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Proceedings

and Bill

1853.

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Friday
1st July 1853.

I. U.

At a Court of the Foujdarry Udalut.

Present.

G. S. Hooper Esq.r
W. A. Morrhead Esq.r
T. L. Strange Esq.re
} Puisne Judges.

Read letter dated 23d June 1853 from the Sessions Judge of Bellary submitting for the final Judgment of the Foujdarry Udalut the Record of case No. 35 of 1853 of the Calendar of the Session Court

/ Vide order No. 1448 of 1853 /

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

The Court of Foujdarry Udalut having taken into deliberate consideration all the circumstances of the Case in evidence before them being of opinion that the proof against the prisoner

"Bhimah"

is sufficient to convict him of the Crime of Murder, do convict him thereof; and under the provision of Section X Regulation VIII of 1802 sentence him to suffer death by being hanged at the usual time and place of Execution.

The Judges of the Foujdarry Udalut have been unable to discover any extenuating circumstances in this case which would justify a remission of the ~~sentence~~ final penalty of the Law.

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

/ Sentence No. /

Read

1st July 1853

Mr. T. L. Strange

The object of this Petition is to induce the Court of Foujdaree Udalut to call for the record and to order the release of Petitioners Brother Dausovo Audeenarraydoo prisoner in Case No. 12 of 1853 on the file of the Session Court of Masulipatam who was sentenced on conviction of embezzlement to 15 months imprisonment and to pay a fine of 70 Rupees.

Petitioner has not stated grounds for calling in question the sentence passed on the Prisoner his brother, but in some respects has made statements calculated to justify the same

The Court of Foujdaree Udalut consequently declined to call up the record

Ordered that Extract from the proceedings be sent to the Session Judge of Masulipatam for communication to Petitioner

4th Mr W (Sent in No.) /

Complete

F. U.

Saturday,
2d July, 1853 At a Court of the Foujdaree Udalut.

Present.

Hon'ble J. P. G. A. Hooper Esquire
W. A. Morehead Esquire — Puisne Judges.
T. L. Strange Esquire

Read Calendar of Case No 39 on the file of the Session Court of Bellary-

(Here Enter F. U. No 1310 of 1853)

1. The prisoner in this case has been convicted of the crime of Housebreaking and theft, and the Session Judge has sentenced him to 7 years imprisonment with hard labor in irons recommending at the same time a mitigation of the period of imprisonment to 5 years.

2. The Court of Foujdaree Udalut are of opinion that under all the circumstances of the case the period of Imprisonment adjudged to the prisoner may be mitigated to three years and they direct that the Session Judge will issue his warrant accordingly.-

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

Sent in No 4

Read

Read Calender of case No 13 of 1853 of the Session Court of Trichinopoly-

(Here Enter F R No 1340 of 1853)

The Court of Foujdaree Rosalut approve 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 suffer on his conviction of the crime of Robbery attended with aggravating circumstances be reduced to Seven years imprisonment with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordy

Samy naden

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

Sent in No

Read letter under date the 23d June 1853 from the Agent to the Governor of Fort St George at Vizagapatam, submitting for the final orders of the Foujdaree Rosalut a report on the treat of case No 13 of 1853 on the file of his Court.-

(Here Enter F R No 1453 of 1853)

The prisoners in this case have been tried for the crime of Housebreaking and Theft, and the Agent being of opinion that

that the charge has been fully proved, recommends that the 1st Prisoner be sentenced to 7 years and the 2d and 3d Prisoners to 2 years imprisonment under Section XXI Regulation VII of 1802-

The Court of Foujdaree Rosalut concur in the conviction of the prisoners,

1st Maumedy Gooranadoo

2d Dendaty Mantegandoo and

3d Moodapaka Mottigandoo.

and accordingly direct that the 1st Prisoner be sentenced to (7) Seven years and the 2d and 3d Prisoners to (2) Two years imprisonment with hard labor in irons under the provisions of the Regulation above quoted and under Clause IV Regulation I 1825.

Ordered that Extract from these proceedings be sent to the Agent at Vizagapatam for his information.-

Sent in No

Read Calendar of case No 11 of 1853 on the file of the Session Court of Chittoor.

(Here Enter F R No 1360 of 1853)

The Court of Foujdaree Rosalut approve 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 suffer on

Ganoomiyen

on his conviction of the crime of Perjury he reduced to 6 months imprisonment with hard labour in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

2. The Court of Sanjoarce Doraisb desire to be informed under what instruction the Prisoner was twice examined on the same point by the District Moonsiff before whom the perjury of which he has been convicted was committed.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Chittoor by Precept returnable within X days from and after its receipt.-

(Sent following Precept &c.

Read Calendar of case No 20 of 1853 of the Sessions Court of Calicut.

(Here Enter F & R No 1374 of 1853)

The Court of Sanjoarce Doraisb 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 Gang Robbery and possessing stolen property with a guilty knowledge be reduced to 5 years imprisonment with hard labour in irons, and

Nadoonilakandy Kellapen

they

they do authorize the Sessions Judge to issue his warrant accordingly.

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

(Sent in No

Read Calendar of case No 21 of 1853 submitted by the Sessions Judge of Trichinopoly under date the 22d June 1853.-

(Here Enter F & R No 1437 of 1853)

Read Calendar of case No 43 of 1853 submitted by the Sessions Judge of Masulipatam under date the 21st June 1853.

(Here Enter F & R No 1438 of 1853)

Read letter dated 23d June 1853 from the Sessions Judge of Guntoor forwarding a report from the Magistrate showing the result of his investigation into the misconduct of the Police officers of Bauptla Talook in Session Case No 6 of 1853

(Here Enter F & R No 1442 of 1853)

Read letter dated 20th June 1853 from the Sessions Judge of Honore Reporting that the Sentence of death passed upon the prisoner in case No 5 on the Calendar for 1853 was duly carried into effect.-

(Here Enter F & R No 1449 of 1853)

Read

2d July 1853

Read letter dated 25th June 1853 from the Sessions Judge of Cuttack forwarding with reference to the Registers letter of the 20th Instant the statement therein called for, as also a similar one regarding case No 6 of 1853 on the file of his Court.

(Here Enter F & R No 1454 of 1853)

Read Calendar of case No 16 of 1853 submitted by the Sessions Judge of Salem under date the 24th June 1853.

(Here Enter F & R No 1457 of 1853)

Read Criminal Report B dated 1st June 1853 submitted by the Agent to the Governor of Fort St George at Hurnoo of persons apprehended and delivered to the Agency in the months of April (supplemental) and May 1853.

(Here Enter F & R No 1461 of 1853)

Ex
1 Bd.

F. C.

Monday 4th July 1853

At a Court of the Foujdaree Adalut

Present

Mr R — G. S. Hooper Esquire
W. A. Morehead Esquire — Puisne Judges
Mr de — T. L. Strange Esquire

Read letter dated 27th June 1853 from the Sessions Judge of Chingleput referring for the final judgment of the Court of Foujdaree Adalut a translation of the Proceedings in Case No 2 of 1853 on the file of the Sessions Court of Chingleput.

(Here enter F. C. No 1447 of 1853)

Mesrs G. S. Hooper and T. L. Strange

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

2d Bellaryan alias Lutchoomanen

is sufficient to convict him of the crime of Robbery by open violence do convict him thereof and under the provisions of Clauses Third and Fifth Section IV Regulation XV of 1803 sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the

period

period of /7/ seven years.

But considering that strong suspicion though not amounting to conviction attaches to the Prisoner

1st Moregaum

they direct that he be required under Clause Sixth Section III Regulation XV of 1803 to find two sureties in /50/ Fifty Rupees each surety for his good behaviour and appearance when required within three years or in default thereof he be detained for three years in confinement.

1- In this Case two Prisoners were Charged with having in Company with others not in custody in a gang armed with Cudgels and Guns misled with torches on 21st May 1853 at 8 P.M. entered the house of the Prosecutor (Condavaraya Gramny) maltreated 5th inmates and carried off gold and silver ornaments, ready money &c valued at Rs 194-3-8.

2- The evidence against the 1st Prisoner consisted of the testimony of 1st and 5th witnesses who deposed to having recognized both him and the 2d Prisoner as two of the persons engaged in the robbery and of his surrender to the Police of a gun alleged to be the property of the Prosecutor and which he thus admitted to be so and which had been concealed

in water.

3- The Sessions Judge in concurrence with his Mahommedan law officer acquitted this Prisoner because he considered that the gun was not of so marked a character as to render it possible that its identification by the witnesses should be beyond suspicion. He distrusted the evidence as to the recognition of both Prisoners because it was not probable that the hurried glance which the witnesses could have obtained of them on the night of the robbery would have enabled the witnesses after a lapse of eight months to remember and identify men not known previously to its occurrence.

4- In addition to his alleged identification by the 4th and 5th witnesses the evidence against the second Prisoner consisted of his confession before the Joint Magistrate of North Arcot made when he was taken before that officer on suspicion and which was subsequently repeated before the Police Ameen. These two confessions were confirmed by the finding of the gun before alluded to in possession of the 1st Prisoner and in consequence of the information contained in them.

5- The 2d Mahommedan Law Officer

Considered

Considered the evidence sufficient to convict this Prisoner and declared him liable to Rokoobut b.

The Sefion Judge remarked that although the confefion made before the Joint Magistrate of North Arcot, was unquestionably voluntary, the Prisoner was at the time of making it under the influence of the Police and this uncorroborated (as he conceived it to be) by other evidence it was insufficient for the conviction of the Prisoner. In consequence however of the difference between his opinion and that of his Law Officer, he referred the trial to the Foujdaree Ud alut with the recommendation that both Prisoners should be bound to find two securities in Rs. 50 each for the space of three years or that they should, in default, be imprisoned for that period

7. The Court of Foujdaree Ud alut observe that although he acquitted the 1st Prisoner, the Sefion Judge probably finding that the evidence against him might satisfy the higher Court of his guilt, appears to have referred the trial with respect to both Prisoners. They observe that as it is not competent to them to commit a Prisoner whom the Sefion Judge and his Law officer have united in acquitting this crime was imputable

It would therefore be unnecessary for them to comment upon the evidence against the 1st Prisoner, were it not that the case against both is so intimately connected that without doing so, it would be impofsible to estimate the guilt of the second.

8. The Court of Foujdaree Ud alut quite concur with the Sefion Judge in discrediting the evidence as to the recognition of both Prisoners upon the arrest and production of the second Prisoner before the Joint Magistrate of North Arcot, he stated that among other plundered property which had fallen to the share of the 1st Prisoner would be found a gun which was the property of the Prosecutor. In the search which the Police instituted upon this information the 1st Prisoner gave up a gun and a metal plate which he admitted to have formed a part of the plundered property;— Such a gun was described in the list of stolen property furnished by the Prosecutor immediately after the robbery. It appears to the Court of Foujdaree Ud alut that the identity of an article of the above description is capable of easy proof, and that the Prosecutor and the man of whom he purchased it, have clearly identified it. Their evidence has been

strengthened

which accompanied the above returns the Sessions Judge confines himself to stating that the road through which the procession complained of passes is a high road and that therefore no legal obstruction can be offered to its passage and that the order of the Magistrate legalizing it must therefore be sustained.

2. The Court of Foujdaree Udalut observe that this decision really avoids the main question namely whether it has been the custom for persons of the Goldsmith Caste to go in procession in the manner alleged and which the Petitioners assert to be both a violation of long established custom and of the express order of former Magistrate and calculated to insult the feelings of the higher Caste to which they (Petitioners) belong

3. The Court of Foujdaree Udalut also request that the Sessions Judge will review the order of the Magistrate of Canara with reference to these observations and that he will come to a definite decision upon the prescriptive right of the Goldsmiths to the privilege which they are alleged to have unlawfully assumed

Ordered that Extract from this Proceedings be forwarded to the Sessions Judge

of Mangalore for his information and guidance by Precept returnable within XV days from and after its receipt.

/Sent following Precept &c/

Read return dated 28th Ultimo from the Sessions Judge of Cuddapah to the precept of the Foujdaree Udalut under date the 4th May 1853 observing on the severity of the sentence passed in No 61 on the file of the Subordinate Criminal Court for 1853

/Here enter F. Ud. No 1471 of 1853/

Read Calendar of Case No VI of 1853 submitted by the Sessions Judge of Rajah-mundry under date the 25th Ultimo.

/Here enter F. Ud. No 1474 of 1853/

Read Calendar of Case No 23 of 1853 submitted by the Sessions Judge of Coimbatore under date the 30th Ultimo.

/Here enter F. Ud. No 1477 of 1853/

Read Calendar of Case No 18 of 1853 submitted by the Acting Sessions Judge of Cuddalore under date the 30th Ultimo.

/Here enter F. Ud. No 1478 of 1853/

Read Calendar of Case No 19 of 1853 submitted by the Acting Sessions Judge

4th July 1853.

of Cuddalore under date the 30th Ultimo.

/Here enter F.C. No. 279 of 1853/

Read Calendar of Case No. XX of 1853 submitted by the Sessions Judge of Chingleput under date the 29th Ultimo.

/Here enter F.C. No. 280 of 1853/

Read return dated 29th Ultimo from the Sessions Judge of Chingleput to the precept of the Foujdaree Adawlut under date the 17th June 1853, directing the Sessions Judge to reduce the sentence passed on Ramasamy Prisoner in Case No. 1 of 1853 to two years imprisonment.

/Here enter F.C. No. 285 of 1853/

Read report dated 1st Instant submitted by the Acting Sessions Judge of Tinnevelly of Cases pending before him on the 31st May 53 for a longer period than 25 days.

/Here enter F.C. No. 290 of 1853/

Read report dated 4th Instant submitted by the Sessions Judge of Salem of the labour of convicts under the Magistrate for the month of May 1853.

/Here enter F.C. No. 293 of 1853/

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4

Tuesday
5th July 1853

F.C.

At a Court of the Foujdaree Adawlut

Present

Sir H. C. S. Hopper Esquire — Puisne Judges.
Mr. W. F. Morehead Esquire —
Mr. J. L. Strange Esquire —

Read Letter under date the 27th June 1853 from the Sessions Judge of Cuddalore forwarding English translation of the Record of Case No. 3 of 1853 on the Calendar of the Sessions Court for the final Judgment of the Court of Foujdaree Adawlut.

/Here enter F.C. No. 294 of 1853/

Mr. J. L. Strange.

The Court of Foujdaree Adawlut on a deliberate consideration of all the circumstances of the Case as evidenced before them, being of opinion that the Prisoners.

1st Satagatha Pomat Pydroo

2nd Ramaperumal Pettil Moorthy Kumaradoss

and

3rd Ratnaperumal Pettil Coopooty Coyal.

are not convicted on presumptive proof or on the evidence of credible witnesses or on their own confessions of the crime charged, do acquit them

4

5th July 1853

therein thereof and direct that they be set at liberty..

(Sd) Illegible

4th Ibid.

F. C.

Thursday 7th July 1853 } At a Court of the Faydarce Adalut

Present

Capt G. S. Hooper Esquire
Dr W. A. Morshead Esquire
W. J. L. Strange Esquire
} Puisne Judges.

Read Calendar of Case No 20 on the file of the Sessions Court of Trichinopoly. (Now entered F. C. No 1341 of 1853)

In the above Case the Sessions Judge sentenced the Prisoner Sheik Sheriff to 7 years imprisonment with hard labor in irons in banishment under clause fourth Section II Regulation XII of 1822 and has referred the decision of the place of banishment to the Court of Faydarce Adalut.

The Court of Faydarce Adalut

resolve to direct that the Sentence of Imprisonment be carried out without banishment as there does not appear to be any thing in the Circumstances of the Case to call for the measure of enhancement of punishment

Ordered that Extract from

there

7th July 1853.

these proceedings be forwarded to the Sessions Judge of Trichinopoly for his information and guidance. —

(Sent in Rt)

Read Calendar of Case No 810 of 1853 of the Sessions Court of Tellore.

(Here enter F.R. No 809 of 1853)

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 have been respectively to suffer on his Conviction of the Crime of House breaking with Theft be reduced to two years imprisonment with suitable labor in irons and they do authorize the Sessions Judge to issue his warrant accordingly. —

2d Tallari Christ. Canada

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

(Sent in Rt)

Read Calendar of Case No 227 of 1853 of the Sessions Court of Trichinopoly.

(Here enter F.R. No 811 of 1853)

The Court of Foujdaree Adalut

7th July 1853.

approve of the recommendation made by the Sessions Judge in this Case that the imprisonment which the Prisoners noted in the margin have been respectively judged to suffer on their Conviction of the Crime of House breaking with Theft and possessing stolen property knowingly be reduced to three years' imprisonment with hard labor in irons and they do authorize the Sessions Judge to issue his warrant accordingly. —

1st Morkan
2d Pattan

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

(Sent in Rt)

2d 1853

F. H.

Friday
8th July 1853 } At a Court of the Fouzdaree Adalut.

Present:

Sd/ G. A. Hooper Esquire —
Sd/ W. A. Morehead Esquire — } Puisne Judges.
Sd/ F. L. Strange Esquire —

Read letter dated 2d July 1853 from the Sessions Judge of Chittoor, submitting for the final Judgment of the Fouzdaree Adalut, the record of Case No. 5 of 1853, of the Calendar of the Sessions Court.

The Court of Fouzdaree Adalut, in deliberate Consideration of all the circumstances of the Case in evidence before them; being satisfied that the proof against the prisoner, Pulicat Pillay

is sufficient to convict him of the crime of Murder, to 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.

(Sentence &c.)

Read

F. H.

Friday
8th July 1853 } At a Court of the Tongdaree Adalut.

Present:

Sd. G. A. Hopper Esquire — }
Sd. W. A. Macdonald Esquire — } Puisne Judges.
Sd. F. L. Strange Esquire — }

Read letter dated 2d July 1853
from the Sessions Judge of Chittoor, submitting for
the final Judgment of the Tongdaree Adalut,
the record of Case No. 5 of 1853, of the Calendar
of the Court.

Here enter F. H. No. 1507 of 1853

The Court of Tongdaree Adalut,
on a deliberate Consideration of all the circum-
stances of the Case in evidence before them, being
of opinion that the proof against the prisoner,
"Runga Pillay"
is sufficient to convict him of the crime of
Murder, to 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.
(Sentence &c.)

Read

Read letter from the Sessions Judge of Chicacole dated 13th June 1853.

(Here enter S. No. 1350 of 1853)

1.

In the above letter the Sessions Judge requests the opinion of the Court of Sudder Dewanny Adawlut as to the regularity of the Course adopted by the Magistrate of Ganjam in Criminal Proceedings No 2 of 1853.

2.

In that Case the defendants, charged with Assault, were tried by the Magistrate under the extended powers conferred upon him by Section IX Act VII of 1843. Each of them was bound over to keep the peace for six months under Clause first Section X Regulation VII of 1827.

3.

The Sessions Judge doubts both the applicability of the Regulation and the propriety of entering the Sentence in Form A

4.

It appears to the Court of Sudder Dewanny Adawlut, that it were Competent to the Magistrate to demand Security under the provision of the Law quoted.

5.

There was no necessity for entering the Circumstances in the Criminal Report A

and

8th July 1853.

and the Magistrate will accordingly, in the usual Course, enter the requisition of Security in his daily Calendar.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Chicacole for his information and for Communication to the Magistrate of Ganjam.

(Sent in Ms.)

Read letter from the Acting Sessions Judge of Masulipatam dated 21st May 1853, submitting Copy of a letter of the Sessions Judge of Masulipatam, dated 19th September 1851.

(Here enter S. No. 1733 of 1853)

In the above letter the Sessions Judge requests the opinion of the Court of Sudder Dewanny Adawlut, as to whether a Police officer convicted for extortion under the provisions of Clause Second Section III Regulation III of 1819 can under the provisions of Section XVI of 1850, be compelled in addition to any other punishment inflicted to make a restitution of the sum of money extorted, and if not by what process the aggrieved party is to obtain such restitution.

The Sessions Judge has

2.

not stated his opinion that the enactments quoted

quoted as inapplicable to — Cases of restitution

3. The Court of Foujdaree Adalut are of opinion, that act XXII of 1850 applys solely to the restitution of property by persons convicted of theft or of offences of the nature of theft and that the sentences of the previous to the Case of persons convicted of obtaining money by abuse of authority was not contemplated by the legislature.

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

(Sent in No. /

Read Statement submitted by the Acting Sessions Judge of Masulipatam under date the 27th June 1853, of Batta paid to Prosecutors and witnesses attending before the Sessions Court for the 2d half year of 1852.—

/Here enter F. No. 1499 of 1853/

Read report submitted by the Acting Sessions Judge of Masulipatam under date the 27th June 1853, of persons apprehended

apprehended in that Zillah and delivered to him in the Month of May 1853.

/Here enter F. No. No. 1500 of 1853/

Read Calendar of Case No. 23 of 1853 Submitted by the Sessions Judge of Bellary under date the 29th June 1853.

/Here enter F. No. No. 1502 of 1853/

Read Criminal report A Submitted by the Sessions Judge of Guntoor, under date the 1st July 1853 for the month of June 1853.

/Here enter F. No. No. 1503 of 1853/

Read Calendar of Case No. 23 of 1853, Submitted by the Sessions Judge of under date the 29th June 1853.

/Here enter F. No. No. 1508 of 1853/

Read Calendar of Case No. 25 of 1850, Submitted by the Sessions Judge of Combaconum, under date the 4th July 1853.

/Here enter F. No. No. 1512 of 1853/

Read letter dated 2d July 1853, from the Sessions Judge of Guntoor, reporting that no trials were referred or called up during the last half year —

/Here enter F. No. No. 1515 of 1853/

Read report submitted by the

the Sessions Judge of Salem, under date the 4th July 1853, of case pending before him on the 30th January for a period in excess of 25 days calculated from the date of Commitment.—

/Here enter F. H. No. 1521 of 1853/

Read letter dated 4th July 1853, from the Sessions Judge of Coimbatore, reporting with reference to the proceedings of the Foujdaree Udalut under date the 21st June 1853 the result of the enquiry held into the circumstances attending the escape of the Prisoner Moothy from the Jail at Coimbatore.—

/Here enter F. H. No. 1572 of 1853/

E.F.S.

F. H.

Saturday 9th July 1853 } At a Court of the Foujdaree Udalut

Present

Hyde — G. S. Hooper Esquire
Hall — W. A. Morehead Esquire
Rd. — S. L. Strange Esquire

} Puisne Judges

Read Criminal reports submitted by the Acting Sessions Judge of Masulipatam for the months of April 1853.

(Here enter F. H. No 1219 of 1853)

The Court of Foujdaree Udalut

Report B

Case No 75 of 1852. direct that this Case which it is observed has been under examination for a period of eight ... Months be disposed of without further delay.

The Court of Foujdaree Udalut

23 of 1853

desire to be informed in what capacity the prisoner was employed by the prosecutor when he committed the theft charged against him.

Ordered, that Extract from these Proceedings be sent to the Acting Sessions Judge of Masulipatam for his information by precept returnable

returnable within III days from and after its receipt.

(Sent following Precept No

Read Calendar of Case No XXVII of 1853 on the file of the Sessions Judge of Calicut.

(How entered F. H. C. No 1296 of 1853)

1 It is not stated in the Calendar of this Case in what manner the charges preferred against the 3d to the 5th prisoner have been disposed of and the Court direct that information on this point may be now supplied.

2 The Court of Foujdaree Udalut resolve to direct the attention of the Sessions Judge to the rule laid down in their Circular Order of the 11th October 1822 that in the Calendars of referred trials the usual abstracts of the Hindoo should be invariably entered.

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

(Sent following Precept No

Read Calendar of Case No 16 of 1853 on the file of the Sessions Court of Trichinopoly

(How entered F. H. C. No 1303 of 1853)

With

1 With reference to the remarks of the Sessions Judge in this Case that the 2d prisoner was unable to appear in Court on account of severe sickness and in consequence was not examined.

2 The Court of Foujdaree Udalut desire to be informed whether the prisoner in question was present when the evidence for the prosecution was delivered.

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

(Sent following Precept No

Read Criminal Reports for the Month of May 1853 submitted by the Sessions Judge of Salem.

(How entered F. H. C. No 1347 of 1853)

(Case No 52.) 1 In this Case the Prisoner was charged with fraud in having on the 26th April last given to the prosecutor a sheet-kopeer one copper pie plated with quicksilver and attempted to pass it for a silver coin of a quarter rupee value.

2 The Prisoner was sentenced by

the

the Subordinate Judge to two Months imprisonment with hard labor in irons under Section XII Regn. Nation X of 1816.

3 The Court of Foujdaree Udalut observe that the charge on which the prisoner has been convicted Viz tendering in payment a counterfeit coin should have been committed for trial before the Sessions Court under the provisions of Section VI Regulation II of 1822.

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

(Sent in No

Read Criminal reports for the Months of May 1853 submitted by the Sessions Judge of Bellary.

(How entered F. No. 113 of 1853)

(Report B Case No 47.) 1 In this Case the Prisoner was charged with theft and sentenced on conviction to 15 Months imprisonment with hard labor in irons

2 The Court of Foujdaree Udalut are of opinion that a sentence of 3 Months imprisonment will be sufficient to meet the demands of

of justice in this Case and they resolve to direct that the Sessions Judge will call up the record and pass such orders thereon as he may think proper reporting the same for the information of this Court.

Case No 95. 3 In this Case the 3d Prisoner was charged with having been an accessary with the first Prisoner to the theft, after its commitment.

The Court of Foujdaree Udalut

4 desire to be informed of the result of the foregoing charge no information on this point being contained in the report.

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

(Sent following Precept No

Read Calendar of persons punished by the Magistrates of the Northern Division of Arcot during the 1st Quarter of 1853.

(How entered F. No. No 1139 of 1853)

1 Sir No 9 of the above Calendar the Head Assistant Magistrate punished a man for refusing to sell oil with stamped weights.

2 It does not appear from the charge whether the Defendant was punished for attempting to

to sell with false weights or whether the refusal to sell at all was the substantive offence alleged.

3 The Court of Foujdaree Udalut resolve to direct the Sessions Judge to call for and review the proceedings in this Case.

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 Receipt No

Read Calendar of Cases No 21 and No 22 on the file of the Sessions Court of Cuddapah.

(Heard Inter Nos 1150 and 1151 of 1853)

1 In the first of the above Cases, the Sessions Judge under Clause third Section IV Regulation XV of 1803 sentenced the prisoner convicted of Highway Robbery to 14 years imprisonment with hard labor in irons and recommends that as he inflicted no injury upon prosecutrix the sentence may be mitigated to 5 years imprisonment.

2 The Court of Foujdaree Udalut remark that the prisoner was accompanied by other persons and there can be no doubt that of unable to accomplish his purpose without violence he would have resorted to it. They are therefore unable to assent to

to the mitigation to the extent proposed by the Sessions Judge and direct that he be sentenced to 7 years imprisonment with hard labor in irons.

3 In the second Case the Sessions Judge makes the same recommendation on behalf of a prisoner convicted of Highway Robbery on the ground that there were no marks of wounds on the person of prosecutor and that the prisoner was crippled in his arms. In this Case also the Court of Foujdaree Udalut consider a sentence of 7 years imprisonment with hard labor in irons requisite to meet the ends of justice.

4 The Sessions Judge further recommends that the prisoner be sentenced to "light labor suited to his condition."

5 The Court of Foujdaree Udalut consider that the sentence should be passed in the usual terms and that any such modification of the nature of the labor as the prisoners state of health may require can be made under the Gaol regulations which are amply sufficient for that purpose.

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

(Sent in No)

9th July 1853.

Read Criminal Report submitted by the — Sessions Judge of the Zillah of — Rajahmundry for the Month of May 1853.

(Here enter S. No. 1377 of 1853)

Report B 1 The indictment preferred against the prisoners in this Case who are charged with Conspiracy is defective inasmuch as it does not set forth in what manner or acts the Crime of the prisoners consisted — and there is no nothing therefore to which the Prisoners can plead.

Report A Case No 48. 2 The Court of Foujdaree Udalut are of opinion that a sentence of six months imprisonment will be sufficient to meet the demands of Justice in this Case and they accordingly direct the Sessions Judge to review the proceedings and pass such orders thereon as he may think proper reporting the same for the information of the Foujdaree Udalut.

Case No 51. 3 From the abstract of the evidence in this Case it would seem that the distilling of the 1st prisoner was separate and altogether unconnected with that of the other prisoners and the charge preferred against him should therefore have been heard separately.

The

9th July 1853.

4 The Court of Foujdaree Udalut do not understand the grounds assigned by the Sessions Judge for directing the release of the 4th Prisoner the question of his liability to punishment would appear to depend upon his possession or otherwise of a license for the distillery which he was proved to have possessed.

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.

Read Criminal Reports submitted by the Sessions Judge of Trichinopoly for the Month of May 1853.

(Here enter F. Vo. No 1515 of 1853)

Case No 54. 1 The charge preferred against the prisoners in this Case was to the effect that he had in the year 1850, delivered, as Curnum, a false account to the District Moonsiffs Court of Tottiore entering two pieces of Punjah land attached by the said Court in execution of a decree as measuring severally 10 and 50 Goolies, whereas they actually measured only 5 and 10 Goolies respectively.

2 The Court of Foujdaree Udalut observe

9th July 1853.

observe that the above indictment does not set forth any penal offence as the incorrectness of the amount referred to might have been the result of ignorance or error and there is no mention of a fraudulent intent which alone would justify the commitment of the prisoner for trial before the Criminal Court.

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Trichinopoly for communication to the Principal Sudder Ameen.

4th W.H.M.

(Sent in No)

T. V.

Monday. 11th July 1853.

At a Court of the Tanjore Adalut

Present

W.H.M. G. S. Hooper Esqr ——— Sessions Judge

W.H.M. W. A. Morehead Esqr ——— Sessions Judge

W.H.M. W. T. L. Thanjoe Esqr ——— Sessions Judge

Road Calendars of petty cases disposed of by the Magistracy of Shiyalipet during the 1st Quarter of 1853

(Reference T. V. No 7350 of 1853)

Calendar of persons punished Code No 3

The prisoner in this case was charged with having stolen from the person of the prosecutors daughter a golden ornament valued at Rupees 10 and on conviction was sentenced by the Magistrate to one months imprisonment with hard labor in irons under Section XXXII Regulation XX of 1816

This sentence appears to the Court of Tanjore Adalut extremely lenient with reference to the nature of the offence which they consider should have been treated by the Magistrate under the extended powers vested in him by Section XIV Act XX of 1843

For

Cases Nos 4.

3 In this case the prisoner was charged with fraud and was sentenced to pay a fine of five Rupees commutable on default of payment to five days imprisonment

4 The Court of Tanjore N.D. stated that the offence of fraud which in its character is very much akin to theft should be punished by imprisonment and not by fine.

Cases Nos 5.

5 The foregoing remark is applicable to that portion of the sentence passed in this case which awarded to the prisoners to pay a fine of Rupees 35 or in default to be imprisoned for 15 days

6 The Court of Tanjore N.D. stated that from the Kachcheri Cy of the latter portion of the sentence which awarded to the prisoner a portion of the fine so pledged. The enquiry instituted by the prisoner on the prosecutor consisted in obtaining money from him on a false plea of having certain Government accounts and connected with the matter of the enquiry adverted to in the last paragraph. This part of the sentence was of very great importance in a moral point of view.

7 The Court of Tanjore N.D. stated under

b

to direct that the attention of the Magistrate be called to the defective manner in which the charges entered in these Calendars have been drawn up. In no case are the time place or manner of the commission of the offence charged set forth in the statement of charge, and in many cases the charge as stated does not constitute a penal offence.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Chingleput for communication to the Magistrate for his information and future guidance.

Petition No

Read Miscellaneous Petition presented on the 28th May 1853 by Gopala Parandaya of Zillah Cuddalore.

(Reference F. No. 9. No 77 of 1853)

Mr G. L. Cooper
Mr A. Kinchead
Mr L. Strange

The Petitioner is referred to the former orders passed by the Court of Tanjore N.D. in the matter to which this Petition relates and which the Petitioner is informed are final

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

Read Miscellaneous Petition

presented

11th July 1853.

presented on the 27th June 1853 by A. Ma. R. Arbia Sep. Vakeel on behalf of Rama Sadeapaty Varatharaiyar Nachiar Zemindar of Ramnad, complaining of the illegal detention of certain accounts belonging to her under an order of the Session Court of Madura dated 6th April 1853.

(Mer enter T. M. P. No 56 of 1853)

The account of Petitioner of which return is required were seized by the Magistrate of Madura in consequence of a charge of embezzling Devastanam funds under her control which had been preferred against petitioner and several of her servants. They were bound over to the Session Court on whose custody they now are.

2.

In their proceedings dated 30th March 1853. this Court of Foujdaree Adalut remarked that before deciding upon the amenability of petitioner to a Criminal prosecution it would be necessary to determine the nature of her control over the Devastanam funds and that such determination could only be arrived at through the medium of a Civil Suit to which the prosecutor was a party defendant.

3.

In the orders from which the petitioner

No 76.

11th July 1853.

Petitioner appeals the Session Judge declined to return the accounts pending the result of the Civil Suit to which the Petitioner had been referred.

The Court of Foujdaree Adalut

4.

considers that the detention of the accounts for such a purpose was wholly irregular and they revoked to direct their immediate return to the petitioner upon her application.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Madura for his information by Transpt returnable in six days from and after its receipt

(Sent for Closing Transpt No

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

Translation of the record in Case

No 7 of 1853 of the file of the Session Court of Chingleput not having as yet been received.

Ordered that the Session Judge of Chingleput be called upon to submit the same without delay

(Sent on No

Translation of the record in Case

No

No. 1 of 1853 of the file of the Session Court of Mangalore not having as yet been received.

Ordered that the Session Judge of Mangalore be called upon to submit the same without delay.

(Sent in No.

Read Calendar of Case No. 12 of 1853 on the file of the Session Court of Chittoor.

(Here enter T. R. No. 1361 of 1853)

1. In this case the prisoners were charged the 1st with forging and uttering and the others with aiding and abetting in the forging and uttering of a bond purporting to be executed by the prosecutor in favor of the 1st prisoner.

2. The 1st prisoner had sued the prosecutor upon the bond for Rupees 110 before a Military Court of Requests at Vellore and had obtained a decree in his favor. Upon application for its execution the prosecutor presented a petition to the Brigadier, alleging that the bond was a forgery.

3. The Brigadier considering it desirable that a reasonable time should be given to substantiate this charge before a competent tribunal, suspended the execution of the decree and handed over the bond to the Head Assistant Magistrate

11th July 1853.

who after investigation considered the forgery proved and committed the prisoners to the Subordinate Court.

4. The Court of Foujdaree Adalut remark that if the Brigadier saw reason to question the decision of the Court of Requests, he should as directed in Section 42 Act 23 of 1841 have returned the proceedings for revision either by the same or by another Court of Requests.

5. They further observe that it was not in their opinion competent to the Head Assistant Magistrate to entertain a charge of forging a bond which had been accepted as genuine by a competent Court. They are of opinion that charges of forging documents which have been produced before Civil Courts should not be entertained by the Magistracy unless the document alleged to have been forged have been declared not genuine by such Civil Courts.

6. It would appear from the Calendar under review that the case was committed upon most insufficient grounds and upon a very erroneous estimate of the evidence.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Chittoor.

11th July 1853.

9th

Chittoor for his information and for communication to the Magistrate for the information and future guidance of the Head Assistant Magistrate.

(Sent in No.

4 Enclosures

F.No.

Tuesday,
12th July, 1853. At a Court of the Fouzdaree Adalut.

Present.

Hon'ble G. S. Cooper, Esquire
Hon'ble W. A. Morehead, Esquire
Hon'ble T. L. Strange, Esquire
} Puisne Judges.

Read letter under date the 9th ultimo from the Sessions Judge of Guntoor.

(Here Enter F.No. No. 1288 of 1853.)

The question propounded in the foregoing letter should be referred by the Sessions Judge to the Law Officer attached to the Sessions Court.

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

(Sent in No.)

Read again Calendar of Case No. 13 of 1853 on the file of the Sessions

winced no symptoms of insanity since he was committed to Jail by the Additional Joint Magistrate should be released from Custody.—

2. In the event of his continuing to be a source of alarm to the Villagers as he is represented to have been by the Additional Joint Magistrate it will be the duty of the latter Officer to bind him over to security under Clause first Section VIII Regulation II of 1822.—

3. The Court infer that the Sessions Judge obtained a medical opinion of the prisoner's sanity previous to recommending his release.

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

/Sent in No. /—

Read Calendars of Petty Cases disposed of by the Magistracy of Cuddapah for the 1st quarter of

of 1853.—

/Here Enter F.C.C. No. 1472 of 1853/—

The Court of Foujdaree Udalut direct that in future the name as well as the official designation of the Officer passing a sentence will be appended to it.—

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

/Sent in No. /—

Read Calendar submitted by the Sessions Judge of Mangalore of petty Cases disposed of by the Magistracy during the last quarter of 1852.—

/Here Enter F.C.C. No. 1487 of 1853/—

The punishments inflicted

1.

Nos. 189. 190. 207. upon the prisoners in the three Cases marginally noted and in which no special circumstances of aggravation are recorded, appear to the Court of Foujdaree Udalut too severe. It would appear

appear that the circumstance of the theft having taken place at night led the Head Assistant Magistrate to award so severe sentences of corporal punishment for thefts so small in their amount.—

2. The offences alleged in Nos. 196 to 202 should have been entered as trespasses instead of being termed generally misdemeanors.—

3. The Court of Foujdaree Udalut observe that in the above Calendar the charges are confined to the mere titles of the several offences alleged which is not sufficient.—

4. They should invariably set forth the time and place of the occurrence, if they have been ascertained and also the manner in which the prisoner is alleged to have committed the offence charged. Unless these are inserted the higher Court is deprived of the power of deciding whether the acts supposed to be proved, really amount to the offence alleged.—

The

12th July, 1853.

5. The Court of Foujdaree Udalut further consider it desirable that every Calendar should contain a short abstract of the evidence adduced.—

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

Sent in No. 1-5

Ed 1860.

F.116.

Wednesday,
13th July, 1853. At a Court of the Foujdaree Adalut.

Present.

Hon'ble G. L. Cooper, Esquire
Hon'ble W. A. Morehead, Esquire } Puisne Judges.
Hon'ble T. L. Strange, Esquire

Read Calendar of Case
No. 16 of 1853 on the file of the Sessions
Court of Cuddapah.

Here Enter F.116. No. 1313 of 1853.

1. In the above case the prisoner was committed to the Sessions Court on a charge of severe wounding, and was acquitted by the Sessions Judge in accordance with the opinion of his Mahomedan Law Officer.—

2. The Court of Foujdaree Adalut observe that there appears nothing in the evidence to prove the commission of anything more than a common assault and that there were no circumstances of such a nature

as

as to warrant the committal of the case to the Sessions Court. They would therefore impress upon the Subordinate Judge the necessity of exercising greater discrimination in the performance of this part of his duty.—

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddapah for his information and for communication to the Subordinate Judge

/Sent Vide No /—

Read the Criminal Statements submitted by the Agent at Ganjam as required under this Court's Letter dated 1st April 1853.—

/Here Enter F.C. No. 1466 of 1853/—

Comparative Statement. 1.

A note showing the state of Crime and Causes which have influenced it should be appended at the foot of this Statement as directed in this Court's letter of the 1st April 1853.—

Statement showing the Cases involving grave injury for 1852. 2.

In Column 9 the 36 cases of Housebreaking into substantial dwellings and with wounding should

be entered and the entries in Columns 16 to 24 will consequently require alteration.

Statement showing the Cases involving grave injury for 1851 and 9 3.

The entries in Columns 5 should be 11 and 66.—

Ordered, that Extract from these Proceedings be sent to the Agent at Ganjam by precept returnable within 11 days from and after its receipt.—

/Sent following Precept No /—

Read letter dated 30th ultimo, from the Acting Sessions Judge of Nellore submitting the Statements required under this Court's letter dated 1st April 1853.—

/Here Enter F.C. No. 1473 of 1853/—

Comparative Statement. 1.

The entries in Column 19 under head "Petty Offences" and those in Columns 2. 15. 18. 19. 20. 21 and 22 under head "Crimes and Misdemeanors" require amendment.—

Statement showing the Cases involving grave injury for 1851. 2.

The entries in Columns 2 5 and 15 should be 6. 6 and 1 and those in Columns 16 to 24 will consequently require alteration.—

13th July, 1853

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

Sent following Precept No /—

Read Calendar of Case No. 42 of 1853 on the file of the Sessions Court of Bellary.—

/Were Entered F.M.C. No. 1501 of 1853/—

1. In the above Case 4 prisoners were charged with "highway robbery unattended with aggravated circumstances." The Court of Sessions Judge observe that there was no need to allude to the degree of aggravation in the heading of the charge.—

2. Of the four prisoners tried two were acquitted and the Sessions Judge convicted the 1st and 2d on their own confessions and sentenced them to 14 years' imprisonment with hard labor in irons under Clause third Section IV Regulation XV of 1803.—

We

F.M.C.

13th July, 1853

3. We recommends that as the prisoners were unarmed, and as they appear not to have taken a very active part in the robbery, they should be sentenced to 4 years' imprisonment with hard labour.—

4. The Court of Sessions Udalut observe that the offence is of a very grave nature, that the prisoners' own statements of the mitigatory circumstances are the only proof of their existence and they do not therefore deem it proper to sanction the mitigation of the sentence further than to 7 years' imprisonment for which period the Sessions Judge is authorized to issue an amended warrant.—

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

/Sent in No /—

Read letter dated 28th Ultimo, from the Sessions Judge of Bellary, forwarding the Statements required under this

13th July, 1853.-

this Courts letter dated 1st April 1853.-

/Have Enter'd No. 1504 of 1853/-

Comparative Statement. The Entries in Columns 2 and 6 under head "Crimes and Misdemeanors" should be 21 and 7.-

Statement shewing the Cases involving Grave injury Vide for 1852. 2. The Entries in Columns 2-6-7-14 and 15 should be 21-7-44-4 and 11 and those in Columns 16 to 24 will consequently require amendment.-

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

/Sent following Precept No. /-

Read Letter dated 2nd Instant, from the Sessions Judge of Madura, submitting the Statements required under this Courts letter dated 1st April 1853.-

/Have Enter'd No. 1514 of 1853/-

Comparative Statement. The Entries in Columns 2-3- and 16 under head "Crimes and Misdemeanors" require amendment.-

The

13th July, 1853.-

2.

Statement shewing the Cases involving Grave injury Vide for 1852. The Entries in Columns 2-5-7-8-9-10-13 and 14 should be 17-12-48-19-28-6-59 and 13 and those in Columns 16 to 24 will consequently require alteration.-

do do for 1851-3. The Entries in Columns 2-3-5-7-8-9-10-11 and 13 should be 8-8-23-42-11-7-5-11 and 37.-

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

/Sent following Precept No. /-

Read Letter dated the 4th Instant from the Sessions Judge of Calicut, reporting for the final Judgement of the Foujdaree Udalut, the Record of Case No. 9 of 1853 of the Calendar of the Sessions Court.-

/Have Enter'd No. 1534 of 1853/-

Mr. G. L. Cooper. and Mr. J. Lo. 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

that the proof against the prisoner,
"Eyooven Mooweneory Tryan."
is sufficient to convict him of the crime
of administering a deleterious draught
with the view of procuring abortion or
of doing some bodily injury, do convict
him thereof and under the provisions
of Clause 3rd Section VII Regulation XV
of 1803 sentence him to be imprisoned
and kept to hard labor in irons on
the public roads or other public works
for and during the period of (6) six
months.—

/Sentence No. /-

Read Calendar of Case
No. 27 of 1853 submitted by the Sessions
Judge of Madura under date the 5th
July 1853.—

/Here Enter F.116. No. 1525 of 1853/-

Read Statement dated the
5th Instant submitted by the Sessions
Judge of Madura, of batta paid to
Prosecutors and Witnesses attending
before him during the 1st Half Year of 1853.

/Here Enter F.116. No. 1526 of 1853/-

Read

Read letter dated the 4th
Instant from the Sessions Judge of
Calicut, reporting the death of the
Prisoner in Case No. 27 of 1853 on the
Calendar of the Sessions Court.—

/Here Enter F.116. No. 1530 of 1853/-

Read Calendar of Case
No. 23 of 1853, submitted by the Sessions
Judge of Calicut under date the 6th
July 1853.—

/Here Enter F.116. No. 1535 of 1853/-

Read Statement dated the
30th June 1853 submitted by the Sessions
Judge of Chingleput, of Convict Labor
for the 2nd Quarter of 1853.—

/Here Enter F.116. No. 1536 of 1853/-

Read Statement dated the
30th June 1853 submitted by the Sessions
Judge of Chingleput, of batta paid to
Prosecutors and Witnesses attending before
him for the half year Ending 30th June
1853.—

/Here Enter F.116. No. 1537 of 1853/-

Read Calendar of Case
No. 30 of 1853 submitted by the Sessions
Judge

11th July, 1853.

that the proof against the prisoner,
"Eyooven Mooweneoory Tyan."
is sufficient to convict him of the crime
of administering a deleterious draught
with the view of procuring abortion or
of doing some bodily injury, do convict
him thereof and under the provisions
of Clause 3rd Section VII Regulation XV
of 1803 sentence him to be imprisoned
and kept to hard labor in irons on
the public roads or other public works
for and during the period of (6) six
months.—

/Sentence No. /—

Read Calendar of Case
No. 27 of 1853 submitted by the Sessions
Judge of Madura under date the 5th
July 1853.—

/Here Enter F.116. No. 1525 of 1853/—

Read Statement dated the
5th Instant submitted by the Sessions
Judge of Madura, of batta paid to
Prosecutors and Witnesses attending
before him during the 1st Half Year of 1853.

/Here Enter F.116. No. 1526 of 1853/—

Read

13th July, 1853.

Read letter dated the 4th
Instant from the Session Judge of
Calicut, reporting the death of the
Prisoner in Case No. 27 of 1853 on the
Calendar of the Session Court.—

/Here Enter F.116. No. 1530 of 1853/—

Read Calendar of Case
No. 23 of 1853, submitted by the Session
Judge of Calicut under date the 6th
July 1853.—

/Here Enter F.116. No. 1535 of 1853/—

Read Statement dated the
30th June 1853 submitted by the Session
Judge of Chingleput, of Convict labor
for the 2nd Quarter of 1853.—

/Here Enter F.116. No. 1536 of 1853/—

Read Statement dated the
30th June 1853 submitted by the Session
Judge of Chingleput, of batta paid to
Prosecutors and Witnesses attending before
him for the half year ending 30th June
1853.—

/Here Enter F.116. No. 1537 of 1853/—

Read Calendar of Case
No. 30 of 1853 submitted by the Session
Judge

Judge of Combaconum under date the 8th July 1853.—

/Here Enter F.No. No. 1539 of 1853/—

Read Calendars of Cases Nos. 10 & 11 of 1853 submitted by the Sessions Judge of Mangalore under date the 4th July 1853.—

/Here Enter F.No. Nos. 1545 & 1546 of 1853/—

Read letter dated the 4th Instant from the Sessions Judge of Mangalore, forwarding the Statement to be appended to the record of Case No. 9 of 1853 under Circular Order dated the 28th February 1853.—

/Here Enter F.No. No. 1547 of 1853/—

Read Calendar of Case No. 31 of 1853 submitted by the Sessions Judge of Combaconum under date the 9th July 1853.—

/Here Enter F.No. No. 1553 of 1853/—

Read Calendar of Case No. 17 of 1853 submitted by the Sessions Judge of Cuddapah under date the 9th July 1853.—

/Here Enter F.No. No. 1554 of 1853/—

13th July, 1853.

Read return dated the 8th Instant from the Sessions Judge of Cuddapah to the precept of the Fouzdaree Udalut under date the 7th May 1853, directing that the trial of the Prisoner in No. 12 on the Calendar of the Sessions Court for 1853 be proceeded with.—

/Here Enter F.No. No. 1556 of 1853/—

Read letter dated the 6th Instant from the Sessions Judge of Calicut, forwarding the Statement submitted by the Subordinate Judge shewing the amount realized by the labor of the Prisoners in the 1st Quarter of 1853.—

/Here Enter F.No. No. 1561 of 1853/—

Read Calendars of Cases Nos. 44 and 45 of 1853 submitted by the Sessions Judge of Bellary under date the 7th July 1853.—

/Here Enter F.No. Nos. 1562 and 1563 of 1853/—

Read Calendar of Case No. 11 of 1853 submitted by the Sessions Judge of Honore under date

13th July 1853

date the 14th July 1853.

/Here Enter F.No. No. 1565 of 1853/-

Read letter dated the 11th Instant from the Headboy of Sullur reporting that Odiar Mooply Sudder Ameen disposed of no Criminal Cases during the 1st half of 1853.

/Here Enter F.No. No. 1568 of 1853/-

Jr 18 Cs

F No

Thursday 14th July 1853

At a Court of the Tongdaree Udalut

Present

G/R G. S. Hooper Esqr ____ Puisne Judge

W. A. Morehead Esqr ____ Puisne Judge

W. T. L. Strange Esqr ____ Puisne Judge

Read Miscellaneous Petition presented on the 28th May 1853 by T. Appiah Tuthoal on behalf of A. Rangappa Chetty of Gillah Salem

/Here enter F.M.P. No 78 of 1853/

The object of this Petition is to induce the Court of Tongdaree Udalut to cancel a recognisance of security under which Petitioner was placed by the Magistrate of Salem for a period of 6 months and which sentence was confirmed on appeal by the Session Judge

Mr W. A. Morehead 1

The Court of Tongdaree Udalut observe that the order of the Session Judge was passed after a full consideration of the case- the prayer of this Petition is therefore rejected

2

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

Read

13th July, 1853

date the 4th July 1853.

(Here Enter F.No. No 1565 of 1853)

Read letter dated the 11th
Instant from the Acting Sessions Judge
of Nellore, reporting that the Monthly
Sudder Ameen disposed of no Crimi-
nal Cases during the 1st half of 1853.

(Here Enter F.No. No 1568 of 1853)

Jr 18Cs

J. No

Thursday 14th July 1853. At a Court of the Tongdaree Udalut

Present

J/W/R G. S. Hooper Esqre ——— Puisne Judge
W. A. Morehead Esqre — Puisne Judge
W. T. L. Strange Esqre ——— Puisne Judge

Read Miscellaneous Petition

presented on the 28th May 1853 by T. Appiah Vakeel

on behalf of A Ramyapa Chetty of Zillah Salem

(Here enter F.No P. No 78 of 1853.)

The object of this Petition is to

M/W. A. Morehead

induce the Court of Tongdaree Udalut to cancel
a requisition of security under which Petitioner
was placed by the Magistrate of Salem for a period
of 6 months and which sentence was confirmed on
appeal by the Sessions Judge

The Court of Tongdaree Udalut

2

observe that the order of the Session Judge was
passed after a full consideration of the cause the
prayer of this Petition is therefore rejected

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

Read

14th July 1853.

Read Calendar of Case No 15 of 1853
of the Session Court of Chittoor.

(Here enter F No. No 1419 of 1853)

The Court of Foujdaree Udalut approve of the recommendation made by the 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 Housebreaking by night and Theft be reduced to three years imprisonment with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.

4th Moorugum
3d Veerasawmy
4th Rannun

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

(Sent in No

Read Calendar of Cases No 18 of 1853
of the Session Court of Coimbatore.

(Here enter F No. No 1431 of 1853)

The Court of Foujdaree Udalut approve 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 suffer on his conviction of the crime of Housebreaking with theft be reduced to five years imprisonment with

5th Venkatachellum

14th July 1853.

with hard labour 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 Coimbatore for his information.

(Sent in No

Read Calendar of Case No 14 of 1853
of the Session Court of Nellore

(Here enter F No. No 1434 of 1853)

The Court of Foujdaree Udalut approve of the recommendation made by the Session Judge in this Case that the imprisonment which the Prisoners noted in the margin have been adjudged

1st Boyja Narrasadu
2d do Subbadu
3d Chenna Nakadu

to suffer on their conviction of the crime of Housebreaking with theft be reduced to four 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 Nellore for his information.

(Sent in No

Read Calendar of Cases No 16 of 1853
of the Session Court of Chittoor.

(Here enter F No. No 1435 of 1853)

The Court of Foujdaree Udalut approve

14th July 1853.

Read Calendar of Case No. 15
of the Session Court of Chittoor.

(Here enter F. No. No. 1419 of 1853)

The Court of Foujdaree Udalut
approve of the recommendation made by the 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 Housebreaking
by night and Theft be reduced to three years
imprisonment with hard labor in irons, and they
do authorize the Session Judge to issue his warrant
accordingly.

1st Moroogum
3rd Veerasawmy
4th Ramun

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

(Sent in No.

Read Calendar of Cases No. 18 of 1853
of the Session Court of Coimbatore.

(Here enter F. No. No. 1421 of 1853)

The Court of Foujdaree Udalut
approves 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 suffer on his conviction of the crime of Housebreaking
with theft be reduced to five years imprisonment

1st Venkatachellum

14th July 1853. with hard labour 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
Coimbatore for his information.

(Sent in No.

Read Calendar of Case No. 14 of 1853
of the Session Court of Nellore

(Here enter F. No. No. 1434 of 1853)

The Court of Foujdaree Udalut
approve of the recommendation made by the 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 Housebreaking
with theft be reduced to four years
imprisonment with hard labor in irons, and they
do authorize the Session Judge to issue his
warrant accordingly.

1st Bojja Narrasadu
2nd do. Subbadu
3rd Chenna Sahadu

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

(Sent in No.

Read Calendar of Case No. 16 of 1853
of the Session Court of Chittoor.

(Here enter F. No. No. 1435 of 1853)

The Court of Foujdaree Udalut
approve

14th July 1853

approve of the recommendation made by the Session Judge in this case that the imprisonment which the Prisoner named in the margin has been adjudged to suffer on his conviction of the crime of House breaking by night and Theft, be reduced to four years imprisonment with hard labour in irons, and they do authorize the Session Judge to issue his warrant accordingly.

T. Vistinadoo

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

Sent in No.

No Orig

Read Calendar of Case No 28 on the file of the Session Court of Calicut.

(Here enter F. 26. No 1452 of 1853)

1. The Court of Foujdaree Udalut remark that the charge in this case is so obscurely worded that they are left to gather by implication that the prisoners intend in setting fire to the house was to destroy the life of the inmates.

2. They deem it necessary to impress upon the Subordinate Judge the importance of greater perspicuity in the preparation of indictments against prisoners, which should be so framed as to exhibit with the utmost clearness, the substantive offence

F 26.

14th July 1853.

offence with which such prisoners are charged.

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

(Sent in No.) 1853.

T. No.

Friday 15th July 1853. At a Court of the Tongdarea Udalut

Present

GPA — G. L. Hooper Esqr. —— Puisne Judge

Wea — W. A. Morehead Esqr. —— Puisne Judge

TL — T. L. Strange Esqr. —— Puisne Judge

Read again Calendar of Case No. 14 of 1853 on the file of the Session Court of Cuddapah (Now enter T. No. 1357 of 1853)

Read also return under date the 14th June 1853 from the Session Judge of Cuddapah to the precept of the Tongdarea Udalut dated the 4th May 1853, directing that the Mahomedan Law Officer of the Session Court should be required to amend the Futwa declared by him in the foregoing Case (Now enter T. No. 1337 of 1853)

The Court of Tongdarea Udalut resolve to direct that a copy of the remark recorded by the Cuzee ool Cuzaut with reference to the Futwa above adverted to be forwarded to the Session Judge for communication to his Mahomedan Law Officer for the information and future guidance of the latter.

Ordered that Extract from these

Proceedings

Proceedings be forwarded to the Session Judge of Cuddapah for his information.

(Sent on No.

Read letter under date the 28th June 1853 from the Acting Session Judge of Masulipatam submitting for the final judgment of the Court of Foujdaree Udalut a translation of the record of Case No. 28 of 1853 on the file of the Session Court.

(Here enter F. Dy. No. 1497 of 1853)

Mr. Hooper and Mr. Morehead

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

"Begum Nursoyah - alias
Cooppoolah Nursoyah,"

is not convicted on presumptive proof or on the evidence of credible witnesses, or on his own confession, of the crime charged, do acquit him thereof, and direct that he be set at liberty.

1 The Prisoner was charged with having in combination with several others not in custody, assaulted one Veerareddy and others with sticks and inflicted wounds from the effect of which the said Veerareddy died on the following day; and with having robbed

robbed the prosecutors and others of their clothes.

2 The Mahomedan Law Officer acquitted the prisoner on the ground of discrepancies in the evidence. Unable to concur in that opinion, the Acting Session Judge referred the trial for the final judgment of the Court of Foujdaree Udalut, and considering the prisoner entitled to his acquittal on the charge of Culpable Homicide, but convicting him of assault and breach of the peace, he recommended that he should be sentenced to imprisonment with hard labor for two years.

3 The evidence against the prisoner consisted of his alleged identification, as one of the Gang which assaulted deceased, by the 2nd prosecutor and the 1st witness, two of the assaulted party and by 2nd witness. While adverting to various discrepancies in the evidence, the Acting Session Judge considers it sufficient to convict him of the minor offence.

4 The Court of Foujdaree Udalut observe that the prosecutors and witnesses are inconsistent with themselves and with one another in their depositions before the police and the Session Court as to the presence of the prisoner in the Gang which committed the assault.

5 They further observe that in the report of the Curnum and Zemindar to the Head of Police, confessedly founded

founded upon the declaration of the 2nd prosecutor, finally the most material witness against the prisoners, his name is not mentioned although 5 others were accused and that when questioned as to this circumstance the Cummun ascribed his omission to the fact of the 2d prosecutor not having then accused the prisoner.

6 The Court are of opinion that added to the discrepancies which are numerous, this circumstance is amply sufficient to render the subsequent evidence as to the prisoners complicity too suspicious to be relied on - They observe that the very animosity alleged to exist and which apparently did exist between the party to which deceased the prosecutor and witnesses belonged, and the prisoner while it may appear to explain the reasons for his commission of the felonious assault, would equally lend probability to the supposition that he has been maliciously accused by them.

7 For the above reasons the Court of Foujdaree Udalut reversed the sentence of the Acting Session Judge and directed the prisoners unconditional release.

8 The Court of Foujdaree Udalut observe that forming the estimate which he has done

F 76.

15th July 1853.

of the evidence, the Session Judge was clearly bound to find the prisoner guilty of culpable homicide or murder, according to the circumstances of the case - He considered it established that the prisoner united with others for the commission of a Criminal assault upon deceased and his party, and that the death of deceased resulted from that assault - It obviously mattered not so far as the character of the offence is concerned whether the death of deceased resulted from a blow struck by the prisoner or from some assault of any one of the party with whom he had united for the common criminal object. When the union was established each of the Gang became liable for every act committed in pursuance of the criminal end for which their combination was effected.

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

Sent in No.

Read return dated 20th Instant from the Session Judge of Rajahmundry to the precept of the Foujdaree Udalut under date the 2d June 1853, returning for amendment certain Criminal statements for the year 1852.

(Herewith F. No. 1424 of 1853)

Read

Read also letter dated 10th instant

from the same Officer submitting the statements

required under this Court's letter dated 1st April 1853.

(Here enter F.U. No. 1321 of 1853.)

Statement No. 2.

Number of cases in Column 2 reported to have been committed during the year and entered under heads 8-33 and 75 — 29.

Number in Column 10 brought before the Police and entered under heads 8-33 and 75 — 20

Number in Column 28 brought before the Magistracy and entered under heads 8 and 33 exclusive of those forwarded by the Police — 5 — 25.

Difference 4.

1. The Court of Tuticorin Udalat observe that this Statement has not been properly amended, for a difference of 4 cases still appears in Column 2 heads 8-33 and 75 as shewn in the margin.

2. The one case referred to in para 5 of the explanation furnished by the Magistrate under date the 13th June 1853 should be entered in Column 8, head 37 of this Statement.

Appendix A. to Statement No. 3. B.

3. The number of persons "Fined" and "Imprisoned and fined" viz: 8, does not correspond with those under head "Fines" nine in Column "Fines levied".

Comparative Abstract Statement.

4. The entries in Columns 6-7-9-10-11 and 13. head "Petty Offences" and those in Columns 3-4-5-15-16-17-18-19-20-22 and 33. head "Crimes and Misdemeanors" require amendment.

Vide page 27 of the printed Criminal report for 1851.

5. A note shewing the state of crime and causes which have influenced it, should be appended at the foot of this Statement.

Statement shewing the Cases involving grave injury Vno. for 1852.

6. The entries in Columns 3-4 and 5 should be

be 10-3 and 17- and the entries in Columns 16 to 24 will be consequently required alteration.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Rajahmundry by precept returnable within 5 days from and after its receipt.

(Sent following precept No.

Read return dated 22d ultimo from the Acting Session Judge of Cuddalore to the precept of the Tuticorin Udalut under date the 11th June 1853, returning for amendment certain Criminal Statements for the year 1852.

(Here enter F. No. 1425 of 1853.)

The Court of Tuticorin Udalut

Appendix B to Statement No. 4.

1. observe that the explanation required in regard to the 4 prisoners who have been detained for more than 30 days has not been furnished in the Column of Remarks.

Comparative Statement

2. The entries in Column 2 of the State-ment shewing the Crimes and Misdemeanors should be

Statement shewing the cases involving grave injury Vno. for 1852.

3. 5, and those in Columns 16 to 24 will consequently require alteration.

Ordered that Extract from these Proceedings

15th July 1853.

Read also letter dated 10th instant

from the same Officer submitting the statements

required under this Courts letter dated 1st April 1853.

(Here enter F. R. No. 1321 of 1853.)

Statement No. 2

Number of Cases in Column 2 reported to have been committed during the year and entered under heads 8–33 and 35 — 29.

Number in Column 10 brought before the Police and entered under heads 8–33 and 35 — 20

Number in Column 28 brought before the Magistracy and entered under heads 8 and 33 exclusive of those forwarded by the Police — 5 — 25

Difference 34.

1. The Court of Foujdaree Udalut observe that this Statement has not been properly amended, for a difference of 4 cases still appears in Column 2 heads 8–33 and 35 as shewn in the margin.

2. The one case referred to in para 5 of the explanation furnished by the Magistrate under date the 13th June 1853 should be entered in Column 8, head 37 of this Statement.

Appendix A to Statement No. 3. B.

3. The number of persons "Fined" and "Imprisoned and fined" viz. 8, does not correspond with those under head "Fines" minor Column "Fines levied"

Comparative Abstract Statement.

4. The entries in Columns 6–7–9–10–11 and 13. head "Petty Offences" and those in Columns 3–4–5–15–16–17–18–19–20–22 and 23. head "Crimes and Misdemeanors" require amendment.

Vide page 27 of the printed Criminal report for 1851.

5. A note shewing the state of crime and causes which have influenced it, should be appended at the foot of this Statement.

Statement shewing the Cases involving grave injury &c. for 1852.

6. The entries in Columns 3–4 and 5 should be

15th July 1853.

be 10–3 and 17– and the entries in Columns 16 to 24 will consequently require alteration.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Rajahmundry by precept returnable within 5 days from receipt and after its receipt.

(Sent following precept No.

Read return dated 22d ultimo from the Acting Session Judge of Cuddapah to the precept of the Foujdaree Udalut under date the 11th June 1853, returning for amendment certain Criminal Statements for the year 1852.

(Here enter F. R. No. 1425 of 1853)

Appendix B to Statement No. 4.

1. The Court of Foujdaree Udalut observe that the explanation required in regard to the 4 prisoners who have been detained for more than 30 days has not been furnished in the Column of Remarks.

Comparative Statement.

2. The entries in Column 2 of the Statement shewing the Crimes and Misdemeanors should be

Statement shewing the Cases involving grave injury &c. for 1852.

3. The entries in Column 2 should be 5, and those in Columns 16 to 24 will consequently require alteration.

Ordered that Extract from these

Proceedings

15th July 1853.

Proceedings be forwarded to the Acting Session Judge of Cuddalore by Precept returnable within 2 days from and after its receipt.

(Sent following precept No.

Read the Criminal Reports submitted by the Session Judge of Salem for the year 1852.

(Here enter T. Pc. No. 1459 of 1853)

Appendix C. to Statement No. 3 B.

1 The Court of Tongdarai Vdalut observe that the entry of one person in Column 27 of the Statement as having died Pre should be expunged from this Appendix.

Statement shewing the nature and the result of charges preferred against the Police.

2. The entries in Columns 3 to 9 should be amended so as to correspond with the entries under heads 1 and 2 of the statements No. 1 and 2.

3 The foot note adverted to in para 2 of this Court's letter dated 1st April 1853 should be added.

4 The Court have noted that the Police Officers are not competent to dispose of cases of abuse of authority against the inferior officers of Police.

Comparative Statement of Petty offences. Drs — of crimes and Misdemeanors.

5. These two statements should be blended together, after the form exhibited in page 36 of the printed Criminal Reports submitted for

T. Pc.

15th July 1853.

for 1851 to which should also be appended a review showing the state of crime and causes which have influenced it.

6 The entries in Columns 9-11 and 15 of the Statement of Crimes and Misdemeanors should be 397-167 and 143.

Statement shewing the causes involving grave injury for 1852.

1 The entry in Column 9 of this statement should be 397.

Drs — Drs — for 1851.

8 The entry in Column 10 of this Statement should be 147 and the entries in Columns 16 to 24 will consequently require alteration.

Ordered that Extract from these Pro. be forwarded to the Session Judge of Salem by precept returnable within 3 days from and after its receipt.

(Sent following precept No.

Read the Criminal Reports submitted by the Session Judge of Mangalore for the year 1852.

(Here enter T. Pc. No. 1464 of 1853)

The Court of Tongdarai Vdalut direct

Appendix E to Statement No. 1

1 that the Magistrate be required to furnish as concisely as possible in the Column of remarks any explanation in regard to the detention of persons before the Police and Magistracy for more than 30 days.

The foot note shewing whether the

Statement No. 2.

2 House.

House-breaking has been effected into substantial dwellings or insecure dwellings does not contain the entries in Columns 2 and 3 head 32.

Appendix D to Statement No. 2 — 3. The remark in para 1 applies also to this Appendix.

Appendix C to do. — 4. The entries under head "Cases disposed of under Act VIII of 1843" should correspond with those in Columns 36 and 37 of the Statement.

Appendix B to Statement No. 4 — 5. The remark in para 1 applies likewise to this Appendix.

Statement shewing the nature and the result of Charges preferred against the Police: — 6. The entries in Columns 3-6 and 7 of this Statement should be 2-1 and 1.

7. The Court have ruled that the District Police Officers are not competent to dispose of cases of abuse of authority against the inferior Officers of Police.

Comparative Statement of Petty Offences. Do. — — of crimes and Misdemeanors — 8. These 2 Statements should be blended together after the form exhibited in page 43 of the printed Criminal reports submitted for 1851 to which should also be appended a remark shewing the state of crime and causes which have influenced it.

9. The entries in Columns 8-9-10-11-15-18-20 and 21 of the Statement of Crimes and Misdemeanors require amendment.

Statements shewing the Cases involving grave injury for 1852 and 1851 — 10. The entries in Column 9 of these Statements

Statements require amendment and those in Columns 16 & 24 will be affected thereby.

Ordered that Extract from these Proceedings be sent to the Session Judge of Mangalore by precept returnable within 8 days from and after its receipt (Sent following precept No.

Read return dated 29th ultimo from the Session Judge of Chingleput to the precept of the 7th June Udalut under date the 10th June 1853 returning for amendment certain Criminal Statements for the year 1852. (Here enter F. C. No. 1470 of 1853.)

The two persons referred to in para 3

Statement No. 2 — 1 of the Magistrate under date the 21st June 1853 should be expunged from Column 5 head 8 of this Statement.

The necessary amendment has been

2 made in the Registers' Office.

The Court of Tanjore Udalut observe

Comparative Statement — 3. that the Session Judge has again omitted to append to this Statement a note showing the state of crime and the causes which have influenced it as directed in this Court's letter of the 1st April last, which direction was repeated in the 11th para of the Court's proceedings of the 10th ultimo.

The Session Judge will be pleased

4 to

to supply this omission without delay.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Chinglepet by precept returnable within 2 days from and after its receipt.

(Sent following precept No.

Read return dated 8th Instant from the Session Judge of Chittoor to the Precept of the Fouzdaree Adalut under date the 25th ultimo, returning for amendment the Statements showing the cases involving grave injury Vizt for 1851 and 1852.

(Here enter F. C. No. 1538 of 1853)

Statement showing the cases involving grave injury Vizt for 1851.

The Court of Fouzdaree Adalut observe that the entries in Column 15 of this Statement should be 2, including a case of perjury entered in Column 10 of the Statement No. 3. B. as primarily cognizable by the Court, and those in Columns 23 to 24 will consequently require alteration.

Ordered that Extract from these Proceedings be sent to the Session Judge of Chittoor by Precept returnable within 2 days from and after its receipt.

(Sent following Precept No.

Read return dated 7th Instant from the Session Judge of Combaconum to the Precept of the

Fouzdaree Adalut under date the 16th ultimo, returning for amendment certain Criminal Statements for the year 1852.

(Here enter F. C. No. 1540 of 1853)

The Court of Fouzdaree Adalut observe that in Columns 6 and 7 under head 2 of the Statement No. 3 B one case including two persons is entered as received from the Police, whereas no entry is made under that head in Statement No. 7, and the one case including 2 persons entered under head 72 of the latter Statement does not appear in the former one.

The entries in this Statement will be affected by the foregoing remark.

Statement showing the nature and the result of charges preferred against the Police. 2

The state of Crime and causes which have influenced it should be given at the foot of the Statement and not in the Column of remarks.

Comparative Statement. 3
Vide page 39 of the printed Criminal Report for the year 1851.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Combaconum by precept returnable within 2 days from and after its receipt.

(Sent following precept No.

Read the Criminal Reports submitted by the Session Judge of Chicacole for the year 1852.

(Here enter F. C. No. 1494 of 1853)

The

15th July 1853.

Statement No. 2.
Ganjam.

1.

The Court of Foujdaree Udalut observe that in Column 2 of this Statement the actual number of cases have not been entered.

2.

A note should be appended to the total of Columns 26-27-28 and 29 showing how many of the cases and persons entered in Columns 18 and 19 have been included in each of the former Columns.

Appendix D. to Statement No. 2. Vizagapatam.

3.

The total number of persons detained before the Police should be 172.

Appendix A to Statement No. 3 A Sudr Ameen of Chicacole.

4

The 3 persons imprisoned in default of payment of fine should also be included under head "Imprisoned" minor Columns "Under 3- 6-12 Months."

Appendix A. to Statement No. 3 B. Principal Sudr Ameen of Vizagapatam.

5

The entries in Columns "Imprisoned" and "Imprisoned and flogged" viz 18 should correspond with the entry in Column 24 of the Statement (9).

Appendix B. to Statement No. 3 B. Principal Sudr Ameen of Vizagapatam.

6.

The entries under head "Trials Appeals" should be 17 and 24.

D. C. to D. - D.

7.

The aggregate of the entries on the Appendix should be 38 and not 37

D. A. to Statement No. 4.

8.

The 1 person imprisoned in default of payment of fine should also be included under head "Imprisoned" minor Columns "1 year and under" viz.

Statement shewing the nature and the result of charges preferred against the Police. D. Ganjam.

9

The Court have ruled that the District Police Officers are not competent to [illegible] cases of

15th July 1853.

abuse of authority against the inferior Officers of Police.

Comparative statement - Ganjam.

10

The entries in Columns 9-10-14 and 15 under head "Crimes and Misdemeanors" require amendment as pointed out in pencil.

Vide page 25 of the printed Criminal Reports for 1851.

11

A note shewing the state of crime and causes which have influenced it should be appended at the foot of this statement.

Comparative Statement - Vizagapatam

12.

The foregoing remarks applies also to this statement.

Statement shewing the cases involving grave injury D. for 1852.

13.

The entries in Columns 2 and 9 should be 5 and 130, and those in Columns 16 to 24 will consequently require alteration

14.

The offences committed in the District of Ganjam and Vizagapatam should be exhibited separately.

D. - D. - for 1851.

15

The entries in Columns 5 and 9 require amendment and those in Columns 16 to 24 will be affected thereby

16.

The remark in para 14 applies also to this statement.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Chicacole by Precept returnable within 5 days from and after its receipt.

(Sent following precept No.

15th July 1853.

Read letter under date the 6th July 1853 from the Session Judge of Salem forwarding English Translation of the record of Case No. 17 of 1853 on the Calendar of the Session Court, for the final judgment of the Court of Fouzdaree Udalut.

/Here enter F. C. No. 1549 of 1853./

Mr. Hooper.

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

Puppoory (a female)

is sufficient to convict her of the offence of exposing and abandoning her new born Infant under a hedge, and thereby wilfully causing its death, for which according to the Mahommedan Law, as declared in futwas of their Law Officers, discretionary punishment is awardable do convict her thereof; and under the provisions of Clause third Section VII Regulation XV of 1803 and Section XXXIV Act VII of 1843, sentence her to be imprisoned and kept to labor suitable to her sex, for and during the period of (7) seven years.—

(Sent in No.)

Read letter dated 9th Ultimo, from the Acting Session Judge of Masulipatam, submitting the

15th July 1853.

Statements required in the Court's letter under date the 1st April 1853.—

/Here enter F. C. No. 1300 of 1853/

The entries in Columns 6 11 and 15 under

Comparative Statement. 1.

head "Crimes and Misdemeanours" should be 12 and 44.—

The entry of 1 Case of Poisoning in-

Statement shewing the Cases involving Grave injury &c. for 1852. 2.

-cluded in Column 4 should be excluded and the entries

in Columns 6 and 9 should be 1 and 296 and those in

Columns 16 to 24 will consequently require alteration.—

In Columns 16 and 17 the total

3.

No. of Cases and persons brought before the Police &c.

should be entered.—

The entries in Columns 2 and 9

—Do.—Do.— for 1851.— 4.

should be 3 and 264.—

Ordered that Extract from these

Proceedings be sent to the Acting Session Judge

of Masulipatam by precept returnable within III days

from and after its receipt.—

(Sent following precept No.)

Eyd.
E.T.

Monday, 18th July, 1853. At a Court of the Foujdaree Udalut.

Present.

G. L. Hooper, Esquire
W. A. Morehead, Esquire
T. L. Strange, Esquire
} Puisne Judges.

Read Miscellaneous Petition presented on the 14th May 1853 by James Ouchterlony Esquire Vakeel on behalf of Rungiah Chetty praying that a sum of Rupees 1,072 now in deposit in the Session Court of Nellore may be returned to him.

Note Enter M. P. No. 73 of 1853/-

Petitioner was 3d prisoner in No. 37 on the file of the Session Court of Nellore and the rupees of which he prays the Court to order to be returned to him were supposed to be part of certain property which he was therein charged with having stolen

Mr. G. L. Hooper. }
Mr. W. A. Morehead. } and
Mr. T. L. Strange. }

stolen but petitioner alleges that on his acquittal of the theft, he is entitled to the return of this money which was found in his profession, which he alleges to be his own and which has not been proved to be otherwise.

2. This application should be made to the Sessions Judge of Nellore to whom the Petitioner is accordingly referred.-

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

Read Miscellaneous Petition presented on the 13th June 1853 by Loorapah of the Zillah of Cuddapah

/Here Enter F. M. P. No. 82 of 1853/-

Mr. G. S. Cooper. 1. Petitioner complains that his house was entered on the night of the 31st March by one of the Cummums (and others) of his village by whom he was beaten and robbed of property to the value of Rupees 68—8—, and that the Joint Magistrate paid no attention

attention to his argee in which he stated the circumstances of his case and the improper conduct of the Head of Police in withdrawing by the persuasion of others the warrant he had issued for the apprehension of the offenders- The Petitioner therefore prays the Court of Foujdaree Adalut to order an investigation of the charge preferred by him and punish the Head of Police-

It does not appear from

2. this petition that the Petitioner has made any appeal to the Sessions Judge from the proceedings of the Police and Magistracy, which was the proper course for him to pursue if he had any grievances to be redressed, before he applied to this Court.-

To that course he is

3. therefore referred and this Petition is rejected.-

Ordered, that Extract from these Proceedings be furnished to

18th July, 1853.

to the Petitioner on his application.-

Read Miscellaneous Petition presented on the 28th June 1853 by Narrainasawmy and others of the Zillah of Chittoor.-

/Here Enter F. M. P. No 87 of 1853/-

Mr W. A. Morehead. The object of this petition is to induce the Court of Fouzdaree Udalut to order the release of the 5 prisoner in Case No 3 of 1853 on the file of the Sessions Court of Chittoor.-

2. The Court of Fouzdaree Udalut see no reason to question the correctness of the sentence appealed against and therefore reject this Petition.-

Ordered, that Extract from these Proceedings be furnished to the Petitioners on their application.-

Read Miscellaneous Petition presented on the 29th June 1853 by Pallammal of Zillah Tinnevelly.-

/Here Enter F. M. P. No 88 of 1853/-

The

18th July, 1853.

Mr G. A. Hooper. The Petitioner prays the

1. Court to order a re-investigation of a charge of Rape and Robbery preferred by her against certain persons which she states has been disposed of by the Head Assistant Magistrate by a fine the proceedings of that Officer having been confirmed by the Sessions Judge.-

The complains of the

2. inadequacy of the punishment and prays the Court to order a full enquiring into the case.-

It appears that the Ses-

3. sions Judge on perusal of the proceedings held in this case saw reason to concur in the finding of the Head Assistant Magistrate, and confirmed the order passed by him imposing fines upon each of the prisoners for an assault but acquitting them of the graver part of the charges brought against them by the Petitioners, regarding which the evidence

of

of the witnesses was contradictory. Under these circumstances the Court of Foujdaree Udalut consider their interference in the matter to be uncalled for and they therefore reject this Petition.—

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

Read Miscellaneous Petition presented on the 1st July 1853 by Byrava Vakeel on behalf of Gnanam Hoovaien of the Zillah of Madura.

/Here Enter F. Mc. P. No. 89 of 1853/-

Mrs. T. L. Strange. 1.

Petitioner prays the Court of Foujdaree Udalut to remand for re-investigation Case No. XXI of 1853 on the file of the Sessions Court of Madura.—

2.

The Court of Foujdaree Udalut see no grounds to justify their interference with the sentence of the Sessions Judge and therefore dismiss this petition.—

Ordered

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

Read Statement dated the 1st Instant submitted by the Sessions Judge of Coimbatore of Batta paid to Prosecutors and Witnesses attending before the Session Judge during the 1st half of 1853.—

/Here Enter F. Mc. No. 1586 of 1853/-

Read return dated the 13th Instant from the Sessions Judge of Trichinopoly to the precept of the Foujdaree Udalut under date the 9th Idem, directing him to report whether the 2d Prisoner in Case No. 16 of 1853 represented in the remarks of the late Sessions Judge to have been unable to appear in Court on account of severe sickness, was present when the evidence for the prosecution, was delivered.—

/Here enter F. Mc. No. 1587 of 1853/-

Read

1st 18th July, 1853.

Read letter dated the 12th Instant from the Sessions Judge of Bellary, transmitting the Original Warrant issued by his Court in Case No. 35 on the Session Calendar for 1853. together with a copy of the Subordinate Criminal Judge's letter which accompanied it.

/Here Enter F.R. No. 1591 of 1853/-

Read Calendars of Cases Nos. 6 and 7 of 1853 submitted by the Sessions Judge of Chicacole under date the 11th Instant.

/Here Enter F.R. Nos. 1595 & 1596 of 1853/-

Read Criminal Report dated the 15th Instant submitted by the Sessions Judge of Chingleput for the month of June 1853.

/Here Enter F.R. No. 1597 of 1853/-

Read letter dated the 15th Instant from the Session Judge of Chingleput, furnishing explanation in respect to the want of precision in the wording of his letter of reference in Session Case No. 2 of 1853 on the file of this Court.-

/Here Enter F.R. No. 1599 of 1853/-

4 Vth W

Tuesday
19th July 1853.

F. R.

At a Court of the Foujdaree Adalut

Present

1st W. G. S. Hooper Esquire
2nd W. W. A. Morehead Esquire
3rd W. J. L. Strange Esquire
} Puisne Judges

Read again Calendar of Case No. 15 on the file of the Sessions Court of Tuchinopoly.

(Here enter F.R. No. 1244 of 1853.)

Read also returns from the Sessions Judge of Tuchinopoly, dated 4th July 1853, to the Precepts of the Foujdaree Adalut dated 16th June 1853 calling for a translation of the record of the above case.

The prisoners were charged with having, in company with other persons not in custody, armed with cudgels and provided with torches, forcibly entered the houses of the prosecutors and carried off property valued at Rupees 63-4-

The evidence against the prisoners consisted entirely of the alleged recognition of both prisoners by 1st, 4th, 5th and 6th witnesses, and of the 1st Prisoner by the 2nd, 3rd and 8th witnesses. The 1st and 5th witnesses also alleged that

that they recognized in the crowd a younger brother of the 1st Prisoner and one Anamelay who were not in custody.

3 The Acting Session Judge adverted to various discrepancies in the evidence, but considered them to be such as will always be observed in the narratives of various and particularly of ignorant eye-witnesses and not of a character to affect the substantive value of their testimony. He also adverted to the obvious objections which attach to evidence of identity, but considering that offered in this case, confirmed, as he considered it to be, by immediate mention of the prisoners by 3rd, 5th and 8th witnesses to the Village Moonsiff (9th Witness) as two of those engaged in the robbery sufficiently decisive to warrant such a step, he, in concurrence with his Mahomedan Law Officer, convicted the prisoners of Gang Robbery, and sentenced them to 14 years' imprisonment with hard labour in irons.

4 On a review of the Calendar the Court of S.D.A. seeing reason to question the propriety of the conviction, directed that a translation of the record should be submitted for their judgment.

5 It appears to the Court of Foujdaree Adalut

Adalut very improbable that so many witnesses should have recognized these two prisoners only out of a gang consisting of 30 or 40 persons and should be unable to speak to the identity or to describe any of the others engaged in the enterprise. They observe that the statements of the 3rd, 5th and 8th witnesses, as to their immediately informing the Village Moonsiff of the persons recognized by them, is contradicted by his testimony, which is to the effect that no information of the description in question was given to him until the following day, the parties having represented to him on the night of the occurrence that the blows of the robbers prevented them from their entering into any particulars. It appears to the Court that this statement is quite insufficient to explain the delay in making the communication, that it could hardly be true with respect to all of the deponents, and that it is rendered still more suspicious by the fact that several of the witnesses were, acting under the orders of the Moonsiff, bound to communicate the information to him at once and who would certainly not have failed to do so.

6 The Court further remark that the evidence as to their identification presents

19 July 1853.

presents great discrepancies. The 1st witness before the police deposed that he did not know who had beaten him, but before the Court that he was beaten by the prisoners. — The 4th witness in like manner who before the police stated that he did not know who had beaten him, before the Court attributed the beating to the 1st prisoner. — The 5th witness before the police professed to have recognized the prisoners during the robbery, and before the Court to have done so as they were running away from it. — The 7th witness spoke to the identity of both prisoners before the police, and could speak to that of neither before the Court. Before the Court the 8th witness deposed that the 1st prisoner had dragged out his earring and torn his ear, but before the police declared that he did not know to whom this was attributable, and that he was unable to depose to any specific act of the 1st prisoner.

7 The Court of Foujdaree Adalut consider that these discrepancies are very material. It is to be observed that they bear upon the very points which would determine the degree of belief to be attached to the evidence of identity. It is obvious that such belief will be strong or weak in proportion to the accuracy

J. U.
19 July 1853.

accuracy and particularity of observation which the attesting witnesses have displayed. The acts described are not of that nature which a witness would be likely to notice carelessly or to mistake. It appears to the Court that no reliance can be placed upon the testimony of these witnesses when they are inconsistent as to acts of personal violence committed upon themselves, which must have made an impression at least as strong as the features of the prisoners.

8 Upon the above grounds the Court of Foujdaree Adalut resolve to reverse the sentence passed by the Acting Sessions Judge, and to direct the unconditional release of the prisoners.

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

(Sent following precept &c.)

Es 18 Oct

F. Uc

Wednesday
20th July 1853.. At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esqr. — Puisne judges
W. A. Morehead Esqr. —
T. Lo. Strange Esqr. —

Read Criminal Report for
May 1853 submitted by the Sessions Judge of
Cuddapah.

(Vide inter F. Uc. Nº 1372 of 1853)

In this case the subordinate
Judge sentenced the prisoner charged with murder
and robbery to furnish two securities in Rs 500
30 each for his good behaviour and appearance
during 18 months or in default to be imprisoned
for that period under Clause first Section
IV Regulation II of 1822.

The Court of Foujdaree Udalut
observe that by Clause first Section VIII Regulation
VI of 1827, the period during which parties
can be detained in prison by Criminal Judges
under the provision of the law cited is limited
to

Nº 85

to 12 months and that whenever the period so limited may appear insufficient owing to the character of the prisoner, the Course of proceeding to be observed by the Criminal Judges and Magistrates is laid down in Clause third Section VIII of the same Regulation.

3 The Court therefore direct that the period for which Security is demanded and Consequently the period of imprisonment in default of furnishing it be reduced to 12 months.

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

(Sent in No)

Read again Calendar of Case No. 33 of 1852 on the file of the Sessions Court of Chingleput.

(Here enter F. Co. No. 339 of 1853)

Read also return dated 6th June 1853 from the Sessions Judge of Chingleput to the Precept of the Fouzdaree Udalut dated 5th March 1853 calling for a translation of the Record in Sessions

Session Case No. 33 of 1852.

(Here enter F. Co. No. 1265 of 1853)

The 1st Prisoner was charged with having stolen from the house of the prosecutor 37 documents among which was an assigned mortgage deed for Rupees 1462 — & presented by the master of 2d prisoner. The 2d prisoner was Charged with having induced the 1st to carry off the deeds in question and with having received the said documents from the 1st Prisoner knowing them to have been stolen. The 3d prisoner was charged with having aided and abetted the said theft by destroying some of the stolen documents and concealing the fragments.

The Prosecutor and 1st 15 & and other

2 witnesses deposed before the Sessions Court that the 1st prisoner was present in the prosecutors house on the evening of the alleged theft, that he became acquainted with the contents of the mortgage deed by the prosecutor reading it aloud and with the place of its deposit by the Prosecutor in his (Prisoners) presence directing all the documents of which it formed

formed a part to be placed upon a beam in his hall.-

3 The 1st 3d and 9th witnesses allegd that after the lapse of about two hours during which the prosecutor had left the house, the 1st prisoner came, and in their presence and that of several others carried off these documents and when questioned by 1st witness stated that he did so by the Prosecutors orders.-

4 The 5th and 9th witnesses stated that on the same evening they saw the 1st prisoner deliver to the 2d prisoner a bundle of documents. The 5th deposed to a Conversation between himself and the 2d prisoner about a year before this charge in which the latter mentioned the mortgage bond and expressed his intention to get possession of it. The 4th and 5th witnesses further deposed to a Conversation between 1st and 2d prisoners on the delivery of the documents by the former tending to establish the identity of the bonds delivered, and particularly of the valuable mortgage deed, with those alleged to have been stolen.

5 Several witnesses deposed to the discovery

20th July 1853.

discovery of several of the stolen documents in the roof of an unoccupied house near the prosecutors and at other places at 5 different times and the 1st 14th and 15th witnesses to the discovery on the information of 1st prisoner, of several others in the provision room of a pagoda under the Control of the 2d prisoner and of which he had the key. Evidence was also given as to admissions of the theft and as to expressions of regret by 1st prisoner. Much evidence was also taken to prove the execution and assignment of the mortgage deed.-

6 The evidence against the 3d prisoner Consisted only of depositions by 11th and 12th witnesses that he admitted in their presence having Concealed some of the stolen Cadjans &c.

The Sessions Judge Convicted

7 the prisoners and sentenced the 1st and 2d to 7 years imprisonment with hard labor under the provisions of Section XXI Regulation VII of 1802, and recommended a mitigation of the prescribed sentence to 3 months in the Case of the 3d prisoner, whose share in the Crime was Comparatively trifling.

8 The

8. The Court of Foujdaree Udalut upon a review of the Calendar, saw reason to question the propriety of the Conviction, and directed that a translation of the record should be submitted for their final Judgment.

9 Upon a review of all the proceedings, the Court of Foujdaree Udalut are unable to agree with the Sessions Judge. They observe that the remarkable Command of evidence which the Prosecutor has displayed upon every point which could contribute to a Conviction, is a Circumstance, of the gravest suspicion.

10 Such an offence as is alleged against the prisoners, would naturally have been Committed with the greatest secrecy, unless so effected the very object proposed must necessarily be defeated, and punishment be rendered inevitable. The witnesses would however wish the Court to believe that early in the evening, the 1st prisoner entered the house in the presence of numerous witnesses, well acquainted with his person, answered questions as if to remove all doubts as

to his identity, and carried off the valuable documents with the contents of which he had previously became acquainted in their presence - such Conduct is wholly opposed to all probability, and is deposed to by witnesses who represent themselves to have been present, but without being able to assign any probable reason for being so.

11 The chain of proof is then Carried on by witnesses also accidentally present, who see the delivery of the documents to the 2d prisoner, and ever hear enough of a Conversation between them, to identify the documents, delivered as those stolen, and also to establish the 1st and 2d prisoner's Connection for the Criminal object charged.

12 Other witnesses there is some instances by the very imperfect light of a lantern, discover documents a portion of these stolen in the roof of a house and in other places at 5 different times. It appears to the Court of Foujdaree Udalut highly improbable as regards one of these instances that a place of Concealment would have been

been chosen so near to the prosecutor's house and equally so that those not previously acquainted with this and other of the hiding places could have so happily lighted upon them. The Court of Foujdaree Udalut judge that the documents must have been placed there by the Prosecutor and his party, for the purpose of proving beyond a doubt, that whatever was the real Criminal, the Crime Charged had been really Committed.

13

As if the evidence already adduced was not sufficiently cogent, there are other witnesses to prove that the 1st prisoner on various occasions after apprehension confessed his guilt, and that the discovery of some of the documents in the store rooms of a pagoda under the charge of the 2nd prisoner, was consequent upon such confessions. It appears to the Court of Foujdaree Udalut highly improbable that the prisoners would have selected such a place for their purpose, and that if they had done so, they would without any attempt at concealment, have left such proofs of their guilt openly strewed upon the floor of the pagoda and

and not have deposited them in some place of security. and the Court have no doubt that they were thrust through the crevice of the door by some of the prosecutor's party, and through which it is clearly proved that they would pass.

The Court further consider it

14

most improbable that documents so valuable in their nature, would have been deposited on a beam in the hall of the prosecutor's house instead of in a box or other secure place. It is also observable that the witnesses have been studious in their attempts to speak guardedly upon all collateral points in order to prevent their contradicting one another and have not furnished that fulness of information to be expected from a man really an eye witness of what he describes and anxious to describe it truly.

The Court of Foujdaree Udalut

15

further remark that they do not consider the existence of the alleged mortgage deed at all satisfactorily established.

It is unnecessary to advert to the

16

descripancies observable in the statements of the various witnesses although many such exist, as the Court are of opinion that the whole character

of

of the evidence is most suspicious and that it bears the strongest marks of manufacture.

17 On these grounds the Court of Foujdaree Udalut have reversed the sentence passed by the Sessions Judge and directed the unconditional release of all the prisoners.

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

(Sent in No)

Read letter dated 15th July 1853 from the Sessions Judge of Chittoor, transmitting the death warrant issued by him in conformity with the final sentence of the Foujdaree Udalut in Calendar No 5 of 1853 duly executed and returned by the Acting Subordinate Judge together with a copy of a letter dated 14th Instant from that officer.

(Here enter F. Dc. No 1600 of 1853)

Read Statement dated 12th July 1853 submitted by the Sessions Judge of Guntoor of Batta paid to Prosecutors and witnesses who attended before him during the 1st half of the year 1853.

(Here enter F. Dc. No 1606 of 1853)

Read

Read Criminal Report dated 9th Instant submitted by the Subordinate Judge of Madura for the Month of June 1853.

(Here enter F. Dc. No 1608 of 1853)

Read Criminal Report dated 11th July 1853 submitted by the Sessions Judge of Mangalore for the month of June 1853.

(Here enter F. Dc. No 1609 of 1853)

Read Report, dated 1st December 1852 submitted by the Sessions Judge of Chingleput of Cases pending on the 30th November of 1852 and Committed for trial during the Months of June, July, October, and November 1852 before the Sessions Judge of Chingleput.

(Here enter F. Dc. No 2801 of 1852)

Read Report dated 1st December 1852 submitted by the Acting Sessions Judge of Cuddalore, that no Cases have been pending trial before the Sessions Court for a period exceeding 25 days calculated from the date of Commitment during the Months of November 1852

(Here enter F. Dc. No 2812 of 1852.)

Read Criminal Report dated 22d November 1852 submitted by the Agent to the

20th July 1853.

Governor of Ganm. for the Month of October 1852.

(Here enter F. C. No 2815 of 1852)

F. C.

Thursday 21st July 1853. } At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esqr. — Puisne Judges

W. A. Morehead Esqr.

T. L. Strange Esqr.

Read letter dated 16th June 1853 from the Agent to the Governor of Fort St. George of Ganjam, submitting for the final judgment of the Foujdaree Udalut the record of Case No 6 of 1853 of the Calendar of the Agent's Court.

(Here enter F. C. No 1618 of 1853)

The Court of Foujdaree Udalut,

Mr W. Morehead and Mr T. L. Strange. on a deliberate Consideration of all the Circumstances of the Case in evidence before them, being of opinion that the proof against the prisioner.

"Bundajee Morchee Naick,"

is sufficient to Convict him of the Crime of Murder, do Convict him thereof; and under the provision of Section X Regulation VIII of 1802, sentence him to suffer death by being hanged at the usual time and place of Execution.

(Sent in No)

Read

Read Criminal Report B dated 15th July 1853 submitted by the Sessions Judge of Cuddalore, for the Months of June 1853.

(Here enter F. 26. No 1603 of 1853.)

Read Calendar of Case No 16 of 1853 submitted by the Acting Sessions Judge of Masulipatam under date the 11th July 1853.

(Here enter F. 26. No 1611 of 1853.)

Read Calendar of Case No 18 of 1853 submitted by the Sessions Judge of Salem under date the 15th July 1853.

(Here enter F. 26. No 1612 of 1853.)

Read Criminal Reports dated 30th June 1853, submitted by the Sessions Judge of Salem for the Months of June 1853.

(Here enter F. 26. No 1613 of 1853.)

Read Calendar of Case No 27 of 1853 submitted by the by the Sessions Judge of Combaconum under date the 16th July 1853.

(Here enter F. 26. No 1620 of 1853.)

Read Calendar of Cases No 28 & 29 of 1853 submitted by the Sessions Judge of Combaconum under date the 16th July 1853.

(Here enter F. 26. No 1621 of 1853.)

Read

Read Calendar of Case No 46 of 1853 submitted by the Sessions Judge of Bellary under date the 15th July 1853.

(Here enter F. 26. No 1627 of 1853.)

Read Criminal reports dated 15th July 1853, submitted by the Sessions Judge of Tellicherry for the Months of June 1853.

(Here enter F. 26. No 1631 of 1853.)

Read Criminal Reports dated 18th July 1853, submitted by the Sessions Judge of Combaconum for the Months of June 1853.

(Here enter F. 26. No 1636 of 1853.)

Read Calendar of Case No 36 of 1853 submitted by the Sessions Judge of Cuddapah under date the 18th July 1853.

(Here enter F. 26. No 1638 of 1853.)

Ex 18d.

2.

F. 16.

Friday 22nd July 1853 } At a Court of the Thujdaree Udalut.

Present.

G. S. Hooper Esqr.
W. A. Morehead Esqr. } Sessions Judges
T. Lo. Strange Esqr.

Read again Criminal report submitted by the Sessions Judge of Chittagong for the Month of April 1853.

(Here enter F. Co. No 1184 of 1853)

Read also return from the same Officer dated 1st July 1853 to Precept of Thujdaree Udalut dated 16th June 1853 calling upon him to explain the delay in transmitting to the Sessions Court the report of cases 3 and 4 in the above Calendar.

(Here enter F. Co. No 1533 of 1853)

The Principal Sudr. Ameen in his explanation submitted with the above return states, that the transmission was delayed in accordance with the usual practice

practice of this Court to enable them to be submitted with the Committal Calendar of the same Cases.

2

The Court of Foujdaree Udalut are of opinion that the practice is objectionable and resolve to direct that the reports be submitted in Committable Cases within 24 hours as is the Custom in Cases in which the lower Court has final jurisdiction.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Chicacole for his information and for Communication to the Principal Sudder Ameen.

(Sent in No)

Read Calendar of Case No. 12 of 1853 on the file of the Sessions Court of Cuddapah

(Were entered F. C. No. 1555 of 1853)

In this Case the prisoner accused of the murder of her husband, was acquitted by the Sessions Judge on the ground of insanity and was directed to be detained in Custody under the provisions of Section III Act IV of 1819

until

22nd July 1853.

until the pleasure of Government should be known.

The Court of Foujdaree Udalut

2

observe that as directed in their proceedings dated 11th July 1849, a medical Certificate should have been submitted with the above Calendar and they resolve to direct the Sessions Judge to forward in future to enable them to make the necessary application to Government upon the subject of the Custody of the alleged lunatic.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddapah by Precept returnable within 5 days from and after its receipt.

(Sent following Precept No)

Read Miscellaneous Petition presented on the 13th June 1853 by Tandavaraya Modely of the Zillah of Chittoor.

(Were entered F. C. No. 81 of 1853)

Read also Calendar of Case No. 15 of 1853 on the file of the Sessions Court of Chittoor

(Were entered F. C. No. 1742 of 1853)

Before

22nd July 1853.

Mr. W.A. Morshead
and
Mr. T.L. Strange

Before finally disposing of this petition the Court of Foujdaree Udalut resolve to direct that those portions of the record of the trial which have reference to the 7th and 9th prisoners in the foregoing Case be submitted for their consideration.

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

(Sent following Precept No.)

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

Read Calendar of Case No 18 of 1853 on the file of the Sessions Court of Cuddapah.

(Here enter F. Cs. No 1481 of 1853)

The Court of Foujdaree Udalut concur with the Sessions Judge that the sentence to which the 1st Prisoner in this Case has been adjudged may with propriety

be

F. No

22nd July 1853.

be reduced, and they accordingly resolve to sanction a mitigated sentence of 7 years' imprisonment with hard labour in irons; bring of opinion that, with reference to the nature of the crime of which the Prisoner in this case has been convicted, a less severe sentence would be insufficient to meet the demands of justice.

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

(Sent as No.)

Read again letter from the Sessions Judge of Rajahmundry dated 31st May 1853.

(Here enter F. Cs. No 1762 of 1853)

Read also return from the same officer dated the 5th July to the Precept of the Foujdaree Udalut dated the 29th June 1853 calling upon him for a detailed explanation of the grounds for proposing to take further evidence on behalf of the prisoner in Sessions Case No 42 of 1852.

(Here enter F. Cs. No 1548 of 1853)

With the above return the

1.

Sessions

22d July 1853.

Sessions Judge submits a Copy of the original defence of the prisoner and of the urges in which she set forth that further evidence on her behalf was at her disposal and that it would establish her innocence

2. It does not appear to the Court of Foujdaree Adalut that there was any omission on the trial to take the defence of the prisoner in full but as there appears to them to be grounds for questioning the propriety of the conviction they resolve to direct that a translation of the record of Case No. 42 of 1852 be submitted for their final Judgment.-

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

(Sent following Precept No)

F. H.

Saturday 23d July 1853. } At a Court of the Foujdaree Adalut.

Present:

G. A. Hooper Esquire
H. A. Morehead Esquire } Puisne Judges.
T. L. Strange Esquire.

Read Calendar of Cases Nos. 8 and 9 of 1853 of the Sessions Court of Honore.

(Vide infra F. H. No. 1482 of 1853)

The Court of Foujdaree Adalut approve of the recommendations 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 crimes of Robbery by open violence and Theft and receiving stolen property knowingly be reduced to 8 years' imprisonment with hard labor in irons and they do authorize the Sessions Judge to issue his warrant accordingly.

Negatived

Ordered that Extract from

23rd July 1853.

From these Proceedings be forwarded to the Session Judge of Honore for his information. —

(Sent in No)

Read letter from the Sessions Judge of Honore forwarding a Petition from Beccaro, a Prisoner confined in Jail in default of payment of fine adjudged him in a tobacco smuggling case, praying that the remaining portion of his confinement may be remitted on the ground of the tobacco monopoly being abolished. —

(Here enter F.R. No. 1527 of 1853)

The Court of Poydaree Adalut are unable to comply with the prayer of this petition which they therefore resolve to reject.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Honore for his information and for Communication to the Petitioner. —

(Sent in No)

24th Holl

F. Ct.

Monday 25 July 1853

3. At a Court of the Poydaree Adalut

Present

G. S. Hooper Esqr.
W. A. Morehead Esqr.
T. Lo. Strange Esqr.

} Puisne Judges

Read again Criminal Reports for May 1853 submitted by the Sessions Judge of Bellary

(Here enter F. Ct. No. 1413 of 1853)

Read also Miscellaneous petition of Lalah Miyah prisoner in Cases Nos. 46 and 47 of the above reports praying that the record of these Cases may be called up and his release and restoration to his employment ordered.

(Here enter F. Ct. P. No. 80 of 1853)

Upon a review of the Proceedings held in the above Cases the Sessions Judge of Bellary acquitted petitioner of the offences charged in No. 46 but saw no reason to question the propriety of his Conviction in No. 47. The Conviction in the latter Case appear to have been based upon the discovery in petitioner's possession of certain stolen articles

clearly

clearly identified as the property of the prosecutor

2 The Court of Foujdaree Udalut see no reason to doubt the correctness of the conclusion at which the Sessions Judge arrived on his review of the case and resolve to reject this petition.

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

(Sent per Dk)

Read Criminal Report B submitted by the Agent to the Governor in Ganjam for the Month of May 1853.

(Here enter Ft. No. Nos 1532 of 1853)

1 The prisoners in this Case were charged with "Breach of Trust" in having conspired with other persons unknown, to prevent the use of Blood for refining purposes in the prosecutor's sugar manufactory, by introducing or causing to be introduced in March last a quantity of a deleterious and thereby substance into the liquid jaggery of the prosecutor and thereby wilfully and maliciously damaged the same.

3 The 2nd and 3rd Prisoners were further charged

charged with having on the 11th of March 1853 been detected in the act of emptying into the liquid jaggery (from a bucket used for Chunam water) some of the aforesaid deleterious substance, by order of the 1st Prisoner with intent to damage the property of the Prosecutor.

3 The Court of Foujdaree Udalut observe that there is no breach of trust laid in the charge and that the act charged against the Prisoners could not justify a Criminal indictment.

Case No 12 4 In this Case the prisoners were charged with "house breaking and theft" with having at 2 A. M. on the 16 April last stolen property from the Prosecutors house to the value of 27-6 — the 1st prisoner having effected an entrance by digging a hole in the wall and handed the property aforesaid to the 2nd and 3rd prisoners who were outside to secure it.

5 They were further charged with having on the 17th April last been found in possession of the aforesaid property knowing it to be stolen.

6 The Assistant Agent sentenced them on Conviction to two years imprisonment with hard labour in irons under Clause 6 Section II Reg VII

of

Clearly identified as the property of the prosecutor

2 The Court of Foujdaree Udalut see no reason to doubt the correctness of the conclusion at which the Sessions Judge arrived on his review of the case and resolve to reject this petition.

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

(Sent in A°)

Read Criminal Report B submitted by the Agent to the Governor in Ganjam for the Month of May 1853.

(Here enter F. Cs. N° 1532 of 1853)

1 The prisoners in this Case were charged with "Breach of Trust" in having conspired with other persons unknown, to prevent the use of blood for refining purposes in the prosecutors sugar manufactory by introducing or causing to be introduced in March last a quantity of a deleterious and deadly substance into the liquid jaggery of the prosecutor and thereby wilfully and maliciously damaged the same.

2 The 2d and 3d Prisoners were further charged

charged with having on the 11th of March 1853 been detected in the act of emptying into the liquid jaggery (from a bucket used for Chunam water) some of the aforesaid deleterious substance, by order of the 1st Prisoner with intent to damage the property of the Prosecutor.

3 The Court of Foujdaree Udalut observe that there is no breach of trust laid in the charge and that the act charged against the Prisoners could not justify a Criminal indictment.

Case N° 72

4 In this Case the prisoners were charged with "house breaking and theft" with having at 2 A. M. on the 14 April last stolen property from the Prosecutors house to the value of 27-6- the 1st prisoner having effected an entrance by digging a hole in the wall and handed the property aforesaid to the 2d and 3d prisoners who were outside to secure it.

5 They were further charged with having on the 17th April last been found in possession of the aforesaid property knowing it to be stolen.

6 The Assistant Agent sentenced them on Conviction to two years imprisonment with hard labour in irons under Clause 6 Section II Reg XII of

of 1822.

9 The Court of Fouzdaree Udalut are of opinion that a sentence of life severity would be sufficient to meet the requirements of this Case and they therefore direct the Agent to call up the record and review the Case reporting the result for the information of this Court.

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

(Sent in No.)

Read Statement dated 11th July 1853 submitted by the Sessions Judge of Honore, shewing the amount realized by the labor of Prisoners in the Jail of the Zillah of Honore in the 2nd Quarter of 1853.

(Here enter F. Ch. No. 1639 of 1853)

Read Statement dated 16th July 1853 submitted by the Sessions Judge of Honore, shewing the amount realized by the labor of Prisoners in the Jail at Sirsy in the 2nd Quarter of 1853.

(Here enter F. Ch. No. 1640 of 1853)

Read letter dated 16th July 1853 from the Sessions Judge of Mangalore, informing that the translation of the record in Case No. 7 on the Calendar for

for 1853 called for in the Extract from their Proceedings of the 11th Instant has been forwarded.

(Here enter F. Ch. No. 1641 of 1853)

Read Statement dated 1st July 1853 from the Subordinate Judge of Combaconum, shewing the amount realized by the labor of prisoners in the 2nd Quarter 1853.

(Here enter F. Ch. No. 1642 of 1853)

Read Calendar of Case No. 21 of 1853 Submitted by the Sessions Judge of Combaconum under date the 19th July 1853.

(Here enter F. Ch. No. 1645 of 1853)

Read Calendar of Case No. 20 of 1853 Submitted by the Sessions Judge of Tanjore under date the 14th July 1853.

(Here enter F. Ch. No. 1652 of 1853)

Read Statement dated 1st July 1853 from the Sessions Judge of Combaconum, of Batta paid to Prosecutors and witnesses in the Sessions Court during the 1st half of the year 1833.

(Here enter F. Ch. No. 1654 of 1833)

Read Extract from the Proceedings of the Sessions Court at Coimbatore under date the 18th July 1833 held on review of the Petty Calendars of the Magistracy for the 1st Quarter of 1833.

(Here enter F. Ch. No. 1656 of 1833) 5

E. Thomas

F.No.

Tuesday,
26th. July, 1853. At a Court of the Fouzdaree Udalut.

Present.

G.L. Cooper, Esquire
W.A. Morehead, Esquire } Puisne Judges.
T.L. Strange, Esquire

Read return from the Sessions Judge of Tinnevelly to the precept of the Fouzdaree Udalut, dated the 28th. June 1853 calling for a translation of the record of Criminal Case No. 31 on the file of the Moosiffy Sundalee Ameen.

/Here Enter F.No. No. 1615 of 1853/-

Read again Miscellaneous Petition presented on the 20th. May 1853 appealing against the sentence passed in the above case.-

/Here Enter F.M.P. No. 75 of 1853/-

Mr. W.A. Morehead and Mr. T.L. Strange } J. The prisoner was charged with having stolen a bullock valued at Rupees 17. and with having been found

in

in possession of it, knowing it to have been stolen.

2. The prosecutor and 4 wit. nesses allege that the bullock produced and identified as the prosecutor's property was found by them locked up in the prisoner's house and other wit. nesses depose to his having attempted to abscond when an effort was made to bring him before the police.

3. The Sudder Ameen convicts the prisoner and sentences him to two years' imprisonment.

4. The Sessions Judge in his proceedings dated 23d. April passed upon a review of the above Calendar and of an Appeal petition presented by the prisoner against it, directed a further enquiry and suspended the sentence to await its result, pointing out that there was strong reason to look with suspicion upon the testimony of the witnesses, on account of the enmity which evidently existed between the prisoner

26th. July, 1853.

prisoner and the prosecutors and which the latter had exhibited by preferring a charge against him in 1849 which the Sessions Judge had considered false and the result of a conspiracy.

5. After a further enquiry the Sudder Ameen adhered to his original decision and sentence. On Appeal, the Sessions Judge confirmed the conviction but reduced the sentence to one years' imprisonment.

6. On appeal the Court of Foujdaree Adalut seeing reason to question the grounds of the conviction resolved to call up the record and to suspend the execution of the sentence until the passing of their decision upon it.

7. The Court of Foujdaree Adalut observe that even if the evidence of the witnesses against the prisoner were beyond suspicion, the prisoner would be entitled to the benefit of the doubt whether his possession

of

of the bullock was really felonious or whether he had merely tied it up for the purposes of security or even for the annoyance of a man with whom he was at enmity and it is obvious as that in either case he must be acquitted of the theft charged. They observe that it is highly improbable that a man intending to steal and appropriate the bullock of another would thus have tied it up in his own house with the great danger of detection both from the difficulty of concealing it and from the enmity existing between himself and his neighbours.—

8. The Court further observe that the existence of great enmity between the prisoner, the prosecutor and the village servants, has been clearly proved, that they were led by the enmity to prefer a false accusation against him on a former occasion and that the nature of the evidence in

in this case would render it easily fabricated. It is the evidence of men some of whom are acknowledged to be ill disposed towards him and it does not contain a single corroborative circumstance in its support.—

9. The Court of Foujdaree Udalut on these grounds resolve to reverse the sentence of the Moofly Sudder Ameen and to direct the prisoner's release.—

10. The head of police committed two of the prisoners afterwards released by the Moofflee Sudder Ameen on alleged statement by the 1st prisoner before the Village Moonsiff that the bullock had been brought to his house by them. The Court observe that this obviously afforded no ground for such a proceeding. Even if the statement were really made, it could have afforded no evidence against them.—

Ordered, that Extract

from

26th July, 1853.

from these Proceedings be forwarded to the Sessions Judge of Tinnevelly by pre-cept returnable within V days from and after its receipt for information and communication to the Magistrate.

/Sent following Precept No /-

Ed 8 Cl

Read Convict Labor Report dated the 30th May 1853 submitted by the Sessions Judge of Madura.-

/Here Enter F/C. No. 1224 of 1853/-

Read Report dated the 1st June 1853 submitted by the Sessions Judge of Salem of Cases pending on the 31st May 1853 before the Sessions Judge for a period in excess of 25 days calculated from the date of com-mitment.-

/Here Enter F/C. No. 1229 of 1853/-

Read Report dated the 1st June 1853 submitted by the Sessions Judge of Chicacole of Cases pending on the 30th April 1853, and committed for trial during the month of May 1853, before

before the Sessions Judge.-

/Here Enter F/C. No. 1263 of 1853/-

Read letter dated the 2d June 1853 from the Sessions Judge of Chicacole, forwarding the Petty Calen-dars of the Magistracy for the 1st Quarter of 1853.-

/Here Enter F/C. No. 1264 of 1853/-

Read letter dated the 31st May 1853 from the Sessions Judge of Honore, forwarding Criminal Report B received from the Magistrate of Canara for the month of April 1853.-

/Here Enter F/C. No. 1267 of 1853/-

F. 26

Wednesday 27th July 1853 } At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esquire
W. A. Morehead Esquire } Puisne Judges
T. L. Strange Esquire

Read letter dated 21st June 1853 from the Sessions Judge of Rajahmundry.

(Here enter F. 26. No. 1141 of 1853)

1 In the above letter the Sessions Judge adverts to the inconvenience likely to result from suspending the trial of a prisoner after the close of his defence in order to permit the prosecutor to make such remarks upon it as he may consider necessary - The Sessions Judge expresses his opinion that the practice is at variance both with the principles of justice, with the express provisions of Clause first Section XV Regulation VII of 1802, and with the long established usage of the Courts.

2 The Court of Foujdaree Udalut have to observe that it was not the intention of their proceedings of the 2nd January 1852 to make it imperative upon the Sessions Judge to give a prosecutor the opportunity of replying

in

in all Cases which may come before him for a trial, this being a procedure which they would leave it to the discretion of the Sessions Judge to adopt or not according as in each case he may deem fit. It has appeared to the Foujdaree Adalut that there may be instances wherein the ends of justice may require that the prosecutor should have liberty to offer remarks upon the prisoner's defence and their object has been to permit of such explanation being received when necessary to the arriving at a just conclusion in a Case.—

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

(Sent in No)

Read letter dated 13th July 1853 from the Sessions Judge of Chittoor.

(Here enter F. H. No 1588 of 1853)

1.

In the above letter the Sessions Judge reports that the Subordinate Judge has suspended the three Peons guilty of negligence in permitting the escape of Convicts from the Chittoor Jail on the 9th June, and concurs with the Subordinate Judge in recommending there removal to distant Jails of the two Convicts noted in the margin, who have formerly been punished for

1st Mootyaloo Naidoo
2d Carpen and

27th July 1853.

for attempts at escape and are notoriously desperate characters.—

II

The Court of Foujdaree Adalut approve of the recommendation of the Sessions Judge, and direct that Mootyaloo Naidoo be removed to the Jail at Cuddapah, and Curspen to that of Salem.—

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

(Sent in No)

Ed
WD

F. Ve.

Thursday 28th July 1853 } At a Court of the Foujdaree Udalut

Present

Gpll — G. S. Hooper Esquire
Jr ell — W. A. Morehead Esquire } Puisne Judges
Vl. — J. L. Strange Esquire

Read letter dated 30th Ultimo from the Sessions Judge of Monoor, forwarding the Statements called for in this Court's letter dated 1st April 1853.

(Here enter F. Ve. No. 1528 of 1853)

Comparative Statement of Petty Offences — No. 1 — of Crimes and Misdemeanors.

These two statements should be blended together after the form exhibited in page 43 of the printed Criminal Reports submitted for 1851, to which should also be appended a review shewing the state of Crime and Causes which have influenced it.

2

The entries in the Statement of Crimes and Misdemeanors require amendment as pointed out in pencil.

Statements shewing the Cases involving grave injury &c. for 1851 & 1853.

3

The entries in these Statements require also amendment as shewn in pencil, and those in Cols. 16 to 24 will be affected thereby.

Ordered, that Extract from

Mess.

F. Uc.

Thursday 28th July 1853 } At a Court of the Foujdaree Udalut

Present

Sylt — G. S. Hooper Esqure
Irell — W. H. Morehead Esqure } Puisne Judges
U. — T. L. Strange Esqure

Read letter dated 30th Ultimo from the Sessions Judge of Monoor, forwarding the Statements called for in this Court's letter dated 1st April 1853.

(Here enter F. Uc. No. 1528 of 1853)

Comparative Statement of Petty Offences.— Dr. — of Crimes and Misdemeanors.

1 These two statements should be blended together after the form exhibited in page 43 of the printed Criminal Reports submitted for 1851, to which should also be appended a review shewing the state of Crime and Causes which have influenced it.

2 The entries in the Statement of Crimes and Misdemeanors require amendment as pointed out in pencil.—

Statements shewing the Cases involving grave injury Rs. for 1851 & 1852.

3 The entries in these Statements require also amendment as shewn in pencil and these in Cols. 16 to 24 will be affected thereby—

Ordered, that Extract from these

F. C.

Thursday 28th July 1853 } At a Court of the Foujdaree Udalut

Present

Sd/ H. G. S. Hooper Esquire
Jr. ell W. A. Morehead Esquire } Puisne Judges
ell. T. L. Strange Esquire

Read letter dated 30th Ultimo from the Sessions Judge of Honore, forwarding the Statements called for in this Court's letter dated 1st April 1853.

(Here enter F. C. No. 1528 of 1853)

Comparative Statement of Petty Offences — Do. — of Crimes and Misdemeanors.

1 These two statements should be blended together after the form exhibited in page 43 of the printed Criminal Reports submitted for 1851, to which should also be appended a review shewing the state of Crime and Causes which have influenced it.

2 The entries in the Statement of Crimes and Misdemeanors require amendment as printed out in pencil.

Statements shewing the Cases involving grave injury &c. for 1851 & 1852.

3 The entries in these Statements require also amendment as shewn in pencil, and those in Cols. 16 to 24 will be affected thereby.—

Ordered, that Extract from

these

these Proceedings be sent to the Sessions Judge of Kenore by precept returnable within 3 days from and after its receipt.

(Sent following Precept No.

Read letter under date the 12th July 1853 from the Subordinate Judge of Salem.—

(Hers enter F. No. No 1590 of 1853)

1 The Court of Foujdaree Udalut do not think fit to accede to the recommendation made by the Subordinate Judge in the foregoing letter that he may be authorized to make an offer of conditional pardon to certain of the prisoners in the Case therein referred to.

2 The evidence if it is to be relied on goes to shew that the 5th prisoner was a principal in the commission of the murder and there is nothing in the depositions of the 2nd and 3rd prisoners which would justify the Court in sanctioning the offer of a conditional pardon being made to them.

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

(Sent in No.

Read the Criminal Reports submitted by the Sessions Judge of Cuddapah for the year 1852.

(Hers enter F. No. No 1633 of 1853)

Statement No 2. 1 The Court of Foujdaree Udalut observe that 9 separate committals appear to have been excluded from Column 2 of this Statement, whereas the entries in the Appendix F, Columns 18 and 34 opposite to head "Deduct separate committals" give only 7; the cause of the difference should be explained by a note at the foot of the said Appendix.

Appendix A to Statement No 3-A. 2 The entries in Columns "Fined" and "Imprisoned and fined" Viz. 10 does not correspond with those under head Find Minor Columns "Fines levied" and Imprisoned in default of payment" (9).—

Dr B to Dr 3 The aggregate of the entries in Columns "sentences modified" "sentences annulled" and "sentences undisturbed" under head Trials reported should be 103, and not 102.—

Dr B to Statement No 3 B. 4 The number of Cases and persons under head Trials reported should be 109 and 199 and the entries in the following 3 Columns will consequently require alteration.

Dr B to Statement No 4. 5 The entry of one person in Column 16 of the Statement as having died &c. should

should be excluded from this Appendix.

Comparative State-ment.— The entries in Column 15 under head "Petty Offences" and those in Column 2 under head "Crimes and Misdemeanors" should be 1901 and 35.—

Statement shewing the Cases involving grave injury &c for 1851 and 1852. These Statements require Amendment as shewn in pencil and the entries in Columns 16 to 24 will be affected thereby.—

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

(Sent following Precept No.

Read Calendar of Case No. 47 of 1853 submitted by the Sessions Judge of Bellary under date the 18th Instant.—

(Here enter F. No. 1659 of 1853)

Read Calendar of Case No. 48 of 1853 submitted by the Sessions Judge of Bellary under date the 18th Instant.—

(Here enter F. No. 1660 of 1853)

Read report dated 12th Instant submitted by the Acting Sessions Judge of Masulipatam of Cases pending on the 31st May 1853, and committed for trial before him during the Month of June 1853.—

(Here enter F. No. 1670 of 1853)

Read

Read Criminal Reports dated the 1st Instant submitted by the Acting Sessions Judge of Nellore for the Month of June 1853.

(Here enter F. No. 1671 of 1853)

Read Memo dated the 23d Instant from the Secretary to Government in the Judicial Department forwarding one Copy of the Report of the State of the Police of the Town of Calcuttah for the year 1853.—

(Here enter F. No. 1674 of 1853)

Read Calendar of Case No. 49 of 1853 submitted by the Sessions Judge of Bellary dated the 20th Instant.—

(Here enter F. No. 1675 of 1853)

Read Calendar of Case No. 50 of 1853 submitted by the Sessions Judge of Bellary dated the 21st July 1853.

(Here enter F. No. 1676 of 1853)

Read Criminal Reports dated the 15th Instant submitted by the Sessions Judge of Honore for the Month of June 1853.

(Here enter F. No. 1681 of 1853)

Read letter dated the 21st Instant from the Acting Sessions Judge of Masulipatam re-transmitting the Statement shewing the number

28th July 1853.

Number of Convicts &c. in the Jail for the year 1852 amended.—

(Here enter F. C. No. 1689 of 1853)

Read Statement dated the 1st July 1853 submitted by the Acting Sessions Judge of Nellore of Battah paid to Prosecutors and Witnesses attending before the Sessions Court from 1st January to 30th June 1853.

(Here enter F. C. No. 1690 of 1853)

Read Statement dated the 19th Instant submitted by the Sessions Judge of Tellicherry of Battah paid to Prosecutors and Witnesses attending before the Session Judge of Tellicherry during the 1st half year of 1853

(Here enter F. C. No. 1693 of 1853).—

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F C

Friday 3
29th July 1853 3

At a Court of the Foujdaree Adalut.—

Present

G. S. Hooper Esquire
W. A. Morehead Esquire — Puisne Judges.
G. L. Strange Esquire

Read Criminal Reports submitted by the Sessions Judges of Speciments for the months of June 1853

(Here enter F. C. No. 1624 of 1853)

1 Cases Nos. 32 of the above Reports is returned as noticed by the Sessions Judges in an Abstract of Proceedings dated the 25th June 1853, which has not been received with the above Reports.—

2 The Court of Foujdaree Adalut direct that it be submitted for their inspection

Ordered that Abstract from these Proceedings be forwarded to the Sessions Judge of Speciments for his information and guidance.—

(Sd) Nos.

Read

29th July 1953.-

Read Calendar of Cases Nos 29 of 1953 of the Sessions Court of Calicut.

(Ferreter T.C. No 594 of 1953)

The Court of Taydaree Kealut approves of the recommendation made by the Sessions Judge in the Cases, 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 violence, in possession of Stolen property and receiving each with a guilty knowledge, be altered to 9 years rigorous 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 Calicut for his information.-

(sent vide Memo No)

Read Report of Cases pending before the Sessions Court of Cuddapah for more than 28 days during the month of June 1953.-

(Ferreter T.C. No 1872 of 1953)

Of the trials entered in the note appended

Natanakkan
Moorooyan

29th July 1953.-

appended to the foregoing report two are stated to have been transcribed and three to have been translated.- The first of these trials was set down for reference so far back as the 2nd October 1952, and the Court of Taydaree Kealut cannot but consider the delay which has occurred in the transmission to reflect most seriously on the administration of justice

2 The Court of Taydaree Kealut deem it necessary to impress upon the Sessions Judge, the urgent necessity which exists for the adoption of an improved system in the Court over which he presides, in order that the delays which for some time past have marked its proceedings in the Criminal Department may be prevented in future.-

3 The Sessions Judge will be pleased to explain the cause of the delay in the transmission of these records the translations of which have been completed.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Cuddapah for his information by Parcel postage returnable within V days from and after its receipt

(sent following Memo No)

Read

29th July 1853.-

Read letter undated the 12th July 1853 from the Acting Sessions Judge of Masulipatam forwarding English translation of the proceedings in Sessions Case No 6 of 1853 on the Calendar of the Sessions Court for the final Judgment of the Court of Sudder Adalut.-

(Vide prior S.C. No 169 of 1853)

Mr G S Hooper
" J L Stronge

The Court of Sudder Adalut, on a deliberate consideration of all the circumstances of the Case in evidence before them, being of opinion that the Prisoners

1st Mannamunda alias Ramudoo

2nd Mallory Sreeramudoo

3rd Venkaty Pampayah alias Pampadoo

and

4th Venkaty Codrindaramudoo

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 do direct that they be set at liberty.

The Prisoners were charged with having in company with another, or others

murdered one Viraiahmudoo

29th July 1853.-

of the prosecutor named one Gurramah his wife

They were further charged with having carried off from the persons of the deceased clothes and jewels valued at Rupees 1-4-

2 The fourth prisoner was further charged with having assaulted the 2d witness and robbed him of property valued at Rupees 4-9-4.-

3 Before the Police the 1st and 2d Prisoners were alleged to have confessed and their statements criminating one another were put in and proved before the Sessions Court.

4 All the Prisoners pleaded not guilty before the Sessions Court.

5 It appeared in evidence that the two murdered persons retired from their village to witness some religious ceremonies and took with them the 1st Witness's child of 7 years of age, their own daughter and also the 2d witness another child.-

6 These two witnesses before the Sessions Court deposed that the going whom they swear to consist of, the 4 Prisoners attacked Viraiahmudoo whom they killed and upon finding that they were recognized by

by Nursumah killed her also- the 2d Witness
deposed to having been seized and robbed by
the 4th Prisoner whom she on her freight attempted
to run away.-

7 Several Witnesses ascribe the
occurrence to enmity practised in the mind of
the 1st Prisoner by the deceased being his rival
in pretensions to a Nursumah to Kill.-

8 The facts of the 1st Witness having
had the means of torturing the dead were
proved by her being found on the next morning
in a secluded part of the jungle upon another's
motherless lifeless body.-

9 The Honourable Law Officer
asserting to numerous discrepancies observable
in the evidence of the 1st and 2d Witnesses who
furnished the only direct evidence against
the Prisoners declared them entitled to their
acquittal.-

10 The Acting Sessions Judge, while
admitting the existence of such discrepancies
was inclined to believe the evidence of these
witnesses who delivered a consistent story
before the Court and whom he considered
entitled to credit. He therefore referred
the

the trial to the Jury in three Assistant with the
recommendation that the 1st and 3d Prisoners
should suffer death and that the 3d and 4th
should be transported for life.-

11 The Court of Sessions Assistant
were unable to credit the statements of the
1st and 2d Witnesses as to their identification
of the Prisoners. They remarked that while
the murder occurred on the night of the 9th
March last it was not until the 17th that these
Witnesses gave information which resulted
in the apprehension of the Prisoners.—
Moreover these Witnesses had on several
previous occasions declared their inability
to recognize any of the perpetrators.- The 1st
Witness on the morning after the murder—
represented that from the darkness of the
night she was unable to recognize any one
and even before the Court she only professes
to have recognized the Prisoners by their
voices. The 2d Witness whom interrogated on
her return from the scene of the murder—
to her village by the 4th 5th 8th and 9th Witnesses
gave up the names of none of the Prisoners.
Moreover when examined by the Head of Police

on

on the 14th of March to the the witnesses now in question declared their inability to specify the authors of the murder and between the following day only that the 3d witness pointed the 4 prisoners and on the 5th that the 2d witness indicated the first three prisoners as the Criminals.-

2 Looking at the circumstances under which these Criminative statements were made after repeated declarations by the witnesses of their ignorance of the perpetrators of the crime, the Court of Sujdaree Udalut were unable to rely upon their evidence and were inclined to regard it as the result of intimidation and considering the allegrob parsonal of the 1st and 3d prisoners before the Police which is the only remaining evidence insufficient for the conviction of any of the prisoners, directed their unconditional release

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

(Attested &c.)

E. or Wood

No. 66.

Saturday 30th July 1853

At a Court of the Sujdaree Udalut

Present

The Hon'ble G. S. Hooper Esqr.
W. A. Muirhead Esqr.
H. T. Le. Strange Esqr.
} Puisne Judges

Read Criminal Reports submitted by the Sessions Judge of Chittoor for the Months of June 1853.

(Here enter S.D.A. No 629 of 1853)

In the case noted in the margin the prisoner was charged with having fraudulently obtained Rupees 210 from the Prosecutor.

The Court of Sujdaree Udalut observe that the charge should contain a concise statement of the manner in which the fraud was committed whether by false representation or otherwise.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Chittoor for his information and for communication to the Subordinate Judicial Officers. (Sent in No)

Read

Read Calendar of Case No. 27 of 1853 submitted by the Sessions Judge of Cuddapah under date the 27th July 1853.

(Here enter F. Dc. No. 1734 of 1853)

Read Calendar of Case No. 3 of 1853 submitted by the Sessions Judge of Chicacole under date the 15th July 1853.

(Here enter F. Dc. No. 1708 of 1853)

Read Calendar of Case No. 8 of 1853 submitted by the Sessions Judge of Rajahmundry under date the 18th July 1853.

(Here enter F. Dc. No. 1716 of 1853)

Read return dated 25 July 1853 from the Sessions Judge of Trichinopoly to the Precept of the Tanjore Adalut under date the 19th July 1853 directing the unconditional release of the prisoners in Case No. 15 of 1853 on the file of the Sessions Court.

(Here enter F. Dc. No. 1726 of 1853)

Read Calendar of Case No. 24 of 1853 Submitted by the Sessions Judge of Trichinopoly under date the 23d July 1853

(Here enter F. Dc. No. 1727 of 1853)

Read

30th July 1853.

Read Statement dated 1st July 1853 submitted by the Sessions Judge of Trichinopoly, of the Convict Labour of 3d Quarter 1853.

(Here enter F. Dc. No. 1728 of 1853)

Read Statement dated 23d July 1853 submitted by the Sessions Judge of Chicacole of Batta paid to the Prosecutors and witnesses attending before him from 1st January to 30th June 1853.

(Here enter F. Dc. No. 1733 of 1853)

Do 1853.

F.C.

Monday
1st August 1853.

At a Court of the Fouzdaree Adalut

Present.

G. S. Hooper Esquire
W. A. Morehead Esquire
} Puisne Judges.
J. L. Stronge Esquire

Read letter dated 10th June 1853 from the Sessions Judge of Coimbatore submitting for the final Judgment of the Fouzdaree Adalut the record of Case No 5 of 1853 of the Calendar of the Sessions Court.

(Interpreter F.C. No 1307 of 1853)

Read also Return dated 23d July 1853 from the same officer to the precept of the Fouzdaree Adalut, under date the 30th June 1853 directing further evidence to be taken in Case No 5 of 1853.-

(Interpreter No 1724 of 1853)

The Court of Fouzdaree Adalut

Present
Hon. G. S. Hooper
" J. L. Stronge.

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

the

the prisoners

1st Punga Gamdow

2d Mourdel

3d Corathya Gamdow

and

4th Comara Gamdow

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 (with the exception of the 2nd prisoner who is to be kept to labor Suitable to her sex) for and during the period of their natural lives.-

1 The four prisoners with two others since deceased were charged with having on the 3d or 4th November 1852 murdered one Talany Gamdow the brother of the prosecutor and husband of the 2nd prisoner.-

2 It appeared in evidence that the deceased had been married to the 2d prisoner, but had lately been estranged from her in consequence of an improper intercourse which he conceived her to be carrying on with the 3d prisoner.-

3 The deceased had been employed

as a laundryman at Salem, but had returned to his Village, had visited his brother (the Prosecutor) and had left him with the expressed intention of returning to his employment

It was alleged by the Prosecutor

4 that after the lapse of 6 weeks he received information from the Master of the deceased at Salem of his non return, and that his suspicions were excited against the 1st prisoner in consequence of a Statement by 6th witness that deceased was seen by him on the night of leaving the Village in company with the 1st prisoner, and of a declaration that screams had been heard on that night proceeding from the garden of the 5th prisoner (since deceased).-

5 During the enquiries and search which ensued upon this information the 5th prisoner is alleged by several witnesses to have admitted that the deceased had been murdered by the 2nd 3rd and 4th prisoners, and the 5th prisoner (now dead) and that the body had been buried by them in a gravel pit in his own garden which he pointed out which had been ploughed over and on which at the time

time of the search a cholum prop was growing a few inches high.-

6 A body much decomposed was found at the spot indicated and admitted by 1st 2nd and 4th prisoners to be that of the deceased.-

7 The 2d prisoner stated before the police that she with the 1st 3d 4th and 5th prisoners murdered the deceased in the garden of 5th prisoner.- Before the Criminal Court she acknowledged the body found to be the deceased but attributed his death to Cholera and before the Sessions Court alleged ignorance as to whether her husband was alive or dead.-

8 The 3d prisoner before the Police professed merely to have witnessed the crime when perpetrated by the 1st 2nd and 4th prisoners, and said that he had been solicited to assist therein but had declined and that after the murder he had joined in concealing the body.

He further stated that 2nd 4th and 5th had arrived to enquire the reason of the cries heard he however retracted his statement before the Criminal and Sessions Courts.-

9 The 4th prisoner also admitted the

the murder before the Police, but before the Criminal Court alleged that deceased had died of Cholera and fallen into a well, and that his own part and that of the other prisoners had been confined to burying the body in a gravel pit.- Before the Sessions Court he partially corroborated his police statement

10 Before the Police the 1st prisoner denied all knowledge of the crime, but before the Criminal Court set up the plea of deceased's death by Cholera and admitted having removed the body from the well with the aid of the other prisoners and conveyed it to the pit in which it was found buried.- finally on the trial he denied all knowledge of the matter.-

11 The evidence against the prisoners although mainly dependant on their own admissions was partially confirmed by the testimony of witnesses by that of the 6th who deposed to deceased having been seen on the night on which he proposed to leave the village in company with 1st prisoner and by that of the 2d 3d and 4th witnesses who deposed to violent screams having been heard

heard proceeding from the garden of the 5th
prisoner on a night which they were enabled
to identify as the night of departure of deceased
by its proximity to the Darpanaly feast. The
existence of enmity between the deceased and
the prisoner was also established.-

12 While containing many discrepancies
only natural under the circumstances, the Sessions
Judge considered the evidence given by 13th witness a
boy of 10 years of age and brother of the 1st and 2nd
prisoners who alleged that he had been an
eyewitness by virtue of the murder by the pri-
soners entitled to credit.-

13 The Sessions Judge agreed with
the Mahomedan Law officer in convicting the
2nd and 4th prisoners of the crime charged but
dissented from him in the acquittal of the
5th whom he also convicted and referred the trial
to the Court of Sudder Adalut with the
recommendation that they should all be
sentenced to 10 years hard labor in banishment

14 Before disposing of the case
the Court of Sudder Adalut resolved to
call upon the Sessions Judge to take further
evidence as to the non return of the deceased

15

to his Mahratt Salem and as to a delay
of five days in recording the admissions of
the prisoners by the Police officers.-

15 On a careful consideration of
the case the Court of Sudder Adalut
agreed with the Sessions Judge in the conviction
of the prisoners. They observed that their
admissions had been most publicly made,
that they had been confirmed on collateral
points by evidence which appeared unsuspi-
cious, that the subsequent variations in
their Statements although retracting portions
of the inculpative admissions, still left the
startling fact that the prisoners had prisoner
had buried privately and with every mark
of indignity the body of a near relation and
that they had used every effort to conceal the
place of sepulture and that such an act was
wholly inconsistent with the probability
of their innocence.-

16 The Court of Sudder Adalut
were however unable to concur with the Sessions
in his proposed sentence, and considering
a minor punishment imprisonment to meet
the circumstances of the case sentenced

the

the prisoners to transportation for life with hard labor in irons.-

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

/Sent in &c/

Read Criminal Reports submitted by the Sessions Judge of Combaconum for the months of June 1853.-

/Here enter G.O. No. 1603 of 1853/

Case Nos 72.-
" " 73.-

In the Cases noted in the Margin this same prisoner was charged with the crime of receiving sums of money on condition of restoring some stolen cattle.-

2

The Court of Sudder Adawlut observe that there is nothing criminal in the mere receiving of money as a reward for procuring the restoration of stolen property and that consequently no substantive offence has been alleged in these charges.-

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

/Sent in &c/

Read Letter under date the 1st

1st August 1853.-

7th May 1853 from the Sessions Judge of Coimbatore

/Here enter G.O. No. 1000 of 1853/

The Sessions Judge in submitting

1

the Criminal Statements for the year 1852 — requests in the 13th para of his letter above — recorded this Courts instructions as to the power of petitioning or otherwise of Heads of Police to deal with petty cases of abuse of authority on the part of the subordinate Police officers.-

The Court of Sudder Adawlut —

2

have to observe that the Circular Order of which the Sessions Judge refers, is still in force, and that the question at issue was settled in the negative in their proceedings under date the 17th May 1852.-

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

/Sent in &c/

Read letter from the Sessions Judge of Chicacole dated 5th July 1853.-

/Here enter G.O. No. 1550 of 1853/

Read also Criminal Reports

&c

No 6 of 1853 submitted by the Superior Judge of Cheracole dated 24th June 1853.-

(Here enter F.R. No 468 of 1853)

With the above letter the Superior Judge submits proceedings of the Superior Court of Cheracole dated 20th June 1853 concerning a demand of Security from the prisoners in No 6 of 1853 on the ground that it was not competent to the Magistrate to take Security from prisoners after accused or convicted of a specific offence under clause first Section XI Regulation XI of 1827: in pursuance of the Magistrate of Gonjaim contesting the correctness of this view, the Superior Judge refers the question for the opinion of the Court of Fouydaree Adalut.-

2

Upon a review of the Calendar in this case it appears that the Magistrate convicted two of the three prisoners, charged, of aggravated assault and sentenced both of them and one who was acquitted to find two Securities each for the space of six months or in default to imprisonment for that period

3

The Court of Fouydaree Adalut

judge

judge that it was the intention of the Magistrate to bind over the parties to keep the peace for the period mentioned and consider that it was perfectly competent to him to do so under the provision of the Law quoted.-

4

The Court of Fouydaree Adalut are of opinion however that the entry of this acquittal should not have been made by the Magistrate in the Criminal Report A but in his petty Calendar No 3, which is the record for Magistrial acts of this description

Ordered that extract from these proceedings be forwarded to the Superior Judge of Cheracole for his information and for communication to the Magistrate of Gonjaim.-

Sentence &c

E. Colvin

Tuesday
2nd August 1853 } At a Court of the Foujdaree Udalut.

F. Dc.

Present.

Hon'ble G. S. Hooper Esquire —
W. A. Morehead Esquire —
W. T. L. Strange Esquire. — } Puisne Judges.

Read letter dated 27th July 1853 from the Acting Sessions Judge of Cuddalore — submitting for the final Judgment of the Foujdaree Udalut the Record of Case No. 20 of 1853 of the Calendar of Session Court. —

/Here enter F. Dc. No. 1742 of 1853./

W. A. Morehead
and
T. 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 prisoners,

1st Mootham

and

2nd Bucca

is sufficient to Convict them of the Crime of Man-Slaughter, for which the penalty of Dayut is awardable under the Mahomedan Law, as declared in Futwahs of their Law officers, do Convict them thereof

thereof and under the provisions of Section XI Regulation VIII of 1802 Sentence the prisoner,

1st No Murthan

to be imprisoned and kept to hard Labor in irons on the public roads or other public works for and during the period of /7/ Seven years and the prisoner,

2d Aruse

to be imprisoned and kept to Labor Suitable to her Sex for and during the period of /1/ One year.

(Sent in No)

Read Criminal report B Submitted by the Principal Sudr Ameen in Charge of the Sessions Court of Tellicherry under date the 13th May 1853 for the month of April 1853.

/Here enter F. R. No 1125 of 1853/

Read Criminal report B Submitted by the Sessions Judge of Bellary under date the 16th May 1853 for the month of April 1853.

/Here enter F. R. No 1147 of 1853/

Read report Submitted by the Sessions Judge of Mangalore under date the 15th May 1853 of persons apprehended and delivered by Subordinate Judge and tried in the month of April

/Here enter F. R. No 1150 of 1853/

Read report B Submitted by the Acting Sessions Judge of Cuddalore under date the 18th May 1853, and the Statement of Batta paid to Prosecutors and Witnesses in Criminal Cases disposed of by the Principal Sudr Ameen during the month of April 1853.

/Here enter F. R. No 1163 of 1853/

Read return from the Sessions Judge of Calicut dated 20th July 1853 to the precept of the Foujdaree Adalut under date the 9th July 1853 Calling for information of the manner in which the Charges preferred against the 3d to 5th prisoners in Case No 26 of 1853 on the Sessions Court Calendar have been disposed of

/Here enter F. R. No 1709 of 1853/

Read return dated 19th July 1853 from the Sessions Judge of Rajahmundry, to the precept of the Foujdaree Adalut under date the 9th July 1853, Conveying the remarks and instructions of the Court upon the review of the monthly Criminal reports for May 1853.

(Here enter F. R. No 1719 of 1853.)

Read Calendar of Cases Nos 11, and 13 of 1853 Submitted by the Sessions

Judge

Judge of Honore under date the 20th July 1853.

/Here enter F.C. No. 1737 of 1853/

Read Calendar of Case No. 52 of 1853 Submitted by the Sessions Judge of Bellary under date the 26th July 1853.

/Here enter F.C. No. 1739 of 1853/

Read return dated 28th July 1853 from the Subordinate Judge in Charge of the Sessions Court of Madura to the precept of the Fouzdaree Udalut under date the 11th July 1853 directing return of certain accounts of the Zemindar of Ramnad.

/Here enter F.C. No. 1744 of 1853/

Read Calendar of Case No. 10 of 1853 Submitted by the Sessions Judge of Rajahmundry under date the 26th July 1853.

/Here enter F.C. No. 1747 of 1853/

Read Statement dated 1st July 1853 Submitted by the Sessions Judge of Salem shewing the amount realized by the labor of the Prisoners in the 2d Quarter 1853.

/Here enter F.C. No. 1750 of 1853/

Rs. 186.

Wednesday 3d. August 1853

F.C.

At a Court of the Fouzdaree Udalut.

Present.

G.S. Hooper Esquire
W.A. Morehead Esquire
T.L. Strange Esquire

} Puisne Judges.

Read letter dated 25th July 1853 1853 from the Sessions Judge of Chingleput submitting for the final Judgment of the Fouzdaree Udalut the record of Case No. 7 of 1853 of the Calendar of the Sessions Court.

/Here enter F.C. No. 1699 of 1853/

Mr. G.S. Hooper.

The Court of Fouzdaree Udalut on a deliberate Consideration of all the Circumstances of the Case in evidence before them being of opinion that the proof against the Prisoners

1st. Ungoodoo
2d. Jogapyadoo
3d. Podda Ungoodoo
4th. Munda Sorbboodoo
5th. Bojagandoo
6th. Mooneyadoo
7th. Ravanuppen alias Rammalegnadoo
8th. Coulah alias Chinnah

8th

9th. Venkatah

10th. Coollum

is sufficient to convict them of the Crime of Assault, and that against the Prisoner,

16th. Venkatapatty

of being an accessary before the fact for which according to the Mahommedan Law as declared in fatwahs of their Law officers discretionary punishment is awardable, do convict them severally thereof and under the provisions of clause 3d. Section VIII of 1828, and Section XXXIV Act VII of 1843 Regulation XV of 1803 Regulation VIII Sentence the prisoner,

1st. Ungoodoo

to receive one hundred lashes with a Cat O Nine tails and to be transported to such place or places beyond Sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor on the public roads or other public works for and during the period of his natural life the prisoners,

2d. Jogeejyadoo

3d. Vodda Ungoodoo

4th. Munda Soobboodoo

5th. Bojungaudoo

6th. Mooneyadoo

7th.

7th. Ravanujjen alias Ramanujagaudoo

8th. Coolah alias Chinnah

9th. Venkatah

and

10th. Coollum

to receive each one hundred lashes with a Cat O Nine tails and to be imprisoned for 1 one year in addition to their previous sentences, and the Prisoner,

16th. Venkatapatty

having been sufficiently punished by the loss of Situation and the Confinement he how already undergone the Court direct that he be set at liberty.—

1. In this case the prisoners one to 15 Convicts already undergoing a Sentence of Imprisonment in the Gaundy Jail were Charged with having on the 15th April 1853 assaulted and violently beaten and wounded with a Crow bar hammer and other instruments upon the head and other parts of the body of the Jailer of the Gaundy Jail. The 16th prisoner (a Jail peon) was charged with having been an accessary before the fact to the said Assault and wounding.—

2. The Sessions Judge agreed with this

his Mahomedan Law officer in convicting the 1st 2d 3d 4th 5th 6th 7th 8th 9th and 10th and 16th prisoners of the Crimes alleged against them respectively and in acquitting the prisoners from 11 to 15, but Considering the punishment which he was empowered to inflict insufficient to meet the circumstances of the 1st prisoners offence re=ferred the whole trial for the Judgment of the Court of Foujdaree Adalut.

3 It appeared in evidence that the Assault was Commenced by the 1st prisoner who struck the Sailer on the head and legs three Severe blows with a Crow bar and that the other prisoners from 2 to 10 then crowded round him and beat and kicked him.

4. On his trial the 1st prisoner boasted openly of the Commission of the Crime laid to his charge - and with reference to the active part which he took in the transaction, to the utter reck=lessness as to Consequences which he had displayed and to his being already under a Sentence of Imprisonment which will not expire until 14th October 1870 - the Session Judge recommended that he should be sentenced to transportation for life with hard labor in irons and secur=

100 lashes with a Cat o nine tails. He recom=mended that the prisoners from 2 to 10 should receive 100 lashes and be Sentenced to a further period of one years imprisonment.

5. While considering the evidence Sufficient to Convict the 16th prisoner of having been accessory to the Assault the Session Judge Considered that the Confinement which he had already undergone would with the loss of his employment be a Sufficient punishment in his Case.

6. The Session Judge recommended that as a reward for the good Conduct displayed by Vencata Ramen the 7th witness also a Convict both by assisting the Sailer while on the ground and by informing him previously of the Combination against him, the Sentence of two years imprisonment formerly passed upon him for attempt at escape may be remitted.

7. The Court of Foujdaree Adalut agreed with the Session Judge in the Conviction of the prisoners from 1 to 10 and in the Sentence proposed to be passed upon them. They also agreed in the acquittal of the Prisoners 11 to 15 and in Considering the loss of his situation in addition to the Confinement which he had already

undergone sufficient to meet the Justice of
8. They further resolve to suggest
Government the propriety of remitting the Sente
of 2 years in the case of Venkatasamen as a re
for the good conduct which he had exhibited

Ordered that Extract from
proceedings be sent to the Sessions Judge
Singlepatam for his information—

/ Sent in Mr /r

4th Instt

Thursday
4th August 1853 } At a Court of the Foujdaree Adalut

Present

Y.A. G. S. Hooper Esquire—
H. A. Morehead Esquire— } Puisne Judges
J. All
T.L. S. L. Strange Esquire

F. C.

Read Calendar of Case No. 19
of 1853 on the file of the Sessions Court of Salem—
(Here enter F. C. No. 1657 of 1853)

The Court of Foujdaree Adalut
concur with the Sessions Judge that the Sentence
to which the Prisoner in this case has been adjudged
may with propriety be reduced, and they accordingly
resolve to sanction a mitigated Sentence of 7 years'
imprisonment with hard labor in irons; being of
opinion that, with reference to the nature of the
crime of which the Prisoner has been convicted a
less severe Sentence would be insufficient to meet
the Demands of justice.—

Ordered that Extract from
these proceedings be sent to the Sessions Judge
of Salem for his information—
(Sent in Mr)

Read

4th. August 1853.

Read again Criminal Reports Submitted by the Sessions Judge of Salem for the Month of May 1853 —

(Here enter F. R. No. 1347 of 1853)

Read also letter under date the 13th July 1853 from the Sessions Judge of Salem —

(Here enter F. R. No. 1614 of 1853)

1. With the foregoing letter the Sessions Judge has Submitted for the Consideration of the Court a letter from the Subordinate Judge in which that officer adverts to the remark recorded by the Court in their proceedings of the 9th Ultimo regarding the Sentence passed in Case No. 52 on the Calendar of the Subordinate Criminal Court that the Charge on which the prisoner had been convicted, viz. tendering in payment a Counterfeit Coin, should have been Committed for trial before the Sessions Court under the provisions of Section VII Regulation II of 1822. —

2. The prisoner in the Case in question was charged with having on the 26th April last given to the Prosecutor, a Shop keeper, a Copper pice plated with quick Silver and with having attempted to pass it for a Silver Coin of a quarter Rupee value. —

4th. August 1853.

3. The Subordinate Judge argues that the offence charged was not that of tendering a Counterfeit Coin in the legal acceptation of the term Counterfeit, that it does not strictly come within the Class of offences relating to Coin specified in Clause Second Section VI Regulation XVII of 1802; that the offence is distinctly provided for in the Laws of England under the title of "Colouring or altering Copper Coin to make it pass for higher Coin" but that it is not provided for in the Regulation and that the Case was therefore properly treated as a simple misdemeanor.

4. The Sessions Judge states his "opinion that a person tendering a Copper Coin "plated or forged Coin is guilty of an offence "of the same degree of guilt and that a genuine "Coin Coloured to represent a Coin of higher value "Can fairly be denominated a Counterfeit Coin, for "though a genuine Copper Coin it is counterfeit "to all intents and purposes as far as regards "the metal whose appearance it bears" —

5. In this opinion the Court of Foujdaree Adalut fully concur. —

Ordered that Extract from these

these proceedings be sent to the Session Judge of Salem for his information and for Communication to the Subordinate Judge.—

(Sent in No)

Read Criminal report No 2 Submitted by the Agent to the Governor of Fort St George at Ganjam under date the 25th July 1853 together with report B from Assistant Agent Lieutenant R. N. Macdonald for the month of June 1853.

/Here enter F. R. No 1751 of 1853/

Read Calendar of Case No 35 of 1853 Submitted by the Session Judge of Calicut under date the 28th July 1853.—

/Here enter F. R. No 1753 of 1853/

Read Statement dated 28th July 1853 from the Session Judge of Calicut of Batta paid to Prosecutors and witnesses attending before his Court from 1st January to 30th June 1853.—

/Here enter F. R. No 1754 of 1853/

Read Calendar of Case No 25 of 1853 Submitted by the Session Judge of Trichinopoly under date the 27th July 1853.—

/Here enter F. R. No 1760 of 1853/

Read Calendar of Case No 26 of 1853

1853 Submitted by the Session Judge of Trichinopoly under date the 28th July 1853.—

/Here Enter F. R. No 1761 of 1853/

Read Calendar of Case No 45 of 1853 Submitted by the Acting Session Judge of Masulipatam under date the 29th July 1853.—

/Here enter F. R. No 1764 of 1853/

Read Statement dated 1st July 1853 Submitted by the Session Judge of Chittoor of Batta paid to Prosecutors and witnesses attended before his Court from 1st January to 30th June 1853.—

/Here enter F. R. No 1771 of 1853/

Read Statement dated 27th July 1853 Submitted by the Session Judge of Honore of Batta paid to Prosecutors and Witnesses attending before his Court for the half year ending the 30th June 1853.—

/Here enter F. R. No 1772 of 1853/—

Ex 1860

F. C.

Friday
5th August 1853 } At a Court of the Foujdaree Udalut.

Present

Sir H. G. S. Cooper Esquire
W. A. Morehead Esquire } Puisne Judges.
and T. L. Strange Esquire

Read letter from the Session Judge of Calicut dated 7th July 1853.

(Here enter F. C. No 1572 of 1853)

In the above letter the Session Judge requests the instructions of the Court as to the disposal of two approvers who gave evidence in Session Case No 64 of 1852 and who have been detained in custody since the disposal of it.

2. The Court of Foujdaree Udalut observe that when the approvers had fulfilled their part by giving evidence against their associates they became entitled to their release and the Court are unable to understand why they have been so long detained in custody and they accordingly order their immediate release.

Ordered that Extract from these proceedings be sent to the Session Judge of Calicut

Calicut by precept returnable within X days from and after its receipt. —

(Sent following precept &c)

Read letter from the Session Judge of Chittoor dated 21st July 1853. —

(Here enter F. R. No 1665 of 1853)

In the above letter the Session Judge requests the order of the Court of Fouzdaree Adalut as to the notice taken by the Acting Magistrate of North Arcot of certain omissions of the Head of Police of Sholingur which the Session Judge in his proceedings dated 25th May 1853 pointed out as most reprehensible and as demanding punishment. The Session Judge considers that the reprimand of the Acting Magistrate is quite insufficient under the circumstances of the case.

2. The Court of Fouzdaree Adalut upon a review of the Proceedings of the Session Judge and of the explanation of the Acting Magistrate submitted with the above letter are not of opinion that the matter requires any notice from them. The Session Judge not being prepared to adopt the course provided for in Clause first Section XXXIX Act VII of 1843 and the

the Acting Magistrate Considering the reprimand delivered to the Head of Police to be sufficient. —

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

(Sent in No)

Read again Report of Cases pending for more than 25 days before the Session Judge of Calicut during the month of May 1853.

(Here enter F. R. No 1258 of 1853)

Read also letter under date the 12th July 1853 from the Session Judge of Calicut. —

(Here enter F. R. No 1644 of 1853)

The explanation submitted in the foregoing letter has satisfied the Court of Fouzdaree Adalut that the delay which occurred in the trial of the two Cases referred to was not attributable to any remissness on the part of the Session Judge. —

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

(Sent in No)

Read letter under date the

12th

5th August 1853.

Calicut by precept returnable within 3
from and after its receipt. —
(Sent following precept &c
Read letter from the Sessn
of Chittur dated 21st July 1853. —
(Here enter F. R. No 1665 of 1853)
In the above letter the Sessions
requests the order of the Court of Fojdaree
as to the motives taken by the Acting Magistr
of North Areot of certain omissions of the Head
Police of Sholingur which the Sessions Judge in
his proceedings dated 25th May 1853 pointed ou
as most reprehensible and as demanding
-ment. The Sessions Judge considers that the
reprimand of the Acting Magistrate is gro
insufficient under the circumstances of the ca
2. The Court of Fojdaree Adalut
upon a review of the Proceedings of the Sessions
Judge and of the explanation of the Acting
Magistrate submitted with the above lette
are not of opinion that the matter require
notice from them. The Sessions Judge not be
-peared to adopt the course provided
Clause first Section XXXIX Act XX of 1843

the Acting Magistrate Considering the reprimand
delivered to the Head of Police to be sufficient. —
Ordered that Extract from these
proceedings be sent to the Sessions Judge of Chittoor
for his information and guidance. ——
(Sent in No)
Read again Report of Cases pend-
-ing for more than 25 days before the Sessions Judge
of Calicut during the months of May 1853.
(Here enter F. R. No 1258 of 1853)
Read also letter under date the 12th
July 1853 from the Sessions Judge of Calicut. —
(Here enter F. R. No 1644 of 1853)
The explanation submitted in
the foregoing letter has satisfied the Court of
Fojdaree Adalut that the delay which occurred
in the trial of the two Cases referred to was not
attributable to any remissness on the part of the
Sessions Judge. —
Ordered that Extract from
these proceedings be sent to the Sessions Judge
of Calicut for his information. —
(Sent in No)
Read letter under date the

12th

12th July 1853. from the Session Judge of Honore.

(Here enter F. C. No. 1647 of 1853)

1 In the foregoing letter the Sessions Judge has applied for the instructions of the Court of Foujdaree Adalut, as to his Competency to Compel two parties Charged before the Magistracy with having improperly detained certain goods entrusted to their Charge to pay for the said goods in the event of their failing to produce them.

2. The facts of the Case appear to be as follows: a Merchant at Bombay entrusted the goods in question to a Tindal named Rajobal to be Conveyed to Narna Prabhoo in his Pattimar; and there delivered to Narna Prabhoo - On the arrival of the Pattimar the Tindal declined to deliver the goods, and Narna Prabhoo therefore preferred a Complaint against him before the Joint Magistrate including in his Charge one Ununta, whom he accused of having illegally landed a portion of the goods from the Pattimar.

3. The Tindal admitted the receipt of the goods, but alleged that he had been warned by the Consigner not to deliver them to the Consignee till the price was paid, and had received a note from him to that effect which he had delivered to the Consignee

4 The Complaint having been dismissed by the additional Joint Magistrate, the Complainant appealed to the Sessions Judge, who considering the Plaintiffs Statement proved, and disbelieving the Tindals plea, issued an Order to the Magistrate to direct that the goods referred to, Should be made over to the Complainant - The Tindal having left for Bombay and the Magistrate having in Consequence applied for instructions as to the manner in which the Sessions Judges Order Should be enforced, the Sessions Judge has referred the Case for the opinion of the Foujdaree Adalut.

5. The Court of Foujdaree Adalut Consider that the Orders issued by the Session Judge were altogether irregular, the claims preferred by the respective parties being clearly of such a nature as could only be adjusted by a Civil action; and with nothing in them to justify the interposition of the Session Judge.

6. The Court of Foujdaree Adalut accordingly resolve to direct that the Session Judge will recall the Orders issued by him, and refer the Complainant to a Civil Suit.

Ordered that Extract from

these

these proceedings be sent to the Sessions Judge of Honore for his information by receipt returnable within four days from and after its receipt.—

(Sent following Receipt &c)

Read letter dated 29th July 1853 from the Sessions Judge of Salem Submitting for the final Judgment of the Tinjanore Adalut the record of Case No 21 of 1853 of the Calendar of Sessions Court.—

(Here enter F.R. No 1759 of 1853)

The Court of Tinjanore Adalut

W.G.S. Hooper and T.L. Strange on a deliberate Consideration of all the circumstances of the Case in evidence before them being of opinion that the proof against the prisoners

1st Veerum Moodelly
2d Coolly Moodelly
3d Venkatta Moodelly
4th Coolia Moodelly
5th Mootta Moodelly

and

6th Coolunda Moodelly

is sufficient to convict them of an aggravated assault attended with wounding and Murder, do convict them thereof and under the provisions of

of clause third Section VII Regulation XV of 1803 Sentence the prisoners

5th Mootta Moodelly

and

6th Coolunda Moodelly

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 and the prisoners

1st Veerum Moodelly
2d Coolly Moodelly
3d Venkatta Moodelly

and

4th Coolia Moodelly

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (3) Three years —

(Sent in &c)

Read Statement dated 1st July 1853 Submitted by the Principal Sudr Ameen in charge of the Sessions Court of Tinnevelly of Batta paid to Prosecutors and witnesses attending before the Sessions Judge.

(Here enter File No 1773 of 1853)

Read letter dated 1st August 1853 forwarding from the Sessions Judge of Tinnevelly certified by his marks in

in Case No 32 of 1853 on the file of the Principal Sudr Ameens Court —

(Here enter F.C. No 1774 of 1853)

Read Calendar of Case No 11 of 1853 submitted by the Sessions Judge of Rajahmundry under date the 30th July 1853 —

(Here enter F.C. No 1777 of 1853)

Ex 1853.

F.C.

Saturday 6th August 1853 } At a Court of the Foujdaree Udalut

Present

G.S. Hooper Esquire
W.M. Morehead Esquire } Puisne Judges
T.L. Strange Esquire

Read letter dated the 2nd Instant from the Sessions Judge of Chingleput, referring for the final judgment of the Foujdaree Udalut, the Record of Session Case No 11 of 1853 on the file of his Court —

(Here enter F.C. No 1769 of 1853)

The Court of Foujdaree Udalut

M. G.S. Hooper. 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 Tarahmoogun
2d Seeromalay
3d Sadayan
4th Ragoon
5th Valun
6th Ootteecattan
7th Mottan
and
8th Chinnah Toppootan.

is sufficient to convict them of Crime of —

Culpable

6th August 1853.

Culpable Homicide, for which the penalty of Deyut is awardable under the Mahomedan Law as declared in Fatwas of their Law Officers annexed thereof, and under the provisions of Clause Second, Section XV, Regulation VII of 1802, and Section XXXIX, Act VII of 1843 do sentence the prisoner,

1st Tarahmugum.

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

2nd Timmalay

3rd Sadagen

4th Bagavan

5th Valan

6th Vellacattan

7th Mootten

and

8th Chinna Teppulan.

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (3) three years

(Sent in No)

Monday
8th August 1853. F.C.

At a Court of the Foujdaree Adalut

Present.

G. S. Hooper Esquire
W. A. Morehead Esquire } Puisne Judges
T. L. Strange Esquire

Read Calendar of Case No 24 of 1853 submitted by the Sessions Judge of Combaconum under date the 21st July 1853

Here enter F. C. No 166 of 1853.

Before passing final orders in this case the Court of Foujdaree Adalut resolve to direct that a translation of the deposition delivered by the 1st prisoner before the Police may be submitted for their consideration

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 1

E. C. No

Read letter dated 14th June 1853 from the Agents to the Governor of Fort St George at Vizagapatam, stating for the

information

8th August 1853

information of this Court that the Monthly Criminal Returns for May last are blank.

(Here enter F. R. No. 1403/1853)

Read letter under date the 22nd June 1853 from the Sepoy Judge of Chittoor Forwarding the Labour reports &c of the Convicts stationed at Arcot for May 1853.

(Here enter F. R. No. 1404/1853)

Read Extract from the Proceedings of the Sepoy Court of Salem under date the 20th June 1853 on service of the Magistrates Petty Calendars for the 1st Quarter of 1853.

(Here enter F. R. No. 1415/1853)

Read Return of the Sepoy Judge of Chittoor dated 23rd June 1853 to the Precept of the Foujdaree Adalute under date the 16th June 1853 returning for amendment the Criminal Statements No. 1 and 2 for 1852.

(Here enter F. R. No. 1432/1853)

Read Return of the Sepoy of Trichinopoly dated 21st June 1853 to the Precept of the Foujdaree Adalute under date the 16th June 1853 directing amend of

8th August 1853

of the requisition of security in Case No 6 of 1853.

(Here enter F. R. No. 1423/1853)

Thursday
11th August 1853

F. Ct

At a Court of the Foujdaree Udalut

Present

G. L. Hooper Esquire
H. R. Morehead Esquire } Puisne Judges
J. L. Strange Esquire

Read letter dated the 29th July 1853 from the Sessions Judge of Calicut, submitting for final judgment of the Foujdaree Udalut, the record of case No. XXVII of 1853 on the Calendar of the Sessions Courts.

(Vide infra F. Ct. No. 1775 of 1853)

Mr. Hooper
Morehead
and
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 prisoners,

1st Paady patch Palan alias
Sunbichy Palan.

and

2d Perumbaty Pellan alias
Sunbichy Pellan,

is sufficient to convict them of Culpable Homicide, for which the penalty of Deyut is awardable under the Mahomedan Law, as declared in Futwas of their Law Officers. do convict them thereof and with reference to the provision

of

11th August 1853 of Clause Second Section XX Regulation VII of 1802, do sentence the prisoner,

1st Vaasy patch Pulan alias

Sutchy Pulan,

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 and the prisoner

2d Veerumbaly Pullan alias

Sutchy Pullan,

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

(Sent in No)

Read Miscellaneous Petition forwarded by the Sessions Judge of Rajahmundry on the 11th July 1853, on behalf of Bandaru Ramadamy of the Taluk of Rajahmundry.

(Here enter F.C. No 99 of 1853)

Mr. Moultrie 1 The object of this Petition is to induce the Court of Foujdaree Adalut to annul the sentence of 6 Months' imprisonment passed on the Petitioner by the Sudder Ameen Moofty of Rajahmundry, in case No 38 of 1853, which sentence was confirmed on appeal by the Sessions Judge.

2. The Court of Foujdaree Adalut

11th August 1853 see no grounds for interfering with the sentence passed by the Sudder Ameen Moofty, and therefore reject this Petition.

Ordered that Extracts from these Proceedings be sent to the Sessions Judge of Rajahmundry for his information and for communication to the Petitioner.

(Sent in No)

Read Criminal Reports dated 2nd August 1853, submitted by the Sessions Judge of Guntoor for the months of July 1853.

(Here enter F.C. No 1786/1853)

Read Calendar in Case No 18 of 1853 Submitted by the Acting Sessions Judge of Nellore under date the 3rd August 1853.

(Here enter F.C. No 1784/1853)

Read Report dated 1st August 1853, submitted by the Acting Sessions Judge of Nellore, of Cases pending in excess of 25 days, for the month of July 1853.

(Here enter F.C. No 1785/1853)

Read Return dated 1st August 1853 from the Principal Sudder Ameen in charge of the Sessions Courts of Tinnevelly to the precept of the Foujdaree Adalut under date the 26th July 1853, directing the release of the

Prisoner

11th August 1853 Prisoner in Criminal Case No 31 of 1853 from the file of the Moofussil Sudder Ameen.

(Here enter F.C. No 1786/1853)

Read letter dated 2nd August 1853 from the Sessions Judge of Tulsea, Reporting that the fine imposed in case No 82 of the Calendar of persons furnished by the Magistrate during the 4th Quarter of 1852, was refunded as directed in the Foujdaree Proceedings of the 8th June 1853.

(Here enter F.C. No 1791 of 1853)

Read Calendar of case No 23 of 1853, submitted by the Sessions Judge of Salem under date the 23rd August 1853.

(Here enter F.C. No 1795/1853)

Read Calendar of case No 25 of 1853 submitted by the Sessions Judge of Salem under date the 3rd August 1853.

(Here enter F.C. No 1796/1853)

Exd
Ed

F. C.

Friday 12th August 1853

At a Court of the Foujdaree Adalut.

Present

G.S. Hooper Esqr
W.A. Morehead Esqr
T.L. Strange Esqr

} Puisne Judges

Read letter under date the 23rd July 1853 from the Sessions Judge of Bellary

(Here enter F.C. No 1731 of 1853.)

The intention of the Court of Foujdaree Adalut in commenting on the heading affixed to the statement of charges in the case referred to in the foregoing letter, was merely to point out that in a case in which aggravating circumstances do not exist, the fact of there being no such circumstances attendant on the commission of the crime, need not be stated.

It was not intended to direct the omission of the usual addition in those cases in which such circumstances do exist, though the wording of the Court's remarks which did not sufficiently convey the meaning of the Judges, but naturally to the inference deduced from them by the Sessions Judge

Ordered that Extract from these

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

(Sent in A)

Read letter under date the 15th July
1853 from the Acting Sessions Judge of Masulipatam

(Here enter Fll. No 1687 of 1853)

1 In the foregoing letter the Acting
Sessions Judge requests instructions as to the man-
ner in which a person should be dealt with who
has been apprehended by the Jail guard in the
act of throwing a Bundle containing Ganja &c.
over the hedge of the Jail compound

2 The Court of Foujdaree Adalut
observe that the proper course for the Acting Sessions
Court to adopt in case of doubts arising of the
nature in question is to ascertain from the Maho-
dan Law Officer whether the Mahomedan Law
provides a punishment for the Act

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

(Sent in A)

Read Calendar of Letters

of 1853 of the Sessions Court of Nellore

(Here enter Fll. No 1765 of 1853)

The Court of Foujdaree Adalut

1.

approve of the recommendation made by the Sessions
Judge in this case that the imprisonment which
the Prisoners noted in the margin have been ad-
judged to suffer on their conviction of Robbery by
open violence with wounding be reduced to four Years'
imprisonment with hard labor in irons and they do
authorize the Sessions Judge to issue his warrant
accordingly

1st Insufficiency. Gangadu
3rd Do. Ramudu

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

(Sent in A)

Read Calendar of Letters No 31 of 1853
of the Sessions Court of Cuddapah

(Here enter Fll. No 1741 of 1853)

The Court of Foujdaree Adalut

1.

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 House
breaking and Theft, and being in possession
of stolen property with a guilty knowledge

2nd Chengeyya
of Muvvaraja
Kurroo &
3rd Mastan Kadir

be

be reduced to three years imprisonment with hard labor in irons and they do authorize the Sessions Judge to issue his warrant accordingly

Ordered that Extract from the proceedings be forwarded to the Sessions Judge of Calicut for his information

(Sent in No)

Read Calendar of Case No 30 on the file of the Sessions Court of Calicut

(Here enter S.C. No 1710 of 1853)

1. In the above case the prisoner accused of Gang robbery, were acquitted by the Sessions Judge but the Assistant confines himself to stating that he considered the evidence insufficient for their conviction

The Court of Foujdaree Adalut

2. observe that the Sessions Judge should have set forth the nature of the evidence adduced, and the points to which it failed to satisfy him, in order that the higher Court might be enabled to form an opinion of the propriety of the conclusion at which he had arrived.

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

(Sent in No)

Read Calendar of Case No 32 of 1853 of the Sessions Court of Calicut

(Here enter S.C. No 1752 of 1853)

Anant Mackoo

1. 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 had been adjudged to suffer on his conviction of House breaking and theft, and being in possession of stolen property, knowingly, be reduced to four 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 Calicut for his information.

(Sent in No)

Read letter under date the 25th July 1853 from the Sessions Judge of Chittoor.

(Here enter No 1700 of 1853.)

With this letter the Sessions Judge

1. has submitted a reference from the Acting Magistrate of North Arcot regarding the propriety of an order issued by the former for the release of certain prisoners committed to jail by the Acting Magistrate as Vagrants.

The Court of Foujdaree Adalut

2. observe that the reference made by the Acting Magistrate as respects the propriety of the Sessions Judge's Order directing the release of the prisoners referred

to

to it's irregular being in contravention of the provi-
sions of Section II Regulation XXII of 1802 which
expressly limits the right of Magistrates to demand
references to the Higher Court regarding orders pass-
ed by the Court of Sessions to cases in which the mean-
ing of the regulations from a difference of construction
or otherwise may appear doubtful or uncertain.

3. In regard to the propriety of the
course adopted by the Sessions Judge in the extended
to of opening his order for the release of the prison-
to the Officer in charge of the Jail to which the act-
-ing Magistrate had taken exception, the Court
Sonjdaree Adalut consider that it was correct
and proper and that all such orders should be
of the Jail, intimation thereof being made to
the Magistrate at the same time.

Ordered that Extract from the
Proceedings be forwarded to the Sessions Judge of
Chittoor for communication to the Acting Mag-

(Sent in Ms)

Read Criminal Reports submitted
by the Sessions Judge of Guntoor for the month of Ju-
1853.

(Here enter S.C. No. 1855 of 1853)

Report A
Case No. 14

1. In this case the prisoner was charged
with attempt at theft in having on the night of the 1
June last got in between the wall and eves of the Pro-
-secutrix's house with intent to enter the same and

and he was on conviction sentenced by the Moosiff
Sudr Ameen to 3 months imprisonment with hard
labor in irons under Clause fourth Section VIII Regulation
VII of 1822 and Section VIII Regulation VI of 1827.

2. On review of the Case the Sessions
Judge observes that the offence charged did not constitute
housebreaking no attempt having been made to break into
the house but only to enter by an existing opening and that
therefore the prisoner was not punishable under the
Regulations in question but should be sentenced under
Section VII Regulation X of 1816 if the offence be punish-
-able under the Mahomedan Law or that he should be bou
to security.

3. The Court of Sonjdaree Adalut do
not concur in the above exposition of the Law the
manner in which the prisoner attempted to effect
his entry into the Prosecutrix's house viz by getting
in between the wall and the eaves clearly constitutes
an attempt at Housebreaking and has been frequently
so ruled by the Court of Sonjdaree Adalut. The sentence
passed in this Case appears to the Court extremely inade-
-quate.

Report B
Case No. 18.

4. The Prisoner in this case was charg-
-ed with theft with having after admission to the house of
the Prosecutrix taken at midnight from the waist of
the Prosecutrix son while he slept, a key with which he
opened a box and stole jewels and cash of the value of 99 12 Ru-
-pees the property of the said Prosecutrix, and with having
taken the said property to his own house.

The

6. The Prisoner was further charged with having about the 15th day of June last received the said property from the said Prosecutrix, knowing the same to have been stolen and on conviction was sentenced to rigorous imprisonment with hard labor in irons.

6. Considering the value of the stolen property and the breach of confidence involved in the manner in which the theft was committed, the notice passed in this Case likewise appears to the Court very insufficient.

7. The Court do not understand the meaning of the 2d Count which charges the prisoner with having received the property from the Prosecutrix who was presently the owner of it. An error apparently has occurred in the wording which requires explanation.

Case No 18.

8. The sentence passed in this case in which the prisoner has been convicted of house breaking and theft of property to the value of Rupees 127, and has been sentenced to 6 months imprisonment is also in the opinion of this Court altogether insufficient to meet the demands of justice.

Ordered that a Extract from these Proceedings be forwarded to the Sessions Judge of Cuddapah by Peon post within five days from and after the receipt thereof.

(Sent following packet No 1)

Rs. 18.0.

F. U.

Saturday
13th August 1853. At a Court of the Foujdaree Udalut.—

Present

G. S. Hooper Esqre.
W. A. Morehead Esqre. } Puisne Judges
T. L. Strange Esqre.

Read letter under date the 5th August from the Sessions Judge of Cuddapah forwarding English Translation of the Record of Case No. 48 of 1853 on the Calendar of the Sessions Court, for the final judgment of the Court of Foujdaree Udalut.

(Here enter F. U. No. 1733 of 1853)

Mr. G. S. Hooper and Mr. T. 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 prisoners,

1st B. Venkatreddy

2d V. Untirolugadoo

and

3d H. Kursojee

are not convicted on presumptive proof or on the evidence of credible witnesses or on their own Confessions of the Crime charged, do acquit them thereof; and direct that the prisoner,

3d H. Kursojee

be set at liberty.

But being of opinion that the
confession, though not amounting to commutation
to the prisoners,

1st B. Unanimously
and
2d V. Unanimously

the Court direct, under the provisions of Clause
Section II Regulation XX of 1803, that they be
required to find two sureties in 1st / Fifty Rupees
surety, for their good behaviour and appearance
when required within three years and that in default
thereof, they be detained for three years more

/ Sent in Pro

Read Calendar of Cases
the file of the Sessions Court of Salem

Here enter J: M. Pro 17th Sept 1853)

1 In the Case the Sessions
sentenced the prisoner Convicted of homicide
under aggravated Circumstances to 5 years
imprisonment with hard labour in
to such district as the Court of Sessions
Madurai may direct.

2 The Court of Sessions
observe that there is nothing in the
of the Case which renders it necessary
enhance the punishment by law

they therefore resolve to direct that the
sentence of imprisonment with hard labour
be carried out in the ordinary manner.

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

Sent in Pro

Extract Thro M

F. 116.

Monday. 15th. August 1853. } At a Court of the Foujdaree Adalut

Present

GKR G. S. Hooper Esqr. } Puisne Judges
W. J. L. Strange Esqr. }
Hall W. A. Morehead Esqr. }

Read petition from Cotooree Kristniah, prisoner in Case No. 26 of 1852. on the file of the Governor Agent at Vizagapatam.

(Hereunto F. M. F. No. 90 1853.)

The above petitioner, convicted of forgery and sentenced by the Court of Fouj: Adalut to be imprisoned for 7 year with hard labour in banishment, prays for the reversal of his sentence on the ground that the conviction was obtained by conspiracy, and that he is not the individual described in the indictment.

2. The Court of Foujdaree Adalut see nothing in the above petition which leads them to doubt the propriety of the conviction, and they resolve to reject the application.

Ordered that Extract from these proceedings be sent to the Governor Agent of Vizagapatam, for communication to the petitioner.

/ Sent in Ste /

Read Criminal Reports dated 1st April 1853 submitted by the Sessions Judge of Tinnevelly for the Months of March 1853.

(Here enter No. 965.)

Read Criminal Reports dated 1st July 1853 submitted by the Principal Sudder Ameen in charge of Tinnevelly for the Month of June 1853.-

(Here enter No. 1695)

Read letter dated 8th August 1853 from the Session Judge of Chingleput forwarding the Statement called for in the Higher Courts letter of the 6th Instant.-

(Here enter No. 1807)

Read return dated 8th August 1853. from the Session Judge of Chittoor, in precept of the Foujdaree Udalut under date the 9th July 1853 directing the Session Judge to call for and review the proceedings in Case No. 9 of the Calendar of — persons punished

(Here enter No. 1808.)

Read calendar of Case No. XXX of 1853 submitted by the Session Judge of Cuddapah Under date the 5th August 1853.

(Here enter No. 1809.)

Read letter dated 5th August 1853 from the Session Judge of Cuddapah pointing

out that in the Extract from the Proceedings of the Foujdaree Udalut dated 29th Ultimo Sanctioning a mitigation of the punishment passed on the 1st Prisoner in Case No. 29 of 1853, the name of the Prosecutor was inadvertently entered in the margin in lieu of the 1st Prisoner.-

(Here enter No. 1810.)

Read Report Submitted by the Session Judge of Salem Under date the 1st July 1853. Convict labour —"— in the Jail under charge of the Magistrate of Salem for the Months of June 1853.

(Here enter No. 1813.)

Read letter dated 9th August 1853. from the Session Judge of Combaconum submitting explanation with reference to the Courts Proceedings of the 1st Instant, observing that no substantial offence has been alleged in the charges in Criminal Cases Nos. 72 and 73.

(Here enter No. 1815.)

Read report dated 2nd August 1853. Submitted by the Session Judge of Salem of Cases tried by the Head Assistant Magistrate of Salem in the Months of June 1853.-

(Here enter No. 1820.-)

E. Whish Sec

F.M.C.

Wednesday 17th August 1853 } At a Court of the Foujdaree Adalut

Present.

Sd/- G. L. Hooper Esqr. } Puisne Judges.
Sd/- W. A. Morehead Esqr.
Sd/- T. L. Strange Esqr.

Read Statement submitted by the Sessions Judge of Calicut in accordance with Foujdaree Adalut Circular Order No. 11-

(Herewith F.M.C. No. 1756/1853)

The Court of Foujdaree Adalut observe that in Nos. 51, 53, and 62, of the above returns, great delay has occurred between the Close of the trials and their being set down for reference.-

They are unable to understand the reason of this delay, and request explanation thereof.

The Court also observe that there has been great delay in the submission of the records of all the trials in the above returns, and must require the Sessions Judge to use greater despatch on future occasions.-

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

(Sent in No.)

Read.

17th August 1853.

Read the Criminal Reports submitted by the Sessions Judge of Tellicherry for the year 1852.-

(Here enter F. No. 1010/1053)

Appendix C. to Statement No. 2.

1. The Court of Fouzdaree Adawlut observe that the Number of persons from whom fines were levied and the Number of those confined in default of payment Viz. 4, do not correspond with the entries under head "Punishment" Minor Columns "Fined and Imprisoned and fined" of the Appendix A to Statement No. 2 (6).

Statement shewing the nature and the result of charges preferred against the Police

2. The Court have ruled that the District Police officers are not competent to dispose of cases of abuse of authority against the inferior officers of Police.-

Ordered, that Extracts from the proceedings be sent to the Sessions Judge of Tellicherry, by precept returnable within 2 days from and after its receipt.-

(Sent following precept No.)

Read letter dated 10th August 1853 from the Sessions Judge of Cuddapah submitting for the final Judgment of the Fouzdaree Adawlut the Record of Case No. 69 of 1852 of the Calendar of the Sessions Court.-

(Here enter No. 1831 of 1853)

The Court of Fouzdaree Adawlut on

Mr. H. A. Morehead

17th August 1853.

on a deliberate consideration of all the circumstances of the Case in evidence before them, being of opinion that the Prisoner.-

C. Gurreedeegadoo.-

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. 1 6

Ed. 18 Ed.

F Ub

Thursday
18th August 1853.

At a Court of the Foujdaree Udalut

Present

Hon'ble G. S. Hooper Esquire
Hon'ble W. A. Morehead Esquire } Puisne Judges
Hon'ble T. L. Strange Esquire

Read letter dated 10th August 1853 from the Acting Session Judge of Cuddalore submitting an English translation of the record of the trial of Case No 21 of 1853, on the file of the Session Court of Cuddalore, for the final Judgment of the Court of Foujdaree Udalut

(Here enter F Ub No 7814 of 1853.)

Mr. Hooper

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

1st Thopien alias Sinnapien,

is sufficient to commit him of the crime of Highway Robbery, and that against the prisoners,

2nd Pitchen,

and

3rd Selly,

to

18th August 1853.

to commit them of having received stolen property knowing it had been acquired in the perpetration of Highway Robbery do commit them severally thereof, and under the provisions of Clause third and fifth Section IV Regulation XV of 1803; and Section XXXIV Act VII of 1843, sentence the prisoner,

1st Thopien alias Semnapien,

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 under the provisions of clause Second Section IV Regulation VI of 1832 sentence the prisoner,

4th Petchen,

to be imprisoned and kept to hard labor in irons on the public roads or other public Works for and during the period of (6) Six months, and the prisoner,

5th Selly,

to be imprisoned and kept to labor suitable to her sex for and during the period of (6) six months

Sent in No.

Read Petition presented on the 20th February 1853 by Ed. Salmon Esqr Vakeel on

18th August 1853

on behalf of Casanarow of the District of Kurnool

(Here enter F. M. P. No 35 of 1853)

Read also Miscellaneous Petition presented on the 30th April 1853 by Teroomalacha Vakeel on behalf of Lutchmee Ammal of the District of Kurnool

(Here enter F M P. No 84 of 1853)

Mr Hooper. 1. In the above petitions applica-tion is made for the reversal of the sentence passed in case No 20 of 1851. on the file of the Agent to the Governor of Fort Saint George at Kurnool upon Streeneevasa row brother of the first and son of the second of the above petitioners.

2 The prisoner was committed before the Agent of Culpable Homicide in having caused the death of one Yeddamal by injuries which resulted from blows inflicted under his orders, and was sentenced to seven years' imprisonment with hard labor in irons.

3 The main grounds of Appeal are, that there was no sufficient proof of the death of deceased having resulted from the blows inflicted, that there were many discrepancies observable

18th August 1853.

observable on the evidence of the witnesses inexplicable except by their fraud and collusion, that prisoner was deprived of the means of preparing his defence, and, that the trial exhibits an evident bias against him on the part of his Judges.

4. The Court of Foujdaree Udalut have again carefully considered the whole record of this trial in connection with the grounds of appeal urged in these petitions, and see no reason to doubt the propriety of the prisoners connection and of the sentence passed upon him

5 They therefore resolve to reject these petitions

Ordered that Extract from these proceedings be given to the Petitioners Vakeels on their applications respectively

Sent in No.

Read Miscellaneous petitions presented by J B. Norton Esquire Barrister at law & pleader on behalf of the Guardian of the minor Zemindar of Pittapoor and praying for in case No 52 of 1851. on the file of the Sessions Court of Rajahmundry

(Here enter J M. P. No 52 of 1853)

2)

18th August 1853. 1. In the above petition application is made to the Court of Foujdaree Udalut Mr. Hooper
" Morehead and
" Strange.
to call up the records of case 52 of 1851. and to pass such orders as will prevent the recurrence of certain irregularities which are alleged to have attended its disposal by the Sessions Judge.

2 The specific grounds of the application are that contrary to the recognized practice of all tribunals the prosecutor was deprived of his right of reply upon the evidence adduced for the defence, that the Sessions Judge passed sentence without acceding to prosecutors request, that the question of his right to reply should be referred to the Foujdaree Udalut, that the evidence of certain witnesses not called by prosecutor was arbitrarily entered as part of his case, and that many witnesses whom the subordinate Judge had not named were examined on behalf of the prisoner

3 The Court of Foujdaree Udalut observe that the sentence in the case referred to was passed after a full trial by a competent tribunal and that as that sentence is final

no.

18th August 1853. no useful end can be gained by adopting the course suggested in this petition which they accordingly reject

Ordered that Extract from these proceedings be given to the Petitioners Vakeel on his application

Read Miscellaneous Petition presented on the 4th July 1853 by Moottummy wife of the 1st prisoner in Case No 13 and Mother of the 2nd in case No 11 on the Calendar of the Sessions Court of Chinglepet for 1852.

(Were enter'd Mis. P. No 90 of 1853)

Mr. Strange The Court of Foujdaree Udalut resolve to direct that English translations of the proceedings in the foregoing Cases may be submitted for their consideration.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Chinglepet by precept returnable in ten days from and after its receipt.

Sent following Precept No

Read Miscellaneous Petition presented on the 4th July 1853 by Vydeyalinga Moodelly and Vridachella Naiken of Gillechinglepet.

18th August 1853. (Were enter'd Mis. Ps. Nos 92 & 93 of 1853)

Mr. Morehead. The Court of Foujdaree Udalut observe that these petitions which have reference to certain proceedings of the Police Authorities of Saint Thomas' Mount whereby they consider themselves aggrieved should have been addressed to the Sessions Judge of Chinglepet, to whom the Petitioners are accordingly referred

Ordered that Extract of these proceedings be furnished to the Petitioners on their application

Read again Calendar of Case No 10 of 1853 on the file of the Sessions Court of Coimbatore

(Were enter'd Mis. No 1018 of 1853.)

Read also Miscellaneous Petition forwarded by the Sessions Judge of Coimbatore from Veerasspa Gounden 1st prisoner in the foregoing case

(Were enter'd Mis. P. No 104 of 1853.)

Mr. Morehead The Court of Foujdaree Udalut see nothing in this Petition that would lead them to question the justice of the sentence from which the Petitioner appeals, and they accordingly resolve to dismiss the Petitioner's application

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

Sent in No

June 1853.

18th August 1853 (Here enter Ffte. No. 1701 of 1853)

(Case No. 91) 1 In this case the Prisoners 4 in num-
ber were charged with "severe assault" in having on
the 5th June last, with some others, gone into the Prosecu-
tors house, severely beaten him with cudgels and wounded
him on the head with a knife.

2 On conviction by the Assistant
Agent, the 1st Prisoner was sentenced to one months
imprisonment and to pay a fine of 5 Rupees, and
in default to be imprisoned for a further period of
one month under Section VII Regulation X of 1816
and the 2d 3d and 4th Prisoners were sentenced to pay
a fine of (5) Five Rupees each, and in default to be
imprisoned for a period of 15 days under Section
XXXII Regulation IX of 1816.

3 The Court of Zamindary Udalut obse
that if the charge is correctly laid the sentence is ma
inadequate and the case should have been committ
to the Agent for trial. They therefore resolve to cal
for any explanation the Assistant Agent may
to offer on the case.

Ordered that Extract from the
Proceedings be sent to the Agent at Vizagapatam for comm

18th August 1853 to the Assistant Agent by Precept returnable
within V five days from and after its receipt
(Sent following precept No.

Read letter dated 1st July 1853.
from the Agent to the Governor of Fort St George
in Vizagapatam submitting a Petition of appeal
addressed to the Zamindary Udalut, by Colloory
Cristiah convicted in Case No. 76 of 1852, together
with a translation of the same.

(Here enter Ffte. No. 1523 of 1853.)

Eyd.
E.F.

F. U.

Friday 19th August 1853 } At a Court of the Foujdaree Udalut

Present

G.S. Hooper Esquire
W.A. Morehead Esquire } Puisne Judges
T.L. Strange Esquire

Read again Criminal Report B for the Month of April 1853, submitted by the Acting Sessions Judge of Masulipatam.—

(Here enter F.U. No. 1249 of 1853)

Read also return under date the 16th July 1853 from the Acting Sessions Judge of Masulipatam to the precept of the Foujdaree Udalut under date the 9th July 1853, communicating their remarks upon the Criminal Reports of the Court of Masulipatam for the Month of April 1853 —

(Here enter F.U. No. 1684 of 1853)

1 In the foregoing return the Sessions Judge states that the Prisoner in Case No. 23 of 1853 was employed by the prosecutor as a cowherd &c., when he committed the theft charged against him —

2 Adverting to the nature of the theft, the Court of Foujdaree Udalut consider the

the sentence to which the prisoner has been adjudged Viz^t. ten Months imprisonment with hard labor in irons and 70 lashes, unnecessarily severe, and being of opinion that a sentence of 3 Months imprisonment will be sufficient to meet the demands of justice, they direct that the Acting Sessions Judge will reduce the sentence accordingly, or, if he should be dissent from the Court's opinion, that he will submit a translation of the record of the case for their consideration.—

Ordered, that Extract from these Proceedings be sent to the Acting Sessions Judge of Masulipatam by Precept returnable within 15 days from and after its receipt.—

(Sent following Precept No)

Read Calendars of Cases Nos 35. 36. 37. 38. 39. 40. 41. and 42. of 1853 on the file of the Sessions Court of Masulipatam.

(Here enters File No 1715 of 1853)

Cases Nos 35, 36, 37, 38, 39 and 40.

1 In these Cases the same prisoner was tried on charges of simple theft and of house breaking and theft, in one of the Cases two other prisoners being tried with him, and having in all the Cases except one been acquitted by the Acting Sessions Judge in concurrence with the assessors who were associated with that officer on the trial

trials has been convicted in Case No 38 on a charge of having stolen certain Crowbars valued at Rupees 3-4-- and has been sentenced for that offence to seven years imprisonment with hard labour in irons under the provisions of Section XXI. Regulation VII of 1802 and to receive 100 lashes with a Cat o'nine tails under Clause fourth Section LV. Regulation VI of 1822. The severe sentence thus adjuged being apparently based upon the consideration that suspicion attached to the prisoner in regard to the other charges upon which he as been acquitted.—

2 According to the abstract of the evidence recorded in the Calendar there was no proof of the Commission by the prisoner of the theft of which he was charged; all that was proved against him was the fact of having been found in possession of stolen property for which considering the value of the property a sentence of three Months imprisonment would in the opinion of the Court of Foujdaree Udalut have been amply sufficient to meet the demands of justice.

3 It appears to the Court of Foujdaree Udalut that these Cases might with propriety have been disposed of by the Sessions Judge in his capacity of Criminal Judge, but as the trials have been conducted with the aid of

assessors

Assessors the sentence passed can only be mitigated with the sanction of the Higher Court, and the Court of Foujdaree Udalut accordingly resolve to direct that the Acting Session Judge will either submit a recommendation for a mitigation of punishment in the prescribed form or should he dissent from the opinion above expressed by the Court as to the term of Imprisonment sufficient for the prisoner's offence, that he will forward an English translation of the record for their consideration.—

4 The proceedings of the Acting Session Judge in all these Cases have been extremely irregular. In each Case the property referred to in the indictment was claimed by the prisoner as his own, and in none of them except in Case No. 38 was it proved to belong to any other person. It was clearly therefor the duty of the Acting Session Judge in those Cases in which the ownership of the property was not proved to direct that it should be returned to the prisoner in whose possession it had been found, and the course adopted by him of treating it as stolen property in the absence of any evidence to shew that it had been stolen; and on the bare supposition that it had been obtained by theft, without any proof

proof of the fact whatever, of declaring the prisoner a notoriously bad character and subjecting him to the enhanced penalty which could only be adjudged to him on proof of previous Conviction or of the bad character he is described as bearing, but of which no evidence whatever would seem to have been adduced, was a course of procedure which reflects most seriously on the judgment of the Acting Session Judge, and evinces on his part a most strange misapprehension of the principles upon which penal sentences should be adjudged.—

5 It is clear from the Acting Session Judge's Proceedings of the 8th July 1853 that he viewed with mistrust the acts of the Police in all these Cases and the sentence passed by him was therefore the more unwarrantable.—

6 The Court direct that the articles claimed by the prisoner of which the ownership has not been proved be returned to him, and that a Copy of any return that may have been made by the Magistrate with reference to the suspension of the Peon who is stated to have conducted the search in Case No. 38 may be submitted for their consideration.—

Case No. 41.— 7 Four prisoners in this Case have been

been Convicted of house breaking and theft of property valued at Rupees 91-1-6 and have been sentenced to Seven years imprisonment under Section XXI Regulation XII of 1802 the Acting Sessions Judge recommending that in consideration of the absence of any circumstance of aggravation the period of imprisonment adjudged may be reduced to 12 Months.—

8 The Court of Foujdaree Udalut observe that with reference to the nature of the crime charged Viz^t house breaking and theft of property not exceeding Rupees 100 in value, it is competent to the Acting Sessions Judge to sentence the prisoners under Section II Regulation XVII of 1817 to as lenient a punishment as he may consider adequate for their offence and they direct that he will pass sentence accordingly.

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

(Sent following Precept N^o

Read Calendar of Case N^o 51 of 1853 submitted by the Sessions Judge of Salem under date the 8th Instant.—

(Here enter F. Co. N^o 1823 of 1853)

Read Calendar of Case N^o 26 of 1853 submitted by the Session Judge of Salem under date the 9th Instant.—

(Here enter F. Co. N^o 1826 of 1853)

Read Extract from the Proceedings of the Session Court of Rajahmundry dated 2^d Instant on review of the Magistrates Petty Calendars for the 2^d Quarter of 1853.

(Here enter F. Co. N^o 1837 of 1853)

Read Calendar of Case N^o 53 of 1853 submitted by the Sessions Judge of Bellary under date the 10th Instant.—

(Here enter F. Co. N^o 1842 of 1853)

Read Calendar of Case N^o 54 of 1853 submitted by the Session Judge of Bellary under date the 10th Instant.—

(Here enter F. Co. N^o 1843 of 1853)

Read Criminal Report dated the 13th Instant submitted by the Principal Sudder Ameen of Chingleput for the Month of July 1853.—

(Here enter F. Co. N^o 1844 of 1853)

Read Criminal Reports dated the 10th Instant submitted by the Session Judge of Tellicherry for the month of July 1853.

(Here enter F. Co. N^o 1847 of 1853)

19th August 1853.

Read Calendar of Case No. 53 of 1853 submitted by Sessions Judge of Bellary dated the 13th Instant.

(Here enter F. U. No. 1857 of 1853)

Read Criminal Report B under date the 13th Instant submitted by the Sessions Judge of Guntoor for the Month of July 1853.

(Here enter F. U. No. 1858 of 1853)

Read Letter dated the 8th Instant from the Agent to the Governor of Fort St. George at Ganjam transmitting the warrant of the execution of a Prisoner Dundasee Mooche Naick together with a Letter from Mr. Mac-

(Here enter F. U. No. 1861 of 1853)

E. Mott

Saturday
20th August 1853.

F. U.

At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esqr.
J. L. Strange Esqr. } Puisne Judge.
W. Morehead Esqr.

Read Calendar of Case No. 13 of 1853 of the Session Court of Nellore.

Here Enter F. U. No. 1804 of 1853.

1st Vempuluri Lakshmigadu
2d Gurram Venkatasami
3d Rasum Desigadu

1. The Court of Foujdaree Udalut approve of the recommendation made by the Session Judge in this case that the imprisonment, which the prisoners noted in the margin have been adjudged to suffer on their conviction of Highway Robbery be reduced in the case of the 1st prisoner to Seven years, and in that of the 2d and 3d to five years imprisonment with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.

2. The Court of Foujdaree Udalut observe that the fact of an offence being unattended with aggravating circumstances need not be stated in the heading affixed to the statement of Charge, as is observed to have been done in the Calendar of the case under notice.

Ordered that Extract from these

20th August 1853.

Proceedings be sent to the Session Judge of Nellore for his information

(Sent in No)

Read letter from the Session Judge of Honore dated 29th July 1853.

Here enter F. U. No 1781 of 1853.

1. As the matter contained in the above letter has been already disposed of by the Court of Fouzdaree Udalut in their proceedings under date the communication under review requires no further from them.

Ordered that an Extract from the Proceedings be sent to the Sessions Judge of Honore for his information

/ Sent in No /

Et Nott

F. U.

Monday 22d August 1853 } At a Court of the Fouzdaree Udalut

Present.

Sgd A — G. S. Hooper Esquire —
W-dl — W. A. Morehead Esquire — } Puisne Judges.
Wl — T. L. Strange Esquire —

Read letter under date the 17th August 1853 from the Acting Sessions Judge of Cuddalore, forwarding English Translation of the record of Case No 23 of 1853, on the Calendar of the Sessions Court, for the final Judgment of the Court of Fouzdaree Udalut.

/ Here Enter F. U. No 1874 of 1853 /

Messrs G. S. Hooper and T. L. Strange

The Court of Fouzdaree Udalut, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion — that the Prisoner

"Vuealayen,"

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

22d August 1853.

2.

be be set at liberty -

/ Sent in No /

Read letter from the Acting Session Judge of Masulipatam dated 22d July 1853.

/ Here Enter D.R. No 1714 of 1853 /

1. In the above letter the Acting Session Judge requests the instructions of the Court of Foujdaree Adalut as to the manner in which he should pass sentence on a prisoner convicted of gang robbery in case No 75 of 1852 on the file of the Session Court of Masulipatam and who stands previously convicted of the same offence and is under sentence of 14. years imprisonment by the Session Court of Rajahmundry in No 4 of 1853.

2. The Court of Foujdaree Adalut resolve to direct the Session Judge should the prisoner be convicted before him of the offence charged, to submit the record of the trial to enable them to pass on the prisoner under the provisions of Section IV. Regulation XV of 1816 with reference to his conviction in Case

22d August 1853.

No 4 of 1852 of the Session Court of Rajahmundry of which the record is already before them -

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

/ Sent in No /

Exd
WLd:

F. 46.

Wednesday. 24th August 1853.

At a Court of the Foujdaree Udalut

Present.

G. S. Hooper Esqr. _____ Prisne Judge
W. A. Morehead Esqr. _____ Prisne Judge
T. L. Strange Esqr. _____ Prisne Judge

Read letter dated the 21st July 1853 from the Agent to the Governor of Fort St. George in Cuttack, submitting for the final judgment of the Foujdaree Udalut the record of Case No. 7 of 1853 on the Criminal file of this Court.

(Here enter F. 46. No. 1870 of 1853.)

Mr. Morehead and Mr. 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,

Fakir Bindica Nautia,

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

(Sent in No. 1

Dy 1860.

Thursday,
25th August 1853.

F. C.

At a Court of the Foujdaree Adalut

Present.

G. S. Hooper Esquire
W. A. Morehead Esquire
T. L. Strange Esquire

} Puisne Judges

Read petition presented 7th July 1853 by Mungummah of the Zillah of Trichinopoly-

(Here Enters D. J. M. O. Book 7 of 1853)

Wm G. S. Hooper. 1. Petitioner recapitulates the matter contained in Petitions 175/1857 389/1852 and 21 and 22/1853 and prays the Court of Foujdaree Adalut to release her husband sentenced by the late Provincial Court and direct the Sessions Judge of Trichinopoly to restore her property which she alleges to be in the custody of that Court-

2. The Court of Foujdaree Adalut refer Petitioner to their order passed on 28th February 1853 which are to be considered final.-

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

Read Miscellaneous Petition presented on 7th July 1853 by Cumpapillay

of

of the Zillah of Salem.-

(Here Enter F.R.O. No 2095 of 1853)

Mr G.S. Hooper. 1. The Petitioner complains of injust interference by Ramiyer Mootten of the village of Lingalancoa[illegible] the right to a tank situated in that and prays the Court of Foujdaree to direct the Sessions Judge to decide matter in his favor.

2. The Court of Foujdaree decline interfering in the matter of the petition and resolve to reject it because tioner must, if he consider himself ly the Mootta[illegible] him in a Civil Court.-

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

Read Mixcellaneous Petition presented by A. Veroomalackary Pa on behalf Lowear Naraimah mother Cotah Ramasawmy 1st prisoner in C No 26 on the file of the Session Court

(Here Enter A.F. No No 105 of 18

Mr G.S. Hooper. 1. In the above Petition application is made for the release of a pris convicted of forgery by the Court of Madura and sentenced to one year imprison

2. The Court observe that the prisoner was convicted by them of the crime alleged upon strong presumptive proof, and that they see nothing in the above petition to induce them to question the propriety of the sentence passed- They accordingly reject this application

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

Read Miscellaneous Petition presented on 21st July 1853 by Veerummal and another praying for the release of Mynacooty and Mooteroola Pundaram 1st and 2d prisoners in Session case No 13 on the Calender of the Zillah Court of Trichinopoly.-

(Here Enter F.R.O. No 106 of 1853)

Mr T. L. Strange As the Court of Foujdaree Madras have already directed the release of the prisoners on whose behalf this application is made, no further order is required on the subject of the above petition

Ordered that Extract from these proceedings be granted to the Petitioners on their application.-

Read again Criminal Reports submitted by the Session Judge of Madura

25th August 1853.

Madura for the year 1852.-

(Here Enter F.L. No 130 of 1853)

Statement shewing the nature and the result of charges preferred against the Police

The Court of Foujdaree Adawlut observe that the District Police Officers are not competent to dispose of cases of abuse of authority against the inferior officers of Police-

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

(Sent in Ms.

Read letter under date the 3d Instant from the Agent to the Govr. of Fort St. George at Ganjam submitting for the final orders of the Foujdaree Adawlut a report on the trial of Case No 8 of 1853 on the file of his Court.-

(Here Enter F.L. No 1889 of 1853)

1. The 1st prisoner in this case has been tried for assault and culpable Homicide, and the Agent being of opinion that the evidence is sufficient to convict him of the crime laid to his charge, recommends that he be sentenced to two years imprisonment under Clause Second Section XV Regulation VII of 1802.-

2. The Court of Foujdaree Adawlut concur with the Agent in the conviction of

F.L.

25th August 1853.

of the prisoner

1st Poinee Naick

and accordingly direct that he be sentenced to imprisonment with hard labor in iron for and during the period of (2) two years under the provisions of the Regulation above quoted.-

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

(Sent in Ms.

Read letter dated 17th August 1853 from the Sessions Judge of Cuddapah submitting for the final Judgment of the Foujdaree Adawlut the Record of case No 70 of 1852 of the Calendar of the Sessions Court.-

(Here Enter F.L. No 1895 of 1853)

Messrs G.S. Hospet and W. A Morehead

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

P. Peerachennoogadoo

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

25th August 1853.

1. The Court of Foujdaree Adaulut have been unable to discover any grounds for exempting the prisoner in this case from the severity of the Law and they observe that the Sessions Judge has omitted to state his reasons for recommending a mitigated sentence.

2. The delay of the months which has occurred in the transmission of the record was altogether unwarrantable, the proceedings being by no means lengthy.—

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

(Sent in No.

Read return under date the 6th August 1853 from the Sessions Judge of Cuddapah to the precept of the Foujdaree Adaulut dated 29th July 1853 calling for an explanation of the delay which has occurred in the preparation of the records of the several trials set down for reference to the Court of Foujdaree Adaulut.—

(Here Enter F. R. No 1812 of 1853)

The Court of Foujdaree Adaulut resolve to direct that the Sessions Judge will on the receipt of these orders forward the original records of the cases noted in the margin

Cases Nos 70, 72, 74, 87 } of 1852.
3, 10 } of 1853.

15th August 1853.

with such translations rough or fair as may have been made and a brief letter in regard to each trial stating succinctly the opinion of the Sessions Judge.— It will not be necessary for the Sessions Judge to enter in his letter the marginal reference to the evidence which are usually entered in the letter forwarded with referred trials.—

Ordered that Extract from these proceedings be sent to the Sessions Judge of Cuddapah for his information and guidance by Precept returnable within 10 days from and after its receipt.—

(Sent following Precept No

£ 97 to W

F. C.

Saturday
27th August 1853. At a Court of the Foujdaree Udalut.

Present

Sd/- C. S. Hooper — Esqre. —
In-dl. W. A. Morehead Esqre. — } Puisne Judges
Ut. T. L. Strange — Esqre. —

Read Criminal reports for the Month of June 1853 submitted by the Agent to the Governor of Fort St. George Farnol.—

(Here enter F. C. No. 1839 of 1853)

In this Case the prisoners appear.

No. 52 of 1852. 1

to have been before the Court for a period of 9 Months. As the witness must all be on the spot, the Court of Foujdaree Udalut are unable to understand the reasons for the delay and resolve to direct the Agent to dispose of the Case immediately.—

No. 53 of 1852 2

The delay in this Case is attributed to a recurrence of a fit of insanity to the prisoner and the Consequent necessity of replacing him under Medical treatment. Under these Circumstances, the Agent should dispose of the Case under the provisions of Act IX of 1849.—

27th August 1853

Ordered that Extract from these Proceedings be sent to the Agent to the Go in Kurnool for his information and guidance.

Sent in Pc.

Read letter dated 17th August 1 from the Session Judge of Tellicherry, submitting the final judgment of the Foujdaree Adalut R Record in Case No. 10 of 1853 on the Calendar the Session Court.

(Here enter F. No. 1921 of 1853)

The Court of Foujdaree Adalut

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

on a deliberate Consideration of all the Circum of the Case in evidence before them being of opinion that the proof the prisoner

Koylatta alias Kavattil

Pokun

is sufficient to Convict him of the Crime of Murd do Convict him thereof, and under the provisions of Reg Regulation XVIII of 1802 sentence him to suffer death being hanged at the usual time and place of execution

(Seekan No)

F. 26.

Monday 29th August 1853. At a Court of the Foujdaree Adalut.

Present.

Mr. G. S. Hooper Esqr.
Mr. W. A. Morehead Esqr.
Mr. T. Le. Strange Esqr.
} Puisne Judges.

Read return from the Sessio Judge of Combaconum dated 13th August 1853 to the Precept of the Foujdaree Adalut dated 8th August 1853.

(Here enter F. 26. No. 1846 of 1853)

With the above return the Sessions Judge submits a translation of the deposition given before the Head of Police of Myaveram by 1st Prisoner in Sessions Case No. 24 of 1853.

Mr. G. S. Hooper
Mr. W. A. Morehead
and
Mr. T. Le. Strange

The Court of Foujdaree Adalut observe that the deposition submitted contains a full confession by the prisoner of the crime laid to his charge, and that the Sessions Judge by stating in his Calendar that the prisoner denied the charge has not furnished that

that support to his sentence which the evidence actually afforded.

3 The Court of Foujdaree Udalut see no reason to question the propriety of the prisoners' Conviction and they resolve to authorize the mitigation of the prescribed sentence to 4 years as proposed by the Sessions Judge.

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

(Sent in N.)

Read Miscellaneous Petition presented by Assenbee of the Zillah of Salem.

(Here enter F. Mo. P. No. 91 of 1853)

Mr. W. Morehead

Petitioner prays the Court of Foujdaree Udalut to direct the release of her son under sentence of transportation for life as 1st. prisoner in Case No. 38 on the file of the Sessions Court of Salem.

2 The Court of Foujdaree Udalut observe that the sentence appealed against was passed by them after a full consideration of the circumstances of the case and as they see no ground whatever for questioning the guilt of the prisoner they resolve to reject this petition.

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

Read Miscellaneous Petition presented on the 1st. July 1853 by Sheeneevasa Shurry brother of Ramachurloo 1st. Prisoner in Case No. 28 of 1852 on the file of the Sessions Court of Nellore.

(Here enter F. Mo. P. No. 107 of 1853)

Petitioner prays that his brother convicted in the above Case and sentenced to two years imprisonment may be released.

1

Mr. J. L. Strange and Mr. W. Morehead

The Court of Foujdaree Udalut seeing no reason to doubt the prisoner's guilt resolve to reject this petition.

2

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

Read

29th August 1853.

Read Miscellaneous petition presented on the 26th July 1853 by Apparanjee Chetty on behalf of his brother in law Linga Chetty 1st prisoner in Cases Nos. 16 and 17 on the file of the Sessions Court of Trichinopoly

(Here enter F. Mo. P. No. 108 of 1853)

Mr. W. Morehead 1 The Petitioner prays that his brother in law may be released on the ground that the sentence passed upon him was unwarranted by the evidence.

2 The Court of Sudder Adawlut have again carefully considered the Calendars of these Cases in connection with the reasons urged in the above petition and seeing no ground whatever to doubt the propriety of the prisoners conviction, they resolve to reject this petition.

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

Read Miscellaneous petition presented on the 18th July 1853 by Rookmoy Unnual of the zillah of Chingleput.

Here enter F. Mo. P. No. 133 of 1853.

29th August 1853.

Mr. W. A. Morehead 1 Petitioner complains of the illegal attachment and sale of her property under orders of the Principal Sudr Ameen notwithstanding the decisions of former judges that the Courts of Chingleput had no jurisdiction in the matter in dispute.

2 Petitioner must produce a copy of the Civil Judges' order against which she appeals before the Court of Sudder Adawlut can take any steps in the matter.

Ordered that Extracts from these Proceedings be granted to the Petitioner on her application.

Read Miscellaneous Petition presented on the 7th July 1853 by Agilandeen Unnual and another of zillah Chittoor.

(Here enter Mo. P. No. 96 of 1853)

Mr. W. A. Morehead Petitioners are referred to the orders passed by this Court under date the 18th July last on Miscellaneous Petition No. 87 of 1853, and which orders they are informed are final.

Ordered that Extract from these

29th August 1833.

these Proceedings be furnished to the Petitioner on their application.—

Read letter dated the 8th Instt. from the Agent to the Governor of Fort St. George at Rumnad, submitting a report on the trial of Case No. 21 of 1833 on the file of this Court, for the final orders of the Foujdaree Udalut.

(Here enter F. 66. No. 1835 of 1833)

The Prisoner in this case has been tried on a charge of "assault and severe wounding" and the Agent considering the prisoner's guilt fully established, recommends that he be sentenced to 3 years' imprisonment under Clause Seventh, Section II, Regulation XV of 1803.

2 The Court of Foujdaree Udalut concur in the conviction of the prisoner,

Pedda Booddavadoo,

and accordingly direct that he be sentenced to imprisonment with hard labor in irons for and during the period of (3) three years under the provisions of the Regulation above quoted.

Ordered

29th August 1833.

Ordered that Extract from these Proceedings be sent to the Agent to the Governor of Fort St. George at Rumnad for his information and guidance.

Exd.
E.T.

(Sentence No.) 5

N. 16.

Thursday
30th August 1853 } At a Court of the Tanjadore Adalut

Present

Hon'ble G. S. Hooper Esqr. ... } Puisne Judges
W. W. A. Morehead Esqr. ...
W. T. Le Strange Esqr. ...

Read letter dated the 13th Instant, from the Agent to the Governor of Fort St. George at Vizagapatam, submitting for the final orders of the Tanjadore Adalut a report on the trial of Cases N.s 16 and 18 of 1853 on the file of this Court.

(Vide Inter N. 16. N.s 1890 of 1853)

1 In the former of the above Cases the prisoners, five in number, have been tried for the crime of Robbery by open violence attended with aggravating circumstances and in the latter on two separate Counts specified in the foregoing letter.

2 The Agent convicts all the prisoners of the Crimes laid to their charges in both Cases, and recommends that they be

Severally

severally sentenced to 14 years imprisonment with hard labor in irons under Clause 2d and 5th Section IV Regulation XV of 1803 - and that the sentence of the 3d and 4th prisoners be carried out in banishment under Clause 3d Section VIII Regulation XV of 1803.-

3 The Court of Tanjore Utaty Conan in the Conviction of the prisoners in the Cases referred to, and resolve under the provisions of the Regulation above quoted, to sentence them Viz:.

1st Condah Iyya paraunjy

2d — Do — Chinna Basavaraujy

3d — Ijungavunnsrew Padmanabha Deo

4th — Do — Venkata — Deo.-

and

5th Mahapatroony Mookoondaraujy

to be imprisoned and kept to hard labor in irons, for and during the period of (14) fourteen years.-

4 The Court further direct that the sentence which the 3d and 4th Prisoners have been adjudged to suffer, be carried out in banishment in the zillah of Rajahmundry.

Ordered

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

(Sentence &c)

Read Criminal Reports dated 31st May 1853 submitted by the Sessions Judge of Coimbatore, for the Month of May 1853.

(Here enter Fl. Cb. No 7334 of 1833)

Read Criminal Report dated 1st July 1853 submitted by the Sessions Judge of Rajahmundry, for the Month of — June 1853.-

(Here enter Fl. Cb. No 7170 of 1853)

Read Criminal Reports dated 30th June 1853, submitted by the Sessions Judge of Chicacole, for the Month of June 1853.

(Here enter Fl. Cb. No 7171 of 1853)

Read Calendars of Petty Cases disposed of by the Magistracy, during the 2d Quarter of 1853, submitted by the Sessions Judge of Salem.

(Here enter Fl. Cb. No 2045 of 1853)

4 Do Nos

F. 96.

Wednesday 31st. August 1853 } At a Court of the Foujdaree Udalut.

Present.

Mr. G. S. Hooper Esqr. }
Mr. W. A. Morehead Esqr. } Puisne Judges
Mr. J. Lo. Strange Esqr. }

Read Miscellaneous Petition forwarded by the Acting Sessions Judge of Masulipatam from Mutteapully Gopaloodoo and 2 others relatives to certain prisoners in Case No. 41 of 1853 on the file of that Court.

(Vide entry F. Mis. P. No. 110 of 1853)

Before passing — — — — final orders on the foregoing petition the Court of Foujdaree Udalut resolve to direct that an English Translation of the record of Case No. 41 of 1853 on the file of the Sessions Court may be submitted for their consideration.

Ordered that Extracts from these Proceedings be forwarded to the Acting Sessions Judge of Masulipatam by Precept returnable within XV days from and after the receipt

(Sent following Precept No.)

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

31st August 1853.

Read Calendar of Case No. 130 of 1853 of the Sessions Court of Mangalore.

/ Vide entry F. Ud. No. 1855 of 1853 /

1 The Court of Foujdaree Udalut are of opinion that a further mitigation than that proposed by the Sessions Judge in this Case may with propriety be allowed, and they resolve to direct that the sentence now recorded against the prisoners be mitigated to eight years imprisonment with hard labor in irons.

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

3 The Court of Foujdaree Udalut observe that the fact of an offence being unattended with aggravating circumstances need not be stated in the heading affixed to the statement of charge, as is observed to have been done in the Calendar of the Case under notice.

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

(Sent in No.) of

Eyre
E.P.

F. Ud

Thursday 1st September 1853.

At a Court of the Foujdaree Udalut

Present

G. L. Cooper Esqre.
W. A. Morehead Esqre.
T. L. Strange Esqre.

} Puisne Judges.

Read letter dated the 22d Ultimo from the Agent to the Governor of Fort St. George at Vizagapatam submitting for the final orders of the Foujdaree Udalut a report on the trial of Case No. 20 of 1853 on the file of his Court.—

(Vide entry F. Ud. No. 1936 of 1853.)

Mr. W. A. Morehead.

1. Three Prisoners were tried in this Case the 1st being charged with housebreaking and theft of property valued at Rupees 170 and the 2d and 3d with having received and concealed a part thereof with a guilty Knowledge.—

2. The Agent being of opinion that the evidence against the 1st prisoner is sufficient to establish his guilt, recommends that he be

sentenced

1st September 1853. sentenced to imprisonment with hard labor in irons under the provisions of Section XXI Regulation VII of 1802.-

3. The Agent reports having released the 2nd and 3d prisoners there being no proof against them.-

4. The Court of Foujdaree Udalut concur with the Agent in the conviction of the prisoner.-

1st "Kukoolah Potayah"

and resolve in accordance with the recommendation of that Officer, and under the provisions of the Regulation cited, to sentence him to imprisonment with hard labor in irons for and during the period of (2) two years.-

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

(Sent in No.)

Read letter dated 18th August 1853 from the Session Judge of Chittoor.-

(Here enter F. M. No. 1849 of 1853)

1. In the above letter, the Session Judge recommends that the Convict Mootyaul Naidoo be sent to Bellary instead of to Cuddapah whithere

desperate

1st September 1853. forgery was not cognizable by the magistracy be-

1st Petn

[illegible] to have been forged

[illegible] by a Court of compe-

of to Salem whence he was originally transferred

2. The Court of Foujdaree Udalut resolve to sanction the alteration in the destination of the above Convicts as proposed by the Session Judge.-

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

(Sent in No. Petitioner for his

Read Calendy 53

-warded by the Court of C.

Mahomed (Here enter Read Miscellaneous Petition for-

the Session Judge of Tinnevelly from

Mr. T. L. Strange. 1. n that a Barber of that Zillah.-

of the hard (Here enter F. M. P. No. 914 of 1853.)

This is an application to the Court

up the of Foujdaree Udalut to revise the sentence passed

upon Petitioner's Son in Case No. 4 on the file of

the Session Court of Tinnevelly.-

Judge. The Court of Foujdaree Udalut

2. have already disposed of this case in their order upon

C. Miscella-

1st September 1853. sentenced to imprisonment with hard labor in irons under the provisions of Section XXI Regulation VIII of 1802.-

3. The Agent reports having released the 2nd and 3rd prisoners there being no proof against them.-

4. The Court of Foujdaree Udalut concur with the Agent in the conviction of the prisoner-

1st "Aukoolah Potayah"

and resolve in accordance with the recommendation of that Officer, and under the provisions of the Regulation cited, to sentence him to imprisonment with hard irons for and during the period of (2) two years.-

Mr. T.L. Strange. 1. Ordered that Extract from these proceedings be sent to the Agent to the Governor of Fort St. George. against the acquittal of a prisoner charged with Agastyapalam for his information on the file of the Session Calendar of Case No. 24 of 1853 prays the Court of Foujdaree forwarded by the Court of Cuddalore.- punishment of the prisoner and Mahomed Ibrahim Sahib No. 1827 of 1853. of the sum of Rupees 110 deposited thereon.- Vellore on account of the said bond. 849 of 1853.)

2. The Court of Foujdaree Udalut are of opinion that a sentence of Eight years imprisonment with hard labor in irons will be adequate punishment for the offence of which the Prisoner in this case has been convicted, and they resolve to call upon the Session Judge to pronounce his sentence accordingly.-

If unable to concur with the Court in the propriety of the mitigated sentence now recorded their views upon this case by the Convict Moottyaul Naidoo - ings of the 11th July observing that to Cuddapah whither desperate

1st September 1853. desperate associate of his is already located and that the Convict Curpun be sent to Nellore instead of to Salem whence he was originally transferred.-

2. The Court of Foujdaree Udalut resolve to sanction the alteration in the distination of the above Convicts as proposed by the Session Judge.-

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

(Sent in No. Petitioner on his

1st. Sept

1st. September 1853. Miscellaneous Petition No. 69 of 1853 dated the 17th June 1853; Petitioner is refused to that order which is to be considered final.—

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

Read Miscellaneous Petition

Mr. T. L. Strange. 1.

against the acquittal
of a prisoner charged
on the file of the Session (
prays the Court of Tovdaree dated 18th August 1853
punishment of the prisoner and
of the sum of Rupees 10 deposited
Vellore on account of the said bond-

2.

The Court of
recorded their views upon this
-ings of the 11th July observing tha

Mr. T. L. Strange

1st. September 1853. forgery was not cognizable by the magistracy be-
-cause the document alleged to have been forged
had been accepted as genuine by a Court of compe-
-tent jurisdiction. They also observed that the evidence
to the forgery was not such as to have warranted
the committal of the case.—

3. Under these circumstances the
Court see no ground for complying with the prayer
of the petitioner which they accordingly reject.—

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

Read Calendar of Case No. 24 of 1853
of the Session Court of Cuddalore.—

(Fire enter T. C. No. 1827 of 1853.—

1. The Court of Tovdaree Udalut are of
opinion that a sentence of Eight years imprisonment
with hard labor in irons will be adequate punishment
for the offence of which the Prisoner in this case has
been convicted, and they resolve to call upon the Session
Judge to pronce his sentence accordingly.—

2. If unable to concur with the
Court in the propriety of the mitigated sentence

now

1st September 1853.

now proposed, the Sessions 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 sent to the Acting Sessions Judge of Cuddalore for his information and guidance.—

(Sent in No.)

Read Calendar of Case No 39 of 1853 Submitted by the Sessions Judge of Calicut under date the 17th Ultimo,

/Here enter F. H. No 1893 of 1853./

Before passing final orders on the foregoing Case the Court of Foujdaree Adalut resolve to call upon the Sessions Judge to submit an English translation of the entire record for their consideration.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Calicut by precept returnable in X days from and after its receipt/

4th Short

/Sent following Precpt No /

F. H.

Friday,
2d September, 1853. At a Court of the Foujdaree Adalut.

Present.

Hon'ble — G. S. Hooper Esquire —
Hon'ble — W. A. Morehead Esquire — } Puisne Judges.
Hon'ble — T. L. Strange Esquire —

Circular Order No 199.

It having been brought to the notice of the Court of Foujdaree Adalut that the rule laid down in their Circular order of the 6th January 1847 revoking their Circular Orders of the 21st October 1830 and 28th September 1836 and directing that in future all sentences of corporal punishment passed by the Sessions Courts and by the Subordinate Criminal Courts should be carried into effect without awaiting the orders of the Foujdaree Adalut on perusal of the Calendars or Report of the case has been considered to authorize the Subordinate Criminal Judges and Principal Sudder Ameens as well as the Officers of the Magistracy when exercising the extended power vested in them by Section LIV Act VII of 1843 in carrying out such Sentences without awaiting the order of the Sessions Court on revisal of the report of the case, the Court of Foujdaree

Adalut

Coalut deem it proper to direct that Sentence of corporal punishment passed by a Subordinate Criminal Judge Principal Sudder Ameen or Magistrate under the provisions of Regulation VII of 1822 VII of 1827 & Section VII Regulation X of 1816 in no case be carried out until the Sentence shall have been approved by the Sessions Judge; the execution of such Sentences previous to the review of the case by the Sessions Court being calculated to render nugatory those powers of Supervision over the proceedings of the Subordinate Courts and Magistracy which have been vested in the Sessions Judge.-

It will be the duty of the Sessions Judges to give immediate attention to all such cases in order to obviate any unnecessary delay in the execution of the Sentences of the lower tribunals.-

Sent in No 11

Read Calendar of cases No 37 of 1853 of the Sessions Court of Calicut.-

(Here Enter F.R. No 1825 of 1853)

The Court of Foujdaree Coalut 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 be

1. Kalingut Ramalinga Moiden

on his conviction of Gang Robbery with violence, receiving stolen property, and being in possession of such with a guilty knowledge, be reduced to 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 Calicut for his information.-

Sent in No

Read petition forwarded by the Session Judge of Tinnevelly from Maruthanen Thauthen, on behalf of Perumaul prisoner in case No 5 on the file of the Session Court of Tinnevelly.-

(Here Enter F. No 1000 of 1853)

Mr P.S. Hooper.

This is an application to reverse the Sentence passed upon petitioner's son by the Session Court of Tinnevelly in the above case on a charge of wounding with intent to inflict grievous bodily harm.

The Court of Foujdaree Coalut 2.

see no reason to question the propriety of the Sentence passed in the above case, and resolve to reject this Petition, which contains several Mis-statements or material points.

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

2d September 1853

of Tinnevelly for communication to Petitioner
Sent in No.

Read Calendar of case No 58 of 1853
Submitted by the Session Judge of Bellary, under
date the 19th August 1853.-

(Here Enter F R No 1922 of 1853.)

Read Calendar of case No 59 of 1853
Submitted by the Session Judge of Bellary under
date the 20th August 1853.-

(Here Enter F R No 1923 of 1853)

Read Criminal Reports dated
31st July 1853, Submitted by the Session Judge
of Chicacole for the month of July 1853.-

(Here Enter F R No 1924 of 1853.)

Read Extract from the Proceedings of the Sessions Court of Calicut dated 21st
August 1853, held on review of the Magistrate's
Calendar for the 1st Quarter of 1853.-

(Here Enter F R No 1925 of 1853)

Read Criminal Reports dated
5th August 1853 Submitted by the Sessions
Judge of Honore, for the month of July 1853

(Here Enter F R No 1928 of 1853)

2d 18d.

Saturday,
3d September 1853. F. R.:

At a Court of the Foujdaree Adalut.
Present.

G.S.H. G. S. Hooper Esquire
W.A.M. W. A. Morehead Esquire Puisne Judges.
T.L.S. T. L. Strange Esquire.

Read letter dated 24th August
1853 from the Sessions Judge of Calicut
Submitting for the final Judgment of the
Foujdaree Adalut the Record of case No 169
1853 of the Calendar of the Sessions Court.

(Here Enter F R No 1965 of 1853)

The Court of Foujdaree Adalut
Mr G. S. Hooper.

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 Amoor Variatha Achooda Varier
2d Tatantodiga Revoony Tiroopaad
and
3d Kotatha Chectara Nair

is sufficient to convict them of the
crimes charged, do convict them thereof,
and under the provisions of Clauses
Third and Fifth Section IV Regulation XV
of 1803 and Section XXXIV Act VII of 1843,
Sentence

sentenced the prisoner,

1st Amoor Paria tha Achooda Pariah,

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (1½) four years, the prisoner,

3d Kotatha Chatara hair

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, and the prisoner,

2d Patan todiga Revoony Tiroopaad

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (8) eight

(Sent in No)

Read Criminal Reports for the month of July 1853 submitted by the Sessions Judge of Mangalore.-

(Here Enter F.R. No 1853 of 1853)

Nos 67, 72, 73. 1. The Sessions Judge has submitted the forms A of the cases noted in the margin apparently because he found it necessary to remark upon them. The Court of Foujdaree Udalut observe that a note of such observations should have been appended to form B and that the submission of form A was

unnecessary as the sentences passed were not interfered.

No 77. 2 In this case three prisoners were punished under clause first Section X Regulation XIII of 1832 for negligence in permitting the escape of a prisoner undertrial for forgery-

3. The Court of Foujdaree Udalut observe that the Regulation contemplates merely the punishment of peons who can from their fixed official portion be considered answerable for the escape of prisoners under their charge and that it will not apply to the 3d prisoner who was merely a batta peon- and they accordingly resolve to cancel the sentence passed upon him and to direct his release.-

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

(Sent following Precept No

Read Criminal Reports of the Magistracy submitted by the Sessions Judge of Calicut for the month of July 1853.

(Here Enter F.R. No 1892 of 1853)

No 1. In this case the Assistant Magistrate

3d 3rd September 1853

Magistrate sentenced the prisoner convicted of default to fine and imprisonment under section LIV Act VII of 1843 and further required him to find two securities in 20 Rupees each to keep the peace for six months under the provisions of section Regulation VI of 1827.-

2. The Sessions Judge being of opinion that it is not competent to the Magistracy exercising the powers vested in them by section LIV Act VII of 1843 to demand security under the provisions of section V Regulation VI of 1827, directed the requisition of security to be cancelled.

3. The Court of Tanjore Zillah are of opinion, that while section LIV Act VII of 1843 extended the powers of the Magistracy to cases previously beyond their jurisdiction, it deprived them of none of the powers which they previously possessed, and that it is quite competent to them on a consideration of the circumstances of a case to make a demand of security to keep the peace in addition to any punishment which they may have awarded for the specific offence charged.-

The

3d September 1853.

3d September 1853

[illegible] 1853.-

[illegible] thereforw of opinion that the sentence of the Assistant Magistrate in this case was quite regular.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Calicut for his information and for communication to the Magistracy.

Sent in No.

Read letter from the Sessions Judge of Cuddapah dated 6th August 1853.

(Here Enter Sl No 1876 of 1853)

1. With the above letter the Sessions Judge submits a translation of the police and Criminal Court record in Sessions case No 16 of 1853 with the explanation of the Subordinate Judge of his reasons for committing the prisoner, with reference to proceedings of Tanjore Zillah dated 13th July 1853.

2. The Court of Tanjore Zillah are of opinion that the explanation submitted by the Subordinate Judge is perfectly satisfactory and that he has quite relieved himself from the imputation of having unnecessarily committed the prisoner.

Ordered that Extract from these

these proceedings be sent to the Session Judge of Cuddapah for communication to the Subordinate Judge.

(Sent in ℔.

Read Calendar of case No 207 of the Session Court of Chittoor.

(Here Enter T R No 1917 of 1853)

The Court of Foujdaree Adawlut approve 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 suffer on conviction of the crime of Housebreaking by night and attempt at Theft be reduced to two years imprisonment with hard labour in irons, and they do authorize the Session Judge to issue his warrant accordingly.

Cuddapah.

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

(Sent in ℔.

Read Calendar of case No 60 of 1853 submitted by the Session Judge of Bellary under date the 23d August 1853.-

(Here Enter T R No 1929 of 1853)

Read Convict labour Report dated 25th August 1853 submitted by the Sessions Judge of Combaconum for the month

of July 1853.-

(Here Enter T R No 1937 of 1853)

Read Calendar of case No 14 of 1853 submitted by the Sessions Judge of Mangalore under date the 24th August 1853.-

(Here Enter T R No 1945 of 1853)

Read Calendar of case No 230 of 1853 submitted by the Sessions Judge of Cuddapah under date the 27th August 1853.-

(Here Enter T R No 1952 of 1853)

Read letter dated 16th August 1853 from the Secretary to Government in the Judicial Department forwarding Extracts from 2 Returns received from the Commissioner of T. and M. Provinces of Madras Convicts from 1st May 1852 to 30th April 1853.-

(Here Enter T R No 1953 of 1853).

Read letter dated 23d August 1853 from the Agent to the Governor in Ganjam, transmitting an Extract from the Proceedings of his Court for the information of the Court of Foujdaree Adawlut.-

(Here Enter T R No 1955 of 1853)

Read return dated 24th August 1853 from the Agent to the Governor of Fort St George Vizagapatam to the Precept of

3d September 1853

of the Foujdaree Udalut under date the 8th Augt 1853 states that although the offence charged in case No 91 of 1853 therein adverted to was "severe assault," the evidence shewed that the assault was not of the description charged as a common assault.—

(Here Enter F A No 1956 of 1853)

Ex Proc W

F. Ud.

Monday 5th September 1853.

At a Court of the Foujdaree Udalut.

Present

Mr. G. S. Hooper Esquire
Mr. W. A. Morehead Esquire
Mr. T. L. Strange Esquire
} Puisne Judges

Read Petition presented on the 15th July 1853 by Abdoola Sahib of the zillah of Chittoor.—

(Here Enter F. Mc. P. No. 101 of 1853)

Petitioner complains that the Co-

Mr. G. S. Hooper 1

Police and Magistracy of the zillah of Chittoor have not noticed his complaint of the carrying off of his jewels during his absence at Madras and prays that they may be ordered to do so.—

Petitioner has produced no order either

2

of the Sessions Judge or of the Magistracy and the Court of Foujdaree Udalut reject this petition which appears to have reference to some Civil matter probably arising out of a family dispute.

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

Read Miscellaneous Petition Co-

presented

presented on the 4th Ultimo by Cuddapah Moodeliar of Zillah Chingleput.

(Here Enter F. M. No 113 of 1853)

Mr W. A. Morehead and Mr T. L. Strange.

The Petitioner is referred to the former orders passed in the matter to which the Petition relates and which, he is informed, are final.

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

Read letter dated the 29th Ultimo from the Sessions Judge of Cuddapah submitting for the final Judgment of the Court of Foujdaree Udalut the Record of Case No 11 of 1853 of the Calendar of the Sessions Court

(Here Enter F. C. No 1977 of 1853)

Mr W. A. Morehead and Mr T. L. Strange

The Court of Foujdaree Udalut having taken a deliberate consideration of all the circumstances of the Case in evidence before them being of opinion that the proof against the prisoner

"B. Baulesgadoo"

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.

(Sentence to

Read letter dated the 27th Ultimo from Sessions Judge of Tinnevelly forwarding Copy of the Proceedings held on review of the Monthly Reports of the Native Police Officers for the 2nd half year of 1852.

(Here Enter F. C. No 1969 of 1853)

Read Calendar of Case No 25 of 1853, submitted by the Sessions Judge of Tinnevelly dated the 25th Ultimo.

(Here Enter F. C. No 1970 of 1853)

Read Calendar of Case No 27 of 1853 submitted by the Sessions Judge of Tinnevelly 25th Ultimo.

(Here Enter F. C. No 1971 of 1853)

Read Criminal Report dated the 1st Ultimo submitted by the Sessions Judge of Tinnevelly for the Month of July 1853.

(Here Enter F. C. No 1972 of 1853)

Read Criminal Reports dated the 25th Ultimo submitted by the Acting Sessions Judge of Masulipatam for the month of July 1853.

(Here Enter F. C. No 1982 of 1853)

Read Calendar of Case No 32 of 1853 submitted by Acting Sessions Judge of

5th September 1853.

of Masulipatam dated the 24th Ultimo.

(Here Enter F.C. No 1985 of 1853)

Read Convict Labor Report dated the 1st Ultimo submitted by the Sessions Judge of Salem of the Jail and charge of the Magistrate of that Zillah for the Month of July 1853.

(Here Enter F.C. No 1985 of 1853)

Read Calendar of Cases XL of 1853 submitted by the Sessions Judge of Calicut dated the 30th Ultimo.

(Here Enter F.C. No 1991 of 1853)

Read Calendar of Case No of 1853 submitted by the Sessions Judge of Coimbatore dated 6th Ultimo.

(Here Enter F.C. No 1992 of 1853)

Read Calendar of Case No of 1853 submitted by the Sessions Judge of Nellore under date the 2nd Instant.

(Here Enter F.C. No 1999 of 1853)

Ex [illegible]

F.C.

Tuesday 6th September 1853

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esquire
W. M. Morshead Esquire
J. L. Strange Esquire
} Puisne Judges

Read Calendar of petty Cases submitted by the Sessions Judge of Madura, for the 2nd Quarter of 1853.

(Here Enter F.C. No 1901 of 1853)

In these Cases it appears to the Court of Foujdaree Udalut that no substantive offences have been alleged, and they resolve to direct the remission of the fines imposed.

No 13 2

In this Case the prisoner was punished with a fine of 2 rupees, for placing straw in the garden of complainant, with the intention of annoying him, and contrary to the Police Ameens Order.

The Court of Foujdaree Udalut

3. resolve to direct the Sessions Judge to call upon the Magistrate for information, as to whether trespass was involved in the offence

F.C.

Wednesday
7th September 1853 } At a Court of the Foujdaree Adalut

Present

Gl. Pt. G. S. Hooper Esquire
W. M. H. A. Morehead Esquire } Puisne Judges
Ad. T. L. Strange Esquire.

Read Calendars of forty cases dis-
-posed of by the Magistracy of Canara during the
1st Quarter of 1853.—

(Here enter F.C. No. 1682 of 1853)

The Court of Foujdaree Adalut
1. observe that these Calendars exhibit the same want
of detail in the indictments and omission of
the grounds of conviction as was commented on
by the Court of Foujdaree Adalut in their proceedings
of the 12th July last on review of the Calendars
submitted by the Magistracy of Canara through
the Sessions Court of Mangalore for the last
quarter of 1852.—

In these proceedings it was remarked
2. that the Calendars should invariably set
forth the time and place and manner of
the Commission of the offence charged so far
as they may have been ascertained and

that

6th September 1853

Offence here charged or not, and they do that in the latter case, the fine imposed may be remitted.-

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

/Sent following Precept No /

Read Calendar of Cases No. XIV, on the file of the Sessions Court of Tellicherry.-

/Here Enter F. C. No. 1946 of 1853/

The Court of Fouzdaree Adawlut seeing reason to question the propriety of the conviction of the prisoner in the above case, resolves to direct that a translation of the record be submitted for their judgment.-

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

/Sent following Precept No /

Read

6th September 1853.

Read return dated the 29th Ultimo from the Acting Sessions Judge of Masulipatam, to the precept of the Fouzdaree Adawlut under date the 19th Idem, containing their remarks upon case No. 23 of 1853 Sessions Courts file, in the Criminal Reports for the month of April 1853.-

/Here Enter F. C. No. 1997 of 1853/

Read letter dated 1st Instant from the Sessions Judge of Cuddapah, reporting the execution of the Prisoner P. Veerachennoogadoo in Case No. 70 of the Calendar of 1852.-

/Here Enter F. C. No. 1998 of 1853/

L. R. D.

F. C.

Wednesday
7th September 1853 } At a Court of the Foujdaree Adalut

Present

Present — G. S. Hooper Esquire
W. H. — W. A. Morehead Esquire } Puisne Judges
Vel. — T. L. Strange Esquire

Read Calendars of petty cases dis-
-posed of by the Magistracy of Canara during the
1st Quarter of 1853. —

/Here enter F. C. No. 1682 of 1853/

1. The Court of Foujdaree Adalut
observe that these Calendars exhibit the same want
of detail in the indictments and omission of
the grounds of conviction as was commented on
by the Court of Foujdaree Adalut in their proceedings
of the 12th July last on review of the Calendars
submitted by the Magistracy of Canara through
the Sessions Court of Mangalore for the last
quarter of 1852. —

2. In these proceedings it was remarked
that the Calendars should invariably set
forth the time and place and manner of
the Commission of the offence charged so far
as they may have been ascertained and

that

that they should likewise contain a brief abstract of the evidence adduced.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Hooghly for Communication to the Magistrate of Canara.

/Sent in./

Read letter under date the 23d August 1853 from the Magistrate of Chinglepute

/Here enter F.C. No. 1926 of 1853/

With the foregoing letter the Magistrate of Chinglepute has forwarded a correspondence which has passed between himself and the Military Police authorities at Saint Thomas' Mount, in regard to the disposal by Lieutenant Smith the Superintendant of Police and Joint Magistrate at the Mount, of certain cases of Assault which are stated to have occurred beyond the limits of the Mount Cantonment but within the radius of 4 Miles from the main Guard, which, under the provisions of Section XXXVIII Regulation VII of 1832, has been fixed by Government as the limit of the jurisdiction of the Superintendent of Police in cases punishable under Section XVI of the Law Regulations.

The

2. The question at issue between the Magistrate and the Military authorities at the Mount appears to be, whether it is competent to the Staff Officer to adjudicate on offences committed beyond the limits of the Cantonment, but within the radius of 4 Miles from the main Guard, other than those specified in Section XVI of the Regulation above quoted. The Magistrate asserts that the jurisdiction of the Staff officer beyond the limits of the Cantonment is confined to cases of breach of the Abkaree Laws. The Military authorities on the other hand contend that all offences committed within the radius of 4 miles from the Main Guard are Cognizable by the Joint Magistrate, and urge the inconveniences that would result from the opposite Construction whereby in the case of an Assault being committed in a breach of the Abkaree Laws, the Original offence would be tried at the Mount and the Assault which followed it by the Magisterial Authorities of Chinglepute.

3. The Court of Foujdaree Adalut are of opinion that the provisions of the Law as bearing upon the case have been correctly

Construed

constructed by the Magistrate, and that the Staff Officer at the Mount Can only exercise a Magisterial Jurisdiction within the limits of the Military Bazar Station, and that in the further limits fixed in accordance with Section XXXVIII Regulation XII of 1827 he can only act in his Capacity of Superintendent of Police under the powers vested in him by Section XLIV. V. VI of the Same enactment, whereby he is authorized to furnish the illicit sale of Spirituous liquors or intoxicating drugs, and to grant passes for the protection of such liquors and drugs as are brought into the Cantonment under a pass from the proper authority. In no other cases can he interfere either in his Capacity of Superintendant of Police or of Joint Magistrate beyond the limits of the Military Bazar.

Ordered that Extract from these proceedings be forwarded to the Magistrate of Chingleput for his information and for Communication to the Joint Magistrate.

/Sent in &c

Read letter dated dated 30th August 1853 from the Sessions Judge of Gantoor Submitting for the final Judgment of the

Foujdaree Adalut the record of Case No. 7 of 1853 on the Calendar of the Session Court.

(Here enter F.D. No. 1987 of 1853)

Mr. H. 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

"Mohomed Khassim"

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 &c

&c &c &c

T. Vo.

Thursday 8th September 1833 } At a Court of the Tongdaree Udalut.

Present

G.H.R. — G. S. Hooper Esqr. ..... } Puisne Judges
W. B. Morehead Esqr. .....
H. T. L. Strange Esqr. .....

Read letter dated 30th August
1833 from the Acting Sessions Judge of Masulipatam
submitting for the final Judgment of the
Tongdaree Udalut the record of Case No. 31 of 1833
of the Calendar of the Session Court—
(Here enter T. Vo. No. 20 of 1833.)

The Court of T. Tongdaree Udalut
Mr. H. L. Strange
on a deliberate Consideration of all the Circum-
stances of the case in evidence before them being
of opinion, that the proof against the prison
1st Syedanand Jimmiah
and
2d Cutcutala Subbareddy,
is sufficient to convict them of the crime of
Culpable Homicide, for which the penalty
of Death is awardable under the Mahomedan
Laws as declared in Sections of their Law Officers
do

N. 26.

Thursday
8th. September 1853 } At a Court of the Tanjaore Adalut.

Present

G.A.H — G. A. Hooper Esqr. ....
W.B. — W. B. Morehead Esqr. .... } Puisne Judges
H.T.L.S. — H. T. L. Strange Esqr. ....

Read letter dated 30th. August
1853 from the Acting Sessions Judge of Masulipatam
submitting for the final Judgment of the
Tanjaore Adalut the record of Case No. 31 of 1853
of the Calendar of the Session Court —
(Interpreter No. Com. No. 2044 of 1853.)

The Court of Tanjaore Adalut
Mr. T. L. Strange

on a deliberate Consideration of all the Circum-
stances of the case in evidence before them being
of opinion, that the proof against the prison
1st. Syedamorale Simmiah
and
2d. Balasetah Subbiserbiah
is sufficient to convict them of the crime of
Culpable Homicide, for which the penalty
of Deyat is awardable under the Mahomedan
Law as declared in Futwas of their Law Officer

to convict them severally thereof and under the provisions of Clause Second Section XV Regulation VII of 1802 and Section XXXIV Act VII of 1837 sentence them to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (5) five years.

1 The Prisoners were charged before the Sessions Court of Masulipatam with having, at 5 A. M. of 9th April 1853 in company with others not in custody assaulted one Veerareddy and inflicted upon him injuries from the effect of which he died.

2 They were further charged with having at the same time and place assaulted and maltreated the 2d prosecutor and one Gana pennanna (1st Witness) by beating them with sticks.

3 They were further charged having at the same time and place robbed the 2d Prosecutor and the 1st and 3d witnesses of cloths valued at Rupees 2 4a

4 It appeared from the evidence that on the night of the 8th April the deceased the 2d prosecutor, and the 1st 2d and 3d witnesses slept in their cholum fields for the purpose

8th September 1853.

of watching their crops, that in the morning at the hour stated in the charge, the assault and abstraction of property were committed by the prisoners and that the 2d prosecutor and 1st 2d and 3d witnesses immediately made a report to the Zemindar and the Curnum which led to the apprehension of the prisoners by the Sub — Police officer who held an enquiry on the 12th of April in which the witnesses as in their first statement deposed to the identity of the prisoners as the persons who committed the assault.

The death of deceased on the

5 same day from the effect of the injuries inflicted and a dying declaration of his, criminating all the prisoners, were deposed to before the police by the 1st prosecutor.

Before the Sessions Court

6 all the witnesses adhered substantially to their original declarations and all deposed to the presence of the three prisoners among those engaged in the assault.

The Mahomedan Law Officer

7 acquitted the prisoners on the ground of discrepancies

discrepancies in the testimony of the several witnesses, as to the exact part taken by a specific prisoner in the assault charged.

8 Unable to concur in the law officer's finding, the Acting Sessions Judge referred the trial for the judgment of the Foujdaree Udalut, observing that the whole account given by the witnesses from the beginning was substantially consistent that he saw no reason for doubting the actual presence of all the prisoners at the assault and their complicity in it, and that in an affray such as that which took place, it would be unreasonable to expect that witnesses would be able to describe minutely the specific acts of each against, although their testimony as to the presence of the prisoners might be unimpeachable. He considered the discrepancies adverted to by the Law Officer quite insufficient to raise any doubt as to the guilt of the prisoners, and recommended that they should be sentenced to 5 years imprisonment with hard labour in

9 The Court of Foujdaree Udalut agreed with the Sessions Judge in considering the evidence sufficient for the prisoners' conviction of the assault, but not of the robbery, it not appearing that the abstraction of the property, which was of trifling value was committed with any worse purpose than that of giving annoyance, and concurred in that Officer's opinion that the discrepancies adverted to by the Law Officer were not such as to destroy the substantial value of the evidence - but considered the punishment recommended by the Sessions Judge insufficient under the circumstances of the case, sentenced the prisoners to 5 years imprisonment with hard labor in irons.

The Court of Foujdaree

10 Udalut have to point out to the Acting Sessions Judge that he erred in examining prosecutor's Vakeel as a witness, because he was able to depose only to mere hearsay, and that he also erred in failing to

to examine the 1st Prosecutor who had material evidence to afford.

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

(Sent in No)

Read Criminal reports submitted by the Acting Sessions Judge of Cuddalore for the Month of July 1853.

(Vide entry P. 26 No 1875 of 1853)

Case No 58 1 The Prisoner in this case was charged with having stolen 23 head of Cattle valued at Rupees 73 - 0 - and on Conviction has been sentenced to one year's imprisonment with hard labor in irons.

2 This sentence appears to the Court of Foujdaree Adalut too lenient for so extensive a theft as that of which the prisoner has been convicted.

Case No 61 3 In this case the prisoner was charged with snatching in having taken the Prosecutrix into a godown in an unoccupied Bungalow, given her two or three blows

blows with his hands, and taken off from her person a pair of gold earrings valued at Rupees 10 - 8 - while she was running out of the godown.

He has been sentenced on 4 Conviction to six months imprisonment with hard labor in irons under the provisions of Section VII Regulation X of 1816.

The offence as stated in the 5 charge appears to amount to robbery by open violence, and the Court of Foujdaree Adalut resolve to direct that the Acting Sessions Judge will review the proceedings, whereupon, if he should concur in the above opinion as to the nature of the offence, it will be his duty to cancel the sentence and order the Commitment of the Case for trial before the Court of Sessions.

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

(Sent following Precept No)

Read.

Read Criminal Reports submitted by the Sessions Judge of Combaconum for the month of July 1853.

(Here enter S.R. No. 1873 of 1853)

Case No. 85.

1 The prisoner in this case was charged with an assault in having attempted to fasten a Talee, or matrimonial rope round the neck of the prosecutrix, and in so doing thrown her down, and on conviction was sentenced by the Subordinate Judge to one month's imprisonment with labor and to pay a fine of 6 Rupees commutable in default of payment to one month's additional Imprisonment.

2 The Court of Sujdaree Adalut direct that the Sessions Judge will review the proceedings in this Case which apparently might have been disposed of by the Head of Police, and seems to have been treated with unnecessary severity by the Subordinate Judge.

3 The Court are of opinion that the fine should be remitted.

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

Judge of Combaconum by precept returnable within 10 days from and after its receipt.

(Sent following Precept No.)

Read letter from the Agent to the Governor of Fort St. George at Vizagapatam submitting for the judgment of the Sujdaree Adalut abstract of the evidence in No. 21 of 1853 on the Agent's file.

(Here enter S.R. No. 1957 of 1853)

The prisoners (1st Dargala Yarakadoo, 2nd Yerdoo Ramooden, 3rd Pillah Moosalagadoo) were charged in the above case with having at 12 P.M. of the 28th July 1853 entered the house of the prosecutor and stolen therefrom various articles, the property of the prosecutor.

2 The 1st prisoner confessed the offence charged before the Police but retracted his confession before the Assistant Agent. The 2nd and 3rd prisoners denied the Commission of the crime throughout, and all pleaded not guilty before the Agent's Court.

3 The Prosecutor deposed that while outside watching his bullocks, he heard

heard the cries of his children within the house and upon going thither found the door removed and three bags of rice and the metal cup produced before the Court, and identified by him as his property missing from his house. He further stated that rousing the aid of the villagers he apprehended the 1st prisoner under a tamarind tree about 4 fathoms from his house and that the prisoner confessed having committed the robbery in company with the 2nd and 3rd prisoners, and that the 1st prisoner then pointed out two of the bags of rice which had been taken away near 3rd prisoner's house. He further deposed that the 2nd prisoner pointed out No 1 a bell metal cup and No 2 another bag of rice both identified by the prosecutor as part of his stolen property concealed in some paddy bunks outside the village. All the prisoners were alleged by him to have confessed the commission of the offence charged.

4 The Prosecutor's statement was confirmed by the evidence of the 3rd and 4th witnesses and the 6th and 7th proved the Confession of 1st prisoner before the Police and that it was

was voluntarily made.

The Agent Considering the offence

5 charged fully established against the 1st and 2nd prisoners recommended that — a — under Clause V Section II Regulation VII of 1822 the 1st should be sentenced to 3 months and the 2nd as an old offender under Section XXI Regulation VII of 1802, to 18 months imprisonment with hard labour in irons.

Not Considering the evidence

6 sufficient for the conviction of the 3rd prisoner the Agent required him to produce security for good conduct for three months in the sum of ten Rupees, and sentenced him in default to be imprisoned for that period.

The Court of Fouzdaree Adalut

7 Concur with the Agent in convicting the 1st and 2nd prisoners and resolve to sentence the 1st to seven months imprisonment, and the second to one years imprisonment with hard labor in irons.

The Court of Fouzdaree Adalut

8 have to point out to the Agent that as the 2nd prisoner had previously been convicted of simple

simple theft only, and not of a heinous offence it was competent to the Assistant Agent to dispose of the whole case.

1 The Court of Tanjore Udalaks see nothing in the circumstances of the case to justify the requisition of security from the 3d prisoner and they therefore cancel the order calling upon him for it.

Ordered that Extract from these Proceedings be sent to the Agent to the Governor of Fort St. George at Vizagapatam for his information and for Communication to the Assistant Agent.

(Sent in No)

Read the Criminal Reports submitted by the Sessions Judge of Salem for the month of July 1853.

(Here enter F. Vo. No 1884 of 1853)

Case No 97

Adverting to the manner in which the prisoner in this Case is stated to have effected his entry into the prosecutors house, viz. by opening a Tatty which was shut, the Court of Tanjore Udalaks observe that the offence charged amounted to house breaking and should have been punished by

by a more severe sentence than that of one months imprisonment to which the prisoner has been adjudged.

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

(Sent in No)

Read Extract from the proceedings of the Sessions Court of Trichinopoly under date the 17th August 1853 submitted by the Sessions Judge in his letter of the same date.

(Here enter F. Vo. No 1886 of 1853)

The Sessions Judge in the

1 above proceedings directed the Cancellation of the security bonds, if security had been taken from prisoners 2d and 3d in Cases 31 and 32 or their release if confined in default, because the only evidence against them was their crimination by the prisoner.

The Court of Tanjore Udalaks

2 approve of the order passed by the Sessions Judge under the circumstances represented.

Ordered

8th September 1833.

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

(Sent in No)

Read Criminal report No 3 submitted by the Sessions Judge of Mangalore for the Month of July 1833.

(Here enter F. Cs. No 1940 of 1833)

1 In this case the Prisoner convicted of stealing Rupees 15- 4 from a box belonging to the prosecutor was sentenced to 6 months' imprisonment R.

2 The Charge should have contained a specific mention of the place of deposit of the box and the position of the prisoner relatively to the prosecutor.

3 As the Charge is framed the sentence appears to the Court of Sunjdaree Udalut a severe one, and they resolve to request the Sessions Judge to call for the proceedings and to review the case.

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

Judge of Mangalore by Precept returnable within x days from and after its receipt.

(Sent following Precept No)

Read Calendar of Cases No 29 of 1853 of the Sessions Court of Madura.

(Here enter F. Cs No 1958 of 1853)

The Court of Sunjdaree 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 her Conviction of the crime of theft and possessing stolen property be reduced to three years imprisonment with labor suitable to her sex and they do authorize the Sessions Judge to issue his warrant accordingly.

2nd Rambooger

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

(Sent in No)

Read Calendar of Case No 30 on the file of the Sessions Court of Madura

(Here enter F. Cs. No 1939 of 1833)

In this case the prisoner having

kicking at a woman struck a child in her arms and killed it. He was convicted of Culpable homicide and sentenced by the Sessions Judge to two months imprisonment in labor without irons.—

2 The grounds stated by the Sessions Judge for passing so lenient a sentence are that the blow was struck at the woman under the feelings of irritation natural to a Creditor who witnesses a debtor in the very act of fraudulently removing his goods and that there was on the latter absence of intentionality so far as the fatal effect was concerned.

3 The Court of Foujdaree Adalut are of opinion that the sentence passed by the Sessions Judge is most inadequate considering the violence of the assault and it's fatal termination

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

(Sent in No)

Read

Read Calendar of Cases No 167 of 1853 of the Sessions Court of Bellary.

(Here enter F. C. No 969 of 1853)

The Court of Foujdaree Adalut

1st Bodenaik alias Naugenak. 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 be reduced to three 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 Bellary for his information.

(Sent in No)

Read miscellaneous petition presented on the 1st August 1853 by Gopala Kristniah of the village of Chingleput..

(Here enter F. M. P. No 112 of 1853)

Petitioner complains that Convicted Mr. Hooper 1. of assault upon false and inconsistent evidence he was fined by the Tahsildar to annas, and that the Sessions Judge refused to remit the fine on appeal, and he requests the Court of Foujdaree Adalut

Udalut to order the remission

2 Without the production of the order of the Sessions Judge against which petitioner complains the Court of Foujdaree Udalut are unable to interfere. —

3 The other matters entered in the petition are not of a nature to call for any orders from the Court of Foujdaree Udalut

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

Read petition presented by Sorbee Nursee and others of the District of Mysore.

(Here enter F. Mc. P. No 118 of 1853)

1. Petitioners complain that their relatives have been unjustly sentenced on a charge of murder by the Criminal Courts in Mysore and pray for the interposition of the Court of Foujdaree Udalut —

2 As the Court of Foujdaree Udalut have no jurisdiction in this matter they are unable to interfere. —

Ordered that Extract from these

these Proceedings be granted to the Petitioner on his application. — ✓

Ent.
E.F.

Read Miscellaneous Petition presented on the 8th August 1853 by Paravooram Gramany of the zillah of Chingleput.

(Here enter S. & F. M. P. No 111 of 1853)

Petitioner complains that he

1 was unlawfully ejected from lands which he occupied on Cowle and that the Magistrate of Chingleput and the Sessions Judge the latter by order dated the 15th June 1853 upon his application refused him redress. —

The Court of Foujdaree Udalut

2 observe that Petitioner's own representation does not make out such a case of forcible dispossession as to have called for the interference of the Magistracy. It would appear that the Zemindar ousted Petitioner in consequence of the non payment of his Kist. Should he have done so wrongfully Petitioner must seek redress in a Civil action.

Seeing no ground for their interference the Court of Foujdaree Udalut reject this petition.

Ordered

8th September 1853

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

F. U.

Friday 9th September 1853 } At a Court of the Foujdaree Udalut.

Present.

G. S. Cooper Esquire
W. A. Morhead Esquire } Puisne Judges.
T. L. Strange Esquire

Read Calendar of Case No. 57 of 1853 on the file of the Session Court of Masulipatam.-

Here enter F. U. No. 1920 of 1853.-

The Court of Foujdaree Udalut resolve to intimate to the Acting Session Judge that under the provisions of Section XXXII Act VII of 1843 it is unnecessary for the assessors to record their opinions at length as has been done in the Case under review.-

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

(Sent in No.)

F. Uc.

Saturdays. At a Court of the Foujdaree Udalut.

10th " September 1853. Present

G. L. Cooper Esqre.
W. A. Morehead Esqre. } Puisne Judges.
T. L. Strange Esqre.

Read again letters under dates the 12th and 29th July 1853 from the Sessions Judge of Honore.-

(Here enter F. Uc. Nos. 1647 & 1781 of 1853.)

Read also return under date the 13th August 1853 from the Sessions Judge of Honore to the precept of the Foujdaree Udalut dated the 5th August 1853, directing the Session Judge to recall the Orders issued by him in the Case adverted to in the foregoing letters, and to refer the complainant to a Civil Suit.-

(Here Enter F. Uc. No. 1899 of 1853.)

Read also letters under dates the

5th

10th September 1853. 5th and 18th August 1853, from the Session Judge of Tho

(Here Enter F. Dc. Nos 1830 & 1931 of 1853.)

The Court of Foujdaree Udalut in nothing in the Session Judge's return or his subsequent letters which would lead them to question the correctness of the Orders passed by them on the 5th ultimo in the matter referred to, and which they accordingly direct may be carried out.-

Ordered that Extract from these Proceedings be sent to the Session Judge of Honore for his information and guidance by precpt returnable within 11 days from and after its receipt.-

(Sent following precpt No)

Read letter under date the 29th August 1853 from the Session Judge of Mangalore forwarding English Translation of the record of Case No. 12 of 1853 on the Calendar of the Session Court, for the final Judgment of the Court of Foujdaree Udalut.-

(Here enter F. Dc. No. 1988 of 1853)

Mr. J. Hooper

The Court of Foujdaree Udalut on a deliberate consideration of the all circumstances of the Case in evidence before them being of opinion that the Prisoner,

1 Billa

10th September 1853.

"Billa Dooma."

is not convicted on presumptive proof or on the evidence of creditable 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)

Extract

Read Calendar of Case No. 28 of 1853 on the file of the Session Court of Trichinopoly

(Here enter F. Dc. No. 1932 of 1853)

In this case the prisoner, charged

1. with gang robbery, and torture, was unconditionally acquitted by the Session Judge in concurrence with his Mahomedan Law Officer.

The evidence against the prisoner

2. is stated to have consisted only of his full confession before the police, and his alleged apprehension while running away from the prosecutor's house with stolen property upon him.

The Session Judge appears to have

3. acquitted him on the ground of the discrepancies of the witnesses' statements before the Talook and the Court, as to the distance of the place of his apprehension from the house of the Prosecutor, and as to their mode of following him, whether with or without a lantern, and also on the ground that

that the Prosecutor had not written out the list of the stolen property until after the prisoner's appre-hension.

4. The Court of Fouzdaree Udalut observe that the discrepancies here adverted to appear of very small importance, and quite insufficient to outweigh the fact of the Prisoners capture on the very night of the robbery, in possession of property which two witnesses have deposed to be that of the prosecutor. It may also be observed that the very fact of such capture, when running away at that hour, and in possession of articles such as those described, would be sufficient to create a strong suspicion of his having been engaged in some illegal act.

5. The Court of Fouzdaree Udalut are also unable to understand the stress laid by the Session Judge upon the fact that the list of stolen property was not made out by the prose-cutor until after the prisoner's capture. As he was seized almost immediately upon the occur-rence of the robbery, it is difficult to understand how a list could have been previously prepared even if the state of alarm and confusion into which the prosecutor had been thrown had enabled him to set about the task immediately

The

10th September 1853.

6. The Court of Fouzdaree Udalut resolve to call upon the Session Judge to state whether he discredited the evidence as to the prisoner's capture with stolen property in his possession, and if so, to furnish them with his reason for so doing. If he discredited the evidence as to the capture at the time and place alleged, he will also state whether he dis-believed the evidence as to the identity of the property, and as to its having been found in the prisoner's possession.

The Court further require that the

7. nature of the prisoners defence should be made known to them.

The Court of Fouzdaree Udalut

8. deem it necessary to call for explanation on the foregoing points, because the Calendar under review would lead to a conclusion on the merits of the case diametrically opposed to that arrived at by the Session Judge.

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

Sent in Ms.

Read letter dated 5th September 1853 from the Session Judge of Salem submitting the trial No 29 for the final judgment of the

Fouzdaree

10 10th September 1853.

Foujdaree Udalut.

Here enter F. U. No. 2029 of 1853.

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,

"Odda Veeracegan"

Mr. J. L. Strange. is sufficient to convict him of the crime of Highway Robbery do convict him thereof and under the provisions of Clause third Section IV 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 (14) fourteen years

4th Nov.

Sentence No.

F. U.

Monday.
12th September 1853. At a Court of the Foujdaree Udalut.

Present.

G. L. Cooper Esquire
W. A. Morehead Esquire
T. L. Strange Esquire
} Puisne Judges.

Read letter under date the 3rd September 1853, from the Acting Session Judge of Cuddalore, fowarding English Translation of the record of Case No. 22 of 1853, on the Calendar of the Session Court, for the final Judgment of the Court of Foujdaree Udalut.

(Here enter F. U. No. 2010 of 1853.)

The Court of Foujdaree Udalut

Mr. W. A. Morehead and Mr. T. L. Strange on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the Prisoners,

1st Moonien
2d Coopen
3d Sundee

4th

12th September 1853

4th Carattee Thandavan

and

5th Venkatten

are not convicted on presumptive proof or on the evidence of credible witnesses, or on their own confession, of the crime charged, do acquit them thereof, and direct that they be set at liberty.—

1.

The prisoners were charged with having in company with other persons not in custody, at midnight of 11th June 1853, forcibly entered the house of the prosecutor, maltreated the inmates, and stolen thereby property valued at Rupees 377—15—2.—

2

The 3d 4th and 5th prisoners were further charged with having been found in possession of portions of the said property knowing it to have been stolen.—

3.

The circumstances of the robbery were deposed to by the prosecutor and 1st 2d 3d and 4th witnesses.

4.

The prosecutor and 1st witness deposed to the presence of all the prisoners, of whom the 1st and 2d were inhabitants of their own village and the others of a neighbouring village. The 2d 3d and 4th witnesses deposed only

12th September 1853. only to that of the 1st and 3d prisoners by whom they alleged that they had respectively been beaten.—

5.

An attempt was made by the prosecutor to prove that a hoe, a pair of scissors, a sickle, and a walking stick, found in the houses of the 3d 4th and 5th prisoners, were the property of the prosecutor and part of that plundered.— Attaching however to the absence of concealment on the part of the prisoners, and of any very distinctive marks upon the property, the Acting Session Judge considered this part of the evidence entitled to no weight.—

6.

The prisoners all denied the commission of the offence charged, and the Mahomedan Law Officer acquitted them.—

7.

The Acting Session Judge was unable to concur in this futwah, because he considered that the previous acquaintance existing between the prosecutor and 1st witness and the prisoners, rendered recognition easy, and because the manner in which they gave their evidence strongly impressed him with an opinion of its truthfulness. He therefore referred the trial to the Foujdaree Adalut, with the recommendation that all the prisoners should be

be imprisoned for th grain with hard labor in irons, and that in the case of the 1st and 2th prisoners, who had displayed a greater degree of activity, the imprisonment should be passed in banishment from the district.-

8. The Court of Foujdaree Udalut observe that after setting aside, as the Acting Session Judge has very properly done, the evidence as to the identity of the property found upon the prisoners with that stolen, the case against the prisoners consists entirely of the evidence of the prosecutor and of 1st 2d 3d and 4th witnesses.-

9. The Court of Foujdaree Udalut are unable to attach any weight to the statements of these deponents. It is alleged by them that the house of prosecutor was plundered, his wife tortured, and the inmates of his house maltreated. and that the persons so injured were perfectly acquainted both with the names and persons of the authors of the outrage, but failed to divulge them until the morning of the following day. It would further appear that when the Villagers were alarmed and came to the house of the prosecutor on the night of the robbery, the prosecutor and his family failed, as detailed by 6th witness, to give a full account

account of the matter.-

10. Such conduct appears to the Court of Foujdaree Udalut so unnatural as to prevent them from attaching any weight to the evidence of these witnesses, and almost makes them doubtful whether a robbery took place at all.-

11. For the above reasons the Court of Foujdaree Udalut were unable to concur with the Acting Sessions Judge in the conviction of the prisoners and directed their unconditional release.-

12. They further observe that upon the 1st witness stating that she had sustained the injuries which she described, she should have been submitted to inspection for the purpose of testing the truthfulness of her statements in that particular.-

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

(Sent in N.)

Read letter dated 1st September 1853 from the Session Judge of Calicut submitting for the final Judgment of the Foujdaree Udalut the Record of

of Case No. 22 of 1853 on the Calendar of the Sessions Court of Calicut.

(Thru Enter Ft. W. No. 2013 of 1853.)

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

1st Koopa Kadavatoo Panikel Conary

and

2d Paroo

is sufficient to convict them thereof and under the provisions of Clause third, Section VII Regulation XV of 1803, and Section XXXIV Act VII of 1843 sentence the prisoner,

1st Koopa Kadavatoo Panikel Conary

to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of (2) Two years and the prisoner.

2d Paroo

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

12th September 1853. 1. The prisoners were charged before the Session Court of Calicut with having on the night of 16th March 1853 in consequence of the prosecutor having gone to the gate of 1st prisoners house beaten and kicked him and wounded him upon the head and arm with a knife.-

2. They were further charged with having broken open the prosecutors house and taken from a bin property valued at Rupees 240-4-10.-

3. The case against the prisoners consisted of the statement of the prosecutor (an Arab) confirmed by that of 1st and 2d witnesses, that on the night in question missing the grass which he had prepared for his horse, he traced the thieves to the 1st prisoners house, seated himself before the door related the circumstance in a loud voice to his servant the 1st witness and declared that he would not leave the house until the police ameen had enquired into the case, that upon this all the prisoners pursued him, beat and wounded him in the manner alleged in the charge and robbed his house and ill. treated his women while he was senseless. The 1st and 2d witnesses substantially confirmed the evidence of the prosecutor and the

3d

12th September 1853. 3d and 4th witnesses allegd, that attracted to the spot they saw the prisner by the light of firesticks braking into the house of prosecutor.-

4. The Mahommedan Law Officer convicted all the prisoners of robbery and of severely maltreating the prosecutor and further convicted the 1st prisoner of having slightly wounded the prosecutor with a knife and declared them liable to Kissas but.-

5. The Session Judge concurred in this futwah so far as it convicted the 1st prisoner of aggravated assault and wounding and the 2d of assault but was unable to convict them of forcibly entering prosecutor's house and carrying off his property. The Session Judge did not credit the statements of the 3d and 4th witnesses and was unable to believe that with so many people looking on the prisoners would have deliberately proceeded to plunder the prosecutor's house. Considering it fully proved that the prisoners had in revenge for being accused of theft pursued the prosecutor and committed upon him the assault laid in the charge he recommended that the 1st prisoner should be sentenced to 2 years and

12th September 1853. and the 2d prisoner to 1 years imprisonment with hard labor in irons.-

6. The Court of Foujdaree Udalut agreed with the Session Judge in his estimate of the evidence, considering that the commission of the assault had been fully proved and discrediting the evidence as to the subsequent plunder of the house which they considered that the prosecutor had incorporated in the charge for the purpose of enhancing the punishment.

7. They therefore sentenced the 1st prisoner to 2 years and the 2d to 1 years imprisonment with hard labor in irons as recommended by Session Judge.-

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

(Sent in No)

Read Miscellaneous Petition presented on the 15th August 1853 by Mootoosawmy Iyer in the village of Cuddalore.-

(Here Enter F. M. P. No. 117 of 1853.)

Petitioner prays the Court of Foujdaree

Mr. W. A. Morehead

12th September 1853. Poydaree Udalut to release his father tried for perjury alleged to have been committed by him in Session Case No. 22 of 1853 on the file of the Session Court of Dindalore. The grounds of the application are that the variation of statement was produced by aberration of mind to which petitioner's father is subject.-

2. As the prisoner referred to has been already released by the Court of Poydaree Udalut, no further orders are required upon the matter of this petition.

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

Read Calendar of Cases Nos. 9 and 10 of 1853 on the file of the Session Court of Trichinopoly.

/Here enter No. 1118 of 1853/

Read also Miscellaneous Petition presented on the 1st August 1853 by Parappa Gounden, on behalf of the 11th Prisoner in Case No. 9 of 1853 on the Calendar of the Session Court of Trichinopoly.-

/Here enter M.P. No. 111 of 1853/

Before passing final orders on the foregoing Petition the Court of Poydaree Udalut resolve to direct that an English translation of the record

12th September 1853.

record in Case No. 9 may be submitted for their consideration.-

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

/Sent following precept No.)

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

Agreed to

F. 16

Wednesday 14th. September 1853.

At a Court of the Fayidaree Adalut

Present

G. A. Kroopee Esquire
W. A. Morehead Esquire
} Puisne Judges
T. L. Strange Esquire

Read Criminal Reports submitted by the Session Judge of Honore, for the month of July 1853

Were laid F. 16. No. 1928 of 1853

Case No. 31.

1. The Prisoner in this Case was charged with a misdemeanor in having unlawfully pulled down a house valued at Rupees 20 the property of the Re-=sponsible and has been placed under a Requisition of security for the term of six Months —

The Court of Fayidaree Adalut con-

2. =sider that the demand of security in regard to a charge of the character of that professed against the prisoner in this case, is not expedient, and that if the charge is not proved the accused is entitled to his unconditional release —

The Court accordingly resolve to

3. direct that the Requisition in this case be cancelled —

Ordered, that Cutback from these

Proceedings

4th September 1853.

Proceedings be forwarded to the Session Judge of Mymensingh by Receipt returnable in 5 days from and after its receipt.

Sent following Receipt No.

Read letter dated 10th September 1853. from the Session Judge of Trichinopoly, requesting the attention of the Judges to his letter of the 17th August 1853 forwarding copy of his proceedings on a revision of two Criminal Cases.

(Here enter F. No. No. 2051 of 1853)

Read letter dated 10th September 1853. from the Session Judge of Bonbaconum, requesting an early reply to his letter of the 12th ultimo, relative to the mode of entry of certain persons in the printed Table No. 13 which accompanied the Court's Circular of the 20th June last.

(Here enter F. No. No. 2054 of 1853)

Read letter dated 5th September 1853 from the Agent at Ganjam, transmitting the original warrant for execution of Prisoner Sundara Naika in Trial case No. 1 of 1853 on his file.

(Here enter F. No. No. 2055 of 1853)

F. No.

Monday
15 September 1853. At a Court of the Fouzdaree Udalut

Present

W. B. Morshead Esquire } Puisne Judges
W. F. B. Strange Esquire

Read letter under date the 6th September 1853 from the Acting Sessions Judge of Salem, submitting an English Translation of the record of case No. 19 of 1853 on the file of the Sessions Court, for the final sentence of the Fouzdaree Udalut.

(Here enter F. No. No. 2047 of 1853)

The prisoner in this case has been tried on a charge of wounding with intent to kill, and the Acting Sessions Judge, concurring with the Law Officer in his conviction, has referred the trial with a recommendation that with reference to certain circumstances of extenuation, he be sentenced to five years Imprisonment with hard labor in irons.

The Court of Fouzdaree Udalut observe, that the offence charged in this case being punishable under the provisions of Clause Seventh Section II Regulation XX of 1803, it is competent to the Sessions Judge to pass the sentence proposed by him, the only circumstance which

4th September 1853.

Proceedings be forwarded to the Session Judge by Precept returnable in 5 days from date of receipt.

Sent following Precepts Nos

Read letter dated 10th September 1853 from the Session Judge of Trichinopoly, requesting attention of the Judges to his letter of the 17th August forwarding copy of his proceedings on a revision of Summary Criminal Cases.

(Here enter F. No. No 2051 of 1853)

Read letter dated 10th September 1853 from the Session Judge of Combaconum, requesting an early reply to his letter of the 12th ultimo, relative to the mode of entry of certain persons in the finished Table No 13 which accompanied the Courts Circular of the 20th June last.

(Here enter F. No. No 2052 of 1853)

Read letter dated 5th September 1853 from the Agent at Ganjam, transmitting the original warrant of execution of Thevenan Pandaram Naiken in Trial case No 3 of 1853 on his file.

(Here enter F. No. No 2053 of 1853)

F. No.

Monday 15 September 1853. At a Court of the Fouzdaree Udalut

Present

W. A. Morehead Esquire
W. F. B. Strange Esquire
} Puisne Judges

Read letter under date the 6th September 1853 from the Acting Sessions Judge of Salem, submitting an English Translation of the record of case No 197 of 1853 on the file of the Sessions Court, for the final sentence of the Fouzdaree Udalut.

(Here enter F. No. No 2047 of 1853)

The prisoner in this case has been convicted on a charge of wounding with intent to kill, and the Acting Sessions Judge concurring with the Law Officer in his conviction, has referred the trial with a recommendation that with reference to certain circumstances of extenuation, he be sentenced to five years Imprisonment with hard labor in irons.

The Court of Fouzdaree Udalut observe, that the offences charged in this case being punishable under the provisions of Clause Seventh Section II Regulation XX of 1803, it is competent to the Sessions Judge to pass the sentence proposed by him, the only circumstance which

15th September 1853 which would have rendered the case referrable to the Foujdaree Udalut being the dissent of the Sessions Judge from the Futwa of his Law Officer, or his considering the offence proved to require a more severe sentence than one of seven years Imprisonment.

3 The Court of Foujdaree Udalut accordingly resolve to direct that the record be returned to the Acting Sessions Judge, and that he be directed to pass sentence in the case.

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

(Sent following Precept &c)

Read Miscellaneous petition presented on 1st September 1853 by C. Salmon Esquire Vakeel on behalf of Mygolu Soobarayadoo of the Zillah of Rajahmundry

(Vide orders 7th & 12th Sept 1853)

Mr. W. A. Morehead
Mr. T. L. Strange

Petitioner prays that the Court of Foujdaree Udalut will reconsider their order of the 7th March 1853, and that they will direct that the costs exclusively of barristers fees necessarily incurred by him in his defence against a criminal charge of which he was fully

15th September fully acquitted, or such portion as he may be considered entitled to, may be awarded him under the provisions of Clause third Section XXXIX Regulation XII of 1803, and that the Court of Foujdaree Udalut will to this extent modify the order referred to.

2 The Court of Foujdaree Udalut had no intention in their order of the 7th March last to disallow any costs which may be fairly recoverable by petitioner under the enactment referred to - They simply objected to his claim of costs of an unusual and excessive nature. such as fees to barristers or Vakeels, the incurring of which was not contemplated when the enactments was passed -

Petitioner is at liberty to move

3 the Sessions Judge for the recovery of costs other than those to which the Court of Foujdaree Udalut have taken exception in their proceedings.

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

E.D.
E.T.

F. U.

Saturday
17th September 1853

At a Court of the Foujdaree Udalut

Present

Hell[illegible] W. A. Morehead Esquire } Puisne Judges
" T. L. Strange Esquire }

Read again Criminal report submitted by the Session Judge of Guntoor for the Month of June 1853.—

(Here enter F. U. No. 1635 of 1853)

Read also return under date the 19th August 1853 from the Session Judge of Guntoor to the precept of the Foujdaree Udalut dated the 12th August 1853 conveying their remarks on the foregoing reports.—

(Here enter F. U. No. 1911 of 1853)

With reference to the explanation submitted in the foregoing return of the grounds upon which the Session Judge considered the offence charged in Case No. 14 not to constitute Housebreaking, the Court of Foujdaree Udalut deem it proper to observe that any entrance made by a thief into a house save by an open door or usual mode of entrance renders his offence house breaking.—

The Court of Foujdaree Udalut

do

17th September 1852

do not concur in the arguments by which the Sessions Judge seeks to justify the leniency of the sentences passed in Cases Nos 13 and 15.

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

(Sent in No

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

(Here enter Ft. 26. No 2005 of 1853)

1 In the above Case the prisoners were charged with having forged a bond in the Prosecutors' name and the 1st Prisoner was further charged with having uttered it in the Bekul Moonsiffs Court, knowing it to have been forged.—

2 The Court of Foujdaree Udalut have to point out to the Sessions Judge that it is not in their opinion competent to the Magistracy to entertain charges of forgery based upon bonds which have been filed in Civil Suits.—

3 The Court observe that the policy of this construction has been specially recognized by the Legislature in Act I of 1848 which is one however applicable only to Bengal.—

Ordered

17th September 1853.

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Mangalore for his information, and for communication to Subordinate Judicial Officers.—

(Sent in No

Lt. J. R. Dawes

J. 11.

Monday 19th September 1853 } At a Court of the Toojdaree Adalut.

Present

Sgd/ H. S. Hooper Esquire
W. A. Morehead Esquire } Puisne Judge
Sgd/ T. L. Strange Esquire

Read letter dated 25th August 1853 from the Sessions Judge of Rajahmundry submitting for the final Judgment of the Toojdaree Adalut the record of Case No. 12 of 1853 of the Calendar of the Sessions Court.

/ Here Enter Ft. No. 2066 of 1853 /

The Court of Toojdaree Adalut

Mr. W. A. Morehead } on a deliberate consideration of all the
" T. L. Strange } circumstances of the case in evidence before them being of opinion that the proof against the prisoner

"Dhummandy Poolla Ramaswamy Gandoo"

is sufficient to convict him of the crime of murder, do convict thereof, but being of opinion under the circumstances of the case that the punishment to which the prisoner is liable under the provisions of Section X Regulation VIII of 1802 would in this instance be too severe they Court under the provisions of Clause second Section

iii

III Regulation I of 1825 sentences him to be imprisoned and kept to hard labor in iron on the public roads or other public work for and during the period of (10) Ten years.

1. The prisoner was charged before the Sessions Court of Rajahmundry with having at about 3 P.M. of the 23d July 1853, murdered one Ranjegandoo by stabbing him in the chest with a knife.

2. It appeared in evidence that owing to the floods of the Godavery, it became necessary to erect dams to keep off the water which rose very nearly to the doors of the houses both of prosecutor and prisoner. The dispute commenced by prisoner preventing prosecutor from raising a dam too near his (prisoner's) house, and shortly after upon a prisoner going to carry earth from a spot near the house of prosecutor he was prevented from doing so. A serious quarrel ensued, and in the course of it the deceased (prosecutor's father) received the wound from which he died.

3. While the evidence for the prosecution was perfectly consistent and conclusive as to the fact of prisoner having inflicted the mortal wound with a knife, there was some difference as to the manner in which he obtained possession of it. Some asserted that it was brought by the prisoner's sister on his order - and others stated that he went himself to his house and brought it.

4. Besides the direct evidence adduced, a declaration of deceased was put in and proved - but as it did not appear to have been made under the certain expectation of death, and after all hope of life abandoned - the Sessions Judge laid no stress upon it in his judgment upon the case.

5. The Mahomedan Law officer convicted the prisoner of deliberate murder, and declared him liable to Capital punishment.

6. The Sessions Judge considered it clearly proved that the fatal blow which resulted in the death of the deceased was the act of the prisoner, but was of opinion that the irritation consequent upon a protracted struggle,

superadded to the annoyance of being prevented by the prosecutor from engaging in a meaningless work, was sufficient to negative the presumption of deliberate malice and to reduce the crime to culpable homicide. He recommends that he should be sentenced to 5 years' imprisonment with hard labor in irons.

7. The Court of Foujdaree Adalut were of opinion, that the prisoner was guilty of murder while however unable to concur with the Sessions Judge in viewing the provocation as calculated to reduce crime to culpable homicide, they deemed the circumstances thereof deserving of consideration in apportioning the prisoner's punishment and with reference thereto sentenced him to 10 years' imprisonment with hard labor in irons.

8. The Court of Foujdaree Adalut point out to the Sessions Judge that the course of treatment prescribed by Surgeon Dunlop differing from that adopted, could have no relevancy to the question as to the nature of the prisoner's crime. If it could have been shown that

that erroneous treatment rendered a wound mortal from which death could not otherwise probably have resulted, this would of course have had a most important influence in determining the nature of the prisoner's offence.

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

/Sent in No. /

Read Calendar in Case No. 7 and 8 of 1853 submitted by the Sessions Judge of Tellicherry under date the 25 May 1853.

/Here Enter Ft. No. 1386 of 1853/

Read Calendar in Case No. 25 of 1853 submitted by the Sessions Judge of Cuddapah under date the 18th June 1853.

/Here Enter Ft. No. 1387 of 1853/

Read Calendar in Case No. 228 of 1853 submitted by the Sessions Judge of Tinnevelly under date the 16th June 1853.

Here Enter Ft. No. 1388 of 1853.

Read

19th September 1853.

Read Memo. dated 18th June 1853 submitted by the Sessions Judge of Rajahmundry shewing that there were no Cases to be entered by the Magistrate in the Calendar No. IV.

/ Here Enter F.U. No 1394 of 1853 /

Read Calendar of Cases No. XIX of 1853 submitted by the Sessions Judge of Trichinopoly under date the 20th June 1853.

/ Here Enter F.U. No 2039 of 1853 /

Mr. W.A. Morehead
and
Mr. T.L. Strange

F. U.

Tuesday 20th September 1853.

At a Court of the Foujdaree Adalut

Present

Mr. G. T. Hooper Esqr. —
Mr. W.A. Morehead Esqr. — } Puisne Judges
Mr. T. L. Strange Esqr. —

Read letter dated 8th September 1853 from the Sessions Judge of Salem submitting for final judgement of the Foujdaree Adalut the record of Case No 28 of 1853 of the Calendar of the Sessions Court.

(Here enter F. U. No 2046 of 1853)

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

Sk. Sennemoosapen

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 or other public works for and during the period of his natural life.

(Sent following letter No)

Read

20th September 1853.

Read Calendar of Case
No 20 on the file of the Session Court
of Coimbatore.

(Here enter F. C. No 1993 of 1853)

1 In the above case the Sessions
Judge assigns as a reason for the Law
Officers' delay in delivering the futwah
his absence upon leave and the intervention
of native holidays.

2 The Court of Foujdaree Adalut
are unable to recognize the validity of
either of these reasons. No leave should
have been granted to the Mahomedan
Law Officer while the futwah remained
unprepared and native holidays should
have presented no hindrance to its
preparation.

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

(Sent in No)

Read Calendar of Case
No 33 on the file of the Sessions Court
of Cuddapah.

(Here enter F. C. No 1994 of 1853)

1 In the above case the
prisoner was charged with highway
robbery; in having in company with 3 others
at midday of the 4th August 1853 robbed
the prosecutor and 1st witness of clothes valued
at 5 Annas.

2 The Sessions Judge disbelieved the
evidence as to the use of intimidation and
violence and as to the presence of others in
league with the prisoner. The evidence
led him to the conclusion that the
prisoner had made off with some handkerchief
of food which the prosecutor and witness
had placed on the ground. The Sessions
Judge however sentenced the prisoner in
accordance with the futwah of his Law
Officer to 6 months' imprisonment with hard
labour.

3 The Court of Foujdaree Adalut
observe that the offence of which the prisoner
was convicted, amounted only to a simple
theft of property of the value of 5 Annas
cognizable by a village Moonsiff and
considering the detention which he has
already undergone more than adequate
punishment for his offence, they direct
his immediate release.

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

(Sent following precept No) Read

Ev. 27 Nov 53

Read Statement, dated 31st August 1853 submitted by the Acting Superintendent of Maniyapatam of Cattle pound to prosecutors and witnesses attending before the Sessions Court for the 1st Half of 1853.

/Here enter F. C. No. 2028 of 1853./

Read Report dated 1st September 1853 submitted by the Sessions Judge of Tellicherry of Cases pending on the 31st August and committed for trial during the month of August 1853, before the Sessions Court

/Here enter F. C. No. 2032 of 1853./

Read Extract of Proceedings dated 6th September 1853 submitted by the Sessions Judge of Salem, forwarding the petty Calendar of the Magistracy for the 2nd Quarter of 1853.

/Here enter F. C. No. 2045 of 1853./

Read Letter dated 6th September 1853 from the Sessions Judge of Chingleput, forwarding the petty Calendar of the Magistracy for the 2nd Quarter of 1853.

/Here enter F. C. No. 2053 of 1853./

F.C.

Wednesday 21st September 1853. At a Court of the Foujdaree Adalut

Present

G.S.H. — G. S. Hosper Esquire — Puisne Judge
W.A.M. — W. A. Morehead Esquire — Puisne Judge
T.L.S. — T. L. Strange Esquire — Puisne Judge

Read letter under date the 10th September 1853 from the Subordinate Judge of Salem.

/Here enter F. C. No. 2056 of 1853./

In this letter the Subordinate Judge recommends that a sentence of six months' Imprisonment passed by him in a case of House-breaking and theft may with reference to the circumstances of the case be mitigated to two months' Imprisonment.

1. The Court of Foujdaree Adalut have ruled that although it is intended that the Subordinate Criminal Courts should ordinarily take as their guide the principle laid down in Circular Order No. 139 still it is competent to those Courts to award a less degree of punishment than 6 months Imprisonment in those cases falling under the provisions of Clause sixth Section III Regulation VII of 1822 in which a more lenient sentence may be deemed sufficient to meet the demands of justice and they accordingly direct that in the case referred to the Subordinate Judge will pass such sentence as he may think proper.

2. The Court of Foujdaree Adalut observe that

3.

21st September 1853.

that the submission of this reference direct to the Sowdarre Wdalut was irregular and that all references which the Subordinate Judge may think it necessary to make for instructions in the performance of his Judicial duties should be invariably addressed to the Session Judge, who will either dispose of such reference himself or submit them for the consideration and orders of the Sowdarre Wdalut according to his discretion.

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

(Sent in No.)

2d 18 Wdr

Thursday
22nd September 1853.

S. W.

At a Court of the Sowdarre Wdalut.

Present

G. S. Hooper Esquire
W. A. Morehead Esquire
J. L. Strange Esquire

} Puisne Judges.

Read again Calendars of Cases Nos 35, 36, 37, 38, 39, 40, 41 and 42 of 1853, on the file of the Session Court of Masulipatam.

(Here enter S. W. No 1715 of 1853)

Read also return under date the 27th August 1853, from the Acting Session Judge of Masulipatam, to the precept of the Sowdarre Wdalut dated the 19th August 1853 conveying their observations and orders on the foregoing Calendars.

(Here enter S. W. No 1996 of 1853.)

1. The Court of Sowdarre Wdalut see no reason whatever to modify the orders contained in their proceedings of the 19th Ultimo, directing that the articles claimed by the Prisoner in the cases above recorded, of which the ownership has not been proved, should be returned to him.

2. The prosecutors having failed entirely to prove the property to be theirs, it was clearly the duty of the Acting Session Judge to return it to the person in whose possession it was found, and the Court direct that their orders on this point be immediately carried out.

3. The Acting Session Judge will peruse

an

an amended warrant for the Imprisonment of the prisoner for three months, to be calculated from the date upon which the Original sentence was passed.

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Masulipatam by precept returnable in 11 days from and after its receipt.

(Sent following precept No /

Read letter dated the 8th September 1853 from the Sessions Judge of Chicacole submitting for the final Judgment of the Foujdaree Adalut the Record of Case No 9 of 1853 of the Calendar of the Sessions Court

(Here Enter F.C. No 2101)

Mr W Morehead and Mr T L Stronge

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 is against the Prisoner

"Madhava Gowdo."

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

(Sent in No /

Read letter under date the 7th September 1853 from the Acting Sessions Judge of Cuddalore.

(Herewith F.C. No 2033 of 1853.)

In the foregoing letter the Acting Sessions Judge has requested to be informed, whether the provisions of Section XII Regulation X of 1827, can be applied in the case of

assessors or Jurors employed under Section XXXII Act VII of 1843.

2. The Court of Foujdaree Adalut observe, that the authority required by Clause first Section II Regulation X of 1827, to act on the provisions of that Enactment, has not been conferred on any of the Sessions Judges in this presidency, and that the Regulation has in fact remained a dead letter and cannot now be acted on.

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

(Sent in No / 10

Dr 1 Cl.

F.U.C.

Friday,
23rd September 1853.

At a Court of the Tongdaree Udalut.

Present:

The Honorable J. F. Thomas, Esqr. Chief Judge
W. A. Morehead, Esquire
J. L. Strange, Esquire
} Puisne Judges.

Read Letter, dated the 17th Instant from the Acting Sessions Judge of Cuddalore, referring for the final Judgment of the Tongdaree Udalut, the Record of Case No. 28 of 1853 of the Calendar of the Session Court.

/Here Enter F.U.C. No. 2118 of 1853/-

Mr. J. F. Thomas and Mr. J. L. Strange

The Court of Tongdaree 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, "Paucy" is sufficient to convict him of the crime of Culpable Homicide for which the penalty of Deyut is awardable under the

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 No. 1/—

Read letter under date the 2d. September 1853 from the Sessions Judge of Cuddalore forwarding English Translation of the record of Case No. 72 of 1852, on the Calendar of the Sessions Court, for final Judgment of the Court of Zenjidaree Udalut.

/Here Enter F.M. No. 2015 of 1853/—

The Court of Zenjidaree Udalut on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the Prisoners,

1st. P. Nurseegadoo.
2d. C. Chennoogadoo.
3d. N. Chennoogadoo

and

4th. A. Ramoodoo

are not convicted on presumptive proof or on the evidence of credible witnesses, or on their own confession, of the crime charged, do acquit them thereof, and direct that they be set at liberty.—

1. Four prisoners in this case were charged with having at about 4 P.M. on the 17th. July 1852 murdered the 1st. prisoner's younger brother P. Mallegadu by beating him with sticks in a road leading through a Jungle about two miles from Velupala in the Taluk of Pulivandala.

2. They were further charged with having then and there robbed the deceased of Rupees 12 in Cash.

3. The evidence goes to show that a few days previous to that on which the murder is said to have been committed the 1st. prisoner

prisoner

23d. September, 1853

prisoner's brother Mulligadu in com-
pany with the 1st. 2d. and 3d. prisoners
and one Gundaboyana Rannadu set
out from their Village of Cottapilly
in the Royachoty Talook to attend
a fair at Venpalle in the Pulivandala
Talook, for the purpose of selling red
thread. It would seem that G. Ra-
nnadu returned alone from Venpalle,
the other prisoners and the deceased
having left that place with the in-
tention of proceeding to Pulivandala
to buy some white thread, and that
the 1st. prisoner some days afterwards
returned to his village, and on being
asked for his brother replied that he
had left him to go to Vallupala, and
that he had not seen him since. The
2nd. and 3rd. prisoners had returned two
days before him. The 1st. prisoner is
stated to have shortly afterwards pro-
ceeded to Ippapentah in the Talook
of Chennoor to the house of his
brother's father-in-law, where his
brother's

2/

File.

23d. September, 1853

brother's wife was living, and to have informed them of the circumstance of his brother not having returned to his village.—

4. They, it appears, reported the matter to the Head of Police of Royachoty Talook in which the 1st. prisoner's village is situated, and that Officer sent the 1st. prisoner and 2d. prisoner and G. Rannadu who had accompanied them and Mulligadu to Venpalle, together with Mulligadu's wife to search for him which they did in the surrounding villages but without success, and returned to the Head of Police with the information that the missing Mulligadu was not to be found. They were then sent by the Head of Police of Royachoty to the Head of Police of Pulivendula who deputed a Duffadar by name Mohideen Khan to conduct the search for the deceased, and they were

taken

taken by him to the village of Vallupala where it is stated the prisoners confessed that the missing Mulligadu had been murdered by the 1st and 2d prisoners in a spot in the jungle which they pointed out, and from the neighbourhood of which the 1st prisoner produced a stick and some clothes which were sworn to as having belonged to the deceased.

5. The prisoner's confessions are said to have been made about two months after the commission of the murder and it is stated that some time previously a skull and bones had been found by some Kandy men on the spot where the prisoners afterwards confessed that the murder had taken place, and were deposited in the village Chantry and delivered to the Dufadar on his proceeding to the village and enquiring for Mulligadu. The skull and bones could not be identified and

23rd September, 1853.

and the Sessions Judge states his opinion that the bones are not human bones. It does not appear what immediate circumstances led to the confession being made, or which of the prisoners it was who first confessed. From some of the accounts it would appear that it was the first prisoner, and that his confession led to the apprehension of the 4th prisoner A. Ramadu whose name had not been previously connected with the disappearance of Mulligadu. From the confession however of the 4th prisoner and the evidence of some of the witnesses it would seem that it was the 4th prisoner who gave the first information of the murder. While search was making at the spot for the clothes of the deceased a toe-ring is said to have been found by a boy which has been sworn to as having belonged to Mulligadu, and subsequently some bags of net work were

were delivered by the 1st. prisoner from a bush in which they were hanging at some distance from the spot where the bones and clothes were found and were likewise identified as having been Mulligadu's property; these articles however as well as the rooma and clothes previously produced are said to have been much injured and defaced by white ants and exposure to the weather. Detailed confessions were taken from each of the prisoners by the Sub Officer of Police, and those given by the 2d. 3d. and 4th. prisoners were repeated by them before the Head of Police. The 1st. prisoner does not appear to have been examined by the Head of Police.

6. The only motive assigned for the murder was a quarrel regarding a division of property which was said to have taken place between the 1st. prisoner and his brother Mulligadu some time, one writer says

says 6 months, previously but it appears from the evidence that when they left their village they were on good terms, and in respect of the other prisoners no grounds of animosity whatever have been alleged.

7. Before the Subordinate Criminal Court the 1st. prisoner entirely retracted his Police confession and the 2d. prisoner denied having taken any part in the commission of the murder, but admitted that he had been present when it was committed by the 1st. prisoner. The 3d. and 4th. prisoners denied the charge, but admitted that they had dictated the depositions taken from them before the Police.

8. Before the Session Court all the prisoners pleaded not guilty.

9. The Session Judge in concurrence with his Law Officer has pronounced the evidence sufficient for the conviction of all the prisoners, and has recommended that they

they should severally sentenced to transportation for life.—

10. On an attentive perusal of the record, the Court of Tanjore Udalut have been unable to concur with the Sessions Judge in considering the evidence sufficient for the conviction of the accused.—

11. The Court are of opinion that the proof of the Corpus delicti is insufficient. The remains found, consisting of a skull and some bones, are not such as could be identified and there is no positive evidence, irrespective of the alleged confessions, to prove that Mulligadu is dead, or has been murdered. The opinion of the Sessions Judge on this point is somewhat inconsistent with his finding, for, he states that the bones are not those of a human being, tho' upon what grounds this opinion is founded does not appear. It is to be regretted that the evidence

of

of the Medical Officer was not taken on the point, which was obviously one of the first importance.—

12. A cloth and Rumal No. 1, a stick No. 2, some bags No. 3, and a tow ring No. 4 have been produced as effects belonging to the deceased. All but No. 3 are said to have been found in the vicinity of the bones. The evidence to their having been deceased's appears to the Court far from satisfactory. The Cloth, Rumal and bags have been injured by damp and white ants and no distinguishing marks exist on them whereby the witnesses could afford the assurance that they have had the means of recognizing them. There is also a material discrepancy as to the identity of the cloth as the 8th witness declares it to be his and says that he had lent it to the deceased to go to the fair with, whereas the prosecutrix and the 11th and 12th witnesses

a portion

apeared it to have belonged to the deceased, equally as the other effects. The stick is not an object the identity of which can be safely trusted to, and the toe-ring is worn on a part of the body not preventing it for observation; and this article is not one to have any distinguishing marks about it. — According to the 11th. Witness it would furthermore appear that the deceased did not wear one.

13. The Court of Foujdaree Adalut see much ground for calling in question the genuineness of the prisoners confessions. They had for a considerable period evaded discovery and had denied their guilt, and with no evidence against them it is difficult to understand why they should subsequently have confessed. The evidence is very conflicting as to whether the 1st. prisoner, or the 4th, did so first, and as to the interval of time before which the 4th prisoner

prisoner was induced to do so whether this was one survey, three hours, or a whole day. It is conflicting also as to whether the remaining prisoners confessed on the same day as the 4th, or on a subsequent day. Nor can the Court account according to the statements that the 4th prisoner first confessed for his having been sent for and interrogated as a possible Criminal, for his name had in no way been connected with the disappearance of the hurjsing Mullajada

14. The Court also view with suspicion the circumstances under which the articles alleged to have been deceased's before adverted to have been produced. At first nothing but the skull and bones were discovered - some weeks afterwards the investigation was committed to the Duffadar Maideen Khan, and immediately the prisoners were induced to confess, and the articles in question

question were, as it is said, given up-
Some are described to have been in a
bush within a few yards of where
the bones were seen, and the Court
cannot think that they would have
escaped detection at the time when
the bones were found. Others are said
to have been given up from a place of
concealment half a mile off. It seems
most improbable that such articles
would be secreted in two different
localities, as if to multiply the
chances of discovery, and especially
so that one of these should have
been in the close vicinity of the
bones. It is also quite inexplicable
that so much pains should have
been taken to put the said articles
out of sight, and the body itself
have been left exposed, and this close
to a cart way.

15. The Court would observe
that there is also a remarkable
omission in the confessions recorded

scarcely

scarcely compatible with their truth-
fulness. In the narrative of the cir-
cumstances of the murder, the pris-
oners give details of the precautions
used to remove the evidence of their
guilt, by concealing the attack, and a
few clothes of the deceased. But not
one word is said as to the removal
of the body itself. So far as the
confessions and the very scanty
evidence adduced would prove any
thing, they would shew, that the
body itself with its wounds and
the evidence therefore of violence,
was left in an open thoroughfare
for days, or weeks. The discovery
of the lacering on this spot if to
be credited proves this, whilst the
total silence in the confessions
upon this point, and as to what
was done with the body, can scarcely
be reconciled with the supposition,
that these alleged confessions were
as they purport to be genuine, and
voluntary

voluntary statements of all the circumstances of the murder.—

16. The first prisoner is said to have been impelled to murder the deceased, who was his brother, owing to their having quarrelled about the division of their property. The evidence varies as to whether this division took place one or six months before the deceased was murdered; and there is no appearance of there having ever been made a general between the parties as to have led to the crime of Murder. As to the other prisoners who are not related to the 1st. prisoner there is no motive given to have induced them to join in such a crime. It seems probable too that had the murder been premeditated, as is represented to have been the case in the confessions, more deadly weapons would have been prepared than those with which it is said to have been committed, as the party

party to be assailed, was not an old and infirm man, but one in the full vigour of life, himself armed equally with the prisoners, with a bamboo stick.

17. The Court of Sagdaree Adalut being therefore of opinion that no sufficient proof has been afforded that the individual, with whose murder the prisoners are charged, is not still living, that the circumstances under which the prisoners' confessions are said to have been delivered are so suspicious as to make those confessions undeserving of credit, that the collateral evidence afforded by the discovery of the clothes, from the state in which they have been found is worthless, and that no adequate motive for the commission of the crime has been assigned to any one of the accused, have acquitted the prisoners and have directed their unconditional release.—

18. The Court deem it proper to

23rd September, 1853.

to observe that in the Subordinate Criminal Court the 2nd, 3rd and 4th prisoners, who all withdrew before that tribunal that they had detailed the depositions recorded before the Police, should have been required to state in detail the circumstances entered in those depositions and that in a case like this in which the whole proof of guilt rested on the confessions, the Subordinate Judge should have received them he should also have carefully investigated the circumstances, and recorded them, under which the original confessions in the Calendar were taken.

Ordered, that a Extract from these Proceedings be sent to the Sessions Judge of Cuddapah for his information and for communication of para. 18 to the Subordinate Judge.

(Sent in a No.)

Read letter dated 10th September 1853 from the Sessions Judge of Cuddapah submitting

23rd September, 1853.

submitting for the final Judgment of the Foujdaree Adalut the Record of Case No. 74 of 1852 of the Calendar of the Session Court.—

(Here Enter No. 2075 of 1853.)

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,

Mr. W. A. Morehead.
and
Mr. J. C. Stronge.

3rd Talary Chinna Gungadoo

is sufficient to convict him of the crime of Murder, do convict him thereof; and sentence him to be transported to such place or places beyond sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor on the public roads or other public Works, for and during the period of his natural life.—

The Court of Foujdaree Adalut being further of opinion that the prisoners,

1st

23d September 1853.

1st Peter Mohammah

4th Sooda Ohmma Pookoyadoo.

and

5th Kanatee Banta Umaatah.

are not convicted on presumptive proof or on the evidence of an edible witness or on their own confession of the above crime, do acquit them thereof, and find that the prisoners,

5th Kanatee Banta Umaatah

be set at liberty, but considering that they are persons, tho' not amounting to conviction, attached to the prisoners,

1st Peter Mohammah

and

4th Sooda Ohmma Pookoyadoo

they direct that they be severally required under Clause 2nd Section III Regulation XV of 1803, to find two sureties in the sum of Rupees Twenty five each surety for their good behaviour and appearance when required within three years, or in default thereof they be detained for three years unconfined &c.

The

116.

23d September 1853.

The 1st Prisoner was charged

1.

before the Sessions Court of Cuddapah with having at about midnight of 3d September 1852 murdered one Comutty Soobadoo son of the 1st prosecutor.

The 2d Prisoner was charged

2.

with having at the same time and place killed the son of the 2d prosecutrix by striking him with a hatchet.

The 3d and 4th prisoners

3.

were charged with having aided and abetted the 2d prisoner in the commission of the crime charged.

The 5th prisoner was charged

4.

with having been an accessary after the fact.

The evidence against the

5.

3d prisoner consisted of his confession before the police and before the Criminal Court that he had aided in the murder by laying hold of the legs of the man murdered by the 2d prisoner, confirmed by finding a clothes of the deceased in a well,

upon

upon his information. Before the Sessions Court he also admitted having witnessed the murder.

6 The 1st and 4th prisoners confessed before the police and were committed by the 3d. prisoner.

7 The 2d. prisoner said in defence

8. The 5th. prisoner stated before the police, that, on the night of the murder, he and the 8th witness had met the first 4 prisoners standing by the deceased and that the 4th prisoner had thrown them away by the to. The 8th witness who was admitted as an approver corroborated the statement of this prisoner.

9 The 1st prisoner alleged that he heard the 2d and 3d prisoners in consultation as to the commission of the murder and stated also that enmity on the part of the 2d and 3d prisoners to himself and the son of the prosecutor existed.

10 The Mahomedan Law Officer

Officer considered the 1st prisoner guilty of murder and the 3d and 4th of aiding and abetting him. He declared the 5th prisoner entitled to his release as not being convicted of any crime.

The Sessions Judge convicted all the prisoners of the crimes severally charged and referred the case to the Foujdaree Udalut with a recommendation that the first prisoner should be sentenced to death, the 3d and 4th to transportation for life, and the 5th to 3 years' imprisonment with hard labor in irons.

The Court of Foujdaree

12 Udalut are of opinion that the confession of the 3rd prisoner before the Police and the Criminal Court confirmed by his admission before the Sessions Court that he had witnessed the murder and by his having pointed out the place of concealment of the clothes of the deceased

which

which were found upon his information
is sufficient for his conviction. Upon
these grounds the Court of Foujdara
Udalut have sentenced this prisoner to
transportation for life.

15. The evidence against the
1st. and 4th. prisoners consisted solely of
their police confessions. It is obvious
that their evidence acquires no force from
their examination by the 3d. prisoner.
The Court of Foujdara Udalut there-
fore deem the evidence insufficient for
their conviction but considering that
strong suspicion of complicity attaches
to them they have directed that they be
required to produce two sureties in
Rupees 25 each for their good behaviour
and appearance during 3 years and
that in default they be imprisoned
for that period.

16. The 5th. prisoner stated before
the police and before the Criminal
Court that the murder was witnessed
by himself and the 8th. witness (approver).

The Court of Foujdara Udalut observe
that the evidence of the 8th. witness by
which it is supposed to be corroborated
is very contradictory and in their belief
utterly unfounded in fact. They there-
fore directed the unconditional release
of this prisoner.

15. The Court of Foujdara
Udalut have to call the attention of
the Sessions Judge to the manner in
which the charge has been drawn in
this case. While two men are alleged
in it to have been murdered at the same
time and place the 1st. prisoner was
charged with murdering one of them
and the 2d. prisoner the other and the
3rd. and 4th. prisoners were charged as
having been present aiding and a-
betting the murder committed by
the 2d. prisoner only. It is plain
that the murder of these two persons
was a single act of crime and that
all 4 prisoners should have been
charged as principals with its commis-

16. If it was considered that the 3d and 4th prisoners were present merely aiding and abetting and therefore chargeable as principals in the second degree only, they should have been so charged as to both murders for it is contrary to all possibility that without previous consultation these of these prisoners with the design of murdering one and the remaining prisoner with that of murdering the other of these deceased persons should have arrived at one time at the same place for the effecting of their one and object.—

17. It is abundantly clear that under these circumstances were principals either in the first second degree in both murders.

18. The Court of Foujdaree Udalut have further to point out to the Sessions Judge that his examinations are needlessly long, that portions are entered which convey no evidence

and that witnesses are examined who are capable of affording none.— The delay observable in the Sessions Judge's proceedings has probably in some measure arisen from his not confining himself to those points which are essential to the issue.—

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

/Sent in No. /—

Read letter dated the 8th Instant from the Sessions Judge of Tellicherry, returning death warrant in Case No. 10 of 1853 on the Calendar of the Sessions Court.

/Were Entered F.H.C. No. 2063 of 1853/—

Read return dated the 9th Instant from the Sessions Judge of Mangalore to the precept of the Foujdaree Udalut under date the 3d Idem, cancelling the sentence passed upon the 3d Prisoner in Case No. 77

on

23d September, 1853.

on the Criminal Report for July last and directing his release.

/Here Enter Fllc. No. 2064 of 1853/-

Read Calendar of Cases No. 12 of 1853 submitted by the Sessions Judge of Chingleput under date the 12th Instant.-

/Here Enter Fllc. No. 2067 of 1853/-

Read Calendar of Case No. 23 of 1853 submitted by the Acting Sessions Judge of Nellore under date the 13th Instant.-

/Here Enter Fllc. No. 2068 of 1853/-

Read Letter dated the 12th Instant from the Sessions Judge of Cuddapah, reporting the Execution of the Prisoner B. Baubegadoo in Case No. 10 of the Calendar for 1853.-

/Here Enter Fllc. No. 2071 of 1853/-

Read Calendar of Case No. 33 of 1853 submitted by the Sessions Judge of Combaconum under date the 13th Instant.-

/Here Enter Fllc. No. 2073 of 1853/-

Read

Fllc.

23d September, 1853.

Read Criminal Report dated the 15th Instant submitted by the Sessions Judge of Chingleput for the month of August 1853.-

/Here Enter Fllc. No. 2077 of 1853/-

Read return dated the 13th Instant from the Acting Sessions Judge of Cuddalore to the precept of the Foujdaree Udalut under dated the 8th Idem, conveying observations on Criminal Reports for the month of July 1853.-

/Here Enter Fllc. No. 2079 of 1853/-

Read Calendar of Case No. 29 of 1853 submitted by the Acting Sessions Judge of Cuddalore under date the 15th Instant.-

/Here Enter Fllc. No. 2081 of 1853/-

Read return dated the 15th Instant, from the Sessions Judge of Combaconum to the precept of the Foujdaree Udalut under date the 8th Idem, directing him to review the Proceedings in Case No. 85 of the Subordinate

Criminal

23rd September 1853

Criminal Court.

/Have Enter F.No. No. 2086 of 1853/-

Read letter dated the 14th Instant from the Sessions Judge of Coimbatore, reporting the execution of the Prisoner in Sessions Case No. 7 of 1853

/Have Enter F.No. No. 2092 of 1853/-

Read Criminal Reports dated the 31st ultimo submitted by the Sessions Judge of Coimbatore for the months of August 1853

/Have Enter F.No. No. 2093 of 1853/-

Read Calendar of Cases No. 62 of 1853 submitted by the Sessions Judge of Bellary under date the 14th Instant.

/Have Enter F.No. No. 2094 of 1853/-

Read Letter dated 20th September 1853 from the Acting Assistant Judge of Nellore forwarding the Statement which was omitted to be appended to the Record of case No. 19 of 1853.

(Here enter F.No. No. 2137 of 1853)

F No

Saturday 24th September 1853

At a Court of Foujdaree Adalut.

Present

The Hon. G. S. Hooper Esquire
The Hon. W. B. Morehead Esquire
The Hon. T. L. Strange Esquire
} Puisne Judges

Read letter dated the 14th Septr. 1853, from the Sessions Judge of Salem, submitting for the final Judgment of the Foujdaree Adalut the record of Case No. 24 of 1853 on the Calender of the Sessions Court.

(Here enter F.No. No. 2123 of 1853)

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

Kegaratage Valapil Coonhyda

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

heard Under of his natural life.

1. The prisoner was charged before the Sessions Court with having on the day time of the 22d March 1853 in Combination with his brother, who has absconded, murdered one Manny the father of the prosecutor.

2. The evidence of the 1st 2d and 3d witnesses, all long examined both with the prosecutor and the prisoner, was to the effect that on the day stated in the charge, they saw the prosecutor proceeding along the road followed at a short distance both by the prisoner and his brother Coonhamed who has absconded, that at one particular spot they marked upon the deceased, and that Coonhamed stabbed him with a knife which was in his hand, and that the deceased immediately fell. The death of deceased from the effect of the wound was proved by the 8th witness.

3. The first three witnesses deposed that upon the deceased falling, the prisoner aimed a blow at him with a knife, but that he did not strike him, and that in consequence of their approach both ran away. Their testimony as to the

of the prisoners, was confirmed by that of the 4th and 5th, who hearing a cry ran out and saw the deceased lying wounded on the ground and the prisoner & Coonhamed running away.

4. The existence of enmity the result of long disputes between the deceased and the prisoners was clearly established.

5 A dying declaration of the deceased criminating the brother of the prisoner only and stating that he was not aware of the prisoner having done any thing to him, was proved by the 6th and 7th witnesses.

6. The prisoner pleaded not guilty and an alibi to support which he cited two witnesses. These varied much in their statements which were very indefinite as to time, and the Sessions Judge concurred with his Mohammedan Law officer in considering them unworthy of credit.

7. The Mohammedan Law officer convicted the Prisoner on Tuzeer-ghalib of having conceived an intention to commit murder and accompanied the murderer, and declared him liable to Tazeer in proportion to his guilt.

8. The Sessions Judge differed with

with his Mohammedan Law officer and did no
consider that sufficient evidence existed to warra
a commission of the prisoner of intention to commit
murder, though he considered it probable that
followed the deceased for that purpose, and h
reported the trial to the Foujdaree Udalut and
recommended that he should be sentenced to
two sureties in Rs 20 each for good conduct an
appearance during three years, and that he
should on default be imprisoned for that per

9. The Sessions Judge assigns
as his reasons for acquitting the prisoner of the
Murder the discrepancies which exist in the
evidence of the three eyewitnesses to the commis

10. The Court of Foujdaree Udalut
consider the evidence of the first three witnesses
well examined both with the deceased and
the prisoner and related to both, clear and sa
factory as to the wound from which deceased
died having been inflicted by the prisoner
brother. It is also clearly proved that the pri
ner was in company with his brother, th
they both followed the prosecutor, com
him at the same time, and that the pri
was present when the fatal blow was struck

by

by his brother, and that they both thereupon
absconded.

11. The Court of Foujdaree Udalut
are of opinion that if the evidence went
no further than this, it would be complied with
the existence of previous enmity between the
deceased and the prisoner, lead almost ir-
resistably to the inference that he accompanied
his brother for the purpose of committing
the murder, and that he had rendered him-
self a principal in the crime. The Court are
however of opinion that the evidence shows
that the prisoner actually struck a blow at
the deceased, which although it does not
appear to have taken effect, is fully con-
clusive as to the prisoner's complicity in
the murder.

12. The Court of Foujdaree
Udalut observe that the only discrepancy
is, as to whether the prisoner struck at the
deceased before or after he had fallen, and
regarding this as of no importance, they are
of opinion that the prisoner is fully
convicted of the murder of deceased, in consequence
having accompanied his brother in a

persuit

26th September 1853.

perpetrat of a common design for its perpetra-
tion.

13. For the above reasons the
Court of Foujdaree Udalut sentenced the
prisoner to transportation for life.

Ordered that Extract from
these Proceedings be forwarded to the
Sessions Judge of Cuttack for his infor-
mation.

(Sent in No.)

6 Wells

F. No.

Monday,
26th September, 1853. At a Court of the Foujdaree Udalut

Present.

The Hon'ble W. A. Morehead, Esquire
and
The Hon'ble J. L. Strange, Esquire } Puisne Judges.

Read Miscellaneous Petition
presented on the 15th August 1853 by
Yenganmah of the Zillah of Chittoor.

(Here Enter F. M. P. No. 116 of 1853.)

Mr. W. A. Morehead. Petitioner prays for the
and
Mr. J. L. Strange. release of the 1st - 2nd - 3rd - 4th and 5th pri-
soners in Case No. 8 of 1853 on the file
of the Sessions Court of Chittoor and
who were convicted of highway robbery
and wounding in that Case.—

2. The Court of Foujdaree
Udalut see no ground for questioning
the justice of the sentence appealed
against and therefore reject the
above petition.

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

Read

26th September 1853.

Read Miscellaneous Petition presented on the 29th August 1853 by Chellammal of the Zillah of Chittoor (Have Enter F. M. P. No. 119 of 1853).

Mr. W. A. Maclean.

Petitioner prays the Court of Sessions Udalut to order the release of the 3rd prisoner convicted of the receipt of stolen property with guilty knowledge in Case No. 3 on the file of the Sessions Court of Chittoor.—

2. The Court of Sessions Udalut are of opinion that if the prisoner produced satisfactory evidence and they therefore reject this petition.—

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

Read Miscellaneous Petition presented on the 5th September 1853 by Sungunnaal of the Zillah of Cuddapah.—

(Have Enter F. M. P. No. 124 of 1853)

Mr. W. A. Maclean.

Petitioner complains of the

the orders passed by the Court of Sessions Udalut on the 28th February and 23rd August 1853 and prays that copies of these orders and of the petition on which they were passed may be granted to her on stamped paper to enable her to prefer an Appeal to Her Majesty in Council.—

2. Ordered that petitioner be furnished with the copies for which she has applied.—

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

Read Calendar of Cases No. 30 of 1853 submitted by the Sessions Judge of Salem under date the 15th September 1853.—

(Have Enter F. M. C. No. 2100 of 1853)

Read Report A dated the 11th Instant submitted by the Sessions Judge of Mangalore of Cases No. 82 and 83 of 1853 with copy of the Sessions Courts Proceedings on Review of

the

the same.

/Here Enter F.No. 2104 of 1853/-

Read return dated the 16th Instant from the Sessions Judge of Mangalore to the precept of the Register dated under date the 8th idem directing him to review the Case No. 2 on the Criminal Report submitted by him for July last.—

/Here Enter F.No. 2105 of 1853/-

Read Criminal Report dated the 12th August 1853 submitted by the Sessions Judge of Tellicherry for the month of August 1853.—

/Here Enter F.No. 2106 of 1853/-

Read Report B dated the 14th Instant submitted by the Sessions Judge of Mangalore of Persons apprehended in the Zillah of Mangalore and delivered to the Subordinate Judge and tried in the month of August 1853.—

/Here Enter F.No. 2107 of 1853/-

Read Convict Labor report dated

dated the 17th Instant submitted by the Sessions Judge of Combaconum of the Jails under charge of the Magistracy for the month of August 1853.—

/Here Enter F.No. 2108 of 1853/-

Read Criminal Report B dated the 15th Instant submitted by the Sessions Judge of Cuddapah for the month of August 1853.—

/Here Enter F.No. 2110 of 1853/-

Read Supplemental Calendar of Cases Nos. 1 and 2 of 1853 submitted by the Acting Sessions Judge of Nellore under date the 17th Instant.—

/Here Enter F.No. 2112 and 2113 of 1853/-

F.116.

Tuesday,
27th. September, 1853.

At a Court of the Fouzdaree Udalut.

Present.

Mr. G. L. Cooper Esquire
Mr. W. A. Morehead, Esquire } Puisne Judges.
Mr. T. L. Strange, Esquire

Read Report of Cases disposed of by the Magistracy of Chingleput under the provisions of Section LIV Act XVII of 1843 during the month of July 1853.

(Vide Entry F.116. No. 2060 of 1853.)

Circular. 1. The Court of Fouzdaree Udalut require an explanation of the delay of upwards of one month in the submission of the foregoing reports which it appears were not received by the Sessions Judge until the 8th. Instant.

2. The reports in Form B of cases disposed of by the Magistracy under the extended powers vested

27th September 1853.

vented in them by Act VIII of 1843 should
invariably be forwarded early in the
month following that to which they
refer, so as to admit of their being
transmitted to the Foujdaree Udalut
together with the reports of the Sub-
ordinate Criminal Courts within
the prescribed period, and should
be countersigned by the Sessions Judge
to show that they have passed through
his hands.—

Ordered, that the Extract
from these Proceedings be sent to the
Sessions Judge of Ceylon to put for com-
munication to the Magistrate by
Peon Puttumbe within X days from
and after its receipt.—

Sent following Peon Puttumbe No. /

Ordered also, that the Extract
from these Proceedings (Para 2) be sent
to the several Sessions Judges for their
information for communication to
the Magistrate within their jurisdiction

/ Sent the following Circular No. /

Ed 1853

Wednesday
28th September 1853.

F. U.

At a Court of the Foujdaree Udalut

Present.

J. F. Thomas Esquire. — Chief Judge
W. A. Morehead Esquire
T. L. Strange Esquire. } Puisne Judges

Read Return under date the
12th September 1853, from the Sessions Judge of
Calicut to the Precept of the Foujdaree Udalut,
dated the 17th August 1853, calling for explan-
ation, regarding the delays observed in
setting down for reference certain Criminal
Cases.

(Register F. U. No 2085/1853)

1 The Court of Foujdaree Uda-
lut observe, that the delays, adverted to in
the preparation of the Futwa by the Ma-
homedan Law Officer, would be obviated if
that Officer took full notes in the course of
the trial, and that as a general rule, no
greater interval than one or at most two
days should take place between the close of
the trial and the delivery of the Futwa.

2 The remarks of the Sessions
Judge

28th September 1853

28th September 1853

Judge on the evidence should invariably be recorded on the conclusion of the trial so as to admit of their being entered in the Calendar immediately on the receipt of the Fouzdaree with no other addition than the mere Statement of the Sessions Judges concurrence or dissent with the Law Officers finding, and in some cases a few remarks as the terms of the Fouzdaree may suggest.

Orders that Extracts from the Proceedings be sent to the Sessions Judge of Juidance.

(Sentence No)

Read letter under date the 17 September 1853, from the Sessions Judge of Tellicherry, submitting for the final Judgment of the Fouzdaree Adalut the Proceedings in Case No 9 of 1853 on the Calendar of the Session Court.

(Here enter C.P.C. No 2162/1853)

Mr J.T. Thomas and T.L. Strange

The Court of Fouzdaree Adalut on a deliberate consideration of all the circumstances of the Case in evidence before them are of opinion, that the proof against the Prisoner

28th September 1853.

Prisoner-

"Poonarakundil Allara Vijoothy"

is sufficient to convict him of the crime of Culpable Homicide, for which the penalty of Deyut is awardable under the Mahomedan Law as declared in Futwas of their Law Officers, do convict him thereof: and under the provisions of Clause second, Section XV, Regulation 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 seven years.

(Sent in No)

S. V.

Thursday 29th September 1853. At a Court of the Sujdaree Adalut.

Present.

W. A. Morehead Esqre.
J. L. Strange Esqre. } Puisne Judges.

Read again Miscellaneous Petition presented on the 4th July 1853, by Motummal wife of the 1st Prisoner in case No. 13/1852, and mother of Challan 2nd Prisoner in that case and Prisoner in No. 11/1853 on the file of the Sessions Court of Chingleput.

(Here enter S. M. P. No. 90 of 1853.)

Read also return from the Sessions Judge of Chingleput to the precept of the Sujdaree Adalut dated 18th August 1853, calling for translations of the records of the above cases.

(Here enter S. M. No. 2059 of 1853.)

In case No. 13 of 1852, the prisoners

Mr. W. A. Morehead.
J. L. Strange.

1. (father and son) were charged with having, during the months of April and May 1852, stolen at various times from the house of the Prosecutor, gold ornaments, a brass Chombor, &c. — valued at Rupees 15-8-0, the property of the Prosecutor.

They were further charged with having

2. been found in possession of a brass Chombor, part of the stolen property, valued at 8 annas, knowing it to have been stolen.

In

3. In this case the evidence against the Prisoners, consisted of the finding in their house of a Chamber alleged to be that of the Prosecutor, and to have been one of the articles stolen from him.

4. The Sessions Judge in concurrence with his Mahomedan Law Officers, convicted the prisoners and recommended a sentence of 1 year upon 1st prisoner but sentenced the 2nd prisoner in No. 11 with reference to his complicity in the offence charged in both cases.

5. The Court of Sujdaree Adalut observe that the statements of the Prosecutor and his witnesses as to what articles were missed at that time, exhibit great discrepancies. It is admitted that no information was given to the authorities, and they consider it very doubtful whether the Prosecutor really suffered any losses of the character described by him. whereas it is obvious that the fullest and most satisfactory evidence was required upon this point.

6. The evidence as to the search for the only stolen article alleged to have been found, appears to the Court of Sujdaree Adalut wholly unsatisfactory. It is represented that the Chamber bears the initials of the Prosecutor. The Court of Sujdaree Adalut are unable to believe that a thief would retain in his possession such damnating evidence when he might so readily erase the initial.

7. The search they have to observe was conducted

conducted in the absence of the accused and only one individual was actually engaged therein, and there is no security that the Chamber was not introduced for the purpose of criminating the prisoners.

8. Under these circumstances the Court of Sujdaree Adalut being of opinion that the evidence on the record contains by no means satisfactory proof of the Commission by the prisoners of the offence charged and resolve to reverse the sentence of the late Acting Sessions Judge in this case.

9. In No. 11 the prisoner Chellen (2nd prisoner in No. 3) was charged with having at 1 A.M. of the 25th November 1851, entered the prisoners house by boring a hole in the wall and stolen therefrom gold ornaments, brass utensils, and other articles valued at Rupees 58-0-4, the property of the prosecutor.

10. The prisoner was further charged with having been in possession of brass utensils valued at Rupees 2-0-0, being part of the stolen goods, and with the knowledge that they were stolen.

11. The evidence against the prisoner depends entirely upon the discovery of articles alleged to be part of the stolen property in his possession. The Prosecutor and 2 witnesses depose to these articles No. 1 a brass tumbal, and No. 2 a brass basin, being the property of the Prosecutor. The prisoner denied the Commission of the offence charged and called counter evidence to prove that the articles were his own.

The

3. In this case the evidence against the Prisoners, consisted of the finding in their house of a Chamber alleged to be that of the Prosecutor, and to have been one of the articles stolen from him.

4. The Sessions Judge in concurrence with his Mahomedan Law Officers, convicted the prisoners and recommended a sentence of 1 year upon 1st prisoner but sentenced the 2nd prisoner in No. 11 with reference to his complicity in the offences charged in both cases.

5. The Court of Fouzdaree Adalut observe that the statements of the Prosecutor and his witnesses as to what articles were missed at that time, exhibit great discrepancies. It is admitted that no information was given to the authorities, and they consider it very doubtful whether the Prosecutor really suffered any losses of the character described by him. whereas it is obvious that the fullest and most satisfactory evidence was required upon this point.

6. The evidence as to the search for the only stolen article alleged to have been found, appears to the Court of Fouzdaree Adalut wholly unsatisfactory. It is represented that the Chamber bears the initials of the Prosecutor. The Court of Fouzdaree Adalut are unable to believe that a thief would retain in his possession such damnating evidence when he might so readily erase the initial.

7. The search they have to observe was conducted

conducted in the absence of the accused and only one individual was actually engaged therein, and there is no security that the Chamber was not introduced for the purpose of criminating the prisoners.

8. Under these circumstances the Court of Fouzdaree Adalut being of opinion that the evidence on the record contains by no means satisfactory proof of the Commission by the prisoners of the offences charged and possess to reverse the sentence of the late Acting Sessions Judge in this case.

9. In No. 11 the prisoner Chellen (2nd prisoner in No. 3) was charged with having at 1 A.M. of the 25th November 1852, entered the prisoner's house by boring a hole in the wall and stolen therefrom gold ornaments, brass utensils, and other articles valued at Rupees 58-- 4, the property of the prosecutor.

10. The prisoner was further charged with having been in possession of brass utensils valued at Rupees 2--8, being part of the stolen goods, and with the knowledge that they were stolen.

11. The evidence against the prisoner depends entirely upon the discovery of articles alleged to be part of the stolen property in his possession. The Prosecutor and 2 witnesses depose to these articles No. 1 a brass tambul, and No. 2 a brass basin, being the property of the Prosecutor. The prisoner denied the Commission of the offence charged and called counter-evidence to prove that the articles were his own.

The

12. The Acting Sessions Judge remarked that the articles are such as are in common use, and that their identification would have been very difficult had not the evidence of the witnesses as to their being the property of the prosecutor, been confirmed by their having been concealed by the prisoner on a shelf in a back part of the house. The Judge also remarked that only one of the two witnesses summoned by prisoner to establish his title to the articles alleged to have been stolen, deposed positively in his favor, and as he considered the evidence conclusive as to the articles being the property of the prosecutor he in concurrence with his Mahomedan Law Officer convicted the prisoner of the offence charged and with reference to his previous conviction and to the fact of his being a jail prisoner sentenced him to 7 years' imprisonment with hard labor in irons.

13. The Court of Sudder Adalut observe that in consequence of suspicion cast upon the prisoner in connection with case No. 6 of this Calendar his house was searched on the 6th April & nothing to his prejudice was there produced. A further search was instituted on the 13th of the same month when the Tumbal (No. 1) and a basin No. 2 together with the jumbor claimed in No. 13 by the prosecutor are alleged to have been discovered concealed in a loft.

14. The articles in this case are of the most common description and entirely devoid of any distinguishing

distinguishing marks and their identification as the prosecutors is most questionable. The theft was committed between 4 & 5 months previously to the search. In his description of the property stolen which the prosecutor furnished at the time, he made no mention of the loss of a basin and this although the list was a very short one containing the names of only four sorts of property. It appears to the Court of Sudder Adalut that the prosecutor has been guilty of gross prevarication in his attempts to explain away this circumstance and that he has provided evidence to bear him through the difficulty.

15. In view of the circumstance of the double search, the mode in which the final search was conducted, and the highly suspicious production of the marked jumbor in No. 13 the Court are of opinion that there is room to believe that the assertion of prisoner that the charges against her son were the result of a conspiracy to injure him may be founded in truth.

16. The Court of Sudder Adalut therefore reverse the sentence passed in this case by the Acting Judge and direct the immediate release of the prisoner Chellan. The 1st prisoner in No. 13 they observe has already undergone the sentence

Sentence passed upon him.

17. The Court of Foujdaree Adalut are further of opinion that the character of the prisoner Chellan has come out of this investigation untainted and they direct his immediate restoration to the Calicut Jail from from which he was dismissed.

18. Having expressed these opinions of the nature and value of the evidence adduced against the prisoner, it is almost unnecessary for the Court of Foujdaree Adalut to express their entire disapproval of the unfounded assumptions of the Acting Sessions Judge which pervade this Calendar and those of the Cases connected with it, as to the existence of a wide spread conspiracy for the purposes of robbery of which the prisoner was a prominent member.

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

(Sent following precept No)

Ordered also that Extract from these proceedings be forwarded to the late Acting Sessions Judge of Chingleput for his information.

(Sent in No)

Read

Read Miscellaneous Petition presented by J. B. Norton Esquire on behalf of Ramnoth Sing of the Zillah of Calicut.

(Here enter F. M. P. No 127 of 1853)

1- The above Petition is an Appeal against an order of the Sessions Judge of Calicut confirming one passed by the Magistrate of Malabar on the 17th December 1852.

Petitioner should produce copies of the orders passed by the Head Assistant Magistrate, by the Magistrate, and by the Sessions Judge to which he refers in the above Petition.

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

Read Miscellaneous Petition presented on the 1st September 1853 by C. Rungiah on behalf of and praying for the release of Ramguppah Prisoner in Criminal Case No 66 of 1853 on the file of the Subordinate Court of Chittoor.

(Here enter F. M. P. No 121 of 1853)

Read also Report of Criminal Case No 26 on the file of the Subordinate Court of Chittoor.

(Here enter F. C. No 1894 of 1853)

Petitioner prays the Court of Foujdaree

Mr. H. A. Morehead

Foujdaree Udalut to reverse the sentence passed in the above case.

2- Petitioner should in the first instance have preferred his Appeal to the Session Judge of Chittoor but seeing some reason to question the propriety of the course adopted by the lower Court, the Court of Foujdaree Udalut resolve to refer his Petition to the Session Judge of Chittoor and to direct him to dispose of the case with reference to the following observations he may deem necessary-

3- In this case the Prisoner was charged with having at some time in the month of April 1852 fraudulently obtained from the Prosecutor a sum of 240 Rupees. The charge should have set forth the fraudulent pretence used to get possession of the money-

4- It would appear from the sentence of the Subordinate Judge, of which a copy was presented with the above Petition, that the money was delivered by the Prosecutor to the Prisoner in the village of Cullore on the Prisoner's representation that he was authorized to receive it by three persons in the Zillah of Bellary to whom it was due. It is not stated either in the charge

or

29th September 1853-

or the sentence whether the pretence was a false one, and by whose evidence its falsity was established and the receipt of the authority claimed negatived-

5- If it appeared that the Prisoner really received the authority upon which he obtained the money and his offence consisted in misappropriating it to his own use it is obvious that the Prisoner had committed no offence until the termination of the trust by some wrongful act of his and either to render the offence cognizable by the Subordinate Judge, such wrongful termination must be proved to have occurred within the Zillah of Chittoor-

6- It is obviously impossible to determine from the report under which of these two perfectly distinct clases, the offence of the Prisoner was supposed to fall, for while the heading of the charge is found an embezzlement, the charge contains merely an obscure allusion to an obtaining of money under false pretences, and the sentence of the Subordinate Judge although somewhat lengthy makes no reference to embezzlement and does not set forth sufficient ground to convict the Prisoner

of

of the Grand.

Ordered that Extract from these
Proceedings with Miscellaneous Petition No. 121 × to be returned
of 1853 be sent to the Sessions Judge of Chittoor
for his information and guidance by Precept
returnable within X days from and after its receipt.

/Sent following Precept No. /s

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

Read letter dated the 6th July 1853 from
the Sub Assistant of Ichapore forwarding the half yearly
Report on the state Prisoner Reno Doolo Sahoo + confined in the jail at Ichapore.

/Here enter F.B. No. 1583 of 1853/

Read Calendar of Case No. 31 of 1853
submitted by the Sessions Judge of Tinnevelly under
date the 15th September 1853.

/Here enter F.B. No. 2141 of 1853/

Read letter dated 23d September 1853
from the Sessions Judge of Chittoor forwarding Report
of the labor of Convicts stationed at Arcot for the
Month of August 1853.

/Here enter F.B. No. 2152 of 1853/

Read Return dated 17th September 1853
from

from the Sessions Judge of Tanjore to the Precept of the
Sub Dedalut under date the 11th September 1853 directing
the Sessions Judge to carry out the orders conveyed
in the Proceedings of the Tanjore Dedalut dated
5th August in the Case of Complainant Narna
Timber Veeren Tindal Raghoba and Roo Tinning
annuta.

/Here enter F.B. No. 2153 of 1853/

Read Return dated 23d September
1853 from the Sessions Judge of Cuddapah to the
Precept of the Tanjore Dedalut under date the
20th September 1853 directing the release of the Prisoner
in Case No. 33 of the Calendar for 1853.

/Here enter F.B. No. 2161 of 1853/ s

Read Calendar of Case
No. 21 of 1853 on the file of the Sessions
Court of Nellore.

(Here enter F.B. No. 2114 of 1853.)

/Before disposing of the
above case the Court of Tanjore Dedalut
resolve to call upon the Acting Sessions Judge
to submit a translation of the Record for their
consideration.

Ordered that Extract from
these

29

29th September, 1853.

these proceedings be forwarded to the Acting Sessions
Judge of Vellore by precept returnable in
XX days from and after its receipt.
(Sent following precept No)

Exd Wolf

Friday
30th September 1853 } At a Court of the Foujdaree Adalut

Present

Hon'ble G. S. Hooper Esquire
" H. A. Morehead Esquire
" T. L. Strange Esquire } Puisne Judges.

Read again Calendar of Case No 28
on the file of the Sessions Court of Trichinopoly.

/Here enter F. C. No 1932 of 1853/

Read also Letter from the Sessions
Judge of Trichinopoly with reference to proceedings of
Foujdaree Adalut dated 10th September calling for
explanation of the grounds of the prisoners acquittal
in the above case.

/Here enter F. C. No 2103 of 1853./

The Court of Foujdaree Adalut
resolve to direct that the Original Record of
the above trial be submitted for their consideration.

Ordered that Extract from these
proceedings be sent to the Sessions Judge of Trichinopoly
by precept returnable within 10 days from and
after its receipt —

/Sent following precept No

Read Criminal Report submitted
by

by the Session Judge of Chittoor for the Month of August 1853.

/Here enter F.H. No. 2117 of 1853/

No. 88. /

In this case the prisoner Charged in 8 distinct counts with having obtained money under false pretences was convicted and Sentenced by the Acting Subordinate Judge to six months imprisonment with hard labor in irons and to pay a fine of 50 Rupees. —

2.

It appears to the Court of Foujdaree Adalut that the several acts of fraud laid in the indictment merely as instances of the same offence should have formed distinct Charges because the time and place in each of the instances were different.

3.

As it would appear from the Calendar under review that the prisoner was convicted on every count of the indictment and that he had been previously convicted and punished for a similar offence the Court of Foujdaree Adalut are of opinion that the Sentence passed was far too lenient to Satisfy the requirements of Justice.

Ordered that Extract from these proceedings be sent to the Session Judge of Chittoor for

for his information and for Communication to the Subordinate Judge. —

(Sent in No. /

Read Calendar of Criminal Cases Submitted by the Session Judge of Guntoor for the months of July and August 1853.

/Here enter F.H. No. 2091 of 1853/

No. 21. /

In this Case the prisoner Charged with having stolen two gold bangles valued at Rupees 40 was sentenced by the Moosiee Sudr Ameen to receive 20 lashes and to be imprisoned for 40 days with hard labor. —

2.

The period of imprisonment awarded appears to the Court of Foujdaree Adalut inadequate to the offence committed. —

Ordered that Extract from these proceedings be forwarded to the Session Judge of Guntoor for his information and for Communication to the Moosiee Sudr Ameen.

/Sent in No. /

Read Calendar of case No. 27 of 1853 on the file of the Session Court of Cuddalore.

/Here enter F.H. No. 2080 of 1853/

/

In the above case the Acting Session Judge in concurrence with his Mohomedan Law

Law officer convicted the 1st and 2d prisoners of Gang robbery and sentenced them to 14 years imprison= ment with hard labor.

2. The Mohomedan law officer acquitted the 3d and 4th prisoners and the Sessions Judge ex= =pressed himself dissatisfied with the evidence against them which consisted of the statements of the prosecutor and 1st witness as to their identity). He however sentenced them to furnish two securities to the sum of Rupees 50 each for good Conduct and appearance during three years and in default to be imprisoned for that period.

3. The Court of Foujdaree Adalut are not of opinion that the suspicion against the prisoners in this case is of such a nature as to authorize the requisition of security. The evidence of identity given by the witnesses against them was clear and express. and if insufficient for conviction as the Acting Session Judge and the Mohomedan law officer concurred in considering it, it must have been absolutely worthless.

4. For these reasons the Court of Fouj= =daree Adalut resolve to cancel the requisition of security from the 3d and 4th prisoners and to direct their immediate release.

Ordered

Ordered that Extracts from these proceedings be sent to the Acting Session Judge of Cuddalore by precept returnable within III days from and after its receipt.—

/Sent following precept No.

Read letter under date the 3d September 1853 from the Session Judge of Cuddapah forwarding English translation of the record of Case No. 3 of 1853 on the Calendar of the Session Court for the final Judgment of the Court of Foujdaree Adalut.

/Here enter F. R. No. 2014 of 1853/

Mr. H. A. Morehead.

and

Mr. T. L. Strange.

The Court of Foujdaree Adalut on deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the Prisoner,

4th Cy. Chengadoo

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 /

Read Criminal reports for the month of August 1853 submitted by the Acting Session Judge of Cuddalore.

/Here enter F. R. No. 2116 of 1853/

Ex

No. 70. In this Case the prisoner who had broken a thatty door, entered the garden of the Prosecutor, and stolen from a Cart secured therein gunny bags valued at Rs. 2—8—11 was convicted of House breaking by the Principal Sudr Ameen and sentenced to one years' Imprisonment:—

2. The Court of Foujdaree Adalut have to observe that the breaking into a garden does not constitute the offence of housebreaking, and that the offence which prisoner Committed was no more than a simple theft. under these Circumstances the sentence passed appears a severe one, and the Court of Foujdaree Adalut resolve to direct the Acting Sessions Judge to call for the record and review the Case.—

No. 72. 3. In this Case the prisoner stole brass utensils, Indigo &c. valued at Rupees 66—2 from a house into which he had effected an entry by getting over the parapet wall of the back yard thereof. The Acting Sessions Judge instructed the Principal Sudr Ameen that the mode by which the entry was effected by the Prisoner and his attempt to escape from the house constituted the offence that of housebreaking.

4. The Court of Foujdaree Adalut have

have to point out to the Acting Sessions Judge that to constitute this offence there must be either an actual or constructive breaking at a dwelling house and that act of getting over the wall of an outer enclosure does not suffice to create the offence: If therefore after the getting over the wall the entry was effected without further impediment, as through an open door way, the crime was that of simple theft.

5. In charge the Court have to remark was defective in not setting out how the actual entry into the house was effected.—

Ordered that Extract from these proceedings be sent to the Acting Sessions Judge of Cuddalore for his information and guidence.

(Sent in Mr.)

Read Extract from the Proceedings of the Sessions Judge of Coimbatore under date the 22d September 1853 held on review of the Petty Calendars of the Magistrate for the 2d quarter of 1853.—

(Here enter F. R. No. 2162 of 1853)

Read Calendar of case No. 14 of 1853 Submitted by the Sessions Judge of Rajahmundry under date the 22d September 1853.—

(Here enter F. R. No. 2165 of 1853)

Read

Read Calendar of Case No 13 of 1853 Submitted by the Session Judge of Rajahmundry under date the 22d Septembr 1853.

(Here enter F. Do. No 2166 of 1853)

Read Calendar of Case No 30 of 1853 Submitted by the Session Judge of Tinnevelly under date the 21st Septembr 1853.

(Here enter F. Do. No 2167 of 1853)

Read Calendar of Case No 43 of 1853 Submitted by the Session Judge of Calicut under date the 22d Septembr 1853.

(Here enter F. Do. No 2171 of 1853)

Read Calendar of Case No 18 of 1853 Submitted by the Session Judge of Mangalore under date the 22d Septembr 1853.

(Here enter F. Do. No 2173 of 1853)

Read Extract from the proceedings of the Sessions Court of Guntoor under date the 23d June 1853 held on review of the Police Statements for the 1st quarter of 1853.

(Here enter F. Do. No 2174 of 1853)

Read extract from the proceedings of the Sessions Court of Guntoor dated 23d Septembr 1853 held on review of the Petty Calendars of the Magistracy for the 2d quarter 1853.

(Here enter F. Do. No 2175 of 1853)

Read

30th September 1853.

Read convict labor report Submitted by the Sessions Judge of Salem under date the 1st instant of the Jail at that Station under Charge of the Magistrate for the month of August 1853.

(Here enter F. Do. No 2179 of 1853)

Read return dated 21st September 1853 from the Sessions Judge of Honore to the Superintendent of the Tsjadarce Adalut under date the 14th September 1853 directing the Sessions Judge to cancel the requisition of Security in Case No 31 of 1853 on the Criminal file.

(Here enter F. Do. No 2181 of 1853)

Read Calendar of Case No 37 of 1853 Submitted by the Sessions Judge of Condapah under date the 24th September 1853.

(Here enter F. Do. No 2184 of 1853)

Ey. Ogilvie Holl

J. C.

Monday
3rd October 1853

At a Court of the Toujdarree Adalut.

Present

G.S. Cooper Esquire
W.A. Morehead Esquire
T.L. Strange Esquire
} Puisne Judges.

Read Miscellaneous Petition forwarded by the Sessions Judge of Tinnevelly under date the 17th September 1853. on behalf of Sadala Mootoo and another, convicts of the Prisoners in Case No. 25 of 1853 on the Calendar of the Sessions Court.

(Herewith F.M. Pet. No. 730 of 1853)

Read also Calendar of Case No. 25 of 1853 on the file of the Sessions Court of Tinnevelly.

(Herewith F.C. & P. No. 970 of 1853)

Mr. W.A. Morehead

Petitioners pray for the release of the Prisoners convicted and Sentenced in the above case for attempts at house-breaking and theft. The grounds urged are that the conviction was procured by false evidence and conspiracy on the part of the Prosecutor who

who had long been at enmity with the Prisoners, and that the evidence itself was from the discrepancies which it contained quite insufficient to warrant a conviction..

2 Petitioners urged all the points now addduced in their defence before the Sessions Judge who examined their witnesses in support of them, and upon full consideration pronounced the defence worthless..

3 The Court of Foujdaree Adalut see no reason to question the propriety of the conclusion at which the Sessions Judge has arrived, and they resolve to reject this Petition..

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Tinnevelly for his information and for communication to the Petitioners

/Sent in &c.

/

Plead Calendar of Cases No 63 of 1853 submitted by the Sessions Judge of Bellary under date the 13th Ultimo..

/Herewith Pet No 2195 of 1853/

Before disposing of this Case the Court of Foujdaree Adalut may be to call upon the Sessions Judge to submit for their consideration an English translation of the record

record of the foregoing Case..

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Bellary by precept returnable within XV days from and after date of precept..

/Sent following precept &c

/

Plead Calendar of Cases No 32 of 1853 of the Sessions Court of Combaconum..

/Herewith Pet No 2090 of 1853/

The Court of Foujdaree Adalut approve of the recommendations 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 Gang Robbery be reduced each to 7 years imprisonment with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly..

1st Nagoor
and
2d Cuttaun

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

/Sent in &c

/

Plead Calendar of Case No 5 of 1853 of the Sessions Court of Trangalore..

/Herewith Pet No 2099 of 1853/

The Court of Foujdaree Adalut approve

approve of the recommendation made by the Sessions Judge in this case, that the imprisonment which the prisoner under in the margin has been adjudged to suffer on his conviction of the crime of Forgery, be reduced to 1 one 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 Mangalore for his information

/ True Copy &c /

5. Reversal of Sentence of Subordinate.-

Read Criminal Reports submitted by the Sessions Judge of Canara for the months of august 1853..

/ Recd vide Dy Rs Secy's 2124 of 1853 /

Case No 165- 1 In this case the prisoner charged with theft, and with having wounded with a knife the Prosecutor who attempted to apprehend him in the act of theft, was sentenced by the Subordinate Judge to receive 30 lashes and to be imprisoned for 4 months with hard labor.-

The Court of Sudder Adalut are of opinion that the aggravated offence committed by the prisoner was beyond the competency of the Subordinate Judge to decide upon, and that that officer should have committed

committed the case to the Sessions Court.

The punishment awarded appears to the Court of Sudder Adalut most sufficient

No 150. 2 In this case the Subordinate Judge sentenced the 1st of four prisoners convicted of housebreaking to four months imprisonment, and to receive 20 lashes, and 2nd 3rd & 4th to 6 months imprisonment and to receive 25 lashes.. The period of imprisonment awarded appears to the Court of Sudder Adalut very inadequate to the offence

No 166.. 3 The prisoners were convicted of stealing nine Buffaloes valued at 90 Rupees, and sentenced the 1st 3d and 4th to six months imprisonment with 80 lashes, and the 2d to 4 months imprisonment with 33 lashes.. considering the magnitude of the theft, the imprisonment appears to the Court of Sudder Adalut quite sufficient, the Subordinate Judge should have disposed of the Case under the extended powers vested in him by Clause fourth Section VIII Regulation VII of 1822..

4 The period of imprisonment awarded by the Subordinate Judge to the

Nos 173, 175 176, 177.- 186 prisoner in these Cases appeared to the Court of Faydaree Adalut altogether insufficient the offence of cattle stealing being a serious one, and the perpetrated instances in which the prisoner has committed it, shewing him to be a confirmed thief.-

No 11 5 In this Case the Assistant Magistrate (Mr Collett) sentenced the prisoner convicted of a assault and wounding to 1 months imprisonment, the sentence appears to the Court of Faydaree Adalut most inadequate..

No 12.- 6 In this Case for a robbery & assault upon an aged woman by which one of the bones of her left arm was broken the prisoner was sentenced by the Assistant Magistrate Mr Sandeman to one months imprisonment with hard labor in irons.- The period of imprisonment is most insufficient for the aggravated offence committed by the prisoner. The Court of Faydaree Adalut have further to point out to the Assistant Magistrate, that all assaults cognizable by the Criminal Courts under Section VII Regulation X of 1816, are of the nature

nature of misdemeanors and therefore by Circular Order of Faydaree Adalut of 27th June 1831 not punishable with labor in irons.- The labor should be without irons.-

No 13.- 7 The Sentence passed in this Case also appears to the Court of Faydaree Adalut much too lenient..

8 From the Convict labor report received with the above Criminal Reports, the Court of Faydaree Adalut observe that the prisoners are in receipt of the maximum rate of grain allowance.- As this proportion is very much larger than that of Sessions in any other Zilla, the Court of Faydaree Adalut request to call upon the Sessions Judge to explain the reason of this difference..

Ordered that Extract from these proceedings be sent to the Sessions Judge of Calicut for his information and for communication to the Subordinate Judge and to the Magistrate.-

(Seal)

Read Calendars of Cases Nos 12 and 15 of 1853 submitted by the Sessions Judge of Tellicherry under date the 6th and 23d August 1853.

(Here enter Ltr No 3191 of 1853)

Read

3d October 1853.-

Read Criminal Reports for the months of August 1853 submitted by the Sessions Judge of Tinnevelly under date the 1st September 1853.-

/Entered F.C. No. 2192 of 1853/

Read Return dated 20th September 1853 from the Sessions Judge of Rajahmundry to the precept of the Foujdaree Adalut under date the 19th September 1853 directing the restoration of Vadrevoo Venkatanursimlu to his situation of Sumastah in the Subordinate Court of Rajahmundry.-

/Entered F.C. No. 2196 of 1853/

Read Extract from the proceedings of the Sessions Court of Tellicherry under date the 26th September 1853 on receive of the forty Calendars for the 2nd Quarter of 1853.-

/Entered F.C. No. 2190 of 1853/ vs

Id. 1816.

Wednesday
5th October 1853. } At a Court of the Foujdaree Adalut.

F.C.

Present

The Hon'ble G. S. Hooper Esquire
W. A. Morehead Esquire
T. L. Strange Esquire. } Puisne Judges.

Read letter from the Sessions Judge of Coimbatore dated 19th September 1853.-

/Entered F.C. No. 2135 of 1853/

The Sessions Judge in the above letter requests the opinion of the Court of Foujdaree Adalut as to whether the charge of House breaking and theft preferred in Sessions Case No. 21 of 1853 is sustainable.-

2. It appears from the statement of the Sessions Judge that the property alleged to have been carried off was part of the property of the family of which the 2d prisoner and the prosecutor were undivided members and it further appears that the 1st and 3d prisoners jointly indicted were relatives and acted in the matter merely as the 2d prisoner's Agent and under his authority.-

3. In addition to the circumstances

of

of the 2d prisoner being a Joint owner of the property which he is accused of having stolen, it would appear that the prosecutor treated the matter as a Civil Case and accepted a bond from the second prisoner in liquidation of his share of the family property).—

4. The Court of Foujdaree Adalut are of opinion that the Case stated is purely a Civil one and that no charge of Theft can be sustained against the 2d prisoner and his associates.—

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

/Sent in Mr/

Read Calendar of case No 34 of 1853 of the Sessions Court of Combaconum.—

/Here enter F. R. No 2157 of 1853/

The Court of Foujdaree Adalut 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 Theft be reduced to three years imprisonment with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly

1st Arnaballum
2d Muttoopillay.

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

/Sent in Mr/

Read letter under date the 19th September 1853 from the Subordinate Judge of Bellary.

/Here enter F. R. No 2149 of 1853/

With the foregoing letter the Subordinate Judge has submitted for the Consideration of the Court of Foujdaree Adalut certain papers having reference to the dismissal of a Deloyet named Hoosain Khan on the establishment of the Subordinate Court whose restoration to his situation has been directed by the Sessions Judge.—

2. It appears that the Deloyet in question was lately Committed for trial on a Charge of Theft committed in the house of Mr Clarke the Subordinate Judge and was sentenced by the Moosiee under Ameen to seven months Imprisonment, which sentence was reversed by the Sessions Judge on appeal on the ground that the evidence was insufficient for the conviction of the accused.—

3. The Deloyet on his release applied to be restored to his situation from which he had been dismissed and an Order to that Effect was issued

issued by the Sessions Judge. The Subordinate Judge having stated strong grounds for believing that the Delayet was guilty of the theft charged against him requested the Sessions Judge to reconsider the Order for his restoration, and subsequently on being directed to carry it out, reported that he had done so, and requested that the Correspondence on the subject might be referred to the Court of Foujdaree Adalut which request having been refused by the Sessions Judge the Subordinate Judge has referred the matter direct for the Orders of the Court.—

4. On perusal of the papers laid before them the Court of Foujdaree Adalut are constrained to state their opinion that the Sessions Judge has acted injudiciously in directing the restoration of the Delayet referred to. It is admitted by the Sessions Judge in his proceedings reversing the Sentence passed upon the Delayet that some suspicion attached to him, and under these circumstances the Court consider that the Subordinate Judge was fully justified in declining to retain him in his situation in the Subordinate Court.—

5 The Court of Foujdaree Adalut resolve to direct that the Sessions Judge will effect an exchange between the Delayet Hossain Khan and

one of the Delayets on the Establishment of the Sessions Court.—

Ordered that Extract from these proceedings be sent to the Sessions Judge of Bellary for his information and for Communication to the Subordinate Judge by precept returnable within Five days from and after its receipt.—

Sent following precepts &c

Read petty Calendars of the Magistracy submitted by the Sessions Judge of Chingleput for the 2d quarter of 1853.

Vide entry F. Dc. No. 2132 of 1853.

1 In the above Calendars the charges do not set forth in sufficient detail the nature of the offence alleged thus defeating their object which is to enable the higher Court to judge of the appropriateness and sufficiency of the punishment awarded in any particular case.

No. 30. 2. The Court of Foujdaree Adalut are of opinion that no substantive offence has been alleged against the Defendant in this case and they therefore cancel the Sentence and direct the return of the fine to the Defendant.

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

of Chingleput for his information and for
communication to the Magistrate.—

/Sent in &c/

Read letter dated 22d September 1853
from the Sessions Judge of Bellary submitting for
the final Judgment of the Foujdaree Adalut the
record of Case No. 56 of 1853 on the Calendar of
the Session Court.—

/Here enter F. Do. No. 2207 of 1853/

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 Buffapah Naik

is sufficient to convict him of the crime of knowingly
receiving property obtained by robbery and that against
the prisoners,

2d Seenanah
3d Rundyah
4th Veneategah
5th Erogah
6th Bheemah
7th Ramah and
8th Shimmogah

of the crime of robbery attended with aggravating
circumstances

circumstances do convict them respectively thereof
and under the provisions of Clauses Third and Fifth
Section IV Regulation XV of 1803 and Section XXXV
Act VII of 1843 sentence the prisoners

1st Buffapah Naik
2d Seenanah
3d Rundyah
4th Veneategah
5th Erogah and
7th Ramah

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 prisoners,

6th Bheemah and
8th Shimmogah

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 &c/

Read Extract of proceedings held on
review of the Petty Calendars, from the Sessions
Judge of Tinnevelly under date the 8th July
1853 for the 1st quarter of 1853.—

/Here enter F. Do. No. 1694 of 1853/

Read

Read Statement submitted by the Session Judge of Mangalore under date the 18th July 1853 of the actual produce of the labor of Prisoners and the application of the funds arising therefrom from 1st April to 30th June 1853 furnished with reference to the Circular Order No. 88 dated 9th June 1837.—

(Here enter F. No. No. 1697 of 1853)

Read Calendar of Cases No. 51 of 1853 submitted by the Session Judge of Bellary under date the 22d July 1853.—

(Here enter F. No. No. 1698 of 1853)

Read Petty Calendar of Cases No. 1 of 1853 submitted by the Session Judge of Coimbatore under date the 23d July 1853.—

(Here enter F. No. No. 1701 of 1853)

Read Extract of proceedings from the Acting Session Judge of Masulipatam under date the 28th July 1853 reviewing the Petty Calendars of the Magistracy for the 1st quarter of 1853.—

(Here enter F. No. No. 1783 of 1853)

Read Extract of proceedings from the Sessions Judge of Trichinopoly under date the 23d July 1853 reviewing the Petty Calendars of the Magistracy for the 2d quarter of 1853.—

(Here enter enter F. No. No. 1797 of 1853)

5th October 1853.

Read letter from the Session Judge of Coimbatore dated 5th August 1853 submitting copy of his proceedings dated 3d August 1853 held in Case No. 28 of 1853.

(Here enter F. No. No. 1798 of 1853)

Read Calendar of Case No. 29 of 1853 submitted by the Session Judge of Trichinopoly under date the 5th August 1853.—

(Here enter F. No. No. 1801 of 1853.)

Read letter dated 17th August 1853 from the Acting Superintendent of Government Roads at Guindy reporting that a Convict Committed Suicide yesterday in the Jail by hanging himself with his cloth.

(Here enter F. No. No. 1862 of 1853)

Read return dated 1st September 1853 from the Session Judge of Cuddapah to the precept of the Foujdaree Adalut under date the 25th August 1853 directing the immediate submission of all the referred Cases to them Court.—

(Here enter F. No. No. 1995 of 1853)

Read Criminal Reports submitted by the Sess. Judge of Bellary under date the

the 18th June 1853 for the month of May 1853.

(Here enter F. No. No. 1413 of 1853)

Read return dated 7th July 1853 from the Sessions Judge of Cuddapah to the pre-cept of the Foujdaree Adalut under date the 5th May 1853 directing that indictments be pre-pared against the Nazir and Head Goomastah of the Subordinate Criminal Court on account of their proceedings in the matter of certain unclaimed property sent up to the said Court.

(Here enter F. No. No. 1541 of 1853)

Read report dated 1st October 1853 from the Acting Session Judge of Nellore, of cases pending before his Court in excess of 25 days during the month of September 1853.

(Here enter F. No. No. 2219 of 1853)

Read Criminal Report B dated 19th September 1853 submitted by the Principal Sudr Ameen in charge of the Session Court of Honore, of cases disposed of by the Magistracy of Canara for the month of August 1853.

(Here enter F. No. No. 2222 of 1853)

Read Report dated 30th September 1853 submitted by the Session Judge of Chingleput, of persons apprehended by the Magistrate and believed to have run in the month of August 1853.

(Here enter F. No. No. 2223 of 1853)

Thursday
6th October 1853.

F. U.

At a Court of the Foujdaree Adalut.

Present.

The Hon'ble G. I. Cooper Esqr.
W. A. Morehead Esqr.
J. L. Strange Esqr.
} Puisne Judges.

Read letter from the Acting Session Judge of Masulipatam dated 20th September 1853 submitting for the final judgment of the Court of Foujdaree Adalut a translation of the record of Case 75/1852 on the file of the Session Court.

(Here Enter F. U. No. 2208/1853.)

Read again petition presented on the 3d October 1853 by the prisoner in the above case.

(Here Enter F. M. P. No. 133/1853.)

Read again Calendar of case No. 4/1852 on the file of the Session Court of Rajahmundry.

(Here Enter F. U. No. 1737/1853.)

Mr. Morehead

The Court of Foujdaree Adalut on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion, that the proof against the prisoner, "Guffoor Khan," is sufficient to convict him of the crime charged

do

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 on the public roads or other public works for and during the period of his natural life.

1 The Prisoner was charged before the Sessions Court of Masulipatam with having in company with others not in custody at about ½ past 10 P. M. of 3d July 1851, armed with swords and firelocks, forcibly entered the house of the prosecutor, maltreated the inmates and carried off therefrom, Jewels, cash and other property valued at Rs 859 — 8.

2 It appeared from the evidence of 1st and 2d Witnesses that on the morning of the day in question, the prisoner and several other Rohillas pretending to be merchants came to the prosecutors house and drank buttr-milk given by these witnesses who were the prosecutor's nephews - that they lay down to sleep in a detached hall on the same night and that about 10 P. M. they scaled the back door entered the house, bound 1st witness and carried off the property as laid in the charge.

3. The prisoner was taken into custody in the territory of his Highness the Nizam on

on account of a robbery committed in the Zillah of Rajahmundry and which was disposed of in No 4 of the Calendar of the Rajahmundry Session Court.

4. The prisoner was handed over to the police of Masulipatam, and the evidence against him consists of the identification by the 1st and 2d witnesses who recognize him from his general appearance and also from a long scar of a sword cut on his right shoulder which they saw when he was halting in the house of the prosecutor.

5. The Jewels found upon him were also proved to be the prosecutor's property. This evidence deserves additional force from the fact that two pairs of bangles are such as are worn by Hindoos and never by a Mussulman. Prisoner attempted to explain this by stating that they were given to him by a Gentoo girl who wished to become a Mussulmanee.

6. The Session Judge concurred with his Mahommedan law Officer in convicting the prisoner of gang robbery, and with reference to the prisoner's conviction of the same offence in Case No 4 of the Session Court of Rajahmundry, was directed to refer the case for the final judgment of the Court of Foujdaree Udalut.

7. The Court of Foujdaree Udalut are

of

of opinion that the evidence of the witnesses to the prisoner's identity is full and conclusive. It is that of men who had the fullest opportunity of becoming acquainted with his person during a whole day's association.-

8. The Court are further of opinion that the jewels found upon the prisoner are fully proved to be the property of the prosecutor, and that the evidence against him is amply sufficient for his conviction of the offence charged.-

9. The consideration urged by the prisoner in the above petition as to the improbability of his having come from the Nizam's territory to so great a distance for the purposes of robbery appears to the Court of Foujdaree Udalut quite powerless to counteract the mass of direct evidence adduced against him.-

10. The prisoner was convicted of the same offence in No. 4 / 1852 on the file of the Sessions Court of Rajahmundry, with reference therefore to the conviction in that case and to the daring manner in which this robbery was committed, and to the aggravating circumstances with which it was attended, the Court of Foujdaree Udalut have sentenced the prisoner to be transported for life with hard labor.

Ordered

F. U.

6th October 1853.

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

(Sent in No.)

Read petition presented on the 15th September 1853 by E. Salmon Esqre vakeel on behalf of Gungabayee of the Zillah of Combaconum.-

(Here enter F. M. P. No. 126 / 1853.)

Mr. Morehead. 1. Petitioner prays the Court of Foujdaree Udalut to call for the record in Case No. 43 / 1852 on the file of the Sessions Court of Combaconum and to reverse the sentence passed upon her son the first prisoner in that case. She further complains that she possessed a right to the property sold to liquidate the fine imposed upon the prisoner — that her right could not be affected by the sentence, and she further represents that the property was sold at a greatly depreciated rate.-

2. The Court of Foujdaree Udalut see no reason to question the propriety either of the prisoner's conviction or of the sentence passed upon him and they therefore decline calling for the record — any objections which petitioner may entertain as to the manner in which the

Sentence.

6th October 1853.

sentence of fine was carried out, must be preferred to the Session Judge of Combaconum by whom such sentence was passed.

3 The Court of Foujdaree Udalut do reject this petition.

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

Exd.
E.F.

(Sent in No.) 5

Friday
7th October 1853.

F. C.

At a Court of the Foujdaree Udalut.

Present.

Hon. G. S. Hooper Esqre.
Hon. W. A. Morehead Esqre. } Puisne Judges.
Hon. J. L. Strange Esqre.

Read letter dated 26th September 1853 from the Session Judge of Calicut submitting for the final judgment of the Foujdaree Udalut the Record of case No. 25 of 1853 of the Calendar of the Session Court.-

(Here enter No. 2205 of 1853.)

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.-

"Ivan Edapalasherry Pachara"

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 or other public Works for and during the period of his natural life.-

The

7th October 1853.

1. The prisoner was charged with culpable homicide in having on the night of the 28th April 1853 inflicted upon one Nalalos a wound in the belly with a spear whereof the said Nalalos died on the night of the following day.-

2. The direct evidence against the prisoner was that of the 1st witness, the son of — deceased, who deposed that his father and he left the prisoner's house after drinking toddy on the night in question and that upon his father's order he (witness) ascended an areca tree in the prisoners garden to obtain some nuts that while so engaged he heard his father cry and that upon looking round he saw the prisoner draw a spear out of the body of deceased and immediately run away.-

3 This evidence was confirmed by a declaration of the deceased which was taken down in writing by the Police when it was found that there was no chance of his recovery. Several witnesses proved the delivery of the declaration by deceased.-

4 The fact that death resulted from the wound in the belly was also fully proved.-

5 The prisoner throughout denied all knowledge of the matter and before the Sessions Court attempted to prove that he was on the night in ques-

7th October 1853

tion laid up with a boil on his leg, at the house of his wife, at the time mentioned in the charge, and cited two witnesses in the support of the alibi.-

6 The Mahomedan Law Officer acquitted the prisoner both because he considered the direct evidence against him insufficient for his conviction, and because he attached weight to the evidence adduced by the prisoner in support of the alibi.-

7. The Sessions Judge did not consider the evidence as to the alibi deserving of credit as no mention was made of the circumstance of the prisoner being laid up at the time of his capture, on the next day, and on account of the short distance between the house in question and the scene of the crime. He further considered the evidence of the 1st witness supported by the dying declaration of deceased and by the fact that the truth of the story was confirmed by the state of the tree from which the areca nuts were alleged to have been pilundred; sufficient for the prisoners' conviction. Being however of opinion that the act was the result of sudden impulse he considered that the prisoner would be sufficiently punished by a sentence of 10 years imprisonment with hard labor in irons which he recommends

the

7th October 1853 the Court of Foujdaree Udalut to proceed.-

8 The Court of Foujdaree Udalut are of opinion that the evidence is full and conclusive as to the death of the deceased having resulted from the wound inflicted by the prisoner. They are further of opinion that he was really guilty of murder and should have been so charged. They deem it necessary to point out to the Session Judge that the guilt of homicide is not mitigated merely by the fact that the Criminal act was committed by the Prisoner in a fit of ungovernable rage. To justify such mitigation it must further be shown that the prisoner's self control was overpowered by sudden and severe provocation and they are clearly of opinion that the provocation to which the prisoner in this case was subjected was not of this nature.-

9 For the above reasons the Court of Foujdaree Udalut have sentenced the prisoner to be transported for life with hard labor.-

10. The Court of Foujdaree Udalut have also to point out to the Session Judge that on all occasions on which Magistrates or Police Officers or others receive and record the declaration of persons dying as to the circumstances of the Crime by which their lives have been endangered, it is absolutely

J. V.

7th October 1853. absolutely essential that the abandonment of all hope of life by the declarant should be clearly ascertained and recorded.-

11 The Court of Foujdaree Udalut further resolve to direct that whenever a prisoner is charged with having procured the death of another and there exists any doubt as to the exact degree of his offence whether manslaughter or murder he shall invariably be charged with murder. No injustice or inconvenience can possibly result from this course for it will always be open to a prisoner on his defence to shew the existence of mitigatory circumstances and he can then be convicted of manslaughter with or without aggravating circumstances as the case may be.-

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

(Sent in No)

Ordered also that Extract from these Proceedings paras 10 & 11 be forwarded to all the Session Judges for communication to the Subordinate Judges and Principal Sudder Ameens.-

(Sent in No) 5

Ex. Thos W

F. U.

Saturday
8th October 1853. At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esqre.
W. A. Morehead Esqre. } Puisne Judges.
J. L. Strange Esqre.

Read letter dated 30th September 1853 from the Session Judge of Tinnevelly submitting for the final Judgment of the Foujdaree Udalut the Record of Case No. 29 of 1853 of the Calendar of the Session Court.

Here Enter F. U. No. 2233 of 1853.

W. J. L. Strange.

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

1st Vellian

and

3d Soorasungoo

are not convicted on presumptive proof or on the evidence of Credible witnesses, or on their own confession, of the crime charged, do acquit them thereof, and direct that they be set at liberty.

Sent in No. 1

Read.

8th October 1853

Read Calendar of Case No. 64
of 1853 of the Session Court of Bellary.

Vide Inter Foujdaree Udalut No. 2170 of 1853.

The Court of Foujdaree Udalut approve
of the recommendation made by the Session Judge
in this Case that the imprisonments, which
1st Buswah and 2d Samah. 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
Session Judge to issue his warrant accordingly.

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

/Sent in No. /

Read again letter from the Session
Judge of Rajahmundry dated 31st May 1853.

/Vide Inter Foujdaree Udalut No. 1252 of 1853./

Read also return and supplemental
return from the Session Judge of Rajahmundry
to precept of Foujdaree Udalut dated 22d July
1853 calling for a translation of the record of the
trial in No. 42 of 1852 on the file of the Session Court

Vide Inter Foujdaree Udalut 1829 & 2102 of 1853.

In

8th October 1853.

In the above letter the Sessions
Judge solicited the permission of the Court of
Foujdaree Udalut to examine further witnesses
on behalf of the prisoner in the above case
although the trial had been completed and
sentence passed.

2. As it appeared to the Court of
Foujdaree Udalut that all the points urged by
the prisoner had received due consideration
upon the trial, they did not consider that
necessity existed for further enquiry upon
them but seeing reason to doubt the propriety
of the prisoner's conviction, they directed that
a translation of the record should be laid
before them.

3. Upon an attentive consideration
of the record of the above case, the Court of
Foujdaree Udalut are of opinion that the pri-
soner was properly convicted and that full
latitude was allowed for her defence which
embraced all the points raised by her in her
application for further enquiry. The Court of
Foujdaree Udalut therefore confirm the sentence
passed by the Sessions Judge and decline to
authorize the receipt of further evidence
in the case.

Ordered

8th October 1853.

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

Sent in No. s

Read Report dated 30th September 1853 submitted by the Session Judge of Masulipatam, of persons apprehended in the Zillah of Canara and delivered to the Magistracy in the Month of August 1853

(Here enter F. Uc. No. 2235 of 1853)

Read Report dated 4th October 1853, submitted by the Session Judge of Cuddapah, of Cases pending for more than 25 days during the month of September last.

(Here enter F. Uc. No. 2238 of 1853)

Read letter dated 4th October 1853 from the Session Judge of Trichinopoly, forwarding the Statements No. 10 and 13 for the year 1852.

(Here enter F. Uc. No. 2239 of 1853)

Read letter dated 30th September 1853 from the Session Judge of Chicacole, forwarding copy of a return made by the Magistrate of Ganjam regarding certain information required by the Courts Memorandum of the 5th Idem.

(Here enter F. Uc. No. 2241 of 1853)

Tuesday
11th October 1853.

F. Uc.

At a Court of the Foujdaree Adalut.

Present

G. S. Hooper Esquire.
W. A. Morehead Esquire } Puisne Judges.
T. L. Strange Esquire

Read Calendar of Case No. 10 of 1853 of the Sessions Court of Chicacole

(Here enter F. Uc. No. 2215/1853)

The Court of Foujdaree Adalut are
1 of opinion that a Sentence of 18 months' imprisonment with hard labour in irons will be adequate punishment for the offence of which the Prisoner in this Case has been convicted and they resolve to call upon the Session Judge to reduce his sentence accordingly-

If unable to concur with the
2 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 Extracts from these Proceedings be sent to the Session Judge of Chicacole by Precept returnable within III days from

11th October 1853.

from and after its receipt.

/ Sent to following Precept No. /

Read Calendar of case No 42 of 1853 of the Sessions Court of Calicut.

/ Here enter S. Ct. No 2164/1853 /

The Court of Foujdaree Adalut approve of the recommendation made by the Sessions Judge in this case that the imprisonments which the Prisoners noted in the margin have been adjudged to suffer on their conviction of the crime of Gang-robbery with violence, purchasing and possessing stolen property with a guilty knowledge, be reduced to 8 years' imprisonment with hard labour in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

1st Alpata Seydally
3rd Padmhie Hariharamanood.
5th Ayavaly Coonhy Moideen.

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

/ Sent in No. /

Read Criminal Reports submitted by the Sessions Judge of Mangalore for the month of August 1853.

/ Here enter S. Ct. No. 2199/1853 /

Adverting to the delay which has occurred in the submission of these Reports

11th October 1853.

Reports the Court of Foujdaree Adalut resolve to direct the attention of the Sessions Judge to the rule laid down in para: 8 of the Circular Order No 185 to the effect that the monthly Criminal Reports of the Subordinate Criminal Courts and Magistracy should be invariably dispatched from the several Sessions Courts on the 15th day of the month succeeding that for which they are furnished.

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

/ Sent in No. /

Read letter under date the 20th September 1853 from the Sessions Judge of Guntoor.

/ Here enter S. Ct. No. 2146/1853 /

In this letter the Sessions Judge

1

adverting to this Court's Proceedings of the 17th Ultimo, requests to be informed whether the act of getting over a Compound wall and then entering a house by an unfastened door, constitutes the offence of Housebreaking.

The Court of Foujdaree Adawlut

2

but observe that in the case referred to by the

11th October 1853.

the Sessions Judge, the door through which the Prisoners entered the house in which he committed the theft laid to his charge, is stated to have been closed, and therefore according to the rule laid down in the Circular Order of the 28th January 1828, as modified by the Circular Order of the 28th August 1828, the offence charged clearly amounted to housebreaking.

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

/Sent in to/

Read Calendar of Case No. 31 of 1853 on the file of the Sessions Court of Trichinopoly

/Here enter F. C. No. 2185/1853/

1 The Prisoners were charged with fraud in having by a false representation that they were acting under the orders of the Shroff, induced a Peon on Guards over a treasury to deliver to them a cash chest containing Rupees 875-15-0, which they then appropriated to their own use.

2 The falsity of the pretext, and the consequent delivery to the Prisoners were

F. C.

11th October 1853.

were fully established by the evidence and possessions of the property were found in the possession of each Prisoner.

3 The Court of Foujdaree Adalut are of opinion that the Prisoners should not have been charged with theft.

4 The error of the Lower Courts has evidently arisen from considering that a charge of theft could not be sustained in consequence of the delivery of the Cash Chest by the Peon to the Prisoners.

5 The Court of Foujdaree Adalut would observe that, under any circumstances the act of a Prisoner, who by false representation, obtains the delivery of property with intent to steal it, will be theft. Even in cases of the delivery of articles having value, by the owner of them, the act of him who wrongfully appropriates them will be theft, if he received them with intent to steal, and the owner intended to part merely with the possession as distinguished from the property in them.

6 The case now under review is far stronger than either of these. In contemplation both of law and reason, there was

11th October 1853.

was no actual delivery, and the owner had no intention of parting either with the posession or the property. The mere physical act of the Peon induced by the fraudulent representations of the Prisoners was clearly not a delivery.

It appears also from the Calendar that the false representations made by the Prisoners, explained as it was by their subsequent acts, afforded ample proof that the intent to steal existed at the moment of obtaining illegal posession.

Ordered that Extract from these Proceedings be sent to the Session Judge of Trichinopoly for his information and guidance and for communication to the Principal Sudr Ameen and the Magistrate.

/Sent in No /.

Wednesday
12th October 1853

F. C.

At a Court of the Foujdaree Udalut.

Present.

G. L. Cooper Esquire
W. A. Morehead Esquire
T. L. Strange Esquire
} Puisne Judges.

Read letter dated 29th September 1853. from the Session Judge of Rajahmundry submitting for the final Judgment of the Foujdaree Udalut the Record of Case No. 19 of 1853 of the Calendar of the Session Court.

/There enter No. 2270 of 1853./

Mr. W. A. Morehead.

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

"Guntay Taulappa"

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 or other

public

12th October 1853.

of stealing 12 measures of salt valued at 7 Annas and 2 piece was sentenced by the Subordinate Judge to six months' imprisonment with hard labor under Clause fourth Section III Regulation VI of 1822.-

2. The Court of Foujdaree Udalut require information in regard to the circumstances of aggravation which led the Subordinate Judge to pass so severe a sentence for so trifling a theft and to consider the offence cognizable only under the extended powers vested in him by the enactment quoted.-

107. 3. In the case the prisoners were charged with assault and culpable homicide and sentenced under Section VII Regulation X of 1816 to fine and imprisonment. The Report should have stated whether or not the homicide was proved, as if it was the case was not within the jurisdiction of the Subordinate Judge. The Sessions Judge will furnish the Court of Foujdaree Udalut with the necessary information on this point.-

Ordered that Extract from these Proceedings be sent to the Session Judge of Madura by precept returnable in III days.-

(Sent following precept &c)

F 6

Thursday 13th October 1853.

At a Court of the Foujdaree Udalut

Present

G S Cooper Esquire
H A Morehead Esquire
I L Strange Esquire
} Puisne Judges.

Read again Calendar of Case No 20 of 1851 on the file of the Sessions Court of Rajahmundry

(Herewith F 6 No 2107 of 1853)

Read also Miscellaneous Petition presented on the 3d January 1853 by Mr K Ritchie Vakeel on behalf of Lutchmanpaty of Pillalu Rajah. Zemindry 4th prisoner in the foregoing case.-

(Herewith F 6 No 7 of 1853)

Read also letter under date the 25th April 1853 from the Sessions Judge of Rajahmundry stating that the 4th prisoner in Case No 20 of 1851 on the file of the Sessions Court has requested to be informed of the order passed on the Petition presented on his behalf.-

(Herewith F 6 No 995 of 1853)

Read also letter under date the 6th September 1853 forwarding a Petition from the same prisoner Lutchmanpaty.-

(Herewith F 6 No 2041 of 1853)

Read

12th October 1853.-

public works for and during the period of his natural life.-

1.

The Session Judge refers in his letter to a Statement said to have been made by the Zillah Surgeon in regard to one of the wounds on the person of the prosecutrix.

2.

No deposition however seems to have been taken from the Zillah Surgeon an omission which consi-dering the importance of that Officers evidence should not have been permitted to occur.-

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

(Sent in No.)

Read Criminal Report submitted by the Acting Session Judge of Masulipatam for the month of August 1853.-

/There enter F. R. No. 2200 of 1853/

1.

Adverting to the delay which has occurred in the submission of these reports the Court of Foujdaree Udalut resolve to direct the attention of the Session Judge to the rule laid down in para 8 of the Circular Order No. 185 to the effect that the monthly Criminal Reports of the Subordinate

Criminal

12th October 1853.-

Criminal Courts and Magistracy should be invariably despatched from the several Session Courts on the 15th day of the month succeeding that for which they are furnished.-

Case No. 49.

2.

It appears to the Court of Foujdaree Udalut that the period of Imprisonment adjudged to the 1st prisoner in this case might with propriety be reduced to three months and they resolve to direct that with reference to the above remark the Acting Session Judge will review the proceedings and pass such Orders thereon as he may deem proper reporting the same for the information of the Foujdaree Udalut.-

Ordered that Extract from these proceedings be sent to the Acting Session Judge of Masulipatam by precpt returnable within V days from and after its receipt.-

(Sent following precpte No.)

Read Calendar of Criminal Cases submitted by the Session Judge of Madura for the month of August 1853.-

/There enter F. R. No. 2139 of 1853./

In this case the prisoner convicted

No. 104. 1.

of

11th Oc

12th October 1853.

of stealing 12 measures of salt valued ab 7 annas and 2 pice was sentenced by the Subordinate Judge to six months' imprisonment with hard labor under Clause fourth Section III Regulation VII of 1822.-

2.

The Court of Foujdaree Udalut require information in regard to the circumstances of aggravation which led the Subordinate Judge to pass so severe a sentence for so trifling a theft and to consider the offence cognizable only under the extended powers vested in him by the enactment quoted.-

107. 3.

In this case the prisoners were charged with assault and culpable homicide and sentenced under Section VII Regulation X of 1816 to fine and imprisonment. The Report should have stated whether or not the homicide was proved, as if it was the case was not within the jurisdiction of the Subordinate Judge.- The Session Judge will furnish the Court of Foujdaree Udalut with the necessary information on this point.-

Ordered that Extract from these Proceedings be sent to the Session Judge of Madura by precept returnable in III days.-

(Sent following precept No)

E. No

Fb

Thursday
13th October 1853.

At a Court of the Foujdaree Udalut

Present

G S Cooper Esquire
W A Morehead Esquire } Puisne Judges.
J L Strange Esquire

Read again Calendar of Case No 21 of 1851 on the file of the Sessions Court of Rajahmundry (Perreputtu F Ub No 2107 of 1852)

Read also Miscellaneous Petition presented on the 3d January 1853 by N K Retchie Esqre Vakeel on behalf of Lutchmapaty of Pittuli Rajah. Rajahmundry 4th Prisoner in the foregoing Case.- (Perreputtu F Ub No 7 of 1853)

Read also letter under date the 25th April 1853 from the Sessions Judge of Rajahmundry stating that the 4th Prisoner in Case No 20 of 1851 on the file of the Sessions Court has requested to be informed of the order passed on the Petition presented on his behalf.-

(Perreputtu F Ub No 995 of 1853)

Read also letter under date the 5th September 1853 forwarding a Petition from the same Prisoner & Lutchmapaty.-

(Perreputtu F Ub No 2041 of 1853)

Read

Read also Miscellaneous Petitions pres-
entred on the 17th January and 17th June 1953 by T. Appala
Vakeel on behalf of Kambhoju Narasinga Row Pantulu
of Tillah Rajahmundry.-

(Here enter F.M. P.F.s 12 & 84 of 1953)

Mr. P.R. Markwood

1 The Court of Sanjdaree Adalut pres-
ses on to question the propriety of the sentence passed
upon the 4th prisoner in Case No 20 of 1951 on the file
of the Sessions Court of Rajahmundry and they
accordingly decline to interfere in his behalf.-

2 No orders are called for with reference
to the petitions presentred on behalf of Kambhoju
Narasinga Row Pantulu, who was tried as 1st prisoner
in the said case, but was acquitted of the offence
laid to his charge.-

Ordered that Extract from these
Proceedings be forwarded to the Sessions Judge of
Rajahmundry for his information and for communi-
cation to the Petitioner Mr Lutchmeepaty.-

Ordered also that Extract from these
Proceedings be furnished to Petitioners Vakeels on their
application.-

Read Criminal Reports submitted
by the Sessions Judge of Combaconum for the Month
of August 1953.-

(Here enter F.C. No 2078 of 1953)

Case No 94

1 In this case the prisoner charged
with

with having stolen from the house of the Prosecutrix
a silk cloth valued at Rupees 20 was committed by
the Special Assistant Magistrate and sentenced to
three months imprisonment by the Subordinate Judge
under the provisions of Section VII Regulation X of
1816.-

2 The Court of Sanjdaree Adalut
desire to be informed under what circumstances the
case was committed to the Subordinate Court, it being
apparently within the jurisdiction of the Special
Assistant Magistrate under the restricted powers
vested in him by clause first Section XII Act VII of
1843.-

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

(Sent following precept &c)

Read again Calendar of Case No 43
of 1952 on the file of the Sessions Court of Combaconum

(Here enter F.C. No 2548 of 1952)

Read also Miscellaneous Petition
presentred on the 15th September 1953 by Cunniah Pillay
of Tillah of Combaconum.-

(Here enter F.M.P. No 120 of 1953)

Read also Miscellaneous Petition

presentred

presented on the 26th September 1953 by Colvard Salmon
Esquire Barrister-at-Law and Jaffna on behalf of
Ponniah & Pillah Coomaraswamy.

/Here enter F.M.P. No. 132 of 1953/

Mr. H. A. Koelmeyer

These Petitions contain applications
for the reversal of the sentences passed upon the 3rd
and 5th Prisoners in the foregoing Case.-

The Court of Enquiry Adalut
nothing in either Petitions which would lead them to
question the propriety of the judgment formed by the
Sessions Judge on consideration of the evidence or of the
sentences passed thereon and the Court are therefore
constrained to dismiss the Petitioners' applications.

Ordered that extract from these
Proceedings be granted to the Petitioners Counsel Filing
and to the Vakeel of the Petitioner Ponniah and their applications

Read letter dated the 26th September
1953 from the Agent to the Governor of Fort St. George
at Vizagapatam submitting for the final judgment
of the Enquiry Adalut the record of Case No. 22 of
1953 on his file.-

/Here enter F.C. No. 2249 of 1953/

Mr. H. A. Koelmeyer-
Mr. L. Strange-

The Court of Enquiry Adalut
on a deliberate consideration of all the circumstances
of the case & evidence before them being of opinion
that the proof against the Prisoner-

"Paulakar Ghanasy"

is sufficient to convict him of the crime of Murder,

to convict him thereof and under the provisions of
Section 5 Regulation VIII of 1802 sentence him to suffer
death by being hanged at the usual time and place
of execution.-

/Sentence &c/

Read Calendar of Case No. 35 of 1953
on the file of the Sessions Court of Cuddapah.-

/Here enter F.C. No. 2193 of 1953/

In the above case, the Prisoner was
charged as accessary to a murder committed by a
man who has absconded.-

The act of accession charged, was,
2
standing at the door of the house, within which
the murder was being committed in order to prevent
any person from entering to assist the deceased
and obstruct the murderer.-

The Court of Enquiry Adalut
3
regret that it is necessary for them to point out
to the Sessions Judge of Cuddapah, that if two or more
persons combine to commit a crime every one of
them is guilty of murder if required
is a principal in the first degree, the Prisoner in
this case was assisting the fact as stated as
much involved in the murder as he who struck
the fatal blow.-

The

12 4/11

13th October 1853.-

The acts charged were clear proof
if established of a common murderous design and
of active cooperation, on his part for its accomplish-
ment.-

4 The Court of Sonjdaree Adalut observe
that it does not appear to be generally understood by
the Judicial Officers of the Zillah of Cuddapah that to
produce a man's crime to that of an accessary it is
absolutely essential that he should not be present
at the actual commission of the crime with access
to which he is charged.-

V Any further observe that to constitute
a man a principal, actual bodily presence on his
part is not required.- It will be sufficient if in
pursuit of the same design, he is near enough to
the actual perpetrators, to render the accomplish-
ment of it more easy, rather by a sense of security
imparted to them by the consciousness of having
assistance at hand or by his leading actually to
render such aid if required.-

Ordered that a Extract from these
Proceedings be sent to the Sessions Judge of Cuddapah
for communication to the Subordinate Judges and the
Magistracy.-

/ Sentence &c /

E. Thos

J. V.

Friday
14th October 1853 At a Court of the Sonjdaree Adalut

Present

Gl. H. G. J. Cooper Esqr
R. M. W. A. Morehead Esqre } Puisne Judges
M. J. L. Strange Esqre

Read letter dated 7th October 1853
from the Sessions Judge of Bangalore submitting
for the final Judgment of the Sonjdaree Adalut
the Record of Case No 10 of 1853 on the Calendar of
the Sessions Court.
/ Mr. Advocate J. W. No 22 / 94 / 1853 /

The Court of Sonjdaree Adalut
on a deliberate consideration of all the circum-
stances of the Case on evidence before them being
of opinion that the proof against the prisoner
"Hoossain Khan"
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 or other public works for and during
the period of his natural life.-

/ Sent in No / 5

Mr. J. L. Strange.

E. Thos

F. U

Saturday
15th October 1853. At a Court of the Foujdaree Adalut

Present

J. B. — G. T. Hooper Esqr. —
W. C. — W. A. Morehead Esqr. — } Puisne Judges.
W. T. L. Strange Esqr. —

Read Calendar of Case No 36 of 1853 of the Session Court of Cuddapah. (Here inter F. U. No 2237 of 1853)

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

1st T. Ramoodoo
2d N. Govindoo

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

(Sent in No)

Read Calendar of Case No 33 of 1853 of the Session Court of Madura. (Here inter F. U. No 2203 of 1853)

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

F. C.

Saturday
15th October 1853. At a Court of the Foujdaree Udalut

Present

G. T. Hooper Esqr.
W. A. Morehead Esqr. } Puisne Judges
W. T. L. Strange Esqr.

Mr. T. L. Strange

Humorous Petition
September 1853 by S. Veeru-
da charry Vakeel on behalf of Vadadoo-
chetty of the Zillah of Madura.—
(Here enter F. M. P. No 129 of 1853)
Read also Calendar of Case
No 28 on the file of the Session Court of &c.
Madura.—
(Here enter F. C. No 156 of 1853)

Petitioner who was prosecutor in the above Case complains that the prisoners charged with House-breaking and theft were acquitted by the Session Judge in the face of the most conclusive evidence of guilt and that property which he had proved to be his was returned to them. Petitioner prays the Court of Foujdaree Udalut to reverse the sentence of the Session Judge and to direct the restoration to him of the articles in question.

The

15th October 1853.

Sessions Judge in this case that the imprison-
ment, which the Prisoners noted in the
margin have been adjudged to suffer on their
conviction of the crime of Highway Robbery
be reduced to five years' imprisonment with
hard labor in irons, and they do authorize
the Sessions Judge to issue his warrant accor-
-ingly.

1st Moothooranen Chetty
2d Coottay Allagey Chetty

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

(Sent in Sp)

4 Oct 1853

No 26

Monday
17th October 1853

} At a Court of the Foujdaree Udalut

Present

Sir H. G. S. Hooper Esquire
W. A. Morehead Esquire
T. L. Strange Esquire

} Puisne Judges

Read Miscellaneous Petition
presented on 15th September 1853 by S. Veroo-
-mala Chetty Vakeel on behalf of Vadadoo
Chetty of the Zillah of Madura.

(Here enter F. M. P. No 129 of 1853)

Read also Calendar of Case
No 28 on the file of the Sessions Court of
Madura.—

(Here enter F. C. No 156 of 1853)

W. L Strange

Petitioner who was prosecutor
in the above Case complains that the prison-
-ers charged with House-breaking and theft
were acquitted by the Sessions Judge in the face of
the most conclusive evidence of guilt and that
property which he had proved to be his was
returned to them. Petitioner prays the Court
of Foujdaree Udalut to reverse the sentence
of the Sessions Judge and to direct the resto-
-ration to him of the articles in question.

The

2 The Sessions Judge has shown satisfactory reasons for the acquittal of the prisoners; his sentence of acquittal is moreover final and cannot be disturbed by the Court of Foujdaree Udalut who therefore reject this Petition.

Ordered, that Extract from this Proceedings be furnished to the Petitioners' Vakeel on his application.—

Read Miscellaneous Petition presented this day by A. M. Ritchie Esquire Barrister at Law and Vakeel on behalf of Sooa Reddy and Conda Reddy of zillah Cuddapah.

(Here enter F. M. P. № 143 of 1853)

Mr. G. I. Hooper and Mr. T. L. Strange

1 The object of this Petition is to induce the Court of Foujdaree Udalut to stay the execution of the sentence passed upon the Petitioners who have been sentenced to transportation for life and are about to be embarked for the penal settlements pending the consideration of a detailed Petition which their pleader is about to present on their behalf.—

2 The Court of Foujdaree Udalut have heard what the Petitioners' Vakeel has had to put before them in favor of the Petitioners's innocence of the crime of which they have been convicted, and see no reason to doubt the justice of their conviction, and consequently cannot comply with the prayer of this Petition.

17th October 1853

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

Read Criminal reports dated the 7th Instant submitted by the Sessions Judge of Tellicherry for the Month of September 1853.

(Here enter F. C. № 2272 of 1853)

Read Convict labor report dated the 30th Ultimo, submitted by the Superintendent of Police at Cannanore through the Sessions Judge of Tellicherry for September 1853.

(Here enter F. C. № 2273 of 1853)

Read letter dated 6th Instant from the Sessions Judge of Calicut forwarding Statement from the Subordinate Judge shewing the amount realized by the labor of the Prisoners in the 2d Quarter of 1853 and stating that both that Officer and the Principal Sudder Ameen have reported that no payment was made for bringing up the children of convicts and the latter officer that nothing was realized by the labor of the Prisoners under his Charge.—

(Here enter F. C. № 2276 of 1853)

Read letter dated 4th Instant from

from the Sessions Judge of Chicacole stating that the death Warrant in Case No. 9 of 1853 of the Sessions Courts Calendar was carried into execution

(Here enter F. C. No. 2278 of 1853)

Read Statement dated 14th Instant submitted by the Sessions Judge of Chingleput showing the amount realized by the labor of Prisoners in the Zillah of Chingleput for the 3d Quarter of 1853.—

(Here enter F. C. No. 2293 of 1853)

Read Criminal Report B dated the 1st Instant submitted by the Sessions Judge of Combaconum for the Months of September 1853.—

(Here enter F. C. No. 2294 of 1853)

Read letter dated the 30th Ultimo from Agent to the Governor of Fort St. George at Ganjam Forwarding 2 Criminal Statements as requested in the circular letter of the 20th June last.—

(Here enter F. C. No. 2295 of 1853)

4 Sheets

F. C.

Wednesday
19th October 1853 } At a Court of the Foujdaree Udalut.

Present.

G/H G. S. Hooper Esqr. — Prisnr. Judges
Wdl W. A. Morehead Esqr.
W. T. Le Strange Esqr.

Read letter under date the 10th Ultimo from the Agent to the Governor of Fort St. George at Ganjam submitting a Summary of the evidence in Criminal Case No. 13 of 1853.—

(Here enter F. C. No. 2180 of 1853)

In the above mentioned Case three prisoners namely.

1st Putchepaula Saradhee
2d Ruggoonauth Doss
and
3d Yachoola Verrashew

were charged with the crime of House breaking and Theft.—

The Agent released the 3d Prisoner unconditionally and 2d Prisoner on

19th October 1853.

on security, but convicting the 1st to Prison of the Crime Charged, has recommend that a sentence of three years imprisonment with hard labor in irons and 75 stripes with a Cat o nine tails shou be passed upon him under the provis of Clause Seventh Section II Regulatio XV of 1803.

The Court of Foujdaree Udalut Concur with the Agent in the Conviction of the 1st Prisoner, and direct that the sentence of imprisonment proposed by the Agent be passed upon him, without the Corporal punishment recommended, for the infliction of which the Court of Foujdaree Udalut see no necessity.

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

(Sent in No.)

4th Wholl

F. Uc.

Thursday)
20th October 1853 } At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esquire
H. A. Morehead Esquire
J. L. Strange Esquire. } Puisne Judges.

Read Miscellaneous petition presented on the 13th June 1853 by Tandavoraya Moodely of the Zillah of Chittoor.

/Here enter F. M. P. No. 81 of 1853./

Read again also Calendar of Case No. 45 of 1852 on the file of the Sessions Court of Chittoor.

/Here enter F. C. No. 1242 of 1853/

Read also return under date the 2d August 1853 and Supplemental return dated the 6th Instant to the precept of the Foujdaree Udalut of the 22d July 1853 directing the Submission of such portions of the Record of the trial in the abovementioned Case as had reference to the 7th and 9th Prisoners therein.—

/Here enter F. C. Nos. 1770 & 2234 of 1853/

The Court of Foujdaree Udalut on a deliberate Consideration of the Record relating to the Prisoners above referred to see no reason to question

Mr. H. A. Morehead.

question the correctness of their conviction, and they accordingly) resolve to reject the Petitioners application

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

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

/ Sent in Nil /

Read Miscellaneous petition dated the 1st September 1853, forwarded by the Sessions Judge of Bellary from Moneyahah Provincial in Case No. 147 of 1853 on the file of the Subordinate Criminal Court.

/ Here enter F. In. D. No. 125 of 1853 /

W. T. L. Stranger. / This is an Appeal from an Order passed by the Sessions Judge of Bellary under date 13th August last reversing the sentence passed by the Moofsee Sudr Ameen upon the prisoner in the foregoing Case.

The Court of Foujdaree Adalut observe that they are precluded from interfering in this matter, the judgment exercised by the Sessions Judge, in the acquittal of the prisoner being final. —

This petition is therefore rejected.

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

/ Sent in Nil /

Read Letter dated 14th October 1853 from the Sessions Judge of Madura submitting for the final Judgment of the Foujdaree Adalut the Record of Case No. 31 of 1853 on the Calendar of the Sessions Court.

/ Here enter F. D. No. 2304 of 1853 /

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 Cauttacootty

2d Soolein Pullen

3d Pitchumy and

4th Sungum

are not convicted on presumptive proof or on the evidence of credible witnesses or on their own Confession of the Crime Charged, do acquit them thereof, and direct that they be set at liberty.

/ Sent in Nil /

Read again Calendar of Case No. 14 of 1853 on the file of the Sessions Court of Tellicherry. —

(Here enter S.C. No. 1946 of 1853)

Read also return under date the 4th October 1853 from the Sessions Judge of Tellicherry to the precept of the Foujdaree Adawlut dated the 6th September 1853 calling for a translation of the record of the foregoing Case. —

(Here Enter S.C. No. 2268 of 1853)

The prisoner in this case charged with housebreaking and theft has been convicted by the Sessions Judge in concurrence with his Mohomedan Law officer and sentenced to 7 years Imprisonment with hard labor in irons. —

2. The conviction of the prisoner is based on a confession said to have been made by him before the Police corroborated by his having given up Rupees 5 as part of the stolen property. —

3. On perusal of the record the the Court of Foujdaree Adawlut have been unable

to concur with the Sessions Judge in considering the evidence sufficient for the conviction of the accused. The cash said to have been given up by the prisoner is of trifling amount and being incapable of identification its production in the opinion of the Court does not afford sufficient corroboration to the Jail to Confession to justify the acceptance of the latter as evidence of the prisoner's guilt. It further appears to the Court improbable that the Prisoner should have considered it necessary to bury property of this description as he is said to have done for his own possession if it could not have exposed him to danger of detection. —

4. The Court accordingly resolve to reverse the sentence passed upon the Prisoner Kunilogatha Moideen Cotty and direct that he be unconditionally released. —

Ordered that Extract from the proceedings be sent to the Sessions Judge of Tellicherry by precept returnable in 11 days from and after its receipt. —

(Sent following precept No.

Read

20th October 1853.

Read Miscellaneous Petition presented on the 1st September 1853 by Veeramully Nogee on behalf of 1st prisoner in case No 8 on the file of the Sessions Court of Nellore.

(Here enter F. M. P. No 122 of 1853)

Read also petition presented on the 1st September 1853 by Pruttee Sarcho on behalf of 2d Prisoner in case No 8 of 1853 on the file of the Sessions Court of Nellore

(Here enter F. M. P. No 123 of 1853.)

Mr H. A. Morehead. Before passing finial orders upon the above Petitions the Court of Foujdaree Adalut resolve to direct the Acting Sessions Judge of Nellore to submit for their consideration a translation of the record of the above case.—

Ordered that Extract from these proceedings be sent to the Acting Sessions Judge of Nellore by precept returnable within X days from and after its receipt.—

(Sent following precept No)

Read again Miscellaneous petition presented on 1st August 1853

by

20th October 1853.

by Parasseva Gounden on behalf of the 11th prisoner in case No 9 of 1853 on the Calendar of the Sessions Court of Trichinopoly.—

(Here enter F. M. P. No 111 of 1853)

Read also return from the Sessions Judge of Trichinopoly to the precept of the Court of Foujdaree Adalut dated 12th September 1853, calling for a translation of the record of the above case.

(Here Enter F. G. G. No 2224 of 1853)

The above petitioners prayed the Court of Foujdaree Adalut, to order the release of the 11th prisoner, was convicted of receiving and 28th prisoners, was convicted of receiving articles obtained by gang robbery with a guilty knowledge that they had been so obtained.— The indictment further charged these prisoners except the 28th together with all the other prisoners with robbery by open violence.—

Mr H. A. Morehead and Mr T. L. Strange

The Acting Session Judge

2.

acquitted all the prisoners of the actual commission of the robbery, in consequence of the very conflicting nature of the evidence brought against them on this head which was solely to their identity

but

but he required security of the 1st Prisoner.

3. The evidence as to the receipt of stolen property consists entirely of the alleged proof, that certain articles found with these pris=oners were the property of the Prosecutor- As all the articles are of the most common des=cription and entirely devoid of any dis=tinguishing marks- the evidence appears to the Court of Fonjdaree Adalut most unsatis=factory and inconclusive.—

4. It appears to the Court very doubtful whether the robbery charged ever occurred at all.—

5. It is represented that about 30 Robbers attacked the small and open hut of the prosecutor, and carried off in a basket kept under his Cot, and known to contain his valuables, Coin, Jewels &c. to the amount of Rupees 833—8-0.

6. It appears to the Court most improbable, that property of such value would be left so exposed and that 30 men would consider it necessary to band together for its removal. It is further to be remarked that

that in the report written by the Village Monsiff on the 21st February the day following the robbery, it was stated, that the prosecutor had been beaten by robbers, that he had lost nothing, and that none of those who had attempted to rob him had been identified- On the 23d of the same month information was obtained against the accused and after that time the recog=nitions became abundant- The evidence as to these recognitions is, as observed by the Acting Sessions Judge, very discrepant and bears every mark of fabrication.—

The Court of Fonjdaree Adalut

7. are unable to credit the statement as to the existence in the prosecutor's hut of the amount of property now alleged to have been stolen, for, if so, he would never have reported to the village Monsiff that no loss had been sustained.—

For the above reasons, the Court

8. of Fonjdaree Adalut direct that the sentences recorded against the 6th 11th 13th 21st and 28th prisoners in this case, be cancelled, and that they be unconditionally released.—

Entertaining

9. Entertaining the doubts above expressed as to the occurrence of a robbery at all, the Court of Foujdaree Udalut further resolve, to direct the cancellation of the requisition of security from the 1st Prisoner and that if confined in default, he be unconditionally released.

Ordered that Extract from these proceedings, be sent to the Sessions Judge of Trichinopoly, by precept returnable within 10 days from and after its receipt.

(Sent following precept &c)

Read again Calendar of Case No. 28 of 1853, on the file of the Sessions Judge of Trichinopoly.

(Here Enter F. H. No. 1932 of 1853)

Read again also letter dated the 15th Ultimo from the Sessions Judge of Trichinopoly, submitting an explanation of the grounds of the acquittal of the prisoner in the above case:-

(Here Enter F. H. No. 2103 of 1853)

Read also return under date the 3d Instant from the same officer

to

to the precept of the Court of Foujdaree Udalut under date the 30th Ultimo, directing the submission of the Original record in the said case.

(Here Enter F. H. No. 2228 of 1853)

The Court of Foujdaree Udalut

1 on a reference to the record are constrained to observe, that the Sessions Judge has exercised a very unsound judgment in his acquittal of the prisoner in the case above referred to.

In addition to the evidence

2 adduced to prove the discovery in the prisoners possession of property belonging to the Prosecutor, it was proved beyond a doubt, and moreover was admitted by the Prisoner before the Principal Sudr Ameen, that he was apprehended in the prosecutors Village on the night of the robbery, and, under this circumstance, the Court are surprised that it did not occur to the Sessions Judge to call upon the prisoner to account for his presence in the prosecutors Village on the night in question, and for his apprehension immediately after the robbery occurred. The circumstance obviously

called

called for explanation, and unless that afforded was satisfactory the conviction of the prisoners would naturally have followed.—

3. It appears to the Court of Foujdaree Udalut unaccountable how such an obvious course was over looked by the Session Judge, and they are constrained to adhere to the remarks recorded in their proceedings of the 10th Ultimo on perusal of the Calendar of the case.—

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

(Sent in No.)

Read again Calendar of Case No. 39 of 1853 on the file of the Session Court of Salient.—

(Here Enter F. U. No. 1893 of 1853)

Read return under

date

20th October 1853.

date the 17th September 1853, and supplemental return under date the 6th October 1853, from the Session Judge of Salient, to the precept of the Foujdaree Udalut dated the 1st September 1853, calling for a translation of the record of the foregoing case.—

(Here Enter F. U. No. 2277 of 1853)

Three prisoners in this case were charged with robbery by open violence and the 1st and 2d Prisoners were further charged with having been in possession of a portion of the plundered property with a guilty knowledge of the manner in which it had been obtained.—

The Session Judge in con-

2. -currence with his Law Officer, convicted the 2d Prisoner and sentenced him to 14 years Imprisonment with hard labor in irons with a recommendation that the period of Imprisonment should be re-

-duced to 10 years.—

He pronounced the evidence

3. insufficient for the conviction of the 1st and 3d prisoners, but considering that strong suspicion attached to them has placed them

them under the requisition of Security

4. On an attentive perusal of the record, the Court of Zoujdaree Udalut consider the evidence insufficient for the conviction of any of the accused or for the requisition of Security from them. The Session Judge has himself much distrusted the evidence to the identity of the prisoners and it appears to the Court to be altogether worthless. The robbery is said to have occurred on the 1st July, but no information against the prisoners was recorded until the 3d and in the interval the Mookkiyster visited the prosecutrix's house but none of the prisoners were denounced to him, all being neighbours and well known to the inmates of the house. It is obviously most unlikely that neighbours would have committed such a crime without any attempt at disguising themselves, but in the evidence for the prosecution, the robbers are stated to have been undisguised. The evidence to the identity of the Panchee on which the conviction

of the 2d prisoner mainly based, is, in the opinion of the Court of Zoujdaree Udalut, most unsatisfactory.

5. The Court of Zoujdaree Udalut accordingly resolve to reverse the sentence passed upon the prisoners Irain Ketatha Cony Chondan and to cancel the requisition of Security under which the 1st and 3d prisoners Pootalkal Veera Moideen and Irain Talasherry Keyatheparam Cutti Aeha Cooty have been placed and direct that all the prisoners be unconditionally released.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Calicut by precept returnable within 11 days from and after its receipt.

(Sent following precept &c.

Read Appendix to the Subordinate Judge's Report B for August 1853 submitted by the Sessions Judge of Calicut under date the 15th Instant.

(Here Enter L.R. No. 2310 of 1853)

Read

20th October 1853.

Read statement submitted by the Subordinate Judge of Combaconum under date the 1st October 1853 shewing the amount realized by the labor of Prisoners in the 3d quarter of 1853. —

(Here Enter F.M. No 2313 of 1853)

Read Criminal Report submitted by the Sessions Judge of Combaconum under date the 17th Instant for the month of September 1853. —

(Here Enter F.M. No 2314 of 1853)

Read Return dated 17th Instant from the Sessions Judge of Combaconum to the precept of the Foujdaree Adalut under date the 13th October 1853, directing to be informed under what circumstances Case No 94 on the Criminal file of 1853 was committed to the Subordinate Court, it being apparently within the jurisdiction of the Special Assistant Magistrate under the extended powers vested in him by Clause first Section I. IV Act VII of 1843. —

(Here Enter F.M. No 2315 of 1853)

4th Nov

F. M.

Monday 24th October 1853 } At a Court of Foujdaree Adalut

Present

G.S. Hooper Esqr
W.A. Morehead Esqr
J.L. Strange Esqr
} Puisne Judges

Read Miscellaneous petition under date 12th September 1853 forwarded by the Sessions Judge of Tinnevelly from the Prosecutor in Prosecution of Case No 79 of 1853 on the file of the Court of the Principal Sudder Ameen.—

(Here enter F.M.P. No 131/1853)

Mr. J.L. Strange J.

This is an appeal from an Order of the Sessions Judge of Tinnevelly dated the 25th June 1853, directing the release of the 2d and 4th Prisoners and mitigating the Sentence passed by the Principal Sudder Ameen on the 1st and 3d Prisoners in the above mentioned Case, who were charged with Maliciously killing the Prosecutor.

The Court

2. The Court of Foujdaree Udalut being satisfied of the correctness of the Sessions Judge's proceedings in the Case in question, refuse to disturb the same, and resolve reject this application

Ordered, that Extract from the proceedings be forwarded to the Sessions Judge of Tinnevelly for his information and for communication to the petitioner.-

(Sent in A°)

Read again Calendar of Case A° 11 of 1853 on the file of the Sessions Court of Combaconum.-

(Here enter F. M. P. A° 748 of 1853.)

Read also Miscellaneous petition presented on the 29th September 1853 by J. D. Bronson Esqr Vakeel on behalf of Coopparayee wife of the 1st Prisoner in the foregoing Case.-

(Here enter F. M. P. A° 1314 of 1853.

Mr. Morehead
&
Mr. Strange

The Court of Foujdaree Udalut see nothing in this petition which would lead them to question the justice of the Conviction of the prisoners in the foregoing Case, or the propriety of the sentence passed upon them.-

2. The Court accordingly resolve to dismiss this petition.-

Ordered that Extract from these Proceedings be given to the petitioner's Vakeel on his application.-

Read Criminal report, dated 13th 17th October 1853 Submitted by the Acting Sessions Judge of Cuddalore for the Months of September 1853.-

(Here enter A° 2319/1853)

Read Criminal Report dated 15th October 1853 Submitted by the Sessions Judge of Trichinopoly for the Months of September 1853.-

(Here enter A° 2322/1853)

Read letter dated 15th October 1853 from the Sessions Judge of Chicacole, Reporting that no articles were manufactured by the prisoners in his Jail during the 3d Quarter of 1853.-

(Here enter A° 2324/1853)

Read Report dated 15th October 1853 Submitted by the Sessions Judge of Rajahmundry of a Case disposed of by the Magistrate of Rajahmundry for the Month of September 1853 together

together with the Sessions Judge's observations thereon.—

(Here enter No. 2325/1853)

Read Criminal reports dated 1st October 1853 Submitted by the Sessions Judge of Rajahmundry for the Months of September 1853.—

(Here enter No. 2326/1853)

Read report B. dated 18th October 1853 Submitted by the Sessions Judge of Cuddapah of persons apprehended in the Zillah of Cuddapah and delivered to the Magistrate in the Months of August 1853.—

Ex 1816 (Here enter No. 2327 of 1853.)

F. M.

Tuesday — 25th October 1853 } At the Court of Foujdaree Udalut.

Present

Sir W. H. G. S. Hooper Esqr — Puisne Judges.
W. A. Morehead Esqr —
T. L. Strange Esqr —

Read again Miscellaneous petition presented on 12th August 1853. by Parappa Gounden on behalf of the 11th prisoner in Case No 9 of 1853 on the Calendar of the Sessions Court of Trichinopoly.—

(Here enter F. M. P. No 111 of 1853)

Read again also return from the Sessions Judge of Trichinopoly to precept of the Court of Foujdaree Udalut dated 12th September 1853 calling for a translation of the record of the above Case.—

(Here enter F. M. No 2224 of 1853)

With reference to the remarks recorded in their proceedings of the 20th instant on the Calendar of the above Case the Court of Foujdaree Udalut resolve to direct that in addition to the Prisoners directed to be released in

in their proceedings above adverted to the Sessions
in the said Cauvery case unconditionally release

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

(Sent in No)

Read Criminal Reports submitted
by the Agent to the Governor of Fort St. George
in Council for the Months of August 1853.

(Here enter F. Rs. No. 2264/1853)

Adverting to the delay which
has occurred in the transmission of these
reports, this Court of Foujdaree Adalut would
to direct the attention of the Agent to the
rule laid down in the Circular Order No. 15
that the Criminal Reports should be dispatched
from the Sessions Courts on the 15th day of the
Month preceding that for which they are
furnished.

The Court of Foujdaree Adalut
observe that the separate counts entered in the
indictment against several of the Prisoners in
this case were altogether unnecessary; the
first general count being sufficient to
embrace the particular charges against the
prisoners in question.

This

This case was apparently tried
by the Agent in his capacity of Sessions
Judge, and should not therefore have been
entered in its present form in these reports,
but should have been submitted in a separate
Calendar, the statement of charges and of the
fact of commitment being entered in the
report in the form B for the Months in which
the commitment took place.

Ordered that Extract from
these proceedings be sent to the Agent to the Governor
of Fort St. George in Council

(Sent in No)

Read again Criminal
petition on the 4th July 1853 by Mootummaub
wife of the 4th prisoner in Case No 13 of 1852
and Mother of Chellen 2d prisoner in Case
No 11 of 1852 on the file of the Sessions Court of
Chingleput.

(Here enter F. M. P. No 90 of 1853)

Read also return under date the
12th September 1853 from the Sessions Judge of
Chingleput to the precept of the Foujdaree
Adalut dated the 18th August 1853 calling for
translation of the records of the above cases.

(Here enter F. Rs. No. 2059/1853)

Read

Read also return under date
7th October 1853 from the Sessions Judge of Coim
to the precept of the Foujdaree Adalut dated
29th September 1853, directing the release of
prisoner Chellen in Case Nos 11 and 13 of 1853
his restoration to the situations of Said Pri

(Here enter F. No. Nos 2263/1853.)

Under the circumstances reported
in the foregoing return from which it appe
that the prisoner Chellen is a person of
doubtful character the Court
of Foujdaree Adalut resolve to leave the
question of his re-employment as a faith
to the discretion of the Sessions Judge.-

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

(Sent in No)

Read Calendar of Cases Nos 54-
55 and 60 of 1853 on the file of the Sessions Court
of Masulipatam.-

(Herewith F. No. Nos 2267/1853.)

1

The prisoner in these cases who
was employed in the Post Office at Masulipatam
in what capacity is not stated, was charged
with fraud and embezzlement in having
illegally

illegally detained certain letter posted in the
Post office and appropriated the postage thereof
in contravention of the provisions of Act XVII of
1837. He has been convicted in each case by the
Sessions Court and Sentenced to five years
Imprisonment with hard labor in irons.-

On perusal of the Calendar it
appears to the Court of Foujdaree Adalut that
the facts stated to have been proved against
the prisoner in Cases Nos 54 and 60 do not consti-
tute a Criminal offence punishable under
the act quoted - all that is proved being ap-
parently that the prisoner omitted to
despatch the letter referred to on the dates
on which they were posted, which though
clearly a gross neglect of duty, cannot be
construed into a fraudulent appropriation
of letters as provided for in Section XXXIII of the
Act. The evidence in support of the charge in
the 2nd Count in each case seems to show that
the prisoner eventually credited to Government
the postage which he was charged with having
appropriated and his delay in doing so though
likewise a very gross irregularity cannot
be deemed a penal offence cognizable under
the act.-

The

3

The charge in case No. 55 appears to have been fully proved, but the Court are of opinion that the period of Imprisonment awarded may with propriety be reduced to 5 years, and they resolve to authorize the Acting Session Judge to mitigate the Sentence accordingly.

4

Should the Acting Session Judge dissent from the above opinion, he will be pleased to submit an English translation of the record for the consideration of the Foujdaree Adalut.

Ordered that Extract from these proceedings be sent to the Acting Session Judge of Masulipatam for his information by precept returnable within 3 days from and after its receipt.

(Sent following precept)

Read Calender of Case No. 62 of 1853 on the file of the Session Court of Masulipatam.

(Here enter No. 2287 of 1853)

The Prisoner in this case was convicted of the offence of Housebreaking with theft, and sentenced to seven years imprisonment with hard labor in irons, and to receive 72 lashes, with the Cat Nine tails, with reference however to the small value of the articles

articles stolen, the Acting Session Judge recommends that the above period of imprisonment may be reduced to 15 months.

Adverting to the fact of the Prisoners repeated previous convictions, the Court of Foujdaree Adalut are of opinion that a less severe sentence than 3 years imprisonment with hard labor in irons will be insufficient to meet the ends of justice in this case, and they resolve to direct that the Acting Session Judge will issue his warrant accordingly.

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

(Sent in No.)

Read report dated 17th October 1853 Submitted by the Session Judge of Rajahmundry of the labour of the Convicts in the Jail at Cocanada under charge of the Magistrate of Cocanada for the month of September 1853.

(Here enter F. D. No. 2336/1853)

Read Statement dated 18th October 1853 Submitted by the Session Judge of

of Mangalore of the actual produce of the
labor of the Prisoners and the application
of the Funds arising therefrom from 1st July
to 30th September 1853 furnished with —
reference to the Circular Order No. 88 —
dated 9th June 1857.

(Here enter F. Co. No. 2356/1853)

Read report dated 15th October
1853 Submitted by the Acting Sessions Judge
of Masulipatam, of Cases pending on the
31st August 1853 and committed for trial
during the Months of September 1853.—

(Here enter F. Co. No. 2360/1853) ✓

Entered

Wednesday.
26th October 1853

F. Co.

At a Court of the Foujdaree Adalut.

Present.

The Hon'ble G. S. Hooper Esqr. —
W. A. Morehead Esqr. — } Sessions Judges
H. F. L. Strange Esqr. —

Read Calendar of Case No 9
of 1853 on the file of the Session Court of Guntoor.

(Here enter F. C. No. 2262 of 1853)

1 The Prisoner in this case was
charged with having "knowingly in his possession
"and with secreting with fraudulent intent four
"papers, otherwise blank, bearing impressions
"of seals fabricated to represent those of persons
"formerly in authority in the District of
"Guntoor," and on conviction has been sentenced
by the Session Judge to two years imprisonment.

2. It appears from the Sessions Judge's
remark on the Calendar that the papers
in question were discovered by the Police in
the possession of the Prisoner wrapped up
in a bag which with some other articles, he
was carrying in a bundle along the road
when he was stopped and his bundle searched
and the papers found in it, which led to
his commitment for trial and to the sentence
passed upon him.

Entered

26th October 1853

3 In the evidence, as stated in the Calendar, there is no proof of the seals in question being forgeries, nor anything to shew that the papers were kept by the prisoner in his possession with a fraudulent intent. The papers in question were Kept by the prisoner with his other papers, no attempt or apparent intention of using them is alleged to have been demonstrated, and the manner in which they were seized by the Police appears to the Court to have been altogether unwarrantable.

4 It appears therefore to the Court of Foujdaree Udalut that upon the Judge's own showing no evidence has been adduced to justify the prisoners' conviction of a penal offence, and the Court accordingly resolve to reverse the decision as being illegal, and to direct that the prisoner be released.

Ordered that Extract of these Proceedings be forwarded to the Session Judge of Guntoor by speedy conveyance with two days from and after this receipt hereof

(Sent forthwith per express)

Thursday
27th October 1853.

F 26

At a Court of the Foujdaree Udalut.

Present.

Mr. C.	G. S. Cooper Esquire	Puisne Judges.
Mr. M.	W. A. Morehead Esquire	
Mr. S.	T. L. Strange Esquire	

Read letter under date the 27th September 1852 from the Session Judge of Cuddapah forwarding English Translation of the record of Case No. 87 of 1852, on the Calendar of the Session Court, for the final judgment of the Court of Foujdaree Udalut.—

/Entered F. 26. No. 2206 of 1853./

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,

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

1st V. Narainreddy

2d Raghavadareddy

3d M. Venkatrayadoo

and

4th J. Siddapah.

are not convicted on presumptive proof or on the evidence of

Mr G. L Hooper
and
Mr W. A. Morhead.

of credible witnesses, or on their own confession, of the crime charged, do acquit them thereof, and direct that they be set at liberty.—

1. The 1st Prisoner was charged before the Session Court of Cuddapah with fraud in having instituted a false claim against the Prosecutor in the Moonsiff's Court of Veilpaud and with having extorted from the prosecutors son a Bond for Rupees 113 on condition of withdrawing the said suit.—

2. The 2d Prisoner was charged with having aided and abetted the 1st by assisting in the extortion of the said bond and the 3d and 4th with having aided and abetted the 1st prisoner by witnessing the execution of the same.—

3. The main evidence against the prisoners is that of the 1st witness, the prosecutors Son, from whom the bond is alleged to have been extorted. He stated that he had gone to the village of the 1st prisoner to enquire for his father, that he was taken by order of that prisoner to the top of his house and that he and 2d prisoner there, by threats compelled him to execute a bond for Rupees 112 to the 2d prisoner on condition of which the 1st agreed to withdraw and did actually withdraw the Suit instituted against his (witnesses') father.—

The

4. The other witnesses for the prosecution can hardly be said to have confirmed this evidence in any essential particular; they merely depose to the execution of the bond which is not denied and its dictation by the 2d prisoner. The Session Judge attributes their silence upon other points to their fear of implicating themselves in the Criminal acts of the prisoners.—

5. The defence of the 1st prisoner consists of an assertion of the genuineness of the claim upon which the suit withdrawn was based. He alleged that compassion was the motive which induced him to accept Rupees 112 as a consideration for withdrawing a suit for upwards of six times the amount.—

6. The other prisoners merely asserted on that their conduct had not been induced by any fraudulent motive.—

7. The Mahomedan Law Officer declared all the prisoners entitled to their acquittal, but the Session Judge considering the offences charged proved against all the prisoners, recommended that the 1st and 2d prisoners should be sentenced to 14 years and the 3d and 4th to 7 years imprisonment with hard labor in irons.—

8. The Court of Foujdaree Udalut

observe

observe that the greater part of this protracted investigation has been directed to ascertaining whether the suit instituted and withdrawn by the 1st Prisoner was based upon a genuine or a fictitious claim. The evidence as to this point was very conflicting and by no means sets the matter at rest. The Session Judge has however based the prisoners conviction upon his opinion of the falsity of that claim, the improbability that he would withdraw it, if true for the sum paid and upon certain improbabilities contained in the prisoners defence.—

9. The Court of Foujdaree Udalut observe that even if the fictitious nature of the 1st prisoners entire claim had been distinctly proved, it could not have procured his conviction for the law has not rendered penal the institution of suits based upon fictitious claims and under these circumstances the 1st prisoner was most improperly indicted for having done so.— The Civil Courts have the power of inflicting a fine in addition to the payment of costs upon those who institute suits of that character and no other punishment have been prescribed by Law.—

10. The Court of Foujdaree Udalut are of opinion that the evidence is wholly insufficient to warrant the conviction of any of the prisoners.

The

27th October 1853.

The story told by the 1st witness appears to them quite incredible. He represents that he was seized in broad daylight, taken into a house adjoining the Talook Cutcherry and there compelled by fear of violence to execute the bond to the 2d prisoner who paid over the money to the 1st. The story told by the prisoners appears much more credible that the opportune arival of the 1st witness was in consequence of an arrangement previously entered into by his father (the prosecutor) for the compromise of the suit. The Court further observe that no weight whatever can be attached to the prosecutors argument as to the improbability that so young a lad would be entrusted with such matters because it is clearly shewn by the prosecutors evidence that his son had previously acted as his Agent in matters of business and the Court are of opinion that his own evidence fully proves his possession of sufficient discretion for that purpose.

11. They are further unable to attach any weight to the argument that the prisoner would never have compromised the claim for a sum so trifling. It is to be remarked that this might be a material point, if the question at issue were the genuineness or otherwise of the original claim but could, if fully admitted, lend scarcely a shade of probability to the story that the

the 1st prisoner resorted to measures of violence in the presence of so many persons and in a place so unfavorable. The Court are of opinion that the custom almost universal of claiming far more than is really due added to the fact that the prisoner possessed no Vouchers for the larger portion of his claim render his reception of the Rupees 112 in discharge of all demands in preference to engaging in a long and doubtful course of litigation quite reasonable and explicable.—

12. The Court of Foujdaree Udalut are of opinion that in considering the evidence adduced sufficient for the conviction of the prisoners, the Acting Session Judge has evinced a want of judgment the more lamentable, that it has led to the unjust detention for nearly a year, of innocent persons. The proceedings too are a striking example of mis-apprehension of the object and nature of cross examination. The record is filled with questions of the most frivolous character such as whether answered correctly or not could afford no test of the credibility of a witness.—

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

(Sent in No.)

27th October 1853.

Read Petition forwarded by Session Judge of Calicut from Kummade prisoner in Case No. 55 of 1853 on the file of the Session Court.—

(Here enter F.M.P. No. 137 of 1853.)

Mr. W.A. Morahead. 1. Petitioner prays the Court of Foujdaree Udalut to reverse the sentence passed upon him in the above case and to direct his release.—

2. He has however urged nothing which induces the Court to question the propriety of his conviction or of the sentence passed and they therefore reject this petition.—

Ordered that Extract from these Proceedings be sent to the Session Judge of Calicut for communication to petitioner.—

Read a Miscellaneous Petition presented on the 10th October 1853 by Curtiayal Cormanan Sanahen of the Zillah of Calicut.—

(Here enter F.M.P. No. 143 of 1853.)

1. Petitioner complains that the Magisterial authorities of Malabar unjustly favored the Moplahs and that he is prevented from appealing to the Session Court against an order of the Magistrate by his apprehension that he will not receive a favorable answer, and he prays

prays the interference of the Court of Foujdaree Udalut on his behalf.-

2. The Court of Foujdaree Udalut are unable to interfere, as petitioner requests, when he has obtained an order from the Session Court it will be given to him to appeal if dissatisfied and of opinion that injustice has been done him.-

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

Read Calendar of Case No. 41 of 1853 on the file of the Session Court of Calicut.-

/Here enter Ft. C. No. 2271 of 1853/

Mr. W.A. Morehead and Mr. T.L. Strange.

It would appear from the statement of the evidence entered in the futwa that the persons by whom the robbery charged in this Case was committed were armed with swords and used violence towards the inmates of the house in which it occurred, and that consequently the crime amounted to robbery by open violence.-

2. This circumstance is not adverted to by the

Mr. G.A. Cooper Session Judge, and the Court of Foujdaree Udalut accordingly resolve

Mr. W.A. Morehead and Mr. T.L. Strange. to call for an explanation of the grounds upon which the Session Judge considered the crime to amount only to Housebreaking and theft.-

Ordered

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

/Sent following precept No. /

Read Criminal reports submitted by the Agent to the Governor of Fort St. George at Kurnool for the Months of July and August 1853.-

/Here enter Ft. C. Nos. 2274 & 2275 of 1853/

1. Adverting to the great delay which has occurred in the transmission of these Reports, in the one Case of nearly two months, and in the other of nearly one month, the Court of Foujdaree Udalut resolve to direct the attention of the Agent to the rule laid down in Circular Order No. 185 to the effect that the monthly Criminal reports should be invariably dispatched to the Foujdaree Udalut not later than the 15th of the month subsequent to that for which they are furnished.-

Case No. 35

2. The sentence passed in this Case appears to the Court of Foujdaree Udalut to be unnecessarily severe, and the Court resolve to direct that the Agent will review the Proceedings with a

view

view to the reduction of the period of Imprisonment which the Court are of opinion maiy, with propriety, be reduced to eight months.-

Case No. 52. 3. The Court of Foujdaree Udalut require an explanation of the great and apparently unaccountable delay which has occurred in the disposal of this Case, the Prisoners having been upwards of a year under trial.-

4. The Court direct that in future in all cases under examination upwards of 25 days an explanation of the delay be submitted.-

Case No. 53. This Case should be at once disposed of under the provisions of Act IV of 1849.-

Ordered that Extract from these Proceedings be sent to the Agent to the Governor of Fort St. George at Kurnool by precept returnable within III days from and after its receipt.-

/Sent following precept No. /v

Extract

F.C.

Friday ---
28th October 1853

At a Court of the Foujdaree Udalut

Present.

G.S. Hooper Esqre. —
W.A. Morehead Esqre. — Puisne Judges
T.L. Strange Esqre. —

Read again Calendar of Case No. 21 of 1853 on the file of the Sessions Court of Nellore.-

(Here enter F.C. No. 2114 of 1853)

Read also return under date the 20th October 1853 from the Acting Sessions Judge of Nellore to the Precept of the Foujdaree Udalut dated the 29th September 1853 directing the Submission of an English Translation of the record of the foregoing Case.-

(Here enter F.C. No. 2351 of 1853)

1. The prisoners in this Case were charged with robbery by open violence in having on the night of the 14th May 1853 proceeded in a gang with certain other persons to the house of the prosecutor and plundered it of property valued at Rupees

Rupees 1889—.

2. The evidence was confined to the alleged recognition of the prisoners on the night of the robbery and to the subsequent discovery in the prosecutors house of a Slipper the fellow of which was found in the house of the 1st Prisoner.-

3 The Acting Sessions Judge in concurrence with his Mahomedan Law officer convicted all the — Prisoners and sentenced them to 14 years imprisonment with hard labor in irons recommending that in the case of the 2d & 3d Prisoners the prescribed period of imprisonment, should be reduced to ten years.-

4 On an attentive perusal of the record the Court of Foujdaree Adalut consider the evidence insufficient to justify the conviction of any of the prisoners of the Crime laid to their charge.-

5 The evidence to the alleged recognition of the prisoners at the time of the robbery appears to the Court to be very unsatisfactory all the witnesses admit that the robbers were disguised and their

evidence

evidence to the identity of the prisoners which in itself is extremely improbable is rendered more so by the circumstance that the prisoners although known to them by name were not immediately denounced.-

6. The evidence to the alleged discovery in the prosecutors house of a Slipper the fellow of which was found in the house of the 1st prisoner is also very suspicious, and in the opinion of the Court for too vague and questionable to be accepted as establishing that prisoners guilt.-

7 The Court of Foujdaree Adalut accordingly resolve to reverse the Sentences passed upon the Prisoners.-

1. Ballam conda Anka den
2. Nalajam Polugadu.
3. Sopakula Gangadu

and direct that they be unconditionally released.-

8 More of the prisoners houses appears to have been searched which under the circumstances seems a strange omission on the part of Police.-

Ordered that Extract from these

28th October 1853.

these Proceedings be sent to the Acting Session Judge of Nellore by Precept returnable within 11 days from and after its receipt.-

(Sent following Precept No)

Ex[illegible] Thos W

F. C

Saturday
29th October 1853. At a Court of the Foujdaree Adalut.

Present

Sd/- G. S. Hooper Esqr.
W. A. Morehead Esqr.
Sd/- J. L. Strange Esqr. } Puisne Judges.

Read again Calendar of Case No 28 on the file of the Session Court of Calicut.

(Here enter F. C. No 1452 of 1853)

Read also Miscellaneous Petition dated 13th July 1853 forwarded by the Sessions Judge of Calicut from Tyatte Cotoopa prisoner in case No 28 of 1853 on the Calendar of the Session Court.

(Here enter F. M. P. No 109 of 1853)

Before disposing of this petition the Court of Foujdaree Adalut direct that an English translation of the record of the above case be submitted for their consideration.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Calicut by precept returnable within ten days from and after its receipt.-

(Sent following precept No 10

Ex[illegible] Thos W

F 46.

Tuesday 1st November 1853. At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esquire
W. A. Morehead Esquire } Puisne Judges
T. L. Strange Esquire

Read letter dated 28th October 1853. from the Sessions Judge of Calicut Submitting the record of Case No. XXXVI of 1853 on the Calendar of the Sessions Court and recommending for reasons assigned that the Prisoner be sentenced to suffer death

(Here enter F. 46. 2384 of 1853)

The Court of Foujdaree Udalut

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

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

Keykoolady Ramen Nair

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

Sent in No. /r

Thursday.

3d. November 1853. F.W.C.

At a Court of the Fouzdaree Udalut

Present.

G.S. Hooper Esquire
W.A. Morehead Esquire
I.L. Strange Esquire
} Puisne Judges.

Read Calendar of Criminal Cases submitted by the Session Judge of Mangalore for the Month of September 1853.

(Here enter F.W.C. No. 2302 of 1853)

Case No. 104

1. In this case the prisoner convicted of house breaking was sentenced to two months imprisonment. The period of imprisonment appears to the Court of Fouzdaree Udalut wholly insufficient for an offence of so grave a nature.

2. The Court of Fouzdaree Udalut observe that the Charge is headed "Housebreaking and attempt at theft". As the property had been removed by the prisoner from its place of deposit, the theft had been completely committed by him.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Mangalore for his information and for communication to the Mahomedan Law Officer.

(Sent in No.)

Read Criminal Reports submitted by the Session Judge of Madura for the month of September 1853.

(Here Enter F.W.C. No. 2310 of 1853)

Case No. 124.

1

In this Case, the prisoner charged with being in posession of a bullock obtained by breaking through the wall of the prosecutor's cattle pen and stealing it therefrom, was sentenced to one years imprisonment.

2.

As it appears to the Court of Foujdaree Udalut that a sentence of six months' imprisonment would be sufficient to meet the circumstances of the case they resolve to direct the Sessions Judge to call for the record and review the case with reference to these observations.

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

(Sent following precept No. /

Read Calendar of Case No. 50 of 1853 on the file of the Sessions Court of Calicut

(Here enter F. C. No. 2306 of 1853)

1.

The 1st prisoner in the above case was convicted by the Sessions Judge in concurrence with his Mahomedan Law officer of the crime of gang robbery and sentenced to 14 year's imprisonment with hard labor.

2.

Although in the Calendar under review the Sessions Judge has expressed his intention of applying for a mitigation of the prescribed sentence he has failed to state the amount of punishment which he considers sufficient

The

The Court of Foujdaree Udalut

3.

therefore resolve to call upon the Session Judge to supply this omission.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Calicut by precept returnable in III days from and after its receipt.

(Sent following precept No. /

Read Calendar of Criminal Cases submitted by the Session Judge of Chinglepat for the month of September 1853.

(Here enter F. C. No. 2293 of 1853.)

Case No. 58.

In this case the prisoner convicted

1.

of breaking into and stealing from a pagoda articles valued at Rupees 3 was sentenced by the Principal Sudr Ameen to 18 months imprisonment

As it appears to the Court of Foujdaree Udalut that a sentence of nine months imprisonment would have been sufficient, they resolve to direct the Session Judge of Chinglepat, to call for the record and review the case.

2.

Case No. 64.

In this case, the prisoner was convicted of House breaking. The charge does not set forth the commission of any act sufficient to constitute this offence. If, as it would appear, the prisoner merely got over the outer wall and was then able to enter the

3

house

house without further obstruction his offence will amount to simple theft. To constitute the offence of housebreaking, the house itself must have been forcibly entered

" " The Court of Foujdaree Udalut resolve to direct the Sessions Judge to call for the record of the case and review it with reference to these observations

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

(Sent following precept No.)

Read petition presented on the 29th September 1853 by Corpsawmy Moodelly of the Zillah of Trichinopoly

(Here enter S. T. M. P. No. 59 of 1853)

Mr. J. L. Strange. 1. Petitioner prays for restoration to the situation of Jail Duffadar from which he was dismissed by the Session Judge of Trichinopoly by an order dated 26th July 1853.

2. Before passing final orders upon this petition the Court of Foujdaree Udalut resolve to call upon the Session Judge to submit for their judgment a translation of the proceedings upon which his order was founded.

Ordered that Extract from these Pro-

-ceedings

-ceedings be forwarded to the Session Judge of Trichinopoly by precept returnable within X days from and after its receipt.

(Sent following precept No.)

Read Report of Criminal Case No. 23 of 1853 submitted by the Session Judge of Guntoor under date the 21st October 1853.

(Here enter S. U. No. 2366 of 1853)

Read Criminal Reports dated the 15th Ultimo submitted by the Agent to the Governor at Vizagapatam for the month of September 1853.

(Here enter S. U. No. 2369 of 1853.)

Read Criminal Reports dated the 1st Ultimo submitted by the Session Judge of Tinnevelly for the month of September 1853.

(Here enter S. U. No. 2376 of 1853)

Read Extract of Proceedings from the Session Judge of Trichinopoly dated the 26th Ultimo, forwarding Calendar of persons furnished Rs. by the Magistrate and his assistant for the 3d quarter of 1853.

(Here enter S. U. No. 2380 of 1853)

Read Calendar of Case No. 34 of 1853 submitted by the Session Judge of Madura under date the 24th October 1853

(Here enter S. U. No. 2382 of 1853)

Read Calendar of Case No. 24 of 1853 submitted

3d November 1853.

submitted by the Sessions Judge of Coimbatore under date the 17th October 1853.

(Here enter F. C. No. 2387 of 1853)

Read Calendar of Case No. 36 of 1853 submitted by the Sessions Judge of Madura under date the 26th October 1853.

(Here enter F. C. No. 2393 of 1853.)

4 Well

F. C.

Friday 4th November 1853

At a Court of the Foujdaree Adalut.

Present

G. L. Hooper Esquire
W. A. Morehead Esquire
W. L. L. Strange Esquire
} Puisne Judges.

Read Calendar of Case No. 32 of 1853 of the Session Court of Madura.

(Here enter F. C. No. 2334 of 1853)

The Court of Foujdaree Adalut approve of the recommendation made by the 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 assault and attempt at Robbery by open violence be reduced to seven years' imprisonment with hard labour in irons, and they do authorize the Session Judge to issue his warrant accordingly.

1st Paguttooran, alias Arnachellum.
2nd Auvadian.
3rd Ramen.

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

(Sent in No.)

Read Criminal Reports submitted

-ted by the Acting Sefsion Judge of Masulipatam for the month of August 1853.

/Here enter F. No. No 2347 of 1853/

No 61.

1.

In this case the Prisoner was charg with having stolen from the person of the Prosecutrix a box containing jewels valued at Rs 33-11-4. The Acting Sefsion Judge did not consider the evidence sufficient to convict the Prisoner of the theft, but convicted him of appropriating and defacing jewels found by him.

2.

The evidence convicted of the finding of the box upon the Prisoner confirmed by his own admission that he found a box of jewels in the place at which Prosecutrix lay down and from which the property disappeared. It was further proved that the jewels admitted by the Prisoner to be those found by him were under his direction entirely recast by a goldsmith so as to disguise their original shape.

3.

It appears to the Court of Sudder Adawlut that this evidence was amply sufficient to convict the Prisoner of the offence charged.

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

/Sent in No /

Read Criminal Reports submitted by the Sefsion Judge of Chittoor for the month of September 1853.

/Here enter F. No. No 2329 of 1853/

Case No 101.

1.

The charge should have stated whether the granary in which the theft was alleged to have been committed was a building and if so, how the entrance of the Prisoners was effected.

Case No 102.

2.

In this case the Prisoner who entered the back-yard of the Prosecutor, with intent to steal, by climbing over the wall was charged with housebreaking and attempt at theft. The Court of Sudder Adawlut point out to the Sefsion Judge that to constitute housebreaking there must be an actual or constructive breaking into some tenement and that the offence of the Prisoner in this case was merely attempt at theft.

Case No 109.

3.

The Sefsion Judge called the attention of the Magistrate to the detention of the Prisoner for 5 days without producing her before the Head of Police. The Court of Sudder Adawlut resolve to call upon the Sefsion Judge to report what notice the matter has received from the

Acting

Acting Magistrate.

Case No 104.

4. In this Case the Prisoner convicted of wounding an old woman and snatching a necklace from her was sentenced to six months' imprisonment and a fine of 50 Rupees.

5. The Court of Foujdaree Udalut are of opinion that the Prisoner should have been committed to the Session Court.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Chittoor, and for communication to the Subordinate Judge.

/Sent in No /

Read letter dated 14th October 1853 from the Session Judge of Calicut

/Here enter Fo. No. 2353 of 1853/

1. With the above letter the Session Judge submits one from the Subordinate Judge explaining with reference to the Proceedings of the Foujdaree Udalut dated 3rd October the reasons which have induced him to accord to 163 Prisoners the highest rate of given allowance.

2. That officer states that the Prisoners are nearly all able bodied men and are employed in labour of the hardest kind and that the policy of the measure has been proved by the general

healthfulness of the Prisoners and the assiduity with which they perform their allotted tasks.

3. It does not appear to the Court of Foujdary Udalut that the labour described by the Subordinate Judge is either of peculiar severity or more harassing than that undergone by Prisoners in other Jails in none of which is so high a scale of diet in force. They therefore resolve to direct the Session Judge after due enquiry to report to them whether the maintaining of the above rate of diet is called for and to what extent.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Calicut by precept returnable in V days from and after its receipt.

/Sent following Precept No /

Read Calendar of Case No 340 of 1853 on the file of the Session Court of Cuddalore

/Here enter Fo. No. 2340 of 1853/

The Court of Foujdary Udalut

1. resolve to call upon the Session Judge to report the condition and circumstance of Thillay Pillay the 1st witness in the above Case. The Session Judge will particularly state the mode by which this individual obtains his livelihood

Ordered

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Cuddalore by precept returnable in V days from and after its receipt.

/Sent following Precept No /

Read letter dated 15th October 1853 from the Session Judge of Chittoor

/Here enter J. Dc. No 2291 of 1853/

1- In the above letter the Session Judge reports the escape of a convict while at work upon the roads and submits the letter of the Subordinate Judge and his own proceedings thereupon.

The Court of Foujdaree Adalut observe that the Session Judge appears to consider that each peon is answerable only for the safe custody of the four Prisoners for whom he has been allotted. The Court are of opinion that no such distribution of responsibility can be admitted. The peons are allotted at the rate of one for four Prisoners, but this is merely a mode of fixing the strength of the guard, each individual of which is obviously answerable for the safe custody of the whole body of Prisoners with whom he may be on duty.

3- With reference to the inability of the three Peons to explain the mode of the Prisoner's escape and to their delay of one hour in reporting the fact, the Court of Foujdaree Adalut resolve to call upon the Session Judge to state whether he is able to place any further confidence in their efficiency, which would appear to have been seriously compromised.

4th November 1853.

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

/Sent following Precept No /

Read Calendar of Case No LI of 1853 submitted by the Session Judge of Calicut under date the 14th Ultimo.

/Here enter J. Dc. No 2307 of 1853/

Read Calendar of Case No LII of 1853 submitted by the Session Judge of Calicut under date the 14th Ultimo.

/Here enter J. Dc. No 2308 of 1853/

Read Calendar of Case No 23 of 1853 submitted by the Session Judge of Chittoor under date the 6th Ultimo.

/Here enter J. Dc. No 2309 of 1853/

Read Calendar of Case No 24 of 1853 submitted by the Session Judge of Chittoor under

J. W.

Saturday
5th November 1853. At a Court of the Fouzdaree Udalut

Present

G. L. Hooper Esquire
W. A. Morehead Esquire — Puisne Judges.
I. L. Strange Esquire

Read again Calendar of Case No. 63 of 1853 on the file of the Sessions Court of Bellary.

(Here enter F. W. No. 2095 of 1853)

Read also return under date the 22d October 1853 from the Subordinate Judge in charge of the Sessions Court of Bellary to the precept of the Fouzdaree Udalut dated the 3d October 1853 calling for an English translation of the record of the foregoing Case.

(Here enter F. W. No. 2377 of 1853)

1. On perusal of the record of this Case the Court of Fouzdaree Udalut see no reason to question the propriety of the conviction of the 1st prisoner and approving of the recommendation made by the Sessions Judge that the prescribed period of Imprisonment, should be reduced to seven years, they authorize the Sessions Judge to issue his warrant accordingly.

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

(Sent in No.)

Read Calendar of Cases Nos. 31 and 32 of 1853 of the Sessions Court of Salem.

(Here enter No. 2333 of 1853.)

Agreeably.

6th November 1853.

1.

Agreeably to the recommendation of the Sessions Judge, the Court of Foujdaree Udalut resolve to direct that the period of imprisonment awarded the Prisoners in Case No. 31 be reduced, in the case of the 1st Prisoner to 2 years, and in that of the 2d to 1 year's imprisonment with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

x 1st Vaithiayen
2d Chennum.

2.

With reference to the aggravating circumstances attending the Robbery with which the 1st Prisoner in Case No. 32 was charged, the Court of Foujdaree Udalut consider the sentence passed upon him by the Sessions Judge to be too lenient.

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

/Sent in No. /

Read Calendar of Case No. 32 on the file of the Sessions Court of Trichinopoly.

(Here enter S. C. No. 2331 of 1853)

1.

The Court of Foujdaree Udalut are unable to understand why the evidence as to the identity of the prisoners was distributed by the Sessions Judge in this Case. He expresses his belief that the names of the prisoners were reported to the Head of Police on the very night of the robbery and that the information given led to their arrest on the ensuing day.

2.

The Court of Foujdaree Udalut observe that the discrepancies adverted to on the part of the Head of Police are ascribed by the Sessions Judge himself to a desire of disguising his neglect on the night of the occurrence.

However this may be, the Court of

3.

Foujdaree Udalut are of opinion that on the facts found by the Sessions Judge and set forth by him in the Calendar, the prisoners should have been convicted.

2d

The Court resolve to direct the

4.

Sessions Judge to submit copy of the reply of the Magistrate of Trichinopoly to the letter addressed by him to that officer of which a copy was received with the above Calendar.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Trichinopoly by precept returnable in V days from and after its receipt

/Sent in No. /

Eq. 3d Roll

F.W.

Monday
7th November 1853 At a Court of the Foujdaree Wdalut.

Present

G. S. Hooper Esquire
W. A. Morehead Esquire — Puisne Judges
T. L. Strange Esquire

Read again Calendar of case No. 41 of 1853 submitted by the Acting Sessions Judge of Masulipatam.

(Here enter F.W. No. 1715 of 1853)

Read also Miscellaneous petition forwarded by the Acting Sessions Judge of Masulipatam from Mootoopully Gopaloodoo and 2 others relations of certain prisoners in the above case appealing against their conviction.

(Here enter F. M. P. No. 110 of 1853)

Read also return from the same officer dated 22d October 1853 to the precept of the Foujdaree Wdalut dated 31st August 1853 calling for a translation of the records in the above case.

(Here enter F.W. No. 2385 of 1853)

1. The prisoners were charged before the Sessions Court of Masulipatam with having on the night of 1st March 1853 broken into the prosecutor's Shop and stolen therefrom certain ornaments and cash valued at Rupees 91-1-6.

2. The evidence against the prisoners consisted

-ted of their confessions before the Police corroborated by finding on their information a cash box proved by the prosecutor to be his and of which he reputed the loss with the other details of the robbery. The pointing out by the prisoners of the spot in which the box was concealed was proved by several witnesses

3. The Sessions Judge in concurrence with the assessors associated with him on the trial convicted the prisoners of the offence charged.

4. On a full consideration of the record the Court of Foujdaree Udalut see no reason to question the propriety of the prisoner's conviction. Their confessions before the police were confirmed by the finding on their information of an article of which the loss at the time of the robbery was well ascertained and immediately reported

5. The Court therefore resolve to confirm the sentence passed by the Acting Sessions Judge and to reject the above petition

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

(Sent in No.)

Read Miscellaneous Petition presented on the 6th October 1853 by Chinnatomby Mordelly of Tellah Chittoor

(Here enter T. M.P. No. 135 of 1853)

M.J.L. Stamps

1. This is an appeal from an order passed by the Sessions Judge of Chittoor under date the 30th July 1853 rejecting a Complaint preferred by the Petitioner against one

one Moorooseppa Mordely the Village Moonsiff of Cavrypaukum.

2. The Court of Foujdaree Udalut observe that the Sessions Judge has concurred with the Acting Magistrate of North Arcot in considering the Petitioner's accusations to be unworthy of credit, and they therefore see no reason for interfering in the Petitioner's case

3. This Petition is consequently rejected.

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

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

(Sent in No.)

Read Miscellaneous Petition presented on the 6th October 1853 by Cooppummel on behalf of Chocalinga Mordely prisoner in Case No. 44 of 1850 on the file of the Sessions Court of Coimbatore

(Here enter T. M.P. No. 136 of 1853)

1. Petitioner prays for the release of her husband convicted and sentenced for gang robbery in the above case.

2. The Court of Foujdaree Udalut are of opinion that the propriety of the prisoner's conviction is fully borne out by the evidence adduced against him and they accordingly reject this petition.

Ordered

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

Read again Criminal Reports submitted by the Sessions Judge of Madura for the month of August 1853.

(Here enter J.W. No. 2139 of 1853)

Read also return from the same officer to precept of the Fouzdaree Udalut dated 12th October calling for explanation with regard to Nos. 104 and 107 of the above Reports.

(Here enter J.W. No. 2335 of 1853)

Case No. 104. 1. The Sessions Judge's explanation that the sentence in this case appeared severe owing to the new entry of the prisoners previous conviction, appears to the Court of Fouzdaree Udalut satisfactory.

Case No. 107. 2. With reference to the Sessions Judge's explanation that as he did not alter the sentence, he did not deem it necessary to forward his remarks upon the Calendar, the Court of Fouzdaree Udalut have to observe that the information in question should have been entered as a note to the case in Report B.

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

(Sent in No.)

Read Miscellaneous petition presented on 20th October 1853 by Chinniah Naick of the Village of Pitchimpoly.

(Here enter J. M. P. No. 149 of 1853)

Petitioner prays for the return of
1. certain documents submitted by him with a petition on 5th January 1846.

Ordered that the documents reques-
2. -ted by petitioner be returned to him.

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

Read letter from the Subordinate Judge of Calicut dated 18th October 1853.

(Here enter J.W. No. 2352 of 1853)

In the above letter the Subordi-
1. -nate Criminal Judge requests the permission of the Court of Fouzdaree Udalut to offer to one Chendo 11th prisoner in Criminal Case No. 204 of 1853 a condition-
-al pardon with a view to his being admitted as an approver before the Sessions Court.

The Court of Fouzdaree Udalut
2. decline complying with the requisition of the Subordinate Judge. The prisoner in question although he has apparently established his own complicity in the robbery and murder which are the subject of enquiry by surrendering property of the murdered man has not tended to establish the guilt of those whom he alleges to have been joint criminals with him.

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

Subordinate Judge.

/Sent in No /

Read Miscellaneous Petition presented on the 3rd November 1853 by C. Salmon Esquire. Barrister at Law on behalf of Venkatachanry alias Sheeravasayengar of the Zillah of Chingleput

(Here enter S. M. P. No 161 of 1853)

Mr W. A. Morehead and T. L. Strange

1. The Petitioner prays the Court of Soujdaree Udalut to reverse the order of the Sessions Judge of Chingleput under date the 1st August 1853 confirming an order passed by the Head Assistant Magistrate under date the 30th May 1853.

2 By this order the Petitioner feels himself aggrieved inasmuch as the Head Assistant Magistrate has not only fined him for an assault, but has decided on a right of property - such decision being in excess of the Head Assistants authority.

3. The Court of Soujdaree Udalut consider that the Head Assistant Magistrate exceeded his authority in entering in any respect upon the disputed rights of the parties which could only be determined before a civil tribunal, and that he was simply called upon to take into consideration the breach of the peace charged before him, this not being attended, so far as the Court can gather, with any forcible dispossession of one party by the other.

The

4. The Court of Soujdaree Udalut see no cause to question the propriety of the fine imposed upon the Petitioner by the Head Assistant Magistrate for the said breach of the peace, but for the reasons that have been above set forth they cancel the remaining portion of the order of the Head Assistant Magistrate.

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

4 Decr 1853

F. C.

Tuesday
8th November 1853

At a Court of the Fouzdarree Udalut

Present

G. L. Hooper Esquire
W. A. Morehead Esquire
L. L. Strange Esquire
} Puisne Judges

Read letter dated 17th October 1853
from the Session Judge of Mangalore.
/Here enter F. C. No. 2358 of 1853/

1- In the above letter the Session Judge requests the sanction of the Court for offering a conditional pardon to the 6th 7th and 8th Prisoners in Case No. 17 now under trial before the Session Court.

2- On a consideration of the portion of the Criminal Record received with the above letter, the Court of Fouzdaree Udalut are unable to concur with the Session Judge as to the propriety of the proposed measure. It does not appear to them that the evidence of these Prisoners would tend to the conviction of the others. The stolen property found in their houses will furnish evidence against themselves, but their uncorroborated explication of others would not be entitled to any weight.

3- The Court of Fouzdaree Udalut are

8th November 1853.

are of opinion that the tender of a pardon to these Prisoners held to security by the Subordinate Court is unnecessary and they resolve to direct the Sessions Judge, to cancel their security bonds and to examine them as witnesses.

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

E. Thorn

/Sent in No /

F. C.

Wednesday 9th November 1853 } At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esquire
W. A. Morrhead Esquire } Puisne Judges
J. L. Strange Esquire

Read Calendar of Cases Nos 39, 40, 41, and 42 of 1853 on the file of the Sessions Court of Cuddapah.

(Here enter F. C. Nos 2362, 2363, 2364, and 2365 of 1853)

The Prisoners in the above Cases

1.

were charged with perjury. The instances assigned were that before the Joint Magistrate of Cuddapah they had on oath deposed that they had been joint eye witnesses of the murder of one Narayadoo and on a subsequent occasion also upon oath before the same officer retracted their former statements and denied all knowledge of the circumstance.

The delivery of these contradictory

2.

depositions upon oath was fully proved before the Session Court and their materiality to the issue tried, namely the charge of murder against

against the accused is obvious.

3- The Court of Foujdaree Udalut deem it proper to point out to the Sessions Judge that the definition contained in the Regulations of the crime of perjury was fully satisfied by the facts established and that the Prisoners should all have been convicted.

4- The Court of Foujdary Udalut would further observe that the only ground assigned by the Sessions Judge for their acquittal, namely that no depositions had been taken from them as Prisoners on the charge of perjury could afford no reason for rejecting the ~~testimony~~ conclusive adduced against them on their trial.

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

Sent in Mr.

Read letter dated 2d November 1853 from the Sessions Judge of Guntoor submitting for the final judgment of the Foujdaree Udalut the Record of Case No. 11 of 1853 of the Calendar of the Sessions Court.

Mr. W. A. Morehead.
and
Mr. J. L. Strange.

/Here enter F. Co. No. 2439 of 1853/

The Court of Foujdaree Udalut

on

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

Lumbady Vodetei Chunda

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 Mr. /5

4th Mr

F.C.

Thursday 10th November 1853.

At a Court of the Fouzdaree Adaulut.

Present

G. S. Cooper Esquire
W. A. Morehead Esquire
I. Le Strange Esquire
} Puisne Judges.

Read Miscellaneous Petition received on the 8th October 1853 through the Sessions Judge of Masulipatam from Narasinga Rau prisoner in Case No 55 on the file of the Sessions Court of that Zillah.-

Case tried & Pr. No 159 of 1853.

Petitioner complains of his conviction

Mr. Pr. Morehead. 1

in the above Case and prays the Court of Fouzdaree Adaulut to cancel the sentence and order his release.-

The Court of Fouzdaree Adaulut are

3

of opinion that Petitioner's guilt was fully established and seeing no reason to question the propriety of his conviction, they reject this petition.-

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

Petition &c.

Read Miscellaneous Petition

received

received through the Sessions Judge of Masulipatam on the 31st October 1953 from Narasinga Rao praying for the reversal of the sentence passed upon him in Case No 54 of 1953 on the file of the Sessions Court of Masulipatam.-

(Here enter T.M.P. No 158 of 1953)

Read also Miscellaneous Petition received through the Jail Officer from the same party on 31st October 1953 praying for the reversal of the sentence passed in Case No 50 of 1953 on the file of the Sessions Court of Masulipatam.-

(Here enter T.M.P. No 160 of 1953)

Mr W.A. Moorhead

The Court of Jaydaree Adalut by their proceedings dated 28th October 1953 acquitted the Petitioner of both the charges asserted in the above Petitions.-

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Masulipatam for communication to Petitioner

(Sent in Apl)

Read Miscellaneous Petition presented on the 17th October 1953 by Gunnatamma of the Village of Conjeeveram.-

(Here enter T.M.P. No 140 of 1953)

Mr G.S Hooper.

Petitioner complains of the acquittal of the Prisoner charged with forgery and fraud in Case No 22 of 1953 on the file of the Sessions Court of Conjeeveram.- He prays that the Court of

of Jaydaree Adalut will direct the punishment of the Prisoner and the restoration to himself of the money lost through his fraud.-

The Court of Jaydaree Adalut

2

observe that the Prisoner has been tried and acquitted by a Competent Court, and they are also of opinion that the Sessions Judge has assigned full and satisfactory grounds for the Prisoners acquittal.-

This Petition is consequently rejected.-

3

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

Read Petition presented on the 17th October 1953 by S Salmon Esquire and Fyzully Nabeelson behalf of Jaffer Ally Prisoner in Case No 9 on the file of the Sessions Court of Cuddalore.

(Here enter T.M.P. No 140 of 1953)

Mr G.S Hooper

Petitioner prays the Court of

1

Jaydaree Adalut to reverse the sentence passed by them upon the Prisoner in the above case to order his release and to hear his Vakeel orally in support of this Petition.-

The grounds of this Application

2

are, that the question really at issue between the Prosecutors and the Prisoner, was one of a Civil nature and that the transactions upon which this charge was based whether of a civil or criminal nature did not take place within the

the jurisdiction of the Sessions Court of Palghaut.

3 The Court of Foujdaree Udalut have carefully considered all that has been urged in this Petition and seeing no ground to question the propriety either of the Prisoner's conviction or of the sentence passed upon him, they reject this Petition.-

4 They further ordered hearing the petitioners Vakeel orally in its support.-

Ordered that Extract from these Proceedings be furnished to the Petitioners Vakeels on their application.-

Read letter from the Magistrate of Malabar forwarding that one Pullayade alias Mallicut Mammad, concerned in the late Moplah outbreak, may be admitted as an approver under the provisions of Sections XX and XXI Regulation VIII of 1802.-

(Here enter F Uc No 2407 of 1853)

The Court of Foujdaree Udalut see no reason to sanction the admission of the individual referred to, in the foregoing letter to a conditional pardon under the provisions of Sections XX and XXI Regulation VIII of 1802.-

Ordered that Extract from these Proceedings be sent to the Magistrate of Malabar for his information and guidance.-

(Sent in &c)

E Thelt

F 16

Friday 11th November 1853

At a Court of the Foujdaree Udalut

Present

G. S. Cooper Esquire
W. A. Morehead Esquire } Puisne Judges
T. L. Strange Esquire

Read letter dated 3d November 1853. from the Sessions Judge of Calicut Submitting the record of case No 47 of 1853. on the Calendar of the Sessions Court and recommending for reasons assigned that the Prisoner be unconditionally released and discharged

(Here enter F Uc No 2405 of 1853)

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

Ramacolata Tekew Cavungy Moideen

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)

M. T. L. Strange

E Marsh

F.N.6.

Saturday,
12th November, 1853.

At a Court of the Fayedaree Udalut

Present

Hon'ble G. L. Cooper, Esquire
W. A. Morehead, Esquire
T. L. Strange, Esquire
} Puisne Judges

Read again Calendar of Case No. 10 of 1853 on the file of the Sessions Court of Chittagong.

Where Order F.N.6. No. 2215 of 1853/-

Read also return to the precept of the Fayedaree Udalut requiring upon the Sessions Judge to reduce the sentence or to submit a translation of the record in the above case.

Where Order F.N.6. No. 2398 of 1853/-

The Court of Fayedaree Udalut observe that the prisoners in the above case confessed before the Police his intention of murdering the prosecutrix

prosecutrix because he believed her to be guilty of adultery and he inflicted a more severe wound and with a much more formidable weapon than appeared from the Calendar. He further evidenced the desperation to which he had been wrought up by throwing himself into a well.-

2. Under these circumstances the Court of Foujdaree Adalut see no reason for disturbing the original sentence passed by the Sessions Judge. They at the same time deem it necessary to observe that they were led to question the propriety of the sentence passed by the failure of the Calendar to set forth with sufficient fulness the circumstances of the case, as above particularized.-

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

Sent in No /-

Read

12th November, 1853.

Read petty Calendars of the Magistracy submitted by the Sessions Judge of Cuddapah for the second quarter of 1853.-

Here Enter F. No. No. 2372 of 1853/-

Case No. 12.

1. In this case the prisoner was punished for being in possession of false measures. It is not stated in the charge whether or not the prisoner was a shopkeeper or whether if so there existed any proof of the use of the measures by him.- As the charge does not allege any substantive offence the Sessions Judge will be pleased to call for the record and review the case, reporting such orders as he may pass upon it for the information of the Court of Foujdaree Adalution.

2. 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 /-

Read

12th November, 1853.

Read Calendar in Case
No. 16 of 1853 of the Sessions Court of
Tellicherry.

/Here Enter F.R.C. No. 2379 of 1853/

1.

In this case the Prisoner
was charged with having been con-
cerned with certain other Prisoners,
in Case No. XIII of 1853 on the Calendar.
in receiving and secreting certain clothes
stolen from the Prosecutor's shop. - and
further with having received and se-
creted the same knowing them to be
stolen property.

2.

The Prisoner pleaded not
guilty. The witnesses proved these clothes
to have been found on the Prisoner's
house during his absence. but the Pro-
secutor failed to identify the clothes
as those which had been stolen from
him. The Mahomedan Law Officer
found the prisoner not free from
Tohmut of the crime - and liable to
Ookoobut at the discretion of the
Judge. -

F.R.C.

12th November, 1853.

The Sessions Judge agree-
3.
-ing with the Mahomedan Law Officer
required the Prisoner to find two secu-
-rities in the sum of Rupees 20 each
for his good behaviour and appearance
for the term of one year - in default
of which to be imprisoned for that
period - under Clause Sixth Section II
Regulation XII of 1803. -

The Court of Foujdaree
4.
Adalut observe that as the property
found in the Prisoner's house was not
identified as that stolen - the pri-
-soner was intitled to an unconditional
release. -

The Court therefore direct
5.
that the requisition of security be
cancelled and the Prisoner released.

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

/Sent in No. /-

Read

Read Calendar of Case
No. 33 of 1853 received from the Sessions
Judge of Trichinopoly.—

(Here Enter F.M.C. No. 2396 of 1853)

1. In this case the Prisoner
was charged with 1st Being concerned
in a riot which took place during
the Mohurrum festival at Trichinopoly.
2ndly With having severely wounded the
Prosecutor with a sword during the
riot.—
3rdly With being an old offender. hav-
ing in a previous case been ordered
to find sureties for his good conduct.
2. The Mahomedan Law
Officer gave as his Futwa that the
Prisoner was guilty and liable to
Oosaboot.—
3. The Sessions Judge con-
curred in the Futwah of the Maho-
medan Law Officer and sentenced
the Prisoner to 7 years' imprisonment
with hard labor in irons under Clause
VII Section III Regulation XV of 1803.

With

No. 8 of 1853.

With reference to this
4. case the Court of Foujdaree Adalut
call the attention of the Sessions
Judge of Trichinopoly to the impro-
priety of allowing a letter from the
Magistrate of Trichinopoly to be
received as evidence against the
Prisoner - instead of summoning
the Magistrate as a witness for the
Prosecution.—

The Court of Foujdaree
5. Adalut further observe that the
3rd Count should not have been
inserted. The matter contained therein
has reference to an acquittal of
the prisoner in a former case and
not to a conviction.—

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

Sent in No. 1/—

Read Calendar of Case

No.

12th November, 1853.

No. 22 of 1853 received from the Sessions Judge of Mangalore.—

/Here Enter F.No. No. 2408 of 1853/-

1.

The Court of Foujdaree Udalut observe that the sentence of the Sessions Judge in this case, should have shown distinctly what the facts of the case were - his opinion thereupon and the grounds upon which he had formed it.-

2.

The Court of Foujdaree Udalut can gather little more from the sentence of the Sessions Judge than that he has concurred with the assessors - but the Sessions Judge has not stated his reasons for this nor does the verdict of the assessors appear to the Court of Foujdaree Udalut a satisfactory exposition of judgement.—

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

/Sent in No. /-

Read

F.No.

12th November, 1853.

Read Criminal Report submitted by the Sessions Judge of Salem for the month of August 1853.-

/Here Enter F.No. No. 2125 of 1853/-

The Court of Foujdaree

1.

Udalut observe that in case No. 16 of the Magistrate's Report B. accompanying the above mentioned Criminal Report - the prisoner Colunday is sentenced by the Joint Magistrate to three months' Imprisonment with hard labor - for having in his situation of confidential servant to one Mr. Manuel misappropriated 20 Rupees in money entrusted to him to be paid to his employer's coolies - and also with having at another period stolen and appropriated a calf belonging to his employer valued at 3½ Rupees, the Prisoner representing the same to have been killed in a storm.-

The Court of Foujdaree Udalut

2.

Udalut are of opinion that this act of cattle stealing should have formed the subject of a distinct charge.

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

/Sent in No. /—

Read again Criminal Report submitted by the Acting Sessions Judge of Masulipatam for the month of August 1853.—

/Here Enter F.No. 2200 of 1853/—

Read also Return dated 17th October 1853 from the Acting Sessions Judge of Masulipatam to the precept of the Fouzdaree Udalut under date the 12th October 1853 - directing the Acting Sessions Judge to review the proceedings of Case No. 49 of 1853.—

/Here Enter F.No. 2359 of 1853/—

The Court of Fouzdaree Udalut resolve to call for the submission of the Record in Case No. 49

of 1853.—

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

/Sent following Precept No. /—

Read letter under date the 21st October 1853 from the Acting Subordinate Judge of Rajahmundry.—

/Here Enter F.No. 2370 of 1853/—

With the foregoing letter

1. the Acting Subordinate Judge submits a copy of his finding and the certificate of the Medical Officer in the case of one Mootialoo Daniah who was charged with "Housebreaking with intent to steal", but was acquitted on the ground of insanity.—

The Court of Fouzdaree

2. Udalut resolve to direct that the Sessions Judge will review the proceedings in this case and pass such

such orders thereon as he may deem
proper reporting the same for the
information of the Foujdaree Udalut.

3. The prisoner is pronounced
to have been of unsound mind when he
entered the house of the prosecutor
on the occasion referred to in the
indictment and under these circum-
stances it appears to the Court of
Foujdaree Udalut that no sufficient
presumption can exist of the entry having
been made with the Criminal intent
stated in the charge.—

Ordered, that Extract
from these Proceedings be sent to the
Sessions Judge of Rajahmundry for his
information and guidance and for
communication to the Acting Subordi-
nate Judge by precept returnable
within III days from and after it's
receipt.—

Sent following Precept No. /—

Read letter dated 21st
October 1853 from the Sessions Judge

of Calicut.—

Have Entered Nº. 2375 of 1853/—

1. In the above letter the
Sessions Judge requests the instructions
of the Court of Foujdaree Udalut as
to whether cases in which the Magis-
trate has enhanced the punishment
on the report of a Head of Police,
are to be entered in the statement
of the Head of Police or in the
Petty Calendars of the Magistracy.

It appears to the Court
2. of Foujdaree Udalut that the proper
course is to enter the reports of such
cases in the statements of the Heads
of Police.—

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

Sent in Nº. /—

Read return dated the
28th ultimo from the Sessions Judge
of

of Trichinopoly to the precept of the Foujdaree Udalut under date the 20th. Idem, directing the release of the Prisoners in Sessions Case No. 9 of 1853.

Have Entered File. No. 2400 of 1853/-

Read Calendar of Case No. 70 of 1853 submitted by the Sessions Judge of Bellary under date the 28th. ultimo.—

Have Entered File. No. 2416 of 1853/-

Read return dated the 28th. ultimo from the Sessions Judge of Calicut to the precept of the Foujdaree Udalut under date 20th. Idem, reversing on review of Case No. 39 of 1853 on the file of the Sessions Court, the sentence passed on the 2d. Prisoner and cancelling the requisition of security under which the 1st. and 3d. Prisoners have been replaced, and directing the unconditional release of all the Prisoners.

Have Entered File. No. 2419 of 1853/-

Read return dated the 31st. ultimo

ultimo from the Acting Sessions Judge of Nellore to the precept of the Foujdaree Udalut under date the 28th. Idem, reversing the sentence in Case No. 21 of 1853, and directing the unconditional release of the Prisoners.—

Have Entered File. No. 2420 of 1853/-

Read Calendar of Case No. XXXIX of 1853 submitted by the Acting Sessions Judge of Cuddalore under date the 2d. Instant.—

Have Entered File. No. 2421 of 1853/-

Read Report dated the 1st. Instant submitted by the Sessions Judge of Bellary of Cases pending on the 30th. September 1853, before him for a longer period than 25 days.—

Have Entered File. No. 2423 of 1853/-

Read Calendar of Case No. 74 of 1853 submitted by the Sessions Judge of Bellary under date the 31st. ultimo.—

Have Entered File. No. 2424 of 1853/-

Read

12 12th November, 1853.

Read Calendar of Case
No. 12 of 1853 submitted by the Sessions
Judge of Guntoor under date the
31st ultimo.

/Here Enter F.M.C. No. 2425 of 1853/-

Read Calendar of Case
No. 71 of 1853 submitted by the Sessions
Judge of Bellary under date the
31st ultimo.

/Here Enter F.M.C. No. 2431 of 1853/-

E.P.

E.P.

F.M.C.

Monday 14th November, 1853. Hot a Court of the Foujdaree Udalut.

Present.

The Hon'ble G.S. Cooper, Esquire
W.A. Morehead, Esquire
H.L. Strange, Esquire
} Puisne Judges.

Read again Miscellaneous
Petition presented on the 25th May
1852 by J. Ouchterlony Esquire Vakeel
on behalf of Ganapaty Sastry of the
Zillah of Madura.

/Here Enter F.M.P. No. 69 of 1852/-

Read also Miscellaneous
Petition presented on the 20th December
1852 by J. Ouchterlony Esquire Vakeel
on behalf of Ganapaty Sastry of the
Zillah of Madura.

/Here Enter F.M.P. No. 171 of 1852/-

Read also Counter Mis-
cellaneous Petition presented on the
21st February 1853 by S. Innamalachurry
Vakeel

12 14th. November, 1853.

Vakeel on behalf of Rama Pandita of the Zillah of Madura.

/Here Enter F. M. P. No. 26 of 1853/

Read also Counter Miscellaneous Petition presented on the 8th. August 1853 by T. Tirumalachariyar Vakeel on behalf of Rama Pandita of the Zillah of Madura.

/Here Enter F. M. P. No. 115 of 1853/

Mr. D. S. Kooperen.

In his former application 25th. May 1852. The Petitioner Ganapathy Sastry, by his Vakeel, appealed against an order of the Sessions Judge of Madura under date the 20th. April 1852 dismissing his Petition presented to the Sessions Court against an order of the Magistrate of Madura under date the 10th. March 1852.—

2.

In this order the Magistrate forbids the followers of Commbaconum Sankara Auchariar to pass with palanquins and honors through the Ummum Sanadhi Vidhi (street) of the town of Madura.— the petitioner submitted

14th. November, 1853.

submitted that it was the duty of the Magistrate, before making such a decision which would permanently affect the rights of a numerous religious body to make a full examination into the usages of the country and into the merits of this particular case.— and the Petitioner further stated that no such enquiry had taken place.

The Court of Foujdaree

3.

Udalut considered the prayer of the Petitioner reasonable and resolved in their proceedings of 21st. June 1852 to forward the Petition to the Sessions Judge of Madura directing that officer to instruct the Magistrate to make a full enquiry into the circumstances of the case.—

The Petitioner now submits that the enquiry ordered by the Court of Foujdaree Udalut has been held and evidence taken as to the usages of the country regarding the matter in dispute and as to the

the rights of the party opposing the Petitioner.—

5.

The result of this enquiry the Petitioner contends has been fully to establish the correctness of the position assumed by him in his former representations to the Court.

6.

The Magistrate of Madura allows that the enquiry held by him has established the Petitioner's rights to go in Procession through the street above alluded to. but he defends his confirmation of an order by his predecessor, forbidding such a Procession upon the ground that the Public Peace might be seriously endangered by the opposition which would certainly be offered to such a Procession by Rama Pandita of the Lingara Mut and his adherents.—

7.

The Petitioner submits for the consideration of the Court that the opposition offered to the procession

procession has by the enquiry made by the Magistrate been shown to be illegal. that this opposition is not general but only that of a minority. and that he is entitled to the support of the police authorities should such opposition be continued in defiance of the usage of the country and the Petitioner's right.—

Under these circumstances

8.

the Petitioner again prays for the interference of the Court and that the Magistrate of Madura may be instructed to withdraw the order prohibiting the procession and to afford the Petitioner protection during such procession if necessary.

The Court of Enquiry

9.

Udalut have considered all that has been urged by the Petitioner in support of his prayer for a reversal of the order of the Sessions Judge of Madura confirming that of the Magistrate.—

The

10. The Court are of opinion that the Magistrate was justified upon public grounds in forbidding a procession passing through a particular street. if he had reason to anticipate a serious disturbance of the public peace in consequence of the procession pursuing that particular road. there being other streets by which the Procession might pass without inconvenience or objection.—

11. The Court therefore reject this Petition.—

Ordered, that Extract from these Proceedings be furnished to the Vakeels of the Petitioner and Counter Petitioner on their application.

Read Calendar of Case No. 21 of 1853 on the file of the Sessions Court of Mangalore.—

Here Enter Fl. No. 2374 of 1853/—

1. The Sessions Judge recommends that the prescribed sentence for robbery by open violence be reduced in

in the case of the 1st and 2d prisoners to eight years and in that of the 3d 4th 5th 6th and 7th prisoners to 5 years' imprisonment with hard labor in irons.—

2. While authorizing the mitigation of punishment proposed by the Sessions Judge, the Court of Foujdaree Udalut observe that the Sessions Judge has not stated in the Calendar the proved facts upon which he has convicted the prisoners from 1 to 7, and that he has also omitted to state the grounds of his acquittal of the 8th and 9th prisoners.—

3. The Court of Foujdaree Udalut resolve to call upon the Sessions Judge to supply this omission.—

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Mangalore by precept returnable in 3 days from and after its receipt.—

Sent following Precept No. /—

No.

No return having been received from the Agent for the Governor at Kurnool to the precept of the Court of Fouzdaree Udalut under date the 6th June last directing the Agent to explain the cause of the delay in the disposal of the cases entered as "under Examination" in the Criminal Reports submitted by him for the month of March 1853, the Court of Fouzdaree Udalut direct that the required return be made immediately upon the receipt of this order.—

2.

The Judges have already had occasion to comment upon the dilatoriness of the Agent in submitting his periodical returns Vide to the Court, and they trust that, having once more drawn his attention to the subject, they will not again be placed under the necessity of reminding him of the same.—

/Sent in No /—

Read

Read letter, dated the 29th ultimo from the Sessions Judge of Chicacole, transmitting the Statement required by the Fouzdaree Court's Circular letter of the 28th February 1853. in Case No. 9 on the Calendar of the Sessions Court.—

/Were Entered F.116. No. 2433 of 1853/—

Read report dated the 1st Instant submitted by the Acting Sessions Judge of Nellore of Cases pending before him for a period exceeding 25 days during the month of October 1853.—

/Were Entered F.116. No. 2435 of 1853/—

Read Statement dated the 1st ultimo submitted by the Sessions Judge of Trichinopoly of Convict Labor for the 3d Quarter of 1853.—

/Were Entered F.116. No. 2445 of 1853/—

Read Calendars of Cases Nos. 73. 80. and 81 of 1853 — submitted

submitted by the Sessions Judge of Bellary under date the 3d Instant.

Here Enter File. Nos. 2447-2451 & 2452 of 1853/-

Read Extract from the Proceedings of the Sessions Court of Tinnevelly under date the 31st ultimo, held on return made by the Magistrate dated the 24th Idem.-

Here Enter File. No. 2454 of 1853/-

Read return dated the 3d Instant from the Acting Sessions Judge of Masulipatam to the precept of the Fouzdaree Adalut under date the 25th October 1853, communicating their observations and orders upon the Calendars of Cases Nos. 54-55 and 60 of 1853 - Masulipatam Sessions Courts file.-

Here Enter File. No. 2455 of 1853/-

Read report dated the 1st ultimo submitted by the Sessions Judge of Salem of Convict Labor for

for the month of September 1853.-

Here Enter File. No. 2458 of 1853/-

Read Report dated the 2d Instant submitted by the Sessions Judge of Canara of Cases pending before them for a period exceeding 25 days during the month of October 1853.-

Here Enter File. No. 2459 of 1853/-

Read Criminal Report B dated the 10th October 1853 submitted by the Sessions Judge of Canara of Cases disposed of by the Magistracy in the month of September 1853.-

Here Enter File. No. 2460 of 1853/-

Read report dated the 7th Instant submitted by the Sessions Judge of Mangalore of Cases pending before him on the 30th September and committed for trial during the month of October 1853.-

Here Enter File. No. 2478 of 1853/-

Read

E. & Thatt

11th November, 1853.

Read Calendars submitted by the Sessions Judge of Combaconum for the 2d Quarter of 1853 dated 25 July, 1853.

/Here Enter F.R.C. No. 1805 of 1853/

Read Statement dated the 17th October 1853 submitted by the Principal Sudder Ameen of Kanara in charge, showing the amount realized by the labor of Prisoners in the Jail of the Zillah of Kanara in the 3d Quarter of 1853.—

/Here Enter F.R.C. No. 2354 of 1853/-

Read letter dated the 2d December 1853 from the Acting Sessions Judge of Kellare, forwarding Petty Calendars for the 3d Quarter of 1853.

/Here Enter F.R.C. No. 2634 of 1853/

F.R.C.

Tuesday, 15th November, 1853.

At a Court of the Foujdaree Udalut

Present.

G.R. G. I. Cooper, Esquire— } Puisne Judges.
Ir. dt. W. A. Morehead, Esquire— }
vs. J. L. Strange, Esquire—

Read Calendar of Case No. 10 of 1853 on the file of the Sessions Court of Guntoor.

/Here Enter F.R.C. No. 2391 of 1853/-

In the above case, the prisoners were charged with forgery in having caused a mark purporting to be that of the 2d defendant in suit No. 513 of 1853 to be inserted in a notice issued by the District Moonsiff of Chebrole, with the fraudulent intent of making it appear that such notice had been duly served upon the said 2d defendant when in fact it had not been so served.—

The

15th November, 1853.

2.

The Sessions Judge convicts the 1st prisoner in concurrence with his Mahomedan law Officer, and recommends the mitigation of the prescribed penalty to 2 years' imprisonment with hard labor in irons.—

3.

The Court of Foujdaree Udalut observe that by the Circular Order of the 28th August 1841 to constitute the crime of forgery there must be a fabrication or alteration of some document with intent to defraud some party of money or other property and also to injure him.

4.

It does not appear from the Calendar of this case that such fraud and injury would of necessity have directly resulted from the act alleged against the prisoners and under these circumstances they are of opinion that the case should be disposed of under the provisions of the Mahomedan law as a misdemeanor.

Ordered, that Extract

15th November, 1853.

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

/Sent in No. 1/

Read Calendar of Case No. 69 of 1853 of the Sessions Court of Bellary.—

/Here enter Fle. No. 2415 of 1853/

The Court of Foujdaree

1.

Udalut are of opinion that a sentence of one years' imprisonment with hard labor will be adequate punishment for the offence of which the Prisoner in this case has been convicted, and they resolve to call upon the Sessions Judge to reduce his sentence accordingly.—

If unable to concur with

2.

the Court in the propriety of the mitigated sentence now proposed, that Sessions Judge will be pleased to submit an English translation of the entire Record of the case, for their consideration.—

Ordered,

15th November, 1853.

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

/Sent in No /-

Read letter from the Sessions Judge of Guntoor dated 11th October 1853.-

/Here Enter Fllo No 2299 of 1853/-

1. In the above letter the Sessions Judge requests the Court of Foujdaree Udalut to reconsider the definition of burglary contained in their Circular Order of the 20th January and 28th August 1828 with a view to excluding from this class of crimes all such modes of entry as would be adopted by a honest man by which the Sessions Judge appears to mean that no man should be convicted of burglary who enters a house with intent to steal by opening a door closed but not fastened. In support of his view the Sessions Judge appeals to

Fllo.

15th November, 1853.

to the English practice upon the subject.

The Court of Foujdaree

2. Udalut observe that the construction referred to probably had reference to the different nature of habitable dwellings in this country and they are not prepared to authorize any change in constructions so long established.-

The case quoted by the

3. Sessions Judge from the Nizamut Udalut reports is not by any means a case in point. There is a wide difference between a door left open and a door closed but not fastened.

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

/Sent in No /-

Read again letter under date the 19th September 1853 from the Subordinate Judge of Bellary.-

/Here enter Fllo No 2149 of 1853/-

Read

Read also return under date the 27th October 1853 from the Sessions Judge of Bellary to the Precept of the Sanjidaree Adalut dated the 5th October 1853 directing the Sessions Judge to effect an exchange between Koosain Khan Daloyet in the Subordinate Court, and one of the Daloyets in the Sessions Court.—

(Here Enter File No. 2406 of 1853)

1st The Court of Sanjidaree Adalut resolve to direct that the Sessions Judge will transfer the Junior Daloyet on the Establishment of the Sessions Court to the Subordinate Court, and appoint in his place the Daloyet Koosain Khan to whom reference is made in the foregoing papers.—

2nd Adverting to the remarks recorded by the Sessions Judge in his return, the Court of Sanjidaree Adalut deem it proper to observe that they do not consider themselves justified in requiring the dismissal of a public servant upon the ground of slight suspicion attaching to him of having been guilty of a criminal offence, but that under all the circumstances of the case and especially referring to the entire distrust of the Daloyet in question expressed by the Subordinate Judge they have considered it advisable that the exchange directed in their proceedings of the 5th ultimo should be carried out.—

Ordered, that Extract from these proceedings be sent to the Sessions Judge of Bellary by Precept returnable within 10 days from and after its receipt.—

(Sent following Precept No. 1)

Translation of the Decision in Case No. 15 of 1853, and Record in Case No. 15 of 1853, on the file of the Sessions Court of Bellore not having as yet been received.—

Ordered, that the Sessions Judge

Judge of Nellore be called upon to submit the same without further delay.—

/Sent in No. /—

Read Calendar in Case No. 72 received from the Sessions Judge of Bellary.—

/Here Enters Fllo. No. 2467 of 1853/-

1. In this case the prisoner was charged with robbery by open violence in having in the town of Bellary on the 4th October at night broken into the house of one Madray Prosecutor and after assaulting him stolen from the neck of Madray's wife a gold ornament valued Rupees 130.

2. The Sessions Judge being of opinion that the act of the Prisoner in taking away the ornament from the Prosecutor's wife amounted only to snatching - remanded the case to the Subordinate Judge in accordance with the Circular Order of the Court of Sunjdaree Adalut under date the

the 29th June 1853.

The Court of Sunjdaree Adalut do not concur in the view taken of this case by the Sessions Judge of Bellary.—

3. The crime as charged would clearly amount to robbery by open violence.—

4. The Court of Sunjdaree Adalut therefore direct the Sessions Judge to call for the case again and adjudicate upon it.—

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

/Sent following Precept No. /-

Read Extract from the Proceedings of the Sessions Court of Cuddapah under date the 8th Instant, submitting the Petty Calendars for the 2d Quarter of 1853.—

/Here Enter Fllo. No. 2470 of 1853/-

Read

Read Calendar of Case
No. 56 of 1853 submitted by the Sessions
Judge of Caliacut under date the
5th Instant.—

/Here Enter Fllo. No. 2471 of 1853/-

Read Calendar of Cases
Nos. 39-40- and 41 of 1853 submitted
by the Sessions Judge of Combaconum
under date the 8th Instant.—

/Here Enter Fllo. No. 2474 of 1853/-

Read Calendar of Cases
No. 76 of 18[illegible] submitted by the Sessions
Judge of Bellary under date the
7th Instant.—

/Here Enter Fllo. No. 2485 of 1853/-

Read Calendar of Case
No. 14 of 1853 submitted by the Sessions
Judge of Honore under date the
7th Instant.—

/Here Enter Fllo. No. 2488 of 1853/-

Read Extract from the
Proceedings of the Sessions Court of
Masulipatam, reviewing the Petty
Calendars

Calendars of the Magistracy for
2d Quarter of 1853.—

/Here Enter Fllo. No. 2495 of 1853/-

Ed. 18[illegible].

F. C.

Wednesday
16th November 1853 } At a Court of the Fouzdaree Adalut.

Present

Sir — G S Hooper Esquire
Mr — W A Morehead Esquire
M. — J L Strange Esquire
} Puisne Judges.

Read again Criminal Reports for the month of August 1853 submitted by the Acting Sessions Judge of Cuddalore.

(Register F. C. No 2116 of 1853)

Read also letter dated 12th October 1853 from the Acting Sessions Judge of Cuddalore.

(Register F. C. No 3289 of 1853)

In the above letter the Acting Sessions Judge explains with reference to the proceedings of the Fouzdaree Adalut dated the 30th September 1853, that he instructed the Monthly Sudr Ameen, that the offence committed by the Prisoner in Criminal Case No 72 amounted to Housebreaking, because the theft was effected "by one of the thieves getting over the wall into a part of the house itself," and because the

1.

the prisoner was apprehended when attempting to break out of the house.-

2 The Acting Sessions Judge has still failed to explain how the prisoner's entry into the house was effected after the impediment of the wall had been surmounted. The Court of Sanctions Adalut therefore request that the Acting Sessions Judge will furnish them with this explanation.-

3 As to the general grounds assigned by the Acting Sessions Judge, the Court have to observe, that the making the act of breaking out of a house by a person who has entered it with felonious intent, but without breaking into it, punishable as burglary, prevails under the law of England by a Special Statute which is not applicable to this Country.-

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

/Sent following Precept &c

16th November 1953.-

Read letter under date the 29th October 1953 from the Sessions Judge of Cuddapah forwarding a Memorandum received from the Magistrate containing the correct numbers in the General Cases of Petty Calendars for the 2nd Quarter of 1953.

/Here enter T.R. No 2413 of 1953/

Read Calendar of Case No 66 of 1953 submitted by the Sessions Judge of Bellary under date the 20th October 1953.-

/Here enter T.R. No 2414 of 1953/

Read Calendar of Case No 97 of 1953 submitted by the Sessions Judge of Chittoor under date the 9th November 1953.-

/Here enter T.R. No 2487 of 1953/

Read Criminal Report for the month of October 1953 submitted by the Sessions Judge of Chicacole under date the 31st October 1953.-

/Here enter T.R. No 2590 of 1953/

Ct 18/2.

F. C.

Thursday 17th November 1853 } At a Court of the Fouzdaree Adalut.

Present

Wm. G. S. Hooper Esquire.
W. A. Morehead Esquire } Puisne Judges.
Wm. J. L. Strange Esquire.

Read Calendar of Case № 25 of 1853 on the file of the Sessions Court of Chittoor.

(Here enter F. C. № 2436 of 1853)

The Court of Fouzdaree Adalut resolve to call upon the Sessions Judge of Chittoor to state the exact date upon which the prisoners in the above Case were first denounced to the Police, as the evidence against them would appear from the Calendar to be that of identification only.

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

(Sent following precept №)

Read

Read Calendar in Case No. 25 of 1853. received from the Acting Sessions Judge of Nellore. —

(Here enter F. Rs. No. 2395 of 1853)

1 The Court of Foujdaree Adalut observe that in this Case the Charge is not distinctly framed. according to the Charge, it would appear as if the prisoner was arraigned simply for the assault and not for an attempt at Theft accompanied by assault. —

2. The Court of Foujdaree Adalut direct the attention of the Acting Sessions Judge to the necessity of correcting the Charges in Cases before entering them in the reports.

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

(Sent in No.)

Read Miscellaneous petition presented on 24th October 1853 by Polon Bambo Row of the Zillah of Chingleput.

(Here enter F. M. P. No. 152 of 1853)

W. J. L. Strange 1 Petitioner complains of an Order

of the Sessions Judge of Chingleput dated 8th July 1853, confirming one of the Magistrate of Chingleput, refusing on the ground of want of jurisdiction to enter upon an investigation of a charge of forgery preferred by petitioner.

2. Petitioner has advanced nothing to show that the Order from which he appeals has been based upon erroneous grounds. This petition is therefore rejected. —

Ordered that Extract from these proceedings be granted to the petitioner on his application. —

Read Miscellaneous petition presented by E. Salmon Esquire Vakeel on behalf of Nullamoottan of the Zillah of Combaconum.

(Here enter F. Rs. P. No. 133 of 1853.)

W. H. Hyperhead. 1 Petitioner prays for the reversal of the Sentence passed upon the 9th 10th and 11th prisoners convicted of gang robbery, in Case No. 43 of 1852, on the file of the Sessions Court of Combaconum. —

2. The Court of Foujdaree Adalut have fully considered the matters urged in this petition, and seeing no reason to question the propriety of either of the prisoners' Conviction

or

or of the Sentence passed upon them, reject the petition and decline hearing the Vakeel orally in its support.—

3.

The Court of Foujdaree Adalut will in future proceedings, dispose separately of the application contained in the concluding paras of their petition, for an alteration of the present practice, with a view to allowing Vakeels to plead orally on behalf of convicted prisoners, whose Cases have come before the Court on appeal.—

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

Read Calendar of Case No 587 of 1853, submitted by the Sessions Judge of Calicut under date the 10th November 1853.—

(Here enter F. de. No 2516 of 1853)

Read Calendar of Case No 59 of 1853, submitted by the Sessions Judge of Calicut under date the 10th November 1853.

(Here enter F. de. No 2517 of 1853.)

Read Statement submitted by the Sessions Judge of Cuddapah, under

date the 14th November 1853, of Batta paid to persons and witnesses in attendance before the Sessions Court from 1st July to 31st December 1853.

(Here enter F. de. No 2520 of 1853)

Read Calendar of Case No 25 of 1853 submitted by the Sessions Judge of Mangalore, under date the 11th November 1853.—

(Here enter F. de. No 2521 of 1853)

Read Criminal report submitted by the Sessions Judge of Guntoor under date the 15th November 1853, for the month of October 1853.—

(Here enter F. de. No 2524 of 1853)

Read Criminal report submitted by the Sessions Judge of Chittoor under date the 1st November 1853 for the month of October 1853.—

(Here enter F. de. No 2528 of 1853.)

Sd Bld.

F. C.

Friday 18th November 1853 } At a Court of the Foujdaree Adalut.

Present

W.R. G. S. Hooper Esquire. — Puisne Judges.
J. M. F. A. Morehead Esquire —
M. T. L. Strange Esquire —

Read Calendar of Case № 54 of 1853, Submitted by the Session Judge of Calicut

(Here enter F. C. № 2264 of 1853)

With reference to this Case

in which the Prisoners were charged with obstructing the Customs Officers. The Court of Foujdaree Adalut observe, that the Government Vakeel should have prosecuted —

2. The Customs officers would more properly have been summoned as witnesses for the prosecution.

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

(Sent in № —)

Read Calendar of Case № 27 of 1853 of the Sessions Court of Nellore.

(Here enter F. C. № 2478 of 1853)

The

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 House breaking with Theft, be reduced to three years imprisonment, with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.—

Addanky Venkatasamy alias Pudur Venkatasamy.

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

(Sent in No.)

Read Calendar of Case No. 36 of 1853 of the Session Court of Salem.

(Here enter F. R. No. 2486 of 1853)

The Court of Foujdaree Adalut 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 Convictions of the Crime of Highway Robbery, be reduced to one years imprisonment with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

1st Para Venkata-ramen.
2d Maury
3d Cavaly alias Ramnw.—

Ordered

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

(Sent in No.)

Read Criminal reports for the Month of September 1853, Submitted by the Sessions Judge of Mangalore.

(Here enter F. R. No. 2350 of 1853)

Case No. 9. In this Case the prisoners were charged with conspiring to defraud the Prosecutor by instituting a suit founded upon a forged Bond. It is plain from the very wording of this charge that the prisoners have really been indicted for uttering a forged deed. The institution of a suit upon a genuine bond, could be no fraud; and it is evident that in finding such institution, a conspiracy to defraud, the Head Assistant Magistrate practically determined that the deed was a forgery, and that the prisoners had uttered it, knowing it to be such. If a conspiracy existed at all, it must have been a conspiracy for the uttering of forged documents, with intent to defraud, and this would constitute an offence cognizable only by the Session Court. The prisoners

therefore

therefore having been sentenced by an authority not competent to adjudicate upon the charge preferred against them, will be immediately released.

Case No 10. 2. In this case the 3d prisoner was charged with fraud in having executed to the 1st a mortgage of some property of the prosecutor, to which the said 3d prisoner had no claim. The 1st and 2d prisoners were charged with fraud, the 1st for receiving the mort=gage, and the 2d for acting as Vakeel in a suit brought thereupon. The very statement of this Case, is sufficient to show that the deed executed was a nullity. A pretended conveyance of a proprietary right which the 3d prisoner did not posses might if a valuable Consideration had been obtained from the 1st prisoner by means of such false repre=sentation of title, be a fraud upon that prisoner, but could by no possibility be a fraud upon the prosecutor.

No 11. 3 This is another case of the same Character. The 1st prisoner was charged with fraud, in selling to the 2d "what he falsely represented as his Mortgagery title to part of the prosecutors estate". The charge proceeds to state, that the prisoner did so well knowing that he had no such title. This, if a fraud at

at all, could be a fraud only upon the 2d prisoner. It would further appear that the nature of the 1st prisoners interest, is by no means settled, and that it may still become the subject of a Civil suit. Under these circumstances the conviction of the 1st prisoner is clearly illegal, as no offence whatever has been alleged against him, and still less against the 3d prisoner, who appears to have been a mere attesting witness of the deed of sale. The Court of Foujdaree Adalut direct the immediate release of the 1st, and the Can=cellation of the Security bonds taken from the 3d prisoner, or his release if confined in default of furnishing Security.

No 12. 4. In this case, the sentence of the Head Assistant Magistrate was reversed by the Sessions Judge, not merely on the ground that the prosecutrix had in a former judicial proceeding admitted the 1st prisoner to be, as he claimed to be, her adopted son. The Court of Foujdaree Adalut are of opinion that this Conviction was liable to the fundamental objection, that no substantive offence was alleged against the prisoner. It could be no fraud upon the pro=secutrix to pretend to sell part of her estate. By

By such a proceeding she sustained no loss, and it could not render her title less secure.—

No 13. 5. This is another charge of attempting to defraud the prosecutor, by preparing a deed of sale of land without the possession of an unconditional power of sale, by the professed vendors (2d and 3d prisoners). As pointed out in the former cases, this could by no possibility be a fraud upon the prosecutor. The Court of Fouzdaree Adalut reverse the sentence passed by the Head Assistant Magistrate, and direct the immediate release of the prisoners.—

The Court of Fouzdaree Adalut resolve to direct that no criminal proceedings shall be entertained, which are founded upon matter involved in a Civil suit, until such suit shall have been conclusively decided. They are of opinion that extreme inconvenience is likely to arise from the reception of charges of forging Bonds, deeds, or other documents, filed in Civil Suits. They therefore direct that no such charges shall be entertained, except at the instance of the Civil Court, before which such written instrument has been produced. the Court

however propose issuing a Circular Order, containing their views upon the subject, more in detail.—

Ordered that Extract from these proceedings be sent to the Sessions Judge of Mangalore for his information and for communication to the Magistracy, by precept returnable within V days from and after its receipt.

(Sent following precept. No)

Read Criminal reports submitted by the Sessions Judge of Chicacole, for the month of September 1853.

(Here enter P.C. No 2385 of)

No 16. 1. The Court of Fouzdaree Adalut resolve to call upon the Sessions Judge to explain why the prisoners convicted of stealing to large an amount as Rupees 160 in the night time, were sentenced to three months imprisonment only, and under the provisions of Section VII Regulation X of 1816.—

No 15. 2. The Court of Fouzdaree Adalut disapprove of the Order by the Sessions Judge in this case, directing the Principal Sudr Ameen to

Assistant

to proceed as directed by Circular Order of 28th January 1828, because the prisoner had not been convicted of a crime for which the regulations provide a specific punishment.—

3. The Court of Foujdaree Adalut observe, that the Principal Sudder Ameen convicted the prisoner of an offence for which the regulations have provided, and they therefore direct the Sessions Judge to cancel his Order passed upon the Case and to leave the Sentence of the Principal Sudder Ameen undisturbed.—

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

(Sent following precept No)

Read reply dated 1st November 1853 from the Acting Sessions Judge of Masulipatam to the Extracts from the proceedings of the Court of Foujdaree Adalut, amending Sentence passed in Case No 62 of 1853, on the file of the Sessions Court.—

(Here Enter F. Re. No 2457 of 1853.)

It was not intended by the Court

Court of Foujdaree Adalut to interfere with the award of Corporal punishment, which formed part of the Sentence passed by the Acting Sessions Judge in the above Case.

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

(Sent in No)

Read Calendar of Case No 82 of 1853 submitted by the Sessions Judge of Bellary under date the 10th November 1853.—

(Here enter F. Re. No 2502 of 1853.)

Read Criminal report B Sub. submitted by the Sessions Judge of Chicacole, under date the 8th November 1853 for the month of September 1853.—

(Here enter F. Re. No 2508 of 1853.)

Read Calendar of Case No 28 of 1853, submitted by the Acting Sessions Judge of Nellore under date the 12th November 1853.—

(Here enter F. Re. No 2509 of 1853.)

Read Calendar of Case No 83 of 1853 submitted by the Sessions Judge of Bellary, in which

— however of opinion that the

18th November 1853.

Bellary under date the 11th November 1853.—

(Here enter Dr. No. 2510 of 1853)

Read Criminal reports Submitted by the Sessions Judge of Chingleput under date the 15th November 1853, for the Month of October 1853.—

(Here enter Dr. No. 2512 of 1853.)

4d 18d.

F. 116

Saturday
19th November 1853. } At a Court of the Foujdaree Adalut.

Present

G. S. Hooper Esquire
H. A. Morehead Esquire } Puisne Judges
T. L. Strange Esquire

Read Criminal reports forwarded by the Agent at Ganjam for the months of September 1853.

(Here enter Dr. No. 2129 of 1853)

No. 13

In this case the prisoner was committed for perjury by the Assistant Agent and released by the Agent on the ground that the latter of the two contradictory depositions alleged to have been delivered by the prisoner was not given by him but merely consisted of his affirmation of the statement contained in a question put to him.

2. The Court of Foujdaree Adalut are of opinion that no distinction can with propriety be drawn between a statement actually uttered by the prisoner and one which by his deliberate assent he has rendered his own. The Court are of opinion that he is equally accountable for both.—

3. We are however of opinion that the Agent's

Agents

Agents exposition of the law is erroneous, the Court of Fouzdaree Adalut on consideration of the state of facts detailed in the Calendar are of opinion that the course taken by the Assistant Agent in Committing the prisoner for perjury was harsh and indiscreet.—

4. The contradictory statements consisted in the prisoners asserting at one time that the crime of robbery had been committed by those whom he accused and at another that he was indebted to the accused, that they refused to let him go and that he threw down his property which they carried off - and returned to him upon his payment of the debt. The Court of Fouzdaree Adalut have no doubt that as usual in such cases the prisoner exaggerated the injury which he had sustained, but they are of opinion, that the facts did not Justify his Commitment for wilful and corrupt perjury. It is admitted by all parties that he threw down his property to escape from the illegal acts of the accused and his inaccuracy and exaggerations did not justify a charge of perjury.—

5. The Court of Fouzdaree Adalut

are further of opinion that after the adjustment of the matter between the prisoner and those accused of robbing him, the Assistant Agent was in error in putting questions to him which could have no other object than to induce him to convict himself of the grave crime of perjury.—

No. 17.

6. In this case all the prisoners should have been charged in one Count with murder as it appears from the very confused statement of the case contained in the Calendar under review that all the parties united for the Commission of a common illegal act which resulted in the death of the accused.

7. The Court of Fouzdaree Adalut have already ruled that whenever prisoners are charged with any offence from which the death of any person has resulted, and there exists any doubt as to the exact complexion of the crime committed, such prisoners shall invariably be charged with murder, and it will always be competent to the Court to convict them of manslaughter or even of a common assault.—

Ordered that Extract from these proceedings be sent to the Agent to the Governor

Governor of Fort St. George at Ganjam for his information.—

/Sent in./

Read Magistrate's Report submitted by the Sessions Judge of Combaconum under date the 12th November 1853 for the 3d quarter of 1853.—

/Here Enter F. R. No. 2503 of 1853/

Read Criminal Reports submitted by the Sessions Judge of Salem under date the 31st October 1853 for the month of October 1853.

/Here Enter F. R. No. 2529 of 1853/

Read Criminal reports dated 14th Instant submitted by the Acting Sessions Judge of Masulipatam for the month of October 1853.—

(Here enter F. R. No. 2530 of 1853)

Read Magistrates' reports submitted by the Sessions Judge of Combaconum under date the 3d Instant for the month of October 1853.

E. T. Holt

/Here enter F. R. No. 2532 of 1853/

F. 910

Monday.

21st November 1853. At a Court of the Foujdaree Adalut

Present

G. S. Hooper Esquire
W. A. Morehead Esquire — Puisne Judges
J. L. Strange Esquire

Read Miscellaneous Petition presented on the 27th October by S. Seroomalacharry Vakeel on behalf of Virijanoor Krishnamacharry and others of the Zillah of Chingleput

(Here enter F. M. P. No. 154 of 1853)

The Petitioners pray that the Court

Mr. G. S. Hooper
& J. L. Strange

of Foujdaree Adalut will reverse or amend an order of the Sessions Judge of Chingleput dated the 8th July 1853.

2. This order by which the Petitioners feel themselves aggrieved affirmed an order of the Magistrate requiring the Petitioners to enter into personal recognizances to keep the peace for one Year on a charge of having unlawfully assembled in the Pagoda of Sheedavarajaswamy at Conjeveram.

3. The Petitioners represent that this charge has been brought against them by certain Vadagalay Vaishnavites. Petitioners being of the other division

Governor of Fort St. George at Ganjam for his information.—

/Sent in./

Read Magistrate's Report submitted by the Sessions Judge of Combaconum under date the 12th November 1853 for the 3d quarter of 1853.—

/Here Enter F. Mo. No. 2503 of 1853/

Read Criminal Reports submitted by the Sessions Judge of Salem under date the 31st October 1853 for the month of October 1853.

/Here Enter F. Mo. No. 2529 of 1853/

Read Criminal Reports dated 14th Instant submitted by the Acting Sessions Judge of Masulipatam for the month of October 1853.—

(Here Enter F. Mo. No. 2530 of 1853)

Read Magistrates' Reports submitted by the Sessions Judge of Combaconum under date the 3d Instant for the month of October 1853.—

/Here enter F. Mo. No. 2532 of 1853/

4th Nov.

Monday.
21st November 1853. At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esquire
W. A. Morehead Esquire — Puisne Judges.
T. L. Strange Esquire

Read Miscellaneous Petition presented on the 27th October by S. Sroomalacharry Vakeel on behalf of Virijanoor Kristnamacharry and others of the Zillah of Chingleput.

(Here enter F. Mo. P. No. 154 of 1853)

Mr. G. S. Hooper & T. L. Strange

1. The Petitioners pray that the Court of Foujdaree Udalut will reverse or amend an order of the Sessions Judge of Chingleput dated the 8th July 1853.

2. This order by which the Petitioners feel themselves aggrieved affirmed an order of the Magistrate requiring the Petitioners to enter into personal recognizances to keep the peace for one Year on a charge of having unlawfully assembled in the Pagoda of Sheedavarajaswamy at Conjeveram.

3. The Petitioners represent that this charge has been brought against them by certain Vadagalay Vaishnavites. Petitioners being of the other division

division the Thengalay Vaishnavites - that the Petitioners were only exercising a right in being convened in the Pagoda - and that nothing has been adduced in evidence to show that their intentions were riotous or unlawful.

4. They therefore pray that either the order of the Magistrate may be set aside or that the opposite party may be also called upon to enter into personal recognizances to keep the peace.

5. The Petitioners have not afforded the Court of Foujdaree Udalut any sufficient grounds for questioning the propriety of the Magistrates order, affirmed by the Sessions Judge.

6. They therefore resolve to reject this Petition.

Ordered that Extracts from these Proceedings be furnished to the Vakeel of the Petitioners on his applications.

Read Miscellaneous Petition from Syed Aly Sahib forwarded by the Sessions Judge of Tinnevelly under date the 24th October 1853.

(Here enter F. Mo. P. No 150 of 1853)

Mr W. A. Morehead. 1 The Petitioner complains of the acquittal of the prisoners in Case No 30 of 1853 on the file of the Sessions Court of Tinnevelly, and prays that they

they may be subjected to a fresh trial and punishment.

2. The Court of Foujdaree Udalut observe that by Circular Order 188 Sessions Judges are only required to forward such petitions as may be presented to them against their sentences of Conviction. No benefit can result from forwarding complaints of sentences of acquittal.

Ordered that the above petition be returned to the Sessions Judge with extract from these Proceedings.

(Sent in No /

Read Miscellaneous Petition, forwarded by the Sessions Judge of Mangalore from Patan Shetty Kopistria and another Tillah Mangalore.

(Here enter F. Mo. P. No 156 of 1853)

Read also Miscellaneous Petition forwarded by the Sessions Judge of Mangalore from Sankappa of the Tillah of Mangalore.

(Here enter No 157 of 1853)

Mr W. A. Morehead & J. L. Strange. 1 The Petitioners who are Prisoners in the Jail of Mangalore appeal against the sentence of the Head Assistant Magistrate and pray the Court of Foujdaree Udalut to order their release.

2. The release of the Petitioners has already been ordered on the review of the Calendar by the Court of Foujdaree Udalut

No

3. No further order is therefore required upon this Petition.

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

/Sent in No. /

Read Miscellaneous Petition presented on 18th October by Seroomala Chairy Vakeel on behalf of Venkatareddy heir of Narayana Reddy 1st prisoner and Regoonada Reddy 2nd prisoner in Case No. 87 of 1852 on the file of the Sessions Court of Cuddapah.

/Here enter J. M. P. No. 138 and 139 of 1853/

Mr. W. A. Morehead. 1. The prisoners on whose behalf the above petitions were presented have been released by the Court of Foujdaree Adalut.

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

Read Miscellaneous petition presented on 21st June 1853 by Nagappah prosecutor in Case No. 87 of 1852 on the file of the Sessions Court of Cuddapah.

/Here enter J. M. P. No. 85 of 1853/

1. Petitioner prays for the conviction of the prisoners in the above case.

As

2. As they have been already released by the Court of Foujdaree Adalut the above petition is rejected.

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

Eq. 2nd Roll

Read Criminal Reports for the month of March 1853 submitted by the Sessions Judge of Madura under date the 14th April 1853.

/Here enter J. M. No. 897 of 1853/

Read Calendar of Case No. 49 of 1853 submitted by the Sessions Judge of Calicut under date the 23rd September 1853.

/Here enter J. M. No. 2337 of 1853/

Read Extract from the Proceedings of the Sessions Court of Calicut under date the 10th October 1853 on perusal of the Magistrates Calendars for the 2nd Quarter of 1853.

/Here enter J. M. No. 2515 of 1853/

Read Return under date the 14th November 1853 from the Acting Sessions Judge of Cuddalore to the precept of the Foujdaree Adalut under date the 4th November 1853 calling for a report on the condition and circumstances of Thillay Pillay the 1st Witness in Sessions Case No. 34 of 1853.

/Here enter J. M. No. 2519 of 1853/

Read

Read letter dated the 14th November 1853 from the Sessions Judge of Calicut transmitting the Warrant issued for the execution of death passed on the Prisoner in Case No. 36 of 1853 on the Calendar of the Sessions Court of Calicut

(Here enter F.M. No. 2536 of 1853.)

Read Return under date the 15th November 1853 from the Session Judge of Mangalore to the Precept of the Tonjdaree Adalut under date the 4th July 1853 directing the Session Judge to review the order of the Magistrate of Kanara regarding the right of Goldsmiths to go in procession with Tom-Toms

(Here enter F.M. No. 2540 of 1853.)

Read accounts submitted by the Session Judge of Combaconum of the Jails under charge of the Magistracy for the Month of October 1853.

(Here enter F.M. No. 2543 of 1853.)

4th Mott

F.M.

Tuesday 22nd November 1853 } At a Court of the Tonjdaree Adalut

Present

Sir H. G. S. Hooper Esqr.
W. A. Morehead Esqr. } Puisne Judges.
T. L. Strange Esqr.

Read Calendar of Case No. 78 of 1853 of the Session Court of Bellary.—

(Here enter F.M. No. 2549/1853)

His Court of Tonjdaree Adalut —

approve of the recommendation made by the Session Judge in this Case that the imprisonment, which the Prisoner H. Canoo more particularly noted in the margin has been adjudged to suffer on his conviction of the crime of Perjury be reduced to Six Months — 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 Bellary for his information

(Sent in No.)

Read

21st November 1853.

Read letter dated the 14th November 1853 from the Sessions Judge of Salem &c &c

The Court of Foujdaree Adawlut approves 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 Perjury be reduced to six Months imprisonment with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

Sungeeragoo

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

(Sent in &c)

Read Calendar of Case No. 43 of 1853 of the Sessions Court of Cuddapah.

(Here enter F. Co. No. 2453/1853)

6 Prisoners

The Court of Foujdaree Adawlut approves 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

1st Peddoogadoo
2nd Combadoo.
3rd Ragadoo.
4th Gudugadoo.

on their conviction of the crime of Gang robbery attended with wounding be reduced to seven 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 Cuddapah for his information

(Sent in &c)

Read Calendar of Case No. 38 of 1853 of the Sessions Court of Combaconum

(Here enter F. Co. No. 2473/1853)

The Court of Foujdaree Adawlut approves 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 housebreaking and theft be reduced to four years imprisonment with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

3 Prisoners
3rd Para Ammay
4th Chinnapayah
5th Moonoogan.

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

Read Calendar of Case No. 794 of 1853 of the Sessions Court of Bellary.-

(Here enter F.Mo. No. 2450/1853)

The Court of Foujdaree Adalut approve of the recommendation made by the Sessions Judge in his 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 Six Months imprisonment with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.-

Sunjeevagadoo

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

(Sent in No.)

Read Calendar of Case No. 113 of 1853 of the Sessions Court of Cuddapah.-

(Here enter F.Mo. No. 2453/1853)

The Court of Foujdaree Adalut 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

1st Peddoogadoo
2nd Conchadoo.
3rd Nagadoo.
4th Gubbugadoo.

their conviction of the crime of Gang robbery attended with wounding be reduced to seven 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 Cuddapah for his information

(Sent in No.)

Read Calendar of Case No. 38 of 1853 of the Sessions Court of Combaconum

(Here enter F.Mo. No. 2473/1853.)

The Court of Foujdaree Adalut 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 housebreaking and theft be reduced to four years' imprisonment with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.-

3rd Para Ammy
4th Chinnapayah
5th Monoogan.

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

Judge of Combaconum for his information.

(Sent in No)

Read Calendar of Case No 77 of 1853 of the Sessions Court of Bellary

(Here enter F. Mo. No 2448/1853)

The Court of Foujdaree Adalut approve 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 suffer on his conviction of the crime of Subornation of Perjury be reduced to two years' imprisonment with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.-

Pedd ared dy.

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

(Sent in No)

Read Calendar of Case No 44 of 1853 on the file of the Session Court of Cuddapah.-

(Here enter F. Mo. No 2484/1853)

Seeing reason to question the propriety of the of the prisoner's conviction in the above case the Court of Foujdaree Adalut

Adalut resolve to direct that translations of the record be submitted for their judgment

2. They also direct that a drawing representing the exact size and shape of the instrument alleged to have been used in breaking into the prosecutors' house be submitted.-

Ordered that Extract from these proceedings be sent to the Session Judge of Cuddapah by precept returnable within XV days from and after its receipt.-

(Sent following precept No)

Read petty Calendars of the Magistracy submitted by the Session Judge of Madura for the 3d quarter of 1853.-

(Here enter F. Mo. No 2492 of 1853.)

Case No 17

The Court of Foujdaree Adalut concur with the Session Judge in considering that the offence committed by the prisoner in this case was improperly designated by the Acting Magistrate "resistance to process" The Court are not however of opinion that the offence committed would have been theft or robbery as stated by

by the Sessions Judge. It would appear from the Calendar that the prisoner on a claim of right openly took out of the possession of his opponent a bullock which had been awarded to him by competent authority The —— Court of Fouzdaree Udalut — are of opinion that the prisoner should have been charged with trespass upon the property of his said opponent and should have been punished for that offence under Section XXXII Regulation IX of 1816 and Section VII Regulation X of 816 according to the circumstances of the Case.—

Nos 29-430.

In these Cases the prisoners were punished on a charge of resistance to process—The acts supposed to amount to this offence were a persuasion of certain ryots to refuse payment of their kists. The Court of Fouzdaree a Udalut concur in the opinion of the Sessions Judge that the acts committed do not constitute the offence alleged and resolve to direct that the fines levied in both these Cases be remitted and returned.

Ordered that Extract from these proceedings be sent to the Sessions

Judge for communication to the Magistracy

Sent in No.

Read letter dated 15th November 1853 from the Sessions Judge of Mangalore submitting for the final judgment of the Fouzdaree Udalut the Record of case No. 24 of 1853 of the Calendar of the Sessions Court.—

(Here enter No. 2541/1853)

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.—

"Hoothbodeen"

is sufficient to convict him of the crime of Forgery, do convict him thereof, and under the provisions of Clause third Section III Regulation XVII of 1811 and Section XXXV Act VII of 1843 Sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (2) Two years.—

Ed. 4th Feb.

J. No.

Wednesday
23rd November 1853. At a Court of the Foujdaree Udalut

Present

G.S. Hosper Esquire
W.A. Morehead Esquire
J.L. Strange Esquire
} Puisne Judges

Read again Criminal Reports submitted by the Sessions Judge of Madura for the month of September 1853.

(Here enter J. No. No. 2318 of 1853)

Read also return from the same Officer to the precept of the Foujdaree Udalut dated 8th November 1853 calling upon him to review Case 124 in the above reports

(Here enter J. No. No. 2480 of 1853)

The Sessions Judge explains in the above return that the sentence of one year's imprisonment passed upon the prisoner in Case 124 was in consequence of his having been previously convicted of a similar offence and the Sessions Judge did not consider that under these circumstances the sentence was unnecessarily severe.

2. The Court of Foujdaree Udalut

while

while considering the explanation of the Sessions Judge perfectly satisfactory, resolve to point out that the circumstance of aggravation should have been entered in the report of the Subordinate Judge.

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

(Sent in No)

Read again Criminal Reports submitted by the Session Judge of Chittoor for the months of September 1853.

(Here enter S. W. No 2329 of 1853)

Read also letter from the Session Judge of Chittoor dated 8th November 1853.

(Here enter S. W. No 2466 of 1853.)

1. In the above letter the Session Judge explains that the prisoner in Case No 102 was convicted of housebreaking for climbing over the wall of a backyard with intent to steal in pursuance of instructions of the Sonjdarce Wdalut in their proceedings dated 3rd November 1852.

2. The Court of Sonjdarce Wdalut observe that these proceedings merely ruled that climbing over the wall of a house is a breaking. The Court of

of Sonjdarce Wdalut are of opinion that if the wall over which a prisoner has climbed is the wall of the house and that immediately upon surmounting this obstruction he enters the house itself, such entry will constitute a breaking, but if on the contrary the wall surmounted is that of a garden or a backyard, entry to the house remains to be effected, the prisoner's act will not amount to a breaking.

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

(Sent in No)

Read Calendar of Case No 38 of 1853 on the file of the Session Court of Trichinopoly.

(Here enter S. W. No 2476 of 1853)

1. In the above calendar the Session Judge observes that the 4th, 5th and 6th witnesses have been guilty of deliberate falsehood tending to criminate an innocent man before two tribunals, and he further states that he considered it perfectly useless to examine them being convinced that they had given purely false testimony in the Courts below. Such belief by no means justified the Session Judge in omitting to examine them. Had he done so, he would have been able to form a better opinion upon the value of their evidence and if the record contained, as he appears to consider, undisputable

disputable truth of its falsehood, he should have committed them for perjury.

2

The Court of Foujdaree Udalut deem it necessary to point out to the Sessions Judge that he was not justified in interpolating with the evidence an extrajudicial statement of the Zillah Surgeon. As it appears that that gentleman was able to afford very material evidence, he should have been summoned and examined

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

/Sent in No /

Read letter from the Sessions Judge of Rajahmundry dated 29th October 1853

/Here enter F/C No 2127 of 1853/

1.

In the above letter the Sessions Judge suggests an alteration of the mode of numbering witnesses and prisoners, presently by Circular Order of the Foujdaree Udalut No 10 and proposes that in future the number attached to a prisoner or a witness in the first instance, shall be retained throughout the subsequent proceedings.

2.

The arguments used by the Sessions Judge have not convinced the Court of Foujdaree Udalut of the benefit to be derived from changing the established practice

practice, and they therefore decline acceding to the proposition of the Sessions Judge

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

/Sent in No /

Ed. Thomas

In Ct

Thursday
24th November 1853 } At a Court of the Zillah Tanjore held

Present

The Hon'ble G S Hooper Esquire
W A Morehead Esquire — Puisne Judges
T L Strange Esquire

Read Miscellaneous Petition presented on the 31st October 1853 by Sutchinanadu of the Zillah Kurnool.

(Interpreter J W R 8th 146 of 1853)

The Petitioner prays the Court of Tanjore Zillah to reconsider their rejection vide Proceedings 10th August 1853 / of her Sons appeal for a perusal of the sentence passed on him by the Government Agent at Kurnool.

The Court decline complying with any of the requests contained in this Petition which is accordingly rejected.

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

Read Miscellaneous Petition presented by the Superior Judge of Brittany

from

from Soobanny Dannavadoo of the Zillah of Bellary.-

(Herewith F.P.P. No. 162 of 1953)

Wm G.S.Hooper

1 The Petitioner on behalf of his friend Hunmah a prisoner in Case No 66 of 1953 on the file of the Sessions Court of Bellary prays the Court of Fauydaree Adalut to reverse the sentence of 3 years imprisonment with hard labor in irons passed upon the above mentioned Hunmah convicted of attempt at Robbery.-

2 The Statement made in this Petition upon which is prayed a reversal of the Sentence is prayed differ from that pleaded by the Prisoner himself.-

3 The Court of Fauydaree Adalut see no reason to question the correctness of the Prisoner Hunmahs conviction nor of the sentence passed by the Sessions Judge.-

4 Under these circumstances this Petition is rejected.-

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

(Entered &c.

Read

24th November 1953.-

Read letter dated 17th November 1953 from the Sessions Judge of Combaconum submitting for the final Judgment of the Fauydaree Adalut the record of Case No 83 of 1953 of the Calendar of the Sessions Court.-

(Herewith F.P. No 2534 of 1953)

Wm G.S.Hooper

" W.A.Morhead

The Court of Fauydaree Adalut on deliberate consideration of all the circumstances of the case on evidence before them being of opinion that the proof against the prisoner "Vytee" is sufficient to connect him of the crime of murder, do connect him of the crime of murder, do connect him of 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 Prisoner was charged before the Sessions Court of Combaconum with Murder in having inflicted several wounds with a toddy knife upon the person of a woman named Anjaly Achee from the effects of which she subsequently died.-

Four witnesses proved that on

2

the

the morning in question deceased and the
prisoner entered a bamboo thicket together,
that after the lapse of about 10 minutes
violent screams were heard proceeding therefrom
from and that the prisoner first and the
deceased, shortly afterwards issued from the thicket
The deceased was covered with blood and
in answer to the enquiries of the 2nd witness
pointed out the prisoner as the man who
had wounded her. He then left the place
and was apprehended by order of the Head
of Police concealed in a Pagoda about two
hours after.-

3 The deceased up to the period of her death
preserved in her statement that the prisoner
had wounded her with a toddy knife because
she refused to sell him Cachu upon credit, at the
early an hour in the morning.-

4 It was stated by several witnesses
that spots of blood were plainly distinguish-
able on the prisoners knees at the time of his
apprehension and a toddy knife proved by
several witnesses and acknowledged by him-
self to be his own was found near the scene
of the occurrence and whom produced.-

before

re the Court bore the appearance of
d Stains.-

The Prisoner pleaded not guilty
s alleged that the cries of the deceased
cited him to the spot in common with
se four Witnesses. He did not however
any reason for the false accusation of him
e deceased. He admitted hearing upon issuing from
ticket
is the woman who wounded Me" but stated that
as not aware, that her remark was
ted to him.-

The Assessor Judge concurred with
assessors in convicting the prisoner of the
e charged and pronounced that he should
entenced to imprisonment for life with
labor in irons.-

The Court of Sudder Adawlut
of opinion that the circumstantial evidence
ced is amply sufficient for the prisoners
iction. Not a shade of suspicion attaches
ny one of the witnesses by whom it is
ublished. The short time that elapsed
ween the entrance of the prisoner and
ased into the thicket, their emerging almost

the

the Prisoner mounted, having [illegible] of the prisoners
own knife near the spot where [illegible] to the Court of
Tanjore Adalut to receive every explanation
consistent with the [illegible] innocence of the
crime charged.

8 The statement made by the
deceased before the Native Police not having
been taken under the [illegible] of a solemn
declaration could not in the [illegible] of the prisoner
was, if regarded as the [illegible] of a partial
& culpable witness during [illegible] dying declaration
and at the [illegible] would have been
admissible on any inquiry [illegible] upon the
subject of her death, [illegible] been previously
established to the satisfaction [illegible] of the Court
that it was made after [illegible] abandoned
all hope of life.

9 The Court [illegible] Tanjore Adalut
request the Sessions Judge [illegible] the attention
of the Magistrate to the necessity [illegible] ascertaining in
all similar cases the [illegible] tion of the
deponent on the Judge

10 It appeared [illegible] that the
deceased lingered [illegible] nine days in the
Hospital

Hospital at Negapatam in close vicinity to a
European Magistrate, and it is much to be regretted
that a regular deposition was not taken by
that officer in the presence of the prisoner
who had been apprehended and was in custody
at the time.-

11 While concurring with the Sessions Judge
in the conviction of the prisoner the Court of
Tanjore Adalut considered that no grounds
existed for mitigating the prescribed penalty
and have therefore sentenced the prisoner to
suffer death.-

Ordered that extract from these
proceedings be sent to the Sessions Judge of
Negapatam for his information and for
communication to the Magistrate.-

E. D. Thomas

[illegible] Sessions Judge

the same moment, th… ing of the prisoner's
arm knife near the spot… ear to the Court's
of Tay Saree Modliar to exam… very explanation
consistent with the pre… innocence of the
crime charged..

8 The statemen… ade by the
deceased before the Record… Police, not having
been taken under the same… of a dolemn
declaration and in the pr… ce of the prisoner
was, if proposed as the tra… ony of a witness
admissible in evidence. … dying declaration
any statement… would have …
admissible on our inquiry … lds upon the
subject of her death, if it b… been previously
established to the satisfac… n of the Court
that it was made after she … d abandoned
all hope of life..

9 The Court of Tay Saree Modliar
request the Sessions Judge to call the attention
of the Magistrate to the impropriety of ascertaining in
all similar cases the impression of the
deceased on the subject..

10 It would appear that the
deceased lingered for nine days in the
Hospital

Hospital at Negapatam in close vicinity to a
European Magistrate, and it is much to be regretted
that a regular deposition was not taken by
that officer in the presence of the prisoner
who had been apprehended and was in custody
at the time..

11 While concurring with the Sessions Judge
in the conviction of the prisoner the Court of
Tay Saree Modliar considered that no grounds
existed for mitigating the prescribed penalty
and have therefore sentenced the prisoner to
suffer death..

Ordered that the record from these
proceedings be sent to the Sessions Judge of
Madura for his information and for
communication to the Magistrate..

E. D. Thomas

(Sd) T. Pycroft

F. 86.

Friday
25th November 1853. } At a Court of the Foujdaree Adalut.

Present.

G. A. Hooper Esquire
W. A. Morshead Esquire. } Bovine Judges.
T. L. Strange Esquire.

No return having been received from the Agent to the Governor of Fort St. George at Kurnool to the precept of the Foujdaree Adalut under date the 27th October last communicating the observations and orders of the Court on review of the Criminal Reports submitted by him for the month of July and August 1853.—

Ordered that the Agent at Kurnool be required to make a return to the Precept aforesaid without further delay. ——

(Sent in N.)

End
J. W. S.

Saturday
26th November 1853

At a court of the Tayabaree Edalut..

Present

G. S. Hooper Esquire ——
W. A. Morehead Esquire —— } Puisne judges..
J. L. Strange Esquire ——

Read letter dated 16th November 1853 from the Sessions Judge of Bellary, submitting for the final sentence of the Tayabaree Edalut the record of Case No 75 of 1853 on the Calendar of the Sessions Court..

Present

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

The Court of Tayabaree Edalut, on a deliberate consideration of all the circumstances of the Case in evidence before them, being of opinion that the proof against the Prisoner

"Moodaccapah"

is sufficient to convict him of the crime of wilful Murder, do convict him thereof; and under the Provisions of Section X Regulation VIII of 1802, Sentence him to suffer death by being hanged at the usual time and place of Execution..

/ Sent in Sa /

Read Calendar of Cases No 84 of 1853

Submitted

Submitted by the Sessions judge of Bellary under date the 15th November 1953.-

/Here enter F.R. No. 2546 of 1953/

Read letter dated the 17th November 1953 from the Sessions judge of Bellary reporting the execution of the Prisoner in Sessions Case No. 11 of 1953.-

/Here enter F.R. No. 2553 of 1953/

Read Report dated 15th November 1953 submitted by the Agent to the Governor at Vizagapatam, of persons apprehended and delivered to the Agency in the months of October 1953.-

/Here enter F.R. No. 2561 of 1953/

Read Calendar of Cases No. 40 of 1953 submitted by the Sessions judge of Cuddapah, under date the 19th November 1953.-

/Here enter F.R. No. 2562 of 1953/

Read Calendar of Cases No. 70 of 1953 submitted by the Acting Sessions judge of Masulipatam under date the 17th November 1953.-

/Here enter F.R. No. 2563 of 1953/

Read Return dated the 19th November 1953 from the Acting Sessions judge of Cuddalore, to the precept of the Forjdarree Adalut under date the 16th November 1953, calling for further explanation

explanation how the Prisoner in Criminal Case No. 73 effected his entry into the house, after the impediment of the wall had been surmounted.-

/Here enter F.R. No. 2564 of 1953/

Read Calendar of Cases No. 13 of 1953 submitted by the Sessions judge of Guntoor under date the 19th November 1953.-

/Here enter F.R. No. 2569 of 1953/

Read Copy of the Magistrates Return to the Sessions Court's precept under date the 4th November 1953, which accompanied an Extract from its Proceedings on a proviso of his petty Calendars for the 2nd Quarter of 1953 submitted by the Sessions Judge of Calicut under date the 19th November 1953.-

/Here enter F.R. No. 2572 of 1953/

Read Convict Labor Report for the Month of October 1953, of the jail at Cocanada submitted by the Sessions judge of Rajahmundry under date the 16th November 1953.-

/Here enter F.R. No. 2576 of 1953/

Read Criminal Report for the month of October 1953, submitted by the Sessions judge of Coimbatore under date the 17th November 1953.-

/Here enter F.R. No. 2577 of 1953/

Read Calendar of Case No. 5

of

of 1853 submitted by the Sessions Judge of Bellary under date the 17th November 1853.

(Here enter J.C. No. 2579 of 1853)

Read Return dated 21st November 1853 from the Sessions Judge of Bellary to the precept of the Foujdaree Adalut under date the 15th November 1853, directing the Sessions Judge to transfer the junior Delegate of the Establishment of the Sessions Court to the Subordinate Court, and appoint in his place Delegate Hoosain Khan of the Subordinate Court.

(Here enter J.C. No. 2507 of 1853)

Read letter dated 21st November 1853 from the Sessions Judge of Bellary, stating that his Sentence in Case No. 69 of 1853 has been reduced to one years imprisonment, with reference to the Proceedings of the Foujdaree Adalut under date the 15th Instant.

(Here enter J.C. No. 2509 of 1853)

Read Calendar of Case No. 31 of 1853, submitted by the Sessions Judge of Mangalore under date the 21st November 1853.

(Here enter J.C. No. 2594 of 1853)

Rs 18/8.

J. 110

Monday
20th November 1853 } At a Court of the Foujdaree Adalut

Present:

G.S. Hooper Esquire
W.A. Morehead Esquire — Puisne Judges.
J.L. Strange Esquire

Read again Calendar of Criminal cases submitted by the Sessions Judge of Chingleput for the month of September 1853.

(Here enter J.C. No. 2293 of 1853)

Read return dated 10th November 1853 from the Sessions Judge of Chingleput to the precept of the Foujdaree Adalut under date the 3rd November 1853 directing the Sessions Judge to call for and review the record of Cases 58 and 64.

(Here enter J.C. No. 2467 of 1853.)

Case No. 64. With reference to the explanations submitted by the Sessions Judge regarding this case. The Court of Foujdaree Adalut are of opinion that the offence of the prisoner amounted to Housebreaking and that the sentence passed by the Sessions Judge is correct.

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

for his information and guidance.

(Sent in No.)

Read again Calendar of Case No. 30 of 1853 on the file of the Session Court of Calicut.

(Here enter F.C. No. 2306 of 1853.)

Read return made 10th November 1853 by the Session Judge of Calicut to the Precept of the Fouj-daree Udalut calling upon that officer with reference to the above case to state the amount of mitigated punishment he considered sufficient.

(Here enter F.C. No. 2511 of 1853.)

Under the circumstances stated in the Return under notice the Court of Foujdaree Udalut re-solve to mitigate the sentence on 1st Prisoner to eight years imprisonment with hard labor in irons.

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

(Sent in No.).

Ex. Thos W

F. C.

Tuesday
29th November 1853.

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esquire
W. A. Morehead Esquire } Puisne Judges.
T. L. Strange Esquire

Read again Calendar of Case No. 32 of 1853 on the file of the Session Court of Tuticorin.

(Here enter F.C. No. 2331 of 1853.)

Read also return from the Session Judge of Tuticorin to precept of Foujdaree Udalut dated 5th November 1853.

(Here enter F.C. No. 2491 of 1853.)

1. In their proceedings which accompanied the above precept, the Court of Foujdaree Udalut expressed their opinion that the prisoners held to security by the Session Judge, should have been convicted.

2. The Session Judge explains that one of the prisoners to whose presence the witnesses deposed established an unquestionable

29th November 1853. alibi, that a feud exists between the villagers and the accused who are Caveliyars, and that in a case subsequent to the one referred to the witnesses have given evidence directly opposed to their previous statements.

3. Had the Sessions Judge been more explicit in his report of the case the Court would not have remarked upon it, and as from the explanation now submitted, the evidence appears open to great question the Court of Foujdaree Udalut resolve to direct the cancellation of the security bonds taken from the prisoner and their unconditional release.

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

Sent in No.

Read again Calendar of case No. 41 of 1853 on the file of the Sessions Court of Calicut

(Here enter F. U. No. 227 of 1853.)

Read return dated 8th November 1853 to the precept of the Foujdaree Udalut dated

29th November 1853. dated 27th October 1853 calling upon the Sessions Judge to explain the grounds on which he considered the crime in calendar No. 41 of 1853. to amount only to Housebreaking and Theft when from the Futwa it would appear that violence had been used on the occasion.

(Here enter F. U. No. 2490 of 1853.)

Under the circumstances submitted in explanation by the Sessions Judge the Court of Foujdaree Udalut are of opinion that all mention of lighted torches should have been omitted from the charge in the case under notice

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

Sent in No.

Read Calendar in Case No. 67 on the file of the Sessions Court of Bellary.

Here enter F. U. No. 2,500 of 1853.

The Prisoner in this case were charged with an attempt at Robbery with murder.

The

29th November 1853. 2.

The Sessions Judge concurred with the Mahommedan Law officer in considering the evidence adduced against the Prisoners insufficient - He therefore acquitted them of the crime with which they were charged, but being of opinion that suspicion attached to the 1st 2d 3d and 4th Prisoners directed them to find two sureties of 50 Rupees each for two years or to be confined for that period.

3.

The Court of Foujdaree Udalut consider that as regards the 1st and 4th Prisoners the grounds of suspicion are not sufficient to justify their being required to find security and therefore direct the Sessions Judge to cancel that part of his sentence which required them to find sureties -

4.

Referring to the evidence given by the 5th witness the Court call the attention of the Sessions Judge to the circumstance that it is entirely hearsay and as such should not have been admitted -

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

Sent in &c

F. C.

29th November 1853.

Read Calendars of Cases Nos 20 and 21 of 1853 on the file of the Sessions Court of Rajahmundry.

Here enter F. C. Nos 2506 & 2507 of 1853 /

In Para 6 of the sentence passed in case No 21 of 1853 the Sessions Judge observes with regard to a necklace, included in the property which the Prisoners are accused of receiving knowing it to be stolen "that it cannot be considered to be demonstrated by the evidence that this necklace formed part of the property belonging to the Prosecutor" - that the story of the Prisoners regarding it is false" - nevertheless the Sessions Judge refuses to give back to the Prisoners the necklace found in their possession -

2.

The Court of Foujdaree Udalut are at a loss to understand upon what grounds the Sessions Judge of Rajahmundry refuses to restore the necklace to the Prisoners - or in what manner he contemplates disposing of it -

3.

They therefore resolve to direct the Sessions Judge to restore the necklace

necklace enquiestion to the parties from whom it was taken by the Police.

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

(Sentence No)

Read Calendar of Case No. 34 on the file of the Sessions Court of Salem.

Here enter F. H. No. 2462 of 1853.

1. In this case the prisoner was committed for trial on a charge of having committed perjury by denying the execution of a bond purporting to be a private adjustment of a decree of the Subordinate Court of Salem in petitioner's favour in Original Suit No. 32 of 1851.

2. The Court of Fouzdaree Adalut observe that the Subordinate Judge was in error in entering into any investigation as to the alleged private adjustment of a decree inasmuch as Circular Order of Sudder Adalut No. 48 declares all such private adjustments to be null unless their terms shall have been declared in

open Court by all parties interested. The Court are therefore of opinion that an oath was improperly administered to the prisoner in a proceeding irregular and not judicial.

3. The Court of Fouzdaree Adalut further observe that the charge appears to have been improperly framed. It states that a charge of forgery preferred by the prisoner himself was the judicial proceeding in which the forgery was uttered and to which it was material while it would appear from the calendar that the matter under enquiry was the propriety of executing the decree and the charge of forgery merely collateral.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Salem for his information and for communication to the Subordinate Judge

Sent in No.

Read Calendar of Case No. 57 on the file of the Sessions Court of Calicut.

Here enter F. H. No. 2472 of 1853.

In

29th November 1853.

1. In this case the Prisoner was charged by the Government as Prosecutor with an "attempt at wounding with intent to kill and taking up a position to resist the authorities".

2. The Sessions Judge being of opinion that there was nothing on the record to show that the Prisoner had acted or threatened to act in defiance of the Public Authorities - or that the 1st witness upon whom the attempt at murder was said to have been committed declined to prosecute - remanded the Case to the Subordinate Judge - in order that 1st witness should be entered as Prosecutor leaving it to that officer either to dispose of the case himself or to recommit it to the Sessions Court as the circumstances required.

3. The Court of Foujdaree Adalut are of opinion that the Sessions Judge should have given more definite orders in the case under notice. Having the proceedings before him, he could have judged

F. H.

29th November 1853.

judged if the case was committable or not. The mere circumstance that the wrong party appeared as the Prosecutor was not sufficient to warrant the return of the Case as that error could have been rectified before the Sessions Court.

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

Sent in No.

Read letter dated 14th November 1853 from the Acting Sessions Judge of Cuddalore

Here enter F. H. No. 2514 of 1853.

1. The Acting Sessions Judge submits copy of the "a" Report in Criminal case No. 96 of 1853.

2. In this case three prisoners charged before the Principal Sudr Ameen with Housebreaking with attempt at theft accompanied by wounding were convicted and severally sentenced to two years imprisonment with

with hard labor in irons.

3.

It appearing from the Report forwarded to the Acting Sessions Judge, that the 3rd prisoner, a dumb man, has not been able to make any defence or to have any questions put to him - the execution of the sentence passed upon him was suspended.

4.

The Principal Sudr Ameen has since ascertained through the Magistrate that there is a man in of the 3rd Prisoner who is able to communicate with him by signs.

5.

The Acting Sessions Judge under the circumstances detailed above, being of opinion that the 3rd Prisoner in this case has not had a fair trial, requests the instructions of the Court of Foujdaree Udalut.

6.

The Court of Foujdaree Udalut consider that the 3rd Prisoner in this case has been illegally convicted direct that he be released.

7.

It was the duty of the Principal Sudr Ameen, during the trial of the case to have taken such steps as would have secured, as far as possible, a fair trial to the

the 3rd Prisoner

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

Sentin No.

Read extract from the Proceedings of the Sessions Court of Guntoor held on review of the Police Statements for the 2nd quarter of 1853.

Hereunto F. No. 2479 of 1853.

In these Proceedings the

1

Sessions Judge points out the delays which occur in the preliminary investigation of charges before the Head of Police and remarks generally upon the want of diligence shown by those officers.

The Court of Foujdaree Udalut

2.

resolve to call the attention of the Magistrate of Guntoor to this neglect upon the part of the Head of Police in that district.

with

29th November 1853.

with a view to his adopting without delay such measures as may seem necessary to remedy the evils pointed out in the Sessions Judge's Proceedings.

Ordered that Extract from these Proceedings be furnished to the Sessions Judge for communication to the Magistracy of Guntoor

Sent in No.

Read Criminal Report submitted by the Sessions Judge of Coimbatore for the month of October 1853.

Here enter J.R. No. 2489 of 1853.

B No. 156. 1. With reference to this Case the Court of Fouzdaree Udalut call the attention of the Sessions Judge to the careless manner in which the charge is worded and direct him for the future to amend the charges in cases when they are improperly and carelessly framed.

No. 162. 2. The Court of Fouzdaree Udalut do not understand why in this case the charge is Misdemeanor and not Theft.

In

F. No.

29th November 1853.

3. In this case of Gang Robbery by open violence the 1st Prisoner is described as having been tried and convicted for Assault and wounding in Criminal Case No. 194 of 1850. and sentenced to 6 months imprisonment in irons with hard labor &c.

4. The Court of Fouzdaree Udalut are of opinion that this should not be entered as a separate count in the charge in this case the two crimes having no analogy.

Case No. 164.

5 This case should have been committed under Section II Clause IV Regulation VI of 1822.

6. The Jailor ought in this case to have been examined personally as to the identification of the Prisoner as an old offender instead of his written report being admitted as evidence.

No. 25 by the Asst. Mag.

7 In a case of Petty Fraud the 1st Prisoner was released by the Assistant Magistrate as being a Boy but his age has not been stated nor sufficient reason given to entitle him to escape punishment

Ordered

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

Sent in No.

Read Criminal Report received
from the Sessions Judge of Combaconum for
the month of October 1853.

Received F.R. No. 2531 of 1853.

Case No. 121.

1.

In this case the prisoners offence
should have been entitled forgery. He was
charged with having fabricated a bond with
intent to defraud and unnecessarily to injure one
Ramasamien. The Court of Fouzdaree Adalut
observe that the facts alleged precisely satisfy
the definition of the crime of forgery contained
in Circular Order of the Fouzdaree Adalut 8th July.

Case No. 129

2.

In this case the prisoner was
charged with attempt at theft. He is alleged
to have forcibly opened the door of a room in the
house of the prosecutrix with intent to steal.
The Court of Fouzdaree Adalut deem it necessary
to point out that however the prisoner's first entrance
into the house may have been effected his subsequent
breaking

29th November 1853.

breaking of an inner door of the house has
rendered him guilty of housebreaking.

Ordered that Extract from
these Proceedings be forwarded to the Sessions
Judge of Combaconum for his information and for
Communication to the Subordinate Judge.

Sent in No.

Ext. Thos W.

F. U.

Wednesday.
30th November 1853. At a Court of the Fouzdaree Adalut

Present

The Hon.ble G. S. Hooper Esquire —
" W. A. Morehead Esquire — } Puisne Judges.
" F. L. Strange Esquire —

Read letter from the Magistrate of Bellary dated the 15th November 1853 requesting the authority of the Court of Fouzdaree Adalut for the admission of one Mariga as an approver in two cases of Gang Robbery in which he was an accomplice. (Here enter F. U. 2533 of 1853)

The Court of Fouzdaree Adalut with reference to the above letter, resolve to call upon the Magistrate of Bellary for the statements of the individual whom he proposes to admit as an approver and to request that they may be informed in what respects the statements may have received corroboration.

Ordered that Extract from Proceedings be sent to the Sessions Judge of the by Precept returnable in four days from its receipt.

(Sent following Precept to

Ex. on Thoff.

31st December 1853.

assigned in those proceedings for reversing the sentences passed upon the prisoners therein referred to, the Court of Foujdaree Udalut resolve to reverse the sentences passed upon the Petitioners and to direct that all the prisoners sentenced in the same case whose sentences may not have expired be unconditionally released.—

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Mangalore by precept returnable in 11 days from and after its receipt

(Sent following precept &c.)

Ordered also that Extract from these Proceedings be furnished to the petitioners Vakeels on their application

Read Miscellaneous Petition presented on the 7th November by Puttapadyachy on behalf of the prisoners in Cases 35 & 36 on the file of the Sessions Court of Cuddalore.

(Here enter S. Jr. D. No. 184 of 1853.)

The petitioner prays for the release of the above prisoners and is rejected by the Court of Foujdaree

Udalut

31st December 1853. Udalut because they consider the evidence as stated in the sentence of the Acting Sessions Judge amply sufficient for the conviction of the prisoner

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

Read Miscellaneous Petition presented on the 15th December 1853 by Devacanoo Pillay of the Zillah Tinnevelly

/Hereunto I.F.No.R. No. 183 of 1853/

Mr Strange

The Petitioner prays that the Court of Sessions Udalut will grant him further time to enable him to draw up & detail the grounds now summarily stated in his present Petition for his appeal against the orders passed in his case by the Sessions Judge of Tinnevelly.

If the Prisoner can justify his default the Court of Sessions Udalut will take his representations into consideration.-

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

1853 Read letter dated 23d December from the Sessions Judge of Tinnevelly submitting

31st December 1853 submitting Translation of Trial in Sessions case No. 35 of 1853 - for the final sentence of the Fouzdaree Udalut -

/Here enter I.F.L. No. 2794 of 1853/

The Court of Fouzdaree Udalut on deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the proof against the prisoners -

2nd Sheenatchynada pillay
4th Veerabadarathaven
and
5th Arnachellum

is sufficient to convict them of the crime of Assault, for which according to the Mahomedan Law, as declared in futwas of their Law officers, discretionary punishment is awardable, do convict them thereof, and under the provisions of Clause third, Section XIII. Regulation XV of 1803 and Section XXXIX. Act VII of 1843, sentence them to be imprisoned without labor for and during the period of six months.-

/Sentence/

Read Calendar in case No. 104 submitted by the Sessions Judge of Bellary dated 26th December 1853.

/Here enter I.F.L. No. 2788 of 1853

Read return dated 23d December 1853 from the Sessions Judge of Calicut to the precept of the Foujdaree Udalut under date the 6th December 1853 conveying their observations on the criminal Reports for the month of October 1853.

(Here enter F. U. No. 2789 of 1853.)

Read return dated 28th December 1853 from the Sessions Judge of Chittoor to the precept of the Foujdaree Udalut under date the 26th December 1853 directing that all the Prisoners referred to in the Sessions Judge's letter of the 23d December 1853 be forthwith forwarded to Chingleput for trial by the Principal Sudr Ameen of that Zillah.

(Here enter F. U. No. 2800. of 1853.)

Read Statement dated 27th December 1853 submitted by the Sessions Judge of Cuddapah of batta paid to Prosecutors and Witnesses in attendance before the Sessions Court of Cuddapah from 1st January to 30th June 1853.

(Here enter F. U. No. 2798 of 1853.)

Read Account dated 28th December 1853 Submitted by the Sessions Judge of Coimbatore of the Jail under the charge of the Magistracy for the Month of November 1853.-

(Here enter F. U. No. 2799 of 1853.)

Read

Read letter under date No 23 Instant from the Sessions Judge of Tinnevelly submitting for the final judgment of the Foujdaree Udalut, the Record of case No 35 on the Calendar of the Sessions Court.-

(Here enter F. U. No. 2794 of 1853.)

Mr. T. 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 prisoners,

1st Maranatty madapullay
2d Veerabadarathaven
and
3d Arnachellum

is sufficient to convict them of the crime of assault, for which according to the Hindoo Law, as declared in futwas of their Law Officers, disorderly punishment is awardable, do convict them thereof; and under the provisions of Clause third, Section VII Regulation XV of 1803 and Section XXXIV, Act VI of 1843, sentence them to be imprisoned without labor for and during the period of six Months.-

(Sent in Ste

Read

8th November 1853.

are of opinion that the tender of a pardon to these Prisoners held to security by the Subordinate Court is unnecessary and they resolve to direct the Sessions Judge, to cancel their security bonds and to examine them as witnesses.

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

E. Thorn

/Sent in No /

F. C.

Wednesday 9th November 1853 } At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esquire
W. A. Morrhead Esquire } Puisne Judges
J. L. Strange Esquire

Read Calendar of Cases Nos 39, 40, 41, and 42 of 1853 on the file of the Sessions Court of Cuddapah.

(Here enter F. C. Nos 2362, 2363, 2364, and 2365 of 1853)

The Prisoners in the above Cases

1.

were charged with perjury. The instances assigned were that before the Joint Magistrate of Cuddapah they had on oath deposed that they had been joint eye witnesses of the murder of one Narayadoo and on a subsequent occasion also upon oath before the same officer retracted their former statements and denied all knowledge of the circumstance.

The delivery of these contradictory

2.

depositions upon oath was fully proved before the Session Court and their materiality to the issue tried, namely the charge of murder against

31st. per 1853.

Read Miscellaneous Petition
presented on the 21st November 1853 by Com-
mara Pillay of the Zillah of Trichinopoly -

/Here Enter F. M. C. No. 170 of 1853/

Mr. Glasspoor. 1. The Petitioner who is a brother of
the 2nd Prisoner in Calendar No. 43 of 1852, of
the Combaconum Sessions Court prays the
Court of Foujdaree Udalut to reverse the
order of Sessions Judge by which his brother
has been made to find security for his good
conduct for three years.

The Petitioner denies that there
was any sufficient evidence of his brother
being concerned in the Gang Robbery of which
he was charged. -

3. The Court of Foujdaree Udalut
sees no reason to question the correctness of the
order passed by the Sessions Judge. -

4. The brother of the Petitioner con-
fessed before the Magistrate and afterwards
confirmed his confession before the Assistant
Magistrate. This petition is therefore rejected.

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

S