on her application.

Read Miscellaneous Petition presented on the 16th June 1856, by Mr. J. H. D. Wilson, pleader on behalf of Doraiswamy and others of the zillah of Tinnevelly.

(Here enter F.M.P. No. 113 of 1856.)

Mr. F.W. Gordon

The Court of Foujdaree Adalut do not consider that the petitioner has adduced any good and sufficient reason which would warrant their interference with the Sessions Judge's sentence. Petition rejected.

Ordered, that Extract from these proceedings be furnished to the petitioner pleader on his application.

Read Miscellaneous Petition presented on the 16th ultimo by Veerasawmy of the zillah of Chittoor.

(Here enter F.M.P. No. 114 of 1856.)

Mr. F.W. Gordon

The Court of Foujdaree Adalut resolve to reject the petition and refer the petitioner to the orders formerly passed by them in the case to which the petition relates.

Ordered,

14th July 1856.

Ordered, that Extract from these proceedings be given to the petitioner on her application.

Read Extract of proceedings dated 5th ultimo submitted by the Sessions Judge of Chingleput, reviewing the Petty Calendars of the Magistracy for the 1st Quarter of 1856.

(Here enter F.R. No. 1073 of 1856.)

Read Calendars of Petty Cases disposed of by the Magistracy for the 1st Quarter of 1856 submitted by the Sessions Judge of Mangalore.

(Here enter F.R. No. 1074 of 1856.)

Read Calendar of Cases No. 27 of 1856 submitted by the Sessions Judge of Cuddapah under date the 21st April 1856.

(Here enter F.R. No. 1076 of 1856.)

Read Calendars of Cases Nos. 22 and 23 of 1856, submitted by the Acting Sessions Judge of Chittoor under date the 31st

(Here enter F.R. No. 1079 of 1856.)

Read Reports dated 2nd ultimo submitted by the Acting Sessions Judge of Tellicherry of a Case pending on the 31st May and committed for trial during the months of April 1856 before the Sessions Court.

(Here enter F.R. No. 1081 of 1856.)

Read

Read Criminal Report A. dated 6th ultimo, submitted by the Sessions Judge of Guntoor in Case No. 378 of 1856 on his file.

(Here enter F.R. No. 1084 of 1856.)

Read Calendar of Cases No. 12 of 1856 submitted by the Sessions Judge of Guntoor under date the 6th June 1856.

(Here enter F.R. No. 1085 of 1856.)

Read letter, dated 4th ultimo from the Sessions Judge of Chicacole, reporting the execution of the sentence of death on the prisoner in Case No. 2 of 1856, on his file.

(Here enter F.R. No. 1088 of 1856.)

Read Criminal Report B. dated 7th June 1856, submitted by the Sessions Judge of Masulipatam for the month of May 1856.

(Here enter F.R. No. 1089 of 1856.)

Read Return dated 6th ultimo from the Acting Sessions Judge of Salem, No. 2 under date 3rd June, calling upon him to reduce the sentence passed by him on the prisoner in Case No. 21 of 1856, to 6 months' H. L.

(Here enter F.R. No. 1090 of 1856.)

Read

14th July 1856.

Read Return, dated 7th ultimo from the Acting Sessions Judge of Madura to the precept of the Sessions Judge of Madura dated 16 under date the 27th May 1856, requesting certain information in Sessions Case No. 30 of 1856.

(Here enter F.R. No. 1094 of 1856.)

Read letter, dated 18th ultimo from the Sessions Judge of Chicacole, forwarding the Register B. of Cases disposed of by the Magistracy of Gunjam, for the month of May last.

(Here enter F.R. No. 1209 of 1856.)

Read letter dated 23rd ultimo from the Sessions Judge of Mangalore reporting the execution of the sentence in Case No. 14 of 1856, on his Calendar.

(Here enter F.R. No. 1210 of 1856.)

Ex. Clk.

F. 66.

Tuesday
15th July 1856. At a Court of the Foujdaree Adalut.

Present

F. Anderson, Esqr.,
T. W. Goodwyn, Esqr. } —— Acting Puisne Judges.

Read Calendar of Cases
No XII on the file of the Acting Agent
to the Governor in Ganjam.

(Here enter F. 66 No 1285 of 1856)

Before proceeding any final
order in this case, the Court of Foujdaree
Adalut resolve to call on the Acting Agent
to explain whether the prisoner's plea of
"guilty" has been correctly recorded, as such
a plea would be inconsistent with the prisoner's
whole statement, and the whole tenor of
the Agent's letter of the 23rd June, especially
para. 2, wherein it is stated that "he (the
prisoner) says, he acted in good faith."

Ordered,

15th July 1856.

Ordered, that Extract of these proceedings be forwarded to the Acting Sessions to the Governor of Fort St. George at Tanjore by Dawk Peon & returnable within III days from and after its receipt.

Sent following Dawk No.

J. U.

Wednesday 16th July 1856. } At a Court of the Tanjore Udalut.

Present.

G. S. Hooper Esquire
T. Anderson Esquire Actg
J. W. Goodwyn Esquire Sr. } Puisne Judges.

Read Calendar of Case No. 45 of 1856 of the Sessions Court of Bellary

(Hereinafter J. U. No. 1245 of 1856.)

The Court of Tanjore Udalut approve of the recommendation made by the Sessions Judge in this Case that the period of Imprisonment which the Prisoner noted in the margin has been adjudged to suffer on his Conviction of Highway Robbery be reduced to 7 years and they do authorize the Sessions Judge to issue his warrant accordingly.

1st Bogee Sashes 3 grades.

But being of opinion that the Evidence is not such as to warrant the 2nd Prisoner being called on to furnish Security the Court direct his immediate

and

and unconditional Release.

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

(Sent in No.)

Read again Calendar of Case No. 19 of 1856 of the Sessions Court of Nellore.

(Here enter F. Uo. No. 1065 of 1856)

Read also Returns and Despatches. mental returns dated respectively the 30th June and 5th July to the Precept of the Tahsildars Udaluk under date the 13th June 1856 calling upon the Sessions Judge to submit an English translation of the Record of the trial held in the above case for their consideration.

(Here enter F. Uo. Nos. 1236 & 1263 of 1856)

The Court of Judicature Udalut seeing no reason from the perusal of the Record to interfere with the Sentence passed in this Case resolves to accede to the recommendation made by the Sessions

16th July 1856.

Sessions Judge Viz: that the period of Imprisonment which the Prisoners noted in the margin have been adjudged to suffer on their Conviction of Robbery by open violence with wounding be mitigated to 10 years with hard labor in irons; and the Sessions Judge is hereby authorized to issue his warrant accordingly.

5. Cumpa Gungadu
7. Mallamanda Chetty
8. Mota Gurava da
10. Kaiyed dela Vu Kate gadu
and
11. Madam Gurava du.

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

(Sent in No.)

Read Extract from the Proceedings of the Sessions Court of Honore dated the 30th June 1856.

(Here enter F. Uo. No. 1268 of 1856)

With the above proceedings the Sessions Judge forwards Explanations from the Magistrate and Joint Magistrate of Canara for not carrying into effect the instructions contained in this Courts

proceedings

proceedings dated the 8th February 1855 regarding
the disposal of cases of clearing Commonage
and destroying trees in the Government Jungles.

Under the circumstances reported
by the Court of Fouidaree Udulut authorize
in disposing of the cases above referred
to, but they direct that greater exertions
be made for the early disposal of all
such cases.

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

(Sentence No)

Read Letter under date
the 30th June 1836 from the Sessions Judge of
Jaffna forwarding English Translation
of the record of Case No 26 of 1836 on the
Calendar of the Sessions Court, for the final
Judgment of the Court of Fouidaree Udulut.

(Here Enter F. O. No 1269 of 1836)

The Court of Fouidaree
Udulut

Udulut pw a deliberate Consideration of
the Circumstances of the Case in Evidence
before them, being of opinion that the Prisoners

1st Vigoondum Pillay

and

2d Ramalingam Reddy

are not Convicted pw presumptive proof
or pw the Evidence of Credible witnesses,
or pw their own Confession of the Crime
charged, do acquit them thereof, and direct
that they be set at liberty.

The Prisoners are charged
with having in Company with about 29
others, not apprehended, cut the Prosecutor's
Crop, beaten him, and robbed him of his
earrings and cloth.

The Assessors acquitted the
2 prisoners, but the Sessions Judge being unable
to concur with them in so far as they acquit
the prisoners of assault, recommends that
the prisoners be sentenced to 6 months
imprisonment with hard labor in irons.

The witnesses do not depose
3 to the prisoners having assaulted the
prosecutor,

W. T. Anderson
and
W. L. W. Goodrage

16th July 1836.

Prosecutor, the they destinctly depose to their having removed articles from his body. Had there been trustworthy evidence of the prisoners having been present at the assault, they might have been convicted of riding and abetting - but as the testimony of the witnesses as to their having taken articles from the body of the prosecutor has been declared unworthy of Credit, it appears to the Court of Foujdaree Adalut, that their evidence against the prisoners falls to the ground in toto. The Court therefore acquit the prisoners and order them to be released unconditionally.

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

Sent in Sd.

Read

16th July 1836

Read Statement, dated 7th Instant from the Acting Sessions Judge of Tellicherry of Batta paid to Prosecutors and witnesses attending before him for 1st half year 1836.

(Here enter F. No. 1296 of 1836)

Read Statement dated 9th 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 1836.

(Here enter F. No. 1301 of 1836)

Read letter under date the 5th July 1856 from the Sessions Judge of Nellore.

(Here enter F. No. 1254 of 1856)

The question submitted

1

in the above letter for determination by the Foujdaree Adalut is whether Sections IV and XII Regulation X of 1827 are applicable to Assessors under Section XXXII Act XII of 1843 regarding their remuneration and Selection.

2 The Court of Foujdaree Adalut reply

16th July 1856

reply in the negative and they resolve to forward to the Session Judge of Bellary an Extract from their Proceedings dated the 22nd September 1853 on a similar reference from the Acting Sessions Judge of Cuddapah

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

Lushai No.

E.W.H.

T. 16.

Monday 21st July 1856

At a Court of the Tanjore Udalut

Present

T. Anderson Esqre — Acting Puisne Judge

T. W. Goodwyn Esqre — Acting Puisne Judge

Read Petty Calendars of the Magistracy for the 1st Quarter of 1856 Zillah Bellary

(Here enter T. 16. No 1262 of 1856)

The Court of Tanjore Udalut observe that in many cases particulars are stated in the charge 1 which need not be stated whether it was committed in the day time or at night. This distinction is chiefly necessary in cases of theft and robbery, wherein the nature of the offence is affected by the time at which it was committed. The use of such expressions, as "3 months previous to" a certain date, should be avoided.

These Calendars having been fully 2 reviewed by the Session Judge the Court will only impress upon the Magistrate the necessity for being more punctual in the transmission of the Statements in future.

Ordered that Extract from these Proceedings be sent to the Session Judge of Bellary for

for his information

(Sentenced No

Read Calendar in Case No 27 of 1856
on the file of the Session Court of Chittoor

(Here enter F. C. No 1293 of 1856)

1. The Court of Fougdare Wahut observes that the sentence in this case is very meagre. The Acting Session Judge should have stated his reason for discrediting the evidence of the Prosecutor and the 3 witnesses.

2. The Court further remarks that the Extract of the Law officer is most defective.

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

(Sentence No

Read Miscellaneous Petition presented on the 27th June 1856 through the Acting Session Judge of Tellicherry by Cossya of that Tillah Mr Anderson

(Here enter F. C. No 1116 of 1856)

The Court of Fougdare Wahut on perusal of the Calendars and this petition see no reason to interfere

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

Read Statement dated 30th June 1856 from the

the Session Judge of Chingleput, of Batta paid to Prosecutors and Witnesses attending before the Session Court for the 1st half of 1856

(Here enter F. C. No 1309 of 1856)

Read Calendar of Case No 27 of 1856 submitted by the Acting Session Judge of Calicut under date the 9th July 1856

(Here enter F. C. No 1313 of 1856)

Read Criminal Report B dated 11th Instant, submitted by the Acting Session Judge of Tellicherry for the month of June 1856

(Here enter F. C. No 1314 of 1856)

Read Calendar of Case No 14 of 1856 submitted by the Session Judge of Guntoor under date the 12th Instant

(Here enter F. C. No 1315 of 1856)

Read Calendars of Cases No 12 and 13 of 1856 submitted by the Session Judge of Chingleput under date the 15th Instant

(Here enters F. C. No 1316 and 1317 of 1856)

Read Calendars of Cases No 21 and 22 of 1856, submitted by the Session Judge of Cuddalore under dates the 28th and 30th Instant

(Here enter F. C. No 1319 and 1320 of 1856)

Read Return dated 15th Instant from the Session Judge of Trichinopoly to the Precept of the Fougdaree

31st July 1856.

Foujdaree Udalut under date the 10th Instant, directing the release of the Prisoner in Case No. 7 of 1856 on the file of the Acting Head Assistant Magistrate.

(Here enter F. 96. No. 1323 of 1856)

Read Criminal Report B dated 12th Instant, submitted by the Session Judge of Masulipatam for the months of June 1856.

(Here enter F. 96. No. 1324 of 1856)

Read Statement dated 9th Instant submitted by the Acting Session Judge of Cuttack, of Batta paid to Prosecutors and Witnesses attending before the Session Court for the 1st half of 1856.

(Here enter F. 96. No. 1325 of 1856)

Read Statement required by Circular Order No. 4. submitted by the Acting Session Judge of Cuttack, from 1st January to 30th June 1856.

(Here enter F. 96. No. 1326 of 1856)

4th Ditto

F. 96.

Tuesday — 22nd July 1856.

At a Court of the Foujdaree Udalut

Present

G. A. Cooper Esqre — Puisne Judge
F. Anderson Esqre — Actg. Puisne Judge
T. W. Goodwyn Esqre — Actg. Puisne Judge

Read Calendar of Case No. 10 of 1856, submitted by the Session Judge of Honore, under date the 3rd Instant

(Here enter F. Ca. No. 1291 of 1856)

The Court of Foujdaree Udalut observe that malice should have been entered in the 1st and 2d Counts of the charge in this case.—

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

(Sent in No. 1)

Read Calendar of Cases Nos. 33, 34 and 35 of 1856, submitted by the Acting Session Judge of Chittoor, under date the 1st Instant.—

(Here enter F. 96. No. 1284 of 1856)

The Court of Foujdaree Udalut

Udalut observe that the manner in which the accused are alleged to have commit-ed the escape should have been entered in the charges, and they direct that this omission be brought to the notice of the Acting Subordinate Judge.-

Ordered, that Extract from these proceedings, be sent to the Acting Session Judge of Chittoor for communication to the Acting Subordinate Judge

/Sent in No. /

Read Calendar of Case No. 32 of 1856, on the file of the Court of Chittoor

/Here enter F.Rc. No. 1298 of 1856/

Before passing any final proceedings in this case, the Court of Foujdaree Udalut desire that the deposition of the Gillah Surgeon who inspected the prisoners be forwarded without delay.-

Ordered, that Extract from these proceedings, be sent to the Acting Session Judge of Chittoor, by Precept returnable within III days from and after

after its receipt.-

/Sent following precept &c./

Read letter under date the 11th July 1856, from the Session Judge of Masulipatam, submitting for the final judgment of the Foujdaree Udalut the record of Case No. 25 of 1856, on the Calendar of the Session Court.-

/Here enter F.Rc. No. 1341 of 1856/

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,

"Comaro Basavanadu"

is not convicted on presumptive proof as 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.-

In this case the prisoner was tried for wilful Murder. The Assessors gave a verdict of acquittal. The Session Judge not concurring in the verdict, but considering the prisoner was guilty of the crime charged referred the trial to

Messrs Henfrey and Anderson.

to the Court of Fouzdaree Udalut for their consideration with a recommendation that the Prisoner should be transported for life.-

2. In the view taken by the Session Judge of this case, the Court of Fouzdaree Udalut do not concur and for the following reasons. The statements of the 2d Witness for the prosecution, the only direct evidence adduced, are so contradictory and improbable as to be in the opinion of the Court untrustworthy; if any reliance is to be placed upon them, then the 2d Witness himself guilty of having been at least an "accessary after the fact" in having assisted the Prisoner in throwing the body of the deceased into the well for the purpose of concealing the murder. The Prisoner cannot be convicted on such evidence, and there is nothing in the circumstantial evidence adduced in the case to bring the charge home to the Prisoner, although there may be sufficient to excite suspicion against him.-

Moreover

3

Moreover the witnesses exam-
-ined as to the state in which the
corpse was found when taken out
of the well give discrepant and fal-
from satisfactory testimony on that
point, leaving it doubtful whether
the deceased was really murdered or
whether his death was accidental
or from suicide.-

4. In these circumstances the Court of Fouzdaree Udalut resolve to acquit the prisoner and direct his immediate release.-

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

/Sent in No./

Read Calendar of Case No. 37 of 1856, submitted by the Acting Session Judge of Madura under date the 8th Instant.-

/Here enter F. No. Pa. 1294 of 1856/

The Court of Fouzdaree Udalut direct that the Magistrate be called

22nd July, 1856.

called upon to explain the cause of 4 months' delay noticed by the Acting Session Judge.—

Ordered, that Contract from these proceedings, be sent to the Acting Session Judge of Madura, by precept returnable in 2 days from and after its receipt.—

Sent following precept No 1

Read letter dated 15th Instant from the Acting Session Judge of Calicut, submitting for the information of the Judges, Copy of the Proceedings of the Session Court recorded on Case No 11 alluded to by the Tongdaree Adalut in their remark under date 1st instant on review of the Criminal Reports for May last.—

/Here enter F. No. Pga 1359 of 1856/

Read Statement dated 1st Instant, submitted by the Session Judge of Tinnevelly, of Batta paid to Prosecutors and Witnesses attending before him from 1st January to 30th June 1856.—

/Here enter F. No. No 1375 of 1856/

Read

22nd July, 1856

Read Statement dated 19th Instant, submitted by the Acting Session Judge of Chittoor, of Batta paid to Prosecutors and witnesses attending before him from 1st January to 30th June 1856.

/Here enter F. No. Pga 1376 of 1856/s

E. S. C.

F. 16.

Wednesday.
23rd July 1856.

At a Court of the Fiujdaree Adalut.

Present.

F. Anderson, Esqre. } — Acting Puisne Judges.
T. W. Goodwyn, Esqre. }

Read again Calendar of Cases submitted by the Acting Sessions Judge of Madura.

(Vide date F. 16. No. 1097 of 1856.)

Read also Return dated 7th July 1856 from the Acting Sessions Judge of Madura to the Precept of the Fiujdaree Adalut under date the 19th June 1856, calling for enumerations of Cases in calling for enumerations of Cases No. 22 of 1856.

(Vide date F. 16. No. 1285 of 1856.)

The prisoner in this case was charged with having abducted the prosecutor's daughter and inveigled her into the Pagoda and thereby bodily carried off other parts of her body whereby she

his life was endangered.

2. The Supreme Judge, in connexion with the Intwa of the Land Officers, acquitted the prisoner, but the Court of Sanjdarra Udalab having reason to question the correctness of the acquittal, called for an English translation of the record of trial.

3. On an attentive perusal of the record, the Court of Sanjdarra Udalab are unable to concur with the Acting Supreme Judge in the propriety of the prisoner's acquittal.

4. The only reason for distrusting the prosecutor of the prisoner against the prisoner can be that they admit that the testimony of the 3 witnesses for the prosecution is insufficient. It does not in the opinion of the Court appear extraordinary that the witnesses should be all of one caste since all the inhabitants of Ibela Karry are of but one caste; and they appear to have assigned satisfactory reasons for passing by; nor do the Court consider that the caste regard indifference to the prosecutor's fate is incredible; and they are, therefore, of opinion that

that the testimony of these witnesses was sufficient for the conviction of the prisoner.

5. The Court observe that before dismissing the case, it was clearly the duty of the Acting Supreme Judge to have called for all the evidence procurable in proof of the prisoner's Police description admitting his presence at a petty affray; and to the evidence observed of traces of blood from the prosecutor's house to where he was found wounded, as well as the prisoner's own which the parties were living

6. The Acting Supreme Judge should also have taken the evidence of the prosecutor's neighbours who might have heard his cries, or seen the prosecutor's pursuer running from the spot; also that of the parties who found and carried the wounded prosecutor home, and of the 5 persons in the award referred to in 2nd and 9th Answers of the 1st and the 6th answer of the 2nd witness before the Supreme Court.

7. The Court of Sanjdarra Udalab further observe that the charge in the

the Calendar should have been headed, "proceeding" and the nature of the crime should have been inserted and malice should have been alleged in the abstract of the charge.

8. The future is defective in not discriminating the evidence on account of the "contradictions appearing from the features of the case," but points to explain away these contradictions.

9. The future of the Sessions Judge is also defective in not alluding to the nature of the defence.

Ordered, that Extract from the proceedings be forwarded to the Acting Sessions Judge of Madura, for his information.

/Sent in Ex.

Read Calendar in Case No. 30 of 1856, on the file of the Sessions Court of Tinnevelly.

/Here enter S. No. 1311 of 1856./

The Court of Foujdaree Adawlut consider that the sentence passed by the Sessions Judge in this case is sufficiently deterrent for the present offence.

on the principal Law Officer's committal of the case, that they resolve to direct the Sessions Judge to call upon that Officer for any explanation he may have to offer regarding the manner in which he disposed of the case, and in forwarding the same to the Court of Foujdaree Adawlut, the Sessions Judge will submit any remarks he may have to make on the subject.

Ordered that Extract from the proceedings be forwarded to the Sessions Judge of Tinnevelly, by Precept for information and guidance within V days from and after the receipt thereof.

/Sent following Precept No. /

Read letter under date the 11th July 1856 from the Sessions Judge of Calicut, forwarding English translation of the record of Case No. 26 of 1856, on the Calendar of the Sessions Court for the final judgment of the Court of Foujdaree Adawlut.

/Here enter S. No. 1340 of 1856./

The Court of Foujdaree Adawlut, on deliberate consideration of all the circumstances of the case as brought before them,

Mr. J. W. Goodwyn.

third, being of opinion that the prisoners

1st Ally

and

2nd Dakiel Vitti Modonay

are not convicted on presumptive proof, or on the

evidence of credible witnesses, or on their own

confession of the crimes charged, do acquit them

thereof, and direct that they be set at liberty.

/ Sent in A.

Read Return dated 14th June

1856 from the Session Judge of Caldecotta under date the 4th

precept of the Fiscal dated 11th July

stating, calling upon him to record the reasons

stated by the 3rd prisoner in Case No. 31 of 1856

on his Calendar.

/ Here enter F. 16. No. 1350 of 1856./

Read Return dated 11th July

1856 from the Officiating Agent to the Governor

of Fort St. George, at Madras, to the precept

of the Singapore Adalat under date the 4th July

1856, directing that the Records in Case Nos.

29, 30, 31 and 32 of 1856, be forwarded to the Court

for their final consideration.

/ Here enter F. 16. No. 1353 of 1856./

Read

23rd July 1856.

Read Criminal Report B.

dated 4th July 1856, submitted by the Magistrate

of Chingleput, for the months of June last.

/ Here enter F. 16. No. 1335 of 1856./

Read Criminal Report B.

dated 14th July 1856 submitted by the Session

Judge of Malacca, for the months of

June last.

/ Here enter F. 16. No. 1337 of 1856./

Read Criminal Reports B.

dated 16th July 1856 submitted by the Session

Judge of Caldecotta, for the months of June last.

/ Here enter F. 16. No. 1339 of 1856./

Read Return, dated 17th July

1856 from the Acting Session Judge of Chittoor,

to the precept of the Singapore Adalat under date

the 30th June 1856, passed on a review of the

Criminal Reports for May 1856.

/ Here enter F. 16. No. 1343 of 1856./

Read Return dated 16th July

1856 from the Acting Session Judge of Chittoor,

to the precept of the Singapore Adalat under

date the 14th July 1856, passed on a Re-

=view

Serial 57 of the Calendar of Cases No. 28 of 1856.

(Here enter F.C. No. 1344 of 1856.)

Read Calendar of Cases No. 38 of 1856 submitted by the Acting Sessions Judge of Chittoor, under date the 12th July last.

(Here enter F.C. No. 1345 of 1856.)

Read Opinion & Report B. dated 1st July 1856 submitted by the Acting Sessions Judge of Calicut, for the months of June last.

(Here enter F.C. No. 1349 of 1856.)

Read Calendar of Cases No. 49 of 1856, submitted by the Sessions Judge of Bellary, under date the 17th July last.

(Here enter F.C. No. 1353 of 1856.)

Ld Elliot

F. C.

Thursday 24th July 1856.

At a Court of the Foujdaree Adalut.

Present.

F. Anderson, Esqre. } — Acting Puisne Judges.
T. W. Goodwyn, Esqre. }

Read Calendar of Cases No. 48 of 1856 of the Sessions Court of Bellary.

(Here enter F.C. No. 1217 of 1856.)

Read also letter dated 11th Instt from the Sessions Judge of Bellary, submitting an explanation as to why a second Sitting was not taken in Case No. 48 of 1856, on the Sessions Calendar.

(Here enter F.C. No. 1310 of 1856.)

The Court of Foujdaree Adalut consider the explanation forwarded by the Sessions Judge in the foregoing letter to be satisfactory.

Ordered, that the Court from thence forwarding

24th July 1856.

proceedings be forwarded to the Sessions Judge of Bellary for his information.

(Sd.) [illegible]

Read Calendar of Cases of the Sessions Court of Tinnevelly

(Here enter G.O. No. 1312 of 1856.)

The Court of Foujdaree Adawlut observe that the finding of the charge in this case should have been "Murder" instead of "Homicide" committed for the convicting authority to decide whether any circumstances in connection with the commission of the crime tend to deprive it of the guilt of Murder.

Ordered, that a Extract from these proceedings be forwarded to the Sessions Judge of Tinnevelly for his information and guidance.

(Sd.) [illegible]

Read

24th July 1856.

Read Calendars in Cases Nos. 38 and 41 of 1856, on the file of the Sessions Court of Madura.

(Here enter G.O. No. 1347 of 1856.)

The Court of Foujdaree Adawlut present the Acting Sessions Judge that all parties present aiding and abetting at a Murder should be indicted and punished as principals, and further that malice should always be entered in the charges.

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

(Sd.) [illegible]

Read Report B. for the month of June 1856, submitted by the Sessions Judge of Tinnevelly

(Here enter G.O. No. 1352 of 1856.)

The Court of Foujdaree Adawlut

Case No. 65 of 1856. by the Sessions Judge of Tinnevelly

1.

Do not point out that the charge should have been "Murder" and not "Homicide" in the Appellate Court

and committing.

Every case of "Homicide" committed

2.

in the perpetration of an illegal act should be indicted

24th July 1856.

indicted as "Murder," and it will then be for the
Committing Authority to decide whether any Circ
-umstances in connection with the commission
of the Crime exist to disprive it of the
guilt of Murder.

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

Sentence &c.

Exd.

D.U.

Friday
25th July 1856 } At a Court of the Zoujdaree Adaulut

Present

F. Anderson Esqre Acting
D.W. Goodwyn Esqre } Puisne Judges
G.A. Harris Esqre }

Read Calendar of
case No. 27 of 1856 of the Sessions
Court of Salem.
(Here Enter D.U. No. 1305 of 1856)

The Prisoner in this
case who is stated to have been twice al-
-ready punished by the Magistracy,
was put on his trial for Robbery by
open violence with wounding, and
being convicted thereof, was sentenced
to 7 years' Imprisonment with hard labor
in irons.

2. The Court of Zoujdaree
Adaulut, consider the above sentence
too lenient for such an offence com-
-mitted by an old offender.

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

(Sentence &c)

Read

25th July 1856.

Read letter dated 9th July 1856 from the late Sessions Judge of Mangalore, submitting for the final Judgment of the Foujdaree Adalut the Record of Trial in Case No. 18 of 1856 of the Calendar of the Sessions Court.

(Here Enter F.A. No. 1361 of 1856)

Mr. D. Anderson.

The Court of Foujdaree Adalut, on a deliberate consideration of all the circumstances of the case as evidenced before them, being of opinion that the proof against the prisoner, Voketaor Manguesheya is sufficient to convict him of the crime of Arson, for which according to the Mahomedan Law as declared in Fatwas of their Law Officers discretionary punishment is awardable, do convict him thereof; and under the provisions of Clause Seventh Section II Regulation XV of 1813, and Section XXXIII Act VIII 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 Sc.

Ex 18th.)

F. A.

Saturday 26th July 1856. } At a Court of the Foujdaree Adalut.

Present.

Dr. Anderson Esqre Acting
D. W. Goodwyn Esqre do
G. A. Harris Esqre do
} Puisne Judges

Read Calendar of Case No. 30 of 1856 on the file of the Sessions Court of Chittoor.

(Here Enter F.A. No. 1355 of 1856)

The Court of Foujdaree Adalut remark that the abstract of the evidence would induce the belief that the 1st Prisoner gave up some articles of the stolen property, but the sentence and Fatwa appear to negative this. The Court resolve to call upon the Acting Session Judge to explain the facts proved against the prisoner, as if his Police confession is all the evidence against him, he should not have been convicted.

Ordered, that Extract from these Proceedings be forwarded to the

the Acting Sessions Judge of Chittoor
by Precept (returnable) in 10 days from
and after its receipt. (Precept & Rt. sent following)
Read Calendar of Case
No 31 of 1856 of the Sessions Court of
Chittoor.

(Here Enter Dft. No 1356 of 1856)

The Court of Foujdaree
Adalut approve of the recommendation
made by the Acting Sessions Judge
in this case, that the period of imprison-
ment which the Prisoner noted in the
margin, has been adjudged to suffer on
his conviction of Highway Robbery be
reduced to (8) eight years with hard
labor in irons, and they do authorize the
Acting Sessions Judge to issue his warrant
accordingly.

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

(Sent in Rt.)
Read return dated 15 July
1856 to the Precept of the Foujdaree
Adalut under date the 10 idem, desiring
the Acting Sessions Judge of Chittoor
to

1st Settly
Moorazadoo

to certify certain omissions in Cases Nos 26
and 27 of 1856 on the file of the Sessions
Court.

(Here Enter Dft No 1328)

Read again Calendars
in Cases Nos 26 and 27 on the file
of the Sessions Court of Chittoor.

(Here Enter Dft No 1157 of 1856)

The Court of Foujdaree
Adalut do not consider the explan-
-nation furnished by the Acting
Sessions Judge in regard to the
disposal of these Cases satisfactory.
Whatever may have been his opinion
as to the case being originally cog-
-nizable by the Magistrate, on having
entered upon the trial, it was his duty
to have examined it at full length
and passed his sentence according to
the evidence.

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

(Sent in Rt)

Read

28 July 1856.

Read Calendar in Case
No. 21 of 1856. submitted by the Sessions
Judge of Cuddapah under date the
28th April 1856.

(Here Enter Fll. No. 860 of 1856)

Read report dated 1st May
1856 submitted by the Sessions Judge
of Chingleput of cases pending on the
30th April 1856 and committed for trial in
the month of February 1856 before his Court.

(Here Enter Fll. No. 860 of 1856)

Read Calendar in Case
No. 15 of 1856 submitted by the Sessions
Judge of Hallore under date the 2d
May 1856.

(Here Enter Fll. No. 869 of 1856)

Read Petty Calendars for the 1st Quarter
1856, submitted by the Agent in
Ganjam under date the 16 May 1856.

(Here Enter Fll Nos 1010 of 1856) in
Ex Letter.

F. 116

Monday — 28th July 1856. At a Court of the Foujdaree Adalut

Present

F. Anderson Esqre — 1
T. W. Goodwyn Esqre — 1
G. A. Morris Esqre — 1
} 3 Puisne Judges

Read letter dated 8th July,
from the Acting Session Judge of Salem,
submitting for the opinion of the
Court of Foujdaree Adalut, the cor-
respondence between the Magistrate of
Salem and the Court in
reference to the course to be adopted
in regard to sentences of labor as dis-
tinct from hard labor.

(New enter F. 116. No. 1297 of 1856)

In the above correspondence
the Acting Session Judge has stated his
opinion that when an Officer in charge
of a Jail receives a prisoner from the
Magistrate who has been sentenced to
imprisonment with "labor", such prisoner
should not be placed in irons. The Acting
Session Judge then proceeds to define the
distinction

distinction existing between the terms labor and "hard labor" and in his proceedings sent to the Magistrate has expressed his opinion on which he has acted by giving orders to that effect to the Jailor, that when a sentence contains the punishment of imprisonment with hard labor only such sentence should be undergone in irons.

2. The Court of Foujdaree Adalut approve of the course pursued by the Acting Session Judge in the case of the prisoner sentenced by the Magistrate to imprisonment with "Labor" for three months, and they also concur with him in the distinction drawn between the terms "labor" and "hard labor". But as regards sentences wherein imprisonment with "hard labor" only is adjudged, the Court of Foujdaree Adalut are of opinion that, the Session Judge is not justified under any circumstances in enhancing the severity of the sentence by the imposition of irons.

Ordered, that Extract from these

these proceedings be sent to the Acting Session Judge of Salem for his information.

/Sent in No. 1/

Read Miscellaneous Petition dated presented on the 28th July 1856, by Messrs. Arthur Mc. Ritchie and Alexander Mc. Ritchie, Pleaders on behalf of Syed Manaya garen of Zillah Madura.

/Now enter F. Mc. P. No. 132 of 1856/

Mess. G. & Cooper and T. H. Godwyn

The Court of Foujdaree Adalut direct that the sentence passed upon Petitioner, who was the prisoner in Session Case No. 7 of 1856, be suspended until their final orders have been passed upon the case.

2. The Acting Session Judge will be pleased to forward translation of the proceedings, and to call upon the Moofty Sudr Ameen to state, whether he considered that the prisoner possessed the articles knowing them to have been stolen property, and if so, to record the reason for his opinion.

Ordered, that Extract from these

these Proceedings, be sent to the Acting Session Judge of Madura, by precept returnable in ∇ days from and after its receipt.-

/Sent following precept. No. /

Read letter under date the 10th July 1856, from the Agent to the Governor of Fort Saint George in Vizagapatam, submitting for the final judgment of the Foujdaree Udalut a report of the trial of Criminal Case No. 9 of 1856 on his file.-

Mr. F. Anderson.

/Here enter F. Ca. No. 1336 of 1856/

The Court of Foujdaree Udalut concur in the conviction of the Prisoners

1st. Muny Ramaswamy and
2d. Muny Sutchnoodoo
of House breaking and Theft, and
3d. Lr. Appanyah
4th. P. Chelly
5th. N. Doulegandoo
6th. G. Ramaswamy and
7th. Lr. Patroodoo
of receiving the stolen property knowing it to

to have been stolen, and, in accordance with the recommendation of the Agent, sentence them to imprisonment with hard labor in irons, the 1st and 2d for three years and the 3d, 4th, 5th, 6th, and 7th for fifteen months.-

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

/Sent in No. /

Read Calendar of Cases Nos. 8 and 9 of 1856, of the Session Court of Nellore.-

/Here enter F. Ca. No. 1318 of 1856./

In these cases four Prisoners were put on their trial for Robbery by open violence unattended with aggravating circumstances and receiving plundered property knowingly. The 1st, 2d, 3d being convicted, were sentenced to imprisonment, the 1st for 14 years with labor suitable to her sex which the Session Judge recommends may be reduced to /3/ Three years, and the 2d and 3d for /2/ two years

years with hard labor in irons, the 4th Prisoner was released.-

2. As the character of the 1st Prisoner is notorious, the Court of Foujdaree Udalut decline to mitigate her sentence.-

3. The sentence passed on the 2d and 3d Prisoners is in the opinion of the Foujdaree Udalut much too lenient.-

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

/ Sent in No. /

Read Miscellaneous Petition presented on the 1st Instant by S. N. Cum: Veerawa Chetty Pleader on behalf of Navalah Nallaspadoo and another of Zillah Vizagapatam.-

/ Mr. L. R. Godwyn. / Here enter F. Mc. P. No. 117 of 1856/

Petitioner appeals from the Proceedings of the Session Court of Chi: cacole under date the 8th March 1856, re: fusing to interfere with the sentence of acquittal passed by the Principal Sudr. Ameen of Vizagapatam upon the Prisoner

Prisoners in Case No. 8 of 1856 on the file of this Court.-

2. The Court of Foujdaree Udalut seeing no reason for interfering with the order passed by the lower Courts, resolve to reject the Petition.-

Ordered, that Extract from these Proceedings, be given to Petitioners Pleader on his application

Read Miscellaneous Petition presented on the 1st Instant, by S. N. Cum: Veerawa Chetty Pleader on behalf of Narasinga Satroo Solla Patroodoo of Zillah Ganjam.-

/ Here enter F. Mc. P. No. 119 of 1856./

/ Petitioner prays for the in: terference of the Court of Foujdaree Udalut to reverse the decision passed by the Acting Agent to the Governor of Fort Saint George at Ganjam in Case No. 5 of 1856 sentencing the Peti: tioner, the 1st Prisoner, who was charge: with misdemeanor and resistance to authority, to give security for keeping the peace for one year in two securit: each of Rupees 50, in default to be im: prison:

Mr. G. R. Harris

Mr. T.W. Goodwyn.

imprisoned to that period under Clause 1st Section V Regulation VI of 1827.-

2. The Court of Fouzdaree Udalut see no ground for interfering with the order appealed against, and accordingly resolve to reject the Petition.-

Ordered that Extract from these Proceedings be given to Petitioner's Pleader on his application.-

Read Miscellaneous Petition presented on the 17th July 1856, by Nirrainah Chetty Zillah Calicut.-

/ Here enter F. Mo. P. No. 126 of 1856 /

Petitioner, wife of the 11th prisoner in Calendar Case No. 24, on the file of the Session Court of Calicut, now undergoing a sentence of 8 years imprisonment with hard labor in irons for the crime of robbery by open violence, prays the Court will annul the sentence passed upon her husband.-

2. The Court of Fouzdaree Udalut see no reasons to interfere with the sentence already passed by this Court on a full consideration of the Record.-

3. Petition rejected.-

Ordered

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

Read return, dated 4th July 1856, to the precept of the Court of Fouzdaree Udalut under date the 16th June 1856, calling for explanation in the matter of the Petition of Narraina Chetty of Trichinopoly.-

/ Here enter F. Mo. No. 1253 of 1856 /

Read again Miscellaneous Petition presented on the 29th May 1856, by Mr. J.K.P. Wilson Pleader on behalf of Narraina Chetty, Zillah Trichinopoly

/ Here enter F. M. P. No. 103 of 1856. /

Mr. T.W. Goodwyn.

From the foregoing return the Court of Fouzdaree Udalut observe, that the Letter of the Head Assistant Magistrate of Trichinopoly dated 3d July, sets forth that the Petitioner's son was apprehended on him and cry on November 29th of 1855, and that he was detained in custody till December 17th, when he was released on recognizance, and finally acquitted on the 27th, but that the Petitioner's son had never

tendered

28th July, 1856.-

tendered security between November 29th and December 17th.-

2. Before passing any final order on this petition, the Court of Foujdaree Udalut resolve to call on the Magistrate to explain in detail the nature of the evidence against the petitioner's son who appears to have been subjected to eighteen days detention on evidence admitted to be insufficient to warrant the infliction of a sentence of either fine or Imprisonment.-

Ordered, that Extract from these proceedings, be sent to the Session Judge of Trichinopoly, by precept (No. 4 of This) returnable within VI days from and after its receipt.-

Sent following precept No. 1/52

Tuesday

29th July 1856. At a Court of the Foujdaree Udalut

Present.-

F. Anderson Esqr Acting
T. W. Goodwyn Esqrs
G. A. Harris Esqr D.

Puisne Judges

Read Criminal Reports submitted by the Sessions Judge of Mangalore for the months of June 1856

Here enter F. No. No 1304 of 1856

Report B Case No 1 by the acting Subordinate Judge

The Court of Foujdaree Udalut directs that the Magistrate be called upon for an explanation of his reasons for having ordered that all cases cognizable by him should, until further orders, be committed to Court.

Report A Case No 2 by the acting Asst Magt of Cannd

It is not clear why the Prisoners are all included in the same Case; if the property was found in different places, each Prisoner's Case should have been entered separately.

Report B Cases 4, 5 and 6 by Ps

3 The above remarks apply also to the Cases noted marginally. No headings have been affixed to Cases 4 and 6, and the Regulations under which sentences were passed in the latter Case and Nos 5 and 7 should have

29th July 1856

have been granted distinctly & not under it.

Ordered that Extract from these Proceedings be sent to the Acting Subordinate Judge in Charge of the Session Court of Mangalore by Precept returnable in III days from and after its receipt.

(Sent following Precept No)

Read Criminal Report B for the month of June 1856, Zillah Trichinopoly.

(Here enter F. No 1322 of 1856)

cases Nos 44 and 46

The Court of Foujdaree Udalut observe that the Sentences passed in these Cases were far too lenient to prove effectual in deterring others from the Commission of similar Crimes. The value of the property stolen is of secondary consideration, the Criminality of the offence lying chiefly in the felonious breaking and entry.

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

(Sent in No)

Read Calendar of Case No 40 of 1856 of the Session Court of Madura.

(Here enter F. No. No 1346 of 1856)

The

29th July 1856

The Court of Foujdaree Udalut observe that malice should have been charged and the supposed motive for the crime inserted.

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

(Sent in No)

Read Calendar of Case No 42 of 1856 of the Session Court of Madura.

(Here enter F. No No 1348 of 1856)

The Court of Foujdaree Udalut observe that it would have been better to have tried the Prisoner for Fraud, or to have had a second Count of Fraud.

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

(Sent in No)

Read Calendar of Case No 32 of 1856 of the Session Court of Tinnevelly.

(Here enter F. No. No 1365 of 1856)

The Court of Foujdaree Udalut approve of the recommendation made by the Session Judge in this Case, that the period of

29th July 1856

1 Ramasawmy
2 Scobbee
3 Mootoocoomaroo
5 Mootoopodiavoo
6 Naimaw
7 Masilamoney
8 Mosay

of imprisonment which the Prisoners noted in the margin, have been adjudged to suffer on their Conviction of Gang Robbery by open Violence & Force reduced in the Case of the 4, 6, 7, and 8th to 4 years in that of the 1st 2nd and 5th to 2 years with hard labor in irons and they do authorize the Session Judge to issue his warrant accordingly.

2

The Court also sanction the sentence proposed to be passed upon the 3rd Prisoner Viz 9 months Imprisonment without irons.

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

(Sent in No.)

Read letter under date the 12th May 1856 from the Acting Session Judge of Salem forwarding the record of trial in Case No 26 on the Calendar for 1856.

(Here enter P. No. No 1028 of 1856)

The Court of Foujdaree Vedalut no

a deliberate consideration of all the circumstances of the Case in evidence before them Being of opinion that the Prisoners-

1st Sooran alias Peroomaloo
2nd Calivu

and

M. J. L. Goodwyn

29th July 1856

and

3rd Moodoothooryan alias Moothodiru

are not convicted on presumptive proofs or on the evidence of credible witnesses or on their own Confessions of the crime charged in this Case do acquit them thereof - and direct that they be set at liberty.

(Sent in No.)

Read Calendar of Case No 12 of 1856 submitted by the Session Judge of Coimbatore under date the 11th February 1856.

(Here enter P. No. No 692 of 1856)

Read letter under date the 18th April 1856 from the Session Judge of Combaconum forwarding the Reports A and B of the Magistracy for March 1856, and calling the attention of the Court to Case No 7 of 1856. on the file of the Special Assistant Magistrate

(Here enter P. No. No 781 of 1856)

Read letter under date the 26th April 1856 from the Assistant Agent to the Governor of Fort Saint George in Ganjam submitting the Criminal Reports for the month of March last.

(Here enter P. No. No 823 of 1856)

Read

29th July 1856

Read Calendar of Lease N° 2 of 1856 submitted by the Acting Session Judge of Tellicherry under date the 10th April 1856.

Here enter D.No. N° 828 of 1856)

Read Calendar of Lease N° 3 of 1856 submitted by the Acting Session Judge of Tellicherry under date the 10th April 1856.

Here enter D.No. N° 829 of 1856)

Read Calendar of Lease N° 8 of 1856 submitted by the Session Judge of Cuddapah under date the 26th April 1856.

Here enter D.No. N° 841 of 1856)

Read Return dated 22d April 1856 from the Acting Agent to the Governor of Fort Saint George in Ganjam to the Purport of the Foujdaree Adalut under date the 7th Instant with the information called for.

Here enter D.No. N° 846 of 1856)

Ex 18 D.

F 11.

Wednesday 30 July 1856 } At a Court of the Foujdaree Adalut.

Present

T. Anderson Esqre
T. T. Goodwyn Esqre
G. A. Davis Esqre
} Acting Puisne Judges.

Read Miscellaneous Petition presented on the 30 July 1856 by Veeratee, of Jillah Chittoor.

(Here Enter F.M.P. No 136 of 1856)

The Court of Foujdaree Adalut find that the petitioner herself admits that the four witnesses have never been convicted and punished for perjury, and therefore decline to interfere with the orders repeatedly passed rejecting the petitioner's appeal from the Sessions Judge's sentence.

Mr T. T. Goodwyn

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

Ex 18 D.

F.C.

Thursday 31st July 1856. At a Court of the Foujdaree Adalut.

Present.

F. Anderson Esquire Acting
J.W. Goodwyn Esquire Acting } Puisne Judges.
G.A. Harris Esquire Acting

Read again Miscellaneous Petition presented on the 5th July 1856 by A.N. Ritchie Esquire Barrister at Law and Alexander N. Ritchie Esquire Pleaders on behalf of Bronee Lawl, 2d Prisoner in Case No. 10 of 1856 on the file of the Sessions Court of Nellore.

(Here enter Fln P. No. 117 of 1856)

Read also return dated 9th July 1856 from the Sessions Judge of Nellore to the precept of the Foujdaree Adalut dated the 5th July 1856 directing to suspend execution of the sentence and calling for the record of the trial in Case No. 10 of 1856.

(Here enter Fln. No. 1288 of 1856)

By J.W. Goodwyn J. The indictment has been most defectively prepared, it is headed "Forgery" but charges the Prisoner with distinct crimes. 1st. Theft wherein neither

neither the time, place or value of the property stolen is entered; and 2nd "With having trumped up a document for Rupees 13 12", and with having forged another document for Rupees 13 3. These charges should have formed distinct cases.

2 The evidence for the prosecution appears to be utterly undeserving of credit.

3 The Sessions Judge's sentence shows that the prosecutor stated (i e sworn) "his debt to be only 4 or 5 annas. but his own witnesses show the sum claimed to have been Rupees 13 3". In other words the Prosecutor has been guilty of perjury on a most material point, and if so, it is clear that the value of his whole testimony is destroyed and a strong suspicion is raised against the truth of his whole charge against these Prisoners.

4 Document No 2 bears the attestation of the 1st and 2d Witnesses, but they deny these signatures to be theirs. It appears extremely improbable that the Prisoners would have forged these Witnesses

Witnesses' signatures without first ascertaining that they would become parties to the crime. Now it is not pretended that this was ever done although if the 5th and 6th Witnesses statements are to be credited. the prosecutor exercised no scruple or caution in requesting their acquaintances to attest the forged Documents, or in offering bribes for their so doing.

5 The 3d and 4th Witnesses pretend that they saw these Prisoners publicly forging the Documents the gross improbability of such evidence needs no comment.

6 The 5th Witness' evidence deserves particular attention. He pretends that the Prisoners promised to pay him Rupees 10 for falsely attesting this document, which is for less than 10 Rupees.

7 The 6th Witness's evidence is much to the same effect, only the bribe offered was smaller.

8 The Sessions Judge states that the theft was not proved and convicts the prisoners of having

forged

forged two Bonds whereas the indictment only charges them with forging the deed for Rupees 13-3-0

Both prisoners should be most fully acquitted and the Court of Foujdaree Adawlut acquit them accordingly and direct that they be immediately released.

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

Sent in Dft.

Read again Calendar of Case No. 29 of 1856 on the Sessions Court of Coimbatore.

(Here enter Ft. No. 1115 of 1856)

Read also a Return dated the 17th July to the Precept of the Foujdaree Adawlut under date the 21st June 1856 directing the Sessions Judge to call for and submit an explanation of the delay on the part of the Assistant Magistrate in the above case also of what became of the other 6 individuals referred to by the Sessions Judge in his remarks.

(Here enter Ft. No. 1331 of 1856)

The

The Court of Foujdaree Adawlut direct that the Magistrate be informed that the explanation offered by him is very unsatisfactory

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

Sent in Dft.

Read Criminal Report of the Zillah Cuddalore for the Month of June 1856

(Here enter Ft. No. 1321 of 1856)

Case No. 104
Pr. Suryamoorthy

The Prisoner was charged with having fractured the bones of the Prosecutor's leg, but the Acting Principal Sudr Ameen sentenced the Prisoner to only 3 Months' Imprisonment on the ground that the injury sustained was not very serious, if the injuries charged were proved the sentence passed is wholly inadequate.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Cuddalore for his information and communication to the Acting Principal Sudr Ameen.

Sent in Dft.

Read

Read letter under date the 17th July 1856 from the Sessions Judge of Chingleput.

(Here enter F.C. No. 1350 of 1856)

The Court of Foujdaree Adalut inform the Sessions Judge that he is correct in the opinion expressed by him in the foregoing letter, viz. that the rule laid down in this Court's Proceedings dated 9th June 1847 as regards Bonds, is intended to apply to offences connected with their duties committed inside the Jail, and is not intended to direct the Sessions Judge to take primary cognizance of theft committed by Bonds outside the Jail.

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

Sent in Do.

Read Criminal Report B for the month of June 1856 filed Bellary

(Here enter No. 1338 of 1856)

Case No. 61. by 1 Sub Judge

The detention of the Defendant in confinement for so long a time was irregular. The offence with

with which he was charged would have justified his being admitted to bail.

No. 1145. 2 In Case No. 1145, the charge should not have noticed the quarrel.

No. 152 by Sub Judge. 3 The Court desire to be informed of the grounds upon which the Subordinate Judge considered it necessary to commit the Defendant for trial before the Sessions Court.

No. 1666 Do. 4 The punishment in this case was inadequate, the offence having been committed by the Prisoner while in the service of the Prosecutor.

No. 172 by Do. 5 The charge should have been framed with two separate counts. The value of the property found in the possession of the 9th Prisoner has been omitted, but the Prisoner himself has been convicted though since released by the Sessions Judge. The case was not one that the Subordinate Judge was competent to dispose of. The Court of Foujdaree Adalut are not satisfied of the propriety of the sentence recorded against the 1st Prisoner, the only one apparently now under sentence, and they therefore

request

request the Sessions Judge to look into the case again, and pass such orders respecting the 1st Prisoner as he may deem proper.

No 276 by Sub Judge. 6 As the 1st Prisoner was committed for trial before the Sessions Judge, the same evidence which induced the Subordinate Judge to demand security from the 1st Prisoner would have justified him in committing him likewise for trial, and this is the course he should have pursued.

No 23 by the Magistrate. 7 The amount of punishment awarded is most inadequate.

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

/Sent in No/

Read Criminal Report B for the month of June 1856, zillah Chittoor.

Case No 381 by Sub Judge. (Here enter F.M. No 7381 of 1856.)

No 87 by Do. 1 This case should have been headed "Aggravated Assault"

2 The latter part of the hearing was unnecessary. It would have been sufficient

Case No 95 by Sub Judge. sufficient to state "abuse of Authority."

3 The Charge should have been headed "Severe wounding" The rest was unnecessary.

No 4 by Head Assistant — 4 The Sentence passed in this Case was inadequate.

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

/Sent in No/

Read Miscellaneous Petition presented on the 10th July 1856 by John Hawden Menon Pleader on behalf of Kalliambatha Coonjoo Nillah Calicut.

(Here enter F.M.P. No 120 of 1856)

No 1 by W. Goodwyn. 1 Petitioner a Prisoner in Case No 22 of 1856 on the file of the Sessions Court of Calicut under sentence of 4 years imprisonment with hard labor in irons for Forgery and uttering forged documents appeals therefrom to the Court of Foujdaree Adalut.

2 The Court of Foujdaree Adalut resolve to reject this Petition as there appear to be no good or sufficient reason assigned for questioning the justice of the Sessions Judge's sentence

Ordered

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

Read Criminal Report B for the month of June 1856 Zillah Nellore

Case Nr. 105.

(Here enter Nr. 1331 of 1856)

The Sessions Judge is requested to look into this Case as the Court of Foujdaree Adalut see reason to doubt the propriety of the sentence passed upon the first three Defendants.

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

(Sent in Dr.)

Read letter dated 8th July 1856 from the Sessions Judge of Nellore submitting for the final Judgment of the Foujdaree Adalut the record of trial in Case Nr. 21 of 1856.

Mesrs. W. Anderson & J. W. Goodwyn.

(Here enter F. No. Nr. 1289 of 1856)

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, "Pandigam Ramadu" is sufficient to convict him of the Crime

of Murder, do convict him thereof; and under the provisions of Section X. Regulation XIII of 1802, Sentence him to suffer death by being hanged at the usual time and place of execution.

(Sent in Dr.)

Read letter dated 16th July 1856 from the Sessions Judge of Chicacole, reporting that the statement of Batta paid to the Prosecutors and Witnesses attending the Sessions Court has not been forwarded for the last half year.

(Here enter F. No. Nr. 1380 of 1856)

Read letter dated 16th July 1856 from the Sessions Judge of Chicacole, informing that the record of Case Nr. 26 on the report B for May last, has been examined, as directed, and found the sentence passed in it sufficient for the crime.

(Here enter F. No. Nr. 1381 of 1856.)

Read letter dated 22d July 1856 from the Sessions Judge of Cuddapah, forwarding the translation of Berzee of the Mahomedan Law Officer offering explanation on the subject of his futwah in Case Nr. 33 on the Calendar for 1856.

(Here enter F. No. Nr. 1390 of 1856)

Read Statement dated 1st July 1856 from the Sessions Judge of Coimbatoor of batta paid to Prosecutors

and

31st July 1856.

and Witnesses in the Sessions Court during
the 1st half of the year 1856.

(Here enter F.No. 1394 of 1856)

Read letter dated 21st July
1856 from the Acting Sessions Judge of Calicut
forwarding the warrant issued for the exe-
cution of the sentence of death passed on
the Prisoner in Case Nº 25 of 1856 on the
Sessions Court Calendar

(Here enter F.No. 1409 of 1856)

Received

F.No.

Friday
1st August 1856

At a Court of the Fouzdaree Udalut
Present

F. Anderson, Esquire Aff.
T.W. Goodwyn, Esquire Aff. } Puisne Judges.
G.A. Harris, Esquire Aff.

Read Criminal Report B
for the month of June 1856, Zillah
Cuddalore.—

(Here Entered F.No. Nº 1321 of 1856)

Case Nº 30 by
the Magistrate

The Court of Fouzdaree
Udalut observe that the sentence
in this Case is very inadequate for
the offence charged, Viz.t Snatching.

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

(Sent in Aº)

Read Calendar of Case
Nº 48 of 1856 on the file of the Sessions
Court of Masulipatam.—

(Here Entered F.No. Nº 1388 of 1856)

The

1 The Court of Foujdaree Udalut point out to the Session Judge that the exact relationship of the 4 girls, abducted by the prisoners, to the

2 Prosecutors should have been entered in the charge as well as the means used whether deceit, conspiracy or fraud to induce the girls to accompany the abducer (1st prisoner apparently).

2 The Sessions Judge should have clearly explained whether he considered it proved (and if so, the nature of the proof) that the prisoners intended to make a traffic of the girls or were endeavouring to effect their seduction, as well as why the 3d witness who appears to be a party to the crime is held blameless also the precise acts proved against the 2d and 3d prisoners.

3 The Court of Foujdaree Udalut further observe that the entry in the second count of the

the 1st Prisoner's former conviction was unnecessary such a count need only be added when the prisoner's former conviction of an offence similar to that for which he is to be tried would enhance the severity of the sentence.

The Court of Foujdaree

4 Udalut desire that the explanation required in Paras 1 and 2 be furnished without delay.

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

Sent following Precept No 1st

Do B.C.

F. 66.

Saturday 2nd August 1856. At a Court of the Foujdaree Adawlut.

Present

F. Anderson, Esqre, T. W. Goodwyn, Esqre, G. A. Harris Esqre } Acting Puisne Judges.

Read Calendar of Cases No. 31 of 1856, submitted by the Sessions Judge of Coimbatore, under date the 21st June, 1856.

(Here enter F. 66. No. 1382 of 1856.)

Before finally disposing of the above Calendar, the Court of Foujdaree Adawlut desire to direct that an English translation of the Record of the case be submitted for their consideration.

1.

In submitting the Record the Sessions Judge will explain why the body of the deceased had not been sent in for the inspection of the Zillah Surgeon.

2.

The Sessions Judge will also

3.

state

state his opinion as to the cause of the deceased's death, and the amount of credit he attached to the evidence of the prosecutor's 1st and 2nd witnesses.

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

/ Last following precept No. /

Read Criminal Report B. for the month of June 1856, of the Zillah of Coimbatore.

/ Here enter F.R. No. 1369 of 1856. /

Case No. 11, by Joint Magistrate.

1.

It should have been stated, that the prisoner was convicted of the offence charged, but that the punishment was merged in the sentence awarded in the following Case.

Case No. 20, by Acting Special Assistant Magistrate.

2.

The demand of security in this case was of the nature of a punishment. The period, therefore, should not have exceeded that for which the Acting Special Assistant Magistrate had power to award a sentence of imprisonment; viz., six months. The Court of Sanjavore Adalut accordingly direct that the

the said period be reduced to six months.

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

/ Last No. /

Read letter dated 15th ultimo, from the Sessions Judge of Guntoor, submitting for the final judgment of the Sanjavore Adalut, the proceedings in Case No. 13 of 1856, of the Calendar of the Sessions Court.

/ Here enter F.R. No. 1342 of 1856. /

The Court of Sanjavore 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,

Vellagunty Vilchanna,

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

Before T. Sanderson and T. K. Strange.

The Court of Sanjavore Adalut observe that in awarding punishment in this

this Case, due consideration must be given to the fact that the prisoner when but little more than a child, was left a widow subject to strong temptations without any legitimate means of gratifying her natural passions; these temptations she unfortunately yielded when she, on delivery, saw but one way (viz. Child murder) to escape from utter degradation and expulsion from caste. She yielded to this further temptation and committed the crime proved against her.

2. Upon consideration of these, alone facts, they are of opinion, that the ends of justice will be met by a sentence of imprisonment for life, and they have sentenced the prisoner accordingly.

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

/ Sent in No. /

Read letter, dated 19th June 1856 from the Acting Agent at Ganjam, submitting English record in Case No. 61 of 1855, for the final judgment of the Foujdaree Adalut.

/ Here take No. 1186 of 1856. /

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

1st Bunka Patro,
2nd Madava Naick,
3rd Patea Naick,
4th Gonga Moolee,
5th Dumbroo Naick,
6th Sadakea Naick, alias Shuttrogitter Peridar,
and,
8th Gonava Naick, alias Rumoroondo,

is sufficient to convict them of the Crime of Gang Robbery attended with aggravating circumstances, do convict them thereof, and under the provisions of Clauses third and fifth, Section III, and Clause 3rd, Section VIII, Regulation XV of 1803, and Section XXXIV, Act VII of 1843, sentence the prisoners,

2nd Madava Naick,
3rd Patea Naick,

and,

and,

7th, Sahadoo Naick, alias,
Shuttrugatta Bordad,

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 on the public roads or other public works for, and during the period of their natural lives: the prisoner,

5th, Bunka Patro,

to be banished to the District of Rajahmundry: the prisoner,

4th, Ganga Mooka,

to the District of Guntoor; and the prisoner,

8th, Gouraya Naick, alias,
Rumeeranda,

to the District of Chicacole; 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 (14) fourteen years; and the prisoner,

6th, Dumboo Naick,

to be banished to the Districts of Vizagapatam,

there

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 (10) ten years.

Mr. F. Anderson.

The Court of Sujawaree

1.

Eddalut are of opinion that a sentence of death is not called for in the case of the 7th prisoner as recommended by the Acting Agent as they do not think it satisfactorily proved that he was a Sirdar or leader on this occasion.

2. They observe that the 1st and 3rd witnesses (approvers) did not in the first instance mention his name, and none of the other prisoners state he was their leader; as, however, he has been convicted of being one of the gang by whom the offence charged in this case was committed; and by whom the Villages of Doodraloonda and Kanigoodu were plundered and burned in 1849 as charged in No. 58, and is also convicted of possessing stolen property as charged in No. 60,

the Court of Sujawaree Eddalut have sentenced him to transportation for life.

Ordered that Extract from

these

these proceedings be forwarded to the Acting Agent to the Governor of Fort St. George, at Ganjam, for his information.

/Sent in No.

Read letter under date the 6th May 1856, from the Acting Agent to the Governor of Fort St. George, at Ganjam, forwarding English translation of the record of Case No. 89 of 1856, on the Calendar of the Sessions Court, for the final judgment of the Tuppara Udeshi.

/Head enter F. R. No. 1009 of 1856./

Mr. F. Nelson. 1.

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

1st, Madana Naick,
2nd, Bronda Naick,
3rd, Kalah Naick,
4th, Dass Naick,
6th, Ramiah,
7th, Kalee Naick,
8th, Atmoo,
and,
9th, Madana Naick,

is sufficient to convict them of the crime of Gang Robbery

Robbery attended with aggravating circumstances, do convict them thereof, and under the provisions of Clause third and fifth, Section IV, and Clause 3rd, Section VIII, Regulation XV of 1803, and Section XXXIV, Act VII of 1843, sentenced the prisoners,

2nd, Bronda Naick,
3rd, Kalah Naick,
4th, Dass Naick,

and,

6th, Ramiah,

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 on the public roads, or other public works, for, and during the period of their natural lives; the prisoner,

9th, Madana Naick,

to be imprisoned for (14) fourteen years, and to be banished during the period of his sentence from the District in which his place of abode is situated, and to be kept to hard labor in irons

on

on the public roads or other public works in the Zillah jail of Manbhoom and the prisoner,

8th Atungo,

to be imprisoned for (7) seven years, and to be handed during the period of his sentence from the District in which his place of abode is situated; and to be kept in hard labor in irons on the public roads, or other public works in the Zillah jail of Nellore.

The prisoner,

1st Madava Naick,

2nd Kalee Naick,

having been sentenced in Case No. 60 on the Gunjam Calendar for 1855, no further sentence is required to be passed upon them in this case.

Ex Ell.

Sent in No.

X

F. 76

Monday 4th August 1856 A Court of the Foujdaree Udalut

—Present—

F. Anderson Esqre Acting
T. W. Goodwyn Esqre do
G. A. Harris Esqre do
} Puisne Judges

Read Calendar of Cases No. 19 to 24 of 1856 on the file of the Sessions Court of Combaconum.

(Here enter F. 76. No. 1373 of 1856)

The same prisoner was charged in Cases No. 20 to 24 of Fraud in having pawned certain articles entrusted to him by the Prosecutors, and on conviction was sentenced to 1 years imprisonment with hard labor without irons, and to pay a fine of Rupees 84 to be distributed amongst the parties who had been defrauded by him under Clause 7 Section II Regulation XV of 1803 and Sections I and II Act XVI of 1850.

2 The Court of Foujdaree Udalut consider the above evidence to be a most inadequate punishment for the numerous frauds of which the Prisoner has been proved to be guilty

Ordered

4th August 1856

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

(Sent in No)

Read letter dated 17th July 1856 from the acting Agent to the Governor of Fort saint George at Ganjam Submitting for the final judgment of the Foujdaree Adalut a report of the trial of Criminal Case No 13 of 1856 on his file.

(Here enter F. No No 1393 of 1856)

Before disposing of the above report the Court of Foujdaree Adalut resolve to direct that a English Translation of the record of the case be submitted for their consideration.

Ordered that Extract from these Proceedings be sent to the acting Agent to the Governor of Fort Saint George in Ganjam by Precept returnable in X days from and after its receipt.

(Sent following Precept No)

Read Calendar of Case No 47 of 1856 submitted by the Sessions Judge of Cuddapah under date the 24th July 1856

(Here enter F. No No 1403 of 1856)

The

4th August 1856

The Court of Foujdaree Adalut are of opinion that this Case ought not to have been committed to the Session Court.

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

(Sent in No)

Read Return dated 8th July 1856 from the Session Judge of Mangalore to the Precept of the Foujdaree Adalut under date the 2nd July 1856 regarding the case No 18 in which there was a difference of opinion between the jurors.

(Here enter F. No No 1303 of 1856)

Read Criminal Report B dated 15th July 1856 submitted by the Sessions Judge of Chingleput for the month of June 1856.

(Here enter F. No No 1334 of 1856)

Read Criminal Report B dated 15th July 1856 submitted by the Sessions Judge of Honore for the month of June 1856.

(Here enter F. No No 1383 of 1856)

Read letter dated 19th July 1856 from

4th August 1856

from the Session Judge of Bellary transmitting the original death-warrant issued by him Court in Case No. 44 of the Sessions Court for 1856, together with a copy of a letter from the Subordinate Criminal Judge of Bellary

(Here enter F.R. No. 1387 of 1856)

Read Criminal Report A dated 25th July 1856 submitted by the Session Judge of Cuddapah for the month of July 1856.

(Here enter F.R. No. 1395 of 1856)

Read Returns dated 18th July 1856 from the Acting Agent to the Governor of Fort Saint George at Ganjam to the Precept of the Tonjadare Adalut dated under date the 9th July 1856 directing the refund of the fine in Case No. 32.

(Here enter F.R. No. 1394 of 1856)

Read letter dated 19th July 1856 from the Acting Agent to the Governor of Fort Saint George at Ganjam submitting the Quarterly Reports of the Assistants for June last.

(Here enter F.R. No. 1398 of 1856)

Rev 18.9.

F.R.C.

Tuesday 5th August 1856

At a Court of the Tonjadare Adalut

Present

F. Anderson, Esquire
T.W. Goodwyn, Esquire
G.A. Harris, Esquire
} Ag. Puisne Judges

Read again Calendars of Cases Nos. 25 and 26 of 1856 submitted by the Acting Session Judge of Salem.

(Here enter F.R.C. Nos. 1027 & 1028 of 1856)

Read also return dated 2d July 1856 from the Acting Session Judge of Salem to the Precept of the Tonjadare Adalut dated 10th June 1856, held on review of cases Nos. 25 and 26 of 1856 and calling upon him to submit English translations of the records of the above cases.

(Here enter F.R.C. No. 1250 of 1856)

The Court of Tonjadare Adalut on a deliberate consideration of all the circumstances of the case in evidence

Mr. F. Anderson
Mr. T.W. Goodwyn and
Mr. G.A. Harris

evidence before them, being of opinion
that the proof against the prisoners,
1st. Sorien alias Peroomaloo
and
2nd. Calien—
is sufficient to convict them of the crime
of receiving stolen property knowing
that such property had been obtained
in the perpetration of Gang Robbery
by open violence, do convict them thereof
and under the provisions of Clause
Second Section IV. Regulation VI of 1822,
sentence them to be imprisoned and
kept to hard labor in irons on the
public roads or other public works
for and during the period of (7) Seven
years—

1 The Prisoners in the above
cases were charged with Gang Robbery
by open violence, and the 1st, 2nd and 4th
were further charged in Case No. 25—
with being in possession of portions
of the stolen property knowing the same

to

to have been stolen—

2 The assessors convicted
the 1st and 2nd prisoners in Case, No. 25
of the robbery, and the 3rd of guilty posses-
sion of the stolen property. They ac-
acquitted the 4th prisoner—

3 The Acting Session Judge
concurred in the verdict as regards
the 1st 2nd and 4th prisoners, and sentenced
the 1st and 2nd prisoners to 14 years imprison-
ment with hard labor in irons, but in the
absence of any circumstances of ag-
aggravation recommended that their
punishment be reduced to 6 years im-
imprisonment with hard labor in
irons. He acquitted the 3rd and 4th prisoners
but as strong suspicion existed a-
against the 3rd prisoner, he was sentenc-
-ed to security for 2 years—

4 The assessors found all 3
prisoners guilty in Case No. 26, but the
Acting Session Judge acquitted and
released them in that case. The Court

of

2d

of Foujdaree Adalut concur in the ac-
acquittal of the prisoners in Case No. 26,
as well as the 4th prisoner in Case No. 25.

5 They observe that no property
was found on the 3d prisoner in Case
No. 25 but he admitted mortgaging a
Kerchief No. 3 / his own property / to 2d
Prisoner. If the 3d Prisoner knew that
the Handkerchief was stolen property,
it is not probable that he would have
admitted giving it to the 2d Prisoner
for, there was no evidence against
him or any apparent reason why he
should criminate himself in order
to save the 2d Prisoner.

6 The identification of the
handkerchief appears to the Court to be
very unsatisfactory; it bears no parti-
=cular marks and is of a common
description. The testimony of the 7th and
8th witnesses to the effect that they can
identify all the cloths of the 80 or 100
houses they wash for, and this handkerchief
in

in particular because they washed
it 5 times / deserves but little credit.

7 Under these circumstances
the Court are of opinion that no
sufficient grounds exist for the
requisition of security under which
the 3d prisoner in case No. 25 has been
placed, and they direct that he be
unconditionally released.

8 The Court have convicted
the 1st and 2d prisoners of having stolen
property in their possession knowing
it to have been stolen, and have
accordingly sentenced them each
to 7 years imprisonment with hard
labor in irons.

9 The Court of Foujdaree
Adalut direct that in future cases
when the Acting Sessions Judge differs
from the assessors, he will submit
the usual letter of reference and
translations of all the proceedings
held in the Case.

They

5th August 1856

10

They also observed that under Section XXII Regulation XII of 1802, the Acting Sessions Judge should not have passed sentence on the 1st and 2nd prisoners, but in referring the case as regards the 3rd prisoner to this Court, have recommended a sentence to be passed on them.

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

(Sent in No.)

Read again Calendar of Case No. 32 of 1856 submitted by the Acting Sessions Judge of Chittoor under date the 26th June 1856

(Here Enter F. No. No. 1298 of 1856)

Read also return dated the 24th July 1856 from the Acting Sessions Judge of Chittoor to the precept of the Fouzdaree Udalut under date the 22nd Idem desiring the transmission of the deposition of the Zillah Surgeon who

who inspected the prisoners in Calendar No. 32 of 1856.

(Here Enter F. No. No. 1392 of 1856)

On a perusal of the deposition of the Zillah Surgeon which accompanied the above return, the Court of Fouzdaree Udalut observe that the Acting Sessions Judge has omitted to elicit such further information as would throw light on the

1

case.

No questions were asked as to the length of time that had apparently elapsed since the infliction of the injuries, whether they were severe or not, and how the bruises on the 2 Prisoners were probably caused.

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

2

(Sent in No.)

Read

Read Joint Magistrate's
Criminal Reports for the month of April
1856, submitted by the Acting Sessions Judge
Madura dated the 6th May 1856.—
(Here Enter F. No. No. 1008 of 1856)

Read return dated the 27th
May 1856 from the Sessions Judge of Coimba-
tore, to the precept of the Foujdaree Adaw-
lut under date the 6th Idem, desiring
to be informed if any and what notice
has been taken by the Magistrate of the
conduct of the Peishkar in Case No. 18
of 1856 on the Calendar of the Sessions
Court of Coimbatore.—
(Here Enter F. No. No. 1032 of 1856)

Read Extract from the Pro-
ceedings of the Sessions Court of Guntoor
under date the 29th July 1856, held on the
Petty Calendars of the Magistracy for
the 2d Quarter 1856.—
(Here Enter F. No. No. 1448 of 1856)

Read letter dated the 26th
May 1856 from the Sessions Judge of
Honore

Honore, reporting the manner in
which the sentence in Case No. 4 on
the Calendar for 1856 was executed.—
(Here Enter F. No. No. 1048 of 1856)

Read Extract from the
Proceedings of the Sessions Court of
Trichinopoly under date the 31st July
1856, on review of the Magistrate's Petty
Calendar for the 2d Quarter of 1856.
(Here Enter F. No. No. 1454 of 1856)

&c &c &c.

F. C.

Wednesday
6th August, 1856.

At a Court of the Puisne Judges.

Present

F. Anderson, Esqre.,
F. W. Goodwyne, Esqre. } Acting Puisne Judges.
G. A. Harries, Esqre.

Read letter under date the 25th June 1856 from the Acting Agent to the Governor of Fort St. George, at Cayenne, submitting for the final judgment of the Puisne Judges a Report of the Trial in Criminal Case No. 14 of 1856, on this file.

(Here enter F. C. No. 1413 of 1856.)

The Agent commits the

Mr. G. A. Harries. 1.

2 prisoners in this Case of the crime of Gang Robbery and Arson, and proposes that they be sentenced under Clause 5, Section IV, Regulation XV of 1803 to 7 years' imprisonment with hard labor.

The

The Court of Fanjdaree Udalut
concur in the concur in the conviction of the prisoner
and in the sentence proposed to be passed on
them.

Ordered that Extract from these
proceedings be forwarded to the Acting Agent to the
Governor of Fort St. George, at Ganjam, for his infor-
mation.

/ Sent in Sc /

Read letter under date the
1st July 1856 from the Acting Agent to the Govern
of Fort St. George, at Ganjam, submitting for
final judgment of the Fanjdaree Udalut, a Report
of the Trial in Criminal Case No. 16 of 1856
on his file.

/ Here enter F. C. No. 1414 of 1856. /

Mr. C. A. Harris

1.

The Agent convicts the prisoner
of the crime of Gang Robbery, and sentences, and
proposes that he be sentenced under Clause 5, Sec.
tion IV, Regulation XV of 1803, to 7 years' im-
prisonment with hard labor.

2.

The Court of Fanjdaree Uda-
lut concur in the conviction of the prisoner, and
in

in the sentence proposed to be passed on him.

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

/ Sent in Sc /

Read letter, dated the 16th ultimo
from the Acting Agent, at Ganjam, submitting for
the final judgment of the Fanjdaree Udalut, a
report of the trial in Criminal Case No. 10 of
1856, on his file.

/ Here enter F. C. No. 1412 of 1856. /

Mr. C. A. Harris. 1.

Of the 29 prisoners in this case,
the Acting Agent convicts the 1st, 2nd, 3rd, 4th, 5th,
6th, 7th, 11th, 15th, 18th, 20th, 22nd, 23rd, and 26th prisoners
and proposes that the 4th, 7th, 11th, 15th, 18th, 20th, 22nd,
23rd, and 26th, be sentenced to 14 years' imprisonment
with hard labor and banishment to jail south of
Rajahmundry, the sentence for the other prisoners
being suited in Case No. 11 in which they are
also concerned.

The Acting Agent acquits the
2.
remaining prisoners, but has directed that the

P

8th, 9th, 10th, 12th, 14th, 19th, 21st, 24th, 25th, 28th and 29th prisoners be released on security for 1 year.

3. The Court of Sessions Ordered that the connection of the several prisoners referred to in paras. 1, and 2 accordingly be directed that the prisoners,

4th, Bhagavann Doli,
7th, Banoo Doli,
11th, Juggla Doli,
15th, Nunda Rano,
18th, Laxmunno,
20th, Naiko,
22nd, Vullasreegadoo,
23rd, Kristanah,
26th, Savarah Boddala,

be sentenced under Clause 5th, Section IV, Regulation XV of 1803 to 14 years' imprisonment with hard labor and in the hamlets, the 4th, 7th, 11th, 15th, and 18th prisoners to the jail at Masulipatam; and the 20th, 22nd, 23rd, and 26th prisoners to the jail at Nellore, during the above period.

4. The Court also affirms of the acquittal of the prisoners, and in the demand of security from

6th August, 1856.

from the prisoners referred to in paras. 2. The case on the 9th prisoner will merge in that recorded against him in Case No. 11.

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

Ordered also, that Extract, paras. 1 and 3 to the Sessions Judge of Masulipatam and Nellore, for their information.

/Sent in No./

Read letter dated the 13th June last, from the Acting Agent at Ganjam, submitting for the final judgment of the Court of Sessions Ordered that, a report of the trial of Singaraw Veerlu, and the proceedings in Criminal Case No. 9 of 1856 on his file.

/Handed to Sr. No. 1145 of 1856./

The Acting Agent, convicts

Mr. G. A. Harris. 1. the 2nd and 3rd prisoners of the crime charged, and has acquitted the remaining prisoners, releasing the 4th, 7th, 8th, 9th, 10th, and 11th prisoners unconditionally, and the 5th and 6th prisoners on security for 1 year.

He considers that strong evi-

2. dence

suspicion attaches to the 1st prisoner, but as he and the 2nd and 3rd prisoners are concerned in other cases, no sentence has been recorded on them in this case.

3.

The Court of Sanjarare Udalut observe that the Acting Agent has erroneously stated that the 2nd prisoner had been identified by 2 witnesses, and as the evidence is insufficient for the conviction of this prisoner, they acquit him in this case.

4.

The Court concur with the Acting Agent in the conviction of the 3rd prisoner, as however he has been sentenced by this Court in Case No. 11, which has been submitted for the approval of Government, and further sentence is recorded against him in this case.

5.

They also concur in the acquittal of the remaining prisoners, but they direct that the Acting Agent be called upon to explain on which grounds he has demanded security from the 5th and 6th prisoners.

Ordered, that a Precept from this proceeding be forwarded to the Acting Agent to the Governor of Fort St. George and Sanjarare

by

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

(Sent following precept No.)

Read letter dated 26th July (3)

1856 from the Acting Sessions Judge of Salem, forwarding English translation of the record of Case No. 29 of 1856, on the Calendar of the Sessions Court, for the final judgment of the Court of Sanjarare Udalut.

(Received 4th No. 1432 of 1856)

The Court of Sanjarare after deliberate consideration of all the circumstances of this case in evidence before them, being of opinion, that the proof against the prisoner,

"Ausuf,"

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 the Seas as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor on public roads or other public works for and during the period of his natural life.

The

6th August, 1856.

Messrs F. Anderson and J. W. Grenfell.

1.

The Court of Inquiry to which Pullatha Vidalatchy was this day (his check was examined) in the 4th instance, deposition appears to have been incorrectly translated; if this expression was really made use of by the Acting Session Judge should have required the deponent (a Native doctor) to describe the precise appearance of the injuries on the deceased's cheek.

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

Sent in No.

Read letter, dated the 16th July 1856 from the Acting Agent to the Governor of Fort St. George, at Rangoon, transmitting the record of trial in Case No. 11 of 1856 on the file of this Court.

(Here enter S. C. No. 1410 of 1856.)

Mr. Justice Favier.

The Court of Inquiry to which Pullatha Vidalatchy was this day (his check was examined) in the 4th instance, deposition appears to have been incorrectly translated; if this expression was really made use of by the Acting Session Judge should have required the deponent (a Native doctor) to describe the precise appearance of the injuries on the deceased's cheek.

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

Sent in No.

Read letter, dated the 16th July 1856 from the Acting Agent to the Governor of Fort St. George, at Rangoon, transmitting the record of trial in Case No. 11 of 1856 on the file of this Court.

(Here enter S. C. No. 1410 of 1856.)

The Court of Inquiry to which Pullatha Vidalatchy was this day (his check was examined) in the 4th instance, deposition appears to have been incorrectly translated; if this expression was really made use of by the Acting Session Judge should have required the deponent (a Native doctor) to describe the precise appearance of the injuries on the deceased's cheek.

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

Sent in No.

Read letter, dated the 16th July 1856 from the Acting Agent to the Governor of Fort St. George, at Rangoon, transmitting the record of trial in Case No. 11 of 1856 on the file of this Court.

(Here enter S. C. No. 1410 of 1856.)

Mr. Justice Favier.

public roads or other public works for, and during
the period of their natural lives, and the prisoner,

5th Doubaroo Bola
Kommara;

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

2.

The prisoner,

15th Nunda Rama;

having been sentenced in Case No. 10 of 1856 to
further sentence is passed in this case.

3.

And the Court of Foujdaree
Adalut being of opinion that the prisoner,

9th Nayecka Mugger;

is not convicted on presumptive proof or on the
evidence of credible witnesses or on his own confession
of the crime charged; the Court, against him
thereof; but considering that strong suspicion
though not amounting to conviction attaches to
him; they direct that he be required to
find two parties in 10 Rupees each, for his
good behaviour and appearance when required
within (1) One year or in default thereof that
he be detained for that period in confinement.

4 The Court observe that the
3rd prisoner in this case has been convicted in
Case No. 9 of Gang Robbery and Arson,
and also with the 1st, 2nd, 5th, 6th, and 15th prison-
ers in Case No. 10 of an attempt at the same
offences, but no sentence has been recorded
against them in these cases, with the exception
of the 15th prisoner who has been sentenced
in the latter case to 14 years' imprisonment
with hard labor and banishment to the
Straits Settlements.

The Court of Foujdaree
5 Adalut direct that their sentence in trial
No. 11 from the Acting Agent at Ganjam,
together with the whole of the proceedings
held in the case be transmitted to the
Chief Secretary to Government for the
purpose of being laid before the Right
Honorable the Governor in Council, to
the intent that the Court may in
conformity with the provisions of Sec-
tion V. Act V of 1841, receive the orders
of Government before they direct their
sentence to be carried into execution.

Cassidy

Ft. 06.

Thursday 7th August 1856 — At a Court of the Foujdaree Udalut

Present

H. Anderson, Esquire A.J.
T. W. Goodwyn, Esquire A.J. — Puisne Judges
G. A. Harris, Esquire A.J.

Read letter dated the 29th May 1856 from the Acting Sessions Judge of Salem — Ft. 06. No. 104 of 1856

The Acting Sessions Judge suggests that, in order to relieve the Salok-
-peons who under the present system accompany the prosecutors and witness-
-es, as well as the prisoners, in cases committed to the Subordinate Court a practice might be introduced of taking recognizances from the prose-
-cutors and witnesses to appear before the Court on a certain day to prose-
-cute and give evidence, under a penal-
-ty for non attendance —

The

7th August 1856

2

The Court of Foujdaree Adalut observe that Clause fourth, Section XXXIII Regulation XI of 1816, which lays down the practice now in force, precludes the adoption of the plan suggested by the Acting Session Judge—

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

(Sent in)

Read Miscellaneous Petition presented on the 3d July 1856 by Runganaiah of Tillah Trichinopoly—

(Here enter F. M. D. No 124 of 1856)

Mr G. A. Harris

1

Petitioner prays for a reconsideration of the order of this Court dated the 6th March last rejecting her application for the release of her younger brother Venatasamy Naiken 1st Prisoner in Case No 33 of 1855 on the file of the Sessions Court of Trichinopoly—

7th August 1856

2

The Court of Foujdaree Adalut see nothing in the above Petition which could induce them to alter their former order above referred to, and they accordingly resolve to reject this Petition—

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

Read Miscellaneous petition received on the 16th July last through the Sessions Judge of Combaconum from Soobba Mudali of Tillah Combaconum—

(Here enter F. M. P. No 125 of 1856)

Mr F. Anderson

The object of the Petitioner is to induce the Court of Foujdaree Adalut to set aside an order of the Sessions Judge dated 9th April last confirming that passed by the Joint Magistrate fining the Petitioner in Rupees 15 commutable in default of payment to 15 days imprisonment with hard labor

labor but without irons for having
forcibly removed certain paddy
belonging to the Pagoda of which the
Prosecutor is the manager and
assaulted the Prosecutor and others
while opposing the aggressive acts of
the Petitioner and the other Defendants

2 The Court of Foujdaree Udalut
see no grounds to interfere with
the order appealed against, the Petition
is rejected—

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

Read Miscellaneous Petition
presented on the 14th July 1856 by Mr.
J. H. D. Wilson Pleader on behalf of
Chinnummal of Tillak Tinnevelly—

(Here Enter F. M. P. No. 128 of 1856)

Mr. G. A. Harris 1

This is an application for
the release of the 2d Prisoner in Case
No. 26 of 1856 on the file of the Sessions
Court of Tinnevelly—

2 The Court Foujdaree
Udalut

Udalut having in their Proceedings under
date the 16th Ultimo directed the release
of the Prisoners in the above case, no
orders are required on this Petition—

Ordered, that Extract from
these Proceedings be given to the Petit-
-tioners Pleader on his applicat-
-ion—

Read Miscellaneous Petition
presented on the 14th July 1856 by Rama
-nooja Syengar and another of Tillak
-nooja Syengar and another of Zillah
Combaconum—

(Here Enter F. M. P. No. 122 of 1856)

This is a second Petition
Mr. G. A. Harris 1 for a reconsideration of the order of
the Foujdaree Udalut dated the 28th
February last, rejecting the Petitioners'
Petition No. 25 of 1856—

The Court of Foujdaree
2 Udalut seeing no reason to disturb
their former orders in the matter,
resolve to reject this Petition—

Ordered that Extract from
these Proceedings be furnished to the Petition
-ers on their application—

Read

7th August 1856

Read Calendar in Case
No. 7 of 1856 on the Rajahmundry Sessions
Court's file.—

/Here enter F. No. No. 1022 of 1856/

Read again return dated
14th June 1856 from the Acting Session
Judge of Rajahmundry to the precept
of the Court of Foujdaree Udalut under
date the 9th June 1856 returning Calen-
dar in Case No. 7 of 1856 on the Sessions
Court file, and requesting the Acting
Session Judge to review the same and
state clearly the crime of which the
Prisoner is convicted.—

/Here enter F. No. No. 1154 of 1856/

Read also return dated
11th July 1856 from the Acting Session Judge
of Rajahmundry, to the precept of the
Foujdaree Udalut under date the 26th
June 1856 directing the transmission of
an English Translation of the Record
of Case No. XII of 1856 on the Rajahmundry
Session Courts file.—

/Here enter F. No. No. 1360 of 1856/

The

7th August 1856.

Mr. H. Anderson
Mr. T. R. Goodwyn
and
Mr. G. A. Harris

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

Saudy Pagadoo

is sufficient to convict him of the
crime of Culpable Homicide for which
the penalty of Deyut is awardable
under the Mahomedan Law as declared
in Futwas of their Law Officers, do convict
him thereof and under the provisions of
clause Second, Section XV. Regulation
VIII of 1802, sentence him to be imprison-
ed and kept to hard labor in irons
on the public roads or other public works
for and during the period of [5] five years.

The Prisoner was charged
with having assaulted and murdered
the deceased. The Law Officer convicted
the prisoner of Culpable Homicide. The Acting Session Judge did
not consider the Homicide proved but
convicted

convicted the prisoner of assault and
sentenced him to 6 months imprisonment.

2 The Court of Foujdaree Adalut
but on review of the Calendar being
of opinion that as there was a differ-
ence of opinion between him and the
Law Officer regarding the conviction of
the prisoner of culpable Homicide
the Acting Session Judge ought in
conformity with the regulations to
have referred the case for the sentence
of the Court of Foujdaree Adalut —
resolve to quash the conviction of the
prisoner by the Acting Session Judge
as illegal, and to dispose of the case as
now referred.—

3 The Court of Foujdaree Ada-
lut on a careful consideration of the
record concur in opinion with the —
Law Officer that the crime of Culpa-
ble Homicide is proved against —
the prisoner. It is found in evidence that
the prisoner assaulted, beat, threw
down and kicked the deceased. the
deceased

7th August 1856

deceased then said he was dying and
they were oblized to carry him in
a basket to the Village authorities.
he was brought back. did not rally
and died early next morning - On
the Corpse there were found marks of
violence on the shoulder and breast
and two of the witnesses deposed that
the shoulder blade was broken. There
is no evidence to show the deceased
was drunk - one of the witnesses dis-
tinctly states he was not so nor can
any other reason except the assault
committed by the prisoner be assigned
for his death.—

Under these circumstances
4 the Court have sentenced the prisoner
to 5 years' imprisonment with hard
labor in irons.

The Court are of opinion
5 that the Acting Session Judge should
have examined two of the parties who
attested the inquest paper.—

The

6 The Court observe that the translation of the record has been very carelessly prepared. They resolve to call the attention of the Acting Session Judge to Section XXXVII Regulation XII of 1802 which requires the Session Judge to examine and be responsible for the accuracy of the translations of the proceedings held in cases referred to the Court of Sunjdaree Adalut.

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

(Sent in No.)

Read letter from the Acting Agent to the Governor of Fort St. George at Ganjam dated 28th January 5th and 8th February and 9th June last, submitting summary reports on Cases Nos 56, 57, 58, 60, 62, 63, 65 and 66 of 1855.

(Here Entered F. No. Nos 300, 316, 342, 1187, 1188, 1189, 1191, 1192 & 1193 of 1856)

Read also letter from the same

same Officer dated the 9th June last reporting the death of the prisoner in Case No. 64 of 1855.

(Here Entered F. No. No. 1190 of 1856)

Read also letter from the same Officer dated the 6th May and 9th June last, submitting English translations of the records of Cases Nos 59 and 61 of 1855

(Here Entered F. No. Nos 1009 and 1186 of 1856)

Read also letter from the same Officer dated the 9th June last, proposing the sentences to be passed on the several prisoners who have been convicted of the Crimes charged against them in the Cases above referred to.

(Here Entered F. No. No. 1193 of 1856)

On a careful consideration of the above reports, the Court of Sunjdaree Adalut concur with the Acting Agent at Ganjam in the conviction of the prisoner Huddee Broondah Naik of having robbed a herd of Cattle

as

as charged in No. 56, of being one of a gang of Decoits as charged in No. 57; of being one of the party by whom Doodooraloonda was plundered and burned as charged in No. 58 and of being one of the party by whom the robbery attended with murder was committed at Tellasinghy as charged in No. 59, and for the reasons stated by the Acting Agent, the Court have sentenced him in Case No. 59 to be transported for life.—

2 The Court also concur in the conviction of Damoo Gowdo and Suzzernauth Naik alias Goomanee of having robbed and carried off the cattle as charged in No. 56; and of being members of a gang of Decoits as charged in No. 57, and they confirm the sentence of 12 years imprisonment with hard labour in irons proposed to be passed on each of these prisoners.—

They

3 They also concur in the conviction of Panda Naik alias Panda Patro of having robbed and carried off cattle as charged in No. 56; of being one of a Gang of Decoits as charged in No. 57, and of being one of the party by whom Doodooraloonda was plundered and burned; and they confirm the sentence of 14 years' imprisonment with hard labor in irons proposed by the Acting Agent to be passed on the prisoner.—

They also concur in convicting the prisoner Daso Naick of robbery and carrying off Cattle as charged in No. 56 of being one of a Gang of Decoits as charged in No. 57, and of being one of the party in No. 59 by whom the robbery attended with murder was committed at Tellasinghy, and have sentenced this prisoner in Case No. 59 to transportation for life.—

4

5 They also concur in the conviction

conviction of Lutchmun Naik alias Bhozasingee of robbery and carrying off cattle as charged in No. 56, and of being one in No. 58 of the party by whom Doodooraloonda was plundered and burned, and in the sentence of 14 years imprisonment with hard labor in irons proposed by the Acting Agent.—

6 The Court also concur in the conviction of Bhagavan Naik, Doondia (Dhendiah), Lodo Naik and Joogee Khomo of having robbed and carried off the Cattle as charged in No. 56, and in the sentence of 10 years imprisonment with hard labor in irons proposed by the Acting Agent to be passed on each of these prisoners.—

7 The Court also concur in convicting the prisoner Ramiah of having robbed and carried off the cattle as charged in No. 56, and of being an accessory before the fact and having accompanied part of the way the gang by whom Tellasinghy was

plundered as charged in No. 59; and as murder in both cases was committed by the gang whom the prisoner accompanied the Court have sentenced him in Case No. 59 to transportation for life.—

8 Atenzo has been convicted in Case No. 59 of being an accessory before the fact and having accompanied the gang part of the way by whom Tellasinghy was plundered, and has been sentenced in that case to 7 years imprisonment with hard labour in irons and banishment to the Jail at Nellore.—

9 The Court of Fouzdaree Adalut concur in the conviction of Sadono of being of the party by whom the cattle were robbed and carried away as charged in No. 56; but deeming the proposed punishment to be inadequate, they direct that the prisoner be sentenced to 10 years' imprisonment with hard labor

Labour in irons.—

10 The Court concur also in the conviction of Konjeo Naick, Dolliah Naick and Podoro Naick of belonging to a gang of Decoits as charged in No. 57, and in the sentence of 5 years imprisonment to be passed on Koojea Naick, but as Dolliah Naick, Podoro Naick are stated in para 12 of the Agents letter of the 5th February last to have been one Samasthanum Peons, the Court direct that they be sentenced each to 7 years imprisonment with hard labour in irons.

11 Kaliah Naick has been convicted by the Court of Hoojdaree Udalut in Case No. 59 and has been sentenced to transportation for life.—

12 The Court of Hoojdaree Udalut concur with the Acting Agent in the conviction of Khoto Dolbhed alias Boliarsinghi Dano Molicko and Donga Naick of being accessory before the fact and belonging to and having

having accompanied a part of the way, the gang of robbers by whom Doodooraloonda was plundered and burned as charged in Case No. 58, and in the sentence of 5 years imprisonment with hard labour in irons proposed to be passed on them.—

13 The Court also concur in the conviction of Dunnoosingee Khoora and Chokro Naick of having accompanied the gang and being present when the Villages of Doodraloonda, and Karcegooddo were plundered and burned as charged in No. 58 and in the sentence of 7 years imprisonment with hard labor in irons as proposed by the Acting Agent.—

14 Madavo Naick has been convicted in Case No. 59 and has been sentenced by this Court to imprisonment with hard labor in irons for 14 years and banishment to the Jail at Masulipatam.—

The

15 The Court of Foujdaree Udalut concur in the conviction of Goora Naick of being one of the party by whom the village of Comrocoote was plundered as charged in No. 60 but as he has been convicted on both Counts, the Court are of opinion that the sentence proposed by the Acting Agent is insufficient, & and they direct that he be sentenced to 10 years imprisonment with hard labour in irons.—

16 The Court also concur in convicting Arto Naik, Pindika Poretia and Narano Poretia of being found with property stolen in that village in their posession as charged in No. 60, and in the sentence of 2 years imprisonment with hard labor in irons.—

17 The Court of Foujdaree Udalut also concur with the Acting Agent in the conviction of Konsa Patro of having been found in posession of stolen property as charged in No. 60,

and of being one of the party by whom the village of Chekalee was burnt and murder committed as charged in No. 62, and of the prisoner Pandava Naick of having been found with stolen property in his posession as charged in No. 60, and of being one of the party by whom the village of Chekalee was attaked and burned in No. 66 and murder committed, as in No. 62, as well as in the sentence of 14 years imprisonment with hard labor in irons proposed to be passed on both these prisoners.—

18 The Court concur in convicting Lutchmun Befroye and Lutchmun Naick of having stolen property in their posession as charged in No. 60 and of having formed part of a gang by whom two females were abducted in 1849 as charged in No. 63, the Court direct that they be sentenced each to 3 years imprisonment with

with hard labor in irons the sentence
of 2 years imprisonment proposed
by the Acting Agent being inadequate.
19 The Court further convict
the prisoner Soma Naik of being one
of a gang by whom robbery was commit-
-ted in 1852 in the village of Matsabadee,
and in the sentence of 7 years imprison-
-ment with hard labor in irons proposed
by the Acting Agent.—
20 The Court direct that the
prisoners above referred to be banish-
-ed to the following Jails during the
period of their imprisonment viz^t.

1st Damo Gowdoo
13th Rhoto Dobbera
18th Goora Naick
23c Pandara Naick
} Masulipatam

2c Juggernauth Naick
10th Roofoo Naick
14th Damo Molika
17th Chokro Naick
19th Arto Naick
} Vellore

3c Punda Naick
12 Podoo Naick
15th Donga Naick
20th Pundeka Poseta
24th Lutchmun Bejoy
} Rajahmundry

4th Lutchmun Naick
6th Dhendiah
7th Lodo
8th Joogee Khomo
9th Sadoo
16th Dhemmoo Singha-
-Khonroo
21st Narano Poretro
25th Lutchmun Naick
} Chicacole

5th Bhagovan Naick
11th Doolliah Naick
22c Konna Patro
26c Samo Naick
} Guntoor.

The Court of Fouzdaree
21 Adalut deem it due to the Acting Agent
Mr W. Knox and his Assistant Mr W. Ro-
-Macdonald to express their approba-
-tion of the able and careful manner
in

in which the trials of the cases above
referred to have been conducted.—

22 To enable the Court of
Fouydaree Udalut to grant certifi-
-cate of pardon to such of the approvers
in the above cases, as have fulfilled
the condition on which they had
been admitted as approvers, they
direct that a report of all such
approvers be made specifying the name
of each approver, the cases in which
they were concerned, and the date of
the Order of this Court authorizing
the offer of a conditional pardon
to them.—

Ordered that Extract from
these Proceedings be forwarded to the
Acting Agent to the Governor for Fort St.
George at Ganjam by Precept Returna-
-able within X days from and after its
receipt.

(Sent following Precept No

Rec 18

Friday 8th August 1856

I 16

At a Court of the Fouydaree Udalut

Present

T. Anderson Esqre ——— Acting Puisne Judge

T. W. Goodwyn Esqre — Acting Puisne Judge

G. A. Harris Esqre ——— Acting Puisne Judge

Read return dated the 7th July 1856
from the Acting Session Judge of Chittoor, to the Precept
of the Court of Fouydaree Udalut calling upon the Acting
Session Judge to explain the facts proved against the
1st Prisoner in Calendar No. 30 of 1856.

(Herewith I 16 No 1421 of 1856)

Read again Calendar in Case No. 30
of 1856 on the file of the Session Court of Chittoor.

(Herewith I 16 No 1355 of 1856)

The Court of Fouydaree Udalut
being of opinion that proof of the 1st Prisoner's Police
confession (retracted before the Subordinate Court)
is not sufficient to warrant his conviction, acquit him
of the same and direct his immediate release

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

(Sent in No

Read

8th August 1856.

Read Calendar in Case No 49 of 18
submitted by the Session Judge of Masulipatam und
date the 17th July 1856.

(Here enter F. Uc. No 1364 of 1856)

1.

The Court of Foujdaree Udalut observe
that the sentence in this case is defective in as much as
does not set forth which of the witnesses proves the attem
or explains the apparent improbability of such a case bei
attempted in open day and when several others besides
the witnesses were present or in the immediate neighbourhood

2

They resolve therefore to return the Calen
to the Session Judge for correction, with reference to the
above remarks.

3

The Court disapprove of the infliction
of corporal punishment by instalments.

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

(Sent following Precept No

Read Calendar in Case No 39 of 18
on the file of the Session Court of Chittoor.

(Here enter F. Uc. No 1420 of 1856)

1.

The Court of Foujdaree Udalut direct
the Acting Session Judge will inform them of the mode
in which he intends to dispose of the property found in this
Case.

the

8th August 1856.

2

The Court of Foujdaree Udalut further
resolve to cancel the requisition of security made in this
case, as the security has been demanded not on the ground
of suspicion that the prisoners committed the offence with
which they are charged, but because they were found in
possession of property not their own.

3.

The Court of Foujdaree Udalut direct
the attention of the Acting Session Judge to the 2d Count
which should have been worded "That 2d Prisoner is further
charged with having been convicted "Vide
charge with having been convicted "Vide

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

(Sent following Precept No

Read Calendars in Cases Nos 45 and
46 of 1856. submitted by the Acting Session Judge of
Madura under date the 24th ultimo

(Here enter F. Uc. Nos 1407 and 1408 of 1856.)

The Prisoners in these cases were

1

charged with Perjury, and on conviction were sentenced
by the Acting Session Judge to 4 years imprisonment
with hard labor in irons; but in consideration of their
advanced age, the Acting Session Judge recommends
that the punishment be mitigated to 1 years imprison-
ment with labor and irons.

The Court of Foujdaree Udalut

2

observe

observed that the indictments are defective in not containing the very words of the Prisoners on both occasions, and as they are unable clearly to make out from the indictments whether in the first instance the Prisoners deposed to what they had actually seen, they resolve to direct that the translations of the two depositions given by the Prisoners be submitted for their consideration, and that the Acting Session Judge be required to explain in what way the Prisoners' statements were material to the issue of the charge against the Prisoners in Case No 58 of 1856.

3.

The Court also observe that in the indictments the Prisoners first depositions is stated to have been given on the 28th, and their subsequent ones on the 8th June - and this discrepancy must also be explained by the Acting Session Judge.

4.

The Acting Session Judge in recommending a mitigation of sentence on behalf of the Prisoners in Case No 46 on the ground of his advanced age should have stated the age of the Prisoner, and the Court direct that this information be now supplied.

Ordered that Extract from these Proceedings be sent to the Acting Session Judge of Madura by Precept returnable in 7 days from and after its receipt.

(Sent following Precept No

P. C.

8th August 1856.

Read letter dated 21st July 1856 from the Agent to the Governor of Fort Saint George at Vizagapatam, submitting for the final judgment of the Tongdarce Adalut the report of Trial in Criminal Case No 8 of 1856 on his file

(Hereunto enters P. C. No 1461 of 1856.)

Mr Goodwyn
Mr Harris

The Court of Tongdarce 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 Nadipilly Paupah

and

2nd Gopisetty Lutchiah,

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

(Sent in No

Read letter dated 22nd July 1856 from the Agent to the Governor of Fort Saint George at Vizagapatam, submitting for the final judgement of the Tongdarce Adalut the report of Trial in Criminal Case No 10 of 1856 on his file.

(Hereunto P. C. No 1462 of 1856)

The

8th August 1856.

Mr. Anderson
Mr. Harris.

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,

Yerlunky Chalamangah.

is sufficient to convict him of the crime of Murder, do convict him thereof; and under the provisions of Section X Regulation XIII of 1807, sentence him to suffer death by being hanged at the usual time and place of execution.

(Sent in No.

Ed 18 Dis

Mean Allen

Calendar I
Case No 6.

Saturday,
9th August 1856.

F. A.

At a Court of the Foujdaree Adalut

Present

Findlay Anderson Esqre
T. W. Goodwyn Esquire
J. A. Harris Esquire
} Acting Puisne Judges

Read the Petty Calendars of cases disposed of during the 2d Quarter of 1856, forwarded by the Acting Agent at Ganjam.-

(Here Enter F A No 1435 of 1856)

The Court of Foujdaree Adalut observe that the charge in this case should have been headed "Misdemeanor."

Ordered, that Extract from these Proceedings be sent to the Acting Agent at Ganjam for his information.

(Sent in No.

Read letter dated 25th July, from the Sessions Judge of Masulipatam.

(Here Enter F A No 1419 of 1856)

In the above letter the Sessions Judge requests instructions relative to a case of adultery pending before the

1.

the Sessions Court wherein both the parties are Christians.-

2. The Court of Foujdaree Adalut inform the Session Judge that it has on a former occasion been ruled by the Court that the Mahomedan Law, which is the Criminal law of the country, in cases for which the regulations do not expressly provide, is applicable to Christians as regards the crime of adultery.-

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

(Sent in No.

Read letter dated 29th July 1856, from the Sessions Judge of Coimbatore, forwarding for the final Judgment of the Court of Foujdaree Adalut, the records of case No 32 of 1856 on the Calendar of the Sessions Court of Coimbatore.-

Messrs T. W. Goodwyn
T. Anderson

(Here Enter F. R. No 1436 of 1856)

The Court of Foujdaree Adalut, on a deliberate consideration of all the

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

1st Comarasawmy Goundan

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.

E. B. H.

Saunders

P. 114

Monday
11th August 1856

At a Court of the Poudicherry Adalut

Present

P. Anderson Esqre
E. W. Goodwyn Esqre
G. A. Harris Esqre

} Acting Puisne Judges.

Read Miscellaneous —

Petition presented on the 19th June 1856 by E Salmon Esqre Pleader on behalf of Chinnasawmy Naick Zillah Cowtha.

— consum —

(Dire Entes P.M.P. No 115 of 1856)

P. Anderson Esqre J.

The Petitioner prays the Court of Poudicherry Adalut will — cancel the sentence passed by the Acting Subordinate Judge in Criminal Case No 127 of 1855 and confirmed on appeal by the Sessions Judge on the 16th February 1856 fining him in the sum of Rupees 250, for being found in possession of Brandy &c without a License. as the offence charged was not punishable under the Section of the Regulation quoted by the Acting Subordinate Judge viz:

Section

11th August 1856

Section XV Regulation I of 1820.

2. The Court of Foujdaree Adalut resolve to quash the conviction in this case. Had the Defendant been found guilty of selling spirituous liquor without a licence, he might have been convicted under Clause 9. Section VI, but under Section XV of Regulation I of 1820 it is the absence of a "valid permit" and not of a "licence" which makes the profession of spirituous liquor punishable).

3. The Court of Foujdaree Adalut on the grounds, are of opinion that the prisoner being charged with being in profession of Toddy without a licence cannot be punished under the Section of the Regulation above quoted.

4. They accordingly direct that the fine if levied be repaid to the Petitioner.

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

11th August 1856

Session Judge of Combaconum for communication to acting Subordinate Judge by precept returnable in VII days from and after its receipt.

Read again Miscellaneous Petition presented on the 9th June 1856 by J. Tanchoomanen Reader on behalf of Krishnammal Zillah Chittoor.

(Here Enter M. P. No 106 of 1856)

Read also Return dated 23. Return of the Acting Sessions Judge of Chittoor to the precept of the Court dated the 7th July 1856.

(Here Enter No 1391 of 1856)

In view of the above

T. Anderson Esqre

return the Court of Foujdaree Adalut see no reason to interfere with the lower Courts order, Petition dismissed.

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

Ordered

Ordered also, that Extract from these Proceedings be furnished to the Petitioner's Pleader on his applic-cation.

Read report dated 1st Instant submitted by the Sessions Judge of Cuddalore, of Cases pending before the Sessions Court for a period exceeding 25 days from the date of Commitment.

(Here Enter F.H. No. 1450 of 1856)

Read return dated 30th July 1856 from the Sessions Judge of Tinnevelly, to the precept of the Tanjore Zillah Court under date the 23rd July 1856 directing the Sessions Judge to call upon the Principal Tudr Ameen for any explanation he may have to offer regarding the committal of Sessions Case No. 30, and to submit any remarks he may have to make on the subject.

(Here Enter F.H. No. 1452 of 1856) in

No. D.

Tuesday,
12th August 1856. At a Court of the Tanjore Zillah.

Present.

Findlay Anderson Esqre
T. W. Goodwyn Esqre
G. A. Harris Esquire

} Acting Puisne Judges.

Read Criminal Report B for the month of June 1856, Zillah Coimbatore.-

(Here Enter F.H. No. 1415 of 1856)

The Court of Tanjore Zillah request that these returns may in future be folded lengthways.-

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

(Sent in No.

Read again Criminal Report B submitted by the Acting Principal Assistant to the Agent in Ganjam for the month of February 1856.-

(Here Enter F.H. No. 616 of 1856)

Read also return dated 3rd ult. May from the Acting Agent in Ganjam

Ganjam to the Precept of the Tonjaore
Cutcherry under date the 22d April 1856,
forwarding the Proceedings therein called for.

(Here Enter F.C. No 911 of 1856)

Read also Supplemental
Return of the Acting Agent in Ganjam
submitting translation of case No 2 of 1856.

(Here Enter F.C. No 1379 of 1856)

Upon a perusal of the record
the Court of Tonjaore Cutcherry are of
opinion that the evidence of the 1st 2d & 5th
witnesses corroborated by the fact
of the prosecutor having been confined
on a suspicion of theft and of com-
promise having been subsequently
made was sufficient to convict the
1st and 2d Prisoners and they regret
that these prisoners have escaped
the punishment they deserved.

Ordered that Extract from
these Proceedings be sent to the Acting
Agent at Ganjam for his information.

(Sent in No

Read letter dated the
29th ultimo from the Officiating Agent at

at Purnoor, submitting for the final judg-
=ment of the Tonjaore Cutcherry a Report of
the trial in Criminal case No of 1856
on the Agents file.

(Here Enter F.C. No 1449 of 1856)

1. Before passing orders on the
above letter the Court of Tonjaore Cutcherry
resolve to call upon the Officiating
Agent to submit for their considera-
=tion copies of the previous indictments
and sentences recorded against the prisoner.

2. They also resolve to point
out, that under the Regulation quoted
by the Officiating Agent, a sentence
of 14 years imprisonment should have
been recorded and a mitigation thereof
recommended under Clause 2d Section
III Regulation I of 1825.

3. It does not seem quite clear
to the Court that the crime of which
the prisoner has been convicted ca
comes within the definition of Robbery
by open violence as ruled in Circular
Order dated 20th November 1835 No 56,
to which the attention of the Officia

Agent

12th August 1856.

Agent is directed, and they request that Officer will report whether the prisoner was armed or not on the occasion of the robbery with which he stands charged.

4. The Court of Tonjdaree Vadalut observe that the Officiating Agent has omitted to insert the No. of the case in the letter above recorded.—

Ordered that Extract from these Proceedings be sent to the Officiating Agent to the Governor of Fort St. George at Kurnool by Peon returnable within V days from and after its receipt.—

(Sent following Peon Receipt No.

Read Report of cases dated 31st Ultimo submitted by the Session Judge of Nellore.—

(Here Enter F.V. No 1457 of 1856)

The Court of Tonjdaree Vadalut observe that as Session case No 24 of 1856 was not delayed before the Session Court for a period in excess of 25 days, its insertion in the above Report was unnecessary—

Ordered that Extract from these Proceedings be sent to the Session Judge of Nellore for his information. (Sent in No

Recd 18th

F.V.

Wednesday.
13th August 1855.

At a Court of the Tonjdaree Vadalut.

Present

T. Pederson Esqre
J. W. Goodwyn Esqre
G. N. Harris Esqre

} Acting Puisne Judges.

Read Calendar of Cases
No 44 of 1856 of the Session Court of Madura

(Here enter F.V. No 1459 of 1856)

The Court of Tonjdaree Vadalut observe that clause 2 and not clause 4 Section IV Regulation VII of 1822 should have been quoted in support of the sentence in this case.

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

(Sent in No

Read Calendar of Cases No 42 of 1856 of the Session Court of Masulipatam.

(Here enter F.V. No 1429 of 1856.)

Before disposing of this Case the Court of Tonjdaree Vadalut resolve to direct that

13th August 1856

that an English translation of the Record be submitted for their consideration.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Mandalay by Precept returnable in X days from date and acquainting him of the Receipt.

/Sent following Precept &c

Read Miscellaneous Petition forwarded by the Sessions Judge of Tinnevelly from Veroomal Naiken, applying for the Release of his relations the 2d & 3d Prisoners in Case No 10 of 1855 on the file of the Sessions Court of Tinnevelly, who were sentenced, the former to 5 and the latter to 3 Years imprisonment with hard labour in Irons on a Charge of Gang Robbery attended with wounding.

Mr Anderson.

/Here enter S. M. P. No 118 of 1856./

The Court of Foujdaree Udalut seeing no Reason to interfere with the Sentence appealed against, resolve to reject this Petition.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Tinnevelly for communication to the Petitioner.

/Sent in &c

Read Miscellaneous Petition presented on the 14th Ultimo by Vadamanickum of

13th August 1856.

of Zillah Tinnevelly.

/Here enter S. M. P. No 123 of 1856/

Mr Anderson.

1. Petitioner appeals from the Order of the Sessions Judge of Tinnevelly confirming the decision of the Criminal Court, whereby the Prisoners who were committed by the Head Assistant Magistrate for trial before that Court on a Charge of Robbery perpetrated in the Petitioner's House, were released on the Score of the absence of sufficient evidence against them.

2 Petitioner prays for the interference of this Court to call for the Record of the Case and to render him justice.

3. The Court of Foujdaree Udalut resolve to dismiss this Petition, the Petitioner having failed to produce copies of the orders of the lower Courts, of which he complains.

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

Read again Miscellaneous Petition presented on the 12th June 1856 by Mr. J. H. P. Wilson, Pleader on behalf of Sooberoya Moodaly of Zillah Chittoor.

/Here enter S. M. P. No 109 of 1856/

Read also Return dated 24th Ultimo of

13th August 1856

Mr. Anderson.

1. Petitioner prays the Court of Sunjdaree Udalut to direct the Session Judge of Tinnevelly to suspend execution of the sentence passed by that Officer upon the Petitioner's younger brother Prisoner in Case No. XX of 1856 until the final disposal of the Petition of appeal which the Petitioner intends to present to this Court on behalf of the Prisoner as soon as he obtains a copy of the Calendar of the above Case, for which he states he has applied to the Register of this Court.

2. The Court of Sunjdaree Udalut see no reason to issue an order for staying execution of the sentence above referred to, and they therefore resolve to reject the petition.

Ordered

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

/Sent in &c./

Read miscellaneous Petition presented on the 24th Ultimo by Pitchoo Nutter of Tillah Tinnevelly.

/Here enter J. in. P. No. 131 of 1856/

13th August 1856

Mr. Anderson.

of the Acting Session Judge to the Receipt of this Court under date the 7th July 1856.

/Here enter No. 1396 of 1856./

The petitioner's pleader admits that as the complaint made by his client was subsequent to that made by the opposite party he has no case; and the Court of Sunjdaree Udalut therefore dismiss this Appeal.

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

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

/Sent in &c./

Read Calendar of Case No. 50 of 1856 of the Session Court of Coimbatore.

/Here enter J. C. No. 1470 of 1856/

The Court of Sunjdaree Udalut approve of the recommendation made by the Session Judge in this Case, that the period of imprisonment which the Prisoners noted in the margin, have been adjudged to suffer on their conviction of Gang Robbery by open violence be reduced in the case of the 1st and 2d Prisoners to 9 Years, in that of the 3d Prisoner to 8 Years and in the instance of the remaining Prisoners to 7 Years, with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.

1. Mansthee
2. Kunlee
3. Nadoovany
4. Bathur alias Siddan
5. Maurea
6. Coorunay
7. Crun
8. Tellooman
9. Beligherry
10. Kanlanceran
11. Moonumun

Or Lee

13th August 1856

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

Ed Dillon.

T. U.

Thursday 14th August 1856

At a Court of the Tanjadore Udalut.

Present

T. Anderson Esqre
T. W. Goodwyn Esqre
G. F. Harris Esqre

} Acting Puisne Judges

Read Calendar of Case

No 46 of 1856 of the Sessions Court of Cuddapah.

/Here enter T. U. No 1439 of 1856/

1. The Court of Tanjadore Udalut decline to sanction the Reward proposed to be bestowed on Mr Dillon they authorize the payment of the Reward of 30 Rupees to the 9th witness to whom the Capture of the 2d Prisoner is said to be Chiefly owing.

2. The Court direct that the Magistrate be called upon to state his opinion regarding the proposed dismissal of the Village Officers and that on receipt thereof the Sessions Judge will submit the same for the consideration of this Court.

Ordered

14th August 1856

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddalore by Precept in X days from and after its receipt.

Sent following Precept No. /

Read Criminal Report B for the Months of June 1856 Zillah Chicacole

/Here enter J. Ct. No. 1368 of 1856/

The Court of Zoujdaree Udalut request that these Returns may in future be folded lengthways.

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

/Sent in No. /

Read again letter dated the 18th July 1856 from the Acting Agent to the Governor of Fort Saint George at Ganjam submitting for the final Judgment of the Zoujdaree Udalut the Record of Proceedings held in Case No. 11 of 1856.

Here enter No. 1410 of 1856

Read also Extract from the Minutes of Consultation No. 814 under date the 11th August 1856 Confirming the Sentence of Zoujdaree Udalut

14th August 1856.

Udalut passed in the trial for Rebellion No. 11 of 1856 on the Agents file.

/Here enter No. 1510 of 1856/

Under authority of the Right Honorable the Governor in Council the Court do accordingly direct that the prisoners

1st Polanka Paulegaudoo alias Domboo Voolanading

2nd Broondananah Dundasena alias Kollah Dundasena

3d Balaramah Dolo

4th Juggunatha Pradahana

be transported beyond Sea to such place as the Governor in Council shall hereafter appoint there to be imprisoned and kept to hard labour on the public Roads or other public works for and during the period of their natural lives; the Prisoner,

5th Damboorroo Bodda Kammaroo

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

6th Nagoola Mujee

be required to find two Sureties in (10) ten Rupees each Surety for his good behaviour and appearance when required within (1) one year, or in default thereof, that he

14th August 1856 he be detained for that period in confinement.

By order of the Court of Tongdaree Udalut

/Sent in &c

Read letter dated 1st August 1856
from the Sessions Judge of Honore submitting for
the final Judgment of the Tongdaree Udalut
the Record of Case No 10 of 1856 on the Calendar
of the Session Court.

/Here enter J. Uc. No 1501 of 1856.

Mr. J. W. Goodwyn

The Court of Tongdaree 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 Prisoner
Munjoo Shetty
is sufficient to convict him of the crime Charged
do convict him thereof & sentence him to be trans-
ported to such place or places beyond Sea as the
Governor in Council shall appoint there to be
imprisoned and kept to hard labor on the public
roads or other public works for and during the
period of his natural life

/Sent in &c

Ex 2/8 1.0.

J. Uc.

Friday
15th August 1856

At a Court of the Tongdaree Udalut

Present

J. Anderson Esqre
J. W. Goodwyn Esqre
G. P. Harris Esqre
} Acting Assistant Judges

Read Calendar of Cases No 43
of 1856 of the Session Court of Madura.

/Here enters J. Uc. No 1460 of 1856/

The Court of Tongdaree Udalut
approve of the recommendation made by the Session
Judge in this case, that the period of imprisonment
which the Prisoner noted in the Margin has been
adjudged to suffer on his conviction of Highway Robbery
be reduced to (8) Eight Years with hard labor in irons
and 50 lashes and they do authorize the Session Judge
to issue his warrant accordingly.

Arnachallum.

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

/Sent in &c

Read letter under date the 23d
June 1856 from the Acting Agent at Ganjam forward-
ing English translation of the Record of Case No 2
of 1856 on the Calendar of the Agents Court for the final
Judgment

15th August 1856.

Judgment of the Court of Sanjdara Adalut

/Hear enter J. No. No. 1285 of 1856./

Read Return dated 7th July 1856 from the Acting Agent at Ganjam to the Precpt. of the Sanjdara Adalut under date the 15th July 1856 calling on him to explain whether the Prisoner's plea of "guilty" in No. 12 of 1856, has been correctly recorded.

/Here enters J. No. No. 1448 of 1856./

The Court of Sanjdara Adalut on a deliberate consideration of all the circumstances of the Case in evidence before them being of opinion that the Prisoner.

Ramachendra Behera is not convicted on presumptive proof, or on the evidence of Credible witnesses, or on his own confession of the crime of Rebellion, do acquit him thereof, and direct that he be set at liberty.

1. In this Case the Prisoner is stated to have pleaded "Guilty" but the Agent on being required to explain "whether the Prisoner's "plea of Guilty has been correctly recorded, as such "a plea would be most inconsistent with the "prisoner's detailed statement, and the whole tenor "of the Agent's letter of the 25th June last, especially "Para 2, wherein it is stated, that he (the prisoner) "says he was "acting in good faith" states that; though

15th August 1856. though this plea was actually recorded, yet he believed that the Prisoner meant to imply that he went to the Fort without any criminal design" or in other words that the Acting Agent recorded the plea of "Guilty" though believing that the Prisoner intended to plead "not guilty."

2. In all future cases the Acting is directed to be most careful that ignorant or timid Prisoners shall be made most fully aware of the meaning of the charge, as well as the nature and consequences of a plea of "Guilty" before such plea is recorded.

3. The sole question in this Case is, whether the Prisoner acted in good or bad faith.

4. If he acted in good faith, he cannot be guilty of the charge or be punished.

5. The Agent admits that "he (the Prisoner) may have been made a dupe of;" and then proceeds to argue that as his act, whether one of co-design or gross negligence, whether in bad or good faith, might have caused the loss of the Fort and life; he therefore should be transported for life, as a warning to others.

6. In other words, that though the Prisoner may have acted in good faith and be is not guilty

of the Charge, yet he is to be punished for allowing himself to be made a dupe of or, for his gross neglect in not taking due care that he was not made a dupe of; acts of omission which are not entered in the charge, and the punishment of which is contrary to all principles of law.

7. The Court now proceed to the facts of the case. It is most important to consider the prisoners condition the prisoner was in before and after the burning of the house, and to remember that there is not a tittle of evidence to show that he set fire to the house, or to prove that the fire was not accidental or caused by a lighted arrow shot by a Rebel but side the Fort, to cause confusion and aid their attack. The probability of the latter supposition is shown by the questions put by the Agent.

8. It appears that the Prisoner and G. Major (Head of the Serungo people) who entered the Fort in the morning offered (in order to make a Report terms for themselves with Government) to conduct an armed party from the Fort to surprise some of the rebels. The Prisoner and G. Major then went away and the former only returned in the afternoon. Then preparations for the sortie were being made in the evening, the Prisoner's brother gave information that

15th August 1858. that a body of rebels was about to attack the Fort and the sortie was abandoned.

9. At this time it does not appear that the Prisoner was suspected of treachery, for he was allowed to retain his arms (battle axe &c.) and was not placed under any restraint. It was clear that the attack might have been caused by the treachery of G. Major, or of those accompanying the three Bishoyes who promised to join the Circar or by some sudden and secret plan of the three Bishoyes of which the prisoner was ignorant. The assemblage of a large body of Rebels was discovered to the garrison by the Prisoners brother, a fact which, to a certain extent, tells in his favor.

10. If enticing the garrison to a distance, and then seizing the unguarded Fort, was the plan planned by the prisoner, surely setting fire to a house in the Fort was not likely to induce the garrison to quit their position.

11. The Agent observed, "the Bishoyes statement that he, the Prisoner, enquired about the number of men and recommended only a small guard to be kept, is very suspicious," the Agent

argument.

15th August 1856.

argument may be correct, if this 5th Witness's statement be true; but he, 5th witness, alleges that the interview took place at a Village called Colamma, whereas the 1st, 2d, and 3d witnesses state, that it took place within the Fort. Moreover the other witnesses to the interview, omit all mention of the above suspicious enquires which must have attracted their attention if really made. The Court do not therefore consider that the 5th Witness' statement on this subject deserves the implicit credit given it by the Agent, and therefore, acquit the Prisoner of the Crime charged.

12.

The Court of Foujdaree Udalut direct that their Sentence in trial No. 12 of 1856, from the Acting Agent at Ganjam, together with the whole of the proceedings held in the Case, be transmitted to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council to the intent that the Court may in conformity with the provisions of Section V. Act No. V of 1841, receive the orders of Government before they direct their Sentence to be carried into execution.

Ordered that Extract from these Proceedings be forwarded to the Acting Agent at Ganjam for his information and guidance.

Extd/-

F. No.

Saturday 16th August, 1856.

At a Court of the Foujdaree Udalut.

Present.

F. Anderson Esquire — }
T. W. Goadwyn Esquire } Mr. Puisne Judges.
G. A. Harris, Esquire — }

Read again Criminal Proceedings for the month of June 1856.

Zillah Nellore.

Vide Entry F. No. No. 1331 of 1856/-

Read also Communication from the Sessions Judge of Nellore, dated the 6th instant, reporting the result of his review of Criminal Case No. 105 of 1856.

Vide Entry F. No. No. 1474 of 1856/-

The Court of Foujdaree Udalut observe that under the circumstances represented in the above communication the charge in this case

case should have been headed "Breach of the Peace", and that portion charging resistance to the warrant of the Head of Police respecting the ploughing of the lands should have been omitted, there being no such legal process.—

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

Sent in No.

Ex Ellis.

F No

Sunday 17th August 1856

At a Court of the Fouzdaree Adalut

Present

F. Anderson Esquire Asst.
T. W. Goodwyn Esquire Asst. } Puisne Judges
G. A. Harris Esquire Asst.

Read letter dated 5th August 1856, from the Acting Sessions Judge of Calicut, submitting for the final Judgement of the Fouzdaree Adalut, the Record of Trial in the A. No. 80 of 1856 of Calendar of the Sessions Court.—

(Now Entered F No. 1509 of 1856.)

Present
Sessions Judge F. Anderson
T. W. Goodwyn and
G. A. Harris

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

Cranew Koondoopurakel Chamy Koonjapan

is sufficient to convict him of the crime of Murder, do convict him thereof, and under the provisions of Sections X, Regulation XIII of 1803, sentence

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

1. The Sessions Judge states "there cannot "exist a doubt but that the Murder of the 4 individuals "was perpetrated by the Prisoner;" and para 6 of his letter shows that he entirely discredits the 1st witness' evidence.

2 If the Prisoner perpetrated the four murders, it is evident to the Court of Foujdaree Adawlut that the released Prisoners could not have killed two of these individuals; consequently his Police confession that he did so must be false. & with it was (as he stated before the Subordinate Court) extorted by torture.

3 The Village and Sub-Officers on report prove that up to the afternoon of the day, after the murder, the locks of the house as hitherto and the shot are as follows.

4 Four persons had been murdered and 5th witness wounded on the preceding morning. One of the victims, Ryattooroo, had just been able to grasp out, that the 1st Prisoner had killed him. The 8th witness recognizes the 1st Prisoner as the person

17th August 1856

person who wounded him, but saw no others there. The 1st prosecutrix had seen a person running off whom she did not recognize. The 1st Prisoner had absconded; there were marks of blood at his house and ample causes detailed at the trial why the 1st Prisoner should have committed three murders. In fact, no one at the village had any other idea than that the 1st Prisoner alone were guilty.

5 The examination before the Tahsildar brings forward entirely new features of the case, viz; the 1st Prisoners confession admitting two murders and the wounding, and charging the 2d Prisoner with the two other murders and morning the 1st witness as an eyewitness.

6. This 1st witness had been present at the investigation held in the morning by the village and Sub Officer, but had not then divulged one word of what he afterwards details respecting the preparation of the murders, by the 1st and 2d Prisoners; his testimony is evidently utterly false and concocted.

7 The 1st witness' statement is decidedly

decidedly contradicted by the evidence of the victims' relations and the other witnesses - The question, therefore, arises who conducted the 1st witness' evidence.

8 No adequate motive has been assigned for the 2d prisoner joining in these cruel and desperate murders, and his Police confession contains strong internal & primâ facie evidence of conspiracy. It cannot be credited that he murdered the boy Veeranè with the deceased Kollanna's knife, threw it to another house 470 yards off, there perpetrated another brutal murder, and then quietly walked back to the first house where there was a light burning, and, unseen by any one, deposited the knife near Kollanna's mother, who with his wife were crying over the bodies of their relatives.

9 The Court of Foujdaree Adawlut resolve therefore to direct that the charge strate be required to institute a strict inquiry: nesting actions as to the charge of Torture, and to submit his opinion thereon, and the conduct of the Tahsildar's General, character.

Ordered that Extract of proceedings be forwarded to the Acting Sessions Judge of Calicut by precept returnable within x days of same and after its receipt.

(Sent following Precept &c)

E. H. M.

F. No.

Monday 18th August 1856. At a Court of the Foujdaree Adalut.

Present.

F. Anderson, Esquire —
T. W. Goodwyn, Esquire — } Ag. Puisne Judges.
G. A. Harris, Esquire —

Read letter under date the 2d August 1856 from the Sessions Judge of Cuddapah submitting a copy of a communication from the Subordinate Criminal Judge in which that Officer solicits the opinion of the Court of Foujdaree Adalut as to whether they intended by Circular Order No. 203 to declare that persons convicted of escape while under examination on charges of a petty nature punishable by the Police or Magistracy are not liable to any punishment at all or merely that they

they were not punishable by the Criminal Courts under Clause 3d Section V Regulation VI of 1822.—

/Here Enter F. M. No. 1471 of 1856/—

The intention of the rule laid down in the Circular Order of the Foujdaree Adalut above referred to is that no separate punishment shall be adjudged for escape committed by persons in custody on warrant in petty cases.—

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

/Sent in No. /—

Read Extract from the Proceedings of the Sessions Court of Chingleput under date the 6th instant held on the Petty Calendar of the Magistracy for the 2d quarter of 1856.

/Here Enter F. M. No. 1487 of 1856/—

With reference to the observation

observation of the Sessions Judge in para. 2 of his proceedings dated the 8th July last, the Court of Foujdaree Adalut resolve to point out to that Officer that it is competent to the Police under Section XLIII Regulation XI of 1816 to entertain petty complaints if preferred within 3 months from the date of the act complained of.—

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

/Sent in No. /—

Read again Miscellaneous Petition presented on the 27th March 1856 by E. Salmon Esquire, Pleader on behalf of C. Vencatarunga Chetty, of Zillah Nellore.—

/Here Enter F. M. P. No. 66 of 1856/—

The Court of Foujdaree Adalut are of opinion that the Sessions Judge has exceeded his powers in ordering the restoration of M. Appalacharry to

Mr. J. W. Goodwyn

18th August, 1856

to his office and therefore resolve to cancel the order appealed against, and confirm that of the Magistrate.

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

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

/Sent in No.

Read Miscellaneous Petition presented on the 30th April 1856 by E. Salmon Esquire Pleader on behalf of K. Vencatarungachary, of Zillah Nellore.—

/Here Enter F. M. D. No. 90 of 1856/

Mr. T. W. Goodwyn.

The Court of Foujdaree Adalut having, on Miscellaneous petition No. 66 of 1856, decided that the Sessions Judge exceeded his powers in ordering the restoration of M. Appalachary to his office, consider under the circumstances of the case that

that

2/

F. M.

18th August, 1856.

that the security to which the petitioners have been held may properly be cancelled, and accordingly resolve to cancel the same.—

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

/Sent following Precept No. /—

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

Read again Calendar of Case No. 48 of 1856 on the file of the Sessions Court of Masulipatam.

/Here Enter F. M. No. 1388 of 1856/

Read also return dated 6th August 1856 from the Sessions Judge of Masulipatam to the Precept of the Foujdaree Adalut under date the 1st idem calling for certain explanation in the above case.

/Here Enter F. M. No. 1500 of 1856/

As

18th August, 1856.

1. As the girls appear to have acted voluntarily the Court of Foujdaree Udalut are of opinion that a sentence of 2 years' imprisonment, the 1st Prisoner with labor suitable to her sex and the 2d and 3d with hard labor in irons, without flogging, will be adequate punishment for the offence of which they have been convicted and they resolve to call upon the Session Judge to reduce the sentence accordingly.

2. If unable to concur with the Court in the propriety of the mitigated sentence now proposed, the Session Judge will be pleased to submit an English translation of the entire Record of the case for their consideration.

Ordered, that Extract from these Proceedings be forwarded to the Session Judge of Muzaffurpore by Precept returnable within [illegible] days from and after its receipt.

Sent following Precept No. [illegible]

4 Vols.

F. D.

Tuesday 19th August 1856. } At a Court of the Foujdaree Udalut.

Present.

F. Anderson Esqre Acting
F. H. Goodwyn Esqre Acting
G. A. Harris Esqre Acting
} Puisne Judges.

Read petty Calendars submitted by the Session Judge of Cuddapah during the 2d quarter of 1856.

(Word inter F. D. No. 1493 of 1856)

Calendar II

General No. 19.

The Court of Foujdaree Udalut observe that the sentence should have stated which of the offences or whether both were proved against the prisoner.

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

(Sent in etc. /57

4 of that

Craigie Adler

1818.

F. Ec.

Wednesday 20th. August 1856 } At a Court of the Foujdaree Adalut

Present.

F. Anderson Esqre. Acting
I. H. Goodwyne Esqre. Acting } Puisne Judges
G. A. Harris Esqre. Acting

Read Miscellaneous petition presented on the 24th. July 1856 by Alamalu and another Zillah Chittoor.

(Here Enter F. In. P. No. 130 of 1856)

Mr. G. A. Harris. This is an appeal by the 1st. 4th, 5th and 6th. Prisoners in case No. 49 of 1855 on the file of the Sessions Court of Chittoor.

2. The grounds stated in the Petition are that the Prisoners are not guilty of the crime laid to their charge, that when their houses were searched, nothing was found belonging to the Prosecutors, the articles discovered therein being disowned by the latter, and that the prisoners were not heard in their defence by the Sessions Judge.

3. The Prisoners therefore pray the Court of Foujdaree Adalut to call for and peruse the record of the case, and cancel

the

18 18th

the sentences passed by the Sessions Judge against them for 8 years imprisonment with hard labor in irons.

The Court of Fujdaree Adalut on a reference to the Calendar of the case in question, observe that the allegations contained in the Petition are incorrect. The first 3 prisoners gave up property which is shown to belong to the Prosecutor, and the 6th and 7th Prisoners confirmed their Police confessions before the Subordinate Court.

No witnesses were cited by any of the Prisoners.

The Court of Fujdaree Adalut therefore decline to interfere with the sentence passed by the Sessions Judge, and resolve to dismiss the petition.

Ordered that Extract from these proceedings be furnished to the Petitioners on their application.

Read Letter dated 13th August 1856 from the Sessions Judge of Coimbatore submitting for the final judgment of the Fujdaree Adalut, the record of Trial in Case

Case No. 3 of 1856 of the Calendar of the Sessions Court.

(Here Enter F. R. No. 1548 of 1856)

Messrs. Anderson and G. A. Harris

The Court of Fujdaree 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

Nulloosawmy Naiken

is sufficient to convict him of the crime of Perjury to convict him thereof; and under the provisions of Clause first section III Regulation VII of 1811 and Section V Regulation I of 1825 sentences him to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of (6) six months.

1 In this case the prisoner was charged with wilful perjury and was found guilty by the Assessors but the Sessions Judge deeming the evidence insufficient for the conviction of the Prisoner recommends that he should be acquitted.

The Court of Fujdaree Adalut

2 observe that it is admitted that the words

in

in building a bath room &c. was done by the prisoner, and it does not appear that he was ever paid for it, Plaintiff therefore seems to have had grounds for bringing an action. But his statement that he and the Defendants verbally settled accounts when the balance claimed by him was struck against them and that a promise was made to pay on the issue of pay, is, in the opinion of the Court, false and proved to be so by the evidence of Messrs Walsh and Wilson and they accordingly convict the prisoner of Perjury and sentence him to 6 months imprisonment with hard labor in irons.

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

(Sent in &c.)

Read Miscellaneous petition of Moottoriven forwarded by the Sessions Judge of Combaconum.

(Here Enter F. M. P. No. A 128 of 1856)

Petitioner prays the interference of the Court of Sudder Dewanny Adawlut to reverse the order of the Sessions Judge of Combaconum

under

Mr. G. A. Harris.

20th August 1856.

under date the 15th May 1856 confirming the decision of the Acting Special Assistant Magistrate whereby Vydeanadyen was permitted to enjoy the disputed land, and superintend certain Charities, and the petitioner was referred to the institution of a Civil action to establish any right he might possess.

The Court of Sudder Dewanny Adawlut see no grounds to interfere with the order appealed against and they therefore resolve to reject this petition.—

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Combaconum for communication to the petitioner.

(Sent in &c.)

Read letter dated 2d inst. from the Acting Magistrate of Masulipatam reporting that an offer of 100 Rupees has been made for the discovery of the criminals who committed a murder of a very unusual and atrocious nature, and requesting sanction, if no one comes forward within 10 or 15 days to give information to

increase

118

increase the reward to 500 Rupees.

(Here enter F. R. No. 1484 of 1856)

The Court of Foujdaree Adalut
doubting the propriety of the measure proposed
by the Acting Magistrate declines to sanction
the offer of a higher reward.

2. They observe that in such cases
identification is most important, and they
resolve to call upon the Acting Magistrate
to report if the body has been procured
for this purpose.

Ordered that Extract from
these proceedings be forwarded to the Acting
Magistrate of Masulipatam by Receipt
returnable within III days from and after
its receipt.

Sent following receipt. No

Ex. Thos W

/ss

F. R.

At a Court of the Foujdaree Adalut

Present

Thursday 21st August 1856	F. Anderson, Esquire.	Acting Puisne Judges
	J. W. Goodwyn, Esquire.	
	G. A. Harris, Esquire.	

Read Calendar of Case No. 4 of 1856 on the file of the Sessions Court of Chicacole.

(Here enter F. R. No. 1513 of 1856)

The Prisoners in this case were convicted of theft by administering poisonous or stupefying drugs and were sentenced by the Sessions Judge each to 7 years imprisonment with hard labor in irons, the 1st prisoner to receive 150 and the 2d. 100 stripes with a cat o'nine tails, and the Sessions Judge recommends that the 1st prisoner be banished to the Jail at Rajahmundry.

The Court of Foujdaree Adalut

2

under the provisions of clause third Section VIII Regulation XV of 1805 direct that the prisoner.

1st. Ramachendra Mahunty be banished to the Jail at Rajahmundry there to be imprisoned and kept to hard labor in irons during the period of his imprisonment.

Ordered

21st August 1856

1818

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Chicacole and Subordinate Judge of Rajahmundry for their information.—

E 04/5.

/ Sent in S.

J. U.

At a Court of the Foujdaree Udalut.—

Present

Friday 22nd August 1856

F. Anderson, Esquire.—
J. W. Goodwyn, Esquire.— } Acting Puisne Judges
G. A. Harris, Esquire.—

Read Calendar of Case No. 36 of 1856, on the file of the Session Court of Bellary—

/ Here enter S. U. No. 1504 of 1856 /

The Court of Foujdaree Udalut are of opinion, that punishment of 3 years imprisonment awarded to the Prisoner in this case is most inadequate for the offence of administering drugs with intent to rob.—

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

/ Sent in S. /

Read again Calendar of Case No. 37 of 1856, submitted by the Acting Session Judge of Madura under date the 8th Ultimo.—

/ Here enter S. U. No. 1294 of 1856 /

Read also return dated the 30th Ultimo

1818 22nd August 1856.

Ultimo from the Acting Session Judge of Madura
to the precept of the Foujdaree Udalut under date
the 22nd idem directing him to call upon the Ma
Magistrate to explain the cause of 4 months delay
noticed by him in the above Calendar.

/ Here enter F. C. No. 1158 of 1856 /

The Court of Foujdaree Udalut
consider the explanation offered on the above return
for the delay on the part of the Police Ameen in
sending up the case to the Court to be very
unsatisfactory; and they are of opinion, that had
strict supervision been exercised over the proceedings
of the Police, the case would have come under
the Magistrates notice at an earlier date.

The Police Ameen is in the opinion of the Court much to blame, and should be fined for his neglect and delay to report the case.

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

/ Sent in No. /

Read Calendar of Case No. 489 of 1856 submitted by the Sessions Judge of Cuddapah

22nd August 1856 Cuddapah

/ Here enter F. C. No. 1505 of 1856 /

The Court of Foujdaree Udalut

observe that, with reference to their Circular instructions dated the 8th February 1851, the entry of the additional charge against the 1st Prisoner in this case was unnecessary.

Para 3 of the Session Judges sentence leads to the belief that the 1st 2nd and 3rd witnesses were examined in case No. 35, but not in the presence of the Prisoner in the present case, and the Court direct the Session Judge will furnish an explanation on this point.

The Court also observe that, the question is not whether the blows would have caused the death of any one in good health, but if they, (whether striking a vital part or no, does not matter) did cause the deceased's death; upon this point the Session Judges sentence is not clear, and they resolve to call upon him to state, whether he considered the deceased's death caused by the ill-treatment.

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

/ Sent following Precept No. /

Read

22nd. August 1856

Read Return of the Sessions Judge of Nellore to the Precept of this Court under ex. date the 30th. June 1856.

/ Here enter S. C. No. 1172 of 1856. /

The Court of Foujdaree Adalut observe, that the cases in question being cases of ap fraud, would strictly be punishable according to the Mahomedan Law, under the provisions of Section VII. Regulation X. of 1816, extended to the Magistracy by section LIV. act VII. of 1843. being ov however for the most part of a petty nature, the Cour are of opinion, that they come under the denominatio of "petty offences" and may legally be dealt with u under section XXXII. Regulation IX of 1816.

2

The charge in such cases should always contain some clause, such as "to the damage and loss of (here name the party defrauded)" shou that the act laid is a criminal offence.

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

Sent in No.

3 Vol.

J. U.

At a Court of the Foujdaree Adalut

Present

J. Anderson. Esquire. —— Acting Prime Judges
J. W. Goodwyn. Esquire. ——
G. A. Harris. Esquire. ——

Saturday 23rd. August 1856

Read Calendar of Case No. 23 of 1856 submitted by the Sessions Judge of Nellore ov under date the 14th. August 1856.

/ Here enter F. C. No. 1551 of 1856. /

The Court of Foujdaree Adalut observe that with reference to their Circular Orders Nos. 115 and 120 the charge in this case has been incorrectly prepared, the effect or object of the forgery viz with intent to defraud and the name of the party intended to be defrauded should have been specified, and uttering should have formed a second count.

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

/ Sentence No. /

Read Calendar of Case No. 35 of 1856 of the Sessions Court of Tinnevelly

/ Here enter S. C. No. 1186 of 1856 / As

23rd August 1856

1856.

1

As the 1st Prisoner appears to have been the leader of the gang the Court of Foujdaree Udalut decline to mitigate his sentence.

2

The Court approve of the mitigation of the 4th Prisoner's sentence to 10 years Imprisonment with hard labor in irons and 75 lashes, and the Session Judge is hereby authorized to issue his Warrant accordingly.

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

/ Sent in &c.

/ Read Calendar in Cases Nos. 50 and 52 of 1856, submitted by the Acting Sessions Judge of Madura under date the 11th Instant.

/ Herewith F. W. Nos. 1555 of 1856 /

Case No. 50.

The Court of Foujdaree Udalut are of opinion that one year's imprisonment is a most inadequate punishment for the 1st Prisoner who is stated to have in a most brutal manner inflicted four severe wounds on the 1st Prosecutrix's head with a bill hook, besides more slightly wounding the 1st Prosecutrix's sister and daughter.

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

23d August 1856.

Judge of Madura for his information.

/ Sent on &c.

Read letters dated the 1st and 5th August 1856 from the Acting Agent to the Governor of Fort St. George at Ganjam, submitting for the final Judgment of the Foujdaree Udalut, a report of the trial in Criminal cases Nos. 19 and 20 of 1856, on his file.

/ Herewith F. W. Nos. 1530 and 1563 of 1856. /

Before passing final Orders on the above reports the Court of Foujdaree Udalut request that English translations of the records be submitted for their consideration and for eventual submission to Government with as little delay as possible.

Ordered that Extract from these proceedings be sent to the Acting Agent at Ganjam by Receipt returnable within 10 days from and after its receipt.

/ Sent following Receipt &c. /s

E. T. S.

F. No

Monday 25th August 1856

At a Court of the Foujdaree Udalut.

—Present—

F. Anderson Esqre. Acting
F. W. Goodwyn Esqre. Pnisne Judges
G. A Harris Esqre. Pnisne Judges

Read Calendar of Case No. 36 of 1856, submitted by the Acting Sessions Judge of Calicut, under date the 13th instant.

(Here enter F. No. 1566 of 1856)

The Court of Foujdaree Udalut observe that the Charge in this Case has not been prepared in the form prescribed by their Circular Order dated the 31st January 1820.

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

(Sent in No)

Read Petty Calendars of the Magistracy for the 2nd quarter of 1856, Zillah Calicut.

(Here enter F. No. 1560 of 1856)

The Court of Foujdaree Udalut observe, with reference to the opinions recorded

Case No 38 by the Magistrate

25th August 1856.

recorded by the Acting Session Judge and the Magistrate upon this Case, that the 1st defendant, not being amenable to Regulation III of 1819, was rightly punished under Section XXXII, Regulation IX of 1816, while the sentence awarded against the 2d prisoner, who was a police Officer, should have been passed under Clause second, Section III Regulation III of 1819.

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

Sent in No.

Read Miscellaneous Petition presented on the 15th August 1856 by E. Sabarivas Esquire, Pleader on behalf of Carimmu Sutchimmarsoo, Zillah Cuddapah.

Mr. P. Anderson and Mr. G. A. Harris.

Here under P. M. P. No. 133 of 1856

Petitioner, who was held to Security under grave suspicion of having instigated the prisoners in Case 44 of the Sessions File 1856 to commit a murder of which Charge the said prisoners were acquitted by the Court of Poojdaree Udalut, now

25th August 1856.

now prays that the requisition of security made from him be cancelled.

The Court of Poojdaree Udalut find that the petitioner was committed to the Subordinate Court on a charge of having instigated and caused certain other prisoners to commit the murder: these other prisoners were acquitted. The Court of Poojdaree Udalut are therefore of opinion that the Order of the Subordinate Judge holding the Prisoner to Security must be cancelled and do therefore order accordingly.

Ordered that Extract from these Proceedings be sent to the Session Judge of Cuddapah by Precept returnable in III days from and after its receipt.

Sent following Precept No.

Read Extract from the Minutes of Consultation dated 21st Instant, forwarding for the opinion of the Judges of the Poojdaree Udalut an Original Letter from the Magistrate of Coimbatore with a Copy of the Athenæum News Paper of the 3d July, relating to a Suit instituted in the Supreme

25th August 1836

Supreme Court at Madras by one Bawany Salah against Sir Thomas.

Here enter J. M. P. No 1543 of 1836)

The Court of Tongdaree Udalut resolve to direct that the original charge and the Magistrates' remarks, together with the sentence in English and the 2 Attorneys referred to in paras 2 and 3 of the Magistrates letter to the Chief Secretary to Government dated the 28th Ultimo, No 32, be submitted for their consideration.

Ordered that Extract from these Proceedings be sent to the Magistrate of Coimbatore by Precept returnable in 11 days from and after its receipt.

(Sent following Precept No)

Read Miscellaneous Petition presented by E. Saloman Esqr, Pleader on behalf of Dayee Hoossain Sahib Zellah Timmevelly

Here enter J. M. P. No 1544 of 1836)

The petitioner, a prisoner in Criminal Case 45 of 1836 on the file of the Session Court of Timmevelly, charged with House-breaking and theft and being found

Wm. J. W. Goodwyn.
and
Wm. G. A. Harris.

25th August 1836

found in possession of stolen property, prays the Court of Tongdaree Udalut to call for the record of the above Case and pass a fresh sentence on due Consideration thereof.

2 The Court of Tongdaree Udalut observe that the allegations in this petition are at direct variance with the facts as recorded in the Calendar.

3 The petitioner pleads in his petition that he was illegally found guilty of having aided and abetted the robbery, whereas it appears the petitioner was acquitted on this Count and found guilty on the second, under Clause 2nd Section 4 Regulation VII of 1822, for the guilty possession of some of the stolen property.

4 The Court of Tongdaree Udalut seeing no reason for disturbing the sentence passed upon the petitioner, resolve to reject this petition.

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

1856

25th August 1856

Judge of Tinnevelly for his information.

(Sent in No)

Ordered also that Extract from these Proceedings be given to the Petitioner's pleader on his application -5

Ex. Mk.

P. V.

Tuesday 26th August 1856

At a Court of the Poy dauee U dalut

Present —

F. Anderson Esqr acting — Union Judges

P. W. Gardiner Esqr D.

G. A Harris Esqr D.

Read Calendar of Case No 32 of 1856, submitted by the acting Sessions Judge of Coimbatore, under date the 2nd instant.

(Here enter P. V. No 1477/1856)

The Prisoners who are convicts on the Jail at Coimbatore, were convicted of assaulting the Jail Jamadar, while in the execution of his duty and were sentenced by the Acting Sessions Judge, the 1st and 2nd prisoners to 100 lashes each and to be imprisoned with hard labor in irons for 4 years, and the 3rd and 4th prisoners to 50 lashes each and 2 years' imprisonment with hard labor in irons - the imprisonment in the case of the 4 prisoners to be undergone either in the Jails of Coimbatore or Salem.

The Acting Sessions Judge suggests that for the sake of example and for the peace of the Jail, the sentence now awarded should

2

26th August 1856

should be at once Carried into effect and that on the Expiration of the term of imprisonment the prisoners should be sent back to Calicut to work out the remainder of their current imprisonment.

3 The Court of Foujdaree Udalut, under the provisions of Clause 3rd Section VIII Regulation XV of 1803, directs that the Prisoners,

1st Mengeritho dil Chegi
2d Piaw Melaparambato Atrankaw
3rd Moorooga Pankeen
4th Yedakaye Moolakel Hader

be banished, the 1st and 2d to Tinnivelly, and 3d and 4th to the Jail at Combatore, there to be imprisoned and kept to hard labor during the period of imprisonment awarded to them on this Case

4 They resolve however to point out to the Acting Session Judge the irregularity of sentencing the prisoners to banishment to a particular Zillah. Under the provisions of the Regulation above quoted it is competent to a Sessions Judge to sentence the prisoners to banishment from the District where they may have resided the place of their destination being determinable only by the Foujdaree Udalut.

They

26th August 1856

5 They direct the Acting Session Judge will with reference to Act VIII of 1856 and under the Special circumstances of the Case place himself in communication with the Inspector of Prisons in view to the commitment of these convicts for the remainder of their previous sentence in the Jails at Coimbatore and Tinnivelly.

6 Before passing final orders on the recommendation of the Acting Subordinate Judge for the cancellation of the sentence against the 1st and 2d witnesses, the Court direct that a Copy of the charges against them have been held to security be submitted for their consideration, with the opinion of the Acting Session Judge on the subject.

Ordered that Extract from these Proceedings be sent to the Acting Session Judge of Calicut by Precept returnable in III days from and after its receipt.

(Sent following Precept No)

Ordered also that Extract (para 3) from these Proceedings be sent to the Session Judges of Coimbatore and Tinnivelly, for their information respectively.

(Sent in No)

Read

Read Calendar of Case N° 48 of 1856 of the Session Court of Madura.

Here enter P.M. N° 1553 of 1856

1 Mathew alias Curpanan
2 Muttaroolandy
3 Vannan

1

The Acting Session Judge recommends that the period of imprisonment which the Prisoners noted in the margin have been adjudged to suffer on their conviction of Highway Robbery be mitigated to 5 years.

2

The Court of Foujdaree Udalut, deeming the punishment proposed inadequate to meet the ends of justice in this Case, resolve to direct that the Prisoners be sentenced to imprisonment with hard labor in irons for the period of 7 years.

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

(Sent in N°)

Read Calendar in Case N° 49 of 1856 on the file of the Session Court of Madura.

Here enter P.M. N° 1554 of 1856

1

The Acting Sessions Judge remarks that the Prisoner, the Acting Sessions Judge remarks in his sentence that he felt no hesitation in stating that the Prisoner was guilty, but that as there was

was barely evidence to adjudge the punishment which the conviction of such an offence would render the Prisoner liable to, he held him to security-

The Court of Foujdaree Udalut

2

desire the Acting Sessions Judge will more clearly explain his meaning whether he considered the evidence "insufficient for conviction" or insufficient to adjudge the punishment to which conviction would render the Prisoner liable; if the latter and he dissented from the view the Law Officer took of the Prisoner's guilt, he should have referred the case for the consideration of the Court of Foujdaree Udalut.

Ordered that Extract from these Proceedings be sent to the Acting Session Judge of Madura by Precept returnable in III days from and after its receipt.

(Sent following Precept N°)

Read letter under date the 9th August 1856, from the Session Judge of Madura, submitting, forwarding English Translation of the record of Case N° 32 of 1856 on the Calendar of the Session Court, for the final judgment of the Court of Foujdaree Udalut

(Here enter P.M. N° 1534 of 1856

Here

18

26th August 1836

Mr G. A. Harris

The Court of Tongdaree Ud dated

on a deliberate Consideration of all the circumstances of the Case in Evidence before them, being of opinion that the Prisoner

"Nedadavadoo Rammahendrudoo"

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.

In paras 15 and 16 of his letter the Sessions Judge after stating that it is satisfactorily proved that the Prisoner gave the two depositions viz. one before the Police and the other on solemn affirmation before the Session Court proceeds to observe "thus far I consider the instructions

In Sessions Case No 140 of 1836.

"of the Circular Order Tongdaree Ud dated 31st January 1820 have been carried "out and the Prisoner has been convicted of "the charge"

2.

The Court of Tongdaree Ud dated observe that the point at issue is not whether the Prisoner gave the aforesaid depositions, but have the facts alleged in his statement made on solemn affirmation been proved to be false by

26th August 1836

by full and undeniable testimony.

3

The whole tenor of the Sessions Judge's letter leads the Court to suppose that the Sessions Judge has misunderstood the true purport of the Circular orders Tongdaree Ud dated dated 31st January 1820 and 23rd November 26th as given in the Sessions Judge's letter / and lost sight of the provisions of Regulation 1826 and VI of 1811.

4

The former Circular Order the Court observes, is only applicable to cases of Perjury coming under Regulation VI of 1811: while the latter refers to the seperate offence of two contradictory statements being made on oath for which Regulation III of 1826 provides.—

5

It is clear that no charge will lay against the Prisoner under Regulation III of 1826, for one of his depositions was not delivered on oath or solemn affirmation.

6.

The indictment ought not to have contained any reference to the Prisoner's Police statements, but simply set forth that the Prisoner stated in his deposition given on solemn affirmation that when

in

in Company with the Prosecutor and 4th witness in N.40 only one other person Came into the house, whom he did not recognize, and that he did not see there the Prisoners in that Case whose names he learnt next day from that Prosecutor; whereas in truth and in fact he (Prisoner) was present at the assault and robbery by those Prisoners and gave their names to the Prosecutor.

7. It remains for the Court to determine whether the statement as made on solemn affirmation has been proved to be false by full and undeniable testimony with respect to the fact opposed to the said deposition.

8 Vide para: 14. The Sessions Judge states in his letter under reference that he does not consider the evidence against the accused complete.

9 The Court of Foujdaree Udalut observe that there is no evidence whatever against the Prisoner. The testimony of the first four witnesses relates only to the Prisoners having delivered his Police and Session Court statements in Case N.40, whilst that of the 5th and 6th witnesses entirely exonerates him. The former states that he is not aware from whom the Prosecutor

Prosecutor in N.40 obtained the names of the Prisoners, while the latter declares that the 5th witness himself was that Prosecutor's informant and neither of them depose that this Prisoner was present and witnessed the robbery.

10 The Court of Foujdaree Udalut are of opinion that the Prisoner has not been convicted of the charge, and therefore acquit him and direct his unconditional release.

11 The remarks above recorded are equally applicable to the present Case. The Prisoners in the two Cases having been the 3d and 4th witnesses in Session Case N.40 of 1856.

12 For the same reasons the Court of Foujdaree Udalut direct the acquittal and release of this Prisoner.

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

(Sent in 8c)

Read letter under date the 9th August 1856, from the Session Judge of Masulipatam, forwarding English Translation of the record of Case N.53

Case N.53

F. H.

Wednesday 27th. August 1856. At a Court of the Foujdaree Udalut

Present

F. Anderson Esquire
J. W. Goodwyn Esquire
G. A. Harris Esquire
} Acting Puisne Judges

Read Criminal Reports for the month of July 1856, submitted by the Session Judge of Bellore.

(Here enter F. H. No 1539 of 1856)

In all indictments for murder, the felonious, wilful, and malicious intent should be charged against the Prisoner.

Case. No 118.

Case. No 124.

2

The attention of the Session Judge is called to the wording of the charge in this case, and he is directed to correct the charges framed by the lower Courts when found to be faulty.

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

(Sent in. No.)

Read Calendar of Case. No 18 of 1856, submitted by the Session Judge of Guntoor

26th August 1836

of 1856 on the Calendar of the Session Court for the final judgment of the Court of Foujdaree Udalut.

(Here enter F. H. No 1535 of 1856)

Mr. G. A. Harris

The Court of Foujdaree Udalut on a deliberate consideration of all the circumstances of the case in Evidence befor them, being of opinion that the Prisoners.

"Mopedany Sawmy"

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.

For remarks see the preceding Case. S

E. H.

Guntoor.

/Here enter F. U. No. 1502 of 1856/

Before passing final orders on the above Calendar, the Court of Foujdaree Udalut resolve to direct that an English translation of the Record of the case be submitted for their consideration.

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

/Sent following Precept No./

Read Calendar of Cases No. 37 of 1856, submitted by the Acting Sessions Judge of Cuddapah under date the 13th Instant.

/Here enter F. U. No. 1567 of 1856/

The Court of Foujdaree Udalut observe that the charge in this case should have been framed in the form laid down in the Circular Order of the 31st January 1850.

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

/Sent in No./

Read return dated 13th. August 1856 from the Sessions Judge of Masulipatam

6

to the Precept of the Foujdaree Udalut under date the 8th. August 1856 calling for certain information in regard to the Sessions Case No. 49 of 1856.

/Here enter F. U. No. 1571 of 1856/

Under the explanation furnished in the above return, the Court of Foujdaree Udalut authorize the sentence of corporal punishment awarded in this case being carried into effect at Ellore, but they direct that either the Assistant Dreposer or a Dreposer at Ellore be required to be present during the infliction of the punishment.

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

/Sent in No./

Read Petty Calendars submitted by the Session Judge of Nellore for the 2d. Quarter of 1856.

/Here enter F. U. No. 1538 of 1856/

Calendar I
General Nos. 114 & 115.

The Session Judge will ascertain and report if the prisoners in these cases had any Police authority.

The

27th August 1856.

27 Nos 17 & 18 2. The sentences in these cases are too lenient.

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

I Sent following precept No 1.

E Hall.

F. 116.

Thursday 28th August 1856

At a Court of the Foujdaree Adalut

Present

H. Anderson, Esquire
T. W. Goodwyn, Esquire
G. A. Harris, Esquire
} Asst Puisne Judges

Circular Order No 211.

The attention of the Foujdaree Adalut has been called to the mass of useless depositions frequently record-ed by the Police and other authorities. It is a great object that criminal records should not be unnecessarily long; whatever swells the record with-out throwing light upon the case ought to be most carefully avoided.

The attention of the Magis-
2
tracy is called to the provisions of the Circular Order 3rd December 1818, as to the manner in which depositions should

should be reduced to writing.

3 It is unnecessary to insert a long question at the commencement of the Prosecutors' and Witnesses' depositions as to what complaint they have to make against such and such Prisoners or what they know about such and such a case. The substance of the material information which may be obtained from the deponents should be recorded directly after the heading in one continuous statement. The questions frequently inserted at the commencement of the depositions "What language do you speak?" or at the conclusion "Were your deposition read over to you has it been correctly recorded", should not be inserted. The Language so and so should be entered in the heading along with the particulars of Caste, profession, age &c. It is true that the depositions should invariably be read over to the deponent before

before his signature be taken. but the entry of this should be made at the end of the deponents statement thus "My deposition has been read to me and is correct."

4 If a Prisoner does not admit any criminating facts or allege in assuage, no further deposition should be taken than "I am not guilty" If he admits criminating facts, his statement in his own words and that alone should be taken down; Heads of Police should never by a process of questioning endeavour to obtain from a prisoner an admission of guilt.

5 No depositions need be taken by Police Officers (as is now sometimes done) from attesting witnesses to a Prisoners Police depositions. The attesting witnesses should merely sign as such below the Prisoners signature.

The

6 The above observations apply to examinations held before the Magistracy in committable cases.—

7 The Magistrates, Subordinate and Sessions Judges should invariably notice any departure from the provisions of the above Circular Order 3rd December 1818, and endeavour to explain to the native Police Officers that zeal and intelligence is shown by carefully & collecting all procurable evidence recording it concisely, and disposing of the case speedily. A very voluminous record raises the prima facie presumption that the inquiry has been conducted by some inexperienced Goomastah (who has not been supervised by the Tahsildar), or has been thus taken down that the bulk of the record might conceal the absence of zeal, attention and activity, or perhaps hide some objectionable proceedings.—

8 The attention of Subordinate Judges

28th August 1856

Judges Principal Sudder Ameens and Sessions Judges is particularly called to the provisions of Circular Order 25th June 1844—no other record is required before the Subordinate or Principal Sudder Ameens Court under Section XXIX. Act VII of 1843 in committable cases than the entry below the depositions "Police depositions of the words "Confirmed on solemn affirmation"— with the date and Subordinate Judges per signature. If further examination be considered necessary, it may, if space be left, be recorded on the Police deposition, otherwise on a separate paper to be attached to the deposition by a thread. No fresh heading need be inserted but the number of the case should be stated. In all committable cases recording the deponents answers only will generally be sufficient & without the committing Officer deems it necessary to record the

the examination in the form of question and answer.—

(Sent following Circular Order No /

Circular Order No. 210.

The Court of Foujdaree Udalut resolve to circulate the annexed Extract from the Minutes of Consultation dated the 8th instant No. 849, for the information and guidance of the several Judicial Authorities.—

Para 11. "The Governor in Council further desires that the Board of Revenue and Court of Sudder and Foujdaree Udalut will, by Circular Orders, impress upon all Officers under their control the necessity of careful and close examination of all charges brought against their Native public Servants. If on the one hand those servants are to be held strictly responsible for the due exercise of the powers entrusted to them and any abuse of these powers is to entail severe punishment, it is at least

least absolutely necessary both in justice to the individual and to the public interests that the servants of Government should not be convicted on light or insufficient grounds. should not be sacrificed to mere clamour nor caught by plots concocted purposely to entrap them. It is indispensable that the investigation into the alleged offences should not be hastily nor imperfectly conducted; that every opportunity be afforded to the accused of proving their innocence, that the evidence both against them and in their favor be closely sifted and carefully weighed, so that their guilt, if they are found guilty, be not left as a mere matter of surmise, but the conviction be such as to follow necessarily from a reasonable and dispassionate consideration of the entire case.—

(Sent following Circular Order No /

Read

Read Miscellaneous Petition presented on the 24th July 1856 by Messrs Arthur Mc Ritchie and Alexander Mc Ritchie Pleaders on behalf of Audichy and others relatives of 1st-4th 9th-11th-12th and 15th Prisoners in Case No 50 of 1855 on the file of the Sessions Court of Madura—

(Here Enter F. M. P. No 129 of 1856)

Mr F. Anderson 1 This is an application for the release of the aforesaid prisoners who were convicted of Robbery by open violence attended with Torture, and sentenced by the Sessions Judge to 14 years imprisonment with hard labor in irons—

2 Before passing a final order on this Petition, the Court of Foujdaree Udalut resolve to direct the Acting Sessions Judge of Madura to forward an English translation of the aforesaid Case for their consideration—

Ordered

28th August 1856

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

(Sent following Precept &c)

Read Miscellaneous Petition presented on the 28th July 1856 by John Tauchoo Menon Pleader on behalf of Cherellatta Coonjoo Nair of Zillah Calicut—

(Here Enter F. M. P. No 133 of 1856)

Mr G. A. Harris. 1 Petitioner appeals from an order of the Sessions Court of Calicut under date the 29th May 1856, reversing the decision of the Joint Magistrate of Malabar whereby that officer, in confirmation of the order of the Palghaut Tassildar, directed the Petitioner to be put in possession of the lands, which he complaines he was ousted of by Kayakapoorakel Nagoo and others—

The

2

The Court of Foujdaree Adalut see no grounds to interfere with the order appealed against and therefore resolve to reject this Petition.—

Ordered, that Extract from these Proceedings be given to the Petitioners Pleader on his application.—

Read Miscellaneous Petition presented on the 30th July 1856, by Ed. Salmon Esquire, Pleader on behalf of Cotam Moottunnah, of Zillah Masulipatam.

(Here enter F. M. P. No. 735 of 1856)

Mr. F. Anderson 1

Petitioner, the 2d Prisoner in Case No. 24 of 1856 on the file of the Sessions Court of Masulipatam, appeals against the decision of the Sessions Judge convicting him of forgery and sentencing him to 14 years' imprisonment with hard labor in Irons.—

2

Before passing a final order in the above petition, the Court of Foujdaree Adalut resolve to direct the Sessions Judge of Masulipatam to

to forward to this Court an English translation of the records of the aforesaid case and also of the Original Suit No. 471 of 1855 on the Ellore District Moonsiffs Court's file, to which it refers.—

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Masulipatam by precept returnable within 15 days from and after its receipt.—

(Sent following Precept &c.)

Read Calendar of Case No. 13 of 1856 of the Sessions Court of Honore.—

(Here enter F. M. No. 1569 of 1856)

The Court of Foujdaree Adalut approve of the recommendation made by the Sessions Judge in this case, that the period of imprisonment which the prisoner noted in the margin, has been adjudged to suffer on her conviction of House breaking

Linga

breaking with theft &c. be reduced to
(4) four years with labor suitable to her
sex and they do authorize the Session Judge
to issue his warrant accordingly.—

Ordered, that Extract from
these Proceedings be forwarded to the
Session Judge of Honore for his in-
formation.—

(Sent in No.)

Read Calendar of Case
No. 27 of 1856 submitted by the Session
Judge of Caddalore, under date the
6th Instant.—

(Here Enter F.R.C. No. 1579 of 1856)

The Court of Foujdaree Ada-
lut observe that the sentence in this
case should have been passed under
Section XXI Regulation XII of 1802, and
if the sentence should be considered
too severe, a mitigation thereof should
have been proposed under Section IV
Regulation I of 1825.—

Ordered, that Extract from
these

these Proceedings be sent to the Session
Judge of Caddalore for his information

(Sent in No.)

Read Calendar of Case
No. 31 of 1856 of the Session Court of
Salem.—

(Here Enter F.R.C. No. 1517 of 1856)

1 As the crime of Highway
Robbery is said to be of frequent
occurrence, and that under review co
has been of a heinous kind, the
Court of Foujdaree Adalut, decline
to mitigate the sentence passed upon
the Prisoners in this Case—

2 The Court direct the at-
=tention of the Acting Sessions Judge
to the necessity of condensing his
sentences. It will be sufficient if
the Acting Sessions Judges' conclusions
are succinctly recorded upon such
points as bear upon the guilt or in-
=nocence of the accused and the
judgement arrived at will be all
the

28th August 1856.

the more valuable when thus com-
pressed.—

Ordered, that Extract from
these Proceedings be sent to the Acting
Sessions Judge of Salem for his inform-
ation.—

(Sent in Ao)

Read Calendar of Case
No. 42 of 1856, submitted by the Acting
Sessions Judge of Chittoor.—

(Here Enter F. No. No. 1574 of 1856)

The Court of Foujdaree
Adalut see no sufficient grounds for
the mitigation recommended by the
Acting Sessions Judge and they therefore
direct that the Prisoner be sentenced
to the full Term of imprisonment
awarded.—

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

(Sent in Ao)

Read

Read Petty Calendars
of the Magistracy submitted by the
Acting Sessions Judge of Rajahmundry
for the 2d Quarter of 1856.—

(Here Enter F. No. No. 1495 of 1856)

Calendar I.
Case No. 24.— 1 A Sentence of one months
imprisonment is a very inadequate
punishment for a Theft of property
exceeding 12 Rupees in value.—

Calendar II.
Case No. 17.— 2 The charge in this case
is too general and vague and it is in fact not
a Criminal Charge.—

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

(Sent in No)

Read Criminal Reports
for the month of July 1856 submitted by
the Acting Sessions Judge of Madura.—

(Here Enter F. No. No. 1568 of 1856)

The Court of Foujdaree
Cases Nos. 87-89-91. 1
104-105 and 110.— Adalut observe that the felonious,
wilful

wilful, and malicious intent should be charged against the prisoner in every indictment for murder.—

Case No. 94 2 The prisoner was a principal in aiding and abetting, and not an accessory, it being essential to constitute the offence of accessory that the party should be absent at the time the offence was committed.—

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

(Sent in No.)

Read miscellaneous Petition presented on the 17th July 1856 by Fareed-bee of Zillah Cuddalore.—

(Here Enter F.M.D. No. 127 of 1856)

Mr. G. A. Harris 1 Adverting to the proceedings of the Court of Foujdaree Adalut under date the 26th November 1855, Petitioner states that she has applied to the Sessions Judge for copies of the orders of

of the Magistrate and of himself, but her application was not complied with. She now produces an attested copy of the Sessions Judge's order rejecting her said application, and requests this Court to call for the record of the case and render her justice.—

2 The Court of Foujdaree Adalut decline to interfere in the Petitioner's case and accordingly resolve to reject the Petition.—

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

Read Calendar of Case No. 54 of 1856 of the Sessions Court of Cuddapah.—

(Here Enter F.M.C. No. 150 of 1856)

1 The charge in this case has been defectively prepared. It appears from para 6 of the Sessions Judge's remarks that the Prisoner's statement after he was taken to the spot on the

28

the following day was not delivered on
oath or solemn affirmation, but was
the deposition of an accused party; the
second clause of the charge should there-
=fore have been "whereas in truth and
in fact the position of the said door
and premises are such that it was
impossible that the said Prisoner or
any one else could at the said time
and through the cleft of the said door
have seen the said acts or any acts
thus committed by persons within
the yard of the house in question. That
it was material to the issue of the said
trial to shew that the said 1st Prisoner
Vencatramiah and others killed Nara-
=inappah and that the said witness well
knew at the time of the said swearing
that his deposition so given was false,
and that he the said Caussegandoo-
did therefore commit wilful and
corrupt perjury".

The Court fail to understand

the Sessions Judge's observation on the
case, especially at paras 5 and 6. They
observe that the prisoner's second state-
ment not on solemn declaration
may be entirely false, but that
would not prove the perjury of the
first deposition on solemn affirm-
=ation. They resolve therefore to call
upon the Sessions Judge for explanation
on the above points.—

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

Sent following Precept No 1

Read letter dated the 4th
August 1856 from the Sessions Judge of
Chingleput, referring for the decision
of the Foujdaree Udalut the question,
whether a Prisoner convicted by the
Foujdaree Udalut may be allowed
subsequently copies of the Proceedings
held

28th August 1856

held on his trial.—

(Here Enter F. Uc. No. 1481 of 1856)

The Court of Foujdaree Udalut observe that with reference to their Circular Order dated 9th April 1851 No. 194, the Prisoner is entitled to receive copies of the proceedings reffered to; but the application should be made to the Session Judge of the Zillah where he was tried and by the convict either through a Vakeel of that Court or his relatives.—

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

(Sent in No. 15)

Ed. Uc.

Saturday
30th August 1856

F. U.

At a Court of the Foujdaree Udalut

Present.

F. Anderson Esquire Actg.
T. W. Goodwyn Esquire — " —
G. A. Harris Esquire — " —
} Puisne Judges.

Read Calendar of Case No. 32 of 1856 of the Session Court of Nellore.—

(Here Enter F. U. No. 1599 of 1856)

The Court of Foujdaree Udalut being of opinion that 3 years Imprisonment with hard labor in irons will be adequate punishment for the 2d Prisoner in this case, Yecollu Guranadu resolve to direct that his sentence be so mitigated accordingly.—

Ordered that Extracts from these Proceedings be sent to the Session Judge of Nellore for his information

(Sent in No.)

Read Calendar of Case No. 35 of 1856 from the Session Judge of Coimbatore.

(Here Enter F. U. No. 1600.)

The Court of Foujdaree Udalut observe that the Principal Sudr Ameen is much to be blamed for sending up the case to the Session Judge with such defective

defective evidence.—

Ordered that Extract from these Proceedings be sent to the Session Judge of Coimbatore for communication to the Principal Sudder Ameen.—

/Sent in No 1/

Read Report dated the 15th instant, submitted by the Agent at Vizaga-patam of Persons apprehended in the separate Tracts of his District during the month of July 1856.—

/Here Enter F.C. No. 1624 of 1856/

Case No. 15

The age of the prisoner in this case should have been given in the sentence.

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

/Sent in No 1/

Read Calendar in Case No 54 of 1856 on the file of the Sessions Court of Masulipatam.—

/Here Enter F.C. No. 1581 of 1856/

1.

The assault appears to have arisen from ill feeling and tho the prisoner may not in commencing it have intended to cause the deceased's death yet no person could strike another on the private parts with his

his fist without intending to do him some grievant bodily harm.—

The Court of Foujdaree Adalut

2.

consider the Sessions Judge has shown a want of judgment in awarding so light a punishment for so brutal an assault which terminated in the death of the party assaulted.—

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

/Sent in No 1/

Read supplemental Calendar of Case No 2 of 1856 of the Session Court of Nellore.—

/Here Enter F.C. No. 1590 of 1856/

The sentence passed in this case appears to the Court of Foujdaree Adalut to be inadequate.—

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

/Sent in No 1/

Read again Calendars of Cases No. 45 and 46 of 1856 of the Session Court of Madura.—

/Here Enter F.C. Nos. 1407 and 1408 of 1856.

Read

Read also Return dated the 13th August from the Acting Session Judge of Madura to the Precept of the Foujdaree Udalut under date the 8th August 1856, directing the transmission of English translation of the depositions given by the Prisoners in the above cases, and calling for certain explanations.

/ Here enter F. C. No. 1562 of 1856 /

The Court of Foujdaree Udalut approve of the recommendation made by the Acting Session Judge that the period of Imprisonment which the Prisoners in these cases have been adjudged to suffer on their conviction of Perjury, be mitigated to one year with hard labor in irons; and they do authorize the Acting Session Judge to issue his warrant accordingly.-

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

Read Criminal Report B for the month of July 1856, Zillah Chittoor.

/ Here enter F. C. No. 1585 of 1856 /

Case No. 100 by the Subordinate Judge.

1. A sentence of 18 Months' imprisonment, with hard labor in irons and 50 stripes, appears to be a very heavy punishment for escape in the case of a security prisoner. The Court of Foujdaree

Foujdaree Udalut request that the Acting Subordinate Judge will explain the grounds upon which he considered so severe a sentence necessary. The Court observe that the same prisoner was adjudged on the same date to undergo six months imprisonment for a previous escape.-

2. The 3d Count in this case was not requisite.-

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

Read Criminal Report B for the month of July 1856, Zillah Bellary.-

/ Here enter F. C. No. 1584 of 1856 /

Case No. 186 by Subordinate Judge.

1. Charges of this kind should be prepared in strict conformity with Regulation I of 1820, the words, "valid permit" should have been substituted for "license" and the charge against the 2d Prisoner should have been that he sold and passed the aforesaid liquor unaccompanied by a valid permit.-

Case No. 187 1914192

2. The words "convicted" should have been entered in the Column of Punishment.

" No. 190

3. The sentence (one year's Imprisonment) is very inadequate for the offences proved

Vide

Viz.t 3 cases of Housebreaking.

Case No. 194. 4 The Offence of Maliciously Killing Cattle should have been sentenced under Clause 1 Section VIII Regulation XIII of 1832.-

Case No. 196 5 Copy of the Session Judge's Proceedings 25th February 1856 should have been forwarded. The case whether of "Gang Robbery" or Theft of above 300 is beyond the jurisdiction of the Subordinate Judge.-

Case No. 200 6 The Court of Fouzdaree Udalut request that more attention may be paid to the wording of Criminal charges. It is to be inferred from the fatal consequences of the wound inflicted by the prisoner in this case that he used the dagger with some violence, intending thereby to cause serious injury to the deceased, but the charge merely alleges that the prisoner had the "dagger in his hand, when the said weapon struck the deceased on the left thigh," &c.

7 The Court further observe that the prisoner should have been indicted for murder, it being for the accused, in cases of this description where homicide is committed in the prosecution of an unlawful act,- to show on his trial that the offence committed does

not amount to murder.-

Case No. 205. 8. Clause 4 Section IV Regulation VII of 1822 should have been quoted except the Subordinate Judge considered that the charge proved in that the Prisoner received the said property offered under suspicious circumstances without any information to the Head of the Village in which case Section IX Regulation XIII of 1832 is correct, but the charge would then be wrongly worded.-

Case No. 208 9 The charge has been incorrectly prepared; Mr. Horsley was not stabbed whilst he was asleep.-

Case No. 211 10 The Subordinate Judge should correct charges as entered by the Court Writer and not sanction such expression as "shut his eyes with a cloth".-

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

Read letter dated 13th August 1856 from the Acting Session Judge of Madura (New Inter P.R. No. 156 of 1856)

With the above letter the Acting Session Judge forwards copy of one from the Magistrate asking whether a Magistrate is competent

competent to decide on the application of a parent for the restoration of a child from the person with whom it had been placed.-

2. The Court of Foujdaree Udalut are of opinion that when children are of that tender age as to be incapacitated from judging for themselves and when they have not been bound apprentices under Act XIX of 1850 their parents have the power to recover them from the custody of those persons with whom they may have been placed, and that the Magistrate is competent to entertain and decide on applications of such a nature.-

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

Read Calendar in Case No 64 of 1856 submitted by the Session Judge of Masulipatam under date the 15th instant.-

/Here enter F.R. No 1598 of 1856/

The Court of Foujdaree Udalut observe that the reference to the Mahomedan Law in this case was unnecessary, with reference to their Circular Order No 151.-

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

Ed Bd

F.R.

Monday
1st September 1856.

At a Court of the Foujdaree Udalut.

Present

F. Anderson Esquire.
J. W. Goodwyn Esquire. — Acting Puisne Judges
G. A. Harris Esquire.

Read Calendar of Cases No 44 of 1856 on the file of the Sessions Judge of Chingleput.-

/Here enter F.R. No 1619 of 1856./

The Court of Foujdaree Udalut have ruled x that security cannot with propriety be demanded in cases in which persons may be charged with forgery, or uttrance of forgery, and the evidence may not be sufficient for their conviction. The Court, therefore, resolve to cancel the requisition of security made in the above case, and to direct that the prisoners be unconditionally released.-

x Proceedings dated 17th November 1851.

Ordered that Extract from these Proceedings be forwarded to the Session

1st September 1856.

Sessions Judge of Chingleput for his information.

/ Sentence No /

Read Petty Calendars dated 30th June 1856, submitted by the Acting Sessions Judge of Tellicherry for the 2nd Quarter of 1856.-

/ Here enter F. Cl. No. 1610 of 1856. /

Read Petty Calendars dated 25th July 1856, submitted by the Sessions Judge of Combaconum, of the Magistracy, for the 2d Quarter of 1856.

/ Here enter F. Cl. No. 1617 of 1856. /

Read Petty Calendar for 1856 submitted by the Sessions Judge of Coimbatore under date the 25th August 1856.-

/ Here enter F. Cl. No. 1639 of 1856. /

F. C.

Tuesday
2d September 1856.

At a Court of the Foujdaree Adalut

Present

F. Anderson Esquire 1st
J. W. Goodwyn Esquire 2d
G. A. Harris Esquire 3d

} Puisne Judges

Read letter dated 22d Instant, from the Magistrate of Salem, submitting for consideration certain particulars relating to a case of Gang Robbery, and recommending the offer of a conditional pardon to one of the parties concerned-

/ Here enter F. Cl. No. 1626 of 1856 /

1. The Court of Foujdaree Adalut not being satisfied that the testimony of Gopauligah will lead to the conviction of the other prisoners, and his statement not being supported by any circumstantial evidence, decline to sanction the offer of conditional pardon proposed by the Magistrate-

2. The Court observe that before making his application to this Court, the Magistrate should have ascertained whether the Prisoner on being brought before the Subordinate Court admitted his Police confession, or denying it stated it to have been

been extorted or fabricated, and whether he is ready to be an approver.

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

/Sent in. No./

Read Calendar of Case. No 39 of 1856, submitted by the Acting Session Judge of Caliaut.

/Here enter F.C.. No 1608 of 1856/

The Court of Foujdaree Udalut observe that the Acting Session Judge's reasons for his lenient sentence are bad. The Acting Session Judge ought not to be guided by "impressions" and if the Prisoner was sound enough in mind to be legally responsible for his acts, there was no ground for mitigation.

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

/Sent in. No./

Read again letter dated the 29th July 1856, from the officiating Agent at Kurnool, submitting for the final Judgment of the Foujdaree Udalut, a report of the trial in Calendar case. No 38 of 1856 on the

Agent's

Agent to file.

/Here enter F.C. No 1469 of 1856/

Read return dated 20th Ultimo from the officiating Agent at Kurnool, to the Precept of the Foujdaree Udalut under date the 12th idem, requiring him to submit for their consideration copies of the previous indictments and sentences recorded against the Prisoner in Calendar Case. No 30 of 1856.

/Here enter F.C.. No 1625 of 1856/

1. The Court of Foujdaree Udalut observe that the officiating Agent is in error to quote Section XXI, Regulation VII of 1802, the Circular Order of Foujdaree Udalut. No 195 dated 22nd January 1852 having ruled that the "penalty of hudd is not, by the Mahomedan Law, attached to the crime of robbery by a single unarmed person. The sentence" against the Prisoner should have been passed under Clause 7, Section II, Regulation XII of 1803.

2. The Court, on perusal of the Officiating Agent's letter, confirm the sentence of imprisonment proposed to be passed on the Prisoner, but are not of opinion that the case is one which calls for the additional

additional punishment of banishment to another District.-

Ordered that Extract from these Proceedings be forwarded to the Officiating Agent at Kurnool.-

/Sent in No/

Read Calendar of Cases Nos. 17. 18 and 19 of 1856 on the file of the Session Court of Tellicherry.-

/Here Enter F. R. No. 1609 of 1856/

Case No. 17

1. It appears doubtful from the remarks of the Acting Session Judge whether he considered it established that the prisoner was sane and responsible for his acts at the time of the crime charged against him.-

2. The Court of Foujdaree Udalut resolve therefore to call upon the Acting Session Judge for specific information as his opinion on this point.-

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

Read letter dated 20th August 1856, from the Agent to the Governor of Fort St. George at Vizagapatam; submitting for the final Judgment of the Foujdaree Udalut, the Record of trial in case

Case No. 13 of 1856 on the Calendar of the Agent's Court.-

Mr. J. Anderson. and Mr. G. A. Harris

/Here Enter F. R. No. 1630 of 1856/

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,

Bellanah Doorgadoo.

is sufficient to convict him of the crimes 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 on the public roads, or other public works for and during the period of his natural life.-

/Sent in No/

Read letter dated 27th August 1856, from the Acting Session Judge of Madura, submitting for the final Judgment of the Foujdaree Udalut, the Record of trial in Case No. 47 of 1856 of the Calendar of the Session Court.-

/Here enter F. R. No. 1647 of 1856/

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

the

the prisoners,

1st. Coodoo

2d. Cuvoodoo

3d. Sunda

and

4th. Nyamully.

is sufficient to convict them of the crime of Assault and severe wounding, for which, according to the Mahomedan Law as declared in Futwas of their Law Officers, discretionary punishment is awardable, do convict them thereof, and with reference to the provisions of Clause third, Section VII, Regulation XV of 1803, sentence 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 (6) six months.-

Mr. G. A. Harris 1.

The Prisoners in this case were charged with assault and severe wounding and were acquitted by Mahomedan Law Officer.

2

The Acting Session Judge not concurring in this Futwah, has referred the case to the Court of Foujdaree Udalut, recommending a sentence of 2 years' imprisonment with hard labor in irons.-

3.

The Court of Foujdaree Udalut

concur

concur in the conviction of the prisoners of the Crimes charged, but with reference to the character of the assault and injury inflicted on the Prosecutor, they are of opinion that a sentence of 6 Months' imprisonment is sufficient to meet the ends of justice and have sentenced the prisoners accordingly.-

4. The attention of the Acting Session Judge is called to the careless manner in which the record has been prepared. In the Calendar the 13th June is given as the date of the assault, by the arraignment it is entered the 30th June, in the translation of the Nattamgar's report the English Month is first entered as June and afterwards July, without the English date being given. The record of the case shows that the assault occurred on the night of Monday the 30th June.-

Ordered that a track from these Proceedings be forwarded to the Acting Session Judge of Madura, for his information.-

Read letter, under date the 28th August 1856, from the Acting Session Judge of Chittoor

Chittoor forwarding English Translation of the record of Case No. 40 of 1856 on the Calendar of the Session Court, for the final Judgment of the Court of Foujdaree Udalut.-

/Here enter F. R. No. 1635 of 1856/

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 Madega Venkatagadoo

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession of the crime charged, do acquit him thereof. and direct that he be set at liberty.-

Mr. T. W. Godwyn 1.

The Court of Foujdaree Udalut observe that the Police Officer, Gopaul Row, has recorded a great mass of papers in order apparently to make a show of zeal and activity, and conceal under the bulk of the record his own supineness and neglect as well the presumption arising from the circumstances of the case that the first

2.

Prisoner's Police confession was not given voluntarily

The Prosecutor's Police statement (July 16th) is to the effect that whilst hunting with 7 or 8 others close to his Village, he heard the noise of robbers &c. when the party went to a rock about 80 yards from his house, & where

where he and the others saw the robbers, the 1st Prosecutor recognizing 2 of them whom he knew before. The Prosecutor's party then repaired to a neighbouring village, where, after obtaining the aid of the Manikar and fire arms, they hastened to the Prosecutor's house, which they only reached after the departure of the robbers.-

The Prosecutrix's Police deposition

3.

July 16th* gives the details of the robbery; she states that she recognized 2 persons with whom she had previous acquaintance.-

*erroneously entered as July 10th.-

Next morning the Prosecutor

4

sent a letter to the Head of Police, Document 46*, in which no mention appears to have been made of the identification of these four robbers, and their names do not appear to have been furnished till the 16th, or 5 days afterwards.-

*translation not sent

The Chief points for investigation

5.

as regards the recognition of any of robbers but which do not appear to have attracted the Acting Session Judge's notice therefore were I The account the other 7 or 8 hunters would give. Did they see the robbers as the Prosecutor states? Did they recognize any? Did the Prosecutor tell them at the time

that

that he recognized so and so? II Did the Prosecutor or his fellow hunters tell the Manikkar &c. (when on calling the neighbouring Villagers to the rescue) of their recognizing 2 of the robbers? III Did the Prosecutor or Prosecutrix, or any one else tell the Manikkar or Cumma Krishnapillay or any one else that night or next morning of their recognizing any of the robbers? IV If any of the robbers were identified, why did not the Manikkar &c. immediately proceed to their houses &c.? or search for them? V It would be improbable that persons known to the family would commit such an outrage if not disguised VI When did the Prosecutor or Prosecutrix discover the names of any of the robbers? &c. did not the Prosecutor at once proceed to the Talook to give information, if he really knew the names of any of the Gang?

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

Ex[illegible]

Prosecutor's deposition Page 5 shows that he did not mention their names in his letter No. 45.

J. U.

Wednesday 3d September 1856 At a Court of the Tongdaree Udalut

Present

J. Anderson Esqre
J. W. Goodwyn Esqre
G. J. Harries Esqre

} Acting Puisne Judges

Read Calender of Cases No. 25 of 1856 submitted by the Sessions Judge of Combaconaum.

/Here enter J. U. No. 1618 of 1856./

1. Before disposing of the Calendar the Court of Tongdaree Udalut desire to be informed, whether the Prisoner lives near the School and was likely to be known by the people living in that street, whether the School boys were acquainted with the Prisoner's name and abode, and whether the Prisoner knew the boy and his relatives.

The Sessions Judge will also

2. ascertain and report the general character of the Prisoner.

Ordered

3d September 1856

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

/Sentin Nil

Read Calendar in Case No 34 of 1856 submitted by the Acting Session Judge of Salem under date the 9th August 1856.

/Here enter I. Ul. No 1575 of 1856./

1. The Acting Session Judge states that in appearance the Prisoner is stupid and he is decided[illegible] slow of understanding his intellect seems below mediocrity justifying the belief that his offence was rather to be ascribed to ignorance and mental deficiency than to any intention of lying.

2. The Court of Louis dare Udalut observe, that if the Prisoner had no intention of lying he cannot be convicted on a charge of willful and deliberate perjury.

Deficiency of intellect may be such as to become a bar to conviction of any Crime, but it would be most dangerous to allow a Prosecutor or witness who has committed perjury to escape merely

1st October 1856 merely because the Judge considers him ignorant or stupid. (He may merely feign stupidity to escape punishment.)

3. No evidence having been received establishing the Prisoner's deficiency of intellect, the Court direct the Acting Session Judge either to furnish further explanation or if he considers it requisite to take this further evidence and pass a fresh sentence.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Salem by precept returnable within X days.

/Sentin Nil

Extract

F. U.

Thursday 4th September 1856. At a Court of the Foujdaree Udalut.

Present

F. Anderson Esquire . Pg.
J. W. Goodwyn Esquire . Pg. } Puisne Judges
G. A. Harris Esquire . Pg.

Read again letter dated the 13th June 1856, from the Acting Agent at Ganjam, submitting for the final judgment of the Court of Foujdaree Udalut a report of the trial in Criminal Case No. 9 of 1856 on his file-

(Here enter F. U. No. 1411 of 1856)

Read also Return dated the 19th Ultimo from the Acting Agent, to the Precept of the Foujdaree Udalut under date the 6th idem, giving the explanation called for in regard to the Prisoners Nos. 5 and 6 in case No. 9 of 1856-

(Here enter F. U. No. 1629 of 1856)

Mr. G. A. Harris. 1. In view of the explanation furnished by the Acting Agent in the above return, the Court of Foujdaree Udalut confirm the sentence of security on the 5th and 6th prisoners in the above case-

Ordered that Extract from these

these Proceedings be sent to the Acting Agent at Ganjam for his information.

/Sent in. No./

Read Criminal Report B for the month of July 1856, Zillah Tellicherry.

/Here enter F.R. No. 1550 of 1856/

Case No. 6 of 1856 by the Head Assistant Magistrate.

As the 4th and 5th Prisoners have not been apprehended, their names should not have been entered in a Report of persons apprehended. The Court of Foujdaree Udalut further observe that the Regulation under which the fine was imposed should have been quoted in the sentence.

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

/Sent in. No./

Read Petty Calendars of the Magistracy for the 2d quarter of 1856, Zillah Salem.

/Here enter F.R. No. 1603 of 1856/

1. The Court of Foujdaree Udalut trust that such irregularities as those pointed out by the Acting Sessions Judge in his remarks on the above calendars will not occur again. The framing of the

charges should not be left to a writer in the Magistrate's office, as has evidently been done in the case of these returns, but should be attended to by the Magistracy themselves. A careful examination of the returns he was submitting would have enabled the Magistrate to detect and pratify such unseemly errors as that which has been committed in entering the sentence and punishment in Case No. 13 of Calendar No. I.

Case No. 18. 2. The name of the second Prisoner should have been entered in Column 3, and it should have been stated in column 7 that he was released.

Case No. 24. 3 The names of the Prisoners should have been entered in red ink, as they were the same as those in the preceding case.

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

/Sent in. No./

Read Criminal Report B submitted by the Sessions Judge of Masulipatam

for

for the month of July 1856.

/Here enter F.U. No. 1583 of 1856/

Case. No. 51

1. The Court of Foujdaree Udalut observe that the words "valid permit" should be substituted for "passport" in the charge against the 1st Prisoner and "license" for "valid permit" in the charge against the 2d Prisoner.

2. If the 2d Prisoner had a license but passed the liquor unaccompanied by a valid permit, this should have been clearly stated in the charge.

Magistrate's Report. 3.
Case No. 8.

The provisions of Section VIII Regulation XI of 1816 should have been quoted in addition to Section XIV. Act VIII of 1843.

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

/Sent in No./

Read Report B submitted by the Acting Agent at Ganjam for the months of July last.

/Here enter F.U. No. 1631 of 1856/

Agent
Case No. 10.

1

Clauses 3 and not 2 Section V Regulations XII of 1822 should have been quoted

quoted for the sentence passed in this case.

Report B
Assistant Agent.
Case. No. 42.

2. The intent to defraud and the name of the person intended to be defrauded should have been stated in the charge.

Case No. 47.

3 The Court presume that each Prisoner in this case was fined, but the sentence is not so worded.

Ordered that Extract from these Proceedings be sent to the Acting Agent to the Governor of Fort St. George at Ganjam.

/Sent in No./

Read letter dated 14th August 1856, from the Acting Session Judge of Rajahmundry, submitting for the final Judgment of the Foujdaree Udalut the record of Trial in Case No. 9 of 1856 of the Calendar of the Session Court.—

/Here enter F.U. No. 1660 of 1856./

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 "Chittra Konappa" is sufficient to convict him of the crime of Murder

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.—

Mr. F. Anderson and G. A. Harris

1. The Prisoner in this case was convicted by the Session Judge in concurrence with the Mahomedan Law Officer of the crime of Murder, but as the Prisoner was deposed to be a quiet well disposed man, and there was nothing to shew that the act committed by him was premeditated, the knife used being one he always carried in his waistband, the Session Judge recommended that the Prisoner should be sentenced to transportation for life.—

2. The Court of Foujdaree Udalut on a careful consideration of the record observe that the Prisoner committed the deed from feelings of revenge at his ejection from his caste some months previous, and his non restoration thereto.—

3. The statement of Nos 4 & 5 Witnesses which appears to the Court to be trust-worthy, that the Prisoner when first taken to the Choultry and on hearing it stated that the deceased was likely to recover said that he would have given a second stab had he not thought the first to have been effectual, clearly evinces the vindictive spirit with which he was actuated

4. The Court finding nothing in the evidence on the record or in the circumstances of the case that would warrant a commutation of capital punishment, have sentenced the prisoner to suffer death.—

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

E. B. M.

Cranfield

J. Uc.

Friday
5th September 1856

At a Court of the Tondaree Udalut

Present

J. Anderson Esqre
J. W. Goodwyn Esqre } Acting Civil & Sessions Judges
G. A. Harris Esqre

Read letter dated 26 August 1856 from the Acting Session Judge of Madura forwarding J. Uc. No 637 of 1856

1. In the above letter the Acting Session Judge requests to be informed whether the Judge have sanctioned the fine imposed by him in Calendar Case No 3 of 1856.

2. The only point in the above trial which was referred to the Court of Tondaree Udalut was the recommendation to mitigate the prescribed imprisonment, that mitigation having been approved of, the rest of the sentence holds good.

3. The Acting Session Judge when recommending mitigation should have quoted Clause 2 Section 3 and not Section X of [illegible] Regulation

5th September 1856 Regulation 1 of 1825.

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

(Sent in No.)

(Sd) Lushington

(Sd) Lushington

X

F. No.

Monday 8th September 1856 At a Court of the Foujdaree Udalut.

Present.

T. Anderson Esquire
T. W. Goodwyn Esquire
G. A. Harris Esquire
} 3d Puisne Judges.

Read Criminal Report B for the month of July 1856. Zillah Trichinopoly.

(Here enter F. No. 1545 of 1856)

Case No 50
By Monsiff Sudr Ameen

The Court of Foujdaree Udalut observe that the Regulation under which the punishment was awarded should have been quoted in the Sentence.

Case No 12
By the Magistrate

2. The Extent of the injuries inflicted should have been entered in the charge.

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

(Sent in No.)

Read

Read Criminal Report B
for the month of July 1856 - Zillah Honore.

Here enter F. C. No. 1596 of 1856

Case No 33.

"The latter part of the charge in this Case is unintelligible, it not being clear what offence the prisoners' entrance into the 4th witnesses bathing hut" is intended to describe, nor what connection it had with the rape of which the prisoner was accused. It does not appear why the injured party did not conduct the prosecution.

2 "The number of Cases under examination at the close of the month is very unsatisfactory. The Sessions Judge will call on the Principal Sudr. Ameen for explanation of the causes of this in each case, and pass such orders thereon as he may deem fit.

Case No 12.
By Sudr Ameen

3 "This charge has been incorrectly worded it should have been "without a valid permit."

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

of Honore for his information.
(Sent in No)

Read Criminal Reports submitted by the Acting Sessions Judge of Rajahmundry for the Month of July last.

Here enter F. C. No. 1636 of 1856

Report B
Case No 62.

"The Court of Zoujdaree Adalut are of opinion that for a serious assault with such consequences as detailed in the charge, the sentence of 1 months imprisonment and a fine of 5 Rupees is quite inadequate.

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

(Sent in No)

Read Return dated 20th August from the Acting Magistrate of Masulipatam, to the Precept of the Court of Zoujdaree Adalut under date the 20th August 1836, reporting that the body of the murdered child has not been

preserved

preserved and urging for reasons given the sanction of a higher reward than 100 Rupees and in addition an offer of a free pardon to one of the less guilty parties

(Here enter P. Dc. No. 1638 of 1856)

Read again letter dated 22nd August on the same subject from the Acting Magistrate of Masulipatam

(Here enter P. Dc. No. 11811 of 1836)

The Court of Foujdaree Adalut decline to grant the sanction of the Enhanced reward and free pardon applied for by Acting Magistrate in his letter of the 20th August, unless more certain grounds for such proceedings than are at present before the Court, are brought forward by the Acting Magistrate.

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

(Seal in Wax)

Read Calendar of Case No 22 of 1856 submitted by the Sessions Judge of Trichinopoly

Trichinopoly under date the 28th Ultimo.

(Here enter P. Dc. No. 1642 of 1856)

1. The Court of Foujdaree Adalut observe that in their Proceedings dated the 22nd April last on Case No. 15 they pointed out to the Sessions Judge his error in releasing prisoners without trial.

They resolve therefore again

2. to call the particular attention of the Sessions Judge to their proceedings of the 2nd June 1847, and circulated to the Sessions Judges on the 4th June 1848, forbidding the unconditional release of a prisoner without trial.

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

(Seal in Wax)

Circular Order No 212.

The Court of Foujdaree Adalut in pursuance of their Circular Order dated the 30th April last No 209, resolve with the sanction of Government to direct that in cases when Counsel is employed by

by Prisoners in their defence under Act XXXVIII of 1850, and when it may appear to the presiding Judge that the ends of justice would be better attained by assigning Counsel to the Prisoner with which from poverty or other causes he may not have provided himself, it shall be competent to the Judge to direct the Government Vakeel to conduct the prosecution.

Seal in use.

Read again Miscellaneous petition presented on the 28th July 1836 by Messrs Arthur M. Ritchie and Alexander M. Ritchie, Pleaders on behalf of Lyed Manayagarew of Zillah Madura.

(Here enter F. M. P. No. 137 of 1836.)

Read also return of the Acting Sessions Judge to the precept of this Court under date the 28th July last.

Here enter F. M. No. 1532 of 1836.

The Court of Foujdaree Adalut

Mr. S. W. Goodwyn

observe

observe that none of the stolen property was found with the prisoner, and they are of opinion that the evidence that he ever had possession of the same is of too suspicious and unsatisfactory a character to warrant the prisoner's being convicted upon it. For these reasons the Court resolve to acquit the prisoner and direct that he be released.

Ordered that Extracts from these Proceedings be forwarded to the Acting Sessions Judge of Madura by Precept returnable within 10 days from and after date of receipt.

(Seal to following Precept No.)

Read Calendar in Case No. 57 of 1856 on the file of the Sessions Court of Masulipatam.

(Here enter F. M. No. 1643 of 1836)

The Court of Foujdaree Adalut observe that the Sessions Judge and the Law Officer have acquitted the prisoner of the crime charged viz. Adultery, but have convicted her of having been guilty of an illegal act.

The

8

8th September 1836

2 The Court of Foujdaree Udalut desire both the Sessions Judge and Law officer will distinctly state in what the illegality of the act consisted and how if the prisoner was acquitted of the offence charged in the indictment she was convicted of one the nature of which has not been stated.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Masulipatam, by Precept returnable within 30 days from and after its receipt.

(Sd) following Precept No.
Rs 180.

(Sd)

x

F. U.

Wednesday 10th September 1856.

At a Court of the Foujdaree Udalut

Present

F. Anderson Esquire
T. B. Goodwyn Esquire } Acting Puisne Judges
G. A. Harris Esquire

Read Criminal Report B for the month of July 1856, Zillah Chingleput.

(Here enter F. U. No. 1595 of 1856)

Case No 2 by the Magistrate.

1 If there were no better reasons for considering the Prisoner guilty of the charge than those assigned in the sentence the conviction cannot be received as a legal one. It is merely said that "as the prisoner is a man of bad character and has been before convicted resolves to convict him in the present case &c". The Sessions Judge is requested to call up the record and pass such orders thereupon as may be necessary.

No 20 by dits

2 A second prisoner is alluded to in the charge and sentence, but his name is not given. The Court observe that the offence alleged against the person in question had nothing to do with this case and should have formed the subject of a separate charge.

Ordered

10th September 1856.

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

Sent in &c.

Read letter dated 2d September 1856, from the Sessions Judge of Bellary, submitting for the final Judgment of the Foujdaree Adawlut, the Record of trial in Case No. 62 of 1856 of the Calendar of the Sessions Court.

(Here enter Fdw No. 1697 of 1856)

Insts. J. D. Growse
G. A. Harris.

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

"Verr bhudrutpah"

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

The Court of Foujdaree Adawlut observe that the Surgeons evidence as to the state of the Prisoner's mind, should have been given on oath, in the presence

of the Prisoner, it having been ruled by this Court that a written certificate or letter cannot be received in evidence.

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

Sent in &c.

Ex Clk.

Read return of the Sessions Judge of Masulipatam dated 26th August 1856, to the Precept of the Foujdaree Adawlut under date the 18th August, directing mitigation of the Sentence passed in Case No. 48 of 1856.

(Here enter Fdw No. 1644 of 1856)

Read Criminal Report A submitted by the Acting Sessions Judge of Bangalore for the Month of July 1856.

(Here enter Fdw No. 1655 of 1856)

Read letter dated 26th August 1856, from the Agent to the Governor in Vizagapatam forwarding the warrants duly executed in Cases Nos. 8 and 10 issued to his Principal Assistant Mr. Knox, bearing the endorsements of that officer. also his original letters.

(Here enter Fdw No. 1671 of 1856)

Ex Clk.

Thursday
11th September 1856. At a Court of the Foujdaree Adalut.

Present.

F. Anderson Esquire Acting
J. P. Goodwyn Esquire Acting } Puisne Judges.
G. A. Harris Esquire Acting

Read Miscellaneous Petition presented on the 24th July 1856, by Mr. J. H. S. Wilson, Pleader on behalf of Papamaikin of Zillah Madura.

(Here enter F. In P. No 140 of 1856)

Mr. P. Goodwyn. The Court of Foujdaree Adalut reject this Petition, the petitioner having neglected to pronounce the joint Magistrates Sentence without which it is impossible to understand the merits of the case.

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

Read Miscellaneous Petition presented on the 4th Ultimo by Panammah of Zillah Salem.

(Here enter F. In P. No 143 of 1856)

Mr. J. P. Goodwyn. 1 Petitioner prays for the release of the Prisoner in Case No 27 of 1856 on the file of the Sessions Court of Salem

vide

who were convicted of the crime of Culpable Homicide and sentenced the 1st and 2d to 4 years, and the 3d to 2 years imprisonment with hard labour in irons.

2 The Court of Foujdaree Adalut have perused the Calendar of the Case and are of opinion that the Petitioner has altogether failed to advance any reason that could induced the Court to doubt the correctness of the opinion arrived at by the Acting Session Judge as to the Prisoners' Commission of the crime charged.

3. Petition dismissed.

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

Read Miscellaneous Petition presented on the 4th Ultimo, by Jetamoony Chetty of Zillah Tinnevelly.

(Here enter Mis. D. No. 145 of 1856)

Mr. J. W. Goodwyn. 1.

Petitioner prays the interference of this Court to render him redress which he has in vain sought from the revenue authorities, with reference to a complaint preferred by him against a certain Lubbay accusing him of having taken away the produce of the land cultivated by the Petitioner and his father.

2 The Court of Foujdaree Adalut see no reason to interfere in the matter, and accordingly resolve to reject the petition.

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

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

Sent in Dr.

Read again Miscellaneous Petition presented on the 29th May 1856, by Mr. J. H. S. Wilson, Pleader on behalf of Varraina Chetty of zillah Trichinopoly.

(Here enter F. Mis. D. No. 103 of 1856)

Read also return of the Sessions Judge to the Precept of this Court under date the 28th July 1856.

(Here enter F. Mis. D. No. 1489 of 1856)

Mr. J. W. Goodwyn. 1. The Court of Foujdaree Adalut observe that when the Petitioner's Pleader was first heard orally he stated that his client could not prove the alleged ill-treatment, or the attempt to extort a bribe. No further proceedings were therefore held on this part of his petition. The petitioner now verbally alleges that he has 7 or 8 witnesses to prove the attempt at bribery and his other statements but these

these allegations, being opposed to his Vakeels former statements and this Courts proceedings of July 28th last, cannot be credited or attended to.

2 With regard to the rest of the Petitioners complaint, it appears that his son was apprehended on the spot directly after the assault, and that the evidence of the 3d 6th and 7th Witnesses is to the effect that he was aiding and abetting those who actually assaulted the prosecutor, as well as that the subsequent detention of Petitioners son in Custody was owing to his omission to tender security for his appearance during the investigation. But the Court of Foujdaree Adalut are of opinion that in bailable offences, or misdemeanors which may not appear to require that the accused be detained in Custody, the Head of Police should require the accused to furnish security for his appearance and that he should only be detained in default of furnishing the required security.

3. The Magistrate of Trichinopoly will issue the necessary instructions on the above subject to the different Police Officers under his orders.

Ordered

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

Ordered also that Extract from these Proceedings be furnished to the Petitioners Pleader on his application.

/Sent in &c/

Read Petty Calendars of the Magistracy for the 2d Quarter of 1856, Zillah Chittoor

(Here enter Fo. No. 1604 of 1856)

Case No. 10. 1 The punishment inflicted appears very inadequate.

Case No. 11. 2 The Charge has been most defectively prepared. If it was intended to charge the 7th and 8th Defendants with having set fire to the Prosecutors hut, or with having caused it to be set fire to, it should have been so alleged in the charge. There should be no such ambiguity in any Criminal Charge as is contained in the expression "according to which threat his hut took fire."

Cases Nos. 14, 15 and 17. 3 These were cases disposed of by a Justice of the Peace and should not have been entered in the Calendar of persons punished by the Magistracy.

The

Case No. 23 4 The delay in the case is not satisfactorily accounted for.

No. 24 5 The Charge has been very defectively worded so as to be neither stealing nor receiving, though headed "Cattle stealing". The delay in disposing of this case is very unsatisfactory.

No. 28 6 The motive for the crime should have been entered in the charge.

No. 29. 7 The Charge as entered is no Criminal offence.

No. 30. 8 The Charge against the 1st Defendant is no Criminal offence and should never have been received. The Magistrate will report whether the Police are in the habit of receiving such charges, or of aiding the emigration Ministry in compelling unwilling Coolies to quit the District.

Ordered that Extract from three 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.

Read Calendar of Case No. 40 of 1856 on the file of the Sessions Court of Vizagapatam.

(Here enter Fdo. No. 1524 of 1856)

Read Miscellaneous Petition presented on the 1st September 1856 by A. Jr. and A. Macdonald Ritchie Esquires, as Readers on behalf of Sunkoonatty Venkiannah, brother of the Prisoners in Case No. 40 of 1856.

(Here enter F.M.A. No. 173 of 1856)

Read also Record in the above Case submitted by the Sessions Judge of Vizagapatam, for the final sentence of the Court of Foujdaree Adalut.

(Here enter Fdo. No. 1523 of 1856)

Mssrs. Goldwyn and Harris.

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

1st Sunkooratty Andeppah.
2d ditto Condulroydoo.
3d ditto Chachappah.
4th ditto Coteelingum.
5th ditto Doobbaroydoo.
and
6th ditto Jawakeramoodoo

is insufficient to convict them of the crime of Robbery by open violence, convict them of assault and forcible entry, and under the provisions

provisions of Clause Third, Section VII, Regulation XV of 1803 Sentence the Prisoner,

1st Sunkooranty Andappeah

to be imprisoned and kept to labor without irons, on the public roads or other public works for and during the period of (4) four weeks; and the prisoners,

2d Sunkooranty Condulroyadoo
3d do Thachapah
4th do Cotteelingum
5th do Soobbarayadoo and
6th do Janakiramoodoo

to be imprisoned and kept to labor without irons on the public roads, or other public works for and during the period of (2) two weeks.

1.

The Petitioner prayed the Court would on consideration of the Record of this trial and after hearing him orally by his Counsel, acquit the Prisoners of the crime charged against them.

2.

The Court of Foujdaree Adalut consider that the evidence of the Prosecutor 1st and 2d Witnesses, supported as it is by that of the other witnesses for the prosecution, clearly establishes the general facts of the Case as found by the Assessors; but the Court of Foujdaree Adalut concur with them in opinion that the proof is

not sufficient to bring home the guilt of Robbery to the Prisoners.

3.

In consideration therefore of the Prisoner's long detention in confinement, the Court of Foujdaree Adalut Sentence the 1st Prisoner to four weeks' and the other Prisoners each to two (2) weeks' imprisonment with labor without irons from the date of the communication of this sentence to the Prisoners.

4.

The Sessions Judge's attention is called to the provisions of act XV of 1850 which can in no case authorize further imprisonment in default of payment of a fine that may be imposed.

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

Ordered also that Extract from these Proceedings be furnished to the Petitioners Headers on their application.

Sent in Mr. Cameron

E.B.M.

F. C.

Friday 12th September 1856. At a Court of the Fouzdaree Adalut.

Present.

F. Anderson Esqr. }
T. W. Goodwyn Esqrs. } Asst Puisne Judges
G. A. Harris Esqr. }

Read Criminal Reports submitted by the Acting Sessions Judge of Salem for the Months of July 1856.

(Herewith enter F. C. No. 1614 of 1856)

Magistrate's Report Case No. 10.

The Court of Fouzdaree Adalut are of opinion that the Sentence passed on the 3 first prisoners in this Case was too lenient.

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

(Sent in No.)

Read Return of the Acting Sessions Judge of Chittoor to the Precept of this Court under date the 30th August 1856.

(Herewith enter F. C. No. 1694 of 1856.)

The

12th September 1856.

1. The Court of Foujdaree Adalut resolve to reduce the punishment awarded in Case No. 100 to three Months' imprisonment without lashes.-

2. The observation contained in the second para: of the proceedings of the Foujdaree Adalut dated 30th August last had reference to case No. 108 disposed of by the Moosty Sudr Ameen, the Calendar of which should have been corrected by the Acting Subordinate Judge.-

Ordered that Extract from these Proceedings be sent to the Acting Sessions judge of Chittoor for his information.- as

(Sent in No.)

Saturday 13th September 1856.

At a Court of the Foujdaree Adalut

Present

G. L. Cooper, Esquire
T. Anderson, Esquire — Acts — Puisne Judges
T. W. Goodwyn, Esquire &c.

F. A. 6.

Read return dated the 27th Ultimo from the Acting Agent to the Governor of Fort St. George in Ganjam forwarding a list of Approvers called for in the 2d para of this Court's Proceedings of the 7th Ultimo, showing their names, the Cases in which they were concerned, and the dates of the Orders of the Foujdaree Adalut authorizing the offer of conditional pardon of them.—

(Here Enter F. A. 6. No. 1685 of 1856)

The Court of Foujdaree Adalut direct that the Acting Agent will submit

submit a report when the Approvers have
given their evidence and pardons will
then be sent.—

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

(Sent in No)

Read Criminal Report B
submitted by the Acting Sessions Judge
of Manzalore for the month of July last.

(Here Enter F. No. 1628 of 1856)

Case No. 49 1 The 1st Prisoner's previous
conviction should have been charged
against him.—

52. 2 The Court of Foujdaree Uda-
-lut observe that the felonious and
malicious intent is necessary in all in-
-dictments for Murder.—

55. 3 This sentence is by far too
severe for the petty Theft; if the lashes
have not been inflicted this portion of
the sentence will be remitted and
the Imprisonment reduced to two months.
If the lashes have been inflicted the
Prisoner will be released.—

A

Magistrate's Calendar No. 13.

4 A sentence of 15 Rupees fine or 6
weeks' Imprisonment is totally inade-
-quate for the crime of wounding the
Prosecutor in eight places with a knife
and striking him with a stick.—

Ordered, that Extract from
these Proceedings be sent to the Acting
Session Judge of Mangalore for his in-
-formation.—

(Sent in No)

Read letter dated 5th Septem-
-ber 1856 from the Acting Session Judge
of Chittoor, submitting for the final
Judgement of the Foujdaree Adalut the
Record of Trial in case No. 41 of 1856
of the Calendar of the Session Court.

(Here Enter F. No. 1682 of 1856)

Mr. G. S. Hooper
Mr. T. W. Goodwyn

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,

Chakala Mooneyandoo

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

usual time and place of execution.—

The Court of Foujdaree Udalut resolve to call the attention of the Acting Session Judge to the very careless manner in which the description of the injuries on the deceased person have been recorded in the Prosecutor's 1st and 2d witnesses depositions before the Session Court, the difference they observe is so great that it would be supposed that they related to entirely different cases, and yet no question has been put to reconcile their discrepancies.—

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

(Sent in No)

Ed M.

F. U.

Monday
15th September 1856

At a Court of the Foujdaree Udalut

Present.

F. Anderson Esqre
T. W. Goodwyn Esqre
G. A. Harris Esqre

} Puisne Judges

Read Miscellaneous Petitions presented on the 17th July and 21st August 1856 by Coduma by of Zillah Tinnevelly

(Heretofore F. M. P. Nos 152 & 162 / 1856.)

Mr F. Anderson.

Petitioner prays for the release of her son in law the 1st Prisoner in Case No 9 of 1856 on the file of the Sessions Court of Tinnevelly who was convicted of the commission of unnatural crime, and sentenced to 3 years' imprisonment with hard labour in irons, and also to receive 100 lashes.

2. The Court of Foujdaree Udalut seeing no reason to interfere with the sentence appealed against, resolve to reject this application

Ordered

15th. September
1856.

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

Read Calendar of Case No. 50 of 1856 submitted by the Sessions Judge of Cuddapah, under date the 5th. September 1856.

(Here enter F.M. No. 1703 of 1856.)

1. As it appears from the charge and remarks of the Sessions Judge that some of the prosecutor's property was found in the 5th. Prisoner's possession, the Court of Foujdaree Adalut direct that the Sessions Judge be called upon to explain why this prisoner has escaped conviction.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Cuddapah by Precept returnable within 3 days from and after its receipt

(Sent following Precept No. /

Read Miscellaneous Petition presented on the 11th. Ultimo by Balajeeroo of Zillah Cuddapah.-

(Here enter F. M. P. No. 1118 of 1856.)

Petitioner

15th. September 1856

Mr. F. Anderson / Petitioner prays for a reconsideration of the decision of the Court of Sudr Adalut dated the 10th. March last, sentencing the 1st. Prisoner in Case No. 68/1855 on the file of the Sessions Court of Cuddapah to 2 years imprisonment with hard labour in irons on a charge of manslaughter.

2 The Court of Foujdaree Adalut after hearing the Petitioner's Pleader, have passed a final order in the case on the 10th. May 1856, which they see no reason to alter.-

3. Petitioner dismissed.-

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

Read Miscellaneous Petition presented on the 28th. July 1856 by S. N. Bantea: rava charry, Pleader on behalf of 1st. 2d. 3d. 4th. 5th. 6th. 9th. 13th. and 14th. Prisoners in Case No. 21 of Chingleput Calendar for 1855.-

(Here enter F. M. P. No. 134 of 1856.)

Mr. T. W. Goodwyn / This is an application for the release of the aforesaid Prisoners who, with the exception of the 14th. were convicted

of

of the crime of Gang robbery laid to their charge, and sentenced, the 1st 3d and 9th to 14 years' and the 2d 4th 5th 6th and 13th to 8 years' imprisonment with hard labour in irons

2 The Court of Foujdaree Udalut after inspecting the above sentence, which was passed about 8 or 9 months ago, decline to interfere therewith. They observe that the 11th Prisoner has been acquitted and released.

3. Petition dismissed.

Ordered that Extract from these Proceedings be furnished to the Petitioners' Reader on his application.

Read Miscellaneous Petition presented presented on the 11th Ultimo, by Parwaty of Zillah Chittoor.

(Here enter F.M.P. No. 142 of 1856)

Mr. F. Anderson } and Mr. F. W. Goodwyn } Petitioners appeals from the orders of the Acting Sessions Judge of Chittoor confirming the sentence of the Acting Subordinate Judge, in case No. 90 of 1856 sentencing the Prisoner to pay a fine of Rupees 50 or in default of payment to be imprisoned for 6 months, under Section

Section XV Regulation I of 1820 for possessing arrack without a valid permit of the value of Rupees 4-4-9

2. The Court of Foujdaree Udalut consider that the imprisonment undergone by Prisoner in Case No. 90 of 1856 on the file of the Subordinate Court of Chittoor is more than a sufficient punishment for the offence charged and therefore direct his immediate release

3. The Acting Session Judge will be required to State why he passed "no order" on the Petitions of appeal preferred to him by this Parwatee on behalf of the Prisoner, and he is cautioned against rejecting appeals in this summary manner.

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

(Sent following Precept No)

Read Criminal Reports Submitted by the Session Judge of Cuddalore

15th September 1856

Cuddalore for the months of July 1856.

(Here enter F.C. No. 1544 of 1856.)

Case No. 60. 1. The Court of Fouzdaree Adalut observe that a Sentence of 3 months' imprisonment is too lenient for the offence proved of fracturing the bones of the 1st Prosecutor's arm.-

Do. 64. 2. The sentence of 6 months' imprisonment in this case is also too lenient for the offence charged, Viz.t Robbery by a servant of 20 and odd Rupees.

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

(Sent in No.)

Read Calendar of Case No. 21 of 1856 of the Sessions Court of Trichinopoly

(Here enter F.C. No. 1641 of 1856.)

1 The Court of Fouzdaree Adalut being of opinion that 3 years' imprisonment with hard labor in irons will be adequate punishment for the Prisoner in this Case, resolve to direct that his Sentence be mitigated accordingly.

Ordered that Extract from these Proceedings

15th September 1856.

Proceedings be sent to the Sessions Judge of Trichinopoly for his information.-

(Sent in No.)

Read Calendar in Case No. 53 of 1856, submitted by the Sessions Judge of Cuddapah, under date the 5th instant.-

(Here enter F.C. No. 1704 of 1856.)

1. The Court of Fouzdaree Adalut observe that the remarks of the Sessions Judge has been drawn to an unnecessary length, and they resolve to call his attention to their Proceedings of the 5th January 1855, pointing out to him the necessary of compressing his sentences

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

(Sent in No.)

Read Petty Calendar submitted by the Acting Sessions Judge of Mangalore for the 2d Quarter of 1856.-

(Here enter F.C. No. 1670 of 1856.)

Calendar No. 1
Cases Nos. 289, 290, 291
293, 294, 295.-

The Court of Fouzdaree Adalut desire to be informed why different Sections of the same Regulation have been quoted

and

and different punishments have been awarded in these cases for the same offence.

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

(Sent following Precept No.)

Read Letter dated 1st September 1856. from the Session Judge of Masulipatam, Submitting for the final judgment of the Foujdaree Adalut, the Record of Trial in Case No. 47 of 1856 on the file of the Session Court.

(Here enter F. C. No. 1701 of 1856.)

Messrs Anderson and Godwyn.

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.

"Vudlapuddah Cundapah."

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

place of execution.

1 The Court of Foujdaree Adalut desire the Session Judge will in future in his letter of reference in Criminal trials endeavour to give a clearer account of the facts of a Case, his present letter being very obscure.

2 Moreover they observe at para 2 he alludes to hearsay evidence as to what Bompummah had stated to the 1st witness, if Bompummah's Statement required to be referred to as evidence, her death should have been proved and her Police deposition should then have been proved and read.

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

Sent in No.

Read Miscellaneous petition presented on the 13th August 1856, by E. Salmon Esqr. Pleader on behalf of Samy Iyen, Zillah Trichinopoly.

(Here enter F. M. P. No. 151 of 1856)

Mr. T. W. Goodwyn. Petitioner appeals from the proceedings

proceedings of the Sessions Judge under date 5th. May 1856 confirming those of the Acting Head Assistant Magistrate under date the 26th. March 1856 fining the petitioner in the sum of Rupees 70 or in default to be imprisoned in the Zillah Jail for 2 Months under Section 7 Regulation X, 1816 and further requiring Petitioner under Section V Regulation VII of 1827 to furnish two Sureties in Rupees 50 each to keep the peace generally for the space of 6 Months. Petitioner submits that no witnesses were examined in support of the charge, and that it is stated in the proceedings now appealed from that there was an abundance of evidence to substantiate it; that this must be in allusion to testimony given in another case and behind Petitioners back, and that the depositions in this Case were not readover to him nor was he confronted with a single witness.-

2 The Court of Foujdaree Adalut resolve to call for information whether the witnesses were examined

in

in the presence of the Petitioner or not whether the latter had due opportunity afforded him of cross examining them. If they were not thus examined the Sentence will be cancelled and the fine if collected returned

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

Sent following Precept &c.

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

Read letter dated the 30th. Ultimo, from the Acting Sessions Judge of Calicut, forwarding the warrant issued for the execution of the sentence of death passed on the Prisoner in Case No. 30 of 1856 on the Calendar of the Sessions Court.-

(Here enter F.Re. No. 1678 of 1856.)

1. The Court of Foujdaree Adalut direct that an English translation of the prisoner's deposition referred to in

para:

15th 15th September
1856.

para: 2 of the Acting Subordinate Judge's letter dated the 29th Ultimo be submitted for their consideration.

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

Sent following Precept &c

Ex Ckk.

F. No.

Tuesday.
16th September, 1856.

At a Court of the Foujdaree Adalut

Present:

G. S. Hooper, Esquire.
F. Anderson, Esquire } Puisne Judges.
T. W. Goodwyn, Esquire

Read Calendar of Case No. 43 of 1856 submitted by the Sessions Judge of Masulipatam under date the 26th July 1856.

/Here enter F. No. No. 1430 of 1856/

Read also letter dated 26th August 1856 from the Sessions Judge of Masulipatam.

/Here enter F. No. No. 1646 of 1856/

1. In the above letter the Sessions Judge brings to notice the deplorable circumstances of the Prosecutrix, who has been reduced to beggary by her husband the prisoner

prisoner having transferred to his re-
latives all his available property,
and as he was not aware of this
circumstance when passing sentence,
the Sessions Judge requests permission
to enhance the sentence passed on
the prisoner in the above case by
adjudging a fine under Act XXX of
1845, to be paid to the Prosecutrip,
as a compensation for the injuries
she had received and for the re-
lief of her present destitute con-
dition.

2. The Court of Foujdaree
Udalut decline sanctioning an
enhancement of the sentence alrea-
dy passed on the prisoner in
this Case.—

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

Sent in No. 1/—

Read

Read Calendar of Case
No. 23 of 1856 submitted by the Sessions
Judge of Trichinopoly.—

/Here Enter F.No. No. 1690 of 1856/—

1. The Court of Foujdaree
Udalut observe that with reference
to their Circular Proceedings dated
the 16th December 1851, the value of
the stolen property found in the house
of each Prisoner should have been
stated.

2. The Court point out
to the Session Judge that the value
of article No. 1 which is stated to
have been given up from the place
where it was buried by the 2d Prisoner
should have been set forth.—

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

/Sent in No. 1/—

Read Calendar of Case
No.

16th September, 1856.

15th

No. 38 of 1856 of the Sessions Court of Calicut.—

(Here enter F.M. No. 1661 of 1856.)

1. Of the Prisoners in this case, 6 in number, tried on a charge of Gang Robbery and professing to stolen property with a guilty knowledge, the Law Officer has convicted the first five but being of opinion that besides his confession before the Police, and Joint Magistrate, no strong grounds exist for the conviction of the 6th Prisoner, has delivered a futwa of "Johnut", and declared him liable to Ookoobut.—

2. The Acting Sessions Judge however convicts all the Prisoners, and in sentencing them to the prescribed punishment recommends a mitigation of the same to 3 years' imprisonment in the case of the 6th Prisoner on the ground that no stolen property had been found in his possession.—

The

2/-

F.M.

16th September, 1856.

3. The Court of Foujdaree Udalut observe that "Johnut" (suspicion) is not a legal conviction, such futwa having been ruled to be tantamount to a futwah of acquittal under Clause 6th Section II Regulation XV of 1803.—

4. Since the Acting Sessions Judge has convicted the 6th Prisoner he should have proceeded under Section XXII Regulation VII of 1802 to refer the case as regards him for the final opinion of this Court, and the Acting Sessions Judge is now directed to adopt this course forwarding translations of only such depositions as relate to his crime. Meanwhile the Court direct that the sentence passed on this Prisoner be suspended.—

5. The Court resolve to point out to the Acting Sessions Judge that it is laid down in the Regulations

16th September, 1856.

15th

Regulations and Circular Orders that the punishment awarded shall be according to the crime not the degree of proof.—

Ordered, that Extract from these Proceedings be sent to the Acting Sessions Judge of Calicut by Precept returnable in X days from and after its receipt.—

Sent following Precept No. 15

4th Nov

F. No.

Wednesday 17th September, 1856. At a Court of the Foujdaree Adalut

Present:

G. L. Hooper, Esquire — Puisne Judges.
F. Anderson, Esquire — Ag —
J. W. Goodwyn, Esquire — Ag —

Read Calendar of Case No. 21 of 1856 on the file of the Sessions Court of Mangalore.

(Here enter F. No. No. 1707 of 1856)—

1. The Court of Foujdaree Adalut, observe that the sentence of the Acting Sessions Judge is drawn out to unnecessary length and for the most part consists of a recapitulation of the evidence — The Court direct that it be pointed out to the Acting Sessions Judge, that what is required of him is not to set forth what each witness has deposed

16 17th September, 1856.

deposed to, but to communicate his judgment upon the evidence, shewing what facts in his opinion are proved by their evidence or have failed of proof, and the grounds of such opinion.

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

/Sent in No./

E & M.P.

Thursday,
18th September, 1856

F. A.

At a Court of the Foujdaree Adalut

Present.

Findlay Anderson Esqre.
T. D. Goodwyn Esqre } Acting Puisne Judges
G. A. Harris Esquire.

Read Calendar of case No 66 of 1856 on the file of the Session Court of Bellary.

(Here Enter F. A. No 1698 of 1856)

The Court of Foujdaree Adalut are of opinion that if there were any bruises or marks caused by the stones on the Prosecutrixe and 1st witness, that part only of the sentence which adjudged lashes should be remitted. But that if there were not such bruises a sentence of 4 years imprisonment will suffice for the punishment of the Prisoner in this case, and they resolve to call upon the Session Judge to mitigate his sentence accordingly.

2. I am unable to concur with the Court in respect to the propriety of

of the mitigation now proposed, the Sessions Judge will be pleased to submit an English translation of the record of the case for their consideration.

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

(Sent following Precept No

The English Translation of the record in case No 13 of 1856 which was called for on the 14th August last, not having been yet received.

Ordered that the Acting Agent at Ganjam be required to submit the same without further delay.

(Sent in No

Read Calendar of case No 40 of 1856 submitted by the Acting Sessions Judge of Calicut under date the 3d September 1856.

(Here Enter F. R. No 1708 of 1856)

The Court of Foujdaree Adalut observe that the practice of employing District Moonsiffs as Assessors or Jurors

Jurors in Criminal trials is objectionable and they direct that these Officers be not on any future occasion called upon to officiate.-

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

(Sent in No

Read Calendar of case No 65 of 1856 of the Sessions Court of Bellary.

(Here Enter F. R. No 1688 of 1856)

1. The Sessions Judge in concurrence with the Mahomedan Law Officer convicts the 1st and 2d Prisoners in this case of Highway Robbery, and the 3d Prisoner of being knowingly in possession of stolen property, and has sentenced the 1st Prisoner to 60 lashes and to be imprisoned for 14 years with hard labor in irons, the 2d to a similar period of imprisonment with labor suitable to her sex, and the 3d Prisoner to 7 years imprisonment with hard labor in irons; but as the amount

of

18th September 1856.

of property stolen was small, the Sessn Judge recommends that the Sentence of the 1st and 2d Prisoners be mitigated to 10 years.-

2. The Court of Foujdaree Adalut are of opinion that a Sentence of 7 years imprisonment without Lashes will be a sufficient punishment for all the Prisoners in this case, and they resolve to call upon the Sessn Judge to sentence them accordingly.-

Ordered that Extract from these Proceedings be sent to the Sessn Judge of Bellary by Precept returnable within III days from and after its receipt.-

(Sent following Precept No

Read Miscellaneous Petition presented on the 21st ultimo by Changle-roya Moodely of Zillah Chittoor.-

Mr. F. Anderson.

(Here Enter F.M.P. No 161 of 1856)

Petitioner not having procured copy of any order passed by the Sessn Judge against which he wishes to appeal, the Court of Foujdaree Adalut resolve to dismiss the Petition.

Ordered

F.C.

18th September 1856

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

Read Miscellaneous Petition forwarded by the Sessn Judge of Combaconum from Camatchy of the same Zillah.-

(Here Enter F.M.P. No 147 of 1856)

Mr. F. Anderson

1. Petitioner prays for the release of her husband, Prisoner in case No 77 of 1856 on the file of the Sessn Court of Combaconum, who was convicted of perjury and sentenced to 5 years imprisonment with hard labor in irons.-

2. The Court of Foujdaree Adalut seeing no reason to question the propriety of Prisoner's conviction, decline to interfere with the sentence appealed against.-

3. Petition dismissed.-

Ordered that Extract from these Proceedings be sent to the Sessn Judge of Combaconum for communication to Petitioner.-

(Sent in No

Read

18th September 1856.

Read Miscellaneous Petition presented on the 11th Ultimo by Paroomal, Cunny and Canaky of Zillah Chittoor.-

(Here Enter F No 149 of 1856)

Mr. T. W. Goodwyn. Petitioner prays the Court of Tanjore Zeelut to order the release of the 2d 5th and 7th Prisoners in case No 49 of 1855 on the file of the Sessions Court of Chittoor, who were sentenced to 8 years imprisonment with hard labor in irons, on a charge of robbery by open violence.-

2. The Court of Tanjore Zeelut resolve to reject this appeal Petition, as they observe from the Calendar that the 7th Prisoner confirmed the Police confession before the Sub-Court, whilst it has been proved that the 2d and 5th Prisoners confessed both in Chingleput and Chittoor and gave up property proved to belong to the Prosecutor.-

3. Petition dismissed.-

Ordered that Extract from these Proceedings be granted to the Petitioners on their application.-

Read

18th September 1856.

Read Miscellaneous Petition presented on the 13th Ultimo by S. N. Centeeranallherry Pleader on behalf of Gungammah and others of Zillah Chicacole.-

(Here Enter F No 150 of 1856)

Mr. T. W. Goodwyn. 1. Petitioners are prosecutrixes in case No 3 of 1856 and appeal against the Sentence passed in it acquitting the Prisoners and fining the Petitioners, one in 20, and the other in 25 Rupees.-

2. The Court of Tanjore Zeelut observe that the Sessions Judge's Sentence of acquittal is final, and they decline to interfere with the Sessions Judge's order fining the parties for prevarication under Section VIII Regulation XIII of 1832.-

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

The English Translations of the records in cases Nos 19 and 20 of 1856, which were called for on

the

the 23d August last, not having been yet received.

Ordered that the Acting Agent at Ganjam be required to submit the same without further delay.-

(Sent in No 11

Read Miscellaneous Petition forwarded by the Session Judge of Tinnevelly from Cavoottachy of the said Zillah.-

Mr Anderson. 1. (Here enter T M P No 155 of 1856)

Petitioner prays for the release of her husband Caulaparoomal the 1st prisoner in case No 28 of 1856 on the file of the Session Court of Tinnevelly.-

2. Before passing final orders on the above petition, the Court of Foujdaree Udalut resolve to direct the Session Judge of Tinnevelly to forward English translation of the evidence against the 1st Prisoner in the above case.-

Ordered that Extract from these Proceedings be sent to the Session Judge of Tinnevelly by Precept returnable in V days from and after its receipt.-

(Sent following Precept No

to Bd

Friday
19th September 1856

F. U.

At a Court of the Foujdaree Udalut

Present

F. Anderson Esquire Actg.
J. W. Goodwyn Esquire Actg. } Puisne Judges
G. A. Harris Esquire Actg.

Read Extract from the Proceedings of the Session Court of Honore dated the 18th August 1856 reviewing the Petty Calendars for the 2d Quarter of 1856.

(Here enter F. U. No 1616 of 1856)

Case No 69. The Court of Foujdaree Udalut observe that the value and name of the gold coin should have been entered in the charge, it having been ruled that the provisions of Section VII Regulation II of 1822 only applies to the possession of Counterfeit coin of the realm.-

Case No 75. 2 This is no criminal offence, and were it one, the Court do not understand why this case and case No 73 were disposed of under different Sections of the same Regulation.-

Ordered

19th September 1856

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

/Sent in N°/

Read Calendar of Case N° 34 of 1856 of the Sessions Court of Coimbatore.

/Here enter F.H. N° 1711 of 1856/

The Court of Foujdaree Adalut approve of the recommendation made by the Sessions Judge in this case, that the period of imprisonment which the Prisoner noted in the margin has been adjudged to suffer on his conviction of Gang Robbery by Offen-
violence be reduced to /7/ Seven years with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant ac-
-cordingly.-

9" Audum

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

/Sent in N°/

Read Calendar of Case N° 33 of 1856 of the Sessions Court of Nellore

/Here enter F.H. N° 1719 of 1856/

The

19th September 1856

The Court of Foujdaree Adalut approve of the recommendation made by the Sessions Judge in this case that the period of imprisonment, which the Prisoner noted in the margin has been adjudged to suffer on his conviction of Housebreaking and Theft be reduced to 4 years with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.-

1st Gangisette Bhadrayi

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

/Sent in N°/

4th D.

Crawford

F. Ct.

Saturday 20th September 1856.

At a Court of the Fouzdaree Udalut

Present

F. Anderson Esquire Sg.
J. W. Goodwyn Esquire Sg. } Puisne Judges.
G. A. Harris Esquire Sg.

Read Calendar in Case No 27 of 1856 Submitted by the Acting Sessions Judge of Salem under date the 28th Ultimo.

/Vide enter F. C. No 1691 of 1856/

On a perusal of the Calendar it appears clear to the Court of Fouzdaree Udalut that the Prisoners from revenge and malice planned the attack on the deceased with the intention of inflicting on him serious injuries. They assaulted him with the sticks and knives inflicting a Compound fracture of the right arm, a very severe injury to the left hand & besides cutting the lobe of his ear with a knife.-

This premeditated outrage

2.

is

is correctly described by the Acting Sessions Judge as "a most brutal one" it caused the deceaseds death and the Court of Foujdaree Adalut are at a loss to understand why the Acting Sessions Judge did not convict of murder and prefer the case for their sentence The sentence awarded is very inadequate.-

3. The Acting Sessions Judge has erred in receiving a Medical Certificate as evidence instead of examining the Surgeon.-

4. The attention of the Acting Sessions Judge is again called to the necessity of condensing his sentences.-

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Salem.-

/Sent in No /

Read Calendar of Case No 70 of 1856 submitted by the Sessions Judge of Bellary.

/Here enter F.H. No 1710 of 1856/

The Prisoner in this case was convicted of Highway Robbery and sentenced to 14 years imprisonment with hard labor in

irons, but as the value of the property stolen was small, the Sessions Judge recommends that the sentence be reduced to 10 years.-

2. The Court of Foujdaree Adalut are of opinion that a sentence of 7 years imprisonment with hard labor in irons will be sufficient to meet the ends of justice and they authorize the Sessions Judge to issue his warrant accordingly.-

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

/Sent in No /

Read Calendar in Case No 39 of 1856 submitted by the Sessions Judge of Coimbatore under date the 29th Ultimo.

/Here enter F.H. No 1713 of 1856/

The Court of Foujdaree Adalut see no sufficient grounds for the mitigation proposed by the Sessions Judge and they therefore direct that the Original Sentence be carried into effect.-

Ordered that Extract from these

these Proceedings be forwarded to the Sessions Judge of Coimbatore for his information.-

/Sent in Nº/

Read Petty Calendars submitted by the Sessions Judge of Cuddalore for the 2d Quarter of 1856.-

/Hereafter F.R. Nº 1640 of 1856/

Calendar I
Case Nº 41.

As two offences are charged in this case, the heading should also have specified both these offences.

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

/Sent in Nº/

Read letter under date the 9th September 1856 from the Acting Sessions Judge of Mangalore forwarding English Translation of the record of Case Nº 20 of 1856 on the Calendar of the Sessions Court for the final Judgement of the Court of Sonjedaree Adalut.-

/Hereafter F.R. Nº 1743 of 1856/

The Court of Sonjedaree Adalut

on

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

"Venkut dosa Oopadya"

is not convicted on presumptive proof or on the evidence of credible witness or on his own confession of the crime charged do acquit him thereof and direct that he be set at liberty.-

1. The Prisoner in this case was charged with forgery and was acquitted by the Mahomedan Law Officer but the Sessions Judge considering the evidence as trustworthy and its validity not weakened by the discrepancies alluded to by the Mahomedan Law Officer referred the case for the final Judgement of the Sonjedaree Adalut and recommended that the Prisoner should be sentenced to 4 years imprisonment under clause 1st Section III Regulation VI of 1811

2. On a careful perusal of the record the Court of Sonjedaree Adalut are strongly impressed with the opinion that the

the charge of forgery and the evidence to prove it has been got up against the Prisoner.-

3. They observe that the Prisoner is now in a petition presented to the Civil Court on the 14th March last stated that he had settled the matter of maintenance with the Prosecutrix and obtained a release from her. This statement was false and supposing the charge also to be false the Prisoner has brought it on himself by giving Bennakay an opportunity to fabricate it.-

4. The evidence of the 1st and 2d witnesses is in the opinion of the Court unworthy of credit.-

5. They observe that the 1st and 2d Witnesses do not allege that the Prisoner had previously asked them to join in the Conspiracy to defraud by the forgery in question it is therefore manifestly most improbable that if they were true and honest men the deed would have been manufactured in their presence and they then asked to attest it and thus become parties

parties to an offence subjecting them to risk of imprisonment in which it is not alleged that they were to gain any profit or advantage. It is also observed that the 1st Witness is in Connexion of the prosecutrix.-

6. Their own version of the matter shows the prisoner must have considered them 1st and 2d Witnesses likely persons to join in any scheme of falsehood and roguery.-

7. The Complaint was made on the 28th June and a warrant to search the house of the Prisoner issued on the same day, but the house was not searched till the morning of the 30th the searching party slept outside the house of the Prisoner on the night of the 29th the documents were found above the ceiling just above the door under a mossa of rice but it is proved that the particular place was pointed out by the Agent of the Prosecutrix and that the documents could be put from without the house into that place. B is called a draft, but it was an easy matter for

the

the Prosecutrix to take copy of the Petition pre-
sented by the Prisoner to the Civil Court and
B may be a copy of that copy—the handwriting
of B is not proved.-

8. The names of the attestors are not
entered in A and the alleged writer Illoot
Soobayya appears to be a person unknown
and not to be found.-

9. Being therefore of opinion under
the above circumstances that the charge against
the Prisoner and the evidence to support it
is false, the Court of Foujdaree Udalut
have acquitted the Prisoner and directed
his unconditional release.-

Ordered that Extract from these
Proceedings be sent to the Acting Sessions
Judge of Mangalore for his information.-
/ sent in so

Exd. G.

F. No.

Monday
22nd September 1856 } At a Court of the Foujdaree Udalut.

Present

F. Anderson Esquire.
J. W. Goodwyn Esquire. } Acting Sessions Judges
G. A. Harris Esquire.

Read Calendar of Case
No. 38 of 1856 submitted by the Acting Session
Judge of Salem under date the 26th August 1856.
/ Reverdin F. No. No. 1721 of 1856./

1. The Court of Foujdaree Udalut observe that the first part of the charge was disobedience to his Masters orders, but was no criminal offence.-

2. The Acting Session Judge's attention is again called to the necessity of condensing his sentences; it was evidently unnecessary to detail the charge at Para 2.-

3. Paras: 3 to 6 might advantageously have been condensed into a few lines, and the rest of the sentence might be greatly reduced without omitting any matter of importance

22nd September 1856.

importance.

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

/ Sent in. /

Read Calendar of Case. No. 40 of 1856 submitted by the Acting Sessions Judge of Salem under date the 4th Instant.

/ Here enter F. Co. No. 1723 of 1856. /

The Court of Foujdaree Udalut observe that the charge in this Case, should have been "Fraud" in obtaining goods under false pretences, as it does not appear that any breach of Trust was committed.

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

/ Sent in No. /

Read Calendar of Case No. 41 of 1856, submitted by the Acting Sessions Judge of Salem under date the 4th Instant.

/ Here enter F. Co. No. 1724 of 1856. /

The Court of Foujdaree Udalut observe

22nd September 1856.

observe that the first part of the charge, viz. selling casks for less than the prisoner was directed to do, is no Criminal Offence.

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

/ Sent in No. /

Read Calendar in Case No. 69 of 1856, submitted by the Sessions Judge of Bellary, under date the 8th September 1856.

/ Here enter F. Co. No. 1730 of 1856. /

1. The Prisoners in this Case were convicted of Highway robbery and sentenced to 14 years' imprisonment with hard labor in irons, but in consideration of the small value of the property stolen, the Sessions Judge recommends that the sentence be reduced to 10 years.

2. As no violence was committed, the Court of Foujdaree Udalut are of opinion that a sentence of 7 years' imprisonment with hard labor is sufficient to meet the ends of justice, and they authorize the Sessions Judge to issue his warrant accordingly.

Ordered

22nd September 1856.

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

/Sentin. No/.

Read Calendar of Cas. No. 28 of 1856 of the Session Court of Combaconum.

/Herewith F. No. No. 1733 of 1856./

The Court of Foujdaree Udalut approve of the recommendation made by the Session Judge in this Case, that the period of imprisonment which the Prisoner noted in the margin has been adjudged to suffer on his conviction of House breaking with intent to commit Theft, be reduced to (4) four years with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.

× Kondayen.

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

/Sent in. No/

Read Miscellaneous Petition presented on the 8th September 1856 by E. Salmon Esquire, Pleader on behalf of Caze

22nd September 1856.

Caze Moosaire Saib of Tillah Tinnevelly.

/Herewith F. No. No. 1770 of 1856./

Mr. G. A. Harris. 1. Petitioner prays the Court of Foujdaree Udalut for the reasons stated in the petition, to reconsider their order of the 25th August last, and call for and peruse the record of the case in view to the revision of the sentence passed upon the 3rd prisoner in case No. 22 of 1856 on the file of the Session Court of Tinnevelly.

2. The Court of Foujdaree Udalut resolve to direct the Session Judge of Tinnevelly to forward an English translation of the record of the case so far as regards the 3rd prisoner, in order to determine whether there is sufficient evidence for his conviction on the 2nd Count.

3. The Court further direct the Session Judge to suspend the sentence of corporal punishment awarded to the 3rd prisoner until further order.

Ordered that Extract from these Proceedings be sent to the

22nd September 1856.

the Sessions Judge of Tinnevelly by pre-
-cept returnable within 7 days from and
after its receipt.

/Sent following precept No/

Read Miscellaneous Petition
presented on the 26th Ultimo by P. Andy
and P. Nelly, heirs to the 8 Prisoners in Case
No. 17 of 1854 of the Sessions Court of Trichi-
-nopoly.

/Herewith F. Mis. P. No. 167 of 1856./

Mr. F. Anderson. 1. Petitioners seek the interfe-
-rence of the Court of Foujdaree Udalut
to order the release of the Prisoners in
Case No. 17 of 1854 on the file of the
Sessions Court of Trichinopoly, who were
sentenced to 7 years' imprisonment with
hard labor in irons.

2. The Court of Foujdaree
Udalut decline interfering in the case, the
sentence complained of having been pas-
-sed so far back as 1854.

3. Petition dismissed.

Ordered that Extract from
these Proceedings be given to the
Petitioner

22nd September 1856.

Petitioners on their application.

Read Miscellaneous Petition
presented on the 25th August 1856 by
Eroolandy Coodumbeer of Zillah
Tinnevelly.

/Herewith F. Mis. P. No. 168 of 1856/

Mr. G. A. Harris. 1. Petitioner prays for the
interference of the Court of Foujdaree
Udalut to issue orders to the Magistrate
of Tinnevelly requiring him to forbid
the high caste people of the above Zillah
to interfere with the right of the females
of the Petitioners caste to dress themselves
in the same manner as females of other
caste.

2. The Court of Foujdaree
Udalut decline interfering in the matter
and resolve to reject the Petition.

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

Read Miscellaneous Petition
presented on the 31st July 1856 by Pichoo Pillay
of Zillah Tinnevelly.

/Herewith F. Mis. P. No. 138 of 1856/

Petitioner

22nd September 1856.-

Mr. F. Anderson. / Petitioner prays for the release of his brother the Prisoner in case No. 120 of 1856 on the file of the Session Court of Tinnevelly who was convicted on the second count of the charge preferred against him, and sentenced to 4 years imprisonment with hard labor in irons and to receive 50 lashes.-

2. The Court of Foujdaree Udalut see no grounds to interfere with the sentence passed in the case and therefore reject this Petition.-

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

Read Miscellaneous Petition presented on the 25th August and 15th September 1856 by Mr. H. B. Saunders, Pleader on behalf of Appavoo Butter alias Muthanully Butter, of Tillah Tinnevelly.

/ Hereunto F. Mc. P. Nos. 170 & 183 of 1856./

Mr. F. Anderson. /

This is an application for the release of the 2nd Prisoner in Case No. 120 of 1856 on the file of the Session Court of

of Tinnevelly who was sentenced to 7 years' imprisonment with hard labor in irons, and also to receive 100 lashes.-

2. The Court of Foujdaree Udalut having heard Petitioner's Pleader, and referred to the Calendar of the above case, do not see sufficient grounds to interfere in behalf of the Petitioner, whose application is therefore rejected.-

Ordered, that Extract from these Proceedings be given to the Petitioner's Pleader on his application.-

Read Miscellaneous Petition, presented on the 4th Ultimo by Vencatee, of Tillah Chittoor.

/ Hereunto F. Mc. P. No. 141 of 1856./

Mr. F. Anderson. / The Court of Foujdaree Udalut resolve to reject this Petition and refer the Petitioner to the orders formerly passed by them in the matter to which it relates.

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

Read Calendar of Case No. 4 of 1856 submitted by the Session Judge of

20

of Coimbatore under date the 23rd April 1856.

/Here enter F. No. No. 1469 of 1856./

Read Petty Calendars dated 4th August 1856 submitted by the Sessions Judge of Tinnevelly for the 2nd Quarter of 1856.

/Here enter F. No. No. 1494 of 1856./

Read letter dated 5th August 1856 from the Sessions Judge of Chicacole forwarding Petty Calendars of the Magistracy of Ganjam and Vizagapatam for the 2nd Quar 1856.

/Here enter F. No. No. 1511 of 1856./

Read Extract from the Proceedings of the Session Court of Tinnevelly dated 31st July 1856, held on review of the Monthly Reports of the Native Officers of Police for the 2nd Quarter 1856.

/Here enter F. No. No. 1522 of 1856./

Read Extract from the Proceedings of the Session Court of Madura dated 13th August 1856, reviewing the petty Calendars of the Magistracy for the 2nd Quarter of 1856.

/Here enter F. No. No. 1559 of 1856./

Ex Ddk.

F. No.

Tuesday 23rd September 1856. A New Court of the Foujdaree Adalut

Present

F. Anderson Esquire
T. W. Goodwyn Esquire
G. A. Harris Esquire
} Acting Puisne Judges

Read Calendar in Case No. 43 of 1856 submitted by the Acting Session Judge of Salem under date the 21st August 1856.

(Here enter F. No. No. 1736 of 1856)

The Court of Foujdaree Adalut direct, that the attention of the Acting Subordinate Judge be called to the necessity of condensing the abstract of the examination.

They observe, that the first thirty lines might have been advantageously reduced to six, by stating that the 3d Prisoner pleads not guilty. 1st Prisoner admits that hinge No. was found in his house 1st and 2d Prisoners each cite 2 Witnesses to Alibies. The 3d Prisoner cites 2 Witnesses to prove that he came honestly by the earrings.

Ordered that Extract from

these

23d September 1856

these Proceedings be sent to the Acting Sessions Judge of Salem for communication to the Acting Subordinate Judge.

(Sent in A.)

Read again Calendar of Case No. 25 of 1856 submitted by the Sessions Judge of Combaconum.

(Here enter F.D. No. 1618 of 1856)

Read also return dated 9th September 1856 by the Sessions Judge of Combaconum to the Precept of the Foujdaree Adalut, under date the 3d Idem calling for certain information in the above case.

(Here Enter F.D. No. 1735 of 1856)

The Court of Foujdaree Adalut observe that the explanation furnished in the above return is quite satisfactory.

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

(Sent in A.)

No return having been received from the Sessions Judge of Madura to the Precept of the Foujdaree Adalut dated the 28th August 1856, conveying orders on the Petition of Arul and

23d September 1856.

and others of Dillah Madura.

Ordered that the Acting Sessions Judge of Madura be required to make a return to the above Precept without further delay.

(Sent in A.)

4 o'clock P.M.

F.M.C.

Thursday 25th September 1856. At a Court of the Foujdaree Udalut

Present

F. Anderson, Esquire
T. W. Goodwyn, Esquire
G. A. Harris, Esquire
} Act^g Puisne Judges

Read Petty Calendars submitted by the Sessions Judge of Coimbatore for the 2^d Quarter of 1856.

(Here Enter F.M.C. N^o 1714 of 1856)

Calendar I. Case N^o 28.

The sentence in this Case of fraud should have been passed under Section XXXII, not Section XXXIII Regulation IX of 1816.—

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

(Sent in N^o)

Read Miscellaneous Petition presented on the 31st July 1856, by John Tauchoo

25th September 1856

Tanchoo Menon, Pleader on behalf of Nullaperoomun Chetty of Tillak ∞ Combaconum.—

(Here Entd. T. M. D. No. 137 of 1856)

Mr. T. Anderson / This is an application for reconsideration of the order of the Court of Stoujdaree Udalut under date the 15th May 1856, rejecting the petition No. 81 of 1856 presented by the petitioner.—

2 The Court of Stoujdaree ∞ Udalut see nothing in the above petition which could induce them to accede to the Petitioner's application which is therefore rejected.—

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

Read Miscellaneous Petition of Sheik Adam, late Jail Duffadar of Palghaut, forwarded by the Acting Sessions Judge of Calicut.—

(Here Entd. T. M. D. No. 146 of 1856)

Mr. G. A. Harris / Petitioner, that the Prisoner in Case No. 109 of 1856 on the file of the Criminal

Criminal Court of Calicut, prays for the interference of the Court of Stoujdaree Udalut to reverse the order of the Acting Sessions Judge of Calicut under date the 21st July 1856, confirming that of the Acting Subordinate Judge whereby the Prisoner was sentenced to six months imprisonment with hard labor in irons on a charge of Culpable neglect of duty in allowing the escape of a ∞ Prisoner while at work.—

2 The Court of Stoujdaree Udalut see no reason to interfere with the order in question and accordingly ∞ resolve to reject this Petition.—

Ordered, that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Calicut for communication to the Petitioner.—

(Sent in No.)

Read Miscellaneous Petition presented on the 21st Ultimo by Mr. J. H. P. Wilson, Pleader on behalf of Chinnookhan and others of Tillak Chittoor.—

(Here Entd. T. M. D. No. 157 of 1856)

25th September 1856.

Mr. G. A. Harris 1 Petitioners pray for the release of the Prisoners 1 to 15 and 19 and 20 in Case No. 30 of 1856 on the file of the Session Court of Chittoor, who were sentenced to 14 years' imprisonment with hard labor in irons on a charge of robbery by open violence.—

2 The Court of Foujdaree Adalut seeing no reason to interfere with the sentence appealed against, resolve to reject the petition.—

Ordered, that Extract from these Proceedings be given to the Petitioners Pleader on his application.—

Read Miscellaneous Petition presented on the 21st Ultimo by Mr. J. H. Wilson, Pleader on behalf of Mooneekar of Zillah Chittoor.—

(Here Enter F. M. P. No. 160 of 1856)

Mr. G. A. Harris 1 This is an Appeal on behalf of the 1st and 2d Prisoners in Case No. 31 of 1856 on the file of the Sessions Court of Chittoor against the decision passed by the Acting Sessions Judge sentencing

25th September 1856

sentencing the 1st Prisoner to 8 years' imprisonment with hard labor in irons and declaring that no further sentence is necessary as regards the 2d Prisoner, he having been sentenced to 14 years' imprisonment in Case No. 30 on Chittoor Calendar for 1856 in which he was tried as 15th Prisoner.—

2 The Court of Foujdaree Adalut see no reason to interfere with the sentence appealed against, and accordingly resolve to reject the Petition.

Ordered, that Extract from the Proceedings be furnished to the Petitioners Pleader on his application.—

Read Miscellaneous Petition forwarded by the Sessions Judge of Honore from Rama and others of the said Zillah.—

(Here Enter F. M. P. Nos. 158 and 159 of 1856)

Mr. T. Anderson 1 The Petitioners, are prisoners 1 to 4 in Case No. 12 of 1856, on the file of the Sessions Court of Honore and appeal against their conviction, and the sentence

sentence passed upon them for 6 months imprisonment with hard labour in irons on a charge of assault with severe wounding.

2 The Court of Foujdaree Udalut see no ground to question the propriety of the Prisoners' conviction or the justice of the sentence passed upon them. They therefore decline interfering in behalf of the Prisoners, whose application is therefore rejected.—

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Honore for communication to the Petitioners.—

(Sent in No)

Read return dated the 8th Instant, from the Magistrate of Coimbatore, to the precept of the Foujdaree Udalut under date the 25th August last, calling for the Original sentence held in the case of Bowany Lolah.

(Here enter Fdlo. No. 1734 of 1856)

In para 2 of the above Return the

25th September 1856

the Magistrate states that the charge and sentence in English now sent is the old original Office copy, the original was sent to the Magistrate's Attorney, Mr. Boyson for use at the Trial, but on application to Mr. Boyson, it was found that the document sent to him was not the original but only a certified copy; the Magistrate will therefore be pleased to submit the Original (the sentence part of which is in the Magistrate's handwriting, vide Circular Order 201, 12th December 1853.) with the least practicable delay.—

Ordered that Extract from these Proceedings be forwarded to the Magistrate of Coimbatore by Precept returnable within 24 hours from and after its receipt.—

(Sent following Precept No)

Read Letter dated 5th September 1856, from the Acting Sessions Judge of Salem, submitting for the final judgment

225th September 1856

judgement of the Foujdaree Udalut, the Record of case No. 42 of 1856 on the file of the Session Court.—

(Here Enter F.C. No. 727 of 1856)

Mr. F. Anderson
Mr. T. W. Goodwyn

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, "Vellegan" is sufficient to convict him of the crime of uttering counterfeit coin knowing the same to be counterfeit, do convict him thereof, and under the provisions of Clause first Section VI. Regulation VII. of 1822, — sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of (2) Two years.—

(Sent in No.) is

Ed. Sec.

F.C.

Friday—
26th September 1856.

At a Court of the Foujdaree Udalut

Present

F. Anderson, Esqr. 1st Puisne Judge
T. W. Goodwyn, Esqr. 2d Puisne Judge
G. A. Harris, Esqr. 3d Puisne Judge

Read Calendar of Case No. 24 of 1856, submitted by the Session Judge of Trichinopoly, under date the 8th Instant.—

(Now enter F.C. No. 1716 of 1856)

Before passing final orders on the above Calendar, the Court of Foujdaree Udalut resolve to call upon the Session Judge to forward for their consideration an English Translation of the trial before the Session Court.—

They resolve also to call upon the Session Judge to explain the acts of violence and theft, that he considers to be proved, detailing the nature of the proof as well as

if

if there is any proof, that others were engaged along with the Prisoner and also whether the Prosecutor was injured

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

/Sent following precept No. /

Read Calendar of Case No. 26 of 1856, of the Session Court of Trichinopoly.-

/Here enter F. Ele. No. 1718 of 1856/

The Court of Foujdaree Udalut observe, that there was the widence of the 1st and 2d Witnesses against the Prisoners: if their Statements were contradicted by the three other individuals, as the Session Judge states, the Principal Sub Ameen ought not to have committed the case.-

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

/Sent in Dy. /

Ed. Thos W

Examd

F. Uc.

Saturday — 27th. September, 1856. At a Court of the Fouzdaree Adalut

Present

F. Anderson, Esqre. }
T. W. Goodwyn, Esqre. } Acting Puisne Judges
G. N. Harris, Esqre. }

Read Calendar of Case
No. 25 of 1856, of the Session Court
of Trichinopoly.-
/Here enter F. Uc. No. 1717 of 1856/
The Court of Fouzdaree
Adalut are of opinion that this
Case should have been remanded
to the Principal Sudr. Ameen.-
Ordered, that Extract &c.
from these proceedings, be sent to the
Session Judge of Trichinopoly, for
his information.-
/Sent in. No./
Read Statement dated
1st. July 1856, submitted by the Sessions
Judge of Coimbatore, of Batta paid
to the Prosecutors and witnesses attend-
-ing before him during the 1st. half of 1856.-
/Here enter F. Uc. No. 1424 of 1856/
Read

Read return dated 23d. July 1856, submitted by the Session Judge of Chicacole, to the precept of the Fouzdaree Udalut under date the 10th. July 1856, calling upon him and the Moofty to state whether they consider certain points proved against the Prisoners in Case No. 5 of 1856.

(Here enter F. Do. No. 1427 of 1856.)

Read Report dated 1st. August 1856, submitted by the Session Judge of Bellary, of a Case pending for a longer period than 25 days.

(Here enter F. Do. No. 1465 of 1856.)

Read letter dated 5th. August 1856, from the Acting Session Judge of Chittoor, forwarding a Statement required by the Fouzdaree Udalut Courts letter of the 28th. February 1853.

(Here enter F. Do. No. 1476 of 1856.)

Read letter dated 7th. August 1856, from the Session Judge of Nellore, reporting the result of the execution of Mudigonda Rammadu Prisoner in Calendar Case No. 21 of 1856.

(Here enter F. Do. No. 1492 of 1856.)

Read

27th. September, 1856.

Read report dated 1st. August 1856, submitted by the Session Judge of Cuddapah, of cases pending and committed for trial during the month of July 1856, which remained on the file for more than 25 days.

(Here enter F. Do. No. 1508 of 1856.)

Read return dated 11th. August 1856, from the Acting Session Judge of Chittoor, to the precept of the Fouzdaree Udalut under date the 8th. August 1856, passed on a review of the Calendar of Case No. 39 of 1856, directing him to inform thereof the mode in which he intends to dispose of the property found in this Case and cancelling the requisition of security made in this case as it was demanded on other grounds than that of suspicious of the crime charged.

(Here enter F. Do. No. 1515 of 1856.)

Read Statement dated 7th. August 1856, submitted by the Session Judge of Masulipatam of

Batta

27th September, 1856.

Batta paid to the Prosecutors and Witnesses attending before him and Subaneen for the 1st half year of 1856.—

/Here enter F. Gl. No. 1525 of 1856./

Read Statement dated 5th August 1856, submitted by the Session Judge of Ellore, of Batta paid to Prosecutors and Witnesses attending before him for the half year ending the 30th June 1856.

/Here enter F. Gl. No. 1526 of 1856./

Read return dated 28th August 1856, from the Session Judge of Combaconum, to the precept of the Fouzdaree Udalut under date the 11th August 1856, directing that the fine if levied be repaid to the Petitioner, Chinnasawmy Naik.—

/Here enter F. Gl. No. 1659 of 1856/

Rs 180

F. W.

Tuesday 30th September 1856. At a Court of the Fouzdaree Udalut.

Present

F. Anderson Esquire Jr.
J. W. Goodwyn Esquire Jr. } Puisne Judges.
G. N. Harris Esquire Jr.

Read letter dated 6th Instant from the Agent to the Governor of Fort Saint George at Vizagapatam submitting proceedings in a Case of Murder for the orders of the Fouzdaree Udalut.

/Here enter F. G. No. 1764 of 1856/

1 Before finally disposing of this case the Court of Fouzdaree Udalut with the view of obtaining further information as to the motives which led the Prisoner to commit the murder, and as to the state of his mind at the time, resolve to direct the Government Agent to examine the persons by whom he was apprehended and in whose Custody he was first kept.

2 Evidence should now be taken as to the place where and the circumstance under which

which he was apprehended, and what he then said regarding the murder.- As to what the Prisoner said when he borrowed the bill hook from his uncle as stated by him before the Police.-

3. The Prisoner before the Police said that he was going to cut Palmyra sticks, but before the Agent he said to cut firewood. The Court desire to be informed if this is a contradiction, or if the two statements can be reconciled.-

4. The desire also to be informed, whether there was any European Magistrate in Vizianagram after the deceased was conveyed to the Hospital, and why a deposition was not taken on path from the wounded & his dying in the presence of the prisoner.-

Ordered that Extract from these Proceedings be sent to the Agent to the Governor of Fort Saint George at Vizagapatam by precept returnable within X days from and after its receipt.

/Sent following Precept No /

Read letter under date the 12th September 1856 from the Officiating Agent to the Governor of Fort Saint George at Rurnool submitting

submitting for the final judgment of the Foujdaree Adalut a report of the trial of Criminal case No 43 of 1856 on his file.-

/Herewith F. H. No 1788 of 1856/

The Court of Foujdaree Adalut

Concurring in the conviction of the Prisoners.

1st Chenchoo Balagorradoo

2d Do Joshpadoo.

of Highway Robbery and proposing a portion of the stolen property with a guilty knowledge of the stolen property with a guilty knowledge resolve to sanction the sentence proposed to be passed upon them by the Officiating Agent Vizt 2 years Imprisonment with hard Labor in irons.-

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

/Sent in No /

Read Criminal report Submitted by the Acting Sessions Judge of Chittoor for the Month of August 1856.

/Herewith F. H. No 1762 of 1856/

Case No 121. As this case appears from the abstract of the charge to be beyond the jurisdiction

jurisdiction of the Subordinate Court, the Court of Fouzdaree Udalut direct, that the Acting Subordinate Judge be called upon to explain, under what circumstance he passed sentence, and how the provisions of Section IX Regulation XIII of 1832 were considered applicable to the case

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

/Sent following precept No /

Read Report B submitted by the Acting Sessions Judge of Mangalore in cases Nos 18, 19, 20 and 21 disposed of in August 1856.-

/Here enter F.U. No 1800 of 1856/

1. The Court of Fouzdaree Udalut direct, that the attention of the Magistrate be called to the necessity of condensing his sentences, that in case No 20 is most unnecessarily long, and might have been advantageously reduced to about a sixth of its present length, without omitting any material matter.-

Ordered that from these Proceedings be

be forwarded to the Acting Sessions Judge of Mangalore for communication to the Magistrate.

/Sent in No /

Read Criminal report B for the month of August 1856 by Gillah Combaconum.-

/Here enter F.U. No 1790 of 1856/

No 71 by M. S. Ameen. 1. This was a case of Theft, the false pretences having been used not in obtaining possession of the property, but in order to induce the mother in law to leave the 2d prosecutrix. It was unnecessary for three persons to conduct the prosecution. The 1st Prosecutor might have prosecuted the case and the 2d prosecutrix have been called as a witness.-

No 16 by Joint Magistrate 2. The punishment awarded in this case appears to have been too lenient, considering the cowardly nature of the assault, and the serious injury said to have been done to the prosecutor. The sentence of security passed upon the 6th Defendant should have been entered in the Column headed "Punished, and in what manner".-

Ordered

30th September 1856

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

/Sentiw Sr/

Read Criminal reports submitted by the Sessions Judge of Cuddalore for the Month of August 1856.

/Here enter F. H. Nr 1804 of 1856/

Report B
Cases Nos 149, 151.

The entry of the former convictions in these cases was unnecessary with reference to the Circular order of the Foujdaree Adalut dated 8th February 1851.

Nr 153.

2 The sentence of 15 days imprisonment in this case is too lenient.

Nr 169.

3 The charge is defective in not stating the stolen Cattle as "belonging to some others," the name of the owner should have been specified.

Report A
Case Nr 156.

4 The Sessions Judge has not given clear and satisfactory reasons for cancelling the sentence in this case.

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

/Sentiw Sr/

30th September 1856.

Read criminal reports submitted by the Acting Sessions Judge of Salem for the Month of August 1856.

/Here enter F. H. Nr 1805 of 1856/

Case Nr 112.

1. As it does not appear that the assaulted female was thrown into the well by any act of the prisoners, the Court of Foujdaree Adalut are of opinion, that they have been correctly placed on their trial for the "Assault" and not for "Homicide" as noticed by the Acting Sessions Judge.

Case Nr 119.

2. The date of escape as entered in the Charge, is evidently a clerical error, the Offence for which the prisoner had been apprehended having been committed on the 21st June

Case Nr 122.

The Heading of this case should have been "uttering Counterfeit Coin" not "Fraud".

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

/Sentiw Sr/

Read Calendar in Case Nos 4 of 1856 submitted by the Sessions Judge of Coimbatore under date the 20th Ultimo.-

/Here enter F. H. No 1749 of 1856/

The Prisoners in this case were charged with having by force and violence effected their escape, and on conviction were sentenced by the Sessions Judge to different periods of punishment with reference to the part taken by each individual on the occasion, and as a further punishment the Sessions Judge recommends that the 4th Prisoner be banished to Salem and the 2nd and 5th Prisoners to Tuticorin.-

2. Under the provisions of Clause 3d Section VIII Regulation XV of 1803. the Court of Foujdaree Adalut resolve to direct, that the prisoner

4th Cara Soobben

be banished to the Jail at Salem and the prisoners

2d Vadyvalon &

5th Annaraviddy

to the Jail at Tuticorin there to be imprisoned and kept to hard labor during the period of their respective sentences.-

Ordered

Ordered that Extract from these Proceedings be sent to the Sessions Judges of Coimbatore Salem and Tuticorin

/Sentence No /

Read again Petty Calendars of the Magistracy for the 2d quarter of 1856 Gillah Chittoor.-

/Here enter F. H. No 1601 of 1856/

Read also return dated 19th September 1856 from the Sessions Judge of Chittoor to the Precept of the Foujdaree Adalut under date the 11th September 1856 passed on a review of the petty Calendars of the Magistracy for the 2d quarter of 1856.-

/Here enter F. H. No 1783 of 1856/

The Court of Foujdaree Adalut direct that the Magistrate be informed that as his explanation is satisfactory no further information is required by this Court on the subject.-

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

/Sentence No /

30th September 1856.

Read petition dated 1st September 1856 from the Sessions Judge of Nellore to the Provincial Adalut under date the 27th August 1856 directing to report if the Prisoners in Petty Calendars (General Nos 14 & 15) had any Police Authority—

Here enter F. R. No 1885 of 1856.

Read report dated 1st September 1856 submitted by the Sessions Judge of Nellore of Cases pending on the 31st July 1856 before the Sessions Court for a period in excess of 25 days.

Here enter F. R. No 1884 of 1856.

Read letter dated 23d August 1856 from the Principal Assistant Agent to the Governor of Fort Saint George in Vizagapatam returning the warrant of Nabisulty Pauparb and Hospitality Putchaib duly executed with his endorsement thereon—

Here enter F. R. No 1874 of 1856.

Enclosure

X

F. No.

Wednesday 1st October 1856

Sitting Provincial Court of the Tongdaree Adalut

Present

T. Anderson Esqre
J. W. Goodwyn Esqre
G. T. Harries Esqre

} Acting Puisne Judges

Read Criminal Report B.

Submitted by the Officiating Agent at Kurnool for the month of August last—

Here enter F. No. No 1789 of 1856.

The Court of Tongdaree Adalut resolve to point out to the officiating Agent that they have repeatedly interdicted the practice of quoting their Circular Orders as authority for the disposal of Cases, instead of the provisions of the Regulation applicable to the Sentence passed.

Ordered that Extract from these proceedings be forwarded to the officiating Agent to the Governor of Fort St. George at Kurnool.

Read Criminal Report B for the month of August 1856 Zillah Masulipatam

Here enter F. No. No 1778 of 1856.

1st October 1856.

Case No 27 by Head Assistant Magistrate No 28.

1. If the prisoner was in the Service of the prosecutor at the time that he committed the theft, the punishment was inadequate.

2. The nature and purport of the letter should have been stated in the Charge.

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

Read Criminal Reports submitted by the Session Judge of Cuddalore for the month of August 1856.

[Here enter J. No. No 1765 of 1856]

Case No 73. 1. Regulation VII of 1822 has been incorrectly quoted in support of the sentence of this Case instead of Regulation VI of 1822.

Do No 79. 2. It is not shown whether the 1st and 5th prisoners have been dismissed from their situations.

Do No 82. 3d. This would appear to be a Case of Housebreaking instead of theft.

Do No 86. 4th. A detailed description of the wound was unnecessary in the abstract of the Charge.

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

The

1st October 1856.

The Record of trial in Referred Case No 52 of 1856 on the Calendar of the Session Court of Cuddapah not having been yet received

Ordered that the Session Judge of Cuddapah be required to submit the Record aforesaid without delay.

Read Criminal Reports submitted by the Session Judge of Trichinopoly for the month of August 1856.

[Here enter J. No. No 1766 of 1856]

Case No 60. 1. Entry into a backyard by removing the hedge surrounding the house is not a breaking and the Charge should have been headed Attempt at Theft.

Do No 63. 2. This Charge has been improperly headed "Theft". The acts charged form no Criminal Offence as it is not stated that the prisoners knew the property pawned to have been stolen & still kept that they stole it themselves.

Do No 64. 3. The removal of a hedge round a heap of paddy for the purpose of stealing the paddy is insufficient to constitute the Offence of "Housebreaking"

Do No 65 — 4 It is not stated whether the Village People"

1st October 1856

people in whose Custody the prisoner was kept had lawful Authority to detain him or whether the escape was from a place of confinement.

Case No. 56. 5. The Offence Cattle Stealing should not have been entered in the heading, no such offence having been charged the heading should have been "possessing and receiving Stolen property Knowingly."

Case No. 70. 6. The indictment should have expressly stated that the Prisoner preferred a false charge or complaint before the Head of Police or the Offence would not be punishable under Regulation IX of 1832.

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

Read Calendar of Case No. 76 of 1856 of the Sessions Court of Salem.

/Herewith Enc. No. 1755 of 1856./

1. The Acting Sessions Judge recommends that the period of imprisonment which the Prisoners in this Case have been adjudged to suffer on their conviction of Gang Robbery by open violence be reduced to 8 Years.

2. The Court of Sowdars Vedalai being

1st October 1856. being of opinion that the mitigated punishment proposed is inadequate, resolve to direct that the Prisoners be sentenced to 10 Years imprisonment with hard Labor in irons.

3. It is stated in the abstract of the evidence before the subordinate Court that the Prosecutrix's Vakeel solemnly deposed before the Head Assistant Magistrate of this means that he deposed on solemn affirmation the Acting Sessions Judge is directed with reference to the Circular Order of the Sowdars Vedalai dated 27th December 1815, to point out the irregularity, as it appears the Vakeel did not depose to any thing he himself had seen.

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

Read Calendar of Case No. 73 of 1856 on the file of the Sessions Court of Bellary

/Herewith Enc. No. 1769 of 1856/

1. The Sessions Judge in concurrence with the Assessors convicted the prisoner of Robbery and sentenced him to 14 Years imprisonment with hard Labor in irons under Clause 3d Section

1st October 1856

Section IV Regulation XV of 1803 but as the value of the stolen property was small and it did not appear that the Prisoner carried the stick he with which he was armed either for the purpose of violence or intimidation the Sessions Judge recommends that the sentence be reduced to 10 years imprisonment.

The Court of Sunjdaree Vedalut are of opinion that as the case appears to be rather one of snatching than Robbery a sentence of 5 years imprisonment with hard labor in irons will suffice for the punishment of the Prisoner and they authorize the Sessions Judge to issue a warrant accordingly.

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

Sent in No.
Read again Calendar in Case No. 57 of 1856 on the file of the Sessions Court of Masulipatam.

/Here enter S. Vc. No. 1643 of 1856./

Read also return dated 13th September 1856 from the Sessions Judge of Masulipatam to the Precept of the Sunjdaree Vedalut under date the 8th Idem calling upon him and the

1st October 1856

Law officer to state distinctly in what the illegal act consisted of which the Prisoner in Session Case No. 57 of 1856 was convicted and punished.

/Here enter S. Vc. No. 1773 of 1856./

As the Charge of Adultery for which the Prisoner in this Case was placed on trial was not proved the Court of Sunjdaree Vedalut resolve to cancel the conviction and to direct that the fine imposed on the Prisoner be remitted to her.

Ordered that Extract from the Proceedings be forwarded to the Sessions Judge of Masulipatam by Precept returnable within 10 days from and after date of receipt.

(Sent following precept No.)
Read Criminal Report B for the month of august 1856, Zillah Bellary.

/Here enter S. Vc. No. 1791 of 1856./

No. 208 by Subordinate Judge

The Sessions Judge is requested to review the Proceedings held in this Case and Judge whether in demanding Security from the Prisoner due consideration has been paid to his condition and circumstances in life, in reference to the amount of the Recognizances required from each Surety.

The

1st October 1856.

No 246. 2. The value of the property has been omitted by mistake.

Do 243. 3. The Charge should have stated that the blows were on the right side of the head not the right ear.

Joint Magistrate 4. The nature of the wounds inflicted with the sickle should have been entered.

No 245 by Mr. Thurn 5. The charge is headed "Fraud" but the false pretences under which the prisoner gained possession of the property are not mentioned. From the tenor of the indictment it would rather appear that the prisoner stole the property.

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

(Sent in No)

Read letter under date the 12th September 1856 from the Officiating Agent to the Governor of Fort Saint George at Kurnool submitting for the final judgment of the Zoujdary Udalut a report of the trial of criminal case No 41 of 1856 on his file.

(Here enter T. No. No 1787 of 1856.)

The Officiating Agent convicts the Prisoners

1st. Cansingadoo and
2d Bunda Yellegandoo

1st October 1856.

of highway Robbery and recommends that they be sentenced to seven years imprisonment with hard labor and irons.

2. The Court of Zoujdaree Udalut concur in the conviction of the Prisoners of the crime laid to their charge but being of opinion that the punishment proposed is inadequate Resolve to sentence them to imprisonment for 10 years with hard labor in irons.

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

(Sent in No)

Read again Calendar of Case No 18 of 1856 of the Sessions Court of Guntoor.

(Here enter T. No. No 1502 of 1856.)

Read also return dated the 8th Instant from the Sessions Judge of Guntoor to the Receipt of the Zoujdary Udalut under date the 27th August 1856 directing the submission of an English translation of the record of the Case No 18 of 1856 on the file of the Sessions Court.

(Here enter T. No. No 1729 of 1856.)

The Prisoner in this Case was

1.

Charged

1st October 1856.

with Saving, & armed with a stick, waylaid the Prosecutor and the 1st Witness on the Road between Manellapally and Tandeperroo in the Poonnoor Taluk and attempted to beat the Prosecutor with intent to commit highway robbery; and on Conviction was sentenced to 14 years imprisonment with hard labor in irons, but the Sessions Judge Recommended that the Sentence be reduced to 6 months imprisonment with hard labor in irons.

2. The Court of Sudder Adalut doubting the propriety of the conviction in the Case called for an English translation of the Record.

3. They observe that it is not even pretended that the Prosecutor or 1st Witness were struck or attempted to be struck, robbed or attempted to be robbed or even asked for their property.

4. It appears that the Prosecutor and 1st Witness (the latter of whom had a stick) were passing along a pasture ground (about a mans call from the Village) when the Prisoner who had a stick as "big as a finger" met them and

1st October 1856.

and when about 2 fathoms off said "don't go" when the Prosecutor took the 1st Witness stick and said to the Prisoner "will you beat" words then passed between the parties for about 12 minutes as the Prosecutor states or about 24 minutes as the 1st Witness states when the 2d and 3d Witness=es came up and found this most desperate high=way robber quietly seated on the ground with his stick as "big as a finger" in his hand, whilst the Prosecutor and 1st Witness were standing before him.

5. The Prisoner is shown in the Village Report to have stated at the time that he was drunk and had lost his road.

6. The 1st Witness and Prosecutor pretend that they prevented the Prisoner from running away now the attempt appears to have been walking one fathom towards the west, and their forcible detention of him did not extend to disarming or binding him. It is thus perfectly clear that the Prisoner made no attempt to escape but would readily have done so if he pleaded.

7. The Court of Sudder Adalut do not think there were sufficient grounds for

1st Do 1st October 1856.

for committing the Prisoner on the present charge and they direct his unconditional release.

Ordered that Extract from the Proceedings be forwarded to the Session Judge of Jaffnapatam by Precept returnable in 10 days from and after its receipt.

Extd P.P.

F. No.

Thursday 2nd October 1856

At a Court of the Tondaiarce Udalut.

Present.

P. Anderson Esq Acting
F. W. Goodwyn Esq 1st Do
G. A. Harris Esq 2nd Do

Tnisne Judges.

Read Miscellaneous Petition of Punnacadoo Leebee forwarded by the Principal Sudr Ameen of Tinnevelly

(Here enter P. M. P. No 1740 of 1856)

Mr G.A. Harris

Petitioner prays the Court of Tondaiarce Udalut in reversal of the Proceedings of the Session Court of Tinnevelly under date the 26th July last to Order the release of her son-in-law the Prisoner in Case No 91 of 1856 on the file of the Principal Sudr Ameen of Tinnevelly, who was convicted of assault and sentenced to imprisonment for a period of six months.

2. The Court of Tondaiarce Udalut being of opinion that the Prisoner has already undergone sufficient punishment for the assault of which he has been convicted resolve to direct the Acting Session Judge of Tinnevelly

Tinnevelly to order the immediate release of the Prisoner from Jail

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Tinnevelly by Precept returnable in III days from and after its receipt.

(Sent following Precept No)

Read Criminal Report B for the month of August 1856 Zillah Tinnevelly.

(Here enter P. Vo. No. 1801 of 1856)

Case No 94 of 1856 By the Principal Sudr Ameen.

1 Cases of this description should be disposed of by the Magistracy in whom the power of punishing them has been specially vested by the Legislature.

2 The Court of Foujdaree Udalut observe that great delay has taken place in the disposal of the cases by the Principal Sudder Ameen and that a great many remained undisposed of. The Court of Foujdaree Udalut resolve to direct the Sessions Judge to be vigilant in his review of the cases disposed of and statements of the Principal Sudr Ameen to prevent similar delay in future.

3 These Returns should in future be folded lengthways.

2nd October 1856

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

(Sent in No)

Read Criminal Report submitted by the Acting Sessions Judge of Madura for the Month of August 1856.

(Here enter P. Vo. No. 1802 of 1856)

Cases No 105 and 110

1 The attention of the Acting Sessions Judge is called to the repeated instructions of this Court that in charges for murder, the indictment should set forth the felonious and malicious intent.

Cases No 111, 112, 124, and 126

2 The nature of the wounds should have been entered.

Case No 114

3 The nature of the roughs and unwarrantable usage should have been entered.

Case No 115

4 This charge has been so badly worded that it would appear that the Prisoner wounded himself.

Case No 127

5 The Court of Foujdaree Udalut observe that the Prisoner is charged with assault, and ravishing the Prosecutrix while in the 2nd

Column

2nd October 1856

Columna Anthony is stated as the Prosecutor. This is evidently a clerical error.

Case Nos 130 6 The Acts charged are one of Theft without force or intimidation were resorted to.

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

(Sentence No.)

Read Calendar of Case No. 34 of 1856 of the Session Court of Nellore.

(Here enter F. No. No. 1819 of 1856)

The Sessions Judge recommends that the period of imprisonment which the Prisoners noted in the Margin have been adjudged to suffer on their conviction of Robbery by open Violence with wounding) be reduced to 5 years.

1 Sagatoma Chenchayya
2. D. Ankadu.

2 As this Case is a very trifling one and the other Case (No. 35) in which the Prisoners were concerned was only a theft of Grain from a Grain-pit the Court of Foujdaree Udalut are of opinion that 2 years Imprisonment with hard labor in irons will be adequate punishment for the Prisoners and the Session Judge is hereby directed to mitigate

mitigate their sentence accordingly.

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

(Sentence No.)

Read Calendar of Case No. 58 of 1856 submitted by the Session Judge of Bellary under date the 18th September 1856.

(Here enter F. No. No. 1805 of 1856)

Read letter dated 17th September 1856 from the Acting Session Judge of Salem forwarding at the instance of the Magistrate a Copy of that Officers letter of the 15th September Complaining of the Session Courts Proceedings of the 15th idem on review of the Report in Case No. 6 disposed of by the Magistrate under Act VII of 1843.

(Here enter F. No. No. 1807 of 1856)

Read Calendar of Case No. 81 of 1856 submitted by the Session Judge of Bellary under date the 19th September 1856.

(Here enter F. No. No. 1811 of 1856)

Read letter dated 23rd September 1856 from the Session Judge of Chittoor transmitting

transmitting the death warrant issued in conformity with the final sentence of the Court of Fouzdaree Udalut in Case No 41 of the Calendar of 1856 duly executed and returned by the Acting Subordinate Judge, together with Copy of a letter dated 22nd Instant from that Officer.

(Here enter F. No. No 1815 of 1856)

Read Calendar of Case No 15 of 1856 submitted by the Sessions Judge of Honore under date the 16th September 1856.

(Here enter F. No. No 1817 of 1856)

Read Calendar of Case No 40 of 1856 submitted by the Acting Sessions Judge of Tinnevelly under date the 20th September 1856.

(Here enter F. No. No 1822 of 1856)

Read letter dated 16th September 1856 from the Acting Session Judge of Rajahmundry reporting that the sentence of the Higher Court in Case No 9 of 1856 on the Calendar has been duly carried out.

(Here enter F. No. No 1823 of 1856)

Read Criminal Report B dated the 15th September 1856 submitted by the Agent

2nd October 1856

Agent to the Governor of Fort Saint George at Vizagapatam for the month of August 1856.

(Here enter F. No. No 1825 of 1856)

Read letter dated 22nd September 1856 from the Session Judge of Bellary submitting the Original death warrant issued by his Court in Case No 62 on the Calendar of the Sessions Court for 1856, together with a Copy of the Acting Subordinate Judge's letter which accompanied it.

(Here enter F. No. No 1830 of 1856)

Read letter dated 20th September 1856 from the Acting Session Judge of Bangalore replying to Extract from the Proceedings of Fouzdaree Udalut dated 13th Instant and forwarding Copy of a letter from the Acting Subordinate Judge stating that the modified sentence has been communicated to the Prisoner.

(Here enter F. No. No 1833 of 1856)

Fo 180

F. No.

Friday 3rd October 1856 } At a Court of the Tanjdarce Udalut.

Present.

T. Anderson Esquire
T. W. Goodwyn Esquire } Acting Puisne Judges
G. A. Harris Esquire

Read letter under date the 16th September 1856 from the Sessions Judge of Chicacole submitting Report B, of Cases disposed of by the Acting Principal Assistant Magistrate of Ganjam in the months of August last.

(Here enter F. No. 1810 of 1856)

The Court of Tanjdarce Udalut, direct the Sessions Judge to forward for their consideration Report A, of Cases No. 4, and at the same time to state what the Joint Magistrate has done with reference to the Head of Police.

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

Ordered that Extract from
these Proceedings be forwarded to the Sessions
Judge of Trichinopoly for his information.
(Sent in No.)

Read Calendar of Case No. 29
of 1836 of the Sessions Court of Trichinopoly.
(Here enter T. C. No. 1768 of 1836)

1 The Court of Tanjore
Adalut observe that it is not for Govern-
ment to sanction the disbursement of the
sum embezzled by the Prisoner. The Sessions
Judge ought to have made the payment
part of his sentence and disbursed it
himself. He is now directed to take
upon himself the responsibility as Civil
Judge to do so.

2 The Court further observe
that Clause 7 Section II Regulation XV of
1803 has been wrongly quoted, it should
have been Section IX Act XIII of 1830.

Ordered that Extract from
these Proceedings be forwarded to the Sessions
Judge of Trichinopoly for his information
and guidance.
Sent in No.

Read

Judge of Chicacole by Precept returnable
within X days from and after its receipt.
(Sent following Precept No.)

Read letter under date the
16th September 1836 from the Acting Sessions
Judge of Tinnevelly.
(Here enter T. C. No. 1796 of 1836)

Under the circumstances set forth
by the Acting Sessions Judge in the letter
above recorded the Court of Tanjore Adalut
resolve to authorize that Officer to try Sessions
Case No. 37 of 1836 and to refer the 2 appeals
alluded to for disposal by the Magistrate.

Ordered that Extract from
these Proceedings be forwarded to the Acting
Sessions Judge of Tinnevelly for his information.
(Sent in No.)

Read Calendar of Case No. 31
of 1836 of the Sessions Court of Trichinopoly
(Here enter T. C. No. 1813 of 1836)

The Court of Tanjore Adalut
direct that a reward of 15 Rupees be bestowed
upon the 5th witness who is stated to have
received a severe wound on his head (which
has left a deep scar) while seizing the
robbers.

Ordered

Read Calendar of Case No. 27 of 1836 of the Sessions Court of Trichinopoly.

(Here enter F. No. No. 1767 of 1836)

The Prisoners in this Case were charged with having in Company with the prisoners in Case No. 21 of 1836 Committed robbery by open violence, and, on Conviction were sentenced to 14 years' imprisonment, but as no violence was used on the occasion of the robbery the Sessions Judge recommends that the Sentence be mitigated to 7 years imprisonment with hard labor in irons.

2 The Court of Foujdaree Adalut are of opinion that in Case No. 21. 3 years' imprisonment with hard labor in irons will be adequate punishment for the Prisoners in this Case, and resolve to direct that their Sentence be mitigated accordingly.

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

(Sent in No.)

Read

Read again Calendar of Case No. 34 of 1836 of the Sessions Court of Salem.

(Here enter F. No. No. 1575 of 1836)

Read also Return dated the 16th to the Precept of the Foujdaree Adalut under date the 3rd September 1836 pointing out an inconsistency in the grounds of Conviction in the above case.

(Here enter F. No. No. 1787 of 1836)

On Consideration of the facts stated in the Explanation furnished by the Acting Sessions Judge in the foregoing Return, the Court of Foujdaree Adalut resolve to sanction the mitigated Sentence proposed to be passed upon the Prisoner in the Case under review Viz. 2 months imprisonment under Clause 1st Section III Regulation VI of 1811.

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

(Sent in No.)

Read Criminal Report for the month of August 1836, Zillah Coimbatore

(Here enter F. No. No. 1803 of 1836)

Case No. 3.
By Asst. Magistrate

1st It does not appear from the charge in what manner the prisoner was accessary to the Theft in question. The facts which rendered him so should have been distinctly alleged. If the fact of a theft having been committed was fully established, the 2nd Court should have charged the prisoner with possessing stolen property, knowing it to be such.

2 The Court of Foujdaree Adawlut are of opinion that it is inadvisable and improper for Magistrates to delegate to their assistants, until the latter have had time to gain sufficient experience, the extended powers conferred upon them by Section XIV of Act. No. VII of 1843.

Vide Fide C. O. 30th Jan. 24 and 7th June 1834 A.

Case No 4

3 The place where the theft was committed should have been entered

Case No 148.

4 Malice ought should have been entered in the charge.

Case No 157.

5 The charge has been entered so defectively that it is difficult to understand the nature of the malice for the murder.

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

of Coimbatore for his information.

(Sd) [illegible]

Sd/ [illegible]

F. C.

At a Court of the Foujdaree Adalut.

Present

Saturday.
4th. October 1856.—

J. Anderson, Esquire.
J. W. Goodwyn, Esquire.
G. A. Harris, Esquire.
} Acting Principal Judges

Read Calendar of Case No. 35 of 1856, of the Session Court of Nellore.

/ Here enter F. C. No. 1820 of 1856 /

The Court of Foujdaree Adalut resolve to return the Calendar and to direct the Session Judge to record the reasons for conviction, it being insufficient to state that he concurs with the Futwah and convicts.—

Ordered that Extract from these proceedings be sent to the Session Judge of Nellore by Precept returnable within V. days from and on after its receipt.—

/ Sent following Precept No. /

Read again Calendar of Case &c. No. 54 of 1856 on the file of the Session Court of Cuddapah.

/ Here enter F. C. No. 1506 of 1856 /

Read also Return dated 13th. September from

4th October 1856

from the Session Judge of Cuddapah to the Precept of the Foujdaree Udalut under date 28th August 1856, requiring explanation on certain points in the above case.—

/ Here enter F.U. No. 1746 of 1856 /

The Court of Foujdaree Udalut resolve to remand the case for a distinct finding as to whether the Sessions Judge convicts the Prisoner of having wilfully perjured himself in the deposition taken on solemn affirmation.—

Ordered that Extracts from these proceedings be sent to the Sessions Judge of Cuddapah by Precept returnable within V days from and after its receipt.

/ Sent following Precept No. /5

Exd. T.S.

F.U.

Monday
6th October 1856. At a Court of the Foujdaree Udalut

Present

F. Anderson Esqre
J. W. Goodwyn Esqre
G. N. Harries Esqre
} Acting Puisne Judges

Read again Calendar of Cases No. 32 of 1856 submitted by the Acting Sessions Judge of Calicut under date the 2d August 1856.

/Here enter F.U. No. 1477 of 1856/

Read also Return dated the 5th Ultimo from the Acting Sessions Judge of Calicut to the precept of the Foujdaree Udalut under date the 26th August 1856 requesting the submission of the Copy of Charge and Sentence under which the 1st and 2d Witnesses in the above Case have been held to Security with the opinion of the Sessions Judge on the subject.

/Here enter F.U. No. 1725 of 1856/

From the enclosures which accompanied the above Return it appears that the

6th October 1856. the 1st Witness Mechary Ryancotty was with another prisoner sentenced by the joint Magistrate under date the 6th November 1855 to produce joint securities in the sum of Rupees 250 for 3 years, on a strong suspicion of having been associated with those concerned in the murder of Mr. Conolly and the 2d Witness Rasarani Koonjee Pyle was also sentenced by the Assistant Magistrate under date the 1st March last to procure 2 securities of 15 Rupees each for 9 months on a Charge of assault and attempt to stab.

2 Before passing final order on the recommendation of the Acting Subordinate Judge for the Release of these individuals from confinement for their conduct in aiding the Jemedar on a recent outbreak of the convicts in the Jail at Calicut the Court of Foujdaree Udalut decide to call upon the Magistrate of Malabar to state if he sees any objection to reduce the period of imprisonment to which these 2 individuals have been sentenced in default of finding Security

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

6th October 1856 of Calicut by Precept returnable in V days from and after its receipt.

Examd

6.

F.116.

Tuesday
7th October 1856

At a Court of the Fouzdaree Udalut.

Present

H. Anderson, Esquire
T. W. Goodwyn, Esquire
G. A. Harris, Esquire
} Act^g Puisne Judges

Read Calendar of Case
No. 36 of 1856 submitted by the Sessions
Judge of Coimbatore under date the
28th July 1856.—

(Here Enter F.116. No. 1736 of 1856)

Read also, letter dated
27th September 1856 from the Sessions
Judge of Coimbatore, submitting—
for the final Judgement of the Fouz-
=daree Udalut the record of Trial in
case No. 36 of 1856 of the Calendar of
the Sessions Court.—

(Here Enter F.116. No. 1870 of 1856)

The Court of Fouzdaree
Udalut

Mr. H. Anderson
Mr. G. A. Harris

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,

3d Paroomagounden

is sufficient to convict him of the crime
charged, do convict him thereof; and
sentence him to be imprisoned and
kept to hard labour in irons for and
during the period of (1) One year. The Court
of Foujdaree Adalut being further of
opinion that the prisoners,

1st Pariaunon, and
2d Cootty

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 the prisoner,

2d Cootty

be unconditionally released.

But considering that strong
suspicion though not amounting to
conviction

conviction attaches to the prisoner,

1st Pariaunon

they direct that he be required under
clause sixth, Section II. Regulation XV
of 1803, to find two sureties in (50) fifty
Rupees each surety for his good
behaviour, and appearance when
required, within one year, or in de-
fault thereof that he be detained for
that period in confinement.—

The 1st and 2d Prisoners in
this case were charged with Murder,
and the 3d being an accessary after
the fact and burning the body of
the deceased to conceal the crime.—

The Mahomedan Law
Officer declared the 1st and 2d prisoners
convicted of culpable Homicide, but
acquitted the 3d Prisoner.—

The Session Judge concur-
red in the conviction of the 1st and 2d
prisoners and recommended that a
sentence of 10 years imprisonment

be

be praped on the 1st Prisoner but in con-
-sideration of the tender age of the
2d prisoner and the circumstance of
his acting under the eye and support,
if not example of his father the 1st prisoner,
the Sefsion Judge was of opinion that
the imprisonment the 2d prisoner has
already undergone was a sufficient
punishment for him, as his detention
in Jail would only tend to render him
hardened and vicious.—

4 The Sefsion Judge diffent-
-ing from the opinion of the Mahomedan
Law officer, convicted the 3d prisoner
and recommended that he should be
sentenced to 3 months imprisonment
with hard labor in irons.—

5 On a careful consideration
of the record the Court of Foujdaree
Adalut are of opinion that there is
no sufficient evidence to convict the
1st and 2d prisoners of the crime charged.—

They

6 They observe that the
evidence adduced before the Sefsion
Judge only shews that the deceased
mentioned to some of the witnesses
that he had been assaulted by these
prisoners, the 5th witness deposes that
the 1st Prisoner was silent when
the 3d Prisoner told the deponent
in his presence that the deceased
had been assaulted by the 1st prisoner,
and the 9th witness deposes to a quarrel
having taken place between the 1st
Prisoner and the deceased on the morn-
-ing of the day in which the latter
was killed.—

7 Moreover the record shows
very gross contradictions in the depo-
-sitions of the 1st 2d and 10th witnesses
before the Police and the Sefsion Court.—

8 It appears clear to the
Court that the deceased's death
resulted from the effects of the severe
injuries inflicted upon him by some
one

one or other, and not from cholera as alleged by the 3d Prisoner, and they have little doubt but that the 1st and 2d prisoners are the guilty parties. It is only on this supposition that the 3d prisoner's proceedings can be explained. the making no complaint the hurried burning of the corpse with the omission of the usual notice to relatives and the customary ceremonies and the assigning a false reason of the cause of the deceased's death. in order to screen his son the 1st prisoner.—

9 Under these circumstances the Court have convicted the 3d prisoner and sentenced him to 1 years' imprisonment with hard labour in irons, and have released the 1st prisoner on security, and the 2d unconditionally as he is only 18 years of age, and it may fairly be presumed had acted under the influence of his father the 1st prisoner.—

With

4th October 1856

10 With reference to the remarks of the Sessions Judge on the Calendar of the above case the Court of Foujdaree Adalut would point out for his information that the case must necessarily been referred as regards the 1st and 2d prisoners, as no punishment is legally adjudicable under a fatwa of Tahmut (vide page 189 of the select reports).—

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

Sent in No 1 to

Ed R.D.

F. Ola

Wednesday 8th October, 1856. At a Court of the Foujdaree Adalut.

Present.

F. Anderson, Esquire
T.W. Goodwyn, Esquire
G. A. Morris, Esquire
} Dy. Sessions Judges

No return having been received from the Magistrate of Coimbatore to the precept of the Foujdaree Adalut, dated the 25th Ultimo, calling for the Original charge and sentence in the case of Bowany Lalah.

Ordered, that the Magistrate of Coimbatore be required to make a return to the above precept within 24 hours.

Read Criminal Reports, for the month of August 1856, Zillah Chingleput.

/Here enter F. Ola. No. 1779 of 1856/

Case No. 77. 1. The words "valid permit" should have been substituted for "licence".

Case No. 86. 2. As the Petty Theft might have been punished by the Magistracy, the

the sentence for the escape in No. 87 was irregular vide Circular Order of the Foujdaree Udalut. No. 203.-

3. The Court of Foujdaree Udalut observe, that two cases, one of which was disposed of by the Magistrate and the other by the Acting Head Assistant Magistrate, are each numbered 20; for what reason does not appear. The charge in the case decided by the Magistrate makes no mention of the circumstances under which the sum was extorted. In the sentence it is stated that the prisoner, a police duffadar, extorted 110/ Ten Rupees from the complainant, who the complainant was is not clear, the case being prosecuted by the Circar, on pretence of making some enquiry and recovering 20 Rupees for him from the 1st prisoner, the duffadar himself being the only prisoner named. The Court request that more care may in future be taken in the preparation of the charge

charge and sentence in each case disposed of by the Magistrate.-

4. The Court desire that these returns may hereafter be folded lengthways.-

Ordered, that Esctract from these proceedings, be sent to the Sessions Judge of Chingleput, for communication to the Magistrate.-

Read letter under date the 23d September 1856, from the Sessions Judge of Masulipatam, submitting for the final judgment of the Foujdaree Udalut the record of Case No. 46 of 1856, on the file of the Sessions Court.-

(Here enter F. C. No. 1860 of 1856)

Messrs. G. A. Harris and T. W. Godwyn

The Court of Foujdaree Udalut, on a deliberate consideration of all the circumstance of the Case in evidence before them, being of opinion that the prisoners.-

1st Royoor Ramanah
and
2d Coocheebhatla Ramas-
-sastroolo-

are

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 with the abduction of a female child aged about 8 years with intent to marry her to a certain party whereby they would receive certain pecuniary and personal advantages.-

2. The Assessors acquitted the prisoners, but the Session Judge disapproved of the verdict of the Assessors as regards the 1st and 2d prisoners and convicts the 1st prisoner of the crime charged, and the 2d of being concerned in the forcible abduction of the child, of concealing and preventing the prosecutrix from recovering her child and of assisting the 1st prisoner in having the child married against her parents consent, and proposed that the 1st prisoner be sentenced to 3 years and the 2d to 12 months imprisonment

imprisonment with hard labor in irons.

3. On a careful consideration of the record, the Court of Foujdaree Adalut observe that this case appears to be a squabble between the maternal and paternal relations of the 1st witness as to their respective rights to conduct the marriage of their mutual relation the 1st witness.-

4. The child's father is dead, her paternal Grand father and 2 of her Uncles on her father's side (1st and 2d prisoners) are of the same party, whilst the child's mother (Prosecutrix) maternal Grand mother (2d witness) and maternal Uncle (5th witness) are on the other side.-

5. The Court agree with the Session Judge that the child was taken with the knowledge and consent of the Prosecutrix to the house of one of the prisoners a near relation, but the subsequent statement and evidence of the restoration of the child to the prosecutrix

prosecutrix, her immediate departure with it, and the immediate forcible re-capture and marriage appear to be a most problematical and is undeserving of much credit.-

6. The paternal Grand father of the child was a consenting party to the marriage which tho' it may be against the prosecutrix's wishes, was evidently not contracted with any idea of injuring the child either in person or property.-

7. Under these circumstances the Court of Foujdaree Udalut have directed the unconditional release of these prisoners.-

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

Read letter dated 20th September 1856, from the Acting Session Judge of Mangalore, submitting for the final judgment of the Foujdaree Udalut the record of Case No. 24 of 1856, on the file of the Session Court.-

Messrs F. Anderson and T.W. Goodwyn

Here enter F. Dc. No. 1832 of 1856

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,

Joad

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.-

Ed. 18.C.

were inflicted, to enable the Court to judge of the nature of the offence.

4. The Court of Fouzdaree Adalut consider that the Acting Session Judge's modification of the sentence in Case No. 125 by reducing the same from 2 years Imprisonment and 100 Lashes to 2 years Imprisonment and 50 Lashes was uncalled for, and would point out that the interference with the lower Court's sentence should only be resorted to where such modification is clearly requisite, and not because the Acting Session Judge considers that some trifling alteration of the sentence would in his opinion have been more suited for the punishment of the offence.

No. 126 & 129 by Moosty Sudder Ameen } 5. The charge should have stated the profession to have been "without a valid permis-

No. 127 by Moosty Sudr Ameen } 6. This case does not appear to have been of a sufficiently serious nature to require its being forwarded to the Subordinate Court.

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

(Sent in Ct.)

Read letter under date the 18th September 1856 from the Acting Session Judge of Chittoor forwarding English Translation of the record

of Case No. 43 of 1856 on the Calendar of the Sessions Court for the final Judgment of the Court of Fouzdaree Adalut.

(Here Enter F.P. No. 1894 of 1856)

M.r F. Anderson.

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

1st Cunnadee Veeragoo Madoo alias Vencatezandoo

2d Manapady Cunnegandoo, alias Muchadoo.

3d Cunnadee Veeracatadoo alias Vencatezandoo and

4th Manapady Timmadoo

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.

(Sent in Ct.

4th N.

F. Ct.

Friday — 10th. October, 1856.

At a Court of the Fouzdaree Udalut.

Present

F. Anderson, Esquire,
T. W. Goodwyn, Esquire,
G. A. F. Carris, Esquire,
} Acting Puisne Judges

Read again Calendar of Case No. 24 of 1856, submitted by the Sessions Judge of Trichinopoly.

(Here enter F. Ct. No. 1716 of 1856.)

Read also Return dated the 30th. Ultimo, from the Sessions Judge of Trichinopoly, to the precept of the Fouzdaree Udalut under date the 26th. calling for an English translation of the proceedings held in the above case, and to explain the acts of violence and theft that he considers to be proved.

(Here enter F. Ct. No. 1878 of 1856.)

On a consideration of the above record, the Court of Fouzdaree Udalut are of opinion that as the prisoner's

prisoner's crime amounts only to an attempt to steal, a sentence of 2 years' imprisonment with hard labor in irons will be sufficient punishment for the offence, and they accordingly authorize the Session Judge to amend his sentence accordingly.-

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

Read Calendar of Case No. 32 of 1856, of the Session Court of Trichinopoly.-

/Here enter F. Co. No. 1821 of 1856./

The Court of Foujdaree Udalut observe that for the sentence in this Case Section XXI Regulation VII of 1802 should have been quoted, not Clause 7 Section II Regulation XV of 1803.-

Ordered, that Extract from these proceedings, be sent to the Session Judge of Trichinopoly, for his information and guidance.-

Read Calendar of Case No. 80 of 1856, of the Session Court of Bellary.-

/Here enter F. Co. No. 1831 of 1856./

The Court of Foujdaree Udalut observe that the Session Judge in his sentence ought to have specified briefly the reasons for discrediting the evidence; it was not sufficient to state that this was unnecessary as it had been already fully done in the Futwah.-

Ordered, that Exctract from these proceedings, be sent to the Session Judge of Bellary, for his information and guidance.-

Read Calendar of Case No. 67 of 1856, from the Session Judge of Bellary, under date the 24th. September 1856

/Here enter F. Co. No. 1850 of 1856/

The Court of Foujdaree Udalut are of opinion that the prisoners from 4th. to 7th. should have been sent up by the Police as witnesses, there being

10th October, 1856.

being apparently no evidence to shew, or reason to suppose, that they struck the deceased.-

2. The Garrison Surgeon should have been examined as to whether a person falling down in a fit would bleed at the nose.-

3. As the case is reported by the Session Judge, the Court are of opinion that there were good grounds for holding the 2d Prisoner to security.-

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

Read Calendar of Case No. 20 of 1856, from the Acting Session Judge of Tellicherry.-

/Here enter F. Qs. No. 1855 of 1856./

1. The Session Judge in concurrence with the futwa of the Law Officer, convicted the Prisoners of the crime charged and sentenced the 1st and 2d Prisoners to 7 years' imprisonment with hard Labor in irons under Section XXI Regulation VII of 1816 but

10th October, 1856.

but being of opinion that it was unnecessary to visit the 3d 4th 5th 6th and 7th Prisoners with a similar extent of punishment, recommended as mitigated sentence of 4 years' imprisonment with hard Labor in irons.-

2. Considering the number of the prisoners who joined in the Burglary and the value of the property stolen, the Court of Fouzdaree Adalut do not think it proper to mitigate the sentence to the extent proposed by the Acting Session Judges, and they accordingly direct that the 3d 4th 5th 6th and 7th Prisoners be sentenced to 5 years' imprisonment with hard Labor in irons.-

Ordered, that Extract from these proceedings, be sent to the Acting Session Judge of Tellicherry, for his information.-

Read Calendars of Cases Nos. 56 and 62 of 1856, of the Session Court of Cuddapa.-

/Here enter F. Qs. No. 1858 of 1856/

Prisoners

10th October, 1856.

1. 13. Prisoners were put on their trial for Gang Robbery and Knowingly possessing stolen property. The Acting Session Judge in concurrence with the Assessors convicted the first nine in No. 56 and the 1st in No. 62 and sentenced them to 14 years' Imprisonment with hard labor in irons and to receive 50 lashes each with the exception of the 6th prisoner, who, as an old offender, was sentenced to 100 lashes in addition to his term of imprisonment, and the prisoners were further fined to the extent of Rupees 250, the same being their proportionate share of the property stolen.

2. In consideration however of no actual violence having been used, except in the beating of the 1st Witness, the Acting Session Judge suggests that the imprisonment be reduced to 8 years.

3. The evidence against the remaining Prisoners which was only that of one of the Prisoners being wholly insufficient

10th October, 1856.

insufficient, they were acquitted and released.

4. The Court of Fouzdaree Adalut being of opinion that the mitigated punishment proposed is inadequate, resolve to direct that the Prisoners be sentenced to imprisonment for 10 years with hard labor in irons and to Corporal punishment and fine as recommended.

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

Read Calendar of Case No. 51 of 1856, of the Session Court of Salem.

(Here enter F. Co. No. 1873 of 1856.)

The Court of Fouzdaree Adalut approve of the recommendation made by the Acting Session Judge in this case, that the period of imprisonment which the Prisoner, noted in the margin, has been adjudged to suffer on his conviction of Attempt

Chellum

at

10th October, 1856.

at Highway Robbery be reduced to
/7/ Seven years with hard labor in
irons, and they do authorize the Session
Judge to issue his warrant accordingly.

Ordered, that Extract
from these proceedings, be forwarded
to the Acting Session Judge of Salem,
for his information.-

Read Calendar of Case
No. 39 of 1856, of the Session Court
of Nellore.-

/Here enter F. Co. No. 1877 of 1856/

The Court of Foujdaree
Udalut approve of the recommenda-
tion made by the Session Judge in
this case, that the period of impri-
sonment which the Prisoners noted
in the margin, have been adjudged
to suffer on their conviction of House
breaking with theft be reduced to
(5) five years with hard labor in
irons, and they do authorize the Sessn
Judge to issue his warrant accordingly

Ordered, that Extract
from these proceedings, be forwarded
to

1st Rakia Estadu
2nd Kasuri Veeraraghadu

F. Co.

10th October, 1856

to the Session Judge of Nellore, for
his information.-

Read Calendar of Case
No. 52 of 1856, of the Session Court
of Salem.-

/Here enter F. Co. No. 1892 of 1856/

The Court of Foujdaree
Udalut approve of the recommenda-
tion made by the Acting Session
Judge in this case, that the period
of imprisonment which the Prisoners
noted in the margin, have been ad-
judged to suffer on their convic-
tion of Gang Robbery by spree vio-
lence with wounding be reduced to
(8) Eight years with hard labor in
irons and 50 lashes in the case of the
1st and 2nd Prisoners and they do authorize
the Acting Session Judge to issue his
warrant accordingly.-

Ordered, that Extract from
these proceedings, be sent to the Acting
Session Judge of Salem, for his in-
formation.-

Read Criminal Reports
submitted

1. Caulayen
2. Coolien
3. Paralayen
4. Canthian
5. Maroodum

10th October, 1856.

submitted by the Session Judge of Nellore, for the month of August 1856.

/Here enter F. No. No. 1754 of 1856./

Cases Nos. 11, 12 and 13.

These cases ought not to have been designated "Torture," but "aggravated assault," no revenue or Police servants having been implicated therein.—

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

Read letter dated 18th September 1856, from the Sessions Judge of Nellore, submitting for the final judgment of the Foujdaree Udalut the record of Case No. 29 of 1856 on the Calendar of the Session Court.—

/Here enter F. No. No. 1806 of 1856/

Messrs. F. W. Goodwyn and G. A. Harris

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, Bolleddu Chinnagadu is sufficient to convict him of the crime

10th October 1856.-

crime charged, do convict him thereof, and sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (14) fourteen years.—

Read again Calendar of Case No. 31 of 1856, submitted by the Session Judge of Coimbatore

/Here enter F. No. No. 1382 of 1856/

Read Return dated the 29th August 1856, from the Session Judge of Coimbatore to the precept of the Foujdaree Udalut under date the 2d Idem, directing the submission of an English translation of the record of the foregoing Case with certain explanations.—

/Here enter F. No. No. 1657 of 1856/

The 1st prisoner/the village Moonsiff/ Report proves that the deceased and his sons 1st and 2d witnesses /Tabaries/ were suspected and had been placed in custody on a charge of Gang Robbery and Burning the

the upper parts of the thighs of a female in order to make her discover property.

2. The Prosecutor, 1st and 2d witnesses prove that after midnight on Thursday the 1st to 5th Prisoners bound, carried off and ill treated the 1st and 2d witnesses: that after their (1st and 2d witnesses) return at about 2 O'Clock, the deceased was Kicked by the 1st Prisoner and carried off pinioned entreating for mercy, and that on the 1st to 4th Prisoners' return before day break, they (1st to 4th Prisoners) after whispering together released the Prosecutor, 1st and 2d witnesses. The truthfulness of the above evidence is fully admitted by the Session Judge.

Vide paras 5 of his return 29th August

3. At dawn the deceased's body was found suspended to a tree close to the village where he had been confined. There is very strong circumstantial evidence in support of the opinion expressed by the Session Judge that "the deceased did not die from being hanged." as well as that death had ensued at about 2 or 3 O'Clock.

The

4. The Prisoners' defence is that the deceased was not in their, but the Prosecutors custody, a most improbable story, as the latter (Prosecutor) was one of the suspected robbers, was on ill terms with the 1st Prisoner (whom he had about a year ago & charged with assault vide page 67) and had a twelvemonth before been charged by the 2d to 5th Prisoners, with having murdered the 5th Prisoners father.

Under these circumstances

5. the Court of Foujdaree Adalut cannot concur with the Session Judge that "through absence of proof of "what became of the deceased during the interval" (i e from about 2 O'Clock to sisc) a most important link in the evidence is thus broken.

The deceased was last seen

6. alive in custody of the 1st to 4th Prisoners who were illegally removing him in the dead of night from the observation of his fellow prisoners: their motive was

the

the secret ill-treatment of the deceased as shown by their previous behaviour to the 1st and 2d witnesses, by their pitying the deceased and by his entreaties for mercy; and there is every presumption that his death occurred whilst in their custody and from their ill treatment. In the opinion of the Court of Fouzdaree Udalut the evidence was sufficient to convict the prisoners of wilful murder. If the Session Judge had any doubts as to whether the deceased's death had been caused by the Prisoners, he ought in acquitting of Murder to have convicted them (1st to 4th Prisoners) of whatever acts of ill usage were proved, and the Court of Fouzdaree Udalut are at a loss to understand the Session Judge's sentence of acquittal and consider that the ends of justice have been thereby frustrated.—

7 The trial is further defective; the Session Judge does not appear to have noticed various important points requiring

requiring investigation viz: 1st The deceased's bad character which rendered him an object of suspicion and consequent illusage to make him discover clues to evidence as to the crime. 2d The previous Police proceedings between the Prosecutor and all the Prisoners. 3d The 1st and 2d witnesses going to their village and endeavouring to raise money to bribe for their release. 4th Evidence of the villagers that the deceased, the Prosecutor, 1st and 2d witnesses were in custody of the 1st to 4th Prisoners on Thursday. This last circumstance has attracted so little attention that though the 7th witness at his 12th answer stated that he had last seen the deceased alive at noon on the day preceding the murder he was not even asked by the Session Judge whether he was then in custody of the 1st to 4th Prisoners.. 5th The Surgeon's opinion from the evidence as to the cause of the deceased's death.—

8. The Tahseildars conduct appears most blame worthy: he chanced to

to be on the spot (within 4 hours after the deceased's death) in possession thro' the 1st Prisoner's report of the robbery of such facts as raised a strong presumption that the deceased's death had been caused by Torture. Prompt measures would at once have settled every doubt, he ought to have instantly taken down the 1st to 4th Prisoners depositions instead of allowing them plenty of time to concoct their story. The evidence of several villagers ought likewise to have been recorded as to who had charge of the deceased on the previous day. Lastly, as the Tahsildar was aware that the deceased's death was not caused by hanging, and it was of the utmost importance to ascertain the real cause of death, he should at once have transmitted the body to the Surgeon, whom it might have reached within 30 hours after death.

9. The Court of Foujdaree Adalut are of opinion that the Tahsildar as Head of Police has in this case shewn

received 3 days previously

shewn by the manner in which this investigation has been conducted his unfitness for the situation he holds. His age the Court observe is 63 and his supineness and inactivity to which in a great measure the escape of these prisoners from conviction is to be attributed, may have been the result of physical infirmity; the Judges therefore direct the Magistrate will cause the Head of Police to appear before the Medical Officer of the Station, in view to the latters reporting on his physical ability for the active duties of his situation. Should the Medical Officer state that in his opinion the Head of Police is unfitted for the active discharge of his duties as a Police Officer, the Magistrate will instruct the Tahsildar to apply for his Pension. On the other hand should the Medical Officer consider him not physically unfit, the efficient performance of his duty the Court are then of opinion that he should

should be removed from his situation of District Head of Police.-

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

Read letter dated 13th September from the Acting Sessions Judge of Rajahmundry.-

[Here enter F.R.C. No. 1760 of 1856]

1.

In the above letter the Acting Sessions Judge requests to be informed whether a Sessions Judge is competent to take up an appeal against the decision of 2 justices of the peace, one being a Master attendant, as also his opinion that the individual affected by the decision of the two justices should be provided by the Captain of the Ship from which he has been discharged, against being left destitute in a foreign country at the expiration of his sentence.-

2.

The Court of Foujdaree Udalut are of opinion that under the provisions

provisions of Section I Act IX of 1843 it is competent for the Sessions Judge to hear and decide Appeals from the decisions of "any justice of the Peace acting without the local limits of any of Her Majesty's Supreme Courts," and the Court do not consider that the case has been taken out of the jurisdiction of the Sessions Judge in consequence of its having been tried by two justices of the Peace. The Judges further do not understand the necessity that existed for the trial of the prisoner by two justices as Section 317 Cap 104 of the 17th. 18th Victoria does not render this imperative.-

3.

The Acting Sessions Judge is in error in supposing that the Petitioner is not a seaman and that because he has stated he is a musician therefore the conviction and the infliction of fine have not been awarded agreeably to the statute.-

4.

In the interpretation of the terms

10th October, 1856.

terms of the Act above quoted, the term Seaman is held to include every person (except Masters Pilots and Apprentices duly indentured and registered) employed or engaged in any capacity on board ship. With regard to the latter part of the Session Judge's letter, the Court of Foujdaree Udalut point out that under Section 211 of the Merchant shipping Act, distressed seamen may be provided with a passage home at the public expence.-

Ordered, that Extract from these proceedings, together with the Original enclosures, be sent to the Acting Session Judge of Rajahmundry for his information.-

Ed Hill.

Saturday
11th October 1856.

F. R.

At a Court of the Foujdaree Udalut

Present.

Findlay Anderson Esqre
T. W. Goodwyn Esqre
G. A. Harris Esqre
} Acting Puisne Judges.

Read Miscellaneous Petition presented on the 26th August 1856 by Melepora Reb Mayen of Zillah Calicut.-

(Here Enter F. M. P. No 169 of 1856)

Petitioner prays the Court of Foujdaree Udalut to over rule the proceedings of the Session Court of Calicut under date the 6th August last confirming the decision of the Acting Joint Magistrate whereby that Officer affirmed the order passed by the Head of Police of Palghat in the matter of a complaint preferred against the Petitioner by Coottayatta Ramen Nair relative to the management of a certain land, and directed that the said complainant should

Mrs. Goodwyn 1.

should continue in the management
of the lands in question.

2. The Court of Foujdaree Adalut
see no reason to interfere with the
Sessions Judge's order declining to
disturb the order passed by the
Magistracy.

3 Petition dismissed.

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

Read Miscellaneous Petition
presented on the 4th ultimo by John
Sanchoo Menon Pleader on behalf of
Vella Moyen of Zillah Madura

(Here Enter F.M.P. No 176 of 1856)

Mr F. Anderson!

This is an application for a
reconsideration of the order of the
Court of Foujdaree Adalut under date
the 29th May 1856 rejecting the Petitioner's
former Petition No 64 of 1856.

2. The Court of Foujdaree
Adalut see no reason to alter their
former order above referred to and
accordingly resolve to reject the Petition

Ordered

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

Read letter dated the 25th
Ultimo, from the Acting Sessions Judge
of Mangalore, reporting the death
of the Prisoner Vencut dos Padaya
in case No 20 of 1856 on the Calendar of
the Session Court.

(Here Enter F.R. No 1862 of 1856)

The Court of Foujdaree
Adalut resolve to call upon the
Acting Sessions Judge to submit a
detailed report of when the Prisoner
was admitted into hospital and
of his illness and cause of death, also
whether any applications were made
to release him on bail, and if so on
what date and the order passed thereon.

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

(Last following Precept No

Read

11th October 1856.

Read again Calendar of case No 50 of 1856, submitted by the Sessions Judge of Cuddapah under date the 5th September 1856.

(Here Enter F R No 1703 of 1856)

Read also return dated the 25th ultimo from the Sessions Judge of Cuddapah to the Precept of the Foujdaree Adalut under date the 15th idem, requiring explanation for the non-conviction of the 5th Prisoner in No 50 on the above calendar:-

(Here Enter F R No 1846 of 1856)

1. The Court of Foujdaree Adalut are of opinion that the explanation furnished by the Sessions Judge in the above return is very unsatisfactory.

2. They observe that the Sessions Judge was bound to state his opinion whether the property found in the 5th Prisoner's house belonged to Prosecutor or not, and if it did and Prisoner failed to account for the possession, he might have been convicted.-

Ordered

F. R.

11th October 1856.

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

(Sent in No

Read Criminal Report B, for the month of August 1856, Zillah Honore

(Here Enter F R No 1816 of 1856)

The purport of the statement made by the defendant, as well as the fact to which it was opposed, should have been mentioned in the charge.-

Case No 34 by Principal Sudr Ameen

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

(Sent in No

Read Calendar in case No 56 of 1856 submitted by the Sessions Judge of Cuddapah.-

(Here Enter F R No 1871 of 1856)

The Court of Foujdaree Adalut would point out to the Sessions Judge that his expressions in Para 3 of his sentence

sentence referring to the consent of the robbers &c "the 1st witness stated that after one of them had taken his cloth he politely returned it, yet these refined robbers" &c &c are misplaced and inappropriate when commenting on a case of the nature so serious as the one under review -

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

(Sent in No.)

Read letter dated 20th September from the Sessions Judge of Combaconum. -

(Here Enter Dft No 1834 of 1856)

1. With the above letter the Sessions Judge submits for the opinion of the Court of Foujdaree Adalut certain queries from the Acting Magistrate as to whether a person found in possession of stray cattle or timber cast up by the sea can be punished. -

2. The Court of Foujdaree Adalut direct that the Acting Magistrate be informed

informed that under the Mahomedan Law the acts referred to by him are stated to be "forbidden" and can be punished as misdemeanours - Under English Law the taking of property with the intention of appropriating the same tho' it has been lost or may be reasonably supposed to have been lost, but when there is a reasonable belief that the owner may be found, is larceny. -

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

(Sent in No.)

Cavalcade

Ex Bkd

F. Vo.

Monday.
13th. October 1856.

At a Court of the Fouzdaree Adalut

Present.

F. Anderson ——— Esqr. } As Puisne Judges
T. W. Goodwyn ——— Esqr.
G. A. Harris ——— Esqr.

Read Miscellaneous Petition presented on the 15th. September 1856 by Rungiah of Zillah Trichinopoly.

(Hereunto F. Vo. P. Nos. 179/1856)

Petitioner complains of the illegal and oppressive acts of Rungasawmy Naiken the Police Ameen of Goondoawlay in the Zillah of Trichinopoly and of the bribe of 200 Rupees which that Officer extorted from him by putting him in Custody; and not being successful in obtaining justice from the Magistracy, Petitioner concludes by praying for the interference of the Court of Fouzdaree Adalut to issue instructions to the local authorities to investigate his complaint

Mr. G. A. Harris

complaint and render him justice.-

2 The Court of Foujdaree
Udalut decline to interfere in the matter
the Petitioner if dissatisfied with the
order of the Magistracy, is bound to produce
a copy thereof and appeal to the Sessions
Judge, neither of which steps has been
however followed by him.-

Petition dismissed.-

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

Read Miscellaneous Petition
presented on the 18th September by Mr.
J.H.P. Wilson Pleader on behalf of Annamaly
Zillah Trichinopoly.-

(Here enter F.M.P. No. 184 of 1856.)

Mr. G.A. Harris 1.

The Petitioner a relative of
the Prisoners 1 to 8 in Sessions Case No.
32 of 1856 before the Sessions Judge of
Tinnevelly in which they were with
others charged with Robbery by open
violence attended with wounding and
being found in possession of stolen property
knowingly

knowingly, appeals on their behalf
from the Sentence passed by the Sessions
Judge in the Case and prays for their
release.-

The Court of Foujdaree

2

Udalut see no ground to interfere
with the Sentence passed by the
Sessions Judge, and therefore reject this
Petition.-

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

Read Miscellaneous Petition
presented on the 18th Ultimo by Fareed
Beebee of Zillah Cuddalore

(Here enter F.M.P. No. 185 of 1856.)

Mr. G.A. Harris 1

Petitioner appeals for a re-
consideration of the orders of the Court
of Foujdaree Udalut in her case
and prays this Court to interfere
in her behalf; and order an investigation
of the matter setforth in the Petition

The Court of Foujdaree

2

Udalut see no reason to alter their
former

former orders and therefore reject this Petition.-

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

Read Criminal Report B for the month of August 1856 Zillah Ganjam.-

(Here enter F. C. No. 1836 of 1856.)

Case No. 43 of 1856. 1. The Court of Foujdaree Adalut observe that the manner in which the sentence in this Case has been passed is most unsatisfactory. The wording is so loose that it does not appear what liability attaches to each of the Defendants individually. The clause under which the sentence was passed, Viz.t clause 2.d Section VII Regulation VI of 1827 does not apply. The Court further observe that it was unnecessary to allude, in the sentence to the renewal of the security; and that as wounds appear to have been received

received by some of the persons engaged in the affray, it is not clear why the Defendants were not punished by fine or otherwise.-

The Court desire to be informed before what authority the confession was made and the nature of the evidence adduced in the Case.-

Case No. 52. 3. It was not competent to the Acting Agent to enhance the punishment inflicted upon the Defendant by the Assistant Agent.-

Case No. 53. 4. The mortification felt by the Defendant need not have been described in the sentence. He appears to have been acquitted on the ground that the charge of abuse of authority was not proved against him.-

Case No. 54 5. The hard labor awarded should have been in irons.-

6. A considerable number of Cases have been pending for some time before the Assistant Agent, Mr. Smith for the delay in disposing of which no reasons have been assigned.-

These

13th October 1856.

7. These Reports should in future be folded lengthways.

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

Sent in &c.

Read Criminal Report B for the months of August 1856, Zillah Guntoor

Here enter F. C. No. 1792 of 1856.)

Case No. 17 by the Sd. Head Assistt. Magistrate.

1. The punishment awarded was inadequate. In framing Criminal charges vernacular expressions, such as "Gadialoo" mentioned in the third count, should not be used. The Session Judge is requested to call for the record of this Case and see if the 1st and 3d. Prisoners have been properly acquitted and to forward a Copy of his proceedings on review to this Court.

Case No. 55. disposed of by Mostly Extr. Annex

2 The Charge as entered in Report A. is incorrect the Prosecutor's head and not hand having been struck

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

Sent in &c.

E. T. Holl

Tuesday 14th October 1856. At a Court of the Foujdaree Adalut.

F. H.

Present.

J. Anderson Esquire Asst.
J. W. Goodwyn Esquire Asst. } Puisne Judges.
G. N. Harris Esquire Asst.

Read letter dated the 16th July 1856 from the Acting Agent at Ganjam forwarding English Translation of the record of Case No. 13 of 1856 on the Calendar of the Agents Court for the final judgment of the Foujdaree Adalut.

(Here enter F. H. No. 1393 of 1856)

The Court of Foujdaree Adalut

Messrs Anderson Goodwyn and Harris

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 Dundafay Nauraina Naik
2d & 3d Bullah Naik and Chauro Naick

is sufficient to convict them of the crime of Affault, for which according to the Mahomedan Law as declared in futwahs of their Law Officers discretionary

discretionary punishment is awardable, do convict them thereof, and with reference to the provisions of Clause third Section VII Regulation XV of 1803 sentence them to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (1) one year—

Read letter dated 2d October 1856 from the Acting Sessions Judge of Madura forwarding English Translation of the record of Case No 39 of 1856 on the Calendar of the Sessions Court for the final judgment of the Tongdaree Udalut

Mr Sps Goodwyn and Harris

/Hereunder Fl. No 1908 of 1856/

The Court of Tongdaree Udalut on a deliberate consideration of all the circumstances of the case in evidence before them bring of opinion that the prisoners

1st Vigiew and

2d Soobben Shairway

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 tho' not amounting to conviction attaches to them they direct that under clause 2nd Section II Regulation XV of 1803, they be severally required

required to find two sureties in 50/ Fifty 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 without labor or irons.—

1. The prisoners in this case were convicted of Murder and the Sessions Judge recommends that a sentence of death be passed on the 1st Prisoner, but as the 2nd Prisoner was only an accomplice and not the actual Striker of the fatal blow, the Sessions judge recommends that he be sentenced to 14 years imprisonment with hard labor.—

2. The Court of Tongdaree Udalut on a careful consideration of the record, cannot agree with the Sessions Judge in the Conviction of the prisoners of the crime charged.—

3. They observe that in this case Caution and careful investigation is requisite in order to sift the truth from the manifest or probable falsehoods with which it is mixed up.—

H.

4. It is certain that the 1st and 2d prisoners were on bad terms with their relation, the deceased, on account of a law suit, their being suspected of stealing a box of documents, of setting fire to the deceaseds grain heap, and of assaulting his father in law the 3d witness.

5. It is also certain that as the deceased was sleeping by the side of his wife and child, in the yard of his house, with the 1st and 2d witnesses close at hand, he was stabbed with a dagger (dropped by the assassin) and died instantly.-

6. The question is, did the Prosecutrix 1st and 2d witnesses see the murder committed by the 1st and 2d Prisoners in the circumstantial way detailed by them?

7. The Court of Foujdaree Adalut are of opinion that the assassination is not likely to be committed after the moon had risen, as moon light would greatly enhance the danger of detection. From the Police deposition of the Prosecutrix 1st 4th 5th and 7th witnesses, the Nazarmanah of 19 neighbours who hastened to the spot on the alarm, confirmed by

by the Sessions deposition of the Prosecutrix 4th 10th and 11th witnesses clearly proves that the assassination took place when it was dark, just before the moon rose,- It is therefore in the opinion of the Court most probable, if not impossible that the Prosecutrix 1st and 2d witnesses could have seen the details they relate.-

8. If the Prosecutrix 1st and 2nd witnesses had seen the deceaseds enemies (1st and 2d prisoners) commit the murder, they would at once have denounced them as the assassins to the crowd of Villagers that instantly assembled on the spot, or to the Village Moonsiff when delivering the dagger to him, or when they perceived the 2d prisoner in the crowd.- but the deposition of the Prosecutrix 1st and 2d witnesses before the Police and the Sessions Court clearly indicate that they did not charge prisoners till the next morning, and the Court think that their accusation was solely founded on the previous enmity not from their having actually seen the assassins. Besides the statements

Statements of these 2 principal witnesses for the prosecution abounds in contradictions and discrepancies and in fact the latter (2d Witness) was fined for prevarication.-

9. Under these circumstances the Court of Fouzdaree Adalut consider the evidence to the apapination to be entirely false but as the bitter enmity existing between the Prisoners and the deceased raises a strong suspicion that they are the murderers the Court have directed that they be released on security.-

10. The Court observe that there were 3 points for the cross examination of the witnesses, the darkness, the immediate decamping of the Prisoners, and the 2d Prisoners presence in the crowd undenounced with no attempt at this apprehension, but the Acting Sessions Judge has passed these points by and questioned at great lngth on most useless points.-

11. The Court of Fouzdaree Adalut do not concur with the Sessions Judge in the opinion he has formed regarding the Village Moonsiffs Conduct (Vide para 15 of his

his letter) the Acting Sessions Judge was not, when all the circumstances are taken into consideration, justified in thus censuring the Moonsiff as it is clear that he reported exactly what had taken place and what he had been told and no more, despatched the report with the utmost speed and proper (vide 12 witness' depositions) for the immediate arrival of the Amen.-

12. The Court direct that the attention of the Acting Sessions Judge be called to the more careful translation of the records the 9 witness was stated to have declared before the Sessions Court that he saw the 1st witness (instead of the 1st prisoner) sharpening a dagger-

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

Examined

Voting

F. 86.

Wednesday — At a Court of the Fouzdaree Adalut. —
15th October, 1856. —

Present

F. Anderson, Esquire,
T. W. Goodwyn, Esquire,
G. A. Harris, Esquire,
} Acting Puisne Judges

The record of trial in
referred Case No. 23 of 1856, on the
Calendar of the Session Court of
Cuddalore, not having been ge[illegible]
received. —

Ordered, that the Session
Judge of Cuddalore, be required
to submit the record aforesaid &
without delay. —

Read Calendar of Case
No. 76 of 1856, on the file of the
Session Court of Masulipatam. —

(Here enter F. 86. No. 1890 of 1856.)

The Court of Fouzdaree
Adalut consider the Session Judge's
sentence defective, though he acquits
the prisoner on the 2d Count, he

does

does not distinctly state that he has also acquitted him on the first. The Session Judge having stated that there was evidence to prove document C a forgery he should have pronounced whether it was sufficient to bring the crime home to the prisoner and if so should have convicted him.-

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

Read Calendar of Case No. LV of 1856, submitted by the Acting Session Judge of Madura, under date the 12th September 1856.-

/Here enter F. 86. No. 1741 of 1856./

Read Calendars of Cases Nos. 59, 60, 66, 67, 68, 69, and 70 of 1856, submitted by the Session Judge of Cuddapah, under dates the 8th and 9th October 1856.-

/Here enter F. 86. Nos. 1931, 1932, 1934, 1935, 1936, 1937, and 1938 of 1856./

Read Calendar of Case No.

No. 49 of 1856, submitted by the Acting Session Judge of Salem, under date the 7th October 1856.-

/Here enter F. 86. No. 1940 of 1856/

Read Calendar of Case No. 30 of 1856, submitted by the Session Judge of Cuddalore, under date the 11th October 1856.-

/Here enter F. 86. No. 1946 of 1856/

Read Calendar of Case No. 40 of 1856, submitted by the Session Judge of Nellore, under date the 10th October 1856.-

/Here enter F. 86. No. 1948 of 1856/

Ex 180

Thursday
16th October 1856.

F 10

At a Court of the Foujdaree Adalut.

Present

F. Anderson Esquire. Acting.
T. W. Goodwyn Esquire Acting. } Prisme Judges.
G. A. Harris Esquire Acting.

Read Criminal Report B for the Month of August 1856, Zillah Rajahmundry.

(Hereunto enter F 10 No. 1824 of 1856)

Case No. 70 by Sub. Jud.

1 It is stated in the first Count that the prisoner effected his escape between the hours of 12 and 6 A.M. but the 2d. and 3d. Defendants, who should have come on guard at 2 and 4 o'Clock respectively, have been acquitted as not responsible for the prisoner's escape. It is not clear how the testimony of these Defendants served to establish the charge against the 1st. Defendant, who was on guard from 12 till two. Nor does it appear why they were not tried for neglecting to relieve guard at the hours prescribed. No such ambiguity as is here noticed should occur in any Criminal charge.

Case No. 87 by Ditto

2 The heading of the charge is incorrect. It should be "Affault and robbery"

The

16th October 1856.

Case Nr. 90 by Asst Sub Judge

3

The Court conclude that "irons" formed part of the sentence passed upon the 1st Prisoner although not so stated.

Nr. 91 by Ind. Amen.

4

The Court of Sessions declare & do not observe that section VI Regulation XIII of 1832. is inapplicable, the false charge not having been preferred to an Amen of Police as therein referred to, labor cannot form part of the sentence under Regulation IX of 1832.

Nr. 93 by Asst Judge

5.

The Charge should have stated whose property was taken.

Nr. 95 by ditto

6.

The value of the property taken should have been given.

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

Sent in Dupl.

Read Miscellaneous Petition presented on the 15th September 1856 by Arthur Dr Ritchie Esquire and Alexr G. Ritchie Esquire Pleaders on behalf of the Prisoners in Calendar Nr. 4 of 1856 on the file of the Sessions Court of Tinnevelly.

(Here enter Fm of Nr. 180 of 1856)

Before

16th October 1856.

Mr. G. A. Harris.

Before passing any final Orders on this Petition the Court of Sessions declare & do not resolve to call upon the Sessions Judge to forward a translation of the record of the above case.

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

Sent following Precept &c

G. A. H.

F. No 6.

Friday
17th October 1856 At a Court of the Foujdaree Udalut

Present.

F. Anderson, Esquire
T. W. Goodwyn, Esquire } Act^g Puisne Judges
G. A. Harris, Esquire

Read Calendar of Petty cases disposed of by the Magistrate of Bellary during the 2d quarter of 1856.

(Here Enter F. No. A^s 191 of 1856)

Calendar No 1 Case 13. The Regulation under which sentence was passed has not been quoted.—

Calendar No II 2 Case 27 The charge in this case should have been headed "abuse" only.

Case 38 3 The charge should have been headed "assault and abuse of authority."—

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

information—

——— (Sent in No)

Read again Criminal Report B for the month of July 1856 Zillah Honore:—

(Here Enter F.C. No 1596 of 1856)

Read also letter dated the 27th Ultimo from the Session Judge of Honore, submitting copy of a return received from the Principal Sudder Ameen furnishing the explanation called for with regard to the observations recorded in paras 1 and 2 of the Extract from the Proceedings of this Court.—

(Here Enter F.C. No 1912 of 1856)

Case 33 1 The Court of Foujdaree Adalut observe that the insertion of the words "which was followed by — entrance" was wholly superfluous, and should not have been entered in the charge.—

2 The explanation of the delay

delay in the disposal of cases is not satisfactory, for when the Principal Sudr Ameen discovered that the 2d Prosecutor in Case No 31 would not attend, he should have issued a warrant.—

3 In Case No 34 the Principal Sudr Ameen should have stated when the trial commenced and when the new witnesses were called for and the date of their attendance.—

4 The Court observe that the Session Judge should not have forwarded the Principal Sudder Ameen's explanation without comment.

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

(Sent in No)

Read Criminal Report dated 31st August 1856 submitted by the Session

17th October 1856

Sessions Judge of Chicacole for the Month of August 1856.—

(Here Enter F.C. No. 1852 of 1856)

Case No. 19 By the Principal Sudr. Ameen. 1 The heading should have been attempt at rape.—

Case No. 25 By the Principal Sudr. Ameen. 2 The charge in this case should have been headed "Assault and wounding"—

Case No. 41 By Moofty Sudr. Ameen. 3 This charge should have been headed "Uttering counterfeit coin"—

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

(Sent in No.)

&c 1856.

F.C.

Saturday 18th October 1856

At a Court of the Fouzdaree Adalut

Present

F. Anderson Esquire
T. W. Goodwyn Esquire
G. A. Harris Esquire
} Acting Sessions Judges

Read Calendar of Case No. 50 of 1856 of the Sessions Court of Salem.

(Here Enter F.C. No. 1941 of 1856)

1 The Acting Sessions Judge recommends that the period of Imprisonment to which the Prisoners in this Case have been adjudged to suffer on their conviction of Gang Robbery by open violence be mitigated to 9 years.

2 The Court of Fouzdaree Adalut deeming the sentence proposed too severe a punishment for the Prisoners resolve to direct that they be sentenced to Imprisonment for five years with hard labor in irons.

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

(Sent in No.)

18th October 1856

Read Calendar of Case No 55 of 1856 of the Session Court of Salem.

(Here Enter F.R. No 1905 of 1856)

The Court of Foujdaree Adalut direct that the Acting Subordinate Judge's attention be again called to the necessity for condensing the Abstract of the evidence

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Salem for Communication to the Acting Subordinate Judge.

(Sent in No.)

Read Calendar of Case No 21 of 1856 by the Sessions Court of Guntoor.

(Here Enter F.R. No 1903 of 1856)

The Court of Foujdaree Adalut observe that malice should have been entered in the indictment which does not even charge with Murder, only with killing.

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

(Sent in No.)

Read Calendar of Case No 31 of of 1856 of the Sessions Court of Trichinopoly.

(Here Enter F.R. No 1905 of 1856)

28th October 1856

1 The Court of Foujdaree Adalut are of opinion that the punishment awarded is very inadequate.

2. The Sessions Judge should have stated that he acquitted of the 1st Charge.

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

(Sent in No.)

Read Calendar and sentence in Case No 54 of 1856, submitted by the Acting Sessions Judge of Salem.

(Here Enter F.R. No 1875 of 1856)

Before passing final Orders on the above Calendar the Court of Foujdaree Adalut resolve to direct that an English translation of the record of the case be submitted for their consideration.

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

(Sent in No.)

Read Calendar of Case No 79 of 1856 submitted by the Sessions Judge of Bellary.

(Here Enter F.R. No 1770 of 1856)

18th October 1856.

It having been ruled by this Court that a charge of perjury will not be under Regulation III of 1826 on a deposition given before the Police and confirmed on solemn affirmation before the Subordinate Court, the Court of Foujdaree Adalut resolve to quash the conviction in this case and to direct the release of the prisoner.

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

(Sent in A.)

Read Calendar of Case No. 78 of 1856 of the Sessions Court of Masulipatam.

(Here Enter F.D. No. 1902 of 1856)

1. The two Prisoners in this Case, who were Convicts in the Zillah Jail, were tried for an aggravated Assault on the 1st Witness, a Jail Duf: fadar, and on Conviction were sentenced to Imprison: ment with hard labor in irons for a Period of one year in excess of their present terms and to receive one hundred lashes with a Cat O'nine tails.

2 The Court of Foujdaree Adalut are of opinion that this sentence is too lenient as regards the imprisonment awarded.

Ordered that Extract from these Proceedings

18th October 1856

Proceedings be sent to the Sessions Judge of Masulipatam for his information and guidance

(Sent in A.)

Read Calendar of Case No. 66 of 1856 submitted by the Sessions Judge of Masulipatam under date the 30th Ultimo.

(Here Enter F.D. No. 1889 of 1856)

1 The Court of Foujdaree Adalut observe that the description of the torture inflicted should have been entered in the Charge.

2. The Sessions Judge mentions the "1st Prisoner and his myrmidons" but does not state what the 1st Prisoner was.

3 The assessors find the 1st 3rd 4th and 5th prisoners guilty of oppression and assault, and the Sessions Judge concurred in the verdict but does not state of what excesses acts of Torture he finds these Prisoners guilty.

4. The Court resolve therefore to call upon the Sessions Judge for explanation on the above points.

5 They observe that the provisions of Section VII Regulation X of 1816 cited, is inapplicable to the jurisdiction of the Sessions Judge and should not therefore have been quoted in support

of

18th October 1856.

of the sentence awarded in this case.

6. The explanation for the delay in sending up this case to the Court is not satisfactory.

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

(Sent following Precept No)

No final return having been received from the Sessions Judge of Masulipatam to the Precept of the Foujdaree Adalut dated the 28th August last calling for an English translation of the records of case No 24 of 1856, and of Original suit No 477 of 1855 on the file of the District Moonsiffs of Ellore.

Ordered that the Sessions Judge of Masulipatam be required to make a final return to the above Precept without further delay.

(Sent in No.)

4th JJ

F. Clo.

Monday — 20th October, 1856.

At a Court of the Foujdaree Adalut

Present

F. Anderson, Esquire,
T. W. Goodwyn, Esquire,
G. N. Harris, Esquire,
} Acting Puisne Judges

Read Calendar in Case No 53 of 1856, from the Acting Sessions Judge of Salem.—

(Here enter F. Clo. No 1874 of 1856)

1. Before passing final orders on the above Calendar, the Court of Foujdaree Adalut desire to be informed whether the Village Moonsiffs report mentioned that the Prosecutors said at the time that they could identify the Prisoner and whether the earliest Police deposition shewed that they did so.—

2. The sentence of the Sessions Judge is unsatisfactory, and in direct contravention of the repeated orders of this Court.—

3. The Court observe, that it

it is necessary in summing up the case against a prisoner that the remarks of the presiding officer should open up the particulars of the evidence which is relied on for the prisoner's conviction in a clear statement, and that it is not enough to state that "the charge is satisfactorily established," a mode of sentence which effectually precludes the Court from arriving at any just view of the merits of the case.-

4. They resolve therefore to call upon the Acting Session Judge to submit a revised sentence in the above case.-

Ordered, that Extract from these proceedings, be sent to the Acting Session Judge of Salem, by express returnable within 7 days from and after its receipt.-

Read letter dated 15th August 1856, from the Acting Session Judge of Calicut, submitting for the final judgment of the Foujdaree Adalut the

20th October, 1856.-

the record of Case No. 35 of 1856 on the Calendar of the Session Court.-

/Here enter F. Mc. No. 1656 of 1856./

Read also Miscellaneous Petition presented on the 29th August 1856, by G. Salmon Esquire Pleader on behalf of G. Dupow, zillah Calicut, requesting to be furnished with a copy of the record in Case No. 35 of 1856, on the Calendar of the Session Court of Calicut.-

/Here enter F. M. P. No. 171 of 1856/

Read also Miscellaneous Petition presented on the 1st October 1856, by G. Salmon Esquire Pleader on behalf of Gerard Dupow zillah Calicut.-

/Here enter F. M. P. No. 197 of 1856/

Mr. T. W. Goodwyn

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

1st Gerard Dupow

2nd Comporamen Manoch

and

and

3d Korapppen

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 the prisoner.

1st Gerard Dupon

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. the prisoner

2d Conjooramen Manoel

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (1) one year, and the prisoner

3d Korappen

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of [6] Six months.-

1. The Court of Foujdaree Udalut on a careful consideration of the above record concur with the

the Acting Session Judge in his opinion as to the conviction of the prisoners in this case, and have accordingly sentenced the 1st Prisoner to 5 years', the 2d to 1 year and the 3d to 6 months' imprisonment with hard labor in irons.-

2. The objection raised by the 1st prisoner's counsel that "to wound with intent to kill" is not a crime known to the Law, is rejected.

3. The method of examination pursued by the Principal Sudr Ameen has greatly and very uselessly augmented the bulk of the record, and the Court of Foujdaree Udalut resolve to direct that the attention of the Principal Sudr Ameen be called to their Circular Order dated 25th June 1844, as well as to the Circular Order No. 211 issued subsequent to the date of this examination of the Case

Ordered, that Extract from these proceedings, from paras 1 and 2 be furnished to the Petitioner's Pleader

on

on his application.—

Ordered also, that Extract from these proceedings, be sent to the Acting Session Judge of Calicut, for his information, and for communication of para 3 to the Principal Sudr Ameen.—

Read Calendar in Case No. 22 of 1856, submitted by the Session Judge of Guntoor, under date the 1st Instant.—

/Here enter F. Cs. No. 1891 of 1856./

The Court of Foujdaree Adalut direct that the Acting Head Assistant Magistrate be called upon to explain on what grounds he committed this case.—

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

Read Calendar in Case No. 33 of 1856, submitted by the Session Judge of Trichinopoly.—

/Here enter F. Cs. No. 1904 of 1856/

Before

Before passing final orders on the above Calendar, the Court of Foujdaree Adalut resolve to direct that an English translation of the record of the case be submitted for their consideration.—

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

Read Calendar of Case No. 57 of 1856, submitted by the Acting Session Judge of Madura, under date the 6th Instant.—

/Here enter F. Cs. No. 1923 of 1856./

The Court of Foujdaree Adalut direct the Acting Session Judge to detail the dilatoriness and neglect to take prompt measures of which he conceives the Police to have been guilty, and to report whether he brought the same to the notice of the Magistrate, and what has been done by the Magistrate in the case.—

Ordered

20th. October, 1856.

Ordered, that Extract from these proceedings, be sent to the Acting Session Judge of Madura, by precept returnable within V days from and after its receipt.-

Read Calendar of Case No. 83 of 1856, of the Session Court of Bellary.-

/Here enter F. Cs. No. 1939 of 1856./

The Court of Foujdaree Udalut approve of the recommendation made by the Session Judge in this case, that the period of imprisonment which the Prisoner, noted in the margin, has been adjudged to suffer on his conviction of Gang Robbery be reduced to (3) Three years with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.

1st. Madega Chinna
Gungadoo

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

Read Calendar of Case No.

F. Cs.

20th. October, 1856.

No. 6 of 1856, submitted by the Session Judge of Chicacole, under date the 6th. October 1856.-

/Here enter F. Cs. No. 1945 of 1856/

The Court of Foujdaree Udalut direct that the Session Judge's sentence in this case be forwarded to the Magistrate, in order that he may if he concurs, dismiss the Peon and reprimand the Acting Head of Police.

Ordered, that Extract from these proceedings, be sent to the Session Judge of Chicacole for his information and guidance.-

Read Calendar of Case No. 37 of 1856, submitted by the Session Judge of Nellore, under date the 10th. Instant.-

/Here enter F. Cs. No. 1947 of 1856/

The Court of Foujdaree Udalut observe that the 2 girls whom the prisoner is charged to have stolen, ought to have been sent up to the Court for identification by the 5th.

and

and 5th Witnesses, and the Session Judge should have examined them, and not have rested, satisfied with the report of the Court Peons.-

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

Read Miscellaneous Petition presented on the 10th July 1856, by Pillary Chetty Ramachendroo doo of Zillah Masulipatam.-

Mr. G. A. Harris.

/Here enter T. M. D. No. 121 of 1856/

This petition is rejected and the Petitioner referred to the orders passed by the Court of Fouj: dauee Udalut on the 11th September last, in the matter to which it relates.-

Ordered, that Extract from these proceedings, be given to Petitioner on his application.-

No final returns having been received from the Session Judge of Masulipatam, to the precept of the Foujdaree Udalut dated the 13th August last

last directing the submission of an English translation of the record of Case No. 42 of 1856 on his file.-

Ordered, that the Session Judge of Masulipatam be required to make a final return to the above precept without further delay.-

Read Calendar in Case No. 3 of 1856, submitted by the Session Judge of Nellore, under date the 4th Instant.-

/Here enter T. Etc. No. 1900 of 1856./

1. The Court of Foujdaree Udalut observe that this is a case of "escape" and not of "attempt at it" and the Session Judge should correct the charge accordingly.-

2. The nature of the proof and the prisoner's conviction on that proof has not been entered in the Session Judge's remarks, and the Court resolve therefore to return the Calendar in order to its being prepared with reference to the foregoing observations.-

Ordered

20th October, 1856.

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

Read Miscellaneous Petition forwarded by the Acting Sessions Judge of Calicut, from Moorooza Panikkar and another of that zillah.-

/Here enter F. No. P. No. 156 of 1856/

Read also Miscellaneous Petition forwarded by the same Officer from Chuye and another of zillah Calicut.-

/Here enter F. No. P. No. 175 of 1856/

Wm. G. A. Harris.

1. The petitioners are prisoners in Case No. 32 of 1856, on the file of the Sessions Court of Calicut, and pray for the interference of the Court of Foujdaree Udalut to reverse the sentence passed upon them in the said case.

2 The Court of Foujdaree Udalut seeing no reason to interfere with the sentence above referred to, resolve to reject these petitions.-

Ordered, that Extract from

F. 86.

20th October, 1856

from these proceedings, be sent to the Acting Sessions Judge of Calicut, for communication to Petitioners.-

Read Calendar of Case No. 46 of 1856, submitted by the Acting Sessions Judge of Chittoor, under date the 8th September 1856.-

/Here enter F. 86. No. 1752 of 1856/

Read Calendar of Case No. 28 of 1856, submitted by the Sessions Judge of Trichinopoly, under date the 9th September 1856.-

/Here enter F. 86. No. 1753 of 1856/

Read Calendars of Cases Nos. 68, 69 and 70 of 1856, submitted by the Sessions Judge of Masulipatam under date the 15th September 1856.-

/Here enter F. 86. Nos. 1771 & 1772 of 1856/

Read return dated 16th September 1856, from the Acting Sessions Judge of Madura, to the precept of the Foujdaree under date the 8th September 1856, directing release of Prisoner in Calendar of Case No. 7 of 1856.-

/Here enter F. 86. No. 1774 of 1856/

Read

20th October, 1856.-

Read Calendar of Case
No. 30 of 1856, submitted by the Session
Judge of Trichinopoly, under date the
18th September 1856.-

(Here enter F. Dc. No. 1777 of 1856.)

Read Criminal Report B
under date the 15th September 1856, submitted
by the Acting Session Judge of Mangalore
for the month of August 1856.-

(Here enter F. Dc. No. 1780 of 1856)

Read return dated 17th Sep:
-tember 1856, from the Acting Session
Judge of Chittoor, to the precept of the
Foujdaree Adalut under date the 15th Sep.
-tember 1856, directing the release of the
Prisoner in Criminal Case No. 90 of 1856,
and calling upon him to report why he
passed no order on the Petition of Appeal
preferred by Ponnaty on behalf of Prisoner.

(Here enter F. Dc. No. 1784 of 1856.)

Ex
B.D.

F. Dc.

Tuesday.
21st October 1856. At a Court of the Foujdaree Adalut

Present

F. Anderson. Esqre.
T. W. Goodwyn Esqre. } Asst. Puisne Judges
G. A. Harris Esqre.

Read again Calendar of
Case No. 38 of 1856 of the Sessions Court of
Calicut.-

(Here enter F. Dc. No. 1661 of 1856.)

Read also Return dated
the 30th September 1856. from the Acting
Session Judge of Calicut to the precept
of the Foujdaree Adalut under date the
16th idem, containing their observations
on the above Calendar.-

(Here enter F. Dc. No. 1913 of 1856)

1. On a careful consideration
of the record as regards the 6th prisoner
in this Case, the Court of Foujdaree
Adalut are of opinion that the evidence
of the 1st Prosecutor is conclusive; that
the

the 6th prisoner was one of the robbers who entered the house with a lighted torch and burnt his (1st Prosecutors) mother with it, and this evidence is confirmed by the statement of the 2d Prosecutor.

2 The Acting Sessions Judge appears to put this all aside and to go upon the 6th Prisoners statements before the Joint Magistrate and in the Talook But these very statements show that the 6th Prisoner's services in the robbery were bought and that he got a part of the plunder.

3 The Acting Sessions Judge's reasons for recommending a mitigation as set forth in the Calendar and in his return to this Courts precept, are strongly at variance, and the Court direct him to be more careful to avoid such discrepancies in future.

4 The Court of Fouzdaree Adalut concur with the Acting Sessions Judge in the conviction of the 6th Prisoner but

21st October 1856.

but they see no reason for making an exception in his favor by mitigating the prescribed punishment, and they accordingly direct that the sentence recorded against this Prisoner by the Acting Session Judge be carried into effect.

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

(Sent in No)

Read letter under date the 6th October 1856 from the Officiating Agent to the Governor of Fort St George in Kurnool submitting for the final judgment of the Fouzdaree Adalut a report of the trial of Criminal Case No 113 of 1856 on his file.

(Here enter F. Ac. No 1952 of 1856.)

The Court of Fouzdaree Adalut concurring in the conviction of the Prisoner.

1st Kaderkhan.

of Highway Robbery resolve to confirm the

the Sentence proposed to be passed upon him by the Officiating Agent Viz.t two years Imprisonment with hard labor in irons.-

Ordered that Extract from these Proceedings be sent to the Officiating Agent at Kurnool for his information

(Sent in St.)

The English Translations of the records in Cases Nos. 19 & 20 of 1856, which were called for on the 23d. August and 18th. Ultimo not having been yet received.-

Ordered that the Acting Agent at Ganjam be required to submit the same without further delay.-

(Sent in St.)

Read letter dated 10th. October 1856 from the Acting Sessions Judge of Calicut Submitting for the final Judgment of the Foujdaree Adalut the Record of Case No. 42 of 1856 on the file of the Session Court.-

(Here enter F.C. No. 1958 of 1856.)

The

Mr. Goodwin and Harris

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 proff against prisoner.-

2d. Poonatampalylil Kristna is sufficient to convict him of the crime of Forgery do convict him thereof, and under the provisions of Clause third Section III Regulation VII of 1811 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 (4) four years.

The Court of Foujdaree Adalut being further of opinion that the prisoner.-

1st. Padombara Tamby Vettel Govinan

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

The Prisoners in this Case

were

were charged with forgery and uttering the forged letter and the 2d prisoner is further charged with fraudulently obtaining 8 Rupees on the said letter

2. The Mahommedan Law Officer convicted the 2d Prisoner and pronounced him liable to Dokhoobut but has acquitted the 1st Prisoner or in other words declared him liable to Tohmut

3. The Sessions Judge dissents from this Futwa as regards the acquittal of the 1st prisoner, and recommends that he be sentenced to 6, and the 2d to 4 years imprisonment.

4. The Court of Foujdaree Adalut concur in the conviction of the 2d Prisoner as his guilt is clearly proved by the evidence for the prosecution and his admission before the Session Court strongly supports his Police confession.

5. They consider that the evidence is altogether inadequate for the conviction of the 1st Prisoner per se: dependently of his alleged Police confession retracted

retracted before the Subordinate and Session Courts there is nothing against him but vague suspicion he can only read and write a little and it is therefore almost impossible that he could have written the letter in question; this objection has been apparently sought to be overcome by alleging that he procured another man, one Shungarun to write the letter, but as it is not pretended that this Shungarun received any portion of the money fraudulently obtained or had any motive in being a party to this fraud. the Court altogether distrust this account The Acting Session Judge also observes "that the 2d Prisoner is an ignorant low man and was not known before either to the prosecutor or 1st witness and it is a manifest impossibility that he concocted the letter" The Court observe that the Prosecutor stated that he has known the 2d Prisoner 5 or 6 years.

6. Under these circumstances the Court have sentenced the 2d Prisoner to 4 years imprisonment with hard labor

labor in irons as proposed by the Sessions Judge and have acquitted the 1st. prisoner

7 The Court observe that the Sessions Judge should have forwarded a translation of the forged letter.-

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

Read Extract dated 30th. April 1856 Submitted by the Sessions Judge of Guntoor Copies of Proceedings held on the Police Calendars during the 1st. Quarter 1856.-

(Here enter F.No. 865 of 1856)

Read Return dated 23d. May 1856 from the Officiating Sessions Judge of Bellary — to the precept of the Fouzdaree Adalut under date the 19th. May 1856 calling upon him to reduce to 10 years the period of imprisonment awarded to the 1st. & 3d. Prisoners in Case No. 31 of 1856 on the Calendar

(Here enter F.No. 979 of 1856.)

Read Calendar of Case No. 4 of 1856 Submitted by the Acting Agent in Ganjam Under date the 17th. May 1856.-

(Here enter F.No. 982 of 1856.)

Read

Read letter dated 20th. May 1856 from the Sessions Judge of Cuddapah Reporting the execution of the Prisoner Sunjeevvogadoo in Case No. 13 of the Calendar for 1856.-

(Here enter F.C. No. 984 of 1856.)

Read Calendar in Case No. 46 of 1856 Submitted by the Sessions Judge of Cuddapah under date the 29th. July 1856.

Here enter F.C. No. 1139 of 1856.

Read Report dated 1st. August 1856 Submitted by the Acting Sessions Judge of Salem, of Cases pending on the 31st. July 1856 before him for a period in excess of 25 days calculated from the date of commitment.-

(Here enter F.C. No. 1156 of 1856.)

Read Criminal Report dated 1st. July 1856 Submitted by the Acting Sessions Judge of — Salem, for the Months of June 1856.-

Here enter F.C. No. 1157 of 1856.

Read Letter dated 11th. August 1856 Submitted by the Sessions Judge of Bellary, with reference to the Proceedings of the Fouzdaree Adalut dated 31st. Ultimo on Report B for June forwarding Copies of an explanation

from

from the Subordinate Judge in Case
No. 152 and of his Proceedings in Case No. 172
in the Criminal file.-

Here enter F. Co. No. 1526 of 1856.-

Read letter dated 6th August
1856 from the Acting Agent in Ganjam,
Reporting the deaths of certain Ganjam
Prisoners awaiting their Sentences.-

Here enter F. Co. No. 1531 of 1856

Read return dated 11th August
1856 from the Acting Subordinate Judge
in Charge of the Sessions Court of Mangalore
to the precept of the Foujdaree Adalut
under date the 29th July 1856 on review of the
Criminal reports for June last.-

(Here enter F. Co. No. 1542 of 1856.)

Read Statement Submitted
by the Sessions Judge of Cuddalore, under
date the 13th August 1856, of Batta paid to
Prosecutors and Prisoners in Sessions Cases
pending before the Sessions Court during
the 1st Half of 1856.-

(Here enter F. Co. No. 1547 of 1856.)

Read Calendar in Case No. 45 of
1856. Submitted by the Sessions Judge of Masulipatam
under date the 18th August 1856.-

(Here enter F. Co. No. 1582. of 1856.)

21st October 1856.

Read Report B dated 21st
August 1856 Submitted by the Sessions Judge
of Cuddalore, for the Month of July 1856.-

(Here enter F. Co. No. 1597 of 1856.)

Cancelled

F U

Thursday
23d October 1856

At a Court of the Foujdaree Udalut

Present

F. Anderson Esqr. — Acting Puisne Judge

F. W. Goodwyn Esqr. — Acting Puisne Judge

G. A. Harris Esqr. — Acting Puisne Judge

Read Miscellaneous Petition presented on the 28th August 1856 by Sashummah of Zillah Nellore.

(Hereunto F. M. C. No. 192 of 1856.)

Mr. Goodwyn

1. The Court of Foujdaree Udalut decline to reconsider the order passed by them on the 13th March last to the effect that on consideration of the return received from the Court below and of the evidence as entered in the Calendar, "the Court of Foujdaree Udalut see no grounds to question the justice of the sentence passed upon the Prisoners" in Case No. 57 of 1854 on the file of the Session Court of Nellore.

Petition dismissed.

2. Ordered that Extract from these Proceedings be given to the Petitioner on her application.

Read Miscellaneous Petition presented on the 29th September 1856 by Vyapoory Pillay of Zillah Trichinopoly

(Hereunto F. M. C. No. 192 of 1856.)

Petitioner

23rd October 1856.

Mr. Harris. 1 Petitioner complains of the illegal and oppressive acts of the Police Ameen of Trichinopoly, and prays for the interference of the Court of Fouzdaree Udalut to render him justice.

2. The Court of Fouzdaree Udalut decline to interfere in the case - the Petitioner not having produced any order of the lower Court. He admits to this Court that he has not petitioned the Session Judge.

3. Petition rejected.

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

Read Miscellaneous Petition presented on the 18th ultimo by Ayagee applying for the release of her husband 2d Prisoner in Case No. 20 of 1855 on the file of the Session Court of Chingleput.

(Here enter F. M. P. No. 186 of 1856.)

Mr. Cockburn The Court of Fouzdaree Udalut after perusing the Calendar in the Petitioners husband's case, resolve to reject this Petition, as they observe that the 2d Prisoner admitted his possession of certain portion of the property found to have been stolen, and failed to give any satisfactory account of the manner in which he came by this property.

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

Read

23rd October 1856.

Read Miscellaneous Petition presented on the 29th September 1856, by John Tanchoo Menon Pleader on behalf of Manjadee Veetil Canaren of Zillah Calicut.

(Here enter F. M. P. No. 194 of 1856.)

Mr. Harris. 1 This is an Appeal from the proceedings this of the Session Court of Calicut under date the 20th August last, confirming the order of the Magistrate fining the Petitioner in 25 Rupees on the ground of his having caused a certain individual to be assaulted.

2 The Acting Session Judge having been satisfied with the order passed in the case, and not having considered it requisite to send for the record, the Court of Fouzdaree Udalut see no grounds to interfere with the order appealed against, and therefore reject this Petition.

Ordered that Extract from these Proceedings be given to the Petitioners Pleader on his application.

Read Miscellaneous Petition presented on the 29th September 1856, by Tolaracunnoo of Zillah Chingleput.

(Here enter F. M. P. No. 195 of 1856.)

Mr. Harris. This Petition is deficient in all important points which render it impossible to ascertain to what case Petitioner refers. It is therefore rejected.

Ordered that Extract from these Proceedings

23d October 1856.

Proceedings be given to the Petitioner on his application.

Read Calendar of Case No. 84 of 1856 on the file of the Session Court of Bellary-

(Here enter F. Uc. No. 1949 of 1856)

1 The Prisoners in this Case (Taliars) have been convicted of conniving at the escape of 2 Prisoners entrusted to their charge, and have been sentenced to two years imprisonment with hard labor in irons under the provisions of Clause second Section XI Regulation XIII of 1832.

2 The Court of Fouzdaree Udalut observe that the provisions of the Law under which the sentence in this case has been passed are applicable only to Peons; and that the Prisoners being Taliars should have been sentenced under Clause first Section VII Regulation I of 1810, and Clause seventh, Section II Regulation XV of 1803, under which enactments it is competent to the Session Judge to pass such sentence as he may deem fit.

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

Read Miscellaneous Petition of Coopproodian received from the Session Judge of Cuddalore.

(Here enter F. M. P. No. 181 of 1856)

Thus

2

F. Uc.
23d October 1856.

Mr Harris

1 This is an application for the release of the Prisoner in Case No. 19 of 1855 on the file of the Session Court of Cuddalore.

2 The Court of Fouzdaree Udalut see no reason to interfere with the decision passed in this case and therefore resolve to reject the Petition.

Ordered that Extract from these Proceedings be sent to the Session Judge of Cuddalore for communication to the Petitioner.

Read Miscellaneous Petition of Sawoo Moodely received from the Session Judge of Combaconum.

(Here enter F. M. P. No. 196 of 1856)

Mr Harris

1 This is an appeal from the Proceedings of the Session Court of Combaconum under date the 17th June last, confirming the Joint Magistrates award whereby the Petitioner was fined in 50 Rupees and imprisoned for 2 weeks on a charge of Assault and forcible seizure of crops.

2 The Court of Fouzdaree Udalut see no reason to interfere with the order appealed against and therefore reject this Petition.

Ordered that Extract from these Proceedings be sent to the Session Judge of Combaconum for communication to the Petitioner.

Read Criminal Report B. for the month of September 1856. Zillah Nellore.

(Here enter F. C. No. 1964 of 1856)

Case No. 146 by Principal Sudr Ameen — 1. The designation of the offence should have been simply "Child-stealing."

No. 147 and 148 by ditto — 2. In the charge the word "Cartee" should have been rendered into English.

No. 149 by ditto — 3. A fine of 5 Rupees commutable to 15 days' imprisonment was an inadequate punishment for the offence of which the Prisoners were convicted.

No. 150 by ditto — 4. This was a case of Theft and should have been so headed. The Section under which the 4th Prisoner was committed for trial applies only to cases of theft.

No. 151 by ditto — 5. The quotation of the Circular Order Fouzdaree Udalut in the sentence is unnecessary.

No. 153 by ditto — 6 "Hard labor" cannot legally form a part of the sentence adjudicable under Regulation IX of 1832. This portion of the sentence must be cancelled if not already directed to do so by the Session Judge.

No. 158 & 160 by ditto — 7. The Court of Fouj: Udalut direct the Session Judge will call upon the Principal Sudr Ameen to explain why the offences in the one case is denominated Theft and in the other Housebreaking.

Ordered that Extract from these Proceedings be

be sent to the Session Judge of Nellore by Precept returnable in 7 days from and after its receipt.

Read Petition presented on the 17th ultimo by Venkatasem, father of the 3d Prisoner in case No. 20 of 1855 on the file of the Session Court of Chingleput.

(Here enter F. M. P. No. 182 of 1856)

Read also Petition presented on the 18th ultimo by Venkattal, mother of the 4th Prisoner in the aforesaid case.

(Here enter F. M. P. No. 184 of 1856)

Mr. Goodwyn — 1. The Petitioners pray for the interference of the Court of Fouzdaree Udalut to direct the release of the above Prisoners.

2. The Court of Fouzdaree Udalut resolve to call on the Session Judge to furnish explanation as to those portions of the Petitions (herewith sent) which relate to the alleged ill usage of the 3d and 4th Prisoners above referred to, and also to submit translation of the evidence criminating the 4th Prisoner, as it would appear that with the exception of the alleged Police confession (retracted before the Courts), there was no evidence which proved that he had ever been in possession of the stolen property.

Ordered that Extract from these

Proceedings

23rd October 1856.

Proceedings be sent to the Session Judge of Chingleput by Receipt returnable within 7 days from and after its receipt.

Dd 18th.

F. No.

Friday 24th October 1856

At a Court of the Fouj dareé Udalut

Present

F. Anderson Esq. Actg
T. W. Goodwyn Esq. D.
G. A. Harris Esq. D. } Puisne Judges

Read again Criminal Report B for the months of August 1856 Zillah Calicut.

(Here enter F. No. Nos 1761 of 1856)

Read also letter dated 14th instant from the Acting Session Judge of Calicut submitting explanation with reference to the remarks of the Fouj dareé Udalut in the 4th para of their Proceedings dated 9th idem on review of the Criminal Report B for August last.

(Here enter F. No. Nos 1797 of 1856)

The Court of Fouj dareé Udalut are of opinion that the Acting Session Judge has erred in judgment in mitigating the sentence in Case No. 125 on the Criminal file, the offence charged being of a highly aggravated character and the grounds assigned for the modification being in their opinion untenable and unsound.

Ordered

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

(Sent in No.)

Read Calendar of Case No. 29 of 1856 submitted by the Sessions Judge of Combaconum under date the 16th instant -

(Here enter F. No. No. 1974 of 1856)

The Court of Fouj dares Udalut observe that the charge in this case has been obscurely worded, and they direct that the Subordinate Judge be instructed to make the abstract of the evidence in Calendars more concise in future.

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

(Sent in No.)

Read Calendar of Case No. 48 of 1856 submitted by the Sessions Judge of Chittoor under date the 27th September 1856 -

(Here enter F. No. No. 1888 of 1856)

Read Return dated the 29th September 1856 from the Acting Sessions Judge of Mangalore to the Precept of the Fouj dares Udalut

Udalut under date the 15th Instant reviewing the Petty Calendar No. 1 -

(Here enter F. No. No. 1895 of 1856)

Read Report dated 1st October 1856 submitted by the Sessions Judge of Tinnevelly of Cases pending on the 30th September before him for upwards of 25 days from the date of Commitment and accounting for delay -

(Here enter F. No. No. 1899 of 1856)

Read Calendar of Case No. 77 of 1856 submitted by the Session Judge of Masulipatam under date the 1st October 1856.

(Here enter F. No. No. 1901 of 1856)

Read Report dated 1st October 1856 submitted by the Acting Session Judge of Rajahmundry of Cases pending on the 1st October 1856 before him for upwards of 25 days from the date of Committement and accounting for delay -

(Here enter F. No. No. 1907 of 1856)

Read Return dated 4th October 1856 from the Session Judge of Guntoor to the Precept of the Fouj daree Udalut under date the 1st October 1856 directing the

24th October 1856

the unconditional release of the Prisoner in Case N° 18 of 1856 on the file of the Session Court of Guntoor.

(Here enter F. C. N° 1917 of 1856)

Read Calendar of Case N° 60 of 1856 submitted by the Session Judge of Bellary under date the 3rd October 1856.

(Here enter F. C. N° 1918 of 1856)

Read Calendar of Case N° 61 of 1856 submitted by the Session Judge of Bellary under date the 3rd October 1856.

(Here enter F. C. N° 1919 of 1856)

Read Calendar of Case N° 14 of 1856 submitted the Session Judge of Honore under date the 1st October 1856.

(Here enter F. C. N° 1922 of 1856)

Rs 18 0

F. C.

Saturday 25th October 1856. At a Court of the Foujdaree Adalut.

Present

F. Anderson Esquire. — Acting Sessions Judge
J. W. Goodwyn Esquire. —
G. A. Harris Esquire. —

Read letter dated the 11th October from the Acting Sessions Judge of Salem.

(Here enter F. C. N° 1955 of 1856)

1. In the above letter the Acting Sessions Judge requests the Court of Foujdaree Adalut to reconsider Para 3 of extract from the proceedings of the Foujdaree Adalut under date the 1st Instant on review of the Calendar in Sessions case N° 46 of 1856.

2. The Court of Foujdaree Adalut are of opinion that in all cases when the Pleader has personal knowledge of any facts his evidence must be given on solemn affirmation, but this is seldom the case and does not appear to have occurred in

in the case under review.

3. The Court of Foujdaree Udalut consider the reference made by the Acting Sessions Judge to have been unnecessary, the meaning of the proceedings of the Court of Foujdaree Udalut being perfectly clear.

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

/Sent in. No./

Read letter dated 20th October 1856 from the Acting Session Judge of Madura, forwarding English Translations of Records in Calendar case No. 61 of 1856 for the final judgment of the Court of Foujdaree Udalut.

/Herewith F. Uc. No. 2004 of 1856./

Read also Calendar of Case No. 61 of 1856 on the file of the Sessions Court of Madura.

/Herewith F. Uc. No. 1876 of 1856./

Before passing final judgment

in

in the above case the Court of Foujdaree Udalut direct that the Original record of the trial before the Sessions Court be forwarded for their consideration.

2. The Court of Foujdaree Udalut observe that the Acting Subordinate Judge committed this short case on the 6th Ultimo, but that the trial was not commenced until the 23rd.

3. The Acting Sessions Judge will submit a detailed explanation regarding the long delay in the disposal of this case, as also account the further delay that occurred between the termination (September 24th) of the trial and the despatch (October 25th) of the translation of the record.

Ordered that Extract from these Proceedings be sent to the Acting Session Judge of Madura by precept returnable within 24 hours from and after its receipt.

/Sent following precept No./

Read Extract from the Proceedings of the Session Court of Coimbatore dated

dated 5th September 1856 held on review of the Petty Calendars submitted by the Sessions Judge for the 2nd Quarter of 1856.

/Herewith F. No. 1714 of 1856./

Read Return dated 8th September 1856 from the Sessions Judge of Cuddapah to the precept of the Fouzdaree Adalut under date the 25th August 1856, directing the cancelment of the security demanded from Curnum Lutchmna Narooso by the late Sub Criminal Judge on grave suspicion of having instigated the Prisoners in Case No. 44 on the Calendar for 1856, to commit murder.

/Herewith F. No. 1728 of 1856./

Read Calendar in Case No. 72 of 1856 submitted by the Sessions Judge of Bellary under date the 9th September 1856.

/Herewith F. No. 1731 of 1856./

Read Calendar in Case No. 10 of 1856 submitted by the Sessions Judge of Mangalore under date the 12th April 1856.

/Herewith F. No. 1737 of 1856./

Read

Read Return dated 12th September 1856 from the Sessions Judge of Chingleput requiring the Sessions Judge to call up the record in Case No. 2 of 1856 on the file of the Magistrate and pass such orders as may be necessary.

/Herewith F. No. 1738 of 1856./

Read Calendar in Case No. 59 of 1856 submitted by the Acting Sessions Judge of Madura under date the 11th September 1856.

/Herewith F. No. 1742 of 1856./

Read Return dated 9th September 1856 from the Acting Sessions Judge of Tellicherry to the precept of the Fouzdaree Adalut under date the 2nd September 1856 calling upon the Acting Sessions Judge for specific information as to the security of the Prisoner in Case No. 17 of 1856 on the Calendar of the Sessions Court of Tellicherry

/Herewith F. No. 1743 of 1856./

Read Report B dated 11th September 1856 submitted by the Sessions Judge of Masulipatam for the month of August

25th October 1856.

August 1856.

/Here enter F.C. No. 1748 of 1856./

Read Calendar in Case No. 51 of 1856 submitted by the Sessions Judge of Cuddapah under date the 13th September 1856.

/Here enter F.C. No. 1750 of 1856./

Read Calendar in Case No. 23 of 1856 submitted by the Acting Sessions Judge of Mangalore under date the 12th September 1856.

/Here enter F.C. No. 1751 of 1856./

E.E.H.

F.C.

Monday 27th October 1856

At a Court of the Foujdaree Adalut

Present

F. Anderson, Esquire
T.W. Goodwyn, Esquire
G.A. Harris, Esquire
} Act. Puisne Judges.

Read Criminal Reports B submitted by the Sessions Judge of Cuddalore for the Month of September 1856.

/Here Enter F.C. No. 1984 of 1856./

Case No. 86 1 The 20 days delay in disposing of this case must be explained.

" 89 2 The nature and value of
" 91 the property entered in the 2d count should
" 93 have been stated. The delay of 17 days in committing the cases Nos. 89 and 90 is most unsatisfactory, and will be explained in detail.

" 89 3 As the crimes in these cases
" 90. appear

appears to have been committed at the same time and place and by the same individual, they should with reference to Circular Order 25th February 1829, have formed a single charge under separate counts.—

4 The Court of Foujdaree Adalut direct that the attention of the Session Judge be drawn to the wording of the charges generally in this report which should have been corrected in his Office, if those charged with their preparation in that of the Principal Sudr Ameen are unable to frame them in more correct terms—

Ordered, that Extract from these Proceedings be forwarded to the Session Judge of Cuddalore by Precept returnable within 7 days from and after its receipt—

Sent following Precept No)

Read Calendar of Case No 23 of 1856 submitted by the Session Judge

27th October 1856.

Judge of Guntoor under date the 16th October 1856.—

(Here enter File No 1979 of 1856)

1 The Court of Foujdaree Adalut direct the attention of the Session Judge to the necessity of condensing his sentences in Calendars.—

2 It is not necessary that they should exhibit all the knowledge professed by the Session Judge of the cases, and the mental process by which he arrives at his conclusions. It will be sufficient that those conclusions should be succinctly recorded upon such points as bear upon the guilt or innocence of the accused, and the judgement arrived at will be all the more valuable when thus compressed.—

Ordered, that Extract from these Proceedings be sent to

to the Sessions Judge of Guntoor for his information.—

(Sent in No.)

Read return dated 11th February 1856 from the Acting Sessions Judge of Salem to the precept of the Foujdaree Adalut under date the 5th Idem requiring explanation as to the delay in the disposal of Criminal Case No. 186 of 1855.—

(Here Enter F. No. 293 of 1856)

Read letter dated the 10th June 1856 from the Sessions Judge of Chingleput forwarding attested copies of lists of convicts under sentence of transportation as required in the Memorandum of this Court dated 2d Instant.—

(Here Enter F. No. 1108 of 1856)

Read return dated 10th July 1856 from the Acting Sessions Judge of Chittoor to the precept of the Foujdaree Adalut &c. under date the 16th June 1856 remarking upon the proceedings of the Joint Magistrate and directing him to ascertain of the

27th October 1856.

the course laid down by Section 64 Act XVII of 1854 was followed by the former and if no reference was made the fine should be refunded—

(Here Enter F. No. 1306 of 1856)

Read letter dated the 26th August 1856 from the Acting Sessions Judge of Salem submitting the Statements, in the form which accompanied the Foujdaree Adalut's circular letter of the 28th February 1853 in Sessions cases Nos. 25 and 26 of 1856.—

(Here Enter F. No. 1648 of 1856)

Read letter dated the 26th August 1856 from the Acting Sessions Judge of Rajahmundry submitting statement in case No. 7 of 1856 on the Calendar and stating that the same was thought unnecessary to have been sent with the record. the case having been disposed of here and called up by the higher Court

(Here Enter F. No. 1652 of 1856)

Read report dated 1st Instant submitted by the Sessions Judge of Bellary of cases pending on the 30th August 1856—

before

27th October 1856

before him for a longer period than 25 days -

(Here Enter F. H. C. No. 1885 of 1856)

Read Criminal Report, dated the 13th Instant submitted by the Sessions Judge of Guntoor for the month of September 1856.

(Here Enter F. H. C. No. 1962 of 1856)

Read Calendar of Case No. 41 of 1856 submitted by the Sessions Judge of Nellore under date the 15th Instant -

(Here Enter F. H. C. No. 1965 of 1856) is

Rec'd 18 D.

F. H. C.

At a Court of the Foujdaree Udalut -

Present

F. Anderson, Esquire, —
J. W. Goodwyn, Esquire, — Acting Puisne Judges
G. A. Harris, Esquire, —

Tuesday -

28th October 1856

Read Criminal Report B. submitted by the Sessions Judge of Combaconum for the month of September 1856 -

(Here enter F. H. C. No. 1989 of 1856)

Case No. 73

"Housebreaking" should not have been entered in the heading, as the Prisoner is stated to have entered the Prosecutors house which had been left open

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

(Sent in No.)

Read Calendar of Case No. 219 of 1856 of the Sessions Court of Chingleput -

(Here enter F. H. C. No. 1997 of 1856)

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this case, that the period of imprisonment which the prisoners noted in the margin, have been adjudged

1st Saruvanum
2nd Parasaramudu

adjudged to suffer on their conviction of House breaking with Theft, be reduced to 14 / four years with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.—

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

/ Sent in No. /

Extd.

Wednesday — 29th October 1856. — F. No.

At a Court of the Fouzdaree Adalaut.

Present

F. Anderson Esquire. — Ag. Puisne Judges.
J. W. Goodwyn Esquire. —
G. A. Harris Esquire. —

Read Criminal Report B for the month of September 1856, Zillah Chittoor.

/ Here enter F. No. 1986 of 1856. /

Cases Nos. 1 and 5 by the Acting Additional Joint Magistrate.—

1. As the fines imposed in these cases did not exceed 50 Rupees the defendants should have been punished under section XXXII. Regulation IX of 1816, and imprisonment not exceeding one month awarded in default.—

2. These reports should be — submitted at an earlier date.

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

/ Sent in No. /

Read letter dated 19th August 1856 from the Sessions Judge of Coimbatore — reporting

reporting that the sentence of death passed on Comarasawmy Ipunden 1st Prisoner in Case No. 32 of 1856 on the Calendar of the Sessions Court of Coimbatore was executed at half past 6 o'clock on the morning of the 19th August 1856.

/Here enter F. No. 1602 of 1856./

Read letter dated 18th August 1856 from the Sessions Judge of Chicacole forwarding the B report of the Ganjam Magistracy for the month of July last.

/Here enter F. No. 1627 of 1856./

Read Return dated 1st September 1856 from the Sessions Judge of Nellore to the precept of the Fouzdaree Adalut under date the 18th August 1856 cancelling the security taken from 1st 2nd 3rd and 4th Defendants in Case No. 58 of 1856.

/Here enter F. No. 1664 of 1856./

Read Calendar of Case No. 26 of 1856 submitted by the Sessions Judge of Combaconum under date the 1st September 1856.

/Here enter F. No. 1676 of 1856./

Read Calendar of Case No. 57 of 1856 submitted by the Sessions Judge of Bellary under date the 1st September 1856

/Here enter F. No. 1680 of 1856./

Read

Read Calendar in Case No. 64 of 1856 submitted by the Sessions Judge of Bellary under date the 1st September 1856

/Here enter F. No. 1681 of 1856./

Read Return dated 1st September 1856 from the Acting Sessions Judge of Madura to the precept of the Fouzdaree Adalut under date the 26th August 1856 desiring the Acting Sessions Judge to explain more clearly by his meaning whether he considered the evidence in Calendar Case No. 49 of 1856 insufficient for conviction or insufficient to adjudge the punishment to which conviction would render the prisoner liable.

/Here enter F. No. 1684 of 1856./

Read Calendar in Case No. 38 of 1856 submitted by the Sessions Judge of Coimbatore under date the 14th August 1856.

/Here enter F. No. 1689 of 1856./

Read Return dated 4th September 1856 from the Sessions Judge of Cuddapah to the precept of the Fouzdaree Adalut under date the 22nd Ultimo calling for certain information in Case No. 48 on the Calendar for 1856.

/Here enter F. No. 1695 of 1856./

Read

29th October 1856.

Read Report dated 6th September 1856 submitted by the Session Judge of Cuddapah for the month of August 1856.

Here enter F. Ct. No. 1700 of 1856.

Read Calendar in Case No. 255 of 1856 submitted by the Session Judge of Cuddapah under date the 5th September 1856.

/Here enter F. Ct. No. 1705 of 1856./

Read Calendar in Case No. 27 of 1856 submitted by the Session Judge of Combaconum under date the 4th September 1856.

/Here enter F. Ct. No. 1706 of 1856./

Read Calendar in Case No. 454 of 1856 submitted by the Acting Sessions Judge of Chittoor under date the 4th September 1856.

/Here enter F. Ct. No. 1710 of 1856./

Read Calendar in Case No. 68 of 1856 submitted by the Session Judge of Bellary under date the 6th September 1856.

/Here enter F. Ct. No. 1712 of 1856./

Ld R.D.

F. C.

Thursday 30th October 1856. At a Court of the Foujdaree Adalut

Present

F. Anderson Esquire Actg.
J. W. Goodwyn Esquire Actg. } Puisne Judges.
G. N. Harris Esquire Actg.

Read Criminal Report B for the Months of September 1856, Zillah Honore.

/Here enter F. Ct. No. 2008 of 1856/

Case No. 21 by Sessions Judge Honore. This was a case of Rescue, and should have been so worded.

No. 23 by Ditto 2. The charge should have headed "Criminal misappropriation of shipwrecked goods."

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

No final returns having been received from the Sessions Judge of Manalipatam, to the Precept of the Foujdaree Adalut dated the 28th August last, calling for an English Translation of the records of Case No. 24 of 1856 and Original Suit No. 477 of 1855 on the

the file of the District Moonsiff of Ullore and called for again on the 18th Instant.-

Ordered that the Sessions Judge of Masulipatam be required to make a final return to the above Precept within twenty four hours, together with explanation regarding the delay that has taken place in the transmission of the above record.-

Read Miscellaneous Petition presented on the 21st August by S. Teroomalee Charry, Pleader on behalf of Veboodya rajah Teerta Swamy Gillah of Mangalore.-

/Here enter F.M.P. Nº 163 of 1856/

Ingles Anderson and Goodwyn.

The Court of Zoujdaree Udalut are surprised that a Pleader of such experience and hitherto discretion as S. Teroomala Charry should have presented and requested to be heard orally in support of a Petition (the above) containing such gross imputations on the character of the Judge who tried the case in which the Petitioner was a Prisoner.-

2.

The Court of Zoujdaree Udalut are willing to believe that as the very lengthy Petition, though it bears the signature, was not prepared by Teroomalacharry but was forwarded

forwarded to him by his client, that he was not fully aware of the grave impropriety of which he was guilty in thus presenting such a Petition, but they consider that Teroomala charry has in this instance shown, to say the least, a carelessness unbecoming his office in submitting a Petition of this nature for the consideration of the Court, and they therefore resolve to censure him, warning him at the same time that the repetition of conduct similar to that which has thus required notice, will meet with a severe mark of their displeasure.-

Read Miscellaneous Petition presented on the 21st August 1856, by R. Teroomalrow, Pleader on behalf of Ramachendrachary of Zillah Mangalore.-

/Herewith F.M.P. Nº 156 of 1856/

Read also Miscellaneous Petition presented on the 21st August 1856 by the same party on behalf of Veboodadyapajah Teerta Swamy of Zillah Mangalore-

/Herewith F.M.P. Nº 163 & 164 of 1856/

Read also Miscellaneous Petition presented on the 25th August 1856 by S. N. Cunteeravalcharryar, Pleader on behalf of

of Venkta and another, Zillah Mangalore -

/ Here enter F. In. P. No 166 of 1856 /

Messrs Anderson and Goodwyn. Before paying any final orders on these Petitions the Court of Foujdaree Udalut resolve to direct the Acting Sessions Judge to transmit a copy of the Magistrate's order to the Tahsildar under date 20th March in which he is stimulated to discover the perpetrators of the arson. The Acting Sessions Judge will also submit the explanations offered by each of the witnesses for suppressing their evidence against the Prisoner from the 1st March to the 28th instant, or even later. -

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

/ Sent following precept No /

Read Miscellaneous Petition presented on the 4th August 1856, by S. N. Cunnteerava Charry Pleader on behalf of Ramachandra Bhut of Zillah Mangalore -

/ Here enter F. In. P. No 168 of 1856 /

Mr. J. W. Goodwyn. 1. Petitioner was a Village Potail and was dismissed from his office by order of the Magistrate because he had been convicted and punished for Assault. -

2. The Sessions Judge having refused to disturb the Magistrate's orders, Petitioner appeals to this Court and prays that he may be restored to his former situation. -

3. The Court of Foujdaree Udalut decline to interfere with the order passed by the Magistrate. Petition rejected. -

30th October 1856

Read Miscellaneous Petition presented on the 31st July 1856, by S. N. Cunteerava charry pleader on behalf of Thoapen Numboody, Zillah Calicut. -

Here enter F. In. P. No 139 of 1856.

Mr. J. W. Goodwyn. Petitioner appeals from the orders of the Sessions and acting Sessions Judge dated respectively the 1st February and the 19th April 1856, confirming the orders of the Magistrate dated 5th January directing Petitioner to make over 2 Elephants to one Narainna Namboody. Paid.

2. The Court of Foujdaree Udalut decline to interfere with the order passed by the Sessions Judge. -

3. Petition rejected. -

Ordered

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

/Sentence N°/

Read Miscellaneous Petition presented on the 23d August, by S.N. Cunteeraw Charry, Pleader on behalf of Puningal Mathews Prabhoo, Gillah Mangalore.-

/Here enter F.M.P. N° 165 of 1856/

Mr. J.W. Goodwyn.

Petitioner appeals from the orders of the Sessions Judge of Mangalore dated the 13th June 1856, confirming the sentence passed by the Acting Subordinate Judge of Mangalore on the 19th May, fining Petitioner in the sum of 200 Rupees on a charge of his having retained in his possession spirituous liquors without a license.-

2. The Court of Foujdaree Adalut decline to interfere with the sentence passed on the Petitioner as he has altogether failed to show that it was improper or too severe.-

3. Petition rejected.

Ordered that Extract from these Proceedings be furnished to Petitioner's Pleader on his application.

Read return dated the 2d October 1856, from the Sessions Judge of Tellicherry, to the Precept of the Court of Foujdaree Adalut under date the 15th September 1856, calling for an explanation relative to the case of the Petitioner Sawny Ayen of the Gillah of Tellicherry.-

/Here enter F.M. 1082 of 1856/

Read again Miscellaneous Petition presented on the 13th August 1856, by E. Salmon Esqr., on behalf of Sawny Ayen of the above Gillah.-

/Here enter F.M.P. N° 157 of 1856./

Messrs Anderson and Goodwyn.

1. The Petitioner having been convicted on depositions taken on the previous trial of other Defendants which were read over to him without his being confronted with the witnesses who gave them, the Court of Foujdaree Adalut decline to quash the Conviction as illegal and direct the fine of 70 Rupees, if levied, to be returned to the Petitioner.-

2. The Court of Foujdaree Adalut must express their grave disapprobation of

30th October 1856

of the course pursued by the Magistrate of Trichinopoly in submitting with his own assent thereto the remonstrance of the Head Assistant Magistrate against this highly objectionable sentence being cancelled.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Trichinopoly for Communication to the Magistrate by precept returnable in V days from and after its receipt.

Exd Mll.

Friday 31st October 1856. F. U.

At a Court of the Foujdaree Adalut.

Present

F. Anderson Esquire Actg
J. W. Goodwyn Esquire Actg } Puisne Judges.
G. A. Harris Esquire Actg

Read Criminal Report B for the Month of September 1856. Gillah Salem.

(Vide proceedings F.U. No 1990 of 1856)

No 12 and 140 by Mostly Sudr Adawlut.

1. In all cases in which sentence is passed, it should be stated that the prisoners are "convicted," and where there are more counts than one it should be distinctly mentioned whether the prisoners are convicted on any particular count, or on all.

No 8 by the Magte 2 The same remark applies to this case. The sentence was wholly inadequate either as a punishment to the present offender, or as a warning to others.

No 119, 122, and 123. 3 Unusual delay appears to have occurred between the date of the arrival of the prisoners and the disposal of the cases named in the margin for which

no

no explanation is given. The Sessions Judge is requested to call upon the subordinate Judge in future for explanation in all such cases.

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

Read criminal Report B submitted by the Sessions Judge of Madulipatam for the Months of September 1856.

(Here enter F.R. No 1963 of 1856)

Case No 69 of 1856.

The 2d Count contains two offences one of which the illegally bartering liquor should have formed a separate charge.

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

Read Calendar of Case No 18 of 1856 of the Sessions Court of Honore.

(Here enter F.R. No 1999 of 1856)

The Court of Foujdaree Adalut approve of the recommendation made by the Sessions Judge in this case that the period of imprisonment which the Prisoner noted in the margin has been adjudged to suffer on

Raddy Sobba

on his conviction of Theft and receiving stolen property knowingly be reduced to (3) three years with hard labor in irons and they do authorize the Sessions Judge to issue his warrant accordingly.

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

4 W.S.

Read Return dated 18th October 1856 from the Acting Sessions Judge of Mangalore to the precept of the Foujdaree Adalut under date the 11th October 1856 calling upon the Acting Sessions Judge of Mangalore to report of the death of the Prisoner Venkatdass Rapadya in Case No 20 of 1856 on the Calendar.

(Here Enter F.R. No 2001 of 1856)

Read Return dated 16th October 1856 from the Acting Magistrate of Mocadoor to the precept of the Foujdaree Adalut under date the 6th October 1856, regarding certain security prisoners therein referred to.

(New Enter F.R. No 2003 of 1856)

Read

31st October 1856.

Read Return dated 22nd October 1856 from the Sessions Judge of Tellore to the precepts of the Foujdaree Adalut under date the 20th October 1856 returning the Calendar in Case No 30 of 1856 for alteration.

(Here Enter F.R. No 2006 of 1856.)

Read Calendar of Case No 42 of 1856, submitted by the Sessions Judge of Tellore under date the 22nd October 1856.

(Here Enter F.R. No 2011 of 1856)

Read Return dated 18th October 1856 from the Sessions Judge of Chicacole to the precepts of the Foujdaree Adalut under date the 3rd October 1856 directing to forward the Report A of Case No 4 and the file of the Principal Assistant Magistrate of Ganjam and also to state what has been done regarding the Head of Police.

(Here Enter F.R. No 2014 of 1856.)

Read Calendar of Case No 74 of 1856 submitted by the Sessions Judge of Bellary under date the 21st October 1856.

(Here Enter F.R. No 2024 of 1856)

Read Calendar of Case No 75 of 1856 submitted by the Sessions Judge of Bellary under date the 21st October 1856.

(Here Enter F.R. No 2025 of 1856)

31st October 1856.

Read Calendar of Case No 73 of 1856 submitted by the Sessions Judge of Cuddapah under date the 28th October 1856.

(Here Enter F.R. No 2016 of 1856)

Z. of S.

Saturday J. W.

1st November 1856. At a Court of the Fouzdaree Adalut

Present

F. Anderson Esquire Actg.
T. W. Goodwyne Esquire Actg. } Puisne Judges.
G. A. Harris Esquire Actg.

Read letter under date the 3d October 1856 from the Acting Agent to the Governor of Fort Saint George in Ganjam submitting a report of the trial of Criminal Case No 24 of 1856 on this file.-

/Vide prior F.C. No 1980 of 1856/

1. The Prisoner in this case was tried on a charge of Aggravated Assault attended with Murder.-

2. For the reasons stated by the Acting Agent in the letter above recorded and as it seemed doubtful whether the deceased's death was caused by excessive drinks or by blows the Prisoner was acquitted and ordered to be released.-

3. The Court of Fouzdaree Adalut observe that the charge in this case is wrongly headed

headed. It should have been "Murder" only.-

Ordered that Extract from these Proceedings be sent to the Acting Agent to the Governor of Fort Saint George in Cavgaun for his informa=tion and guidance.-

/Sent in No /

Read Criminal Report B for the Months of September 1856 Zillah Calicut.-

/Hereunto F.R. No 1971 of 1856/

Case No 7 by the Magistrate

1. The Court of Fouzdaree Udalut observe that the charge of theft has been clearly established against the prisoners in this case. The defence set up by the Prisoners was proved to be false, and the Court are unable to under=stand how the Acting Sessions Judge has con=strued the 2d prisoners particular act to be of so lenient a character as merely to be deemed "a fault which dismissal from the service would have amply vindicated". Under this view of her offence the Acting Sessions Judge should have acquitted her altogether.

They are of opinion that the Acting Sessions Judges interference with the sentence was both injudicious and uncalled for.-

Ordered

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

/Sent in No /

Read Criminal Reports Sub=mitted by the Sessions Judge of Masulipatam for the Months of September 1856.-

/Hereunto F.R. No 2013 of 1856/

Report A

The Court of Fouzdaree Udalut observe that as there were no circumstances of aggravation attending the assault the Sessions Judge should, while mitigating the sentence, have permitted that portion of it which directed the imposition of fetters.-

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

/Sent in No /

Read Calendar of Case No 43 of 1856 of the Sessions Court of Calicut.-

/Hereunto F.R. No 2029 of 1856/

The Court of Fouzdaree Udalut observe

observe that this case arrived on the 20th September and was only committed on the 10th October. They direct that the Acting Subordinate Judge be called upon for an explanation of this delay.

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Calicut for his information by Precept returnable within III days from and after its receipt.

/Sent following Precept No /

Read Calendar of Case No 41 of 1856 of the Sessions Court of Calicut.

/Hereunto F.R. No 1994 of 1856./

The Court of Foujdaree Udalut observe that this case which arrived on the 6th September was only committed on the 15th of that month. The Acting Subordinate Judge should be called upon to submit an explanation of this delay.

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

/Sent following precept No /

Read letter dated 16th October 1856 from the Sessions Judge of Cuddalore submitting for the final judgement of the Foujdaree Udalut the Record of Trial in Case No 23 of 1856 of the Calendar of the Sessions Court.

/Hereunto F.R. No 1983 of 1856/

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 "Rajavee Coundan" is sufficient to convict him of the crimes charged do convict him thereof. and sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (3) three years.

The Court of Foujdaree Udalut observe that the 10 days delay in commencing the Trial after Committal and the 52 days delay in preparing the translation of the above record is very unsatisfactory.

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

Read again Calendars of Case No 54 of 1856 of the Sessions Court of Salem.

(Here enter F. R. No 1875 of 1856)

Read also returns dated the 21st from the Acting Sessions Judge of Salem to the Precept of the Foujdaree Adalut under date the 18th October 1856 calling for an English Translation of the record of the above case.

(Here enter F. R. No 2019 of 1856)

Under the circumstances set forth by the Acting Sessions Judge in his returns, the Court of Foujdaree Adalut resolve to direct that Officer to forward for their consideration the 1st report of the case and the depositions in Original given by the Prosecutor and his 1st and 2d witnesses before the Police and Sessions Court.—

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

E. T. S.

Read letter dated 18th September 1856 from the Acting Sessions Judge of Chittoor, forwarding copy of a return received from the Acting Subordinate Judge to

this Courts Precept dated 15th Instant, directing to carry out the orders of the Foujdaree Adalut dated 12th Instant.

(Here enter F. R. No 1785 of 1856)

Read Calendar of Case No 19 of 1856 submitted by the Sessions Judge of Cuddapah under date the 15th September 185

(Here enter F. R. No 1793 of 1856)

Read Criminal Report B dated the 6th September 1856 submitted by the Acting Sessions Judge of Tellicherry for the Months of August 1856.

(Here Enter F. R. No 1795 of 1856)

Read Calendar of Case No 56 of 1856 Submitted by the Acting Sessions Judge of Madura under date the 11th September 1856.

(Here Enter F. R. No 1797 of 1856)

Read Calendar of Case No 44 of 1856 submitted by the Acting Sessions Judge of Salem under date the 15th September 1856.

(Here Enter F. R. No 1798 of 1856)

Read Calendar of Case No 45 of 1856 submitted by the Acting Sessions Judge of Salem under date the 17th September 1856.

(Here Enter F. R. No 1799 of 1856)

Read Calendar of Case No 35 of 1856 submitted

1st November 1856.

submitted by the Sessions Judge of Nellore under date
22d September 1856.

(Here Enter F.R. No 1820 of 1856)

Read Calendar of Case No 36 of
1856 submitted by the Sessions Judge of Nellore under
date the 5th September 1856.

(Here enter F.R. No 1838 of 1856.)

Read Calendar of Case No 18 of 1856 sub-
mitted by the Acting Sessions Judge of Nellore under
date the 11th September 1856.

(Here enter F.R. No 1839 of 1856)

Read Calendar of Case No 38 of 1856
submitted by the Acting Sessions Judge of Tinnivelly
under date the 22d September 1856.

(Here Enter F.R. No 1840 of 1856)

Read letter dated 22d September 1856
from the Sessions Judge of Masulipatam forwarding
the usual death warrant in Case No 147 of 1856.

(Here enter F.R. No 1843 of 1856)

E. H. S.

F. R.

Monday 3d November 1856.

At a Court of the Foujdaree Udalut

Present

F. Anderson Esqr. —— Acting Puisne Judge

T. W. Goodwyn Esqr. —— Acting Puisne Judge

G. A. Harris Esqr. —— Acting Puisne Judge

Read Miscellaneous Petition presented
on the 8th September 1856 by V. Luchmummah of Zillah
Nellore

(Here enter F. M. P. No 178 of 1856)

Mr. Harris

This is an application for a review
of the orders of this Court dated the 24th February and
6th August 1855, rejecting Petitioners' Petitions for the
release of her son the 4th Prisoner in Case No 15 of 1855
on the Calendar of the Session Court of Nellore.

2 The Court of Foujdaree Udalut decline
to interfere with their former orders in Petitioners' case
and therefore reject this Petition.

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

Read Miscellaneous Petition presented
on the 25th September 1856 by Venaty of Zillah Chittoor

(Here enter F. M. P. No 188 of 1856)

Mr. Harris

The Court of Foujdaree Udalut
decline

decline to pass any orders on the Petitioners case further than those formerly passed by them, to which the Petitioner is referred, and which she is informed are final.

Petition dismissed.

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

Read Miscellaneous Petition presented on the 29th September 1856 by Bogady Sutchmummah of Zillah Chingleput.

(Here enter T. M. P. No. 191 of 1856)

Mr. Anderson

The Court of Foujdaree Udalut resolve to reject this Petition, the case therein mentioned viz. No. 13 of 1849 on the file of the Session Court of Chingleput not being the one to which this Petitioner refers

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

Read Miscellaneous Petition presented on the 29th September 1856 by Pichoo Pattar of Zillah Tinnevelly

(Here enter T. M. P. No. 192 of 1856)

Mr. Harris

1

Petitioner prays for a reconsideration of the order of the Court of Foujdaree Udalut under date the 22th September last rejecting his application for the release of his brother the Prisoner in Case No. 20 on the Calendar of the Session Court of Tinnevelly for 1856

2

The Court of Foujdaree Udalut decline interfering with their former order above referred to and accordingly

T. M. P. No. 188 1856.

accordingly resolve to reject the Petition.

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

Read Miscellaneous Petition presented on the 11th October 1856 by Perumal Chetty and 2 others of Zillah Trichinopoly.

(Here enter T. M. P. No. 199 of 1856)

Petitioners appeal against an order passed by the Session Judge on the 19th June 1856 refusing to disturb the orders of the Magistrate in a case affecting the Petitioners.

Mr. Harris

1

The Court of Foujdaree Udalut see

2

no reason to interfere with the order appealed against and therefore reject this Petition.

Ordered that Extract from these Proceedings be given to the Petitioners on their application.

Read Miscellaneous Petition of Moottoolitroon forwarded by the Acting Session Judge of Madura.

(Here enter T. M. P. No. 198 of 1856)

Mr. Harris

1

This is an application for the release of the 5th Prisoner in Case No. 56 on the Calendar of the Session Court of Madura for 1856, who was convicted of Gang Robbery and sentenced to 10 years imprisonment with hard labor in irons.

2

The Court of Foujdaree Udalut see no reason

3rd November 1856.

reasons to interfere with the sentence appealed against and therefore reject this Petition.

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Madura for communication to the Petitioner.

Read Criminal Report B for the month of September 1856. Zillah Vanddapah.

(Here enter F. Vb. No. 1978 of 1856)

Case No. 160 by Asst. Judge. 1 The charge is unintelligible. It does not appear how the Prisoner could have been in confinement in "an open space"

2. The Court desire to be furnished with a detailed explanation as to the cause of delay on the disposal of these cases.

181. 3. Climbing over the compound wall and entering the Prosecutor's Court-yard is not Housebreaking.

182 4. As no attempt was made the charge has been wrongly headed; the acts as charged do not appear to constitute a criminal offence, though they might afford grounds for an investigation into the Prisoner's character.

183 5. The nature of the weapon and the extent and nature of the injuries inflicted should have been described. The sentence appears to have been too lenient for the offence committed.

184. 6. Malice should have been charged.

The

9 Vb.
3rd November 1856.

Case No. 195 &c. 7 The 2nd Prisoner who appears to have kept guard outside was a principal in the offence.

– 199. 8 The 2nd and 3rd Prisoners are principals.

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

Read Miscellaneous Petition presented on the 25th September 1856 by Calyanee alias Baggayee of Zillah Madura.

(Here enter F. Mo. 8. No. 189 of 1856)

Mr Harris 1 Petitioner complains that her husband Karoopanee, has been unjustly sentenced to 14 years imprisonment for Gang robbery, as one of the Prisoners in Session Case No. 50 of 1856.

The Court of Foujdaree Udalut having considered Petitioner's husband's case (2nd Prisoner); 2. and being of opinion that the evidence against him is not trustworthy, resolve to direct that he be released.

Ordered that Extract from these Proceedings be sent to the Acting Session Judge of Madura by Precept returnable in 11 days from and after its receipt.

Read again Miscellaneous Petition presented on the 24th July 1856 by Messrs Arthur Moore Ritchie and Alexr Mc Ritchie, Headers on behalf of Audichy and others, relatives of 1st 4th 9th 11th 12th and 15th prisoners in Case No. 50 of 1855 on the file of the Session

Session Court of Madura.

(Here enter F. M. P. No. 129 of 1856.)

Read also Supplemental Return from the Acting Session Judge of Madura to the Precept of the Fonjdaree Udalut which accompanies an Extract dated 28th August 1856, calling for an English translation of the record in Calendar Case No. 50 of 1855.

(Here enter F. Ud. No. 1968 of 1856.)

Mr. Anderson
—
Mr. Harris.

On a consideration of the above record the Court of Fonjdaree Udalut are of opinion that the evidence adduced is insufficient for the conviction of the Prisoners 1st 4th 9th 11th 12th and 15th, and accordingly direct their unconditional release.

Ordered that Extract from these Proceedings be sent to the Acting Session Judge of Madura by Precept returnables in III. days from and after its receipt.

Read Criminal Reports submitted by the Acting Session Judge of Rajahmundry for the month of September 1856.

(Here enter F. Ud. No. 2021 of 1856.)

Report B.
Case No. 87. 1

The Court of Fonjdaree Udalut direct that an explanation be furnished of the cause of delay in the disposal of this case by the Acting Subordinate Judge.

No. 84. 2.

In cases of this description the heading of

of the charge should be wounding with intent to commit Murder, and the felonious and malicious intent should be also charged.

The Court direct that the explanation

Case No. 88. 3

received from the Magistrate regarding the delay before the Police in this case be forwarded for their consideration.

The 2d Count charged against the

4.

Prisoner was not an offence unless the stamp was shown to belong to the Prosecutor which the indictment does not set forth. Further in report A no mention is made as to whether the prisoner was found guilty or acquitted on this Count.

Nos. 92 to 99 5

The Session Judge should have given explanation regarding the delay in the disposal of these cases, should he have been in a position to do so, or should have stated whether he had called for explanation.

As the 1st prisoner is represented to have

No. 100 6

unlocked the door where the box was deposited, the heading of the charge should have been "Housebreaking and Theft."

The felonious and malicious intent

Nos. 101. 105 and 112. 7.

should have been charged in these cases.

The 2d Count is defectively worded.

No. 104 8.

"without a valid permit" should have been added.

The guilty knowledge which forms

No. 106 9.

the essence of the offence is not charged.

Labor cannot be awarded under

No. 109 10.

Regulation

Regulation IX of 1832. The Court of Foujdaree Udalut accordingly direct so much of the sentence passed in this case to be cancelled

Ordered that Extract from these Proceedings be sent to the Acting Session Judge of Rajahmundry by Precept returnable in VII days from and after its receipt.

Read Return dated 23d September from the Session Judge of Bellary to the Precept of the Foujdaree Udalut under date the 18th September 1856 calling upon him to alter his sentence on Calendar Case No. 66 of 1856 on his file.

(Here enter F. Uc. No. 1847 of 1856)

Read Return dated 23d September from the Session Judge of Bellary to the Precept of the Foujdaree Udalut under date the 18th September 1856, calling upon him to sentence all the three Prisoners in Calendar Case No. 65 of 1856, to 7 years imprisonment.

(Hereunto enter F. Uc. No. 1848 of 1856)

Read Calendar of Case No. 77 of 1856, submitted by the Session Judge of Bellary under date the 23d September 1856.

(Hereunto enter F. Uc. No. 1849 of 1856)

Ent'd.

F. Uc.

Tuesday 4th November 1856 } At a Court of the Foujdaree Udalut

Present:

F. Anderson Esquire
T. W. Goodwyn Esquire
G. A. Harris Esquire
} Acting Puisne Judges

Read Criminal Reports submitted by the Acting Session Judge of Madura for the month of September 1856.

(Here enter F. Uc. No. 2033 of 1856.)

Cases Nos. 128, 132 & 137.

1 The Court of Foujdaree Udalut direct that a detailed explanation be furnished of the cause of delay in the disposal of these cases by the Acting Subordinate Judge.

Nos. 136 & 139.

2 Section VII and not VI should be quoted.

No. 140.

3 The charge in this Case has been inaccurately prepared, and it is not clear whom the 1st and 2d Prisoners are charged with having stabbed with knives if it was the Prosecutor, then a second Count should have been added charging them with

with stabbing him (the Prosecutor) with intent to murder or maim as the case might be.

№ 144. 4 The Court of Foujdaree Udalut desire to be informed why sentence has been passed under Regulation VII of 1822.

№ 144. 5 The charge in this case should have been murder - The Court of Foujdaree Udalut do not consider it advisable unless under very peculiar circumstances that a Subordinate Judge or Principal Sadr Ameen should determine that a particular case of "Homicide" committed in the perpetration of an illegal act amounts to manslaughter only - Every such case of Homicide should be indicted as "Murder" and it will then be for the Convicting authority to decide whether any circumstances in connection with the commission of the crime exist to deprive it of the guilt of "Murder". The charge is wrongly worded; the word "Prisoner" at the end should be "Prosecutor" it is presumed.

№ 145 6 It should have been stated in the charge if the prisoners maliciously killed

killed the buffaloe, and a separate Count of the 3d Prisoners offence should have been added - If malice was not proved, sentence should have been passed under Section III and not IV of Regulation VII 1822.

№ 146. 7 The Prisoners appear to have been convicted of the House breaking sentence should have been recorded under Clause 2nd Section II of the Regulation quoted. The Acting Sessions Judge will direct that the use of the term "Burglary" be in future avoided, the Court of Foujdaree Udalut having had frequent occasion to observe that the use of this term which has not been adopted in our Code, is exceptionable.

№ 147. 8 More attention should be paid by the Acting Sessions Judge in his revision of these reports. In the present case it is difficult to attach any meaning to the words Cluchire in the indictment or to understand in what the prisoners' actual offences consists. The Court of Foujdaree Udalut direct that the dates be invariably

specified

specified under their English and not their native terms.

No 148. 9th This indictment has been carelessly framed, and has not been revised by the Acting Sessions Judge - the prisoner it is presumed is meant to be charged with possessing stolen property but the word "stolen" is not in the indictment a breaking is entered in the indictment but the prisoner is not charged with it, or with stealing from the Prosecutors Dwelling, which is also implied.

10 These Reports evince great Carelessness on the part of the Acting Sessions and Subordinate Judges.

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)

Read again letter dated 6th September 1836 from the Agent to the Governor at Vizagapatam, submitting for the final judgment of the Foujdaree Udalut the record of

of Case No 16 of 1836 of the Agents file.

(Here enter T. No. 1764 of 1836)

Read also return dated 17th October 1836 from the Agent to the Governor of Vizagapatam to the Precept of the Foujdaree Udalut under date the 30th September 1836 calling for further information in Case No 16 of 1836.

(Here enter T. No. 2017 of 1836)

Mr. T. Anderson and Mr. G. A. Harris.

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

"Lokah Pydegandoo"

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

Read Calendar of Case No 65 of 1836 submitted by the Sessions Judge

Judge of Cuddapah under date the 9th October 1836.

(Here enter F. No. 1933 of 1836)

Read Calendar of Case No. 56 of 1856 submitted by the Acting Sessions Judge of Salem under date the 3rd Ultimo.

(Here enter F. No. 1942 of 1836)

Read return dated 10th Ultimo from the Sessions Judge of Chittoor, to the Precept of the Foujdaree Udalut under date the 30th September 1836 passed on a review of the Criminal Report for the month of August 1856, directing that the Acting Subordinate Judge be called upon to explain under what circumstance he passed sentence in Case No. 121 and how the provisions of Section IX Regulation XIII of 1832 were considered applicable to the case.

(Here enter F. No. 1943 of 1856)

Read return dated the 10th Ultimo from the Sessions Judge of Masulipatam to the precept of the Foujdaree Udalut dated the 1st October 1856 directing the fine imposed on Petitioner (Prisoner) in Session

Session Case No. 57 of 1856 to be remitted to her, as the charge of adultery was not proved.

(Here enter F. No. 1954 of 1836)

Read Calendar of Case No. 31 of 1856 submitted by the Sessions Judge of Cuddalore under date the 13th Ultimo.

(Here enter F. No. 1956 of 1836)

Read return dated 13th Ultimo from the Sessions Judge of Trichinopoly to the Precept of the Foujdaree Udalut under date the 10th October 1856 authorizing the sentence in Calendar of Case No. 24 of 1856 to be amended to two years imprisonment with hard labor in irons.

(Here enter F. No. 1957 of 1836)

Read Criminal Report dated 6th October 1856 submitted by the Acting Sessions Judge of Tellicherry for the month of September 1856.

(Here enter F. No. 1959 of 1836)

Read Extract dated 11th October 1856 from the Sessions Judge of Bellary held on the Proceedings of the Foujdaree Udalut

Udalut dated 5th Instant on the Criminal Report B for August last.

(Here enter F. No. 1960 of 1856)

Read Calendar of Case No. 29 of 1856 submitted by the Session Judge of Cuddalore under date the 16th October 1856.

(Here enter F. No. 1966 of 1856)

Read Calendar of Case No. 32 of 1856 from the Session Judge of Cuddalore under date the 16th October 1856.

(Here enter F. No. 1967 of 1856)

Read return dated 13th Ultimo from the Principal Sudr Ameen in Charge of the Session Court of Tinnevelly to the Precept of the Tanjore Udalut under date the 2nd October 1856 directing the Session Judge to order the immediate release of the Prisoner in Criminal Case No. 91 of 1856.

(Here enter F. No. 1981 of 1856)

Read Report dated 15th October 1856 submitted by the Agent to the Governor of Vizagapatam, of persons apprehended in the Separate Tracts of Vizagapatam and delivered to the Agency in the month of September

4th November 1856

September 1856.

(Here enter F. No. 1992 of 1856)

Read letter dated 17th October 1856 from the Acting Session Judge of Calicut forwarding with reference to Para. 2 of the Extract from the proceedings of the Tanjore Udalut dated the 9th Instant on review of Criminal Reports B for August last Copy of the Acting Subordinate Judge's return to the Session Courts' precept dated 11th Idem.

(Here enter F. No. 1996 of 1856)

Ex 15D

F. C.

Wednesday
5th. November, 1856. At a Court of the Fouzdaree Adalut

Present

F. Anderson, Esquire,
T. W. Goodwyn, Esquire,
G. N. Harris, Esquire,
} Asst. Puisne Judges

Read Criminal Report
B, for the month of September 1856,
zillah Chingleput.
(Here enter F. C. No. 1998 of 1856)

Case No. 104 by Principal Sudr Ameen

The sentence was inadequate for an offence of the kind, which lay not so much in the amount of property stolen as in the felonious breaking and entry.-

Case No. 106

2. The Court desire to be informed whether the trees from which the toddy was drawn were the property of the Sircar or of the Prisoner, and they direct that the Prisoner be released on bail in the mean time.-

3. These Reports should be submitted at an earlier date.-

Ordered

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

Read Calendar of Case No. 85 of 1856, on the file of the Session Court of Bellary.-

/Here enter F. No. No. 2027 of 1856/

1. The Court of Fouzdaree Udalut observe that the Prisoner who arrived at the Subordinate Court on the 6th October, is stated to have been committed on the 10th September instead of October.-

2. They request that explanation be furnished of the cause of delay between the 6th and 10th October in committing this case.-

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

Read letter dated 1st August 1856, from the Acting Agent in Ganjam, submitting

submitting for the final judgment of the Fouzdaree Udalut the record of Case No. 20 of 1856 of the Agents file.-

/Here enter F. No. No. 1530 of 1856./

Read also letter dated 14th October 1856, from the same Officer transmitting translations of record in Case No. 20 of 1856.-

/Here enter F. No. No. 2002 of 1856/

Mr. F. Anderson

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,

Rayavalla Bissoye

is sufficient to convict him of the crime of Rebellion, do convict him thereof; and under the provisions of Section III, Regulation I of 1834 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.-

The Court of Fouzdaree Udalut direct that their sentence in

trial

trial No. 20 of 1856, from the Acting Agent in Ganjam, together with the whole of the proceedings held in the case, be transmitted to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council, to the intent that the Court may in conformity with the provisions of Regulation I of 1834, Section V Regulation XX of 1802, and Section V. Act No. V of 1841, receive the Orders of Government before they direct their sentence to be carried into execution

The Court of Foujdaree Udalut do not consider the mitigating circumstances set forth by the Acting Agent would warrant them in further mitigating the sentence against the prisoner than by commuting capital punishment for imprisonment for life.-

Read Calendar of Case No. 86 of 1856, submitted by the Session Judge of Bellary under date the 20th October 1856.-

/ Here enter F. D. No. 2010 of 1856 /

The Court of Foujdaree

Udalut

F. D.

5th November, 1856

Udalut observe that this case, which arrived at the Subordinate Court on the 25th September last, was committed only on the 10th Ultimo, and they direct that the Acting Subordinate Judge be called upon to explain the cause of the delay.-

2. They also observe that the abstract of the evidence before the Subordinate Judge in Calendars should be condensed.-

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

E. D. M.

Read Calendar of Case No. 38 of 1856, submitted by the Session Judge of Nellore, under date the 27th September 1856.-

/ Here enter F. D. No. 1851 of 1856 /

Read Criminal Report No. 13. dated 18th September 1856, submitted by the Acting Session Judge of Tellicherry

for

for the month of August 1856.

/Here enter F. No. No. 1853 of 1856/

Read Criminal Report B. under date the 25th September 1856, submitted by the Acting Session Judge of Cuddapah, for August last.

/Here enter F. No. No. 1863 of 1856/

Read Calendar of Cases Nos. 39 and 41 of 1856, submitted by the Acting Session Judge of Tinnevelly, under dates the 26th and 27th September 1856.

/Here enter F. No. Nos. 1864 & 1865 of 1856/

Read Calendar of Case No. 20 of 1856, submitted by the Session Judge of Guntoor, under date the 29th September 1856.

/Here enter F. No. No. 1866 of 1856/

Read Calendar of Case No. 57 of 1856, submitted by the Session Judge of Cuddapah, under date the 27th September 1856.

/Here enter F. No. No. 1877 of 1856/

Read Report dated the 1st October 1856, submitted by the Session Judge of Chingleput, of Cases pending on

on the 30th September 1856, and committed for trial during the months of August and September 1856.

/Here enter F. No. No. 1880 of 1856/

Read letter dated 27th September 1856, from the Session Judge of Monore, reporting that he visited the Jail at Sivgy on the 25th Instant, having been absent from the Bench for that purpose from 22nd to 26th Idem.

/Here enter F. No. No. 1881 of 1856/

Read Calendars of Cases Nos. 71 and 78 of 1856, submitted by the Session Judge of Bellary under date the 30th September 1856.

/Here enter F. No. Nos. 1886 & 1887 of 1856/

E. S. M.

4

F. Dc.

Thursday 6th November 1856

At a Court of the Fouzdaree Adalut

Present.

F. Anderson Esqr.
T. W. Goodwyn Esqr. } Acg Principal Judges
G. A. Harris Esqr.

Read Criminal Report B for the month of September 1856, Gillahs Coimbatore.

Whereas F. Dc. No. 1972 of 1856.

No 5 by the Joint Magistrate of Dolhunmunda

1. The Court of Fouzdaree Adalut observe that a second count should have been added, charging the prisoner with being in possession of the property knowing it to have been stolen.

No 7 by the Agt Magistrate

2. The latter part of the charge should have been framed as a separate Count. The section of the Regulation under which the sentence was passed should have been quoted.

No 9 by Do

3. The remarks made with respect

respect to case No. 7 apply also to this case Section VII Regulation X. of 1816 does not authorize the infliction of a fine in addition to imprisonment in Cases of theft Such fine, however, can be imposed under act No. XVII of 1850, not exceeding the value of the property stolen and leviable by distress and sale of the goods of the offender

No. 18 by Joint Magistrate of Ootacamund

4. A third count should have been added charging the prisoner with having been found in possession of the property described in the 2nd count, knowing it to have been stolen.

No. 173 by Principal Sudr Ameen

5. The acts of the 2nd and 3d prisoners which rendered them accessories before the fact should have been set forth in the 2nd Count.

6. The Court of Foujdaree Adalut observe that in the Cases disposed of by the Principal Sudr Ameen of Coimbatore with one or two exceptions, great delay has occurred; and they request that the Sessions Judge will call upon that Officer for explanation of any similar delay that may occur in the disposal of

of Cases included in the Criminal Report for October.—

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

(Sent in Dft.)

Read Criminal Report B

for the months of September Zillah Ganjam

(Herewith Ft. No. 7055 of 1856)

No. 119 by the Dpty. Agent Mr. Davidson

1. The Report does not show clearly how the case was disposed of If the Defendants were committed to take their trial before the Acting Agent, it should have been so stated in the last column. If the proceedings only were forwarded to the Acting Agent for him to pass a decision thereon, this was irregular. The Assistant Agent was competent to pass sentence himself, and should have done so; the Agent being the appellate authority. The Court of Foujdaree Adalut require explanation of the two months' delay which occurred between the date of the arrival of the Defendants and that of the Case being

submitted

submitted for the final decision of the Acting Agent.

No. 57 by the Asst. Agent Mr. Davidson

2. It should have been stated in the sentence that the Defendants were convicted; and if on both or only one of the counts. The provisions of Circular Order Foujdaree Adalut No. 193 B appear to have been overlooked.

Nos. 13 to 18, No. 20 & 21 by Lieut. C. Smith

3. All these Cases have been long pending. If there should be difficulty in procuring evidence of the Defendants having been concerned in the particular crimes with which they are charged, such general evidence as is required for a conviction of the offence of having belonged to a gang of decoits should be easily procurable against the principal prisoner, who should then be committed under Section I Act XXIV of 1843, and the remaining prisoners held to bail. The Court of Foujdaree Adalut desire to be informed of the circumstances which hinder the disposal of those Cases.

No. 24 by Do. 4

The Defendants should have been indicted for murder a month's

delay occurred which the Assistant Agent must be called upon to explain.

No. 25 by Lieut. C. Smith 5

The charge in this Case also should have been "murder", the act of the Defendants, which resulted in the death of the party assaulted, having been an unlawful one.

Nos. 26 and 27 by Do. 6.

Explanation should be afforded of the delay in disposing of these Cases.

No. 28 by Do. 7.

Unless some money was received, or illegal means were attempted to extort it, the offence was incomplete. In this and the two following Cases much delay has taken place which must be accounted for.

No. 31 by Do. 8.

The enactment under which the sentence was passed should have been mentioned

No. 32 by Do. 9.

The Case is prosecuted by the Government, and yet it is stated in the charge that the Crime was committed in "the prosecutor's house". This shows that the report has been negligently drawn up. The Court of Foujdaree

Adalut

Wadlut desire to know how it is that though convicted on two charges (this and 33) of Housebreaking and theft, the prisoners have only been sentenced to one months imprisonment.-

Ordered that Extract from these proceedings be sent to the acting Agent to the Governor of Fort St. George at Ganjam by Precept returnable within V days from and after its receipt.-

(Sent following precept No.)

Read Criminal Report B for the months of September 1856, Zillah Chicacole.

(Here enter F. C. No. 2009 of 1856.)

No. 42 by Mosely Sub Ameen

1. It should have been stated that the prisoners were "convicted" and sentenced &c. The punishment was altogether insufficient.

No. 23 by P. S. Ameen of the Vizagapatam

2. The designation of the offence should have been simply "Snatching"

No. 25 by Do.

3 This appears to have been a petty affray, and might have been dealt with by the Magistracy. It should have been stated that the 1st Prisoner was "acquitted" and that the 2d and 3d Prisoners were "convicted" &c.

6th November 1856.

4. The Court of Foujdaree Adalut remark that much unnecessary delay appears to have taken place in the disposal of the Criminal Cases noted in this Report and request that the Session Judge will exercise a closer supervision in this respect over the proceedings of the officers subordinate to his authority

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

(Sent in No.)

Read Calendar of Case No. 19 of 1856 of the Session Court of Honore.-

(Here enter F. C. No. 2032 of 1856.)

1. The Court of Foujdaree Adalut are of opinion that the sentence passed upon the Prisoner, 3 years Imprisonment with hard labor in irons on his conviction of Fraud, is much too lenient, considering that the Cotto was entrusted to him and that it w

of so great value.-

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

(Sent in No)

Read Calendar of Case No 88 of 1856 of the Sessions Court of Bellary.

Herewith enter F. M. No 2023 of 1856.

1 The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this Case, that the period of imprisonment which the Prisoner Boya Sonny Nagadoo noted in the margin, has been adjudged to suffer on his conviction of house breaking with theft be reduced to (4) four years with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

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

Sent in No

Read Miscellaneous petition presented on the 20th October by Mr. J. H. D. Wilson pleader on behalf of Gunnagedy Yillah Coomba & comm

(Herewith enter F. M. P. No 202 of 1856.) Petitioner

Mr. G. A. Harris 1 Petitioner represents to the Court that in consequence of his non appearance to answer a charge of assault preferred against him, valies of land his ancestral property were appropriated by Government.-

2 Petitioner states that he did not premeditately evade the warrant issued for his apprehension, that previous to the charge being preferred in 1844 he left his native country and did not return for 10 years, when the charge was investigated and dismissed.-

3 He therefore prays the Court will procure for him the restoration of his land.-

The Court of Foujdaree Udalut having no authority to effect the object of Petitioners request resolved to reject this Petition.-

Ordered that Extract from these Proceedings be furnished to the Petitioners Pleader on his application

Read Criminal Report D Submitted by the Officiating Agent at

Runno

6th November 1856.

Kurnool for the month of September 1856.

Here enter F. Cc. No. 2022 of 1856.

Cases Nos. 41. 42 and 43. The Court of Fouzdaree Adalut resolve to direct the Officiating Agent to explain the cause of the delay between the arrival of these Cases at the Agency and their final disposal by the Officiating Agent.-

Ordered that Extract from these Proceedings be sent to the Officiating Agent at Kurnool by Precept returnable in V days from and after its receipt.-

(Sent following Precept No.)

Read Miscellaneous Petition presented on the 18th October 1856, through the Acting Sessions Judge of Mangalore, by Rajabully of that Zillah.-

(Here enter M. P. No. 203 of 1856.)

Mr. F. Anderson 1 Petitioner complains of the acquittal of the prisoners in Sessions Case No. 22 of 1856 whom he had prosecuted for Forgery.-

2. The Court of Fouzdaree Adalut see reason to doubt the propriety of the acquittal of the prisoners; but as a sentence of

of acquittal is final the Court of Fouzdaree Adalut are precluded from adopting further proceedings in the matter.-

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Mangalore for his information and for communication to Petitioner.-

(Sent in No.)

Read Criminal Reports submitted by the Sessions Judge of Trichinopoly for the Month of September 1856.

(Here enter F. Cc. No. 1973 of 1856.)

Cases Nos. 66. 68. 75. 1. 77. 78. 81. 83. 87. The Court of Fouzdaree Adalut desire to have detailed explanation of the cause of the delay in forwarding these Cases to the Court.

No. 75 2. The charge should have been headed "Rescue and forcible imprisonment

Nos. 79. 88. 3 The felonious and malicious intent should have been charged in these Cases.

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

of Trichinopoly by Precept returnable
within X days from and after its receipt.
(Sent following Precept No.)

Read Miscellaneous Petition
presented on the 16th. October 1856 by Mr. J. H.
Wilson Pleader on behalf of Sannoodien
Zillah Coombaconum.

(Hereunto Fd. R. No. 201 of 1856.)

Mr. G. A. Harris / Petitioner appeals from
Sentence of the Acting Head Assistant
Magistrate of Tanjore dated 5th February
1856 and confirmed by the Sessions Judge
in his proceedings of the 7th & 9th July, passed
upon Petitioners brother.

2. The Court of Foujdaree Adawlut
decline to pass any orders on this case
Petitioner not being a party to it and the
person for whom he appears having
absconded.

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

The Petty Calendar of Cases
disposed of by the Magistracy during the 3
Quarter of 1856 not having been yet received.

Ordered

Ordered that the Several
except Trichinopoly Sessions Judges of ——— be required to
submit the above Calender without
further delay by precept returnable
in V days from and after its receipt.
Sent following precept No.

Read letter dated the 5th August 1856
from the Acting Agent in Ganjam, submitting
for the final Judgment of the Fouzdaree
Adawlut the record of Case No. 19 of 1856 on the
file of the Court.

Hereunto Fd. No. 1563 of 1856.

Read also return dated the
9th September 1856 from the Acting Agent
at Ganjam to the precept of the Fouzdaree
Adawlut under date the 23d August, directing
him to forward English translations of
the Records in Cases Nos. 19 and 20 of 1856.

Hereunto Fd. No. 1756 of 1856.

Read also letter dated the 18th
October 1856 from the Acting Agent at
Ganjam submitting the translates of
the record in Case No. 19 of 1856.

Hereunto Fd. No. 2072 of 1856.

The Court of Fouzdaree Adawlut
on a deliberate consideration of all the

circumstan

circumstances of the case in evidence
before them being of opinion that the
prisoners,

1st Pallada P. Jogee Dora
2nd Seally B. Ayrangee alias
Kayadoo Dora
3rd Wunna B. Lutchiah Dora
4th Goraybunda K. Neelambarah Dora
5th Poonitegooda S. Gopala Doss Dora
and
6th Voranada Chittree Dora.

are not convicted on presumptive proof,
or on the evidence of credible witnesses or
on their own confession of the Crime of
Rebellion do acquit them thereof; and
direct that they be set at liberty.-

Mr. T. M. Goodwyn

The Court of Foujdaree Udalut
direct that there sentence in trial No. 19
of 1856 from the Acting Agent in Ganjam
together with the whole of the proceedings
held in the case be transmitted to the
Chief Secretary to Government for the
purpose of being laid before the Right
Honorable the Governor in Council, to the
intent that the Court may in conformity
with the provisions of Regulation I of 1834

Section

Section V Regulation XX of 1802 and Section
V Act No. V of 1841 receive the orders of Government
before they direct their sentence to be carried
into execution &

Sent in &

E & S.
4 L.

F. B.

Friday 7th November 1856. At a Court of the Foujdaree Adalut

Present

F. Anderson Esquire
T. W. Goodwyn Esquire
G. A. Harris Esquire
} Acting Puisne Judge

Read reply dated 23d October 1856, from the Sessions Judge of Masulipatam, to the Extract from the Proceedings of the Court of Foujdaree Adalut dated 18th Idem, remarking that the sentence awarded in Sessions Case No 78 of 1856 was too lenient in respect to the Enhanced term of imprisonment.

(Here Enter F. B. No 204 of 1856)

1. The Court of Foujdaree Adalut consider the explanation furnished in his reply by the Sessions Judge on the points noticed by the Court, unsatisfactory.

2. The Sessions Judge's attention is drawn to the concluding portion of the above reply - "corporal punishment is another more dreaded and less degrading) determinate and little affected by future and distant contingencies appear to the Sessions Judge

to.

to have advantages over imprisonment in irons, to say nothing of the novelty of the species of punishment to the convict himself as compared with the constant routine of his existence during so many years of penal confinement"- and

The Court of Foujdaree Adalut direct the Sessions Judge will, in his Judicial proceedings, avoid attempts at facetiousness such as has been noticed by the Court, which are not only misplaced but are unbecoming the dignity of his office.

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

(Sent in A.)

Read letter from the Acting Magistrate of Malabar, under date the 21st October 1856.

(Here Enter F.W. No 2014 of 1856)

Before passing orders on the above letter, the Court of Foujdaree Adalut direct that depositions be taken by the Acting Magistrate from the 2 accessaries whom it is proposed to admit as approvers; and that translations of the same be submitted for the consideration of this Court.

Ordered, that Extract from these Proceedings be sent to the Acting Magistrate of Malabar

Malabar by precept returnable in V days from and after its receipt.

(Sent following Precept No)

Read Calendar of Case No 76 of 1856, submitted by the Sessions Judge of Bellary, under date the 21st Ultimo.

(Here Enter F.W. No 2026 of 1856)

The Court of Foujdaree Adalut direct that the Sessions Judge will state his opinion as to the causse of death of the Prosecutrix Mother, whom the Prisoners in this case are charged with having murdered.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Bellary by precept returnable in three days from and after its receipt.

(Sent following Precept No)

Read letter dated 17th October 1856 from the Acting Sessions Judge of Salem, submitting for the final Judgement of the Foujdaree Adalut the Record of case No 47 of 1856 of the Calendar of the Sessions Court.

(Here Enter No 2075 of 1856.)

The Court of Foujdaree Adalut,

Mr. F. Anderson and
Mr. G. A. Harris

on a deliberate consideration of all the circumstances

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

"Maured"

is sufficient to convict him of Highway Robbery attended with 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 on the public roads or other public works, for and during the period of his natural life.

1. As the robbery with which the Prisoner is connected was attended with Murder, the Court of Fouzdaree Adalut are of opinion that the sentence of 10 years imprisonment proposed by the Acting Session Judge would be quite inadequate, and they have accordingly sentenced the prisoner to transportation for life.

2 The Court resolve to direct the Acting Sessions Judge to instruct the Moofty under Ameen to be more careful in future in drawing up his futwas: they observe that in the present case no opinion is expressed on the charge of Murder and they have observed similar omissions in the futwas given by this officer.

3 They also resolve to call the attention

of the Acting Session Judge to the incorrect mode in which the record has been sent up. The corresponding English date has not been put to the Village Moonsiffs report nor is it stated when that report was received by the Head of Police.

4. The Acting Subordinate Judge should have questioned the deceased more fully than he did as to his previous knowledge of the Prisoner and whether the latter was armed.

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

(Sent in Sr.)

Read Calendar of Case No. 61 of 1856, on the file of the Session Court of Cuddapah.

(Here enter Fr. No. - No. 204 of 1856)

1 The Court of Fouzdaree Adalut desire to be informed what notice may have been taken by the Magistrate of the interlineation brought to his notice by the Session Judge.

Ordered that Extract from these

7

these Proceedings be sent to the Sessions Judge of Cuddalore by Precept returnable in X days from and after its receipt.

(sent following Precept &c.)

Read again letter dated 20th October 1856, from the Acting Sessions Judge of Madura, forwarding English translation of Records in Calendar case No 61 of 1856 for the final Judgment of the Foujdaree Adalut.

(Here Enter F.R. No 2004 of 1856)

Read also return dated 29th October 1856, from the above officer, to the Precept of the Foujdaree Adalut under date the 25th October 1856, directing the Acting Sessions Judge to forward the Original Records of the Sessions trial in Calendar Case No 61 of 1856, and explain the delay that occurred in the commencement of the trial and the preparation of the translation.

Mr. J. Anderson. (Here Enter F.R. No 2062 of 1856)
and
Mr. J.W. Goodwyn.

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

Summary.

is sufficient to commit him of the crime of

Murder, do commit him thereof; and under the provisions of Section X Regulation XII of 1802, sentence him to suffer death by being hanged at the usual time and place of execution.

1. The Court of Foujdaree Adalut in comparing the Prosecutors Original deposition taken before the Sessions Court with the translation furnished in the above record, regret to observe that the latter has been very incorrectly prepared.

2. In the latter the Prosecutors answer to the second question is given thus. "After the said Nattamaigaren inspected the corpse on Friday, the Thumbi (witness) apprehended the Prisoner near the tanks of Pernal Caul, ¼ mile off from the village and produced him before the Nattamaigaren. The Prisoner on being asked by them, pleaded not guilty. On the said Friday, an hour after my arrival at the spot the Prisoner was apprehended." "On the same evening. Mettoo Pean and others inspected the corpse, the Prosecutor was present. "The Thumbi (witness) and others were also present. When "the Nattamaigaren returned to the Chavadie, before "that the Prisoner was arrested and kept there. The "Prisoner denied the charge before them. On the "same evening the Mettoo Pean came and asked the

Prisoner

"Prisoner about it and he confessed the murder of
"his wife and so he did before the Head of Police"—
whereas in the original deposition he stated that on
"friday after the Nattamagars inspected the corpse
"the Thundle produced the Prisoner and said that
"he had apprehended him at the bank of Perumal
"Pagoda ½ mile off from the village. When
"questioned by the Nattamagars the Prisoner did
"not confess the crime. The Prisoner was apprehend-
:ed on the said friday an Indian hour after
"my arrival. The Mettoo Dear came that evening.
"In his presence the prisoner confessed the
"crime saying that he murded his wife because
"she had been disobedient to him. The Tasildar
"on his arrival took a deposition from the
"Prisoner at the common of the village. The
"Prisoner in his deposition admitted the crime
"and stated that the knife discovered was his
"own and that as his wife was disobedient he
"pressed her down by trampling on her throat,
"gagged her with the hem of her cloth, and cut
"her throat with the said knife. When the Mettoo
"Dear arrived he untied the cloth folded and
"worn by the Prisoner round his waist and found
"in it marks of blood recently washed. As
"the Prisoner did not confess his crime before
the

"the Nattamagars his Vesthi was not examined.
"When the Mettoo Dear asked the Prisoner
"what the stains were which appeared to have been
"washed he said they were stains of blood occasioned
"when the murder was committed, and that he
"had afterwards washed them. The Prisoner has
"no children. It occurs to me that as it is
"customary in our caste for a woman to marry
"a second time when her first husband is alive,
"the Prisoner apprehended that my sister would
"do so, and therefore murdered her."

The Court of Foujdaree Adalut

3.

are compelled to record their disapprobation at
the extremely careless and defective manner in
which the translation has been prepared in the
Sessions Court, which they observe could not
have escaped the notice of the Acting Sessions
Judge had he performed the duty incumbent
on him of revising the record previously to its
transmission to this Court, and they resolve to
call his attention to the provisions of Section
XXXVI Regulation VII of 1802, which declares
that the Sessions Judge shall examine and
be responsible for the accuracy of the transla-
of the proceedings held in cases referred to
the Court of Foujdary Adalut.

Ordered

7th November 1856.

Ordered that Extract from these Proceedings (together with the Original depositions) be sent to the Acting Sessions Judge of Madura for his information.

(Sent in A.)

Exd WH.

Translation

F. M.

Saturday 8th November 1856. At a Court of the Foujdaree Adalut

Present

F. Anderson Esquire
F. W. Goodwyn Esquire
G. A. Harris Esquire
} Acting Puisne Judges

The record of trial in referred Case A. 28 of 1856 on the Calendar of the Sessions Court of Cuddalore not having been yet received.

Ordered that the Sessions Judge of Cuddalore be required to submit the record aforesaid without delay.

(Sent in A.)

The record of trial in referred Case A. 23 of 1856 on the Calendar of the Acting Agent in Ganjam not having been yet received.

Ordered that the Acting Agent be required to submit the record aforesaid without delay.

(Sent in A.)

The record of trial in referred

Case

8th November 1856.

Case No 53 of 1856 on the Calendar of the Sessions Court of Madura not having been yet received.

Ordered that the Acting Sessions Judge of Madura be required to submit the records aforesaid without delay.

Read Return dated 29th October 1856 from the Acting Sessions Judge of Madura to the Precept of the Foujdaree Adalut under date the 20th October 1856 directing the Acting Sessions Judge to detail the dilatoriness and neglect to take prompt measures of which he conceived the Head of Police of Tiroomungolum to have been guilty in Calendar of Case No 57 of 1856 and to report what had been done by the Magistrate consequent on the receipt of the remarks of the Sessions Court

(Here enter F. No. 2052 of 1856)

Read Return dated 29th October 1856 from the Sessions Judge of Nellore to the Precept of the Foujdaree Adalut under date the 23d October 1856 remarking on the Criminal Reports for the Months of September 1856.

(Here enter F. No. 2053 of 1856)

5th November 1856

Read Magistrates Criminal Report dated 17th October 1856 submitted by the Acting Sessions Judge of Salem for the month of September 1856.

(Here enter F. No. 2071 of 1856)

Read Return dated 5th November 1856 from the Sessions Judge of Cuddapah to the Precept of the Foujdaree Adalut under date the 4th October 1856 remanding the case No 54 of 1856 on the Calendar of the Sessions Court for a distinct finding as to whether the Prisoner was convicted of having wilfully perjured himself in the deposition taken on solemn affirmation.

(Here enter F. No. 2086 of 1856)

Read Calendar of case No 93 of 1856 submitted by the Sessions Judge of Bellary under date the 3d November 1856.

(Here enter F. No. 2089 of 1856)

Read Calendar of case No 23 of 1856 submitted by the Sessions Judge of Chingleput under date the 5th November 1856

(Here enter F. No. 2091 of 1856)

T. 16.

Monday 10th November 1856

At a Court of the Tonjdaree Udalut

Present:

F. Anderson Esquire
J. W. Goodwyn Esquire
G. A. Harris Esquire
} Acting Puisne Judges

Read Calendar in Cases Nos 16 and 17 of 1856 submitted by the Sessions Judge of Honore.

(Here enter T. 16. Nos 1950 & 1951 of 1856)

The Court of Tonjdaree Udalut resolve to direct that Translations of the record as regards the 5th 6th and 8th prisoners in this Case be submitted for their consideration.

Case No 17

2

The Court desire to be informed of the date on which the Prosecutor and witnesses first gave their depositions identifying the Prisoners in this Case, and when the names of these prisoners were first mentioned by the prisoners in the previous Case.

Ordered

Ordered that Extract from
these Proceedings be forwarded to the Sessions
Judge of Manaar by Precept returnable
within X days from and after its receipt.
(Sent following Precept No)

Read again Calendar of Case
No 53 of 1836 of the Sessions Court of Salem.
(Here Enter F. Uo No 1874 of 1836)

Read also Return dated the
29th October 1836 from the Acting Sessions Judge
of Salem to the Precept of the Fouzdaree
Udalut under date the 20th idem calling for
explanation and for a revised Sentence in
the above Case

(Here Enter F. Uo. No 2063 of 1836)

On a perusal of the foregoing
return and of the revised Sentence therewith
submitted, the Court of Fouzdaree Udalut
resolve to confirm the mitigated Sentence
proposed to be passed upon the Prisoner
in this Case Viz. 6 years imprisonment
with hard labor in irons; and the Acting
Sessions Judge is hereby authorized to issue
his

+ Ramru

his warrant accordingly.

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

Read Calendar in Case No 62
of 1836 submitted by the Sessions Judge of
Cuddapah under date the 24th October 1836
(Here Enter F. Uo. No 2038 of 1836)

The Court of Fouzdaree Udalut
observe that in the 3d Column of the Calendar,
the 6th of July is given as the date of the
Crime, and in the 4th Column the 31st August
as that of his apprehension. In the
Sentence of the Sessions Judge, the former
is given as the 6th of June, and the latter
as the 9th of July, and they direct the
Sessions Judge to explain this discrepancy.

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

(Sent following Precept No)

Read

Read Calendar of Case No. 52
of 1856 of the Sessions Court of Chittoor.
(Here enter F.R. No. 2054 of 1836)

1. The Court of Foujdaree Adalut approve of the Recommendation made by the Sessions Judge in this case, that the period of imprisonment which the Prisoner noted in the Margin has been adjudged to suffer on his Conviction of House breaking and Theft be reduced to (2) Two years with hard Labor in irons, and they do authorize the Sessions Judge to issue this warrant accordingly.

1st Gellorgeon.

2. The Court direct that the Sessions Judge will explain the delay of Six days, from the 16th to the 22nd October in Commencing the trial of this Case.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Chittoor by Precept returnable within III days from and after its receipt.
(Sent following Precept No.)

Read Calendar in Case No. 29
of 1856 submitted by the Acting Sessions Judge

of

of Mangalore under date the 29th October 1836
(Here enter F.R. No. 2070 of 1836)

The Court desire that an explanation be furnished of the Cause of delay in the Committal of this case to the Sessions Court.

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Mangalore by Precept returnable within III days from and after its receipt.
(Sent following Precept No.)

Read letter under date the
22nd October 1836 from the Acting Agent
to the Governor of Fort St. George in
Council, replying to the Proceedings of the
Foujdaree Adalut dated the 13th idem held
on review of the Criminal Report B for the
month of August 1836.
(Here enter F.R. No. 2051 of 1836)

With reference to the explanation offered by the Acting Agent in para 1 of his letter recorded above, the Court of Foujdaree Adalut observe that the parties present acting and abetting

the

the assault should have been punished

Ordered that Extracts from these Proceedings be forwarded to the Acting Agent to the Governor at Fort St. George at Ganjam for his information and guidance.

(Sent in Ms.)

Read Miscellaneous Petition presented on the 30th October 1836 by Mr. J. W. P. Wilson Pleader on behalf of Sarasadee Maracoyar of zillah Tinnevelly.

Here enter T. Mo. P. No. 208 of 1836.

Mr. Goodwyn & Mr. Harris.

The Petitioner not having in conformity with Section XI of the rules of practice of this Court, produced an attested copy of the order of the Head Assistant Magistrate against which he appealed to the Sessions Court, the Court of Foujdaree Udalut declined taking his petition into consideration.

Ordered that Extracts from these Proceedings be granted to the Petitioners Pleader on his application.

Read Miscellaneous Petition presented on the 8th November 1836 by E.

E. Salmon Esqr. Pleader on behalf of Sreeramachendra Nunsing Sunthia Boonun Soobiah Sheristadar and others Defendants in Case No. 19 of 1836 on the file of the Assistant Agent of Ganjam.

(Here enter F. Mo. P. No. 218 of 1836.)

Mr. J. W. Goodwyn and Mr. G. A. Harris.

1. Petitioners appeal from the proceedings of the Acting Agent of Ganjam held on the 23d October 1836 fining and imprisoning Petitioners on a charge of illegal imprisonment and ill usage.

2 Before finally disposing of this Petition the Court of Foujdaree Udalut resolve to direct the Acting Agent to suspend the sentence of imprisonment passed in this case and to admit the prisoners to bail pending the final disposal of the appeal and to submit translation of the record with all practicable dispatch.

Ordered that Extract from these proceedings be forwarded to the Acting Agent to the Governor of Fort St. George at Ganjam by Precept returnable within 11 days from and after its receipt.

(Sent following Precept No.)

Read

10th November 1856

Read report dated 1st Instant submitted by the Session Judge of Chingleput of Cases pending on the 31st October 1856 and committed for trial during the months of August and September for trial before the Sessions Court.

(Here enter F. C. No. 2059 of 1856)

Read Extract from the proceedings of the Sessions Court of Trichinopoly under date the 4th Instant on review of the 3rd Quarterly Petty Calendars.

Here enter F. C. No 2083 of 1856.

Read report dated 7th November 1856 submitted by the Sessions Judge of Chittoor of Cases pending on the 31st October 1856 before the Sessions Court for a period in excess of 25 days calculated from the date of Committal.

(Here enter F. C. No. 2088 of 1856)

Read report dated 1st November 1856 submitted by the Acting Sessions Judge of Salem of Case No 19 of 1856 disposed of by the Acting Joint Magistrate during the month of September last together with a copy of the Sessions Courts' proceedings thereon.

(Here enter F. C. No 2096 of 1856)

Read

10th November 1856.

Read Calendar of Cases No 95 of 1856 submitted by the Sessions Judge of Bellary under date the 4th November 1856.

(Here enter F. C. No 2102 of 1856)

E. B. D.

Y. Uc.

Tuesday 11th November 1856

At a Court of the Toungdaree Udalut

Present

T. Anderson Esqr.
T. W. Goodwyn Esqrs. } Acting Puisne Judges
G. A. Harris Esqrs.

Read again Calender in Case No. 50 of 1855. submitted by the Acting Session Judge of Madura.

Vide enter Y. Uc. No. 275 of 1856/

Read also again Supplemental Return from the Acting Session Judge of Madura to the Precept of the Toungdaree Udalut which accompanied an Extract dated 28th August 1856 calling for an English translation of the Record in Calendar Case No. 50 of 1855.

Vide enter Y. Uc. No. 1968 of 1856/

1. The Court of Toungdaree Udalut are not satisfied with the evidence brought forward in this Case It consists chiefly of the identification of the Prisoners at the Robbery on the night in question and as there are so many circumstance

circumstances which cast suspicion upon the testimony of the Prosecutor and his Witnesses on this point that the Court must reject it entirely.

2. The Prosecutor when first examined on the 24th August before the Police did not name the 2d and 3d witnesses as having been in his house on the night in question nor are their names given in the Police report of the 22d August (day after the robbery) and those witnesses were not examined till the 29th November.

3. It is impossible to peruse the statements of the Prosecutor and his witnesses before the Session Court without at once perceiving that their testimony has been fabricated and prepared for the occasion. The detailed particulars which they recount almost word for word cannot but be the result of prior concert between them.

4. Before the Police the Prosecutor though he stated in detail the several injuries inflicted upon him, made no mention of having been stabbed by anyone on the leg. Before the Session Court the 12th Prisoner is declared by Prosecutor and his witnesses to have been the one

one who did this.

5. The 1st witness professes to have seen the Robbers going off in the morning and at the Police he stated on the 8th September that he recognized the 2d 3d 11th and 14th Prisoners whom he named, and on the 23d November when confronted with the Prisoners he pointed out 2d 5th 10th and 14th as being the persons whom he had seen. In the Subordinate Court he picked out the 2d 3d 5th 10th 11th 14th and in the Session Court the whole of the Prisoners excepting the female 6-7 and 8th Prisoners.

6. The 2d witness professes to identify every article of property produced though he had only been 1 month in the Prosecutors Service when the Robbery took place at the Police he stated another person took off Prosecutors left earring and he deposed that of the Robbers he only knew one Cheekalingum by name. In the Session Court he declares that it was the 12th Prisoner who did so and who with 5th Prisoner beat him (Witness) and that he knew the names of those Prisoners as well as of the 2d and 11th before, but never mentioned their names to anyone because

not

11th November 1856

not asked. The 2d and 3d witnesses give a very minute detail of what each Prisoner brought out of the house which it is impossible they could have carried in their recollection and the 3d witness never gave this detail before the Police, though asked for it. The 3d witness marries from the 2d and 4th witnesses as to the part taken by the 11th Prisoner.

7. The 3d witness also professes to identify all the property as belonging to the Prosecutor. It does not appear, so meagre has been the examination how this witness attained this knowledge.

8. The 4th examined on the 25th August before the Police, after naming certain persons (not these Prisoners) whom he recognized as the robbers, said, he did not know the names, features or residences of the other robbers; but on the 29th November when confronted with these Prisoners he professed to be able to identify them all as having been engaged in the robbery having seen them before on 5 or 6 occasions.

9. The Prosecutor and the 2d witness

are

11th November 1856

are the only parties who depose to the search and discovery of property in the Prisoners houses. The former states that the property found with the 2d Prisoner had been buried in the ground under the granary, which place the 2d Prisoner pointed out: whereas the 2d witness deposes that the 2d Prisoner produced it from a small Box in his house. The other trifling articles found with the other Prisoners do not easily admit of identification and the evidence brought for the defence appears equally trustworthy as that given for the Prosecution.

10. On the above grounds the Court of Longdare Udalut resolve to reverse the decision passed by the late Acting Sessions Judge and to direct the immediate and unconditional release of the 2d 3d 5th 6th 7th 8th 10th 13th and 14th Prisoners in this Case, the 1st 4th 9th 11th 12th and 15th Prisoners having already been ordered to be released by the Courts Proceedings dated the 3d Instant.

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

Judge of Madura by Receipt returnable within
III days from and after its receipt.

/Sent following Receipt &c/

Read letter dated 29th October
1856 from the Sessions Judges of Coimbatore.

/Herewith I. No. 2060 of 1856/

In the above letter the Session
Judge acknowledges the receipt of an Extract
from the Proceedings of the Court of Zemindaree
Vedalut under date the 10th Instant, and by which
submitting explanation in regard to certain
points which appear to have been unintelligible
to the Judges. trusts that the explanation of the
grounds of his judgment in Criminal Case 31 of
1856 may induce the erasure from the Public
Records of the remark so disparaging to his
Public Character as "that justice had been
frustrated" at his hands.

2. The Court of Zemindaree Vedalut
desire to point out to the Session Judge that
their remarks on the disposal of the Case by
him did not apply to the Session Judge acquittal
of the Prisoners of the Charge of Murder, this was
a question as to the sufficiency or insufficiency

of the evidence and that the Session Judge was
of opinion that there was not evidence sufficient
to convict the Prisoners of the graver Charge
the Court of Zemindaree Vedalut though disagree-
-ing with the Session Judge as to the insufficiency
of the proof would not have censured even that
most would be but an error of judgment;
But the Court of Zemindaree Vedalut finding
that the Session Judge had expressly admitted
in Para 5 of his return (dated 29th August) to
the Precept of this Court that in all Essential matters
bearing on the Charge he saw no grounds to
question the general truthfulness of the evidence
of the first and 2d witnesses were of opinion that
he should have convicted the prisoners of what-
-ever acts of illusage were proved and therefore it
was that the entire acquittal of the Prisoners in
the face of evidence the Session Judge had himself
declared to be worthy of belief appeared to the
Court unintelligible.

3. The Court of Zemindaree Vedalut
while remarking that they considered that
the ends of justice had been frustrated by the Session
Judges sentence of acquittal of all ill usage, applies

such

11th November 1856

such
Remarks to this particular Case only, and not
~~to the general Character or method of conducting~~
~~his Duties~~ or after duly considering the Session
Judges explanation, see no reason to alter the
Remanded opinion to the effect that the ends of
Justice had been frustrated, by an error of
Judgment on the part of the Session Judge inas-
=much as the Prisoners had escaped all Punish=
=ment.

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

/Sent in No. /

Read letter dated 4th November
1856 from the Session Judge of Chingleput
submitting for the final judgment of the
Zoujdaree Adalat the Record of Case No.
22 of 1856 on the Calendar of the Session
Court.

Here enter Z. A. No. 2056 of 1857/

The Court of Zoujdaree Adalat
on a deliberate consideration of all the cir-
cumstances of the Case in evidence before
them being of opinion that the Proof against
the

11th November 1856

the prisoner

1st Rajah Belly

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 as soon as conveniently can
be after the receipt of this warrant at a Spot
to be selected by the Session Judge in com-
=munication with the Officer commanding
at Saint Thomas Mount.

/sent in No. /15

C.H.S.

Chandler

F. 86.

Wednesday 12th November 1856. At a Court of the Foujdaree Adalut

Present

F. Anderson Esqre
T. W. Goodwyn Esqre
G. A. Harris Esqre
} Asst. Civil & Sessions Judges

Circular Order. No 213. The Court of Foujdaree Adalut have lately frequently had occasion to remark on the great delays in Criminal trials, and therefore direct that the Principal Sudr Ameen and Subordinate Judges enter a note explaining the cause of the delay in committable cases where this delay exceeds two days (excluding Sunday) after the arrival of the case. Whenever the trial of a case is not commenced within two days (exclusive of Sunday) after its arrival, or committal as the case may be, the Principal Sudr Ameen, Subordinate Judge, or Sessions Judge will enter a note explaining the cause of the delay in the monthly Criminal

Reports

Reports and the Calendar.-

2. The above order likewise applies to the Magistracy when disposing of Cases under the extended powers conferred by Act 7 of 1843.

(Sent in Ste.)

Read return dated 6th November 1856, from the Acting Sessions Judge of Madura, to the Precept of the Foujdaree Adalut under date the 3rd Instant, directing unconditional release of the 1st 4th 9th 11th 12th and 15th Prisoners in Calendar Case No. 50 of 1855.-

(Here enter F.R. No. 2108 of 1856.)

Read Criminal Report dated 5th Instant, submitted by the Sessions Judge of Guntoor, for the Month of November 1856.-

Here enter F.R. No. 2110 of 1856.

Read Calendar of Case No. 87 of 1856, submitted by the Sessions Judge of Bellary, under date the 5th Instant.-

Here enter F.R. No. 2111 of 1856.-

Read Calendar of Case No. 119 of 1856, submitted by the Sessions Judge of Chittoor, under date the 30th September 1856.-

(Here enter F.R. No. 2113 of 1856.)

Read Report dated 5th Instant, Submitted by the Acting Sessions Judge of Tinnevelly of Cases depending before him up to 31st October 1856 in which the trial has been delayed beyond 25 days.-

Here enter F.R. No. 2118 of 1856.

Read Return dated 8th Instant, from the Sessions Judge of Combaconum, to the precept of the Foujdaree Adalut under date the 6th Instant, calling for the Petty Calendars of Cases disposed of by the Magistracy during the 3rd Quarter of 1856.-

(Here enter F.R. No. 2130 of 1856.)

Read Calendar of Case No. 144 of 1856, Submitted by the Acting Sessions Judge of Calicut, under date the 4th Instant

(Here enter F.R. No. 2135 of 1856.)

Read Calendar of Case No. 31 of 1856, Submitted by the Acting Sessions Judge of Mangalore, under date the 7th Instant.

(Here enter F.R. No. 2136 of 1856.)

Read Extract of Proceedings dated 5th Instant, Submitted by the Acting Sessions Judge of Tellicherry, reviewing the Magistrate's Calendars for the 3rd Quarter of 1856

(Here enter F.R. No. 2139 of 1856.)

Ex Bill.

F. M.

Thursday — 13th. November 1856. } At a Court of the Fouzdaree Udalut.

Present

F. Anderson Esquire. — J. W. Goodwyn Esquire. — G. A. Harris Esquire. } Jr. Puisne Judges.

Read Miscellaneous Petition presented on the 3rd. November 1856, by — Coopsurmal, Zillah Chingleput.

/Here enter F. M. P. No. 213 of 1856./

Mr. J. W. Goodwyn and Mr. G. A. Harris. The Petitioner not having produced an authenticated copy of the order of the Magistrate, against which she appealed to the Sessions Court, the Court of Fouzdaree Udalut decline taking her Petition into consideration.

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

Read Calendar of Case No. 45 of 1856, submitted by the Sessions Judge of Cuddapah.

/Here enter F. M. No. 2045 of 1856./

The

The Court of Foujdaree Udalut observe that the trial of this case which commenced on the 10th July, was not closed till the 29th September and the Calendar was not dispatched till the 25th October last; and they resolve to call upon the Sessions Judge for a detailed explanation of these delays.

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

Read Calendar of Case No. 22 of 1856 of the Sessions Court of Honore.

/Here enter F. C. No. 2080 of 1856./

The Court of Foujdaree Udalut observe that this case which arrived on the 11th October was only committed on the 22nd of that month, and they direct that the Principal Sudr Ameen be called upon for an explanation of this delay.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Honore by Precept returnable within VI days from and after

after its receipt.

Read Calendar in Case No. 58 of 1856, submitted by the Acting Sessions Judge of Salem, under date the 14th October 1856.

/Here enter F. C. No. 2065 of 1856./

1. The Prisoners in this Case were charged with theft and knowingly possessing stolen property, and the Acting Sessions Judge, in concurrence with the assessors, acquitted the 2nd prisoner and convicting the 1st prisoner, sentenced him under section XXI Regulation VII of 1802 to 7 years imprisonment with hard labor in irons; but in consideration of this prisoner having at once admitted his participation in the theft and delivered up the property in his possession, the Acting Sessions Judge recommends that his sentence be mitigated to 4 years imprisonment with hard labor in irons.

2. On consideration of the large amount of property stolen, the Court of Foujdaree Udalut decline sanctioning the mitigation proposed by the Acting Sessions Judge.

3. The Acting Subordinate Judge should endeavour to condense the Abstracts of the

the evidence, and will explain why this case which arrived on September 24th was not committed till October 4th.-

Ordered that Extract from these Proceedings be sent to the Acting Session Judge of Salem for his informations.-

Read Calendar of Case No. 57 of 1856 of the Session Court of Salem.-

/Here enter J. U. No. 2064 of 1856./

The Court of Foujdaree Udalut observe that this case was only committed on the 4th October though it arrived on the 21st of September, and they direct that the Acting Subordinate Judge be called upon to explain the cause of this delay.-

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

Read Calendar of Case No. 61 of 1856 of the Session Court of Salem.-

/Here enter F. U. No. 2068 of 1856./

1. The Court of Foujdaree Udalut direct that the Acting Subordinate Judge be called upon

upon for an explanation of the delay in the committal of this case from the 27th September to 7th October, and that the Acting Session Judge will explain why when the trial closed on the 11th, Sentence was not passed till the 17th October.-

2. The Acting Session Judge will also submit a fresh sentence detailing the nature of the evidence against the Prisoner.-

Ordered that Extract from these Proceedings be sent to the Acting Session Judge of Salem by Precpt returnable within V days from and after its receipt.-

Read Calendar of Case No. 41 of 1856 of the Session Court of Coimbatore.-

/Here enter F. U. No. 2077 of 1856./

1. The Court of Foujdaree Udalut approve of the recommendation made by the Session Judge that the period of imprisonment which the Prisoners noted in the margin have been adjudged to suffer on their conviction of Highway Robbery be reduced, in the case of the 1st and 2nd Prisoners to 10 years', and in that of the 3rd and 4th Prisoners to 7 years' imprisonm

1st Caroopporr.
2nd Parrachinnaun.
3rd Avarrasy.
4th Chinnachinnaun.

13th November 1856.

13

imprisonment with hard labor in irons; and they do authorize the Sessions Judge to issue his warrant accordingly.

2. The Court require explanation of the cause of delay in the committal of this case from the 8th to the 16th October.

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

Ed Hill.

F No.

Friday, 14th November 1856

At a Court of the Foujdaree Udalut

—Present—

F. Anderson Esqre Acting
T. W. Goodwyn Esqre D.
G. A. Harris Esqre D.
} Puisne Judges

Read Criminal Report B for the month of September 1856, submitted by the Acting Sessions Judge of Tinnevelly—

(Record under F No. 8 2034 of 1856)

8c 96

Before the P. S. answer

1 The delay (37 days) in the disposal of this Case before the Principal Sudr Ameen should be explained.

8c 98

2 The Principal Sudr Ameen's delay of 31 days is not accounted for.

3 The explanation of the delay in the Taluk to be furnished to this Court when received by the Acting Sessions Judge, who will report what notice has been taken thereof by the Magistrate.

4 The Court are of opinion that except under very peculiar Circumstances, the delay before the Acting Head Assistant in the disposal of the case might have been avoided.

The

14th November 1856

5. The Court of Foujdaree Udalut desire to be furnished with the Acting Head Assistants explanation which satisfactorily accounts for the extraordinary delay-

No 103 delay from 8th and 15th August to date of release 18th September.

6 Explanation required as in Para 1.

No 104 7 The Acting Sessions Judge will explain the necessity that existed for this Case remaining under examination from the 11th August until the 1st October-as also whether the witnesses have been in attendance before the Court the whole of this time.

No 105 from August 15th to 23rd September. 8 Vide Para 1 as regards explanation of delay to be furnished.

No 106 from August 16th to 24 September. 9 If the 2nd 3rd and 4th Prisoners were present when the murder was committed, they were principals in the 1st and 2nd degree according to the nature of the acts done by each.

10 It is essential to constitute the offence of an accessory that the party should be absent at the time the offence is committed

11 The delay in the disposal of this Case by the Principal Sudr Ameen to be accounted for-

No 107 from 16 August 12 to 2nd September
No 109 from 20th August to 2nd Dec accounted for.

14th November 1856

No 111 from 20th August to 23rd September 13 The delay in the disposal of this case by the Principal Sudr Ameen to be accounted for.

No 113 14 Should have been headed "harbouring a robber".

15 Talook delays, 3 months and 6 days, of which 2 months and 3 days is stated to be satisfactorily accounted for. The Court of Foujdaree Udalut desire to be furnished with this explanation.

No 115 16. The satisfactory explanation of the long Talook delays should be submitted.

No 116 17 It is to be supposed that every Theft is for a fraudulent purpose.

No 118, 121, 122 and ..... 127 18 In indictments for Murder the felonious and malicious intent which constitutes the very essence of the crime should always be charged against the prisoner.

19 The enormous delays in the Talooks, Acting Head Assistants Office, and Principal Sudr Ameens Court in Tinnevelly are so much greater than in any other district, that the Court of Foujdaree

Foujdaree Udalut direct that the special attention of the Magistrate and Sessions Judge be called to check this great and crying evil. The illness and death of the Principal Sudr Ameen may account for much of the delay, but this has not been assigned as the excuse and the Sessions Judge has passed over the delays as if the same were of no unusual occurrence.

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Tinnevelly by Precept returnable in V days from and after its receipt.

(Sent following Precept No.)

Read letter dated 29th October 1836, from the Sessions Judge of Coimbatore

(Here enter F.H.C. No 2061 of 1836)

1. In the above letter the Sessions Judge represents that the Magistrate of the District has issued a general order to all the heads of Police within his jurisdiction interdicting them from accepting as sureties the relatives of persons placed under a requisition of security. The Sessions Judge further states that if the

the orders of the Magistrate be not reversed they will have mischievous tendency and he solicits the orders of the Court on the subject.

2 The Court of Foujdaree Udalut are of opinion that the view taken by the Sessions Judge of these Proceedings of the Magistrate of Coimbatore is Correct; such Orders are not only very unexpedient but illegal. An individual under a requisition of security can only look to his relatives or friends to become his sureties and to force him to (request) his aid from strangers will serve, as the Session Judge has remarked, to lead to the practice of persons standing security for others for a pecuniary consideration.

3 The Court of Foujdaree Udalut therefore resolve that the Magistrate be directed to cancel the above Orders without delay.

Ordered that Extract from these Proceedings be sent to the Session Judge of Coimbatore by Precept returnable in VI days from and after its receipt.

(Sent following Precept No.)

Read letter dated the 24th October 1856 from the Acting Civil Judge of Calicut.

(Here enter F. No. 2050 of 1856)

1 With the above letter the Acting Civil Judge forwards Copy of a letter from the Acting Magistrate of Malabar, requesting to be favored with the opinion of the Court as to whether a Magistrate can fine appellants for litigious and groundless appeals.

2 The Court of Foujdaree Udalut consider that the Magistrate is not Competent to fine appellants who may prefer litigious and groundless appeals.

Ordered that Extract from these Proceedings be sent to the Acting Civil Judge of Calicut for communication to the Magistrate.

(Sent in No.)

Read Calendar of Case No. 65 of 1856, submitted by the Acting Session Judge of Madura, under date the 6th October 1856.

(Here enter F. No. 1925 of 1836)

Read Calendar of Case No. 46 of 1856, submitted by the Acting Session Judge of Madura, under date the 6th October 1856

(Here enter F. No. 1926 of 1836)

14th November 1836

Read Returns dated the 8th October 1836, from the Session Judge of Nellore, to the Precept of the Foujdaree Udalut under date the 4 October 1856, directing to record reasons for Conviction in Calendar Case No. 35 of 1856.

(Here enter F. No. 1929 of 1836)

Read Calendar of Case No. 58 of 1836, submitted by the Session Judge of Cuddapah, under date the 8th October 1836.

(Here enter F. No. 1930 of 1836)

E. H.

F. Ue

Saturday, 15th November 1856

At a Court of the Fouzdaree Udalut

Present

F. Anderson Esqre
J. W. Goodwyn Esqre
G. A. Harris Esqre

} Offg Puisne Judges

Read again Calendar of Case No 66 of 1856, submitted by the Session Judge of Masulipatam, under date the 30th September 1856.

(Here enter F. Ue. No 1889 of 1856)

Read also Return dated the 24th October 1856, from the Session Judge of Masulipatam, to the Precept of the Fouzdaree Udalut under date the 18th idem, calling for Explanation in the above Case.—

(Here enter F. U. No 2040 of 1856)

In the above return the Session Judge states that he finds a difficulty in classifying Cases of torture under any other head than assault, and is of opinion that the proper Course would be to try all Cases of alleged torture under the head of assault, as the law recognizes no other term or heading under which

Such

such offences can be classified or tried where death does not ensue, Regulation III of 1819 applying only to Police Authorities.-

2 - The Court of Foujdaree Udalut are of opinion that every act of torture is of course an assault, but that the term "Torture" ought to be limited to cases in which Government servants are concerned in their Capacity as such.-

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

(Sent in 8vo)

Ex Hall.

F. Uc.

Monday 17th November 1856

At a Court of the Foujdaree Udalut

Present.

T. Anderson Esqre. }
T. W. Goodwyn. Esqre. } Asst. Puisne Judges
G. A. Harris Esqre. }

Read Calendar of Case No 20 of 1856 submitted by the Session Judge of Chinglepute under date the 5th November 1856.

(Here enter F. Uc. No 2090 of 1856)

1. The Court of Foujdaree Udalut observe that in the Session Judge's sentence in this Case it is stated that the Prisoner has been nearly = Six months under trial, but no explanation is offered for this extraordinary delay.

2. They resolve to direct that the Magistrate be called upon to submit a detailed explanation why as the charge was preferred on the 12th April the

the Case was only committed to the Court on the 18th September, the explanation being most detailed as to the delay between the 3rd August and 18th September last.-

3. The Principal Sudr Ameen should also be required to submit a detailed explanation why the Case which arrived on the 18th was not committed till the 30th September

4. And the Sessions Judge will also submit a detailed explanation why the trial of the Case was not commenced with till the 21st October

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

(Sent following precept No)

Read Miscellaneous Petition of Vadanta Chary received on the 27th October 1856 this the Sessions Judge of Combaconum.-

(Here enter F. Mr. P. No 206 of 1856.)

Mr. T. M. Goodwyn.

The Petitioner appeals from an Order of the Sessions Judge of Combaconum dated

dated 23. July last declining to interfere with the sentence passed against the Prisoner by the Special Assistant Magistrate dated the 5th February 1856.

2. The Court of Foujdaree Adalut see no reason to interfere with the Sessions Judge's order confirming the Proceedings of the Magistracy

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Combaconum for communication to Petitioner.-

Sent in No

Read Miscellaneous Petition received on the 27th October 1856, through the Sessions Judge of Combaconum from Runga Chary of that Zillah.-

(Here enter F. M. P. No 207 of 1856.)

Petitioner appeals from an

Mr. F. Anderson 1.

Order of the Sessions Judge of Combaconum dated 24th September last, dismissing his appeal from the Sentence passed by the Acting Special Assistant Magistrate fining the Petitioner in the sum of Rupees 15 in the matter of a complaint

of

of Assault preferred against him and certain others by one Auramoodoo Iyengar, and prays that the Court will call for the record of the case and order the reimbursement of the fine levied from him.-

2 The Court of Foujdaree Adalut see no reason to interfere in this case and therefore resolve to reject this Petition.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Combaconum for communication to the Petitioner

Sent intn

Read Miscellaneous Petition presented on the 30th October 1856 by Ooppara Canda Achy Zillah Chingleput.

(Here enter F.M. P. No. 209 of 1856.

Mr. F. Anderson 1. Petitioner appeals from the orders dated 18th October of the Sessions Judge declining to interfere with the orders of the Magistrate in his case.

2. The Court of Foujdaree Adalut seeing no reason to disturb the orders appealed from reject this Petition.-

Ordered

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

Read Miscellaneous Petition presented on the 1st November 1856 by G. Andoo Narraidoo Zillah Masulipatam

(Here enter F.M. P. No. 211 of 1856.)

Mr. T. W. Goodwyn Petitioner appeals from the orders of the Sessions Court dated the 18th June rejecting his Petition complaining of the imperfect examination of a charge preferred by him before the Magistrate on the 20th May 1855.-

2. The Court of Foujdaree Adalut resolve to reject this Petition as they see no grounds to interfere with the orders appealed from.-

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

Read Calendar of Case No. 6 of 1856 of the Sessions Court of Salem.-

(Here enter F.C. No. 2099 of 1856.)

1. The Acting Sessions Judge recommends that the period of

Imprisonment

Imprisonment which the Prisoner in this Case has been adjudged to suffer on his conviction of house breaking with theft be reduced to 18 Months.-

2. The Court of Foujdaree Adalut deeming the mitigated punishment proposed inadequate, resolve to direct that the Prisoner be sentenced to 3 years Imprisonment with labor in irons suited to his years.-

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

Sent in &c.

Calendar in Case No 42 of 1856 submitted by the Session Judge of Tinnevelly under date the 1st November 1856.

Were entered Fd. No 2085 of 1856.-

1. The Court of Foujdaree Adalut observe that the charge is defectively drawn up, it is to be concluded that the paper was a blank Stamped paper, and that the fraudulent using the blank 16 Rupee paper do not injure the party who had originally filed it, but defrauded Government of the Stamp-the Prisoner must

must have used for his Plaint.-

2. The indictment should therefore have clearly stated that the blank stamp paper was stolen from the records of the District Moonsiff of Nedoonmundalum and there should have been a second Count of having filed it in suit No 231 of 1856 on the file of the said Moonsiff and thereby defrauded the Government.-

3. The Heading of the Charge should have been "theft of Judicial record."

The Session judge will forward an explanation why this Case which arrived on September 6th was not committed till September 23d and why the trial is not commenced for a week after committal.

Ordered that Extract from these Proceedings be sent to the Session judge of Tinnevelly for his information

(Sent in No)

Read Miscellaneous Petition presented on the 3d November 1856 by Mr J. H. D. Wilson Pleader on behalf of the heirs and relations to the prisoner

from-

from No. 1 to 20 in Calendar No. 30 of 1856
of Zillah Chittoor.-

(Here enter F. Rs. No. 216 of 1856.)

Mr. T. V. Godwyn

Before finally disposing of this petition the Court of Foujdaree Adalut resolve to send the Session Judge a Copy of Para 3 of the same, and to direct him to submit the correspondence therein alluded to as well as translations of the depositions of the witnesses who identified the articles as the Prosecutor's property; if owing to any peculiar circumstances of the case the stolen articles have not yet been restored to the Prosecutor, they are (with the exception of the papers) to be forwarded to the Court of Foujdaree Adalut.-

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

(Sent following precept No.)

Read Return dated 12th November 1856 from the Session Judge of Chittoor, to the precept of the Foujdaree Adalut under date the 6th idem requiring the submission of

of the Petty Calendars for the 3rd Quarter 1856.

(Here enter F. Rs. No. 2147 of 1856.)

Read Calendar of Case No. 99. of 1856 submitted by the Session Judge of Bellary under date the 10th November 1856.-

(Here enter F. Rs. No. 2152 of 1856.)

Read Calendar of Case No. 23 of 1856. submitted by the Session Judge of Honore under date the 6th November 1856.-

(Here enter F. Rs. No. 2153 of 1856.)

Read Return dated 10th November 1856. from the Acting Sessions Judge of Madura to the Precept of the Foujdaree Adalut under date the 6th idem requiring the transmission of the Petty Calendars of Magistrate for 3rd Quarter of 1856.

(Here enter F. Rs. No. 2157 of 1856.)

Read Return dated 10th November 1856 from the Acting Sessions Judge of Tinnevelly to the Precept of the Foujdaree Adalut under date the 6th idem Calling for the Petty Calendars for the 3rd Quarter of 1856.-

(Here enter F. Rs. No. 2160 of 1856.)

Read Return dated 13th November 1856. from the Sessions Judge of Cuddalore

to

to the Precept of the Fouzdaree Adalut under date the 6th idem calling for the Calendar of Petty Cases disposed of by the Magistracy of South Arcot in the 3d Quarter of 1856.-

(Here enter F. Dc. No. 2164 of 1856.)

Read Return dated 12th November 1856 from the Session Judge of Bellary, to the Precept of the Fouzdaree Adalut under date the 7th Instant directing the Session Judge to state his opinion as to the Cause of death of the Prosecutors Mother in Case No. 76 in the Sessions Calendar for 1856.

(Here enter F. Dc. No. 2165 of 1856.)

Read Return dated 10th November 1856. from the Acting Sessions Judge of Rajahmundry to the Precept of the Fouzdaree Adalut under date the 6th idem directing the Submission of Magistrates Petty Calendars for the 3d Quarter of 1856.-

(Here enter F. Dc. No. 2167 of 1856.)

Read Return dated 10th November 1856, from the Session Judge of Guntoor, to the Precept of the Fouzdaree Adalut under date the 6th idem directing the early submission of the Petty Calendars of the

of the Magistracy for the 3d Quarter of 1856.-

(Here enter F. Dc. No. 2168 of 1856.)

Read Petty Calendars dated 6th November 1856 submitted by the Session Judge of Masulipatam for the 3d Quarter of 1856.-

(Here enter F. Dc. No. 2171 of 1856.)

Read Return dated 6th November 1856 from the Session Judge of Masulipatam to the Precept of the Fouzdaree Adalut under date the 6th idem calling for the Petty Calendars of the Magistracy for the 3d Quarter of 1856.

(Here enter F. Dc. No. 2172 of 1856.)

Read Criminal Report B — dated 12th November 1856. Submitted by the Session Judge of Guntoor, for the Month of October 1856.-

Here enter F. Dc. No. 2177. of 1856.

F. Co.

Tuesday.
18th. November 1856. At a Court of the Foujdaree Udalut

Present.

T. W. Goodwyn. Esqre.
F. Anderson Esqre. } Acg. Puisne Judges
G. A. Harris Esqre.

Read Calendar in Case No. 53 of 1856 submitted by the Acting Sessions Judge of Madura.—

Vide enter F. Co. No. 1786 of 1856.

1. Before finally disposing of this Case the Court of Foujdaree Udalut resolve to direct that evidence be taken to the 3d. Prisoner's declaration before the Police and translation of the same forwarded for their consideration, and that the Sessions Judge be required to explain his omission to have this declaration read and proved at the trial.

2. It does not appear from the record whether the 3d. prisoner confessed or denied before the Subordinate Court his previous declaration before the

the Police, and they direct that explanation on this point also be submitted.-

Ordered that Extract from these Proceedings be sent to the Session Judge of Madura for his information by Precept returnable within x days from and after its receipt.-

(Sent following Precept No.)

Read Calendar of Cases Nos. 59 and 60, submitted by the Acting Session Judge of Salem under date 23d. October 1856

(Here enter Nos. 2066 and 2067 of 1856.)

1. The Court of Fouzdaree Adalut observe that malice should have been charged in these 2 Cases.-

2. They are of opinion that the Sentence of 7 years imprisonment with hard labor and 195 lashes is quite incommensurate with the offences charged; the Prisoner in these Cases being convicted of two cold blooded attempts at murder and having put the lives of his victim in danger, rendered himself liable to a Sentence of transportation for life.-

3. The Futwas only convict the prisoner

prisoner of "wounding", but nothing is said about the "intent to kill". If the Law Officer acquitted of the latter, the Case should have been referred to the Fouzdaree Adalut, and the Court resolve therefore to Call upon the Acting Session Judge to have the Futwas completed and to act accordingly.-

Ordered that Extract from these Proceedings be sent to the Acting Session Judge of Salem by Precept returnable within 7 days from and after its receipt.

(Sent following Precept No.)

Ent'd.

F. P.

Wednesday
19th November 1856. At a Court of the Tanjore Zillah.

Present

Findlay Anderson Esquire
T. W. Goodwyn Esquire
G. A. Harris Esquire
} Acting Puisne Judges.

Read letter dated the 22d ultimo, from the Sessions Judge of Guntoor, forwarding for the opinion of the Judges, copies of correspondence regarding the mode of committal in cases wherein the crime is perpetrated in one Talook and the offenders apprehended in another:-

(Here Enter F. P. No 2012 of 1856)

1. The Court of Tanjore Zillah are of opinion that the proper course for a Head of Police to adopt is to send the accused to the Tahsildar of the Talook where the offence was committed.

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

(Sent in No

Read

Read again Calendar of case No 42 of 1856 of the Sessions Court of Masulipatam.-

(Here Enter F R No 1429 of 1856)

Read also return and supplemental Return dated respectively the 30th August and 21st October from the Sessions Judge of Masulipatam to the Rect. of the Tanjoare Coalut under date the 13th August 1856 directing that an English translation of the Record of the above case be submitted for their consideration.

(Here Enter F R Nos 1674 & 2047 of 1856)

From a perusal of the Record, the Court of Tanjoare Coalut see no reason to interfere with the sentence passed by the Sessions Judge in this case, and accordingly direct that the same be carried into execution.-

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

(Sent in No "

Read again Criminal Report 13 submitted by the Sessions Judge of Cuddalore for the month of September 1856.

(Here Enter F R No 1984 of 1856)

Read

Read also return dated 4th November 1856 from the Sessions Judge of Cuddalore to the Precpt of the Tanjoare Coalut under date the 27th October 1856 conveying their observations and orders on the foregoing Criminal Report.-

(Here Enter F R No 2096 of 1856)

The Court of Tanjoare Coalut are of opinion that the explanation furnished by the Principal Sudder Ameen is satisfactory, but they direct that the attention of the Magistrate be called to the defective manner in which the cases referred to were sent up to the Court by the Police-

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

(Sent in No "

Read calendar of case No 33 of 1856 on the file of the Sessions Court of Cuddalore.-

(Here Enter F R No 2097 of 1856)

The Court of Tanjoare Coalut direct that the writer who copied out

out the above calendar lee instructed to write more plainly in future.-

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

(Sent in No.

Read calendar of case No 72 submitted ley the Session Judge of Cuddapah under date the 5th instant.-

(Here Enter F R No 2104 of 1856)

The Court of Foujdaree Adawlut direct that the Session Judge lee called upon to explain why the Calendar in this case was only forwarded on the 5th November or 38 days after the sentence.-

Ordered that Extract from these Proceedings lee sent to the Session Judge of Cuddapah by Precept returnable in III days from and after its receipt.

(Sent following Precept No.

Read again Criminal Reports submitted ley the Session Judge of Cuddapah for the month of September 1856.

(Here Enter F R No 1978 of 1856)

Read also return dated 10th instant

instant from the Session Judge of Cuddapah to the Precept of the Foujdaree Adawlut under date the 3d November 1856 conveying observations on the Criminal Reports for September 1856.-

(Here Enter F R No 2141 of 1856)

The Court of Foujdaree Adawlut consider the explanation furnished ley the Subordinate Judge to lee satisfactory, but they direct that the incomplete manner in which the cases referred to, have been sent up to Court ley the Police lee brought to the notice of the Magistrate.-

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

(Sent in No.

Read Calendar of case No 57 of 1856 of the Sessions Court of Chittoor.

(Here Enter F R No 2115 of 1856)

The Court of Foujdaree Adawlut approve of the recommendation made ley the Sessions Judge in this case, that the period of imprisonment which the

Prisoner

Sinta pully Gungadoo.

Prisoner, noted in the margin, has been adjudged to suffer on his conviction of High way Robbery be reduced to (8) Eight years with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.-

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

(Sent in No.

Read Calendar of case No 64 submitted by the Session Judge Cuddapah under date the 5th instant

(Here Enter F.H. No 2103 of 1856)

The Court of Foujdaree Adawlut direct that the Session Judge be called upon to explain why the trial of this case, which was committed on the 10th was not commenced till the 25th September and why this Calendar was not forwarded till the 5th November or 34 days after the sentence.

Ordered that Extract from these Proceedings be sent to the Session Judge of Cuddapah by Precept returnable

in

in III days from and after its receipt.

(Sent following Precept No.

Read return dated the 4th Novem=ber to the Precept of the Foujdaree Adawlut under date the 1st November 1856 directing the Acting Session Judge of Salem to forward the 1st to Report and the depositions of the Prosecutor and of his 1st and 2d Witness in Sessions case No 54 of 1856.-

(Here Enter F.H. No 2100 of 1856)

The Court of Foujdaree Adawlut having perused the portion of the record submitted with the foregoing return, seeing reason to interfere with the Sentence passed in the case under review, and accordingly resolve to sanction the mitigated punish=ment proposed by the Acting Session Judge viz. Imprisonment with hard labor in irons, in respect of the 2d Prisoner to 1½ year and in that of the 1st Prisoner to 3 years with the additional penalty of 50 lashes.-

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

(Sent in No.

Rea

19th November 1856.

Read Calendar of case No 35 of 1856 on the file of the Session Court of Trichinopoly.-

(Here Enter F.R No 2098 of 1856)

1. The Court of Foujdaree Adalut direct that the Principal Sudder ameen be called upon to explain, why this case, which arrived on the 21st, was not committed till the 30th October last.-

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

(Sent following Precept No

Read Calendar of case No 1856 submitted by the Session Judge of Chingleput under date the 8th Instant.-

(Here Enter F.R No 2125 of 1856)

The Court of Foujdaree Adalut direct that the results of the Magistrates Enquiry regarding the maltreatment alleged to have been suffered by the 4th prisoner from the Police, be reported for their information.-

Ordered that Extract from these Proceedings be sent to the Session Judge of Chingleput by precept returnable V days from and after its receipt

(Sent following Precept No

Read

3) F.R

19th November 1856.

Read Calendar of case No 37 submitted by the Acting Session Judge of Tinnevelly under date the 5th November 1856.

(Here Enter F.R No 2116 of 1856)

1. The Court of Foujdaree Adalut direct that a detailed explanation be furnished for the extraordinary delay in this case from the date of the stolen property being found in the possession of the 1st prisoner.

2. They also desire information as to the nature of the property found on the prisoners, the explanation of the prisoners as regards the property found in their houses and whether the property so found has been identified beyond dispute to belong to the Prosecutor, and is of a nature that it could be so identified.-

Ordered that Extract from these Proceedings be sent to the Acting Session Judge of Tinnevelly by Precept returnable in V days from and after its receipt.-

(Sent following Precept No

Read letter dated 30th October 1856 from the Acting Sessions Judge of Calicut submitting for the final Judgment of the Foujdaree Adalut the Record of Trial in Case No 41 of 1856 of the Calendar of the Sessions Court.—

(Here Enter Ft No 2093 of 1856)

Read also return dated 10th November 1856 from the same officer to the Precept of the Foujdaree Adalut under date the 1st November 1856, calling for an explanation as to the cause of delay in committing the case No 41 on the Calendar of the Sessions Court.—

(Here Enter Ft No 2184 of 1856)

Messrs Anderson
T W. Goodwyn
Ga Davies.

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

1st Cheriadatha Ibrahen
and
3d Koondooly Banna alias Moosa cost

is sufficient to convict them of the crime charged, do convict them thereof

19th November 1856.

thereof; and under the provisions of Clauses third and fifth Section IV Regulation XV of 1803 Sentence them to be imprisoned and Kept to hard labor in irons on the public roads or other public works for and during the period of 14 years—

And being of opinion that the Prisoner,

2d Mamencherry alias Ambatta Changren alias Coonhy Kootten Nair

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 Prisoners were charged with gang robbery and knowingly possessing stolen property.

2. The Mahomedan Law Officer declared Solimut against the Prisoners and that the 1st and 3d Prisoners were consequently liable to

to Jazeer Hafeefa and the 2d to Do Kooluk
Hafeefa but the Acting Session Judge
dissenting from this finding has referred
the trial, and recommended that a sentence
of 14 years imprisonment with hard
labor be passed against the 2d prisoner,
he being a Mookeaster and a man of
influence and probably the originator
of the robbery and deserving therefore
exemplary punishment, and that 7 years
imprisonment will suffice for
the 1st and 3d prisoners, as they were
men not likely to be leaders but only
taking part in the robbery at the
instigation of others.-

3. The Court of Enquiry
doubt concur with the Acting Session
Judge in deeming the evidence sufficient
for the conviction of the 1st and 3d prisoners;
but seeing no grounds for mitigation
have sentenced them to 14 years imprison-
-ment with hard labor in irons.-

4. They however differ with
the Acting Session Judge in holding the
2d prisoner guilty, as they wholly disbelieve
the

the statement that this prisoner admitted
having received certain of the robbed pro-
-perty from the 3d prisoner, and all
the circumstances deposed to, relative
to the property found in the tank on
the 2d prisoners premises, are, in their
opinion, of a most suspicious character.-

5. If he had a hand in the
robbery, had received portions of the
booty and had considered it necessary
to conceal articles Nos 8 and 12 in the
Tank, it seems most improbable
that he would have kept articles Nos 5. 6. 7
and 13 in his house.- If he was guilty
he would, directly he heard of the 1st
and 3d Prisoners apprehension, have
hurried home to remove and secret the
articles then in his house moreover,
the Peishkar's discrimination in
knowing the exact place to be
first searched deserves attention -
and can only, the Court consider, be
accounted for by supposing that
he had had the articles placed there.-
Considering therefore that the most

suspicious

suspicions evidence as to the 2d prisoner's confession and finding the articles in the Tank taints the whole proof against the 2d prisoner, the Court of Foujdaree Adalut have acquitted this prisoner and direct that the articles which were taken from the 2d prisoner's house and which he claims as his own, be returned to him.-

6. The Court direct that the Magistrate's attention be called to the 4th witness' improper conduct in obtaining criminatory admissions from the prisoners by cajolery and lying.-

7. The order of the Acting Sessions Judge to the Moofty Sudder Ameen calling upon him to explain his Futwah the Court observe was uncalled for- the said Futwah being strictly in accordance with the Mahomedan Law.-

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

(Sent in No.

Read

Read Calendar of case No 29 of 1856 on the file of the Session Court of Salem.-

(Here Enter Ft No 2095 of 1856)

1. The Court of Foujdaree Adalut observe that this case arrived before the Subordinate Court on the 9th June and was not committed till the 1st July, the trial was not commenced in the Session Court till the 10th July and was only concluded on the 15th October, and they direct that a detailed explanation of the extraordinary delay be submitted for their consideration.-

2. They also direct the Acting Session Judge to explain his omission to forward a report of this case as required in their Circular Proceedings dated 16th October 1844.-

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

(Sent following Precepts &c.

To R.D.

19th November 1856.

Read Calendar of case No 53 of 1856 on the file of the Session Court of Chittoor—

(Here Enter F.R. No 2107 of 1856)

1. The Court of Foujdaree Adalut observe that the Sentence in this case ought to have been passed under Section XXI Regulation VII of 1802.

2. They direct that the Sessions Judge be called upon to explain why the trial of this case which was committed on the 21st October was not commenced with till the 4th November.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Chittoor by Precept returnable in III days from and after its receipt.—

(Sent following Precept No

Ew 8/12

Thursday,
20th November, 1856.

F. R.

At a Court of the Foujdaree Adalut.

Present.

Findlay Anderson Esqre
T. W. Goodwyn Esqre
G. A. Harris Esqre
} Acting Puisne Judges.

Read Miscellaneous Petition presented on the 3d. November 1856 by Mullammah of Zillah Chittoor—

(Here Enter F. & M.P. No 214 of 1856)

Mr. F. Anderson 1. Petitioner prays for the release of the Prisoners from 1 to 4 in case No 44 of 1855 who were convicted of the crime charged against them and sentenced to 14 years imprisonment with hard labor in irons on the 20th December 1855.

2. The Court of Foujdaree Adalut on a consideration of the case as set forth in the Calendar, and of the fact that no appeal has been preferred for 10 months, see no reason to interfere with the Sentence appealed against, and resolve to reject this Petition.—

Ordered that Extract from these

these Proceedings be furnished to the Petitioner on her application.-

Read Calendar of case No 63 of 1856 of the Session Court of Salem.-

(Here Enter F.R No 2127 of 1856)

The Court of Tanjore need not direct that explanation be furnished of the cause of the delay of nine days, from the 22d to 31st October in commencing the trial of this case.-

Ordered that Extract from these Proceedings be sent to the Acting Session Judge of Salem by Precept returnable in 14 days from and after its receipt.-

(Sent following Precept No 11

Read Calendar of case No 30 of 1856 of the Session Court of Mangalore.

(Here Enter F.R No 2126 of 1856)

The Court of Tanjore need not observe that this case which arrived on the 10th October was not committed till the 22d of that month, and they direct that the Acting Subordinate Judge be called upon to explain the cause of this delay.-

Ordered

20th November 1856

Ordered that Extract from these Proceedings be sent to the Acting Session Judge of Mangalore by Precept returnable in 14 days from and after its receipt.-

(Sent following Precept No

Read letter dated the 29th ultimo from the Session Judge of Combaconum.-

(Here Enter F.R No 2057 of 1856)

1. In the above letter the Session Judge requests to be informed with reference to the Circular Order of the F.C. No 209 whether in cases in which the Session Judge may consider a charge upon which a prisoner is committed for trial by the Subordinate Court requires an amendment, the Vakeel should be directed to amend the charge, or whether it should be returned for that purpose to the Subordinate Court.

2. The Court of Tanjore need not observe that it has been ruled in their proceedings dated the 27th Dec 185

That

that charges of nature drawn up in the Subor-
-dinate Court should invariably be cor-
-rected before the commencement of the
trial in the Sessions Court, and they resolve
to direct that copy of those proceedings
be forwarded for the information of the
Sessions Judge.-

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

(Sent in No.

Read Miscellaneous Petition
presented on the 25th September 1856 by
A. Terroinalacharry Pleader on behalf of
Caetan Joavo Fernandiz of Zillah Mangalore.

(Here enter I.N.P. No 190 of 1856)

Wm. H. Goodwyn J. The petitioner appeals from
the order of the Sessions Court of Mangalore
dated the 19th June last declining to an
interfere with the order of the Magistrate
dismissing the charge preferred by the
petitioner against certain parties, for
assault and forcibly taking possession
of a church.-

2. Before passing any final
orders

orders on this petition the Court of
Sessions Judge of Canara resolved to call on the
Sessions Judge for an explanation as to
who was in possession of the said Church
before the date of the said complaint.-

Ordered that Extract from
these Proceedings be sent to the Acting
Sessions Judge of Mangalore by Precept
returnable in V days from and after its
receipt.-

(Sent following Precept No.

Translation

4 1/4

Friday,
21st November 1856. At a Court of the Foujdaree Adalut

Present.

Tinolay Anderson Esqre
T. W. Goodwyn Esquire - } Acting Puisne Judges.
G. A. Harris Esquire -

Read letter under date the 4th November 1856, from the Sessions Judge of Masulipatam, forwarding English Translation of the record of Case No 67 of 1856 on the Calendar of the Sessions Court, for the final Judgment of the Court of Foujdaree Adalut.

(Here Enter F H No 2134 of 1856)

Mesrs Anderson & T W. Goodwyn - 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

K Ramdas Lahile

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession of the crime charged, do acquit him thereof, and direct that he be set at liberty.

The

1. The Prisoner in this case was charged with having in company with some others, not apprehended, entered the house of one G. Veeriah at night, by digging holes through the walls thereof, and stolen property to the value of about 50 Rupees, and with having on being seized, stabbed with a knife and thereby instantaneously killed the said G. Veeriah.

2. The Assessors acquitted the Prisoner, but the Sessions Judge disapproving of the verdict referred the trial, (in reference to the commission of murder) recommends the mitigated sentence of transportation for life being passed against the Prisoner.

3. On a consideration of the record, the Court of Sadr Adawlut are unable to concur with the Sessions Judge in the conviction of the Prisoner.

4 They observe that the earliest written evidence in this case

21st November 1856.

case is the village Moonsiffs report (page 9) written early on the morning after the murder, which can bear but one construction viz, that when he went to the house, inspected the corpse, questioned 1st witness &c, he heard nothing of the thief and murderer having been recognized by her (1st witness) as the Prisoner, a person whom she had known for 10 years. The Sessions Judge should have examined the village Moonsiff as to the above important statement.

5. The 1st witness' Police deposition, 6th August, conveys to the Court the impression that she did not at once (even when examined before the Police) charge the Prisoner decidedly, if at all. They are of opinion that she probably first said that she saw some one, whom she was not sure, and that the Police Officer then persuaded her little by little to become more

certain,

certain, till at last she either charged the Prisoner decidedly, or that this was so recorded for her.-

6. There is considerable difference between the 1st witness' statements of August 6th, and 7th.-

7. The Police deposition of the 2d witness, examined 7th August, indicates that the 1st witness did not at once mention the Prisoner's name to her relations or neighbours.-

8. The Police deposition of the 3d witness is still stronger as to the 1st witness not having charged the Prisoner before her doing so before the Police.-

9. Thus there is the strongest proof from the Police depositions that the 1st witness did not accuse the Prisoner at once or till the coming of the Police.-

10. The 1st witness' Sessions depo-sition differs most materially from those given by her before the Police, especially in positively denying that she

she saw the Prisoner kill the deceased and stating that she does not know who stabbed him.- Whilst the 2d and 3d Witnesses most distinctly swear that the 1st witness did not mention that she had recognized the Prisoner as the murderer till she (1st witness) was examined by the Police.- This is corroborated by the 6th witness.-

11. The case against the Prisoner therefore breaks down most thoroughly.

12. The Session Judge supposes that the 1st witness has been bought off or that she is "half-witted." and (in Para 12 of his letter) that certain "glaring discrepancies in her (1st witness) evidence, are evidently either the fictions of the diseased imagination of the 1st witness" or possibly the invention of the deposition writer".- The Court of Foujdaree Adalut are greatly surprised, that the Sessions Judge holding this view of the 1st witness' evidence (entirely uncorroborated) should have proceeded to convict the Prisoner of murder.-

The

13. The Sessions Judge admits at Para 11 that all the evidence at the trial tends to show that the 1st witness did not mention the Prisoner's name till ascertained by the Police.-

14. Under these circumstances the Court have acquitted the Prisoner and directed his unconditional release.

15 With reference to the grounds urged by the Sessions Judge in para 18 of his letter for a mitigation of sentence the Court of Tanjore would at observe that if a burglar on being seized by an inmate of the house, stabs him mortally in the struggle in order to effect his escape, malice is clear and the offender fully deserves death.-

16. They also observe that the abstract of the evidence against the Prisoner was altogether uncalled for and that the argee of the District Head of Police is drawn out at great length, and contains unnecessary details; they resolve therefore to direct that the attention of the Magistrate be called to

to their circular dated the 4th April 1845, pointing out what those argees should contain.-

17. The Court also resolve to call on the Magistrate to be careful that the Police Officers pay strict attention to their Circular Order dated 28th August 1856 No 211.-

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

(Sent in No 11 "

Ex Dd. Crawshaw

21a

X

J. U.

Saturday
22d November 1856 } At a Court of the Poojdaree Adalut

Present

F. Anderson Esquire
F. W. Goodwyn Esquire
G. A. Harris Esquire
} Acting Puisne Judges

Read letter dated 3d November 1856 from the Session Judge of Cuddalore, submitting for the final Judgment of the Poojdaree Adalut the Record of Trial in case No 20 of 1856 of the Calendar of the Session Court.

(Here Enter J. U. No 2123 of 1856)

F. Anderson Esqr.
F. W. Goodwyn Esqr.
& G. A. Harris Esqr.

The Court of Poojdaree 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 Vellien

2d Peroopaly

3d Veda Talian

and

4th Pavaday

is sufficient to convict them of the crime of Murder and Robbery to convict them thereof

22d November 1856.

thereof; and in conformity with the provisions of Section X Regulation VIII of 1802 Sentence the prisoners,

1st Vellien

and

2d Teroopaly

to suffer death by being hanged at the usual time and place of execution and the prisoners,

3d Keda Dalian

and

4th Pavaday

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 on the public roads or other public works for and during the periods of their natural lives.

And being of opinion that the prisoner,

5th Pandaw

is not convicted on presumptive proof or on the evidence of credible witnesses or on his own confession of the crime charged, do acquit him thereof, and direct that he be set at liberty.

The Prisoners in this case were charged with Murder and Robbery and were convicted by the Assessors and the Sessions

22d November 1856.

Session Judge, but in consideration of the uncertainty which existed as to the party or parties who actually struck the fatal blow, the Session Judge recommended that all the Prisoners be sentenced to transportation for life.

2. The Court of Foujdaree Adalut concur in the conviction of the 1st to 4th Prisoners and in the punishment proposed to be passed on the 3d and 4th Prisoners, but they see no grounds for mitigating the Sentence in the case of the 1st and 2d prisoners.

They observe that the 1st prisoner is a person of previous bad character, and there can be no doubt he and the 2d prisoner were the leaders in the perpetration of the Murder.

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

(Sent in No)

The Record of the trial in referred case No. 64 of 1856 on the Calendar of the Session Court of Madura not having been yet received.

Ordered

Ordered that the Acting Sessions Judge of Madura be required to submit the record aforesaid without delay.

(Sent in No)

Read Calendar of Case No 33 of 1856 on the file of the Sessions Court of Dindigul.

(Here Enter Dl. No 1904 of 1856)

Read also Records of the above case submitted by the Sessions Judge.

(Here enter Dl. No 2082 of 1856)

1. In this case the prisoners ten in number were tried upon a charge of Murder and acquitted by the Sessions Judge in concurrence with the Mahomedan Law Officer.

2. The mode of enquiry into this case both on the part of the Officers of Police and the Session Judge has been, the Court of Foujdaree Adalut are constrained to remark, most discreditable.

3. The murder, as is to be gathered from the evidence, took place in open day in the presence of at least 100 people of the village. The Village Moonsiff who, if not on the spot at the time of the murder was there immediately afterwards deposed that

that he could not discover who murdered the deceased. the Head of Police who held an inquest on the body does not appear to have made any attempt to discover who beat and pinioned the deceased, but contented himself with examining Witnesses who deposed to no particulars and were evidently friendly towards the accused.

4. The 1st and 2d Witnesses were the Court of Foujdaree Adalut observe the best persons likely to give trustworthy evidence as to what had occurred as it was at their instigation that the mob maltreated and finally murdered the deceased. The Sessions Judge did not even ask the 1st Witness whether he identified the prisoners in the Crowd, nor did he examine the 3d or 4 Witnesses who before the police deposed to certain acts of Violence committed on the deceased by some of the prisoners, which depositions they confirmed on oath before the Principal Sudr Ameen.

5. In fact a suspicion arises that the case has been sent up through a conspiracy (the Tahsildar being either a party thereto or a mere tool used by the real culprits) in the evidence of witnesses themselves accessories

in

22d November 1856

in the Crime, in Order that the Case being tried on such friendly evidence it might break down and thus the prisoners once acquitted could never be tried again.

The proper course for the Sessions Judge would have been to have refused to try the case in the way it was sent up and to have requested the Magistrate to take it entirely out of the hands of the Tahsildar and to hold a personal investigation on the scene of the Murder, in Order that fresh and satisfactory evidence might be taken, which, had a proper course been pursued, would most likely have been forthcoming. But if the Sessions Judge considered it expedient to commence the trial, he ought to have called for such further evidence as the exigency of the case imperatively demanded which should have been obtained by a local investigation conducted by the Magistracy, instead of adopting either of these courses the trial appears to have been hurried over with a rapidity and a carelessness which

22d November 1856

which considering the importance of the Case was most indecorous, and the consequence has been that owing to the connivance of the Police Officers who committed the Case and the supine negligence and culpable deficiency of judgment of the Judges who tried it public justice has been entirely frustrated.

The Court of Foujdaree Adalut direct the Magistrate to proceed at once or direct the Head Assistant to do so, to the Village, endeavour to obtain evidence against any of those concerned in the murder who have not yet been tried and hold an investigation as to the conduct of the Police and Village Officers and to report the result with — opinion for the information of the Court of Foujdaree Adalut

They further direct that until the enquiry be terminated and the opinion of the Court declared, the Head of Police be suspended from Office.

The Court of Foujdaree Adalut desire the Sessions Judge will forward to them an explanation of his conduct in regard to the disposal of this case.

Ordered

22d November 1856.

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

(Sent following receipt No.)

Read letter dated 13th November 1856, from the Acting Sessions Judge of Salem, submitting for the final Judgment of the Sudr: Adalut the records of Trial in Case No. 57 of 1856 of the Calendar of the Sessions Court.

(Vide Outer Dft. No. 2201 of 1856)

P. Anderson Esqre
T. N. Govindoyen Esqre

The Court of Sudr 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 Cora Booddun alias Aundy
2d Cora Ramen
3d Coopsum
and
4th Mootoo

is sufficient to convict them of the crime of Attempt at Gang Robbery by open violence with wounding, do convict them thereof; and under the provisions of Clauses third and fourth Section IV and Clause Third Section VII Regulation XV of 1803 sentence the prisoner 1st Cora Booddun alias Aundy to be imprisoned for (14) fourteen years and to be banished during the period of his sentence from the District in which his place of abode is situated and kept to hard labor in irons on the public roads or other public works in the Zillah of Bellary; and the prisoners,

2nd Cora Ramen
3d Coopsum
and
4th Mootoo

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.

1. The Prisoners in this case were charged with attempt at Gang Robbery with wounding and were acquitted by the Mochummedan Law Officer.

2. The Acting Sessions Judge being of opinion that the charge had been fully brought home to the prisoners recommended that the 1st prisoner be sentenced to (10) ten years and the others to (4) four years' imprisonment with hard labor in irons.

The

21

22d November 1856.

The Court of Doujdaree Udalut concur with the acting Session Judge in the conviction of the prisoners but considering the sentences recommended to be too lenient have sentenced the 1st Prisoner an old offender to (14) fourteen years' imprisonment in banishment and the 2, 3d and 4th Prisoners to (7) seven years imprisonment with hard labor in irons.

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

(Sent in Do) to
Campbell

4 Encls.

F. H.

Monday
24th November 1856

} In a Court of the Doujdaree Udalut.

Present.

F. Anderson Esqre - - - - - - - - - - }
D. W. Goodwyn Esqre - - - - - - - - - - } Acting Puisne Judges
G. A. Harris - - - - Esqre - - - - - - - - - - }

Read Calendar of Case Nos 5 of 1856 of the Session Court of Salem.

(Here Enter F. H. No 2142 of 1856)

The Court of Doujdaree Udalut

1. are of opinion that a sentence of one year's imprisonment with hard labor in irons without stripes will be adequate punishment for the offence of which the 1st Prisoner in this case has been convicted, and they resolve to call upon the Acting Session Judge to reduce the sentence accordingly.

* Dyidhotatil Roma Dainkar.

2. Unable to concur with the Court in the propriety of the mitigated sentence now proposed, the Session Judge will be pleased to submit an English translation of the entire Record of the Case for their consideration.

3. The Court of Doujdaree Udalut having ruled that security cannot with propriety be demanded in cases in which persons may be charged with Forgery or utterance of Forgery, and the evidence

may

may not be sufficient for their conviction, they resolve therefore to cancel the security demanded from the 2d prisoner and to direct that he be unconditionally released.

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

Read Criminal Report B for the month of October 1856, Zillah Mangalore.

(Here Enter No 2207 of 1856)

The Court of Zoujdaree Adalut conclude that the delay observable in the disposal of many of the Cases contained in this Report arose from the length of the enquiry required in the Cases in which Cochun Roodraya was the principal offender.

No 23 by the A.A.A. Magistrate.

A Sentence of one months Imprisonment should have been awarded in this case to which a fine commutable to a further period of one months imprisonment might have been added.

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

Read

Read Calendar in Case No 31 of 1856 submitted by the Sessions Judge of Combaconum under date the 12th instant.

(Here Enter Dft No 2162 of 1856)

The Court of Zoujdaree Adalut direct that an Explanation of the delay in sending up the case to the Subordinate Court and in commencing the trial before the Sessions Court be submitted for their consideration.

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

Read Calendar of Case No 44 of 1856 of the Ag. Sessions Court of Tinnevelly.

(Here Enter Dft. No 2117 of 1856)

The Prisoner tried for

1. Murder and convicted of Culpable Homicide, has been sentenced to 2 years' Imprisonment with hard labor in irons.

2. The Court of Zoujdaree Adalut being of opinion that Imprisonment for one year with hard labor in irons will be adequate for the punishment of the Prisoner, Resolve to direct that he be sentenced accordingly.

J.

3. If unable to concur with the Court in the propriety of the mitigated sentence now proposed, the Acting Sessions Judge will be pleased to submit an English translation of the entire Record of the case for their consideration.

4. The Court require explanation of the cause of the delay in the committal of this Case from 12th to 27th September.

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

Read Calendar of Case No 64 of 1856 of the Sessions Court of Salem.

(Here Enter D.R. No 2200 of 1856)

The Court of Dujdaree Adalut approve of the recommendation made by the Sessions Judge in this case, that the periods of imprisonment which the Prisoners noted in the Margin, have been adjudged to suffer on their conviction of House breaking with theft be reduced to (3) three years with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

1 2d Parce Athy
3d Ardanarree
4th Moottoosamy.

2. The Court direct that the Acting Subordinate Judge be called upon for

for an Explanation of the delay from the 12th to 23d October in the committal of this Case.

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

Read again petition presented on the 17th September 1856 by Venkatasawmy father of the 3d Prisoner in Case No 20 of 1855 on the file of the Sessions Court of Chingleput.

(Here Enter D.M.P. No 182 of 1856.)

Read also again petition presented on the 18th September 1856 by Venkatal-tal mother of the 4th Prisoner in the aforesaid case.

(Here Enter D.M.P. No 187 of 1856)

Read also Return dated 4th instant from the Sessions Judge of Chingleput, to the precept of the Dujdaree Adalut under date the 23d October 1856, calling for explanation as to those portions of the petitions (therewith sent) which relate to the alleged illusage of the 3d and 4th Prisoners in Sessions Case No 20 of 1855 and requesting the submission of those Portions of the Record which relate to the said 4th Prisoner.

(Here Enter D.H.P. No 2084 of 1856)

The

1. The Court of Foujdaree Udalut observe that the 4th prisoner in this case is a Cultivator, holds land, and appears to have previously borne a good character.

2. The Sessions Judge (in the above return) describes this Prisoner as acute and clever, if so it appears to the Court much improbable that he would have confessed before the Police when there was no direct or circumstantial evidence against him.

3. The Circular Order dated 27th December 1815 declares that Police confessions should be received with caution and hesitation, and that they should be supported by much circumstantial evidence, ere they be admitted to the conviction of a Prisoner. A subsequent Circular Order (18th June 1817) states that they are entitled to little credit as evidence unless strongly corroborated by other circumstances.

4. In the present case the 4th Prisoner's sentence renders his confession very improbable, and the only strong corroboration is found in the evidence of the 4th Witness, whose evidence at best only proves that he bought some Jewels of the 4th Prisoner under very

suspicious circumstances, and bolted them up at once to get rid of them. But there is not a tittle of proof that these Jewels were the Prosecutor's.

5. The 4th Witness says that the 4th Prisoner told him he found the Jewels in the road (not a very likely story) and that he (4th Witness) gave no notice of the circumstance to any one. If his Statement and the 4th Prisoner's Police confession are true he bought them for far less than their value, and there would be the strongest suspicion that he purchased them knowing them to be stolen. The 4th Witness's accusation of the 4th Prisoner was only after his own apprehension when he would be ready to accuse any or every body, provided he would thereby be cleared from a Prisoner, the purchaser of stolen jewels suspecting them to be such, into a Witness.

6. The Court of Foujdaree Udalut consider that the 4th Prisoner's most suspicious Police confession (retracted directly he got out of the power of the Police) is not supported by any circumstantial evidence that deserves credit, or which complies with the requisitions on the subject laid down by the above Circular Orders and they therefore direct

that

that the 4th Prisoner be released.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Chingleput by precept returnable in II days from and after its receipt.

Read Calendar of Case No. 36 of 1856 submitted by the Acting Sessions Judge of Tinnevelly.

(Here Enter Dft. No. 2143 of 1856)

The Court of Zoujdaree Adalut observe that this case which reached the Principal Sudr Ameens' Court on the 16th June was not disposed of by the Sessions Court till the 1st November, and they resolve to direct the Acting Sessions Judge to explain the cause of the delay when submitting the translation of the record.

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

Read Calendar of Case No. 20 of 1856 on the file of the Sessions Court of Coimbatore.

(Here Enter Dft No. 2196 of 1856)

The

The Court of Zoujdaree Adalut observe that this case which arrived before the Principal Sudr Ameens Court on the 7th was not committed till the 16th that the trial before the Sessions Court was closed on the 25th but the Futwa was given only on the 29th October and the Sentence of the Sessions Judge on the 3rd November, and they direct the Sessions Judge to furnish an explanation of these delays.

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

Read Calendar of Case No. 82 of 1856 submitted by the Sessions Judge of Bellary.

(Here Enter Dft. No. 2151 of 1856)

The Court of Zoujdaree Adalut observe that in the translation of the Futwah of the Law Officer it is stated that the 5th and 6th Witnesses did not mention to any one for 3 days the circumstances they depose to, but in the Sessions Judge's Sentence 3 Months are

stated

24th November 1856.

Stated to have elapsed before they mentioned the circumstance, and this discrepancy the Sessions Judge will be pleased to explain.

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

Tuesday 25th November 1856.

F. D.

At a Court of the Foujdaree Adalut

Present

F. Anderson Esquire
T. W. Goodwyn Esquire
G. A. Harris Esquire
} Acting Puisne Judges

Read returns dated 10th November 1856 from the Sessions Judge of Nellore to the Precept of the Foujdaree Adalut dated the 6th instant, directing submission of Petty Calendars for the 3d Quarter of 1856.

(Here Enter F. D. No. 2131 of 1856)

Calendar I Case No. 24

1. The names of the prisoners in this Case, who were also concerned in Case on No. 23, should with reference to the Circular Order of the 8th December 1831 have been entered in red ink.

Cases Nos. 25 & 27

3. The sentence passed by the Joint Magistrate in these 2 Cases of abuse of authority is altogether insufficient.

3. The entry of the loss of the ox is stated in the body of the charge was superfluous

Case No. 33.

Calendar II Case No. 37.

4 The Court of Foujdaree Adalut

direct

direct that an explanation of the delay of 1 month in the disposal of this case be submitted for their consideration.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Nellore by Precept returnable in 4 days from and after its receipt.

(Sent following Precept No.)

Read Criminal Report B for the month of October 1856, Zillah Nellore.

(Here Enter No. 720. No. 2170 of 1856)

Case No. 156 by Principal Sudr Ameen

1 Unless the defendant was guilty of some overt-act in attempting to suppress the charge of theft against his son, the case was one which should have been disposed of by the Magistrate by fine, suspension, or dismissal.

Nos. 179, 180, and 181.

2. The prisoner was convicted on three distinct charges of cattle-stealing and strong suspicion rested upon him in connexion with two other cases of a similar kind; and yet he was only sentenced to six months imprisonment for the whole. The Court of Foujdaree Adalut consider that a much heavier punishment should have been awarded.

3 The Court observe that there has been much delay in the disposal of the majority

of

of the cases included in this Report, and require an explanation in every case in which such delay has occurred five days.

4th Case returns should always be folded longthways.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Nellore by Precept returnable in 4 days from and after its receipt.

(Sent in No.)

Read letter under date the 21st October 1856 from the Acting Agent to the Governor of Fort St. George in Ganjam submitting for the final judgement of the Foujdaree Adalut a report of the trial of Criminal Case No. 28 of 1856 on his file.

(Here Enter No. 2194 of 1856)

1. The Prisoner in this case was tried for Perjury, in having, when examined as a Witness in suits No. 128 and 133 of 1855, before the District Moonsiff of Berhampore, given (like the Prisoner in Case No. 127 also a Witness in the said suits) two depositions directly at variance one to the other and each being on points material to the issue of the suit under trial.

The

25th November 1856

2. The Acting Agent acquitted the Prisoner on the grounds that when warned not to persist in his statement he retracted it and that the circumstance mentioned gave a slight shade of truth to his second statement.

3 The Court of Foujdaree Adalut approve of the acquittal of the Prisoner.

Ordered that Extract from these Proceedings be sent to the Acting Agent at Ganjam for his information.

(Sent in A.)

Read letter under date the 24th October 1856 from the Acting Agent to the Governor of Fort St. George in Ganjam submitting for the final judgement of the Foujdaree Adalut a report of the trial of Criminal Case No. 27 of 1856 on his file.

(Here Enter F.R. No. 2193 of 1856)

1. The Prisoner in this case was tried for Perjury in having when examined as a witness in Suits Nos. 128 and 133 of 1855 before the District Moonsiff of Berhampore, given two depositions directly at variance and to the other and each being on points material to the issue of the suit under trial.

The

25th November 1856.

2. The Acting Agent acquitted the Prisoner on the grounds that, when warned, he retracted his statement, and that, from the circumstance mentioned, he could not, as it appeared to the Court, be convicted of perjury however guilty of prevarication.

3 The Court of Foujdaree Adalut approve of the acquittal of the Prisoner.

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

(Sent in A.)

Read Calendar of Case No. 69 of 1856 submitted by the Acting Sessions Judge of Madura.

(Here Enter F.R. No. 2154 of 1856)

The Court of Foujdaree Adalut observe that the Prisoner in this case was convicted of murder by the Law officer and of culpable Homicide by the Acting Sessions Judge and they resolve therefore to quash the sentence passed by the Sessions Judge under section XXII Regulation VII of 1802 as illegal, and to direct that an English translation of

the

the Record be submitted for their consideration.

Ordered that Extract from these Proceedings be sent to the (Acting) Sessions Judge of Madura by Precept returnable within x days from and after its receipt.

(Sent following Precept to)

Read Calendar of Case No. 46 of 1856 of the Sessions Court of Calicut.

(Here Enter F.B. No. 2198 of 1856)

The Court of Foujdaree Adalut approve of the recommendation made by the (Acting) Sessions Judge in this Case, that the period of imprisonment which the Prisoners noted in the margin, have been adjudged to suffer on their conviction of Robbery be reduced to (2) Two years with hard labor in irons, and they do authorize the Acting Sessions Judge to issue his warrant accordingly.

2 Nos. Nannayhan Pendrell
3 Nos. Moorngan

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

(Sent in No.)

Read Criminal Report B for the months of October 1856 Bellah

Cuddapah

25th November 1856.

Cuddapah

(Here Enter F.B. No. 2206 of 1856)

The Court of Foujdaree Adalut

Case No. 203 by the Acting Subordinate Judge

1. observe that as the homicide was committed in the prosecution of an unlawful act the defendants should have been committed for murder, and the Sessions Judge left to determine whether the offence proved amounted to murder or to culpable homicide.

Case No. 210.

2. This case might have been disposed of under Clause 4th Section III Regulation VI of 1822.

Case No. 216 and 219.

3. On indictments for murder it should be charged that the Defendant did "feloniously wilfully, and of his malice aforethought, kill and murder" the deceased.

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

(Sent in No.)

Read letter dated 29th October 18[illegible] from the Sessions Judge of Cuddapah, submitting for the final Judgment of the Foujdaree Adalut the Record of Trial in Case No. 52 of 1856 of the Calendar of the Sessions Court.

(Here enter F.B. No. 2079 of 1856)

The

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

1st Narrainegaundoo

2d K. Nagadoo

and

3d K. Ajjy

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

1st Narrainegaundoo

and

3d K. Ajjy

to suffer death by being hanged at the usual time and place of execution and the prisoner,

2d K. Nagadoo

to be transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labour on the public roads or other public works for and during the period of his natural life.

1 The Sessions Judge concurred with the

the Law Officer in convicting the Prisoners in this case of wilful murder, and recommended that the 1st Prisoner be sentenced to suffer death and the 2d & 3d to transportation for life.

2. The Court of Foujdaree Adalut concur in the conviction of all the prisoners and in the sentence recommended to be passed on the 1st and 2d prisoners but as the 2d prisoner is proved to have instigated the murder of her husband, the Court are of opinion that the ends of justice require that she also should suffer capital punishment, and they have accordingly sentenced the 1st and 3d prisoners to suffer death and the 2d to transportation for life.

3. The Court of Foujdaree Adalut direct that the attention of the acting subordinate Judge be called to the illegality of the 3d Question put by him to the 1st Prisoner.

4 The Court of Foujdaree Adalut observe that this case was set down for reference on the 28th July and the translation of the record was forwarded from the Session Court only on the 29th October last.

5 This enormous delay in preparing

the

25th November. 1856.

The translation reflects most seriously on the efficiency of the Session Judge's superintendence over the translator and Writers in his Court, and they trust that arrangements will be made by the Session Judge to prevent the recurrence of similar unnecessary delay in future in submitting translations of the records of trials.

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

Sent in No

Extract

Sd Tholl

J. U.

At a Court of the Foujdaree Udalut

Present

Wednesday.
26th November 1856

J. Anderson, Esquire.
J. W. Goodwyn, Esquire.
G. A. Harris, Esquire.
} Acting Puisne Judges

Read Petty Calendars submitted by the Acting Session Judge of Madura, under date the 8th Instant.

Calendar I
Case No. 52.

(Here enter F. C. No. 2138 of 1856.)

A detailed explanation should be furnished, why 22 days' delay occurred in the Taloor.

Cases Nos. 55, 56, 58, 60, 61, 62, 67, 68, 69 and 70.

2. The use of the words Do. Do. Do. Do. Do. in the Column of Sentence is an improper manner of referring to the particular clause of the Act or Regulation under which the sentence may be passed.

Case No. 58.

3 The delay of 8 days in the disposal of this case must be accounted for.

Case No. 59.

4 The Acting Session Judge is desired to state his reasons for reversing this Sentence

sentence, whether on account of an Appeal to him, or from any irregularity in the procedure or defect in the Evidence.

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Madura by Precept returnable within 8 days from and after its receipt.

(Sent in Ac)

Read Return dated 17th Instant, from the Acting Sessions Judge of Mangalore, to the Precept of the Foujdaree Adalut under date the 10th Instant calling for explanation of the cause of delay in the committal of Case No. 29 of 1856.

(Here enter F. C. No. 2219 of 1856)

Read Return dated the 13th November from the Sessions Judge of Chicacole, to the Precept of the Foujdaree Adalut under date the 6th November 1856, directing to forward the Petty Calendars of the Magistracy for the 3d Quarter of 1856 without further delay.

(Here enter F. C. No. 2227 of 1856)

Read Calendar in Case No. 22 of 1856 submitted by the Acting Sessions Judge of Tellicherry under

under date the 14th November 1856.

(Here enter F. C. No. 2231 of 1856)

Read Return dated 17th from the Acting Sessions Judge of Rajahmundry, to the Precept of the Foujdaree Adalut under date the 3d Instant, conveying their observations on review of the monthly Criminal Report B for September last.

(Here enter F. C. No. 2232 of 1856)

Read Return dated 18th from the Acting Sessions Judge of Mangalore, to the Precept of the Foujdaree Adalut under date the 6th Instant, calling for Petty Calendars of the Cases disposed of by the Magistracy during the 3d Quarter of 1856.

(Here enter F. C. No. 2233 of 1856)

Read Return dated 17th from the Acting Sessions Judge of Tellicherry, to the Precept of the Foujdaree Adalut under date the 6th November 1856, calling upon the Acting Sessions Judge to submit without delay the Magistrate's Petty Calendars for the 3d Quarter 1856.

(Here enter F. C. No. 2234 of 1856)

Read Calendar in Case No. 65 of 1856, submitted by the Acting Sessions Judge of

of Salem under date the 15th Instant.

(Here enter F. M. No. 2235 of 1856)

Read Calendar in Case No. 66 of 1856, from the Acting Sessions Judge of Salem, under date the 15th Instant.

(Here enter F. M. No. 2236 of 1856)

Read letter dated 19th November 1856, from the Acting Sessions Judge of Madura, forwarding the usual death warrant in Case No. 61 of 1856 on the Calendar for 1856.

(Here enter F. M. No. 2246 of 1856)

Read Return dated 18th from the Sessions Judge of Nonore, to the Precept of the Foujdaree Adalut under date the 6th November 1856, requiring the transmission of the Petty Calendars of Cases disposed of by the Magistracy for the 3d Quarter of 1856.

(Here enter F. M. No. 2250 of 1856)

Read Calendar in Case No. 90 of 1856, submitted by the Sessions Judge of Bellary, under date the 20th November 1856.

(Here enter F. M. No. 2252 of 1856)

Read Calendar in Case No. 91 of 1856, submitted by the Sessions Judge of Bellary, under

under date the 20th November 1856.

(Here enter F. M. No. 2253 of 1856)

Read Calendar in Case No. 101 of 1856, submitted by the Sessions Judge of Bellary, under date the 20th November 1856.

(Here enter F. M. No. 2255 of 1856)

Ex Adl.

F. 116.

Thursday— 27th. November, 1856. At a Court of the Fouzdaree Udalut

Present

F. Anderson, Esquire,——
T. W. Goodwyn, Esquire,—— } Asst. Sessions Judges
G. A. Harris, Esquire,——

Read Miscellaneous Petition forwarded by the Session Judge of Honore, from Coroobara Careeya, 4th. Prisoner in Case No. 16 of 1856, on the file of the Session Court of Honore.

Here enter F. M. D. Nos. 264 & 265 / 1856

Mr. G. A. Harris. 1. This is an Appeal from the sentence of the Session Judge of Honore, whereby the Petitioner was convicted of the crime charged, and adjudged to fourteen years' imprisonment with hard labor in irons.

2. The Court of Fouzdaree Udalut seeing no reason to interfere with the sentence passed against the Prisoner, resolve to reject his Petitions.

Ordered, that Extract from these proceedings, be sent to the Session Judge

Judge of Honore, for his information and for communication to Petitioner.-

/Sent in No/

Read Miscellaneous Petition presented on the 3d Instant, by S. N. Cum=teeravacharry, Pleader on behalf of Vezia=lutchmee and others of zillah Madura.

/Here enter F. M. D. No. 212 of 1856/

Mr. G. A. Harris. This is an application for the release of the 1st, 2d, 3d, 4th, 8th and 9th Prisoners in Case No. 56, and of the 1st Prisoner in Case No. 62, of 1856, on the file of the Session Court of Madura, who being convicted of the crime charged against them, were sentenced to eight years imprisonment with hard labor in irons and to receive fifty lashes each and also to pay a fine of two hundred and fifty Rupees, their proportionate share of the stolen property, which fine was ordered to be levied by distress under Section II Act XVI of 1850, and paid to the party robbed.-

2. The Court of Foujdaree Udalut see no ground to interfere with the sentence appealed against, and therefore

resolve to reject this petition.-

Ordered, that Extract from these proceedings, be given to the Petitioner Pleader on his application.-

Read Miscellaneous Petition presented on the 10th Instant, by R. Veeru=mal Row, Pleader on behalf of Mahomed Azee Zoodeen of zillah Nellore.

/Here enter F. M. D. No. 219 of 1856/

Mr. G. A. Harris. Petitioner prays for the in=terference of the Court of Foujdaree Udalut to overrule the order of the 1st Session Judge of Nellore under date the 9th August 1856, reversing the one passed by the Head Assistant Magis=trate on the 16th January 1856, whereby that Officer directed the Petitioner to be left in possession of the houses and other property belonging to his deceased brother, leaving the widow of the latter to seek remedy by a Civil process, if she has any claim upon the said pro=perty.-

2. The Court of Foujdaree Udalut see no reason to interfere with the

the order appealed against and accordingly resolve to reject the Petition.

Ordered, that Extract from these proceedings, be given to the Petitioner's Pleader on his application.

Read Miscellaneous Petition presented on the 10th Instant, by Kristnappa Naiken, of Zillah Chingleput.

/Here enter F.M.P. No. 220 of 1856/

Mr. G. A. Harris. 1. Petitioner complains that his wife, the Prisoner in Case No. 70 of 1856, on the file of the Session Court of Chingleput, who was charged with adultery, has not been punished as she deserved, the Session Judge, who convicted her of the crime charged, having nevertheless released her, observing that no further punishment was necessary, she having already undergone nearly sixe months' Imprisonment while under trial.

2. Petitioner concludes by praying the Court of Foujdaree Udalut to enhance the punishment of the above Prisoner, and issue instructions

F. C.

27th November, 1856.

tions to the Session Judge to reapprehend, and punish her paramour, who was brought as 2d Prisoner before the Head Assistant Magistrate, but acquitted by that Officer on the ground of his "not having admitted his guilt."

3. The Petitioner's request as regards his wife, is illegal. As regards the 2d Prisoner before the Head Assistant Magistrate, the Petitioner has not produced a copy of the Session Judge's order relating to that person. The Court of Foujdaree Udalut are therefore precluded from taking any notice of this part of the Petitioner's application.

4. Petition dismissed.

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

Read again Calendar in Case No. 86 of 1856, on the file of the Session

Session Court of Bellary.

/Here enter F. No. No. 2010 of 1856/

Read also Return dated 13th November 1856, from the Session Judge of Bellary, to the precept of the Foujdaree Udalut under date the 5th Instant, calling upon the Session Judge to explain the cause of delay in the commitment of Case No. 86 of 1856 to the Session Court.-

/Here enter F. No. No. 2182 of 1856/

The Court of Foujdaree Udalut observe that the Acting Subordinate Judge's explanation shows that the dates in the Calendar must have been incorrectly entered, it being there stated that the case left the Talook on the 22d and arrived at Court on the 25th September, if it was only received on the 29th September the cause of the delay of Seven days between leaving the Talook and reaching the Court must be explained.-

Ordered that Extract from these proceedings be sent to the Session Judge of Bellary, by precept Returnable within III days from and after its

receipt.-

/Sent following precept No. /

Read Calendar in Case No. 50 of 1856, submitted by the Session Judge of Chittoor, under date the 10th October 1856.-

/Here enter F. No. No. 2114 of 1856/

The Court of Foujdaree Udalut direct that the Session Judge will explain why the trial of this Case which was committed on the 10th October was not commenced till the 5th November.

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

/Sent following precept No. /

Read Calendar of Case No. 43 of 1856, of the Session Court of Nellore.-

/Here enter F. No. No. 2213 of 1856/

The Court of Foujdaree Udalut approve of the recommendation made by the Session Judge in this case, that the period of imprisonment which

27th November, 1856.

27

Jaysimpa Adivigadu

which the Prisoner noted in the margin, has been adjudged to suffer on his conviction of House breaking with Theft, be reduced to /4/ four years with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.-

2. The Court direct that the Session Judge be called upon to explain the delay in the committal, trial, and passing sentence, in this case.-

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

/ Sent following precept No. 13

Ex. Mll.

F. U.

In a Court of the Foujdaree Udalut.-

Friday

28th November 1856.

Present

F. Anderson, Esquire. }
J. W. Goodwyn, Esquire. } Acting Puisne Judges
G. A. Harris, Esquire. }

Read Calendar of Case No. 63 of 1856, on the file of the Sessions Court of Madura.-

/ Herewith enter F. U. No. 2210 of 1856 /

The Court of Foujdaree Udalut direct that the delay in the committal and commencement of the trial of this case in the Sessions Court be explained.-

Ordered that Extract from these proceedings be sent to the Acting Session Judge of Madura by Precept returnable within III days from and after its receipt.-

/ Sent following precept No. /

Read Calendar of Case No. 43 of 1856 of the Session Court of Tinnevelly.-

/ Herewith enter F. U. No. 2214 of 1856 /

The Court of Foujdaree Udalut direct that an explanation be furnished of the Cause

27

Cause of the delay from 16th. August to 24th. September in committing this Case and from the latter date to 30th. October in commencing the trial.—

Ordered that Extract from these proceedings be sent to the Acting Session Judge of Tinnevelly by Precept Returnable within III days from and after its receipt.—

/ Sent following Precept No. /

Read Criminal Report B submitted by the Session Judge of Chittoor for the month of October 1856.—

/ Here enter F. C. No. 2179 of 1856 /

Case No. 135 / The felonious and malicious intent ex should have been charged.— Delay from 25th. September to 10th. October to be explained.—

Case No. 139 2 If no prosecutor is forthcoming and there appear grounds for supposing the prisoner to have committed theft, the Government Vakil should have been directed to conduct the prosecution, the detention of the prisoner in custody without any one to prefer a charge against him is both irregular and illegal. The entry in the second column under the Head of Prosecutor should not have been made.

3 The Court desired to be informed of the meaning of the case being reported to be under trial when there is no one to Prosecute.—

4

No. 140 and 146. 4 The delay of 12 and 8 days in the disposal of these cases by the Moosty Sudr Ameen to be explained.—

No. 144. 5 Delay of 21 days before the Subordinate Judge to be explained.—

6 Delay in submitting this Report to be explained.—

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

/ Sent in No. /

Read Petty Calendars &c submitted by the Sessions Judge of Guntoor for the 3rd. Quarter of 1856.—

/ Here enter F. C. No. 2120 of 1856 /

Calendar II Case No. 43 The case is said to be dismissed for want of proof. There must be some clerical error or omission, for the 1st. Defendant is stated to be dismissed from his situation.—

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

/ Sent in No. /

Read Criminal Report B for the

the month of October 1856 Zillah Honore.—

/ Rereenter F.C. No. 2223 of 1856 /

No. 57. by Principal Sudr Ameen.

If this was purely a case of homicide by misadventure, which it would appear to have been, the defendant should not have been committed, but immediately released. If the Principal Sudr Ameen considered that the Defendant had been guilty of culpable neglect involving the loss of human life, the conduct of the defendant should have been so described in the charge, and the offence treated as a misdemeanour. As the charge now stands nothing of a Criminal nature is alleged against the defendant.—

No. 17 by Sirsy Sudder Ameen

2 The Sirsy Sudder Ameen has omitted to state whether or not the delay in the Palook was satisfactory accounted for.—

3 The Court of Foujdaree Udalut require explanation of the delay in every case, which was not disposed of within five days after the arrival of the parties in the Principal Sudder Ameens Court

Ordered that Extract from these Proceedings be sent to the Session Judge of Rimnad by Precept returnable within VII days from and of its receipt.—

/ Sent following precept No. /

Read

Read Petty Calendars submitted by the Acting Agent to the Governor of Fort Saint George at Ganjam for the 3d. quarter of 1856

/ Rereenter F.C. No. 2140 of 1856. /

Calendar I Case No. XI

1 The Court of Foujdaree Udalut are of opinion that if the theft as charged was proved against the prisoner, the punishment awarded was wholly insufficient.—

do. 12

2 The wrong Section has been quoted.—

Ordered that Extract from these proceedings be sent to the Acting Agent to the Governor of Fort Saint George at Ganjam, for his information.—

/ Sent in No. /

Read again Calendar in Case No. 43 of 1856, on the file of the Sessions Court of Calicut.—

/ Rereenter F.C. No. 2029 of 1856 /

Read also return dated 10th Instant from the Acting Sessions Judge of Calicut to the precept of the Foujdaree Udalut under date the 1st November 1856, calling for an explanation as to the cause of delay in committing the case No. 43 of 1856 on the Calendar of the Sessions Court.—

/ Rereenter F.C. No. 2185 of 1856 /

The

1 The Court of Foujdaree Udalut direct that the omission of the Police to send up the 1st & 11th witness to the Court be brought to the notice of the Acting Magistrate.

2 The observe that if sufficient evidence for committal is before the Subordinate Court, that Tribunal should not delay the committal an account of the non arrival of other witnesses, as immediate committal gives the Session Court time to make itself well acquainted with the proceedings &c. before commencing the Trial.

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

/ Sent in No. /

Read Calendars submitted by the Session Judge of Combaconum for the 3rd quarter of 1856.

/ Here enter F. H. No. 2109 of 1856 /

Calendar I Case No. 28. 1 It should have been stated whether the 2nd Defendant was dismissed from his situation which additional punishment he richly deserved.

Case No. 29. 2 The Offence charged is said to have been committed on the 21st April, the charge appears to have been made on the 20th August, but the date of apprehension is the 17th this must be a clerical error.

Ordered that Extract from these proceedings

proceedings be sent to the Sessions Judge of Combaconum.

/ Sent in No. /

Read Calendar of case No. 44 of 1856 of the Session Court of Combatore.

/ Here enter F. H. No. 2112 of 1856 /

Madooray Cauly 1 The Court of Foujdaree Udalut approve of the recommendation made by the Session Judge in this case, that the period of imprisonment which the prisoner noted in the margin, has been adjudged to suffer on his conviction of House breaking with robbery and wounding; be reduced to (8) Eight years with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.

2 The Court are of opinion that if the Prisoners cloth had been properly secured or sealed up in a packet as should have been done it is clear he could not have obliterated the blood marks & therefrom and they direct that the Magistrates attention be called to this irregularity.

3 The Court direct that explanation be furnished of the cause of delay from 1st to 10th October in sending up this case to the Principal Sudr Ameen's Court; also in its committal from 16th

to

27

to 21st October and in passing sentence after the trial closed from the 23rd to the 31st of the said month.—

Ordered that Extract from these proceedings be sent to the Session Judge of Coimbatore by precept returnable within V days from and after its receipt.—

/ Sent following Precept No. /

Read letter dated 22nd November 1856 from the Session Judge of Cuddapah, submitting for the final Judgment of the Foujdaree Adalut, the Record of Trial in Case No. 75 of 1856, of the Calendar of the Session Court.

/ Herewith Fr. U. No. 2267 of 1856 /

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

"J. Venkatapaty alias
Puttigadoo"

is sufficient to convict him of the crime of wounding, with intent to kill, for which according to Futwahs of their Law Officers, Discretionary punishment is awardable under the Mohummedan Law, do convict him thereof, and in conformity with the Provisions of Clause third Section VII Regulation XV of 1803, and Section

Section XXXV Act VII of 1843, sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of /14/ fourteen years.

The Court of Foujdaree Adalut observe that the Session Judges letter of reference Para 8 should have accorded with his sentence as set forth in the Calendar.—

Ordered that Extract from these proceedings be sent to the Session Judge of Cuddapah for his information. / Sent in No. /

Read Return dated 11th November 1856, from the Acting Session Judge of Salem to the Precept of the Foujdaree Adalut of the 6th Instt. calling for the Petty Calendars of the Magistracy together with his Proceedings thereon, for the 3rd Quarter of 1856.— / Herewith Fr. U. No. 2187 of 1856 /

Case No. 29

The charge should have stated the accuseds object in threatning and imprisoning the Prosecutor. The Court of Foujdaree Adalut regret to observe the very long delay (45 days) in passing sentence in this case and the unsatisfactory nature of the explanation.—

Case No. 31

The accuseds object should have been stated if the case was one of abuse of authority. The charge

28th November 1856

charge has been obscurely worded, but the Court of Foujdaree Adalut are of opinion that the Acting Head Assistant Magistrate is correct in entering the particulars of the offence. The charge should have been headed Abuse of Authority and Assault and all the Prisoners entered in the same indict=ment.—

Ordered that Extract from these proceedings be sent to the Acting Sessions Judge of Salem for his inform=ation.—

Sent in &c.

E. & K.

Saturday
29th November 1856 } At a Court of the Foujdaree Adalut.

F. G.

Present:

F. Anderson Esqre Acting
T. W. Goodwyn Esqre Acting } Puisne Judges.
G. A. Harris Esqre Acting

Read letter dated 4th Instant from the Principal Sudr Ameen of Chingleput reporting a case of torture by the Police.

(Vide enter F. G. No 2078 of 1856)

In the above letter the Principal Sudr Ameen reports a case of torture in which a Duffadar 2 Peons a Village Moonsiff and another individual were convicted of having, with the view of procuring the confessions of the prisoners in Cases 68. 69 and 70 of 1856, tied them arms, struck them with fists, suspended one of them by the arms with a rope to a Tamarind tree and ill treated him and the others in various other ways and were sen=tenced under Section VIII Regulation X of 1816, to 3 months' imprisonment with hard labor in irons.

The

2. The sentence passed in this case is in the opinion of the Court of Foujdaree Adalut too lenient, the prisoners fully deserving the full penalty prescribed by Section VII Regulation X of 1816 for the crime proved against them.

3. They observe that the Principal Sudr Ameen should have examined the Surgeon as to the nature of the injuries inflicted on the prisoners.

4. The Court of Foujdaree Adalut having reason to believe that it is still the practice in some districts of securing accused parties by fastening their arms behind the back with ropes or twisted cloths which by impeding the circulation causes great pain, resolve to direct that the attention of the Magistrates be called to their Circular Order dated the 24th March 1825 and that they be required to issue strict injunctions to the Police against the use of such ligatures in securing offenders.

Ordered that Extract from these proceedings together with a copy of the Principal Sudr Ameens letter be sent to the Chief Secretary to Government for the

the information of the Right Honorable the Governor in Council.

Ordered also that Extract from these proceedings (paras 1. 2. and 3) be sent to the Principal Sudr Ameen of Chingleput for his information.

Ordered also that Extract from these proceedings (para 4) be sent to the several Session Judges for Communication to the Magistrates within their jurisdiction.

(Sent in No)

Read Calendar of Case No 69 of 1856 of the Session Court of Salem.

(Here enter F. R. No 2237 of 1856)

1. The Court of Foujdaree Adalut approve of the recommendation made by the Session Judge in this case that the period of imprisonment which the prisoners noted in the Margin, have been adjudged to suffer on their Conviction of Going robbery by open violence be reduced to 10 years with hard labor in irons and they do authorize the Session Judge to issue his warrant accordingly.

× 1st Cora Veerum
2nd Sengodien

2. The Court direct the Acting Session

Sessions Judge, when forwarding the Acting Subordinate Judges explanation as to the cause of delay in the committal of this and other cases, to explain also the delay in commencing the trial of these cases after committal.

65 and 66

Ordered that Extract from these proceedings be sent to the Acting Sessions Judge of Salem by precept returnable within V days from and after its receipt.—

(Sent following precept No /

Read letter dated 23d October 1856 from the Sessions Judge of Combaconum requesting that he may be instructed whether a Head or Moonsiff of Police can act under Act XXX of 1841.—

(Were enter F. D. No. 2030 of 1856)

The Court of Zinjdarees Adalut direct that copy of their proceedings dated the 17th January 1855, in which it was ruled that the Act in question did not extend to Heads of Police, be forwarded for the information of the Sessions Judge.

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

(Sent in No /

Read Criminal Report B submitted by the Sessions Judge of Trichinopoly for the month of October 1856.—

(Were enter F. D. No. 2178 of 1856)

Report B
Case Nos 85. 30 days.
91 - 19 —
93. 7 —
94. 9 —

85. 1 The Court of Zinjdarees Adalut direct that the delay in the disposal of these cases by the Principal Sudr Ameen be explained.—

2. It is to be supposed that the Prisoners object was to cheat and injure some persons, if so, this should have been entered in the charge.

93. 3. The 2d Count is unintelligible, if the meaning intended to be conveyed was that the prisoner was found in possession of articles purchased with the proceeds of the booty, this is no criminal offence.

Ordered that Extract from these proceedings be sent to the Acting Sessions Judge of Trichinopoly by Precept returnable within V days from and after its receipt.—

(Sent following precept No /

Read Criminal Report B for the month of October 1856, Zillah Chingleput.

(Were enter F. D. No. 2217 of 1856)

No 79. 1 The date of reason of the Principal

Principal Sudr Ameens request that his decision might be reviewed is not given. The Principal Sudr Ameen will be called on to furnish explanation on this point, as it would appear that he only entertained doubt as to the decision when the record was called up by the Session Judge in November 4th.—

No. 111 Before Principal Sudr Ameen.

2. The heading should have been simply "Murder" and in the body of the charge it should have been stated that the Defendants did feloniously, wilfully and of their malice aforethought, kill and murder" the deceased.

Nos. 108, 109, and 115.

3 In the cases noted in the margin no opinion has been recorded as to the admissibility or otherwise of the reasons assigned for the delay in the Talaks. The Principal Sudr Ameens and Sessions Judges particular attention should be paid to checking the long delays prevalent in Chingleput.—

Nos. 79, 105, 108, 109, 110 and 115.

4. In these cases there was delay in the transmission of Criminal Report A 113. to the Sessions Judge.—

5. The prisoners premises Committed

should have been entered as a second count as prescribed by Circular Order dated 2d October 1850.

No. 22 by Magistrate.

6. The charge is not clear if the clothes were given to the Prisoner to wash he could not have defrauded the Prosecution of the clothes, though he might have stolen them afterwards. This was not a case of "fraud" as the property was not obtained under false pretences. The Defendants offence was Theft.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Chingleput for his information by precept returnable within III days from and after its receipt.—

(Sent following precept No.

Read Calendar of Case No. 92 of 1856 of the Sessions Court of Bellary.—

(Here Enter F. H. No. 2221 of 1856)

The Court of Fujdaree Adalut direct that the Sessions Judge will forward an explanation why this case, which arrived on October 18th, was not

Committed

committed till October 23d, and why the trial was not commenced till November 6th or for 14 days after committal.-

Ordered that Enclosed form these proceedings be sent to the Sessions Judge of Bellary for his information by precept returnable within III days from and after its receipt.-

(Sent following precept No

Read letter dated the 17th Novem: =ber 1856 from the Acting Sessions Judge of Calicut submitting for the final Judgment of the Sovereign dassee Udalut the record of trial in Case No. 47 of 1856 of the Calendar of the Sessions Court.

(Here Enter F. H. No. 2215 of 1856)

Mr. Goodwyn
Mr. Harris.

1 The Court of Sovereign dassee 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

"Chaloor Rasoo"

is sufficient to convict him of the crime of Manslaughter for which the penalty of Deyat is awardable under the Mahomedan

Law.

Law as declared in Futwahs of their Law Officers do convict him thereof: and under the provisions of Section XI Regulation VIII 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 (7) Seven years.-

1 It appears from the Police

Page 52. deposition of the Adiliary that the prisoner bears a bad character and had about 10 years ago been tried for murdering a Cheruman.

2 The 1st witness bears a loose

Page 53. Character she was turned off by her late keeper Kokapen Nair for intriguing with the deceased. In April or May last she was taken in keeping by the Prisoner but continued intriguing with the deceased, which fact becoming known to the Prisoner caused a bitter enmity between him and deceased. In August or September last the Prisoner beat the 1st witness on this account. The deceased told his servant Cheria Coonhen that he was going to the Prisoner's house that night and the latter advised him against so doing thinking it a

dangerous

× Prisoners Subordinate Court deposition.

×× Attekara deposition Page 53

2 Cheria Coonhen Police deposition 24th October Page 57.

dangerous on account of the enmity which existed from the deceased intriguing with the 1st witness (Prisoner's Mistress).

3 The Acting Session Judge does not appear to have bestowed sufficient care and attention on this case; he did not examine the Adiabary or the deceased's Servant although both these individuals testimony was of much importance, and it was only after the Prisoner's defence was recorded that the Acting Session Judge examined the two most important witnesses for the prosecution Viz. the 2 Peons proving the Prisoner's Subordinate Court Confessions.

x an very irregular proceeding

4 As the Acting Session Judge had doubts as to the correctness and clearness of the Surgeons opinion formed after a postmortem examination he ought to have questioned the Surgeon as to his doubts, instead of hazarding surmises on the subject.

5 The Acting Session Judge states that the traces of inflammation lead to the conclusion that death was not instantaneous,

instantaneous but the Surgeons deposition shows that the Session Judge probably mis-took the Surgeons meaning the expressions used as noted marginally may show that the adherence "through recent inflamation" was the result of some recent previous injury. If the Session Judge considered that sufficient time elapsed between the Prisoners blows and deceased's death to have permitted adherence thro' inflamation it was his duty to have examined those discovering and first examining the body &c &c.

("the" tendinous expansion) (xx) was found guilty adherent to the bone through recent inflammation &c.

The Session Judge throughout his letter has altogether lost sight of the important facts that the injuries on the deceased's head, neck, chest, navel and testicles, together with the blood on his cloth, show that he died after a protracted struggle the nature of these injuries and the previous bitter enmity indicate great cruelty and malice.

The

29th November 1856.

The Police officer who con-
=ducted the enquiry has shewn a complete
disregard to the provisions of Circular
Order No. 211 questions have been written
down, much useless hearsay recorded,
and the Talaks attesting witnesses depo-
=sitions taken down. The Acting Magistrate
will report whether his Tasildars have
been furnished with the translation of
Circular Orders No. 211 And if this is
not the case he will be pleased to
immediately supply this omission. If the
Tasildar had received Circular Order
No. 211 before recording these depositions
the Magistrate will be so good as to
take the necessary measures for en-
=forcing Chandor Nair's and all other
Heads of Police obedience thereto.

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

(Sent in No.)

Read

4th P.S.

29th November 1856.

Read Petty Calendar No. 5 of 1856
submitted by the Sessions Judge of Coimbatore
under date the 20th November 1856.

(Here enter F. R. No. 2261 of 1856)

Read report submitted by the
Agent to the Governor of Fort St. George at
Vizagapatam
under date the 15th November 1856 of persons
apprehended in the Separate Tracts of
Vizagapatam and delivered to the Agency
in the months of October 1856.

(Here enter F. R. No. 2265 of 1856)

Read letter dated 26th November
1856 from the Session Judge of Chingleput
reporting the execution of the 1st Prisoner
Rajah Kelly in case No. 22 of 1856 on the
Calendar of the Session Court.

(Here enter F. R. No. 2266 of 1856)

Read return dated 26th
November 1856 from the Session Judge of
Trichinopoly to the precept of the Tanjadare
Adalut under date the 19th November 1856
directing him to call on the Principal Sud-
=ameen to explain why case No. 35 of 1856
which arrived on the 21st was not com-
=mitted till the 30th October last.

(Here enter F. R. No. 2272 of 1856)

Read

29

29th November 1856.

Read Calendar of Case № 45 of 1856 Submitted by the Sessions Judge of Salem under date the 24th November 1856.

(Here enter F. R. № 2273 of 1856)

Read communication dated 22d November 1856 from the Acting Sessions Judge of Tinnevelly Submitting an explanation regarding the delay in the disposal of Sessions Case № 42 of 1856.

(Here enter F. R. № 2277 of 1856)

Read Calendar of Case № 45 of 1856 Submitted by the Sessions Judge of Coimbatore under date the 10th November 1856.

(Here enter F. R. № 2281 of 1856)

Read return dated 14th November 1856 from the Sessions Judge of Coimbatore to the precept of the Sirjdarree Adalut under date the 14th November 1856 wherein they have directed the cancelment of the Circular Order issued by the Magte of Coimbatore on the subject of rejecting the sureties named by persons placed under requisition of security who may be their relatives.

(Here enter F. R. № 2282 of 1856)

Read

29th November 1856.

Read return dated 25th November 1856 from the Acting Sessions Judge of Salem to the precept of the Sirjdarree Adalut under date the 20th November calling for explanation in regard to the cause of delay in commencing the trial of Case № 63 of 1856.

(Here enter F. R. № 2286 of 1856)

Read Criminal reports submitted by the Sessions Judge of Coimbatore under dated the 25th November 1856 for the month of October 1856.

(Here enter F. R. № 2291 of 1856)

E & S.

Monday
1st December, 1856. At a Court of the Foujdaree Adalut.

Present.

F. Anderson, Esquire Actg
T. W. Goodwyn, Esquire Actg } Puisne Judges.
G. A. Harris, Esquire Actg

Read Miscellaneous Petition presented on the 30th October 1856 by Sattanoony Chetty of Zillah Tinnevelly.

(Here enter F. M. D. No. 210 of 1856.)

Mr. G. A. Harris. 1. Petitioner prays for a review of the order of this Court under date the 11th September last rejecting the Petition No. 145 of 1856 presented by him.—

2. The Court of Foujdaree Adalut declina to interfere with their former order and therefore reject this Petition.—

Ordered, that Extract

from

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

Read Miscellaneous Petition presented on the 3d ultimo by Tusham: =mah of Zillah Nellore.-

/Here enter F. M. P. No. 215 of 1856/-

Mr. J. W. Goodwyn.

The Court of Foujdaree Udalut resolve to reject this petition and refer the Petitioner to their orders dated the 13th March and 23d October 1856.-

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

Read Miscellaneous Petition presented on the 6th November 1856 by Mr. J. H. D. Wilson Pleader on behalf of Narraina Chetty of Zillah Nellore Tpatinopoly.-

/Here enter F. M. P. No. 217 of 1856/-

1. The Petitioner prays the Court for reasons stated to reconsider their order of the 11th September last

last and to order an enquiry to be made into the conduct of the Town Police Ameen.-

2. The Court of Foujdaree Udalut resolve to reject this petition, as they observe that if the complaint of being flogged through the streets had been true, the Petitioner's Pleader would most certainly have detailed this fact in his former Petition to this Court and would have prominently urged it when that Petition was heard, whereas his Pleader then stated that his client could not prove the ill treatment alleged in that Petition or the attempt to extort a bribe, and it was in consequence of these admissions that information was only called for, as to those portions of the Petitioner's charge against the Police that appeared to be susceptible of proof, viz. his improper detention in custody on a bailable charge

charge instead of being released
during the investigation on his furn-
nishing security for his appearance.-

3. The Court of Foujdaree
Udalut therefore decline to modify the orders
already passed on the 11th September
last which provide for the issue
of the necessary instructions for the
future guidance of the Police of
Trichinopoly as to their conduct
towards those accused of bailable
offences and misdemeanors which
may not appear to require that the
accused be detained in custody.-

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

Read Miscellaneous Petition
of Beemalsah of Zillah Bellary
forwarded by the Sessions Judge of
the same Zillah.

(Here enter F. No. P. No. 225 of 1856)

Mr. G. A. Harris. 1.

This is an application
for the release of Petitioner's sister,

the 1st Prisoner in Case No. 59 of 1856
on the file of the Sessions Court of
Bellary, who is sentenced to 3 years'
imprisonment with labor suited
to her sex.-

2. The Court of Foujdaree
Udalut see no reason to interfere
with the sentence appealed against
and therefore resolve to reject the
Petition.-

Ordered, that Extract
from these Proceedings be sent to
the Sessions Judge of Bellary for
communication to the Petitioner.-

(Sent in No. /-

Read again Criminal
Reports submitted by the Sessions
Judge of Trichinopoly for the month
of September 1856.-

(Here enter F. No. No. 1973 of 1856)-

Read also return dated
13th November 1856 from the Sessions
Judge of Trichinopoly to the pre-
cept of the Foujdaree Udalut under
date

date the 6th idem, desiring the Sessions Judge to submit a detailed explanation of the cause of the delay in Nos. 66, 68, 75, 77, 78, 81, 83 and 87.-

/Here enter F.No. No. 2159 of 1856/-

The Court observe that the explanation furnished in respect to the delay in Cases Nos. 68, 77, and 78 is not satisfactory; and they desire to be informed whether notice was taken by the Head Assistant or Magistrate of the irregularity of the references made to him in the cases Nos. 77, 78 and 87.-

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

/Sent following Precept No. /-

Read Criminal Report B for the month of October submitted by the Officiating Agent at Kurnool.

/Here enter F.No. No. 2209 of 1856/-

A

Case No. 47-

A sentence of 2 months' imprisonment for a theft of Rupees 30 1/4 from a house appears to the Court of Foujdaree Adalut to be very inadequate.-

Ordered, that Extract from these Proceedings be sent to the Officiating Agent to the Governor of Fort St. George at Kurnool for his information.-

/Sent in No. /-

Read Criminal Report B for the month of October 1856, Zillah Cuddalore.-

/Here enter F.No. No. 2242 of 1856/-

Nos. 102, 103, 104, and 105- by Prince Sudr Ameen.-

The same prisoner was concerned in all these cases, and was convicted of Housebreaking with theft in two, and of Theft in the others- For all these offences together the prisoner has only received a sentence of one years' imprisonment- This punishment was wholly inadequate.-

Explanation

1st December, 1856.

Nos. 97, 98 by Princl. Sudr. Amen.

2. Explanation is required of the delay in disposing of these cases.-

No. 57 by Asst. Magistrate.

3. The Court of Foujdaree Udalut desire to know what notice was taken of the delay in the Talook in this case.-

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

/Sent following Precept No. /-

Read again Calendar of Case No. 52, of 1856 of the Sessions Court of Chittoor.-

/Here enter F. No. No. 2054 of 1856/-

Read also return dated the 17th. November 1856 from the Sessions Judge of Chittoor to the precept of the Foujdaree Udalut under date the 10th. idem, calling upon the Sessions Judge to explain the delay of six days from the 16th. to the 22d. October,

F. No.

1st December, 1856

October, in commencing the trial of the case No. 52 of 1856.-

/Here enter F. No. No. 2204 of 1856/-

1. It appears from the above return that the delay in the Sessions Court in proceeding with the trial of Case No. 52, arose from the Calendar and record of the case which was committed on the 16th. not having been sent up to the Sessions Court till the 20th. October last.-

2. The Court of Foujdaree Udalut observe that no delay should now occur between the order for commitment and the transmission of the case to the Higher Court.- and they direct that the Subordinate Judge be instructed in future to forward the record to the Sessions Court immediately on commitment.

3. The Court are also of opinion that the Sessions Judge ought not to await the receipt of the Calendar from the Subordinate

Court

Court but should at once commence the trial, for as explained in this Court's Circular Letter dated the 16th October 1844, a Calendar is wanted not for the use of the Sessions Judge conducting the trial, but for the information of the Foujdaree Adalut.

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

Sent in No. /—

Read Petty Calendars submitted by the Acting Sessions Judge of Rajahmundry for the 3d Quarter of 1856.—

/Here Enter F. No. No. 2092 of 1856/—

Calendar I. Case No. 35.— 1. The charge should have stated the nature of the counterfeit coin found in possession of the Prisoner.—

Calendar II. Case No. 29. 2. The charge should have been headed "treason" only—no attempt at theft appears in the body of the

the charge.—

Case No. 31. 3. The charge and heading do not correspond, some specific act showing the violent and dangerous characters of the Defendants should have been charged.—

Case No. 35. 4. Theft should have been entered in the heading.—

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

Sent in No. /—

Read Calendars in Cases Nos. 96, 97 and 98 of 1856 submitted by the Sessions Judge of Bellary.—

/Here Enter F. No. Nos. 2173, 2174 & 2175 of 1856/—

1. It appears that the prisoner in Case No. 96 who was the Prosecutor in Case No. 282 in which one Venkatarannadoo was accused of being in guilty possession of some of the Prosecutor's property

1st December, 1856.

property which had been stolen from his house, declared before the Subordinate Court that certain property shewn to him was his own while in fact they did not belong to him but had been substituted by the Acting Subordinate Judge for the alleged stolen property, and named as Witnesses the Prisoners in Cases Nos. 97 and 98, who also after careful inspection unhesitatingly swore that they belonged to him. Hence the charges against the prisoners in these 3 Cases.—

2. The Court of Foujdaree Udalut observe that the proceeding of the Acting Subordinate Judge in laying a trap for the witnesses by substituting other property for that claimed by the Prosecutor in Case No. 282, was irregular, and as the Prisoner in Case No. 96 did not call his witnesses to prove that the substituted property belonged

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F. No.

1st December, 1856.

to him, and it was not material to the issue of the trial in Case No. 282 for the witnesses to prove that the substituted property belonged to the Prosecutor in that case, the Court resolve to quash the convictions in Cases Nos. 96, 97 and 98 as irregular and direct the unconditional release of the prisoners.—

Ordered, that Extract from these Proceedings be sent to the Session Judge of Bellary by Precept returnable within 11 days from and after its receipt.—

Sent following Precept No. 1.—

Read Calendar of Case No. 26 of 1856 submitted by the Session Judge of Guntoor.—

Vide Enter F. No. No. 2176 of 1856.—

1. The 1st Prisoner in this case convicted of Highway Robbery has been sentenced by the Session Judge to 2 years' imprisonment with hard

labor

labor in irons under Clause 7th Section II Regulation XV of 1803.—

2. Considering the nature of the offence and that the prisoner had been previously convicted of a housebreaking, the Court of Foujdaree Udalut are of opinion that the punishment awarded is quite inadequate.—

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

/Sent in No. /—

Read Calendar of Petty Cases submitted by the Acting Sessions Judge of Calicut for the 3d Quarter of 1856.—

/Here enter F. No. No. 2186 of 1856/—

Calendar I. Case No. 111.—

126 1. Should have been also headed abuse of authority.—

2. A sentence of fine was imposed on the 1st Defendant, the Court of Foujdaree Udalut desire that

that explanation be furnished as to whether the fine was remitted and if so, why an exception was made in his favor.—

3. The Acting Sessions Judge is informed that the Court of Foujdaree Udalut only require him to submit for their consideration so much of his proceedings as are held on review of the Calendars forwarded by him; and that his decisions on petitions of appeal from the decisions of the Magistracy other than those that appear in the Calendars need not be submitted.—

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

/Sent in No. /—

Read Petty Calendars of the Magistracy for the 3d quarter of 1856, Zillah Cuddapah.—

/Here enter F. No. No. 2205 of 1856/—

It

1st December, 1856

Calendar I. Cases Nos 25 & 26 by Magistrate.

1. It would appear from the fact of the defendant having confined the complainant in the village shouting that the defendant was a village police officer. In that case the charge should have been "Abuse of authority." † If the defendant was a private individual the heading should have been "False imprisonment and extortion". In either case the punishment was inadequate, if it was proved that the defendant kept the complainant six days in unlawful confinement.—

† and disposed of under Regulation III of 1819.—

No. 28. by ditto. 2. The sentence passed was inadequate and the wrong Section has been quoted. The Magistrate should have punished the defendants under his extended powers.—

Nos. 30, 32 and 34. 3. The enactment which should have been quoted in these cases was Section LIV, Regulation XI of 1816.—

Case No. 31. by Asst. Magte. 4. The provisions of Section 1 Act

F. 06.

1st December, 1856

Act No. I of 1856 do not embrace cases of this description. The punishment should have been awarded under Section XXXII, Regulation IX of 1816.—

No. 35. 5. No sentence has been rendered respecting the 2d prisoner.—

Calendar II. Case No. 25. by Magistrate. 6. It should have been stated in the charge that the defendant did "feloniously and maliciously set fire to the complainant's house, with intent thereby feloniously, wilfully, and of his malice aforethought, to kill and murder the said complainant's father, wife and child".—

No. 26 by ditto. 7. The charge should have been headed abuse of authority. The same remark applies to Cases No. 27, 28, 29, and 30.—

No. 31. by ditto. 8. The heading should have been "abuse of authority".—

No. 32 by ditto. 9. The charge terminates thus: "and with having had in his profession a piece of red and yellow ribbon". To render such profession criminal

criminal the words "knowing the same to have been stolen" should have been added.—

Nos. 36 and 38. by Joint Magte. 10. These cases should have been headed "Torture". The term "alleged" should never be prefixed to the heading of a criminal charge.—

No. 37 by ditto. 11. The two offences here alleged should have been separated and formed into two distinct cases, the one headed "abuse of authority", and the other "Gang robbery".—

No. 43. by Asst. Magte. 12. The heading should have been "abuse of authority".—

No. 44. by ditto. 13. The charge should have been headed "Torture". The same remark applies to No. 45.—

No. 46 by ditto. 14. The designation of the offence should have been "abuse of authority".—

Calendar IV. Case No. 4. by Magistrate. 15. This is a case in which the Magistracy should not interfere. It is not clear from the charge that the complainant has been duly placed

placed in possession, though the land may have been decreed to him. The Sessions Judge is requested to call up the record, and if the complainant should not be in legal possession, to cancel the security required from the defendant.—

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

(Sent in No. 1—

Read Calendar in Case No. 44 of 1856 of the Sessions Court of Nellore.—

(Here Enter F. No. 2229 of 1856)—

The Court of Foujdaree Udalut desire that an explanation be furnished of the delay of 9 days in the committal of this case in which only 3 Witnesses have been examined.—

Ordered, that Extract from

1st December, 1856.

from these Proceedings be sent to the Sessions Judge of Nellore by Precept returnable within III days from and after its receipt.—

/Sent following Precept No /—

Read Calendar in Case No. 77 of 1856 of the Sessions Court of Cuddapah.—

/Here Enter F.R. No. 2240 of 1856/—

The Court of Foujdaree Adalut are of opinion that as the Prisoner was on guard over the property stolen by him, the case should have been disposed of by the Subordinate Judge under Clause 4th Section III Regulation VII of 1822.—

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

/Sent in No /—

Read Calendar in Case No. 89 of 1856 of the Sessions Court of Bellary

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F.R.

1st December, 1856

Bellary.—

/Here Enter F.R. No. 2251 of 1856/—

The Court of Foujdaree Adalut direct that an explanation be furnished of the cause of the delay from the 21st October to the 1st November in commencing the trial of this Case.—

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Bellary by Precept returnable in III days from and after its receipt.—

/Sent following Precept No /—

Read Calendar in Case No. 94 of 1856 submitted by the Sessions Judge of Bellary under date the 20th ultimo.—

/Here Enter F.R. No. 2254 of 1856/—

The Court of Foujdaree Adalut direct that an explanation be furnished of the delay of 7 days in committing and 16 days in commencing

commencing the trial of this case.

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Bellary by a precept returnable within 10 days from and after its receipt.—

(Sent following Precept No. 1—

Read Calendar of Case No. 19 of 1856 on the file of the Sessions Court of Chingleput.—

(Here enter F. No. No. 2218 of 1856.)

1. The Sessions Judge's sentence shows that this trumped up case has been 8 months under trial before the different Tribunals, the Sessions Judge will call for detailed explanation as to these successive delays from the Magistracy and Principal Sudder Ameen. The Court of Foujdaree Adalut remark with regret that if the Magistracy and Principal Sudder Ameen paid closer attention to their duties the delays which have come under the notice

notice of the Court would not occur.—

2. In forwarding the explanation the Sessions Judge will submit his opinion on these explanations and as to the general supervision exercised as to delays by the Magistracy and Principal Sudder Ameen, as well as on the latter Officers detention of some of the Prisoners from August 16th to September 30th before committal.—

3. The delays by the Police appear to be about 5 or 6 months, both Magistrate and Principal Sudder Ameen will submit copies of any order already passed by them as to these extraordinary delays.—

4. The Sessions Judge will also explain the 16 days delay in commencing this Trial.—

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

1st December, 1856.

for his information by precept re-
turnable within V days from and
after its receipt.—

/Sent following Precept No. /-

Read Calendar of Case
No. 54 of 1856 submitted by the
Sessions Judge of Chittoor under
date the 8th November 1856.—

/Here Enter F. No. No. 2220 of 1856/-

The Sessions Judge's re-
marks shew that the Subordinate
Judge did not forward the records
till four days after the case was
committed, the Court of Foujdaree
Udalut direct that the Subordinate
Judge's delay in forwarding the re-
cords be explained as well as the
delay from 9th October to 6th Novemb
in committing this case which from
its importance and the very sus-
picious evidence against the ac-
cused should have been disposed
of at once.—

Ordered, that Extract
from

1st December, 1856.

from these Proceedings be sent to
the Sessions Judge of Chittoor by
precept returnable in III days from
and after its receipt.—

/Sent following Precept No. /-

Read Calendar of Case
No. 102 of 1856 of the Sessions Court
of Bellary.—

/Here Enter F. No. No. 2256 of 1856/-

The Court of Foujdaree
Udalut direct that an explanation
be furnished of the cause of the
delay from the 29th October to 17th
November in committing this
case.—

Ordered, that Extract
from these Proceedings be sent to
the Sessions Judge of Bellary by
Precept returnable in III days from
and after its receipt.—

/Sent following Precept No. /-

Read Calendar in Case
No. 71 of 1856 of the Sessions Court of
Madura.—

/Here Enter F. No. No. 2238 of 1856/-

The

1st December, 1856

1. The Court of Fouzdaree Udalut desire that an explanation be furnished of the delay of 7 days in the committal of this case in which only 2 Witnesses have been examined.—

2. This case might have been disposed of on Friday the 14th ultimo, if the Acting Sessions Judge had required the attendance of the Mahomedan Law Officer on that day; the Court of Fouzdaree Udalut having ruled that "altho' it is usual "to grant an exemption from all "official duties to persons of the "Mahomedan persuasion on Friday, "they are liable to be, and on all "occasions of emergency should be, "required to perform their ordinary "avocations on that day, excepting "at the hours of prayer, Viz.t from "1 to 3 P. M."—

3. The sentence should have been passed under Section XXI of Regulation

1st December, 1856

Regulation VII of 1802.—

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

Sent following Precept No 15

4 Pys.

1.1st.

F. U.

Tuesday 2nd December 1856.

At a Court of the Foujdaree Udalut

Present

F. Anderson Esqr. — Acting Puisne Judge.

T. W. Goodwyn Esqr. — Acting Puisne Judge.

G. A. Harris Esqr. — Acting Puisne Judge.

Read again Miscellaneous Petition presented on the 15th September 1856 by Arthur M. Ritchie Esqr. and Alexander M. Ritchie Esqr. Readers on behalf of the Prisoners in Calendar No. 4 of 1856 on the file of the Session Court of Tinnevelly.

(Here enter F. M. P. No. 180 of 1856)

Read also Return dated 4th November 1856 from the Acting Session Judge of Tinnevelly, to the Precept of the Foujdaree Udalut under date the 16th October 1856, calling for translation of the Record in Session Case No. 4 of 1856.

(Here enter F. U. No. 2121 of 1856)

Mr. Anderson
Mr. Harris

1. The Prisoners in this case were convicted by the Session Judge in concurrence with the Verdict of the Assessor of the crime of Gang Robbery with wounding, and the Session Judge recommended that in mitigation of the prescribed penalty, the 1st Prisoner be sentenced to 5 and the

remaining

remaining Prisoners to 3 years imprisonment with hard labor in irons, but the Court of Fouzdaree Udalut deeming the mitigation above proposed to be inadequate, sentenced the 1st Prisoner to 7 and the rest to 5 years imprisonment with hard labor in irons.

2. The Prisoners having appealed, the Court of Fouzdaree Udalut deemed it necessary to call for a translation of the record, and on a consideration of the same, see reason to distrust the evidence adduced against these Prisoners.

3. They observe that the Robbery was committed on the night of the 29th December last, and information reached the 8th and 9th witnesses at 12 o'Clock next morning, who admit they did not sign the report till the morning of the 31st and it did not reach its destination till ½ past 5 P. M. of that day. There is no mention of 2d 4th 5th and 6th Prisoners in that report, nor is there any mention of the acts of violence committed by the 1st and 3d Prisoners on the persons of the Prosecutors, but it is merely stated that the late Cavelgars the 1st and 3d Prisoners and others whose names are mentioned had brought the rest of the gang. The 1st witness states the prisoners stood in the rear and yet the 2d and 3d Prosecutors and all the seven witnesses identified the 1st Prisoner.

4. The Court consider that this recognition

of the 1st Prisoner by all the witnesses throws great suspicion on the whole case. The 2d Prisoner is an old man of upwards of 70 years of age and the 4th Prisoner a lad of 18 years of age. Several of the witnesses depose to 1st Prisoner having given them cause to have enmity against him.

5. The Court have no doubt that the evidence as to the identification of the 5th and 6th Prisoners is false, and that it was trumped up because they came as heirs of the robber who was killed to lodge a complaint about that matter, and there are many discrepancies also in the depositions of the witnesses before the different tribunals.

6. Under these circumstances the Court are unable to concur in the conviction of the Prisoners and direct their immediate release.

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Tinnevelly by Precept returnable in III days from and after its receipt.

Ordered also that Extract from these Proceedings be given to the Petitioners' Pleaders on their application. (See following Page 8)

Read letter dated 24th November 1856 from the Acting Session Judge of Madura, submitting for the final judgment of the Fouzdaree Udalut the record of trial in Case No. 64 of 1856 of the Calendar of the Session Court.

(Here enter F. Vo. No. 2270 of 1856)

The

2d December 1856.

2

Mr. Anderson.
Mr. Harris.

The Court of Tongdarra 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 Colandavalos,

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 Prisoners in this case were charged with Murder, and the Session Judge in concurrence with the futwah of the Law Officer acquitted the 2d Prisoner, but convicted the 1st Prisoner and recommended that the capital punishment to which he has rendered himself liable be mitigated to 14 years' imprisonment with hard labor in irons.

2. The Court of Tongdarra Udalut observe that were the evidence of the witnesses to be credited the 1st Prisoner would be convicted of the Murder of Maroothy only. But he himself pleads guilty before all the tribunals to having stabbed both Lutchmana Pillay and his son Maroothy, and they see no reason to doubt the truth of this.

3. It appears to have been the object of the Prosecutor and his party to include as many as possible

7 26.

2d December 1856.

of Prisoner's family in the charge. Before the Police the 1st Prisoner stated that Lutchmana Pillay had given him 2 or 3 blows with a cudgel on the back and before the Session Court he says Lutchmana Pillay struck him on his back. Before the Police he says he stabbed Lutchmana Pillay mistaking him for Maroothy, and that on finding out his mistake he stabbed Maroothy. Before the Session Court he says Maroothy was bringing out a bill hook to strike him with and fearing he should be killed, he (Prisoner) stabbed him.

4. Taking therefore even the Prisoners own statements regarding the Murder, the Court cannot find that any such provocation was used as would palliate the commission of this double Murder. They consider it likely that the quarrel commenced in consequence of the 2d Prisoner charging Maroothy with having taken leaves from his Betel-vine-garden. But they cannot find in the statements of either party any mitigating circumstances that would warrant a commuted sentence being passed on the Prisoner, and they consider the sentence of 14 years imprisonment proposed by the Session Judge would act as an encouragement to the commission of murder by persons who had been injured by others.

5. Under these circumstances the Court have

have sentenced the 1st Prisoner to suffer death.

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

(Sent in No)

Read again Miscellaneous Petition presented on the 8th September 1856 by C. Salmon Esqr Pleader on behalf of Cazee Hoossain Saib of Zillah Tinnevelly

(Here enter F. M. C. No 177 of 1856)

Read also Return dated 4th October 1856 from the Session Judge of Tinnevelly to the Precept of the Foujdaree Udalut under date the 22nd September, directing the Session Judge to forward an English translation of the record of Case No 22 of 1856, so far as regards the 3d Prisoner, and to suspend the sentence of corporal punishment awarded to him.

(Here enter F. Pc. No 1944 of 1856)

Mr Anderson. Before passing final orders on this case the Court of Foujdaree Udalut resolve to call for information as to the value of the property found in the 3d Prisoner's house.

Ordered that Extract from these Proceedings be sent to the Session Judge of Tinnevelly by Precept returnable in III days from and after its receipt

(Sent following Precept)

Rd BD

No.

Wednesday 3d December 1856

At a Court of the Foujdaree Udalut

Present

D. Anderson Esquire
D. W. Goodwyn Esquire
G. A. Harris Esquire
} Acting Puisne Judges

Read Petty Calendars

submitted by the Acting Session Judge of Tinnevelly for the 3d quarter of 1856.

(Here Enter P.C. No 2154 of 1856)

Calendar No 1.
Case No 100.

1. The Sentence in this Case is illegal and must be cancelled, the provisions of the Regulation quoted in support thereof being applicable only to cases of litigious vexation and groundless complaints and not to vexatious deposition given in support of a complaint.

No 108.

2. The awards of compensation to the prosecutrix in this case is irregular, the Court of Foujdaree Udalut having ruled that the term "injured" as used in Clause 2 Section ~~XXXX~~ Regulation IX of 1816 must be restricted in its application to "damage or hurt to the person

person or property of the complainant which property moreover must be of a tangible corporal nature and the injury or positive hurt or damage thereto, not a mere moral or constructive injury."

Calendar II
Case No. 101

3 This Case was under examination above 12 days irrespective of other delays accounted for. The Court of Zoujdaree Udalut view with disapprobation the delay that appears to take place in the disposal of almost every Case in these Calendars, and the Magistrate is directed to take more effectual steps than has hitherto been done in obviating the recurrence of similar delays.

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

Read again Criminal Report B submitted by the Sessions Judge of Chingleput for the month of September 1856.

(Here Enter Dft. No. 1990 of 1856)

Read also Return dated 12th November 1856 from the Sessions Judge of Chingleput to the Precept of the Zoujdaree Udalut under date the 5th idem calling upon him

him to report whether the trees from which the prisoner in Criminal Case No. 106 of 1856 Principal Sudr Ameen's file, is charged with having drawn Toddy without valid permit are his own property or that of the Circar, and directing him to be released on bail in the mean while.

(Here Enter Dft. No. 2140 of 1856)

With the above Return the

1. Sessions Judge forwards a communication from the Moofty Sudr Ameen reporting that the trees from which the Prisoner in Case No. 106 is charged with having drawn toddy were rented by the Prisoner from a Shrotriemdar to whom they belonged that the Prisoner had obtained a license for drawing toddy therefrom but had discontinued doing so before the date of the charge.

The Court of Zoujdaree

2. Udalut observe that selling toddy is alone punishable, but not drawing it from a tree and they accordingly direct that the Juice if collected be returned to the Prisoner or if not that he be immediately released

3d December 1856.

released.

Ordered that Extract from these Proceedings be sent to the Session Judge of Chingleput by precept returnable within 11 days from and after its receipt.-

4 to 9.

D. 11.

Thursday.... 4th December 1856. } At a Court of the Foujdaree Adalut.

Present

T. Anderson Esquire
T. W. Goodwyn Esquire
G. N. Harris Esquire
} Acting Puisne Judges

Read Petty Calendars for the 3d quarter of 1856, Zillah Cuddalore.

(Here Enter D. M. No. 2241 of 1856)

These Calendars having been carefully reviewed by the Session Judge, the Court of Foujdaree Adalut finds little that still requires observation -

Nos 84, 88, 94 and 95 Calendar I

2. The Court consider that in all these Cases the punishment awarded was inadequate. The Court also observe that in three of the Cases no distinction has been made in the amount of fines imposed, although the Offences differed materially.

3. The Court are of opinion that the Offence of which the defendant in Case No 96. was convicted deserved a heavier punishment than that awarded.

Calendar No II Cases, Nos 45 & 50 by April Mail

4. In these Cases the charge is obscurely worded, and does not explain why the acts charged are Criminal.

The

The Court of Zoujdaree Udalut are gratified to notice that in the majority of cases no delay at all has occurred in passing sentence.

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

Read Criminal Report B for the month of October forwarded by the Sessions Judge of Masulipatam -

(Here Enter P.M. No 2169 of 1856)

Case No. 000 Theft.

1. The Court of Zoujdaree Udalut observe that the Sessions Judge in his Sentence in the above case suggests the possibility of the prisoner being innocent of the theft tho' cognizant of its having been committed in the latter case he was only guilty of misprision of felony.

2. The Sessions Judge should have distinctly stated whether he found the prisoner guilty of the theft.

Case No. 02.

3. The Offence charged in the second count should have appeared in the heading.

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

Read Miscellaneous Petition from Ishmaller forwarded by the Acting Sessions Judge of Tinnevelly -

(Here Enter P.M.P. No 223 of 1856)

Mr. G. A. Harris

1 Petitioner appeals from the Sentence of imprisonment and fine imposed by the Principal Sudr Ameen on her sons in Criminal Case No 92 of 1856.

2 Petitioner states that she appealed to the Sessions Judge but that he only commuted the Sentence which was imprisonment for 6 months with labor in irons and a fine of 100 Rs. to imprisonment without irons and 50 Rupees fine.

3. The Court of Zoujdaree Udalut see no reason to interfere with the Sentence passed in this case and therefore reject this petition.

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

4 J.S.

F. No.

Friday 5th December 1856 H.a. Court of the Foujdaree Adalut

Present.

F. Anderson Esqre
J. W. Goodwyn Esqre — Acting Puisne Judges
G. T. Harris Esqre

Read Criminal Report B for the month of October 1856, Zillah Bellary.

Were enter F. No. Nos 2222 of 1856/

Case No. 275 by Acting Sub Judge

1. Cases of House breaking are not punishable under section VII Regulation X of 1856. If the prisoners were convicted of attempt at simple theft, it should have been so stated in the Sentence.

" No 293 by do.

2. It does not appear why it was considered necessary to commit the prisoner. The offence, as described in the charge was one that the Magistrate might have punished, on the report of the head of Police

" Nos 301 & 302 by Moosty Sudr Ameen

3. The 1st Prisoner might have been sentenced to the full period of imprisonment authorized by the enactment quoted, where

heinous

5th December 1856

heinous Crimes are so rife as they appear to be in this Zillah it is necessary to make an example of the offenders when they are convicted.

Case N° 304 by Mostly Subordinate

4. The Prisoner ought not to have been sent to Court on so vague a charge. The conduct of the Head of Police in committing him should be brought to the notice of the Magistrate. The offence is headed 'housebreaking with theft' but there is no allegation of a felonious breaking and entry in the body of the Charge.

" N° 305 by Act'g Sub Judge

5. The Charge should have contained an abstract of the Statement in making which the defendant was alleged to have perjured himself, together with mention of the fact to which that Statement was opposed. The same remark applies to Cases N°s 306 and 307.

6. The Court of Zoojdaree Udalah observe that in many Cases considerable delay occurred in the Subordinate Courts, and require explanation in connection with all Cases in which more than five days elapsed between the arrival of the parties and the final disposal of the Cases.

Hon

5th December 1856

7. The Court also desire to know what notice has been taken by the Magistrate of the delay in the Talook pointed out by the Session Judge.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Bellary by Precept returnable in V days from and after its receipt.

Sent following Precept &c

Read Calendar of Cases N°s 74 of 1856 of the Session Court of Cuddapah.

Here enter S. Ab. N° 2239 of 1856

The Court of Zoojdaree Udalah direct that the Session Judge will explain the delay of 8 days from 29th September to 7th October in commencing the trial of this Case.

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

Sent following Precept &c

Read supplemental return dated 8th November 1856 from the Session Judge

Judge of Coimbatore to the Precept of the Court of Zoujdaree Udalut under date the 10th October 1856, in case No 31 on the Calendar of the Sessions Court regarding the Head of Police of Conjeveram

(Here enter F. C. pt No 2149 of 1856)

1. The Court of Zoujdaree Udalut have considered the correspondence that accompanied the above return, consisting of a letter from the Magistrate, the report of the Zillah Surgeon upon the state of health of the Head of Police of Conjeveram, and the explanation furnished by the latter Officer as to his conduct of the case previous to its committal.

2. The Court of Zoujdaree Udalut do not consider that the explanation furnished by the Magistrate and the Head of Police satisfactorily accounts for the incomplete investigation of this Case by the latter office.

3. The Jasildar chanced to be on the spot the same morning that the Deceased was murdered and had such an opportunity of procuring the clearest evidence in this Case of death from torture as hardly ever occur; of these favorable circumstances he took no due

due advantage and the consequence has been that the Police officer has executed the punishment they so richly merited. The Magistrate is in error in supposing that the body would have been very much decomposed by the time it could have reached Coimbatore, it might have been despatched within 4 or 5 hours after death which with due exertion on the part of the Head of Police would certainly have enabled it to be brought before the Surgeon within 40 hours after death; no exertion or expense should have been spared when the object was the obtaining of proof that the deceased death is caused by torture inflicted by the Village Police.

4. The Zillah Surgeon states his opinion that from "want of physical strength the Head of Police" is not capable of performing any duty which requires much bodily exertion"

5. Under these circumstances the Head of Police is manifestly unfit for an office in the efficient performance of which bodily activity is as requisite as intelligence and they are

are of opinion that the Magistrate should take immediate measures for his removal from the situation of Head of District Police either by at once forwarding his application for a pension or by providing him with some employment better suited to his age and infirmity, reporting to this Court the course he may have adopted.

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

/Sent following Precept &c/

Read Calendar of Cases Nos 67 of 1856 submitted by the acting Sessions Judge of Madura.

/Here enter S. Cs. No. 2137 of 1856/

1. There appears to the Court of Sanjdaree Vedalut to be some error in the 2d Charge the 1st 3d and 4th Prisoners were apprehended on the 12th and 15th so that it is not clear how they could be alleged to be in possession of the brass vessels; moreover it would appear from the abstract of the evidence that the articles were found in the house of the 1st Prisoner.

We.

2

The Court direct the Acting Subordinate Judge be called upon to explain the delay of 23 days in the committal of this case.

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Madura for his information by Precept returnable in 10 days from and after its receipt.

/Sent following Precept &c/

Read Calendar of Cases Nos 40 of 1856 of the Sessions Court of Nellore.

Here enter S. Cs. No. 2230 of 56.

The Court of Sanjdaree Vedalut direct that the Sessions Judge will obtain from the Principal Sudder ameen and forward for their consideration an explanation of the delay of 10 days (from October 29th to November 8th) in committing this case.

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

/Sent following Precept &c/

Read

Read return dated 24th November 1856 from the Acting Sessions Judge of Salem to the Record of Court of Zemindaree Wedalu under date 18th November 1856 held on Review of Calendar Nos. 59 and 60 and directing the Acting Sessions Judge to have the Tuteewahs in the Case completed and refer the trials.

Here enter S. C. No. 2257 of 1856.

Read again Calendar in the above cases.

Here enter S. C. Nos. 2066, 2067 of 1856.

1 The Court of Zemindaree Wedalu observe from the completed Tuteewahs that the Sessions Judge and the Mahomedan Law Officer do not differ in opinion respecting the Prisoner guilt of the Crime charged with viz wounding with intent to kill and the Sessions Judge having passed a Sentence of 7 years imprisonment with hard labor in irons this Sentence must now stand.

2. Had the Law Officer acquitted of the "intent to kill" there would have been that difference of opinion which would have debarred

debarred the Acting Sessions Judge from disposing of the Case.

3 The Court of Zemindaree Wedalu do not therefore consider it necessary that the Records of the Trials in the above cases should be referred to therein for final consideration.

4 The Acting Sessions Judge will however submit his explanation as referred to in his return of the 24th November.

The Court of Zemindaree Wedalu further point out to the Acting Sessions Judge that his Sentence was passed under a wrong enactment, Regulation VI of 1802 having been rescinded and referring only to Magistrates Regulation XV of 1803, Clause 7th Section II should have been quoted.

Ordered that Extract from these proceedings be forwarded to the Acting Sessions Judge of Salem by Receipt returnable in V days from and after its receipt.

Sent following Receipt No 1

Read return dated 24th Novem 1856 from the Acting Sessions Judge of Tinnevelly to the

5th December 1856

the Precept of the Tonjadare Vedalut under date the 14th November 1856 calling for explanation of delay from the Principal Sudder Ameen and Magistrate of Tinnevelly in Criminal Cases Nos 98, 113 and 115 of 1856.

/Here enter T. C. No. 2293 of 1856./

Read return dated 27th November 1856 from the Session Judge of Combaconum to the Precept of the Tonjadare Vedalut under date the 21st November 1856 calling for an explanation of the delay in sending up the Case No. 31 on the Calendar for 1856 to the Subordinate Court and in commencing the trial before the Session Court.

/Here enter T. C. No. 2296 of 1856./

Read Return dated 28th November 1856 from the Session Judge of Bellary to the Precept of the Tonjadare Vedalut under date the 24th November 1856 calling for an explanation of the discrepancy between the translations of the Tamil and Canarese in Case No. 82 on the Sessions file for 1856.

/Here enter T. C. No. 2310 of 1856./

Read return dated 27th November 1856 from the Acting Session Judge of Mangalore to the Precept of the Tonjadare Vedalut under date the 20th November 1856 calling for an explanation of the cause of delay in the committal of Case No. 30 of 1856 on the Calendar which is accordingly given

/Here enter T. C. No. 2312 of 1856./

Read return dated 24th November 1856 from the Acting Agent in Ganjam to the Precept of the 5th December 1856 of the Tonjadare Vedalut under date the 6th November 1856 calling for explanation on the C. B Reports for the Month of September 1856.

/Here enter T. C. No. 2323 of 1856./

Read letter dated 2nd December 1856 from the Magistrate of North Arcot with reference to the Court's letter of the 11th October last forwarding copy of a communication received from the Acting additional Joint Magistrate regarding the dismissal of the Village officers of Goondrazpully.

/Here enter T. C. No. 2328 of 1856./

Read Extract from the Proceedings of the Session Court of Bellary under date the 28th November 1856 held on the Petty Calendars for the 3rd Quarter of 1856.

/Here enter T. C. No. 2309 of 1856./

Read letter dated 1st December 1856 from the Session Judge of Cuddalore returning the death warrant in Session Case No. 28th of 1856 duly executed.

/Here enter T. C. No. 2319 of 1856./

Read Calendar in Case No. 75 of 1856 submitted by the Session Judge of Cuddapah under date the 27th November 1856.

/Here enter T. C. No. 2302. of 1856./

Read Calendar in Case No. 39 of 1856 submitted by the Session Judge of

5th December 1856

of Cuddalore under Date the 29th November 1856.

Here enter J. Vo. No. 2304 of 1856.

Read Calendar in Case

Nos. 73. 74. 75. 76. and 77 of 1856

Submitted by the Acting Sessions Judge of

Madura under date the 29th November 1856.

Here enter J. Vo. No. 2320 of 1856.

Examined

J. Vo.

Saturday 6th December 1856

At a Court of the Foujdaree Udalut

Present

J. Anderson Esquire
J. W. Goodwyn Esquire
G. A. Harris Esquire
} Acting Puisne Judges

Read Criminal Report

B for the month of October 1856 Zillah Combaconum.

Case No. 76. By Mosfty Sudr Ameen

(Here enter J. Vo. No. 2208 of 1856.)

The entry of the 3rd Count by an old offender was unnecessary under Circular Order dated 22nd May 1851 No. 194 C.

No. 78. By Sub: Judge

2 It is to be supposed that the false personation was with some fraudulent motive if so this should have been stated.—

No. 82 By Sub: Judge

3 The charge should have been headed attempt at murder.—

Case No. 83 By Mosfty Sudr Ameen

4 The Prisoner effected a felonious breaking and entry, and it is in this that the offence of housebreaking

Chiefly

chiefly lies. The punishment was therefore insufficient.

No 84 By Assistant Surintendent

5 The punishment awarded was quite inadequate.

No 86 & 87 Before the Sub. Judge

6 No reasons have been assigned for the non-disposal of these Cases, which reached the Court on the 17th October.

No 78-81. 87 88 and 89 also No 20 by Joint Magistrate.

7 In these Cases there was delay in transmitting the usual reports to the Sessions Judge In No 88 The Charge should have contained the words forced open the door of the 13th witness' habitation in Hau

No 22 By Joint Magistrate

8 This Case is headed "Trespass and resistance to the order of the Joint Magistrate," but what those orders were does not appear. the heading should have been Misdemeanour. The first prisoner having been also Concerned in Case No 21, his name should have been entered in red ink.

9 The Magistracy have omitted to record their opinion as to whether the explanation of delay afforded by the Police Officers was satisfactory or otherwise

10 The Sessions Judge is requested to obtain and forward to this Court Explanation of the delay in every Case included in the above reports, in which the period between the arrival of the parties and the disposal of the Case exceeded five days together with his opinion as to these Explanations

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

Sent following Precept No

Read Calendar of Case No 32 of 1856 of the Session Court of Combaconum.

(Here enter F. D. No 2262 of 1856.)

The Court of Foujdaree Udalut observe that the Charge in this Case should have contained the words "forced the door of the 13th witness'

Sent.

Suit entered in Vol.

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

Suit in No.

Read returns dated 2nd Instant from the Sessions Judge of Chittoor to the Precept of the Foujdaree Udalut under date the 27th November 1856 calling upon him to explain the Cause of delay in the commencement of the trial in Calendar No. 50 of 1856.

(Here enter F. Uc. No. 2329 of 1856.)

Read return dated 29th November 1856 from the Acting Sessions Judge of Tinnevelly to the Precept of the Foujdaree Udalut under date the 24th November 1856 calling upon him to explain the Cause of delay in the disposal of Sessions Case No. 36 of 1856.

(Here enter F. Uc. No. 2337 of 1856)

Read return dated 29th November 1856 from the Acting Sessions Judge of Tinnevelly to the Precept of the Foujdaree Udalut

Udalut under date the 24th Idem, calling for an English Translation of the entire Record in Sessions Case No. 44 of 1856 for their Consideration if the Acting Sessions Judge be unable to Concur in the mitigated Sentence proposed by them.

(Here enter F. Uc. No. 2338 of 1856,

Read returns dated 2nd Instant from the Sessions Judge of Nellore, to the Precept of the Foujdaree Udalut under date the 25th November 1856, calling for an Explanation of the delay of one Month in Case No. 37 of 1856 on the Petty Calendar for the 3rd Quarter.

(Here enter F. Uc. No. 2339 of 1856.

Read Calendar of Case No. 1 for 1856 submitted by the Sessions Judge of Bellary, under date the 29th November 1856.

(Here enter F. Uc. No. 2341 of 1856)

Read Return dated 4th December 1856 from the Sessions Judge of Chingleput to the Precept of the Foujdaree Udalut under date the 3rd December 1856 directing

that

that the fine imposed upon the Prisoner in Criminal Case No. 106 of 1856 be refunded to him, if it had been already levied, or if not that he be immediately released.

(Here enter F. Ct. No. 2342 of 1856)

Read return dated 3rd December 1856 from the Sessions Judge of Tellore, to the Precept of the Foujdaree Adalut under date the 27th November 1856 calling for explanation of the delay in the committal, trial and passing sentence in Calendar No. 43 of 1856.

(Here enter F. Ct. No. 2346 of 1856)

Read return dated 3rd December 1856 from the Sessions Judge of Trichinopoly to the Precept of the Foujdaree Adalut under date the 29th November 1856 directing that the delay in the disposal of Cases Nos. 85, 91, 93 & 94 of 1856 by the Principal Sudr. Ameen be explained

(Here enter F. Ct. No. 2313 of 1856)

E. W. D.

F. Ct.

Monday
8th December 1856

At a Court of the Foujdaree Adalut

Present

F. Anderson Esqr.
T. W. Goodwyn Esqr. } Acting Puisne Judges
G. A. Harris Esqr.

Read again Miscellaneous Petition presented on the 13th October 1856 by J. B. Norton Esqr. Pleader on behalf of Videalinga Buttew of Villah Combaconum

(Here enter F. M. P. No. 200 of 1856.)

Mr. T. W. Goodwyn

1 Petitioner appeals from the orders of the Sessions Judge of Combaconum confirming the proceedings of the Police in pulling down a Pandal erected by him in front of his house to perform a marriage, the erection of such Pandal being, as stated by Petitioner a previlege allowed to the Left hand caste.

2 The Court of Foujdaree Adalut seeing no reason to interfere with the order passed by the Sessions Judge

resolve

resolve to reject this petition

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

Sent in Rs

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

Read Miscellaneous Petition presented on the 17th November 1856 by Ro. Soroonul Row Pleader on behalf of Ammoo (female) of zillah Mangalore.

(Hereinafter P. Mo. P. No 224 of 1856)

Mr. T. W. Goodwyn

The Petitioner states that having presented an appeal Petition to the Session Court from the decision of the Tasildar of Buntwall dismissing her suit Complaint the same was returned by the Session Judge for want of form, and that an amended petition which was subsequently put in by Petitioner was also returned to her by the Session Court without assigning any grounds, and she prays the Court to instruct the Session Judge to receive the amended

Petition

8th December 1856

Petition and to pass a decision thereon.

2 The Court of Foujdaree Adalut resolve to transmit this Petition to the Acting Session Judge who will be pleased to report why he objected to receive and pass orders on the same.

Ordered that Extract from these proceedings be sent to the Acting Session Judge of Mangalore by Precept returnable within 4 days from and after its receipt.

(Sent following Precept No 165

Rs 1.8.0

F.M.

Tuesday
9th December 1856.

At a Court of the Foujdaree Adalut

Present

F. Anderson Esquire
T. W. Goodwyn Esquire
G. A. Harris Esquire
} Acting Puisne Judges

Read again Calendar of Case No. 64 of 1856 of the Sessions Court of Salem.

(Here Enter F.R. No. 2200 of 1856)

Read also return dated 27th Ultimo from the Acting Sessions Judge of Salem to the precept of the Foujdaree Adalut under date the 24th idem, calling for an explanation from the Subordinate Judge for the delay in the committal of the Case No. 64 of 1856.

(Here Enter F.R. No. 2289 of 1856)

1 The Court of Foujdaree Adalut direct that the Acting Subordinate Judge be informed that if such unnecessary delay occur again serious notice will be taken by them of the irregularity.

2 The Court approve of the Acting Sessions Judge's Proceedings of the 17th Ultimo, but they observe that he has, in para 3 apparently by

ac

as clerical error entered 5 days, whereas the Circular Order No 213, applies to Cases where the trial is not commenced within 2 days -

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

(Sent in A.)

Read Calendar of Case No 70 of 1856 on the file of the Sessions Court of Madura.

(Here Enter F.M. No 2263 of 1856)

1. The Court of Foujdaree Adaulut observe that the Acting Sessions Judge's explanation of the delay is very unsatisfactory; as they are of opinion that the examination of witnesses in Civil suits should never delay the trial of Criminal cases especially after the trial of the Criminal case has been commenced.

2. The Subordinate Judge will explain why he delayed 2 days to submit this record which should have been sent up directly the case was committed.

3 The Subordinate Judge will also explain why the Case which arrived October 21st was not committed till November 5th

Ordered that Extract from these Proceedings

Proceedings be sent to the Acting Sessions Judge of Madura by Receipt returnable within III days from and after its receipt -

(Sent in A.)

Read Criminal report B submitted by the Acting Sessions Judge of Tellicherry for the months of October 1856.

(Here Enter F.M. No 2189 of 1856)

Cases Nos 76 and 78. 1. The delay in the disposal of these Cases should be explained -

2. The heading should have been "Assault and Trespass".

3 The "intent to defraud" should have been charged.

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Tellicherry by precept returnable in V days from and after its receipt -

(Sent following Precept A.)

Read again Calendar in Case No 61 of 1856 on the file of the Sessions Court of Salem

(Here Enter F.M. No 2068 of 1856)

Read return and supplemental return from the Acting Sessions Judge to the precept of the Court of Foujdaree Adaulut calling for a revised sentence in Case No 61 of 1856 on the Calendar

of the Sessions Court of Salem.

(Here Enter F.No. 2259 of 1856)

In the above supplemental return the Acting Sessions Judge questions the propriety and the right of the higher Courts to require a revised sentence from him and protests against it as unusual and objectionable, considering the mode employed in requiring this information uncourteous and opposed to the practice that has hitherto prevailed.

2 With regard to Para 3 of the Return of the Acting Sessions Judge the Court of Foujdaree Adalut direct that he will in future on being called upon for an explanation of delay confine himself to stating simply the cause of delay in that particular case.

3 With reference to the observations contained in the supplemental return under notice the Court of Foujdaree Adalut trust that the Acting Sessions Judge will on calmly reconsidering the matter, see reason to concur with them in opinion that the protest was uncalled for and improper, and that the requiring a fresh sentence in order to remedy the defects of the previous one did no more affect the dignity and independence of his Judicial Office than the calling for further information would have done.

Ordered that Extract of these Proceedings

Proceedings be sent to the Acting Sessions Judge of Salem for his information.

(Sent in A.)

Read again letter from the Acting Magistrate of Malabar dated 24th October 1856

(Here enter F.No. 2044 of 1856)

Read also Return dated 20th November from the Acting Magistrate of Malabar to the Precept of the Foujdaree Adalut dated 7th November 1856 directing him to submit translates of the depositions of the two accomplices recommended for conditional pardon.

(Here Enter F.No. 2268 of 1856)

The Court of Foujdaree Adalut resolve under the authority vested in them by Section XII Regulation XIII of 1832 to sanction the offer of a pardon to the two individuals referred to on the terms and conditions specified in Section XX Regulation VIII of 1802. The Court suppose that a high reward has been offered for the apprehension of the absconded Gounda Menon.

Ordered that Extract of these Proceedings be sent to the Acting Magistrate of Malabar for his information.

(Sent in A.)

Read Calendar of Case No. 470/1856

of

9th December 1856.

of the Sessions Court of Nellore

(Here enter F.M. No. 3274 of 1856)

1. The Court of Foujdaree Adalut approve of the recommendation made by the Sessions Judge in this case that the period of imprisonment which the Prisoner noted in the margin have been adjudged to suffer on their conviction of House breaking with theft be reduced to 4 years with hard labor in irons and they do authorize the Sessions Judge to issue his warrant accordingly.

1. Bellamcondu Venadanna Yadav.
2 Pillakadu Pedanna Ramudu

2. The Court direct that the Principal Sudr Ameen be called upon for an explanation of the delay between the 8th and 19th November in the committal of this case.

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

(Sent in No.)

Read Calender in case No. 33 of 1856 of the Sessions Court of Combaconum.

(Here enter F.M. No. 2283 of 1856)

The Court of Foujdaree Adalut desire that the Sessions Judge will explain why the trial of this case, which was committed on the 8th, was not commenced till the 19th

9th December 1856.

19th November

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.)

Read Petty Calendars of Vizagapatam and Ganjam submitted by the Sessions Judge of Chicacole for the 3d quarter of 1856.

(Here enter F.M. No. 2191 of 1856)

The indictment against the 9th

Calendar No. 1.
Case No. 2

Prisoner does not charge him with to any Criminal offence. The Court of Foujdaree Adalut do not therefore understand the Acting Agents observation. They can hardly suppose that the Acting Agent would require security for breach of the Salt Law, if such had been committed by the 9th Prisoner.

2. The Court resolve to call the attention of the Acting Magistrate to their Circular Order dated 23d July 1845 No. 173 declaring that a Magistrate has the same power as a Subordinate Judge in demanding security on suspicion within the limits prescribed

prescribed by Section LIV Act VII of 1843.

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

(Sent in Ps)

Read again Miscellaneous Petition presented on the 25th September 1856 by Calyana alias Paggayan of Zillah Madura.

(Here enter F. Mo. D. No. 189 of 1856)

Read also Return dated 24th November from the Acting Sessions Judge of Madura to the Receipt of the Foujdaree Adalut dated 3d November 1856, directing the release of Caroopa new 2d Prisoner in Sessions Case No. 50 of 1856.

(Here enter F. Mo. No. 2275 of 1856.)

Mr. F. Anderson

The Court of Foujdaree Adalut observe that the Calendar referred to was No. L of 1855 not 1856, and they direct that the 2d Prisoner in that case be immediately released.

Ordered that Extract from these Proceedings be sent to the Acting Judge of Madura by Precept returnable in 10 days from and after its receipt.

(Sent in Ps)

Read Criminal Report B for the month of October 1856 Zillah Tinnevelly.

(Here enter F. Mo. No. 2276 of 1856)

1 Many details are mentioned which are unnecessary in a charge for murder. The Prisoners should have been charged with having "feloniously, wilfully, and of their malice aforethought, killed and murdered one Vetchy-magala by striking him with cudgels and stamping upon his abdomen."

2 The Court of Foujdaree Adalut require explanation in connection with every case in which the delay in the Principal Sudder Ameens Courts has exceeded five days.

Case No. 126. 3. The date of sentence in this case is not mentioned. Eleven days delay occurred before the parties left the Taluk, of which six days delay is said to have been satisfactorily accounted for. The Court desire to know what notice has been taken of the other three days delay.

Case Nos. 134, 136, & 137. 4 Explanation must be afforded of the delay in the transmitting the Report A in these Cases.

Ordered

9

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Tinnevelly by Precept returnable within 7 days from and after its receipt.

(Sent following precept &c)

Read Criminal Report B for the months of October 1856 Zillah Salem.

(Here enter Sr. No. &c 2257 of 1856)

Case No. 123

1 No breaking is alleged in the body of the Charge: the heading, therefore should have been attempt at theft and the sentence should have been passed under Section VII Regulation X of 1816.

No. 135.

2. There was no necessity for this case to be prosecuted by the Government. The party complaining ought to have been left to prosecute. As the 2d Defendant owned the signature the case should not have been committed to Court

No. 137.

3. The Charge should have commenced thus "with having on the 24th August 1856" instead of "with having one day previous to the 25th August 1856".

No. 142.

4 The Charge should have been headed. "wounding".

The

Case No. 149.

5 The prisoner was not liable to be charged with arson under the circumstances. If there was evidence to shew that the articles robbed in Case No. 148 had been deposited in Defendants house with his knowledge the fact of his having set fire to his house with an evident intention of destroying these articles might have been given in evidence as a circumstance from which the trying Officer might infer that the Defendant was in professon of the property knowing it to have been robbed

6 For the crime of which the prisoner was convicted in this case, and for the offences in Nos 159 and 161, a sentence of two years imprisonment awarded against the same prisoner in No 160 for escape, was also inadequate and it should have been stated that the sentence in this case was to take effect after the expiration of the sentence awarded in the other cases.

7 The Court of Foujdaree Udalut require the explanation of the delay in disposing of cases in the Subordinate Court in every instance in which more than five days have elapsed between the arrival of the parties and the passing of sentence.

The

8 The Court of Foujdaree Udalut do not concur in the propriety of the Acting Sessions Judges remarks in Case No. 21 by the Acting Joint Magistrate the assault having been attended with a fracture of the 4th prisoners arm.

9 The Court also require explanation of the delay in transmitting Report No. in case No. 20 by the Acting Joint Magistrate.

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

(Sent following Precept &c.)

Read letter dated 22 November 1856 from the Acting Sessions Judge of Tinnevelly submitting for the final Judgment the Foujdaree Udalut the Record of Case No. 36 of 1856 of the Calendar of the Session Court.

(Here enter P. C. No. 226 of 1856)

The Court of Foujdaree Udalut on a delibrate consideration of all the circumstances of the case in evidence before them being of opinion that the proof of the Prisoners

1st Ramapillay.

2d Soobbyum Pillay alias
Soobbaramaneyan Pillay
3d Shunmoogam Pillay
4th Arnachalum Pillay
5th Narayana Pillay
and
6th Mootien

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

1st Rama Pillay
2d Soobbyum Pillay alias
Soobbaramaneyem Pillay
3d Shunmoogam Pillay
and
4th Arnachalum Pillay.

to suffer death by being hanged at the usual time and place of execution and the prisoners,

5th Narayana Pillay
and
6th Mootien

to be transported to such place or places beyond sea, as the Governor in Council shall appoint there to be imprisoned and kept to hard labour on the public roads

roads or other public works for and during the period their natural lives.

1 The Court of Foujdaree Udalut direct that the attention of the acting Session Judge be called to his omission to take evidence or question as to the relationship between the parties, the previous quarrel, the Police complaint, threats of vengeance &c., as well as to his omission to state in his letter of reference the nature of the evidence on which he convicted the accused.

2. They also direct that the Magistrates attention be called to the fact of the abducted bride, (9th Witness) being allowed by the Police to remain in company with the 3d Prisoner after her rescue and the latter's (3d Prisoners) apprehension.

3 The Acting Session Judge will be pleased to submit the explanation of the delay in this case called for in this Courts' Proceedings of the 24th Ultimo

Ordered that Extract from these Proceedings be sent to the Acting Session Judge of Tirchinopoly by Receipt returnable within 11 days from and after its receipt.

(Sent following Receipt No)

Read Return dated the 27th November 1856 from the Acting Session Judge of Tirchinopoly to the Receipt of the Court of Foujdaree Udalut under date the 22d November containing their remarks and Orders in Calendar of Case No 33 of 1856 (Here enter F. R. No 2280 of 1856)

The Court of Foujdaree Udalut do not consider that the explanation furnished by the Session Judge regarding the disposal of this Case to be satisfactory or to be such as to alter the opinion of the Court as recorded in Extract from their Proceedings of the 22d Ultimo.

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

(Sent in No)

Read Criminal Report for the Month of October submitted by the Acting Session Judge of Madura.

(Here enter F. R. No 2243 of 1856)

Case No 47 by the Moof. Sudr Amen

1 The guilty Knowledge which forms the essence of the Crime should have been set forth in the Charge.

" No 149 & 154.

2 The delay of the disposal of this case (15 and 7 days) to be explained.

If

9th December 1856.

Cases Nos. 150-152-153. 3. The explanation of the delay of 25. 19, 20 days respectively in the disposal of these cases by the Acting Subordinate Judge has not been furnished. the Acting Sessions Judge will call upon that officer for the same.

A-157. 4 The heading should have been en "Cattle stealing) and knowingly professing stolen Cattle.

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

(Sent following Precept A-)

Read letter dated 25th November 1856 from the Agent to the Governor of Fort Saint George at Vizagapatam submitting for the final Judgement of the Court of Foujdaree Udalut the Record of case A-20 of 1856 on the file of his Court

(Here enter F. M. A-2340 of 1856)

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,

Peedika Chendriah

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 A-)

9th December 1856

Read again Calendar of Case A- 61 of 1856 on the file of the Sessions Court of Cuddapah.

(Here enter S. M. A- 2546 of 1856)

Read also return dated 17th November from the Sessions Judge of Cuddapah to the Precept of this Court of Foujdaree Udalut under date the 7th November 1856 directing him to report what notice had been taken by the Magistrate of the interlineation brought to notice in the above Case.

(Here enter S. M. A- 2228 of 1856)

1 The Sessions Judge in the above return states, that the Magistrate has reported, that the Vakeel and Goomastah who were concerned in the interlineation have been fined, and informed that they would be dismissed on the repetition of any such irregularity.

2 The Court of Foujdaree Udalut observe that, if the interlineation was fraudulently made for the purpose of making out evidence against the Prisoners in question, the officials ought to have been dismissed, and they cannot understand the Magistrate's leniency towards them.

If however it was not considered fraudulent

7th December 1856.

fraudulent, the Court direct that further explanation be furnished as to how so singular a mistake could have happened without grossly and fraudulently tampering with the record of evidence, and they also direct that translations of the whole of the Proceedings regarding the interlineation be submitted for their consideration.

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

(Sent following Precept &c)

Read Criminal Report for the month of October 1856 submitted by the Sessions Judge of Chucacole.

(Here enter F. W. No 2224 of 1856)

Case No 46 — 1 The punishment of 6 months imprisonment for housebreaking and theft of Rupees 65-2-4 is a very inadequate punishment.

Case No 47 — 2. The manner in which the 4½ prisoners aided and abetted should have been entered.

Cases Nos 46 and 47 before the Monthly Sudder Ameen — 3. The delay of 10 and 12 days in the disposal of these cases by the Monthly Sudder Ameen to be explained.

If

Case No 48 — 4 If this charge was preferred on oath, it should be headed Perjury, if otherwise, it is not criminal offence, as it was not made before a Head of Police but the European Magistracy.

Case No 26. — 5 That portion of the charge relating to the brass Tumboo is not clear, the Prisoner is charged with having made away with it, but it does not appear that it was entrusted to him, the Court of Foujdaree Adalut suppose that he stole it from the Prosecutors house; moreover the charge of having made away with &c is very vague no fraud is charged as should have been done.

6 The delay of 52 days in the disposal of this case will be fully explained by the Principal Sudder Ameen.

Case No 27 — 7. The above remark refer to the delay in this case also.

Case No 29 — 8 The value of the portion of the stolen property entered in the second count should have been entered.

Case No 39. — 9. The manner in which the fraud would have injured Government and the extent of the injury (that is loss of Revenue) should have been entered.

The

4

Cases

9th December 1856.

Case at. 30.

10

The Charge should have been murder vide Foujdaree Circular Extract dated 7th October 1853.

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

(Sent following Precept &c)

Ent'd.

F. C.

At a Court of the Foujdaree Adalut.

Present

Wednesday 10th December 1856.

F. Anderson, Esquire
J. W. Goodwyn, Esquire. — Acting Puisne Judges
G. A. Harris, Esquire.

Read again Calendar of Case At. 37, submitted by the Acting Sessions Judge of Tinnevelly, under date the 5th November 1856

(Here enter F. C. At. 2116 of 1856)

Read also Return dated the 26th, from the Acting Sessions Judge of Tinnevelly to the Precept of the Foujdaree Adalut dated the 19th November 1856, calling for explanation as to the extraordinary delay in the disposal of this case, and for certain information in regard to the stolen property found on the Prisoners.

(Here enter F. C. At. 2295 of 1856)

The Court of Foujdaree Adalut are of opinion that the explanation of the delay in the Sessions Court is perfectly satisfactory, but the delay in the Principal Sudder Ameens Court appears to them

them to have been caused by negligence and inattention.

2. They observe that when a case is committed the record should be at once submitted, and if this is not done, the Sessions Judge should take immediate measures for enforcing its instant delivery.

3. The delays at Tinnevelly require the attention of the several Officers in that District and the Court trust that the Sessions Judge and Magistrate will stimulate their subordinates to remedy this evil.

4. The Court of Foujdaree Adalut direct that the Magistrate be required to report what notice he may have taken of the delay by the Police in this case.

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

(Sent following Receipt No.)

Read Petty Calendars of the Magistracy for the 3rd Quarter of 1856. Zillah Coimbatore

(To be entered No. 10 No. 2226 of 1856)

Case No. 51 by the Magistrate. } 1

The European Magistracy should prepare

prepare the charges themselves, or at least carefully revise them, so that no unseemly errors may appear in them. The defendants in this case are charged with having "stolen 10 firewoods".

Case No. 54 by the Joint Magistrate } 2. The defendants should have been charged with having been found in possession of the bullock, knowing it to have been stolen: for if they merely received it as a stray and retained possession, their act would not have constituted a substantive offence punishable under the enactment quoted. In order to render them criminally liable it was necessary to prove first, that a theft of the bullock in question had been committed and Secondly, that, from circumstances given in evidence, the defendants must have known at the time that they were found in possession that the bullock was so stolen. The same remarks apply to cases Nos. 65 and 69.

No. 74 by Do. of Pollachi } 3. With reference to the Sessions Judge's remarks on this case (and on General No. 51) the Court observe that the second Count is only to be added when the stolen property is found in the defendants' possession.

4

4 Cases

Case No 87 of the Assistant Magistrate

Calendar II Nos 66, 67, & 68

5

As the 2d Defendant was a Native Officer of Police, he should have been punished under Clause Second, Section III, Regulation III of 1819

"The Reading in these Cases should have been "abuse of authority."

No 77.

6

The remarks appended to this Case were unnecessary. The body of the charge does not correspond with the heading.

7.

The Session Judge is requested to call upon the Magistrate for explanation in all cases where delay has occurred, either on the part of the Police or before the Magistracy and to pass such Orders thereupon as may be necessary.

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

(Sent in No)

Read again Calendar of Case No 22 of 1856 of the Session Court of Canara.

(Here enter F. Mo. No 2180 of 1856)

Read also return dated the 20th from the Session Judge of Canara, to the Record of the Foujdaree Adalut under date the 13th November

calling

calling for an explanation of the delay in committing the above Case.

(Here enter F. Mo. No 2284 of 1856)

The Court of Foujdaree Adalut

1

do not consider the explanation furnished in the above return to be satisfactory.

They observe that the date of the Witnesses being called for is not given, and that if there was sufficient evidence for committal, the Principal Sudder Ameen (though correct in enrolling for any Witnesses he deemed requisite) ought not to have delayed the Committal of the Case.

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

(Sent in No)

Read letter dated 10th November, from the Acting Session Judge of Calicut.

(Here enter F. Mo. No 2183 of 1856)

In the above letter the Acting Session Judge requests the opinion of the Judges of the Court of Foujdaree Adalut as to whether in a Criminal trial the presiding Judge can resort

resort to a prisoner who is undergoing punishment in a case, place him in the Witness Box, and upon his testimony convict and sentence the other prisoners who were concerned therein.

2 The Court of Foujdaree Adalut inform the Acting Sessions Judge that the testimony of a convicted prisoner can be received in evidence against his accomplices in the crime for which he has been convicted, but that such must be received with much caution and should be fully corroborated ere it be admitted to the conviction of a person.

× Vide Act XIX of 1837.

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

(Ant in Pa)

Read Criminal Report B for the months of October 1856, Zillah Calicut.

(Here enter F. No. Pa 2244 of 1856)

Pas 92 and 155 by the Subordinate Judge } 1 The measurement of the wounds should have been given in inches.

Pa 141 by Do — 2. The 3d count is not clearly worded. If the person therein said to have been defrauded was other than the first prosecutor, the charge should have

have formed a Separate Case. Otherwise it should have been alleged that the money was fraudulently obtained from the aforesaid Abdool Rahiman. In either case the false pretences should have been set forth, in order to make the 3d count complete in itself, in the event of the forgery and uttering not being proved. The same remarks apply also to Pa 157.

Case Pa 146 by the subordinate judge } 3. The circumstances of aggravation which made this case fall under the provisions of Clause fourth Section III Regulation VI of 1822 should have been stated.

Pas 148 by Do — 30 by the Principal under Arcot Cochin } 4 The headings should have been attempt at murder and malice charged.

Pa 149 by the Subordinate Judge — } 5 The prisoner's act did not amount to House breaking. The heading should have been simply "attempt at Theft".

Pas 152 and 160 by Do — 6 If the Prisoners in these cases were punished by the Magistracy under Section XII Regulation X of 1816, their previous conviction should have been entered as a second count. Vide Circular instructions 8th February 1851; if they were punished for petty Theft under Section XXXIII Regulation IX

of

of 1816, they ought to have been sentenced under Section VII Regulation X of 1816, and the sentences will be reduced accordingly.

No 158. 7 The charge should have stated maliciously and falsely.

No 27 by the Principal Sudder Ameen of Cuddapah. 8 The punishment awarded was very inadequate.

No 29 9 The manner in which and persons by whom the first Prisoner caused the girl to be forcibly conveyed should have been entered.

No 20 by the Special Assistant Negapatam. 10 The case is headed "Breach of trust"; but in the body of the charge it is stated that the prisoner "stole" the money. It does not appear how the 2d Defendant could be convicted of a breach of trust when it is not alleged that he was entrusted with the money. The Sessions Judge is requested to call up the record, and pass such orders thereupon as he may consider necessary. He will also obtain and forward to this Court explanation of the delay in transmitting Report A in this case.

11 The entries that the Prisoners were never before convicted are unnecessary.

12 The delay in the Talook has not always

always been noticed. The number of days satisfactorily accounted for and those not properly accounted for should be mentioned immediately below the Sentence.-

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

(Here follows Precept &c)

Read again Miscellaneous Petition presented on the 30th July 1856, by E. Salmon Esq.; Pleader on behalf of Cotam Moottunnah of Zillah Maunlipatam.

(Here enter F. M. P. No 135 of 1856)

Read also Return and Supplemental Return dated 11th September & 8th November 1856, from the Sessions Judge of Maunlipatam, to the Precept of the Foujdaree Adalut under date the 28th August, calling for an English Translation of the Records of Case No 24 of 1856 on the file of his Court and Original Suit No 1471 of 1855 on the file of the Ellore District Moonsiffy to which it refers.

(Here enter F. M. Nos 1747 and 2192 of 1856)

The two prisoners in this case

Mr. Anderson & Mr. Harris. were

were charged with forgery and uttering a forged document, and on conviction were sentenced by the Sessions Judge to 4 years' imprisonment with hard labour in irons.

2. A Petition having been presented on behalf of the 2d prisoner, the Court of Foujdaree Adalut called for a translation of the Record of this case, and also of the Original Suit No 247 of 1855 in the Ellore District Moonsiff's Court in which the alleged forged Document was filed.

3. On a consideration of these Records the Court of Foujdaree Adalut observe that only direct evidence against the 2d prisoner is the testimony of the 1st Witness, but he admits he never saw the 2d prisoner before. The value of the property sued for is stated in the Plaint to be only 100 Rupees. The 1st Witness deposes that the document was written in the house of the 1st prisoner at Tengellamoody, but the 2d prisoner lives at Ellore. It is more probable if the forgery were committed in the presence of the 2d prisoner (the Vakeel of the 1st Prisoner) it would have been committed in the house of the 2d prisoner and not at the Village of the 1st Prisoner the Plaintiff: Moreover if 3d Witness

deposed correctly as to what Lutchmeeputty told him, it would appear the 2d prisoner was not present at the time of the execution of the forgery.

4. They also observe that the information on which the Vakeel for the Plaintiff in the Original suit acted appears to have related to the 1st Prisoner only, and in his Motion to the Moonsiff's Court he did not charge the 2d Prisoner with having been a party concerned; they have therefore little doubt that the 2d Prisoner's name has been foisted in because he was the 1st Prisoner's Vakeel in the suit.

5 Under these circumstances the Court of Foujdary Adalut do not concur in the conviction of the 2d Prisoner and accordingly direct his unconditional release.

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 Receipt No)

Read letter dated the 5th December 1856, from the Sessions Judge of Chittoor, submitting for the final Judgment of the Court of Foujdaree Adalut, the record of trial of Case No 17 of 1856

on

10th December 1856.

on the file of this Court.

(Here enter F.B. No. 2356 of 1856)

W. G. A. Harris.

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

1st Maula Moonegaudee

and

2d Coolla Ramoodee.

is sufficient to convict them of the crime of Highway
Robbery, do convict them thereof; and under the pro-
visions of Clause third, Section IV, Regulation XV
of 1803, and Section XXXIV, Act VII of 1843, sentence
them to be imprisoned and kept to hard labour in
irons on the public roads or other public works, for
and during the period of (8) eight years.

And being of opinion that the prisoner

3d Balaefully Goundoogaudee

and

4th Vencataramoodoo

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.

E. H. M.

(Sent in F. [illegible])

F. H.

Thursday
11th December 1856.

At a Court of the Foujdaree Adalut

Present

F. Anderson, Esquire. A.J.
J. H. Goodwyn Esquire A.J.
G. A. Harris Esquire A.J.
} Puisne Judges

Read letter dated 13th November
1856, from the Acting Agent to the Governor
of Fort St. George at Ganjam, submitting
for the final Judgment of the Foujdaree
Adalut, the Record of Trial in Case No. 22 of
1856 on the Calendar of the Agents file.

(Here Enter F.B. No. 2348 of 1856)

Before Goodwyn and Harris.

The Court of Foujdaree Adalut,
on a deliberate consideration of all the circum-
stances of the case in evidence before them, being
of opinion that the proof against the prisoner

Sagoona

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

there to be imprisoned and kept to hard labor on the public roads or other public works, for and during the period of his natural life.

1 The Court of Fouzdaree Adalut observe that as the charge is "murder", malice should have been entered in the indictment.

2 There appears to be doubts, as to the date of the murder, it should therefore have been charged as on or about July 2d 1856.

3 No dates are affixed to the Police depositions of the Prosecutors 2d and 4th witnesses.

4 Sixty seven days have elapsed between the date on which the case was set down for reference and the date of its transmission, the Court of Fouzdaree Adalut hope that the Acting Agent will take such notice of the negligence of his writers as may prevent similar delays in future.

5 The Court also notice that the extreme paleness of the ink with which some of the depositions are written renders deciphering the same difficult, especially as they are copied in one extremely bad hand and they direct that the Prisoners Police-
* to be returned. depositions* page 87 be sent to the Acting Agent as a specimen.

Ordered that Extract from the Proceedings be sent to the Acting Agent to the Governor of Fort St. George at Ganjam, for his information and guidance.

(Sent in St.)

Read letter dated 24th November 1856, from the Sessions Judge of Canara, submitting for the final judgement of the Fouzdaree Adalut the record of trial in case No. 20 of 1856 on the Sessions Court file.

(New Enter F. No. No. 2331 of 1856)

Read also letter dated 24th November 1856, from the Sessions Judge of Canara, submitting for the final judgement of the Fouzdaree Adalut, the Record of trial in case No. 21 of 1856 on the Sessions Court file.

(New Enter F. No. No. 2330 of 1856)

Mesrs. Goodwyn and Harris

The Court of Fouzdaree Adalut, on a deliberate consideration of all the circumstances of the case, as evidenced before them, being of opinion that the proof against the prisoner Bhicko Toro. is sufficient to convict him of the crime of Murder do convict him thereof, and under the provisions of Section x Regulation XIII of 1802, sentence him to

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

1. The Prisoner having been found guilty
of the charge in A.20 and sentenced to be hung, no
sentence is required to be passed upon him in case
A.21.

2 As it would appear that up to the
27th September. the Head of Police had not
been furnished with a Translation of Circular
Order A.211, the Magistrate, (if this Circular Order
has not already been circulated) will be pleased
at once to circulate the same, and will be so good
as to take the necessary measures for enforcing Com-
attention to its provisions.

3 The Principal Sudr Ameen's method
of examining committable cases is very faulty.
he does not appear to be aware that whatever swells
the bulk of the record without throwing new light
upon the case ought to be most carefully Com-
avoided. His attention is called to Circular
Order A.211.

4 The Court of Faujdaree Adalut observe
that in the depositions of the 5th and 6th witnesses (illegible)
a question is recorded as to the language of the
deponent instead of entering this in the heading
of the deposition. and the Principal Sudr
Ameen

Ameen then proceeded to elicit the required informa-
tion (5th and 6th witnesses had not been previously
examined by the Police) by means of Questions and
Answers instead of leaving the statements recorded
as are continued statements.

5 As the Principal Sudr Ameen's
proceedings are a preliminary investigation
and not a Trial, it was unnecessary to record
at the foot of the different depositions that
the Prosecutors and Prisoners put no questions.

Ordered that Extracts from
these Proceedings be sent to the Sessions Judge
of Canara for his information and for Com-
communication to the late Principal Sudr
Ameen.

(Sent in A.) Com
Ex Hall.

F. 16.

Friday.
12th December 1856

At a Court of the Foujdaree Udalut

Present

F. Anderson, Esquire
T. W. Goodwyn, Esquire
G. A. Harris, Esquire
} Actg Puisne Judges

Read letter dated the 30th October 1856, from the Acting Sessions Judge of Salem, forwarding English Translation of the record of case No. 29 of 1856 on the Calendar of the Session Court, for the final Judgement of the Court of Foujdaree Udalut.—

/Here Enter F. 16. No. 2368 of 1856/

The Court of Foujdaree Udalut,

Mr. F. Anderson
and
Mr. T. W. Goodwyn

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

Seerunga gounden

is not convicted on presumptive proof,

or

or on the evidence of credible witnesses, or on his own confession of the crime charged, do acquit him thereof and direct that he be set at liberty.—

1 The Prisoner in this case was charged with Murder and Robbery—

The Acting Session Judge in concurrence with the Mahomedan Sudr Ameen, convicted him of being an accomplice in the Murder, and left it to the Court of Foujdaree Adalut to determine the amount and nature of the punishment to be passed upon the Prisoner.—

2 The Court of Foujdaree Adalut observe that no evidence has been taken as to the time when the boy was first missed or the place where he was last seen alive, or any of the attendant circumstances. The Prosecutor states that at 12 Indian hours on Monday a servant came from his father-in-law's house to enquire if his son had returned to the house of the Prosecutor (his father)

it is therefore clear that the boy must have been missed early on Monday morning or previously.—

3 If the evidence for the prosecution is to be credited, it would appear that the Prisoner who lives only a few yards from the house where the boy was staying, enticed the child to his house (which is closely surrounded by others) and then and there murdered him, though no cries were heard by any of the neighbours and that the Prisoner kept the body there from Monday morning to about 5 O'clock on Wednesday morning and then just as the Villagers were going to their work attempted to carry off the body through the Village in preference to the more private way at the back of his house.—

4 The prisoner's keeping the body in his one-roomed house where it must have been seen by his wife and 2 Children or any one accidentally coming

coming in, appears highly improbable and the supposition that the body was concealed in the pit is negatived by the size of the pit (which is described in the Mahazernamah to be 19 inches long, 7 inches wide, and 15 inches deep) and the absence of any fresh earth (which might have covered the body) being found near it on Wednesday morning. In fact though it is not impossible that the body might have been thus kept at the Prisoner's house for these 42 to 44 hours, yet this appears very improbable.

5 The Case against the Prisoner rests on the improbable evidence of the 2nd and 3d witnesses, and of these, the latter admits the Prisoner gave evidence on a former occasion against his father-in-law in a Case of Cattle stealing.

6 The Court of Foujdaree Adalut also observe that on the 11th July last, the Acting Sessions Judge in para

12th December 1856

para 2 of his Proceedings, states "there are grounds of objection to the evidence" of the 2nd and 3d witnesses. On the 24th July the Surgeons Certificate proved that the stains on the gunny bag were not those of blood, and a week later (July 31st) the Thasildar (21st witness) proved that no spots of blood were found in the Prisoner's house, and he stated that he believed that all the false evidence as to the spots of blood had been given at the instigation of the Prosecutor. If therefore the Sessions Judge entertained doubts as to the evidence for the Prosecution on the 11th July these doubts ought to have increased in force subsequently, but yet he in para 4 of his letter of October 30th states "I view the 2d and 3d witnesses' testimony as entirely true, and to my "mind it places beyond question the "guilt of the accused" &c. "there is not the "remotest grounds on which to impeach "this evidence," without noticing that he

he had previouly (July 11th) raised objec-
-tions to this very evidence, and that
if perjured testimony had been brought
forward by the Prosecutor as to the blood
stains, there was at least some sus-
-picion that he might have brought
forward similar testimony as to the
body.—

7 With reference to the foregoing
observations the Court of Foujdaree
Udalut are of opinion that the evidence
is not sufficient for the conviction
of the Prisoner and accordingly direct
his unconditional release.—

8 The Court notice the irrego-
-larity of the reception as evidence of
a certificate from the Surgeon instead
of examining him in the presence of
the prisoner.—

9 The Court also resolve to
point out to the Acting Session Judge
the irregularity of his not offering in
his letter of reference a distinct
recommendation

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recommendation as to the sentence to
be passed on the Prisoner.—

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

(Sent in No.)

Read Calendar of Case No. 79
of 1856, submitted by the Session Judge
of Cuddapah under date the 27th Novem-
-ber 1856.—

(Here enter F. No. No. 2303 of 1856)

The Court of Foujdaree
Udalut direct that explanation be
furnished of the delay in the commit-
-tal of this case, and also in commenc-
-ing and disposing of it by the Session
Court.—

Ordered, that Extract from
these Proceedings be sent to the Session
Judge of Cuddapah by Precept return
-able within III days from and
after its receipt.—

(Sent following Precept No.)

Read

Read Criminal Report B
for the month of October 1856, Zillah -
Rajahmundry. —

(Here Enter F. No. A. 2307 of 1856)

No. 92. 1 The object of the defendants
in attacking the guard should have been
stated. No act is alleged, which amount
=ed to rebellion. —

94. 2 No mention is made of
the persons whom the defendants "aided"
in effecting the abduction. —

95-96-97 and 99- 3 The primary object of the
defendants appears to have been plunder,
in which case their acts could not be
termed rebellious although accom-
=panied by the murder of certain —
Government peons. —

100. 4 The offence described in
the charge was Housebreaking with
theft. —

105. 5 The prisoner's offence was
murder, and should have been dealt
with as such. —

The

No. 116. 6 The acts of the 2d prisoner,
which rendered him an accessary, should
have been set forth in the charge. —

123 7 The crime charged was —
Housebreaking with theft. —

124 8 As the money was not ob-
-tained under false pretences the charge
should have been headed "breach of trust". —

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

(Sent in No.)

Read Calendar of Case
No. 72 of 1856 submitted by the Acting Ses-
-sion Judge of Madura under date the
28th November 1856. —

(Here Enter F. No. A. 2311 of 1856)

The Court of Foujdara Ada-
-lut conclude that the last para of
the Sessions Judge's sentence has been
brought to the notice of the Magistrate.

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

information.—

(Sent in. No. /

Read Calendar of Case No. 84 of 1856, of the Sessions Court of Masulipatam.—

(Here enter F. No. No. 2314 of 1856)

1 The Prisoners, four in number, were tried on a charge of Housebreaking with theft, and on conviction, were sentenced to 7 years' imprisonment with hard labor in irons, but on the ground that there are no aggravating circumstances connected with the case beyond that the 1st Prisoner is an old offender, the Sessions Judge recommends a mitigated sentence of 5 years for the 1st and 2 for each of the 2d, 3d and 4th Prisoners.

2 The Court of Foujdaree Adalut decline to mitigate in the case of the 1st Prisoner and being of opinion that the punishment proposed for the other Prisoners is inadequate, the Court direct that the 2d, 3d and 4th Prisoners

be

be sentenced to imprisonment for 3 years with hard labor in irons.—

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

(Sent in. No. /

Read Criminal Report dated 1st instant, submitted by the Sessions Judge of Chingleput, for the month of August 1856.

(Here enter F. No. No. 2318 of 1856)

The Court of Foujdaree Adalut direct that the Magistrate be called upon to explain the delay in replying to the Sessions Judge's letter of the 6th September, and why the application to the Magistrate of North Arcot was not earlier sent.—

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.

Read

Read Criminal Report B, for the month of October 1856, Zillah Masulipatam.—

(Here Entered F. No. 2324 of 1856)

A fine, leviable by distress and sale of the offenders goods, might have been added to the imprisonment awarded, the case being one of fraud or cheating, and thus embraced by Act No. XVI of 1850.—

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

(Sent in No.)

Read Calendar of Case No. 49 of 1856, submitted by the Acting Sessions Judge of Calicut, under date the 25th November 1856.

(Here Enter F. No. 2305 of 1856)

On a consideration of the circumstances of the case as stated by the Acting Sessions Judge, the Court of Foujdaree Adalut are of opinion

No 6

12th December 1856

that the sentence of 7 years' imprisonment was quite inadequate.

2 Adverting to the nature of the crime charged, viz. "wounding with intent to kill" for previous malice was clearly proved and to the use of the knife being so prevalent in Malabar as to require a severe sentence than in other Districts, the Court are of opinion that the trial of this case ought to have been referred to them for disposal.—

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

(Sent in No. 1)

Ed. Dll.

Read letter dated the 2d Instant, from the Sessions Judge of Cuddapah, reporting the execution of the Prisoners Narrainezadoo and K. Ajjy in case No. 52 of the Calendar for

for 1856.—

(Here Enter F. No. 2349 of 1856)

Read return dated the 2d Instant, from the Acting Sessions Judge of Salem, to the precept of the Foujdaree Adalut under date the 29th November 1856, calling for explanation for the delay in Cases 65- 66- and 67 of 1856.—

(Here Enter F. No. 2351 of 1856)

Read report dated the 2d Instant, submitted by the Sessions Judge of Bellary, of Cases pending on the 31st October 1856 before the Sessions Court of that Zillah for a longer period than 25 days.

(Here Enter F. No. 2353 of 1856)

Read Calendar of Case No. 57 of 1856, submitted by the Sessions Judge of Chittoor under date the 2d Instant.—

(Here Enter F. No. 2355 of 1856)

Read return dated the 3d Instant, from the Acting Sessions Judge of Madura, to the precept of the Foujdaree Adalut

Adalut under date the 28th November 1856 directing that the delay in the committal and commencement of the trial of Criminal Case No. 132 on Calendar No. 63 of 1856 in the Sessions Court, be explained.—

(Here Enter F. No. 2363 of 1856)

Read Report dated the 1st Instant, submitted by the Acting Sessions Judge of Guntoor, of cases pending on the 30th November 1856 before him.—

(Here Enter F. No. 2367 of 1856)

Read Extract from the Proceedings of the Sessions Court of Combaconum under date the 17th September 1856, held on the Police Reports submitted for the months of July August and September 1856.—

(Here Enter F. No. 2371 of 1856)

Read return dated the 6th Instant, from the Sessions Judge of Nellore, to the precept of the Foujdaree Adalut under date the 1st Idem, calling for an explanation of the delay in the committal

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committal of Calendar — Case No 44 of 1856.

(Here Enter F. No. No 2372 of 1856)

Read Calendar of Case No 36 of 1856, submitted by the Session Judge of Trichinopoly under date the 6th Instant.

(Here Enter F. No. No 2373 of 1856)

Read report dated the 1st Instant, submitted by the Acting Sessions Judge of Rajahmundry, of Cases pending on 1st December 1856 before the Sessions Court of that Zillah for a longer period than 25 days.

(Here Enter F. No. No 2374 of 1856)

Read return dated the 5th Instant, from the Sessions Judge of Bellary, to the precept of the Foujdaree Adalut under date the 27th November 1856, calling for further explanation regarding the delay in the committal of Case No 86 on the Sessions Calendar for 1856.

(Here Enter F. No. No 2382 of 1856) is

Ex Ellt.

F. No.

Saturday 13th December 1856. } At a Court of the Foujdaree Adalut.

Present

F. Anderson Esquire
J. W. Goodwyn Esquire } Hy. Puisne Judges.
G. A. Harris Esquire

Read again Calendar of Case No 41 of 1856 of the Sessions Court of Coimbatore

(Here enter F. No. No 2077 of 1856)

Read also return dated 20th November 1856 from the Sessions Judge of Coimbatore, to the precept of the Foujdaree Adalut under date the 13th idem, requiring explanation of the cause of delay in the committal of Case No. 41 of 1856 on the file of the Sessions Court from the 8th to the 16th October 1856.

(Here enter F. No. No 2249 of 1856)

1. The explanation furnished by the Principal Sudr Ameen for the delay in the committal of this case is not satisfactory.

2. The Court of Foujdaree Adalut are of opinion that if due diligence had been used, the case might have been disposed of

on

on the 10th instead of on the 15th. The examination of a committable case does not generally take up the whole day, and the Principal Sudr Ameen has not stated that No. 182 was a long or difficult one.

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

/Sent in No./

Read letter dated 22nd November 1856 from the Acting Sessions Judge of Salem.

/Here enter F. C. No. 2264 of 1856/

1. With the above letter the Acting Sessions Judge submits a copy of a letter from the Magistrate of Salem, who with reference to the Proceedings of the Court of Foujdaree Udalut of the 11th November 1856 held on review of the Petty Calendars for the 3rd Quarter of 1856, proposes to hold each Magisterial officer responsible for the due preparation and submission respectively of his Calendars and the records.

2. The Court of Foujdaree Udalut approve of the suggestion of the Magistrate as contained

contained in the letter under acknowledgment.

3. They do not consider it necessary that the Magistrate should review and hold proceedings on the Calendars submitted by his Subordinates, for transmission by him to the Superior Court; but at the same time the Court of Foujdaree Udalut deem it desirable that the Magistrate should not allow the Calendars to pass through his hands without perusing them in order that he may make himself acquainted with the manner in which his subordinates perform their Magisterial duties.

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

/Sent in No./

Read Calendar of Case No. 30 of 1856 submitted by the Sessions Judge of Combaconum under date the 24th October 1856.

/Here enter F. C. No. 2031 of 1856./

Read Calendar in Case No. 63 of 1856 submitted by the Sessions Judge of Cuddapah under date the 24th October 1856.

/Here enter F. C. No. 2037 of 1856./

Read

13th December 1856.

Read return dated 25th October 1856 from the Session Judge of Bellary to the precept of the Foujdaree Udalut under date the 18th October 1856 directing the release of the Prisoner in Case No 79 on the Sessions file for 1856.

/Here enter F. Uc. No 2039 of 1856./

Read return dated 25th October 1856 from the Session Judge of Guntoor to the precept of the Foujdaree Udalut under date the 20th October 1856 directing that the Acting Head Assistant Magistrate at Guntoor be called upon to explain on what grounds he committed case No 22 of 1856 on the file of the Session Court of Guntoor.

/Here enter F. Uc. No 2043 of 1856./

Read Calendar in Case No 71 of 1856 submitted by the Session Judge of Cuddapah under date the 28th October 1856.

/Here enter F. Uc. No 2048 of 1856./

Ex KD

F. Uc.

Monday
15th December 1856.

At a Court of the Foujdaree Udalut.

Present

F. Anderson Esquire.
T. W. Goodwyn Esquire. } Mr Puisne Judges.
G. A. Harris Esquire.

Read Miscellaneous Petition presented on the 13th Ultimo by Pitchay Putter of Zillah Tinnevelly.

/Here enter F. Mc. P. No 221 of 1856./

Mr G. A. Harris. J. This is a second petition for a review of the order of this Court dated the 22nd September last on the Petition No 138 of 1856 presented by the Petitioner.

2. The Court of Foujdaree Udalut see no reason to interfere with their former order and therefore resolve to reject the petition.

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

/Sent in No/

Read Return of the Session Judge of Nellore to the precept of this Court under date

date the 25th November 1856, requiring explanation regarding certain delays in the disposal of criminal cases by the Principal Sudr Ameen.

/Here enter F. No. № 2345 of 1856./

№ 153. 1. In this case the order to the Head of Police to forward the witnesses for the defence should have been issued on the 18th.

№ 156. 2. The explanation is imperfect and unsatisfactory. The neglect of the Head of Police in not sending the witnesses with the case should have been brought to the notice of the magistrate, through the Sessions Judge. It does not appear what was done between the 29th September and the 2nd October, nor why the case took from the 3rd till the 10th October to examine.

№ 161. 3. The omission of the Head of Police in not sending up the witness to the defendant's confession should have been reported to the Magistrate. No explanation has been given of the delay between the 11th and 30th October on the part of the Moofty Sudr Ameen.

№ 167. 4. Here was another instance of neglect on the part of the Head of Police of which

no notice appears to have been taken.

№ 175. 5. The explanation given is unsatisfactory. The case should have been disposed of on the 18th, or on the 20th at the latest.

6. The Sessions Judge is requested to take measures to prevent similar delays for the future, and also to require the Principal and Moofty Sudr Ameens to report all instances of negligence on the part of the Police, with a view to their being brought to the notice of the Magistrate.

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

/Sent in №/

Read Criminal Report B for the month of October 1856, Zillah Ganjam.

/Here enter F. No. № 2322 of 1856./

№ 12 and 13. 1. These cases might have been committed at a much earlier date, and been disposed of by the Agent as regards all the defendants, with the exception of Sombari Naick alias Boottiah Sirdar, whose sentence if he was convicted might have been reserved till the

the disposal of other charges against him.-

No. 21. 2. Some dates should have been mentioned between which the crimes were committed. The indictments should have charged the defendants with having "belonged to a gang of dacoits of which the notorious dacoit Chokra Bijsoya was the leader."-

No. 35.- 3. It should have been alleged that the defendants committed the act "unlawfully and feloniously" - not "irregularly":-

No. 28, 29, and 30.- 4. Explanation is required of the delay in disposing of these cases.-

5. No letter need accompany these reports where any Officer has tried no cases during the month, this circumstance can be mentioned in a foot-note at the end of the returns.-

Ordered that Extract from these Proceedings be sent to the Acting Agent to the Governor of Fort Saint George at Ganjam by Precept returnable within 3 days from and after its receipt.-

/Sent following precept No./

Read Miscellaneous Petition presented on the 24th November 1856 by — John

John Jacobs Menon Pleader on behalf of — Poolikel Parumbil Petty Valum Zillah Calicut

/Here enter F. M. P. No. 230 of 1856./

Mr. G. A. Harris. 1. Petitioner appeals from the orders of the Acting Sessions Judge of Calicut under date 29th September last reversing orders of the Acting Joint Magistrate of Malabar and the Tahsildar of Paulghat which directed Petitioner to be put in possession of a portion of certain land.-

2. The Court of Foujdaree Adalut see no grounds for disturbing the orders appealed from, and therefore reject this petition.-

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

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

/Sent in No./

Read Miscellaneous Petition presented on the 24th Ultimo by Adapoor Kristnaya of Zillah Rajahmundry.-

/Here enter F. M. P. No. 229 of 1856./

Petitioner

15th December 1856.

Mr G. A. Harris. 1. Petitioner appeals from an order of the Session Court of Rajahmundry under date the 13th August last confirming that of the Joint Magistrate, whereby he was dismissed from the Office of Samuldar of Tanoo-koo, for keeping back a report made against a widow of her having procured abortion.

2. The Court of Foujdaree Udalut see no reason to interfere with the order appealed against and resolve therefore to reject the petition.

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

Read again Miscellaneous Petition forwarded by the Session Judge of Tinnevelly from Caroottadchy of the said Zillah.

/Here enter F. M. P. No. 155 of 1856/

Read also return dated 4th October 1856 from the Session Judge of Tinnevelly to the precept of the Foujdaree Udalut under date the 18th September calling for an English Translation of the evidence against the 1st Prisoner in Sessions Case No. 28 of 1856.

/Here enter F. M. No. 1921 of 1856/

Before

15th December 1856.

Mr F. Anderson. Before finally disposing of this case, the Court of Foujdaree Udalut resolve to direct the Session Judge to cause the attendance of the 4th prisoner, and examine him as a witness on solemn affirmation in presence of the 1st prisoner as to what took place with reference to the theft charged, the 1st prisoner being allowed to cross question him and to give a further defence, and the Acting Sessions Judge will submit a translation of the depositions for the consideration of this Court.

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

/Sent following precept No/

Read letter dated 3rd December 1856 from the Acting Sessions Judge of Rajahmundry.

/Here enter F. M. No. 2385 of 1856/

1. In the above letter the Acting Sessions Judge reports that Rednum Durmarayadoo whose character was noted in a recent Precept return has been committed on a charge of Forgery to the Sessions Court, and as he is likely to obtain

obtain European Counsel to conduct his defence the Acting Session Judge requests that the services of a member of the English Bar may be obtained to conduct the prosecution on behalf of Government, — failing which he requests that counsels opinion may be taken in the case and on the Law as respects the responsibility of the accused for the acts of his Vakeels or Agents.

2. The Court of Foujdaree Udalut consider that the Acting Session Judge has acted irregularly in making the above reference to them in regard to a matter on which they may ultimately be called on to pronounce a judicial opinion. There does not appear to the Court any thing in the features of this case calling for the extraordinary measures suzzested by the Acting Session Judge. Should he consider the evidence insufficient for the conviction of the prisoner in the present state of the case, he can call upon the Subordinate Judge to supply such defects therein as may occur to him.

3. With reference to the remark made by the Acting Session Judge that he cannot be expected to conduct the prosecution and — adjudicate

15th December 1856.

adjudicate likewise the Court would point out to him that similar anomalies are — constantly occurring in every Court in the Mofussil and must continue to exist until the present system of judicial procedure is changed.

4. The Court of Foujdaree Udalut point out to the Acting Sessions Judge the impropriety of forwarding any portion of the record of a case the loss of which would very seriously affect and compromise the case for the prosecution.

5. The enclosures 7 in number — which accompanied the letter under reply are herewith returned.

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

/Sent in/

The record of trial in referred Case No 60 of 1856 on the Calendar of the Session Court of Madura not having been yet received.

Ordered that the Acting Session Judge of Madura be required to submit the — record aforesaid without delay.

/Sent in/

Read

15th December 1856.

Read Miscellaneous Petition presented on the 24th November 1856 by Messrs Arthur M. Ritchie and Alexander M. Ritchie Pleaders on behalf of Kodally Thayatha Vittle Kaliaden Ramur alias Koonjambo Zillah Tellicherry.

/Here enter F. M. P. No. 228 of 1856./

Mr. G. A. Harris. 1. Petitioner seeks the reversal of the order of the Acting Session Judge of Tellicherry dated the 24th September last, declining to interfere with the order of the Magistrate making over to the complainant Kodally Thayatha Vittle Coonji Kellapen, an Elephant and the tusks of another Elephant claimed by the Petitioner.

2. The Court of Foujdaree Udalut do not see any grounds to interfere with the Acting Session Judge's order and therefore reject this Petition.

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

Ordered also that Extract from these Proceedings be granted to the Petitioner's Pleaders on their application.

/Sent in No./

Read

15th December 1856.

Read Calendar of Case No. 24 of 1856. submitted by the Session Judge of Chingleput under date the 9th December 1856.

/Here enter F. M. No. 2383 of 1856./

Read letter dated 1st December 1856 from the Agent to the Governor of Fort Saint George at Vizagapatam forwarding the warrant issued with reference to the sentence of the Foujdaree Udalut in Case No. 16 of 1856.

/Here enter F. M. No. 2384 of 1856./

Read Calendar of Case 106 of 1856. Submitted by the Session Judge of Bellary under date the 2nd December 1856.

/Here enter F. M. No. 2352 of 1856./

Read letter dated 10th December 1856. from the Session Judge of Trichinopoly informing that the Extract of the Foujdaree Udalut transmitting a Precept returnable in 5 days and 2 copies of Circular Extracts was by mistake sent to Tellicherry altho directed Trichinopoly and the said communication has only this day reached him.

/Here enter F. M. No. 2390 of 1856./

Read return dated 8th December 1856 from the Acting Session Judge of Salem to the precept

15th December 1856.

precept of the Foujdaree Udalut under date the 6th December 1856 calling upon the Acting Sessions Judge to submit the explanations referred to in his return of the 24th Ultimo &c.

/Here enter F. No. 2392 of 1856./

Read letter dated 1st December 1856 from the Acting Agent to the Governor of Fort Saint George at Ganjam transmitting copy of an explanation afforded by Lieutenant Smith for the delay in disposing of the cases before him.

/Here enter F. No. 2393 of 1856./

Read Calendar of Case No. 107 of 1856 submitted by the Sessions Judge of Bellary under date the 8th December 1856.

/Here enter F. No. 2394 of 1856./

Read return dated 8th December 1856 from the Sessions Judge of Bellary to the precept of the Foujdaree Udalut under date the 29th November 1856, calling for an explanation of the delay in committing and commencing the trial of Case No. 92 on the Sessions Calendar for 1856.

/Here enter F. No. 2395 of 1856./

Ent. K.C.

F. No.

Tuesday 16th December, 1856. — At a Court of the Foujdaree Udalut

Present

F. Anderson, Esquire,
J. W. Goodwyn, Esquire,
G. A. Harris, Esquire,
} Hs. Puisne Judges

1. The Court of Foujdaree Udalut direct that in all cases wherein prisoners are charged with having been found in possession of stolen property knowing the same to have been stolen, the indictment should specify the date when, and the place where such property was found, and should also give a description of the property found on each prisoner and its value.—

2. Where the stolen property does not exceed 2 Articles they should be distinctly named; but if more, the charge should contain a general description of the property, such as Jewels, Cloths, or brass and iron Vessels &c.—

Ordered, that Extract from

from these proceedings, be sent to the Session Judge and Agents.-

/Sent in No. /

Read Return of the Session Judge of Chingleput, to the precept of this Court under date the 29th November 1856, calling upon the Principal Sudr Ameen to explain the reason of his request that his decision in Criminal Case No. 79 of 1856 might be reviewed by the Session Judge.-

/Here enter F. No. No. 2317 of 1856/

The Court of Foujdaree Udalut consider the Principal Sudr Ameen's explanation perfectly satisfactory as to the time and propriety of submitting the request to the Session Judge; but they observe that the Principal Sudr Ameen showed himself wanting in decision and acted irregularly, in directing suspension of the sentence. If he had delivered judgment after due and careful consideration, the prisoner's weeping bitterly on the promulgation of the sentence would hardly have induced the Principal Sudr Ameen to doubt the correctness of

of his own judgment. Though unnecessary delay should be avoided, a day may properly be taken for calm and mature deliberation where any doubt is entertained as to the sufficiency of the evidence for conviction.-

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

/Sent in No. /

Read Petty Calendars submitted by the Session Judge of Chingleput for the 3d quarter of 1856.-

/Here enter F. No. No. 2225 of 1856/

Calendar I. Cases Nos. 14 and 15.

1. The Court of Foujdaree Udalut desire to be furnished with a detailed explanation of the delay in the disposal of these cases and the various steps taken to ensure the attendance of the witnesses.-

General No. 14.

2. Punishment very inadequate.

No. 15.

3. The sentence should have specified under which provisions of the Law, the acts charged became a breach of the Salt Law and as such punishable under

16th December, 1856.

under Act 17 of 1840.

Nos. 16 and 17. 4 The charges should have been headed Assault.

Nos. 16, 17, 18, 19 and 28. 5. The nature of the Assault should be always entered in this charge.

No. 21. 6. The Court of Fouzdaree Udalut having ruled that the period of Imprisonment adjudicable by a Magistrate in commutation of a fine awarded under Section XXXII Regulation IX of 1816 is limited to 15 days, they direct that the sentence in this case be reduced accordingly.

Calendar I Case No. 26. 7. No heading has been affixed to the charge.

No. 30 8 The place from which the theft was committed has not been stated.

Calendar II Cases Nos. 18 and 19 9. A detailed explanation of the delay in procuring the attendance of the witnesses should be furnished.

No. 19. 10. The guilty knowledge which forms the essence of the crime should have been charged and the date of having been found in possession of the stolen Notes should have been entered.

The

F. C.

16th December, 1856.

Nos. 21. 22 and 23. 11. The insertion of the words. "The Defendants are charged" and "the Prosecutor charges," in these charges was unnecessary.

Ordered, that Extract from these proceedings, be sent to the Sessions Judge of Chingleput, by precept returnable within V days from and after its receipt.

/Sent following Precept No. 1/

Read Calendar of Case No. 53 of 1856, submitted by the Acting Session Judge of Calicut, under date the 2d December 1856.

/Here enter F. C. No. 2365 of 1856/

1. The Court of Fouzdaree Udalut observe that Clause 2d Section XV Regulation III instead of Regulation VII of 1802 has been quoted by the Acting Session Judge as the authority for referring the case to this Court.

2. They also observe that as the Acting Session Judge concurred with the Law Officer in the acquittal of the Prisoner on the ground of his having

Committed

committed the offence charged while in an unsound state of mind, the reference of the case to this Court was unnecessary, but under Act 4 of 1849 a Special verdict to that effect should have been recorded by the Acting Session Judge, and a report of the case made to them for the information and the orders of the Government, and this course the Acting Session Judge is now directed to adopt.-

Ordered, that Extract from these proceedings, be sent to the Acting Session Judge of Calicut, for his information.-

/Sent in No. /

Read Petty Calendars, submitted by the Session Judge of Honore, for the 3d quarter of 1856.-

/Here enter F.No. No. 2370 of 1856/

Calendar I Cases Nos 81.83.85.88. 93.95.109 Calendar II Case No. 7 and Calendar III Case No. 3.

/

The Court of Fouzdaree Udalut direct that the delay in the disposal of these cases be explained.-

Calendar I. Case No. 82.

2. The delay in this case should also be explained and the time the 1st Defendant was detained as a witness before the Criminal Court.-

Case No. 91.

3. The date of the sentence is erroneously stated to be the 7th July instead of 7th August.-

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

/Sent following Precept No. /

Read return dated 12th Instant from the Session Judge of Trichinopoly, to the precept of the Fouzdaree Udalut under date the 1st Instant, desiring to be informed whether notice was taken by the Head Assistant Magistrate of the irregularity of the references made to him in Cases Nos. 77.78 and 87.-

/Here enter F.No. No. 2397 of 1856/

Read Calendar of Case No. 43 of 1856, submitted by the Session Judge of Coimbatore, under date the 18th October 1856.-

/Here enter F.No. No. 2399 of 1856/

Read Calendar of Case No. 26 of 1856, submitted by the Session

Judge

Judge of Madura, under date the 5th Instant.

(Here enter F. No. No. 2403 of 1856.)

Read Calendar of Case No. 78 of 1856, submitted by the Acting Session Judge of Madura, under date the 9th Instant.-

(Here enter F. No. No. 2405 of 1856)

Read return dated 11th Instant, from the Acting Session Judge of Madura, to the precept of the Foujdaree Udalut under date the 5th Idem conveying their remarks on the Calendar of Case No. 67 of 1856 and calling for certain explanation.

(Here enter F. No. No. 2408 of 1856)

Exd. WA.

F. No.

Wednesday 17th December 1856

At a Court of the Foujdaree Udalut

Present

H. Anderson Esq. Acting
T. W. Goodwyn Esq. Do. — Puisne Judges
G. A. Harris Esq. Do.

Read again Criminal Reports submitted by the Session Judge of Chittoor for the month of October 1856.

(Here enter F. No. No. 2179 of 1856)

Read also Return dated 4th December from the Session Judge of Chittoor to the Precept of the Foujdaree Udalut dated 28th November 1856, calling upon him to Explain the Cause of delay in the disposal of certain Criminal Cases before the Subordinate Court and Moosty Sudr Ameen.

(Here enter F. No. No. 2358 of 1856)

Case No. 116.-

The Court of Foujdaree Udalut observe that the Explanation furnished by the Moosty Sudr Ameen for the delay in this Case is unsatisfactory, as the defence might have been taken on the 15th and the Prisoner at once released instead of being detained

detained for 3 days, and they direct that this Officer be warned to be more expeditious in future in the disposal of Cases Coming before him.

2. It appears from the Moofty Sudr Ameen's explanation that this Case had been nominally struck off the list on the 11th, but only Came to his Court on the Evening of the 13th; the Subordinate Judge should therefore be instructed to provide against such delays in future, and to forward at once to the Moofty Sudr Ameen all Cases referred to that Officer.

3 The explanation of delay furnished by the Subordinate Judge is considered satisfactory.

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

(Sent in N°)

Read again Calendar of Case N°69 of 1856, submitted by the Acting Session Judge of Madura.

(Here enter F.H. N° 2154 of 1856)

Read also Return dated the 1st December 1856, from the Acting Session Judge of Madura

Madura, to the Receipt of the Foujdaree Udalut under date the 25th November 1856, calling for translations of the English Records in Calendar of Case N°69 of 1856.

(Here enter F.H. N° 2344 of 1856)

As it appears from the above return that both the Acting Session Judge and the Law Officer have only Convicted the Prisoner in this Case of Culpable Homicide, the submission of the Translation of the record called for in the Proceedings of the 25th Ultimo is unnecessary, and the Court of Foujdaree Udalut direct the sentence of the Acting Session Judge to be carried into Execution.

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

(Sent in N°)

Read again Calendar of Case N°20 of 1856 on the file of the Session Court of Chingleput.

(Here enter F.H. N° 2090 of 1856)

Read also Return dated 1st December 1856, from the Session Judge of Chingleput,

Chingleput, to the Receipt of the Foujdaree Udalut under date the 17th November 1836, requiring a detailed Explanation of the delay in Session Case No. 20 of 1836.

(Here enter F. C. No. 2315 of 1836)

1 The Session Judge's Explanation is in the opinion of the Court of Foujdaree Udalut satisfactory, but that of the Principal Sudr Ameen is quite the reverse as the Case was an easy one and might have been disposed of at once.

Vide Circular Letter 16 October 1834. — 2 They observe that directly a Case is committed the record should be at once submitted to the Session Court and should not be detained for the preparation of the Calendar.

3 The Acting Head Assistant Magistrate's Explanation is not satisfactory.

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

(Sent in No)

Read Calendar in Case No. 55 of 1836 of Sessions Court of Chittoor.

(Here enter F. C. No. 2301 of 1836)

The

1 The Court of Foujdaree Udalut desire to be informed to what extent the beating and ill treatment had been proved and why the Prosecutor delayed one week to prefer his charge.

2 They direct that an Explanation be furnished of the variance between the Futwah and the Session Judge's sentence relative to the 2d Prisoner.

Ordered that Extract from these Proceedings be sent to the Session Judge of Chittoor by Receipt returnable in 10 days from and after its receipt.

(Sent following Receipt No)

Read Miscellaneous Petition presented on the 17th December 1836, by Mr. John Miller, Pleader on behalf of Rayoo Boochee Venatarow of Zillah Masulipatam.

(Here enter F. M. P. No. 237 of 1836)

Mr. F. Anderson. 1 Petitioner was first Prisoner in Case No. 66 of 1836 on the file of the Session Court of Masulipatam, and prays this Court to remit the sentence passed upon him by the Session Judge, or at least that part of it which awards hard labor in irons.

2 The Court of Foujdaree Udalut

on

on a consideration of the facts of the case as stated by the Session Judge in his return to this Court's Precpt of the 24th October last, see no reason to issue any orders at present regarding that part of the sentence which awards "hard labor in irons". Petition rejected.

Ordered that Extract from these Proceedings be given to the Petitioner's Pleader on his application.

Read letter dated 10th December 1856, from the Sessions Judge of Coimbatore, forwarding Copy of a letter received from the Magistrate of Coimbatore dated 8th December 1856, for the purpose of being laid before the Judges of the Court of Foujdaree Udalut.

(Here enter F. No. 2411 of 1856)

Read Return dated 13th December 1856, from the Session Judge of Cuddalore, to the Precpt of the Foujdaree Udalut under date the 1st December 1856 conveying observations and orders on the Criminal Reports for the Month of October 1856.

(Here enter F. No. 2413 of 1856)

Read Return dated 11th December

1856, from the Session Judge of Nellore, to the Precpt of the Foujdaree Udalut under date the 5th December 1856, calling for an explanation of the delay of 10 days in committing Case Calendar No. 46 of 1856.

(Here enter F. No. 2414 of 1856)

Read letter dated 11th December 1856, from the Session Judge of Nellore, submitting Copy of an explanation furnished by the Principal Sudr. Ameen for the delay of 14 days in the Committal of Calendar Case No. 49 of 1856.

(Here enter F. No. 2415 of 1856)

Read Calendar of Case No. 32 of 1856, submitted by the Acting Session Judge of Mangalore, under date the 10th December 1856.

(Here enter F. No. 2420 of 1856)

Read Calendar of Case No. 108 of 1856, submitted by the Session Judge of Bellary under date the 10th December 1856.

(Here enter F. No. 2421 of 1856)

Read Return dated 10th December 1856, from the Session Judge of Bellary, to the Precpt

17 December 1836

Precpt of the Foujdaree Udalut under date the 1st December 1836, requiring an explanation of delay in commencing with the trial of case N° 89 of 1836, on the Sessions Calendar.

(Herewith F. U. N° 2422 of 1836)

Read Return dated 10 December 1836, from the Session Judge of Bellary, to the Precpt of the Foujdaree Udalut under date the 1st December 1836, calling for an explanation of delay in committing and commencing with the trial of Case N° 94 on the Sessions Calendar for 1836.

(Herewith F. U. N° 2423 of 1836)

Read Return dated 10 December 1836, from the Session Judge of Bellary to the Precpt of the Foujdaree Udalut under date the 1st December 1836, quashing the Conviction in Cases Nos 96 and 98 on the Sessions Calendar for 1836, and directing the release of the prisoners.

(Herewith F. U. N° 2426 of 1836)

E. Ellis.

Leave Ca

F. U.

Thursday 18 December 1836

At a Court of the Foujdaree Udalut

Present—

F. Anderson Esq. 1st Judge
J. W. Goodwyn Esq. 2d Do.
G. A. Harris Esq. 1st Do.
} Puisne Judges

Read Miscellaneous petition of Noor Mahommud, forwarded by the Session Judge of Cuddalore.

(Herewith F. U. N° 2432 of 1836)

Petitioner, who was sentenced to

Mr J. W. Goodwyn and Mr G. A. Harris

5 years' imprisonment with hard labor in irons in Case N° 160 of 1836 on the file of the Session Court of Cuddalore, prays the Court of Foujdaree Udalut for the reasons stated in the petition, to interfere in his behalf and order his release.

The Court of Foujdaree Udalut

2

seeing no reason to interfere with the sentence above referred, to resolve to reject the petition.

Ordered that Extract from these Proceedings be sent to the Session Judge of Cuddalore for his information and for communication to Petitioner.

(Sent in N°)

Read

18th December 1856

Read Miscellaneous Petition of Shaik Emam, forwarded by the Session Judge of Cuddalore

(How enter F. M. P. N° 233 of 1856)

Mr. T. W. Goodwyn and Mr G. A. Harris

Petitioner styles himself a Convict in Case N° 47 of 1840 on the file of the Governor's Agent for Ganjam and referring to the sentence passed against him for imprisonment with hard labor in irons for and during the term of his life, prays that the Court of Foujdaree Udalut will, in consideration of the length of time he has undergone the sentence, be pleased to exempt him from hard labor in irons and direct a Pattah to be paid to him to enable him to cook his rice himself and grant permission to his wife and Children to see him in Jail.

2. The Court of Foujdaree Udalut resolve to reject the petition, the Petitioner's name not being entered in the Case above referred to.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Cuddalore for his information and for communication to Petitioner.

(Sent on N°)

Read again Calendar of Case N°

18th December 1856

N° 40 of 1856 on the file of the Session Court of Coimbatore.

(How enter F. M. N° 2196 of 1856)

Read also return dated 2d December 1856, from the Session Judge of Coimbatore, to the precept of the Foujdaree Udalut under date the 24th November last, directing the Session Judge to furnish explanation of the delay in the committal and disposal of Case N° 40 of 1856.

(How enter F. M. N° 2359 of 1856)

The Court of Foujdaree Udalut accept the explanation of delay furnished by the Session Judge, but think it very desirable that Cases should be finally disposed of with as little delay as possible.

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

Sent on N°)

Read Return dated 13th November 1856, from the Session Judge of Bellary, to the Precept of the Foujdaree Udalut under date the 5th Instant, requiring the Session Judge to furnish an explanation of the delay in

the

18th December 1856

the commitment of Case N° 55 of 1856 to the Sessions Court.

(Here enter F. V. N° 2184 of 1856)

Read Return dated 12th November 1856, from the Acting Sessions Judge of Madura to the Precept of the Poygdaree Udalut under date the 4th November 1856, calling for certain explanations in the Criminal Reports for September 1856.

(Here enter F. V. N° 2185 of 1856)

Read Calendar of Case N° 25 of 1856, submitted by the Sessions Judge of Tinnevelly under date the 14th November 1856.

(Here enter F. V. N° 2190 of 1856)

Read Return dated 15th November 1856, from the Sessions Judge of Combaconum to the Precept of the Poygdaree Udalut under date the 10th November 1856, desiring explanation respecting the discrepancy in the dates noticed in No. on the Calendar for the present year.

Ed. Mc.

(Here enter F. V. N° 2193 of 1856)

Friday
19th December 1856.

F. V.

At a Court of the Poygdaree Udalut.

Present.

F. Anderson Esquire
J. W. Goodwyn Esquire } Acting Puisne Judges.
G. A. Harris Esquire

Read letter dated 10th Ultimo, from the Acting Session Judge of Madura, submitting for the final Judgment of the Poygdaree Udalut the Record of Trial in Case N° 53 of 1856 of the Calendar of the Sessions Court.

(Here enter F. V. N° 2155 of 1856)

Read also return dated 3rd December 1856 from the same Office, to the precept of the Poygdaree Udalut under date the 18th November 1856 directing that evidence be taken to the 3rd Prisoner's declaration before the Police in Calendar Case N° 53 and calling upon the Session Judge for certain explanation.

(Here enter F. V. N° 2377 of 1856)

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

Mr. J. Anderson and G. A. Harris.

3rd Value is

is sufficient to convict him of the crime charged do convict him thereof and sentence him to be imprisoned and Kept to hard labor in irons on the publick roads or other publick works for and during the period of (14) fourteen years.

1. The Court of Foujdaree Udalut direct that the attention of the Acting Session Judge be called to the insertion in the record of native terms and dates without the corresponding English.

2. They observe that 3d and 5th witnesses should have been called upon to explain by what means they were enabled to identify the body as that of the deceased.

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

(Sent in Pc.)

Read letter dated 13th December 1856 from the Acting Session Judge of Madura Reporting the execution of the 1st Prisoner in Calendar Case No. 64 of 1856.

(Here enter F. R. No. 2443 of 1856)

Read return dated 13th December 1856

1856 from the Acting Session Judge of Madura, to the precept of the Foujdaree Udalut under date the 9th December 1856, directing the release of the 2d Prisoner in Calendar Case No. 50 of 1855.

(Here enter F. R. No. 2444 of 1856)

Read return dated 12th December 1856 from the Acting Session Judge of Tinnevelly, to the precept of the Foujdaree Udalut under date the 2d December 1856, directing the Acting Session Judge to release the Prisoners in Session Case No. 4 of 1856.

(Here enter F. R. No. 2446 of 1856)

Read letter dated 12th December 1856 from the Acting Session Judge of Tinnevelly, forwarding copy of a letter from the Magistrate with regard to the delays in petty cases.

(Here enter F. R. No. 2447 of 1856)

Read Calendar of Case No. 33 of 1856 submitted by the Acting Session Judge of Mangalore under date the 13th December 1856.

(Here enter F. R. No. 2449 of 1856)

Ed 182

F. K.

Saturday
20th December 1856. At a Court of the Fouzdaree Adalut.

Present

J. Anderson Esquire 1st
J. W. Sordoyne Esquire 2d
G. A. Harris Esquire 3d
} Prisone Judges.

Read letter dated the 9th December 1856 from the Acting Sessions Judge of Calicut submitting for the final judgment of the Fouzdaree Adalut the record of trial in Case No 78 of 1856 on the Calendar of the Sessions Court.-

[Hereunto F. K. No 2386 of 1856]

1 The Prisoner was charged with wounding with intent to kill and the Law Officer declared the crime not established against the Prisoner though there was Johmudi (suspicion) against him but that his former and present insanity being established he ought to be set at liberty.-

2 The Acting Sessions Judge dissents from this opinion considering that

that the prisoner is sane and that he was in his senses when he committed the offence, and suggests that a sentence of 7 years imprisonment with hard labor in irons be passed upon the Prisoner.-

3 The Court of Enquiry observe that the Acting Sefroo Judge has omitted to state in his letter what criminating facts are proved against the prisoner by the evidence of the 1st to 3 witnesses.-

4 It appears the prosecutor and Prisoner are connections by marriage that quarrels have arisen respecting the Prosecutor attempt to get the Prisoners wife divorced and that the attack charged was the result of this bad feeling.-

5 The Prosecutors testimony proves the previous quarrels and Prisoners sudden and murderous attack- the latter fact is confirmed by the evidence of the 1st to 3rd witnesses, who came up on hearing the cries, found the Prosecutor severely wounded the Prisoner near him with a knife in his hand and the Prisoners cloth stained with blood.- Their evidence also proves that the accused

accused was only disarmed after considerable resistance.-

6 If the Prisoner was sane he deserves a heavier punishment than that recommended (7 years) as the murderous assault (the Prosecutor received 9 wounds) is clearly proved, but the Acting Sefroo Judge does not appear to have held sufficient investigation on this point.- The Surgeon has not been examined though it would appear that the Prisoner had been placed under his observation, nor has any evidence been received as to whether the Prisoner conducted his private affairs up to 21st October.-

7 The Prisoners police deposition appears to be that of a sane individual denying a crime, of which he is aware there is strong suspicion against him but the deposition has not been put in and proved.-

8 The Court resolve therefore to call for the above further evidence before pronouncing judgement in this case.-

Ordered that Extract from these

the Proceedings be sent to the Acting Sessions Judge of Calicut by Precept returnable within X days from and after its receipt.-

(Sent following Precept &c)

Read again Calendar of Case No 54 of 1856 submitted by the Sessions Judge of Chittoor under date the 8th November 1856.-

(Hereunto F.R. No 2220 of 1856)

Read also return dated 6th instant from the Sessions Judge of Chittoor to the precept of the Foujdaree Adalut under date the 5th idem calling for an explanation of the delay in forwarding the record of Case No 54 of 1856 by the Subordinate Judge and also of the delay in its Committal.-

(Hereunto F.R. No 2378 of 1856)

1. The Court of Foujdaree Adalut do not consider the Subordinate Judges explanation to be satisfactory.-

2. They observe that directly a case is committed the record should be sent up to the Sessions Court and should not be delayed for the preparation of the Calendar.-

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

vide Circular letter 10th October 1844.

Chittoor for his information.-

Read again Calendar of Case No 66 of 1856 of the Sessions Court of Masulipatam

(Hereunto F.R. No 1889 of 1856)

On reconsideration of their proceedings dated the 18th October 1856 held on a review of the above Calendar the Court of Foujdaree Adalut resolve to cancel para 5 thereof declaring that the provisions of Section VII Regulation X of 1816 cited is inapplicable to the Jurisdiction of the Sessions Judge and should not therefore have been quoted in support of the sentence awarded in this case.-

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

Canterbury

E. 278

Sessions

J. C.

Monday 22nd December 1856.

At a Court of Requests Vavuniya Udaluk.

Present

J. Anderson Esquire
J. H. Goodwyn Esquire
G. A. Harris Esquire
} Acting Puisne Judges.

Read Miscellaneous Petition presented on the 17th Ultimo by Venkatasen of Pillakulam stating that

(Vide Proceedings J. C. No. 226 of 1856)

this is an application for the release of the 3rd Prisoner in Case No. 226 of 1856 on the file of the Session Court of Chunnakam.

The Court of Requests Udaluk see no reason to interfere with the sentences passed upon the Prisoner and therefore resolved to reject this Petition.

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

" Harris

Read Miscellaneous Petition presented on the 4th December 1856 by Vally Ponnay and another of Pillakulam Chunnakam.

(Vide Proceedings J. C. No. 234 of 1856)

Petitioners

22nd December 1856.

Mr. Harris

1 Petitioners bring to the notice of the Court the improper conduct of the Tahsildar in unjustly releasing certain Prisoners charged by the Petitioners with Theft.

2 The Court of Foujdaree Udalut resolve to reject this Petition which is wholly irregular The Petitioners should in the first instance have preferred their Petition to the Magistrate.

Ordered that Extract from these Proceedings be furnished to the Petitioners on their application

Tuesday

23rd December 1856. At a Court of the Foujdaree Udalut

F. U.

Present

F. Anderson Esquire Judge
J. W. Goodwyn Esquire Judge
G. A. Harris Esquire Judge
} Puisne Judges.

Read Petty Calendars of the Magistracy for the 3d quarter of 1856, Zillah Mangalore.-

Recorded F. U. N° 2306/1856

Enclosures II and III

1. The proceedings of the Sessions Court in review of the monthly reports of the Heads of Police need not be transmitted to this Court.-

298. and 299.

2. Charges of this nature should mention the number of acres of Coomery land unlawfully cultivated.

300.

3. If the defendants were found in possession of the stolen buffaloe a second count should have been added to that effect.-

4. In criminal charges the use of Vernacular terms should be avoided. For Boothasthan the expression, a "certain devil temple" might

might have been substituted.-

296 and 318. 5 Punishment should have been awarded under Section XXXVI act XIII of 1856.-

325. 6. The defendant should have been charged with having "unlawfully" beat. &c.-

Calendar II Nº 15. 7 Malice should have been alleged.-

21. 8. The nature of the false pretence should have been stated.-

22. 9. The heading should have been "misdemeanor".-

24 and 25. 10. These cases should have been headed "Trespass and misdemeanor."-

26. 11 This was a case of Robbery.-

12. The Sessions Judge is requested to call for explanation of the delay in every case in which more than five days elapsed between the date of appearance and that of passing sentence and pass such orders thereon as may appear necessary.-

13. Where delay has occurred in the Talook it should be noted in the returns what notice has been taken of such delay.-

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

Read Calendar of Case Nº 69 of 1856 on the file of the Sessions Court of Salem.-

/Serepeter F.R. Nº 2387 of 1856/

1. The Court of Foujdaree Udalut observe that clause 2 Section XXXIX and not clause 2 Section XL Regulation VII of 1802 should have been quoted in support of the sentence in this case.-

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

Read Calendar of Case Nº 49 of 1856 submitted by the Sessions Judge of Nellore.

/Serepeter F.R. Nº 2389 of 1856/

1. The Court of Foujdaree Udalut observe that the Sessions Judge has omitted to correct the indictment in this case as directed in their Proceedings of the 27th December 1852, such entries as "bad intention of committing a rape" should not have been passed over.-

2. The Sessions Judge convicts the prisoner of an attempted assault but this expression is not sufficiently clear as to the nature

nature of the offence committed.-

3. If the evidence "is such as to throw much discredit on the assertions of the Prosecutrix and to leave the guilt of the Prisoner" the nature of the evidence should have been clearly explained.-

4. The robbery has been discredited but the prisoner either did, or did not forcibly attempt to punish the Prosecutrix and was only prevented from effecting his purpose by the Witnesses coming up on hearing her screams. If he did not make any such attempt he should not have received so heavy sentence for the assault; if he did, clear reasons should have been assigned for so lenient a sentence for an attempt at rape.-

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

Read Calendar of Case No 105 of 1856 submitted by the Sessions Judge of Bellary under date the 13th instant.-

/Hereunder F. H. No 2434 of 1856/

As this case was only committed 22 days after its arrival an explanation of the delay

delay should have been entered in the Calendar as directed by the Circular order of the Foujdaree Adalut No 213, and the Court direct that the Subordinate Judge be instructed to be careful that the provisions of the above Circular order are attended to in future.-

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

Read again Calendar of Case No 63 of 1856 of the Sessions Court of Tinnevelly.-

/Hereunder F. H. No 2244 of 1856/

Read also returns dated the 8th December from the Acting Sessions Judge of Tinnevelly to the Precept of the Foujdaree Adalut under date the 28th November 1856 calling for an explanation of the delay in the Committal and Commencement of trial in the above case.-

/Hereunder F. H. No 2409 of 1856/

The explanation furnished in the foregoing return is in the opinion of the Foujdaree Adalut Satisfactory but they direct

direct that the Principal Sudder Ameen be instructed in future to forward the Record to the Sessions Court immediately on committal of a case.-

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

Read Calendar of Case No 109 of 1856 on the file of the Sessions Court of Bellary.

/ Vide prior F.H. No 2485 of 1856 /

1. The charge should have contained the number of the wounds, mentioned the parts of the body where they were inflicted and given a description of each of the more severe wounds. The omission of these particulars prevents the indictment conveying a correct idea of the nature of the crime charged against the prisoner.-

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

Read Calendar in Case No 23 of 1856 on the file of the Sessions Court of Tellicherry.-

/ Vide enter F.H. No 2388 of 1856 /

The

1. The Court of Foujdaree Adalut observe that the indictment has been defectively drawn up. The defendant should have been charged "with having feloniously & wilfully, and of his malice aforethought, killed and murdered one Nolayan Kovan by throwing a laterite stone on his head which caused his immediate death."

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

Circular Order. No 24

Read letter dated 6th November 1856 from the Sessions Judge of Honore submitting for the orders of the Court of Foujdaree Adalut the question whether with reference to the Circular Order of the Foujdaree Adalut dated 3d July 1854 which directs the transmission of parties accused of accidental homicide to the nearest European Magistrate or Criminal Court for disposal, a Principal Sudr Ameen is competent finally to dispose of such cases.-

/ Vide enter F.H. No 2150 of 1856 /

The

1. The Court of Fouzdaree Adalut are of opinion that Principal Sudr Ameens as constituted under Act XII of 1843 are competent equally with the European Sub Courts to dispose of all cases of accidental Homicide or Homicide by misadventure; and they accordingly resolve to cancel so much of their Circular Order of the 3d July 1834 as directs the transmission of all such cases to the nearest European Criminal Courts.-

Present following Circular order No 1
Read Letter dated 29th Ultimo from the Sessions Judge of Chingleput requesting the opinion of the Court of Fouzdaree Adalut as to whether summonses issued under Act XVII of 1856 by a Magistrate should be served by his own peon after getting it endorsed by the Magistrate of that District wherein the party to whom it is issued resides or whether the endorsing Magistrate alone is required to serve it by his own peon.-

Directed FR No 3297 of 1856

1. It appears that the Magistrate of Chingleput having had occasion to issue a summons to a party residing in North Arcot, the summons was sent to the Magistrate of that District under Act XVII of 1856 who made the requisite endorsement thereon and returned it to the Magistrate of Chingleput for the purpose of being served by one of his own peons.-

2. The Sessions Judge points out the great inconvenience and delay attending the mode proposed by the Magistrate of North Arcot and observes that as Act XVII of 1856 is merely an enlargement of Act VII of 1854 by which warrants may be served by an officer of the endorsing Magistrate there appeared no valid ground why the same facility should not be extended to Summonses issued under the former enactment.-

3. The Court of Fouzdaree Adalut concur with the Sessions Judge. They observe that cases may occur when from peculiar circumstances the Peons of the Magistrate issuing the summonses should be caused to serve it but in all ordinary cases the summonses should be served by the peons of the endorsing Magistrate.-

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

29th December 1856

Chingleput for his information.-

Read Calendar of Case N° 54 of 1856 submitted by the Sessions Judge of Cuddalore.-

/Here enter F.H. N° 2402 of 1856/

The Court of Foujdaree Adalut observe that this case was committed on the day of its arrival, but the Sessions Trial was not commenced for 23 days no explanation for the long delay has been entered in the Calendar as directed by Circular Order N° 213 dated 12th November 1856 the omission will be supplied.-

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

(Sent following precept N°) cr

F.H.

Wednesday 24th December 1856. At a Court of the Foujdaree Adalut

Present

F. Anderson Esquire. Jr.
J. W. Goodwyn Esquire. Jr. } Puisne Judges
G. A. Harris Esquire. Jr.

Read Criminal Report B for the Month of November 1856 Gillah Chittoor.-

/Here enter. F.H. N° 2396 of 1856/

139. 1 The place from which the theft is committed should have been entered.-

The punishment was inadequate.-

158 2

160 3 The intent of the prisoner whether to commit murder or do some grievous bodily injury should have been alleged in the charge.-

164. 4 The Court of Foujdaree Adalut require to know what circumstances there were in this case which gave the Chittoor Criminal authorities jurisdiction. The offence is alleged to have been committed within the limits of the Supreme Court.-

5. In cases wherein the defendants are

are acquitted it will be sufficient to state "released" The enactment need only be quoted where the prisoners are sentenced.

7 by Hr. Apte Magte 6. The nature of the usual process should have been inserted in the charge.

10 by Asst. Jt. Magte 7 The case is headed "Swindling" but on the body of the charge the offence is described as a theft.

8 by Hr. Apte Magte 8. No notice was taken of the delay in the Talook.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Chittoor by precept returnable in 10 days from and after its receipt.

/ Sentence Sr /

Read return dated the 10th December from the Sessions Judge of Bellary to the Precept of the Court of Foujdaree Udalut under date the 1st December requiring an explanation of delay in transmitting Case Nº 102 on the Sessions Calendar for 1856.

/ Hereunder F. G. Nº 2425 of 1856 /

1 The Court of Foujdaree Udalut desire that the Acting Subordinate Judge be informed

informed that the non arrival of other prisoners in a Case does not generally afford good reason for delaying the Committal of the accused before the Sub Court.

2 The time of the apprehension of other prisoners is an uncertain point and it is better to commit the prisoner who is present at once.

The Sessions Judge then has the 3 option of delaying the trial of the Committed prisoners until the arrival of the others should there be such special circumstances in the case as to render this necessary.

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

/ Sentence Sr /

Read Calendar of Case Nº 48 of 1856 of the Sessions Court of Nellore.

/ Hereunder F. G. Nº 2357 of 1856 /

There appears to be an error in 1. regard to the date of charge which is entered as the 9th while that of the apprehension of the Prisoners is given as the 3d November 1856.

The delay in the Committal of 2. this

24th December 1856.

This Case has not been entered in the Calendar as prescribed in Circular Order № 213 published at page 738 of the Fort Saint George Gazette for the 2d half of 1856. The Principal Sudder Ameen will in future pay strict attention to the above circular order.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Salem for his information and for Communication to the Principal Sudder Ameen.-

/sent in №/

The record of trial in referred Case № 76 of 1856 on the Calendar of the Sessions Court of Cuddalapah not having been yet received.-

Ordered that the Sessions Judge of Cuddalapah be required to submit the record aforesaid without delay.-

/sent in №/

4th P.D.

Friday
26th December 1856

F. U.

At a Court of the Foujdaree Udalut.

Present

F. Anderson Esquire
T. W. Goodwyn Esquire } Acting Puisne Judges.
G. A. Harris Esquire.

Read communication dated 10th December from the Acting Sessions Judge of Calicut in reference to the 3d para of the Extract from the proceedings of the Foujdaree Udalut under date the 29th November in review of Case № 47 of 1856 Calendar of the Sessions Court.-

/Have enter F.U. № 2158 of 1856/

The Court of Foujdaree Udalut see

1.

no reason to alter the opinion expressed by them in their proceedings of the 29th November as to the manner in which the investigation of this case was conducted.-

The Acting Sessions Judge

2.

is in error in stating that when the Prisoner was arraigned he pleaded "guilty" to the charge

His plea to the arraignment

3.

charging him with the murder of the deceased by striking him in a manner to the Court unknown was "I struck two blows with my hand

hand" and such an answer rendered it imperative on the Acting Sessions Judge to have conducted the trial as carefully as if the prisoner had pleaded "not guilty".

4. The Acting Sessions Judge is also in error in stating that "the prisoner as before the Subordinate Court fully admitted the charge".

5. Before the Subordinate Court he was charged with having feloniously and of his malice aforethought killed and murdered Narraina Panikar and his reply was "I did not kill and murder him of my malice aforethought" & thereby pleading not guilty of the murder, it was therefore manifestly requisite to examine all material witnesses such as the Adikaryam deceased's servant.

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

(Sent in No.) to.
dd 18/12.

Read return dated 18th December 1856 from the Session Judge of Coimbatore to the precept of the Fouzdaree Udalut under date the

the 5th December 1856 directing the Magistrate of Coimbatore to take immediate measures for the removal of the Head of Police of Coopheem Talook from the situation of Head of District Police either by at once forwarding his application for a pension, or by providing him with some employment better suited to his age and infirmity reporting to the Court the course the Magistrate may have adopted.

(Here enter F.C. No. 2455 of 1856)

Read Criminal Report B dated 9th December 1856 submitted by the Acting Session Judge of Tellicherry for the month of November 1856.

(Here enter F.C. No. 2461 of 1856)

Read Return dated 17th December 1856 from the Session Judge of Vellore, to the precept of the Fouzdaree Udalut under date the 9th December 1856, calling for an explanation of the delay in the committal of Case Calendar No. 47 of 1856.

(Here enter F.C. No. 2463 of 1856)

Read Supplemental Return dated 18th December 1856 from the Session Judge

Judge of Cuddalore, to the Precipt of the Foujdaree Adalut dated 1st December 1856 conveying observations and orders on the Criminal Report for the month of October 1856.

(Here enter F.A. No. 2472 of 1856)

Read Calendar of Case No. 50 of 1856, submitted by the Acting Session Judge of Calicut under date the 10th December 1856.

(Here enter F.A. No. 2477 of 1856)

Rs 18.0

F.&C.

Saturday 27th December 1856. } At a Court of the Foujdaree Adalut.

Present

F. Anderson Esquire. }
J.W. Goodwyn Esquire. } Acting Puisne Judges.
G.A. Harris Esquire. }

Read again Extract from the Minutes of Consultation dated 10th October 1856, forwarding a report of the Joint Magistrate of Cuddapah relative to a case of abuse of authority tried by him, and suggesting that the Court of Foujdaree Adalut should call up the Proceedings and pass such orders thereon as they may find necessary - also desiring to be informed whether there was any irregularity in the Circumstances Proceedings and whether he was not the officer to act in the absence of the Village Enquiriff.

(Here enter F.A.C. No. 1928 of 1856)

Read also letter dated 17th October from the Sessions Judge of Cuddapah, forwarding translation of the Proceedings held by the Joint Magistrate in the case of Nobee.

(Here enter F.A.C. No. 2216 of 1856)

Read also letter dated 30th October 1856 from the Officiating Agent

to

to the Governor at Kurnool, forwarding translation of the sentence of acquittal passed by the Head of Police of Nundial regarding one Dobee who was charged with stealing.

(Here enter Flio No 2081 of 1856)

Read also letter dated 28th ultimo from the Officiating Agent to the Governor at Kurnool, forwarding Translations of the Proceedings held before the head of Police of Nundial in the case of Dobee as called for.

(Here enter Flio No 2327 of 1856)

On a consideration of the Proceedings, the Court of Fouzdaree Adalut observe that no stolen property was found on the Prodcutrix, nor was any charge preferred against her by the party supposed to have lost the article in question and the information before the Kurnool as to the article having been stolen was founded on hearsay evidence of the vaguest kind. Under these circumstances there was not sufficient or in fact any reason for the apprehension of the Prodcutrix who after detention in custody for 25 days and on journey to Kurnool was then released (7th April) as

the alleged owner of the stolen Effects declared that no property whatever had been stolen from his house and that he neither knew Dobeelumah nor had any complaint against her. The Charge like all such charges is much exaggerated, but the Curnum's proceedings have been so irregular and there is so strong a suspicion that he must have been actuated by some improper motive that the Court conceive that the imposition of a fine is absolutely necessary to check the omission of such offences by Village officers, but being of opinion that the fine imposed (25 Rupees) is more than sufficient to meet the ends of Justice direct that it be reduced to 10 Rupees.

The Court of Fouzdaree Adalut are of opinion that in the absence of the head of the Village, the Curnum under section III Regulation XI of 1816 is the person who should superintend the Police affairs of the Village.

Ordered that Extract from these Proceedings be forwarded to the Chief Secretary to Government.

Ordered also that Extract from these Proceedings be forwarded to the

the Sessions Judge of Cuddapah for communication to the Joint Magistrate by Precept returnable within X days from and after its receipt.

(Sent following Precept &c

Read Criminal Report A submitted by the Acting Sessions Judge of Calicut for the month of November 1856.

(Here enter F. No. 2491 of 1856)

Read Return dated the 17th December 1856 from the Sessions Judge of Masulipatam to the Precept of the Fouzdaree Adalut under date the 10th Instant directing the unconditional release of the 2d Prisoner in Case No. 24 of 1856.

(Here enter F. No. 2501 of 1856)

Read return dated the 17th December 1856 from the Acting Sessions Judge of Tellicherry to the Precept of the Fouzdaree Adalut under date the 9th December 1856 on review of the Criminal Report B for October 1856.

(Here enter F. No. 2513 of 1856)

Read Calendar in Case No. 88 of 1856 submitted by the Sessions Judge of Cuddapah under date the 19th December 1856.

(Here enter F. No. 2505 of 1856)

Read Calendar in Case No. 90 of 1856 submitted by the Sessions Judge of Cuddapah under date the 19th December 1856.

(Here enter F. No. 2506 of 1856)

Read Calendar in Case No. 48 of 1856 submitted by the Sessions Judge of Coimbatore under date the 15th December 1856.

(Here enter F. No. 2508 of 1856)

Read return dated the 20th December 1856 from the Sessions Judge of Combaconum to the precept of the Fouzdaree Adalut under date the 6th Instant, conveying observations on the Criminal Reports B for October 1856.

(Here enter F. No. 2513 of 1856)

Read Calendar in Case No. 31 of 1856 submitted by the Sessions Judge of Chingleput under date the 24th December 1856.

(Here enter F. No. 2520 of 1856)

Read Letter dated 22d December 1856 from the Sessions Judge of Chittoor, forwarding copy of a letter from the Subordinate Judge explaining that the Criminal Case No. 116 of 1856 alluded to in the Proceedings of the Fouzdaree Adalut dated 17th Instant was referred to the Court by Surveyor on the 13th and not on the 11th October 1856.

(Here enter F. No. 2523 of 1856)

Read

Read Return dated 17th December 1856 from the Acting Sessions Judge of Guduna to the precept of the Foujdaree Sedalut under date the 9th Instant requiring explanation of delay of 2 days made by Acting Subordinate Judge in submitting the record of Calendar Case No. LXX of 1856 to the Sessions Court and a delay of 13 days in the Committal of the said Case.

(Here enter F.80 No. 2479 of 1856)

Read return dated 15th December 1856 from the Acting Sessions Judge of Tinnevelly to the Precept of the Foujdaree Sedalut under date the 9th Instant, calling upon the him to submit the explanation of delay in Sessions Case No. 36 of 1856.

(Here enter F.80 No. 2481 of 1856)

Read return dated 20th December 1856 from the Sessions Judge of Chingleput to the precept of the Foujdaree Sedalut under date the 12th Instant, calling for an explanation from the Magistrate as to the delay in replying to his letter of the 6th September 1856.

(Here enter F.80, No. 2484 of 1856)

Read return dated the 13th December 1856 from the Sessions Judge of Hosoor to the precept of the Foujdaree Sedalut under date the 28th Ultimo, calling for

for certain explanations on review of the Reports B for the months of October 1856.

(Here enter F.80 No. 2485 of 1856)

Ex J.S.

F. W.

Tuesday
30th December 1856

At a Court of the Fayzdaree Adaulut

Present

F. Anderson Esquire
F. W. Goodwyn Esquire
} Acting Puisne Judges
G. A. Harris Esquire

Read Criminal Report B for
the Months of November 1856 & Zillah Cuddapah
Sessions Calendar F.W. No 21 of 1856

Can. to 230. 1st The Prisoner charged could only amount
to a Commitment for Manslaughter if it was done maliciously
with the intent of destroying the property of
which the intent of destroying the property of
others, as well as the prisoners own.

Can. to 231 2nd The 1st prisoner should have been
committed for murder, and the Sessions Judge
left to determine whether or not the offence
amounted to that. The Court against the 2nd prisoner
should have specified the acts which rendered
him an accessary or a principal in the second
degree.

3rd The Court of Fayzdaree Adaulut
direct that a Copy of the Report A be forwarded
for

for their consideration.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Cuddalore by Precept returnable within 4 days from and after its receipt.

(Sent following Precept &c.)

Read letter dated 15th December 1856 from the Officiating Agent to the Governor at Kurnool submitting for the final Judgement of the Fouzdaree Adawlut the record of trial in Case No 48 of 1856 of the Agents file.

(And entered Fol. No 2193 of 1856)

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

Boodden Khan

is sufficient to convict him of the crime of culpable Homicide for which the penalty of Death is awardable under the Mahomedan Law as declared in Sections 4 of this Law Officers, do convict him thereof and under the provisions of Clause Second Section XV Regulation VIII of 1802 sentence him to be imprisoned and kept to hard

Labor

Labor in irons on the public roads or other public works for and during the period of (14) fourteen years.

The Court of Fouzdaree Adawlut observe that as the Prisoner pleaded "Not guilty" his Police deposition should have been framed, the nature of his defence rendered the above omission immaterial in the present case, but as evidence for the prosecution ought not to be received subsequent to the defence, the Police statement of the criminatory admission of the Prisoner pleading not guilty should be invariably received in evidence before the defence is recorded.

If the deponents language is entered in the heading relating to his caste, religion, profession &c, the first question "In what language do you wish to speak" deposition to be written" may be omitted

The case was a very simple and easy one but the Agent has recorded the depositions in a most voluminous and cumbrous manner. The Court of Fouzdaree Adawlut are of opinion that the Police record ought not to have been more than half its present bulk, and they trust that the officiating Agent will take the necessary measures for enforcing in future the provisions of Circular Order No 211. All Police depositions should not be taken down ordinarily by questions and answers but in the form of a narrative

30th December 1856.

narrative, although if any special reason should appear for recording any particular question and answer, the Police officer may exercise his discretion in so doing.

4 The Inquest Paper, the translation of which, takes up 16 pages is in fact a resume of the evidence and has been only signed by the Acting Amildar. This document might have been advantageously condensed into a quarter of its present bulk, the long details respecting the oral testimony given by the witnesses were unnecessary, and the signatures of all those holding the Inquest should have been affixed.

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

E 4 95.

(Sent in A.)

F.W.

Wednesday 3rd December 1856. At a Court of the Fouzdaree Adalut

Present

F. Anderson Esquire
J.W. Goodwyn Esquire
G.A. Harris Esquire
} Acting Sessions Judge

Read letter dated 9th December 1856, from the Acting Sessions Judge of Calicut, forwarding for the final Judgment of the Court of Fouzdaree Adalut, the record of Case No 52 of 1856 on the Calendar of the Sessions Court.

(Here enter F.W. No 2482 of 1856)

Before passing final orders on this case the Court of Fouzdaree Adalut resolve to direct that further evidence be taken as to the Prisoners state of mind at the time he committed the offence charged, as well as to his madness on a former occasion, and his conduct while in Jail, and that translations of the same be submitted for their consideration.

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Calicut by Precept returnable in X days from the date after its receipt.

(Sent in A.)

3rd December 1856.

Read again Calendar in Case No 1869 of 1856 of the Sessions Court of Mannar.

(Here enter F.B. No 1950 of 1856)

Read also return dated 21st Ultimo from the Sessions Judge to the Court of the Fiscal dated the 10th Instant, calling for a translation of the above Record.

(Here enter F.B. No 2332 of 1856)

Before passing final orders in the above case, the Court of Fiscal desire information as to whether in the Report of the arresting officer or any Malwarmanals taken on the spot, it is mentioned that the Swan Coodda was bitten in a hut and they direct that translation of any such document bearing on the point, be submitted for their consideration.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Mannar by Precept returnable in III days from date of receipt.

(Sent in Ex.)

Read Calendar of Case No 3[illegible] of 1856, submitted by the Sessions Judge of Caubacanum, under date the 23rd December 1856.

(Here Enter F.B. No 2537 of [illegible])

31st December 1856.

Read Calendar of Case No 31 of 1856 submitted by the Sessions Judge of Nellore, under date the 2[illegible] December 1856.

(Here Enter F.B. No 2339 of 1856)

Read Return dated 20th December 1856 from the Acting Sessions Judge of Calicut, to the precept of the Fiscal dated under date the 10th December 1856, on review of the Criminal Reports for October last.

(Here Enter F.B. No 2342 of 1856)

Read Calendar of Case No 33 of 1856, submitted by the Sessions Judge of Caubacanum, under date the 26th December 1856.

(Here Enter F.B. No 2555 of 1856)

Read Calendar of Case No 37 of 1856, submitted by the Sessions Judge of Caubacanum, under date the 26th December 1856.

(Here enter F.B. No 2556 of 1856.)

Read Calendar of Case No 38 of 1856, submitted by the Sessions Judge of Caubacanum, under date the 26th December 1856.

(Here Enter F.B. No 2557 of 1856.)

Read Calendar of Case No 60 of 1856, submitted by the Sessions Judge of Chilaw, under date the 23rd December 1856.

(Here Enter F.B.

13th September, 1844- futwa in the Calendar of Case No. 8 of 1844 and requesting permission to reverse the sentence of the 1st and 4th prisoners, in the above case from 14 years imprisonment to 2 years imprisonment with labor in irons.-

(Vide Entr. No. 2386)

The Court of Foujdaree Adalut concur in the proposed mitigation of the sentence passed upon the 1st and 4th prisoners in the above case and accordingly direct that they be respectively sentenced to 2 years imprisonment with labor in irons.-

Ordered, that Extract of these proceedings be forwarded to the Session Judge of Guntoor for his information and guidance.-

(Sent in No. 2172)

Read letter dated the 7th Instant from the Magistrate of Chingleput requesting permission to offer a conditional pardon to the 1st and 2d witnesses in Case No. 17 on the Criminal file.-

(Vide Entry No. 2409)

The

13th September, 1844-

The Court of Foujdaree Adalut having maturely considered the circumstances represented by the Magistrate of Chingleput resolve, under the authority vested in them by Section XII Regulation XIII of 1832, to sanction the offer of a pardon to the witnesses

1st Valen

and

2nd Yandegan

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

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

(Sent in No. 2173)

Ex. Ord.

No. 11.

Saturday
14th September 1844.

At a Court of the Tonjedaree Udalut

Present:-

Malcolm Lewin Esqre. Acting 2d
Mat. Maclean Esqre. Acting 3d } Puisne Judges.

Read letter dated the 7th instant from the Session Judge of Cuddapah stating that Tukaroochun, Prisoner in case No. 21 of the Calendar for the 2d Sessions of 1841, is now reported by the Zillah Assistant Surgeon and the Jailor to be in a perfectly rational and sound state of mind and as he has exhibited no signs of madness for a long time past, recommending that he be given over to the charge of his Brother, who has undertaken to receive him and to keep him from injuring himself and others.

/Here Enter No. 2 4 4 6./

In the event of the Prisoner, Tukaroochun's brother being prepared to give competent security for his due guardianship, the Tonjedaree Udalut see no objection to the liberation of the Prisoner and authorize accordingly.

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

J.

of Cuddapah for his information and guidance.

/Enclosure No. A/

Read return dated the 3d Instant from the Sessions Judge of Calicut to the precept of the Tanjore Adalut under date the 29th August 1844 sanctioning a mitigated sentence upon the prisoner in Case No. 46 on the Calendar of the Sessions Court for 1844.

/Here Enter Fd No. 2411 of 1844/

Read letter dated the 7th Instant from the Sessions Judge of Mangalore forwarding Warrant issued by him for the execution of the sentence of death passed by the Court of Tanjore Adalut on Naranachary and Narraina prisoners in case No. 37 of 1844 on the Calendar of the Subordinate Judge with the endorsement of that Officer certifying due execution thereof, and Copy of a report made by him according to the Circular Order of the Tanjore Adalut under dated the 3d May and 20th September 1838.

/Here Enter Fd No. 2441 of 1844/

Read report, dated the 4th Instant submitted by the Acting Sessions Judge of Trichinopoly, of the labour of Convicts for the

month of August 1844.

/Here Enter Fd No. 2434 of 1844/

Read Report dated the 4th Instant submitted by the Acting Sessions Judge of Trichinopoly of Casualties and of prisoners released in the month of August 1844.

/Here Enter Fd No. 2435 of 1844/

Read Calendar, dated the 5th Instant submitted by the Sessions Judge of Coimbatore, in Case No. 30 of 1844.

/Here Enter Fd No. 2446 of 1844/

Read Criminal Reports dated the 9th Instant, submitted by the Sessions Judge of Guntoor, for the month of August 1844.

/Here Enter Fd No. 2452 of 1844/

Read return dated the 9th Instant, from the Sessions Judge of Guntoor to the precept of the Tanjore Adalut under date the 30th August 1844 directing the Sessions Judge to review the record of Case No. 33 tried by the Magistracy in July last and pass such orders as he may deem requisite.

/Here Enter Fd No. 2453 of 1844/

Ent Fd.

Monday 16th September 1844

At a Court of the Fouzdaree Udalut

Present

G. J. Casamajor Esqr. Actg 1st Puisne Judge

M. Lewin Esqr. Actg 2d Puisne Judge

A. Maclean Esqr. Actg 3d Puisne Judge

Read letter dated the 6th February 1844 from the Acting Sessions Judge of Tellicherry — Ware enter No. 400.

1. If the Court rightly understand the cases referred to in the communication from the Acting Sessions Judge parties who had taken forcible possession of lands, were maintained in such possession by the Magistrate of Malabar under Section III Regulation XI of 1816 and his orders to that effect were quashed by the Acting Sessions Judge —

2. Under these circumstances the following question is submitted for the orders of this Court —

"Are

"are the police authorities and
"the Magistracy empowered under Clause
"first Section LI. Regulation XI of 1816
"to decide upon complaints of forcible
"occupation or seizure of lands or crops
"having been effected, and to award
"restitution of the said lands or crops,
"in the same way that the Collector
"may do under Section XI Regulation
"V of 1822. Or, are the powers of the
"Police and Magistracy under the
"first mentioned enactment confined
"to the prevention of such forcible occu-
"pations or seizures, when threatened
"or attempted, but not actually effected,
"while, under the last mentioned enact-
"ment, redress is left to be sought
"from the Collector, should the forcible
"occupation or seizures have been accom-
"plished. 2

3. The Judges think that the distinction between cases before, and after, forcible possession has been actually taken, is too nice to be tenable in practice; and that, under Section

Section LI. Regulation XI of 1816, Magis-
-trates and their Subordinate Police
Officers therein mentioned have au-
-thority as well to undo, as to
prevent, forcible occupation; and this
was maintained by this Court in
their Proceedings 18th February 1841
upon a case which came before it by
petition against the Governor's Agent
in Vizagapatam. In those proceed-
-ings the following passage occurs.

"There can be no doubt that, co
"under Section III Regulation XI of 1816,
"power is vested in the Magistracy
"to oppose, and undo, force, on the
"occupation of land crops and water,
"and to determine the right of plough-
-ing, when riotous assemblages o
"occur. But this is strictly confined
"to cases where force is proved, or
"riotous assemblages do take place;
"and is a mere temporary decision,
"as to possession, the parties being
"at liberty to seek redress as to their
right shortly from any competent
"jurisdiction.

16th September, 1844.

jurisdiction!—

4. Whatever inference may be deducible from para 23 of this Court's letter to Government 20th December 1824, the Court conceive that it would involve a practical absurdity to suppose that the Magistrate and his Subordinate Officers had authority to oppose forcible occupation up to the moment that it was effected; but from that moment lost all power of further interference. Section XI Regulation V of 1822 does not require such cases to be brought before the Collector and before him only, it only declares the dispossessed party "at liberty" to bring the case before the Collector.—

5. But tho' the cases in question were properly subject to the jurisdiction of the Magistrate, the Judges think that the Magistrate had no authority to enter into the merits of them any further than to obtain proof of the forcible occupation; still less to maintain in possession the parties

F. H.

16th September, 1844.

parties who forcibly took it. His authority was confined to preventing the forcible occupation before it was effected, or undoing it afterwards. This is clearly inferrible from the express terms of Section II, as well as from the course prescribed to the Collector by Section XI Regulation V of 1822 when the case is brought before him.—

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Tellicherry for his information and communication to the late Acting Sessions Judge of Tellicherry and Magistrate of S. Malabar.—

(Sent in No. 2187)

Read return dated 4th Instant from the Sessions Judge of Chingleput, to the precept of the Fouzdaree Udalut 19th August last relative to the Petition presented by Avvackum the wife of David 2nd Prisoner in case No. 13 on the file of the

16th September, 1844- the Chingleput Calendar for 1844.

(Were enter F.U. No 2382.)

1. Before proceeding to pass any final orders in this case the Court of Foujdaree Udalut desire to have before them all the proceedings held in the trial as well as all existing proof regarding the Marriage of the 1st prisoner with Mrs Moore.

2. The Sessions Judge will accordingly submit without delay an English translation of the papers called for.—

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Chingleput for his information by precept returnable in 7 days from and after its receipt.—

(Sent following precept No 2188)

54 W.L.

F. U.

Tuesday.—
17th September 1844.

At a Court of the Foujdaree Udalut

Present

Geo: James Casamajor Esqre Actg 1st
Malcolm Lewin Esqre Actg 2d
Alex: Maclean Esqre Actg 3d
} Puisne Judges

Read return dated 9th Instant, from the Sessions Judge of Cuddapah to the precept of the Foujdaree Udalut of the 6th idem calling for an English translation of the indictment in case No 59 of the Cuddapah Calendar—

(Were enter F.U. No 2344 of 1844.)

1 The object of this Courts order of the 6th Instant was to obtain from the Sessions Judge a correct translation of the indictments upon which the prisoners in the foregoing case were tried.—

2 The Sessions Judge however misunderprets the Courts order to require that the indictment should be amended so as to shew that the prisoners have committed some offence, submits what he considers the only form of indictment that can

all

all apply to the case.

3 The Sessions Judge is now desired to submit without delay a copy of the arraignment originally adopted against the prisoners by the Sessions Judge in the trial of the case No. 59.

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

(sent following precept No. 2194)

Read again Calendar dated the 19th June last, submitted by the Sessions Judge of Madura of Case No. 13 of 1844.

(Here Enter No. 2221.)

Read Miscellaneous Petitions presented on the 19th Ultimo and 9th Instant by T. Appiah Vakeel on behalf of Soobiah of Madura.

(Here Enter Mtl. Pns. Nos. 108 & 109)

Adverting to the sentence of imprisonment for 5 years which has been passed by the Sessions Judge

No. 13 of 1844 on the Calendar

of Madura on his son, who, as the case noted marginally, stood charged with perjury committed before the Court of the Joint Magistrate of Madura. The Petitioner declares that the result of the proceedings held against his son is attributable to the Joint Magistrate himself who, being opposed to the manager of the Bunny wadoo Zemindaree, induced Petitioner's son in the first instance, by the promise of a situation, to depose that he had written a certain Arzee addressed to the Joint Magistrate under the Manager's instructions and that by him over also he had affixed to it a false signature; that considering the Petitioner's son had disregarded his wishes, the Joint Magistrate afterwards placed him under severe personal restraint and having examined him a second time, sent him to the Sessions Court charged with perjury.

2 Under these circumstances the petitioner prays the Foujdaree Adalut will call for and peruse the entire

entire proceedings recorded in the matter and declare that the sentence passed being against an Prisoner, now a minor, is of no validity and should be cancelled.-

3 The Foujdaree Adalut see no reason for their interference with the sentence of the Sessions Judge which under the facts appearing from the Calendar seems correct and justifiable.-

4 Adverting however, to the serious imputations cast, under the official signature and implied guarantee of an authorized Vakeel of their Court on the character of the Joint Magistrate of Madura, the Judges resolve to require from Pleader Lappiah a statement explanatory of the grounds on which he has deemed himself warranted in coming forward publicly to arraign the proceedings of the Joint Magistrate adverted to.-

Ordered that Extract from those Proceedings (Paras 1, 2 & 3) be granted to the Petitioner on his application.-

Read

F.R.

Read return dated 4th September 1844 from the Principal Sudr Ameen of Trichinopoly, to the Precept of the Foujdaree Adalut of the 28th August last, conveying their remarks and orders on the Principal Sudr Ameens Criminal Reports for the Months of July.-

(Vide Entry F.R. 17th Sept. 2403)

Case No. 42 1 The prisoners in this case were charged with an assault and fracture of a limb, and the charge not having been proved against the prisoners they were on the 2d May released by the Principal Sudr Ameen. The Sessions Judge having been appealed to by the Prosecutor, ordered a reinvestigation of the case. The prisoners were accordingly sent for and set at liberty after security had been taken from them for their appearance.-

2 In this stage of the case a report of the proceedings came before the Foujdaree Adalut in the usual monthly reports and the Court considering "that the Sessions Judge was not justified in directing the Principal Sudr Ameen to reinvestigate the charge brought against the

"the prisoners after it had been regu-
"larly tried by him, and the Prisoners
"not proved guilty of the same" desired
the prisoners to be unconditionally re-
leased.

3 From the return above recorded it appears that the Prisoners on reinvestigation of the case by the Principal Sudr Ameen were on the 30th August (up to which date the Principal Sudr Ameen had been awaiting the receipt of the Fougdaree Adalut Court's observations on the number) fined 5 Rupees each.

4 This fine the Principal Sudr Ameen reports has since been remitted.

5 The Court of Fougdaree Adalut observe, that if the charge was proved a bone having been broken the case was under the Circular Order of the 11th September 1840 No. 124 committable to the Sessions Court, and the Principal Sudr Ameen erred in disposing of it, but the prisoner having been released under the supposition that the investigation ordered by the Sessions Judge involved only an appeal within the jurisdiction of the Principal Sudr Ameen who had acquitted the

the prisoner- no further measures can now be taken.-

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

Sent in No. 2197

Ordered also that Extract from these proceedings be sent to the Principal Sudr Ameen of Tinchinopoly for his information.-

Sent in No. 2197

Read Petition presented on the 22d July last by Vakeel Ghoolam Razak on behalf of Mungaporak Iris-
and Menon of Calicut.-

(Here Enter No. 91 of 1844)

The Petitioner, who is head Police of Bedutnaadi, Zillah Calicut, adverts at length to the circumstances of the charge preferred against him in case No. XXXI of 1844 on the file of the Sessions Court of Calicut and solicits the issue of instructions directing the submission for final decision by this Court, of all the records of Proceedings before the several authorities

designated,

designated, which bear upon the case,
in order to his being unconditionally
released, from the accusation brought
against him of which he affirms
he is wholly and entirely innocent
2 The release of the Petitioner
and his acquittal of the charge in
question as recorded in the Courts pro-
ceedings dated 12th Instant renders any
further interference unnecessary—
Ordered that Extract from
these proceedings be granted to the
Petitioner on his application.—

Read Miscellaneous Petition
presented on the 1st July last by Vullee
Sasharaddy Mookteyar Vakeel of
Bowanee Bajemmah Zillah Cuddal-
pah

(Here Enter Mis. P. No 73 of 1844)

The above Petition having
been presented by a Mookteyar Vakeel
the Court of Sudder Udalut decline
to bring it under consideration, that
mode of address being contrary to existing rules
Ordered accordingly that it be
removed from the file of the Court.—

Read Miscellaneous —H—
petition presented on the 8th July last
by Mahachup—

(Here Enter Mis. P. No 78 of 1844)

The above petition not bear-
ing the signature or mark of the Peti-
tioner the Court of Sudder Udalut
are not prepared to bring it under consider-
ation.

Ordered accordingly that it be
removed from the file of the Court.—

Read Miscellaneous petition
presented on the 19th Ultimo by Hydea
Ummaur Ummaul Zillah Chittoor—

(Here Enter M.P. No 110 of 1844)

As the above address refers
to matter of a civil nature the Court
of Sudder Udalut decline to bring
it under consideration

Ordered accordingly that it
be removed from the file of the Court
Petition

Read again Miscellaneous pre-
sented on the 22d July 1844 by Deenabund
Mahanter of Onjoa.

(Here Enter M.P. No 75 of 1844)

Read also returns dated the
30th August last made by the Agent

to

to the Governor at Vizagapatam to the pre-
-cept of this Court under date the pre-
-vious 29th July, requesting him to as-
-certain whether Justice had been done
in the case of the above Petitioner,
and to pass such further orders as he might
consider necessary, should the proceedings
of the Subordinate Officers prove in any
respect deficient.-

(Here Enter Fde No. 2376)

The Court of Zoujdaree Adalut
having duly considered the remarks
made by the Agent to the Governor in
the above return as to the facts which
the petitioner in his petition alleges
to have taken place, are of opinion
that they are satisfactory, and that
the petitioner had no just cause of
complaint.-

2 The Court therefore direct
the Petition in question to be dismissed
and that copy of these proceedings be
granted to the petitioner on his application.

Read Calendar in case No. 13 of 1846
submitted by the Sessions Judge of Salem.

(Here Enter Fde No. 1906 of 1846)

Read return dated the 20th

Ultimo

Ultimo from the Sessions Judge of Salem
to the precept of the Zoujdaree Adalut
under date the 14th Instant directing
him to call for the record in case No. 52
of 1846 and pass the requisite orders.

(Here Enter Fde No. 2250 of 1846)

Read return dated the 7th
Ultimo from the Principal Sudr Ameen
of Cochin to the Precept of the Zoujdaree
Adalut of the 30th July 1846 on the
review of the Criminal Reports for the
Month of June 1846.-

(Here Enter Fde No 2280 of 1846)

Read communication
dated the 24th Ultimo from the Sessions
Judge of Bellary explaining the
delay in disposing of some of the Cases
on the Sessions Calendar of 1846 called
for by the Court of Zoujdaree Adalut
in their letter of the 8th Instant.-

(Here Enter Fde No. 2292 of 1846)

Read Calendar in case No.
42 of 1846 submitted by the Sessions Judge
of Combaconum under date the 24th August 1846.

(Here Enter Fde No 2293 of 1846)

XLII.

Wednesday 10th September 1844. At a Court of the Foujdarree Udalut

Present

Geo: James Cusamajor Esqre Actg 1st
Malcolm Swinton Esqre ——— Act 2d } Puisne Judges
Alexr Maclean Esqre ——— Act 3d }

Read Return dated 9th September 1844 from the Sessions Judge of Cuttack to the precept of the Foujdarree Udalut of the 7th inst. conveying their remarks and orders on cases Nos 60 of the Cuttack Calendar for 1844.

(Here Enter Ful No 2445)

Sessions Judge submits the answer of the Law Officer to the second question put to him in conformity with the instructions conveyed by this Court in their proceedings of the 7th Instant.

2 Upon this answer the Sessions Judge will, in accordance with the principle laid down in Clause two Section II Regulation XV of 1803 and explained in the Circular order of the 28th May 1822 proceed to pass sentence on the prisoners under

the

18th September 1844

the provisions of Clause first Section VIII Regulation XV of 1803.

3 The Regulations — having denounced a specific penalty for the offence of which the prisoners were convicted by the second futwa a third futwa was unnecessary & the attention of the Sessions Judge is called to Circular Orders 28th May and 22d July 1822 and Circular Order No. 56.

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

/Sent following precept No. 2198

Read Calendar dated the 13th Instant submitted by the Sessions Judge of Tinnevelly in case No. 26 of 1844.

/Here Enter 7th No. 2539 of 1844/

Read letter dated the 18th Instant from the Subordinate Judge of Chittoor returning the Criminal Report No 9 duly docketted as directed in the Memo. of the Foujdaree Udalut dated 16th Instant

/Here Enter 7th No. 2543 of 1844/

18th September 1844

Read Memorandum dated the 17th Instant from the Principal Sudr Ameen of Cuddalore returning the Criminal Report duly endorsed as directed in the Memo: of the Foujdaree Udalut of the 14th Idem.

/Here Enter 7th No. 2547 of 1844/

Read Calendar dated 5th Instant submitted by the Sessions Judge of Chittoor in case No. 28 of 1844.

/Here Enter 7th No. 2550 of 1844/

Read Calendar dated 11th Instant submitted by the Sessions Judge of Combaconum in case No. 53 of 1844.

/Here Enter 7th No. 2553 of 1844/

Read Return dated 17th Instant from the Sessions Judge of Bellary to the Precept of the Foujdaree Udalut of the 5th Idem, directing the Sessions Judge to call for the record in case No. 85 of the Criminal file and pass such orders as he might consider requisite

/Here Enter 7th No. 2556 of 1844/

Read letter dated the 17th Instant from the Sessions Judge of Bellary transmitting the Orginal warrant

[illegible] passed

ispute in No. 30 of the Sessions Calendar of 1844 with the endorsement of the Subordinate Judge and copies of the letter and its enclosure.-

/Here Enter F.R. No. 2557 of 1844/

Read Report dated the 1st Instant submitted by the Acting Sessions Judge of Cuddalore of casualties and of Prisoners released during the Month of August last.-

/Here Enter F.R. No. 2558 of 1844/

Read Report dated 1st Instant submitted by the Acting Sessions Judge of Cuddalore of convict labor for the month of August last.-

/Here Enter F.R. No. 2559 of 1844/

Read Report dated 1st Instant submitted by the Acting Sessions Judge of Cuddalore of the estimated value of the product of the Prisoners labor for the Month of August last.-

/Here Enter F.R. No. 2560 of 1844/

Read Statement dated 1st Instant submitted by the Acting Sessions Judge of Cuddalore, of Extra Jail Rations Viz employed during the Month of August last.-

/Here Enter F.R. No. 2561 of 1844/

F.R.

Read Return dated the 7th Instant from the Acting Principal Sudr. Ameen of Coimbatore to the Precept of the Pongdaree Cedulist under date the 3d. idem conveying their observations on the Criminal Report for the Month of July 1844.-

/Here Enter F.R. No. 2562 of 1844/

Read Calendar dated the 18th Instant submitted by the Sessions Judge of Bellary in Cases Nos. 31 and 32 of 1844.-

/Here Enter F.R. No. 2563 of 1844/

Read Return dated 17th Instant from the Acting Magistrate of Canara, to the precept of the Pongdaree Cedulist of the 3d idem remarking upon the detention at the Taluk of the Prisoners in Cases Nos. 57 & 59 in the Criminal reports for July 1844 and calling for explanation.-

/Here Enter F.R. No. 2572 of 1844/

Read letter dated the 20th Instant from the Acting Magistrate of Nellore reporting that no cases cognizable under Section LIV Act VII of 1843 were disposed of by the Magistrate or his Assistants during the months of August 1844.-

/Here Enter F.R. No. 2573 of 1844/

Read

Read Calendar submitted by the Sessions Judge of Nellore in case No. 19 of 1844.-

/Here Enter Fl. No. 2576 of 1844./

Read Calendar dated 8th July 1844 submitted by the Sessions Judge of Madura in case No. 23 of 1844.-

/Here Enter Fl. No. 2577 of 1844/

Read Calendar dated 8th July 1844 submitted by the Sessions Judge of Madura in case No. 24 of 1844.-

/Here Enter Fl. No. 2578 of 1844/

Read Calendar dated 12th July 1844 submitted by the Sessions Judge of Madura in case No. 25 of 1844.-

/Here Enter Fl. No. 2579 of 1844/

Read report dated 17th Instant submitted by the Magistrate of Tinnevelly of cases tried under Section LIV Act VII of 1843 during the month of August 1844.-

/Here Enter Fl. No. 2580 of 1844./

Read Calendar dated 20th September 1844 submitted by the Acting Sessions Judge of Trichinopoly in case No. 17 of 1844.-

/Here Enter Fl. No. 2585 of 1844/

Read returns dated 21st Instant from the Sessions Judge of Cuddapah to the precept of the Tongdaree Adalut of the 12th Instant declaring that it was unnecessary to put the Third Question to the Mahomedan Law Officer in case No. 68 of the Calendar on the file of the Sessions Court of Cuddapah.-

18th September 1844

/Here Enter Fl. No. 2586 of 1844/

Read letter dated 19th Instant from the Magistrate of Bellary submitting the explanation required from the proceedings of the Court of Tongdaree Adalut under date the 5th idem containing the observations on certain cases in the Criminal Reports of Bellary for July 1844.-

/Here Enter Fl. No. 2589 of 1844/

Read letter dated the 20th Instant from the Magistrate of Trichinopoly submitting explanations regarding the delay which occurred in forwarding the Criminal Reports for the month of June 1844.-

/Here Enter Fl. No. 2590 of 1844/

Read letter dated 21st Instant from the Magistrate of Trichinopoly submitting explanations regarding the delay which occurred in forwarding the

18th September 1844

prisoners of Nos 54 and 55 of the Criminal Reports.-

/Here Enter Ft R No 2595 of 1844./

Read Supplemental Criminal Report submitted by the Agent to the Governor at Vizagapatam for the month of July 1844.

/Here Enter Ft R No 2597 of 1844/

Read Criminal Report dated 20th Instant submitted by the Agent to the Governor at Vizagapatam for the month of August 1844.-

/Here Enter Ft R No 2598 of 1844./

Read Calendar dated 2[illegible] Instant submitted by the Sessions Judge of Cuddapah of cases Nos 75 & 76 of 1844.-

/Here Enter Ft R No 2607 of 1844./

Friday 20th September 1844.

F.R.

At a Court of the Foujdaree Udalut

Present,

Geo. James Casamajor Esqre Actg 1st
Malcolm Lewin Esqre Actg 2d
Alexr Machean Esqre Actg 3d
} Puisne Judges

Read letter dated the 12th instant from the Sessions Judge of Chittoor transmitting the translations of the record of the trial in case No 26 of the Session Court of Chittoor for the final Orders of the Court of Foujdaree Udalut

/Here Enter No 2488/

Mr M. Lewin and Mr A. Machean

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,

"Narasoo"

is sufficient to convict him of the crime of Murder, do convict him thereof, and under the provisions of Clause third Section III Regulation I of 1825, sentence the prisoner in mitigation of the punishment prescribed by Section [illegible] Regulation

Regulation VIII of 1802, 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.-

A mature consideration of this record has failed to impress the Court of Foujdaree Adalut with the propriety of enforcing the extreme penalty of the law, for the infliction of which, it does not appear to them, that sufficient grounds exist.-

Ordered that Extract of these proceedings be sent to the Sessions Judge of Chittoor for his information /sent following letter No: 2201/

Read the Criminal Reports for the month of August 1844 submitted by the Principal Sudr Ameen of Masulipatam

/Here Enter 7 R No: 24449/

Report No: V
Case No: 25

The prisoner in this case a Jail Boy is charged with having in his possession 3¾ seers of rice obtained by theft from a convict in the Jail contrary to the proclamation issued by the late Joint Criminal

Criminal Judge at Masulipatam.-

2 The prisoner being pronounced guilty by the law officer of Amroy Mahadzoor and declared liable to a Roobut was sentenced by the Principal Sudr Ameen to pay a fine of 10 Rupees or in default to be imprisoned for one months.-

3 The Magistrate will be pleased to explain under what Regulation he took cognizance of the offence committed by the peon and forward to him to the Principal Sadr Ameen's Court-

4 It was competent to the Officer in charge of the Jail to have punished the peon or duffadar who permitted the rice to be taken from the Jail for a breach of the Jail rules by fine or dismissal but no criminal offence having been committed and none attempted the punishment imposed in this case was quite illegal and the fine must be remitted.-

Ordered that Extract from these proceedings be sent to the Principal Sudr Ameen of Masulipatam for his information and guidance by precept returnable in 3 days from and after its receipt.-

/sent following precept No: 2204/

Ordered

20th September 1844.

Ordered also that Extract from these proceedings paras 1 and 3 be sent to the Magistrate for his information by precept returnable in 3 days from and after its receipt.-

Sent following precept R. 2243

Read Criminal Reports for the Month of August 1844 submitted under date the 6th instant by the Government Agent at Rajnoor.-

Here Enter 7 Ck Rs 2243-

Cases Nos 47 and 48- 1 The same prisoner is charged in both these cases-

2 In Case R. 47 he was charged with stealing a bullock and 4 Rupees and on conviction was sentenced to 3 Months imprisonment with hard labor and 100 lashes under Section VII Regulation X of 1816

3 In case R. 48 he was charged with having swindled a dancing girl out of wearing apparel valued at Rupees 7-15-2 P and in this case was sentenced to two months imprisonment with hard labor under the same enactment.-

4 This mode of disposing of these cases is contrary to Circular Order

28 Nov

F. C.

20th September 1844

28th October 1833 Our sentences also to have been passed in both cases due consideration having been given of course in the measure of punishment to the circumstances of two offences having been proved against the prisoner- In this instance the offences committed in both cases appearing of a very trivial nature and not to call for severe punishment 3 months imprisonment is sufficient for both- the Agent will accordingly remit the stripes and cancel the punishment awarded in Case R. 48-

5 The name of the prisoner in case R. 48 should have been written in red ink as required by Circular Order 8th October 1831-

Case R. 49- 6 If the corporal punishment awarded the 1st Prisoner in this case has not yet been inflicted the Court of Fouzdaree Adalut direct that it be suspended and that an explanation be submitted of the grounds of its having been adjudged to the 1st prisoner who appears merely to have been the tool and to have acted under the orders of the 2d Prisoner.

7 The sentence passed on the 2d prisoner

prisoner appeares far too light. He was the chief delinquent and is more deserving of corporal punishment than the 1st prisoner. He was not only a thief himself but he instigated the 2d prisoner to commit a theft.

8 The Agent will be pleased to submit a further and fuller explanation of the grounds of his sentence in this case.-

9 The Court also observe that the charge is incorrectly worded. The 2d and 3d Prisoners should have been charged with instigating aiding and abetting the theft.

Ordered that Extract from these proceedings be sent to the Government Agent at Kurnool for his information by precept returnable in 5 days from and after its receipt.-

(Sent following precept No 2204)

Read return dated the 10th Instant from the Sessions Judge of Trinavelly to the Precept of the Tanjore Adalut of the 8th idem requiring the Sessions Judge to explain why the witnesses in cases Nos 9 and 18 of 1844 were detained for a period exceeding 14 days.—

(Here Enter Ft R No 2508 of 1844)

Read return dated 10th Instant from

the Acting Sessions Judge of Rajahmundry to the precept of the Tanjore Adalut under date the 29th ultimo requiring an explanation to the discrepancy observed in the two quotations of the Sentences passed on the 1st prisoner in Case No 6 of 1843 and to remit the punishment of stripes upon the prisoner in case No 7 of 1843.-

(Here Enter Ft R No 2509)

Read letter dated 11th Instant from the Magistrate of Madura forwarding the Joint Magistrate's explanation of delay in Case No 106 of Report not having the Subordinate Court for July last.-

(Here Enter Ft R No 2515.-)

Read letter dated 12th Instant from the Magistrate of Tanjore Reporting that no cases have been tried under Section LIV Act VII of 1843 by the Magistracy.-

(Here Enter Ft R No 2516)

Read report dated 1st Instant submitted by the Sessions Judge of Bellary of prisoners tried and whose cases have been referred to the Tanjore Adalut but from whom the sentence of that Court has not been received in the months of

August

20th September 1844.

August 1844.

(Here Enter F.C. No. 2517)

Read Jail Report dated 11th Instant submitted by the Sessions Judge of Nellore for the months of August 1844.

(Here Enter F.C. No. 2520)

Read report, dated 11th Instant, submitted by the Sessions Judge of Cuddapah, of persons tried and whose cases have been referred to the Foujdaree Adalut but on whose the sentence of that Court has not been received up to the 31st August 1844

(Here Enter F.C. No. 2523)

Read letter dated 10th Instant from the Magistrate of Rajahmundry reporting that the powers vested by Sec. Section LIV act VII of 1843 have not been exercised in August 1844 by the Magistracy

(Here Enter F.C. No. 2524)

End F.C.

F.C.

Saturday 21st September 1844.

At a Court of the Foujdaree Adalut

Present

Geo. James Casamajor Esqre Acting 1st
Malcolm Lewin Esqre Acting 2d
Alex. Maclean Esqre Acting 3d
} Puisne Judges

Read return dated 14th September 1844 from the Sessions Judge of Cuddapah to the precept of the Foujdaree Adalut of the 10th Instant conveying their remarks and orders on the Calendars of Cases Nos. 64, 65, 66, 70 and 71 of 1844 submitted by the Sessions Judge of Cuddapah.

(Here Enter F.C. No. 2522)

The Court of Foujdaree Adalut having maturely considered the circumstances of the case of the prisoner "Atchee" as stated in the Calendar and in the foregoing return resolve to sanction under clause third Section III Regulation I of 1825 the mitigated punishment recommended by the Sessions Judge and accordingly direct that the said prisoner

"Atchee"

be imprisoned and kept to labour suitable

to her ser on the public roads or other
public works for and during the
period of seven years.-

Ordered that Extract from
these proceedings be sent to the Session
Judge of Cuddapah for his information
/Sent pir Rc 2208/

Read return dated 7th Instant
from the Session Judge of Tinnevelly
to the precept of the Tonjdaree Adalut
of the 28th Ultimo requiring the Session
Judge to review cases Rcs 79 and 81 of
1844 on the file of the Principal Sudr
Ameen.-

/Here Enter Fol Rc 2507/

1 The Court of Tonjdaree Adalut
have been much gratified with observing
the clear and satisfactory manner
in which these cases have been reviewed
by the Session Judge-

2 With reference to the concluding
- cluding parah of this return the Court
of Tonjdaree Adalut are of opinion that
the principal Sudr Ameen is deserving
of censure for the irregularity therein
pointed out. It is difficult to conceive
that the Principal Sudr Ameen was
ignorant

ignorant of his duty and the Session
Judge will warn him to be more care-
ful and attentive in future.-

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

/Sent pir Rc 2209/

Read letter dated the 13th
Instant from the Session Judge of
Mangalore- submitting for the final
sentence of the Court of Tonjdaree & Adalut the
trial in case Rc 45 on the Mangalore
Calendar for 1844

/Here Enter Rc 2531/

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 prisoner

Bellooda Amboo

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

hang

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

/Sent following letter No. 2210/

Read Calendar of Case No. 16
of 1844 on the Trichinopoly Calendar sub-
mitted by the Acting Sessions Judge under
date the 10th Instant.-

/Vide Entry Fil No. 2480/

The prisoner in this case is
charged with having entered the house of the
1st witness by scaling the wall and stolen
therefrom property belonging to the Prosecutor
to the amount of Rupees 401/-

Fil. pros. 9th and 10th 2
sept. 1839 and 31st
sept. 1842

The Court have rejected that
the jumping over a wall constitutes
breaking as contemplated by Clause
first Section II Regulation VI of 1822
and as the amount of property stolen
exceeded the sum of 100 Madras Rupees and
as the prisoner is a man of bad cha-
racter, the case falls under Clause second
of the same Section and was properly com-
mitted by the Principal Sudr Ameen to
the Sessions Court.

3 The Mahomedan Law Officer
in his futwah declares the prisoner to be
fully convicted of the crime laid to his charge
and

Fil.

21st September 1844.

and declared him liable to Kisaas.-

4 The Acting Sessions Judge took
a second futwah to remove the
exceptions in bar of hud and concur-
ring in the finding of the Law Officer on
the grounds stated in the futwa that
the evidence in this case is sufficient
to convict the prisoner of the crime of robbery
by open violence as defined in Clause
first Section III Regulation XV of 1803 and
therefore under Clause III Section IV of
the same Regulation sentences him to be
imprisoned with hard labour in irons
for the period of 14 years.-

5 The Court of Foujdaree Adalut
regret to observe that they have seldom
had to notice so marked a case of inatten-
tion to the Regulations and Rules of
this Court as is displayed in the fore-
going sentence of the Acting Sessions Judge.

6 The crime with which the prisoner was
charged is as explained above - Housebreaking viz the trans-
lation of the Futwa attested by the acting Sessions
Judge to be a true translation the
Mahomedan Law Officer is declared to
state that "he (the prisoner) is fully
convicted of the crime laid to his charge"
yet notwithstanding this clear enunciation

8

of the Law Officer's opinion the Acting
Sessions Judge has recorded that he "can-
"not in the finding of the Law Officer on
"the grounds stated in the futwa that the
"evidence in the case is sufficient to con-
"vict the prisoner of the crime of gang
"robbery by open violence."

In Circular Order 5th August
1829 it is directed that "when the actual
"crime proved may be of a character
"different from that recorded in the
"abstract of the charge the sentence be
"invariably made for the information
"of the higher Court in all returns, calen-
"dars and statements &c" and Section
XXII Regulation VII of 1832 enacts that
when the Judges shall disapprove of
any part of the futwa delivered by the
Law Officers — " — they are not to stay
"sentence in such cases but shall com-
"plete the trial and transmit to the Sess-
"ions Abadut a copy of all the proceed-
"ings and the futwa of the Law officers
"with a separate letter stating the grounds
"of their disapproval and wait the sentence
"of that Court"

8 If therefore the Acting Sessions
Judge considers the prisoner proved guilty of
robbery

robbery by open violence, it was his duty
to have submitted the case to the Sudder
Adalut. He will now explain on what
grounds he considered this ~~—~~ "
grave offence proved and the cause
of his omission to conform to the orders
and Regulation above quoted.

By Clause second Section
9 VI Regulation XII of 1803 it is provided
that in all trials before the Courts of
Circuit wherein the Mahomedan Law officers
of the Court may consider the prison-
er liable to discretionary punishment
if the crime shall have been specially
"provided for by any subsisting Regu-
"lations denouncing the penalty to be ad-
"judged on proof of the commission of
"such crime" and the Judge shall con-
sider the crime to have been established
against the prisoner he shall sentence
him to suffer the punishment pre-
scribed by the Regulations and in Cir-
cular order 28th May 1822 it has been
ruled that in such cases no second
futwa is to be taken.

10 The offence charged as well
as that of which the Acting Sessions Judge
has

9th September 1844

has declared the prisoner proves guilty having been specially denounced by the Regulations Mr Greenway joined in taking a second festival. His attention is therefore particularly recalled to Circular Order 28th May and 22d July 1822 and 23d April 1832.-

The Court further deem it proper to call the attention of the Acting Sessions Judge to Circular Order 19th June 1828. the meagre declaration that the Acting Sessions Judge concurs with the finding of his Law Officer in no way agrees with the instructions of that order and any future deviation from it will force on the Court the necessity of returning the Calendars for amendment.

The Court desire that Mr Greenway will submit an explanation on the several points and errors above pointed out. the explanation should be full and clear in order to remove the unsatisfactory impression which the proceedings of the Acting Judge have left on the minds of the Court as to the manner in which Mr Greenway performs his official duties.-

ordered

F 11

21st September 1844

ordered that Extract of these proceedings be forwarded to the Sessions Judge of Tipchimpah for his information and guidance by precept returnable in Ten days from and after its receipt.-

/ sent following precept No 220 /

Read return dated the 3rd Instant from the Sessions Judge of Cuddapah to the precept of the Court of Foujdaree Adalut under date the 31st August last, directing that if it should be considered necessary to bind over the principle parties in Cases Nos 136 and 137 of 1844 on the file of the Subordinate Court to keep the peace towards each other and also directing to release the Prisoner in No 152 of 1844.-

/ Vide Inter F 11. No 2388 /-

Monday.
23d September 1811

At a Court of the Tonjdaree Adaulut

Present

Geo: James Casamajor Esqr Actg 1st
Malcolm Lewin Esqr Actg 2d
Alexr. Macleane Esqr Actg 3d
} Prisne Judges

Tonjdaree Adaulut

Circular Order

No. 162.

1st Under instructions from the Honorable Court of Directors, the Tonjdaree Adaulut resolve to prohibit the use by the Subordinate or other Police Officers of perforated logs of wood, substituted for iron hand cuffs, which it appears from the Courts records, have occasionally been employed to facilitate the restraint of parties under custody and of prisoners on their way to the Criminal and Magisterial authorities.

2d In the event of iron handcuffs made according to the European pattern not being procurable within the jurisdiction of the several Magistrates, it will be the duty of those officers to indent in the usual course for such a number

as

I should have had no hesitation in releasing the Prisoner, as there was no reason to suppose he intended to do the deceased any serious injury; but the Law Officer has found him guilty of Culpable Homicide amounting to Manslaughter and declared him to be liable to Death but at discretionary punishment and I therefore sentenced the prisoner to one month's imprisonment under the provisions of Clause Seventh Section II Regulation XV of 1803."

4 The Court seeing reason to doubt the propriety of the Sessions Judge's disposal of this case called for a Report of the trial which has been submitted with the foregoing returns.

5 On a due consideration of all the proceedings in the case, the Court consider it extremely doubtful from the evidence whether the deceased died a natural death from disease. The blow received by the deceased does not appear sufficient to have caused his death tho' the wound and the blow resulting from it took place immediately before the deceased expired. Had the trial been preferred the Court would have acquitted the prisoner.

The

6 The sentence of the Sessions Court having been fully executed the Court of Foujdaree Udalut deem it unnecessary to record any further remarks on the case, but they would point the Law's attention to the provisions of Section XXII Regulation VII of 1802, which require the reference for their sentence of all cases wherein the Judge may disapprove of the Futwah.

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

/sent in R. 2314/

Read Criminal Reports for the Months of August 1844 submitted by the Principal Sudr Ameen of Cochin.

/Here Enter R. 2475/

Report No V case No 30

The Court of Foujdaree Udalut desire further explanations of the grounds on which the prisoner in this case was originally apprehended and deprived of his liberty, as at present no former the Court see reason to doubt the legality of his detention in the custody of the Police, and consequently of the punishment inflicted in this case for escaping from

from that Custody

Ordered that Extract from these proceedings be sent to the Principal Sudr Ameen of Cochin for his information by precept returnable in 5 days from and after its receipt.-

/sent following precept Nº 2215/

No further return having been received from the Magistrate of Guntoor to the precept of this Court of the 27th July last directing that the delay of 6 days before the Police in the report of Cases disposed of by the Magistrate during the month of June 1844 should be accounted for.-

Ordered that the Acting Head Assistant Magistrate in charge of Guntoor be required to make a full return to the precept aforesaid within 3 days.-

/sent in Nº 2216/

Venkatarunga pillay of Chittoor moves the Court to return the enclosures in his Miscellaneous Petition Nº 53. of 1844

Ordered accordingly.-

Ferd.

J. W.

Tuesday.

24th September 1844.

At a Court of the Foujdaree Adalut

Present

Geo. James Casamajor Esqre Actg

Malcolm Lewin Esqre Actg 2d

Alexr. Maclean Esqre Actg 3d

Trichy Judges

Read Criminal Reports for the month of August 1844 submitted by the Principal Sudr Ameen of Vizagapatam.-

/Here Enter J.W. Nº 2476/

Report Nº V case Nº 24.-

1 The only explanation given in this case of the delay of 17 days before the Police is, that the Witnesses delayed attending.-

2. The Court of Foujdaree Adalut consider this explanation far from satisfactory, and they accordingly resolve to direct that a copy of the case as it stands in the report without the remarks of the Principal Sudr Ameen be forwarded by that Officer to the Magistrate who will be pleased to take such notice of the conduct of the Police Officer in question as he may deem proper on reporting

reporting the result for the information of the Fouzdaree Udalut.

Ordered that Extract from these Proceedings be sent to the Principal Sudr Ameen of Vizagapatam for his information by precept returnable in 2 days from and after its receipt.

(Sent following Precept No. 2221)

Read again Criminal Reports submitted by the Acting Subordinate Judge of Cuddapah for the Months of July 1844.

(Here Enter No. 2142 of 1844)

Read also letter dated 2d Instant from the Acting Magistrate of North Arcot reports certain circumstances connected with case No. 184 of 1844 on the file of the Subordinate Criminal Court of Cuddapah in which the persons of the District of North Arcot were tried on a charge of abuse of authority and extortion and acquitted for want of evidence

(Here Enter Ft R No. 2367 of 1844)

Before disposing of the subject of the Acting Magistrate's address to the Court of Fouzdaree Udalut it resolved to forward

forward a copy thereof for the information of the Session Judge of Cuddapah with instructions to call up the record of proceedings held before the Subordinate Court and other authorities in the case adverted to and report generally on the matter to this Court with as little delay as possible.

Ordered that Extract from these Proceedings be sent to the Session Judge of Cuddapah by precept returnable in X days from and after its receipt.

(Sent following precept No. 2222)

End Ft.

Wednesday,
25th September,
1844.

At a Court of the Foujdaree Udalut.

Present,

G. J. Casamajor, Esqre. Actg 1st Puisne Judge,
M. Lewin, Esqre. Actg 2d Puisne Judge,
A. Maclean, Esqre. Actg 3d Puisne Judge,

Read letter dated the 19th instant, from the Sessions Judge of Chittoor submitting the Record of the trial in case No. 27 on the Calendar for 1844.-

(Here Enter No. 2555.)

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,

"Bhoojunga Row,"

is sufficient to convict him of the crime of Highway Robbery, when single and unarmed do convict him thereof; and, with reference to the

Mr. M. Lewin.
and
Mr. A. Maclean.

25th September 1844- the provisions of the Mahomedan Law as declared in futwas of their Law Officers annexing the penalty of amputation of two limbs of that offence, and to the provisions of Section XXI Regulation VIII of 1802, and Clause Second Section VII Regulation I of 1825, do sentence him to be imprisoned and kept to hard labor in irons, on the public roads or other public works, for, and, during the period of (8) Eight years.-

The Court of Foujdaree Udalut concur with the Sessions Judge in the conviction of the prisoner - the case is one of Highway Robbery by a single unarmed robber, and the prisoner is liable to the loss of 2 limbs as it does not appear that he ill treated the prosecutrix and he was previously of good character - the Court resolve to reduce the sentence to which he is legally liable to eight years imprisonment with hard labor.-

Ordered

25th September 1844-

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

(Sent following letter No. 2224)

Read the Criminal Report dated the 5th September 1844, submitted by the Principal Sudr Ameen of Coimbatore for the month of August 1844.-

(Here Enter No. 2397)

Report No. V
Case No. 77.

1 The Foujdaree Udalut cannot recognize the propriety of the reference made by the Head of Police to the Magistrate in regard to the transmission of this case or otherwise, to the Criminal Court.-

2 Such references from Police Officers should be discouraged and instructions issued requiring them to exercise their own discretion.

Ordered that Extract from these proceedings be forwarded to

25th September 1844- to the Principal Sudr Ameen for communication to the Magistrate of Coimbatore.-

(Sent in No. 2225)

Read Calendar submitted by the Session Judge of Mangalore of case 41 of 1844 on the Mangalore file.-

(Were enter F.M. No. 2431.)

1. The first prisoner in this case was charged with having personated the prosecutor and forged and uttered a bail bond in the name of the prosecutor and in favor of the 2d prisoner who was entrusted by the Assistant Magistrate to furnish a security in the sum of 50 Rupees for his good behaviour for one year.-

2. The second prisoner was charged with having instigated the first prisoner to the commission of the offence charged against him.-

3. Both prisoners were convicted by the Law Officer and declared

25th September 1844- declared liable to Ookoobut - and the Sessions Judge concurring in their conviction sentenced the first prisoner to 5 years imprisonment, and the second in consideration of his proved notoriously bad character to be publicly exposed in the manner called Tazeer to receive 150 lashes and to be banished to another Zillah and kept to hard labor in irons for the period of 7 years.-

4 It appears to the Court of Foujdaree Adalut that the offence committed in this case, tho' a forgery is one of the mildest character. The true object of the prisoner was evidently not to defraud the prosecutor but to obtain the freedom from Custody of the second prisoner. It was also a forgery of such a character that it could scarcely take effect.-

5 Under these circumstances it appears to the Court that a sentence of

of 2 years imprisonment with hard labor for the 1st prisoner and 4 years with the stripes and public exposure awarded would sufficiently answer the ends of justice.—

6. The Court resolve under the provisions of Section XXXV Act VII of 1843 to mitigate the sentences accordingly, and to direct the prisoner,

1st Cottary Nania Bhut,

to be imprisoned and kept to hard labor in irons on the public roads or other public works, for, and during the period of two (2) years; and the prisoner,

2nd Pattaby Ramapa;

to be exposed in the manner commonly denominated Tazeer, to receive 150 lashes with a Cat o' nine tails, and to be banished to the Jail of Calicut, 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 4 years.—

7. The Court desire the Sessions Judge will explain whether

any thing was elicited in the conduct of this trial to implicate the 1st and 3d witnesses in the commission of the offence proved against the prisoners and if so why they were not brought to trial.—

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

(Sent following precept No 2226)

Ordered also that Extract from these proceedings (para: 6) be sent to the Sessions Judge of Calicut for his information.—

(Sent in No 2227)

Read Extract from the proceedings of the Sessions Judge of Tinnevelly dated 11th September 1844 submitting a copy of the Principal Sudr Ameen's explanation, of his having notwithstanding the proceedings of the Sessions Court of the

20th

25th September 1844.

20th August last adjourned his Court to Shermadavy without having made any further previous reference to the Sessions Court.-

/Were enter F.W. No. 2540./

1. It appears from the explanation of the Principal Sudr Ameen that he understood the 4th parah of the Sessions Judge's proceeding of the 20th August to convey to him authority, to adjourn his Court to Shermadavy should the ends of justice actually require it and convinced that the ends of justice required he should proceed to the spot and make the necessary local inquiries in this case. he on Saturday proceeded to Shermadavy with a single goomastah, at his own expence completed his inquiry in the same day and returned on the morning of the Sunday.-

2. Whatever construction the Principal Sudr Ameen placed on the

F.W.

25th September 1844.

the 4th parah of the Sessions Judge's Proceedings of the 20th August, the Court of Zoujdaree Adalut consider that it would have better become him had he before proceeding to Shermadavy, reported to the Sessions Judge the additional facts which in his judgment so altered the features of the case, as to justify him in concluding that had the Sessions Judge been aware of them, he would have recalled the opinion expressed by him in the first parah of the proceedings above quoted, viz. that he does not consider "that sufficient reason had been shown for a personal inspection of the premises" and consented to the proposal originally made by the Principal Sudr Ameen of visiting Shermadavy.

3. The Court of Zoujdaree Adalut concur with Mr Douglas in opinion that sufficient reasons have not in this case been shewn to exist for a local investigation of the

25th September 1844- the Criminal Court" and they consider that the conduct of Tremalcharry in this occasion exhibits so total a disregard to the authority and orders of his immediate official superior as to call for the severest notice.-

4. But in the hope that the severe reprehension which the Court now deem it their duty to pass on the Principal Sudr Ameen of Timmevelly may have the effect of rendering him more circumspect and attentive in future - the Court will only add that any future instance of similar misconduct will leave to them no alternative but that of bringing the conduct of the Principal Sudr Ameen to the notice of the Government.-

Ordered that, Extract from these proceedings be forwarded to the Session Judge of Timmevelly for Communication to the Principal Sudr

25th September 1844- Sudr Ameen for his information.-

/Sent in No. 2228/

No reply having been received from the Magistrate of Tanjore, to the proceedings of this Court of the 2d August last, requiring an explanation, why the 3d prisoner in Case No. 77 on the Combaconum Supplemental Report for June 1844, was sent up to the Criminal Court.-

Ordered that the Magistrate of Tanjore be required to reply to the above proceedings within X days.-

/Sent in No. 2229/

Read Calendar in case No. 42 on the file of the Sessions Court of Calicut.-

/Were enter No. 2527/

/ The 1st prisoner in this case is charged with House breaking with intent to steal, accompanied with wounding, and convicted. but the Session Judge

25th September, 1844

Judge being of opinion that there were no aggravating circumstances in the prisoner's case, sentenced him to imprisonment with hard labor in irons for seven years, requesting the Court of Foujdaree Udalut to sanction such sentence, as a mitigated punishment.

2. The Court of Foujdaree Udalut having considered the circumstances of the case as represented in the Calendar, sanction the mitigated punishment recommended by the Sessions Judge, and accordingly direct that the prisoner,

1st Vengandengery, alias Keykoomkat Mamoo,

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

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Calicut, for his information by precept

returnable

25th September, 1844

returnable in V days from and after its receipt.

(Sent following precept No. 2230)

Read Calendars in Cases Nos. 51 and 52 of 1844 on the file of the Sessions Court of Combaconum.

(Here enter No. 2552.)

Case No. 52. 1. The prisoner in this case is charged with Burglary and Theft and is convicted. But the Sessions Judge being of opinion that the punishment prescribed by Clause fourth Section II Regulation VII of 1822 is too severe recommends a mitigation thereof.

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

Ambalavanan,

by

25th September 1844

be imprisoned and kept to hard labor in irons on the public roads or other public works, for, and, during the period of [7] Seven years.—

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

Sent following precept No. 2281

Read Calendar submitted by the Sessions Judge of Bellary of Case No. 35 of 1844.—

Vide entry F.M. No. 2497

Two prisoners were charged in this case the first a sepoy with having while on guard broken open a box of place under his charge and stolen therefrom property valued at Rupees 600 and the 2d with having accompanied the 1st Prisoner with the stolen property knowing it to be stolen.—Both Prisoners were convicted and were sentenced by the Sessions Judge, the 1st

25th September 1844

to 7 years imprisonment with hard labor in irons and to receive 100 lashes under Section XXI Regulation VII of 1802, and Section II Regulation VI of 1822 and Regulation VIII of 1828, and the second prisoner to six months' imprisonment with hard labor in irons under Clause Seventh Section II Regulation XV of 1803.—

2. Presuming that the property placed under charge of the 1st prisoner was public property and that he was in the performance of the duty of Sentry under the legitimate orders of a Military superior, the Court of Foujdaree Udalut are of opinion, that the offence of the 1st prisoner was peculiarly a Military offence, tho' cognizable also by the Civil authority.—The Sessions Judge has sentenced the 1st prisoner in reference to his being a Sentry, which implies that he was in execution of his duty as a Soldier. the circumstances of the case do not however clearly show whether the property

Stolen

25th September 1844.

stolen was not private property, and it is so stated to be in the charge - if it were strictly speaking private property over which the prisoner had not military charge the sentence need not be disturbed, tho' the circumstance of the prisoner being a "Sentry" was not in the latter case a cause of aggravation.-

3. The Court consider the sentence passed on the second prisoner quite inadequate to the offence committed by him - Being an accomplice in a theft of property exceeding 300 Rupees the measure of punishment should have exceeded that prescribed by Clause fourth Section III Regulation VII of 1822.-

See Section IX Regl I of 1825.

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

(Sent following precept No 2232)

No return having been received from the Sessions Judge of Coimbatore

5. F. W.

25th September 1844.

Coimbatore to the precept of this Court of the 7th Ultimo sanctioning the mitigation of the sentence of the prisoner Vencatachellum in Case No 22 on the Calendar for 1844.-

Ordered that the Session Judge of Coimbatore be required to make a return to the precept aforesaid within II days.-

(Sent in No 2233)

Exd

F. U:

Thursday 26th September 1844. At a Court of the Fouzdaree Udalut

Present.

Geo: James Casamajor Esqre Actg 1st
Malcolm Lewin Esqre Actg 2d
Alexander Machan Esqre Actg 3d
} Puisne Judges

M

Read Calendar pr Case No 233 of 1844 on the file of the Sessions Court of Nellore.

(Here Enter No 2195.)

The Prisoner in this case is charged with Highway robbery, and convicted; but the Sessions Judge being of opinion that the punishment prescribed by Section XXI Regulation XIV of 1802 is too severe, recommends a mitigation thereof—

2 The Court of Fouzdaree Udalut having maturely considered the circumstances of the case represented pr the Calendar, sanction under Clause third Section III Regulation I of 1825, the mitigated punishment recommended by the Sessions Judge—and accordingly direct that the prisoner

Mannapully Goravadoo

be imprisoned and kept to hard labour

in irons on the public roads or other public works for and during the term of (8) eight years.-

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Nellore for his information by precept returnable in V days.-

(Sent following precept 12-2244)

Read return dated 11th Instant, from the Acting Magistrate of Cuncara, to the precept of the Foujdaree Adalut of the 29th Ultimo, conveying their remarks and orders on the report of cases tried by the Magistracy under the provisions of Section LIV act VII of 1843. during the month of July 1844.

(Ben Enter Rec 2510)

Adverting to a case of cattle stealing brought before the Acting Joint magistrate for trial under the provisions of Section LIV Act VII of 1843. the Court of Foujdaree Adalut observed that it had been ruled that the additional powers conferred on the Magistracy by the section of the Act just quoted do not extend to such cases of cattle stealing

stealing as are cognizable by the Criminal Courts under Regulation VII of 1832 and they directed that if the case had not been disposed of on the receipt of their instructions the 1st prisoner should be transmitted to the Subordinate Court.-

2 In his return the Acting Magistrate reports that the case was disposed of by the Acting Joint Magistrate on the 6th August and submits the explanation of the Acting Joint Magistrate that he was led to suppose he possessed jurisdiction in this case, as he can find no order declaring Magistrates incompetent to try under the Act in question cases of Cattle stealing cognizable under Regulation VII of 1822. and as Regulation VI of 1827 declares in explanation of clause IV Section III Regulation VII of 1822. that nothing contained therein should be construed to require that persons convicted of any of the offences specified in that clause shall

shall in all cases be sentenced to a severer punishment than is authorized by Section VII Regulation X of 1816.

3. The Court of Tonjdaree & Udalut observe that Clause first Section I. IV Act VII of 1843 distinctly extends to Magistrates only so much of the powers of Criminal Judges as was vested in them by Section VII Regulation X of 1816.

4. The Criminal Judge is precluded from taking cognizance of Cattle stealing under Section VII Regulation X of 1816 by the provisions of Clause fifth Section IV Regulation VI of 1822 but in consequence of the latter enactment having been found to operate injuriously in abridging the discretion of the Criminal Judges in proportioning punishment to the crime committed. Section III Regulation VI of 1827 was enacted explaining that nothing contained in Section III Regulation VI of 1822 should be construed to require that persons convicted before the Criminal Judge

of any of the offences specified in that Clause shall in all cases be sentenced to severer punishment than he is empowered to inflict under Section VII Regulation X of 1816.

5. Thus tho' Regulation V of 1827 vests criminal Judges in cases of cattle stealing with a discretion which it was supposed they did not before possess, yet it does not bring such cases under the provisions of Section VII Regulation X of 1816.

Record that Extract from these proceedings be sent to the Acting Magistrate of Cuttack for his information.

(Sent in No. 2242)

Read Calendar in Case No. 48 of 1844 on the Combaconum file submitted by the Sessions Judge of Combaconum.

(Here Enter No. 2551)

1. The prisoners in this case were charged with stealing 2 bullocks valued at 10 Rupees and being convicted by the Judge and Jury were sentenced under Section XXI Regulation VII of 1802 the 1st to seven years imprisonment with hard labour in irons, and 100 lashes the second

to

to seven years imprisonment with hard labor
in irons.-

2- The prisoners are described
to be old offenders, and the Sessions Judge
remarks that "the 1st prisoner being a more
"hardened offender than the 2d Prisoner
"he thought it necessary to add corpo-
"ral punishment to the sentence on
"the 1st"

"The 1st prisoner was convicted of
sheep stealing in Criminal file Nº
104 of 1842 and sentenced to 60 lashes
and 18 Months imprisonment with hard
labour in irons. He was twice suspended
& Thrice has been imprisoned in
the Jail in commutation of the security
required of him"

"The 2d prisoner was also imprisoned
in Jail for one year in commutation
of security required of him by the Joint
Magistrate"

3 The Court of Sudder Dewanny Adawlut
have repeatedly ruled that a mere demand
of security from a prisoner on a former
occasion does not constitute an old
offender; and it does not appear from
the note appended to the Proceedings of
the

the Subordinate Judge that the 1st prisoner
is the hardened offender he is represented
to be.-

4 Under these circumstances the
Court consider the punishment awarded
in this case far too severe and they
resolve under the provisions of Section
XXXIII Act VIII of 1843 to direct that that portion
of the sentence which awards corporal
punishment to the 1st prisoner be remi-
-tted and that the prisoners be
imprisoned and kept to hard labour
in irons on the public roads or other
public works

the 1st Vellya alias Ramasawmy"
for and during the period of 3 years and
the 2d Varow"
for and during the period of 2 years.-

Ordered that Extract from
these proceedings be sent to the Sessions
Judge of Combaconum for his information.-
by precept returnable in 5 days from
and after its receipt.-

(Sent following precept Nº 2248)

Read Criminal Reports
for the Month of August 1844 submit-
-ted by the Principal Sudr Ameen of

Chingleput

26 26th September 1844

Chinglepute.

Report No V case 238

Here Enter F.H.R. 2549

1 The prisoner in this case was charged with having assaulted and taken the prosecutrix to a paddy field thrown her down and pressed on her neck with his feet.

2 The cause of this assault is not stated as it should have been.

3 The prisoner being convicted was sentenced under Section VII Regulation X of 1816 to six months imprisonment. The Court of Foujdaree Udalut consider the punishment awarded quite inadequate to the offence committed.

Ordered that Extract of these proceedings be sent to the Principal Sudr Ameen at Chinglepute for his information.

Sent in R. 2244

Ex com.

F.H.

Friday, 27th September, 1844.

At a Court of the Foujdaree Udalut.

Present:

Geo: James Casamajor Esqre Act 1st
Malcolm Lewin Esqre Act 2d
Alexr Maclean Esqre Act 3d
} Puisne Judges

Read Calendar of case No 7 of 1844 on the Masulipatam file submitted by the Acting Sessions Judge of Masulipatam under date the 4th Instant.

(Here Enter F.H. No 2436)

1 The 1st Prisoner in this case was charged with house breaking and theft of property to the amount of Rupees 21 6 2 - the 2d 3d and 4th Prisoners were severally charged with receiving parts of the stolen property knowing them to be stolen.

2 The Mahomedan Law Officer convicted the 1st 3d and 4th prisoners of the crimes severally laid to their charges and declared them liable to Ta'zeer but acquitted the 2d Prisoner.

3 The Acting Sessions Judge concurred in the finding passed against the 1st and 3d Prisoners, he also concurred in the legality of the finding against the

4

"4th prisoner and that the evidence may not
"amount to proof of guilty knowledge
"against the 3d prisoner. But as the 4th
"prisoner is wife of the 1st prisoner and
"her reception and possession of the
"articles can hardly be considered her
"own voluntary act, and she does not
"appear to have aided in the conceal-
ment of them the Acting Judge has
"release d her". and considering strong sus-
picion to attach to the 2d prisoner the Act-
ing Session Judge has bound him over to
"furnish securities for 3 years".-

A second festivah ——
having been taken to remove the objec-
tions in bar of Bud in the case of
the 1st Prisoner. the Acting Session
Judge has under Clause second section
III Regulation VI of 1822. sentenced the
1st and 3d Prisoners each to 7 years imprison-
ment with hard labour in irons excepting
that the first and third and the last month
of imprisonment shall be solitary.-

5 The Court of Foujdaree Adalut
observe that the Session Judge has not
authority to award solitary imprisonment
the latter part of the Acting Session
Judges

Judge's sentence must accordingly be amend-
-ed.

6 The Regulation cited by
the Acting Judge is quite inapplicable
to the cases of the 1st and 3d Prisoners-

7 The 1st Prisoner should have
been sentenced under the provisions
of the Mohomedan law to the loss of
one limb commutable to seven years
imprisonment with hard labour under
Section XXI Regulation VII of 1802 and
the 3d prisoner under those of Clause
second Section VI Regulation VI of 1822;
the Court see no reason to differ with
the Session Judge in regard to the
amount of punishment.-

Ordered, that Extract from
these proceedings be sent to the Session
Judge of Masulipatam for his informa-
tion.-

Sent in R. 2245

Ordered also that Extract
from these proceedings be furnished to
the late Acting Session Judge of
Masulipatam now Acting at Rajah-
mundry for his information and future
guidance.-

Sent in R. 2246

27th September 1844

No return having been received from the Sessions Judge of Nellore to the precept of this Court of the 8th August last, requiring him to call up the record of Cases Nos. 34 and 35 of 1844 on the Principal Subordinate's file, and having considered them, pass such orders as he may think proper, reporting them for the information of this Court

Ordered that the Sessions Judge of Nellore be required to make a return to the precept aforesaid within 5 days.

/Sent in No. 2247/

End. 4th

F. U.

Saturday, 28th " September, 1844.

At a Court of the Foujdaree Udalut

Present

M. Lewin, Esqre., Actg 2d Puisne Judge
A. Maclean, Esqre., Actg 3d Puisne Judge

Read return dated 5th Instant from the Sessions Judge of Chittoor to the precept of the Foujdaree Udalut of the 27th Ultimo directing him to call for the record of the Subordinate Court and Magistrates proceedings in cases Nos. 106 and 115 of 1844 on the Chittoor Criminal Reports for July and pass on them such orders as he may deem proper reporting the result for the information of the higher Court.

/Were entered F. U. No. 2387/

Case No. 106. 1. The Sessions Judge is of opinion that the first prisoner in case No. 106 should not have been released unconditionally but that ample

28th September 1844 ample security should have been required of her for her future good conduct but having been declared not convicted and released it does not appear to the Sessions Judge that any order can now be issued for demanding security.

Case No. 115 2 In case No. 115 the Sessions Judge considers that the 1st Prisoner should have been committed for trial before the Court of Sessions under Section IX Regulation I of 1825 and that the second third and fifth Prisoners should have been punished under the provisions of Clause fourth Section IV Regulation XI of 1822 the guilt of the 4th, 6th and 7th Prisoners was not the opinion of the Sessions Judge satisfactorily established.—

3. As the 1st, 2nd, 3rd and 5th prisoners have been sentenced to find security or in default suffer imprisonment for 12 months the Sessions Judge "has no authority to enhance the punishment" but he is of opinion that

28th September 1844 that the 4th Prisoner should be released if still in confinement or that her security bonds should be cancelled and her sureties relieved from responsibility.—

4. The 1st prisoner in Case No. 106 was charged with having administered poison to certain children and thereby caused the death of one of them.—

5. In case 115 the 1st prisoner a servant was charged with stealing property to the amount of Rupees 587. 4 as and the 2nd, 3rd, 4th, 5th, 6th and 7th Prisoners were charged with being accessaries after the fact by concealing the said stolen money.—

6. The Court of Foujdaree Udalut observe that the Examination held by the Criminal Judge in cases punishable only by the Sessions Court or Foujdaree Udalut not being considered in the light of trial a prisoner discharged under such circumstances by a Criminal Judge may be re-apprehended

28th September, 1844

reapprehended and tried for the same offence should the order for his release be considered improper, either by the Foujdaree Udalut or by the Sessions Judge. The Court of Foujdaree Udalut considering it necessary for the ends of justice that the prisoners alluded by the Sessions Judge should not escape unpunished resolve to authorize the Sessions Judge to order security to be taken from the 1st prisoner in case No. 186 and the 1st, 2d, and 3d and 5th Prisoners in case No. 115 to be committed to take their trial before the Court of Sessions. The Court having ruled that when one prisoner in a case is committed it is the duty of the Criminal Judge to commit the whole of the prisoners who may from the evidence adduced appear to have been concerned in the offence, to take their trial before the Court of Session.

Ordered that, Extract from these proceedings be forwarded to

F. W.

28th September, 1844

to the Sessions Judge of Chittoor for his information and guidance by Precept returnable in X days from and after its receipt.

(Sent following precept No. 2253)

Read letter dated 6th September 1844 from the Sessions Judge of Chicacole.

(Were enter F. W. No. 2467)

1. In accordance with the instructions of the Foujdaree Udalut contained in their proceedings of 20th Ultimo the Sessions Judge now submits a separate letter remarking on the manner in which the Jailwakes on the trials before him are usually drawn up by the Law officer Mahomed Yakoob Ali.

2. Mr. Glass states that "in every case this officer takes every "opportunity if possible to find some "excuse for allowing the prisoner to "escape punishment," and in case No. 2 of 1844. "he considers his reasons "for

"for letting off the 4th prisoner most
"unsatisfactory - for if the statement
"on oath of the Prosecutor and two Wit-
"nesses, that he gave up his share
"of the stolen money is not sufficient
"to convict a prisoner - I cannot see
"that 8 or 10 more witnesses would
"make the case stronger against him".

3. The Court desire the Sessions Judge will call on the Mahomedan Law Officer to explain his futwah in the case above referred to and to state on what grounds he rejects the Evidence against the 4th prisoner.—

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

(Sent following precept No. 2254)

Read the Criminal Reports dated the 31st Ultimo

submitted

28th September, 1844 submitted by the Sessions Judge of Tellicherry for the month of August, 1844.—

(Here enter No. 2492.)

Report No. V.
Case No. 61. In this case explanation has been afforded regarding the delay which occurred in the transmission of the Prisoner from the Calcutta to the Criminal Court;— but as the delay which did take place, is not shown to have been in excess of five days, no such explanation was required.—

Circular Order 18th May, 1832.

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

(Sent in No. 2255)

E. T. Y. Clerk

P. V.

Mondays
30th September 1844

At a Court of the Tongdaree Udalut &c

Present:-

Malcolm Lewin Esqr. Acting 2d. } Princes Sub Jes
Alexr. Maclean Esqr. Acting 3d. }

Read Criminal Reports for the Month of August 1844, submitted by the Officiating Subordinate Judge of Cuttack:

(Here Enter Rs 24.83)

Supplemental Report Case Nº 191.

1 With reference to the charge in this case, and the evidence produced in support of it, the Court of Tongdaree Udalut are disposed to question the propriety of the Subordinate Judge having proceeded to pass judgment in the case, the prisoner would appear to have rendered himself liable to commitment for trial before the Sessions Court

2 The Sessions Judge will be pleased to call for the proceedings of the Subordinate Judge, and pass on them such orders as may appear to him proper, reporting the result to the Tongdaree Udalut

Report Nº V Case Nº 202. 3 The Prisoner in this case is charged with house breaking, and on conviction was sentenced by the Sudr. Ameen to six months imprisonment with hard

labor

labour in irons under the provisions of Clause Sixth Section II Regulation VII of 1822.

The Sessions Judge will be pleased to point out to the Subor. Amean that this sentence is at variance with the intention of the Regulation cited as explained in Circular Order No. 139. the punishment awarded should have been in excess of 6 Months.

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

/sent in No. 2256/

Ordered also that Extract from these proceedings be sent to the Sessions Judge of Cuddapah by precept returnable in fifteen days from and after its receipt.-

/sent following precept No. 2257/

Read communication dated the 16th instant from the Acting Magistrate of Canara, submitting for the consideration of the Judges, certain remarks regarding the unconditional dismissal by the Subordinate Judge of Mangalore of Case No. 166 of 1844; questioning the correctness of that dismissal, and the soundness of the principle involved in it; and requesting the instructions of the

the Judges on the subject

/Vide Entry No. 2563./

Assuming the facts as stated by the Acting Magistrate, the charge of cutting and wounding by blows of an axe which was preferred in the cases adverted to, would seem to have been beyond the jurisdiction of the Subordinate Court, and the reapprehension of the Prisoner in view to his commitment for trial by the Sessions Court, should accordingly now be directed.-

2 The Foujdaree Adalut accordingly resolve to transmit a copy of the Acting Magistrate's address, and which it is observed should in the first instance have been laid before the Sessions Court, for the information of the Officer presiding over it, who will be pleased to issue such orders as may appear proper with reference to the above observation reporting them to this Court.-

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

Acting

30th September 1846

Acting Subordinate Judge and acting Magistrate of Mangalore and Canara by precept returnable without delay.

Sent following precept Nº 2258/-

Read Criminal Reports for the Month of August last submitted by the Subordinate Judge of Salem.-

Here Enter F.R. Nº 24741

Report Nº V Case Nº 73. 1 The Court of Foujdaree Udalut desire it may be explained whether the Police Proceedings were verified on oath in this case before the commitment of the prisoners was ordered by the Subordinate if not the committal was illegal and the Subordinate Judge will quash the proceedings and proceed in the manner laid down in Section XXIX Act XVII of 1843.

Case Nº 74 2 In the Abstract of the evidence in this case it is stated that "there is nothing against the 3d prisoner" Vide This it is presumed is a clerical error for the 2d prisoner. if not the Subordinate Judge will explain why the 3d prisoner was not entered in the charge.-

Case Nº 76. 3 The Subordinate Judge will explain what authority the 3d Witness had to detain the prisoner in this case.-

unless

F.R.

30th September 1846.

punishable he was in legal custody his escape is not an offence cognizable by the Court.-

Case Nº 81. 4 The Subordinate Judge will be pleased to report what notice has been taken of the representation made in this case to the Magistrate regarding the conduct of the Village Moonsiff.-

Ordered that Extract from these proceedings be sent to the Subordinate Judge of Salem for his information by precept returnable in 5 days from and after its receipt.-

Sent following precept Nº 2259

Read Criminal Reports for the Month of August last submitted by the Principal Sudr Ameen of Cuddalore

Here Enter F.R. Nº 25487

Report Nº V Case Nº 102. 1 The prisoner in this case is charged with house breaking and theft to the amount of Rupees 30-0-

2 In the abstract of the evidence it is stated that "the Prosecu- "trix swears that she has seen the prisoner "escape from her house" by jumping over the "wall which separated his house from hers and it appears that "on searching his

house

houses a purse was found which is proved to belong to the prosecutrix.

3 The Principal Sudr Ameen has however acquitted the prisoner but on the ground of strong suspicion has bound him over in two securities of 10 Rupees each for the space of three months or in default to be imprisoned for the same period.

4 The Prisoner having been acquitted by a competent Tribunal the Foujdaree Adalut do not desire to disturb the order for the requisition of security from the prisoner but they deem it proper to notice that if the abstract of the evidence given in the Report be correct the Principal Sudr Ameen would have been justified in convicting him and sentencing him under the provisions of Clause Sixth Section II Regulation VII of 1822.

5 These reports not having been received till the 20th Instant the attention of the Principal Sudr Ameen is called to para 6 of their Circular Order of the 18th April 1835 No. 40.

Ordered that Extract from these proceedings be sent to the Principal Sudr

Sudr Ameen of Cuddalore for his information and guidance.

(pending No. 2200)

Read letter dated the 14th Instant from the Sessions Judge of Salem submitting the record of the trial in case No. 15 on the Calendar for 1844

(Here Enter No. 2614)

The Court of Foujdaree Adalut

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

1st Karoonanachary

2nd Jan Ramaly and

3rd Caroopeen

is sufficient to convict them of the crime of wounding for which according to the Mahomedan Law, as declared in Futwas of their Law Officer discretionary punishment is awardable to convict them of the same and with reference to the provisions of Clause third Section VII Regulation XV of 1816 sentence them to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of [5] five years.

2v

On a perusal of the above record the Tongdaree Udalut concur with the Sessions Judge in considering imprisonment with hard labour for a period of five (5) years to be a fit and adequate punishment for the assault with the commission of which the 3. prisoners have been charged but they are not satisfied of the existence of a necessity for the infliction of Corporal punishment and accordingly refrain from affirming that part of the Sessions Judge's recommendation which relates to stripes.

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

/ Sent in R 2261 /

Read return dated 21st September 1864, from the Sessions Judge of Cuddapah to the precept of the Tongdaree Udalut of the 17th instant, directing him to forward a copy of the arraignment adopted by the Sessions Judge against the Prisoners in the trial of case No: 59 on the Cuddapah Calendar of 1864.

/ Here Enter F.R. No: 2587 /

With this return the Sessions Judge

Judge forwards a form of indictment which appears to have been that used before the Subordinate Court.

2 The Sessions Judge appears still to misapprehend the wishes of the Tongdaree Udalut they require a correct and certified translation of the arraignment before the Sessions Court or to be even more explicit - a translation of the words which formed the question of accusation when the prisoner was put on his trial before the Sessions Judge.

3 The Court are of opinion that a little more attention to their orders of 17 September on the part of the Sessions Judge might have obviated this delay.

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

/ Sent following precept No 2262 /

Read Miscellaneous Petition presented on the 17th Instant by Venga Satchy Vemmal wife and mother of Sixteen and Sixteen Prisoners in Cases Nos 19 and 20 of the Combaconum Calendar for 1864.

/ Here Enter Mr P No 118 of 1864 /

30th September 1844.

The Petitioner complains of the proceedings of the Sessions Judge of Combaconum, sentencing her husband and her son the Prisoners in the aforesaid cases, to 7 years imprisonment with hard labor in irons in consequence of a charge of Forgery having been preferred against them, and which is declared by that Officer, to have been fully proved in evidence.-

2 The Court of Fouzdaree Adawlut resolve to forward a copy of this Petition to the Sessions Judge of Combaconum with instructions to submit such observations regarding its contents, as he may think necessary for the information of this Court.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Combaconum by precept requiring conformity to the exigency thereof returnable in seven days from and after its receipt.- /sent following Precept No. 2203/

Ordered also that copy of these proceedings be granted to the Petitioner on her application.-

30th September 1844.

Read letter dated 30th Ultimo from the Subordinate Judge of Chittoor stating that copies of certain Paras were forwarded to the Magistrate as directed and that the Sudr Ameen Pundit was ordered to make the required reduction in the term of the Sentences in case No. 110; and explaining how the entertainment of an extra peon appeared unavoidable.-

/Here Enter F.H. No. 2328 of 1844/

Read letter dated 29th Ultimo from the Sessions Judge of Combaconum submitting explanation for passing the Sentences in Cases Nos. 24 to 27 of the Combaconum Calendar under Clause 7th Section II. Regulation XV of 1803.-

/Here Enter F.H. No. 2335 of 1844/

Read return dated 30th Ultimo from the Sessions Judge of Guntoor to the Precept of Fouzdaree Adawlut under date the 20th idem annulling the order of the Sessions Judge of Guntoor which directed the Principal Sudr Ameen to apply to the Magistrate for the reapprehension of the Prisoner in Case No. 16 of Report No. 2 of his Court for June last, and punishment of the said Prisoner-

/Here Enter F.H. No. 2337 of 1844/

Read

30th September 1844

Read Returns dated the 31st Ultimo from the Sessions Judge of Tanjore in the precept of the Tondaree Adalut under date the 23d August 1844 containing their observations on review of the 7 Calendars of 1844 of the Sessions Court of Tanjore

(Here Enter Fde No 2340 of 1844)

Read letter dated 31st Ultimo from the Magistrate of Trichinopoly stating that no cases of the description allu[ded] to in Section XXV Act VII of 1843 have come under his cognizance for last month.

(Here Enter Fde No 2389 of 1844)

Read letter dated the 3d Instant from the Magistrate of Tondaree Reporting that the powers vested in Magistrates by Section XXV Act VII of 1843 have not been exercised in last month.

(Here Enter Fde No 2389 of 1844)

Ex Offo

N. Dt.

Tuesday 1st October 1844.

At a Court of the Tondaree Adalut.

Present.

Malcolm Lewin Esqre Acting 2d Puisne Judge

Alexr Maclean Esqre Acting 3d Puisne Judge.

Read Criminal Reports for the Month of August 1844 Submitted by the Subordinate Judge of Combaconum.

(Here enter Fde No 2502 of 1844)

Report No 1
Case No 123

1 The prisoner in this Case, a girl of 13 years of age has been charged with having forcibly taken from the Prosecutors nephew a boy of 6 years old a gilt head ornament valued at 3/4 Rupee.

2. The prisoner was convicted and sentenced by the Subordinate Judge under Section VII Regulation X of 1816 to Six months imprisonment with hard labor.

3. The Court direct that the sentence be reduced to 1 month and amended "to labor suitable to her sex and age".

Case No 124.

4 Two prisoners are charged in this case with an assault and have been convicted and sentenced by the

Acting

30 1st October 1844.

Acting Sudr Ameen but the Report does not show the nature of the evidence against the 2d Prisoner, this omission must now be supplied.-

Case No. 133 5. The prisoner in this Case is charged with entering the prosecutors house by leaping over the wall and stealing property valued at 5 3/4 Rupees and has been sentenced under Clause fourth Section III Regulation VII of 1822 to six months imprisonment and to receive 50 lashes.-

6. Entry into a house by leaping over the wall having been ruled by the Foujdaree Udalut to constitute breaking - the prisoner should have been punished under Clause sixth Section III of the Regulation quoted and according to the directions of Circular Order No. 139 the punishment should have been in excess of 6 months.-

7. Further as the prisoner appears to have been previously convicted of theft the sentence is improperly lenient.-

Case No. 134 8 The Court of Foujdaree Udalut desire to know whether the course prescribed in the last parah of their Circular Order of the 21st May 1823 has been observed in this Case and

1st October 1844

and if so what notice has been taken by the Magistrate of the illegal proceedings of the Tahsildar of Manargoody in forcing open the door of the Prisoner's house.-

9. The Court extremely regret the decision arrived at by the Joint Magistrate of forwarding the prisoners to the Criminal Court and desire some further explanation of the extraordinary delay which was permitted to occur in the case.

10 The Court require the cause of

Case No. 141 the detention of this case for 35 days before the Police may be explained and also the nature of the reference by which it was further detained for 14 days.-

Cases Nos. 142 & 143. 11 The nature and necessity of the references in these cases must also be explained and the Magistrate will with reference to these three cases call the attention of the Police Officers concerned to Circular Order No. 62.-

12 The attention of the Magistrate is also called to Circular Order No. 22 and in conformity with the principles there laid down he will discourage as far as proper references

1st October 1844

references by the Police Officers to the Magistracy in Police cases. The Subordinate Judge will be pleased to furnish the Magistrate with copies of this and the 5 preceding paragraphs, and instruct him to forward his reply direct to the Foujdaree Adalut.-

Case No. 144. 13. The attention of the Subordinate Judge is called to Circular Order 28th January 1828 and he is required to state what was the substance of the futwah recorded in this case and why no provisions of the Regulations are quoted in support of the sentence passed on the prisoner in Case No. 144.-

Ordered that Extract from these proceedings be sent to the Subordinate Judge of Combaconum, by precept returnable in 5 days from and after its receipt.-

(Sent following precept No. 2268)

Read Criminal Reports for the Month of August 1844 submitted by the Principal Sudr Ameen of Nellore.-

Here enter F.H. No. 2579 of 1844.

Report No. 5 Case No. 63 1 The Court desire that a copy of this as it stands in the report without the remarks

of

2 F.H.

1st October 1844

of the Principal Sudr Ameen and of this parah be forwarded to the Magistrate of Nellore who will be pleased to ascertain and explain the cause of the 13 days delay which occurred before the Police in the preparation and transmission of the case to the Principal Sudr Ameen's Court.-

Case No. 63. 2 The reference in this case to the Acting Head Assistant Magistrate was an unnecessary one. The Magistrate, who will be also furnished with a copy of this parah and of this case without the remarks of the Moonsiff Sudr Ameen, will be pleased to discourage as much as possible such references in future.- A Police Officer who is not competent to exercise his discretion in such a case as this is unfit for his situation.-

Case No. 68 (illegible) 3. The prisoner a Peishcar is charged with having altered the date of a Petition presented to him in order to secure himself from the consequences of negligence in the discharge of his duties, and on conviction has been committed by the Principal Sudr Ameen.

4 The Court desire the Sessions Judge before placing him on his trial to satisfy himself

himself that an offence has been committed.

5. These Reports not having been received till the 17th the attention of the Principal Sudr Ameen is particularly called to Parah 6th of Circular Order No. 40.

Ordered that Extract from these proceedings be sent to the Principal Sudr Ameen of Nellore for his information, and for communication of parahs 1 and 2 to the Magistrate, by precept returnable in 5 days from and after its receipt.

(Sent following precept No. 2269)

Ordered also that Extract from these proceedings (parahs 3 and 4) be sent to the Session Judge of Nellore for his information by precept returnable in 5 days from and after its receipt.

(Sent following precept No. 2270)

Circular Order No. 163.

Reference having been made to the Sudr Dewanny Adalut in order to ascertain the extent of the powers of Magistrates, as Justices of the Peace, in cases where both the complainant and accused are Europeans,

Regulation

Regulation III of 1820 being applicable only to cases wherein one of the parties is European and the Officer with whom the reference originated having declared that his doubts on the subject arose on two cases lately brought before him - "one where a Gentleman was "the complainant and an European resident "(British Subject) the defendant in a case of "trespass, the defendant having removed some "stakes from a boundary hedge belonging to "the Prosecutor with the view of cutting a road "across a foot path also declared by the Prosecutor "to be his property - and the other where the "defendant is charged by the Prosecutor with "having shot an English pointer his (Com- "plainants property)" the Sudr Dewanny Adalut resolve to circulate the reply received from Government on the subject being submitted for the opinion of the Advocate General.

"Neither of the cases mentioned by way of example, in the letter of the Joint Magistrate and Justice of the Peace, are instances of "assault forcible entry, or injury accompanied by force", over which offences a justice has (by 53 George 3rd Cap. 150 Section 105)

Opinion by the Advocate General.

the

1st October 1844.

the Jurisdiction of Summary conviction: The examples noted are purely instances of Civil wrongs to be redressed by Civil Actions."

"In the cases to which this Statute applies he has jurisdiction only on complaint of Natives. His jurisdiction beyond the limits of Madras is altogether confined to the Acts and offences committed by Europeans or committed by other Subjects of the Crown at Sea."

"A Justice of the peace, acting in beyond the limits of Madras, must proceed as in preservation of the peace, according to the course prescribed for Justices in England, as far as it is applicable in India. It is not easy to say in what cases the exercise of a Justice's jurisdiction is applicable in this country, or otherwise - and a Justice of the Peace has need of much caution and forbearance in the exercise of his powers, according to the nature of the case, the distance from the presidency &c. I have published an Epitome of the Duties of a Justice of the Peace in India contained in a few pages, and a copy

FM.

1 October 1844

copy of which I take the liberty to transmit in the hope it might prove an useful and general guide, and to that I must crave to refer for a more detailed answer to the present reference."

(Sent following Circular No 2271)

Read letter dated 19th Ultimo from the Sessions Judge of Salem submitting for the final sentence of the Court of Foujdaree Adalut the proceedings in Case No 18 of 1844 -

(Here enter No 1. 2nd Sessions 1844)

The Court of Foujdaree Adalut

Vs Lewin

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

"Lingen"

is sufficient to convict him of the crime of Rape, for which in the absence of the required conditions of Qud, discretionary punishment is awardable under the Mahommedan Law, as declared in the Fatwa

futwa of their Law Officers, do convict him thereof, and, with reference to the provisions of Clause third Section VII Regulation XV of 1803, Sentence him to be transported to such place or places beyond Sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons on the public roads or other public works, for, and, during the period of his natural life.—

The Court of Foujdaree Udalut consider with the Judge of Lepkeri that the case is proved very clearly, but they think the punishment recommended is wholly inadequate for so gross an offence as that of rape on a child of 10 years old, and consider that transportation is the only appropriate punishment.—

Ordered, that Extracts of these proceedings be sent to the Sessions Judge of Lepkeri for his information.—

(Sent Following letter No. 2272)

Read letter dated the 5th August

August 1844, from the Sessions Judge of Chicacole, transmitting the Record of the Trial in case No. 4 on the Calendar for 1844.—

(Here enter Fle No. 2179 of 1844)

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

"Bavurah Toolajy gandoo,"

is sufficient to convict him of Murder 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 with reference to the provisions of Clause third Section XV Regulation VIII of 1802, do Sentence him to be imprisoned without irons for, and, during the period of two years.—

(Sent following letter No. 2273)

Read the Superior Criminal Reports submitted by the Acting Sessions Judge of Bimm

Jur

1st October 1844.

for the Month of August 1844.-

(Here enter F. H. No. 2538 of 1844.)

Read return dated the 26th September 1844, from the Acting 2d Session Judge of Cuddalore to the precept of the Foujdaree Adalut under date the 3d instant, requiring explanation of the delay which occurred in the communication to Mr. Baldwin Acting Zillah Surgeon, of the requisition of the Foujdaree Adalut regarding the health of the Prisoners in the Gaol at Cuddalore; and also of the omission to obtain the opinion of Mr. Preston the Zillah Surgeon in that subject.-

(Here enter F. H. No. 2629 of 1844.)

Read return dated the 23d September 1844 from the Acting Session Judge of Rajahmundry, to the precept of the Foujdaree Adalut under date the 27th August 1844, directing him to call for the Proceedings held by the Magistrate of Rajahmundry in Cases Nos. 4 and 5 during the Month of July 1844, and pass on them such Orders as may appear to him proper.-

(Here enter F. H. No. 2634 of 1844.)-

for H.

F. H.

Wednesday, 2d October, 1844.- At a Court of the Foujdaree Adalut.

Present.-

M. Lewin, Esqr 1st Actg 2d Puisne Judge.-

A. Maclean, Esqr 1st Actg 3d Puisne Judge.-

Read Criminal Reports for the month of August 1844, submitted by the Principal Sudr Ameen of Tinnevelly.-

(Here enter F. H. No. 2448.)-

Cases Nos. 3 and 5.

The Court of Foujdaree Adalut observe that the remarks of the Principal Sudr Ameen which are far too diffuse are entered in the report without any regard to the columns.- The Sentences of release are found inscribed in the column of commitment and vice versâ.-

2 The Court of Foujdaree Adalut direct that the Principal Sudr Ameen be required to be more attentive in future to the obvious

intention

intentions of the higher Court in framing these Statements. The mode of entry adopted by the Principal Sudr Ameen renders quite ungatory the division of the Statement into columns.—

Report No. V. Case No. 86.— 3. The Court consider that there was no necessity for the reference in this case. If the Police Officer is not competent rightly to appreciate the evidence in a case, he is not qualified for his post. The Magistrate will be pleased to discourage similar references in future.—

Case No. 87.— 4. The 1st prisoner in this case is charged with having forged 3 attachees as if given by the 1st, 2nd and 3rd witnesses to the effect that one Madathy died by a blow inflicted by Posthoovan by a cudgel when he died from having fallen into a pit, and the 2nd Prisoner is charged with being accessary thereto.—

5. The prisoners have been convicted and fined under Regulation X of 1816.—

The

6. The Court of Foujdaree Udalut are of opinion that the prisoners should have been tried for a conspiracy. They accordingly resolve to direct the Sessions Judge to call for the proceedings and should it appear that the prisoners are chargeable with a conspiracy, the Court authorize the Sessions Judge to order them to be committed for trial to the Sessions Court.—

7. The Sessions Judge will report to the Foujdaree Udalut what he may have done in pursuance of this order.—

Case No. 90. Section XLIII Act VII of 1843.— 8. It being competent to a Principal Sudr Ameen to communicate directly with District officers of Police for the purpose of obtaining evidence, the Court of Foujdaree Udalut desire it may be explained why the Yadasht in this case was sent to the Sessions Judge for a witness.—

Case No. 91.— 9. The note in this case — that the prisoners are the 2d and 5th

Prisoners

2d October, 1844.

Prisoners in the preceding case is unnecessary. The entry of the prisoners names in red ink furnishes this information.—

Case No. 93. 10. Regarding the explanation of the delay which occurred in this case, the Court of Foujdaree Udalut desire the Magistrate will ascertain and report on the nature of the proceedings of the Tahsildar returning "the Mazir-namah to the Peshkar to obtain more "signatures thereto".—

Case No. 95. 11. With reference to the charge in this case, and the punishment awarded by the Principal Sudr Ameen, the Court of Foujdaree Udalut resolve to direct the Sessions Judge to revise the proceedings, and should he be of opinion that the punishment is too severe, he will pass such orders on the case as may appear to him proper, reporting the result to the Foujdaree Udalut.—

Case No. 99. 12. As the delay in this case did not exceed 5 days, it was not necessary

F No.

2d October, 1844.

under Circular Order 18th May 1832 to insert in the report the explanation of the Police Officer.—

Ordered, that Extract from these proceedings be sent to the Principal Sudr Ameen of Tinnevelly, by precept returnable in 5 days from and after its receipt.—

(Sent following precept No. 2274)

Ordered also, that Extract from these proceedings (paras. 4 to 7 and 11) be sent to Sessions Judge, by precept returnable in 15 days from and after its receipt.—

(Sent following precept No. 2275)

Read Criminal Reports for the month of August 1844, submitted by the Acting Subordinate Judge of Mangalore.—

(Here enter F No. No. 2504)—

Report No. V
Case No. 140.

1 The prisoner in this case is charged with having unlocked the door of the prosecutor's house with a false key, entered therein, and stolen property valued at Rupees 50-2-0.—

The

2. The prisoner was convicted and sentenced to 4 months imprisonment under Section VII Regulation X of 1816.

3. The Court of Foujdaree Udalut have repeatedly ruled that the offence committed by the prisoner amounts to house-breaking. The punishment awarded is quite inadequate, and the regulation quoted in support of the sentence is inapplicable. Clause Sixth Section II Regulation VII of 1822 is the provision under which the punishment should have been awarded in this case.

4. The attention of the Sudr Ameen Pundit will be called to Circular Order 139, and he will be informed that in every case of house breaking the offender must be sentenced (with or without lashes not exceeding 150 at the discretion of the Court) to a severer punishment than 6 months imprisonment.—

Case No. 1144. 5. The Court presume that according to the concluding Parah. of their Circular Order of the 21st. May 1823, the remarks of the Acting Subordinate Judge

Judge in case No. 1144 have been furnished to the Magistrate - and they desire to be informed of the notice taken of them by the Magistrate.—

Case No. 1147. 6. The prisoner in this case having been convicted of house breaking should have been sentenced under Clause sixth Section II Regulation VII of 1822, and not under Clause fourth Section III of the same Regulation, which latter Section provides for the punishment of theft.—

Case No. 155. 7. The remarks recorded in case No. 1140 and 1147 are applicable to this case. The Subordinate Judge is required to enjoin on the Pundit Sudr Ameen the necessity of paying greater attention to the Regulations and Circular Orders.—

Ordered, that Extract from these proceedings be sent to the Acting Subordinate Judge of Mangalore for his information, by precept returnable in 5 days from and after its receipt.—

(Sent following precept No. 2276)

Read

2nd October, 1844.

Read Criminal Reports for the month of August last, submitted by the Acting Subordinate Judge of Madura.—

(Here Enter F. No. № 2526.)

1 These reports tho' dated 31st. August, did not reach this office till the 18th. September, the attention of the Subordinate Judge is again drawn to para: 6 of the Circular Order №140. The Court also desire that the practice of dating adopted by the Subordinate Judge be discontinued. all documents should bear the date of their transmission from the Office.

Supplemental Report. Case № 110.

2. Five prisoners in this case are charged with having been in possession of property which formed part of the amount (Rupees 126-1-1/8) property burglariously stolen on the night of 14th. May 1844 from the Prosecutor's house.—

3. The Sudr. Ameen Pundit convicted the 1st, 2d, 3d and 5th. prisoners and sentenced them under Clause fourth Section

F. No.

2nd October, 1844.

Section IV Regulation VII of 1822 to six months imprisonment and labor in irons.—

4. The sum stolen having exceeded 100 Rupees, the prisoners should under Clause second of the Section and Regulation quoted, have been committed to the Sessions Court, and the case should never have been referred to the Sudr Ameen.—

Case № 117. 5. The prisoner in this case has been convicted of housebreaking and sentenced by the Pundit Sudr. Ameen to 7 years imprisonment under Clause fourth Section III Regulation VII of 1822.—

6. The provision quoted is inapplicable. Clause sixth Section III Regulation VII of 1822 should have been cited.—

Report. № VI. Case. № 119. 7. In this case also the Pundit Sudr. Ameen has quoted the wrong regulation. Clause fourth Section IV Regulation VII of 1822, and not Section IX Regulation XIII of 1832 provides

provides for the punishment of receivers of stolen goods.—

8. The detention too of the prisoners in the Talook from the 26th June to the 2nd August is most unsatisfactorily accounted for. the Magistrate will be pleased to call for the proceedings and take such notice of the conduct of the Police officers concerned as he may deem proper, reporting the result for the information of the Foujdaree Udalut.—

9. The Subordinate Judge will accordingly furnish the Magistrate with a copy of the case as it stands in the Report, without the remarks of the Sudr Ameen, and of this and the preceding parah.—

10. The Court regret to find that 11 Cases remain undisposed of at the close of the month, and that of 11 Cases coming before the Acting Subordinate Judge in the month of August, 8 remain undecided. The Court expect greater despatch.—

The

11. The Subordinate Judge will explain the cause of the entertainment of 2 peons in excess of the regulated number. for 187 Convicts worked outside, the due proportion of peons allowing 1 for casualties is 47 not 49.—

12. The Court also desire to know where the 8 prisoners are employed in cutting firewood.—

Ordered, that Extract from these Proceedings be sent to the Acting Subordinate Judge of Madura, by precept returnable in 5 days from and after its receipt.—

(Sent following precept. No 2277)

Read Criminal Reports for the month of August 1844, submitted by the Principal Sudr Ameen of Trichinopoly.—

(Vide inter F. R. No 2566)

Supplemental Report. Case No 62.—

The Court of Foujdaree Udalut are of opinion that the discretion of the Principal Sudr Ameen would

would have been more wisely exercised in releasing on the grounds of punishment already endured them in punishing the 3rd Prisoner in this case - a boy of only 12 years of age - and they direct that the fine be now remitted.-

Case No. 64 - 2. The Court seeing reason to doubt whether any offence has been committed in this case, resolve to direct the Acting Sessions Judge to call for the proceedings held in it, and pass on them the proper orders, reporting the result for the information of the Foujdaree Adalut.-

Report No. V - Case No. 65 - 3. The prisoner in this case is charged with house breaking, and being convicted has been sentenced by the Principal Sudr Ameen to 2 months imprisonment under Clause Sixth of Section II Regulation II of 1822.-

4. The Court of Foujdaree Adalut observe that this sentence is altogether inadequate and at variance with the obvious intention of the legislature

in

in enacting the Regulation as shewn in Circular Order No. 139, to which the attention of the Principal Sudr Ameen was particularly called so late as the 8th June last.-

5. It is clear that the Regulations view the offence of house breaking not merely in the light of a common petty theft punishable to the extent prescribed by the provisions of Regulation X of 1816.-

6. One of the grounds of the enactment of Regulation VII of 1822 as stated in the preamble to it was for the purpose of rendering punishable by Criminal Courts certain definite offences amongst which is enumerated that of house breaking which were formerly punishable by Courts of Circuit. It follows then that in the contemplation of the legislature the utmost punishment which the Criminal Courts were previously empowered to inflict was not adequate to the offences specified, and it seems also that the discretion vested in

Criminal

2nd October, 1844.

Criminal Courts by the Regulation VI of 1822 was intended to go beyond the highest punishment they were before authorized to inflict, because it was the inadequacy of that punishment which rendered the extension of their powers necessary to enable them to take cognizance of any of the offences specified.

The attention of the Principal Sudr Ameen is required to be again drawn, the Court regret to find, to the 6th parah of Circular Order No. 40. The Criminal Reports did not reach this office till the 23rd instead of the 15th September.

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

(Sent following precept No. 2278)

Ordered also, that Extract from these proceedings (parah 2) be sent to the Acting Sessions Judge of Trichinopoly by precept returnable in XV days from and after its receipt.

(Sent following precept No. 2279)

F. No.

Thursday 3rd October 1844.

At a Court of the Foujdaree Udalut.

Present.

Henry Dickinson Esqre 1st Puisne Judge.
Malcolm Lewin Esqre Acting 2nd Puisne Judge.
Alexander Maclean Esqre Acting 3rd Puisne Judge.

Read letter, dated the 26th Ultimo from the Sessions Judge of Combaconum submitting the record of trial in case No. 49 on the Calendar of the Sessions Court for 1844.

(Here enter F. No. 2626)

Mr. M. Lewin and Mr. A. Maclean.

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

(Sent following letter No. 2287)

Read letter dated the 26th Ultimo from

3rd. October 1844.- from the Session Judge of Combaconum submitting the record of trial in case No. 50 on the Calendar of the Session Court for 1844.-

(Here enter F. C. No. 2627.)

Mr. Mc. Lewin.

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

1st. Nangon

and

2nd. Payon

is sufficient to convict them of the crime of being accessary to Murder after the fact, for which, according to the Maxommedan law, as declared in fulwas of their law Officer, discretionary punishment is awardable, do convict them thereof, and, with reference to the provisions of Clause third Section VII Regulation XV of 1803, adjudge 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.-

(Sent following letter No. 2285)

Read return dated the 5th Ultimo from

3rd. October 1844.- from the Session Judge of Chicacole to the Precept of the Foujdaree Udalut of the 26th August last observing that the date and the grounds of the commitment were not given in the proper column in case No. 6 of the Supplemental Report for the month of July 1844.-

(Here Enter No. 2601)

1. Adverting to the explanation given by the Session Judge in the above Return of the cause of his omission to exhibit in the proper column the grounds of commitment in Case No. 6 of the Supplemental Report for July last, the Court of Foujdaree Udalut resolve to modify para: 2 of their proceedings dated 22d. June 1844 by the addition thereto of the words "with a succinct abstract of the circumstances in evidence by which the case was removed from the jurisdiction of the Session Judge in his Criminal capacity" which it is observed is the rule in general practice in the Subordinate Courts exercising criminal powers.-

para: 2 pros: 726 22d. June 1844.-

2. The remarks by the Session Judge on which the para: in question was founded were altogether wide of the object

of

3rd October 1844 - of the Column in which they were inserted -

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

(Sent in No 2289)

Read Calendar in Case No 51 of 1844 submitted by the Sessions Judge of Mangalore -

(Here enter No 2623)

The above Calendar not requiring any remark from the Court of Foujdaree Udalut -

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

(Sent in No 2290)

Read return dated 22d August 1844 from the Acting Subordinate Judge of Cuddapah to the precept of the Foujdaree Udalut of the 6th idem conveying their remarks and orders on the Cuddapah Criminal Reports for the month of June last -

(Here enter F. Uc. No 2291)

In reference to the 4th parah: of the foregoing return it is observed that if the act charged in Case No 130 was proved the Court of Foujdaree Udalut

F. Uc.

3rd October 1844 - consider the measure of punishment adjudicable under Section XII Regulation X of 1816 as quite insufficient and the prisoners should have been committed -

Ordered that Extract from these proceedings be sent to the Acting Subordinate Judge of Cuddapah for his information -

(Sent in No 2291)

Read letter dated the 9th Ultimo from the Magistrate of Coimbatore stating that the powers vested in Magistrates by Act No VII of 1843 were not exercised in August 1844 -

(Here enter F. Uc. No 2471)

Read letter dated the 11th Ultimo from the Magistrate of South Arcot reporting that the powers vested in the Magistracy by Section IV Act VII of 1843 were not exercised in August 1844 -

(Here enter F. Uc. No 2472)

Read Calendar in Case No 17 of 1844 submitted by the Sessions Judge of Salem -

(Here enter F. Uc. No 2473)

Read.

3rd October 1844.-

Read letter dated 3rd Ultimo from the Session Judge of Tellicherry transmitting translation of a Tuitva in case No. 9 of 1844 on the file of the Session Court of Tellicherry -

(Here enter F. No. 2489)

Read letter dated 7th Ultimo from the Session Judge of Tellicherry transmitting translation of a Tuitva in case No. 10 of 1844. on the file of the Session Court of Tellicherry.-

(Here enter F. No. 2490.)

Read Criminal Reports dated 31st August last submitted by the Session Judge of Chingleput for the month of August 1844.-

(Here enter F. No. 2491.)

Read Criminal Report dated the 1st Ultimo from the Session Judge of Tinnevelly for the month of August 1844.-

(Here Enter F. No. 2493.)

Read Calendar dated the 10th Ultimo in case No. 33 of 1844 submitted by the Session Judge of Bellary.-

(Here enter F. No. 2496.)

3rd October 1844.-

Read Calendar dated the 15th Ultimo in case No. 73 of 1844 submitted by the Session Judge of Cuddapah.-

(Here enter F. No. 2498.)

Read Criminal Report dated the 11th Ultimo submitted by the Principal Sudr Ameen of Guntoor for the month of August 1844.-

(Here enter F. No. 2499.)

Read Criminal Reports dated the 2nd Ultimo submitted by the Subordinate Judge of Calicut for the month of August 1844.-

(Here enter F. No. 2503.)

Read letter dated the 11th Ultimo from the Acting Magistrate of Canara submitting the supplemental Report ending 31st July 1844 and reporting that no cases were disposed of by him under Section I. IV. Act VII of 1843 during the month of August last.-

(Here enter F. No. 2525.)

Read return dated the 10th Ultimo from the Session Judge of Mangalore to the precept of the Foujdaree Udalut dated the 4th Ultimo annulling so much of the sentence passed by him in Case No. 36 of 1844 as directed the 2nd prisoner to

3rd October 1844

to be worked "in irons", and calling for a statement of the grounds upon which the punishment has been adjudged.-

(Here enter F. No. No. 2530)

Read Criminal Reports dated the 9th August last submitted by the Acting Sessions Judge of Honore for the month of August 1844.-

(Here enter F. No. No. 2534.)

Read return dated the 24th Ultimo from the Principal Sudr Ameen of Masulipatam to the Precept of the Foujdaree Adalut dated 20th Ultimo directing the return of the fine imposed on the Prisoner in Case No. 25 of 1844 on the file of that Court.-

(Here enter F. No. No. 2536.)

Ext. W.

Read letter dated 23rd August 1844 from the Acting Subordinate Judge of Salem forwarding in accordance with the concluding paragraph of Circular Order 1st June 1829 for the orders of the Foujdaree Adalut copy of an Extract from the proceedings of the Sessions Judge of

F. No.

3rd October 1844

of Salem and of the report of the Assistant Surgeon in Charge of the Jail regarding the insane prisoner in Case No. 13 of 1844 on the Salem Calendar.-

(Here enter F. No. No. 2282)

The prisoner in this Case

1. was charged with having severely cut and wounded three persons.

2. It appears from the evidence of the 3rd 4th 5th 6th and 7th witnesses before the Subordinate Court that the prisoner has been deranged in mind for 3 years- and the Assistant Surgeon certifies that he is in a state of confirmed Idiotcy and perfectly harmless- Since committed under Mr. Scott's observation he has never been known to attempt to converse with or take the slightest notice of any one- his mind appears to be a blank.-

3. Mr. Scott adds that his

8th October 1844- his opinion "no danger might be appre-
=hended if he were restored to his
relations."-

Under these circumstances
the Court see no objection to the prisoner's
being made over to the charge of his
relations provided they enter into
securities under the provisions of Clause
1st Section IX Regulation VI of 1827 for
his future good conduct.-

Ordered that Extract from
these proceedings be sent to the Acting
Subordinate Judge of Salem for his
information by precept returnable
in 30 days from and after its receipt.-

(Sent following precept. No 2292)

F. 46.

Friday,
4th October, 1844- At a Court of the Foujdaree Udalut.

Present,

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

Read letter dated the
17th January last from the Acting Ses=
=sion Judge of Trichinopoly -
(Here Enter No 208 of 1844.)
With the above address
the Acting Session Judge of Trich=
=inopoly has submitted for the con=
=sideration and orders of the Foujdaree
11th January, 1844- Udalut, a transcript of a commun=
=ication from the Magistrate of
Trichinopoly in which that Officer
has taken objection to the issue to
him by the Session Court, of an
"injunction" which would seem to
have been contained in the proceed=
=ings of the Session Court dated
the

the 5th January last requiring certain instructions to be given to Subordinate Police Officer.—

2. The Acting Sessions Judge observes that it appears to him rather an imperfect mode of proceeding for a Court of Justice to bring any error to the notice of the Magistrate, without, at the same time, pointing out how such error should be amended, which can be done, he remarks, only by injunction or suggestion.— He further observes that under Section I of the same Act it is enacted that the new Zillah Courts are to perform the Civil and Criminal functions now performed by the Provincial Courts.— And that under Section XXVI it is enacted that the Judges of the Zillah Courts shall exercise within their respective Zillahs the same Criminal jurisdiction as is now exercised by the Judges of the Court of Circuit and that it therefore, appears to him that the

the object of Section XLI is to point out the express duty of the Sessions Judge, but not to prohibit the Judge from performing that duty in the most efficient way.—

3. The Magistrate founds his objection to the issue of an injunction on the ground that under Section XLI of Act VII of 1843 it is only competent to the Sessions Judge to "bring to the notice" of the Magistrate.—

4. The Court of Sonjdaree Udalut think that a Sessions Judge is not authorized to issue an injunction to a Magistrate in the case in question.—

5. To "bring to the notice of the Magistrate" is clearly a very different proceeding from the issue of an injunction and as authority to issue injunction is expressly given in many cases, it must be presumed that where it is not expressly given, it is not intended to be exercised.—

Ordered, that Extract from these proceedings be forwarded to the Sessions

4th October, 1844.

Sessions Judges for communication to the Magistrates, Subordinate Judges and Principal Sudr Ameens within their jurisdiction.—

(Sent in No. 2293)

Read return dated 1st July 1844 from the Sessions Judge of Honore to the precept of the Fowjdaree Udalut of the 19th June calling for a full statement of the particulars connected with the case wherein the Prisoner was charged with having in his profession a red Jacket worn by the Honorable Company's Sepoys.—

(Were enter F.H. No. 1679)

1. It appears from a communication from the Adjutant General of the Army that a Sepoy acquires a right over his clothes after the issue of fresh ones—therefore the sentence of imprisonment awarded and executed in this case in default of the fine has been illegal.—

2. The Court resolve to direct that

F.H.

4th October, 1844. that a copy of the Adjutant General's letter of the 4th September 1844 be forwarded to the Acting Sessions Judge of Honore for his future guidance.—

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

(Sent in No. 2294)

Read Calendar submitted by the Sessions Judge of Cuddapah of cases No. 51 and 52 of 1844 on the file of the Sessions Court.—

(Were enter F.H. No. 2095)

1. The 1st prisoner in case No. 51 was charged with having while armed, threatened to kill the Prosecutor and forcibly violated the person of his wife—The 2nd Prisoner with having aided and abetted the 1st prisoner in the commission of the above crime.

2. The prisoner in case No. 52, who is concerned as 2d Prisoner, in

in the previous case, was charged with having, while armed, threatened to kill the Prosecutor, and forcibly violated the person of his wife.-

3. The Futwah of the Law Officer convicted the 1st prisoner in Case No. 51 and the prisoner in Case No. 52 of Amara Maheyon or abduction and declared them liable to Ookoobut at the discretion of the Judge - The 2nd prisoner in Case No. 51 having been convicted in case No. 52 was acquitted of the minor charge brought against him in No. 51.-

4. The Sessions Judge states that the prisoners belong to a race of people called Chentwoos, who are very little removed from the brute creation in their habits and pay little regard to the ordinary rules of civilized life.

5 Under the above circumstances and the admission of the Wife of the Prosecutor in Case No. 52 that she was suffering from venereal

disease at the time the Prisoner cohabited with her, the Sessions Judge did not consider it just to class the offence committed by the prisoners under the head of "Rape," of which the Futwah of the Law Officer acquitted them.-

6. Under the peculiar circumstances of the prisoners above detailed, the Sessions Judge also states that he did not deem it expedient in conformity with Clause third Section III Regulation I of 1818 to refer these cases to the Court of Foujdaree Udalut, but recommends that the prisoners be imprisoned and kept to hard labor for one year agreeably to Clause Seventh Section II Regulation XV of 1803.-

7. The Court of Foujdaree Udalut cannot concur in the propriety of the reasons which the Sessions Judge has advanced for not referring these cases - and think that he has been much too lenient in so passing