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No 96

Proceedings

2nd Half

1852

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Fl. 210.

Thursday 1st July 1852. } At a Court of the Poojdaree Udalut

Present

W.R. G. A. Hooper Esqr.
W.R. W. A. D. Inglis Esqr 2nd Mr. } Puisne Judges

Read letter dated 16th June 1852 from the Sessions Judge of Madura submitting for the Judgment of the Poojdaree Udalut, the record of Case No. 18 of 1852. of the Calendar of the Session Court.

(Here enter No. 1525 of 1852.)

The Court of Poojdaree

Mess. G. A. Hooper
A. Morris &
W. A. D. Inglis

Udalut on deliberate Consideration of all the Circumstances of the Case in Evidence before them being of opinion that the proof against the prisoner

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is sufficient to Convict him of the Crime 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

appoint there to be imprisoned and kept to hard labor in irons on the Public roads or other public works for and during the period of his natural life.

Sent in No. 865.

Read the following letter dated the 10th June 1852 from the Sessions Judge of Cuddapah.

(Here enter F. No. 1146 of 1852)

The Sessions Judge submits for the consideration of the Court of Foujdaree Udalut copy of a Communication from the Magistrate of Cuddapah, and requests their opinion as to the correctness or otherwise of an order passed by him directing that a case of murder recently sent up to the Criminal Court be examined de novo, on the ground that the depositions taken by the Head of Police were recorded in a language unknown to the Prisoners and witnesses.

The Court of Foujdaree Udalut are of opinion that under the circumstances

stated

stated in the foregoing Communication of the Sessions Judge that officer was justified in ordering a fresh examination of the Case in question before the Head of Police of Madanapilly particularly as it would appear that the examination previously held before the Mysore authorities was in other respects irregularly conducted.

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

(Sent in No. 866)

Read return under date the 20th March 1852 from the Sessions Judge of Masulipatam to the Precept of the Foujdaree Udalut dated the 16th March 1852 directing that Officer to submit translations of the entire records of Cases Nos. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61 62, and 63. on the Calendar of the Sessions Court.

(Here enter F. No. 754 of 1852)

The Court of Foujdaree Udalut observe that the Sessions Judge

we

was in error in omitting to commit — the 3d witness in Case. N.o 59 for trial for perjury, merely on the ground that there was no note recorded on the depositions given by that witness before the Special Assistant Magistrate to the effect that it had been read over to him and admitted by him to have been correctly recorded.

2 It is sufficient to the Court observe, that this fact should be proved on the trial, and the Court accordingly direct that the Sessions Judge will take into consideration the propriety of placing the said witness upon his trial for the perjury which the Sessions Judge apparently considers him to have committed, leaving it to his discretion whether to do so or not.

3 It does not appear whether any notice has been taken by the Sessions Judge of the gross accusation made by this witness against the Special Assistant Magistrate and whether the attention of the latter officer has been called to it, and the Court direct

1st July 1852.

that on this point, an explanation may be submitted.

4 In Case N.o 60 an accusation of an equally serious nature has been preferred against the Special Assistant Magistrate by the 4th witness in that Case in his answer to the 8th question put to him by the Sessions Judge which does not appear to have been communicated to the former officer.

5 The Court direct that the Sessions Judge will furnish Mr. Bird with a copy of the said witness's deposition and transmit to the Foujdaree Adalut any observation which Mr. Bird may make thereon together with an explanation of the omission to apprize him of the charge which had been preferred against him.

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

(Sent following Precept N.o 867)

Read return dated 22nd Ultimo from the Acting Sessions Judge of Honore to the

Precept

1st July 1852

Precept of the Foujdaree Udalut under date the 15th June 1852 directing that the prisoner in Cases Nos. 17 and 18 of 1852 disposed of by the Sudr Ameen of Sircy be unconditionally set at liberty the Prosecutor being informed that he may seek redress before the Civil tribunals.--

(Here enter F. C. No. 1603 of 1852)

Read return dated 21st Ulto from the Acting Session Judge of Honore to the Precept of the Foujdaree Udalut under date the 7th May 1852 calling upon the Acting Session Judge to ascertain and report what notice has been taken by the Magistrate of the charge of illtreatment made against the Police by the Prisoners in Calendar No 7 of 1852.

(Here enter F. C. No. 1604 of 1852)

Read Calendar of Cases Nos. 7 & 8 of 1852 submitted by the Acting Sessions Judge of Chittoor under date the 29th June 1852

(Here enter Nos. 1606 & 1607 of 1852)

Read Calendar of Case No. 29 of 1852 submitted by the Acting Sessions Judge

1st July 1852

Judge of Honore under date the 23rd June 1852.--

(Here enter F. C. No. 1610 of 1852)

Read Petty Calendars dated 23rd Ultimo from the Acting Sessions Judge of Honore; of Cases disposed of by the Magistrate during the 1st Quarter of 1852.--

(Here enter F. C. No. 1611 of 1852)

Read Statement dated 16th February 1852 submitted by the Sessions Judge of Masulipatam of batta paid to Prosecutors and Witnesses for the 2nd half of 1851.

(Here enter F. C. No. 495 of 1852)

Saturday 3rd July 1852. } At a Court of the Faujdaree Adalut

Present

G.S.H. G. S. Hooper Esqr. } Puisne Judge
W.D. W. A. D. Inglis Esqr. Offg.

Read again Calendar of Case No. 21 of 1852 of the Session Court of Calicut.
(Here enter Fk. 26. No. 1064 of 1852)

Read also returns and supplemental returns dated 10th and 17th Instant from the Acting Session Judge of Calicut to the precept of the Faujdaree Adalut of the 12th May 1852 calling for an english translation of the entire record in the above Case.

(Here Enter Fk. 26. No. 1162 to 1551 of 1852)

The Prisoner in the dock

Mr. G. S. Hooper and Mr. W. A. D. Inglis

was charged with going robbery attended with violence, of which offence, the Mahomedan Law officer after the removal of certain special exceptions, declared him guilty and consequently liable to Hud. In this conviction

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the Acting Sessions Judge concurred and accordingly sentenced the Prisoner to fourteen years imprisonment with hard labor in irons

2 On an attentive consideration of the record the Court of Foujdaree Udalut observe that the evidence against the Prisoner would appear to rest mainly on his alleged identification by the Prosecutrix and the 1st. and 2d. witnesses on the night of the robbery, and on the discovery of a brass Kindy in the house of the prisoners brother who stated that it had been pledged to him by the prisoner.

3 As respects the 1st. point the Court see strong grounds for doubting the testimony of the Prosecutrix and the 1st and 2d. witnesses.

4 In the first report of the Adigharry no person was named as concerned in the robbery, that officer merely stating that "on being questioned they said they had recognized "one or two persons"

5 The 3d. witness who preceded to the Prosecutrix's house immediately after the robbers left it also deposed on a former occasion

occasion before the then Subordinate Judge that the Prosecutrix had mentioned the Prisoners name very "doubtfully," and the manner in which he has now attempted to explain away that statement, added to the embellishments apparent in the evidence of the Prosecutrix and the 1st. and 2d. witnesses render the Conviction of the prisoner on their asserted recognition next to impossible.

6 With regard to the 2d. point the Court of Foujdaree Udalut consider that there is no proof of the Kindy having been given by the Prisoner to his brother, who when arraigned before the Subordinate Court denied his previous accusation of the Prisoner, stating that he could not say whether it was the prisoner or some one else who brought the Kindy to his house, and that the Adigharry had desired him to go to the Talook Cutcherry and depose as he had previously done.

7 Irrespective of the above objections to the evidence for the prosecution the Court consider it open to question whether the

the

the attack on the Prosecutrix's house was made for the sake of plunder, of which it offered but a poor prospect, and was not rather the result of enmity arising from the 1st witness having discarded a former paramour and taken up with the 2d witness, an occurrence not uncommon in Malabar but which is always carefully kept out of sight.

8 It further appears doubtful whether the Prisoner's Conversion to Mahomedanism did not take place previously to the date of the charge, it being certain that such a step would inevitably excite against him the anger, not only of his relatives but also of all the neighbouring Hindoos and especially of the Nairs.

9 Setting aside however the two circumstances last mentioned, the Court regard the evidence for the prosecution as open to too much suspicion to be implicitly relied on for the conviction of the prisoner, and they accordingly resolve to reverse the sentence passed upon him by the Acting Sessions Judge. Adverting however to the fact of a proclamation offering a reward for his apprehension having been issued almost immediately after the attack on the Prosecutrix's house, and the length of time during which he absented himself from his house and continued to elude detection, the Court are of opinion that considerable suspicion attaches to the prisoner and they accordingly direct that he be called upon to produce two sureties in the sum of Fifty Rupees each for his good Conduct and appearance when required during Three years, or in default, that he be imprisoned for that period.

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Calicut for his information and guidance by Precept returnable within 7 days from the receipt thereof.

(Sent following Precept No. 671)

Read Calendar of Cases No. 31 of 1853 submitted by the Sessions Judge of Rajahmundry dated 26th June 1853.

(Here enter S. C. No. 1613 of 1852)

Read

Monday
5th July 1852.

F. H:

At a Court of the Tanjore Adalut

Present.

The Hon'ble G. S. Hooper Esquire — } Puisne Judge
The Hon'ble M. D. Inglis Esquire

Read again Criminal Reports submitted by the Sessions Judge of Tellicherry for the Month of November 1851.
(Here Enter F. H. No 2867 of 1851)

Read also again Return dated 31st January 1852 made by the Sessions Judge of Tellicherry to the Precept of the Tanjore Adalut under date the 19th January 1852 for explanation with reference to case No 75 of 1851 entered in the foregoing Reports.
(Here Enter F. H. No 339 of 1852)

Read also again Miscellaneous Petition presented on the 8th and 26th January 1852 by M. Samoo Sastry Vakeel on behalf of Tahoor Kunja Raman Menon Ramon Adiody and Amber Ramkiar, Prisoners in the above case.—
(Here Enter F. H. M. No 5-6-14 1852)

Read also return dated 19th April made by the Sessions Judge of Tellicherry

do

Read letter dated 24th Ultimo from the Acting Sessions Judge of Honore, returning made with reference to the Proceedings of the Tanjore Adalut dated 18th June 1852 directing that the requisition of security under which the 3d 4th 5th 6th and 7th Prisoners in Calendar No 25 of 1852 were placed, be cancelled.
(Here enter F. H. No 1620 of 1852.)

Read Extract dated 24th Ultimo from the Sessions Judge of Masulipatam giving a decision held by the Sessions Court upon the petty Calendars of the Magistracy for 4th Quarter of 1852
(Here enter F. H. No 1621 of 1852)

Read Calendar of Case No 16 of 1852 submitted by the Acting Sessions Judge of Salem under date the 23d June 1852.
(Here enter F. H. No 1623 of 1852)

Exd. Thompson Clk

to the Precept of the Tanjoare Vacaut under date the 11th March 1852 calling for an English Translation of the entire record of case No 75 of 1851 on the Criminal file.-

(Here Enter S. C. No 1025 of 1852)

1. In the foregoing case 7 Prisoners were charged with "Fraud," in having, with the fraudulent intention of depriving the Prosecutor of certain Paddy fields, fabricated, caused to be fabricated, or aided and abetted in the fabrication of, two fictitious deeds of gift.- The 1st Prisoner was further charged with having with the same fraudulent intent produced the said two deeds before the Sudder ameen of Tellicherry.-

2. The Principal Sudder ameen considered the evidence insufficient for the conviction of any of the Prisoners, but being of opinion that a strong suspicion attached to them, he required the 1st 2d 3d and 4th Prisoners to furnish Security under clause first, Section IV, Regulation II of 1825, directed the suspension of the 5th and 6th Prisoners who were public servants, and released the 7th with a warning-

3. The Record of the trial was called for by the Court of Tanjoare Vacaut, who

were unable to ascertain from the statement of the case as set forth by the Principal Sudder ameen in the Criminal Reports, or from the remarks of the Sessions Judge in his Proceedings reviewing the same, the real merits of the case, or what the precise judgment of those officers respectively had been in regard to it.-

4. The Court of Tanjoare Vacaut having now carefully perused the whole of the Proceedings in this case before the lower Courts, as well as the Petitions &c presented on behalf of the 1st 2d 3d 4th 5th Prisoners, and given them full and deliberate consideration, are constrained to concur with the Sessions Judge in the view which he has taken of it- being of opinion that although the evidence adduced may not amount to that degree of full and legal proof which is required for conviction, yet that the strongest suspicion is thereby created that the Prisoners are guilty of the fraudulent acts charged against them.-

5. That the land in question is the Jenm property of the Prosecutor, appears to the Court to have been most clearly

and

and satisfactorily established: while on the other hand they observed that the 2d Prisoner has not even attempted to bring forward any proof that it was the Jemm property of his Farmand - and all the circumstances of the case taken together, lead to the almost irresistible conclusion that the Prisoners were fully aware of the Jemm rights of the Prosecutor, and that therefore the sale of the land by the 2d Prisoner to the 3rd and of the latter to the 1st & 2d was fictitious and fraudulent.

6. The Court remark moreover that nothing can be more futile or unsatisfactory than the attempts made by the 1st and 2d Prisoners in their defence and in their letters to make it appear that they had no intention to commit fraud, but that the said transactions were bonâ fide and legal, and that the charge was got up against them this Enmity alone.-

7. The Court of Sessions have agreed in opinion with the Sessions Judge that the case in question ought to have been committed by the Criminal Court to the Sessions Court in the first instance, but upon a careful consideration of the whole circumstances of the case

they are of opinion that the Criminal Court exercised a sound discretion in not directing its Commitment subsequently - and they have no hesitation in recording their entire concurrence in the orders issued by the Sessions Judge directing the removal of the 1st 4th and 5th Prisoners from the situations they held, and prohibiting the re-employment of the 6th Prisoner in any Court - as well as in the requisition of security made by the Principal Sudder Ameen from the 1st 2d 3rd and 4th Prisoners.

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

Sent in No. 873.

Ordered also, that the prayer of the foregoing Petition be rejected and that Extract from these Proceedings be given to the Petitioner's Vakeel on his application.-

Read Report dated 18th April 1852 submitted by the Sessions Judge of Cimgalpat of persons apprehended and delivered to him by the Magistrate for the month of March 1852

Here Enter J. L. Proceedings of 1852

and satisfactorily established: while on the other hand they observed that the 2d Prisoner has not even attempted to bring forward any proof that it was the Jemm property of his Farmaad - and all the circumstances of the case taken together, lead to the almost irresistible conclusion that the Prisoners were fully aware of the Jemm rights of the Prosecutor, and that therefore the sale of the land by the 2d Prisoner to the 3rd and by the latter to the 1st & 4th was fictitious and fraudulent.

6. The Court remark moreover that nothing can be more futile or unsatisfactory than the attempts made by the 1st and 2d Prisoners in their defence and in their petition to make it appear that they had no intention to commit fraud, but that the said transactions were bona fide and legal, and that the charge was got up against them this enmity alone.-

7. The Court of Tanjore are decidedly agree in opinion with the Session Judge that the case in question ought to have been committed by the Principal Sudder Ameen to the Sessions Court in the first instance, but upon a careful consideration of the whole circumstances of the case they

they are of opinion that the Sudder Ameen exercised a sound discretion in not directing its commitment subsequently - and they have no hesitation in recording their entire concurrence in the orders issued by the Sessions Judge, directing the removal of the 1st 4th and 5th Prisoners from the situations they held, and prohibiting the re-employment of the 6th Prisoner in any Court - as well as in the requisition of security made by the Principal Sudder Ameen from the 1st 2d 3rd and 4th Prisoners.

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

Sent in No. 873.

Ordered also, that the prayer of the foregoing Petition be rejected and that Extract from these Proceedings be given to the Petitioner in Reply to his application.-

Read Report dated 18th April 1852 submitted by the Sessions Judge of Tinnevelly of persons apprehended and delivered to him by the Magistrate of the month of March 1852

Here enter J.R. No 991 of 1852

F. U.

Wednesday — 7th July 1852 } At a Court of the Foujdaree Udalut

Present

H.M. G. S. Cooper Esqre — } Puisne Judge
H.M. W. A. D. Inglis Esqre officiating }

Read again Calendars of Cases

Nos. 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62 and

63 of 1851 of the Sessions Court of Masuli-

-patam.—

(Here enter F. R. P. No. 2826 of 1851)

Read again also return unde

date the 10th January 1852 from the —

precept of the Foujdaree Udalut dated

the 2d January 1852 calling for an —

explanation of the circumstances whic

led to the charges preferred in the —

foregoing cases having been brought

forward after such lengthened period

had elapsed since the alleged dates

of the commission of the several —

offences charged.—

(Here enter F. U. No. 112 of 1852)

Read again also Extract

From

From the Minutes of Consultation under date the 10th February 1852 forwarding for the consideration of the Court of Fouj=daree Udalut a letter from the Commis=er of the Northern Circars having reference to the rejection by the Sessions Judge of Masulipatam of the testimony of certain witnesses on the ground of their complicity in the offence charged and requesting the Court to call for the correspondence which had passed in the matter between the Session Judge and the Magistrate of Masulipa=tam and to review the proceedings of the former Officer in the several cases referred to.=

(Here enter F. C. No. 201 of 1852)

Read again also letters under date the 11th and 19th March 1852 from the Session Judge of Masulipatam forwarding copies of certain letters from the Magistrate and Special Assistants Magistrate with reference to the remarks recorded by the

the Court of Foujdaree Udalut under date the 3d February 1852 regarding an opinion expressed by the latter Officer in a previous communication on the conduct and character of the native officials em=ployed under the late Collector and Magistrate of that District.=

(Here enter F. C. Nos. 672 & 719 / 1852)

Read, also return under date the 20th March 1852 and Supplemental return under date the 5th April 1852 from the Session Judge of Masulipa=tam in reply to the precepts of the Foujdaree Udalut dated the 16th March 1852 directing that Officer to submit trans=lations of the entire records of Cases Nos. 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62 and 63 on the file of the Session=s Court.=

(Here enter F. C. Nos. 754 and 879 / 1852)

Read, also letter under date the 7th April 1852 from the Session Judge of Masulipatam for=warding copies of the correspondence with reference to case No. 14 of 1851

on

on the file of the Special Assistant Magistrate.—

(Herewith F.C. No. 904 of 1852)

Read also Extract from the Minutes of Consultation under date the 20th April 1852 No. 354, conveying the observations and orders of Government on certain points connected with the case above referred to.—

(Herewith F.C. No. 908 of 1852)

Read also letter under date the 12th June 1852 from the Sessions Judge of Masulipatam requesting instructions on the subject of drawing out the charge of Perjury against C. Sobbiah, a Pleader of the Civil Court under Para 2 of the Proceedings of the Foujdaree Udalut dated 7th June 1852—

(Herewith F.C. No. 1481 of 1852)

The Court of Foujdaree Udalut having had under their attentive consideration the records of the several Cases referred to in the foregoing papers feel bound to record their entire concurrence with the Sessions Judge in considering

the

the evidence in each of the Cases in question altogether insufficient for the conviction of the accused.—

2 The evidence in each Case is replete with contradictions and inconsistencies and which in some instances the statements made by the witnesses have been altogether retracted by them before the Sessions Court, in others the testimony given before the Special Assistant Magistrate is so full of discrepancy as to renders it a matter of surprise how he could have considered himself justified upon such evidence in committing the prisoner for trial.—

The Court of Foujdaree Udalut

3. however are constrained to observe that the manner in which the primary investigations have been conducted by the Special Assistant Magistrate is most unsatisfactory throughout. The Depositions of the prosecutor and two or three witnesses have been taken without any questions being put to them by way of cross examination with a view to test their veracity and in some instances the most glaring discrepancies in their depositions

depositions appear to have been entirely
overlooked.—

4 Nor can the Court pass unnoticed
the very injudicious and uncalled for
remarks recorded by the Special Assistant
Magistrate in the Memoranda forwarded
by him with each of the cases to the Sessions
Court, conveying his opinion as to the
sufficiency of the evidence for the conviction
of the accused.—

5 These remarks besides being
in many instances entirely unwarranted
by the evidence to which they referred
were obviously most objectionable as
being altogether beyond the province of the
committing officer, and having the appearance
of a desire on his part to bias the
judgments of the Superior Court.—

6 The trials of the several Cases
in the Sessions Court appear to the
Court of Foujdaree Adalut to have
been most carefully conducted in a
manner most fair and impartial and most creditable
to the Sessions Judge. No pains seem to have been
spared by him to test the evidence
before him by proper cross examination

and

and upon the evidence adduced the Court
of Foujdaree Adalut are satisfied that
no other conclusion could have been
arrived at than those formed by the
Sessions Judge.—

7 In a few of the cases there
is undoubtedly some reason to believe
that the charge was founded on
truth and that the ends of justice have
been defeated in consequence of certain
witnesses who were themselves deeply
implicated in the acts charged against
the accused having retracted their
statements through fear of
the consequences that might result
to themselves if they adhered to them
and the result of these cases appears
to the Court of Foujdaree Adalut to
present a forcible illustration of
the impolicy of receiving the evidence
of a party so situated without in the
first instance formally making him
an approver and so freeing him from
all fear of liability to punishment
for his complicity in the acts in re-
=gard to which he is called upon
to depose.—

On

8 On this point the Court of Foujdaree Adalut have already recorded their opinion in their Registers letter to Government under date the 27th February last as to the legal admissibility of such evidence in cases of the nature of those now under notice.—

9 In the proceedings held by the Sessions Judge upon Case No. 14 of 1851 on the file of the Special Assistant Magistrate wherein the Sentence passed by the latter Officer was reversed by the Sessions Court, it is argued that the evidence of the 3d witness was inadmissible on the ground that he was shown by his own Statements to have been an accomplice in the crime charged, and that his examination as a witness was opposed to the rule laid down in the Circular Order of the Foujdaree Adalut under date the 18th May 1841.—

10 It is however to be observed that the Circular Order in question has reference only to the admissibility of the evidence of a party sent up as a prisoner to

to the Criminal Court and is therefore altogether inapplicable to the case under notice in which the witness whose competency has been objected to by the Sessions Judge though appearing from his own Statements to have been implicated in the crime charged was not prosecuted for it before the Special Assistant Magistrate—Had the individual referred to been included in the charge preferred by the Prosecutrix it would clearly have been the duty of the Special Assistant Magistrate either to proceed with his trial and after the conclusion thereof to take his evidence against the principal in the offence charged or in the first instance to apply for sanction to admit him as an approver in the case, but in the absence of any specific charge having been preferred against him the Court of Foujdaree Adalut consider that it was competent to the Special Assistant Magistrate to deal with him as he thought proper.

In recording the foregoing

11 remarks

7th July 1852.

remarks as to the admissibility of the evidence of supposed accessaries without the usual preliminary of a conditional pardon the Court of Foujdaree Udalut have had regard to the nature of the offences charged in the Cases under consideration which it is to be observed do not come under the designation of "heinous crimes" and are not therefore affected by the provisions of Section XX Regulation VIII of 1802.—

12 It has been ruled by the Court of Foujdaree Udalut that this enactment precludes the examination as a witness of an unconnected accessary to an heinous crime, whether he be merely "supposed" to have been concerned in it or expressly charged with the same, unless he be formally admitted as an approver with the sanction of the Foujdaree Udalut.—

13 It does not however appear that in any of the Cases tried by the Sessions Judge the evidence of accessories has

7th July 1852.

has been actually refused by him, altogether pronounced by him to be legally inadmissible except under the circumstances of their having been formally admitted to a conditional pardon.—

14 In each Case their evidence have been taken, and in each Case that evidence upon its own merits has been pronounced (and in the opinion of the Court of Foujdaree Udalut correctly so) to be altogether undeserving of credit.—

15 The Court of Foujdaree Udalut proceed to advert to the other points noticed in the Extract from the Minutes of Consultation under date the 20th April last.—

16 The Court of Foujdaree Udalut as at present composed have already expressed their dissent from the construction recently put by the Court upon the provisions of Clause Second Section IV Act VII of 1843 in regard to Cases of abuse of authority by Native Officers of Police and have recorded

recorded their opinion that it is competent to
Magistrates to dispose of such cases under
Section VII Regulation X of 1816.—

17. With reference to the remarks recorded in the 8th para of the order in question, the Court of Foujdaree Udalut observe that the representation therein alluded to as having been made on the subject of the censure passed by the Foujdaree Udalut in regard to certain expressions made use of by the Special Assistant Magistrate with reference to the Native Officials in the District was replied to in the following terms.— "From an the information now — — — before them the Court of Foujdaree Udalut observe that the Special Assistant Magistrate had ample grounds for the opinion expressed by him on the 7th January last of the conduct of the Native Officials generally in the District of Masulipatam, but they are still of opinion that the expression of that opinion in a letter addressed to the Session Judge with especial reference to the charges preferred

F. U.
7th July 1852.

preferred before the Session Court against the late Head of Police of Masulipatam was uncalled for and injudicious".—

18 The Court of Foujdaree Udalut still think that such an expression of opinion on the part of a committing Officer was uncalled for and injudicious.

19. Adverting to the case of the Vakeel C. Soobiah referred to in para 9 the Court of Foujdaree Udalut deem it proper to submit for the consideration of the Right Honorable the Governor in Council the accompanying copy of a return made on this subject by the Session Judge of Masulipatam in which, the Court consider, that that Officer has satisfactorily accounted for his omission to take any special notice of the allegations made by the Vakeel against the Special Assistant Magistrate.—

20 It will be observed that the question of the Vakeel's liability to an indictment for perjury was immediately entertained by the Session Judge and

a reference was made by him on the
subject to the Court of Foujdaree Udalut
in reply to which he was directed to act
upon his own discretion in the matter;
but although it was then decided by
the Sessions Judge (and as it appears
to the Court of Foujdaree Udalut erro-
neously) that under the circumstan-
ces of the case a prosecution for
perjury could not be sustained, it
seems that the alleged misconduct
of the Vakeel in certain other matters
was at the time under investigation
and had led to his suspension from
his office which is still in force;
and considering the heavy press of
business devolving upon the Sessions
Judges in consequence of the number
of Cases pending before him and the
fact that the Magisterial authorities
had full and constant information
of the proceedings in the Sessions Courts,
the Court of Foujdaree Udalut are
bound

7th July 1852.

bound to state their opinion that the
omission of the Sessions Judge to make
any formal communication to the
Special Assistant Magistrate in regard
to the allegations of the Vakeel is very
sufficiently explained.

24 The Court of Foujdaree Udalut
in their proceedings of the 7th Ultimo
directed that the Vakeel should be
put upon his trial for perjury, but on
a re-consideration of the deposition given
by him before the Special Assistant
Magistrate they observe that the
Statements therein delivered so far
as they affected the prisoner under
trial being entirely hearsay and there-
fore in no way material to the issue
of the trial in the course of which
they were delivered, his subsequent
contradiction of them would be
altogether insufficient to sustain an
indictment for perjury.

22 The allegations made by
the Vakeel before the Sessions Court
in

7th July 1852.

in regard to the manner in which Mr. Bird's proceedings were usually conducted, were likewise, it is to be remarked, altogether immaterial to the issue of the trial, and would therefore, even if disproved by the clearest evidence, afford no grounds for an indictment for perjury under the provisions of Regulation VII of 1811.

23. Under these circumstances the Court of Foujdaree Udalut are constrained to direct that the prosecution of the Vakeel should be abandoned but considering that by his gross prevarication in the trial under notice, he has proved himself unworthy of being retained in his situation as a Pleader in the Session Court, they resolve to direct that he be dismissed therefrom under the provisions of Section VI Regulation XIV of 1816.

Ordered that Extract from these Proceedings be sent to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council

(Sent in No. 881.)

Ordered

5

S. U.

7th July 1852.

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

(Sent in No. 882.)

Read again Calendar of Case No. 8 of 1852 of the Sessions Court of Guntoor.

(Hereenter F. U. No. 1260 of 1852)

Read also letter dated the 9th June 1852 from the Sessions Judge of Guntoor.

(Hereenter F. U. No. 1440 of 1852)

Under the circumstances stated in the foregoing communication the Court of Foujdaree Udalut resolve to accede to the Sessions Judge's recommendation that the sentence recorded against the Prisoner in the above case be reduced to 6 years imprisonment with hard labor in irons, and they authorize that officer to issue his warrant accordingly.

The

2 The Court of Fouzdaree Uda-
-lut have observed with regret that
Mr. Rohde has occasionally of late
seen fit to comment on their Proceed-
-ings reviewing his orders, in a manner
both unbecoming and uncalled for.
The Court are unwilling to impute to
Mr. Rohde a want of that deference
which he must be aware is due to the
Higher Court and they will hope
that his attention having been drawn
to the subject no further remarks
will be required from them—

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

(Sent in A. 883.)

Read Criminal Reports sub-
-mitted by the Sessions Judge of Chicacole
for the month of April 1852.

(Here enter F. C. No. 1255 of 1852)

Read, also proceedings held

on

on review of the Case No. 4 of the above
Report, agreeably to the instructions
of the Court of Fouzdaree Udalut-
under date June 4th 1852—

(Here enter F. C. No. 1561 of 1852)

Adverting to the remarks of
the Sessions Judge in the above Proceed-
-ings the Court of Fouzdaree Udalut
deem it proper to point out to that
Officer that it was not the leniency
but the severity of the Sentence in the
above Case which attracted their
notice in their former review of it—
The Court now resolve to reduce
the Sentence in the case
of the 1st Prisoner to 6 months and
in that of 2d to three months im-
-prisonment with hard labor in irons.

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

(Sent in No. 884.)

Read Criminal Report sub-
-mitted by the Sessions Judge of Chingleput
for

7th July 1852.

for the month of May 1852.

(Here enter F. U. No. 1573 of 1852)

Form B.
Case No. 61

1 With reference to this Case the Court of Foujdaree Udalut observe that it might have been disposed of by the Police, and they consider that the Punishment awarded is too severe for the crime committed. The Sessions Judge will accordingly be pleased to review the Proceedings of the Magistrate and pass the requisite orders thereon, reporting the same for the information of the Foujdaree Udalut.

Case No. 14.

2 The Court of Foujdaree Udalut are of opinion that considering the circumstances of the Case, the Punishment awarded to the Prisoner is by far too lenient for the offence committed.

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

(Sent in No. 885)

Read

F. U.
7th July 1852

Read letter dated 16th Ultimo, from the Sessions Judge of Masulipatam submitting for the final judgment of the Foujdaree Udalut the Record of Case No. 31 of 1852 of the Calendar of the Sessions Court.

(Here enter No. 1601 of 1852)

Mr. G. S. Hooper
and
Mr. W. A. D. Inglis.

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, Pungiem Nangnisha alias Canza Nangiah is sufficient to convict him of the crime of Murder, do convict him thereof; and under the provisions of Section 2 Regulation VIII of 1802 sentence him to suffer death by being hanged at the usual time and place of execution.

The Court of Foujdaree Udalut desire to be informed what orders the Magistrate may have seen fit to issue in regard to the conduct of the Subordinate Police Officers

Officers of Wortoocoor and Chintalapoody in regard to the commitment of this case which it is observed, without any cause for delay was retained in the Talook from the 20th February to 17th April no warrant having been issued for the apprehension of the prisoner until the 23d of March although a verdict of wilful murder had been recorded against him on the morning of the 20th February the day after the murder was committed.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Masulipatam by precept returnable within 7 days from and after its receipt.—

(Sent following Precept No. 886)

Read Extract from the Proceedings of the Sessions Court of Salem dated the 29th Ultimo held by the Acting Sessions Judge on review of the Calendar submitted by the Magistracy.

(Here enter F. R. No. 1648 of 1852)

Read Report dated the 1st Instant submitted by the Acting Sessions Judge

7th July 1852.

Judge of Salem, of cases pending before him on the 30th June 1852 for a period in excess of 25 days calculated from the date of commitment.—

(Here enter F. R. No. 1649 of 1852)

Read Calendar of Cases No. 16 of 1852 submitted by the Acting Sessions Judge of Tinnevelly under date the 29th Ultimo.—

(Here enter F. R. No. 1651 of 1852)

Read return dated the 29th Ultimo from the Principal Sudder Ameen in charge of the Session Court of Trichinopoly, to the precept of the Foujdaree Adalut dated the 21st idem directing submission of Translation of the Record of Case No. 16 of 1851 on the file of the Session Court.—

(Here enter F. R. No. 1653 of 1852)

Read, communication dated the 29th Ultimo from the Principal Sudder Ameen in charge of the Session Court of Trichinopoly acknowledging the receipt of the Extract from the Proceedings of the Court of Foujdaree Adalut dated the 25th June 1852 calling for a Return to

7th July 1852

to the Precept of that Court, dated the 5th Instn returning the Criminal Reports of the Sessions Court for the year 1851 for amendments.—

(Hereenter F. C. No. 1654 of 1852)

Read Calendar of Case No. 10 of 1852 submitted by the Acting Sessions Judge of Chittoor under date the 16th March 1852.—

(Hereenter F. C. No. 1657 of 1852)

Ld
1 & 2 Accd.

1st Caroopen.
2d Palamycaud.
3d Valayen alias Moolyen.—

F. C.

Thursday 8th July 1852

At a Court of the Foujdaree Adalut

Present

The Hon'ble G. S. Hooper Esqre.
Findlay Anderson Esqre. Officiating } Presidency Judges
W. A. D. Inglis Esqre. Officiating

Read Calendar of Cases No. 21 of 1852 of the Sessions Court of Madura.

(Hereenter F. C. No. 1576 of 1852)

The Court of Foujdaree Adalut

1 approve of the recommendations made by the Sessions Judge in this Case that the prisoners noted in the margin have been adjudged to suffer on their conviction of the crime of Robbery by open violence be reduced to (7) seven years imprisonment with hard labor in irons and they are authorize the Sessions Judge to issue his warrant accordingly.—

The Court desire to be informed of the result of any investigation that may have been instituted with respect to the circumstances under which the party alluded to at

2

the

the conclusion of the Sessions Judges remarks, received the injuries which occasioned his death.—

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

(Sent in No. 889

Read Calendar of Cases No. 28 of 1852 of the Sessions Court of Honore.—

(Here enter F. C. No. 1567 of 1852)

From the Statement of the evidence in the Futwa declared in this case the Court of Fonjdaree Udalut are of opinion that no sufficient grounds exist for the requisition of Security under which the prisoners have been placed and they resolve to direct that they be unconditionally set at liberty—and the alleged stolen property restored to their possession.—

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Honore for his information by Precept returnable within

within III days from and after its receipt.—

(Sent following Precept No. 890

Read Letter under date the 18th June 1852 from the Sessions Judge of Coimbatore.—

(Here enter F. C. No. 1528 of 1852)

The Court of Fonjdaree Udalut observe that the intent to smuggle is not punishable by law unless that intent be manifested by the assemblage of persons armed with offensive weapons for the purpose, under which circumstances the offence is punishable under Section VIII Regulation VII of 1811.—

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

(Sent in No. 891

Read again Calendar of Petty Cases disposed of by the Magistracy of Canara, during the 4th Quarter of 1851.—

(Here enter F. C. No. 692 of 1852)

Read

Read also return under date the 1st June 1852 from the Sessions Judge of Mangalore to the Precept of the Fouzdaree Udalut dated the 8th May 1852, conveying their orders on the foregoing Calendar.—

(Here enter F. U. No. 1420 of 1852)

1 It appears from the correspondence submitted with a Return from the Acting Sessions Judge of Honore to which reference is made in a communication from the Magistrate of Canara accompanying the foregoing Return from the Sessions Judge of Mangalore — that the cases referred to in this Court's Proceedings of the 8th May last should have properly been designated as breaches of the rules for the conservation of the forests in Canara or as trespasses upon the rights of Government in the forests of that district.—

Cases No. 68-81-82-85-86-87-88-93-100-110-1184-123.

2 On perusal of the Magistrate's explanation the Court of Fouzdaree Udalut are satisfied of the legality of the Sentence passed in the cases in question

question, but they deem it necessary to direct that every publicity be afforded to the proclamation issued by the Magistrate on the subject and that a copy thereof may be submitted for their consideration.—

The offence charged in Case

3 No. 70 appears to have been properly treated as an assault.—

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

(Sent in Ex.)

Read letter dated the 30th June 1852 from the Sessions Judge of Coimbatore submitting for the final judgment of the Fouzdaree Udalut the Record of Case No. 8 of 1852 on the file of the Sessions Court of Coimbatore

(Here enter F. U. No. 1656 of 1852)

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

Wm S. A. Hooper and Wm D. Inglis

8th July 1852.

Prisoner

Aroonachellum

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.)

The Vakeel S. Teeroomala Chetty on behalf of Teeroomala Chetty and others of Tillah Chingleput, moves the Court to return the enclosures in Miscellaneous Petition No 169 of 1851.

Ordered accordingly.

Read Report of Cases pending for the months of June 1852 submitted by the Acting Session Judge of Nellore under date the 1st July 1852.

(Here enter F. C. No 1651 of 1852)

Read letter dated 1st July 1852 from the Session Judge of Calicut stating that there is no case to be entered

8th July 1852.

during the past month in the Report required by the Foujdaree Adalut Circular letter of the 10th October 1844.

(Here enter F. C. No 1667 of 1852.)

Read letter dated 5th July 1852 from the Principal Sudr Ameen of Chingleput in charge of the Sessions Court reporting the arrival of a Convict under sentence of transportation from Bellary.

(Here enter F. C. No 1672/1852)

Read letter dated the 27th July 1852 from the Session Judge of Tellicherry explaining the delay in submitting Translations of the record in Cases No 4 and 7 of 1852 on the Calendar of the Sessions Court of Tellicherry

(Here enter F. C. No 1914 of 1852)

4 Thatt

F. C.

Monday.
12th July 1852. At a Court of the Foujdaree Adalut

Present

G. S. Hooper Esqr. —
W. A. D. Inglis Esqr. Offg. } Puisne Judges.

Read Miscellaneous Petition presented on the 30th June 1852 by A. A. Ritchie Esqr. Vakeel on behalf of Cotagery Vencatarow acting Guardian of the Minor Zemindar of Pottapoor Zillah Rajahmundry.

(Miscellaneous Petition No. 84 of 1852)

This is an application for the interference of the Court of Foujdaree Adalut to review an order of the Sessions Judge of Rajahmundry passed under date 15th May 1852 refusing to postpone the decision of Case No. 20 of 1851 until the trial of Case No. 52 of 1851 is completed.

1.

The Court of Foujdaree Adalut observe that orders were issued by them under date 16th June last on the application of the opposite parties directing the Sessions Judge to proceed to pass sentence in the case in question and they can discover nothing in the argument set

2.

set forth in the Petition which would lead them to doubt the correctness of that order. The trial of that case it is to be observed is closed and it cannot therefore be affected by either the conviction or acquittal of the Prisoner in case No. 52 of 1851.

3. The Court of Fouzdaree Adalut remark that had the Prisoner's defence not been received, or had Petitioner urged that further evidence was forthcoming the circumstances of the case would be different, but situated as the Prisoners now are the Court consider that in justice to them. Sentence should be at once passed. This Petition is therefore rejected.

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

Read letter dated the 30th Ultimo, from the Session Judge of Masulipatam forwarding a translation of the declaration made before the Police by the 4th Prisoner in Session Case No. 40 of 1852 and recommending that under the provisions of Section XX Regulation VIII of 1802 and Section XII Regulation XIII of 1832 the party in question may be admitted as an approver.

(Here Enter F. R. No. 1660 of 1852)

On perusal of the depositions submitted the Court of Fouzdaree Adalut resolve to sanction the offer of a conditional pardon to the prisoner Cooloosumbee subject to, and on the fulfilment of the condition specified in Section XX Regulation VIII of 1802.

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

(Sent in A.

Read return dated 3d Instant from the Agent at Kurnool to the precept of the Fouzdaree Adalut under date the 24th Ultimo returning for amendment the Criminal Reports for the year 1851.

(Here Enter F. R. No. 1694 of 1852)

The Court of Fouzdaree Adalut direct that the Agent be requested to explain with reference to the entries in Columns 4-5-6 and 7 of the Statement No. 3B and Columns 4 and 5 of the Statement No. 4 whether any cases

cases have been received by his Assistants and himself direct during the year without the intervention of the Police and the Assistant Agents. It would appear from the Statements above referred to that the Cases therein entered have all been sent up by the Police, and Assistant Agents.—

Ordered that Extract from these Proceedings be forwarded to the Agent at Kurnool by precept returnable within II days from and after its receipt.—

(Sent following precept No.

Read letter dated the 21st Ultimo from the Agent to the Governor of Fort St. George at Ganjam submitting a report on the trial in Case No. 9 of 1852 on the file of his Court.

(Here enter F. R. No. 1625 of 1852)

1. The Prisoner in this Case was charged with theft by snatching and being in possession of stolen property knowing it to be such, and the Agent having convicted him on both counts of the indictment recommends that he may be sentenced to (3) Three years imprisonment with hard labor in irons and fifty stripes under the provisions of Clause 7 Section II Regulation XV of 1803.

2. The Court of Conjeveram dealut concur in the conviction of the Prisoner.

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and in accordance with the Agent's recommendation direct that he be sentenced to Three years imprisonment with hard labor in irons and fifty stripes under the provision above quoted.—

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

E. C. Wolf

(Sent in No.

Read Calendar in Case No. 10 of 1852 Submitted by the Acting Sessions Judge of Salem Under date the 28th May 1852.—

(Here enter F. R. No. 1339/1852)

Read Calendar in Case No. 35 of 1852 Submitted by the Sessions Judge of Cuddapah. Under date the 3rd July 1852.—

(Here enter F. R. No. 1677/1852)

Read Statement Submitted by the Sessions Judge of Guntoor Under date the 5th July 1852 of the trials referred by the Sessions Court of Guntoor during the 1st Half of 1852.—

(Here enter F. R. No. 1678/1852)

Read Report dated —

2d July 1852 Submitted by the Sessions Judge of

of Tellicherry, of Cases pending on the 30th June and committed for trial during the Months of March and May 1852 before the Sessions Judge of Tellicherry.-

(Here enter F. No. 1688 of 1852)

Read Return dated 3d July 1852 from the Agent to the Governor at Kurnool to the precept of the Foujdaree Adalut under date the 24th June 1852 requiring certain amendments to be made in the Statements appertaining to the Criminal Reports for the year 1851.-

(Here enter F. No. 1694 of 1852)

Read return dated 5th July 1852 from the Sessions Judge of Coimbatore to the precept of the Foujdaree Adalut under date the 30th June 1852 directing the Sessions Judge of Coimbatore to review the proceedings in Criminal Case No. 100 of 1852 and pass such orders thereon as may appear necessary reporting the same for the information of the Judges of the Foujdaree Adalut.-

(Here enter F. No. 1695 of 1852)

Read Statement dated 7th July 1852 Submitted by the Sessions Judge of Cuddapah of batta paid to prosecutors and Witnesses in attendance before him from 1st July to 31st December 1851.

(Here enter F. No. 1696 of 1852)

Read Convict Labor Report dated 1st June 1852 Submitted by the Sessions Judge of Salem for the Months of May 1852.-

(Here enter F. No. 1699 of 1852)

4 cy Work

Friday.
13th July 1852.

F. A.

At a Court of the Fouzdaree Adalut.

Present

Hble Mr. G. S. Hooper Esqr.
Hble Mr. W. A. D. Inglis Esqr. Off. } Puisne Judges.

Read again the Calendar of Case No. 8 of 1852 of the Session Court of Madura.

(Here enter F. R. No. 953 of 1852)

Read also Letter dated the 30th June 1852 from the Session Judge of Madura.

(Here enter F. R. No. 1526 of 1852)

1. The Session Judge adverting to the Sentence passed upon the Prisoner in the above case requests the instructions of the Court of Fouzdaree Adalut first, in respect to whether it was their intention to remit both the labor and the irons - and second as to the date from which the period of imprisonment awarded to the Prisoner is to be calculated -

2. In respect to the first point the Court of Fouzdaree Adalut observe that it

it was their intention in consideration of the age and infirmity of the Prisoner to remit both the labor and irons - and with reference to the second, they remark that the time during which that individual was at large on Bail cannot be included in the period of imprisonment awarded. -

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

(Sent in No. 900.)

Read again Criminal Report submitted by the Acting Sessions Judge of Calicut for the Month of April 1852.

(Mere Enter F. R. No. 1208 of 1852)

Read also return under date the 23d June 1852 from the acting Sessions Judge of Calicut to the Precept of the Fouzdaree Adalut under date the 7th Idem (on a review of the Criminal Reports for April last) directing the submission of the Report A in case No. 99 of 1852 and the review of the proceedings in Case No. 101 of 1852. -

(Mere Enter F. R. No. 1594 of 1852)

Case No. 99.

The Court of Fouzdaree Adalut are

are unable to admit the provocation received by the Prisoner in this case to be a sufficient justification for the use of his Knife, and they are of opinion therefore that the Subordinate Judge erred in passing the Offence over altogether altho' with reference to such provocation a slight punishment might have been sufficient to meet the ends of justice. -

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

(Sent in No. 901.

Read Calendar of Cases No. 13 and 14 of the Sessions Court of Salem.

(Mere Enter F. R. No. 1493 of 1852)

The Court of Fouzdaree Adalut are not prepared to accede to the recommendation of the Sessions Judge in these Cases, that the Sentence recorded against the Prisoner be mitigated to 4 Years imprisonment, as the Court consider, that with reference to the Prisoner's former conviction any Sentence less than that now awarded would not adequately meet the demands of justice. -

Ordered that Extract from these

13th July 1852.

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

(Sent in No. 902.)

Read Calendar of Case No. 15 of 1852 of the Sessions Court of Mangalore.-

(Here enter F. R. No. 1510 of 1852)

The Court of Foujdaree Adalut consider that the grounds upon which the Prisoner in this case has been held to security are insufficient to justify such requisition, and they direct that he be unconditionally set at liberty.-

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

(Sent in No. 903.)

XII

Read Letter dated the 18th June 1852 from the Sessions Judge of Madura forwarding an extract from the Proceedings of the Sessions Court of the same date.-

(Here enter F. R. No. 1546 of 1852)

1. The above Proceedings have reference to an appeal preferred by G. F. Fischer Esqr. on behalf of the Sangat of the Veeroocholy Aoomil attached to the Ramnaad Devastanums under the management of the Zemindar of Ramnaad from an

Case No.

F. R.

13th July 1852.

an order issued by the Collector of Madura on a complaint preferred to him, as Magistrate, charging the Zemindar of Ramnaad, as Manager of the aforesaid Devastanums, and also two of her servants employed in the premises, with fraud and embezzlement in the matter of the trusts and duties attached to, and connected with the same.-

2. The Collector, it appears, declined to entertain the said charge on the ground that it had been ruled by the Board of Revenue, that as the endowment in question had been declared by the Court of Sudder Adalut "to be an appendage to the Zemindary" they were placed beyond the jurisdiction of the Collector, and the Court alone could interfere on proof of malversation and make a suitable provision for their due administration.-

3. The Session Judge doubtful under these circumstances of the proper course for him to pursue, has deemed it proper to refer the matter for the consideration of the Court of Foujdaree Adalut, and to solicit their instruction as to whether the Zemindar of Ramnaad and her Servants employed in the Devastanums management are liable to a Criminal Prosecution under Act XIII of 1850 for breach of trust in

that

that matter," or whether the aggrieved parties should have recourse to a Civil action.-

4.- It being obvious that act XIII of 1850 has not a retrospective effect, the Court of Foujdaree Adalut are of opinion that no prosecution can lie under its provisions in regard to the complaint in question, and with reference to the former ruling of the Court that the Devastanums Chuttrums &c. are an appendage to the Zemindary, they consider that the Zemindar as manager thereof is not amenable as a Trustee within the meaning of the said Act, even if it were otherwise applicable. Under all the circumstances of the case therefore, it appears to the Court of Foujdaree Adalut that the proper course for the Session Judge to pursue is to refer the complainant to a Civil Suit for redress.-

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

(Sent in No. 904)

Read Letter dated 21st June 1852 from the Acting Sessions Judge of Nellore requesting instructions in regard to the disposal of the complaint preferred by one R. Venkatasawmy a dealer

dealer in spirituous liquors against certain European Soldiers.

(Mere Enter F. R. No. 1528 of 1852)

Read also letter dated 30th June from the same Officer reporting that the Officer commanding 1st Battalion Artillery at Secundra had forwarded a Cash receipt for Rs. 88-12- to be paid to the above Venkatasawmy on account of the loss alleged to have been sustained by him in the matter of the aforesaid complaint.-

(Mere Enter F. R. No. 1633 of 1852)

Under the circumstances reported in the latter of the foregoing circumstances the Court of Foujdaree Adalut deem it unnecessary to issue any further orders in the matter in question.-

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

(Sent in No. 905)

No return having been received from the Sessions Judge of Chicacole to this Court's precept of the 8th June last returning the Criminal Reports of 1851 for amendment.-

Ordered that the Sessions Judge be called upon to submit the same without further

further delay.—

(Sent in No. 906.)

No return having been received from the Agent at Vizagapatam to the Court's precept of the 15th June last returning the Criminal Reports of 1851 for amendment.—

Ordered that the Agent be called upon to submit the same without further delay.—

(Sent in No. 907

Read Extract from the Proceedings of the Sessions Court of Guntoor held on review of the City Calendar of the Magistracy for the 1st Quarter of 1852.—

(Here enter F. R. No. 1609 of 1852)

Case No. 23. 1.

With reference to the observation of the Sessions Judge in the 6th Para of the above Proceedings, the Court of Foujdaree Adalut deem it proper to remark that punishment might have been awarded in this case under Section VII Regulation III of 1802 as extended by Regulation I of 1824.—

Case No. 30. 2.

The Court of Foujdaree Adalut are unable to concur with the Sessions Judge in his objections as to the authority under which the punishment in this case is awarded Section XXXII Regulation IX of 1816 specifying generally, "Zillah Civil

Case

F. R.

13th July 1852

Jail or Village Choultry" at discretion, and the Court of Foujdaree Adalut consider that the Tanlook Cutcherry may come under the latter designation.

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

(Sent in No. 908

Read Criminal Report **B** submitted by the Agent to the Governor at Kurnool for the months of April and May 1852

(Here enter F. R. No. 1612 of 1852)

Case No. 23. It appears to the Court of Foujdaree Adalut that the punishment awarded to the Prisoner in this case is unnecessarily severe, as no actual Theft was committed and the entry into the house was effected in a simple way which barely makes the crime one of "breaking". The Court deem it proper therefore to suggest to the Agent the propriety of reducing the sentence to one Year's imprisonment with hard labor in irons.—

Ordered that Extract of these Proceedings be forwarded to the Agent at Kurnool for his information and guidance by Precept returnable within III days from and after its receipt.

(Sent following Precept No. 909)

13th July 1852.

Read the following letter dated 30th June 1852 from the Acting Session Judge of Nellore

(Here enter F.R. No 1632 of 1852)

With the communication above recorded is submitted for the consideration of the Court of Foujdaree Adalut copy of a letter from the Magistrate of Nellore in which that Officer adverting to the Proceedings of the Court of Foujdaree Adalut under date the 3d March and 26th April last on Case No 33 of the Magistrate's Calendar solicits their instructions as to the manner in which members of a Punchayet executing false Punchayetnamahs are to be dealt with.

2. The Magistrate observes that the ruling of the Court of Foujdaree Adalut in their Proceedings above referred to is at direct variance with the sentence passed in case No 29 of 1845 on the Calendar of the Sessions Court of Nellore in which certain Prisoners not public Servants, who were charged with having caused a false and corrupt Punchayetnamah to be written out to which they affixed their signatures, were sentenced by the Sessions Judge to one years imprisonment which was commuted to 6 Months imprisonment by the Court of Foujdaree Adalut who might be supposed thereby to recognize the Criminality of such an act committed by parties

13th July 1852.

who were not village Officers.

3. The Court of Foujdaree Adalut observe that the case cited by the Magistrate is not analogous to the one now under consideration. In the former the Prisoners were charged with having caused a false and corrupt Punchayetnamah to be drawn out to which they affixed their signatures, whereas in the latter, the Prisoners not being Public Servants were only charged with neglect of duty in having written their decision before they examined the body. It was not stated that their decision was false corrupt or fraudulent and as their offence amounted to nothing more than negligence it was obviously not punishable by law.

4. The Court observe that it was not their intention that the fine levied from the 6th Prisoner, who was a village Officer and therefore amenable to punishment, should be remitted.

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

(Sent in No 910.)

Read Calendar of Case No 65 of 1852

of

of the Session Court of Chittoor -

(Here Enter F. R. No 1686 of 1852)

As it is manifest that the acting Session Judge did not concur with the Mahomedan Law Officer in the conviction of the 1st Prisoner in this case the Court of Foujdaree Adalut observe that it was the duty of that officer to refer the case as regards that Prisoner for the consideration and final orders of the Foujdaree Adalut and they direct that translation of such portion of the record as may affect that individual be prepared and submitted to them without delay -

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

(Sent following precept No 911)

Read letter dated the 5th July 1852 from the Session Judge of Chicacole informing that as none of the Prisoners children were supported on any articles manufactured by Prisoners during the 2d Quarter of 1852 the statements to that effect are forwarded.

Here Enter F. R. No 1701 of 1852

Read Return dated the 8th July 1852 from the Acting Session Judge of Cuddalore, to the precept of the Foujdaree Adalut under date the 30th June 1852, containing certain observations on the Criminal Report for the month of May 1852.

Here Enter F. R. No 1702 of 1852.

Read Report dated the 1st July 1852 from the Acting Session Judge of Honore, of Cases pending before him for a period exceeding 25 days during the month of June 1852.

Here Enter F. R. No 1703 of 1852.

Read Letter dated the 10th July 1852 from the Acting Session Judge of Chingleput reporting the arrival of 3 Convicts under sentence of transportation from Calicut.

Here Enter F. R. No 1706 of 1852.

Read Statement dated the 1st July 1852 from the Session Judge of Coimbatore of Batta paid to Prosecutors and witnesses attending before the Session Court of Coimbatore during the 1st Half of 1852.

Here Enter F. R. No 1707 of 1852.

Read Letter dated the 7th July 1852 from the Session Judge of Bellary submitting an Extract from his Proceedings held in Case No 13

13th July 1852

in the Criminal file for 1852.

Here Enter T. U. No. 1709 of

Read Calendar dated the 5th

Submitted by the Session Judge of Bellary

on the Session file for 1852.

Here Enter T. U. No. 1710 of

Read Calendar dated the 5th

Submitted by the Session Judge of Bellary

No. 20 on the Session file for 1852.

Here Enter T. U. No. 1711 of

Read Letter dated the

from the Acting Sudder Ameen of

reporting that there are no state prisoners

at Tchafore.

Here Enter T. U. No. 1712 of

E. & Thos W.

E. & Thos W.

Wednesday

14th July 1852. At a Court of the Tanjore Division

Present.

The Hon'ble G. A. Hooper Esquire
W. F. Anderson Esquire } Puisne Judges
W. W. A. D. Inglis Esqre

Read Criminal Report B. No. submitted by the Assistant Judge in charge of the Court of Combaconum for the month of May 1852.-

(Here Enter T. R. No. 1562 of 1852.)

Form B

Case No 16- 1. The Proceedings of the Acting

Case No 17. 2. The punishment awarded in this case appears to the Court very inadequate to the crime charged, but as no notice of the same appears to have been taken by the Session Judge in his Proceedings reviewing the case, the Court presumes there were circumstances of palliation not apparent in the statement of the charge

Case No 18. 3. The Court of Tanjore Division presume both from the fact of this case having been disposed of by the Assistant

Magistrate

Magistrate as well as from the leniency of the sentence passed in it, that the property alleged to have been stolen was greatly exaggerated.

Cases Nos 67 68

4. The Court of Tanjore see no alut see reason to question the legality of the sentence passed upon the Prisoner "Veerootasala =nadan" in these cases who, they remark, as might have been arraigned for "aiding", and "abetting", but on the charge as it now stands, it appears to the Court that he is not amenable to punishment, and they accordingly direct that he be unconditionally set at liberty.-

Report A Case No 86 of 1852

5. The Court of Tanjore see alut require that the result of the further inquiry as to the maltreatment of the Prisoner in this case, be reported to them, and also whether any measures have been taken against the Prosecutor. The Sessions Judge will also be pleased to ascertain the state of the Prisoner's mind, with a view to it's being determined whether or not the said Prisoner is amenable to punishment.-

Ordered that Extract from these Proceedings be forwarded to the Assis=tant Judge in charge of the Sessions Court of Combaconum for his information and guidance by Receipt returnable within X days from and after it's receipt.-

(Sent following Precept No 712)

Read Calendar of Case No 7 of 1852 submitted by the Sessions Judge of Chicacole under date the 25th June 1852.-

(Here Enter F R No 1626 of 1852)

Read letter dated 1st Instant from the Principal Sudder Ameen in charge of the Session Court of Chingleput reporting in reference to the Higher Court's circular letters of the 16th October 1844 and 21st January 1845 that no cases were pending before the Session Court at the close of last month.-

(Here Enter F R No 1627 of 1852)

Read report dated 1st Instant submitted by the Acting Session Judge of Cuddalore of a case pending before him on the 1st July 1852.-

(Here Enter F R No 1629 of 1852)

Read Calendar of case No 17 of 1852 submitted by the Session Judge of Bellary under date the 29th June 1852.-

(Here Enter F R No 1637 of 1852)

Read Calendar of Ca 20 No 18 of 1852 submitted by the Session Judge of Bellary under date the 29th June 1852.-

(Here Enter F R No 1638 of 1852)

Read

14th July 1852.

Read report dated 1st July 1852 submitted by the Session Judge of Cuddalore of cases pending on the 31st May and committed for trial during the months of June 1852 which remained on the file of his Court for more than 25 days.-

(Here Enter F R No 1644 of 1852)

Read report dated 1st July 1852 submitted by the Session Judge of Cuddalore of cases pending on the 31st May and committed for trial during the months of June 1852 before him.-

(Here Enter F R No 1645 of 1852)

Read letter dated 30th June 1852 from the Session Judge of Cuddalore forwarding explanation relative to remarks of the Foujdaree Adalut on Calendar of Cases No 12 of 1852.-

(Here Enter F R No 1647 of 1852)

Sd/ Walter White

F. A.

Thursday.
15th July 1852.

At a Court of the Foujdaree Adalut

Present

Sd/ G. S. Mooper Esqr. ——
A. F. Anderson Esqr. Offg.
W.D. W. A. D. Inglis Esqr. Offg. } Puisne Judges

Read Miscellaneous Petitions presented on the 22d April and 21st June 1852 by R. Seroomulroy Vakeel on behalf of Khaliyil Narainen Seroommupenna of Tellicherry.

(Here Enter Fd. Mn. Pns. No 4979 of 1852)

These Petitions have reference to

Sd. G. S. Mooper
and
W. A. D. Inglis.

the orders passed by the Court of Foujdaree Adalut under date the 25th March and 19th May last, in the matter of the dispute pending regarding the right of cultivation of certain land situated in Mount Dilli, which orders the Petitioner prays the Court of Foujdaree Adalut to modify, so as to permit the cultivation to be carried on pending the decision of the suit now in progress before the Sudder Ameen of Tellicherry.-

The Court of Foujdaree Adalut

2.

see nothing in these Petitions which would induce them to question the propriety of their orders of the 19th May last, the right of cultivation being

clearly

clearly dependent upon the decision of the Jenm right which is in issue in the Suit in question.-

3. The possession of the right to cut firewood has been declared by the Magistrate to be vested in the Arophas, and until that right is established by a Civil Suit to belong to the Petitioner, it is not competent to the Courts to enterfere.-

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

Read again Miscellaneous Petition presented on the 5th and 8th April 1852 by P.- Teroomul Row Vakeel on behalf of Pally Moudy Macky and Coonathee Cootty ally of Zillah - Tellicherry, praying for the reversal of the sentence passed by the Joint Magistrate of Malabar on the last mentioned individual in Case No. 2 of 1852.-

(Here Enter F. M. Pr. No. 408 & 45 of 1852.)

Read also return dated 25th June 1852 from the Session Judge of Tellicherry to the Precept of the Foujdaree Adalut dated 7th June 1852, calling upon him to submit a translation of the proceedings in the foregoing case disposed of by the Joint Magistrate of Malabar.-

(Here Enter F. R. No. 1624 of 1852)

An

15th July 1852.

Mr. W. A. D. Inglis 1.

On an attentive consideration of the record in this case the Court of Foujdaree Adalut see no reason to doubt the propriety and correctness of the sentence passed by the Joint Magistrate on the 1st Prisoner.-

2. It is clearly proved that the Prosecutor was beaten most severely on the occasion in question by the 2d Prisoner, and it seems very clear also from the evidence of the Prosecutor and of the 1st, 2d and 3d witnesses corroborated by that of the Cutwal and Police Naik that such assault was committed by the 2d Prisoner at the instigation and by the direct order of the 1st Prisoner who was present all the time.-

The Court of Foujdaree Adalut

3. observe that the Petitioners lay much stress upon the alleged enmity of the Police Naik towards their family, as if the charge rested mainly on his evidence, making no mention of the evidence of the Prosecutor and 1st, 2d and 3d witnesses.-

The Court of Foujdaree Adalut

4. accordingly resolve to confirm the decision of the Joint Magistrate and dismiss this Petition.-

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

Ordered

clearly dependent upon the decision of the Jenm right which is in issue in the suit in question.-

3. The possession of the right to cut firewood has been declared by the Magistrate to be vested in the Moplas, and until that right is established by a Civil suit to belong to the Petitioner, it is not competent to the Courts to enterfere.-

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

Read again Miscellaneous Petitions presented on the 5th and 8th April 1852 by P. Teroonnul Row Vakeel on behalf of Pally Moudy Macky and Coonathee Cootty ally of Tillah Tellicherry, praying for the reversal of the sentence passed by the Joint Magistrate of Malabar on the last mentioned individual in case No 2 of 1852.-

(Here Enter F. R. Ps. Nos 40 & 45 of 1852.)

Read also return dated 25th June 1852 from the Session Judge of Tellicherry to the Precept of the Foujdaree Adalut dated 7th June 1852 calling upon him to submit a translation of the proceedings in the foregoing case disposed of by the Joint Magistrate of Malabar.-

(Here Enter F. R. No 1624 of 1852)

An

Mr. W. A. D. Inglis 1. On an attentive consideration of the record in this case the Court of Foujdaree Adalut see no reason to doubt the propriety and correctness of the sentence passed by the Joint Magistrate on the 1st Prisoner.-

2. It is clearly proved that the Prosecutor was beaten most severely on the occasion in question by the 2d Prisoner, and it seems very clear also from the evidence of the Prosecutor and of the 1st 2d and 3d witnesses corroborated by that of the Cutwal and Police Peik that such assault was committed by the 2d Prisoner at the instigation and by the direct order of the 1st Prisoner who was present all the time.-

3. The Court of Foujdaree Adalut observe that the Petitioners lay much stress upon the alleged enmity of the Police Peik towards their family, as if the charge rested mainly on his evidence, making no mention of the evidence of the Prosecutor and 1st 2d and 3d witnesses.-

4. The Court of Foujdaree Adalut accordingly resolve to confirm the decision of the Joint Magistrate and dismiss this Petition.-

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

Ordered

15th July 1852

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

(Sent in No. 914.)

Read Calendar of Case No. 23 of 1852 of the Sessions Court of Madura.

(Here enter F. R. No. 1658 of 1852)

1. The Court of Foujdaree Adaulut observe with reference to this Case that the Session Judge erred in conducting the trial as he appears to have done with the aid of a single Assessor.

2. It is clearly laid down in Section XXXII Act VII of 1843 that when the employment of Assessors is deemed expedient, "two or more" persons should be constituted as such of whom the Law Officer may be one, and the discretion permitted to the Session Judge at the end of Clause 1st with respect to "the number to be employed" can obviously have reference only to any number exceeding two.—

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

(Sent in No. 915.)

The Vakeel S. Veroomala Chetty on behalf of Veroomala Chetty and others of Zillah Chingleput

F. R.

15th July 1852 Chingleput moves the Court to return the enclosures in Miscellaneous Petition No. 34 of 1852.—

Ordered accordingly.—

Read return dated 7th Instant from the Session Judge of Calicut to the Precept of the Foujdaree Adaulut under date the 23d June 1852 directing the Session Judge to give his opinion on review of the Magistrates' proceedings as to whether the Peons by whom the Prisoners in Case No. 25 of 1852 on the Sessions Court Calendar were apprehended were justified in their acts.—

(Here enter F. R. No. 1719 of 1852)

Read Extract dated the 30th Ultimo, from the Session Judge of Coimbatore of Proceedings held on review of the Petty Calendars of Cases disposed of by the Magistrates for the Quarter ending the 31st March 1852.—

(Here enter F. R. No. 1721 of 1852)

Read Calender of Case No. 37 of 1852 submitted by the Session Judge of Cuddapah under date the 10th Instant.—

(Here enter F. R. No. 1723 of 1852)

Read Statement dated 10th Instant from the Subordinate Judge of Madura, of

Rutta

15th July 1852.-

Rolla to Prosecutors and Witnesses attending before the Sessions Judge during the 1st half year of 1852.-

(Here enter F.R. No 1724 of 1852)

Ed Blake

F. 16.

Friday, 16th July 1852.- At a Court of the Tongdaree Adalut.-

Present

Lt.Col. G. S. Hooper Esquire ——— Sessions Judge.
Mde - Jos. F. Anderson Esquire Acting —
Lt. for W. A. D. Inglis Esquire Asst.

Read Calendar of Cases No 19 of 1852 of the Sessions Court of Bellary.-

(Here enter F. 16. No 1665 of 1852.)

The Court of Tongdaree Adalut

1.

are of opinion that the mode in which these Cases has been disposed of is very unsatisfactory, the Prisoners having been acquitted altogether on the ground of discrepancies in the evidence in regard to the precise part taken by each in the affray, altho' it was fully proved that all the Prisoners were present at and parties to the said affray, in which one man was killed, and another man's arm was broken.-

The Court of Tongdaree Adalut

2.

remark that altho' there might not be sufficiently clear evidence to warrant the conviction of any one of the Prisoners on the charge of "Culpable Homicide" yet there was sufficient proof

proof for the conviction of all, except the 6th Prisoner on the minor charge of assault, and of being accessory to "Homicide."—

3. The Court of Fouzdaree Adalut regret that the ends of justice have been so signally defeated by the acquittal, and unconditional release, on the grounds stated, of all concerned in so great a crime.—

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

(Sent in No. 917.)

Read Calendar of Case No. 21 of 1852 of the Sessions Court of Cumbaconum.—

(Here enter J. Cr. No. 1642 of 1852.)

The Court of Fouzdaree Adalut remark that the crime charged being "Theft", for which under the Mahomedan Law a specific punishment of "Hud" is provided, the sentence should have been passed under Section XXI, Regulation VII of 1802, and as they consider the punishment awarded too severe, they deem it proper to suggest to the Sessions Judge the propriety of mitigating the same to six (6) months "R" imprisonment

imprisonment with hard labor in irons.—

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

(Sent in No. 918.)

Read Calendar of Case No. 37 of 1852 of the Sessions Court of Maunlipatam.—

(Here enter J. Cr. No. 1631 of 1852.)

The Court of Fouzdaree Adalut approve of the recommendation made by the Sessions Judge in this case that the imprisonment, which the prisoner noted in the margin has been adjudged to suffer on his conviction of House breaking with Theft be reduced to (3) three years' imprisonment with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.—

Lookkah Boo-chee Bampes-gaudra.—

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

(Sent in No. 919.)

Read Calendar of Case No. 22 of 1852 of the Sessions Court of Madura.—

(Here enter J. Cr. No. 1630 of 1852.)

The Court of Fouzdaree Adalut approve.—

16 July 1852.-

approve of the recommendation made by the Sessions Judge in this Case that the imprisonment, which the prisoner noted in the margin has been adjudged to suffer on his conviction of Forgery and uttering of the same be reduced to (3) three months imprisonment without irons, and they do authorize the Sessions Judge to issue his warrant accordingly

Sangalingum Pillay.-

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

(Sent in No. 920)

Read letter dated the 26th Ultimo from the Acting Sessions Judge of Chittoor submitting for the final judgment of the Zoyedaree Adalut the record of Case No. 21 of 1852 on the Calendar of the Sessions Court.-

(Here enter F.C. No. 1686 of 1852.)

The Court of Zoyedaree Adalut

M.r G. S. Dooper and M.r W.m D. Ingles.

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

Suakayagan alias Chendramaty.

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

F.C.
16 July 1852.-

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

(Sent in No. 921)

Read again Calendar of Persons punished by the Magistracy for the 2nd Quarter of 1852, of Zillah Combaconum.-

(Here enter F.C. No. 1184 of 1852.)

Read also return under date the 22nd June 1852 from the Assistant Judge in charge of the Sessions Court of Combaconum to the Proceedings of the Zoyedaree Adalut dated the 31st May 1852 conveying their observations on the foregoing Calendar.-

(Here enter F.C. No. 1563 of 1852.)

The Court of Zoyedaree Adalut

1.

observe that under the provisions of Section III, Act I of 1849, the sanction of Government should have been obtained for the trial of the prisoners, in Cases Nos. 20 and 21.-

The Court of Zoyedaree Adalut

2.

however deem it unnecessary in the present instance to order a new trial.-

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Combaconum for communication to the

the Special Assistant Magistrate of Tanjore through the Magistrate of that District.-

(Sent in No. 922)

Read again Criminal Reports submitted by the Acting Sessions Judge of Chittoor for the month of March 1852.-

(Here enter J. Mc. No. 982 of 1852.)

Read again also return under date the 15th May 1852 from the Acting Sessions Judge of Chittoor to the Precept of the Tongdarce Adalut under date the 8th May 1852 conveying their observations on the foregoing Criminal reports.

(Here enter J. Mc. No. 1212 of 1852.)

Read also return under date the 17th June 1852 from the late Acting Sessions Judge of Chittoor to the precept of the Tongdarce Adalut dated the 8th June 1852 calling for further information with reference to the conduct of the Head of Police of Calastry in Case No. 35 of the foregoing Reports.-

(Here enter J. Mc. No. 1502 of 1852.)

Read also letter under date the 28th June 1852 from the Acting Magistrate of North Arcot.-

(Here enter J. Mc. No. 1614 of 1852.)

1. The Court of Sessions upon deem it unnecessary to pass any further order the matter referred to in the foregoing papers, the course proposed to be adopted by the Acting Magistrate appearing to be the most expedient under all the circumstances of the case.-

2. The Court of Tongdarce Adalut observe that the Acting Magistrate has correctly interpreted the provisions of Sections XXXIX and XLI Act VII of 1843 as restricting the interference of the Courts in regard to the nature of the punishment to be inflicted to Heads of Police for neglect of duty and other misconduct, to those cases in which the penalty of dismissal may be considered by the Court of Session or by the Court of Tongdarce Adalut to be required, and that it is not strictly within the competency of the Court of Session to require from the Magistrate any information in regard to the course adopted by him with reference to any of those minor neglects or transgressions which may have been brought to the notice of the latter officer under Section XLI of the enactment above quoted.-

Ordered

16th July 1852.—

Ordered that Extract from these proceedings be sent to the Session Judge of Chittoor for communication to the Acting Magistrate.—

(Sent in A. 923)

Read Calendar of Case A. 12 of 1852 of the Session Court of Tinnevelly.—

(Here enter J. G. A. 1650 of 1852.)

1. The Court of Fouzdaree Udalut are not prepared to accede to the recommendation of the Session Judge in this case, that the sentence recorded against the prisoners be mitigated to 4 years imprisonment, as the Court consider that with reference to the large amount of property stolen, any less severe than that now awarded, would not adequately meet the demands of justice.—

2. The Court of Fouzdaree Udalut consider that the Session Judge's remarks explaining the grounds of the sentences are very unsatisfactory, as it cannot be gathered from them, what defence the prisoners made before the Session Court, nor is it even stated whether the prisoners pleaded guilty or not.

3. Under these circumstances the Court

J. G.

16th July 1852.—

Court of Fouzdaree Udalut resolve to call upon the Session Judge to transmit for their consideration translation of the defence of the prisoners.

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

(Sent following precept A. 924)

Read return dated the 9th Instant from the Session Judge of Cuddapah in obedience to the precept of the Fouzdaree Udalut under date the 30th Ultimo remarking upon the severity of the sentence passed in Case A. 108 of 1852 of the Register in the Criminal file and directing him to review the proceedings in the case and report the order which may be passed by him thereon.—

(Here enter J. G. A. 1730 of 1852.)

Read Calendar of Case A. 20 of 1852 submitted by the Acting Session Judge of Nellore under date the 12th Instant.—

(Here enter J. G. A. 1736 of 1852.)

Read Calendar of Case A. 12 of 1852 submitted by the Session Judge of Coimbatore under date the 6th Instant.—

(Here enter J. G. A. 1740 of 1852.)

Read

16th July 1862.-

Read Calendar of Case No. 27 of 1852 submitted by the Sessions Judge of Combaconum under date the 13th Instant.-

(Here enter F.C. No. 1741 of 1852.)

Read return dated the 13th Instant from the Sessions Judge of Caddapah to the precept of the Foujdaree Adalut under date the 30th Ultimo directing him to reduce the sentence passed on the 1st 2d 3d prisoners in Case No. 67 of the Calendar for 1851 to four years imprisonment.-

(Here enter F.C. No. 1745 of 1852.)

Read Criminal Reports dated the 13th Instant submitted by the Sessions Judge of Guntoor for the month of June 1852.-

(Here enter F.C. No. 1746 of 1852.)

Read Calendar of Case No. 30 of 1852 submitted by the acting Sessions Judge of Honore under date the 8th Instant.-

(Here enter F.C. No. 1748 of 1852.)

Read Calendar of Cases Nos. 14 and 15 of 1852 submitted by the acting Sessions Judge of Chingleput under date the 23d Ultimo

(Here enter F.C. No. 1733 of 1852.)

Ex. Hall

F.C.

Monday 19th July 1852.

At a Court of the Foujdaree Adalut.-

Present

Hall — G. S. Hooper Esquire
Norton — F. Andersone Esquire Offg.
Ret. for W. A. D. Inglis Esquire
} Puisne Judges.

Read Letter under date the 3rd July 1852 from the Sessions Judge of Bellary.-

(Here enter F.C. No. 1683 of 1852)

The Court of Foujdaree Adalut observe that it was irregular in the Sessions Judge to forward to the Foujdaree Adalut a petition presented to him without recording any opinion or specific recommendation on the subject to which it referred.-

Ordered that Extract from these Proceedings

19th July 1852.-

Proceedings be sent to the Sessions Judge of Bellary for his information and future guidance.-

/Entry No 927/

Read Miscellaneous Petition presented on the 29th March 1852 by Tooloxy Ramma Syrus of Gillala Cadicut applying for the situation of Malyalam Grammatical accountant in the Office of the Register of the Sudr and Foujdaree Adalut.-

/Here enter F.M.P. No 37 of 1853/

Mr F Anderson- The Petitioner is informed that he should address himself to the Register of the Court with whom rests the selection and appointment of the Servants of the Establishment referred to in the Petition.-

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

Read again Letter dated the 3d May 1852 from the Acting Sessions Judge of Nellore submitting for the opinion of the Court of Foujdaree Adalut a question relating to the jurisdiction of the Magistracy under Act XXIV of

/Here enter F.M. No 1307 of 1853/

Read also letter under date the 8th 1853 from the Acting Sessions Judge of Nellore.-

/Here enter F.M. No 1500 of 1852/

1. The Court of Foujdaree Adalut

19th July 1852.-

are of opinion that under the provisions of Act XXIV of 1840 it is competent to the Magistracy to take cognizance of and dispose of any offence against the Salt Laws without reference to any limit in value provided that the Sentence passed does not exceed a fine of 50 Rupees or Imprisonment for 30 days.-

2 In all Cases in which the above measures of punishment is deemed inexpedient for the offence it is the duty of the Magistrate to forward the accused to the Criminal Court.-

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

/Entry No 928/

The translations of the Records of Cases Nos 9, 13, and 14 of 1852 on the Rajahmundry Sessions file not having been as yet received.

Ordered that the Sessions Judge of Rajahmundry be called upon to submit the same without delay.-

Read letter dated 22d June 1852 from the Acting Sessions Judge of Cuddapah forwarding the final Judgment of the Foujdaree Adalut on the Record of Case No 11 of 1852 of the Calendar of the Sessions Court.-

/Here enter No 1655 of 1852/

The

19th July 1852.-

Mr. J. Anderson.-
Mr. R. D. Inglis.-

The Court of Sudder Adalut
a deliberate consideration of all the circumstance
of the Case in evidence before them being of
opinion that the proof against the prisoners
1st Cooly
2d Moongeea alias Moongyee
and
3d Kundasamy Govendeen
is sufficient to convict them of the crime charg
do convict them thereof and sentence the pris
2d Moongeea alias Moongyee
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
irons, on the public roads or other public wor
for and during the period of his natural life
the prisoner
1st Cooly
to be imprisoned and kept to labor and to
to her sex for and during the period of her
natural life in the Jail at Chittoor, and
prisoner
3d Kundasamy Govendeen
to be imprisoned and kept to hard labor in
irons on the public roads or other public wor
for and during the period of (14) fourteen
The Court of Sudder Adal

19th July 1852.-

have sentenced the 1st prisoner a female in this
Case to imprisonment for life and the 2d prisoner
to transportation considering that any more
severe punishment would be altogether
insufficient to meet the demands of justice.-
2 The Court of Sudder Adalut
observe that the Head of District Police acted
irregularly in delivering over the bones supposed
to have been those of the deceased to the Prosecutor
it being his duty to forward the said bones to the
Court, in order to their being inspected by the
Zillah Surgeon and evidence given by that
officer regarding them.-
Ordered that Extract from these
Proceedings be sent to the Sessions Judge of
Chittoor for communication of para 2 to the
Acting Magistrate of North Arcot.-
Sentence Nº 729.
Read Calendar of Cases Nos. 15 of
1852 submitted by the Sessions Judge of Chittoor
under date the 10th July 1852.-
(Serrishtah No. 1751 of 1852)
Read Calendar of Cases No. 17 of
1852 submitted by the Sessions Judge of Chittoor
under date the 10th July 1852.-
(Serrishtah No. 1752 of 1852)
Read

19th July 1852.

Read letter dated the 10th July 1852 from the Session Judge of Chicacole reporting that the death warrant in Case No 23 on the Calendar of the Session Court for 1852 was received on the 6th Instant and carried into execution on the 9th.

(Here enter F.B. No 1755 of 1852)

Read Statement dated the 13th July 1852 submitted by the Acting Subordinate Judge of Cumbaseemum, shewing the amount realized by the labor of Prisoners in the 2d Quarter of 1852.

(Here enter F.B. No 1767 of 1852)

No 1864.

F. B.

Tuesday 20th July, 1852.

At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esqre
F. Anderson Esqre officiating
W. A. D. Inglis Esqre officiating
} Prisons Judges.

Read letter dated 10th July 1852 from the Session Judge of Chicacole, submitting for the final Judgment of the Foujdaree Udalut the Record of Case No 4 of 1852 of the Calendar of the Session Court.

(Here enter No 1769 of 1852).

Mr. F. Anderson.

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

1st Carela Pentadoo.

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 the Law Officers, do convict him thereof, and under the provisions of Clause Second, Section XV Regulation VII

of

of 1802, sentence him to be imprisoned, and kept to hard labor in irons on the public roads or other public works for and during the period of (5) five years.-

1. The Court of Foujdaree Adalut on an attentive consideration of the evidence in this case do not view the crime of which that 1st prisoner has been convicted in the serious light in that the Sessions Judge has done.-

2. It is by no means certain that the period for which the 1st prisoner had rented the Garden in reference to which the affray originated had expired. The evidence of the 1st witness, the owner of the garden, on this point is as follows. "My father gave the cowle for two years and its time may have been over, my father died and I have not the Mookhilka or deed which the 1st prisoner executed", the 1st prisoner appears to have been under the belief that the period had not expired.-

3. From the evidence of both the prosecutor and witnesses it would appear that an affray took place and the former states that it was after the affray began that the 1st prisoner assaulted the deceased.-

4. The Medical officer certified that the skull of the deceased was remarkably thin and that it was probable that a much less amount of force would produce a fatal result than under ordinary circumstances.-

5. The Court of Foujdaree Adalut have therefore considered a sentence of five years Imprisonment, with hard labor in irons sufficient to meet the demands of justice.-

6. The Court of Foujdaree Adalut observe a discrepancy of importance regarding the commencement of the quarrel between the statement made by the prosecutor in the charge before the Police, and that given by him before the Sessions Judge, in regard to which no questions appear to have been put to him by the Session Court.-

7. The Court require an explanation of the delay in the transmission of the record which was not despatched for upwards of two months after the conclusion of the trial.-

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

(Sent following Precept No. 932.)

Read

20th July 1852.

Read again Calendar of Case No. 44 of 1852 of the Session Court of Rajahmundry.-

(Here enter F. C. No. 200 of 1852).

Read also return under date the 19th March 1852 and supplemental return under date the 17th May 1852 from the Session Judge of Rajahmundry directing the submission of an English Translation of the record of the foregoing case.-

(Here enter F. C. Nos. 7 3 1 8 1 3 0 2 of 1852).

Read also return under date the 17th June 1852 from the Session Judge of Rajahmundry to the precept of the Foujdaree Adalut dated the 9th June 1852 calling for explanation on certain points connected with the foregoing case.-

(Here enter F. C. No. 1534 of 1852).

The Court of Foujdaree Adalut cannot admit the sufficiency of the grounds assigned by the Session Judge for connecting the articles referred to in his return with the prisoners in this case and they consider the explanation offered by the Mahomedan Law Officer of the Session Court for the mistake made by him in reviewing the evidence to be extremely unsatisfactory.-

Order

F. C.

20th July 1852.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Rajahmundry for communication to the Mahomedan Law officer.-

(Sent in No. 933.)

Translation of the record in Case No. 7 of 1852 on the Tellicherry Sessions file not having been as yet received.-

Ordered that the Sessions Judge of Tellicherry be called upon to submit the same without delay.-

Ld. 1810.

F.V.6.

Wednesday 21st July 1852

At a Court of the Zeyadaree Adalats

Present

Lt. R. Wade Jr. W.L. for — G. L. Harper Esqre. / Dudley Anderson Esqre. / W. A. D'Eglis Esqre. — Puisne Judges.

Read letter dated 12th July 1852 from the acting Sessions Judge of Tellicherry submitting for the final judgment of the Zeyadaree Adalat, the record of trial in case No. 19 of 1852. on the Calendar of the Session Court

(Here Enter the No. 1727 of 1852)

The Court of Zeyadaree Adalat on a deliberate consideration of all the circumstances of the case in connexion with the opinion of the Judges having delivered opinion that the proof against the prisoner

Mr. G. L. Harper and Mr. W. A. D'Eglis

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

(Entered No. 935)

Read again Calendar of Case No. 10 of 1852 on the file of the Session Court of Rajahmundry

(Here Enter No. 197 of 1852)

Read again also return under date the 16th February 1852 from the Session Judge of Rajahmundry to the Precept of the Zeyadaree Adalat dated 7th February 1852 calling for further information with reference to the foregoing case

(Here Enter No. 182 of 1852)

Read also return under date the 22d March 1852 and Supplemental return under date the 29th June

F.N.

Wednesday
21st July 1852.

Before the Court of the Tinjavaree Medaloh.

Present:

Mr. G. L. Hooper Esqre. — Puisne Judges.
Mr. Stanley Anderson Esqre. —
Mr. W. A. D. Taylis Esqre. —

Mr. Hooper
Mr. W. A. D. Taylis

Read letter dated 12th July 1852 from the acting Sessions Judge of Nellore, submitting for the final judgment of the Tinjavaree Medaloh, the records of trial in Case No. 19 of 1852. on the Calendar of the Sessions Court (Case No. 1727. of 1852)

The Court of Tinjavaree Medaloh on a deliberate consideration of all the circumstances of the case in connexion before them being of opinion that the proof against the prisoner

the said

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

(Vide Page No. 935.)

Read again Calendar of Case No. 40 of 1852 on the file of the Sessions Court of Rajahmundry

(Here Enter No. 197 of 1852.)

Read again also return under date the 16th February 1852. from the Sessions Judge of Rajahmundry to the Precept of the Tinjavaree Medaloh dated 7 February 1852 calling for further information with reference to the foregoing case

(Here Enter File No. 682/1852.)

Read also return under date the 22d March 1852 and Supplemental return under date the 29th

Puisne

June 1852. to the precept of the Tinjdaree Adalut dated the 6th March 1852. directing the submission of an English translation of the record of the foregoing Case.

(Here Enter Fls. No. 59. and 61/4 of 1852)

1 Three prisoners in the foregoing case, were charged with Highway robbery.

2 The Law officers of the Sessions Court convicted the 3d Prisoner and declared him liable to Death, and he acquitted the 1st and 2d prisoners, declaring the former to be not free from suspicion.

3. The Sessions Judge concurring in this Futwa sentenced the 3d prisoner to 10 years' Imprisonment with hard labor in irons, and directed the 1st and 2d prisoners to be detained in custody until they each procured two Sureties to be bound each in the sum of Rupees 25 for their good conduct and appearance when required for 2 years or in default to be imprisoned for that period.

4. The Court of Tinjdaree Adalut on perusal of the Calendar Law reason to question the soundness of the sentence passed upon the 3d prisoner and of the regularity of security under which the 1st and 2d had been released and they accordingly directed that an English translation of the record should be submitted for their consideration

5 On an attentive perusal of the evidence the Court of Tinjdaree Adalut have been unable to concur with the Sessions Judge in considering it sufficient to justify the conviction of or even a requisition of security from any of the prisoners charged.

6. The Court of Tinjdaree Adalut observe that the only evidence in this case was that of the prosecutor examined as 1st Witness (the Government Vakeel) Prisoner and his attendant examined as 2d Witness. The Prisoner denied the charge throughout. The 1st Witness stated to the Head of Police and the Sirdarmahe Court, that the 3d Prisoner was one of those who robbed him, but he did not

21st July 1852.

state particularly what part the 3d Prisoner took in the Robbery - for particulars he referred to the 2d Witness who as not having been blindfolded - & folded until after he (1st Witness) had been so treated had better opportunity of observing. Before the Sessions Court he admitted distinctly that he could not identify the 3d Prisoner but merely suspected him. The 2d Witness before the Police and Sirdarmahe Court identified the 1st 2d and 3d Prisoners as having been seen by him during the robbery but before the Sessions Court he retracted his identification of the 2d Prisoner saying that although he recognized three persons before the Sirdarmahe Court, and the 2d Prisoner resembled one of them, he was not, he thought the same person whom he had identified there as one of the robbers. Before the Head of Police he said that the 3d Prisoner blindfolded the 1st Witness and before the Sirdarmahe Court that he himself was blindfolded & the 2d Prisoner whereas before the Sessions Court he said that he was blindfolded by the 3d Prisoner. As regards to the 1st Prisoner only he adhered throughout to his first statement viz: that 1st Prisoner relieved him of the Cavady with 1st Witness' goods he was carrying, but his evidence seems altogether given in a doubtful hesitating way as if he spoke merely from slight suspicion, and not at all from certainty. Thus before the Sessions Court there was no evidence whatever against the 2d prisoner and against the 1st and 3d only the evidence of a Jungle Witness full of discrepancy and contradiction, and the Sessions Judge would seem to have been influenced in passing sentence by mere suppositions and reasoning as to the Prisoners gathered from other cases, in which persons of the same wandering tribe were said to have been concerned. It appears to this Court of Tinjdaree Adalut that there is no evidence sufficient to justify even the demand of security from

from any of the prisoners, And the Court have accordingly directed their unconditional release.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Rajah-mundry for his information and guidance

(Sent in No. 936.)

Read letter under date the 29th ultimo from the Sessions Judge of Cuddapah.

(Here Enter No. No. 15 of 1852)

Read again also letter under date the 12th June 1852 from the Sessions Judge of Cuddapah

(Here Enter No. No. 15 of 1852)

Read also return under date the 1st July 1852 from the Sessions Judge of Cuddapah to the precept of the Foujdaree Adalut dated the 21st June 1852 directing that a Copy of the communication referred to by the Magistrate in his letter of the 15th May last as having been received by him from the Magistrate of Bellary with reference to one of the witnesses referred to in the above correspondence should be submitted for their consideration.

(Here Enter No. No. 1663 of 1852)

According to the ground advanced by the Magistrate in his letter of the 12th May last in support of his recommendation that a reward of 500 Rs. should be offered for the apprehension of each of the two individuals therein referred to, the one Gaddam Baligadu an escaped convict and the other Puttra Venguiah a notorious leader of Gang robbers, against whom it now appears that a specific charge admirably capable of proof has been preferred, the Court of Foujdaree Adalut resolve to accede to the Magistrate's recommendation and to sanction the offer of a reward of Rupees 500 for the capture of each of the individuals above mentioned.

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

communication to the Magistrate of Cuddapah.

(Sent in No. 937)

Read Calendar of Case No. 22 of 1852 of the Sessions Court of Nellore

(Here Enter No. 1660 of 1852)

In accordance with the recommendation moved by the acting Sessions Judge in this case, the Court of Foujdaree Adalut resolve to sanction a mitigation of the sentence passed against the 2d Prisoner

Gaddapa Palingada

to two years' Imprisonment with hard labor in irons and that against the 3d Prisoner

Peramasetty Chenchiah

to Four years' Imprisonment with hard labor in irons.

2. With reference to the 5th Section moved by the acting Sessions Judge that the 1st Prisoner, a boy 12 years old, should be flogged with a Cat and released, to preclude the contamination likely to result from his Continuance in Jail, the Court of Foujdaree Adalut observe that in the absence of any provision of Law authorizing Corporal punishment of the Kind recommended, they would not be justified in sanctioning its infliction.

3. According however to the 1st Prisoner's growth, and to the Fact of his having acted in the robbery with his Father, the 3d Prisoner, the Court are of opinion that he has been sufficiently punished, and they resolve to direct that he

Veeramalasetty Lakshmigadu

be unconditionally released with a warning.

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

(Sent in No. 938)

Read

Read Calendar of Cases No 26 of 1852 of
the Session Court of Combatoor
(These Cases Nos 1713 of 1852.)

The Court of Circuit adopts
of the recommendation made by the Session Judge in
this case that the imprisonment which the Prisoner
noted in the margin has been adjudged to Settee Ramasamien
his conviction of the crime of Perjury be reduced
to one (1) year's imprisonment with hard labor in irons,
and they do authorize the Session Judge to issue his
warrant accordingly.

Ordered that Extract from these pro-
ceedings be forwarded to the Session Judge of
Combatoor for his information.

(Cent pro No 939)

Read again Criminal Reports submitted
by the Session Judge of Cuddapah for the Month of April

(These dated Dec. No 1232 of 1852)

Read also return under date the 9th June
1852. and of another return under date the 16th June 1852 from
the Session Judge of Cuddapah to the precept of the Circuit
Court dated the 2d June 1852. conveying their observations
and orders
on the foregoing Criminal Reports

(These Cases Nos 1539 and 1505 of 1852)

It seems clear from the circumstances of
Case No 72. of the foregoing reports that there did not exist
on the part of the prisoner any intent to defraud pigott
the deposition recorded by him in the course of his duty
and the Court accordingly directs that the interlineation of
the commitment be pointed out to the Head of Police.

2. The Case referred to by the Magistrate
is not an analogous one. In that case the prisoner
seem to have personated his Brother without his knowledge
or consent in receiving pecuniary for another party, and
to have endeavoured to obtain the release of the said Brother

thro such fraudulent personation of a man of property who
in the case under review, the prisoner in preferring a
complaint regarding some injury to his Cattle presented
it in and called himself by his own name and thro
ignorance and mis connection for he might have presented
it in his own name and could have had no fraudulent
object in view.

Ordered that Extract from these pro-
ceedings be sent to the Session Judge of Cuddapah
for communication to the Magistrate.

(Cent pro No 940)

Read letter dated the 30th ultimo from
the Agent to the Governor of Fort St George in Council, sub-
mitting for the orders of the Circuit Court a report of the
of the trials of Cases Nos 10 of 1852. on the file of this Court.

(These Cases File. No 1697 of 1852)

The Prisoner in this case was charged
with having some time in the year 1849. precise date
unknown, gone forth in company with a number of
others armed with weapons of various descriptions and
pillaged and burnt the Village of Bodaralonda in
Jeypore, and further with having in his possession three
bags and bundles being a portion of the property obtained
in plundering the above said Village of Bodaralonda
knowing the said property to have been so obtained

2. The Agent considering the Prisoner to
be convicted on the 2d Count of the indictment recom-
=mends that he be sentenced to three years' Imprison-
=ment & that he be sentenced to three years' Imprison-
=ment & hard labor in irons, and to receive fifty
lashes

3. After an attentive consideration of the
evidence in this case as stated in the Agent's letter, the
Court of Circuit are unable to concur with
that Officer in the conviction of the prisoner -

The

1852.

The Comb of Tinjdaree Medals observe that the only articles supposed to have been obtained by robbery that were in the prisoners possession were three brass utensils, which he states he made for sale in a field. These utensils were not claimed nor identified by any one, and there is no proof that they were part of the property plundered on the occasion referred to in the first count of the indictment, nor was it in evidence before the Agent that the Village in question was plundered or burnt at all.

Under these circumstances the Comb of Tinjdaree Medals resolve to direct that the prisoner

"Rhonde Bason"

may be unconditionally released.

Ordered that Extract from these proceedings be sent to the Agent at Kanjam for his information and guidance by French, returnable within 14 days from and after its receipt.

(Sent following French No 941)

Read letter dated the 7th Instant from the agent to the Governor of Fort Saint George at Madras submitting for the orders of the Tinjdaree Medals a report of the trial & Case No 33 of 1852 on the file of this Comb.

(Here Enter Th No 1708 of 1852.)

1. The Prisoner in this case has been tried for the offence of severe wounding, and the Agent being of opinion that the charge has been fully proved, recommends that he be sentenced to 4 years Imprisonment and to 150 lashes under clause 1 Section II Regulation XV of 1803.

2. The Comb of Tinjdaree Medals concur in the conviction of the Prisoner

Ebenezer Goravadoo

but being of opinion that a lighter penalty than the recommended

Fh.

21st Feby 1852.

recommended by the Agent will meet the ends of justice in this case, they sentence the Prisoner to be imprisoned with hard labor in irons for the period of 2 years and to receive 50 lashes.

Ordered that Extract from these proceedings be sent to the Agent at Ganjam for his information and guidance.

(Sent in No 942 Do

Eq. 24 Feb 52

911

Thursday
22d July 1852

At a Court of the Faydarre Udalate

Present.

G. A. Hosper Esquire
J. Anderson Esquire
W. A. D. Inglis Esquire

} Presg Judges

Read Miscellaneous Petition pres.
Andrew Lyon Kristiadsmoen the 21st June 1852, of the
Gillah of Chittoor..

(Pres entor F.C. No 83 of 1852.)

Entered the opposing of this Petition
the Court of Faydarre Udalate resolve to call
for translations of the depositions given by the
2d Prisoner Ammanna and 1st Witness Mourchel
before the Police and the Sessions Court in Case
No 21 of 1851 on the file of the Sessions Court of
Chittoor..

Ordered that Extract from these
Proceedings be forwarded to the Sessions Judge of
Chittoor for his information and Guidance
by precept returnable within x days from
date after its receipt..

(Put following precept No 946.)

Read letter dated the 13th July 1852

from

from the Srpron Judge of Calicut submitting for the final judgment of the Tahsildar's Court the Record of Case No 280 of 1852 on the Calendar of the Srpron Court..

/True extr FB of No 1796 of 1852/

Mr. J. Anderson.

The Court of Tahsildar's Court on a deliberate consideration of all the circumstances of the Case in evidence before them, is of opinion that the proof against the prisoner

Vallikattil Kastty Ittiru

is sufficient to convict him of the crime of culpable Homicide for which the penalty of Dryut is awardable under the Mohomedan Law as declared in Futwahs of their Law Officers, do convict him thereof and under the provisions of Clause Second, Section XV, Regulation VII of 1802, Sentence him to be transported to 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..

/Exhibit No 947./

Read Calendar of Case No 281 of 1852 submitted by the Srpron Judge of Bellary and date the 16th July 1852..

/True extr FB No 1799 of 1852/

Read Statement dated the 1st July 1852 submitted by the Srpron Judge of Combaconum of Batta paid to the Prosecutors and Witnesses during the 1st half of 1852..

/True extr FB of No 1791 of 1852/

Read letter dated the 13th Instant from the Acting Srpron Judge of Tanjore stating that he has no Statement to furnish of the amount realized by the labor of Prisoners for the 2d quarter of 1852..

/True extr FB No 1792 of 1852/

Sd. [illegible]

F 11.

Saturday 24th July 1852 } At a Court of the Tonjadarre Cadalut

Present.

G.S.K. G. L. Kooper Esqre
K. F. Anderson Esqre Officiating } Puisne Judges
W.P. W. A. D. Inglis Esqre —do—

Read Calendar of Case

No 9 of 1852 of the Superior Court of

Pellichery.

(Here Enter F 11 No 1950 of 1852)

In accordance with the

recommendation made by the Superior

Judge in this case, the Court of Tonjadarre

Cadalut resolve to sanction a reduction

of the sentence passed against the 1st

3d Prisoner

Muthalepparai Moonkondan

to Five years imprisonment with hard

labor in iron, and that against the 2nd

2nd Prisoner,

Periagaly Kandy Bapoo

to Five years imprisonment with labor

suitable to his age.

The

The Court observe that the Calendar under notice does not contain the necessary specification in detail of the articles of stolen property given up by the Prisoner, and they resolve to direct the Sessions Judges' attention to the omission.

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

/ Sent in No. 952. /

Read Calendars of Cases Nos. 6 to 13 of 1852 of the Sessions Court of Chingleput.

/ Here Enter F.C. No. 1734 of 1852 /

The Court of Fouzdaree Cases approve of the recommendation made by the Sessions Judge, that the punishment awarded to the 1st Prisoner in Case No. 5 of 1852, on his conviction of Housebreaking and theft, be reduced to / three years / imprisonment with labor in irons, suited to his age, and that awarded to the 1st Prisoner in Case No. 13 on his conviction of

of the crime of theft, to (1) one year's imprisonment with hard labor in irons, and they authorize the Sessions Judge to issue his warrants accordingly.

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

/ Sent in No. 953. /

Read letter dated 12th July 1852 from the Sessions Judge of Calicut.

Here Enter F.C. No. 1773 of 1852.

1. The question submitted by the Sessions Judge in the above letter for the consideration of the Court of Fouzdaree Adalut, is whether the Magistrates have the power of flogging convicts under sentence of transportation and enroute to Chingleput who may be guilty of malingering or of refractory or contumacious behaviour by the way.

The Sessions Judge records

2. his opinion that as the Magistrate is the person responsible for the safe conduct

of the

of the prisoner while en route thro' his District, he has authority to exercise the power granted to officers in charge of convicts by Regulation X of 1832 for the repression and punishment of disorderly conduct, but that a repetition of such conduct would bring the case within the cognizance of the Session Judge of the district in which it occurred, to be dealt with, as in the case of all other offences committed by convicts under sentence of Transportation, according to the provisions of Section II Act XVIII of 1836.

3. In this opinion the Court of Fouzdaree Adalut concurs—A convict under sentence of transportation, while passing through a District en route to the Depôt Jail, to be under the charge of the Magistrate of the District by whom the guard is furnished for his safe custody, and is liable to be therefore to be punished under Regulation X of 1832 for any misconduct of which he may be guilty, by the Magistrate

Ordered

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

/Sent in No. 954/

Read letter under date the 26th April 1852 from the Sessions Judge of Rajahmundry submitting an English Translation of the record of case No. 54 of 1851 on the Calendar of the Sessions Court, for the final judgment of the Fouzdaree Adalut.

/Here after F.H. No. 1728 of 1852/

Before finally disposing of this case the Court of Fouzdaree Adalut resolve to direct that the descriptive roll of the individual named Goovinda Ramanah, drawn out and circulated in 1832, may be submitted for their consideration, and that in the event of there being any distinguishing marks specified thereon, the Sessions Judge will state how far the present appearance of the prisoner in this case corresponds with them.

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Rajahmundry by precept.

Returnable

returnable within III days from and after its receipt.

/Sent following Receipt No 951/

Read letter dated 10th July 1852 from the Acting Sessions Judge of Cudalore submitting for the final Judgment of the Fonjdaree Adalut the Record of Case No 15 of 1852 of the Calendar of the Session (and

/Here Enter Ft. Nos 1714 of 1852/

Mr. G.S. Hooper
" P. Anderson
" W.A. Inglis

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

1st Perovengadum

is sufficient to convict him of the crime charged, do convict him thereof; and sentence him to be transported to such place or places beyond Sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of his natural life. but being of opinion

that the prisoners,

2d Angappachary

3d Cattyan

and

4th Ramen

are not convicted on presumptive proof or on the evidence of credible witnesses, or on their own confessions of the crimes charged, do acquit them thereof; but considering that strong suspicion, though not amounting to conviction, attaches to them, the Court direct that under the Provisions of Clause Sixth, Section II, Regulation XV of 1803, that the prisoners

2d Angappachary

be required to find two sureties in /100/ one hundred Rupees each, surety for his good behavior and appearance when required within three years, and that in default thereof he be detained for three years in confinement, and the Prisoners,

3d Cattyan

and

4th Ramen

be required each to find two sureties in /50/ fifty Rupees, each surety, for their good

good behaviour and appearance when required within one year and that in default thereof they be detained for one year in confinement.

1. The Court of Fouzdaree Adalut have convicted the 1st prisoner in this case of having been concerned in the murder laid to his charge, but being of opinion that there is no sufficient proof of his having taken an active part in it, the evidence of the 22 witness (the approver) on this point, appearing to the Fouzdaree Adalut to be untrustworthy, Court have sentenced the 1st prisoner to the mitigated punishment of transportation for life.

2. The Court of Fouzdaree Adalut have been unable to concur with the Acting Sessions Judge in considering the evidence sufficient for the full conviction of the 2d 3d and 4th prisoners.

3. The circumstances in evidence against the 2d prisoner, are his alleged admission before the Head of District Police, the alleged existence of enmity on

on his part towards the deceased, his application by the 22d witness, the approver, and the alleged fact of his having washed his cloth for the purpose of removing stains of blood from it, after he was brought into the Gaol-

In regard to his confession

4. the Court of Fouzdaree Adalut observe that it was retracted by him before the Principal Sudr Ameen and is therefore in itself insufficient to bring home his guilt to him-

The evidence to the alleged enmity between him and the deceased Vizt, that of the 18. 19. and 20th witnesses, appears to the Court of Fouzdaree Adalut to be unsatisfactory; this evidence it is observed was not taken, in the first instance the witnesses not having been examined for a Month after the first enquiry and after the commitment of the case to the Principal Sudr Ameen and their examination having taken place in consequence, it is to be inferred, of a requisition to that effect made

made by the Principal Sudr Ameen.

6. The 19th witness is of a different caste from both the deceased and the 2d prisoner, under which circumstance it seems most unlikely that the latter, as it is alleged, should have told him that the former had by witchcraft set fire to his house in consequence of his illicit intimacy with the 22d witness the daughter in law of the deceased, or that the deceased should have told him, that he had discovered the 2d prisoner in the act of connexion with his (the deceased's) daughter in law.

7. The Statements of this witness on the foregoing points, appear to the Court of Fouzdaree Adalut, to be undeserving of credit, the more especially, when it is observed, that no mention is made in the admission of the 2d prisoner before the Head of Police, or in any of the proceedings taken on the first enquiry, of the 2d prisoner's having accused the deceased of having set fire to his house.

The

The evidence of the 22d

8 witness, as being that of an accomplice, must of course be received with caution, and uncorroborated by other criminatory circumstances clearly established, could scarcely be held sufficient for a conviction, and as regards the alleged circumstance of the 2d prisoner having washed his cloth in the Sail, it appears to the Court of Fouzdaree Adalut scarcely possible that the Police could have allowed him to wear, and could have sent him up to the Court with a blood stained cloth on his person; the first thing they would naturally have done on his apprehension, being to search him and examine his clothes.

Similar deficiencies appear

9. to the Court of Fouzdaree Adalut to mark the evidence against the 2d and 4th prisoners; for instance, although it is stated in the Mahazurnamah that the persons who signed it, searched the house in which the murder was committed, no mention is made in it

of

of the lock of the door of the room in which the property was supposed to have been kept, having been found broken; and omission which throws much suspicion on the evidence subsequently given to the effect that the said door had been so found broken open, and the attempt to commit this alleged breaking with the chisel found in the 3d prisoner's house.

10. The Court of Fonjdaree Udalut are of opinion that the question should have been put by the Acting Sessions Judge to the 22d witness as to whether an illicit connexion had existed between her and the 2d prisoner, the establishment of this fact being obviously a material point in the case.

11. No question was put to the 18th witness, as to whether, in company with the 9th witness, he had seen the 1st prisoner on the evening preceding the commission of the murder, nor to the 10th witness to elicit the evidence before the Sessions Court which he

he gave before the Head of Police to the same effect as that given by the 9th witness, and considering the nature of the evidence given by the 10 witness before the Head of Police, this Acting Sessions Judge appears to the Court, to have been extremely defective.

12. The Court of Fonjdaree Udalut consider the Police to be deserving of much credit for the rapidity with which the clue obtained to the perpetrators of the murder in this case, was followed up, and the enquiry brought to a close.

13 The abstract of the evidence recorded by the Head of Police, in his remarks in the case, and in his letter to the Principal Sudr Ameen were unnecessarily long.

Ordered, that Extract from these Proceedings be forwarded to the acting Sessions Judge of Cuddalore.

L.S.

Certificate of Pardon

to

to

"Naggammal"

Whereas under date the 17th June 1852, the Court of Tonjdaree Cedalut were pleased to authorize the acting Sessions Judge of Cuddalore to tender an offer of Pardon to Naggammal, on condition of her making a full disclosure of every circumstance within her knowledge, relative to the murder of Vencatachella Chetty committed on the night of the 2d May 1852, in the Village of Agaram, in the Talook of Teroomanalay in the Zillah of Cuddalore,

And whereas the Court of Tonjdaree Cedalut are of opinion that the conditions of the said grant of pardon have been sufficiently fulfilled.

Now, these are to certify and declare that in consideration thereof, the Court of Tonjdaree Cedalut have been pleased under the provisions of Section XV, Regulation VIII of 1802, to confirm the pardon conditionally

tendered

24th July 1852

tendered as aforesaid to the said "Naggammal" in so far as regards the act herein referred to.

And the Court do hereby confirm the said pardon accordingly.

Given under our hands and the seal of the Court this 24th day of July 1852.

/Sent in No. 956/

Read return dated 15th April 1852 from the Acting Sessions Judge of Cuddalore to the precept of the Tonjdaree Cedalut under date the 5th April 1852, requesting to be furnished with copies of any proceedings which may be held by the Sessions Judge in respect to the appeal lodged from the sentence of the Subordinate Judge in Criminal Case No. 16 of 1852.

/Here Enter No. 952 of 1852/

Read Report dated 1st May 1852 submitted by the Acting Sessions Judge of Cuddalore in Cases pending on the 30th April 1852 before the Sessions Court

Court for a period in excess of 25 days
calculated from the date of commitment.
/Here Enter Fil No. 1160 of 1852/

Read Criminal Report dated
16th June 1852 submitted by the Acting Sessions
Judge of Chingleput for the month of May 1852.
/Here Enter Fil. No. 1476 of 1852/

Read Report dated 15th June 1852
submitted by the Agent to the Governor in
Vizagapatam, of persons apprehended in the
Separate Tracts of Vizagapatam and delivered
to the Agency in the months of May 1852.
/Here Enter Fil No. 1521 of 1852/

Read return dated 29th June 1852
from the Sessions Judge of Rajahmundry to
the precept of the Fouzdaree Adalut under
date the 24th June 1852 calling upon the
Sessions Judge to explain the cause of
the unusual mode of procedure in Case
No. 34 of 1851 on the Calendar, viz. that
the 1st 2d 4th to 8th 11th & 12th Prisoners were put on
their trial before the Sessions Judge on the
18th October, while the remaining Prisoners
were not arraigned till the 22d or 23d
days afterwards -
/Here Enter Fil No. 1582 of 1852/

Fd

At a Court of the Foujdaree Adalut

Present

Monday
26th July 1852

Hon. J. Anderson

G.H.R. } J. L. Hooper Esqr. —
W. de Jos } Findlay Anderson Esqr. — } Puisne Judges
Fil. for W. A. D'Oyly Esqr. —

Read again Criminal Reports submitted by the Sessions Judge of Chittoor for the month of February 1852
/Here Enter Fil No. 737 of 1852/

Read also return to the precept of the Foujdaree Adalut under date April 6th 1852. requesting to be furnished with copies of any proceedings which may be held by the Sessions Judge in respect to the appeal before the Sessions Judge of the Subordinate Judge in Criminal case No. 16 of 1852.
/Here Enter Fil. No. 982 of 1852/

Read also Miscellaneous Petition preferred on the 3rd June 1852. by Akbar Moorali of the Zillah Chittoor
/Here Enter Fil P. No. 86 of 1852./

The Court of Foujdaree Adalut consider the sentence passed by the Subordinate Judge to be just & proper, and they see no reason to doubt its propriety, and they therefore resolve to reject this petition -

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

Read again Miscellaneous Petition from Moodeen by the Sessions Judge of Masulipatam on behalf of Fingarayen Bardiah of Zillah Masulipatam
/Here Enter Fil P. No. 60 of 1852/

Read also return under date the 9th 1852. from the Sessions Judge of Masulipatam to the precept of the Foujdaree Adalut dated the 25th May 1852 directing

directing the transmission of an English translation of the records of case No 89 of 1851 on the file of the Session Court, and of other papers connected therewith.

(Here Order No 1705 of 1852.)

The Court of Kongidaree having duly after attentive consideration of the records of this case, and of the papers submitted by the Magistrate see no reason to doubt the justice and propriety of the sentence passed on the Petitioner Jugarauze Bhadrich, the 2d prisoner, or to entertain that the Head of Police misled the complainant and got up the case as alleged, from animosity and apprehension of any disclosure he might make to the Magistrate. On the contrary although the Petitioner did malignantly attempt to asperse the character of the Head of Police because he would not lend himself to a scheme for prosecuting the property of the Petitioner's client by means of a collusive and fabricated deed of sale by Valeeh accusing him of doing the very thing which he would not do, yet as the Magistrate observed through the false hood and malice of the charge, and approved the Head of Police of his confidence and support, it is obvious that the latter had not the slightest cause for any apprehension from the Petitioner's intrigues, some feelings of indignation and animosity he might naturally have towards his unworthy accuser, but there is no reason for thinking that he was influenced by such feeling to make any improper use of his official powers: so far from that, he observed to the Magistrate to relieve him altogether from the investigation so soon as the charge was made and not went on with the enquiry, when ordered to do so by reason of the Magistrate not thinking it convenient to release him. It is therefore resolved to dismiss this Petition.

Ordered

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

(Sent to Dr 961.)

Read letter under date the 23d June 1852 from the late Acting Session Judge of Salem.

(Here Order No 1578 of 1852.)

With the foregoing letter the Acting Session Judge has submitted copies of a correspondence which has passed between himself and the Magistrate of Salem, wherein the latter objects to an order passed by the late Acting Session Judge, directing that a fine imposed by the Acting Magistrate in Case No 76 of the Calendar of petty Cases should be refunded, "the Section quoted being inapplicable to the case"

The charge preferred against the accused in the case adverted to was, that he had "interrupted the proceedings of the Police Amean by "pertinacious by putting to him vain and useless questions "when he was engaged in the examination of a Police "case;" the punishment awarded, being a fine of Rupees 3 and the authority quoted Section XXXII, Regulation IX of 1816.

The Magistrate objects to the late acting Session Judge's order, as being calculated to convey the impression that "the quotation of a wrong "authority will go to secure impunity to the accused" and states that it appears to him to be a matter for consideration whether the offence charged "is not in obstruction of the character contemplated by the framers of Act XXX of 1841." He at the same time admits that the fine imposed by the late Magistrate was illegal, as not having been

vacated

ordered by the Officer whose proceedings were obstructed

The Comb of Conjdaree Adalut concur with the late Acting Sessions Judge in the opinion that the provisions of the Act in question are applicable only to cases of obstructing parties in the presence of a Magistrate or of any Superior or inferior Comb Civil or Criminal, but that they do not extend to the Native Officers of Police

The Comb at the same time deem it proper to remark that the wording of the late Acting Sessions Judge's order is liable to the objection raised by the Magistrate, and that in all cases of sentences being reversed as being unwarranted by any existing law, the Facts should be distinctly stated in the order of reversal

The orders of the Conjdaree Adalut referred to by the late Acting Session Judge are not in point; the Facts of the inapplicability of the provisions of the Law quoted being merely stated as a remark, and not as a ground for the reversal of the sentence, the ground which is stated in the proceeding hereof

Ordered that Extract from these proceedings be sent to the Acting Session Judge of Salem for Communication to the late Acting Session Judge and to the Magistrate

(Seal in ℞ 962.)

Read again Calendar of Petty cases disposed of by the Magistracy of Canara in the Facts under the Jurisdiction of the Zillah Comb of Honore during the 4th Quarter of 1851.

(Three Cadjans ℞ 925. of 1852)

Read also return under date the 5th June 1852. from the Acting Session Judge of Honore to the precepts of the Conjdaree Adalut dated the 8th May 1852 calling for explanation with reference to certain cases entered in the foregoing reports.

(Three Cadjans ℞ 926. of 1852)

Read also Criminal Reports submitted by the late acting Session Judge of Salem for the Month of May 1852.

(Three Cadjans ℞ 940 of 1852)

On an attentive consideration of the papers submitted with the foregoing letter, and of the report of the case referred to, the Comb of Conjdaree Adalut are of opinion that the Court of Justice have been defeated by the reversal of the Sentence passed upon the prisoner by the Head Assistant

The Conduct of the Tawah Peon in procuring the prisoner a passport and so protecting him from apprehension was certainly highly improper, but as the confession of the Prisoner before the Police Officer is shown to have been quite voluntary, and as he confirmed it by giving it from three separate Places the Instant he was charged with having stolen, the Comb of Conjdaree Adalut see no reason to doubt that he was really guilty of the crime laid to his

26th Feb 1852.

under the circumstances stated in the correspondence submitted with the foregoing return the Comb of Conjdaree Adalut are satisfied of the legality of the sentence passed in the cases therein referred to, but they deem it necessary to direct that every publicity be afforded to the proclamation issued on the subject by the Magistrate and that a Copy thereof be submitted for their Consideration

Ordered that Extract from these proceedings be sent to the Acting Session Judge of Canara for his information and guidance by the earliest Post returnable within Ten days from date after its receipt.

(Seal Following proceeds ℞ 963.)

Read letter under date the 8th June 1852 from the late Acting Session Judge of Salem

(three Cadjans ℞ 15th of 1852)

his charge, nor can they afford to the position laid down by the late Acting Sessions Judge that the unauthorized act of the Tahsildar Peon is to be considered to render the prisoners confession corroborated as far as by the discovery of the stolen property inadmissible as evidence against him.

The Court of Circuit observe that the enclosures submitted with the late Acting Sessions Judge's letter, afford various explanations on the other points of the case to which that Officer adverts as being favorable to the accused.

Ordered that Extract from these proceedings be sent to the Acting Sessions Judge of Salem for communication to the late Acting Sessions Judge and to the Magistrate.

(Sent in No. 964)

Read communication under date the 13th July 1852 from the Sessions Judge of Calicut forwarding copy of the Extract from the Proceedings of the Sessions Court held on review of the Magistrate's Calendars for the 1st Quarter of 1852.

(Here enter No. 1771 of 1852)

Read return dated 17th July 1852 from the Acting Sessions Judge of Chingleput to the precedent of the Tondiarpet Taluk under date the 2d ultimo directing him to review the Proceedings of the Joint Magistrate in Case No. 56 of 1852 Report B for the month of March 1852.

(Here enter No. 1775 of 1852.)

Read communication under date the 12th July 1852 from the Acting Sessions Judge of Chingleput forwarding copy of the Extract from the Proceedings of the Sessions Court held on review of the Magistrate's Calendars for the 1st Quarter of 1852.

(Here enter No. 1776 of 1852.)

Read

26th July 1852

Read Letter dated 15th July 1852 from the Sessions Judge of Guntoor, stating that he has not the remotest idea of commenting on the proceedings of the Court of Tondiarpet Taluk.

(Here enter No. 1778 of 1852)

Read Statement dated 15th July 1852 submitted by the Sessions Judge of Guntoor of Batta paid to Prosecutors and Witnesses who attended before the Sessions Court during the 1st half year of 1852.

(Here enter No. 1779 of 1852)

Read Calendar of Cases No. 17 and 56 of 1852 submitted by the Acting Sessions Judge of Salem under date the 12th July 1852.

(Here enter No. 1782 of 1852)

Read Statement dated 15th July 1852 submitted by the Acting Sessions Judge of Salem of Batta paid to Prosecutors and Witnesses attending before the Sessions Court of Salem during the 1st half year of 1852.

(Here enter No. 1785 of 1852)

Read letter dated 20th July 1852 from the Session Judge of Coimbatore, reporting the execution of Aroomachellum, Prisoner in Case No. 8 of 1852 on his file.

Ord. Extract

(Here enter F. No. No. 1821 of 1852.)

Read Statement dated 22d July 1852 submitted by the Acting Session Judge of Cuddalore of Batta paid to Prosecutors and Witness, for the 1st half of 1852.

(Here enter F. No. No. 1823 of 1852)

Read letter dated 15th July 1852 from the Principal Assistant in charge of the Agent's Court at Vizagapatam, forwarding a Case of House breaking which was omitted in the monthly Report for June last.

(Here enter F. No. No. 1805 of 1852.)

26th July 1852.

Read return dated 19th July 1852 from the Session Judge of Combaconum to the proceedings of the Foujdaree Udalut dated 16th July 1852, suggesting investigation of the sentence in case No. 21 of 1852 on his file -

(Here enter F. Uc. No. 1809 of 1852)

Read Statement dated 1st July 1852 submitted by the Session Judge of Tinnevely of Batta paid to Prosecutors and Witnesses during the 1st half of 1852.

(Here enter F. Uc. No. 1814 of 1852)

F. Uc.

Tuesday
27th July 1852.

At a Court of the Foujdaree Udalut

Present.

G. S. Hooper Esquire
F. Anderson Esquire Offg
W. A. D. Inglis Esquire Offg
} Puisne Judges.

Read letter dated 30th June 1852, from the Session Judge of Chittoor, submitting for the final judgment of the Foujdaree Udalut, the record in case No. 9 of 1852, on the Calendar of the Session Court.

(Here enter F. Uc. No. 1770 of 1852)

Mr. G. S. Hooper and " W. A. D. Inglis

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 Vencataramarazoo,

is sufficient to convict him of the crime charged, do convict him thereof, and sentence him to be transported to such place or places beyond sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons on the public roads, or other public works for and during the period of

27th July 1852.

of his natural life.

4th Mott

/ Sent in Nc

/ C

F. Uc.

Thursday
29th July 1852. At a Court of the Fanjdarree Udalut:

Present:

Yst Gr. S. Hooper Esqre.,
Jr-dc Jor F. Anderson Esqre., Acting
Yd for W. A. D. Inglis Esqre., Acting
} Puisne Judges.

Read Miscellaneous Petition presented on June 21st 1852 by Yellamma of the Village of Chittoor, appealing from the sentence passed on her brother Prisoner in Case No. 21 of 1851 on the file of the Sessions Court of Chittoor

/ Vide Letter F. Mc. P. No. 81 of 1852 /

Mr. W. A. D. Inglis

The Court of Fanjdarree Udalut declines to call for the records of the trial as requested by the Petitioner, the conviction of the 1st Prisoner being in this opinion found. ed on sufficient grounds. The Court therefore resolves to reject this petition.

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

Read Miscellaneous Petition

presented on 21st June 1852 by Veeraswa

29th July 1852.

of the Dillah Honore.

/Here enter F. M. P. No 78 of 1852./

M. W. A. D. Anglis. 1.

This is an application to the Court of Fouzdaree Udalut to issue an order to the Sessions Judge of Honore to retry Case No 41 of 1851 on the file of the Sessions Court.

2.

The Court of Fouzdaree Udalut decline to order a retrial of the Petitioner in the case in question, on the charge on which the /Petitioner/ has been convicted, as they consider that a fair and proper trial has already been held, and that no good grounds exist for their compliance with such application.

3.

The Court of Fouzdaree Udalut therefore resolve to reject this Petition.

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

Read Miscellaneous Petition presented on 21st June 1852 by Tongamma of the Dillah of Chittoor.

/Here enter F. M. P. No 83 of 1852./

M. W. A. D. Anglis

The Court of Fouzdaree Udalut refer the Petitioner to their order passed under date 30th June 1852, which is final.

Ordered

29th July 1852.

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

Read Miscellaneous Petition presented on 10th May 1852 by Sowranchary of the Dillah of Chittoor, appealing from the sentence passed on his Brother, Prisoner in Case No 21 of 1852 on the file of the Sessions Court.

/Here enter F. M. P. No 62 of 1852./

M. W. A. D Anglis.

The Court of Fouzdaree Udalut decline to call for the records of the trial in this case, as requested by the Petitioner, the conviction of the 8th Prisoner, Veradiswamy, being in their opinion founded on sufficient grounds. The Court consequently resolve to reject this Petition

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

Read Cutcherdan of Cases Nos 44, 45, 46 and 47 of 1852, submitted by the Sessions Judge of Madanapalle under date the 7th July 1852.

/Here enter No 1795 of 1852./

The Court of Fouzdaree Udalut.

1.

appearance

approve of the recommendations made by the
Sessions Judge in these cases that the imprison-
Bordermella Lotamyah -ment, which the Prisoner acted in the margin
has been adjudged to suffer on his conviction of
the crimes of snatching and theft be reduced to
(4) four years imprisonment with hard labour
in irons, and do they do authorize the Sessions Judge
to issue his warrant accordingly.

2.

The Court of Fouzdaree Udalut
observe that the foregoing Calendars have not
been prepared in accordance with their Circular
instructions of the 9th June 1837, which, while
authorizing the omission in Columns 6 of the
abstract examinations and grounds of commitment
at the same time distinctly require that a concise
statement of the evidence recorded upon the trial
with such remarks upon the preliminary enquiry
by the Police as the circumstances of the case
may call for, be invariably entered in Column
12. of each Calendar. The remarks of the
Sessions Judge upon the cases now under con-
sideration are obviously insufficient to enable
the Court to judge of the propriety of their
disposal.

3.

The Court deem it proper
further

further to point out that Column XI of the
Calendars should be confined only contains an abstract of the
finding or Sentence, and English translation of
which should be submitted on a separate sheet
of paper.-

Ordered that Extract from
these Proceedings be sent to the Sessions
Judge of Moorshedabad for his information
/ Sentence No 970. /

Read a letter dated 8th July 1852.
from the Sessions Judge of Bellary.-
/ Cases Fouz. Uc. Nos 1718 and 1739 of 1852. /

With the communication above
recorded the Sessions Judge submits for the
consideration and orders of the Court of
Fouzdaree Udalut copies of a correspondence
which has passed between himself and the
Superintendent of Police of Bellary relative
to a Prisoner whom the Sessions Judge con-
sidered to have been illegally detained by
the latter Officer for a period exceeding
42 hours.-

2.

The Court of Fouzdaree Udalut
deem it unnecessary to enter into the particulars
of the case in question - it is sufficient for
them

29th July 1852.

Appendix B to statet
No 3B

1.

The Court of Fouzdaree Udalut direct that the Agent be requested in future to exclude from the entries in the minor columns under heads "Trials reported" the number of cases and persons disposed of by himself in his capacity of Sub Judge if he has included any of this description.-

2.

The Court also direct that the Agent be requested to explain with reference to the entries in Columns Nos 5, 6 and 7 of the Statement No 3B and Columns 4 and 5 of the Statement No 4 whether any cases have been received by his assistants and himself direct during the year without the intervention of the Police and the Assistant Agents.

3.

It would appear from the Statements above referred to that the cases therein entered have all been sent up by the Police and Assistant Agents.-

Ordered that Extract from these Proceedings be forwarded to the Principal Assistant Agent in charge of Vizagapatam by Precept returnable within two days from and after its receipt.

(Sent following precept No 972)

Read

F. C.
29th July 1852

Read return dated 17th Instant from the Agent at Kurnool to the Precept of the Fouzdaree Udalut under date the 12th July 1852 requesting explanation with reference to the entries in certain Columns of the statements No 3B and No 4 as to whether any cases have been received direct by the Agent and his Assistants without the intervention of the Police Vizt

(Vide enter F. C. No 1828 of 1852)

1 The Judges of the Fouzdaree Udalut observe from the explanation furnished in the above return that the Agent in preparing the statements Nos 2, 3B and 4 for the year 1851 has not followed the same principle on which they were prepared by the Agent at Ganjam notwithstanding the statements prepared and submitted by the latter Officer were sent to him for his guidance; and they expect that his future returns will be prepared in conformity with the Ganjam Statements.

The

2

29th July 1852.

2) The Court will again furnish for the information of the Agent the State-ments Nos 2, 3B and 4 submitted by the Agent at Ganjam should he require them.

Ordered that Extract from these Proceedings be forwarded to the Agent at Kurnool for his information and guidance.

(Sent in No 973.)

Exd. Apoll

Friday
30th July 1852.

F. 46

At a Court of the Tonjdaree Adalut.

Present

Present: G. A. Cooper Esqre
Proctor for Plt: Chas Anderson Esqre Acting
Ditto for Govt: W. A. D'Eglis Esqre Acting

Read letter dated 6th July 1852 from the Acting Session Judge of Salem transmitting the translation of the Records in Case No 12 of 1852 for the final decision of the Tonjdaree Adalut.

(Here Order No 1837 of 1852)

Mr G. A. Cooper for Plt. & Mr W. A. D'Eglis for Govt.

The Court of Tonjdaree Adalut on a deliberate perusal & consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner

Veeran

is sufficient to convict him of the crime charged, do convict him thereof, and sentence him to be transported to such place or places beyond sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the term of his natural life.

(Sent in No 974.)

Read again Criminal Reports submitted by the Assistant Judge in charge of the Sessions Court of Combaconum for the Month of May 1852.

(Here Order No 1562 of 1852)

Read also return dated 19th June 52 from the Sessions Judge of Combaconum to the precepts of the Tonjdaree Adalut under date the 16th inst. conveying observations and orders relative to certain cases in the

the above reports.

(Here Enter Tr No 1810 of 1852.)

According to the explanation furnished by the Session Judge with reference to the cases noted in the margin, the Court of Conjeeveram Adalut resolve to cancel their order relative to the Prisoners Veeraputtal alias Veeraputtal alias Veeraputtal and to leave the sentences passed against them undisturbed.

Nos. 67 & 68

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

(Sent per Dk No 975)

Read Calendar of Cases Nos 31, 32, and 33 of 1852 submitted by the Acting Session Judge of Honore under date the 16th July 1852.

(Here Enter Tr No 1824 of 1852.)

Read return dated 15th July 1852 from the Acting Session Judge of Honore to the proceedings of the Conjeeveram Adalut under date the 8th July 1852 directing the immediate release of the prisoner in Case No. 28 of 1852 on the file of the Session Court of Honore.

(Here Enter Tr No 1825 of 1852)

Read Calendar of Case No. 19 of 1852 submitted by the Acting Session Judge of Salem under date the 12th July 1852.

(Here Enter Tr No 1827 of 1852)

Read return dated 19th July 1852 from the Agent to the Governor at Baramahl to the proceedings of the Conjeeveram Adalut under date the 13th July 1852 suggesting the propriety of reducing to one year's imprisonment the sentence passed against the prisoner in Case No. 23 of 1852.

(Here Enter Tr No 1829 of 1852.)

Read return dated 22nd July 1852 from the Session Judge of Cuddalore to the proceedings of the Conjeeveram Adalut under date the 30th June 1852 directing him to review the proceedings of the Judge in

the case No. 1 on the Magistrate's report for the present year, and to pass the sentence ordered thereon.

(Here Enter Tr No 1830 of 1852.)

Read Calendar of Cases Nos 23 and 24 of 1852 submitted by the Session Judge of Combaconum under date the 22nd July 1852.

(Here Enter Tr No 1831 of 1852.)

Read Criminal Reports submitted by the Acting Session Judge of Honore under date the 15th July 1852 for the month of June last.

(Here Enter Tr No 1832 of 1852.)

Read Calendar of Case No 15 of 1852 submitted by the Session Judge of Coimbatore under date the 12th July 1852.

(Here Enter Tr No 1839 of 1852)

Read Criminal Reports submitted by the Session Judge of Cuddalore under date the 19th July 1852 for the month of June last.

(Here Enter Tr No 1840 of 1852.)

Ld. Thompson

F. W.

Saturday 31st July, 1852. At a Court of the Foujdaree Adalut.

Present.

G. S. Hooper Esqre. —
F. Anderson Esqre — officiating
W. A. D. Inglis Esqre — officiating
} Prisne Judges

Read letter dated the 28th Ultimo, from the Session Judge of Mangalore, submitting for the final Judgment of the Foujdaree Adalut the Record of Case No. 17 of 1852 of the Calendar of the Session Court.—

(Here enter F. A. No. 1836 of 1852.

The Court of Foujdaree Adalut,

Mr. G. S. Hooper
Mr. F. Anderson
and
Mr. W. A. D. Inglis.

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 Mallady Seampana
2nd Mooshpooja Seampana
3rd Billa Timma
and
4th Billa Devoo.

is sufficient to convict them, the prisoners,

2nd Mooshpooja Seampana
3rd Billa Timma
and
4th Billa Devoo

of

of the crime of murder, the prisoner,

1st Mallady Teeumpana

of being accessory in the said murder to commit them thereof - and sentence the prisoners.

2nd Mooppooniya Teeumpana

3rd Billa Timma

and

4th Billa Devoo.

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

1st Mullady Teeumpana

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (14) fourteen years.

(Sent in No. 979.)

Read the following Letter dated the 21st July 1852 from the Acting Sessions Judge of Chingleput.

(Here enter F. C. No. 1818 of 1852).

1 In this communication the Acting Sessions Judge applies for the instructions of the Court of Foujdaree Adalut relative to his disposal of a Case in which a Prisoner by name

name "John Bannon", has been committed to the Sessions Court on the charge of selling spiritious liquor without a license to the European soldiers and others within the Cantonment of Poonamallee.-

2. The Acting Sessions Judge states that he was about to pass sentence on the Prisoner when a difficulty was suggested to his mind from the fact that the Prisoners house was searched on a Sunday, and the means resorted to by the Military authorities at Poonamallee to detect the Prisoner also took place on the same day; and being doubtful how far the provisions of the English law, which declare any Process served on a Sunday, except in certain specified cases, to be void, are applicable to this Country, he has deemed it proper to refer the matter for determination by the Foujdaree Adalut.-

3. The Court of Foujdaree Adalut observe that the offence charged against the Prisoner in the case now under consideration is that of selling spiritious liquor without a license, which offence can only be proved by the evidence of eye witnesses: if, therefore,

the

the Prisoner be fully convicted on such evide
there can be no reason why sentence should
not be passed upon him.-

4. It appears to the Court of
Foujdaree Adalut that the searching of the
Prisoner's house stated to have taken place
Sunday, has no necessary connection with the
said charge although it may have been resor
to with a view to obtain corroborative evide
Had the search been a successful one, it may
have formed the grounds of another charge
the being in possession of spirits above one
seer without a permit when the question a
to the validity or otherwise of the search mad
on the Sunday might have arisen-

Ordered that Extract from the
Proceedings be sent to the Acting Sessions J
of Chingleput for his information-

(Sent in No. 980-).

Jd
Bld.

J. A.

Monday, 2nd August 1852.

At a Court of the Foujdaree Adalut.

Present:

G. S. Hooper Esqre. —
F. Anderson Esqre - Officiating
W. A. D. Inglis Esqre - officiating
} Puisne Judges.

Read Calendar of Case No. 4 of 1852 on the file of the Session Court of Rajahmundry.
(Here enter F. A. No. 1737 of 1852).

Read also Miscellaneous Petition presented on July 15th/1852. by Ghuffoor Khan of the Zillah of Rajahmundry.-
(Here enter F. A. P. No. 95 of 1852).

1. This is an application for the interference of the Court of Foujdaree Adalut to set aside the sentence of 14 Years imprisonment with hard labor in irons, recorded by the Session Judge of Rajahmundry against the Petitioner, on his conviction in the above case of the crime of Gang robbery.-

2. The Court of Foujdaree Adalut upon a careful consideration of the evidence set forth in the Calendar of the above Case, and of the contents of this Petition, see no reason to question

question the justness of the Petitioner's conviction or the propriety of the sentence passed upon him. It is accordingly resolved to dismiss this Petition.

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

Read Calendars of Cases Nos. 32 and 35 of 1852 submitted by the Session Judge of Guntoor under dates the 5th and 10th Ultimo.-

(Here enter F. H. Nos. 1844 and 1845 of 1852)

Read Calendar of Case No. 19 of 1852 submitted by the Session Judge of Tinnevelly under date the 20th Ultimo.-

(Here enter F. H. No. 1849 of 1852)

Read Calendar of Case No. 30 of 1852 submitted by the Acting Session Judge of Trichinopoly under date the 22nd Ultimo.-

(Here enter F. H. No. 1850 of 1852)

Read letter dated the 24th Ultimo from the Session Judge of Chittoor transmitting the death warrant issued by him in conformity with the final Sentence of the Court of Foujdaree Adalut in Case No. 21 of the Calendar of 1852, duly executed and returned by the Subordinate Judge together with Copy of a letter dated 23rd Instant from that officer.-

(Here enter F. H. No. 1853 of 1852)

Dr. Bld.

F. H.

Tuesday 3rd August 1852. At a Court of the Foujdaree Adalut.

Present.

G. S. Hooper Esqre.
F. Anderson Esqre. officiating
W. A. D. Inglis Esqre. officiating
} Puisne Judges.

Read letter dated the 22nd Ultimo from the Acting Session Judge of Salem, submitting for the final Judgment of the Foujdaree Adalut the Record of Case No. 22 of 1851 of the Calendar of the Session Court.-

(Here enter F. H. No. 1897 of 1852)

Mr. F. Anderson. 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 Chinnah Moodelly
2nd Lowara Moodelly
and
3rd Choka Moodelly

is sufficient to convict them of the crime of Culpable Homicide, for which the penalty of Deyut is awardable under the Moohummedan Law, as declared in Futwas of their Law Officers.

do

do convict them thereof; and under the provi
of Clause Second Section XV Regulation VII
and Section XXXIV Act VII of 1843, sentence them

3rd Choka Moodelly.

to be imprisoned and kept to hard labor in
on the public roads or other public works for
during the period of (14) fourteen years - the Pris

2nd Comara Moodelly.

to be imprisoned and kept to hard labor in iron
the public roads or other public works for and
the period of (7) seven years, and the Prisoner

1st Chinnah Moodelly.

to be imprisoned and kept to hard labor in
on the public roads or other public works for
during the period of (1) one year.

(Sent in No 981).

Read Criminal Reports subm
by the Acting Sessions Judge of Cuddalore for th
Month of June 1852.

Cases Nos 71. 72.

(Here enter F: G: No 1744 of 1852).

1.

The Court of Foujdaree Adalut
resolve to direct that the Acting Sessions Judge
will return the proceedings in these cases
sentences passed in which appear to be extre
disproportionate.

2

The Acting Sessions Judge

be pleased to report for the information of the
Foujdaree Adalut the orders which may be
passed by him thereon.

Ordered that Extract from these
Proceedings be sent to the Acting Session
Judge of Cuddalore by precept returnable
within X days from and after its receipt.

(Sent following Precept No 982).

Read Calendar of Cases No 21.
of 1852 submitted by the Session Court of
Salem.

(Here enter F: G: No 1848 of 1852).

The Court of Foujdaree Adalut
direct that the Acting Session Judge will obtain
from the Magistrate and submit for their
consideration an explanation of the great delay (17 days) which it
is observed, occurred between the date of the Prisoners'
apprehension and that of "leaving the Talook.

Ordered that Extract from these
Proceedings be sent to the Acting Session
Judge of Salem, for his information by
Precept returnable within X days from and
after its receipt.

(Sent following Precept No 983).

Read Criminal Reports submitted
by the Session Judge of Coimbatore under

date

dated the 30th June 1852.-

(Here enter F: R: No. 1757 of 1852)

Case No. 116. 1. The Court of Foujdaree Adalut observe that the total of the fines awarded in this Case is more than three times the value of the Tobacco seized, and therefore exceeds what it was competent to the Principal Sudder Ameen to adjudge under Clause VI Regulation VIII of 1811.

2. The Court of Foujdaree Adalut accordingly direct that the fine imposed upon the prisoner be reduced to 10 Rupees commutable to two Month's imprisonment.-

Case No. 119. 3. The Court of Foujdaree Adalut resolve to reverse the Sentence passed upon the 2nd and 3d prisoners in this Case, which it is observed is illegal, the act of "harboring with the intent of smuggling Tobacco" not being punishable by the provisions of Clause first Section VII Regulation VIII of 1811, unless the intent be established by the discovery of tobacco in the possession of the individuals proceeded upon.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Coimbatore by Precept returnable in Ten days from and after its receipt.-

(Sent following Precept No. 984)

Read

F. R.
3d August, 1852.

Read Calendar of Case No. 13 of 1852 submitted by the Sessions Judge of Coimbatore.-

(Here enter F: R: No. 1819 of 1852).

1. The Court of Foujdaree Adalut remark that the Prisoner in this Case cited two (2) witnesses for his defence, but what that defence was, and what evidence the witnesses gave, is not stated.-

2. The Court observe that such information should always be given in the "remarks" explaining the grounds of sentence, it being impossible without it, for the higher Court to form an opinion of the correctness or otherwise of the sentence passed- and they now resolve to call upon the Sessions Judge to supply that omission in regard to the present case.-

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

(Sent following Precept No. 985).

Read Criminal Report B submitted by the Sessions Judge of Calicut for the Month of June 1852.

(Here enter F: R: No. 1797 of 1852)

Adverting

3d August 1852.

Case No: 151.

Adverting to the circumstances under which the Prisoner effected his entry into the Prosecutor's house - namely by the removal of a latch - and to the fact that no Theft was actually committed, the Court of Foujdaree Adalut consider the sentence passed upon the Prisoner unnecessarily severe. As it appears however that the Proceedings of the Subordinate Judge have been called for by the Sessions Judge the Court will suspend their final orders on the case until informed of the result of the Sessions Judge's review.

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

Ld WD.

(Sent following Precept No: 980).

FH

Thursday 5th August 1852.

At a Court of the Foujdaree Adalut

Present.

FH — G S Cooper Esquire
D — J Anderson Esquire
WD — W A D Inglis Esquire
} Sessions Judges.

Read Calendar of Case No 223 of 1852 of the Sessions Court of Rajahmundry

(Prisoner Petr No 1681 of 1851)

Read also Miscellaneous Petition forwarded by the Sessions Judge of Rajahmundry on behalf of the 1st Prisoner in the above Case.

Chachinoo Saib

(Prisoner Petr No 98 of 1852)

The Court of Foujdaree Adalut

Mr W A D Inglis.

see no reason to doubt the correctness of the Sentence passed by the Sessions Judge in the Case above referred to. They therefore decline to call for the Records of the trial, and dismiss this Petition.

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

Read Miscellaneous Petition

forwarded

presented on the 8th July 1852 by A. N. Ritchie Esqr
Vakeel on behalf of Tirugolaram Chetty of Gillah
Madura praying for a review of the order passed by
the Court of Taydaree Edalut under date the
21st June confirming the sentence of 4 years imp
sonment passed by the Sessions Judge of Madura
upon the Petitioner in Case No VIII of 1852 on the
file of the Sessions Court.

(Here enter F.M.P. No 91 of 1852)

Mr A. D. Inglis

The Court of Taydaree Edalut
having attentively considered the arguments
adduced by the Petitioner, can by no means
accept as valid the [illegible] now put forward
which the Petitioners Counsel Tillay Chetty
who has absconded, is made a scape goat to bear
all the guilt incurred, such plea seems altogether
unfounded, although the Court considers
there is little doubt that he was accessory to the
offence charged.

2

It is very manifest that gross
maltreatment and fraud was committed, and
the Court of Taydaree Edalut see no reason
whatever to doubt the justice and correctness
of the order already passed in this Case and
the application for a revision of the said order
is therefore rejected.

Ordered

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

Read Miscellaneous Petition

presented on the 5th July 1853 by Govindarauze
late Jail Peon of Gillah Trichinopoly.

(Here enter F.M.P. No 34 of 1853)

Mr L. S. Hooper.

The Court of Sudr and Taydaree
Edalut see no reason to question the propriety
and correctness of the order passed by them under
date the 30th March 1853 forbidding the employ-
ment of this Petitioner as a Jail Peon. They
therefore resolve to reject this Petition.

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

Read Miscellaneous Petition

presented on the 15th May 1852 by Mailarn
Chungadee of Gillah Chittoor.

(Here enter F.M.P. No 67 of 1852)

Mr W. A. D. Inglis

This is an Appeal against and
order passed by the Acting Magistrate of Chittoor
under date 30th October 1851 and confirmed by the
Sessions Judge in Appeal forbidding Petitioner
and others from parading the streets
of the Town of Chittoor with drawn Swords

and

and requiring the Petitioner either to leave
the town of Chittoor or to furnish Security for
his future good behaviour..

2 The Court of Faujdarree Adalut
are of opinion that the Petitioner has no just
or valid cause of complaint in regard to the
order passed by the Acting Magistrate, which as
explained and modified in that officer's
Return to the precept of the Sessions Judge, appears
to be more lenient and considerate towards the
Petitioner than he had any right to expect..

3 The Court of Faujdarree Adalut
observe that the Petitioner does not deny,
but plainly admits that he went to the house
of one Ramaswamy attended by a Gang of
followers with drawn Swords and attempted
by intimidation to obtain from that individual
contributions which he was not willing to give,
which conduct was indefensible, and the strictly
regular course would have been to have required
Security from him (Petitioner) and his followers
at once to keep the peace..

4 The Acting Magistrate is to be
enforced from requiring Petitioner to give
Security for his keeping the peace immediately
on the Petitioner's promise not to transgress

this above K Ramaswamy again, and informed
him verbally that he must either leave the
place, Petitioner with his Followers or Security
would be demanded from him for their good
behaviour; and orders were accordingly issued to
the Cutwal on the 30th October 1851.

5 The Court of Faujdarree Adalut
remark that these orders were subsequently
modified as the Magistrate reported, to the
effect that "Security would not be required
from the Petitioner while he acted peaceably
and did not repeat his former conduct;" had
a Specific requisition of Security been made
it would have been necessary for the Magistrate
to have recorded the evidence, but for this course there
pursued a verbal enquiry was sufficient..

6 Under the above circumstances the
Court of Faujdarree Adalut resolve to reject this
Petition..

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

Read Letter under date the 26th
April 1852 from the Sessions Judge of Rajeshy
mundry forwarding English Translation of
the

the record of Case № 54 of 1851 on the Calendar of the Srpsin Court, for the final Judgment of the Court of Tuydaree Udalut.

/Here enter Fl. № 1730 of 1852/

Wm. S. Hooper.
Wm. Anderson.

The Court of Tuydaree Udalut on a deliberate consideration of all the circumstances of the Case in evidence before them bring of opinion that the Prisoner

Soorula Ramanna

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.

Read also Return under date the 30th July 1852 from the Srpsin Judge of Rajahmundry to the precept of the Tuydaree Udalut dated the 24th July 1852 directing the submission of the descriptive Roll referred to in the Record of the foregoing Case as having been drawn out in 1832.

/Here enter Fl. № 1928 of 1852/

Read also Miscellaneous Petition forwarded by the Srpsin Judge of Rajahmundry from Soorula Ramaswami of Gollah Rajahmundry

/Here enter Fl. № 94 of 1852/

The Prisoner was tried before the Srpsin

Srpsin Court of Rajahmundry upon an indictment charging him with having at 7.30 P.M. on the 27th September 1832 assisted by Madimuta Vrucanna, Prisoner, in Case № 31 on the 1st Calendar for the 2d Srpsins of 1832 murdered the Prosecutors brother in law Padala Talayya aged 13 years by cutting his throat with a knife in a field near the Village of Masavaram attached to the Talook of Rauly in the Zillah of Rajahmundry, and robbed him of a silver necklace valued at Rupees 4.....

The lad with whose murder the prisoner was charged, was an orphan and was maintained by his brother in law the Prosecutor, in whose house he lived. He was missed from his house on the 27th of September 1832 and on the 30th of the same month his dead body was discovered in a neighbouring field with his throat cut and one of his legs eaten by jackalls, three cut and one of his legs eaten by jackalls, three Jewels and a waist cloth were found on the body but a silver necklace which was stated to have been worn by the deceased was missing. An enquiry having been set on foot by the village Police with a view to the discovery of the perpetrators of the crime, one Somi Pritadoo informed the Police that he had

had seen Sosuria Ramanna leading the deceased to his garden on the morning of the 27th a ploughman of the said Sosuria Ramanna was examined at the same time, and stated that he had seen his master and one Maduma Pucanna in the act of murdering the deceased. A warrant was therefore issued for the apprehension of these two individuals, but it was found that Sosuria Ramanna had absconded on the day the corpse was discovered. Maduma Pucanna was taken into custody and confessed the murder before the Assistant to the Police implicating Sosuria Ramanna as a principal in the commission of the crime which he stated was perpetrated as a sacrifice to the Godess Sattie. He was accordingly committed for trial and tried before the Court of Circuit at the 2d Sessions for 1832, when the case was set down for reference to the Court of Sawdaree Adalut but he died before the record was dispatched.

3

No further measure appears to have been taken in regard to the other individual charged with the murder until the 21st November 1851 when the prisoner, in this case having it is alleged been identified by the Village

Vellage Moosaffe of Pachaverrana as the same Sosuria Ramanna who was charged with the murder in 1832 and then absconded, was taken into custody and committed for trial.

4

The prisoner denied the charge on his apprehension and has persisted on his arrival before the several tribunals that have taken cognizance of the case, stating that at the time the murder was committed he was absent on a pilgrimage to Benares and Gya to which places he had proceeded the previous year namely 1831 with the ashes of his mother and that for some years past he had been openly living at Pachaverrana with his family, and that the charges had been preferred against him from motives of enmity on the part of the witness and the Village Moosiffe, the former of whom had been formerly in his service and had been dismissed for a theft.

He alleged that there was another

5

man of the same name in the Village and that in 1833 he was too young to do such a deed.

The evidence for the prosecution

6

as given before the Sessions Court, was in its general outline consistent with that given in 1832 and the prosecutor and three of the witnesses examined, swear positively to the identity of the prisoner with the individual named Soorula Ramanna who was originally charged.-

7 The Sessions Judge in concurrence with his Mohomedan Law officer considering the evidence to the prisoner's identity to be perfectly satisfactory and rejecting that adduced by him in support of his defence, has referred the trial for the final judgment of the Court of Foujdaree with a recommendation that the prisoner should be sentenced to suffer death.-

8 On an attentive consideration of the entire record of the case the Court of Foujdaree Adalut do not consider the evidence upon which the proof of the prisoner's identity depends sufficiently trustworthy to justify his conviction of the crime laid to his charge.-

9 The Court of Foujdaree Adalut observe that there are discrepancies of importance between the statements given by the witness before the Police and those made

by him before the Sessions Court, both regarding the removal of the body from the field in which the murder is alleged to have been committed, and as to his having seen the prisoner in the act of cutting the throat of the deceased, and as it appears from the Police proceedings held in 1832 that the witness was in the first instance taken into custody as a prisoner and that his evidence was therefore not voluntarily given, the Court consider it insufficient to establish the facts to which it refers.-

10 The evidence of the 2d witness who deposed to having seen the prisoner on the night of the murder leading the deceased into his garden, is weakened in the opinion of the Foujdaree Adalut, by an improbable statement it contains, to the effect that he left the village on the following morning and returned only on the 4th day and which statement would appear to have been made to account for his having omitted to give information immediately when the deceased was missed.-

11 The truth of this statement might have been tested by further examination but

but without explanation it appears to the Court of Inquiry that Exhibit material to affect the credibility of the evidence in the course of which it was made.-

12

The Court of Inquiry do not cannot credit the evidence of the 4th witness the village Moonsiff who was only nine years old when the murder was committed and states that he had never seen the prisoner from that day to the day of his apprehension, but was nevertheless able to identify him as the person originally charged and that he attributed him on such recognition.-

13

Under all the circumstances of the case the Court consider the evidence insufficient for the conviction of the accused and have accordingly directed his unconditional release.-

Ordered that Extract from the Proceedings be sent to the Sessions Judge of Rajahmundry for communication to the Petitioner.-

Sent in Lr No 991.

Read Criminal Reports

Submitted

5th August 1852.-

Submitted by the Sessions Judge of Guntoor under date the 23d July 1852.-

(Errs entr FB Nr 1856 of 1853)

Read Calendar of Case Nr 24 of 1853 submitted by the Acting Sessions Judge of Masgalore under date the 22d July 1852.-

(Errs entr FB Nr 1858 of 1853)

Read Communication dated the 19th July 1852 from the Sessions Judge of Tellicherry forwarding Petty Calendars for the 1st Quarter of 1852.-

(Errs entr FB Nr 1859 of 1852)

Read Calendar of Case Nr 31 of 1852 submitted by the Acting Sessions Judge of Honore under date the 19th July 1852.-

(Errs entr FB Nr 1863 of 1852)

Read Communication dated 26th 23d July 1852 from the Acting Sessions Judge of Trichinopoly forwarding Magistrates Calendar for the 2d Quarter of 1852.-

(Errs entr FB Nr 1866 of 1851)

Read Calendar of Case Nr 22 of 1852 submitted by the Sessions Judge of Bellary under date the 22d July 1852.-

(Errs entr FB Nr 1868 of 1852)

Read Calendar of Case

Nr

5th August 1852.

Nº 20 of 1852 submitted by the Acting Sessions Judge of Chunglepet under date the 21st July 1852.

/Errata Fl. Nº 1869 of 1852/

Read Statement dated 30th June 1852 submitted by the Acting Sessions Judge of Chunglepet, of Batta paid to the Prosecutors and Witnesses in attendance before the Sessions Court for the half year ending 30th June 1852.

/Errata Fl. Nº 1870 of 1852/

Read Statement dated 30th June 1852 submitted by the Acting Sessions Judge of Chunglepet shewing the amount realized by the labour of Prisoners in that Gaol for the 2d quarter of 1852.

/Errata Fl. Nº 1872 of 1852/

Read Calendar of Cases Nº 297 of 1852 submitted by the Sessions Judge of Chingleput under date the 22d July 1852.

/Errata Fl. Nº 1875 of 1852/

Read Calendar of Cases Nº 330 of 1852 submitted by the Acting Sessions Judge of Trichinopoly under date the 24th July 1852.

/Errata Fl. Nº 1878 of 1852/

Read Statement dated the

5th August 1852.

the 22d July 1852 submitted by the Sessions Judge of Chingleput of Batta paid to Prosecutors and Witnesses attending before the Sessions Court from 1st January to 30th June 1852.

/Errata Fl. Nº 1877 of 1852/

Sd. Hugo Stokes

D.C.

Friday
6th August 1852

At a Court of the Conjidence Adulat

Present

G.H.K. — G: A: Hoopes Esqr.
Wdc for — L: Anderson Esqr. — Officiating — Interim Judges
Ld. for — W: A: L: Lyglis Esqr. — Officiating

Read again Calendar of Cases N° 10 of 1852
submitted by the Acting Session Judge of Bonnie
(Here enter D.C. N° 997/1852)

Read also return dated 18th July 1852
from the Acting Session Judge of Bonnie to the Registrar
of the Conjidence Adulat under date the 6th July 1852
calling for a more detailed statement of the evidence and
of the grounds upon which the conviction of the Prisoners
in the foregoing case was based ..
(Here enter D.C. N° 1272/1852)

Read also return under date the 9th July
1852 from the Acting Session Judge of Bonnie to the
Registrar of the Conjidence Adulat dated the 4th June
1852 directing the submission of an English translation
of the record of the foregoing Case ..
(Here enter D.C. N° 1753/1852)

On an attentive consideration of the
Mr G. A. Hoopes — merits of this case the Court of Conjidence Adulat see
no reason to question the propriety of the sentence passed
thereon by the Acting Session Judge

Ordered that Extract from these proceedings
be sent to the Acting Session Judge of Bonnie for his
information (Sent in N° 993.)

Read Criminal Reports submitted by the Sessions Judge of Madura for the month of June 1852

M/L/D Roopa
Case No. 86.

(Here enter No. 1883)

with reference to the rule laid down in the proceedings of the Court of Sanguinee dated the 18th ulto. 1852 wherein it is ordered inter alia to be submitted to the Subordinate Judge for his guidance the Court of Sanguinee deliberated observe that the fine of the indictment laid against the Prisoner in the case was extremely irregular.

Ordered that Extract from the proceedings be sent to the Sessions Judge of Calicut for communication to the Subordinate Judge.

(Sent in No. 994)

Read letter dated 29th July 1852 from the Acting Sessions Judge of Nellore, reporting the remission of the sentence in Calendar No. 19 of 1852.

(Here enter No. 1884)

Read Calendar dated 28th July 1852 from the Sessions Judge of Madura of persons committed for trial before the Sessions Court of Madura

(Here enter No. 1890)

Read Statement dated 27th July 1852 from the Acting Sessions Judge of Chingleput of the Actual produce of the Salt of Pulicat for the 3rd Quarter of 1852.

(Here enter No. 1892)

Read report dated 23rd July 1852 from the Sessions Judge of Coimbatore of persons committed and of Prisoners released from the Gaols and the charges for the month

month of June 1852.

(Here enter No. 1893)

Read Calendar dated 27th July 1852 from the Acting Sessions Judge of Mangalore in Case No. 22 of 1852.

(Here enter No. 1894)

Read Calendar dated 27th July 1852 from the Acting Sessions Judge of Vizagapatam in Case No. 27 of 1852

(Here enter No. 1895)

Read Statement dated 27th July 1852 from the Sessions Judge of Cuddapah of Batta paid to Prisoners and Witnesses from 1st January to 30th June 1852.

(Here enter No. 1895)

Read Statement dated 27th July 1852.

Submitted by the Sessions Judge of Cuddapah as required by Circular Order No. 10 from 1st January to 30th June 1852.

(Here enter No. 1897 of 1852)

Saturday
7th August 1852

E.H.

At a Court of the Legislative Council

G.A. Hooper Esq.
E. Anderson Esq. Acting
W.B.A. Inglis Esq. Acting
} Puisne Judges

Read again return under date the 20th March 1852 from the Session Judge of Annualisation to the precept of the Legislative Council dated the 18th March 1852 directing that Officer to submit translations of the entire words of Cases Nos. 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62 & 63 on the Calendar of the Session Court.

(Here enter E.H. No. 754 of 1852)

Read also return under date the 10th July 1852 from the Session Judge of Annualisation to the precept of the Legislative Council dated the 1st July 1852 directing the Session Judge to take into consideration the propriety of placing the 3rd witness in case No. 54 upon his trial for perjury and calling for explanation with reference to certain accusations preferred by the said witness and by another witness in another of the cases above referred to, against the Special Assistant Magistrate of Annualisation.

(Here enter E.H. No. 1735. 1852.)

The explanation furnished in the foregoing return is considered to be satisfactory

Ordered

7th August 1852.

Ordered that Extract of the proceedings be sent to the Sessions Judge of Salem for his information.

(Sent in No. 995.)

Read Report dated 1st August submitted by the Acting Sessions Judge of Salem Cases pending in the month of July 1852.

Here enter F. R. No. 1935 of 1852.

Read Statement dated 31st July submitted by the Sessions Judge of Tellicherry of the paid to Prosecutors and Witnesses attending the Sessions Judge of Tellicherry during the 1st half year of 1852.

(Here enter F. R. No. 1939 of 1852.)

+

F. R.

Monday 9th August 1852.

At a Court of the Foujdaree Adalut.

Present

The Hon'ble Jr. G. S. Hooper Esqre. } Puisne Judges.
F. Anderson Esqre. Officiating
W. A. D. Inglis Esqre. Officiating

Read letter dated the 29th Ultimo from the Sessions Judge of Tellicherry submitting for the final Judgment of the Foujdaree Adalut the Record of Case No. 8 of 1852 of the Calendar of the Sessions Court.

(Here enter F. R. No. 1938 of 1852).

Mr. F. Anderson and Mr. W. A. D. Inglis.

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

Koorichian Carimbely Ramen.

is sufficient to convict him of the crime charged, do convict him thereof, and sentence him to be transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor in irons on the public roads or other public works for

and

and during the period of his natural life

(Sent in No. 997.)

Read Miscellaneous Petition

presented on the 5th July 1852 by J. Ruth

Esqr. Vakeel on behalf of Lutchmeramma

Zillah Trichinopoly.-

(Here enter F. Pr. P. No. 89)

The object of this Petition is to

induce the Court of Foujdaree Adalut to revise

the record of case No. 26 of 1847. on the Calendar of

the Sessions Court of Trichinopoly and in favor

of the surviving prisoners to remit the remainder

of sentence passed.-

2.

The Court of Foujdaree Adalut

observe that alleged imperfections and discrepancies

in the evidence form the sole grounds of this application

for review of the record in the case and remission of

the unexpired portion of the sentence passed by the Sessions

Court 5 years ago after due deliberation and in accordance

concurrence with the opinion of the Sessions Judge

and the finding of the Law officer. The Court of

Foujdaree Adalut consider that although no lapse

of time need bar their taking cognizance of and

remedying as far as in their power any manifest

error or mistake brought to their notice by which

Justice may have been perverted, yet that they should

not be justified in establishing the precedent

of allowing the review of the record of a case,

which would be tantamount to a new trial

after the lapse of 5 years on the grounds set forth

in this application, which is therefore rejected.-

Ordered that Extract from these

Proceedings be granted to the Petitioner's Vakeel

on his application.-

Read Calendar of Cases No. 17

and 18 of 1852 submitted by the Sessions Judge

of Coimbatore under date the 24th Ultimo.-

(Here enter F. Pr. No. 1901 of 1852).

Read Calendar of Case No. 23

of 1852 submitted by the Sessions Judge of

Bellary under date the 29th Ultimo.-

(Here enter F. Pr. No. 1905 of 1852).

Read Extract from the Proceedings

of the Sessions Court of Cuddapah under date

the 31st July 1852 forwarding a request of the

Magistrate his letter in Case of Venkatareddy

whose sentence of imprisonment by the Magistrate

was reduced from 6 to 2 months.-

(Here enter F. Pr. No. 1907 of 1852).

Read Calendars of Cases No. XXIV

and XXV of 1852 submitted by the Sessions

Judge of Madura under date the 29th and 30th

Ultimo.-

(Here enter F. Pr. No. 1909 & 1910 of 1852)

Read

9th August 1852

Read letter dated the 28th Ultimo from the Sessions Judge of Masulipatam returning the original death warrant issued by the Court of Foujdaree Udalut in Case No. 31 of 1852

(Here enter F. C. No. 1911 of 1852)

Read Calendar of Cases No. 32 of 1852 submitted by the Sessions Judge of Rajahmundry under date the 29th Instant

(Here enter F. C. No. 1912 of 1852)

Read Calendar of Cases No. 23 of 1852 submitted by the Acting Sessions Judge of Salem under date the 28th Ultimo

(Here enter F. C. No. 1913 of 1852)

Read Calendar of Cases No. 20 of 1852 submitted by the Sessions Judge of Tinnevelly under date the 28th Ultimo

(Here enter F. C. No. 1915 of 1852)

Read report dated the 2nd Instant, submitted by the Acting Sessions Judge of Chingleput, of Cases pending on the 31st Ultimo and committed for trial during the Month of June before the Sessions Judge of Chingleput

(Here enter F. C. No. 1921 of 1852)

4 Bds.

Tuesday
10th August 1852

L. D.

At a Court of the Foujdaree Udalut

Present

G. A. Hooper Esqr
L. Anderson Esqr — Acting
Vol. for W. A. D. Inglis Esqr — officiating

} Puisne Judges

Read Extract from Proceedings of the Sessions Court of Madura on Petty Calendars submitted by the Magistrate for the 2nd quarter of 1852.

(Here enter L. D. No. 1855 of 1852)

Adverting to the remarks of the Sessions Judge on these cases the Court of Foujdaree Udalut decide it proper to observe that the being found in possession of spontaneous salt has been repeatedly ruled by the Foujdaree Udalut to be an offence punishable under Section XXIII, Regulation I of 1805.

2. The Court of Foujdaree Udalut are unable to concur with the Sessions Judge in his opinion that this case was erroneously entered in the Statement No. II, which it is to be observed under Section XI, Regulation IX. of 1816 must contain a Calendar of all persons apprehended by the Magistracy for crimes or Misdemeanors.

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

(Sent in No. 1900)

Read return under date the 29th June

Mr. G. A. Hooper
" W. A. D. Inglis
No. 21.
Cases 13.
15.
16.
17.
18.
19.

10th August 1852

June 1852 from the Principal Sudr Ameen in charge of the Session Court of Dindigul and Supplemental return under date the 29th July 1852 from the Acting Session Judge of Dindigul to the Receipt of the Gaujdaree Udalut declaring the transmission of an English translation of the record of Case No 316 of 1851 on the file of the Session Court.

(Here Enter Ltr: No 1853 dt 19/8/52)

On an attentive perusal of the record of the foregoing Case the Court of Gaujdaree Udalut see no reason to question the propriety of the conviction of the prisoner or the sentence passed upon them.

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

(Sent in No 1001.)

Read letter under date the 17th July 1852 from the Session Judge of Guntoor.

(Here enter Ltr: No 1811/1852)

With the foregoing letter the Session Judge has submitted Copy of a letter from the Acting Magistrate of Guntoor in the 3rd paras of which the latter officer has requested a reference to the Court of Gaujdaree Udalut in regard to the course to be followed on the refusal of a witness to appear before a Native officer of Police a fine imposed on certain parties for refusing to sign and neglecting to obey a summons of a Head

1852

Head of Police having been objected to by the Session Judge.

The Session Judge states his opinion that neither Clause fifth, Section XVIII, Regulation IX of 1816 which has reference solely to cases of "resistance to the Magistrate's process nor Regulation I of 1824 which applies only to cases of witnesses whose attendance "and evidence has been required by the Magistrate Criminal "and Session Court, apply to the case in point and that "the only course would be to follow that prescribed "by Clauses 1st and 2d, Section XXIX, Regulation VI "of 1816. as prescribed for similar default before District Moonsiffs "when the Magistrate might proceed as provided by Regulation "I of 1824 on Section VII, Regulation III of 1802 regarding "the attendance of the witness before the Head of Police".

The Court of Gaujdaree Udalut observe that it has been ruled by this Court in their proceedings of the 22d January 1821 that "a Magistrate in enforcing the process of his subordinate officers, is in fact enforcing obedience to his own authority" which in the case of non attendance of witnesses he is now enabled to do under Regulation I of 1824, and Section VII, Regulation III of 1802, and the Court are of opinion that on failure of a witness duly summoned to appear before a Head of Police it is competent to a Magistrate, if he is satisfied that the person summoned is able to give material evidence, to proceed against him as directed in Section VII, Regulation III of 1802.

Ordered that Extract from these proceedings be forwarded to the Session Judge of Gun

for

June 1852 from the Principal Sudr Ameen in charge of the Session Court of Dirhimsaly and Supplemental return under date the 29th July 1852 from the Acting Session Judge of Dirhimsaly to the Receipt of the Zuijdance Ekdalut declaring the transmission of an English translation of the record of Case No 18 of 18 on the file of the Session Court.

(Here entre F.C. No 1853 & 1916 1852.)

On an attentive perusal of the record of the foregoing Case the Court of Zuijdance Ekdalut see no reason to question the propriety of the conviction of the prisoner and the sentence passed upon them.

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

(Sent in No 1001.)

Read letter under date the 17th July 1852 from the Session Judge of Guntoor.

(Here enter Sd. No 1811 1852)

With the foregoing letter the Session Judge has submitted Copy of a letter from the Acting Magistrate of Guntoor in the 3rd para of which the latter officer has requested a reference to the Court of Zuijdance Ekdalut in regard to the course to be followed on the refusal of a witness to appear before a Native officer of Police a fine imposed on certain grades for refusing to sign and neglecting to obey a summons of a Head

Head of Police having been objected to by the Session Judge.

The Session Judge states his opinion that neither Clause fifth, Section XXIII, Regulation IX of 1816 "which has reference solely to cases of "resistance to the Magistrate's process nor Regulation "I of 1824 which applies only to cases of witnesses whose attendance "and evidence has been required by the Magistrate Criminal "and Session Court, apply to the case in point and that "the only course would be to follow that prescribed "by Clauses 1st and 2d, Section XXIX, Regulation VI "of 1816. as prescribed for similar default before District Moonsiffs "when the Magistrate might proceed as provided by Regulation "I of 1824 on Section VII, Regulation III of 1802 requiring "the attendance of the witness before the Head of Police."

The Court of Zuijdance Ekdalut observe that it has been ruled by this Court in their proceedings of the 22nd January 1821 that "a Magistrate in enforcing the process of his subordinate officers is in fact enforcing obedience to his own authority" which in the case of non attendance of witnesses he is now enabled to do under Regulation I of 1824 and Section VII, Regulation III of 1802, and the Court are of opinion that on failure of a witness duly summoned to appear before a Head of Police it is competent to a Magistrate, if he is satisfied that the person summoned is able to give material evidence, to proceed against him as directed in Section VII, Regulation III of 1802.

Ordered that Extract from these proceedings be forwarded to the Session Judge of Guntoor for

10th August 1852

of communication to the Acting Sheristah.

Sent in No. 1002

Read again Criminal Reports submitted by the Sessions Judge of Chittoor for the month of May 1852.

Here Enter Ld. No. 1145/1852.

Read also Return dated 27th Ultimo from the Sessions Judge of Chittoor to the Proceedings of the Enquiries Abstract under date the 29th June remarking that from the Statement of the charge in Case No. 71 entered in the Criminal Report for the month of May it does not appear that the offence charged was one of a Criminal nature and directing the Sessions Judge to revise that Case as also Nos. 70 and 72 in which the same Prisoner is concerned, and report the result for the information of the Enquiries Abstract.

Here Enter Ld. No. 1879/1852

Under the explanation afforded in the foregoing communication the Court of Enquiries Abstract are of opinion that the Prisoner in this case was correctly committed of Record and the sentence passed upon him will therefore remain undisturbed.

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

Sent in No. 1003

Read Calendar of Case No. 10 of 1852 of the Sessions Court of Coimbatore

Here enter No. Ld. No. 1888/1852.

The Court of Enquiries Abstract after perusal of the recommendation made by the Sessions Judge in this case that the imprisonment which the Prisoner noted in the margin has been adjudged to suffer on his conviction of Highway Robbery be reduced to (2) two years imprisonment 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 Coimbatore for his information.

Sent in No. 1004

Read Calendars dated 29th June and 7th July 1852 submitted by the Sessions Judge of Coimbatore of Prisoners committed in Cases Nos. 9 and 11 of 1852 for trial

Here enter No. 1922/1852

Read report dated 2nd August 1852 from the Acting Sessions Judge of Cuddalore that no Cases have been pending trial in excess of 25 days during the month of July last.

Here enter No. 1923/1852

Read report dated 29th July 1852 from the Sessions Judge of Masulipatam of Casualties and of Prisoners released in the month of June 1852.

Here enter No. 1925/1852

Read report dated 29th July 1852 submitted by the Sessions Judge of Masulipatam of Cases pending on the 31st May 1852 and committed for trial during the month of June 1852.

Here enter No. 1926/1852

10th August 1852.

Read report dated 2d August 1852 submitted by the Acting Sessions Judge of Salem of Cases pending on the 31st July 1852 in excess of 25 days calculated from the date of commitment.

/ Here enter No. 1930. 1852 /

Read report dated 2d August 1852. Submitted by the Sessions Judge of Chandragiri of Cases pending on the 30th June and committed for trial during the month of July 1852 which remained on the file for more than 25 days.

Ex. 1st Instt.

/ Here enter No. 1934. 1852 /

Read Calendar dated 2d August 1852 Submitted by the Acting Sessions Judge of Chingleput of a European Prisoner tried by the Sessions Court under Regulation I of 1820 and Act XXXII of 1845.

/ Here enter F. U. No. 1943 of 1852 /

Read Report dated 2d August 1852 submitted by the Sessions Judge of Calicut of Cases pending on the 30th June and committed for trial during the months of July 1852 before the Sessions Judge of Calicut

/ Here enter F. U. No. 1944 of 1852 /

Read Return dated 3d August 1852 from the Acting Sessions Judge of Mangalore to the precept of the Tondiman Judge under date the 8th July 1852 directing that every publicity be afforded to the Proclamation paid by the Magistrate for the Construction of Fires in Canara, and directing that a copy thereof be submitted for their consideration

Here enter F. U. No. 1959 of 1852.

+

F. U.

Thursday 12th August 1852.

At a Court of the Fouzdaree Adalut

Present

The Hon'ble G. L. Hooper Esqr. Senior Judge

" T. Anderson Esqr. Acting Junior Judge

" W. A. D. Inglis Esqr. Acting Junior Judge

Read Miscellaneous Petition presented on the 7th June 1852 by Beenkatasub. Sirdar of Zillah Chittoor.

/ Here enter F. M. P. No. 14 of 1852 /

The Court of Fouzdaree Adalut

Mr. G. L. Hooper

direct that the Petitioner be again referred to their former orders passed in the matter to which this Petition relates, and that he be informed that no further application from him on the same subject will be taken into consideration.

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

Read Miscellaneous Petition presented on the 30th June 1852 by Chinnatumby Moodely of Zillah Chittoor.

/ Here enter F. M. P. No. 18 of 1852 /

The Petitioner appeals from an order

Mr. T. Anderson

12th August 1852

order of the Session Judge of Chittoor dated the 25th March 1852, declining to interfere in the matter of a complaint preferred by him against the Manigar of Cauvarypauk charging that individual with bribery, corruption &c which was dismissed by the Acting Magistrate for want of adequate proof

2. The Court of Tongarore Vdalur deem it proper so far to comply with the prayer of this Petition as to direct the Session Judge to call for and peruse the record of the proceedings held by the Magistrate in the charges preferred by the Petitioner against the Moonsif and to pass such further order on the merit of the case as

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

(Sent in No 1011.

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

Friday 13th August 1852

T. V.

At a Court of the Tongarore Vdalur

Present

Cyt C. S. Hooper Esqr Session Judge

Cyt T. Anderson Esqr Acting Assistant Judge

Cyt W. A. D. Inglis Esqr Acting Assistant Judge

Read again Calendar of Cases on the file of this Session Court

No 12 of 1852 on the file of the Session Court of Tinnevelly

(Hereunder T. V. No 650 of 1852)

Read also petition under date the 22nd July 1852 from the Session Judge of Tinnevelly to the precept of this Tongarore Vdalur dated the 16th July 1852 calling for translations of the statements made by the prisoners in their defence in the foregoing case

(Hereunder T. V. No 1865 of 1852)

The Court of Tongarore Vdalur see no reason to question the justness of the conviction of the 1st and 3rd prisoners in this case, but looking to sanctioning any mitigation of the sentences passed upon them

Ordered that Extract from these Proceedings

Proceedings be forwarded to the Sessions Judge of Tinnevelly for his information.

(Sent in No. 1012.)

Read Criminal Reports submitted by the Agent to the Governor of Fort St. George at Kurnool for the month of June 1852.

(Here enter F. C. No. 1885 of 1852.)

Report B. Case No. 94

With reference to the provisions of Act IV of 1849 the Court of Zillah Udalut desire to be informed what steps have been taken in regard to the prisoner in this case who has been acquitted on the ground of insanity of the crimes laid to his charge.

Ordered that Extract from these Proceedings be forwarded to the Agent to the Governor of Fort St. George at Kurnool by Precept returnable within 7 days from and after its receipt.

(Sent following Precept No. 1013.)

Read Calendars of petty cases disposed of by the Magistracy of South Arcot during the 2nd Quarter of 1852.

(Here enter F. C. No. 1906 of 1852.)

Case No. 55

The Court of Zillah Udalut observe that the only false complaints punishable under the provisions of Section XXXV Regulation XI of 1818 are those which have reference to offences of the nature of those

those specified in Sections XXXII and XXXIII of that Regulation and they accordingly resolve to direct that the fine imposed in this case be remitted the offence charged in the false complaint of which the Defendant has been convicted not being punishable under the above provisions of the Law.

Ordered that Extract from these Proceedings be forwarded to the Acting Session Judge of Cuddalore for communication to the Magistrate by Precept returnable within 7 days from and after its receipt.

(Sent following Precept No. 1014.)

Read Letter dated the 28th June 1852 from the Session Judge of Mangalore, submitting for the final judgement of the Zillah Udalut the record of Case No. 19 of 1852 on the file of the Session Court.

(Here enter F. C. No. 1958 of 1852.)

Mr. G. S. Hooper
Mr. F. Anderson
Mr. W. A. D. Inglis

The Court of Zillah 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 "Baba"

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

shall appoint there to be imprisoned and kept to hard
labor in irons on the publics roads or other publics works
for and during the period of his natural life.

(Sent in No. 1015

Read letter dated 4th August 1852 from
the Session Judge of Calicut, submitting for the final judg-
ment of the Foujdaree Udalut the record of Case No. 29 of 1852
of the Calendar of the Session Court.

(Here enter F. U. No. 1969 of 1852)

Mr. G. L. Hooper
Mr. W. A. D. Inglis.

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

1st "Magen koonhalen",

is sufficient to convict him of the crime of Murder,
and that against the prisoner,

2d "Magen Chungaren"

of aiding and abetting in the same do convict them severally
thereof and sentence the prisoner,

1st "Magen koonhalen"

to be transported to such place or places beyond Sea as the
Governor in Council shall appoint there to be imprisoned
and kept to hard labor in irons on the publics roads or other
publics works for and during the period of his natural life;
and the prisoner,

2d

2d "Magen Chungaren,

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

In the opinion of the Court of
Foujdaree Udalut it is to be regretted that the Head of
Police did not insist upon the individual for whose
murder the prisoners have been tried being taken to
the Hospital for the purpose of being placed under
treatment, in which case it is possible that his death
might not have ensued.

Ordered that Extract from these Proceedings
be forwarded to the Session Judge of Calicut for communication
to the Magistrate of Malabar.

Sent in No. 1016.

Read letter, dated 13th August 1852 from the
Session Judge of Chicacole, submitting for the final Judgment
of the Foujdaree Udalut the record of case No. 6 of 1852 of
the Calendar of the Session Court.

(Here enter F. U. No. 2202 of 1852.)

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.

13th August 1852.

Voonmedarapoo Yerrapah
alias Yemegandoo.

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.-

G. Watt

/Sent in No. 1017/

Read copy of the Magistrate's return
dated 3d August 1852, submitted by the Session Judge of
Cuttack, to the orders conveyed in the Court's Proceedings of
the 6th July 1852 on review of the Petty Calendars for the 1st
Quarter of 1852.

(Here enter F. C. No. 1951 of 1852)

Read communication dated 5th August
1852 from the Session Judge of Chittoor, submitting the
Magistrate's Petty Calendars for the 2 Quarter of 1852.

(Here enter F. C. No. 1954 of 1852)

Read Report dated 2d August 1852.
submitted by the Session Judge of Trinkatore of cases
committed for trial during the month of July 1852.

(Here enter F. C. No. 1956 of 1852.)

Read Return dated 29th July 1852 from
the Agent at Ganjam, to the Precept of the Foujdaree
Udalut under date the 21st Idem, directing the release
of the Prisoner "Khond Bassa."

(Here enter F. C. No. 1967 of 1852)

Read Report dated 2d August 1852 from
the Session Judge of Tinnevelly, of cases pending trial for
a period in excess of 25 days during the month of July last.

(Here enter F. C. No. 1965 of 1852)

F. C.

Saturday 14th August 1852.

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esqre
F. Anderson Esqre officiating
W. A. D. Inglis Esqre officiating
} Puisne Judges

Read letter dated 10th April 1852
from the Session Judge of Rajahmundry
submitting for the final Judgment of the
Foujdaree Udalut the Record of Case No. 13 of
1852 of the Calendar of the Session Court.
(Here enter F. C. No. 1973).

The Court of Foujdaree Udalut,

Mr. G. S. Hooper
and
Mr. F. Anderson.

on a deliberate consideration of all the circumstances
of the case in evidence before them, being of
opinion that the proof against the prisoner
Collegeneedy Jantiah.
is sufficient to convict him of the crime of Murder
do convict him thereof; and under the provisions
of Section X Regulation VIII of 1802, sentence
him to suffer death by being hanged at the
usual time and place of execution.-

The Court of Foujdaree Udalut

deem

deem it necessary to direct that the irregularity committed by the Sessions Judge in taking the evidence of the 11th witness in this case without a solum affirmation in direct contravention of the rule laid down in the Circular Order noted in the margin be pointed out for the information and future guidance of that officer.—

Circular Order 15th April 1819. 13th July 1835 B.

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

(Sent in №1019).

2d R.W.

№. 96.

Monday 16th August 1852. } At a Court of the Tanjore Adalut

Present

J.H.R. G. S. Hooper Esqr. }
W.P. W. A. D. Inglis Esqr. Offg. } Prisons Judges
J.A. T. Anderson Esqr. Do.

Read Calendar of Cases №1 & 2 of the Sessions Court of Masulipatam 1852 on the file of the Sessions Court of Masulipatam

(Here enter F. C. №1846 of 1852)

The Court of Tanjore Adalut direct that the Sessions Judge will call upon the Magistrate to explain the cause of the lengthened detention of the Prisoners in this Case before the Taluk authorities.

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

(Sent following Precept №1020)

Read Calendar of Case №16 of 1852 on the file of the Sessions Court of Coimbatore

(Here enter F. C. №1861 of 1852)

Before

Before sanctioning the Mitigation of sentence proposed by the Sessions Judge in this case the Court of Foujdaree Udalut desire to be furnished with further information than is contained in the remarks recorded by the Sessions Judge in this Calendar as to whether any assault was proved to have been committed by the prisoner and if so as to the nature of the assault.

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.

(Sent following Precept No. 1021)

Read return dated 7th Instant from the Acting Sessions Judge of Cuddalore to the Precept of the Foujdaree Udalut under date the 3rd August 1852 directing the Acting Sessions Judge to review the proceedings in Criminal Cases Nos. 71 and 72 of 1852.

(Here enter F. Ut. No. 1971 of 1852.)

Read Statement dated 31st July 1852 Submitted by the Acting Sessions Judge of

16th August 1852.

of Trichinopoly, amount realized by the Labour of prisoner in the 2d Quarter 1852.-

(Here enter F. Ut. No. 1975 of 1852)

Read return dated 2d Instant from the Sessions Judge of Chicacole to the Precept of the Foujdaree Udalut under date the 20th July 1852 requiring an explanation of the delay in the transmission of the record of Case No. 41 of 1852 on the Calendar of this Court.

(Here enter F. Ut. No. 1976 of 1852)

Read Report dated 2d Instant from the Sessions Judge of Honore, of Cases pending before him for a period of exceeding 25 days during the Months of July 1852.

(Here enter F. Ut. No. 1982 of 1852)

Read Calendar of Case No. 35 of 1852 Submitted by the Acting Sessions Judge of Honore under date the 3d August 1852

(Here enter F. Ut. No. 1984 of 1852)

Read Calendar of Case No. 25 of 1852 Submitted by the Acting Sessions Judge of Salem under date the 6th August 1852.

(Here enter F. Ut. No. 1985 of 1852)

Read

16th August 1852.

Read Calendars of Cases Nos 24 and 29 of 1852 Submitted by the Acting Sessions Judge of Trichinopoly under date the 7th August 1852

(Here enter F. Cs. Nos 1987 and 1988 of 1852)

Read Calendar of Case No 33 of 1852 submitted by the Sessions Judge of Cuddalore under date the 6th August 1852

(Here enter F. Cs. No 1991 of 1852)

Read Calendar of Case No 39 of 1852 Submitted by the Acting Sessions Judge of Cuddalore under date the 10th August 1852.

(Here enter F. Cs. No 1994 of 1852.)

Read Statement dated 5th Instant from the Acting Sessions Judge of Honore, of Batta paid to Prosecutors and witnesses attending before his Court for the half year ended the 30th June 1852.

Here enter F. Cs. No 1998 of 1852

Rs 18.0

4

F C

Tuesday 17th August 1852

At a Court of the Foujdarry Adalut.

Present.

G. S. Hooper Esquire
F. Anderson Esquire
W. A. D'Inglis Esquire
} Puisne Judges.

Read Calendar of Case No 26 of 1852 of the Sessions Court of Nellore.

(Here enter F. C. No 1947 of 1852)

The Court of Foujdarry Adalut approve of the recommendation made by the Sessions Judge in this Case that the Prisoner who is the Appellant in this case be adjudged to suffer one month's imprisonment in addition to that which she is undergoing for the crime of perjury by her conviction of the same crime of perjury be reduced to 15 days imprisonment with hard labor suitable to her sex 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 Nellore for his information.

Sudder No 1024.

Read letter dated 26th July 1852 from

Inda la Anki

16th August 1852.

16th D

Appellate

from the Sessions Judge of Chittagong submitting for the final judgment of the Sudder Dewanny Adawlut the Records of Case No 130 of 1852 of the Calendar of the Sessions Court.

(Error Trial No 1913 of 1852)

The Court of Sudder Dewanny Adawlut

Mr J Anderson.

Mr W & D Inglis.

on a deliberate consideration of all the circumstances of the Case on evidence before them are of opinion that the Prisoners

1st Soya Buneyadar

and

2d Goodla Soonadar

are not convicted on sufficient proof, or on the evidence of credible witnesses, or on their confessions of the crime of Murder to acquit them thereof, but considering that strong suspicion, though not amounting to conviction attaches to them, they direct that under clause sixth Section II Regulation XVII of 1803, they be severally required each to give Security in the sum of (100) one hundred Rupees each for their good behaviour, and appearance required within three years, and that in default thereof they be detained for three years.

On an attention

Wm J Anderson

Mr W & D Inglis

17th August 1852.-

entire record of this Case the Court of Sudder Dewanny Adawlut have been unable to concur with the Sessions Judge in considering the evidence sufficient for the full conviction of the accused.-

The Court of Sudder Dewanny Adawlut

2

observe that the prisoners both retracted the confessions said to have been made by them before the Police and which besides being by no means full or satisfactory did not furnish the means of obtaining any circumstantial evidence in corroboration of the statements they contained, for it is to be remarked that the small pieces of bone, 16 in number, supposed, but not satisfactorily proved to be human bones were discovered by the 15th Witness not in consequence of the prisoners confessions but altogether and independently of them; which the lock of hair said to have been pointed out by the 1st prisoner as having become detached by putrifaction from the head which was supposed to have been carried off by a wild beast would form from the Zillah Surgeons certificate to have had the appearance of having been detached by cutting.-

17th August 1852.-

from the Sessions Judge of Masulipatam submitting for the final judgment of the Foujdarry Adalut the Records of Case No 43 of 1852 of the Calendar of the Sessions Court.-

/Arrester F/b No 1903 of 1852/

Mr F Anderson.-

Mr W & D Inglis-

The Court of Foujdarry Adalut on a deliberate consideration of all the circumstances of the Case in evidence before them are of opinion that the Prisoners

1st Soya Comaydar

and

2d Gooda Sonadar

are not convicted on presumptive proof or on the evidence of credible witnesses, or on their confessions of the crime of Murder charged against them therein, but considering that strong suspicion, though not amounting to conviction attaches to them, they direct that under clause sixth Section II Regulation XVI of 1808 they be severally required each to find two Securities in (100) one hundred Rupees each surety for their good behaviour and appearance when required within three years, and that in default thereof they be detained for three years in confinement.

On an attentive perusal of the entire

17th August 1852.-

entire record of this Case the Court of Foujdarry Adalut have been unable to concur with the Sessions Judge in considering the evidence sufficient for the full conviction of the accused.-

The Court of Foujdarry Adalut observe that the prisoners both retracted the confessions said to have been made by them before the Police and which besides being by no means full or satisfactory did not furnish the means of obtaining any circumstantial evidence in corroboration of the statements they contained, for it is to be remarked that the small pieces of bone 16 in number, supposed, but not satisfactorily proved to be human bones were discovered by the 15th Witness not in consequence of the prisoners confessions but altogether independently of them; which the lock of hair said to have been pointed out by the 1st prisoner as having become detached by putrifaction from the head which was supposed to have been carried off by a wild beast would from the Gillah Surgeons certificate to have had the appearance of having been detached by cutting.-

26

3

It appears to the Court of Enquiry
Edalut that the evidence of the 1st and 2d Witnesses
the Prisoners boy about 12 Years old and Relations
of the 2d Prisoner must be received with much
caution, as they would appear from their own
Statements to have been in some measure a
Accessaries to the commission of the crime, but
did not come forward until they were sent for
or rather were apprehended in consequence of
their having been mentioned in the 2d Prisoners
Confession, while their Statements abound
with contradictions and discrepancies common
Points.-

4

It seems more than extremely im-
probable that if the Prisoners intended to mur-
der the Prosecutor's brother Comrades, they would
have allowed the 1st Witness to accompany them
for the purpose of Cutting a stick as is alleged
by that individual and should have commu-
nicated such a Crime openly before him; and
should then have come back towards the Hole
near which it was perpetrated and admitted
it to the 2d Witness.-

5

The only evidence to the corpse of
Surnadee having been seen and identified
is that of the 2d Witness which for the reasons
above

above stated does not appear to the Court
sufficiently trustworthy to be relied on. and
in regard to the evidence furnished by the
prisoners alleged confessions, it is to be remarked
that the 1st Prisoner though he showed the hole
in which the head had been put was unable
to point out where the Corpse had been laid
and the place pointed out by the 2d Prisoner
was 200 Yards distant from the place where
the bones were found.-

The evidence given before the

6

Sessions Court by the 15th Witness who is alleged
to have pointed out the bones contradicts his
Statement before the Police upon the most
important point of his having seen the
Corpse.-

The Court of Enquiry Edalut

7

do not consider it to be established that the
small fragments of bone discovered in the
jungle were those of an human body, and
in the absence of any satisfactory proof of the
death of Surnadee they have considered it their
duty to acquit the prisoners, but being of opinion
that strong suspicion attaches to them especially
from the fact of Surnadee having been last
seen in their company, the Court have
directed that the prisoners shall be replaced under
Examination

requisitions of Security.-

The Court of Tanjore doubts observe that the evidence of the Tyllah Singh in regard to the lines and lock of hair produced in this Case should have been taken before the Sessions Court upon oath in presence of the prisoners, the Certificate recorded by that Officer not upon oath and not in the presence of the accused not being valid as evidence against them.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Maravilpatnam Sessions Division.-

/Sentence No 1025./

Read Calendar of Case No 2004 of 1852 Submitted by the Acting Sessions Judge of Cuddalore under date the 12th August 1852.-

/Here enter FB No 2043 of 1852/

Read Calendar of Case No 2005 of 1852 Submitted by the Acting Sessions Judge of Cuddalore under date the 12th August 1852.-

/Here enter FB No 2044 of 1852/

Read Calendar of Case No 2006 of 1852 Submitted by Sessions Judge of Cuddalore under date the 11th August 1852.-

Here enter FB No 2045 of 1852

Read

17th August 1852.-

Read Calendar of Case No 26 of 1852 Submitted by the Acting Sessions Judge of Madura under date the 10th August 1852.-

/Here enter FB No 2046 of 1852/

Read Letter dated the 9th Instant from the Sessions Judge of Trichinopoly enclosing Copy of an Extract from the Proceedings of the Sessions Court dated 9th August 1852 on proceeding the Proceedings in Case No 30 Report B.-

/Here enter FB No 2048 of 1852/

Read Extract from the Proceedings of the Sessions Court of Chingleput dated 12th August 1852 conveying remarks in reference to the observations of the higher Court on the Criminal Reports of the Magistracy for the month of May 1852.-

/Here enter FB No 2049 of 1852/

Read Return, dated 10th August 1852 from the Sessions Judge of Coimbatore to the Precept of the Tanjore Adalut under date the 3d August 1852 remarking that the prisoner in Case No 13 on the Calendar for the year 1852 cited two witnesses for his defence, but what that defence was and what Evidence the witnesses gave is not stated and now calling upon the Sessions Judge to supply that omission.-

/Here enter FB No 2050 of 1852/

Read

requisitions of security.-

The Court of Sangaree Waduk observe that the evidence of the Village Servants in regard to the bones and lock of hair produced in this Case should have been taken before the Superior Court upon oath in presence of the prisoners, the Certificate produced by that Officer not upon oath and not in the presence of the accused not being valid as evidence against them.-

Ordered that Extract from these proceedings be sent to the Superior Judge of Mavanlipatanam for his notice.-

/Sentence No 1028./

Read Calendar of Case No 21 of 1852 Submitted by the Acting Superior Judge of Coimbatore under date the 12th August 1852.-

/Herewith FR No 2003 of 1852/

Read Calendar of Case No 22 of 1852 Submitted by the Acting Superior Judge of Coimbatore under date the 12th August 1852.-

/Herewith FR No 2004 of 1852/

Read Calendar of Case No 23 of 1852 Submitted by Superior Judge of Coimbatore under date the 11th August 1852.-

/Herewith FR No 2005 of 1852/

Read

Read Calendar of Case No 26 of 1852 Submitted by the Acting Superior Judge of Madura under date the 10th August 1852.-

/Herewith FR No 2006 of 1852/

Read Letter dated the 9th Instant from the Superior Judge of Trichinopoly enclosing Copy of an Extract from the Proceedings of the Superior Court dated 9th August 1852 on perusing the Proceedings in Case No 30 Report B.-

/Herewith FR No 2008 of 1852/

Read Extract from the Proceedings of the Superior Court of Chingleput dated 12th August 1852 conveying remarks in reference to the observations of the higher Court on the Criminal Reports of the Magistracy for the month of May 1852.-

/Herewith FR No 2009 of 1852/

Read Return dated 10th August 1852 from the Superior Judge of Coimbatore to the Receipt of the Sangaree Waduk under date the 3d August 1852 remarking that the prisoner in Case No 13 on the Calendar for the year 1852 cited two witnesses for his defence, but what that defence was and what Evidence the witnesses gave is not stated and now calling upon the Superior Judge to supply that omission.-

/Herewith FR No 2010 of 1852/

Read

17th August 1852.-

Read Calendar of Case No 110 of 1852 submitted by the Sessions Judge of Coimbatore under date the 5th July 1852.-

(Here enter F.R. No 2013 of 1852)

Read Calendar of Case No 25 of 1852 submitted by the Acting Sessions Judge of Mangalore under date the 10th August 1852.-

(Here enter F.R. No 2014 of 1852)

Read Calendar of Case No 190 of 1852 submitted by the Sessions Judge of Cuddapah under date the 11th August 1852.-

(Here enter F.R. No 2015 of 1852)

Read Calendar of Case No 83 of 1852 submitted by the Acting Sessions Judge of Trichinopoly under date the 11th August 1852.-

(Here enter F.R. No 2016 of 1852)

Read Calendar of Case No 32 of 1852 submitted by the Acting Sessions Judge of Trichinopoly under date the 10th August 1852.-

(Here enter F.R. No 2024 of 1852)

2d 18d

4

F. R.

Friday 20th August 1852.

At a Court of the Foujdaree Adalut

Present

G. S. Hooper Esqre
F. Anderson Esqre officiating
W. A. D. Inglis Esqre officiating

} Puisne Judges

Read Calendar of Case No. 24 of 1852 of the Session Court of Nellore.- (Here enter F.R. No. 1960 of 1852).

In accordance with the recommendation made by the Acting Session Judge in this Case, the Court of Foujdaree Adalut resolve to sanction a reduction of the sentence passed against the Prisoners

1st Palupuri China Ramalingum,

and

2nd Nerella Balugadu.

to (4) Four Years Imprisonment with hard labor in irons.-

The Court observe that the value of the property recovered should have been stated in the Calendar.-

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

Judge of Nellore for his information.--

(Sent in No. 1028.)

Read Criminal Report dated the 16th Instant submitted by the Acting Sessn. Judge of Chingleput for the month of July 1852

(Here enter F. 86: No. 2029 of 1852).

Read return dated the 12th Instt. from the Sessn Judge of Coimbatore to the precept of the Foujdaree Adalut under date the 3d Idem directing that the fine imposed upon each prisoner in Case No. 116 be reduced to 10 Rupees commutable to two Months imprisonment, and reversing the sentence passed upon the 2d and 5th Prisoners in Case No. 119 of 1852.--

(Here enter F. 86: No. 2030 of 1852).

Read Criminal Reports dated the 1st Instant submitted by the Sessn Judge of Combaconum for the month of July 1852.--

(Here enter F. 86: No. 2032 of 1852).

Read form A Criminal Case No. 1 of 1852 submitted by the Sessn Judge of Guntoor under date the 13th Instant.--

(Here enter F. 86: No. 2033 of 1852).

Read Criminal Reports dated the 14th Instant, submitted by the Sessn Judge of Madura for the month of July 1852.--

(Here enter F. 86: No. 2034 of 1852)

Read

Read report dated the 14th Instant submitted by the Magistrate of Chingleput of Persons apprehended in the Zillah of Chingleput and delivered to the Sessn Judge for the Month of July 1852.--

(Here enter F. 86: No. 2042 of 1852).

Read return dated the 10th Instant from the Acting Sessn Judge of Honore to the precept of the Foujdaree Adalut under date the 26th Ultimo directing that copy of the Proclamation issued by the Magistrate of Canara regarding the "Coonery" cultivation and the conservancy of the jungles, be submitted for their consideration.--

(Here enter F. 86: No. 2043 of 1852).

Read Criminal Reports dated the 14th Instant submitted by the Acting Sessn Judge of Cuddalore for the Month of July 1852.--

(Here enter F. 86: No. 2048 of 1852).

Do. 3 Bd.

F: C:

Saturday 21st August 1852.

At a Court of the Foujdaree Adalut.

Present.

Gyt. Hon. S: Hooper Esqre. — Puisne Judge
Ft. F: Anderson Esqre. Offg.
Well — for W: A: D: Inglis Esqre. Offg.

Read letter dated the 4th Instant, from the Agent to the Governor of Fort St. George in Vizagapatam submitting for the final orders of the Foujdaree Adalut a report on the trial of Case No. 12 of 1852 on the file of his Court.—

(Here enter F: C: No. 1990 of 1852).

1. The prisoner in this case was charged with the offence of severe wounding, and the Agent being of opinion that he has been fully convicted, recommends his being sentenced to imprisonment with hard labor in irons for the term of two Years under Clause 7th Section II Regulation XV of 1803.—

2. The Court of Foujdaree Adalut concur in the conviction of the Prisoner "Lommojee Lonakiah"

and

21st August 1852.

and resolve in accordance with the Agents' recommendation, to sentence him to (2) Two Years Imprisonment with hard labor in irons under the provisions above cited.—

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

(Sent in No. 1029)

Ex. 18 Dd.

Monday,
23d August 1852

F.R.

At a Court of the Foujdaree Adalut

Present.

The Hon'ble G. L. Hooper Esqre
" Findlay Anderson Esqre Offg
" W. A. D. Inglis Esqre Offg

} Puisne Judges.

Read letter under date the 19th August 1852 from the Acting Sessions Judge of Chingleput submitting for the final Judgment of the Court of Foujdaree Adalut an English Translation of the records of case

No 22 of 1852.—

Here Enter F.A. No 2057 of 1852.

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,

Joseph,

is sufficient to convict him of the crime of carnally knowing a child of under 7 years, 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 third Section VII Regulation XV of 1803, and Clause 3d Section

Mr. Findlay Anderson

Section II Regulation I of 1825, and Section XXXV Act VII of 1843, Sentence him to receive 100 lashes with a cat o' nine tails, and to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (5) Five years-

The Court of Sonjoaree doubt approve of the Acting Sessions Judge having referred this case for the final Sentence of the Court of Sonjoaree doubt as they consider that all cases of conviction of the offence of "Carnally knowing a girl of tender years" should be treated as cases of rape and it being immaterial whether the offence was committed with, or without, the consent of the female/ — referred for the final sentence of the Court of Sonjoaree Doubt under the provisions of Clause third, Section III, Regulation I of 1818; —

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Chingleput for his information and future guidance-

(Sent in No 1030.

Read again Calendar of case No 23 of 1852 submitted by the Sessions Judge of Rajahmundry.-

(Here Enter F R No 1681 of 1852)

Read also Miscellaneous Petition presented on the 9th August 1852 by John Mahomed of the Zillah Rajahmundry-

(Here Enter F M R No 106 of 1852)

Before passing final orders upon this Petition the Court of Sonjoaree doubt resolved to call upon the Session Judge for translations of the charge and deposition given by the Prosecutor and by the 2d Prisoner, when examined as a witness before the Head of Police of Pittapore.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Rajahmundry by Precept returnable within 7 days from and after the receipt thereof.

(Sent following Precept No 1031.

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

Read letter under date the 12th July 1852 from the Session Judge of Masulipatam.-

(Here Enter F R No 1780 of 1852)

With the foregoing letter the Session Judge has submitted a correspondence which has passed between him and the Special Assistant Magistrate of Masulipatam, regarding two cases — wherein

Dan F. Anderson

Case No 23 of 1852

wherein the parties having been punished by the Special Assistant Magistrate under the provisions of Regulation IX of 1822, have appealed to the Session Court from the sentences passed upon them, stating that the acts charged against them were alleged to have been committed by them in the capacity of officers of Police, and were therefore not cognizable under the Regulation cited by the Special Assistant Magistrate, but should have been dealt with under the provisions of Regulation III of 1819.-

2. Under these circumstances the Session Judge desires to be informed whether it is competent to him to interfere in the cases in question and if so, to what extent.

3. The Court of Foujdaree Adawlut observe that the powers vested in Collectors and their Assistants by the provisions of Regulation IX of 1822, are confined to cases of malversation in Revenue affairs, and do not extend to cases of abuse of authority in whatever manner committed, on the part of Native officers of Police.-

4. It is not however the duty of the Sessions Judge to interfere in any case in which he may be informed by the Collector (or as in this instance, by the Special Assistant

Collector that the case has been disposed of under Regulation IX of 1822, but in such a case, he should refer the party to the Commissioner as the constituted Court of appeal from decisions passed under that enactment.

5. The Court of Foujdaree Adawlut however deem it proper to record their opinion that presuming the facts of the cases regarded to be as stated in the Sessions Judge's letter the sentences passed were clearly illegal.-

Ordered that extract from these Proceedings be sent to the Sessions Judge of Maxulipatam for his information.-

Sent in A°. 1852

Read Miscellaneous Petition presented on the 19th July 1852 by Soone Chetty and another of the Pillah Salem.-

(Here enter 1 Dr. Rep. 96 of 1852)

Hurs. Anderson J. This is an appeal against the order passed by the Acting Sessions Judge of Salem under date the 31st May 1852 confirming -"- one passed by the Magistrate under date the 11th September 1851 imposing upon petitioner a fine for committing a breach of the peace.-

2. The Court of Foujdaree Adawlut remark that the improper conduct of one party, is no excuse for the other committing a

a breach of the Peace, and praying reasons to question the propriety of the order appeal against, they have no cause to reject this Petition

Ordered that Petitioner be furnished with Proceedings herein for his information.

Read Calendar of Case No 1337 of 1852 on the file of the Sessions Court of Trichinopoly.-

(Here Enter F R No 1833 of 1852)

No robbery having been effected by the Prisoner in this case, and the offence consequently not being one of those mentioned in the Regulations the Court of Sessions observe, that sentence should not have been passed under clause seventh Section 4th Regulation XV of 1803.-

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

(Sent in a Lr No 1033.-

Read Calendar of Case No 1338 of 1852 submitted by the Sessions Judge of Bellary under date the 13th August 1852.-

(Here Enter F R No 2045 of 1852)

Read return under date the 12th August 1852 from the

to the precepts of the Fourteenth Circuit Court under date the 3d August 1852, conveying the Court's observations in Case No 157 of 1852 on the Criminal Report B for June last.-

(Here Enter F R No 2046 of 1852)

Read Calendar of Case No 1339 of 1852 submitted by the Sessions Judge of Guntoor under date the 16th August 1852.-

(Here Enter F R No 2054 of 1852)

Read Criminal Report B dated 13th August 1852 submitted by the Principal Sudder Ameen of Tellicherry for the month of July 1852.-

(Here Enter F R No 2055 of 1852)

Read Form B of Criminal cases disposed of under date the 16th August 1852 submitted by the Sessions Judge of Guntoor for the month of July 1852.-

(Here Enter F R No 2057 of 1852)

Read monthly report B dated 10th August 1852 submitted by the Acting Sessions Judge of Nellore for the month of July 1852.-

(Here Enter F R No 2058 of 1852)

Read Monthly Criminal Report dated 15th August 1852 submitted by the Acting Sessions Judge of Trichinopoly for the month of July 1852.-

(Here Enter F R No 2059 of 1852)

Read

23d August 1852

Read report dated 14th Aug 1852 submitted by the Acting Sessions Judge of Mangalore for the month of July 1852.

(Rec'd Entered F.R. No 206 of 1852)

Read letter dated 6th Inst from the Agent to the Governor of Fort St George in Canjam, submitting for Sessions relative to case No 10 of 1852 with reference to the Petition from the Proceedings of the Foujdaree Adalut dated 21st July last.

(Rec'd Entered F.R. No 2136 of 1852)

F.R.

Tuesday 24th August 1852 } At a Court of the Foujdaree Adalut.

Present.

The Hon'ble G. S. Hooper Esquire
H. M. F. Anderson Esquire
W. H. D. Inglis Esquire
} Puisne Judges.

Read Calendar of Cases No 21 and 23 of 1852 of the Sessions Court of Mangalore.

(Vide Proc's F.R. No 1972 of 1852)

The Court of Foujdaree Adalut

Mr. G. S. Hooper.

Mr. F. A. Anderson.

4 Cases Summoned
3 Cases Attending

of the recommendation made by the Acting Sessions Judge in these Cases, that the imprisonment which the Prisoners notorious the Magistrate have been adjudged to suffer on their conviction of Robbery by open violence, may be reduced to 7 years imprisonment with hard labor, in consideration of the aggravating circumstances, be reduced to 7 years imprisonment with hard labor, 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 Mangalore for his information.

(Entered No 1038.)

Read letter dated 23d April 1852 from the

the Sessions Judge of Royakunnu submitting
for the final judgment of the Hon'ble the
Record of Case No 19 of 1852 of the Calendar of
the Sessions Court.

(Prisoner F/L No 2058 of 1852)

Mr G.S. Hooper.
Mr W.A. Inglis.

The Court of Foujdaree Adawlut
on a deliberate consideration of all the circumstances
of the Case in evidence before him of opinion
that the Prisoner
Sentenced Convicted
is sufficiently to convict him of the crime charged
do convict him thereof and therefore him to be
as the Governor in Council shall appoint him
to be imprisoned and kept to hard labour in
on the public Roads or other public works for
during the period of his natural life.

Under all the circumstances of
Case the Court of Foujdaree Adawlut however
record themselves justified in exempting the
Prisoner from the extreme penalty of the Law
labour of prisoners thereby prescribed which
of transportation for life, and do hereby
to mark the abhorrence of such crimes

Ordered that Extract from the
Proceedings be sent to the Sessions Judge of Ry
Cannanore for his information

Read Criminal Reports for the
Month of July 1852 submitted by the Sessions Judge
of Coimbatore, under date the 31st July 1852.

(Prisoner F/L No 2062 of 1852)

Read Report dated the 13th instant
submitted by the Sessions Judge of Guntoor of
Cases disposed of by the Magistrate in the Months
of July 1852.

(Prisoner F/L No 2063 of 1852)

Read Statement dated the 1st July
1852 submitted by the Acting Sessions Judge of
Sillery of Battagunda the Prosecutors and
witnesses for the 2nd half of 1852.

(Prisoner F/L No 2066 of 1852)

Read Criminal Reports for the
months of July 1852 submitted by the Sessions Judge
of Bellary under date the 11th August 1852.

(Prisoner F/L No 2069 of 1852)

Read Calendar of Case No 22 of
Cuddalore
1852 submitted by the Sessions Judge of
under date the 9th August 1852.

(Prisoner F/L No 2070 of 1852)

Read Report dated the 13th August
1852 submitted by the Sessions Judge of Royakunnu
of the Labor of Convicts under charge of the
Magistrate for July 1852.

(Prisoner F/L No 2071 of 1852)

Read

24th August 1852.

Read Report dated 5th the 12th Instt
submitted by the Assistant Judge of Pooralinmy
of persons apprehended on that date & detained
& delivered to the Magistrate during the month
July 1852.

(Here enter F. C. No 2032 of 1852)

Read Report dated the 12th Augst
1852 submitted by the Assistant Judge of Pooralinmy
of persons apprehended on that date & detained
& delivered to the Magistrate during the month
of July 1852.

(Here enter F. C. No 2033 of 1852)

Vide Original Date

F. C.

Wednesday 25th August, 1852

At a Court of the Foujdaree Adalut

Present

Vide for the Hon'ble G. S. Hooper Esqr. — Assistant Judge
F. Anderson Esqr. — Officiating
W. A. D. Inglis Esqr. — Officiating

Read letter dated 7th August 1852 from the Agent to the Governor of Fort St. George in Ganjam, submitting for the final orders of the Foujdaree Adalut on a report on the trial of Case No. 17 of 1852 on the file of his Court.

(Here enter F. C. No. 2037 of 1852).

The prisoner in this Case was charged with the offence of Highway Robbery, and the Agent being of opinion that the evidence warrants his conviction recommends that he be sentenced to imprisonment with hard labor in irons for a term of Four years and to receive 50 stripes under Clause 7th Section II Regulation XV of 1803.

The Court of Foujdaree Adalut concur in the conviction of the Prisoner Shembadah Ramdoo

and

and Whole in accordance with the Agents recommendation, to sentence him to receive thirtyseven stripes with a Cat o nine tails, and to be imprisoned and Kept to hard Labor in irons on the Public roads or other Public work for and during the period of (4) Four Years.

Ordered, That Extract from the proceedings be sent to the Agent to the Governor of Fort St George at Ganjam for his information.

(Sent in No 1062.)

&c &c &c

FH

Thursday 3 A Court of the Sayduree Adalut.
21st August 1852

Present

Mr G S Gopher Esquire
Mr J Anderson Esquire
W. for W. T. D Inglis Esquire
} Puisne Judges.

Read again Miscellaneous Petition presented on the 21st June 1852 by Krishnadeo of the Gullee of Chittoor.

(Reference F. in P. No 92 of 1852)

Read also Petitions dated the 9th August

Read also Return dated 17th August made and subscribed by Rehuno Kutrab

by the Assistant Judge of Chittoor to the Precept of the Sayduree Adalut under date the 22d July 1852 calling for translations of the depositions given by the 6th Prosecutor and 9th Witness in Calendar of Case No 21 of 1852 before the Police and Inferior Courts.

(Reference F. in P. Nos 1970 & 2047 of 1852)

Hon'ble W. T. D. Inglis

Upon a careful consideration of the documents submitted with the foregoing Return the Court of Sayduree Adalut see no reason to question the propriety of the conviction of the Petitioners or to view as charged on the proceedings in the above Case with wearing

Property

proceedings appearing to have been taken by the Petitioner for the purpose of delaying the Trial.

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

Read Petition of [illegible] praying that he may be discharged out of custody under the Writ of Habeas Corpus issued by this Court directed to the Sheriff of Tipperary.

[Prisoner's Petition filed 23rd inst.]

Mr. Sheridan. Sheriff's Return to

Letter of Municipalities for communication to the Magistrates.

(Entered in F.P. No 1844.)

Read Miscellaneous Petition presented on the 3rd July 1852 by Kattungoppan of Tellah Tirumullpa.

(Reference F.P. No 1844 of 1852)

Wm Ed Hookers.

The Court of Sessions Malabar remark that this order under date the 23rd January last refusing to direct Wm Ed Hookers to produce before the Petitioner on Bail No 1844 of the file of the Sessions Court of Tellicherry the heirs of the husband (now deceased) of the Petitioner and bring on record the proceedings of the Sessions Court held to have signed this Petition.

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

Petition of Kattungoppan Nambiar of Kavilumpara dated the 21st July 1852 submitted by the Sessions Judge of Tellicherry.

(Reference F.P. No 1844 of 1852)

Read the Petition

presented on July 18th 1852 by Chinnamalu of the Tellah Tirumullpa.

(Reference F.P. No 97 of 1852)

Before passing Final orders on this Petition the Court of Sessions Malabar would call upon the Sessions Judge for translations of the whole proceedings of the Case No 30 of 1852

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Tellicherry for his information and guidance by Parcel return able in XX days from Post receipt.

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

Read Report dated the 15th Instant submitted by the Agent to the Governor of Fort St George at Bombay in pursuance of Orders contained in the Letter to Address of that Agent under date the 2nd July 1852 delivered to the Agency on the Month of July 1852.

(Reference F.P. No 2070 of 1852)

Read Criminal Report submitted by the Sessions Judge of Calicut for the month of July 1852 under date the 16th August 1852.

(Reference F.P. No 2070 of 1852)

Read

2 16th August 1852.

Read Jail Report submitted by the Sessions Judge of Coimbatoor for the months of July 1852 under date the 30th August 1852.

/Herewith F/C. No 2081 of 1852/

Read Calendar of Cases No 34 1852 submitted by the Acting Sessions Judge of Tanjore, under date the 14th August 1852.

/Herewith F/C. No 2082 of 1852/

Read Calendar of Cases No 30/1852 submitted by the Acting Sessions Judge of Mangalore under date the 17th August 1852.

/Herewith F/C. No 2084 of 1852/

Ent'd Thompson Clerk

No.

Friday 27th August 1852 } At a Court of the Foujdarree Adalut.

Present.

Sr. A. G. S. Cooper Esquire
Jr. de. Jr. J. Anderson Esquire
Act. for H. A. D. Inglis Esquire
} Puisne Judges

Read Letter under date 10th August 1852 from the Acting Sessions Judge of Trichinopoly

/Herewith F/C. No 2026 of 1852/

The Court of Foujdarree Adalut

1 resolve to direct that the translation of the Record of the Case referred to in the foregoing letter be forwarded to the Foujdarree Adalut by return of Post.

The Court consider the conduct

2 of the Sessions Judge of Coimbatoor in omitting to prepare the requisite letter of reference before he gave over charge of his Court most reprehensible. Mr Greenway will now be directed to supply this omission in order that the usual letter of reference may be placed with the proceedings in the Case on the Records of the Sessions Court and the Court of Foujdarree Adalut.

The Court of Foujdarree Adalut

3 will

27th August 1852.-

Recd letter dated 16th August 1852 from the Sessions Judge of Caliaut submitting for the final judgment of the Sayder Adalut the Record of Case No 30 of 1852 on the file of the Session Court.-

Prisoner F & No 2078 of 1852

Mr Anderson.- The Court of Sayder Adalut
Mr Ward & Inglis.- on a deliberate consideration of all the circumstances of the Case in evidence before them being of opinion that the proof against the Prisoner

Nachully Ramadikal
Canarra Nair

is sufficient to convict him of the Crime of Culpable Homicide for which the penalty of Deyut is awardable under the Mohomedan Law as declared in Fatwas of their Law Officers do convict him thereof and under the provisions of Clause Second Section XV Regulation VII of 1817 Sentence him to be transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of his natural life.-

Sent in 4th 1857.

Translations

27th August 1852.-

Translations of the Records in Cases Nos 14, 16, 22 and 33 of 1852 on the file of the Sessions Court of Cuddapah not having been as yet received

Ordered that the Sessions Judge of Cuddapah be called upon to submit the same without delay.-

Sent in 8th 1852.

Translations of the Record in Case No 23 of 1852 on the file of the Sessions Court of Bellary not having been as yet received

Ordered that the Sessions Judge of Bellary be called upon to submit the same without delay.-

Sent in 4th 1853.

Translations of the records in Case No 12 of 1852 on the file of the Sessions Court of Salem not having been as yet received

Ordered that the Acting Sessions Judge of Salem be called upon to submit the same without delay.-

Sent in 4th 1854.

Ex Wall

F. U.

Saturday 28th August 1852 — In a Court of the Fouzdaree Udalut.

Present:-

G. S. Hooper Esqre. — Puisne Judges.
F. Anderson Esqre. Officiating
W. A. D. Inglis Esqre. Officiating

Read letter under date the 24th July 1852 from the Sessions Judge of Tinnevelly.-

(Here enter F. U. No. 1881 of 1852)

The Sessions Judge in the foregoing letter has, at the instance of the Magistrate of Tinnevelly, submitted for the decision of the Court of Fouzdaree Udalut the question "whether Magistrates are "competent under the provisions of Section LIV Act VIII of 1843, to take cognizance of cases of escape from custody "within the meaning of Section V Regulation VII of 1822."

2 It has been ruled by the Court of Fouzdaree Udalut under date the 21st December 1843 that the Offence

Offence of escape from custody is not cog-
=nizable by Officers of the Magistracy under
the extended powers vested in them by
Act VIII of 1843, it not being competent to
them "to try offences to which Section VII
"Regulation X of 1816 may not be strict-
"ly applicable or for which distinct
"provision has been made in other parts
"of the Code not extended to Magistrates
"by the new Law" and the present
Judges are of opinion that this ruling
was perfectly correct.—

The Cases referred to by the
Magistrate as having been provided for
in the Circular Orders of the Fouzdaree
Udalut Nos. 189 and 190 are not analogous
to that under notice, both the above
orders relate to the offence of theft to which
whether it consist of stealing Cattle or have
been committed by a Servant, is cogniz-
able by the Criminal Judge under
Section VII Regulation X of 1816 and
consequently by the Magistracy under
the extended powers now vested in the

4

Nor is the question affected by

by the rule laid down in Circular Order
No. 173 which declares Magistrates au-
=thorized to demand Security in Cases
tried by them under the provisions of
Section VII Regulation X of 1816, but not
to take cognizance of any offences not
punishable under that Enactment.—

Ordered that Extract from
these Proceedings be sent to the Sessions
Judge of Tinnevelly for communica-
=tion to the Magistrate of Tinnevelly—

(Sent in No. 1055.

No return having been yet
received to the Precept of the Fouzdaree
Udalut dated 21st June 1852, calling for
translation of the record in Case No. 8
of 1852 on the file of the Sessions Court
of Honore.—

Ordered that the Acting
Sessions Judge of Honore be required
to make return to the foregoing pre-
=cept without delay.—

(Sent in No. 1056

Read again Calendar of Cases
No. 27 of 1852 on the file of the Sessions
Court

28th August 1852.

Court of Honore.—

(Here enter F. C. No. 1507 of 1852)

Read also return under date the 2d August 1852 from the Acting Sessions Judge of Honore to the precept of the Foujdaree Adalut, dated the 29th June 1852 calling for an English Translation of the record of the foregoing case

(Here enter F. C. No. 1983 of 1852)

On perusal of the records of this case the Court of Foujdaree Adalut see no reason to question the propriety of the prisoner's conviction of the crime laid to his charge but under all the circumstances of the case are of opinion that the sentence may be reduced still further than is recommended by the Acting Sessions Judge and they accordingly resolve that the period of Imprisonment awarded to the prisoner,

Bedur Devah

be reduced to one year from the date of the warrant issued by the Acting Sessions Judge on the conclusion of the trial.—

Ordered that Extract from these

28th August 1852.

Proceedings be sent to the Acting Sessions Judge of Honore by precept returnable within X days from and after its receipt.—

(Sent following Precept No. 1057—

Read letter under date the 22d July 1852 from the Agent to the Governor of Fort St. George in Ganjam submitting a report of the proceedings held in trial No. 12 of 1852.

(Here enter F. C. No. 2017 of 1852)

The prisoner in this case was tried for the crime of perjury upon the following indictment.—

"The Prisoner Karadingoo Suttrabollo, of Rentycottah in the Zemindary of Turlah in Ganjam, being Prosecutor in the case which came under inquiry before the Agent to the Governor of Fort St. George in Ganjam under the provisions of Regulation IX of 1822 on the 12th of June 1852 and certain subsequent days wherein Coca Condulow formerly manager of the Zemindary of Turlah and at present Civil second Goomastah in

in the Court of the Agent to the Governor of Fort St. George in Ganjam was charged with having embezzled and corruptly appropriated several sums amounting in the aggregate to Rupees nine hundred - Rupees 900 - and having on the fifteenth day of July 1852 declared on solemn affirmation before the said Agent that he would depose truly to all matters of fact within his knowledge did in answer to the question - "On what account did you make a complaint before the Agent against the Sub Sheristadar Palamunda Soobarow?" wilfully, deliberately depose in words to the following effect - "I never preferred any complaint against that Officer (meaning the said Palamunda Soobarow) and afterwards on the seventeenth day of July 1852 having made a solemn affirmation before the said Agent to the Governor of Fort St. George to depose truly to all matters of fact within his knowledge touching the said charge against Coondarow, did in answer to the question "An Arzee will be shown to you - look at it, and state whether the signature contained in it is yours?" wilfully and deliberately depose in words to the following effect viz: - "I have seen it - the signature is mine" and further that he did in the same deposition, in answer to the question - "The Arzee will be read to you when you have heard it state if you have any thing to say regarding it?" - wilfully and deliberately depose in words to the following effect viz: - "I have heard it - Cocah Coondarow and Pakalah Balakrishnamah these two being present caused it to be written and asked me to affix my signature to it - and after doing so I presented it to the Gentleman (meaning the Agent) "at their request".

2. The Agent convicts the prisoner of the crime charged and recommends that he be sentenced to 4 years' imprisonment with hard labor in irons.

3. On an attentive perusal of the Agent's letter and of the depositions therewith submitted, the Court of Fouzdaree Adalut consider the contradiction

contradiction between the two depositions referred to in the indictment not sufficient by "direct and positive" as to warrant a conviction under the provisions of Regulation III of 1826.—

4 The Court of Poudicherry observe that in his second deposition the prisoner admitted having affixed his signature to an Arzee which Cocak Comalarow and Badu Balakrishnamah caused to be written and that he presented it on the following day to the Agent but he did not say that he knew it to be a complaint against the Sub Seristadar Palamunda Soobbarow on the contrary in answer to a subsequent question he stated that he thought the Arzee contained a Petition about some lands he had asked the above person to assist him in getting possession of.—

5 Under these circumstances the Court of Poudicherry deem are constrained to acquit the prisoners,

Karatingoo Luttrasolla,

F. R.
28th August 1852.

and direct that he be unconditionally released.—

Ordered that Extract from these Proceedings be sent to the 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. 1858.

Read Extract from the Proceedings of the Sessions Court of Vellore under date the 14th Instant submitting the Petty Calendars of the Magistrate in Cases Nos. 1 and 2 for the 2d Quarter of 1852.—

(Here enter F. R. No. 2087 of 1852)

Read Calendar of Case No. 2 of 1852 submitted by the Acting Sessions Judge of Salem under date the 18th Instant.—

(Here enter F. R. No. 2089 of 1852)

Read letter, dated the 16th Instant from the Sessions Judge of Tellicherry reporting that no amount was realized by the labor of Prisoners in the Jail at Tellicherry.—

(Here enter F. R. No. 2091 of 1852)

Read

Read letter dated the 16th Instant from the Sessions Judge of Tellicherry reporting that no disbursements of the nature described in the Foujdaree Adalut Circular Order No. 50 and 65 was made during the 2d quarter of 1852.

(Hereunto F.C. No. 2092 of 1852)

Read Calendar of Cases No. XXXIV of 1852 submitted by the Sessions Judge of Calicut under date the 18th Instant

(Hereunto F.C. No. 2095 of 1852)

Read Calendar of Cases No. 26 of 1852 submitted by the Sessions Judge of Cuddapah under date the 20th Instant

(Hereunto F.C. No. 2097 of 1852)

Read Calendar of Cases No. 27 of 1852 submitted by the Acting Sessions Judge of Bellary under date the 18th Instant.—

(Hereunto F.C. No. 2086 of 1852)

F.C.

Monday 30th August 1852

At a Court of the Foujdaree Adalut.

Present

G. S. Hooper Esquire
T. Anderson Esquire } Puisne Judges.
W. A. D Inglis Esquire

Read Criminal Reports submitted by the Acting Sessions Judge of Salem for the months of July 1852.—

(Hereunto F.C. No. 2067 of 1852)

The Prisoner in this Case was charged with having effected his escape from the custody of a Peon while proceeding to Court to answer a charge of attempt to murder and on conviction was sentenced to three months imprisonment with hard labour.

Case No. 102.—

It appears that the prisoner has been acquitted of the original charge which led to his being taken into custody and that his escape was the result of gross and culpable neglect on the part of the Peon in charge of him.

Under these circumstances the Court of Foujdaree Adalut, consider the punishment

punishment the prisoner has already undergone to be amply sufficient to meet the demands of justice, and they direct that he be immediately released.-

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Salem for communication to the Acting Subordinate Judge.-

/Sentence No 1060.-

Read again Extract from the Proceedings of the Sessions Court of Madura on Calendars of Petty Cases disposed of by the Magistracy during the 2nd qr of 1852.

/Here enter F/6 No 1055 of 1852/

Read also letter under date the 16th Instant from the Sessions Judge of Madura

/Here enter F/6 No 2055 of 1852/

The Court of Foujdaree Adalut are of opinion that when talk exists as to a prisoner's previous character and the circumstances of the case show the intention of the party in keeping stolen property obtain talk from it, such possession must be held to constitute an offence punishable under Section XVIII Regulation I of 1805.-

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

/Sentence No 1061.-

Read Calendar of Case No 360 of 1852 of the Sessions Court of Kimore.-

/Here enter F/6 No 2013 of 1852/

Stolen property.

The Court of Foujdaree approve not of the recommendation made by the Sessions Judge in this Case that the imprisonment which the Prisoner noted in the margin has been adjudged to suffer on his conviction of the crime of House breaking and theft be reduced to/3/ three years imprisonment 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 Kimore for his information.-

/Sentence No 1062.-

Read Calendar of Case No 460 of 1852 of the Sessions Court of Cuddapah.-

/Here enter F/6 No 3020 of 1852/

The Court of Foujdaree Adalut approve of the recommendation made by the Sessions Judge in this Case that the imprisonment which the Prisoner noted in the margin has been adjudged to suffer on his conviction of the crime of Perjury be reduced to/2/ two years imprisonment

B Channapatnam Reddy

imprisonment with hard labour six months and they do authorize the Sepoy Judge to issue the warrant accordingly.-

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

/Sentence No 163.

Read Miscellaneous Petition presented on the 15th July 1852 by Annalee of the Gillah Chungleput.-

/Vere nutr F.M.P. No 93 of 1852/

W.A.D. Inglis Esq. 1

The Court of Sudder Dewanny Adawlut remark that the above Petition refers to the alleged claims possessed by the Petitioner in certain Tookry Peishcash lands with which it is not competent to them to interfere.-

2

The Petitioner must seek for redress from the Revenue Authorities, the Court being precluded by Regulation III of 1831 from investigating claims to Village Service lands.-

3

This Petition is therefore dismissed.

Ordered that Extract from these Proceedings be furnished to the Petitioner for her application.-

Read letter under date the 14th August from

from the Sepoy Judge of Rajahmundry

/Vere nutr No 1852 of 1852/

The Court of Sudder Dewanny Adawlut

1

can pronounce no opinion upon the general question proposed in the foregoing letter as to whether the acceptance of a gift by a public officer who has not been required to make the oath provided for, commanded Civil Servants Sudder Ameens and District Moonsiffs previous to entering upon their office, is under all circumstances punishable as a penal offence.-

The Court of Sudder Dewanny Adawlut

2

observe that each case of the nature referred to must be judged of by the circumstances attending it and decided upon its own merits.-

&c Merits.-

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

/Sentence No 164 /

Read Miscellaneous Petition presented on the 22d July 1852 by Nallandum of Gillah Nuchimpoly.-

/Vere nutr F.M.P. No 99 of 1852/

This is an Application to the Court

W.A.D. Inglis Esq. 1

of Sudder Dewanny Adawlut to stay the execution of

of the sentence passed upon the Petitioners
brother in Case No 4 of 1852 on the file of the
Sessions Court of Combaconum.-

2 The Petitioner is informed that
the sentence passed on the above Prisoner
Duraisachellum was adjudged by the Court by
Foujdaree Adalut who after full consideration
of the whole Record concurred with the Sessions
Judge in convicting the prisoner of the Crime
of theft. They therefore refuse the application
of the Petitioner.-

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

Read Calendar of Case No 4 of 1852
on the file of the Sessions Court of Cuddapah.

/Per roter FR No 1908 of 1852/

It does not appear from the proceedings
recorded on the Calendar of this Case or the Letter
previously to remanding the prisoner to find
the Sessions Judge made the investigation directed
by the Circular order of the Foujdaree Adalut
under date 1st June 1829 to ascertain whether the
prisoners insanity was absolute and whether the
crime charged was committed under the
absolute deprivation of reason.-

The

2 The Court direct that informa-
tion on this point may be submitted.-

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

Sent following Precept No 1065

Read Calendar in Case No 56 of
1852 submitted by the Sessions Judge of Cuddapah
under date the 21st August 1852.-

/Per roter FR No 2101 of 1852/

Read Calendar of Case No 29 of 1852
submitted by the Sessions Judge of Madura under
date the 21st August 1852.-

/Per roter FR No 2112 of 1852/

Read Calendar of Case No 30 of
1852 submitted by the Sessions Judge of Madura
under date the 21st August 1852.-

/Per roter FR No 2113 of 1852/

Read Calendar of Case No 34 of
1852 submitted by the Acting Sessions Judge of
Trichinopoly under date the 20th August 1852.-

/Per roter FR No 2117 of 1852/

Read Calendar of Case No 35
of 1852 submitted by Acting Sessions Judge of Trichinopoly
under date the 20th August 1852.-

/Per roter FR No 2110 of 1852/ Read

30th August 1852.-

Read Report dated the 14th Instant
submitted by the Sessions Judge of Chittoor of
persons apprehended in that Zillah and tried
by the Magistracy in the Month of July 1852.-

(Here enter F.H. No 2130 of 1852)

Read Criminal Reports for the
Month of July 1852 submitted by the Acting Sessions
Judge of Ganjam under date the 16th August 1852

(Here enter F.H. No 2132 of 1852)

Rd
18

Read Letter dated 30th August 1852
from the Sessions Judge of Bellary forwarding
copy of the Magistrate's Letter to his proceedings
on framing the Petition of Gunsorter of 1852 as also of his proceedings on the
said Petition.-

(Here enter F.H. No 2140 of 1852)

F. H.

Tuesday
31st August 1852.

At a Court of the Foujdaree Adawlut

Present

Hon'ble G. S. Hooper Esqr.
" F. Anderson Esqr. Offg.
Hon'ble W. A. D. Inglis Esqr. Do. } Puisne Judges

Read Letter dated 30th Instant
from the Sessions Judge of Bellary, submitting
for the final judgment of the Foujdary Adawlut
the record of Case No 25 of 1852 of the Calendar
of the Session Court.-

(Here enter F.H. No 2153 of 1852)

Mr. G. S. Hooper.
Mr. F. Anderson
Mr. W. A. D. Inglis.

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
"Nunpiah"
is sufficient to convict him of the Crime of
wilful Murder, do convict him thereof and
under the provisions of Section X, Regulation
VIII of 1802 Sentence him to suffer death by
being hanged at the usual time and place
of

the Court of Foujdaree Udalut observe that it was not Competent to him under Section XXIII Regulation VIII of 1802 to pass sentence in this Case, and this Court resolve therefore to annul the sentence recorded against the 1st Prisoner, and to direct that an English translation of the entire record be submitted for their Consideration

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Honore by Precept returnable within XX days from and after it's receipt.

(Vide following Precept No 1)

Read report dated 2d August 1852 from the Magistrate of Salem, of Persons apprehended in the Zillah of Salem and delivered to the Magistracy in the Month of July 1852.

(Here enter F. Ch. No 2125 of 1852)

Read report dated 1st July 1852 Submitted by the Magistrate of Salem, of the Gaols under charge of the Magistrate for the Month of June 1852.

(Here enter F. Ch. No 2126 of 1852)

Read return dated 23d August

from the Acting Sessions Judge of Salem, to the Precept of the Foujdaree Udalut under date the 3d August 1852 Calling for an explanation of the delay in Case No 21 of 1852 on the Calendar of the Sessions Court.

(Here enter F. Ch. No 2124 of 1852)

Read Criminal Report, dated 31st July submitted by the Sessions Judge of Chicacole for the Month of July 1852.

(Here enter F. Ch. No 2128 of 1852)

Read Calendar of Case No 33 of 1852 Submitted by the Sessions Judge of Combaconum under date the 24th August 1852.

(Here enter F. Ch. No 2131 of 1852)

Read Calendar of Case No 23 of 1852 Submitted by the Sessions Judge of Cuddalore, under date the 24th August 1852.

(Here enter F. Ch. No 2132 of 1852.)

Read Calendars of Cases No 18, 19, 20, 21, 22 and 23 of 1852 Submitted by the Sessions Judge of Rajahmundry under date the 21st August 1852.

(Here enter F. Ch. No 2134, 2135, 2136, 2137, 2138, and 2139 of 1852)

Ed Letters Clerk

Wednesday
1st September 1852, At a Court of the Foujdaree Adaulut

Present.

H.H. C.S. Hooper Esquire
D-de-Jo, Findlay Anderson Esqre Offg. } Assist Judges
M. for W. A.D. Inglis Esqre Offg

Read letter dated 20th August 1852
from the Acting Sessions Judge of Nellore
submitting for the final Judgment of the
Foujdaree Adaulut the record of Case No 230 of
1852 of the Calendar of the Sessions Court.

(Here Enter F.R No 215 of 1852)

Mr F. Anderson. The Court of Foujdaree Adaulut
on a deliberate consideration of all the
circumstances of the case in evidence before
them being of opinion that the proof
against the prisoner,

"Bonaka Tardareddy"

is sufficient to convict him of the crime
of Assault with intent to commit rape,
for which, in the absence of the requisite
conditions of Hud, discretionary punishment
is awardable under the Mohummedan Law,
as declared in futwas of their Law Officers,
do convict him thereof; and under the
provisions of Clause third Section VII
Regulation XV of 1803 and Section XXXIV
Act

1st September 1852

Act VII of 1843, sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (2) Two years.-

Sent in No 1076.

Read Calendar of case No 25 of 1852 on the file of the Sessions Court of Ra

(Here Enter S R No 1961 of 1852)

1. The prisoners in this case were charged with house breaking and theft and were pronounced by the Law Officer to be liable to Kookutt on the ground that suspicion attached to them.-

2. The Court of Sudder observe that a Futwa of Kookutt cannot legally be delivered upon mere suspicion and they resolve to direct that a copy of the remark recorded by the Cazee of Cooza on the Futwa delivered in this case be forwarded to the acting Sessions Judge for communication to his Mahomedan Law Offi

Ordered that Cockaet from these Proceedings be sent to the Acting Judge of Nellore for his information.-

Sent in No 1077.

Read Criminal Reports submitted by the Sessions Judge of Cuddapah for the month of July 1852.-

(Here Enter S R No 2053 of 1852)

1st September 1852

Report A
Case No 107

1. The Court of Sudder Adawlut consider the order passed by the Sessions Judge in this case directing the release of the prisoner on the ground that certain witnesses named by him had not been examined to have been entirely injudicious.-

2. The Sessions Judge appears to have considered the sentence fully justified so far as the evidence for the prosecution was concerned and under these circumstances the proper course would obviously have been to issue instructions to the Subordinate Judge to take the evidence of the witnesses named by the Prisoner and to submit it for the consideration of the Sessions Court.-

3. It appears however to be doubtful whether the prisoner wished that the witnesses named by him should be examined, as it would seem that when repeating their names in his defence he added that they would not support the statement made by him.-

Report B
Case No 159

4. The sentence passed in this case appears to the Court of Sudder Adawlut to be unnecessarily severe with reference to the very trifling value of the property the prisoner was convicted of having stolen, and the Court accordingly resolve

resolve to direct that the Sessions Judge will review the proceedings and pass such orders thereon as he may think proper, reporting the same for the information of the Tanjore Court.-

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

Sent following Precept No 19

Read letter dated the 16th Inst. from the Agent to the Governor of Fort St George at Vizagapatam submitting for the final orders of the Tanjore Court a report on the trial of Case No 80 of 1852 on the file of his Court.-

(Here Enter F R No 2103 of 1852)

1. The Prisoner in this case is charged with the offence of "maiming or wounding" in having about 5 P.M. of Saturday the 1st May 1852 struck the Prosecutor with a bamboo stick and broken the bones of his left leg above the ankle and injured his right leg.

2. The Agent convicts the Prisoner of the crime charged and taking into consideration his having already been

been in confinement for a period exceeding three months in consequence of the Prosecutor's inability during that time to be present at the trial, as well as the circumstance that the offence has been apparently committed in the absence of ascertained enmity - the Agent recommends that a sentence of Imprisonment with hard labor in irons for the term of one year may be passed upon him under Clause Seventh Section II Regulation XV of 1803.-

3. In accordance with the above recommendation and under the provisions cited, the Court of Tanjore resolve to sentence the Prisoner

Rundavoo Pooral Soo Pydigandoo

to be imprisoned and kept to hard labor on the public roads or other public works for and during the period of One year.

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

Stat in No 1079.-

Read Calendar of Case No 49 of 1852 submitted by the Session Judge of Cuddapah under date the 26th August 1852

(Here Enter F R No 2107 of 1852)

Read

1st September 1852.

Read Calendar of Case No 50 of 1852 submitted by the Session Judge of Cuddapah under date the 26th August 1852.-

(Here Enter F R No 2152 of 1852)

Read letter dated 24th August 1852 from the Session Judge of Calicut transmitting the statement received from the Subordinate Judge shewing the amount realized by the labor of Prisoners for the 2d Quarter 1852.-

(Here Enter F R No 2154 of 1852)

Read Calendar of Case No 37 of 1852 submitted by the Session Judge of Calicut under date the 24th August 1852.-

(Here Enter F R No 2155 of 1852)

Read Calendar of Case No 30 of 1852 submitted by the Session Judge of Combaconum under date the 27th August 18

(Here Enter F R No 2156 of 1852)

Read Criminal Report A dated 26th August 1852 submitted by the Sessions Judge of Guntoor for the month of August 185

(Here Enter F R No 2157 of 1852)

Read Calendar of Case No 30 of 1852 submitted by the Acting Session Judge of Nellore under date the 27th August 1852.-

(Here Enter F R No 2158 of 1852)

Read

1st September 1852.

Read Calendar of Case No 29 of 18 submitted by the Acting Session Judge of Nellore under date the 28th August 1852.-

(Here Enter F R No 2164 of 1852)

Read Criminal Report B dated 1st August 1852 submitted by the Agent to the Governor at Kurnool for the months of June and July 1852.-

(Here Enter F R No 2171 of 1852) Jo

E4 Thall

Thursday,
2d " September 1852.

F. H.

At a Court of the Fojidaree Adalut.

Present.

Wm G. S. Hooper Esquire —
Wm Findlay Anderson Esquire } Puisne Judges.
Col. for W. A. D. Inglis Esquire

Read Miscellaneous Petition presented on the 26th July 1852 by Coopsun =Lawrey Syar, of the Zillah Cuttack.-

(Reg. Enter F M No 180 of 1852)

Wm G.S. Hooper. The Petitioner, who was Prose=
=cutor in Case No 120 of 1852 on the file of the Sessions Court of Cuttack, appeals from the Sentence of acquittal passed by the Acting Sessions Judge upon the Prisoners in that number, and prays that the Court of Fojidaree Adalut will call for the record of the case, and after con=
=sideration of the same award to the Prisoner the punishment due to their offence.

2. The Court of Fojidaree Adalut are of opinion that the matters alleged in this petition are deserving of no consideration, and they therefore resolve to reject it. The Petitioner complains of

2d September 1852.

of the Prisoners in the above case having inflicted severe wounds upon him so as to endanger his life, whereas it is shown in the Proceedings of the Sessions Judge in the Calendar that the Zillah Surgeon pronounced his wounds of the "most trifling nature". There is every reason moreover to believe that the Petitioners other allegations set forth in this Petition, are equally false and unfounded.—

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

J

2d Idem.

Saturday,
4th September 1852.

F.U.

At a Court of the Foujdaree Adawlut.

Present.

W.R. G.S. Hooper Esquire
W.L. for Findlay Anderson Esquire } Puisne Judges
W.L. for W.A.D. Inglis Esquire }

Read again Calendar of Case No 16 of 1852 of the Sessions Court of Coimbatore.

(Here enter F.R. No 186 of 1852)

Read also return dated 20th August 1852 from the Sessions Judge of Coimbatore to the Precept of the Foujdaree Adawlut under date the 16th Idem calling for information as to whether any assault was proved to have been committed by the Prisoner in the foregoing case, and if so, as to the nature of the assault.—

(Here enter F.R. No 2109 of 1852)

From the additional information afforded, it appears that in the case under notice, no great violence was committed, and that the Prisoners while admitting that they carried off sheep which they are charged with having robbed in company with five others, are not proved to have taken an active part in the assaults committed on the 1st and 2d witnesses by the Gang.—

Under

Under the above circumstances the Court of Tanjore Zillah resolve, in accordance with the recommendation made by the Session Judge, to sanction a reduction of the prescribed penalty to (1) one years Imprisonment with hard labor in irons in the case of the 1st and 2d Prisoners, and to (18) Eighteen months' Imprisonment with hard labor in irons in the case of the 3d Prisoner.

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

(Sent in No. 1886.

Read Calendar of case No 26 of the Session Court of Salem.-

(Here Enter F.R. No 2090 of 1852)

The Court of Tanjore Zillah approve of the recommendation made by the Acting Sessions Judge in this case that the imprisonment, which the Prisoner mentioned in the margin has been adjudged to suffer on his conviction of the crime of Gang robbery on the Highway, be reduced to (4) four years imprisonment 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 Salem for his information.-

(Sent in No. 1887.-

Read Calendar of case No 37 of 1852 of the Session Court of Trichinopoly-

(Here Enter F.R. No 2093 of 1852)

The Court of Tanjore Zillah approve of the recommendation made by the Sessions Judge in this case, that the imprisonment, which the Prisoner noted in the margin has been adjudged to suffer on his conviction of the crime of robbery attended with aggravating circumstances and receiving plundered property knowingly, be reduced to (7) Seven years imprisonment with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.-

2d Salem

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

(Sent in No. 1888

Read Calendar of case No 57 of 1852 of the Sessions Court of Cuddapah.-

(Here Enter F.R. No 2099 of 1852)

The Court of Tanjore Zillah approve of the recommendation made by the Sessions Judge in this case that the imprisonment, which the Prisoner noted

1st Chinna Chellum

T. Goorooa Ippah noted in the margin has been adjudged to suffer on his conviction of the crime of Perjury be reduced to (2) two years imprisonment and labor without irons, and they do authorize the Sessions Judge to issue his warrant according

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

(Sent in No. 1089-

Read Calendar of Cases Nos 31 and 32 of 1852 of the Sessions Court of Combaconum

(Here Enter S.R. No 2110 of 1852)

The Court of Foujdaree Adawlut approve of the recommendation made by the Sessions Judge in this case, that the imprisonment, which the Prisoners noted in the margin have been adjudged to suffer on their conviction of the crimes of perjury and subornation of perjury respectively, be reduced to (1) one years imprisonment with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.-

Govindapa Naick
Teruna Naick-

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

(Sent in No. 1090-

Read Calendar of case No 38 of 1852

of the Sessions Court of Chittoor-

(Here Enter S.R. No 2120 of 1852)

The Court of Foujdaree Adawlut approve of the recommendation made by the Sessions Judge in this case that the imprisonment, which the Prisoner noted in the margin has been adjudged to suffer on his conviction of the crime of Highway robbery with wounding be reduced to (4) four years imprisonment with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly-

Durmeeriday.

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

(Sent in No. 1091.

Read Calendar of Petty cases disposed of by the Magistracy of Cuddapah during the 2d. Quarter of 1852.-

(Here Enter S.R. No 2142 of 1852)

In this case a person was charged with a "Breach of the Zaib Rules" in having secretly received a pair of trowsers from a Convict in the Zillah Jail, and was sentenced by the Magistrate to 15 days imprisonment in the Talook Cutcherry under the provisions of Section XXXII Regulation IX of 1816.-

Calendar of Persons punished
General number 15.
1.

The

2. The Court of Sujdaree Adawlut require an explanation of the foregoing sentence
breaches
all breaches of the Zaib Rules being cognizable not by the Magistrate, but by the Officer in charge of the Zaib.-

General Number 20 - 3. The Court of Sujdaree Adawlut required to be informed whether, previous to the commission of the offence charged in this case, which is designated as "Resistance to Magistrates' process," the complainant had been authorized by the acting Joint Magistrate, to take possession of the fields referred to, and whether on the occasion in question they had proceeded to do so in pursuance of an order issued by the acting Joint Magistrate.-

Calendar of Persons Committed under the provision of Clause first Section II Regulation II of 1822 and Section V and VI Regn VII of 1827 - General No 7.

4. The prisoner in this case has been committed for trial before the Sessions Court and unconditionally released by that tribunal, has been placed under a requisition of security by the Magistrate in support of which that Officer adverts to certain animadversion made upon the prisoners character by the Court of Sujdaree Adawlut in their proceedings of the 12th April 1851 and to his notoriety on a robber throughout the District.-

5. The Court of Sujdaree Adawlut observe

4th September 1852

observe that it is not competent to a Magistrate to demand security from a prisoner released unconditionally by the Sessions Court upon the same evidence as may have been adduced against him before the Higher Tribunal, and the Court accordingly direct that the Magistrate will state whether when he placed the prisoner under the requisition of security which has led to his commitment to Zaib, he had any other evidence before him or any other charges against the prisoner which satisfied him that the peace of his District required the adoption of the steps taken by him.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Cuddapah for communication to the Magistrate by precept returnable within X days from and after its receipt.-

(Sent following Precept No 1092.

Read Calendar of Case No 35 of 1852 on the file of the Sessions Court of Calicut.

(Here Enter S.C. No 2096 of 1852)

This prisoner in this case charged with having attempted to commit suicide and with child murder, has been acquitted by the Law Officer on the ground of insanity and the Sessions Judge concurring in this finding

4th September 1852

future has directed her unconditional release.

2. The Court of Toujdaree Udalut observe that the Sessions Judge in directing the release of the prisoner in this case has entirely overlooked the provisions of Act IV of 1849, wherein it is clearly laid down that the cases of all prisoners acquitted of a criminal offence on the ground of insanity, shall be reported to the Government for their orders.-

3. The Court of Toujdaree Udalut accordingly resolve to direct that the Sessions Judge will direct the re-apprehension of the prisoner and submit an amended calendar accompanied by a copy of the Zillah Judge's deposition in order that the case may be laid for the orders of the Right Honorable the Governor in Council.-

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

(Sent following Precept dated 10th 1853.

Read Calendar of case No 280 of 1852 submitted by the Acting Sessions Judge of Trichinopoly under date the 28th August 1852.-

(Here Enter F.C. No 2184 of 1852)

Read convict labor report dated 2nd ultimo submitted by the Sessions Judge of Salem of the Jails under charge of the Magistrate for the month of July 1852.-

(Here Enter F.C. No 2186 of 1852)

Extd. Thumbatti

F. No.

Monday 6th September 1852 } At a Court of the Toujdaree Udalut

Present

W.K. G. S. Harper Esqr.
W.M. for H. Anderson Esqr. Offg. } Puisne Judges
W. for W. A. D. Inglis Esqr. Dr.

Read returns dated 30th August 1852 from the Acting Sessions Judge of Trichinopoly to the Precept of the Toujdaree Udalut under date the 27th August 1852 directing him to forward the Translations of the Record of Case No 18 of 1852.

(Here enter F. No. No 2193 of 1852)

The Court of Toujdaree Udalut on a deliberate consideration of all the Circumstances of the Case in Evidence before them being of opinion that the prisoners

1st Ponnen

and

2d Cossi pooCurpen

are not Convicted on presumptive proof or

on

Mr W. A. D. Inglis
Mr G. S. Harper
and
Mr H. Anderson

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 No.

Read Miscellaneous Petition

petition presented on the 9th August 1852 by Soosurla Ramasawmy of the Zillah Rajahmundry

(Here enter F. M. P. No 111 of 1852)

Mr. F. Anderson

1 The Petitioner who was prisoner in Case No 54 of 1851 on the file of the Sessions Court of Rajahmundry Charged with murder and recommended by the Sessions Judge to be sentenced to death avers his innocence of the crime charged, and prays that the Court will be pleased to direct his acquittal.

2 The Court of Foujdaree Udalut observe that the said case has been already disposed of, and the prisoner finally acquitted. No further order from them is therefore required.

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Rajahmundry for communication to

the Petitioner on application.

(Sent in No.)

Read Miscellaneous Petition of V. Lutchmeepaty forwarded by the Sessions Judge of Rajahmundry under date the 9th August 1852.

(Here enter F. M. P. No 114 of 1852)

The Petitioner, adverting to his intention of preferring an appeal from the sentence passed on him in Case No 200 of 1851 on the file of the Sessions Court of Rajahmundry prays the Court of Foujdaree Udalut will suspend their remarks on the said case until his appeal shall have been received

2 The Court of Foujdaree Udalut remark that as the Petitioner intends to appeal, and as the Calendar of the Cases has already been perused by them, no order at present is necessary on this Petition.

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

(Sent in No.)

Read

Read again Calendar of Cases No 11 of 1852 on the file of the Sessions Court of Rajahmundry

(Here enter F. Ca. No 900 of 1852)

Read also Miscellaneous Petition forwarded by the Sessions Judge of Rajahmundry from P Venkatachalam prisoner in the foregoing Case and late Serishtadar in the Subordinate Court of Rajahmundry.

(Here enter F. Mo. P. No 52 of 1852)

Read also Miscellaneous Petition presented on the 25th May 1852 by J. Ouchterlony Vakeel on behalf of the same party.

(Here enter F. Mo. P. No 72 of 1852)

Read also return under date the 11th June 1852 and Supplemental return under date the 19th June 1852 from the Subordinate Judge of Rajahmundry to the precept of the Sunjdaur Udalut dated the 1st June 1852 directing the submission of the record of the foregoing Case and requiring an explanation of the Suspension of the Sentence passed thereon.

(Here enter F. Ca. No 1159 and 1570 of 1852)

The

Read also Miscellaneous Petition presented on the 10th June 1852 by A. Mc Petchelly Vakeel on behalf of V. Venkatanarasimhoodoo late a Goomastah in the Subordinate Court of Rajahmundry.

(Here enter S. and F. Mo. Pr. No 23 of 1852)

The Prisoner in the foregoing Case was charged with having on some day unknown between the 17th and 24th August 1852 falsified and destroyed public records, belonging to the Subordinate Court of Rajahmundry and, on Conviction was sentenced by the Sessions Judge to 4 Months simple imprisonment. (Section II Regulation VIII of 1831) under the provisions of

It appears from the evidence adduced that on the 22d March 1851 a party presented to the Subordinate Court a petition tendering security for appeal and requesting that the competency of the Security might be ascertained thro' the Heads of the neighbouring villages as the Heads of his own were hostile to him.

The Subordinate Judge refused the Petitioner's prayer and ordered that the Security should be examined by the authorities of the Petitioner's

Petitioner's own village. The order however which was prepared for the Subordinate Judge's signature was in accordance with the petitioner's application and the Security tendered by him having been examined by the authorities of the neighbouring village a Return to that effect was made on the 15th July 1851.

It would appear that the mistake was then discovered and that the Court instead of informing the Subordinate Judge of the error that had occurred proceeded to obliterate and alter the record of it by tearing up the Original Order and writing a new one bearing the same date, to which the signature of the prisoner was affixed and that of the Subordinate Judge was fraudulently procured, the Nazir, who had already made the return to the first order preparing a return to the second dated the 6th September 1851 the Diary &c were altered accordingly.

Mr. Irvine the late Subordinate Judge whose signature had been thus fraudulently obtained to the document in question shortly afterwards quitted the Station and nothing of what had occurred transpired until the 4th March 1852 when the present Subordinate Judge received an anonymous letter bringing to his notice the fraud which had been committed and enclosing the first draft which had been torn up on enquiry was then instituted which resulted in

6th September 1852

in the dismissal of the Sheristadar (the prisoner) and a Gomastah named V. Vencata Narasimhulu (Petitioner in 23 of 1852) and in the Committal of the Sheristadar for trial upon the Charges which have led to his Conviction and to the Sentence from which he now appeals.

On an attentive perusal of the record of the Case the Court of Foujdaree Adalut see no reason whatever to doubt that the prisoner was concerned in the Commission of the acts laid to his Charge which they consider to have been properly punished by the dismissal of the Sheristadar from the situation filled by him. The Court of Foujdaree Adalut however are not of opinion that the acts charged against the prisoner can be held to come within the intendment of Clause first Section II Regulation VIII of 1829 it being necessary to render the acts referred to in that Regulation punishable under its provisions that they should have been done maliciously and their ingredient is wanting in the Case under notice, there having evidently been no intention to injure or defraud any one, but merely to prevent the Consequences of

of discovery by the Subordinate Judge of the mistake which had taken place.

The Court of Foujdaree Udalut accordingly resolve to reverse the sentence passed upon the prisoner in this Case, which it is observed has not been carried out and to direct that he be unconditionally released.

But although the Court of Foujdaree Udalut consider the acts of which the prisoner has been committed not to be punishable as a Criminal offence they are of opinion that both in his Case and that of the Goomastah (Petitioner in N° 23) the penalty of dismissal have been most fully deserved and that persons who have shown themselves capable of altering and obliterating the public records though with no other object than to screen themselves from blame for a trifling mistake are no longer worthy of Confidence and could no longer be allowed to be employed in the public Service.

It appears to the Court that a similar punishment should be adjudged to the Nazir whom they concur with the Sessions Judge

Judge in Considering to have been quite as much implicated in the matter as the Seristadar.

The Court are of opinion that the Subordinate Judge erred in Examining the Nazir on path and sending him up to the Session Court as a witness instead of as a prisoner, as if a Criminal prosecution had been sustainable against the one it was equally so against the other.

In the fabrication of the 2nd return the Nazir could not but have been Cognizant of the whole business and a party thereto and this the Court Consider is satisfactorily proved by his own evidence on the trial and by the shuffling and unsatisfactory manner in which he replied to many of the questions put to him by the Session Judge in explanation of his own conduct in the matter.

The Court of Foujdaree Udalut accordingly resolve to direct that

that the Nazir Veeravilly Brunchilingoo be dismissed from his situation.

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

Sent following Precept No.

Ordered also that Extract from these Proceedings be furnished to the Petitioners Vakeel on his application

Read Report dated 1st Septr 1852 from the Acting Sessions Judge of Nellore, of Cases pending for the Month of August 1852.

(Here enter F. Co. No. 2191 of 1852)

Read Report dated 1st Septr 1852 from the Acting Sessions Judge of Salem, of Cases pending on the 31st August 1852 before him for a period in excess of 225 days calculated from the date of Commitment

(Here enter F. Co. No. 2192 of 1852)

Read

Read Calendar of Case No. 30 of 1852 submitted by the Sessions Judge of Bellary under date the 30th August 1852

(Here enter F. Co. No. 2199 of 1852)

Read Calendar of Case No. 31 of 1852 submitted by the Sessions Judge of Bellary under date the 30th August 1852

(Here enter F. Co. No. 2200 of 1852)

Read Report dated 1st September 1852 from the Sessions Judge of Calicut, of Cases pending on the 31st July and committed for trial during the month of August 1852 before him.

(Here enter F. Co. No. 2201 of 1852)

Read Letter dated 30th August 1852 from the Sessions Judge of Chicacole, forwarding the death warrant in Case No. 6 of 1852.

(Here enter F. Co. No. 2202 of 1852)

by Mr Holt

F. 116.

Tuesday 7th September 1852 } At a Court of the Foujdaree Udalut

Present

GSH — G. S. Hooper Esqre.
WAD — W. A. D. Inglis Esqre Offg. } Puisne Judges
FA — F. Anderson Esqre Do.

Read letter dated 28th August 1852 from the Sessions Judge of Bellary submitting for the final judgement of the Foujdaree Udalut the record of Case No. 24 of 1852 of the Calendar of the Sessions Court.

(Vide letter No. 2185 of 1852)

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 "Gondla Buswah"

Mr. F. Anderson and Mr. W. A. D. Inglis

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; but Considering that strong suspicion though not amounting to Conviction attaches to him, they direct that under Clause Sixth

Sixth Section II Regulation XV of 1823 he be req to find two sureties in (50) fifty Rupees each surety for his good behaviour and appearance when required within (1) one year or in default thereof that he be detained for one year in confinement.

1.

The Court of Foujdaree Udalut have been unable to concur with the Sessions Judge in considering the evidence sufficient for the conviction of the prisoner in this case of the crime laid to his charge, but being of opinion that strong suspicion attaches to him, have placed him under a requisition of security.

2

The Court observe that accepting the fact of the Prisoner having left his village there is no evidence either direct or circumstantial in support of the admission made by him before the Police and Subordinate Criminal Court. There are several circumstances which lead the Court to look upon these admissions with suspicion - the Court does not therefore consider these admissions sufficient evidence to convict the prisoner.

Order

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

(Sent in No. 1101.)

Circular

Read again letter under date the 16th June 1852 from the Sessions Judge of Masulipatam submitting for the final judgment of the Foujdaree Udalut the record of Case No. 83 of 1852 on the Calendar of the Sessions Court

(Here enter F. Ct. No. 1601 of 1852)

Read also return under date the 10th August 1852 from the Sessions Judge of Masulipatam to the Precept of the Foujdaree Udalut dated the 7th July 1852 calling for certain information with reference to the foregoing Case.

(Here enter F. Ct. No. 2035 of 1852)

The Court of Foujdaree Udalut resolve to direct that in all cases of murder a measured ground plan of the locality, in which should be noted all spots referred to in the evidence with their relative position and distances, be invariably transmitted with the record to the Criminal Court

Court.

Ordered that Extract from these Proceedings be sent to the several Sessions Judges for Communication to the Magistrates

(Sent in No. 1102)

Read again Calendar of Cases No. 6 of 1852 on the file of the Session Court of Chittoor.

(Here enter Fo. 86. No. 1605 of 1852)

Read also return under date the 3d August 1852 and Supplemental return under date the 25th August 1852 from the Sessions Judge of Chittoor directing the submission of a portion of the record of the foregoing Case.

(Here enter Fo. 86. No. 1932 & 2116 of 1852)

The Court of Foujdaree Adawlut observe that the only evidence against the 1st Prisoner in this Case independent of his implication by other prisoner is his Talook Confession supported by the testimony of the 4th witness who deposed that he recognized the 1st Prisoner as one of those who took an active part in binding and pinioning him.

The

2. The testimony however of this witness appears to the Court of Foujdaree Adawlut to be undeserving of Credit in as much as in his first deposition before the Head of Police immediately after the robbery he made no statement implying in the least that he might possibly be able to recognize and identify any of the robbers but quite the reverse and it is apparent from his deposition that he was induced to swear to the prisoners identity in consequence of his Talook Confession and not from any real recognition of him.

3 The Court of Foujdaree Adawlut accordingly concur with the late Acting Sessions Judge in considering that there is no legal proof against the 1st Prisoner Puckeran alias Puckeree Mahommud, and accordingly direct that he be unconditionally released.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Chittoor by Precept returnable within

within 11 days from and after its receipt.

(Sent following Precept No:1103)

Read Calendar of Case No:23 of 1852 Submitted by the Sessions Judge of Coimbatore under date the 25th August 1852.

(Here enter F. 86. No:2205 of 1852)

Read Calendar of Case No:35 of 1852 Submitted by the Sessions Judge of Coimbatore Under date the 3rd Instant.

(Here enter F. 86. No:2207 of 1852)

Read report dated 3rd Instant Submitted by the Sessions Judge of Cuddapah of Cases pending on the 31st July and Committed for trial during the Month of August 1852 which remained on the file of the Sessions Court of Cuddapah for more than 25 days.

(Here enter F. 86. No:2211 of 1852)

Read report dated 1st Instant submitted by the Sessions Judge of Guntoor, Form A of Criminal Case No:71 of 1852 disposed of by the Sessions Judge.

(Here enter F. 86. No:2212 of 1852)

Read

Read Calendar of Cases Nos 31 & 32 of 1852 Submitted by the Acting Sessions Judge of Nellore under date the 4th Instant.

(Here enter F. 86. No:2215 & 2216 of 1852)

Read Calendar of Case No:40 of 1852 Submitted by the Acting Sessions Judge of Honore under date the 30th August 1852.

(Here enter F. 86. No:2222 of 1852)

Read Calendar of Cases Nos:41 and 42 of 1852 Submitted by the Acting Sessions Judge of Trichinopoly under date the 3rd Instant.

(Here enter Nos:2223 and 2224 of 1852)

Read report dated 31st August 1852 Submitted by the Sessions Judge of Masulipatam of Cases pending on the 30th June 1852 and Committed for trial during the Month of July 1852 before this Court.

(Here enter F. 86. No:2225 of 1852)

Read

F. C.

Wednesday 8th to 11th September 1852.

At a Court of the Foujdaree Udalut.

Present.

Gfst G. S. Cooper Esqre. } Puisne Judges.
Inch Jr F. Anderson Esqre. officiating
Ml. Sr W. A. D. Inglis Esqre. officiating

Read letter dated 14th June 1852 from the Session Judge of Rajahmundry submitting for the final judgment of the Foujdaree Udalut the record of case No. 26 of 1852 of the Calendar of the Sessions Court.

(Here enter F. C. No. 2180 of 1852)

Mr. G. S. Cooper and Mr. F. Anderson.

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,

"Cheemalaconda Lutchana alias Lutchminurso",

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 seas as the Governor in Council shall appoint, there

to

to be imprisoned and kept to hard or labor on the public roads or other public works for and during the period of his natural life.—

1 The Court of Foujdaree Adalut have sentenced the prisoner in this case to transportation for life being of opinion that any less severe Sentence would be insufficient to meet the demands of justice.—

2 The Court of Foujdaree Adalut resolve to direct that the irregularity committed by the Head of District Police in forwarding an abstract of the evidence with the record of the Subordinate Criminal Court be pointed out to the Magistrate—

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Rajahmundry for communication of para 2 to the Magistrate

(Sent in No.

Read letter dated 26th August 1852 from the Acting Sessions Judge of Ichinopoly, submitting for the final judgment

judgment of the Foujdaree Adalut the Record of case No. 38 of the Calendar of the Session Court.—

(Here enter F. R. No. 222 of 1852)

Mr. F. Anderson. and " F. A. D Inglis.—

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,

"Murday Veeroo ran"

is sufficient to convict him of the crime of Culpable Homicide under highly aggravating circumstances for which under the Mahomedan Law as declared in Futwas of their Law Officers, do convict him thereof; and under the provisions of Clause second Section XVI 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 fourteen years.—

(14)

The Court direct that it be pointed out to the Acting Session Judge that a translation of the original complaint

complaint, which should invariably form part of the record of a referred trial, has not been submitted with the Record of the foregoing Case.—

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

(Sent in &c.

Read letter dated the 1st Instant from the Sessions Judge of Cuddapah submitting for the final judgment of this Court the Record of Case No 44 of the Calendar of the Sessions Court

(Hereunto F.R. No. 2208 of 1852)

Mr. G. S. Cooper
and
Mr. F. Anderson

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,

"Sirdarkhan"

is sufficient to convict him of the crime of wounding with intent to kill, for which, according to the Moohummedan Law as declared in futwa of their Law Officers

F.R.

8th September 1852.

Officers, discretionary punishment is awardable, do convict him thereof, and under the provisions of Clause third Section VII Regulation XV of 1803 and Section XXXIV Act VII of 1843 Sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (10) Ten years.

(Sent in &c.

4 Mad W

F.C.

Thursday
9th September 1852. At a Court of the Tonjadaree Zillah

Present.

G.S. Hooper Esqre
Findlay Anderson Esqre off[illegible]
W.A.D. Inglis Esqre off[illegible]
} Puisne Judges

Read Miscellaneous Petition presented on the 26th July 1852 by Streenivassa chary Vakeel on behalf of Viraspa Setty and another of the Zillah Combaconum

(Here Enter F.R. No 102 of 1852)

This is an appeal against an order passed under date the 17th April 1852 which confirmed that of the Special Assistant Magistrate passed under date the 24th February 1852 and by which Petitioners were ordered to remove certain brick walls, raised for shops, on ground stated to have been purchased by their ancestors.-

It appears that the Special Assistant Magistrate inspected in person the ground in question, and the Court of Tonjadaree Zillah remark that it is stated in the order passed by that officer under date 24th February 1852 that in the Cymash account

Mr F Anderson

Thursday
9th September 1852. At a Court of the Tongaree Estate

F.C.

Present.

H.R. J.S. Hooper Esqre ——
J.A. Findlay Anderson Esqre J.P.g
W.D. W. A. D. Inglis Esqre J.P.g
} Puisne Judges

Read Miscellaneous Petition presented on the 26th July 1852 by Threenamasachary Vakeel on behalf of Viraspa Setty and another of the Zillah Combaconum

(Here Enter F.R. No 102 of 1852)

This is an appeal against an order of the Sessions Judge of Combaconum passed under date the 17th April 1852 which confirmed that of the Special Assistant Magistrate passed under date the 24th February 1852 and by which Petitioners were ordered to remove certain brick walls, raised for shops, on ground stated to have been purchased by their ancestors.-

Mr F Anderson

It appears that the Special
2.
Assistant Magistrate inspected in person the ground in question, and the Court of Tongaree Estate remark that it is stated in the order passed by that officer under date 24th February 1852 that in the Cymash accounts

accounts of July 1238 the said ground was entered as Circar "Sharam" land and that it is the same ground for which "shops" were formerly removed by order of the Magistrate Mr Montgomery. The Court of Sudr are therefore resolved not to interfere with the order appealed against and consequently reject this petition.—

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

Read Miscellaneous Petition forwarded by the Acting Sessions Judge of Bellary on the 12th August 1852 on behalf of Dhee=mee Assacharry of that Zillah.—

(Here Enter S.R. No. 112 of 1852)

Mr F. Anderson for.

This is an application for the interference of the Court of Sudr and to set aside an order of the Acting Sessions Judge of Mangalore under date 8th July 1852 passed in confirmation of the sentence of the Magistrate awarding to Petitioner one month imprisonment on a charge of theft and directing his dismission from the public Service.—

2 The Court of Sudr and see no reason to doubt the propriety of the sentence passed by the Magistrate on the

the Petitioner, and they decline therefore to interfere on his behalf.—

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Mangalore for his information and for communication to the Petitioner.—

(Sent in No. 1109.

Read Miscellaneous Petition presented on the 12th August 1852 by S. Dhoo=mala charry Vakeel on behalf of Dhecatary Sail of the Zillah Chittoor.—

(Here Enter S.R. No. 113 of 1852)

Wm G.S. Hooper for. The Court of Sudr are of opinion that there is no necessity for any further orders in the matter of the above Petition at present, considering that the case must by this time have gone up to the Sessions Court for trial, if indeed the trial has not already taken place.—

2. The Court therefore resolve to dismiss this Petition.—

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

Read Miscellaneous Petition presented on the 30th August 1852 by A. Mc Ritchie Esqre Vakeel on behalf of Cotah Rungapah Chetty of the Zillah Chittoor.—

(Here Enter S.R. No. 118 of 1852)

The

9th September 1852

Mr G.S. Hooker
and
M. T. Anderson

1.

The Petitioner appeals from an order of the Sessions Judge of Chittoor dated the 7th August 1852 declining to furnish his agent with certain papers on the record of the trial of cases Nos. 25 and 26 on the ground that the applicant was not the authorized agent of the Prisoner or the Prisoner himself but merely the agent of a relative of that individual

2.

The Court of Foujdaree Adawlut resolve to direct the Sessions Judge to cause the Prisoner in the above cases to be called up before him, and to ascertain whether or not it is his wish that copies of the record of the above cases should be given to his nephew the Petitioner: and if so to comply with his request.—

3.

The Court of Foujdaree Adawlut are of opinion that whenever parties may wish to appeal from the sentence or orders of the lower Courts, it is highly desirable that no obstacle should be thrown in the way of their doing so.—

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

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

Sent in No. 1112.

Dated 18th

F.A.

Friday
10th September 1852

At a Court of the Foujdaree Adawlut.—

Present

G. S. Hooper Esquire
T. Anderson Esquire
W. A. D. Inglis Esquire

} Puisne Judges.

Read letter dated the 4th September 1852 from the Sessions Judge of Cuddapah forwarding English translation of the Record of Cases Nos 33 of 1852 on the Calendar of the Sessions Court for the final judgment of the Court of Foujdaree Adawlut.

(Herewith F.A. No 2239 of 1852.)

The Court of Foujdaree Adawlut on a deliberate consideration of all the circumstances of the case in evidence before them

are of opinion that the prisoners

1st Lr Chundah
2d Ramyya
3d Hatchoo
and
4th Perroo

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confessions, of the crime charged, do acquit

acquit them thereof, and direct that they
be set at liberty.-

/Sent in Sr No 1116. S /

Lt. Edward Cole

FK

Monday
13th September 1852.

At a Court of the Fuydaree Adalut.

Present

G.K. G. S. Hooper Esquire
H. F. Anderson Esquire
W.H. W. A. D. Inglis Esquire
} Puisne Judges.

Read Miscellaneous Petition
presented on the 5th August 1852 by Errattah of
the Gillah Cuddalore.-
/Vernacular F.M.P. Sr No 105 of 1852/

Mr G.S. Hooper.

The Court of Fuydaree Adalut
observe that the Petitioner should apply to the
Sessions Judge of Cuddalore for copies of the docu-
ments annexed to his petition, the Records of
the Case to which they belong not having been
transmitted to the Fuydaree Adalut.-

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

Read Calendar of Case Sr No 30 of 1851
on the file of the Sessions Court of Tinnevelly.-
/Vernacular F.K. Sr No 2616 of 1851/

Read also Miscellaneous Petition
forwarded by the Sessions Judge of Tinnevelly
on

on behalf of Mattee Saingie and another, wives of the prisoners in the above Case praying the reversal of their Sentences..

(Here enter W.P. No 107 of 1852)

Mr W.A.D. Inglis

1. On reference to the above Calendar it appears to the Court of Faydaree Adalut that the Prisoners therein mentioned were convicted of Homicide on full and sufficient proof leaving no doubt of their guilt, and adverting to the circumstances of the Case the Court are of opinion that the sentence passed by the Sessions Judge was extremely lenient..

2. They therefore resolve to dismiss the Petition..

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Jinnerelly for his information and for communication to the Petitioner..

(Sentence No 1120.)

Read again Calendar of Case No 35 of 1851 submitted by the Sessions Judge of Jinnerelly..

(Here enter F.C. No 2744 of 1851.)

Read also Miscellaneous Petition forwarded by the acting Sessions Judge of Jinnerelly on behalf Mudally the wife of the

of the prisoner in the above Case appealing from the sentence recorded therein..

(Here enter F.M.P. No 90 of 1852)

Mr W.A.D. Inglis.-

The Court of Faydaree Adalut having again perused the above Calendar, see no reason to question the correctness of the sentence passed on the Petitioners Husband Angappan who they are of opinion has been convicted of Homicide on sufficient and credible evidence. The Court therefore resolve to dismiss this Petition..

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

(Sentence No 1121.)

Read Calendar of Case No 21 of 1852 on the file of the Sessions Court of Jinnerelly..

(Here enter F.C. No 2116 of 1852)

The Court of Faydaree Adalut observe that a 2d question should have been proceeded to the Law Officer in this Case with a view to remove the bar of Caste by which with reference to the nature of the offence proved viz Robbery by open violence the prisoners would appear to be liable..

The Court of Faydaree Adalut direct

direct, that the Sessions Judge will now adopt this course and in the event of Such being declared pass a proper Sentence recommending such mitigation thereof as he may think proper.-

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

/Sent following precept No. 1122./

Read again Calendar of Cases No. 40 of 1852 on the file of the Sessions Court of Rajahmundry.-

/Herewith No. 1737 of 1852./

Read also Miscellaneous Petition from Ghuffoor Khan Rohilla forwarded by the Sessions Judge of Rajahmundry under date the 23d August 1852.-

/Herewith M. P. No. 116 of 1852./

Before disposing finally of the Petition the Court of Foujdaree Adawlut considers to call upon the Sessions Judge to transmit for their consideration translates of the charge of the depositions of the prisoner and of the 1st 2d 4th 7th 8th 9th and 10th witnesses before the Police and Sessions Court. In the event of the depositions of

Mr. S. Anderson.-

of the 7th and 8th witnesses not containing the necessary information the Sessions Judge will be pleased to furnish the Court with information as to what led to suspicion resting on and to the apprehension of the prisoner and to the finding of the stolen property and also as to whether there is any evidence to connect the prisoner with the party who left the property in the Jungle.-

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

/Sent following precept No. 1123./

Read Calendar of Cases No. 25 of 1852 submitted by the Acting Sessions Judge of Cuddalore under date the 10th September 1852.-

/Herewith F. C. No. 2256 of 1852./

Read Calendar of Cases No. 137 of 1852 submitted by the Sessions Judge of Cuddapah under date the 8th September 1852.-

/Herewith F. C. No. 2257 of 1852./

Read Calendar of Cases No. 44 of 1852 submitted by the Sessions Judge of Cuddapah under date 9th September 1852.-

/Herewith F. C. No. 2258 of 1852./

Read

13th September 1852.

Read Calendar of Cases for 24th
1852 Submitted by the Superior Judges of Cuddapah
under date the 10th September 1852.

/Herewith F.C. No 2239 of 1852/

Read Calendar of Cases for 24
24 of 1852 Submitted by the Superior Judges of
Tinnevelly under date the 8th September 1852.

/Herewith F.C. No 3364 of 1852/

Ed
H.C.

F. C.

Thursday
14th September 1852

At a Court of the Foujdarree Adalut.

Present.

The Hon'ble G. S. Cooper Esquire
" J. Anderson Esquire
" W. A. D. Inglis Esquire
} Puisne Judges.

Read Return dated 13th Ultimo
from the Agent at Vizagapatam to the precpt
of the Foujdarree Adalut under date the 29th July
1852 requiring explanation with reference to the
entries in certain Columns of the Statements Nos 3
& 4 as to whether any Cases have been
received direct by the Agent and his Assistants
without the intervention of the Police &c.

/Herewith F.C. No 2060 of 1852/

The Judges of the Foujdarree
Adalut observe from para 3 of the above Return
that the Agent in preparing the Statements
Nos 2, 3 B and 4 for the year 1851 has not followed
the same principle on which they were pre-
pared by the Agent at Ganjam notwith-
standing the Statements prepared and
submitted by the latter Officer were sent to
him for his guidance, and they expect that

his

13th Sept 13th September 1852.

Read Calendar of Cases for 1852 submitted by the Superior Judges of Galway under date the 10th September 1852.

/Ferriter F.C. No 2239 of 1852/

Read Calendar of Cases for 240 of 1852 submitted by the Superior Judges of Tuamgrelly under date the 8th September 1852.

/Ferriter F.C. No 2364 of 1852/

2d H.C.

F.C.

Tuesday 14th September 1852 } At a Court of the Faydaree Adalut.

Present.

W.R. G. L. Hooper Esquire
H. J. Anderson Esquire
W.D. W. A. D. Inglis Esquire
} Puisne Judges.

Read Returns dated 12th Ultimo from the Agent at Bijapore relative to the precepts of the Faydaree Adalut under date the 29th July 1852 requiring explanations with reference to the entries in certain Columns of the Statements 8 & 3 rendered by the Talookdars of Bandee Nuddee &c. whether any Cases have been received direct by the Agent and his Assistants without the intervention of the Police &c.

/Ferriter F.C. No 2060 of 1852/

The Judges of the Faydaree Adalut observe from para 3 of the above Return that the Agent in preparing the Statements Nos 2, 3 B and 4 for the year 1851 has not followed the same principle on which they were prepared by the Agent at Sangaum notwithstanding the Statements prepared and submitted by the latter officer were sent to him for his guidance, and they expect that

his

13th Sept 13th September 1852.

Tuesday 14th Ditto

Read Calendar of Cases No 35 of 1852 submitted by the Sessions Judge of Cuddapah under date the 10th Instant

for the confirmation of the Sentences recorded in Nos 3, 33 and 4 submitted by the Agent at Gangam should he require them.

Ordered that Extract from the Proceedings be sent to the Agent at Vizagapatam for his information.

/Sent in No 1126.

Read Criminal Report submitted by the Sessions Judge of Tinnevelly for the month July 1852.

/Recd to No 2115 of 1852/

Case No 36 of 1852.

From the Statement of the charge in this Case the offence committed by the Prisoner appears to the Court of Foujdaree Adalut to have been one of Robbery rather than Snatching as designated in the heading prefixed thereto.

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

Sent in No 1127

Read letter dated the 4th Instant from the Sessions Judge of Chicacole forwarding

Vizagapatam for the 2d Quarter of 1852.

/Recd to No 2249 of 1852/

Read letter dated the 8th Instant from the Sessions Judge of Bellary transmitting the original death warrant issued by his Court in Case No 25 on the Sessions Calendar for 1852 together with Copy of the Subordinate Criminal Judges letter which accompanied it.

/Recd to No 2252 of 1852/

Read Return dated the 11th Instant from the Sessions Judge of Chittoor to the precept of the Foujdaree Adalut under date the 7th September 1852 directing the unconditional release of Pakeeran alias Pakeeree, 1st Prisoner in Case No 6 of the Calendar for 1852.

/Recd to No 2254 of 1852/

W. Elliott

his future Returns will be prepared in conformity with the Ganjam Statements.

2 The Court will again furnish for the information of the Agents the Statements 3, 3B and 4 submitted by the Agent at Ganjam should he require them.

Ordered that Extract from the Proceedings be sent to the Agent at Vizagapatam for his information.

/Sent in № 1126.

Read Criminal Report submitted by the Sessions Judge of Tinnevelly for the month July 1852.

/Forwarded F 16 № 2115 of 1852/

Case № 356 of 1852.

From the Statements of the charges in this case the offence committed by the Prisoner appears to the Court of Foujdaree Adalut to have been one of Robbery rather than cheating as designated in the heads prefixed thereto.

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

Sent in № 1127

Read Letter dated the 4th Instant from the Sessions Judge of Chicacole forwarding the Petty Calendars of the Magistracy of Ganjam and Vizagapatam for the 2d Quarter of 1852.

/Forwarded F 16 № 2249 of 1852/

Read Letter dated the 8th Instant from the Sessions Judge of Bellary transmitting the original death warrant issued by his Court in Case № 25 on the Sessions Calendar for 1852 together with Copy of 2nd Subordinate Criminal Judges letter which accompanied it.

/Forwarded F 16 № 2252 of 1852/

Read Return dated the 11th Instant from the Sessions Judge of Chittoor to the precept of the Foujdaree Adalut under date the 7th September 1852 directing the unconditional release of Pakeeran alias Pakeeree, 1st Prisoner in Case № 6 of the Calendar for 1852.

/Forwarded F 16 № 2254 of 1852/

F. Co.

Wednesday
15th. September 1852. At a Court of the Foujdaree Adalut.

Present

G. S. Hooper Esqr.
F. Anderson Esqr. ~~Offg~~ } Puisne Judges.
W. A. D. Inglis Esqr. ~~Offg~~

Read letter dated 2d. June 1852 from the Session Judge of Rajahmundry, referring for the final Judgment of the Foujdaree Adalut, the Record of Case No. 24 of 1852, of the Calendar of the Session Court. (Here enter F. Co. No. 2262 of 1852.)

The Court of Foujdaree Adalut

Mr. G. S. Hooper
" F Anderson
and
" W. A. D. Inglis

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

"Esookapilly Soobbey"

is sufficient to convict her of the crimes 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 (14) fourteen years.

years.-

(Sentence No)

Read letter dated 2d September 1852, from the Sessions Judge of Masulipatam referring for the final Judgment of the Foujdaree Adalut, the Record of Case No 57 of 1852, of the Calendar of the Session Court.-

(Here enter F. C. No 2274 of 1852)

W. F. Anderson

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 Payalalu Nanneegandoo.

and

2d Sungeetapoo Soobbadoo.

is sufficient to convict them of the crime of Highway Robbery, attended with Violent assault, do convict them thereof, and under the provisions of Clause third Section V. Regulation XV of 1803, and Section XXXIII Act VIII of 1843, Sentence the Prisoner,

2d. Sungeetapoo Soobbadoo.

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.-

1st Payalalu Nanneegandoo.-

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.-

(Sentence No)

4 Wells

F: C:

Thursday 16th: September 1852.

At a Court of the Foujdaree Adalut
Present.

GHR — G: S: Hooper Esqre:
H — J: Anderson Esqre: officiating
WP — W: A: D: Inglis Esqre: Do:
} Puisne Judges

Read letter dated the 9th: Ultimo from the Magistrate of Madura reporting the occurrence of a case of Murder and requesting sanction for the offer of a reward of 500 Rupees to such person or persons as may give infor=mation which may lead to the conviction of any party concerned in the commission of the offence.-

(Here enter F: C: No: 1999 of 1852).

The Court of Foujdaree Adalut fail.

1. to discover any thing in the above case calling for the offer of a larger reward than that which the Magistrate is himself competent to hold out. Viz: 100 Rupees.-

The Court consider that in

2. general, the offer of a very large reward is likely to encourage false charges and perjury and they therefore deem it advisable that such a

a measure should only be resorted to in cases of peculiar difficulty or aggravation, amongst which they do not consider that the case under notice can be classed.—

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

(Sent in No. 1130.)

Read communication dated the 3d Instant from the Sessions Judge of Rajahmundry transmitting Copy of the observations of the Sessions Court on review of the Magistrate's Petty Calendars for the 2nd Quarter of 1852.—

(Here enter F. C. No. 2229 of 1852).

Read report dated the 1st Instant submitted by the Sessions Judge of Tellicherry of cases pending on the 31st August 1852 before the Sessions Court.—

(Here enter F. C. No. 2231 of 1852.)

Read letter dated the 9th Instant from the Sessions Judge of Coimbatore submitting Copy of an Extract from his Proceedings dated the 6th Idem and also Copy of a Return made by the Magistrate of Coimbatore to a Precept of the Sessions Court as well as Copies of five letters received from that officer.—

(Here enter F. C. No. 2269 of 1852)

Read

16th September 1852.

Read Calendar of Case No. 41 of 1852 submitted by the Sessions Judge of Coimbatore under date the 11th Instant.—

(Here enter F. C. No. 2272 of 1852).

Read form A of Case No. 75 of 1852 disposed of by the Sessions Judge of Guntoor submitted under date the 9th Instant.—

(Here enter F. C. No. 2273 of 1852).

Read communication dated 9th Instant from the Acting Sessions Judge of Salem transmitting Copy of the Proceedings held by the Sessions Court on the Magisterial Petty Calendars for the 2nd Quarter of 1852.—

(Here enter F. C. No. 2277 of 1852).

L. J. Thompson

F: 16:

Friday 17th: September 1852.

At a Court of the Foujdaree Adalut.

Present.

Capt: G: S: Hooper Esqre: — Puisne Judges.
H: F: Anderson Esqre: - Officiating
W: A: D: Inglis Esqre: - officiating

Read Calendar of Case No: 43 of 1852 of the Session Court of Trichinopoly -- (Here enter F: 16: No: 2220 of 1852).

The Court of Foujdaree Adalut approve of the recommendation made by the Session Judge in this Case that the imprison=ment; which the Prisoner notes in the margin has been adjudged to suffer on his conviction of Housebreaking and theft attended with aggravating circumstances and possessing plundered property = knowingly, be reduced to (2) two years imprison=ment with hard labor in irons, and they do = authorize the Session Judge to issue his warrant accordingly.—

1st: Moottan.

Ordered that Extract from these Proceedings be forwarded to the Acting Session Judge of Trichinopoly for his information.— (Sent in No: 1134-)

Read.

Read Calendar of Case No. 44 of 1852 submitted by the Acting Session Judge of Trichinopoly under date the 4th Instant.-

(Here enter F. C. No. 2233 of 1852).

Read Calendar of Case No. XXXIII of 1852. submitted by the Session Judge of Calicut under date the 4th Instant.-

(Here enter F. C. No. 2235 of 1852).

Read Calendars of Cases No. 9 and 10 of 1852. submitted by the Session Judge of Chicacole under date the 2nd Instant.-

(Here enter F. C. No. 2237 & 2238 of 1852)

Read report, dated the 27th Ultimo submitted by the Session Judge of Madura of — Convict Labor, for the Month of July 1852.-

(Here enter F. C. No. 2243 of 1852).

Read Calendar of Case No. 36 of 1852 submitted by the Session Judge of Combaconum under date the 7th Instant.-

(Here enter F. C. No. 2246 of 1852).

Read return dated the 6th Instant from the Agent to the Governor of Fort St. George at Ganjam to the precept of the Foujdaree Adalut under date the 28th Ultimo, stating

17th September 1852.

stating that N. Satrosollo has been released as directed.-

(Here enter F. C. No. 2279 of 1852).

L. J. Thompson

+

F: C:

Saturday 18th September 1852.

At a Court of the Foujdaree Adalut

Present

Gl. Hs. — G: S: Hooper Esqre.
H. de Jr. — F. Anderson Esqre. — Officiating
Al. for W: A: D: Inglis Esqre. — Officiating
} Puisne Judges.

Read Extract from the Minutes of Consultation under date 2nd September 1852 No. 571 forwarding copy of a letter from the Magistrate of Malabar, regarding the trial of three individuals British subjects charged with a theft committed in the Cochin Rajahs' Territory, and requesting the Court of Foujdaree Adalut to issue the necessary instructions to the Magistrate of Malabar and to report the same for the information of Government.-

(Here enter F: C: No. 2187 of 1852).

The Judges of the Foujdaree Adalut observe that the opinion conveyed in their Register's letter of the 29th July 1851 to the effect that the offences referred to in Act I of 1849 were cognizable only by a Court superior to that of the Magistrate was intended to apply to all offences great and small committed

committed by British subjects in the territories of a foreign state, and the Court of Foujdaree Udalut accordingly resolve to direct that the Magistrate of Malabar will commit the individual referred to for trial before the Subordinate Criminal Court of Calicut.-

Ordered, that Ectract of these proceedings be sent to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council.-

(Sent in No. 1136.)

Ordered also that Ectract of these Proceedings be sent to the Magistrate of Malabar for his information.-

(Sent in No. 1137.) S

8th Idem

F. Ud.

Monday 20th September 1852. At a Court of the Foujdaree Udalut.

Present:

W.H. G. S. Cooper Esqr.,
Jele Jos F. Anderson Esqr., Offg. } Puisne Judges.
W. for W. H. D. Inglis Esqr. Offg.

Read letter dated the 30th August 1852 from the Session Judge of Tellicherry applying for the grant of a conditional pardon to the 5th Prisoner in Session Case No. 12 of 1852 on the file of his Court.

(Here enter F. Ud. No. 2219 of 1852.)

Under the circumstances stated in the above communication the Court of Foujdaree Udalut, in exercise of the authority vested in them by Section XII Regulation XIII of 1832, resolve to sanction the offer of a conditional pardon to the 5th Prisoner.

"Vellalil Jean Ramen"

subject to and on his fulfilment of the conditions specified in Section XX Regulation VIII of 1802.-

Ordered that Ectract from these Proceedings be forwarded to the Sessions

20th September 1852 Sessions Judge of Tellicherry for his infor-
mation and guidance.

/Sent in No. 1141-/

Read Calendar of Case
No. 41 of 1852 on the file of the Sessions Court
of Chittoor.-

/Here enter F. Ch. No. 2165 of 1852/

Before passing final orders
on this case the Court of Foujdaree Udalut
resolve to call upon the Sessions Judge to
submit for their consideration the result
of the Magistrates' enquiry
the 3rd paras of his sentence, and also to
explain what marks of ill usage appeared
on the person of the Prisoner.-

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

/Sent following precept. No. 1142./

Read Calendar of Case No. 34
of 1852 of the Sessions Court of Combaconum.

/Here enter F. Ch. No. 2206 of 1852/

In accordance with the
Sessions Judge's recommendation the Court of

20th September 1852. of Foujdaree Udalut resolve to sanction a
reduction of the prescribed punishment to
(1) one years imprisonment with hard labor
in irons in the case of the 2nd Prisoner
"Sadasivachetty"
and to (3) three months imprisonment with
hard labor in irons in the case of the
3rd Prisoner
"Sungarathaven"

The Sessions Judge is autho-
2. rized to issue his warrant accordingly.

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

/Sent in No. 1143- /

Read Calendar of Case
No. 29 of 1852 submitted by the Sessions
Judge of Combaconum.-

/Here enter F. Ch. No. 2206 of 1852./

Before passing final orders
in the above case the Court of Foujdaree
Udalut resolve to call upon the Sessions
Judge to submit for their consideration
an English translation of the entire
record

record thereof.-

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

(Sent following precept No 1144.)

Read Calendar of Case No 24 of 1852 submitted by the Sessions Judge of Chingleput.-

(Here enter F. C. No 2204 of 1852.)

The Court of Foujdaree Udalut observe that the Calendar of the foregoing case is defective inasmuch as it does not set forth the precise grounds on which the case has been referred to the Foujdaree Udalut as required by Foujdaree Udalut Circular Order dated 14th October 1822. The Acting Sessions Judge will now be pleased to supply the omission.-

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

(Sent following precept No 1145.)

Read

Read Calendar of Case No 27 of 1852 on the file of the Sessions Court of Mangalore.-

(Here enter F. C. No 2163 of 1852.)

The Court of Foujdaree Udalut.

1. but are of opinion that the Sessions Judge is in error, with regards to the enactment quoted in this case, and that the offence was punishable under the provisions of Section XXI Regulation VII of 1802.-

2. The Sessions Judge appears to have overlooked the Circular Order Foujdaree Udalut of 19th June 1823 in reference to the construction of Clause 2nd Section III Regulation VI of 1822 and his sentence is consequently illegal.- The Court of Foujdaree Udalut resolve therefore to sanction the sentence already passed as a mitigation of the legal sentence which should have been adjudged under the above Provisions.-

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

(Sent in No 1146.)

Read

20th September 1852

26

Read Calendar of Case No 29 of 1852 on the file of the Session Court of Bellary.

(Here Enter F. Ab. No 2172 of 1852)

With reference to this case the Court of Foujdaree Udalut observe that the Prisoner ought to have been charged with "Culpable Homicide" as it was not a case of "Homicide by misadventure."

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

(Sent in No 1147 - 18

24 Oct 1852

F. Ab.

Wednesday 20th September 1852

At a Court of the Foujdaree Adalut

Present

G. L. Hooper, Esquire
T. Anderson, Esquire Offg.
W. A. D. Inglis, Esquire Offg.
} Puisne Judges

Read letter under date the 8th June 1852, from the Sessions Judge of Rajahmundry, forwarding English Translation of the record of Case No 25 of 1852, on the Calendar of the Session Court, for the final Judgment of the Court Foujdaree Adalut.

(Here enter F. Ab. No 2315 of 1852)

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 "Doommala Venkatareddy" is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confessions, of the

Mr. G. L. Hooper
" T. Anderson
and
" W. A. D. Inglis

crime

September 1852.

crime charged, do acquit him thereof, and direct that he be set at liberty.

The Court of Foujdaree Adalut observe, that an interval of upwards of three months, has occurred between the date of this being set down for reference, and the receipt of the record in the Foujdaree Adalut, a delay which, considering the brevity of the record, the Court are of opinion, should not have been permitted to take place.—

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

Sent in No /

F.C.

Wednesday, 22. September 1852.— At a Court of the Foujdaree Adalut.—

Present:

Sir W. G. S. Hooper Esquire ——
Mr. Ol. Jr. F. Anderson Esquire —— } Puisne Judges.
Mr. for W. A. D. Inglis Esquire ——

Read Calendar of Case No. 24 of 1852 on the file of the Sessions Court of Cuddalore.—

(Here enter F.C. No. 2209 of 1852.)

With reference to this Case the Court of Foujdaree Adalut remark that a second Futwah should have been taken under Clause 4th Section II Regulation XV of 1802 as pointed out in Circular Order Foujdaree Adalut No. 56.—

2. The Futwah assigns as a reason for declaring "Robbery" that the prisoner alone perpetrated the Robbery unarmed, but the Court of Foujdaree Adalut observe that the Mussalman Law affixes the specific penalty of "Hud" to that offence, (vide Foujdaree Adalut Circular Order No. 56 para VI) and the Futwah therefore is incorrect.—

Ordered that Extract from these proceedings be forwarded to the Sessions Judge

of Cuddalore for his information and guidance.-

(Sent in No 1149.

Read Calendar of Case No 73 of 1852 of the Session Court of Tellicherry.-

(Here enter F.C. No 2230 of 1850.)

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this case that the imprisonment, which the Prisoners noted in the margin have been adjudged to suffer on their conviction of the crime of House-breaking and theft be reduced to (5) five years' imprisonment with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.-

1st. Chakan alias Hayetha Ramoony.-
2d. Talacherry Karun Nathy.-
3d. Paramul Chakoo and
4th Coongaren Amboo.

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

(Sent in No 1150.

Read Calendar of Cases Nos 37, 38, and 39 of 1852 of the Sessions Court of Coimbatoor.

(Here enter F.C. No 2271 of 1852.)

The Court of Foujdaree Udalut approve of the recommendations made by the Sessions Judge in these cases that the imprisonment which the Prisoners noted in the margin have been adjudged to

Rowton son of Ponnuthai.-
Rowton son of Tandal.-
Sharik Unia
Muhammedkoy.-

to suffer on their conviction of the crimes of Perjury and Subornation of Perjury be reduced to (3) three months' imprisonment with hard labor in irons in the case of the first two prisoners, and (3) three months' imprisonment without irons in the case of the Prisoner last named 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 Combaconum for his information.-

(Sent in No 1151.

Read Calendar dated 13th July 1852 submitted by the Acting Sessions Judge of Mangalore, of Petty Cases disposed of by the Magistracy for the 1st Quarter of 1852.

(Here enter F.C. No 1793 of 1852.)

Read Convict Labor report dated 13th July 1852 submitted by the Magistrate in charge of Jail at Paumbeen for June 1852

(Here enter F.C. 1843 of 1852.)

Read Report dated 2d August 1852 submitted by the Sessions Judge of Chittoor of Cases pending on the 31st July 1852 before him for a period in Excess of 25 days calculated from the date of Commitment.

(Here enter F.C. No 1931 of 1852.)

Read

22nd September 1852

Read Report dated 1st July 1852
submitted by the Sessions Judge of Chittoor,
of Cases pending on the 30th June 1852 before
him for a period in excess of 25 days calculated
from the date of Commitment.

(Here enter F.R. No 1640 of 1852)

4th Sheet

Thursday
23rd September 1852

F.R.

At a Court of the Foujdaree Adalut

Present

The Hon'ble G.N. Hooper Esqr.
The Hon'ble Jas. D. Anderson Esqr. } Acting Puisne Judges
The Hon'ble B.A.D. Dyglis Esqr. officiating

Read again Miscellaneous Petitions
presented on April 15th and 17th June 1852. by
A. Doraswmy Pattel on behalf of Vissanaya
Seertasawmy of the Zillah Mangalore.

(Here enter F.R. etc. No. 1676 of 1852.)

Read also return dated 2nd July made
by the Magistrate of Mangalore to the Reference of the
Foujdaree Adalut under date 21st June 1852 requiring further
information regarding certain allegations set forth in the
above return:-

(Here enter F.R. No. 1675 of 1852.)

Read also Miscellaneous Petition presented
on the 29th July 1852 by the same Pattel on behalf
of the same Party.

(Here enter F.R. etc. No. 1037 of 1852.)

The Hon'ble B.A.D. Dyglis J.

The Court of Foujdaree Adalut having
considered attentively the arguments adduced by the
Petitioner and the explanation submitted by the Magistrate
in the return above recorded, are of opinion that under
all the circumstances of the case the order issued by
that Office was a wise and necessary precaution
for the preservation of the peace which
the

he was fully justified in taking.

2 The Court of Enquiry Udalut observe that the Cause pursued by the Magistrate in supporting the Majority of seven of the parties equally interested against the Petitioner (a single individual) and in referring the latter to a Civil action for the establishment of the right claimed by him (act which the Majority unanimously protested against as an illegal innovation) was Correct and proper and they accordingly decline to distrust the order appealed from and resolve to dismiss this petition.

Ordered, that Extract of these Proceedings be furnished to the Petitioner's Vakeel on his application

Read again Miscellaneous Petitions presented on the 25th May and 25th June 1852 by Ramanada Row Vakeel on behalf of Y. Lutchappah of Tillah Rajahmundry.

(Here enter File etc. No. 66 & 80 of 1852)

Read also Counter Petition presented on the 30th June 1852 by A. Ve. Ritchie Esqr. Vakeel on behalf of Ve. Seshanagalu of Tillah Rajahmundry.

(Here enter Exhibit A. No. 85 of 1852)

Read also return under date the 10th August 1852 and Supplemental return under date the 20th August 1852 from the Session Judge of Rajahmundry to the Precept of the Enquiry Udalut dated the 21st June last, conveying the preliminary orders of the Enquiry Udalut on the matter referred to in the foregoing Petitions.

(Here enter Exhibit No. 2022 and 2140 1852)

The

Ve. A. Anderson

1 The Court of Enquiry Udalut on a perusal of the record of the Case referred to in the papers above recorded, Case of opinion that the Character of the evidence itself, the discrepancies which it contains and the delay that took place on the part of the Prosecutrix in making her complaint, all tend to prove that the charge preferred against the 1st Prisoner of having Carried off her jewels was unfounded. The Court entirely approve therefore of the Proceedings of the Session Judge cancelling that part of the sentence passed by the Subordinate Judge which held the 1st Prisoner to security.

2 As regards the Costs claimed by the Prisoners the Court observe, that a final order on the subject has not yet been passed by the Session Judge. The Court do not therefore consider it proper to pass any order on that subject at present.

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

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

(Sent in No. 1152)

Read Extract from the Proceedings of the Session Judge of Guntoor on review of the Calendars of the Magistracy for the 3rd Quarter of 1852.

(Here enter File No. 2280 1852)

The Court of Enquiry Udalut fail to comprehend the precise meaning of the remarks of the

Case 34 — 24 — 1.

the Session Judge on his review of these cases, but they deem it proper to observe, that the acceptance of a bribe when corruptly received in view to a wrongful exercise of authority, is equally an abuse of authority as if extorted by threats or maltreatment.

Case 49-13 2. The Court presume that the Session Judge when recording his remarks upon this case, must have overlooked the fact, that the punishment awarded by the Assistant Magistrate was enhanced by the Magistrate.

Ordered, that Extract of these proceedings be sent to the Session Judge of Guntoor for his information

Sent in N:1153.

Read report dated 1st September 1852 from the Session Judge of Cuddapah, of Cases pending on the 31st August 1852. for a period in excess of 25 days calculated from the date of Commitment.

Vide entry N:2179. of 1852

Read report dated 25th August 1852 from the Session Judge of Chingleput of persons absconded for the Month of July 1852.

Vide entry N:2185. of 1852

Read report dated 1st September 1852. from the Acting Sessions Judge of Nellore, of Cases pending for a period exceeding 25 days for the month of August 1852.

Vide entry N:2227. of 1852

Read return dated 7th September 1852, from the Session Judge of Cuddapah to the precept of the Lyngdaree Dated under date the 30th August 1852, on the subject of the Insane prisoner in

in N:147 on the Calendar of the Session Court of Cuddapah for the present year.

Vide entry N:2247 of 1852

Read return dated 9th September 1852, from the Acting Session Judge of Nellore to the precept of the Lyngdaree Dated under date the 25th August 1852, directing that the period of imprisonment awarded to Prisoner Bedee Lamah, in Case N:27 of 1852 on the Calendar be reduced to one years.

Vide entry N:2284 of 1852

Read Calendar dated 11th September 1852, from the Session Judge of Cuddapah, of Prisoner committed for trial in Case N:257 of 1852

Vide entry N:2283 of 1852

Read Calendar dated 13th September 1852 from the Acting Session Judge of Nellore of Prisoner committed for trial in Case N:146 of 1852.

Vide entry N:2285 of 1852

Read report dated 11th September 1852 from the Session Judge of Guntoor of persons absconded in the Month of August 1852.

Vide entry N:2209 of 1852

F. 86.

Friday 24th. September 1852.

At a Court of the Fouydaree Adalut

Present.

Gpl. H. S. Hooper Esqr.
F. Anderson Esqr. officiating
W. A. D. Inglis Esqr. officiating
} Puisne Judges.

Read Calendar of Petty Cases disposed of by the Magistracy of Bellary during the 2nd. Quarter of 1852.

(Here enter F. 86. No. 2160 of 1852).

Calendar of persons discharged. Case No. 14.

The Court of Fouydaree Adalut approve of the order issued by the Sessions Judge for the commitment of this case as it would appear from the statement of the evidence given in the proceedings of the Session Court that there are sufficient grounds for supposing the prisoner guilty of an offence punishable as a misdemeanor under the Mahomedan law, but it does not appear that any breaking was actually attempted, the thieves having merely climbed on the top of the house, but not having made an actual attempt to break into it, and the Court therefore do not consider the censure passed upon the Joint Magistrate

and

prosecution may prepare a reply to the allegations therein contained.-

2. The Sessions Judge requests the instructions of the Foujdaree Adalut as to the orders to be passed by him upon the foregoing application.-

3. The Court of Foujdaree Adalut observe, that as the trial of the case was closed and no witnesses have been examined for the defence, no reply can be admitted on the part of the prosecution and they are of opinion that under the circumstances stated the Sessions Judge should not have granted any postponement of the sentence.-

4 The Court direct that the Sessions Judge will at once proceed to take the Futwa or verdict and to pass judgment according to Law.-

5. The Court see no objection to the prosecutor being furnished with a copy of the defence or of any other part of the record he may require upon the distinct understanding that no reply can be admitted. The application for a postponement of sentence for a period of two months was perfectly preposterous and

should have been at once rejected by the Sessions Judge.-

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

(Sent in No. 1158).

Read report dated the 9th. September 1852. submitted by the Sessions Judge of Madura of the labor of Convict in the Jail at Pannibeno for August 1852.-

(Here enter F. C. No. 2312 of 1852).

Read report A dated the 14th. Instant submitted by the Acting Sessions Judge of Mangalore of persons apprehended and delivered to the Acting Subordinate Judge in the month of August 1852.-

(Here enter F. C. No. 2313 of 1852).

Read letter dated the 16th. Instant from the Acting Sessions Judge of Salem replying to the Extract from the Proceedings of the Foujdaree Adalut under date the 7th. June on the subject of the delays in the Talook in transmitting cases 36, 38, & 42 of 1852 to the Subordinate Court and furnishing the Subordinate Judges explanation of the grounds on which he treated

Case

case 40 as theft and 43 as snatching.

(Here enter F. C. No. 2317 of 1852.

Read report dated the 18th Instant submitted by the Magistrate of Chingleput of persons apprehended and delivered to the Sessions Judge for the month of August 1852.

(Here enter F. C. No. 2338 of 1852).

Read Extract from the Sessions Court of Tinnevelly under date the 3rd August 1852 held on review of the Petty Calendars submitted by the Magistrate for the 2nd Quarter of 1852.

(Here enter F. C. No. 2332 of 1852).

Ex. Thos. H.

Monday.
27th September 1852.

F. C.

At a Court of the Fouzdaree Adalut

Present

Geo. L. Cooper Esqr. ---
F. Anderson Esqr. Offg.
W. A. D. Inglis Esqr. Offg.
} Puisne Judges.

Ir. Mr. for
Tel. for

Read letter under date the 10th September 1852 from the Acting Sessions Judge of Trichinopoly.—

(Here Enter F. R. No. 2265 of 1852)

The Court of Fouzdaree Adalut—

consider that as a general rule it is desirable and proper that when a number of prisoners are tried together for the same offence, the trial should both commence and close at the same time in regard to all those tried, and they see nothing in the case referred to in the foregoing letter to justify a deviation from the usual and regular course.—

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

Sent in P. 1159.

Ex. Thos. H.

Read Letter dated 6th September 1852 from the Session Judge of Salem informing that no cases were disposed of by the Magistracy under Section LIV Act VII of 1843. for the month of

27th September 1852.

August last.

Here Enter F. C. No. 2343 of 1852.

Read Return dated 21st September 1852 from the Sessions Judge of Cuddapah to the precept of the Fouzdaree Adalut under date the 4th September 1852 conveying observations on the Petty Calendars of Cases disposed of by the Magistracy during the 2d Quarter of 1852.

Here Enter F. C. No. 2347 of 1852.

Read Criminal Report dated 28th September 1852. Submitted by the Sessions Judge of Guntoor for the month of September 1852.

Here Enter F. C. No. 2348 of 1852.

Read Calendar in Case No. 33 of 1852 from the Acting Sessions Judge of Nellore under date the 23d September 1852.

Here Enter F. C. No. 2358 of 1852.

Read Calendar of Case No. 24 of 1852 from the Sessions Judge of Chittoor under date the 18th September 1852.

Here Enter F. C. No. 2361 of 1852.

2 Thats

F. C.

Tuesday 28th September 1852 } At a Court of the Fouzdaree Adalut.

Present

Sd. G. S. Hooper Esquire
Sd. Tindlay Anderson Esquire Offg. } Puisne Judges
W. for W. A. D. Inglis Esquire —do.—

Read letter under date the 27th September 1852 from the Sessions Judge of Madura, forwarding a translation of the proceedings of Case No. 28 of 1852 on the file of the Sessions Court, for the final judgement of the Fouzdaree Adalut.

Here Enter F. C. No. 2329 of 1852.

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,

2d Mottoomallummaul,

is sufficient to convict her of the crime charged, do convict her thereof, and sentence her to be imprisoned and kept to labour suitable to her sex for and during the period of (7) Seven years.

Sd. G. S. Hooper
and
W. T. Anderson.

Sd

Rude being of opinion that

the prisoner,

1st Vencatachellum Chetty

is not convicted on presumptive proof or on the evidence of credible witnesses or on his own confession of the crime charged, the Court acquit him thereof; but considering that strong suspicion though not amounting to conviction attaches to him, they direct that under Clause Sixth Section II Regulation XV of 1803, he be required to find two sureties in (100) one hundred Rupees each surety for his good behaviour and appearance when required within 3 years, or in default thereof that he be detained for (3) three years in confinement.

1. The Court of Foujdaree Cudalut have been unable to concur with the Zillah Judge in considering the evidence in this Case sufficient for the full conviction of the 1st prisoner.

2. The Court can attach no credit to the testimony of the 2d and 3d witnesses who it is observed are brothers-in-law of the Prosecutor it being

being in the opinion of the Court most improbable that the 1st prisoner should as they assert have called and taken away the deceased in their presence and it being proved that they did not divulge the fact they afterwards deposed to, when the search was being made for by the deceased.

3 Nor can the Court of Foujdaree Cudalut place any value upon the evidence of the 4th and 5th witnesses whose assertion that the prisoner when carrying in the dark a basket which is supposed to have contained the corpse of the deceased made himself known to them on their asking who he was, appears to the Court to bear on the face of it the most glaring improbability.

4. There remains therefore against the 1st prisoner only the evidence of the 1st witness the son of the 2d prisoner and though it is probable that much of what that witness deposes to may be true, the Court of Foujdaree Cudalut do not consider it sufficiently worthy of

credit

credit to warrant the conviction of the 1st prisoner upon it.

5 Being of opinion however that the evidence of the 1st witness and the circumstantial evidence to the enmity between the 1st prisoner and the prosecutor and to the intimacy between the 1st and 3d prisoners attaches strong suspicion to the 1st prisoner, the Court of Fouzdaree Udalut have placed him under a requisition of security.

6. The Court consider that in the case of the 2d prisoner any sentence short of seven years Imprisonment would be insufficient to meet the demands of justice.

7. The Court of Fouzdaree Udalut resolve to direct the attention of the Sessions Judge to their circular letter of the 11th June 1851 wherein it was pointed out that the letters of reference forwarded with referred trials should invariably contain a brief not complete sketch of the case to which they relate

Ordered

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

/ Sentence No. 1162 /

Read letter dated 11th September 1852 from the Sessions Judge of Calicut submitting for the final Judgment of the Fouzdaree Udalut the Record of Case No. 38 of 1852 of the Calendar of the Sessions Court.

/ Here Enter Ft No. 230 of 1852 /

Present

Hon. G. S. Hooper
" F. Anderson
" W. A. Inglis

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

"Thupirungolan Ramen Coutty"

is sufficient to convict him of the crime charged, do convict him thereof, and sentence him to be transported to such place or places beyond sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor on the public

Roads

roads or other public works for and during the period of his natural life.

The Court of Foujdaree Adalut have considered themselves justified in exempting the prisoner in this case from the extreme penalty of the Law seeing reason to believe that the assault upon the prosecutrix which resulted in the death of her child was committed under the influence of severe provocation and had not been predetermined when the prisoner entered the house.

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

/ Sent in Rec. 1163. /

29th 1852.

x

F.C.

Wednesday 29th September 1852 } At a Court of the Foujdaree Adalut.

Present

Sd/ G S Hooper Esquire
Sd/ J Anderson Esquire
Sd/ W A D Inglis Esquire
} Puisne Judges.

Sd/ Jr
Asst. for
Mr. G S Hooper.

Read Miscellaneous Petition Prr. entered on the 30th August 1852 by M Krishnanah Mookhtear on behalf of Cunyreddy, Bheemareddy of Gillah Chittoor.

/ Rec'd entered F.C. Dr. No. 119 of 1852 / M.P.

This is an Application to the Court of Foujdaree Adalut to set aside an order passed by the Acting Sessions Judge of Chittoor under date the 29th May 1852 fining the Petitioner in the sum of Rupees three (3) for presenting a false Petition complaining of the refusal of the Acting Magistrate of North Arcot to entertain the Appeal preferred by Petitioner against the unjust dismissal by the Head of Police of the complaint brought by him (Petitioner) against one Gurrapreddy and others charging them with having committed Robbery on his house.

2 The Court of Foujdaree Adalut

See

see no reason to interfere with the order appealed against, or to direct any further investigation of the matter in question and they therefore pro-
pose to reject this Petition.-

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

Read Calendar of Case No 32 of 1852 Submitted by the Sessions Judge of Bellary.-

(Free writer F No 2320 of 1852)

The Court of Foujdaree Adalut are of opinion that the Sessions Judge erred in remanding the foregoing Case for disposal by the Subordinate Judge.-

2 The Gillah Surgeon who examined the Prosecutrix certifies that the wound on her head was a severe one, and as nearly a Month had Elapsed before it was seen by the Sessions Judge the fact of its not then presenting a formidable appearance was no criterion as to the original nature of the wound.-

3 The Court accordingly direct that the Sessions Judge will recall his order Remanding the Case and proceed with its trial without delay.-

Ordered that Extract from these Proceedings

Proceedings be sent to the Sessions Judge of Bellary for his information.-

(Petition No 1169-

Read again Calendar of Case No 30 of 1852 on the file of the Sessions Court of Cuddapah.-

(Free writer F No 1966 of 1852

Read also Miscellaneous Petition presented on the 23d August 1852 by Babu Narain and another of the Gillah Cuddapah.-

(Free writer F M No 117 of 1852)

The Petitioners who are Relatives of the 3d and 4th prisoners in the above Case pray the Court of Foujdaree Adalut to issue orders to the Acting Sessions Judge of Cuddapah directing that officer to allow the said prisoners to remain in Prison without chains and hard labor pending the decision of our Appeal which it is their intention to prefer to the Foujdaree Adalut concerning the said Case.-

2 The Court of Foujdaree Adalut on a perusal of the above Calendar see no reason to order the prisoners to be kept unchained and without labor pending the Appeal which the Petitioners propose to make.-

3 This Petition is therefore dismissed

ordered

14th September 1852.

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

Read Calendar of Case No 400 of 1852 submitted by the Sessions Judge of Combaconum under date the 10th September 1852.

/Here enter F.H. No 2255 of 1852/

2d Murdetc

F. H.

Thursday 30 September 1852 } At a Court of the Tonjadore Adalut

Present

G.T. Trosper Esquire
T. Anderson Esquire officiating } Puisne Judges.
W.A.D. Inglis Esquire do

Read letter under date the 8th September 1852 from the Civil and Sessions Judge of Rajahmundry.

/Here Enter Fl. No 2276 of 1852/

The Court of Tonjadore Adalut observe that whenever charges may be preferred against a Ministerial Officer of a Zillah Court of a sufficiently grave nature to require a Criminal prosecution under the provisions of act XXXII of 1852, the preliminary enquiry must be held by the Judge of the Court to which the accused belongs, and that in the event of the charges being supported by evidence likely to lead to a conviction, the sanction of Government should be obtained for a change of the venue, and the Trial of the Case in the neighbouring Zillah.

Sh

2. It is obvious that this course should only be adopted, where the violence in support of the charge may appear sufficient to procure a conviction, but the Court of Foujdaree Adalut consider that whatever may be the course eventually pursued, the preliminary enquiry must be conducted by the Judge of the Court to which the accused belongs.

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

/Sent in No. 1171./

Read letter under date the 4th September 1852 from the Sessions Judge of Calicut.

/Here Enter F.R. No 2252 of 1852/

In the foregoing letter the Sessions Judge has submitted for the opinion of the Judges of the Foujdaree Adalut, a question referred to him by the Magistrate of Malabar, as to whether the Magistrate has the power to order the destruction of a vicious Elephant, by which the safety of the publick is endangered.

endangered.

2. The Court of Foujdaree Adalut are of opinion that it is competent to a Magistrate to order the destruction of any vicious animal by which the safety of the publick may be endangered, provided it be clearly established by a deposition taken from the owner, that he is unable to restrain him from going at large; but that if on the other hand, it appear that the owner has the power to restrain him, but through carelessness has permitted him to go at large, he is liable to be punished for a misdemeanor.

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

/Sent in No. 1172./

Read return dated 20th Instant, from the Sessions Judge of Masulipatam to the precept of the F.R. under date the 18th August 1852, directing the Sessions Judge to call upon the Magistrate to explain the cause of the lengthened detention of the Prisoners in Case No 41 of 1852, Sessions Court's File, before the Taloote authorities.

/Here Enter F.R. No 2373 of 1852/

30th September 1852.

Read Report dated 18 Instant submitted by the Sessions Judge of Mayaveram, of Persons apprehended and delivered to the Magistracy in the Month of August 1852.

(Here Enter F.R. No. 2374 of 1852)

Read Report dated 23 Instant submitted by the Sessions Judge of Combaconum of casualties and of prisoners released in the Jails under charge of the Magistracy for the Months of August 1852.

(Here Enter F.R. No. 2383 of 1852)

Read Letter dated 25 Instant from the Acting Sessions Judge of Cuddalore stating that the Mahomedan Law officer gave his Fatwa in Sessions Case No. 24 of 1852. in conformity with the Circular Order of the Fouzdaree Adalut No. 195.

(Here Enter F.R. No. 2384 of 1852)

Read Report dated 21st Instant submitted by the Sessions Judge of Rajahmundry of Persons apprehended in the Villaah of Rajahmundry and delivered to the Magistrate in the month of August 1852.

(Here Enter F.R. No. 2387 of 1852)

Ed Thompson

F.R.

Saturday 1st October 1852

At a Court of the Fouzdaree Adalut

Present

The Hon'ble G. L. Hooper Esq.
Hon'ble Jos. F. Anderson Esq. Offg.
W. for W. A. D. Inglis Esq. Offg. } Puisne Judges.

Read Letters dated the 24th August and 13th September 1852 from the Magistrate of Coimbatore on the subject of the withdrawal of certain convicts from his control by the Session Judge

(Here Enter F.R. Nos. 2146 & 2292 of 1852)

Read also Letter dated the 17th September 1852 from the Session Judge of Coimbatore having reference to the same subject.

(Here Enter F.R. No. 2327 of 1852)

1. The two questions arising out of the foregoing correspondence upon which the Court of Fouzdaree Adalut are now called upon to decide are First. as to the competency of the Session Judge to withdraw from the Magistrate a body convicts placed under the latter Officers control for employment on public works. And Second. in respect to the authority under which the Town of Coimbatore and its repairs are to be held to be vested. It is contended by Mr Powell that his authority

as

as Sessions Judge in each of the above cases is paramount; but from this opinion Mr. Thomas, the Magistrate entirely dissents and the matter has accordingly been referred for decision by the Court of Foujdaree Adalut.

2. On referring to the previous correspondence which has passed regarding the Convicts in question the Court of Foujdaree Adalut find that a Gang of one hundred was permitted by them to be located at Lungamoor under the immediate orders of the Magistrate, and for the express purpose of making a road - So long, therefore, as the convicts remained at Lungamoor, or were detached from the Zillah Jail there can be no doubt as to their having been under the Magistrates sole control, and beyond the interference of the Sessions Judge by whom they could only be withdrawn with the express sanction of the Foujdaree Adalut.

3. But when from the completion of the work on which they were engaged from sickness or any other cause those convicts, or any portion of them were returned to the Zillah Jail it is equally obvious that they then again became subject to the control of the Sessions Judge, who is by law vested with the charge of the Jail, and has full authority to direct the employment of the Prisoners in any manner he may consider best calculated for the public interests. -

The

4. The Court of Foujdaree Adalut are unable therefore to recognise the independent authority which it is sought by the Magistrate to obtain, and unless he and the Sessions Judge can mutually cooperate, the whole of the Convicts at the Zillah Station must necessarily be worked under the sole direction of the Sessions Judge - At the same time looking to the obviously useful character of the work on which the Prisoners have been recently engaged under the Superintendence of the Magistrate, the Court deem it highly desirable that every facility should be afforded that Officer in the prosecution of his improvements and they earnestly hope that such harmony may hereafter prevail between him and the Sessions Judge as will induce the latter to place at Mr. Thomas disposal a sufficient number of Convicts to enable him to effect the objects he has in view -

5. In respect to the second question as to whether the Town and its repairs are under the sole charge of the Sessions Judge or Magistrate the Court of Foujdaree Adalut deem it proper to remark that in their opinion sole charge of the Town cannot be held to be vested in either officer who have indeed no authority in respect to it, except so far as may be involved or implied in

the

the legitimate performance of their respective official duties. In his capacity of Magistrate Mr. Thomas is of course subordinate to the Session Judge, and it is only as Collector that he can exercise any powers independent of that officer's control - and, as the Court have before remarked all convicts employed on works at the Zillah Station are under the immediate Supervision of the Session Judge.

6. The Court of Foujdaree Adaulut having now disposed of the two points at issue feel themselves called upon in conclusion to express the great regret with which they have perused the correspondence submitted for their consideration which exhibits two zealous and able public Servants disputing about petty questions of jurisdiction, which might have been easily avoided at the commencement of the dispute by the slightest concession on either side. It can hardly be necessary for the Court to remind the Session Judge and Magistrate of the great evils likely to arise from such disagreement which not only prevents that cordial cooperation which ought to subsist between the Civil Officers at the heads of departments, but raises and fosters cabals and intrigues amongst the native Servants of their respective establishments, and produces the worst possible effect upon the native community.

7. And finally the Court would point out

F. R.

out to the Magistrate that he has erred in addressing his letters to them direct instead of through the Session Judge, and they must also request that he will in future abstain from the objectionable practice which he has adopted in the present instance of commenting by notes on the statements of the Session Judge.-

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

(Sent in No. 1178.

Read Calendar of Case No. 40 of 1852 of the Session Court of Trichinopoly.

(Here insert S. R. No. 2283 of 1852)

Moolooa alias Moolopial.

The Court of Foujdaree Adaulut approve of the recommendation made by the Acting Session Judge in this Case that the imprisonment, which the Prisoner, noted in the Margin, has been adjudged to suffer on his conviction of the crime of Highway Robbery and possessing plundered property knowingly, be reduced to (8) Eight Years imprisonment 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 forwarded to the Acting Session Judge of Trichinopoly for his information.-

(Sent in No. 1179.

Read

1st October 1852

Read Calendar of Case No 59 of 1852
of the Session Court of Cuddapah -
(Here Enter F. R. No 2298 of 1852)
The Court of Foujdaree Adalut -
approve of the recommendation made by the -
Session Judge in this Case that the imprisonment
K. Gungadoo - which the Prisoner, noted in the margin, has been
adjudged to suffer on his conviction of the crime of
Highway Robbery be reduced to (7) Seven Years -
imprisonment 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
Cuddapah for his information. -
(Sent in No 1180
Read Calendar of Case No 60 of 1852
of the Session Court of Cuddapah -
(Here Enter F. R. No 2341 of 1852)
The Court of Foujdaree Adalut -
approve of the recommendation made by the Session
Judge in this Case that the imprisonment, which
1st K. Gungadoo.
2d K. Gungadoo. the Prisoners, noted in the margin, have been adjudged
3d K. Chinnegadoo. to suffer on their conviction of the crime of High-
= way Robbery be reduced to (7) Seven Years imprison-
= ment with hard labor in irons, and they do authorize
the

1st October 1852.

the Session Judge to issue his warrant accordingly.
Ordered that Extract from these
Proceedings be forwarded to the Session Judge of
Cuddapah for his information. -
(Sent in No 1181.
Read letter dated the 13th Ultimo -
from the Agent to the Governor of Fort St. George
at Gunjam submitting a report on Crime Case
No 23 of 1852 on the file of his Court for the
final orders of the Foujdaree Adalut
(Here Enter F. R. No 2359 of 1852)
1. Two Prisoners in this case are charged
with having on the 20th August 1852 stolen the
Son of the Prosecutrix, a child five years old -
2. The Agent convicts both the -
Prisoners and recommends that they be sentenced to
Seven Years imprisonment and Seventy five Stripes
under Clause 7th Section II Regulation XV of 1803.
3. The Court of Foujdaree Adalut
concur in the conviction of the Prisoners
1st Govindoo Mahunty
2d Dasa Buddaee -
but being of opinion that the penalty proposed
by the Agent may be reduced without detriment
to the ends of justice, resolve to sentence them
under the provisions already cited, to be imprisoned
with hard labor in irons on the public roads
or

1st October 1852-

or other public works for and during the period of (5) Five years and to receive (75) Seventy five lashes - each in addition.-

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

(Sent in No. 1182-)

K: 4 Vol B

J: W:

Saturday 2nd October, 1852.

At a Court of the Foujdaree Adalut

Present

Gd R G: S: Hooper Esqr. —
Vide for F: Anderson Esqr. — Officiating
Vide for W: A: D: Inglis Esqr. — Officiating
} Puisne Judges.

Read letter dated 11th Ultimo from the Acting Session Judge of Honore, submitting for the final Judgment of the Foujdaree Adalut the Record in Case No. 23 of 1852 of the Calendar of the Session Court.-

(Present Jr. W: No. 2342 of 1852).

Mr. F: Anderson and Mr. W: A: D: Inglis.

The Court of Foujdaree Adalut on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the prisoners.

2nd Narna Hubboo
3rd Pandoo Joisey
4th Soobba Hubboo
5th Lingapa.
6th Sadashiva Joisey
7th Baba Hubboo.
and
8th Pandooranga

are not convicted on presumptive proof or on

the

the evidence of credible witnesses or on their own confessions; of the crime charged do acquit them thereof; and direct that the prisoners

3rd Pandoo Joisy
4th Soobba Dabboo.
5th Lingapa.
6th Sadashiva Joisy.
7th Baba Hubboo
and
8th Pandooranga.

be set at liberty.

But being of opinion that strong suspicion though not amounting to conviction attaches to the Prisoners,

2nd Narna Hubboo.

The Court direct, under the provisions of Clause sixth, Section II Regulation XV of 1803, that he be required to find two sureties in (200) Two hundred Rupees each surety for his good behaviour and appearance when required within Three Years and that in default thereof, he be detained for (3) Three years in confinement.

1

The Court of Foujdaree Adalut do not consider the evidence in this case sufficient to justify the requisitions of Section from the 3rd 4th 5th 6th 7th and 8th prisoners and have accordingly directed their unconditional release

A.

2. It is to be regretted, in the opinion of the Court of Foujdaree Adalut that the Assistant Magistrate who commenced the investigation of this case did not complete it. The Court observes that the constant effect of making over a case to be traced out by a Native Police officer is that false evidence is subsequently trumped up and the ends of justice thereby eventually defeated; the Sessions Judge being induced to view the whole of the evidence with suspicion when he finds that a part of it is clearly false, while in many case the trumping up of false direct evidence prevents accomplices being admitted as approvers, from which it results that before the Sessions Court the false evidence breakes down and the guilty principals escape with impunity.—

3. The Court of Foujdaree Adalut consider that it is the duty of the European Magistracy so far as is practicable to conduct themselves the enquiry on heinous offences and to commit the cases to the Criminal Court.—

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

of Honore for communication to the Sessions of Canara.-

(Sent in No. 1184.)

Read letter dated the 25th Ultimo from the Sessions Judge of Cuddapah submitting for the final Judgment of the Foujdaree Adalut the Record in Case No. 55 of 1852 of the Calendar of the Sessions Court.

(Here enter F. G. No. 2394 of 1852)

Mr. F. Anderson and Mr. W. A. D. Inglis

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

G. Wobeyadoo.

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. 1185)

Read again Miscellaneous Petition presented on the 30th August 1852 by A. W. Ritchie Esqr. Vakeel on behalf of

Cotah

Cotah Rungapah Shetty of Zillah Chittoor.-

(Here enter F. G. P. No. 118 of 1852).

Read also Letter dated the 18th September 1852 from the Sessions Judge of Chittoor.-

(Here enter F. G. No. 2326 of 1852).

The Court of Foujdaree Adalut learn from the foregoing communication that the Prisoner in Cases Nos. 25 and 26 on whose behalf application was made for Copies of the record not only was ignorant of such application having been made, but states that he does not now require that Copies should be furnished to any one on his account.

Under the above circumstances the Court of Foujdaree Adalut resolve to dismiss the prayer of this Petition.-

Ordered, that Extract from these Proceedings be given to the Petitioners Vakeel on his application.-

Read Miscellaneous Petition presented on the 16th September 1852 by Ramasamy Teroomulrow Vakeel on behalf of Narrainsamy Hubboo and 5 others of Zillah Honore.-

(Here enter F. G. P. No. 127 of 1852)

The Petitioners who were

Mr. Anderson and Mr. Inglis.

Prisoners

Prisoners in Case No. 23 of 1852 on the file of the Sessions Court of Honore the record of which is now before the Court of Foujdaree Adalut, pray that the Court, on consideration of the several circumstances set forth in their address, will be pleased to direct their acquittal of the crime charged.

2. The Sentence having been passed in the case in question the Court of Foujdaree Adalut, direct that the Petitioners be referred to the said Sentence.

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

Read Calendar of Case No. 25 of 1852 submitted by the Sessions Judge of Tinnevelly under date the 23rd Ultimo.

(Here enter F. R. No. 2388 of 1852).

Read Calendar of Case No. XXXVI of 1852 submitted by the Sessions Judge of Calicut under date the 24th Ultimo.

(Here enter F. R. No. 2389 of 1852).

Read Calendar of Case No. XXXII of 1852 submitted by the Sessions Judge of Madura under date the 25th Ultimo.

(Here enter F. R. No. 2391 of 1852).

J. H. Ble.

Monday,
4th October 1852

F. R.

At a Court of the Foujdaree Adalut

Present

The Hon'ble G. S. Cooper Esquire
The Hon'ble F. Anderson Esquire } Puisne Judges
The Hon'ble W. A. D. Ingles Esquire

Read again Calendar of Case No. 41 of 1852, on the file of the Sessions Court of Chittoor.

(Here Enter F. R. No. 2165 of 1852)

Read also return dated 22nd September made by the Sessions Judge of Chittoor to the Precept of the Foujdaree Adalut under date the 20th September 1852, calling for explanation of the alleged detention and ill treatment of the Prisoners in the above case by the Talook authorities.

(Here Enter F. R. No. 2354 of 1852)

The Court of Foujdaree Adalut do not consider the result of the Enquiries instituted by the Magistrate in the above matter satisfactory and they direct that he be required to keep a watchful eye on the proceedings of those Police Officers for the future.

Ordered

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

(Sent in No. 1188.

Read Calendar of case No 11 of 1852, on the file of the Sessions Court of Tellicherry—

(Here enter F R No 2245 of 1852)

The Court of Foujdaree Adawlut direct that the period for which the prisoners in this case have been required to produce security be reduced to one year.—

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

Sent in No. 1189

Read Calendar of case No 14 of 1852, on the file of the Sessions Judge of Tellicherry

(Here enter F R No 2284 of 1852)

1. The Court of Foujdaree Adawlut approve of the recommendation made by the Sessions Judge in this case so far as regards the 1st Prisoner, that the Sentence passed upon him should be mitigated to 4 years, and they authorize the Sessions Judge to issue his warrant accordingly—

2. The 2d Prisoner being an old offender

offender, the Court of Foujdaree Adawlut do not consider themselves justified in sanctioning any mitigation of punishment in his case, and direct that the Sentence passed upon him be carried into effect.—

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

(Sent in No. 1190

Read Criminal Report, submitted by the Sessions Judge of Combaconum for the month of August 1852.—

(Here Enter F R No 2295 of 1852)

Form A
Case No 118.

1. The Court of Foujdaree Adawlut resolve to reverse the Sentence passed upon the 1st prisoner in this case, the offence of bribing a Police Officer not being punishable under Regulation IX of 1822, (the Regulation quoted in support of the Sentence) nor under any other provision of the Law in force in this Presidency.—

2. The Court will not interfere with the Sentence passed upon the 2d prisoner, who being a Police Officer rendered himself liable to the punishment awarded

4th October 1852

awarded him, which however should have been adjudged under Regulation III of 1819.-

Form B
Case No 121.

3. The Court of Foujdaree Adawlut, resolve to direct that the Sessions Judge will review the proceedings in this case it appearing to the Court that with reference to the nature of the offence, the punishment the prisoner has already undergone, is amply sufficient to meet the demands of Justice.-

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

(Sent following Precept No. 1191.

Read Criminal Report, submitted by the Sessions Judge of Madura, for the month of August 1852.

(Here Enter S.R. No 2300 of 1852)

Case No 100
Form B.

The Court of Foujdaree Adawlut, direct that the Sessions Judge will review the proceedings in this case, the sentence passed therein appearing unnecessarily severe with reference to the nature of the offence charged.-

Ordered that Extract from these

2)

S.R.
4th October 1852.

these Proceedings be sent to the Sessions Judge of Madura, by Precept returnable within VII days from and after its receipt.-

(Sent following Precept No. 1192.

Read Calendar of Case No 157 1852, of the Sessions Court of Tellicherry.-

(Here Enter S.R. No 2331 of 1852)

1. The Court of Foujdaree Adawlut, resolve in accordance with the recommendation of the Sessions Judge, to sanction a mitigation of the punishment which the Prisoners in the above case have been adjudged to suffer on their conviction of the crimes of House breaking and theft, to (3) three years' imprisonment with hard labor in irons in the case of the 1st Prisoner

"Umbetta Ramen"

and to (2) two years' imprisonment with hard labor in irons in the case of the 2d and 3d Prisoners

Chonga Karen Kotter and

Poppery Kotten

2. The Sessions Judge will be pleased to issue his warrants accordingly.-

Ordered

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

(Sent in No. 1193.

Read letter under date the 9th September 1852, from the Session Judge of Mercullipatam.—

(Here Enter F. No. 2333 of 1852)

1. With the foregoing letter the Session Judge has submitted for the consideration of the Court of Foujdaree Adawlut Copies of a Petition which has been addressed to him by certain inhabitants of Masulipatam, complaining of a decision passed by the Magistrate of that District, upon an application made to him by the relations of two youths who have since been baptized either to compel the said Youths to return to their relations or to detain them in custody with the view of preventing their renouncing their religion and caste.—

2. The decision of the Magistrate which was passed on the morning of Saturday the 31st July was to the effect, that the youths in question were of sufficient age and discretion to

to Judge for themselves in the matter, and that it was therefore not competent to him to interfere; and an appeal having been immediately preferred to the Session Judge it was arranged that the youths should appear before that Officer on the following morning which they did, and having repeated to the Session Judge their wish to remain with the Christians with whom they were at the time residing were permitted to return to Mr Noble's house.

3. It subsequently appeared that the youths had been baptized on the previous evening, and it is with reference to this proceeding and to the countenance alleged to have been given to it by the Magistrate, that the Petition now forwarded was addressed to the Session Judge.

4. The Correspondence which ensued between the Session Judge and the Magistrate, relates to the measures adopted by the latter Officer for the preservation of the peace.—

5. The Court of Foujdaree Adawlut are at a loss to understand upon what grounds the Session Judge has considered it necessary to refer this matter to the Higher

Higher Court. The Petition forwarded with the Sessions Judge's letter is designated in an appeal but the Court of Tanjore are decided to observe that the legitimate appeal from the Magistrate's decision had been previously disposed of by the Sessions Judge when in confirmation of that decision he permitted the Zemindar referred to, to return to Mr. Roake's house; and the Court consider that in acting upon a Petition which had reference to a matter already disposed of and which without containing any specific application for the interference of the Sessions Judge in his Judicial capacity seriously impugned the conduct of the Magistrate, the Sessions Judge has acted most injudiciously and in a manner calculated to weaken the authority of the Magistrate and to keep alive the ill-feeling which the conversion of the Zemindar has produced.

6. It is the duty of the Magistrate to adopt such measures as he may think necessary for the preservation of the peace and the Court of Tanjore desire to be of opinion that the enquiries made by the Sessions Judge with reference to the measures taken in this

matter were altogether unsolicited for, and that the remarks contained in the 6th para of the Sessions Judge's letter of the 11th August was extremely objectionable, the more especially when it is considered that one of the parties principally concerned in the matter was a writer in the Sessions Court.

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

Sent in a/c No. 1194

Dear letter dated the 18th September 1852 from the Sessions Judge of Bellary requesting to be informed whether or not he has authority to cancel the Sentence of a Prisoner held to Security, no appeal having been preferred therefrom.

(Here Enter S.R. No 2335 of 1852)

The Court of Tanjore desire to observe that it is competent to a Sessions Judge on review of the Statement A which is required to be submitted to the Sessions Court in regard to each Criminal case tried by the inferior Tribunals within 24 hours after its disposal

disposab, to annul or modify the sentence therein passed to such extent as may appear to him proper. It appears clear therefore to the Foujdaree Adawlut that a Session Judge has also full authority to cancel any requisition of security even tho' no appeal should be preferred therefrom.—

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

Sent in No. 1195.

Read letter dated the 14th Ultimo from the Agent to the Governor of Fort St. George in Ganjam submitting a report of the trial of case No 21 of 1852 on his Criminal file for the Jeanaborders of the Foujdaree Adawlut.

(Here Enter FR No 2380 of 1852)

1. The prisoner in this case is charged with House breaking and theft and with severe wounding, on having on the night of the 7th August 1852 entered the 1st Prosecutor's house, by forcing open the tatty door and stolen a neck lace from the person of the 2d Prosecutrix the wife of the 1st Prosecutor, and in having at the same time and place stabbed the 1st Prosecutor twice on the back and once on the right hand, and the 2d Prosecutor once on

on the head, once on the right shoulder and once on the left hand with a dagger.

2. The Agent convicts the Prisoner of the crimes laid to his charge and recommends that he be sentenced to imprisonment in banishment at Masulipatam for fourteen years and one hundred stripes under Clause 4th Section II Regulation VI of 1822.—

3. Adverting to the spirited conduct of the 2d Prosecutor and 1st witness in effecting the prisoner's capture in the course of which the 2d Prosecutor was severely wounded by the prisoner with a dagger the Agent recommends that a reward of 100 Rupees may be bestowed upon the former and one of 10 Rupees upon the latter.—

4. The Court of Foujdaree Adawlut concur in the conviction of the Prisoner B. Lutchoomoodoo and under the provisions of Clause 4th Section II Regulation VI of 1822 resolve to sentence him to be banished to the Zillah of Masulipatam and to be there imprisoned and kept to hard labor in irons on the public roads or other public works for

and

and during the period of (14) fourteen years,
and further to suffer corporal punishment to
the extent of (100) One hundred lashes.-

5. The Court of Tanjoare doubt
also sanction the payment of a reward of (100)
one hundred Rupees to the 3d. prosecutor and
of (10) Ten Rupees to the 1st. witness as suggested
by the Agent.-

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

(Sent in No. 1196.

Ordered also that Extract from
these Proceedings (para 4) be sent to the Sessions
Judge of Masulipatam for his information.-

(Sent in No. 1197.-

Read report dated 1st September 1852,
submitted by the Acting Sessions Judge of Ellore
-tput of cases pending on the 31st August 1852,
and committed for trial during the months of
June and July before the Sessions Judge.-

(Here Enter T.R. No 2174 of 1852)

Read Letter dated 27th August 1852,
from the Sessions Judge of Rajahmundry, sub-
-mitting original warrant from the Subordinate
Judge, shewing that the final sentence of the
Court of Tanjoare was passed upon the prisoner in
case No 138 of 1852, on the calendar has been only opposite.

(Here Enter T.R. No 2176 of 1852) A

Ex. C. Watt

T.R.:

Tuesday,
5th October, 1852. At a Court of the Tanjoare Zillah.

Present.

W.R. G.S. Hooper Esquire —
W.R. J.F. Anderson Esquire Offg. } Puisne Judges.
W.R. for W.A.D. Ingles Esquire Offg.

Read again Calendar of case
No 21 of 1852 on the file of the Sessions Court
of Tinnevelly.-

(Here Enter T.R. No 2116 of 1852)

Read also letter dated the 22d
September 1852 from the Sessions Judge of
Tinnevelly, soliciting further instructions
prior to the order issued under date the
13th Instant being carried into effect.-

(Here Enter T.R. No 2376 of 1852)

With reference to the resolu-
-tion contained in the foregoing com-
-munication the Court of Tanjoare Zillah
resolve to cancel their instructions issued
to the Sessions Judge on the 13th Ultimo.-

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

(Sent in No. 1199.

5th October 1852.

Read Calendar of case No 33 of 1852 on the file of the Sessions Court of Rajahmundry

(Here Enter F R No 2228 of 1852)

1. It does not appear to the Court of Sonjeared Vaalut that the Prisoners in this case intended to defraud the Prosecutor of the amount of the bond in question, on the contrary, from the remarks of the Subordinate Judge it seems not improbable that their object, in "forging" the attesting signatures of the 4th and 5th witnesses, was merely to induce the Prosecutor to lend the money, and it must also be remarked that there was a proper want of caution on the part of the Prosecutor in not seeing these persons attach their signatures.

2. Under this view of the case the Court of Sonjeared Vaalut deem it proper to suggest to the Sessions Judge the propriety of mitigating the sentence passed upon the Prisoners to one year's imprisonment with hard labor.

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

(Sent following Precept No 1200.

Read

5th October 1852.

Read Criminal Reports submitted by the Sessions Judge of Ruddapah for the month of August 1852.—

(Here Enter F R No 2311 of 1852)

Forme B.
Case No 173.

It appears to the Court of Sonjeared Vaalut that a sentence of one months imprisonment would have been adequate punishment for the offence of which the Prisoner in this case has been convicted; and as that period has now elapsed the Court would suggest to the Sessions Judge the propriety of reviewing the Proceedings of the Subordinate Judge with a view to his directing the Prisoner's immediate release.

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

(Sent in No 1201.

Read Calendar of case No 639 1852 submitted by the Sessions Judge of Ruddapah

(Here Enter F R No 2346 of 1852)

Considering the deliberate and cruel nature of the crime perpetrated by the Prisoner, as well as the great personal and permanent injury inflicted on the Prosecutrix

5th October 1852

Prosecutrix, the Court of Foujdaree Adalut are of opinion that the sentence recorded against him was unjustifiably lenient-

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

(Sent in No. 1202

Read Criminal Reports submitted by the Session Judge of Calicut for the month of August 1852.-

(Here Enter F R No 2325 of 1852)

Form B
Case No 182

Adverting to the apparent severity of the sentence recorded in the case the Court of Foujdaree Adalut direct that the Session Judge will review the Proceedings of the Moofty Sudder ameen and communicate to them the result of such orders as he may deem it proper to pass in reference thereto.-

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

(Sent in No 1203.)

Translations of the Records in cases Nos 27, 34, 36, and 39 of 1852 on the file of the Session Court of Cuddapah not having as yet been received.

Ordered

2)

F.R.

5th October 1852

Ordered that the Session Judge of Cuddapah be called upon to submit the same without delay.-

Sent in No. 1204-

Read letter dated 1st September 1852 from the acting Session Judge of Cuddalore reporting that no cases have been pending trial before the Session Court for a period exceeding 25 days calculated from the date of the commitments.-

(Here Enter F R No 2181 of 1852)

Read report dated 30th August 1852 submitted by the Session Judge of Guntoor of persons apprehended and delivered to him in the month of August 1852-

(Here Enter F R No 2182 of 1852)

Read Calendar of case No 39 of 1852 submitted by the acting Session Judge of Honore under date the 26th ult.

(Here Enter F R No 2183 of 1852)

Read Calendar of case No 62 of 1852 submitted by the Session Judge of Cuddapah under date the 1st October 1852

(Here Enter F R No 2416 of 1852)

Read Calendar of case No 270 1852 submitted by the acting Session Judge of Salem under date the 23d Ultimo

(Here Enter F R No 2421 of 1852)

Read

5th October 1852

Read Convict labor Report dated
1st September 1852 submitted by the Session
Judge of Salem for the month of August 1852.
(Here Enter T & Ro 2422 of 1852)

Read petty Calendars submitted
by the Session Judge of Tellicherry under
date the 25th ultimo for the 2d quarter of 1852.
(Here Enter T & Ro 2423 of 1852)

Read Calendar of case Ro 16
of 1852 submitted by the Session Judge
of Tellicherry under date the 23d September 185
(Here Enter T & Ro 2427 of 1852)

Rd 18

T. C.

Wednesday
6th October 1852. At a Court of the Tanjore Adalut.

Present

Hon'ble G. L. Cooper Esqr ——— Prisnr Judge
Ad-dl-Jr — T. Anderson Esqr — Acting Prisnr Judge
Ditto for W. A. D. Inglis Esqr — Acting Prisnr Judge

Read again Calendar of Case No 20
of 1852 on the file of the Session Court of Trichinopoly
(Here enter T. C. No 1517 of 1852)

Read also Miscellaneous Petition
presented on the 19th July 1852 by Chinnamah of Trichi-
nopoly
Here enter T. M. P. No 97 of 1852

Read also return under date the 21st
September 1852 from the Acting Session Judge of Trichi-
nopoly to the precept of the Tanjore Adalut dated the
26th August 1852 directing the submission of an English
translation of the record in the foregoing case.
(Here enter T. C. No 2366 of 1852)

The Court of Tanjore Adalut observe
Mr W. A. D. Inglis I
that the evidence against the 6th and 7th prisoners in this
case consisted in the identification of them by the 1st 2d
and 3d Witnesses, the identification of 7th prisoner by
the

the 6th witness and the discovery in their possession of the
articles Nos 7-8 and 9 which the prosecutor claimed as part of
the stolen property but which the prisoners claimed to be
their own - The articles in question are it appears of a com-
mon description with no distinguishing marks by which
they might be positively identified and the alleged recogni-
tion of the Prisoners by the witnesses is open to the objection
of its having been made amidst the confusion of a
robbery effected in a dark night with only a single
torch and also of neither the Prosecutor nor the witnesses
having immediately mentioned the names of the persons
they recognized to the Village Moorasi who came to
the house at once just as the robbers were leaving it
The Court of Foujdaree Udalut regret to find that the
remarks of the Session Judge in the Calendar regarding
the silver bangle No 7 which had great weight with
them in reviewing the Calendar are not borne out by
the record for it appears that the prosecutor did not
claim the said bangle as newly made but on the
contrary said that it was procured by his father 20 years
ago and the 6th and 7th prisoners who said they had obtained
it 6 or 7 years ago did not in attempting to account for
its fresh appearance say that it had been recast since
the Police got possession of it but only that it had been
cleaned or burnished by them.

Under

Under these circumstances it appears
to the Court of Foujdaree Udalut that there is no greater
weight of evidence against the 6th and 7th prisoners
than there was against the other prisoners and that it is
not sufficient for their full conviction although it
affords strong grounds of suspicion against them -
The prisoners it is observed labored under the strongest
suspicion also in Case No 19 and appear to be notorious
bad characters - and the Court of Foujdaree Udalut accord-
ingly resolve to reverse the sentences passed upon the
said prisoners but to direct that they be required to
produce each two securities in the sum of Rupees 50
required during the period of three years or that in
default they be imprisoned with hard labour without
irons for that period.

Ordered that Extract from these Pro-
ceedings be forwarded to the Acting Session Judge of
Trichinopoly by precept returnable within [illegible] days
from and after its receipt.

(Sent following precept No 1207.

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

Read again Calendar of Case No 23 of 1852
submitted by the Session Judge of Rajahmundry.

(Here enter Z Up No 1681 of 1852)

Read

6th October 1852.

Read also Miscellaneous Petition presented on 9th August 1852 by Sohn Mahomed of Zillah Rajahmundry

(Here enter F. M. P. No. 106 of 1852)

Read also return dated the 10th September 1852 from the Sessions Judge of Rajahmundry to the Precept of the Tondavaree Adalut under date the 23d August 1852 directing the submission of the translations of certain documents in Case No. 23 of 1852 on the Calendar

(Here enter F. Vo. No. 2316 of 1852)

Upon a perusal of the papers submitted by the Sessions Judge with the foregoing Return the Court of Tondavaree Adalut see no reason to doubt the propriety of the sentences passed on Petitioner, and therefore dismiss this Petition.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Rajahmundry for communication to the Petitioner

Sent in No. 1208

Read letter dated the 15th ultimo from the Acting Session Judge of Cuddalore bringing to notice the circumstances of a case in which a European stands charged with having committed Piracy on the High Seas and requesting the instructions of the Tondavaree Adalut in respect to its disposal.

(Here enter F. Vo. No. 2288 of 1852)

Read

F. Vo.

6th October 1852

Read also letters dated the 16th 17th and 18th ultimo from the Acting Session Judge of Cuddalore on the same subject

(Here enter F. Vo. Nos. 2296 2305 and 2306 of 1852)

With the foregoing communication

1. the Acting Session Judge submits for the consideration and orders of the Court of Tondavaree Adalut copies of a correspondence which has passed between the Magistrate and himself regarding the trial of a European forwarded by the former Officer from Pondicherry on the charge of having incited the crew of a Schooner to Mutiny on the high Seas.

The Acting Session Judge it appears in the first instance under a misconception of Tondavaree Adalut Circular Order dated 31st July 1834 No. 9. declined to receive the Prisoner into his Jail on the ground that he had no jurisdiction over offences committed on the High Seas, and that he would not be justified in detaining in his custody a European against whom there rested only a written accusation made at Pondicherry. Having however been subsequently informed by the Magistrate that a formal charge was preferred by the Captain of the Schooner before the authorities at Pondicherry and being still doubtful of his competency to take cognizance of the

the offence the Acting Session Judge at the Magistrates request refers the following questions for decision by the Fouzdaree Udalut.

I. "When a party is charged at the station of the Session Court with an offence committed upon the high Seas, is the Session Judge or the Magistrate the Officer who is to act as Justice of the Peace and investigate the charge."

II. "If this duty is considered to belong to the Magistrate has the Session Judge authority to act and is he bound to do so when the Magistrate is absent from the station".

The Government having in its Circular of the 23d December 1834 directed that Criminal Judges should take cognizance at the Zillah station as Justice of the Peace of all cases coming under Clauses 105 and 106. 53 Geo: III. Chap. 155. the Court of Fouzdaree Udalut are of opinion that by analogy those Officers are also required to act in the case of a European being brought to the Zillah station on a charge of Piracy or other offences committed on the high seas.

4 Had the Prisoner in question been brought before the Magistrate at any station nearer to Pondicherry than Cuddalore the Court consider that it would then have been incumbent upon

upon that Officer himself to have entertained the charge.

Ordered that Extract from these Proceedings be forwarded to the Acting Session Judge of Cuddalore for his information and for communication to the Special Agent.

(Sent in No. 1209.

Read again Criminal Reports submitted by the Session Judge of Cuddapah for the month of July 1852.

(Here enter F. U. No. 2053 of 1852)

Read also return under date 13th September 1852 from the Session Judge of Cuddapah to the precept of the Fouzdaree Udalut under date 1st September 1852 conveying their preliminary orders on the foregoing Criminal Reports.

(Here enter F. U. No. 2281 of 1852)

Adverting to the very trifling value of the property stolen in this case, and as it is clear that the prisoner was permitted to escape thro' the negligence of the Peon in charge of him, the Court of Fouzdaree Udalut are of opinion that the Prisoners offences will be adequately punished by a cumulative sentence of 3 months imprisonment with hard labor in irons on the two cases Nos. 159 and 160, and they

they direct that the sentences be reduced accordingly.

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

(Sent following precept No. 1210.

Read Calendar of Case No. 35 of 1852 on the file of the Sessions Court of Nellore.

(Here enter F. Vo. No. 2314 of 1852.)

1. The Court of Foujdaree Udalut consider that it was the duty of the Acting Sessions Judge to have examined the Zillah Surgeon on solemn affirmation and at full length so as to obtain reasons for his opinion that the Prisoner was sane, and they resolve to direct that Officer to do so now and to submit the deposition and the original Certificate given by the Zillah Surgeon for their consideration.

2. The Court of Foujdaree Udalut further observe that the "Futwah" in this case, as it is worded does not in fact convict the Prisoner; the Acting Sessions Judge instead of wording his 2nd Question so as to get rid of technical objections to the evidence, having put it so as to elicit only the extent of punishment to be awarded in the case of a conviction on full legal evidence as if the

the "Futwah" had already convicted the Prisoner on "Zunni gahlut". The Court of Foujdaree Udalut resolve to direct that the said Futwah be now amended.

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Nellore by Precept returnable in x days from and after its receipt.

(Sent following precept No. 1211.

2d Rd.

F U.

Thursday 7th October 1852.

At a Court of the Foujdaree Udalut.

Present

Capt. G. S Hooper Esqr. ——— Pursnd Judge.

Vcl. for T. Anderson Esqr. — Acting Pursnd Judge.

Vcl. for H. A. D. Inglis Esqr. — Acting Pursnd Judge.

Read letter under date the 18th September 1852 from the Session Judge of Masulipatam.

(Here enter F U. N. 2377 of 1852)

In the foregoing letter the Session Judge has requested to be informed of the orders to be passed by him Foujdaree Udalut as to the orders to be passed by him with reference to certain irregularities which he considers to have taken place in the disposal of a case recently tried by the Head Assistant Magistrate of Masulipatam under the provisions of Section LIV Act VII of 1843.

It appears that certain of the witnesses in the case in question had been examined before the prisoners were formally arraigned; but of this irregularity an explanation has been furnished by the Head Assistant Magistrate to the effect that it was not contemplated in the first instance to dispose of

of the case under the provisions of the enactment above cited but that when it appeared from the evidence of the first three witnesses that the provisions of that enactment must be resorted to the prisoners were formally arraigned

3 It also appears that the prisoners defence was duly recorded at the close of the evidence for the prosecution and that witnesses were sworn on their behalf and under these circumstances the Court of Foujdaree Udalut attach no importance to the informality which they consider to have been satisfactorily explained

4 Another irregularity in connexion with this case is considered by the Sessions Judge to have been committed by the Magistrate in reserving himself certain remarks thereon and permitting himself certain information called for by the Session Court instead of obtaining and forwarding the necessary explanation from the officer by whom the sentence was passed.

5 The Magistrate having thought fit to review and confirm the sentence passed by the Assistant Magistrate in the case referred to it appears to the Court of Foujdaree Udalut to be immaterial whether the information sought for by the Session

Court was furnished by the Magistrate or his Head Assistant but with reference to the point upon which this explanation was required the Court of Foujdaree Udalut deem it proper to observe that the sentence should have stated distinctly "Imprisonment with hard labor without irons" in the case of the 1st prisoner, and "Imprisonment without hard labor or irons" in the case of the other.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Masulipatam for his information and for communication to the Magistrate.

(Sent in A. 1213.)

Do
Ibid.

Tuesday

8th October 1852.

Ct

At a Court of the Inquisitors Debt Court

Present

H.M. G: Le Marchant Esqr. } Presiding
H.M. for P. Carteret Esqr. } Assisting
H.M. for Mat. Le Seigneur Esqr. Assisting } Petite Assize

Read Criminal Returns submitted by the Inquisitors Judge of Police for the month of August 1852.

Plaint entered No. 2363 1852.

The Court of Inquisitors Debt resolved to direct the acting Inquisitors Judge to examine the proceedings in this case it appearing to the Inquisitors Debt that with reference to the value of the effects found the final warrant of the Prisoner has already undergone will be sufficient under the circumstances of Police.

Adjourned that Court from the proceedings to be recorded in the Inquisitors Judge of Police Court in question by himself attended in the Inquisitors Judge from and after the commencement.

Plaint folio 25 No 25.

Read letter dated 29th September 1852 from the Inquisitors Judge of Police Court submitting for the final Decision of the Inquisitors Debt the Record of Case No. 21823 of 1852 of the Records of the Inquisitors Court.

Plaint entered No. 2370

Friday
27th Augt 1852

Court of the Foujdaree Adalut.

Present

W.R. G.S. Hopper Esquire ——— Puisne Judge

Spr. F. Anderson Esquire ——— Acting Puisne Judge

W. & D. Inglis Esquire — Acting Puisne Judge

Read letter dated 30th September 1852 from the Acting Sessions Judge of Honore Sub. committing for the final Judgment of the Foujdaree Adalut the record of Case No. 38 of 1852 of the Criminal Calendar of Session Court.

(Here enter F.R. No. 2440 of 1852)

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

1st Syed Hoosain

is sufficient to convict him of the Crime of House breaking and Theft for which according to the Mahomedan Law as declared in Futwas of their Law officers the penalty of Hud is awardable, to convict him thereof. And under the provisions of Section XXI Regulation VII of 1802 Clause 2nd Section VI Regulation I of 1825 And Section XXXIV Act VII of 1843 Sentenced him to be imprisoned two years

to

W.G.S. Hopper

proof against the prisoner

Eckelly

is sufficient to commit him of the crime charged to commit him thereof and binds the prisoner over to take his trial at the next Session of Oyer and Terminer for the County of Ontario pursuant to the statute in such case made and provided.

Case No 222.

Chas G. Mayer
vs
Wm Hughes

The Court of Queens Bench on a habeas corpus issued at the instance of the prisoner to enquire into the cause of his detention by the Sheriff of the County of Ontario

Eckelly

is sufficient to commit him of the crime charged to commit him thereof but he being bail charged with a felony in the County of Ontario pursuant to the statute in such case made and provided is required to be bailed in the sum of £200 in the same manner as if he had been committed for trial in the said County of Ontario.

Sent in No 2427

Read Certificate dated 1st October 1852 from the Deputy Clerk of the Crown for the Home District of Toronto that the Grand Jury for the said District at the present Term of Oyer and Terminer and General Gaol Delivery for the said District have found a true bill against the prisoner for the offence in the said Certificate mentioned.

Sent in No 2428

Report dated 1st October 1852 from the Deputy Clerk of the Crown for the Home District of Toronto that the Grand Jury for the said District at the present Term of Oyer and Terminer and General Gaol Delivery for the said District have found a true bill against the prisoner for the offence in the said Certificate mentioned.

Sent in No 2429

Report dated 1st October 1852 from the Deputy Clerk of the Crown for the Home District of Toronto that the Grand Jury for the said District at the present Term of Oyer and Terminer and General Gaol Delivery for the said District have found a true bill against the prisoner for the offence in the said Certificate mentioned.

Sent in No 2430

Report dated 1st October 1852 from the Deputy Clerk of the Crown for the Home District of Toronto that the Grand Jury for the said District at the present Term of Oyer and Terminer and General Gaol Delivery for the said District have found a true bill against the prisoner for the offence in the said Certificate mentioned.

Sent in No 2431

Report dated 30th September 1852 from the Deputy Clerk of the Crown for the Home District of Toronto that the Grand Jury for the said District at the present Term of Oyer and Terminer and General Gaol Delivery for the said District have found a true bill against the prisoner for the offence in the said Certificate mentioned.

Sent in No 2434

Report dated 1st October 1852 from the Deputy Clerk of the Crown for the Home District of Toronto that the Grand Jury for the said District at the present Term of Oyer and Terminer and General Gaol Delivery for the said District have found a true bill against the prisoner for the offence in the said Certificate mentioned.

Sent in No 2435

Report dated 1st October 1852 from the Deputy Clerk of the Crown for the Home District of Toronto that the Grand Jury for the said District at the present Term of Oyer and Terminer and General Gaol Delivery for the said District have found a true bill against the prisoner for the offence in the said Certificate mentioned.

Sent in No 2438

Report dated 1st October 1852 from the Deputy Clerk of the Crown for the Home District of Toronto that the Grand Jury for the said District at the present Term of Oyer and Terminer and General Gaol Delivery for the said District have found a true bill against the prisoner for the offence in the said Certificate mentioned.

8th October 1852

Report and Letter for trial during the month of October 1852.

(Vide entry No: 2442)

Read report dated 1st October 1852 from the Acting Session Judge of Khoree submitting for trial for the month of October 1852.

(Vide entry No: 2443)

Read report dated 30th September 1852 from the Sessions Judge of Mymensingh submitting for trial for the month of October 1852.

(Vide entry No: 2445)

Ld. Steuart

Saturday 9th October 1852

F. C.

At a Court of the Foujdaree Adalut.

Present

The Hon'ble G. J. Hoosein Esquire ——— Puisne Judge

Hon'ble Sir B. Peacock Esquire ——— Acting Puisne Judge

W. Tayler Esquire ——— Acting Puisne Judge

Read letter dated 30th September 1852 from the Acting Session Judge of Khoree Sub. submitting for the final Judgment of the Foujdaree Adalut the record of Case No. 38 of 1852 of the Calendar of Session Court.

(Vide entry F. C. No: 2444 of 1852)

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

1st Syed Hoosein

is sufficient to commit him of the Crime of House breaking and Theft for which according to the Mahomedan Law as declared in Futwas of their Law officers the penalty of Hud is awardable, to commit him thereof and under the provisions of Section XXI Regulation VII of 1802 Clause 2nd Section VI Regulation I of 1825 and Section XXXIV Act VIII of 1843 sentence him to be imprisoned and kept

to

to hard Labor in irons on the public roads or other pub-
-lic works for and during the period of (3) three years
and being of opinion that the Prisoner
2nd Syed Rooman is not Convicted
on presumptive proof or on the evidence of Credible
witnesses or on his own Confessions of the Crimes
Charged, do acquit him thereof, but Considering that
strong Suspicion though not amounting to Conviction
attaches to him the Court direct that under the
provisions of Clause 3rd 4th Section III Regulation
XV of 1803 he be required to find two Sureties in
(50) Fifty Rupees each Surety for his good behaviour
that in default thereof he be detained for one year
in Confinement.

(Sentence No 1219.)

Read again Calendars of Cases
Nos 31 and 39 of 1852 on the file of the Sessions Court
of Trichinopoly.

(Prisoners Exhibits Nos 2023 and 2026 of 1852)

Read a Examination under date the 21st
September 1852 from the Acting Sessions Judge of
Trichinopoly to the address of the Magistrate Attached
dated the 31st August 1852 transmitting the Original
of English Translations of Certain portions of the evi-
-dence in the foregoing Cases.

(Prosecution Exhibit No 2365 of 1852)

9th October 1852

1. The prisoners in these Cases were tried together for the same Offence the prisoner in Case No 39 having been apprehended after the prisoners in Case No 31 had been Committed for trial.

2. The Court of Sessions Judge has observed that the only evidence against the prisoners is the declared recognition and identification of them by the Prosecutrix and her brothers the 1st and 2nd witnesses as having taken part in the robbery as Gopi Asha formerly in the house of the 1st and 2nd Prisoners and claimed by the Prosecutrix not having been proved to be her property but stated to be of a Common description. There is much discrepancy in the evidence of these parties and Considerable variation in their statements before the Police and the Sessions Court, for instance it may be observed that the Prosecutrix in her Police statement spoke of a Conversation with the 1st Prisoner during the Robbery in which he taunted her with having refused some time before to give him (a second loan of) Rupees 10 whereas in her evidence she made no mention of such Conversation or of his having asked for a second loan. In her first deposition before the Police on the 14th May 1852 she named only the 1st Prisoner as recognized by her but 1st with the 2nd named

named the 1st 2d and 3d Prisoner in his depositions on the same day and subsequently Prosecutrix adopted the same version. The 4th and 5th Prisoner appear to have been arrested only at the time of or subsequent to their apprehension. Under these Circumstances and in the absence of any other Corroborative proof also it is admitted that the robbers were disguised by smearing their faces with ashes the Court are of opinion that the statements of the Prosecutrix and 1st and 2d witnesses are not entitled to full Credit and that there is much reason for supposing that they gave evidence acting on strong suspicions in their own minds rather than from positive knowledge or Certainty. The Court accordingly resolve to suspend the Sentence passed upon the Prisoners but Considering that strong grounds of suspicion attach to them direct that they be severally required to produce two Sureties to be bound each in the sum of Rupees 50 for their good Conduct and appearance when Called for during the Space of 3 years or in default that they be imprisoned and kept to hard labor without irons for that period.—

3.

The Court of Sudder Adawlut have it in Contemplation to observe that the Calendars of Cases tried by the Sessions Court should always Contain

specific notices of the nature of the Prisoners defence and of the evidence adduced in support of it. In the present Case it was mentioned only in the Futwa that nothing material was proved by them. The 2d question also to the Law officer to get over the technical objections to the evidence of the 1st and 2d witness is incorrect.— Instead of asking what the punishment would be supposing the charge to be proved the question ought to have been as to what the Futwa would be supposing the technical objections stated not to have existed. There might have been other objections if the technical ones were overruled.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Trichinopoly for his information and guidance and for Communication to the late Acting Sessions Judge by precept returnable within 11 days from date and after its receipt.—

(Sent the following precept 10th Dec 1852)

Dec 1852.

F. 11.

Monday
11th October 1852 } At a Court of the Tanjadaree Adalut

Present

W. K. G. S. Cooper Esqre ------
Melle Jas. F. Anderson Esqre Officiating } Puisne Judges
Vice for W. A. D. Inglis Esqre --- do. ---

Read Calendar of Case
No. 11 of 1852 submitted by the Sessions
Judge of Chicacole.

(Here Enter F.R. No. 3402 of 1852)

The Court of Tanjadaree
Adalut are not of opinion that the
circumstance of aggravation in this case
admitted to by the Sessions Judge
are such as to call for an award of
Corporal punishment, and they accordingly
do direct that the same be remitted.

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

(And following Precept No. 1224)

Read Criminal Reports
submitted by the Sessions Judge of
Tinnevelly

Form B
Case No. 71.

Annually for the month of August 1852.

/Here Enter F.H. No 2053 of 1852/

It appears to the Court of Foujdaree Adalut from the Statement of the charge in this case that the Offence alleged to have been committed by the Prisoner was one of "Fraud" rather than "Theft" as it may be inferred that the keys in question were retained by him not on account of the value of the metal but in order that he might have access to the Treasury Coffers of the Pagoda by means of them

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

/Sent in No 1225/

Read Extract from the Minutes of Consultation of Government in the Judicial Department under date the 1st October 1852 communicating copies of a correspondence received from the Chief Magistrate and Superintendent of Police in reference to the absence of one of the writers of the

Police Office, acted as a witness before the Sessions Court of Chittoor.

/Here Enter F.H. No 2407 of 1852/

Read also Report of cases pending on the 20th September 1852 before the Sessions Court of Chittoor for a period in excess of 25 days.

/Here Enter F.H. No 2430 of 1852/

Pursuant to the instructions of Government conveyed in the Extract from the Minutes of consultation above recorded, the Court of Foujdaree Adalut resolve to call upon the Sessions Judge of Chittoor for any explanation which he may have to offer regarding the delay in the several stages of the proceedings taken against one Cottah Ramasawmy Chetty, who, it is observed, was apprehended on a charge of Forgery on the 11th May last - was committed by the Head Assistant Magistrate on the 21st June, but whose trial, the Sessions Judge in his communication to the Magistrate of the 9th August states, is not likely to come on for some time yet.

The Court of Foujdaree Adalut

Udalut further direct that the Sessions Judge will explain with reference to the large number of Cases entered in the above Report whether or not he has conformed to their instructions of the 19th July requiring him to make arrangements for the trial of Criminal Cases with the assistance of jurors or assessors, and, if not, the cause of his failure to do so.

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

/ Sent following precept No 2297 /

Read Criminal Reports submitted by the Acting Sessions Judge of Cuddalore for the month of August 1852

/ Here Enter P.R. No 2297 of 1852 /

Form B
Case No. 101.

1. The Court of Tongadare Udalut direct that the acting Sessions Judge will review the proceedings in this Case the punishment awarded appearing too severe with reference to the nature of the offence.

Case No 108. 2. The Court of Tongadare

11 October 1852

Udalut direct that the proceedings held by the Acting Sessions Judge in this Case which have not been forwarded, may be submitted for their consideration.

Ordered that Extract from these Proceedings be sent to the acting Sessions Judge of Cuddalore for his information by Precept returnable in 10 days from and after its receipt.

/ Sent following precept No 2297 /

Read Return dated 25 August 1852 from the Acting Sessions Judge of Cuddalore to the precept of the Tongadare Udalut under date the 12th August 1852, directing the refund of the fine levied in Case No 55 of the Magisterial Calendar for the 2d Quarter of 1852.

/ Here Enter P.R. No 2185 of 1852 /

Read Return dated 24th August 1852 from the Agent to the Governor of Fort St. George at Purnea to the precept of the Tongadare Udalut under date the 13th August 1852 regarding information

P. 11.

Tuesday. 12th October 1852 } At a Court of the Toujdaree Adalut

Present

W.H. G. T. Cooper Esqre .....
Vakeel for F. Anderson Esqre officiating } Puisne Judges
Vakeel for W.A.D. Anglin Esqre ... do ...

Read letter under date the 24th September 1852 from the Sessions Judge of Guntoor.

/Here Enter P.R. No 2372 of 1852/

The Court of Toujdaree Adalut proceed to direct that the paper of remarks forwarded with the foregoing letter be returned to the Mahomedan Law Officer of the Sessions Court of Guntoor to whom the Sessions Judge will be pleased to intimate that his attentions to the comments recorded by the Puisne Judges Mr. Cecil Cozat on the Pulwars and Cauzee Mr. Cozat on the Pulwars and Cauzee are inadmissible.

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

/Sent in No 1228/

Read

11th October 1852.

information of the steps taken in regard to the Prisoner acquitted in Case No 24 of 1852 on the Agents' Criminal File.

/Here Enter P.R. No 2148 of 1852/

Read Calendar of Case No 28 of 1852 submitted by the Sessions Judge of Bellary under date the 23d August 1852.

/Here Enter P.R. No 2149 of 1852/

Read Calendar of Case No 46 of 1852 submitted by the Sessions Judge of Cuddapah under date the 26th August 1852.

/Here Enter P.R. No 2150 of 1852/

Ist Bldr.

12th October 1852.

Read letter dated the 29th September 1852 from the Acting Sessions Judge of Chingleput requesting permission to dispose of Session Case No. 24 of 1852 which was set down for the final judgment of the Court of Foujdaree Adalut.

/Here enter G.H. No. 2401 of 1852/

Under the circumstances stated in the above communication the Court of Foujdaree Adalut resolve to authorize the Acting Sessions Judge to dispose of the case referred to.

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

/Sent in No. 1229./

Read Calendar of Cases No. 1 of 1852 submitted by the Sessions Judge of Cuddapah under date the 19th February 1852.

/Here enter P.R. No. 583 of 1852/

Read Convict Labor Report dated 20th February 1852 submitted by the Sessions Judge of Madura of the Jail at Dindigul for the month of January 1852.

/Here enter P.R. No. 584 of 1852/

12th October 1852.

Read Convict Labor Report dated 18th February 1852 submitted by the Sessions Judge of Rajahmundry in the Jail at Cocanada under the charge of the Magistrate for the month of January 1852.

/Here enter G.H. No. 517 of 1852/

Read return dated 24th February 1852 from the Acting Sessions Judge of Tanjore to the Precept of the Foujdaree Adalut under date the 20th February 1852 calling upon the Acting Sessions Judge to reduce the sentence recorded against the Prisoner in Calendar No. 6 of 1852 to one year.

/Here enter P.R. No. 530 of 1852/

Read Criminal Report dated 23d February 1852 submitted by the Sessions Judge of Guntoor for February 1852.

/Here enter P.R. No. 532 of 1852/

Read Calendar of Case No. 3 of 1852 submitted by the Sessions Judge of Cuddalore under date the 23d February 1852.

/Here enter P.R. No. 534 of 1852/

Read

12th October 1852

Read Calendar of Cases Nos. 1 of 1852 submitted by the Sessions Judge of Cuddalore under date the 28th February 1852.

Ex. 1810.

/ Here Enter F. H. No. 1 of 1852 /

F. H.

Wednesday
13th October 1852. At a Court of the Fouzdaree Adalut.

Present

Sir G. L. Hooper Esqre.
Sir Jas. T. Anderson Esqre. } Puisne Judges.
W. for W. A. D. Inglis Esqre.

Read Miscellaneous Petition presented on the 9th August 1852 by Muttammal of the Tillah Chingleput.

(Here enter F. Mis. P. No. 108 of 1852)

The Court of Fouzdaree Adalut having again considered the Calendars in Cases 11 and 13 of 1852 of the Sessions Court of Chingleput, see no reason to question the correctness and propriety of the Convictions therein of the Prisoners Gopaul Naiken and Chetty or of the sentences passed on them.

The application of the said Prisoners petition is accordingly dismissed.

Ordered, that Extract from the proceedings be given to the Petitioner on her application &c.

Read Miscellaneous Petition presented on the 19th August 1852, by Vakeel M. Tom-malachary on behalf of Subbaiah and Ramaya of Tillah Grove.

(Here enter F. Mis. P. No. 115 of 1852.)

The

W. W. A. D. Eagles
and
Wm. F. Anderson

1. The Petitioners who are the 1st and 2nd Prisoners in Case No. 45 of 1851 on the file of the Supreme Court of Ceylon, pray the Court of Appeal to reconsider their order passed under date 25th March 1852, dismissing the former application of the Petitioners for their release.

2. The Petitioners contend that the delay in presenting that application was unavoidable, and they further submit that the period for appealing from Criminal Sentences is unlimited.

3. The Court of Appeal remark, that it was distinctly stated in their former Proceedings in the above case, that they saw no grounds to doubt the jurisdiction which had been exercised on the Petitioners' then Petition was and therefore strenuously objected by the Petitioners merely on the ground of delay in the presentation. The Petitioners are therefore referred to that order which is final.

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

Read Letter under date the 13th September 1852 from the Supreme Judge of Matara dispatching

(Here see No. 2 K. R. No. 2320 of 1852)

The Court of Appeal Holden

Case No. 45 of 1851 Supreme Court

13th October 1852.

dismissing the Appeal preferred by the Magistrate requesting that a preference should be made to that Ordinance relating to the sentence passed in these cases.

2. The Court of Appeal observe, that the sentence passed was strictly legal and that the Supreme Judge was the proper officer to decide whether it was commensurate with the offence proved.

Ordered that Extract from these proceedings be sent to the Supreme Judge of Matara for communication to the Magistrate.

(Sent in No. 1232.)

Read the following letter dated the 30th September 1852, from the Supreme Judge of Matara.

(Here see K. R. No. 2320 of 1852)

With the above letter the Supreme Judge submits, for the consideration and orders of the Court of Appeal, copies of a correspondence which has passed between himself and the Subordinate Judge, in which the question is raised, whether or not a Supreme Judge is competent to entertain an appeal from an order passed by a Subordinate Judge in dismissal of a plea attached to the trial

2. The Court of Appeal observe, that it has been repeatedly ruled, that a Supreme Judge is vested with full authority to take cognizance of appeals of the nature of

that

that referred to in the foregoing correspondence, and in this view, the Court, as at present constituted, are disposed to concur: Looking however to the fact, that the Subordinate Judge is alone responsible for the safe custody of the Prisoners and for the management and discipline of the Gaol, the Court are of opinion, that the Supr Judges interference should be exercised with very considerable caution, and confined to extreme cases.

Ordered that a Copy of these proceedings, be forwarded to the Hon'ble Jos P Bellary, for his information.

(Sent in No 1283.)

Ex[illegible]
J.C.

+

J. C.

Saturday 16th October 1852 } At a Court of the Foujdaree Adalut.—

Present.

Hon'ble G S Cooper Esquire
Hon'ble for F Anderson Esquire
Hon'ble for W A D Inglis Esquire
} Puisne Judges.

Read Miscellaneous Petition presented on the 1st September 1852 by Mookteer Pakeer on behalf of Carrapan Tavan father of the 2d Prisoner in Criminal Case No 87 of 1852, on the file of the Zillah Court of Madura.

Prisoners F M P Nos 122 of 1852

This is an Application for the interference of the Court of Foujdaree Adalut to set aside an order of the Superior Judge of Madura under date the 8th June 1852, declining to disturb the Sentence of one years imprisonment with hard labor in irons, passed upon the Petitioners Son, 1st Prisoner in the above Case.—

The Court of Foujdaree Adalut observe that the Superior Judge after carefully considering the Records of the Case confirmed the Sentence of the Subordinate Judge on the ground that the Evidence against the 1st and 2d

Prisoners

prisoners is clear and proves conclusively that he is guilty.-

3 The Court of Sanpore does not decline therefore to interfere in the summary solution, and dismiss this Petition.-

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

Read letter under date the 1st October 1852 from the Deputy Judge of Comdabad

(Register F No 2432 of 1852)

1 The Court of Sanpore does not consider that it can accede to the request contained in the foregoing letter that the unexpired portion of the sentence adjudged to the prisoner therein referred to, should be remitted.-

2 The Court of Sanpore does not observe that the course proposed would constitute an objectionable precedent and they see nothing in the circumstances of the present case to justify its adoption.-

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

(Letters No 1237.-

Read letter under date the 27th September 1852 from the Deputy Judge of Mundlapatam.-

(Register F No 2400 of 1852)

1 The Court of Sanpore does not observe that the Head Assistant Magistrate acted irregularly in omitting to cause the signature of the witness referred to in the foregoing letter to be affixed to the deposition given by him, which was made upon solemn affirmation, and should not therefore have been excluded from the record of the case; and the Court considers it to be regretted that before submitting his first explanation on the matter, the Head Assistant Magistrate did not make such an inquiry as would have enabled him to make a correct representation of what had occurred, and the particulars of which it would appear had escaped his memory at the time.-

2 It appears to the Court of Sanpore that the case was not of such importance as to render necessary the surveillance to which the prisoners were subjected, and that under all the circumstances the adoption of this course

was

was unjudicious.-

3 The Court of Taxpayers Road are however constrained to observe that the terms containing such grave imputations upon the Magistrate as those referred to in the Magistrates Returns of the 24th Ultimo should not have been received by the Inferior Judge.

Ordered that Extract from the Proceedings be sent to the Inferior Judge of Mannelipatanam for communication to the Magistrate.-

/Sent in Nº 1238/

Translations of the Records in Case Nº 41 of 1852 on the file of the Inferior Court of Cuddapah not having been as yet received

Ordered that the Inferior Judge of Cuddapah be called upon to submit the same without delay.-

/Sent in Nº 1239/

Translations of the Records in Case Nº 15 of 1852 on the file of the Inferior Court of Bellary not having been as yet received

Ordered that the Inferior Judge of Bellary be called upon to submit the same without delay.-

/Sent in Nº 1240/

Translations of the Records in Case Nº 21 of 1852 on the file of the Inferior Court of Bellary not having been as yet received

Ordered that the Inferior Judge of Bellary be called upon to submit the same without delay.-

/Sent in Nº 1241/

Read Criminal Reports for the month of August 1852 submitted by the Inferior Judge of Mannelipatanam under date the 30th September 1852.-

/Prize enter F/B Nº 2447 of 1852/

Read Calendar in Case Nº 34 of 1852 submitted by the Inferior Judge of Madura under date the 4th October 1852.-

/Prize enter F/B Nº 2448 of 1852/

Read Return dated the 30th Ultimo from the Acting Inferior Judge of Bannur to the precept of the Tanjore Malabat under date the 30th August 1852 annulling, on Review of the Calendar of Case Nº 30 of 1852 the sentence passed against the 1st Prisoner, and directing that an English Translation of the entire Record be submitted for the consideration of the Court of Tanjore Malabat.-

/Prize enter F/B Nº 2455 of 1852/

Read

16th October 1852.

Read Calendar of Cases for the Sessions
1852 Sent up by the Sessions Judge of Madura
under date the 8th October 1852.

(Reverts F. M. No 2456 of 1852)

Read 1st Communicate Attached
Proceedings of the Court of Foujdaree Adawlut
dated the 30th August 1852 requiring the opinion
of certain information as regards the case
No 47 of the Calendar for 1852.

(Reverts F. M. No 2459 of 1852)

Read Letter attached

F. M.

Monday — At a Court of the Foujdaree Adawlut

18th October 1852.

Present.

Hon'ble G. S. Hooper Esqr. —
Hon'ble F. Anderson Esqr — Officiating } Puisne Judges
W. for W. A. D. Anglis Esqr — Officiating

Read letter under date the 6th
October 1852 from the Sessions Judge of Madura,
forwarding English Translation of the record of case
No. 32 of 1852, on the Calendar of the Sessions Court
for the final Judgment of the Court of Foujdaree Adawlut —

(Reverts F. M. No 2467 of 1852).

The Court of Foujdaree Adawlut,

Mr. G. S. Hooper
and
Mr. F. Anderson.

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

1st Audiappa Pillay
2nd Lutchmana Pillay,
3rd Kanlimpapa
and
4th Thandavan

were not convicted on sufficient proof or on the
evidence of credible witnesses, or on their own confession

of

of the crime charged, do acquit them thereof and direct that they be set at liberty.—

1 The Court of Foujdaree Udalut have concurred with the Sessions Judge in considering the evidence insufficient for the conviction of any of the Prisoners in this case, and have therefore directed their unconditional release.—

2 The Court however are constrained to observe that the trial before the Sessions Court has not been conducted with sufficient care & attention. No evidence was taken as to the finding of the skull and bones in the well: only one witness was examined on this point & his deposition is most unsatisfactory as to the finding of the Remains; the Kotwal at the place where the murder was alleged to have been committed and the prosecutor was the only person examined in regard to the jewels produced in Court having been found in the house of the 1st Prisoner, nor was the cross-examination of the witness of that searching character which the nature of the Case required.—

Ordered that Extract from the Proceedings be sent to the Sessions Judge of Madura for his information and future guidance by Circuit & returnable within [illegible] days from and after its receipt.—

(Sent following Precept No 1243).

Read Calendar of Case No 45 of 1852 on the file of the Sessions Court of Trichinopoly.

(Here enter F. H. No 2403 of 1852).

The Court of Foujdaree Udalut observe that information in respect to the value of the different articles of stolen property found on each Prisoner has not been afforded in the Calendar of the foregoing Case, as required by the Circular instructions of the Foujdaree Udalut dated 16th December 1851, and they direct that the Sessions Judge will now supply the omission.—

Ordered that Extract from these Proceedings be forwarded by Precept returnable within V days to the Sessions Judge of Trichinopoly for his information and guidance.—

(Sent following Precept No 1244).

Read Criminal Report of Cases pending on the 30th September 1852, and committed for trial during the months of June, July and August 1852, before the Sessions Judge of Tinnevelly.—

(Here enter F. H. No 2412 of 1852).

Case No 25.

The Court of Foujdaree Udalut remark that the trial of this Case commenced on

on September 2nd 1852, and has not yet been disposed of, and they therefore direct the Sessions Judge to report the cause of such delay for their information.—

Ordered that Extract from the Proceedings be sent to the Acting Sessions Judge of Chingleput by precept returnable within V days from and after its receipt.—

(Sent following Precept No. 2144)

Read Calendar of Case No. 30 of 1852 on the file of the Sessions Court of Cuddalore

(Here enter F. C. No. 2433 of 1852)

The Court of Foujdaree Adawlut are of opinion that the foregoing case has been disposed of in too summary a manner, and that the Acting Sessions Judge erred in dispensing with the examination of the 5 last witnesses for the prosecution. The evidence of those individuals might not possibly have proved of much importance but as they were cited by the Prosecutrix to prove points not altogether immaterial, the Court consider that their statements should have been received.

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

(Sent in No. 1246.)

Read

Read letter dated the 8th Instant from the Sessions Judge of Bellary submitting an explanation in regard to his having originally remanded case No. 32 of 1852 on the Sessions Calendar to the Subordinate Court for disposal there.—

(Here enter F. C. No. 2489 of 1852).

Read Criminal Report dated the 15th Instant submitted by the Acting Sessions Judge of Chingleput for the Month of September 1852.—

(Here enter F. C. No. 2490 of 1852).

Read Extract from the Proceedings of the Sessions Court of [illegible] the 15th October 1852 remarks of the Sessions Court on the Petty Calendars of the Magistracy for the 2nd Quarter 1852.—

(Here enter F. C. No. 2491 of 1852).

Read Calendar of Case No. 20 of 1852 submitted by the Sessions Judge of Coimbatore under date the 6th August 1852.—

(Here enter F. C. No. 2492 of 1852).

Read Criminal Report dated the 1st Instant submitted by the Sessions Judge of Combaconum for the Month of September 1852.—

(Here enter F. C. No. 2493 of 1852).

Read

18th October 1852.

Read Statement dated the 1st Instant submitted by the Acting Subordinate Judge of Combaconum showing the amount realized by the labor of the Prisoners in the 3rd Quarter 1852.-

(Here enter F.M. No. 2494 of 1852)

Read report dated the 4th Instant submitted by the Acting Sessions Judge of Cuddalore of persons apprehended in the Zillah of Cuddalore and delivered to the Magistracy the Month of September 1852.-

(Here enter F. C. No. 2495 of 1852)

Read return dated the 12th Instant from the Sessions Judge of Cuddapah in pursuance of the Fouzdaree Circular dated the 6th Instant directing a reduction of the Sentences passed on the Prisoner in Criminal Cases Nos. 159 and 160 of 1852.-

(Here enter F. C. No. 2496 of 1852)

Read Calendar of Case No. 64 1852 submitted by the Sessions Judge of Cuddapah under date the 14th October 1852.-

(Here enter F. C. No. 2497 of 1852)

Read letter dated the 11th Instant from the Sessions Judge of Cuddapah respecting the execution of the Prisoner G. Weligadoo Prisoner in Case No. 55 of the Calendar for

(Here enter F. C. No. 2498 of 1852)

Ex. 15 Oct

+

F. C.

Wednesday 20th October 1852.

At a Court of the Fouzdaree Adalut.

Present

G.H.B. — G: S: Hooper Esqre —
Vide — Ps — F. Anderson Esqre — officiating
W. for W: A: D: Inglis Esqre — officiating
} Puisne Judges.

Read Miscellaneous Petitions forwarded by the Sessions Judge of Bellary on behalf of Rabee Saib and Soudagar Booden Saib of that Zillah.-

(Here enter F. Gr: P. Nos. 125 & 126 of 1852).

G: S: Hooper and W: A: D: Inglis.

1. The above Petitioners are 1st and 2nd Prisoners in Case No. 26 of 1852 on the file of the Sessions Court of Bellary and the object of their present application is to obtain the cancellation of the sentence of 4 years imprisonment recorded against them on their conviction of Forgery.-

2. Before passing final orders on these Petitions, the Court of Fouzdaree Adalut resolve to call for translations of the Bond No. 2. and the original Receipt No. 1 on the record of the foregoing case.-

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

Bellary by Precept returnable within V days from and after its receipt.

Do 18th.

(Sent following Precept No. 1249).

Read Return dated 11th October 1852 from the Acting Session Judge of Salem to the Precept of the Fouzdaree Udalut under date the 8th October 1852 calling upon the Acting Session Judge to review the Pro: in case No. 128 of 1852 on the file of the Subordinate Judges Court at Salem.

/Here enter No. 2481 of 1852/

F. No.

Friday 22d October 1852.

At a Court of the Fouzdaree Udalut

Present:

Sir W.H. G.L. Brooke Esqrs.
Lt. Col. for Finlay Anderson Esqr. Offg.
W.L. for H.A.D. Ellis Esqr. Offg.

Read Letter under date the 5th October 1852. from the Subordinate Judge of Cuddalore /Here Enter No. 2466. of 1852./

The Court of Fouzdaree Udalut sanction the offer of a Conditional pardon to the 5th and 6th prisoners in the case referred to in the foregoing letter, for whose commitment, as prisoners, no sufficient ground appear to have existed, as with the exception of the 2d prisoner, which is clearly entitled to no credit, there was nothing to connect them with the crime laid to their charge.

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

(Sent in No. 1251.

Read Calendar of Case No. 24 of 1852 in the file of the Sessions Court of Coimbatore

/Here Enter No. 2462 of 1852)

In the absence of any evidence being adduced on the part of the Prosecution forthcoming upon which the 1st Witness in this case could be held over his trial for the murder charged, the Court of Fouzdaree Udalut resolve to direct that he be discharged from custody but as he is shown to have knowingly concealed in his testimony and not to have fulfilled the Conditions of the pardon offered to him, the Court of Fouzdaree Udalut decline to grant to him a Certificate of pardon, and direct that the circumstances of this case

case be brought to the notice of the Magistrate in order that in the event of evidence being hereafter forthcoming against the individuals in question, he may be brought to justice

Ordered that Extract from these proceedings be sent to the Session Judge of Coimbatore for his information and guidance & proceedings returnable within III days from date after its receipt.—

(Sd) Sobering Precedt No. 1252

Read Calendar of Case No. 31 of 1852 on the file of the Session Court of Cuddalore.

(True Extract No. 2465 of 1852)

It appears to the Court of Kistnagherry that the Acting Session Judge has conducted the trial of this case in a somewhat summary manner, and they observe that the evidence of the 3rd 4th 5th and 6th Witnesses should not have been dispensed with.

The Prisoners were both taken from their defence and cited witnesses, but it is not stated in the Calendar what was the nature of their defence or of the evidence in support of the information on which points should be invariably supplied in the Calendars of Cases tried by the Session Courts

Ordered that Extract from these proceedings be sent to the Acting Session Judge of Cuddalore for his information and future guidance

(Sd) [illegible]

(Sd) [illegible]

x

x

Saturday
23d October 1852

No. 6

At a Court of the Kistnagherry Adalut

Present

Sd/ H. S. Cooper Esqre
Sd/ Lindsay Anderson Esqre Offg
Sd/ W. A. D. Inglis Esqre Offg

} Session Judge.

Read again Extract Records entered in the Session Judge of Chingleput for the Month of August 1852.

(Extract No. 2360 of 1852)

Read also return dated the 12th October 1852 from the Session Judge of Madura, to the Precedt of the Kistnagherry Adalut dated the 4th October 1852 directing the Session Judge to return the proceedings in Case No. 100 of 1852. on the file of the Provincial Criminal Court.

(True Extract No. 2486 of 1852)

As it appears that the Prisoner in the case referred to in the foregoing return had been convicted and punished per Sentry before for a similar offence, the Court of Kistnagherry Adalut see no reason to interfere with the sentence which has been passed upon him

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

(Sd) [illegible]

(Extract No. 1256.)

Read Calendar of Case No. 41 of 1852 of the Session Court of Salem

(True Extract No. 2471 of 1852)

The Court of Kistnagherry Adalut approve of the recommendation made by the Session Judge in this Case that the imprisonment, which the Prisoners is noted in the margin have been adjudged to suffer, on their conviction of the crime of House breaking and Theft, and

1 Talwar two edged sword
Khumbee.
2 Kuttar a dagger
Curry.

suspicion

Assistant Agents Trichinopoly Reports
Case No 24

possessing Stolen property with a guilty knowledge, be reduced in the case of the 1st Prisoner to six years', and that of the 2d to 8 Months' Imprisonment, both with hard labor in irons; and that they do authorize the Sessions Judge to issue his warrant accordingly.

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

(Sent in a/c No 1257.)

Read Criminal Reports submitted by the Agent to the Governor of Fort Saint George in Council for the months of August 1852.

Have Entered No 2440 of 1852.

The prisoner in this case was charged with fraud in having received the sum of Rupees 56 8 0 for the purpose of redeeming a Silver Cota, the property of the prosecutor which had been left with him and afterwards refused to restore either the Cota or the sum given to him to redeem it, denying the receipt of the latter

2

The Prisoner on conviction, was sentenced to pay a Fine of Rs 50 or in default to be imprisoned for 15 days

3

This sentence has been reversed by the Agent on appeal, that Officer considering that it was not a case for the intervention of the Magistracy, and that the prosecutor should have been referred to the Civil Courts for redress

Assuming the facts of the case to be as stated by the Assistant Agent, the Court of Sessions Judge are of opinion that the act charged against the prisoner was clearly a fraud, punishable by the Magistrate or Criminal Court

It is observed however that the case having been disposed of under Regulation IX of 1816, should

have been entered in the Monthly Criminal Reports, and in the Calendars of Petty Cases disposed of by the Magistracy.

Ordered that a Extract from these proceedings be sent to the Agent to the Governor of Fort Saint George in Council for his information and future guidance.-

(Sent in a/c No 1258.)

Lt. Thos. Wyatt

F: W:

Monday 25th October, 1852.

At a Court of the Toujdaree Adalut.

Present.

G: S: Hooper Esqre.
F: Anderson Esqre. — officiating
W: A: D: Inglis Esqre. — officiating
} Puisne Judges

Read Calendar of Case No. 46 of 1852 of the Sessions Court of Combaconum.—

(Here enter F: W: No. 2483 of 1852).

The Court of Toujdaree Adalut

approve of the recommendation made by the Sessions Judge in this Case, that the imprison-

Cunagapillay. ment, which the Prisoner noted in the margin has been adjudged to suffer on his conviction of the crime of Perjury, be reduced to three months imprisonment 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 Combaconum for his information.—

(Sent in No. 1260.)

Read Calendar of Case No. 47 of 1852 of the Sessions Court of Combaconum.—

(Here enter F: W: No. 2484 of 1852)

The

25th October 1852.

The Court of Fonjdaree Udalut

Approve of the recommendation made by the Sessions Judge in this Case that the imprisonment which the Prisoner noted in the margin has been adjudged to suffer on his conviction of the crime of Theft be reduced to one year's imprisonment 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 Combaconum for his information.—

Sent in No. 1261.)

"Sellum".

Tuesday.

26th October 1852

No.

At a Court of the Fonjdaree Udalut

Present:

G. J. Hooper Esqr.
Dudley Anderson Esqr. Offg.
W. A. D'Anglis Esqr. Offg.

} Fonjdaree Judges.

Read a Letter dated 19th October 1852, from the Sessions Judge of Combaconum submitting translation of the Record in Case No. 44 of 1852. for the final judgment of the Fonjdaree Udalut.

(Vide Letter No. 2547 of 1852)

The Court of Fonjdaree Udalut, on a deliberate consideration of all the circumstances of the case as evinced before them, being of opinion that the proof against the Prisoner "Veerabhen"

is sufficient to convict him of the crime of severe wounding with intent to Kill, for which according to the Koshkana, or Hindu Law, as declared in Futwas of their Law Officers, and Law, as declared in Regulation XVII, of 1817, Section VII, Regulation XII of 1807, Regulation VIII, of 1828. and Section XXXIV, Act XVII, of 1843, sentence him to receive one hundred Lashes with a Cat o' nine tails, and to be imprisoned, and kept to hard labor in irons on the public roads or other public works for and during the term of his natural life.

(Sent in No. 1264.)

Read a letter dated 18th October 1852. from the acting Sessions Judge of Tellore, Salem, transmitting translation of the Record in Case No. 21. of 1852. for the final judgment of the Fonjdaree Udalut

(Vide Letter No. 2533. of 1852)

the

Ser. G. J. Hooper.

Mr. R. S. Rooper
to Mr. A. D. Ingles

The Court of Tanjavore Adalut, on a delib-
-rate consideration of all the circumstances of the case
in evidence before them, being of opinion that the proof
against the Prisoners

1st Gudee Chinna Pareya,

and

2d Manachali Chinna Erlaly

is sufficient to convict them of the crimes charged, do con-
-vict them thereof, and do sentence them to be transported
to such place or places beyond sea as the Governor in Coun-
-cil shall appoint, there to be imprisoned, and kept
to hard labor, on the public roads or other public works for
and during the term of their natural lives.-

(Seal to No. 1265.)

Read Calendar of Case No. 27 of 1852.
on the file of the Sessions Court of Tanjore.-

Where Cadjan Dike No. 1265 of 1852.

Carew Smith

The Court of Tanjavore Adalut adhere
to the recommendation made by the acting Sessions Judge
in this case that the period of Imprisonment adjudged
to the prisoners be reduced to three years, and they
authorize the Acting Sessions Judge to issue his warrant accordingly.

2

The Court of Tanjavore Adalut observe,
that the 2d Question propounded to the Mahomedan
Law officers in this case, should have been framed
"supposing the charge to have been established by full
"& legal evidence" &c., and not supposing the charge
"to have been fully established by the evidence of credible
"witnesses" &c. no objection taken by the Mahomedan Law
officers to the credibility of the witnesses, being removable
by a second question. -

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

(Seal to No. 1266.)

Ed. Thomas Lake

Read letter dated the 11th Instant
from the Agent to the Governor of Fort St. George
at Kumbaconum submitting a report of the trial
in Criminal Case No. 37 of 1852 on the file of
his Court, for the final orders of the Tuljavore
Adalut.-

(Prisoners No. 2488 of 1852)

Four Prisoners in this Case are
charged with having on the night of the 23d June
1852 in company with a gang of persons armed
with weapons and carrying torches, entered
the dwelling house of the Prosecutrix Nagum-
-ma Stories three and certain gold and
silver jewels with cash to the amount of Pd. Rs.
150-4-0 and further with having maltreated
the said Naguneenah.

2

The Agent acquits the 3d and 4th
Prisoners, and has released them, but he con-
-victs the other two Prisoners Nos.
1st Gulla Dasary Pureategaden
and
2d Baya Gerra Nagadoo
and recommends that they be sentenced each
to 7 years imprisonment with hard labor
in irons under Clause 3d Section IX Regulation
XV of 1803.-

The Court of Tanjavore Adalut
concur

concurring in the conviction of the prisoners

1st Colla Dassery Kuratgadee

and

2d Boya Gerra Nagadee

and resolve accordingly to Sentence them to be imprisoned with hard labor six years on the public roads or other public works for and during the period of 7 years under the provisions of the Regulations already cited.-

Ordered that Extract from these proceedings be forwarded to the Agent at Kurnool for his information.-

Sentence No. 1267.

F. C.

Wednesday 27th October 1852 } At a Court of the Foujdaree Udalut

Present:

H.R. G. S. Hooper Esquire
Addl. Jr. H. Anderson Esquire Officiating } Puisne Judges
Actg. for W. A. D. Inglis Esquire Officiating

Read Miscellaneous Petition presented on the 9th September 1852 by Akilandum of the Zillah Trichinopoly

(Here enter F. M. P. No 123 of 1852)

The Petitioner is referred to the orders passed by the Court of Foujdaree Udalut on the 30th August last in the matter to which this Petition relates and which orders the Petitioner is informed are final.

Mr. W. A. D. Inglis

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

Read Miscellaneous Petition presented on 20th September 1852 by Kaupy Naiken of the Zillah Trichinopoly

(Here enter F. M. P. No 129 of 1852)

The Court of Foujdaree Udalut observe that the order appealed against was passed on the 31st July 1851, and that the Petitioner did

Mr. W. A. D. Inglis

27th October 1852.

did not apply for a copy of the same till 23d August 1852 which is upwards of a year after the order was passed.

2 The Court of Foujdaree Udalut see no reason at this late period to interfere in the matter in question, and they therefore dismiss this application.

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

Read again Calendar of Case No 4 of 1852, on the file of the Session Court of Rajahmundry.

(Here Enter F. M. No 1757 of 1852)

Read also again Miscellaneous petition from Gaffoor Khan Rohillah forwarded by the Session Judge of Rajahmundry under date the 23d August 1852.

(Here Enter F. M. P. No 116 of 1852)

Read also return dated 5th October 1852 from the Session Judge of Rajahmundry to the precept of the Foujdaree Udalut under date the 15th September 1852 requesting the transmission of a portion of the translations of the records in Case No 4 of 1852 on the Calendar

(Here Enter F. M. No 2503 of 1852)

Upon

27th October 1852.

Mr F. Anderson. and Mr W. A. D. Inglis.

Upon a perusal of the portion of the record of the above Case submitted with the foregoing Return the Court of Foujdaree Udalut see no sufficient reason for disturbing the sentence passed by the Session Judge of Rajahmundry.

Ordered that Extract from these Proceedings be sent to the Session Judge of Rajahmundry for communication to the Petitioner.

(Sent in No 1269)

Read again Calendar of Case No 29 of 1852 on the file of the Session Court of Combaconum.

(Here Enter F. M. No 2206 of 1852)

Read also return under date the 6th October 1852 from the Session Judge of Combaconum to the precept of the Foujdaree Udalut dated the 20th September 1852 directing the submission of an English Translation of the record of the foregoing Case.

(Here Enter F. M. No 2463 of 1852)

The prisoner in this Case was charged

1 with forgery in having forged a settlement of accounts purporting to have been executed by the Prosecutor and further with having uttered the said document knowing it to have been forged.

The document which the prisoner

2 was charged with having forged, was filed by him in a

a Civil Suit instituted by him against the prosecutor who produced in his defence and with the view of rebutting the document referred to in the indictment in this Case, another document which has been proved to be a forgery and the forgery of which the prisoner has been convicted of by the Sessions Court in Cases Nos 3/c of 1852.

3 The Sessions Judge, in concurrence with the assessors associated with him on the trial has convicted the prisoner of the Crime laid to his charge, and sentenced him to 6 Years imprisonment with hard labor in irons the evidence upon which he has considered the charge to have been established being the appearance of the Cadjan upon which the agreement is engrossed, and which he considers to prove it to have been much more recently executed than it purports to have been, the fact of its not agreeing with the purport of the plaintiffs the Suit in which it was filed which makes to appear that it was executed by the prisoner himself instead of by his father and the fact of the prisoner having admitted to one Samy Iyen that the prosecutor did not owe him as much as he had sued him for.

4 On an attentive perusal of the record the Court of Fouzdaree Udalut consider the evidence insufficient for the conviction of the prisoner and they accordingly

accordingly direct that he be unconditionally released.

5 With reference to the first ground assigned by the Sessions Judge for considering the document referred to in the indictment to have been forged, viz. the fresh appearance of the Cadjan upon which it was engrossed, the Court of Fouzdaree Udalut observe that the Sessions Judge ought to have taken the evidence of persons competent to give an opinion on this point, which would have afforded the prisoner an opportunity of rebutting it.

6 The evidence of Samy Iyen does not go so far as to prove that the prisoner admitted the document to be a forgery, nor is it consistent, for before the Subordinate Judge this witness deposed that the prisoner said the prosecutor need not pay him the full amount of the Suit, and that he would be satisfied with a part of the same. but did not state that the prisoner had admitted that the Defendant did not owe him as much as he had sued for as was afterwards alleged by the witness before the Sessions Court.

7 The Court observe that the Sessions Judge was not justified in cross questioning the prisoner who had pleaded "not guilty" to the indictment.

Ordered

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

(Sent following Precept No 1270)

Read Calendar of Case No 65 of 1852 on the file of the Sessions Court of Cuddapah.

(Here enter F. C. No 2515 of 1852)

1 The evidence in the foregoing Case as stated in the abstract of it recorded by the Sessions Judge in the Calendar would appear to have been amply sufficient for the full conviction of the accused and the Court of Foujdaree Udalut see therefore reason to question the propriety of their acquittal.

2 The Court of Foujdaree Udalut resolve to direct that an English translation of this record of this Case may be submitted for their consideration so soon as the records of the several Cases now set down for reference shall have been dispatched.

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

(Sent following Precept No 1271)

Read Calendar of Case No 34 of

of 1852 submitted by the Sessions Judge of Rajahmundry under date the 15th Instant.

(Here enter F. C. No 2538 of 1852)

Read Calendar of Case No 33 of 1852 submitted by the Acting Sessions Judge of Salem under date the 15th Instant.

(Here enter F. C. No 2542 of 1852)

Read Calendar of Case No 34 of 1852, submitted by the Acting Sessions Judge of Salem under date the 15th Instant.

(Here enter F. C. No 2543 of 1852)

Ex 18

F. C.

Friday.
29th October 1852

At a Court of the Fouzdaree Udalut

Present.

Present—G. S. Hooper Esqre — Puisne Judge.
Vice Jn. T. Anderson Esqre Acting Puisne Judge
Vice for W. A. D. Inglis Esqre Acting Puisne Judge.

Read letter dated 29th September 1852 from the Sessions Judge of Tellicherry, submitting for the final judgment of the Fouzdaree Udalut the record of Cases Nos. 4 and 5 of the Calendar of the Session Court for 1852.

Cases Nos. 4 & 5

Mr. T. Anderson
Mr. W. A. D. Inglis.

(Hereafter F. C. Nos. 2437 of 1852.)

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

2nd Cheeriat Magan Gatty
6th Cheeriat alias Pookhol
7th Cheeriat alias Pookhol Hassan
9th Tayil Valia Parry
10th Tayil Coonjamod
11th Tayil Sachoo
12th Tayil Cheeria Parry

14th

14th Vayail Coonjamood

15th Konnan alias Canoompratho Ahmud

17th Kenian Parry

20th Paramba karen alias Pattarathe Vadooman

21st Chalumbran alias Catelepediya Packroo

22d Chalumbran alias Catelepediya Ahmud

23d Anora Ahmud

24th Rawanpediya Toopra

25th Chandrothe Edakkaden Kandy Soopy

26th Jaytkandy Valliambran Moosa

29th Vamedathe Coonjanny — and

30th Katilpidiakkal alias Canoompratho Chooriot Ahmud

is sufficient to convict them of the crimes charged &
convict them there of and under the provisions of
Clause third Sections VII and VIII Regulation XII of
1803 sentence the prisoners.

2d Chooriot Magan Cotty

6th Chooriot alias Pookkal Coonjamood

7th Chooriot alias Pookkal Hassan

9th Tayil Valia Parry

10th Tayil Coonjamood

11th Tayil Packroo

12th Tayil Cherria Parry

14th Vayail Coonjamood

15th

15th Konnan alias Canoompratho Ahmud

17th Kenian Parry

20th Paramba karen alias Pattarathe Vadooman

21st Chalumbran alias Catelepediya Packroo

22d Chalumbran alias Catelepediya Ahmud

23d Anora Ahmud

24th Rawanpediya Toopra

25th Chandrothe Edakkaden Kandy Soopy

26th Jaytkandy Valliambran Moosa — and

30th Katilpidiakkal alias Canoompratho alias Chooriot Ahmud

to be imprisoned for 10 years and to be —
banished during the period of their sentences from the Districts
in which their places of abode are situated and kept to hard
labor in irons on the public roads or other public works
in the Zillah of Tinnevelly and the prisoner,

29th Vamedathe Coonjanny

to be imprisoned and kept to labor suitable to her age in the
Zillah Jail of Tellicherry for and during the period of (3)
three years

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

1st Cotally Abdolla by Cutkal Ramoony

3d Chooriot alias Pookkal Ahmud

4th Chooriot alias Pookkal Toopra

5th Chooriot alias Pookkal Kalandan

8th

8th Tayckandy Pockar

13th Vayal Packy

16th Vayalil pridiga Taraony

18th Kariatt Coonjamad

19th Paramba karan alias Pattarathe Mayan

27th Tadathil kandy Moossa - and

28th Vaiapathe Toopra

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 prisoners

3rd Chooriat alias Poolikul Ahmad

4th Chooriat alias Poolikul Toopra

5th Chooriat alias Poolikul Kalandan

8th Tayckandy Pockar

13th Vayal Packy

16th Vayalil pridiga Taraony

18th Kariatt Coonjamad

19th Paramba karan alias Pattarathe Mayan

and

28th Vaiapathe Toopra

be set at liberty

But considering that strong suspicion tho' not amounting to conviction attaches to the prisoners

1st Cottally Abdoolla by Vakeel Ramony

and

27th Tolathil Kandy Moossa

they direct that under Clauses 2nd & 5th Section 3rd Regulation 3rd of

No 26.

29th October 1852.

of 1803 the prisoners

1st Cottally Abdoolla by Vakeel Ramoony

be required to find 2 Sureties in (500) Five hundred Rupees each Surety for his good behaviour and appearance when required within (3) three years and that in default thereof he be detained for (3) three years in confinement without labor or irons,

and the prisoner,

27th Tadathil Kandy Moossa

be required to find 2 Sureties in (100) One hundred Rupees each surety for his good behaviour and appearance when required within (3) three years and that in default thereof he be detained for three years in confinement with labor and without Irons.

The Court of Sessions would not have been unable to concur with the Session Judge in considering the evidence sufficient for the full conviction of the 1st and 27th prisoners in this case, but being of opinion that strong suspicion attaches to them have placed them under requisition of Security.

The evidence shows that the 1st prisoner was on bad terms with the murdered Kalitthil Tangal especially in regard to a Suit in the District Moonsiffs Court, that he was influential among the Moplahs in that part of the country, that on the day preceding he was in the vicinity, which however is accounted for by

by the fact of his having pepper gardens to look after
there and that in the evening shortly before the assault
commenced he must have passed and did pass the Talli
Mosque, when certain of the Fanatics held a Moolood
or Festival previous to the attack, he being then on his way
to Noorodly four miles from the Kalattil house, where
he slept in the shop of one Ahmed

3.

It was also stated by certain witnesses
that when they saw him next morning at the said shop
he had an agitated and suspicious appearance and the
circumstance of his avoiding the houses and the Mosque
when Mooloods were being performed in commemora
of his prophets birthday and his sleeping in a petty
shop with nothing but a cocoanut leaf floor to be
certainly sufficient to create a suspicion that he was
cognizant of what was to take place

4

The Court of Foujdaree Udalut has
concurred with the Session Judge in distrusting the
evidence of the first seven witnesses so far as the
said witnesses identified the prisoners as having been
present at and taking part in the assault on the house
of the Kalattil Tangul and for the reasons stated by
the Session Judge they consider the evidence of the 13th
witness in regard to the 1st prisoner having been
by him on the evening of the 4th January conversing
with

with some Moplahs at the Talletti Mosque to be
altogether undeserving of credit, and there only remains
therefore the circumstantial evidence above stated which
though involving the said prisoners in strong suspicion
does not in the opinion of the Court afford proof of his
guilt.

5.

Against the 27th prisoner who is the
servant and Agent of the 1st prisoner there is independ-
ently of the direct evidence rejected, only the statement
of the 18th witness that he saw him going in company
with one Cootteessa on the night in questions in the
direction of the Kalattil Tangul's house and that the
said two parties had with them a Gun and two
Over-knives.

6

The Court of Foujdaree Udalut
cannot conclude their remarks on this important
trial without recording their opinion of the very
satisfactory manner in which it has been conducted
by the Session Judge and of the able review of the
evidence submitted in his letter of reference.

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

Section No. 1276

Read letter dated the 29th September 1852
from

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that when they saw him next morning at the said shop
he had an agitated and suspicious appearance and the
circumstance of his avoiding the houses and the Mosque
when Mooloods were being performed on commemoration
of his prophets birthday and his sleeping in a public
shop with nothing but a cocoanut leaf door to be
certainly sufficient to create a suspicion that he was
cognizant of what was to take place

4. The Court of Fouzdaree Udalut have
concurred with the Sessions Judge in distrusting the
evidence of the first seven witnesses so far as the
said witnesses identified the prisoners as having been
present at and taking part in the assault on the house
of the Kalattil Tangul and for the reasons stated by
the Session Judge they consider the evidence of the 13th
witness in regard to the 1st prisoner having been seen
by him on the morning of the 4th January corresponding with the

with some Moplahs at the Palethi Mosque to be
altogether undeserving of credit, and there only remains
therefore the circumstantial evidence above stated which
though involving the said prisoners in strong suspicion
does not in the opinion of the Court afford proof of his
guilt

5. Against the 27th prisoner who is the
servant and Agent of the 1st prisoner there is independ-
ently of the direct evidence repeated, only the statement
of the 18th witness that he saw him going in company
with one Coottoossa on the night in question in the
direction of the Kalattil Tangul's house and that the
said two persons had with them a Gun and two
Swords or Knives

6 The Court of Fouzdaree Udalut
cannot conclude their remarks on this important
trial without recording their opinion of the very
satisfactory manner in which it has been conducted
by the Session Judge and of the able review of the
evidence submitted in his letter of reference

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

Section No. 1276

Read letter dated the 29th September 1852
from

from the Session Judge of Tellicherry, submitting for the final judgment of the Foujdaree Udalut the record of the Nos 6 and 7 of the Calendar of the Session Court for 1852.

(Here enter F. Uc. No 2437 of 1852)

Mr. T. Anderson
Mr. W. A. D. Inglis.

Case No 7.

The Court of Foujdaree Udalut on deliberate consideration of all the circumstances of the cases in evidence before them being of opinion that the Prisoner,

"Tayil Coonhy Mayen"

is not convicted on presumptive proof or on the evidence of credible witnesses, or on his own confession of the crime charged, do acquit him thereof, and direct that he be set at liberty.

(Sent in No 1276

Read letter dated the 4th instant from the Agent to the Governor of Fort St. George at Vizagapatam submitting a report of the trial of 12 Prisoners in Case No 17 of 1852 who were charged with assaulting and causing the death of Pottaky Joghiah.

(Here enter F. Uc. No 2474 of 1852)

Mr W. A. D. Inglis. 1.

The Agent convicts the 1st 3rd 4th 9th 11th and 12th Prisoners of Culpable Homicide and recommends that under Clause second Section xx Regulation xiv of 1802 and Section ix Regulations of 1825, a sentence of (3) three years imprisonment with hard labor in irons be passed

passed upon the 1st and 3rd Prisoners,

Coyana Bungaury and

Meesala Basing,

that a sentence of (18) eighteen months imprisonment with hard labor in irons be passed on the 4th and 9th Prisoners

Empada Soty and

Anthoola Bungaury

and that a sentence of six months imprisonment with hard labor in irons be passed against the 11th and 12th Prisoners

Vuddandy Paroyah and

Nealrowloo Yarakoyah

The Court of Foujdaree Udalut concur in the conviction of the Prisoners and resolve to propose the sentences proposed by the Agent to be passed on the Prisoners respectively.

Ordered that Extract from these Proceedings be forwarded to the Agent at Vizagapatam for his information

(Sent in No 1277.

Read letter dated the 20th October 1852 from the Session Judge of Coimbatore, submitting for the final judgement of the Foujdaree Udalut the record of case No 26 of 1852 on the Calendar of the Session Court.

(Here enter F. Uc. No 2571 of 1852)

Mr. A. S. Hooper
Mr. T. Anderson
Mr. W. A. D. Inglis

The Court of Foujdaree Udalut on a deliberate consideration

consideration of all the circumstances of the case in evidence
before them being of opinion that the proof against the pris-

"Moollooneaffpon"

is sufficient to convict him of the crime of Perjury do
convict him thereof, and under the provisions of Clause
first Section III Regulation VI of 1811 and Section XXXVII Act
XVII of 1843 sentence him with reference to his old age to
imprisoned and kept to labor without irons on the
public roads or other public works for and during
the period of (6) six months.

(Sent in No. 1278.

Read letter under date the 1st instant
from the Acting Session Judge of Honore

(Here enter F. No. 2458 of 1852)

The Court of Foujdaree Udalut observe
that by the provisions of Section 9 Regulation XX of 1831
the office of Register of Deeds is vested in the Subaltern to
Principal Sudr Ameens Courts and that therefore it was
not competent to the Acting Session Judge to register
deeds after the Principal Sudr Ameen had assumed
charge of his Court.

Ordered that Extract from these
proceedings be sent to the Acting Session Judge of
Honore for his information and future guidance.

(Sent in No. 1279

Read

Read letter dated 16th October 1852
from the Session Judge of Cuddapah, submitting
for the final judgment of the Foujdaree Udalut
the record of Case No. 16 of 1852 of the Calendar of
the Session Court

(Here enter F. No. No. 2532 of 1852)

The Court of Foujdaree Udalut on
Mr. F. Anderson
Mr. H. A. D. Inglis
a deliberate consideration of all the circumstances
of the case in evidence before them being of opinion
that the proof against the prisoners,

1st B. Sasheeyadoo
and
2d K. Jungummadoo

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

But being of opinion that the
prisoner,

3d Chinna Rungadoo.

is not convicted on presumptive proof or on the
evidence of credible witnesses, or on his own confession
of the crimes charged, the Court do acquit him
thereof

29th October 1852.

thereof; but considering that strong suspicion tho' not amounting to conviction attaches to him they direct that he be required under Clause sixth, Section 2 Regulation XX of 1803, to find two sureties in 50 Rupees each surety for his good behaviour and appearance when required within one year, or in default thereof that he be detained in custody for one year.

The Court of Tongdaree Udalut observe that the Session Judge should have taken evidence to the appearance of the bones supposed to be those of the deceased, there being nothing on the record to show that the bones found belonged to the body of a person recently deceased.

2.

The Session Judge should also have stated his reasons for recommending that the prisoner's penalty of the Law should be commuted to banishment for life.

3

The Court of Tongdaree Udalut have been unable to concur with the Session Judge in considering the evidence sufficient for the full conviction of the 3rd prisoner, but being of opinion that strong suspicion attaches to him have placed under a requisition of security

4.

The Court of Tongdaree Udalut observe that the reports of the boy being missing were made to

F 76.

29th October 1852.

the Head of District Police on the 2nd and 4th March and on the 8th that the prisoner had confessed but that the body was not yet found. The Head of Police issued an order on the subject on the 9th but it was not till the 12th after the receipt of the report of the Surshasum dated the 11th that the Head of Police deputed the Sub Officer to carry on the investigation thus throwing the whole responsibility of the most important portion of the enquiry upon the Surshasum - a petty Officer of Police

The Court of Tongdaree Udalut

5

resolve to direct that the Magistrate will call upon the Head of Police for an explanation of his conduct in this matter and submit the same with the Session Court with any remarks he may have to offer thereon for the consideration of the Tongdaree Udalut.

Ordered that Extract from the said Proceedings be forwarded to the Session Judge of Sunderbands for his information and guidance and for communication of paras 4 and 5 to the Magistrate for his information and guidance by Precept returnable within xx days from and after its receipt.

(Sent following precept No. 1280)

Dt. 1852.

F. Uc.

Saturday 30th October 1852 } At a Court of the Fujdaree Udalut

Present.

Sdt. G. S. Hooper Esqr.
Wde Spl. W. A. D. Inglis Esqr. Offg. } Puisne Judges
Wl. for F. Anderson Esqr. do

Read again letter under date the 6th September 1837 from the Sessions Judge of Rajahmundry.

(Hereinafter F. Uc. No 2750 of 1832)

With reference to their proceedings dated the 24th Ultimo, the Court of Fujdaree Udalut resolve to direct the Sessions Judge of Rajahmundry to forward without delay the Calendar of Case No 37 of 1831 on the Criminal file of that Court, and to explain at the same time the cause of his not having proceeded to pass sentence immediately on receipt of the proceedings above alluded to.

Ordered that Extracts from these proceedings be sent to the Sessions Judge

Judge of Rajahmundry by Precept returnable within x days from and after its receipt.

(Sent following Precept No. 1282)

Read again Calendar of Cases No. 53, 54 and 55 of 1852 submitted by the Session Judge of Masulipatam.

(Vide entry F. Mc. No. 2133 of 1852)

Read also Miscellaneous petition forwarded by the Session Judge of Masulipatam from Canady Vellogada and 2 others of that zillah.

(Vide entry F. Mc. P. No. 735 of 1852)

Mr. F. Anderson

The Petitioners who are prisoners in the Cases above referred to, pray the Court of Foujdaree Udalut to call for the records thereof, and reverse the sentences passed upon them by the Session Judge.

2

The Court of Foujdaree Udalut on a perusal of the Calendar and Petitions in the Cases in which the prisoners have been convicted, see no reason to doubt the propriety of the sentence from which they appeal, and therefore dismiss this petition.

Ordered

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

(Sent in No. 1283.)

Read Miscellaneous Petition presented on the 9th August 1852 by Sattree Salla Patrudu of zillah Ganjam.

(Vide entry F. Mc. P. No. 109 of 1852.)

Mr. G. L. Hosper

The Case alluded to in the foregoing petition having been disposed of by the Court of Foujdaree Udalut in their proceedings passed under date the 28th August 1852, in which the prisoner (present petitioner) was ordered to be unconditionally released, the charge of "perjury" not having been established against him, no orders are now required on the Petitioner's application for his release further than to remark that the petition contains several highly improper and unwarranted imputations against the Agents in regard to that Officer's proceedings in the matter in question

Ordered

30th October 1852

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

Expd.
E.P.

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F. 11.

Monday. 1st November 1852 } At a Court of the Tonjadarce Adalut.

Present

Hon'ble G. S. Hooper Esquire
Hon'ble J. F. Anderson Esquire officiating } Puisne Judges
Hon'ble W. A. D Inglis Esquire —d—

Read the following letter dated the 27th October 1852 from the Sessions Judge of Madura.

/Here enter F. 11. No. 2586 of 1852/

With the above communication the Sessions Judge submits for the consideration and orders of the Court of Tonjadarce Adalut copies of a correspondence which has passed between the Joint Magistrate in charge of the Jail at Paumbum and himself having reference to an outbreak which has recently occurred among the convicts confined in that Jail.

1.

It appears that the Session Judge on receiving the first report of the disturbance in question recommended the adoption of certain measures, but

2.

which

which were not carried into effect by the Joint Magistrate as the Sailor Mr Swanegan considered the proposed punishment inadequate, and as likely to cause the Prisoners to resort to acts of still greater violence.

3. The Court of Tanjadore Udalut do not concur with the Joint Magistrate in viewing the outbreak in question as one of so very serious a nature, and they are of opinion that the measures suggested by the Sessions Judge for quelling it would have been found amply sufficient in the first instance, and that they are under all the circumstances the best that can now be adopted.

4. The Court remark that the Joint Magistrate is by Regulation X of 1832 vested with full power and discretion to punish all misconduct on the part of Prisoners under his custody, and had that officer in the exercise of such power acted in the first instance with due promptitude and energy there can be little doubt but that the outbreak might have been easily and effectually put down - But as

1st November 1852.

as the case now stands the Court see reason to apprehend that greater difficulty will be experienced in effecting that object, particularly as the Sailor Mr Swanegan appears to be wanting in the requisite energy and courage to meet it, and they deem it proper therefore to direct that the Sessions Judge will at once proceed to Tanjore and after examining into all the circumstances attending the outbreak that he will issue such instructions and adopt such measures as may appear to him best calculated to prevent the recurrence of a similar breach of discipline -

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

Sent in No 1286. 15

Dr 18 Dr

Tuesday 2d November 1852. } At a Court of the Foujdaree Adalut.

Present

Mr. G. S. Hooper Esquire
Mr. for F. Anderson Esquire Officg. Puisne Judges
Mr. for W. A. D. Inglis Esquire }

Read letter dated 22 October 1852 from the Agent to the Governor of Fort St. George at Kurnool submitting for the final Judgment of the Foujdaree Adalut, the Record of Case No. 49 of 1852 on the Calendar of the Agent.

/Here Enter Exhibit No. 259 of 1852/

The Court of Foujdaree

Mr. G. S. Hooper
F. Anderson
W. A. D. Inglis

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 Muddegadoo"

is sufficient to convict him of the crime of Rape, for which in the absence of the requisite conditions of Hud, discretionary punishment is awardable under the Mohammedan Law, are declared in Futwah

of

of their Law Officers, do convict him thereof, and under the provisions of Clause third, Section VII, Regulation XV of 1803, and Section XXXIV, Act VII of 1843 sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of seven years

/ Sent in Rc. 1288 /

Read Letter dated 15th October 1852 from the Acting Session Judge of Mangalore forwarding the Calendar and translation of the verdict of the Assessors in Case No. 33 of 1852, on the file of the Session Court.

/ Here Enter Ft. No. 2557 of 1852 /

Under the circumstances stated in the foregoing Letter from which it appears that the Acting Session Judge differs in opinion with the verdict of the Assessors respecting the guilt of certain of the Prisoners in the above case, the Court of Tonjdaree Adalut observe that it will be incumbent upon that officer under Section XXII, Regulation VII of 1802 to submit a translation of the

the entire record of the case for the consideration and final sentence of the Tonjdaree Adalut.

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

/ Sent in Rc. 1289 /

Read Criminal Reports dated 15th Ultimo, submitted by the Sessions Judge of Trichinopoly for the month of September 1852.

/ Here Enter Ft. No. 2526 of 1852 /

Read Statement dated 1st Ultimo submitted by the Sessions Judge of Trichinopoly of the amount realized by the labor of Prisoners in the 3d Quarter 1852.

/ Here Enter Ft. No. 2527 of 1852 /

Read return dated 13th Ultimo from the Sessions Judge of Rajahmundry to the precept of the Tonjdaree Adalut under date the 5th October 1852, suggesting the propriety of a mitigation in the sentence passed upon the Prisoners in Case No. 39 of 1852 on the Calendar

/ Here Enter Ft. No. 2529 of 1852 /

Read

2 November 1852.

Read Criminal Report dated 13th Ultimo & submitted by the Sessions Judge of Tellicherry for the months of September 1852.

/Here Enter Ftt No 2540 of 1852/

Read return dated 16th Ultimo from the Sessions Judge of Tellicherry to the precept of the Tonjidarce Adalut under date the 9th October 1852 reversing the sentence passed by the late acting Sessions Judge in Calendar of Cases Nos 31 and 39 of 1852 on the file of the Sessions Court, and directing that the Prisoner be severally required to produce two Sureties, to be bound each in the Sum of Rs 50, for their good conduct and appearance when called for during the space of 2 years.

/Here Enter Ftt No. 2545 of 1852/

Ext.

Mundlate

+

G. H.

Wednesday 3 November 1852 } At a Court of the Tonjidarce Adalut

Present

The Hon G. J. Cooper Esquire
Inda for F. Anderson Esquire Officiating } Puisne Judges
Ditto for W. A. D Inglis Esqre &c

Read Calendar of Cases No 17 of 1852 of the Sessions Court of Tellicherry.

/Here Enter Ftt. No 2559 of 1852/

The Court of Tonjidarce Adalut approve of the recommendation made by the Sessions Judge in this Case that the imprisonment, which the Prisoner 2d Ettalil Chekoor noted in the margin has been adjudged to suffer on his conviction of the Crime of Theft, be reduced to five years' imprisonment 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 Tellicherry for his information

/Sent in No. 1293./

Read

3rd November 1852.

Read Calendar
of Case No. 20 of 1852 submitted
by the Sessions Judge of Pomba.
-comma under date the 20th July 1852.

/Here Enter Pet No. 1816 of 1852/

Read also miscellaneous
Petition presented on the 29th September 1852
by Pahammal wife of Galla Vaccadava
Native Prisoner in Case No. 28 of 1852 pray-
-ing orders for the release of her husband.

/Here Enter Pet No. 130 of 1852/

Mr Anderson.

The Court of Fouzdaree Adaulut
see no reason to doubt the propriety of the
conviction of petitioners husband, or of the
sentence passed upon him, and therefore
dismiss this Petition.

Ordered, that Extract from
these Proceedings be forwarded to the
Sessions Judge of Chittoor for his infor-
-mation.

/Here Enter Pet No. 2513 of 1852/

3rd November 1852.

Report A
Case No. 105.

It has been ruled by the
Court of Fouzdaree Adaulut that the
climbing over the wall of a house
constitutes in Law a "breaking"; if,
therefore this fact was established by
the evidence in the case now under notice,
the sentence originally passed by the
Sessions Judge was correct.

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

/Sent in No. 1794. S/
Pet No 105

F. 26.

Thursday 4th November 1852 } At a Court of the Foujdaree Udalut

Present

Hd. Ma. G. S. Harper Esqr.
Hde. Ma. F. Anderson Esqr. Offg. D.
Ws. for W. A. D. Inglis Esqr. D.

} Puisne Judges

Read Calendar of Cases No. 29 of 1852 Submitted by the Session Judge of Cuttack under date the 6th October 1852.

(Vide Inter F. 26. No. 2574 of 1852)

The Court of Foujdaree Udalut observe that the Session Judge in passing sentence upon the Prisoner in this Case has omitted to award Labor - If this omission be not accidental the Session Judge will be pleased to amend his Sentence, the Court being of opinion that, as a general rule, Labor should always accompany imprisonment with irons.

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

(Sent in No. 1298.)

Read

Read Letter under date the 19th October 1852 from the Sessions Judge of Trichinopoly

(Here enter F. 26. No 2550 of 1852)

The Court of Foujdaree Udalut are of opinion that the trial of the Case referred to should be forwarded — without any further delay, the age of the Child whose evidence is required rendering any further postponement of the trial altogether useless, as it is obvious that to a Child of such tender years no further understanding of the nature of an oath can be imparted, than might have been at once conveyed by such instructions as she was competent to understand and her evidence should therefore be taken and such weight attached to it as it may be considered to deserve.

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

(Sent in No 1296)

Read Criminal Report dated 1st October 1852 Submitted by the Sessions Judge of Tinnevelly for the Months of September 1852.

(Here enter F. 26. No 2567 of 1852) Read

Read Calendar of Case No 28 of 1852 Submitted by the Sessions Judge of Tinnevelly under date the 16th October 1852.

(Here enter F. 26. No 2568 of 1852)

Read Calendars of Cases Nos 27. 28 and 30 of 1852 Submitted by the Sessions Judge of Coimbatore under date the 11th September 1852.

(Here enter F. 26. No 2572. 2573 and 2575 of 1852)

Read Letter dated 19th October 1852 from the Sessions Judge of Coimbatore, reporting the execution at half past 6 o Clock on the morning of the 19th Instant, of the Sentence of Death passed on Chitty, Prisoner in Case No 21 of 1852 on the Calendar of the Sessions Court.

(Here enter F. 26. No 2554 of 1852)

Read Criminal Report dated 16th October 1852 Submitted by the Magistrate of Chingleput for the Month of September 1852

(Here enter F. 26. No 2581 of 1852)

Read Letter dated 18th October 1852 from the Acting Sessions Judge of Honore, reporting that no sum was realized by the Labor of the Prisoners for the

th November 1852.

the 3d Quarter of 1852 at Hewaro and Sicy.

(Here enter F. 26. N° 2582 of 1852)

Ld. Stanley

F. 26.

Friday 5th November 1852 } At a Court of the Foujdaree Udalut

Present

Offg R. G. S. Hooper Esqr. .....
Mella for F. Anderson Esqr. ... Offg
W. for W. A. D. Inglis Esqr. .... D°

} Puisne Judges

Read again Criminal Report

Submitted by the Sessions Judge of Cuddalore for

the Month of August 1852.

(Here enter F. 26. N° 2397 of 1852)

Read also Returns dated 16 October

1852 made by the Sessions Judge of Cuddalore to

the Precept of the Foujdaree Udalut under date

11 October 1852 Communicating the orders and

observations of the Court in Cases Nos 101 and 106

of 1852 entered in the above Criminal Report.

(Here enter F. 26. N° 2508 of 1852)

It appears clear to the Court

of Foujdaree Udalut that the immediate

Cause of the Prisoners wife's death referred

to in the above Case, was the assault Committed

on her by the Prisoner and they therefore direct

that

that he be committed and placed on his trial on the Charge of Culpable Homicide.

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

(Sent in No 1297)

Read Convict Labor report of the Jail at Pavinbunum for the Month of September 1852 submitted by the Sessions Judge of Madura under date 23rd October 1852

(Here enter F. No. No 2583 of 1852)

Read Criminal Report dated 15th October 1852 Submitted by the Agent to the Governor of Vizagapatnam for the Month of September 1852

(Here enter F. No. No 2586 of 1852)

Read Calendar of Cases No 317 1852 Submitted by the Acting Sessions Judge of Salem under date the 25th October 1852.

(Here enter F. No. No 2589 of 1852)

Read Criminal Report dated 1st October 1852 Submitted by the Agent to the Governor of Kurnool for the Month of August (Supplemental) and September 1852

(Here enter F. No. No 2595 of 1852)

Read

Read Letter dated 21st October 1852 from the Sessions Judge of Bellary forwarding Copy of the Magistrates return to his Proceedings holden on reviewing the Petty Calendars of the 3rd Quarter of 1852 as also Copy of his Proceedings on the said return.

(Here enter F. No. No 2596 of 1852)

Read Calendar of Cases No 51 of 1852 Submitted by the Sessions Judge of Coimbatoor under date the 27th October 1852

(Here enter F. No. No 2599 of 1852)

F. C:

Saturday, 6th November 1852. At a Court of the Sessions held at

Present.

Hon'ble C. S. Hooper Esquire
Findlay Anderson Esqre } Puisne Judges.
W. A. D. Inglis Esqre

Read letters under date the 13th and 19th Ultimo from the Sessions Judge of Coimbatore.-

(Here Enter F. C. Nos. 2517 & 2577 of 1852)

The Court of Sessions held at

regret to observe from the papers submitted with the foregoing letters that a correspondence of a controversial nature has again taken place between the Sessions Judge and the Magistrate of Coimbatore in regard to the employment of the convicts in the Jail - they are at the same time unable to perceive any necessity for the matter having been again referred to them by either functionary their orders of the 1st Ultimo having fully disposed of the questions at issue, and it only remains for them to direct that the Sessions Judge will exercise his own discretion in regard to the working of the prisoners in the Jail under his charge without any further reference

referenced to the Court of Foujdaree Adawlut
but at the same time with due considera-
tion to such applications as may be made
to him by the Magistrate for their services.

2. The Court of Foujdaree Adawlut cannot
accede to the Magistrates application that
a proportionate number of convicts should
be placed at his disposal, the Court having
already directed that the number available
for this purpose must be left to the discretion
of the Sessions Judge - and it is clear that the
Magistrate has considerably over estimated
the number of able bodied convicts at present
in the Jail available for employment upon
public works, having evidently over looked
the large deduction which must generally
be made from the whole number dieted on
account of sick infirm and old, and security
prisoners and prisoners under trial.-

3. The Court of Foujdaree Adawlut
deem it proper however to record their opinion
that the tenor of the communication which
appears to have been addressed by the Sessions
Judge to the Magistrate in conveying to the
latter Officer the orders of the Higher Court
was extremely objectionable and was by no
means calculated to promote that cordial
co-operation on the part of both Officers
which

which it was the desire of the Court of Fouj-
-daree Adawlut to receive.-

4. The application made by the
Magistrate in his letter of the 9th ultimo for
the use of the 50 prisoners therein referred to,
although in other respects quite unexceptiona-
-ble was somewhat indefinite in regard
to the time for which their services might
be required and appears to have been pro-
-perly replied to by the Session Judge; and
the remarks introduced into the Magis-
-trates letter of the 13th October, which, it
is observed, was signed by him in his
capacity of Collector, were obviously objec-
-tionable and altogether wanting in the
deference due by the Magistrate as such
to his official superior; while the compa-
-rison instituted by him in his letter to the
Court of Foujdaree Adawlut under date the 19th
ultimo in regard to the respective utility
of the works undertaken by him and those
carried on by the Session Judge is in the
opinion of the Foujdaree Adawlut open to
much exception.-

5. It is to be observed that
the correspondence in the matter under
reference was up to the 11th ultimo carried
on by Mr Thomas in his capacity and

and it is hardly necessary to remark that the change then adopted by him in his official signature, which was clearly irregular, did not justify his resorting to comments on the proceedings of the Sessions Judge which as Magistrate he would not have been at liberty to record.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Coimbatore for his information and guidance and for communication to the Magistrate for the information and future guidance of that officer.—

(Sent in No 1298

Read Miscellaneous Petition presented on the 6th October 1852 by Chinnammy of Zillah Madura.—

(Here Enter F In P No 137 of 1852)

Mrs M. A. D. Inglis.

Before passing final orders on this Petition, the Court of Foujdaree Adawlut resolved to call upon the Sessions Judge to submit an English translation of the entire record of case No 21 of 1852 on the file of his Court.—

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

(Sent following Precept No 1299

Read

Read again calendar of case No 35 of 1852 on the file of the Sessions Court of Bellore

(Here Enter F.R. No 2314 of 1852)

Read also return under date the 16th October 1852 from the Acting Sessions Judge of Bellore to the precept of the Foujdaree Adawlut dated the 6th October 1852 conveying their priliminary orders on the foregoing case.

(Here Enter F.R. No 2537 of 1852)

As it would appear from the revised Futwa submitted with the foregoing return that the Law Officer acquits the Prisoner on the grounds of insanity the Court of Foujdaree Adawlut deem it necessary to direct that an English translation of the record of the Trial be submitted for their consideration the Acting Sessions Judge considering the Prisoner to have been capable of discerning between right and wrong when he committed the crime charged against him.—

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Bellary for his information by Precept returnable within X days from and after its receipt.—

(Sent following Precept No 1300

Read Calendar of case No 6 of 1852

Submitted

Submitted by the Sessions Judge of Cuddapah under date the 21st October 1852.-

(Here Enter F R No 2601 of 1852)

Read Calendar of case No 35 of 18.. Submitted by the Acting Sessions Judge of Salem under date the 26th October 1852 and rem-ination of verdicts required by the C.C. No 148.-

(Here Enter F R No 2603 of 1852)

Read return dated 25th October from the Sessions Judge of Trichinopoly to the precept of the Foujdaree Adalut under date the 18th October 1852 commenting on the omission of the information in respect to the weake of the different articles of stolen property found on each prisoner in case No 45 of 1852 Sessions Courts file and directing him to supply the omiss-

(Here Enter F R No 2604 of 1852)

Read return dated 23d October 18.. from the Sessions Judge of Chicacole to the precept of the Foujdaree Adalut under date the 11th October 1852 directing him to remit the Corporal punishment awarded to the prisoner in case No 11 of 1852 on the Calendar of his Court.-

(Here Enter F R No 2607 of 1852)

Read letter dated 23d October 1852 from the Sessions Judge of Chicacole inform-ing that the statement required by the Fouj-daree

Adalut CA No 88 has not been forwarded there being no entry to be made in it.-

(Here Enter F R No 2609 of 1852)

Read Calendar of case No 36 of 1852 Submitted by the Sessions Judge of Allamra under date the 28th October 1852.-

(Here Enter F R No 2616 of 1852)

Read Calendar of case No 29 of 1852 Submitted by the Sessions Judge of Tinnevelly under date the 26th October 1852.-

(Here Enter F R No 2618 of 1852)

Read Calendar of case No 38 of 1852 Submitted by the Sessions Judge of Bellary under date the 27th October 1852.-

(Here Enter F R No 2620 of 1852)

Read Extract from the Proceed-ings of the Sessions Court of Calicut under date the 26th October 1852 held on a review in case No 182 of 1852 on the Criminal file forwarded with reference to the Extract from the Proceedings of the Foujdaree Adalut under date the 3rd Instant.-

(Here Enter F R No 2621 of 1852)

Read statement submitted by the Acting Session Judge of Chingleput under date the 30th September 1852 shewing the amount realized by the Labor of Prisoners for the 3d quarter 1852

(Here Enter F R No 2622 of 1852)

Dec 1852

F. U.

Tuesday
9th November 1852.

At a Court of the Fouzdaree Udalut.

Present.

" W.K. G. S. Cooper Esqr. _____ Puisne Judge.

" J.P. F. Anderson Esqr. ___ Acting Puisne Judge

" W. for W. A. D. Inglis Esqr. ___ Acting Puisne Judge.

Read Calendar of Cases submitted by the Acting Session Judge of Honorah for the 2d Quarter of 1852.

(Hon.ble to F. U. No. 2418 of 1852)

Case No. 128 1 The Court of Fouzdaree Udalut requ explanation with reference to the charge in this ca the act charged therein not being apparently a Crim nal offence.

Case No. 133 2 The sentence passed in this case ap pears extremely lenient with reference to the nature of the offence charged and requires explanation.

Case No. 157 3 Many and serious affrays having occurred in consequence of processes committed on the feast of "Sevaratree," the Court of Fouzdaree Udalut are of opinion that the offence charged in this case shou have been punished with greater severity and that in all cases of misdemeanor committed on the occasion of the Sevaratree festival a severe punishment should be

be inflicted.

Case No. 158. 4 Adverting to the extremely small value of the property stolen in this case the Court of Toujdaree Udalut observe that it might have been disposed of by the Police authorities and comparing the punishment awarded with that adjudged in Case No. 168 wherein property to a much larger amount was stolen the sentences in this case appear extremely severe.

Case No. 181. 5 The Court of Toujdaree Udalut desire to be informed under what circumstances the recidivism charged in this case was effected by a single person and they require an explanation of the sentences which appear inadequate to the offence charged.

Ordered that Extract from the sentence be forwarded to the Session Judge of Honorable by precept returnable within xx days from and after its receipt

(Sent following precept No. 1307

Read Calendar of Case No. 58 of 1852 on the file of the Session Court of Cuddapah

(Hereunto T. R. No. 2514 of 1852)

The Court of Toujdaree Udalut desire to be informed whether the neglect of the watching officers adverted to at the conclusion of the remarks recorded by the Session Judge in this case has been brought to the notice of the Magistrate.

Ordered

Ordered that Extract from these proceedings be sent to the Session Judge of Cuddapah by Precept returnable within xx days from and after its receipt

(Sent following Precept No. 1308

Read Criminal Reports submitted by the Acting Session Judge of Honore for the Month of September 1852.

(Hereunto T. R. No. 2555 of 1852)

Case No. 43. The Court of Toujdaree Udalut consider the sentences passed in this case by the Sudr. Amin of Sirsy unnecessarily severe, and they accordingly direct the Session Judge to review the proceedings and pass such orders as he may deem fit apportioning the sentence for the information of the Toujdaree Udalut.

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

(Sent in No. 1309.

Read Calendar of Case No. 45 of 1852 of the Session Court of Canara

(Hereunto T. R. No. 2606 of 1852)

The Court of Toujdaree Udalut approve of the recommendation made by the Session Judge in this case that the imprisonment which the Prisoner noted in the margin

9th November 1852.

Vanarathna Kalloo

margin has been adjudged to suffer on his conviction of the crime of Theft and possession of stolen prope be reduced to six months imprisonment with hard labor in irons, and they do authorize the Sessions Judge to cause his warrant accordingly

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

(Sent in No. 1310

Read again Calendar in Case No. 7 of 1852 submitted by the Sessions Judge of Chittoor under date the 27th February 1852.

(Recorder F. R. No. 1606 of 1852)

Read also Miscellaneous Petition presented on the 29th September and 16th October 1852 by Sivalinga Unnial, Caetty, Servant and Mootanna relatives to the 3rd, 4th and 5th Prisoners in Case No. 7 of 1852.

(Recorder F. M. P. Nos. 131, 132, 133, 134 & 135/1852)

Read also Miscellaneous Petition presented on the 6th October 1852 by Sivalinga Unnial on behalf of the 1st Prisoner in Case No. 7 of 1852

(Recorder F. M. P. No. 136 of 1852)

Mr. F. Anderson

Before passing final orders on the above petitions the Court of Sessions Judge resolved

F. R.

9th November 1852.

resolve to direct that an English translation of the record of Case No. 7 of 1852 on the Calendar of the Sessions Court of Chittoor may be submitted for their consideration

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

(Sent following precept No. 1311- to

Dt. 18/9.

Fl. 110.

Wednesday
10th November 1852 } At a Court of the Foujdaree Udalut

Present

Lt. Col. G. S. Hooper Esqr
H. Anderson Esqr Offg 1st } Puisne Judges
W. A. D. Inglis Esqr Do

Read letter dated 26th October 1852 from the Agent to the Governor of Fort St. George at Vizagapatam submitting for the final judgment of the Foujdaree Udalut the Case No 16 of 1852. on the Calendar (Hereunder No 2656 of 1852)

Mr H. Anderson and Mr W. A. D. Inglis

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

1st Gopesetty Pudmanambhoodoo
2nd Seriky Rammaswamy
3d Aukery and Paupadoo

are not convicted on presumptive proof or on the evidence of Credible witnesses or on their own confession of the Crime Charged,

do

do acquit them thereof, and direct that the pris-

1st Gopusetty Padmanabhoodoo

2nd Serikky and Raumasamy

be set at liberty - but considering that strong suspicion, tho' not amounting to conviction attaches to the prisoner.

3d Ayakony Paupudoo

they direct that he be required under Clause Sixth Section II Regulation XV of 1803 to find two Sureties in the sum of Rupees one hundred each surety for his good behaviour, and appear when required within one year, or in default thereof he be detained for one year in Confinement.

1 The Court of Fouzdaree Adalut have been unable to concur with the Agent in considering the Evidence in this Case sufficient for the Conviction of any of the prisoners Charged.

2 The Court of Fouzdaree Adalut observe that the 4th witness, upon whose evidence, supported by the confession of the 2nd and 3d prisoners, the Agent principally bases the Conviction of the accused, is a near connection of the Prosecutor, and did not come forward

forward for six days after the prosecutor, and not for five days after several of the witnesses had been examined by the Police, nor was any mention made by the Prosecutor of the information which it was in the power of the 4th witness to afford.

3 The murder was committed on the night of the 21st July - the Prosecutor was examined on the 23d Instant, but did not mention any thing about the 4th witness - several of the witnesses were examined on the 24th Instant, but it was not until the 29th July that the 4th witness was examined, stated for the first time that the deceased had asked her to go with him, and had assaulted her, and that she told both 1st and 2d prisoners, with the former of whom she had an illicit connexion that the deceased had threatened to divulge this circumstance to her parents; and further that she went on the night of the murder to the house of the 2d prisoner and found him conversing there with the 1st prisoner.

4 Before the Assistant Agent she

she gave different account stating that on the
Tuesday preceding the murder, the deceased had
seen her talking with the 1st prisoner at the
house of the 2d prisoner and that on the occasion
the deceased threatened to tell her parents.

5

Before the Agent the 4th witness
deposed to having had an illicit connexion
with the 1st & 2d Prisoner, but stated in contradiction
to her Police deposition that she had not seen
the 1st prisoner on the night the murder was
committed. The Agent at first appeared to be in error
in stating that the 4th witness after seeing the Corpse
next day, mentioned the Conversation that had
taken place between her and the 1st and 2d prisoners
on the preceding day. In her deposition before
the Agent this witness stated that she had
heard the wife of the 2d prisoner mention
the circumstances of the 1st prisoner having
threatened the deceased on the previous day,
but that she herself did not mention
the circumstance to any one.

6

The 5th witness was not Examined
until the 1st August and he gave very contradictory
evidence

evidence before the Police and before the Agent.

The 6th witness, the father of the

7

4th witness, was examined on the 31st July, and his
evidence contradicts that of the 4th witness, and
that of her mother, as to the 4th witness having
told her mother what the deceased had done.
He also gave contradictory evidence before the
Police and before the Agent as to having heard
the 1st 2d and 3d prisoners talking together at night.
It appears that the 4th witness has a husband
and that they and the 5th and 6th witnesses
live close together, and
in their Statements it seems probable that
they would all have been immediately examined.

The Story however appears to be

8

improbable, and considering the near connexion
of the 4th and 5th witnesses with the prosecutor,
and the late period at which their Statements
were made, the Court of Foujdaree Udalut
see reason to think that it has been
tampered up in order to secure the convic-
tion of the 1st prisoner.

The evidence of these witnesses

9

being

being rejected, there remains but suspicion against the 1st prisoner, and the Court of Sessions Udalut have accordingly directed his unconditional release

10 Against the 2d and 3d prisoners there are their admissions before the Police and the Assistant Agent, and it appears to the Court that in both cases the admissions in question have very much the appearance of Statements given by tutored persons who supposed themselves to be witnesses and did not expect to be brought to trial. There is much discrepancy and improbability in them, and the Court of Fouzdaree Udalut do not consider them sufficiently trust worthy to justify the commitment of either of the prisoners who made them.

11 Adverting however to the nature of the confession made by the 3d prisoner before the Assistant Agent, which was to the effect that he had taken an active part on the murder, the Court of Fouzdaree Udalut have deemed it proper to place the 3d prisoner under a requisition of Security.

12 The 1st Prisoner is stated to have

been apprehended on the 29th and the 2d and 3d prisoners on the 30th July, but it appears from the evidence of the 7th witness that all the prisoners were apprehended on the 22d July and as this point the Court direct that explanation may be submitted.

Ordered that Extract from these Proceedings be sent to the Agent to the Governor of Fort St. George in Vizagapatam by Precept within X days from and after its' receipt.

(Precept № 7314) 5

Read Return dated the 28th October 1852 from the Sessions Judge of Coimbatore to the Precept of the Fouzdaree Udalut under date the 22d October 1852 directing that the 1st Witness in Case № 24 of 1852 on the file of the Sessions Court of Coimbatore be discharged from custody and that the prevarication in his testimony and failure to fulfil the conditions of the pardon offered to him be communicated to the Magistrate in order that the 1st Witness may be brought to justice should evidence hereafter be forthcoming against them.

(Here enter № 2624 of 1855)

Read Statement dated 28th October 1852 submitted by the Acting Sessions Judge of Mangalore of the actual produce of the labor of Prisoners and the application of Funds arising therefrom from 1st July to 30th Septr 1852.

(Here enter F.U. No. 2626 of 1852.)

Read Report dated 25th October 1852 submitted by the Sessions Judge of Rajahmundry of the labour of the Convicts in the Jail at Cocanada for the month of September 1852.

(Here enter F.U. No. 2628 of 1852.)

Read Return dated 30th October 1852 from the Sessions Judge of Combaconum to the Court of the Foujdaree Udalut under date the 27th October 1852 directing that the Prisoner in case No. 29 of 1852 be emoluments released.

(Here enter F.U. No. 2634 of 1852.)

Read Reports dated 1st November 1852 submitted by the Sessions Judge of Cuddalore that no Cases have been pending before the Sessions Court for a period of 25 days calculated from the date of commitment during October 1852.

(Here enter F.U. No. 2637 of 1852.)

F. U.

Thursday 11th November, 1852.

At a Court of the Foujdaree Udalut.

Present

Present: G. S. Hooper Esqr. } Puisne Judges.
F. Anderson Esqr. officiating }
W. A. D. Inglis Esqr. officiating }

Read Letter under date the 8th October 1852. from the Acting Sessions Judge of Salem.—

(Here enter F. U. No. 2468 of 1852).

In the foregoing letter the Acting Sessions Judge has referred for the decision of the Court of Foujdaree Udalut the question whether a person "permitting some parties in a case then "under examination in the Assistant Magistrate's "Office on a charge of extortion and violence, to "leave him under a belief as he alleged that they "would shortly return, thus giving them an "opportunity of going to their Village and tampering "with Witnesses already named, and suborning "fresh evidence, is guilty of an offence punishable under Regulation III of 1819, or should he be dealt with by the Magistracy under Section XXXII Regulation IX of 1816, or Section VIII Regulation X of 1816."

The

2. The Court of Foujdaree Adalut have ruled that Section III Regulation III of 1819 is not applicable to offences of omission on the part of native Police officers - and they concur with the Acting Sessions Judge that in the case adverted to, the Magistracy should have had recourse to the provisions of either Section XXXII Regulation IX of 1816, or Section VII Regulation X of 1816, the offence being punishable under the Mahomedan Law as expounded by the Cazee-ool-Coozat of the Foujdaree Adalut.

3. The Court of Foujdaree Adalut deem it proper to observe that the employment of an acting Peon in so responsible an office as the custody of Prisoners under trial upon a serious charge, was injudicious -

Ordered That Extract from these Proceedings be sent to the Sessions Judge of Salem for his information and for communication to the Magistrate; and that the original letter forwarded with the Acting Sessions Judge's letter be returned to him -

(Sent in No. 1320).

J. Ale.

J. Ale.

Friday, 12th November 1852.

At a Court of the Foujdaree Adalut.

Present.

The Hon.ble G. S. Hooper Esquire
The Hon.ble J. Anderson Esquire Acting
The Hon.ble W. for W. A. D. Inglis Esquire Advocate General

} Puisne Judges.

Read again Calendar of Case No. 30 of 1852 on the file of the Sessions Court of Trichinopoly -

(Here enter J. Ale. No. 1966 of 1852.)

Read again also Miscellaneous Petition presented on 23d August 1852 by Narken and another of the Zillah Trichinopoly.

(Here enter J. Mi. P. No. 117 of 1852.)

Read also Miscellaneous Petition presented on the 20th October 1852 by A. M. Ritchie Esqre Vakeel on behalf of Montegal Narick and others of Zillah Trichinopoly -

(Here enter J. Mi. P. No. 147 of 1852.)

Before passing final orders upon

1. this Petition the Court of Foujdaree Adalut resolve to direct that an English translation of the record of the case therein referred to be submitted for their consideration and that the Petition be

be forwarded to the Magistrate of Tpchinopoly (the late Acting Sessions Judge by whom the case was tried having left the station) for such observation as the Magistrate may have to offer with reference to the allegations advanced by the Petitioners.-

2. The Court of Fouzdaree Udalut direct that the prisoner be exempted from labor or views pending the issue of final orders by the Court of Fouzdaree Udalut.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Tpchinopoly for communication to the Magistrate of Tpchinopoly by Precept returnable within XX days from and after its receipt.-

(Sent following precept No. 1326.

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

Read again Calendar of Cases No. 24 of 1852 on the file of the Sessions Court of Chingleput.-

(Here enter F.C. No. 2204 of 1852.)

Read also remarks recorded by the Acting Sessions Judge on the foregoing cases.-

(Here enter F.C. No. 2588 of 1852.)

The

1. The Court of Fouzdaree Udalut consider the amount of security demanded from the prisoners in this case to be excessive with reference to their conditions in life and they direct that it be reduced in the case of the 2nd and 3d prisoners to Rupees 100 and in that of the 4th and 5th prisoners to Rupees 50.-

2. The security demanded by the Acting Sessions Judge would in the case of these prisoners, be tantamount to a sentence of imprisonment and would deprive them of the benefit of the acquittal which has been recorded in their favor and it is obviously inconsistent with the spirit of the Law which authorizes such requisition of security that the amount demanded should be more than the prisoner might reasonably be expected to obtain from among his friends or neighbours if in good repute with them.-

Ordered that Extract from these proceedings be sent to the Acting Sessions Judge of Chingleput by Precept returnable within V days from and after its receipt.-

(Sent following precept No. 1327.

Read

Read letter under date the 2d. Instant from the Session Judge of Combaconum.

(Here enter F.H. No. 2652 of 1852.)

The Court of Foujdaree Adalut approve of the recommendation of the Session Judge that the prisoner referred to in the foregoing letter should be detained in confinement for a period of six months, at the expiration of which a further report upon his case will be submitted to the Foujdaree Adalut.-

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

(Sent in No. 1328.

Read letter under date the 16th October 1852 from the Agent to the Governor of Fort St. George at Ellore.-

(Here enter F.H. No. 2579 of 1852.)

The Court of Foujdaree Adalut observe that under the provisions of Act IV of 1849 the prisoner referred to in the foregoing letter who is charged with having killed her child has been hitherto not in a sufficiently sound state of mind to be put upon her trial having now been pronounced to be of sound mind should be tried

tried for the crime laid to her charge.-

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

(Sent in No. 1329.

Read letter under date the 19th October 1852 from the Session Judge of Cuddapah.-

(Here enter F.H. No. 2580 of 1852.)

The Court of Foujdaree Adalut

1.

do not deem it expedient to lay down any general rule that wounded prosecutors should be invariably taken to the nearest European Medical Officer in spite of any objections they may offer to the measure.-

In the case adverted to in the

2.

foregoing letter the remarks of the Court of Foujdaree Adalut had reference to the fact of Medical aid being close at hand and the probability that had the Head of Police strongly urged the advantage derivable from its being resorted to, the deceased would not have persisted in withholding his consent.-

The Court are of opinion that

3.

solemn European Medical aid is readily available

it

it should only be the most obstinate and unconquerable repugnance on the part of the wounded man and his relatives that should prevent his being taken to the Hospital and that in most cases if the Police Officers took the trouble to argue with the parties concerned on the advantage to be derived from the superior skill available, any such repugnance might be easily overcome; such arrangements being made to humour the parties in any particular point of prejudice as might be deemed advisable.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Calicut for communication to the Magistrate.-

(Sent in No. 1330

Read Calendar of Case No. 50 of 1852 submitted by the Sessions Judge of Cumbaconum under date the 2nd Instant.-

(Here enter J.C. No. 2651 of 1852.)

Read Report A dated the 1st Instant submitted by the Sessions Judge of Guntoor of Case No. 87 of 1852 disposed of by that Officer.-

(Here enter J.C. No. 2655 of 1852.)

Read Calendars of Cases Nos. 33, 34 and 35 of 1852 submitted by the Acting Sessions Judge of Cuddalore under date the 4th Instant.-

(Here enter J.C. Nos. 2657. 2658 & 2659 of 1852.)

Read

Read Calendar of Case No. 71 of 1852 submitted by the Sessions Judge of Cuddapah under date the 2nd Instant.-

(Here enter J.C. No. 2660 of 1852.)

Read Report submitted by the Acting Sessions Judge of Salem under date the 3rd Instant of no cases pending on the 31st Ultimo before him for a period in excess of 25 days calculated from the date of commitment.-

(Here enter J.C. No. 2662 of 1852.)

Read Convict Labor Report dated the 1st Ultimo submitted by the Acting Sessions Judge of Salem of the Convicts under charge of the Magistrate for the month of September 1852.-

(Here enter J.C. No. 2663 of 1852.)

Read Calendars of Cases Nos. 40 and 41 of 1852 submitted by the Sessions Judge of Bellary under date the 2nd Instant.-

(Here enter J.C. Nos. 2664 & 2665 of 1852.)

Read Report dated the 1st Instant submitted by the Sessions Judge of Cuddapah of Cases pending on the 30th September and committed for trial during the month of October 1852 which remained on the file of the

the

12th November 1852.—

the Sessions Court for more than 25 days.—

(Here enter F.C. No. 2666 of 1852.)

Read Report submitted by the Sessions Judge of Tellicherry under date the 4th Instant of a Case pending on the 31st Ultimo and committed for trial before him during the month of August 1852.—

(Here enter F.C. No. 2671 of 1852.)

Read Calendar of Cases No. 29 of 1852 submitted by the Sessions Judge of Tinnevelly under date the 1st Instant.—

(Here enter F.C. No. 2672 of 1852.)

Read Extract from the Proceedings of the Sessions Court of Madura dated the 4th Instant held on perusal of the Calendars of Petty cases disposed of by the Tangatracy during the 3d Quarter of 1852.

(Here enter F.C. No. 2675 of 1852.)

D. 18

F.C.

Saturday 13th November 1852. At a Court of the Sudder Adawlut

Present

Sir W. Le Jeune — G. A. Noaples Esqr.
E. A. Anderson Esqr. } Officiating
W. A. B. Dyglis Esqr. } Circuit Judges

Read letter dated 1st November 1852. from the Sessions Judge of Cuddapah submitting for the final Judgment of the Sudder Adawlut the Record of Case No. 22 of 1852 of the Calendar of the Sessions Court.

(Here enter No. 2680/1852)

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

"D Rungadoo"

is sufficient to commit him of the crime of Murder, do commit 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.

Read a Miscellaneous Petition presented on the 13th October 1852 by Thimmanda Moodely of Tellicherry

Original.

(Here enter F.C. et. P. No. 140/1852.)

The Petitioner prays the Court of Sudder Adawlut to remit the sentence passed by the Sessions Court of Cuddapah upon him for the wilful murder of his wife in Case No. 18 of 1850 on the Calendar of the Sessions Court.

The

Sessions Judge of Rajahmundry from A. Brennan Lieutenant of West Gillah.

(Received 5th inst. No: 121 of 1852.)

Mr. G.S. Master

1. This is an application for a remission of the sentence passed by the Court of Enquiry Yelatur, upon the Petitioner Kotha Chemalasondu Lutchana alias Lutchaniah prisoner in Case No: 28 of 1852, on the Calendar of the Sessions Court of Rajahmundry.

2. The Court of Enquiry Yelatur see no reason to question the correctness of the prisoner's conviction for which the evidence was ample, and must there any reason to suppose that he was otherwise than sane at the time he committed the acts charged against him, or when he was placed upon his trial; although he may have been deranged at some former period and of a peculiarly irritable temperament and it was in consideration of this latter circumstance that the Court exempted him from the extreme penalty of the Law.

3. The Petitioner's application is accordingly dismissed.

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Rajahmundry for communication to the Petitioner.

(Sent in No: 1382.)

Read Miscellaneous Petition presented on the 20th September 1852 by Narasiah of the Zillah of West Godavery

(Received 5th inst. No: 125 1852)

Mr. M.A. to Sessions Judge

1. The Petitioner appeals from an order passed by the Sessions Judge of the 28th June

June 1852, on Miscellaneous Petition No: 33 of 1852, in which Petitioner complained of the Proceedings held by the Acting Joint Magistrate of North Street on the 12th January last, and also 22nd May 1852, with reference to a charge of assault preferred by him against certain persons.

2. The Court of Enquiry Yelatur remark, that the Petitioner's complaint was dismissed after full investigation, conducted personally by the Acting Joint Magistrate who considered the evidence adduced by the Petitioner to be contradictory and disreputable, and therefore not entitled to credit: - after a review of the whole of which Proceedings by the Acting Sessions Judge, an order was passed concurring with that of the Magistrate.

3. The Case in question having thus been disposed of and the Court of Enquiry Yelatur being unable to perceive any grounds for their interference, it is resolved to dismiss the Petition.

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

Read letter under date the 28th July 1852, from the Sessions Judge of Coimbatore

(Received 5th inst. No: 1924/1852)

Read also Calendar of Petty case No: 21 of 1852, disposed of by the Sessions Judge of Coimbatore

(Received 5th inst. No: 1820/1852)

Read also letter under date the 30th July 1852, from the Magistrate of Coimbatore

(Received 5th inst. No: 1929 of 1852.)

Read also letter under date the 3rd August 1852, from the Magistrate of Coimbatore.

(Received 5th inst. No: 1940/1852.)

Read

Read also letter under date the 9th
August 1852, from the Sessions Judge of Coimbatore
(Recd entd Ltr No. 2002/1852)

Read also letter under date the 12th
August 1852, from the Magistrate of Coimbatore
(Recd entd Ltr No. 2015/1852)

Read also letter under date the 20th
August 1852, from the same office
(Recd entd Ltr No. 2106/1852)

Read also letter under date the 27th
August 1852, from the Sessions Judge of Coimbatore
(Recd entd Ltr No. 2162/1852)

Read also letter under date the 25th
August 1852, from the Magistrate of Coimbatore
(Recd entd Ltr No. 2186/1852)

Read also letter under date the 4th
September 1852, from the same office
(Recd entd Ltr No. 2234/1852)

Read also letter under date the 7th
September 1852, from the same office
(Recd entd Ltr No. 2270/1852)

Read also letter under date the 10th
September 1852, from the same office
(Recd entd Ltr No. 2278/1852)

Read also letter under date the 13th
September 1852, from the Sessions Judge of Coimbatore
(Recd entd Ltr No. 2291/1852)

The

13th November 1852.

1. The foregoing correspondence originated in certain complaints brought by the prisoners lately employed under the orders of the Magistrate of Coimbatore, at a place called Sungaroor, in the immediate neighbourhood of Coimbatore against the Jemadar in charge of them, whom they accused of having withheld from them their full allowance of food, and of ill-treated them to his own profit, and of various other malpractices of a less serious character. Before these complaints were made the attention of the Sessions Judge had been attracted to the emaciated state of the prisoners of the Gang in the month of November 1851, had been admitted into the Jail at Coimbatore for safe custody during the Mohurrum festival, and on an inspection of the remainder of the Gang by the Sessions Judge and Zillah Surgeon, it was found that they were all more or less in a wretched and emaciated condition. The state of the prisoners was brought to the notice of the late Acting Magistrate Mr. Underwood, who suspended the Jemadar for a few days, and subsequently at the request of the Sessions Judge, directed his European Assistant to visit the gang weekly, which supervision, it is stated, was continued while Mr. Underwood held office. It does not appear from the papers before the Court, whether any enquiry was instituted by the late Acting Magistrate with reference to the complaints which had been preferred against the Jemadar, or upon what grounds the Jemadar was replaced in charge of the Gang.

2. It appears however that in the month of May last, in consequence of cholera breaking out among the prisoners at Sungaroor, by the advice of the Zillah Surgeon, the entire gang was recalled to the Zillah Jail,

who

when their emaciated appearance and the complaints made by them of the insufficiency of the food supplied to them at Sungaranee led the Assist Judge to institute an enquiry which resulted in his concluding that ample "grounds had been shown "to call for a full and searching investigation into the conduct "of the Jemadar, who it appeared to him should be criminally "proceeded against, on a charge of gross corruption and "misappropriation of public property, with a view if necessary "to his being committed to stand his trial before the Court," the opinion thus arrived at by the Assist Judge, being founded on the statements of certain of the prisoners, who gave depositions in his presence, and on the recorded opinion of the Gillah Surgeon Dr. Castens, that the state of the prisoners was to be attributed to insufficiency of food.

On the 15th July the Assist Judge communicated to the Magistrate by a letter, his opinion of the necessity for a full investigation of the Jemadars conduct, and suggested that pending the result of the investigation the Jemadar should be suspended from his situation and on the 17th of the same month, or two days afterwards he received a letter from the Magistrate, requesting that the Shenistaties of the Assist Court C. Barlowlooke Reist should be sent to the Magistrates office for an enquiry" on the following Monday. It subsequently appeared that the enquiry for which the Shenistaties attendance was required, had reference to a charge preferred by Chelwood Ghaus, the Jemadar, whose alleged misconduct in the treatment of the prisoners under his charge, had been brought to the Magistrates notice by the Assist Judge, against the

the Shenistaties, and his brother Gopaulsawmy Reistk, a despee attached to the Cacimbatore Dail to the effect that on the night of the 11th July 1852, they had sent for one Coopales Runga a Dail boy to their house, and endeavoured to persuade him to make a false complaint against the Jemadar Mahomed Ghouse, charging him with having received from the said Coopalsawmy, a bribe of Rupees 30, for some purpose not specified, and with causing misapplied the labor of the convicts under his charge to his own purposes, which plot the said Coopalsawmy had refused to take any part in.

4. Upon this charge, the Shenistaties and his brother were placed upon their trial by the Magistrate in the presence of a considerable number of persons, who were requested by the Magistrate to attend for that purpose, and whose notes it appears were taken by that officer and before he pronounced Judgment in the case. The trial resulted in the conviction of the Shenistaties and his brother upon what is designated by the Magistrate, as a charge of Calumny, and they were sentenced respectively to pay a fine of Rupees thirty, under the provisions of Section XXXII Regulation IX of 1816.

5. On being informed of the nature of the enquiry for which the Shenistaties attendance at the Magistrates office had been required, and observing to the memebers position in which the Jemadar was placed in being "at one and the same time an accuser and accused" the Assist Judge again addressed the Magistrate by letter, suggesting that no further steps

Should

should be taken in regard to the investigation of the conduct of the Jemadar, until the Court of Enquiry Udalut should have had an opportunity of deciding by whom that investigation should be conducted.

6.

On this subject several letters passed between the Sessions Judge and the Magistrate, but the latter officer, not thinking fit to defer the trial of the Jemadar, proceeded with it and on the conclusion of it pronounced the Jemadar to have been fully acquitted of the offence laid to his charge. The Jemadar had been previously for a few days before the depositions were taken from the prisoners in the Civil, sentenced by the Sessions Judge to pay a fine of 5 Rupees commutable to 5 days Imprisonment, for having made use of abusive language to a prisoner and threatened to assault him, and an appeal from this sentence had been forwarded by the Magistrate to the Enquiry Udalut.

7.

The matter was referred by the Sessions Judge to the Court of Enquiry Udalut on the 28th July with a remonstrance against the course adopted by the Magistrate, in proceeding with the trial of the Jemadar under the circumstances above stated. His letter was followed by a series of voluminous communications from both officers which rendered it necessary that the record of both the trials referred to should be laid before the Enquiry Udalut, who directed the Court from proceeding their orders in the Case at present under appeal.

8.

The Court of Enquiry Udalut will in the first instance advert to the trial of the Swindlers which was held previously to that of the Jemadar. The particulars

particulars of the charge preferred against the Swindlers and his brother have been already stated. It was supported by the evidence of Cossiporsaunge the individual who was alleged to have been invited by the accused to assist them in the plot laid by them, and by that of three Peons on the Collector's establishment who deposed to having had occasion to go to the Swindlers house on the night in question, and to having listened through an aperture in the window shutter, to a conversation carried on in a loud voice to the effect of that which formed the subject of the charge. The Swindlers admitted having sent for Cossiporsaunge on the occasion referred to, but stated that it was merely for the purpose of questioning him regarding certain threats against his life said to have been made by the Peons established to watch on that very evening in the hearing of the said Cossiporsaunge, and that no other conversation had taken place.

9.

On an attentive consideration of the record the Court of Enquiry Udalut can attach no credit to the evidence upon which the Magistrate has founded the conviction of the Swindlers and his brother, the statements of the witnesses being in the highest degree improbable, and under all the circumstances of the case undeserving of the slightest credit.

10.

That three of the Collectors Peons should have met, as they allege unsuspectedly under the Swindlers windows and should have been listening through an aperture to what was passing within at the very moment that he and his brother were

ance making the proposal stated in the charge to the Sirdar Peon Passange would, if true, be a most remarkable coincidence, but one at the same time most unlikely to have occurred. a most serious charge was at the time pending against the Jemadar of having starved the prisoner under his charge by withholding a portion of their allowance of food and appropriating it to his own use, and of having thereby reduced many of them to such state of emaciation that a great and unusual mortality ensued. It was obviously to the advantage of the accused to make himself appear the victim of a conspiracy and it is easy to understand that he might be desirous to get up a counter charge against the Arishtadar and Corpus when he suspected of fomenting the accusation against him, but it is scarcely to be conceived that a person in the position of the Arishtadar and professed of his acknowledged abilities should have exposed himself to the risk of involving himself in the conspiracy which has been charged against him, without any adequate object or prospect of benefit to himself; the charge which according to the testimony stated was to be preferred against the Jemadar, being extremely vague and unsubstantially timed, considering the most serious charge already brought against him

11. Independently, however, of the objection to the credibility of the evidence, the Court of Sessions Udalut observe, that the conviction of the Arishtadar and his brother upon that evidence of the offence for which the Sentence was passed namely calumny, was altogether illegal.

12 The offence charged clearly amounted to

to a conspiracy and as such in the event of the evidence being considered trustworthy rendered the final disposal of the case beyond the jurisdiction of the Magistrate and by what process of reasoning that officer considered himself justified in treating the case as one of "Calumny" and fining the Defendants for that offence under Section XXXII Regulation IX of 1816 the Court of Sessions Udalut find it difficult to understand.

13. The course of procedure adopted by the Magistrate in taking the notes of the Spectators on the merits of the case at the conclusion of the trial, was in itself extremely indecorous and irregular, and the Court of Sessions Udalut acquit him of any improper motive or intention in so doing.

The Court of Sessions Udalut resolve, to annul the sentences passed upon the said Bashiruddeo Naik and Gopaulsawmy Naick and direct, that the amount of the fines imposed upon them be refunded to them.

15 The evidence in regard to the charge against the Jemadar withholding a portion of the allowance of food from the convicts under his charge and appropriating it to his own use, appears to the Court of Sessions Udalut to be unsatisfactory and inconclusive for although the convicts examined, with one exception, state that they received evidently less food at Sangaroor than in the Jail at Coimbatore and all the persons examined, admitted that the convicts constantly murmured at the small quantity of

of food given them, almost all the latter described the complaints as having been of a general nature, and not specially against the Jemadar. It is to be observed, however, that the grain appears to have been measured out not separately to each prisoner, but to a certain number of Cooking prisoners after the others had gone out to work, so that neither the Court nor the convicts generally could be aware of the exact quantity of food given for each person.

18. The Court fully concurs with the Sessions Judge, in considering that much weight is due to the unbiassed opinion of a Medical Officer of such high standing and reputation as Dr Carbery, and under all the circumstances they are of opinion that the Magistrate was by no means justified in pronouncing the Jemadar to be fully acquitted of the misconduct laid to his charge, but that on the contrary much suspicion attaches to him, the more especially as the allowance of food according to the present standard, is found to be ample in all other Gaols; and as the locality does not appear to be unhealthy it is difficult to account in any other way for the state of emaciation to which the hangwaut prisoners were reduced, altho' other causes beyond human knowledge or control, may very possibly have combined in producing such effects and they accordingly resolve to direct, that the Magistrate will not employ the Jemadar hereafter in charge of prisoners on any future occasion.

17 The Court of Sanjidaree Debutt consider that the Sessions Judge had ample grounds for the

the opinion recorded by him as to the necessity of an investigation into the conduct of the Jemadar, and that the manner in which the Magistrate from the outset, discredited the complaints against that individual before any investigation had taken place and in the face of the opinion recorded by the Gillah Surgeon, and the extraordinary course adopted by him in entertaining and investigating the charge preferred by the Jemadar against the Moonsiff of the Sessions Court and the Jail Darogha, while the far more serious charges which had been made against the Jemadar were still pending, were by no means creditable to his judgment or calculated to further the interests of public justice.

18. In this proceeding, as well as in the conclusion of the trial of the Jemadar, in opposition to the opinion of the Sessions Judge, who had requested that it might be deferred until the matter could be submitted for the orders of the Sanjidaree Debutt, there was an unproper and unnecessary precipitancy which, under all the circumstances of the case, is much to be regretted. The Court of Sanjidaree Debutt are however satisfied, that the Magistrate was throughout actuated by conscientious motives and only erred through his anxiety to defend one of his servants from what he believed to be an unfounded accusation.

19. The Court of Sanjidaree Debutt at the same time deem it proper to observe, that the lengthened correspondence and controversy which has taken place between the Sessions Judge and the Magistrate in

in a great measure to be attributed to the Sessions Judge having departed from the prescribed mode of communication in regard to the cases under notice, and which, in as much as they involved a Judicial decision, should not have been permitted to form the subject of a correspondence by letter. The proper course would obviously have been for the Sessions Judge either to have awaited the result of the investigation held by the Magistrate, it being open to him, if he thought fit, to direct by precept, that the execution of any sentence passed, should be suspended until the receipt of final orders from the Sessions Court, and after the investigation was closed to have called up the record and passed such orders thereon, as he deemed proper; or if he considered it desirable for the ends of Justice, that the investigation should be entrusted to other hands, it was competent to him to order by precept that all proceedings should be suspended until the matter could be referred for the decision of the Court of Enquiry at Utakul.

20. The Court of Enquiry at Utakul observe that the charge preferred against the Limadar at Gudalur by a Dail Peon, of having used abusive language towards him and threatened to assault him, which was tried and disposed of by the Sessions Judge, should have been referred to the Magistrate for investigation the only offences committed by persons of which the Sessions Judge as the officer in charge of the Dail, is empowered to take primary cognizance, being those of neglect of duty or connivance in the escape of prisoners, and the Court are therefore of opinion that the sentence passed upon

upon the Limadar, was illegal and they direct that the fine be remitted.

21. It is observed that the Sessions Judge was guided in his proceedings by the instructions conveyed in the orders of the Court of Enquiry at Utakul dated the 9th June 1847, and that the concluding para of that order would appear to justify the course adopted by the Sessions Judge; but the Court of Enquiry at Utakul are satisfied, that the extensive powers which the terms of that order would appear to confer on the Sessions Judge in charge of Dails in investing them with the primary cognizance of all offences committed by the persons employed in their respective Dails "be the nature of them offences what it may" is not Justified by Law. Proceedings be sent to the Sessions Judge of Coimbatore for his information and guidance, and for communication to the Magistrate by precept returnable within X days from and after its receipt.

(Sent following precept N°331)

Read letter dated 1st November 1852 from the Sessions Judge of Cuddapah, submitting for the final Judgment of the Enquiry at Utakul the Record of Case N° 22 of 1852 of the Calendar of the Sessions Court.

(Here enter N° 2080 of 1852.)

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

V. Rungadoo is

is sufficient to commit him of the crime of Calendar do commit 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. 1333.

Read return dated 12th October 1852, from the Sessions Judge of Pachimpoly to the precept of the Sessions Calendar under date the 6th October 1852, remitting the sentence of 14 years imprisonment awarded to the 6th & 7th Prisoner in Case No. 20 of 1852, and directing that the Prisoners be required to produce each two securities in the sum of 50 Rupees each for their good conduct and appearance when required for a period of 3 years, or in default to be imprisoned for a like period.

(Here enter No. 2507 of 1852)

Read Criminal Reports dated 12th October 1852 of the Sessions Judge of Madura of Persons apprehended in the Madura and delivered to the Subordinate Judge in the Month of August 1852.

(Here enter No. 2501 of 1852)

Read Calendar dated 11th October 1852, from the Acting Sessions Judge of Nellore of Case No. 34 of 1852.

(Here enter No. 2502 of 1852)

Read Calendar dated 11th October 1852 from the Sessions Judge of Rajahmundry of Case No. 36 of 1852.

(Here enter No. 2504 of 1852)

Read Calendar dated 5th August 1852, from the Sessions Judge of Ellichpoor, of Case No. 10 of 1852

1852.

(Here enter No. 2505 of 1852)

Read Calendar dated 13th October 1852, from the Sessions Judge of Bellary, of Case No. 35 of 1852.

(Here enter No. 2510 of 1852)

Read Calendar dated 13th October 1852, from the Sessions Judge of Bellary, of Case No. 36 of 1852.

(Here enter No. 2511 of 1852)

Read Calendar dated 13th October 1852 from the Sessions Judge of Bellary, of Case No. 37 of 1852.

(Here enter No. 2512 of 1852)

Read Report dated 1st November 1852 submitted by the Sessions Judge of Nellore of Cases pending for the Month of October 1852.

(Here enter Sr. Dl. No. 2647 of 1852)

Read Report dated 1st November 1852 submitted by the Sessions Judge of Calicut of Cases pending on the 30th September & committed for trial in the month of October 1852 before the Sessions Judge.

(Here enter Sr. Dl. No. 2649 of 1852)

Read Report dated 1st November 1852. submitted by the Sessions Judge of Chittoor of Cases pending on the 31st October 1852 before the Sessions Court of Chittoor for a period in excess of 25 days calculated from the date of Commitment.

(Here enter Sr. Dl. No. 2651 of 1852)

Monday.
15th November 1852.

F. C.

At a Court of the Foujdaree Adalut

Present:

Geo. L. Hooper Esqr. ——
W. for F. Anderson Esqr. Offg. —— Puisne Judges.
W. A. Morehead Esqr. ——

Read Calendar of Cases Nos. 16 and 17 of 1852 on the file of the Session Court of Guntoor.-

(Mercy enter F. C. No. 2565 of 1852)

Case No. 17.

The Court of Foujdaree Adalut remark that the Session Judge under the enactment* quoted in this Case is authorized to pass such sentence as he considers fit not exceeding 14 years imprisonment and the Court are therefore unable to understand the remark recorded at the conclusion of the Sessions Judge's observations on the Calendar to the effect that "no mitigation is proposed."

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

Extract in No. 1337

Read Criminal Reports submitted by the Sessions Judge of Chicacole for the month

* Clause 4th Sec. II Regn. VII of 1822.

Month of September 1852.

(Here Enter F. R. No. 2597 of 1852)

Vizagapatam Criminal Reports Case No. 15.

The Sentence passed in this case appears to the Court of Fouzdaree Adalut unnecessarily severe, as it appears that the prisoner was not convicted of the offence which led to his being taken into custody in the 1st. instance.-

2. The Court accordingly resolve to direct that the Session Judge will review the proceedings and pass such orders thereon as he may think proper reporting the same for the information of the Fouzdaree Adalut.-

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

(Sent following precept No. 1338)

Read Calendar of Case No. 68 of 1852 of the Session Court of Cuddapah.

(Here Enter F. R. No. 2602 of 1852)

1. The Court of Fouzdaree Adalut are of opinion that a Sentence of two years imprisonment with hard labor in irons will be adequate punishment for the offence of which the 2d Prisoner in this case has been convicted and they resolve to call upon the Session Judge to reduce his Sentence accordingly.

V. Dammareyadoo.

2. The Court observe that if the 1st prisoner had not been convicted and punished on a previous occasion, the case would have been disposed of by the Subordinate Court and imprisonment for a longer period than two years could not have been awarded.-

3. 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 Cuddapah, for his information and guidance by Precept returnable within XV days from and after its receipt.-

(Sent following precept No. 1339

Read Letter under date the 29th October 1852 from the Session Judge of Trichinopoly-

(Here Enter F. R. No. 2629 of 1852).

The Court of Fouzdaree Adalut concurs with the Session Judge that under a Sentence of imprisonment with hard labor the Convicts should invariably be confined and worked in irons unless the contrary be expressly stated in the Sentence and they accordingly direct that the warrant issued by

by the late Acting Sessions Judge directing the imprisonment of the Prisoners referred to in the foregoing letter without irons be cancelled and that amended warrants be issued directing their imprisonment with hard labor in irons.-

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

(Sent in No. 1340/

Read letter dated the 24th Inst. from the Asst. Sessions Judge of Salem submitting the abstract of the Assessors grounds of acquittal in Case No. 4 of 1852.-

(Here Enter F. R. No. 1299 of 1852)

Read Report dated the 1st Inst. submitted by the Sessions Judge of Chittoor of Cases pending before him on the 31st May 1852 for a period in excess of 25 days calculated from the date of commitment.-

(Here Enter F. R. No. 1354 of 1852)

Read letter dated the 3rd July 1852 from the Sessions Judge of Tinnevelly Reporting that the sentence of death passed on the prisoner in Case No. 9 of 1852 was carried into execution on the 3rd July 1852.-

/ Here Enter F. R. No. 1684 of 1852 /

Read Extract dated the 31st July 1852 from the Acting Session Judge of Chingleput copy of the remarks of the session Court recorded in reference to the explanation offered by the Principal Sudder Ameen with respect to Criminal Cases 61 and 62 in his return dated 8th July referred to in the Criminal reports A and B for the month of June 1852 already transmitted to the Higher Court.

Here Enter F. R. No. 2028 of 1852 /

E. O'Brien

F. U.

Tuesday — 16th November 1852. } At a Court of the Fouzdaree Udalut.

Present.-

Sd/- G. I. Hooper Esqre. —
Vide Jr. W. A. Mo[illegible]d Esqre. — } Puisne Judges.
Vide Jr. F. Anderson Esqre. Officiating.

Read Calendar of Cases No. 42 of 1852 of the Session Court of Calicut.-

(Here enter F. U. No. 2642 of 1852)

The Court of Fouzdaree Udalut approve of the recommendation made by the Session Judge in this Case, that the imprisonment which the Prisoner noted in the margin, had been adjudged to suffer on his conviction of the crime of Housebreaking and Theft be reduced to four years' imprisonment with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.-

Poodoo Koody alias Charbo.-

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

(Sent in No. 1313)

Read Calendar of Case No. 31 of 1852 of the Session Court of Calicut.—

(Here enter F. C. No. 2641 of 1852)

The Court of Foujdaree Adalut are not prepared to accede to the recommendation of the Session Judge in this case, that the sentence recorded against the 2nd and 6th Prisoners be mitigated to (8) eight years imprisonment with hard labor in irons, as the Court being of opinion that under the circumstances of the case, any sentence less severe than ten years imprisonment with hard labor in irons, would be insufficient to meet the demands of justice; and they direct that the sentence be reduced to that extent.—

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

(Sent in No. 1344)

Read letter under date the 17th September 1852 from the Session Judge of Masulipatam.—

(Here enter F. C. No. 2351 of 1852)

The Court of Foujdaree Adalut are of opinion that it is not competent to the Magistrate or Police authorities to institute an enquiry into a charge of Forgery alleged to have been committed in the prosecution of a Civil Suit, while such suit is pending before one of the Civil Courts, and that in a case of the nature of that adverted to by the Sessions Judge, it must be left to the District Moonsiff to decide whether or not there are grounds for committing the parties for forgery.—

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

(Sent in No. 1345)

Read again letter under date the 6th October 1852 from the Sessions Judge of Madura forwarding English translation of the record of Case No. 32 of 1852 on the Calendar of the Session Court, for the final judgment of the Court of Foujdaree Adalut.—

(Here enter F. C. No. 2467 of 1852)

Read

Read Calendar of Case No. 31 of 1852 of the Session Court of Calicut.-

(Here enter F. C. No. 2641 of 1852)

The Court of Foujdaree Vedalut are not prepared to accede to the recommendation of the Session Judge in this case, that the sentence recorded against the 2nd and 6th Prisoners be mitigated to (8) eight years imprisonment with hard labor in irons, as the Court being of opinion that under the circumstances of the case, any sentence less severe than ten years imprisonment with hard labor in irons, would be insufficient to meet the demands of justice; and they direct that the sentence be reduced to that extent.-

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

(Sent in No. 1344)

Read letter under date the 17th September 1852 from the Session Judge of Masulipatam.-

(Here enter F. C. No. 2351 of 1852)

The Court of Foujdaree Vedalut are of opinion that it is not competent to the Magistrate or Police authorities to institute an enquiry into a charge of Forgery alleged to have been committed in the prosecution of a Civil Suit, while such suit is pending before one of the Civil Courts, and that in a case of the nature of that adverted to by the Session Judge, it must be left to the District Moonsiff to decide whether or not there are grounds for committing the parties for trial for Forgery.-

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

(Sent in No. 1345)

Read again letter under date the 6th October 1852 from the Session Judge of Madura forwarding English translation of the record of Case No. 32 of 1852 on the Calendar of the Session Court, for the final judgment of the Court of Foujdaree Vedalut.-

(Here enter F. C. No. 2467 of 1852)

Read

16th November 1852.

Read also return, under date the 29th October 1852 from the Sessions Judge of Madura to the precept of the Fouzdaree Udalut dated the 18th October 1852 conveying their remarks on the trial in the foregoing case:—

(Here enter F.C. No. 2625 of 1852)

The Court of Fouzdaree Udalut have much satisfaction in learning from the explanation submitted in the foregoing return, that the omission of the Sessions Judge to take further evidence on the points referred to in the Court's proceedings of the 18th Ultimo, did not proceed from any want of care or attention on his part, but from the conviction that the evidence in question would not tend to prove the charge against the prisoners, and the Court of Fouzdaree Udalut accordingly resolve to cancel the remarks recorded in the said proceedings, and direct that they be omitted from the printed report of the trial.—

Ordered that Extract from these Proceedings be sent to the Sessions

F.C.
16th November 1852.

Sessions Judge of Madura for his information.—

(Sent in No. 1346)

2d Class Circuit Lists

F.C.

Wednesday
17th November 1852 } At a Court of the Foujdaree Udalut

Present.

Hon'ble — G. S. Hooper Esquire — Sessions Judges.
Hon'ble — F. Anderson Esquire —
Hon'ble — W. A. D. Inglis Esquire —

Read Calendar of Case No. 38 of 1852 of the Sessions Court of Madura.

(Criminal F.C. No. 3685 of 1852.)

The Court of Foujdaree Udalut

approve of the recommendation made by the Sessions Judge in this Case that the imprisonment which the prisoners noted in the Margin have been adjudged to suffer on their conviction of the crime of House-breaking and theft & and possessing stolen property knowingly, be reduced to three (3) years imprisonment 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 Madura for his information.

(Sentence No. 1347.)

Read letter dated the 5th Ultimo from

F.C.

Wednesday
17th November 1852 } At a Court of the Foujdaree Udalut
Present.

Hon'ble G. S. Hooper Esquire
F. Anderson Esquire
W. A. D. Inglis Esquire
} Provincial Judges.

Petn. for

Penal Calendar of Case No. 38 of
1852 of the Sessions Court of Madura.
(Errata Ref. No. 3685 of 1852.)

The Court of Foujdaree Udalut
approve of the recommendation made by the
Sessions Judge in this Case that the prisoners
named which the prisoners stand in the Margin
have been adjudged to suffer on their conviction
of the crime of House-breaking and theft and
of possessing stolen property knowingly, be reduced to
three (3) years imprisonment 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 Madura for his information.

Petition No. 1347

Read letter dated the 5th Ultimo
from

from the Agent to the Governor of St Helena reporting the escape on the 29th September 1852 of 22 Convicts of the gang and the re-apprehension of 13 of them and submitting descriptive lists of the latter.-

/Errexmitter F.H. No 2460 of 1852/

Read Calendar of Cases No 28 of 1852 Submitted by the Acting Stipendiary Judge of Saint under date the 8th October 1852.-

/Errexmitter F.H. No 2472 of 1852/

Read Calendar of Cases No 29 and 30 of 1852 Submitted by the Stipendiary Judge of Saint under date the 8th October 1852.-

/Errexmitter F.H. No 2473 of 1852/

Read Calendar of Case No 49 of 1852 Submitted by the Stipendiary Judge of Cumbacoomum under date the 12th October 1852.-

/Errexmitter F.H. No 2485 of 1852/

Read Calendar of Case No 43 of 1852 Submitted by the Stipendiary Judge of Cumbacoomum under date the 19th October 1852.-

/Errexmitter F.H. No 2548 of 1852/

Read Jail Reports of the Magistracy for the Months of September 1852, Submitted by the Stipendiary Judge of Cumbacoomum under date the 19th October 1852.-

/Errexmitter F.H. No 2549 of 1852/ Read

Read Criminal Reports for the Months of September 1852 Submitted by the Stipendiary Judge of Bellary under date the 15th October 1852.-

/Errexmitter F.H. No 2551 of 1852./

Read Calendar of Cases No 30 of 1852 Submitted by the Stipendiary Judge of Chittoor under date the 8th June 1852.-

/Errexmitter F.H. No 2553 of 1852/

Read Return dated 23d October 1852 from the Acting Stipendiary Judge of Chingleput to the Precepts of the Foujdaree Adalut under date the 18th October 1852 directing a Report the cause of delay in the disposal of Stipendiary Case No 25 of 1852 of the file of the Chingleput Court.

/Errexmitter F.H. No 2560 of 1852/

Enc. Thornhill

F. W.

Friday 19th November 1852.

At a Court of the Foujdaree Adaulut.

Present.

Sgtt G. S. Hooper Esqr.
Lieut 1st W. A. Morehead Esqr. } Puisne Judges.
W. F. F. Anderson Esqr. officiating }

Read letter dated the 26th Ultimo from the Sessions Judge of Masulipatam submitting for the final Judgment of the Foujdaree Adaulut the Record of Case No. 40 of 1852 on the Calendar.

(Here enter F. C. No. 2646 of 1852).

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

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

1st Abdoollah Khan

2nd Khasaim Khan

and

3rd Mohummud Khan

are not sufficient to convict them of the crime of Murder, do acquit them thereof, but being of opinion that the proof against them is sufficient to convict them of the crime of Housebreaking

Housebreaking and Theft for which according to the Mookummedan Law as declared in Futwas of their Law officers, the penalty of Hud is answerable, do convict them thereof; and under the provisions of Section XXI Regulation VII of 1862 sentence them to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (14) fourteen Years.-

(Sent in No. 1350)

Read letter dated the 8th Instant from the Sessions Judge of Calicut submitting for the final Judgment of the Foujdaree Adawlut the Record of Case No. 40 of 1852. on the Calendar

(Here enter F. C. No. 2702 of 1852)

Mr. G. L. Hooper and Mr. S. Anderson

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 prisoner,

Tety Nagroo Meeran,

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; but considering that strong suspicions, tho not amounting to conviction attaches to him, they direct that he be required under clause 4th Section Regulation

Regulation XV of 1803, and Section XXXIV Act VI of 1843 to find two sureties in (25) Twenty five Rupees each surety for his good behaviour and appearance when required within 2 Years, or in default thereof that he be detained for 2 Years in confinement.-

(Sent in No. 1351)

Read Calendar of Case No. 28. of 1852 submitted by the Acting Sessions Judge of Chingleput under date the 27th Ultimo.-

(Here enter F. C. No. 2610 of 1852).

Read report dated the 1st Instant submitted by the Acting Sessions Judge of Chingleput, of Cases pending on the 31st October 1852 and committed for trial during the months of June, July and August 1852, before the Sessions Court.-

(Here enter F. C. No. 2632 of 1852).

Read letter dated the 4th Instant from the Sessions Judge of Trichinopoly, requesting to be informed whether he may proceed with the trial of Case No. 47 of 1852, and take the evidence of the Chief party in the case.-

(Here enter F. C. No. 2676 of 1852)

H. W.

F. W.

Saturday,
20th November 1852 At a Court of the Foujdaree Adalut.

Present.

W. K. G. S. Hooper Esqre
W. A Morehead Esqre
W. for Findlay Anderson Esqre } Puisne Judges

Read Miscellaneous Petition presented on the 9th September 1852 by Ouchter=lony Esqre Vakeel on behalf of Thoumo=ny Pillay of Ramnad of the zillah Madura=
(Here Enter S No 20124 of 1852)

Mr F. Anderson-1.

The Petitioner appeals from an order passed by the Sessions Judge of Madura on the 12th August 1852 confirming an order passed by the Magistrate of that District and with reference to the result of an enquiry held by the Head of Police of Ramnad in regard to a charge preferred by the Petitioner against one Kotasawmy Saver and others whom he accused of having forcibly carried off his crops.-

2. The Court of Foujdaree Adalut are of opinion that the Magistrate and Sessions Judge have shewn good and legal grounds why the Petitioner should seek redress in this case by a complaint to the Collector under Regulation V of 1822, or by

by an action in the Civil Court, and see no reason to disturb the orders passed by these authorities

3

Under the above circumstances the Court of Foujdaree Udalut resolve to reject this application.-

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

(Sent in No. 1353)

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

Read Miscellaneous Petition presented on the 27th October 1852 by Joopha Naiker of the Tellah Combaconum-

Mr. F. Anderson.

(Here Enter F. M. P. No 130 of 1852)

The Petitioner who was tried in case No 24 of 1846 on the Calendar of the Sessions Court of Combaconum, prays the Court of Foujdaree Udalut to furnish him with a copy of their order directing his acquittal in that case.-

2.

The Court of Foujdaree Udalut direct that a copy of the Extract of their Proceedings in the above case be furnished to the Petitioner as requested.-

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

Read

Read Miscellaneous Petition presented on the 13th October 1852 by Valliammai mother of Sabapathy Moodely Prisoner in case No 180 of 1850 on the file of the Sessions Court of Chingleput.-

(Here Enter F. M. P. No 1410 of 1852)

Mr. F. Anderson.

The Court of Foujdaree Udalut observe that the Sentence which the Petitioner seeks to be reversed was passed in 1850 and they see nothing in this application, which is founded on the alleged fact of the Petitioner having given false evidence against her Son, to justify their interference with the Sentence in question.-

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

Read letter under date the 26th October 1852 from the Acting Sessions Judge of Madura.-

(Here Enter F. M. P. No. 2639 of 1852)

The Court of Foujdaree Udalut observe that the Acting Sessions Judge appears to have correctly construed the provisions of Act XXVIII of 1850 as entitling a prisoner in a case committable to the Sessions Court to employ a Vakeel in his defence on the preliminary investigation before the

Principal

Principal Sudder Ameen the Vakeel being restricted to commenting in the evidence recorded before the Police but not allowed to question the witnesses for the prosecution unless the Principal Sudder Ameen should consider it requisite for the purpose of satisfying himself whether or not there was good ground for the committal of the case to the Court of Session.-

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

/Sent in No. 1354/

Read Calendar of Case No. 46 of 1852 on the file of the Session Court of Cuddalore

(Here Enter F.R No 2654 of 1852)

1. It appears that the 3d prisoner in this case had on a former occasion been convicted of Gang Robbery and under these circumstances the Court of Tanjore Vakeel are of opinion that the full penalty of 14 years imprisonment with hard labor in irons which it was competent to the acting Sessions Judge to inflict under the provisions of Clause Second Section IV Regulation VI of 1822 should have been adjudged.-

2. Adverting moreover to the full and free confession the said prisoner is stated

stated to have made before the Police corroborated by the circumstance of his having pointed out the spot where the plundered property was buried the evidence would appear to have been sufficient for the conviction of the said prisoner as a principal in the Gang Robbery laid to his charge.

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

/Sent in No. 1355/

Read Calendar of Case No. 46 of 1852 on the file of the Session Court of Vellore

(Here Enter F.R No 2684 of 1852)

Before conforming in this case the Court of Tanjore would resolve to direct that the Session Judge will state for their information what particular marks were observable on the articles Nos. 10, 11, 12 which enable the witness to identify them and satisfied the Session Judge that the identification was to be relied on.-

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

/Sent following Precept No. 1356.

Read

Principal Ludder Ameen the Vakeel being restricted to commenting in the evidence as recorded before the Police but not allowed to question the witnesses for the prosecution unless the Principal Ludder Ameen should consider it requisite for the purpose of satisfying himself whether or not there are good grounds for the committal of the case to the Court of Session.-

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

/Sent in No. 1354/

Read Calendar of Case No 32 of 1852 on the file of the Session Court of Hadsabore

(Here Enter F R No 2654 of 1852)

1.

It appears that the 3d prisoner in this case had on a former occasion been convicted of Gang Robbery and under these circumstances the Court of Tanjore are of opinion that the full penalty of 14 years imprisonment with hard labor in irons which it was competent to the acting Session Judge to inflict under the provisions of Clause Second Section IV Regulation VI of 1822 should have been adjudged.-

2.

Adverting moreover to the full and free confession the said prisoner is stated

stated to have made before the Police corroborated by the circumstance of his having pointed out the spot where the plundered property was buried the evidence would appear to have been sufficient for the conviction of the said prisoner as a principab in the Gang Robbery laid to his charge.

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

/Sent in No. 1355/

Read Calendar of Case No 46 of 1852 on the file of the Session Court of Salem

(Here Enter F R No 2684 of 1852)

Before confirming the sentence in this case the Court of Tanjore would resolve to direct that the Session Judge will state for their information what particular marks were observable on the articles Nos 10, 11, 12 which enabled the witness to identify them and satisfied the Session Judge that the identification was to be relied on.-

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

/Sent following Precept No 133

Read

Read letter under date the 4th November 1852 from the Sessions Judge of Trichinopoly

(Here Enter F.R. No 26740 of 1852)

It was ruled by the Court of Tanjore in Civil suit under date the 31st May 1852 that a fine could not be imposed upon parties convicted of "selling liquor to European Soldiers and Sailors" under clause Eighth Section VII of Regulation I of 1820 and that as clause fifth of the above section makes no provision for the recovery of any penalty which the stipulation of the Moochilka executed by a vender may have attached to an infringement of the terms of his license that penalty could only be recovered by a civil suit on the acknowledged principle that all fiscal enactments must be construed strictly the Court of Tanjore in Civil suit are of opinion that the above ruling was correct.-

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

(Sent in No 1357)

Read letter under date the 6th November 1852 from the Sessions Judge of Trichinopoly.-

(Here Enter F.R. No 26810 of 1852)

The Court of Tanjore in Civil suit observe

observed that the omission of the award of irons from the sentence passed in the case referred to by the Sessions Judge was intentional and was consequent on a communication recently received from the Government, that the Judges see no objection to prisoners under sentence of transportation being fettered for the sake of security, until they are despatched from Chingleput for transportation.-

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

(Sent in No 1358)

Read Criminal Reports submitted by the Agent to the Governor of Fort St George in Ganjam for the month of September 1852.-

(Here Enter F.R. No 26890 of 1852)

Report A
Case No 10

The Court of Tanjore in Civil suit observe that it is not competent to the Agent to direct the re-trial of a case in which the accused may have been acquitted by the Assistant Agent upon a charge which the latter Officer was empowered by the Regulations to dispose of finally, by Rule III of the Agency Rules which is as

adverted

adverted to by the Agent not conferring upon him any authority in reviewing the Judicial proceedings of his Assistants other than that which it is competent to a Sessions Judge to exercise over the proceedings of the Subordinate Courts.-

Ordered that Extract from these Proceedings be sent to the Agent to the Governor of Fort St George in Ganjam for his information and future guidance-

(Sent in No 1359-)

Read letter under date the 5th November 1852 from the Magistrate of Malabar-

(Here Enter F.R. No 2690 of 1852)

The Court of Tanjore observe that the matter referred to in the foregoing letter was disposed of by them in their proceedings of the 18th September 1852, an Extract from which was forwarded to the Magistrate of Malabar- A duplicate copy of the proceedings in question and of the letter to Government under date the 29th July 1851 to which they referred was forwarded to the Magistrate of Malabar on the 12th Instant immediately on the receipt of his letter above recorded.-

Ordered that Extract from these

Proceedings be sent to the Magis= =trate of Malabar for his information-

(Sent in No 1360)

Read letter under date the 3d November 1852 from the Subordinate Judge of Cuddapah-

(Here Enter F.R. No 2667 of 1852)

1. The Court of Tanjore observe that the execution of the works sanction the execution of the works referred to in the foregoing letter as it appears that they are of an emergent nature.

2. The Court observe that an Estimate should have accompanied the Subordinate Judge's letter and they direct that the omission be now supplied-

Ordered that Extract from these Proceedings be sent to the Subor= =dinate Judge of Cuddapah by Precept returnable within 2 days from and after its receipt.-

(Sent following Precept No 1361)

Read Extract from the Pro= =ceedings of the Sessions Court of Cuddalore under date the 6th Instant reviewing the Petty Calendar disposed of by the Magistracy for the 3d quarter of 1852.-

(Here Enter F.R. No 2679 of 1852)

Read report B submitted by the Sessions Judge of Masulipatam under date

adverted to by the Agent not conferring upon him any authority in reviewing the Judicial proceedings of his Assistants other than that which it is competent to a Sessions Judge to exercise over the proceedings of the Subordinate Courts.-

Ordered that Extract from these Proceedings be sent to the Agent to the Governor of Fort St George in Ganjam for his information and future guidance-

(Sent in No. 1359.)

Read letter under date the 5th November 1852 from the Magistrate of Malabar.

(Here Enter F.R. No. 2690 of 1852)

The Court observe that the matter referred to in the foregoing letter was disposed of by them in their proceedings of the 18th September 1852, an Extract from which was forwarded to the Magistrate of Malabar- A duplicate copy of the proceedings in question and of the letter to Government under date the 29th July 1851 to which they referred was forwarded to the Magistrate of Malabar on the 12th Instant immediately on the receipt of his letter above recorded.-

Ordered that Extract from these

these Proceedings be sent to the Magistrate of Malabar for his information-

(Sent in No. 1360.)

Read letter under date the 3d November 1852 from the Subordinate Judge of Cuddapah.-

(Here Enter F.R. No 2667 of 1852)

1. The Court of Sanjeavee Coatlet sanction the execution of the works referred to in the foregoing letter as it appears that they are of an emergent nature.

2. The Court observe that an Estimate should have accompanied the Judge's letter and they direct that the omission be now supplied-

Ordered that Extract from these Proceedings be sent to the Subordinate Judge of Cuddapah by Precept returnable within 2 days from and after its receipt.-

(Sent following Precept No. 1361)

Read Extract from the Proceedings of the Sessions Court of Cuddalore under date the 6th Instant reviewing the Petty Calendar disposed of by the Magistracy for the 3d quarter of 1852.-

(Here Enter F.R. No 2679 of 1852)

Read report B submitted by the Sessions Judge of Masulipatam under date

date the 30th October 1852 of the Magistracy for the month of august 1852.-

(Here Enter Fh No 2686 of 1852)

Read return undate the 4th Novem=ber 1852 from the Session Judge of Rajah=mundry to the precept of the Foujdaree Adalut under date the 30th October 1852 directing him to forward without delay the Calendar of case No 52 of 1851 and to explain the cause of his not having passed sentence immediately on receipt of the Court's proceedings dated 24th September last.-

(Here Enter Fh No 2687 of 1852)

Read Extract from these Pro=ceedings of the Sessions Court of Masuli=patam under date the 30th ultimo reviewing the Petty Calendar of the Magistracy for the 2d quarter of 1852.-

(Here Enter Fh No 2691 of 1852)

Read letter dated 9th November 1852 from the Session Judge of Coimbatore stating with reference to the remarks of the Foujdaree Adalut contained in their Proceedings of the 4th November 1852, that the omission of the word Labour arose from the circumstance of his having considered that a Sentence of imprison=ment in irons necessarily involved labour as laid down in the Circular Order dated 7th

7th February 1820, and that the omission has been corrected in the original sentence.

(Here Enter Fh No 2692 of 1852)

Read Calendar of case No 36 of 1852 submitted by the acting Session Judge of Cuddalore under date the 10th Instant.

(Here Enter Fh No 2693 of 1852)

Read Calendar of case No 38 of 1852 submitted by the Session Judge of Rajahmundry under date the 9th Instant.

(Here Enter Fh No 2699 of 1852)

Ec 1852

T. V.

Tuesday 23rd November 1852. At a Court of the Foujdaree Udalut

Present

The Hon.ble G. A. Hooper Esq.re ——— Prisnl. Judge

The Hon.ble H. A. Morehead Esq.re ——— Prisnl. Judge

Vel. for T. Anderson Esq.re — Acting Prisnl. Judge

Read letter under date the 11th October 1852 from the Acting Sessions Judge of Salem

A

(Recorded T. V. No. 2544 of 1852)

The Court of Foujdaree Udalut

are of opinion that in all cases in which prisoners may be charged with having been found in possession of a portion of the stolen property the theft or robbery of which may have formed the subject of the principal count in the indictment the separate count charging the fact of such possession should invariably specify the nature of the property and its estimated value as well as the time when and the place where the theft or robbery may have been committed.

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

Letter in No. 1363. Read

Read letter dated the 11th instant from the Subordinate Judge of Cuddapah submitting translations of the depositions taken before the Police in Criminal Case No 305 of 1852, and recommending the grant of a conditional pardon to the 4th Prisoner referred to therein

(Here enter F No. No 2696 of 1852)

On perusal of the depositions noted with the foregoing letter, the Court of Foujdaree Udalut resolve under the authority vested in them by Section XII Regulation XIV of 1832, to sanction the offer of a conditional pardon to the 4th Prisoner

"G. Venkatagadee"

on the terms specified in Section XX Regulation XIV of 1802

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

Sent in No. 1364

Read Calendar of Case No 305 of 1852 on the file of the Session Court of Cuddapah

(Here enter F No. No 2705 of 1852)

Adverting to the remarks passed by the Session Judge in this Case to the effect that the 5th prisoner was kept by the Police for two months awaiting the committing and convicting of persons who had allegedly

have been concerned in the robbery charged, the Court of Foujdaree Udalut resolve to direct that the Magistrate be called upon for further information as to the particulars of this prisoners detention from the date of his apprehension to that of his commitment to the Subordinate Criminal Court, and to state whether any order has been issued by him on the subject

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Cuddapah for communication to the Magistrate by precept returnable within x days from and after its receipt.

(Sent following precept No. 1365

Read letter dated the 17th instant from the Session Judge of Chittoor submitting for the final judgment of the Foujdaree Udalut the record of case No 23 of 1852 on the file of the Session Court

(Here enter F No. No 2703 of 1852)

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

Mr. D. A. Morehead

"Succoolaveera tasaunny"

is sufficient to convict him of the crime of Rape, for which in the absence of the aggravating conditions of Kud, discretionary

discretionary punishment is awardable under the Law as declared in fatwahs of their Law Officers, given him thereof, and under the provisions of Clause third of Regulation XX of 1803 and Section XXXV Act XXI of 1856 him to be imprisoned and kept to hard labor in irons on public roads or other public works for and during the period of (4) four years.

(Section No. 366.

Read letter dated the 18th September from the Acting Session Judge of Nellore, submitting for the final judgment of the Foujdaree Udalut the record of case No. 35 of 1852 on the Calendar of the Court.

(Here enter F. Vo. No. 2314 of 1852)

Mr. F. Anderson
Mr. W. S. Morehead

The Court of Foujdaree Udalut after deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the prisoner "Veluru Subbayya" committed the act charged against him, being that of unsound mind, under the provisions of Act V of 1849 direct that he be kept in safe custody in the Jail at Nellore until the pleasure of Government thereon shall have been made known.

Section No. 367.

Read

F. Vo.

Read letter under date the 10th November 1852 from the Session Judge of Chittoor submitting an English translation of the record of Trial No. 13 of 1852 for the final judgment of the Foujdaree Udalut.

(Here enter F. Vo. No. 2704 of 1852)

Mr. C. S. Hooper
Mr. F. Anderson

The Court of Foujdaree Udalut after deliberate consideration of all the circumstances in evidence before them being of opinion that the proof against the Prisoners

1st Munnaroo
and
2nd Permaloo

is sufficient to convict them of the crime of Gang Robbery do convict them thereof, and under the provisions of Clauses third and fifth Section XX Regulation XX 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 (10) Ten years.

But being of opinion that the Prisoner

3rd Gopalee

is not convicted on presumptive proof or on the evidence of credible witnesses or on his own confession of the above crime do acquit him thereof and direct that he be set at liberty.

The

1. The Court of Fouzdaree Udalut have been unable to concur with the Session Judge in considering the evidences insufficient for the conviction of the 1st and 2d Prisoners in this Case.

2 The Court of Fouzdaree Udalut observe that the 1st Prisoner was apprehended on the 5th the same day on which the Prosecutor made a verbal complaint to the Head of Police, and from the report of the Duffadar made on the same day it appears that the 2d and 3d prisoners were apprehended on the afternoon of that day and admitted the guilt criminating the 1st prisoner in consequence of which the Duffadar suggested that the 1st should be forwarded to him.

3 The 1st prisoner admitted his guilt in a deposition taken on two different days the 6th and 8th April previous to which he verbally admitted that he threw part of the stolen property into his well, and there is evidence to shew that articles to the value of Rupees 8-8 were found therein. In his deposition given on the 6th April the prisoner admitted that he had given an ornament which formed part of the stolen property to their 8th witness at Wallajahpett and it appears that the said ornament was subsequently given up by the 8th witness

witness who deposed that the 1st prisoner had given it to him. The same witness deposes to the 1st prisoner having sold a piece of gold bugah which is also referred to by one Tiruvalai examined by the Police. The circumstances connected with the receipt and disposal of the property, as stated in the 1st prisoners' confession appear probable and the Court of Fouzdaree Udalut consider the confession satisfactorily corroborated by the finding of the property.

Against the 2d prisoner the Court

4. of Fouzdaree Udalut consider the evidence to be still more satisfactory. This prisoner a stranger and admitted the curious circumstance of his flight as detailed by the witnesses for the prosecution, and his having given a portion of the stolen property to the 5th witness who confirmed his statement and produced the property referred to as well as a lump of gold from an ornament he had melted up which he stated he had purchased from the 2d prisoner for 10 Rupees. On the apprehension of the 2d prisoner ten Rupees were found in his possession. The 5th witness gave other articles also alleged to have been received by him from the 2d prisoner and the 1st prisoner himself

delivered

delivered up articles to the value of Rupees 82 concealed
in the back yard of his house which were identified
as the prosecutors property and the Court of Tongdare
Udalut see no reason to doubt that the prisoner him-
self gave them up.

5 Even the 2d witness examined on
behalf of the 2d prisoner deposed to the latter having
admitted that he had placed the articles where they
were found concealed, and there is moreover the
evidence of the 3d witness who deposes to having re-
ceived an ornament from the 2d prisoner which has
been identified by the 11th witness as having been
fashioned by him for the prosecutor.

6 It appears to the Court of Tongdare
Udalut that if the articles found buried in the
2d prisoners Court yard had been placed there
by any other person for the purpose of falsely
criminating the 2d prisoner there would not have
been any evidence adduced to prove the disposal
by the 2d prisoner of other portions of the stolen
property elsewhere but that all the property alleged
to have been brought forward in support of the charge
against him would have been concealed in the same
place and that therefore the fact of a portion of the stolen
property having been found in the possession of the 3

witness

witness tends to prove that the rest was concealed by
the 2d prisoner himself

The Court of Tongdare Udalut have
/
accordingly convicted the 1st and 2d prisoners and
sentenced them respectively to 10 years imprisonment
with hard labor in irons. Concurring with the
Session Judge in the acquittal of the 3d prisoner the
Court have directed his unconditional release

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

(Sentence No. 1368.)

C. Boddam
Bld.

F. U.

Wednesday 24th November 1852.

At a Court of the Fouydaree Adalut.

Present.

Hon'ble G. S. Hooper Esqre. — W. A. Morehead officiating — H. Anderson Esqre. officiating } Puisne Judges.

Read letter dated the 13th November 1852. from the Acting Sessions Judge of Mangalore submitting for the final Judgment of the Fouydaree Adalut the Record of Case No. 34 of 1852. of the Calendar of the Session Court.

(Here enter F. U. No. 2738 of 1852).

The Court of Fouydaree 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

Pt. Rungunna

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

And being of opinion that the proof

Hon'ble G. S. Hooper and Hon. H. Anderson.

proof against the prisoner.

2nd Coatty.

is sufficient to convict him of the offence of being an accessary after the fact in the said murder, the Court do convict him thereof but being of opinion, with reference to his old age and all the circumstances of the case, that the imprisonment he has already undergone is sufficient punishment the Court direct that he be set at liberty and being further of opinion that the prisoner,

3rd Cechumna alias Eshwara

is not convicted on presumptive proof or on the evidence of credible witnesses or on his own confession of the crime charged, do acquit him thereof and direct that he be set at liberty.-

(Sent in No. 2371.)

Read again Calendar of Cases No. 27 of 1852 on the file of the Session Court of Nellore.-

(Here enter F. M. No. 2086 of 1852).

Read also Miscellaneous Petition presented on October 27th 1852 by D. Seetaboy annaih of Zillah Nellore Prosecutrix in the above case.-

(Here enter F. M. P. No. 149 of 1852).

The

24th November 1852.

Mr. G. S. Hooper. 1. The Petitioner prays the Court of Foujdaree Adalut to call for the entire record of the foregoing case, and to direct that the person therein charged by her with theft, may be required to restore to her the property which formed the subject of the charge.-

2. The Court of Foujdaree Adalut see no reason to doubt the correctness of the judgment passed by the Sessions Judge in the case in question, whereby the prisoner was acquitted of the crime laid to his charge, and this judgment having been passed by a competent tribunal, the Court of Foujdaree Adalut have no authority to interfere.-

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

Read Miscellaneous Petition presented on November 3rd 1852 by J. Auchterlony Esqre Vakeel on behalf of Poodia Poovail Oya Coatty of Cuddapah.-

(Here enter F. M. P. No. 154 of 1852).

This is an application to the

W. F. Anderson. 1. Court of Foujdaree Adalut to set aside an order passed by the Sessions Judge of Tellicherry under date July 18th 1851 confirming

a

a fine of four Rupees imposed on Petitioner by the Joint Magistrate of Malabar, and to order a remission.

2. Fifteen months having elapsed since the order appealed against, to be passed by the Sessions Judge, confirming that passed by the Joint Magistrate, and no sufficient reason for such delay having been shown, the Court of Foujdaree Adawlut declines to interfere in the matter, and therefore dismisses the Petition.

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

Read copies Miscellaneous Petition presented on August 12th 1852, by Venkatasawmy of the Zillah Chittoor.

(Here enter F. de N. No 113 of 1852)

Read also Miscellaneous Petition presented on October 16th 1852, by Arava Venkata Row Smith of the Zillah Chittoor.

(Here enter F. de N. No 143 of 1852)

Mr. G. S. Hooper

1. The Court of Foujdaree Adawlut see no reason whatever to doubt the finding of the former order passed by them in the matter alluded to in this Petition, and they refuse to pass any other. This Petition is rejected.

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

E. H.

F. de.

24th November 1852.

Saturday
20th November 1852 At a Court of the Magistrates & Calab

Present.

J.K.K. G.J. Hooper Esqre
Tho. Jno. Purday Nares Esqre
Bell W.A. Rowlands Esqre
} Police Magte

Read Calendar of Petty Cases
for the Magistracy of Port Victoria for the
disposal of by the Magistracy at Port Victoria for the
the 3d Quarter of 1852
(See Calendar No 2677 of 1852)

Read Section VII Regulation III of 1843 intituled An
Act to Establish Courts of Requests in the Districts of Port Victoria
Swan River & Albany & to define the Powers & Duties of the
Police Officers & Constables & Bailiffs thereof & to regulate the
Proceedings to be had & taken thereon & thereat & the
Fees payable & to be taken by the Officers thereof
& for other purposes
Regulations No 4 of 1846

Read Section XXXII of
Regulations No 4 of 1846

Read Oath taken from those
Persons to be sworn before the Magistrate
for the Purposes of the Jurors Act

(Vide No 1874)

Read Alphabetical List of Persons
qualified & returned by the Assistant Police Magte
for the District of Port Victoria for the Year 1853
(See Calendar No 2726/2737 of 1852)

Read Alphabetical List of Persons returned
by the Assistant Police Magte for the District of Port Victoria
for the Year 1853
(See Calendar No 2720 of 1852)

Read Alphabetical List of Persons returned by the
Assistant Police Magte for the District of Port Victoria for the Year 1853
(See Calendar No 2719 of 1852)

Read

Defendant & Parties
Examined.

Case No 3

25th November 1852

Read petition dated 9th November 1852 from the Jeedar Judge of Tandadah to the president of the Songdarree Udalut under date the 9th November 1852 desiring to be informed whether the refusal of the Village Officers advocate to act the conclusion of the Jeedarree Judges remarks in Calendar Case No 58 of 1852 were brought to the notice of the Sessions Judge

(Here Enter No 2734 of 1852)

Read Petition dated 9th November 1852 from the Jeedarree Judge of Tandadah to the president of the Songdarree Udalut under date the 15th October 1852. calling upon him to restore the sentence passed on the 2d Prisoner in Case No 52 of the Calendar for 1852 to two years imprisonment with hard labor in irons or to submit an English translation of the entire Record

(Here Enter No 2735 of 1852)

Read Jail Report submitted by the Jeedarree Judge of Jandaw for the month of October 1852

(Here Enter No 2736 of 1852)

Read Criminal Reports submitted by the Jeedarree Judge of Tellore for the month of October 1852

(Here Enter No 2737 of 1852)

Read Criminal Reports submitted by the Jeedarree Judge of Tandadah for the month October 1852

(Here Enter No 2738 of 1852.)

Lt. Thomas Smith

No 10

Saturday 27th November 1852 } Court of the Songdarree Udalut

Present

Capt G. S. Hooper Esquire
Capt W. H. Marshall Esquire } Visiting Judges
Lt. J. L. Strange Esquire

Read Miscellaneous Petition dated 27th October 1852 by D. Muroonoogam presented on the 27th October 1852 by D. Muroonoogam Pillay of Tillah Chittoor

(Here Enter No 161 of 1852)

The Petitioner prays the Court of

Capt G. Hooper

Songdarree Udalut to direct the release of his nephew

Nyanunda Pillay who is stated to be in

confinement in the Chittoor Jail on a charge of Murder

gery awaiting for trial by the Sessions Court of that

Tillah

The Court of Songdarree Udalut

2

cannot interfere in the matter referred to in the present

stage of the proceedings If the Petitioners nephew had

been committed for trial on a Criminal Charge, he

must stand his trial and on the result of his being con-

victed it will be open to him to appeal from the sen-

tence that may be passed upon him

Ordered that Extract from these

Proceedings be granted to the Petitioner on his application

Read letter under date the 6th November

1852 from the Acting Register of Zillah

Court

27th November 1852

(Here enter P.C. No 2697 of 1852)

Before making a further application for the Orders of Government in regard to the disposal of the prisoner referred to in the foregoing letter the Court of Foujdaree Udalut resolve to direct that the Acting Sessions Judge will ascertain and report whether the prisoner's friends would be willing to take charge of him and to exercise a strict surveillance over his conduct.

Ordered that Extracts from these Proceedings be sent to the Acting Sessions Judge of Nellore for his information by precept returnable within x days from and after the receipt.

(Sent following precept No 1377)

Read Calendar of Case No 20 of 1852 of the Sessions Court of Nellore.

(Here enter P.C. No 2745 of 1852)

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this case that the imprisonment which the Prisoners noted in the margin have been adjudged to suffer on their conviction of the crime of Highway robbery unattended with aggravating circumstances be reduced to (3) three years imprisonment 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 Nellore for his information.

(Sent in No 1378)

Read

1st Mekala Venkatramiyadu
2d Gurakala Venkataswamy.

27 November 1852.

Read Report dated 1st March 1852 submitted by the Sessions Judge of Rajahmundry of cases pending on the 29th February 1852 before the Sessions Court for a longer period than 25 days.

(Here Enter No 596)

Ex. I.B.C.

Read return dated 22d November 1852 from the Session Judge of Coimbatore to the receipt of the Foujdaree Udalut dated the 13th Septr directing the fine levied from Bachu Karlos Naick Gopaula Swamy Venkata and Mahomed Ghouse to be refunded.

(Here enter P. 26. No 2777 of 1852)

F. 96.

Tuesday
30th November 1852 } At a Court of the Foujdaree Udalut

Present

Sd/- G. S. Hooper Esqre
Sd/- W. A. Maitland Esqre
Sd/- H. Anderson Esqre Offg.

} Puisne Judges.

Read letter dated 27th October 1852 from the Sessions Judge of Rajahmundry submitting for the final judgment of the Foujdaree Udalut the record of Case No. 35 of 1852 on the Calendar of the Sessions Court.

(Here enter Fl. 96. No. 2778 of 1852.)

Mr. G. S. Hooper

The Court of Foujdaree Udalut on a deliberate consideration of all the circumstances of the Case in Evidence before them, being of opinion that the prisoner,

1st Capper by Ramiah

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 discharged

Sentence No. 1380.)

Read

Read Criminal reports dated 1st September 1852 submitted by the Acting Subordinate Judge of Chittoor for the Months of August 1852.

(Vide enter F. No. 2738 of 1852)

Read Criminal Report dated 15th September 1852 submitted by the Sessions Judge of Bellary for the Months of August 1852.

(Vide enter F. No. 2739 of 1852)

Read Calendar of Cases No. 27 of 1852 submitted by the Acting Session Judge of Cuddalore under date the 27th September 1852

(Vide enter F. No. 2795 of 1852)

Read Calendar of Cases No. 28 of 1852 submitted by the Acting Session Judge of Cuddalore under date the 27th September 1852

(Vide enter F. No. 2796 of 1852)

Read Calendar of Cases No. 29 of 1852 submitted by the Acting Session Judge of Cuddalore under date the 27th September 1852

(Vide enter F. No. 2797 of 1852)

Read

Read Calendar of Cases No. 30 of 1852 submitted by the Acting Session Judge of Mangalore under date the 25th September 1852

(Vide enter F. No. 2798 of 1852)

Read Return dated 22nd November 1852 from the Subordinate Criminal Judge of Cuddapah to the Principal of the Foujdaree Udalut under date the 20th November 1852 calling for an Estimate for the repairs of the Jail

(Vide enter F. No. 2772 of 1852)

Read Report dated 25 November 1852 submitted by the Session Judge of Cuddapah the execution of the Prisoner P. Thungador in Case No. 22 of the Calendar for 1852.

(Vide enter F. No. 2794 of 1852)

Ft: Vo:

Wednesday 1st. December 1852

At a Court of the Foujdaree Adawlut

Present

Hon'ble G: S: Hooper Esqr. ----- }
Hon'ble W: A: Morehead Esqr. ---- } Puisne Judges.
Hon'ble for Ft: Anderson Esqr. officiating }

Read again Miscellaneous Petition forwarded by the Session Judge of Bellary on behalf of Rabba Saib and Soudagar Boodden Saib of that zillah --

(Here enter Ft: Mi: P: Nos. 125 & 126 of 1852)

Read also return under date the 8th. November 1852 from the Session Judge of Bellary to the precept of the Foujdaree Adawlut under date 20th. October 1852 calling on the Session Judge to forward translations of the Bond No. 2 and the original receipt No. 1 in case No. 26 of 1852 on the file of that Officers Court --

(Here enter Ft: Vo: No. 2701 of 1852)

The Court of Foujdaree Adawlut having duly considered all that has been urged in the above Petitions, and the Calendar of the Case in question, together with the above returns,

Hon'ble G. S. Hooper. I

1st December 1852.

returns, see no reason whatever to doubt the correctness of the sentence passed upon the Petitioners as Prisoners in the said case, and therefore refuse to disturb it.

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

(Sent in No. 1581).

No. 1580

FW.

Tuesday
2d December 1852. At a Court of the Fujdaree Adawlut

Present.

Sd/- G. A. Cooper Esqr.
Sd/- for Charles Anderson Esqr. } Puisne Judges.
Sd/- A. R. Rowlandson Esqr.

Read Calendar of Case No. 12 of 1852 on the file of the Session Court of Cheva zilla (Acquittal No. 2712 of 1852) directing the circumstance of the prisoners having pleaded the crime charged against them, & that they have not been before convicted of a similar offence the Court of Fujdaree Adawlut are of opinion that the period of imprisonment undergone by the prisoners is adequate punishment for the offence of which they have been convicted, & that the Judge of Cheva zilla be directed to release them from confinement.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Cheva zilla for communication to the prisoners & that he report his proceedings thereon to this Court within one month from the receipt of this order.

(Sent Extract of proceedings No. 1583.)

Read Calendar of Case No. 10 of 1852 from the Sessions Judge of Gunter, & the letter from the Sessions Judge of Gunter, dated the 18th October 1852.

(Letter Order No. No. 2571 of 1852.)

Read

2 December 1852

Read Criminal Returns submitted by the Sessions Judge of Gantoor under date the 15th October 1852 for the Month of September 1852

(True Extract No 3509 of 1852)

Read return transmitted by the acting Sessions Judge of Mangalore under date the 12th October 1852 of persons admitted to the Gaol of Mangalore and delivered for trial to the acting Sessions Judge during the Month of September 1852.

(True Extract No 3520 of 1852)

Read Criminal Returns submitted by the acting Sessions Judge of Nellore under date the 8th October 1852 for the Month of September 1852.

(True Extract No 3521 of 1852)

Read Return submitted by the Sessions Judge of Rajahmundry under date the 1st October 1852 of persons admitted to the Gaol of Rajahmundry during the Month of September 1852

(True Extract No 3522 of 1852)

Read Statement of Cases No 32 of 1852 submitted by the acting Sessions Judge of Salem under date the 11th October 1852

(True Extract No 3525 of 1852)

Ed. Hindu Lit.

X

No. 216.

Friday
3rd December 1852 } At a Court of the Foujdaree Udalut

Present

G.S.H. G. S. Hooper Esqr
W.A.M. W. A. Marshall Esqr } Puisne Judges
W. for H. Anderson Esqr Offg

Read letter under date the 25th November 1852 from the Sessions Judge of Trichinopoly submitting an English Translation of the record of Case No 79 of 1852 for the final judgment of the Foujdaree Udalut.

(Vide Criminal No. 216. No 2795 of 1852)

The Prisoner in this Case was charged with Rape and had been committed by the Sessions Judge in concurrence with his Mahomedan Law Officer for aggravated assault, the trial having been referred to the Foujdaree Udalut according to the Provisions of Clause third, Section III, Regulation I of 1818.

Mr W. A. Marshall,

The Sessions Judge states in his letter of reference that the trial was commenced by the late acting Sessions Judge with the assistance

2

of Two Jurors, without the presence of the Mahomedan Law Officer as required by Clause Second, Section XXXII, Act VIII of 1843, and that he, the Sessions Judge, in concluding the trial, required the Law Officer to be present and caused the depositions previously taken to be laid before him.

3 It appears that he then took a Verdict from the Law Officer and a Verdict from the Jurors, but in referring the case absolutely to the Law Officer's Verdict, not apparently attaching any consideration to the Verdict of the Jurors.

4 The Court of Singapore should observe the Crime of which the prisoner has been convicted, viz: an aggravated assault, was within the jurisdiction of the Sessions Court, and that Sentence must therefore be passed in the case by that Tribunal; the provisions of Clause Third, Section III, Regulation I of 1818, being only applicable to those cases in which the Sessions Court may consider the Evidence sufficient for the Conviction of the accused of the crime of Rape.

5 The Court of Singapore should accordingly resolve to remand the case to the Sessions

Sessions Judge, who will proceed to pass sentence agreeably to the provisions of the general Regulation.

6. The Sessions Judge is in error in the construction put by him, upon Clause Second, Section XXXII, Act VIII of 1843, which does not prescribe that the Mahomedan Law Officer shall be present at trials conducted with the aid of assessors, but merely provides that the Law Officer may be one of the assessors. The Sessions Judge was therefore irregular in taking both a Verdict and a Verdict, but in taking both he confined himself to the [illegible] should have confined himself to the observance of one or other of the Courses of procedure sanctioned by Law.

Ordered that Extracts from these Proceedings be sent to the Sessions Judge of Tavoy by Precept within X days from and after his receipt.

(Sd) [illegible]

(Sd) following Precept No 1586.

Read letter dated 26th October 1852 from the Secretary to Government in the Judicial Department communicating a Copy of a letter from the Officiating Governor of Prince of Wales Island &c forwarding annual Returns of Convictions among the Native Convicts at Singapore for

for the Official years 1851/52 and 1849/50 to 1851/52.

(Here enter F. 96. N° 3619 of 1852)

Read Calendar of Cases N° XXIII of 1852 submitted by the Sessions Judge of Madura under date the 2nd November 1852.

(Here enter F. 96. N° 3661 of 1852)

Read Report dated 1st November 1852 submitted by the Sessions Judge of Rajahmundry of persons apprehended in the Zillah of Rajahmundry and delivered to the Criminal Judge in the Month of October 1852.

(Here enter F. 96. N° 3749 of 1852)

Read Report dated 18th November 1852 submitted by the Agent to the Governor Vizagapatam of persons apprehended in the Separate Tracts of Vizagapatam and delivered to the Magistracy in the Month of October 1852.

(Here enter F. 96. N° 3753 of 1852)

Read Report dated 16th November 1852 submitted by the Sessions Judge of Cuddapah of Persons apprehended in the Zillah and delivered to the Criminal Judge in the Month of October 1852.

(Here enter F. 96. N° 3755 of 1852)

Read

Read Extract Proceedings dated 19th November 1852 from the Sessions Judge of Cuddapah, forwarding the Calendars of the Magistracy of Cuddapah for the 3rd quarter of 1852.

(Here enter F. 96 N° 3757 of 1852)

Read Criminal Report B dated 15th November 1852 submitted by the Acting Sessions Judge of Nellore for the Months of October 1852.

(Here enter F. 96. N° 3758 of 1852)

Read Criminal Report dated 16th November 1852 submitted by the Subordinate Judge of Madura for the Months of October 1852.

(Here enter F. 96. N° 3760 of 1852)

Read

F. 96

Saturday
1st December 1852 At a Court of the Tongdarra Adalat

Present

Gl. R. H. S. Hooker Esqre
Lt. for T. Anderson Esqre
W. L. Lowhead Esqre
} Private Seals

Read Calendar of Case No 43 of 1852, on the file of the Session Court of Bellary
(Vide Calendar No 2751 of 1852)
the Court of Tongdarra Adalat de-
sire to be informed upon what grounds this Case
was remanded to the Subordinate Judge for dis-
posal, the value of the property specified in
appeal, the nature of the Case beyond the
mere statement bearing the Case beyond the
jurisdiction of the Subordinate Court &
Ordered that Extract from the
proceedings be forwarded to the Session Judge
Bellary for his information and guidance & pre-
sented returnable within 15 days from and after
the receipt -

(Vide following page No 387)

Read Criminal Reports sub.
mitted by the Session Judge of Cuddapah for the
month of October 1852

(Vide Calendar No 2719 of 1852)

Case No 187

the Court of Tongdarra Adalat
observe that this Case should have been com-
mitted under the provisions of Clause second
of Section II of Act 22 the offence
being punishable under that Enactment
more

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Tanjore for communication to the Acting Subordinate Judge.—

(Sent per Cr No 1385 dated 1st Dec 1852)

Read a communication dated 1st December 1852 from the Sessions Judge of Tanjore, forwarding a copy of the Proceedings held on receiving the Petty Calendars &c for the 3d Quarter of 1852

(These Letter File No 2769 of 1852)

1st Dec. Letter

F. No.

Monday 6th December 1852

At a Court of the Foujdaree Adawlut

Present

G. A. Hoosert, Esquire
W. A. Morehead, Esquire
T. Anderson, Esquire
} Puisne Judges

Read letter under date the 29th November 1852, from the Sessions Judge of Cuddapah, forwarding English Translation of the record of case No. 41 of 1852, on the Calendar of the Sessions Court, for the final Judgment of the Court of Foujdaree Adawlut.—

(Here enter F. No. 2818 of 1852)

Mr. G. A. Hoosert

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 Prisoners,

2d G. Ramadoo
3d G. Papadoo
5th G. Sunnyadoo
and
6th G. Ramyadoo

are not convicted on presumptive proof

as

6th December 1852

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.

The manner in which the preliminary investigation of this case was conducted by the Police authorities appears to the Court of Tanjore Adalut, to be open to much suspicion, and the Court resolve to direct, that it be brought specially to the notice of the Acting Joint Magistrate in charge of the District of Cuddapah in order that he may if he see such order as he may think proper.

Ordered, that Extracts from these Proceedings be forwarded to the Sessions Judge of Cuddapah, for communication to the Acting Joint Magistrate in charge.

Sent in Ps. /

Extract

F 46.

Thursday 9th December 1852

At a Court of the Tanjore Adalut

Present

W.K. G. A. Hooper Esqr ——— Puisne Judge

Do. H. A. Morehead Esqr ——— Puisne Judge

Vel. for F. Anderson Esqr Acting Puisne Judge

Read letter dated 15th October 1852 from the Acting Session Judge of Mangalore, submitting for the final judgment of this Tanjore Adalut the record of Case No 33 of 1852 of the Calendar of the Session Court (Reference T 46. No 255 of 1852)

W. G. A. Hooper
W. F. Anderson

The Court of Tanjore Adalut on a deliberate consideration of all the circumstances of the case under date before them being of opinion that the proof against the prisoners

1st Bhadra Nohary
2d Bellar Sampa
3d Sunnaiah
5th Cooloo
6th Jogy Sampa - and
7th Dooma

is sufficient to convict them of the crime of Gang Robbery do convict them thereof and under the provisions

provisions of Clause third, Section xx. Regulation xx of
sentences the prisoner

1st Bhindoo Mahary

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 - the prisoners

2nd Bellan Tampoe

3rd Sumanoo

5th Cantoo

6th Jogiah Tampoe - and

7th Doraya

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

The Court of Enquiry Ordered by
further of opinion that the prisoners

6th Chickoolen

8th Coomber Muddo

9th Coomber Sinakumo

11th Kannaya - and

12th Bella Channiga

are not convicted on sufficient proof of any
evidence of criminality on their own confession
of the charges against them - therefore
that the prisoners

12th Bella Channiga

be set at liberty

But considering that strong suspi-
cion tho not amounting to conviction attaches to
the prisoners

6th Chickoolen

8th Coomber Muddo

9th Coomber Sinakumo - and

11th Kannaya

they direct that they be severally required under
Clause sixth Section xx Regulation xx of 1803 to find
two sureties on 25 Rupees each Surety for their good
behaviour and appearance when required within
one year, or in default thereof they be detained for
one year in confinement

The Court of Enquiry Ordered
1 [illegible]
have concurred with the Acting Assistant Judge
in the acquittal of the 6th 8th 9th 11th and 12th prisoners
on the case and have ordered the recommendations
on their case and have ordered the recommendational
release of the 12th prisoner there being no evidence
to show that he was aware of the manner in
which the two Rupees here proved to have been
from the 2nd prisoner had been obtained

considering strong suspicion
2 [illegible]
attached to the 6th 8th 9th and 11th prisoners the Court
have placed them under recognizance of security

The

9th December 1852.

3 The Court of Foujdaree Udalut have considered the evidence fully sufficient for the conviction of the 6th prisoner - the prosecutor deposes to having recognized him on the occasion of the robbery He was apprehended at an early date and delivered up ten Rupees which had been buried in his garden and the Court of Foujdaree Udalut see no reason to question the genuineness of the confession subsequently made by him before the Head of District Police.

4 The Court of Foujdaree Udalut have accordingly convicted the 6th prisoner and have sentenced him to seven years imprisonment with hard labor in irons.

5 The Court of Foujdaree Udalut are further of opinion that the evidence was sufficient for the conviction of the 10th prisoner and that the Acting Session Judge erred in acquitting that prisoner in deference to the verdict of the Assessors.

6 It is observed that the Acting Session Judge in the 8th para: of the remarks recorded by him on the Calendar has inadvertently made a remark in regard to an admission made by the 5th prisoner which it appears from the record was not made by him but by the 10th prisoner.

Ordered

F 26.

9th December 1852. Ordered that Extract from these Proceedings be forwarded to the Acting Session of Mangalore for his information.

(Sentence No. 1395 S

Es

1852.

F. U.

Saturday 11th December 1852.

At a Court of the Foujdaree Adalut.

Present.

G. S. Hooper Esqre. — W. A. Morehead Esqre. — T. L. Strange Esqre. — Puisne Judges

Read Miscellaneous Petition —

presented on the 27th October 1852 by Streenevasa Sharry Vakeel on behalf of Paroonnub Nadan — Appellant in Appeal Suit No. 46 of 1851 on the file of the Zillah Court of Madura —

(Here enter F. U. P. No. 152 of 1852).

Mr. G. S. Hooper. 1. The Court of Foujdaree Adalut see no reason to question the propriety of the order passed by the Civil Judge of Madura under date the 27th September 1852 declining to direct that certain witnesses in the suit above referred to should be committed for perjury —

2. The Court of Foujdaree Adalut accordingly resolve to dismiss this Petition —

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

(Sent in No. 1396.)

Ordered

11th December 1852.

Ordered also that Extract from these Proceedings be furnished to the Petitioner Vakeel on his application — 5

2s
18d

F. 96.

Monday 13th December 1852

At a Court of the Foujdaree Udalut

Present

G.A. G. S. Hooper Esqre
W. A. Morehead Esqre
W. T. P. Strange Esqre
} Puisne Judges

Read letter dated 1st December 1852 from the Sessions Judge of Madura submitting for the final Judgment of the Foujdaree Udalut the record of Case No 39 of 1852 of the Calendar of the Sessions Court —

(Here enter No 2820 of 1852)

The Court of Foujdaree Udalut

Mr W. A. Morehead
Mr T. P. Strange

on a deliberate Consideration of all the Circumstances of the Case in Evidence before them being of opinion that the proof against the Prisoner "Curpa Gounden" is sufficient to convict him of the Crime charged, do convict him thereof, and sentence him to be transported to such place or places beyond Sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor

for

on the public roads or other public works for and during the period of his natural life.

The Court of Sujdaree Udalut have convicted the prisoner in this case of the murder laid to his charge being satisfied from the evidence that the deceased Curpaye met her death at his hands but in the absence of any evidence as to the circumstances which may have provoked the prisoner to the violence which caused her death or as to what the degree of that violence may have been, and as the prisoner's statement have only been partially accepted by the Court that portion of them which tends to his own exculpation having been rejected as being under the circumstances of the case altogether undeserving of belief, the Court of Sujdaree Udalut have deemed it proper to abstain from adjudging the extreme penalty of the law.

2nd. The Court are constrained to observe that the Sessions Judge's investigation as to the identity of the corpse is not so satisfactory as it ought to have been for it does not appear from the record that the corpse could not be identified but on the contrary

some of the witnesses examined have stated that they heard other persons say it was the dead body of Curpaye which should obviously have suggested the necessity of ascertaining who the persons were who were alluded to and if requisite of examining them on the point.

3rd. The inquest paper is also silent on this point instead of setting forth as it should have done whether the persons who signed it could or could not say of their own knowledge whose the dead body was and the Court direct that the omissions be communicated to the Magistrate in order that it may be noticed to the Head of Police.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Madura for his information and future guidance and for communication of para 3 to the Magistrate of Madura.

(Sent in No. 399-)

Read Extract from the Proceedings of the Sessions Court under date the 30th November 1852 submitting the Petty Calendars received from the Magistrate for

for the 3d Quarter 1852.

(Here enter F. 86. N° 2819 of 1852)

Read Extract from the Proceedings of the Sessions Court of Nellore under date the 2d December 1852 ——— on the Magistrates' Petty Calendars for the 3d Quarter of 1852.

(Here enter F. 86. N° 2824 of 1852)

Read Statement dated 1st December 1852 from the Acting Sessions Judge of Nellore of Cases pending for the Months of November 1852

(Here enter F. 86. N° 2825 of 1852)

Read Calendar of Case N° 31 of 1852 Submitted by the Sessions Judge of Rajahmundry under date the 30th November 1852.

(Here enter F. 86. N° 2826 of 1852)

Read Letter dated 30th November 1852 from the Sessions Judge of Bellary reporting that one hundred Convicts were despatched to Cuddapah on the 27th Instant.

(Here enter F. 86. N° 2827 of 1852)

Read report dated 2nd December 1852 from the Acting Sessions Judge of Salem, of Cases pending on the 30th November 1852 before

before him for a period in excess of 25 days calculated from the date of Commitment.

(Here enter F. 86. N° 2828 of 1852)

Read Calendar of Case N° 31 of 1852 Submitted by the Sessions Judge of Tinnevelly under date the 27th November 1852.

(Here enter F. 86. N° 2829 of 1852)

Read report dated 1st December 1852 from the Sessions Judge of Calicut, of Cases pending on the 31st October and committed for trial during the Month of November 1852 before him.

(Here enter F. 86. N° 2832 of 1852)

Ex 1852

F.No.

Tuesday.
14th December, 1852. At a Court of the Foujdaree Adalut.

Present

Sd/- G. L. Cooper, Esquire —
Sd/- W. A. Morehead, Esquire — } Puisne Judges.
Sd/- T. L. Strange, Esquire —

Read return under date the 29th September 1852 from the Session Judge of Rajahmundry to the Precept of the Foujdaree Adalut dated the 6th September 1852 directing the unconditional release of P. Venatachanlu prisoner in Case No. 11 of 1852 and the dismissal from his situation of Veeravully Brumniah. Sungum Nazir of the Subordinate Court of that Zillah.—

Here Enter F.No. 2420 of 1852/-

Read also Miscellaneous Petition presented on the 13th October 1852 by Arthur Ritchie Esquire Vakeel on behalf of P. Brumniah Sungum of Zillah Rajahmundry

Rajahmundry.—

/Here Enter S. & T. No. No. 44 of 1852./—

Mr. G. S. Cooper. 1.

and

Mr. W. A. Morshead

The Court of Foujdaree Udalut see nothing in the Subordinate Judge's return of the 25th September last a copy of which has been submitted with the Sessions Judge's return of the 29th idem or in the petition presented by Mr Ritchie in behalf of the late Nazir of the Subordinate Court that would lead them to doubt the propriety of their orders of the 6th of that month directing that the Nazir Veeravelly Brummaiahlingum should be dismissed from his situation.—

2.

On an attentive consideration of the entire proceedings in the case the Court of Foujdaree Udalut deem it necessary to order the Nazir's dismissal and they see nothing in the arguments urged by the Subordinate Judge or by the Petitioner's Vakeel who was heard orally which would induce them to alter that opinion.—

3.

The Subordinate Judge is clearly

14th December, 1852.

clearly in error in questioning the authority of the Court of Foujdaree Udalut to direct the dismissal of any public servant on the Establishment of any of the lower Courts under the power of general control vested in them by the provisions of Regulation VII of 1822 and the orders of Government founded thereon.—

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Rajahmundry for communication to the Subordinate Judge by Precept returnable within XXIV hours from and after its receipt.—

/Sent following Precept No. 1404./—

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

Read again letter dated 16th October 1852 from the Sessions Judge of Cuddapah submitting for the final Judgment of the Foujdaree Udalut the record of Case No. 16 of 1852 of the Calendar of the Sessions Court.—

/Here Enter F. & C. No. 2532 of 1852./—

Read

Read also return under date the 25th. November 1852 from the Sessions Judge of Cuddapah to the precept of the Foujdaree Udalut dated the 29th. October 1852 directing that the Magistrate of Cuddapah should be instructed to call upon the Head of Police of Jumulmadoogoo for an explanation of his negligence in the foregoing case.—

/Here enter F.H.C. No. 2788 of 1852/-

1. The Court of Foujdaree Udalut consider the explanation submitted in the foregoing return to be extremely unsatisfactory as it assigns no reason for the omission of the Head of Police at once to proceed to the place where the murder charged is alleged to have been committed on receiving the report of the Surchasheem that the deceased boy had been murdered.—

2. The Court of Foujdaree Udalut direct that the Acting Joint Magistrate in charge of Cuddapah be intimate to the Head of Police the opinion

opinion formed by the Foujdaree Udalut in regard to his negligence in this case with a warning that any future instance of negligence on his part that may be brought to the notice of the Higher Court will lead to his immediate dismissal.—

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Cuddapah for communication to the Acting Joint Magistrate in charge of Cuddapah by express Precept returnable within III days from and after its receipt.—

/Sent following Precept No. 1405/-

Read Calendar of Case No. 19 of 1852 of the Sessions Court of Guntoor.—

/Here enter F.H.C. No. 2756 of 1852/-

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this case that the imprisonment, which the Prisoners noted in the margin have been adjudged to suffer on their conviction of the crime of

1st Salagala Chinna Cotadoo—
2d Dawanapoo Andee Gandoo—

Read also return under date the 25th November 1852 from the Sessions Judge of Cuddapah to the precept of the Fouzdaree Udalut dated the 29th October 1852 directing that the Magistrate of Cuddapah should be instructed to call upon the Head of Police of Jummulmadoogoo for an explanation of his negligence in the foregoing case.-

/Here enter F.H.C. No. 2788 of 1852/-

1. The Court of Fouzdaree Udalut consider the explanation submitted in the foregoing return to be extremely unsatisfactory as it assigns no reason for the omission of the Head of Police at once to proceed to the place where the murder charged is alleged to have been committed on receiving the report of the Surchaukum that the deceased boy had been murdered.-

2. The Court of Fouzdaree Udalut direct that the Acting Joint Magistrate in charge of Cuddapah will intimate to the Head of Police the opinion

opinion formed by the Fouzdaree Udalut in regard to his negligence in this case with a warning that any future instance of negligence on his part that may be brought to the notice of the Higher Court will lead to his immediate dismissal.-

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Cuddapah for communication to the Acting Joint Magistrate in charge of Cuddapah by a Precept returnable within III days from and after its receipt.-

/Sent following Precept No. 1405/-

Read Calendar of Cases for the Sessions Court of Guntoor.-

No. 19 of 1852 of the Sessions Court of

/Here enter F.H.C. No. 2756 of 1852/-

The Court of Fouzdaree Udalut approve of the recommendation made by the Sessions Judge in this Case that the imprisonment, which the Prisoners noted in the margin have been adjudged to suffer on their conviction of the crime of

1st Salagala Chinnaa Cotadoo-
2nd Dawarapoo Audea Gandoo.-

of Highway Robbery with personal injury be reduced to 4 years' imprisonment 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 Guntoor for his information.-

/Sent in No. 1306./-

Read letter under date the 22d. November 1852 from the Acting Magistrate of North Arcot-

/Here enter F/Mc. No. 2765 of 1852/-

The Court of Foujdaree Udalut approve of the recommendation made by the Acting Magistrate in the foregoing letter that the 30 Convicts confined at Ranneputt should be placed temporarily under the charge of the Cantonment Adjutant whenever the Joint Magistrate is obliged by his Revenue duties to leave Arcot, and the Court accordingly sanction the adoption

of the arrangement proposed.-

Ordered, that Extract from these Proceedings be forwarded to the Acting Magistrate of North Arcot for his information.-

/Sent in No. 1307/-

Read report of persons punished by the Magistrate of Salem under the provisions of Section VII - Regulation X of 1816 during the month of October 1852.-

/Here enter F/Mc. No. 2773 of 1852/-

Case No. 13.

1. The prisoner in this case was charged with a misdemeanor in having taken depositions from certain persons and without fraudulent motives affixed to each of the said depositions the signature of Mauneram the Karnam of the Tammumbatty Division of the Taluk of Ahtoor.-

The Court of Foujdaree

2. Udalut observe that the act charged against the prisoner as stated in the charge does not constitute a criminal

offence

offence in the absence of a fraudulent motive on the part of the accused and that the sentence passed was therefore illegal.-

Ordered, that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Salem for communication to the Magistrate.

/Sent in No. 1308/-

Read Calendar of Cases No. 49 of 1852 of the Sessions Court of Calicut.-

/Here Enter F.H.C. No. 2742 of 1852/

The Court of Fouzdaree Adalut approves of the recommendation made by the Sessions Judge in this Case that the imprisonment, which the Prisoner noted in the margin has been adjudged to suffer on his conviction of the crime of Gang robbery be reduced to 10 years' imprisonment with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.-

Kalatibel Syed Ahmed

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

/Sent in No. 1309/

Ed. H.C.

Wednesday 15th December 1852

F.H.C.

At a Court of the Fouzdaree Adalut.-

Present

Hon'ble G. S. Hooper Esquire — Sessions Judges.
Hon'ble W. A. Morehead Esquire —
Hon'ble J. L. Strange Esquire —

Read Criminal Reports submitted by the Session Judge of Calicut for the month of October 1852.-

(Here enter F.H.C. No. 2742 of 1852)

The Court of Fouzdaree Adalut on

Cochin Criminal Report Form B Case No. 76.

observe that Prisoners charged in this Case should have been indicted separately for the offences respectively laid to their charge and their trial numbered separately.-

No. 187.

2.

The Prisoners from 2 to 6 in this Case should apparently have been tried on a separate indictment as it is to be inferred that the offence charged against them was committed at a different time and place from that of which the 1st Prisoner was accused.-

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Calicut for his information and guidance and for Communication of para 1 to the Principal Sudr Ameen of Cochin and

Read report Submitted by the Sessions Judge of Chittoor under date the 1st December 1852 of Cases pending on the 30th November 1852 for a period in excess of 25 days Calculated from the date of Commitment.—

(Here enter F. H. No. 2834 of 1852)

Read Calendar of Case No. 50 of 1852 Submitted by the Sessions Judge of Trichinopoly under date the 1st December 1852.—

(Here enter F. H. No. 2836 of 1852)

Read Calendar of Case No. 38 of 1852 Submitted by the Acting Sessions Judge of Cuddalore under date the 6th December 1852.—

(Here enter F. H. No. 2842 of 1852)

Read Calendar of Case No. 40 of 1852 Submitted by the Acting Sessions Judge of Cuddalore under date the 6th December 1852.—

(Here enter F. H. No. 2844 of 1852)

Read Calendar of Case No. 41 of 1852 Submitted by the Acting Sessions Judge of Cuddalore under date the 6th December 1852.—

(Here enter F. H. No. 2845 of 1852)

Read Calendar of Case No. 42 of 1852 Submitted by the Acting Sessions Judge of Cuddalore under date the 6th December 1852.

(Here enter F. H. No. 2846 of 1852)

Read

Read report Submitted by the Principal Sudr Ameen in Charge of the Sessions Court of Tellicherry under date the 1st December 1852 of Cases pending on the 30th November and Committed for trial during the months of August and October 1852.—

(Here enter F. H. No. 2847 of 1852)

Read report Submitted by the Sessions Judge of Coimbatore under date the 1st December 1852 of Cases pending on the (31st October) and Committed for trial during the months of November 1852.—

(Here enter F. H. No. 2849 of 1852)

2d
1852.

and of para 2 to the Subordinate Judge of Cuttack.

/ Sent in No. 7411. /

Read letter under date the 17th Novem=ber 1852 from the Subordinate Judge of Rajahmundry.

(Herewith F. C. No. 2763 of 1852)

In the foregoing letter the Subordinate Judge of Rajahmundry requests instructions in regard to the disposal of an European Prisoner who has been sentenced by a Justice of the Peace at Cocanada to confinement for ten weeks and hard labor in the Zillah Jail.

2. The Court of Foujdaree Adalut observe that the foregoing sentence is illegal, two months being the maximum period of Imprisonment which under the provisions of Regulation II of 1820 it is competent to a Justice of the Peace in the Provinces to adjudge, while no provision is made in that enactment for the award of labor.—

3. The sentence must be carried out in the Jail at Rajahmundry the Regulation above quoted directing that all prisoners sentenced to Imprisonment under its provisions should be confined in the Zillah Jail and it will be the duty of the Subordinate Judge to provide for him the best accommodation that may be available

The

4. The Court of Foujdaree Adalut in=have directed that 4 annas per diem should be allowed for the Subsistence of an European under=going a Sentence of Imprisonment in the Jails of the East India Company.

5. No orders are required in regard to the disposal of the prisoner referred to on his re=leased.—

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

/ Sent in No. 7412. /

Read letter dated the 27th Ultimo from the Agent to the Governor of Fort St. George at Vizagapatam submitting for the final orders of the Court of Foujdaree Adalut a Summary of the evidence adduced before him in Cases Nos. 20 and 21 of 1852 on his file.—

(Herewith F. C. No. 2807 of 1852)

Before finally disposing of these Cases the Court of Foujdaree Adalut resolve to direct that an English translation of the record of each case may be laid before them.

Ordered that Extract from these Proceedings be forwarded to the Agent at Vizagapatam by precept returnable in XV days from and after its receipt.

(Sent forthcoming precept No. 1948.

Read.

Read report Submitted by the Sessions Judge of Chittoor under date the 1st December 1852 of Cases pending on the 30th November 1852 for a period in excess of 25 days Calculated from the date of Commitment.—

(Here enter F. H. No. 2834 of 1852)

Read Calendar of Case No. 50 of 1852 Submitted by the Sessions Judge of Trichinopoly under date the 4th December 1852.—

(Here enter F. H. No. 2836 of 1852)

Read Calendar of Case No. 38 of 1852 Submitted by the Acting Sessions Judge of Cuddalore under date the 6th December 1852.—

(Here enter F. H. No. 2842 of 1852)

Read Calendar of Case No. 40 of 1852 Submitted by the Acting Sessions Judge of Cuddalore under date the 6th December 1852.—

(Here enter F. H. No. 2844 of 1852)

Read Calendar of Case No. 41 of 1852 Submitted by the Acting Sessions Judge of Cuddalore under date the 6th December 1852.—

(Here enter F. H. No. 2845 of 1852)

Read Calendar of Case No. 42 of 1852 Submitted by the Acting Sessions Judge of Cuddalore under date the 6th December 1852.

(Here enter F. H. No. 2846 of 1852)

Read report Submitted by the Principal Sudr Ameen in Charge of the Sessions Court of Tellicherry under date the 1st December 1852 of Cases pending on the 30th November and Committed for trial during the months of August and October 1852.—

(Here enter F. H. No. 2847 of 1852)

Read report Submitted by the Sessions Judge of Coimbatore under date the 1st December 1852 of Cases pending on the (31st October) and Committed for trial during the months of November 1852.—

(Here enter F. H. No. 2849 of 1852)

2nd Mss.

Thursday
16th December 1852

Ldt:

At a Court of the Louisdance Idahalt

Present

Lt/K G: A: Hoosier Esqr.
V-dl R: A: Morehead Esqr. } Prisone Judges
Ll D L. Strange Esqr.

Read again Calendar of Case N: 21 of 1852 on the file of the Session Court of Meadows

Here enter Ldt N: 1576/1852.

Read also Miscellaneous Petition presented on the 5th Octobr 1852 by Chimmaroony of Killock Meadows.

Here enter Petn V. N: 737/1852.

Read also return under date the 30th November of the Louisdance Idahalt dated the 8th of December 1852 directing the submission of an English Translation of the record of the foregoing case.

Here enter Ldt N: 2821/1852

Can an attentive perusal of the record of the foregoing case the Court of Louisdance Idahalt consider the evidence insufficient for the conviction of the 3rd prisoner.

2 The evidence against the said prisoner consists of the testimony of the Prosecutor and of the 2nd 3rd 4th and 8th witnesses all of whom depose to having identified the 3rd prisoner during the robbery which was committed by torch light all of them admitting that previous to that occasion the 3rd prisoner was unknown to them

3

Of these prisoners the prosecutor and the 2nd 3rd & 4th witnesses were not examined as to the identity of the 3rd prisoner until the latter was produced before the Subordinate Criminal Court on 27 days after they had for the first and only time in their lives seen him, he being they state then engaged in the commission of the robbery laid to his charge. The 8th witness did not speak to his identity until he saw him before the Sessions Court.

4

It appears that no plundered property was found in the 3rd prisoner's possession but that he was apprehended in consequence of a statement made by the 1st & 2nd prisoners before the Police implicating him in the crime charged. so that the evidence against him is confined to his alleged identification, a description of evidence which the Court are not disposed to rely on unsupported by strong collateral proofs.

5

The Court of Sessions Galle

accordingly resolve to reverse the sentence passed upon the 3rd prisoner.

Vellayen alias Chortayan

and direct that he be unconditionally released

6.

The Court of Sessions Galle transmit a copy

in the Law officers Return wherein he states that the 1st and 2nd prisoners admitted that they had confessed before the Police whereas it appears from the record that the said prisoners retracted their Police confessions before both the Courts.

Ordered

16th December 1852.

Ordered that Extract of these proceedings be sent to the Sessions Judge of Negombo by precept returnable within 14 days from and after its receipt.

Ordered also, that Extract of these proceedings be furnished to the Petitioner on his application

Sent following precept 17th inst.

Read miscellaneous Petition presented on the 3rd November 1852 by Veerasamy Pillai of Dimbulla

(Here enter Sessions Case No. 155 of 1852)

Petitioner prays that the sentence passed on her son Mootoocoomaren Thisoowe in Criminal Case No. 79 1852. on the File of Principal Sessions Court of Negombo Western Province may be suspended.

The Court of Sessions Galle

2

do not consider that the statements contained in the Petition afford any reason for questioning the correctness of the decision of the Lower Court concerning the guilt of her son Mootoocoomaren.

Ordered, that Extract of these proceedings be furnished to the Petitioner on application.

Read letter under date the 1st December 1852 from the Agent to the Governor of Fort Saint George in original submitting a Summary of the evidence in a case of Robbery by open violence attended with aggravating circumstances.

(Here enter Sessions Case No. 2856 of 1852)

The Court of Sessions Galle remarks with

with the Agent in the conviction of the prisoner of the crime laid to his charge but being of opinion that a less severe punishment than that recommended by the Agent will be sufficient to meet the demands of Justice they direct that the said prisoner

Venkey Gemgundaud

be sentenced to Imprisonment with hard labor in irons on the public roads or other public works for and during the term of seven years under the provisions of Clauses Second and fifth Section IV Regulation XV of 1803.

2. The Court of Enquiry Adulat observe that with reference to the nature of the offence charged the addition of a second Count based on the prisoner's previous conviction on a charge of Housebreaking was unnecessary the latter offence not being one of the character referred to in Clause third of the Regulation above quoted as rendering a prisoner liable to an enhancement of punishment on his conviction on a subsequent charge of Robbery by open violence ..

Ordered, that Extract from these proceedings be sent to the Gommeir agent of Tranquebar for his information ..

Sent in No 1415.

Read again miscellaneous Petition presented on the 18th December 1851 by Ranly Zillah of Salem

Here ente E.C. de D. No 179 1851.

Read

Read also miscellaneous Petition presented on the 13th October 1852 by the same party

Here ente E.C. de D. No 139 of 1852.

Mr H A Morehead

The Petitioner sets forth that he two sons have been unjustly sentenced in case (No not mentioned) on the Calendar of 1851 to 3 and 14 years imprisonment on a false criminal charge by the Session Court of Salem and requests the Court of Enquiry Adulat to call for the record of the case and pass such order as may appear proper.

1.

The Court of Enquiry Adulat are of opinion that the Proceedings of the Sessions Court dated 1st November 1851 should have set forth the No. of the Calendar and as Petitioner has had no order passed on his former petition the Court will send to the Session Judge the Proceedings of the 1st November 1851 and direct him to enter the number of the Calendar in which Petitioners sons are entered as Prisoners.

2.

The Court of Enquiry Adulat after ascertaining the No. of the Calendar will pass a final order on these Petitions.

Ordered, that Extract from these proceedings be sent accordingly to the Session Judge of Salem by Receipt returnable in X days and Copy of this Order be furnished to the Petitioner on his application

Sent following Receipt No 1415

Read letter dated 30th November 1852 from the Acting Sessions Judge of Honore Reporting with reference to Extract Proceedings Enquiry Adulat 9th November 1852, the modification

Eq Dec Clerk

16th December 1852.

modification made in the sentence passed by the Acting Judge of Jaffna in case No. 43 of 1852.

(Here enter No. 2850 of 1852.)

Friday
17th December 1852.

J. P. C.

At a Court of the Fouzdaree Adalut.

Present.

The Hon.ble G. L. Hooper Esquire
H. A. Morehead Esquire
T. L. Strange Esquire
} Puisne Judges.

Read Calendar of Case No. 43 of 1852 of the Session Court of Batticaloe.

(Here enter No. 2823 of 1852)

The Court of Fouzdaree Adalut approve of the recommendation made by the Acting Session Judge in this Case that the imprisonment which the Prisoners noted in the margin have been adjudged to suffer on their Conviction of the Crime of House breaking and Theft be reduced in the Case of the 1st Prisoner to (1) one year and in that of the 2d Prisoner to (2) two years imprisonment with hard labor in irons and they do authorize the Acting Session Judge to issue his warrant to accordingly.

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

(Sent in No. 1418.)

Read Report dated 10th June 1852 from the Session Judge of Mascalpatam of Cases pending

1st Egoo Lakshmi Alahu and
2d Yetchellie Ammal Alahu.

pending on the 30th April 1852 and Committed for trial during the month of May 1852.—

(Here enter Jr. No. No. 1455 of 1852.)

Read return dated 19th June 1852 from the Session Judge of Masulipatam to the precept of the Foujdaree Adalut under date the 7th June 1852 directing the Session Judge to call upon the Magistrate to explain the Cause of the great delay which appears to have occurred in his issuing instructions to the Head of Police of Masulipatam on his application respecting the disposal of Case No. 97 of 1852.—

(Here enter Jr. No. No. 1577 of 1852)

Read Communication dated 23d June 1852 from the Acting Sessions Judge of Salem reporting with reference to the Proceedings of the Foujdaree Adalut of the 17th June, that the Proceedings held by the Sessions Court on the 20th November last cancelling the Sentence of imprisonment in the Case referred to therein were not submitted to Foujdaree Adalut as they were held on the report of the Subordinate Judge.—

(Here enter Jr. No. No. 1579 of 1852)

Read report dated 22d June 1852 submitted by the Assistant Judge in Charge of the Sessions Court of Combaconum of Casualties in the Gaols under the Charge of the Magistracy for the month of May 1852.

(Here enter Jr. No. No. 1583 of 1852)

Read

Read return dated 22d June 1852 from the Sessions Judge of Mangalore to the precept of the Foujdaree Adalut under date the 15th June 1852 directing dismissal of Shanbaghery Row the Head of Police of Bareoor from public Service for misconduct in forwarding one Venkappa Shetty to the Subordinate Court on a false Charge of Murder.—

(Here enter Jr. No. No. 1585 of 1852)

Read Calendar of Case No. 160 of 1852 submitted by the Sessions Judge of Mangalore under date the 23d June 1852.—

(Here enter Jr. No. No. 1586 of 1852)

Read Calendar of Case No. 29 of 1852 submitted by the Sessions Judge of Masulipatam under date the 15th June 1852.—

(Here enter Jr. No. No. 1587 of 1852)

Read Communication dated 21st June 1852 from the Sessions Judge of Rajahmundry submitting original warrant and Copy of a letter from the Subordinate Judge shewing that the final Sentence of the Court of Foujdaree Adalut upon the 1st Prisoner in Case No. 5 of 1852 on the Calendar has been duly executed.—

(Here enter Jr. No. No. 1590 of 1852)

Read letter dated 19th June 1852 from the Acting Sessions Judge of Calicut transmitting the

the Statement received from the Subordinate Judge of Calicut shewing the Amount realized by the labor of Prisoners for the 1st Quarter of 1852.

(Here enter F. No. 8 No. 7591 of 1852)

Read Calendar of Case No. 26 of 1852 submitted by the Sessions Judge of Bellary under date the 13th August 1852 —

(Here enter F. No. 8 No. 2044 of 1852)

Read letter dated 1st October 1852 from the Acting Sessions Judge of Cuddalore reporting that no cases have been pending for trial before the Sessions Court for a period of 25 days during September 1852.

(Here enter F. No. 8 No. 2215 of 1852)

Read Report submitted by the Acting Sessions Judge of Salem of Cases pending on the 30th September 1852 for a period in excess of 25 days calculated from the date of Commitment —

(Here enter F. No. 8 No. 2436 of 1852)

J. W.

F No

Saturday 18th December 1852

At a Court of the Fouzdaree Adalut

Present

Geo. G. S. Hooper Esqr. ——— Puisne Judge

Robt. Jr. W. A. Morehead Esqr. ——— Puisne Judge

Ord. T. L. Strange Esqr. ——— Puisne Judge

Read letter dated 6th December 1852 from the Sessions Judge of Coimbatore, submitting for the final judgment of the Fouzdaree Adalut the record of Case No. 31 of 1852 of the Calendar of the Sessions Court

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

Present Fo No 2887 of

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 "Pulla Chetty" is sufficient to convict him of the crime of Murder & do convict him thereof and under the provisions of Section x, Regulation xiii of 1809, sentence him to suffer death by being hanged at the usual time and place of execution

The Court of Fouzdaree Adalut observe that the Pillah Surgeon should have been examined before

18th December 1852.

before the Session Court, if the Session Judge considered his evidence to be required.

2 The letter of the Tillah Surgeon which has been filed with the record could not properly be taken into consideration as evidence against the accused and should not therefore have been entered on the record or referred to by the Session Judge as affording evidence in support of the charge

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

2d 1852

(Sent in No 449

F 26

Monday 20th December 1852. At a Court of the Fouzdaree Udalut

Present

Mr C. S. Hooper Esqre ——— Puisne Judge

W. A. Morehead Esqre ——— Puisne Judge

T. L. Strange Esqre ——— Puisne Judge

Read again Miscellaneous Petition presented on the 19th April 1852 by Sesha Sooramma Nautch of Tillah Salem

(Here enter F 26 M. P. No 47 of 1852)

Read also Miscellaneous Petition presented on the 17th November 1852 by the same party of the Tillah Salem

(Here enter F 26 M. P. No 156 of 1852)

Mr C. S. Hooper

The Court of Fouzdaree Udalut refer the Petitioner to their former order passed under date the 7th June 1852 with regard to this application which is final.

This Petition is therefore rejected

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

Read Miscellaneous Petition presented on the 3d November 1852 by Rt Tevaroo Vencatarow Vakeel on behalf of Cotagerry Venkatarow of Tillah

Lillah Rajahmundry

(Here enter F. No. M. P. No. 153 of 1852)

Mr. G. L. Hooper

The Court of Foujdaree Udalut resolve that this case was finally disposed of under date the 3rd November 1852; no orders are therefore necessary on this Petition

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

Read Miscellaneous Petition presented on the 20th November 1852 by Sadoor Baboo Row of Madras

(Here enter F. No. M. P. No. 154 of 1852)

Mr. G. L. Hooper

This is an application to the Court of Foujdaree Udalut to set aside the order passed by the Session Judge of Chingleput under date the 25th October 1852, refusing to interfere on the matter referred to in Miscellaneous Petition No. 72 of 1852, on the ground that for reasons stated, it would be hopeless to attempt to afford the Petitioner any redress

2. The Court of Foujdaree Udalut see no grounds for their interference in this matter and observe that the order passed by the Acting Session Judge appears correct under the circumstances.

Ordered that Extract from these Proceedings

Proceedings be furnished to the Petitioner on his application

Read Calendar of Case No. 36 of 1852 submitted by the Session Court of Salem

(Here enter F. No. No. 2710 of 1852)

In consideration of the circumstances of this case the Court of Foujdaree Udalut resolve to direct that the period for which the prisoner has been required to produce security be reduced to one year

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Salem for his information and guidance by order returnable within x days from and after its receipt

(Sent following Receipt No. 7122.

Read Criminal Reports submitted by the Session Judge of Tellicherry for the month of October 1852.

(Here enter F. No. No. 2750 of 1852)

Form A. Case No. 52.

The Court of Foujdaree Udalut observe that the reports in Form B. of cases committed for trial to the Session Court need only contain a statement of the charge and of the fact of commitment, the grounds of commitment being stated at length in the copy of the Calendar submitted by the Session Judge.

Ordered

20th December 1852

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Tellicherry for communication to the Principal Sudr Ameen

Sent in No. 1423.

Read Criminal Report submitted by the Session Judge of Coimbatore for the month of October 1852

(Here enter F. No. No. 2743 of 1852)

Form A
Case No. 52

1 The Prisoner in this case was charged with a misdemeanor in having deserted the service of his master and on conviction has been sentenced by the Joint Magistrate of Ootacamund to pay a fine of three Rupees or in default to be imprisoned for 20 days under Section VII Regulation of 1816

2. The Court of Foujdaree Udalut desire to be informed whether the prisoner was shown to have received an advance of pay from his master previous to the act of desertion laid to his charge as otherwise the sentence would be illegal the offence charged not being punishable under the Regulations in force in this Presidency. If such an advance was proved to have been made to the Prisoner the offence should have been treated as a fraud and designated as such in the statement of charge.

3. Should it appear that no such advance had been made to the prisoner it will be the

F. No.

20th December 1852.

the duty of the Session Judge to direct that the fine imposed upon him be refunded.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Coimbatore for communication to the Magistrate by precept returnable within x days from and after its receipt.

(Sent following Precept No. 1424.

Read Calendar of Case No. 42 of 1852 submitted by the Acting Session Judge of Honore

(Here enter F. No. No. 2752 of 1852)

The Court of Foujdaree Udalut concur

1 with the Acting Session Judge in considering that the sentence prescribed under Section x Regulation x of 1802 would be unnecessarily severe, and they are of opinion that it may be mitigated still further than the Acting Session Judge recommends, and that the period of Imprisonment awarded may be reduced in the case of the 1st 2d and 3d Prisoners to two years.

The Acting Session Judge will be pleased to issue his warrant accordingly.

2. Ordered that Extract from these Proceedings be sent to the Acting Session Judge of Honore by Precept returnable within 5 days from and after its receipt.

(Sent following precept No. 1425

Read

Read Letter dated 9th December 1852 from the Agent to the Governor of Fort St. George at Vizagapatam, submitting a Summary of the evidence in a case of house breaking.

(Here enter F. Ch. No. 2910 of 1852)

The Court of Foujdaree Udalut concur with the Agent in the conviction of the Prisoner,

Peesah Cunnigandoo,

and they resolve under the provisions of Section XX Regulation XII of 1802 to confirm the sentence of seven years imprisonment with hard labour in irons proposed by the Agent to be passed upon him.

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

(Sent in No. 1426.

Read Calendar of Case No. 39 of 1852 submitted by the Session Judge of Calicut.

(Here enter F. Ch. No. 2801 of 1852)

The Court of Foujdaree Udalut concur with the Session Judge in considering that the sentence prescribed by Clause third Section XX Regulation XII of 1803 would be unnecessarily severe and they are of opinion

opinion that it may be mitigated still further than the Session Judge recommends, and that the periods of imprisonment awarded may be reduced in the case of the 1st and 2d prisoners to seven years and in that of the 4th prisoner to three years.

The Session Judge will be pleased to issue his warrant accordingly.

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

(Sent following precept No. 1427

Read letter dated 11th December 1852 from the Session Judge of Bellary submitting for the final judgment of the Foujdaree Udalut the record of case No. 44 of 1852 of the Calendar of the Session Court.

(Here enter F. Ch. No. 2916 of 1852)

Mr. H. S. Morehead
Mr. J. L. Strange.

The Court of Foujdaree Udalut on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the proof against the prisoner Thuppanadoo is sufficient to convict him of the crime charged, do convict him thereof and sentence him to be transported to

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.

The Court of Foujdaree Adalut observe that the indictment upon which the prisoner in this case was arraigned should have stated that the wound referred to therein was inflicted with an intent to kill, the intent to kill being the gist of a charge of murder and necessary therefore to be stated in all indictments for that crime.

2 The explanations submitted by the Head of Police of Punchapollium in regard to certain deficiencies in this proceedings in this case, noticed by the Magistrate are by no means satisfactory. In the dying declaration of the deceased it should have been made to appear that the prisoner was confronted with him and that the deceased felt himself to be dying and witnesses should have attested his declaration.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Bellary for his information and guidance and for communication of para 2. to the Magistrate of Bellary.

(Sent on N: 1428.)

Ex 1862.

F W

Tuesday 21st December 1852 } 3

At a Court of the Foujdaree Adalut.

Present

The Hon'ble G S Cooper Esquire
W A Morehead Esquire
and J C Strange Esquire
} Puisne Judges

Read letter under date the 24th November 1852 from the Sessions Judge of Cuddapah.

Herewith F W N° 2790 of 1852.

The Court of Foujdaree Adalut resolve to direct that this Proceedings be returned with the foregoing letter to the Sessions Judge of Cuddapah who will be pleased to direct his Mohurrir and Law Officer to peruse and annotate Extracts with reference to the remarks recorded by the Court of Circuit in the Extracts now returned.

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

Sept in N° 1482.

Read letter under date the 29th November 1852 from the Agent to the Governor of Fort St George in Council submitting a Report of

of the trial of a prisoner charged with an attempt at Housebreaking.-

/Errr entr F.B. A° 2038 of 1852/

Mr. L.S. Cooper

The Court of Enquiry doubt concur with the Agent in the conviction of the Prisoner in the foregoing Case but being of opinion that under all the circumstances of the Case the Sentence recommended by the Agent would be unnecessarily severe they direct that the said prisoner

Nunnumbrapadu Palaree

be sentenced to five years imprisonment with hard labor in irons, under the provisions of Section XXI Regulation VIII of 1802 and Section II Regulation I of 1825.-

Ordered that Extract from these Proceedings be sent to the Agent to the Governor at Vizagapatam for his information.-

/Sent in A° 1433./

Read letter dated the 3d Instant from the Subordinate Judge of Calicut applying for sanction to admit Pandrokolangara Eravan Coutty and Chittoo Coutty as Approvers in A° 257 of 1852 on the Criminal file.-

/Errr entr F.B. A° 2062 of 1852/

Mr. C.S. Cooper
Mr. S.L. Stranger.

The Court of Enquiry doubt exercise under the authority vested in them by Section

Section XII Regulation XIII of 1832, to sanction the offer of a pardon to the prisoners

Pandrokolangara Eravan Coutty

and

Chittoo Coutty

on the terms and conditions Specified in Section XX Regulation VIII of 1802.-

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

/Sent in A° 1434./

Read Report dated 4th December 1852 from the Sessions Judge of Calicut stating that the Cases pending on the 31st October and committed for trial during the Months of November 1852 which remained on his file for more than 25 days.-

/Errr entr F.B. A° 2064 of 1852/

The Court of Enquiry doubt deem it necessary to direct the attention of the Sessions Judge of Calicut to the great delay which has occurred in the transmission of the Records of the trials noted in the Margin, and to impress upon him the urgent necessity which exists for causing the translations of these Cases to be prepared with all practicable expedition.-

A° 27, 34, 36, 38, 39, 48, 52 and 69 of 1852.-

The

The Court observe that it is open to the Superior Judge when requisite to employ additional Translators under Section XXXVII Regulation VII of 1802, and they trust that the records of the above Cases will be transmitted without any further delay..

Ordered that Extract from these Proceedings be sent to the Superior Judge of Cuddapah by precept returnable within XX days from and after its receipt..

(Sent following precept No. 1535)

Read Return dated 29th June 1852 from the Superior Judge of Ramnad to the precept of the Tahsildar of Aruppukottai under date the 12th June 1852 directing that the result of the reference made by the Superior Judge to the Magistrate under date the 28th Ultimo relative to certain irregularities on the part of the Police in Case No. 30 of 1852 Superior Courts file, may be reported for their information..

(Serr enter No. 1659 of 1852)

Read Letter dated the 16th October 1852 from the Superior Judge of Tinnevelly returning the original Extract of the Court of Tahsildar of Aruppukottai dated 9th Ultimo..

(Serr enter No. 2546 of 1852)

Read

2d 1852

Read Calendar of Cases No. 34 of 1852 submitted by the Superior Judge of Coimbatore under date the 10th November 1852..

(Serr enter No. 2882 of 1852)

Read Calendar of Cases No. 35 of 1852 submitted by the Superior Judge of Coimbatore under date the 10th November 1852..

(Serr enter No. 2883 of 1852)

Read Return dated 4th December 1852 from the Superior Judge of Cuddapah to the precept of the Tahsildar of Cuddapah under date the 23d November 1852 directing to call upon the Magistrate for further information as to the particulars of the 5 Prisoners detentions by the Police for two months in Case No. 33 of the Calendar for 1852..

(Serr enter No. 2886 of 1852)

Read Calendar of Case No. 41 of 1852 submitted by the Acting Superior Judge of Canara under date the 4th December 1852..

(Serr enter No. 2889 of 1852)

Read Letter dated the 6th December 1852 from the Acting Superior Judge of Mangalore transmitting the original Warrant issued for the execution of the sentence of death passed by the Tahsildar of Kundapoor on Ramyanna Parsanna in Case

21st December 1852.-

Case № 34 of 1852 on the Calendar, and Copy of the Acting Subordinate Judges Report on the subject.-

/Herewith F.C. № 2092 of 1852/

Quarterly Report of the labor of Convicts submitted by the Sessions Judge of Masulipatam for the 3d Quarter of 1852 under date the 30th November 1852.-

/Herewith F.C. № 2099 of 1852/

Read Calendar of Cases № 33 of 1852 submitted by the Sessions Judge of Masulipatam under date the 9th November 1852.-

/Herewith F.C. № 2897 of 1852/

Ld 18d.

F. C.

Wednesday — 22d December 1852 } At a Court of the Foujdaree Udalut.

Present

GHH — G. F. Cooper Esqre —
WAM — W. A. Morehead Esqre — } Puisne Judges
TLS — T. L. Strange Esqre —

Read Calendar of Case № 33 of 1852 of the Sessions Court of Bellary.— (Herewith F.C. № 2857 of 1852)

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this Case that the Prisoners noted in the margin have been adjudged to suffer on their conviction of the crime of Highway robbery attended with aggravating circumstances be reduced to 7 years imprisonment with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.—

1 Woolsamee
2 Lyegah
3 Bullaree

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Bellary for his information.— (Sent in № 1437

Read

22nd December 1852.

Read letter under date the 3rd December 1852 from the Sessions Judge of Rajahmundry.—

(Hereenter F. C. No. 2874 of 1852)

1 In the foregoing letter the Sessions Judge has propounded for the decision of the Court of Foujdaree Adalut the question whether it is competent to a Magistrate acting under the extended powers conferred by Section LIV. Act VII of 1843 to award in Cases of false complaint the punishments adjudicable by Regulation IX of 1832.—

2 The Court of Foujdaree Adalut observe that the extended powers vested in the Magistracy by Section LIV Act VII of 1843 are confined to those exercised by the Criminal Courts under the provisions of Section VII Regulation X of 1816. Regulation IX of 1832 is a distinct enactment and the Court of Foujdaree Adalut are clearly of opinion that the jurisdiction therein created has not been extended to

22nd December 1852.

to the Magistracy by the aforesaid Section of Act VII of 1843.—

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

(Sent in No. 1438.

Read Calendar of Case No. 44 of 1852 of the Sessions Court of Honore.—

(Hereenter F. C. No. 2890 of 1852)

The Court of Foujdaree Adalut approve of the recommendation made by the Sessions Judge in this Case that the imprisonment which the Prisoner Lumbany Ramjy noted in the margin has been adjudged to suffer on his conviction of the crime of Highway Robbery be reduced to 5 years imprisonment 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.—

(Sent in No. 1439.

Read Calendar of Case No. 44 of

of 1852 of the Sessions Court of Nellore.

(Hereenter F.U. No. 2900 of 1852)

Before passing their final orders in the above Case, the Court of Foujdaree Udalut resolve to direct that translations of the entire Record, may be forwarded for their consideration without delay.

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Nellore for his information, by precept returnable within XXX days from and after the receipt

(Sent following Precept No. 1440

Read letter dated the 6th Instant from the Sessions Judge of Chicacole forwarding the Petty Calendars of the Magistracy for the 3d Quarter of 1852.

(Hereenter F.U. No. 2905 of 1852)

Read Calendar of Case No. 25 of 1852 submitted by the Sessions Judge of Coimbatore under date the 4th September 1852.

(Hereenter F.U. No. 2909 of 1852)

Read Calendar of Case No. 32 of 1852 submitted by the Sessions Judge of

of Tinnevelly under date the 11th Instant.

(Hereenter F.U. No. 2918 of 1852)

Read Calendar of Case No. 36 of 1852 submitted by the Sessions Judge of Coimbatore under date the 1st Instant

(Hereenter F.U. No. 2923 of 1852)

Read Report B dated the 13th Instant submitted by the Acting Sessions Judge of Mangalore of Persons apprehended in Thatzillah and delivered to the Acting Subordinate Judge and tried in the month of November 1852.

(Hereenter F.U. No. 2926 of 1852)

Read Criminal Report dated 1st Instant submitted by the Sessions Judge of Chittoor for the month of November 1852.

(Hereenter F.U. No. 2929 of 1852)

Read Return dated the 16th Instant from the Sessions Judge of Cuddapah to the precept of the Foujdaree Udalut under date the 14th December 1852 directing the Acting Joint Magistrate in charge of Cuddapah to intimate to the Head of Police the opinion

opinion formed by the Court of Fouj:
-dares Adalut in Case No. 16 of the
Calendar for 1852.—

(Here enter F. A. Pp. 293 of 1852)

Ld. Thurlow Clk

Monday,
27th December, 1852. F. A.

At a Court of the Foujdaree Adalut

Present.

The Hon'ble G. S. Hooper Esquire
W. A. Morehead Esquire
J. L. Strange Esquire
} Puisne Judges

Read Calendar of Case No 42 of 1852
on the file of the Session Court of Nellore-
(Here Enter Sess. No 286 of 1852)

1. The prisoner in this case was charged with murder in having "thrown a living bastard male child which she gave birth to in a field with the intent of preventing her disgrace."

2. The Court of Foujdaree Adalut observed that the prisoner could not legally have been convicted of the crime of murder upon the foregoing charge; neither the death of the child nor the intent to kill on the part of the prisoner both of which were essential to constitute the crime of murder having been stated in the indictment upon which the prisoner was arraigned.

3. The Court direct that the Acting Sessions Judge will be more careful in preparing the indictments in cases tried by

by him which if faultily drawn up in the Subordinate Criminal Court should invariably be corrected before the commencement of the trial in the Sessions Court.-

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

/Sent in No. 1445

Read Calendar of Case No 400 of 1852 of the Sessions Court of Rajahmundry.-

/Here Enter F.R No 2868 of 1852/

The Court of Foujdaree Adawlut

approves of the recommendation made by the Sessions Judge in this case that the 1st Manika Narsu = imprisonment, which the Prisoners noted in the margin have been adjudged to suffer on their conviction of the crime of House breaking and Theft, be reduced in the case of the 1st Prisoner to (3) three years, and in that of the 2d Prisoner to (1) One year's imprisonment with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

1st Manika Narsu = 3 years.
2d Do and Vanda Subbegadu = 1 year.

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

/Sent in No. 1446.

Read letter under date the 9th Instant from the Agent to the Governor of Fort St George in Kurnool, submitting a report of the trial of two Prisoners charged with Highway Robbery.-

/Here Enter F.R No 2904 of 1852/

The Court of Foujdaree Adawlut

Concurs with the Agent in the conviction of the Prisoners in the foregoing case, and under the provisions of Clause 3d Section IV Regulation XV of 1803, and Clauses 2d & 3d Section III Regulation I of 1825, direct that the Prisoners.-

1st Tenka Patura

be sentenced to one year's imprisonment

1st Tenka Patura be sentenced to one year's imprisonment and be declared unsuitable to her sex - that being of opinion that under all the circumstances of the case and especially adverting to the extreme youth of the 2d prisoner, the sentence recommended by the Agent in his case would be unnecessarily severe, they direct that the 2d prisoner

Nagadoo

be sentenced to three months imprisonment with hard labor in irons.-

Ordered that Extract from these Proceedings be sent to the Agent at Kurnool for his information and guidance.-

/Sent in No. 1447.- Read

Read Calendar of case No 36 of 1852 of the Sessions Court of Calicut.

(Here Enter S R No 2908 of 1852)

The Court of Foujdaree Adawlut approve of the recommendation made by the Sessions Judge in this case that the imprisonment, which the prisoner noted in the margin has been adjudged to suffer on his conviction of the crime of house breaking and theft be reduced to (3) three years imprisonment with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.-

Pootteruttil Cochoo Krishnen Nair.

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

Sent in No. 1448.

Read Calendar of case No 38 of 1852 submitted by the Acting Sessions Judge of Mangalore under date the 13th Instant.

(Here Enter S R No 2935 of 1852)

Read Calendar of case No 39 of 1852 submitted by the Acting Sessions Judge of Mangalore under date the 13th Instant.

(Here Enter S R No 2936 of 1852)

Read

Read Calendar of case No 37 of 1852 submitted by the Acting Sessions Judge of Salem under date the 15th December 1852

(Here Enter S R No 2938 of 1852)

Read letter dated 17th Instant from the Sessions Judge of Calicut forwarding the statement from the Subordinate Judge shewing the amount realized by the labor of the Prisoners in the last Quarter and stating that the Principal Sudder Ameen made no payment for bringing up the children of Convicts and realized nothing by the labor of the prisoners under discharge during that period.-

(Here Enter S R No 2942 of 1852)

Read Calendar of case No 38 of 1852 submitted by the Acting Sessions Judge of Bellary under date the 18th December 1852.-

(Here Enter S R No 2947 of 1852)

Read return dated 15th Decem-ber 1852 from the Sessions Judge of Trichinopoly to the precept of the Fouj-daree Adawlut under date the 3d December 1852

27th December 1852

Read Calendar of case No 56 of 1852
of the Session Court of Calicut.

(Here Enter S R No 2908 of 1852)

The Court of Foujdaree Adalut
approve of the recommendation made by
the Session Judge in this case that the
Poottenvittil Cochoo Krishnen Nair. imprisonment, which the prisoner noted
in the margin has been adjudged to suffer
on his conviction of the crime of house
breaking and theft be reduced to (3) three
years imprisonment 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 Calicut for his informa-
tion in No. 1448.

Read Calendar of case No 38
of 1852 submitted by the Acting Session
Judge of Mangalore under date the 13th Instant.

(Here Enter S R No 2935 of 1852)

Read Calendar of case No 39
of 1852 submitted by the Acting Session
Judge of Mangalore under date the 13th Instant.

(Here Enter S R No 2936 of 1852)

Read

F.C.
27th December 1852

Read Calendar of case No 37
of 1852 submitted by the Acting Session
Judge of Salem under date the 15th December 1852

(Here Enter S R No 2938 of 1852)

Read letter dated 11th Instant
from the Session Judge of Calicut for-
warding the statement from the
Subordinate Judge shewing the amount
realized by the labor of the Prisoners
in the last Quarter and stating that
the Principal Under ameen made no
payment for bringing up the Children
of Convicts and realized no thing by the
labor of the prisoners during that period.-

(Here Enter S R No 2942 of 1852)

Read Calendar of case No 38
of 1852 submitted by the Acting Session
Judge of Rellore under date the 18th
December 1852.-

(Here Enter S R No 2947 of 1852)

Read return dated 15th Decem-
-ber 1852 from the Session Judge of
Trichinopoly to the precept of the Fouj-
-daree Adalut under date the 3d December
1852

1852 remanding Sessions case No 47 of 1852 and directing him to dispose of it agreeably to the provisions of the general Regulation.

(Here Enter Fh No 2957 of 1852)

Read Convict Labor Report dated 17th Instant submitted by the Sessions Judge of Madura for the month of November 1852.—

(Here Enter Fh No 2959 of 1852)

Read Calendar of Cases No 40 of 1852 submitted by the Acting Sessions Judge of Mangalore under date the 17th December 1852

(Here Enter Fh No 2970 of 1852)

Fh

Tuesday 28th December 1852.

Fh

At a Court of the Foujdaree Adalut

Present

G. S. Cooper Esquire
W. A. Morehead Esquire
T. L. Strange Esquire
} Puisne Judges

Read letter under date the 20th December 1852 from the Sessions Judge of Cuddapah forwarding English Translations of the record of case No 39 of the Calendar of the Sessions of 1852, on the final Judgment of the Court, for the Foujdaree Adalut.—

Court of Foujdaree Adalut

(Here enter Fh No 2987 of 1852)

Mr W. A. Morehead

The Court of Foujdaree Adalut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the Prisoners,

1st Narapooram
and
2nd Ma. Soobbadoo

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

28th December 1852.

or on their own confession, of the
crime charged, do acquit them thereof,
and direct, that they be set at liberty.

The Court of Foujdaree
Adalut observe, that the 2d question pro-
pounded to the Law Officer in this
case, was very irregular, its object being
apparently, not the removal of a techni-
cal objection to the evidence for the
prosecution, but to obtain a declaration
of what the Futwa would have been,
if that evidence had been corroborated
by a confession before the Sessions
Court.—

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

(Sent in &c.)

&c. Tho. W.

F. A.

Wednesday 29th December 1852.

At a Court of the Foujdaree Adalut.

Present.

Mr. G. S. Hooper Esqre.
Mr. W. A. Morehead Esqre.
Mr. T. L. Strange Esqre.
} Puisne Judge.

Read letter under date the 10th Ult. from the Sessions Judge of Masulipatam submitting an English Translation of the record of December 1852 for the final judgment of the case No. 15 of 1852.

Foujdaree Adalut.—

(Here enter F. A. No. 2962 of 1852).

The Court of Foujdaree Adalut observe that the 7th prisoner in this case named
1. three witnesses and the 8th prisoner one witness to prove that certain articles found in their possession and which are said to be part of the property of which the Prosecutor has been robbed, belong to them.—

The evidence of these persons has not been taken nor has any explanation been
2. afforded by the Sessions Judge for omitting to do so and the Court of Foujdaree Adalut accordingly resolve before finally disposing of the case to direct

direct that the evidence of the individuals inquestion be received and that English Translations of their depositions be submitted with as little delay as possible.-

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

(Sent following Precept No 1459).

Ex 1819.

F. No.

Friday - - - - } At a Court of the Foujdaree Adalut-
31st December 1852 }

Present.

Gl R — G. A. Hooper Esqre. —
Exce — W. A. Morehead Esqre. — } Puisne Judges.
Ad. J — J. Lo. Strange Esqre. —

Read Miscellaneous Petition presented on the 1st December 1852 by Timmal Row, Vakeel on behalf of Camaloo Hadanga of the zillah of Ganjam -

(Here enter F. No. P. No. 161 of 1852)

Petitioner prays that orders may be issued to the Magistrate of Ganjam to remit a fine of Rupees 30 imposed by the Assistant Magistrate on her brother Goroonada Caundy -

The Court of Foujdaree Adalut

2 direct that this Petition be forwarded to the Magistrate of Ganjam for his information and that he be requested to furnish explanation upon the case referred to by the Petitioner. -

Ordered that Extract from these Proceedings be forwarded to the Magistrate of Ganjam by precept returnable

Mr W. A. Morehead 1

returnable within XV days from and after its receipt.—

(Sent following Precept No. 1452.

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

Read Miscellaneous Petition presented on the 1st December 1852 by Tirumal Row Vakeel on behalf of Bangaruppanty Khadungah of the zillah of Ganjam.—

(Here enter F. M. P. No. 162 of 1852)

Mr. W. A. Morehead 1

Petitioner prays that order may be issued to the Magistrate of Ganjam to remit fine of 100 Rupees imposed by the Assistant Magistrate on her brother Goroomadu Paundy.

2 The Court of Foujdaree Adalut direct that this Petition be forwarded to the Magistrate of Ganjam and that he be requested to furnish explanation of the case referred to in the Petition.—

Ordered that Extract from these Proceedings be forwarded to the Magistrate

Magistrate of Ganjam by precept re-
turnable within XV days from and
after its receipt.—

(Sent following Precept No. 1453.

Ordered, also that Extracts from these Proceedings be granted to the Petitioners Vakeel on his application.—

Read Miscellaneous Petition presented 4th December 1852 by Vakeel on behalf of A. M. Ritchie Esqr. on behalf of Balasamyappa Samberam of the zillah of Coimbatoor.—

(Here enter F. M. P. No. 163 of 1852)

Mr. F. L. Strange 1 Petitioner appeals against the order of the Sessions Judge of Combaconum under date 25th August 1852 refusing to interfere in the matter of the Sentence passed by the Head Assistant Magistrate.

2 The Court of Foujdaree Adalut consider that the case of the Petitioner has been duly examined by the local authorities and that no

no grounds have been advanced to call for the interference of the Court.

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

Read Miscellaneous Petition presented on the 4th December 1852 by Canavadas Puttea of the Zillah of Combaconum.—

(Here enter F. M. P. No. 164 of 1852)

W.m T. L. Strange—

The Petitioner is informed that as the Sentence was given upon the Case by the Judge of the Subordinate Court, Petitioner's appeal should be made to the Sessions Judge of Combaconum.—

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

Read Miscellaneous Petition presented on the 27th November 1852 by Pareyatumby Padiachy and another of the Zillah of Trichinopoly—

(Here enter F. M. P. No. 159 of 1852 Petitioners)

F. C.
31th December 1852.

W.m T. L. Strange

1 Petitioners appeal against the Sentence passed by the Acting Session Judge of Trichinopoly under date 25th September 1852 in Case No. 45 of 1852.

2 The Court of Foujdaree Adawlut direct that copy of para 6 of this Petition be furnished to the Session Judge of Trichinopoly and that the Session Judge be requested to report upon the various allegations contained therein.—

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Trichinopoly by precept returnable within XV days from and after its receipt.—

(Sent following Precept No. 454

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

Read again Calendar of Case No. 30 of 1852 on the file of the Session Court of Trichinopoly—

(Here enter F. C. No. 1966 of 1852)

Read again also Miscellaneous Petition presented on the 23d August 1852 by Baboo Naiken and another of Zillah Trichinopoly.

Trichinopoly.—

(Here enter F. M. P. No. 117 of 1852)

Read again also Miscellaneous Petition presented on the 20th October 1852 by A. M. Ritchie Esqre Vakeel on behalf of Moottyal Naik and others of Zillah Trichinopoly.—

(Here enter F. M. P. No. 147 of 1852)

Read also return under date the 7th December 1852 from the Sessions Judge of Trichinopoly to the precept of the Fouzdaree Udalut dated the 12th November 1852 directing the submission of an English Translation of the record of Case No. 30 of 1852 on the Calendar of the Sessions Court.

(Here enter F. R. No. 2893 of 1852)

Mr. W. A. Morehead and Mr. J. Le. Strange.

The prisoners in this case were tried on an indictment, charging the first seven prisoners with having at about 2 O'Clock P. M. on the 2d April 1852 in company with a large body of Hindoos unlawfully and riotously assembled and with stones & sticks and other offensive weapons made an assault upon the Mosque of the Begum Saib in the Fort at

at Trichinopoly with having beaten the 3d witness who was in it and destroyed the Globe, lamps, Carpets and other paraphernalia belonging to the Mosque and torn up the Koran and other religious Books, thereby causing a riot and violent breach of the public peace.—

The 8th prisoner, a Police Peon

2

was charged with having aided the first seven prisoners in the above acts by unbolting the door of the Mosque and thus enabling them to enter it.—

Six witnesses were examined

3

for the prosecution - three of whom - the 1st, 2d and 6th, identified all the prisoners as having been actively concerned in the commission of the outrages laid to them.—

4 The prisoners brought evidence to prove alibi on their behalf which however was discredited by the Acting Sessions Judge who in concurrence with his Mahomedan Law Officer convicted the prisoners and sentenced the first seven to Two years imprisonment with hard labor in irons and the 8th prisoner to

to have been about 500 in number came in and carried off and destroyed property in the Mosque and then on hearing that a party of Military were coming left the place. the time they are said to have been in occupation of the Mosque having been from 2 to 5 P. M.-

8 The Head of Police, Police Amen Cutwal and Duffadar on the citations of the 8th prisoner have given evidence to the effect that they were on duty in the neighbourhood, at the time the Mosque is said to have been thus invaded, and that they easily dispersed the crowds they met with who were in the street and that they heard of no disturbance then going on in the Mosque

9 According to the evidence of the 1st witness for the prosecution the Hindoos and Mahomedans were fighting outside in the street when the Mosque was invaded; and it appears strange that the Hindoos should have been in possession of the building for three hours without any of their antagonists

to four years imprisonment with hard labor in irons-

5. A Petition having been presented to the Court of Fouzdaree Udalut on the 20th October last on behalf of the prisoners in which the fact of the alleged riot within the Mosque on the day specified in indictment was denied, the Court deemed it proper to direct that the record of the trial should be laid before them and that the sentences passed should in the mean time be suspended.

6 On an attentive perusal of the record the Court of Fouzdaree Udalut are of opinion that the evidence for the prosecution cannot safely be depended upon-

7 It is stated in that evidence that on the day in question a disturbance having arisen in the street outside the mosque, the gate of the mosque was shut and bolted when the 8th prisoner a Police Peon with others entered by a small door and opened the gate upon which a crowd of Hindoos represented to

of the rival caste making any attempt to reject them, though closely engaged in a contest outside, and it seems equally strange that the Police should have dispersed the crowds elsewhere and all this while have never visited the scene of the disturbance referred to in the indictment upon which the prisoners have been tried.—

10 It also appears to the Court of Fonjdaree Udalut to be unlikely that the 1st 2d and 6th witnesses for the prosecution should have remained there for so many hours unsupported by any of their party and without molestation; nor is it apparent what was the real cause of the dispersal of the mob, as no Military came to the place.—

11 It seems most improbable that the 8th prisoner a peon with his belt on should have placed himself so prominently forward as to have opened the gate for the rioters. It is difficult to suppose that he would have thus exposed himself instead of

of allowing some other person among the many who are said to have been with him to perform this piece of service. The Police Officers above adverted to dis-pose that at the very time this indi-vidual is stated to have been thus giving facilities to the rioters he was re-porting to them the existence of the dis-turbance in the street, which led them to proceed to the spot to quell it.—

12 The witnesses for the prosecu-tion are of the faction opposed to that of the accused and under the circum-stances of the case from which it is apparent that bad blood had previously arisen between the two castes the testi-mony of these witnesses cannot be re-ceived with too much caution—

13 The Court have already pointed out improbabilities which ap-pear to attach to it and from the tenor of the evidence the Court of Fonj-daree Udalut see reason to believe that the statements of the witnesses were made in concert.—

14 This remark especially ap-plies to the evidence of two of the main witnesses

witnesses the 1st and 6th who particularize different acts of outrage as perpetrated by various persons comprehending in all 18 in number, eleven being individuals not brought to trial, and agree together accurately as to each act of outrage and the persons guilty thereof, the only variation being that the 6th witness puts in the 6th prisoner's name when the other does not.

15 Considering the nature of the allegation that a mob of 500 were engaged on the occasion it is not to be believed that two spectators would then each have noticed exactly the same individuals and none others, so as to have been able to describe in perfect keeping together the particular instances of outrage in which they were severally concerned.

16 There is nothing in the record to show what led to the apprehension of the prisoner - no complaint against them appear to have been made and the first charge against them on the record is that made by the 1st witness when examined

examined by the Magistrate 13 days after the alleged outrage -

17 The Court of Fonjdaree Udalut resolve to reverse the Sentences passed upon the prisoners in this case and direct that they be unconditionally released. -

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Trichinopoly by precept returnable within 11 days from and after its receipt -

(Sent following Precept No. 1455

Ordered also that Extract from these Proceedings be granted to the Petitioners' Vakeel on his application. -

Read letter dated the 24th December 1852 from the Sessions Judge of Calicut submitting for the final judgment of the Fonjdaree Udalut the record of Case No. 52 of 1852 on the Calendar of the Session Court -

(Here enter F. U. No. 3015 of 1852)

The Court of Fonjdaree Udalut on a deliberate consideration of all the circumstances

Mr. H. A. Morehead
and
Mr. T. L. Strange -

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

"Poodookolly Ramen"

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°. 1456.

Read letter dated the 24th inst. December 1852 from the Session Judge of Coimbatore submitting for the final judgment of the Foujdaree Adalut the record of Case No. 37 of 1852 on the Calendar of the Session Court—

(Here enter F. C. No. 3011 of 1852)

Mr. W. A. Morehead and Mr. T. L. Strange.

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

Veerasamy,

is sufficient to convict him of the crime of manslaughter for which the penalty of

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 VII of 1802 sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (7) seven years.—

(Sent in A°. 1457.

Read Report A, dated 18th instant submitted by the Session Judge of Coimbatore of Case No. 246 of 1852 on the Criminal file disposed of by the Sudder Ameen Moofty for November last, with the Court's proceedings thereon—

(Here enter F. C. No. 2972 of 1852)

Read Statement, dated the 23d instant submitted by the Session Judge of Cuddapah, of batta paid to Prosecutors and witnesses in attendance before the Session Court from 1st January to 30th June 1852.—

(Here enter F. C. No. 2986 of 1852)

Read Calendar of Case No. 81 of 1852 submitted by the Session Judge of

of Cuddapah under date the 22d. Instant.

(Here enter F. R. No. 2987 of 1852)

Read Calendar of Case No. 45 of 1852 submitted by the Acting Sessions Judge of Cuddapah under date the 23d. Instant.—

(Here enter F. R. No. 2991 of 1852)

Read Return dated 23d. Instant from the Acting Sessions Judge of Salem in to the Precept of the Foujdaree Adalut dated 20th. idem reducing the period for which the prisoner in Calendar No. 36 of 1852 has been required to produce security, to one year.

(Here enter F. R. No. 2993 of 1852)

Read Return dated 20th. Instant from the Sessions Judge of Rajahmundry to the Precept of the Foujdaree Adalut dated the 11th. idem directing the dismissal of Veeravilly Brummaiyum late Nazir of the Subordinate Court of that Zillah.—

(Here enter F. R. No. 2996 of 1852)

Read Report, dated 17th. Instant submitted by the Sessions Judge of Rajahmundry of the Labor of Convicts in the Jail under the charge of the Magistrate of that Zillah for the month of November 1852.—

(Here enter F. R. No. 2997 of 1852)

Read Calendar of Case No. 48 of 1852 submitted by the Sessions Judge of Bellary under date the 23d. Instant.—

(Here enter F. R. No. 3002 of 1852)

Ds 18 Do.

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

"Poodookolly Ramen"

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 at No. 1456.

Read letter dated the 24th ult. from the Session Judge of Coimbatore submitting for the final judgment of the Foujdaree Adalut the record of Case No. 37 of 1852 on the Calendar of the Session Court—

(Here enter F.A. No. 3011 of 1852)

Mr. W. A. Morehead and Mr. T. L. Strange.

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

Veerasamy,

is sufficient to convict him of the crime of Manslaughter for which the penalty of

of Dyut 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 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.—

(Sent in at No. 1457.

Read Report A, dated 18th Instant submitted by the Session Judge of Cuddapah, of Case No. 246 of 1852 on the Criminal file disposed of by the Sudder Ameen Moofty for November last, with the Court's proceedings thereon—

(Here enter F.A. No. 2972 of 1852)

Read Statement, dated the 28th Instant submitted by the Session Judge of Cuddapah, of batta paid to Prosecutors and witnesses in attendance before the Sessions Court from 1st January to 30th June 1852.—

(Here enter F.A. No. 2986 of 1852)

Read Calendar of Case No. 81 of 1852 submitted by the Sessions Judge of

of Cuddapah under date the 22d Instant.

(Here enter F. R. No. 2989 of 1852)

Read Calendar of Case No. 45 of 1852 submitted by the Acting Sessions Judge of Cuddapah under date the 23d Instant.—

(Here enter F. R. No. 2991 of 1852)

Read Return dated 23d Instant from the Acting Sessions Judge of Salem in to the Precept of the Foujdaree Adalut dated 20th idem reducing the period for which the prisoner in Calendar No. 36 of 1852 has been required to produce security, to one year.

(Here enter F. R. No. 2993 of 1852)

Read Return dated 20th Instant from the Sessions Judge of Rajahmundry to the Precept of the Foujdaree Adalut dated the 14th [illegible] directing the dismissal of Veeravilly Brummayah late Nazir of the Subordinate Court of Tillah.—

(Here enter F. R. No. 2996 of 1852)

Read Report, dated 17th Instant submitted by the Sessions Judge of Rajahmundry of the labor of Convicts in the Jail under the charge of the Magistrate of that Zillah for month of November 1852.—

(Here enter F. R. No. 2997 of 1852)

Read Calendar of Case No. of 1852 submitted by the Sessions Judge of Bellary under date the 23d Instant.—

(Here enter F. R. No. 3002 of

Mr. W. A. Moore
and
Mr. T. L. Strange

Ld 1852