from these Proceedings, be forwarded to the Acting Sessions Judge of Sumneelly for his information and guidance.

(Sent in No. 1002)

Read again Calendars of Cases Nos. 21. 22. 23. 25 and 26 of 1850 on the file of the Sessions Court of Rajahmundry.

(Here enter F. No. Nos. 1835. 1836. 1837. 1839 and 1840 of 1850)

Read

15th August 1850.

Read also return under date the 29th July 1850 from the Sessions Judge of Rajahmundry to the Precept of the Tonjdaree Udalut dated the 26th July 1850 conveying their orders on the foregoing cases.

(Here enter F. No. No. 1997 of 1850)

Read also Miscellaneous Petition forwarded by the Sessions Judge of Rajahmundry from Lakshmeedevy of Dillah Rajahmundry.

(Here enter F. No. M. P. No. 117 of 1850)

The Court of Tonjdaree Udalut

1. approve of the recommendations made by the Sessions Judge in these cases that the periods of imprisonment awarded to the 2d and 3d Prisoners may be reduced respectively to seven and five years, and do they authorize the Sessions Judge to issue his warrant accordingly.

The Court of Tonjdaree Udalut

2. do not see nothing in the Petition presented on behalf of the prisoners in question which would induce them to question the propriety of their conviction and the Petitioner's

application

15th August 1850.

application is accordingly dismissed.

Ordered, that Extract from these Proceedings, be forwarded to the Sessions Judge of Rajahmundry for his information and guidance and for communication to the Petitioner.

(Sent in No. 1003)

Read Letter dated the 29th July 1850 from the Sessions Judge of Combaconum submitting the Calendars of the Magistracy for the 2d Quarter of 1850.

(Here enter F. Us. No. 1982 of 1850)

Calendar of persons 1. punished Cases Nos. 1, 2 and 3.

The Court of Foujdaree Udalut observe that the cases noted in the margin have been incorrectly disposed of. The provisions of Section XXXV Regulation IX of 1816, which enactment has been quoted in support of the punishment awarded merely apply to cases of false complaint preferred before the Magistracy, and do not provide for the punishment of false complaints made before the Native Police which can only be dealt with by the Criminal Courts under Regulation IX of 1832.

Cases Nos. 18 and 20 2.

The Court of Foujdaree Udalut observe

F. Us.

15th August 1850. that the provisions of Section VII Regulation XII of 1832 cited in support of the punishment of these cases are not applicable to the Magistracy. As it appears, however, that the Sessions Judge has already called for a report of these cases, the Court will suspend their final Orders, pending the result of his enquiry, which they request may be duly communicated to them.

Calendar of persons required to find Security 3. Case No. 2.

It appears to the Court of Foujdaree Udalut that this case, in which the parties have been required by the Special Assistant Magistrate to furnish security under Section V Regulation XI of 1822, has also been incorrectly disposed of. The parties in question were charged with having committed a violent assault, which the Special Assistant Magistrate could only take cognizance of under the extended powers vested in him by Section LIV Act. VII of 1843, and as that Officer viewed the case as exciting strong suspicion against the accused, it was his duty to have held them to security under Clause first, Section IV Regulation XI

of

of 1822. and to have forwarded to the Sessions Judge the Calendar required under Clause Second, Section LIII. Rob VII of 1843.

Case No. 3. 4. The foregoing remarks, the Court observe, are also applicable to this case as well as to Case No 2 entered in the Calendar of persons ordered to find security, in the Joint Magistrates division, and who were released during the Quarter under review.

Ordered, that Extract from these Proceedings, be forwarded to the Sessions Judge of Combaconum, by Precept returnable within V days, from and after its receipt.

(Sent following precept No 1004)

Read letter dated the 31st. May 1850 from the Sessions Judge of Valiant submitting for the final judgment of the Foujdaree Adalut the Record of Case No 36 of 1850 of the Calendar of the Sessions Court.

(Here enter No 1405 of 1850)

W. H. A. Morehead.

The Court of Foujdaree Adalut on a deliberate consideration of all the circumstances of the case as evidenced

evidence before them being of opinion that the Prisoners,

3d. Koonatodyil Oonyen

4th. Chelangareh Koyamoo

5th. Tien Kiyatamanil Vellu

and

6th. Chetty Chinno

are not convicted on presumptive proof or on the evidence of credible witnesses or on their own confessions of the crime charged, do acquit them thereof; but being of opinion that strong suspicion though not amounting to conviction attaches to them, the Court directed that under the provisions of Clause Sixth, Section II Regulation XV of 1803, the Prisoner

3d. Koonatodyil Oonyen

be required to find two sureties in (100) One hundred Rupees each surety for his good behaviour and appearance when required within three years and that in default thereof he be detained for three years in confinement, and the Prisoners

4th. Chelangareh Koyamoo

5th. Tien Kiyatamanil Vellu, and

6th. Chetty Chinnoo

do

15th August 1850.

be required each to find two sureties in (35) Thirty five Rupees each Surety for their good behaviour and appearance when required within three years and that in default thereof they be detained for three years in confinement.

The Court of Fouzdaree Udalut will take a further opportunity of noticing the remarks recorded by the Sessions Judge in the 11th para of the foregoing letter.

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

(Sent in No 1005)

Read again letter dated the 11th May 1850 from the Principal Sudr Ameen of Coimbatore submitting an application for an offer of conditional pardon to Sutchee (a female) the 2d prisoner in Case No 85 of 1850 on the file of the Principal Sudr Ameen's Court who was charged with being accessary to the Murder committed by Govinda Row the 1st Prisoner upon a girl named Tolasabeygummal aged 10

F. Dc.

15th August 1850

10 years.

(Here enter No 1218 of 1850.)

Read also again letter dated 3d July 1850 from the Sessions Judge of Coimbatore submitting for the final Judgment of the Fouzdaree Udalut the Records of Case No 21 of 1850 of the Calendar of the Sessions Court.

(Here enter No 1716 of 1850.)

Read also return dated the 6th August 1850 from the Sessions Judge of Coimbatore to the precept of the Fouzdaree Udalut under date the 18th July 1850 directing the Sessions Judge to lay before the Judges further evidence in Case No 21 of 1850 on the Calendar of the Sessions Court.

(Here enter No 2063 of 1850.)

Mr G. S. Cooper and Mr W. A. Morehead.

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 Prisoner "Govinda Row"

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

own confession of the crime charged, do acquit thereof: but being of opinion that strong suspicion though not amounting to conviction attaches to him, the Court direct that under the Provisions of Clause Sixth Section II Regulation XV of 1803, he be required to finish 2 Sureties in (50) Fifty Rupees each Surety for his good behaviour and appearance when required within three years, and that in default thereof he be detained for three years in confinement.-

1. The Prisoner in this case was charged with having at about one o'Clock P.M. on the 1st. May 1850 murdered the Prosecutrix's younger Sister Thalaveeyammal by stabbing her with a dagger with having stript her of Jewels valued at Rupees 25 and with having thrown the corpse into a well in the neighbourhood of Coimbatore and buried the jewels in question in the back-yard of the 1st. Witness' house.-

2. It appears that the deceased was missed on the evening of the day of the murder and that on the following morning

morning her absence was reported by her relatives to the Heads of Police, who sent peons to search the wells in the neighbourhood of Coimbatore, which resulted in the discovery of her body in a well within the limits of the Village of Comarapollium.- Upon the Tahsildar repairing to the well in question and examining the body of the deceased, information was given him, apparently by the 19th. Witness, which led to the apprehension of the prisoner who is stated by that witness to have been seen by him in the neighbourhood of the well at about one o'Clock of the day upon which the deceased was missed.-

3. The Prisoner's house, immediately after his apprehension, was searched by the Heads of Police, when a dagger was found in it, with which it was supposed that the murder had been committed.-

4. Orders having been issued on the same day to the Manigar of the Village of Comarapollium to institute further enquiries regarding the murder, it appears that

15th. August 1850.

that the 2d. 3d. and 4th. witnesses informed the Manigar of their having on the previous day seen the 1st. witness, a sweeper woman of the Prosecutrix's house, in company with the Prisoner and a child at the well in which the body was found. Upon this the 1st. witness was apprehended when she confessed having been present when the murder was perpetrated by the prisoner, by whom she stated that she had been requested to decoy the wife of the 15th. witness Goorco Row and the deceased to a neighbouring pagoda. that she accordingly called to them to accompany her - that Goorco Row's wife refused. but that the deceased went with her. that she (witness) took her to the prisoner who was standing near, and who led them to the well, down the bank of which he dragged the deceased and stabbed her with his dagger on the chin. that the witness ran away and returned to her house, where the prisoner in the evening brought some jewels belonging to the deceased which he buried in her backyard,

stating

F. 46.

15th. August 1850.

stating that he had killed the deceased, and that he would leave the jewels with her, until he could procure a sum of three Rupees, which he had promised her as a reward for her assistance in the matter.-

5. This witness stated that the prisoner had murdered the deceased. under the impression that she was the wife of Goorco Row, with whom he had had a quarrel on account of a Dancing girl.-

6. The Prisoner and the 1st. witness having been committed to the Criminal Court, the Principal Sudder Ameen considering that the evidence as it then stood would be insufficient to ensure the conviction of either prisoner, recommended that the 2d. prisoner should be admitted as an approver, which having been granted by the Court of Foujdaree Udalut, she was examined as a witness by the Criminal and Sessions Courts, and deposed upon oath to the circumstances stated in her confession before the Police.-

7. The Sessions Judge

in

it is in concurrence with the Mahomedan Law Officer, considered the evidence, consisting of the testimony of the Prosecutrix and first sixteen witnesses, to be conclusive to the prisoner's guilt, and do recommended that he should be sentenced to suffer death.-

8. On perusing the records the Court of Fonjdaree Udalut considered that the evidence to the circumstances, which led to the apprehension of the Prisoner and the 1st Witness, was defective; and they accordingly directed that further evidence should be taken on this point, and also that the truth of the 1st Witness' allegation in regards to the intimacy which she stated to have existed between the prisoner and herself and the existence of which the prisoner entirely denied, should be tested by the examination of witnesses competent to depose to it.

9. Upon the receipt of these orders ten additional witnesses were examined including the Heads of Police by whom the

the case was committed, whose depositions have been forwarded to the Fonjdaree Udalut.

10 On an attentive consideration of the entire records of the case, the Court of Fonjdaree Udalut have been unable to concur with the Sessions Judge in considering the evidence sufficient to the full conviction of the prisoner of the crime laid to his charge.-

11. The Court of Fonjdaree Udalut consider the alleged identification of the prisoner by the 2d 3d and 4th witnesses, as the person stated to have been seen by them at the well in company with the first witness and the deceased on the day that the murder is supposed to have taken place, to have been by no means satisfactorily established - The Court are unable to reconcile their alleged distinct recognition of the prisoner's person with their denial of having heard any screams, which, if the 1st witness' statement be correct, must obviously have proceeded from the well, while the perpetration of the murder was going on.-

J.

15th. August 1850.

12. It is to be observed that these witnesses deposed to having remarked a silver ring on the leg of the prisoner, when walking on the bank of the well; a circumstance they scarcely could have noticed at a distance of two hundred yards, which distance the well is stated to be from the spot where they were standing, when the circumstances narrated by them came under their observation.-

13. These witnesses (2nd 3d and 4th) likewise depose that the Prisoner had an Umbrella in his hand upon the occasion in question, a statement which is contradicted by the evidence of the 1st witness. the only witness who is shown to have passed near the Prisoner while the latter was in the neighbourhood of the well, and who states that he did not notice that the latter had such an article in his hands.-

14. The evidence of these witnesses the 2nd 3d and 4th is moreover inconsistent with that of the 1st witness, who states that she saw up the bank of the well, and returned to

F. 96.

15th. August 1850.

to her house, immediately after the prisoner struck the first blow upon the skin of the deceased; whereas the 2d 3d and 4th Witnesses depose that the man and woman who were seen by them to go down the bank of the well, re-ascended it together 3/4 of an hour, after they went down.-

15. On this point the Court of Fouzdaree Udalut deem it proper to observe that the Sessions Judge's examination is exceedingly defective; many obvious questions having been omitted, which might have reconciled the discrepancies under remark.-

16. It was obviously most important to ascertain how long the 1st Witness remained in the well, and with the view of reconciling the manifest inconsistencies between her Statement and those of the 2d 3d and 4th Witnesses, she should have been subjected to a most searching cross-examination.-

17. To the evidence of the Heads of Police the Court of Fouzdaree Udalut can attach no credit whatever.- It appears to them to evince an evident desire on the part of that Officer to fix the crime upon the prisoner;

prisoner; and it contains contradictions which should have been sifted by cross-examination, many of which however seemed to have entirely escaped the notice of the Sessions Judge. The Court would particularly refer to this Witness' answers to the 27th and 28th questions, from the latter of which it is obvious that the former answer is untrue, as proof of the careless manner in which this witness hazarded assertions which he must have known to be incorrect. The Court are unable to gather from the evidence of the Head of Police, who was the first person who indicated the prisoner as the probable perpetrator of the murder which had been committed. It is to be inferred that it was the 19th Witness. but on this point, which they cannot but think might have been cleared up by a more searching examination, the Court are left entirely to conjecture as also in regard to the nature of the statement made to the Head of Police by the 19th Witness, when the body was discovered regarding his previous meeting with the prisoner, concerning which, with reference to the answer given by the Head of Police to the

the 17th question, a further examination of the 19 Witness was clearly requisite.

18. The foregoing remarks on the insufficiency of the examination are likewise applicable to the evidence of the 11th Witness, the wife of Gonoo Row, who deposes to the 1st Witness on the day the deceased was missed having requested her and the deceased to accompany her to a Tank, the prisoner being close by at the time, but who has not been questioned as to her reasons for omitting, when the child was missed, to mention the circumstance in question of which she appears to have given an information, until after the apprehension of the prisoner and the 1st Witness.

19. It is to be observed that the alleged existence of an intimacy between the prisoner and the 1st Witness is entirely unsupported by evidence, the witnesses named by the latter to prove her assertion on this point having denied all knowledge of the fact asserted by her.

20. For the reasons above stated the Court of Foujdaree Udalut have considered the evidence insufficient to justify any more than

15th. August 1850.

thave a requisition of security, under which they have directed that the prisoner should be placed.

21. The Court of Fouzdaree Udalut observe that the prisoner should have been called upon to plead in answer to the further evidence taken under the orders of the Fouzdaree Udalut and they desire that the attention of the Acting Magistrate may be directed to the plan sent up by the Heads of Police of the place where the murder was alleged to have been committed, which it is observed is utterly useless for the purpose for which it was required; the relative distances of the several spots entered in the plan, which should have been ascertained by actual measurement, as for instance the distance from the spot where the 2d. 3d & 4th. Witnesses stood to the bank of the well in which the dead body was found not having been stated.

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

S. 76

15th. August 1850.

guidance; and for communication of para 21 to the Acting Magistrate.

(Sent in a No. 1006.)

L. S.

Certificate of Pardon

to

Lutchee.

1. Whereas under date the 20th. May 1850 the Court of Fouzdaree Udalut were pleased to authorize the Principal Sudder Ameen of Coimbatore to tender an offer of Pardon to "Lutchee" on condition of her making a full disclosure of every circumstance within her knowledge, relative to the Murder committed on the 1st. May 1850 on a girl named Velasubayammal the younger sister of the Prosecutrix Kristnammal in the Nunja fields of one Lingana pundit in the Village of Komarapallium in the Zillah of Coimbatore.

2. And whereas the Court of Fouzdaree Udalut are of opinion that the conditions

15th August 1850.

15.

conditions of the said grant of pardon have been sufficiently fulfilled.-

3. Now these are to certify and declare that in consideration thereof, the Court of Foujdaree Udalut have been pleased under the provisions of Section XX Regulation VIII of 1802, to confirm the pardon conditionally tendered as aforesaid to the said "Lutchee" in so far as regards the act therein referred to.-

4. And the Court do hereby confirm the said pardon accordingly.-

Given under our hands and the seal of the Court this 15th day of August 1850.-

[Signed] A. J. Arbuthnot
Head Assist. to the Registrar.

Ld 18.10.

F. No.

Friday
16th. August 1850. } At a Court of the Foujdaree Udalut.

Present

Gy. S. Hooper Esqre. ——— 1st. Puisne Judge.
S. P. Thompson Esqre. ——— 2nd. Puisne Judge.
W. H. Morehead Esqre. ——— 3rd. Puisne Judge.

Read Calendar of Cases No. 29 of 1850 of the Sessions Court of Coimbatore.

(Here enter F. No. No. 2026 of 1850.)

The Court of Foujdaree Udalut approves of the recommendation made by the Sessions Judge in this Case that the sentence recorded against the two Prisoners on their conviction of "Gang Robbery" be mitigated in the case of the first Prisoner to seven years, and to that of the second Prisoner to five years' imprisonment with hard labor in irons - and the Sessions Judge is authorized to issue his warrants accordingly.

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

(Sent in No. 1007)

Read

16th. August 1850.

Read Calendar of Cases No. 25 of 1850 of the Sessions Court of Salem.

(Here enter F. No. No. 2042 of 1850.)

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this case, that the sentence recorded against the Prisoner on his conviction of "Theft" be mitigated to three months' imprisonment with solitary confinement and the Sessions Judge is authorized to issue his warrant accordingly.

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

(Sent in No. 1008.)

Read Letter under date the 6th. August 1850 from the Sessions Judge of Cuddapah, submitting an English Translation of the records of Case No. 59 of 1850 on the file of the Sessions Court for the final judgment of the Foujdaree Udalut.

(Here enter F. No. No. 2082 of 1850.)

Before finally disposing of this

16th. August 1850.

case the Court of Foujdaree Udalut resolve to direct that the individuals by whom the Prisoner was apprehended may be examined and that any evidence that may be procurable to the alleged removal of the Knife, with which the offence charged is stated to have been committed, on the night of the affray by the prisoner's wife and to its alleged discovery in the prisoner's house may be taken.

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddapah, by precept returnable within x days, from and after its receipt.

(Sent following precept No. 1009.)

Read letter dated 31st. July 1850 from the Sessions Judge of Cuddapah requesting instructions as to the execution of Koopen the Prisoner in Case No. 53 of 1850 on the Calendar for 1850.

(Here enter F. No. No. 2035 of 1850.)

The Court of Foujdaree Udalut consider that the Sessions Judge has shown

a

16th August 1850.

a want of sound judgment in deferring the execution of the sentence passed on the Prisoner in question, who they observe was on the 10th July declared by the Hillah Surgeon to be quite convalescent and free from every complaint excepting weakness and they direct that the sentence be carried into execution without further delay.

Ordered, that Extract from these Proceedings, be forwarded to the Sessions Judge of Chittoor for his information and guidance.-

(Sent in No. 1010 /50

E. W.

Saturday 17th August 1850

F. C.

At a Court of the Foujdaree Udalut

Present

G. S. Cooper Esqre ——— 1st Puisne Judge
C. P. Thompson Esqre ——— 2d Puisne Judge
W. A. Morehead Esqre ——— 3d Puisne Judge

Read miscellaneous Petition presented on the 4th March 1850 by Sabapathy, appu Naidoo, Panchayan Sobbalakshamma, and Vencatacamy Naidoo of Gillah Chittoor

(Here enter No. P. 1850. 123 of 1850)

Mr C. P. Thompson

The Petitioners pray the Court to order the restoration to them of certain articles of property found in their possession and seized by the Police upon the occasion of their apprehension upon the charges preferred against them in cases Nos 14 and 15 of 1849 on the file of the Sessions Court of Chittoor.-

2. The Petitioners having been acquitted of the offence laid to their charge, the Court of Foujdaree Udalut resolve to direct that the Sessions Judge will state in what manner the property referred to has been disposed of, and whether any objections exist to its restoration to those in whose possession it was found by the Police.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Chittoor by precept returnable within five days from and after its receipt.-

(Sent following precept No. 1013)

Ordered

Ordered also that extract from these proceedings be given to the Petitioners on their application.

Read Letter dated 31st July 1850 from the Sessions Judge of Cuddalore submitting copy of a correspondence with the Magistrate of Salabar and the Subordinate Judge and Zillah Surgeon on the subject of temporarily removing the Prisoners from the branch Jail at Porto Novo.

(Here enter the No. 2024 of 1850.)

Read also Letter dated 5th August 1850 from the same officers transmitting copy of the records of an enquiry made by the Subordinate Judge into the circumstances attending the death of a Prisoner by Cholera in the Jail above alluded to

(Here enter the No. 2052 of 1850)

The Court of Sudder Adawlut observe that the transmission of this lengthy correspondence, the transcribing of which must have occupied a copyist for many hours, and the perusal of which has seriously trenched upon the time of the Court, was wholly unnecessary. All that the Sessions Judge was called upon to report was the fact that the Prisoners had been temporarily removed into the Zillah Jail on account of Cholera, and, as the local authorities were fully competent to punish any neglect on the part of the guards, the transmission of the records of the enquiry instituted by the Subordinate Judge, could serve no useful and whatever.

Ordered that extract from these proceedings be forwarded to the Sessions Judge of Cuddalore for his information and future guidance.

(Cent. in No. 1012)

Read Letter dated 2d August 1850 from the Joint Magistrate of Cuddalore submitting a statement of the charges incurred in the subsistence of Convicts at that station, during July 1850.

(Here enter No. 2033. of 1850.)

The Court of Sudder Adawlut direct

1. that this statement be returned to the Magistrate of Cuddalore who will be instructed to control the charges in question in his general statement of contingent charges.

The Magistrate will further be desired

2. to transmit a memorandum, in the form circulated on the 15th July last, showing the returns from the Prisoners' labor during the July in question.

Ordered that extract from these proceedings be sent to the Magistrate of Cuddalore for his information.

(Cent. in No. 1015)

Read return dated 3d August 1850 from the Sessions Judge of Cuddalore to the Precept of the Sudder Adawlut under date the 19th July 1850 directing him to forward an English Translation of the Records of the case No. 125 of 1850 on the file of the Subordinate Criminal Court.

(Here enter No. 2030 of 1850)

J. 11.

Monday 19th August 1850. } At a Court of the Toujdaree Adalut

Present

W.R. G. S. Cooper Esquire 1st Puisne Judge.

P.C. E. P. Thompson Esquire 2d Puisne Judge.

W. A. Mocatta Esquire 3d Puisne Judge.

Read letter dated 29th July 1850 from the Sessions Judge of Chingleput requesting permission to withdraw the Peons now kutteed on the Southern Road to the Gillah Jail.

/Vide Enter T.C. No. 1962 of 1850/

Read also letter dated 9th August 1850 from the same Officer reporting with reference to the Memo: issued from the Registers Office on the 3 Idem, the number and strength of the gangs now employed on the road above referred to.

/Vide Enter T.C. No. 2080 of 1850/

The Sessions Judge reports that with reference to the prohibition of the practice of linking prisoners together at night in the Circular Order Toujdaree Adalut

Adalut dated 25th July 1850 he cannot answer for the safe custody of the Prisoners now employed at a distance from the Gillah Sail, and that ample work can be found for them in the immediate vicinity of Chingleput, and the Court of Foujdaree Adalut consequently authorize the removal of the Convicts now employed on the Southern Road to the Gillah Sail.

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

/Sent in No. 1017/

Read Calendar of Case No. 4 of 1850 submitted by the Sessions Judge of Guntoor under date the 2d March 1850

/Here Enter Ft. No. 555 of 1850/

Read Return dated 25 February 1850 from the Sessions Judge of Tellicherry to the Precept of the Foujdaree Adalut under date the 21 February 1850 requiring information as to manner in which the Case No. 4 of 1850 of Report B has been disposed of.

/Here Enter Ft. No. 557 of 1850/

19th August 1850

Read Calendar of Case No. 220 of 1850 submitted by the Sessions Judge of Masulipatam under date the 13th June 1850

/Here Enter Ft. No. 1593 of 1850/

Read Report dated 15th July 1850 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 1850.

/Here Enter Ft. No. 1869 of 1850/

Read Report dated 20th July 1850 submitted by the Sessions Judge of Chittoor of Convicts labor of the Sail at Vellore under the charge of the Head Assistant Magistrate of North Arcot for the month of June 1850.

/Here Enter Ft. No. 1933 of 1850/

Read Report dated 26th July 1850 submitted by the Acting Sessions Judge of Madura of Convicts labor of the Sail at Dambum under the charge of the Joint Magistrate for the month of June 1850.

/Here Enter Ft No. 1952 of 1850/

Read

14th August 1850.

Read report dated 1st August 1850 submitted by the Session Judge of Chittoor of Cases pending on the 31st July 1850 before the Session Court for a period in excess of 25 days calculated from the date of commitment.

(Here Enter S.R. No. 2067 of 1850)

Ad. Rd.

F. R.

Tuesday 20th August 1850.

At a Court of the Foujdaree Adalut.

Present

G. S. Hooper Esqr. — 1st Puisne Judge
E. B. Thompson Esqr. — 2nd Puisne Judge
W. A. Morehead Esqr. — 3rd Puisne Judge.

Read again Miscellaneous Petition presented on the 24th June 1850 by Parvathy — Inmate of Zillah Chittoor —

(Here enter F. R. P. No. 106 of 1850).

Read also returns under date the 29th July 1850 from the Sessions Judge of Chittoor to the precept of the Foujdaree Adalut dated the 15th July 1850 conveying their orders on the foregoing Petition —

(Here enter F. R. No. 1995 of 1850).

It would appear from the foregoing return that the complaint made by the 1st Prisoner of having received ill-treatment at the hands of the Police authorities was to a certain extent well founded; and the Court of Foujdaree Adalut direct that the Magistrate of North Arcot will issue strict orders to the Heads of Police under his jurisdiction to prevent the

the Subordinate Police officers from resorting to any improper or unnecessary means of restraint in securing prisoners captured by them.—

2. The Court of Foujdaree Adalut see no reason to question the propriety of the 1st prisoner's conviction, and they accordingly resolve to dismiss the Petitioners' application.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Chittoor for communication to the Magistrate of North Arcot.—

(Sent in No. 1020).

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

Read Miscellaneous Petition presented on the 29th July 1850. by Gaddum Ankireddy of Zillah Cuddapah.—

(Here enter F. Gr. P. No. 122 of 1850).

1. The Petitioner complains of the acquittal of the prisoner in Case No. 45 of 1850. on the file of the Sessions Court of Cuddapah, and prays the Court of Foujdaree Adalut to call for the record of the case and to pass sentence therein.—

2. The Court of Foujdaree Adalut observe

20th August 1850.

observe that the case to which the Petitioner refers having been disposed of by a competent tribunal, the acquittal of the prisoner is final and the Foujdaree Adalut have no authority to interfere in the manner the Petitioner requests.

3. This Petition is accordingly dismissed.—

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

Read again Calendar of Case No. 32 of 1850. on the file of the Sessions Court of Masulipatam.

(Here enter F. G. No. 1497 of 1850).

Read also return under date the 29th July 1850. from the Sessions Judge of Masulipatam to the precept of the Foujdaree Adalut dated the 20th June 1850. directing the submission of an English Translation of the record of the foregoing case.—

(Here enter F. G. No. 2060 of 1850).

Read also Miscellaneous Petition presented on the 1st July 1850. by R. Tersoomalroo Vakeel on behalf of Avoonoo-ladasee Lakshmi Peroomalloo of Zillah Masulipatam.—

Here enter F. Gr. P. No. 107 of 1850).

On an attentive consideration of the

Mr. G. S. Hooper and Mr. W. A. Morehead

1. entire record of this case, the Court of Foujdaree Adalut are

are of opinion, that the evidence is altogether insufficient to establish the charge upon which the Prisoners have been convicted by the Sessions Judge - and the Court accordingly direct that the Prisoners be unconditionally released.-

2. The Court of Foujdaree Adalut observe that there is no evidence to show that the Prosecutors ever possessed the sum of which they allege that they have been robbed, and if they were, the Court could attach no credit to their Statement that they had left a sum of Rupees 510. at an empty house in a trunk placed upon the roof.-

3. It is to be remarked that the Curumm's report that the Prosecutors house had been robbed, dated the 28th November 1849, makes no mention of the exact sum taken, merely stating that Jewels and ready Money, the value of which the Prosecutors were unable to state, had been stolen, a Statement which considered with reference to the Prosecutors condition in life, appears very inconsistent with the supposition that the sum of money lost by them amounted to Rupees 500, which amount they could scarcely have failed to recollect.-

4 It is to be observed that the Prosecutors

Prosecutors Statements in regard to the manner and the place in which the money alleged to have been lost by them was kept, differs from the confessions reported to have been made by the Prisoners, who are stated to have deposed that they dug the rupees out of the wall of the house.-

5. There is no evidence to show that the money delivered up by the Prisoners is the Prosecutors property, whereas the Prisoners are shown to be respectable persons and likely to be possessed of property to the amount of that which they have been charged with having stolen.-

6. Under all the circumstances of the case the Court of Foujdaree Adalut consider the manner in which it has been disposed of to be by no means creditable to the discretion or judgment of the Sessions Judge.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Masulipatam by precept returnable within III days from and after its receipt.-

(Sent following Precept No 1021).

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

Read report B dated the 1st Instant

Submitted

submitted by the Sessions Judge of Rajahmundry of Persons apprehended in the Zillah of Rajahmundry and delivered to the Criminal Judge in the month of July 1850.-

(Here enter F: G: No: 2123 of 1850).

Read Criminal Report 13 dated the 9th Instant submitted by the Sessions Judge of Tellicherry for the month of July 1850.-

(Here enter F: G: No: 2125 of 1850).

Read Criminal Reports dated the 15th Instant, submitted by the Acting Sessions Judge of Trichinopoly for the months of July 1850.-

(Here enter F: G: No: 2129 of 1850).

Read Criminal Reports dated the 15th Instant submitted by the Sessions Judge of Nellore for the month of July 1850.-

(Here enter F: G: No: 2130 of 1850).

Read Criminal Reports dated the 2nd Instant submitted by the Assistant Agent at Ganjam for the month of July 1850.

(Here enter F: G: No: 2132 of 1850).

Read Criminal Report dated the 12th Instant, submitted by the Acting Sessions Judge of Madura for the month of July 1850.

(Here enter F: G: No: 2133 of 1850).

Read Calendar of Case No: 17 of 1850 submitted

20th August 1850.

submitted by the Acting Sessions Judge of Trichinopoly under date the 14th Instant.-

(Here enter F: G: No: 2134 of 1850).

Read letter dated the 15th Instant from the Sessions Judge of Cuddapah forwarding the Original warrant issued for the execution of the Prisoner in Case No: 11 of the Calendar of 1850.-

(Here enter F: G: No: 2136 of 1850)

Read report dated the 2nd Instant, submitted by the Joint Magistrate in charge Pammbum of Convict Labour of the Jail at Pammbum.-

(Here enter F: G: No: 2138 of 1850).-

2d 1850

Wednesday
21st August 1850

D.U.

At a Court of the Dajdarees Adalut

Present

G.A. Hooper Esqr. 1st Puisne Judge
H.M. for C.P.S. C.P. Thompson Esqr. 2nd Puisne Judge
W.A. Morehead Esqr. 3rd Puisne Judge

Read Calendar of Case No. 7 of 1850 of the Session Court of Chicacole

(Here enter D.U. No. 2066/1850)

1. D.U. appears to the Court of Dajdarees Adalut upon perusal of the statements made by the Prosecutor and No. witness in this Case that the evidence was fully sufficient to warrant the committal of the Prisoner, and as it seems obvious from the remarks of the Session Judge that no doubt is entertained by that Officer in respect to the Prisoner's guilt, the Court are wholly unable to comprehend the grounds upon which he has been merely required to furnish security

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

(Sent in No. 1022.)

Read Calendar of Case No. 18 of 1850 of the Session Court of Madura.

(Here enter D.U. No. 2054/1850)

1. Before passing their final

Orders

L.C.:
21st August 1850.

Orders on this Case the Court of Enjidance Adalut resolve to call upon the Session Judge to state the value of the articles Nos 10 and 11 found in the house of the 2nd Prisoner, and whether those articles were such as could be satisfactorily deposed to..

2. The Court also require to be informed whether it appeared from the examination of the 4th 5th & 6th witnesses that when they came to the spot on the first alarm being given of the robbery, the Prosecutor or the 1st & 3rd witnesses denounced the above Prisoners by name..

3. And, in submitting the above information, the Acting Session Judge will be pleased to explain the cause of the delay between the occurrence of the robbery and the date of the charge..

Ordered, that Extract from these proceedings be forwarded to the Acting Session Judge of Madura by Cowcoft returnable within III days from and after its receipt..

(Sent following Cowcoft No 1023)

Read Letter dated 9th August 1850 from the Session Judge of Coimbatore transmitting Copy of a Letter dated 30th July 1850 in which the Acting Magistrate requests to be informed whether the provisions of Act XVI of 1850 apply to the Courts of the Magistracy..

(Here Enter L.C. No 2084/1850)

L.C.:
21st August 1850

The Court of Enjidance Adalut direct that a Copy of Para 2 of their Proceedings under date 29th May 1850 upon a similar reference be transmitted for the information of the authorities at Coimbatore..

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Coimbatore for his information and for communication to the Acting Magistrate..

(Sent in No 1024)

Read letter dated the 3rd Instant from the officiating Agent to the Governor of Fort Saint George at Vizagapatam submitting a Summary of the evidence taken before him in a case of "Highway robbery by open violence"..

(Here enter L.C. No 2065/1850)

1. The officiating Agent convicts the Prisoner "Veddadah Maunnedeyandoo" of the Crime charged against him, and recommends that he should be sentenced to (4) four years imprisonment with hard labor in irons under Clause 3rd Section IV Regulation XV of 1803 and Clause 2nd Section III Regulation I of 1825.

2. The Court of Enjidance Adalut concur in the conviction of the Prisoner and confirm the sentence proposed to be passed against him..

Ordered that Extract from these

L:U:

21st August 1850

Were Proceedings be sent to the Officiating Agent to the Governor of Fort Saint George - at Vizagapatam for his information and guidance -:

/ Sent in N°1025 /

Read Miscellaneous Petition forwarded by the Session Judge of Coimbatore from Veerun of that Zillah -.

/ Here enter L:U: P: N°126/1850 /

The Court of Sujidaree Adalut resolve to direct that the English Translation of the foregoing Petition* be forwarded to the Session Judge with instructions to that Officer to report whether or not there is any truth in the Statements it contains -.

*to be returned

Ordered that Extract of these proceedings be sent to the Session Judge of Coimbatore by precept returnable within X days from and after its receipt -.

/ Sent following Receipt N°1026 /

Read the Petty Calendars of Cases disposed of by the Magistracy in the Zillah of Bellary during the 2nd Quarter of 1850 -.

/ Here enter L:U: N°204 / 1850

The Court of Sujidaree Adalut request that the Session Judge will point out to the acting Magistrate that in all cases of Theft entered in the Petty Calendars it will be necessary for him in future to state the value

/

L:U:

21st August 1850

of the property charged or proved to have been stolen, in conformity with the provisions of Sujidaree Adalut Circular Order dated the 25th August 1818 -.

Ordered that Extract from these proceedings be forwarded to the Session Judge of Bellary for his information and for communication to the Magistrate -.

/ Sent in N°1027 /

Read letter dated the 15th Instant from the Session Judge of Combaconum submitting for the final Judgment of the Sujidaree Adalut the Record of Case N°s 20 & 21 of the Calendar of the Session Court -.

/ Here enter N°2127 /

The Court of Sujidaree 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

"Veerapen, alias Calimapiel"

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

/ Sent in N°1028 /

Read letter dated the 9th Instant from the Session Judge of Chittoor submitting for the final Judgment of the Sujidaree Adalut

L.C.

21st August 1850

Udalut The Record of Case No. 11 of 1850 of the Calendar of the Sessions Court

(Here enter No. 2090 of 1850)

The Court of Enjidance 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

"Moonegaudoo"

is sufficient to convict him of the crime of Wilful 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 Enjidance Udalut desire to be informed under what circumstances the examination of the prisoner in this case before the Subordinate Criminal Court took place on the day preceding that upon which the witnesses for the prosecution were examined, and attending to the circumstances that the prisoner fainted when under examination before the subordinate Judge the Court of Enjidance Udalut deem it proper to direct that the impropriety of proceeding with the examination of a prisoner reduced to such a state of weakness may be pointed out to that Officer, a confession delivered under such circumstances being obviously open to some distrust ..

2. The Court of Enjidance Udalut

L.C.

21st August 1850

have founded their conviction chiefly upon the proved delivery by the Prisoner of the property of the deceased, taken into consideration with the other circumstantial evidence adduced ..

3. The Court observe that the prisoner was apprehended on the 19th of April whereas the 21st of that month is the date assigned for his apprehension in the Calendar submitted to the Enjidance Udalut ..

Ordered, that Extract of these proceedings be sent to the Sessions Judge of Cuttack by Precept returnable within X days from and after its receipt ..

Sent following precept No. 1039

Read Calendar of Case No. 51 1752 of 1850 of the Sessions Court of Cuttack

(Here enter L.C. Nos. 2074, 2075, 2076 1850)

1. The Court of Enjidance Udalut upon an attentive consideration of all the circumstances of these Cases are of opinion that the sentence of 14 years' imprisonment with hard labor in irons, which has been passed upon the Prisoner on his conviction of Highway Robbery may with propriety be reduced to seven years' imprisonment ..

2. If the Sessions Judge upon reconsideration be enabled to concur in this opinion he will be pleased to submit a

21st August 1850

a recommendation for the mitigation of the Prisoners sentence accordingly: if he dissents therefrom he will be pleased to transmit an English translation of the entire Record of the case for the consideration of the Lordships Gladat.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddapah by Receipt returnable within III days from and after its receipt.

/Sent following Receipt No 1839/

Read Calendar in Case No 33 of 1850 submitted by the Sessions Judge of Bellary dated 31st July 1850.

/Here enter No 2009 of 1850/

Read Calendar in Case No 25 of 1850 submitted by the Sessions Judge of Cuddalore dated 3rd August 1850.

/Here enter No 2011 of 1850/

Read Calendar in Case No 41 of 1850 submitted by the Sessions Judge of Cuddapah dated 31st July 1850.

/Here enter No 2012 of 1850/

Read Calendars in Cases No 21 and 22 of 1850 submitted by the Sessions Judge of Salem dated 3rd August 1850.

/Here enter No 2019 of 1850/

Read Calendar in Case No 48 of 1850 submitted by the Sessions Judge of Cuddapah dated

21st August 1851. dated 31st July 1850.

/Here enter No 2013 of 1850/

Read Calendar in Case No 27 of 1850 submitted by the Sessions Judge of Bellary dated 2nd August 1850

/Here enter No 2020 of 1850/

Read Report dated 1st August 1850 submitted by the Sessions Judge of Cuddapah for the Month of July 1850.

/Here enter No 2021 of 1850/

Read letter dated 3rd August 1850 from the Sessions Judge of Cuddapah reporting the execution of the 2 Prisoners Bundee Lakireddy in Case No 59 of the Calendar for 1849.

/Here enter No 2022 of 1850/

Read letter dated 29th July 1850 from the Acting Sessions Judge of Tinnevelly forwarding the Petty Calendars of the Cases disposed of by the Magistrates during the 2d Quarter of 1850 together with an Extract from the Proceedings of the Sessions Court held on review of the same.

/Here enter No 2015 of 1850/

Thursday.
22d August 1850.

F U

At a Court of the Foujdaree Udalut

— Present —

G. S. Hooper Esqr. ——— 1st Puisne Judge
C. P. Thompson Esqr. ——— 2d Puisne Judge
A. A. Morehead Esqr. ——— 3d Puisne Judge

Read letter dated 3d August 1850 from the Magistrate of Malabar requesting authority to offer rewards of Rupees 250 for the apprehension and conviction of Veela Kutty and Vella Rowlan respectively

(Here enter F U. No 2057 of 1850)

It appears from the Report of the Assistant Magistrate submitted with this communication that the parties in question are not only suspected of having been concerned in the assassination of the Amelen of Pudunagaroom but have been implicated in several cases of robbery and under those circumstances the Court of Foujdaree Udalut under the provisions of Section XX Regulation IX of 1816 sanction the offer of the rewards recommended by the Magistrate.

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

(Sent an Ltr No 1031.)

Read

22d Augst 1850.

Read communication dated 3d Augst 1850 from the Sessions Judge of Calicut submitting copies of the Subordinate Judges Returns to the Sessions Courts Precepts dated the 27th ultimo, of the Civil Surgeons Letter therein alluded to and of the Sessions Courts Proceedings dated 1st Instant.

/Here Enter No 2050 of 1850/

Read Calendar of Case No 58 of 1850 submitted by the Sessions Judge of Calicut under date the 3d Augst 1850.

/Here Enter No 2051 of 1850/

Read Letter dated 9th Augst 1850 from the Chief Magistrate and Superintendant of Police, forwarding Report of a case tried under Act XXV of 1837 in the month of July last.

/Here Enter No 2052 of 1850/

Read communication dated 2d August 1850 from the Sessions Judge of Rajahmundry submitting copy of the Sessions Courts remarks on review of the Magistrates Petty Calendars for the 2d Quarter of 1850.

/Here Enter No 2066 of 1850/

Read Calendar dated 5th August 1850 submitted by the Sessions Judge of Coimbatore, of a Prisoner committed by the Head Assistant Magistrate of Dindigul on a charge of Escape.

/Here Enter No 2069 of 1850./

Read Calendar of Case No 60 of 1850 submitted by the Sessions Judge of Calicut under date the 6th Augst 1850.

/Here Enter No 2077 of 1850/

22d August 1850.

Read Return dated 5th August 1850 from the Sessions Judge of Mangalore to the Precepts of the 3rd ultimo dated under date the 26th July 1850 calling for further explanation in regards to the nature of the offence committed by the 6th Witness in Case No 59 of the Criminal Report for June 1850.

/Here Enter No 2075 of 1850/

Read communication dated 6th August 1850, from the Sessions Judge of Calicut submitting copy of the Sessions Courts Proceedings on the Magistrates Calendar for the 2d Quarter of 1850.

/Here Enter No 2089 of 1850/

Read Criminal Reports submitted by the Sessions Judge of Cuddalore, under date the 12th August 1850, for the month of July last.

/Here Enter No 2091 of 1850/

Do 1850.

Friday

23rd August 1850

F. No.

At a Court of the Fouzdaree Udalut:

Present.

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

S. P. Thompson Esqre — 2nd Puisne Judge.

W. H. Morehead Esqre — 3rd Puisne Judge.

Read Extract from the Minutes of Consultation of Government under date 14th August 1850 requesting information as to the grounds on which the Subordinate Judge of Cuddapah refused Lieutenant Kennedy's request for the services of Convicts with Carts in constructing approaches to a Bridge represented to be situated in the Centre of the Town.-

(Here enter F. No. No 2104 of 1850.)

The Court of Fouzdaree Udalut resolve to direct the Session Judge to call for the explanation required by Government from the Subordinate Judge and submit the same without delay.-

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

and

23d. August 1850.

and guidance.-

(Sent in No. 1036 /

Read again Calendar of Case No. 3 of 1850 on the file of the Sessions Court of Honore.-

(Here enter F. Vo. No. 1034 of 1850.)

Read also return under date the 29th. July 1850 from the Sessions Judge of Honore to the precept of the Fonjdaree Udalut dated the 30th. April 1850 conveying their orders on the foregoing case.-

(Here enter F. Vo. No. 2028 of 1850)

1. The Court of Fonjdaree Udalut consider the evidence in this case altogether insufficient to justify either the conviction of the 2nd. Prisoner or the requisition of security under which the 1st. Prisoner has been placed.-

2. The Court of Fonjdaree Udalut accordingly direct that the sentence awarded to the 2nd. Prisoner which, it is observed, has merged in a sentence passed upon him in another case, be annulled, and that the demand of security made upon the 1st.

23d. August 1850.

1st. prisoner be cancelled.-

3. The Court of Fonjdaree Udalut consider the manner in which this case has been disposed of, to be by no means creditable to an Officer of Mr. Lascelles' standing and experience.-

Ordered, that Extract from these Proceedings, be forwarded to the Sessions Judge of Honore, by precept returnable within X days, from and after its receipt.-

(Sent following precept No. 1037) /

Read again Calendar of Case No. 2 of 1850 on the file of the Sessions Court of Honore.-

(Here enter F. Vo. No. 1033 of 1850.)

Read also return under date the 22nd. July 1850 from the Sessions Judge of Honore to the precept of the Fonjdaree Udalut dated the 30th. April 1850 conveying their orders on the foregoing case.-

(Here enter F. Vo. No. 1964 of 1850.)

The Court of Fonjdaree Udalut consider the evidence in this case insufficient to justify the full conviction of the

2nd.

23d. August 1850.

2nd. prisoner of the offence laid to his charge, but being of opinion that strong suspicion attaches to him, they resolve to direct that the sentence awarded to him be annulled, and that he be placed under a requisition of security in two sureties in the sums of Rupees 50 each for the period of two years, or in default that he be imprisoned for a similar period.-

Ordered, that Extract from these Proceedings, be forwarded to the Sessions Judge of Honore, by precept returnable within V days, from and after its receipt.-

(Sent following precept No. 1030.)

Read again Calendar of Case No. 39 of 1849 on the file of the Sessions Court of Chittoor.

(Here enter F. No. No. 875 of 1850.)

Read again also return under date the 25th. April 1850 from the Subordinate Judge in charge of the Sessions Court of Chittoor to the precept of the Fouzdaree Udalut dated the 18th. April 1850 calling for further information with reference to the foregoing case.-

(Here enter F. No. No. 1073 of 1850.)

Read

F. No.

23d. August 1850.

Read also Miscellaneous Petition presented on the 29th. April and 20th. May 1850 by Syed Gayasooddeen of Hillah Chittoor.

(Here enter F. No. P. Nos. 85 and 89 of 1850.)

Read again also returns under date the 10th. June 1850 and Supplemental return under date the 13th. July 1850 from the Sessions Judge of Chittoor to the precept of the Fouzdaree Udalut dated the 23d. May 1850 calling for translations of those portions of the records of the foregoing case which have reference to the 2nd. Prisoner.-

(Here enter F. No. No. 1820 of 1850.)

Read also return under date the 5th. August 1850 from the Sessions Judge of Chittoor to the precept of the Fouzdaree Udalut dated the 30th. July 1850 requiring further information regarding the foregoing case.-

(Here enter F. No. No. 2064 of 1850.)

1. The Sessions Judge states in this return that the 2nd. Prisoner in the foregoing case "was charged under the three "several counts as entered in the Calendar"

but

"but found guilty only in part, namely in"
"having personated Rabiah Begum but not"
"with having defrauded or with a view to"
"defraud the Government but only to impose"
"upon the Court."

2. The Court of Fouzdaree Udalut observe that the act of which the 2d prisoner is said to have been convicted does not form any one of the Counts of the indictment upon which she was arraigned, the alleged fraud or fraudulent intent being a material part of each of the Counts in question.-

3. The Court of Fouzdaree Udalut accordingly resolve to direct that the 2d prisoner in question be unconditionally released.-

4. It is to be remarked that the prisoner was not permitted to complete the act of which she is said to have been convicted viz. the personation of Rabiah Begum, she having been made a prisoner when she was apparently upon the point of doing so, and placed upon her trial upon the indictment upon which she

was arraigned.-

5. The Court of Fouzdaree Udalut are satisfied from a perusal of the portion of the record which has been submitted to them of the guilt of the 1st prisoner and they accordingly resolve to dismiss the Petitioner's applications for the reversal of the sentence awarded to that prisoner.-

6. The Court would observe in conclusion that the Sessions Judge has failed to answer distinctly the question propounded in their proceedings of the 30th July last viz. under what particular count of the indictment the 2d prisoner was convicted having confined himself in his return to a general statement of the act of which she was found guilty without reference to any one of the three several Counts upon which she was tried.-

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

(Sent following precept No. 1039)

Ordered

2. 23 23rd August 1850.

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

E. W.

W. K.

J. U.

Saturday, 24th August 1850.— At a Court of the Foujdaree Udalut.—

Present

W. K. G. S. Hooper Esquire —— 1st Puisne Judge.

C. P. C. P. Thompson Esquire —— 2nd Puisne Judge.

W. M. W. A. Morehead Esquire 3d Puisne Judge.

Read letter dated 20th August 1850 from the Session Judge of Coimbatoor submitting for the final judgment of the Foujdaree Udalut the record of case No. 23 of 1850 on the Calendar of the Session Court.—

(Here enter F. U. No. 2172 of 1850.)

No. W. A. Morehead.— The Court Foujdaree Udalut, on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the Prisoner, "Permaloo"

is not convicted on presumptive proofs or on the evidence of credible witnesses or on his own confession of the crime charged do acquit him thereof and direct that he be set at liberty.—

(Sent in No. 1040)

Read.

Read letter dated the 11th instant from the Session Judge of Calicut transmitting the Criminal Reports for the Month of July last.—

(Here enter J. U. No. 2140 of 1850.)

Read Criminal Reports for the Month of July last submitted by the Acting Session Judge of Tinnevelly under date the 1st Instant.—

(Here enter J. U. No. 2141 of 1850.)

Read Criminal Reports for the Month of July last submitted by the Session Judge of Bellary under date the 11th Instant.—

(Here enter J. U. No. 2142 of 1850.)

Read Calendar of Case No. 11 of 1850 submitted by the Session Judge of Tellicherry under date the 31st Ultimo.—

(Here enter J. U. No. 2143 of 1850.)

Read Calendar of Case No. 19 of 1850 submitted by the Acting Session Judge of Tinnevelly under date the 13th Instant.—

(Here enter J. U. No. 2146 of 1850.)

Read Criminal Reports for the Month of July last submitted by the Session Judge of Guntoor under date the 17th Instant.—

(Here enter J. U. No. 2154 of 1850.)

Read

Read letter dated the 13th Instant from the Agent to the Governor of Fort St. George at Ganjam reporting that "Boleyadoo" the Prisoner in Criminal Trial No. 17 of 1850 has been hanged on the 12th August 1850.—

(Here enter J. U. No. 2161 of 1850)

Read Criminal Reports for the Month of July last submitted by the Session Judge of Honore under date the 15th Instant.—

(Here enter J. U. No. 2164 of 1850.)

Read Calendar of Case No. 26 of 1850 submitted by the Session Judge of Salem under date the 11th Instant.—

(Here enter J. U. No. 2166 of 1850)

Read Criminal Reports for the Month of July last submitted by the Officiating Agent to the Governor of Fort St. George at Vizagapatam under date the 15th Instant.—

(Here enter J. U. No. 2167 of 1850.)

Read letter dated 17th Instant from the Session Judge of Rajahmundry submitting copy of the letter from the Subordinate Judge stating that the final sentence of the Court of Sudder Adalut upon the Prisoner in Case No. 19 of 1850 on the Calendar has been duly executed and enclosing

the

24th August 1850.—

the Original Warrant in the above Case.—

(Here Enter F.H. No 2168 of 1850)

Read letter dated 13th Instant from the Agent to the Governor of Fort St. George at Ganjam submitting copy of his letter to Lieutenant J. P. Frye Assistant Agent requiring a separate letter in explanation of the circumstances attending the execution in Case No 17 of 1850 of his file.—

(Here enter F.H. No 2170 of 1850.)

Dd 1812.

F.H.

Monday 26th August 1850. } At a Court of the Foujdaree Adalut

Present

The Hon'ble G. I. Cooper Esqre 1st Puisne Judge

H.M. for L.P.J. E. P. Thompson Esqre 2d Puisne Judge

W. A. Morehead Esqre 3d Puisne Judge

Read again Calendar of Case No 28 of 1850 of the Sessions Court of Cuddalore.

(Here Enter F.H. No 1960 of 1850)

Read also Return dated the 13th August made by the Sessions Judge of Cuddalore to the precept of the Foujdaree Adalut under date the 9th August 1850 communicating the observations and orders of the Court on the above Case.

(Here Enter F.H. No 2106 of 1850)

In accordance with the recommendation made by the Sessions Judge in the foregoing Return the Court of Foujdaree Adalut resolve to mitigate the Sentence recorded against the Prisoner in the above Case to Four (4) years imprisonment with hard labor in irons.

The

2. The Sessions Judge will be pleased to issue a fresh warrant in accordance with this resolution.

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

/ Sent in No /

Read Criminal Reports submitted by the Sessions Judge of Chittoor for the month of July 1850.

/ Here enter F.H. No 2128 of 1850 /

Report B
Case No 115

1. The Court of Foujdaree Adalut do not gather from the Statement of the charge preferred against the prisoner in this case that the act charged by him in the False complaint of which he has been convicted would if proved have amounted to a Criminal Offence and on this point they direct that explanation may be submitted; the mere act of appearing before a Police Officer and falsely accusing another person of an act not in itself Criminal not being punishable under the provisions of Regulation X of 1832.

The

Magistrates Report B Case No 5

2 The Court of Foujdaree Adalut direct that the requisition of security made in this case may be annulled, the Offence charged not being one which it was competent to the Head Assistant Magistrate to dispose of under the provisions of Section VII Regulation X of 1816.

3 If the Head Assistant Magistrate considered that strong suspicion attached to the Prisoner of having committed the specific Offence charged against him it was incumbent upon him to commit the case to the Criminal Court and this course he will now be pleased to adopt.

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Chittoor by precept returnable within V days from and after its receipt.

/ Sent following precept No /

Read Calendar of Cases No 1850 of 1850 of the Sessions Court of Combatore.

/ Here enter F.H. No 2135 of 1850 /

The Court of Foujdaree Adalut approve of the recommendation made

28th August 1850.

made by the Session Judge in this case, that the punishment awarded to the 1st and 2d Prisoners on their conviction of "Cattle Stealing and Killing" be mitigated to two years imprisonment with hard labor in irons. and the Session Judge is authorized to issue his warrant accordingly.

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

(Sent in Re)

Guddum Punky reddy of Zillah Cuddapah, moves the Court to return the enclosures in his Miscellaneous Petition No 122 of 1850.

Ordered accordingly.

Es
Bld.

F. W.

Tuesday - - - -
27th August 1850

At a Court of the Foujdaree Adalut

Present

G. S. Hooper Esqre — 1st Puisne Judge
E. D. Thompson Esqre — 2d Puisne Judge
W. A. Morehead Esqre — 3d Puisne Judge

Read Calendar of Cases No 28 of 1850 of the Session Court of Combatore.

(Here enter F. W. No 2109 of 1850)

The Court of Foujdaree Adalut direct that the Acting Magistrate be instructed to Submit for their consideration copy of the Orders which it is observed from the foregoing Calendar, have been issued by him in respect to Police Peons firing upon Smugglers and to state how long the practice has been in force.—

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Coimbatore by Precept returnable within V days from and after its receipt.—

(Sent following Precept No 1053.

Read Criminal Reports of Cases disposed of by the Magistracy of Tanjore for the month of July 1850.

(Here enter F. W. No 2101 of 1850)

adverting

23

Case No 13.

Adverting to the nature of the offence committed by the Prisoners in this Case, the Court of Foujdaree Udalut consider the award of "irons" to have been uncalled for. The Court accordingly direct that the same be now remitted.—

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Combaconum for his information and for communication to the Magistrate.

(Sent in No 1054)

Read letter dated 13th August 1850 from the Session Judge of Calicut requesting to be informed whether by Para 2 of their Proceedings under date 30th July 1850 the Court of Foujdaree Udalut intend to cancel the Circular Order No 139 or merely to give to Sessions Judges power to authorize or order a mitigation of punishment in Cases falling under Clause 6 Section II Regulation VI of 1822, and transmitting the copy of a letter dated 10th August 1850 from the Subordinate Judge, who inquires whether in the Cases falling under the above provision of the Regulation a

discretionary power is vested in the Subordinate Court.—

(Re-enter F. W. No 2147 of 1850)

The Court of Foujdaree Udalut direct that the Civil and Sessions Judge of Calicut be informed that they expect the lower Courts to take the principle laid down in Circular Order of the 13th May 1841 No 139 ordinarily as their guide, but that they are of opinion that the Subordinate Judge has the power of awarding, at his discretion a less degree of punishment than 6 months' imprisonment in Cases falling under Clause 6 Section II Regulation VI of 1822.

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

(Sent in No 1055)

Read Calendar of Case No 54 of 1850 of the Sessions Court of Cuddapah.—

(Here enters F. W. No 2108 of 1850)

The Court of Foujdaree Udalut are of opinion that the Sentence recorded against the Prisoner in this Case on his

conviction

27th August 1850

conviction of "Highway Robbery" may with propriety be reduced to 7 years imprisonment with hard labor in irons, and, on the recommendation of the Sessions Judge, the Court will be prepared to Mitigate the Prisoner's Sentence to that extent.—

2 If the Sessions Judge be unable to concur in the foregoing opinion he will be pleased to transmit an English translation of the entire Record of the Case for the consideration of the Foujdaree Udalut.—

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddapah by Precept returnable within III days from and after its receipt.—

(Sent following Precept No 1856)

Ex 186

J. No.

Thursday,
29th August, 1850.

At a Court of the Foujdaree Udalut

Present—

G. S. Cooper, Esquire 1st Puisne Judge—
E. D. Thompson, Esquire 2d Puisne Judge—
W. M. W. Morehead, Esquire 3d Puisne Judge—

Read a Miscellaneous Petition presented on the 15th August 1850 by Ramakristnamoottoo Adicha Nadan of Zillah Tinnevelly through his Mookhtar Vakeel.—

(Here Enter J. M. D. No 128 of 1850)

Mr E. D. Thompson J. The Petitioner appeals from an order passed by the Acting Sessions Judge of Tinnevelly under date the 6th November 1849 confirming certain proceedings of the Assistant Magistrate in that Zillah whereby the Petitioner and others were fined in the sum of Rupees 20 each on a charge of having been concerned in irregularly cutting down certain trees.—

The

2. The Court of Foujdaree Udalut see no reason to interfere with the order from which the Petitioner appeals and which it is observed has been passed on a perusal of the proceedings held in the case by the Assistant Magistrate and of the order of the Magistrate confirming those proceedings.—

3. This Petition is accordingly dismissed.—

Ordered, that Extract from these Proceedings be furnished to the Petitioner's Mookhtar Vakeel on his application.—

Read Calendar of Case No. 20 of 1850 submitted by the Acting Sessions Judge of Trichinapoly under date the 21st Instant.—

/Here Enter F.C. No. 2174 of 1850/—

Read Convict Labor Report submitted by the Sessions Judge of Salem of the Jails at Dharmapoory and Moondasady under charge of the Magistrate of Salem for the month of July 1850, under date the

1st Instant.—

/Here Enter F.C. No. 2177 of 1850/—

Read Convict Labor Report &c submitted by the Sessions Judge of Chittoor of the Jail at Vellore under charge of the Head Assistant Magistrate of North Arcot for the month of July 1850, under date the 14th Instant.—

/Here Enter F.C. No. 2183 of 1850/—

Read Calendar of Case No. 61 of 1850 submitted by the Sessions Judge of Cuddapah under date the 20th Instant.—

/Here Enter F.C. No. 2187 of 1850/—

Read Criminal Reports dated the 15th Instant submitted by the Sessions Judge of Chicacole for the month of July 1850.—

/Here Enter F.C. No. 2188 of 1850/—

Read letter dated the 20th Instant from the Sessions Judge of Mangalore forwarding the Warrant issued for the Execution of sentence of death passed on Coombar Doona Prisoner in Case No.

29th August, 1850.

No. 23 of 1850 on the Calendar.

/Here Enter F.M. No. 2189 of 1850/

Read Calendar of Case No. 29 of 1850 submitted by the Sessions Judge of Mangalore under date the 19th Instant.

/Here Enter F.M. No. 2194 of 1850/

Read Calendar of Case No. 33 of 1850 submitted by the Sessions Judge of Rajahmundry under date the 21st Instant.—

/Here Enter F.M. No. 2196 of 1850/—

2d I.R.

Read Supplemental return dated the 19th Instant, from the Sessions Judge of Cuddapah to the precept of the Fouzdaree Adalut under date the 19th July, directing to forward an English Translation of the Record in Case No. 125 of 1850 on the file of the Subordinate Court.—

/Here Enter F.M. No. 2175 of 1850/—

F. A.

At a Court of the Fouzdaree Adalut.

Friday 30th August, 1850.

Present.

G. S. Hooper Esqre —— 1st Puisne Judge.
E. P. Thompson Esqre — 2nd Puisne Judge.
W. A. Morehead Esqre —— 3rd Puisne Judge.

Read Criminal Reports submitted by the Sessions Judge of Masulipatam for the month of July 1850.—

(Here enter F. M. No. 2151 of 1850).

Report B.
Case No. 42.

The Court of Fouzdaree Adalut are of opinion that with reference to the trifling value of the property which the prisoner in this case is convicted of having stolen, a sentence of three months Imprisonment will be sufficient to meet the demands of Justice, and the Court accordingly direct that the Sessions Judge will call for the record and pass such orders thereon as may appear called for with reference to the circumstances of the case, reporting the same for the information of the Fouzdaree Adalut.—

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

(Sent following Precept No. 1057)

Read

Read Criminal Reports submitted by the Sessions Judge of Mangalore for the month of July 1850.-

(Here enter F: G: No. 2152 of 1850).

Magistrates Report B. Case No. 1.

The Court of Foujdaree Adalut direct that the stripes awarded to the 1st prisoner in this case may be inflicted ten days previous to the prisoner's release.-

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

(Sent in No. 1058).

Read Calendar of Case No. 28. of 1850. of the Session Court of Nellore.-

(Here enter F: G: No. 2137 of 1850).

The Court of Foujdaree Adalut observe that the value of the property destroyed in this case should have been set forth in the statement of charge, and in noticing this omission, the Court at the same time, deem it proper to draw the attention of the Sessions Judge to the careless and improper manner in which the charge has been worded. The Court expect that the Sessions Judge will in future be more careful in revising his Calendars previous to their transmission to the Foujdaree Adalut.-

Ordered

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

(Sent in No. 1059)

Read Calendar of Case No. 28 of 1850 submitted by the Session Judge of Mangalore under date the 1st. Instant.-

(Here enter F: G: No. 2025 of 1850).

Read Calendar of Case No. 50 of 1850. submitted by the Session Judge of Cuddapah. under date the 3rd. Instant.-

(Here enter F: G: No. 2027 of 1850).

Read report dated the 2nd. Instant, submitted by the Session Judge of Coimbatore of cases pending on the 30th. June and committed for trial during the month of July 1850. before the Session Court.-

(Here enter F: G: No. 2031 of 1850).

Read report dated the 1st. Instant, submitted by the Acting Session Judge of Tinnevelly of cases depending before him up to the 31st. July 1850. in which the Trial has been delayed beyond 25 days.-

(Here enter F: G: No. 2032 of 1850).

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

Cases

Cases pending on the 30th. June and committed for trial during the month of July 1850. before him.—

(Here enter F: C: No. 2036 of 1850).

Read report dated the 2nd. Instant, submitted by the Sessions Judge of Vasulipatam of Cases pending on the 30th. June and committed for trial during the month of July 1850. before him.—

(Here enter F: C: No. 2038 of 1850).

Read report dated the 1st. Instant submitted by the Sessions Judge of Chicacole, of Cases pending on the 30th. June 1850 and committed for trial during the months of July 1850.—

(Here enter F: C: No. 2039 of 1850).

Read letter dated the 1st. Instant from the Sessions Judge of Tellicherry reporting that no case was before him during July 1850. for a period in excess of 25 days from date of Commitment.—

(Here enter F: C: No. 2040 of 1850).

Read Calendar of Case No. LVI of 1850. submitted by the Sessions Judge of Calicut under date the 2nd. Instant.—

(Here enter F: C: No. 2043 of 1850).—

F.C.

Monday. 2d. September 1850.

At a Court of the Fouzdaree Adalut

Present—

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

C. D. Thompson Esqr. — 2d Puisne Judge.

W. A. Morehead Esqr. — 3d Puisne Judge.

Read Miscellaneous Petition presented in the 5th August 1850 by Siddapa of Lillah Nellore. (Here enter F.m. C. No. 123 of 1850.)

The Petitioner prays the Court of Fouzdaree Adalut to interfere with the sentence passed by the Sessions Judge of Nellore in Case No. 19 of 1850 directing the release of the Prisoner who was charged by him with having stolen a child already espoused to him, and to give her in marriage to another person.

The Petitioner refers to a deed alleged to have been executed in his favor by the mother of the child in question, bequeathing to him her interest in certain conditions.

The Court of Fouzdaree Adalut see no reason to interfere in the case to which the Petitioner refers.

The Court of Fouzdaree Adalut observe that it is open to the Petitioner to institute a Civil suit to establish the validity of the document on which he founds his claim to the property which he prays to be

Mr. G. S. Hooper.
Mr. C. D. Thompson
and
Mr. W. A. Morehead.

the

2nd September 1850.

he alleges to have been illegally detained by him.

This application is dismissed.

Ordered that extract from these proceedings be given to the Petitioner on his application

Read Letter dated 29th August 1850 from the Sessions Judge of Cuddapah requesting to be informed whether under the Circular Order of the 1st June 1850 it is incumbent upon him to make the prescribed half yearly inspection of the Branch Jail at Gandicotta.

(Here Enter No. 2109 of 1850)

The Judges of the Court of Sudder Adawlut observe that the Sessions Judge of Cuddapah was, by their Orders of the 10th January 1850, specially exempted from the duty of inspecting the Gandicotta Jail, and that so long as there is no urgent necessity for his doing so, that exemption will continue in force.

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

(Sent in No. 1063)

Read Letter dated 9th August 1850 from the Sessions Judge of Salem submitting the records of trial in Case No. 26 of 1850 for the final confirmation of the Sentence passed.

(Here Enter No. 2203 of 1850)

Mr G. S. Harper
Mr D. Thompson

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

"Ramen"

2nd September 1850.

is sufficient to convict him of the crime of Wilful Murder, do convict him thereof and under the provisions of Section X Regulation XIII of 1807, sentence him to suffer death by being hanged at the usual time and place of execution.

(Sent in No. 1064)

Dr Bell.

F.U.

Tuesday,
3rd September, 1850.

At a Court of the Foujdaree Udalut.

Present

G.S.R. G. S. Hooper, Esquire - 1st Puisne Judge.
C.P.S. E. P. Thompson, Esquire 2d Puisne Judge.
W.A.M. W. A. Morehead, Esquire - 3d Puisne Judge.

Read Criminal Reports submitted by the Sessions Judge of Cuddapah for the month of July 1850.

(Here enter F.U. No. 2131 of 1850)

Report B. Case No. 184.

1. As it does not appear from the report of this case that the prisoner is an old offender, the Court of Foujdaree Udalut are of opinion that the period of Imprisonment awarded to him may with propriety be reduced to six months.

Case No. 208.

2. In this case the Court of Foujdaree Udalut consider that a sentence of six months' Imprisonment in the case of the 1st Prisoner and of three months in that of the 2d prisoner will be sufficient to meet the demands of

3d September, 1850.

of justice, and they accordingly resolve to direct that the Sessions Judge will review the proceedings in these cases and pass such orders thereon as he may think proper reporting the same for the information of the Foujdaree Udalut.—

3. The Court of Foujdaree Udalut are of opinion, that a certain proportion of the cases committed to the Criminal Court should be preferred to the Sudder Ameen for disposal. the zeal evinced by Mr. Mayne in disposing of all the cases himself, the Court of Foujdaree Udalut consider to be most praiseworthy; but they think it is desirable that each Sudder Ameen should have a certain amount of Criminal, as well as of Civil, business to perform.—

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

Sent following Precept No. 1068 /—

3d September, 1850.

Read Criminal Reports submitted by the Assistant Agent to the Governor of Fort St. George in Kurnool for the month of July 1850.—

/Here Enter F.H.C. No. 2153 of 1850/—

Cases Nos. 34 and 35.

The Court of Foujdaree Udalut are of opinion that the periods of Imprisonment awarded to the prisoners in these cases might with propriety be reduced to six months, and they accordingly resolve to direct that the Agent will review 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 forwarded to the Agent to the Governor of Fort St. George in Kurnool for his information and guidance by precept returnable within x days from and after its receipt.—

/Sent following Precept No. 1069/—

Read

3rd September, 1850.

Read Criminal Reports submitted by the Sessions Judge of Coimbatore for the month of July 1850.—

/Here enter F.C. No. 2165 of 1850/-

Magistrate's Report.

A.

Case No. 58.

The Court of Fouzdaree Udalut observe that the Reports in the Form A of cases disposed of by the Criminal Courts and by the officers of the Magistracy when acting under the provisions of Section IV. Act XVII of 1843 should contain an abstract of the evidence which together with the sentence should be entered in the seventh column of the Report as directed in Circular Order No. 185.

2. Adverting to the delay of four days which has occurred in the transmission of the foregoing Reports the Court of Fouzdaree Udalut resolve to direct the attention of the Sessions Judge to the instructions contained in the 8th para. of the Circular Order above quoted that the Reports

F.C.

3rd September, 1850

in question should be invariably despatched "by the 15th day of the month succeeding "that for which they are furnished."—

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Coimbatore for his information and guidance and for communication of para: 1 to the Acting Magistrate of Coimbatore.—

/Sent in No. 1070./-

Read Calendar of Case No. 25 of 1850 of the Session Court of Chittoor.—

/Here enter F.C. No. 2193 of 1850/-

Upon a careful consideration of all the circumstances of the case the Court of Fouzdaree Udalut are of opinion that a further mitigation of the sentence recorded against the Prisoner, than that recommended by the Sessions Judge, may with propriety be allowed, and under the provisions of Clause third Section VIII Regulation I of 1825 the Court resolve to

3rd September, 1850.

to direct that the term of his imprisonment be reduced to (3) three years.—

Ordered, that Extract from these Proceedings be forwarded to the Session Judge of Chittoor by Precept returnable within III days from and after its receipt.—

/Sent following Precept No. 1071./-

Read Calendar of Case No. 30 of 1850. of the Session Court of Cuddalore.—

/Here enter F.C. No. 2195 of 1850/-

The Court of Foujdaree Udalut upon a careful consideration of all the circumstances of this case are of opinion that a further mitigation of the sentence recorded against the 1st Prisoner may, with propriety be allowed, and under the provisions of Clause third Section III Regulation I of 1835, the Court resolve to direct that the term of his imprisonment be reduced to (3) three years.—

2. And seeing reason to

3rd September, 1850.

question the propriety of the conviction of the 2d Prisoner, the Court further direct that translations of such portions of the Record as may have reference to that individual may be submitted for their consideration with the least practicable delay.—

Ordered, that Extract from these Proceedings be forwarded to the Session Judge of Cuddalore by Precept returnable within III days from and after its receipt.—

/Sent following Precept No. 1072/-

Ld Blvd.

to direct that the term of his imprisonment be reduced to (3) three years.

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Chittoor by Precept returnable within III days from and after its receipt.—

/Sent following Precept No. 1071./

Read Calendar of Case No. 30 of 1850 of the Sessions Court of Cuddalore.—

/Heard under File No. 2195 of 1850/

The Court of Foujdaree Udalut upon a careful consideration of all the circumstances of this case are of opinion that a further mitigation of the sentence recorded against the 1st Prisoner may, with propriety be allowed, and under the provisions of Clause third Section III Regulation I of 1835, therefore resolve to direct that the term of his imprisonment be reduced to (3) three years.—

2. And seeing reason to

question the propriety of the conviction of the 2nd Prisoner, the Court further direct that translations of such portions of the Record as may have reference to that individual may be submitted for their consideration with the least practicable delay.—

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddalore by Precept returnable within III days from and after its receipt.—

/Sent following Precept No. 1072/

Lt. Blw.

F. W.

Wednesday
4th September 1850. At a Court of the Faujdaree Adalut.

Present

G. S. Hooper Esqre 1st Puisne Judge.
C. P. Thompson Esqre 2d Puisne Judge.
W. A. Morehead Esqre 3d Puisne Judge.

Read again Criminal Reports
submitted by the Sessions Judge of Nellore, for the month
of June 1850

(Here enters F.a. No 1853 of 1850.)

Read also return under date the
3d August 1850 from the Sessions Judge of Nellore,
to the proceedings of the Faujdaree Adalut dated
the 30 July 1850. respecting the Interpretation of
explanation regarding a case contained in
the foregoing reports

(There enters F.a. No 2006 of 1850)

The Court of Faujdaree Adalut observe
that an indictment ought to be drawn up clearly
and distinctly and should set forth with precision
the circumstances which constitute the offence,
and the Court desire that in all cases in which
the translations of the indictments prepared
in the Principal Sudder Ameens Courts may be
incorrect, the Sessions Judge will cause them
to be revised.-

Ordered

2nd September 1853.

Ordered that extract from these Proceedings be sent to the Resident Judge of Killore for his information and future guidance.-

/sent in No 1073/

Read letter dated 27th ult: from the acting Resident Judge of Tickmorely referring for the final judgment of the Court of Inquiry held the records of Case No 18 on the Calendar of the Resident Court.

/Here enter No 2243 of 1850/

Before finally disposing of this case, the Court of Inquiry deem it proper to call upon the acting Resident Judge to submit for their consideration & remarks of the whole of the proceedings held in the matter by the dismissed Head of Police of the Arcadore District.-

Ordered that extract from these Proceedings be sent to the acting Resident Judge of Tickmorely & Precept returnable within Ten days from and after its receipt.-

/Last following Precept No 1074/ →

2nd Nov.

F. U.

Thursday,
5th September 1850. At a Court of the Foujdaree Udalut

Present

G.S.R. G. S. Hooper Esqre. ——— 1st Puisne Judge
C.F.S. E. P. Thompson Esqre. ——— 2d Puisne Judge
W. A. Morehead Esqre. ——— 3rd Puisne Judge

Read again letter dated the 8th June 1850 from the Subordinate Judge of Mangalore requesting permission to offer a conditional pardon to the 5th and 6th prisoners in Case No. 93 of 1850 on the file of his Court.

(Here enter F. U. No. 1545 of 1850.)

Read also letter dated the 22d Ultimo from the Session Judge of Mangalore requesting that the prescribed Certificate of pardon may be forwarded to him for the purpose of being delivered to the individuals above mentioned - who were admitted to give evidence as the 1st and 2nd witnesses in Case No. 29 of 1850 on the Calendar of the Session Court.

(Here enter F. U. No. 2207 of 1850.)

The Session Judge having reported that the parties in question have fulfilled the conditions required of them, the Court of Foujdaree Udalut

5th September 1850.

Udalut resolve to forward the prescribed Certificate of Pardon.

Ordered that an Extract from these proceedings be sent to the Session Judge of Mangalore for his information and guidance.

/ Sent in No. 1078 /

L. S.

Certificate of Pardon

to

1st Eeroo, and

2nd Tunkaroo.

Whereas under date the 22nd June 1850 the Court of Foujdaree Udalut were pleased to authorize the Session Judge of Mangalore to tender an offer of Pardon to "Eeroo" and "Tunkaroo" on condition of their making a full disclosure of every circumstance within their Knowledge, relative to the Murder of "Dogra Shetty" committed on the night of the 7th May 1850 in the Village of Puddoo Talook Oodipy in the Zillah of Mangalore.

And whereas the Court of Foujdaree Udalut are of opinion that the conditions of the said

5th September 1850.

said grant of pardon have been sufficiently fulfilled.

Now, these are to Certify and declare that in consideration thereof, the Court of Foujdaree Udalut have been pleased under the provisions of Section XX Regulation VIII of 1802, to confirm the pardon conditionally tendered as aforesaid to the said "Eeroo" and "Tunkaroo" in so far as regards the act herein referred to.

And the Court do hereby confirm the said pardon accordingly.

Given under our hands and the seal of the Court this 5th day of September 1850

Read Miscellaneous Petition presented on the 5th August 1850 by Changanna Naidoo and Shatoorutpa Naidoo of Zillah Tinnevelly.

/ Here enter F. M. R. No. 125 of 1850 /

Mr. H. A. Harper
" E. P. Thompson
" R. Morehead.

The Court of Foujdaree Udalut cannot interfere in the case to which the Petitioners refer the same having been disposed of by a competent authority, and a period of one year having elapsed since the robberies referred to are stated to have occurred.

Ordered that Extract from these proceedings

5th September 1850.

proceedings be given to the Petitioners on their application.

Read letter dated the 30th August 1850 from the Session Judge of Chingleput, reporting the transfer of a sick Convict to Chicacole.

(Here enter F.U. No. 2236 of 1850.)

The Court of Foujdaree Udalut desire that it be pointed out to the Session Judge of Chingleput that as Banishment to the Zillah of Chingleput formed a part of the Sentence of the Prisoner in question, he ought not to have been removed without their special sanction.

The Court of Foujdaree Udalut further direct that the Sessions Judge of Nellore be instructed to detain the prisoner in question, in view to his being imprisoned in the Jail at that station during the remainder of his Sentence.

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

(Sent in No. 1079)

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

(Sent in No. 1080)

Read.

Mangalagiri No. 27. of 1849. of the Ganjam Agency file.

F.U.

5th September 1850.

Read again Miscellaneous Petition presented on the 25th July 1850 by Maroda Mootta Pillay of Zillah Trichinopoly.

(Here enter F.M.P. No. 119/1850.)

Read also Return dated the 28th August made by the Acting Session Judge of Trichinopoly to the Precept of the Foujdaree Udalut under date the 9th August 1850. requiring certain information relative to the application made by the above Petitioner for the cancellation of the sentence recorded against his Brother in Criminal Case No. 233. of 1850 on the file of the Principal Sudr Ameen.

(Here enter F.U. No. 2198 of 1850.)

Before passing their final Orders on the above Petition the Court of Foujdaree Udalut deem it proper to call upon the Acting Session Judge to submit for their consideration translations of the original complaint made by the Prosecutor on which the Police Ameen issued on the 25th March a warrant for searching the Prisoners house and also of the List of Stolen property given in by the Prosecutor in November 1849.

Mr. G. S. Hosper
" E. P. Thompson
" W. Marshall.

Ordered that Extract from these proceedings be forwarded to the Acting Session Judge

5

of Trichinopoly by Precept returnable within 5 days from and after its receipt.

(Sent following Precept No. 1081)

Read Miscellaneous Petition presented on the 5th August 1850 by Mallia Naidoo of Lillah Chittoor.

(Here enter F. M. P. No. 124 of 1850)

Mr. G. L. Hooper
" E. P. Thompson
" W. Morehead.

The Petitioner is referred to the former orders passed by the Court of Foujdaree Udalut in the matter to which this Petitioner relates and which order the Petitioner is informed are final.

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

Read Miscellaneous Petition presented on the 20th August 1850 by Chinnaya Naidoo of Lillah Chinglepet.

(Here enter F. M. P. No. 129 of 1850.)

Mr. G. L. Hooper
" E. P. Thompson
" W. Morehead.

Before finally disposing of this Petition the Court of Foujdaree Udalut resolve to direct that the Sessions Judge will submit for their consideration a copy of the return of the Magistrate of Chinglepet referred to in Circular Order of the 24th July 1848 together with any other papers connected with

with the case therein adverted to which may be in the records of the Session Court or of the Magistrate's Office.

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

(Sent following Precept No. 1082)

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

Read again Calendar of Case No. 16 of 1850 on the file of the Session Court of Trichinopoly.

(Here enter F. C. No. 1892 of 1850)

Read also return under date the 8th August 1850 from the Acting Sessions Judge of Trichinopoly to the precept of the Foujdaree Udalut dated the 1st August 1850 conveying their preliminary orders on the foregoing case.

(Here enter F. M. No. 2083 of 1850)

Read also Miscellaneous Petitions presented on the 22d August 1850 by Inarode Asari, Veraji, and Chellai of Lillah Trichinopoly.

(Here enter F. M. P. Nos. 132. 133. 134 of 1850)

Mr. G. L. Hooper
and
Mr. E. P. Thompson

The Court of Foujdaree Udalut resolve to direct that an English Translation of the

the entire record of the foregoing case may be submitted for their consideration.

Ordered that Extract from these proceedings be forwarded to the acting Sessions Judge of Trichinopoly by precept returnable within XV. days from and after its receipt.

(Sent following Precept No. 1083)

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

Read Calendar of Cases Nos. 55 and 59 of 1850 of the Session Court of Cuddapah.

(Here enter F.U. Nos. 2199 & 2202 of 1850)

Case No. 55. 1. The Court of Foujdaree Udalut are of opinion that the Evidence against the 1st Prisoner in this case is insufficient to justify the requisition for security under which he has been placed. The Court accordingly direct that the said Prisoner be immediately and unconditionally released.

2. The Court of Foujdaree Udalut, after making due allowance for the cause of delay in the disposal of this case, adverted to by the Sessions Judge in the Note appended to the Gool thereof, are still constrained to

to record their opinion that the time occupied in the trial of it as well as of Case No. 59 was unwarrantably great. The Court trust that the Sessions Judge will endeavour to avoid such delay in future.

Ordered that Extract from these proceedings be forwarded to the Session Judge of Cuddapah by Precept returnable within III days from and after its receipt.

(Sent following Precept No. 1084)

Read Calendar of Case No. 51 of 1850 of the Session Court of Cuddapah.

(Here enter F.U. No. 2074/1850)

Read also Return dated the 26th August 1850 made by the Sessions Judge of Cuddapah to the precept of the Foujdaree Udalut under date the 21st August 1850 communicating the observations and orders of the Court on the above Case.

(Here enter F.U. No. 2206 of 1850)

1. In accordance with the recommendation made by the Session Judge in the foregoing Return the Court of Foujdaree Udalut resolve to direct that the Sentence recorded against the Prisoner in the above Case be mitigated to seven (7) years imprisonment with hard labor in irons.

Ordered

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

(Sent in No. 1085)

Read Calendar of case No. 25 of 1850 of the Sessions Court of Salem.

(Here enter F. H. No. 2217 of 1850.)

The Court of Sunderee Adalut seeing reason to question the propriety of the disposal of this Case, resolve to direct that an English translation of the entire Record thereof be submitted for their consideration.

Ordered that Extract from these proceedings be forwarded to the Session Judge of Salem by Precept returnable within 25 days from and after its receipt.

(Sent following Precept No. 1086)

Read Calendar of Case No. 34 of 1850 of the Sessions Court of Bellary under date 24th Ultimo.

(Here enter F. H. No. 2204)

Read letter dated 23d Ultimo from the Session Judge of Bellary forwarding copy of the acting Magistrate's return to his proceedings of the 5th instant, held in reviewing the Petty Calendars

Calendars for the 2nd quarter of 1850.

(Here enter F. H. No. 2209.)

Read Calendar in Case No. 27 of 1850 submitted by the Sessions Judge of Salem under date 21st Ultimo.

(Here enter F. H. No. 2216.)

Read Calendar in Case No. 30 of 1850 submitted by the Sessions Judge of Nellore under date 29th Ultimo.

(Here enter F. H. No. 2225)

Read Statement dated 1st July 1850 from the Session Judge of Chittoor of Batta paid to Prosecutors and Witnesses attended before the Sessions Court in the Zillah of Chittoor from 1st January to 30th June 1850.

(Here enter F. H. No. 2237.)

Read letter dated 28th Ultimo, from the Sessions Judge of Coimbatore reporting the result of his 4th Half yearly inspection of the Prisoners located at Palghaut, and submits as an Appendix Copies of a letter and Statements forwarded by the Head Assistant Magistrate of Malabar.

(Here enter F. H. No. 2238.)

Read letter dated 2nd Instant, from the Sessions Judge of Chingleput reporting that no Cases to be reported on as required by the Circular

Letters

5th September 1850.

Letters dated 16th October 1844 and 20th January 1845 were pending last month before the Sessions Court.

(Here enter F. H. Jr. No. 2247).

Read letter dated 2nd September 1850 from the Sessions Judge of Cuddalore reporting that no case was pending trial before the Sessions Court for a period exceeding 25 days calculated from the date of commitment during the month of August 1850.

(Here enter F. H. Jr. No. 2251.) /80

1st 180

F. H.

Tuesday 10th September 1850.

At a Court of the Foujdaree Adalut.

Present.

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

E. P. Thompson Esqr. — 2nd Puisne Judge.

W. A. Morehead Esqr. — 3rd Puisne Judge.

Read Miscellaneous Petition presented on the 20th August 1850. by Tengala Rungacharry and others of Zillah Trichinopoly.

(Here enter F. H. Jr. P. No. 130 of 1850).

The Petitioners adverting to the former Petitions presented by them with reference to the opposition offered by the Defendants in Suit No. 130 of 1808 on the file of the late Zillah Court of Trichinopoly to their (the Petitioners) enjoyment of the rights and privileges awarded to them therein represent that the measures which have been hitherto adopted by the local authorities have proved ineffectual and pray the Court of Foujdaree Adalut to reconsider their orders of the 1st Ultimo in which they declined to interfere and to order the punishment of the Defendants in question.

Mr. G. S. Hooper
Mr. E. P. Thompson
and
Mr. W. A. Morehead.

2. The Court of Foujdaree Adalut observe that the parties to whom the Petitioners refer

refer. Some been bound over by the Magistrate to keep the peace, and they see no necessity for their interference in the case, the measures adopted by the Magistrate appearing to them to be sufficient.-

3. The Court of Foujdaree Adalut accordingly resolve to dismiss this Petition.-

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

Read Miscellaneous Petition forwarded by the Sessions Judge of Mangalore from Insoo Bay of that Zillah.-

(Here enter S: Gr: P: No: 135 of 1850).

The Court of Foujdaree Adalut see no reason to question the propriety of the sentence from which the Petitioner appeals and which they observe has been confirmed by the Sessions Judge on a perusal of the record of the case.-

2. This Petition is accordingly dismissed.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Mangalore for communication to Petitioner.-

(Sent in No: 1095)

Read Calendar of Case No: 27 of 1850. of the Sessions Court of Nellore.-

(Here enter F: G: No: 2224 of 1850)

The

Mr: G: S: Hooper
Mr: C: P: Thompson
and
Mr: W: A: Morehead.

The Court of Foujdaree Adalut observe that the nature of the violence offered by the Prisoner towards the first witness should have been set forth in the Statement of charge in this case.-

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

(Sent in No: 1096)

Read Calendar of Case No: 21 of 1850. of the Sessions Court of Trichinopoly.-

(Here enter F: G: No: 2231 of 1850).

1. The Court of Foujdaree Adalut are of opinion that the Sentences recorded against the eleven Prisoners in this Case are unnecessarily severe, and that one of three years imprisonment with hard labor in irons in the case of the first Prisoner, and of two years in regard to each of the other Prisoners will adequately meet the demands of justice.-

2. If the Sessions Judge upon a reconsideration of all the circumstances of the case be enabled to concur in the foregoing opinion, he will be pleased to submit his recommendation for a mitigation of the Prisoner's Sentences accordingly; if he dissents therefrom he

he will be pleased to submit a translation of the entire Record for the consideration of the Foujdaree Udalut.-

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Trichinopoly by Precept returnable within III days from and after its receipt.-

(Sent following Precept No. 1057)

Read letter dated the 1st ult. Ultimo from the Sessions Judge of Honore stating that no cases were pending before the Sessions Court for more than 25 days during the months of July 1850.-

(Here enter F. W. No. 2047 of 1850)

Read letter dated the 31st ult. July 1850. from the Sessions Judge of Honore forwarding the Statement of Batta paid to Prosecutors and Witnesses who attended before the Sessions Court during the 1st half of 1850.-

(Here enter F. W. No. 2048 of 1850)

Read report dated the 2nd ult. Ultimo, submitted by the Sessions Judge of Mangalore of Cases pending on the 30th June and committed for trial in the month of July 1850 in the Sessions Court of Mangalore.-

(Here enter F. W. No. 2049 of 1850)

No 1850

F. W.

Wednesday ---- 11th September 1850

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esqre ---- 1st Puisne Judge

E. P. Thompson Esqre ---- 2d Puisne Judge

W. A. Morehead Esqre ---- 3d Puisne Judge

Read again Letter dated the 29th July 1850 from the Sessions Judge of Combaconum submitting the Calendar of Cases disposed of by the Magistracy of Tanjore during the 2d Quarter of 1850.-

(Here enter F. W. No. 1982 of 1850)

Read also return dated the 19th August 1850, made by the Sessions Judge of Combaconum to the precept of the Foujdaree Udalut under date the 15th August 1850 conveying the observations and orders of the Court on the above Calendar.-

(Here enter F. W. No. 2184 of 1850)

It would appear from the Report B for the Month of May, that the prisoner in Case No. 18 on the Calendar of persons punished by the Magistracy during the 2d Quarter of 1850, was examined

as

as a Witness in Case No. 7 of 1850 and the Court of Foujdaree Udalut under these circumstances observe that the putting the party in question formally upon his trial and entering it as a separate Case in the Petty Calendars, was uncalled for, and that it was only necessary under Section VIII Regulation XIII of 1832 to note the imposition of the fine in the Report A Submitted to the Sessions Judge.—

2 The Case No. 20 does not appear to be connected with any of the Cases entered in the Reports B hitherto transmitted to the Foujdaree Udalut and from the explanation afforded in the Calendar, it would seem that the subject under investigation when the Prisoner Canagasabhay Pundaram was examined as a witness, was of so serious a nature as to be beyond even the extended powers of the Magistracy—

3 Unless, therefore, the Case has been dealt with under Section IV Act VIII of 1843, in which event, the Court desire to be furnished with a copy of the report A, the fine

fine imposed is clearly illegal and should be returned, as the Court have ruled that it is only in Cases disposed of by the Magistrate under the provisions of Section VII Regulation X of 1816, that he can act under the provisions of Section VIII Regulation XIII of 1832.—

4 The Magistrate of Tanjore will observe that by this ruling the construction communicated to the Acting Magistrate in the Proceedings of the Court of Foujdaree Udalut under date the 18th May 1844 on his reference of the 27th April 1844, has been superseded.—

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

(Sent following Precept No. 1105

Read letter under date the 24th August 1850 from the Sessions Judge of Chicacole submitting Petty Calendars received from the Magistrates of Ganjam and Vizagapatam for the 2d Quarter of 1850.—

(Here enter F. W. No. 2226 of 1850)

11 September 1850.

Ganjam Calendar of persons released Case No. 10

1 The Court of Fouzdaree Udalut observe that the nature of the Misdemeanor charged in this case should have been stated.—

Calendar of persons punished by the Assistant Magistrate.— Cases Nos. 3, 5 and 6.

2 The Court of Fouzdaree Udalut desire that the attention of the Assistant Magistrate may be directed to the rule laid down in the Circular Order dated the 26th August 1818 wherein it is prescribed that in all Cases of theft the amount of property charged or proved to have been stolen should be distinctly specified in the Calendar of the Case.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Chicacole for communication to the Magistrate of Ganjam.—

(Sent in No. 1106) S

Dy 1816

Friday 13th September 1850.

F. C.

Present

The Court of the Fouzdaree Udalut.

G. A. Cooper Esquire ——— 1st Puisne Judge.
C. D. Thompson Esquire ——— 2d Puisne Judge.
W. A. Morehead Esquire ——— 3d Puisne Judge.

Read Calendar of Case No. 16 of 1850 of the Sessions Court of Ganjam.

Vide enter F. C. No. 2261 of 1850

The Court of Fouzdaree Udalut observe that the Sessions Judge has neglected to forward with the foregoing Calendar a Certificate of the Medical Officer respecting the State of the Prisoners mind as required by Court of Fouzdaree Udalut in their Circular Instructions issued under date the 11th July 1849. The Sessions Judge will accordingly now be pleased to supply this omission.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Ganjam by Precept returnable within III days from and after its receipt.—

(Sent following Precept No.)

Read again Calendar of Case No. 54 of 1850 of the Sessions Court of Cuddapah.—

(Vide enter F. C. No. 2108 of 1850.)

Read

Read also Return dated 31st August made by the Session Judge of Cuddapah to the Precept of this Foujdaree Udalut under date the 27th August 1850. communicating the orders of the Court on the above Case.-

/ Vide enter F. D. No 2249 of 1850. /

In accordance with the recommendation made by the Session Judge in the foregoing Return the Court of Foujdaree Udalut resolve to direct that the Sentence recorded against the Prisoner in the above Case be mitigated to 7 years imprisonment with hard labor in irons and the Sessions Judge will be pleased to issue a precept accordingly.-

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

/ Sent in No /

Read letter dated 27th August 1850 from the Sessions Judge of Calicut transmitting the warrant issued for the execution of the Sentence of death passed on the prisoner in Case No 53 of 1850 on the Calendar of the Sessions Court in the Zillah of Calicut with the enclosures and copy of the report of the Subordinate Judge.-

/ Vide enter F. D. No 2245 of 1850.-/

The Court of Foujdaree Udalut

Observe

Serve that the Subordinate Judge has failed to comply with the instructions conveyed in the latter part of Circular Order Foujdaree Udalut 3d May 1830 and desire that Officer be called upon to submit a report of the Convicts demeanour from the announcement of the Sentence to his appearance on the Scaffold.-

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Calicut by precept returnable within V days from and after its receipt.-

/ Sent following precept No /

Read Return dated 20th Ultimo from the Sessions Judge of Cuddapah to the precept of this Foujdaree Udalut dated the 5th August 1850 calling upon the Magistrate to institute a full enquiry as to whether or not a Robbery took place in Case No 42 of the Calendar for 1850 and requiring the Sessions Judge to forward translations of certain papers in the said Case.-

/ Vide enter F. D. No 2171 of 1850. /

Read Extract from the Proceedings of the Sessions Court of Canara under date the 26th August 1850 on review of the Petty Calendars from the Magistrate of Canara for the 2d Quarter of 1850.-

/ Vide enter F. D. No 2257 of 1850. /

Read Report dated the 2d Instant submitted by the Sessions Judge of Salem of Cases pending

13th September 1850.-

pending on the 31st August 1850 before him for a period in excess of 25 days calculated from the date of commitment.-

(Here enter F. W. No 2259 of 1850)

Read report of the Session Court for August 1850, submitted by the Session Judge of Nellore under date the 1st Instant.-

(Here enter F. W. No 2263 of 1850)

Read report dated the 1st Instant submitted by the Session Judge of Cuddapah of Cases pending on the 31st July and committed for trial during the Month of August 1850 which remained on the file of his Court for more than 25 days.-

(Here enter F. W. No 2265 of 1850)

Read report dated the 2d Instant submitted by the Session Judge of Bellary of cases pending on the 31st July 1850 before the Sessions Court for a longer period than 25 days.-

(Here enter F. W. No 2266 of 1850)

Read letter dated the 2d Instant from the Session Judge of Chittoor transmitting a death warrant in Calendar No 14 of 1850 duly executed and returned by the Subordinate Criminal Judge together with copy of a letter from that Officer.-

(Here enter F. W. No 2267 of 1850)

F. W.

Monday 16th September 1850

At a Court of the Foujdaree Adalut

Present

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

E. P. Thompson Esqre ——— 2d Puisne Judge

W. A. Morehead Esqre ——— 3d Puisne Judge

Read again Calendar of Case No 17 of 1849 of the Sessions Court of Coimbatore.-

(Here enter F. W. No 696 of 1849)

Read also again Miscellaneous Petition forwarded by the Sessions Judge of Coimbatore from Veerum 4th Prisoner in the above Case.-

(Here enter F. W. No 126 of 1850)

Read also Return dated the 28th August made by the Sessions Judge of Coimbatore to the Precept of the Foujdaree Adalut under date the 21st August 1850 forwarding the above Petition to the Sessions Judge for report.-

(Here enter F. W. No 2233 of 1850)

The Court of Foujdaree Adalut resolve to dismiss this Petition, seeing no grounds for their interference on the Petitioners behalf.-

Mr G. S. Hooper.-
Mr E. P. Thompson.
and
Mr W. A. Morehead.-

Ordered

Ordered that Extracts from these Proceedings be forwarded to the Sessions Judge of Coimbatore for his information and for communication to the Petitioners.—

(Sent in No. 1110

Read again letter dated the 6th August 1850 from the Sessions Judge of Calicut submitting for the final Judgment of the Foujdaree Adalut the Record of Case No. 59 of 1850 on the Calendar of the Sessions Court.—

(Here enter F. W. No. 2082 of 1850)

Read also Return dated the 2nd Instant from the Sessions Judge of Calicut to the Precept of the Foujdaree Adalut under date the 16th August 1850 directing that the individual by whom the Prisoner in Case No. 59 of 1850 on the file of the Sessions Court was apprehended should be examined, and that any evidence that may be procurable to the alleged removal of the knife with which the offence charged is stated to have been committed on the night of the affray by the Prisoner's wife and to its alleged discovery in the Prisoner's house may be taken.—

(Here enter F. W. No. 2291 of 1850)

Read also Supplemental Return dated the 6th Instant from the same Officer to the Precept of the Foujdaree Adalut of the 16th August 1850 directing further evidence to be taken in Case No. 59 of 1850.—

(Here enter F. W. No. 2306 of 1850)

Mr. E. P. Thompson
and
Mr. W. A. Morehead.—

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,

"Moondamtodyil Soopy"

is sufficient to convict him of the crime of charged, do convict him thereof; and sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of (10) Ten years.—

(Sent following letter No. 1111

Read again Calendar of cases No. 9 of 1850 on the file of the Sessions Court of Chittoor

(Here enter F. W. No. 1602 of 1850)

Read also return under date the

the 1st July 1850 from the Sessions Judge of Chittoor to the precepts of the Foujdaree Udalut dated the 29th June 1850 conveying their orders on the foregoing case.—

(Here enter F. U. No. 1702 of 1850.)

Read also return under date the 5th August 1850 and supplemental return under date the 2d September 1850 from the Sessions Judge of Chittoor to the precepts of the Foujdaree Udalut dated the 15th July 1850 calling for translations of certain portions of the record of the foregoing case.—

(Here enter F. U. Nos. 2044 & 2255 of 1850)

1 On consideration of the depositions submitted with the foregoing return the Court of Foujdaree Udalut are of opinion that the evidence is not sufficient to the conviction of the 1st prisoner in this case.—

2 This prisoner, it is observed, was convicted by the Sessions Judge and sentenced to 14 years' imprisonment, with a recommendation that the period of imprisonment awarded should be reduced to five years; the guilt of the prisoner being considered by the Sessions Judge to be "clearly proved by his confession and the production of

"of the stolen property."—

3 The Court of Foujdaree Udalut observe that the confession made by the prisoner before the Police was retracted by him before the Criminal and Sessions Courts; and they consider that to the identification of the tobacco said to have been found in the prisoner's house with that which belonged to the Prosecutor and was stolen on the night of the robbery no credible evidence has been adduced.—

4 The Sessions Judge states in his return of the 1st July that "there "did not appear any peculiarities in the "Tobacco by which it could be positively "identified; and that two of the witnesses "stated that they could identify the to-"bacco by the length of the leaves and "from their having often seen it, to which "he attached no importance".— It is clear therefore from the Sessions Judge's own showing that that officer's conviction of the prisoner has been founded entirely upon his alleged confession before the Police, and this the Court of Foujdaree Udalut

consider

consider to be insufficient to establish the charge.—

5 The Court of Foujdaree Udalut accordingly resolve to direct that the 1st prisoner in this case be unconditionally released.

Page 405 Sessions Courts' proceedings.—

6. It would appear from the record that a small portion only of the stolen property was forwarded to the Sessions Court by the Subordinate Judge, the rest having been returned to the prosecutor by the latter officer.—

7 This proceeding, the Court of Foujdaree Udalut observe, was altogether irregular, it being necessary that in all cases of robbery in which stolen property has been found, the whole of the property should be transmitted to the Court on which the final disposal of the case devolves, in order to enable it to form a correct judgment of the guilt or innocence of the accused.—

8 It is obvious that in some cases the Session Court might think proper to order the restoration of all the property brought before it to the parties in whose possession it was found; a

proceeding

proceeding which would have been rendered impracticable by the course adopted in this instance by the Subordinate Judge.—

Ordered that Extract from these Proceedings be sent to the Session Judge of Chittoor for his information and guidance and for communication of paras 7, 8, and 9 to the Subordinate Judge by precept returnable within III days from and after its receipt.—

(Sent following Precept No. 1112

Read Report dated the 2d Instant submitted by the Session Judge of Coimbatore of Cases pending on the 31st July and committed for trial during the month of August 1850.—

(Here enter F. C. No. 2271 of 1850)

Read Report dated the 2d Instant submitted by the Session Judge of Masulipatam of cases pending before him on the 31st July and committed for trial in the month of August 1850.—

(Here enter F. C. No. 2272 of 1850)—

Read Report dated the 5th Instant submitted by the Session Judge of Chittoor of Cases pending before him on the 31st August 1850 for a period in excess of 25 days.—

(Here enter F. C. No. 2274 of 1850.)

Read

Read Report dated the 2d Instant submitted by the Session Judge of Calicut of cases pending before him on the 31st July and committed for trial during the month of August 1850.—

(Here enter F. W. No. 2275 of 1850)

Read Return dated the 3d Instant from the Session Judge of Chittoor to the precept of the Foujdaree Udalut under date the 26th Ultimo conveying their remarks on the Criminal Reports for the month of July last.

(Here enter F. W. No. 2277 of 1850)

Read Calendar of Case No. 14 of 1850 submitted by the Session Judge of Chingleput under date the 6th Instant.—

(Here enter F. W. No. 2282 of 1850)

Read Calendar of Case No. LXVIII of 1850 submitted by the Session Judge of Calicut under dated the 2d Instant.—

(Here enter F. W. No. 2283 of 1850)

F. W.

F. W.

Tuesday ——
17th September 1850

At a Court of the Foujdaree Udalut.

Present—

G. L. Cooper Esqre —— 1st Puisne Judge
E. P. Thompson Esqre —— 2d Puisne Judge
W. A. Morehead Esqre —— 3d Puisne Judge

Circular Order.—

No. 192.

In accordance with instructions received from Government the Court of Foujdaree Udalut direct that it be notified for the information and guidance of the authorities in the Provinces that as the Sessions Courts are alone competent to award the punishment specified in Sections 64, 65, 66 and 67 of Act VI of 1844 all persons charged with the offences against the Customs Laws defined by the said Sections must be committed in the usual course for trial by the Sessions Judge.—

(Sent in No. 1116)

Read Calendar of Case No. 31 of 1850 of the Sessions Court of Coimbatore.

(Here enter F. W. No. 2279 of 1850)

17th September 1850.

In the Futwah declared by the Mohamedan Law Officer in this Case, the Court of Foujdaree Udalut find it to be stated that the 2d witness informed the Prosecutor that he entertained suspicion against the three first Prisoners. The Court of Foujdaree Udalut require to be informed who the said witness is, and the cause of his having been led to suspect the Prisoners of the crime charged, and in submitting this information, the Session Judge will at the same time be pleased to state whether or not a warrant was issued against the Prisoners previous to the search being made in their houses and also under whose immediate authority the search was effected.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Coimbatore by Precept returnable within III days from and after its receipt.

(Sent following Precept No 1117)

Read Calendar of Case No 26 of 1850 of the Session Court of Chittoor.

(Here enter F. W. No 2280 of 1850)

The Court of Foujdaree Udalut approve)

17th September 1850

approve of the recommendation made by the Session Judge in this Case that the punishment awarded to the Prisoner, on his conviction of Robbery by open violence, be mitigated to (4) four years' imprisonment with hard labor in irons - and the Session Judge is authorised to issue his warrant accordingly.

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

(Sent in No 1118)

Read Calendar of Case No 28 of 1850 of the Session Court of Salem.

(Here enter F. W. No 2268 of 1850)

The Court of Foujdaree Udalut approve of the recommendation made by the Session Judge in this Case, that the Sentence recorded against the Prisoner on his conviction of "House breaking by night and Theft" be mitigated to three (3) years' imprisonment with hard labor in irons - and the Session Judge is authorised to issue his warrant accordingly.

The

2. The Court of Foujdaree Udalut are of opinion that whenever any circumstances of aggravation exist in a Case tending to enhance the punishment awarded (as in the Case now under consideration in which the Prisoner is represented to be an habitual thief,) such circumstances should be set forth as a second Count in the indictment, in order that the Prisoner may be afforded an opportunity of pleading to them.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Salem for his information and guidance.—

(Sent in No. 1119)

Read letter dated 6th September 1850 from the Sessions Judge of Mangalore submitting for the final judgment of the Foujdaree Udalut the Record of Case No. 16 of 1850 of the Calendar of the Sessions Court.—

(Here enter F.U. No. 2319 of 1850)

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

the Prisoner,

"Tampa Kegaday"

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. 1120)

Read letter dated the 30th Ultimo from the Sessions Judge of Masulipatam transmitting the Original Petty Calendars &c. of the Magistracy for the 2d Quarter of 1850.—

(Here enter F.U. No. 2286 of 1850)

Read Calendar of Case No. 20 of 1850 submitted by the Sessions Judge of Chittoor under date the 31st May 1850.—

(Here enter F.U. No. 2288 of 1850)

Read Report dated the 4th Instant submitted by the Sessions Judge of Mangalore, of Cases pending on the 31st July and committed for trial in the Month of August 1850 in the Sessions Court of Mangalore.—

(Here enter F.U. No. 2292 of 1850)

Read

17th September 1850

Read letter dated the 2d Instant from the Sessions Judge of Tellicherry reporting that no Case was pending before him during August 1850 for a period in excess of 25 days from the date of commitment.—

(Here enter F. W. No. 2290 of 1850)

Read Calendar of Case No. 25 of 1850 submitted by the Sessions Judge of Combaconum under date the 7th Instant.—

(Here enters F. W. W. 2293 of 1850)

Read Reports dated the 1st August 1850, submitted by the Sessions Judge of Combaconum, of the Jails under the Magistracy of Tanjore for the Month of July 1850.—

(Here enters F. W. No. 2295 of 1850)

Read letter dated the 2d Instant from the Sessions Judge of Honore reporting that no Cases were pending before the Sessions Court for more than 25 days during the Month of August 1850.—

(Here enter F. W. No. 2297 of 1850)

Read Calendars of Cases No. 48 of 1850 submitted by the Sessions Judge

17th September 1850

Judge of Masulipatam under date the 30 August 1850.—

(Here enter F. W. No. 2299 of 1850.)

F W

17

F. U.

Wednesday 18th September 1850. } At a Court of the Foujdaree Adalut

Present

G. J. Hooper Esquire 1st Puisne Judge

W.h for C.P.J. E. D. Thompson Esquire 2d Puisne Judge

W. A. Morehead Esquire 3d Puisne Judge

Reads letter dated 31st ultimo from the Sessions Judge of Tanore, submitting for the final Judgment of the Foujdaree Adalut the Records of Case No. 10 of the Calendar of the Sessions Court.

/ Here enter No. 2287 of 1850 /

Mr. G. J. Hooper
Mr. W. A. Morehead

The Court of Foujdaree Adalut, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the Prisoner, 1st Rama Shetty 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

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

And being of opinion that the Prisoner-

2d Prima

is not convicted on presumptive proof or on the evidence of credible witnesses, or on his own confession of the crime charged the Court acquit him thereof, but considering that strong suspicion though not amounting to conviction attaches to him they direct that under clause Sixth Section II Regulation XV of 1803 he be required to finde two sureties in 50 Rupees each surety for his good behaviour and appearance when required within Three years, or in default thereof that he be detained in Custody for three years.

1. The Court of Foujdaree Adalut do not understand upon what grounds the Sessions Judge has recommended that the prescribed penalty of the Law in the case of the

1st

1st prisoner, who has been convicted of a most wanton and cruel Murder should be mitigated to transportation for life-

2. The Court observe that considerable delay has occurred in the transmission of the records of this case; the trial of which was closed on the 1st of April while the records was not despatched until the 31st August-

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

/ Sent in No. 1121 /

Read letter dated 6th Instant from the Sessions Judge of Tellicherry submitting for the final Judgment of the Foujdaree Adalut the Record of Case No. 18 of 1850 of the Calendar of the Sessions Court.

/ Here enter No. 2324 of 1850 /

The Court of Foujdaree Adalut

Wm. G. Hooper
Wm. Ma. Morehead

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,

2d Dolla Ruboo,

is sufficient to convict him of the crime of Housebreaking and Theft, for which according to the Moohummedan Law, as declared in Futwas of their Law Officer, the penalty of Hud is awardable, do convict him thereof; and under the provisions of Section XXI Regulation VIII of 1802 & Clause 2nd Section VI Regulation I of 1825 Sentence him to be imprisoned and kept to hard labor in irons on the public roads, or other public works, for and during the period of [illegible] three years.

And being of opinion that the Prisoners,

1st Pally Kandy Paker

3d Pockechere, alias, Cootoo Ruboo

and

4th Koonoomel Ruboo

are

are not convicted on presumptive proof or on the evidence of credible witnesses or on their own confession of the crimes charged, do acquit them thereof, but considering that strong suspicion though not amounting to conviction attaches to the Prisoner,

1st Pally Kandy Paker

they direct under the provisions of Clause Sixth Section VI Regulation XV of 1808, that he be required to find two sureties in 25 Rupees each surety for his good behaviour and appearance when required within one year and that in default thereof he be detained for one year in confinement, and further direct that the Prisoners;

3d Pockechere alias Cotoo Ruboo

and

4th Koonoomel Ruboo

be set at liberty.

1st The Court of Sonjdarce

Adalut observe that in all cases in which prisoners may repeat before the Criminal Court confessions made by them before

the

the Police a fresh statement as then dictated by the Prisoner should be recorded; the mere acknowledgment of the truth of the Police confession being in the opinion of the Foujdaree Adalut entitled to but little weight.

2. In this case the Court of Foujdaree Adalut have been unable to concur in the conviction of the 3d and 4th Prisoners; the only evidence against them consisting in their Police confession and in their bare acknowledgment of these confessions before the Criminal Court.

3. The Court of Foujdaree Adalut desire that it may be explained for what reason the 4th prisoner was detained so long in custody before any deposition was taken from him; his apprehension having taken place on the 15th July and the first deposition taken from him being dated the 4th August.

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

and

18th September 1850

and guidance and for communication of paras 1 and 2 to the Principal Sudr Ameen by precept returnable within V days from and after its receipt.

(Sent following Receipt No 1129)

E.H.

Thursday
19th September 1850.

F. D.

At a Court of the Fouzdaree Adalut

Present

W.R. C. S. Hooper Esqre ____ 1st Puisne Judge.
C. P. Thompson Esqre ____ 2d Puisne Judge.
W. A. Morehead Esqre ____ 3d Puisne Judge.

Read again Calendar of Case No. 37 of 1850 on the file of the Session Court of Masulipatam.

(Here enter F. D. No. 179 of 1850.)

Read again also return under date the 26th July 1850 from the Session Judge of Masulipatam to the Precept of the Fouzdaree Adalut dated the 12th July 1850 conveying their Orders on the foregoing case.

(Here enter F. D. No. 1972 of 1850)

Read again also Miscellaneous Petition forwarded by the Session Judge of Masulipatam from C. Veerasamy Naidoo of that Zillah.

(Here enter F. M. P. No. 120 of 1850)

Read also return under date the 28th August 1850 from the Session Judge of Masulipatam to the Precept of the Fouzdaree Adalut dated the 8th August 1850 directing the Submission

submission of an English Translation of the record of the foregoing case.

(Here enter F. R. No. 2252 of 1850)

1. On perusal of the record of this Case the Court of Foujdaree Adalut observe that the date upon which the deposition which the Prisoner is charged with having destroyed was delivered by him does not appear.

2. The Court of Foujdaree Adalut accordingly resolve to direct that on this point information may be supplied, and that it may be explained under what circumstances the deposition in question which it would appear from the Urzee addressed by the Prisoner to the Head Assistant Magistrate must have been given before the 29th May was detained by the Head of Police so long after it was recorded.

3. The Court observe that a copy of the said deposition is entered in the Police proceedings, but without any date affixed to it, and the Court desire that this omission may be explained.

4. The Sessions Judge will be pleased to submit for the consideration of the Foujdaree Adalut copies of any Orders that may have been issued by the Head Assistant Magistrate with reference to the Prisoners Urzees dated the 29th and 31st of May.-

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Masulipatam for his information and guidance by Precept returnable within X days from and after its receipt.-

(Sent following Precept No. 1125)

Read letter dated 10th September 1850. from the Sessions Judge of Madura submitting for the final Judgment of the F. A. the Record of Case No. 15 of the Calendar of the Sessions Court.

(Here enter F. A. No. 2348)

Mr. D. P. Thompson.

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, "Ramaswamy Naick" is sufficient to convict him of the crime of Forgery, do convict him thereof and under the provisions of Clause third Section III Regulation VI of 1811, and Section XXXIV Act VII of 1848, 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 in No. 1126)

Read

19th September 1850.

Read again Report of Cases disposed of by the Magistracy of Salem under the provisions of Section LIV Act VII of 1843 during the Month of June 1850.

(Here enter F. R. No. 1867 of 1850)

Read also Return dated the 6th Sept., 1850 made by the Session Judge of Salem to the Precept of the Fouzdaree Adalut under date the 15th August 1850, calling for further information relative to Cases Nos 7 and 8 entered in the above Reports-

(Here enter F. R. No. 2294 of 1850)

1- Under the explanation afforded in the Magistrate's Letter submitted with the fore-going Return the Court of Fouzdaree Adalut observe that the Sentence recorded by the Head Assistant Magistrate in the above Cases is correct and will remain undisturbed.

2. At the same time, however, the Court deem it proper to observe that the present, as well as the former, references on this subject would have been rendered unnecessary had the Head Assistant Magistrate taken the proper precaution of observing that an appropriate heading was prefixed to the Statement of the charge-

Ordered.

19th September 1850.

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

(Sent in No. 1124)

Read Miscellaneous Petition presented on the 29th August 1850 by Meenakshy of Zillah Tinnevelly-

(Here enter F. M. P. No. 136 of 1850)

The Court of Fouzdaree Adalut decline to interfere in the matter referred to in this Petition which appears to have been disposed of by competent Authority and is moreover apparently of a Civil nature.-

Ordered that Extract from these Proceedings be granted to the Petitioner on her application.-

Read Report-A dated 31st May 1850 submitted by the Session Judge of Chittoor of Persons apprehended in the Sub Division and delivered to the Session Judge in the Month of May 1850.

(Here Enter F. R. No. 1642 of 1850)

Read Letter dated the 24th June 1850 from the Session Judge of Coimbatore submitting several statements called for in the Extract from the Proceedings of the Fouzdaree Adalut under date the

19th September 1850.

the 10th January 1850 as well as Copy of a communica=
=tion from the Acting Magistrate of Coimbatore in
explanation of the causes of Suicide and accidental
Deaths.

(Here enter F. Re. No. 1645 of 1850)

Read Calendar of Case No. 11 of
1850 submitted by the Session Judge of Guntoor
under date the 25th June 1850.

(Here enter F. Re. No. 1649 of 1850)

Read Calendar of Case No. 10 of 1850
submitted by the Session Judge of Mangalore
under date the 22d June 1850.

(Here enter F. Re. No. 1650 of 1850.)

Read Calendar of Case No. 20
of 1850 submitted by the Session Judge of
Cuddalore under date the 26th June 1850.

(Here enter F. R. No. 1651 of 1850)

Read Letter dated 15th June 1850
from the Agent to the Governor in Ganjam
submitting Criminal Report No. 2 of the Agents
Court together with the Reports B from the Prin=
=cipal Assistant and Assistant Agents for the
month of May 1850.

(Here enter F. Re. No. 1652 of 1850)

Read Calendar of Case No. 20
of 1850 submitted by the Session Judge of Rajah=
=mundry under date the 3d July 1850.

(Here enter F. R. No. 1715 of 1850) Read

19th September 1850.

Read Calendar of Case No. 22 of
1850 submitted by the Session Judge of Chittore
under date the 28th June 1850.

(Here enter F. Re. No. 2093 of 1850.)

Read Return dated 28th August
1850 from the 1st Session Judge of Madura to the
Receipt of the Foujdaree Gaol under date the 21st
August 1850 on Calendar No. 19 of 1850.

(Here enter F. Re. No. 2230 of 1850)

Read Letter dated the 31st August
1850 from the Session Judge of Combaconum trans=
=mitting the Returns &c. submitted by the Subordi=
=nate Judge certifying that the sentence of death
was executed in Cases Nos. 20 & 21 of 1850.

(Here enter F. R. No. 2244 of 1850)

Read Calendar of Case No. 62
of 1850 submitted by the Session Judge of Calicut
under date the 29th August 1850.

(Here enter F. R. No. 2253 of 1850)

Read Calendar of Case No. 33 of
1850 submitted by the Session Judge of Mangalore
under date the 10th Instant.

(Here enter F. R. No. 2343 of 1850)

L. 18 &c.

F. No.

Friday
20th September 1850.

At a Court of the Tenpdarce Udalate

Present—

C. S. Hooper Esqr. _____ 1st Puisne Judge
C. P. Thompson Esqr. _____ 2d Puisne Judge
W. A. Morehead Esqr. _____ 3d Puisne Judge

Read again Letter dated the 9th August 1850 from the Sessions Judge of Chittoor relative to the Records of Case No 44 of 1850 of the Calendar of the Sessions Court.

(Here Enter F.No. No 2090 of 1850)

Read also Return dated the 3d September made by the Sessions Judge of Chittoor to the precepts of the Tenpdarce Udalate under date the 21st August 1850 requiring certain explanations relative to the examination of the Prisoner in the above case before the Subordinate Magistrate's Court.

(Here Enter No No. 2278 of 1850)

Adverting to the concluding remark in the explanation afforded by the Subordinate Magt. submitted with the foregoing Return, the Court of Tenpdarce Udalate observe that as a general rule, they consider, that a Prisoner should not be classed upon his trial on the same day upon which he may first

arrive

20th September 1850.

arrive before the Criminal Court. It will be sufficient if the Criminal Judge in that day limits himself to the examination prescribed by the Instance Act dated the 27th October 1850 B

Ordered that Extract from these Proceedings be forwarded to the Supreme Judge of Chittagong for his information and for communication to the Subordinate Judge.

/Sent to - No. 1128/

Read Letter dated 20th August 1850 from the Supreme Judge of Salem, transmitting the records of trial in Case No. 23 of 1850, in the file of the Supreme Court for the trial and punishment of the Prisoners mentioned

/Here Order No. No. 2323 of 1850/

Mr. G. L. Hooper and Mr. C. P. Thompson

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

"Lutchooman"

is sufficient to convict him of the crime of Wilful 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 in No. 1129./ 5

Dr. 1850.

F 116.

Saturday 21st September 1850

At a Court of the Fouzdaree Udalut.

Present

G. L. Cooper Esqr. ——— 1st Assistt. Judge.

E. P. Thompson Esqr. ——— 2d Assistt. Judge.

W. A. Morehead Esqr. ——— 3d Assistt. Judge.

Read Letter dated the 7th September 1850 from the Session Judge of Coimbatore, submitting copy of an Extract from the Proceedings of the Session Court in review of the Reports of cases disposed of by the Heads of Police during the first Quarter of 1850. (Hereinafter F. C. No. 2298 of 1850.)

The Court of Fouzdaree Udalut remark in the remarks made by the Session Judge relative to the impropriety of the reference made to the Magistrate in these cases, which appears to have been clearly within the competency of the Head of Police to dispose of. The Court direct that the Acting Magistrate be called upon to issue immediate instructions to his subordinate officers, enjoining them to exercise greater discretion in their reference of cases for his decision.

Pollaveram Cases Nos. 1 and 27

The Court of Fouzdaree Udalut regret to observe the great length of time to which was allowed

Colligal No. 86 of 1849

2

to

21st September 1850

to elapse previous to the disposal of this Case, in which the Prisoner for an offence, deemed sufficiently punished by the infliction of a fine of 5 Rupees commutable to 10 days imprisonment, appears to have been awaiting his sentence, either in custody or on bail, for a period of 4 months and 10 days: The Court request to be furnished with a copy of the explanation which, it is observed, has been demanded from the Magistrate in respect to this delay.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Coimbatore by Precept returnable within 7 days from and after its receipt.

(Sent following Precept No. 1133)

Read Calendar of Case No. 14 of 1850 of the Session Court of Honore.

(Here enter F. C. No. 2318 of 1850)

The Court of Fouzdaree Udalut resolve to call upon the Session Judge to submit an immediate explanation of the great delay which has occurred in the transmission of this Calendar to them. The trial of the case, it is observed was closed on the 27th April: but the Calendar was not despatches until the 4th September.

Ordered

21st September 1850

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Honore by Precept returnable within 10 days from and after its receipt.

(Sent following Precept No. 1134)

Read again letter under date the 1st May 1850 from the Acting Session Judge of Tinnevelly, submitting a translation of the record of Case No. 7 of 1850 on the file of the Session Court

(Here enter F. C. No. 1171 of 1850)

Read again also Miscellaneous Petition presented on the 11th July 1850 by Chetumbara Tandavan of Zillah Tinnevelly

(Here enter F. C. Mo. P. No. 116 of 1850)

Read also return under date the 6th September 1850 from the Acting Session Judge of Tinnevelly to the precept of the Fouzdaree Udalut dated the 29th July 1850 calling for information with reference to certain allegations contained in the foregoing Petition

(Here enter F. C. No. 2307 of 1850)

Under the circumstances represented in the foregoing return the Court of Fouzdaree Udalut

The Adalut resolve to annul the sentence passed upon the Prisoner in the foregoing Case and they accordingly resolve to direct that the said Prisoner,

"Vaitayadum"

be immediately released.

Ordered that Extract from these Proceedings be forwarded to the Acting Session Judge of Tinnevelly by Precept returnable within 11 days from and after its receipt.

(Vide following Precept No. 1135)

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

Read letter under date the 31st August 1850 from the Session Judge of Caddapah, submitting for the final judgment of the Foujdaree Adalut the record of Case No. 29 of 1850 on the file of the Session Court

(Here enter F. Us. No. 2305 of 1850)

Mr. G. T. Hooper
Mr. E. L. Thompson
Mr. W. B. Morehead

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

1st K. Naugadoo
and
5th L. Gouregadoo

are not convicted on presumptive proof or on the evidence of

of credible witnesses or on their own confessions of the crimes charged, do acquit them thereof and direct that the Prisoner,

1st K. Naugadoo,

be unconditionally released.

But considering that strong suspicion though not amounting to conviction attaches to the prisoner,

5th L. Gouregadoo,

they direct under the provisions of Clause 5th Section 11 Regulation XV of 1803, that he be required to furnish two sureties in 25 Rupees each bound for his good behaviour and appearance when required within three years, and that in default thereof, he be detained for three years in confinement.

The Court of Foujdaree Adalut

2. consider the evidence insufficient to justify the requisition of security under which the 2d 3d and 4th prisoners in this case have been placed, and they direct that the prisoners in question may be unconditionally released and that in the event of security having been furnished by any or all of the said prisoners it may be immediately annulled.

The Court observe that the Session

Judge

21st September 1850.

Judge was in error in disposing of the charges against the 2nd and 3rd prisoners; those prisoners having been convicted by the Law Officer "of aiding and abetting in the murder" charged.

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

Sent in No. 1136 —

Dr. Bld.

GK

J. C.

Monday 23rd September 1850.

At a Court of the Foujdaree Adalut.

Present.

Mr. G. S. Hooper Esqr. —— 1st Puisne Judge.
E. P. Thompson Esqr. — 2nd Puisne Judge.
W. A. Morehead Esqr. —— 3rd Puisne Judge.

Read letter dated 11th September 1850 from the Session Judge of Honore — submitting for the final Judgment of the Foujdaree Adalut the Record of Case No. 29 of the Calendar of the Session Court.—

(Here enter No. 2380).

Mr. G. S. Hooper
Mr. W. A. Morehead.

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,

"Caetan"

is sufficient to convict him of the crime of Murder, do convict him thereof. and sentence him to be transported to such place or places beyond sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of his natural life.—

The

The Court of Foujdaree Adalut are of opinion that considering the nature of the offence of which the Prisoner in this case has been convicted, 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 Session Judge of Honore for his information.—

(Sent in No. 1140).

Read Miscellaneous Petition —
presented on the 29th. August 1850 by A. Dr. Ritchie Esqr. Vakeel on behalf of Condiah of Zillah Cuddapah.

(Here enter F. Dr. P. No. 137 of 1850).

Mr. G. S. Hooper and Mr. E. P. Thompson.

1. The Petitioner prays that the order of the Court of Foujdaree Adalut under date 11th. July 1850 dismissing his brother the 1st. Prisoner in Calendar No. 63 of 1849 of the Session Court at Cuddapah from his situation of Tahsildar and prohibiting his re-employment in the Public service may be reconsidered.—

2. The Court of Foujdaree Adalut see no sufficient cause for complying with the prayer of this Petition but observing an inaccuracy in the terms in which their order of the 11th. July 1850 is drawn up, they desire that at the close

close of Para 5 the words "direct that he be immediately dismissed from his situation" be substituted for "prohibit his reemployment".—

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

(Sent in No. 1141).

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

Read letter dated 5th. September 1850 from the Session Judge of Chittoor, referring at the instance of the Magistrate for the consideration and orders of the Court of Foujdaree Adalut, an Extract from his Proceedings under date 29th. August 1850, directing the release of three Prisoners who had been committed to Jail by the latter officer under Section III. Regulation II of 1822.—

(Here enter F. Dr. No. 2289 of 1850).

1. It appears that the persons in question being deemed to be desperate and irreclaimable robbers were committed to Jail for one year by the Magistrate, who recorded his opinion that they ought not to be set at large without furnishing security in the sum of Rupees 150. each, for their good conduct and appearance when required

required; but that upon their being brought before him the Sessions Judge did not feel himself at liberty to act upon the Magistrates requisition and accordingly directed that they should be unconditionally released.—

2. The question therefore which the Court of Foujdaree Udalut are called upon to decide is this. Can persons who have been committed to jail without a demand of Security having been made upon them, for one year under clause 1st Section III Regulation II of 1822 be dealt with by the Sessions Judge under clauses 3d, 4th and 5th Section VIII Regulation VII of 1821?

3. The Court of Foujdaree Udalut are clearly of opinion that this question must be answered in the affirmative and that the view taken by the Sessions Judge as explained in the 3d para of his letter now under consideration is erroneous.—

4 The Court of Foujdaree Udalut observe that the discretionary power vested in Magistrates of incarcerating persons of notoriously bad character without a demand for security is plainly to enable them to deal rigorously with such characters and it is therefore to be inferred that parties so dealt with are the worst of characters too

too bad even to be released on security and yet under the view taken of the Regulation by the Sessions Judge such characters are placed in a better position than persons whom the Magistrate would not have hesitated to release could they have furnished security.—

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

(Sent in No. 1142).

Read again Criminal Reports submitted by the Sessions Judge of Masulipatam for the month of July 1850.—

(Here enter F: 66: No. 2151 of 1850).

Read also Return dated the 4th September made by the Sessions Judge of Masulipatam to the Precept of the Foujdaree Udalut under date the 30th August 1850, directing the remission of the sentence passed by the Sudr Ameen upon the Prisoner in Case No. 42 of 1850 on the Criminal file.—

(Here enter F: 66: No. 2296 of 1850).

Under the explanation afforded in the foregoing Return the Court of Foujdaree Udalut consider the sentence passed by the Sudr Ameen to be correct and proper. The said sentence will accordingly remain undisturbed.—

Ordered

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

(Sent. in No. 1143).

Read Calendar of Case No. 36 of 1850 of the Sessions Court of Combaconum.

(Here enter F. R. No. 2341 of 1850).

The Court of Foujdaree Adalut approve of the recommendation made by the Sessions Judge in this Case that the punishment awarded to the Prisoner on his conviction of "Theft" be mitigated to two years imprisonment with hard labor in irons, and the Sessions Judge is authorised to issue his warrant accordingly.

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

(Sent. in No. 1144).

Read Calendar of Case No. 36 of 1850. of the Sessions Court of Rajahmundry.

(Here enter F. R. No. 2344 of 1850).

Before passing their final Orders on this Case the Court of Foujdaree Adalut require to be informed whether or not the girdle, gold spiral ornament and gold beads stated by the Prosecutor to be his property and which were found in

in the Prisoners possession, were entered in the List of stolen property given in by the Prosecutor in Case No. 14 of 1850.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Rajahmundry by Precept returnable within III days from and after its receipt.

(Sent following Precept No. 1145).

Read Calendar of Case No. 35 of 1850 of the Sessions Court of Bellary.

(Here enter F. R. No. 2313 of 1850).

The Court of Foujdaree Adalut observe

1. that the above Case has been erroneously disposed of by the Sessions Judge.

2. The Futwa of the Law officer convicts the Prisoner of "Robbery", and declares her liable to discretionary punishment. a second Futwa should therefore have been taken and sentence passed under Section XXI Regulation VII of 1802, a mitigation of the penalty prescribed by that enactment being applied for by the Sessions Judge under Section IV Regulation I of 1825.

3. The Sessions Judge will accordingly now be pleased to amend his error by passing sentence upon the Prisoner under the above Regulation, and, adverting to the absence of any aggravating

aggravating circumstances in the commission of the robbery and to the small value of the property stolen, the Court would suggest that the Sessions Judge's recommendation for mitigation should extend to a reduction of the Prisoner's sentence to one years imprisonment with labor suited to her sex.

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

(Sent in No. 1146).

Read Calendar of Case No. 27 of 1850 of the Sessions Court of Chittoor.

(Here enter F. G. No. 2342 of 1850).

1. The Court of Foujdaree Adalut are of opinion that a sentence of three years imprisonment with hard labor in irons in the case of the first Prisoner, and of two years in that of the second Prisoner will be adequate punishment for the offence committed in this case, and the Court would suggest to the Sessions Judge the propriety of his reducing the sentences now recorded against those Prisoners to the above extent, respectively.

2. If the Sessions Judge be unable to concur in the foregoing opinion he will be pleased to submit a translation of the entire Record of the case for the consideration of the Court of Foujdaree Adalut.

Ordered

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Chittoor by Precept returnable within III days from and after its receipt.

(Sent following Precept No. 1147).

Read the following Letter dated the 9th September 1850, from the Magistrate of North Arcot.

(Here enter F. G. No. 2310 of 1850).

With the foregoing communication

1. the Magistrate submits for the consideration of the Court of Foujdaree Adalut copies of a correspondence which has passed between himself and the Sessions Judge, in which the question is raised, whether it is competent to the latter officer to decline to furnish the former with copies of all Orders passed by the Court of Foujdaree Adalut in modification or reversal of the sentences of the Sessions Court.

It appears that this reference

2. has arisen in consequence of an application made by the Magistrate for a copy of the Order issued by the Court of Foujdaree Adalut under date the 23th August last, directing the release of the 2nd Prisoner in Case No. 39 of 1849 on the file of the Sessions Court, the said Order being required by the Magistrate, as it now appears, for submission to Government.

The

3. The Sessions Judge declined to accede to the Magistrates' application in the instance referred to, as well as to his general request to be furnished with copies of all Orders of the Foujdaree Adalut modifying or reversing the Sentences of the Sessions Courts, on the ground "that it rests with "the higher Court to decide in what cases the "Magistrate should be furnished with copies of their "proceedings," and that "when it is right or necessary "their proceedings are communicated to the Magistrate "under their Orders but not otherwise".

4. The Magistrate, taking exception to the above view of the Case, and considering it essential that he should be furnished with Copies of such Orders of the Court of Foujdaree Adalut has referred the matter for their consideration and decision.

5. The Court of Foujdaree Adalut consider the Sessions Judge to have erred in declining to furnish the Magistrate with a Copy of the Order applied for by that Officer, and in so doing, it is obvious that Mr. Lovell must have entirely overlooked the provisions of Foujdaree Adalut Circular Order dated the 10th December 1831. which expressly requires that the Sentences of the Sessions Courts and also those of the Foujdaree Adalut should be communicated to the Magistrates. The Sessions Judge will accordingly now

now be pleased to furnish the Magistrate with a Copy of the Order for which that Officer applies, and he will also be pleased to inform the Court of Foujdaree Adalut when the requisition contained in the above mentioned Circular Order ceased to be observed in the Zillah of Chittoor.—

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Chittoor by Precept returnable within III days from and after its receipt.—

(Sent following Precept No. 1148).

Ordered also that Extract from these Proceedings be forwarded to the Magistrate of North Arcot for his information.—

(Sent in No. 1149).

Read Criminal Report B. dated the 2nd Instant submitted by the Sessions Judge of Chittoor for the Month of August 1850.—

(Here enter F. C. No. 2367 of 1850).

Read Supplemental return dated the 16th Instant from the Sessions Judge of Cuddapah to the precept of the Foujdaree Adalut under date the 5th Ultimo directing to call upon the Magistrate to institute a full enquiry and inform whether or not a Robbery actually took place Vide in Case No. 42. of the Calendar for 1850.—

(Here enter F. C. No. 2369 of 1850)

Read

Read letter dated the 11th Instant from the Sessions Judge of Calicut transmitting the Criminal Reports B: and other statements from the Subordinate Judge of Calicut and Principal Sudr: Ameen of Codiw and the report A: of Case No 188 of 1850 for August last.—

(Here enter F: U: No: 2377 of 1850).

Read report B dated the 13th Instant, submitted by the Sessions Judge of Mangalore of Persons apprehended in his Zillah and delivered to the Subordinate Judge and tried in the Month of August 1850.—

(Here enter F: U: No: 2382 of 1850).

Read Criminal Reports dated the 3d Instant submitted by the Sessions Judge of Combaconum of the Magistracy for the Month of August 1850.—

(Here enter F: U: No: 2383 of 1850).

Read Criminal Report B dated the 12th Instant submitted by the Sessions Judge of Tellicherry for the Month of August 1850.—

(Here enter F: U: No: 2384 of 1850).

Read Calendar of Case No: 8 of 1850. submitted by the Sessions Judge of Chicacole under date the 14th Instant.—

(Here enter F: U: No: 2385 of 1850).—

Fr 18e

hjh

F. U.

Tuesday.
24th September 1850. At a Court of the Sunjdaree Udalut.

Present.

GJH — G. S. Hooper Esqre ——— 1st Puisne Judge.
WRJ — E. P. Thompson Esqre ——— 2d Puisne Judge.
Ud. for W. M. — W. A. Morehead Esqre ——— 3d Puisne Judge.

Read letter dated 14th September 1850 from the Session Judge of Mangalore, submitting for the final judgment of the Sunjdaree Udalut the record of Case No: 30 of 1850 of the Calendar of the Session Court.—

(Here enter S. U. No: 2381/1850)

Wm G. S. Hooper.
" W. Morehead.

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

"Avokra."

is sufficient to convict him of the crime of wilful 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 1161)

Read letter dated 4th September 1850 from the Sessions Judge of Coimbatore transmitting

24th September 1850.

transmitting copy of a communication from the Acting Magistrate of that Zillah who requests instructions as to the amount of personal recognizance and security which he is competent to demand under Clause 3rd Section V. Regulation XII of 1827.

(Here enter S.D. No. 2276 of 1850)

The Court of Sudder Adalut are of opinion that, under the provisions of the enactment in question, a person may be bound in his own recognizance for 200 Rupees and at the same time be held to security in the sum of 200 Rupees. but that when no personal recognizance is taken the security must not be limited to Rupees 200

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

(Sent in No. 1162)

R. H.

F. U.

Wednesday 25th. September 1850.

At a Court of the Foujdaree Udalut.

Present.

Mr. G. S. Hooper Esqre. — 1st. Puisne Judge

Mr. E. P. Thompson Esqre. — 2nd. Puisne Judge

Mr. W. A. Morehead Esqre. — 3rd. Puisne Judge.

Read letter dated 18th. Instant, from the Sessions Judge of Cuddapah submitting for the final Judgment of the Foujdaree Udalut the Record of Case No. 58 of the Calendar of the Sessions Court for 1850.

(Here enter F. U. No. 2408 of 1850).

The Court of Foujdaree Udalut,

Mr. G. S. Hooper.
and
Mr. E. P. Thompson

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

"Khodaunnukhan"

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

The Court of Foujdaree Udalut cannot recognize as valid the grounds assigned by

by the Sessions Judge for the lenient sentence recommended by him to be passed upon the prisoner in this case.-

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

(Sent in No. 1154).

Read Calendars of Cases Nos. 56 and 57. of 1850 submitted by the Sessions Judge of Cuddapah under date the 7th. Instant.-

(Here enter F: C: Nos. 2300 and 2301 of 1850).

Read Calendar of Case No. LXIII of 1850 submitted by the Sessions Judge of Calicut under date the 5th. Instant.-

(Here enter F: C: No. 2304 of 1850.-

Read return dated the 3rd. Instant from the Sessions Judge of Honore to the precept of the Fouzdaree Adalut under date the 23rd. Ultimo directing that the sentence passed upon 2nd. Prisoner Nagapa in Case No. 3 on the Calendar of the Sessions Court for 1850. be annulled, and that the demand of security made upon the 1st. Prisoner Govinda in the said Case No. 3 be cancelled.-

(Here enter F: C: No. 2308 of 1850).

Read return dated the 3rd. Instant, from the Sessions Judge of Honore to the precept of the

Fouzdaree Adalut under date the 23rd. Ultimo, directing that the sentence awarded to 2nd. Prisoner Nagapa in Case No. 2. on the Calendar of the Sessions Court for 1850. be annulled, and that he be placed under a requisition of security for two years, or in default that he be imprisoned for a similar period.-

(Here enter F: C: No. 2309 of 1850).

Read Calendar of Case No. 31 of 1850. submitted by the Sessions Judge of Guntoor under date the 5th. Instant.-

(Here enter F: C: No. 2312 of 1850).

Read Calendar of Case No. 36 of 1850. submitted by the Sessions Judge of Bellary under date the 7th. Instant.-

(Here enter F: C: No. 2314 of 1850).

Read report A dated the 7th. Instant, submitted by the Sessions Judge of Calicut of case No. 187 of 1850. disposed of by the Subordinate Judge in July last with the Courts proceedings thereon.-

(Here enter F: C: No. 2317 of 1850).

Read return dated the 9th. Instant, from the Sessions Judge of Masulipatam to the precept of the Fouzdaree Adalut under date the 20th. Ultimo, containing their final orders upon the Calendar 4th. of Case No. 32 of 1850. on the file

25th September 1850.

file of the Session Court of Masulipatam.

(Here enter F. D. No. 2321 of 1850).

Read return dated the 10th Instant from the Session Judge of Chittoor to the Precept of the Foujdaree Udalut under date the 3d Idem ordering that the term of the imprisonment of the Prisoner Vencateygaudoo in Calendar No. 25 of 1850, may be reduced to (3) Three years.-

(Here enter F. D. No. 2322 of 1850).

2d Idem:

F. D.

Thursday
26th September 1850. } At a Court of the Foujdaree Udalut.

Present.

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

W. for S. J. & E. P. Thompson Esqre — 2nd Puisne Judge.

W. A. Morehead Esqre — 3rd Puisne Judge.

Read again letter under date the 27th August 1850 from the late Acting Session Judge of Tinchinopoly submitting for the final judgment of the Foujdaree Udalut the record of Case No. 10 of 1850 on the file of the Session Court.-

(Here enter F. D. No. 2243 of 1850.)

Read also return under date the 17th September 1850 from the late Acting Session Judge of Tinchinopoly to the precept of the Foujdaree Udalut dated the 4th September 1850 directing the transmission of the proceedings held in the foregoing case by the dismissed Heads of Police of Arealore.-

(Here enter F. D. No. 2393 of 1850.)

Mr. E. P. Thompson and Mr. W. A. Morehead.

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

being of opinion that the Prisoners,

1st Nynapoodian
2nd Caroopoodian
3rd Nadapoodian
and
4th Nynapoodian

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confessions of the crime charged do acquit them thereof, and direct that they be set at liberty.-

1. On an attentive consideration of the entire record of this case the Court of Fouzdaree Udalut have been unable to concur with the late Acting Sessions Judge in convicting the prisoners of the murder laid to their charge.-

2. The Court of Fouzdaree Udalut observe numerous discrepancies and many positive contradictions in the evidences of the Prosecutrix and her witnesses, which in the opinion of the Court render their testimony undeserving of credit.-

3. The Court of Fouzdaree Udalut would especially advert to the evidence of the

26th September 1850.

the 7th witness, who stated in his deposition before the Magistrate that, on being apprized by Nynammal of the attack which had been made by the prisoners upon the deceased, he accompanied her to the house of Mookapoodian whence he returned to his bede without proceeding to the cow-shed, while before the Sessions Court he describes his having proceeded to the cow shed with the Prosecutrix and the 1st 2nd 3rd and 4th witnesses, and having there been an eye-witness of the murder of the deceased.-

4. The Court of Fouzdaree Udalut observe that, with the exception of the 6th witness, none of the parties who went to the Cow shed on the morning after the murder is alleged to have been committed and saw the body of the deceased hanging there was examined, nor was any evidence taken regarding the state and appearance of the body when it was discovered, on both of which points it was obviously requisite that evidence should be adduced.-

5. The Court of Fouzdaree Udalut are also of opinion that the female Nynammal

by

26th. September 1850.

by whom the first alarm of the murder is stated by the Prosecutrix and her witnesses to have been given, should have been examined before the Session Court, her denial before the Magistrate of all knowledge of the murder rendering it most important as regarded the prisoners that she should have been examined by the Session Court.-

6. The Court of Fonjdaree Udalut consider the reasons assigned by the Prosecutrix for her delay in appealing to the Magistrate from the Police Officer's disposal of the charge preferred by her to be very unsatisfactory, and they deem it extremely improbable that a murder could have been committed in the centre of a village in the manner deposed to by the evidence for the prosecution in this case, and no alarm raised by the witnesses, some of whom were the nearest relatives of the deceased.-

7. The Court of Fonjdaree Udalut cannot conclude their observations on this trial without recording their opinion that the manner in which it has been conducted, is by no means creditable to the late Acting Sessions Judge, who has made no attempt to clear up the many discrepancies apparent in the statements of the Prosecutrix and her witnesses, omitting many obvious questions, which, if put, would it is more than probable have led the late Acting Sessions Judge to a different conclusion from that at which he arrived.-

8. The Court of Fonjdaree Udalut have directed that all the prisoners should be unconditionally released.-

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

/Sentence No. 1165/

Read a Miscellaneous Petition presented on the 20th August 1850 by a Native of Villiah Chittoor.-

/Fees Inter F. M. P. No. 131 of 1850/

Mr. G. S. Cooper
" E. P. Thompson
and
" W. A. Morehead.

The Petitioner is referred to the former orders passed by the Court of Fonjdaree Udalut in the matter to which the Petition relates

relates.-

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

Read again Calendar of Case No. 30 of 1850 on the file of the Sessions Court of Cuddalore.-

/Here enter F. Vo. No. 2195 of 1850./

Read also returns under date the 13th. September 1850 from the Sessions Judge of Cuddalore to the precept of the Fouzdaree Udalut dated the 3rd. September 1850 directing the submission of those portions of the records of the foregoing case which have reference to the 2nd. prisoner.-

/Here enter F. Vo. No. 2349 of 1850./

The Court of Fouzdaree Udalut resolve to direct that the period of imprisonment awarded to the 2nd. Prisoner in this case be reduced to three years.-

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddalore, by precept returnable within 11 days from and after its receipt:-

/Send following precept No. 1166/

Read Miscellaneous Petition presented on the 29th. July 1850 by Chinnadoo Padiachey and Chidambara Moodely of Villah Trichinopoly.-

/Here enter F. M. P. No. 121 of 1850./

Read also returns under date the 19th. August 1850 from the Acting Sessions Judge of Trichinopoly to the precept of the Fouzdaree Udalut dated the 15th. August 1850 conveying their orders on the foregoing Petition

/Here enter F. Vo. No. 2178 of 1850./

Read also Miscellaneous Petition presented on the 10th. August 1850 by the same parties.-

/Here enter F. M. P. No. 140 of 1850./

Read also Miscellaneous Petition presented on the 10th. September 1850 by Velayoodha Padayachy of Villah Trichinopoly.-

/Here enter F. M. P. No. 142 of 1850./

Mr. G. L. Hooper.
" E. P. Thompson
and
" W. A. Morehead

The Court of Fouzdaree Udalut resolve to direct that an English Translation of the record of Case No. 11 of 1850 on the file of the Sessions Court of Trichinopoly be submitted to

26th September 1850

submitted for their consideration.-

Ordered, that Extract from these Proceedings be furnished to the Petitioners on their application.-

Ordered also that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Trichinopoly by precept returnable within XV days, from and after its receipt.-

(Sent following precept No. 1157)

Read Miscellaneous Petition presented on the 10th September 1850 by Unkyreddy of Dillah Cuddapah.-

(Here enter F. M. P. No. 139 of 1850)

The Court of Fonjdaree Udalut resolve to refer the Petitioner to their order passed in the matter of this Petition under date the 20th August last - the said order being final.-

Mr. G. S. Hooper.
" C. P. Thompson and
" W. A. Morehead.

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

Read again Calendar of Case No. 14 of 1850 on the file of the Sessions Court of Madura.

(Here enter F. C. No. 1928 of 1850)

Read

F. C.
26th September 1850

Read also Return under date the 13th September 1850 from the Acting Sessions Judge of Madura to the precept of the Fonjdaree Udalut dated the 5th September 1850 directing the transmission of an English Translation of the records of the foregoing case.-

(Here enter F. C. No. 2368 of 1850.)

1. The prisoners in this case were charged with Highway Robbery and wounding and on conviction have been sentenced respectively to fourteen years' Imprisonment with hard labor in irons; a recommendation having been submitted by the Acting Sessions Judge that, in the case of the 1st, 7th, 10th and 12th prisoners, the prescribed period of Imprisonment should be mitigated to five years.-

2. On an attentive consideration of the records the Court of Fonjdaree Udalut see strong reason to question the sufficiency of the evidence upon which the conviction of the prisoners is based.-

3. It would appear, as far as can be gathered from the evidence which is

vague

vague and uncertain on the point, that it was
scarcely light when the Assault and robbery charged
took place, and that none of the prisoners was
personally known to the Prosecutor, or his party,
or the 1st Witness who assisted in effecting their
apprehension; while the prisoners state that
they were employed as watchers on the road
and were seized by the Prosecutor and those
other individuals and charged with the Robbery
upon which it is to be observed that no attempt
at resistance was made by them notwithstand-
ing their superiority in number over those
by whom they were apprehended.

4. That 1st Witness' account of the
seizure of the prisoners appears to the Court
to be far from satisfactory. His statements
are vague and indistinct, and no attempt
seems to have been made to clear them up by
the Acting Sessions Judge. This witness appears
to have seized the 2nd and 9th prisoners but
whether when captured they were running
away or standing still, or what they were doing
the record does not show. He states that shortly
afterwards the other prisoners joined them and
at

at once accompanied them to the Mettoo
Peon and Village Moonsiff asserting that they
were watchers and denying the perpetration of
the robbery.

5. The Court observe that no property
supposed to have been obtained by robbery
was discovered on the persons or in the house
of any of the prisoners, and that against the
1st 7th 10th and 12th, with the exception of the
fact that they returned to the spot with the
other prisoners who have been deposed to as
having taken a part in the commission of
the robbery, no evidence whatever has been
adduced.

6. The Court of Sessions Malabut
accordingly resolve to direct that the 1st 7th
10th and 12th prisoners be immediately and
unconditionally released, and that the Mettoo
Peon and Village Moonsiff alone referred to
be summoned by the Sessions Judge and ex-
amined, as well as any other persons likely
to throw light upon the circumstances of the case.

7. The Court likewise direct that
the prisoners may be examined as to their
Knowledge

26th September 1850

knowledge of the robbery having occurred, and that the above evidence, having been taken in presence of the Mahomedan Law Officer, the record thereof may be submitted for the consideration of the Foujdaree Udalut:-

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

(Sent following precept No. 1158 / 5

F. Rd. Read Criminal Report B submitted by the Session Judge of Mangalore for the month of August 1850.

(Here enter F. Co. No 2404 of 1850 /

Read returns dated the 21st Instant from the Session Judge of Cuddapah to the precept of the Foujdaree Udalut under date the 4th Idem directing him to review the proceedings in Cases Nos 184 and 208 of 1850 on the Subordinate Courts file and to pass such orders as he may think proper.

Here enter F. Co. No. 2409 of 1850.-

Read Report B submitted by the Agent to the Governor in Ganjam for the month of August 1850.

(Here enter F. Co. No. 2415 of 1850 / 5

F. Co.

Friday, 27th September, 1850.

At a Court of the Foujdaree Udalut.-

Present.

G.S.H. G. S. Hooper, Esquire - 1st Puisne Judge.-

C.P.T. C. P. Thompson, Esquire - 2d Puisne Judge.-

W.M. W. M. Morehead, Esquire - 3d Puisne Judge.-

Read Calendar of Cases No. 37 of 1850, of the Sessions Court of Rajahmundry.-

(Here enter F. Co. No. 2359 of 1850 /-

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this Case, that the punishment awarded to the Prisoner on his conviction of "Highway Robbery" be mitigated to four years' imprisonment with hard labor in irons, and the Sessions Judge is authorized to issue his Warrant accordingly.-

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Rajahmundry for his

his information and guidance.—

/Sent in No. 1160/-

Read Letter dated 10th September 1850 from the Session Judge of Honore requesting instructions regarding the disposal of an insane person reported by the Zillah Surgeon to be a confirmed maniac requiring more perfect restraint and treatment than he can possibly receive in the Jail Hospital.—

Hummed.

/Here Enter No. 2363 of 1850./-

The Court of Foujdaree Udalut direct that the Lunatic in question be transferred to the Jail Hospital at Mangalore.—

Ordered, that Extract from these Proceedings be forwarded to the Session Judges of Honore and Mangalore for their information.—

/Sent in No. 1161 1162/-

Read again Calendar of Case No. 21 of 1850 of the Session Court of Tricheinopoly.

/Here enter F. C. No. 2231 of 1850./-

Read

Read also Return dated the 13th September 1850 made by the Sessions Judge of Tricheinopoly to the Precept of the Foujdaree Udalut under date the 10th September 1850, suggesting a mitigation of the sentences recorded against the Prisoners in the above Case.—

/Here Enter F. C. No. 2353 of 1850./-

1. In accordance with the recommendation made by the Sessions Judge in the foregoing Return the Court of Foujdaree Udalut resolve to direct that the sentences recorded against the eleven Prisoners in the above Case be mitigated in regard to the first Prisoner to three years' imprisonment and in regard to each of the other Prisoners to two years' imprisonment all with hard labor in irons.—

2. The Acting Sessions Judge will be pleased to issue fresh Warrants in accordance with the foregoing resolution.—

Ordered, that Extract from

th September, 1850.

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

/Sent in a No. 1163./

th 1850.

Saturday.

28th September 1850.

F. H.

At a Court of the Foujdaree Adalut

Present

W.M. G. L. Hooper Esqre ——— 1st Puisne Judge

P.P.J. E. P. Thompson Esqr ——— 2d Puisne Judge

W.A.H. W. A. Morehead Esqr ——— 3d Puisne Judge.

Read Calendar of Case No. 32 of 1850 of the Sessions Court of Coimbatore.

(Here enter F. H. No. 2374 of 1850)

The Court of Foujdaree Adalut deem it proper to draw the attention of the Sessions Judge to the delay in the disposal of this Case, in which the trial was closed on the 10th September, but the Sentence was not recorded until the 16th. The Court also observe that the Moofty allowed two days to elapse before giving his Futwa.

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

(Sent in No. 1165)

Read Criminal Reports submitted by the Agent to the Governor of Fort St. George at Kurnool for the Month of August 1850.

(Here enter F. A. No. 2379 of 1850)

The

Case No. 45.

The Court of Foujdaree Adalut observe that the Offence committed by the Prisoners in this Case might have been more correctly designated as "Robbery by open violence", the word "Dacoity" being a term not in use in the Madras Presidency.-

Ordered that Extract from these Proceedings be forwarded to the Agent at Kurnool for his information.-

(Sent in No. 1165)

Translations of the record of trial in referred Sessions Case No. 36 of 1850 on the Cuddapah file not having been as yet received by this Court.-

Ordered that the Session Judge of Cuddapah be again called upon to transmit the same without delay.-

(Sent in No. 1167)

Read Calendar of Case No. 32 of 1850 of the Session Court of Nellore.

(Here enter F. A. No. 2375 of 1850)

1. The Court of Foujdaree Adalut are of opinion that a Sentence of three years' imprisonment with hard labor in irons will be adequate punishment for the offence of which the Prisoners in this Case have been convicted, and on the recommendation of

of the Session Judge the Court will be prepared to mitigate the Sentence of 7 years' imprisonment now recorded against them to that extent.-

2. If the Session Judge be unable to concur in the foregoing opinion he will be pleased to submit a translation of the entire record of the Case for the consideration of the Court of Foujdaree Adalut.-

3. In conclusion, the Court observe that the case was incorrectly disposed of - The Futwa of the Law Officer having convicted the 1st 3rd 6th and 7th Prisoners of the crime charged and declared them liable to Dohroobut, Sentence should have been passed upon them under Clause Seventh Section II Regulation XV of 1803, the Second and Third questions put to that Officer being uncalled for.-

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Nellore by Precept returnable within III days from and after its receipt.-

(Sent following Precept No. 1168)

Read Calendar of Case No. 24 of 1850 submitted by the Session Judge of Combaconum under date the 11th September 1850.

(Here enter F. A. No. 2323 of 1850)

28. 28th September 1850.

Read Return dated 12th September 1850 from the Sessions Judge of Cuddapah to the Receipt of the Fouzdaree Adalut under date the 5th Instant directing the unconditional release of the 1st Prisoner in Case No. 55 of the Calendar for 1850.

(Here enter F. A. No. 2327 of 1850)

Read Letter dated 18th September 1850 from the Sessions Judge of Salem enclosing the return in Case No. 24 on the Calendar of that Court for 1850 and the Letter required by the Circular Order of the Fouzdaree Adalut of the 20th September 1830.

(Here enter F. A. No. 2330 of 1850)

Read Letter dated 11th Instant from the Sessions Judge of Chittoor submitting for the information of the Court of Fouzdaree Adalut a copy of a letter from the Sub. Criminal Judge reporting an accident which befel a party of convicts working at a gravel pit from the fall of a stone by which one of them was killed and four others were injured.

(Here enter F. A. No. 2329 of 1850)

Read Report of Convict labor dated 5th Instant submitted by the Joint Magistrate of Madura of the Jail at Paumben under his charge for the Month of August 1850.

(Here enter F. A. No. 2335 of 1850)

W.

F. A.

Monday 30th September 1850.

At a Court of the Fouzdaree Adalut.

Present

G. L. Hooper Esqr. 1st Puisne Judge

R. P. Thompson Esqr. 2nd Puisne Judge

W. A. Morehead Esqr. 3rd Puisne Judge

Read Letter dated the 19th September 1850 from the Sessions Judge of Calicut submitting for the final judgment of the Fouzdaree Adalut the Record of Case No. 23 on the file of the Sessions Court for 1850.

(Here enter F. A. No. 2324 of 1850)

Mr. W. A. Morehead

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 Arrangat Nyedathar Chacha Koorpa alias Cornithittah Koorpa

4th Raman Kootty

5th Correy Kootty

6th Kunnambanny alias Annapalu alias Chulatil Kellan and

7th Kannan Coonhanooly,

is

is sufficient to convict them of the crimes charged, do convict them thereof and sentence the Prisoner

1st Arrangal Kydathen Chacha Koorpo

alias Oonikittah Koorpoo

to be imprisoned and kept to hard labor in irons on the publice roads or other publice works for and during the period of (5) five years and the Prisoners,

4th Ramen Koilly

5th Oonery Koilly

6th Kiranthenary alias Arumapala

alias Chalatel Kellen and

7th Karanail Coonhanroty

to be imprisoned and kept to hard labor in irons on the publice roads or other public works for and during the period of (One) year.

And being of opinion that the Prisoner,

8th Manahaden Nagady

is not convicted on presumptive proof or on the evidence of credible witnesses or on his own confession of the crime charged so against him thereof and decree that he be set at liberty.

(Seal following Letter No 1173)

Read again Miscellaneous Petition presented on the 25th July 1850 by Maroodu Mootta Pillay

Pillay of Tillah Trichinopoly

(Here enter T.C. No I. No 119 of 1850)

Read also Return dated the 24th August made by the Acting Session Judge of Trichinopoly to the Precept of the Tongdarce Adalut under date the 9th August 1850, requiring certain information relative to the application made by the above Petitioner for the cancellation of the sentence recorded against his Brother in Criminal Case No 33 of 1850 on the file of the Principal Sudr Ameen of Trichinopoly

(Here enter T.C. No 3198 of 1850)

Read also Return dated 17th September made by the Acting Session Judge of Trichinopoly to the Precept of the Tongdarce Adalut under date the 5th September 1850, communicating the further Orders of the Court on the same subject

(Here enter T.C. No 2394 of 1850)

Mr G. L. Harper
Mr E. T. Thompson
Mr W. A. Morehead

On perusal of the documents submitted with the foregoing Return, the Court of Tongdarce Adalut are satisfied of the propriety of the sentence recorded against the Prisoner in the above Case and decline to disturb it.

Ordered therefore that the prayer of

30th September 1850.

of this Petition be rejected and that Extract from these Proceedings be given to the Petitioner on his application.

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

Sent on No. 1174

Circular Order

No. 193.

The Court of Foujdaree Udalut see fit to direct that the names of the Prosecutors as well as of the Prisoners be hereafter entered in Column 2 of Form B prescribed by Circular Order Foujdaree Udalut 18th January 1847. No. 185

(Sent following Letter No. 1176)

Ed 1850.

F. U.

Tuesday 1st October 1850. At a Court of the Foujdaree Udalut.

Present

G/A G. S. Hooper Esqre. ——— 1st Puisne Judge

P.R. E. D. Thompson Esqre. ——— 2nd Puisne Judge

Vt for W.M. W. A. Morehead Esqre. ——— 3rd Puisne Judge.

Read letter under date the 18th September 1850 from the Session Judge of Cuddapah

/Here enter F.U. No. 2398 of 1850/

Under the circumstances represented in the foregoing letter, the Court of Foujdaree Udalut sanction the remission of the stripes awarded to the prisoners in Cases Nos. 227 and 228 of 1849 on the file of the Subordinate Criminal Court of Cuddapah.

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

/Sent in a No. 1176.

Read letter dated 24th September 1850 from the Session Judge of Salem, submitting for the final Judgment of the Foujdaree Udalut the record of Case No. 69 of 1850 of the Calendar of the Sessions Court.

/Here enter F.U. No. 2418 of 1850/

Wm. E. P. Thompson

Wm. W. Morehead.

The Court of Foujdaree Udalut,

on

1st October 1850.

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

"Epoola Cheroomen Chatten"

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 dt 9th)

Dt 1850

17

F.H.

Wednesday 2d. October 1850 } At a Court of the Foujdaree Adaulut.

Present.

G.S.R. G. S. Hooper Esquire 1st. Puisne Judge

E.P.S. E. P. Thompson Esquire 2d. Puisne Judge

W. A. Morehead Esquire 3d Puisne Judge

Read Criminal Reports submitted by the Sessions Judge of Cuddapah for the month of August 1850.

/Here Enter F.H. No. 2406 of 1850/

The Court of Foujdaree Adaulut observe that the Offence of "Bribery" charged against the Prisoners in each of these cases can only be punished as a Misdemeanor, and the Court do not consider that it falls under that class of criminal Offences, the suspicion of having committed which warrants a demand for security. The Court accordingly direct that the requisition for security under which the Prisoners in these cases have been placed be immediately annulled.

Ordered, that Extract from

these

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

/ Sent in No 1181 /

Read Calendar of Case No 23 of 1850 of the Sessions Court of Combatore.

/ Here Enter Fit. No 2401 of 1850 /

Adverting to the fact recorded in the Calendar of this case that certain articles of the property stolen on the occasion of the Robbery were found in the house of the Prisoner and which he entirely failed to prove belonged to himself, it appears to the Court of Foujdaree Adalut that there were grounds for more than suspicion against him.

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

/ Sent in No 1182 /

Read again Criminal Reports submitted by the Assistant Agent to the Governor of Fort St George at Kurnool

Kurnool for the month of July 1850.

/ Here Enter Fit. No 2153 of 1850 /

Read also Return dated the 15th September, made by the Agent to the Governor of Fort St George at Kurnool to the Precept of the Foujdaree Adalut under date the 5th September 1850 directing that Officer to review, and report upon, the Proceedings held by the Assistant Agent in Cases Nos 34 and 35, entered in the above Reports.

/ Here Enter Fit. No 2410 of 1850 /

The Court of Foujdaree Adalut have attentively considered the explanation afforded by the Assistant Agent in his Letter, submitted with the foregoing Return, of the circumstances which, in the opinion of that Officer, rendered necessary the severity of the punishment awarded by him to the Prisoners in the above cases. The Court, however, still adhere to their opinion that the sentences now recorded against the said Prisoners are unnecessarily severe

severe, and that one of six months' imprisonment with hard labor in irons will be adequate punishment for the offence, of which they have been respectively convicted.

2. If the agent be not disposed to concur in the foregoing opinion, and to mitigate the Prisoners' sentences accordingly, it will be necessary for him to submit a translation of the entire Records of those Cases for the consideration of the Foujdaree Udalut.

Ordered, that Extract from these Proceedings be forwarded to the Agent to the Governor of Fort St. George at Kurnool by Precept returnable within V days from and after its receipt.

/ Sent following Precept No 1183 /

Read Letter dated the 21st September 1850 from the Session Judge of Salem, submitting the Petty Calendars of Cases disposed of by the Magistracy during the 2d Quarter of 1850.

/ Here Enter F.R. No 2413 of 1850 /

Finished Calendar Case No 11.

From the statement of the charge in this case it appears to the Court of Foujdaree

Foujdaree Udalut that the act of the Prisoner amounted merely to a trespass rendering him liable to the penalty of a Civil action, and was not such as could be legally dealt with as a Criminal Offence under the general Regulations. Before passing their final Orders, however, in the matter, the Court request that the Sessions Judge will call for the proceedings held by the Acting Magistrate in the case, and pass such orders thereon as may to him seem proper, submitting a report of the same for the consideration of 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 1184 /

Read Letter dated 23d Sept. 1850 from the Sessions Judge of Tellicherry submitting for the final Judgment of the Foujdaree Udalut the Proceedings in Case No 15 of 1850 of the Calendar of the Session Court

/ Here Enter F.R. No 2443 /

The

2d October 1850

Wm. G.S. Hooper
Wm. E.P. Thompson

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

"Amanjey alias Mancambatha, alias, Mardly Bapoo."

is sufficient to convict him of the crime of wilful 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 in Roll 1185 /

Circular

1. The Court of Fouzdaree Adaulut resolve to direct that in all cases where a previous conviction may expose a Prisoner on a subsequent conviction of any felony to an enhanced punishment. Such previous conviction be set forth in the indictment. And that a Certificate be entered in the Calendar containing the substance and effect of the previous offence.

In

2d October 1850

2. In such cases it will be sufficient for the presiding Judge to satisfy himself that the Prisoner then before the Court is the person who underwent the sentence mentioned in that certificate.

Ordered, that Extract from these proceedings be sent to the Session Judges for their information and for communication to the Subordinate Judges and Principal Sudder Ameens within their jurisdiction.

/ Sent Circular No 1186 /

Read Calendar of Cases No. 22 of 1850 submitted by the Sessions Judge of Combaconum under date the 14th August 1850.

/ Here enter Ft. No. 2116 of 1850 /

Read Criminal Reports for the month of July 1850 submitted by the Sessions Judge of Salem under date the 14th August 1850

/ Here enter Ft No. 2119 of 1850 /

Read Extract from the Proceedings of the Sessions Court dated 10th August 1850, submitted by the Sessions Judge of-

of Chingleput relative to the remarks made on the Petty Calendars of the Magistracy for the 2d Quarter of 1850.

/Here Enter Fit No. 2121. of 1850/

Read Criminal Reports dated 15th August 1850 submitted by the Sessions Judge of Chingleput for the month of July 1850.

/Here Enter Fit. No. 2122 of 1850/

J. W.

F. No.

Thursday
3rd October 1850. } At a Court of the Tonjadaree Udalut.

Present:

J. S. Hooper Esqre — 1st Puisne Judge.
E. P. Thompson Esqre — 2nd Puisne Judge.
W. A. Morehead Esqre — 3rd Puisne Judge

Read Miscellaneous Petition presented on the 23d October 1850 by Verrasamy Naiken late a Jail Peon.

/Here enter F. M. P. No. 140 of 1850/

Mr J. S. Hooper
Mr E. P. Thompson
and
Mr W. A. Morehead. } The Court of Tonjadaree Udalut resolve to direct that the English Translation of this Petition be forwarded to the Subordinate Judge of Chittoor the Court being of opinion that the Petitioner's request is a reasonable one.-

2 The Petitioner is recommended to repair to Chittoor and present himself before the Subordinate Judge.-

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

/Instruc. No. 1184/

Ordered also that Extract

from

3rd October 1850.

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

Read Calendar of Cases No. 64 of 1850 of the Sessions Court of Cuddalapah.

/Here enter F. Dc. No. 2391 of 1850/

1. The Court of Fouzdaree Udalut approve of the recommendation made by the Sessions Judge in this case, that the punishment awarded to the Prisoner on his conviction of having instigated others to commit Highway Robbery, be mitigated to seven years' imprisonment with hard labor in irons, and the Sessions Judge is hereby authorised to issue his warrant accordingly.

2. Adverting to the observation recorded in the sentence passed in this case to the effect that "a Puttakdar Vencatapathy told the Lurkhasum that the Prisoner requested him to commit the robbery but that he refused," the Court of Fouzdaree Udalut direct that the Magistrate be called upon to furnish further particulars respecting the character and position of the said Vencatapathy and the Sessions Judge will

3rd October 1850.

will be pleased to explain why that individual was not summoned as a witness in this case.

Ordered, that Extract from these Proceedings, be forwarded to the Sessions Judge of Cuddalapah, by Precept returnable within 7 days, from and after its receipt.

/Sent following precept No. 1188/

Read Calendar of Cases No. 33 of 1850 of the Sessions Court of Coimbatore.

/Here enter F. Dc. No. 2433 of 1850./

The Court of Fouzdaree Udalut regret to observe that the Prisoner and sentenced in this case were not declared, the former until 5 days, and the latter until 9 days, after the close of the trial. The Court expect that the Sessions Judge will not allow such delay to occur in future.

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

/Sent in No. 1189/

Read Letter dated 18th September 1850 from

3d October 1850.

from the Sessions Judge of Coimbatore submitting at the instance of the Acting Magistrate the question - Can a Magistrate at the requisition of a Superintendent of Division in Mysore seize and sell the goods of persons sentenced upon conviction of Theft or embezzlement to the additional punishment of fine.-

(Here enter F. Dc. No. 2395 of 1850.)

The Court of Fonjdaree Udalut observe that a Magistrate is bound to enforce the process of the Mysore Authorities in every case in which he can be called upon to enforce the process of the Magistrate of another District and that consequently Mr. Thomas is fully competent to give effect to the requisitions of the Superintendent of the Bangalore Astagram Division of Mysore out of which this reference has arisen.-

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Coimbatore for his information and for communication to the Acting Magistrate.-

(Sent in No. 1190)

F. Dc.
3d October 1850.

Read Letter dated 12th September 1850 from the Sessions Judge of Chittoor transmitting a letter from the Magistrate of North Arcot requesting, on the ground that the Mahomedan law of evidence rather than the stricter rules of evidence which the Regulations prescribe has been followed by the Sessions Judge in disposing of the Case No. 22 on the Calendar for 1850, that the Proceedings may be called up for revision by the Court of Fonjdaree Udalut.-

(Here enter F. Dc. No. 2334 of 1850)

The Court of Fonjdaree Udalut have again referred to the Calendars of the Case in question and failing to discover in the Statements of the Magistrate any reason whatever for questioning the propriety of the Sessions Judge's decision thereon decline to accede to the Magistrate's request and direct that it be pointed out to Mr. Benadikt that the most substantial grounds are necessary to justify an Appeal on the part of a Magistrate from the decision of a Sessions Judge.-

Ordered,

3d October 1850.

Ordered, that Extract from these Proceedings, be forwarded to the Sessions Judge of Chittoor for his information and for communication to the Magistrate.-

(Sent in No. 1191)

Read Miscellaneous Petition presented on the 5th September 1850 by Krishnamma of Pillala Trichinopoly.

(Here Inter S. M. P. No. 138 of 1850.)

Mr G. S. Cooper
" E. P. Thompson
and
" H. A. Morehead

1. This is an application for the reversal of the sentences awarded by the Sessions Judge of Trichinopoly to the Petitioner one Kondapa Naick a Jail Peon for conniving at the escape of certain Convicts under his charge, the sentence in question having been passed by the Sessions Judge upon an investigation held by him without the assistance of his Mahomedan Law Officer.-

2. On referring to a return made by the Sessions Judge under date the 22d May 1849 to certain orders passed by this Court upon a former Petition presented by the Petitioner the Court of Zoujdaree Udalut find that the investigation in question was held by the Sessions

3d October 1850.

Session Judge without the assistance of his Mahomedan Law Officer under a misapprehension of the instructions conveyed in this Court's proceedings under date the 9th June 1847 authorizing the Sessions Judges in charge of Jails to take primary and immediate cognizance of all offences committed either by prisoners or persons belonging to the Jails under their charge, be the nature of their offences what they may.-

3. It is to be observed and it was pointed out in this Court's proceedings of the 18th June 1849 that the orders of the 9th June 1847 did not contemplate that when the nature of the offence committed was cognizable only by the Session Judge in his capacity as such he should dispense with the form of trial prescribed by Law to be adopted by the Courts of Session.-

4. It is manifest that in the case under notice the trial of the prisoner has been conducted in an illegal manner, and they accordingly resolve to direct that he be set at liberty.-

Ordered

3rd October 1850.

Ordered, that Extract from these Proceedings, be forwarded to the Acting Sessions Judge of Tinnevelly by precept returnable within 11 days from and after its receipt.-

(Sent following precept No. 1192)

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

Read Calendar of Case No 15 of 1850 of the Sessions Court of Honore.-

(Here enter F. No. No. 2434 of 1850)

1. The Court of Foujdaree Udalut observe that nearly 4 months have intervened between the close of the trial in this case and the despatch of the Calendar. The Court consider this delay to be extremely reprehensible, and desire that it may be explained.-

2. The Court further direct that the Sessions Judge will in future when recording his sentence, limit his remarks to a brief sketch of the case, and the conclusion at which he has arrived. The abstracts of the evidence which the Sessions Judge has hitherto been in the habit

F. No.

3rd October 1850

habit of recording in his sentence is deemed by the Court to be superfluous, the same being inserted in another part of the Calendar reserved for that purpose.-

Ordered, that Extract from these Proceedings, be forwarded to the Sessions Judge of Honore, for his information and future guidance.-

(Sent in No. 1193)

Read Calendar of Case No. 18 of 1850 on the file of the Sessions Court of Tinnevelly.-

(Here enter F. No. No. 2192 of 1850)

Read also Miscellaneous Petition forwarded by the Acting Sessions Judge of Tinnevelly from Ramasamy Tavee and Palaneas Tavee 7th and 8th prisoners in the foregoing case.-

(Here enter F. No. P. No. 1144 of 1850.)

1. The Court of Foujdaree Udalut not resolve to direct that an English translation of the record of the foregoing case may be submitted for their consideration.-

2. The Court of Foujdaree Udalut do

do not understand under what authority this Prosecutor proceeded to seize the Tobacco which the Prisoners are stated in the indictment to have been engaged in smuggling when the assault and wounding charged took place; the Tobacco monopoly not being in force in the District of Tinnevelly and they desire that explanation may be afforded on this point.

Ordered, that Extract from these Proceedings, be forwarded to the Acting Sessions Judge of Tinnevelly, by precept returnable within XV days, from and after its receipt.

(Sent following precept No. 1194.)

Read again Miscellaneous Petition presented on the 20th August 1850 by Chinnaya Naidoo of Villah Chingleput.

(Here enter F. M. P. No. 129 of 1850.)

Read also Return under date the 21st September 1850 from the Sessions Judge of Chingleput to the precept of the Foujdaree Udalut dated the 5th September 1850 directing the transmission of certain documents connected with the matter referred to in the

the foregoing Petition

(Here enter F. M. P. No. 2405 of 1850.)

Mr. G. L. Cooper
Mr. E. P. Thompson
and
Mr. W. A. Morehead.

1. The Court of Foujdaree Udalut cannot interfere in the matter referred to in the foregoing Petition which it appears is entirely of a Civil nature and cognizable only by the Civil Courts.

2. The Lands from which the Petitioner desires that certain bricks may be removed is stated by the Magistrate to have been for a lengthened period in the possession of other parties, under which circumstances the orders passed by that officer referring the Petitioner to the institution of a Civil Suit appear to the Court of Foujdaree Udalut to be perfectly correct.

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

Read Miscellaneous Petition presented on the 29th April 1850 by J. Ouchterlony Esqre. Vakeel on behalf of Ramasamy Moodely of Villah Chingleput.

(Here enter F. M. P. No. 87 of 1850.)

The

3rd October 1850.
Mr. J. S. Hooper and Mr. W. S. Morehead.

The object of this Petition is to induce the Court of Fouzdaree Udalut to reconsider their orders of the 5th February last dismissing the Petitioner's application for the reversal of the sentence awarded to him in Case No. 18 of 1849 on the file of the Sessions Court of Chingleput.

2 The Petitioner reiterates the arguments contained in his former Petition to the effect that he is entitled to his acquittal on the ground that previous to his conviction by the Sessions Court he had been twice placed upon his trial before the Principal Sudder Ameen, and adverting to certain observations made by the Court of Fouzdaree Udalut with reference to his former Petition that "the preliminary enquiry by the Principal Sudder Ameen was like the investigation by the Grand Jury in the Courts of the Queen" he endeavors to show that the circumstances, under which the second enquiry took place, which was held by the Principal Sudder Ameen in this case, depriv that investigation of all similarity with those preliminary

No. 16.
3rd October 1850.

preliminary enquiries to which the Court have referred and conferred upon the Prosecutor undue advantages contrary to the spirit and principles of the British Law.

3. The Petitioner likewise adverts to certain points in the evidence which he alleges tend to show that the charge upon which he has been convicted was false.

4. The Court of Fouzdaree Udalut cannot admit the validity of the arguments which the Petitioner has adduced to prove the illegality of the proceedings which led to his committal for trial before the Sessions Court, there being nothing in those proceedings contrary to the principles intended by the Legislature to be followed in bringing offenders to justice.

5. The Court of Fouzdaree Udalut would observe that their remarks regarding the similarity of the preliminary enquiries held by the Subordinate Criminal Courts in cases cognizable by the Sessions Courts to the preliminary investigations of the Grand Jury in Her Majesty's Courts of Judicature merely had reference to the fact that before both the tribunals

3d October 1850.

tribunals in question the rejection of an indictment upon the evidence adduced is no bar to it's being again brought forward, and not to any similarity in forms of proceedure as the Petitioner would appear to infer.

6. The Court of Foujdaree Udalut see no reason for entering upon the merits of the case which have met with full consideration, and they accordingly resolve to dismiss the Petitioner's application.

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

Warrant for Sanction of Sutter, mere the Court to return the Enclosures in his Miscellaneous Petition, No 118 of 1850.

Dd 18th.

Ordered accordingly.

F. U.

Friday 4th October 1850 } At a Court of the Fouzdaree Adaulut

Present.

Sgd R. G. A Hooper Esquire 1st Puisne Judge

Sgd E. S. Thompson Esquire 2d Puisne Judge

W. A. Morehead Esquire 3d Puisne Judge

Reads final Return dated 23d September 1850 to the Precept of the Court of Fouzdaree Adaulut under date — 11th Idem conveying their Orders on the Calendars of Cases disposed of by the Magistracy during the 2d Quarter of 1850.

/ Here Enter F.U. No 2421 of 1850 /

It is only necessary for the Court of Fouzdaree Adaulut to express their concurrence in the opinion expressed by the Sessions Judge in para 2 of his proceedings of the 23d September 1850 which accompanied this return.

"that their proceedings of the 11th September
"1850 had no reference to act XXX of 1841,
"and that when the contempt is of the
"serious nature described in that

"enactment

"enactment the Magistrate is empowered to
"act under it whether the contempt is com-
"mitted during the trial of a case either within
"or without his final jurisdiction."

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

/ Sent in No. 1195 /

Read letter dated 21st September 1850 from the Sessions Judge of Masulipatam requesting to be informed whether appeals from his decisions in Cases disposed of by him in the capacity of Subordinate Judge, and from his orders reversing the decisions of the Sudder Ameen, should be transmitted immediately upon presentation, or together with the Monthly Criminal Reports.

/ Here Enter F.R. No. 2425 of 1850 /

The Court of Foujdaree Adalut direct that the Sessions Judge of Masulipatam be informed that appeals from his proceedings in the instances above referred to should be transmitted

transmitted together with the Monthly Criminal Reports.

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

/ Sent in No. 1196 /

Read Letter dated 20th September 1850 from the Sessions Judge of Calicut transmitting copy of the Calendar and Futwah in Case No. 66 of 1850 and reporting that the Prisoner has been placed under the observation of the Medical Officer to be again brought before the Sessions Court as soon as reported in a state of sanity.

/ Here Enter F.R. No. 2426 of 1850 /

It would appear from the remarks of the Sessions Judge that the Prisoner in question was not of sound mind when placed upon his trial and the Court of Foujdaree Adalut accordingly direct that the Proceedings in the case be cancelled and that the Prisoner be dealt with under Circular Order — Foujdaree Adalut 1st June 1829 and

23d February 1841 (No 133)

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

/ Sentence No 1194 /

Read letter dated 9th September 1850 from the Sessions Judge of Honore requesting with reference to the Extract from the Minutes of Consultation of Government under date 15th June 1850 that the necessity of sanctioning the construction of a new Gaol at Honore at an early date may be brought to the notice of Government.

/ Here Enter Fl. No 2364 of 1850 /

The Court of Foujdaree Adalut observe that the Government, in calling for new plans upon the principle suggested by the Superintendant of Gaols in the North Western Provinces, have sanationed an advance of Rupees 2,000 to the Collector for preparing materials, and that consequently if any delay, which would be obviated by the immediate sanction of the estimates

estimates formerly submitted, occur it will rest with the local officers, who have been charged by the Government with the preparation of the new plans.

2. The Court also observe that the Civil Engineer contemplates that the construction of a new Gaol will extend over two full seasons, and they consequently infer that the present buildings are capable of being made by repair safe and fit for the accommodation of Prisoners for at least another season.

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

/ Sentence No 1198 /

Read Letter dated the 12th September 1850 from the Sessions Judge of Salem, referring for the final judgment of the Foujdaree Adalut, the Record of Case No 29 of 1850 of the Calendar of the Sessions Court.

(Here enter Fl. No 2458 of 1850)

The

4th October 1850

Mr. E. P. Thompson
Mr. R.A. Morehead

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,

"Poongavanum"

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

The Court of Foujdaree Adalut cannot recognize as valid the grounds upon which the Session Judge has recommended that the prisoner in this case should be exempted from undergoing the extreme penalty of the Law.

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

/ Entd in Vol 1199 /

Read

4th October 1850.

Read Calendar of Cases No 34 of 1850 submitted by the Sessions Judge of Rajahmundry under date the 7th August 1850.

/ Here Enter Ft. No. 2094 of 1850 /

Read Calendar of Case No 17 of 1850 submitted by the Acting Sessions Judge of Tinnevelly under date the 6th August 1850.

/ Here Enter Ft. No. 2095 of 1850 /

Read Monthly Returns dated 12th August 1850 submitted by the Sessions Judge of Combaconum of the Gaols in charge of the Magistracy exhibiting the manner in which the Prisoners have been employed during the month of June 1850.

/ Here Enter Ft. No. 2096 of 1850 /

Read Return dated 5th August 1850 from the Sessions Judge of Honore to the precept of the Foujdaree Adalut under date the 25th July 1850 conveying their Orders regarding the case No 37 of 1849. on the file of the Sessions Court

/ Here Enter Ft No. 2099 of 1850 /

Read

4th October 1850.

Read Return dated 9th August 1850 from the Session Judge of Calicut to the precept of the Foujdaree Adalut under date the 30th July 1850 conveying the Court's observations on the Criminal Reports for June last.

/Here Enter Ft. No. 2100 of 1850/

Read Calendar dated 14th August 1850 submitted by the Session Judge of Chingleput of Persons sentenced under clause 2nd Section V Regulation VII of 1822.

/Here Enter Ft. No. 2107 of 1850/

Read Calendar of Case No. 12 of 1850 submitted by the Session Judge of Tellicherry under date the 3rd August 1850.

/Here Enter Ft. No. 2111 of 1850/

Read Calendar of Case No. 119 of 1850 submitted by the Acting Session Judge of Trichinopoly under date the 12th August 1850.

/Here Enter Ft. No. 2113 of 1850/

4th J.H.

Saturday, 5th October 1850. F.H.

At a Court of the Foujdaree Adalut.

Present.

W.R. G. S. Hooper Esquire - 1st Puisne Judge.
C.P.S. E. O. Thompson Esquire 2d Puisne Judge.
H-M. H. A. Morehead Esquire - 3d Puisne Judge.

Read return dated 17th September 1850 from the Session Judge of Coimbatore to the Precept of the Foujdaree Adalut under date 27th August 1850 calling for a copy of the orders issued by the Acting Magistrate in respect to Police Peons firing upon smugglers.-

(Here Enter Ft. No 2397 of 1850)

1. From the papers submitted with this return it appears that on the 14th November 1831 the Magistrate, in consequence of the prevalence of Gang Robberies, directed that a Cundachar Peon armed with a firelock should be stationed at each important Village with orders to fire upon Gangs committing robbery.-

That on the 2d February 1832 the same

same officer, with reference to the escape of a band of 20 mootiers, who after some resis-=tance fled upon the Peons firing blank ca cartridges, ordered the Peons "to capture the "mootiers in future by firing their muskets "loaded with bullets and wounding them "on their legs."-

and that on the 30th November 1849 the Acting Magistrate upon 20 or 24 Smugglers escaping from a strong body of Peons after some resistance, in which a Jamadar and a Peon were wounded on the knee and leg respectively by stones, issued the following Order. "whenever the Mootiers clandestinely "convey Bundles of Tobacco or when they proceed "in Gangs for the purpose of committing rob-="beries and when they throw stones at the "persons who may pursue them and attempt "to resist them and escape detection the "Peons who are furnished with Muskets "and Cartridges should discharge their Muskets "with bullets at them so as to wound them "in their legs without endangering their lives "as in that case they would be wounded and "not be enabled to take their flight."-

The

2. The Court of Foujdaree Adalut consider the firing upon Smugglers when unarmed with any deadly weapon or when the resistance offered by them to the Peons or others attempting their capture is confined to throwing stones and is unattended with any risk to the Lives of the Peons such as would require them in self defence to have recourse to their fire arms to be wholly unjustifiable, and they therefore direct that the orders issued by the Magistrate for the use of fire arms under such circum-=stances be immediately cancelled.-

3. In regard to the resistance of Gang Robbers the Court of Foujdaree Adalut consider that the frequent publication

9th August 1825
27th December 1832
7th June 1834.

by the Magistrate of the Circular Order on the subject noted marginally would render unnecessary the issue of any other orders by that officer.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Coimbatore for communication to the Acting Magistrate.-

(Sent in No. 1202)

5th October 1850.

Read Calendar of case No 65 of 1850 submitted by the Session Judge of Calicut under date the 24th September 1850.

(Here Enter Fd No 2450 of 1850)

Read Calendar of case No 39 of 1850. submitted by the Session Judge of Bellary under date the 24th ultimo.

(Here Enter Fd No 24540 of 1850.)

Read letter dated 24th ultimo. from the Session Judge of Bellary forwarding copies of communications received from the Subordinate Judge, in regard to the escape of a prisoner from the custody of his guard, whilst working with his party within the Zaib compound on the 21st instant, and reporting upon the circumstances thereof.—

(Here Enter Fd No 2455 of 1850)

Read return dated 30th ultimo from the Session Judge of Cuddalore, to the precept of the Fouzdaree Adalut under date the 26th September 1850, directing the period of imprisonment awarded to the 2d prisoner in Session case No 30 of 1850 to be reduced to three years.

(Here Enter Fd No 24610 of 1850.)

Read return dated 26th ultimo from the Acting Sessions Judge of Tinnevelly, to the precept of the Fouzdaree Adalut under date the 21st September 1850. directing him that the prisoner in case No 7 of 1850 be unconditionally released.—

(Here Enter Fd No 24630 of 1850)

4th 1850

Monday.

7th October 1850.

F. D.

At a Court of the Fouzdaree Adalut.

Present

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

E. P. Thompson Esqre ——— 2d Puisne Judge.

W. A. Morehead Esqre ——— 3d Puisne Judge.

Read again Miscellaneous Petition — presented on the 2d September 1850 by Balagooroo Daik Sail Pon of the Zillah of Trichinopoly. praying that with reference to his long standing and Service the Court of Fouzdaree Adalut will order his name to be entered upon the list of the fixed guard in view to his promotion to a Duffadarship.

(Here enter S. & F. M. P. No 30 of 1850)

Read also Return dated 24th Septr 1850 from the Acting Sessions Judge of Trichinopoly requiring him to submit any remarks he may have to offer on the said Petition.—

(Here enter F. D. No 1718 of 1850)

It appears that the matters referred to in this Petition have not been brought to the notice of the Sessions Court and the Court of Fouzdaree Adalut direct that the Petitioner be informed that his application should be made to

his

7th October 1850.

his immediate superior.-

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

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

(Sent in No. 1203.)

No. 1803.

F. H.

Tuesday.
8th October 1850. At a Court of the Poydaree Adalut.

Present

W.S.A. — G. S. Mooper Esqr. —— 1st Puisne Judge
C.P.T. — C. P. Thompson Esqr. —— 2d Puisne Judge
W. A. Morehead Esqr. —— 3d Puisne Judge.

Read the following Letter dated the 25th September 1850 from the Session Judge of Cuddapah.

(Here enter F. H. No 2442 of 1850)

With the above communication the Session Judge submits for the consideration and Orders of the Court of Poydaree Adalut copies of a correspondence which has passed between the Magistrate of Cuddapah and himself relative to the release of the Prisoner "Lunjeeva Condadoo" who was charged in Case No 45 of 1850 on the file of the Session Court with "Forgery" -

2. From this correspondence it appears that the Magistrate seeing reason to question the propriety of the judgment passed by the Session Judge in the case referred to, and deeming the case to be of sufficient importance to be reinvestigated and recommitted, has requested, in the event of the Session Judge declining to adopt that course, that his

his appeal from the sentence of acquittal may be sub=
=mitted to the Foujdaree Adalut. The Session Judge
considering himself prohibited by the obvious construc=
=tion to be placed on Foujdaree Adalut Circular
Orders dated the 20th July 1829 and 16th November 1831.
from adopting the course suggested by the Magistrate
has accordingly referred the matter for the Court's
decision.

3. The Court of Foujdaree Adalut
observe that under no circumstances can a Prisoner,
once placed formally on his trial and acquitted by
the Sessions Court, be again placed on his trial for
the same offence, even tho' the clearest evidence may
afterwards be found against him.

Ordered that Extract from these
Proceedings be forwarded to the Session Judge of
Cuddapah for his information and for communication
to the Magistrate.

(Sent in No. 2205)

Read return dated 21st September 1850.
from the Session Judge of Monore to the Receipt
of the Court of Foujdaree Adalut under date 13th
September 1850 calling for a certificate from the
Medical Officer of the state of mind of the Prisoner
in Calendar No. 16 of 1850.

(Here enter F. R. No. 2443 of 1850)

The Court of Foujdaree Adalut
direct

direct that, if, as would appear to have been the
case, the Prisoner in question was, when placed upon
his trial, of unsound mind, the Proceedings against
him be annulled; and that the Session Judge
be guided in disposing of the case by the
instructions laid down in Circular Order Foujdaree
Adalut dated 1st June 1829.

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

(Sent in No. 2206)

Read Letter dated 28th Ultimo, from
the Session Judge of Cuddapah, submitting for
the final Judgment of the Foujdaree Adalut
the Record of Case No. 36 of the Calendar of the
Session Court.

(Here enter No. 2460)

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 V. Chengadoo alias V. Nursegadoo
2d V. Condadoo
3d V. Chennoogadoo
4th V. Gareekaliegadoo
5th B. Chinnegadoo
6th D. Jayasam alias Somoolagah.
and
7th V. Ramegadoo.

are

are not convicted on presumptive proof or on the evidence of credible witnesses or on their own confessions of the crimes charged do acquit them thereof and direct that the Prisoners,

C. L. Sayasam alias Somoolagah

and

7th V. Ramasegadoo

be unconditionally released.

But considering that strong suspicion though not amounting to conviction attaches to the prisoners,

1st Y. Chengadoo alias Y. Arasegadoo
2d Y. Condadoo
3d Y. Chennagadoo
4th Y. Yarra Kalegadoo
and
5th B. Chinnegadoo

they direct under the provisions of Clause Sixth Section II Regulation XV of 1803, that they be severally required to find two Sureties in (50) fifty Rupees each surety for their good behaviour and appearance when required within three years and that in default thereof they be detained for three years in confinement.

1. The Court of Fonjaree Adalut have been unable to concur with the Sessions Judge in the conviction of any of the prisoners in this case, the evidence being in their opinion insufficient to justify more than a

a demand of security from the first five of the prisoners charged.

2. With regard to the statement made by the Session Judge in his letter of reference — that the 1st Prisoner is a convict sentenced on the 20th January 1843 to fourteen years imprisonment, but who escaped from confinement after about one years incarceration, the Court of Fonjaree Adalut observe that if sufficient evidence to this circumstance be forthcoming the prisoner in question should now be placed upon his trial for the escape and sentenced for that offence, such sentence to take effect — upon the expiration of the period of imprisonment to which he has been already adjudged.

3. It appears to the Court of Fonjaree Adalut that the Session Judge does not sufficiently perceive the distinctions between the two crimes of "wilful or express murder" and "culpable homicide," which distinction is explained in Clause Second Section XV Regulation VIII of 1802; and the Court of Fonjaree Adalut observe that in all cases similar to that under notice the indictment — should set forth a charge of "murder," leaving it to be determined upon the trial whether the crime actually committed amounts to "murder" or to the minor offence of "culpable homicide."

The

8th October 1850.

4. The Court of Foujdaree Adalut resolve to direct the attention of the Session Judge to their Circular Order of the 19th January 1825. wherein it is prescribed that a list of all papers which the Session Judge may consider it unnecessary to transmit with trials referred to the Foujdaree Adalut should be forwarded with the record for the information of the Higher Court.

5. Much unnecessary delay appears to have occurred in the transmission of the record of this case, the trial having been closed on the 25th of May and the record not having reached the Court of Foujdaree Adalut until the 2d October, while an interval of nine days elapsed between the close of the trial and the announcement of the Sessions Judge's resolution to refer the case for the final judgement of the Foujdaree Adalut.

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

(Sent in No. 1204)

Read Letter dated 2d Instant, from the Session Judge of Combaconum, submitting — for the final Judgement of the Foujdaree Adalut the record of Case No. 29 of 1850 of the Calendar

8th October 1850.

of the Session Court.

(Mere Enter F. A. No. 2496)

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.

"Lundoyooda padiachee"

is sufficient to convict him of Assault and Wounding for which according to the Moohummedan Law as declared in Futwas of their Law Officers discretionary punishment is awardable, do convict him thereof, and under the provisions of Clause third Section VII Regulation XV of 1803 and Section XXXIV Act VII of 1840 sentence him to be imprisoned and kept to labor without Irons on the public roads or other public works for and during the period of (6) six months.-

(Sent in No. 1208)

Read Calendar of Case No. 41 of 1850 submitted by the Session Judge of Bellary under date the 28th September 1850.

(Mere Enter F. A. No. 2468 of 1850)

Read Calendar of Case No. 31 of 1850 submitted by the Session Judge of Nellore under date the 30th September 1850.

(Mere Enter F. A. No. 2470 of 1850)

Read

8th October 1850.

Read Letter dated the 1st Instant from the Session Judge of Chingleput reporting that no Cases to be reported on as required by the Circular Letters dated 16th October 1844 and 20th January 1845 were pending last month before the Session Court.

(Here enter F. R. No. 2474 of 1850)

Read Calendar of Case No. 35 of 1850 submitted by the Session Judge of Mangalore under date the 26th September 1850.

(Here enter F. R. No. 2476 of 1850)

Read Report dated the 1st Instant submitted by the Session Judge of Salem of Cases pending before him for a period exceeding 25 days during the month of September 1850.

(Here enter F. R. No. 2481 of 1850.)

Read Report dated 1st October 1850. submitted by the Session Judge of Nellore of Cases pending before him in the month of September 1850.

(Here enter F. R. No. 2482 of 1850)

Read Report dated 1st October 1850 submitted by the Moosliy Sudder Ameen in charge of the Session Court of Gumloor of Cases pending on the 31st August and committed for trial during the month of September 1850.

(Here enter F. R. No. 2483 of 1850)

Read

8th October 1850.

Read Return dated 27th September 1850 from the Session Judge of Rajahmundry to the Receipt of the Fouzdaree Roabut under date the 23d Idem requiring to be informed whether or not the girdle, gold Spiral ornament and gold beads stated by the Prosecutor in Case No. 36 of 1850 to be his property and which were found in the Prisoners possession, were entered in the list of the stolen property given in by the Prosecutor in Case No. 14 of 1850.

(Here enter F. R. No. 2486 of 1850)

Read Letter dated the 28th September 1850 from the Session Judge of Mangalore transmitting the Warrant in Case No. 16 of 1850 on the Calendar and Copy of a Report of the Subordinate Judge certifying the due execution of the Sentence of death passed on Teampa Negaday Prisoner in the above Case.

(Here enter F. R. No. 2488 of 1850)

6 11

F. U.

Wednesday 9th October 1850 } At a Court of the Foujdaree Udalut

Present

J. R. G. S. Cooper Esquire — 1st Puisne Judge
P. S. E. D. Thompson Esquire — 2d Puisne Judge
W. H. W. A. Strickland Esquire — 3d Puisne Judge

Read letter under date the 23d. September 1850 from the Agent to the Governor of Fort St. George at Purnea the report of the trial of a prisoner charged with House breaking under Clause fifth Rule 1 of the Agency Rules.

(Hereunder F. U. No 2467 of 1850.)

The Court of Foujdaree Udalut concur with the Agent in the conviction of the prisoner in this case of the crime laid to his charge, and approving of the recommendation made by that Officer in regard to the amount of punishment to be awarded they resolve to sentence the prisoner

Ramajah

to imprisonment with hard labor in irons on the public roads or other public works for and during the period of three years.

Ordered that Extract from these Proceedings be forwarded to the Agent

to

to the Governor of Fort St. George & Turnor for his information and guidance.-

(Sentence No 1210)

Read letter dated 24th September 1850 from the Joint Magistrate in charge of Calicut recommending the tender of a free pardon, to and the admission as an approver of one Velai through whose instrumentality Unnyen Nedara a notorious Robber and an Escaped Convict has been apprehended.

(Here enter F. D. No 2469 of 1850)

Before finally disposing of this Application the Court of Foujdaree Adalut desire to have before them translates of the several depositions which may have been given by the said Velai.-

Ordered that Extract from these Proceedings be forwarded to the Joint Magistrate in charge of Calicut by Precept returnable within X days from and after its receipt.-

(Sent following precept No. 1211)

Read letter from the Magistrate of Malabar dated 21st September 1850, recommending that Tarayil Aly be admitted as an approver in a case of Gang Robbery recently perpetrated in the Nedingunad Talook.-

(Here enter F. D. No 2441 of 1850)

Before finally disposing of this Application

Application the Court of Foujdaree Adalut desire to be informed of the cause and time of this party's apprehension and by what Police officer he had been examined prior to his appearance before the Head Assistant Magistrate.-

2 The Court of Foujdaree Adalut further direct that Translations of all the Statements which may have been taken from the party in question be submitted for their consideration.-

Ordered that Extract from these Proceedings be forwarded to the Magistrate of Malabar by Precept returnable within X days from and after its receipt.-

(Sent following precept No. 1212)

Read Calendar of case No 61 of 1850 submitted by the Sessions Judge of Cuddapah dated 2d Instant.-

(Here enter F. D. No 2491 of 1850.)

Read letter dated 1st Instant from the Subordinate Judge in charge of the Sessions Court of Calicut stating that there is no case during the past month to be entered in the Reports required by the Foujdaree Courts Circular letter of the 16th October 1844.-

(Here enter F. D. No 2493 of 1850)

Read

9th October 1850.

Read report dated 1st Instant submitted by the Sessions Judge of Chittoor of cases pending on the 30th September 1850 before the Sessions Court for a period in excess of 25 days calculated from the date of commitment.-

(Here enter F. D. No 2494 of 1850)

Read report dated 1st Instant submitted by the Sessions Judge of Masulipatam of Cases pending on the 31st August and committed for trial during the Month of September 1850

(Here enter F D No 2495 of 1850)

Read report dated 1st Instant submitted by the Sessions Judge of Mangalore of cases pending on the 31st August and committed for trial in the months of September 1850.

(Here enter F. D. No 2497 of 1850)

Read letter dated 4th Instant from the Sessions Judge of Salem submitting the return to the warrant in Case No 23 on the Calendar of the Sessions Court of Salem for 1850 and the latter required by the Circular Order of the Foujdaree Udalut of the 20th September 1830.-

(Here enter F D. No 2498 of 1850)

No 180.

F. D.

Thursday 10th October 1850 } At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esqr — 1st Puisne Judge
E. P. Thompson Esqr — 2nd Puisne Judge
W. A. Morrhead Esqr — 3rd Puisne Judge

Read letter dated 17th September 1850 from the Agent to the Governor in Kurnool reporting that with reference to an application to that effect from the Assistant to the General Superintendent of the operations for the suppression of Thuggee and Dacoity he has suspended the trial of certain Prisoners and requesting to be supplied with copies of any orders that may have been issued on the subject of delivering over Prisoners to the Thuggee Department.-

(Here enter F. D.- No 2412 of 1850.)

The Court of Foujdaree Udalut see no necessity for deferring the trial of the Prisoners referred to in this Communication against whom, in addition to a charge of belonging to a Gang of Dacoits, 5 Charges of

of Gang Robbery appear to be pending. They observe that the conviction of the Prisoners in question will offer no bar to their transfer, should their services as approvers be required to the Thuggee Department, and that it will be competent to the Agent to detain them should they be acquitted until the receipt of further information from Captain Edwards.

The Court of Foujdaree Udalut further direct that copies of the Circular Orders noted marginally be transmitted to the Agent to the Governor.

16th January 1836
22nd April 1836
5th November 1836.

Ordered that Extract from these Proceedings be sent to the Governor of Fort St. George at Kurnool for his information.

(Sent in No. 1218)

Read Calendar of Cases No. 22 of 1850 Submitted by the Acting Sessions Judge of Trichinopoly under date the 2nd Instant

(Here enter F. Cs. No. 2501 of 1850.)

Read Calendars of Cases No. 23, 24, and 25 of 1850 Submitted by the Acting Sessions Judge of Trichinopoly under date the 2nd Instant

(Here enter F. Cs. No. 2502-2503 & 2504 of 1850)

Read Calendar of Cases No. 31 of 1850 Submitted by the Sessions Judge of Combaconum, under date the 3rd Instant.

(Here enter F. Cs. No. 2505 of 1850)

Read Calendar of Cases No. 33 of 1850 Submitted by the Sessions Judge of Nellore, under — date the 4th Instant.

(Here enter F. Cs. No. 2506 of 1850.)

Read Calendars of Cases No. 34 & 35 of 1850 Submitted by the Sessions Judge of Coimbatore under date the 3rd Instant.

(Here enter F. Cs. No. 2507 & 2508 of 1850)

2d 180

F. 26

Friday
11th October 1850.

At a Court of the Foujdaree Udalut.

Present

W.R. G.S. Fooper Esqre — 1st Puisne Judge
C.P.S. E.P. Thompson Esqre — 2nd Puisne Judge
W.A. W.A. Morehead Esqre — 3rd Puisne Judge

Read again Calendar of Case
No. 35 of 1850 of the Session Court of Bellary.
/Here enter F.26 No. 2313 of 1850/

Read also letter dated the 28th
September 1850 from the Session Judge of Bellary.
/Here enter F.26 No. 2465 of 1850/

In the above communication the Session Judge, adverting to the Proceedings of the Foujdaree Udalut dated the 23rd Ultimo on review of the above Calendar, states, that, having in accordance with the Court's instructions, put a second question to the Moofty, that Officer adheres to his former Futwa declaring Dookoobut and in further explanation of the Sentence recorded by him in the case in question, the Session Judge observes that the prisoner was a single unarmed person and

that

that the ~~X~~ Robbery was not committed on a Highway-

2 Under the circumstances above-stated, the Court of Foujdaree Udalut observe that the Sentence originally recorded by the Session Judge was correct and proper, and will therefore remain undisturbed-

Ordered that Extract from these Proceedings be forwarded to the Session Judge of ~~2~~ Bellary for his information and guidance-

/Sent in No. 1221/

Read again the Calendar of Session Case No. 27 of 1850 on the Chittoor file-

/Here enter F.C. No. 2342 of 1850/

Read also Return dated 26th September 1850 from the Session Judge of Chittoor to this Courts precept of the 23d Idem Suggesting a mitigation of Sentence in the above case-

/Here enter F.C. No. 2457 of 1850/

The Court of Foujdaree Udalut sanction the reduced punishment of Three years imprisonment in the case of the 1st Prisoner and Two in that of the 2nd and authorize the Session Judge to amend his warrant accordingly-

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

/Sent in No. 1222/

Read Calendar of Cases No. 27 and 28 of 1850 of the Session Court of Combaconum-

/Here enter F.C. No. 2477 of 1850/

The Court of Foujdaree Udalut approve of the recommendation made by the Session Judge in these Cases that the punishment awarded to the Prisoner on his conviction of "Housebreaking and Theft" be mitigated to three years imprisonment with hard labor in irons, and the Session Judge is authorized to issue his warrant accordingly-

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Combaconum for his information and guidance-

/Sent in No. 1223/

Read again Miscellaneous Petition presented on the 4th March 1850 by Tabapputty Appoo Naidoo, Pauchangum Soobbalakshmamma and Venkatadamy Naidoo of Zillah Chittoor-

/Here enter F.M.P. Nos. 50, 51, 52, and 53 of 1850/

Read also return under date the 27th August 1850 and Supplemental return under date the 27th September 1850 from Session Judge of Chittoor to the precept of the Foujdaree Udalut

11th October 1850 Edalut dated the 17th August 1850 conveying their orders upon the foregoing Petitions.-

/ Here enter Fls Nos 2234 and 2456 of 1850 /

W.E.P. Thompson It appears from the foregoing return that of the property forwarded to the Sessions Court with the Prisoners in Cases Nos 14 and 15 of 1849 the Articles Nos 1, 2, 18, 19 and 21 are in deposit in the Subordinate Court at Chittoor and will be restored to the Parties in whose possession they were found upon their application to the Subordinate Judge of Chittoor.

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

/ Sent in No 1224 /

Ordered also that Extract from these Proceedings be furnished to the Petitioners on their application.-

Read Calendar of Case No 69 of 1850 of the Sessions Court of Cuddapah.

/ Here enter Fls. No 2490 of 1850 /

The Court of Foujdaree Edalut observe that the quotation of Clause fourth Section II Regulation VI of 1822 in support of the Sentence recorded

Fls

11th October 1850

recorded in this case was unnecessary. The Prisoner it is observed, was convicted by the Law Officer of "attempt at Theft" and declared liable to Corporal, and it was, therefore, competent to the Sessions Judge, under the provisions of Clause seventh Section II Regulation XV of 1803, to have adjudged that individual to suffer such periods of imprisonment as he might have deemed proper.

2 The Sessions Judge will now be pleased to amend his Sentence accordingly.-

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

/ Sent in No 1225 /

Read Calendar of Case No 36 of 1850, submitted by the Sessions Judge of Coimbatore under date the 19th Ultimo.-

/ Here enter Fls. No 2509 of 1850 /

Read Calendar of Case No 42 of 1850 submitted by the Sessions Judge of Bellary under date the 2nd Instant.-

/ Here enter Fls. No 2510 of 1850 /

Read Calendar of Case No 43 of 1850 submitted by the Sessions Judge of Bellary under date the 2nd Instant.-

/ Here enter Fls. No 2511 of 1850 /

11th October 1850

Read Calendar of Case No. 30 of 1850 submitted by the Session Judge of Salem under date the 27th Ultimo.

/ Here enter F.C. No. 2515 of 1850 /

Read Calendar of Case No. 32 of 1850 submitted by the Session Judge of Salem under date the 1st Instant.

/ Here enter F.C. No. 2516 of 1850 /

Read Report dated the 1st Instant submitted by the Session Judge of Tellicherry of Cases pending on 30th September and committed for trial during August and September 1850 before the Sessions Court.

/ Here enter F.C. No. 2519 of 1850 /

Read Letter dated the 7th Instant from the Session Judge of Cuddapah, Reporting the execution of the Prisoner Khodawurkhan in Case No. 58 of 1850.

/ Here enter F.C. No. 2522 of 1850 /

Read Letter dated the 1st Instant from the Session Judge of Honore, stating that no cases were pending for more than 25 days before the Sessions Court during the month of September 1850.

/ Here enter F.C. No. 2523 of 1850 /

[illegible] 1850.

F.H.

Tuesday 15th October 1850. } At a Court of the Foujdaree Adalut

Present

G. S. Cooper Esquire 1st Puisne Judge

E. P. Thompson Esquire 2d Puisne Judge

W. A. Morehead Esquire 3d Puisne Judge

H.M. for L.P.J.

Read Letter dated the 30th September 1850 from the Agent to the Governor of Fort St. George at Kurnool, submitting for the final judgment of the Court of Foujdaree Adalut a report of the trial of two Prisoners charged with Housebreaking and Theft.

/Here Enter F.H. No 2520 of 1850/

In the above case the 1st Prisoner

1. "Condadoo"

was charged with "Housebreaking and Theft," and the 2d Prisoner

"Naregadoo"

with having been accessary to the said crime.

The Agent convicts the

2. Prisoners of the crimes respectively laid to their charge, and recommends that they

be

be sentenced to 5 years' imprisonment with hard labor in irons.

3. The Court of Fouzdaree Adalut concur with the agent in convicting the Prisoners of the crimes charged, and approving his Recommendation, direct that they be sentenced to five /5/ years' imprisonment with hard labor in irons.

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

/ Sent in No. 1230. /

Read Calendar of Case No. 68 of 1850 of the Sessions Court of Calicut.

/ Here enter Ft. No. 2529 of 1850 /

With reference to the verdict of the Assessors declared in this case, the Court of Fouzdaree Adalut deem it proper to annex for the information of the Sessions Judge Extract from their Proceedings under date the 1st October 1849; in which it is ruled that Assessors have not the power of declaring a Prisoner liable to suspicion.

Ordered that Extract from these

these Proceedings be forwarded to the Sessions Judge of Calicut for his information and future guidance.

/ Sent in No. 1231. /

Read Calendar of Case No. 21 of 1850 of the Sessions Court of Tinnevelly.

/ Here enter Ft. No. 2500 of 1850 /

The Court of Fouzdaree Adalut observe that the Offence charged against the Prisoner in this case should have been designated as "Murder" in the heading to the Statement of the charge.

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

/ Sent in No. 1232 /

H. S.

F. 11.

Wednesday
16th October 1850 } At a Court of the Tonjdaree Udalut

Present

G.J.P. G. J. Hooper Esquire 1st Puisne Judge
W.N. for 2. P.J. C. D. Thompson Esquire 2d Puisne Judge
W. A. Morehead Esquire 3d Puisne Judge

Read Letter dated 4th Instant from the Sessions Judge of Cuddapah submitting for the final judgment of the Tonjdaree Udalut the Proceedings in Case No 60 of 1850 of the Calendar of the Sessions Court.

/Here Enter S.H. No 2554 of 1850/

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,

Bellum Panjiah, alias,
Bellum Papanmah

is sufficient to convict him of the crime of wilful Murder, do convict him thereof; and under the provisions of Section X — Regulation

Regulation VIII of 1802 sentence him to suffer death by being hanged at the usual time and place of execution.

/ Sent in No. 1233. /

Read Letter dated the 1st October 1850 from the Agent to the Governor of Fort St. George in Ganjam, submitting Reports A and B of Cases disposed of by the Assistant Agent for the month of August last.

/ Here Enter Ltr. No. 2574 of 1850 /

Case No. 8.

No alteration having been effected by the Agent in the sentence recorded in this case, the Court of Foujdaree Adalut observe that the submission of Report A thereof was unnecessary, a brief note appended to the foot of Case in Report B explanatory of the circumstance which elicited remark being in such cases sufficient.

Ordered, that Extract from these Proceedings be forwarded to the Agent to the Governor of Fort St. George in Ganjam, for his information and future guidance.

/ Sent in No 1234 /

Read Criminal Reports submitted by the Sessions Judge of Rajahmundry for the month of August 1850.

/ Here Enter Ltr. No. 2365 of 1850 /

Case No. 105.

The Court of Foujdaree Adalut observe that the circumstances which rendered the theft proved against the 1st Prisoner in this case punishable under the provisions of Clause fourth Section III Regulation VI of 1822 should have been stated in the report, and they direct that an explanation may be submitted.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Rajahmundry by precept returnable within III days from and after its receipt.

/ Sent following Precept No. 1235 /

H.S.

N. P. N.

Thursday 17th October 1850.

At a Court of the Supreme Kolalue.

Present

W.R. for S.P.J. / W.R. for 3d Judge

G. S. Hooper Esquire 1st Puisne Judge
C. D. Thompson Esquire 2d Puisne Judge
W. A. Norshead Esquire 3d Puisne Judge

Pradagaun Criminal Petn

Circumscribed by the Sessions Judge of Maruthalaue for the Month of August 1850..

/Character N. P. No 2376 of 1850./

Read Miscellaneous Petition forwarded by the Sessions Judge of Maruthalaue from Allo and Candasami prisoners in Case No 43 of 1850 on the Criminal file..

/Vide ante N. P. M. D. No 151 of 1850/

1 The Court of Supreme Kolalue see no reason to question the propriety of the Petitioners' conviction of the offence laid to their charge, but they direct that that portion of the Sentence passed upon them which awards irons may be remitted..

No. G. S. Hooper.
No. C. D. Thompson.
No. W. A. Norshead.

2 The Court of Supreme Kolalue observe that all Petitions forwarded by the Sessions

17th October 1850. Sessions Courts shall be accompanied by translations.—

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

/ Sent following precept M. No 1238 /

Read Miscellaneous Petition presented on the 23d September 1850 by Grandahah Paedayachy of Gillahs Cuddalore.. / Here enter F M D No 146 of 1850. /

Mr G S Hooper
Mr E D Thompson
Mr W Rothwhead

The Petitioner is referred to the former orders passed by the Court of Foujdaree Udalut in the matter to which this Petition relates..

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

Read Miscellaneous Petition forwarded by the Sessions Judge of Masulipatam from Botta Seshayya of that Zillah.. / Here enter F M D No 145 of 1850. /

Mr G S Hooper
Mr E D Thompson
Mr W F Morehead.

The Court of Foujdaree Udalut see no reason to question the propriety of the Sentence awarded to the 2d Prisoner in the case

17th October 1850. case referred to in this Petition which is accordingly dismissed..

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Masulipatam for communication to the Petitioner.—

/ Written — No 1239 /

Read again Calendar of Case No 25 of 1850 on the file of the Sessions Court of Salem.. / Here enter F M D No 2217 of 1850. /

Read also Return under date the 8th October 1850 from the Sessions Judge of Salem to the precept of the Foujdaree Udalut dated the 5th September 1850 directing the transmission of an English translation of the record of the foregoing case.. / Here enter F M No 2530 of 1850 /

On an attentive consideration of the entire record of this case the Court of Foujdaree Udalut are unable to concur with the Sessions Judge in the conviction of the prisoner of the offence laid to his charge..

2. The Court of Foujdaree Udalut

case

17th October 1850.

can attach no credit to the alleged identification of the prisoner by the witness, nor do they consider the evidence sufficient to establish that the knife and stick produced on the trial as having been discovered at the spot when the robbery is said to have been committed are the property of the prisoner.

3. The Court of Foujdaree Adalut accordingly resolve to direct that the prisoner

Sayeed

be unconditionally released.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Salem by precept returnable within 21 days from and after its receipt.

(Sent following precept No 1240)

Read Miscellaneous Petition presented on the 30th September 1850 by Veerodanier Mookhtar Patchon behalf of Annadayer of Tillak Vicinopoly.

(Here enter F.M.D. No 154 of 1850)

The Court of Foujdaree Adalut resolve to direct that the English translation of this Petition be forwarded to the Acting Sessions Judge of Trichinopoly with instructions

Mr G. J. Harper.
Mr E. P. Thompson.
Mr W. A. Morehead.

17th October 1850.

instructions to that Officer to ascertain whether or not there be any truth in the Petitioners allegation that the Prosecutor in the Case referred to was indebted to the prisoner, when the charge upon which the prisoner has been convicted, was preferred and whether the assertion as to the non-examination of the prisoners witnesses is correct.

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

(Sent following precept No 1241)

Ordered also that Extracts from these Proceedings be furnished to the Petitioner Patchon on his application.

Read Miscellaneous Petition presented on the 10th September 1850 by Chinnama Naicker of Tillak Tinnevelly.

(Here enter F.M.D. No 141 of 1850)

The Petitioner is referred to the former orders passed by the Court of Foujdaree Adalut in the matter to which this Petition relates.

Mr G. J. Harper.
Mr E. P. Thompson.
Mr W. A. Morehead.

Ordered

17 October 1850.

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

Rd 18th.

F. U.

Friday.

18th October 1850.

Acta Court of the Faujdaree Adalut

Present

G. L. Cooper Esqre _____ 1st Puisne Judge

L. P. Thompson Esqre _____ 2d Puisne Judge

W. A. Morehead Esqre _____ 3d Puisne Judge

Circular

The Court of Faujdaree Adalut deem it proper to direct that the attention of the Sessions Judges be called to the Circular Order Faujdaree Adalut 6th March 1822 para: 3. which requires that with the records of all trials referred for their final disposal a translation of the original warrants issued for the apprehension of the accused shall be drawn out.

Ordered that Extracts from these Proceedings be sent to the several Sessions Judges and Agents for their information and future guidance.

(Sent to No. 1243.)

Read letter dated 5th August 1850 from the Sessions Judge of Rajahmundry transmitting an original letter from the Magistrate appealing against the acquittal of the Sessions Court in case No 20 on the Calendar for 1850.

(Were Papers Fwd. No 2071 of 1850)

The Magistrate in this communication endeavours to show that the Sessions Judge has been acting upon insufficient grounds the evidence adduced for the prosecution to establish a specific point affording strong

18th October 1850

strong presumption of the Prisoners Guilt — 1ly — The
utterance of threats and menaces against the deceased
by the Prisoner —

The flight of the Prisoner on the night of the murder.

That the Prisoner was the owner of the sheath of a knife
found near the corpse.

And that two of the Prisoners cloths had disappeared.

2. The arguments of the Magistrate do
not convince the Court that the case in question
has been improperly disposed of — and they would observe
in regards to them 1st — that in the absence of other well
established facts little importance is to be attached
to the utterance of vague menaces and threats
2dly that tho' the Prisoner left the Village on the night
of the murder, yet the place to which he was going
was known, and he returned, voluntarily, after being
informed that he was suspected of the deed —
(Paras 29 and 30 of the sentence) 3dly that the most
declared the Knife sheath could not be identified in which
opinion the Defendr. Counsel, who remarks that "the
identification of it is very instructive" (Para 42.)
evidently intends to express his concurrence — and 4thly
that the uncorroborated statement of the 9th
Witness who deposes — (vide para 34 of the Defendr. Counsel
sentence) that he had not been employed by the
Prisoner for 10 days before deceased died, that the
1st Prisoner had worn Cloths, and that for the
last few days he discontinued giving a of his Cloths
to wash (vide Jatwah) establishes nothing tangible
against

18th October 1850

against the Prisoner

3. The Court of Enquiry did not con-
sider therefore that the Magistrate has failed to
shew a sufficient cause to justify so extreme a
measure as this appeal against the sentence of the
Defendr. Court; and after making every allowance
for the provocation received by Mr Prendergast
in the groundless charges of misconduct insinuated
against his Police they must condemn in the
strongest terms the spirit and tenor of his com-
ments upon the remarks recorded by the
Defendr. Counsel in disposing of the case —

4. The Court of Enquiry did not
on the 25th February and 4th June 1850 found its reasons
to refuse Mr Australher to abstain from giving expression
in his sentences to remarks reflecting upon the motives
and conduct of Public officers altogether unwarrantable
by the records — Nevertheless on the present occasion the
Court that suspicions have been hastily entertained,
because the proof in the case has failed, and vague
hints and insinuations of misconduct on the part
of the Police have been recorded, without, as it appears
from the Calendar, being supported by the slightest
foundation, in any facts established during the trial

5. The Court of Enquiry did not
are therefore constrained once more to direct Mr
Australher to confine his remarks in the Calendar
submitted by him to the Court, to a succinct history
of the case and a clear statement of his own
conclusion

10th October 1850

conclusions as drawn from the facts established by the evidence. And they further desire that it be intimated to Mr. Chatterton that on every occasion when he may deem the Police to have been guilty of gross misconduct - or of misdemeanors or transgressions the rules laid down by Sections XXXIX XL. XLI and XLII Act VII of 1843. are those which he is to observe.-

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Rajahmundry for communication to the Magistrate for their information and guidance.

(Sent in No. 1244)

Read Letter dated 9th October 1850 from the Sessions Judge of Masulipatam transmitting the record of trial in Case No. 59 of 1850 on the file of the Sessions Court for the final perusal of the Foujdaree Adalut.

(Here Enter Fle No. 2363 of 1850)

Mr. Ha Morehead

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

Cuncherlapelly Lutchmooden

is sufficient to convict him of the crime of Perjury do convict him thereof; and under the provisions of Clause Third Section III Regulation IX of 1811 and Section XXXII 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 (6) six Months.

(Sent in No. 1245.)

Mr. Ha Md.

F. M.

Saturday, 19th October 1850.

At a Court of the Foujdaree Adalut.

-Present-

Mr. H. S. S. Cooper Esquire — 1st Puisne Judge.
C.P.S. C. P. Thompson Esquire — 2d Puisne Judge.
J. M. W. H. Morehead Esquire — 3d Puisne Judge.

Read Calendar of Case No. 53 of 1850 of the Sessions Court of Cuddapah.-

(Here enter F. M. No. 2534 of 1850.)

The Court of Foujdaree Adalut approve of the recommendation made by the Sessions Judge in this case that the punishment awarded to the Prisoners on their conviction of "Highway Robbery attended with wounding" be mitigated to (7) Seven years' imprisonment with hard labor in irons, and the Sessions Judge is authorized to issue his warrants accordingly.-

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

(Sent in No. 1248)

Read again Calendar of Case No. 32 of 1850 of the Sessions Court of Nellore.-

(Here enter F. M. No. 2375 of 1850.)

Read

Read also Return dated the 2nd October 1850 made by the Sessions Judge of Nellore to the precept of the Foujdaree Adalut under date the 28th September 1850, suggesting a mitigation of the sentence recorded against the Prisoners in the above Case.—

(Here enter F. H. No 2479 of 1850.)

In accordance with the recommendation made by the Sessions Judge in the foregoing Return, the Court of Foujdaree Adalut direct that the sentence recorded against the Prisoners in the above Case be mitigated to three (3) years imprisonment with hard labor in irons.—

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

(Sent in No 1249.)

Read Calendar of Case No 30 of 1850 of the Sessions Court of Coimbatoor.—

(Here enter F. H. No 2533 of 1850.)

1. Adverting to the extenuating circumstances set forth in the Calendar of this Case, and to the small amount of the money stolen, the Court of Foujdaree Adalut consider that a further mitigation in the Prisoners' sentence than that proposed by

by the Sessions Judge may, with propriety, be allowed, and, under the provisions of Clause third Section III Regulation I of 1825, the Court resolve to direct that the term of his imprisonment be reduced to three (3) years.—

2. The Sessions Judge will be pleased to issue his warrant in accordance with the foregoing resolution.—

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Coimbatoor by Precept returnable within III days from and after its receipt.—

(Sent following precept No 1250)

Read letter dated the 5th Instant from the Sessions Judge of Honore reporting the particulars connected with the execution of the sentence of death passed on Rama Shetty the 1st Prisoner in Case No 10 on the Calendar for 1850.

(Here enter F. H. No 2547 of 1850.)

Read Calendar of Case No 68 of 1850 submitted by the Sessions Judge of Caddapah under date the 12th Instant.—

(Here enter F. H. No 2555 of 1850.)

Read Calendar of Case No 22 of 1850 submitted by the Acting Sessions Judge of Tinnevelly

th
9 October 1850.—

Sumwelly under date the 9th Instant.—

(Here enter J. Mc. No. 2556 of 1850.)

Read Statement dated the 1st

Instant submitted by the Subordinate Judge of

Combaconum shewing the amount realized by the labor

of Prisoners in the 3d quarter of 1850.—

(Here enter J. M. No. 2557 of 1850.)

Read Return dated the 10th

Instant from the Agent to the Governor of Fort St. George

at Thurnool to the precept of the Tondaree Adalut

under date the 2d Idem directing that the period

of imprisonment with hard labor in irons awarded

to the Prisoners in Criminal Cases Nos. 34 and 35

of 1850 on the file of the Assistant Agent be reduced

to six months and pointing out that should the

Agent be not disposed to concur in the said opinion,

it will be necessary for him to submit for the con-

sideration of the Court a translation of the entire

record of the cases.—

(Here enter J. Mc. No. 2562 of 1850.)

Read Calendars of Cases Nos. 32,

33, and 34 of 1850 submitted by the Sessions Judge

of Cuddalore under date the 12th Instant.—

(Here enter J. Mc. Nos. 2566, 2567, & 2568 of 1850.)

Read

2/

J. Mc.

19th October 1850.

Read letter dated the 11th Instant

from the Sessions Judge of Mangalore transmitting

the Warrant issued by him for the execution of the

Sentence of death passed on Bookra Prisoner in

Case No. 30 on the Calendar and report of the

Subordinate Judge.—

(Here enter J. Mc. No. 2575 of 1850.)

Read Calendar of Cases Nos. 25,

26, 27 and 28 of 1850 submitted by the Sessions

Judge of Canara under date the 9th Instant.—

(Here enter J. Mc. No. 2582 of 1850.)

Mr. Mc.

Eyk

F. C.

Monday 21st October 1850.

At a Court of the Fouydaree Udalut.

Present.

W. R. G. S. Forbes Esqre 1st Puisne Judge.
E. P. Thompson Esqre 2nd Puisne Judge.
W. A. Morehead Esqre 3rd Puisne Judge.

Read Calendar of Cases No. 37 of 1850 of the Sessions Court of Coimbatore.-

Ferreter F. C. No. 2544 of 1850.

Before passing their final Orders on this case the Court of Fouydaree Udalut direct that the Session Judge be called upon to submit for their consideration a translation of the first report made of the occurrence of the Robbery and also of the defence made by the Prisoner.

Ordered that Copies of these Proceedings be forwarded to the Sessions Judge of Coimbatore by precept returnable within 15 days from and after its receipt.-

Sent following precept No. 1252.

Read Miscellaneous Petition presented

21th October 1850

presented on the 23rd September 1850 by Meenakshy of Zillah Tinnevelly.

/Here enter F. M. P. No. 147 of 1850/

M^r G. S. Hooper
M^r E. P. Thompson
and
M^r W. H. Morehead

1 The Petitioner is referred to the former orders passed by the Court of Foujdaree Adalut in the matter to which this Petition relates.

2 The Petitioner if she have any ~~claim to the~~ house to which she refers should institute a Civil Suit for its recovery.

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

Read Calendar of Case No. 32 of 1850 Submitted by the Session Judge of Combaconum under date the 9th Instant.

/Here enter F. C. No. 2539 of 1850/

Read Calendar of Case No. 20 of 1850 Submitted by the Session Judge of Madura under date the 10th Instant.

/Here enter F. C. No. 2541 of 1850/

Read Calendar of Case No. 22 of 1850 Submitted by the Session Judge of Honore under date the 3rd Instant.

/Here enter F. C. No. 2542 of 1850/

21th October 1850.

Read Calendar of Case No. 33 of 1850 Submitted by the Session Judge of Combaconum under date the 11th Instant.

/Here enter F. C. No. 2543 of 1850/

Read Calendar of Case No. 39 of 1850 Submitted by the Session Judge of Mangalore under date the 8th Instant.

/Here enter F. C. No. 2545 of 1850/.

Ex 1850

GJK

F. U.

Wednesday 23rd October 1850.

At a Court of the Foujdaree Udalut.

Present

Mr. R. G. S. Cooper Esquire 1st Puisne Judge.
C. P. C. D. Thompson Esquire 2d Puisne Judge
Mr. W. A. Morehead Esquire 3d Puisne Judge

Read Extract from the Proceedings of the Sessions Judge of Cuddapah submitting the fifty Calendars of cases disposed of by the Magistrate and his Assistants during the 2nd Quarter of 1850.

(Hereunder F. U. No. 2353 of 1850.)

Punished Calendar Joint Magistrate Case No. 9.

1 Adverting to the serious nature of the offence committed by the Prisoner the Court of Foujdaree Adalut consider that this case should have been dealt with under Section VII Regulation X of 1816 and the Prisoner subjected to a longer duration of imprisonment than that awarded.

Kadiri Assistant Magistrate Cases Nos. 10. 17 and 22.

2 The Court of Foujdaree Adalut observe that the offences charged against the Prisoners in these Cases do not constitute an abuse of authority within the meaning of Section III Regulation III of 1819. and the Court direct that the several fines, which it is observed have been imposed and recovered, be immediately refunded to the parties respectively.

By the

23d October 1850.

Case No 21.

3 Before passing their finial orders in respect to this case the Court of Foujdaree Udalut require to be informed whether the Defendants by whom the abuse of Authority is alleged to have been committed are public officers or whether they are merely private individuals and the Court request that it may be pointed out to the Head Assistant Magistrate that in all charges of this nature such information should be affordid in the Calendar.-

4 Finally the Court direct that the attention of the Joint Magistrate may be drawn to his omission to prefix an Heading to the Statement of the charge of Cases disposed of by him.-

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddapah by Precept returnable within V days from and after its receipt.-

/ Sent following Precept No 1255 /

Read letter dated the 9th October 1850 from the Joint Magistrate in charge of Malabar submitting translations of three depositions given before the Head Assistant Magistrate in 3 different Cases by the Prisoner Velai who was recommended in a previous Communication from the Joint Magistrate to be made an approver.-

/ Here enter F. C. No 2561 of 1850 /

Upon

23d October 1850.-

1 Upon an attentive consideration of the depositions submitted with the foregoing communication the Court of Foujdaree Udalut in exercise of the power vested in them by Section XII Regulation XIII of 1832 resolve to sanction the offer of a free pardon to the Prisoner Velai subject to the conditions specified in Section XX Regulation VIII of 1802.-

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

/ Sent in No 1256 /

Read report dated 3d Instant submitted by the Sessions Judge of Cuddapah of Cases pending on the 31st August and committed for trial during the month of September 1850 which remained on the file of the Session Court for more than 25 days.-

/ Here enter F. C. No 2499 /

Read Calendar of Case No 36 of 1850 submitted by the Sessions Judge of Mangalore under date the 17th October 1850.-

/ Here enter F. C. No 2621 / 5

Ent No 3.

Cyk

F. C.

Thursday 24th October, 1850. At a Court of the Foujdaree Adalut.

Present.

GSH G. S. Hooper Esqre — 1st Puisne Judge.

CPT C. P. Thompson Esqre — 2nd Puisne Judge.

WAM W. A. Morehead Esqre — 3rd Puisne Judge.

Read letter dated the 13th Ultimo, from the Sessions Judge of Salem, submitting for the final Judgment of the Foujdaree Adalut the Record of Case No. 31 of the Calendar of the Sessions Court of 1850.-

(Here enter F. C. No. 2604 of 1850).

Mr. G. S. Hooper and Mr. W. A. Morehead

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

"Coravanb alias Pereyenmm."

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 in No. 1259-).

Read

Read Miscellaneous Petition presented on the 3rd October 1850 by Raman Daraja'n and another of Zillah Tinnevelly.-

(Here enter F: M: P: No: 157 of 1850).

Mr: G: S: Hooper and Mr: E: P: Thompson

The Court of Foujdaree Adalut resolve to direct that the English Translation of this Petition be forwarded to the Acting Session Judge of Tinnevelly with instructions to that officer to submit such observations as he may have to offer with reference to the allegations it contains.-

Ordered that Extract from these Proceedings be sent to the Acting Session Judge of Tinnevelly by precept returnable within V days from and after its receipt.-

(Sent following Precept No: 1260)

Ordered also that Extract from these Proceedings be furnished to the Petitioners on their application.-

Read again Calendar of Case No: 57 of 1850 of the Session Court of Masulipatam.-

(Here enter F: C: No: 2484 of 1850).

Read also Miscellaneous Petition forwarded by the Session Judge of Masulipatam on behalf of Andy Lutchmy of Zillah Masulipatam.-

(Here enter F: C: M: P: No: 162 of 1850).

Mr: G: S: Hooper
Mr: E: P: Thompson
Mr: W: A: Morehead and

The foregoing Petition has been forwarded

24th October 1850.

forwarded on behalf of the Prisoner in the above Case, and its object is to induce the Court of Foujdaree Adalut to set aside the Sentence of 4 Years imprisonment recorded against that individual on his conviction of "Fraud".-

2. The Court of Foujdaree Adalut see no reason to question the justness of the Prisoners conviction, nor the propriety of the Sentence recorded against him, and they, therefore resolve to reject this Petition.-

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Masulipatam for his information and for communication to the Petitioner.-

(Sent in No: 1261).

Read Calendar of Case No: 19 of 1850 of the Session Court of Honore.-

(Here enter F: C: No: 2565 of 1850).

1. The Court of Foujdaree Adalut approve of the recommendation made by the Session Judge in respect to the first Prisoner in this Case, to the effect, that the sentence recorded against that individual on his conviction of Housebreaking with Theft" be mitigated to (4) four years imprisonment with hard labor in irons.-

But

2. But being of opinion that a further mitigation than that proposed by the Sessions Judge may, with propriety, be allowed in the case of the second and third Prisoners the Court resolve to direct that the term of their imprisonment be reduced to (3) years.—

3. The Sessions Judge will, therefore, be pleased to issue his warrants in accordance with the foregoing resolution.—

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Vizagapatam by Precept returnable within III days from and after its receipt.—

(Sent following Precept No. 1262).

Read Miscellaneous Petition presented on the 30th September 1850 by R: Seroomal row Vakeel on behalf of Kocharlakota Chinnalakshmee deevamma of zillah Rajahmundry:—

(Here enter F. C. M. P. No. 153 of 1850)

Mr. G: S: Hooper
Mr. E: P: Thompson
Mr. W. A: Morehead

1 The Petitioner appeals from an order passed by the Sessions Judge of Rajahmundry under date the 2nd July 1850 refusing to interfere with an order of the Magistrate of that zillah placing certain parties in possession of a portion of a house to the whole of which the Petitioner lays claim.—

2. Before finally disposing of this Petition the

the Court of Foujdaree Adalut resolve to direct that the Sessions Judge will report for their information in whose possession the entire house referred to by the Petitioner, was, when the order of the Magistrate was passed of which the Petitioner complains.—

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

(Sent following Precept No. 1263).

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

Read Calendar of Case No. 32 of 1850 submitted by the Sessions Judge of Mangalore under date the 21st Ultimo.—

(Here enter Fr. 66: No. 3438 of 1850).

Read Calendar of Case No. 64 of 1850 submitted by the Sessions Judge of Calicut under date the 24th Ultimo.—

(Here enter Fr. 66: No. 3449 of 1850).

Read letter dated the 12th Instant from the Subordinate Judge in charge of the Sessions Court of Calicut transmitting the Warrant issued for the execution of the sentence of death passed on the Prisoner in Case No. 69 of 1850 on the Calendar of the Sessions

Sessions Court with the endorsement of the Subordinate Judge and copy of his report under Circular Order dated 3rd May 1830.-

(Here enter F: C: No. 2584 of 1850).

Read statement dated the 1st Instant submitted by the Acting Sessions Judge of Trichinopoly of amount realised by the labor of Prisoners in the 3rd Quarter of 1850.-

(Here enter F: C: No. 2587 of 1850).

Read Calendars of Cases No. 24 and 32 of 1850, submitted by the Sessions Judge of Honore under date the 11th Instant.-

(Here enter F: C: No. 2590 and 2591 of 1850)

Read Calendar of Case No. 30 of 1850, submitted by the Sessions Judge of Honore under date the 12th Instant.-

(Here enter F: C: No. 2602 of 1850)

Read letter dated the 17th Instant from the Sessions Judge of Coimbatore, acknowledging the receipt of an Extract from the Proceedings of the Foujdaree Adalut under date the 3rd Idem, and submitting explanation for the delay in passing the Sentence in Case No. 33 of 1850 of the Sessions Court.-

(Here enter F: C: No. 2593 of 1850).

Read statement dated the 30th Ultimo, submitted by the Sessions Judge of Chingleput shewing the

amount realized by the labor of Prisoners for the 3rd quarter 1850.-

(Here enter F: C: No. 2594 of 1850).

Read statements dated the 1st Ultimo submitted by the Sessions Judge of Combaconum of the Jails in charge of the Magistracy for the month of August 1850.-

(Here enter F: C: No. 2598 of 1850).

Read statement dated the 16th Instant, submitted by the Sessions Judge of Masulipatam of amount realized by the labor of Prisoners in the 3rd Quarter of 1850.-

(Here enter F: C: No. 2607 of 1850).

Read letter dated the 19th Instant, from the Sessions Judge of Salem submitting the return to the warrant in Case No. 29 on the Calendar of the Sessions Court for 1850, and the letter required by the Circular Order of the Foujdaree Adalut of the 20th September 1850.-

(Here enter F: C: No. 2608 of 1850).

Read report dated the 16th Instant, submitted by the Sessions Judge of Rajahmundry of the labour of Convicts of the Jail at Cocanada under charge of the Magistrate of Rajahmundry for the Month of September 1850.-

(Here enter F: C: No. 2614 of 1850)

Read

24th October 1850

Read Criminal Reports dated the 15th Instant submitted by the Agent to the Governor of Fort St. George at Kurnool for the month of August (supplemental) and September 1850.-

(Here enter F. C. No. 2617 of 1850).

Fr. 1810.

F. C.

Friday 25th October 1850.

At a Court of the Foujdaree Adalut.

Present.

Mr. G. S. Hooper Esqre — 1st Puisne Judge.
E. P. Thompson Esqre — 2nd Puisne Judge.
Mr. W. A. Morehead Esqre — 3rd Puisne Judge.

Read letter dated the 16th Instant, from the Sessions Judge of Mangalore submitting for the final Judgment of the Foujdaree Adalut the Record of Case No. 24 of the Calendar of the Sessions Court.-

(Here enter F. C. No. 2619 of 1850).

Mr. G. S. Hooper
Mr. E. P. Thompson
and
Mr. W. A. Morehead.

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,

"Amboo"

is sufficient to convict him of the crime charged, do convict him thereof; and sentence him to be imprisoned and kept to hard labor in irons in the Gaol at Mangalore, for, and, during the period of his natural life.-

(Sent. in No. 1266).

Read Calendar of Case No. 60 of 1850.

1850 submitted by the Sessions Judge of Calicut under date the 19th. August 1850.-

(Here enter F: 66: No. 2186 of 1850).

Read Criminal Reports dated the 31st. August 1850. submitted by the Sessions Judge of Salem for the Month of August 1850.

(Here enter F: 66: No. 2337 of 1850).

Read Criminal Reports 6 in dated the 31st. August 1850. submitted by the Sessions Judge of Coimbatore for the month of August 1850.-

(Here enter F: 66: No. 2338 of 1850).

Read Criminal Report B dated the 1st. Ultimo, submitted by the Sessions Judge of Combaconum for the Month of August 1850.-

(Here enter F: 66: No. 2339 of 1850).

Read Criminal Reports dated the 12th. Ultimo, submitted by the Acting Sessions Judge of Madura, for the Month of August 1850.-

(Here enter F: 66: No. 2340 of 1850).

Read letter dated the 13th. Ultimo, from the Sessions Judge of Coimbatore, submitting copy of an Extract from the Proceedings of the Sessions Court dated 10th. Idem, held on review of the Petty Calendars of Cases disposed of by the Magistracy and Heads of Police during the 3rd. Quarter 1850, together with the Calendars in question.-

(Here enter F: 66: No. 2353 of 1850)

Read

Read Criminal Reports dated the 15th. Ultimo, submitted by the Acting Sessions Judge of Trichinopoly for the Month of August 1850.-

(Here enter F: 66: No. 2356 of 1850).-

G. 18/10.

Read letter dated the 18th. October 1850. from the Sessions Judge of Cuddapah submitting at the request of the Subordinate Criminal Judge for the consideration and orders of the Judges of the Foujdaree Adalut the 4 Enclosures in Case No. 178 of 1850 on the file of the Subordinate Criminal Court.-

(Here enter F: 66: No. 2610 of 1850).

J: W:

Monday 28th. October 1850.

At a Court of the Foujdaree Adalut.

Present

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

E: P: Thompson Esqre. — 2nd. Puisne Judge

W: A: Morehead Esqre. — 3rd. Puisne Judge.

Read Miscellaneous Petition presented on the 7th. October 1850. by Ramarajoo of Zillah Coimbatore.—

(Here enter J: W: P: No. 159 of 1850).

Mr. G: S: Hooper
Mr. E: P: Thompson
and
Mr. W: A: Morehead.

1. The above Petition has been presented on behalf of Narayana Razoo late Jemadar of the Coimbatore Jail, and has for its object the restoration of that individual to the situation from which he has been dismissed, as well as the cancellation of the Sentence recorded against him on his conviction of neglect of duty in permitting the escape of a Convict.

2. The Court of Foujdaree Adalut decline to interfere in the manner solicited, seeing nothing in this Petition which would induce them to question the justness of the Sentence which has been recorded against the above individual.—

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

Read

Read again Calendar of Cases Nos 6 and 7 of 1850 of the Sessions Court of Trichinopoly.—
(Here enter F. & C. Nos 908 and 909 of 1850).

Read also Miscellaneous Petition presented on the 10th October 1850 by Lutchmee and two others of Zillah Trichinopoly.—
(Here enter F. M. P. No. 163 of 1850).

Mr. G. S. Hooper
Mr. E. P. Thompson
and
Mr. W. A. Morehead

The Court of Foujdaree Adalut can discover nothing in the foregoing Petition which would induce them to question the justness of the sentences passed upon the Prisoners in the above Cases. The Petitioner's application for the cancellation of the same is accordingly dismissed.—

Ordered that Extract from these Proceedings be given to Petitioners on their application.

Read Miscellaneous Petition presented on the 10th October 1850 by Caloovayar of Zillah Trichinopoly.—
(Here enter F. M. P. No. 164 of 1850).

Mr. G. S. Hooper
Mr. E. P. Thompson
and
Mr. W. A. Morehead

The Petitioner is referred to the Orders already passed by the Court of Foujdaree Adalut under date the 11th February last in the Matter to which this Petition relates.—

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

Read letter dated 14th October 1850 from

28th October 1850.

from the Secretary to the Board of Revenue in the Department of Public Works forwarding an original letter from the Civil Engineer 3rd Division with a sketch Plan of the proposed Jail at Honore prepared with reference to the Extract from the Minutes of Consultation of Government under date 13th June 1850 and observing that objections have been raised to building the new upon the Site of the old Jail.—
(Here enter F. & C. No. 2586 of 1850).

Ordered that Paras 1 and 2 of the above communication be forwarded to the Sessions Judge of Honore with instructions to call upon the Zillah Surgeon to report, and to submit his own opinion upon the expediency of building the new Jail upon the site formerly purchased for that purpose.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Honore by Precept returnable within VIII days from and after its receipt.—
(Sent following Precept No. 1269).—

Sd/ Blk.

F.W.

Tuesday
29th October 1850

At a Court of the Tondaree Adaulut.

Present

G. S. Hooper Esqr. ——— 1st Pensne Judge

for E. P. Thompson Esqr. ——— 2d Pensne Judge

R. A. Morehead Esqr. ——— 3d Pensne Judge

Read Reports of Persons apprehended in the Separate Tracts of Vizagapatam and delivered to the Agency in the month of September 1850

(Here enter the No 2599 of 1850)

Case No 27

The Court of Tondaree Adaulut observe that the offences committed by the Prisoners in this Case having been erroneously designated as a "Burglary" in the Heading prefixed to the Charge has been altered by the Court into "House breaking and Theft," and the Court request that a corresponding correction may be made in the Records of the Agents Office

Ordered that Extract from these proceedings be forwarded to the Agent in Vizagapatam for his information and future guidance.

(Sent in No 1271)

Read Criminal Reports submitted by the Sessions Judge of Cuddapah for the month of September 1850

(Here enter the No 2600 of 1850)

B
Case No 27

Observing to the trifling nature of the property stolen by the Prisoners in this Case, the Court of Tondaree Adaulut consider that a sentence of two months imprisonment would have been adequate punishment for

for his offence, and they direct that the sentence now recorded against him be reduced to that extent.

Magistrate's Report B case No. 10.

2. The Comb of Tinjdaree Medalab directs that the Head Assistant Magistrate be called upon to submit any explanation which he may have to offer in respect to the unusual severity of the sentence passed by him upon the Prisoner in this case, whose offence, namely, the theft of a shell valued at 8 annas, the Comb conceive would have been adequately punished by a months imprisonment under Regulation IX of 1816.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Coodalatah by Precept returnable within 10 days from and after its receipt.

(Sent following precept No. 1242.)

Read Criminal Reports submitted by the Sessions Judge of Trichinopoly for the month of September 1850.

(Here enter No. 2558 of 1850.)

Report B case No. 72.

1. In this case the Prisoner was charged with having cheated the Prosecutrix, his employer, of Jewels valued at Rupees 253/- and on conviction has been sentenced by the Principal Sudder Ameen to three months imprisonment with hard labor in irons under Section VII Regulation X of 1816.

2. The Comb of Tinjdaree Medalab are unable to determine from a perusal of the statement of the charge whether or not the foregoing case has been correctly disposed of. The Comb observe that, if the Jewels in question were taken away or stolen by the Prisoner, their alleged value placed the case beyond the jurisdiction of the Subordinate Comb. If on the other hand the Jewels were not stolen, the case would

would seem to be of a civil, rather than of a criminal nature.

3. The Comb of Tinjdaree Medalab accordingly request that the acting Sessions Judge will review the Proceedings which have been held in this case, and do submit to the Comb his opinion thereon, together with a report of the case in Form A.

Ordered that Extract from these Proceedings be forwarded to the acting Sessions Judge of Trichinopoly by Precept returnable within 5 days from and after its receipt.

(Sent following precept No. 1243.)

(Read the following Letter dated the 11th October 1850 from the Sessions Judge of Trichinopoly

(Here enter No. 2577 of 1850.)

In the foregoing communication the acting Sessions Judge, according to the desire of the Mahomedan Law Officer previous to the completion of his written Fatwa in Case No. 27, on the file of the Sessions Comb, solicits the instructions of the Comb of Tinjdaree Medalab relative to the final disposal of that case.

2. The Comb of Tinjdaree Medalab observe that it is stated in the acting Sessions Judges communication that the deceased shortly verbally declared in other terms that the Prisoner in the case referred to was guilty of the crime charged, and under these circumstances the Comb observe that it was competent to the Sessions Judge in that declaration to have recorded sentence against him.

3. The Comb accordingly direct that the acting

29th October 1850

acting Sessions Judge do now pass sentence upon the Prisoner without further delay.

Ordered that extracts from these Proceedings be forwarded to the acting Sessions Judge of Trichinopoly for his information and guidance.

(Sent in No 1274)

Read Calendar of Case No 3 of 1850 of the Sessions Court of Honore.

(Here enter the No 2003 of 1850.)

The Court of Tinjavore Adalat approve of the recommendation made by the Sessions Judge in this case that the sentence recorded against the Prisoner on his conviction of Honore breaking with theft be mitigated to three years imprisonment with hard labor in irons, and the Sessions Judge is authorized to issue his warrant accordingly

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

A. H.

(Sent in No 1275)

F. A.

Thursday 31st October 1850

At a Court of the Tanjavore Adalat

Present

G. S. Hooper Esqr — 1st Principal Judge

E. S. Thompson Esqr — 2nd Principal Judge

H. A. Morehead Esqr — 3rd Principal Judge

Read Criminal Reports submitted by the Session Judge of Salem for the month of September 1850.

(Hereunto F. A. No 2560 of 1850)

Report A. Case No 750.

1. In this case one Prisoner was charged with Gang Robbery by open violence.

2. The Acting Subordinate Judge considered the evidence to be insufficient to warrant the conviction of the Prisoner of the crime charged, but with reference to his being an old offender and suspicious character, the Acting Subordinate Judge was of opinion that heavy security should be demanded from him for his good behaviour and appearance for two years, and at the same time, deeming himself incompetent to demand security for so long a period, the Acting Subordinate Judge committed the Prisoner for trial before the Sessions Court.

The

3 The case was subsequently remanded by the Session Judge for disposal by the Subordinate Court, the Session Judge, in so doing, observing, "that "Clause third Section VIII Regulation VI of 1827. extends the "power of the Criminal Judge with respect to demanding "security for periods above 12 months from parties of "the description therein specified, and that Circular Order "of the 20th July 1829 C. declares that a Prisoner should "never be committed for trial, unless there are reason- "able grounds to believe that the evidence forthcoming "will be found sufficient for his conviction."

4 The Court of Foujdaree Udalut are of opinion that the foregoing case has been altogether erroneously dealt with both by the Session and Subordinate Courts.

5 In the first place, the Court observe that agreeably to the requisition contained in Foujdaree Udalut's Circular Order dated 20th February 1823. A the Session Judge ought to have sent up in the usual course the Calendar to the Foujdaree Udalut with his reasons for returning the case for disposal by the Subordinate Court.

6 Secondly. Adverting to the declaration upon Oath by the 1st and 2nd Witnesses, that they distinctly recognized

recognized the Prisoner on the night of the Robbery, the Court consider that the Acting Subordinate Judge was not justified in thinking of demanding security under Clause first Section XX Regulation III of 1822, and consequently his examination of the Prisoner's witnesses was irregular and improper. The Court are of opinion that the statements of the above witnesses clearly called for the committal of the case before the Session Court, with whom it alone rested to determine the value to be attached to their evidence.

7 Thirdly, in respect to the orders passed by the Session Judge in remanding the case, the Court observe that Clause third Section VIII Regulation XI of 1827. does not, as the Session Judge would appear to consider, empower a Subordinate Criminal Judge to demand security for a longer period than one year. That enactment merely authorizes the Criminal Judge to report the case at the end of the year for the consideration of the Session Judge in respect to the propriety of demanding security for a further period, but even then the Court would observe its provisions have only reference to persons of a dangerous character, and were not apparently applicable to the Prisoner in the case now under consideration.

8 And, fourthly, the Court observe that the

31st October 1850.

the insertion of the second count in the indictment was uncalled for, a note of the Prisoner's previous conviction being all that was in this case required. If, as it is to be presumed, the additional charge was framed with a view to the Prisoner being subjected to an enhanced punishment, such result, the Court would observe, could only be attained by the infliction of the penalties prescribed in Clause third Section v Regulation xx of 1803, which were clearly not applicable to the punishment of the Prisoner in the case under consideration. The Court request that the attention of the Acting Subordinate Judge may be drawn to the Circular instructions issued by this Court of Foujdaree Udalut on this subject subsequent to the disposal of this case under date the 2nd October 1850.

9 On the foregoing grounds the Court of Foujdaree Udalut resolve to annul the Proceedings held by the Sessions Judge in this case, and to direct that the same may be committed for trial before the Sessions Court with a view to it's disposal in the regular form.

Report B. 10.
Case N: 152.

Adverting to the sentence recorded against the Prisoner in this case, the Court of Foujdaree Udalut require to be informed of the nature of the misdemeanor which he is alleged to have committed

Ordered

F. U.

31st October 1850.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Salem by Precept returnable within III days from and after its receipt.

(Sent following Precept N: 1274)

Read Miscellaneous Petition presented on the 23rd September 1850 by A. M. Ritchie Esqr. Vakeel on behalf of S. Appiah and another of Tillah Nellore.

(Hereafter F. U. M. P. N: 150 of 1850)

Mr. G. L. Hooper
Mr. E. L. Thompson
Mr. W. A. Morehead

1 This is an application for the reversal of the sentence awarded to the prisoners in Case N: 37 of 1850 on the file of the Session Court of Nellore.

2. The Court of Foujdaree Udalut observe that the period of Imprisonment awarded to the prisoners in the case in question has been reduced to three years; and as the Court see nothing in this Petition which would lead them to question the correctness of the prisoners' conviction they deem it unnecessary to direct that the record of the trial should be submitted for their consideration.

3 The Petitioners' application is accordingly dismissed.

Ordered that Extract from these Proceed-

be

31st October 1850.

be given to the Petitioners Vakeel on his application.

Read Miscellaneous Petition presented on the 26th September 1850 by Syed Gayasooddeen of Tellah Chittoor.

(Here enter F. C. M. P. No. 152 of 1850)

Mr. G. S. Hooper
Mr. E. S. Thompson
Mr. W. A. Morehead.

The Court of Foujdaree Adalut see no reason to question the propriety of the sentence awarded to the 1st prisoner in Case No. 39 of 1849 on the file of the Session Court of Chittoor and this application is accordingly dismissed.

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

Read Miscellaneous Petition presented on the 3d October 1850 by T. Ramachendriah Vakeel on behalf of Ayleyetta Royapapan of Tillah Tellicherry

(Here enter F. C. M. P. No. 156 of 1850)

Mr. G. S. Hooper
Mr. E. S. Thompson
Mr. W. A. Morehead

Before finally disposing of this Petition the Court of Foujdaree Adalut resolve to direct that copies of the Decree passed in Original Suit No. 97 of 1844 on the file of the Civil Court of the decision of the Joint Magistrate of Malabar conferred in the Session Judges proceedings of the 30th July last and of the other proceedings upon which those orders were founded may be submitted for their consideration.

Ordered

31st October 1850.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Tellicherry by Precept returnable within xx days from and after its receipt.

(Sent following Precept No. 1248)

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

Chinniah Naiken of Chinglepet moves the Court to return the enclosures in his Miscellaneous Petition No. 129 of 1850.

Ordered accordingly.

£ 180.

F. U.

Friday 1st November 1850.

At a Court of the Foujdaree Udalut.

Present.

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

R. T. Thompsan Esqr. — 2d Puisne Judge

W. A. Morehead Esqr. — 3d Puisne Judge

Read Letter under date the 18th October 1850 from the Agent to the Governor of Fort St. George at Kurnool submitting for the final judgment of the Foujdaree Udalut a report of the trial of four prisoners charged with House-breaking by night.

(Here enter F. U. No. 2623 of 1850)

The Court of Foujdaree Udalut concur with the Agent in the conviction of the 1st 2d and 3d prisoners and in the acquittal of the 4th prisoner in the case and approving of the recommendation made by that Officer in regard to the amount of punishment to be awarded to the 1st 2d and 3d prisoners they resolve to sentence the said prisoners,

1st Mahomed Hoossain

2d Daseeree Sashadoo,

to imprisonment with hard labor in irons on the

the public roads or other public works for and during the period of four years, and the prisoner,

3rd Rungadoo,

to imprisonment with hard labor in irons on the public roads or other public works for and during the period of three years under the provisions of Section XXI Regulation VII of 1802.

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

(Sent in No. 1279)

Read letter under date the 18th October 1850 from the Agent to the Governor of Fort St. George at Kurnool submitting for the final judgment of the Fouzdaree Udalut a report of the trial of two prisoners charged with receiving stolen property

(Here enter F. Ud. No. 2624 of 1850)

The Agent has submitted the report of this case for the final judgment of the Fouzdaree Udalut on the ground that the offence charged is connected with that which forms the subject of case No. 57 of 1850 on the file of the Agent's Court, the report of which has been referred to the Fouzdaree

Fouzdaree Udalut.

2. The Court of Fouzdaree Udalut observe that this case should be disposed of by the Agent under the powers vested in him by Law, its connexion with case No. 57 not affecting the manner of its disposal which is to be determined with reference to the nature of the offence charged.

3. The Court observe that the provisions of Section IX Regulation XIII of 1832 quoted by the Agent are applicable only to the Subordinate Criminal Courts.

Ordered that Extract from these Proceedings be forwarded to the Agent to the Governor of Fort St. George in Kurnool for his information and guidance.

(Sent in No. 1280)

Do. 1280

hyh

F. U.

Saturday 2nd. November 1850.

At a Court of the Foujdaree Udalut

Present

G.S. Hooper Esqr. 1st. Puisne Judge

E.P. Thompson Esqr. 2nd. Puisne Judge

W.A. Morehead Esqr. 3d. Puisne Judge

Read Letter dated the 16th. October 1850 from the Session Judge of Chittoor reporting his having visited the Gang of Convicts employed under the charge of the Head Assistant Magistrate at Vellore on the 11th. Idem and stating that a Prisoner, whose petition was forwarded in his Report of the 6th. April 1850, requested that the attention of the Foujdaree Udalut might be called to the same.

(Here enter F. Uk. No. 2596 of 1850)

The Court of Foujdaree Udalut observe that the Prisoner has advanced nothing calculated to lead them to doubt the propriety of the Sentence which he is undergoing.

Ordered that Extract from these Proceedings be sent to the Session Judge of Chittoor

2 November, 1850. Chittoor for his information -

/ Sent in No. 1281 /

Rd 1850

F. U.

Monday, 4th. November, 1850. At a Court of the Foujdaree Udalut

Present -

G. S. Cooper, Esquire - 1st. Puisne Judge -

J. P. Thompson, Esquire - 2d. Puisne Judge -

W. R. Morehead, Esquire - 3d. Puisne Judge -

Read Criminal Reports submitted by the Sessions Judge of Mangalore for the month of September 1850. -

Here Enter F. U. No. 2579 of 1850 /-

The prisoner in this case was charged with "having on the evening of the 26th. April 1849 taken the Prosecutor's Turban from a mat on which he had placed it at the Prisoner's house in Kolekally village, Mangalore Talook, where the Prosecutor put up that day and tied it round his head under the pretence of dancing and making sport and then made away with the said Turban valued at - Rupees

November, 1850.

"Rupees 25," the offence charged being designated as "Fraud" in the heading affixed to the statement of charge.—

2. The Court of Foujdaree Udalut observe that the offence charged in this case constitutes a Theft, the article alleged to have been made away with not having been apparently entrusted to the prisoner's charge for any specific purpose, which circumstance is necessary to bring the offence under the designation of a Fraud.—

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

/Sent in No. 1283 /—

Read Criminal Reports submitted by the Sessions Judge of Masulipatam for the month of September 1850.—

/Here Enter F.No. No. 2609 of 1850/—

Case No. 35. 1. The Court of Foujdaree Udalut observe that the charge preferred against

4th November, 1850.

against the 7th prisoner in this case should be tried as a distinct case, the offence charged against him not apparently involving complicity with the other prisoners charged.—

Case No. 50. 2. The offence charged in this case should have been designated as "an affray attended with murder."—

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

/Sent in No. 1284 /—

Read Criminal Reports submitted by the Sessions Judge of Tellicherry for the month of September 1850.—

/Here Enter F.No. No. 2618 of 1850/—

Case No. 73. The Court of Foujdaree Udalut observe that the charge preferred against the prisoners in this case which merely has reference to their general character is not cognizable by the Criminal Courts.—

Ordered,

4th November, 1850.

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

/Sent in No. 1285./-

Read Criminal Reports submitted by the Sessions Judge of Honore for the month of September 1850.—

/Here Enter F.U.C. No. 2627 of 1850/-

Case No. 89.

The Court of Foujdaree Udalut infer that the spot from which the escape referred to in this case was effected is situated in a jungle, and if this supposition be correct they desire that the practice of detaching prisoners thither for the purpose of making Charcoal be discontinued.—

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

/Sent in No. 1286./-

Read Criminal Reports submitted by the Sessions Judge of Chicacole

F.U.C.

4th November, 1850.

Chicacole for the month of September 1850.

/Here Enter F.U.C. No. 2632 of 1850/

Vizagapatam Reports.

The Court of Foujdaree Udalut observe that two cases committed in August and five cases committed on the 23d September were still under examination at the close of the period embraced in the foregoing reports and they direct that the cause of delay in the disposal of the cases in question may be reported for their information.

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

/Sent following Precept No. 1284/-

Read Criminal Reports submitted by the Acting Sessions Judge of Tinnevelly for the month of September 1850.—

/Here Enter F.U.C. No. 2633 of 1850/-

Case No. 96.

The Court of Foujdaree Udalut desire to be informed under what

what circumstances the Government Vakeel was deputed to prosecute the charge preferred in this case; the offence charged having been committed against a private individual.—

Ordered, that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Tinnevelly by precept returnable within III days from and after its receipt.—

/Sent following Precept No. 1288./—

Read again Calendar of Case No. 37 of 1850 on the file of the Sessions Court of Masulipatam.—

/Here Enter F. M. No. 1791 of 1850/—

Read again also return under date the 26th July 1850 from the Sessions Judge of Masulipatam to the precept of the Foujdaree Udalut dated the 22d July 1850 conveying their orders in the foregoing case.—

/Here Enter F. M. No. 1972 of 1850/—

Read again also Miscellaneous Petition forwarded by the Sessions Judge

Judge of Masulipatam from Veerasawmy Naidoo of that Zillah.—

/Here Enter F. M. P. No. 120 of 1850/—

Read again also return under date the 28th August 1850 from the Sessions Judge of Masulipatam to the precept of the Foujdaree Udalut dated the 8th August 1850 directing the submission of an English Translation of the record of the foregoing case.—

/Here Enter F. M. No. 2252 of 1850/—

Read also return under date the 16th October 1850 from the Sessions Judge of Masulipatam to the precept of the Foujdaree Udalut dated the 19th September 1850 calling for further information with reference to the foregoing case.—

/Here Enter F. M. No. 2606 of 1850/—

The Court of Foujdaree Udalut are unable to concur with the Sessions Judge in the conviction of the prisoner in this case of the offence laid to his charge.—

Mr. G. L. Harper and Mr. W. A. Morehead

In

4th November, 1850.

2. In the opinion of the Court of Foujdaree Udalut there is much in the proceedings of the Head of Police calculated to throw suspicion upon the charge, and there are contradictions in the evidence for the Prosecution in regard to the particular occasion upon which the additional question alleged to have been put to the prisoner was affixed to the deposition he is charged with having destroyed which do not admit of any satisfactory explanation.—

3. The Court of Foujdaree Udalut accordingly resolve to direct that the prisoner in this case be unconditionally released.—

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Masulipatam by precept returnable within VIII days from and after its receipt.—

/Sent following Precept No. 1209/—

Read again Calendar of Case No. 17 of 1850 of the Sessions Court of

3/

F. Cc.

4th November, 1850.

of Madura.—

/Here Enter F. Cc. No. 2053 of 1850/—

Read also Miscellaneous Petition forwarded by the Sessions Judge of Madura from Nyna Mohomed Beebee and another of that Zillah.—

/Here Enter F. Mc. D. No. 178 of 1850/—

Mr. G. L. Harper
Mr. C. P. Thompson
and
Mr. W. A. Morehead

1. The above Petitioners are the wives of the two Prisoners in Case No. 17 of 1850 on the file of the Sessions Court of Madura, and their object is to induce the Court of Foujdaree Udalut to set aside the sentence which has been recorded against the said Prisoners on their conviction of "Arson".

2. Before passing their final Orders upon the above Petition the Court of Foujdaree Udalut resolve to forward the same to the Sessions Judge, who will be pleased to report whether, with reference to the statements therein made, and especially with reference to the allegation of the Petitioners that a charge of plunder and assault had been

been previously preferred against the Prose=
=cutor by the Prisoners, he is of opinion
that the said Case was correctly disposed
of by the late Acting Sessions Judge.

3. The Sessions Judge will also
be pleased to state whether in his opinion
any mitigation of the Prisoners sentence
might, without detriment to the public
interests, be in this case allowed.

Ordered, that Extract
from these Proceedings be forwarded to
the Sessions Judge of Madura by Precept
returnable within X days from and after
its receipt.

/Sent following Precept No. 1290./

Read again Calendar of Case
No. 15 of 1850 on the files of the Sessions Court
of Honore.

/Here Enter F.C. No. 2434 of 1850/

Read also letter under date
the 12th October 1850 from the Sessions Judge
of Honore submitting with reference to
the proceedings of the Toydaree Udalut
under date the 3d October 1850 an
explanation

explanation of the delay in the transmission
of the Calendar of the foregoing case.

/Here Enter F.C. No. 2592 of 1850/

1. The Court of Toydaree
Udalut cannot admit the validity of
the reasons assigned by the Sessions
Judge for the delays which almost inva=
=riably occur in the transmission to of
the Toydaree Udalut of the Calendars
of cases tried by the Sessions Court
at Honore.

2. The Court of Toydaree
Udalut observe that in other Courts,
the business of which exceeds that at
Honore delays of the nature of those
adverted to do not occur and the
Court of Toydaree Udalut are satisfied
that they may be prevented by the
exercise on the part of the Sessions Judge
of a due supervision of the establishment
attached to his Court.

3. With reference to the remarks
recorded in the 2d para: of the foregoing
letter the Court of Toydaree Udalut
observe

4th November, 1850

observe that the Futwa of the Mahommedan Law Officer should always contain a summary of the evidence delivered before the Sessions Court, the recapitulation of which summary in the remarks of the Sessions Judge is obviously unnecessary.

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

/ Sent in a No. 1291 /

Read Calendar of Case No. 23 of 1850 on the file of the Sessions Court of Honore.

/ Here enter F.R. No. 2581 of 1850 /

1. The Prisoners in this case 1 to 6 were charged with having at about 6½ P.M. on the 8th July 1850 entered the Prosecutor's house by the door thereof which had been left open ill treated the inmates and robbed gold and silver ornaments from their persons and other articles valued at Rupees 183-4-0.

2. The Sessions Judge in concurrence

F.R.

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concurrence with the Mahommedan Law Officer has convicted the prisoners in question of the crime laid to their charge and designating that offence as "Robbery by open violence" and 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; submitting a recommendation that the period of Imprisonment awarded should be reduced in the case of the 1st and 2d prisoners to ten years and in the case of the other prisoners to eight years.

The Court of Foujdaree Adalut

3. observe that the offence of which the prisoners have been convicted does not amount to "Robbery by open violence" but that it is punishable by the Sessions Judge under the provisions of Clause second Section III Regulation VII of 1822 by such punishment as the Sessions Judge may think proper to award.

The

4.

The Court of Foujdaree Udalut accordingly direct that the Calendar under review be returned to the Sessions Judge who will be pleased to amend his sentence with reference to the foregoing observations.—

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Ellore by precept returnable within V days from and after its receipt.—

/Sent following Precept. No. 1292./-

Read again Miscellaneous

Petition presented on the 19th March 1849 by T. Appiah Vakeel on behalf of Rajah Vasareddy Lutchmeputy Naidoo Bahadoor.—

/Here Enter F. Mo. P. No. 67 of 1849/-

Read again also Miscellaneous

Petition presented on the 19th March 1849 by R. Seroomalarow Vakeel on behalf of S. Venkata Kristna Row of Zillah Guntoor.—

/Here Enter F. Mo. P. No. 68 of 1849/-

Read also Miscellaneous

Petition

Petition presented on the 3d September 1849 by R. Seroomala row Vakeel on behalf of Subnavis Venkata Kristna Row.—

/Here Enter F. Mo. P. No. 192 of 1849/-

Read also Miscellaneous

Petition presented on the 6th September 1849 by T. Appiah Vakeel on behalf of Rajah Vasareddy Lutchmeputy Naidoo Bahadoor.—

/Here Enter F. Mo. P. No. 199 of 1849/-

Read also letters under dates the 22d August and 11th September 1849 from the Magistrate of Guntoor.—

/Here Enter F. Mo. Nos. 1753 & 1902 of 1849/-

Read also Miscellaneous

Petition presented on the 1st October 1849 by R. Seroomal row Vakeel on behalf of Subnavis Venkata Kristna Row.—

/Here Enter F. Mo. P. No. 206 of 1849/-

Read also letter under date the 20th December 1849 from the Head Assistant Magistrate in charge of Guntoor.—

/Here Enter F. Mo. No. 2656 of 1849/-

Read

4th November, 1850.

Read also letter under date the 21st September 1850 from the Acting Magistrate of Guntoor

/Have enter'd F.No. No. 2422 of 1850/-

Mr. G. S. Hooper.
Mr. E. P. Thompson and
Mr. W. A. Maskell.

1. The papers above recorded have reference to certain property belonging to the Vasireddy Estate which under the orders of the Court of Foujdaree Udalut of the 23d March 1840 has been kept in deposit in a building at Amaravaty under the custody of the Magistrate of Guntoor, the two individuals who then laid claim to the possession of it viz. Subrawiah Venkata Kristna Row and Saitoo Seshaul Soonaw having been referred to a Civil Suit for the establishment of their alleged liens on the said property; the former against the latter and the latter against the former, and each of the two likewise against all and each of the claimants to the Vasireddy Estate.

2. Ten years have since elapsed during which period the property in question has remained in the same place and in the same custody no steps having been

F.No.

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taken by either of the parties above mentioned to establish their respective claims until the 19th March 1849, when

No. 67 and 68 of 1849. Petitions were presented to the Court of Sudder Udalut on behalf of Rajah Vasireddy Lutchmapaty Naidoo and the said Subrawiah Venkata Kristna Row praying that the property might be transferred to the possession of the latter, the validity of whose claim thereto the former acknowledged.-

3. Upon these Petitions being presented the Court of Sudder Udalut under date the 16th July 1849 directed the Magistrate of Guntoor to issue a public notice, calling upon all parties who might deem themselves in any way entitled to the said property to put forth their claims within six weeks from the date of such notice and to deliver the property into the possession of the said S. Venkata Kristna Row if at the expiration of the period specified no other claimants should have appeared.-

A.

4. A notice having been accordingly issued to Ramanadha Baboo Respondent in the Appeal concerning the Vasavaddy Estates lately decided by Her Majesty in Council, and the aforesaid Saitoo Sevaluh presented Petitions to the Magistrate, urging their respective claims to the property referred to.

5. The Magistrate in forwarding the said Petitions to the Court of Foujdaree Udalut applied to be released from the further custody of the property, representing that with the exception of a few silver and other durable articles it is now nearly all so much damaged and decayed as to be nearly worthless, and that the room in which it is kept is required for other purposes; and this application has been renewed in subsequent communications from that Officer and from the present Acting Magistrate of Guntoor.

6. On an attentive consideration of the former proceedings held in this

this matter and of the claims advanced by the respective claimants the Court of Foujdaree Udalut are of opinion that as Rajah V. Lutchmeepaty Naidoo who has been declared by the Decree of Her Majesty the Queen in Council to be "entitled to succeed to the whole Estate of Juggannadha Baboo" admits the validity of S. Vencata Kristna Row's claim to the property in question, and requests it will be made over to him, that request should now be complied with upon S. Vencata Kristna Row producing security for its present value in the event of Saitoo Sevaluh, who at one period had possession of the property, establishing a prior claim to it by a Civil Suit.

7. The Court of Foujdaree Udalut deem it necessary to order the requisition of security for the present value of the property (which the Acting Magistrate will cause to be estimated) previous to its delivery into the

the profession of S. Venkata Krishna Row in consequence of the previous profession which is shown to have existed with Saitoo Seadaul, it having been deposited with him by Juggannadha Baboo, to which reference is made in this Court's proceedings of the 23d March 1840.

8. The Court of Foujdaree Udalut accordingly resolves to direct that the Acting Magistrate of Guntoor do cause the property in question to be estimated and to be delivered to the said Subbarayudu Venkata Krishna Row or to such person or persons as he may authorize to receive it on his behalf upon his producing security for its present value, and that in the event of the said Saitoo Seadaul failing to institute a suit to establish his claims to the said property within a period of 3 months from the date of these orders, the said security at the Expiration of that period be discharged.

Ordered, that Extract from

from these Proceedings be forwarded to the Acting Magistrate of Guntoor by pre=cept returnable within XXX days from and after its receipt.

Sent following Precept No. 1293. /-

Ordered also, that Extract from these Proceedings be furnished to the Petitioners' Vakeels on their res=pective applications.

Read letter under date the 19th September 1850 from the Sessions Judge of Chittoor submitting the original Petty Calendars of Cases disposed of by the Magistracy during the 2d Quarter of 1850.

/Here Enter Fl16. No. 2399 of 1850/

Read also letter under date the 17th October 1850 from the Sessions Judge of Chittoor.

/Here Enter Fl16. No. 2595 of 1850/

1. In the Calendar of persons committed as "Vagrants" by the Magis=tracy of North Arcot during the 2nd quarter of 1850 two persons were entered

in

Cases Nos 4 and 9 - in the cases noted in the margin as having been sentenced to Imprisonment for the period of one year as "dangerous, desperate and irreclaimable characters", and on the expiration of the sentence to be produced before the Sessions Judge; it being the opinion of the Head Assistant Magistrate that the individuals in question should be respectively required to furnish two sureties in the sum of 75 Rupees each for their good conduct and appearance when required, the authority quoted for such sentences being Section III Regulation II of 1822 and Clause Sixth Section VIII Regulation VII of 1827.—

2. On review of the Calendar the Sessions Judge observed that the Court of Fouzdaree Udalut had declared that a Magistrate "cannot order the confinement of persons described in Section III Regulation II of 1822 without first demanding security", and he accordingly directed that the sentences in the cases in question should be modified in conformity

conformity to the provisions of Clause first Section VII Regulation VII of 1827.

3. The Court of Fouzdaree Udalut in their proceedings of the 23rd September last declaring the provisions of Clauses third, fourth, and fifth Section VIII Regulation VII of 1827 to be applicable to persons who may have been committed to Jail for one year by an Officer of the Magistracy under Clause first Section III Regulation VII of 1822 without any demand of security, having admitted the validity of such a commitment, the Magistrate has now suggested that the Sessions Judge should recal the order passed by him for the modification of the sentences in cases Nos. 4 and 9 of the Calendar above referred to.—

4. The Court of Fouzdaree Udalut observe that the sentences passed in the cases adverted to are strictly legal, and as the Sessions Judge does not object to those sentences on other

grounds

4th November, 1850

grounds the Court of Foujdaree Udalut direct that the orders passed for their modification be annulled.—

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Chittoor by precept returnable within V days from and after its receipt.—

/Sent following Precept No. 1294/—

Read Criminal Reports submitted by the Sessions Judge of Nellore for the month of September 1850.

/Here Enter F.C. No. 2580 of 1850/—

Case No. 102. 1. The Court of Foujdaree Udalut resolve to direct that further information with reference to the precise nature of the offence charged against the prisoners in this case may be submitted, no overt act being recited in the statement of charge which would render the prisoners punishable under the provisions of the Regulation under which the sentence has been passed.—

Case No. 114— 2. The Court of Foujdaree Udalut

7/

F.C.

4th November, 1850

Udalut observe that the provisions of Clause Sixth Section II Regulation VI of 1822 should have been cited in support of the sentence passed in this case, the offence charged viz. House breaking not being punishable under Section VIII — Regulation X of 1816.—

Case No. 116— 3. The insertion of the words "unattended with aggravating circumstances" in the Heading affixed to the statement of the charge in this case the Court of Foujdaree Udalut observe was — altogether unnecessary.—

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

/Sent following Precept No. 1295/—

Read again Calendar of Case No. 16 of 1850 on the file of the Sessions Court of Trichinopoly.—

/Here Enter F.C. No. 1892 of 1850/—

Read also return under date

date the 8th August 1850 from the Acting Sessions Judge of Trichinopoly to the precept of the Foujdaree Udalut dated the 1st August 1850 conveying their preliminary orders on the foregoing case.

/Here Enter F.C. No. 2083 of 1850/

Read also Miscellaneous Petitions presented on the 22d August 1850 by Maroode Azari Veeragi and Chittai of Zillah Trichinopoly.

/Here Enter F.C. Pr. Nos. 132. 133 & 134 of 1850/

Read also return under date the 19th October 1850 from the Acting Sessions Judge of Trichinopoly to the precept of the Foujdaree Udalut dated the 5th September 1850 directing the submission of an English Translation of the entire record of the foregoing case.

/Here Enter F.C. No. 2636 of 1850/

Mr. E. P. Thompson & Mr. W. A. Morehead

The Court of Foujdaree Udalut on an attentive consideration of the record of the foregoing case consider the evidence insufficient to the conviction of any of the prisoners charged.

The

2. The Court of Foujdaree Udalut observe that the conviction of the prisoners by the Sessions Court is based entirely upon their alleged recognition by the Prosecutor and his witnesses, more of the plundered property having been discovered.

3. In regard to this alleged recognition the Court of Foujdaree Udalut remark that the Prosecutor and his witnesses differ in their statements as to whether or not the persons by whom the robbery charged was perpetrated were disguised when the robbery took place.

4. It is obvious that this is a point upon which no doubt would have been entertained by the Prosecutor or his witnesses if they were able to identify the robbers in the manner they assert; and the Court of Foujdaree Udalut are therefore unable to credit their testimony to their positive identification of persons in regard

to

to whose actual appearance their evidence does not coincide.—

5. The Court of Foujdaree Udalut would further observe that although the Prosecutor and his witnesses allege a knowledge of the prisoners previous to the night of the robbery, no information on this point appears to have been given by them to the Village Moonsiff who visited the Prosecutor's house on the same night but from his report to the Head of Police would appear to have received no information as to who the robbers were.—

6. The Court of Foujdaree Udalut accordingly resolve to direct that the prisoners in this case be severally unconditionally released.

7. The Court of Foujdaree Udalut observe that in all cases the records of which are transmitted to the Court of Foujdaree Udalut the proceedings of the Police, of the Criminal Court and of the Sessions Court should

should be tied up in separate bundles; a fly sheet being annexed to the record showing the names of the several deponents and the pages in which their depositions are contained.—

8. The Court of Foujdaree Udalut resolve to direct the attention of the Acting Session Judge to their orders of the 11th November 1847 regarding the preparation of the records of Criminal Cases transmitted to the Foujdaree Udalut, which orders they require in all particulars to be observed.

Ordered, that Extract from these Proceedings be forwarded to the Acting Session Judge of Trichinopoly by precept returnable within VIII days from and after its receipt.—

/Sent following Precept No. 1296/—

Ordered also, that Extract from these Proceedings (paras 1 to 6) be furnished to the Petitioners on their application.—

Dt 18d

F. C.

Tuesday 5th November 1850. At a Court of the Foujdaree Adalut.

Present.

J.C. G. S. Cooper Esqr. — 1st Puisne Judge
E.P. E. P. Thompson Esqr. — 2nd Puisne Judge
W.A. W. A. Morehead Esqr. — 3rd Puisne Judge.

Read letter dated 9th October 1850 from the Sessions Judge of Rajahmundry submitting at the instance of the Magistrate of that District the following question-

"whether it is incumbent on the Village Police to proceed in all cases of sudden death — according to the rules to be observed when a Murder is supposed to have occurred, and whether failure to hold an inquest in all cases of sudden death is punishable under the Regulations"—

(Here enter F. C. No. 2576 of 1850).

The Court of Foujdaree Adalut do not consider that Section XIII Regulation XI of 1816. requires that in all cases of sudden death, unattended with suspicion of foul play, an inquest should be held - They observe that the Regulation sets forth - "the discovery of the dead body of a person supposed to have been murdered" as the grounds

on

on which the Village Police are to act in cases of inquests - consequently the simple omission to hold an inquest in cases of sudden death would of itself entail no criminality on the Village Police.-

2. In cases of Murder, or of unnatural or suspicious death an omission on the part of the Village Police to hold an inquest would be a serious fault, and if the omission was brought about by any improper or dishonest motive on the part of the Village Police, doubtless under the Mahomedan Law they would be guilty of an offence and liable to punishment.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Rajahmundry for his information and communication to the Magistrate.-

(Sent in No. 1300).

Read letter under date the 17th October 1850 from the Sessions Judge of Mangalore transmitting the original Petty Calendars of Cases disposed of by the Magistracy during the 2nd Quarter of 1850.

(Here enter F. C: No. 2620 of 1850).

Calendar of Persons Punished. Cash 25.

The Court of Foujdaree Adalut observe that the offence of "using counterfeit coins" is not punishable by the Magistracy under the provisions of Section VII Regulation III of 1822, and as the Sessions

Session Judge has omitted to notice this case in the remarks recorded by him on the Calendars under review, the Court of Foujdaree Adalut infer that the offence charged has been incorrectly described in the statement of charge, an error which the Assistant Magistrate will be directed to avoid in future in the preparation of the Calendars of cases tried by him.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Mangalore for his information and for communication to the Magistrate of Canara.-

(Sent in No. 1301).

Read Letter dated the 21st October 1850 from the Sessions Judge of Salem, reporting, with reference to the Proceeding of the Foujdaree Adalut under date the 2nd October, on Case No. 11 - exhibited in the Calendar of cases punished by the Magistracy during the 2nd Quarter of 1850.-

(Here enter F. C: No. 2630 of 1850).

1. The Court of Foujdaree Adalut see reason to question the legality of the Proceedings held by the Magistrate in this Case; but previous to passing their final Orders in respect thereto, the Court deem it proper to call upon that officer to explain who the individual named Ramen Chetty is

5th November 1850.

is, and by what right, or title, he appeared as a Prosecutor in the Case in question.—

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Salem for his information and for communi=cation to the Magistrate.—

(Sent in No. 1302).

Read Calendar of Case No. 21 of 1850 of the Session Court of Tinnevelly.—

(Here enter F: C: No. 2658 of 1850).

1. Adverting to the concluding observations of the Acting Session Judge in the Sentence recorded by him in this Case, the Court of Foujdaree Udalut deem it proper to direct that it be notified to the Several Police authorities in this Zillah, that in all cases of suspicious deaths, it is their duty to cause an inspection of the body to be made by a European Medical officer, whenever the same may be practicable.—

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

(Sent in No. 1303).

Read Calendar of Case No. 22 of 1850 of the Session Court of Madura.—

(Here enter F: C: No. 2640 of 1850)

She

F: C:
5th November 1850.

1. The Court of Foujdaree Udalut seeing reason to question the propriety of the disposal of the above Case, resolve to direct that an English translation of the entire Record be submitted for their consideration.—

2. Pending the receipt of the Courts final instructions the Session Judge will be pleased to detain the Prisoner in custody without labor and without irons.—

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Madura for his information and guidance by Precept returnable within XXV days from and after its receipt.—

(Sent following Precept No. 1304).

Read the following Letter dated the 12th October 1850. from the Session Judge of Madura.—

(Here enter F: C: No. 2574 of 1850).

1 With the above communication the Session Judge submits for the consideration of the Court of Foujdaree Udalut Extract from the Proceedings of the Session Court held under date the 11th October 1850. on review of Case No. 6. on the Magistrates' file for 1850, in which certain Prisoners charged with receiving hire for recovering stolen

stolen cattle have been sentenced by the Magistrate to 6 Months imprisonment with hard labor under Section VII Regulation X of 1816 and Section LIV Act VII of 1843.-

2. The Sessions Judge questions the legality of the above sentence on the ground that the examination of the case was conducted by the Acting Head Assistant Magistrate, while the Magistrate, who passed sentence, had merely the depositions laid before him, a form of procedure, which the Sessions Judge considers to be at variance with the rule laid down in Section LIV Act VII of 1843.-

3. Before passing their final orders on this reference the Court of Foujdaree Adalut deem it proper to direct that the Magistrate be called upon to explain, whether the examination of the parties in question was conducted by his Acting Head Assistant under his immediate direction and superintendence, or whether there were any peculiarities in the case which induced him to deviate from the usual course in respect to its disposal.-

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

the Magistrate by Precept returnable within V days from and after its receipt.-

(Sent following Precept No. 1305).

Read Criminal Reports B dated the 16th September 1850 submitted by the Sessions Judge of Bellary for the Month of August 1850.-

(Here enter F. R. No. 2407 of 1850).

Read Calendar of Case No. 71 of 1850 submitted by the Sessions Judge of Calicut under date the 19th September 1850.-

(Here enter F. R. No. 2418 of 1850).

Read return dated the 19th September 1850 from the Sessions Judge of Calicut to the Precept of the Foujdaree Adalut under date the 13th Idem observing that the Subordinate Judge has failed to comply with the instructions conveyed in the latter part of Circular Order Foujdaree Adalut 3d May 1830 and desiring that that officer be called upon to submit a report of the convicts demeanor from the announcement of the sentence to his appearance on the scaffold.-

(Here enter F. R. No. 2420 of 1850).

Read Calendar of Case No. 40 of 1850 submitted by the Sessions Judge of Bellary under date the 21st September 1850.-

(Here enter F. R. No. 2423 of 1850)

Read

Read return dated the 21st September 1850 from the Sessions Judge of Chittoor to the Precept of the Foujdaree Udalut under date the 16th Idem directing the unconditional release of the 1st Prisoner in Calendar No. 9 of 1850.—

(Here enter F. C. No. 2427 of 1850).

Read Criminal Reports dated the 31st August 1850 submitted by the Sessions Judge of Chicacole for the month of August 1850.—

(Here enter F. C. No. 2428 of 1850).

Read Calendars of Cases Nos. 63, 65 and 66 of 1850. submitted by the Sessions Judge of Cuddapah under date the 24th September 1850.—

(Here enter F. C. Nos. 2430, 2431 and 2432 of 1850).

Read Calendar of Case No. XXI of 1850. submitted by the Acting Sessions Judge of Madura under date the 23rd September 1850.—

(Here enter F. C. No. 2435 of 1850).

Read report dated the 2nd September 1850. submitted by the Sessions Judge of Salem of the labor of Convicts in the Jail at Daraumpoory and Mouchandy under charge of the Magistrate of Salem for the month of August 1850.—

(Here enter F. C. No. 2437 of 1850).

2d Rld.

F. C.

Thursday 7th November 1850.

At a Court of the Foujdaree Udalut

Present

W.R. G. D. S. Hooper Esquire 1st Puisne Judge

P.R. E. P. Thompson Esquire 2nd Puisne Judge

W. A. Morehead Esquire 3d Puisne Judge

Read again Calendar of Case No. 32 of 1850 on the file of the Sessions Court of Nellore.

(Here enter F. C. No. 2375 of 1850)

Read also Miscellaneous Petition presented on the 23rd September 1850 by A. M. Ritchie Esqr Vakeel on behalf of G appiah and another of Zillah Nellore.

(Here enter F. C. P. No. 150 of 1850)

With reference to the allegations set forth in the 4th and 5th paras of the foregoing Petition to the effect that two argees were addressed to the Head of Police by the Prosecutor in the foregoing Case, containing contradictory statements of the circumstances under which the offence charged was committed the Court of

Foujdaree

Mr. G. D. S. Hooper
Mr. E. P. Thompson
and
Mr. W. A. Morehead.

7th November 1850

Foujdaree Udalut direct that copies of the Argues in question and of the deposition given by the Prosecutor before the Sessions Court may be submitted for their consideration.

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

/ Sent following precept No. 1307. /

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

Read letter dated the 26th October 1850 from the Subordinate Judge of Calicut, applying for sanction to admit the Prisoners in Case No. 74 of 1850 on the Sessions Calendar as approvers under Section XII. Regulation XIII. of 1832.

/ Here enter F.C. No. 2674 of 1850 /

The Court of Foujdaree Udalut authorize the admission of the Prisoners noted + Kooddatil Narayen and his son Cony Cotty marginally as approvers.

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

/ Sent in No. 1308 /

7th November 1850.

Read Letter dated 25th Ultimo from the Sessions Judge of Tellicherry, submitting for the final Judgment of the Foujdaree Udalut the record of Case No. 16 of 1850 of the Calendar of the Sessions Court.

/ Perenter F.C. No. 2708 of 1850 /

M.G. Hooper and M. E. P. Thompson

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

"Makara Illatta
Keshaven Embrandy"

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

1 The Court of Foujdaree Udalut direct that in referred trials the translations of the proceedings held before the Police and of those held before the Criminal Court may in future be transmitted in Separate bundles; their transmission tacked together rendering, it difficult to refer to them.

2 The Court of Foujdaree Udalut observe

7th November 1850

observe that all confessions taken before the Criminal Court should be preceded in detail, the mere confir-mation by a prisoner of his Police confession being insufficient.

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

/ Sent in No. 1309 /

Read again Calendar of Case No. 21 of 1850 of the Sessions Court of Trichinopoly

/ Herewith F. M. No. 2231 of 1850 /

Read also Miscellaneous Petition presented on the 17th October 1850 by Maly under Elumbalacarum of Zillah Trichinopoly

/ Herewith F. M. P. No. 169 of 1850 /

Mr. G. S. Trooper
Mr. E. P. Thompson
and
Mr. W. H. Morehead

1 This is an application for the interference of the Court of Foujdaree Adalut to set aside the sentence recorded by the Sessions Judge of Trichinopoly against the Prisoners, who were convicted in the above Case of having violently rescued an offender

2 The Court of Foujdaree Adalut decline to disturb the sentence recorded against the Prisoners in the above Case, as they can discover nothing in this Petition which would lead them to

F. M.

7th November 1850.

to doubt its propriety. The Court observe that the pleas put forth in this Petition are similar to those which the Prisoners urged, but failed to establish, in their defence.

Ordered that Extract from these Proceedings be given to the Petitioner on his applica-tion.

Read Miscellaneous Petition presented on the 21st October 1850 by Ponnummal of Zillah Coimbatore

/ Herewith F. M. P. No. 174 of 1850 /

Mr. G. S. Trooper
Mr. E. P. Thompson
and
Mr. W. H. Morehead

The Petitioner is referred to the former orders passed by the Court of Foujdaree Adalut on the matter to which this Petition relates.

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

Read again Calendar of Case No. 12 of 1850 of the Sessions Court of Trichinopoly.

/ Herewith F. M. No. 1976 of 1850 /

Read also Miscellaneous Petition presented on the 24th October 1850 by Chellumbrum Pillay Mookhtyar Vakeel on behalf of Shevugoorno-nadha Pillay of Zillah Trichinopoly.

/ Herewith F. M. P. No. 180 of 1850 /

Roc

7th November 1850.

Mr. G. Stroper
Mr. C.P. Thompson
and
Mr. W. Arrowhead

1 The object of the foregoing Petition is to induce the Court of Fouzdaree Udalut to direct the reinvestigation of the above Case, in which 9 Prisoners charged by the Petitioner with Theft and possessing stolen property knowingly, were unconditionally released by the Acting Sessions Judge on the ground that two Witnesses against them was worthless contradictory and prejudiced

2 The Court of Fouzdaree Udalut are precluded from interfering in the manner solicited, as they observe that the Prisoners in question were acquitted by a competent authority=

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

Read Return dated the 7th Ultimo from the Sessions Judge of Coimbatore to the precept of the Fouzdaree Udalut under date the 21st September 1850 directing that the acting Magistrate of Coimbatore be called upon to issue immediate instructions to his subordinate Officers, enjoining them to exercise greater discretion in referring cases to the Magistrate's Office, the disposal of which is within their competency and desiring to be furnished with

7th November 1850

3

with an explanation of the delay in the disposal of case No. 86 of 1849 on the file of the Head of Police of Collegal.

/ Perenter F. Vo. No. 2535 of 1850 /

Read Return dated the 4th Ultimo from the Sessions Judge of Tellicherry to the precept of the Fouzdaree Udalut under date the 18th September 1850 requiring an explanation regarding detention from 16th July to 4th August of 4 Prisoner in Case No. 13 of 1850 on Calendar of this Court in Custody before any deposition was taken from him=

/ Perenter F. Vo. No. 2536 of 1850 /

Read Return dated the 3rd Ultimo from the Sessions Judge of Tanore to the precept of the Fouzdaree Udalut under date the 21st September 1850 calling upon the Sessions Judge for an explanation of the delay which had occurred in the transmission of the Calendar in Case No. 14 of 1850.

/ Perenter F. Vo. No. 2546 of 1850 /

Read Criminal Reports dated the 30th September 1850 submitted by the Sessions Judge of Coimbatore for the month of September 1850=

/ Perenter F. Vo. No. 2551 of 1850 /

7th November 1850

Read Criminal Report B dated the 1st Ultimo submitted by the Session Judge of Combaconum for the Month of September 1850.

/Here enter F.G. No. 2552 of 1850/

Read Report B dated the 12th Ultimo submitted by the Session Judge of Cuddalore for the Month of September 1850 and the Statement of Batta paid to the Prosecutors and witnesses in Criminal Cases disposed of during the above month.

/Here enter F.G. No. 2569 of 1850/

Read Criminal Reports dated the 13th Ultimo submitted by the Acting Session Judge of Madura for the Month of September 1850

/Here enter F.G. No. 2571 of 1850/

Read letter dated the 11th Ultimo from the Sub. Judge in charge of the Session Court of Calicut transmitting the Criminal Reports B and other Statements, rec.d from the Sub Judge of Calicut and Principal Sudr Ameen of Cochin for Sept.r last, and stating that the Magistrate has had no case to include in those reports during the above month.

/Here enter F.G. No. 2572 of 1850/

Read Criminal report dated the 15th Ultimo submitted by the Session Judge of

F.G.

7th November 1850

of Chingleput for the Month of September 1850.

/Here enter F.G. No. 2578 of 1850/

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J U

Friday 8th November 1850.

At a Court of the Joydaree Adalut

Present

GR — G A Prole Esquire — 1st Puisne Judge
CRJ — C D Thompson Esquire — 2d Puisne Judge
WH — F J Strahan Esquire — 3d Puisne Judge

Read Calendar of Case No 170 of 1850
of the Sessions Court of Chingleput.
/Transfer J Dy No 2670 of 1850./
The Court of Joydaree Adalut
approve of the recommendations made by the
Sessions Judge in this Case, that the punishments
awarded to the 1st 2d and 3d Prisoners on their
conviction of Gang Robbery be mitigated to two
years imprisonment with hard labor in irons
and the Sessions Judge is authorized to issue
his warrants accordingly...

Ordered that Extracts from these
Proceedings be forwarded to the Sessions Judge of
Chingleput for his information and guidance.
/Sent in No 1312/

Read again letter from the
Magistrate of Malabar dated 21st September 1850
recommending that Tarayil Ally be
admitted

8th November 1850.

admitted as an approver in a case of Gang Robbery recently perpetrated in the Tadungannadu Taluk..

/True extract F.D. No 2441 of 1850/

Read also Return dated 24th October 1850 to the Precept of the Court of Foujdaree Adalut under date 9th Instt reporting that the individual in question was apprehended on the 9th September 1850 and submitting the translation of a deposition given by him before the Head of Police of Tadungannadu..

/True extract No 2863 of 1850./

The Court of Foujdaree Adalut have carefully considered the depositions submitted with the above communication and being of opinion that nothing can be gained by admitting Sarayil Ally as an approver they decline to authorize the tender of a conditional pardon to him..

2 The Court of Foujdaree Adalut observe that his statements throughout is wholly uncorroborated. Even in respect to his actual presence at the Robbery, his assertions are unconfirmed for he produced none of the plundered property, and none was discovered in the Tank in which he alleged that

8th November 1850. that a portion of it together with the arms of the Gang had been concealed..

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Madura for his information and for communication to the Magistrate..

/Sent in No 1313/

Read again Calendar of Case No 14 of 1850 on the file of the Sessions Court of Madura..

/True extract F.D. No 1928 of 1850/

Read again also Return under date the 18th September 1850 from the Acting Sessions Judge of Madura to the precept of the Foujdaree Adalut dated the 5th August 1850 directing the transmission of an English translation of the record of the foregoing case..

/True extract F.D. 2360 of 1850/

Read also Return under date the 2nd October 1850 and Supplemental return under date the 29th October 1850 from the Sessions Judge of Madura to the precept of the Foujdaree Adalut dated the 26th September 1850 directing the examination of further evidence in the foregoing case..

/True extract F.D. Nos 2635 and 2750 of 1850.

The

8th November 1850.

The further evidence which has been submitted for their consideration renders it in the opinion of this Court of Foujdaree Udalut rationally improbable that the prisoners in this case were concerned in the commission of the robbery laid to their charge and the Court accordingly direct that the prisoners in question be unconditionally released.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Madura for his information by precept returnable within x days from and after its receipt.

/ Sent following precept F. 3314

Read Calendar of Case No. 12 of 1850 Submitted by the Session Judge of Tinnevelly dated 29th August 1850.

/ Returned No. 2269 of 1850. /

Read Calendar of Case No. 35 of 1850 Submitted by the Session Judge of Rajahmundry dated 2d September 1850.

/ Returned No. 2270 of 1850 /

2d 180

F. W.

Monday ——— 11th November 1850 } At a Court of the Foujdaree Udalut.

Present.

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

E. D. Thompson Esqre ——— 2d Puisne Judge

W. A. Morehead Esqre ——— 3d Puisne Judge

Read Miscellaneous Petition presented on the 25th October 1850 by J. Ouchterlony Esqre Vakeel on behalf of Captain J. Wright of Dillah Masulipatam.

(Here enter F. M. P. No. 179 of 1850)

1 The Petitioner appeals from an order passed by the Sessions Judge of Masulipatam under date the 13th July last reversing an order of the Magistrate of that Dillah directing the restoration to Petitioners of certain property pledged by his wife without his knowledge to one Cheemacoorty Vencatarutnum of Ellore.

2 The Order of the Magistrate was passed upon a complaint preferred by the Petitioner charging the said Cheemacoorty Vencatarutnum with being in possession of property stolen from him, (the Petitioner,) which charge having been dismissed, the Sessions Judge decided that it was not competent to the Magistrate

Magistrate to order the restoration of the proper-
-ty, and he accordingly reversed that Officer's
order and referred the Petitioner to the Civil
Court for redress.

3 Adverting to an observation re-
-corded by the Session Judge in the Order ap-
-pealed from to the effect that "under the Law
"of England a husband, by endowing his
"wife at her marriage with all his worldly
"goods, gives her a kind of interest in them",
and that "for this cause even a Stranger is
"not guilty of larceny in taking the goods of
"the husband when he takes them by delivery
"of the wife or with her privity or consent", the
Petitioner contends that although the endow-
-ment referred to may be considered to vest the
wife with property in her husband's goods it
does not entitle her to dispose of the same
without her husbands consent, and he ac-
-cordingly prays the Court of Foujdaree Udalut
to reverse the orders of the Civil Judge, and to
direct that the property referred to may be
restored to him.-

4 The Court of Foujdaree Udalut
observe that the party charged by the
Petitioner

11th November 1850

Petitioner having been acquitted of the offence
charged against him it was not competent to the
Magistrate to deprive the accused of property
then in his possession, which having been obtained
by the accused in a manner pronounced by the
Magistrate not to involve any Criminal offence,
could only be recovered from him by the in-
-stitution of a Civil Suit.

5 The Court of Foujdaree Udalut
are therefore of opinion that the order passed
by the Session Judge is correct, and they refer the
Petitioner to a Civil action should he think fit
any further to prosecute the claim advanced by
him.-

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

Read Miscellaneous Petition pre-
-sented on the 17th October 1850 by Caroopai
of Zillah Trichinopoly.-

(Here enter F. M. P. No. 165 of 1850)

The Petitioner is referred to former
1 Orders passed by the Court of Foujdaree Udalut
in the matter to which this Petition relates.-

With reference to the assertion of
2 the Petitioner that the period of Imprisonment
awarded

awarded to her husband has already expired but that he has not been yet released the Court of Foujdaree Udalut observe that this assertion must be incorrect, and that the Petitioner's husband will be released whenever the Sentence awarded to him shall have expired.—

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

Read again Calendar of Case No 11 of 1850, on the file of the Session Court of Trichinopoly.—

(Here enter F. W. No 1635 of 1850)

Read also Miscellaneous Petitions presented on the 17th October 1850 by Thungum and Mary of that Zillah.—

(Here enter F. M. P. No 167-168 of 1850)

The Court of Foujdaree Udalut resolve to direct that an English Translation of the entire record of the foregoing Case may be submitted for their consideration.—

Ordered that Extract from these Proceedings be sent to the Acting Session Judge of Trichinopoly by precept returnable within

XV

XV days from and after its receipt.—

(Sent following Precept No 1318)

Read Letter dated 26th October 1850 from the Session Judge of Bellary submitting for the consideration of the Court of Foujdaree Udalut the copy of an Appeal against his Proceedings under dates 20th April and 19th October 1850 by the Subordinate Judge.—

(Here Enter No 2671 of 1850)

1 It appears from the papers submitted with this communication that on the 20th April 1850 the Session Judge, upon an Appeal being presented to him by a Peon who had been dismissed by the Subordinate Judge, directed that suspension for 3 months should be substituted for dismissal; and that on the 19th October 1850 the Session Judge deemed it necessary to require the Subordinate Judge to reduce the term of suspension awarded to a Duffadar from 6 months to 6 weeks, and to cancel altogether the suspension of a Peon for 3 months.—

2 The Session Judge explains that, with reference to the provisions of Section II Regulation

Regulation XXII of 1802, he should not have felt at liberty to forward the reference had not the terms in which the Subordinate Judge has commented upon his proceedings rendered it necessary that he should appeal to the Court of Foujdaree Adalut to support his authority

3 The Court of Foujdaree Adalut remark that in preferring the present Appeal Mr. Story has gravely erred, and they must express their marked disapprobation of the tone in which that Gentleman has thought fit to canvass the Orders of the Sessions Judge. They observe that when a Subordinate Judicial Officer may think that the Orders issued to him by a Zillah Judge are founded upon an erroneous construction of the Regulations such Officer is at liberty to make known his opinion to the said Court, and to request eventually a reference to the Sudder and Foujdaree Adalut.

4 But it was never intended, and cannot be allowed that a Subordinate Officer should at his option discuss and take to pieces any order and resolution of the Superior Court, with which his own preconceived opinion may

may happen to be at variance.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Bellary for his information and for communication to the Subordinate Judge.

(Sent in No. 1319.)

Read Calendar of Petty Cases disposed of by the Magistracy of Trichinopoly during the 3d Quarter of 1850.—

(Here enter F. D. No. 2654 of 1850)

The Court of Foujdaree Adalut observe that under the rule laid in Circular Order No. 168 the designation of the Offence charged in each of the cases entered in the foregoing Calendars should have been affixed as an heading to the Statements of charges.

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Trichinopoly for communication to the Magistrate.

H. W.

(Sent in No. 1320.)

F 46

Tuesday
12th November 1850.

At a Court of the Toungdaree Udalut

Present

Sgd/ G.S. Cooper Esquire 1st Puisne Judge
D.P.S/ E.P. Thompson Esquire 2nd Puisne Judge
Mdl. W.A. Morehead Esquire 3rd Puisne Judge

Read Calendar of Case No. 33 of 1850 of the Sessions Court of Salem -

/Fire enter F. 46. No. 2684 of 1850/

The Court of Toungdaree Udalut approve of the recommendation made by the Session Judge in this case that the punishment awarded to the Prisoner on his conviction of "Housebreaking by night and Theft" be mitigated to 2 years imprisonment with hard labor in irons - and the Session Judge is authorized to issue his warrant accordingly.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Salem for his information and guidance -

/Sent in No. 1321/

Read

Read Report of Persons apprehend=ed in the Zillah of Salem and delivered to the Head Assistant Magistrate in the month of September 1850

/Here enter F. No. 2699 of 1850/

Report A
Case No. 10.

The Court of Foujdaree Udalut observe that the submission of Report A of this Case was unnecessary - No alteration having been effected in the sentence passed by the Head Assistant Magistrate, a brief note explanatory of the circumstance which elicited the remarks of the Sessions Court appended to the foot of the Case in Report B, would have been sufficient -

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

/Sent in No. 1322/

Read Letter dated the 5th Instant from the Sessions Judge of Chittoor submitting for the final Judgment of the Foujdaree Udalut the trial of the Case No. 29 of 1850 of the Calendar of the Sessions Court.

to W. A. Innes

/Here enter F. No. 2729 of 1850/

The Court of Foujdaree Udalut

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

"Ackunnah"

is sufficient to convict her of the crime of murder, do convict her thereof and 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 in No. 1323/

Read report dated the 25th Ultimo submitted by the Sessions Judge of Chittoor convicts Labor of the Jail at Vellore under the charge of the Head Assistant Magistrate of North Arcot for the month of September 1850.

/Here enter F. No. 2645 of 1850/

Read Criminal Report B. dated the 4th Ultimo submitted by the Sessions Judge of Honore of the Sudder Ameen's Court at Sirsy, for the month of September 1850.

/Here enter F. No. 2646 of 1850/

Read Calendar of Case No. 26 of 1850 submitted by the Acting Sessions Judge of Trichinopoly under date the 22nd Ultimo.

/Here enter F. No. 2648 of 1850/

Read Calendar of Case No. 34 of 1850 Submitted by the Sessions Judge of Nellore under date the 25th Ultimo.

/Here enter F.C. No. 2650 of 1850./

Read Calendar of Case No. 30 of 1850 Submitted by the Sessions Judge of Chittoor under date the 3rd Ultimo.

/Here enter F.C. No. 2651 of 1850/

Read Letter dated the 24th Ultimo from the Sessions Judge of Cuddapah, Reporting the apprehension of the Prisoner Bellum Panpiah alias Bellum Panpamah in case No. 60 of the Calendar for 1850.

/Here enter F.C. No. 2652 of 1850/

Read Statement, dated 23d Ultimo Submitted by the Sessions Judge of Mangalore, of the actual produce of the labor of Prisoners for 3d Quarter 1850.

/Here enter F.C. No. 2653 of 1850/

Read Calendar of Case No. 70 of 1850, Submitted by the Sessions Judge of Cuddapah under date the 26th Ultimo.

/Here enter F.C. No. 2660 of 1850/

Read Letter dated the 31st Ultimo from

from the Sessions Judge of Cuddalore Forwarding original Petty Calendars of all cases disposed of by the Magistracy No. of South Arcot during the 3rd Quarter of 1850 together with a Copy of an Extract from the Proceedings of the Sessions Court dated 30th Instant.

/Here enter F.C. No. 2701 of 1850/

Read Letter dated the 1st Instant from the Sessions Judge of Nellore, Submitting Original Petty Calendars of the cases disposed of by the Magistracy for the 3rd Quarter 1850.

/Here enter F.C. No. 2702 of 1850/

Read Letter dated the 2d Instant from the Sessions Judge of Nellore, Reporting that no cases were pending before his Court, during the Month of October 1850.

/Here enter F.C. No. 2703 of 1850/

Read report dated the 1st Instant Submitted by the Sessions Judge of Salem of Cases pending on the 31st October 1850 before his Court for a period in Excess of 25 days, calculated from the date of commitments.

/Here enter F.C. No. 2704 of 1850/

Read report dated the 1st Instant

Submitted

12th November 1850.

11

Submitted by the Sessions Judge of Guntoor of Cases
pending on the 30th September and committed for
trial during the month of October 1850 before this Court.

/2 Here enter F. C. No. 2705 of 1850./

Read Calendar of Case No. 76 of
1850 Submitted by the Sessions Judge of Calicut under
date the 30th Ultimo.

2d 1850 /2 Here enter F. C. No. 2707 of 1850/

F.26.

Wednesday,
13th November, 1850.

At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper, Esquire - 1st Puisne Judge.
E. P. Thompson, Esquire 2d Puisne Judge.
W. H. Morehead, Esquire - 3d Puisne Judge.

Read again Calendar of Case No. 18 of 1850 on the file of the Sessions Court of Tinnevelly.—

Here Enter F.26. No. 2192 of 1850/-

Read also Miscellaneous Petition forwarded by the Acting Sessions Judge of Tinnevelly from Ramasamy Tsven and Palavaya Tsven 7th and 8th prisoners in the foregoing case.—

Here Enter F. M. P. No. 144 of 1850/-

Read also return under date the 26th October 1850 from the Acting Sessions Judge of Tinnevelly to the precept of the Foujdaree Udalut dated the 3rd October 1850 directing the submission of an English Translation of the record

of

of the foregoing case, and of certain explanation with reference thereto.—

/Here enter F.No. No. 2689 of 1850/—

Mr. E. P. Thompson
and
Mr. W. A. Morehead.

On an attentive consideration of the record of the foregoing case the Court of Foujdaree Udalut are satisfied of the prisoners' guilt, of the offence of which they have been convicted, the Court accordingly resolve to dismiss the prayer of the Petition forwarded by the 7th and 8th Prisoners through the Acting Sessions Judge.—

Ordered, that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Tinnevelly for communication to Petitioners.—

/Sent in No. 1324/—

Read again Calendar of Case No. 48 of 1850 on the file of the Sessions Court of Masulipatam.—

/Here enter F.No. No. 2299 of 1850/—

Read also Miscellaneous Petition presented on the 24th October 1850 by Ro. Jeremiah now Vakeel on behalf

behalf of Sawitramma of that Zillah.—

/Here enter F.No. No. 175 of 1850/—

Mr. G. L. Hooper
Mr. E. P. Thompson
and
Mr. W. A. Morehead.

The Court of Foujdaree Udalut resolve to direct that an English Translation of the entire record of the foregoing case may be submitted for their consideration—

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

/Sent following Precept No. 1325/—

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

Read Letter dated 29th October 1850 from the Sessions Judge of Guntoor transmitting an original plan and Estimate of the cost of permanent cooking sheds for the Prisoners in the Jail at that station prepared by the Civil Engineer under the orders of Government dated 19th August 1850.—

/Here enter F.No. No. 2695 of 1850/—

It

13th November, 1850.

1.

It is inferred from the size of the sheds proposed to be erected by the Civil Engineer that the plan has been framed with reference to the number of Prisoners that the Jail at Guntoor will conveniently accommodate.—

2.

The Court of Foujdaree Udalut however are of opinion that sufficient space for the Prisoners now in confinement is all that is at present called for, and they accordingly direct that the plan and Estimate be returned for revision.—

3.

In submitting a revised plan and Estimate the Sessions Judge will be pleased to report whether the system of messing obtains in the Guntoor Jail, and if not, whether in his opinion its introduction is objectionable.—

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

/ Sent in No. 1326 /—

F.Ud.

13th November, 1850.

Read Letter dated the 30th October 1850 from the Sessions Judge of Madura, submitting the Petty Calendars of Cases disposed of by the Magistracy for the 3d Quarter of 1850.—

/ Here Enter F.Ud. No. 2700 of 1850 /—

Acting Joint Magistrate's Punished Calendar Case No. 1.

The Court of Foujdaree Udalut concur with the Sessions Judge in his remarks respecting the illegality of the demand for security from the Prisoners in this case—and the Court would also add that even when a Magistrate is acting under the extended powers conferred upon him by Section LIV Act VII of 1843, his demand for security must be confined to cases cognizable by him under Regulation X of 1816.—

Cases Nos. 3-4-5-7 and 9.—

2.

In these cases the acting Joint Magistrate has omitted to recite the particulars of the "Extortion"—"Abuse of authority"—and "Corruption and Bribery" charged against the Prisoners respectively.

respectively. The Court resolve therefore to return the Statements in order that the omission may now be supplied, and previous to their retransmission, they request that the Magistrate may be called upon to prefer an appropriate heading to each of the Cases disposed of by himself or his Assistants.—

Case No. 11.

3. The Court also concur in the remarks of the Sessions Judge upon this Case.—

Calendar of Persons committed under Clause first Section II of 1822 and Section VI Regulation VII of 1827 and still in Confinement.
Case No. 1.

4. In this Case one Prisoner was charged with Gambling, and the said charge being fully proved against him, he was required by the Acting Head Assistant Magistrate to find two Securities of 7 Rupees each for good conduct for 3 months, commutable in default to imprisonment for the same period.—

5. The Court of Tanjore Udalut observe that the Acting Head Assistant Magistrate has omitted to state under what authority he acted in making the above requisition, and they direct that

Calendar of Persons committed under Clause first Section V Regulation VII of 1827 and released from confinement.
Case No. 1.

that he now be called upon to supply the omission in respect to this Case, and also in regard to the Case noted in the margin, in which the Prisoner charged with the same offence has been dealt with in a similar manner.—

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Madura by Precept returnable within X days from and after its receipt.—

Sent following Precept No. 1324/1850.

F.U.

Thursday
14th November 1850. } At a Court of the Foujdaree Udalut.

Present.

Sd/- G. S. Hoopes Esquire 1st Puisne Judge
Sd/- for E. P. T. C. P. Thompson Esquire 2d Puisne Judge
W. A. Morehead Esquire 3d Puisne Judge

Read again Letter dated the 9th September 1850 from the Magistrate of North Arcot-

/Here enter F.U. No. 2810 of 1850/

Read also Return dated the 28th September and Supplemental Return dated the 30th October 1850 made by the Sessions Judge of Chittoor to the Precept of the Foujdaree Udalut under date the 23d September 1850, requiring the Sessions Judge to furnish the Magistrate with a copy of their Order directing the release of the 2d Prisoner in case No. 39 of 1849 of the Sessions Court of Chittoor, and to state when the requisition contained in Foujdaree Udalut Circular Order dated 10th December 1831 ceased to be observed-

/Here enter F.U. Nos. 2682 & 2683 of 1850/

The

1.

The Court of Foujdaree Udalut learn from the foregoing Returns that, subsequent to the issue of Foujdaree Udalut Circular Order No. 170 dated the 2. June 1845, the practice has obtained in the Chittoor Zillah of furnishing the Magistracy and Criminal Courts with copies of the sentences passed by the Sessions Court, but not with the Proceedings of the Foujdaree Udalut modifying or reversing such sentences, except in cases in which it was specially so ordered by the Court of Foujdaree Udalut.

2.

The Court of Foujdaree Udalut are of opinion that such practice is opposed to the Spirit and intention of the Foujdaree Udalut Circular Order above adverted to, and they direct that it be henceforth discontinued.

3.

The Court consider it to be as much the duty of the Sessions Judge to furnish the Magistracy and Criminal Courts with copies of the Proceedings of the Foujdaree Udalut reversing or modifying the sentences

of

of the Session Court as it is his duty to furnish those authorities with a copy of the sentence itself, of which, in fact, the Proceedings of the Foujdaree Udalut may be held to form a part.

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

(Sd) Irwin No. 1328/

Read letter under date the 25th October 1850 from the Sessions Judge of Guntoor forwarding the original Petty Calendars of Cases disposed of by the Magistracy during the 2d quarter of 1850.

(Here enter F.R. No. 2665 of 1850/)

The Court of Foujdaree

Calendar of Persons discharged Case No. 6.

1.

Udalut observe that the sum which the prisoners in this case were charged with having embezzled, being in excess of Rupees 50, the case could only be disposed of by the Magistrate under the extended powers vested in him by Section LIV Act VII of 1843, and should have been reported in the form prescribed

for

for the reports of cases disposed of by the Subordinate Criminal Courts-

2. The Court likewise observe that the requisition of security under which the prisoners have been placed is illegal, the provisions of clause first Section V Regulation VI of 1824, under which the security has been demanded, being applicable only to those cases in which a Magistrate may deem it necessary to require security for the due mantenance of the peace.

3. The Court of Foujdaree Adalut accordingly direct that the requisition of security made in this case be annulled.

Case No. 12. 4. The Court of Foujdaree Adalut desire that it may be explained under what provisions of the Law the prisoners in this case were charged with having committed a Criminal Offence, the act of selling ghee, contrary to the rate specified in a Meerkoomah, not being provided against as punishable by Law-

Cases Nos 7-9 and 18.

5. Adverting to the remarks recorded by the Sessions Judge regarding the cases noted in the margin, the Court of Foujdaree Adalut observe that the severity of an assault cannot be considered to bar the admission of a private compromise, a mere assault not being an "heinous offence" of the nature contemplated by Section XXVII Regulation IX of 1816.

6. The Court observe that under Act XVII of 1850, which should have been quoted, and which has been ruled by the Foujdaree Adalut to be applicable to the Magistrates' Courts, the award to the Prosecutor of the amount of the fine imposed in this case was perfectly legal-

Case No. 4 7. The Court of Foujdaree Adalut direct that the Sessions Judge will ascertain and report for their information what is supposed to have caused the death of the individual whom the prisoners in this case were charged with having assaulted, and what period elapsed after

after the "rough handling" the deceased is stated to have met with, before his death took place.

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

/ Sent following Precept No 1329 /

Read letter dated 5th October 1850 from the Sessions Judge of Coimbatore submitting copy of a sentence passed by the Joint Magistrate of Coimbatore in Case No 10 of 1850 on the file of his Office for the consideration and orders of the Superior Court, the offence of which the Prisoner was charged having been committed in another District.

/ Here Enter R. Lr. No 2706 of 1850 /

It appears from the enclosures of this Letter that the money which the Prisoner is charged with having embezzled was converted into Cloths, and that these Cloths were discovered in consequence of

of information given by the Prisoner himself in the house of his uncle which is situated within the jurisdiction of the Joint Magistrate of Coimbatore, and under these circumstances the Court of Fouzdaree Adalut are of opinion that the trial and conviction of the Prisoner were legal.

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

/ Sent in No 1330 /

Read Calendar of Case No 2 of 1850 on the file of the Sessions Court of Nellore-

/ Here Enter F. R. No 2920 of 1850 /

Read also Miscellaneous Petition presented on the 5th October 1850 by Cotappa and another of that Zillah-

/ Here Enter F. M. P. No 155 of 1850 /

The Court of Fouzdaree Adalut see no reason to question the propriety of the Sentence awarded to the Prisoner in the foregoing Case, and this Petition is accordingly dismissed

dismissed.

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

/Sent in No. 1331/

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

Read again Miscellaneous Petition presented on the 30th September 1850 by Varoodavien Mooktar Vakeel on behalf of Annadayee of Gillah — Trichinopoly.

/Here enter F.M.R. No. 154 of 1850/

Read also return under date the 30th October 1850 from the Acting Sessions Judge of Trichinopoly to the precept of the Foujdaree Adalut dated the 17th October 1850 conveying their orders on the foregoing Petition.

/Here enter F.M.R. No. 2688 of 1850/

It appears from the foregoing return that the Statements advanced by the Petitioner are altogether unfounded,

(and

and the Court accordingly resolve to dismiss the Petitioners' application.

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

/Sent in No. 1332/

Ordered also, that Extract from these Proceedings be given to Petitioner Vakeel on his application.

J. H.

F.C.

Saturday
16th November 1850.

At a Court of the Forjdarre Udalact

Present.

G. S. Hooper Esquire — 1st Puisne Judge.
E. P. Thompson Esquire — 2d Puisne Judge.
W. A. Morehead Esquire — 3d Puisne Judge.

Read Calendar of Case No 49 of 1850
of the Sessions Court of Masulipatam.
(Interpreter F.C. No 2722 of 1850)
The Court of Forjdarre Udalact
seeing reason to question the propriety of the dis-
posal of this Case resolve to direct that an English
translation of the entire Record be submitted for
their consideration.-

Ordered that Extract from these
Proceedings be forwarded to the Sessions Judge of
Masulipatam by precept returnable within xxx
days from and after its receipt

(subjoining precept No 1339)

Read letter dated 29th October 1850
from the Sessions Judge of Nellore recommending
with reference to the Proceedings of the Court of
Forjdarre Udalact under date 8th October 1850
that

that Ram Bhub a Lunatic who was forwarded to the Sessions Court charged with the Arson be temporarily transferred to the Jail Hospital at Mangalore.

(Interpreter No 2724 of 1850)

The Court of Sunjdarre Adalut authorize the transfer of the Lunatic in question to the Jail Hospital at Mangalore.

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

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

(Sent in No 1340)

Read Calendar of Case No 21 of 1850 of the Sessions Court of Chittoor.

(Interpreter No 2731 of 1850)

The Court of Sunjdarre Adalut observe that the name of the Prisoner in this Case is spelt differently from that of the first Prisoner in Case No 19 although they would appear to be the same person. The Court request that an explanation may be afforded in respect to this discrepancy.

Ordered that Extract from these Proceedings

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

(Sent in No 1341)

Read Calendar of Case No 28 of 1850 of the Sessions Court of Chittoor.

(Interpreter No 2732 of 1850)

The Court of Sunjdarre Adalut approve of the recommendation made by the Sessions Judge in this Case that the sentence recorded against the three Prisoners on their conviction of Housebreaking and Theft be mitigated in the case of the first Prisoner to imprisonment for two years, in that of the 2nd Prisoner for 4 years, and in that of the 3d for five years, all with hard labor in irons and the Sessions Judge is authorized to issue his warrants accordingly

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

(Sent in No 1342)

Read Calendar of Case No 23 of 1850 of the Sessions Court of Madura.

(Interpreter No 2736 of 1850)

The Court of Sunjdarre Adalut approve of the recommendation made by the Sessions Judge

16th November 1850

Judge in this case, that the punishment awarded to the 1st 2nd 3rd and 4th Prisoners on their conviction of Gangrobbery be mitigated to 7 years imprisonment & with hard labor in irons and the Sessions Judge is authorized to issue his warrants accordingly..

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

(Entered No 1343)

Read Extract from the Proceedings of the Sessions Court of Rajahmundry under date the 26th October 1850 on Review of the petty Calendars of Cases disposed of by the Magistracy during the 3d Quarter of 1850..

(Transmitted Ex. No 2715 of 1850)

The Court of Tinnevelly

Discharged Calendar Cases Nos 59. 62. 64. 66 and 68..

are unable to determine whether or not the Cases noted in the Margin have been correctly designated as Robberies in the foregoing Calendar as they observe, that if that offence was committed by a Police or Revenue officer it would fall under the head of "Abuse of Authority" and if committed by a private individual under the head of "Obtaining money under false pretences

16th November 1850..

pretences.. The Court accordingly direct that the Magistrate be called upon to explain the nature of the Robberies in question, and the positions of the parties by whom the offence was committed and the Sessions Judge will be pleased to inform the Magistrate that these particulars should be in all similar Cases be invariably set forth in the Calendar..

From the absence of the usual Report of this Case the Court of Tinnevelly Calendar No 66.. 2 Extract Assistant Magistrate under the Extended powers conferred upon the Magistracy by Act VII of 1843, and that consequently the fine imposed upon the first witness for non-prevarication was illegal.. If the inference of the Court be correct the Sessions Judge will be pleased to direct that the fine which it is observed has been collected from the party, be immediately returned to him..

Punished Calendar Case No 69. 3 Adverting to the authority under which the Magistrate to cite the Robberies noted in this Case. The Court of Tinnevelly Calendar deems it proper to direct that the attention of the Officer be called to Tinnevelly Circular Order dated 18th November 1831 desiring that

"that in every case where punishment is awarded
"the provision of the law under which sentence
"is passed may be always specified."-

Ordered that Extract from these
Proceedings be forwarded to the Sessions Judge of
Rajahmundry by precept returnable within "
days from and after its receipt.-

(sub following Precept No 1344)

Read Report dated 15th September 1850
submitted by the Acting Agent to the Governor
at Vizagapatam of persons apprehended in the Sepa-
rate tracts of that District and delivered to the
Agency in the months of August 1850.-

(Inwarder F.R. No 2414 of 1850)

Read Calendar of Case No 17 of 1850
submitted by the Sessions Judge of Ganjam under
date the 30th September 1850.-

(Inwarder F.R. No 2514 of 1850)

Read Report dated 1st Ultimo
submitted by the Sessions Judge of Cuddalore
of Cases pending on the 30th September 1850 and com-
mitted for trial during the months of August
1850 before the Sessions Court.-

(Inwarder F.R. No 2473 of 1850)

Read

Read Calendar of Case No 21 of 1850
submitted by the Sessions Judge of Tanjore
under date the 1st October 1850.-

(Inwarder F.R. No 2524 of 1850)

Read Report dated 8th October 1850
submitted by the Deputy Inspector in charge
of the Sessions Gaol of Guntoor of the Labor of Convicts
in the Jail under charge of the Sessions Judge for
the months of September 1850.-

(Inwarder F.R. No 2527 of 1850)

Read Calendar of Case No 18 of 1850
submitted by the Sessions Judge of Tanjore under
date the 2d October 1850.-

(Inwarder F.R. No 2531 of 1850)

Read Calendar of Case No 20 of 1850
submitted by the Sessions Judge of Tanjore under
date the 2d October 1850.-

(Inwarder F.R. No 2532 of 1850)

Read Criminal Reports dated
the 14th Ultimo submitted by the Sessions Judge of
Bellary for the months of September 1850.-

(Inwarder F.R. No 2601 of 1850)

Read Return dated 16th Ultimo from
the Joint Magistrate in charge of Malabar to the
Precept of the Tirujolarre Adalut under date
the

the 9th October 1850 directing that translates of the several depositions which may have been given by Telay be submitted for the consideration of the Court.-

/Herewith F.U. No. 2622 of 1850/

Read Return under date the 22d Ultimo from the Sessions Judge of Combaconum to the precept of the Sonpolaree Udalut under date the 9th October 1850 directing a further mitigation in the prisoners sentence in Case No. 39 of 1850 to three years.-

/Herewith F.U. No. 2625 of 1850/

Read Calendar of Case No. 70 of 1850 submitted by the Sessions Judge of Calastinaden under date the 24th September 1850.-

/Herewith F.U. No. 2482 of 1850/

2d
B.C.

F. U.

Monday, 18th November 1850. At a Court of the Sonpolaree Udalut.

Present

W. B. C. S. Hooper Esqre 1st Puisne Judge.
C. R. E. P. Thompson Esqre 2d Puisne Judge.
W. R. W. A. Morehead Esqre 3d Puisne Judge.

Read Calendar of Case No. 19 of 1850. of the Session Court of Chittoor.

(Here enter F.U. No. 2730/1850)

On a careful consideration of the evidence set forth in the Calendar of this case, and of the Futwa of the Law Officer, the Court of Sonpolaree Udalut find themselves unable to concur with the Sessions Judge in deeming such evidence to be sufficient to justify the requisition for security under which the 2d 3d 4th 5th 10th 12th 13th 14th and 17th Prisoners have been placed, and the Court direct that the said Prisoners be unconditionally set at liberty.-

2. Nor can the Court give their assent to the propriety of mitigating the sentence which has been passed upon the 1st Prisoner, who was convicted of a most daring Robbery, in which a very large amount of property was stolen, and they must accordingly decline to sanction the recommendation of

of the Session Judge, to that effect.

3. Adverting to the remarks of the Session Judge on this case the Court of Foujdaree Udalut deem it proper to direct that a copy of the same be furnished to the Magistrate of the District with instructions to that officer to institute a searching Enquiry, and to submit a full report of his opinion of the conduct of the Head of Police of the Cuddapah-nutham Talook in connection with this case.

Ordered that Extract from these proceedings be forwarded to the Session Judge of Chittoor for his information and guidance by Precept returnable within III days from the date of its receipt.

/ Sent following Receipt No. 1346 /

Read Calendar of Case No. 31. of 1850 of the Session Court of Chittoor.

/ Here enter F. R. No. 2733/1850 /

1. The Court of Foujdaree Udalut approve of the recommendation made by the Session Judge in this case that the punishment awarded to the 1st Prisoner on his conviction of "Highway Robbery" be mitigated to three years imprisonment with hard labor in irons, and the Session Judge is authorized to issue his warrant accordingly.

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

/ Sent in No. 1347 /

Read Calendar of Case No. 34 of 1850 of the Session Court of Chittoor.

(Here enter F. R. No. 2734/1850 /.

1. The Court of Foujdaree Udalut approve of the recommendation made by the Session Judge in this case that the punishment awarded to the Prisoner on his conviction of "Robbery" be mitigated to one years imprisonment with hard labor in irons, and the Session Judge is authorized to issue his warrant accordingly.

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

/ Sent in No. 1348 /

Read return under date the 29th October 1850 from the Session Judge of Coimbatore to the precept of the Foujdaree Udalut dated the 21st October 1850 directing the submission of a translation of the first report made regarding the robbery charged in Case No. 37. of 1850 on the file of the Session Court and of the defence made by the prisoner therein.

/ Here enter F. R. No. 2682/1850 /

The Court of Foujdaree Udalut resolve

18th November 1850.

resolve to direct that an English Translation of the entire record of the foregoing case may be submitted for their Consideration.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Coimbatore by precept returnable within XV. days from and after its' receipt.

/ Sent following Precept No. 1349 /

E. 1850.

F. U.

Wednesday 20th November 1850 } At a Court of the Foujdaree Udalut.

Present.

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

C. P. Thompson Esqre ——— 2d Puisne Judge.

W. A. Morehead Esqre ——— 3d Puisne Judge.

Read letter dated the 31st Ultimo from the Sessions Judge of Masulipatam, submitting for the final Judgment of the Foujdaree Udalut the Record of Case No. 35 of 1850 of the Calendar of the Sessions Court.—

(Here enter F. U. No. 2719 of 1850)

The Court of Foujdaree Udalut, on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the prisoner 3d Cumbummettoo Royappah is not convicted on presumptive proof or on the evidence of credible witnesses or on his own confession of the crime charged, do acquit him thereof and direct that he be set at liberty.—

Mr. C. P. Thompson

The Court of Foujdaree Udalut observe that the record of the Police

20th November 1850 Police proceedings in this case was not received for eleven days after those of the Session Court; an irregularity which they direct may be avoided in future.— They further direct that the date of dispatch may be invariably noted on any paper forwarded to the Court.—

Ordered that Extract from these Proceedings be sent to the Session Judge of Masulipatam for his future guidance.—

(Sent following letter No. 1351)

Dr 1850

F. Uc.

Monday 25th November 1850 } At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esqr. — 1st Puisne Judge

E. P. Thompson Esqr. — 2d Puisne Judge

W. A. Morehead Esqr. — 3d Puisne Judge

Read again Miscellaneous Petition presented on the 3d October 1850 by Ramun Daraga and another of Zillah Tinnevelly.

(Here enter F. M. P. No 157 of 1850)

Read also return under date the 7th November 1850 from the Acting Session Judge of Tinnevelly to the Precept of the Foujdaree Udalut dated the 24th October 1850 conveying their orders on the foregoing petition.

(Here enter F. Uc. No 2765 of 1850)

Mr. G. S. Hooper.
Mr. E. P. Thompson.
and
Mr. W. A. Morehead.

Under the explanation contained in this return, the Court of Foujdaree Udalut see no necessity for their interference with the orders passed by the Magistracy, in the matter to which the Petitioner refer - and the Petitioner's application is accordingly dismissed.

Ordered

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

(Srat in. No 1353.)

Ordered also that Extract from these Proceedings be given to the Petitioners on their application.

Read Miscellaneous Petition presented on the 7th October 1850 by Chetambara Tandava Tevan and Parvatinadha Tevan of Zillah Tinnevelly.

(Here enter F. M. P. No 160 of 1850)

Mr G. S. Hooper.
Mr E. P. Thompson
Mr W. A. Morehead.

The Court of Foujdaree Udalut observe that the matters referred to in this petition should be referred to the local Police Officers from whom they will doubtless receive due Consideration.

Ordered that Extract from these Proceedings be given to the Petitioners on their application.

Read Miscellaneous Petition presented on the 24th October 1850 by Krishnaswamy and another of Zillah Cuddalore.

(Here enter F. M. P. No 176 of 1850)

The

Mr G. S. Hooper.
Mr E. P. Thompson
Mr W. A. Morehead.

The Petitioners seek the interference of the Court of Foujdaree Udalut to order the investigation of a charge of robbery preferred by them against certain individuals which charge has been dismissed by the Police and Magistracy as unfounded.

The Court of Foujdaree Udalut observe that the Petitioners application should be addressed to the Sessions Judge of Cuddalore, and to that Officer the Petitioners are referred.

In the event of the Petitioners being dissatisfied with the orders which may be passed upon their application by the Sessions Judge, it will be open to them to prefer an appeal therefrom to the Court of Foujdaree Udalut presenting an attested copy of the orders of the Sessions Court.

Ordered that Extract from these Proceedings be given to the Petitioners on their application.

Read Miscellaneous Petition presented on the 28th October 1850 by Chellamma of Zillah Combaconum.

(Here enter F. M. P. No 183 of 1850)

The

Mr. G. S. Hooper.
Mr. E. P. Thompson
Mr. W. A. Morehead.

The Court of Foujdaree Udalut see no reason to question the propriety of the sentence awarded to the Prisoner in Case No. 25 of 1850 on the file of the Sessions Court of Combaconum; and they accordingly resolve to dismiss this petition.

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

Read Miscellaneous Petition presented on the 31st October 1850 by Moottooneera Nachen of Zillah Trichinopoly.

(Here enter F. M. P. No. 105 of 1850)

Mr. G. S. Hooper
Mr. E. P. Thompson
Mr. W. A. Morehead.

The Court of Foujdaree Udalut resolve to direct that the English Translation of this petition be forwarded to the present Acting Sessions Judge with instructions to that Officer to take into consideration the Petitioner's application for employment as a Jail prow.

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

(Entered No. 1354)

Ordered also that Extract from these

Proceedings be given to the Petitioner on his application.

Read Miscellaneous petition presented on the 6th November 1850 by T. Ramachandriah Vakeel on behalf of Soobbien of Zillah Salem.

(Here enter F. M. P. No. 106 of 1850)

Mr. G. S. Hooper.
Mr. E. P. Thompson.
Mr. W. A. Morehead.

The Court of Foujdaree Udalut direct that the Petitioner be referred to the Board of Revenue - the Court of Foujdaree Udalut having no authority to interfere in the matter to which the Petitioner refers.

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

Read again Criminal Reports submitted by the Session Judge of Nellore for the Month of September 1850

(Here enter F. M. No. 2580. of 1850)

Read also return under date the 9th November 1850 from the Session Judge of Nellore to the precept of this Foujdaree Udalut dated the 4th November 1850 requiring the submission of further information with

reference

referenced to the precise nature of the offence charged against the Prisoners in Case No. 102 of 1850 on the files of the Criminal Court

(Here enter F. Ills. No. 2750 of 1850)

On perusal of the report (A) of the Case above referred to which has been submitted with the Session Judge's return, the Court of Fouzdaree Adalut are unable to discover of what offence the prisoners have been guilty, and they accordingly resolve to direct the Session Judge to call for the record and to ascertain whether or not there be any circumstances in evidence against the Prisoners showing them to have been engaged in a Criminal Conspiracy on the night specified in the Charge beyond the fact of the apprehension in the house of the 5th prisoner, upon which their Conviction would appear entirely to have been based.

2 Should no other circumstances of a criminating nature have been adduced against them the Court of Fouzdaree Adalut consider that the prisoners should be unconditionally released.

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

(Sent following Precept No. 1355)

Read letter under date the 8th November 1850 from the Acting Session Judge of Tirhoot submitting the Original petty Calendars of Cases disposed of by the Magistracy during the 3d Quarter of 1850.

(Here enter F. Ills. No. 2762 of 1850)

Read Asst. Magistrate's Calendar Case No. 1

The Court of Fouzdaree Adalut adverting to the acquittal of the prisoners in this Case of the specific charge upon which they were apprehended and the recent expiration of the requisition of security under which they had been placed see reason, to question the propriety of their Commitment, and they accordingly resolve to direct that the Acting Session Judge will look into the Case and submit a detailed report of the Circumstances under which the Commitment of the prisoners has been made

Ordered

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Tinnevelly by precept returnable within x days from and after its receipt.

(Sent following Precept No. 1356)

Read. Calendar of Case No. 37 of 1850 of the Sessions Court of Cuddalore.

(Here enter F. Mo. No. 2769 of 1850)

1 Upon an attentive Consideration of all the Circumstances of this Case, the Court of Foujdaree Udalut are of opinion that a Sentence of two years imprisonment with hard labor in irons will be adequate punishment for the offence of which the Prisoners have been convicted, and on the recommendation of the Sessions Judge, the Court will be prepared to mitigate their sentence to that extent

2 Should the Sessions Judge dissent from the foregoing opinion, he will be pleased to submit an English translation of the entire record of the Case for the Consideration of the Court of Foujdaree Udalut.

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

of Cuddalore by Precept returnable within III days from and after its receipt.

Sent following Precept No. 1357)

Read again Calendar of Case No. 25 of 1850 on the file of the Sessions Court of Trichinopoly

(Here enter F. Mo. No. 2504 of 1850)

Read also Miscellaneous Petition presented on the 24th October 1850 by Aroomooga Radan of Zillah Trichinopoly.

(Here enter F. Mo. P. No. 1770 of 1850)

Mr. G. S. Hooper
Mr. E. B. Thompson
Mr. W. A. Morehead.

The Court of Foujdaree Udalut see no reason to question the propriety of the Conviction of the prisoner in the foregoing case, and they observe that the plea advanced by the Petitioner was considered by the Sessions Judge on the trial and was rejected by that officer as false.

The Court of Foujdaree Udalut accordingly resolve to dismiss this petition.

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

Rs 18/0.

F. U.

Tuesday
26th November 1850 } At a Court of the Tonjdaree Udalut

Present

G. S. Hooper Esqr — 1st Puisne Judge
E. P. Thompson Esqr — 2d Puisne Judge
W. A. Morehead Esqr — 3d Puisne Judge

Read letter dated 22d Instant from the Sessions Judge of Nellore, submitting for the final judgment of the Tonjdaree Udalut the record of Case No 39 of 1850 of the Calendar of the Sessions Court.

(Here enter F. U. No 2824 of 1850)

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 Prisoner,

"Dasari Polugadu"

is not convicted on presumptive proof, or on the evidence of Credible witnesses, or on his own Confession, of the Crime Charged, do acquit him thereof, and direct that he be set at liberty

(Sentence No 1360)

Read

Read letter dated the 7th November 1850 from the Sessions Judge of Trichinopoly submitting the Calendar of Cases No 27 of 1850 on the file of the Sessions Court.

(Here enter F. No. No 2760 of 1850)

Upon a careful consideration of the extenuating circumstances set forth in the letter of the Acting Sessions Judge submitting the foregoing Calendar, the Court of Foujdaree Udalut are of opinion that a further mitigation in the Prisoner's sentence than that proposed by the Acting Sessions Judge may with propriety be allowed, and under the provisions of Section IV Regulation I of 1825 the Court resolve to direct that the term of his imprisonment be reduced to one year.

2d. The Court of Foujdaree Udalut observe that the above Calendar was not accompanied by the Persian Copy of the Futwa of the Mooftee, and they request that it may be now transmitted, and the Court further request that in future, whenever the Acting Sessions Judge may have occasion to recommend a mitigation of a Prisoner's sentence, he would

to that effect may be embodied in his remarks entered in the Calendar the transmission of a separate letter on that account being unnecessary.

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

(Sent in No 1361)

Read Calendar of petty Cases disposed of by the Magistracy of Bellary during the 3rd quarter of 1850.

(Here enter F. No. No 2771 of 1850)

The Court of Foujdaree Udalut direct that the nature of the several Charges preferred against the persons entered in the Calendar of persons discharged as having been charged with extortion may be reported for their information.

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

(Sent following Precept No 1362)

Read

26th November 1850.

Read Criminal Reports submitted by the Sessions Judge of Madura for the Month of October 1850.

(Revenue F. Dis. No. 3772 of 1850.)

Case No. 93.

Considering that the prisoner in this Case was under confinement, in default of producing security, when he effected his escape from Custody, and adverting to the distance from the Jail to the spot at which he was working on the occasion in question, the Court of Foujdaree Udalut are of opinion that the period of imprisonment awarded to him may with propriety be reduced to six months, and they direct that the Sessions Judge will review the proceedings and report the result for the information of the Foujdaree Udalut.

Ordered that Extracts from these Proceedings be sent to the Sessions Judge of Madura by precept returnable within V days from and after its receipt.

(Sent following Precept No. 1863)

Read Calendars of Cases No. 27 and 29 of 1850 of the Sessions Court of Madura.

(Revenue F. Dis. No. 3779 of 1850)

The

26th November 1850.

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in the above Cases, that the punishment awarded to the prisoners on their conviction of perjury be mitigated to two (2) years' imprisonment with hard labor in irons, and the Sessions Judge is authorized to issue his warrants accordingly.

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

(Sent in No. 1864)

Read Calendar of Cases No. 79 of 1850 of the Sessions Court of Cuddapah.

(Revenue F. Dis. No. 3802 of 1850)

With reference to the manner in which the Charge against the prisoner in this Case has been framed, the Court of Foujdaree Udalut deem it proper to direct that the Subordinate Judges may be informed that under the Circular instructions of the Foujdaree Udalut dated the 2nd October last, the previous Conviction of a prisoner is only required to be entered in the indictment in those Cases in

which

which such former Conviction may lead to an enhancement of punishment, and when it is so entered, that it should be added as a second count, and should set forth the offence and the number &c. in which the Prisoner may have been previously sentenced.

Ordered that Extracts from these Proceedings &c. forwarded to the Sessions Judge of Calicut for his information and for communication to the Subordinate Judges.

(Sent in No. 1365)

F 16

Wednesday
27th November 1850.

At a Court of the Foujdaree Udalut

Present

W.R. G.S. Hooper Esqre 1st Puisne Judge
E.R. E.P. Thompston Esqre 2nd Puisne Judge
W.A. Morehead Esqre 3rd Puisne Judge

Read Letter dated the 6th instant, from the Agent to the Governor in Ganjam submitting for the final Judgement of the Foujdaree Udalut the record of Case No. 22 of 185 on the Calendar

(Vide enter F 16. No. 2815 of 1850)

Mr G.S. Hooper
and
Mr W.A. Morehead

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

"Doodoo alias Sumpaty Duggadoo."

is not convicted on presumption proof, or on the evidence of credible witnesses or on his own confession of the crime charged do acquit him thereof; but considering that strong suspicion, though not amounting to conviction, attaches to him, they direct that in clause Sixth Section II Regulation XV of 180

be

be required to find two Sureties in 25 Twenty five Rupees each Surety for his good behaviour and appearance when required within 3 years or in default thereof that he be detained for three years in confinement.

1 The Court of Foujdaree Adalut have been unable to concur with the Agent in considering the evidence sufficient for the conviction of the Prisoner in this case of the murder laid to his charge, as although under the circumstances stated in evidence the prisoner must be considered to labor under strong suspicion, there is nothing in those circumstances which can be held to preclude the possibility of the murder charged having been committed by another person.

2 The Court observe that the prisoner should not have been called for his defence on the 27th September as it appears from the record that the case for the prosecution had not then been closed.

3 The Agent should have specified the modified sentence to which he was of opinion that the prisoner should be adjudged.

Ordered that Extract from these Proceedings

Proceedings be forwarded to the Agent to the Governor of Fort Saint George in Ganjam

Sent in No. 1368 /50

Dc 1850

F. U.

Thursday
28th November 1850

At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper Esquire 1st Puisne Judge.
E. P. Thompson Esquire 2nd Puisne Judge.
W. A. Morehead Esquire 3rd Puisne Judge.

Read Calendar of Case Nos.

61. 62. 63 and 64 of 1850 of the Session Court of Masulipatam.

/Here enter F. 26. No. 2809 of 1850./

The Court of Foujdaree Udalut direct that the Magistrate be called upon for an explanation of the circumstances which led to the apprehension of the Prisoners in the above Cases, and also of the great delay which is observable between the date of their appre-hension, and that of their transmission from the Talook to the Session Court.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Masulipatam by precept returnable within X days from and after its receipt.

28th November 1850.

receipt

/Sent following Precept No. 1369/

Read letter dated the 20th Instt.
from the Acting Sessions Judge of Tinnevelly
Submitting for the final judgment of the
Fouzdaree Udalut the trial of Case No. 23 of
1850 of the Calendar of the Sessions Court.

/Here enter F.C. No. 2871 of 1850/

M.C.S. Hoopers

The Court of Fouzdaree Udalut,
on a deliberate consideration of all the circum-
-stances of the case in evidence before them being
of opinion that the Prisoner

"Sairvycauren"

is not convicted on presumptive proof or on
the evidence of credible witnesses, or on his own
confession of the crime charged do acquit him
thereof and direct that he be set at liberty.
(Sent in No. 1370.)

Read again Calendar of Case No.
17 of 1850 of the Sessions Court of Madura.

/Here enter F.C. No. 2053 of 1850/

Read also again Miscellaneous
Petition forwarded by the Sessions Judge of
Madura from Ryna Mohomed Beebee and
another of that Zillah.

/Here enter F.C.P. No. 178 of 1850/

Read

28th November 1850

Read also Return dated the
14th November made by the Sessions Judge of
Madura to the Precept of the Fouzdaree
Udalut under date 4th November 1850 requiring
the Sessions Judge to submit a report relative
to the disposal of the above Case.

/Here enter F.C. No. 2804 of 1850/

1 In accordance with the recom-
-mendation made by the Sessions Judge in
the foregoing Return, the Court of Fouzdaree
Udalut resolve to direct that the Sentence
recorded against the Prisoners in the above
Case on their conviction of Arson be mitigated
to one years imprisonment with hard labor
in irons.

2 The Sessions Judge will be
pleased to issue fresh Warrants in accordance
with the Foregoing resolution.

Ordered that Extract from
these Proceedings be forwarded to the Sessions
Judge of Madura for his information and
guidance and for communication to the
Petitioner.

/Sent in No. 1371./

Read

28th November 1850

Read letter dated the 1st Instant from the Session Judge of Tellicherry Reporting that no case was before Session Court during October 1850 for a period in excess of 25 days from date of commitment.

/Here enter F.C. No. 2725 of 1850/

Read Return dated the 6th Instant from the Session Judge of Salem to the precept of the Foujdaree Udalut under date the 31st Ultimo on review of the monthly Criminal Report for September last.

/Here enter F.C. No. 2726 of 1850/

Read Calendar of Case No. 14 of 1850 Submitted by the Session Judge of Guntoor under date the 6th Instant.

/Here enter F.C. No. 2735 of 1850/

Read Calendar of Case No. 24 of 1850 Submitted by the Session Judge of Madura under date the 6th Instant.

/Here enter F.C. No. 2737 of 1850/

Read Calendar of Case No. 25 of 1850 Submitted by the Session Judge of Madura under date the 6th Instant.

/Here enter F.C. No. 2738 of 1850/

Read

F.C.

28th November 1850

Read Letter dated the 8th Instant from the Session Judge of Salem submitting the return to the warrant in Case No. 31 of the Calendar of the Sessions Court for 1850, and the letter required by the Circular Order of the Foujdaree Udalut of the 20th September 1850

/Here enter F.C. No. 2740 of 1850/

Read return dated the 8th Instant from the Session Judge of Cuddapah to the precept of the Foujdaree Udalut under date the 23rd Ultimo conveying observations and remarks on the Petty Calendars of Cases disposed of by the Magistrate and his Assistant during the 2nd Quarter of 1850.

/Here enter F.C. No. 2747 of 1850/

Read return dated the 6th Instant from the Acting Session Judge of Trichinopoly to the precept of the Foujdaree Udalut under date the 29th Ultimo directing the Acting Session Judge to review the Proceedings held in Case No. 72, Criminal File, and to submit his opinions thereon, together with the report in Form A.

/Here enter F.C. No. 2748 of 1850/

Dr. 1850

F. Dl.

Friday.
29th. November 1850. At a Court of the Fouzdaree Adalut

Present

G. S. Hooper Esqre. ——— 1st. Puisne Judge
E. P. Thompson Esqre. ——— 2d. Puisne Judge.
W. A. Morehead Esqre. ——— 3d. Puisne Judge.

Read Criminal Reports submitted by the Acting Session Judge of Tinnevelly for the Month of October 1850.

(Were entered F. A. No. 2829 of 1850)

Case No. 118.

The Court of Fouzdaree Adalut observe that the previous convictions of Criminal offences recorded against the Prisoner in this Case, to which reference is made in a note appended to the report, should have been entered as separate counts in the statement of charge and proved by evidence to the identity of the prisoner with the individual to whom the convictions in question referred.

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

(Sent in No. 1372)

Read Letter dated 16th. November 1850 from the Session Judge of Nellore submitting the

Trans.

Translation of a Petition presented by one Venkata-
=sawmy a dealer in spirituous liquors, complaining
of his shop having been robbed by a party of
European Soldiers in March 1849.

(Here enter F. R. No. 2818 of 1850)

1. The object of the Session Judge in submitting the papers now before the Court appears to be to ascertain whether he is bound at this late date to take cognizance of the complaint, and if so, that the Government may be applied to by Court of Foujdaree Adalut to order all the Europeans, who were placed in guard on the occasion, and all of the detachment who know any thing of the matter to be sent to Nellore.

2. The Court of Foujdaree Adalut are of opinion that Mr. Walker, as Justice of Peace, is the proper person to take cognizance of the offence referred to, and that there can be no reason why he should not now act upon the complaint preferred to him.

3. It appears however to the Court of Foujdaree Adalut, that as the complainant merely claims to be reimbursed the loss actually sustained by him, the Session Judge, as Justice of the Peace, might with propriety address the Officer Commanding the Artillery at Hyderabad pointing out that unless the claim be at once settled he will issue warrants against

against the parties concerned and eventually commit them to the Supreme Court.

4. The Court of Foujdaree Adalut are constrained to remark that the conduct of the authorities at Nellore on this matter is far from satisfactory. Had proper measures been adopted in the first instance the complainant would have obtained redress before the detachment had left the District, whereas at the expiration of 20 months his just claims to compensation are still unsatisfied and they desire that the Session Judge be called upon to report why, if he had any doubts as to the course to pursue, he deferred for four months and a half after receiving the Petition to apply to the Court of Foujdaree Adalut for instructions.

Ordered that Extract from these Proceedings be sent to the Session Judge of Nellore by Precept returnable within V days from and after its receipt.

(Sent following Precept No. 1373)

Read Criminal Report dated 19th October 1850 submitting by the Agent to the Governor in Ganjam for the month of Sept. 1850.

(Here enter F. R. No. 2668 of 1850)

Read Report B dated 20th October 1850 submitted by the Agent to the Governor in Ganjam

Ganjam for the Month of September 1850.

(Mere enter F. R. No. 2669 of 1850)

Read Letters dated the 28th October 1850 from the Session Judge of Coimbatore Referring to the remarks contained in extracts from the Proceedings of the Session Court under date the 30th August and 10th September 1850 and submits copy of Return made by the Acting Magistrate to the Precepts issued to him.-

(Mere enter F. R. Nos. 2672 & 2673 of 1850)

Read Return dated the 28th October 1850 from the Session Judge of Masulipatam to the precept of the Tondaree Adalut under date the 17th Idem communicating their Orders upon the Criminal Reports of this Zillah for August 1850 and the Miscellaneous Petition sent by the Prisoners in Case No. 43 of 1850 on the Criminal file

(Mere enter F. R. No. 2676 of 1850)

Read Letter dated the 1st Instant from the Session Judge of Chengleput stating that no Cases to be reported on as required by the Circular letters dated 16th October 1844 and 20th January 1845 were pending last month before him.-

(Mere enter F. R. No. 2677 of 1850)

Read

Read Calendar of Case No. 75 of 1850 submitted by the Session Judge of Salem under date the 26th October 1850.

(Mere enter F. R. No. 2681 of 1850).

Read Calendar of Case No. 35 of 1850 submitted by the Session Judge of Cuddalore under date the 31st October 1850.-

(Mere enter F. R. No. 2685 of 1850)-

1st Bkw.

Saturday.

30th November 1850.

F. A.

At a Court of the Foujdaree Adalut

Present

W.H. G. S. Hooper Esqre ——— 1st Puisne Judge

W.P. C. P. Thompson Esqre ——— 2d Puisne Judge

W. A. Morehead Esqre ——— 3d Puisne Judge

Read Letter dated 20th November 1850 from the Session Judge of Calicut, submitting for the final Judgment of the Foujdaree Adalut the Record of Case No. 80 on the Calendar of the Session Court for 1850.

(Here enter F. A. No. 2879 of 1850)

W. P. Thompson.

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

Tottingal Ramen

is sufficient to convict him of the crime of Wounding and Robbery, for which according to the Mahomedan Law as declared in futwas of their Law Officers discretionary punishment is awardable, do convict him thereof; and under the provisions of Clause third, Section VII Regulation XV of 1803, and Section XXXIV Act VII of 1843, sentence him to be imprisoned and kept to hard labor in irons,

on

on the public roads or other public works for and during the period of four (4) years.-

(Sent in No. 1376)

Read Letter dated 25th November 1850. from the Session Judge of Combaconum, submitting for the final Judgement of the Fouzdaree Adalut the Record of Case No. 35 on the Calendar of the Session Court for 1850.

Lt. W. Morehead.

(Here enter F.A. No. 2880 of 1850)

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 Appavoonaick
2d Vencatachellanaick
3d Ramasamy naick
4th Ramasamy naick
and
5th Moothoonaick

is sufficient to convict them of the crime of Labour-tion, for which according to the Mohummedan Law, as declared in futwahs of their Law Officers discretionary punishment is awardable, do convict them thereof; and under the provisions of Clause Third Section VII Regulation XV of 1803, and Section XXXIV Act VII of 1843, sentence the prisoner

1st Appavoo naick

to be imprisoned without labor for and during the period of (1) one year,-

But

But being of opinion that the period of Imprisonment which the prisoners.-

2d Vencatachella naick
3d Ramasamy naick
4th Ramasamy naick
and
5th Moothoo naick

have already undergone is sufficient punish-ment for their offence, the Court direct that they be set at liberty.-

(Sent in No. 1377)

Read letter dated the 22d November 1850 from the Session Judge of Guntoor submitting for the final Judgment of the Fouzdaree Adalut the Record of Case No. 16 of 1850 of the Calendar of the Session Court.

Lt. S. Hooper
and
W. Morehead.

(Here Enter No. 2860 of 1850)

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 Prisoner,

"M. Kistnasawmy"

is not convicted on presumptive proof, or on the evidence of credible witnesses or on his own confession of the crime charged, do acquit him thereof-and direct that he be set at liberty.-

1.- The Prisoner in this case was charged with having while employed as 2d Dresser in the

Civil

"Civil Dispensary at Gunloor during the months of"
"July and August 1850 and on other dates not correctly"
"ascertained made false entries in the public registers"
"and Statements supplied by Government for the"
"said Dispensary and misappropriated and converted"
"to his own use sundry articles of the Medical Stores"
"Surgical instruments &c. under his charge such as brandy"
"lancets bandages cloth, blank prescription books, &"
"hospital clothing and the like property of the"
"Honorable Company valued at about 20 Rupees."

2. The Sessions Judge dissenting from the Futwa of the Law Officer which acquits the prisoner of the principal facts charged, but declares him not to be free from suspicion of having written a false account in one of the register books referred to in the charge, has referred the trial for the final judgment of the Foujdaree Adalut with a recommendation that the prisoner be sentenced to three year's Imprisonment with hard labor in irons under Section IX Act XIII of 1850.

3. The Court of Foujdaree Adalut on an attentive consideration of the entire record concur in the Futwa of the Law Officer and being unable under the circumstances of the case to discover any criminal intention in the act of which the Law Officer has declared that the prisoner is liable to suspicion the Court of Foujdaree Adalut have directed that the said prisoner shoulds be unconditionally released

released.

4. The evidence of the 1st 2d and 8th witnesses the Court of Foujdaree Adalut consider to be utterly undeserving of credit.

5. The 3d witness states and the papers filed in the appendix show that in July and August nine bottles of brandy were received by the Prisoner; while the quantity of brandy used as shown by the list given in by the 4th witness and which he states was prepared from the prescription books exhibits a consumption of 6 bottles and 22 ounces (each bottle containing 24 ounces) leaving, if the list in question be correct, a balance in favor of the Dispensary stores of two bottles and two ounces.

6. The 11th and 12th witnesses depose that when they examined the Dispensary one bottle (No 2) and a half bottle (No 3) were found, these making a deficit of some 14 ounces only, which with reference to the manner in which it is shewn that it was usual to issue the quantities prescribed, does not in the opinion of the Foujdaree Adalut justify the imputation of fraud which has been cast upon the prisoner, and renders the alleged sale of two bottles of brandy to the 1st 2d and 8th witnesses altogether unaccountable, unless the amount of expenditure entered in the return is incorrect which is not hinted at.

Then

7th The discovery of the bottle and a half of Brandy above adverted to in the dispensary must obviously relieve the Prisoner from all suspicion of having fraudulently and intentionally written the false or erroneous account A.5 wherein the entire expenditure of nine bottles is set forth.

8- The other parts of the charge framed with reference to the discovery of certain articles in the Prisoner's desk, left in the Dispensary, the Court of Fouzdaree Adalut consider to be most wanton and vexatious, and to reflect but little credit upon the Acting Head Assistant Magistrate Mr. Swedie, by whom it is to be inferred that the charge was framed, with reference to the part taken by that Officer in the proceedings which led to the Prisoner's commitment for trial.

9- The Court of Fouzdaree Adalut are of opinion that Mr. Swedie has acted through out the matter with much indiscretion, and the Court observe that if there existed cause to question the prisoner's honesty the proper Course for Mr. Swedie to have pursued under the circumstances of the case was to have reported the circumstance to the prisoner's immediate Superior leaving it to that Officer on enquiry to act in the matter as he thought proper.

10- The Court of Fouzdaree Adalut can find nothing to justify the course taken by Mr.

Mr. Swedie of proceeding to a personal search of the Dispensary whereby he only led himself to aid the 8th Witness in preferring a charge which appears to the Fouzdaree Adalut to be altogether unfounded -

11- Mr. Swedie having searched the Dispensary and having received in person from the 8th witness the Bottle of Brandy alleged by the latter to have been sold to him by the Prisoner, the Court of Fouzdaree Adalut are of opinion that he should have been examined on those points by the Session Judge, as also in regard to the circumstances under which the 8th Witness communicated to him that the Prisoner was selling brandy, on which point no information is contained in the record, and it does not appear that the communication in question was addressed to Mr. Swedie in his official capacity as a complaint.

12- The Court of Fouzdaree Adalut observe that act XIII of 1850 cited by the Session Judge as the law under which the offence charged against the prisoner is punishable does not apply to this Case which they observe should have been dealt with under the General Regulations.

Ordered that Extract from these Proceedings be sent to the Session Judge of Guntoor for his information and guidance and for communication of Paras 7, 8 and 9 to the

Acting

30th November 1850.

Acting Magistrate for the information and future guidance of the acting Head Asstt Magistrate of Guntoor.-

(Sent in No 1348)

Read return dated 8th Instant from the Session Judge of Cuddapah to the Precept of the Foujdaree Adalut under date the 29th Ultimo conveying observations and Remarks on the Criminal Reports for the Month of September 1850.

(Here enter F. A. No 2749 of 1850)

Read Report dated 5th Instant submitted by the Session Judge of Mangalore Cases pending on the 30th September and committed for trial in the Month of October 1850.

(Here enter F. A. No 2751 of 1850)

Read Calendar of Case No 36 of 1850 submitted by the Session Judge of Combaconum under date the 9th Instant.-

(Here enter F. A. No 2752 of 1850)

Read Calendars of Cases Nos 72 & 77 of 1850 submitted by the Session Judge of Calicut under date the 6th Instant

(Here enter F. A. Nos 2753 & 2754 of 1850)

Read return dated 11th Instant from the Session Judge of Chittoor, to the Precept of the Foujdaree Adalut under date the 4th January directing that the Order passed for the modification of the Sentences in Cases No 429 of the Calendar of Warrants for the 2d Quarter of 1850, should be annulled.-

(Here enter F. A. No 2755 of 1850).-

Read

30th November 1850.

Read Report A dated 7th Instant submitted by the Session Judge of Calicut of Case No 217 of 1850 disposed of by the Sub Judge in September last with the Courts proceedings thereon.

(Here enter F. A. No 2757 of 1850)

Read Report dated 2d Instant, submitted by the Session Judge of Chicacole of Cases pending on the 30th September & committed for trial during the month of October 1850.-

(Here enter F. A. No 2758 of 1850)

Read Calendar of Case No 36 of 1850 submitted by the Session Judge of Cuddalore under date the 12th Instant.-

(Here enter F. A. No 2760 of 1850).-

2d 1850.

Monday.
2ª December 1850.

F.C.C.

At a Court of the Fonjdaree Udalut.

Present

G. S. Hoopir Esqr. _____ 1st Puisne Judge
E. P. Thompson Esqr. _____ 2d Puisne Judge
W. A. Morehead Esqr. _____ 3d Puisne Judge

Read again Letter dated the 12th October 1850 from the Sessions Judge of Madura.

(Vide Order in No. 2578 of 1850)

Read also return dated 12th November made by the Sessions Judge of Madura to the precepts of the Fonjdaree Udalut under date the 5th November 1850 requiring certain explanation from the Magistrate relative to the disposal of Case No. 6 of 1850 on that officers file.-

(Vide Order No. 2786 of 1850.)

With the foregoing Return the Sessions Judge submits for the consideration of the Court of Fonjdaree Udalut copy of a Return made by the Magistrate, in which that officer adverting to the Court's Proceedings on the above Case, states that the examinations therein were taken under his direction in a detached room by the assistant Magistrate who has been employed up than a year: that the depositions were read over to the Magistrate, who after ascertaining that his assistant convicted the accused guilty, passed sentence. and that the course was adopted with reference to the Circulars Orders of Government contained in Fonjdaree Udalut dated 1st June 1835.-

The

2.

The Magistrate concludes by requesting that in the event of the Court of Foujdaree Adawlut considering the above cases not to come under the Execution Order in question, he may be favored with the Courts instructions for his future guidance upon the following points

1st Will a sentence under act VII of 1843. signed by an Assistant Magistrate employed less than a year, be considered valid if passed with the advice and consent of the Magistrate ?

2. Must all sentences under Regulation IX of 1816 passed on depositions taken by the Assistant Magistrate be signed by that Officer although directed by the Magistrate after hearing the depositions and ascertaining the impression made by them on his Assistant ?

3. Does the words superintendence used in the Execution Order above cited indicate the necessity of the examination of the Assistant Magistrate being taken in the presence of the Magistrate.

3

The Court of Foujdaree Adawlut are clearly of opinion that the form of procedure observed by the Magistrate in the disposal of the case referred to was illegal and they therefore direct that the sentence recorded against the Prisoner be set aside.

4

The Court having thus disposed of the particular case proceeds to record their opinion upon the general points enumerated therein adverted to in the Magistrate's Letter

5

In reply to the first point the Court observe that no Assistant Magistrate employed less than one year can take cognizance of cases under Act XXV of 1843. which specifically requires that the form of procedure shall be the same, as required in the subordinate Courts.

6.

And in regards to the 2d Question the Court

2d December 1850.

Court observe that in all cases dealt with under Regulation IX of 1816, if the depositions be taken by the Assistant Magistrate that Officer must also of necessity pass sentence.

7

The 3d and last question the Court of Foujdaree Adawlut answer in the negative. The words "superintendence" does not in their opinion, contemplate the actual presence of the Magistrate during the examination of each case by his Assistants, but merely that they should not pass sentence without first consulting and laying the particulars of the case before the Magistrate, who can then so determine the nature of the sentence which the Assistant is to pass as his own.

Ordered that Extracts from these Proceedings be forwarded to the Superintendent of Madras for his information and for communication to the Magistrate

(Sent in No 1379.)

Read return of Convicts employed at Vellore under the charge of the Head Assistant Magistrate of North arcot for the Month of October transmitted by the Superintendent of Chittoor under date the 13th November 1850.

(Store Order No 2025 of 1850)

The Court of Foujdaree Adawlut observe that with the exception of the sick and three placed as a punishment on low diet the whole body of the Prisoners at Vellore have received the maximum rate of diet- and they direct that it be granted not to the Head Assistant Magistrate that is Chingleput, Cuddalore, Madura, Tanjore and Chittoor the ordinary rate has been found ample, and that he be required to state whether any special cause renders the grant of the maximum rate to the Prisoners under his charge advisable

accepting

2d December 1850

receipt.-

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Chittoor by Precept, returnable within ten days from and after its receipt.

/sent following Precept No 1380/

Read Letter from the Sessions Judge of Cheacole dated 18th November 1850 transmitting copy of a letter from the acting Principal Sudder Ameen of Vizagapatam requesting instructions for his guidance in disposing of the charge of theft preferred against a Prisoner already in confinement under a requisition for security for good behaviour and to appear when required for 6 months.

/Here Calendar No 2831 of 1850/

The Court of Sujdaree Adawlut observe that the Prisoner in question has not been convicted of any specific offence nor has any sentence been passed upon her. She can therefore undoubtedly be tried for theft in Case No 27 of 1850 and should she be convicted it will be the duty of the acting Principal Sudder Ameen in passing sentence upon her to take into consideration the period of imprisonment which she has already undergone under the demand of security.-

2.

The requisition for security will be suspended from the date of her conviction of the offence with which she is now charged.-

3.

The Court of Sujdaree Adawlut observe that in transmitting this reference the Sessions Judge has failed to state his own opinion upon the point referred to by the acting Principal Sudder Ameen as required by Circular Order Sudder Adawlut Sujdaree Adawlut 19th September 1826 in which it is accordingly ordered that his attention be called.-

ordered

216

2d December 1850

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Cheacole for his information and for communication to the acting Principal Sudder Ameen

/sent No 1381/

Read Miscellaneous Petition presented on the 31st October 1850 by T. Ramachendrah Vakeel on behalf of Venkiah and another of Zillah Vizagapatam

/Here Calendar No P No 186 of 1850/

The Court of Sujdaree Adawlut see no reason to question the propriety of the punishment which has been awarded by the Assistant to the Agent at Vizagapatam to the Petitioners Brother on his conviction in Case No 26 of 1850 of "theft" and the Court accordingly decline to interfere with the case

Ordered that Extract from these Proceedings be given to the Petitioners Vakeel on his application.-

Read Sessions Calendar of Case No 22 of 1850 of the Sessions Court of Madura

Here Calendar No 2640 of 1850

Read also Letter dated the 4th December 1850 from the Sessions Judge of Madura forwarding transcript of his notes in the above Case

/Here Calendar No 2788 of 1850/

The Court of Sujdaree Adawlut adhere to the recommendation made by the Sessions Judge in the foregoing Letter that the punishment awarded to the Prisoner on his conviction of Culpable Homicide be imprisonment for three Months imprisonment only, and they authorize the Sessions Judge to issue a fresh warrant accordingly.-

&c

ember 1850

The Coroner observed that their duties as to the propriety of the disposal of this case were not caused by the severity of the punishment awarded, but from the apparent absence of positive proof as to the cause of deceased's death and the Coroner considers that it would have been more satisfactory had the Defendant Rose been present to cross examine any of the parties present at the post-mortem examination of the body which is alleged by the prosecution to have taken place.

Ordered that Extract from these proceedings be forwarded to the Defendant Rose at Madura for his information and guidance.

Sent 11 Dec 1850.

In H.C.

Tuesday.
3rd December 1850 } At a Court of the Inferior Udalut

Present.

W.H. G.S. Hooper Esquire 1st Puisne Judge.
J.D. J.D. Thompson Esquire 2d Puisne Judge.
W.H. W.A. Morehead Esquire 3d Puisne Judge.

Read Letter from the Superintendent Judge of Combaconum dated 23d November 1850 submitting a copy of an application from the Subordinate Judge for a charge of 200 added Indian Convicts from the Jails.

/Entered Jr. Bk. Pa. 295 of 1850/

Ordered that the Court of Inferior Udalut are unable to order the transfer of any Convicts to Combaconum. it has been with difficulty that the orders of Government for increasing the number of Convicts at Trichinopoly have been partially complied with; whilst it has been impossible to meet an urgent requisition for 50 additional. Prisoners to be placed upon the important works now in progress at Pamben. the number of Convicts at Cuddalore the Court of Inferior Udalut observe on the date of the last returns was

294, of whom there were available for the roadsand
cleaning the Town &c- but 184

2 The Court of Tuticorin Adalut consi-
der that so long as the number of Prisoners at
Combaconum is so limited as it is at present no
drafts should be forwarded to the Branch Jails.-

Ordered that Extract from these
Proceedings be sent to the Sessions Judge of
Combaconum for his information and for commu-
nication to the Subordinate Judge.-

/ Sent in No 1385 /

Read return dated 21st October 1850
from the Sessions Judge of Salem to the Precept of
the Tuticorin Adalut dated the 17th October 1850
directing the unconditional release of the Prisoner
in Case No 25 of 1850 of the Salem Calendar.-

/ Hereunto F. R. No 2628 of 1850 /

Read Calendar of Case No 32 of 1850
submitted by the Sessions Judge of Chittoor
under date the 8th October 1850.-

/ Hereunto F. R. No 2631 of 1850 /

Read return dated 21st October 1850
from the Sessions Judge of Rajahmundry, to the Precept
of the Tuticorin Adalut under date the 16th October 1850,
requiring explanation regarding the circumstances
which rendered the theft proved against Prisoner in
Case No 15 of 1850 on the Criminal file punishable
under

under the provisions of Clause fourth Section VII
Regulation VII of 1822.-

/ Hereunto No 2638 of 1850 /

Read Report dated 21st October 1850 Submit-
ted by the Sessions Judge of Bellary of persons
apprehended in that Zillah and delivered to
the Magistracy in the months of September 1850.-

/ Hereunto F. R. No 2639 of 1850. /

Read Letter dated 21st October 1850
from the Sessions Judge of Tellicherry returning
death warrant issued by Court of Tuticorin
Adalut in Case No 15 of 1850 on the Calendar of
the Sessions Court and reporting due execution
thereof.-

/ Hereunto F. R. No 2643. /

Read Calendar of Case No 29
of 1850 Submitted by the Sessions Judge of
Nellore under date the 2nd November 1850.

/ Hereunto F. R. No 2709 of 1850 /

Read Calendar of Case No 29 of 1850
submitted by the Acting Sessions Judge of
Trichinopoly under date the 2nd November 1850.-

/ Hereunto F. R. No 2710 of 1850 /

Read Calendar of Case No 40 of 1850
Submitted

3d December 1850.-

submitted by the Sessions Judge of Mangalore under date the 31st October 1850.-

/Here enter F.R. No 2710 of 1850./

Read Letter dated 1st November 1850 from the Sessions Judge of Nandidaloug stating that there are no Criminal Cases pending beyond 25 days between 30th September and 31st October 1850.-

/Here enter F.R. No 2712 of 1850/

Read Report dated 1st November 1850 submitted by the Sessions Judge of Calicut of Cases pending on the 30th September and committed for trial during the month of October 1850.

/Here enter F.R. No 2716 of 1850./

Read letters dated the 31st October 1850 from the Sessions Judge of Honore to the Register of the Foujdaree Adalut under date the 24th October 1850 directing on the recommendation of the Sessions Judge that the sentence recorded in Calendar No 19 of 1850 be mitigated Rigorous that against the 1st Prisoner to four years and that against the 2d and 3d Prisoners to three years imprisonment with hard labor in irons.-

/Here enter F.R. No 2720 of 1850/

Read Calendar of Case No 60 of 1850 submitted by the Sessions Judge of Nandidaloug under date the 25th October 1850.-

Rs 18.0 /Here enter F.R. No 2723 of 1850/

Wednesday 4th December 1850.

F. R.

At a Court of the Foujdaree Adalut.

Present:

G.S. — G. S. Cooper Esqre — 1st Sessions Judge.
R.P.S. — R. P. Thompson Esqre — 2nd Sessions Judge.
W.M. — W. M. Morehead Esqre — 3rd Sessions Judge.-

Read Criminal Reports submitted by the Session Judge of Cuddalore for the month of October 1850.-

/Here enter F.R. No 2781 of 1850/

Magistrate's Report. Cases Nos 105 and 106.-

The Court of Foujdaree Adalut observe that the 1st prisoner in these cases having been convicted upon two charges of "Cattle stealing" should have been committed for trial to the Criminal Court.-

Ordered, that Extract from these Proceedings, be forwarded to the Sessions Judge of Cuddalore for his information and for communication to the Acting Magistrate of South Arcot.-

/Sent in No 1390.

Read letter under date the 12th November 1850 from the Session Judge of

4th December 1850.

of Tellicherry submitting Calendars of Petty Cases disposed of by the Joint Magistrate of Malabar during the 2d and 3d Quarters of 1850.

(Here enter F. No. 2805 of 1850.)

Calendar of persons punished. Case No. 3.

1. The Court of Fouzdaree Udalut observe that the offence charged against the prisoners in this case which consisted in their cutting down and destroying by fire certain trees belonging to the Prosecutor has been improperly designated as "Arson" an offence not punishable by the Magistracy.

Calendar of persons discharged. Case No. 1.

2. The designation of the offence charged in this case is also incorrect as it does not appear that the burning of the Prosecutor's shop was intentional.

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Tellicherry for his information and for communication to the Magistrate of Malabar.

(Sent in No. 1391.)

Read Criminal Reports submitted by the Acting Sessions Judge of Trichinopoly

4th December 1850.

Trichinopoly for the month of October 1850.

(Here enter F. No. 2792 of 1850.)

Case No. 96.

With reference to the remark recorded by the Acting Sessions Judge in this case the Court of Fouzdaree Udalut resolve to direct the attention of that Officer to the rules laid down in their Circular Order No. 189 wherein he will observe that cases of theft committed by servants are declared to be punishable under the provisions of Section VII Regulation X of 1816 provided that the punishment awardable under that enactment be deemed sufficient by the officer trying the case.

Ordered, that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Trichinopoly for his information and future guidance and for communication to the Principal Sudder Ameen.

(Sent in No. 1392.)

Read Criminal Reports submitted by the Sessions Judge of Chittoor for the months of October 1850.

(Here enter F. No. 2812 of 1850.)

The

3 P 3 4th December 1850.

Case No 1869.

1.

The Court of Fouzdaree Udalut resolve to direct that the Magistrates of North Arcot will issue orders to the Heads of District Police under his control prohibiting the commitment to the Criminal Court of cases in which the offences charged are of the trivial nature of that entered in the case noted in the margin.

2.

The second rule of the allowance of grain prescribed in the recent orders of this Court regarding the listing of prisoners having been found in most Jails to be amply sufficient, the Court of Fouzdaree Udalut desire that the Subordinate Judge will direct his attention to this point, the labor in which the prisoners at Chittoor are employed not being apparently of such a nature as to render necessary the issue of the maximum allowance of grain.

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Chittoor, for his information and for communication of para 1 to the Magistrate, and of para 2 to the Subordinate Judge.

(Sent in No. 1393.)

F. Vo.

4th December 1850.

Reads Criminal Reports submitted by the Sessions Judge of Salem for the month of October 1850.

(Here enter F. Vo. No. 2795 of 1850.)

Case No 1760.

The Court of Fouzdaree Udalut observe that the former conviction referred to in the note appended to the report of this case should have been entered as a separate Count in the statement of charge, and evidence adduced to prove the identity of the prisoner with the individual to whom the said conviction have reference.

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Salem, for his information and for communication to the Acting Subordinate Judge.

(Sent in No. 1394.)

Reads Criminal Reports submitted by the Sessions Judge of Chicacole for the month of October 1850.

(Here enter F. Vo. No. 2840 of 1850.)

Case No 12.

1.

The Court of Fouzdaree Udalut observe that the former convictions specified in the note appended to the report of this

case

4th December 1850.

case should have been entered as separate Counts in the Statement of Charge, and evidence addduced to prove the identity of the prisoner with the individual to whom the said convictions referred.

2. The foregoing observation likewise applies to those cases in the Criminal Reports of the Principal Sudder Ameen of Vizagapatam in which the Prisoners are described as old offenders.

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

(Sent in ✠ No. 1395.)

Read letter dated 14th November 1850 from the Session Judge of Guntoor requesting that 200 Prisoners may be transferred to the Jail at that Station.

(Here enter F. No. No. 2790 of 1850.)

Read also letter from the same Officer dated 19th November 1850 reporting with reference to the Extract from the Proceedings of the Vizagapatam Adalut under date

date 13th. Idem that he defers forwarding the Estimate of the cost of building permanent Cooking sheds to the Civil Engineer for revision until he is informed of the result of his application above referred to, and that he considers it inexpedient to introduce the system of messing into the Guntoor Jail.

(Here enter F. No. No. 2824 of 1850.)

The number now imprisoned in the Jails of the adjacent Zillahs will not admit of any Prisoners being drafted to Guntoor: and the Court of Vizagapatam Adalut consequently direct that the size of the proposed Cooking sheds be reduced to what will suffice for the accommodation of 100 Prisoners in excess of the number now in confinement.

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

(Sent in ✠ No. 1396.)

Ex. 1850.

F: W:

Thursday. At a Court of the Fouydaree Wadut.
5th December, 1850. Present.

G: S: Hooper Esqre ____ 1st Puisne Judge.
E: P: Thompson Esqre ____ 2nd Puisne Judge.
W: A: Morehead Esqre ____ 3d Puisne Judge.

Read Miscellaneous Petitions presented on the 7th February and 17th October 1850 by Chinniya Pillay and two others of Zillah Trichinopoly.-

(Here enter F: W: P: Nos 34 and 166 of 1850)

Mr: G: S: Hooper
Mr: E: P: Thompson
and
Mr: W: A: Morehead.

The Court of Fouydaree Wadut resolve to dismiss these Petitions seeing no reason to question the propriety of the sentence passed in the case to which they refer.-

Ordered that Extract from these Proceedings be furnished to the Petitioners on their application.-

Read again Miscellaneous Petition presented on the 29th July 1850 by Chinnadoo Padiachy and Chidambara Moodely of Zillah Trichinopoly.-

(Here enter F: W: P: No 121 of 1850).

Read again also return under date the 19th August 1850 from the Acting Session Judge of Trichinopoly to the precept of the Fouydaree Wadut dated the 15th August 1850 conveying their

Orders

orders on the foregoing Petition.-

(Here enter F: C: No: 2178 of 1850).

Read again also Miscellaneous Petition presented on the 10th September 1850 by the same parties.-

(Here enter F: M: P: No: 1140 of 1850).

Read again also Miscellaneous Petition presented on the 10th September 1850. by Velayoodha Padayachy of Zillah Trichinopoly.-

(Here enter F: M: P: No: 1142 of 1850).

Read again also Miscellaneous Petition presented on the 17th October 1850 by Thungum and Mary of Zillah Trichinopoly.-

(Here enter F: M: P: No: 167 and 168 of 1850)

Read also return under date the 20th November 1850 from the Acting Session Judge of Trichinopoly to the precept of the Foujdaree Adalut dated the 26th September 1850. directing the submission of an English Translation of the record of Case No: 11 of 1850 on the file of the Session Court.-

(Here enter F: C: No: 2851 of 1850).

The Court of Foujdaree Adalut on an attentive perusal of the record of this Case consider the evidence insufficient to the conviction of any of the prisoners charged and they accordingly resolve

resolve to direct that the said prisoners be unconditionally released.-

2. The Court of Foujdaree Adalut cannot reconcile the occurrence of a robbery committed in the manner stated in the evidence for the Prosecution with the statements of the Village Curnam from which it is evident that no alarm was raised in the Village on the night the robbery is said to have been committed, and they see strong grounds for believing that the charge has been fabricated from malicious motives and that the evidence in support of it is false.-

Ordered that Extract from these Proceedings be sent to the Acting Session Judge of Trichinopoly by precept returnable within V days from and after its receipt.-

(Sent following Precept No: 1397).

Ordered also that Extract from these Proceedings be granted to the Petitioners on their application.-

Read again Calendar of Case No: 32 of 1850 on the file of the Session Court of Nellore.-

(Here enter F: C: No: 2375 of 1850).

Read again also Miscellaneous Petition presented on the 23rd September 1850 by

A

A: W: Ritchie Esqr Vakeel on behalf of G: Appiah and another of Zillah Nellore.-

(Here enter F: Gr: P: No 150 of 1850).

Read also return under date the 13th November 1850 from the Session Judge of Nellore, to the precept of the Foujdaree Udalut dated the 7th November 1850, directing the transmission to the Foujdaree Udalut of copies of the arzees addressed to the Head of Police by the Prosecutor in Case No 32 of 1850 on the file of the Session Court and of the deposition given by that individual before the Session Judge.-

(Here enter F: G: No 2764 of 1850).

1. On perusal of the documents submitted with this return which were called for at the request of the Petitioners preferred by them through their Vakeel, the Court of Foujdaree Udalut see no reason to question the propriety of the Petitioner's conviction of the offence laid to their charge.-

2. It certainly is stated in the arzees addressed by the Prosecutor to the Head of Police that he was lying on his cot when he was seized by the persons charged by him, but it appears that the arzees in question were not written by the Prosecutor himself and on perusal of the deposition given by him before the Session Court the Court of Foujdaree Udalut see no grounds for questioning the general truthfulness of his statements and they observe that both the prisoners and the witnesses examined on the trial were named by the Prosecutor when his charge was originally preferred.-

3. The Court of Foujdaree Udalut accordingly resolve to dismiss the Petitioner's Application.-

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

(Sent in No 1398)

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

Read again Miscellaneous Petition presented on the 3rd October 1850 by T: Ramachendriah Vakeel on behalf of Ayleyatha Konappan of Zillah Tellicherry.-

(Here enter F: Gr: P: No 156 of 1850).

Read also return under date the 19th November 1850 from the Session Judge of Tellicherry, to the precept of the Foujdaree Udalut dated the 31st October 1850 calling for copies of certain documents referred to in the foregoing Petition.-

(Here enter F: G: No 2856 of 1850)

The

Mr. G. S. Hooper.

The Court of Foujdaree Udalut see no reason to question the propriety of the order passed by the Sessions Judge in the matter to which the Petitioner refers and which order under all the circumstance of the case appears to be correct;—

2. The Petitioner's application is accordingly dismissed.—

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

(Sent in No. 1399.)

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

Read Miscellaneous Petition presented on the 21st October 1850, by Foudar of zillah Salem.—

(Here enter F. W. P. No. 173 of 1850).

The Petitioner is referred to the former orders passed by the Court of Foujdaree Udalut in the matter to which this Petition relates.—

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

Read Calendar of Case No. 83 of 1850

of

of the Sessions Court of Calicut.—

(Here enter F. W. No. 2884 of 1850).

1. The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this Case, that the punishment awarded to the Prisoner on his conviction of Housebreaking and Theft, be mitigated to 18 months imprisonment with hard labor in irons, and the Sessions Judge is authorised to issue his warrant accordingly.—

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

(Sent in No. 1400).

Read Miscellaneous Petition presented on the 28th October 1850 by Boday Siddapoo of zillah Nellore.—

(Here enter F. W. P. No. 181 of 1850).

Mr. G. S. Hooper
Mr. E. P. Thompson
and
Mr. W. A. Morehead.

The Petitioner is referred to the former orders passed by the Court of Foujdaree Udalut in the matter to which this Petition relates.—

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

Read Miscellaneous Petition presented on the 28th October 1850 by Vyapoory Vaudiyar

and

and another of Zillah Combaconum.

(Here enter F: Gr: P: No: 182 of 1850).

Mr: G: S: Hooper.
Mr: E: P: Thompson
and
Mr: W: A: Morehead.

The Court of Foujdaree Adalut see no reason to question the correctness of the conviction of the prisoners in Case No: 16 of 1850 on the file of the Sessions Court of Combaconum on whose behalf this Petition has been presented, and they accordingly resolve to dismiss the Petitioner's application

The Court of Foujdaree Adalut can attach no credit to the statement of the Petitioner, that the prisoners in question were not permitted to call any witnesses in their defence the Sessions Judge having expressly stated in his remarks on the Trial that the prisoners declared their inability to prove by evidence the plea urged by them in their defence.

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 forwarded by the Sessions Judge of Coimbatore from Kaliyana Gounden of that zillah.

Mr: G: S: Hooper
Mr: E: P: Thompson
and
Mr: W: A: Morehead.

(Here enter F: Gr: P: No: 192 of 1850).

The Court of Foujdaree Adalut observe that

that this Petition should be presented to the Court either by the Petitioner in person or by an authorized Vakeel, and they direct that it may be returned to the Petitioner it not being intended that Petitions should be forwarded by Sessions Judges except from prisoners under sentence.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Coimbatore for communication to Petitioner.

(Sent in No: 1401).

Read Miscellaneous Petition presented on the 18th November 1850 by Koottyamma of Zillah Salem.

(Here enter F: Gr: P: No: 197 of 1850).

Mr: G: S: Hooper.
Mr: E: P: Thompson.
and
Mr: W: A: Morehead.

1. The Court of Foujdaree Adalut see no reason to question the propriety of the conviction of the Petitioner's son the 6th prisoner in Case No: 9 of 1850 on the file of the Sessions Court of Salem; and they observe that any complaints the Petitioner may have to prefer against the Police authorities should be addressed to the Magistrate of Salem.

2 This Petition is dismissed.

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

Read again Calendar of Case No: 23 of 1850.

1850 on the file of the Sessions Court of Honore.-

(Here enter Ft: 16: No: 2581 of 1850).

Read also return under date the 11th November 1850 from the Sessions Judge of Honore to the precept of the Foujdaree Udalut dated the 4th November 1850 conveying their orders on the foregoing case.-

(Here enter Ft: 16: No: 2833 of 1850).

1. The Court of Foujdaree Udalut observe that the insertion of clause Second Section IV Regulation VI of 1822 in their proceedings of the 4th Ultimo must have resulted from a clerical error, it having been the intention of the Court to refer the Sessions Judge to clause second Section III of the Regulation under which they considered that the case in question was punishable by that officer.-

2. On a reconsideration however of the facts of the case as stated in the Calendar the Court of Foujdaree Udalut are disposed to concur with the Sessions Judge that the offence proved amounted to "Robbery by open violence" and they accordingly resolve to recall their orders for the amendment of the sentence passed, and to sanction a mitigation of the period of Imprisonment awarded in the case of the 1st and 2nd prisoners to ten years and in that of the 3rd 4th 5th and 6th prisoner to eight years as

5th December 1850.

as recommended by the Sessions Judge.-

3. The Court would point out that the indictment does not set forth as it should have done the commission of a crime amounting to Robbery by open violence.-

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

(Sent in No: 1402).

Read again Extract from the Proceedings of the Sessions Court of Rajahmundry under date the 26th October 1850 on review of the Petty Calendars of Cases disposed of by the Magistracy during the 3d Quarter of 1850.-

(Here enter Ft: 16: No: 2715 of 1850).

Read also Return dated the 23d November 1850 from the Sessions Judge of Rajahmundry to the Precept of the Foujdaree Udalut under date the 16th November 1850 conveying the observations of the Court on the above Calendars.-

(Here enter Ft: 16: No: 2870 of 1850).

1. Under the explanation submitted by the Magistrate with the foregoing Return, the Court of Foujdaree Udalut are of opinion that the Case No: 66 should be retained in the Petty Calendar, and that the Fine levied by the Assistant Magistrate should

should be returned to the party. The Session Judge will be pleased to issue instructions to the Magistrate accordingly.—

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Rajahmundry for his information and guidance.—

(Sent in No. 1403.)

Read Calendar of Case No. 35 of 1850. of the Sessions Court of Salem.—

(Here enter F. C. No. 2883 of 1850).

1. Adverting to the alleged previous conviction of the Prisoner in this Case, the Court of Foujdaree Adalut require to be informed whether the identity of that individual was satisfactorily established before the Session Court agreeably to the Circular Instructions of the Foujdaree Adalut under date the 2nd October last.—

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Salem by Precept returnable within III days from and after its receipt.—

(Sent following Precept No. 1404).

Read Calendar of Case No. 35 of 1850 of the Session Court of Honore.—

(Here enter F. C. No. 2874 of 1850).

The Court of Foujdaree Adalut observe that

that agreeably to the requisition contained in their Circular Instructions issued under date the 2nd October last, the previous convictions of the Prisoner in this Case should have been added as a second count in the indictment against him and his identity established.—

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

(Sent in No. 1405).

Read return dated the 19th October 1850 from the Session Judge of Cuddapah to the Precept of the Foujdaree Adalut under date the 3rd Idem directing to furnish further particulars respecting the character and position of one Puttadar Venkatapathy in Case No. 64 of the Calendar for 1850. and to explain why this man was not summoned as a witness.—

(Here enter F. C. No. 2605 of 1850).

Read Calendar of Case No. 40 of 1850. submitted by the Session Judge of Coimbatore under date the 9th October 1850.—

(Here enter F. C. No. 2686 of 1850)

Read Statements dated the 1st October 1850. submitted by the Session Judge of Combaconum of the Jails in charge of the Magistracy for

for the month of September 1850.-

(Here enter F: C: №: 2687 of 1850).

Read Calendar of Case №: 74 of 1850. submitted by the Session Judge of Cuddapah under date the 31st October 1850.-

(Here enter F: C: №: 2690 of 1850).

Read Calendar of Case №: 34 of 1850. submitted by the Session Judge of Combaconum under date the 31st October 1850.-

(Here enter F: C: №: 2691 of 1850).

Read report dated the 1st Ultimo, submitted by the Session Judge of Cuddapah of cases pending on the 30th September and committed for trial during the month of October 1850 which remained on the file of the Session Court for more than 15 days.-

(Here enter F: C: №: 2693 of 1850).

Read report dated the 1st Ultimo, submitted by the Session Judge of Cuddalore. of cases pending trial before him on the 31st October 1850.-

Rs 18.0.

(Here enter F: C: №: 2694 of 1850).-

F. U.

Friday 6th December 1850 } At a Court of the Foujdaree Udalut.

President.

G. L. Hooper Esqre ——— 1st Puisne Judge.
E. D. Thompson Esqre ——— 2d Puisne Judge
W. A. Morehead Esqre ——— 3d Puisne Judge

Read letter under date the 19th Novem-ber 1850 from the Sessions Judge of Calicut submitting the Original Petty Calendars of Cases disposed of by the Magistracy of Malabar during the 3d Quarter of 1850.

(Here enter F. U. No. 2852 of 1850)

Calendar of the Joint Magistrate at Cochin.— Case No. 1.

The Prisoner in this Case charged with 'Arson' has been placed under a requisition of Security to keep the peace for a period of Six Months.—

2 The Court of Foujdaree Udalut observe that with reference to the nature of the offence laid to the charge of the prisoner in this Case, if suspicion was considered to attach to him he should have been committed for trial to the Sessions Court, but that the requisition of Security to keep the peace is illegal, and they accordingly direct that it may be annulled.

3 The Court of Foujdaree Udalut do

do not require the submission of a duplicate copy of the proceedings held by the Courts of Session on the Quarterly Petty Calendars reviewed by them.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Calicut by precept returnable within 7 days from and after its receipt.—

(Sent following Precept No 1408)

Read Criminal Reports submitted by the Sessions Judge of Mangalore for the Month of October 1850.—

(Here enter F. W. No 2807 of 1850)

Case No 186.

The Court of Foujdaree Adalut observe that the fact of the previous conviction of the 1st prisoner in this Case on a charge of "Burglary" should have been entered as a Separate Count in the Statement of charge and evidence adduced to prove the identity of the prisoner with the individual to whom the said conviction had reference.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Mangalore for communication to the Subordinate Judge for the information and future

future guidance of that Officer.—

(Sent in No 1409)

Read Letter under date the 18th November 1850 from the Session Judge of Combaconum submitting the Calendars of Petty Cases disposed of by the Magistracy of Tanjore during the 3rd Quarter of 1850.—

(Here enter F. W. No 2824 of 1850)

Calendars of persons punished. Case No 28.—

1 The Prisoner in this case was charged with having preferred a false complaint in accusing one Soobroy Padiachy of having persuaded him and another man to emigrate to Bourbon via Karrikal, and has been sentenced to pay a fine of Rupees 5 commutable to 7 days imprisonment under Section XXXV Regulation IX of 1816.—

2 The Court of Foujdaree Adalut observe that the offence charged against the prisoner in this case is not punishable under the Regulation quoted, the complaint which the prisoner is alleged to have been preferred not being of the nature of those specified in Sections XXXII and XXXIII of the Regulation in question.—

3 The Court of Foujdaree Adalut do accordingly

accordingly resolve to reverse the Sentence passed in this Case and to direct that the amount of the fine imposed, if it have been paid, be refunded to the prisoner.

Case No. 32. 4 The Court of Foujdaree Udalut observe that in the heading affixed to the Statement of charge in this Case the offence charged should have been designated as an "Affault" and that the provisions of the Regulation under which the Sentence was passed should have been quoted.

Cases Nos. 36 and 59. 5 In these Cases Section XXXII Regulation XI of 1816 should have been quoted in addition to Section LIV Regulation XI of 1816.

Case No. 39. 6 Adverting to the value of the jewel which the 1st. prisoner in this Case was convicted of having received, knowing it to have been stolen the Court of Foujdaree Udalut observe that the Case should have been disposed of under the extended powers vested in the Magistrate by Section LIV Act VII of 1843.

7 With reference to the remark recorded by the Magistrate on Case No. 1 to the effect that "the passes granted at Madras by" "the Mauritious Cooly Agents have been" "to

a great extent misapplied and under this "authority hundreds of British subjects have "been taken and sold at Karrical and Pon "dicherry in defiance of Act XIV of 1839" and adverting to the great extent of and apparent increase in the crime of "Crimping" in the District of Tanjore, the Court of Foujdaree Udalut resolve to direct that the Magistrate of Tanjore will submit for their consideration a report of the circumstance, under which the misapplication of the passes granted by the Cooly Emigration Agents in the manner above referred to has occurred, accompanied by a Statement showing the number of Cases and the number of prisoners charged with the Offence of "crimping" during the ten years from 1841 to 1850 inclusive, the number of Cases in which conviction has taken place, and the number of those in which the parties charged have been acquitted, being distinctly specified.

8 The Court of Foujdaree Udalut desire that the report and Statement now directed may be submitted as early as practicable after the close of the present

year

years.—

9 The Court of Foujdaree Udalut do not require the submission of a duplicate copy of the proceedings recorded by the Sessions Judge upon the Quarterly Calendars of the Magistracy.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Combaconum for communication of paras 1 to 8 to the Magistrate of Tanjore for his information and guidance.+

(Sent in No. 1410)

Read Report dated 1st Ultimo submitted by the Sessions Judge of Chittoor, of Cases pending before him on the 31st October 1850 for a period in excess of 25 days calculated from the date of commitments.—

(Here enter F. R. No. 2727 of 1850)

Read Report dated the 5th Ultimo submitted by the Sessions Judge of Coimbatore, of Cases pending before him on the 30th September and committed for trial during the month of October 1850.—

(Here enter F. R. No. 2728 of 1850)

Read Calendar of Case No. 92 of 1850 submitted by the Sessions Judge of Cuddapah under date the 8th Ultimo.—

(Here enter F. R. No. 2739 of 1850)

Read Supplemental return dated the 1st November 1850 from the Sessions Judge of Tellicherry to the Precept of the Foujdaree Udalut under date 18th September 1850, requiring explanation regarding detention from 16th July to 4th August of 4th Prisoner in Case No. 13 of 1850 on Calendar of Session Court.—

(Here enter F. R. No. 2741 of 1850.

Read Calendar in Case No. 78 of 1850 submitted by the Sessions Judge of Calicut under date the 8th Ultimo.—

(Here enter F. R. No. 2770 of 1850)

Read Calendar in Case No. 34 of 1850 submitted by the Sessions Judge of Honore under date the 6th Ultimo.—

(Here enter F. R. No. 2773 of 1850)

Read Return dated the 12th November 1850 from the Sessions Judge of Madura to the Precept of the Foujdaree Udalut under date the 8th idem directing the unconditional release of the Prisoners in No. 14 of the Calendar for 1850.—

(Here enter F. R. No. 2775 of 1850)

Read

Read Calendar in Case No. 15 of 1850 submitted by the Sessions Judge of Guntoor under date the 13th Ultimo.—

(Here enter F. U. No. 2796 of 1850)

Read return dated the 11th November 1850 from the Acting Sessions Judge of Tinnevelly to the Precept of the Foujdaree Udalut under date the 4th idem requiring the Acting Sessions Judge to report under what circumstances the Government Vakeel was deputed to prosecute the charge in Criminal Case No. 96 of 1850 on the file of the Principal Sudder Ameens Court at Tinnevelly.—

(Here enter F. U. No. 2798 of 1850)

Read return dated the 11th November 1850 from the Acting Sessions Judges of Trichinopoly to the precept of the Foujdaree Udalut under date the 4th idem directing that the Prisoners in Calendar of Case No. 16 of 1850 on the file of the Sessions Court be unconditionally released.—

(Here enter F. U. No. 2750 of 1850

Ed 180.

Saturday 7th December 1850 } At a Court of the Foujdaree Udalut.

Present

W. G. S. Hooper Esqre —— 1st Puisne Judge
C. P. Thompson Esqre —— 2d Puisne Judge
W. A. Morehead Esqre —— 3d Puisne Judge

Read letter dated the 27th Ultimo, from the Sessions Judge of Calicut, submitting for the final judgment of the Foujdaree Udalut the Record of Case No. 85 of 1850 of the Calendar of the Sessions Court.—

(Here enter F. U. No. 2925 of 1850.)

Mr. G. S. Hooper. and Mr. C. P. Thompson.

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,

'Cheria Chathen'

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

The Court of Foujdaree Udalut

cam[illegible]

cannot recognize as valid the grounds upon which the Sessions Judge has recommended that the prisoner in this case should be exempted from undergoing the extreme penalty of the Law.

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

(Sent in No. 1411)

Read Criminal Reports dated the 1st Ultimo, submitted by the Sessions Judge of Combaconum for the month of October 1850.—

(Here enter F. W. No. 2782 of 1850.)

Read Criminal Reports dated the 9th Ultimo, submitted by the Sessions Judge of Tellicherry for the Months of October 1850.—

(Here enter F. W. No. 2783 of 1850.)

Read Calendar dated the 15th Ultimo submitted by the Sessions Judge of Chingleput, of a prisoner tried by him under Regulation I. of 1820, and Act XXII of 1845.—

(Here enter F. W. No. 2785 of 1850.)

Read convict Labor Report dated the 15th Ultimo, submitted by the Sessions Judge of Rajahmundry of the Jail at Cocanada under charge of the Magistrate of that District.—

(Here enter F. W. No. 2791 of 1850)

Read

Read Criminal Reports, dated the 12th Ultimo submitted by the Sessions Judge of Madura, for the Months of October 1850.—

(Here enter F. W. No. 2793 of 1850)

Read Criminal Reports, dated the 6th Ultimo submitted by the Sessions Judge of Honore for the month of October 1850.—

(Here enter F. W. No. 2794 of 1850)

Read Criminal Reports dated the 15th Ultimo submitted by the Sessions Judge of Guntoor for the Months of October 1850.—

(Here enter F. W. No. 2796 of 1850.)

Read Criminal Reports dated the 1st Ultimo submitted by the Sessions Judge of Rajahmundry for the Month of October 1850.

(Here enter F. W. No. 2797 of 1850.)—

In 180

Monday.
9th December 1850.

F. H.

At a Court of the Fouzdaree Adalut

Present

GSR G. S. Rooper Esqre ——— 1st Puisne Judge
EPT E. P. Thompson Esqre ——— 2d Puisne Judge
Mace W. A. Morehead Esqre ——— 3d Puisne Judge.

Read again Calendar of Case No 37 of 1850 of the Session Court of Cuddalore.

(Mere enter F. H. No 2769 of 1850)

Read also Return dated the 28th November 1850 made by the Session Judge of Cuddalore to the Precept of the Fouzdaree Adalut under date the 25th November 1850. suggesting a mitigation of the sentence recorded against the Prisoner in the above Case.

(Mere Enter F. H. No 2887 of 1850.

In accordance with the recommendation made by the Session Judge in the foregoing Return, the Court of Fouzdaree Adalut direct that the sentence recorded against the Prisoners in the above Case be mitigated to two years imprisonment with hard labor in irons.—

Ordered, that Extract from these Proceedings be forwarded to the Session Judge of Cuddalore for his information and guidance.—

(Sent in No 1412)

Read again Letter dated the 30th Octr 1850.

9th December 1850.

1850 from the Sessions Judge of Madura submitting the Petty Calendars of Cases disposed of by the Magistracy for the 3d Quarter of 1850.

(Here enter F. R. No. 2700 of 1850)

Read also Return dated the 25th Novr made by the Sessions Judge of Madura to the Precept of the Fouzdaree Adalut under date the 13th November 1850 returning the above Petty Calendars for amendment.

(Here enter F. R. No. 2875 of 1850.

Joint Magistrate's Case No. 1.

The Court of Fouzdaree Adalut presume from the Regulation quoted, and from the fact that the offence charged in this case was beyond the legal jurisdiction of the acting Joint Magistrate that the demand of security from the Prisoners was made by that Officer simply on the ground of their being suspicious characters. If the inference of the Court be correct, they observe that the heading of the charge should have been "Suspicious characters", and the demand of security made for the appearance of the Prisoners, and not for their future good behaviour.

2d Asst Magistrate Case No. 1.

The Court of Fouzdaree Adalut observe that in this case the charge of gambling having been fully proved against the Prisoner, the case should have been dealt with as a petty offence

offence, and disposed of under Regulation IX of 1816, a months imprisonment being the extent of the punishment which the Acting Head Assistant Magistrate was authorised to award. The demand of security for 3 months by that Officer was irregular.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Madura for his information and for communication to the Magistrate.

(Sent in No. 1413.)

Read Criminal Reports submitted by the Sessions Judge of Chingleput for the Month of October 1850.

(Here enter F. R. No. 2784 of 1850)

Magistrate's Report. Case No. 63.

The Court of Fouzdaree Adalut observe that the manner in which the theft charged in this case was effected, should have been specified in the statement of charge.

Ordered, that Extract from these Proceedings, be forwarded to the Sessions Judge of Chingleput, for communication to the Magistrate.

(Sent in No. 1414.)

Read Letter dated 25th November 1850. from the Sessions Judge of Masulipatam transmitting copy of the Futwah given by the Law Officer

Officer in case No 66 on the Calendar for 1850 and requesting to be informed whether the objection to the punishment of the 1st and 2d Prisoners therein stated, Viz: their tenderage, should be viewed as one of the special exceptions provided for in Clause 4th Section II Regulation XV of 1803 and as such be removed by a second question, or whether the record of the trial should be referred to the Court of Foujdaree Adalut under Section XXII Regulation VIII of 1802.

(Here enter F. R. No 2889 of 1850.)

The Court of Foujdaree Adalut observe that the point on which the objection has been raised by the Law Officer of the Sessions Court at Masulipatam is, not that the Prisoners because of their tender age are not liable to punishment, but that according to the Mahomedan Law their confessions in consequence of their being under age cannot be allowed to operate against them. Such an objection is clearly in the opinion of the Court of Foujdaree Adalut a scrupulous one, and should be disposed of under Clause 4th Section II Regulation XV of 1803. by a second question which should be put in the following form.

If the special exception taken to the Prisoners' confessions had not existed would they

have been convicted?

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

(Sent in No 1115.)

Read Miscellaneous Petition presented on the 17th October 1850 by Shaik Hamed of Zillah Chittoor.

(Here enter F. M. P. No 170 of 1850.)

Mr G. S. Hooper
Mr E. P. Thompson
Mr W. A. Morehead

The Court of Foujdaree Adalut see no reason for their interference in the matter referred to in this Petition, the case adverted to having been disposed of by the Court of Foujdaree Adalut after a deliberate consideration of the record which satisfied them of the guilt of the Petitioner's brother of the offence laid to his charge.

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

Read Miscellaneous Petition forwarded by the Session Judge of Coimbatore from Cannigamma of that Zillah.

(Here enter F. M. P. No 190 of 1850)

Mr G. S. Hooper
Mr E. P. Thompson
Mr W. A. Morehead

The Court of Foujdaree Adalut see no reason to question the propriety of the sentence passed in Case No 34 of 1850 on the file

file of the Session Court of Coimbatore and they accordingly resolve to dismiss this Petition.-

Ordered. That Extract from these Proceedings be forwarded to the Session Judge of Coimbatore, for communication to the Petitioner.-

(Sent in No. 1416)

Read again Miscellaneous Petition presented on the 30th September 1850 by R. Seroomal Row Nakel on behalf of Koochala Kota Chinna Lutchmee Dāvamma of Zillah Rajahmundry.

(Here enter F. R. P. No. 153 of 1850)

Read also return under date the 11th November 1850, from the Sessions Judge of Rajahmundry, to the Precept of the Foujdaree Adalut dated the 24th October 1850, calling for further information with reference to the matter referred to in the foregoing Petition.-

(Here enter F. R. No. 2779 of 1850)

1. It appears from a return from the Magistrate of Rajahmundry submitted by the Sessions Judge that the house referred to by the Petitioner was in the actual occupation of that individual and of a Court Servant named N. Mullaparauze when the order of the Magistrate directing that a portion of the said house should be placed in the possession of Runganayakamma was passed, the latter having been previously declared by an Order of the same Officer to be the rightful possessor of all the property left by her deceased father Cocherla Kota Ramanah who was proved to have been the joint possessor with the Petitioner of the house in question.

2. The Court of Foujdaree Adalut observe that under the circumstances represented the Orders passed by the Magistrate in this case were altogether irregular, the right of succession to the property of the deceased C. Ramanah being cognizable only by the Civil Court under the provisions of Act XIX of 1841, to which authority the party claiming possession should have been referred.

3. The Court of Foujdaree Adalut accordingly resolve to annul the orders passed by the Magistrate in this case and to direct that the house referred to may be replaced in the possession of the parties by whom it was occupied when the Orders in question were passed and the Court resolve to direct that the Magistrate will report under what Regulation he considered himself authorized to dispose

9th December 1850.

dispose of a case of disputed succession.-

Ordered, that Extract from these Proceedings, be forwarded to the Session Judge of Rajahmundry, for communication to the Magistrate by Precept within V days, from and after its receipt.-

(Sent following precept No. 1047.)

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

The Vakeel T. Ramachundriah on behalf of Soobbien late Sub Police Officer of Nonamore Talook of Zillah Salem, moves the Court to return the enclosures in Miscellaneous Petition No. 186 of 1850.

Ordered Accordingly.

Read Calendar of Case No. 45 of 1850 submitted by the Session Judge of Mangalore under date the 11th November 1850.

(Mere entry F. R. No. 2801 of 1850)

Read Return dated 14th November 1850 from the Session Judge of Masulipatam to the Precept of the Foujdaree Adalut under date the 4th Instant containing their final orders upon the Calendar of Case No. 37 of 1850 on the file of his Court.

(Mere entry F. R. No. 2803 of 1850)

9th December 1850.

Read Criminal Report B dated the 15th November 1850 submitted by the Session Judge of Masulipatam for the Month of October 1850.

(Mere entry F. R. No. 2810 of 1850)

Read Letter dated the 14th November 1850 from the Session Judge of Calicut transmitting the Criminal Reports B and other statements received from the Subordinate Judge of Calicut and Principal Sudder Ameen of Cochin and the Report A of Case No. 271 for October last, and stating that the Magistrate has had no case to include in those reports during the above month.-

(Mere entry F. R. No. 2811 of 1850.)

Read Calendar of Case No. 81 of 1850 submitted by the Session Judge of Calicut under date the 14th November 1850.

(Mere entry F. R. No. 2814 of 1850.)

Read Criminal Report B dated the 15th November 1850 submitted by the Session Judge of Nellore for the Month of October 1850.

(Mere entry F. R. No. 2817 of 1850)

Read Criminal Report B dated the 1st November 1850 submitted by the Agent to the Governor in Ganjam for the Month of October 1850.

(Mere entry F. R. No. 2819 of 1850)

Read

6

9th December 1850.

Read Reports of the Gaols dated the 18th November 1850. submitted by the Sessions Judge of Combaconum, for the Month of October 1850.

(Mere entered F. R. No. 2822 of 1850.)—

4th Ds.

F. H.

Tuesday.
10th December 1850. At a Court of the Fouzdaree Adalut

Present

W. S. Hooper Esqre ——— 1st Puisne Judge
C. P. Thompson Esqre ——— 2d Puisne Judge
H. F. Morehead Esqre ——— 3d Puisne Judge.

Read again Letter dated the 21st September 1850 from the Session Judge of Salem submitting the Petty Calendars of Cases disposed of by the Magistracy of Salem during the 2d Quarter of 1850.

(Here enter F. H. No 2413 of 1850)

Read also Letter dated the 26th Novr 1850 from the Session Judge of Salem submitting further information from the Magistrate relative to the disposal of Case No 11 entered in the above Calendars.

(Here enter F. H. No 2877 of 1850.)

1. With the foregoing communication the Session Judge submits for the consideration of the Court of Fouzdaree Adalut copy of a letter from the Magistrate, in which that Officer adverting to the requisition contained in the Court's Proceedings of the 5th Ultimo reports that the individual named Ramen Chetty is one

of

of several cultivators in the village of which the Prisoner Arnachella Reddy was the Monijar, and that the charge of which the Prisoner was convicted was one of many complaints of oppression, injustice, and irregularities, which he, Ramen Chetty and others had preferred against the said Monijar -

2. It is further stated by the Magistrate, with reference to the opinion expressed in the Court's proceedings above referred to, that the cost of filling up the excavations made by the Monijar was computed at Rupees 33-13-11, and that the fine of Rupees 33 would seem to have been imposed by the Joint Magistrate in charge under the impression that if a private individual instead of the Government had been the party whose interests had suffered - it would have been competent to him under clause Second Section XXXIX Regulation IX to award the whole of the fine to the party aggrieved -

3. In conclusion the Magistrate observes that in the present case Ramen Chetty was the nominal Prosecutor, but in reality the prosecution was on the part of Government who would seem entitled to compensation of some kind for the injury sustained at the hands of the Monijar.

Upon

4. Upon a careful consideration of the explanation now afforded by the Magistrate, the Court of Foujdaree Adalut are confirmed in their impression that the proceedings of the Joint Magistrate in the case in question were altogether irregular and informal, and they are clearly of opinion that the only legal method by which the Government could under the circumstances obtain compensation for the loss sustained by the acts of the Monijar was by the institution of a Civil action against him.

5. It is to be observed that in this case no assault, nor forcible entry, nor injury accompanied by force appear to have been committed by the Prisoner, nor does it appear that the rights of the Prosecutor were in any way interfered with - The Joint Magistrate entertained a complaint of injury done, in point of fact, to himself as Collector of the District and thus placed himself in the false position of being in reality the Prosecutor in a case, which he finally decided in his capacity of Magistrate, a mode of procedure obviously inconsistent with the principles of Justice.

6. The Court of Foujdaree Adalut accordingly resolve to set aside the proceedings of

of the Magistrate in this case, and direct that the Fine which it is observed has been recovered from the party be immediately refunded to him.

Ordered, that Extract from these Proceedings be forwarded to the Session Judge of Salem, for his information and for communication to the Magistrate.-

(Sent in No. 1420.)

Read again Calendar of Case No. 21 of 1850 of the Session Court of Chittoor.

(Here enter F. R. No. 2731 of 1850.)

Read also Letter dated the 26th November 1850 from the Session Judge of Chittoor forwarding copy of one from the Subordinate Judge relative to the discrepancy observed by the Court in the spelling of the name of the Prisoner entered in the above Calendar.-

(Here enter F. R. No. 2888 of 1850)

1. Adverting to the explanation afforded by the Subordinate Judge in the above communication the Court of Foujdaree Adalut deem it proper to direct that the attention of that Officer be drawn to the requisition contained in Foujdaree Adalut Circular Order dated the 8th December 1831. which has not been observed in the Calendar under consideration.

Ordered

Ordered, that Extract from these Proceedings be forwarded to the Session Judge of Chittoor, for his information and for communication to the Subordinate Judge.-

(Sent in No. 1421)

Read Criminal Reports submitted by the Agent to the Governor of Fort Saint George at Kurnool for the Month of October 1850.

(Here enter F. R. No. 2820 of 1850)

Case No. 53. Adverting to the manner in which the prisoner in this case is shown to have effected his entry into the house in which the Theft charged against him was committed "by removing the tatty which was placed against the doorway" the Court of Foujdaree Adalut observe that in the heading affixed to the Statement of charge the crime charged should have been designated as breaking, and that the Sentence should have been passed under the provisions of Clause Sixth, Section II, Regulation VII of 1822.-

Ordered, that Extract from these Proceedings be forwarded to the Agent to the Governor of Fort St. George at Kurnool, for his information and guidance.-

(Sent in No. 1422)

Read Calendar of Case No. 31 of 1850 of the Session Court of Cuddalore:

(Here enter F. R. No. 2908 of 1850).

1. On a careful consideration of all the circumstances of this case, the Court of Fouzdaree Adalut are of opinion that a sentence of 7 years' imprisonment with hard labor in irons will be adequate punishment for the crime of which the 2d and 3d Prisoners have been convicted, and on the recommendation of the Session Judge the Court will be prepared to mitigate the sentence now recorded against them to that extent.

2. If the Session Judge be unable to concur in the foregoing opinion, he will be pleased to submit an English translation of the entire Record of the Case for the consideration of the Court of Fouzdaree Adalut.

Ordered, that Extract from these Proceedings, be forwarded to the Session Judge of Cuddalore, by Precept returnable within III days, from and after its receipt.-

(Sent following Precept No. 1423.)

Read Calendar of Case No. 25 of 1850 submitted by the Session Judge of Tinnevelly under date the 14th November 1850.

(Here enter F. R. No. 2826 of 1850)

Read

10th December 1850.

Read Calendar of Case No. 42 of 1850 submitted by the Session Judge of Mangalore under date the 15th November 1850.

(Here enter F. R. No. 2827 of 1850)

Read Supplemental Return dated the 16th November 1850 from the Session Judge of Tellicherry, to the Precept of the Fouzdaree Adalut under date 18th September 1850, requiring explanation regarding detention from 16th July to 4th August of 4th Prisoner in Case No. 13 of 1850 on the Calendar of his Court.

(Here enter F. R. No. 2830 of 1850)

Read Extract from the Proceedings of the Session Court of Bellary under date the 18th November 1850 held on the Magistrates' Report B for the Month of October 1850.

(Here enter F. R. No. 2832 of 1850)

Read Calendar of Case No. 71 of 1850 submitted by the Session Judge of Cuddapah under date the 20th November 1850.

(Here enter F. R. No. 2834 of 1850)

Read Calendar of Case No. 37 of 1850 submitted by the Session Judge of Combaconum under date the 20th November 1850.

(Here enter F. R. No. 2835 of 1850)

Read Calendars of Cases Nos. 9-10 and 11 of 1850 submitted by the Session Judge of Chica-

10 10th December 1850.

Chicacole under date the 13th November 1850.

(Were enter F. R. Nos 2839-2840 & 2841 of 1850) —

Ld.

F. Ct.

Wednesday:
11th December 1850.

At a Court of the Foujdaree Adalut

Present

Lt. J. Hooper Esqre — 1st Puisne Judge
C. D. Thompson Esqre — 2d Puisne Judge
W. A. Morehead Esqre — 3d Puisne Judge.

Read Criminal Reports submitted by the Agent to the Governor of Fort St George at Vizagapatam for the Month of October 1850.

(Were enter F. R. No 2813 of 1850)

Case No 31.

The Court of Foujdaree Adalut observe that the offence charged against the prisoner in this case constituted a theft and should have been punished as such under the general Regulations, Act XIII of 1850 not being applicable thereto.

Ordered that Extract from these Proceedings be forwarded to the Agent to the Governor of Fort St George at Vizaga = = patam for his information and future — guidance. —

(Sent in No 1842)

Read return dated 28th November 1850 from the Sessions Judge of Guntoor to the

the Receipt of the Foujdaree Adalut under date 14th Idem conveying their Orders upon the Petty Calendars of Cases disposed of by the Magistrate during the 2d Quarter submitted by the Sessions Judge under date 28th October 1850.

(Here enter F. A. No. 2899 of 1850)

With this return the Sessions Judge submits copy of a return from the Acting Magistrate explaining that the acting Head Assistant Magistrate considered that the Prisoners in Case No. 12 on the Calendar of Persons discharged had committed a fraud, inasmuch as they had represented to their customers that the price charged by them for Shee agreed with the Nerruck rates.

2. The Court of Foujdaree Adalut regret that it should be necessary to point out to the Acting Head Assistant Magistrate that parties are not liable to a Criminal Prosecution for fixing their own prices upon their own goods.-

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Guntoor for communication to the Acting Magistrate.-

(Sent in No. 1426)

Read letter dated 26th November 1850 from the Magistrate of Salem requesting to be informed whether the account called for in the 4th Paragraph of the Extract of the Minutes of Consultation of Government dated 10th July 1850, forwarded by the Court of Foujdaree Adalut on the 16th Idem, should embrace the entire period during which convicts have been placed under charge of the Magistracy in that District Viz: from 1830 to the present time, or only any single year.

(Here enter F. A. No. 2903 of 1850)

The Court of Foujdaree Adalut consider that the account in question should be prepared for a single year.

Ordered that Extract from these Proceedings be forwarded to the Magis=trate of Salem for his information and guidance.-

(Sent in No. 1426)

Read letter dated the 30th Ultimo, from the Session Judge of Bellary submitting for the final Judgment of the Foujdaree Adalut the Record of Case No. 46 of 1850 of the Calendar of the Session Court.

(Here enter F. A. No. 2949 of 1850)

The Court of Foujdaree Adalut, on

a

Mr G. S. Hooper
&
Mr W. A. Inverarity

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

"Looboyadoo"

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.-

In this case the Court of Foujdaree Adalut wouds point out to the Sessions Judge — that the Prisoner in his reply to the arraignment shouds not have been allowed to do more than plead guilty. his explanation or statement being left for his defence.-

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

(Sent following Letter No. 1424)

Read Calendars of Cases Nos. 12 & 13 of 1850. submitted by the Sessions Judge of Chicacole under date the 13th November 1850.

(Mere enter F. R. Nos. 2842 & 2843 of 1850)

Read Return dated 21st Ultimo from the Sessions Judge of Chicacole, under date the 4th Instant — directing that the causes of the delay in the disposal of the 2 Cases committed in August and 5 Cases committed in

in September which were pending before the Acting Principal Sudr Ameen of Vizagapatam at the end of September, may be reported for their information.-

(Mere enter F. R. No. 2876 of 1850)

Read Letter dated the 22d Ultimo from the Session Judge of Tellicherry returning death warrant issued by Court of Foujdaree Adalut in Case No. 16 of 1850 on Calendar of his Court and reporting due execution thereof.-

(Mere enter F. R. No. 2878 of 1850)

Read Calendar of Case No. 28 of 1850 submitted by the Sessions Judge of Tinnevelly under date the 23d November 1850.

(Mere enter F. R. No. 2881 of 1850)

Read Calendar of Case No. 34 of 1850 submitted by the Session Judge of Salem — under date the 19th November 1850.

(Mere enter F. R. No. 2882 of 1850)

Read Calendar of Case No. 18 of 1850 submitted by the Session Judge of Chingleput under date the 27th November 1850.

(Mere enter F. R. No. 2893 of 1850)

Read Calendar of Cases Nos. 30 & 32 of 1850 submitted by the Session Judge of Madura under date the 26th November 1850.

(Mere enter F. R. No. 2894 of 1850)

Read Calendars of Cases Nos. 37 & 38 of

11th December 1850.

of 1850 submitted by the Sessions Judge of Nonare under date the 22d November 1850.

(Here enter F. R. Nos 2895 & 2896 of 1850)

Read Calendar of Case No. 41 of 1850 submitted by the Sessions Judge of Nellore under date the 27th November 1850.

(Here enter F. R. No. 2897 of 1850) —

Thursday 12th December 1850

At a Court of the Foujdaree Udalut.

Present

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

E. P. Thompson Esqre ——— 2d Puisne Judge

W. A. Morehead Esqre ——— 3d Puisne Judge

Read Miscellaneous Petition pre-
-sented on the 11th November 1850 by Vasoodavier Mookteer
Vakeel on behalf of Ponnan Sarvacaren of Vellale Trichino-
-poly &c

(Here enter M. P. No. 108 of 1850)

1 The Petitioner seeks the reversal of the Sentence passed upon his sons, the 2d and 3d Prisoners in Case No. 23 on the Calendar for 1849.—

2 The Court of Foujdaree Udalut ob-
-serve that the record of the Case was called for and the Sentences passed upon the Prisoners confirmed in their Proceedings of the 1st March 1850, and they accordingly resolve to reject this Petition.—

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

(Sent in &c)

Read.

12th December 1850

Read Calendar of Case No. 86 of 1850 of the Sessions Court of Calicut.—

(Here enter F. C. No. 2921 of 1850)

1 The Court of Foujdaree Udalut consider the Sessions Judge to have erred in not proceeding with the trial of this case, and the provisions of the Foujdaree Udalut Circular Order quoted by him, they observe, do not apply to the Courts of Session.—

2 The Prisoner in the present Case was charged with "Arson", an offence cognizable only by the Sessions Court and had the graver offence committed by him been any other than that of "Murder", or the penalty awarded than that of death, it is probable that his conviction of the minor offence would have had much weight with the Court in determining the amount of punishment to be awarded for the greater.—

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

(Sent in No. 1431)

Read Calendar of Case No. 45 of 1850 of the Sessions Court of Bellary.—

(Here enter F. C. No. 2920 of 1850)

12th December 1850.

The Court of Foujdaree Udalut direct that the attention of the Magistrate be drawn to the improper proceeding of the Head of Police of Rodecondah in taking a deposition from a person in the state in which the deceased is represented to have been at the time, and in thus transmitting so untrustworthy a document duly authenticated by his signature to the Sessions Court.—

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

(Sent in No. 1432)

Read again Calendar of Case No. 38 of 1850 of the Sessions Court of Coimbatore.—

(Here enter F. C. No. 2799 of 1850)

Read also Miscellaneous Petition forwarded by the Sessions Judge of Coimbatore on behalf of Sedayen Chetty and 3 others, Prisoners in the above Case.—

(Here enter F. A. P. No. 201 of 1850)

The Court of Foujdaree Udalut see no reason to question the justness of the Sentence passed in the above Case, and the Petitioner

12th December 1850

Petitioner's application for its reversal is accordingly rejected.—

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Coimbatore for his information and for communication to the Petitioner.—

(Sent in No. 1133)

Read letter dated 21st Ultimo from the Magistrate of Canara forwarding an Extract from the proceedings of the Sessions Court of Mangalore and the depositions of certain parties in a Case of Murder, and requesting the sanction of this Court to admit two of the Prisoners as Approvers.—

(Hereunto F. U. No. 2904 of 1850)

1 Upon a consideration of the papers sent up by the Magistrate of Canara, and of the circumstances represented in his letter, the Courts of Fouzdaree Adalut are pleased, in exercise of the power vested in them by Section XII Regulation XIII of 1832, to authorize that Officer to offer a pardon to the prisoners Bappoo and Corgah or Corapoo on the terms and conditions specified in Section XX Regulation VIII of 1802.—

The

F. U.

12th December 1850

2 The Court would at the same time direct the Magistrate's attention to the want of uniformity observable in his letter with regard to the manner in which the name of the said Coorgah is written.—

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

(Sent in No. 1134)

The Record of the trial in Case No. 16 of 1850 on the Calendar of the Sessions Court of Chingleput under reference to the Fouzdaree Adalut, not having been yet submitted to this Court.—

Ordered that the Sessions Judge of Chingleput 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 said trial, and to explain the delay in its transmission.—

(Sent in No. 1135)

Read Miscellaneous Petition presented on the 25th November 1850 by T. Ramachendriah Vakeel on behalf of Cundadaimy

Woodely

Moodely of Dillah Guntoor, father of the Pri-
-soner in Case No. 16 on the Calendar for 1850.
(Here enter F. M. P. No. 199 of 1850).

Mr. G. L. Hooper
Mr. C. P. Thompson
and
Mr. W. A. Morehead

The Petitioner is referred to the Pro-
-ceedings of the Court of Foujdaree Udalut under
date 30th November 1850 directing the release of
his son.

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

Read Supplemental return, dated
22d Ultimo from the Sessions Judge of Cud-
-dapah to the precepts of the Foujdaree Udalut
under date the 3d October 1850 directing him to call
upon the Magistrate to furnish further
particulars respecting the character and
position of one Puttadar Vencatapatty in
Case No. 64 of the Calendar for 1850 N. D.
(Here enter F. U. No. 2847 of 1850)

Read Calendar of Cases No. 28
of 1850 submitted by the Acting Sessions Judge of
Trichinopoly under date the 20th Ultimo.
(Here enter F. U. No. 2854 of 1850)

Read Calendar of Case No. 18
of 1850 submitted by the Sessions Judge of
Tellicherry under date the 15th Ultimo.
(Here enter F. U. No. 2861 of 1850)

Read

Read Calendar of Case No. 36 of
1850 submitted by the Sessions Judge of
Nellore under date the 25th Ultimo.
(Here enter F. U. No. 2862 of 1850)

Read Calendar of Case
No. 37 of 1850 submitted by the Sessions Judge of
Nellore under date the 25th Ultimo.
(Here enter F. U. No. 2863 of 1850)

Read Calendar of Case No. 38 of
1850 submitted by the Sessions Judge of Nel-
-lore under date the 25th Ultimo.
(Here enter F. U. No. 2864 of 1850)

Read Calendar of Case No.
39 of 1850 submitted by the Sessions Judge
of Nellore under date the 25th Ultimo.
(Here enter F. U. No. 2865 of 1850)

Read Calendar of Case No.
44 of 1850 submitted by the Sessions Judge
of Bellary under date the 23d Ultimo.
(Here enter F. U. No. 2867 of 1850)

Read Calendar of Case No.
48 of 1850 submitted by the Sessions Judge
of Mangalore under date the 20th Ultimo.
(Here enter F. U. No. 2868 of 1850)

Read Calendar of Case No.
49 of 1850 submitted by the Sessions Judge
of Mangalore under date the 20th Ultimo
(Here enter F. U. No. 2869 of 1850)

Read

12th December 1850.

Read Calendar of Cases No. 26 of 1850 submitted by the Sessions Judges of Tinnevelly under date the 22d Ultimo.

(Here enter F. C. No. 2872 of 1850)

Read Calendar of Cases No. 27 of 1850 submitted by the Sessions Judge of Tinnevelly under date the 22d Ultimo.

(Here enter F. C. No. 2873 of 1850)

F. No.

Friday,
13th December, 1850.

At a Court of the Foujdaree Udalut

Present.

G. S. Hooper, Esquire - 1st Puisne Judge.

S. D. Thompson, Esquire - 2d Puisne Judge.

W. A. Morehead, Esquire - 3d Puisne Judge.

Read letter from the Sessions Judge of Guntoor dated 27th November 1850 submitting at the instance of the Acting Magistrate the Question "whether it is competent to the Magistrate to award a sentence of punishment for resistance to his process under Section VII Regulation X of 1816, according to the extended powers of the Magistracy in Section LIV Act VII of 1843".

(Here Enter F. C. No. 2900 of 1850)

The Court of Foujdaree Udalut are of opinion that Section VII Regulation X of 1816 is not appliable to

to cases of the description referred to by the Acting Magistrate who must act in such cases as laid down by law.

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

/Sent in No. 1438 /—

Read Letter dated the 29th November 1850 from the Agent to the Governor at Vizagapatam, submitting for the final judgment of the Court of Fouzdaree Adalut the trial of Case No. 18 of 1850 on the Agent's File.—

/Here Enter Fl. No. 2936 of 1850/—

1. In the foregoing Case two Prisoners were charged with House-breaking and Theft and the 3d Prisoner with possessing part of the stolen property knowing it to be such.—

2. The Agent convicts the first Prisoner of the crime charged and recommends that he be sentenced to two years' imprisonment with hard

hard labor in irons. The 2d Prisoner has been required to furnish two securities in the sum of 20 rupees each, for the period of six months, and the 3d Prisoner has been unconditionally released.—

3. On an attentive consideration of the trial of this case, the Court of Fouzdaree Adalut are unable to concur with the Agent in deeming the Evidence against the first Prisoner sufficient to convict him of the crime charged, and the Court accordingly direct that he be unconditionally set at liberty.—

Ordered, that Extract from these Proceedings be forwarded to the Agent at Vizagapatam for his information and Guidance by Precept returnable within III days from and after it's receipt.—

/Sent following Precept No. 1439/—

Read report of Cases pending on the 31st October and committed for.

13th December, 1850.

for trial during November 1850 submitted by the Sessions Judge of Coimbatore under date 2d December 1850.—

/Here Enter F.C. No. 2934 of 1850/—

1. The Court of Foujdaree Udalut observe that case No. 41 was committed on the 17th October, but in consequence of the absence of certain witnesses the Trial was not commenced until the 7th November. In the 3 weeks which intervened the cases Nos. 42-43 and 44 were committed, but were not entered upon because "the trial of case No. 41 was going on".—

2. The Court of Foujdaree Udalut are unable to understand why after the trial of case No. 41 had been postponed the witnesses for the prosecution in the cases subsequently committed should have been subjected to a second journey to the Sessions Court.—

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

2/

F.C.

13th December, 1850.

Sessions Judge of Coimbatore for his information.—

/Sent in No. 1440/—

Read Letter dated the 28th November 1850 from the Sessions Judge of Chicacole transmitting the Petty Calendars of Cases disposed of by the Magisterial authorities in Ganjam during the 3d Quarter of 1850.—

/Here Enter F.C. No. 2929 of 1850/—

Security Calendar— Cases Nos. 23 &

The Court of Foujdaree Udalut require to be informed more distinctly of the grounds upon which the Prisoner in this Case has been held to security, and also whether the Examination prescribed by Circular Order Foujdaree Udalut dated the 25th February 1824 was observed in this and the following Case No. 22.—

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Chicacole by Precept returnable within x days from and after its receipt.—

/Sent following Precept No. 1441/ &

Do 1&2.

F. U6.

Saturday,
14th December, 1850.

At a Court of the Foujdaree Udalut.

Present.

G. S. Cooper, Esquire 1st Puisne Judge.
G. D. Thompson, Esquire 2d Puisne Judge.
W. A. Morehead, Esquire 3d Puisne Judge.

In certain Futwahs re-
=cently submitted to the Court of
Foujdaree Udalut a finding of —
Tohamut has been recorded against
the Prisoners upon evidence the
weight of which has led the Cauzee-
-ool-Cozat to infer that, by an
inadvertence, the term Tohamut has
been substituted for Tohamut Ba-zunn
Ghalib, which is tantamount to a
conviction on strong presumptive —
proof — and the Court of Foujdaree
Udalut consequently resolve to direct
the Sessions Judges to instruct their
Law Officers on all occasions when
they

they consider there exists sufficient evidence to convict on strong presumptive proof, to deliver their findings in the most appropriate of the technical terms specified in Clause sixth Section II Regulation XV of 1803.

Ordered, that Extract from these Proceedings be forwarded to the several Sessions Judges for their information and guidance.

/Sent following Circular No. 1442/-

Read letter dated the 23d ultimo from the Sessions Judge of Honore forwarding a Statement of the amount realized by the labor of the Prisoners in the Jail at Honore for the 3d Quarter of 1850 and stating that the Sudder Ameen of Sirsy has reported that he has no such Statement to furnish.-

/Here Enter F.C. No. 2902 of 1850/-

Read Statement dated the 28th ultimo submitted by the Sessions Judge of Cuddapah of Batta paid to Prosecutors and Witnesses in attendance before him from 1st January to 30th June 1850.-

/Here Enter F.C. No. 2906 of 1850/-

Read Calendar of Case No. 31 of 1850 submitted by the Sessions Judge of Madura under date the 28th ultimo.-

/Here Enter F.C. No. 2909 of 1850/-

Read Calendar of Case No. 48 of 1850 submitted by the Sessions Judge of Bellary under date the 26th ultimo.-

/Here Enter F.C. No. 2911 of 1850/-

Read Calendars of Cases No. 75 and 80 submitted by the Sessions Judge of Cuddapah under date the 28th ultimo.-

/Here Enter F.C. No. 2912 & 2913 of 1850/-

Read return dated the 29th ultimo from the Acting Sessions Judge of Trichinopoly to the precept of the Foujdaree Adalut under date the 26th idem, directing him to forward the Persian Futwah in Case No. 27, in

in which he recommended a mitigation of the penalty.—

/Here Enter F.16. No. 2915 of 1850/—

Read letter dated the 2d instant from the Sessions Judge of Chingleput reporting that no cases were pending before him during the month of November 1850.—

/Here Enter F.16. No. 2916 of 1850/—

Read letter dated the 2d instant from the Sessions Judge of Cuddalore reporting that no case was pending trial before him for a period exceeding 25 days during the month of November 1850.—

/Here Enter F.16. No. 2923 of 1850/—

Read Report dated the 2d instant submitted by the Sessions Judge of Salem of Cases pending on the 30th November 1850 for a period in excess of 25 days.—

/Here Enter F.16. No. 2927 of 1850/—

Read letter dated the 2d instant from the Sessions Judge of Nellore reporting

reporting that no cases were pending trial before him for a period exceeding 25 days during the month of November 1850.—

/Here Enter F.16. No. 2928 of 1850/—

Read Calendar of Case No. 35 of 1850 submitted by the Sessions Judge of Chittoor under date the 14th ultimo.—

/Here Enter F.16. No. 2931 of 1850/—

Read Calendar of Case No. 42 of 1850 submitted by the Sessions Judge of Nellore under date the 2d instant.—

/Here Enter F.16. No. 2932 of 1850/—

Read Report dated the 2d instant submitted by the Sessions Judge of Guntoor of Cases pending on the 31st October and committed for trial during the month of November 1850.—

/Here Enter F.16. No. 2935 of 1850/—

Read Calendar of Cases Nos. 38 and 39 of 1850 submitted by the Sessions Judge of Combaconum under date

date

date the 3d instant.—

//Here Enter F.No. 2937 of 1850//-

Read letter dated the 2nd instant from the Sessions Judge of Masulipatam reporting that no cases were pending beyond 25 days between 31st October and 30th November 1850.—

//Here Enter No. 2938 of 1850//-

Read Report dated the 4th Instant submitted by the Subordinate Judge in charge of the Sessions Court of Cuddapah of cases pending on the 31st October and committed for trial during the month of November 1850 which remained on the file of the Sessions Court for more than 25 days.—

//Here Enter F.No. 2941 of 1850//-

Read Calendar of Case No. 40 of 1850 submitted by the Sessions Judge of Combaconum under date the 5th instant.—

//Here Enter F.No. 2945 of 1850//-

Read letter dated the 2d instant from the Sessions Judge of Tellicherry

Tellicherry reporting that no case was before him during November 1850 for a period in excess of 25 days.—

//Here Enter F.No. 2947 of 1850//-

Read letter dated the 2d instant from the Sessions Judge of Calicut stating that there is no case during the month of November to be entered in the report.—

//Here Enter F.No. 2952 of 1850//-

Read Report dated the 2d instant submitted by the Sessions Judge of Mangalore of cases pending on the 31st October and committed for trial in the month of November 1850.—

//Here Enter F.No. 2953 of 1850//-

Read return dated the 6th instant from the Sessions Judge of Nellore to the precept of the Foujdaree Adalut under date the 29th November 1850, calling on him to report why, if he had any doubts as to the course to pursue, he deferred for four months

and

14th December 1850.

and a half after receiving the Petition of R. Vencataswamy to apply to the Court of Foujdaree Udalut for instructions.—

/Here Enter F. Mb. No. 2954 of 1850/—

Read Calendar of Cause No. 41 of 1850 submitted by the Sessions Judge of Combaconum under date the 6th instant.—

/Here Enter F. Mb. No. 2959 of 1850/—

Ld. 16d.

F 96

Tuesday 17th December 1850.

At a Court of the Foujdaree Udalut.

Present

G. L. Cooper Esqre 1st Puisne Judge
E. P. Thompson Esqre 2nd Puisne Judge
W. A. Morehead Esqre 3rd Puisne Judge

Read Miscellaneous Petition presented on the 14th November 1850 by Auky Reddy of Zillah Cuddapah.

/Here enter F. Mb. P. No. 189 of 1850/

Mr. W. A. Morehead.

The Petitioner is referred to the Orders of this Court dated 20th August and 26th September 1850.

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

Read Petition presented on 5th December 1850 by A. M. Ritchie Esqre Vakeel of the Court of Sudder Udalut requesting with reference to the provisions of Act 22 of 1839, and Act 35 of 1850 that an order may be passed declaring whether the

17th December 1850. the Petitioner as a Pleader of this Court has a full and complete right to appear for a Prisoner in the Mofussil Courts.

/Here enter M. P. No. 203 of 1850/

Mr. G. S. Hooper
Mr. E. P. Thompson
and
Mr. W. A. Morehead

The Court of Foujdaree Udalut consider that the Petitioner as a Vakeel of the Court has an undoubted right to practise in all the East India Company's Courts in Criminal Cases.

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

Read Letter dated the 4th of December 1850 from the Sessions Judge of Chittoor submitting the Petty Calendars of Cases disposed of by the Magistracy during the 3rd Quarter of 1850.

/Here enter F. C. No. 2946 of 1850/

Punished Calendar Cases Nos. 4 and 8.

Adverting to the apparent absence of any breach of the peace in these Cases, the Court of Foujdaree Udalut are disposed to question the legality of the sentences, but before passing their final orders in respect to them the Court deem it proper to call upon the Magistrate for further

17th December 1850.

Further information regarding the nature of the Misdemeanor which it is alleged the Prisoners have respectively committed.

Discharged Calendar Case No. 8.

The Court observe that it should have been shewn in what capacity the Prisoners in this Case were alleged to have been guilty of abuse of authority in extorting 10 annas from the complainant as a fine.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Chittoor by Precept returnable within V days from and after its receipt.

/Sent following Precept No. 1248/

Read Calendar of Case No. 43 of 1850 of the Sessions Court of Nellore.

/Here enter J. C. No. 2955 of 1850/

The Court of Foujdaree Udalut require to be informed of the cause of the Government Vakeel being the Prosecutor in this case, when as it is observed, the first Witness, the party robbed, was present at the trial.

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

/Sent following precept. No. 1249/

17th December 1850.

Read Calendar of Case No. 170 of 1850 of the Session Court of Guntoor.

/Here enter F.C. No. 2956 of 1850/

The Court of Fouzdaree Udalut requires to be informed of the Cause of the Government Vakeel or being the Prosecutor in this case, when as it is observed, the first witness, the party alleged to have been robbed was present at the trial.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Guntoor by precept returnable within III days from and after its receipt.

/Sent following precept No. 1400./

Read Calendar of Case No. 42 of 1850 of the Session Court of Coimbatore.

/Here enter F.C. No. 2957 of 1850./

The Court of Fouzdaree Udalut observe, that agreeably to the requisition contained in their circular Instructions issued under date the 2nd October last, the previous convictions of the Prisoner specified in the note appended to the foot of the charge in this case, should have been entered as separate counts in the statement of the charge, and evidence adduced to establish the identity

17th December 1850.

identity of the Prisoner with the individual to whom those convictions referred.

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

/Sent in No. 1451./

Read Report dated the 4th Instant submitted by the Session Judge of Tinnevelly of Cases depending before him up to the 30th November 1850 in which the Trial has been delayed beyond 25 days.

/Here enter F.C. No. 2960 of 1850/

Read Return dated the 6th Instant from the Session Judge of Madura to the Sprecept of the Fouzdaree Udalut under date the 5th Ultimo directing submission of English translation of the records in Calendar Case No. XXIII of 1850.

/Here enter F.C. No. 2964 of 1850/

Read Letter dated the 2d Instant from the Acting Session Judge of Trichinopoly Returning English translation of a Petition forwarded with the Extract from the Proceedings of the Court of Fouzdaree Udalut dated the 25th Ultimo.

/Here enter F.C. No. 2969 of 1850/

Read Return dated the 6th Instant from the Acting Sessions Judge of Tinnevelly to the precept of the Foujdaree Udalut under date the 25th Ultimo directing him to review and report upon Case No. 1 of the Head Assistant's Magistrate's Calendar of persons punished for the 3rd Quarter of the present year

/Here enter F.C. No. 2971 of 1850/

Read Letter dated the 2nd Instant from the Sessions Judge of Honore Reporting that no Cases were pending before his Court for more than 25 days during the month of November 1850.

/Here enter F.C. No. 2972 of 1850/

Read Return dated the 3rd Instant from the Sessions Judge of Honore to the precept of the Foujdaree Udalut under date the 26th Ultimo conveying their opinion that the period of imprisonment awarded to the Prisoner in Case No. 93 on the Criminal File may with propriety be reduced to six months and directing the Sessions Judge to review the proceedings and report the result.

/Here enter F.C. No. 2978 of 1850/

Read Calendar of Case No. 47 of 1850 Submitted by the Sessions Judge of Bellary under date the 7th Instant

/Here enter F.C. No. 2981 of 1850/

Read Calendar of Case No. 49 of 1850 Submitted by the Sessions Judge of Bellary under date the 7th Instant

/Here enter F.C. No. 2982 of 1850/

Read Calendar of Case No. 91 of 1850 Submitted by the Sessions Judge of Calicut under date the 7th Instant

/Here enter F.C. No. 2992 of 1850/

Read Return dated the 13th Instant from the Sessions Judge of Salem to the precept of the Foujdaree Udalut under date 5th Idem on review of the Calendar of No. 35 of 1850 and with reference to the previous conviction of the Prisoner requiring information as to whether his identity had been established before his Court.

/Here enter F.C. No. 2994 of 1850/

Read Criminal Report etc. dated the 30th Ultimo submitted by the Sessions Judge Coimbatore for the month of November 1850.

/Here enter F.C. No. 2997 of 1850/

Read Calendar of Case No. 33 of 1850, Submitted by the Sessions Judge of Madura under date the 16th Instant.

/Here enter F.C. No. 2998 of 1850/

Recd 18th

F. C.

Wednesday 18th December 1850.

At a Court of the Foujdaree Udalut

Present

G.H.R. G. S. Cooper Esqr. 1st Puisne Judge

W.M. for S.P.J. E. P. Thompson Esqr. 2nd Puisne Judge

W. A. Morehead Esqr. 3rd Puisne Judge

Read Proceedings of the Sessions Judge of Chingleput submitting the petty Calendars of the Magistracy and the Statements of the Police for the 3rd Quarter of 1850 and dated 4th December 1850.

/Here enter F.C. No. 2942 of 1850/

List of Persons from whom Security has been demanded. Case No. 1.

1 Section V has been erroneously quoted instead of Section VI Regulation VI of 1827.

Cases Nos. 5 and 10.

2 In these cases the Prisoners were charged with theft to the amount of 2 Rs. and 1½ Rs. respectively and were ordered to find two Sureties in the sum of 10 Rs. each for their good behaviour and appearance when required for three months under Section IV Regulation II of 1822.

3 The Court of Foujdaree Udalut observe that a Magistrate cannot take Security for

18th December 1850.
+vide Circular order Foujdaree Udalut 7th July 1850.

for a specific offence except when exercising the extended Powers conferred upon him by Section 54 Act VIII of 1843. and they accordingly direct that the requisitions be cancelled in both cases.

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

/Sent in No. 1456./

Read report /B/ of persons appre-hended and delivered to the Joint Magistrate of Salem in October 1850 transmitted by the Sessions Judge under date 5th December 1850.

/Here enter F/C. No. 2943 of 1850/

The Court of Foujdaree Udalut observe that the provisions of Section II Act XIV of 1839 do not authorize the commutation of fine to imprisonment with hard labor. and that 'crimping' is the appropriate Reading for the Offence with which the Prisoner in the case reported was charged.

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

/Sent in No. 1457/

18th December 1850.

Read letter dated 30th November 1850 from the Sessions Judge of Masulipatam transmitting the Petty Calendars of the Magistracy with his Proceedings reviewing the same and the statements of the Police for the 3rd Quarter of 1850.

/Here enter F/C. No. 2948 of 1850/

Calendar of persons apprehended &c. — Released. Enclosures Nos. 1 and 2.

The Court of Foujdaree Udalut direct that, in conformity with the rules pre-scribed for the guidance of the Criminal Courts by Circular Order Foujdaree Udalut No. 168 the designation of the offences be prefixed as a Heading to the Statements of Charge in these returns.

List of Officers selected to perform the duties assigned to Heads of Police — Enclosure No. 3

Table shewing the operations of the Police in the 3d Quarter — Enclosure No. 4.

The transmission of these State-ments to the Court of Foujdaree Udalut is unnecessary.

The Court of Foujdaree Udalut direct that the Sessions Judge be requested to transmit for their information any Explanation which the Magistrate may offer in respect to the delay in the disposal of Cases by the Police to which his attention has been directed in the Proceedings of the Sessions Court under date

28th

18th December 1850.

28th November 1850.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Masulipatam for his information and for Communication to the Magistrate.

/Sent in No. 1458/

Read Calendar of Case No. 38 of 1850 of the Sessions Court of Mangalore.

/Here enter F.C. No. 2975 of 1850/

The Court of Foujdaree Udalut are unable to recognise the validity of the reason assigned by the Sessions Judge for not proceeding with the trial of this case, as they observe that if the Prisoner should be subsequently acquitted by the Foujdaree Udalut of the graver offence charged against him in Case No. 37, his conviction by the Court of Session of the minor offence in the case now under consideration would still prove him deserving of punishment.

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

/Sent in No. 1459/

Read Letter dated 11th November 1850

F.C.

18th December 1850

1850 from the Magistrate of Madura requesting that as he has long ceased to have any control over the convicts employed on the Pamban Channel, he may be relieved from the responsibility which may be supposed to attach to him in consequence of their being borne upon the returns as being under his charge.

/Here enter F.C. No. 2787 of 1850/

The Court of Foujdaree Udalut resolve to direct that the Gang alluded to by the Magistrate of Madura be placed under the exclusive control of the Officer Superintending the works at Pamban, and be henceforward so entered in the returns.

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

/Sentin No. 1460/

Ordered also that Extract from these Proceedings be forwarded to the Sessions Judge of Madura for his information and for communication to the Officer Superintending operations in the Pamban Channel.

/Sentin No. 1461/

Read again Calendar of Case No. 37 of 1850 of the Sessions Court of Coimbatore.

/Here enter F.C. No. 2544 of 1850/

Read

Read also Return dated the 30th November made by the Sessions Judge of Coimbatore to the Precept of the Fouzdaree Adalut under date the 18th November 1850 Calling for an English translation of the Record of the above Case-

(Herewith Fdc. No. 2924 of 1850)

1 Upon a careful consideration of the entire Record of this Case, the Court of Fouzdaree Adalut are unable to concur with the Sessions Judge in his conviction of the Prisoner, and they are of opinion that the evidence is not sufficient to establish more than Suspicion against him and that he is moreover a bad Character- The Court accordingly resolve to annul the Sentence of the Sessions Judge and direct that the Prisoner be called upon to furnish two securities in the Sum of Rupees 12 each for his good behaviour and appearance when required for one year, or, in default thereof, that he be imprisoned for that period-

2 The Court of Fouzdaree Adalut considers it to be regretted that the Sessions Judge did not test by a more searching examination the truth of the Statement made by the 1st and 2nd Witnesses that they saw the Prisoner at his Village at 7 O'clock A.M. on the morning after the Robbery, and that on their questioning him concerning it, he threatened them with violence-

3 The Record, the Court would also observe

observe, is silent as to whether any or what steps were adopted by those Witnesses for the immediate apprehension of the Prisoner, when they knew that he was in his house, nor is it stated when it was that the Peons came to apprehend the Prisoner and found him absent indeed to this latter point no Witnesses appear to have been examined, which was an important omission on the part of the Sessions Judge.

4 The Court would further observe that the Witnesses to his apprehension should have been examined-

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Coimbatore for his information and guidance by Precept returnable within 30 days from and after its receipt.

(Sent following Precept 17th Idem)

Read Return dated the 30th August last from the Sessions Judge of Chittoor to the Precept of the Fouzdaree Adalut under date the 23d August 1850, directing the unconditional release of the 2d Prisoner in Calendar No. 39 of 1849.

(Herewith Fdc. No. 2235 of 1850)

Read Report dated 2d Septr 1850, submitted by the Sessions Judge of Chittoor of Cases pending on the 31st August 1850 before his Court for a period in excess of 25 days calculated from the date of Commitment.

(Herewith Fdc. No. 2274 of 1850) Read

18th December 1850

Reads return dated 30th September 1850 from the Session Judge of Coimbatore, to the Precept of the Foujdaree Adalut under date the 17th June, requiring to be informed who the 2d Witness in Calendar Case No. 31 of 1850 is, and the cause of his having been led to suspect the Prisoners of the Crime charged, whether or not a Warrant was issued against the Prisoners previous to the Search being made in their houses, and under whose immediate authority that Search was effected.

(Here enter Ffts No. 2487 of 1850)

2d Ditto.

F. A.

Thursday 19th December 1850

At a Court of the Foujdaree Adalut

Present

G. S. Hooper Esqr. — 1st Puisne Judge
E. P. Thompson Esqr. — 2d Puisne Judge
W. A. Morehead Esqr. — 3d Puisne Judge

Read Miscellaneous petition presented on the 10th November 1850 by Sreenewasa Charry Vakeel on behalf of Palanyandy Thevan and five others of Zillah Tinnevelly.

(Here enter Mo. P. No. 191 of 1850)

Read also Miscellaneous Petition presented on the 18th November 1850 by Ramen Daragan and another of Zillah Tinnevelly.

(Here enter Mo. P. No. 196 of 1850)

The Petitioners are referred to the orders of this Court of Foujdaree Adalut under date 25th November 1850 upon Miscellaneous Petition No. 157 of 1850.

Ordered that Extracts of these Proceedings be given to the Petitioners on their application.

Mr. G. S. Hooper.
Mr. E. P. Thompson.
Mr. W. A. Morehead.

g^th December 1850

Read. Miscellaneous Petition presented on the 21^st November 1850 by Mudaliyar Ambalacaren of Zillah Trichinopoly.

(Vide enter F. M. P. N^o 198 of 1850)

Mr. G. S. Hooper
Mr. C. P. Thompson
Mr. W. A. Morehead.

1 The Petitioner prays the Court of Foujdaree Udalut to call for the record of the case N^o 21 on the Calendar of the Sessions Court of Trichinopoly for 1850 and to order the release of his brothers and brothers in law the 1^st 3^d and 11^th Prisoners in the said case.

2 The Court of Foujdaree Udalut direct that the Sessions Judge of Trichinopoly be required to transmit the whole original Record of the said case N^o 21 on the Calendar for 1850.

3 The Sessions Judge will be pleased to cause any of the depositions or other papers that may not be clearly and legibly written to be fair copied and transmitted with the record.

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Trichinopoly by Precept returnable within x days from and after it's receipt.

(Sent following Precept N^o 1465)

Read

19^th December 1850.

Read. Miscellaneous Petition presented on the 2^d December 1850 by C^a Sevagooroonadhen Pillay of Zillah Trichinopoly.

(Vide enter F. M. P. N^o 202 of 1850)

Mr. G. S. Hooper
Mr. C. P. Thompson
Mr. W. A. Morehead.

1. The Petitioner, with reference to the orders of the Court of Foujdaree Udalut under date 7^th November 1850 upon Miscellaneous Petition N^o 190 of 1850, prays that, tho' the Court are precluded from ordering the re-trial of the parties charged with, but acquitted of the theft of a golden vessel from the Jamboo Kasverar Pagoda in the Talgoody Taluck, they will yet order such measures to be adopted as will ensure the recovery of the stolen property, and especially direct the Sessions Judges to suspend his order for the sale on account of Government of the gold actually recovered, and instruct Petitioner as to whether a Civil action will lie against the Trustee, in whose charge the Pagodah was when the theft occurred, for the recovery of the value of the vessel.

2. The Petitioner further prays that the copies of his former Petition may be

be returned to him

3. The Court of Fujdaree Udalut direct that the Petitioner be referred to the orders of the Court passed under date 7th November 1850.

4. With reference to the Petitioner's prayer for instructions, the Court of Fujdaree Udalut observe that the Civil Courts are open to him for the institution of any suit that he may be advised or see fit to present to them and that he must act upon his own judgment in the matter.

5. The Documents filed with his former Petition are to be returned to him.

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

Read Miscellaneous Petition presented on the 12th December 1850 by A. Mc. Ritchie Esqr. Vakeel on behalf of Seroonengada Chetty of Zillah Madura

(Here enter M. P. No. 2060 of 1850)

The Petitioner prays that the Court of Fujdaree Udalut will call up the record of Case No. 19 on the Calendar of the Sessions Court of Madura for 1850 and reverse the sentence passed thereon against his father in law the 1st Prisoner Perumal Chetty and

Mr. G. S. Hooper
Mr. C. P. Thompson
Mr. W. A. Maclean and

2. The Court of Fujdaree Udalut resolve to direct the Sessions Judge to retransmit a translation of the whole record of the case in question without delay.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Madura by Precept returnable within x days from and after its receipt.

(Sent following Precept No. 2455)

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

Read Criminal Reports submitted by the Sessions Judge of Coimbatore for the Month of October 1850.

(Here enter S. C. No. 2759 of 1850)

Adverting to the number of Cases in which the prisoners have been placed under a requisition of security, the Court of Fujdaree Udalut resolve to direct that the Sessions Judge will review the proceedings held

held in the Cases in question, and report to the Foujdaree Uddalut his opinion in regard to the manner in which they have been disposed of.

2 As a general rule the Court of Foujdaree Uddalut consider the requisition of security in Cases in which all the evidence procurable has been received to be a very unsatisfactory manner of disposing of Cases, and they are of opinion that the demand of security in the trifling sum of Rupees 6 does not meet the object of the legislature in vesting this power in the Courts of Criminal judicature.

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

(Sent following Precept No. 1484)

Read Calendar of Cases No. 33 of 1850 of the Sessions Court of Cuddalore.

(Were enter F. Vo. No. 2900 of 1850)

The Court of Foujdaree Uddalut are of opinion that a sentence of two years' imprisonment with hard labor in irons will

well be adequate punishment for the offence of which the Prisoner in this Case has been convicted, and on the recommendation of the Sessions Judge the Court will be prepared to mitigate the sentence now recorded against him to that extent.

2 If the Sessions Judge be not disposed to Concur in the foregoing opinion he will be pleased to submit a translation of the entire record of the Case for the consideration of the Court of Foujdaree Uddalut.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddalore by Precept returnable within III days from and after its receipt.

(Sent following Precept No. 1468)

Read Calendar of Cases No. 32 of 1850 submitted by the Acting Sessions Judge of Trichinopoly under date the 12th Instant.

(Were enter F. Vo. No. 3007 of 1850.)

Read

19th December 1850.

Read Calendar of Cases No. 309 of 1850 submitted by the Sessions Judge of Calicut under date the 10th Instant.

(Here enter F. Uo. No. 3014 of 1850.)

Read Return under date the 11th December 1850 from the Sessions Judge of Nellore, to the Precept of the Foujdaree Udalut dated the 25th November 1850 directing him to call for the record in Criminal Case No. 102 of 1850 and ascertain whether or not there be any circumstances in evidence against the Prisoners.

(Here enter F. Uo. No. 3015 of 1850)

Read Calendar of Cases No. 20 of 1850 submitted by the Sessions Judge of Chingleput under date the 13th Instant.

(Here enter F. Uo. No. 3021 of 1850.)

Read Calendar of Cases No. 31 of 1850 submitted by the Sessions Judge of Bellary under date the 13th Instant.

(Here enter F. Uo. No. 3024 of 1850.)

Return to the Precept of the F.U. under date the 12th Decr. 1850 requiring to shew what progress has been made in the preparation of the English translation & to explain the delay in the transmission of the Record in Case No. 16 of 1858.

(Here enter F.U. No. 3000.)

F. Uo.

Friday
20th December 1850. At a Court of the Foujdaree Udalut.

Present:

G. S. Hooper Esqre — 1st Puisne Judge.
E. P. Thompson Esqre — 2nd Puisne Judge.
W. A. Morehead Esqre — 3rd Puisne Judge.

Read Criminal Reports of the Sessions Court of Honore for the month of November 1850.

(Here enter F. Uo. No. 2993 of 1850.)

Case No. 104.
"Escape from Custody"

The Court of Foujdaree Udalut consider the sentence recorded against the Prisoner in this case to be unnecessarily severe, and they accordingly direct that the term of the additional imprisonment awarded to him be reduced to one year.

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

(Sent in No. 1469)

Read Extract from the Minutes of Consultation of Government under date 10th December 1850 authorizing the

20th December 1850.

the detention of the Prisoner in Case No. 66. of 1850 on the file of the Sessions Court of Calicut for 3 months.-

(Here enter F. No. No. 2983 of 1850)

The Court of Fouzdaree Udalut direct that a copy of the remarks of the Governor in Council be forwarded for the information and guidance of the Sessions Judge of Calicut who will be pleased to transmit a translation of the record of the trial of the case in question by the Sessions Court without delay.-

Ordered, that Extract from these Proceedings, be forwarded to the Sessions Judge of Calicut, by Precept returnable within x days, from and after its receipt.-

(Sent following precept No. 1470)

Read the Petty Calendars of Cases disposed of by the Magistracy of Canara during the 3rd Quarter of 1850, submitted with an Extract from the Proceedings of the Sessions Court of Honore under date the 14th December 1850.-

(Here enter F. No. No. 2988 of 1850.)

The

20th December 1850.

Punished Calendar Case No. 10.

1. The Court of Fouzdaree Udalut observe that the provisions of Sect. III of 18th are not applicable to the Madras Presidency and that Section XXXII Regulation IX of 1816 should alone have been cited by the Head Assistant Magistrate in this case.-

Cases Nos. 64-74 and 86.

2. The Court of Fouzdaree Udalut require a full explanation of the nature of the offences committed by the Prisoners in each of these cases, as it does not appear clear to the Court on perusal of the statement of the charges that the said offences were properly cognizable under the Criminal Law.-

Ordered, that Extract from these Proceedings, be forwarded to the Sessions Judge of Honore, by Precept returnable within x days, from and after its receipt.-

(Sent following precept No. 1471)

Read Calendar of Case No. 46 of 1850 of the Sessions Court of Mangalore.-

(Here enter F. No. No. 2990 of 1850.)

Adverting to the nature of the

20th December 1850.

the offence committed by the Prisoner in this case, and to the Regulation cited in support of its punishment, the Court of Foujdaree Udalut observe that the offence should have been designated House breaking and Robbery in the Heading prefixed to the statement of charge.

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

2d 1865.

(Sent in Sr. 1472)

F. C.

Saturday
21st December 1850.

At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esqre. ——— 1st Puisne Judge.
E. P. Thompson Esqre. ——— 2nd Puisne Judge
W. A. Morehead Esqre. ——— 3rd Puisne Judge.

Read Calendar of Case No. 39 of 1850 of the Sessions Court of Cuddalore.—

(Here enter F. C. No. 2999 of 1850).

The Court of Foujdaree Udalut are

1. of opinion that a sentence of two years imprisonment with hard labor in irons will be adequate punishment for the crime of which the Prisoner in this Case has been convicted, and on the recommendation of the Sessions Judge the Court will be prepared to mitigate the sentence now recorded against the Prisoner to that extent.—

2. If the Sessions Judge be unable to concur in the foregoing opinion, he will be pleased to submit a translation of the entire Record of the case for the consideration of the Foujdaree Udalut.—

3. The Court of Foujdaree Udalut require an explanation of the delay after the close of the trial in passing the sentence in this case and also of the cause of the Prisoners committal being dat

the 16th November while the Principal Sudr Ameens Proceedings transmitting the Calendar are dated the 2nd December or 16 days subsequent to that period.—

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddalore by Precept returnable within III days from and after its receipt.—

(Sent following Precept No. 1475).

Read Extract from the Minutes of Consultation of Government under date 13th November 1850, reviewing the Criminal Reports for 1849.—

(Here enter S. C. No. 2763 of 1850).

Ordered that a Copy of para 38 be forwarded to the Sessions Judge of Salem with instructions to call upon the Magistrate for an explanation of the cause of delay in every case detained upon his own and the files of his Subordinates during the 3rd and 4th Quarters of 1849 for more than 3 months.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Salem by precept returnable within 30 days from and after its receipt.—

(Sent following Precept No. 1476).

Ordered also that Copy of para 47 be transmitted to the Sessions Judges for communication to the Magistrates referred to, and that Copy of

of the last clause of para 68 be circulated to the Sessions Judges for the information of the Magistrates and to the Agents.—

(Sent in No. 1477)

Ordered also that a Copy of para 72 be forwarded to the Sessions Judge of Chicacole whose attention is to be called to Circular Order Sudr Board No. 104.—

(Sent in No. 1478).

Ed 1st

F. C.

Tuesday
24th December 1850

At a Court of the Fouzdaree Adalut.

Present

G. S. Cooper Esquire 1st Puisne Judge.
C. D. Thompson Esquire 2d Puisne Judge.
W. H. Morehead Esquire 3d Puisne Judge.

Read letter dated 7th December 1850 from the Principal Sudder Ameen of Tellicherry requesting authority to offer a conditional pardon to the 3d and 4th Prisoners in Case No. from the Criminal file for 1850.-

Ordered that Extract from these Proceedings be forwarded to the Principal Sudder Ameen of Tellicherry by precept returnable within xx days from and after the receipt.-

(Sud. Jollamuz precpt. No. 1480.)

Read Letter dated 18 December 1850 from the Agent at Vizagapatam transmitting for

24th December 1850

for the final Judgment of the Fouzdaree Udalut the record of Case No 19 of 1850 on the Calendar of the Agents Court.

/ Inventory No 3060 of 1850 /

The Court of Fouzdaree Udalut,

Wm E D Thompson
Wm F A Morehead

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

"Vottipoolasoo Nursimloo."

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 conveniently can be after the receipt of this warrant, at a spot to be selected by the Agent to the Governor in Vizagapatam, in the immediate vicinity of the place where the murder was committed.—

/ Sentence No 1481 /

Ed 1850.

F. 16.

Saturday 28th December 1850. At a Court of the Foujdaree Adalut.

Present.

W.H. G. S. Hooper Esqr. ——— 1st Puisne Judge
P.S. E. P. Thompson Esqr. — 2nd Puisne Judge
H.M. W. A. Morehead Esqr. ——— 3rd Puisne Judge.

The Court of Foujdaree Adalut observe that the number of Prisoners drawing the maximum rate of diet at Rajahmundry is very large in comparison with other Jails viz. 192 out of 225 (Guntoor) (89 out of 116) (Session Judge) and they accordingly direct that the Subordinate Judge be called upon to explain why the ordinary allowance prescribed in their Circular Order of the 5th April 1850 has not been more generally issued.—

Ordered, that Extract from these Proceedings be forwarded to the Acting Subordinate Judge of Rajahmundry (and Sessions Judge of Guntoor) by Precept returnable within X days from and after its receipt.—

(Sent following Precept Nos. 1485 & 1486).

Read Calendar of Case No. 31 of 1850 submitted by the Acting Sessions Judge of Juimeally under date the 11th Instant.—

(Here enter F. 16. No. 3056 of 1850).

Read report A dated the 12th Instant, submitted

submitted by the Sessions Judge of Tellicherry of a Case disposed of by the Principal Sudr Ameen of Tellicherry in the month of November 1850.

(Here enter F: 66: No: 3058 of 1850).

Read Calendar of Case No: 44 of 1850 submitted by the Sessions Judge of Coimbatore under date the 5th Ultimo.—

(Here enter F: 66: No: 3063 of 1850).

Read report B dated the 15th Instant submitted by the Agent to the Governor of Fort St George at Vizagapatam of Persons apprehended in the Separate Tracts of Vizagapatam and delivered to the Agency in the month of November 1850.—

(Here enter F: 66: No: 3065 of 1850).

Read report dated the 16th Instant, submitted by the Sessions Judge of Chittoor of the labor of Convicts of the Jail at Vellore under the charge of the Acting Head Assistant Magistrate of North Arcot for the month of November 1850.—

(Here enter F: 66: No: 3070 of 1850).

Read return dated the 18th Instant from the Agent to the Governor of Fort St George at Vizagapatam to the Precept of the Foujdaree Adalut under date the 13th Idem directing the unconditional release of the 1st Prisoner in Case No: 18 of 1850 of his file which has been accordingly done.

(Here enter F: 66: No: 3074 of 1850)

Read

Read letter dated the 21st Instant, from the Sessions Judge of Bellary transmitting the original death Warrant issued by his Court in Case No: 46 on the Sessions Calendar for 1850, together with Copy of the Subordinate Criminal Judge's letter which accompanied it.—

(Here enter F: 66: No: 3078 of 1850).

Read Calendar of Case No: 74 of 1850 submitted by the Sessions Judge of Masulipatam under date the 14th Instant.—

(Here enter F: 66: No: 3079 of 1850).

Read Calendar of Case No: 38 of 1850 submitted by the Sessions Judge of Rajahmundry under date the 20th December 1850.—

(Here enter F: 66: No: 3080 of 1850).

Read Calendar of Case No: 14 of 1850 submitted by the Sessions Judge of Chicacole under date the 7th Instant.—

(Here enter F: 66: No: 3081 of 1850).

Read Calendar of Case No: 30 of 1850 submitted by the Acting Sessions Judge of Trichinopoly under date the 20th Instant.—

(Here enter F: 66: No: 3082 of 1850)

Read return dated the 31st Instant from the Sessions Judge of Calicut to the Precept of the Foujdaree Adalut under date the 6th Idem

28th December 1850.

Idem commenting on the illegality of the requisition of Security taken in the case of Arson and directing that such be annulled—

(Here enter F. H: No: 3085 of 1850).

Read return dated the 23d Instant, from the Sessions Judge of Coimbatore to the precept of the Fouzdaree Adalut under date the 18th Idem annulling the sentence passed on the Prisoner in Calendar of Case No: 37 of 1850, and directing that the said Prisoner be called upon to furnish Security—

(Here enter F. H: No: 3086 of 1850).

In 180

F. H:

Tuesday 31st December 1850.

At a Court of the Fouzdaree Adalut

Present

Mr G. S. Hooper Esqr — 1st Puisne Judge.
Mr E. P. Thompson Esqr — 2nd Puisne Judge.
Mr W. A. Morehead Esqr — 3d Puisne Judge.

Read letter dated 23d Instant from the Acting Sessions Judge of Tinnevelly, submitting for the final Judgment of the Fouzdaree Adalut the Record of Case No: 29 of 1850, of the Calendar of the Sessions Court.

(Here enter No: 3100 of 1850)

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 Prisoner,

"Sulliania Pillay"

is not convicted on presumptive proof or on the evidence of credible witnesses or on his own confession of the crime charged, do acquit him thereof, and direct that he be set at liberty—

The Court of Fouzdaree Adalut observe that although the Prisoner pleaded guilty and in his defence indirectly admitted the charge,

Mr E. P. Thompson and Mr W. A. Morehead

there is no evidence to substantiate the same.-

2. To prove that Arnachellum son of Soondralingum Pillay, was not, as the Prisoner swore he was, at Quilon on the 8th August 1847, an Extract from a deposition given by a witness in Original Suit No. 121 of 1847 before the Principal Sudr Ameen on the 5th August 1847 was produced, in which deposition it is simply noted that "the plaintiff, the said Arnachellum" here informs the Court that he has no question to put."-

3. This note is insufficient in the opinion of the Court to establish the fact that the Plaintiff Arnachellum was really present at the Principal Sudr Ameen's Court on the alleged date, it might have been entered as a matter of form by the Tyomastah who wrote the deposition and the Acting Session Judge has thought it unnecessary to take evidence either to the authenticity of the said deposition or the presence of the Plaintiff, and by this omission a failure of justice has taken place.-

4. It is further to be observed that the false deposition sworn to on the 23rd March 1850. should have been put in and proved on the trial.-

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

of Tinnevelly for his information.-

(Sent in No. 1487).

Read letter dated the 23rd December 1850. from the Acting Session Judge of Tinnevelly submitting for the final Judgment of the Foujdaree Adalut the Record of Case No. 30 of 1850 of the Calendar of the Session Court.-

(Here enter No. 3101 of 1850).

The Court of Foujdaree Adalut; on

Mr. E. P. Thompson
Mr. W. A. Morehead. and

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

"Ramasamia Pillay"

is not convicted on presumptive proof or on the evidence of credible witnesses or on his own confession of the crime charged, do acquit him thereof; and direct that he be set at liberty.-

The Court of Foujdaree Adalut having acquitted the Prisoner in Case No. 29 necessarily record a verdict of acquittal in this case also; they observe further that beyond the confession of the Prisoner in Case No. 29, which has been improperly treated as evidence against the Prisoner, there is nothing whatever to bear out the charge laid against him.-

Ordered, that Extract from these proceedings

proceedings be sent to the Acting Sessions Judge of Tinnevelly for his information.—

(Sent in No. 1488).

With reference to the Extract from the Proceedings of the Foujdaree Adalut under date 19th December 1850 the Court of Foujdaree Adalut direct that the sentence awarded to the prisoner in Case No. 19 on the Calendar of the Sessions Court of Madura for 1850 be suspended until further orders.—

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

(Sent in No. 1489).

Read Miscellaneous Petition presented on the 28th November 1850 by Sevagamy of Zillah Cuddalore praying the Court of Foujdaree Adalut to call for the Record of the Case No. 25 on the Calendar of the Sessions Court of Cuddalore for 1850 and to order the release of her husband the 1st Prisoner and of Tandavarayen the 2nd Prisoner in the said Case.—

(Here enter F. & Ja. P. No. 200 of 1850).

Mr. G. L. Hooper
Mr. E. P. Thompson
and
Mr. W. A. Morehead.

The Court of Foujdaree Adalut see no cause whatever for questioning the propriety of the sentence passed upon the Petitioner's Husband.

and

and the 2d Prisoner the case referred to and accordingly reject this Petition.—

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

Ld. Bld.

12th November 1850.

11

Submitted by the Sessions Judge of Guntoor of Cases
pending on the 30th September and committed for
trial during the month of October 1850 before this Court.

/2 Here enter F. C. No. 2705 of 1850./

Read Calendar of Case No. 76 of
1850 Submitted by the Sessions Judge of Calicut under
date the 30th Ultimo.

2d 1850 /2 Here enter F. C. No. 2707 of 1850/