269

1135

F Uc 1857
1851
Proceedings
2m Hf
1m Half
5
84

3328

F. No

Court of the Fouzdaree Udalut

Present

1st. Puisne Judge.

3d. Puisne Judge.

Read Supplemental return dated 20th Ultimo from the Acting Sessions Judge of Sreehuttoo to the Fouzdaree Udalut under date the 22d. May 1851, returning for amendment the Criminal Statements for the year 1850.

Here enter No. 18 of 1851.

The Sessions Judge will be requested to inform the Principal Sudder Ameen that such of the remanded cases as many have been separate committals for the same offence, are alone to be entered in Column 8 of this Appendix; and that the persons implicated in the remanded cases, who have been charged with the perpetration of more than one offence, are alone to be entered in Column 9.

Appendix D to Statement No. 3 D

1.

The persons confined in default of security appear in Column 11th of the Statement.

Appendix A to Statement No. 2 A

2.

Statement, and should the same have been selected from this Appendix, reference should be made solely to Column 15.

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

(Sent in No. 688.)

Read Criminal Reports for 1850, submitted by the Sessions Judge of Cuddapah under date the 24th Ultimo.-

(Here enter No. 1504.)

The Court of Sanjdarees Adalut observe that the recapitulation in this Report of those particulars which are exhibited in the figured statements is unnecessary, and serves only to increase the labor of preparing the duplicate and triplicate copies required to be transmitted to the Government of India and the Honorable Court of Directors, and they consequently direct that the Sessions Judge of Cuddapah be requested, in submitting an amended report, to confine his remarks to those points in which the information conveyed

July 1851.

may require explanation.-

Ordered, that the reports now under consideration be returned to the Sessions Judge of Cuddapah, with an Extract from these Proceedings, by Precept requiring conformity thereto and returnable within 20 days from and after its receipt.-

(Sent following precept No. 689.)

Read letter dated the 31st May 1851 from the Sessions Judge of Coimbatore submitting the Reports of the Jail at Palghaut.-

(Here enter S. Dy. No. 1292 of 1851.)

The Court of Sanjdaree Adalut authorize, as a temporary measure, the issue of meat to the Prisoners confined at Palghaut, as recommended by the Sessions Judge.-

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

(Sent in No. 690.)

Read

1st July 1851.

Read again Calendar of
No. 25 of 1851 on the file of the Supreme Court
of Cuddalore.

(Here enter F. No. 4. No. 11 of 1851.)

Read also letter under date
14th June 1851 from the Sessions Judge of Cud
to the precept of the Tongiloor Malabat dat
the 27th May 1851 directing the enclosed trans
an English translation of the records of th
foregoing case.

(Here enter F. No. 5. No. 1625 of 1851.)

On an attentive consideration
of the records of this case, the Court of Ty
Udalit are unable to concur with the Sessi
Judge in considering the evidence sufficie
for the conviction of the accused.

2.

Observe that no stolen property was found
any of the prisoners, nor was any genuine
by them; and that excepting the testim
of one witness, who deposes that he saw
the 3rd and 4th Prisoners buy stolen
evidence against the prisoners is confined
their alleged recognitions by their accom

F. No.
1st July 1851.

upon which he believes otherwise uncorroborated,
the Court consider it dangerous to convict.

3. The prisoners are stated to have
borne good characters, and the Court of Tongiloor
Malabat accordingly resolve to direct that they
be severally unconditionally released.

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

(Said following precept No. 691.)

Read again Miscellaneous
Petition presented on the 6th January 1851 by
T. Appiah Vatiar on behalf of Dopandara
Coompity of Villiah Tellicherry.

(Here enter F. No. 3. No. 1 of 1851.)

Read also Miscellaneous Petition
presented on the 27th March 1851 by the above
Vakeel on behalf of the same party.

(Here enter F. No. 3. No. 49 of 1851.)

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

This is an application for the
reversal of certain Proceedings of the Civil
Judge of Tellicherry under date the 1st and 6
7th November last, suspending the Petitioners
from

1st July 1851.

from his situation of Sheriff in the Principal Sudder Ameens Court, on the ground of his having received from one Nemany Joanes Hajee Somarany under false pretences the sum of Rupees 350. requiring that individual to file a suit against the Petitioner for the said amount, and directing the Joint Magistrate, in the event of his failure to do so, to commit the Petitioner for trial before the Criminal Court. The Petitioner contends that his suspension was unjust, and to his adverts to numerous improbabilities and discrepancies in the statements made by the Prosecutor and his witnesses as proving the charges against him to be wholly false.

2.

It appears to the Court of Fouzdaree Udalut, upon a careful consideration of the matter urged in this Petition, and of the orders of the Sessions Judge appealed from, that both he and the Joint Magistrate have acted erroneously in their disposal of the Petitioner's case.

3.

The Court observe that a formal complaint was lodged before the Joint Magistrate

1st July 1851.

Magistrate against the Petitioner, and it was clearly, therefore, the duty of that Officer to have disposed of the charge on its merits, and not to have submitted his proceedings to the Session Judge, whose order requiring the Complainant to file a suit against the Petitioner, and on his failure to do so, directing the committal of the case, the Court remarks was also obviously irregular and informal.

4.

The Court resolve, however, before passing their final orders in this matter, to call upon the Session Judge for any explanation which either he, or the Joint Magistrate, may have to offer in respect to the irregularities above adverted to.

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

(Sent following precept No. 692)

Read the following letter dated the 11th June 1851 from the Session Judge of Honore.

(Here enter F. D. No. 1134 of 1851.)

With

1st July 1851.

1.

Hath the above letter the
Judge submits for the consideration of the
Court of Fouzdaree Udalut a copy of a recom-
mendation received by him from the Magis-
trate of Canara, relative to the release of a Prison-
who was charged as 10th Prisoner in Case N
11 on the Calendar for 1851 with the offence o
"Highway Robbery".

2.

The Magistrate considers the
unconditional release of this Prisoner by
the Sessions Court to have been objectionable
and submits, "that even if the charge of rob-
bery was not proved against him, there
was still a very grave offence to be dealt
with, and that the Prisoner was liable
to severe punishment for attempting to
bribe the Police, and that under the modify
of Circular Order of the 9th October 1841, N 46,
he ought to have been punished".

3.

The Sessions Judge, dissenting
from this view of the case, and being further
of opinion that the evidence adduced to
the fact of the said Prisoner having at-
tempted to bribe the Police was totally

insufficient

F. Uc.
1st July 1851.

insufficient and unsatisfactory, has, in accordance with the Magistrate's special request, submitted the matter for the final decision of the Fouzdaree Udalut.

4.

On referring to the Calendar of the case in question, the Court of Fouzdaree Udalut do not observe that the said Prisoner was charged before the Sessions Court for the offence of having attempted to bribe the Police, the only remarks recorded in respect to it by the Sessions Judge being to the effect that, "the "if true, was not sufficient to include him "(the 10th Prisoner) among the Prisoners charged "with Robbery".

Under these circumstances,

5.

the Court of Fouzdaree Udalut can see no objection to the orders which have been issued by the Magistrate directing the re-apprehension of the Prisoner with a view to his being tried for the alleged offence when it will of course remain with the Sessions Judge to dispose of the case in such a manner as upon due consideration

of

st July 1851.

of the evidence may to him seem proper.

Ordered that Extracts from these Proceedings be forwarded to the Sessions Judge of Salem for his information and for communication to the Magistrate.

(Sentence No. 693)

Read again Calendar of Case No. 21 of 1851 on the file of the Sessions Court of Coimbatore.

(Here enter F. No. No. 1174 of 1851.)

Read also return under date the 19th June 1851 from the Sessions Judge of Coimbatore to the precept of the Fouzdaree Udalut dated the 27th May 1851 directing the submission of an English translation of the records of the foregoing case.

(Here enter F. No. No. 1458 of 1851.)

1. On an attentive perusal of the records of this case, the Court of Fouzdaree Udalut are unable to concur with the Sessions Judge in considering the evidence sufficient for the conviction of any of the prisoners charged.

The

1st July 1851

The Court of Fouzdaree Udalut observe that the evidence against the Prisoners rests entirely upon their alleged identification, when the robbery charged against them took place - but considering the number of persons of which it is stated the gang consisted, and the confusion which must have existed at the time, the Court are of opinion that it would be unsafe upon a recognition alleged to have been effected under such circumstances, and wholly uncorroborated by collateral evidence, to base the conviction of the accused.

3. The Court observe that not a single article of property, proved to be the prosecutor's, was found in possession of any of the prisoners.

4. The Court accordingly by resolve to direct that the prisoners in this case be severally unconditionally released.

5. The Court consider it to be regretted that the Moonsiff of the Prosecutor's Village, and the Talliar and Moonsiff

1st July 1851.

Mooneiffs of the 1st presented Villages were not examined on this point.

6. It is obvious that if the Prisoners statements be true the two latter could have given valuable information as to what occurred at their villages on the morning after the robbery; the Prosecutor having deposed that he repaired to that village during the night in question and immediately after the robbery, having been led to it by the marks of footsteps; and what then occurred it was clearly most important to ascertain.

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

H.W. (Sent following precept No. 694.)

FN

Wednesday 2d July 1851.

At a Court of the Tondarcee Adalut

Present.

H.W. G. G. Hooper Esqre 1st Puisne Judge

Ld Cor. M. M. R. A. Morehead Esqre 3d Puisne Judge

Read Criminal Reports submitted by the Sessions Judge of Coimbatore for the Month of May 1851

(Here Enter the No. 1389 of 1851.)

The Court of Tondarcee Adalut direct that the rate of the allowance of grain issued to the Prisoners under charge of the Magistrate may be stated, and they desire that this information may be submitted in all future reports

Ordered that Extracts from these proceedings be sent to the Sessions Judge of Coimbatore by precept returnable within five days from and after its receipt.

(Sent following precept No. 697.)

Read return dated 26th June 1851. from the Sessions Judge of Coimbatore to the precept of the Tondarcee Adalut under date the 12 June 1851. returning the annual Criminal Reports for the year 1850 for amendment.

(Here Enter the No. 1511 of 1851.)

Read return dated 24th June 1851. from the Sessions Judge of Tanjore to the precept of the Tondarcee Adalut under date the 6th June 1851. conveying their observations on the Petty Defalcations of the Magistracy for the 1st Quarter of 1851.

(Here Enter the No. 1516 of 1851.)

Read Calendar of Case No. 29 of 1851 submitted by the Sessions Judge of Madura under date the 26 June 1851.

(Here Enter the No. 1524 of 1851.)

Read Calendar of Case No. 254 of 1851. submitted by the Sessions Judge of Mangalore under date the 23d June 1851.

(Here Enter the No. 1525 of 1851.)

Read Calendar of Case No 2 of 1851 submitted by the Sessions Judge of Bellary under date the 27 June 1851.

(Here enter No 1529 of 1851)

Read Communication from the Session Judge of Rajahmundry under date the 26 June 1851 forwarding copies of Proceedings held by him in review of the Magistrate's Calendars for the 1st Quarter of 1851.

(Here enter No 1543 of 1851)

Read Copy of the Persian Tuhwa dated 11th June 1851 submitted by the Sessions Judge of Rajahmundry in Case No 11 of 1851 on his file.

(Here enter F. Dc. No 1480 of 1851)

Read report dated 21st June 1851 submitted by the Acting Subordinate Judge in charge of Combaconum, of the Jails in charge of the Magistracy for the Month of May 1851.

(Here enter F. Dc. No 1473 of 1851)

Read return dated 19th June 1851 from the Sessions Judge of Rajahmundry to the precept of the Foujdaree Adalut under date the 7th June 1851 directing the Sessions Judge to review the Case No 34 of 1851 on the file of the Magistracy and if it should appear to be a robbery to direct the Committal of the Case.

Here enter F. Dc. No 1475 of 1851

Read

Read Copy of the Magistrate's return dated 19th June 1851 from the Sessions Judge of Calicut, to the Sessions Court's precept of the 9th Instant relative to the acquittal of 811 persons charged with different crimes during the year 1850.

(Here enter F. Dc. No 1484 of 1851.)

Read letter dated 19th June 1851 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 25 of 1851, on the Calendar of the Sessions Court with the endorsement of the Acting Subordinate Judge and Copy of his report under Circular Order dated 3rd May 1830.

(Here enter F. Dc. No 1485 of 1851)

Read return dated 21st June 1851 from the Sessions Judge of Calicut to the Precept of the Foujdaree Adalut under date the 2nd June 1851 returning for amendment the Criminal Reports for 1850.

Here enter F. Dc. No 1495 of 1851.

Read letter dated 21st June 1851 from the Sessions Judge of Madura, submitting the

2nd July 1851.

the Warrant issued for the apprehension of prisoner Permal in Case No XXIII on the Calendar for 1851.

Were Enter F. Vo. No 1481 of 1851

F 96

Thursday 3d July 1851.

A Court of the Foujdaree Udalut.

— Present —

G. S. Hooper Esqr ____ 1st Puisne Judge

W. A. Morehead Esqr ____ 3d Puisne Judge

Read return dated 21st June 1851 from the Sessions Judge of Rajahmundry to the Precept of the Foujdaree Udalut under date the 11th idem requiring him to explain the data on which the average given in the 3d para of his amended determinate annual Report for the year 1850 has been calculated

(Here Enter Fr No 1484 of 1851)

The Court of Foujdaree Udalut direct that the Sessions Judge be called upon to specify where the error which apparently exists in the entry of Case No 19 in the Memo appended to their Proceedings of the 11th June 1851, is to be found

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Rajahmundry by Precept returnable within 15 days from and after its receipt

(Sent following precept No 2700—)

Read again Miscellaneous Petition preferred on the 19th March 1849 by S Appiah Vakeel on behalf of Raja Vaseereddy Lutchmeputty Naidoo Bahadoor

Here Enter Fr No P. No 574 of 1849

Read again also Miscellaneous Petition presented on the 19th March 1849 by R Jeevanada Row Vakeel on behalf of S Venkata Kristna Row of Gollah Bahadoor

(Here Enter Fr No P No 578 of 1849)

Read again also Miscellaneous petition presented on the 3d September 1849 by R Jeevanada Row Vakeel on behalf of Subbarayo Venkata Kistna Row

(Here Enter Fr No P No 192 of 1849)

Read

Read again also Miscellaneous Petition preferred on the 5th September 1849 by L Subbiah Vakeel on behalf of Rajah Vajeeredy Lutchmeputy Naidoo Embassador.

/Here Enter the Pt. No 199 of 1849./

Read again also letters under date the 22d August and 4th September 1849 from the Magistrate of Cuddapah

/Here Enter the Nos 1753 and 1902 of 1849./

Read again also Miscellaneous Petition presented on the 1st October 1849. by R Jaswanta row Vakeel on behalf of Subbaraz Vencata Krishna Row

/Here Enter the P. No 206. of 1849./

Read again also Letter under date the 21st December 1849 from the Head assistant Magistrate in Charge of Cuddapah.

/Here Enter the No 2656 of 1849./

Read again also letter under date the 2d September 1850. from the Acting Magistrate of Cuddapah

/Here Enter the No 2422 of 1850./

Read also return under date the 4th December 1850 from the acting Magistrate of Cuddapah to the precepts of the Tondarcee Adalut dated the 1st November 1850 enquiring their orders for the disposal of certain property belonging to the Vajeeredy Estate

/Here Enter the No 2985 of 1850./

Read also letter under date the 9th June 1851 from the Acting Magistrate of Cuddapah

/Here Enter the No 1390 of 1851./

Subbiah Peon from the Acting Magistrate of Cuddapah

Orders Letter that Sub Tevalaty has failed to institute a suit to establish his claim to the property above referred to within the period specified in this Courts proceedings of the 4th November last, the Court of Tondarcee Adalut resolve to direct that the said property be now delivered under-

3d July 1851

unconditionally to J. Vencata Krishna Row or to his duly authorized Vakeels.

Ordered that Extract from these proceedings be sent to the Acting Magistrate of Cuddapah to precede returnable within fifteen days from and after the receipt.

/Sub following precepts No 704./

Ordered also that Extract from these proceedings be given to the Petitioners' Vakeels on their application.

Read supplemental Return dated 11th June 1851 from the acting Sessions Judge of Nellore, to the precepts of the Tondarcee Adalut dated 22d April last returning the Calendars of Prisoners for the year 1850 to be amended.

/Here Enter the No 1382 of 1851./

Read Calendar of Case No 32 of 1851 submitted by the Sessions Judge of Cuddapah under date the 10th June 1851.

/Here Enter the No 1397 of 1851./

Read Calendar of Case No 41 of 1851 submitted by the Sessions Judge of Bellary under date the 11th June 1851

/Here Enter the No 1422 of 1851./

Read return dated 12th June 1851 from the Acting Sessions Judge of Nellore to the precepts of the Tondarcee Adalut under date the 30th May 1851 directing the sentences in Case No 50 of 1851 to be punished, and desiring that the rate of the allowance of grain issued to the Prisoners be stated for their information.

/Here Enter the No 1399 of 1851./

Read return dated 12th June 1851 from the Sessions Judge of Trichinopoly to the precepts of the Tondarcee Adalut under date the 9th June 1851 directing the immediate release of the Prisoner in Case No 1 of 1851 on the file of the Sessions Court of Trichinopoly

/Here Enter the No 1401 of 1851./ Read

Read again also Miscellaneous Petition dated
on the 6th September 1849 by Subbiah Vakeel on behalf of
Rajah Vaipereddy Lutchmeedutty Naidoo Bahadoor.

(Here Enter Tr. No. 193 of 1849.)

Read again also letter under date the 22d
August and 4th September 1849 from the Magistrate of Guntoor

(Here Enter Tr. Nos. 1753 and 1902 of 1849.)

Read again also Miscellaneous Petition
presented on the 1st October 1849 by R Sowmala now Vakeel
on behalf of Srimanty Venkata Krishna Row

(Here Enter Tr. No. 206 of 1849.)

Read again also Letter under date the 21st
December 1849 from the Head Assistant Magistrate in Charge of
Guntoor.

(Here Enter Tr. No. 2656 of 1849.)

Read again also letter under date the 2d
September 1850 from the Acting Magistrate of Guntoor

(Here Enter Tr. No. 2422 of 1850.)

Read also return under date the 6th December
1850 from the Acting Magistrate of Guntoor to the precept of
the Tondavaree Adalut dated the 1st November 1850 enquiring
the Vaipereddy Estate

(Here Enter Tr. No. 2985 of 1850.)

Read also letter under date the 9th June 1851
from the Acting Magistrate of Guntoor

(Here Enter Tr. No. 1390 of 1851.)

Subbiah appears from the Acting Magis-
trates Letter that said Swalaah has failed to institute
a suit to establish his claim to the property above referred
to within the period specified in this Courts proceedings of
the 4th November last, the Court of Tondavaree Adalut resolve
to direct that the said property be now delivered over

Subbiah

3d July 1851.

unconditionally to Srimt Venkata Krishna Row or to his duly
authorized Vakeels.

Ordered that Extract from these
proceedings be sent to the Acting Magistrate of Guntoor
by precept returnable within fifteen days from and after its
receipt.

(Sent following precept No. 701.)

Ordered also that Extract from these
proceedings be given to the Petitioners' Vakeels on their applic-
ation.

Read Supplemental Return dated 11th June
1851 from the acting Sessions Judge of Nellore, to the precept of the
Tondavaree Adalut dated 22d April last returning the Examinat
Hatchemlus of this Zillah for the year 1850 to be amended.

(Here Enter Tr. No. 1382 of 1851.)

Read Calendar of Case No. 32 of 1851. submitted
by the Sessions Judge of Cuddapah under date the 10th June 1851.

(Here Enter Tr. No. 1397 of 1851.)

Read Calendar of Case No. 40 of 1851 submitted
by the Sessions Judge of Bellary under date the 11th June 1851.

(Here Enter Tr. No. 1422 of 1851.)

Read return dated 12th June 1851 from the
Acting Sessions Judge of Nellore to the precept of the Tondavaree
Adalut under date the 30th May 1851 directing the sentence
in Case No. 50 of 1851 to be punished, and directing that the
rate of the allowance of grain issued to the Prisoners be stated
for their information.

(Here Enter Tr. No. 1399 of 1851.)

Read return dated 12th June 1851 from the
Sessions Judge of Trichinopoly to the precept of the Tondavaree
Adalut under date the 9th June 1851 directing the unconditional
release of the Prisoners in Case No. 1 of 1851 on the file of
the Sessions Court of Trichinopoly

(Here Enter Tr. No. 1401 of 1851.)

Read

3rd July 1851.

Read Letter dated 1st June 1851 from the Sessions Judge of Coimbatore to the address of the Registrar transmitting a Statement of deaths by Diarrhœa in the Jail at that station for the last 5 years.

(Here Enter No. 1502 of 1851)

Read Communication from the Sessions Judge of Chittoor forwarding Report B. of the Cases tried & disposed of by the acting Joint Magistrate of that district during the month of May 1851. together with copy of the Sessions Judges remarks thereon.

(Here Enter No. 1503 of 1851)

Read Letter dated 15th June 1851 from the Sessions Judge of Bellary forwarding Copy of the Magistrates return to his proceedings held on reviewing the petty Cases tried for the 1st Quarter of 1851.

(Here Enter No. 1441 of 1851)

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

(Here Enter No. 1504 of 1851)

Read Criminal Reports submitted by the Acting Sessions Judge of Nellore dated 1st June 1851 for the month of May last.

(Here Enter No. 1424 of 1851)

Read Criminal Reports submitted by the Sessions Judge of Rajahmundry under date 16th June 1851 for the Month of May last.

(Here Enter No. 1427 of 1851)

Ramanujia Iyengar of Chingleput presents the Board a Petition relative to the Endowment of his Family Institution No. 63 of 1851.

Ordered accordingly.

Ft. W.

Friday 4th July 1851.

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 the Criminal Reports submitted by the Sessions Judge of Cuddapah for the year 1850.

(Here enter No. 1504 of 1851).

The following errors and discrepancies are observed in these returns.—

Appendix C to Statement No. 2.

2. The 2 persons imprisoned and fined appearing under head "Punished" of the Appendix A, should be entered in this appendix.

Do. F. to Do.

3. The entries under the head "Debut charged with more than one offence", should be 73, if the Column "of which charged with" be correct. For the latter shows that 25 persons were charged with 2 offences, 6 with 3 offences, and 12 with 4 offences. and that consequently from the number of persons entered in the "total" Column 73 should be deducted Viz. 25 for the number twice entered therein, 12 for the number thrice

three entered and 36 for the number entered four times.—

Appendix A to Statement No: 3A. 4 The 3 persons imprisoned in default of payment of fine should also be entered under head "Imprisoned" minor columns "under 3-6-12 Vide months".—

Do: to Do: B. 5. The 9 persons imprisoned and fined should also be entered under head "Fines" minor heads "Fines levied" and "Imprisoned in default of payment of fine".—

6. The 12 persons imprisoned and flogged should be entered under head "Flogged" minor Columns "under 50 lashes Vide

7. The number of persons Imprisoned and fined Do: and flogged and Do: in default of payment of fine should also be entered under head "imprisoned" minor Columns "under 3-6-12 Vide months.

Appendix B to Statement No: 3.B. 8. The 93 Cases including 236 persons committed to the Sessions Court should be excluded from this Appendix.—

Do: D to Do: 9. The remark in para: 3 applies also to this Appendix.—

Do: A to Do: No: 4. 10. The 1 person imprisoned and flogged should be entered under head "Flogged" minor Columns "100 lashes and under V:e".—

11. The aggregate of the entries under head "Imprisoned" minor columns "1 Year and under Vide" should apparently be 61.—

Appendix C. to Statement No: 4. 12. The remark in para: 3 applies also to this Appendix.—

Statement showing the nature and the result of charges preferred against the Police.— 13. The aggregate of persons in this Statement does not correspond with the Statements Nos: 1-2-3 and 4 as required in para: 8 of the Circular letter dated 28th October 1850 and the Statement should be amended.—

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: 702.)—

Do: Rd:

FR

Saturday
5th July 1851.

At a Court of the Tanjdaree Udalut

Present—

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

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

Read a Letter dated the 26th June 1851 from the Sessions Judge of Calicut, submitting for the final judgment of the Tanjdaree Udalut the record of Case No 33 of 1851 on the Calendar of the Sessions Court—

(Here Cater Th No 1547 of 1851.)

Mr. G. A. Hooper and Mr. C. P. Thompson.

The Court of Tanjdaree 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,

"Asbary Nairo"

is sufficient to convict him of the crime of Murder, do convict him thereof, and under the provisions of Section 4 Regulation XIII of 1817. sentence him to suffer death by being hanged at the usual time and place of execution.

(Seal in No 706.)

Read letter dated the 19th ultimo from the Agent to the Governor of Fort Saint George at Vizagapatam recommending the bestowal of a reward of three hundred Rupees in an individual named Syed Moosein Saib for spirited resistance to a body of Wandering Robbers.

(Here Cater Th No 1459 of 1851)

Under the circumstances brought to notice the Judges of the Tanjdaree Udalut are pleased, with reference to the provisions of Section XXIII. Regulation IX of 1816, to authorize the payment of (300) three hundred Rupees to Syed Moosein Saheb.

Ordered that Extract from these Proceedings

proceedings be sent to the Agent at Vizagapatam for his information.

Read a/c No. 707 /

Read return dated 25th ultimo from the Sessions Judge of Coimbatore to the precepts of the Magistrate dated under date the 12th June 1851 returning for amendment the Criminal Statements for the year 1851.

/Here Enter No. 1371 of 1851/

The Court of Magistracy dated 26th March ordered that the persons committed to the Sessions Court have been erroneously struck out of the abstract, which when returned forwarded was correct, direct that it be returned for amendment.

Appendix C to Statements No. 3. B.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Chittoor in precepts returnable within 11 days from date after the receipt.

/Sent following records No. 708/

Read Calendar of Case No. 21 of 1851 submitted by the Sessions Judge of Mangalore under date the 13th June 1851.

/Here Enter No. 1436 of 1851/

Read Criminal Reports submitted by the Sessions Judge of Masulipatam under date the 16th June 1851. for the Month of May last.

/Here Enter No. 1440 of 1851/

Read letter dated 17th June 1851 from the Sessions Judge of Bellary, forwarding copy of the letter from the Criminal Judge, together with the original death warrant issued against the Prisoner in Case No. 39 of 1851 duly executed.

/Here Enter the No. 1439 of 1851/

Read

5th July 1851.

Read Criminal Reports submitted by the Sessions Judge of Bellary under date the 14th June 1851. for the Month of May last.

/Here Enter the No. 1452 of 1851./

Read return dated 19th June 1851. from the Acting Subordinate Judge in charge of the Sessions Courts of Coimbatore, to the precepts of the Magistracy dated under date the 29th May 1851. directing that the Magistrate be called upon to furnish full explanation in respect to the nature of the act of disobedience to his orders of which the Prisoners in Case No. 17 on the Punished Calendar for the 1st Quarter of 1851. have been found guilty and also directing that the attention of the above Officer be drawn to his omission to prefix appropriate headings to the Cases entered in the Calendar of persons committed and released during the Quarter.

/Here Enter No. No. 1453 of 1851./

Read Calendar of Case No. 11 of 1851. submitted by the Sessions Judge of Chittoor under date the 11th June 1851.

/Here Enter the No. 1457 of 1851./

Read return dated 20th June 1851 from the Sessions Judge of Cuddalore to the precepts of the Magistracy dated under date the 17th June 1851. directing the immediate release of the Prisoners in Case No. 27. of the Calendar for 1851.

/Here Enter the No. 1459 of 1851/

Read Calendar of Case No. 33 of 1851 submitted by the Sessions Judge of Cuddalore under date the 18th June 1851.

/Here Enter the No. 1460 of 1851./

Read Criminal Reports submitted by the Agent at Ganjam under date the 14th June 1851 for the

5th July 1851.

Month of May 1851.

(Here enter the Nos. of 1851)

Read return dated the 6th June from the Sessions Judge of Honore to the proceedings of the Fouzdaree Udalut under date the 4th June 1851 with their orders on the calendar of Cases Nos. 15 & 16 of 1851 of the Sessions Court of Honore.

(Here enter the Nos. of 1851)

Mr. JS

F. Ds.

Monday
7th July 1851.

At a Court of the Fouzdaree Udalut.

Present.

Sir. S. Cooper Esqre. — 1st. Puisne Judge.
W. A. Morehead Esqre. — 3rd. Puisne Judge.

Read again Criminal Reports of the Sessions Court of Mangalore for the month of April 1851.

(Here enter F. Ds. No. 1280 of 1851.)

Read also Return dated the 23rd. June made by the Sessions Judge of Mangalore to the Precept of the Fouzdaree Udalut under date the 12th. June 1851 calling for further information relative to Case No. 1 entered in the Magistrate's Report.

(Here enter F.D. No. 1526 of 1851.)

Under the circumstances stated in the explanation afforded by the Assistant Magistrate in regard to the above Case, the Court of Fouzdaree Udalut see no reason to interfere with the sentence.

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

and

1st July 1851.

and for communication to the Magistrate.

/ Sent in No. 712.

Read Criminal Reports submitted by the Sessions Judge of Guntoor for the months of May 1851.

/ Here enter F. Dy. No. 1416 of 1851.

Case No. 29

1. The Court of Fouzdaree Udalut observe that the submission of the Report A of this case was unnecessary, the sentence passed not having been altered by the Sessions Judge.

2. A note to the report B containing the remarks recorded by the Sessions Judge would have been sufficient.

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

/ Sent in No. 713 /

Read monthly Report from the Jail at Vellore submitted by the Sessions Judge of Chittoor under date 18th June 1851.

/ Here enter F. Dy. No. 1509 of 1851. /

The Court of Fouzdaree Udalut require information as to whether the bricks made at Vellore are for sale or to be used on the

1st July 1851.

the works on which the Prisoners are engaged.

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

/ Sent following precept No. 714 /

Read Calendar of Case No. 26 of 1851 of the Session Court of Combaconum.

/ Here enter F. Dy. No. 1513 of 1851. /

1. The Court of Fouzdaree Udalut are of opinion that a sentence of 7 years' imprisonment with hard labor in irons will be adequate punishment for the offence of which the Prisoner in this case is convicted.

2. If the Sessions Judge be able to concur in this opinion, he is authorized to issue his warrant 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 Court of Fouzdaree Udalut.

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

7th July 1851.

Judge of Combaconum, by Precept returnable within III days, from and after its receipt.-

(Sent following precept No. 715

Read Calendars of Petty cases disposed of by the Magistracy of Coimbatore during the 1st Quarter of 1851.

(Here enter F. Co. No. 1512 of 1851)

Calendar of persons committed by the Joint Magistrate of Cotacamund under Clause first, Section III Regulation I of 1822.- Case 15.

The Court of Foujdaree Udalut observe that the security demanded from the prisoners in this case should have been "to keep the peace with the Prosecutor" for the period specified.-

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

(Sent in No. 716

Read Calendar of Case No. 7 of 1851 of the Sessions Court of Chicacole.-

(Here enter F. Co. No. 1507 of 1851)

Before passing their final orders on the above Case, the Court of Foujdaree Udalut direct that the Original Record thereof be submitted for their consideration.-

Ordered

S. Co.
7th July 1851.

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

(Sent following precept. No. 717

Read Calendar of Case No. 27 of 1851 of the Sessions Court of Madura.-

(Here enter F. Co. No. 1523 of 1851.)

1. The Court of Foujdaree Udalut observe that it is stated in the sentence recorded by the Sessions Judge in this case that the identification of the 1st Prisoner by the 1st and 2nd Witnesses "is corroborated by circumstances which amount to strong presumptive proof."-

2. Before confirming this sentence, the Court of Foujdaree Udalut require to be informed of the above circumstances, and of the value of the stolen property found; and also whether any of the witnesses denounced the Prisoners by name previous to their apprehension.-

3. The Sessions Judge will at the same time be pleased to submit translated of the first Report of the occurrence of the

Robbery

7th July 1851.

Robbery made to the Head of Police.

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

(Sent following precept No 718 /

Read Calendar of Case No 26 of 1851 of the Sessions Court of Madura.

(Here enter F. No. 1522 of 1851)

Adverting to the observations recorded by the Sessions Judge in the note appended to the sentence in this case, the Court of Foujdaree Udalut deem it proper to observe that they consider the Subordinate Judge was correct in adding the 2d Count to the indictment.

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

(Sent in No 719 / s

t. d.

F. Ud.

Tuesday 8th July 1851.

At a Court of the Fouzdaree Udalut

Present

Sd/- G. S. Hooper Esqr. — 1st Assist. Judge.

W. A. Morehead Esqr. — 3d Assist. Judge.

Read letter dated the 1st July 1851 from the Session Judge of Mangalore, submitting for the final judgment of the Fouzdaree Udalut the record of Case No. 24 of 1851 on the Calendar of the Session Court.

(Hereafter F. Ud. No. 1596 of 1851)

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 proof against the Prisoners

1st Samna Idinay

2d Copolamajal Idinay

and

3d Hussanay's brother Idinay

is insufficient to convict them of the crime of theft do convict them thereof, and with reference to the provisions of the Mahomedan Law as declared in futwas of their Law Officers, annexing the penalty

penalty of amputation of one hand to that offence and to the provisions of Section XXI Regulation VIII of 1802, and Section XXXIV Act XV of 1843, sentence them to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (2) Two Years.

(Sent in No. 1721.)

Read letter under date the 16th June 1851 from the Session Judge of Cuttack submitting the Criminal Reports for the month of May 1851.

(Here enter F. C. No. 1456 of 1851)

Case No. 96. 1 The Prisoner in this case charged with murder and robbery has been ordered by the Acting Subordinate Judge to produce security for his appearance when required within the period of three years, or in default to be imprisoned for that period under Clause third Section VIII Regulation VII of 1827.

2 The Session Judge on a review of the proceedings observed that it was not competent to the Acting Subordinate Judge to demand security for any period exceeding twelve months and that in the event of the prisoner being one of the class of persons specified in the provisions of

of the Law above quoted the Acting Subordinate Judge should have confined himself to a requisition of security for twelve months and at the end of that period reported the case to the Session Judge in order to the demand of such further security as might be thought necessary and directed the Acting Subordinate Judge to amend his orders accordingly.

3 It appears to the Court of Sudder Dewanny Adalut from a perusal of the abstract of the evidence in this case, that the requisition of security should have been made under the provisions of Section IX Regulation II of 1822, there being nothing to show that the prisoner is a person of the dangerous character contemplated in Clause third Section VIII Section VI of 1827, under which the Acting Subordinate Judge's sentence has been passed.

4 It is quite clear that the Subordinate Criminal Courts are not authorized to order the confinement of a prisoner in default of his producing security for any period in excess of twelve months, but the Court of Sudder Dewanny Adalut are of opinion that under the provisions of Section VIII Regulation VII of 1827, it is competent to those Courts to require such amount of security and for

for such a period as they may think fit, and that it is only in the event of the prisoners failing to produce the security demanded, that the proceedings are to be referred to the Session Judge; the provisions in question contemplating the immediate reference of the proceedings to the Session Court upon the failure of the prisoner to produce the prescribed security, and not that such reference should be deferred until after the prisoner has been held under security for twelve months by the Subordinate Judge.

5. The Court of Sonjdaree Udalut direct that the Session Judge will amend the order passed by him in this Case, with reference to the foregoing observations.

6. The Court observe that the crime charged should have been designated in the heading as "Murder and Theft."

Case No. 98. 7. The Court desire that the attention of the Subordinate Judge be directed to the wording of the charge in this case, in which the word "carrying" is apparently used for "driving away."

8. The sentence passed appears to the Court extremely lenient.

Case No. 99. 9. The Court desire to be informed upon what

what grounds the Acting Subordinate Judge declined to examine the witnesses named by the Prisoner in this Case and they direct that the amended sentence passed therein by the Acting Subordinate Judge may be submitted for their consideration.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Salem by Precept returnable within Ten days from and after its receipt.

(Sent following Precept No. 723.)

Read Criminal Reports submitted by the Session Judge of Salem for the month of May 1851.

(Here enter F. U. No. 1409 of 1851.)

The Court of Sonjdaree Udalut observe that the number of days delay should be invariably specified in the note appended to the reports of those cases in which delay has occurred before the Police.

Ordered that Extract from these Proceedings be forwarded to the Acting Subordinate Judge in charge of the Session Court of Salem for his information.

(Sent in No. 723.)

Read

for such a period as they may think fit, and that it is only in the event of the prisoners failing to produce the security demanded, that the proceedings are to be referred to the Session Judge; the provision in question contemplating the immediate reference of the proceedings to the Session Court upon the failure of the prisoner to produce the prescribed security, and not that such reference should be deferred until after the prisoner has been held under security for twelve months by the Subordinate Judge.

5 The Court of Tanjore do not direct that the Session Judge will amend the order passed by him in this case, with reference to the foregoing observations.

6. The Court observe that the crime charged should have been designated in the heading as "Murder and Theft."

Case No. 98. 7. The Court desire that the attention of the Subordinate Judge be directed to the wording of the charge in this case, in which the word "carrying" is apparently used for "driving away."

8. The sentence passed appears to the Court extremely lenient.

Case No. 99. 9. The Court desire to be informed upon what

what grounds the Acting Subordinate Judge declined to examine the witnesses named by the Prisoner in this case and they direct that the amended sentence passed therein by the Acting Subordinate Judge may be submitted for their consideration.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Salem by Precept returnable within Ten days from and after its receipt.

(Sent following Precept No. 722.)

Read Criminal Reports submitted by the Session Judge of Salem for the month of May 1851.

(Here enter T. C. No. 1409 of 1851.)

The Court of Tanjore Udalur observe that the number of days delay should be invariably specified in the note appended to the reports of those cases in which delay has occurred before the Police.

Ordered that Extract from these Proceedings be forwarded to the Acting Subordinate Judge in charge of the Session Court of Salem for his information.

(Sent in No. 723.)

Read

Read Letter from W. A. Forsyth Esq
dated 25th June 1851 requesting that an application
submitted by him direct to Government for per-
mission to remain at Calicut, until the charge
preferred by him against the Nazir of his Court and
others for attempting to poison him, has been
finally disposed of, may be recommended to favourable
consideration by the Court.

(Here enter T. Co. No. 1531 of 1851)

1. The Court of Tongdaree Udalut resolve
to transmit a copy of this Letter to the Government
and to recommend that Mr. Forsyth's application be
acceded to.

2. The Court further direct Mr. Forsyth,
should he still consider such a step necessary, at
once to revive the appeal preferred to the Session
Court against the Proceedings of the Acting Subordinate
Judge in the case referred to.

3 The Court of Tongdaree Udalut do
not consider the interference of Mr. Forsyth in the
case of conspiracy now pending before the Magistrate
necessary and decline to comply with his request
for authority to obtain unreserved access to the Ma-
gisterial Proceedings.

4 As Mr. Forsyth has stated in the said
Letter

Letter that the Acting Subordinate Judge refused, on
the plea of its being illegal in him to do so, to summon
certain evidence for the prosecution not forwarded to
him by the Magistrate, the Court of Tongdaree Udalut
direct that Mr. Cook be called upon for explanation
upon this subject.

5. And as Mr. Forsyth has also stated
that upon the Prisoners being released by the Subordi-
nate Court he at once intimated his intention
of appealing to the Session Court, but that neverthe-
less a charge of conspiracy against certain of the
Witnesses for the prosecution presented to the Magistrate
was actually under investigation before copies of the Pro-
ceedings of the Subordinate Court could be procured, or within
48 hours of the release of the Prisoners. The Court of Tongdaree
Udalut, taking into consideration the peculiar cir-
cumstances connected with this case, are of opinion
that this apparently hasty procedure on the part of
the Magistrate was objectionable, they therefore deem
it advisable to direct that Mr. Conolly be called
upon to explain, the object and nature of the inves-
tigation he has thus instituted.

Ordered that Extract from these
Proceedings (paras 1, 2 and 3) be forwarded to Mr. Forsyth
for

8th July 1851.

for his information.

(Sent in No 724

Ordered also that Extract from these Proceedings (para: 4) be forwarded to the Acting Subordinate Judge of Calicut for his information by precept returnable within 5 days from and after its receipt.

(Sent following Precept No 725.

Ordered also that Extract from these Proceedings (para: 5) be forwarded to the Magistrate of Malabar for his information by precept returnable within 5 days from and after its receipt

(Sent following Precept No 726

2d 18W.

Wednesday 9th July 1851.

At a Court of the Foujdaree Udalut.

Present

GJP — G. J. Hooper Esqre _____ 1st Puisne Judge

HM for E.P.J. & D. Thompson Esqre _____ 2d Puisne Judge

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

Read letter dated 20th June 1851 from the Sessions Judge of Salem submitting for the decision of the Judges of the Court of Foujdaree Udalut whether it was competent to the Magistrate to direct the re-apprehension of the two Prisoners therein who had been released by the Sessions Court on Case No 11 on the Calendar for 1851.

(Vide Order No 1520 of 1851.)

The Court of Foujdaree Udalut observe that the subject matter of this reference was disposed of in their Proceedings of the 10th July 1851.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Salem for his information (sent in No 728)

Read letter under date the 16th June 1851 from the Sessions Judge of Chittoor submitting the Calendar of Petty Cases disposed of by the Magistracy of North Arcot during the 1st Quarter of 1851 with a copy of his remarks thereon.

(Vide Order No 1387 of 1851.)

The Court of Foujdaree Udalut regret to observe from the Sessions Judge's Proceedings that, during the period under review, several persons have been committed to Jail as Vagrants by the Head Assistant Magistrate, and Assistant Magistrate of North Arcot, without any sufficient enquiry having been instituted to ascertain the liability of the parties in question to the penalties denounced by Law

when

9 July 1857.

upon persons of this description

2.

Ordered that Shaikh Ibrahim Ibn Shaikh Ali be required to find Bail in the sum of Rupees of the nature; this fact investigation & that the Shaikh as mentioned upon the committing officer, as that the in which a Sheriffs officer may take into charge

Ordered that Ishmael from the Jail be sent to the Deputy Sheriff of Bhuttee for the purpose of for communication this the acting Magistrate to the Shaikh Assistant Magistrate and Assistant Magistrate North Arcot.

A° 28

Ishmael in a Pr. 729 /

Thursday
17th July 1851.

At a Court of the Foujdaree Udalut

Present

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

H.A. Morehead Esqr. _____ 3d Puisne Judge

Read letter dated 3d instant from the Sessions Judge of Combaconum, submitting for the final judgment of the Foujdaree Udalut the record of Case No 25 of 1851 of the Calendar of the Sessions Court.

(Vide Letter No 1379 of 1851.)

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

The Court of Foujdaree Udalut, on a deliberate consideration of all the circumstances of the case as recorded before them, being of opinion that the proof against the prisoner "Varuphanadan" is sufficient to convict him of the crime of Murder, 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 his natural life.

On an attentive perusal of the records of this case although concurring with the Sessions Judge in convicting the prisoner of the murder charged, have considered themselves justified in commuting the sentence of the Law to imprisonment for life, being satisfied from the circumstances of the case that the Prisoner although not insane, that is to say not unable to distinguish between right and wrong, was not in the full and complete exercise of his senses when he committed the act charged against him.

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

(Sent in No 736.)

Read

Read Miscellaneous Petition presented on the
13th June 1851 by Subbaraya Ramaiah of Bellary Petitioner

(Here enter Dis. P. No 59 of 1851.)

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

1

This is an application for the reversal of the sentence passed upon the Petitioner under the 3d proviso to Act XI of 1850 on the file of the Sessions Court of Bellary.

2

The Court of Foujdaree Adalut see nothing in this Petition which would induce them to grant the prayer of the sentence to which the Petitioner refers and they accordingly reject the Petitioners application

3

It is observed that the witnesses cited by the Prisoner are referred to by the Sessions Judge in the remarks recorded by him on the Calendar, as having failed to prove the plea they were cited to establish

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

Read Miscellaneous Petition presented on the 14th June 1851 by Ramaa Pradhan of Bellary Petitioner

(Here enter Dis. P. No 71 of 1851)

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

1.

The Court of Foujdaree Adalut see no reason to question the propriety of the sentence from which the Petitioner appeals, and they observe that the Petitioner is stated by the Subordinate Judge to have confessed the offences charged against him before the Subordinate Court

2.

The Petition is accordingly dismissed

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

Read Miscellaneous Petition presented on the 21st June 1851 by A. A. Rebeiro Esqr on behalf of Kesavarow of Bellary Petitioner

(Here enter Dis. P. No 72 of 1851)

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

1

The Court of Foujdaree Adalut have no reports of the case referred to in the Petition which

appears to have been called for reference to this Court

2.

The Court resolve to direct that in future in all cases set down for reference the Agents will attend the Calendar in the Foujdaree Adalut immediately on the close of the trial, as is the practice in the Sessions Courts

Ordered that Extract from these proceedings be sent to the Register to the Government of Fort Saint George for his information and future guidance

(Sent to Sec. 7/37.)

Ordered also that Extract from these proceedings be given to the Petitioner on his application

Read Miscellaneous Petition presented on the 19th May 1851 by Ramachandrudu Vakeel on behalf of Ramaswami Sahiba of Bellary Rajahmundry

(Here enter Dis. P. No 66. of 1851.)

This Petition has reference to the imprisonment of

1

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

security under which the Petitioners husband 3d Prisoner in case No 5 of 1851 on the file of the Sessions Court of Rajahmundry has been placed by the Sessions Judge

It appears that the security tendered by

2.

the prisoner in question has been rejected by the Subordinate Judge and that the Sessions Judge by the latter part of his order refused to interfere with the Subordinate Judges — refused to interfere with the Subordinate Judge and order in the ground that "the Subordinate Judge and Magistrate and Head Police officers are responsible"

The Court of Foujdaree Adalut consider

3.

that under the provisions of Section XXIV Regulation X of 1816 the Sessions Courts are bound to dispose of upon their merits all appeals preferred from orders passed by the Subordinate Court in regard to registration of security and the Court may take in regard to registration of security and the Court accordingly resolve to direct that the English translation of this petition be forwarded to the Session Judge of Rajahmundry

10th July 1851

Rajahmundry to keep such papers in the matter thereof
as may appear to him to be fit and proper

Ordered that Extract from these
proceedings be sent to Tuticorin Assistant Sessions Judge of Rajahmundry to present
when called upon within ten days from date after the receipt
of this following proceedings of

Ordered also that Extract from these proceedings be granted the Petitioner's Vakeel on his application

Granted Fraccadam 4th October Salem
the 7th of 1851

Extract accordingly.

No. 1869

F. 26.

Friday } At a Court of the Foujdaree Adalut
11th July 1851. }

Present

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

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

Acd. for W.R. W.A. Morehead Esqr. — 3d — Puisne Judge

Read Calendar of Cases No. 10
of 1851 of the Sessions Court of Rajahmundry.

(Here enter F. 26. No. 1542 of 1851)

The Court of Foujdaree
Adalut approve of the recommendation made
by the Session Judge in this Case, that the
punishment awarded to the prisoner on his
conviction of theft be mitigated to 3 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 Rajahmundry for his information

(Sentence No. 439)

Read

Read letter dated 30th June 1851 from W. A. Forsyth Esqr. representing that the Magisterial authorities have determined not to forward the parties charged with Conspiracy to the Court for trial, but that as it has not yet been determined whether he shall be allowed to cite Messrs. Morris and Conolly as witnesses, he proposes taking no further steps in the matter, beyond petitionning for the committal of the case. Mr. Forsyth further urges the expediency of appointing a Judicial Officer unconnected with the Malabar to conduct the trial

(Hereunto F. C. No. 1573 of 1851)

The Court of Foujdaree Udalut conclude that the Sessions Judge of Calicut will already have disposed of the appeal formerly preferred and now revived by Mr. Forsyth and that should orders for the committal of the case have been issued the Acting Subordinate Judge will have submitted the report which he was under date 6th June instructed to make direct to Government, and that consequently no further

orders in the matter are at present called for.

2. But should the Sessions Judge have neglected to dispose of the appeal the Court of Foujdaree Udalut under Section XXV. Regulation X. of 1816 direct that the whole record of the case be forwarded with translations for their consideration.

Ordered that Extract from these Proceedings be sent to W. A. Forsyth Esq. for his information.

Ordered also, that Extract from these Proceedings be sent to the Sessions Judge of Calicut by Precept returnable within VII days from and after its receipt.

(Sentence Passed)

Read petty Calendars submitted by the Sessions Judge of Masulipatam under date the 10th June 1851 of the Magistracy for 1st Quarter of 1851.

(Hereunto F. C. No. 1500 of 1851)

Read return dated 24th June 1851 from the Sessions Judge of Combaconum to the Precept of the Foujdaree Udalut under date

11th

the 13th May 1851 returning the annual Criminal report for 1850 and directing the Sessions Judge in submitting an amended report to confine his remarks to those points in which the information conveyed by the figured statement may be defective or the result apparent thereon may require explanation.

(Here enter F. No. No 1501 of 1851)

Read Calendar of Case No 22 of 1851 Submitted by the Sessions Judge of Masulipatam under date the 17th Instant.

(Here enter F. No. No 1502 of 1851)

Read report dated 21st Instant from the Sessions Judge of Rajahmundry of the labour of Convicts who are in the Jail at Cocanada under charge of the Magistrate for the Months of May 1851.

(Here enter F. No. No 1503 of 1851)

Read Return dated 24th June 1851 from the Sessions Judge of Guntoor to the precept of the Foujdaree Adalut under date the 9th June 1851 returning some of the Criminal Statements for 1850 for correction and calling for the one required under Circular Order No 175.

(Here enter F. No. No 1517 of 1851)

Read return dated 24th June 1851 from the Sessions Judge of Guntoor to the Precept of the Foujdaree Adalut under date the 18th June 1851 authorizing the Sessions Judge to mitigate the sentence passed on the Prisoner Makala Polaidoo in Case No 114 of 1851 to 7 years imprisonment.

(Here enter F. No. No 1510 of 1851)

Read return dated 21st June 1851 from the Sessions Judge of Nellore to the Precept of the Foujdaree Adalut under date the 20th May 1851 returning for correction the Criminal Statement for the year 1850.

(Here enter F. No. No 1521 of 1851)

Read return dated 26th June last from the Acting Sessions Judge of Trichinopoly to the Precept of the Foujdaree Adalut under date the 4th June 1851 Calling on the Acting Sessions Judge to transmit an Explanation of the delay which occurred in the disposal of Case No 2 of 1851 after the apprehension of the Prisoners.

(Here enter F. No. No 1528 of 1851)

Read

11th July 1851.

Read further return dated 26th
June last from the Sessions Judge of Chittoor to the
Precept of the Foujdaree Udalut under date the
26th May 1851 returning the Criminal Statements
for the year 1850 for amendment.

(Here enter F. Uc. No. 1530 of 1851)

Read letter dated 21st June last
from the Sessions Judge of Honore, forwarding
Criminal Report B received from the Magistrate
of Canara for the Month of May 1851. with the
Extract from the Proceedings of the Sessions
Court thereon.

(Here enter F. Uc. No. 1533 of 1851)

2d Ditto.

Saturday
12th July 1851. At a Court of the Foujdaree Udalut.

Present.

The Hon'ble W. S. Hooper Esqre. 1st Puisne Judge.
The Hon'ble W. A. Morehead Esqre. 3rd Puisne Judge.

Read letter dated 2nd Instant
from the Acting Sessions Judge of Trichinopoly
submitting for the final judgment of the
Foujdaree Udalut the Record of Case No. 9
of 1851.

(Here enter F. Uc. No. 1590 of 1851)

Mr. Hy. S. Hooper. The Court of Foujdaree Udalut
on a deliberate consideration of all the circum-
stances of the case in evidence before them
being of opinion that the proof against the
Prisoners,-

1st Valen alias Valayduma
and
2nd Vadoolum.

is sufficient to convict them of the crime of
Highway Robbery, and that against the
prisoners,-

3rd Dolany.
4th Vadoovy (a female)
and
5th Narootty (a female)

of

of being in possession of plundered property knowing the same to have been so, I therefore do convict them severally thereof, and under the provisions of Clauses third and fifth Section IV Regulation XV of 1803 Clause second Section IV Regulation VI of 1822 and Section XXXIV Act VII of 1843, sentence the prisoners

1st Vadien alias Vadugadan

and

2nd Vadathan

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (7) seven years the prisoner.

3rd Palany

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 and the Prisoners,

4th Vadivoy (a female)

and

5th Marathy (a female)

to be imprisoned and kept to labor suitable to their sex, for and during the period of (3) three years.

(Sentence No 743)

Read

Read letter from the Magistrate of Malabar dated 29th May 1851 submitted by the Sessions Judge of Calicut on the 30th Instt.

(Here enter F. Vo. No. 1308 of 1851.)

1. The Magistrate remarks with reference to the Extract from the Proceedings of the Court of Fonjdaree Udalut under date 19th May 1851, that the Circular Order referred to, applies to cases in which natives are complainants and not to those in which both parties are of European extraction.

2. The Court of Fonjdaree Udalut observe that the rules prescribed by Government under date 23rd December 1834 determine the limits of the Jurisdiction of Justices of the Peace in the provinces, and apply to every case cognizable by a Justice of the Peace whether on the complaint of an European or a native.

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

(Sentence No 744)

Read again the Annual Report

of

12th July 1851.

of the Magistrate of Tangiers upon the Petition submitted by the Sessions Judge of Lombaconum under date the 24th April 1851.

/Here enter F. No. As 992 of 1851/

The Court of Tangiers Ordered observe with reference to the distinction drawn by the Magistrate in Para 5 of this report, that stronger presumption of a charge being malicious can scarcely be offered than the shewing it to be talegous and vexatious. If groundless it must necessarily be false.

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

/Sent in No. 745./

Read letter dated 25th June 1851 from the Magistrate of Canara forwarding a letter from the Joint Magistrate of the Distrait detailing the result of his investigation as to the attempt on the life of the Tahsildar of Supah and requesting that the offer of a conditional pardon to such of the suspected parties, as shall give evidence leading to the conviction

F. No.
12th July 1851.

conviction of the party who fired the shot may be sanctioned.

/Here enter F. No. As 1548 of 1851/

The Court of Tangiers Ordered that under the circumstances reported in this communication sanction the offer of a conditional pardon in the form laid down in Circular Order 3rd April 1828 to either of the persons specified by the Magistrate viz.

Soolian Khan
Dader Beg
Moonawar Khan
or
Syed. Hafsin.

Ordered, that Extract from these Proceedings, be forwarded to the Magistrate of Canara for his information.

/Sent in No. 746/

Lt. Col. Thomas Little

F. Ulc.

Monday
14th July 1851. } At a Court of the Faujdaree Adalut

Present

G/K/R G. S. Hooper Esqr — 1st Puisne Judge
H.H. for E. D. Thompson Esqr — 2d Puisne Judge
W.S. for W.M. W. A. Morehead Esqr — 3d Puisne Judge

Read again Calendar of Case No 3 of 1851 on the file of the Sessions Court of Chicacole.

(Here enter F. Ulc. No 976 of 1851)

Read also return under date the 12th June 1851 from the Sessions Judge of Chicacole to the precept of the Faujdaree Adalut dated the 20th May 1851 calling for explanation with reference to the appointment of the Head of Police referred to in the remarks recorded by the Sessions Judge on the foregoing Case, the Head of Police in question having been on a former occasion dismissed from Office

(Here enter F. Ulc. No 1430 of 1851)

As it appears that the order

of

of the Court of Directors prohibiting re-employment of persons dismissed public service was not in force when of Police referred to was appointed present office the Court of Sessions will not order the enforcement of the in question in this particular case.

Ordered that Extract from these Proceedings be sent to the Sessions of Chicacole for Communication to in Ganjam.

(Sent in No. 748)

Read the Calendar of Cases for 1851 of the Sessions Court of Madura.

(Herewith Ft. No. 1569 of 1851)

The Court of Sessions approve of the recommendation made by the Sessions Judge in this case, that punishment awarded to the two persons on their conviction of robbery by open be instigated to (8) eight days simple imprisonment with hard labour in irons and Sessions Judge is authorized to issue warrants accordingly.

14th July 1851.

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

(Sent in No. 749)

Read the Criminal Reports submitted by the Sessions Judge of Honore for the Months of May 1851.

(Herewith Ft. No. 1433 of 1851)

With reference to the note appended to the Convict labor report submitted with the above Statement, the Court of Foujdaree Adalut request to be informed whether the 132 prisoners therein adverted to were supplied at the rate of 65 Rupees weight of rice during the whole of the month or for only a portion of it. The Court further request to be informed at what rate the other prisoners are now supplied.

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

(Sent following Precept No. 750)

Rad. Criminal Reports submitted by the late Acting Sessions Judge of Tinnevelly for the Month of May 1851.

(Here enter F. Dc. No. 1445 of 1851)

Cases No. 52. 1 The Court of Foujdaree Udalut observe that the statement of the charge preferred against the prisoner in this Case is extremely defective; the means or instrument with which the murder was committed, not having been specified nor the manner in which the 3d prisoner is supposed to have been accessory to its commission.

Case No. 59. 2. A similar remark in regard to the absence of the specification of the supposed instrument of death is applicable to the statement of the charge preferred against the prisoner in this case.

Ordered that Extract from these proceedings be sent to the Acting Sessions Judge of Tinnevelly for communication to the Principal Sudder Ameen.

(Sent in No. 1751.)

Read the Criminal reports submitted by the Sessions Judge of Mangalore for

for the Month of May 1851.

(Here enter F. Dc. No. 1439 of 1851)

Case No. 101. 1 Adverting to the fact that the two prisoners in this Case were convicted of one and the same crime, the Court of Foujdaree Udalut require an explanation of the difference in their punishment. If an enhanced sentence was passed upon the 2d prisoner, in consequence of a former conviction against him, the Court observe that a remark to that effect should have been entered in the report.

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

(Sent following Precept No. 1752)

Rad. Criminal reports submitted by the Sessions Judge of Cuddapah for the Month of May 1851.

(Here enter F. Dc. No. 1461 of 1851)

Case No. 125 1 The Court of Foujdaree Udalut have ruled that entry into a house by climbing over a wall for the purpose of committing a

a theft constitutes house breaking and they observe therefore that the charge against the prisoner in this case was correctly treated by the Sudr Ameen as one of house breaking and theft; the provision of the law applicable being Clause Sixth Section II Regulation VII of 1822.

2 Adverting to the remarks recorded by the Acting Subordinate Judge on several of the cases entered in the Report A as having been tried by the Sudder Ameen the Court of Foujdaree Udalut infer that the reports of Cases tried by that officer are laid before the Acting Subordinate Judge previous to their submission to the Sessions Judge.

3 This Course the Court of Foujdaree Udalut consider to be objectionable, as being established to causes unnecessary delay in the revision by the Sessions Judge of sentences passed by the Sudder Ameen and they direct that it be discontinued and that the reports of all cases tried by the Sudder Ameen be forwarded direct to the Sessions Judge.

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

(Sent in No. 753.)

14th July 1851.

Read again letter under date the 15th May 1851 from the Sessions Judge of Chittoor submitting copy of a letter from the Subordinate Criminal Judge reporting the escape of a prisoner from the Jail.

(Here enter F. C. No. 1136 of 1851)

Read also Miscellaneous petition presented on the 24th June 1851 by Saick Seepa Vencatasami and Narayuda of Zillah Chittoor.

(Here enter Sand F. M. R. No. 22 of 1851)

1 The Petitioners who have been dismissed from their situations as Jail peons for neglect of duty in having permitted the escape of the prisoners above referred pray the Court of Foujdaree Udalut to order their restoration to their situations alleging that on the night in question they were stationed at

at a distance from the prisoners cell, that the night was dark and stormy and that it was therefore impossible for them to prevent his escape for which only those who were on guard immediately over his cell should be held responsible.

2 The Court of Foujdaree Udalut have attentively perused the depositions submitted with the Subordinate Judges letter reporting the escape of the prisoners referred to and are unable to concur with that Officer in considering that sufficient grounds have been shewn for the dismissal of the petitioners or of any of the other prons not on guard immediately over the prisoners cell.

3 The Court of Foujdaree Udalut approve of the dismissal of the Durfadar Fakoordeen who failed in his duty in omitting to go his rounds with the relieving prons for the purpose of ascertaining that all the prisoners were well secured.

4 The Court also approve of the dismissal of Shaik Hussain and Chinnah who both omitted to report the absence of

of any light in the prisoners cell when they respectively took charge of it and also of Vencata raynder for having been absent from his post and having omitted to report his absence to the Jailor.

5 The Court see no grounds for the dismissal of Syed Bahooddeen who alleges that when he gave over charge of the prisoners cell to Shaik Hussain the light in it was burning; the omission of the latter to report the absence of any light when he took charge in the opinion of the Foujdaree Udalut exonerating Syed Bahooddeen in the absence of any proof that is statement is untrue.

6 The Court observe that the only point clearly established in the matter is the fact of the prisoners escape the actual mode of his exit being uncertain and under these circumstances the Court consider that it would be inequitable to punish any other than the Durfadar and prons above specified.

7 The Court of Foujdaree Udalut accordingly

at a distance from the prisoners' cell, that the night was dark and stormy and that it was therefore impossible for them to prevent his escape for which only those who were on guard immediately over his cell should be held responsible.

2 The Court of Foujdaree Udalut have attentively perused the depositions submitted with the Subordinate Judge's letter reporting the escape of the prisoners referred to and are unable to concur with that Officer in considering that sufficient grounds have been shewn for the dismissal of the petitioners or of any of the other proms not on guard immediately over the prisoner's cell.

3 The Court of Foujdaree Udalut approve of the dismissal of the Duffadar Fakoordeen who failed in his duty in omitting to go his rounds with the reliving proms for the purpose of ascertaining that all the prisoners were well secured.

4 The Court also approve of the dismissal of Shaik Hussain and Cheenuah who both omitted to report the absence of

of any light in the prisoner's cell when they respectively took charge of it and also of Vencataraydu for having been absent from his post and having omitted to report his absence to the Jailor.

5 The Court see no grounds for the dismissal of Syrd Bahooddeen who alleges that when he gave over charge of the prisoner's cell to Shaik Hussain the light in it was burning; the omission of the latter to report the absence of any light when he took charge in the opinion of the Foujdaree Udalut exonerating Syrd Bahooddeen in the absence of any proof that is statement is untrue.

6 The Court observe that the only point clearly established in the matter in the fact of the prisoner's escape the actual mode of his exit being uncertain and under these circumstances the Court consider that it would be inequitable to punish any other than the Duffadar and proms above specified.

7 The Court of Foujdaree Udalut accordingly

accordingly direct that the petitioner and the other proms of warrs dismissal the Court have not recorded their approval be restored to their situations

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

(Sent following Precept No. 754)

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

Read Letter dated 20th June 1851 from the Sessions Judge of Bellary transmitting copy of a letter from the Subordinate Judge reporting the escape of the Convict Pingura Honnegadoo.

(Here enter F. 26. No. 1555 of 1851)

The Subordinate Judge attributes this escape partly to the cloudiness and consequent darkness of the morning and partly to the carelessness of the guard generally, and the Court of Sessions Judges deem it necessary to direct that the Subordinate Judge be instructed to keep the Prisoners within the Jail until broad day light and inorder that the guards may not have it in their power again to plead such an excuse as has now been urged the Subordinate Judge will be pleased to fix on the first of each month with reference to the break of day, the hour when the Wards are to be opened during the month, and cause the same to be entered in the Jail order book.

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

(Sent in No. 2455.)

Read letter dated the 30th Ultimo from the Acting Magistrate of North Arcot recommending that a reward of 500 Rupees may be granted for the capture of a notorious and desperate offender named Mottegalee Naido.

(Here enter F. 26. No. 1564 of 1851)

Under

Appendix D6 Statt No 2.

appendix noted in the margin the persons pending
before "Heads of Police" as directed in para 10 of
their proceedings dated 14th April 1851.

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

(Sent in No 1757)

Read Calendar of Case No 220 of
1851 of the Sessions Court of Nellore.

(Here enter F. Cs. No 1562 of 1851)

The Court of Foujdaree Udalut
approve of the recommendation made by the Sessions
Judge in this Case that the sentence recorded
against the three prisoners on their conviction
of "house breaking and theft" be mitigated to 4
years imprisonment with hard labor in irons -
and the Sessions Judge is authorised to issue
his warrants accordingly

Adverting to the statement
2. made before the Sessions Court by the 1st and 2d
witnesses respecting the capture of the Prisoners
the Court of Foujdaree Udalut require to be
informed, whether the warrant granted to them
by

Under the Circumstances
to notice relative to the Character of the
the Judges of the Court of Foujdaree Ud
are pleased to sanction the payment of
Five hundred Rupees to Polayagarrum and
other parties by whom the capture was ef
under Section XXIII Regulation IX of 1816 as
by Section IX Regulation XIII of 1832

Ordered that Extract from
these Proceedings be sent to the Acting
Magistrate of North Arcot for his infor

(Sent in No 1761)

Read return dated 20th Ult
from the Agent to the Governor of Fort St
George at Ganjam, to the Registrar of the
Udalut under date the 28th May 1851 return
for amendments the Criminal Statements
the year 1850.

Statement No 2.

(Here enter F. Ud. No 1514 of 1850)

The Court of Foujdaree Ud
direct that the Agent be requested to furn
returns to enter the Cases dealt with by the
Assistants in their capacity of Subordinate
Judges in Statement No 3, and to exclude from
of

by the Head of Police was issued for the appre-
hension of those identical prisoners, or whether it
was merely a general warrant issued against
the perpetrators of the robbery: if as the Court infer
the latter were the case, they direct that it be
pointed out to the Head of Police that such
a mode of procedure is unauthorised by the
regulations and must not, under any circumstances
again be resorted to.

3 The Court further direct that
it be pointed out to the Principal Sudder
Ameen that under their Circular instructions
of the 22nd May last, a second Count should
have been added to the indictment in this
case, charging the Prisoners with being in posses-
sion of stolen property knowing it to be such.

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

(Sent following Precept No 4758.)

Read letter dated 1st Instant from
the Sessions Judge of Chingleput reporting that no

cases

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
Judge.

(Here enter F. No. 7549 of 1851)

Read Calendar of Cases No 27 of
1851 submitted by the Sessions Judge of
Combaconum under date the 30th Ultimo.

(Here enter F. No. 7551 of 1851)

Read Report under date the
1st Instant submitted by the Sessions Judge
of Cuddalore of Cases pending on the 1st July
1851 committed for trial during the Months
of May 1851 before the Sessions Court.

(Here enter F. No. 7557 of 1851)

Read letter dated 1st Instant
from the Sessions Judge of Cuddapah, reporting
that there are no Cases at present to be entered
in the Monthly report of Cases pending trial
before the Sessions Court for the past Month.

(Here enter F. No. 7559 of 1851)

Read Calendar of Case No 27
of 1851 submitted by the Sessions Judge of Mangalore
Under date the 26th Ultimo.

(Here enter F. No. 7563 of 1851)

Read

14th July 1851.

Read report under date the 1st Instant from the Sessions Judge of Guntoor of Cases pending on the 31st May and committed for trial during the Month of June 1851.

(Here enter F. Co. No 1567 of 1851)

Read Calendar of Case No XXVIII of 1851 submitted by the Sessions Judge of Madura under date the 1st Instant.

(Here enter F. Co. No 1568 of 1851)

Read Calendar of Case No 10 of 1851 submitted by the Sessions Judge of Mangalore under date the 28th Ultimo.

(Here enter F. Co. No 1570 of 1851)

Read report under date the 3d Instant from the Sessions Judge of Nellore of Cases pending before the Sessions Court during the Month of June 1851.

(Here enter F. Co. No 1571 of 1851)

Ds 18

+

F. Co.

Tuesday 15th July 1851. At a Court of the Foujdaree Udalut

Present

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

W.H. for E.P.T. & E. P. Thompson Esqre — 2d Puisne Judge

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

Read letter dated 30th June 1851 from the Sessions Judge of Honore submitting for the final judgment of the Foujdaree Udalut the record of Case No 10 of 1851 of the Calendar of the Sessions Court.

(Here enter F. Co. No 1614 of 1851)

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 proof against the prisoner "Mognier Munja" is sufficient to convict him of the crime of wounding with intent to kill, and attempt to commit suicide, for which according to the Mohummedan Law, as declared in Futwas of their Law Officers discretionary punishment

is

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 the public roads, or other public works, for and during the period of (5) five years.

(Sent in No. 1762)

Read letter dated 20th Ultimo from the Sessions Judge of Masulipatam submitting for the final Judgment of the Foujdaree Adalut the record of Case No. 15 of 1851 of the Calendar of the Sessions Court.

(Here enter F. Ac. No. 1554 of 1851)

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 prisoners.

1st Pittala Soobbayah
2nd Pittala Venkaya.
3rd Canna Lutchmayah
4th Valaogaty Moosalayah
5th Moonagala Soobbayah
6th Cerocunda Venkatramoodoo.
and
7th Yerragoola Moddaudoo
Chinna Veeraffah.

are not convicted on presumptive proofs, 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 unconditionally released.

1. On an attentive consideration of the evidence in this Case, the Court of Foujdaree Adalut have been unable to concur with the Sessions Judge in the conviction of any of the prisoners of the Crime charged.

2 The Court observe that the proofs against the prisoners rests entirely upon their alleged recognition at the time of the robbery; but the evidence of the prosecutor and of their witnesses upon this point are so contradictory and in all respects so inconclusive and unsatisfactory, that the Court do not feel justified in founding a conviction upon it.

3 It would appear from the Police reports that the robbers were not identified, and it would seem that the Prosecutors having in the first instance suspected the prisoners, subsequently declared that they had identified them; but on their assertion on this point for the reasons above stated

stated the Court are unable to rely.

4 It is to be observed that none of the plundered property was found in the possession of any of the prisoners, although their houses were searched on the very day of the robbery.

5 In the absence of corroborative evidence the Court can attach no weight to the confessions which the 1st and 2nd Prisoners are said to have made before the Police, and they have accordingly acquitted all the prisoners and ordered their unconditional release.

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

(Sent following Precept No. 763)

Read Calendar of Cases No. 25 of 1851 of the Sessions Court of Coimbatore.

(Hereunto F. Dc. No. 1565 of 1851.)

The Court of Foujdaree Udalut observe that, as murder was the crime with which the Prisoners in this Case were charged, the offence should have been so designated in the Heading prefixed to the Statement of Charges.

Ordered

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

(Sent in No. 764.)

Read Letter dated 3rd July 1851 from the Sessions Judge of Chittoor submitting Copy of a letter of the same date from the Subordinate Judge representing that the number of peons will be reduced by the drafting of 40 Convicts to Vellore to a number inadequate for the safe custody of the remaining prisoners.

(Hereunto F. Dc. No. 1577 of 1851.)

The Court of Foujdaree Udalut direct that the Subordinate Judge be desired to carry their orders of the 27th June 1851 into immediate effect, and to submit, should he consider the peons remaining at his disposal insufficient, an application for increasing the jail guard. In doing this the Subordinate Judge will be pleased to state the number of peons in the fixed Soil Establishment and the strength of the Military Guard.

Ordered

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Chittoor for his information and for communication to the Subordinate Judges.

(Sent in a No. 765)

Read Calendar of Case No. 30 of 1851 of the Sessions Court of Madura.

(Here enter F. 86. No. 1584 of 1851)

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this case that the sentence recorded against the first and second prisoners on their conviction of theft be mitigated, in the case of the 1st Prisoner to 3 years', and in that of the 2nd Prisoner to 2 years' imprisonment with hard labor in irons; and the Sessions Judge is authorised to issue his warrants accordingly.

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

(Sent in a No. 766.)

Read Calendar of Case No. 13 of 1851 of the Sessions Court of Trichinopoly.

(Here enter F. 86. No. 591 of 1851)

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 Highway robbery be mitigated to 7 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 Acting Sessions Judge of Trichinopoly for his information and guidance.

(Sent in a No. 767.)

Read Calendar of Case No. 13 of 1851 of the Sessions Court of Trichinopoly.

(Here enter F. 86. No. 592 of 1851)

The Court of Foujdaree Udalut approve of the recommendation made by the Acting Sessions Judge in this Case, that the punishments awarded to the 2nd and 3d Prisoners, on their Conviction of robbery by open violence, be mitigated to 7 years' imprisonment with hard labor in irons, and the Sessions Judge is authorised to issue his

his warrant accordingly.

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

(Sentence No. 156)

Read Report dated 1st Instant from the Sessions Judge of Bellary, of Cases pending on the 31st May 1851 before his Court for a longer period than 25 days.

(Here enter F. Dc. No. 1574 of 1851)

Read letter dated 2nd Instant from the Sessions Judge of Chittoor, submitting the revised sentence passed in Case No. [illegible] of the Calendar for 1851.

(Here enter F. Dc. No. 1575 of 1851.)

Read letter dated 1st Instant from the Sessions Judge of Cuddapah, stating that there was no Case during the past Month to be entered in the Report required by the Sessions Udalut Circular letter of the 16th October 1850.

(Here enter F. Dc. No. 1576 of 1851)

Read Return dated 30th June from

from the Sessions Judge of Masulipatam in obedience to the Precept of the Sudder Udalut under date the 13th June 1851 communicating their orders upon the annual Criminal Statements for the year 1850.

(Here enter F. Dc. No. 1585 of 1851)

Read Report dated 1st July 1851 from the Sessions Judge of Masulipatam, of Cases pending on the 31st May, and Committed for trial during the Month of June 1851.

(Here enter F. Dc. No. 1586 of 1851)

Read Report dated 1st July 1851 from the Sessions Judge of Rajahmundry of Cases pending trial before his Court on the 30th June 1851.

(Here enter F. Dc. No. 1587 of 1851)

Read Statement dated 4th July 1851 from the Sessions Judge of Madura, of Batta paid to Prosecutors and witnesses attending before the Sessions Court during the 1st Half year 1851.

(Here enter F. Dc. No. 1595 of 1851)

Read Report dated 1st July 1851 from

15th 15th July 1851.

from the Acting Principal Sudder Ameen
of Tellicherry in charge of the Sessions Court
of Cases pending on the 30th June and Commit
for trial during May and June 1851 before
his Court.

(Recorded F. 116. No 1590 of 1851.)

H. W.

Wednesday 15th July 1857.

At a Court of the Foujdaree Adalut.

Present

GJ Kroper Esquire ——— 1st Puisne Judge.
ED Thompson Esquire ——— 2d Puisne Judge.
WF Morehead Esquire ——— 3d Puisne Judge.

Read Extract from the Minutes of Consultation of Government under date 24th June 1857 upon the Letter from the Court of Foujdaree Adalut dated 4th Idem reporting that the Maistries employed by the Agent for Emigration to the Mauritius have under cover of passes issued by the Agent abetted the Shipment of Native British Subjects to Foreign Colonies.

(Para writer F76 No 1546 of 1857.)

Ordered.

Chingleput. Salem. Tanjore. Trichinopoly. Madura. Tinnevelly.

The Court of Foujdaree Adalut direct that it be intimated to the Magistrates of the Districts noted Marginally for their information and guidance, that the Agent has been instructed by Government to recall all the passes which have been issued by him and hereafter when deputing Maistries into the interior to furnish them with letters to the Local Magistrates in order that whilst the Maistries may

over

have the means of satisfying parties desirous
of engaging with them that they have been
duly accredited by the Agent, the Magistracy
may be enabled to watch their proceedings
and check any oppression or fraud that
may be practised by them upon the trouble

2

the Magistrate is will be pleased
to obtain all Agents of the papers now held
by them contract delay and obtain the documents
nation and transmission of Coolies to Madras
to conform strictly to the orders issued by
Government on the 9th July and 4th October
1851.—

Ordered that Extract from
this Proceedings be forwarded to the Magistrate
of —— for his information and guidance.—

Entered — Fo 771.

Read Calendar of Cases &c
30 of 1851 submitted by the Sessions Judge of
Calicut under date the 31st May 1851.—

Ferreter F 26 No 359 of 1851.

Read Calendar of Cases &c 23 of
1851 submitted by the Sessions Judge of Cuddapah
under date the 1st May 1851.—

Ferreter F 26 Fo 339 of 1851.

Read Calendar of Cases &c 10 of 1851
submitted by the Acting Sessions Judge of
Trichinopoly under date the 4th June 1851.—

Ferreter F 26 No 338 of 1851.

Read Calendar of Cases &c 11 of
1851 submitted by the Acting Sessions Judge of
Trichinopoly under date the 4th June 1851.—

Ferreter F 26 No 339 of 1851.

Read Report dated the 2d June
1851 submitted by the Sessions Judge of Chicacole
of Cases pending on the 30th April and committed
for trial during the Month of May 1851.—

Ferreter F 26 — No 353 of 1851.

Read Criminal Report for the
month of May 1851 submitted by the Subordinate
Criminal Judge of Chittoor under date the —
1st June 1851.—

Ferreter F 26 No 358 of 1851.

Read Calendar of Cases No 40 of
1851 submitted by the Sessions Judge of Bellary
under date the 6th June 1851.—

Ferreter F 26 No 363 of 1851.

Read Report dated 2d June 1851
submitted by the Sessions Judge of Canara of

Cases

16th July 1851.-

Cases pending before him for a period exceeding 25 days during the month of May 1851.-

/Fiat enter J.C. Ex. 365 of 1851./

Read Calendar of Case Ex. 30 of 1851 submitted by the Sessions Judge of Calicut under date the 5th June 1851.-

/Fiat enter J.C. Ex. 369 of 1851./

Read Letter dated the 9th Ultimo from the Acting Sessions Judge of Tinnevelly reporting the execution of the 1st and 2d Prisoners in Case Ex. 30 of 1851 on the file of the Sessions Court.-

/Fiat enter J.C. Ex. 376 of 1851./

Read Return dated 4th June 1851 from the Sessions Judge of Calicut to the precept of the Foujdaree Adalut under date the 29th January directing him to supply certain omissions in his letter certifying the execution of the death warrant in Case No. on the Calendar of this Court.-

/Fiat enter J.C. Nos. 379 of 1851./

Ex. 18.

J.C.

Thursday 17th July 1851.

At a Court of the Foujdaree Adalut.-

Present

The Hon'ble G. A. Hooper Esquire ——— 1st Puisne Judge
W.P. pro tem. C.P. Thompson Esquire ——— 2d Puisne Judge
& Hon'ble W.A. Morehead Esquire ——— 3d Puisne Judge.

Read Petition presented on the 7th July inst. by C. Dale Esquire Vakeel on behalf of W. A. Forsyth Esqre Prosecutor in Case Ex. 30 of 1851 praying for an order to the Sessions Judge to proceed with the Petitioners Appeal against the decision of the Subordinate Criminal Court in the said Case.-

/Fiat enter J.C. M.C. Ex. 39 of 1851./

The Court of Foujdaree Adalut

Hon'ble G. A. Hooper
Hon'ble C.P. Thompson
Hon'ble W.A. Morehead

resolve with reference to the prayer of the Petitioner and in furtherance of their instructions of the 11th July inst. to direct the Sessions Judge to dispose of the Appeal in question.-

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

17th July 1851.

of Calicut by Brig Ibrahimy the ensuing days from and after its receipt.

Read following Precept No 774

Read Letter dated 3d Instant from the Sessions Judge of Rangoon requesting sanction of the Court of Foujdaree Adawlut for admitting as Prisoner as Case No 26 on the Calendar for 1851 as an Approver.

Ordered that the Prisoner be admitted as an Approver.

Read Letter from the Court of Foujdaree Adawlut under the Authority vested in them by Section XII Regulation XIII of 1832 to sanction the Pardon to the Prisoner

3d Summons

on the terms and conditions specified in Section XX Regulation VIII of 1843.

Ordered that the Precedents be sent to the Sessions Judge of Rangoon for his information and guidance.

Precedents sent 775

2d Ditto

Friday 18th July 1851.

F.C.

At a Court of the Foujdaree Adawlut.

Present

W.H. G. A. Hooper Esquire ——— 1st Puisne Judge
C.P.S. E. P. Thompson Esquire ——— 2d Puisne Judge
W. A. Thornhead Esquire ——— 3d Puisne Judge

Read Extract from the Minutes of Consultation of Government under date 5th July 1851 approving of the measures adopted by the Agent at Ganjam for preserving the peace in the Districts of Goomsoor and Gullery.

Ans under No 1593 of 1851.

The Court of Foujdaree Adawlut direct that the Officers in charge of the Jails at

Chicacole.
Prem Dohurmoo Naiko
Do Porroo Naiko
Do Lochanoo Naiko
Do Rogoye Naiko

Vizagapatam
Naik Surunga Bijoye
Prem Govindanu Naiko
Do Mungoloo Naiko
Do Pindloo Bijoye

Masulipatam
Naik Govindu Naiko
Prem Kotho Dalabarah
Do Podalaka Naiko

Cuddapah
Ghoustoo Bijoye
Calakondoo Khotaro
Sivadoo Molliko

Chittoor
Bhurtu Bijoye
Jordana Molliko
Donnodara Mohunty
Saradhy Molliko

10th July 1851.-

Puttatha Bijoya
Sunna Bijoya

Chingl

Kagawa Bijoya
Upparkalawa Bijoya
Doona Moliko
Dapoo Moliko
Mody Khohara

Cudda

be advised that the individuals noted by
ally will shortly be forwarded under warra
spired by the Agent in the form prescribed
Regulation XX of 1817 for confinement during
pleasure of Government under the provisions
the Reports specified in Section XX of the said
Regulation, jointly & severally to Government.

2nd

The persons to be imprisoned
Chicacole, Tagapatam and Masulipatam
be subsisted on the ordinary jail diet
Agent has been instructed to communi
his intentions in respect to the allotting of
persons who are to be forwarded to Cuddal
Chittoor - Chingleput and Cuddalo
to the officers in charge of the Jails at the
Stations.-

Ordered that Extract from
Proceedings be sent to the Sessions Judges of
Chicacole Masulipatam Chingleput Cuddalo
and Subordinate Judges of Cuddalore and
Chittoor, Principal Sudder Ameen at Nellore
and Agent at Gungam for their information

Sent in Lr

9th July 1851.

Board Communication dated 3rd July
1851 from the Sessions Judge of Cuttack forwarding
his Proceedings on the decisions of the Magistrate for
the 1st Quarter of 1851.-

Recd 7th Ino 1601 of 1851.

Board Calendar of Cases No 109 of
1851 submitted by the Sessions Judge of Guntoor
under date the 3rd July 1851.-

Recd 7th Ino 1603 of 1851.

Board Calendar of Cases No 12 of 1851
submitted by the Sessions Judge of Guntoor under
date the 3rd July 1851.-

Recd 7th Ino 1604 of 1851.

Board Calendar of Cases No 30 of 1851
submitted by the Sessions Judge of Cuddalore
under date the 8th July 1851.-

Recd 7th Ino 1610 of 1851.

Board Report dated 1st July 1851
submitted by the Sessions Judge of Tanjore of Cases
pending before him for a period exceeding 25 days
during the Month of June 1851.-

Recd 7th Ino 1615 of 1851.

Board Statement dated the 8th
July 1851 submitted by the Acting Sessions Judge
of Collarc of Batta Paid to Conductors &c. for the
1st half year 1851.-

Recd 7th Ino 1800 of 1851.

Board Supplimental Return
dated

dated 7th July 1851 from the acting Judge of Trichinopoly to the Principal of the Tuyjaore Adalut under date the 4th stating calling on the acting Superior Judge to furnish an explanation of the delay which occurred in the disposal of Case No 2 of 1851 after the apprehension of the Prisoners.-

/Entered JB No 1620 of 1851/

Read Calendar of Case No 1 of 1851 submitted by the Superior Judge of Bellary under date the 4th July 1851.-

/Entered JB No 1631 of 1851/

No 2 1851.

No 16

Monday 21st July 1851. 3

At a Court of the Tuyjaore Adalut.-

Present.

Sir W. Yr Lr C.B. J S Hooper Esquire ——— 1st Puisne Judge
W. Yr Lr C.B. C P Thompson Esquire ——— 2d Puisne Judge
W S Morehead Esquire ——— 3d Puisne Judge

Read Letter dated the 2d July 1851 from the Superior Judge of Trichinopoly reporting the escape of one Codjany Arobba, a prisoner confined in the Jail at that Station.-

/Entered JB No 1636 of 1851/

The Court of Tuyjaore Adalut do not consider the enquiry held by the Superior Judge in the matter of the above escape to have been sufficiently complete.-

2 The Court observe that a number of the Prisoners who slept in the same ward with the escaped Convict were examined, nor any attempt appear to have been made to discover whether he was last seen.- The Court also remark that no proof whatever was taken to establish the fact that the Prisoners were locked up for the night in the Cells, a precaution

which

21st July 1837.-

which was essentially necessary in the regular
Pr. Tuticorin Calendar Circular order No 34 dated
1st March 1831.-

3 The Sessions Judge will be pleased
to issue immediate orders requiring the Prisoner
to be committed previous to their leaving Tuticorin

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

(True Copy) Sd/- [illegible]

Read Letter dated 21st Ultimo
from the late Acting Sessions Judge of
Tinnevelly submitting for the final Sentence
of the Tuticorin Calendar the records of Cases
13 of 1831 of the Calendar of the Sessions Court

(True Copy) Sd/- [illegible]

Mr C. R. Thompson.
Mr W. A. Morehead.

The Court of Tuticorin Calendar
on a deliberate consideration of all the circum-
stances of the Case now under before them
& opinion that the proof against the Prisoner
Cunnatumbee Nadan
is sufficient to convict him of the crime of
Murder, & cannot less than through and, under the
provisions of Section 8 Regulation VIII of 1833,
him to suffer death by being hanged by the
usual time and place of Execution.-

The Prisoner in this Case having
been convicted of a most deliberate Murder, the
Court of Tuticorin Calendar cannot overlook the fact
of his having wounded himself as in any way
altering the nature of his crime, or as constituting
a ground for exempting him from the extreme
penalty of the Law.-

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

(True Copy) Sd/- [illegible]

Read Return dated 4th Instant
from the Sessions Judge of Calicut to the precept
of the Tuticorin Calendar under date the 25th June
1837 conveying the Court's observations on the Sessions
Judge's report as to the state of the Police in Malabar,
and directing him to call upon the Magistrate
to report for their information what he may have
done in pursuance of Mr Collett's report upon the
conduct of the Acting Gomastah Iravia Menon,
and to draw the attention of all the Heads of Police
to Circular Orders of the 18th June 1817 - 7th September 1820, and
21st June 1833.-

(Vide enter. F.B. No 1633 of 1837.)

Read Calendar of Case No 9 of 1837
submitted by the Sessions Judge of Canddalore
under date the 8th July 1837.-

(Vide enter. F.B. No 1636 of 1837.)

Read

21st July 1851.

Read Letter dated the 3rd Inst
from the Agent to the Governor of Fort St George
at Kurnool returning the death warrant Expire
by the Judges of the Tuticorin Adalut in Case No
of 1851 on the file of the Agent to the Governor
at Kurnool and enclosing a Copy of a Report from
Assistant Agent Lieutenant Rose to regarding
its execution.-

/True entry J.H. No 1629 of 1851/

Read Return dated the 5th Instant
from the Sessions Judge of Mangalore to the Registrar
of the Tuticorin Adalut under date the 3rd June
1851 returning for amendment the Statement
shewing the nature and result of charges
against the Police.-

/True entry J.H. No 1630 of 1851/

Read Calendar of Cases for
of 1851 submitted by the Superintendent of
Tuticorin under date the 15th July 1851.

/True entry J.H. No 1634 of 1851/

Read Return dated the 15th Instant
from the Sessions Judge of Coimbatore to the Registrar
of the Tuticorin Adalut under date the 12th Inst
directing the amendment to be made in the Return
in Case No 21 of 1851 on the Calendar of the Sessions
Court.-

/True entry J.H. No 1641 of 1851/

Tuesday
22nd July 1851.

J.H.

At a Court of the Tuticorin Adalut.-

Present

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

Read Letter dated the 9th Instant
from the Acting Magistrate of Tuticorin requesting
permission to offer a Reward of Fifty Rupees
for the discovery and Apprehension of each of
the inferior officers in a case of Gang Robbery
committed in the house of the Coundawash
Tahsildar.-

/True entry J.H. No 1639 of 1851./

The Court of Tuticorin Adalut
are pleased to sanction the Reward in question
being offered by the Acting Magistrate.-

Ordered that Extract from these
Proceedings be sent to that Officer for his information
and guidance.-

(Sent in No 784)

Read Return dated 10th Instant
from the Acting Magistrate of Tuticorin to the
Registrar of the Tuticorin Adalut under date the
3d July 1851.-

/True entry J.H. No 1645 of 1851./

Read Calendar of Case No 8

of 1851 submitted by the Sessions Judge of Cuddalore under date the 11th July 1851.

/True extract F/E. No 1651 of 1851/

Read Statement dated 8th Instt submitted by the Subordinate Judge of Tanjore shewing the amount realized by the labour of the Prisoners in the 2d Quarter of 1851.

/True extract F/E. No 1655 of 1851/

Read Calendar of Cases No 4 of 1851 submitted by the Sessions Judge of Bellary under date the 9th July 1851.

/True extract F/E. No 1660 of 1851/

Read Return dated 11th Instt from the Sessions Judge of Coimbatore & the precepts of the Tahsildars Udalut under date the 5th July 1851 returning for amendment the Appraisal & Statement No 38.

/True extract F/E. No 1660 of 1851/

Read Return dated the 8th Instt from the Sessions Judge of Coimbatore & the Tahsildars Udalut under date the 1851, directing that the rate of allowance of [illegible] spends to the Prisoners under charge of the Magistrate may be stated.

/True extract F/E. No 1661 of 1851/

Read Statement dated 10th Instt submitted by the Subordinate Judge of

of Batta paid to prosecutors and witnesses attending before the Sessions Judge during the 1st half of 1851.

/True extract F/E. No 1664 of 1851/

Read Calendar of Cases No 28 of 1851 submitted by the Sessions Judge of Masulipatam under date the 7th July 1851.

/True extract F/E. No 1673 of 1851/

Read Criminal Report submitted by the Acting Sessions Judge of Trichinopoly under date the 15th July 1851 for the Month of June 1851.

/True extract F/E. No 1720 of 1851/

Read Convict Labor Report submitted by the Acting Sessions Judge of Trichinopoly under date the 1st July 1851 for the 2d Quarter of 1851.

/True extract F/E. No 1704 of 1851/

Read Return dated the 16th July 1851 from the Sessions Judge of Cuddalore to the precepts of the Tahsildars Udalut under date the 4th July 1851, returning for amendment the Criminal Reports for the year 1850.

/True extract F/E. No 1709 of 1851/

Read Calendar of Cases No 29 of 1851, submitted by the Sessions Judge of Masulipatam under date the 8th July 1851.

/True extract F/E. No 1711 of 1851/

Read

22d July 1851.

Read Calendar of Cases Nos 23 & 1851 submitted by the Sessions Judge of Cuddalore under date the 17th July 1851.

/True entry F 76 No 1720 of 1851/

Read Criminal Report submitted by the Acting Principal Sudder Ameen of Tellicherry under date the 11th July 1851 for the Months of June 1851.

/True entry F 76 No 1730 of 1851/

Read Communication dated 8th July 1851 from the Sessions Judge of Masulipatam forwarding Proceedings held upon the monthly Criminal Reports of the Magistracy for June 1851.

/True entry F 76 No 1737 of 1851/

Read Return dated 19th July 1851 from the Acting Sessions Judge of Salem, to the precept of the Foujdaree Adalut under date the 14th July 1851, sanctioning the mitigated punishment recommended for the prisoners in Calendar No 22 of 1851, and requiring to be informed whether the warrants issued by the Court of Police in this case was for the apprehension of the identical Prisoners..

/True entry F 76 No 1750 of 1851/

Ex
R.W.

F.D.

Wednesday 23d July 1851. } At a Court of the Foujdaree Adalut.

Present

H.H. — G. A. Hooper Esquire —— 1st Puisne Judge.
W.H. for E.P.J. — E. P. Thompson Esquire —— 2d Puisne Judge.
W.A. for 3d Judge — W. A. Morrihead Esquire —— 3d Puisne Judge.

Read letter dated 7th July 1851 from the Subordinate Judge of Rajahmundry submitting with reference to the order issued by the Court of Foujdaree Adalut dated 27th February 1851 in the case of the Prisoner noted

Poobarauzd Gorlooroo Ramarauzu -- marginally copy of a letter from the Gillah Surgeon reporting on the state of mind of the said Prisoner..

/True entry F 76 No 1647 of 1851/

The Court of Foujdaree Adalut observe that as the insanity of the Prisoner in question precluded his being put upon his trial his case does not fall within the provisions of Act IV of 1849 and they direct that a further report upon the state of his mind be submitted at the expiration of 3 Months from this date..

The Court of Foujdaree Adalut further observe that this letter should have

2.

been

23d July 1851.-

been forwarded through the Superior Judge.

Ordered that Extract from these Proceedings be forwarded to the Superior Judge of Rajahmundry for Communication to the Subordinate Judge.

(Sent in Sp 790.)

Read the Annual Report of the Magistrate of Masulipatam for 1850 submitted by the Superior Judge under date 4th June 1851.

(Vide entry J. C. of 13th & 17th of 1851)

With reference to the Remarks contained in para 2 and 6 of this Report the Court of Sessions Ordered to observe that the Servants of Zemindars when acting in aid of the Police are entitled to the same protection as Police officers and will be liable to be exempted from the consequences which may attend their being resisted when enforcing Warrants issued for the Apprehension of Offenders.-

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

(Sent in Sp 791.)

Jc 1851.

Thursday -
24th July 1851.

F. C.

At a Court of the Foujdaree Adalut

Present

Mr. G. S. Hooper Esqr. —— 1st Puisne Judge
Mr. E. P. Thompson Esqr. —— 2d Puisne Judge for E. P. T.
Mr. A. Morehead Esqr. —— 3d Puisne Judge

Read Miscellaneous Petition presented on the 24th June 1851 by Rāgudi Veranna of Zillah Guntoor.

(Here enter F. M. P. No 74 of 1851.)

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

1. The Court of Foujdaree Adalut see no reason for their interference in the matter to which this Petition refers; the Order passed by the Acting Head Assistant Magistrate regarding the possession of the property referred to having been confirmed by the Sessions Judge after a consideration of the record of the proceedings.

2. The Court of Foujdaree Adalut observe that the Petitioner is at liberty to institute a Civil Suit for the establishment of his claim.-

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

Read

Read Miscellaneous Petition presented on the 3d July 1851 by Sinagum Naiken of Tillah Timmevelly.

(Here Enter F. M. P. No. 79 of 1851.)

Mr. G. S. Mooyer
" E. P. Thompson
" W. A. Morehead

1.

The Court of Fouzdaree Adalut see no reason to question the propriety of the sentence passed upon the Petitioner's brother the prisoner in the case referred to, the record of which was examined by the Acting Sessions Judge who was satisfied that no interference with the sentence passed by the Moofsly Sudder Ameen was called for.

2.

The Court of Fouzdaree Adalut accordingly resolve to dismiss this Petition.

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

Read again Calendar of Case No. 20 of 1851 on the file of the Session Court of Nellore.

(Here Enter F. M. No. 1492 of 1851.)

Read also Miscellaneous Petition presented on the 11th July 1851 by S. Vencatamma of Tillah Nellore.

(Here Enter F. M. P. No. 86 of 1851.)

1.

Before finally disposing of this Petition the Court of Fouzdaree Adalut resolve to direct that the English Translation thereof be forwarded

forwarded to the Acting Session Judge of Nellore with instructions to that officer to ascertain by a further investigation whether or not there be any truth in the allegations therein set forth.

2.

The Court of Fouzdaree Adalut observe that the robbery of which the prisoner have been convicted was committed on the 22d March and that the prisoners were apprehended on the 27th idem but did not leave the Talook until the 23d of the following month.

3.

Of this delay no explanation is given in the Calendar, and the Court of Fouzdaree Adalut direct that the Acting Session Judge will refer to the first reports made with reference to the robbery with a view to ascertaining whether or not the Petitioner's Statement that certain other persons were charged in the first instance by the Prosecutor is correct.

Ordered that Extract from these Proceedings be sent to the Acting Session Judge of Nellore by Precept returnable within XV days from and after its receipt.

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

(Sent following Precept No. 795.

Jn 18.0.

F. Vo.

Friday.
25th July 1851. } At a Court of the Fouzdaree Udalut.

Present

W.K. Hy. S. Hooper Esqre. ——— 1st Puisne Judge.
W.K. for 2d J. C. P. Thompson Esqre. ——— 2nd Puisne Judge.
W.K. for 3d Judge W. A. Morehead Esqre. ——— 3rd Puisne Judge.

Read letter under date the 21st June 1851 from the late Actung Sessions Judge of Tinnevelly submitting a translation of the records of Case No 16 of 1851 on the file of the Sessions Court for the final judgment of the Fouzdaree Udalut.

(Here enter F. Vo. No 1739 of 1851)

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

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

1st. Nottachee (a female)
and
2nd. Maulee (a female)

is sufficient to convict them of the crime of Murder do convict them thereof and under the provisions of Section X Regulation VIII of 1802, sentence

sentence them to suffer death by being hanged at the usual time and place of execution.-

1. The Court of Foujdaree Udalut have been unable to concur with the late acting Session Judge in considering that any sufficient grounds exist for exempting either of the Prisoners in this case from the extreme penalty of the law.-

2. The Court observe that the 1st prisoner who was pregnant when the trial took place has been since delivered and they cannot consider the fact of her having been pregnant when put upon her trial as sufficient to justify the remission of the sentence to which she has justly rendered herself liable by the cold-blooded murder of which she has been found guilty.-

3. Nor could the Court discover any palliation of the 2nd Prisoner's guilt in the circumstance of her having acted under the orders of the 1st Prisoner, there being nothing in her connexion with the 1st prisoner as proved in evidence that rendered her necessarily subservient to the 1st prisoner's will.

Ordered

Ordered, that Extract from these Proceedings, be forwarded to the Acting Session Judge of Tinnevelly for his information and for communication to the late Acting Sessions Judge Mr. Spere.-

(Sent in No. 796.)

Read Calendar of Case. No. 27 of 1851 of the Session Court of Masulipatam.-

(Here enter F. Up. No. 1672 of 1851.)

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this case that the sentence recorded against the 1st and 2nd Prisoners on their conviction of "Highway Robbery" be mitigated to 8 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 Masulipatam for his information and guidance.-

(Sent in No. 797.)

Read Criminal Reports submitted by the Sessions Judge of Coimbatore

25th July 1851.

Coimbatore for the months of June &
(Here enter F. No. 1671 of 1851.)

Case No. 116

The Court of Enquiry
observe that the fact of one of the per
accused of the offence charged in the
having absconded forms no ground for
post ponement of the trial of the pers
in custody, and they direct that it be
with forthwith.

Ordered, that Extract from
these Proceedings, be forwarded to the
Judge of Coimbatore, for his information
for communication to the Principal Sa
Amee.

(Sentence Reggd.

Read Criminal Report
mitted by the Sessions Judge of Cuddap
for the month of June 1851.

(Here enter F. No. 1683 of 1851.)

Case No. 110

The Court of Enquiry
observe that the prisoners in this case
have been indicted for "murder" and that
should have been left to the Sessions
decide whether on the record of this

F. No.

25th July 1851. of having caused the death of the individual
referred to, their offence amounted to "murder"
or to the lesser crime of "culpable Homicide."

Case No. 158. 2. The convictions referred to in
the note appended to the report of this case
should have been entered as additional
counts in the indictment, as required by
Circular Order 2nd October 1850; evidence being
adduced to prove 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
Sessions Judge of Cuddapah for his in-
formation and for communication to the
acting Subordinate Judges.

(Sent in No. 799)

Read letter dated the 10th
Instant from the Sessions Judge of Rajahmun-
dry requesting the Court's sanction for the
disbursement of a reward of Two hundred
Rupees offered by the Magistrate for the
apprehension of the murderers of one Dumbolany
Vizia Gopaulrauze.

(Here enter F. No. 1683 of 1851.)

With

With reference to the ... alluded to by the Magistrate, the ... of Tanjore Udalut are pleased to ... the disbursements in question.

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

(Sent in Mr. Bell's ...)

Read letter dated the 8th ... from the Sessions Judge of Coimbatore ... the escape of a Convict, named Subbien ... the 26th June.

(Here enter S.D. No. 1640 of 1851.)

The Court of Tanjore ... but direct that the attention of the Sessions Judge be called to the Circular Orders ... in Paras 7, 8 and 9 of Section XV of the ... Jurisdiction of Jail rules published in ... Page 33.

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

(Sent in Mr. Bell's ...)

July 1851 from the Sessions Judge ...

of Cuddapah.

(Here enter S.D. No. 1612 of 1851.)

1. The Sessions Judge in the foregoing letter has submitted for the consideration of the Tanjore Udalut the case of a Jail Prisoner named Pedda Nagulu who on the 8th June 1849 was dismissed from his situation by the Subordinate Judge in consequence of his having requested on the ground of his advanced age to be exempted from proceeding to Rajahmundry with a gang of Convicts deputed to that station.

2. The individual referred to having appealed to the Sessions Judge from the order directing his dismissal his case was referred by that Officer for the re-consideration of the Subordinate Judge under the Court of Tanjore Udalut but upon a Petition being presented to them having declined to interfere in the matter pending the final decision of the Subordinate Judge, it appears that an enquiry was instituted by the latter Officer in regard to the Petitioner's means of livelihood upon the conclusion of which he

25th July 1851

he refused to accept the time and to appoint a
day in his place and requested that the
might be referred for the decision of the
Court adducing the fact of the Petitioner
a Pattah as a valid ground for his dism
in addition to the other reasons previously
signed for it, one of which viz: that the
Petitioner has lost the confidence of
stated by the Sessions Judge to be impos
3.
The Court of Zemindaree Vala
consider the proceedings of the Subordinate
Judge in this matter to have been extreme
harsh and altogether unwarranted by
circumstances of the case and they cannot
may resolve to direct that Pedda Nagulu
may be employed as a Sail Peon upon
first vacancy that may occur.
4.
The Court of Zemindaree Vala
fully concur in the Sessions Judge's
marks as to the inconsistency of the Subor
dinate Judge's proceedings in deputing
person in charge of Criminal proceedings to
distant station, whom he immediately
afterwards pronounced to be unfit to be
also urge for the routine duties of a Sail Peon

F. No.
25th July 1851.

Ordered that Extract from these
Proceedings be forwarded to the Sessions Judge
of Cuddapah for his information and for com=
=munication to the Acting Subordinate Judge
and also to the Subordinate Judge Mr. Mayne
by precept returnable within XX days, from and
after its receipt.

(Sent following precept No. 802.)

Read return dated 8th July 1851
from the Sessions Judge of Rajahmundry to
the precept of the Zemindaree Vakeel under
date the 3rd Idem calling upon him for infor=
=mation with reference to the error in Crimi=
=nal Report for 1850.-

(Here enter F. No. 1667 of 1851.)

The Court of Zemindaree Vakeel
do not observe that the record of the case in
question was despatched as noted in the
letter of reference by the Sessions Court
on the 30th and not the 13th July - and the
Sessions Judge will be pleased consequently
to correct the report submitted on the 12th
February 1851 herewith returned.-

Ordered that Extract from
these

25th July 1851

these Proceedings be forwarded to the
Judge of Rajahmundry by Peacock
-able within 11 days, from and after its re

(Sent following precept. Pa. 00)

Rs
1810

Saturday
26th July 1851.

F. C.

At a Court of the Fonjdaree Adalut.

Present

G. S. Hooper Esqr —— 1st Puisne Judge
W. H. for E. P. T. E. P. Thompson Esqr —— 2d Puisne Judge
W. A. Morehead Esqr —— 3d Puisne Judge

Read Extract from the Minutes of Consultation of Government under date 15th July 1851 intimating that the Government concur with the Court of Fonjdaree Adalut in considering that there are not sufficient grounds for the decided opinion expressed by the Sessions Judge of Calicut in his Return of the 2d February 1850 as to the inefficiency of the Police in Malabar - and desiring that the Magistrate be instructed to require Copies of all proceedings held by the Police in every case cognizable by the Criminal Courts to be laid before him, whether the accused be committed or released. but declining for the present to receive an application for any increase to the Talook Police Establishment -

(Here enter F. C. No. 1677 of 1851)

Ordered that Copy of the Extract from the Minutes of Consultation of Government above

above referred to, be forwarded to the Session Judge of Calicut for his information and for communication to the Magistrate of Malabar for his information and guidance.-

(Sent in No. 805.)

Read Criminal Reports submitted by the Session Judge of Combaconum for the month of June 1851

(Mere Inter F. R. No. 1699 of 1851)

1. The Court of Foujdaree Adalut desire to be informed of the rate of grain allowed to the prisoners during the period embraced in these Reports and they direct that this information be invariably submitted with the Monthly Criminal Returns.-

Magistrates Report Cases Nos. 16-18. 2. The Court of Foujdaree Adalut observe that the remarks recorded on these Cases by the Session Judge if not requiring the submission of the Report A should have been entered in the Report B.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Combaconum by Receipt returnable within V days from and after its receipt.-

(Sent following Receipt No. 806)

Read Calendar of Case No. 9 of the Session Court of Tellicherry.-

(Mere Inter F. R. No. 1700 of 1851)

The Court of Foujdaree Adalut approve of the recommendation made by the

Judge in this Case, that the punishment awarded to the Prisoner on his conviction of House breaking and Theft be mitigated to 5 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 Tellicherry for his information and guidance.-

(Sent in No. 807)

Read Calendar of Case No. 36 of 1851 of the Session Court of Cuddapah.

(Mere Inter F. R. No. 1710 of 1851.)

The Court of Foujdaree Adalut observe that the former convictions of the Prisoner in this Case should have been entered as additional counts in the indictment agreeably to the Circular instructions of the Foujdaree Adalut under date the 2d October 1850.-

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

(Sent in No. 808)

Read Criminals Reports submitted by the Acting Session Judge of Nellore for the month of June 1851.

(Mere Inter F. R. No. 1712 of 1851)

Case No. 107- 1. The Court of Foujdaree Adalut observe

observe that the Head of Police by whom this case was committed was not competent to take Cognizance of the charge preferred against the prisoner, the Native Officers of Police being exhresly prohibited by the provisions of Section XLVI Regulation XI of 1816 from taking Cognizance of Cases of adultery or fornication.

2. The Court of Fouzdaree Adalut direct that the Magistrate will draw the attention of the Heads of Police under his jurisdiction to the provisions of the law above cited, and inform them that all parties having charges to prefer of the nature of those referred to, should lay their Com= =plaint before an Officer of the Magistracy.

Ordered that Extract from these Proceedings be forwarded to the 2d Session Judge of Nellore for his information and for communica= =tion to the Magistrate.

(Sent in No. 809.)

Read letter date 10th July 1851 from the Session Judge of Guntoor, to the Register of the Court of Fouzdaree Adalut under date 10th July 1851, wherein the Session Judge was called upon to transmit for any remarks that the Session Magistrate might have to offer on the subject a copy of the 3d Para of his Annual Report

which the permanent location of the two Assistants in the Palnad and Innacondah Talooks is advocated by the Session Judge.

(Here enter F.R. No. 1644 of 1851.)

It appears that the measure recommended by the Session Judge cannot, unless the number of assistants in Guntoor is augmented be carried into effect, but the Court of Fouzdaree Adalut consider that the Acting Magistrate will find no difficulty in arranging that the Talooks in question should be visited at least once in every two months and that an European Officer should be located within them continuously for two months in each year.

Ordered that Extract from these Proceedings be sent to the Session Judge of Guntoor for his information and for communication to the Acting Magistrate.

(Sent in No. 810.)

2d 1851.

F. 46.

Monday
28th July 1851.

At a Court of the Foujdaree Udaulut.

Present

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

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

H. A. Morehead Esqre. ..... 3d Puisne Judge

Read again Miscellaneous Petition preferred on the 5th April 1851 by A. D. Ritchie Esqre Vakeel on behalf of Paratamanah and Meenatchy Ammah of Tillah Madura.

(Here Enter the P. No 52 of 1851.)

Read also Calendar of Case No of 1851. on the file of the Session Court of Madura.

(Here Enter the No 870 of 1851.)

Read also Letter under date the 19th April 1851. from the Session Judge of Madura.

(Here Enter the No 936 of 1851.)

Read also Letter under date the 29th April 1851. from the Session Judge of Madura.

(Here Enter the No 1023. of 1851.)

Read also return under date the 2d June 1851. from the Session Judge of Madura to the precept of the Foujdaree Udaulut dated the 24th April 1851. directing the transmission of an English Translation of the records of the case No XI of 1851. on the file of the Session Court.

(Here Enter the No 1346 of 1851.)

Read also Miscellaneous Petition presented on the 20th June 1851. by A. D. Ritchie Esqre Vakeel on behalf of Parratamanah wife of Vagalasamy Chetty 1st Prisoner and Meenatchy Ammah wife of Tillai Chetty 2d Prisoner in Case No 11 of 1851. on the file of the Session Court

Court of Nagercoil

(Here enter M.R. of 1857.)

1. The Prisoners in this case were charged with having forged two documents one of which purported to be the last will and testament of one Sorbai Chetty deceased and the other a letter addressed by that person in his life time to the Collector and Magistrate of Nagercoil referring to the said Will.

2. The instrument upon which the prisoners were tried was divided into 6 Counts, in the first of which the three prisoners were charged with having conspired to forge and fabricate the documents above mentioned; in the second with having forged and fabricated the said documents, in the third with having caused and procured them to be forged and fabricated while in the fourth Count the 1st and 3d prisoners were charged with having uttered the said documents, the 1st & 2d knowing them and the 2d & 3d knowing them before the Court of Nagercoil

3. Previous to the conclusion of the trial a petition was presented to the Court of Poojdaree (Adalut) on behalf of the 1st and 2d prisoners, a consideration of which the Court saw fit to direct that, in the event of the prisoners being convicted, the sentences which might be passed upon them should be suspended, pending their confirmation by the Court of Poojdaree Adalut.

4. The Court of Poojdaree Adalut observe on perusal of the Calendar dressed to receive upon that an English translation of the records should be submitted for their consideration.

5. The records has been accordingly submitted, and on attentive consideration of the same the Court of Poojdaree Adalut have been unable to concur with the

prisoners, charged.

6. The Court of Poojdaree Adalut observe that the evidence in support of the prosecution depended principally on the testimony of the 6th 7th 8th and 9th witness, four of whom state that they were present when the alleged forgery was committed, and allege that they were requested to attest the forged documents, but refused to do so, and that this request was made to them by the prisoners in the house of the deceased Sorbai Chetty, whose wife the forged document purported to be, immediately after his death had occurred, and at a time when the house was filled with people, some of whom were the natural heirs of the deceased.

These witnesses likewise state that, on a subsequent occasion, they were requested by the Prisoners to abstain from divulging what had occurred and were offered bribes to ensure their compliance, and this in the presence of strangers altogether unconnected with the affair.

7. The Court of Poojdaree Adalut cannot credit the statements of any of these witnesses the law of which, according to their assertions, the prisoners pursued being altogether opposed to probability, and utterly irreconcilable with the common degree of precaution which persons acting illegally invariably adopt.

8. The Court observe that the 5th witness is an old servant in the family of the deceased; that the 6th and 9th are apparently friends of the family while the 9th is a relative, and that not one of these persons, after all of them had been asked to join in the forgery, and had refused to do so, should have interfered, and disclosed the forgery to the parties affected by it, appears to the Court to be in the highest degree irreconcilable, and to render their statements of what

what they allege to have taken place altogether inde-
of belief.

10. To remove the improbability attaching to
their statements, and which so materially affects the credi-
bility of their testimony, it was obviously most important
that they should afford some satisfactory explanation
of their presence, as were, to denounce the prisoners to the
numerous persons present in the house when the forgery
was alleged to have taken place.

11 In this they have failed entirely; and it
appears that no doubt whatever was thrown upon the
genuineness of the rule until Mr Andrew Carthy was
produced by the prisoners to prove certain debts due by
him to the Estate of the deceased Sober Chetty, who
he admitted to be admitted manager of the Estate
and guardian of the widow and children of the
deceased brother, declaring the rule to be a forgery.

12. The Comb of Singdaree Medaliar accordingly
resolve to direct that the prisoners in this case be immediately
released.

13. With reference to the wish expressed by the
Sessions Judge in his return of the 2d June that in the absence of the
Comb of Singdaree Medaliar pro tem remaining in the case
of the prisoners he should be allowed to offer a few remarks
as contemplated by Section III Act XIX of 1841, the Comb
of Singdaree Medaliar observe that they have deemed it unne-
cessary to defer the disposal of the case for any further
observation from the Sessions Judge, having dealt with
under Section IV of the said Enactment, and being
satisfied that no remarks the Sessions Judge could
provide other than opinions as to the insufficiency of the
evidence for the conviction of the accused.

14 The Comb observe that the exercise
of powers not authorized by any enactment in force in
this Presidency

been taken in the manner prescribed by Circular Order No 166
as modified by Circular Order No 170, which orders require
that the Verdict of each juror should be recorded in regard to
to the guilt, or innocence, of each prisoner tried.

15 In this case a single paper signed by de
the jurors was given in, in which neither the acquittal nor conviction
of the prisoners collectively, or separately, was declared; the
paper in question merely referring to the credibility, or otherwise,
of certain of the witnesses in the case.

16 The Comb of Singdaree Medaliar observe
that the mere statement by the Jurors in this case
=pence in such a verdict was clearly insufficient to serve as
a guide to the Higher Comb as to the grounds upon which
the conviction of the prisoners was based, and was obviously
calculated to defeat the objects for which the Calendars of
cases disposed of by the Comb of Sessions are submitted to
the Singdaree Medaliar.

Vide C.O. 7th October 1819.

17 In conclusion, the Comb of Singdaree Medaliar
receive to direct the attention of the Sessions Judge to their
orders of the 11th November 1847, regarding the preparation
of the records of referred trials, the neglect to conform to
those orders in this case having entailed much unnecessary
labor upon the Comb of Singdaree Medaliar.

18. For instance, in the 5th witness' answer to
the 23d question the names of eleven persons are mentioned,
with reference to whom upon each name appearing the Comb were
compelled to examine the Calendar to ascertain in what
way the individuals in question were severally connected
with the case.

19 In the 6th Witness' answer to the 13th question
a similar difficulty occurs; and the numbers and names
of the witnesses do not correspond with the record.

Ordered that Extract from these
proceedings be sent to the Sessions Judge of Hazaree

by precepb returnable within V days from and after its receipt.

/Seab of Rowing precepb Nº 813./

Ordered also that Extracb from these proceedings be given to the Petitioners Vakeel on his application.—

Read again Calendar of Cases Nº 1956. 17 and 18 of 1852. on the File of the Session Court of Kaisarwal

/Here Enter the Nº 1059 and 1157 of 1851/

Read also Miscellaneous Petition of Procedure on the 1st July 1851. by A. M. Ritchie Esqre Vakeel on behalf of the relatives of the prisoners in the foregoing cases.

/Here Enter the P. Nºs 75, 76, 77, and 78 of 1851./

Read also return under date the 27th June 1851. from the Session Judge of Kaisarwal to the precepb of the Zinjadare Medalab dated the 18th June 1851. directing the transmission of the records of the foregoing cases.

/Here Enter the Nº 1025 of 1851./

1.

On an attentive perusal of the records in these cases the Court of Panjadare Medalab have been unable to concur with the Session Judge in considering the evidence sufficient to the conviction of the prisoners of the respective charges.

2.

It is clear from the evidence in each case that one of two sets of witnesses has deposed falsely, but the determination of which the testimony is true the Court of Panjadare Medalab considers to be impossible from the evidence addduced.

3.

The Court of Panjadare Medalab are unable to resolve to direct that the several prisoners in the cases noted be unconditionally released.

Ordered that Extracb from these proceedings be sent to the Session Judge of Kaisarwal by precepb returnable within three days from and after its receipt.—

/Seab/

28th July 1851.

Ordered also that Extracb from these proceedings be given to the Petitioners Vakeel on his application.—

Read Letter dated the 17th Instant from the Session Judge of Kaisarwal submitting for the final disposal of the Zinjadare Medalab, the Records of Case Nº 350 of 1852 of the Calendar of the Session Court.—

/Here Enter Nº 1753 of 1851./

Mr. G. S. Rodgers.
Mr. C. P. Thompson.

The Court of Panjadare Medalab, on due deliberate consideration of all the circumstances of the cases in evidence before them, being of opinion that the proofs against the Prisoner—

"Fellowing ow Chetty Narsiya, alias, Narsiya"

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 Panjadare Medalab observe that in the arrangement of the records of preserved trials the order adopted in the Calendar should be as hereafter, and that the order of adoption in the several records of the Police, Subordinate Court, and Session Court should correspond

2.

In the record of this case, immediately after the Prosecutor's deposition before the Session Court, is placed the 4th "Witness" deposition, an arrangement which, not having been observed in the proceedings of the Police, or Subordinate Court, caused much inconvenience in the perusal of the record.

Ordered that Extracb from these proceedings be sent to the Session Judge of Kaisarwal for his information and guidance

/Seab to Nº 815./

Read

28th July 1851.

Read again Calendar of Case No 20 of the Sessions Court of Coimbatore

(Here Enter the No 113 of 1851)

Read also return dated the 31st May 1851. from the Sessions Judge of Coimbatore, to the proceedings of the Tirupdaree Udalut under date the 21st idem, calling for translations of the depositions of certain witnesses taken before the Police and Sessions Courts in the above case

(Here Enter the No 1291 of 1851.)

Read also return dated 11th July 1851 from the Sessions Judge of Coimbatore to the proceedings of the Tirupdaree Udalut under date the 10th June 1851. forwarding the submission of an English translation of the evidence recorded in Case No 20 of 1851 on the Calendar of the Sessions Court

(Here Enter the No 1665 of 1851.)

1.

The 10 Prisoners in this case are charged with having on the night of the 31st of January last, in company with 19 other persons, proceeded as a gang to the house of the 1st Prosecutor, broken into the house, and, after having maltreated the 1st 2nd Prosecutors and the 1st witness and others in the house, plundered property valued at Rs 1029-12-"

2.

The Law officers of the Crown charge all the 1st, 4th, 6th, 7th and 10th Prisoners of the crime charged against the remainder.

3.

The Sessions Judge proceeding on the 1st 3rd 5th 9th 11th Prisoners unconditionally, and sentenced the 1st 3rd 5th 9th 11th Prisoners to 14 years imprisonment with hard labor in irons, but recommended that the sentences passed should be mitigated to 10 years imprisonment

4.

The Court of Tirupdaree Udalut, for reasons to question the soundness of this conclusion called for the records of

28th July 1851.

considers the evidence insufficient for the conviction of any of the Prisoners, except the 10th who has confessed his guilt throughout, and has corroborated his confession by the delivery to the Police of a portion of the plundered property.

5.

The Court can not rely on the evidence to the identification of any of the Prisoners, the witnesses who speak to this point viz: the 1st, 2nd, 3rd, 4th, 5th and 6th having before the several tribunals contradicted both themselves and each other as to the particular persons they recognized as members of the gang.

6.

The Head of Police in his report, dated 25th ult. to the Principal Sudder Ameen with the case, observes in one place that "the assertion that they recognized the Robbers is very "suspicious", and in another place, that the evidence of the 2nd and 3rd witnesses is unbelievable (for reasons stated) in my opinion.

7.

And, although some of the said witnesses on declare that they denounced those whom they had recognized at once to the Police, the first reports of the Kurnuffy Monigars of the Village in which the Robbery was committed make no mention of any thing of the kind, nor were the said persons apprehended immediately, as they would have been, had such been the case. The Court considers the evidence of the 9th and 10th witnesses who depose to their having been invited by certain persons when the 4th and 5th Prisoners and others were also present to join them in the robbery, and to their having refused to do so (which circumstance they admit they never reported to any one) to be utterly unworthy of credit.

8.

The alleged discovery of part of the plundered property in a neighbouring Pub near the 1st Prisoner's house, cannot, the Court think, be deemed sufficient to bring the charge home to him. It is admitted that there are other houses within the same compound besides, and that some delay took place in making the search, and the 1st Prisoner says in his defence that the first time his house was searched, nothing was found

but

28 28th July 1857.

but that they entrusted that it should be found afterwards when he was in custody.

9 The search seems to have been more with a suggestion of the concealment of stolen goods, than appears to have pointed out another spot at 2 fields distance from the 1st Prisoners house, but not belonging to him, where some of the articles said to belong to the Prosecutor were found, and it appears very probable that the said articles were placed there by the said 9th Witness, or some one else, with a view to criminate the 1st Prisoner.

10th It is to be observed that the 1st Prisoner attributes the robbery of his house to the violence he met with in an affray between himself and the party of the Village, and others with whom some of the Prisoners are connected, and it is possible that the more suspicion then excited may have afterwards led to the positive accusation of the Prisoners.

10 It is to be remarked that the 6th Prisoner who confessed the crime, and gave up part of the stolen property, named several persons as having been concerned with him in the Robbery, but positively denied that any of the other Prisoners had joined in it.

11. The Court accordingly resolve to direct the 1st 2d 3d 4th and 7th Prisoners in this case be immediately released, and concurring in the conviction of the Prisoners they sentence the said 6th Prisoner to seven years' imprisonment with hard labour to be computed as passed upon him.

12. The Court are surprised that the Sessions Judge should have attached so much importance to the testimony of the persons who were examined to prove the resistance of an armed party on the part of the Prisoners towards the 1st 2d and 4th Prisoners, and in examining them

28 July 1857.

Ordered that Extracts from these proceedings be sent to the Sessions Judge of Coimbatore by Precept returnable within VII days from and after its receipt—

(sent following precept No 846.)

H. D.

F10.

Tuesday
29th July 1851. At a Court of the Tinjdaree Udalath

Present

Capt G. T. Hooper Esqr ——— 1st Puisne Judge
A.M. for C. P. Thompson Esqr ——— 2d Puisne Judge
Lt. for W. M. R. A. Forehead Esqr ——— 3d Puisne Judge

Read Calendar of Case No 17 of 1851 of the Session Court of Kunhor.

/Here Enter the ck 1723 of 1851./

1. The Court of Tinjdaree Udalath approve of the recommendation made by the Session Judge in this case that the sentence recorded against the two Prisoners in their conviction of "High way Robbery" be mitigated to nine years' imprisonment with hards labor in irons, and the Session Judge is authorized to issue his warrant accordingly.

2. The Court observe that the offence committed by the Prisoners should have been simply designated "Highway Robbery" in the Heading prefixed to the Statement of the charge, the words "attended by aggravating circumstances" being superfluous.

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

/Sent in ck 819./

Read Calendar of Case No 8 of 1851 of the Session Court of Guntoor.

/Here Enter the ck 1722 of 1851./

The Court of Tinjdaree Udalath approve of the recommendation made by the Session Judge in this case that the Sentence recorded against the 1st Prisoner on his conviction of "Highway Robbery" be mitigated to 7 years' imprisonment with hards labor in irons, and the Session Judge

Sessn Judge is authorized to issue his warrant accordingly.

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

/Seal to No. 820./

Read Calendar of Case No. 32 of 1857 of the Sessn Court of Cuddapah.

/Here Enter No. 1721 of 1857./

The Court of Foujdaree Adawlut regret to be again under the necessity of drawing the Sessn Judge's attention to the great and unnecessary length of his remarks in the disposal of Sessn Cases, &c. which has been three times informed that the details of the evidence usually given by him are altogether uncalled for, and the Court expect that he will pay strict attention to their instructions upon this point for the future.

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

/Seal to No. 821./

Read letter dated 9th July 1857 from Sessn Judge of Chittoor enclosing copy of a letter from the Criminal Judge requesting that it may be submitted to the Foujdaree Adawlut whether the reward of 500 Rupees sanctioned by Government for the apprehension of the accused Bowreah Annachella Pariachi should be disbursed, notwithstanding his seizure took place previous to the date of the reward.

/Here Enter No. 1719 of 1857/

The Court of Foujdaree Adawlut direct that the date of the Prisoner's recapture may be reported for their information.

Ordered that Extract from these Proceedings be sent to the Sessn

Read Letter dated the 17th July 1857 from the Sessn Judge of Calicut, transmitting the Proceedings warrant issued for the execution of the Prisoner in Case No. 33 of 1857 on the Calendar of the Sessn Court, duly endorsed by the Subordinate Judge.

/Here Enter No. 1734 of 1857./

Read Jail Report submitted by the Sessn Judge of Combaconum under date the 21st Instant for the Month of June 1857.—

/Here Enter No. 1737 of 1857./

Read Calendar of Case No. 28 of 1857 submitted by the Sessn Judge of Mangalore under date the 17th July 1857.

/Here Enter No. 1739 of 1857./

Read return dated the 19th July 1857 from the Sessn Judge of Calicut to the precepts of the Foujdaree Adawlut dated the 8th July 1857, conveying the Court's observations on the Criminal Reports for the month of May last and directing him to amend the order passed by him in Case No. 95, and to state upon what grounds the Acting Subordinate Judge declined to examine the witnesses named by the Prisoner in Case No. 99 submitting at the same time the amended sentence passed therein.—

/Here Enter No. 1701 of 1857./

Read Statement submitted by the Sessn Judge of Cuddapah under date the 22nd July 1857, of Batta paid to Prosecutors and Witnesses in attendance before him during the 2nd half of 1856.

/Here Enter No. 1702 of 1857./

Read Letter dated the 19th July 1857 from the Agent to the Governor at Vizagapatam forwarding the revised Criminal Reports for the Month June 1857.

/Here Enter No. 1705 of 1857./ →

Ps. Bl.

F: 86:

Thursday 31st July, 1851. At a Court of the Fouydaree Adalut.

Present.

Sd/- G: S: Hooper Esqre — 1st Puisne Judge
C.P.S. E: P: Thompson Esqre — 2nd Puisne Judge
Ad. for A.K. W: A: Morehead Esqre — 3rd Puisne Judge

Read Calendar of Case No. 18 of 1851 of the Session Court of Guntoor.—

(Here enter F: 86: No. 1763 of 1851)

1. The Court of Fouydaree Adalut approve of the recommendation made by the Session Judge in this Case that the sentence recorded against the Prisoner on his conviction of Highway Robbery be mitigated to 6 years — imprisonment with hard labor in irons, and the Session Judge is authorized to issue his warrant accordingly —

2. The Court observe that the Heading prefixed to the statement of the charge should have been simply "Highway Robbery", the — additional words inserted therein, namely — "unattended with aggravating circumstances" being unnecessary. —

Ordered that Extract from these Proceedings

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

(Sent in No. 826).

Read Calendar of Case No. 31 of 1851 of the Sessions Court of Mangalore.—

(Here enter F. C. No. 1764 of 1851).

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 "Housebreaking and Theft" be mitigated to 3 years imprisonment with hard labor in irons. and the Sessions Judge is authorized to issue his warrant accordingly.—

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

(Sent in No. 827).

Read return dated the 21st. Instant from the Sessions Judge of Chittoor to the precept of the Foujdaree Adalut under date the 7th. Idem requiring information as to whether the Bricks made at Vellore are for Sale or to be used in the works on which the Prisoners are employed.

(Here enter F. C. No. 1756 of 1851).

Read Calendars of Cases No. 23

of 1851 submitted by the Sessions Judge of Cuddapah under date the 24th. Instant.—

(Here enter F. C. Nos. 1771 and 1772 of 1851).

Read Statement dated the 23d. Instant submitted by the Sessions Judge of Guntoor of Batta paid to Prosecutors and Witnesses who attended before him during the 1st. Half of the Year 1851.—

(Here enter F. C. No. 1773 of 1851).

Read return dated the 22d. Instant from the Sessions Judge of Masulipatam to the precept of the Foujdaree Adalut under date the 15th. Idem containing their orders upon the Record of Trial in Case No. 15 of 1851 Masulipatam Sessions Court's file.—

(Here enter F. C. No. 1776 of 1851).

Read Calendar of Case No. 24 of 1851. submitted by the Acting Sessions Judge of Nellore under date the 23d. Instant.—

(Here enter F. C. No. 1777 of 1851).

Read return dated the 24th. Instant, from the Civil and Sessions Judge of Chittoor to the precept of the Foujdaree Adalut under date the 14th. Idem directing that the Petitioners Shaik Seepoo, Vencatasawmy and Narayadoo Jail Peons of the Zillah of Chittoor and other Peons of whose

31st July 1851.

whose dismissal they have not recorded their approval should be restored to their situations.—

(Here enter F: C: No. 1781 of 1851).

Read return dated the 23rd Instant from the Sessions Judge of Mangalore to the precept of the Foujdaree Adalut under date the 14th Idem calling for explanation regarding the difference in the punishment awarded to the Prisoners in Case No. 101 of 1851 on the Criminal File for May 1851.—

(Here enter F: C: No. 1787 of 1851).

Ex. 1810.

F. C.

Friday 1st August 1851.

At a Court of the Foujdaree Adalut.

Present.

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

Read letter dated 15th July 1851 from the Sessions Judge of Rajahmundry, referring for the consideration of the Court of Foujdaree Adalut the question, "whether a Sessions Judge is competent to cancel a sentence passed by the Subordinate Court on the mere perusal of the Report A and without calling for and considering the whole Record.—

(Here enter F: C: No. 1728 of 1851).

The Court of Foujdaree Adalut observe that Section XXIII Regulation X of 1816. prescribes the course which the Sessions Judges are bound to follow in reviewing the Proceedings of a Subordinate Criminal Court. This section requires that the reports submitted by the latter Court should "be accompanied with all the Original proceedings and papers in each case" and it follows that the Sessions Judge, who is now vested

vested with the powers formerly exercised by the Judges of the Court of Circuit acting singly or as the Collective Court, is bound to peruse the record before disturbing the decision of the Criminal Court.

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

(Sent in No. 881).

Read return dated the 21st. July 1851 from the Sessions Judge of Rajahmundry, to the Precept of the Foujdaree Adalut under date the 10th. Idem, directing him to pass such orders as may appear to him to be just and proper in the matter referred to in the petition of Ameerabee Saiba, Petitioner before the Court of Foujdaree Adalut.

(Here enter F. 86. No. 1790 of 1851).

Read report dated the 22nd. Ultimo submitted by the Sessions Judge of Rajahmundry of the labour of Convicts in the Jail at Cocanada under the charge of the Magistrate of Rajahmundry for the Month of June 1851.—

(Here enter F. 86. No. 1791 of 1851).

Read Calendar of Case No. 6 of 1851 submitted by the Sessions Judge of Tellicherry under date the 20th. May 1851.—

(Here enter F. 86. No. 1796 of 1851).

Read

Read Statement dated 22nd. July 1851 submitted by the Sessions Judge of Chicacole of Batta paid to the Prosecutors and witnesses during the 1st. Half of 1851.

(Here enter F. 86. No. 1800 of 1851)

Read Supplemental return dated 26th. July 1851 from the Sessions Judge of Chittoor to the Precept of the Foujdaree Adalut under date the 7th. July 1851, requiring information whether the bricks made by the prisoners at Vellore are for sale or to be used in the works on which the Prisoners are engaged.

(Here enter F. 86. No. 1801 of 1851)

Read Statement dated 18th. July 1851 submitted by the Sessions Judge of Canara, of Batta paid to Prosecutors and witnesses attending before the Sessions Court for the Half year ending the 30th. June 1851.

(Here enter F. 86. No. 1804 of 1851)

J. H.

Saturday 2d August 1851 } At a Court of the Foydarra Adalat:-

Present

GSH — G. S. Hooper Esquire —— 1st Puisne Judge.
CPT — C. P. Thompson Esquire —— 2d Puisne Judge.
WAN for WHK — W. A. Northcad Esquire —— 3d Puisne Judge.

Read Letter dated the 24th July 1851 from the Superior Judge of Ballary submitting for the final Judgment of the Foydarra Adalat the Record of Case No 46 of 1851 on the Calendar of the Superior Court.-

Vide enter Feb No 1811 of 1851

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

Woothgalo

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 1803 Sentence him to suffer death by being hanged at the usual time and place of execution.-

Vide in No 832.

Hr G. S. Hooper.
Hr W. A. Northcad.

2d August 1854.

the Report (A) of every Case disposed of by the Subordinate Criminal Courts be furnished to the Sessions Judge, who by Clause 5th is enjoined to "immediately proceed to review this Report and to issue such orders as may be necessary" The course here prescribed is plain & simple followed in all Mofussil Cases by the Sessions Judge, and the Court of Foujdaree Adalut cannot understand, why the presentation or withdrawal of an appeal should in the present instance have led to a departure from it.

5 The proceedings of the Magistrate in the Case appears to the Court of Foujdaree Adalut most objectionable. They consider that Mr Conolly ought not to have assumed the matter until he had ascertained the decision of the Acting Subordinate Judge, and been furnished by the Sessions Judge, and more so as he seems to have entertained the opinion that the propriety of the release of the 3d Prisoner was questionable, no possibly result from the course which he followed, whilst the confusion and mischief of the delay which has occurred in the final disposal of the case is attributable to it.

2d August 1854.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Calicut by perwanah returnable within V. days from and after its receipt.

And following precept issued

Read Return dated 22d April 1854 from the Sessions Judge of Tellicherry & the precept of the Foujdaree Adalut under date the 22d March 1854 directing that he will dispose of either by ordering the release of certain Prisoners in Case No 14 on the Calendar of the Session Court or placing them under Requisitions of Security &c.

(Perwanah No 989 of 1854.)

Read Calendar of Cases No 13 of 1854 submitted by the Sessions Judge of Cudalalore under date the 5th May 1854.

(Perwanah No 1054 of 1854.)

Read Return dated 8th May 1854 from the Sessions Judge of Coimbatore & the precept of the Foujdaree Adalut under date the 29th April 1854 directing the release of the 4th 5th and 8th prisoners and the imprisonment for 7 years of the 1st 2d 3d and 6th Prisoners in Case No 5 of 1854 on the Calendar of the Session Court.

(Perwanah No 1100 of 1854)

Read Criminal Reports &c. submitted by the Agent to the Governor of Fort St George

at

2d August 1851.-

Read return dated the 23d July 1851 by the Sessions Judge of Calicut to the precept of the Court of Foujdarry Adalut under date the 11th June directing that in the event of the appeal preferred by Mr Forsyth from the decision of the Acting Subordinate Judge in the case of 30th 1851 not having been disposed of the whole shou be forwarded for the consideration of the Court of Foujdarry Adalut.-

Sessions File No 1080 of 1851

Read also return dated 24th July 1851 by the same officer to the precept of the Court of Foujdarry Adalut under date 9th June directing in supersession of the order the 11th June the Sessions Judge at once to dispo of the appeal above referred to.-

(Sessions File No 899 of 1851)

1 With the first of these returns Mr Morris notwithstanding the precept of the 17th July had tracked him forwards the Records Court of Foujdarry Adalut and assigned for this disregard of the orders of the Court the states in the latter return that he "is at a to know how to dispose of the appeal and that is obliged to request instructions" as to whether it is imperative on him to order the commi of the 3d Prisoner on his former confinement

2d August 1851.

whether he must be guided by the result of the subsequent enquiry relative to the said Prisoners retraction before the Magistrate."

2 The Court of Foujdarry Adalut direct that the Record be returned to the Sessions Judge with instructions forthwith to carry their orders of the 17th July into effect by disposing of the appeal preferred by Mr Forsyth.-

3 The Court of Foujdarry Adalut have received the present call for instructions from Mr Morris with much surprise, though they consider, to have been obvious to that Officer that his proceedings were not to await upon or be guided by those of the Magistrate- that the Record submitted by the Acting Subordinate Judge afforded all the Materials requisite to enable him to correct any error into which Mr Cook had fallen, and that the 3d Prisoner, if committed for trial, would have the opportunity of defending himself before the Sessions Court.-

4 The Court of Foujdarry Adalut must also observe that Mr Forsyths appeal ought not to have been allowed to interfere with the discharge of the duty imposed on the Sessions Judge by Circular Orders Foujdarry Adalut No 195, the 4th Clause of which requires

the

the Report (A) of every Case disposed of by the Subordinate Criminal Courts be furnished to the Sessions Judge, who by Clause 5th is required to "immediately proceed to review this Report and to issue such orders as may be necessary."

The course here prescribed is plain & this followed in all Returns Cases by the Sessions Judge, and the Court of Foujdaree Adalut cannot understand, why the presentation or withdrawal of an Appeal should in the present instance have led to a departure from it.

5 The proceedings of the Magistrate in the Case appeals to the Court of Foujdaree Adalut most objectionable. They consider that Mr Conolly ought not to have omitted the matter until he had ascertained the decision of the Acting Subordinate Judge here reviewed by the Sessions Judge, and the more so as he seems to have entertained the opinion that the propriety of the release of the 3d Prisoner was questionable, no grounds possibly result from the course which has followed, whilst the confusion now and much of the delay which has occurred in the finalising of this Case attributable to it.

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

And following precept issued

Read Return dated 22d April 1851 from the Sessions Judge of Tellicherry & the precept of the Foujdaree Adalut under date the 22d March 1851 directing that he will dispose of either by ordering the release of certain Prisoners in Case No 14 on the Calendar of the Sessions Court or placing them under requisition of Security &c.

(Herewith No 9890 of 1851.)

Read Calendar of Case No 130 of 1851 submitted by the Sessions Judge of Cudalore under date the 5th May 1851.

(Herewith No 1854 of 1851.)

Read Return dated 8th May 1851 from the Sessions Judge of Coimbatore to the precept of the Foujdaree Adalut under date the 29th April 1851 directing the release of the 4th 5th and 8th prisoners and the imprisonment for 7 years of the 1st 2d 3d and 6th Prisoners in Case No 5 of 1851 on the Calendar of the Sessions Court.

(Herewith No 1100 of 1851.)

Read Criminal Reports &c. submitted by the Agent to the Governor of Fort St George at

at Kurnool for the Months of March Supplimentary and April 1851 under date the 17th May 1851.-

/Arrenter F/6 - No 1196 of 1851./

Read letter dated 2d June 1851 from the Acting Magistrate of Cuddapah to the precept of the 7 days dated Calendar month dated the 12th April 1851 directing him to ascertain the characters of the individuals referred to in the Kurnool Agents letter as having been named by the prisoners in certain Cases before him as concerned in the Commission of Gang Robbery and to report the same for the information of that Court.-

/Arrenter F/6 - No 1310 of 1851./

Read Calendar dated 18th June 1851 submitted by the Sessions Judge of Chingleput of a prisoner sentenced under Clause 2d Section V. Regulation XII of 1832.-

/Arrenter F/6 - No 1320 of 1851./

Read Report dated 1st June 1851 submitted by the Sessions Judge of Rajahmundry of persons apprehended in that Zillah and delivered to the Criminal Judge in the month of May 1851.-

/Arrenter F/6 - No 1426 of 1851./

Read Report dated the 18th June 1851 submitted by the Agent to the Governor Fort St. George at Vizagapatam of persons

apprehended in the Seperate tracts of Vizagapatam and delivered to the Agency in the Months of May 1851.-

/Arrenter F/6 - No 1471 of 1851./

Read Letter dated 15th July 1851 from the Chief Magistrate and Superintendent of Police submitting Report of a Case tried under Act XXII of 1837 in the Months of June 1851.-

/Arrenter F/6 - No 1676 of 1851./

Read Letter dated the 15th July 1851 from the Sessions Judge of Calicut transmitting the Criminal Report B. and other Statements received from the Acting Subordinate Judge and the Report of Casualties &c. from the Principal Sudr Ameen of Cochin for June last and stating that the latter Officer and the Magistrate have had no Cases to include in the Reports B.-

/Arrenter F/6 - No 1686 of 1851./

Read Criminal Reports dated 15th July 1851 submitted by the Sessions Judge of Chingleput for the Months of June 1851.-

/Arrenter F/6 - No 1689 of 1851./

Read Statement dated 1st July 1851 submitted by the Sessions Judge of Combaconum of Batta paid to the Prosecutors and Witnesses during the 1st half of the year 1851.-

/Arrenter F/6 - No 1691 of 1851./

Read

2d August 1851.-

Read Statement dated 1st
1851 submitted by the Acting Subordinate
of Combaconum shewing the amount realized
by the labor of Prisoners in the 2d Quarter of 1851

/Inventory No 16 of 1851/

Read Cumma dated 3rd July
for the month of June 1851 submitted by the
Judge of Cuddalore under date the 10th July 1851.

/Inventory No 17 of 1851/

Read Cumma Report submitted
by the Sessions Judge of Chingleput under date
15th June 1851.-

4th 1851.

/Inventory No 16 of 1851/

1

Monday.
4th August 1851.

No

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esquire ——— 1st Puisne Judge
for 2d P.J. C. P. Thompson Esquire ——— 2d Puisne Judge
for 3d P.J. W. A. Morehead Esquire ——— 3d Puisne Judge

Read Calendar of Case No 11 of 1851 of the Sessions Court of Tellicherry

/Here Enter No 1797 of 1851./

The Court of Foujdaree Udalut are unable to concur with the Sessions Judge in deeming the circumstances of the present case to afford sufficient grounds for mitigating the Sentence which has been recorded against the Prisoner on his conviction of House breaking and theft; and the Court are, therefore, constrained to withhold their sanction from the Sessions Judge's recommendation to that effect.

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

/Sent in No 834./

Read again Calendar of Case No 38 of 1850 on the file of the Sessions Court of Coimbatore-

/Here Enter File No 2799 of 1850/

Read also Miscellaneous Petition presented on the 17th May 1851 by A. M. Ritchie Esqr Vakeel on behalf of Coopoosy Chetty of Pillah Coimbatore

/Here Enter Mis. P. No 65 of 1851./

The Court of Foujdaree Udalut have very carefully perused the Calendar of the foregoing Case, and on consideration of all that has been urged in this Petition in favor of the prisoners, and in forgiving the

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

justice of their conviction, and of the sentences passed upon them by the Joint Sessions Judge of Tanjore Addalut can discover no sufficient grounds to question the proceedings of the Sessions Court.

2.

The 1st 2nd and 3rd prisoners have been jointly convicted of fraudulent and nefarious acts in the matter of a Civil Suit, No 526 of 1849, and the settlement of Exhibits documents A and C filed in the aforesaid suit.

3.

The Court of Sessions Addalut cannot refuse to call for the records, or to interfere with the sentences which have been passed in the case in question.

Ordered that Extract from these Proceedings be given to the Petitioners Vakeels application.

Read Calendar of Case No 20 of 1857 of the Sessions Court of Rajahmundry

/Here enter No 977 of 1857./

Read also letter under date the 7th May from the Subordinate Judge in charge of the Sessions Court Rajahmundry forwarding a letter from the Magistrate of that district regarding the decision of the Sessions Court in the foregoing case

/Here enter No. No 1105 of 1857./

Read also letter under date the 26th May 1857 from the Sessions Judge of Rajahmundry transmitting a copy of the orders recorded by the Sessions Court upon a petition presented to the late Acting Government Vakeel

/Here enter No 1242 of 1857/

1.

The Prisoner in the case referred to in the foregoing letters having been acquitted by a competent tribunal of the offence laid to his charge, the Court of Sessions

Addalut see no necessity to enter into a discussion in regards to the correctness, or otherwise, of the principle upon which the punishment of the Sessions Court is founded; the more especially as the objections advanced thereto by the Magistrate are not sufficiently explicit to enable the Court to form any opinion regarding their validity

2.

There is much however in the remarks recorded by the Sessions Judge in the Calendar which the Court considers extremely objectionable; the deductions drawn by him from the evidence are very far fetched and illogical; while the imputations cast by him upon the motives and acts of the parties to whom he refers would seem to have no foundation but in his own mind.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Rajahmundry for communication to the Magistrate

/Sent in No 835./

4th/16.

Read Return dated 23rd July 1857.

from the Sessions Judge of Honore, to the Precepts of the Tanjore Addalut under date the 14th July 1857 calling for information with reference to the Note appended to the Convict Labor Report for May 1857, whether 132 prisoners therein adverted to were supplied at the rate of 65 Rs weight of rice, during the whole of the month or only for a portion of it.

(Here enter T. Ab. No 1818, of 1857.)

F. 26.

Tuesday 5th August 1851. At a Court of the Foujdaree Udalut

Present

G. S. Cooper Esqre 1st Puisne Judge

E. S. Thompson Esqre 2d Puisne Judge

W. A. Morehead Esqre 3d Puisne Judge

Read letter dated the 17th ultimo from the Session Judge of Chittoor submitting copy of a communication from the Subordinate Judge with respect to a Prisoner of desperate character named Arnachella Padiachee who has been recently recaptured after escaping from Jail, and recommending that he may be transferred to one of the Northern Districts

(Here enter F. 26. No. 1733 of 1851)

The Court of Foujdaree Udalut authorize the removal of the Prisoner to the Cuddapah Jail and direct that the Session Judge of that District may be made fully aware of the character borne by Arnachella Padiachee.

Ordered that Extract from these Proceedings be sent to the Session Judges of Chittoor and Cuddapah for their information.

(Sent on No. 836)

Read letter from the Acting Magistrates of North Arcot dated 21st July 1851 reply to the Circular Letter of the 28th June 1851.

(Here enter F 26. No 1752 of 1851)

It appears that a Prisoner of bad character has been transferred to the gangs under the orders of the Acting Magistrate and the Court of Fouzdaree Udalut decree that the Order of the Subordinate Judge of Chittoor be called this Circular Order Fouzdaree Udalut No 135 and that Mr. Batt be instructed to recall the Sawan alias Chinna Samen to the Zillah and forwarding another Convict to take his place at Vellore.

Ordered that Extract from these Proceedings be forwarded to the Court Judge of Chittoor for communication to the Subordinate Judge and Acting Magistrate of North Arcot

(Sent in No 837)

Read letter dated the 24th ultimo from the Subordinate Judge of Tellicherry applying for sanction to bestow a Reward of ₹(100) one hundred Rupees on the parties who apprehended the Prisoner in Case No 23 of 1849 on the file of the Session Court of Salem

(Here enter F 26 No 1794 of 1851)

Under

5th August 1851

Under the authority vested in them by Section XIII Regulation XI of 1816. the Court of Fouzdaree Udalut sanction the payment of the Reward in question

Ordered that Extract from these Proceedings be sent to the Subordinate Judge of Salem for his information

(Sent in No 838)

Read Criminal Reports submitted by the Session Judge of Rajahmundry for the month of June 1851.

(Here enter F 26. No 1727 of 1851)

The Court of Fouzdaree Udalut desire to be informed why the reports of these Cases in the Form

Cases Nos 58. 59 & 60.

A have not been submitted.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Rajahmundry by Precept returnable within 7 days from and after its receipt

(Sent following Precept No 839)

2d 1816.

F.V.

Wednesday 6th August 1851 } At a Court of the Tangodarra Udalut.

Present.

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

C P Thompson Esquire ——— 2d Puisne Judge.

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

Prad again Calendar of Case № 70 of 1851 on the file of the Supreme Court of Chicacole.

/Errs vide F.V. № 1507 of 1851/

Prad also Return undr date the 15th July 1851 from the Superior Judge of Chicacole, to the precept of the Tangodarra Udalut dated the 7th July 1851, directing him to submit the original Record of the foregoing Case.

/Errs vide F.V. № 1769 of 1851/

1 The 2d and 3d Prisoners in this Case were charged with having on the night of the 6th April 1851 taken into the Prosecutor's house and stolen therefrom property valued at Rupees 416-15-0

3 The 1st Prisoner was charged with having instigated the 2d and 3d Prisoners to the commission of the above offence and the 4th Prisoner with having received a portion of the stolen property knowing it to have been stolen.

The

3 The Sessions Judge in concurrence with his Mohammedan Law officers has convicted the 1st 2d and 3d Prisoners of the offences respectively laid to their charge and considering strong suspicion to attach to the 4th Prisoner has discharged him under a recognizance of security.

4 On an attentive perusal of the record this Court of Sudder Adalut can find nothing in the evidence to justify the conviction of the 1st 2d and 3d Prisoners or to attach suspicion to the 4th prisoner, and they accordingly resolve to direct the unconditional and immediate release of all the Prisoners charged

5 The Court of Sudder Adalut observe that the prisoners have denied the charge both before the Police and the Courts and that the conviction of the 1st 2d and 3d is based entirely upon certain extra judicial confessions alleged to have been made by them to the Prosecutor and some of the witnesses who were examined supported by the alleged discovery in the 2d prisoner's house of certain articles of trifling value and stated to have formed a part of the stolen property.

6 There is no satisfactory proof that the property alleged to have been found in the 2d prisoner's house belonged to the Prosecutor, nor can the Court of Sudder Adalut credit the statements made in regard to the circumstances

circumstances under which it was discovered.-

7 The trifling value of the articles said to have been found, as compared with the alleged amount of property stolen of which it is asserted that one third was retained by the 2d Prisoner renders the evidence to the discovery of the stolen property open to much distrust, the more especially as the search of the 2d Prisoner's house was conducted without the intervention of the Police and not in the manner laid down by Law.-

8 The Court of Sudder Adalut are at a loss to understand upon what ground the Sessions Judge considered himself justified in refusing to examine the witnesses named by the 3d Prisoner to prove that he had been beaten and otherwise maltreated when he was apprehended by the Prosecutor.-

9 The conviction of this prisoner being based entirely upon statements said to have been made by him to the Prosecutor and there being no proof of any kind against him it was obviously most important to ascertain under what circumstances those statements were made and the Court therefore consider the Sessions Judge's refusal to examine these witnesses to have been altogether unjustifiable

10 The Court of Sudder Adalut are

are constrained to remark that the manner in which this trial has been conducted throughout is by no means creditable to the presiding Judge; the charge against the 1st Prisoner is so vague and indefinite that she ought not properly to have been called upon to plead to it; in no one point does the evidence justify the conclusions which the Sessions Judge has formed from it, nor is there any thing in the remarks recorded by that officer upon the Calendar to inform the higher Court of the grounds upon which those conclusions were based.

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

/ Sent following precept No 846. /

Translations of the Record of trial in referred Sessions Case No 6 of 1851 on the Chicacole file not having as yet been received by this Court.

Ordered that the Sessions Judge of Chicacole be called upon to submit the same without delay.

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

/ Entered No 847 /

Translations of the Record of trial in referred Sessions Case No 340 of 1851 on the Cuddapah file not having as yet been received by this Court.

Ordered that the Sessions Judge of Cuddapah be called upon to submit the same without delay.

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

/ Entered No 848. /

Read Letter dated the 8th May 1851 from the Acting Sessions Judge of Innavelly submitting the original Petty Calendars of the Magistrate and his Assistants for the 1st Quarter of 1851.

/ Received 7th No 1119 of 1851 /

Read Letter dated the 10th June 1851 from the Sessions Judge of Chicacole forwarding Petty Calendars of Cases disposed of by the Magistrates of Ganjam and Vizagapatam during the 1st quarter of 1851.

/ Received 7th No 1479 of 1851. /

6th August 1851.

Read Letter dated the 20th June 1851 from the Superior Judge of Manilla advising the Petty Calendars of the Magistrates for the 1st Quarter of 1851.

/Herewith J/6 No 1510 of 1851./

Read Letter dated the 1st Instant from the Acting Superior Judge of Kallosa forwarding the original Petty Calendars of the Magistrate for the 1st Quarter of 1851 with Extract from the Proceedings of this Court.

/Herewith J/6 No 1511 of 1851/

Read Letter dated the 29th July 1851 from the Superior Judge of Calamba submitting with reference to the Superior Courts Proceedings of the Calendars etc. for the 1st Quarter of 1851 Copies of the Magistrates Returns to that Courts Precedents of its measures.

/Herewith J/6 No 1556 of 1851/

J. R. V.

No

Thursday.
7th August 1857.

At a Court of the Foujdaree Udalut.

Present.

G. L. Hooper Esqre. _____ 1st Puisne Judge.
E. P. Thompson Esqre _____ 2d Puisne Judge.
Vel. for W. H. A. Morehead Esqre _____ 3d Puisne Judge.

Read Letter dated 2d August 1857 from the Sessions Judge of Tinnevelly reporting having stayed execution of the warrant issued by the Court of Foujdaree Udalut in Case No 12 of the Tinnevelly Calendar for 1857. and suggesting that the trial may be reopened in view to further evidence being taken on behalf of the Prisoner.

Here Cites Pro No 1874 of 1857.

1. Under the circumstances reported in this communication the Court of Foujdaree Udalut resolve to authorize the adoption of the course suggested by the Sessions Judge, and direct that no time be lost in instituting the necessary inquiries

2. The Court of Foujdaree Udalut remark that it was obvious by the duty of the Assistant Magistrate upon receiving the information which has now been communicated to the Sessions Court at once to direct the Head of Police to institute further inquiry into the facts of the case or to bring the same to the notice of the Magistrate.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Tinnevelly by speedy Conveyance returnable within Ten Days from and after its receipt -

(Seal Following Speedy No 850-)

Read Calendars of Cases Nos 49 and 50 of 1857 submitted by the Sessions Judge of Bellary under date the

4th August 1857.

the 26th July 1857

/Here Enter Fr. Nos 1330 & 1 more/ 1857/

Read Statement attached to the Proceedings of Chingleput under date the 4th July 1857 showing the amount realized by the Sales of Properties in the Talook of Chingleput for the 2d Quarter of 1857.

/Here Enter Fr. No 1333 of 1857/

Read Statement attached to the Proceedings of Chingleput under date the 4th July 1857 of the Cases tried by the Provincial Court of Chingleput for the Half year ending 30th June 1857.

/Here Enter Fr. Nos 1334 & 1335 of 1857/

Read Letter dated the 14th August 1857 from the Sessions Judge of Chingleput requesting that the Cases to be reported to, as required by the Circular Letters of 16th October 1846 and 21st January 1845 may hereafter be sent before the Sessions Judge.

/Here Enter Fr. No 1337 of 1857/

Read Reports received from the Judge of Chingleput under date the 17th July 1857 of Convicts confined in the Jail at Vellore under the charge of the Head Native Magistrate of North Arcot for the Month of June 1857.

/Here Enter Fr. No 1338 of 1857/

Read Calendar of Cases No 32 of 1857 submitted by the Sessions Judge of Chingleput under date the 4th July 1857.

/Here Enter Fr. No 1341 of 1857/

Read Letter under date the 14th August 1857 from the Sessions Judge of Cuddalore requesting that no cases have been sent before the Sessions Court from a period exceeding 2 months calculated from the date of Commitment.

/Here Enter Fr. [illegible]

4th August 1857

Read Supplemental Return dated 30th July 1857 from the Magistrate of Cuddapah to the proceedings of the Sessions Judge dated 12th April 1857 ordering a report on the Characters of certain persons suspected to have been connected in several Gang Robberies in the Province of Kurnool.

/Here Enter Fr. No 1343 of 1857/

Read Calendars of Cases Nos 33, 34, 35, and 37 of 1857 submitted by the Sessions Judge of Masulipatam under date the 24th July 1857.

/Here Enter Fr No 1345 of 1857/

Read Letter under date the 31st July 1857 from the Acting Sessions Judge of Nellore acknowledging receipt of the Extract from the Proceedings of the Sessions Judge dated 25th July 1857 and reporting that as directed, a copy thereof was duly sent to the Magistrate and informing that the circumstance thereof had not escaped the notice of this Court.

/Here Enter Fr. No 1349 1857/

4th August 1857

F.C.

Friday
8th August 1851

At a Court of the Foujdarree Adalut

Present

W.R. C. J. Hoosper Esquire — 1st Puisne Judge.
H.M. for 2. P. J. E. P. Thompson Esquire — 2d Puisne Judge.
G.H. for W.R. W. J. Morehead Esquire — 3d Puisne Judge.

Read Letter dated the 29th Ultimo from the Agent to the Governor of Fort St. George at Vizagapatam requesting authority to admit three individuals respectively named Curry Kettana ho Soonkarry Venkanah and Bottuk Cour-noodoo as approvers in a treasonable robbery now pending before his Court.

(Here enter F.C. No. 1853 of 1851)

Under the provisions of Section XX Regulation VIII of 1802 the Court of Foujdaree Adalut are pleased to grant the permission sought by the Agent.

Ordered that Extract from these Proceedings be sent to that Officer for his information and guidance.

(Sent in No. 881.)

Read Letter dated 22d July 1851

from

8th August 1851. From the Session Judge of Chittoor Transmitting copy of a letter from the Subordinate Judge reporting the transfer of 40 Prons to Vellore and requesting authority to entertain as many additional Prons as will raise the number available for night-guards to 60.

(Here enter F.C. No 1770 of 1851.)

From the note in the margin to para 4 it appears that there are 166 Prisoners liable to labour in the Chittoor Jail Viz.

100 working on the roads
10 women
56 Security Prisoners
166

exclusive of prisoners employed within the Jail, Civil Debtors &c. at the rate of one Peon to every four Prisoners the extra guards should apparently be 41 Peons, as the fixed guard consists of 25 Peons, but in view to the number considered requisite by the Subordinate Judge, and the Court of Foujdaree Adalut direct that the Session Judge be requested to call upon the Subordinate Judge for a full explanation of the manner in which the prisoners above referred to are employed and how the strength of the extra guards is regulated

8th August 1851

a Ground plan of the jail should be also forwarded.

Ordered that Extracts 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 852.)

"Circular"

1. As it has come to the knowledge of the Court of Foujdaree Adalut that it is the practice in some of the Subordinate Criminal Courts to forward to the Magistrate with the report prescribed by the Circular order Foujdaree Adalut 10th April 1838 and Circular order Foujdaree Adalut No 161 Extracts from their Proceedings calling upon the Magistrates for explanations in reference to and containing animadversions upon the Conduct of the Subordinate Officers of Police.

2. The Court of Foujdaree Adalut deem it necessary to point out by a circular order, that the duty of bringing any misconduct on the part of the Police to the notice of the Magistrate is solely vested by Section XL Act VII of 1843 in the Session Judge to whom alone therefore should all remarks relative to the minor neglects or omissions or transgressions of the Subordinate Officers of Police be communicated by the Subordinate Criminal Courts.

3. The Court of Foujdaree Adalut desire also to point out to the Subordinate Criminal Courts that

8th August 1851

that in reporting to the Sessions Courts such cases on the the part of the officers of police as may have under their observation they are in so doing to confine themselves to a simple statement of the facts as appear on the Proceedings of the case.

Ordered that Extracts from the proceedings be forwarded to the several Sessions Judges communication to the Subordinate Judges and Sudder Amins for their information and guidance

(Sent in R. 853.

Read again annual Report submitted by the Sessions Judge of Tellicherry for the year 1850 dated the 12th March 1851

(Here enter R. No. 1307 of 1851)

Read also supplemental returns dated 8th July 1851 from the Sessions Judge of Tellicherry in compliance to the Receipt of the Sessions Court of Malabar under date the 22nd 1851 directing that a Copy of para 8 of the late Sessions Judge's letter of reference in Case No. 114 on the Calendar for 1850 be forwarded to the Magistrate of Malabar for explanation.

(Here enter R. No. 1668 of 1851)

The Court of Sessions Malabar have awaited the explanation from the Magistrate connected a clear return before finally recording their opinion on the 15th para of the Sessions Judge's annual report and they now observe that they do not consider that the charges therein advanced against the police in Nortchirakal are sufficiently supported by the facts of the case No. 154 of 1851

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

5th August 1851.

Read Letter from the Acting Sessions Judge of Trichinopoly dated the 10th May 1851 submitting the Annual Criminal Report for 1850.

(Here enter R. No. 1113 of 1851)

In para 3 of this report the appointment of a Special Officer for the suppression of gang robbery in the Southern Districts is advocated and the Court of Sudder Adalut resolve to direct that the Magistrates noted marginally be instructed to submit returns of the robberies ascertained to have occurred during the last 3 years in the form annexed, and to report whether there is reason to believe that the gangs implicated are held together by an organized System and act under acknowledged leaders and in Confederacy with influential Receivers.

Salem
South Arcot
Tanjore
Trichinopoly
Coimbatore
Madura
Tinnevelly

Ordered that Extracts from these proceedings be forwarded to the Session Judge of x ——— by precept returnable within XV days from and after its receipt

x Salem
Cuddalore
Combaconum
Trichinopoly
Coimbatore
Madura
Tinnevelly

(Sent following Precept. No. 853.

1	2.	3	4	5	6	7	8.	9.	10	11	12.
Years.	Robbery with Murder.		Robbery with wounding or torture &c.		Robbery without aggravating circumstances.	Total Cases	Number of persons supposed to be implicated in Cases entered in Col 7.	Value of property Lost in Cases entered in Col 7.	Number of persons Apprehended	Number of persons convicted.	Value of property recovered
	Number of Cases	Number of persons killed	Number of Cases	Number of persons wounded &c.	No of Cases.						
1848											
1849											
1850											
Total											

Read

8 August 1851.

Read Calendar of Cases No 39 f
submitted by the Sessions Judge of Ballarat under d
26th July 1851.

Memo Under F 16. No 1819 of 185

Read Report dated 1st Augt
ted by the Sessions Judge of the Sub Sessions of Cases
on the 30th June 1851 made commitals for trial d
the month of July 1851 before the Sessions Judge

Memo Under F 16. No 1863 of 1851

Read Report dated the 1st Aug
submitted by the Sessions Judge of Kangahmooty
pending before the Sessions Court on the 31st July 1851

Memo Under F 16. No 1864 of 1851

Read Statement dated 30th
1851 submitted by the Sessions Judge of Mount
the amount realized by the labour of prisoners
the Jail at that station in the 3rd Quarter of 1851

Memo Under F 16. No 1870 of 1851

Read 18/7

F. Vo

Monday
11th. August 1851. } At a Court of the Fouzdaree Udalut.

Present.

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

C R / C. P. Thompson Esqre. —— 2nd. Puisne Judge.

Actg. for C.J. W. A. Morehead Esqre. —— 3rd. Puisne Judge.

Read Calendar of Case No. 31 of 1851 of the Session Court of Combaconum

(Here enter F. Vo. No. 1840 of 1851.)

The Court of Fouzdaree Udalut not approve of the recommendation made by the Session Judge in this case, that the punishment awarded to the two Prisoners on their conviction of "Fraud and Theft" be mitigated to 4 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. 862.)

Read Criminal Reports submitted

submitted by the Sessions Judges of Hons
for the months of June 1851.

/Here enter F. No. No. 1724 of 1851/

1.

The Court of Fouzdaree Udalut
observe that the statement of the rate of grain
allowed to the prisoners in Jail has reference
only to a portion of the prisoners and the
Court accordingly direct that a complete
Statement be submitted.

2.

The rate of grain allowed
to the prisoners confined in the Jail at
Sirsy should likewise be stated.

Magistrate's Report
B
Case No. 3.

3.

The Court of Fouzdaree Uda-
-lut observe that it should have been
stated in the report of this case whether
or not the tatty door of the Prosecutor's house
was fastened when it was removed by the
prisoners on the night specified in the
charge; as if the said door was fastened
the offence charged amounted to House break-
-ing and was beyond the Magistrate's
jurisdiction.

Ordered, that Extract from
these Proceedings, be forwarded to the
Sessions

11th. August 1851.

Sessions Judge of Honore, by precept
returnable within x days, from and after
its receipt.

/Sent following precept No. 863/

Read Criminal Reports sub-
-mitted by the Sessions Judge of Bellary
for the month of June 1851.

/Here enter F. No. No. 1716 of 1851/

Case No. 100.

1.

The manner in which the
prisoner in this case is alleged to have
effected her entry into the Prosecutrix's
house viz: by removing the stones which
were put across an opening in the wall
of the back-yard does not appear to
the Court of Fouzdaree Udalut to con-
-stitute a constructive breaking and the
Court of Fouzdaree Udalut are therefore
of opinion that the prisoner should have
been convicted only of an attempt at
theft and sentenced under the provisions
of the Law applicable to that Offence.

2.

The Court of Fouzdaree
Udalut have ruled that the entry into
a house for the purpose of committing
theft,

theft, by climbing over the outside body of the compound and entering the house by the open door does not constitute house-breaking, and the Court considers that the construction of the Law is applicable to the offence charged against the prisoner in this case.

3. The Court of Foujdaree Udalut accordingly direct that the Sessions Judge will review the proceedings and amend the sentences in question with reference to the foregoing remarks.

Case No. 101.

4. The Court direct that the proceedings held by the Sessions Judge in this case may be submitted for their consideration.

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Bellary by precept returnable within 2 days from date after its receipt.

(Sent following precept No. 66)

Read Criminal Reports submitted by the Agent to the Governor

of Fort St. George in Hurnool for the month of June 1851.

(Here enter F. No. No. 1775 of 1851.)

Cases Nos. 21. 30.

1. The Court of Foujdaree Udalut observe that it should have been stated in the reports of these cases whether or not the prisoners were convicted of the offences therein laid to their charge.

Case No. 29.

2 The provisions of Section VII. Regulation X of 1816 should have been quoted in support of the sentence passed in this case.

Ordered, that Extract from these Proceedings be forwarded to the Agent to the Governor of Fort St. George in Hurnool for his information and future guidance.

(Sent in No. 865)

Read Criminal Reports submitted by the late Acting Sessions Judge of Tinnevelly for the month of June 1851.

(Here enter F. No. No. 1741 of 1851.)

Case No. 57.

The Court of Foujdaree Udalut observe that the insertion of the words "unattended

mattended with aggravating circumstances in the heading affixed to the statement of the charge in this case was altogether unnecessary.-

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

(Sent in No. 866.)

Read Criminal Reports submitted by the Agent to the Governor of Fort St. George in Ganjam for the month of June 1851.-

(Here enter F. C. No. 1844 of 1851.)

Report B of the Assistant Agent Capt.n Thye. Case Nos. 7 & 8.

It should have been stated in the Reports of these cases whether or not the prisoners were convicted of the offences therein charged against them.-

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

(Sent in No. 867.)

Read letter dated 29th. July 1851 from the Acting Magistrate of Chittoor

Arcot, submitting an application from the Head Assistant in charge of Convicts at Vellore for authority to adopt the following as the hours of labor.-

from 6 to 11 A. M.
from 11 to 12 for rest
from 12 to 1/2 past 2.

(Here enter F. C. No. 1823 of 1851.)

The Court of Sunjdaree Adawlut disapprove of the Prisoners being moved from the Jail before 7 A. M. and as they are expected to be employed from 7 1/2 and 8 hours per diem according to the season, the arrangement suggested by Mr. Sullivan cannot be adopted.- It is not intended that during the interval allowed for rest at noon the gangs should be marched back to the Jail.-

Ordered, that Extract from these Proceedings, be forwarded to the Acting Magistrate of North Arcot for his information.-

(Sent in No. 868.)

Read letter under date the 19th. July 1851 from the Sessions Judge of

11th August 1851.

of Tellicherry forwarding the Calendars of Petty cases disposed of by the Joint Magistrate of Malabar during the 1st Quarter of 1851.

/Here enter F. No. 1795 of 1851./

Calendar of persons punished. Case No. 1.

The Court of Fouzdaree Udalut resolve to direct that the Sessions Judge will review the proceedings in this case, the law quoted being apparently inapplicable to the offence stated in the heading of the charge.

Case No. 4.

2.

The Sessions Judge will also be pleased to review the proceedings in this case with especial reference to the awards of damages which certain of the Defendants have been adjudged to pay; such awards by an Officer of the Magistracy not being authorized by law, and report in what manner the fines collected have been disposed of.

Calendar of persons committed for failing to give security Case No. 1.

3

The security demanded in this case should have been "to keep the peace" and not for good behaviour; the requisition of security having been made in consequence of the prisoners repeatedly threatening the Prosecutrix and Plaintiff's fear of bodily

F. No.

11th August 1851.

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

(Sent following precept No. 869.)

Read Miscellaneous Petition presented on the 17th July 1851 by John Wine late a Jail Peon at Cuddapah.

/Here enter S. F. M. P. No. 26 of 1851./

Mr. H. A. Morehead.

The Court of Fouzdaree Udalut resolve to refer this Petitioner's case to the consideration of the Sessions Judge and to direct that if the Petitioner's assertion to the effect that he has been in employment for 30 years be correct and it appear that his conduct has generally been good, he may be re-employed upon the first vacancy that may occur; the Court of Fouzdaree Udalut being of opinion that under such circumstances the suspension he has already undergone will prove a sufficient punishment for the offence which led to his dismissal.

Ordered

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

(Sent in No. 870.)

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

Read. Miscellaneous Petition presented on the 7th July 1851 by Vayatil Raman of Pillalur Calicut.-

(Here enter F. M. P. No. 83 of 1851.)

The Court of Fouzdaree Adawlut see no reason to order the restoration of the Petitioner to the situation of Jail Darogah from which it would appear that he has been properly dismissed.-

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

2d 18th

Read letter dated 1st August 1851 from the Sessions Judge of Calicut, stating that, during the past month, there is no case to be entered in the Register required by the

Ter. C. S. Hooper.

Fouzdaree Adawlut Circular letter of the 15th October 1844.

(Here enter F. C. No. 1877/1851)

Read Statement of Batta paid to Prosecutors and Witnesses during the first half of 1851, dated 1st August 1851 and forwarded by the Sessions Judge of Calicut.

(Here enter F. C. No. 1878/1851)

Read Statement required by Circular Order No. 4 for the 1st half of 1851, dated 31st July from the Sessions Judge of Calicut.

(Here enter C. F. C. No. 1879/1854)

Read letter dated 29th July 1851 from the Sessions Judge of Tellicherry reporting that no disbursements of the nature described in Fouzdaree Adawlut Circular Orders Nos. 50 and 65, was made during 1st Quarter 1851.

(Here enter F. C. No. 1880/1851)

Read Return, dated 15th August 1851 from the Sessions Judge of Coimbatore, to the Receipt of the Fouzdaree Adawlut under date the 26th July 1851 directing the unconditional release of the 1st, 4th, 6th and 7th Prisoners and sanctioning the remitted sentence of 8 years imprisonment upon the 10th Prisoner, in Case No. 1861 on the file of the Sessions Court of Coimbatore.

(Here enter F. C. No. 1882/1851)

Read

11th August 1851

Read Report of cases pending on 31st July committed for trial before the Session Court of Tellicherry during the months of June and July 1851; dated 1st August and forwarded by the Session Judge.

(Here enter F. Co. No 1898/1851)

Read letter dated 31st July 1851 from the Session Judge of Honore furnishing explanation, called for in the Extract from the Proceedings of the Toujdaree Adalut dated 21st July 1851, regarding the escape of Bodagary Soobba a Prisoner confined in the Honore Jail.

(Here enter F. Co. No 1898/1851)

4 orders

F6.

Tuesday 12th August 1851. At a Court of the Toujdaree Adalut.

Present:

Wm. to W.R. / Wm. A. Morstead Esquire — 3d Puisne Judge

Wm. A. Morstead Esquire

Read Letter dated 3d August 1851 from the Session Judge of Cundapah, submitting for the final judgment of the Toujdaree Adalut the Record of Case No 26 of 1851 on the Calendar of the Session Court.

(Here enter F6 No 1881 of 1851)

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

Pandy Bin Bangalegadoo

is sufficient to convict him of the crime of Murder, do convict him thereof, and under the Provisions of Section X Regulation VIII of 1803, Sentence him to suffer death by being hanged at the usual time and place of Execution.

(Sentence No 895)

Read

13th August 1951.-

Read Calendar of Case No 319 of 1951 Submitted by the Sessions Judge of Coimbatore under date 7th August 1951.-

/True entry Fls No 1910 of 1951/

Read Letter dated the 10th instant from the Acting Sessions Judge of Madura reporting that no cases are pending before the Sessions Court during the Month of July 1951.-

/True entry Fls No 1913 of 1951/

Read Calendar of Case No 53 of 1951 Submitted by the Sessions Judge of Bellary under date the 7th August 1951.

/True entry Fls No 1914 of 1951/

Read Calendar of Case No 803 of 1951 Submitted by Sessions Judge of Nandipatam under date the 2nd July 1951.-

/True entry Fls No 1907 of 1951/

Read Communication dated the 6th Instant from the Acting Sessions Judge of Tiruchirapoly, forwarding Copy of an Extract from the Proceedings of the Sessions Court of Tiruchirapoly under date the 6th August 1951.-

/True entry Fls No 1900 of 1951/

Read Criminal Returns for June 1951. Submitted by the Sessions Judge of Madura under date the 30th July 1951.

/True entry Fls No 1909 of 1951/

2nd 18th.

F. W.

Wednesday
13th August 1851. } At a Court of the Foujdaree Udalut

Present.

Wm G. S. Hooper Esqr ——— 1st Puisne Judge

W.H. for S.T.J. E. P. Thompson Esqr ——— 2d Puisne Judge

W.H. for W.D.R. W. A. Morehead Esqr ——— 3d Puisne Judge

Read letter dated the 7th Instant from the Session Judge of Mangalore, submitting for the final judgment of the Foujdaree Udalut the record of Case No. 29 of 1851. of the Calendar of the Session Court.-

/Here enter F.C. No. 1916 of 1851./

Mr G. S. Hooper
and
Mr 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 prisoners.-

1st Gaspary.

2d Simão.

and

3d Diego.

is sufficient to convict them of the crime of Culpable Homicide, for which the penalty of Deyut is awardable under the Mahomedan Law.

Law as declared in favourable of their Law Officers
do convict them thereof; and, under the pro-
visions of Clause Second Section XV Regulation
VII of 1802 and Section XXXIV Act VII of 1843, sentence
the prisoners.-

1st Gaspary.
to be imprisoned and kept to hard labor in
irons on the public roads, or other public
works, for and during the period of Five
years; the prisoner.-

2d Simão.
to be imprisoned and kept to hard labor in
irons on the public roads, or other public
works, for and during the period of 7 years,
and the prisoner;

3d Diego.
to be imprisoned and kept to hard labor in
irons on the public roads, or other public
works, for and during the period of one year.

1 The Court of Sunjdarea Utchit
Consider the sentences suggested by the
Sessions Judge to be proper upon the 1st
and 2d prisoners in this case insufficient
to meet the demands of justice.-

2. The Court observe that the
attack

13th August 1851

attack upon the deceased was most un-
provoked, inasmuch as he simply
endeavoured to prevent the prisoners from
ploughing up a field of seedlings which
he had avowedly reared.-

3 If the 1st prisoner had obtained
the right of cultivating the land, which
by the evidence is by no means proved
to be the case, it is obvious that he should
have applied to the proprietor to put him
in possession, or sought the interference of
the proper authorities; this course was the
more necessary as the land had been
ploughed and sowed by the deceased some
time previous to the assault, at which
time no opposition was made by the
prisoner.-

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

(Sent in A. 876.) S

1st

F. No.

Thursday
August 1851 } At a Court of the Foujdaree Udalut.

Present.

Sd/ G. S. Hooper Esqr. ——— 1st Puisne Judge
Sd/ for L. P. J. E. P. Thompson Esqr. ——— 2d Puisne Judge
Sd/ for 3d Judge H. A. Morehead Esqr. ——— 3d Puisne Judge

Read letter dated 1st Instant from the Session Judge of Tellicherry submitting for the final Judgment of the Foujdaree Udalut the record of Case No. 8 of 1851 of the Calendar of the Session Court.

Here enter No. 1902 of 1851.

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..

Bodrow, son of
Anamalata Coredawen
Yengvitta.

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. 874./

Read

14 August 1851

Read return dated 9th Aug
from the Sessions Judge of Madura to
precept of the Sanjidarai Udalut und
the 28th July 1851 directing the uncon[illegible]
of the Prisoners in Calendar Case No

/Hereunto F. Vo. No. 1910 of 1851/

Read Calendars of Case
and 36 of 1851 submitted by the Sessions J
Calicut under date the 6th Instant

/Hereunto F. Vo. No. 1911 of 1851/

Read letter dated 5th Instant
the Sessions Judge of Tinnevelly re
that the Sentence of death passed upo
Prisoner in Sessions Case No. 26 of 1851 m
carried into execution.-

/Hereunto F. Vo. No. 1917 of 1851/

Read Calendar of Case No
of 1851 submitted by the Sessions Judge of
Mangalore under date the 5th Instan

/Hereunto F. Vo. No. 1919 of 1851/

Read Statement submitted
the Sessions Judge of Tellicherry under d
6th Instant of batta paid to Prosecutor a
witnesses attending before the Sessions Co

/Hereunto F. Vo. No. 1922. of 1851/

F. V.

F. 26.

Friday
15th August 1851 } At a Court of the Foujdaree Adalut

Present

G/P/R G. S. Hooper Esqr 1st Puisne Judge
E.P.S E. P. Thompson Esqr 2d Puisne Judge
Vs. for W.M. W. A. Morehead Esqr 3d Puisne Judge

Read Miscellaneous petition presented on the 17th Ultimo by Vakeel R. Tiroomul Row on behalf of Vadakatha Erasha Menon late Peshkar of the Betutnad Talook in the Zillah of Malabar.--

(Here enter F. M. P. No. 90 of 1851)

Adverting to Charges preferred against him by the Magistrate of Malabar the Petitioner prays the Court will refrain from passing any judgment in the matter till the submission of an appeal which he contemplates.

Mr. W. A. Morehead.

The Court observe that no orders are called for on this petition.

Ordered that Extract from these Proceedings be given to the petitioners Vakeel

15th August 1851.

Vakeel on his application.

Read Calendar of Case of 1851 of the Sessions Court of Tellicherry (Hermitage P. No. 1205 of 1851)

The Court of Foujdary Adalut approves of the recommendation by the Sessions Judge in this case that the sentence recorded against the prisoner his Conviction of Theft be mitigated to years imprisonment with hard labour and the Sessions Judge is authorized to issue his warrant accordingly.

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

(Sent in a No. 879).

24th 1851.

F. C.

Saturday 16th August 1851 } At a Court of the Foujdaree Udalut

Present

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

C.P.S. E. P. Thompson Esqr. 2nd Puisne Judge

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

Read letter dated 31st Ultimo from the Sessions Judge of Chicacole submitting for the final judgment of the Foujdaree Udalut the record of Case No. 6 of 1851 of the Calendar of the Session Court.

(Here enter F. C. No. 905 of 1851.)

Mr. G. S. Hooper. 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,

"Mahommud @ Khasim"

is sufficient to convict him of the Crime of house breaking and theft, for which according to the Mohummudan Law as declared in Futwahs of their Law officers, the penalty of

of Hud. is awardable to convict him the
and under the provisions of Section XXI
VII of 1862 Clause 2d Section VI Regula
1825 and Section XXXIV Act VII of 1843. and
him to be imprisoned and kept to hard
in irons on the public roads or other pub
for and during the period of (7) Seven ye

Sentence No. 881

Read Calendar of Cas
of 1851 submitted by the Sessions Judge
Bellary under date the 8th Instant.

(Here enter F. Ch. No 1923 of 1851)

Read letter dated 9th Ins
from the Sessions Judge of Cuddapah, for
ting the warrant issued for the immedi
the sentence of death passed on the
in Case No 38 on the Calendar for 1851 o
the Acting Subordinate Judge's sentence
and copy of his report according to C
Order Standing Rule dated 30th May

(Here enter F. Ch. No 1929 of 1851)

Read Calendar of Case
1851 submitted by the Sessions Judge

under date the 9th Instant.

(Here enter F. Ch. No 1930 of 1851)

Read Calendar of Case No 390 of
1851 submitted by the Sessions Judge of Cuddapah
under date the 12th Instant.

(Here enter F. Ch. No 1933 of 1851)

Read Calendar of Cases No 142 of
1851 submitted by the Sessions Judge of Cuddapah
under date the 12th Instant.

(Here enter F. Ch. No 1934 of 1851)

Read Calendars of Cases Nos 143
and 144 of 1851 submitted by the Sessions Judge
of Cuddapah under date the 12th Instant.

(Here enter F. Ch. No 1935 & 1936 of 1851)

F. R. W.

F. 46.

Monday
18th. August 1851. } At a Court of the Foujdaree Adalut

Present

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

C. P. Thompson Esqr. — 2d. Puisne. Judge

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

Read Miscellaneous Petition presented on the 3d. July 1851 by Rakapully Reddy of Zillah Nellore.

(Hereunder F. Mo. P. No. 82 of 1851.)

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

The Court of Foujdaree Adalut decline to accede to the Petitioner's request for the release of the Prisoners in Case No. 70 of 1851 of the Sessions Court of Nellore, who were convicted by the Court of Foujdaree Adalut on a deliberate consideration of the record of culpable homicide, and sentenced to one years imprisonment with hard labor in irons.

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

Read

10th August 1851.

of the Sessions Court dated 11th Instant
to the review of the Petty Calendars for
2nd Quarter of 1851.

(Here enter F. 26. N° 1956 of 1851)

Read Criminal Report
15th Instant submitted by the Sessions Judge
of Guntoor for the Month of July 1851.

(Here enter F. 26. N° 1960 of 1851)

Read Criminal Report
15th Instant submitted by the Sessions
of Chingleput for the Month of July 185

(Here enter F. 26. N° 1963 of 1851)

Read Calendar of Cases N°
1851 submitted by the Sessions Judge of
under date the 16th Instant.

(Here enter F. 26. N° 1965 of 1851)

2d
18

F. 26.

Friday
19th August 1851. At a Court of the Foujdaree Udalut

Present:

G. S. Hooper Esqre — 1st Puisne Judge

H. M. for T. P. E. P. Thompson Esqre — 2nd Puisne Judge

W. A. Morehead Esqre — 3rd Puisne Judge

Read Criminal Reports submitted by the Sessions Judge of Chicacole for the Month of June 1851.

(Here enter F. 26. N° 1760 of 1851)

Read also letters under dates the 24th and 29th July from the Acting Principal Sudr Ameen of Vizagapatam

(Here enter F. 26. N° 1917 to 1926 of 1851)

In Case N° 15 of 1851 on the Calendar

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

of the Subordinate Criminal Court of Vizagapatam the Prisoner who was charged with theft was acquitted by the Acting Principal Sudr Ameen, and on the ground that had the prosecutor been examined there would have been sufficient evidence for conviction, and that the Acting Principal

Sudder

Sudder Ameen was not justified in permitting a Vakeel to conduct the prosecution against the prosecutor by whom it was alleged that the stolen property had been found in the possession of the prisoner, the Sessions Judge having directed the Acting Principal Sudder Ameen and pronounced him, by his conduct in this instance to the Regulations, to have rendered himself liable to the penalties of an Ameen who justly deserves punishment.

2 The case of Doya of the same village and the prisoners committed of a theft having been sent to by the Acting Principal Sudder Ameen on the 5th instant under the provisions of Section VII Regulation X 1829 the sentence passed by that officer was referred by the Sessions Judge to be nothing short of "burlesque upon justice" and he proceeded to state "Mr. Pattenson ought to be brought to book for such irresponsible interference" the grounds stated for this opinion being that the property of which the prisoner was convicted having been of so very small a character, and the prisoner upon whom found of a very young age, and friendless old woman,

great effusion of blood, and was provoked by no offence on her part but demanding a debt due to her.

3 On receiving the Sessions Judge's proceedings upon Case No 17 the Acting Principal Sudder Ameen requested that the record might be returned to him to enable him to offer an explanation on the several points adverted to, but with this request the Sessions Judge declined to comply, observing that the record had been ordered for translation for the purpose of being laid before the Court of Foujdaree Udalut.

4 The Acting Principal Sudder Ameen accordingly forwarded to the Sessions Judge such explanation as he was able to afford from memory regarding the two Cases referred to, but this letter of explanation, having been returned by the Sessions Judge, has now been submitted by him direct to the Court of Foujdaree Udalut.

5 With reference to Case No 15 the Acting Principal Sudder Ameen submits that

that the admission of evidence taken before the prosecution therein mentioned of the witness was not in contravention of Section IX or of Section IX Regulation 1827 of the whole provisions of the law as explained by the Sessions Judge, as conducive to the impropriety of such an proceeding under the circumstances of the case. The Sessions Judge, the Prosecutor, who is a member of the family of the religious teacher of the Court, and on this ground was unfit for doing so; and in regard to the sentence on the prisoner, the observation that he was searched by the Prosecutor in the Prosecutor's compound in an improper and irregular manner, and the evidence in support of the Prosecution that the stolen property was found by him on the prisoner's person conflicting and unsatisfactory.

With respect to the remarks of the Acting Principal Sudder Ameen that the assault of which the prisoner was convicted was committed

in consequence of the Prosecutor abusing the prisoner's mother in the most insulting terms. that there was evidently no intention on the part of the prisoner to inflict any bodily injury upon the Prosecutrix, and that from the appearance of the latter, when she appeared before the Court twelve days afterwards, it was evident that the nature of the wound, which had been inflicted by a blow with a slipper, had been much exaggerated, and that as the prisoner was a Sepoy and a sentence of imprisonment with hard labor would consequently have entailed his dismissal from the service he considered that under all the circumstances of the case the fine awarded which was equal to the amount of the prisoner's monthly pay was an ample punishment for the offence.

7 The Court of Foujdaree Adawlut consider the foregoing explanations to be perfectly satisfactory, and they regret that the Sessions Judge should have permitted himself to word his remarks on the

Cases

cases to which they refer in language
as unwarranted by the Proceedings
Acting Principal Sudder Ameen
any circumstances it would have
8 In regard to Case No
Court of Foujdaree Udalut observe
Section XIII Regulation IX of 1816 gives
the Sessions Judge discretionary
Courts but only to the Police and
while in Section IX Regulation XII
is likewise granted to them as a thing
belong of the Courts established by
Principal Sudder Ameens and in
the employment of the Police
always been recognized and
cases in which their services are
9 The Case
Foujdaree Udalut arising from
Mr Hudson warrants no doubt
than a deserting desertion with
the Sepoy was pursued by him,
the language used by the Sessions
in reference to it was the most

10 The Court of Foujdaree Udalut
resolve to direct that the Sessions Judge
will explain upon what grounds he refused
to return the record of Case No 17 to the Acting
Principal Sudder Ameen for reference when
requested by that officer to do so, and why
he omitted to forward the Acting Principal
Sudder Ameen's explanation to the Fouj-
-daree Udalut.

11 The Sessions Judge will also
be pleased to state upon what grounds
the record of Case No 17 has been ordered for
translation with a view to its submission
to the Foujdaree Udalut, and whether
the irregularities of the Police in Case No 15
noticed by Mr Hudson in his letter of the
23d July have been brought to the notice
of the Magistracy.

Ordered that Extract from
these Proceedings be sent to the Sessions
Judge of Chicacole for his information and
guidance and for Communication to the
Acting Principal Sudder Ameen of
Vizagapatam

19th August 1851.

Vizagapatam by Principal Sudder
x days from and after the date of receipt
Sent following Principal
Read letter dated 5
from the Assistant Judge of Vizianagram
for the final judgment of the Zillah
the record of Case No 4 of 1851 of the
of the Assistant Court.
(Government No 1926 of 1851)
The Court of Foujdaree
on a deliberate consideration of all the
circumstances of the case in the manner before
of opinion that the proof required
Evasdropping
is sufficient to warrant him of the Court
to commit him thereof and further
transported to such place or places
as the Governor in Council shall direct
be imprisoned and kept to hard labour
on the public roads, or other public works
during the period of his natural life

Sent in Nº 107

do 28.

F. 26.

Wednesday
20th August 1851.

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

Sivagooroonad hum of Zillah
Sinnemally, moves the Court to return the
enclosures in his Miscellaneous petition
Nº 790 of 1851.

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

Ordered accordingly.

E. Thompson

F.C.

Thursday
21st August 1851.

At a Court of the Tongdarra Udalut.

Present

The Hon'ble G. Cooper Esquire ——— 1st Puisne Judge.
C.P.S. C. P. Thompson Esquire ——— 2nd Puisne Judge.

Read Letter dated the 9th August 1851 from the Sessions Judge of Guntoor transmitting the Original Calendars of Petty Cases disposed of by the Magistracy during the 2nd Quarter of 1851.

(Here enter F.C. No 915 of 1851.)

Cases disposed of by the Head Assistant Magistrate.

Fees 1 and 2.

The Court of Tongdarra Udalut direct that the Head Assistant Magistrate be called upon to explain the cause of the great and unpardonable delay observable in the disposal of these Cases as well as the circumstances under which he observed himself justified in referring them to the Head of Police in direct violation of the Principal laid down in Tongdarra Udalut Circular Orders dated 20th March 1851.

Assistant Magistrate Case No 7.

The Court further direct that a similar explanation be demanded from the Assistant Magistrate in respect to the delay in the disposal of this Case.

Ordered that Extract of these Proceedings be forwarded to the Sessions Judge of

21st August 1851.

Gunturu by proper & returnable Committees from and after its receipt

/ Sent following receipt &c 909 /

Read Calendar of Petty C
disposed of by the Magistracy of Tinnevelly
during the 2nd Quarter of 1851.

/ Inwards No 972 of 1851 /

Calendar of persons apprehended and bound over under Sections V and VI Regulation XI of 1819 Case No 4.

The Court of Trincomalee Ordered that it be printed and to the Jurors that they be thanked and required the Bail in this Case to furnish Security to keep Peace under the provisions of the Regulation and that it is not intended by this Proceeding to demand Security for good conduct from persons of the Character described in Section III Regulation II of 1823.

Ordered that the Calendar of Proceedings be forwarded to the respective Judges of Circuit for their information and guidance

/ Inwards No 890 /

Read Criminal Report of Proceedings of the Magistracy for the Months of July 1851 submitted by the Superior Judge of Trincomalee under date the 2nd August 1851.

/ Inwards No 896 of 1851 /

Read Calendar of Cases submitted by the Superior Judge of Batticaloa under date the 19th August 1851.

/ Inwards No 1000 of 1851 /

21st August 1851.

Read Calendar of Cases No 29 and 30 of 1851 submitted by the Superior Judge of Combaconum under date the 16th August 1851.

/ Inwards No 970 of 1851 /

Read Criminal Reports from the Months of July 1851 submitted by the Superior Judge of Madura under date the 13th August 1851.

/ Inwards No 972 of 1851 /

Read Report B dated the 13th August 1851 submitted by the Superior Judge of Mangalore of Persons apprehended in that Zillah and delivered to the subordinate Judges in the months of July 1851.

(Inwards No 973 of 1851.)

Rs 180.

F.C.

Friday
22d August 1845

At a Court of the Tavoy Police Court.

Present

G. S. Cooper Esquire ——— 1st Assistant Judge.
C. P. Thompson Esquire ——— 2nd Assistant Judge.

Read Letter dated the 6th August 1845 from the Assistant Judge of Quantoor submitting at the instance of the acting Magistrate the question whether Act XXX of 1841 applies to the case of a witness refusing to give evidence before a Board of Police.—

Vide letter No 78 dated 6th August 1845.

The Assistant Judge states that he is of opinion the above question should be answered in the negative. In the case of this description this opinion is in accordance with the Ruling of the Court of Tavoy dated Tavoy Police in their Proceedings under date 25th October 1844 an Extract from which will be forwarded for the information of the Assistant Judge.—

Ordered that Extract from the Proceedings together with para 5 of the Proceedings dated 25th October 1844 be forwarded to the Assistant Judge of Quantoor for his information and for communication to the Magistrate.—

Vide Letter No 896 dated 22nd August 1845.

Read

P.C.

Friday
22d August 1834. } At a Court of the Zoyadarre Adalut.

Present

Capt. G. S. Cooper Esquire ——— 1st Assist. Judge
C. P. Thompson Esquire ——— 2d Assist. Judge

Read Letter dated the 6th August
from the Assist. Judge of Gunter submitting
at the instance of the acting Magistrate the quest
whether Act XXX of 1841 applies to the case of a
witness refusing to give evidence before a Head
of Police.

(See order P.C. No. 900 of 1834.)

The Assist. Judge states that in
his opinion the Act in question did not contem
such cases of this description this opinion is
in accordance with the ruling of the Court of
Zoyadarre Adalut in their Proceedings under
date 25th October 1844 an Extract from which was
be forwarded for the information of the Assist
Judge.

Ordered that Extract from the
Proceedings together with para 5 of the Proceedings
dated 25th October 1844 be forwarded to the Assist
Judge of Gunter for his information and for
Communication to the Magistrate.

(Order No. 896.)

Read

Read the Calendars of Petty Cases disposed of by the Magistracy of Madura during the 2d Quarter of 1851.-

/Ferreiter Fo 19 to 21 o/

Acting Head Assistant Magistrate

Calendars Furnished

Cases Nos.-

Declarations to the date entered in the Statement of the Charge of this Case the Court of Requests requires to know whether the said date is entered to show the Case was forwarded to the Head Assistant Magistrate on the 29th February or whether it refers only to the date on which the offender committed.-

Ordered that a Extract from the Proceedings be forwarded to the Sessions Judge of Madura by prompt Returning Mail within 5 days from and after the 30th following inst.

Read Criminal Reports for the Months of July 1851 submitted by the Sessions Judge of Paramakoodi under date the 5th August 1851.-

/Ferreiter Fo 22 to 23 o/

Read Calendars of Cases for July 1851 submitted by the Sessions Judge of Tinnevelly under date the 14th August 1851.-

/Ferreiter Fo 24 to 26 o/

Read Extract from the Proceedings of the Sessions Court of Trichinopoly dated the 14th August 1851 in favor

of the Petty Calendars of the Magistrate for the 2d Quarter of 1851.-

/Ferreiter Fo 8 to 9 o 1985 of 1851/

Read Criminal Reports for the Months of July 1851 submitted by the Acting Sessions Judge of Trichinopoly under date the 5th August 1851.-

/Ferreiter Fo 16 to 19 o 1986 of 1851/

Do RD.

F.C.

Saturday
25th August 1851. } At a Court of the Tuydaree Adalut.

Present

GJR G S Hooper Esquire ——— 1st Puisne Judge.
H.H. for 2.P.J. C P Thompson Esquire ——— 2d Puisne Judge.
H.H. for H.H. W A Morehead Esquire ——— 3d Puisne Judge.

Read again letter dated 17th July
1851 from the 1st Puisne Judge of Chittoor enclosing
a copy of a letter from the Subordinate Criminal
Judge requesting that it may be submitted to
the Tuydaree Adalut whether the Reward of
Rs 10 Rupees sanctioned by Government for the
apprehension of the escaped Convict Arnachella
Pedachi should be disbursed, notwithstanding
his Capture took place previous to the date of
the Sanction.

(Answer No. 776 dt 19th of 1851)

Read also letter from the
1st Puisne Judge of Chittoor dated 2d August 1851
reporting that the Convict Arnachella Pedachi
was recapprehended on the 12th June.

(Answer No. 786 dt 18th of 1851)

It appears that the Convict in
question was recaptured 5 days prior to the
order of Government which sanctioned the
reward in question and 15 days before the
Result

result of the application to Government could have been known in Chittoor.

2

Under these circumstances the Court of Sanglaree Adalut decline to authorize the payment of the reward to the parties by whom the recapture was effected. They are however entitled to the moiety of reward in the Circular Order Sanglaree Adalut 8th March 1839 No 104.

3

The Court of Sanglaree Adalut must remark that the authorities at Chittoor in allowing a whole month to elapse between the recapture of the convict and their report of that fact have been blameably remiss.

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

(Sd) W. Oliver
(Sd) W. Thompson.

(Sd) W. Hooper.

(Sd) W. Thompson.

(Sd) W. Oliver

23d August 1851.

from the Acting Subordinate Judge the Letter of Casualties for from the Principal Sudr Amen of Cachine and Reports A of 30th 33 and 37 for the last and stating that the latter officer and the Magistrate have had no Cases to include in the Report B during the above months.

/Perrumbur J.C. No 1992 of 1851/

Read Criminal Reports dated 30th July by the Sessions of Chittoor under date the 1st August 1851 for the month July 1851.

/Perrumbur J.C. No 1993 of 1851/

Read Return dated the 18th Inst from the Sessions Judge of Cuddapah to the Register of the Foujdaree Adawlut under date the 25th July conveying observations on the Proceedings of the Sub ordinate Judge in the matter of a said Rowdy named Pedda Sangulu and directing that he does be registered as a said Rowdy in the first instance may occur.

/Perrumbur J.C. No 1994 of 1851/

Read the order dated 12th Instant from the Sessions Judge of Cuddapah forwarding the recognizance of the Prisoner J.C. Banlegadu in Case No 13 of 1851

/Perrumbur J.C. No 1995 of 1851/

Read Calendar of Cases No 9 of 1851 submitted by the Sessions Judge Cuddapah under date the 12th August 1851.

/Perrumbur J.C. No 1996 of 1851/

Ent Rld.

J.C.

Tuesday
26th August 1851. At a Court of the Foujdaree Adawlut

Present

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

Read Calendar of Case No 16 of 1851 of the Sessions Court of Trichinopoly

(Here Enter J.C. No 1946 of 1851.)

Adverting to the serious nature of the offence committed by the Prisoner in the above Case, which is stated in the Calendar to have been attended with aggravating circumstances, the Court of Foujdaree Adawlut do not consider that they would be justified in mitigating the prescribed Sentence simply on the opinion entertained by the Acting Sessions Judge "that heavy penalties answer no good end"

Before passing their final orders, therefore, on that Officer's recommendation, the Court deem it proper to call upon him to state whether there be

be any palliating features in the Case itself which, in his opinion, renders the prescribed penalties in the present instance too severe

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. 904)

Read Criminal Reports dated the 15th Instant submitted by the Sessions Judge of Bellary for the month of July 1851

(Here Enter F.R. No. 2002 of 1851)

Read Return dated the 15th Instant from the Sessions Judge of Chicacole to the Precept of the Foujdaree Adalut under date the 6th August 1851 directing the unconditional release of all the Prisoners in Case No. 7 of 1851 on the file of the Session Court of Chicacole

(Here Enter F.R. No. 2003 of 1851)

Read Criminal Reports dated

dated the 31st Ultimo submitted by the Sessions Judge of Coimbatore for the month of July 1851

(Here Enter F.R. No. 2006 of 1851.)

Read Calendar of Case No. 35 of 1851 submitted by the Sessions Judge of Combaconum under date the 19th Instant

(Here Enter F.R. No. 2007 of 1851)

Read Criminal Reports dated the 1st Instant submitted by the Sessions Judge of Cuddapah for the month of July 1851.

(Here Enter F.R. No. 2008 of 1851.)

Read Statement of Batta paid to Prosecutors and Witnesses for the 1st Half Year of 1851 submitted by the Sessions Judge of Masulipatam under date the 16th Instant

(Here Enter F.R. No. 2012 of 1851.)

Read Form A of Criminal Returns for the Case No. 61 of 1851 submitted by the Sessions Judge of Guntoor under date the 18th Instant

(Here Enter F.R. No. 1997 of 1851)

F 46.

Wednesday.
27th August 1851.

At a Court of the Foujdaree Adalut

Present

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

E.T.R for S.H.S. E. D. Thompson Esqre. 2d. Puisne Judge

W.A.M for E.D.T. W. A. Morehead Esqre. 3d. Puisne Judge

Read Calendar of Case No. 18
of 1851 of the Sessions Court of Nellore
(Here Enter F 46 No. 1964 of 1851)

The Court of Foujdaree Adalut

1.

have been unable to discover in the foregoing
Calendar any extenuating circumstances
which would, in their opinion, justify
a mitigation of the Prisoner's Sentence;
and the Court are constrained, therefore,
to decline acceding to the Acting Sessions
Judge's recommendation to that effect.

The Court request that the

2.

Acting Sessions Judge will, in future,
when applying for the mitigation of a
Prisoner's Sentence, state in detail the
extenuating

F 46.

Wednesday.
27th August 1851

At a Court of the Foujdaree Adalut

Present

G/R G. S. Cooper Esqre — 1st Puisne Judge
E.M for S.P.S. E. P. Thompson Esqre — 2d Puisne Judge
W.A for B.A.M. W. A. Morehead Esqre — 3d Puisne Judge

Read Calendar of Case No. 18
of 1851 of the Sessions Court of Nellore
(Here Enter F.C. No. 1964 of 1851)

The Court of Foujdaree Adalut

1.

have been unable to discover in the foregoing Calendar any extenuating circumstances which would, in their opinion, justify a mitigation of the Prisoner's Sentence; and the Court are constrained, therefore, to decline acceding to the Acting Sessions Judge's recommendation to that effect.

The Court request that the

2.

Acting Sessions Judge will, in future, when applying for the mitigation of a Prisoner's Sentence, state in detail the extenuating

extenuating circumstances in the Case on which his Application is based.

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

(Sent in No. 910)

Read the Calendar of Petty Cases disposed of by the Magistracy of Salem during the 2d Quarter of 1851.

(Here Enter Folio 1894 of 1851)

Calendar of Persons punished

Cases Nos 3 and 5.

1.

Adverting to the apparent Theft of property which was committed in each of these Cases, it seems doubtful to the Court of Sujdaree Adalut, whether the sentences thus passed were correct; and they request that the Acting Sessions Judge will call for the records and pass such orders as he may then deem requisite, reporting the same for the information of the Sujdaree Adalut.

Case No 8

2.

In this Case one Periamen was charged with obstruction of justice in refusing to affix his signature to a certain deposition given

given before the Head Assistant Magistrate, and was fined by that Officer for the offence in the sum of Rupees 3 under Section XXXII Regulation IX of 1816.

The Court of Sujdaree Adalut

3.

observe that the provisions of the above enactment were wholly inapplicable to the

No 18

punishment of this Case, and they direct that the Fine, which it was not within the competency of the Head Assistant Magistrate to impose, be immediately returned to the party.

The Court further remark, with

4.

reference to this Case, and to the subsequent number noted in the margin, that it has been ruled by the Court that the mere refusal of a Complainant, or witness, to give evidence does not amount to the positive obstruction of justice contemplated by Act No XXX of 1841, and the provisions of that enactment do not therefore apply to such Cases.

On this Case, also, the Court

Case No 9

5.

observe, the provisions of Act XXX of 1841 were equally inapplicable, as it is shewn in

the

shewn in the Statement of the Charge that, when the alleged obstruction of justice took place, the Sub Collector was acting in the capacity of a Revenue Officer, and not in that of a Magistrate. The Court accordingly direct that the Sentence be annulled, and the Fine refunded.

Cases Nos. 1749. 6. The Court observe that the offences committed by the Prisoners in these Cases should have been designated Misdemeanours in the Heading prefixed to the statement of charge

7. The Court direct that the Magistracy be instructed, in future, invariably to quote the provisions of the Law under which their sentences may be passed

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

(Sent in No. 911)

Read Calendar of Case No. 846 of 1851 of the Sessions Court of Bellary

(Here Enter T. R. No. 1990 of 1851)

Considering

1. Considering that the first Prisoner "struck the deceased heavily on the "head and fractured his skull", and "used "much force and brutality," the Court of Foujdaree Udalut are of opinion that the Sentence recorded against him is far too lenient

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

(Sent in No. 912.)

Read Calendar of Case No. 27 of 1851 on the file of the Sessions Court of Madura

(Here Enter T. R. No. 1523 of 1851)

Read also Return and Supplemental Return to the Precept of the Foujdaree Udalut dated 7th July 1851 calling for certain information with regard to the above Case.

(Here Enter T. R. Nos. 1698 & 1944 of 1851)

In accordance with the recommendation of the Sessions Judge the Court

of

of Sonjdaree Udalut sanction the reduction of the prescribed Sentence passed upon the 1st Prisoner in this Case to (7) Seven years' imprisonment with hard labor in irons.

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

(Sent in No. 913.)

Read letter dated 17th Ultimo from the Sessions Judge of Cuddapah, submitting for the final judgment of the Sonjdaree Udalut the Record of Case No. 34 of 1851 of the Calendar of the Sessions Court.

(Here enter No. 2009 of 1851.)

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

1st Siddoogadoo

and

2d Edega Mulloogadoo

is sufficient to convict them of the Crime of Wilful Murder, do convict them thereof, and under the provisions of Section ~~X~~ Regulation ~~VIII~~ of 1802 sentence them to suffer death by being hanged at the usual time and place of execution.

1. It being clearly proved that the murder charged in this Case was committed at the instigation of the 2d Prisoner, the Court of Sonjdaree Udalut see no reason for exempting him from the extreme penalty of the Law.

2. The Court of Sonjdaree Udalut consider the reasons assigned by the Head of Police by whom the Case was committed for not proceeding to the spot where the murder occurred, by no means satisfactory.

3. The Head of Police states that he was engaged in the investigation of two other Cases, the one of Gang Robbery and the other of Theft; but the Court observe that Section ~~XXXVI~~ Regulation ~~XI~~ of 1816 requires that the Head of Police in all Cases of murder

written

"within his district shall himself, if possible,
"proceed to the spot"

4 It appears that in this Case the Head of Police kept the Sub Police Officers and the Village Police for some days in expectation of his coming, but eventually ordered the prisoners with the prosecutor and witnesses to be forwarded to his cutcherry, which orders it is obvious that he should have issued immediately upon the murder being reported to him, if unable himself to proceed to the spot; but for his omission to conform to the instructions laid down in the Enactment above quoted the Court do not consider the reasons assigned in any way sufficient; the more especially as the distance from the Talook Cutcherry from the place where the murder was committed is only 35 miles.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddapah for his information and guidance and for communication of Paras

2

2, 3 and 4 to the Magistrate
(Sent in No. 914)

Read letter dated 24th Ultimo, from the Sessions Judge of Rajahmundry, submitting for the final judgment of the Sudder Adalut the Record of Case No. 22 of 1851 of the Calendar of the Session Court
(Here Enter No. 2034 of 1851)

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,

Muttapurtee Mooseleegandoo,
alias, Pullegandoo

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 Court of Sudder Adalut
observe

deserve that it is out of the province of the
jury to suggest the nature of the punish-
ment to be passed upon the accused
Ordered that Extract from
these Proceedings be forwarded to the
Sessions Judge of Rajahmundry for his
information

(Sent in at. 916.)

Read Calendar of Cases tried
of 1851 submitted by the Sessions Judge
of Cuddapah under date the 20th Instant

(Here Enter at. 2021 of 1851)

Read Calendar of Cases tried
of 1851 submitted by the Sessions Judge
of Hombaconum under date the 20th Instant

(Here Enter F 16 at. 2022 of 1851)

Read Statement, submitted
by the Sessions Judge of Cuddalore under
date the 1st Ultimo, of Batta paid to
Prosecutors and Witnesses who attended
before the Sessions Court during the 1st
half of 1851

(Here Enter F 16 No. 2023 of 1851)

Read Calendars of the Magis-
tracy for the 2d Quarter of 1851 submitted
by

by the Sessions Judge of Hombaconum
under date the 22d Instant together
with Copy of the remarks made thereon

(Here Enter F No. 2032 of 1851)

Read Letter dated 23d Instant
from the Acting Sessions Judge of Nellore
forwarding the Petty Calendars of the Magis-
tracy for the 2d Quarter of 1851, together
with an Extract from the Proceedings
of the Sessions Court of the 20th Instant

(Here Enter F 16 No. 2033 of 1851)

to Sd.

J.C.

Friday
29th August 1851. } At a Court of the Foujdarry Adalut.

Present

Hon'ble — G. S. Hooper Esquire — 1st Puisne Judge.
C. P. Thompson Esquire — 2d Puisne Judge.
W. A. Morehead Esquire — 3d Puisne Judge.

Prasb against Criminal Reports submitted by the Sessions Judge of Rajahmundry for the Month of June 1851.

(Irregulars J.C. No 1727 of 1851.)

Prasb also returned under date the 9th August 1851 from the Sessions Judge of Rajahmundry to the Precept of the Foujdarry Adalut dated the 5th August 1851 conveying this order on the foregoing Criminal Report.

(Irregulars J.C. No 1935 of 1851.)

The Court of Foujdarry Adalut observe that in all Cases in which Remarks may be recorded by the Sessions Judge, but in which no alteration may be made in the Sentence passed; a brief Note, containing the purport of the Remarks recorded should be appended to the Report B.

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

(Sent in No 916.)

Prad

Read Criminal Reports submitted by the Sessions Judge of Vizagapatam for the month of July 1851.

/Warrington No. 1901 of 1851/

Case No 46

It should have been stated with the
view that the Prisoners in this case were convicted
of the offence therein charged against them.

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

/Entered No 917/

Read Criminal Reports submitted by the Agent to the Governor of Fort St George in Vizagapatam for the Month of July 1851.

/Warrington No 1999 of 1851/

Case No 23.

The Court of Sudder Adalut observe that the facts of the Prisoners having
also offended should have been entered as a
separate Count in the indictment and evidence
adduced in proof of the same.

Ordered that Extract from these
Proceedings be forwarded to the Agent to the
Governor of Fort St George in Vizagapatam for their
information and guidance.

/Entered No 918/

Read Calendar of Cases

of 1851 of the Sessions Court of Masulipatam.

/Warrington No 2013 of 1851./

1 The Court of Sudder Adalut are of opinion that no Mitigation of the Prisoner's Sentence to a further extent than that proposed by the Sessions Judge may in this case with propriety be allowed and they therefore do direct that the terms of his imprisonment be reduced to Seven (7) 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 Masulipatam by Precept returnable within III days from and after its Receipt.

/Sent following Precept No 919/

Read Calendar of Cases No 47 of 1851 of the Sessions Court of Calicut.

/Warrington No 2004 of 1851/

1 The Court of Sudder Adalut approve of the Sessions Judge's recommendation in this Case that the punishment awarded to the Prisoner on their conviction of Housebreaking and theft be mitigated in the case of the 1st Prisoner to 8 years imprisonment and in that of the 2d 3d 4th and 5th Prisoners to 3 years imprisonment with hard labour in irons

rows, and the Superior Judge is authorized to issue
his warrants accordingly.-

Ordered that a Extract from this
Proceedings be forwarded to the Superior Judge
of Calicut for his information and guidance

(Entered at Pg 920)

Circular

The Court of Foujdaree Adalut
direct that the following forms of Statements be
substituted for those now submitted Quarterly by
the Magistrates to the Superior Courts.-

In filling up these Returns the
following rules are to be observed.-

In Columns 1 will be entered the
number of the Cases on the general file.-

In Column 2 the number of the
Case on the file of the Magistrate, Joint Magistrate
Head Assistant Magistrate, or Assistant Magistrate
respectively.-

The numbers will have reference to
the Offences Year from 1st January to 31st December
and not to the Quarter.

In Column 4 the designation
of the offence is to be entered as heading to the
charge as prescribed in Circular Order, Foujdaree
Adalut, Pg 168.

In Columns 6 and 8 the date
on which each person appearing in Column
3, was apprehended or appeared before or
with the Summons issued, Punishment, commit-
or Release will be entered opposite his name.

In Column 9 explanation of unusual delay
&c will be entered.-

The Cases disposed of by the Magistrate
during the Quarter will be entered together at the head
of the Statement below these the Cases disposed of
by the joint Magistrate. then those by the Head
Assistant Magistrate, which will be followed by
those disposed of by the Assistant Magistrate
respectively.-

Statement III. will embrace the
persons in confinement at the close of the
Quarter, whether committed in a previous or the
current Quarter.-

The former will appear at the top
of the Statement. the entry in Column 4 being to
this effect vide numbers — and — in
the Statement for the Quarter of 185 &c.-

Statement No 4 will also embrace
the persons released during the Quarter, whose
commitment has been reported in a previous
Quarter, as well as those who have been committed
or brought up and released during the Quarter.-

When the commitment has been
reported in previous Returns, the entry in Column
4 will be to the same effect as that in Statement
III.-

Blank Returns will not be for-
warded but a memorandum stating that no
Cases

cases have been before the Magistrates Chambers
sub.

In forwarding the Statement
with Extracts from the Proceedings held on them
by the Sessions Courts, a separate letter will be
unnecessary.

The Statements should be
stitched together.

Ordered that Extract from
these Proceedings be sent to the Sessions Judges
for their information and guidance and
for communication to the Magistrates within
their Jurisdictions.

/ Sentence No 921. /

Read Letter dated the 16th August
1851 from the Sessions Judge of Galle transmit-
ting the Record of Case No 90 of 1851 and the Sen-
of the Sessions Court for the final Judgment of
the Supreme Court.

/ Interpreter Tamby No 2087 of 1851 /

The Court of Supreme Court
and deliberate consideration of all the circum-
stances of the Case as it appears before them
being of opinion that the Proceedings held
Prisoner

Certain Indigenous Chairmen
Ramis Cotty
is sufficient to convict him of the charge

charged & 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.

/ Sentence No 922. /

Read Calendar of Case No 310 of
1851 of the Sessions Court of Galle.

/ Interpreter Tamby No 3015 of 1851 /

Before confirming the Sentence
passed in this Case the Court of Supreme
Adalut direct that an English translation of
the entire Record be submitted for their consideration

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

/ Sent following precept No 923 /

J. Stark Clerk

F6

Saturday
2nd August 1851.

At a Court of the Fanjdarri Adalut.

Present

G.H.A. / W.Pa 2.P.S

G. S. Cooper Esquire ——— 1st Puisne Judge.
C. P. Thompson Esquire ——— 2d Puisne Judge.
W. A. Morehead Esquire ——— 3d Puisne Judge.

Read Letter dated 16th August 1851 from the Sessions Judge of Chingleput requesting the sanction of the Court of Fanjdarri Adalut to adhere to the old System of working the Convicts from 7 A.M. to 3 P.M. without intermission.

(Ferreiter No. 1955 of 1851.)

It appears that in consequence of the absence of Irons at the station of Chingleput it is impossible to give the Convicts any Meal during the Meal of the day and under these circumstances the Court of Fanjdarri Adalut authorize the Deviation from the Rule now recommended by the Sessions Judge.

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

(Entered - Page 926.)

Read Criminal Reports submitted by the Sessions Judge of Combaconum for the Months of June 1851.

(Ferreiter F.C. No. 1961 of 1851.)

30th August 1851.

Case No 110.

Magistrate's Calendar Case No 94.

Read Letter dated the 18th Instant from the Superior Judge of Matale recommending the offer of a conditional pardon to the 5th Prisoner in Case No 43 of 1851 on the file of this Court.

Extract Warrants Fo 6 No 3134 of 1851.

The Court of Enquiry Kotahena do not consider that sufficient grounds exist for adopting the course suggested by the Superior Judge and they accordingly decline to grant the permission asked for.

Ordered that Extract from these Proceedings be forwarded to the Superior Judge of Matale for communication to the Magistrate.

Entered in No 930

Read Letter dated the 18th Instant from the Superior Judge of Matale recommending the offer of a conditional pardon to the 5th Prisoner in Case No 43 of 1851 on the file of this Court.

Extract Warrants Fo 6 No 3134 of 1851.

The Court of Enquiry Kotahena observe that Section XIV Act VII of 1843 does not directly confer upon the Magistracy any penal powers but authorizes them to dispose of Cases under the provisions of Section VII Regulation X of 1816 which therefore in all such Cases should be granted as the authority for the Sentence passed.

Ordered that Extract from these Proceedings be forwarded to the Superior Judge of Kalutara for communication to the Acting Joint Magistrate in charge.

Entered in No 928

Read Letter dated the 18th Instant from the Superior Judge of Matale recommending the offer of a conditional pardon to the 5th Prisoner in Case No 43 of 1851 on the file of this Court.

Extract Warrants Fo 6 No 3134 of 1851.

The Court of Enquiry Kotahena observe that Section XIV Act VII of 1843 does not directly confer upon the Magistracy any penal powers but authorizes them to dispose of Cases under the provisions of Section VII Regulation X of 1816 which therefore in all such Cases should be granted as the authority for the Sentence passed.

Ordered that Extract from these Proceedings be forwarded to the Superior Judge of Rajahmundry for Communication to the Magistrate.

Entered in No 929

Read Letter dated the 18th Instant from the Superior Judge of Matale recommending the offer of a conditional pardon to the 5th Prisoner in Case No 43 of 1851 on the file of this Court.

Extract Warrants Fo 6 No 3134 of 1851.

The Court of Enquiry Kotahena do not consider that sufficient grounds exist for adopting the course suggested by the Superior Judge and they accordingly decline to grant the permission asked for.

Ordered that Extract from these Proceedings be sent to the Superior Judge of Matale and for his information.

Entered in No 930

Read Letter dated the 1851 from the Superintendent of Cuddalore ... ing the Calendar of Petty Cases disposed by the Magistracy of South Arcot during 2nd Quarter of 1851.

Received Fee No 93 of 1851

Calendar of persons punished

1 The Court of Inquiry ... directs that charges of the ... which the designation of a ... Emigration Laws is preferred ... Cases Nos 29 " " 40
... declared to ... punishable ... Cases Nos 19 " " 32
... appropriate and to the same ... must be ... designation of the ... referred to.

Cases Nos 16 " 17 " 19

2 It does not appear from ... of these Cases whether the ... Peon ... transmitting business ... Magistrate when the ... or whether the ... charges and ... whether the ... to ... a ... Abstract of ... which ... by the ... Regulations ... of 1941.

3 The Superintendent ... be pleased to ... these Cases ... to the Inquiry ... Calendar ... observed to.

Case No 32

4 The offence ... Case does not ... to be ...

30th August 1851.

Magistrate's jurisdiction, ... from the ... person not being ... by any ... inferior to the Sessions Courts.

5 The Sessions Judge will be pleased to ... review the Proceedings and ... as he may think proper ... the same ... to the Inquiry Calendar.

6 The Sentences awarded in the ... Cases appear to the Inquiry Calendar ... inadequate.

7 The Assaults proved against the ... Prisoners in these Cases would appear to have ... been committed by them in their Capacity ... of private individuals and therefore to have ... been properly treated by the Magistrate ... under the provisions of Section XXVI Regulation ... IX of 1816.

Ordered that Extract from these ... Proceedings be forwarded to the Superintendent ... of Cuddalore for communication to the ... Magistrate of South Arcot by Perch's Express ... within XV days from and after receipt hereof.

Sent following Precept No 931.

Read letter dated 30th June 1851 ... from the Agent to the Governor in Council ... submitting for the final judgment of the ... Inquiry Calendar the Records of Cases Nos 22 of 1851 on ... the Calendar.

Received Fee No 1075 of 1851

Read

wholly that by [illegible] three [illegible] Columns
headed Numbers [illegible] a column with Heads
being distinguished by Letters & the new Column
shew the numbers of the pages of the old
of the Ordinance before the Court, & [illegible]
and Agents, and thereby ascertain the same
number should be summarily supplied to
the several Tribunals, the designation of
by different numbers before the different
Tribunals being extremely inconvenient
Court of Sanpdaree Adalut when the Court
is under their consideration.

5 The Court of Sanpdaree Adalut
observe that the Principal Assistant
Principal Agent and by Mr Graham
their communications have been rendered
Agents Calendars and that by their
orders his observations have been forwarded
from the Collectorate

6 The Court of Sanpdaree Adalut
observe from the Agents Letter of the
that the translation of the Ordinance
the Court transmitted by the Agent
Court of Sanpdaree Adalut when the Court
Tribunals should be furnished
of the Ordinance

refer the answers of these prisoners to the
arraignment being perfectly different from
those entered in the translation first furnished.

7 The Court of Sanpdaree Adalut
are surprised that the Agent should have
permitted such an error to occur, it being his
imperative duty to see that the translations
forwarded by him to the Sanpdaree Adalut are true
and faithful rendering of the original process.
and it is hereby necessary to remark that in
injustice the Court of Sanpdaree Adalut may
be led to comment by the officers referring trials
failing to furnish correct translations of the
record.

8 The Court observe that the
manner in which the 6th prisoner was disposed
of should have been mentioned by the Agent
in his letter of reference; this Courts proceedings
of the 26th April 1851 quoted by the Agent as his
authority for omitting to supply the information
being merely to the effect that it is not
requisite for the Court of Sanpdaree Adalut to
confirm a requisition of Security which the
Agent is himself competent to make; but
not contemplating the omissions from letters
of reference of all information regarding

the

under the answers of these prisoners to the arraignment being perfectly different from those entered in the translation first rendered.

7 The Court of Sanyasses Adalut are surprised that the Agent should have permitted such an error to occur, it being his imperative duty to see that the translations forwarded by him to the Sanyasses Adalut are true and faithful rendering of the original record and it is hardly necessary to remark that serious injustice the Court of Sanyasses Adalut may be led to commit by the officers preferring trials failing to furnish correct translations of the record.

8 The Court observe that the manner in which the 6th prisoner was disposed of should have been mentioned by the Agent in his letter of reference; this Courts proceedings of the 26th April 1851 quoted by the Agent as his authority for omitting to supply the information being merely to the effect that it is not requisite for the Court of Sanyasses Adalut to enquire into matters of severity which the Agent is himself competent to make; but not contemplating the omissions from letters of reference of all information regarding the

concur with the Agents in proceeding the
evidence sufficient to the conviction of the 1st
2d 3d 4th, 5th, 7th and 8th prisoners in this case of
the Robbery and murder laid to their charge
and have accordingly sentenced them severally
to transportation for life it being impossible
under the circumstances of the case to fix
upon the individual who actually killed the
deceased..

2 The Court of Sanderra Adalut
are of opinion that there was sufficient
evidence for the conviction of the 6th prisoner
who was released by the Agent; the confession
given by the prisoner before the Assistant
Agent was in great detail and in the opinion
of the Sanderra Adalut there can be no doubt
that he was one of the gang who committed
the outrage charged..

3 The Court of Sanderra Adalut
observe that in the Records of referred trials
the Proceedings of the Police of the Assistant
Agent and the Agent should not be tied up
together and the pages numbered consecutively
but should each be kept distinct and the
pages of each set of proceedings numbered
seperately..

4 Nor is there any necessity in
the

the dispersal of prisoners whom the Agent may have released either unconditionally or on security.-

9 The Court of Inquiry Malabar directs that in future Calendars of Convicts referred to the Inquiry Malabar may be submitted to the Court immediately upon the Case being brought down for reference.-

Ordered that Extract from these Proceedings be sent to the Agent in Coimbatore for his information and future guidance.

Sent in No 932

Read Letter dated the 13th August 1851 from the Sessions Judge of Cuddalore submitting the Petty Calendars for the 2nd Quarter of 1851.-

Referred to Report for 1939 of 1851

Read Calendar of Convicts of 1851 submitted by the Sessions Judge of Cuddalore under date the 2nd August 1851

Referred to Report for 3043 of 1851

Read Extract from the Proceedings of the Sessions Court of Cuddalore held on the 2nd of August 1851 submitting the Petty Calendars for the 2nd Quarter of 1851 and the Sessions Judge of Cuddalore under date the 23rd August 1851

Do 1852 Referred to Report for 3170 of 1851

F 11.

Monday.
1st September 1851 } At a Court of the Fouzdaree Adalut.

Present

W.R. G. S. Hooper Esquire 1st Puisne Judge
W. Ha for S. H. J. C. P. Thompson Esquire 2d Puisne Judge

Read Miscellaneous Petition presented on the 3d July 1851 by Sudarsha-
=nadasen of zillah Vizagapatam -

/Here Enter F.M.P. No. 81 of 1851/

Mr. C.P. Thompson

The Petitioner is referred to the former Orders passed by the Court of Sudder Adalut in the matter to which this Petition relates, and this Petition is dismissed -

Ordered, that Extract from these Proceedings be given to the Petitioner on his application -

Read Miscellaneous Petition presented on the 17th July 1851, by Nelakante Gyen of zillah Cuddalore -

/Here Enter F.M.P. No. 92 of 1851/

Messrs G.S. Hooper. and C.P. Thompson.

The Court of Fouzdaree Adalut see no reason to question the propriety of the conviction of the Petitioner, father the 1st prisoner in No. 10 of 1851 on the file of the Sessions Court of Cuddalore,

and

1st September 1851

and this Petition is accordingly dism

Ordered, that Extract of
Proceedings be given to the Petit
his application.

Read letter dated 8th
1851 from the Acting Sessions Judge
Salem, submitting for the final
of the Foujdaree Adalut the Reco
Case No. 24 of 1851 of the Calendar
Session Court.

Messrs G. S. Hooper and C. P. Thompson

/ Here enter No. 2048 of 1851 /

The Court of Fouj
Adalut, on a deliberate consider
of all the circumstances of the ca
widence before them, being of opi
that the proof against the prison

"Guilty Culpa"

is sufficient to convict him of the
of Murder, do convict him thereof
under the provisions of Section X
Section VIII of 1862, sentence him
death by being hanged at the usual
and place of execution.

1st September 1851.

1. The Court of Foujdaree Adalut have been unable to concur with the Acting Sessions Judge in considering that grounds exist for the mitigation in this case of the prescribed penalty of the law.

2. The Court of Foujdaree Adalut observe that the provocation given by the deceased was very slight, that the weapon used by the prisoner was large and heavy and that not content with giving the deceased one violent blow which felled her to the ground, he followed it up by several others after she had fallen which fractured her skull and caused her death almost immediately.

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

/ Sent in No. 934 /

No. 810.

F. 11.

Tuesday ..... } At a Court of the Foujdaree Adalut.
2d September 1851. }

Present

Sd/- G. S. Cooper Esquire 1st Puisne Judge
H. M for E. P. T. E. P. Thompson Esquire 2d Puisne Judge
W. A. Morehead Esquire 3d Puisne Judge

Read Calendar of Session Case
No 5 of 1851 on the Chingleput file.
/ Here Enter Fle. No. 1920 of 1851 /

The Court of Foujdaree Adalut
direct that in this case the attention of the
Sessions Judge be called to the Extract from
the Minutes of Consultation No 529 dated 15th
August 1849 Copy of which was circulated
to the Courts under date the 20th October
following, wherein it was directed by Govern-
ment that on witnesses deposing to the
unsoundness of a Prisoner's mind, the gillah
Surgeon should be examined and his opinion
taken as to the justness of the inferences
on which such witnesses based their con-
victions of the Prisoners insanity.

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

Judge of Chingleput for his information & future guidance.

/ Sent in Pc. 936. /

Read Calendar of Cases submitted by the Sessions Judge of Cuddapah under date the 28th August 1857.

/ Here Enter F.C. No. 2061 of 1857 /

Read Calendar of Cases for 1857 submitted by the Sessions Judge of Chingleput under date the 27th August 1857.

/ Here Enter F.C. No. 2062 of 1857 /

Read Convict Labor Report dated 29th August 1857 submitted by the Sessions Judge of Salem of the Jails under charge of the Magistrate of Salem for the month of July 1857.

/ Here Enter F.C. No. 2063 of 1857 /

Read Letter dated 25th August 1857 from the Sessions Judge of Tellicherry Returning death warrant signed by Court of Foujdaree Adalut in Case No. 5 of 1857 on the file of Sessions Court and reporting the execution thereof.

/ Here Enter F.C. No. 2064 of 1857 /

Read Calendar of Cases for 1857 submitted by the Sessions Judge of Cuddapah under date the 28th August 1857.

/ Here Enter F.C. No. 2065 of 1857 /

Read Report dated 23d August 1857 submitted by the Sessions Judge of Rajahmundry of the Labour of Convicts in the Jail at Cocanada under charge of the Magistrate of Rajahmundry for the month of July 1857.

/ Here Enter F.C. No. 2072 of 1857 /

2d 18 D.

F. H.

Wednesday 3d. September 1851 } At a Court of the Fouzdaree Adalut.

Present.

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

H.H. for E.P.J. & S. Thompson 2d Puisne Judge.

Read the following Letter dated the 5th August 1851. from the acting Session Judge of Salem.

(Here enter F.H. No 1895 of 1851)

1. With this communication the acting Session Judge submits for the consideration of the Court of Fouzdaree Adalut certain depositions given before the Police and Subordinate Court in Case No 95 on the Criminal file for 1851. together with extracts from a correspondence which has passed between himself and the Magistracy in the matter of one "Vailum," who, having been forwarded to the Subordinate Court by the Joint Magistrate as a witness in the above case, was subsequently remanded by that Court with a view to his being made a Prisoner, and placed on his trial as an accessary to the crime committed on that occasion.

The

2.

The Magistrate and the Joint Magistrate both take exception to the injunctions issued by the Subordinate Judge in this matter, and asserting the fact that, beyond Vailum's own admission that he was asked to join in the Robbery which, he alleges, he refused to do, there is nothing whatever on the record against him, they both concur in considering that individual was correctly committed to the Subordinate Court as a witness and that from the mere circumstance of his prior knowledge of the crime about to be committed he cannot legally be arrested as an accessary.

3.

The Acting Sessions Judge still adhering to the opinion formerly expressed by him on the point at issue in his capacity of Subordinate Judge has now referred the question for the decision of the Court of Sessions.

4.

The Court of Sessions entirely coincide with the Magistrate and Joint Magistrate in their opinions expressed in regard to this case; and they consider

the view of it adopted by the acting Sessions Judge, as well as the orders issued by him in support thereof in his capacity of Subordinate Judge, to be clearly erroneous.

5 The individual "Vailum" is not shown to have instigated the Robbery in question, nor to have engaged in a conspiracy for the perpetration of it; neither is it shown that he in any way aided by being present when the Robbery was committed, and the mere fact of his admission that he was informed that a robbery was about to be committed, and was asked to join in it, was in itself alone utterly insufficient to justify his being treated as an accessary.

6. Entertaining this view of the case, the Court are of opinion that the Joint Magistrate acted correctly in forwarding "Vailum" to the Subordinate Court as a witness, and they direct that the Order issued by the Subordinate Judge requiring the commitment of

that

that individual as a Prisoner be im-
diately readdis.

Ordered, that Extract
these Proceedings be forwarded to
Acting Superior Judge of Salaw
his information and guidance and
communication to the Magistrate

/ Sent in No. 990 /

Read letter dated 29th Aug
1857 from the Superior Judge of Combe
submitting for the final Judgment of
Tonjdaue Udalut the record of Case No
of 1857 of the Calendar of the Superior
Court.

/ Have entered No. 20 of 1857 /

Mr E. P. Thompson

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

1st Chinnaswamy

and

2d Appadoy Pradiaty

is sufficient to convict them of the
crime of Gang Robbery, do convict

thereof, and under the provisions of Clause
third Section IV Regulation XV of 1809,
and Section XXXIV Act VII of 1843, sentence
them to be imprisoned and kept to hard
labor in irons on the public roads, or other
public works, for, and during the period
of (14) fourteen years.

But being of opinion that the
Prisoner,

3d Tumby Ammengaren, alias,

Conary Ammengaren

is not convicted on presumptive proof, or on
the evidence of credible witnesses, or on his
own confession of the said crime, the Court
do acquit him thereof; but considering
that strong suspicion, tho' not amounting
to conviction, attaches to him, they direct
that he be required, under Clause sixth
Section II Regulation XV of 1808, to find
Two Sureties, in 100 Rupees each surety,
for his good behaviour and appearance
when required within Three years, or, in
default thereof, that he be detained for
Three years in confinement.

The

1.

The Court direct that a p
the several Records of the Police, Magis
and Subordinate Courts be tied up s
rately, as well as that of the Sessions

2.

It appears to the Court
Tondaree Vedahl that many of the
witnesses in this case should have b
examined at greater length and that
searching Cross-examination was dire
on several points upon which their
Statements are unsatisfactory.

Ordered, that Extract co
these Proceedings be forwarded t
the Sessions Judge of Combaconum

/ Sent in Pro. 9d /

Read Letter dated 22d Aug
1851 from the Sessions Judge of Mang
submitting for the final Judgment of
the Tondaree Vedahl the Record of C
No. 33 of 1851 of the Calendar of the
Sessions Court.

/ Here Enter P.C. No. 208 of 1851 /

Mesrs. G.S. Hooper
& C.P. Thompson Vedahl, on a deliberate consideration

of all the circumstances of the case in evidence
before them, being of opinion that the prisoners,

1st Tsampa Shetty

2d Billah Tancapa

and

3d Billah Bapsapa

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.

The Court of Tondaree
Vedahl have been unable to concur with
the Sessions Judge in considering the
evidence sufficient for the conviction
of the prisoners in this case, whom they
have accordingly acquitted and directed
to be unconditionally released.

2.

There is so much improbabil-
-ity in the whole story that the Court
cannot credit the testimony of the witnesses
for the prosecution, some of whom, it is
observed, are dependents and relations
of the prosecutor, and even supposing
that

that their evidence must true it would
prove that the prisoners went one night
near the prosecutor's house, which is
surrounded by other dwellings, and on
pursuers, ran away; but without ent
ering into the house, or making any
attempt to do so.

Ordered, that Extract pro
these Proceedings be forwarded to
Session Judge of Manzalore for
information.

/ Sent in Rec'd /

Read return dated 17th Aug
1851 from the Sessions Judge of Mal
to the Precept of the Tondaman Udalut
under date the 13th May 1851 directing
sentences in Cases Nos 15 17 and 18 of 1851 C
suspended.

/ Here enter Nos 15 17 & 18 of 1851 /

F. 26.

Friday 5th September 1851 } At a Court of the Tondaman Udalut

Present

W.M. G. S. Hooper Esqr — 1st Puisne Judge

H.M.S. E. P. Thompson Esqr — 2nd Puisne Judge

W.M. W. A. Morehead Esqr — 3rd Puisne Judge

Read letter dated 29th July
1851 from the Sessions Judge of Cuddalore sub-
mitting copies of a correspondence between the
Magistrate of South Arcot and the Principal
Sudder Ameen regarding the complicity of
certain servants on the establishment of the
latter in the offence of crimping Coolies for
shipment to a foreign Colony together with
an Extract from the Proceedings of the
Principal Sudder Ameen under date 19th
July 1851 dismissing the 3rd Writer but retaining
the 1st Writer until an opportunity for providing
for him elsewhere may occur

(Here enter F. No. 1824 of 51)

Read also letter from the same
Officer dated 30th July 1851 submitting the Copy
of

of a letter dated 29th March from the Magistrate of South Arcot charging the Principal Sudder Ameen with unsatisfactory conduct and with having opposed his efforts to check the traffic in Coolies and suggesting his removal to an station remote from Pondicherry

(Herewith Sr No. N 1821 of 1851)

It appears that the Magistrate on the 30th May 1851 requested the Principal Sudder Ameen to forward the 1st 2d and 3d writers on his establishment to the Head Assistant Magistrate for examination on a charge of aiding certain coolie-ping Monitors and suggesting that they should be suspended from office pending the result of the investigation.

2 In answer to this requisition the Principal Sudder Ameen on the same date informed the Magistrate that the writers had been ordered to appear before the Assistant Magistrate on the following day. He made no allusion however, as he obviously ought to have done, to their suspension and when his attention was called to this omission

by the Magistrate who attributed it to the purport of the English letter not having been fully comprehended, in a Tamil Memorandum dated 5th June, he accompanied his explanation of his reasons for not complying with this part of the requisition namely that he could not properly suspend servants against whom there was nothing beyond suspicion with a remark to the effect that there was not ground for doubting that he had fully understood the import of the Magistrates previous communication. This remark the Court of Fouzdaree Adalut consider uncalled for and improper but they are of opinion that the Principal Sudder Ameen acted rightly in declining to suspend his servants at this stage of the proceedings.

3 On the 7th June 1851 the Magistrate communicated to the Principal Sudder Ameen the nature and result of the inquiry into the charge in question. In his letter Mr. Maltby pointed out the infamous nature of the traffic in Coolies and stated that although there was not sufficient legal evidence to

to commit the 3d writer of the Crime, yet the Court could have no moral doubt of his complicity in it, and that the 1st writer, who was commonly said to be employed in the Office had committed in Pondicherry, was related to the 3d writer and another person on the establishment of the Collector, who had been actually committed of the offence, and could not have been ignorant of proceedings, which he was bound as a public servant to denounce, and the Court recommended that the 3d writer should be dismissed and the 1st writer be removed to another District.

4

Upon the receipt of this communication the Principal Sudder Ameen instead of applying either for that further explanation of the facts considered to have been established against his Contemporary which was necessary to satisfy his own mind of the propriety of adopting the severe measures suggested by the Magistrate, or for the perusal of the depositions taken by the Head Assistant and dispensing at once of the requisition, applied to the Court

of

5th September 1851.

of Tanjore Udalut for instructions, apparently under a doubt as to whether the suggestion of the Magistrate tho' in the form of a request was in reality an order which he was bound implicitly and without question to obey. The reference was, as pointed out by the Court of Tanjore Udalut in their proceedings of the 30th June unnecessary, but the Court see no reason to suppose that the Principal Sudder Ameen in making it was actuated by any improper motive, and attribute his error to want of judgment.

On the 4th July 1851 the Principal

5

Sudder Ameen applied to the Magistrate for the record of the investigation held by his Dy. Assistant. The record was returned to the Magistrate on the 14th Idem, but without any intimation whatever as to whether the Principal Sudder Ameen had determined to comply with the Magistrates request or not, and the final order directing the dismissal of the 3d writer and the retention of the 1st writer in his office until he could be provided for elsewhere was only passed on the 19th July

two

two days after the Sessions Judge had called for a report of the proceedings of the Princ[l] Sudder Ameen in the matter and was communicated to the Magistrate until the 23d Inst.

6

The Principal Sudder Ameen has stated that the pressure of Civil and Criminal business precluded his recording his orders on the subject at an earlier date, an explanation which, as great delay had been already caused by an unnecessary reference for orders and as it was clearly most important that the measures recommended by the Magistrate should if sufficient ground for them existed, be at once carried into effect, the Court consider wholly inadmissible.

Surrender dated 23d July.

7

The remarks contained in the 2d Para of the diary order, Viz. the reasons why the Magistrate omitted to re-examine them (the 1st 2d and 3d Writers) immediately on affirmation could not be ascertained, as he intended, as Mr Melly supposes, upon the proceedings of the Magistrate are wholly unfounded, for as it is shewn that a considerable

† dated 19th July.

* Vide Para 8 of letter dated 29th July 1851.

appended to the proceedings fully explains what the Principal Sudder Ameen states that he could not ascertain.

8

The Conduct of the Principal Sudder Ameen has in the particulars above specified been objectionable and is deserving of censure, but the Court of Foujdaree Udalut consider the opinion expressed by the Session Judge "that his object has been to screen his writers and to thwart the views of the Magistrate" is not borne out by the facts appearing on the papers now before them and they consequently cannot recommend that so extreme a measure as the removal of the Principal Sudder Ameen from the station which the Magistrate has suggested should be adopted.

They consider however that sufficient cause has been shewn for the transfer of the 1st writer to a station remote from Pondicherry and direct that the Session Judge do immediately place himself in communication with the Session Judges in this Southern Division in view to suitable provision being made for him, by an exchange

9

of appointments of that Court be effected in one of the Courts in that Division.

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

Ordered also that Extract from these Proceedings together with copies of the Sessions Judge's letters dated the 29th and 30th July 1851 and the original enclosures noted in the margin be forwarded to the Secretary to Government in the Judicial Department for submission to the Right Honorable the Governor in Council with reference to the Extract from the Minutes of Consultation of Government under date the 11th July 1851.

Enclosure in a letter from Sessions Judge Caddalore dated 29th July 1851.

Enclosure No 1 in a letter from Do dated 30th July 1851.

(Sent in Nos 943 and 944)

Read letter dated 26th August 1851 from the Sessions Judge of Cuddalore submitting for the final Judgment of the Sunjdaree Udalut the record in Case No 69 of 1851 of the Calendar of the Sessions Court.

(Were entered No 3079 of 1851)

The

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

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.

"Pandarata Vadipil Kellen"

is sufficient to Convict him of the Crime Charged, 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 Court of Sunjdaree Udalut

1

consider the sentence of 14 years' imprisonment recommended by the Sessions Judge to be passed upon the prisoner in this Case who has been convicted of murder, altogether insufficient to meet the demands of justice.

The Court cannot concur in

2

the opinion recorded by the Sessions Judge that "it is in the highest degree improbable that the mere fact of the prisoner being stopped by the deceased should have driven him to the perpetration of this desperate act; a very

very slight acquaintance with the character of the inhabitants of Malabar being, the Court Consider sufficient to show that for a much slighter offence than that offered to the prisoner similar and even more reckless acts than that pleaded against him are of every day occurrence.-

3 The Court of Foujdaree Udalut observe that the 2nd Prosecutor the 3rd witness and the deceased Kerman were Acting perfectly lawfully in insisting on the payment of the regular hire for ferrying the prisoner and his party over the river, and that his attack upon them for so doing was wilful and deliberate.

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

(Sent in N°925)

Read letter dated 18th June 1851 from the Agent to the Governor of Fort St. George at Ganjam submitting a summary of the Proceedings held in Criminal trial N°20 of 1851 on the file of this Court.

Perused Ft. G. N°1836 of 1851

The Agent commits the Prisoner

of "having received stolen property knowing the same to have been stolen" and recommends his being sentenced to (14) fourteen years' imprisonment with hard labor in irons.-

The Court of Foujdaree Udalut

2 Concur in the Prisoners' conviction, and confirm the sentence proposed.

3 Owing to the connection of this case with Case N°22 of 1851 the Foujdaree Udalut have been compelled to delay its disposal till the receipt of the Agents' return dated 16th August to their precept of the

8th Idem.

Ordered that Extract from these Proceedings be sent to the Agent to the Governor of Fort St. George at Ganjam for his information.

(Sent in N°946)

Translations of the record of Trial in referred Sessions Case N°1 of 1851 on the Trichinopoly file not having as yet been received by this Court.

Ordered that the Acting Sessions Judge of Trichinopoly be called upon

5th September 1851.

upon to submit the same without delay.

(Sent in No 947)

Sd/- R.W.

Sd/-

Sd/-

Fd Co:

Saturday 6th September 1851 } At a Court of the Foujdaree Udalut.

Present:

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

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

Read Calendar of case No. 52. of 1851 of the Session Court of Calicut.

(Reverter Fd Co. No. 2075 of 1851.)

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 "Gang Robbery" be mitigated to 8 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 Sessions Judge of Calicut for his information and guidance.

(Sent in No 951)

Read letter dated 5th 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

21 86

21st. January 1845 were pending last Month before the Sessions Judge.

(Here enter F. No. 2091 of 1851.)

Read letter dated 4th. Instant from the Sessions Judge of Cuddalore reporting that no Cases have been pending trial before the Sessions Court for a period exceeding 75 days calculated from the date of commitment.

(Here enter F. No. 2083 of 1851.)

Read return dated 25th. Ultimo Submitted by the Sessions Judge of Honore to the precept of the Foujdaree Udalut under date the 11th. August 1851 conveying their observations and order on the Criminal Reports submitted by the Sessions Judge for the Month of June 1851.

Here enter F. No. 2087 of 1851.

Read letter dated 27th. Ultimo from the Sessions Judge of Calicut transmitting the warrant issued for the execution of the Sentence of death passed on the Prisoners in Cases Nos. 414 & 415 of 1851 on the Calendar Sessions Court Zillah Calicut with the endorsement of the Acting Subordinate Judge and Copy of his report according to Circular Order of Foujdaree Udalut dated 3d. May 1830.

(Here enter F. No. 2088 of 1851.)

Read

Read report dated 1st. September 1851 Submitted by the Sessions Judge of Cuddapah of Cases pending on the 31st. July and committed for trial during the Month of August 1851. which remained on the file of the Sessions Court of Cuddapah for more than 75 days.

(Here enter F. No. 2091 of 1851.)

Read return dated 4th. Instant Submitted by the Sessions Judge of Guntoor to the precept of the Foujdaree Udalut under date the 21st. August 1851 containing their remarks on the Petty Calendars of the Magistracy for the 2d. Quarter of 1851.

(Here enter F. No. 2092 of 1851.)

Read Calendar of Case No. 55. of 1851 Submitted by the Sessions Judge of Bellary Under date the 29th. Ultimo.

Here enter F. No. 2096 of 1851.

Read return dated 4th. Instant from the Sessions Judge of Madura to the precept of the Foujdaree Udalut under date the 22d. August 1851. conveying their observations and Orders on the Calendar of Petty Cases disposed of by the Magistracy of Madura during the 2d. Quarter of 1851.

(Here enter F. No. 2100 of 1851.)

Read

6th September 1851.

Read Calendar of Case No. 37 of 1851.
Submitted by the Sessions Judge of Cumbacconum
under date the 2nd Instant.-

(Vide enter F.C. No. 2101 of 1851.)

Do. R.W.

F.C.

Monday 8th September 1851. } At a Court of the Toujdaree Adalut.

Present.

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

Read Miscellaneous Petition presented on the 20th July 1851 by Virayee of Pillaly Trichinopoly.-

(Vide enter F.C.P. No. 950 of 1851.)

The Court of Toujdaree Adalut see no reason to question the propriety of the order passed by the Acting Sessions Judge of Trichinopoly under date the 6th June 1851 confirming that of the Magistrate for the imprisonment of the Petitioner's father-in-Law, in default of his producing Security for his good conduct and appearance when called for, and they accordingly resolve to dismiss this Petition.-

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

(Sub-in No. 953.)

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

Read.

8th September 1851.

Read again Calendar of Case
No 20 of 1851 on the file of the Supreme Court
of Kallow.

/Hereunto F.C. No 1492 of 1851./

Read again also Miscellaneous
Petitions presented on the 11th and 14th July 1851 by
S Vencatamma of Zillah Kallow.

/Hereunto F.M.P. No 86 & 1081 of 1851./

Read also Return under date
the 29th August 1851 from the Acting Supreme
Judge of Kallow to the Precept of the Sudder
Udalut dated the 24th July 1851 calling for certain
information with reference to the statement
set forth in the foregoing Petitions.

/Hereunto F.C. No 2071 of 1851./

The Court of Sudder Udalut
are satisfied from a perusal of the Acting
Supreme Judge's Return, of the propriety of the
Sentences passed upon the Prisoners in the
Case referred to, and the Petitioners application
is accordingly dismissed.

Ordered that Extract from the
Proceedings be forwarded to the Acting Supreme
Judge of Kallow for his information.

/Entered No 954./

Ordered also that Extract from the
Proceedings be furnished to the Petitioners Vakeel
application.

S. W.

FC

Tuesday
9th September 1857

At a Court of the Fouzdarry Adalut.

Present.

Hon'ble G. S. Hooper Esquire — 1st Puisne Judge.
W. Pr. Ely E. P. Thompson Esquire — 2d Puisne Judge.

Read Letter dated the 29th August 1857 from the Sessions Judge of Coimbatore submitting for the final judgment of the Fouzdarry Adalut the Records of Case No 28 of the Calendar of the Sessions Court for 1857.

(Vide Letter FC No 2170 of 1857)

Mr G. S. Hooper.

The Court of Fouzdarry Adalut on deliberate consideration of all the circumstances of the Case in evidence before them being of opinion that the proof against the prisoner

Appaseamy Navicken

is sufficient to convict him of wilfully and maliciously administering poisonous and stupifying drugs, and thereby causing the death of an Individual, attended with Robbery, for which according to the Mohomedan Law as declared in Futwahs of their Law Officers discretionary punishment is awardable, do convict him thereof, and with reference to the provisions of

of Clause third Section VII and VIII Regulation
of 1813 and Section XXXIV Act VII of 1843 to be imprisoned for ten years, and to be
from the District prison in which his House of
is situated, and to be kept to hard labor
in the Jail of the Zillah of Chittoor.

Read Letter dated 29th August
from the Superintendent of Coimbatore
:ting for the final judgment of the Sup
Adalut the Proceedings Case No 37 of the Cal
:dar of the Superior Courts for 1851.

/Superior File No 2070 of 1851/

The Courts of Faujdaree Ada
and deliberate consideration of all the cir
:stances of the Case in evidence before them
being of opinion that the prosecution
Prisoners

1st Appavoovanny Naicken
2d Narrattevanny
and
3d Marnatchy

is sufficient to convict them of the Char
of wilfully and Maliciously administering
poisonous and Stupifying drugs attended
with violence, for which according to the
Mohammedan Law as declared in Futtawa
their Lawful Heirs discretionary punishment
is awardable to convict them thereof, and

with reference to Clause third Section VII Regulation
XV of 1813 and Section XXXIV Act VII of 1843 Sentence
the Prisoner

2d Narrattevanny

to be imprisoned and kept to hard labor in irons
on the public roads, or other public works, for
and during the period of (2) Two years, and
the Prisoner

3d Marnatchy

to be imprisoned and kept to labor suitable to
her Sex for and during the period of (1) One
year. The Prisoner

1st Appavoovanny Naicken

having been sentenced in Case No 28 on the
Coimbatore Calendar for 1851 no further Sentence
is required in this Case.-

The Courts of Faujdaree Adalut
direct that it be pointed out to the Superior
Judge that he is in error in quoting Act No XXIX
of 1850 as his Authority for the punishment
he has suggested in these Cases; the said Act
having been passed in amendment of and
to be construed with and as part of Act No XXXI
of 1838, which Act (See Section II) is only
applicable to Her Majesty's Courts, and has no
reference whatever to the Courts of the
Honorable Company, by whom moreover
Prisoners who may be deemed proper objects

of transportation beyond Seas ought to be adjudged
transportation for Life and not for any lesser
the power of sentencing prisoners to transportation for Limited Terms
period having been transferred from the Courts
Courts by Clause 4 and 5 of Section VII Regulation
XX of 1813.-

Ordered that Extract from these
Proceedings be sent to the Sessions Judge of
Coimbatore for his information.
/Sent in a/c 95./

Read Letter dated 29th August
from the Sessions Judge of Tinnevelly stating
to be informed whether the certificate of a
Medical Officer as to the prisoners mental
contained in any Substance is admissible
as evidence on a Criminal Trial.-
/Herewith Fb. A/c 2098 of 1857/

The Court of Foujdaree Adalut
observe that this question must be answered
in the Negative, and direct that the Sessions
Judge be informed that measures have been
already adopted for procuring a modification
of the order of the Medical Board dated 13th January
Ordered that Extract from these
Proceedings be sent to the Sessions Judge of
Tinnevelly for his information.
/Sent in a/c 98./

Read Calendar of Cases No 15

of 1857 of the Sessions Court of Trichinopoly
/Herewith Fb. A/c 2084 of 1857/

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
House-breaking and Theft be mitigated to 3 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
Trichinopoly for his information and guidance.
/Sent in a/c 97./

Read the following Letter dated
the 30th August 1857 from the Sessions Judge of
Rajahmundry.-
/Herewith Fb. A/c 2094 of 1857/

Read also Calendar of Case No 235 of 1857
of the Sessions Court of Rajahmundry.-
/Herewith Fb. A/c 2095 of 1857/

In the above Case three Prisoners,
convicted by the Sessions Judge of the Crime of
Highway Robbery, have been sentenced by that
Officer to 14 Years imprisonment with hard
labor in irons, and adjudged to suffer corporal
punishment.-

2 Adverting to the fact that a

portion

portion of the plundered property procured
and discovered by the Sessions Judge in the course
of investigations regarding the permission of the Zamindar
of Polavaram to bring a prosecution against the accused
for corporal punishment awarded to them
on the conclusion of their proceedings and
missing property.

3 The Court of Zamindar
have been long accustomed to bring pe
before Sub-Collector in his capacity of Sessions
Sessions Judge proceedings of a strange and
unwarrantable nature, but the Court does not
consider the proposition, should be hereafter
submitted to, as regarding albeit
respect to its singularity as well as
impropriety. The Court also entertains
such a proposition could have come
from any other officer of the Magistrate
above grievance in the Province.

4 If, as stated by the Sessions
in the Calendar he considered that
interference would attended by the
might, if he had thought fit, have done
since the promising of Act XX of 1850

5 The Court directs that
fruitless proceedings against the prisoners
carried into effect.

Ordered that Letters

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

(Entered No. 958.)

Read Report dated the 1st Instant
submitted by the Sessions Judge of Rajahmundry
of Cases pending before him on the 31st August 1851.

(Received No. 2106 of 1851.)

Read Magistrates Return dated
30th August 1851 to the Sessions Court's Proceedings
professing a Review of the Magistrates Petty Cases
Cases for the 2d Quarter of 1851 submitted for the information
of the Court by the Sessions Judge of
Rajahmundry under date the 1st September 1851.

(Received No. 2107 of 1851.)

Read Report dated the 1st Instant
submitted by the Acting Sessions Judge of Salem
of Cases pending on the 31st August 1851 before him
for a period in excess of 35 days calculated from
the date of commitment.

(Received No. 2108 of 1851.)

Read Report dated the 1st Instant
submitted by the Sessions Judge of Tinnevelly
of a Case depending before him up to the 31st
August 1851 in which the trial has been delayed
beyond 35 days.

(Received No. 2110 of 1851.)

Read Letter dated the 1st Instant
from

9th September 1851.-

from the Sessions Judge of Combatore stating that there is no Case during the past month to be entered in the Report required by the Foujdaree Udalut Circular Letter of the 10th October 1844.-

(Here enter F.U. No 2117 of 1851.)

Read Letter dated the 2d September 1851 from the Sessions Judge of Masulipatam reporting that there were no Criminal Cases pending between the 31st July and 2d August 1851.-

(Here enter F.U. No 2123 of 1851.)

Read Calendar of Case No 37 of 1851 submitted by the Sessions Judge of Calicut under date the 2d September 1851.-

(Here enter F.U. No 2125 of 1851.)

Read Calendar of Cases No 36 of 1851 submitted by the Sessions Judge of Trichinopoly under date the 1st September 1851.-

(Here enter F.U. No 2130 of 1851.)

43 U.

F. U.

Wednesday
10th September 1851.

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esqr — 1st Puisne Judge.
E. P. Thompson Esqr — 2d Puisne Judge.

Read Calendar of Case No 13 of 1851 on the file of the Sessions Court of Cuddalore.-

(Here enter F.U. No 1054 of 1851.)

Read also Petition presented on the 4th August 1851 by Chinnapen appealing against the sentence passed on the 1st prisoner in the above Case.

(Here enter J.M. P. No 97 of 1851.)

The Court of Foujdaree Udalut seeing reason to doubt whether the evidence in this Case is sufficient for the Conviction of the 1st Prisoner, resolve to call upon the Sessions Judge to submit for their consideration a translation of such portions of the record as refer to that Prisoner.

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

10th September 1851.

of Cuddalore for his information by Peon
returnable within X days from and after the
receipt.

Sent following Rec.pt. No 962

£2 1810.

F. 86.

Thursday, 11th September 1851. At a Court of the Foujdaree Udalut.

—Present—

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

W. Pr. S.r E. P. Thompson Esqre ——— 2d Puisne Judge

Read again Miscellaneous Petitions presented on the 6th January and 27th March 1851 by T. Appiah Vakeel on behalf of Copaudra Comptty of Zillah Tellicherry. (Here enter F. Mis. P. Nos 4 and 49 of 1851.)

Read also Return dated the 23d July 1851 made by the Sessions Judge of Tellicherry to the Precept of the Foujdaree Udalut under date the 1st July 1851 requiring explanation regarding certain statements put forth in the above Petitions.—

(Here enter F. 86. No. 1807 of 1851.)

Under the explanation afforded in the foregoing Return, the Court of Foujdaree Udalut see no necessity for passing further orders in the matter of these Petitions.

Hon'ble G. S. Hooper and Hon'ble E. P. Thompson.

1.

2. The Court observe that appeals are now pending before the Civil Courts from the decisions passed by the Lower Court in the Suits

Suits instituted by the Complainant Juneon against the Petitioner regarding the matter in question, and it will rest, therefore, with the Civil Judge on the determination of those appeals to pass such orders in respect to the Petitioner's claim for restoration to office, as may appear to him proper.—

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

(Sent in No. 913)

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

Read Miscellaneous Petition presented on the 17th and 21st July 1851 by Vaidya Nadhayan of Zillah Combaconum.—

(Here enter J. M. P. Nos. 91 and 93 of 1851)

Mr. G. S. Cooper. 1.

The Court of Sudder Adalut do not think it necessary to interfere in the matter to which these Petitions refer; the mere fact of the Petitioner having been acquitted of the charge preferred against him not being sufficient, as the Petitioner would appear to suppose, to justify the punishment of the persons by whom they were brought.—

2.

The Court accordingly resolve to dismiss these Petitions.—

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

Read Miscellaneous Petition presented on the 28th July 1851 by Chinna Kavanan Narayana Sami Invadeli.—

(Here enter J. M. P. No. 96 of 1851.)

Mr. E. P. Thompson.

The Court of Sudder Adalut refuse to call for the papers referred to in this Petition unless the Petitioner shall satisfy the Court by presenting an Extract from the proceedings of the Sessions Court of Chittoor, to which he should apply for copies of the said papers, that the Sessions Court has declined to furnish him with them.—

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

Read again Criminal Reports submitted by the Sessions Judge of Combaconum for the month of June 1851.—

(Here enter J. M. P. No. 1690 of 1851.)

Read

Read also return under date the 23d August 1851 from the Sessions Judge of Combaconum to the precept of the Tondarce Adalut dated the 26th July 1851 calling for information with reference to the foregoing Criminal Reports.—

(Here enter T. Ab. No. 2035 of 1851.)

The Court of Tondarce Adalut see no necessity for the allowance to certain of the prisoners confined at Tranquebar of 8 grain at the rate of 70 Rupees' weight per diem; 65 Rupees' weight of grain having been found deficient in all the Jails, and they direct that it may be accordingly reduced.—

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Combaconum for communication to the Acting Magistrate of Tanjore.—

(Sent in No. 964)

Read letter dated the 20th Ultimo from the Agent to the Governor of Fort St. George in Tanjore forwarding a Summary or Statement of Criminal Case No. 25 of 1851 on the file of his Court, in which a prisoner, named

named, was tried for "Abduction," and convicted.—

(Here enter T. Ab. No. 2070.)

The Agent suggests a Sentence

1.

of Six months' imprisonment with hard labor in irons.—

The Court of Tondarce Adalut

2.

concur in the Conviction of the Prisoner, but being of opinion, under all the circumstances of the case, that a lighter punishment than that recommended will meet the ends of justice resolve to sentence the prisoner to (3) three months' imprisonment with labour, but without irons.—

Ordered that Extract from these proceedings be sent to the Agent at Tanjore for his information.—

(Sent in No. 965

Read letter dated the 20th Ultimo from the Sessions Judge of Masulipatam submitting for decision by the Tondarce Adalut a question raised by the Magistrate, whether Police Officers when convicted of Extortion may, in addition to imprisonment awarded to them under Clause 2d Section III, Regulation III of 1819, be sentenced under Act XVI of 1850 to pay a fine for the reimbursement

reimbursement of the parties who suffered by their exactions, or if not, how the latter should proceed for the recovery of their property.-

(Here enter F. C. No. 2046 of 1851.)

1. This question being purely hypothetical, the Court of Foujdaree Udalut are precluded from expressing any opinion upon it.-

2. If, as anticipated by the Magistrate, cases should actually arise requiring a decision of the mooted point, it will then be open to that Officer to re-submit this reference.-

Ordered that Extract from these proceedings be sent to the Session Judge of Masulipatam for communication to the Magistrate.-

(Sent in No. 966)

Read letter dated 11th June 1851 from the Session Judge of Rajahmundry - submitting copy of the Persian Futwa in Case No. 14 of 1851 on the Calendar of the Sessions Court.-

(Here enter F. C. No. 1400 of 1851.)

Read Calendar of Case No. 21 of 1851 submitted by the Sessions Judge of Rajahmundry under date the 24th July 1851.-

(Here enter F. C. No. 1906 of 1851.)

Read

11 September 1851.-

Read Statement dated the 30th July 1851 submitted by the Sessions Judge of Honore - shewing the amount realized by the labor of Prisoners in the Jail at that Station during the 2d Quarter of 1851.-

(Here enter F. C. No. 1870 of 1851.)

Read return dated the 14th ultimo from the Sessions Judge of Calicut to the precept of the Foujdaree Udalut under date the 2d Inst. returning the record of the Case No. 120 of 1851 on the Criminal file of the Subordinate Court of Calicut with instructions that the Sessions Judge do forthwith dispose of the appeal preferred by Mr. Forsyth.-

(Here enter F. C. No. 1991 of 1851.)

Read letter dated the 18th ultimo from the Sessions Judge of Cuddapah - reporting the execution of the Prisoner N. C. Bandegadoo in Case No. 26 of the Calendar for 1851.-

(Here enter F. C. No. 1995 of 1851.)

J. 86.

Friday, 12th September 1851. — At a Court of the Tanjadarce Adalut

— Present —

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

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

Read again Calendar of Case No. 16 of 1851 of the Sessions Court of Trichinopoly.

(Here enter J. 86. No. 1946 of 1851.)

Read also Return dated the 2d September 1851 made by the Acting Sessions Judge of Trichinopoly to the precept of the Tanjadarce Adalut under date the 26th August 1851, requiring that Officer to state the grounds on which he recommended a mitigation of the sentence recorded against the Prisoners in the above Case. —

(Here enter J. 86. No. 2102 of 1851.)

1. The Acting Sessions Judge, adverting to the exigency of the Precept of the Tanjadarce Adalut above referred to, states "that there are no "particular palliating features" in the case in question; "but at the same time there are no circumstances of an aggravated nature" - and that "he adheres to the recommendation he has already "recorded, that a mitigation of the penalty to the

"the extent he has recommended is both just and
"expedient."-

2. The Court of Foujdaree Udalut
are unable to concur with the acting Sessions Judge
in his opinion that a mitigation of the penalty to
the extent he has recommended is "both just and
expedient."-

3. The Court observe that the frequent
occurrence of Gang Robberies in the Nellore
District requires that a severe example should be
made of convicted offenders: and with reference to
the acting Sessions Judge's observation that in the
particular case now under consideration "there are
no circumstances of an aggravated nature," the Court
deem it proper to remark, that it is represented
in the charge against the prisoners that the rob-
bery was one by open violence attended with aggra-
vating circumstances, and there is nothing stated
in the remarks either of the acting Sessions Judge
of the Mahomedan Law Officer, from which the Court
could possibly infer that the said charge was proved
otherwise than fully established.- If, as
stated by the acting Sessions Judge, no circumstances
of an aggravated nature were apparent in the case,
it was obviously his duty to have recorded that fact

fact in the sentence: and his failure to do so was
a serious omission.-

4 Under the circumstances now
brought under their notice, the Court of Foujdaree
Udalut direct that the prescribed sentence of 14 years
imprisonment, to which the prisoners are liable,
be mitigated to 10 years' imprisonment with hard
labor in irons.-

5. In future, when recording a sen-
tence the acting Sessions Judge will be pleased to
specify the precise nature of the punishment
to which the prisoner may be liable on conviction,
instead of merely adverting to it as the penalty
prescribed by the Regulations.-

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

(Last following precept No. 941.)

Read report of Cases pending
before the Sessions Court of Nellore for the
month of August 1851.-

(Here enter F. No. No. 2105 of 1851.)

Case No. 18.- The Court of Foujdaree Udalut
observe that the trial in this Case was closed
on

on the 26th July, and that the first Extension was given in until the 7th August, being a period of 14 days. A further period of 14 days appears to have been also required by the Moorsty to deliver his answer to the second question. — The Court of Fouzdaree Udalut require a full explanation of this apparently reprehensible delay. —

Ordered that Extract from these proceedings be forwarded to the Acting Session Judge of Tellicherry for his information and guidance. — Precept returnable within III days from its receipt. —

(Sent following precept No. 972)

Read Calendar of Case No. 54 of 1851 of the Session Court of Chingleput. —

(Here enter F. Mo. No. 2115 of 1851.)

The Court of Fouzdaree Udalut are of opinion that a further mitigation of the prisoner's sentence than that recommended by the Session Judge may in this case with propriety be allowed, and they accordingly direct that the term of his imprisonment be reduced to

Ordered that Extract from these proceedings be forwarded to the Session Judge

Chingleput for his information and guidance. —

(Sent in No. 973)

Read Calendar of Case No. 54 of 1851 of the Session Court of Calicut. —

(Here enter F. Mo. No. 2126 of 1851.)

Adverting to the large amount of property stolen in this case, the Court of Fouzdaree Udalut do not consider that the offence committed by the prisoners would be adequately punished by any sentence less severe than that prescribed by law. The Court must decline, therefore to sanction the mitigation recommended by the Session Judge. —

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

(Sent in No. 974)

L. S.

Certificate of Pardon.
to
Timappa.

Whereas under date the 17th July 1851 the Court of Fouzdaree Udalut were pleased to authorize

Read Calendars submitted by the Session Judge of Cuddalore of Cases Nos. 30-32 and 33 of 1851.-

(Here enter J. C. Nos. 2130-2131-&2132 of 1851.)

Read Calendar of Case No. 32 of 1851 submitted by the Session Judge of Madura under date the 4th Instant.-

(Here enter J. C. No. 2133 of 1851.)

Read Calendar of Case No. 25 of 1851 submitted by the Acting Session Judge of Nellore under date the 4th Instant.-

(Here enter J. C. No. 2135 of 1851.)

Read Order of Government dated 6th September 1851- communicating a letter from the Governor of the Prince of Wales Island and its enclosure transmitting the Annual Return of Executions of Madras Convicts at Malacca &c. for the official year 1850/51.-

(Here enter J. C. No. 2137 of 1851.)

Read Report dated 22d August 1851 submitted by the Subordinate Judge in charge of the Sessions Court of Chittoor of the labor of Convicts in the Jail at Vellore under the charge of the Head Assistant Magistrate of North Arcot for

12th September 1851.—

for the month of July 1851.—

(Here enter J.C. No 2141 of 1851)

Read letter dated 6th Instant from the Session Judge of Cuddapah reporting the execution of the prisoners in Case No 36 of the Calendar for 1851.—

(Here enter J.C. No 2142 of 1851.)

Read letter dated 4th Instant from the Session Judge of Honore, reporting no cases were pending before the Session Court for more than 25 days during the month of August 1851.—

(Here enter J.C. No 2143 of 1851.)

Read letter dated 3d Instant from the Session Judge of Calicut, forwarding Statement received from the Acting Subordinate Judge of Calicut shewing the amount disbursed bringing up the Cash of a convict and that defrayed by the labor of the prisoners and stating that Principal Sudr Ameen of Cochin has claimed such payment to be made Vo. during the quarter of 1851.—

(Here enter J.C. No 2144 of 1851.)

Read return dated 5th [illegible] from the Session Judge of Trichinopoly [illegible]

J.C.

12th September 1851.

precept of the Foujdaree Adalut under date the 29th August 1851 communicating their orders upon the Calendar of Case No 39 of 1851 Masulipatam Sessions Courts file.—

(Here enter J.C. No 2151 of 1851.)

Read Report dated 4th Instant submitted by the Session Judge of Chicacole of Cases pending on the 31st July and committed for trial during the month of August 1851 before him.—

(Here enter J.C. No 2152 of 1851.)

Read Calendar of Case No 50 of 1851 submitted by the Session Judge of Calicut under date the 5th September 1851.—

(Here enter J.C. No 2153 of 1851.)

Read Calendar of Case No 34 of 1851 submitted by the Session Judge of Cuddalore under date the 8th September 1851.—

(Here enter J.C. No 2154 of 1851.)

Read Calendar of Case No 35 of 1851 submitted by the Session Judge of Mangalore under date the 4th September 1851.—

(Here enter J.C. No 2155 of 1851.)—

4 1851.

F. U.

Monday,
15th Sept.r 1857. At a court of the Foujdaree Udalut.

—Present—

G/H/R G. S. Hooper Esq.re ——
W.P. Jr. S.P.J. E. P. Thompson Esq.re —— Puisne Judges.

Read Miscellaneous Petition forwarded by the Session Judge of Tinnevelly from Ungappa Tavan, alias, Aban Khan of Natt Villah.

(Here enter F. M. P. No. 108 of 1857.)

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 sent to the Session Judge of Tinnevelly for communication to Petitioner.

L.d W.

Read Calendar of Case No. 26 of 1857 of the Session Court of Cuddalore.

(Here enter F. U. No. 2127/1857.)

1. On an attentive consideration of the Calendar of this Case, the Court of Foujdaree Udalut see reason to question the justness of the 2.d Prisoner's conviction. The Court accordingly resolve to call upon the

Session

15th September 1854

Session Judge to submit for their consi-
tion translated of such portions of the
record as may appear the said Sessions
and the Session Judge will at the same
time be pleased to state more fully, the
grounds on which his conviction of the
Prisoner is based.

Ordered that Extract
from these Proceedings be forwarded to the
Session Judge of Cuddalore for his
information and guidance by Peon
returnable within X days from date
its receipt.

/ Sent following Receipt 2/1777

24?

Tuesday

16th September 1851.

F. U.

At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper Esquire ——— } Puisne Judges
C. P. Thompson Esquire ———

W.S. pr E.P.T.

Read letter dated 3rd September 1851 from the Subordinate Judge in charge of the Sessions Court of Chittoor forwarding copy of a letter from the Subordinate Judge, in which he requests that the Foujdaree Udalut may be informed that he reported the re-apprehension of the Convict ... Arnachella Padiachy on the 17th June, the same date on which, by the arrival of the Convict, he was first made acquainted with the fact.

(Here enter F. U. No. 2116 of 1851.)

1. A report of the apprehension of the Prisoner referred to was received on the 20th June 1851, but was lost sight of when the letter from the Sessions Judge dated 17th July 1851 was brought under the consideration of the Court. This oversight led to the call for additional information made in the Proceedings of the Court of Foujdaree Udalut on the 29th July 1851, and eventually to the remarks contained in the 3rd Para: of the Proceedings dated 23rd August 1851.

2. The authorities at Chittoor are, under these circumstances, entirely exonerated from

16th September 1851 from blame.

Ordered that Extract from these Proceedings be sent to the Officer in charge of the Jaffna Court at Chilaw for his information and communication to the Subordinate Judge.

/Sentence No. 978/

Read Supplemental Return dated the 22d August 1851 from the late Sessions Judge of Chilaw to the Precept of the Court of Fouzdaree Udalut under date 8th Idem, directing him to call upon the Subordinate Judge for a full explanation of the manner in which the Prisoners therein referred to are employed, and how the strength of the Extra guard is regulated, and to forward a ground plan of the Jail.

/Here enter S.H. No. 203 of 1851/

25. Peons permanent Jail guard
25. Ditto Extra or working Do
50.
12. Lepoys - Military Do

The Court of Fouzdaree Udalut are of opinion that under proper arrangement the present strength of the guard would be found ample. They observe that the Guard Posts are unnecessarily numerous, the time the Peons are on guard is unusually short, and they cannot consequently recommend to the Government to sanction the entertainment of additional Peons.

Ordered that Extract from these Proceedings be forwarded to the Officer in charge of the Jaffna Court at Chilaw for his information.

/Sentence No. 979/

16th September 1851.

Read letter dated 23d Ultimo from the Acting Sessions Judge of Salem submitting for the final Judgment of the Fouzdaree Udalut the Record of Case No. 26 of 1851. of the Calender of the Sessions Court.

/Here enter No. 2166./

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 prisoners.

1st Vaittoova Coolieu
and
2nd Sanar Penny Vroopeen

are not convicted on presumptive proof, or on their own evidence of credible witnesses, or on their own confessions, of the Crime charged, do acquit them thereof, and direct that the Prisoner

2nd Sanar Penny Vroopeen.

be unconditionally released.

But considering that strong suspicion though not amounting to conviction attaches to the Prisoner

1st Vaittoova Coolieu

they direct under the provisions of Clause Sixth Section II. Regulation XV of 1803, that he be required to find two Sureties in 30 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 Court of Fouzdaree Udalut have concurred with the Law Officer in acquitting the.

16th September 1851 the Prisoners of the crime laid to their charge; and they observe, that the discrepancies in the testimony of the three Prosecutors and their three Witnesses are so many and so great as to render their evidence unsafe for conviction.

2. The only evidence, the Court observe, that bears the semblance of truth is that of the 1st Prosecutor given on the 26th July, ten days after the occurrence of the Robbery, when he stated that the recognised the 1st Prisoner, and on others on the night in question, and this statement is corroborated by the reports of the Village Police written on the 24th July, and by the issue of the warrant for the apprehension of the 1st Prisoner on the 25th idem.

3. On the above grounds the Court of Foujdaree Adalut have acquitted the Prisoners, but as from the foregoing circumstances of suspicion attaches to the first Prisoner, he has been required to furnish two securities in the sum of Rupees 50 for his good conduct and appearance for three years.

Ordered that Extract from these Proceedings be forwarded to the acting Superintendent of Salem for his information and guidance

Sent in No. 980

F. A.

Wednesday 17th September 1851

At a Court of the Foujdaree Adalut.

Present

M. S. Hooper Esqre 1st Puisne Judge

E. P. Thompson Esqre 2nd Puisne Judge

Read the following Letter dated the 14th August 1851 from the Session Judge of Chittoor.-

(Here enter F. A. No. 1967 of 1851).

1 The Session Judge with the above communication submits for the consideration of the Court of Foujdaree Adalut copies of a correspondence which has passed between the Subordinate Judge and himself regarding the disposal by the former officer of a Petition addressed to him by the Prosecutor in Case No. 18 of 1850. of the Session Court of Chittoor claiming certain articles of jewels recovered in that case.-

2. It appears in the present instance, unnecessary to enter into a detailed statement of the case out of which this reference arose: it is sufficient to state that the question involved therein is one regarding the construction to be placed on Foujdaree Adalut Circular Order No. 71 dated the 8th July 1836. B.- the Subordinate Judge

Judge, on the one hand, being of opinion that accord
to the spirit and intention of that order, it is the
duty of the Judge presiding over the trial of any
case of robbery or theft to determine as to the mode
of disposing of the property alleged to have been
stolen; while Mr. Lowell, the late Civil Judge,
on the other hand, considers that, by the latter
part of that order, he was justified in returning
certain stolen property for disposal by the
Subordinate Criminal Judge" according to the
usual practice in such cases.-

3. The Court of Foujdaree Adawlut
are of opinion that the late Session Judge was
wrong in the several orders which he issued to the
Subordinate Criminal Judge in the matter in
question.-

4 The officer who tries the case in
which property has been produced is, necessarily,
the most competent person to determine as to the
manner, in which, and the party to whom, the
same should be restored and the Court consider
the provision of Foujdaree Adawlut Circular Order
No. 71 to be clear and decisive upon this point.

5. The Subordinate Judge in charge
will accordingly now take measures for disposing
of the property in question in such manner as

17th September 1851.

may deem just and fitting.-

Ordered that Extract from these
Proceedings be forwarded to the Subordinate Judge
in charge of the Session Court of Chittoor for
his information and guidance.-

(Sent in No. 983.)

2d Ditto.

Read Letter from the Agent
to the Governor of Fort St. George at Kurnool
Mungala Gungadoo dated 29th August 1851 submitting a report of
for the trial of the Prisoner specified in the margin
Gang Robbery (Here enter F. C. No. 2144 of 1851).

It does not appear from this
report whether evidence was taken upon the
Trial of the Prisoner in this case to prove
that the crime with which he was charged
and which he confessed was actually committed
Should the former Proceedings have led the
Agent to overlook the necessity of this measure
he will now be pleased to supply the omission
and, having examined Witnesses to the commission
of the robbery in the Prisoner's presence, to
take down any statement, which the Prisoner
may desire to make forwarding all the
depositions given by the Prisoner with Translations
to the Court.-

Ordered that Extract from these
Proceedings

17th September 1851

Proceedings be sent to the Agent to the Governor of Fort St. George at Kurnool by precept returnable within X days from and after its receipt.

(Sent following Precept No. 904)

Ex 18d.

L.C.

Thursday

18th September 1851. At a Court of the Poujdaree Adalut

Present

G. A. Hoopes Esqre. 1st Puisne Judge

C. P. Thompson Esqre. 2d Puisne Judge

Read Calendar of Case No. 28 of 1851.

of the Session Court of Rajahmundry.

(Here enter L.C. No. 2161 of 1851.)

The Court of Poujdaree Adalut do not consider that the offence committed by the Prisoners in this Case would be adequately punished by less than two years imprisonment with labor suited to her sex in the case of the first Prisoner, and two years imprisonment with hard labor in irons in that of the 2d Prisoner. The Session Judge will be pleased to issue his warrants accordingly.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Rajahmundry by Precept returnable within 3 days from and after its receipt.

(Sent following Precept No. 905)

Read Miscellaneous Petition presented on the 7th August 1851 by Vennapa Goundly of Villach of Chinglepat.

(Here enter P.C. No. 98 of 1851)

The Court of Poujdaree Adalut resolve to direct that the English Translation

of

G. A. Hoopes
Ag.

of the Petition be forwarded to the Sessions Judge of Chittoor with instructions to that effect to ascertain whether the Petitioner's assertion is correct that he has been refused Copies of the orders passed in his case.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Chittoor for his information by express returnable within days from and after its receipt.

(Sent following Cowlt No 2205)

Read Letter dated the 29th August 1851 from the Sessions Judge of Cuddapah submitting with certain observations the Calendar of Cases of 1851 on the file of the Sessions Court.

(Here enter Cdr No 2205 of 1851)

1. In the above case the prisoner charged with attempt at Robbery has been by the Sessions Judge sentenced to imprisonment with hard labor in irons for years in the Cuddapah District to which he may be removed by order of the Sessions Judge.

2. The Court of Sessions after confirming the sentence passed by the Sessions Judge in this Case, and they direct that the same be carried into effect in the Gaol at

3. And attending to the remarks that Officers in the communication above from the Court observe that

Ld.

18th September 1851.

of the law as laid down in Evidence Extract from Order dated 22nd September 1843 No 153, they consider it was fully competent to the Magistrate without previous reference to the Sessions Court to direct the Batavians Sabordinate to grant the Prosecutor a reward of Rupees 35 for his courageous resistance to the Robbers

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

(Sent in No 984)

Read Calendar of Case No 24 of 1851 submitted by the Sessions Judge of Tinnevelly dated 11th September 1851.

(Here enter No 2203 of 1851)

Read Criminal Reports dated 7th September 1851. submitted by the Sessions Judge of Rajahmundry for the month of August 1851.

(Here enter No 2208 of 1851)

Read Letter dated 15th September 1851 from the officiating Sessions Judge of Salem returning the death warrant in Case No 24 of 1851.

(Here enter No 2210 of 1851)

Read Extract from the Proceedings of the Sessions Court of Rajahmundry dated 26th August 1851. held on Cases Nos 16. 17. & 19 of 1851. on the file of that Court.

(Here enter No 2184 of 1851)

Read

L:U:

18th September 1851.

Read Criminal

1st September 1851. submitted by the

of Contravention for the Search of

Stolen cattle

Ds 18/0

Friday

L:U:

5th September 1851. At a Court of the Land Arbitrators Adalut

Present

G: A: Hoopes Esqr 1st Puisne Judge

C. P. Thompson Esqr 2d Puisne Judge

W. for W. K. W: A: Morehead Esqr 3rd Puisne Judge

Read letter dated the 1st September 1851 from the Agent to the Governor of Fort Saint George at Kurnool submitting for the consideration and final judgment of the Court of Land Arbitrators Adalut the Record of Case No: 20 of 1851.

(Stamp entered L:U: No: 2185 of 1851.)

1. Before taking the above Record under their consideration the Court of Land Arbitrators Adalut deem it necessary to return the same to the Agent for amendment.

2. The Court observe that the witnesses whose names appears in red ink in the Assistant Agent's Proceedings are erroneously referred to according to their position in that Officers Calendar instead of according to their number in the Calendar of the Agent. For instance Venguamah, who was subsequently made the Prosecutrix before the Agent, is denoted in red ink in the Assistant Agent's Proceedings as the 1st witness, and Pedda Cannama, the 3rd witness in the Agent's Calendar is similarly denoted as the 2nd witness

3. Again in the Agent's Proceedings

it

L:L.

19th September 1851.

it is observed that that office be
to particularize in red ink the
by the defendants, and must confine
by the names of the witnesses being
the Proceedings. The Court also observes
the name of any individual who be
examined before any of the tribunals
in any part of the Proceedings be
his not having been examined
in the margin ..

Ordered that the
these Proceedings be forwarded to the
the Governor of Fort St. George
by Tuesday next returnable within
after six weeks ..

/ Sent following Proceedings
Read letter dated
of 1851 of the Sessions Court of
/ Have entered L:L
1. The Court of Sessions
opinion of the recommendation
Judge in this Case that the
to the first Division on his records
Robbery be mitigated to 5 years
hard labor in irons and the Sessions
authorised to issue his warrant
Ordered that
Proceedings be forwarded to the

L:L.

19th September 1851.

1856 of 1851.
A. Forsyth Esq.
Versus
Connolly and 2 others.

Coimbatore for his information and guidance ..

/ Sent in No. 991.)

Read letter dated 6th September 1851.
from the Sessions Judge of Calicut submitting for the
Orders of the Court of Enquiry detailed at the instance
of the Acting Subordinate Judge an Extract from
his Proceedings dated 5th September 1851 calling upon the
latter Officer to explain a remark contained in his
decision in the case noted in the margin ..

/ Have entered L:L No. 2157 of 1851.)

1. It appears that the Prosecutor by
petition, prayed the Sessions Judge to call upon
the Acting Subordinate Judge to explain a remark
in his decision, which the Joint Magistrate and
the Spectator Newspaper had referred to as insinuating
that the prosecutor had been a party to a conspiracy
against the 3rd Prisoner ..

2. In his Proceedings dt. 5th instt. after
reciting at length the said Petition including
the remarks of the Editor of the Spectator and of
the Acting Subordinate Judge observes "the language
of the foregoing para in the Subordinate Judge's
decision" is certainly very vague and has led the
Joint Magistrate to observe" &c. to that the Court
deems it due to the Prosecutor to call upon the
Acting Subordinate Judge for explanation ..

3. The Acting Subordinate Judge
in his return stated that "he did not mean
to

19th September 1851.

to convey to him that the Magistrate attached to it was cognizant of the intended application accompanied that return with a letter stating the comments of the Court thereupon of a News paper having made the charge upon him for extortion and requesting the matter might be referred to the Court of Udalut ..

4 The Court of Enquiry having considered the charge preferred by the Police on occasion to have been most ingeniously and artfully framed by them. They are at a loss to understand upon what principle the comments of a News paper upon remarks of the Court of Magistrate can be considered by the Police to require his calling upon the Subordinate Judge to discover the writer of the expressions used by him when clearly it was not his intention to convey, and fully to make some allowance for the spirit of the Petition by the Complainant, the Court find no cause whatever for the charge of judgment displayed by the Police in complying with it.

Ordered that the Petition of these proceedings be forwarded to the Sudder Judge of Cuttack for his information and for communication to the Presiding Judge of Cuttack.

Entered No 993

Saturday 20th September 1851.

L. 4

At a Court of the Enquiry Udalut.

Present

G. A. Hoopes Esqr. 1st Puisne Judge

C. V. Thompson Esqr. 2nd Puisne Judge

W. A. Morehead Esqr. 3rd Puisne Judge

Read letter dated 12th Instant from the Session Judge of Chittagong submitting at the instance of the Magistrate the following questions 1st whether a charge for extortion preferred against Native Officers of Police may be presented before a Magistrate at any period at the option of the complainant without limitation of time - 2nd whether a Complainant knowingly false and vexatious may be the charge of extortion preferred by him against a Native Officer of Police, is not punishable at all & 3rd whether with reference to the observation contained in Circular Order 6th April 1820 that the only alteration in the law produced by the rescission of Sections XLIV and XLV Regulation XI of 1816 and the enactment of Section III Regulation III of 1819 is the extension of the measure of punishment in certain Cases the other provisions of Section XLIV and XLV aforesaid are to be considered as still in force.

(Here Entered L. 4 No 2199 of 1851.)

The Court of Enquiry Udalut observe 1st. that no lapse of time between the date of the act charged and the Complaint delays

L:U:

20th September 1851.

debars a Magistrate from issuing and
of oppression extortion or abuse of authority
Officers of Police ..

2nd That a person making a false
charge on solemn affirmation before
is liable to be tried for perjury and

3rd That Sections 44 & 45 of Regulation
been rescinded some of the provisions
can forfeitly be in force ..

With reference to
the Court above to observe that the
under consideration in Criminal Case Eji
5th April 1820 was whether under Regulation
1819 it was competent to a Criminal Judge
in the first instance charges of the
refused to, and that the Sessions Judge
the Magistrate and Sessions Judge
reference solely to the point in dispute
of the Court of Sujdaree Adalut and
a Criminal Judge could only entertain
abuse of authority against Officers of the
when brought before him by way of

Ordered that Extract
proceedings be sent to the Sessions
Masulipatam for his information and
Communication to the Magistrate ..

Sent in N:995

Read the following letter
1st September 1851 from the Sessions Judge

L:U.

20th September 1851.

Masulipatam

Have entered L:U: N:2122 of 1851.

1. With the above letter the Sessions Judge submits for the consideration and Orders of the Court of Sujdaree Adalut copy of a communication from the Magistrate of Masulipatam, in which the question is raised, whether it is competent to the Magistracy to punish Cases of abuse of authority by Police Officers under Section VII Regulation X of 1816, as extended by Section XIV Act VII of 1843, when the punishment authorized by Clause Second Section III Regulation III of 1819 may appear inadequate to the offence ..

2. The Court of Sujdaree Adalut answer the foregoing question in the negative Regulation III of 1819 being the only enactment under which, in this opinion, the Magistracy can legally deal with Cases of the nature referred to

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 N:996

Read Extract from the Proceedings of the Sessions Court of Guntoor dated 23rd & 26th August 1851. remarking upon the conduct of the Head of Police and on the delay in the transmission of the Sessions Cases N:19-20-21-& 22 of 1851 to Court ..

Have entered N:2089 of 1851.

Read

E:U.

20th September 1851

Read triennial report B submitted by the acting Assistant Judge of Belfast for the month of August 1851.

(Here enter No. 2218 of 1851.)

E:U.

20th September 1851

Read triennial report B submitted by the acting Assistant Judge of Belfast for the month of August 1851.

(Here enter No. 2187 of 1851.)

Read letter dated from the Assistant Judge of Belfast and dated the 13th instant directing amendment of the entries and calling for the proceedings held in Case No. 101 on the triennial file for

(Here enter No. 2194 of 1851.)

Read letter dated 1851. submitted by the Assistant under date the 12th instant 1851.

(Here enter No. 2[illegible] of 1851.)

Read letter dated 1851. submitted by the Assistant under date the 13th instant 1851.

(Here enter No. 2197 of 1851.)

Read letter dated from the Assistant Clerk of Crown and Peace held in Carrickfergus No. 19-20-21 and 22 of that Court

(Here enter No. 22[illegible] of 1851.)

F. Va.

Monday
29th September 1851. At a Court of the Foujdaree Udalut

Present.

Sd/- G. S. Hooper Esqre. ——— 1st. Puisne Judge.
Sd/- C. P. Thompsow Esqre. ——— 2nd. Puisne Judge.

Read Calendar of Case No. 25 of 1851 of the Sessions Court of Salem.

(Here enter F. Va. No. 2169 of 1851)

Before confirming the sentence passed in this case, the Court of Foujdaree Udalut 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 Salem, for his information and guidance; by precept returnable within XX days, from and after its receipt.

(Sent following precept. No. 999 —.)

Read Calendar of Case No. 30 of 1851 on the file of the Sessions Court of Mangalore.

(Here enter F. Va. No. 2074 of 1851)

The

1. The Prisoner in this case having been convicted of wounding Ramalinga in the throat with a knife has been sentenced by the Sessions Judge to seven years' imprisonment with hard labor in irons under the provisions of Clause 1st Section II Regulation XII of 1823.

2. This sentence appears to the Court of Foujdaree Udalut to be adequate for the offence of which the prisoner has been convicted and which the Court fully consider a continuance of the punishment with hard labor in irons.

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

(Sent in Nº 1100)

Read Criminal Letter submitted by the Agent to the Governor of Fort St. George in Council for the month of July 1851.

(Here enter F. Dº. Nº 2350 of 1851)

Principal Assistant Agent Tellicherry Case Nº 10.

The Court of Foujdaree Udalut observe that the provisions of

of 1843 quoted as the authority for the sentence passed in this case, have no reference to the offence of which the prisoners have been convicted and are not in force in this Presidency.-

2. The Court direct that the Calendars may be corrected by the insertion in it of the appropriate provisions of the Law.

Ordered, that Extract from these Proceedings, be forwarded to the Agent to the Governor of Fort St. George in Council for his information and guidance.-

(Sent in Nº 1001)

Read again letter under date the 19th. July 1851 from the Sessions Judge of Tellicherry forwarding the Calendars of Petty cases disposed of by the Joint Magistrate of Malabar during the 1st. Quarter of 1851.-

(Here enter F. Dº. Nº 1795 of 1851.)

Read also return under date the 26th. August 1851 from the Sessions Judge of Tellicherry to the precept of the Foujdaree Udalut dated the 11th. August 1851 requiring

that

22nd. September 1851.

That Officer to recommend a report on the proceedings of the Joint Magistrate in Cases Nos 1 and 2 in the Calendar of persons furnished during the 1st Quarter of 1851.

(Here enter F. No. & No. 2053 of 1851.)

Case No. 1. 1. The Court of Sanjidarree Adalut observe that in all cases of resistance to Magistrates process such as is of Clauses of Section XVIII Regulation IX of 1816 as may be applicable to the circumstances of the case should be invariably quoted in support of the sentence passed.

Case No. 2. 2. It appears that the only fine collected in this case was one of Rupees 5, and the Calendar in which the amount of fines is entered at Rupees 32 should be corrected accordingly.

3. The Court direct that the amount of the fines collected in these cases be carried to the credit of Government.

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Pettiahpoor for his information and guidance, and for communication to the Joint Magistrate of Malabar.

(Sentence No. 1002)

F. No

22nd. September 1851.

Read Miscellaneous Petition presented on the 15th. August 1851 by Vadamaley Sawrimuttoo Chetty and two others of Hillah Cuddalore.

(Here enter F. No. P. No. 1044 of 1851.)

Mr. Ogilvie Harper 1. The Petitioners pray that orders
and may be issued for the payment to them of the
Mr. Ed. Thompson sale proceeds of certain property taken from them in 1837 when they were tried on a charge of Highway robbery and sentenced to Fourteen years imprisonment.

2. The Court of Sanjidarree Adalut observe that the Petitioners if dissatisfied with the orders stated to have been issued by the Magistrate in this case, should appeal to the Sessions Judge.

3. This Petition is accordingly dismissed.

Ordered that Extract from these Proceedings be given to the Petitioners in this application.

Read letter under date the 19th. August 1851 from the Sessions Judge of Masulipatam forwarding the Calendars of Jail cases disposed of by the Magistracy during

22nd September 1851.

during the 2nd Quarter of 1851.

(Here enter P. Ob. No 2062 of 1851)

Calendar of persons punished.

Cases No. 1 to 4

The Court of Enquiry Adelaide observe that the sentences passed in these cases are altogether inadequate for the offences proved and think that the cases should have been committed to the Criminal Court for trial.

Ordered that Warbrick from these Proceedings be forwarded to the Resident Judge of Murundi for his information and for communication to the Magistrate

(Std in No 1003 of 51)

Ex 1819

F.W.C.

Tuesday,
23rd September 1851. At a Court of the Fouzdaree Adalut.

Present.

G.H.C. — G. S. Cooper, Esquire — 1st Puisne Judge.
H.M. for S.P.J. C. D. Thompson, Esquire — 2d Puisne Judge.
W.P. for W.R.M. W. A. Morehead, Esquire — 3d Puisne Judge.

Read letter dated the 12th Instant from the Agent to the Governor of Fort St. George at Vizagapatam submitting a Summary Report of a Criminal Trial held before him in which three Prisoners were charged with Housebreaking and theft and a fourth with having received a portion of the stolen property knowing it to be such.

Pers Entry F.W.C. No. 2215 of 1851.

The Agent convicts all the Prisoners and recommends them to be severally sentenced to (3) Three years Imprisonment with hard labor in irons, the first

first Class

Vangalavatty Muthalar

Vangalavatty Ramasamy

Gadalal Vannaiah.

under Section XXI, Regulation

802 and Clause second, Section

Regulation I of 1825, and Chap

Bullock Corrigal

under Clause third, Section

Section VI of 1832.

2. The Court of

Natesayen in the amount

the Petitioner under petition

from the sentence pronounced by

Agent.—

Ordered, that

from the Proceedings be sent

Agent to the Commissioner of

Ceded & Conquered Dis

information.—

/True Extract No 1001

Read the Application

dated the 15th Instant from the

Judge

the Tongdaree Adalut under date the 22d August 1851 conveying their observations and orders on the Calendar of Petty Cases disposed of by the Magistracy during the 2d Quarter of 1851.—

/Here Enter F. No. 2224 of 1851/-

Read Calendar of Cases No. 23 of 1851 submitted by the Sessions Judge of Guntoor under date the 17th Instant.—

/Here Enter F. No. 2237 of 1851/-

Read Calendar of Cases No. 19 of 1851 submitted by the Sessions Judge of Tinnevelly under date the 17th Instant.—

/Here Enter F. No. 2242 of 1851/-

Read letter dated the 18th Instant from the Sessions Judge of Coimbatore forwarding duplicate copies of the lists of two Convicts sent to the Head Assistant Magistrate of Malabar at Palghaut.—

/Here Enter F. No. 2244 of 1851/-

F. 11.

Wednesday
24th September 1851 } At a Court of the Tonjdaree Adalut

Present

The Hon'ble G. S. Hooper Esqre
The Hon'ble C. P. Thompson Esqre
The Hon'ble W. A. Morehead Esqre
} Puisne Judges

Read letter dated 18th Instant from the Sessions Judge of Madura, submitting for the final judgment of the Tonjdaree Adalut the record of Case No 33 of 1851 of the Calendar of the Sessions Court.

/Here Enter P. C. No 2256 of 1851/

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

1st Alagia Perouchethumbalam pillay

and

2d Saivooga permal pillay

is sufficient to convict them of an aggravated assault, 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 them

The Hon'ble W. A. Morehead

24th September 1851

them to be instructed and kept at
labor in Prison on the public roads
public works for and during the pe
one year.

/ Levi Lincoln /

Lt. Governor

F. No

Thursday.

25th. September 57. At the Court of the Fouzdaree Adawlut.

Present.

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

C. P. Thompson Esqre. ——— 2nd. Puisne Judge.

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

(Read Miscellaneous Petition forwarded by the Sessions Judge of Calicut from Cholakara Chinnien Nammitavan of that Dillah.

(Here enter F. M. P. No 113 of 1857.

Mr. C. P. Thompson J. The Court of Fouzdaree Adawlut see no reason whatever to question the correctness of the Petitioners conviction of the offence laid to his charge in Cons. No IV of 1857 on the file of the Sessions Court of Calicut; inasmuch as he is proved to have taken a leading part in the affray which was attended with murder, the sentence passed upon him appears to the Court extremely lenient.

2. The Court of Fouzdaree Adawlut resolve to dismiss the Petitioners application.

Ordered

F. 116

Thursday.-

25th. September 1857. At the Court of the Fouzdaree Udalut.-

Present:

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

E. P. Thompsow Esqre. ——— 2nd. Puisne Judge.

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

(Read Miscellaneous Petition forwarded by the Sessions Judge of Calicut from Cholakore Chinnien Pannikaren of that Dillah.-

(Here enter F. M. D. No. 113 of 1857.)

Mr. E. P. Thompsow J. The Court of Fouzdaree Udalut see no reason whatever to question the correctness of the Petitioners conviction of the offence laid to his charge in Case No. IV of 1857 on the file of the Sessions Court of Calicut, and as he is proved to have taken a leading part in the affray which was attended with murder, the sentence passed upon him appears to the Court extremely lenient.-

2. The Court of Fouzdaree Udalut resolve to dismiss the Petitioners application.-

Ordered

25th September 1851.

Ordered, that Extract of these Proceedings be forwarded to the Acting Judge of Calicut for his information and communication to the Petitioner.

(Sent in No 1010)

Read Miscellaneous Petition presented on the 24th July 1851 by Pallia Naiken of Dillah Sumeroolly.

(Here enter F. No. 96. No 94 of 1851.)

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

The Court of Foujdaree Udalut see no reason to question the justness of sentence passed upon the Petitioner in Case No 5 of 1850 of the Sessions Court of Sumeroolly: and this application for release is accordingly rejected.

Ordered that Extract of these Proceedings be given to the Petitioner on his application.

Read Miscellaneous Petition presented on the 8th September 1851 by Patchie Esqre Vakeel on behalf of Pumasawmy of Dillah Salem.

(Here enter F. Mr. P. No 131 of 1851)

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

The Court of Foujdaree Udalut

25th September 1851.

cannot admit the validity of any of the objections advanced by the Petitioner's Vakeel to the sentence passed upon the Petitioner in Case No 13 of 1851 on the file of the Sessions Court of Salem.

2. The Court of Foujdaree Udalut observe that the Petitioner was indicted under the provisions of the general regulations and not under the Special enactment or (Regulation IX of 1822) adverted to by the Vakeel.

3. The Court of Foujdaree Udalut have ruled that it is contrary to the practice of the Court to hear Vakeels orally in support of Petitions presented by them in Criminal cases.

4. The Court of Foujdaree Udalut resolve to dismiss this Petition.

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

Read Miscellaneous Petition forwarded by the Acting Sessions Judge of Salem on behalf of Pumasawmy Moodely late

25th September 1851.

late Post Office writer at Salem in the
of Salem.

/ Here enter F. Dc. M. P. No. 118 of 1851 /

Mr. G. S. Hooper. 1.

The object of this Petition
to induce the Court of Fouzdaree Adaw
to set aside a sentence of 3 months imprison-
ment passed by the Magistrate of Salem
on Petitioner, and to direct the restoration
that individual to the above situation
which he has recently been dismissed
account of alleged frauds in the Post
Department.

2.

The Court of Fouzdaree A
see no grounds for their interference
-ers behalf, and accordingly dismiss the
Petition.

Ordered, that Extract
these Proceedings be forwarded to the
Sessions Judge of Salem for his inform
and for communication to the Petitioner.

/ Sent in No. 1011 /

Read Miscellaneous Petition
presented on the 10th July 1851 by Subba Sa
of Vellala Tinnevelly.

/ Here enter F. Mo. P. No. 85 of 1851 /

F. Dc.
25th September 1851.
Mr. G. S. Hooper.

1. This is an application for the
reversal of the sentence of two years' imprison-
-ment with hard labor in irons recorded
against the Petitioner's brother in law, Prisoner
in Cases Nos. 120 and 121 of 1851 on the file
of the Criminal Court of Tinnevelly.

2. Before passing their final
orders on the foregoing Petition the Court
of Fouzdaree Adalut deem it proper to
direct that translations of the Record of the
above two cases be prepared and submitted for
their consideration. The Court further direct
that pending their final instructions the
Prisoner be detained in custody without
labor and without irons.

Ordered that Extract from
these Proceedings, be forwarded to the Sessions
Judge of Tinnevelly by precept return-
-able within XV days, from and after its receipt.

/ Sent following precept No. 1012 /

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

Read letter dated 1st September 1851
from the Sessions Judge of Masulipatam
submitting

submitting for the final Judgment of the
Sadr Udalut the Record of Case No. 1[illegible]
the Calendar of the Sessions Court
(Hooghly No. 2120 of 1857)

Mr. G. L. Cooper.

The Court of Foujdaree Ud
on a deliberate consideration of all the ev
ence of the case as evidenced before them, the
opinion that the proof against the pris
1st. Ankoor Bhadra Chattopadhyay alias
Chandra Chattopadhyay.
2nd. Vedavyasa Ramadhyany.
3rd. Ramratan Banerjee
4th. Nimbe Bhadhuradey.
and
5th. Dantanlah Chattopadhy
is sufficient to convict them of the crime
Highway Robbery and Kidnapping, and
them thereof under the provisions of
third and fifth Section IV Regulation
1808, and Section XXXIX. Act VII of 1843, and
them to be imprisoned and kept to hard
labor in irons on the public roads or o
public works for and during the term
of [14] fourteen years.

1. The Court have no hesitation in declaring that it is impossible to peruse the record of this Trial without being impressed with a strong persuasion that the outrage in question was perpetrated at the instigation and by the orders of the Nozeed Zemindar; altho' there may be no legal and positive proof of the fact, nothing can be more improbable than that the servants of that individual should have dared to commit such acts without his knowledge and consent - and there are many circumstances in the case that lead to the same conclusion.

2. There is also the strongest reason to suspect that the Duffadars and Peons deputed to trace out the missing people and property, were guilty of improper conduct in the affair, and that there was an understanding between them and the persons who brought the witnesses to the Jungle where they were discovered, in consequence of which, the said persons were allowed to escape, when they might have been seized on the spot.

3. The Court of Foujdaree Udalut fully concur in the opinion recorded by the Sessions

25th September 1851.

Sessions Judge in this case that a "most searching enquiry" should be instituted by the Magistrate into the conduct of the Police in this matter and that every effort should be made to bring, if possible, all the perpetrators of this most daring and flagrant outrage to punishment they deserve.-

4. The Court direct that after the close of the enquiry now directed the Magistrate will report to the Foujdaree Udalut whether he is of opinion that the Duffadars and Peons connived at the escape of the persons who robbed the witnesses to the gungle in which they were

5. The Magistrate will also be required to report for the information of the Court Foujdaree Udalut what further steps he may have taken to bring to justice the rest of those concerned in this robbery and what has been the result.

Ordered that Extracts from these Proceedings be sent to the Sessions Judge of Masulipatam for his information and for communication to the Magistrate by Jemadar returnable within XX days from and after the receipt of this following Precept No 1003

No 1820.

F. U.

Friday —
26th September 1851. } 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 again Report of Cases pending before the Sessions Court of Nellore for the month of August 1851.

(Here enter F. U. No. 2105 of 1851)

Read also Return dated the 13th September made by the Acting Sessions Judge of Nellore to the Precept of the Foujdaree Udalut dated 12th September 1851 requiring an explanation of the delay in the delivery of the Futwa in Case No. 18 of 1851 entered in the above Reports.-

(Here enter F. U. No. 2229 of 1851)

The Court of Foujdaree Udalut do not consider the explanation of delay afforded in the foregoing Return altogether satisfactory. and they are of opinion that much of it might have been avoided had

had the Acting Sessions Judge and the Ad
each taken their notes on the trial as it proce
and adverting to the Acting Sessions Judge's
mark that a delay of two days in the deliv
of the 2nd Futwa was occasioned by the inte
vention of native holy days, the Court observe that holidays
granted to the obstruction of Criminal busine

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

(Sent in No. 1014.)

Read letter from the Sessions
Judge of Chingleput dated 4th September 185
requesting, with reference to the Proceedings
of the Court of Foujdaree Udalut under da
2nd Idem, to be informed whether it is consid
incumbent, with reference to the Minute of
Consultation dated 16th August 1849, to requ
the Zillah Surgeon regarding the evidence
to be adduced in every case of the unsound
ness of mind of an accused person, or only in
any particular case of a doubtful nature.

(Here enter F. No. 2104 of 1851)

The Court of Foujdaree Udalut
observe that it is the wish of the Government
that the Zillah Surgeon should be examined
on all occasions, and, consequently, even when
the attendance of that Officer may appear
to be a mere matter of form, it cannot be dis-
pensed with.-

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

(Sent in No. 1015.)

F. 216.

Saturday
27th September 1851 } At a Court of the Foujdaree Udalut

Present

G. S. Harper Esqr. — 1st Puisne Judge

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

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

Rajahmundry
Cuddapah
Vellore
North Arcot
Chingleput
South Arcot
Salem
Coimbatore
Trichinopoly
Tanjore
Madura
Tinnevelly
Calicut
Mangalore

1 It appears from the Criminal returns for 1850 that in the Districts noted in the margin the District Police received and disposed of charges of abuse of authority preferred against the Subordinate Officers of the Police. The Circular Order of the Foujdaree Udalut dated 20th March 1834. A. prescribes that every complaint of this nature shall be invariably fully investigated by the European Magistracy, and the Court of Foujdaree Udalut direct that the Sessions Judge be directed to call upon the Magistrate for explanation upon the subject.

2 The Sessions Judge of Chittoor will also be pleased to call upon the Magistrate for an explanation of the great increase

of

of Cases of this description appearing in
his return for 1850 and then reported with
Ordered that Extract from
Proceedings be sent to the Sessions Judge
by Receipt returnable within XV days from
after its receipt.

Sent following Receipt No. 1
Read letter dated the 6
from the Agent to the Governor of Fort St
at Vizagapatam submitting an abstract of
held in a trial in which seven Prisoners
Convicted; the 1st, 2d and 3d being charged with
and the 4th, 5th, 6th and 7th with having receive
portions of the stolen property knowing
to be such.

Answered F. P. No. 2107 of 1851

Read also the Agent's letter
12th September pointing out certain irre
above Commitments.

Answered F. P. No. 2212 of 1851

The Agent considers the
3d, 1st, 2d and 6th Prisoners guilty of the offe
with which they have been respectively
but being of opinion that the evide

is not sufficient for the conviction of the 6
and 7th he has directed their unconditional
release.

2 The Court of Foujdaree Udalut
concur in the conviction of the 1st, 2d, 4th and 5th
Prisoners and resolve to sentence them as proposed
by the Agent; namely the Prisoners

1st Malakah Runjigandoo..

2d and Chadooloory Juganaickooloo..

to imprisonment with hard labor in irons
for three years under Clause 1st Section V. Regu-
lation XV of 1803 and Clause 2d Section III of
Regulation I of 1825 the prisoner.

4th Ambalah Runny

to six months simple imprisonment under
Clause 3d Section IV Regulation VI of 1822;
and the prisoner

5th Reddy Cunchegandoo

to imprisonment with hard labor in irons
for one year under Clause 3d Section IV Regulation
VI of 1822.

3d The Court of Foujdaree
Udalut being further of opinion that there
is not sufficient evidence for the conviction
of

of the 3d Prisoner.

Malakah Sunkadey

resolved to direct that he be unconditionally discharged from custody.

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

(Sent following Precept No 2224)

Read Return under date the Instant from the Acting Session Judge of Salem to the Precept of the Foujdaree Adalat under the 12th September 1851 directing that the sentence of 14 years imprisonment to which Prisoners in Calendar of Cases No 76 of 1851 of the Courts foujdaree limits, be commuted to 10 years imprisonment with hard labor in irons.

(Here enter F. No. 2226 of 1851)

Read letter dated 12th Instant 1851 from the Session Judge of Bimavaram, forwarding translation of a communication from the Head Ameen of Sirey reporting the escape of Prisoner Sakhea and his immediate recapture.

(Here enter F. No. 2225 of 1851)

Read Calendar of Cases No 33 of 1851 submitted by the Session Judge of Coimbatore under date the 12th September 1851.

(Here enter F. No. 2260 of 1851)

Read Accounts dated 19th Septr 1851 from the Session Judge of Combaconum of the Jails in charge of the Magistracy for the Month of August 1851.

(Here enter F. No. 2250 of 1851)

Read Calendar of Cases No 37 of 1851 submitted by the Session Judge of Mangalore under date the 17th September 1851.

(Here enter F. No. 2261 of 1851)

Read Calendar of Cases No 38 of 1851 submitted by the Session Judge of Mangalore under date the 17th September 1851.

(Here enter F. No. 2262 of 1851)

Read letter dated 18th September 1851 from the Session Judge of Calicut transmitting with reference to Extract from the Session Courts proceedings dated 13th Instant Copies of the Acting Subordinate Judge's returns to the Precept issued to him and another Extract from this Courts proceedings dated

27th September 1851.

dated 17th Instant respecting the pun
of a Prisoner under Section VI Page
X of 1832.

(Herewith K 26. N° 2266 of 1851)

Read. Criminal Repo
mitted by the Sessions Judge of Chin
under date the 15th September 1851 for th
of August 1851.

(Herewith K 26. N° 2267 of 1851)

Read. Calendar of Cas
1851 submitted by the Sessions Judge
Chingleput under date the 23rd Septem

(Herewith K 26. N° 2271 of 1851)

Read. Criminal Repo
by the Agent to the Governor of Fort
under date the 15th September 1851, for
Months of July and August 1851.

(Herewith K 26. N° 2274 of 1851)

1810

J. C.

Monday.
29th. September 1851

At a Court of the Fouzdaree Udalut

Present

J.H.P. — G. S. Hooper Esqre. —— 1st. Puisne Judge

H.M. for S.P.J. — E. D. Thompson Esqre. — 2d. Puisne Judge

Read Criminal Reports
submitted by the Session Judge of Guntoor
for the month of August 1851

(Here Enter F.C.C. 2193 of 1851)

Cases Nos. 39, 42, 43, 45.

The Court observe that the manner in which the prisoners in these cases effected their entry into the houses of the prosecutors should have been specified in the Statements of Charge

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

(Sent in No. 1025)

Read Miscellaneous Petition
forwarded by the Session Judge of Tinnevelly
from

29th September 1851.

from Ungaspra Saver alias Abar Ali
of that Zillah
(Here Enter 3rd Pet. 122 of 1851)

Mr. P Thompson. The Petitioner is represented
the former Order passed by the Court
Foujdaree Udalut in the matter to which
this Petition relates

Ordered that Extract from
these Proceedings be forwarded to the Ca
Judge of Tipperah for communication
to Petitioner

(Sent in P. 1026)

Read Miscellaneous Petition
presented on the 18th August 1851 by
Mungammal of Zillah Trichinopoly
(Here Enter 3rd Pet. 107 of 1851.)

Mr. S. Hooper. Before finally disposing
of this Petition the Court of Foujdaree
Udalut resolve to direct that the
To be returned translation thereof be forwarded to the
Sessions Judge of Combaconum that
he be pleased to ascertain whether

29th September 1851

any property in deposit belonging
to the Petitioners husband, and if there
be, to cause it to be delivered into her pos
=session

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

(Sent following Precept No. 1027)

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

Jr. 1810.

F. U.

Tuesday
30th September 1851

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 letter under date the 8th September 1851 from the Sessions Judge of Combaconum

(Here Inter F. U. No. 2150 of 1851)

1. The Court of Foujdaree Udalut observe that in all Cases, whether necessarily referrible to the Higher Court, or not, the questions and Answers of the deponents should be recorded in detail

2. It was merely intended by the Court of Foujdaree Udalut, in the remarks contained in the 2d para: of their proceedings of the 3d Instant, that the translations of the records of the Police or Magistracy, and of the Subordinate

Subordinate Criminal Court, whether
on separate papers, should be tied up
separately, upon being submitted to the
Foujdaree Udalut; but not when the de-
positions before the Subordinate Court
have been recorded on the same papers as
those delivered before the Police Magis-
tracy.

3 The record of the Sessions Court
proceedings should invariably be tied
in a separate bundle.

Ordered that Extract from
these Proceedings be forwarded to the
Sessions Judge of Combaconum
(Sent in No. 1029)

Read Petty Calendars of Cases
disposed of by the Magistracy of Salem during
the 2nd Quarter of 1851
(Here Enter J. No. No. 2109 of 1851)

Calendar of per-
sons punished
Case No. 13.

1. The Court of Foujdaree Udalut
desire to be informed what is the situation
or calling of the Prisoner in this Case, in
what capacity he was acting when he
suppressed the Report referred to in the
charge

30th September 1851

charge, and whether he is in any way
connected with the parties whom he re-
leased.

Case No. 16.

2 The Court observe that the
provisions of Section I Act XXX of 1841
are inapplicable to a Case of prevarication
before an Officer of the Magistracy, when
no positive obstruction of the proceedings
takes place.

3 If the Joint Magistrate
was acting under the extended powers
vested in him by Section ~~IV~~ Act ~~VII~~ of 1843
the prisoner was punishable for contempt
of Court under the provisions of Section ~~VII~~
Regulation ~~XIII~~ of 1832.

4 All enclosures in letters or
proceedings forwarded to the Court of
Foujdaree Udalut should be numbered.

Ordered that Extract from
these Proceedings be forwarded to the
Acting Sessions Judge of Salem by
Precept returnable within V days from
and after its receipt
Sent following Precept No. 1030)

Read Calendar of Case No. 23
of 1851 submitted by the Sessions Judge of
Madura under date the 22d Instant
(Here Enter J.G No. 2278 of 1851)

Read Return under date the
23d Instant from the Sessions Judge of
Cuddalore to the Precept of the Tondiarpet Ma-
-hut under date the 5th September 1851 on
consideration of the correspondence submitted
by him regarding the Principal Sudr Amen
of Cuddalore and the 1st and 3d Writers on
the Establishment of his Court.
(Here Enter J.G No. 2280 of 1851)

Read Calendar of Case No. 26
of 1851 submitted by the Acting Sessions
Judge of Nellore under date the 25th Instant
(Here Enter J.G No. 2283 of 1851)

Read Calendar of Case No. 51
of 1851 submitted by the Sessions Judge of
Cuddapah under date the 25th Instant.

Read Letter under date the
20th Instant from the Agent to the Governor
in Ganjam submitting the Criminal

Reports

Reports for the month of October 1851
(Here Enter J.G No. 2288 of 1851)

Read Letter under date the
19th Instant from the Sessions Judge of
Tellicherry, reporting that no Amount was
realized by the labor of Prisoners in the
Jail at Tellicherry for the 2d Quarter of 1851
(Here Enter J.G No. 2293 of 1851)

Read Calendar of Case No. 23
of 1851 submitted by the Sessions Judge of
Timevelly under date the 23d Instant.
(Here Enter J.G No. 2295 of 1851)

Read Calendar of Case No. 58
of 1851 submitted by the Sessions Judge
of Calicut under date the 2d Instant
(Here Enter J.G No. 2296 of 1851)

Read Calendar of Case No. 36
of 1851 submitted by the Sessions Judge
of Madura under date the 25th Instant
(Here Enter J.G No. 2298 of 1851.)

J.G.

1st October 1851.

Read Miscellaneous Petition presented on the 4th September 1851 by Valliyammal of Zillah Chittoor.-

(Here enter F. de P. No. 116 of 1851).

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

1 The Court of Foujdaree Udalut see no reason to question the propriety of the conviction of the Petitioner's relative Rangadu 1st prisoner in Cases Nos. 19 and 21 on the file of the Sessions Court of Chittoor; and they observe that the allegation of ill treatment which the Petitioner has advanced have been fully enquired into and disposed of upon the Petition lately addressed to Government on the same subject.-

2 The Court of Foujdaree Udalut accordingly resolve to dismiss this Petition.-

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

2d Idem.

F. U.

Thursday 2d October 1851. } At a Court of the Foujdaree Udalut.-

Present.-

Mr. G. S. Hooper Esquire — 1st Puisne Judge.-

Mr. for C. P. C. P. Thompson Esquire — 2d Puisne Judge.-

W. Ogilvie W. A. Morehead Esquire — 3d Puisne Judge.-

Circular.- Read Letters from the Civil and Sessions Judges reporting in accordance with the instructions of the Court dated 17th November 1851 upon the State of the Records in their own and the Subordinate Courts.-

(Here enter S. Cs. Nos. 49, 89, 141, 139, 149, 151, 525, 564, 595, 889, 916, 935, 999, 996, 1000, 1283, 1359, 2108, 3258 of 1851.)

1 It appears from the Reports that in many instances the Records have been required in consequence of the want of sufficient Space for properly securing and arranging them, and to remove as far as possible this general cause of complaint the Court of Foujdaree Udalut resolve to authorize the destruction of all papers connected with Criminal trials antecedent to 1846 with the exception of the following.-

2 The Statements forwarded by the Police or Magistracy the Sentence the

F: U:

Wednesday 1st October 1851.

At a Court of the Foujdaree Uddalut.

Present

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

E: P: Thompson Esqre — 2nd Puisne Judge

W. for W. M. W: A: Morehead Esqre — 3rd Puisne Judge.

Read again Calendar of Case No. 8 of 1851 of the Sessions Court of Trichinopoly.—

(Here enter F: U: No. 1109 of 1851).

Read Miscellaneous Petition presented on the 18th August 1851 by Cattoyummah Zillah of Trichinopoly.—

(Here enter F: U: P: No. 106 of 1851).

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

The Court of Foujdaree Uddalut see no reason to question the propriety of the conviction of the prisoners in the case referred to and they accordingly resolve to dismiss this Petition.

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

Read Miscellaneous Petition presented on the 25th August 1851 by Shajulan Mohayadeen of Zillah Chittoor.—

(Here enter F: U: P: No. 111 of 1851)

The

Mr. G: S: Hooper.

The Court of Foujdaree Udalut are precluded at present from passing any order on the above Petition, as they observe that the Petitioner should, in the first instance, apply to the local authorities on the subject of his alleged grievance: if dissatisfied with their orders, the Petitioner may finally appeal to the Court of Foujdaree Udalut.—

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

Read Miscellaneous Petition forwarded by the Sessions Judge of Cuddalore for Sabhapaty Ayyaun of Zillah Cuddalore.—

(Here enter F. G. P. No. 112 of 1851).

Mr. E. P. Thompson.

The object of this Petition is to induce the Court of Foujdaree Udalut to direct the restoration to the Petitioner of certain Cash and Jewels which was taken by the Police from the Petitioner's house upon his apprehension previous to his trial as a prisoner in Case No. 10 of 1851, which property has been delivered to the prosecutor in the case in question by order of the Sessions Judge, the Petitioner having been acquitted of the offence to his charge.

2.

The Court find it stated in the Calendar that the money found on the 3rd prisoner

1st October 1851.

prisoners in the case referred to was proved to have been received from the 1st prisoner, who was convicted of the robbery charged, and the Court accordingly resolve to dismiss this Petition.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Cuddalore for communication to Petitioner.—

(Sent in No. 1031.)

Read Miscellaneous Petition presented on the 4th September 1851 by Appāsāmi of Zillah Cuddapah.—

(Here enter F. G. P. No. 114 of 1851).

The Court of Foujdaree Udalut

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

cannot interfere in the matter of this Petition in the present stage of the proceedings the Sessions Judge being the authority to whom all appeals from decisions of the Magistrate should be preferred.—

Should the Petitioner be dissatisfied with the orders which may be passed by the Sessions Judge in his case, it will be open to him to appeal to the Foujdaree Udalut.

2.

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

Read

1st October 1851.

Read Miscellaneous Petition presented on the 4th September 1851 by Valliyammal of Zillah Chittoor.-

(Here enter F. de P. No. 116 of 1851).

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

1 The Court of Foujdaree Udalut see no reason to question the propriety of the conviction of the Petitioner's relative Rangadu 1st prisoner in Cases Nos. 19 and 21 on the file of the Session Court of Chittoor; and they observe that the allegation of ill treatment which the Petitioner has advanced have been fully enquired into and disposed of upon the Petition lately addressed to Government on the same subject.-

2 The Court of Foujdaree Udalut accordingly resolve to dismiss this Petition.-

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

4th Idem.

F. de.

Thursday 2d October 1851. } 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 Letters from the Civil and Sessions Judges reporting in accordance with the instructions of the Court dated 14th November 1850 upon the State of the Records in their own and the Subordinate Courts.-

(Here enter S. de. Nos. 49, 89, 141, 139, 149, 151, 525, 564, 595, 809, 916, 935, 999, 996, 1000, 1283, 1559, 2108, 2258 of 1851.)

Circular.-

1 It appears from these Reports that in many instances the Records have been required in consequence of the Court of Sufficient Space for properly securing and arranging them, and to remove as far as possible this general cause of complaint the Court of Foujdaree Udalut resolve to authorize the destruction of all papers connected with Criminal trials antecedent to 1846 with the exception of the following.-

2 The Statements forwarded by the Police or Magistracy the Sentence

the

the warrants and the reports made to the Sessions Courts and Tuticorin and Palaiyamkottai Cases disposed of by the Criminal and Subordinate Criminal Courts, and the statements of the Police and Magistrates the Calendar the Sentence and the Appeals in those disposed of by the circuit and Sessions Courts.-

3 She judges further considered that the papers specified in the 4th Para of the letter from the Subordinate Judge of Madura should be destroyed - they ought not to have been allowed to accumulate.-

4 The Civil Judge will be asked to submit an application for the abolition of Jamabandi required to arrange the records appertaining to the late Criminal and Auxiliary Courts in the form circulated under date the 22nd June 1951.

Ordered that Extract from these Proceedings be forwarded to the Sessions and Subordinate Judges for their information and guidance.-

/ Entered No. 1032 /

Read letter dated the 13th September 1951 from the Sessions Judge of Coimbatore forwarding with his opinion the letter of the Subordinate Judge of Palghat and enclosed copy of a further communication from

from the acting Subordinate Judge dated the 4th June which accompanied his letter to the Sessions Court's precept calling upon him for explanation of a paragraph in his decision in Case No. 130 of 1951 on the Criminal file.-

/ Correspondence 786 No. 22160 of 1951 /

In the opinion of the Court of Judicature Malabar this second Communication from the Subordinate Judge was uncalled for. Mr Cook's first letter containing all the information required to enable the Court to dispose of the question submitted for his instance for their consideration and orders.-

2 The Court of Judicature Malabar further considers that the course which Mr Cook has pursued of entering a formal Protest under a different head against the orders of his immediate Superiors is irregular and unjustifiable.

3 The Court however have failed to discover in the concluding para of the Subordinate Judge's letter to which their attention has been specially called by the Sessions Judge any highly improper and unbecoming insinuation.

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

/ Entered No. 1033 /

the warrants and the reports made to the Sessions Courts and Tayparé Malabutis Cases disposed of by the Criminal and Subordinate Criminal Courts, and the Statements of the Police and Magisterial the Calendar the Sentence and the Proceedings in those disposed of by the circuit and Sessions Courts.-

3 She judges further considers that the proposal prescribed in the 4th Para of the letter from the Subordinate Judge of Madawa should be destroyed - They ought not even to have been allowed to accumulate.-

4 The Civil Judge will be desired to submit an application for the adoption of Formats to be required to arrange the Records appertaining to the late Provincial and Auxiliary Courts in the form circulated under date the 22d June 1852.-

Orders that Extract from the Proceedings be forwarded to the several Circuit and Sessions Judges for their information and guidance.-

/ Entered Fo. 1032 /

Read Letter dated the 13th September 1851 from the Sessions Judge of Matura forwarding with the Reference to his letter of the 6th instant the Enclosed copy of a further communication from

from the acting Subordinate Judge of Galle the 4th Para of which accompanied his Return to the Sessions Courts precept calling upon him for explanation of a para in his decision in Case No. 130 of 1851 on the Criminal file.-

/ Correspondence File No. 2216 of 1851. /

1 In the opinion of the Court of Taypalare Malabutis this second Communication from the Subordinate Judge was uncalled for. Mr Cooke's first letter containing all the information requisite to enable the Court to dispose of the question submitted to his instance for their consideration and orders.-

2 The Court of Taypalare Malabutis further considers that the course which Mr Cooke has pursued of entering a formal Protest under a different head against the orders of his immediate Superiors is irregular and unprecedented.-

3 The Court however have failed to discover in the concluding para of the Subordinate Judges Return to which their attention has been specially called by the Sessions Judge, any slight reflection and unbecoming insinuation.-

Orders that Extract from these Proceedings be forwarded to the Sessions Judge of Galle for communication to the Subordinate Judge.-

/ Entered Fo. 1033 /

2d October 1851

Translation of the Order
Trial in refusal to give Case to appellant
Tricalinopoly file not having urged last
by this Court

Order that the Collector
Judge of Trichinopoly be called upon
submit the same within 3 days

(Sent in No 1034)

Read Letter dated 29th Sept
the Sessions Judge of Calicut reporting
information of the Judge the death of
Maidens prisoners in Case
on the 27th Instant

(Entered F No 1309 of 1851)

Read Letter dated 30th June
from the Sessions Judge of Tanjore
Report of Case
committed to Gaol
Sessions Court

(Entered F No 1405 of 1851)

Read Letter dated 29th June
the Agent to the Governor of Tanjore
acknowledging receipt from the Proceedings of
Tanjore Adalut under date 30th June
presenting that the Statement contained
the Petition to which they have no remarks

(Entered F No 1406 of 1851)

Rs 18/-

1

F. C.

Friday
3d October 1851

At a Court of the Tondaman Adalut.

Present

G S Cooper Esquire ——— 1st Session Judge
W. Pr S.P.J. C P Thompson Esquire ——— 2d Session Judge
A. Pr N.M. Northcote Esquire ——— 3d Session Judge

Read Miscellaneous Petition

(presented on the 7th August 1851 by Ramappa
Modelly of Pillaloi Chittoor.

(Entered F No 980 of 1851)

Mr G Cooper:

The Court of Tondaman Adalut
resolve to direct that the English translation
of this Petition be forwarded to the Sessions Judge of
Chittoor with instructions to that Officer to
state whether the Petitioner's assertion is correct
that he has been refused Copies of the orders
passed in his Case.

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

(Sent following Precept No 1038)

Read Letter dated 23d September 1851

from

3rd October 1851.

From the Deputy Judge of Calicut submitting for the final judgment of the Sanyasee Court the Records of Case No 89 of 1851 on the Calendar of the Deputy Court.

(Received 7th No 2313 of 1851)

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

The Court of Sanyasee Court on a deliberate consideration of all the circumstances of the Case as endorsed before them, being of opinion that the proof against the prisoner

"Kanniattil Tiru
Sopitta Mannad

is sufficient to convict him of the Crime charged, do sentence him the said Kanniattil Tiru Sopitta Mannad to be transported to such place or places beyond Seas as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons on the public roads or public works for and during the period of his natural life.

(Received 15th October 1851) (Signed) Johnstone 5th 1851.

F. C.

Saturday
4th October 1851

At a Court of the Tuydaarra Adalut.

Present.

G.A. — G S Hooper Esquire ——— 1st Puisne Judge
W.P. pro C.P.J. — E P Thompson Esquire ——— 2d Puisne Judge
H. M. W.S. — W A Morehead Esquire ——— 3d Puisne Judge

Read Letter dated 15th Ultimo from the Agent to the Governor in Vizagapatam — submitting for the final judgment of the Tuydaarra Adalut the Record of Case No 11 of 1851 on the Calendar.—

/Errata No 2285 of 1851./

G. S. Hooper
and
E. P. Thompson

The Court of Tuydaarra 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

Bharah Yasuntarado

is sufficient to convict him of the crime charged, 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 Court of Tuydaarra Adalut

request

request that in future the Agent and
the Board of Inferior Courts to that the
and Names of the Entrepreneurs in the Pub
& Assistants Proceedings may correspond
in his name.

Ordered that Extract from
Proceedings be forwarded to the Agent
Governor of Fort St George at Vizagapatam
his information and future guidance.

/Entered No 1041./

Certificate of Pardon
to
1st Curry Kittanah
2d Soonkary Venkanah
and
3d Bottah Cumroodoo

Whereas under date the 2d August 1851 the Court
Zemindary Malabarrie pleased to authorize the
to the Governor in Vizagapatam to transmit
offer of pardon to Curry Kittanah, Soonk
Venkanah and Bottah Cumroodoo, on
of their making a full disclosure of the
circumstance within their knowledge rela
to the Gang Robbery committed at Boc
D. No. 19th April 1851 on the Village of Cand
in the Zemindary of Vizianagram

4th October 1851

District of Vizagapatam.

And whereas the Court of
Zemindaree Malabar are of opinion that the
conditions of the said grant of pardon have
been sufficiently fulfilled.

Now these are to certify and
declare that in consideration thereof the
Court of Zemindaree Malabar have been pleased
under the provisions of Section XX Regulation VIII
of 1802 to confirm the pardon conditionally
tendered as aforesaid to the said Curry
Kittanah, Soonkary Venkanah, and Bottah
Cumroodoo so far as regards the Acts therein
referred to.

And this Court do hereby confirm
the said Pardon accordingly.

Given under our hands and the
Seal of this Court this 4th day of October 1851.

Sd/ [illegible]

F. 26.

Monday
6th October 1851 } 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 Calendar of Case.

No 28 of 1851 of the Sessions Court of Rajahmundry.

(Here enter F. 26. No 2161 of 1851)

Read also return dated the 22d September 1851 made by the Sessions Judge of Rajahmundry to the Precept of the Foujdaree Udalut under date the 18th September 1851, modifying the sentence recommended by the Sessions Judge to be passed in the above Case.

(Here enter F. 26. No 2281 of 1851)

Under the circumstances stated in the foregoing return, the Court of Foujdaree Udalut directs that the 2nd Prisoner in the above Case be likewise sentenced to two years' imprisonment with labor suited to her sex

Ordered

6th October 1851.

Ordered that Certified
Proceedings be forwarded to the Sessions
of Rayakmundry for his information
(Sent in No. 1142)

Read Calendar of Cases
of 1851 of the Sessions Court of Cudd
(Here enter T. M. No. 2206 of 1851)

Read also the dated
September 1851 from the Sessions Judge
Cuddapah, recommending the remission
sentence of six months imprisonment
upon the prisoner in the above Case for
from Custody

(Here enter T. M. No. 2279 of 1851)

Under the Circumstances
in the foregoing communication, the Court
Tongdarra Udalut concur with the Sessions
Judge in considering the imprisonment
the prisoner B. Nagapapah has alr
undergone, sufficient punishment for
offence, and they direct that he may
set at liberty

Ordered that Certified
these Proceedings be forwarded to the

1th October 1851.

Judge of Cuddapah for his information
and guidance.

(Sent in No. 1043)

Read Miscellaneous petition
presented on the 10th July 1851 by Soondaramier
younger brother of the 1st and 3rd Prisoners and
uncle to the 2nd Prisoner on the Tinnevelly
Calendar No. 18 of 1851

(Here enter T. M. P. No. 849 of 1851)

Read also Miscellaneous Petition
presented on the 15th August 1851 by V. Sethu Sam Boy
on behalf of Kristnier of Zillah Tinnevelly.

(Here enter T. M. P. No. 1010 of 1851)

1 The Court of Tongdarra Udalut
see no reason to question the propriety of the
Conviction of the Prisoners in Case No. 18 of 1851
on the file of the Sessions Court of Tinnevelly.

2 The Court of Tongdarra Udalut
deferred disposing of the petitioners' applic-
-ation, with reference to the request preferred
in No. 101 that a period of one fortnight might
be granted to enable the petitioner to put
in a further application, which period expired on
the 2nd Instant.

Ordered

Ordered that Extract
Proceedings be sent to the Sessions
Tinnevelly for his information

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

Read Miscellaneous
presented on the 18th August 1851 by
Mr Gillanders Salomon

(Here enter Fo. No. 2250 of 1851)

The Petitioner is informed
the former orders passed by the Court
Sessions Judge in the matter to
petition relates.

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

Read Miscellaneous
presented on the 11th September 1851 by
Reddy of Mr Gillanders Coudlapore

(Here enter Fo. No. 2253 of 1851)

The Petitioner is informed
the former orders passed in the matter

this petition relates.

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

Read Memorandum dated 18th
Ultimo from the Sessions Judge of Tinnevelly
forwarding certain notes to be appended to the
sentences recorded in Case No. 25 of 1851 on his
file.

(Here enter Fo. No. 2251 of 1851)

Read Memorandum dated 19th
Ultimo from the Sessions Judge of Tinnevelly,
forwarding a note to be appended to the sentence
recorded in Case No. 19 of 1851 on his file.

(Here enter Fo. No. 2260 of 1851)

Read letter dated 16th Ultimo
from the Agent to the Governor of Ganjam
requests that the name of the Prisoner "Juggulay"
be inserted in the Report on Case No. 25 of 1851.

(Here enter Fo. No. 2252 of 1851)

Tuesday
7th October 1851

F. Uc.

At a Court of the Fouzdaree Udalut.

Present:

G.S. Hooper Esqre 1st Puisne Judge.
Wm for S.F.J.C. P. Thompson Esqre 2nd Puisne Judge.

Read Petty Calendars of cases disposed of by the Magistracy of Ganjam and Vizagapatam during the 2d Quarter of 1851.

(Here enter F.Uc. No 2269 of 1851)

Calendar of persons committed by the Magistracy of Ganjam under the provisions of Clause first Section III Regulation II of 1822.
Case No 25 of 1851.

1. The Court of Fouzdaree Udalut observe that the requisition of security in this case was illegal, the prisoner not being a vagrant; and therefore not liable to be placed under such requisition under the provisions of the Law quoted.

2. The Court direct that the requisition of Security be annulled.

3. The charge preferred against the prisoner should have been entered in the report.

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

7th October 1857.

Ganjam by Precept returnable with
from next after its receipt.
(Sent following Precept No 1045

Read Criminal Repor
=mitted by the late Acting Sessions Ju
Salem for the month of August 1857
(Here enter F.C. No 2210 of 1857)

Magistrates Report
Cases No 13.

The Court of Foujdar
but observe that the offence charged
case; for which the sentence passed
appear to be altogether inadequate,
have been designated as "Lurching"
as such was punishable only by
Court.-

Ordered, that Extract
these Proceedings be forwarded to the
Sessions Judge of Salem for his inform
and for communication to the Magistr

(Sent in No 1048)

Read Criminal Report
submitted by the Acting Sessions Judge
of Trichinopoly for the month of August
(Here enter F.C. No 2227 of 1857)

The Court of Foujdaree
thereon

7th October 1857.

observe that copies of the proceedings held by the Sessions Court in cases noticed by it need only be submitted in those cases in which the sentence passed may have been interfered with by the Sessions Judge.-

2. In all cases in which copies of the proceedings of the Sessions Court are submitted, the detailed report of the case as received from the Subordinate Criminal Court or Magistracy, as the case may be, should be annexed.-

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

(Sent in No 1049.)

Read Criminal Reports sub=
=mitted by the Sessions Judge of Masulipa=
=tam for the month of August 1857.-
(Here enter F.C. No 2223 of 1857.)

Case No 82.

The Court of Foujdaree
Udalut observe that Clause first of Section
II Regulation VI of 1822 should have been
quoted in support of the sentence passed
in

7th October 1851.

in this cause.

Ordered that Extract f
these Proceedings be forwarded to t
Sessions Judge of Madura for his enq

(Sent in No 1050)

Read letter dated 17 O
ber 1851 from the Magistrate of Tinne
tiny copies of correspondence between
Magistrate, the Magistrate and the Ses
Judge of Honour relative to the relea
the prisoners in Case No 23 on the Cal
for 1851, and suggesting that the neces
trial be called up and the proceedings o
Sessions Judge removed by the Court
Fouzdaree Udalut.

(Here enter F Ub No 2284 of 1851)

1.

The Prisoners were originall
and released unconditionally by virtue
authority. It is admitted that the cir
on which they were committed was ins
cient for their conviction, and it does
appears to the Court of Fouzdaree Ad
that no useful end can now be obtain
by calling for the records of the trial

F. Ub.
7th October 1851.

2. The Court of Fouzdaree
Udalut observe that the Joint Magistrate
in his letter of the 23rd July 1851 suggested,
in accordance with the rule prescribed in the
Circular Order Fouzdaree Udalut 20th July
1829. C, that the prisoners "should be held
"to bail for a lengthened period, in case furth
"evidence appears against them." They were
nevertheless put upon their trial the very
day after their arrival at the Court, and
the reasons which induced the Sessions
Judge to adopt a course so entirely at vari
-ance with the Joint Magistrate's sugges
-tion have never been explained.

3. In his letter of the 30th July
1851 the Joint Magistrate requested that
he might be furnished "with a copy of the
"decision of the Court as soon as passed, as
"the case is one of some importance." This
request and the orders of the Court of Fou
-dareé Udalut No 170 and 7th January 1851
were alike disregarded, and it was not until
the 5th September 1851, after the Magistrate
had addressed Mr Lascelles on the subject,
that a copy of the sentence was transmitted

The

to.

The want of courtesy [illegible]
the Joint Magistrate on this occasion
Mr Lascelles made his complaint of the
orders of the Court were very unbecoming

5.

In Mr Lascelles' letter
the Magistrate of the 15th September
states "the delay in sending the copy
"decision was occasioned by the absence
"ment having had to prepare the bo
"of the said case for transmission to
"Court of Session under the new
"required by this recent order." The
-nation, if strictly true, would be no
opinion of the Court have been made
circumstances of the case unsatisfactory
As it is however the orders of the 9th Ju
1851, to which it is presumed Mr Las
refers, prescribe no "new form." They
direct the omission of one Column in
form then in use, and so far form no
any additional labor upon the Sessio
they relieved him from the necessity of
reciting the evidence taken by the Poli
or Magistracy, and the distinguishment

of the explanation is in the opinion of the Court not creditable to Mr Lascelles.

6. The Court observe that this reference should have been forwarded thro' the Sessions Court; and direct that the Magistrate be instructed to follow this course hereafter.

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

(Sent in No 1051 / 5

W. W.

F: U:

Wednesday 1st October, 1851. At a Court of the Foujdaree Adalut.

Present:

G/R G: S: Hooper Esqre — 1st Puisne Judge

H/h for E. P. T. E: P: Thompson Esqre — 2nd Puisne Judge

W/s for W. H. W: A: Morehead Esqre — 3rd Puisne Judge.

Read again Criminal Reports submitted by the Sessions Judge of Chicacole for the month of June 1851.

(Here enter F: U: No: 1768 of 1851).

Read again also letters under dates the 24th and 29th July from the Acting Principal Sudder Ameen of Vizagapatam.—

(Here enter F: U: Nos: 1817 and 1826 of 1851)

Read also return under date the 4th September 1851 from the Sessions Judge of Chicacole, to the precept of the Foujdaree Adalut dated the 19th August, 1851 conveying their orders on Criminal Cases Nos: 15 and 17 of 1851 on the file of the Principal Sudr. Ameen's Court of Vizagapatam.—

(Here enter F: U: No: 2160 of 1851).

The Court of Foujdaree Adalut [illegible] nothing in this return which would lead them to

to alter the opinion recorded in the
of the 19th August last regarding the
of the remarks made by the Sessio
the cases therein referred to, and they
copy of their proceeding may be furn
Acting Principal Sudr Ameen of Eg
without any further delay.—

2.

The Court consider that
Judge's refusal to furnish the Acting
Sudr Ameen with the record he required
him to justify himself to the Hyder
altogether wrong and his subsequently
to forward Mr Hudson's explanation on
that it was "contrary to the facts in
after having withheld from him the mean
it correct. The Court cannot but think
unreasonable.—

3.

The Court consider that
circumstances of the case the Acting Princi
Ameen was perfectly justified in forwarding
explanation direct to the Foujdaree Adalut
they were likewise for the same reasons fully
in disposing of it at once.—

4.

The Court are satisfied of the
ness of the remarks recorded in para 3 of
proceedings regarding the employment of

by Prosecutors.—

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

(Sent following Precept No 1052).

Read Criminal Reports submitted
by the Sessions Judge of Chingleput for the
Month of August 1851.—

(Here enter F: C: No 2201 of 1851).

The Court of Foujdaree Adalut
Magistrates
Calendar Case No 71. observe that the offence of which the prisoner
in this Case has been convicted, being House
breaking and theft the Sentence passed by the
Acting Joint Magistrate is illegal, and the Court
accordingly direct that it be annulled and that
the prisoner be committed for trial before the
Principal Sudr Ameen who in disposing of
the Case will take into consideration the Imprison
=ment the prisoner has already undergone.—

Ordered that Extract from these
Proceedings be sent to the Sessions Judge
of Chingleput by Precept returnable within
III Days from and after its receipt.—

(Sent following Precept No 1053)

Read Calendar of Case No 25 of
1851.

8th October 1851.

1851 of the Sessions Court of Trinomally-

(Here enter F: G: No. 2358)

Read also Letter dated 5th September 1851 from the Sessions Judge of Trinomally, recommending a mitigation of prescribed punishment in respect to the in the above case.-

(Here enter F: G: No. 2360)

The Court of Foujdaree Adawlut approve of the recommendation made by the Sessions Judge, that the punishment of the above Prisoner is liable on his conviction of Perjury be mitigated to 3 years imprisonment with hard labor in irons; and the Sessions is authorized to issue his warrant accordingly.

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

(Sent in No. 1954)

Read letter under date the 5th Ultimo from D. Grayme Esqr. late Sessions Judge of Cuddapah.-

(Here enter F: G: No. 2355 of 1851)

The Court of Foujdaree Adawlut resolve to direct that a copy of the foregoing be forwarded to the Sessions Judge of Cuddapah

F: G:

8th October 1851.

for such observations as he may think proper.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Cuddapah by precept returnable within 11 days from and after its receipt.-

(Sent following Precept No. 1955)

Read Calendars of Cases No. 55 and 57 of 1851 submitted by the Sessions Judge of Calicut under date the 6th Ultimo.-

(Here enter F: G: No. 2158 and 2159 of 1851)

Read Calendar of Case No. 30 of 1851 submitted by the Sessions Judge of Rajahmundry under date the 8th Ultimo.-

(Here enter F: G: No. 2162 of 1851).

Read letter dated the 5th Ultimo from the Sessions Judge of Tellicherry returning warrant issued by Court of Foujdaree Adalut in Case No. 10 of 1851 on Calendar of Sessions Court of Tellicherry and reporting due execution thereof.-

(Here enter F: G: No. 2163 of 1851)

Read Calendar of Case No. 22 of 1851 submitted by the Sessions Judge of Trinomally under date the 6th Ultimo.-

(Here enter F: G: No. 2164 of 1851)

Ex 1851.

Ft. Uc.

Thursday 9th October 1851 } At a Court of the Foujdaree Udalut

Present

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

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

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

Read again Calendar of Case No. 21 of 1851 of the Session Court of Salem.

(Here enter Ft. Uc. No. 2015 of 1851)

Read also return dated the 23d September made by the Acting Session Judge of Salem to the Precept of the Foujdaree Udalut under date the 29th August 1851 directing that Officer to submit for their consideration an English translation of the entire record of the above Case.

(Here enter Ft. Uc. No. 2286 of 1851)

1 In the foregoing Case two prisoners were charged with Highway robbery.

2 The Acting Session Judge in concurrence with the opinion of his Law Officer,

convicted

convicted the Prisoners of the Crime charged
and sentenced them to 10 years imprisonment
with hard labor in irons, recommending at the
same time a mitigation of that sentence to 7
years imprisonment

3 The Court of Tongadarée

seeing reason to question the propriety of the
ruling before Judge's disposal of the Case
called for the record, and on a careful Consideration
thereof they are unable to concur with the
Officers in deeming the evidence sufficient
to justify the Prisoners conviction.

The Court observe that
only evidence against the Prisoners is the
testimony of the Prosecutrix who deposes
that about one year and a half ago she
was robbed on the high road by three
and that the Prisoners are two of them
stolen property was discovered, and the
evidence therefore stand alone, and in reply
to this it is worthy of remark, that in
March 1850, when the Prosecutrix gave her
evidence against the prisoners no Case of
was made only inability to ascertain either the

names or the residence of the other persons
who had committed the robbery but she
stated that she had never seen them before

The Court of Tongadarée

5 Udalut cannot therefore, rely upon the Prosecutrix
present testimony that the short time
occupied in pilfering her of a few ornaments
taking into Consideration also the personal
alarm she must have felt, enables her, at
this distance of time, to speak positively
to the identification of two perfect strangers.

6 The Court direct that the
prisoners be immediately and unconditionally
released.

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

(Sent following Precept No. 1058)

Read Miscellaneous petition
presented on the 15th August 1851 by Annanee
Moopen and 2 others of Zillah Tinnevelly.

(Here enter F. M. P. No. 99 of 1851)

The

9th October 1851.

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

The Court of Stoujdaree
Udalut see no reason to question the propriety of
sentence passed in the case to which the
petitioner has reference, and the Petition
& application is accordingly dismissed.

Ordered that Extracts of
these Proceedings be granted to the Peti
on their application.

Rs
1809.

F. C.

Friday
10th October 1851

At a Court of the Stoujdaree Udalut

Present

Mr. G. S. Hooper Esqr. — 1st Puisne Judge
Mr. E. P. Thompson Esqr. — 2nd Puisne Judge
Lt. Col. W. A. Murchead Esqr. — 3rd Puisne Judge.

Read letter dated 29th September 1851 from the Sessions Judge of Calicut, submitting for the final Judgment of the Stoujdaree Udalut the record of Case No. 56 of 1851 of the Calendar of the Sessions Court.

(Here enter S. C. No. 2330 of 1851)

The Court of Stoujdaree

Mr. E. P. Thompson

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

"Achatha Pokan"

is not convicted on presumptive proof, or the evidence of Credible witnesses, or on his own confession of the Crime charged, do acquit him thereof; but considering that strong

suspicion

10th October 1851.

suspicion. The not amounting to Contempt
to him, they directed that he be prosecuted
Clause Sixth Section II Regulation XII
and Section XXXIV Act VII of 1839, to find
Sureties in 50 Rupees each to surety for his
behaviour and appearance when required
Three years, or in default thereof that he
detained in Custody for three years.

Ed. 18 Dec.

(Sent in 5th Dec. 1851)

5 N.

Saturday 11th October 1851

In the Court of the Zoujdaree Adalut
Present
G. S. Hooper Esqre. 1st. Puisne Judge
E. G. Thompson Esqre. 2d. Puisne Judge
W. A. Morehead Esqre. 3d. Puisne Judge

Read Miscellaneous Petition presented on the 15th September 1851 by Kuppi Shetti of Zillah Coimbatore
(Here Enter S. M. P. No. 129 of 1851)

Before finally disposing of this Petition the Court of Zoujdaree Adalut resolve to direct that the ~~Petition~~ English Translation thereof be forwarded to the Sessions Judge of Coimbatore with instructions to that Officer to report whether any application has been made to him for copies of the record of the case in question and if so what Orders were passed by him thereon

be returned

Ordered

11th October 1851

Ordered that C
from these Proceedings be for
to the Sessions Judge of Coimba
Precept returnable within III
and after its receipt

(Sent following Precept No

Read letter und
the 13th September 1851 from
Sessions Judge of Rajahmu

(Here Enter J.C. No. 2207 of 1851

The Court of Fou
Udalut see nothing in the
letter or in the Argts which
from the Jurors employed in
Case No. 22 of 1851 in the
Sessions Court which would
to question the propriety
of the 27th August last
that it is out of the pro
to suggest the nature of the
must be framed upon

2.

The Court of Fou
would observe that the

Regulation X of 1827 were never put in force in any of the Company's Courts in this Presidency

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Rajahmundry (Suit in No. 1062)

Read letter under date the 14th August 1851 from the Sessions Judge of Madura

(Here Enter J.C. No. 1959 of 1851)

1. This letter has reference to the remarks recorded by the Court of Fouj=daree Udalut in their Proceedings of the 28th July last (paras 14, 15, and 16) in regard to the swearing of the Jury who were associated with the Sessions Judge in the trial of Case No. XI of 1851, and the manner in which their verdict was delivered,- upon both which points the Proceedings of the Sessions Judge were pronounced to be irregular; the swearing of Juries not being authorized by any Enactment in force in this Presidency

11th October 1851

Presidency while the manner
the verdict was delivered was a
vention of the rules laid down
Circular Ords. of the Foujdaree
Nos 164 and 178.

2. The Sessions Judge con
that the course adopted by him
swearing the Jury was authoris
the provisions of Regulation X
which although obsolete have n
finally repealed by that it was a
contravention of Section XXXII, Act
under which the trial was held
that on the contrary, considering
meaning invariably affixed to
term "Jury" which is defined in
Law Dictionary to be "a body
sworn men" he was justified
terms of the latter enactment in
the course laid down when the
duction of trial by Jury was
sanctioned by the Legislature
the Company's Courts; and he

F.N.
1st October 1851

that with reference to the concluding
sentence of Clause first, Section XXXII, Act
VII of 1843 it was not competent to the
Court of Foujdaree Udalut to issue
the Circular Orders above adverted to,
which he observes have the effect
of depriving the Judge presiding at a
trial of a discretion vested in him by
Law.

3. The Court of Foujdaree
Udalut cannot admit the validity
of the arguments advanced by the
Sessions Judge, which upon the point
first noticed by him, appear to the Court
to be founded upon an erroneous con-
struction of the 3d paragraph of the
clause above referred to, viz Clause first,
Section XXXII, Act VII of 1843.

4 The wording of the first
sentence of this paragraph; "or by employing
"them more nearly as a Jury," appears to
the Court of Foujdaree Udalut conclusive
of the intention of the Legislature that

the

the persons to be employed
to be employed strictly in
common acceptation of the
that therefore in the abse
specific provision for them
delivered upon solemn affir
difference upon this point
procedure, from that to
on the employment of the
whom the preceding para
reference, was contemplated
5. In regard to the
or otherwise of the Court
Undertaking to issue the Orders
to, the Court are satisfied
general powers vested in
Legislature of controlling
the practice of the Courts
to them, those Orders were
6 The Court accord
that the Sessions Judge
to conform in future to
obtained in these proceedings

of July last upon the several points
therein adverted to

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

(Sent in No. 1063.)

F: W:

Monday 13th " October, 1851.

At a Court of the Foujdaree Adalut.

Present.

GSH — G: S: Hooper Esqre ——— 1st " Puisne Judge.
EPT — E: P: Thompson Esqre ——— 2nd " Puisne Judge.
WAM. for W.M. — W: A: Morehead Esqre ——— 3rd " Puisne Judge.

Read Miscellaneous Petition presented on the 8th " May last, by A: M: Ritchie Esqre Vakeel on behalf of Aroonachellum Pillay of zillah Madura.

(Here enter F: M: P: No. 64 of 1851.)

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

The Petitioner is referred to the former orders passed in the matter to which this petition relates.—

Ordered that Extract from these Proceedings be given to the Petitioner's Vakeel on application.—

Read Calendar of Case No. 57 of 1851. of the Sessions Court of Bellary.

(Here enter F: M: No. 2312 of 1851).

The Court of Foujdaree Adalut.— approve of the recommendation made by the Sessions Judge in this Case, that the Sentence recorded— against the Prisoners on their conviction of Robbery by open violence be mitigated to 3 years imprisonment with hard labor in irons, and the Sessions Judge is— authorised

authorised to issue his warrants accordingly.

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

(Sent in No. 1062)

Read Calendar of Cases No. 2 of the Session Court of Rajahmundry.

(Here enter Fl. C: No. 2336 of

1.

The Court of Foujdaree Ad approves of the recommendation made by the Judge in this Case that the Sentence against the Prisoner on his Conviction of and knowingly receiving stolen property be to two years imprisonment with hard labor and the Session Judge is authorised to warrant accordingly.—

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

(Sent in No. 1063.)

Read Criminal Return for 17th Ultimo submitted by the Sessions Judge of Cuddapah for the Month of August 1851.

(Here enter Fl. C: No. 2341 of 1851).

Read report dated the 23rd [illegible] submitted by the Session Judge of [illegible]

persons apprehended and delivered to him in the Month of September 1851.—

(Here enter Fl. C: No. 2273 of 1851).

Read Calendar of Case No. 26 of 1851 submitted by the Session Judge of Trinevelly under date the 25th Ultimo.—

(Here enter Fl. C: No. 2304 of 1851).

Read letter dated the 1st Instant from the Session Judge of Chingleput stating that no cases to be reported on as required by the Circular letters of date the 16th October 1844 and 21st January 1845 were pending last Month before the Session Judge.—

(Here enter Fl. C: No. 2310 of 1851).

Read Calendars of Cases Nos. 35 and 36 of 1851 submitted by the Session Judge of Cuddalore under date the 30th September 1851.—

(Here enter Fl. C: Nos. 2315 and 2316 of 1851).

Read letter dated the 1st Instant from the Principal Sudr Ameen in charge of the Session Court of Nellore reporting that no cases were pending for trial during last month before the Session Court above 25 days.—

(Here enter Fl. C: No. 2317 of 1851).

Read letter dated the 1st Instant from the Session Judge of Cuddalore reporting that

13th October 1851.

that no Cases have been pending that
Sessions Court for a period exceeding
calculated from the date of commitment

(Here enter F. C. No 340

Rs 1819

F. C.

Tuesday
14th October 1851. At a Court of the Fouzdaree Udalut

Present

Sd/ C. S. Cooper Esqre. 1st Puisne Judge
Sd/ C. D. Thompson Esqre. 2d Puisne Judge
Sd/ per W.A.C. W. A. Morehead Esqre. 3d Puisne Judge

Read report of Cases committed
for trial before the Sessions Court of Chicacole
for the month of September 1851.

(Here Enter F. C. No. 2343 of 1851)

Case No. 10 of 1851

The Court of Fouzdaree Udalut
consider that the Moofty Sudr Ameen ought
to have given in his Futwah before the close
of the month. Indeed in ordinary Cases the
Futwahs ought to be delivered at the latest on
the day following the trial

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

(Sent in No. 1070.)

Read Letter from the Agent
to the Governor at Kurnool dated 1st October 1851
requesting

requesting to be furnished with the cert
to be put up from the Circular Order No. 19
1914.

(Here Enter F No 4236 of 1851)

1

The Agent states that
in Case No. 20 of 1851 has applied to hav
-ward a letter with an attentiated Copies of
record of his trial to a relative at Madra
he expresses an opinion that, although
would have been competent to comply
this request had sentence been passed
the Prisoner, he cannot attend to it no
-quence of the trial having been reported
Court of Sonjdaree Udalut

2.

The Court of Sonjdaree Udal
observe that the petition of Appeal in
the Circular Order No. 188 contemplates
forwarded by the Sessions Court and that
the Sonjdaree Udalut only, and that it
part of the duty of a Sessions Judge
to transmit to Madras or elsewhere the
which may be furnished under Circular
No. 194. It must be left to the parties

for them to make what use of them he may see fit

Ordered that Extract from these Proceedings be forwarded to the Agent to the Governor at Kurnool for his information

(Sent in No. 1071)

No further return having been received from the Sessions Judge of Masulipatam to this Court's Precept of the 13th May 1851 directing an enquiry to be instituted with respect to the statements of the pardoned Convict Gondayah that his confession in Case No. 2 on the Primary Calendar of Masulipatam for the 3d Quarterly Sessions of 1838 was extorted by violence

Ordered that the Sessions Judge of Masulipatam be called upon to submit a final return to the above precept without delay.

(Sent following Precept No. 1072)

Read again letter dated 21st June 1851 from the late Acting Sessions Judge of Vizianagram, submitting for the final judgment of the Sonjdaree Udalut the Record of

Case

Case No. 12 of 1851 of the Calendar of the
Court.

(Here Enter No. 1666 of 1851)

Read again also letter dated
August 1851 from the Sessions Judge of
-nelly reporting having stayed proceed
warrant issued by the Court of Sunpdam
in Case No. 12 of the Tinnevelly Calendar
1851, and suggesting that the trial may be
opened in order to further evidence being
on behalf of the Prisoner

(Here Enter J. C. No. 1874 of 1851)

Read also return dated 20
September 1851 from the Sessions Judge
Tinnevelly to the Precept of the Sunpdam
Udalut under date the 7th August 1851
-recting a further enquiry to be made in
charge of Murder preferred in Case No. 12

(Here Enter J. C. No. 2302 of 1851)

The Court of Sunpdam Udal
on a deliberate consideration of all the circu
-stances of the Case in evidence before them
of opinion that the Prisoner
"Chinnatumbee Naidan"
is not convicted on sufficient proof of

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. In the foregoing case a prisoner named "Chinnatumbee Naidan" was tried for the wilful murder of a female named Meenatchee.

2. It appeared from the evidence adduced on the trial, that the prisoner had for some years past carried on an illicit intercourse with the deceased Meenatchee who resided in a house by herself in the village of Murdanputtum in the Taluk of Sultoor, and that, at about 4 P.M. of the 12th April last, the prisoner and the deceased were seen to enter the house, in which, on the following morning, the deceased was found murdered with a deep wound on her throat and the prisoner lying near her, in a fainting state from a severe wound on his private parts, the organs of generation having been entirely severed from his body.

3. It was stated by three of the neighbours (1st. 2d. & 4th. Witnesses) who were sleeping close by, that in the course of the night cries were heard by them

proceeding

proceeding from Meenatchee's house, a
hearing which, the 2d Witness went
door, and on asking what was the m
heard Meenatchee call out that "Cha
"bee Naden (the Prisoner) was cutting
"neck." Thus the witness stated was fo
by a sound like "Koutte, Koutte;" a
which all became silent and he be
unable to open the door, which was
inside, proceeded to the house of the
thungar (the 4th Witness), and only
the morning reported to him, what ha
taken place

4. The latter it appeared
to the house, soon after sun rise on
with the number Curumm (the 5th Wit
and the Metton Poon (the 6th Witness)
having broken open the door with a
found Meenatchee lying dead and
Prisoner near her in the condition
described, and in a loft which
a room, a bill hook was discovered,
stained with blood, with which it was
posed that the murder of the deceased
and the mutilation of the Prisoner
have been effected.

The

14th October 1857

5. The Prisoner when first dis-
covered, was unable to speak, but on the
arrival of the Head of Police on the following
day, he stated that the murder of Meenatchee
and the mutilation of himself had been
committed by certain persons who were
concealed in the loft, in which the bill hook
was found, that the door was bolted by
himself after the murderers had quitted
the house, for fear of their returning to dis-
patch him, and that as they were talking
outside after leaving the house, he recognized
the voices of seven persons whom he named.
He attributed the murder of the deceased
and the outrage which had been committed
on himself, to an ill feeling which had ex-
isted on the part of Meenatchee's relatives
who were of the reddy caste, in consequence
of her cohabiting with a man of an inferior
caste; the Prisoner being himself a Shanar

6. This statement was discredited
by the Head of Police, there being no
access to the premises otherwise than through
the door, which was stated by one of the
witnesses to have been bolted by Meenatchee,
when she retired to rest, and it being in the

opinion

opinion of the Head of Police in fact
that any persons could have secreted
=selves inside the house without Meenatchee's
knowledge, as it was shown that she had
been seated near the door spinning cotton
for some time before she went to bed. The
circumstances corroborated with the evidence of
blacksmith in the village, that the bill
with which the murder was supposed to
have been committed, had been made by
him for the prisoner a short time before
and also by the evidence of certain of the
relations of the deceased that a quarrel
recently taken place between her and the
prisoner, and that a few days before her
death, she had forbidden the prisoner to
continue his visits to her, upon which oc=
=casion, according to the statement of one
of the witnesses, he had declared his resolu
that rather than that she should attach
herself to any other man, both he and
she should die, led the Head of Police
to the conclusion which it was stated had
been already arrived at by the inhabitants
of the village, that the prisoner was the
murderer, and that finding himself found to

to leave the premises undiscovered, in consequence
of there being persons moving about outside,
he had mutilated himself to make it appear
that some one else was the perpetrator of the
Crime

7. The Prisoner was accordingly
committed, and having perfectly recovered from
the effects of his wounds, was tried for the
murder of the deceased.

8 The evidence on the trial was
generally to the same effect as that given be=
=fore the Head of District Police - there were
however variations in the statements of some
of the witnesses. For instance 2d and 4th Wit=
=nesses who had deposed in the Talook that
they entered the house in the morning
with the Village Police and examined the pre=
=mises, retracted these assertions before the
Sessions Court.

9. The 2d witness also alledged
that he had communicated with no one, but
the 1st witness after hearing the cries of
Meenatchee, until he reported the matter to
the Nattangar, whereas the 4th witness stated
that he went up to the door of the deceased's
house when the 2d witness was standing
there

there and was told by him the purport
explanation that had been made by the
from inside.

10.

Where was a variation in
P. Witness's statements regarding his mo
-vedings on going to the house of the de
-ger. Before the Police he had stated
on going to the Nattangar's house and
that he was asleep inside, he lay down
the Court yard until the Nattangar ca
out, but before the Session Court he dep
that on finding that the Nattangar was
asleep, he returned to his own house to sl
and then went back to the Nattangar
a little before day break and apprized him
of what had occurred.

11

There was moreover a discre
-ancy in the evidence as to the place whe
the bill hook was found, the 6th and 7th
witnesses — — the Mettan Peon and
Nattangar) deposing that it was found
on the loft already referred to, whilst the
5th witness, the Cannaun, stated that it was
found at the door of a room inside the
house

12.

The Prisoner repeated in his
defence

defence the plea put forward by him
in the Talook, having however retracted
before the Principal Sudder Ameen and
omitting before the Session Court the state
-ment previously made by him, that he
had recognized by their voices, certain of the
persons by whom the outrage was committed,
and stating that he knew nothing of the
bill hook and had never seen it before, al=
-though before the Police he had asserted
that it belonged to Meenatchee, and that
he had often seen it with her.

13. While the trial was proceeding
the Prisoner put questions to several of the
witnesses for the prosecution, with the view
of eliciting from them an admission that
he had been beaten by certain of the deceased's
relatives on a former occasion; and some of
them admitted having heard that some
years ago something of the kind had occurred.

14. The Law Officer in his Futwa
convicted the Prisoner of the murder charged.

15. The Acting Session Judge
(Mr. Frere) concurring in this Futwa, re=
-ferred the trial for the final judgment
of the Sonjdaree Adalut, with a recommendation

that

14th October 1851.

that on consideration of the evidence of a circumstantial nature, and severe and irreparable injury appeared to have inflicted on the prescribed penalty of the Law commuted to transportation for

16. In his letter of ...verting to the variation about being observable in the state... and 6th Witness, the latter observed that it did not affect the general truth of the statements, "the fact of an ... been passed in the village, ... before dawn rise in the morning." Sessions Judge remarks, "fully by the testimony of the Head "himself (the 7th Witness) who "the information given by the "and the state in which the "Prisoner were found, as entirely "by that Officer as well as by "and Peon (the 5th and 6th Witness) "a clear and minute description "in which the murder took

17. The stating of ...

11th October 1851.

Prisoner's plea to be wholly irreconcilable with the facts of the case, and undeserving of credit. He considered it highly improbable that the Prisoner after having received injuries of so severe a nature would have been physically able to fasten the door in so deliberate and complete a manner as it was shown to have been fastened, having, according to the evidence of the 5th and 6th Witnesses been found, when it was broken open, bolted above and below with a chain in the middle; and he observed that the manner in which the door was fastened was perfectly in accordance with the supposition that the murder was committed by the Prisoner himself, after having first secured the door with a view to prevent interruption and that he then mutilated himself in a paroxysm of anger and despair.

18. The evidence of the 3d Witness who identified the bill hook found on the Prisoner as the property of the Prisoner, and whose statement appeared liable to no suspicion, as he was of a different caste from the deceased and her relatives and a resident of the same village with the

the Prisoner himself, the
Judge considered strongly
Prisoner's guilt. He handed
the Acting Sessions Judge
of more elaborate memorandum
and capable therefore of easy

19 On perusing the
1st. and 2d Judges of the Ses
were of opinion, that the
circumstantial as it was) left
the Prisoner was the perpetra
murder. They deemed it impo
after perusing the injuries inf
he could have barred the door
stated; and this fact, compleat
rest of the evidence adduced
to be conclusive to his guilt
that the evidence was so
stantial, and adverting to the
alone noticed in the testimony
of the witnesses for the prosecu
Judge suggested that the sente
of the Acting Sessions Judge
cided on, and that a Sentence
should be adjudged as proper
irrevocable sentence of death.

being satisfied of the Prisoner's guilt and considering the murder to have been a most cruel and deliberate one, did not consider that any grounds existed for a mitigation of the prescribed penalty, and the 3d Judge on a perusal of the minutes recorded by his colleagues and of the Sessions Judge's letter having stated his opinion that no grounds existed for any commutation of the penalty to which the Prisoner had rendered himself liable by the commission of the murder of which he was convicted by the 1st and 2d Judges in concurrence with the Acting Sessions Judge and the Mahomedan Law Officer of the Sessions Court, the Prisoner was ordered for execution

20. Upon the warrant for the Prisoner's execution being received at Sin=
=gapore, the Assistant Magistrate Mr. Blair addressed a letter to the Sessions Judge (the Acting Sessions Judge before whom the trial had been held having in the meantime quitted the station) in which he stated that the Head of Police by whom the case had been committed, a man whose character never stood high

in

present Head of Police and additional Witnesses were forwarded to the Sessions Court, by whose evidence it was clearly established, that on the day the Prisoner was alledged to have made use of the threat deposed to by the 1st Witness for the Prosecution, as having been made by him in consequence of the deceased having forbid his continuing his visits to her, he and the deceased were absent at a feast in another village upon the best possible terms- The fact of their having gone together to the feast in question, was partially admitted by the 1st and 2d Witnesses on their re-examination by the Head of Police and also before the Session Court.

24. It was also ascertained that the distance from the spot where the Prisoner stated that he had been lying when the assault was made upon him, to the door of the house was so little that it was easier for him to have fastened the door in the manner stated after having undergone the injuries inflicted on him than to climb into the loft for the purpose of depositing in it the bill hook which according to the evidence for the

Prosecution

in his estimation, being then ... he had taken the opportunity ... from the Head of Police who ... relieve him, to ask him if he ... thing about the charge, and was ... by him that he had strong reas... believing that the Prisoner was ... of the crime he was accused of ... statement that the murder of the ... and the mutilation of himself was ... mitted by some person employed ... employed by the Reddy party, was ...

21. The Assistant Magis... accordingly suggested that of a further ... quiry conducted by the present Head ... Police were permitted, important inform... might be obtained

22. On receiving this letter the ... Session Judge suspended the execution ... the Sentence, and reporting the same to ... of Zoyedare Adalut recommended that ... trial should be reopened with the view ... further evidence being adduced.

23. This proceeding having been ... sanctioned by the Court of Zoyedare Adalut ... a further enquiry was instituted by the ... present

prosecution as originally preferred
inferred had been placed there by
substitution had taken place, the
lineaments on the wall about the
crown and middle which the ordin
prosecution alleged to have resul
prisoner's having eloined into the
state.

25

Additional evide
duced to show that enmity ag
existed on the part of several of the
for the prosecution and the fact of
been assaulted on a former occasion by
witness (the Nattangar of the village)
to which reference was made by the
in the questions put by him to
witnesses when they were originally
was clearly proved.

26.

On consideration of the
evidence adduced, the Court of Sessions
present Lt. S. Hodgson and C. D. Mayne
arrived at the conclusion that the charge
ferred against the prisoner
of conspiracy on the part of the
habitants of the village in which
was committed, to put themselves

relative whom they considered to have dis=
=graced them, and to revenge themselves on the
author of their disgrace by acts the most savage
and revolting to humanity that have ever
come under the observation of the Court.

27. The Court of Tinnevelly Udalut accordingly resolved to recall the Sentence passed by them under date the 21st July last, and to issue an amended Sentence acquitting the Prisoner Chinnatumbi Nadan of the crime laid to his charge and directing his immediate release.

28. The Court of Tinnevelly Udalut further resolved to direct that the Magistrate of Tinnevelly will use every exertion to bring to Justice the real perpetrators of this atrocious Crime, either by the offer of a reward for any information that may lead to the apprehension of the principals, or by the adoption of such other measures as may best seem calculated to lead to their discovery.

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

Sent in No 1073

1851

lay'

s 1851.-

J. S. Hooper Esquire _____ 1st Puisne Judge

C. J. Thompson Esquire _____ 2nd Puisne Judge

F. 16.

At a Court of the Foujdaree Udalut.

Present.

Read letter dated the 1st Ultimo from the Agent to the Governor of Fort St. George at Kurnool submitting for the final judgment of the Foujdaree Udalut the record of Case No. 20 on the Calendar of this Court for 1851.-

(Here enter F. 16. No. 2185 of 1851.)

C. 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,

Sreenevasa Row

Head of Police of Sundicootoor Taloork.

is sufficient to convict him of the crime of Culpable Homicide and gross and cruel abuse of authority, for which the penalty of Deyut is awardable under the Mahomedan Law as declared in Futwas of their Law Officers, do convict him thereof and under the provisions of Clause

Second

15th October 1851.—

Second Section XI Regulation VII of 18
XXXIV Act VII of 1843, sentenced to
and kept to hard labor in irons on
or other public works for and during
(7) seven years.—

(Sent in No 1071)

Read return dated
last from the Acting Sessions Judge of
to the precept of the Tinjdaree Ma
the 22d May 1851 returning the
and Statements of that Zillah for
for amendment.—

(Here enter F. 16. No 1363 of

Read Statement
18th June last submitted by the
Chittoor exhibiting the number
the charge of the Head Assistant
at Vellore to whom the transmiss
rates of diet were issued for the
1851.—

(Here enter F 16. No 1505 of 185

Read letter dated
last from the Sessions Judge of
ing that no casualty was reported
of the Prisoners in the Jail at

October 1851.—

any disbursement of the nature described in
Tinjdaree Medical Circular Order No 38 of 1837
made during the 1st quarter of 1851.—

(Here enter F. 16. No 1886 of 1851.)

Read Extract from the Proceed-
ings of the Sessions Court under date the 21st
August last forwarding the Petty Calendars
for the 1st Quarter of 1851.—

(Here enter F. 16. No 2052 of 1851.)

Read Calendar dated the 6th
Ultimo submitted by the Sessions Judge of
Mangalore of persons punished by the
Magistracy during the 1st quarter of 1851.—

(Here enter F 16. No 2172 of 1851.)

Ed 1816

F. U.

Thursday, 16th October 1851.— At a Court of the Foujdaree Udalut.

Present

W.M.R. G. S. Hooper Esquire ——— 1st Puisne Judge.

H. J. & S. C. P. Thompson Esquire ——— 2d Puisne Judge.

Read Calendar of Case No. 9 and 10 of 1851 of the Session Court of Chingleput.—

(Here enter F.U. No. 2357 of 1851.)

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 one year's 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 Chingleput for his information and guidance.—

(Sent in No. 1081)

(Read Calendar of Case No. 27 of 1851 of the Sessions Court of Bellary.—

(Here enter F.U. No. 2367 of 1851.)

The

The Court of Foujdaree Ud
approve of the recommendation made by the
Judge in this Case, that the Sentence passed o
the Prisoner on his conviction of Housebrea
and Theft be mitigated to 3 years imprisonm
with hard labor in irons, and the Sessions Ju
is authorized to issue his warrant accordingly

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

(Sent in A° 1082)

Read again Calendar of Cases
A° 25 of 1851 on the file of the Sessions Court
of Salem.-

(Here enter Fld. A° 2169 of 1851)

Read also return under date the
6th October 1851 from the Sessions Judge of Salem
the precept of the Foujdaree Udalut dated the
22nd September 1851 directing the transmission
an English translation of the record of the Foujd
case.-

(Here enter Fld. A° 2362 of 1851)

1. The prisoner in this case has
been convicted by the late Acting Sessions Judge
Salem in concurrence with the Mahomedan

Law Officer of the offence of "receiving stolen
"property knowing it to have been stolen" has been
sentenced to four years imprisonment with hard
labor in irons, and to receive 150 lashes.-

2. On perusal of the record the Court
of Foujdaree Udalut consider the evidence alto-
gether insufficient for the conviction of the
prisoner of the crime charged.-

3. The Court of Foujdaree Udalut
observe that the property which the prisoner was
charged with having received, has not been proved
to have been stolen, and not only has it not been
claimed by the parties to whom it is supposed
to belong, but they have expressly declared before
the Police that it did not belong to them.-

4. The Court consider that no
grounds whatever existed for the commitment
of the prisoner by the Head of District Police
and that he should have been convicted by the
Sessions Court upon the evidence which was
adduced; appears to the Foujdaree Udalut
to reflect most seriously on the judgment
of the late Acting Sessions Judge.-

5. It does not appear from the
record that the prisoner was asked whether he

was

was willing to be bound by the finding of the
had committed him for trial in the
Subordinate Judge; upon which finding
of the prisoner should have been annulled
ing to the rule laid down in the
of the 21st August 1833.—

The Court of Sudder
resolve to annul the sentence passed
case and to direct that the prisoner
upon his giving Security
be unconditionally released.—

Ordered that Extract
proceedings be forwarded to the Judge
Salem for his information and guidance
for communication to the late Acting
Judge by first opportunity.—

Read letter dated the 7th Instant
from the Sessions Judge of Bellary
copy of the Inspector's return to the
of the 9th August last both on general
Calendars for the 2d quarter of 1851.

(Here enter J.M. No. 2140 of 1851.)

Read letter dated

J.M.
7th October 1851.

from the Sessions Judge of Masulipatam reporting
that there were no Criminal Cases pending beyond
25 days between 31st August and 30th September
1850.—

(Here enter J.M. No. 2354 of 1851.)

Read letter dated the 1st Instant
from the Sessions Judge of Bonore reporting that
during the last month no cases were pending be-
fore the Sessions Court for more than 25 days.—

(Here enter J.M. No. 2355 of 1851.)

Read report A submitted by
the Sessions Judge of Guntoor under date the 7th
Instant of Criminal Case No. 60 of 1851 dis-
posed of by him.—

(Here enter J.M. No. 2360 of 1851.)

Read Calendars of Cases Nos.
58 and 61 of 1851 submitted by the Sessions Judge
under date the 4th Instant.—

(Here enter J.M. Nos. 2370 & 2371 of 1851.)

Read return dated the 10th
Instant from the Sessions Judge of Chingleput
to the precept of the Fouzdaree Adaulut under
date 8th Idem communicating their observations
on the Criminal reports for the month of August
1851, annulling the sentence passed by the
Acting

16th October 1851.—

Acting Joint Magistrate in Case No. 71, and ordering the committal of the prisoner for trial before the Principal Sudr Ameen.—

(Here enter F.116. No. 2372 of 1851.)

Read letter dated the 11th Instant from the Sessions Judge of Madura transmitting a copy of his proceedings in the matter referred to in the proceedings of the Tinjanore Magistrate under date 7th Instant.—

(Here enter F.116. No. 2394 of 1851.)

Read Calendar of Cases No. of 1851 submitted by the Sessions Judge of Rajahmundry under date the 10th Instant.—

(Here enter F.116. No. 2395 of 1851.)

Read Statement submitted by the Sessions Judge of Cuddapah under date the 1st Instant of batta paid to prosecutors and witnesses in attendance before the Sessions Court from 1st January to 30th June 1851.—

(Here enter F.116. No. 2396 of 1851.)

Read letter dated the 11th Instant from the Chief Magistrate and Superintendent of Police forwarding report of a case tried under Act XXII of 1837 during the month of September 1851.—

(Here enter F.116. No. 2399 of 1851.)

W. Maycock

day
tober 1851.

At a Court of the Foujdaree Adalut.

Present.

G: S: Hooper Esqre — 1st Puisne Judge
E: P: Thompson Esqre — 2nd Puisne Judge.

Read letter dated the 27th September 1851 from the Sessions Judge of Salem, submitting a letter from the Magistrate requesting to be informed whether he is authorized to punish persons guilty of prevarication before him.—

(Here enter F: U: No. 2311 of 1851).

1. This question was disposed of in the Proceedings of the Court of Foujdaree Adalut under date 19th November 1849. an Extract from which will be forwarded to the Sessions Judge of Salem for information and guidance.—

2. The Court of Foujdaree Adalut further direct that Extract from the Proceedings be circulated for the information of the Magistrates generally.—

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

(Sent in No. 1004)

Read

Ct. Madura (minutely).

17th October 1851.

Read Calendar of C
submitted by the Sessions Judge of
date the 29th Ultimo.—

(Here enter F. No. 1

Read Calendar of C
1851 submitted by the Sessions Judge
date the 27th Ultimo.—

(Here enter F. No. 1

Read Calendar of
1851 submitted by the Sessions Judge
under date the 1st Instant.—

(Here enter F. No. 1

Read report date
submitted by the Session Judge
Cases pending on the 31st August
trial during the month of Septe
remained on the file of the Sessio
for more than 25 days.—

(Here enter F. No. 1

Read return date
submitted by the Subordinate Ma
charge of the Sessions Court of Chit
number of Convicts under the charge
Magistrate at Hallow to whom the
other rates of Jail were issued for the
1851.—

(Here enter F. No. 1

F. C.

Saturday 7th October 1851. At a Court of the Foujdaree Adalut.

Present.

G/H.R. G. S. Hooper Esqre. 1st Puisne Judge

P.S. E. P. Thompson Esqre. 2nd Puisne Judge

Read letter dated the 29th Ultimo from the Agent to the Governor of Fort St. George at Vizagapatam, submitting for final judgment a summary of the proceedings held by him in a trial for house breaking and theft in which five prisoners were concerned.—

(Here enter F. C. No. 2338 of 1851)

1. The Agent convicts all the prisoners.—

2. The Court of Foujdaree Adalut concur in the conviction of the 3d 4th and 5th prisoners and in accordance with the Agents recommendation sentence the 3d and 5th

Denkadah Chinna Appegaudoo.

and

Moonjaty Appegaudoo.

to (4) four years imprisonment with hard labor in irons, and the 4th

Totadah Appegaudoo

to

to (3) three years simprisonment
in irons under Section XXI Reg
1802, and Clause Second Section
I of 1825.-

3 The Court of Sess
are further of opinion that suffic
justify a conviction cannot be fou
alleged confessions before the Pol
of certain Rupees said to be fou
plundered property which are the only
circumstance against the 1st and 2d pris
confessions were declared to have been
ill treatment, to which fact witnesses
the Rupees cannot be identified as
from the Prosecutor's house.-
4 Under these circumstan
of Acquittal should direct the immed
of the 1st and 2d Prisoners.-
5. In the letter submitted
observe a discrepancy with respect to
of the 4th Prisoner, who in Para: first
"Kotadah Appagoudoo" but subsequently
Minutes "Donkadah Channa Appagoudoo"
being the name of the 3d Prisoner
application to the 4th being a pleader
clerical error.-

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

(Sent in No. 1087)

Read Calendars of Cases No. 9 and
12 of 1851 submitted by the Sessions Judge of
Chicacole under date the 29th Ultimo.-

(Here enter F: M: Nos. 2344 & 2346 of 1851).

Read Calendars of Cases No. 59 and 60
1851, submitted by the Sessions Judge of Bellary
under date the 2nd Instant.-

(Here enter F: M: No. 2349 of 1851).

Read report dated the 1st Instant
submitted by the Sessions Judge of Bellary
of Cases Pending on the 31st August 1851 before
him for a longer period than 25 days.-

(Here enter F: M: No. 2350 of 1851.)

Read report dated the 1st Instant,
submitted by the Sessions Judge of Mangalore
of Cases pending on the 31st August and
Committed for trial in the Month of September
1851 before him.-

(Here enter F: M: No. 2351 of 1851);

Dd W.

Read return dated 13th October 1851
from the Sessions Judge of Salem to the
Precept

18th October 1851.

Precept of the Foujdaree Udalut
the 9th October 1851 directing the
release of the Prisoners in Case
Calendar of the Sessions Court
1851.

Here enter F. Ct. No 2

Read Statement
October 1851 submitted by the
Judge of Combaconum, shew
realized by the Labor of prisoners
Quarter 1851.

(Here enter F. Ct. No 2

F. U.

At a Court of the Foujdaree Udalut.

1851 }

Present.

G. S. Hooper Esqre ——— 1st Puisne Judge
C. P. Thompson Esqre ——— 2d Puisne Judge

Read again Miscellaneous Petition
presented on the 4th August 1851 by Chin-
-napen appealing against the Sentence passed
on the 1st prisoner in the above Case.—

(Here enter F. M. P. No 97 of 1851)

Read also Return dated 10th
September from the Sessions Judge of Cudd alore
to the precept of the Foujdaree Udalut under
date the 29th September 1851 calling for the
translation of such portions of the record of
Case No 13 on the Calendar of the
Sessions Court as refer to the 1st prisoner

(Here enter F. C. No 2320 of 1851)

G. S. Hooper 1

On an attentive perusal of the
portion of the record of this Case submit-
-ted with the Sessions Judge's return the
Court of Foujdaree Udalut see no rea-
-son whatever to question the correctness of the 1st
prisoners conviction of the crime laid to his
charge and they accordingly refuse to disturb

the

20th October 1851

18th O

the Sentence passed upon him.

2 The Petitioner

missed.

Ordered that

Proceedings be forwarded

Judge of Cuddalore for the

(Sent in No. 110

Ordered also

these Proceedings be grant

his application.—

Read Mandate

dated on the 18th August

malrow Vakeel on behalf

Erasha Menon of Gillah

(Here enter F. M.

The Court of

have no authority to inter

passed by the Magistracy

of Subordinate Officers of

therefore decline to take

consideration.—

Ordered that

these Proceedings be grant

said Vakeel on his applica

Read Mandate

dated by the Sessions Judge

Mr. G. S. Cooper
and
W. E. D. Thompson

1851

on behalf of Jyaboo late a Naigue of the
35th Regiment Native Infantry.—

(Here enter F. M. D. No. 117 of 1851)

1 G. Cooper This is an application for the re=
=versal of an Order passed by the Sessions Judge
of Mangalore under date the 5th June last, re=
=jecting a Petition of Appeal presented by the
Petitioner against the Sentence of six months'
imprisonment passed upon him by the
Subordinate Judge in Case No. 110 of 1851 on
the Criminal file.—

2 The Court of Foujdaree Uda=
=lut observe that the Sessions Judge in the
Order now appealed from states that, on a
perusal of the Record of the Case in question,
he sees no reason to question the propriety
of the Sentence passed by the Subordinate Judge.
The Court of Foujdaree Udalut, are, therefore,
satisfied that there is no necessity for
their interference in the matter, and this
Petition is accordingly dismissed.—

Ordered that Extract from these
Proceedings be forwarded to the Sessions
Judge of Mangalore for his information
and for communication to the Petitioner.

(Sent in No. 1090)

Read

20th October 1851

Read Miscellan
dated on the 15th September
made Row Vakeel on behalf
Acha Iyagaroo of Gillan
(Here enter F. M. P

Mr. G. S. Cooper 1

From the extract
remarks of the Sessions Judge
his Order of the 28th August
-ted with the foregoing Petit
of Foujdaree Adalut find
form a correct estimate of the
Petitioner's complaint:-

2 Before passing
Orders, therefore, on the Petit
* to be returned it proper to forward the Pro
thereof to the Sessions Judge, wi
pleased to submit a full explan
several allegations, which it ap
also of the grounds of his Ord
-ference with the Proceedings of t

3 By the Sessions Ju
himself fully aware of the
Petitioner's Case, he will be pleas
the Magistrate for further inqu

Ordered that the
Proceedings be forwarded to the

U.
ber 1851 of Rajahmundry for his information and
guidance by precept returnable within ten
days from and after its receipt.-

(Sent following Precept No. 1091)

Ordered, also that Extract from
these Proceedings be granted to the Pe- dge.
-titioners' Vakeel on his application - dge.

Read letters dated the 8th and dge.
9th October 1851 from the Sessions Judge
of Rajahmundry submitting for the -sting
consideration and orders of the Court
of Foujdaree Adalut copy of the Report -n
of Case No. 103 of 1851, disposed of by the 1-a
Subordinate Criminal Judge together with trate
copies of the Sessions Court's Proceedings the
held thereon, and of the Return made
to them by the Subordinate Judge — of
(Here enter F. M. Nos. 2380 & 2389 / 1851) to

1 In the above Case 4 Prisoners
were charged before the Subordinate Cri- serious
-minal Court with having violently
attacked and beaten the Prosecutor of
while sleeping on the bank of a
thereby inflicting grievous hurt
to them vy:-

(Here enter F. M. Nos. 2380 & 2389 / 1851)

1 In the above Case 4 Prisoners
were charged before the Subordinate Cri- ser
-minal Court with having violently
attacked and beaten the Prosecut

18. C

20 October 1851.

2. The Subordinate
victed the Prisoners of the
charged, and Sentenced them
imprisonment with hard l
irons - the 1st 2d and 3d Pr
further adjudged to suffer
punishment under clause
III Regulation VII of 1822.

3 Adverting to the n
of the offence committed by th
which places the case beyond
jurisdiction of the Subordinat
also to the irregular manne
their trial was conducted. T
Judge states that he would
prepared to annul the Sen
direct the committal of the
has not entertained doubt
petency to do so under cer
rulings of the Foujdaree Ad

4 The Court of Ses
but observe that the offen
ted by the Prisoners in the
under consideration was
in respect to which the

Judge had no legal jurisdiction, and the whole proceedings of that officer were irregular - the law quoted in support of his sentence being even incorrect - Under these circumstances it was clearly not only in the power, but it was the duty of the Sessions Judge to correct the error into which Mr. Cotton had fallen by quashing his Proceedings - and the Court now resolve to direct the Sessions Judge to annul the Sentence, and to direct the committal of the case for trial before the Sessions Court. -

5 The rulings of the Foujdaree Adalut referred to in Mr. Anstruther's communication, the Court observe, are not in point.

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

(Sent in etc.

Read

20th October 1851.

Read Miscellaneous Petition dated 3rd September 1851 from Cupinie Vakeel on behalf of Royal Brahmin Zemindar of Coimbatore Ettiliar

Mr. G. S. Hooper. 1 Forwarded to Mr. G. S. Hooper

The above Petitioner applies for an order prefixed by the Joint Judge of Coimbatore dated the 23rd June 1851 on the Petitioner for endangering with the Assistance of Lawyers and refusing to pay the Fees of Law for the establishment of his right to Charity.

2 Before proceeding to dispose of the above Petition the Board of Sudder Adalut resolve to direct the Session Judge to call upon the Acting Magistrate to report whether the person complained of by the Petitioner was ignorant after ascertaining by proper enquiry whether the Village was in the actual profession of the Art he refused to.

3 The Sessions Judge will also be directed to require the Acting Magistrate to report further explanation of the circumstances of the case as will enable the Board of Sudder Adalut to form a correct judgment on the propriety or otherwise of the said order.

Ordered that the Proceedings be forwarded to the Sessions Judge of Coimbatore for his information by the returnable within X days from its receipt.

(Sent following Precept &c.

J. W

Tuesday 21st October, 1851.

At a Court of the Foujdaree Adalut

Present.

G.H.R. Mr. G. S. Hooper Esqre. —— 1st Puisne Judge.
E.P.T. Mr. E. P. Thompson Esqre. —— 2nd Puisne Judge.
T.L.S. Mr. T. L. Strange Esqre. Officiating 3rd Puisne Judge.

Read letter dated 6th October 1851 from the Session Judge of Coimbatore submitting the following questions-

1st Whether a Magistrate has jurisdiction to re-apprehend and proceed to judgment against a person already acquitted by the Joint Magistrate on the same charge and on the testimony of the same witnesses.

2ndly Whether an appeal from the Sentence of a Joint Magistrate lies to the Magistrate or to the Session Judge.-

(Here enter J. D. No. 2358 of 1851).

The Court of Foujdaree Adalut observe that the first of these questions was disposed of in the 3rd Para of their letter of the 3rd February 1845 and the second in their Proceedings of the 21st November 1844 paras 2 and 3 extract from which will be forwarded for the information of

the

the Sessions Judge.—

Ordered that Extract Proceedings be sent to the Sessions Coimbatore for his information.—

(Sent in No. 104)

Read report dated the submitted by the Sessions Judge of cases pending on the 30th September last for a period in excess of 2 months from the date of commitment.—

(Here enter F: S: No.

Read letter dated the 1st from the Sessions Judge of Cuddapah that there is no case during the month to be entered in the Report required by Board's Circular letter of the 16th October

(Here enter F: S: No.

Read Calendar of Cases of 1851 submitted by the Sessions Judge and on date the 30th Ultimo.—

(Here enter F: S: No.

Read Calendar of Cases of 1851 submitted by the Sessions Judge of Tinnevelly and on date the 1st instant

(Here enter F: S: No.

Read Report dated the

submitted by the Sessions Judge of Rajahmundry of Cases pending trial before the Sessions Court of Rajahmundry on the 30th Ultimo.—

(Here enter F: S: No. 233 of 1851)

Ditto 1853.

F. U.

Wednesday — 22d October 1851 } At a Court of the Foujdaree Udalut.

Present

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

H/R for W. — C. P. Thompson Esqre —— 2d Puisne Judge

J. L. Strange Esqre —— Officiating Puisne Judge.

Read again Miscellaneous Petition presented on the 7th August 1851 by Poonapa Moodely of Zillah Chittoor.—

(Here enter F. M. P. No. 98 of 1851)

Read also Return dated the 7th October made by the Subordinate Judge in charge of the Session Court of Chittoor to the Precept of the Foujdaree Udalut under date the 3d October 1851 transmitting an English translation of the above Petition, and requiring to be informed whether the Petitioner's assertion is correct that he was refused copies of the Orders passed on his case.—

(Here enter F. U. No. 2363 of 1851)

Mr. G. S. Hooper. 2 The Court of Foujdaree Udalut learn from the foregoing Return that the Petitioner never even presented a Petition to the Sessions Court on the subject of his alleged grievance — It is obvious therefore that his allegation —

that

that he complained to the said Court & refused a copy of its Order, is illegal & and the Court of Fouzdaree Udalut may resolve to dismiss his Petition.—

2 The Petitioner may if he shall institute a Civil action against the Individuals alluded to in his Petition for the recovery of the Cart and Bullocks of which he alleges he has been unjustly deprived.—

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

Read again Miscellaneous Petition presented on the 18th August 1851 by Vencatramal of Villah Trichinopoly.—

(Here enter F. U. No. 1179 of 1851)

Read also Return dated the 1st October made by the Sessions Judge of Combaconum to the Precept of the Fouzdaree Adawlut under date the 29th September 1851, ordering that Officer to report, whether there was any property in deposit belonging to the above Petitioner's husband, a Convict confined in Jail at Trichinopoly.—

(Here enter F. U. No. 2316 of 1851)

Mr. G. S. Hooper.

The Sessions Judge in the

22d October 1851.

Return reports that an application of a similar nature to that now preferred by the Petitioner has been previously made to him through the Sessions Judge of Trichinopoly, and that on the requisite enquiries having been instituted by the Subordinate Court no trace of any property of the nature of that adverted to by the Petitioner could be discovered.—

2 Under the above circumstances the Court of Fouzdaree Udalut resolve to dismiss this Petition.—

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

Read letter dated the 1st Instant from the Sessions Judge of Masulipatam submitting for the final judgment of the Fouzdaree Udalut the Record of Case No. 42 of 1851 of the Calendar of the Sessions Court.—

(Here enter F. U. No. 2378 of 1851)

Mr. G. S. Hooper.—

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 prisoners,

1st Maumedala Venkapah Puntooloo
9th Karee Venkiah
10th Sunkoo Chenchoo
and
11th Motoopully Venkatasemoodoo

pre

22d October 1851.-

are not convicted on presumptive proof
evidence of credible witnesses or on their
confession of the crime charged do sen
thereof and direct that they be put to

(Sents following letter No.

Dr RW.

F. N.

Thursday --
23rd October 1851

At a Court of the Foujdaree Udalut.-

Present.-

G: S. Hooper Esqre ——— 1st Puisne Judge.
C. P. Thompson Esqre ——— 2d Puisne Judge.
T: Lo: Strange Esqre — Officiating 3d Puisne Judge.

Read letter dated 2d October 1851
from the Session Judge of Salem, submitting
for the final judgment of the Foujdaree
Udalut the record of Case No. 29 of 1851 on
the Calendar of the Session Court.-

(Heresenter F. N: No. 2415 of 1851)

The Court of Foujdaree Udalut,
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, "Pulla Caully"
is sufficient to convict him of the crime
of wilful Murder, do convict him thereof-
and under the provisions of Section X Regu-
-lation VIII of 1802, sentence him to suffer
death by being hanged at the usual
time and place of execution.—

(Sent following letter No. 1099

Dr RW.

Mr. G: S. Hooper
and
Mr. C: P. Thompson

F. U.

Saturday ... 25th October 1851 } At a Court of the Foujdaree Udalut.

Present.

GWK — G. S. Cooper Esqre — 1st Puisne Judge.

WH for E.P.T. — E. P. Thompson Esqre — 2d Puisne Judge.

U. — T. L. Strange Esqre — Officiating Puisne Judge.

No return having been received from the Agent to the Governor of Fort St. George at Kurnool to this Court's precept of the 17th September 1851, directing certain further evidence to be taken in the trial of the Prisoner Mungala Gungadoo for gang robbery.

Ordered that the Agent be called upon to make return to the precept aforesaid without delay.

(Sent in No. 1101.)

Read Criminal Reports dated the 1st Instant, submitted by the Acting Sessions Judge of Nellore for the month of September last.

(Here enter F. U. No. 2423 of 1851)

Read Statement submitted by the Acting Sessions Judge of Trichinopoly under date the 1st Instant, shewing the amount realized by the labor of Prisoners during the 3d Quarter of 1851.

(Here enter F. U. No. 2425 of 1851.)

Read

25th October 1851

Read letter dated the
from the Sessions Judge of Salem
with reference to the Extract from
-ings of the Fouzdaree Adalut of
August 1851 copy of Extract from
-ings of the Sessions Court of Salem
of the record of Cases Nos 3 and 25
of persons punished by the Magis
the 1st Quarter of 1851.-

(Here enter F. U. No.

Read Calendar of
1851 submitted by the Sessions Judge
under date the 15th Instant.-

(Here enter F. U. No.

Read Calendar of
of 1851 submitted by the Sessions
Caliente under date the 4th

(Here enter F. U.

Read Criminal
by the Sessions Judge of
month of September 1851.-

(Here enter F. U.

Read Report dated the
submitted by the Sessions Judge
of the Labor of Convicts in the
* marks under charges of the
1852 Gillock for the month of

(Here enter F. U.

25th October 1851

Read Criminal Reports dated
the 15th Instant submitted by the Sessions
Judge of Masulipatam for the month of
September 1851.-

(Here enter F. U. No. 2439 of 1851)

Read Report dated the 15th Instant
-stant submitted by the Agent to the
Governor of Fort St. George, in Vizagapatam
of Persons apprehended in the separate
Tracts of Vizagapatam and delivered to
the Agency in the month of September 1851.

(Here enter F. U. No. 2446 of 1851).

Ja 1852.

Read letter dated the 30th
Ultimo from the Agent to the Governor
in Ganjam stating that the prolicion
of Act XVII of 1843 of Case No. 10 being
a clerical error, begs that 1840 may
be substituted for 1843.-

F. No.

Monday,
4th October, 1851. At a Court of the Tonjadarce Adalut.

Present.

G.S. Cooper, Esquire - 1st Puisne Judge.
C.P.S. C.P. Thompson, Esquire - 2d Puisne Judge.
T.L. T.L. Strange, Esquire - 3d Puisne Judge.

Read again Calendar of Cases Nos. 13 and 15 of 1851 of the Sessions Court of Tinnevelly.-

/Here Enter F. No. Nos. 1212 and 1444 of 1851/-

Read also Calendar of Case No. 28 of 1851 of the Sessions Court of Tinnevelly.-

/Here Enter F. No. No. 2382 of 1851/-

1. In the foregoing Case No. 28 of 1851 the Prisoner 'Veeravagoo' was charged with having in company with the Prisoners in the above mentioned Cases Nos. 13 and 15 beaten the Prosecutor, and robbed him of 5 sheep valued at 5 rupees.-

2. The Sessions Judge acquits the

F.N.P.

Monday,
2nd October, 1851. At a Court of the Foujdaree Adalut

Present

G.S. Hooper, Esquire - 1st Puisne Judge
C.D. Thompson, Esquire - 2d Puisne Judge
Acting T.L. Strange, Esquire - 3d Puisne Judge

Read again Calendar of Cases Nos. 13 and 15 of 1851 of the Sessions Court of Tinnevelly.-

/Here Enter F.N.P. Nos. 1212 and 1444 of 1851/-

Read also Calendar of Case No. 28 of 1851 of the Sessions Court of Tinnevelly.-

/Here Enter F.N.P. No. 2382 of 1851/-

1. In the foregoing Case No. 28 of 1851 the Prisoner Veeravagoo was charged with having in company with the Prisoners in the above mentioned Cases Nos. 13 and 15 beaten the Prosecutor, and robbed him of 5 sheep valued at 5 rupees.-

2. The Sessions Judge acquits the

the Prisoner 'Veerangee' of the ma
laid to his charge, and has dec
his unconditional release.

3.

And, adverting to
extenuating circumstances whi
existed on the trials of the
under consideration, and whi
more fully developed the real
of the offence committed by
Prisoners in Cases Nos. 13 and
Sessions Judge recommends the
mitigated sentence of 5 years
comment recorded against th
Prisoners be now further reduc
a sentence of six months' imp

4.

The Court of Fo
Adalut, upon a careful consi
of the circumstances now be
their notice, concur with the
Judge in his opinion that a
mitigation of the sentence p
upon the Prisoners in question
with propriety be allowed, b
of opinion that the sentence

by the Sessions Judge will not adequately
meet the demands of justice, the
Court of Foujdaree Adalut direct that
the said Prisoners be adjudged to
suffer one years' imprisonment, to
be calculated from the date of their
original sentences.-

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

/Sent in No. 1103/-

Read the Calendars of
Petty Cases disposed of by the
Magistracy of Chingleput during
the 2nd Quarter of 1851.-

/Here Enter F.R. No. 2270 of 1851/-

Security Calendar
Cases Nos. 1-2-3-8-10-11-

Adverting to the nature
of the offence charged against the
Prisoners in each of these Cases, and
also to the Regulation quoted in sup-
port of the sentences passed therein,
the Court of Foujdaree Adalut observe
that security should have been
demanded

demanded for keeping the peace
for the future good behaviour &
appearance of the Prisoners &
in the sentences.—

Ordered, that C
from these Proceedings be for
the Sessions Judge of Cudda
his information and for co
tion to the Joint Magistrate

/Sent in No. 1104/

Read the Calend
Petty Cases disposed of by the
of Cuddapah during the
of 1851.—

/Here Enter F. No. 2351 of 1851/

Punished Calendar.
Case No. 1.

The Court of
Udalut direct that it be
ent to the Magistrate, that
had no authority to dispose
case, the crime of Lurking
an Affray appearing to be by
Court alone.—

Security Calendar.
Case No. 1.

With reference
fact that the Prisoners

are not alleged to have been Vagrants,
but were charged with a specific
offence, the Court of Fouzdaree A
Udalut observe, that Security should
have been demanded from them under
Clause first Section IV. Regulation
II of 1822.—

Ordered, that Extract
from these Proceedings be forwarded
to the Sessions Judge of Cuddapah
for his information and for com-
munication to the Magistrate.—

/Sent in No. 1105/—

Read the Calendar of
Petty Cases disposed of by the
Magistracy of Malabar during the
2nd Quarter of 1851.—

/Here Enter F. No. 2353 of 1851/—

The Court of Fouzdaree
Udalut direct that the Magistrate
be instructed to observe, in future,
that appropriate headings are pre-
fixed to the statement of the
charge of all Cases disposed of by
himself

himself or his Assistants previous to
transmission of the Reports to the
Foujdaree Udalut &c. many of the
Cases entered in the Calendars
under consideration, the Court
are unwilling in this particular

Ordered, that Extract
from these Proceedings be forwarded
to the Sessions Judge of Calicut
his information and for
-ation to the Magistrate
Dr. 1 Do.

/Sent Dia. No. 1100/

Read Appeal
Submitted by the Sessions
Calicut for the month of
/Here Enter F.C. No. 2448/

Read Letter
Instant from the Sessions
Honble, informing
the Regulations Mysore
the Calendars therein mentioned
forwarded to the Foujdaree
/Here Enter F.C. No. 24

Read Memorandum dated
the 18th Instant from the Sessions Judge of
Mangalore forwarding copy of the Sessions
Courts Proceedings in Case No. 36 of 1851
on the Calendar.-

/Here Enter F.C. No. 2456 of 1851/-

Read return dated the 17th
Instant from the Sessions Judge of
Chicacole to the precept of the Foujdaree
Udalut under date the 8th idem, direct-
-ing him to forward a copy of their
proceedings dated 19th August 1851 regarding
the Cases Nos. 15 and 17 of 1851, to the
Acting Principal Sudder Ameen of
Vizagapatam.-

/Here Enter F.C. No. 2460 of 1851/-

Read Calendar of Case
No. LXIII of 1851 submitted by the Sessions
Judge of Calicut under date the 18th
Instant.-

/Here Enter F.C. No. 2463 of 1851/-

Read Calendar of Case
No. 38 of 1851 submitted by the Sessions Judge
of Combaconum under date the 22d Instant.-

/Here Enter F.C. No. 2465 of 1851/-

F.No.

Tuesday,
28th October, 1851. At a Court of the Fouzdaree Udalut.

Present.

G/18 — G. S. Hooper, Esquire — 1st Puisne Judge.

H.H. for L. R. G. P. Thompson, Esquire 2d Puisne Judge.

Vd. T. L. Strange, Esquire — 3d Puisne Judge.

Read again Calendar of Case No. 26 of 1851 on the file of the Sessions Court of Cuddalore.—

(Here Enter F.No. No. 2127 of 1851)

Read also return under date the 15th October 1851 from the Sessions Judge of Cuddalore to the precept of the Fouzdaree Udalut dated the 15th September 1851 directing the transmission of those portions of the records of the foregoing case which have reference to the 2nd prisoner.—

(Here Enter F.No. No. 2405 of 1851)

On perusal of those portions

portions of the record of the
submitted with the Sessions
return, the Court of Foujda
are unable to concur with
Officer in considering the ev
sufficient for the conviction
prisoner of the robbery lai
charge.—

2. The Court of
Udalut observe that if the cir
against him is confirmed by
confession said to have be
by him before the Police
confession he denied both
the Subordinate and Sessi
No property, supposed to
obtained by robbery, w
upon him, nor was any
by him, the enactments
28. to the production of
Sessions Judge refer with
in the Calendar as affo
evidence of the guilt of
prisoners as well as of

having been delivered up by the 1st
prisoner from that part of the
house inhabited by himself; and
there is nothing in the record to
show that the 2nd prisoner was cog-
nizant of their concealment.—

3. The Court of Foujdaree
Udalut accordingly resolve to reverse
the sentence passed upon the 2nd
prisoner in this case

Savvy

and to direct that he be uncondi-
tionally released.—

Ordered, that Extract
from these Proceedings be forwarded
to the Sessions Judge of Cuddalore
by precept returnable within 10 days
from and after it's receipt.—

Sent following Precept No. 1104/—

Dt 1851.

portions of the record of the
submitted with the Sessions
return, the Court of Foujda
are unable to concur with the
Officer in convicting the 2nd
prisoner of the robbery laid
charge.—

2. The Court of F
Udalut observe that the evi
against him is confined to
confession said to have be
by him before the Police
confession he denied both
the Subordinate and Sess
No property, supposed to
obtained by robbery, w
upon him, nor was any
by him, the enactments
28. to the production of
Sessions Judge refer with
in the Calendar as affor
evidence of the guilt of
prisoner as well as of

having been delivered up by the 1st
prisoner from that part of the
house inhabited by himself; and
there is nothing in the record to
show that the 2nd prisoner was cog-
-nizant of their concealment.—

3. The Court of Foujdaree
Udalut accordingly resolve to reverse
the sentence passed upon the 2nd
prisoner in this case

Savvy

and to direct that he be uncondi-
-tionally released.—

Ordered, that Extract
from these Proceedings be forwarded
to the Sessions Judge of Cuddalore
by precept returnable within 10 days
from and after it's receipt.—

Sent following Precept No. 1104/1-7

Dt 1851.

F: U:

Thursday 30th. October 1851.

At a Court of the Foujdaree Udalut.

Present

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

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

vel. J: L: Strange Esqre. — Officiating 3rd. Puisne Judge.

Read letter dated the 15th. Instant, from the Session Judge of Mangalore, submitting for the final Judgment of the Foujdaree Udalut the Record of Case No. 36 of 1851 of the Calendar of the Session Court.-

(Here enter F: U: No. 2441 of 1851).

W. G. S. Hooper and W. J. L. Strange.

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

"1st. Krooshna"

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. On an attentive perusal of the record of this Case the Court of Foujdaree Udalut do not consider the evidence affecting the 1st. prisoner -- sufficiently

sufficiently satisfactory to justify his committal for the murder laid to his charge.-

2. The Court of Foujdaree Adaulut consider that the earliest information against the 1st prisoner was obtained from his brother the 1st witness, and it appears to the Court improbable, considering the relationship in which he stood towards the prisoner, that this witness would from benevolent motives volunteer such information.-

3. Now addition to the information given by him the 1st witness alleges proof of enmity as existing in the 1st prisoner against the deceased, and he cites a mortgage transaction between them which the deceased had entered into by purchasing the land mortgaged. But in doing so. This matter, it appears, occurred three or four years before the commission of the murder and under no circumstances could it be admitted as evidence of the Foujdaree Adaulut be admitted as proof of motive for the murder, for in that case the deceased, the successful agitator, and the deceased the sufferer, and the Sessions Judge, it is to be observed himself disallowed this transaction as the cause for the murder of the deceased.-

4. The Court of Foujdaree Adaulut consider that on this reasoning to the 1st

betrayed his animus and the like objection appears to attach to the evidence of the other witnesses (the 2nd and 5th) who have made a similar appeal to this transaction.-

5. Another alleged cause for the commission of the murder was that the deceased supported the 16th witness in his opposition to a suit instituted by one Kavier, in the matter of which the prisoner was interested.-

6. The Sessions Judge attaches some weight to this circumstance as affording evidence of the existence of a motive, but as the Suit in question was not pursued, but was withdrawn 8 or 9 months before the murder occurred, the Court of Foujdaree Adaulut cannot concur in the conclusion drawn from it by the Session Judge.

7. For these reasons the Court of Foujdaree Adaulut consider the first information given against the prisoner to proceed from a suspicious quarter, and which they are unable to discover any propelling cause for his being the perpetrator of the murder, adverting to the insufficiency of the motives imputed to him, and framed seemingly in concert; they see strong grounds for believing in the existence of an animus against him on the part of some of

the

30th October 1851.

the testimonies for the prosecution

8. It is alleged

pointed out as that when a taba

which is represented to have been

deceased at the time of the murd

Patail of the 8th August, the day

night of the murder, makes no

such robbery, having been com

prisoner knows that two gold ear

or silver Tanjias, and a silver ba

the body when it was interred

9. It is obvious that

robbing the deceased, and with

as there were in the present

out such a design without do

not have left these articles behi

therefore view with much susp

against the prisoner which are

exhibited discovery of the gold

the same reason they are bel

confession said to have been

before the Police

10. The Court are

for pronouncing the integrity of

the prosecution in the circumst

prisoner said to have been

mere produced from the prisoners house, the stains found on which have been unqualifiedly pronounced by the Zillah Surgeon to be not of blood but of some vegetable substance.-

11 The strongest circumstance against the prisoner is his having renewed his confession when brought before the Subordinate Criminal Court but on this point it is to be observed — that although the prisoner adopted the whole of his Police confession when read to him in the Subordinate Court yet when previous to this he had to make his own statements in that Court he gave an account not corresponding with that appearing as his on the Police record.-

12. It appears to the Court of Foujdaree Adalut remarkable that the 1st witness after knowing, as he says of the conspiracy to commit the murder, should also on the night thereof have happened to come out of his house to ease nature, and have then had the opportunity of observing that the prisoner was not at his usual sleeping place, and that in like manner another witness (the 2nd) should have happened on the same night to come out of his house for a similar purpose and so opportunely as just to fall in with the murderers, as they were running off from the

scene

the witnesses for the prosecution

8 All is alleged

permitted and as after when a robbery

which is represented to have been

deceased at the time of the murder

Potail of the 8th August, the night

night of the murder make an

such robbery having been committed

prisoner knows that two gold ear

a silver Tanjore, and a silver

the body when I was inspecting

9 All is shown

robbing the deceased, and with

as there were in the deceased's

out such a design without the

not have left these articles behind

therefore acted with much

against the prisoner which

effected discovery of the goods

the same reason they are not

confession said to have been

before the Police

10 The Court

for questioning the integrity of

the prosecution in the murder

prisoners said to have been

1851.

were produced from the prisoners house, the stains found on which have been unqualifiedly pronounced by the Zillah Surgeon to be not of blood but of some vegetable substance.-

11 The strongest circumstance against the prisoner is his having renewed his confession when brought before the Subordinate Criminal Court but on this point it is to be observed - that although the prisoner adopted the whole of his Police confession when read to him in the Subordinate Court yet when previous to this he had to make his own statements in that Court he gave an account not corresponding with that appearing as his on the Police record.-

12. It appears to the Court of Foujdaree Adalut remarkable that the 1st witness after knowing as he says of the conspiracy to commit the murder, should also on the night thereof have happened to come out of his house to ease nature, and have then had the opportunity of observing that the prisoner was not at his usual sleeping place, and that in like manner another witness (the 2nd) should have happened on the same night to come out of his house for a similar purpose and so opportunely as just to fall in with the murderers, as they were running off from the

scene

sense of this crime.—

13. It seems to the Co
that when the object of the prisone
two of them (the 1st and 3d prisoners) th
alleged, have stopped to give the vict
means of identifying them, and have
what they had just done.—

14 For the foregoing reas
Court have considered the evidence for
to be very improbable and suspicious
have accordingly directed the prisoners
release.—

15. The Court observe on
circumstance in the Sessions Judge's
of the evidence, the testimony to the
the property said to have been robbed
deceased having been rejected by him
the 3d prisoner but admitted against
to the evidence of the 1st and 3d witnesse
he principally bases his conviction of
no weight is attached with reference to
prisoners against whom those witnesses

Ordered that Enclosed
Proceedings be sent to the Sessions
Mangalore for his information.—

(Sent in No 1111.)

Read letter dated 15th Instant,
from the Session Judge of Honore, submitting
for the final Judgment of the Foujdaree Adalut
the Record of Case No. 21 of 1851 of the Calendar
of the Session Court.—

(Here enter No. 2152 of 1851)

The Court of Foujdaree Adalut,
Wm. E. P. Thompson
and
Wm. J. L. Strange. on a deliberate consideration of all the circumstances
of the case in evidence before them being of opinion
that the prisoners,

1st Coombar Manoo.

and

2nd Baboo.

are not convicted on presumptive proof or on the
evidence of credible witnesses or on their own confession
of the crime charged, do acquit them thereof, but—
considering that strong suspicion, though not—
amounting to conviction attaches to them, they—
direct that under clause sixth Section II Regu-
-lation XV of 1803 they be required severally to find
Two sureties in 25 Rupees each surety for their
good behaviour and appearance when required within
3 years or in default thereof that they be detained
for Three years in confinement.—

1. On an attentive perusal of the
record of this case the Court of Foujdaree Adalut

Same

have been unable to concur with the Judge in considering the evidence to the full conviction of the prisoners as laid to their charge.

2. The Court of Foujdaree observe that it is distinctly stated by the Assistant that the bones produced in Court were fresh but old bones thus at once negativing the hypothesis that they were those of the deceased; and as the body of the deceased has not been found it must remain open to doubt whether any murder has been committed.

3. The Court however are of opinion that the statements made by the prisoners the fact of the deceased having mysteriously disappeared, the circumstance that the 1st prisoner was the last person seen in the company of the deceased, and that both the prisoners absented themselves from their houses for several days after the deceased had disappeared, attach to them strong suspicion of having been concerned in the murder of the deceased; and the Court have accordingly directed that the proceedings be laid respectfully under consideration of the Sudder Court.

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

(Sent in No. 1112.)

Read Miscellaneous Petition presented on the 8th September 1851 by B. Venkatasoobbiah of Zillah Chittoor.

(Here enter F. H. P. No. 120 of 1851).

Mr. E. P. Thompson

1. The Petitioner, adverting to the orders passed by the Court of Foujdaree Adalut under date the 30th January 1851 and 24th June 1851, dismissing his former Petition on the ground that they were not accompanied by the order of the Assistant Magistrate virtually appealed from, now states that 25 documents were submitted by him with the Petition presented by him to the Court on the 22nd April last; among which was the order of the Assistant Magistrate in question. He, therefore prays that the same may now be taken under the Court's consideration.

2. The Court of Foujdaree Adalut have accordingly considered the orders passed by the local authorities in the matter to which this Petition relates, together with the reasons urged by the Petitioner for their reversal, and the Court are satisfied that the said Orders are correct and proper.

3. If the Petitioner has any claim, as stated by him, to the Village of Kistnapoor, the Civil Courts are open to him for redress.

Ordered that Extract from these Proceedings

30th October 1851.

Proceedings had given to Petitioner on his ap

Read again Calendar of the

of 1851 of the Sessions Court of Madura

(Here enter Fo: 66: No: 1323 of 18

Read also Miscellaneous Petition

presented on the 13th September 1851 by Poonga

goundan of Zillah Madura.

Mr G: S: Hooper. (Here enter Fo: Me: R: No: 128 of 18

The Court of Foujdaree Adalut h

again carefully considered the evidence set forth

the Calendar of the foregoing Case, and they are

therefrom that the 9th 10th and 17th Prisoners ha

been justly convicted of the crime laid to their

charge.

2.

The Petitioner's application f

the release of those Prisoners is accordingly

dismissed.

Ordered that Extract from these

Proceedings be given to Petitioner on his applica

Sd RD.

F.N.C.

Friday,
31st. October, 1851.

At a Court of the Foujdaree Udalut.

Present.

G.S.H. G. S. Hooper, Esquire 1st. Puisne Judge.
J.P.T. J. P. Thompson, Esquire 2d. Puisne Judge.
T.L.S. T. L. Strange, Esquire 3d. Puisne Judge.

Read Letter dated the 14th. October 1851 from the Sessions Judge of Madura submitting the Question whether the Sessions Judge is competent to direct "that corporal punishment awarded by Subordinate Criminal Courts be not inflicted till the Report in Form A has been seen by him".-

Here enter F.N.C. No. 2418 of 1851.-

The Court of Foujdaree Udalut entirely concur in the opinion expressed by the Sessions Judge and approve of the order issued by him under date 29th. September 1847.- It is observed in Circular Order No. 185 that

that he has been sufficiently punished by the imprisonment which he has already undergone and they accordingly direct that the Sessions Judge will review the Proceedings and pass such orders thereon as he may think proper reporting the same for their information.

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

/Sent in No. 1115/-

Read Criminal Reports of the Sessions Court of Honore for the month of September 1851.—

/Here enter F.No. No. 2420 of 1851/-

Report A. Case No. 66.

As it does not appear that the Sessions Judge considered the charge of "breaking" to have been established against the Prisoners in their case, the Court of Foujdaree Adalut observe that their offence was reduced to one of simple Theft to the extent of but 6 annas and 8 pies, and

31st October, 1851.

and might, therefore, have been
of by the Acting Police
2.
Under these circum
the Court of Session Udalut
the sentence of one month Imp
must be passed upon the Pris
to be commensurate with
the punishment which the Court
undergone subsequent to the Sen
of Justice. The Court would suggest
to the Sessions Judge the propriety
his directing that the Prisoner be
ed to liberty
3.
The Court further dir
that the sentence of seventy-four
upon the 2nd Prisoner be not carried
Ordered, that Certified
from these Proceedings be forwarded to
the Sessions Judge of Kumaon by
Post to return the within Papers
forwarded after its receipt.
Sent following Records No. 95 &

F.16.
1st October, 1851.

Read Criminal Reports
of the Sessions Court of Trichinopoly
for the month of September 1851.—
Were Entered F.16. No. 2424 of 1851.—

Report B.
Case No. 95.

In the absence of any apparent
1.
circumstances of aggravation in this
case, and with reference to the
trifling amount of injury sustained
by the Prosecutor thro' the act of the
Prisoner, it appears to the Court of
Sessions Udalut that the latter has
been sufficiently punished as far as
regards this case by the imprisonment
he has already undergone, and they
accordingly resolve to direct that the
Sessions Judge will review the Proceed
ings and pass such orders thereon as
he may think proper, reporting the
same for their information.—

Case No. 96.

At the same time the
2.
Court observe that the subsequent
number in which the same Prison
was charged with "Escape" has been
correctly returned by the Acting
Sessions

J. W.

Saturday
1st November 1851

At a Court of the Fouzdaree Udalut

Present

Sd/- G. S. Hooper Esqre 1st Puisne Judge

H. J. Sd/- E. P. Thompson Esqre 2d Puisne Judge

W. Pgn Sd/- J. L. Strange Esqre Officiating Puisne Judge

Read Criminal Reports submitted by the Sessions Judge of Chingleput for the month of September 1851

(Here Inter J. W. Nº 2406 of 1851)

Report B
Case Nº 57

1. The Court of Fouzdaree Udalut observe that the offence charged in this case should have been designated as "Rape", the alleged act of deflowering being the most serious part of the charge

2. A girl of 16 years cannot properly be described as a child, and the heading therefore of "Child-stealing" was the more inappropriate

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Chingleput for communication to the Principal Sudr Ameen

(Sent in Nº 1120.)

Exa

Sessions Judge to the Magistrate with reference to the provisions of Regulation VII of 1816 and Act XXIV of 1843 and to call upon the latter officer to state the grounds and Rational principles of punishment for the offences and to bring to their notice &c &c

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

Sent to the Sessions Judge of Chittoor

Read letter from the Sessions Judge of Chittoor to the Magistrate of Vellore under date the 9th instant transmitting the Calendar of Prisoners committed by the Magistracy of the 2nd Division of Vellore

Ordered, that the Calendar be filed

Filed

Read letter from the Sessions Judge of Chittoor to the Magistrate of Vellore under date the 9th instant transmitting the Calendar of Prisoners committed by the Magistracy of the 1st Division of Vellore

Ordered, that the Calendar be filed

Filed

Read letter from the Sessions Judge of Chittoor to the Magistrate of Vellore under date the 9th instant transmitting the Calendar of Prisoners committed by the Magistracy of the 3rd Division of Vellore

Ordered, that the Calendar be filed

Filed

transmitting the number of Convicts under the charge of the Head Assistant Magistrate at Vellore to whom the maximum and other rates of diet were assigned for the month of September 1851.

Have Entered Fileo No 2490 of 1851

Read Convict Labor Report submitted by the Sessions Judge of Chittoor of the Jail at Vellore under the charge of the Head Assistant Magistrate of North Arcot for the month of September 1851.

Have Entered Fileo No 2491 of 1851

Read Jail Reports submitted by the Sessions Judge of Coimbatore in charge of the Magistracy for the month of September 1851.

Have Entered Filed No 2494 of 1851

Read Calendar of Cases No 12 of 1851 submitted by the Sessions Judge of Chingleput under date the 27th Instant.

Have Entered Filed No 2498 of 1851

Read Criminal Reports
submitted by the Sessions Judge of
Coimbatore for the month of September
(Here Ent. FR No. 2409 of 1851)

Report B
Case ck. 131

The Sessions Judge forwards a
Case referred to the Court of Sessions
but strongly recommends the prisoner
who was convicted of theft both in
and in the following case and where
shown to have been in charge of the
property stolen when the theft took place
having been adjudged to undergo a
punishment no more severe than Rigorous
to the 1st and 3d prisoners who were con-
victed in one Case only and whose offence
was not aggravated by the circumstance
of the property stolen having been in
their custody

Case ck. 137
139

2

The prisoners in which the
prisoners are known Cases offences thereby
into the prosecutors houses should have
been specified in the statement of Charge

Magistrates Calendar
Case ck. 29

3

According to the remarks record-
ed by the Sessions Judge in this case
that the property of the Sentence imposed

by the Assistant Magistrate is in a
great measure borne out by the facts
now communicated the Court of Sudder
Udalut desire to be distinctly informed
whether the conviction is fully and un-
questionably supported by the evidence
adduced

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. 1120)

Read Criminal Reports
submitted by the Sessions Judge of
Cuddapah for the month of September
1851

(Here Ent. FR No. 2422 of 1851)

The Court of Sudder Udalut

Case ck. 190
Report A

1

observe that as the remarks recorded by
the Sessions Judge in this case do not
involve any alteration of Sentence, the
submission of the report A was unnece-
-sary and a note appended to the

Report

1st November 1851.

Report B would have been proffered

Report B
Cases Nos 193

2 This Case, as stated in the
Report, would appear to involve no
more than an omission of obligation and no
ground as would bring the
case under the operation of the criminal
for which it would be necessary to
that he required from the
he is charged with having withheld

Cases Nos 215

3 The statement of charge in
this case appears to require explanation
the facts alleged thereon being no more
than an invasion of rights, such as
would properly form the subject of a
Civil action, but not cognizable by the
Criminals Courts

4 The alleged abstraction of the
documents referred to, if at all criminal
or theft, should have been charged as
accordingly

Ordered that Extract from
these Proceedings be sent to the Sessions

JK.

1st November 1851.

Sessions Judge of Cuddapah for his in-
formation and guidance by precept
returnable within X days from and
after its receipt

(Sent following Precept No. 1122)

Read Criminal Reports
of the Sessions Court of Bellary for the
month of September 1851
(Have Entered S. No. 2444 of 1851)

Report B
Cases Nos 1354 to 6

1 With reference to the alteration
effected in the sentence recorded in each
of these Cases, the Court of Foujdaree Adalut
observe the Report of them in Form A
should have been submitted for their
consideration. The Court deem it proper
to call upon the acting Sessions Judge
now to supply the omission

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

(Sent following Precept No. 1123)

1st November 1851.

Report B would have been sufficient

Report B
Cases Nos 193

2. This Case, as stated in the Report, would appear to involve more than an evasion of obligation and not such a ground as would bring the case under the operation of the criminal law for which it would be necessary to prove that he acquired ground unlawfully the charge he is charged with having withheld

Case No 215

3 The Statement of charge in this case appears to require explanation the facts alleged therein being no more than an invasion of rights, which would properly form the subject of a Civil action, but not cognizable by the Criminals Courts

4 The alleged abstraction of the documents referred to, if it amounted to a theft, should have been charged accordingly

Ordered that Extract from these Proceedings be sent to the Sessions

J.H.

1st November 1851.

Sessions Judge of Cuddapah for his information and guidance by Precept returnable within X days from and after its receipt

(Sent following Precept No 1122)

Read Criminal Reports of the Sessions Court of Bellary for the months of September 1851

(Have Entered Nos 2444 of 1851)

Report B
Cases Nos 135 & 146

1. With reference to the alteration effected in the Sentence recorded in each of these Cases, the Court of Foujdaree Udalut observe the Report of them in Form A should have been submitted for their consideration. The Court deem it proper to call upon the acting Sessions Judge now to supply the omission

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

(Sent following Receipt No 1123)

Read Criminal Report
submitted by the Sessions Judge of Tinn
for the month of September 1851
(Here enter F.C. No. 2436 of 1851)

Report A
Case No 89

1

The Court of Sunjdarai Udalut
observe that as the revision by the Sessions
of the proceedings held in this case did
involve any alteration of sentence, the
of the report A was unnecessary and a
to the effect that the proceedings had
noticed by the Sessions Judge but that
sentence was unaltered would have been
sufficient.

Report B
Case No. 95

2.

The Court of Sunjdarai Udalut
observe that the alleged delivery by the
in this case of a portion of the stolen
to the prosecutor although affording evid
of the prisoner's complicity in the theft co
not with propriety be made the subject
a criminal charge and should therefore
been omitted from the indictment.

Case No 95

3.

The Court of Sunjdarai Udalut
desire to be informed what circumstances
this case were considered to bring it under
the operation of Clause fourth, Section III
lation VII of 1822 the offence charge as
specified

1st November 1851

specified in the statement of charge being, it would seem, punishable under Section VII Regulation X of 1816.

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

Sent following Precept dt. 11th

Read Criminal Reports
submitted by the Sessions Judge of Cuddalore
for the month of September 1851
(Here Enter F.C. No. 2410 of 1851.)

Case No. 115.

It appears to the Court of Sunjdarai Udalut that the Prisoner in this case having been convicted of a simple theft of property valued at only 2 Annas, an offence which might have been finally disposed of by the Native Police, has been sufficiently punished as far as regards this case by the Imprisonment he has already undergone and they accordingly resolve to direct that the Sessions Judge will review the proceedings and pass such Orders thereon as he may think proper, reporting the same for their information

Ordered that Extract from these

21st November 1851

these proceedings be forwarded to the
Judge of Cuddalore by Precept with
within X days from and after the
(Sent following Precept

Ltr to Cuddalore Judge

No 16

Monday 2d November 1851. At a Court of the Tonjadare Udalut

Present

G. S. Hooper Esqre 1st Puisne Judge

H. Thompson Esqre 2d Puisne Judge

J. C. Strange Esqre Officiating Puisne Judge

Read Calendar of Cases Nos 35 and 36 of 1851 of the Session Court of Coimbatore

(Here Enter M Nos 2467 & 2468 of 1851)

Case No 35

1. The Court of Tonjadare Udalut approve of the recommendation made by the Session Judge in this Case, that the Sentence recorded against the two Prisoners on their Conviction of "Highway Robbery" be mitigated to 5 years imprisonment with hard labor in irons; and the Session Judge is authorized to issue his warrant accordingly

Case No 36

2. The Court observe that it should have been distinctly set forth in the Calendar of this Case whether or not the Prisoners were convicted of the Crime charged

21 November 1851

These proceedings be forwarded to the Judge of Cuddalore by Precept No. within X days from and after the date of the first following Precept which

Sd/ [illegible] Sudr

J. 116

Monday 17th November 1851. At a Court of the Tonjadare Udalut

Present

Sd/ G. S. Hooper Esqre. 1st Puisne Judge

Sd/ for S.P.J. J. D. Thompson Esqre. 2d Puisne Judge

Sd/ for S.C.J. J. G. Strange Esqre. Officiating Puisne Judge

Read Calendar of Cases Nos. 35 and 36 of 1851 of the Session Court of Coimbatore

(Here Enter J. 116 Nos. 2467 & 2468 of 1851)

Case No. 35

1. The Court of Tonjadare Udalut approve of the recommendation made by the Session Judge in this case, that the Sentence recorded against the two Prisoners on their Conviction of "Highway Robbery" be mitigated to 5 years imprisonment with hard labor in irons; and the Session Judge is authorized to issue his warrant accordingly

Case No. 36

2. The Court observe that it should have been distinctly set forth in the Calendar of this Case whether or not the Prisoners were convicted of the Crime charged

charged.-

Ordered that the
these Proceedings be forwarded
Judge of Combatore for his
and guidance

(Sent on at No. 1129

Read Crimin
submitted by the Agent to
of Fort St George at Fairmo
of September 1851

(Here Enter F.H. No. 2470 of

Case No. 35

1

The Court of
direct that it be intimated
and Agent, with reference to
proposed by him in this Case,
in future, invariably give
which his decisions are

Case No. 36

Case No. 37

2

The Court further
it be intimated to the
where the above Prisoners
or two, or more, members
or acquittal in the case may
separate charges the distinctly

Ordered that
these Proceedings be forwarded

to the Governor of Fort St. George at Fairmo
for his information and for communica
= tion to his Assistant.

(Sent in No. 1129)

Read Calendar of Case No. 39
of 1851 of the Session Court of Cuddalore

(Here Enter F.H. No. 2477 of 1851)

1. The Court of Foujdaree Udalut
observe that the Prisoners in this Case were
committed by the Principal Sudr Ameen
on the charge of having administered a
drug to the deceased, and so caused her
death. The evidence, however, relates solely
to the removal of the deceased, when labor=
=ing under illness, in a Cart; not a single
statement having been made by any
of the witnesses relative to the adminis=
=tration of any drug to the deceased by
the Prisoners.

2. Under these circumstances
the Court of Foujdaree Udalut consider
the Head of Police to have erred in
forwarding the Case to the Criminal
Court, and they cannot but regret the
want of discretion evinced by the Principal

Sudr

Said Answer in committing the Prisoners for trial before the Sessions Court

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddalore for his information & for communication to the Principal Officers Answer

(Sent in Sr. 1130)

Read Calendars of Cases Nos. 30 and 32 of 1851 of the Sessions Court of Salem.

(Here Enter J. M. Nos. 2470 & 2471 of 1851)

Orders on the foregoing Cases, the Court of Joujdaree Udalut deem it proper to direct that English translations of such portions of the Record as may relate to the Prisoners noted in the margin, including the statements made by those individuals before the Police, Subordinate, and Sessions Courts, be submitted for their consideration.

1st Appoo cauttan alias Irroosa
2d Vyasanny son of Pichen
3d Sallim of Yetta-
4th Coondun son of Coottan Palanny son of Cottan.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Salem for his information and guidance by Precept returnable within

XV

J. M.

3d November 1851.

XX days from and after its receipt

(Sent following Receipt Sr. 1131)

Read Miscellaneous Petition presented on the 15th September 1851 by G. Venkatamma of Zillah Nellore

(Here Enter J. M. P. No. 126 of 1851)

The Petitioner is referred to the former Orders passed by the Court of Joujdaree Udalut under date the 8th September last in the matter to which this Petition relates

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

Read Return under date the 28th Ultimo from the Sessions Judge of Salem, to the Precept of the Joujdaree Udalut under date the 30th September 1851, calling for certain information with reference to Case No. 13 of the furnished City Calendar for the 2d quarter of 1851.

(Here Enter No. 2508 of 1851)

Read Calendar of Case No. 40 of 1851 submitted by the Sessions Judge of Mangalore under date the 28th Ultimo

(Here Enter No. 2511 of 1851)

Read

Read letter 11 under date
31st Ultimo from the Acting Sessions
of Nellore submitting Magistrates Re-
Nos 1 and 2 for the 3rd Quarter of 18
with observations

(Heere Inter Ffs No 2514 of 1851)

Read letter under date the
1st Instant from the Sessions Judge
of Chingleput reporting that no Cases
to be reported on as required by the Cir
letters dated 16th October 1844 and 21st
January 1845 were pending last mo
before the Sessions Court

(Heere Inter Ffs No 2515 of 1851)

Read letter under date the
1st Instant from the Sessions Judge
Cuddalore reporting that no Cases
been pending trial before the Sessions
for a period exceeding 25 days calcula
from the date of commitment

(Heere Inter Ffs No 2516 of 1851)

Read Calendar of Cases
No 55 of 1851 submitted by the Sessions
of Cuddapah under date the 30th Ultimo

(Heere Inter Ffs No 2571 of 1851)

4th 1851

F. 16

In Court of the Foujdaree Udalut

Present

Tuesday
4th November 1851

G. S. Hooper Esqre 1st Puisne Judge

W. Tayler for 2d J. C. P. Thompson Esqre 2d Puisne Judge

H. W. for J. C. S. J. C. Strange Esqre Officiating Puisne Judge

Read Criminal Reports submitted by the Sessions Judge of Rajahmundry for the month of September 1851

(Here Enter F. 16 No. 2435 of 1851)

Report B
Cases Nos 79. 80

1. It should have been stated in the reports of these cases whether or not the prisoners were convicted of the offences therein laid to their charge

Case No 90.

2. The Court of Foujdaree Udalut see nothing in the statement of the charge preferred against the prisoner in this case to place it beyond the jurisdiction of the Sudr Ameen; the Case not being committable for trial before the Court of Session

Case No 101.

3. The Court of Foujdaree Udalut desire to be informed of the nature of the sentence

4th November 1851

Report A
Correct 87

sentence adjudged to the 1st Prisoner
this case which is not stated in the
The Court of Inquiry
Undoubtedly observe that the offence charg
in this case which was not "forcibly"
"robbing use of threats for the purpo
of extorting money" was clearly proved
able by the Criminal Court, and the
Circular Order quoted by the Sessions J
with reference to which the sentence ha
been reversed was altogether inapplicable
to the case

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

(Sent following Receipt No 1153)

2nd
1851

F.W.

Wednesday
5th November 1930.

Act a bomb of the Tinjdaree Udalab

Present.

H.M.K. G. L. Hooper Esqre. ——— 1st Puisne Justice
H.D.P.S.P.T.C. Thompson Esqre. ——— 2d Puisne Justice
H. L. Wan-Ut. Co. Woodhead Esqre. ——— 3d Puisne Justice.

Read letter dated 10th October 1930 from the Secretary Supt. of Police, submitting for the final information of the Tinjdaree Udalab the records of Trial No 11 of 1930 of the Calendar of the Session Bomb.

(Here Case No 2483 of 1930.)

The Bomb of Tinjdaree Udalab, on a deliberate consideration of all the circumstances of the Case in evidence before them, being of opinion that the prisoner "Jayara Ramoodo."

Mr. G. L. Hooper
Mr. C. P. Thompson
Mr. T. L. Strange.

is convicted of Homicide; and considering that, under the circumstances, it was justifiable, direct that he be discharged from custody.

The Bomb of Tinjdaree Udalab considering the provocation under which the prisoner is shown to have committed the act laid to his charge to be such as to relieve him from liability to punishment, and they have therefore directed his immediate release.

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

(Sent in No. 1133.)

H.M.K.

F.U.

Thursday.
6th November 1851. At a Court of the Foujdaree Udalut

Present

J.R. G. S. Hooper Esquire ——— 1st Puisne Judge
for P.J. C.P. Thompson Esquire ——— 2d Puisne Judge
B.J. & S.J.S. T. La Strange Esquire Acting — 3d Puisne Judge

Read Calendar of Case No. 8 of 1851 of the Sessions Court of Chittagong.

/Here enter the No. 2432 of 1851./

The Court of Foujdaree Adalut approve of the recommendation made by the Session Judge in this case that the punishment awarded to the Prisoner on his conviction of "theft" be mitigated to 3 years' imprisonment with hard labor in irons - and the Session Judge is authorized to upon his warrant accordingly -

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

/Seal in No. 1134./

Read Criminal Reports of the Sessions Court of Jalore for the Months of September 1851.

/Here enter the No. 2621. of 1851/

Report B
Case No. 131

The Court of Foujdaree Adalut remark, with reference to the nature of the charge in this case, that the mere evasion of payment does not constitute a matter for a Criminal prosecution; and they direct that the error committed by the Police Amlah in forwarding the case to the Criminal Court, be brought to the notice of the Magistrate -

Report E
Case No. 135.

2. Adverting to the fact that no alteration was effected in the sentence recorded in this case, the Court

Bomb of Cuddalore dated above. Ret. the Report of Sub in which was unnecessarily took note of the circumstances which elicit remark from the Session Court, as directed by the last paragraph of the case in Report B, being also that in such cases is required.

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

/Sub in Rc 1135/

Read Calendar of Cases tried and disposed of by the Session Court of Chingleput.

/Here Enter Rc No 2433 of 1851/

The Court of Puisne Judges doubt whether the commitment of the accused in this case, as made at the period for which it has been taken, to be unexpectedly great. The Court accordingly resolve to release the same, and to direct that the said Prisoner be required to furnish two securities in the sum of 50 Rupees each for the period of two years.

2. The Court direct that the annexed remarks of the Law Officer for the Station delivered in this case be communicated to the Magistrate for his information and future guidance.

Ordered that Extract from these proceedings be sent to the Session Judge of Chingleput for his information and guidance by Peon to be returnable within three days from and after the receipt.

(Sent Extract Proceedings Rc 1136/

Read report of Cases pending before the Session Court during the month of July 1851 submitted by the Session Judge of Nellore under date the 1st August 1851.

/Here Enter Rc No 1137 of 1851./

Read

6th December 1851.

Read Calendar of Case No 1501 of 1851 committed by the acting Session Judge of Trichinopoly under date the 31st July 1851.

/Here Enter Rc No 1852 of 1851/

Read Calendar of Case No 37 of 1851 committed by the Session Judge of Calicut under date the 30th July 1851.

/Here Enter Rc No 1853 of 1851./

Read report dated 1st August 1851 submitted by the Session Judge of Coimbatore of Cases pending on the 30th June and committed for trial during the month of July 1851 before the Session Court-

/Here Enter Rc No 1856 of 1851./

Read report dated 1st August 1851 submitted by the Session Judge of Cuddalore, of Cases pending on the 30th June and committed for trial during the month of July 1851 which remained on the file of the Session Court for more than 25 Days-

/Here Enter Rc No 1860 of 1851/

Read report dated 2d August 1851 submitted by the acting Session Judge of Salem of Cases pending on the 31st July 1851 before the Session Court for a period in excess of 25 days calculated from the date of commitment-

/Here Enter Rc No 1862 of 1851/-

F: C:

Friday 7th November 1851.

At a Court of the Foujdaree Adalut.

Present.

G: S: Hooper Esqre —— 1st Puisne Judge
E: P: Thompson Esqre —— 2nd Puisne Judge
T: L: Strange Esqre — Officiating 3rd Puisne Judge.

Read Criminal Reports submitted by the Sessions Judge of Coimbatore for the month of September 1851.-

(Here enter F: C: No. 2459 of 1851).

Report B. Case No. 160.

1. The value of the property stolen by the prisoner in this case but little exceeds the limit which would have brought the case within the jurisdiction of the Head of Police and it appears to the Court that the punishment the prisoner has already undergone is sufficient to meet the demands of justice.-

2. The Court of Foujdaree Adalut accordingly direct that the Session Judge will review the proceedings in this case, and pass such orders thereon as he may think proper, reporting the same for the information of the Foujdaree Adalut.-

Cases Nos. 165. 166.

3. Considering the value of the property stolen in these cases the Sentences passed appear

appear to the Court of Foujdaree Udalut to be inadequate.—

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

(Sent following Receipt No. 1537).

Read Calendar of Case No. 15 of 1851 on the file of the Sessions Court of Chittoor.—

(Here enter F. C. No. 2496 of 1851)

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 should be reduced to four Years, and they authorize the Sessions Judge to issue an amended warrant accordingly.—

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

(Sent in No. 1538.)

Read Statement dated 20th October 1851 submitted by the Sessions Judge of Mangalore of the actual produce of the Labor of Prisoners

and

and the application of the Funds arising therefrom from 1st July to 30th September 1851 furnished with reference to Circular Orders No. 88 dated 9th June 1837.—

(Here enter F. C. No. 2492 of 1851)

Read statement dated 28th October 1851 submitted by the Sessions Judge of Masulipatam showing the amounts realized by the labor of the Prisoners in the 3d Quarter of 1851.

(Here enter F. C. No. 2513 of 1851)

Read Report dated 1st November 1851 submitted by the Sessions Judge of Cuddapah of Cases pending on the 30th September and committed for trial during the Month of October 1851 which remained on the file of the Sessions Court for more than 25 days.—

(Here enter F. C. No. 2530 of 1851.)

F. U.

Saturday - - -
8th November 1851

At a Court of the Foujdaree Udalut

Present.

H.S. & P.S. G. S. Cooper Esqre —— 1st Puisne Judge
C. P. Thompson Esqre —— 2d Puisne Judge
T. L. Strange Esqre —— Officiating Puisne Judge.

Read Criminal Reports submitted by the Session Judge of Chicacole for the month of September 1851.—

(Here enter F. U. No. 2473 of 1851)

Adverting to the grounds assigned for the commitment of the 3d 4th and 5th prisoners in this case the Court of Foujdaree Udalut observe that the "Civilians Vade Mecum", of whatever service it may be to guide the judgment, is not a book of authority, and should not have been quoted in support of the prisoners' commitment, for which an enactment of the Legislature can alone give warrant.—

Vizagapatam Criminal Reports
B
Case No. 23

Ordered that Extract from these Proceedings be sent to the Session Judge of Chicacole for communication to the Acting Principal Sudder Ameen of Vizagapatam for his information and

and future guidance.—

(Sent in No. 1139)

Read letter dated 31st Ultimo from the Sessions judge of Mangalore submitting for the final judgment of the Sudder Udalut the Record of Case No. 217 of 1851 of the Calendar of the Session Court

(Here enter S.U. No. 2539 of 1851)

Mr. L. R. Thompson and Mr. J. L. Strange.

The Courts 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,

'Naykoo'

is sufficient to convict him of the crime of murder, do convict him thereof; and, under the provisions of Section 2 Regulation VIII of 1802 Sentence him to suffer death by being hanged at the usual time and place of execution.

1 The Court of Foujdaree Udalut have been unable to concur with the Sessions Judge in considering that grounds exist for any mitigation in this case of the prescribed penalty of the Law, the murder of which the prisoner has been convicted appearing to the Court from the manner in which it was committed, and, from the statements as to his motives made by the prisoner in his confession, to have been deliberately planned.—

2 The Court have therefore felt it their duty to sentence the prisoner to death.—

3 The Court of Foujdaree Udalut observe that no inquest paper has been forwarded with the record, and that the orders of the Court under date the 26th November 1832 have not been fully carried out; only one witness (the 14th) deposing that the deceased verbally said that she had no hopes of recovery.—

4 The Court of Foujdaree Udalut observe that the records of the proceedings held before the several authorities should be arranged in the order adopted in the proceedings of the Session Court. The arrangement of the Police proceedings in this case is extremely confused.—

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

(Sent following letter No. 1140)

Translated

8th November 1851

Translation of the Record in Sessions Case No 11 of 1851 on the Trichinopoly file not having as yet been received by this Court, although the same was sent down for reference so far back as the 2nd June 1851.—

Ordered that the Sessions Judge of Trichinopoly be called upon to submit the same without delay.—

J.W. (Sent in 8th Nov 1851).

F. 116.

Monday 10th November 1851

At a Court of the Fouzdaree Udalut

Present

W.H. G. L. Cooper Esqr ____ 1st Puisne Judge

W.H. for E. C. E. P. Thompson Esqr ____ 2d Puisne Judge

W.P. for T. L. Strange Esqr ____ Acting 3d Puisne Judge

Read Miscellaneous Petition presented on the 8th September 1851 by Tangachinjayi of Tillah Combaconum.

(Hereinafter F. U. M. P. No 119 of 1851)

Mr E. P. Thompson.

The Court of Fouzdaree Udalut observe that the Petitioner's brother-in-law, the 3d prisoner in Case No 34 of 1851 on the file of the Sessions Court of Combaconum has been acquitted of the offence laid to his charge, but on the ground that strong suspicion attached to him has been placed under a requisition of security on the production of which he will be set at liberty.

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

Js 18 Dc

F. U.

Tuesday 11th November 1851.

At a Court of the Foujdaree Udalut.

Present.

Sd/- G. S. Hooper Esqre 1st Puisne Judge

Sd/- E. P. Thompson Esqre 2d Puisne Judge

Sd/- T. L. Strange Esqre 3d Puisne Judge

Read Criminal Reports submitted by the Agent to the Governor of Fort St. George in Ganjam for the month of September 1851.

(Here enter F. U. No. 2475 of 1851.)

Principal Assistant Agent's Report. Case No. 19.

The sentence entered in the Report of this case would appear to be that passed after the review by the Agent of the proceedings held in the case and not the original sentence passed by the Principal Assistant Agent which should have been given with a Note showing how far it had been altered by the Agent on review.

2. The Court of Fouj: Udalut cannot concur with the Agent in the opinion that a repetition of offence constitutes no grounds for an augmentation of sentence - nor do the Court see how their Circular Order of the 6th September 1821 quoted by the Agent bears him out in this opinion - It appears to the Court to have a contrary tendency -

The

3

The Court observe that the Legislature by various enactments have specifically provided an increase of punishment when a prisoner may prove to be an old offender, in order to which it is necessary that his previous crimes should have been proved against him judicially; but in this case the sentence of the Principal Agent is incomplete as it does not show specifically that the guilty of which the 2d prisoner is said to have been had been thus established against him

Assistant Agents' Report.
Cases Nos 15-19-27.

4

The manner in which the prisoners in these Cases effected their entry into the several houses should have been stated in the charges

Cases Nos 23-24-25.

5

Adverting to the number of convictions recorded against the prisoner in this case the sentence passed appears to the Tongdare Udalut extremely inadequate.

Case No 30.

6.

The Court direct that a copy of the proceedings recorded by the Agent on this case be submitted for their information

Ordered that Extract from these Proceedings be forwarded to the Agent in charge by Precept returnable within x days from date after its receipt

(Sent following Precept No 1146)

Read Letter dated the 27th October 1851 from the Agent to the Governor of Fort St. George at Vizagapatam, requesting instructions from the Court of Tongdaree Udalut relative to the disposal of the sum of Rupees 106-12- being a portion of the amount recovered from the Prisoners in the Case of House-breaking and Theft reported by the Agent under date the 29th September last.

(Here enter F. Co. No 2516 of 1851)

The Court of Tongdaree Udalut direct that the above sum of Rupees 106-12- be restored to the Prosecutor in the Case referred to.

Ordered that Extract from these Proceedings be forwarded to the Agent at Vizagapatam for his information and guidance.

(Sent in No 1145.)

Read Calendar of Case No 31 of 1851 of the Session Court of Tinnevelly.

(Here enter F. Co. No 2523 of 1851)

1.

The Court of Tongdaree Udalut are unable to concur in the remarks recorded by the Session Judge in his Proceedings held on this Case, and they observe that the offence committed by the Prisoner, which clearly amounted to one of "Snatching" was beyond the jurisdiction of the Principal Sudder Ameen to punish.

The

11th November 1851

2

The Court according[illegible] annul the Proceedings of the Session Judge and direct the re committal of the Case for trial before the Session Court.

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

(Sent in No [illegible])

Read Letter dated the [illegible] from the Session Judge of Cuddalore intimating the escape of Prisoner from the Jail under his charge.

(Here enter T. Ca. No 2425 of 1851)

The Court of Tongdarre Udalut observe that the Session Judge has failed to submit the circumstantial report with copies of depositions taken regarding Escapes which have been transmitted under Circular Orders dated 28th March 1832 and 19th November 1832 &

Ordered therefore that the Session Judge of Cuddalore be called upon to submit the same for the Court's consideration on or before the 1st returnable next day from and after date of receipt hereof.

(Sent following precept No [illegible])

Read Calendar of Case No 40 of 1851 of the Session Court of Cuddalore.

(Here enter T. Ca. No 2501 of 1851)

The Court of Tongdarre Udalut

T. Ca.

11th November 1851

of the recommendation made by the Session Judge in this case that the sentence recorded against the Prisoner on their conviction of "Highway Robbery" be mitigated to 8 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 Cuddalore for his information and guidance.

(Sent in No 1145)

Read Calendar of Case No 40 of 1851 of the Session Court of Cuddalore.

(Here enter T. Ca. No 2502 of 1851)

1. Before confirming the sentence passed in this case, the Court of Tongdarre Udalut require to be informed of the substance of the Prisoners defence, and also whether the wound inflicted on the hand of the Prosecutor was of such a nature as to render the committal of the case necessary

2. The Court request that the Session Judge will be careful in future to observe that an abstract of the Prisoners defence be invariably given in the Calendars.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Cuddalore by

11th November 1851.

by Precept returnable within 14 days from and after its receipt.

£3 18s.

(Sent following Precept No 1149)

F. U.

Wednesday 12th November 1851 } At a Court of the Foujdaree Udalut.

Present.

W.R. G. S. Hooper Esqre. ——— 1st Puisne Judge.
W.P. pro C.R. C. P. Thompson Esqre. ——— 2d Puisne Judge.
T. L. Strange Esqre. – Officiating 3d Puisne Judge.

Read letter dated 4th November 1851 from the Sessions Judge of Coimbatore submitting for the final Judgment of the Foujdaree Udalut the Record of Case No. 34 of 1851 of the Calendar of the Sessions Court.

(Here enter F. U. No. 2561 of 1851)

The Court of Foujdaree Udalut

Mr. G. S. Hooper and Mr. T. L. Strange

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

"Ponnon"

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 concurring in the conviction of the prisoner

of

of the murder laid to his charge have sentenced him to suffer death, seeing no circumstances of extenuation in the case.—

2. It is proved that the prisoner bore enmity towards the prosecutor and the deceased, and on account of a trifling cause assailed them violently with a weapon calculated to take life, and has thus been guilty of the deceased's death.—

3. The Court of Foujdaree Udalut observe that the Principal Sudder Ameen when taking the deceased's declaration before his death omitted to ascertain from him whether he had given up all hope of recovery as enjoined by the Foujdaree Udalut Circular Order of the 26th November 1832.—

Ordered that Extract from these Proceedings be sent to the Session Judge of Coimbatore for communication of paras 3 to the Principal Sudder Ameen.—

(Sent in No. 1153.)

Read Calendar of Case No. 15 of 1851 submitted by the Session Judge of Tellicherry under date the 9th Ultimo.—

(Here enter F. R. No. 2525 of 1851)

Read letter dated the 1st Instant from

from the Session Judge of Salem submitting the death warrant in case No. 29 of 1851 on the Calendar of the Session Court, returned by the Subordinate Judge as also the letter required by the Circular Order S. R. dated 20th September 1851.—

(Here enter F. R. No. 2533 of 1851)

Read Report dated the 1st Instant submitted by the Session Judge of Cuddapah of Cases pending on the 30th September and committed for trial during the month of October 1851 and which remained on the file of the Session Court for more than 25 days.—

(Here enter F. R. No. 2530 of 1851)

Read Report dated the 1st Instant submitted by the Session Judge of Salem of Cases pending before him on the 31st October 1851 for a period in excess of 25 days calculated from the date of commitment.

(Here enter F. R. No. 2534 of 1851)

Read Report dated the 1st Instant submitted by the Session Judge of Chittoor of Cases pending before him on the 31st October 1851

for

for a period in excess of 25 days calculated from the date of commitment.—

(Here enter F. R. No. 2535 of 1851)

Read Calendar of Case No. 28 of 1851 submitted by the Acting Session Judge of Nellore under date the 3d Instant.—

(Here enter F. R. No. 2538 of 1851)

Read Report, dated the 1st Instant submitted by the Session Judge of Rajahmundry of Cases pending trial before the Session Court on the 31st October 1851.—

(Here enter F. R. No. 2542 of 1851)

Read Extract from the Proceedings of the Session Court of Tinnevelly under date the 30th Ultimo held on review of the Petty Calendars submitted by the Magistracy for the 3d Quarter of 1851.—

(Here enter F. R. No. 2543 of 1851)

Read letter dated the 1st Instant from the Session Judge of Cuddapah stating that there is no case during the past month to be entered in the Report

F. R.

12th November 1851. required by Foujdaree Adalut's Circular letter of the 16th October 1844.—

(Here enter F. R. No. 2544 of 1851)

Read Calendar of Case No. 13 of 1851 submitted by the Sessions Judge of Chicacole under date the 31st October 1851.—

(Here enter F. R. No. 2545 of 1851)

Read Calendar of Case No. 24 of 1851 submitted by the Sessions Judge of Guntoor under date the 4th Instant.—

(Here enter F. R. No. 2546 of 1851)

Read Report A dated 4th Instant submitted by the Sessions Judge of Guntoor of Criminal Case No. 63 of 1851 disposed of by him.—

(Here enter F. R. No. 2547 of 1851)

Read, communication dated 4th Instant from the Sessions Judge of Chittoor submitting the Petty Calendars of Cases disposed of by the Magistracy during the 2d Quarter of 1851, and stating that they do not call for any remarks from the Sessions Court.—

(Here enter F. R. No. 2551 of 1851)

F. R.

F. Q.

Thursday.
13th November 1851. At a Court of the Foujdaree Adalut

Present

Mr. L. S. Hooper Esqr. ——— 1st Puisne Judge
Mr. C. P. Thompson Esqr. ——— 2d Puisne Judge
Mr. F. L. Strange Esqr. ——— officg. 3d Puisne Judge

Read Miscellaneous Petition presented on the 8th September 1851, by C. Dake Esqr. Vakeel on behalf of W. A. Forsyth Esqr. late of Tellicherry

(Here enter F. Mi. P. No. 118 of 1851.)

Mr. L. S. Hooper
" C. P. Thompson
and
" F. L. Strange

The Court of Foujdaree Adalut have had under their consideration the Record of the case in which the Petitioner was prosecutor and have disposed of the same, and they observe therefore that no further orders are necessary with reference thereto.

2. The Court of Foujdaree Adalut do not think that any benefit would accrue to the Petitioner or that the ends of public justice would be in any way advanced by the Petitioner being furnished with Copies of the correspondence which has passed between the several Authorities on the subject of the charge preferred by him, and the Court are satisfied on a careful perusal of the same that the correspondence in question would in no way tend to the discovery of the real offenders in the case.

The

13: November 1857.

3.

= ingly resolve to dismiss this Petition.-

The Court of Inquiry resolved

Ordered that extract from the Proceedings be granted to the Petitioner if he Petition.-

Do 1857.

F. A.

Friday.
14th November 1851.

At a Court of the Foujdaree Adalut

Present

W. R. G. L. Hooper Esqr. ——— 1st Puisne Judge
W. P. in C. P. C. P. Thompson Esqr. ——— 2d Puisne Judge
F. L. Strange Esqr. ——— Offg. 3d Puisne Judge

Read Letter dated 8th Instant, — from the Acting Session Judge of Nellore sub- -mitting for the final Judgment of the Foujdaree Adalut the Record of Case No. 33 of 1851 of the Calendar of the Session Court.

(Here enter F. A. No. 2578 of 1851)

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

"Devarapilli Bammadu"

is sufficient to convict him of the crime of — Assault with intent to commit a rape, for — which, according to the Moohummedan Law as declared in futwahs of their Law Officers, discre- -tionary 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

imprisoned and kept to hard labor in irons on
public roads or other public works for and dur
the period of (3) three years.-

(Sent in Nº 1154)

Read Return dated 6th Instant
from the Session Judge of Cuddalore to the
Precept of the Fouzdaree Adalut under date
1st Idem directing the Session Judge to revis
the case Nº 115 of 1857 and pass such order
as may appear proper.-

(Mere Enter F. R. Nº 2574 of 1857)

Read Calendar of Cases Nº 3
1857 submitted by the Session Judge of Com
=comm under date the 8th Instant.-

(Mere Enter F. R. Nº 2570 of 1857)

Read Report dated the 8th In
submitted by the Session Judge of Mo
of Cases pending before him during the mon
of October 1851.-

(Mere Enter F. R. Nº 2573 of 1857)

Read Extract dated 4th Instant
submitted by the Session Judge of Tellicher
together with Magistrates Petty Calendars for
the 3d Quarter of 1851.-

(Mere Enter F. R. Nº 2575 of 1857)

Read Return dated 6th Instant
from the Session Judge of Tinnevelly to the precept
of the Fouzdaree Adalut under date the 1st Idem
requiring to be informed how case Nº 97 of the
Monthly Criminal Reports for September last
fell within the provisions of Clause 4th Section
III Regulation VI of 1822.-

(Mere Enter F. R. Nº 2576 of 1857)

Read Report dated 1st Instant
submitted by the acting Session Judge of Vellore
of Cases pending before him for the month of
October 1851.-

(Mere Enter F. R. Nº 2579 of 1851)

Read Report dated 4th Instant
submitted by the Session Judge of Chicacole
of Cases pending before him for the month of
October 1851.-

(Mere Enter F. R. Nº 2580 of 1857)

Read Return dated 8th Instant
from the Session Judge of Cuddapah to the
precept of the Fouzdaree Adalut under date the
1st Idem conveying observations on the Criminal
Reports for the month of September 1851.-

(Mere Enter F. R. Nº 2581 of 1857)

Read Letter dated the 7th Instant
from the Subordinate Judge of Madura Reporting

that there are no notorious Prisoners at present under custody &c.

(Here Enter F. R. No. 2582 of 1857)

Read Calendar of Case No. 35 of 1857 submitted by the Acting Session Judge of Salem under date the 10th Instant.

(Here Enter F. R. No. 2588 of 1857)

Read Calendar of Case No. 33 of 1857 submitted by the Session Judge of Salem under date the 6th Instant.

(Here Enter F. R. No. 2590 of 1857)

Read Letter dated the 12th Instant from the Chief Magistrate and Superintendent of Police at Madras reporting on a Case tried under Act XXIV of 1837 in the month of October 1857.

(Here Enter F. R. No. 2592 of 1857)

Read Letter dated 7th Instant from the Magistrate of Canara, reporting a second murderous assault made upon the Tahsildar of Soopah with his observations thereon.

(Here Enter F. R. No. 2595 of 1857)

F. R.

At a Court of the Foujdaree Adalut

Present

Monday 17th November 1851.

Mr. G. S. Cooper Esqr. ——— 1st Puisne Judge
Mr. G. P. Thompson Esqr. ——— 2d Puisne Judge
F. L. Strange Esqr. ——— Offg. 3d Puisne Judge

Read again Miscellaneous Petition presented on the 10th July 1851 by Subba Tevan of Tillah Timevelly.

(Here Enter F. Dr. P. No. 85 of 1851)

Read also return under date the 21st October 1851 from the Session Judge of Timevelly to the precept of the Foujdaree Adalut dated the 25th September 1851 directing the submission of translation of the proceedings of the Police and Criminal Court in Cases Nos. 120 and 121 of 1850 on the file of the Subordinate Criminal Court.

(Here Enter F. R. No. 2482 of 1851)

Mr. G. S. Cooper

On an attentive perusal of the whole of the proceedings held in the foregoing cases, 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 Petitioner's application, and direct that the Sentence passed upon the prisoner in question be

17th November 1851.

be inforced.

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

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

(Sent in Nº 1187)

Read Miscellaneous Petition from on the 15th September 1851 by Subbā pate pillay of Zillah Chittoor.

(Mere Enter F. Dn. P. Nº 126 of 1851.

Mr. G. S. Hooper J.

The Court of Foujdaree Adalut see no necessity for their interference in the matter to which this Petition refers, and they consider that the late Session Judge under the circumstances stated in his order of the 21st June last acted correctly in declining to order the repayment of the fines referred to, which had been refunded by order of the Magistrate.

2.

The Court observe that the question as to the title to the land can only be decided by a Civil Action.

3

This Petition is dismissed.

Ordered that Extract from these

17th November 1851.

these Proceedings be granted to the Petitioner on his application.-

Read Calendar of Case Nº 39 of 1851 of the Session Court of Mangalore.

(Mere Enter F. R. Nº 2505 of 1851)

The Court of Foujdaree Adalut are

1.

of opinion that Forgery and utterance of Forgery are crimes in respect to which a requisition for security cannot with propriety be made; and the Court consider that if the evidence does not suffice for the conviction of parties so charged, they are entitled to an unconditional release.

In conformity to this opinion, the

2.

Court of Foujdaree Adalut accordingly resolve to direct that the 1st 2d 3d and 4th Prisoners in the above case, from whom security has been demanded on the suspicion of their having committed the said crimes, be unconditionally set at liberty.

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

(Sent following Precept Nº 1158.)

Read Calendar of Case Nº 64 of 1851 of the Session Court of Calicut.

(Mere Enter F. R. Nº 2537 of 1851) Before

F. R.

17th November 1851.

of 1851 of the Session Court of Cuddapah.

(Here enter F. R. No. 2556 of 1851.

Adverting to the absence of any aggravating circumstances in the commission of the Robbery in this Case, the Court of Foujdaree Adalut are of opinion that the sentence recorded against the first and second Prisoners is unnecessarily severe, and that one of Seven years' imprisonment with hard labor in irons will adequately meet the demands of justice.

2 If the Session Judge be enabled to concur in this opinion he will be pleased to apply for permission to mitigate the sentence accordingly: if he dissents therefrom, he will be pleased to submit an English translation of the entire Record of the Case for the consideration of the Court of Foujdaree Adalut.

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. 1161.)

Read the Calendars of Petty Cases disposed of by the Magistracy of Trichinopoly during the 3d Quarter of 1851.

(Here enter F. R. No. 2567 of 1851.

The

November 1851.

Before confirming the Sentence recorded in this Case, the Court of Foujdaree Adalut deem it proper 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 Session Judge of Chicacole for his information and guidance by Receipt returnable within XX days from and after its receipt.

(Sent following Precept No. 1159)

Read Calendar of Case No. 34 of 1851 of the Session Court of Salem.

(Here Enter F. R. No. 2578 of 1851.

Adverting to the recommendation contained in the 4th para of the Sentence recorded by the Session Judge in this case, the Court of Foujdaree Adalut deem it proper to remark that the Session Judge is himself authorised to disburse the rewards to the parties in question without reference to the Court of Foujdaree Adalut.

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

(Sent in No. 1160)

Read Calendar of Case No. 56 of

17th November 1851.

Punished Calendar 1.
Cases Nos 2-4 and 5.

The Court of Foujdaree Adaulut direct that it be pointed out to the Magistrate, with reference to the sentences passed in these Cases, that, altho, under the Act quoted, it is competent to him to impose upon any party convicted of two or more offences of Crimping a cumulative Fine, he is not authorized by that enactment, or any other, to award cumulative imprisonment in commutation of such fine.-

Security Calendar
Cases Nos 2-3 and 4.

2-

The Court further direct that it be pointed out to the Head Assistant, and Assistant Magistrates, that it is not competent to them to demand security from parties forwarded to them as suspicious characters, without a personal examination and enquiry into the conduct of the accused, and that unless such examination was held in the cases referred to the sentences must be set aside.

3.

The Session Judge will also be pleased to point out to the same officers that they must invariably cite the provisions of the law under which their sentences are passed.

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

(Sent in Ltr 1162)

17th November 1851.

Read Letter dated 12th Instant from the Session Judge of Chingleput submitting for the final Judgment of the Foujdaree Adaulut the Record of Case No 13 of 1851 of the Calendar of the Session Court.

(Here enter No 2586 of 1851)

The Court of Foujdaree 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

1st Shaick Shumsooddeen

is sufficient to convict him of the crime of Murder, and that against the prisoner,

3d Coudee bee

of having concealed property, knowing it to have been obtained by Murder, do convict them severally thereof, and under the provisions of Clause third Section III Regulation I of 1825 sentence the prisoner-

1st Shaick Shumsooddeen

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

under

under the provisions of Clause Second Section IV — Regulation VI of 1822 sentence the prisoner,

3d Cawder bee

to be imprisoned and kept to labor suitable to her sex for and during the period of (5) five years.

1. In the absence of any positive evidence to show that the 1st prisoner in this case was the — actual perpetrator of the murder charged, the Court of Foujdaree Adalut have considered themselves justi- = fied in passing on him a mitigated sentence of trans- = portation for life -

2. The Court are of opinion that in the case of the 3d prisoner a more lenient sentence than 5 years' imprisonment would be insufficient to meet the demand of justice -

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

(Sent in No. 1163)

Read letter dated 6th Instant from the Session Judge of Monore submitting for the final Judgement of the Foujdaree Adalut the Record of Case No. 25 of 1851 of the Calendar of the Session Court -

(Here Enter F. A. No. 2593 of 1851)

The Court of Foujdaree Adalut on a

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

"Luscoomana Gowda"

committed the act charged against him, being then of unsound mind, under the provisions of Act IV of 1849 direct that he be kept in safe custody in the Gaol at Monore until the pleasure of Govern- = ment regarding him be made known.

The Evidence in this Case shows — that the prisoner was accounted by his relations and — others to have been overtaken by lunacy at the time of the last Wollee full moon (17th March 1851), that because of this conviction he was removed for change of scene to a friend's house where he was for the — twenty days just preceding the murder, and that on the day of his return to his own house he com- = mitted the murder. The prisoner is described to have had lucid intervals broken in upon by occasional fits of madness. His symptoms are said to have — been that he ran out into the jungle, threw himself down and sat silent without answering questions. — Thereby madness certainly cannot be said to have been positively demonstrated to have existed, but yet — such acts might well have proceeded from alienation

of

of mind, and may be thought to have done so where, as in the present instance, there has been nothing otherwise to account for them - That more detailed symptoms have not been afforded may be owing to want of watchfulness and observation on the part of the deponents. There is nothing on the other hand to raise doubts as to the faithfulness of the evidence given, or to create the suspicion that the witnesses have been endeavouring to make out a case of madness in the prisoner's behalf. The circumstances of the murder, as it appears to the Court very sufficiently justify the witnesses in their impression that the prisoner has been insane, for upon the face thereof the act has been that of a madman. The deceased was the prisoner's wife, and she was a young recently married to him, and they had lived on affectionate terms. The parties had just returned amicably from a friend's house to their own, and the deceased was occupied with household duties, when, without an apparent cause, she was assailed and killed by the prisoner.

2.

Under all the circumstances in evidence the Court are of opinion that the murder of which the prisoner has been convicted can only be attributed to alienation of mind, and they have accordingly

17th November 1851.

accordingly recorded a Special verdict to that effect, and have reported the case for the Orders of the Right Honorable the Governor in Council.

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

(Sent in No. 1164)

Read Letter under date the 21st October 1851 from the Agent to the Governor of Fort St. George at Kurnool.

(Here enter F. R. No. 2480 of 1851)

The Court of Pondaree Adalut concur with the Agent that, under the circumstances represented in the foregoing letter, the prisoner therein referred to is not a fit object to be put upon his trial, and they accordingly direct that he be made over to the charge of his friends as recommended by the Agent.

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

(Sent in No. 1165)

Read Letter under date the 18th October 1851 from the Agent to the Governor of Fort St. George at

17th November 1851.

at Kurnool submitting a summary of the
recorded on the trial of a prisoner charged w

(Here enter F.R. No. 2479 of 18

The Court of Sonjaree
concur with the Agent in the conviction
prisoner in this case of the crime laid to
but being of opinion that the exceedin[g] ap
of the enormity of his offence exhibited by
prisoner as demonstrated both in the circum
under which it was committed, and on his
before the Agent, justifies the award of a
severe sentence than that which the Agent
proposed, they resolve to direct that the pr
Shaloon
be sentenced to four years' imprisonment
hard labor in irons.

Ordered that Extract from
Proceedings be sent to the Agent to the Gov
of Fort St. George at Kurnool for his inform
=ation.-

(Sent in No. 1186)

Read Calendar of Case No. 87 of
of the Session Court of Coimbatore.

(Here enter F.R. No. 2552 of 1851)

Before passing their final Orders
on this Case, the Court of Sonjaree deem

F.R.

17th November 1851.

to be more fully informed of the nature of the
wounds inflicted by the Prisoner on the persons
of the Prosecutor and first Witness; information
on this point being essentially necessary to enable
the Court to judge of the propriety of the sentence.

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. 1167)

Hd Ws.

Wednesday.
19th. November 1857.

F. Ud.

At a Court of the Foujdaree Udalut.

Present:

G. S. Cooper Esqre. ——— 1st. Puisne Judge.
C. P. Thompson Esqre. ——— 2nd. Puisne Judge.
T. L. Strange Esqre. officiating 3rd. Puisne Judge.

Read letter dated 6th. November 1857 from the Sessions Judge of Masulipatam requesting instructions as to whether a certain Witness should be put upon his trial for Perjury

(Here enter F. Ud. No. 2583)

The question now submitted to the Court involves no point of construction or practice and, as such alone can properly be made the subject of a reference for instructions, the Court of Foujdaree Udalut must decline passing any orders on this communication and leave Mr. Dowdeswell to act upon his own judgment in the matter.

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

(Sentence No. 1169)

Read

19th November 1851.

Reads letter under date
August 1851 from the Sessions Judge
| November No. 2113 of
1

With the foregoing
Sessions Judge has forwarded a
the Magistrate of Cuddalore in
Officer objects to the acquittal by
Court of the prisoners in case.
and requests that the Calendar
case may record the review of the
Foujdaree Udalut.
2.

The Magistrate
that the guilt of the prisoners
in question of the offence laid to
has been proved by full legal
adverting to an expression which
the remarks recorded by the Sessions
upon the Calendar that he "found
"practicable to determine the
"taken by each and the real
"violence used" the Magistrate
"the wording of the Judge's
"fully admits the legal guilt of
it being not admitted principle

November 1851.

law "that all parties engaged in an unlawful
"act are responsible for every consequence of
"that act whether they were the actual perpe-
"trators of any particular deed which brought
"about those consequences, or not."

3. The Court of Foujdaree Udalut will premise their remarks on the case referred for their consideration by observing that the acquittal of the prisoners in question by a competent tribunal precludes the adoption of any further proceedings against them with reference to the charges upon which they have been tried.

4. The Court however are unable to admit the validity of the objection advanced by the Magistrate to the judgment of the Sessions Judge in this case and they are of opinion that the Magistrate has attached a meaning to the expression made use of by the Sessions Judge, to which reference has already been made, which it was not intended to convey.

5. The expression in question, if it stood alone, would certainly admit of the interpretation put upon it by the Magistrate

viz:-

19th November 1851.

Hfs. that the acquittals of the pris
have in fact the unfortunate liability of
the exact part taken by each of
the commission of the offence
charge, but on a consideration of
tenor of the remarks recorded on
it becomes perfectly clear that
the Sessions Judge's meaning, but
contrary that he remarked with
in the acquittal of the prisoners
that the evidence against them
-sally contradictory and
6.

The Court is
it proper to observe that it is
of the Magistrate to object
on the proceedings of the Sessi
especially in cases in which
present instance, the decision
Court are final.
7.

The Contempt of
tried by the Courts of Sessions
before the Court of Foujdaree
which tribunal is entrusted
of commenting upon any
or irregularities in points of

F. No.
16th November 1851.

those Calendars may exhibit.-

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

(Sent in No. 1170.)

Read letter under date the 27th October 1851 from the Sessions Judge of Salem.-

(Here enter F. No. 2509 of 1851.)

The Court of Foujdaree Udalut resolve to direct that the property taken from the prisoners in the case referred to in the foregoing letter be restored to him.-

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

(Sent in No. 1171.)

Read letter dated 12th Instant from the Sessions Judge of Mangalore, submitting for the final judgment of the Foujdaree Udalut the record of Case No. 42 of 1851 of the Calendar of the Sessions Court.-

(Here enter F. No. 2624 of 1851.)

The

19th November 1851.
Mr G. S. Hooper.

The Court of Sessions
are to deliberate consideration of all the
circumstances of the case are evidence before
being of opinion that the prisoner
prisoner,

"Vitthiffen"

is sufficient to convict him of the
theft, to convict him thereof, and
reference to the provisions of the Rebe
Law as declared in the Pleadings of this Ses
annexing the penalty of amputation of
hand to that effect made to the provi
of Section XXI. Regulation VII of 1832. and
Section XXXIV. Act VII of 1843 sentence him
be imprisoned and kept to hard labour
irons on the public roads or other public
works for such during the period of
seven years.

(Sd.) following letter. No 1173

Sd
1852

Thursday
2nd November 1851.

At a Court of the Tuydaree Adalut

Present.

Hon'ble G S Hooper Esquire —— 1st Puisne Judge.
Hon'ble E P Thompson Esquire —— 2d Puisne Judge.
Hon'ble T L Strange Esquire —— 3d Puisne Judge.

Read Miscellaneous Petition presented on the 15th September 1851 by Lukshmi Narrasamma of Zillah Nellore.

(Errata entered F M P No 1270 of 1851.)

Mr T L Strange

The Court of Tuydaree Adalut observe that the charges stated in this Petition should be preferred to the Magistrate of Nellore and that if the Petitioner be dissatisfied with the order which may be passed by that officer thereon it will be open to her to appeal to the Sessions Court.

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

Read Letter dated 10th November 1851 from the Magistrate of Cuddapah submitting copy of a correspondence with the Subordinate Judge and requesting that two Convicts may be placed at his disposal.

(Errata entered F M P No 2399 of 1851.)

1 The Court of Tuydaree Adalut

direct

direct that the Subordinate Judge do
forthwith to place at the disposal of the
1st Convicts for employment upon
Sprinkles on the Magistrates letter of the
November 1851

2

The Court of Enquiry
observe that Mr Rathaway neighbour
complied with the Magistrate requisition
during that disease was communicated to
the enquiry made by Mr Rathaway and
idle and the Kistpoor determination made
his reply there was ill contended by Mr
the good feeling that ought always to
between public officers ought to
be entered.

3

The Court of Enquiry
observe that this application should have
forwarded thro the Sessions Judge of
in double hand as ordered the Sessions
Judge to comply with it.

Ordered that the Records
Proceedings be sent to the Sessions Judge
Cuddalapah by first post intimating
days from and after the receipt
Subjoining proceedings

Read Report dated 7th August
submitted by the Sessions Judge of
of Cases pending trial before the

Court on the 31st July 1851.-

/Overruled Fle. No 1064 of 1851./

Read Report dated the 2nd August 1851
submitted by the Sessions Judge of Mangalore of
Cases pending on the 30th June 1851 and Commit-
ted for trial in the Months of July 1851 before
the Sessions Court.-

/Overruled Fle. No 1883 of 1851./

Read Calendar of Case No 50 of
1851 submitted by the Sessions Judge of Masu-
lipatam under date the 4th October 1851.-

/Overruled Fle. No 2404 of 1851./

Read Criminal Report submit-
ted by the Subordinate Criminal Judge for the
month of September 1851 under date the 1st
October 1851.-

/Overruled Fle. No 2408 of 1851./

Read Report dated 13th October 1851
submitted by the Sessions Judge of Mangalore
of persons apprehended in that Zillah and
delivered to the Subordinate Judge and tried in
the months of September 1851.-

/Overruled Fle. No 2413 of 1851./

Read Calendar and Cases Nos 14
of 1851 submitted by the Sessions Judge of
Trichinopoly under date the 16th September 1851.-

/Overruled Fle. No 2413 of 1851./

Read Report dated the 3rd
November 1851 submitted by the Sessions Judge
of

30th November 1851.

of Abstract Statement of Cases pending
30th September 1851 and Commitments for
trial during the Months of October 1851
November & December 1851 &
Read the Returns from the
rings of the Inferior Courts of Judi
due to the 30th November 1851 of
petty Calendars for the 3d Quarter 1851
Entered F 16 — Nº 3506 of 1851

Ex
Rd

F. C.

Friday
21st November 1851.

At a Court of the Foujdaree Adalut.

Present

Sd/ R — G S Cooper Esquire — 1st
W M — C P Thompson Esquire — 2d — Puisne Judges.
W. pro J. L S — J L Strange Esquire — Offg

Read Calendar of petty Cases dis-
posed of by the Magistracy of Canara during the
2d Quarter of 1851.

(Here enter F 16 — Nº 3520 of 1851)

Calendar of persons punished.

Adverting to the number of Cases
in which parties have been convicted of the
offence of producing for exportation rice Mo-
rals below the Standard Measure and the
apparent leniency of the punishment therein
awarded, the Court of Foujdaree Adalut resolve
to declare their opinion that in such Cases
more severe Sentences are requisite to meet the
demands of justice and to repress a practice for
which the love of Gain and the expectation of
comparative impunity offers considerable —
temptation.

Calendar of persons discharged.

2 The Court of Foujdaree Adalut
observe considerable delay in the disposal of
Arrack

Irrara of the Cases entered in this Calendar
for which no explanation has been offered
and in the absence of any Security Calendar
they desire to be informed whether any Cases
had during the quarter under review ceased to
the provisions of Section II Regulation III of
or of Regulation XI of 1827 were brought to the

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

/ Sent following Precept No 1175 /

Translation of the Proceedings
No 17 of 1851 on the Calendar of the Sessions Court
of Trichinopoly not having as yet been received
the attention of the Sessions Judge is called to
Extract from the Proceedings of the Tsydarre
Adalut under date the 2nd October 1851 and he is
directed to expedite the transmission of the trial
in question without any further delay.

Ordered that Extract from these
Proceedings be sent to the Sessions Judge of Tri-
chinopoly by Precept returnable within iii days
from and after its receipt.

/ Sent following Precept No 1176 /

Translation of the Proceedings

Case No 14 of 1851 on the Calendar of the Sessions
Court of Trichinopoly not having as yet been
received the attention of the Sessions Judge is
called to the Extracts from the Proceedings of the
Tsydarre Adalut under dates the 5th September
and 8th November 1851 and he is directed to expedite
the transmission of the trial in question without
any further delay.

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

/ Sent following Precept No 1174 /

Read Calendar of Case No 39 of 1851
submitted by the Sessions Judge of Rajahmundry
under date the 7th November 1851.

/ Referred to No 2633 of 1851. /

Read Return dated the 11th Instant
from the Acting Sessions Judge of Bellary to
the Precept of the Tsydarre Adalut under date
the 1st November 1851 directing that the Report of
Cases Nos 135 and 146 of the B Report for the Months
of September 1851 should be submitted on forms.

/ Referred to No 2605 of 1851 /

Read Communication dated the
10th November 1851 from the Sessions Judge
of

of Calicut forwarding Copies of the Magistrate's
dated 30th September and of the Cutcherry
dated 7th November 1851 having Returned
No 50 of 1851.

/Here enter F.C. No 2607 of 1851/

Read Cutcherry Cause
submitted by the Superior Judge of Mangalore
under date the 11th November 1851.

/Here enter F.C. No 2623 of 1851/

Read Cutcherry Cause
submitted by the Superior Judge of Madras
dated the 11th November 1851.

/Here enter F.C. No 2633 of 1851/

Read Cutcherry Cause No
submitted by the Superior Judge of Calicut
dated the 11th November 1851.

/Here enter F.C. No 2633 of 1851/

Read Letter dated 6th November
from the Magistrate of Cannanore forwarding
certain papers and his Letter of the 5th Instant
communication from the Joint Magistrate
time to the Second Attempt on the Life of
puts the Tahsildar of Tellicherry

/Here enter F.C. No 2641 of 1851/

2d
18 Ds

F. C.

Monday
24th November 1851 } At a Court of the Fouzdaree Adalut

Present

Hon'ble G. L. Hooper Esquire 1st Puisne Judge
W.H. for E.K.J. E. P. Thompson Esquire 2d Puisne Judge
Cr. for K.N. T. L. Strange Esqre Officiating 3d Puisne Judge

Read Letter dated 7th November 1851 from the Magistrate of Tellicherry suggesting that an Act be passed making furious riding or driving punishable by fine and imprisonment.

/Here Enter F.C. No 2568 of 1851/

It appears that two deaths and one serious accident have been caused within 6 weeks by the furious riding and driving of certain Officers of the Force now stationed at Tellicherry and that Orders have been issued on the subject by the Brigadier Commanding and public remonstrances made by the Magistrate without effect.

2. The Court of Fouzdaree Adalut observe that by the G.O.C. 27th June 1851. (Page 565 Fort St George Gazette) Drivers

of

of the Local Regulations established by
Commanding Military Stations for prevent
furious driving or galloping on public r
are made punishable by fine or imprison
ment and before passing final Order
this application they direct that the Ma
state he requested to explain in what
respect the powers thus vested in the
Military Police are found at Trichino
to be inadequate and to state if any
what notice was taken of the three case
now reported.

Ordered, that Extract from
these Proceedings be sent to the Magis
of Trichinopoly for his information.

/Sent in No. 1188./

Read Miscellaneous Petition
presented on the 30th October 1851 by Syed
Sam Cuppe Vakeel on behalf of Krishna
of Gillah Tinnevelly.

/Here Enter Fil. P. No. 149 of 1851/

Messrs Q & Hooper
v.
T. L. Strange

The Court of Foujdaree Adalut
resolve to direct that an English Trans
lation of the records of case No. 18 of
1851 on the file of the Sessions Court

of Tinnevelly may be submitted for their
consideration and they desire that the
Sessions Judge will inspect the person
of the 2d prisoner and state whether the
said prisoner is disabled in his right
arm as is asserted in this Petition and
if so whether in his opinion the said
prisoner was capable of inflicting the
blow with the Mamooty handle by which
the prosecutor's leg is said to have been
fractured.

Ordered, that Extract from these
Proceedings be sent to the Sessions Judge
of Tinnevelly by precept returnable within
XV days from and after its receipt.

/Sent following Precept No. 1189/

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

Read Miscellaneous Petition
presented on the 20th October 1851 by Syed
Bawa Rowtan of Gillah Trichinopoly.

/Here Enter Fil. P. No. 145 of 1851/

Messrs Q. & Hooper
and
E. P. Thompson

The Court of Foujdaree Adalut
have had under their consideration the
entire

entire record of the case referred to in the
foregoing Petition and after duly consid
the same convicts the 2d prisoner of
Crime laid to his charge.

2. The Court of Tanjore
Udalut see no reason to question the
correctness of their finding, and the
application is accordingly dismissed.

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

Read again Miscellaneous
Petition presented on the 15th September
by Ruppa Shetty of Pillah Comitatee

/Here Enter P. M. C. No. 129 of 1851/

Read also return made
the 18th October 1851 from the Sessions Judge
of Combatore to the precept of the Sa
Udalut dated the 11th October 1851 convey
their preliminary Orders on the foregoing
Petition.

/Here Enter P. M. No. 2458 of 1851/

Read also Miscellaneous
Petition presented on the 10th November
by A. M. Ritchie Esqr. Vakeel on

behalf of the same party.

/Here Enter P. M. P. No. 152 of 1851/

Present G. S. Hooper
E. P. Thompson
and
T. L. Strange

The Court of Tanjore
Udalut resolve to direct that the Sessions
Judge of Combatore will grant the Petitio
copies of the record of Case No. 38 of 1850.

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

/Sent following Precept No. 1194/

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

Jd. 8 Cl.

F 11.

Tuesday 25th November 1851 } At a Court of the Toungdaree Udalut

Present.

G.L. Cooper Esquire 1st Puisne Judge

C.P. Thompson Esquire 2d Puisne Judge

T.L. Strange Esquire officg. 3d Puisne Judge

Read Criminal Reports submitted by the Sessions Judge of Cuttack for the month of September 1851.

/Here Enter F.tt. No. 2445 of 1851/

Report A Case No 171. 1. The Court of Toungdaree Udalut observe that the submission of the Report A in this case was unnecessary the sentence passed not having been disturbed.

Cases Nos 195 196 2. The Court of Toungdaree Udalut do not find any report B of these cases, which it is observed, should have been submitted.

3. The Court resolve to direct that in future the reports A be stitched together in the same manner as those drawn up in the form B previous to their transmission to the Court of Toungdaree Udalut.

The

Report B
Case No. 199

4. The Court of Tonjdaree Udalut are of opinion that the period of imprisonment awarded in this case may with propriety be reduced to six months the theft of which the prisoner has been convicted being a very trifling one and unmarked by any circumstances of aggravation.

Case No. 204

5. The Sentence awarded in this case as altered by the Session Judge appears to the Tonjdaree Udalut to be still a severe sentence and they would suggest the further reduction of the period of Imprisonment, adjudged to seven months.

Cases Nos. 209, 229, 230

6. The Court of Tonjdaree Udalut observe that the offences charged in each of these cases were adjudicated by the Native Police and as the punishment which the prisoners have already undergone would appear to be sufficient for the ends of justice the Court of Tonjdaree Udalut are of opinion that they should now be released.

7. The Court of Tonjdaree Udalut direct that the Sessions Judge will review the proceedings in the foregoing five cases with reference to the above observations and report the orders which may be passed by him thereon for the information of the Court.

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. 1191 /

Read Calendar of Case No. 18 of 1851 of the Sessions Court of Trichinopoly

/ Hora Enter F.H. No. 264 of 1851 /

1. Before passing their final orders on this case, the Court of Tonjdaree Udalut resolve to direct that an English translation of the entire Record be submitted for their consideration.

2 The Court of Tonjdaree Udalut regret to be again under the necessity of drawing the late acting Sessions Judge's attention to the brief and unsatisfactory manner in which his sentences are too frequently drawn up. In the case now under consideration, as well as in the one immediately succeeding it No. 19, Mr. Davidson simply states that he considers the evidence sufficient

for

for conviction, and that he concurs in the
Futwa of the Mahomedan Law Officer
without setting forth a single ground on
which his opinion of the Prisoners guilt has
been formed- From such general remarks
these it is obviously impossible for the Court
of Foujdaree Udalut to determine whether
or not, these Cases have been correctly dis-
posed of, and they direct that strict at-
tentions be issued to Mr Davidson re-
quiring him in future to conform to the
requisition contained in the 2d para of the
Foujdaree Udalut Circular Order dated 7th
November 1851.

Ordered, that Extract from
these Proceedings be forwarded to the
Sessions Judge of Trichinopoly for his
information and guidance and for com-
munication to the late acting Sessions
Judge by Precept returnable within 10
days from and after its receipt-

(Sent following Precept No
Read Calendar of Case No
of 1851 of the Sessions Court of Trichinopoly
(Here Enter F.H. No 2510 of 1851
Adverting to the admis-

any aggravating circumstances in the commission
of the Robbery, and to the trifling value
of the property stolen, the Court of Foujdaree
Udalut consider the severity of the sentence
recorded by the late acting Sessions Judge
in this Case to have been altogether uncalled
for; and the Court would suggest to the
Sessions Judge the propriety of his applying
for a mitigation of the Prisoners sentence
to two years imprisonment with hard labor
in irons- If unable to comply with this
suggestion, the Sessions Judge will be
pleased to submit a translation of the
entire Record of the Case for the consider-
ation of the Court of Foujdaree Udalut-

Ordered, that Extract from
these Proceedings be forwarded to the
Sessions Judge of Trichinopoly by Precept
returnable within 10 days from and after
its receipt-

(Sent following Precept No 1193)

Read Calendar of Case No 27
of 1851 of the Sessions Court of Rajahmundry
(Here Enter F.H. No 2602 of 1851)

Before passing their final
Orders on this Case, the Court of Foujdaree
Udalut

Court of Fouzdaree Adalut to transmit a one.

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

/ Sent in No. 1195 /

Read again Criminal Reports of the Sessions Court of Salem for the month of September 1857.

/ Here Enter F.R. No. 2421 of 1857 /

Read also Report of Convict labor of the Jail at Salem for the month of September 1857.

(Here Enter F.R. No. 2549 of 1857)

Adverting to the number of Prisoners now confined in the Salem Jail viz 160 the Court of Fouzdaree Adalut direct that 40 be forthwith transferred to the Magistrate.

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Salem for communication to the Subordinate Judge and Magistrate.

/ Sent in No. 1196 /

Read Miscellaneous Petition of D Rootnayee forwarded by the Sessions Judge of Rajahmundry.

/ Here Enter F.M.P. No. 139 of 1857 /

The Court of Fouzdaree

Adalut

Adalut resolve to call upon the Sessions to submit for their consideration transl of the three depositions on which the of perjury against the Prisoner has been founded. Viz the two depositions given that individual before the Magistrate the 31st July and 5th August and the other the Subordinate Criminal Court on 6th August 1857.

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Rajahmundry by Dak returnable within 10 days from date of its receipt.

/ Sent following Receipt No. /

Read Calendar of Cases tried of 1851 of the Sessions Court of Tinnevelly

/ Here Enter S.R. No. 2248 of 1857 /

Considering the very aggravated nature of the offence committed by the Prisoner in this case and which the Sessions Judge has designated as a brutal one, as also the cruel and deliberate way in which it would appear to have been planned and executed, the sentence passed upon the Prisoner appears to

Sedahut direct that the Session Judge be requested to transmit copies of the orders passed by the Assistant Magistrate and the Magistrate in the Petitioners' case.

Ordered that Extract from these Proceedings be sent to the Session Judge of Rajahmundry by Precept returnable in II days from and after its receipt.

/ Sent following Precept No. 1197 /

Read Calendar of Cases for the 3d Quarter of 1851 of the Sessions Court of Mangalore.

/ Here enter F. No. 2622 of 1851 /

The Court of Sessions do not fail to discover in the foregoing Calendar any valid grounds for exempting the 3d Prisoner who was convicted of Housebreaking, and Theft of property of a large amount, from the full penalty of the Law prescribed for the Offence; and they must decline therefore to accede to the Sessions Judge's recommendation for the mitigation of that sentence.

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

/ Sent in No. 1198 /

Read Calendar of Cases for the 3d Quarter of 1851 of the Sessions Court of Coimbatore

/ Here enter F. No. 2623 of 1851 /

The Court of Sessions do not approve of the recommendation made by the Sessions Judge in this case, that the sentence recorded against the 1st, 2d and 3d Prisoners on their conviction of Highway Robbery be mitigated to 8 / eight 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. 1199 /

2d 18d

Read Supplemental Calendars of Cases Nos. I and II for the 3d Quarter of 1851 submitted by the Sessions Judge of Madura under date the 4th November 1851.

(Here enter F. No. No. 2565 of 1851)

Read return dated 10th November 1851 from the Sessions Judge of Honore, to the precept of the Tanjore Sudder under date the 31st October 1851, conveying their orders regarding the Case No. 66 of 1851, on the Honore Criminal file.

Here enter F. No. No. 2636 of 1851.

F. R.

Thursday,
27th November 1857. At a Court of the Foujdaree Adaulut

Present.

W.S.R. G.S. Hooper Esquire — 1st Puisne Judge
H.M. for E.P. & C.S. Thompson Esquire — 2d Puisne Judge
E.J. for K.S. T.L. Strange Esquire — Offg 3d Puisne Judge

Read Miscellaneous Petition
presented on the 4th September 1857 by
Karumanda Kovindan of Zillah Coimbatore.
(Here Enter Fdn No 115 of 1857.)

In re G.S. Hooper 1. The Court of Foujdaree Adaulut see no reason to question the propriety of the requisition of Security under which the Petitioner has been placed, nor any grounds for their interference in any way on the Petitioner's behalf.-

2. The Calendar shows that the Petitioner only cites one witness in his defence whose examination he dispensed with before the Sessions Court.-

3. His assertions on this point are therefore untrue.-

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

Read again Miscellaneous Petition
presented

presented on the 15th September 185
Vakeel on behalf of Chelikani
of Zillah Rajahmundry.-
(Here Enter F. No 920
Read also return
3d November 1857 from the Ag
Rajahmundry to the precept
Read & Extract dated the 20th
their preliminary orders on the
(Here Enter F. R. No 2
Read also Miscellan
presented on the 5th November
Vakeel on behalf of the same
(Here Enter F. R. No
Messrs G. & Hooper & T. L. Strange for Respt.
under the complai
by the Magistrate in the return
which has been submitted by
Judge the Court of Sessions
opinion that any interference
=edings of that officer in the
to in the foregoing Petition is
and that under existing circum
would lie equally in cognizance
2.
The Court of Sessions
accordingly resolve to dismiss the
application.-
Ordered that Extract
Proceedings be sent to the Sessions

of Rajahmundry for his information.-
(Sent in No 1203)
Ordered also, that Extract from
these Proceedings be granted to the Petitioners
Vakeel on his application.-
Read Miscellaneous Petition
forwarded by the Sessions Judge of Tinnevelly
from Gopalayangar of that Zillah.-
(Here Enter F. R. No 2013 of 1857)
The Petitioner appeals from
for T. L. Strange.
an order passed by the Sessions Judge of
Tinnevelly under date the 20th August last
refusing to direct the remission of certain
fines imposed upon the Petitioner and others
by the Head Assistant Magistrate.-
The Court of Foujdaree Adalut
2.
before finally disposing of this Petition
resolve to direct that the Sessions Judge
will Report for their information what
led to the interference of the Magistracy
in the matter referred to and for what cause
the fines complained of were adjudged.-
Ordered that Extract from
these Proceedings be sent to the Sessions Judge
of Tinnevelly by Precept returnable within
X days from and after its receipt.-
(Sent following Precept No 1204)
Read Calendar of Case No 40 of 1857
of the Sessions Court of Coimbatore.-
(Here Enter F. R. No 2621 of 1857)
As

As it appears from the records in the sentences passed in this case the Sessions Judge was doubtful whether the Prisoner was present when the Proclamation took place, the Court doubt cannot under such a case as the Prisoner was not convicted, and referred to them.-

Ordered that Cochran Proceedings be forwarded to the Court of Coimbatore for his information

(Sent in Rp 1205)

Read Calendar of the Sessions Court of Chittoor

(Here Enter F.R. No 2

The Court of Foujdaree approves of the recommendation of the Sessions Judge in this case, that the recorded & punish the Prisoner on of House breaking and theft be with to two years imprisonment with in irons, and the Sessions Judge to issue his warrant accordingly.

Ordered that Cochran Proceedings be forwarded to the Court of Chittoor for his information

(Sent in Rp 1206)

Read Criminal

15th October 1851 submitted by the Sessions Judge of Guntoor for the month of September 1851.

(Here Enter F.R. No 2419 of 1851)

Read return dated 21st October 1851 from the Sessions Judge of Salem to the precept of the Foujdaree Adalut under date the 16th October 1851 directing the release of the Prisoner in Calendar No 25 of 1851.-

(Here Enter F.R. No 2472 of 1851)

Read return dated 11th November 1851 from the Sessions Judge of Rajahmundry to the precept of the Foujdaree Adalut under date the 4th November 1851 requiring to be informed of the nature of the sentence adjudged to the 1st Prisoner in Case No 181 of 1851 on the Criminal file-

(Here Enter F.R. No 2615 of 1851)

Read return dated 18th November 1851 from the Sessions Judge of Cuddalore to the Precept of the Foujdaree Adalut under date the 11th November 1851 requiring further information regarding case No 40 of 1851 on the file of the Sessions Court of Cuddalore.-

(Here Enter F.R. No 2635 of 1851)

Read Calendars of Cases No 67 and 68 of 1851 submitted by the Sessions Judge

27th November 1857.

Judge of Calicut under date the 13th
(Here Enter F.R. No 2643)
Read Criminal Report
31st October 1857 Submitted by the
Judge of Salem for the month of
(Here Enter F.R. No 2654)
Read report of Cadd
of the Jails in charge of the Magi
dated 18th November 1857 Submitted
Session Judge of Combaconum for
Month of October 1857.-
(Here Enter F.R. No 2655)
Read Criminal Report
31st October 1857 Submitted by the
Judge of Chingleput for the month
(Here Enter F.R. No 2634 of 185
Read return dated 17th
1857 from the Session Judge of Ch
to the present of the Jail reported
dated the 6th November 1857 giving
requires the amount and period of
required of the 2d Prisoner in Case
1857 on the Calendar of this Court
communicate the remarks of the
vol Cowgat to the Brahmeean
of this Court.-
(Here Enter F.R. No 2678 of 185

No 1857.

F.R.

Friday
7th November 1857. At a Court of the Toujaaree Adaulut

Present.

W.R. G.L. Hooper Esquire —— 1st Puisne Judge
W.R. for L.P.J. C.P. Thompson Esquire —— 2d Puisne Judge
T.L. Strange Esquire —— 3d Puisne Judge

Read Calendar of Case No 360/1857 of the Sessions Court of Nellore.-

(Here Enter F.R. No 2596 of 1857)

The Court of Toujaaree Adaulut are of opinion that a sentence of two years imprisonment will be adequate punishment for the offence of which the prisoner in this case has been convicted, and they accordingly resolve to direct that the sentence now recorded against her be reduced to that extent-

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 1207)

Read letter dated the 18th Instant from the Acting Subordinate Judge of Bellary suggesting the admission as approvers of the 2d and 4th prisoners in case

No

No 155 on the Criminal file for 1857.-

(Here Enter Fh No 2673 of 57)

The Court of Sessions direct that the Acting Subordinate be required to submit without delay Translations of the statements of 2d 3d 4th and 5th Prisoners in the case in question before the Police

Ordered that Cahan's Proceedings be sent to the Acting Joint Judge of Bellary by Dawk this within 7 days from date of this

(Sent following Receipt)

Read report dated 19th 1851 Submitted by the Magistrate of Cuddapah of persons apprehended and sent to the Sessions Judge for the month of

(Here Enter Fh No 2679 of 57)

Read Calendar of Prisoners 1857 Submitted by the Acting Sessions Judge of Bellary under date the 22d November

(Here Enter Fh No 2680 of 57)

Read letter dated 21st Instant from the Sessions Judge of Salem forwarding copy of the return of the Subordinate Magistrate of Coimbatore to this Court's Precept, specifying the reasons for which the 2d and 3d witnesses in the case No 131 of 1851 were imprisoned in default of

payment of the fines imposed on them for prevarication.-

(Here Enter Fh No 2684 of 1857)

Read Extract from the Proceedings of the Sessions Court of Trichinopoly dated 21st Instant on review held in Criminal No 95 of 1857.-

(Here Enter Fh No 2686 of 1857)

Read letter dated 15th Instant from the Agent to the Governor of Fort St George at Vizagapatam informing that the monthly Criminal Reports are blank for October last.-

(Here Enter Fh No 2687 of 1857)

Read Criminal Reports dated 18th November 1857 submitted by the Sessions Judge of Masulipatam for the month of October 1857.-

(Here Enter Fh No 2689 of 1857).

Ex BW.

Monday
7th December 1851. At a Court of the Lujdance Adalut

Present

Hon'ble G:A. Hoosen Esqre ——— 1st Puisne Judge
Hon'ble E.H.J. E.F. Thompson Esqre ——— 2nd Puisne Judge
Hon'ble J.L.S. L.L. Strange Esqre ——— officiating 3rd Puisne Judge

Read Criminal Report dated 7th November 1851 submitted by the Session Judge of Chittoor for the month of October 1851.

{Here enter L:U. No: 2627}

Report B
Case No: 85

It should have been distinctly stated whether or not the prisoner was examined in this case of the offence therein laid to his charge.

Ordered that Extract from these proceedings be sent to the Session Judge of Chittoor for his information and for communication to the Subordinate Judge..

{Sent in No: 1217}

Read again Calendar of case No: 28 of 1851 on the file of the Session Court of Bellary

{Here enter L:U. No: 819 of 1851}

Read also Petition presented on the 20th August 1851 by A. de Ritchie Esqre Vakeel on behalf of Bidinddeen 1st prisoner in the foregoing Case...

{Here enter L:U. de A. No: 109 of 1851.}

The Court of Lujdance Adalut are satisfied of the justness of the conviction of the

1st December 1851.

The Petitioner and Key accordingly make their Petition ..

Ordered that Extract proceedings be furnished to the Petitioner

Read Criminal Returns for the Month of October 1851.

Returns 1851 submitted by the Sessions Judge of

Here ends Dt. No. 2404

Magistrates Calendar Case No. 23

The Petitioner applied for Copies of Papers in the Court of Sessions Case unnecessarily arose and Key accordingly made Petition to the Sessions Judge with view to his proceedings and such orders thereon as he may think proper in the same for the information of the Petitioner

Ordered that Extract of proceedings be sent to the Sessions Judge of Trichinopoly for his information and guidance ..

Read Criminal Returns for the Month of September 1851.

Sent in No. 1219.

Here ends Dt. No. 2409

Read also return under date the 4th November 1851. and Supplemental return under date the 8th November 1851 from the Sessions Judge of Combaconum to the precept of the Sessions Court Madura dated the 1st November 1851 conveying their preliminary orders on the foregoing Criminal Returns ..

Here ends Dt. Nos. 2540 to 2569

The Court of Sessions Madura

1st December 1851.

2.

should have been stated how many months the 1st and 2nd Prisoners were respectively required to produce, and the Court of Sessions Madura would observe that the period for which the security has been required from these Prisoners is considerably disproportionate to the period of Imprisonment awarded to the Convicted Prisoners, entailing in the former, in the event of their failing to produce security, a punishment six times heavier than that inflicted on the Prisoner, whose guilt is considered to have been proved ..

Ordered that Extract of these proceedings be sent to the Sessions Judge of Trichinopoly for his information and guidance ..

Sent in No. 1219.

Read again Criminal Returns for the Month of September 1851. submitted by the Sessions Judge of Combaconum

Here ends Dt. No. 2409

Read also return under date the 4th November 1851. and Supplemental return under date the 8th November 1851 from the Sessions Judge of Combaconum to the precept of the Sessions Court Madura dated the 1st November 1851 conveying their preliminary orders on the foregoing Criminal Returns ..

Here ends Dt. Nos. 2540 to 2569

The Court of Sessions Madura observe

observe that the Specification of the
which the prisoner in Cases Nos 137 & 139 gave
their entry into the prosecutor's house, whilst
to by the Sessions Judge in his notice as having
set forth in the charge are not stated with
of charge in the Report B of these cases which
the Sanjdars Adalut and they direct that
explanation on this point may be submitted.

2.

In the reports of each of the
Cases submitted to the Sanjdaut Adalut the
are charged with having broken into the
of the prosecutor and stolen therefrom No mention is made of the manner in which breaking was effected.

3.

With reference to the reports
submitted by the acting Subordinate Civil
Judge in regard to the sentences passed in
Nos 131 & 132, the Court of Sanjdaut Adalut
observe that the fact of the prisoners
in Case No 131 not having been committed
that Case should have been distinctly stated
in the report, as have been repeatedly directed
by the Court of Sanjdaut Adalut. The
being unable without such information
of the propriety of the sentence passed.

Ordered, that the record of the
proceedings be sent to the Sessions Judge for

by special receipt returnable within V days from and after its receipt.

(Sent following receipt No 1220)

Read Calendar of Petty cases disposed of by the Magistracy of Coimbatore during the 2nd Quarter of 1851.

(Here enter Dkt: No 2553/1851)

Security Calendar Case Nos 10-11-15

The Court of Sanjdaut Adalut observe that the provision of the law quoted in these Cases only authorize the requisition of security for assedeance and not for good conduct; the power of requiring security for good conduct having been conferred on the Magistracy by a later enactment Sanjdaut Regulation VI of 1827.

1.

2.

When a sentence may be passed under a Section of a Regulation which is divided into Clauses the appropriate Clause should be always quoted.

Case No 17

3.

Adverting to the remarks recorded by the Sessions Judge in this case the Court of Sanjdaut Adalut deem it proper to observe that the crime of arson not being punishable on conviction by the Magistracy the requisition of security upon the ground of suspicion attaching to the accused of having committed the specific offence charged is illegal and they accordingly resolve to direct that the requisition of security in this case be annulled.

4.

The transmission to the Sanjdaut Adalut

1st December 1851.

Extract of a Copy of the Letter addressed by the [illegible]
to the Joint Negotiator at Catamarca under date
the 31st July last was received.

Ordered, that Extract of the
proceedings be sent to the Legislature of this
Province by Express to reach Cordova within 5 days from
date hereof.

Sent following Express.

Ld B.W.

L.H.

Tuesday 2nd December 1851.

At a Court of the Laujdaree Adaulut.

Present

G/H Hon. G. A. Hoosses Esq.r 1st Puisne Judge

W.H for E.P.J. Hon. E. P. Thompson Esq.r 2d Puisne Judge

W.H for N.E.P. Hon. L. L. Strange Esq.r Acting 3d Puisne Judge

Read letter dated the 22nd Ultimo from the Acting Subordinate Judge of Bellary suggesting the admission as approvers of the 1st and 2d prisoners in Case No. 174 on the Criminal file for 1851.

(Here enter No. 2693 of 1851.)

The Court of Laujdaree Adaulut direct that the Acting Subordinate Judge be required to submit without delay Copies and Translations of the Statements made by the 1st and 2d Prisoners in the case in question before the Police.

Ordered that Extract from these proceedings be sent to the Acting Subordinate Judge of Bellary by precept returnable within V days from and after its receipt.

(Sent following precept No. 1222)

Read letter under date the 15th September 1851 from the Sessions Judge of Calicut submitting the Criminal Reports for the month of August 1851.

(Here enter L.H. No. 2239 of 1851.)

"Circular" 1. In reply to the first question proposed in the foregoing letter, the Court of Laujdaree Adaulut observe that an extract was furnished to the

General

L.U.

Tuesday
2nd December 1851.

At a Court of the Daijdaree Adalut.

Present

G.A. Hoosee Esqr. 1st Puisne Judge

E.P. Thompson Esqr. 2d Puisne Judge

L. L. Strange Esqr. acting 3d Puisne Judge

Read letter dated the 22d Ultimo from the acting Subordinate Judge of Bellary suggesting the admission as appellants of the 1st and 2d prisoners in Case No. 174 on the Criminal file for 1851.

(Here enter No. 2693 of 1851.)

The Court of Daijdaree Adalut direct that the acting Subordinate Judge be required to submit without delay Copies and Translations of the Statements made by the 1st and 2d Prisoners in the case in question before the Police.

Ordered that Extract from these proceedings be sent to the acting Subordinate Judge of Bellary by precept returnable within V days from and after its receipt.

(Sent following precept No. 1222)

Read letter under date the 15th September 1851 from the Sessions Judge of Cuttack submitting the Criminal Reports for the month of August 1851.

(Here enter L.U. No. 2239 of 1851.)

"Circular" 1. In reply to the first question proposed in the foregoing letter, the Court of Daijdaree Adalut observe that an erratum was furnished to the

General

L:H.

2nd December 1851.

General Officers in charge of Jails enclosed
24th April 1845 with reference to the former
of the Lunjdars Statistics of the 8 Circuit
declaring in the instructions regarding the
to be drawn by the committee in the Jail
the presidency the sum should be expended
to 80 Rupees might

2.

It is observed that the
the erasures in question was intended
has been repeated in the Statistics at the
page 20 of the printed Copy of the Jail
and the Court of Lunjdars Statistics
resolve to direct that the General Officers
of Jails will correct their Copies of the Statistics
question with reference to the foregoing

3

Note reference to the
of the Sessions Judge the Court observe
the hours fixed in the Circular Order of the
April 1850 No. 190. 3. was intended to specify the
commencement of and striking off work and
Prisoners are employed at the several
from the Jail or within the Jail
beyond that distance the Gaolers
in proceeding to their work should be
from the hours specially fixed by

Ordered that Extract
these proceedings be sent to the Sessions

L:H.

2nd December 1851

Collector for his information.

Ordered also, that Extract of these
proceedings be sent to the Officers in charge of Jails
for their information and guidance.

Sent in No. 1223.

Sd
R.D.

F. 116.

Thursday 4th December 1851 } At a Court of the Tonjdaree Udalut

Present

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

W. H. for E. F. E. P. Thompson Esqr. 2d Puisne Judge.

W. H. for J. & F. L. L. Strange Esqr. Offg. 3d Puisne Judge

Read Calendar of Case No. 2207 1851 of the Session Court of Chittoor.

(Here enter F. 116. No. 2659 of 1851)

The Court of Tonjdaree Udalut approve of the recommendation made by the Session Judge in this Case, that the sentence recorded against the Prisoner on her Conviction of "perjury" be mitigated to six months simple imprisonment with labor suited to her sex; 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. 1224 /

Read

Read Calendar of Cases
1851 of the Sessions Court of Trichinopoly
(Herewith F. No. Nos 2673 of 1852)

1

In the sentence recorded in the
foregoing case, the Sessions Judge states
his reasons in the finding of the Law Officers
"that the evidence adduced is not sufficient
"to commit the prisoner of the crime charged
"against him, and therefore, directs his immediate
release."

2

On reference to the Petition
it is observed that the Law Officers in
the evidence offered to the prisoner
used violence towards the accused, on the
ground of its insufficiency, but on a perusal
of the examinations which it contains
further, that his acquittal of the charge
is based chiefly on the ground that the
pleaded by that individual was established

23

The Court observe that the
Sessions Judge should have entered more
fully into the grounds on which his finding
was passed.

Ordered that Extract from

these Proceedings be forwarded to the Sessions
Judge of Trichinopoly for his information
and future guidance.

(Sentence No. 1228)

Read Miscellaneous petition
presented on the 9th October 1851 by Cattoyee
of Zillah Trichinopoly.
(Herewith F. No. P. No. 1142 of 1851)

The Petitioner is referred to the
former order passed by the Court of Foujdaree
Udalut, in the matter to which this petition
relates.

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

Read report submitted by the
Chief Superintendent of Police under date the
11th September 1851 of a Case tried under Act XXV
of 1837 during the Months of August 1851.
(Herewith F. No. No. 2165 of 1851)

Read Calendar of Case No. 48
of 1851 submitted by the Sessions Judge of
Cuddapah under date the 10th September 1851.
(Herewith F. No. No. 2167 of 1851)

Read

4th December 1851.

Rad. Statement submitted
by the Sessions Judge in charge of the Sessions Court of Ka
under date the 13th September 1851 of Ball
to the Proceedings and witnesses attended
his Court from January to June 1851.
(Herewith F. 26. N:2179 of 1851)

Rad. return from the Sessions
Judge of Cuddalore to the Precept of the Zillah
Udalut under date the 30th August 1851 dire
the Sessions Judge to call for and review the
cases N:16. 17. 19. and 23. disposed of by the
Magistrate, and report the result.
(Herewith F. 26. N:2179 of 1851)

Rad. Calendar of Cases N:2
submitted by the Sessions Judge of Chingle
under date the 5th September 1851.
(Herewith F. 26. N:2183 of 1851)

Rad. Extract from the Proceed
of the Sessions Court of Penang under date
the 8th September 1851 on review of the Judge
Petty Calendars for the 2nd Quarter of 1851.
(Herewith F. 26. N:2211 of 1851)

F. 26.

Friday 5th December 1851

At a Court of the Foujdaree Udalut.

Present

W. Pt. C.J. G. S. Hooper Esqr. 1st Puisne Judge.
W. Pt. E.J. E. P. Thompson Esqr. 2d Puisne Judge.
A. pr. J.L.S. J. L. Strange Esqr. Offg. 3d Puisne Judge.

Rad. letter dated 5th November
1851 from the Subordinate Judge of Cuddapah
recommending that so long as the number
of Prisoners confined in the Zillah Jail may
be below 400 the Gang at Cumbum be limited
to 40.
(Herewith F. 26. N:2555 of 1851)

The Court of Foujdaree Udalut
consider it desirable that the Cumbum gang
should be kept up at the strength originally
sanctioned - and decline to accede to the recom-
mendation now made by the Subordinate
Judge, which they observe, should have been
transmitted through the Sessions Court.

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

4th December 1851.

Rad. Statement submitted
by the Sessions Judge
under date the 12th September 1851 of Bail
to the Prosecutors and witnesses who attended
his Court from January to June 1851.

(Hereunto F. 26. N° 2170 of 1851)

Rad. return from the Sessions
Judge of Cuddalore to the Precept of the
Udalut under date the 30th August 1851 direc
the Sessions Judge to call for and peruse the
cases N°s 16. 17. 19. and 23. disposed of by the
Magistrate, and report the result.

(Hereunto F. 26. N° 2179 of 1851)

Rad. Calendar of Cases N°s
submitted by the Sessions Judge of Chingleput
under date the 5th September 1851.

(Hereunto F. 26. N° 2183 of 1851)

Rad. Extract from the Proceed
of the Sessions Court of Chingleput under date
the 8th September 1851 on review of the Calendars
Petty Calendars for the 2nd Quarter of 1851.

(Hereunto F. 26. N° 2210 of 1851)

F. 26.

Friday 5th December 1851 — At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esqre 1st Puisne Judge
E. P. Thompson Esqre 2d Puisne Judge
T. L. Strange Esqr Offg 3d Puisne Judge

Rad. letter dated 5th November
1851 from the Subordinate Judge of Cuddapah
recommending that so long as the number
of Prisoners confined in the Zillah Jail may
be below 400 the Gang at Cumbum be limited
to 40.

(Hereunto F. 26. N° 2555 of 1851)

The Court of Foujdaree Udalut
consider it desirable that the Cumbum gang
should be kept up at the strength originally
sanctioned - and decline to accede to the recom-
mendation now made by the Subordinate
Judge, which they observe, should have been
transmitted through the Sessions Court.

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

of Cuddapah for information and Comme
to the Subordinate Judge.

(Sent in Dis 1230)

Read Criminal Report
by the Sessions Judge of Tinnevelly for
Month of October 1851.

Report B
Case No 100

1.

(Remarks Fy No. 2639 of 1851)

The matter alleged against
Prisoner in the Statement of the charge embodied
no offence such as to have subjected him
to a Criminal prosecution.

2.

The Court of Foujdaree Adalut
Case No 103. consequently cancel the sentence to produce
passed in his case.

3

It should have been stated
in the report of this case before what author
the prisoner was under examination when he
effected the escape laid to his charge.

No 105.

4.

The Court resolve to direct the
a report of the circumstances under which the
theft charged in this case was committed may
be submitted for their consideration, as it
enables them to judge whether the theft
occurred by stealth when the child was asleep

Majistrate's Report
Case No 5.

or openly in the manner designated as Dacoity

The Court of Foujdaree Adalut

observe that the disposal of the charges against
the 1st 3d 4th 5th and 6th & 7th Prisoners in this Case
should have been deferred until the completion
of the trial of the 2nd Prisoner.

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

(Sent following Precept No 1231.)

Read Calendar of Case No 66
of 1851 of the Sessions Court of Calicut

(Recd. inter F. Dis. No 2642 of 1851)

Adverting to the remarks of the
Sessions Judge in the sentence recorded in
the above Case, the Court of Foujdaree Adalut
direct that it be pointed out to the Magis
trate, that if, as is stated in the Calendar,
a letter was addressed by him to one Kattey
Govinda Menon urging that individual to
see, if he could not elicit the truth from
the prisoner, such a course of proceeding was

objectionable

objectionable, as being obviously calculated
to the use of irregular and illegal means to
the object in view; and the Court consider
adoption of such a measure in the present
the more to be deprecated, as it would appear
from the remarks of the Sessions Judge
the said R. Govinda Menon was not a
person to be entrusted with such a Commi

Ordered that Extract from
these Proceedings be forwarded to the Ses
Judge of Calicut for his information
and for Communication to the Magistrate

/Sent in. No. 1232/

Read Calendar of Case No. 31
of 1851 of the Sessions Court of Nellore
(Herewith Fr. Rec. No. 2660 of 1851)
Adverting to the great age of
the Prisoner in this Case, which renders it in the
opinion of the Acting Sessions Judge; improbable
that he will survive 18 Months, and also to the
circumstance under which he became possessed
of the stolen property, the Court of Foujdaree
Udalut consider that a sentence of four years'
imprisonment will be adequate punishment
for his offence.

2.

If the Acting Sessions Judge be
enabled to concur with the Court in the foregoing
opinion, he will be pleased to submit his
recommendation for the mitigation of the prisoner's
sentence accordingly; if he dissents therefrom,
he will be pleased to submit an English
translation of the entire record for the consider-
ation of the Court of Foujdaree Udalut.

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

/Sent in No. 1233/

Read Calendar of Case No. 32 of
1851 of the Sessions Court of Nellore.
(Herewith Fr. Rec. No. 2665 of 1851)
The Court of Foujdaree Udalut
are of opinion that the mitigated sentence
of 3 years' imprisonment with hard labor in
irons, passed upon the prisoner in Case No. 13 of
1851, will in this Case also adequately meet
the demands of justice; and they resolve to
direct that the sentence now recorded against
the Prisoner "Gangoola Appaya" be reduced to

that

to that extent.

Ordered that Extract from
Proceedings be forwarded to the Sessions
Judge of Vellore for his information and

(Sent in No 1234)

Read Criminal Reports
by the Sessions Judge of Calicut for the
of October 1851

(Hereunto F.P. No 2657 of 1851)

1.

The Court of Sessions
resolve to direct that the Reports in the
be in future written on the same kind of
as that used for the Report B, and that
be attached by the sessions to their

Report A
Case No 2.34.

2.

The sentence in this case
having been altered by the Sessions Judge
submission of the Report A was approved

Ordered that Extract from
Proceedings be sent to the Acting
Judge of Calicut for his information

(Sent in No 1235)

Read Criminal Reports
mitted by the Sessions Judge of Calicut

for the Month of October 1851.

(Hereunter F.P. No 2662 of 1851.)

Magistrate's Report
Case No 4.

It does not appear to the Court
of Foujdaree Udalut that any Criminal charge
is legally sustainable in this case in the absence
of any overt act showing that the 1st Prisoner
had attempted to make use of the papers found
in his possession with the design of committing
a fraud therewith.

2

The Court of Foujdaree Udalut
Udalut accordingly resolve to direct that the
Sessions Judge will peruse the proceedings in this
case and pass such orders thereon as he may
think proper, reporting the same for the informa-
tion of the Foujdaree Udalut.

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

(Sent following Precept No 1236)

Read Criminal Reports
submitted by the Sessions Judge of Tinnevelly
for the Months of October 1851.

(Hereunter F.P. No 2664 of 1851)

The

Case No 102.

The Court of Tanjadarre observe that this case should have been disposed of by the Sessions Court and not remanded to the Subordinate Criminal for trial, the offence charged which was snatching being Cognizable only by the Sessions Court.

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

(Sentence No 1237)

Read Calendar of Case No 1 of 1851 of the Sessions Court of Combaconum

(Here enter F. Ch. No 2667 of 1851)

1 On a careful consideration of the Calendar of the foregoing Case the Court of Tanjadarre Udalut fail to discover any of the grounds for exempting the 1st 2d 3d 4th & 5th of the Prisoners from the full penalty prescribed by law for the very serious offence of which they have been respectively convicted; and the Court must decline, therefore, to sanction the mitigation recommended by the Sessions Judge.

Ordered that Extract from

these Proceedings be forwarded to the Sessions Judge of Combaconum for his information.

(Sentence No 1238)

Read Calendar of Case No 26 of 1851 of the Sessions Court of Trichinopoly

(Here enter F. Ch. No 2685 of 1851)

The Court of Tanjadarre Udalut

observe that the prisoner in the foregoing Case was convicted of robbery by open violence attended with aggravating circumstances, and the Court do not consider, therefore, that his offence would be adequately punished by a sentence less severe than 7 years' imprisonment with hard labor in irons: the Court accordingly resolve to direct that the sentence now recorded against the prisoner be mitigated to that extent.

2 The Court observe that the Sessions Judge's sentence does not enter upon the merits of the Case so as to show the grounds of his judgment in it.

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

(Sentence No 1239)

Read

Read Criminal Reports submitted by the Acting Sessions Judge of Ganjam for the Month of October 1851.

(Herewith Ft. No. №2655 of 1851)

Case. №157.

The Court of Foujdaree Adalut are of opinion that the period of Imprisonment awarded to the prisoner in this case may properly be reduced to Six Months.

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

(Sent Cir. №1240)

Read Calendar of petty Cases disposed of by the Magistracy of Ganjam during the 3d quarter of 1851.

(Herewith Ft. No. №2660 of 1851)

Calendar of prisoners punished

Case. №35

1.

In the opinion of the Court of Foujdaree Adalut the Cancellation of Section XVIII Regulation I of 1805 in support of the sentence passed in this case was unnecessary.

Case №38

2.

The name of the 1st Prisoner in this Case should have been entered in the Calendar

The

The Court of Foujdaree Adalut

3.

desire to be informed under what Circumstances the sentence passed upon the 7th Prisoner was recorded under the provisions of Section XXXII Regulation IX of 1816; the other prisoners having been punished under Clause Second Section III Regulation III of 1819.

The Court observe a great delay

Case. №44

4.

in the disposal of this Case, of which an explanation should have been submitted.

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

(Sent following Precept №1241)

Read Criminal Reports submitted by the Sessions Judge of Rajahmundry for the Month of October 1851.

(Herewith Ft. No. №2670 of 1851)

Report B

Case. №102

The Court of Foujdaree Adalut see reason to question the Correctness of the designation of the Crime charged against the prisoner in this Case with reference to the manner in which the entry into the Premises

house

house is stated to have been effected.
they accordingly resolve to direct that the
Sessions Judge will review the proceedings
and pass such orders thereon as he may deem
proper, reporting the same for the information
of the Foujdaree Udalut.

Case No. 107

2

The manner in which the
breaking charged in this Case was effected
should have been specified in the statement
of charge.

Case No. 108.

3

The Prisoner in this Case charged
with theft and an attempt at housebreaking
has been sentenced to two months' imprison-
ment with hard labor in irons under Sec.
VII Regulation X of 1816.

4

The Court of Foujdaree Udalut
observe that it should have been stated
whether or not the attempt at housebreaking
was proved; as, if it was, the sentence
passed would appear to be extremely
inadequate, and the Regulation quoted incor-
rect; the time and circumstances of the
alleged attempt at house breaking should
have been specified in the statement of charge.

Report No. 1
Case No. 104.

5

Adverting to the remarks
recorded by the Subordinate Judge in his
return to the precept of the Sessions Judge
directing the re-apprehension and commitment
of certain persons charged in this case, the Court
of Foujdaree Udalut deem it proper to
observe that it was the duty of the Subordinate
Judge to obey the injunction contained in
the said precept, without indulging in
comments on the reasons assigned by the
Sessions Judge for the orders passed by
him.

6

The grounds upon which the
Sessions Judge has directed the commitment
of the persons referred to appear to the
Court of Foujdaree Udalut to be far from
satisfactory.

Ordered that Extract from
these Proceedings be sent to the Sessions
Judge of Rajahmundry by Precept returna-
ble within x days from and after its receipt.

Sent following Precept No. 1242) &

Case No. 107

Case No. 108.

VII

+

F. Vo.

Saturday.

4th December 1851. At a Court of the Fouzdaree Udalut.

Present.

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

W.P. for L.P.S. B. P. Thompson Esqre. ——— 2nd Puisne Judge.

T. L. Strange Esqre. Actg ——— 3rd Puisne Judge.

Read letter dated 1st Instant from the Acting Sessions Judge of Nellore submitting for the final judgment of the Fouzdaree Udalut the records of Case No. 34 of 1851 of the Calendar of the Sessions Court.

(Here enter F. Vo. No. 2747 of 1851.)

The Court of Fouzdaree Udalut,

Vs. T. L. Strange.

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. Ragala Yanadi

is sufficient to convict him of the crime of Rape, and the

2nd Chintapanti Pitchugadu

of assisting in the commission of the said crime, for which in the absence of the requisite conditions of Hindu discretionary punishment

16th December 1851

Proceedings of an enquiry held by Mahomedoo Saheb Assistant to the Collector of Chingleput, to examine into the charges preferred against Thomas Lewis Officers, to examine the witnesses for and against the prisoners, and to record the evidence in the case, under the provisions of Regulation VII. Section VII. Regulation XV of 1803, and Act XXXIV. Act. VII of 1843 sentence the prisoners

1st. Pagalai Ganadi

to receive 150 lashes with a Cat o nine tails, and to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (7) Seven years, and the prisoner

2d. Chintapanti Pitchigadu

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 year.

1.

Adverting to the youth of the 2d. prisoner in this case and the fact that the assistance rendered by him to the 1st. prisoner in the commission of the crime of which that prisoner has been convicted does not appear to have been premeditated the Court of Sessions Udaliut have considered a sentence of one years imprisonment

6th December 1851.

with hard labor in irons in the case of the 2d. prisoner sufficient to meet the demands of justice.

The Court of Sessions Udaliut observe that the Heads of Police of Cramamanellore committed a great oversight in not having the prosecutrix's person inspected by a matron, and her evidence received as to the prosecutrix's condition since she represented herself to have been lacerated.

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Nellore for his information and for communication of para 2 to the Magistrate.

(Sent in No. 1245)

Read again Calendar of Case No. 56 of 1851 on the file of the Sessions Court of Cuddapah.

(Here enter F. No. No. 2556 of 1851.)

Read also returns dated 20th November 1851 from the Sessions Judge of Cuddapah to the precept of the Sessions Udaliut

6th December 1851

Udulute of the 17th Instant.

(Here enter F. Dc. No 2677 of 1851)

The Court of Sessions

has authorizes a fresh warrant to be issued

reducing the terms of imprisonment awarded

to the 1st and 2nd Prisoners in the above

from 4th to 7 years.

Ordered that Extract from

these Proceedings be sent to the Sessions Judge

of Cuddalore for his information and guidance.

(Sent in No 1246)

Read letter dated the 18th October

1851 from the Sessions Judge of Tanjore

submitting for the final judgment of the

Tanjore Udalut the Record of Case No 22

of 1851 of the Calendar of the Sessions Court.

(Here enter F. Dc. No 2748 of 1851)

Mr G. S. Hooper.

The Court of Tanjore Udalut

on a deliberate consideration of all the circum-

stances of the case as evidenced before the

Acting Sessions Judge is of opinion that the prisoner

1st Cossoorutty Mooradoo

is not convicted on sufficient proof, as on

the evidence of credible witnesses, as on the

F. Dc.
6th December 1851.

own confession of the crime charged do acquit

him thereof, and do direct that he be set at

liberty.-

(Sent in No 1247)

Read Criminal Reports sub-

mitted by the Acting Sessions Judge of

Nellore for the month of October 1851.

(Here enter F. Dc. No 2648 of 1851.)

Case No 156. 1. Adverting to the trifling amount

of the property stolen in this case the Court

are of opinion that the period of imprison-

ment awarded may with propriety be

reduced to seven months.-

Case No 178. 2. In this case the period of

imprisonment adjudged appears to the

Court of Tanjore Udalut excessive and

they consider that with reference to the

amount of the theft a sentence of four

months imprisonment would be amply

sufficient to meet the demands of justice.-

3. The Court of Tanjore Udalut

do accordingly resolve to direct that the

Acting Sessions Judge will review the

proceedings in the two foregoing cases and

pass such orders thereon as he may deem

proper

proper reporting the same for the infor-
of the Fongdaree Udalut.

Ordered that Extract fr
these Proceedings be forwarded to the
Sessions Judge of Nellore by first conve-
able with in XV days from made of this
receipt.

(Sent following precept No 1220)

Reads Calendar of Prisoners
disposed of by the Magistracy of Pon
during the 3rd Quarter of 1851.

(Here enter F Vo. No 2598 of 1851)

1.

Our attention
ation of the provisions of Act XII of 18
the Court of Fongdaree Udalut are of
opinion that the utmost period of im
sonment over dable under the enact
is three months, and that the term of
enactment cannot be considered to au
rize the award of commutation penal
of imprisonments for each month
with in violation of its provisions
the imposition of a commutation fine
clearly provided for. In superscription

therefore of the instructions conveyed in their
letter of the 4th June last, the Court of
Fongdaree Udalut resolve to direct that in
each of the cases of crimping entered in the
foregoing Calendars in which sentences of
imprisonment have been passed the period
of imprisonment be reduced to three months.

The Court of Fongdaree Udala-

2.

"List observe that the details given in the
"Calendar of persons punished" is unneces-
sary; a brief statement of the nature of
the offence proved of the sentence passed
and the provisions of the Law under which
it is passed, being sufficient.

The Court of Fongdaree Udalut

Cases No. 71. 3.

consider the sentence passed in this case
extremely inadequate; the imposition in
a case of extortion of a fine equal only to
the sum extorted being obviously insuf-
ficient to meet the demands of justice.

In these cases the acts

Cases Nos. 74 4
82.

charged should have been entered in the
statement of charge and the exaggeration
referred to noticed by the officers by whom
the cases were tried.

The

6th December 1851.
Cases Nos 81
" 87
94
99.

5.

The Court doubts whether the acts charged in these cases as stated in the charge are cognizable under the enactment quoted and they accordingly direct that the Sessions Judge will review the proceedings and pass such orders as he may think proper referring the same for the information of the Fouzdaree Adalut.

Calendar of persons committed
Cases Nos 4
5
6
7.

6.

The Court observe that the provisions of the law under which these cases were disposed of should have been quoted.

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Combaconum, for his information and guidance; and for communication to the Acting Magistrate of Sanjore by precept returnable within XV days, from date after its receipt.

(Sent following precept No 1249)

Read Criminal Reports submitted by the Sessions Judge of Cuddalore for the months of October 1851.

(Here enter F. D. No 2645 of 1851)

Case No 23

1.

It should have been stated in

F. D.
6th December 1851.

in the report of this case whether or not the prisoner was convicted of the offence therein laid to his charge.

Case No 244.

2.

The Court of Fouzdaree Adalut observe that the prisoners' previous conviction should have been made a matter of charge and entered as a second Count in the indictment and evidence adduced to prove his identity with the person to whom the said conviction had reference.

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

(Sentence No 1250)

Read again letter under date the 5th July 1851 from the Sessions Judge of Cuddalore.

(Here enter F. D. No 1612 of 1851)

Read again also letter under date the 20th September 1851 from D. Maynes Esqr late Subordinate Judge of Cuddalore.

(Here enter F. D. No 2255 of 1851)

Read also return under date the 11th October 1851 from the Sessions Judge of Cuddalore

Cuddalore to the precept of the Foujdaree Udalut dated the 8th October 1851 forwarding the foregoing letter from the late Subordinate Judge for such observations as the Sessions Judge might think proper.

Here enter F. C. No. 2811 of 1851.

The Court of Foujdaree Udalut resolve to direct that the orders passed by them under date the 25th July last in the matter to which the foregoing papers have reference be carried into effect with as little delay as possible; the correctness of the view then taken by the Court being fully established by the information now before them.

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

(Sent in No. 1261)

Read Calendar of Cases Nos. 14 and 15 of 1851 submitted by the Sessions Judge of Rajahmundry under date the 10 and 11 June 1851

(Here enter F. C. Nos. 1394 and 1527 of 1851)

Read Calendar of Case No. 17 of 1851, submitted by the Sessions Judge of

Cuddalore under date the 8 July 1851.-

(Here enter F. C. No. 1609 of 1851)

Read Return dated the 5th July 1851, from the Sessions Judge of Cuddalore to the precept of the Foujdaree Udalut under date the 1st Idem directing the unconditional release of the Prisoners in Case No. 25 of the Calendar for 1851.-

(Here enter F. C. No. 1613 of 1851.)

Read return dated the 10th July 1851 from the Sessions Judge of Combaconum to the precept of the Foujdaree Udalut under date the 7th Idem conveying their opinion that a sentence of 7 years' imprisonment with hard labor in irons will be adequate punishment for the offence of which the Prisoner in Case No. 26 of 1851 is convicted and authorizing the Sessions Judge to issue his Warrant accordingly if he concurs in this opinion.-

(Here enter F. C. No. 1642 of 1851.)

Read Statement submitted by the Acting Sessions Judge of Tinnevelly of batta paid to Prosecutors and Witnesses before the Sessions Court of Tinnevelly from 1st January to 30th June 1851.-

(Here enter F. C. No. 1742 of 1851.)

Read

th December 1851.

Read Statement submitted by the Sessions Judge of Coimbatore of batta paid to Prosecutors and Witnesses attending before the Sessions Judge in the Zillah of Coimbatore during the 1st half of 1851.

(Here enter F. C. No. 1766 of 1851)

2d
1d

F. U.

Tuesday - - - }
9th December 1851 } At a Court of the Foujdaree Udalut.

Present:-

W. K. / W. P. E. ?? G. S. Hooper Esqre —— 1st Puisne Judge
C. P. Thompson Esqre —— 2d Puisne Judge
T. L. Strange Esqre — Officiating Puisne Judge

Read Miscellaneous Petition presented on the 18th September 1851 by T. Ramachendriah Vakeel on behalf of Sita and another of Zillah Masulipatam.

(Here enter F. M. P. No. 130 of 1851)

Read also Miscellaneous Petition presented by the same Vakeel on behalf of Arulapolu and two others of the same Zillah.

(Here enter F. M. P. No. 131 of 1851)

Mr. G. S. Hooper. 1 The foregoing Petitions have for their object the reversal of the Sentences passed upon the prisoners in Case No. 1 of 1851 on the file of the Sessions Court of Masulipatam.

2 The Court of Foujdaree Udalut observe that the whole of the proceedings held in the case in question received from this Court the fullest and most careful consideration, and the Court see nothing in this Petition which would induce them

to

to question the correctness of the conclusion then arrived at of the prisoner's guilt.-

3 The Court of Foujdaree Udalut accordingly resolve to dismiss these Petitions.-

Ordered that Extract from these Proceedings be granted to the Petitioners' Vakeel on his application.-

Read Calendar of Case No. 45 of 1851 of the Session Court of Mangalore.

(Here enter F.H. No. 2703 of 1851.)

The Court of Foujdaree Udalut observe that the grounds upon which the Sessions Judge based his acquittal of the Prisoner in this case should have been distinctly set forth in the Sentence.-

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

(Sent in No. 1254)

Read Calendar of Case No. 1 of 1851 of the Sessions Court of Combaconum.

(Here enter F.H. No. 2699 of 1851.)

Considering the breach of trust involved in this case, and the value of the property abstracted, which though

than stated in the charge, must still have been considerable, it appears to the Court of Foujdaree Udalut that the Sentences passed by the Sessions Judge were too lenient.-

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

(Sent in No. 1255)

Read Calendar of Case No. 29 of 1851 of the Sessions Court of Nellore.

(Here enter F.H. No. 2649 of 1851.)

The Court of F.H. approve of the recommendations made by the Acting Sessions Judge in this Case, that the Sentence recorded against the 1st, 2d and 3d Prisoners on their conviction of Robbery by open violence be mitigated to 9 years' imprisonment with hard labor in irons, and the Acting Sessions Judge is authorised to issue his warrant accordingly.

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

(Sent in No. 1256.)

Read letter dated 27th Ultimo, from the Acting Sessions Judge of Bellary submitting

for

for the final judgments of the Foujdaree Ada-
=lut the Record of Case No. 64 of 1851 of the
Calendar of the Sessions Court.—
(Here enter No. 2746 of 1851)

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

Mr. G. S. Hooper
and
Mr. T. La. Strange.

'Nursegandor'

is sufficient to convict him of the crime of
Culpable Homicide, for which the penalty
of Deyut is awardable under the Mooham-
=medan Law as declared in Futwas of their
Law Officers, do convict him thereof and
under the provisions of Clause Second, Sec-
=tion 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 (5) five years.—

1 On consideration of the cir-
=cumstances of this case, as stated in the
evidence, the Court of Foujdaree Adalut are of
opinion that in the commission of the acts
charged against the prisoner that degree

of malice prepense requisite to constitute the
crime of murder was wanting, and they ha
therefore convicted the prisoner of Culpable
Homicide only, and have sentenced him to
five years imprisonment with hard labor in iro
2 All the circumstances tend to show
that the act was not deliberate, but committed in
the heat of passion, and there is nothing to lead
to the presumption that in striking the blow,
which caused the death of the deceased, the
prisoner intended to take his life.—

Ordered that Extract from these Pro-
=ceedings be sent to the Acting Session Judge of
Bellary for his information.—

(Sent in No. 1257.)

Read Miscellaneous Petition presented
=ed on the 4th December 1851 by C. Salmon Esqre.
Barrister at Law on behalf of Chilkalani
Achaya of Zillah Rajahmundry—

(Here enter F. U. No. 170 of 1851)

Mr. G. S. Hooper
Mr. E. P. Thompson
and
Mr. T. La. Strange.

This is a further application for
1 the interference of the Court of Foujdaree Adalut
with reference to the proceedings taken against
the Petitioner by the Magistrate of Rajahmundry
by whom the Petitioner states that he is kept
under strict surveilance and is debarred from
communication with the persons he thinks it
necessary to consult with, and from free
access to the documents he requires to

refer

refer to, with a view to the preparation of his de-
=fence.—

2 The Petitioner prays that orders
may be issued for the suspension of the Magis-
=trates' proceedings upon the charges pending
against him; that he may be allowed free ac-
=cess to his own house, and full means of
preparing himself for his defence; and that, in
the event of his commitment for trial having
taken place previous to the issue of orders on
his present Petition, the Sessions Judge may be
directed to postpone the trial, that he may
be enabled to avail himself of such council
and assistance as may be requisite for his
defence.—

3 The requests of the Petitioner to be
allowed free access to the documents required
by him for the preparation of his defence
appears to the Court of Foujdaree Udalut to be
not unreasonable, and the Court accordingly
resolve to direct that, in the event of the Petition-
=er's commitment not having been yet made,
the Magistrate be instructed to allow him free
access to his house at Pittapoor, and the op-
=portunity of making use of his vouchers or
documents, and also of communication with
his friends, exercising only such surveillance
over him as may be necessary to prevent
his absconding, or tampering with the witness

for the prosecution.—

4 In the event of the Petitioner having
been committed to the Sessions Court for trial
previous to the receipt of these orders at
Rajahmundry, and the offence charged against
him appearing to be of a bailable nature,
which, from the information before them, the
Court of Foujdaree Udalut presume to be
the case, the Court are of opinion that the
Petitioner's request to be admitted to bail
upon his producing good and sufficient se-
=curity, and to have the trial postponed for
such reasonable period as may enable him
to engage a qualified person to conduct his
defence, is entitled to the consideration of the
Sessions Court.—

5. The Court of Foujdaree Udalut see
no grounds for directing that the Magistrates'
proceedings should be entirely stayed, as is
requested by the Petitioner.—

Ordered that Extract from these
Proceedings be sent to the Session Judge of
Rajahmundry by precept returnable within
V days from and after its receipt.—

(Sent following Precept No. 1258)

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

Read Calendar of Case No. 69 of
1857 of the Session Court of Calicut—

(Here enter F. C. No. 2696 of 1857)

Adverting

9th December 1851.

1 Adverting to the fact that the charge of Highway Robbery was not established against the Prisoner in this case, the Court of Foujdaree Udalut observe that nothing remained against him but the assault, in which the Prosecutor would seem to have sustained no serious damage - Under these circumstances the Court of Foujdaree Udalut consider the Sentence now recorded against the Prisoner unnecessarily severe, and they are of opinion that one of 3 months' imprisonment will adequately meet the demands of justice.-

2 If the Acting 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 a recommendation for the reduction of the Sentence accordingly: if he dissents therefrom, 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 Acting Sessions Judge of Calicut for his information and guidance by Precept returnable within III days from and after its receipt.-

(Sent following Precept No. 1259)

Read Calendar of Case No. 42 of 1851 submitted by the Sessions Judge of Combaconum under date the 25th Ultimo.-

(Here enter F. U. No. 2700 of 1851)

Read Calendar of Case No.

F. U.

9th December 1851.

No. 43 of 1851 submitted by the Sessions Judge of Combaconum under date the 28th Ultimo.-

(Here enter F. U. No. 2701 of 1851)

Read Letter dated the 21st Ultimo from the Sessions Judge of Mangalore forwarding the Warrant issued for the execution of the Sentence of death passed on Naglo Prisoner in case No. 41 of 1851 on the Mangalore Calendar, and copy of the Report made by the Subordinate Judge.-

(Here enter F. U. No. 2702 of 1851.)

Read letter dated the 24th Ultimo from the Sessions Judge of Coimbatore reporting execution, at half past 6 o'Clock on the morning of the 24th November 1851, of the Sentence of Death passed on Ponnon Prisoner in Case No. 34 of 1851 on the Calendar of the Sessions Court of Coimbatore.-

(Here enter F. U. No. 2704 of 1851)

Read letter dated the 21st Ultimo from the Sessions Judge of Coimbatore submitting, with reference to the remarks contained in an Extract from the Proceedings of the Sessions Court under date

9th December 1851.

1 Adverting to the fact that the charge of Highway Robbery was not established against the Prisoner in this case, the Court of Foujdaree Udalut observe that nothing remained against him but the assault, in which the Prosecutor would seem to have sustained no serious damage - Under these circumstances the Court of Foujdaree Udalut consider the Sentence now recorded against the Prisoner unnecessarily severe, and they are of opinion that one of 3 months' imprisonment will adequately meet the demands of justice. -

2 If the Acting 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 a recommendation for the reduction of the Sentence accordingly: if he dissents therefrom, 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 Acting Sessions Judge of Calicut for his information and guidance by Precept returnable within III days from and after its receipt. -

(Sent following Precept No. 1259)

Read Calendar of Case No. 42 of 1851 submitted by the Sessions Judge of Combaconum under date the 25th Ultimo. -

(Here enter F. U. No. 2700 of 1851)

Read Calendar of Case No.

F. U.

9th December 1831

No. 43 of 1851 submitted by the Sessions Judge of Combaconum under date the 28th Ultimo. -

(Here enter F. U. No. 2701 of 1851)

Read Letter dated the 21st Ultimo from the Sessions Judge of Mangalore forwarding the Warrant issued for the execution of the Sentence of death passed on Naglo Prisoner in case No. 41 of 1851 on the Mangalore Calendar and copy of the Report made by the Subordinate Judge. -

(Here enter F. U. No. 2702 of 1851)

Read letter dated the 24th Ultimo from the Sessions Judge of Coimbatore reporting execution, at half past 6 O'Clock on the morning of the 24th November 1851, of the Sentence of Death passed on a Pannon Prisoner in Case No. 34 of 1851 on the Calendar of the Sessions Court of Coimbatore. -

(Here enter F. U. No. 2704 of 1831)

Read letter dated the 21st Ultimo from the Sessions Judge of Coimbatore submitting, with reference to the remarks contained in an Extract from the Proceedings of the Sessions Court under date

date the 31st October 1851, ——— the
copies of a Return made by the Station
Magistrate to a Precept issued to him
and of a letter received from that Office

(Here enter F. U. No. 2705 of 1851)

Read Calendar of Cases No.
of 1851 submitted by the Sessions Judge
Coimbatore under date the 6th Ultimo

(Here enter F. U. No. 2707 of

Read Calendar of Cases
of 1851 submitted by the Sessions Judge
Cuddapah under date the 26th Ultimo

(Here enter F. U. No. 2710 of 1851)

Read Calendar of Cases No.
of 1851 submitted by the Sessions Judge
Tinnevelly under date the 24th Ultimo

(Here enter F. U. No. 2711 of 1851)

Read Calendar of Cases No.
34 of 1851 submitted by the Sessions
Judge of Tinnevelly under date the 24th
Ultimo.

(Here enter F. U. No. 2712 of 1851)

Read Report dated 20th Ultimo
submitted by the Sessions Judge of Chittoor
of Convicts Labor in the Jail at Vellore
under the charge of the Head Assistant
Magistrate

9th December 1851.

Magistrate of North Arcot for the month
of October 1851.

(Here enter F. U. No. 2718 of 1851)

Ld. Ms.

F. Uc.

Wednesday.
10th December 1851. At a Court of the Fouzdaree Udalut.

Present.

G. S. Cooper Esqre ——— 1st Puisne Judge.
W. M. for E. P. E. P. Thompson Esqre ——— 2nd Puisne Judge.
W. P. for T. L. & T. L. Strange Esqre Actg ——— 3rd Puisne Judge.

Read again Calendar of Case
No 19 of 1851 of the Sessions Court of Trichinopoly.
(Here enter F. Uc. No 2618 of 1851.)

Read also Return dated 29th
November made by the Sessions Judge of
Trichinopoly to the Precept of the Fouzdaree
Udalut under date the 25th November 1851
suggesting a mitigation of the sentence re-
corded against the Prisoner in the above
case.-

(Here enter F. Uc. No 2745 of 1851.)

In accordance with the recom-
mendation of the Sessions Judge submitted
with the foregoing return, the Court of
Fouzdaree Udalut resolve to direct that the
sentence recorded against the Prisoner in
the above case be mitigated to two years'
imprisonment with hard labor in irons.-

The

10th. December 1851.

The Sessions Judge will be pleased to
issue his Warrant accordingly.

Ordered that Extract
these Proceedings be forwarded to the
Judge of Trichinopoly for his inform
and guidance.

(Sent in No. 1260 /

Read Calendar of case
39 of 1851 of the Sessions Court of Madura
(Here enter F. No. No. 2725 of 1851)

The Court of Foujdaree U
but observes of the recommendation made
the Sessions Judge in this case, that the
punishment to which the Prisoner is liab
on his conviction of "Highway Robbery"
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 Madura for his in
formation and guidance.

(Sent in No. 1261 /

Read Calendar of Cases Nos. 39
40. 41. 42. 43. 44. 45. 46 and 47 of 1851 of the

10th December 1851.

the Sessions Court of Nellore.

(Here enter F. No. Nos. 2725 to 2733 of 1851)

The Court of Foujdaree Ada
but observe that the Acting Sessions Judge's
sentence should have set forth the merits
of each of the above cases, with his judgment
thereupon, in conformity with the requisition
contained in the 2nd para of Foujdaree Ada
but Circular Order dated 16th November 1851.

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

(Sent in No. 1262 /

Read letter dated 29th Ultimo,
from the Acting Sessions Judge of Calicut
submitting for the final Judgment of the
Foujdaree Adalut the records of Case No. 71
of 1851 of the Calendar of the Sessions Court.
(Here enter No. 2774 of 1851)

The Court of Foujdaree Ada

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

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

against the Prisoner,

"Holaday Chinnamma Kondoo"

is sufficient to convict him of the crime of
Murder, do convict him therefore, under the
provisions of Section X Regulation VIII of 1
sentence him to suffer death by being hang
at the usual time and place of execution.

1.

The Court of Foujdaree Ada
observe that the Records in this case would
been more complete as to the sons discovered
those of the murdered child, had they been
submitted to the inspection and examination
of the Civil Surgeon.

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

(Sent in No. 1263.)

Read again letter dated the
17th October 1851 from the Sessions Judge of
Cuddalore reporting the escape of the Prisoners
from the Jail under his charge.

(Here enter F. C. No. 2638 of 1851.)

Read also Returns dated the
25th November made by the Sessions Judge
to the precepts of the Foujdaree Adalut

under date the 11th November 1851 calling for
translations of the depositions taken relative
to the above escape.

(Here enter F. C. No. 2708 of 1851.)

The Court of Foujdaree Adalut
observe that the information afforded in the
foregoing Returns is still defective, and they
deem it proper again to draw the attention
of the Sessions Judge to Foujdaree Adalut
Circular Order of the 28th March 1832 - and
to direct that the full particulars therein
required be submitted without delay.

The Court further observe
2.
that the Sessions Judge's sentence of dis-
mission and suspension proposed upon
the Peon and Duffadar implicated in the
escape, should have exhibited the particu-
-lar instances of misconduct proved
against them.

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

(Sent following precept No. 1264.)

Read

November 1851 from the Sessions Judge of Cuddalore to the Joint Magistrate of Vellore under date the 20th. Idem stating that the Subordinate Judge had ordered three of the Convicts at the disposal of the Magistrate for employment.

(Here enter No. 2709 of 1851)

The Sessions Judge enclosed with this return a copy of a return from the Subordinate Judge, explaining that the services of Convicts were made to labor by the Magistrate, orders were issued for detaching a party for that work, and that at 6 A.M. on the following morning the Magistrate personally inspected the localities. Mr. Hathaway disclaims all intention of discourtesy to the Magistrate, and states that the object he had in view in the remarks contained in his letter of the 10th. November 1851, which was handed forward by him when engaged in the Criminal trials, was to induce the Court to refuse orders prohibiting the employment of Convicts in removing earth from the roads sides and depositing there manure and other refuse.

2. The Court of Foujdaree Adalut have read with satisfaction this disclaimer of all intention to treat the Magistrate's application with discourtesy. They doubt not but that reflection has led Mr. Hathaway to regret that the tone of his letter of the 10th. November should have afforded room for the contrary supposition, and are quite satisfied that there is no want of disposition on his part to cooperate with the Magistrate in the disposal of the Prisoners' labor for the public goods.

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

(Sent in No. 1265)

Read Calendar of Cases No. 37 of 1851 of the Sessions Court of Coimbatore

(Here enter F. C. No. 2552 of 1851)

Read also Return dated the 22d. November made by the Sessions Judge of Coimbatore, to the precept of the Foujdaree Adalut

10th December 1851.

Udalut under date the 17th November 1851 re-
-ceiving a description of the wounds inflicted by
the Prisoner in the above case on the fore-
-head of the Prosecutor and the 1st Witness.

(Here enter F. No. 2706 of 1851.)

1. According to the nature of the
wounds in question as described in the Sub-
-joined Surgeon submitted with the finger
Return, it appears to the Court of Fouj-
-dary Udalut that the sentence recorded against the
Prisoner was unnecessarily severe, and they
-der that the sentence of one years imprison-
-ment with hard labor in irons will adequately
punishment for his offence.

2. If the Sessions Judge should be
to concur in the above opinion he will be
pleased to submit his recommendation for
the mitigation of the Prisoner's sentence in
accordance therewith; if he dissents therefrom, he
will be pleased to submit an English transla-
-tion of the entire Records of the case for the
consideration of the Court of Foujdaree Udalut.

Ordered that Extracts from
these Proceedings be forwarded to the Sessions
Judge of Nellore by Precept returnable
within

F. No.

10th December 1851.

Sessions Judge of Coimbatore by Precept re-
-turnable within V days, from and after the
receipt.

(Sent following precept No. 1266.)

Read Calendar of Case No. 30 of
1851 of the Sessions Court of Nellore.

(Here enter F. No. 2681 of 1851.)

1. The Court of Foujdaree Udalut
are of opinion that the sentence recorded by
the Sessions Judge against the Prisoner in this
case is unnecessarily severe, and that one of
five years' imprisonment with hard labor in
irons would adequately meet the demands
of justice.

2. If the Sessions Judge herewith
to concur in the foregoing opinion he will be
pleased to submit a recommendation for the
mitigation of the Prisoner's sentence in accord-
-ance therewith; if he dissents therefrom, he
will be pleased to submit an English transla-
-tion of the entire Records of the case for the
consideration of the Court of Foujdaree Udalut.

Ordered that Extracts from
these Proceedings be forwarded to the Sessions
Judge of Nellore by Precept returnable
within

10th Decr 1851.

William III charge from much of the charge
to all which followed & succeeded. Malfe

F. U:

Thursday ... 11th December 1851 } At a Court of the Foujdaree Udalut.

Present

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

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

T. L. Strange Esqre — Officiating Puisne Judge.

Read Miscellaneous Petition presented on the 29th September 1851 by Rungummal and Tayummaul of Zillah Trichinopoly.

(Here enter F. M. P. No. 136 of 1851)

The Court of Foujdaree Udalut observe that the Record of the case referred to in this Petition was carefully considered by this Court, and the Court see no reason to doubt the correctness of the conviction of the Prisoners. The Court accordingly resolve to dismiss the Petitioners' application.—

Mr. E. P. Thompson.

Ordered that Extracts from these Proceedings be granted to the Petitioners on their application.—

Read Miscellaneous Petition presented on the 1st October 1851 by Valley Ammal

F. U:

Thursday ... 11th December 1851 } At a Court of the Fouzdaree Udalut.

Present

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

H.W. for E.P.T. E. P. Thompson Esqre ——— 2d Puisne Judge

W. for T.Z.L. T. Lo. Strange Esqre — Officiating Puisne Judge.

Read Miscellaneous Petition presented on the 29th September 1851 by Rungummal and Tayummaul of Zillah Trichinopoly.

(Here enter F. M. P. No. 136 of 1851)

The Court of Fouzdaree Udalut

Mr. E. P. Thompson.

observe that the Record of the case referred to in this Petition was carefully considered by this Court, and the Court see no reason to doubt the correctness of the conviction of the Prisoners. The Court accordingly resolve to dismiss the Petitioners' application.—

Ordered that Extracts from these Proceedings be granted to the Petitioners on their application.—

Read Miscellaneous Petition presented on the 1st October 1851 by Vally Ummal

Mr. G. L. Cooper.

Annual of Hillah Cheltoo.

(Here enter F. M. P. No. 140 of 1851)

The Petitioner is referred to the former order passed by the Court of Fouj-daree Udalut on the matter to which this Petition relates, and accordingly rejects this Petition.

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

Read Miscellaneous Petition presented on the 12th October 1851 by Ameer Manjee of Hillah Trichinopoly.

Mr. C. P. Thompson

(Here enter F. M. P. No. 144 of 1851)

The Court of Fouj-daree Udalut resolve to dismiss this Petition with reference to the Proceedings of the 7th October last to which the Petitioner is referred.

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

Read Miscellaneous Petition forwarded by the Sessions Judge of Guntoor from Gunta of that Zillah.

Mr. C. P. Thompson

(Here enter F. M. P. No. 146 of 1851)

The Court of Fouj-daree Udalut see no reason to

propriety of the conviction of the prisoner in the case referred to in the foregoing Petition which is accordingly dismissed.

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

(Sent in No. 1270)

Read Miscellaneous Petition presented on the 27th October 1851 by Mariya-stad of Hillah Cuddalore.

Mr. C. P. Thompson

(Here enter F. M. P. No. 148 of 1851)

The Court of Fouj-daree Udalut cannot interfere in the matter of this Petition until furnished with an attested copy of an order to show that the Petitioner has applied to the Magistrate and Sessions Judge for redress from the grievances of which he complains.

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

Read Petition presented on the 13th November 1851 by Samoo Sastry Vakeel on behalf of Krishna Murthy Zillah Tellicherry.

(Here enter M. P. No. 158 of 1851)

F. H.

11th December 1851

Mr. G. L. Hooper
and
Mr. B. D. Thompson

The Court of Fouzdaree Udalut resolve to direct that a copy of this Petition be forwarded to the Agent to the Governor of Fort St. George at Kurnool with instructions to that officer to return the papers therein referred to to any who may be duly authorized by the prisoner Streenevasa row to receive them.—

Ordered that Extract from these Proceedings be sent 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. 1241

Read Letter dated the 21st November 1851 from the Acting Sessions Judge of Nellore submitting for the opinion of the Court of Fouzdaree Udalut copy of a communication from the Magistrate relative to certain remarks recorded by the Acting Sessions Judge on Case No. 25 entered in the Petty Calendar for the 3d Quarter of 1851.

(Here enter F. H. No. 2669 of 1851)

Before passing their final orders on the above communication, the Court of Fouzdaree Udalut request that the Acting Sessions

1

The Petitioner appeals from an order passed by the Sessions Judge of Tellicherry directing the discontinuance of his practice in the Jail at Tellicherry by which convicts of the Brahmin Caste were permitted to take their meals in a Pagoda adjoining from the Jail.—

2

The Court concur with the Sessions Judge that the custom of allowing Brahmin Convicts to take their meals at a distance from the Jail is very objectionable in many respects and they see no reason to believe that no such destination should be made; the practice endeavoured to by the other Villahs. They refuse therefore to disturb the order appealed against and resolve to reject this Petition.—

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

Read Miscellaneous Petition presented on the 1st December 1851 by J. Onslow Esqr. Vakeel on behalf of Hussainsaw of Villah Kurnool.—

(Here enter F. H. No. A. No 165 of 1851)

Sessions Judge will ascertain from the Magistrate and report for their information whether there is any Patail or Monigar attached to the Village in question, and whether the 1st Defendant in his capacity of Curnum is empowered to exercise the authority vested in Heads of Villages defined in Sections II and III Regulation II of 1816. The Sessions Judge will also be pleased to explain whether the Vencatagherry Zemindar is invested with Police powers, and if he is, to what extent.—

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Nellore by Express returnable within 7 days from and after its receipt.—

(Sent following Precepts Nos 1272 of 1851 of the Sessions Court of Trichinopoly.

1 (Reverter F. C. No 2715 of 1851)

Before passing their final orders on the foregoing Case, the Court of Foujdaree Udalut resolve to call upon the Sessions Judge for information on the following points.—

2 It has not been stated either in the remarks of the Sessions Judge, or in the Futwa of the Mohamedan Law Officer, how or by whom the Prisoners in question were traced and apprehended or what period of time had elapsed between their capture and the occurrence of the robbery.—

3 The only two witnesses who would appear to have been examined before the Criminal and Sessions Courts, are the persons who were in Prosecutors company, and who were also robbed. It is stated in the Futwa that the Prosecutor was not previously acquainted with the Prisoners; but whether or not the 1st and 2d witnesses were does not appear. The Court also observe that no part of the plundered property was found in the houses of the Prisoners, but only Rupees 23 and odd in the house of the 1st Prisoner, which it can hardly be supposed, were susceptible of identification.—

In the Futwa of the Law 4 Officer, it is stated that the Prisoners denied

denied the crime before the Sessions Court, and that the evidence adduced by them was not calculated to prove any thing in their favor, but what was the nature of their defence before the Police- Criminal and Sessions Courts, or what point their witnesses were called to establish no-where appears in the Calendar -

5

The Court of Foujdaree Adalut also require it to be explained how the Sessions Judge, in concurrence with the Futwa of the Law Officer rests his conviction of the Prisoners upon "strong presumptive proof" when the sole testimony adduced for the prosecution was of a direct nature to the Prisoners positive identification as the robbers. -

6

All the above particulars, the Court observe, should have been furnished in the Calendar, and they regret to be again under the necessity of drawing the Sessions Judges attention to the very defective manner in which his Calendars are usually prepared. -

Ordered that Extract from these Proceedings be forwarded to the Sessions

Sessions Judge of Trichinopoly by precept returnable within V days from and after its receipt. -

(Sent following Precept No. 1273)

Read Calendars of Cases Nos. 40 and 41 of 1851 of the Sessions Court of Honore. -

(Here enter F. C. No. 2740 of 1851)

The Court of Foujdaree Adalut observe that the grounds upon which the foregoing Cases have been set down for reference should have been set forth in the Calendar, and they request that information on this point may now be afforded. -

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

(Sent following Precept No. 1274)

Read Report dated the 1st Instant submitted by the Acting Sessions Judge of Nellore, of Cases pending during the month of November last. -

(Here enter F. C. No. 2741 of 1851)

Read

denied the crime before the Sessions Court, and that the evidence adduced by them was not calculated to prove any thing in their favor, but what was the nature of their defence before the Police- criminal and Sessions Courts, or what point their witnesses were called to establish no= where appears in the Calendar.-

The Court of Foujdaree Adalut also require it to be explained how the Sessions Judge, in concurrence with the Futwa of the Law Officer rests his con= viction of the Prisoners upon "strong" presumptive proof" when the sole testi= mony adduced for the prosecution was of a direct nature to the Prisoners positive identification as the robbers.-

All the above particulars, the Court observe, should have been furnished in the Calendar, and they regret to be again under the necessity of drawing the Sessions Judges' attention to the very defective manner in which his Calendars are usually prepared.-

Ordered that Extract from these Proceedings be forwarded to the Session

Session Judge of Trichinopoly by precept returnable within 7 days from and after its receipt.-

(Sent following Precept No. 1273

Read Calendars of Cases Nos. 40 and 41 of 1851 of the Session Court of Honore.-

(Here enter F. C. No. 2740 of 1851)

The Court of Foujdaree Adalut observe that the grounds upon which the foregoing Cases have been set down for reference should have been set forth in the Calendar, and they request that information on this point may now be afforded.-

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Honore by precept re= turnable within 10 days from and after its receipte.-

(Sent following Precept No. 1274

Read Report dated the 1st Ins= tant submitted by the Acting Session Judge of Nellore, of Cases pending during the month of November last.-

(Here enter F. C. No. 2741 of 1851)

Read

denied the crime before the Sessions Court,
and that the evidence adduced by them
was not calculated to prove any thing
in their favor, but what was the nature
of their defence before the Police - Criminal
and Sessions Courts, or what point their
witnesses were called to establish no=
where appears in the Calendar -

5 The Court of Foujdaree Adalut
also require it to be explained how the
Sessions Judge, in concurrence with the
Futwa of the Law Officer rests his con=
=viction of the Prisoners upon "strong
presumptive proof" when the sole testi=
=mony adduced for the prosecution was
of a direct nature to the Prisoners
positive identification as the robbers. -

6 All the above particulars,
the Court observe, should have been
furnished in the Calendar, and they
regret to be again under the necessity
of drawing the Sessions Judge's attention
to the very defective manner in which
his Calendars are usually prepared. -

Ordered that Extract from
these Proceedings be forwarded to the
Sessions

Sessions Judge of Trichinopoly by prece
returnable within V days from and aft
its receipt. -

(Sent following Precept No. 1273

Read Calendars of Cases N
40 and 41 of 1851 of the Sessions Court o
Honore. -

(Here enter F. U. No. 2740 of 1851)

The Court of Foujdaree Adal
observe that the grounds upon which t
foregoing Cases have been set down fo
reference should have been set forth
in the Calendar, and they request
that information on this point may
now be afforded. -

Ordered that Extract from
these Proceedings be forwarded to the
Sessions Judge of Honore by precept re=
=turnable within 14 days from and
after its receipt. -

(Sent following Precept No. 1274

Read Report dated the 1st Ins=
=tant submitted by the Acting Session
Judge of Nellore, of Cases pending
during the month of November last. -

(Here enter F. U. No. 2791 of 1851)

Read

Read Report dated the 1st Instant submitted by the Sessions Judge of Chittoor, of Cases pending before him for a period of 25 days, calculated from the date of commitment.—

(Here enter F. C. No. 2773 of 1851)

Read Calendar of Case No. 38 of 1851 submitted by the Sessions Judge of Cuddapah under date the 5th Instant.—

(Here enter F. C. No. 2780 of 1851)

Read Return dated the 2d Instant from the Sessions Judge of Mangalore to the precept of the Foujdaree Adalut under date the 21st Ultimo, on review of Calendar of petty Cases disposed of by the Magistracy during the 2d Quarter of 1851.—

(Here enter F. C. No. 2781 of 1851)

Read Report dated the 2d Instant submitted by the Sessions Judge of Masulipatam, of Cases pending on the 31st October 1851 and committed for trial during the month of November 1851 before the Sessions Judge.—

(Here enter F. C. No. 2782 of 1851)

Read Calendar in Case No. 38 of 1851 submitted by the Sessions Judge of Nellore

under

under date the 6th Instant.—

(Here enter F. C. No. 2784 of 1851)

Read Return dated the 3d Instant from the Sessions Judge of Rajahmundry to the precept of the Foujdaree Adalut under date the 25th Ultimo requiring the Sessions Judge to submit translation of the Depositions on which the charge of Perjury against the Prisoner in Case No. 27 of 1851 on the Calendar has been founded.—

(Here enter F. C. No. 2785 of 1851)

Read Report dated the 1st Instant submitted by the Sessions Judge of Chicacole, of Cases pending on the 31st October 1851 and committed for trial during the month of November 1851 before him.—

(Here enter F. C. No. 2788 of 1851)

Read Report dated the 1st Instant submitted by the Sessions Judge of Honore, of Cases pending before him for a period exceeding 25 days during the month of November 1851.—

(Here enter F. C. No. 2790 of 1851)

Read letter dated the 1st Instant from the Sessions Judge of Tellicherry reporting that no amount was realized

realized by the Labor of Prisoners
Jail at this station.—
(Hereunto F.R. No. 2795 of

Read letter dated the 1
-stant from the Sessions Judge
reporting that no disbursement of
nature described in the Tonjore
Circular Order Nos. 50 and 65 was m
during the 3d quarter of 1857.—
(Hereunto F.R. No. 2796 of

Dd 18.12.57.

F.R.

Friday,
2nd December, 1857. At a Court of the Tonjore Adalut

Present.

G.S. Hooper Esquire —— 1st Puisne Judge
W.M. for C.P. C.P. Thompson Esquire — 2d Puisne Judge
T.L. Strange Esquire Offg 3d Puisne Judge

Read again Criminal Reports submitted by the Sessions Judge of Coimbatore for the month of September 1857.—
(Here Enter F.R. No 2459 of 1857)

Read also return under date the 25th November 1857 from the Sessions Judge of Coimbatore to the precept of the Tonjore Adalut dated the 7th November 1857 directing that officer to review the proceedings in case No 160 of the foregoing Criminal Reports.—
(Here Enter F.R. No 2719 of 1857)

The Court of Tonjore Adalut are of opinion that the fact of the prisoner having been on a former occasion placed upon his trial for snatching should not have been taken into consideration in the revision of the sentence passed upon him in this case, since he was then acquitted and as the prisoner has been in confinement since the 12th September last

the

the Court resolved to direct that he
released, the punishment he has alr
-gone being in their opinion amply
to meet the demands of justice.

Ordered that Enclo
three Proceedings be sent to the
of Coimbatore for his information
by Precept returnable within X days
and after its receipt.—

Sent following Receipt

Read Letter dated the
from the Agent to the Governor
George at Vizagapatam submitting
Judgment and Records of the trials of
Ittchanah for House breaking and

(Here Enter F.L. No 2612 of 18

The Court of Fo
concur in the commutation of the
sentenced him as proposed by the
to (3) three years imprisonment
labor in irons under the provisions
XXI Regulation XII of 1802 and
Regulation I of 1825.

Ordered that Enclo
three Proceedings be sent to the
to the Governor of Fort St George
-retan for his information.

(Sent on 14 1857)

Read Criminal Reports submitted
by the Sessions Judge of Combaconum for the
month of October 1857.—

(Here Enter F.L. No 2634 of 1857)

Report B
Case No 146.

1. The Court of Foujdaree Adaulut
seeing reason to question the propriety of the
sentence passed in this case resolve to direct
that a detailed report of the circumstances of
the case may be submitted for their consideration

Cases Nos 147
& 148.

2. The Court of Foujdaree Adaulut
direct that the Sessions Judge will revised
the proceedings in these cases in regard to
the former of which the Court are disposed
to think that it was committable to the
Sessions Court, which in the latter the offence
charged should apparently have been designated
and tried as housebreaking.

Case No 159.

3. The omission to try the prisoner
for the offence charged against him in this
case on the ground that he had been tried
in another case for a more serious offence
was altogether irregular.

Magistrate Report
Case No 30.

4. The Court of Foujdaree Adaulut
observe that this case might have been
disposed of under the provisions of Section
XXXIII Regulation IX of 1816, and they direct

Case No 31.

that the Sessions Judge will review the
proceedings

proceedings in the following case shall
to judge from the statements of charge
previous nature of the offence

Ordered that Extract pr
these Proceedings be sent to the Sessi
of Combaconum by prompt return
X days from and after its receipt.

(Sub Following Dumpt No 1379)

Read Calendar of cases
1851 submitted by the Sessions Judge of
under date the 22 November 1851.

(Here Enter F R No 2676 of 185

Read Commit & Labor Pro
1st November 1851 submitted by the Judge
of Salem of the Zilla under his charge
the Month of October of 1851.

(Here Enter F R No 2743 of 1851

Read Calendar of Cases
submitted by the Acting Sessions Judge
Vellore under date the 22 December 1851

(Here Enter F R No 2750 of 1851

Read return dated 1st Dec
from the Acting Sessions Judge of Vellore
Precept of the Foujdaree Adalut under
the 28th November 1851 directing that the
recorded against the prisoner in Calendar
of 1851 be reduced to two years.

(Here Enter F R No 2751 of 1851)

4d 18 Dec.

F. A.

Saturday)
13th December 1851. At a Court of the Foujdaree Adalut

Present.

W. M. for C. J. — G. A. Hooper Esquire — 1st Puisne Judge
E. P. Thompson Esquire — 2d Puisne Judge
T. L. Strange Esquire — 3d Puisne Judge

Read letter dated 29th Ultimo,
from the Agent to the Governor in Vizagapatam submitting for the final Judgment
of the Foujdaree Adalut the record of case
No 15 of 1851 on the Calendar.

(Here Enter F R No 2797 of 1851)

Mess^rs E. P. Thompson
and
T. L. Strange

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
"Monjaty Appegaudoo alias Appayah"
is sufficient to convict him of the crime
of Culpable Homicide, for which the
penalty of Deyut is awardable under
the Mookimmedan Law as declared in
Futwahs of their Law Officers, do convict
him thereof, and under the provisions
of Clause Second Section XV Regulation
VII of 1802, sentence him to be transported
to

of cases pending on the 30th November 1857
before him for a period in excess of 25 days
from the date of commitment.—

(Here Enter F.R. No 2757 of 1857)

Read Calendar of case No 36 of
1857 submitted by the Session Judge of
Salem under date the 28th November 1857.—

(Here Enter F.R. No 2758 of 1857)

Read Criminal Report dated 2d
Instant submitted by the Session Judge of
Guntoor for the Month of November 1857.

(Here Enter F.R. No 2763 of 1857)

Read letter dated 1st Instant
from the Acting Session Judge of Calicut
stating there is no case during the past
month to be entered in the Report required
by the Tanjore Courts circular letter of
16th October 1844.—

(Here Enter F.R. No 2767 of 1857)

Read Calendar of Cases Nos
17-18-19- and 20 of 1857 submitted by the Sessin
Judge of Chittoor under date the 9th Octo=
ber 1857.—

(Here Enter F.R. No 2768 of 1857)—

J.C. 18.12.

to such place or places beyond
Governor in Council shall appoint
imprisoned and kept to hard labo
on the public roads or other publ
for and during the period of his n

The Court of Tanjore
have committed the prisoner in th
"culpable homicide" concerning th
"blame of his having been arraign
that offered to produce his comm
the crime of murder for which
they are of opinion that the evide
fully sufficient.—

It is to be regretted that
Agent did not rectify the error
indictment and arraign the prisone
charge of express murder which
circumstances of the case warrant
the proper charge.—

Orders that Cochran
these Proceedings be sent to the
to the Governor of Fort St George
Advocate General for his information
future guidance.—

(Sent in No 1828)

Read report dated 1st Dec
submitted by the Sessions Judge of

F.C.

Monday,
15th December 1851. At a Court of the Fouj dares Adalut

Present.

G.S. Hooper Esquire ——— 1st Puisne Judge
C.O. Thompson Esquire —— 2d Puisne Judge
T.L. Strange Esquire ——— 3d Puisne Judge

Read Calendar of Case No 36 of 1851 of the Session Court of Honore.-

(Here Enter F.R. No 2756 of 1851)

Adverting to the facts, that the property was proved to have been what was stolen from the Prosecutor, and that the Prisoner confessed that she received it early in the morning before rising from her sleeping place - shewing that it must have been acquired at night - and that she then buried it, the Court of Fouj dares coadiut are of opinion that the presumption of her guilty knowledge was sufficiently strong to have justified her conviction of receiving stolen property under suspicious circumstances.-

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Honore for his information and for communication to the Magistrate.-

(Sent in No. 1293)

Read

Dece

Read Calendar of Case for
of the Sessions Court of Tinnevelly.

(Here Enter Ft. No 2759 of 1851)

The Court of Foujdaree Adawlut
direct that the attention of the Sessions
be drawn to his omission to record in the
passed in the foregoing case the ground
which his decision was based, agreeably
the requisition contained in para 2 of
dated Circular Order dated 5th
November 1831.-

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

Sent in Mr Ingram

Read letter dated 8th Instant from
the Sessions Judge of Salem submitting for
the final Judgment of the Foujdaree Adawlut
the record of Case No. 230 of 1851 of the Calendar
of the Sessions Court.-

(Here Enter Ft. No 2775 of 1851)

The Court of Foujdaree Adawlut,
Messrs. G. S. Hooper
T. L. Strange. 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 Kycool Fineatachellum
2d Vellooma (un-
4th Nanoo Condan)

is

15th December 1851.

sufficient to convict them of the crime charged
do convict them thereof- and sentence them to
be transported to such place or places beyond
sea as the Governor in Council shall appoint
there to be imprisoned and kept to hard labor
in irons on the public roads or other public
works for and during the period of their
natural lives-

The Court of Foujdaree Adawlut
1.
observe that the 1st witness, who is the father
of the 4th prisoner, and who deposed that
he had a knowledge of the intention to commit
the robbery charged in this case and gave no
information thereof, should not have
been examined as a witness, his statements
going to show that he had been guilty of
misprision of felony- and there being strong
grounds to suspect actual complicity in the
robbery upon his part-

The Court also consider the
2.
examination of the 10th witness, the District
Head of Police, to have been objectionable;
the facts deposed to by this witness having
been witnessed by him in the course of
discharging his police functions, and there
being other persons by whom they could
be proved-

The police record, the Court
remark
3.

remark, has been [illegible] that in two hundred. The order prescribed this Court upon the 17th November 1847 shall have been observed.

4.

A lengthy correspondence between the Subordinate Judges and the Magistracy not affecting the cases of the prisoners, has moreover been needlessly sent up, and an important document, namely the list of the witnesses with a specification of the points they could depose to, has not been furnished.

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

(Sent in No. 1295)

Read Calendar of Cases No 38 of 1851 submitted by the Sessions Judge of Madura under date the 27th November 1851.

(Here Enter J.R. No 2720 of 1851)

Read return dated 24th Ultimo from the Sessions Judge of Trangalore to the precepts of the Tonjaore Adalut under date the 17th November 1851 directing the unconditional release of the 1st 2d 3d and 4th Prisoners in Case No 39 of 1851.

(Here Enter J.R. No 2721 of 1851)

Read return dated 19th Ultimo from the Agent to the Governor in Ganjam to the precept of the Tonjaore Adalut under date the 11th November 1851 commenting upon the manner in which certain cases have been disposed of in the agency.

(Here Enter J.R. No 2723 of 1851)

J. A. 18.12.

Tuesday.
16th December 1851.

F. A.

At a Court of the Tonjaore Adalut

Present

J. S. Hooper Esqr. —— 1st Puisne Judge.
P. Thompson Esqr. —— 2d Puisne Judge.
F. L. Strange Esqr. — Offg 3d Puisne Judge.

Circular Instructions. 1

The attention of the Court of Tonjaore Adalut has been drawn to the omission on the part of the judicial authorities generally in Cases of theft or robbery, to specify in their Calendars the value of the stolen property given up by, or found upon each of the Prisoners.

The Court of Tonjaore Adalut

2.

deeming information on the above point of much importance resolve to direct that it be invariably supplied in all future Calendars.

Ordered that Extract from these Proceedings be forwarded to the Several Sessions Judges and Agents for their information and guidance.

(Sent in No. 1296)

J. A. 18.12.

F. C.

Wednesday
17th December 1851.

At a Court of the Foujdaree Adalut.

Present

Sd/- G. L. Hooper Esqr. ——— 1st Puisne Judge
Sd/- E. P. Thompson Esqr. ——— 2d Puisne Judge
Sd/- W. L. Strange Esqr. ——— Offg 3d Puisne Judge

Read Calendar of Case No 37
of 1851 of the Session Court of Vellore.
(Here enter F. C. No 2783 of 1851.

From the fact of the 2d Prisoner having been convicted of the crime charged, the Court of Foujdaree Adalut presume that he has been adjudged to suffer the same punishment to which the 1st 3d and 8th Prisoners, have been sentenced- his name having, however, been omitted in the sentence the Court request that an explanation may be submitted on this point-

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Vellore by Precept returnable within III days from and after its receipt-

(Sent following precept No 1294

Read Calendar of Case No 63 of 1851
of the Session Court of Bellary-
(Here Enter F. C. No 2777 of 1851.)

The Court of Foujdaree Adalut direct that

that the explanation which, it is observed has been demanded from the Magistrate regarding the long detention of the Prisoner before the Talook authorities and the cause of the date of his apprehension having been erroneously set forth, may be submitted for their consideration.-

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

(Sent following precept No. 1290)

Read Calendar of Case No. 66 of 1851 of the Sessions Court of Bellary.

(Here enter F. R. No. 2717 of 1851.

1. The Court of Fouzdaree Adalut are of opinion that the acting Sessions Judge has erred in remanding the above case for disposal by the said Criminal Court.

2. The Prisoner, it is observed, was committed to take his trial on a charge of Forgery and the acting Sessions Judge, on perusal of the Proceedings of the acting Subordinate Judge, differing from that Officer in his appreciation of the evidence considered that no grounds existed for placing the Prisoner on his trial for that offence.

3. The Court observe that when the Sessions

Sessions Judge had to act upon appreciation of evidence it was his duty to have proceeded with the trial of the Case in conjunction with his Law Officers or Assessors and so to have disposed of it upon its judicially ascertained merits which were not left by Law to be decided upon by himself singly.-

4. The Court of Fouzdaree Adalut accordingly now resolve to call upon the acting Sessions Judge to amend his error, and to direct that the Prisoner be recommitted to take his trial before the Sessions Court.-

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

(Sent following Precept No. 1299)

Read Calendar of Case No. 74 of 1851 of the Sessions Court of Masulipatam.

(Here enter F. R. No. 2792 of 1851)

It appears to the Court of Fouzdaree Adalut that the charge in the above case is incomplete, in as much as it does not specify that the Housebreaking was with the view of committing theft. The Court resolve, therefore, to direct that a copy of the indictment be submitted

submitted for their consideration.-

2. The Court observe that the dates of the Prisoner's previous convictions should have been shewn of what crimes he was convicted.-

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

(Sent following Precept No 1800.)

Rec'd 18th.

Thursday
18th December 1851.

F. M.

At a Court of the Foujdaree Adalut

Present

Wk — G. S. Hooper Esqr. —— 1st Puisne Judge
W. de Sr — C. P. Thompson Esqr. —— 2d Puisne Judge
W. — C. L. Strange Esqr. —— Offg. 3d Puisne Judge

Read Miscellaneous Petitions presented on the 25th September and 27th October 1851 by Gnana prākasam of Jillah Salem.-

(Here Enter F. M. P. Nos 135, 147 of 1851)

Mr. G. S. Hooper

1. The Court of Foujdaree Adalut see no reason to question the propriety of the orders passed by them under date the 16th July last in the matter to which these Petitions refer.-

2. With respect to the liquor alluded to the Court of Foujdaree Adalut have only to observe that it appears to have been very properly confiscated under the provisions of Section XIV Regulation I of 1820.

3. The Court of Foujdaree Adalut accordingly resolve to dismiss these Petitions.

Ordered that Extract from these Proceedings be granted to the Petitioner on his applica=cation.-

Read again Miscellaneous No. 5
forwarded by the Sessions Judge of Rajahmundry
from D. Ramasawmy of that Zillah.

(Here Enter F. R. P. No. 1897)

Read also Return under date the 8th
December 1851 from the Sessions Judge of Rajah-
=mundry to the precept of the Foujdaree Adaulut
dated the 25th November 1851 conveying the
=minary orders on the foregoing Petition.

Mr. S. Hooper

(Here Enter F. R. No. 2703)

1.

The Petitioner absconded previous to the
sentence of Imprisonment and fine passed upon his
brother D. Ramaka Row by the Magistrate of
Rajahmundry under the provisions of Act
Act XVII of 1837 upon a charge of having
stolen the postage of a letter when employed in the
Taloja Post Office.

2.

The Petitioner pleads that his
brother's omission to enter the postage of the letter
in question which amounted to Six Pice was entirely owing to
=tence, and he contends that the presumption of
the guilty intention imputed to him is over
=ruled by the facts of the case.

3.

On consideration of the circumstances of this case as stated in the orders

18th December 1851.

Magistrate, and of the Assistant Magistrate, the Court of Foujdaree Adaulut are of opinion that the Sentence passed upon the Petitioner's brother rests upon grounds too problematical to justify a conviction.

The Magistrate founds the convic=

4.

=tion of the individual referred to upon certain "culpable omission" which might it appears to the Court of Foujdaree Adaulut be referred to — carelessness, and the Assistant Magistrate who first tried the case was of opinion that such might have been considered to have, the nature of his conduct but for a certain statement he had made as to his having kept the Money received for the letter in question separate from his own friends; a plea which the Court observe he may have resorted to in order to save himself from further imputation of blame.

The fact of the Petitioner's brother —

5.

having actually sent on the letter with the word — "paid" unobliterated on it, whereby the Office to which it was sent had the means of detecting him, had he embezzled the Money paid for it, affords in the opinion of the Court much — stronger presumption of his innocence than any

18th December 1857.

any other fact adduced against him sufficient to establish his guilt.

2. The Court of Foujdaree Adaulut accordingly resolve to reverse the sentence passed by the Magistrate upon the said Ramasawmy Row and to record their opinion that he should be restored to the situation from which he has been dismissed.—

Ordered that the Proceedings be sent to the Sessions Judge of Nellore for communication to the Prisoner on receipt returned to this Office within 15 days from and after its receipt.—

(Sent following Receipt)

Read Miscellaneous Petition presented on the 3d November 1857 by Sivarama Pillah Buddapah.

(Here Enter F. Da. P. No. 153 of 1857)

Mr. F. O. Strange.

The Court of Foujdaree Adaulut observe that any complaint the Petitioner may have to make against the proceedings of the Court should be laid in the first instance before the Sessions Judge.

2. The Petitioner not having applied himself to the Sessions Judge

F. A.

8th December 1857.

Adaulut are precluded from taking into consideration the matter referred to in this Petition.

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

Read Miscellaneous Petition presented on the 10th November 1857 by Venkatachella Nayakan of Zillah Chingleput.

(Here Enter F. Da. P. No. 154 of 1857)

Mr. F. L. Strange.

The Court of Foujdaree Adaulut observe that the Sessions Judge has concurred with the Principal Sudder Ameen in considering the evidence insufficient to prove the commission of the crime charged against the Prisoner in the case referred to in this Petition, and they see nothing therein which would induce them to question the correctness of the judgment of the lower Court.

2. The Court therefore see no grounds for their interference and resolve to dismiss this Petition.—

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

Read Letter dated 27th November 1857

18th December 1857.

any other fact adduced against him does of his guilt.

6.

The Court of Foujdaree Adalut accordingly resolve to reverse the sentence passed by the Magistrate upon the said Damanda Pennada Row and to record their opinion that he should be restored to the situation from which he has been dismissed.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Rajahmundry for communication to the Magistrate and to the Petitioner by precept returnable within 30 days from and after its receipt.

(Sent following Receipt No. 8866)

Read Miscellaneous Petition presented on the 3d November 1857 by Sivaramudu Pallee of Tillah Cudrapah.

(Here Enter F. Da. P. No. 167 of 1857.)

Mr. F. L. Strange.

The Court of Foujdaree Adalut observe that any complaint the Petitioner may have to make against the proceedings of the Deputy Collector should be laid in the first instance before the Sessions Judge.

2.

The Petitioner not having addressed himself to the latter authority the Court of Foujdaree Adalut

F. A.

18th December 1857.

Mr. F. L. Strange.

Adalut are precluded from taking into consideration the matter referred to in this Petition.

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

Read Miscellaneous Petition presented on the 10th November 1857 by Venkatachella Nayakan of Tillah Chingleput.

(Here Enter F. Da. P. No. 174 of 1857)

The Court of Foujdaree Adalut observe that the Sessions Judge has concurred with the Principal Sudder Ameen in considering the evidence insufficient to prove the commission of the crime charged against the Prisoner in the case referred to in this Petition, and they see nothing therein which would induce them to question the correctness of the judgment of the lower Court.

2. The Court therefore see no grounds for their interference and resolve to dismiss this Petition.

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

Read Letter dated 27th November 1857

1857 from the Magistrate of Trichinopoly
= ting the information called for by the Co
date 24th Inst.

(Here enter F.R. No. 2716 of 185

1.

The Magistrate states that
Military Bazar station is confined to a
spot commonly known as the Military
Bazar by far the greater part of the Cantonm
being within Civil limits and that consequ
rules promulgated by the Government on
June 1857, are, inadequate to meet the evil
to notice in his letter of the 7th November last

2.

Mr. Bird further reports that
Officer, who caused the first fatal accident
be discovered in consequence of his having
= by ridden rapidly off and the evening being
dark - that the second accident was entirely
and attributable in part to the party injured
greatly intoxicated and that the other fatal
having been traced to two Officers of the
Regiment they have been delivered over to the
Military Authorities to be dealt with under
provisions of the 131st Article of War -

3.

The Judges of the Court of
Foujdaree Adaulut are not satisfied with the
explanation afforded in respect to the non =
= discovery of the party who caused the first
fatal accident - It appears to them surprising
that the enquiry of the Magistrate, if search=
= ing and resolute and cordially cooperated in
by the Military Authorities, should have failed
to lead to the detection of the offender -

4.

The Court of Foujdaree Adalut
are of opinion that the evil complained of by
the Magistrate calls for the interference of
the Legislature, and they resolve therefore to
recommend that an enactment be passed -
rendering furious riding and driving summarily
punishable by the Magistracy with fine and
imprisonment and in the case of European -
British subjects (following the precedent given
in Act XXXII of 1845) by the Session or Subordinate
Judge -

Ordered that Extract from these
Proceedings be sent to the Magistrate of Tri =
= chinopoly for his information -

Ordered also, that Extract
from these Proceedings be forwarded to the -
Secretary to Government in the Judicial -
Department for submission to the Right
Honble

Honorable the Governor in Council.—

(Sent in No. 1305)

Krishnama Charry of Chinglepu[t] moves the Court to return the enclo[sures] in his Miscellaneous Petition No. 46 of 1843.

Ordered accordingly.—

Read Letter dated 8th Instant from the Session Judge of Masulipatam submitting for the final Judgment of the Foujdaree Adalut the Record of Case No. 58 of 1851 of the Calendar of the Session Court.

(Here enter F. C. No. 2817 of 1852)

The Court of Foujdaree Ada[lut], on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the prisoner, "Pandy Pommumbalum Moodeliar" 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

Mr. T. L. Strange

F. C.

18th December 1851.

with having on or about the 31st December 1850 while Head of Police of Bunder Talook in the Zillah of Masulipatam sent for the prose[cutor] and two other persons and detained them in custody at the Talook Cutcherry for seven or eight days on a charge preferred against them by certain Fishermen of Gundupalayam and extorted from them a Bribe of Rupees (50) Fifty and then released them.

The Statements of the prosecutor and of the witnesses who have deposed in support of the charge preferred by him are to the effect that he (the Prosecutor) and certain other Fishermen of Gundupalayam having preferred charges against each other, the prisoner at or about the time specified in the indictment summoned the Prosecutor and his 4th 5th 6th witnesses as well as some others of their caste; detained them in custody at the Police Cutcherry for a period of seven days and then demanded from the Prosecutor a bribe of (100) one hundred Rupees to release them; in consequence of which on the following day the Prosecutor and other persons confined with him sent for (50) Fifty Rupees from their respective houses and gave them to the prisoner who on the same evening released all

2.

of

of them from confinement.

3.

The charge was brought forward by the prosecutor during the investigation of certain other charge of extortion preferred against the prisoner before the Special Assistant Magistrate of Masulipatam.

4.

The Mahomedan Law Officer of the Session Court adverting to various discrepancies in the evidence for the prosecution in regard to the manner in which the money said to have been paid to the prisoner was collected and paid, acquitted the prisoner of the crime charged.

5.

The Session Judge dissents from this Fatwa and being of opinion that the variations in the evidence are only such as might materially be expected considering the lengthened period which has elapsed since the alleged commission of the offence charged and ascribing the variation in question either to want of recollection on the part of the deponents or to want of proper attention at the time the different occurrences took place, every reply throughout the trial "having been given freely and candidly" and with that confidence which conveyed to the "mind perfect satisfaction that the witnesses had

18th December 1857.

had not been tampered with," the Sessions Judge has convicted the prisoner of extortion and has referred the trial with a recommendation that the prisoner be sentenced to four years imprisonment, with hard labor in irons under the provisions of Clause Seventh Section II Regulation XV of 1803. and that he be further fined in the sum of Rupees Fifty in order to the re-imbursement of the parties from whom it has been improperly obtained, under the provisions of Act XVI of 1850.

6.

The Court of Foujdaree Adaulut on an attentive perusal of the record of this case have been unable to concur with the Sessions Judge in considering the evidence sufficient for the conviction of the accused.

7.

The Court observe that there are numerous discrepancies in the evidence and some of such a nature as cannot in their opinion, be referred to obliviousness or inattention.

8.

It appears to the Court improbable that the shares of the alleged bribe, consisting of eleven in number, should all have been collected without failure from

&c

so poor a chaps as the deponents in so short
as between the evening of one day and the
of the next, and it seems incredible that
prisoner should have received the said bribe
the presence of the three first witnesses
had no concern in the matter which is said
have led to its being given, and thus grati
=ly have exposed himself to have this
brought against him.-

9.- The Court of Tanjore (Mad
observe that the prisoner has been arraigned
before the Session Judge upon twelve other
charges of a like description as that which
forms the subject of the trial now under
consideration, and upon all of them he has
been acquitted, the evidence having appeared
to the Session Judge, as the Calendar commu
there with them, contradictory and unsatisfa
of credit, the charge in two instances having
been supported by accounts which were consider
to have been fabricated while in one case
revenge has been traced by the Session Judge
as the motive of the prosecution.-

10.- The present charge is shewn
have been brought, while certain of the said
charges were under investigation and under the

the circumstances above stated the Court of
Fouzdaree Adalut cannot but view it with
the utmost distrust.-

11. The Court have accordingly
acquitted the prisoner and have directed his
unconditional release.-

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

(Sent in A:1306)

Read Letter dated 1st Instant
from the Sessions Judge of Chingleput Reporting
that no Cases to be reported on as required by the
Circular letters dated 16th October 1844 and 21st Janry
1845 were pending last month before the Sessions
Court.-

(Here enter F. R. No 2737 of 1857)

Read letter dated 1st Instant from
the Sessions Judge of Cuddalore Reporting that no
cases have been pending trial before the Sessions
Court for a period exceeding 25 days calculated
from the date of commitment.-

(Here enter F. R. No 2738 of 1857)

Read Return dated 6th Instant from
the acting Sessions Judge of Calicut to the precept
of

of the Fonjdaree Adalut under date the 28th
1857 conveying the Court's observations on certain
in the Criminal Reports for September last
directing the Acting Sessions Judge to review
proceedings in Cases Nos. 189. 207. 209. 229 & 2
1857 and report the orders which may be passed
by him thereon -

(Mere Enter F. R. No. 2809 of 1857)

Read return dated 5th Instant from
the Sessions Judge of Gumtoor to the precedings
Fonjdaree Adalut under date the 5th Idem convey
their remarks on the Petty Cases disposed of by
Magistracy of Gumtoor during the 3d Quarter of

(Mere Enter F. R. No. 2811 of 1857)

Read return dated 6th Instant from
the Sessions Judge of Coimbatore to the precedin
of the Fonjdaree Adalut under date the 2d Nov
1857 directing to grant to Petitioner Kuppichetty -
Copies of the Record of Case No. 38 of 1850 on the Calen
of the Sessions Court of Coimbatore -

(Mere Enter F. R. No. 2829 of 1857)

Read Extract from the Proceedings
of the Sessions Court of Combaconum under date
12th Instant submitting remarks made by the Sessions
Judge on the several Police Reports submitted by the
Acting Magistrate of Tanjore for the 3d Quarter
of 1857. -

(Mere Enter F. R. No. 2830 of 1857)

18th December 1857.

Read return dated 15th Instant
from the Acting Sessions Judge of Nellore to
the Precept of the Fonjdaree Adalut under
date the 5th Idem conveying their observations
and orders on review of the Criminal Reports
for the Month of October 1857 -

(Mere Enter F. R. No. 2841 of 1857)

Read

F.H.

Friday
19th December 1851.

At a Court of the Tinjdaree Udalut.

Present

G. S. Hooper Esquire ——— 1st Puisne Judge.
E. P. Thompson Esquire — 2d Puisne Judge.
J. L. Strange Esquire — Act'g 3d Puisne Judge.

No further return having been received from the Session Judge of Masulipatam to this Court's precept of the 14th October 1851 directing an enquiry to be instituted with respect to the statements of the pardoned Convict Goondoyah.—

Ordered that the Session Judge be called upon to make final return to the above precept without delay.—

(Sent in No. 1314.)

Read Calendars of Cases Nos. 70 and 74 of 1851 submitted by the Acting Sessions Judge of Cahcinb under date the 13th Instant.—

(Here enter F.H.C. Nos. 2857 and 2859 of 1851.)

Read Calendar of Case No. 16 of 1851 submitted by the Session Judge of Tellicherry

19th December 1851.

Read Calendar of Cases tried
of 1851 submitted by the Sessions Judge of Bellary
under date the 15th Instant.—
(Here enter Fllo. No. 2861 of 1851.)

Read Criminal Report
dated the 15th Instant submitted by the Acting
Sessions Judge of Bellary for the Month of
November 1851.—
(Here enter Fllo. No. 2863 of 1851.)

Read Criminal Report dated
the 1st Instant submitted by the Agent to
the Governor of Fort St. George at Vizagapatam for
the Months of October (Supplemental) and No-
vember 1851.—
(Here enter Fllo. No. 2872 of 1851.)

Read Criminal Report
dated the 15th Instant submitted by the Acting
Judge of Masulipatam for the months of Oc-
tober November 1851.—
(Here enter Fllo. No. 2874 of 1851.)

42½

P. No.

Monday. 22nd December 1851.

At a Court of the Tonjdaree Adalut.

Present

G. S. Hooper Esquire ——— 1st Tuisne Judge.
C. G. Thompson Esquire ——— 2nd Tuisne Judge.
T. L. Strange Esquire — Act. 3rd Tuisne Judge.

Read letter dated 28th November 1851 from the Session Judge of Tinnevelly submitting for the final judgment of the Tonjdaree Adalut the record of Case No. 32 of 1851 of the Calendar of the Session Court. —

(Here enter No. 2836.)

The Court of Tonjdaree Adalut,

Mr. G. S. Hooper. and Mr. T. L. Strange.

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

"Mandappen."

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 Tonjdaree Adalut observe that the record of the Police proceedings held

hitherto in this case been needlessly lengthened with the depositions of Letchmy, a neighbour eleven preceding witnesses, whose statements no light whatever upon the case, we also ordered a lengthy extract from the proceedings of the Union which was the last required as the Sessions Judge could speak to was obtained from him by the Sessions Judge on oath.—

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

(Sent in No. 1317.

Read Miscellaneous Petition presented on the 15th August 1851 by the Vakeel on behalf of Connathee Moodeyandy Chunder Mhun Criminal Prisoner in the Civil Court of Tellicherry.—

(Here enter F. M. D. No. 110 of 1851.

Mr. E. P. Thompson.

The Court of Foujdaree Adawlut consider it to be regretted that the Acting Sessions Judge of Calicut should have allowed himself to use such strong language in commenting on the evidence given by the Petitioner in the case

2.

The Court observe that

sweeping terms as those adopted by the Acting Subordinate Judge in the remarks recorded by him on the case in question are only allowable when the fullest proof is forthcoming that the evidence is such as it is described viz. false and infamous.

The Court consider further notice

3.

of this Petition unnecessary.—

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

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

(Sent in No. 1318

Read Miscellaneous Petition presented on the 15th August 1851 by M. Samoodastry Vakeel on behalf of Vannotta Krishnan Nayr Gomastah in the Civil Court at Tellicherry.—

(Here enter F. M. D. No. 102 of 1851.)

The Court of Foujdaree Adawlut

Mr. E. P. Thompson—1.

consider it is to be regretted that the Acting Subordinate Judge of Calicut should have allowed himself to use such strong language in commenting on the evidence given by the Petitioner in

22nd December 1851.—

in the case referred to in this Petition—

2.

The Court observe that the
ing terms as those accepted by the Acting
ordinate Judge in the remarks recorded
on the case in question are only allowable
the fullest proof is forthcoming that the
is such as it is described in the false and
3.

The Court consider further
notice of this Petition unnecessary—

Ordered, that Extract
these proceedings be furnished to the
Vakeel on his application.—

Ordered also, that Extract
from these proceedings be forwarded to the
Subordinate Judge of Tinnevelly for his
(Sent in A/c 1819)

Read Petition presented
the 29th September last by T. Ramanadan
Vakeel on behalf of Peter Shetah, and others
Zillah Masulipatam.—

Mr. G. S. Hooper.—

(Here enter J. M. Dt. A/c 137 & 138 of 1851)

The Petitioners are aggrieved
the former orders passed by the Court of Sad
Udalut in the matter to which these Petitions
relate, and think, they are informed, are not

J. C.
22nd December 1851.

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

Read Miscellaneous Petition
presented on the 10th November 1851 by Nagappa
Naiken of Zillah Tinnevelly.—
(Here enter J. Dn. Dt. A/c 155/1851.)

The Court of Sudder Udalut
Mr. E. C. Thompson.
resolve to dismiss this Petition with reference to
their orders of the 25th September 1851 to which
the Petitioner is referred.—

Ordered, that Extract from these
proceedings be given to the Petitioner on his appli-
cation.—

Read the Calendar of Petty
Cases disposed of by the Magistracy of Madura
during the 3d Quarter of 1851.—
(Here enter J. C. A/c 2532 of 1851.)

Adverting to the remarks of the
Calendar A/c 1. Cases A/cs 36 and 37.— Sessions Judge recorded on these cases, the Court
of Sudder Udalut deem it proper to remark
that, as a general rule, they are of opinion that
sentences of acquittal passed by the Police authori-
ties should remain undisturbed;—but, at the
same time, the Court consider that the power
of

of ever-putting such Sentences is vested in the Magistracy under the general superintending power conferred upon them by the Regulations, and they are also of opinion that instances may occur in which such power might be beneficially exercised.

Calendar No. IV 2.
Case No. 1.—

As it does not appear that the Prisoners in this Case were supposed to be over the Court observe that the Regulation cited in support of the demand of Security from them is incorrect.—

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

(Sent in No. 1320.)

Read again Calendar of Case No. 31 of 1851 of the Sessions Court of Salem.

(Here enter J.H. No. 2650/1851.)

Read also letter dated the 8th December 1851 from the Acting Sessions Judge of Salem recommending a mitigation of the Sentence passed upon the Prisoner in the above Case.—

(Here enter J.H. No. 2813/1851.)

In accordance with the recommendation contained in the above letter, the Court

of Tondiarpet Eldahut resolve to direct that the Sentence recorded against the Prisoner in the above case be mitigated to one years imprisonment, and the Acting Sessions Judge is authorized to issue his warrant accordingly.—

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

(Sent in No. 1321)

Read Calendar of Case No. 37 of 1851 of the Sessions Court of Honore.—

(Here enter J.H. No. 2805/1851.)

The Court of Tondiarpet Eldahut

approve of the recommendation made by the Sessions Judge in this case that the punishment awarded to the second Prisoner on his conviction of Robbery by open violence, be mitigated to 7 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 Honore for his information and guidance.—

(Sent in No. 1322

Read

Read letter from the Sessions Judge of Masulipatam dated 5th December 1851 soliciting for the orders of the Court of Sudder Adalut copies of a correspondence with the Magistrate relative to Case No. 78 on the Calendar for 1851.-

(Here enter J.16. - No. 376 of 1851)

1.

It appears that the Prisoner in the said case upon being called upon for his defence made a statement, to the effect that he had been induced by threats to give false evidence before the Special Assistant Magistrate in another case and that as this statement had no direct connection with the charge on which he was being tried the Sessions Judge refused to record it, but called upon him to write a petition on the subject, which was forwarded to the Magistrate with an intimation that sentence would not be passed in any of the cases in which the Prisoner had been tried until it should be disposed of.-

2.

The Magistrate in his return transmitted an explanation from the Special Assistant Magistrate, shewing that the Prisoner's statement was a tissue of falsehood and stated that he saw no ground for granting an enquiry.-

3.

The Sessions Judge however deemed it necessary to direct that the Magistrate should "send for the Prisoner and enquire if he be willing "to depose on solemn affirmation to the truth of "this Petition, and proceed to hold a regular "investigation into the complaint, and if the "charge be proved to be false, the prisoner must "be committed for Perjury."-

Under these orders the Magistrate deemed

4.

could not be legally carried into effect and the present reference has been made at his instance.

It appears to the Court of

5.

Foujdaree Adalut that the Sessions Judge on having forwarded the Prisoner's Petition to the Magistrate was not called upon to interfere further in the matter, save upon appeal to him by the complaining party, it appearing by his own shewing that the subject of the Petition did not in any way concern the proceedings pending before himself.-

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

(Sent in No. 1323)

Read

Read Calendar of Cases Nos 34 and 35 of 1851 of the Sessions Court of Nilgiris

(Here enter J. No. 2884 of 1851)

The Court of Sudder Adalut observe that the grounds upon which the foregoing Cases have been referred for their judgment should have been set forth in the Calendar.— The Sessions Judge will now be pleased to supply the omission

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

(Sent following precept No. 1334)

Read return dated the 15th Instant from the Sessions Judge of Coimbatore to the precept of the Joydaree Adalut under date the 12th Instant directing the release of the prisoner in Case No 160 of 1851 on the file of the Criminal Court of Coimbatore.—

(Here enter J.No. No. 2879 of 1851.)

Read return dated the 17th Instant from the Sessions Judge of Cuddalore to the precept of the Joydaree Adalut under date the 11th Instant calling for further particulars connected with the

22nd December 1851.

the escape of the convict "Alagun", which was reported by the Sessions Judge on the 17th October 1851, and regarding which translations of depositions were submitted on the 25th November last.—

(Here enter J.No. No. 2881 of 1851.)

Read return dated the 17th Instant from the Sessions Judge of Trichinopoly to the precept of the Joydaree Adalut under date the 5th Instant on perusal of the Criminal Reports for the month of October last.—

(Here enter J.No. No. 2892 of 1851.)

Read return dated the 18th Instant from the Sessions Judge of Cuddalore to the precept of the Joydaree Adalut under date the 5th Instant directing him to review Case No. 4 of the Magistrates Criminal Report for October 1851 and pass such orders thereon as he may think proper, reporting the same for the information of the Joydaree Adalut.—

(Here enter J.No. No. 2895 of 1851.)

Read return dated the 20th Instant from the Acting Sessions Judge of Nellore to the precept of the Joydaree Adalut under date the 19th Instant calling for explanation of the omission to include the 2nd prisoner in the sentence passed in

22nd December 1851.

in Calendar No. 37 of 1851.

(Here enter F.Ille. No. 2899 of 1851.)

No. 1809.

Read Return dated 15th Dec. 1851 from the Sessions Judge of Trincomalee to the precept of the Foujdaree Udalut dated the 5th December 1851, conveying the opinion of the Criminal Reports for the month of October 1851, and directing the Judge to review the proceedings and Calendar of 1851 on the Criminal file and pass such orders thereon as he may think fit, reporting the same for the information of the Foujdaree Udalut.

(Here enter F. Ille. No. 2987 of 1851)

F. Ille.

Tuesday
23rd December 1851 } At a Court of the Foujdaree Udalut.

Present

The Hon'ble G. S. Cooper Esqre. ——— 1st Puisne Judge.
B. P. Thompson Esqre. ——— 2nd Puisne Judge.
T. L. Strange Esqre. ——— 3rd Puisne Judge.

Read letter dated 8th Instant from the Sessions Judge of Trincomalee submitting for the final judgment of the Foujdaree Udalut the record of Case No. 53 of 1851 of the Calendar of the Sessions Court.

(Here enter F. Ille. No. 2818 of 1851.)

The Court of Foujdaree Udalut,

Mr. G. S. Cooper.
and
Mr. T. L. Strange

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

"B. Soobbadoo"

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

of Extortion.-

(Sent in No. 1330.)

Read letter dated the 3rd. Instant from the Agent to the Governor of Fort St. George at Vizagapatam submitting for orders a report of the trial of Cases 16 of 1851 on the file of this Court.

(Here enter F.P. No. 2808 of 1851.)

1. Five Prisoners were tried in this case; the 1st. and 2nd. being charged with House breaking and theft, the 3rd. and 5th. with receiving and the 4th. with purchasing portions of the stolen property Knowing it to be such.-

2. The Agent has released the 3rd. and 5th. Prisoners and placed the 2nd. under a recognizance of sureties, but considering that the 1st. and 4th. Prisoners stand convicted of the offence laid to their charge he recommends, that they should be sentenced to two and one years' imprisonment respectively.-

3. The Court of Sessions Udalut concurs in the conviction of the 4th.

4th. Prisoner and sentence him as proposed to (1) one years imprisonment with hard labor in irons.-

The Court also concur in the conviction of the 1st. Prisoner but taking into consideration the large amount stolen, and that this individual, originally enquired after as a suspicious character, is described to be a professional thief, the Judges are of opinion that a sentence of two years is much too lenient in his case and accordingly adjudge him to be imprisoned with hard labor in irons for the term of (7) seven years.-

Ordered that Extract from these Proceedings be sent to the Agent to the Governor of Fort St. George at Vizagapatam for his information and guidance.-

(Sent in No. 1331.)

Read letter dated the 29th. November 1851 from the Agent to the Governor in Council, submitting for the final Judgment of the Sessions Udalut the Records of Case No. 15 of 1851 on the Calendar.-

(Here enter No. 2819.)

The

23rd December 1851.

Lt. P. Thompson
and
" J. L. Stuart

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

1st. Moonershee

is sufficient to convict him of the crime of Murder, do convict him thereof and under the provisions of Section X, Regulation VIII of 1809, sentence him to suffer death by being hanged at the usual time and place of execution.

The Court of Fouzdaree Udalut
have been unable to accede to the recommendation made by the Agent in this case, that the prisoner should be exempted from the extreme penalty of the Law being of opinion with reference to the savage and deliberate nature of the murder of which he has been convicted, no sentence short of death would be sufficient to meet the demands of justice.

Ordered that Extract from these Proceedings be forwarded to the

F. W.
23rd December 1851.

the Agent to the Governor of Fort St George at Harnoob for his information and guidance.

Sentence No. 1332 / 5

Dd 18/.

F. U.

At a Court of the Foujdaree Udalut

Present.

Wednesday 24th December 1851

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

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

T. Le. Strange Esqre — Officiating 3d Puisne Judge.

Read Miscellaneous Petition pre-
-sented on the 18th September 1851 by Hamal
Mahummud of Zillah Cuddapah.-
(Hereenter F. M. P. No. 132 of 1851)

Mr. T. Le. Strange

This is an application for the in-
-terference of the Court of Foujdaree Udalut
to direct the restoration of Petitioner to the
situation of Surcharam, from which he
was recently dismissed by the late Magis-
-trate of Cuddapah.-

2- The Court of Foujdaree Udalut
have no authority to interfere on Petitioner's
behalf, and resolve, therefore, to dismiss this
Petition.-

Ordered that Extract from these
Proceedings be given to Petitioner on his ap-
-plication.-

Read Calendar of Case No. 16 of
1851 of the Session Court of Chingleput.-
(Hereenter F. U. No. 2822/1837.)

with

With so much ground of suspicion against the Prisoners in this case, and in the absence of evidence upon which they could be convicted, the Court of Fouzdaree Udalut consider it to be regretted that they were not held to security by the Criminal Court in lieu of being committed, as the means of convicting them hereafter might have been obtained. —

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Chingleput for his information and for communication to the Principal Sudder Ameen

(Sent in No. 1336.)

Read Calendar of Case No. 68 of 1851 of the Sessions Court of Bellary

(Here enter F. U. No. 2825 of 1857)

Adverting to the remarks recorded by the Acting Sessions Judge in para 8 of the Sentence passed in this case, the Court of Fouzdaree Udalut deem it proper to observe that the 1st witness' suppression of information would make him guilty of misprision of felony, but would not constitute him "an accessary to the theft before the act," as stated by the Acting Sessions Judge. —

Ordered

24th December 1857.

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

(Sent in No. 1337)

F. S.

F. No.

Friday 26th December 1851

At a Court of the Foujdaree Adalut

Present

H.R. C. S. Hosper Esqr. 1st Puisne Judge

F.R. for S.P.V. E. P. Thompson Esqr. 2d Puisne Judge

Cr. for V.A.S. T.L. Strange Esqr. Actg. 3d Puisne Judge

Read again Calendar of Case No. 64 of 1851 on the file of the Sessions Court of Calicut.

Here enter F. No. 2537 of 1851

Read also return under date the 9th December 1851 from the Acting Sessions Judge of Calicut to the precept of the Foujdaree Adalut dated the 17th November 1851 directing the transmission of an English translation of the entire record of the foregoing case.

Here enter F. No. 2828 of 1851

1 The prisoner in this Case was charged with having on the 23d September last at Talakolatur wounded the prosecutor with a knife with intent to kill him.

The evidence is to the effect that a few days previous to the date specified in the indict-

2 ment the prisoner had been forwarded by the Prosecutor

20. December 1858.

Prosecutor (who is Adhikari of the Amshamy to the Head of Police upon a charge of smuggling Tobacco, that the prisoner was released on security and came on the day in question to the house of the prosecutor's wife and finding the prosecutor outside struck at him, with a knife which he had in his hand, a blow which the latter warded off with his right hand receiving on it the wounds charged, and that the prosecutor made his escape into the house.

3

The Prisoner was taken into custody by the 5th. Witness having on his own person several wounds which were alleged by the prosecutor and the witnesses for the prosecution to have been self-inflicted, but which the prisoner stated were received by him in the Course of an assault made upon him by the Prosecutor and some of the witnesses who had attacked him in consequence of certain remarks made by him in the prosecutor's hearing regarding the injustice of the charge upon which he had been sent by the latter to the Head of Police.

4

The Mofussil Sudder Court in communication with the Mahomedan Law Officer, convicted the prisoner of wounding, but not with any murderous intent, and Sentenced him to three years' Imprisonment with

20. December 1858.

with hard labor in irons under the provisions of Clause Seventh Section II Reg. XVII of 1803.

The Court of Foujdaree Adalut on perusal of the Calendar seeing reason to question the guiltiness of the Prisoner called for the record, on perusal of which they consider the evidence for the prosecution too untrustworthy to justify the conviction of the accused of any criminal offence.

5

The cause alleged for the attack said to have been made by the prisoner upon the prosecutor, Viz. that he had sent the prisoner to the Lahook on suspicion of being concerned in Tobacco Smuggling, does not in the opinion of the Court supply a sufficient ground for provocation to account for it, and if the prisoner's designs had been as murderous as they are represented to have been there was nothing to have prevented him from following up the prosecutor to the house into which he retired, and there proceeding with his purpose.

6

The evidence of the Dresser (8th. witness) supported as it is by that of the Gillah Surgeon (9th. Witness) proves incontestably that the prisoner was himself assaulted and beaten & wounded by others.

This supports the prisoner's defence

8

Prosecutor (who is adhikari of the amshamy to the Head of Police upon a charge of smuggling Tobacco, that the prisoner was released on security and came on the day in question to the house of the prosecutor's wife and finding the prosecutor outside struck at him, with a knife which he had in his hand, a blow which the latter warded off with his right hand receiving on it the wounds charged, and that the prosecutor made his escape into the house.

3 The Prisoner was taken into custody by the 5th. Witness having on his own person several wounds which were alleged by the prosecutor and the witnesses for the prosecution to have been self-inflicted but which the prisoner stated were received by him in the Course of an assault made upon him by the Prosecutor and some of the witnesses who had attacked him in consequence of certain remarks made by him in the prosecutor's hearing regarding the injustice of the charge upon which he had been sent by the latter to the Head of Police.

4 The Assistant Judge in communication with the Mahomedan Law Officer, convicted the prisoner of wounding, but not with any dangerous intent and sentenced him to three years' Suspension with

with hard labor in irons under the provisions of Clause Seventh Section II Reg. XII of 1803.

5 The Court of Foujdaree Adalut on perusal of the Calendar seeing reason to question the guiltiness of the Prisoner called for the record on perusal of which they consider the evidence for the prosecution too untrustworthy to justify the conviction of the accused of any criminal offence.

6 The cause alleged for the attack said to have been made by the prisoner upon the prosecutor viz. that he had sent the prisoner to the Lahook on suspicion of being concerned in Tobacco Smuggling, is in the opinion of the Court supply a sufficient ground for provocation to account for it, and if the prisoner's design had been as murderous as they are represented to have been there was nothing to have prevented him from following up the prosecutor to the house into which he retired, and there proceeding with his purpose.

7 The evidence of the Dresser (8th. witness) supported as it is by that of the Zillah Surgeon (9th. Witness) proves incontestably that the prisoner was himself assaulted and beaten & wounded by others.

8 This supports the prisoner's defence

defence, and shows that the prosecutor and his witnesses, whose noway account for the bruises upon the prisoner's person and make palpably false statements as to the wounds he had received having been selfinflicted, must have misrepresented the affair.

9 The Sessions Judge it is to be observed, states in the remarks recorded by him on the calendar that the wounds found on the prisoner's person must have been inflicted during a struggle between the prosecutor and the prisoner, and that "it is clear that the "prisoner must have been ill treated previous to, or "at the time of, his wounding the prosecutor, and "the presumption that such arose from the violence "offered to him.

10 All the circumstances of the case appear to the Court of Foujdaree Adalut to favor the presumption that the prisoner wounded the Prosecutor in self defence, and the Court of Foujdaree Adalut accordingly resolve to reverse the sentence and to direct that the prisoner

Padmapura Pidigiel Anotti

be unconditionally released.

Ordered that Extract from these Proceedings

Acting

15th December 1851.

Proceedings be forwarded to the Sessions Judge of Calicut for his information and guidance by precept returnable within V days from and after its receipt.

(Sent following precept No. 1344)

Read letter dated 22d November 1851 from the acting Subordinate Judge of Bellary recommending that the 1st and 2nd Prisoners in case No. 174 on the Criminal file for 1851 be admitted as approvers.

(Here enter F/C No. 2693 of 1851)

Read also return from the same officer dated 11th December 1851 transmitting copies and translations of the Statements given by the prisoners in question before the Police.

(Here enter F/C No. 2837 of 1851)

As the 2d prisoner has made no disclosures, and the 1st Prisoner has given very questionable Statements with manifest token therein of suppression, and there would appear to be nothing to corroborate their evidence, if afforded, as it might bear against the 3d prisoner, the articles produced having been found with the 1st and 2d prisoners and none such with the 3d, the Court of Foujdaree

Foujdaree Adalut decline to admit the 1st and 2nd prisoners as approvers, not thinking that their evidence can be safely or beneficially resorted to.

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

/Sent in No. 1346./

Read Letter dated 29th November 1851 from the Sessions Judge of Coimbatore submitting for the final Judgment of the Foujdaree Adalut the Record of Case No. 31 of 1851 of the Calendar of the Sessions Court.

/Hereunto F.R. No. 2709 of 1851/

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 Mohomed Fakurdeendah,
2nd Balasawmy Chetty
3rd Baulu and Chetty

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confession, of the crime charged do acquit them thereof, and direct that they be set at liberty.

1

The Prisoners in this Case were charged

charged with having been concerned in the fabrication of a receipt B/ for payment of a moiety due on a Bond/A/ with the views of defrauding the prosecutor of the residue claimable upon the said Bond, under the representation that the prosecutor was liable for the same.

The Prisoner was further charged

2

with having on the same day fabricated a document, not for the coming, in the names of the 1st and 2nd Witnesses admitting the aforesaid payment, with a similar fraudulent intent.

The Law Officer acquitted the

3

prisoners on the ground of the discrepancy and incredibility of the evidence.

The Sessions Judge considering

4

"the circumstances under which the demand for "payment of an alleged Bond was made on the "prosecutor by the 1st Prisoner, and the execution of the "receipt B by all the prisoners to afford strong "presumptive proof of a guilty knowledge of the "fraudulent nature of the transactions recommends "that the 1st Prisoner should be sentenced to "eighteen months Imprisonment, the 2nd Prisoner "to 12 months, and the 3rd Prisoner to six months' "Imprisonment."

5

Foujdaree Udalut decline to admit the 1st and 2d prisoners as approvers, not thinking that their evidence can be safely or beneficially resorted to.

Ordered that by transmit from these Proceedings be sent to the Acting Sub Judge of Bellary for his information.

Sent in No. 1346.

Read Letter dated 29th November 1851 from the Sessions Judge of Coimbatore submitting for the final Judgment of the Foujdaree Udalut the Record of Case No. 31 of 1851 of the Calendar of the Sessions Court

/Ferreira F.C. No. 2709 of 1851/

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

1st Mohomed Fakirudeen Sahib
2nd Balasawmy Chetty
3rd Pauly and Chetty

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confession, of the crime charged do acquit them thereof, and direct that they be set at liberty.

1

The prisoners in this Case were charged

charged with having been concerned in the fabrication of a receipt B/ for payment of a moiety due on a Bond A/ with the view of defrauding the prosecutor of the residue claimable upon the said Bond, under the representation that the prosecutor was liable for the same.

The prisoner was further charged

2

with having on the same day fabricated a document, not forthcoming, in the name of the 1st and 2d Witnesses admitting the aforesaid payment, with a similar fraudulent intent.

The Law Officer acquitted the

3

prisoners on the ground of the discrepancy and incredibility of the evidence.

The Sessions Judge considering

4

"the circumstances under which the demand for "payment of an alleged Bond was made on the "prosecutor by the 1st Prisoner, and the execution of the "receipt B/ by all the prisoners to afford strong "presumptive proof of a guilty knowledge of the "fraudulent nature of the transactions recommends "that the 1st Prisoner should be sentenced to "eighteen months' Imprisonment, the 2d Prisoner "to 12 months', and the 3d Prisoner to six months' "Imprisonment."

5

5 On an attentive consideration of the record the Court of Foujdaree Adalaut have been unable to concur with the Sessions Judge in considering the evidence sufficient to the conviction of the prisoners of the offence laid to their charge.

6 The Court presume it was not intended to charge the prisoners with the Crime which in Law is designated as "Forgery" although the Sessions Judge in the letter referring the trial uses the term "Forged" with reference to one of the documents alleged to have been executed or fabricated by the prisoners which document is not however forthcoming -

7 At all events the acts alleged to have been done by the prisoners could not, even if proved to the fullest extent, be held to constitute the crime of "Forgery" as defined in Clause third Section IV Regn. XVII of 1811, and in the Circular Order of the Foujdaree Adalaut under date the 28th August 1841, N°. 145, which requires that "the effect and object of the fabrication or "alteration must be to defraud and injure" -

8 In this case whether the Bond A be a genuine instrument or not, a point on which the Sessions Judge remarks that "the character of the transaction chiefly hinges" the acts in question would not necessarily have the "effect" of causing loss and injury

injury to the prosecutor, for if the instrument be genuine the person legally entitled under it, i.e., either the 5th Witness "Jemaulbee," or the 7th prisoner who is admitted by her in her deposition before the Sessions Court, to be the heir to his deceased younger brother's estate could alone be a loser by the transaction, and if it be false the prosecutor would still have it in his power to contest it, if ever it were put in force against him in a Civil Court when alone its true nature can be put to the test and determined

9 It is obvious therefore that no charge of "forgery" can be founded on the receipt B, whether the said 5th witness really executed it or not -

10 And as for the other document, viz the "Kuraa" said to have been executed in the names of the 1st & 2d witnesses, as it is not forthcoming, such a charge founded on it must necessarily fall to the ground -

11 The utmost therefore that could be charged against the prisoners on account of the acts imputed to them is a "misdemeanor" -

12 The Court of Foujdaree Adalaut are however of opinion that there is no evidence to the Bond A being a false one, and that therefore the

the charge of fraud cannot stand -

13 The Court further considers that the allegations & evidence upon which it is attempted to show that the receipt B is a fictitious one are altogether unworthy of Credit -

14 It appears to the Court most improbable that any person attempting a fraud would embarrass himself by resorting to so round about and difficult a way of carrying out his purpose as is alleged to have been adopted by the accused, the natural Course would be simply to forge the deed & produce witnesses thereto, whereas here there were two forgeries to effect and to shield by evidence in order to gain upon but one false one assuredly in entering upon such a scheme as is attributed to the 1st Prisoner would act as he is said to have done in the face of many witnesses none of whom were in his interests, and through parties such as the 1st and 2nd Witnesses neither of whom was gained over to him but were actually allied to the very person he is said to have been contriving to defraud: & one moreover would, as is asserted of the 1st Prisoner, first try to induce another, Viz: the prosecutor to join in defrauding his relation and failing in this and finding his purpose revealed

prevent a few days afterwards to attempt to defraud him through them -

15 The Case for the prosecution appears to the Court to carry on the face of it evidence of its falsity, and the statements of the witnesses abound in contradictions which tend strongly to the impression that their testimony has been concocted -

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

/ Sent in No. 1346 /

Read letter dated 18th December 1857 - from the Sessions Judge of Masulipatam, submitting for the final Judgment of the Foujdaree Adalut the record of Case No. 77 of 1851 of the Calendar of the Sessions Court.

/ Enclosures No. 2913 of 1851 /

The Court of Foujdaree Adalut, on a deliberate consideration of all the circumstances of the Case in evidence before them being of opinion that the Prisoner "Ambaula por Reddy" 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

thereof, and direct that he be set at liberty.

1 The prisoner in this Case was charged with wilful and corrupt perjury "in having falsely "deposed on oath before the Assizes Court of Headuliya "=tane, as prosecutor in Case No. 93 of 1851 on its file, "that a necklace which had been directly sent for "by the Court from an individual named Lolla Adima "=naiyadie belonged to his prisoner's daughter, "whereas in truth, and in fact it does not coincide "in any way with the description of the necklace "alleged to have been the property of his daughter, "and mortgaged in order to raise money for the payment "of a bribe to the prisoner in the aforesaid Case; it being material to the issue of the said trial (No. 93 of 1851) to prove that the daughter of the prisoner in this Case possessed a particular ornament, and that a loan of money was raised thereon for the purpose of being paid to the prisoner in the Case to obtain this prisoner's liberation from custody.

2 The Law Officers acquitted the prisoner, but the Assizes Judge, considering the charge to be established, has referred the trial to the Fouzdaree Adalut, with a recommendation that the prisoner should be sentenced to three years' imprisonment with hard labor in irons under the provisions of Section

Section III Regulation VII of 1811.

3 On an attentive perusal of the record the Court of Fouzdaree Adalut are unable to concur with the Assizes Judge in convicting the prisoner of wilful perjury in the statements made by him on the occasions specified in the indictment.

4 The Court of Fouzdaree Adalut observe that the prisoner on his first examination on the 18th November 1851, when asked whether he could identify the necklace in question declared that he never took particular notice of it when it was on his daughter's person, that he could not therefore describe it, that he remembered two kinds of things that were attached to it but could not remember whether there was, and that it was ordered to be made by his mother in law, and not by him. On the 19th November when re-examined, and another necklace, not the one said to have been mortgaged was shown to him, he deposed that it belonged to his daughter, in his defence he explained that he used to see the = the girl and, when she used to come to his house (she being married) or when he used to go to her mother in law's house, but that he never "Countinzingly" examined it, and that when he saw the ornament produced to him by the Court he thought it was the one that belonged

belonged to his daughter, and therefore stated that it was.

5 The Sessions Judge remarks that the ornament shewn to the prisoner "does not in any way coincide" with the description of that which was alleged to have been mortgaged, but this is not strictly correct, for they were both composed partly of the same articles, though in other respects they were different, and the Court of Foujdaree Adalut do not consider the other reasons stated by the Sessions Judge for believing that the prisoner wilfully swore to an untruth as sufficient to establish that fact, and they observe that the prisoner did not state that he identified the ornament in question in such positive terms as those imputed to him in the Sessions Judge's letter.

6 It may be true that the prisoner is a "very bad character," but the Court do not consider the evidence in this case sufficient to prove that he has committed wilful and intentional perjury.

7 The Court would further observe that it has been ruled by the Foujdaree Adalut that "no person should be made the object of a prosecution for perjury who has not been cautioned against committing himself on his oath, and has not subsequently persisted in maintaining falsehood for truth."

Vide C. O. of the 31st January 1824

But

26th December 1857.

But so far from that rule having been observed in this case a trap would appear to have been laid for the prisoner, into which he fell, without any warning having been given him of the danger he was incurring.

8 The Court of Foujdaree Adalut have therefore acquitted the prisoner of the crime laid to his charge, and have directed his unconditional release.

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

A true Extract
Sentence No. 1347.

J. Ck.

Saturday
5th December 1857.

At a Court of the Foujdaree Adalut

Present.

The Hon.ble G. L. Hooper Esq.re ... 1st Puisne Judge

W. Nelson Esq.re E. P. Thompson Esq.re 2d Puisne Judge

and Hon.ble T. L. Strange Esq.re Actg. 3d Puisne Judge

Read a joint letter dated the 18th Instant from the Acting Subordinate Judge of Bellary, suggesting the admission as approvers of the 2d and 4th Prisoners in Case No. 155 on the Criminal File for 1857.

(Here enter J. Ck. No. 2673 of 1857.)

Read also return dated 8th Decr. 1857 from the same Officer, to the Precept of the Court of Foujdaree Adalut dated 28th November 1857, desiring the submission of Copies and translations of the Statements made before the Police by the 2d 3d 4th and 5th prisoners in Case No. 155 on the file of the Subordinate Court of Bellary for 1857.

(Here enter J. Ck. No. 2810 of 1857.)

The Court of Foujdaree Adalut having attentively considered the depositions submitted with the last of these communications and

and are of opinion that the admission of the 1st & 3rd Prisoners as approvers, is not calculated to further the ends of Justice.

2.

From the letter of the Sub. Judge dated 18th November 1857, it appears that the only evidence corroborative of the Tabuk confessions of the said Prisoners consists of a statement made by the Husband of the deceased, to the effect that she had told him that the 1st Prisoner had threatened to rob her, and the assertions of the 2 & 3 witnesses, who declare that the deceased informed them that she was afraid of the 1st Prisoner, and upon such statements as these the Court of Foujdaree Adalut are of opinion that no reliance can be placed.

3.

The Court of Foujdaree Adalut further observe that the depositions now before them tend to show that the 2d Prisoner was as much a principal in the murder as the 1st and 3d, and that the contradictory statements given by him before the Police would under any circumstances render his admission as an approver inexpedient.

4.

The Court of Foujdaree Adalut consequently decline to sanction the admission of the said Prisoners as approvers.

Ordered

December 1857.

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

(Sd) Gordon M. 1348

Read letter dated 18th December 1857 from the Sessions Judge of Masulipatam, submitting for the final Judgment of the Foujdaree Adalut the records in case No. 76 of 1857 of the Calendar of the Sessions Court.

Prisoners Nos. 2, 9, 10 of 1857.

S. L. Stamper.

The Court of Foujdaree Adalut, on a deliberate consideration of all the circumstances in evidence before them, being of opinion that the proof against the Prisoners is sufficient to convict them of the crime of Perjury, do convict them thereof, and under the provisions of Clause first Section III Regulation VI of 1811 and Section XXXV Act XVII of 1843, sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for during the period of (2) two years.

(Sd) Gordon M. 1349

Read.

27th December 1857.

Read Letter dated 19th December 1857 from the Sessions Judge of Masulipatam submitting for the final Judgement of the Foujdaree Adalut the records in Case No. 78 of 1857, of the Calendar of the Sessions Court.

/Enclosures 5 Pp. No. 2927 of 1857/

W. L. Stamp.

The Court of Foujdaree Adalut, on a deliberate consideration of all the circumstances of the Case in evidence before them seeing no opinion that the proof against the Prisoner

"Nangesetty Veerapah"

is sufficient to convict him of the Crime of Perjury, do convict him thereof; and under the providions of Clause First Section III Regulation VII of 1811, and Section XXXIV Act VII of 1843, Sentence him to be imprisoned and kept to hard Labor in irons on the public roads or other public works for and during the period of (2) two Years.

/Sentence No. 1350/

Read return dated the 17th Instant from the Sessions Judge of Rajahmundry, to the precept of the Foujdaree Adalat under date the 9th Instant, directing the Course to be followed by the Magistrate in the Case of Chalikamy Atchea

Petitioner

Read letter dated the 22d. Instant from the Session Judge of Chingleput, reporting in reference to the Higher Court's letter of the 13th. Instant the transfer of 28 Convicts to the Custody of the Superintendent of Government Roads at Guindy -

/ Filed entered F.R. No. 2921 of 1857 /

Read Calendar of Case No. 50 of 1857 Submitted by the Session Judge of Rajahmundry under date the 20th. Instant -

/ Filed entered F.R. No. 2925 of 1857 /

Read Report dated the 16th. Instant Submitted by the Session Judge of Chingleput, of persons apprehended in the Zillah of Chingleput and delivered to the Session Judge of Chingleput during the Month of November 1857

/ Entered F.R. No. 2926 of 1857 /

Read Calendar of Case No. 84 of 1857, Submitted by the Session Judge of Masulipatam under date the 15th. Instant -

/ Filed Entered F.R. No. 2932 of 1857 /

Read Calendar of Case No. 87 of 1857, Submitted by the Session Judge of Masulipatam under date the 15th Instant -

/ Filed entered F.R. No. 2933 of 1857 /

Do. Read.

F.U.

Monday, 29th December, 1851.

At a Court of the Foujdaree Udalut

Present.

G. S. Hooper, Esquire 1st
T. L. Strange, Esquire 2nd & 3rd } Puisne Judges.

Read letter dated the 15th December 1851 from the Sessions Judge of Honore submitting for the final judgment of the Foujdaree Udalut the Record of Case No 30 of 1851 of the Calendar of the Session Court.

Here Enter F.U. No 2909 of 1851.

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

Runga Shetty

is sufficient to convict him of the crime

Mr G. S. Hooper.
and
Mr T. L. Strange.

crime of Culpable Homi
the penalty of Deyut is
under the Mahommedan
declared in Fetwah of
Officers do commit him
under the provisions of
Section XV Regulation
hence the Prisoner to be
and kept to hard labor
the public roads or other
for and during the peri

The Court by
Udalut have convicted
in this case of Culpable
only, being satisfied from
deration of the evidence
striking the blow which
the death of the deceased
prisoner had no design
her life.—

Ordered, that
from these Proceedings be for
the Sessions Judge of Mir
his information.

(Sd) [illegible]

Sent in No. 1351

Read return dated 22nd December 1851 from the Acting Sessions Judge of Bellary to the Precept of the Foujdaree Udalut under date the 17th December 1851, directing the recommitment for trial before the Sessions Court of the prisoner in Case No. 66 of 1851 on the Sessions Calendar.

Here enter F. No. 2937 of 1851.

Read return dated 19th December 1851 from the Sessions Judge of Honore, to the precept of the Foujdaree Udalut under date the 11th December 1851, directing that the grounds upon which the Cases Nos. 40 & 41 on the file of the Sessions Court for 1851 have been set down for reference, should be stated.

(Here enter F. No. 2946 of 1851.)

crime of Culpable Homicide for which the penalty of Deyut is awardable under the Mahommedan Law as declared in Futwas of their Law Officers do convict him thereof, and under the provisions of Clause Second Section XV Regulation VII of 1802 sentence the Prisoner to be imprisoned and kept to hard Labor in irons on the public roads or other public works for and during the period of (3) years.

The Court of Foujdaree Udalut have convicted the prisoner in this case of "Culpable homicide" only, being satisfied from a consideration of the evidence that in striking the blow which caused the death of the deceased, the prisoner had no design of taking her life.—

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

Sd/ H.W.

Read return dated 22d December 1851 from the Acting Sessions Judge of Bellary to the Precept of the Foujdaree Udalut under date the 17th December 1851, directing the recommitment for trial before the Sessions Court of the prisoner in Case No. 66 of 1851 on the Sessions Calendar.

Here enter F. No. 2937 of 1851.

Read return dated 19th December 1851 from the Sessions Judge of Honore, to the precept of the Foujdaree Udalut under date the 11th December 1851, directing that the grounds upon which the Cases Nos. 40 & 41 on the file of the Sessions Court for 1851 have been set down for reference, should be stated.

(Here enter F. No. 2946 of 1851.)

F: U:

Wednesday 31st. December 1851.

At a Court of the Foujdaree Adalut.

Present.

W.K. G: S: Hooper Esqre. ——— 1st. Puisne Judge

J.P.T. E: P: Thompson Esqre. ——— 2nd. Puisne Judge

F.L.S. F: L: Strange Esqre. — Officiating 3rd. Puisne Judge

Read Letter dated the 22nd. December 1851 from the Session Judge of Masulipatam submitting for the final Judgment of the Foujdaree Adalut the Record of Case No. 81 of 1851 of the Calendar of the Session Court.—

(Here enter F: A: No. 2940 of 1851).

Mr. G: S: Hooper

The Court of Foujdaree Adalut, on a diliberate consideration of all the circumstances of the Case in evidence before them, being of opinion that the proof against the prisoner

Atmoody Veeramah.

is sufficient to convict him of the crime of wilful Perjury, do convict him thereof; and under the provisions of Clause First. Section III Regulation VI of 1811, and Section ~~XXXIV~~ Act. VII of 1843, sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (2) Two years.—

(Sent in No. 1352.)

Read.

Read Miscellaneous Petition presented on the 3rd November 1851 by Kuruttyan Kutty on behalf of Setu Girdaradoss Gnanakai Jithathee Birjee Dushaw dose Sahukar Zillah of Masulipatam

Mr. J. L. Strange 1.

(Here enter F. M. P. No. 150 of 1851)

The Petitioner appeals from an order passed by the Sessions Judge of Masulipatam under date the 14th August 1851 declining to direct the remission of a fine imposed upon him by the late Acting Magistrate for resisting and assaulting the Magistrates Peons when they were endeavouring to stop a procession with music in which the Petitioner was engaged in opposition to an order issued by the Magistrate prohibiting such processions after the hour nine P. M.

2.

The Court of Foujdaree Adalut are of opinion that the order of the late Magistrate interdicting processions with music passing by the public streets after the hour of 9 P. M. was right and proper, and as it appears from the Petitioner's own showing that he acted in breach of the said order on the occasion which led to the imposition of the fine he now complains of, the Court of Foujdaree Adalut consider that he was rightly fined and they refuse to interfere in his behalf.

31st December 1851.

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

Read again Calendar in Case No. 27 of 1851 submitted by the Sessions Judge of Madura under date the 4th September 1851.

(Here enter F. M. No. 2133 of 1851).

Read also Miscellaneous Petition presented on the 10th November 1851 by Poorapa Gounden Zillah Madura.—

(Here enter F. M. P. No. 156 of 1851).

Mr. J. L. Strange 1.

The Court of Foujdaree Adalut see no sufficient reason for calling for the record of foregoing case or for questioning the justice of the sentence passed by the Sessions Judge upon the 9th 10th and 11th prisoners and they accordingly resolve to dismiss this Petition.

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

Read Miscellaneous Petition presented on the 13th November 1851 by Adi Lukshmanmah of Zillah Chingleput.—

(Here enter F. M. P. No. 160 of 1851

Mr. E. P. Thompson 1.

The Court of Foujdaree Adalut cannot comply with the Petitioner's application for

for the release of her husband "Rayanum" — prisoner in Case No. 5 of 1851 on the file of the Sessions Court of Chingleput who under the orders of Government has been imprisoned for life in the Jail at Chingleput having been tried for the crime of "Culpable homicide" and a Special verdict recorded against him to the effect that he committed the act charged but was of unsound mind at the time —

2.

The nature of the act proved against the prisoner precludes the Court from recommending that he should be set at liberty at any future period —

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

Read Miscellaneous Petition presented on the 17th November 1851 by V. Seth Saun Esqr. Vakeel on behalf of Rajah Bommarauze Bahadur Zemindar of Carvatynuggur in the Zillah of Chittoor.

(Here enter F. St. M. P. No. 163 of 1851).

Mr. G. S. Hooper and H. Morris.

The Court resolve in compliance with the Petitioners request to defer the disposal of Petition No. 133 of 1851 for one fortnight from this date —

Ordered that Extract from these Proceedings be furnished to Petitioners Vakeel on his application —

Read

F. St.

1st December 1851.

Read Miscellaneous Petition presented on the 15th December 1851 by J. Ouchterlony Esqr. Vakeel on behalf of Balasoobramanega Chetty and another of Zillah Coimbatore.

(Here enter F. St. P. No. 172 of 1851).

Mr. G. S. Hooper and Mr. F. S. Strange

The Court of Foujdaree Adalut observe that the Petitioner has been acquitted by the Foujdaree Adalut of the offence charged against him in the Case referred to in this Petition upon which therefore no orders are required —

Ordered that Extract from these Proceedings be granted to Petitioners Vakeel on his application —

Read Miscellaneous Petition presented on the 15th December 1851 by V. Seth Saun Esqr. Pleader on behalf of Sullaw Mahomed Sow of the 1st Prisoner in Calendar No. 31 of 1851 of the Sessions Court of Coimbatore —

(Here enter F. St. P. No. 173 of 1851).

Mr. G. S. Hooper and Mr. F. S. Strange

The Court of Foujdaree Adalut observe that the Prisoner in the Case referred to in this petition has been acquitted by the Court of Foujdaree Adalut and that therefore no further orders are required —

Ordered that Extract from these Proceedings be furnished to the Petitioners Pleader on his application —

Read

Read Miscellaneous Petition forwarded by the Sessions Judge of Masulipatam from P. Pommmbala Goodely of that zillah.—

Mr. T. L. Strange.

(Here enter F. Dr. P. No. 176 of 1851).

The Court of Foujdaree Udalut had acquitted the Petitioner of the offence charged against him in the case referred to before this Petition was received, and they observe therefore that no further orders are required with reference thereto.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Masulipatam for communication to Petitioner.—

(Sent in No. ——).

Read again letter under date the 29th August 1851 from the Agent to the Governor of Fort St. George at Kurnool submitting the report of the trial of a prisoner charged with Gang Robbery by open violence.—

(Here enter F. Dr. No. 2144 of 1851)

Read also return under date the 29th November 1851 from the Agent to the Governor of Fort St. George at Kurnool to the precept of the Foujdaree Udalut dated the 17th September last directing the transmission of the depositions given by the prisoner in the foregoing Case.—

(Here enter F. Dr. No. 2776 of 1851)

Mr. G. S. Hooper } and Mr. E. B. Thompson } 1.

It appears that the evidence depends entirely upon a confession made by him in a former case which he has retracted in this case.—

2. Under these circumstances the Court of Foujdaree Udalut observe that the prisoner cannot be convicted of the crime charged against him in this case and they accordingly resolve to direct that the said prisoner be unconditionally released.—

Ordered that Extract from these Proceedings be sent to the Governor of Fort St. George at Kurnool for his information and guidance.—

(Sent in No. 1363).

Read again Miscellaneous Petition forwarded by the Sessions Judge of Tinnevelly from Gopalayangar of that Zillah.—

(Here enter F. Dr. P. No. 134 of 1851).

Read also return under date the 9th December 1851 from the Sessions Judge of Tinnevelly to the precept of the Foujdaree Udalut dated the 27th November 1851 calling for a report of the circumstances which led to the

the interference of the Magistracy in the matter referred to in the foregoing Petition:-

(Here enter F: C: No. 2824 of 1851).

Mr. G: S: Hooper and Mr. T: L: Strange. 1. The Court of Foujdaree Adalut observe from the explanation submitted with this return that the question which led to the interference of the Magistracy in the matter referred to was one of civil right and in which the Magistracy had therefore no authority to interfere, the matter in question having evidently been all along in the possession of the Petitioners party.-

2. The Court of Foujdaree Adalut accordingly resolve to direct that the fines - - imposed be remitted.-

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

(Sent following Precept No. 1354).

Read return dated the 10th Instant from the Sessions Judge of Trichinopoly, to the precept of the Sudder Adalut under date the 27th Ultimo forwarding translation of a Miscellaneous Petition presented to them by Veerarayan Reddien late Jail Peon at Trichinopoly and directing the Sessions Judge to report the circumstances of

the Petitioners case.-

(Here enter F: C: No. 2827 of 1852).

Read return dated the 20th Instant from the Sessions Judge of Coimbatore, to the precept of the Foujdaree Adalut under date the 1st December 1851, directing to review the Proceedings held in case No. 23 on the Magistrates' Calendar for the Month of October 1851, and pass such orders as he may think proper.-

(Here enter F: C: No. 2935 of 1852).

Read return dated the 23rd Instant from the Sessions Judge of Coimbatore, to the precept of the Foujdaree Adalut under date the 1st Idem, directing the annulment of the requisition of Security from the Prisoner in Case No. 17 on the Security Calendar of the Magistrate for the 2nd Quarter of 1851.-

(Here enter F: C: No. 2936 of 1851).

Read return dated the 24th Instant from the Acting Sessions Judge of Bellary, to the precept of the Foujdaree Adalut under date the 17th Idem, directing that the explanation called for from the Magistrate regarding the long detention of the prisoner in Case No. 63 of 1851, on the Sessions file before the talook authorities and the cause of the date of his - -

apprehension

apprehension having been erroneously set forth, may be submitted for their consideration.-

(Here enter F: 66: No. 2947 of 1851).

Read Criminal Report of Case No. 71 of 1851 submitted by the Sessions Judge of Guntoor under date the 26th Instant.-

(Here enter F: 66: No. 2949 of 1851).

Read letter dated the 23rd Instant from the Acting Sessions Judge of Calicut, transmitting the Warrant issued for the execution of the sentence of death passed on the Prisoner in Case No. 71 of 1851, on the Calendar of the Sessions Court zillah Calicut, with the endorsement of the Acting Subordinate Judge and Copy of his report according to Circular Order Fort St. David dated 3rd May 1830.-

(Here enter F: 66: No. 2956 of 1851).

Read Report dated the 20th Instant submitted by the Sessions Judge of Chittoor, of the Labor of Convicts of the Jail at Vellore under the charge of the Head Assistant Magistrate of North Arcot for the Month of November 1851.-

(Here enter F: 66: No. 2957 of 1851).

Read Report dated 27th Instant submitted by the Sessions Judge of Combaconum of the Jail accounts in charge of the Magistr for the Month of November 1851.-

(Here enter F: 66: No. 2958 of 1851).

Read Calendar of Case No. 63 of 1851 submitted by the Sessions Judge of Cuddapah under date the 23rd Instant.-

(Here enter F: 66: No. 2939 of 1851).

Read Calendar of Case No. 70 of 1851 submitted by the 4th Sessions Judge of Bellary under date the 24th Instant.-

(Here enter F: 66: No. 2961 of 1851).

Read Calendar of Case No. 11 of 1851 submitted by the Sessions Judge of Tinnevelly under date the 22nd Instant.-

(Here enter F: 66: No. 2

Read return dated Instant submitted by the Sessions Chittoor, exhibiting the number of C the charge of the Head Assistant at Vellore to whom the Muscinnu rates of diet were issued for the Mo November 1851.-

(Here enter F: 66: No. 29

Read Extract from P dated the 23rd Instant from the 2nd Sessions of Calicut held on remand by him on the

apprehension having been erroneously set forth, may be submitted for their consideration.-

(Here enter F: C: No. 2947 of 1851).

Read Criminal Report of Case No. 71 of 1851 submitted by the Sessions Judge of Guntoor under date the 26th Instant.-

(Here enter F: C: No. 2949 of 1851).

Read letter dated the 23d Instant from the Acting Sessions Judge of Calicut.- transmitting the Warrant issued for the execution of the sentence of death passed on the Prisoner in Case No. 71 of 1851, on the Calendar of the Sessions Court zillah Calicut, with the endorsement of the Acting Subordinate Judge and Copy of his report according to Circular order Foujdaree Adalut dated 3d May 1830.-

(Here enter F: C: No. 2956 of 1851).

Read Report dated the 20th Instant submitted by the Sessions Judge of Chittoor, of the Labor of Convicts of the Jail at Vellore under the charge of the Head Assistant Magistrate of North Arcot for the Month of November 1851.-

(Here enter F: C: No. 2957 of 1851).

Read Report dated 27th Instant submitted by the Sessions Judge of Combaconum

of

of the Jail accounts in charge of the Magistr for the Month of November 1851.-

(Here enter F: C: No. 2958 of 1851).

Read Calendar of Case No. 63 of 1851 submitted by the Sessions Judge of Cuddapah under date the 23d Instant.-

(Here enter F: C: No. 2939 of 1851).

Read Calendar of Case No. 70 of 1851 submitted by the 4th Sessions Judge of Bellary under date the 24th Instant.-

(Here enter F: C: No. 2961 of 1851).

Read Calendar of Case No. 14 of 1851 submitted by the Sessions Judge of Chicacole under date the 22d Instant.-

(Here enter F: C: No. 2948 of 1851).

Read return dated the 20th Instant submitted by the Sessions Judge of Chittoor, exhibiting the number of Convicts under the charge of the Head Assistant Magistrate at Vellore to whom the Maximum and other rates of diet were issued for the Month of November 1851.-

(Here enter F: C: No. 2963 of 1851)

Read Extract from the Proceedings dated the 23d Instant from the 4th Sessions Judge of Calicut held on review by him on the Magistra

Calend

under the provisions of Clause Second Section IV — Regulation VI of 1822 sentence the prisoner,

3d Cawder bee

to be imprisoned and kept to labor suitable to her sex for and during the period of (5) five years.

1. In the absence of any positive evidence to show that the 1st prisoner in this case was the — actual perpetrator of the murder charged, the Court of Foujdaree Adalut have considered themselves justi- = fied in passing on him a mitigated sentence of trans- = portation for life -

2. The Court are of opinion that in the case of the 3d prisoner a more lenient sentence than 5 years' imprisonment would be insufficient to meet the demand of justice -

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

(Sent in No. 1163)

Read letter dated 6th Instant from the Session Judge of Monore submitting for the final Judgement of the Foujdaree Adalut the Record of Case No. 25 of 1851 of the Calendar of the Session Court -

(Here Enter F. A. No. 2593 of 1851)

The Court of Foujdaree Adalut on a

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

"Luscoomana Gowda"

committed the act charged against him, being then of unsound mind, under the provisions of Act IV of 1849 direct that he be kept in safe custody in the Gaol at Monore until the pleasure of Govern- = ment regarding him be made known.

The Evidence in this Case shows — that the prisoner was accounted by his relations and — others to have been overtaken by lunacy at the time of the last Wollee full moon (17th March 1851), that because of this conviction he was removed for change of scene to a friend's house where he was for the — twenty days just preceding the murder, and that on the day of his return to his own house he com- = mitted the murder. The prisoner is described to have had lucid intervals broken in upon by occasional fits of madness. His symptoms are said to have — been that he ran out into the jungle, threw himself down and sat silent without answering questions. — Thereby madness certainly cannot be said to have been positively demonstrated to have existed, but yet — such acts might well have proceeded from alienation

of

of mind, and may be thought to have done so where, as in the present instance, there has been nothing otherwise to account for them - That more detailed symptoms have not been afforded may be owing to want of watchfulness and observation on the part of the deponents. There is nothing on the other hand to raise doubts as to the faithfulness of the evidence given, or to create the suspicion that the witnesses have been endeavouring to make out a case of madness in the prisoner's behalf. The circumstances of the murder, as it appears to the Court very sufficiently justify the witnesses in their impression that the prisoner has been insane, for upon the face thereof the act has been that of a madman. The deceased was the prisoner's wife, and she was a young recently married to him, and they had lived on affectionate terms. The parties had just returned amicably from a friend's house to their own, and the deceased was occupied with household duties, when, without an apparent cause, she was assailed and killed by the prisoner.

2.

Under all the circumstances in evidence the Court are of opinion that the murder of which the prisoner has been convicted can only be attributed to alienation of mind, and they have accordingly

17th November 1851.

accordingly recorded a Special verdict to that effect, and have reported the case for the Orders of the Right Honorable the Governor in Council.

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

(Sent in No. 1164)

Read Letter under date the 21st October 1851 from the Agent to the Governor of Fort St. George at Kurnool.

(Here enter F. R. No. 2480 of 1851)

The Court of Pondaree Adalut concur with the Agent that, under the circumstances represented in the foregoing letter, the prisoner therein referred to is not a fit object to be put upon his trial, and they accordingly direct that he be made over to the charge of his friends as recommended by the Agent.

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

(Sent in No. 1165)

Read Letter under date the 18th October 1851 from the Agent to the Governor of Fort St. George at

17th November 1851.

at Kurnool submitting a summary of the
recorded on the trial of a prisoner charged w

(Here enter F.R. No. 2479 of 18

The Court of Sonjaree
concur with the Agent in the conviction
prisoner in this case of the crime laid to
but being of opinion that the exceedin[g] ap
of the enormity of his offence exhibited by
prisoner as demonstrated both in the circum
under which it was committed, and on his
before the Agent, justifies the award of a
severe sentence than that which the Agent
proposed, they resolve to direct that the pr
Shaloon
be sentenced to four years' imprisonment
hard labor in irons.

Ordered that Extract from
Proceedings be sent to the Agent to the Gov
of Fort St. George at Kurnool for his inform
=ation.-

(Sent in No. 1186)

Read Calendar of Case No. 87 of
of the Session Court of Coimbatore.

(Here enter F.R. No. 2552 of 1851)

Before passing their final Orders
on this Case, the Court of Sonjaree deem

F.R.

17th November 1851.

to be more fully informed of the nature of the
wounds inflicted by the Prisoner on the persons
of the Prosecutor and first Witness; information
on this point being essentially necessary to enable
the Court to judge of the propriety of the sentence.

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. 1167)

Hd Ws.

Wednesday.
19th. November 1857.

F. Ud.

At a Court of the Foujdaree Udalut.

Present:

G. S. Cooper Esqre. ——— 1st. Puisne Judge.
C. P. Thompson Esqre. ——— 2nd. Puisne Judge.
T. L. Strange Esqre. officiating 3rd. Puisne Judge.

Read letter dated 6th. November 1857 from the Sessions Judge of Masulipatam requesting instructions as to whether a certain Witness should be put upon his trial for Perjury

(Here enter F. Ud. No. 2583)

The question now submitted to the Court involves no point of construction or practice and, as such alone can properly be made the subject of a reference for instructions, the Court of Foujdaree Udalut must decline passing any orders on this communication and leave Mr. Dowdeswell to act upon his own judgment in the matter.

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

(Sentence No. 1169)

Read

19th November 1851.

Reads letter under date
August 1851 from the Sessions Judge
| November No. 2113 of
1

With the foregoing
Sessions Judge has forwarded a
the Magistrate of Cuddalore in
Officer objects to the acquittal by
Court of the prisoners in case.
and requests that the Calendar
case may record the review of the
Foujdaree Udalut.
2.

The Magistrate
that the guilt of the prisoners
in question of the offence laid to
has been proved by full legal
adverting to an expression which
the remarks recorded by the Sessions
upon the Calendar that he "found
"practicable to determine the
"taken by each and the real
"violence used" the Magistrate
"the wording of the Judge's
"fully admits the legal guilt of
it being not admitted principle

November 1851.

law "that all parties engaged in an unlawful
"act are responsible for every consequence of
"that act whether they were the actual perpe-
"trators of any particular deed which brought
"about those consequences, or not."

3. The Court of Foujdaree Udalut will premise their remarks on the case referred for their consideration by observing that the acquittal of the prisoners in question by a competent tribunal precludes the adoption of any further proceedings against them with reference to the charges upon which they have been tried.

4. The Court however are unable to admit the validity of the objection advanced by the Magistrate to the judgment of the Sessions Judge in this case and they are of opinion that the Magistrate has attached a meaning to the expression made use of by the Sessions Judge, to which reference has already been made, which it was not intended to convey.

5. The expression in question, if it stood alone, would certainly admit of the interpretation put upon it by the Magistrate

viz:-

19th November 1851.

Hfs. that the acquittals of the pris
have in fact the unfortunate liability of
the exact part taken by each of
the commission of the offence
charge, but on a consideration of
tenor of the remarks recorded on
it becomes perfectly clear that
the Sessions Judge's meaning, but
contrary that he remarked with
in the acquittal of the prisoners
that the evidence against them
-sally contradictory and
6.

The Court is
it proper to observe that it is
of the Magistrate to object
on the proceedings of the Sessi
especially in cases in which
present instance, the decision
Court are final.
7.

The Contempt of
tried by the Courts of Sessions
before the Court of Foujdaree
which tribunal is entrusted
of commenting upon any
or irregularities in points of

F. No.
16th November 1851.

those Calendars may exhibit.-

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

(Sent in No. 1170.)

Read letter under date the 27th October 1851 from the Sessions Judge of Salem.-

(Here enter F. No. 2509 of 1851.)

The Court of Foujdaree Udalut resolve to direct that the property taken from the prisoners in the case referred to in the foregoing letter be restored to him.-

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

(Sent in No. 1171.)

Read letter dated 12th Instant from the Sessions Judge of Mangalore, submitting for the final judgment of the Foujdaree Udalut the record of Case No. 42 of 1851 of the Calendar of the Sessions Court.-

(Here enter F. No. 2624 of 1851.)

The

19th November 1851.
Mr G. S. Hooper.

The Court of Sessions
are to deliberate consideration of all the
circumstances of the case are evidence before
being of opinion that the prisoner
prisoner,

"Vitthiffen"

is sufficient to convict him of the
theft, to convict him thereof, and
reference to the provisions of the Rebe
Law as declared in the Pleadings of this Ses
annexing the penalty of amputation of
hand to that effect made to the provi
of Section XXI. Regulation VII of 1832. and
Section XXXIV. Act VII of 1843 sentence him
be imprisoned and kept to hard labour
irons on the public roads or other public
works for such during the period of
seven years.

(Sd.) following letter. No 1173

Sd
1852

Thursday
2nd November 1851.

At a Court of the Tuydaree Adalut

Present.

Hon'ble G S Hooper Esquire —— 1st Puisne Judge.
Hon'ble E P Thompson Esquire —— 2d Puisne Judge.
Hon'ble T L Strange Esquire —— 3d Puisne Judge.

Read Miscellaneous Petition presented on the 15th September 1851 by Lukshmi Narrasamma of Zillah Nellore.

/Errata Entered F M P No 1270 of 1851./

Mr T L Strange

The Court of Tuydaree Adalut observe that the charges stated in this Petition should be preferred to the Magistrate of Nellore and that if the Petitioner be dissatisfied with the order which may be passed by that officer thereon it will be open to her to appeal to the Sessions Court.

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

Read Letter dated 10th November 1851 from the Magistrate of Cuddapah submitting copy of a correspondence with the Subordinate Judge and requesting that two Convicts may be placed at his disposal.

/Errata Entered F M P No 2399 of 1851/

The Court of Tuydaree Adalut

direct

direct that the Subordinate Judge do
forthwith to place at the disposal of the
1st Convicts for employment upon
Sprinkles on the Magistrates letter of the
November 1851

2

The Court of Enquiry
observe that Mr Rathaway neighbour
complied with the Magistrate requisition
during that disease was communicated to
the enquiry made by Mr Rathaway and
idle and the Kistpoor determination made
his reply there was ill contended by Mr
the good feeling that ought always to
between public officers ought to
be entered.

3

The Court of Enquiry
observe that this application should have
forwarded thro the Sessions Judge of
in double hand as ordered the Sessions
Judge to comply with it.

Ordered that the Records
Proceedings be sent to the Sessions Judge
Cuddalapah by first post intimating
days from and after the receipt
Subjoining proceedings

Read Report dated 7th August
submitted by the Sessions Judge of
of Cases pending trial before the

Court on the 31st July 1851.-

/Overruled Fle. No 1064 of 1851./

Read Report dated the 2nd August 1851
submitted by the Sessions Judge of Mangalore of
Cases pending on the 30th June 1851 and Commit-
ted for trial in the Months of July 1851 before
the Sessions Court.-

/Overruled Fle. No 1883 of 1851./

Read Calendar of Case No 50 of
1851 submitted by the Sessions Judge of Masu-
lipatam under date the 4th October 1851.-

/Overruled Fle. No 2404 of 1851./

Read Criminal Report submit-
ted by the Subordinate Criminal Judge for the
month of September 1851 under date the 1st
October 1851.-

/Overruled Fle. No 2408 of 1851./

Read Report dated 13th October 1851
submitted by the Sessions Judge of Mangalore
of persons apprehended in that Zillah and
delivered to the Subordinate Judge and tried in
the months of September 1851.-

/Overruled Fle. No 2413 of 1851./

Read Calendar and Cases Nos 14
of 1851 submitted by the Sessions Judge of
Trichinopoly under date the 16th September 1851.-

/Overruled Fle. No 2413 of 1851./

Read Report dated the 3rd
November 1851 submitted by the Sessions Judge
of

30th November 1851.

of Abstract Statement of Cases pending
30th September 1851 and Commitments for
trial during the Months of October 1851
November & December 1851 &
Read the Returns from the
rings of the Inferior Courts of Judi
due to the 30th November 1851 of
petty Calendars for the 3d Quarter 1851
Entered F 16 — Nº 3506 of 1851

Ex
Rd

F. C.

Friday
21st November 1851.

At a Court of the Foujdaree Adalut.

Present

Sd/ R — G S Cooper Esquire — 1st
W M — C P Thompson Esquire — 2d — Puisne Judges.
W. pro J. L S — J L Strange Esquire — Offg

Read Calendar of petty Cases dis-
posed of by the Magistracy of Canara during the
2d Quarter of 1851.

(Here enter F 16 — Nº 3520 of 1851)

Calendar of persons punished.

Adverting to the number of Cases
in which parties have been convicted of the
offence of producing for exportation rice Mo-
rals below the Standard Measure and the
apparent leniency of the punishment therein
awarded, the Court of Foujdaree Adalut resolve
to declare their opinion that in such Cases
more severe Sentences are requisite to meet the
demands of justice and to repress a practice for
which the love of Gain and the expectation of
comparative impunity offers considerable —
temptation.

Calendar of persons discharged.

2 The Court of Foujdaree Adalut
observe considerable delay in the disposal of
Arrack

Irrara of the Cases entered in this Calendar
for which no explanation has been offered
and in the absence of any Security Calendar
they desire to be informed whether any Cases
had during the quarter under review ceased to
the provisions of Section II Regulation III of
or of Regulation XI of 1827 were brought to the

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

/ Sent following Precept No 1175 /

Translation of the Proceedings
No 17 of 1851 on the Calendar of the Sessions Court
of Trichinopoly not having as yet been received
the attention of the Sessions Judge is called to
Extract from the Proceedings of the Tsydarre
Adalut under date the 2nd October 1851 and he is
directed to expedite the transmission of the trial
in question without any further delay.

Ordered that Extract from these
Proceedings be sent to the Sessions Judge of Tri-
chinopoly by Precept returnable within iii days
from and after its receipt.

/ Sent following Precept No 1176 /

Translation of the Proceedings

Case No 14 of 1851 on the Calendar of the Sessions
Court of Trichinopoly not having as yet been
received the attention of the Sessions Judge is
called to the Extracts from the Proceedings of the
Tsydarre Adalut under dates the 5th September
and 8th November 1851 and he is directed to expedite
the transmission of the trial in question without
any further delay.

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

/ Sent following Precept No 1174 /

Read Calendar of Case No 39 of 1851
submitted by the Sessions Judge of Rajahmundry
under date the 7th November 1851.

/ Referred to No 2633 of 1851. /

Read Return dated the 11th Instant
from the Acting Sessions Judge of Bellary to
the Precept of the Tsydarre Adalut under date
the 1st November 1851 directing that the Report of
Cases Nos 135 and 146 of the B Report for the Months
of September 1851 should be submitted on forms.

/ Referred to No 2605 of 1851 /

Read Communication dated the
10th November 1851 from the Sessions Judge
of

Decr. Ber. 1851.

Calendars for the 3d Quarter of 1851.

(Here enter Fo. 11. No. 2962 of 1851).

Ex. 1860