F. C.

Friday
6th October 1854.

At a Court of the Fouzdaree Udalut

Present

G. L. Hooper Esqre. ——— Puisne Judge

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

T. L. Strange Esqre. ——— Puisne Judge.

Read Calendar of Case No. 45 of 1854 of the Session Court of Cuddapah (Herewith enter F. C. No. 2253 of 1854)

Adverting to the 4th para of the remarks of the Session Judge, the Court of Fouzdaree Udalut resolve to direct that Officer to issue instructions to the Magistrate strictly to prohibit the Native Police Officers of his District from employing for the future the persons alluded to as "Pittadars."

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

(Sent in No.

Read Criminal Reports submitted by the Session Judge of Cuddapah for August 1854 (Herewith enter F. C. No. 2260 of 1854)

Magistrate's Calendar Case No. 9. 1. "Snatching". The Prisoner on his conviction

275

1144

Ft. A. T.

Proceedings

2nd Half

1854

384

F. 26.

Saturday 1st July 1854

At a Court of the Foujdarry Udalut

Present

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

Read letter dated the 2d June 1854 from the Session Judge of Calicut.

Herewith enter F. 26. No. 1329 of 1854.

1. In this letter the Session Judge forwards a communication from the Magistrate of Malabar, requesting the opinion of the Sessions Judge as to whether in cases of Cattle stealing, when the cattle are removed from their pent or fold or such temporary building as those in which it is usual to keep cattle the offence amounts to breaking, and whether as such it is beyond the cognizance of the Magistracy.

2. The Court of Foujdarry Udalut do not consider sheds or outhouses in which cattle are kept come under the description of buildings, given in Clause 2 Section II Regulation

-lation VI of 1822, and they are of opinion therefore that the Cases described by the Assistant Magistrate Mr. Collett are cognizable by the Magistracy, and should be disposed of by them, and not be committed to the Sessions Court.

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

/Sent in No. /

Read Return dated the 15th June 1854 from the Acting Sessions Judge of Chingleput to the Precept of the Foujdaree Udalut under date the 12th June 1854, requiring an explanation of the delay that has taken place in disposing of the Sessions Case No. 12 of 1854.

/Here enter F. U. No. 1399 of 1854/

1.

From this Return the Court of Foujdaree Udalut observe that the Sessions Judge was absent from Court during two days, before the Case for the Prosecution was closed.

2.

The Court of Foujdaree Udalut consider that it is objectionable that a trial should be delayed or interrupted by the absence of

of the Judge except on account of indisposition.

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

/Sent in No. /

Read Calendar of Case No. 39 of 1854 of the Sessions Court of Nellore.

/Here enter No. 1505 of 1854/

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge, that the period of imprisonment which the Prisoner in this case has been adjudged to suffer, be reduced to /5/ five years with hard labour in irons, and they authorize that Officer to issue his warrant accordingly.

Yelucote Cotigadu.

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

/Sent in No. /

Read Calendar of Case No. 33 of 1854 of the Sessions Court of Nellore.

/Here enter No. 1504 of 1854/

The Court of Foujdaree Udalut approve of the recommendation made by

2d Hussain

by the Session Judge in this case, that the period of imprisonment which the Prisoner noted in the margin has been adjudged to suffer, be reduced to /7/ seven years with hard labour in irons, and they do authorize the Session Judge to issue his warrant accordingly.

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

/Sent in No.

Read Calendar in Case No 850 on the file of the Sessions Court of Bellary for 1854.

/Here enter F. No. No. 1475 of 1854/

1.

The Prisoner in this Case charged with attempting to commit a Gang Robbery with personal injury, was convicted by the Sessions Judge in concurrence with the Mahommedan Law Officer, and sentenced to 14 years imprisonment with hard labor in irons.

2.

The Sessions Judge however considered that under the circumstances of the Case, and the Prisoner having received a severe wound in the attempt at Robbery, the prescribed punishment would be

recommended
be too severe, and accordingly ~~he~~ that the prescribed period of imprisonment should be reduced to seven years.

3.

The Court of Foujdaree Udalut resolve at the recommendation of the Sessions Judge, to mitigate the sentence passed to one of imprisonment for 7 years with hard labor in irons.

4.

It appears that the villagers came forward boldly to drive off the gang of which the Prisoner was one.

5.

The Court of Foujdaree Udalut resolve therefore to instruct the Sessions Judge to direct the Magistrate to distribute as a reward 150 Rupees among them in such proportions as he may think proper.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Bellary for his instruction and guidance

/Sent in No.

Read Calendar of Case No. 39 of 1854 on the file of the Sessions Court of Cuddalore.

/Here enter F. No. No. 1455 of 1854/

Ses

1- In this Case the two Prisoners were arraigned on a charge of Gang Robbery accompanied with murder.

2- The Sefsion Judge, concurring with the Futwah, deemed the evidence adduced insufficient to convict the Prisoners of the crime charged, but that there was enough on record to justify their being placed under a requisition of security, and he has accordingly ordered them to find each two securities of 50 Rupees each, for their good behaviour and appearance, when required, during 3 years, and in default, to be imprisoned for the same period, under Clause 6 Section II Regulation XV of 1803, and Clause I Section X Regulation VII of 1827.

3- The Court of Foujdaree Udalut are unable to concur in the propriety of the above requisition of security, and they accordingly resolve to direct that the security bonds be cancelled, or if the Prisoners have been incarcerated in default, they be immediately released.

4- The Case, the Court observe, broke down against the Prisoners in both the material

points on which the prosecution relied, the identification of the Prisoners on the night of the crime in question and the identification of the earing and the Mamooty subsequently found in their possession.

5- Under these circumstances and in the absence of all other evidence, strong suspicion cannot be said to attach to them.

Ordered that Extract from these Proceedings be forwarded to the Sefsion Judge of Cuddalore by Precept returnable within 11 days from and after its receipt.

Sent following Precept No

Read again Miscellaneous Petition sent by the Sefsion Judge of Calicut from Manalingul Veeran and three others of the zillah of Calicut

/Here enter F. M. P. No 98 of 1854/

Read also Return dated the 8th June 1854 from the Sefsion Judge of Calicut to the precept of the Foujdaree Udalut under date the 31st May 1854 directing the Sefsion Judge to submit for their information the proceedings held by him in the case of the above Petitioners sentenced by the Magistrate to find security for good behaviour

/Here enter F. P. No 1377 of 1854./

It would appear by this return that the

Mr W. A. Morehead
&
Mr J. L. Strange

1st July 1854

the above Petitioners appealed against the sentence of the Magistrate to the Session Judge, who, upon a review of the Proceedings held in their case, confirmed the sentence passed upon them by the Magistrate.

2. The Court of Foujdaree Udalut upon a consideration of the Proceedings of the Magistrate of Calicut submitted by the Session Judge in the above return, has failed to discover grounds to justify the requisition of security from these Prisoners for their detention on their failure to produce such sureties, for a period of three years under Regulation VI of 1827.

3. The Magistrate could only in the opinion of the Foujdaree Udalut have exercised under the circumstances of this case the powers vested in him in Clause I Section III Regulation II of 1822.

4. The evidence if deserving of credit, which seems doubtful - only went to show that the Prisoners were generally viewed as bad characters, but fails entirely to establish as required by Clause III Section VIII Regulation VII of 1827 that they were men of such character, as to preclude without danger to the community their release.

5. Under these circumstances the Court of Foujdaree Udalut resolve to direct that the Magistrates order requiring security from these Petitioners be now cancelled, and that they be unconditionally released.

Ordered.

1st July 1854

Ordered that Extracts from these Proceedings be sent to the Session Judge of Calicut for communication to the Magistrate.

Sent following Ltr

Ltr 1854.

Read Return dated 24th April 1854 from the Sessions Judge of Bellary to the Precept of the Foujdaree Udalut under date the 8th April 1854 directing that the 3d Prisoner in Case No. 55 on the file of the Session Court of Bellary for 1854 be restored to his situation as Soubadar.

(Here Enter F. D. No. 1042 of 1854)

Read Return dated 29th May 1854 from the Session Judge of Bellary to the Precept of the Foujdaree Udalut under date the 22d May 1854 directing that an explanation be called for from the Subordinate Judge as to the statement made by him in a Report to the effect that Soubadar Row Hoossoorapah had been restored to his situation by order of the Foujdaree Udalut in their Proceedings dated 17th April last.

(Here Enter Fo. D. No 1293 of 1854)

Read letter dated 2d May 1854 from the Session Judge of Masulipatam, returning forms of Monthly Criminal Report B. and Petty Sessions of the Magistracy.

(Enter F. D. No 1311 of 1854)

F.M.C.

Monday 3d July 1854 } 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 22d June 1854 by Sevagamy Ummal of the Zillah of Tinnevelly.

(Here enter F.M.P. No. 123 of 1854.)

Dir. W.A. Morehead. 1. The Petitioner prays the Court of Foujdaree Udalut to cancel the sentence of 4 years Imprisonment passed upon her husband, Prisoner in Case No. 6 of 1854 on the Calendar of the Sessions Court of Tinnevelly, on his conviction of the crime of Perjury.

2. The Court of Foujdaree Udalut seeing no reason to question the correctness of the sentence appealed from, resolve to reject this Petition.

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

Read

3d July 1854.

Read Case No. 33 of 1854 in a Calendar of Prisoners committed for trial before Sessions Court Cuddalore.

(Here enter F.W. No. 1465 of 1854.)

1st

The above case, the Foujdaree Adalut observe, reached the Court of the Principal Sessions Judge on the 14th March, but was not committed to the Sessions Judge until the 12th May. This delay extending over a period of nearly two months, calls for explanation.

2d

The charge, one of Gang Robbery attended with murder, is stated to have taken place on the night of the 11th September 1853 and the Prisoners were apprehended by the 9th Witness one Arnachella Moopen, on the 13th February, or five Months subsequently.

3d

The Foujdaree Adalut desire to be informed, more particularly than they can at present discover, who this 9th Witness is and by what authority he proceeded to apprehend the Prisoners in this case. for which purpose the Sessions Judge will be pleased to forward the original depositions given by that Witness both before the Police and the Court, as well as the whole of the original reports

of

3d July 1854.

of the Thasildar in this case, which latter, it is presumed, will give the information altogether wanting in the Calendar under review, as to the date of the death of the murdered man, whether he expired shortly or survived to make any formal statements before the officers of Police.

Ordered that Extract from above Proceedings of Foujdaree Adalut be forwarded to Session Judge Cuddalore by precept returnable within III days.

Sent following precept No. /

Read Criminal Report B and other Statements from the Sessions Judge of Masulipatam for May 1854.

(Here enter F.W. No. 1433 of 1854)

Cases No. 44, 51, 57, 58, 59, 62.

1 In all these Cases the date of the commitment to the Session Court should have been entered in the report.

Report A Case No. 60.

2 The Court of Foujdaree Adalut see no grounds for a requisition of Security in this case. If the discovery of the bag of money on the premises of the accused to which the Session Judge refers was not deemed sufficient for his conviction he is clearly entitled to an unconditional acquittal, which the Court accordingly

direct

direct.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Masulipatam for his information & guidance by Receipt within V days.

/Sent following proceedings &c

Read Miscellaneous Petition presented on the 19th June 1854 by Venkatachella puttaw of the Zillah of Chittoor.

(Here enter F.M.P. No. 121 of 1854.)

W. H. Morehead. /

The object of this Petition is to induce the Court of Foujdaree Adawlut to remit the sentence passed upon the 1st Prisoner and the fines imposed upon him and the 2d Prisoner in Criminal Case No. 5 of 1853 on the file of the Joint Magistrate of Chittoor.

2

The Court of Foujdaree Adawlut seeing nothing in this Petition to induce them to call in question the Justice of the Sentence appealed from, resolved to reject the same.

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

Read Calendar of Case No. 12 of 1854 of the Session Court of Tinnevelly

(Here enter No. 7556)

Ino

3d July 1854

The Court of Foujdaree Adawlut approve of the recommendation of the Acting Sessions Judge in this case, that the period of imprisonment which the Prisoner noted in the margin has been adjudged to suffer be reduced to (3) three years with hard labor in irons, and they do authorize the Acting Sessions Judge to issue his warrant accordingly.

1st Parrapalaraiem.

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

/Sent in &c /

Read Calendar of Case No. 90 of 1854 of the Session Court of Bellary.

(Here enter No. 1511)

The Court of Foujdaree Adawlut approve of the recommendation made by the Sessions Judge that the period of imprisonment which the Prisoner in this case has been adjudged to suffer be reduced to (7) years with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

Venkatayah.

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

/Sent in &c /

Read

Read again Criminal Report submitted by the Sessions Judge of Cuddapah for the months of March 1854.

(Here enter F.C. No 967 of 1854)

Read also return under date the 14th June 1854 from the Sessions Judge of Cuddapah to the precept of the Foujdaree Udalut dated the 20th May 1854, conveying their orders on the foregoing Criminal Reports.

(Here enter F.C. No 1420 of 1854)

The Proceedings held in Case No 69 should have been held when the report of the case was first submitted to the Sessions Judge. The Court of Foujdaree Udalut direct that the Sessions Judge will in future be careful to give due attention to the reports of cases tried by the Sub Criminal Courts and Magistracy as early as possible after their Submission.

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

Sent in No /

Read return dated 23d June 1854 from the Sessions Judge of Chicacole to the precept of the Foujdaree Udalut under date

date the 12th June 1854 directing him to explain the cause of the delay in the disposal of case No 15 and the grounds for the very lenient sentence passed upon the Prisoner in cases Nos 14 and 16 on his Criminal Reports for April last.—

(Here enter F.C. No 1560 of 1854)

Read letter dated 26th June 1854 from the Sessions Judge of Trichinopoly stating that the severe measure of dismissal was resorted to by the Sessions Judge only when he found minor punishment useless.—

(Here enter F.C. No 1549 of 1854)

Read Convict Labor report of the Jail at Cocanada submitted by the Judge of Rajahmundry under date the 13th June 1854 for the month of May 1854.

(Here enter F.C. No 1544 of 1854)

F.C.

Tuesday
4th July, 1854.

At a Court of the Foujdaree Udalut.

Present.

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

Read letter dated the 23d June 1854 from the Sessions Judge of Masulipatam, referring for the final Judgment of the Foujdaree Udalut, the Record of Case No. 44 of 1854 of the Calendar of the Sessions Court.

(Here Enter F.C. No. 1566 of 1854)

Mr. J. L. Strange.

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

1st Juttay Kyder.
2d Elaukee Bukish.
3d Jellah Raumoodoo.
4th Joopaukoolah Lutchemoodoo.

5th

5th Madepeddy Soobbaroydoo.
6th Bheemah Bungaree.
7th Gaveereeboyah Cristnamah.

and

8th Aurumpoolah Veeradoo.

is sufficient to convict them of the crimes charged; do convict them of thereof and sentence them to be imprisoned and kept to hard labor in irons on the public roads or other public works for, and, during the period of (14) fourteen years.

Sent in No. 1.

Read letter dated the 23d June 1854 from the Session Judge of Masulipatam, referring for the final Judgment of the Fouzdaree Adalut, the Record of Case No. 51 of 1854 of the Calendar of the Session Court.

Mr. J. L. Strange.

Here Enter F.R. No. 1568 of 1854.

The Court of Fouzdaree Adalut on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that

that the proof against the prisoners.

1st Mungala Venkoo. alias Somadoo.

and

2d Bogum Dawsoo.

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

Sent in No. 1.

Read Case No. 35 of 1854 in the Calendar of Prisoners committed for trial before the Session Court of Cuddalore.

Here Enter F.R. No. 1401 of 1854.

The Court of Fouzdaree Adalut accede to the recommendation made by the Session Judge in this case that the punishment awarded to

Prisoners

4th. July, 1854.

Prisoners 1-2-3 and 4, on their conviction of Highway Robbery, be mitigated to five (5) years' Imprisonment with hard labor in Irons - and the Session Judge is authorized to issue his Warrant accordingly.-

2. The Court of Foujdaree Udalut resolve to call for an explanation of the great delay observable in this case. The Prisoners reached the Principal Sudder Ameen's Court on the 30th. March, and the proceedings before that tribunal were not closed until the 12th. May - after which a further delay of nearly one month occurred before the trial was commenced by the Session Judge.-

Ordered, that Extract from these Proceedings be forwarded to the Session Judge of Cuddalore who will furnish the Information called for in Para. 2 - by Precept returnable within VI days from and after its receipt.-

Sent following Precept. No. /.

Read

F.C.

4th. July, 1854.

Read Calendar of Case No. 27 of 1854 of the Session Court of Calicut.-

Here Enter F.C. No. 1517 of 1854/-

The Court of Foujdaree Udalut approve of the recommendation made by the Session Judge, that the period of imprisonment which the 1st. Chakitaparambil Moideen - prisoners in this case have been adjudged to suffer be reduced to (4) 2d. Parrayan Shavoo - four years with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.-

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

Sent in No. /-5

Ed. Thornton

F. U.

Wednesday 5th July 1854

At a Court of the Foujdaree Adalut

Present.

G. S. Hooper Esqre
W. A. Morehead Esqre
J. L. Strange Esqre

} Puisne Judges.

Read Criminal Report B from the Principal Sudder Ameen, and other Statements from the Sessions Judge of Honore for May 1854.-

(Here enter F. U. No 1503 of 1854)

Case No 26.

In this case the Prisoner Goonaa is convicted of theft in having stolen a Cloth valued at Rs. 1-4-, the said cloth having been placed by the Prosecutor on a Tatty outside his house, and is sentenced by the Acting Principal Sudder Ameen to 2 years' Imprisonment with hard labor, under Clause 4th Section VII Regulation VII of 1822.-

Notwithstanding the two previous convictions against the prisoner, the punishment awarded seems unnecessarily severe, and the Court of Foujdaree Adalut resolve to direct the Acting Sessions Judge to review the proceedings with a view

view of deciding whether 1 years Imprison=ment with hard labor in Irons would not meet the ends of justice in the case, and to report the orders passed by him.—

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Honore, by precept re=turnable within X days from and after its receipt.—

(Sent following Precept No.

Read Report (form B) of persons apprehended in Zillah Cuddapah and delivered to the Acting Sub. Criminal Judge in the month of May 1854.—

Case No 113.

(Here enter No 1419 of 1854)

1 In this case while the charge is headed "Assault", it does not appear from the wording of the Indictment that the Prisoner went further than to menace and threaten the Prosecutor; the charge therefore should have been headed "Abusive Language"

2 The Court of cause presumes, that, by the words "threatened to cut him with a hatchet", it is not implied that the Prisoner made an attempt or offer to strike Prosecutor with such an Instrument. In such a case, the charge would rightly be "Assault, and

an Assault of a serious nature, to which the punishment (15 days Imprisonment) awarded would be altogether inadequate.—

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddapah, who will take measures to furnish the Court of Foujdaree Adalut with the information required re=garding the above case, by Precept return=able within VIII days from and after its receipt.—

(Sent following Precept No.

Read again Miscellaneous Peti=tion sent by the Acting Sessions Judge of Tinnevelly from Veerammal of the Zillah of Tinnevelly.

(Here enter F. M. P. No 103 of 1854)

Read also Return dated the 22d June 1854, to the precept of the Fouj: Adawlut, directing the Acting Session Judge to call up the Record in Criminal Case No. 15 of 1854, on the file of the Princi=pal Sudder Ameen, and to report the result of his investigation.—

(Here enter F. C. No. 1545 of 1854)

The Court of Foujdaree Adalut upon perusal of the above Return

Mr. W. A. Morehead

5th July 1854.

Petition, see no reason to question the justice of the Sentence passed in the above Case 15th 1854, and accordingly resolve to dismiss this Petition.—

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Tinnevelly, for communication to the Petitioner.—

(Sent in No.

Read Calendar of Case No. 88 of 1854 of the Sessions Court of Bellary—

(Here enter F. C. No. 1509 of 1854)

1

The Court of Foujdaree Adalut approve of the recommendation made by the Sessions Judge in this Case, that the period of imprisonment which the prisoner noted in the margin has been adjudged to suffer, be reduced to (3) three years with hard labor in irons, and they do authorize the Sessions Judge to issue his warrants accordingly.—

1st Madadoo.

2

The Court are of opinion that no sufficient grounds exist for the requisition of security under which the 2d × Prisoner in this Case has been placed, and they direct that the same be cancelled.—

× Rajoogoudoo

Ordered that Extract from these

F. C.

5th July 1854. these Proceedings be sent to the Sessions Judge of Bellary for his information.—

(Sent in No.

Read Calendar of Case No. 93 of 1854 of the Sessions Court of Bellary—

(Here enter F. C. No. 1514 of 1854)

The Court of Foujdaree Adalut

1

are of opinion that the mitigated Sentence of 3 Months imprisonment proposed to be passed on the prisoners noted in the margin is too lenient with reference to the circumstances of the Case, and they resolve to direct that a Sentence of (2) two years imprisonment with hard labor in irons be passed upon them.

1st Sungevah
2d Channa Botadoo
3d Guddee Venkatijadoo
4th Nauregandoo
5th Nagadoo.—
6th Davamgadoo.

The Court of Foujdaree Adalut

2

are further of opinion that no sufficient grounds exist for the requisition of security under which the 7th 8th and 9th × Prisoners have been placed, and they direct that the same be cancelled.—

× 7th Venkatagoudoo.
8th Pothegoudoo
9th Chinnathimadoo.

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

(Sent in No.

Read Report, dated the 1st Instant submitted by the Sessions Judge of Chingleput of Cases pending on the 30th June, and committed for trial during the

the months of May 1854 before the Sessions Court.—

(Here enter F. C. No. 1573 of 1854)

Read Return dated the 27th Ultimo from the Sessions Judge of Coimbatore to the Precept of the Fouzdaree Adalut dated the 26th May 1854 directing him to review the Proceedings in Cases Nos. 22, 23, 24, 25, 34 and 36 on the Criminal Report of the Principal Sudder Ameen for the month of March 1854 and to report as to whether he considered the several requisitions of security to be proper, as to mode of disposal of those Cases, or necessary under their respective circumstances.—

(Here enter F. C. No. 1574 of 1854)

Read Statement dated 29th Ultimo submitted by the Sessions Judge of Cuddapah of batta paid to Prosecutors and witnesses in attendance before him from 1st July to 31st December 1853.—

(Here enter F. C. No. 1578 of 1854)

Read Return dated the 28th Ultimo from the Sessions Judge of Masulipatam to the Precept of the Fouzdaree Adalut under date the 14th Instant communicating their observations and orders upon the Calendars of Petty Cases disposed of by the

the Magistracy during the 4th Quarter of 1853.—

(Here enter F. C. No. 1583 of 1854)

Read Criminal Report B and other Statements dated the 1st Ultimo submitted by the Agent to the Governor of Fort St. George at Kurnool for the month of May 1854.—

(Here enter F. C. No. 1584 of 1854)

Read Extract from the Proceedings of the Sessions Court of Cuddapah under date the 9th Instant forwarding the Petty Calendars of the Magistracy for the 1st Quarter of 1854.—

(Here enter F. C. No. 1592 of 1854)

Re 18 W

Fl 80.

Thursday 6th July 1854. } Ath Court of the Fouzdaree Adalut

Present

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

Read again Miscellaneous Petition presented on the 30th March 1854 by Nunnappa Nairken late Jail Naick of Killah Cuddalore.

(Here enter F. M. C. No. 63/1854)

Read also Miscellaneous Petition presented by the same party

(Here enter S. and F. M. P. No. 43/1854)

The Court of Fouzdaree Adalut resolve to direct that the order passed by the late Acting Sessions Judge under date the 24th March 1853 dismissing the Petitioner from his situation be submitted for their consideration and that the Sessions Judge will furnish any further information he may be able

Mr. G. S. Hooper

able to afford us to the specific act proved against the Petitioner whether on the occasion referred to the prisoner alluded to in the Sessions Judge's order of the 2d March last was permitted by the petitioner to go to his house or as stated by the Petitioner was merely permitted to leave his work under charge of a peon in which Case taking him to his house may possibly have been the act of the peon in charge of him without any connivance on the part of the Petitioner.

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

(Sent following precept No)

Read Criminal Reports submitted by the Sessions Judge of Tellicherry for the Month of May 1854.

(Here enter T. Cc. No 1147/1854)

Report B
Case No 33.

1.

The Court observe that the two offences for which the Prisoner in this Case was Indicted, were committed on two separate and distinct occasions they should therefore have formed the subject of

6th July 1854.

of two separate charges.

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

(Sent in No)

Read letter under date the 19th June 1854 from the Magistrate of Bellary

(Here enter T. Cc. No 1183 of 1854)

The Court of Foujdaree Adalut

1

observe that the jurisdiction of an Assistant Magistrate extends over so much of the District as the Magistrate may assign to him but that it is competent to the Magistrate to make over to his Assistant the investigation of any Case he may think proper to extend to him irrespective of the Talook in which the offence charged may have occurred.

An Assistant Magistrate

2.

is competent by Law to take cognizance of any offence committed in the District to which he is attached and it is for the Magistrate to define the limits of his jurisdiction.

Ordered that Extract from these

able to afford us to the specific act proved against the Petitioner whether on the occasion referred to the prisoner alluded to in the Sessions Judges order of the 7th March last was permitted by the petitioner to go to his house or as stated by the Petitioner was merely permitted to leave his work under charge of a peon in which Case taking him to his house may possibly have been the act of the peon in charge of him without any connivance on the part of the Petitioner.

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

(Sent following precept &c)

Read Criminal Reports submitted by the Sessions Judge of Tellicherry for the Month of May 1854.

(Here enter T. Rec. No. 1104/1854)

Report B
Case No. 33.

1.

The Court observed that the two offences for which the Prisoner in this Case was Indicted, were committed on two Separate and distinct occasions they should therefore have formed the subject of

of two separate charges.

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

(Sent in No.)

Read letter under date the 19th June 1854 from the Magistrate of Bellary

(Here enter T. Rec. No. 1483/1854)

The Court of Foujdaree Adalut observed that the jurisdiction of an Assistant Magistrate extends over so much of the District as the Magistrate may assign to him but that it is competent to the Magistrate to make over to his Assistant the investigation of any Case he may think proper to extend to him irrespective of the Talook in which the offence charged may have occurred.

An Assistant Magistrate

2.

is competent by Law to take cognizance of any offences committed in the District to which he is attached and it is for the Magistrate to define the limits of his jurisdiction.

Ordered that Extract from these

6th July 1854.

these Proceedings be Sent to the Magistrate of Bellary for his information.

(Sent in No)

Read report of persons appointed in Zillahs of Rajahmundry and delivered to the Criminal Judge in the Month of May 1854.--

Case No 41.

Here enter F. No. 1057 of 1854.

The two prisoners in this Case it is observed reached the Criminal Court on the 1st May, and it is stated that the charge against them is still under examination

2.

The Court of Foujdaree Adalut require an explanation of the delay which has occurred in the disposal of the Case.

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

(Sent following precept No)

Read again Miscellaneous petition presented on the 10th June 1854 by Anoonachella Sevaun of the Zillah of Combaconum

(Here enter F. M. P. No 115 of 1854)

Read also Returns dated 8th June from the Acting Sessions Judge of Combaconum

6th July 1854.

Combaconum to the precept of the Foujdaree Adalut under date the 14th June calling on the Acting Sessions Judge to report on the above Petition and to forward the record of the trial held before the Head Assistant Magistrate to which the above Petition has reference.

(Here enter F. M. No 1590 of 1854)

Under the explanation

Mr. W. A. Monckton

contained in this return and its enclosures the Court of Foujdaree Adalut are perfectly satisfied that the Case of the Petitioners was rightly disposed of by the Head Assistant Magistrate and see no reason to interfere in the Sentence passed by that Officer.

2

The Court of Foujdaree Adalut resolve therefore to dismiss this Petition.

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

Read Report of Cases disposed of by the Magistracy of Canara under Section VII. Regulation X of 1816 during the Month of May 1854.

(Here enter F. M. No 1575 of 1854.)

The

6th July 1854.

Case No. 1.

The Court of Foujdaree Udalut direct that the report A of this Case which would seem to have been a Case of theft and not one of fraud as it is designated in the heading of the charge may be laid before them.-

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

(Sent following precept No)

Read letter under date the 4th May 1854 from the Session Judge of Salem

(Herewith F.C. No. 1085 of 1854)

1. In the foregoing letter the Session Judge at the request of the Magistrate has referred the question "whether the "Session Court is authorized to interfere with the orders of the Magistrate where they are directed exclusively to the maintenance "of the peace, and do not subject any party to punishment" observing that among the above description of Cases are included - appeals from the orders of the Magistrate respecting religious procession Caste - disputes taking forcible possession of houses

lands

6th July 1854.

lands or other property in which a Magistrate may exercise a power of prohibition with the view of maintaining the peace. The Session Judge expresses his opinion that persons aggrieved by such orders are entitled to Appeal to the Session Courts such Appeals being admissible under Clause 2d Section XI Regulation IX of 1816.-

2. This Section the Court of Foujdaree Udalut observe has reference only to Cases in which parties may have been charged with specific offences punishable either as crimes and Misdemeanors or as petty offences and cannot be deemed applicable to prohibitory orders passed by the Magistrate for the purpose of maintaining the peace.-

3. The only case of this description in which a Session Judge has any authority to interfere is where upon a Magistrate having ordered a party complaining of forcible dispossession from his property to be replaced in possession it may appear that the fact of forcible dispossession has not been established.-

4. In all other cases in which the Magistrate may issue orders for the maintenance

Case No. 1.

The Court of Foujdaree Udalut direct that the report A of this Case which would seem to have been a Case of theft and not one of fraud as it is designated in the heading of the charge may be laid before them.-

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

(Sent following precept No.)

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(Herewith Fl. Co. No. 1085 of 1854)

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6th July 1854.

lands or other property in which a Magistrate may exercise a power of prohibition with the view of maintaining the peace. The Sessions Judge expresses his opinion that persons aggrieved by such orders are entitled to Appeal to the Sessions Courts such Appeals being admissible under Clause 2d Section XI Regulation IX of 1816.-

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3. The only cases of this description in which a Sessions Judge has any authority to interfere is when upon a Magistrate having ordered a party complaining of forcible dispossession from his property to be replaced in possession it may appear that the fact of forcible dispossession has not been established.-

4. In all other cases in which the Magistrate may issue orders for the maintenance

maintenance of the peace in reference to procession, Caste disputes and such matters the Sessions Judge has no legal right to interfere. The Magistrate if he exceeds his powers being liable to an action for damages and being moreover responsible for the peace of his District in the exercise of which responsibility he should not be interfered with by the Sessions Judge.

Ordered that Extract from these proceedings be Sent to the Sessions Judge of Salem for communication to the Magistrate

(Sent in Ste)

Read again Calendar of Cases Nos 11 and 12 on the file of the Sessions Court of Trichinopoly.

(Here enter F. No. 1277 of 1854)

Read also letter under date the 20th June 1854 from the Sessions Judge of Trichinopoly

(Here enter F. No. 1473 of 1854)

1. In directing that the Sentence of Imprisonment passed in Case No 11 should merge in that adjudged in Case No 12 the Court of Foujdaree Adalut did not intend to remit the corporal punishment which should

Should be inflicted without delay.

2. The Court of Foujdaree Adalut desire to be informed what reason the peon in whose charge the prisoners were when they effected their escape has assigned for having taken them away from the neighbourhood of the Jail on the day in question and what explanation the other peon who was in charge of 4 other prisoners working with the four who escaped has given for his omission to report the circumstance.

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

(Sent following precepts.)

Read Miscellaneous Petition presented on the 15th June 1854 by E. Salmon Esqr Vakeel on behalf of Hoogganully Ramaswow of Zillah Masulipatam.-

(Here enter F. M. P. No. 170 of 1854)

His Petitioner who represents himself as the late Head Sowbrauiff in the Office of the Magistrate of Masulipatam prays the Court of Foujdaree Adalut to

Mr G. S. Hooper
Mr W. A. Morehead
Mr J. L. Strange.

1.

to quash certain Proceedings which have been taken against him by the Commissioner in the Northern Circars and by the Collector and Special Assistant Collector of Masulipatam under the provisions of Regulations IX & XII of 1828 on the ground that at the time the acts charged against him are alleged to have been committed he was not one of those classes or description of persons in regard to whom the Collector have authority to exercise the powers of Summary investigation decision and punishment granted to them by Regulation IX of 1822."

2. The Petitioner adverts to an opinion recorded by the Court of Foujdaree Udalut in their Proceedings of the 23rd August 1852 on a reference made by the Sessions Judge of Masulipatam regarding two cases in which the parties were sentenced by the Special Assistant Collector under the provisions of Regulation IX of 1822 for acts alleged to have been committed by them in the capacity of Officers of Police to the effect that presuming the facts of the cases to be as stated in the Sessions Judge's letter the Sentences

6th July 1854.

Sentences passed were clearly illegal.

3. The Petitioner prays that in the event of the Court not deeming fit to quash the Proceedings of the Revenue authorities it will record an opinion in the matter similar to that recorded on the occasion above referred to.

4. The Court of Foujdaree Udalut as at present composed do not consider themselves Justified in passing any opinion as to the legality of the Proceedings of which the Petitioner complains. The Proceedings in question having been taken under the provision of Regulation IX of 1822 in the event of the Sentences passed by the Special Assistant Collector being confirmed by the commissioner the only course open to the Petitioner is to seek the permission of the commissioner to prefer an Appeal to the Civil Court against the Proceedings of the Revenue authorities or to file a suit for damages against the officer by whose decision he is aggrieved.

5. In the present stage of the Proceedings the Court of Sudder & Foujdaree Udalut

Adalut have no authority to interfere nor do they feel justified in recording an opinion in a matter of which they are not competent to take Judicial cognizance.

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

Read again letter under date the 24th December of 1853 from the Magistrate of North Arcot.

(Here enter Ft. Gc. No. 2782/1853)

Read also Extract from the Minutes of Consultation under date the 3d Instant No. 470 forwarding for report copy of a letter from the Commissioner in Mysore together with its enclosure relative to the refusal of the Magistrate of North Arcot to execute certain warrants issued by the Superintendent of Police at Bangalore and by the Superintendent of the Bangalore Division for the apprehension of persons charged with offences committed in Bangalore.

(Here enter Ft. Gc. No. 1588/1854)

In the first of the two papers above recorded the opinion of the Court of Fouzdaree

Fouzdaree Adalut was requested by the Magistrate of North Arcot as to the legality of a warrant which had been forwarded to him for endorsement by the Superintendent of Police at Bangalore the said warrant being an order for the apprehension of certain persons then residing within the limits of the District of North Arcot who were charged with a fraud said to have been committed in the contonment of Bangalore.

The Court of Fouzdaree

2.

Adalut were under the impression that the contonment of Bangalore was a Military Bazar Station in which by Section III. Regulation VII of 1832. the Police authority and the maintenance of the peace was vested in the officer commanding the immediate charge of the Police under the order of the officer Commanding devolving upon Capt. Miller as the Senior Commissariat officer of the Station, and they accordingly informed the Magistrate of North Arcot that with reference to the provisions of Section VI of the above enactment it was not

not competent to the Superintendent of Police at Bangalore to issue a warrant for the apprehension of any person not residing within his jurisdiction and that therefore in the case under notice the charge which had been the ground of the warrant, the legality of which was in question, must be preferred before the Magistrate, to justify him in taking any steps for the apprehension of the accused

3.

The Magistrate in accordance with the above opinion having declined to take the parties into Custody, the Superintendent of Police at Bangalore applied to the Civil Superintendent of the Bangalore Division to take the necessary steps for arresting them and the latter officer issued warrants for the apprehension which the Magistrate of North Arcot has declined to execute on the ground that he was precluded from doing so by the orders passed by this Court upon his previous reference.-

4.

Mr. Boudillon was clearly in error in declining to execute the warrant issued by the Civil Superintendent of the Bangalore

Bangalore Division, the orders of this Court upon which he has based his refusal having referred exclusively to the warrants of a Superintendent of the Police at what was supposed to be a Military Bazar — station.-

The Court now learn from

5

Lieut. General Cubbon's letter of the 27th Ultimo that the opinion recorded in their Proceedings of the 7th January last was founded on an erroneous impression, the fact being as stated by the Commissioner that Bangalore is not a Military Bazar. "station nor is Capt. Miller under the orders "of the officer Commanding, but is nominated "and paid by the Mysore Government to "conduct the Police duties, which duties "he carries on in subordination to the "Commission and is to all intents and "purposes a Joint. Magistrate in Mysore."-

Under these circumstances

6.

the Court of Foujdaree Adalut are of opinion that the Magistrates in the Company's territories are bound to execute all warrants forwarded to them by the Superintendent of

of Police at Bangalore as well as by the
Civil Superintendents in Mysore and to
deliver the accused to the pratice entrusted
with the warrants provided the former are
subjects of the Mysore State.-

7 In the case of British Subjects
or persons included in the classes specified
in Section II Act X of 1849 charged with
offences committed in the territory of a
foreign State, the provisions of Section
V. of that Act require, that an order of
Government should be pralced to justify
Magistrate in one of the Companys' Districts
in — delivering the accused for trial to
the authorities of such foreign State
unless the Magistrate should be invested
with the authority which the Governor
of General in Council is empowered to
deligate to any person Acting in the
Civil Service of the East India Company
under Section IX of the Act in question.

Ordered that Extract from the
Proceedings be forwarded to the Secretary to Govt
in the Judicial Department for the purpose
of being laid before the Right Honorable the

6th July 1854.

the Governor in Council.-

(Sent in No)

Ordered also that Extract from
these Proceedings be forwarded to the Commissioner
in Mysore for his information and guidance

(Sent in No)

Ordered also that Extract from
these Proceedings be forwarded to the Magistrate
of North Arcot for his information and guidance

(Sent in No)

Read Calendar of Case No 14 of
1854 Submitted by the Acting Sessions Judge
of Coimbatore under date the 19th April 1854.
(Here enter F. Dc. No 948 of 1854)

Read Calendar of Case No 15 of
1854 Submitted by the Sessions Judge of
Chingleput under date the 21st June 1854.
Here enter F. Dc. No 1557 of 1854.

Read Calendar of Case No 69 of
1854 Submitted by the Sessions Judge of
Masulipatam under date the 29th June 1854
(Here enter F. Dc. No 1600 of 1854)

Read Calendar of Case No 7 of
1854 Submitted by the Sessions Judge of Coimbatore
under date the 21st June 1854.-
(Here enter F. Dc. No 1606 of 1854)

Read

6th July 1854.

Read Criminal Reports dated 1st June 1854. Submitted by the Acting Sessions Judge of Tinnevelly for the Months of May 1854.

(Here enter F.No. 1610 of 1854)

Cf. & Thrott

+

F.No.

Friday 7th July 1854 } At a Court of the Fouzdaree Adalut

Present

G.S. Hooper Esquire
W.R. Morehead Esquire } Puisne Judges
J.B. Grange Esquire

Read Calendar of Case No. 9 of 1854. on the file of the Session Court of Honore

(Here enter F.No. No. 1477-1854)

The Court of Fouzdaree Adalut observe that the abstract of the evidence taken by the Principal Sudder Ameen is much too lengthy and resolve to instruct the Acting Session Judge to desire the Principal Sudder Ameen in future to make these abstracts more concise.-

Ordered that Extract from these Proceedings be sent to the Acting Session Judge of Honore communication to to the Principal Sudder.-

(Sent in No.)

Read Calendar in Case No. 19 of 1854.

1854 on the file of the Sessions Court of Cuddapah.

(Herewith F.C. No. 1491 of 1854)

1 In this Case the Prisoners two women were charged with Poisoning the 1st prisoner on having at mid-day on the 7th April 1854 administered poison in Jaggery to the Prosecutor's son Soobadoo aged about 5 years - who was with others playing near a temple outside the village of Chintacoontah from the effect of which the said Soobadoo died the same evening.

2 The 2d prisoner with having aided and abetted the 1st prisoner in that she enticed the said Soobadoo and others into the said temple on a promise of giving them Jaggery -

3 The Mahommedan Law Officer acquitted the Prisoners from want of proof

4. The Sessions Judge considered that there was not sufficient evidence for the full conviction of the 1st prisoner. he therefore concurred in the futwah of the Mahommedan Law Officer - but being of opinion that there was strong suspicion against the

the 1st prisoner — that she had given some deleterious substance to the deceased with the view of doing him some serious injury and believing her to possess ample means at her command, directed her to find two sureties each in 150 Rupees for her good behaviour and appearance when required for the space of three years or to remain in confinement during that period.-

5 The Court of Foujdaree Adalut are unable to gather from the sentence of the Sessions Judge the reasons which have induced him to acquit the prisoners in this Case.-

6 The sentence is incumbered by a detailed abstract of all the evidence, part of which was immaterial to the issue of the Case. and no grounds are given for the judgment.-

7 Such abstract is matter for the Calendars and the judges sentence should convey simply an account of the facts in evidence with the Judges reasons for holding them proved or not proved.-

The

8 The Court of Tongdaree Adalut observe that by an error, no Sentence has been pronounced on the 2d Prisoner the Sessions Judge having merely stated his concurrence in general terms in the Futwah of the Mahommedan Law Officer which acquits both prisoners.

Ordered that Extracts from these Proceedings be sent to the Sessions Judge of Cuddapah by precept returnable in X days from and after its receipt.

(Sent following precept No 6)

Read Calendar in Case No 25 of 1854 on the file of the Sessions Court of Cuddapah.

(Here enters F.H. No 1193 of 1854)

1 The prisoners in this Case charge with Gang robbery were acquitted by the Sessions Judge in concurrence with the Mahommedan Law Officer.

2 The evidence against the 1st Prisoner was the finding a pair of slippers identified as his, at the place where the robbery was committed.

3 The 1st prisoner in explanation of

of this circumstance stated that he was taken by the robbers against his will to the scene of the robbery and that one of these robbers who had taken him (1st prisoner) slipped from him, had left them where they were found.

4 The evidence against the 2d Prisoner was the production of the stolen property by him—he stated that he had found this property under a tree the 2d prisoner was implicated by the 1st Prisoner but was not identified as forming one of the gang.

5 The Court of Tongdaree Adalut consider that there was evidence sufficient to have convicted both these Prisoners of the crime with which they were charged. The explanation of the circumstances which indicated the guilt of the Prisoners being in the opinion of the Court of Tongdaree Adalut unworthy of credit.

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

(Sent in No)

Read letter under date the 27th June 1854 from the Sessions Judge of Bellary.-

(Here enter F.C. No. 1589 of 1854.)

Under the circumstances represented in the foregoing letter the Court of Foujdaree Adalut resolve in supersession of the orders conveyed in their proceedings of the 29th Ultimo to direct that the prisoners referred to be transferred to the Assistant General Superintendent of the Hurgee Department at Dharwar.-

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

(Sent in No.)

Read Calendar of Case No. 15 of 1854 of the Sessions Court of Salem.-

(Here enter F.C. No. 1552 of 1854.)

The Court of Foujdaree Adalut approves of the recommendation made by the Sessions Judge in this Case that the punishment awarded to the Prisoner noted in the margin on his conviction of the crime of Gang Robbery be reduced to (1) one

Para Chennayen

years

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 sent to the Sessions Judge of Salem for his information.-

(Sent in No.)

Read Calendar of Case No. 7 of 1854 of the Sessions Court of Tellicherry.-

(Here enter F.C. No. 1569 of 1854)

The Court of Foujdaree Adalut are of opinion that a Sentence of (2) Five 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 Sessions Judge to reduce his sentence accordingly.-

2 Unable to concur with the Court in the propriety of the mitigated sentence 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 Sessions Judge

+ Jaya-Sooryal Mayencooty

Judge of Tellicherry by precept returnable within x days from and after its receipt.

(Sent following precept No)

Read Calendar of Case No 95 of 1854 of the Session Court of Bellary.-

(Here enter F.C. No 1556 of 1854)

The Court of Foujdaree Udalut approve of the recommendation made by the Session Judge in this Case that the period of Imprisonment which the Prisoner noted in the margin has been adjudged to suffer on his conviction of the Crime of House breaking with theft be reduced to (18) Eighteen Months with hard labor in irons and they do authorize the Session Judge to issue his warrant accordingly.-

Ramasawmy.

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

(Sent in No)

Read letter dated 24th June 1854 from the Session Judge of Madura Submitting for the final judgement of the Foujdaree Udalut the record of Case No 16 of 1854.-

(Here enter F.C. No 1541 of 1854.)

The

Mr H.S. Monckton
Mr J.L. Strange

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

15th Caroopsamen.

is sufficient to convict him of the crime charged do convict him thereof; and Sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (14) fourteen years.-

But being of opinion that the prisoners.-

1st Vengadasawmy Naicken
2d Nagalinga Tavan
3d Uckuppa Naicken
4th Allaghengsawmy Naicken
5th Condama Naicken Son of Moottummaul
6th Condama Naicken Son of Singama Naicken
7th Soosia Tavan.
8th Vunnia Nadan.
9th Sunkaralinga Tavan.
10th Nullalagoh
11th Soobben.
12th Coomarandy Son of Sunkaralinga Tavan.
13th Coomarandy Son of Pettia Goorooven

and

and.

11th Arroo mooga Nadan.

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confessions of the crime charged do acquit them thereof; and direct that they be set at liberty.-

(Sent in No)

Read letter dated 27th June 1854 from the Sessions Judge of Madura Submitting English Translations of the record of Case No 21 of 1854, on the Calendar of the Sessions Court, for the final judgement of the Court of Foujdaree Adalut.-

(Here enter F. G. No 1580 of 1854.)

Mr. W. A. Morehead
Mr. T. B. 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 Prisoners

1st Chocka Talamun alias Chocka Taven.
2d Moottoomalay.
3d Caroopen son of Moottoomalay.-
4th Peroonady.
5th Villianen.
6th Curoopen son of Caroopy.
7th Croolandy son of Thandava Taven.
and
8th Croolandy alias Mooneyandy son of Mayalaga Taven

7th July 1854.

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)

4 Sheets

and.

11th Arroomooga Nadan.

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 do direct that they be set at liberty.-

(Sent in No)

Read letter dated 27th June 1854 from the Sessions Judge of Madura Submitting English Translation of the record of Case No 21 of 1854, on the Calendar of the Sessions Court, for the final judgement of this Court of Foujdaree Adalut.-

(Here enter F. D. No 1580 of 1854.)

Mr. W. A. Morehead
Mr. T. B. 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 Prisoners

1st Chockia Talamun alias Chockia Tavan.
2d Moottoomalay.
3d Caroopen son of Moottoomalay.-
4th Peroonady.
5th Villiamen.
6th Caroopen son of Caroopy.
7th Croolandy son of Thandava Tavan.
and
8th Croolandy alias Mooneyandy son of Mayalaga Tavan

7th July 1854.

are not convicted on presumptive proof or on the evidence of credible witnesses, or on their own confession, of the crimes charged, do acquit them thereof, and direct that they be set at liberty.-

(Sent in No)

4 Sheets

F.No.

Saturday
8th July, 1854

At a Court of the Fouzdaree Adalut.

Present.

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

Read letter under date the 23d June 1854 from the Magistrate of North Arcot.

Have Enter F.No. No. 1481 of 1854/-

In this letter the Magis-
1. trate has submitted copy of a corres-
pondence which has passed between
him and the Magistrate of Trichinopoly
regarding a bandy and bullocks the
owner of which died last year at
Trichinopoly and which having been
sold under the provisions of Section
LII Regulation XI of 1816 he requests
that the Judges will obtain sanction
for the payment to the owner of
the

8th July, 1854.

the Bandy Vca of the sum of Rupees 24 — 4 — the proceeds of the sale which has been carried to the credit of Government.

2. The Court of Foujdaree Udalut observe that the sale of the Bandy and bullocks referred to under the provisions of Section 1st III Regulation XI of 1816 was irregular. This section refers to stray cattle in the common acceptation of the term i.e. to cattle which may have strayed into the village in which it is found and for which no claimants may have appeared. It is moreover only applicable to cattle and not any other personal property of any description.

3. In the present case the cattle were not strays, but were brought to Trichinopoly by their owner who died there and consequently both they and the bandy which was drawn by them should have

8th July, 1854.

have been sent to the Court to be disposed of under the provisions of Clause Seventh Section XVII Regulation III of 1802.

4. As the property has been sold the Court of Foujdaree Udalut direct that the Magistrate of Trichinopoly will remit the proceeds of the sale to the Court when it can be paid to the party now claiming it on his establishing his title to it.

Ordered, that Extract from these Proceedings be sent to the Magistrate of Trichinopoly by precept returnable within X days from and after its receipt.—

Sent following Precept No 1—

Ordered also, that Extract from these Proceedings be sent to the Magistrate of North Arcot for his information.—

Sent in No 1—

Read Return dated

the

8th July, 1854

8th July, 1854

the 26th June 1854 from the Sessions Judge of Nellore to the precept of the Sudder Udalut under date the 12th June 1854 conveying remarks and orders on the Criminal Reports for March last.—

Case No. 39.

/Here Enter F.Hb. No. 1542 of 1854/—

1. In this case the Prisoner charged with Highway Robbery was identified by the Prosecutor but as no property susceptible of identification was found upon him the Principal Sudder Ameen did not commit the case to the Sessions Court but held the Prisoner to security.—

2. The Court of Foujdaree Udalut consider that as the Principal Sudder Ameen did not see cause to question the truth of the evidence given by the Prosecutor he should have committed the case.

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

F.Hb.

8th July, 1854

to the Principal Sudder Ameen.—

/Sent in No. /—

The record of trial in referred Sessions Case No. 7 of 1854 on the Calendar of the Sessions Court of Chicacole not having been yet received,—

Ordered, that the Sessions Judge of Chicacole be required to submit the record aforesaid without delay.—

/Sent in No. /—

The record of trial in referred Sessions Case No. 16 of 1854 on the Calendar of the Sessions Court of Cuddapah not having been yet received,—

Ordered, that the Sessions Judge of Cuddapah be required to submit the record aforesaid without further delay.—

/Sent in No. /—

Read again Calendar of

Case

8th July, 1854.

Case No. 7 of 1854 of the Sessions Court of Chingleput.-

/Here enter F.M.C. No. 1245 of 1854/-

Read also return under date the 29th ultimo made by the Acting Sessions Judge of Chingleput to the precept of the Court of Foujdaree Udalut of the 5th idem directing the submission of an English translation of the Record of the above case.-

/Here enter F.M.C. No. 1571 of 1854/-

The Court of Foujdaree Udalut on a consideration of the record submitted with the foregoing return concur with the Acting Sessions Judge in the conviction of the Prisoner. but they are of opinion, under all the circumstances of the case, that the period of imprisonment to which he has been sentenced should be reduced to 3 years, and they direct the Acting Sessions Judge to issue his warrant accordingly.-

Ordered, that Extract from

8th July, 1854.

from these Proceedings be forwarded to the Acting Sessions Judge of Chingleput by precept returnable in 3 days from and after its receipt.-

/Sent following Precept No. /-

E. D. T. No.

Monday
10th July 1854 } At a Court of the Foujdaree Adawlut.

Present

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

Read letter under date the 22d June 1854 from the Session Judge of Bellary.—

(Here Enter F. R. No 1516 of 1854)

The order alluded to in the foregoing letter does not apply to records deposited in the Courts, the records referred to in the 2d para being such as are deposited in the Cutcheries of the Heads of Police.—

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

(Sent in a No)

Read Calendar of Cases No 27 and 28 of 1854 of the Session Court of Madura.—

(Here Enter F. R. No 1618 of 1854)

The

10th July 1854.

8.

The Court of Fouzdaree Udalut approve of the recommendation made by the Session Judge that the period of Imprison= ment which the Prisoner in Case No. 27 of 1854 has been adjudged to suffer on his conviction of the Crime of Perjury be reduced to (1) one year, without irons, and they do authorize the Session Judge to issue his warrant accordingly.—

Veeraconan.

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

(Sent in No.)

Read Calendar of Case No. 15 of 1854 of the Session Court of Tinnevelly.

(Here Enter F. H. No. 1611 of 1854)

The Court of Fouzdaree Udalut approve of the recommendation made by the Session Judge that the period of Im= =prisonment which the Prisoner in this Case has been adjudged to suffer on his conviction of the Crime of Housebreaking with Theft be reduced to (4) four years with hard labor in irons and they

Nullaper= =mal

10th July 1854.

do authorize the Session Judge to issue his warrant accordingly.—

The Court of Fouzdaree Udalut observe that the Acting Session Judge is of himself Competent to order the infliction of the corporal punishment awarded to the Prisoner.—

2.

Ordered that Extract from these proceedings be sent to the Acting Session Judge of Tinnevelly for his in= =formation.—

(Sent in No.)

Read Calendar of Case No. 5 of 1854 of the Session Court of Coimbatore.

(Here Enter F. H. No. 1605 of 1854)

The Court of Fouzdaree Udalut approve of the recommendation made by the Session Judge that the punishment awarded to the 1st Prisoner in this Case on his conviction of the Crime of Gang Robbery and receiving plundered property be reduced to (6) Six years Imprisonment with hard labor in irons and they do authorize the Session Judge to issue his warrant

Nunjon

warrant accordingly.—

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

(Sent in No /

Read letter dated 30th June 1854 from the Sessions Judge of Calicut submitting for the final Judgment of the Foujdaree Adalut the record of case No 28 of 1854 of the Calendar of the Session Court.

(Here enter F. R. No 1639 of 1854)

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,

2d Ponnor Ayapen

3d Pattany Peranken and

4th Tekoot Ayapen

is sufficient to convict them only of the crime of Assault, do convict them thereof; but deeming the imprisonment they have already undergone sufficient punishment for

for the offence of which they have been convicted, do direct that they be now set at liberty.—

(Sent in No / S.

4 Prisoners

Read report submitted by the Sessions Judge of Cuddalore under date the 1st July 1854 of Cases pending on the 1st July 1854 for more than 25 days.—

(Here enter F. R. No 1615 of 1854)

Read return dated 3d July 1854 from the Sessions Judge of Cuddalore to the precept of the Foujdaree Adalut under date the 13th June 1854 reviewing the Calendar in Session Case No 25 of 1854.

(Here enter F. R. No 1616 of 1854)

Read Return dated 28th June 1854 from the Sessions Judge of Chicacole to the precept of the Foujdaree Adalut under date the 20th June 1854 directing to reduced the amount of Security required from each of the Prisoners in Case No 9 of 1854.—

(Here enter F. R. No 1623 of 1854)

Read Supplemental Return dated 3d July 1854 from the Sessions Judge of Guntoor

Cuntoor to the precept of the Foujdaree Adalut dated 19th May 1854 directing him to state his case against the Head of Police of Rapully and to report the result of his enquiry into it.

(Here enter F. R. No. 1625 of 1854)

Read report submitted by the Session Judge of Chittoor under date the 1st July 1854 of Cases pending on the 31st June 1854 for a period in excess of 25 days Calculated from the date of Commitment.

(Here enter F. R. No. 1627 of 1854)

Read return dated 4th July 1854 from the Acting Session Judge of Combaconum to the precept of the Foujdaree Adalut under date the 26th June 1854 directing that officer to call for explanation from the Acting Subordinate Judge regarding the Charges and Sentences which are defective in the Report A of Criminal Cases from No. 48 to 53 and submit the same to the Foujdaree Adalut.

(Here enter F. R. No. 1635 of 1854)

Read return dated 4th July 1854 from the Session Judge of Cuddalore to the precept of the Foujdaree Adalut under

under date the 30th June 1854 directing the release of the 14th prisoners in Session Case No. 42 of 1853 and the discontinuance of the system of employing persons called informers in tracing out robberies that are committed.

(Here enter F. R. No. 1636 of 1854)

Read return dated 4th July 1854 from the Session Judge of Cuddalore to the precept of the Foujdaree Adalut under date the 1st July 1854 directing the cancelment of the security which the prisoners in Case No. 39 of 1854 were required to furnish.—

(Here enter F. R. No. 1637 of 1854)

Read statement submitted by the Session Judge of Madura under date the 4th July 1854 of Batta paid to Prosecutors and witnesses attending before the Session Court during the 1st half year of 1854.—

(Here enter F. R. No. 1638 of 1854)

Read letter dated 1st July 1854 from the Session Judge of Tellicherry returning the death warrant issued for the execution of the Sentence passed against Punjarra Ambotty Prisoner in Case No. 4 of 1854 on the Calendar

of

10th July 1854.

of the Sessions Court. —

(Here enter F. R. No. 1642 of 1854)

Read report submitted by the Sessions Judge of Tellicherry under date the 1st July 1854 of a case pending on the 30th June 1854 and committed for trial during the month of April 1854 before the Sessions Court. —

(Here enter F. R. No. 1643 of 1854)

Read report submitted by the Acting Sessions Judge of Tinnevelly under date the 3d July 1854 of a case depending before the Sessions Court up to the 30th June 1854 in which the trial has been delayed beyond 25 days. —

(Here enter F. R. No. 1644 of 1854)

Read report submitted by the Sessions Judge of Calicut under date the 1st July 1854 of a case pending on the 31st May and committed for trial during the months of June 1854 —

(Here enter F. R. No. 1645 of 1854)

Read letter dated 3d July 1854 from the Sessions Judge of Coimbatore stating with reference to the letter of the Principal Sudr Ameen in charge dated 19th June 1854, reports the result of the ongoing attending the escape and recapture of the Prisoner Ramen.

(Here enter F. R. No. 1648 of 1854)

Tuesday.
11th July 1854

F. R.

At a Court of the Foujdaree Adalut

Present.

G. S. Hooper Esqr.
W. A. Morehead Esqr.
J. L. Strange Esquire

} Puisne Judges.

Read Calendar of Case No. 29 of 1854 on the file of the Sessions Court of Chittoor.

(Here Enter F. R. No. 1343 of 1854)

The Court resolve to direct that the remarks of the Cazee ool Cozat of this Court on the Futwah delivered by the Mahomedan Law Officer on the foregoing Case be forwarded to the Sessions Judge for communication to his Mahomedan Law Officer

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Chittoor. —

Sent in No. 1

Read Report of a Case disposed of by the Assistant Magistrate

J.

10th July 1854.

of the Session Court. —

(Here enter F. H. No. 1642 of 1854)

Read report submitted by the Session Judge of Tellicherry under date the 1st July 1854 of a case pending on the 30th June 1854 and committed for trial during the month of April 1854 before the Session Court. —

(Here enter F. H. No. 1643 of 1854)

Read report submitted by the acting Session Judge of Tinnevelly under date the 3d July 1854 of a case depending before the Session Court up to the 30th June 1854 in which the trial has been delayed beyond 25 days. —

(Here enter F. H. No. 1644 of 1854)

Read report submitted by the Session Judge of Calicut under date the 1st July 1854 of a case pending on the 31st May and committed for trial during the months of June 1854 —

(Here enter F. H. No. 1645 of 1854)

Read letter dated 3d July 1854 from the Session Judge of Coimbatore stating with reference to the letter of the Principal Sudr Ameen in charge dated 19th June 1854, reports the result of the enquiry attending the escape and recapture of the Prisoner Ramen.

(Here enter F. H. No. 1648 of 1854)

Tuesday.
11th July 1854

F. H.

At a Court of the Foujdaree Adalut

Present,

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

Read Calendar of Case No. 29 of 1854 on the file of the Sessions Court of Chittoor.

(Here enter F. H. No. 1643 of 1854)

The Court resolve to direct that the remarks of the Cazee and Corzat of this Court on the Futwah delivered by the Mahomedan Law Officers on the foregoing case be forwarded to the Sessions Judge for communication to his Mahomedan Law Officer

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Chittoor. —

(Sent in No. 1)

Read Report of a case disposed of by the Assistant Magistrate

H.

11th July 1854 of Chinglepute under the provisions of Section VII Regulation X of 1816 under date the 19th February 1854.

Here enter F.C. No. 1559 of 1854.

The Court of Foujdaree Udalut resolve to direct that a copy of the remarks recorded on this Case by the Acting Sessions Judge be communicated by that Officer to the late Assistant Magistrate Mr. Grenfell and that he be called upon to submit any explanation he may have to offer for his omission to investigate the Counter Charge which appears to have been preferred on behalf of the prisoners, as well as of the course adopted by him in passing sentence upon a person who was not included in the Charge.

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Chinglepute for communication to Mr Grenfell through the Acting Magistrate of Chinglepute by Peon[illegible]

11th July 1854 returnable within X days from and after its receipt.-

Sent following precept &c.

Read Calendar of Case No. 13 of 1854 submitted by the Acting Sessions Judge of Bonoo.-

Here enter F.C. No. 1523 of 1854.

1 The Prisoner in this Case charged with Housebreaking with theft and receiving stolen property knowingly, was committed to the Sessions Court by the Acting Principal Sudder Ameen

2 The Sessions Judge upon a perusal of the Proceedings held before the Police and the Criminal Court was of opinion after Consulting with the Mahomedan Law Officer that there was not sufficient evidence to establish the Charge against the Prisoner and that under these circumstances the Case should not have been committed to the Sessions Court. He therefore remanded the Case for trial and disposal by the lower Court

3 The Court of Foujdaree Udalut

11th July 1854 Udalut observe that this Case has been improperly remanded to the Acting Principal Sudder Ameen.-

4 The Acting Sessions Judge under the provisions of Fouzdaree Udalut Circular Order 26th December 1841 should have called the trial and having declared that there were not sufficient grounds for proceeding to trial have ordered the discharge of the parties.-

5 The Acting Sessions Judge's order of remand is also defectively drawn up. It should have contained a Statement of what the evidence was which was deemed insufficient for the conviction of the Prisoners so as to have exhibited clearly the grounds of the order

6. The Court of Fouzdaree Udalut consider the abstract of the evidence sent up by the Principal Sudder Ameen much too lengthy and direct the Acting Sessions Judge to desire that officer in future to be more concise in the statement of evidence

Ordered.

11th July 1854 Ordered that Extract from these Proceedings be sent to the Acting Session Judge of Bauree for his information and Guidance.

(Sent in No 1)

Read Return dated the 23rd June 1854 by the Session Judge of Calicut to the precept of the Fouzdaree Udalut dated 16th June 1854 requesting to be informed whether the proceedings required by Clause 4 Section VIII Regulation VI of 1827 have been held in the cases in which persons have been held to security for the period of 3 years as appears from the Magistrates Petty Calendars for the 1st Quarter 1854.

(Here Enter F.D. No 1536 of 1854)

In the above Return the Session Judge states that the Proceedings of the Magistrate have been reviewed in all cases where the parties held to security have petitioned the Session Court and in those cases brought to the notice of the Session Judge by the

11th July 1854 the parties themselves on his visiting the Jail

2 The Court of Tongdaree Udalut observe that the reviews thus held on petitions or on personal application to the Sessions Judge on visiting the Jail are prescribed by Clause 2nd Section VIII Regulation VI of 1827 in cases where prisoners have been held to Security for a definite period not exceeding twelve months. By Clause 4 Section VIII Regulation VI of 1827 it is directed that when prisoners held to Security for a period exceeding twelve months have failed to furnish such Security the whole of the Proceedings shall be laid before the Sessions Judge for his review

3 The Court of Tongdaree Udalut desire the Sessions Judge to follow this course in all the cases of Prisoners held to Security for periods exceeding twelve months and to report the result of his review of the Proceedings in these cases to this Court.

Ordered that Extracts from these Proceedings be sent to the Sessions

11th July 1854 Sessions Judge of Calicut by precept returnable in X days from and after its receipt.-

Sent following Receipt No 1

Read letter dated 30th June 1854 from the Sessions Judge of Masulipatam submitting for the final Judgment of the Tongdaree Udalut the record of Case No 62 of 1852 of the Calendars of the Sessions Court.-

Rec'd under No 1640 of 1854.

W. Cooper
a Shanz.

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 prisoners

1st Bhogaudy Ramasawmy.

and

2nd Gonazah Lutchmoodoo.

is sufficient to convict them of the crime of Highway Robbery do convict them thereof and under the provisions of Clause Fifth Section IV Regulation XV of 1803 sentence the

11th July 1854 the prisoners.-

1st Bhogandy Raonasawmy to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (3) three years and the prisoner

2d Goorayah Lutchmoodoo 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.

1 The Court of Fouydaree Adalut are unable to concur with the Sessions Judge that the evidence in this case is insufficient for the conviction of the Prisoners.-

2 There do not appear grounds for discrediting the evidence given by the Prisoner confirmed as it is by the evidence of the 5th Witness to the effect that the Prosecutor made a complaint to him immediately after the offence was committed that the Prosecutor had received an injury on his eye and that upon the same night the

11th July 1854 the Prisoners were taken with some of the bows and feathers stated to have been stolen from the Prosecutor

3 The Court of Fouydaree Adalut consider that the Sessions Judge was in error in not examining witnesses to the Statement of the 2d Prisoner before the police in which he admitted the fact of the prisoner being apprehended with the said birds

4 The Sessions Judge appears to have attached no weight to this circumstance as he did not even account it when summing up the testimony of the 5th Witness

5 Further it appears probable that the evidence of the 3d and 4th Witnesses if it had been available, would have been in confirmation of that given by the Prosecutor.

6 The Court of Fouydaree Adalut have failed in discovering any thing which would lead them to discredit the

11th July 1854 the Statements made by the Prosecutor.

Under these Circumstances the Court of Foujdaree Udalut resolve to Sentence the 1st Prisoner to three Years and the 2nd Prisoner to two Years imprisonment with hard Labor in irons.

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

Rent in Acc 1

Read letter dated 27th June 1854 from the Acting Sessions Judge of Bonares submitting for the final judgement of the Foujdaree Udalut the record of A. Case No. 3 of 1854 of the Calendar of the Sessions Court.

1 Rec'd enter No. 1649 of 1854 1

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

Noonoo-

11th July 1854 is sufficient to Convict him of the Crime of Murder, do Convict him thereof and under the Provisions of Section X Regulation VIII of 1852 Sentence him to Suffer death by being hanged at the usual time and place of Execution.

1 Sent in Acc 1

Extract

Read Return dated 4th July 1854 from the Session Judge of Bellary to the Receipt of the Foujdaree Udalut under date the 24th June 1854, directing the cancelment of the requisition of security from the prisoner in Calendar Case No. 81 of 1854.

(Here enter F. Ud. No. 1657 of 1854)

Read Statement dated 30th June 1854 from the Acting Session Judge of Chingleput, of Batta paid to Prosecutors and Witnesses during the first half of 1854.

(Here enter F. Ud. No. 1658 of 1854)

Read Report dated 5th July 1854. Submitted by the Session Judge of Cuddapah of cases pending trial for a period in excess of 25 days during the month of June 1854.

(Here enter F. Ud. No. 1664 of 1854)

Read Return dated 8th July 1854 from the Session Judge of Trichinopoly to the Receipt of the Foujdaree Udalut under date the 6th Instn, calling for some explanation in regard to Case No. 11 of 1854.

(Here enter F. Ud. No. 1681 of 1854)

Wednesday
12th July 1854.

F. C.

At a Court of the Foujdaree Udalut

Present

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

Read letter under date the 26th June 1854 from the Agent to the Governor of Fort St. George at Vizagapatam submitting for the final judgement of the Foujdaree Udalut a report of the trial of Criminal Case No. 11 of 1854 on his file.

(Here enter F. C. No. 100 of 1854)

Mr Hooper / The Court of Foujdaree Udalut concurring in the conviction of the Prisoners

1st Joreegalah Sydoogadoo
2nd Vungalapoody Dooragadoo
3rd Tantapoody Poteegadoo

of the crime of aiding and abetting in the commission of the crime of Highway Robbery attended with aggravating circumstances, resolve to confirm the sentences proposed to be passed upon them by the Agent under the provisions of Clauses 2nd and 5th, Section IV, Regulation XV of 1803, namely, seven years'

12th July 1854

years' imprisonment with hard labor in irons, on the 1st and 2nd Prisoners, and of fourteen years' imprisonment with hard labor in irons on the 3rd Prisoner.

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

/Sent in No. /

Read record dated 1st July 1854 of Cases pending for the month of June 1854 submitted by the Sessions Judge of Nellore.

(Here enter F. Dy. No 1608/1854)

Case No 30 of 1854

The Court of Sudr Udalut observe that it is stated in the explanation of the delay that occurred in disposing of this case, that the records called for from the Magistracy was not received until the 16th June.

2 The Court of Foujdaree Udalut but desire the Sessions Judge to explain to what record allusion is made and upon what date it was called for.

Ordered

12th July 1854

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

/Sent following Precept No. 1/

Read return dated 4th Instant from the Sessions Judge of Bellary to the Precept of the Foujdaree Udalut under date the 24th June 1854, directing the cancelment of the requisition of security made by the Sessions Judge from the Prisoner in Case No. 81 of 1854.

/Here enter F. Dy. No. 1657 of 1854/

Read Statement submitted by the Acting Sessions Judge of Chingleput under date the 30th June 1854, of Batta paid to Prosecutors and Witnesses attending before the Sessions Court for the half year ending 30th June 1854.

/Here enter F. Dy. No. 1658 of 1854/

Read Statement submitted by the Acting Sessions Judge of Chingleput under date the 30th June 1854 shewing the amount realized by the labor of Prisoners for the 2nd Quarter of 1854.

/Here enter F. Dy. No. 1659 of 1854/ Read

12th July 1854.

Read Calendar of Case No. 8 of 1854 submitted by the Session Judge of Coimbatore under date the 21st June 1854.

/Here enter F. No. No. 1661 of 1854/

Read report dated 1st Instant submitted by the Session Judge of Cuddapah of Cases pending on the 31st May and committed for trial during the month of June for more than 25 days.

/Here enter F. No. No. 1664 of 1854/

Read Calendars of Cases Nos. 66, 67 and 68 of 1854 submitted by the Session Judge of Masulipatam under date the 4th Instant.

/Here enter F. No. No. 1669 of 1854/

Read Calendar of Case No. 26 of 1854 submitted by the Session Judge of Madura under date the 7th Instant.

/Here enter F. No. No. 1671 of 1854/

Read Calendar of Case No. 97 of 1854 submitted by the Session Judge of Bellary under date the 6th Instant.

/Here enter F. No. No. 1673 of 1854/

Read Calendar of Case No. 96 of 1854 submitted by the Session Judge of Bellary under date the 5th Instant.

/Here enter F. No. No. 1674 of 1854/

Read

F. No.

12th July 1854.

Read Calendar of Case No. 35 of 1854, submitted by the Session Judge of Nellore under date the 8th Instant.

/Here enter F. No. No. 1676 of 1854/

Read return dated 10th Instant from the Acting Session Judge of Chingleput to the precept of the Fouzdaree Adalut under date the 8th Instant directing him to reduce the sentence in Session Case No. 7 of 1854 to 3 Years imprisonment and to issue his warrant accordingly.

/Here enter F. No. No. 1679 of 1854/

Read return dated 8th Instant from the Session Judge of Tinnevelly to the precept of the Fouzdaree Adalut under date the 6th Instant calling on the Session Judge for some explanation in Case No. 11 of 1854.

/Here enter F. No. No. 1681 of 1854/

Examined

Read Memo dated 6th July 1854, from the Secretary to Government in the Judicial Department, forwarding 5 Copies of Statement of Cases disposed of and committed for trial at the Madras Police Office during the year 1853.

(Here enter F. U. No 1650 of 1854)

Read Extract dated 6th July 1854 submitted by the Sessions Judge of Bellary, reviewing the Petty Calendars &c. for the 1st Quarter 1854.

(Here Enter F. U. No 1728 of 1854)

Thursday 13th July 1854.

F. U.

At a Court of the Foujdaree Udalut

Present

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

Read Report (Form B) of persons apprehended in Zillah Masulipatam and delivered to the Magistrate in the month of May 1854.

(Here enter F. U. No. 1582 of 1854.)

Case No 5

1 The prisoner in this case (who it is observed, has already been twice convicted of petty thefts) was charged with having stolen a cloth valued at Rupee 1 from the dwelling house of the Prosecutor. and sentenced by the Head Assistant Magistrate to six months Imprisonment with hard labor in irons and 60 lashes with the Cats-o-nine tails.

2 Notwithstanding the two previous convictions against this Prisoner, the Court of Foujdaree Udalut consider the present sentence, with reference to the small value of the property stolen, unnecessarily severe and they resolve to remit three months of the Imprisonment, as the corporal punishment has already been undergone.

3 The Foujdaree Udalut observe

great delay in the transmission to their Court of the report under review - it was due by the middle of last month..

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

/ Sent following precept No. /

Read Petition presented 3rd July 1854 by Vencata reddy late Jail Peon in Zillah Masulipatam..

/ Rec'd inter S. & F. N. M. P. No. 494 of 1854 /

Read also Petition presented on same date by the following six individuals Soonkara Vencanah - Condah Naugamah Seetumretty Perumal - Cotee Payruntal Nainnany Luchmoodoo - and Vundeereddy Soobbarayadoo - lately employed in the same capacity..

/ Rec'd inter S. & F. N. No. 51 of 1854 /

Read also Extract from Proceedings of Sessions Court of Masulipatam, dated 28th April 1854

Mr. N. A. Morehead

1. With the exceptions of the Jemadar Seetaram, and the Duffadar Samuldoss, the circumstances detailed by the Sessions Judge in

in the order appealed against, do not, in the opinion of this Court justify the dismissal of any of the parties specified in the above Proceedings.

2 It is not the special duty of the guards employed within the Jail to provide against the introduction of forbidden articles - they are undoubtedly answerable for any breach of the rules such as the use of the hubble bubbles found within the precincts - which might occur in their presence - It has not, however, been shown that any one of this class of Jail servants was actually present on such an occasion, and in the absence of such specific evidence the Sessions Judge was not warranted in passing sentences of dismissal, much less in selecting at random the peons to be so punished.

3. The Court resolve, therefore, to direct the restoration of the several parties to whose dismissal they thus object.

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

/ Sent following precept No. /

Read Petition presented on 27th June 1854 by Tylumnay of Zillah Cuddalore.

/ Rec'd inter S. & F. N. M. P. No. 126 of 1854 /

Ord

Mr. W. A. Morehead.

1. The Petitioner prays for the release of her son in law Vellain, the 6th Prisoner in Calendar Case No. 6 of 1854 on the file of the Session Court Cuddalore - who was sentenced to 8 years Imprisonment with hard labor in irons, on his conviction in the above case on a charge of Gang Robbery -

2. The Petitioner reiterates the statements made by her in a former Petition, presented to this Court on the 1st June last - and disposed of on the 14th Idem. -

3. The Court of Foujdaree Udalut resolve to refer Petitioner to the orders passed in that instance

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

Read Petition presented on the 3d July 1854 by Ranga Naick late Jail Peon in Zillah Masulipatam. -

/Here enter S. & D. V. M.P. No. 47 of 1854/

Read also Extract from Proceedings of Session Court of Masulipatam dated 13th May 1854.

Mr. W. A. Morehead. 1. It appears from the above Extract that Petitioner and another Jail Peon, one Saub Ahmud have been dismissed from their posts by the Session Judge on a suspicion of having connived at the possession of a small quantity of Bang by the convict Banvalu Sahib. -

2. The Court of Foujdaree Udalut resolve to direct the Session Judge to restore to their several posts Petitioner and the peon dismissed with him. They observe that the convict on whose person the Bang in question was found, may very well have possessed himself of the same, without any culpable conduct or neglect of duty on the part of the peons on guard. -

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

/Sent following precept No. /

Read letter dated 5th July 1854 from the Session Judge of Bellary submitting for the final judgment of the Foujdaree Udalut the Record of Case No. 84 of 1854 on the Calendar of the Session Court. -

/Here Enter No. 1683 of 1854/

Mr. L. S. Cooper.
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 prisoners

1st Ramarajoo
2d Yena Edoreador
3d Chinna Vobegador
4th Colla Vobegador
5th and Chinna Buswador

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

1st Ramarajoo

and

2d Yerra Sooneadoo

to suffer death by being hanged at the usual time and place of execution; and the prisoners,

3d Chinna Vobegandoo

4th Colla Vobegandoo

and

5th Chinna Buswadoo

to be transported to such place or places, beyond sea, as the Governor in Council shall appoint there to be imprisoned and kept to hard labor on the public roads, or other public Works for and during the period of their natural lives.

/Sent in No /

Read Petition presented on the 3d July 1854 by Lutchmee Narrain, late jail Peon in the Zillah of Masulipatam.-

(Here enter S & F. C. Mis. P. No 50 of 1854)

Read also Extract from Proceedings of Sessions Court of Masulipatam dated 1st May 1854 filed by Petitioner with the above.-

The Petitioner in the above case was dismissed

Mr W. A. Murchead

dismissed from his post on a charge of having supplied a convict, one Cassim, with tobacco; the evidence against him consisted in the admission of that party and the statement of another convict, Pydecondalah Polthadoo

2. The Court of Foujdaree Adalut resolve to transmit the above Petition to the Sessions Judge who will be pleased to report on the objection now made by Petitioner, to the effect that the two convicts who have given evidence against him had cause of enmity towards him and that the same will be found on the Jail Records.

3. It is further objected by the Petition that the evidence which led to his dismissal was not committed to writing. If this is the case, the Sessions Judge will now remedy the omission and the Judges desire that the depositions may be forwarded to this Court.-

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

/Sent following precept No /

Read Calender of Case No 25 of 1854 on the file of the Sessions Court of Combaconam

(Here enter F. C. No 1577 of 1854)

Ag

1

It does not appear from the remarks recorded by the Acting Sessions Judge in this case upon what grounds the 1st Prisoner was acquitted of the 1st Count of the indictment there being evidence according to the Calender of his having admitted his concern in the theft to the 1st witness and also when arrested and when examined before the Police. The Court of Foujdaree Adalut require explanation on this point.

2

The Court of Foujdaree Adalut observe that both the Calender and the remarks of the Acting Sessions Judge on the evidence are drawn up with unnecessary diffuseness and they deem it necessary to instruct the Acting Sessions Judge and the Acting Subordinate Judge that the details of these documents should be restricted to what may be necessary to set forth the facts in evidence against the accused and the grounds of sentence.—

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Combaconum for communication to the Acting Subordinate Judge by precept returnable within V days from and after its receipt.—

(Sent following precept &c.)

Read return dated 6th July 1854 from the Sessions Judge of Bellary to the precept of

of the Foujdaree Adalut under date the 29th June 1854 directing that the Sessions Judge will proceed, without further delay, with the trial of two Cases of Decoity which he has postponed.

(Here enter F. R. No 1684 of 1854)

Read Report submitted by the Sessions Judge of Salem under date the 1st June 1854 of the Labor of convicts in the Jail under charge of the Magistracy for the month of May 1854.

(Here enter F. R. No 1697)

Read Report submitted by the Sessions Judge of Salem under date the 1st July 1854 of Prisoners apprehended in the Zillah of Salem and delivered to the Magistracy in the month of June 1854.

(Here enter F. R. No 1698 of 1854)

4 Th. W

F.C.

Friday
14th July. 1854 } At a Court of the Foujdaree Adalut

Present

Q.S. Hooper Esquire —
M.A. Morehead Esquire — } Puisne Judges.
P.L. Strange Esquire —

Read Letter under date the 5th July 1854 from the Sessions Judge of Madura submitting for the final judgment of the Foujdaree Adalut the Record of the Case No. XXV of 1854 of the Calendar of the Sessions Court.

(Here Enter F.C. No. 1654 of 1854)

W. A. Morehead

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

Cooppa Naicken

is sufficient to convict him of the crime of Murder do convict him thereof and under the provisions of Section X. Regulation VIII

of

of 1802, sentenced him to suffer death by being hanged at the usual time and place of execution.

/ Sent in No /

Read letter under date the 11th Instant from the Magistrate of Salem.

/ Here Enter No. 1703 of 1854 /

1. Under the circumstances stated in the foregoing letter the Court of Tonjdaree Adalut Resolve to authorize in the admission as an approver of the prisoner Veerum in the event of its being found that the evidence against the other prisoners unsupported by his testimony will be insufficient for their conviction.

2. The Court of Tonjdaree Adalut will defer passing any Orders in regards to the Rewards which the Magistrate has proposed until the trial of the prisoners shall have been completed, and they will then have made satisfaction in bringing to the Special notice of Government the very meritorious Service rendered by Mr. Davidson whose promptitude and

and judgment in tracing the robbers has led to the apprehension of so many of the Gang and to the recovery of a considerable portion of the plundered property.

Ordered, that Extract from these Proceedings be forwarded to the Magistrate of Salem for his information and guidance and for communication to Mr. Davidson.

/ Sent in No /

Read Petition presented on the 27th June 1854 from Allagappa Malavarow of zillah Combaconum, father in law of Moorgen Cadvarow 3d Prisoner in No. 9 of 1854 on the file of the Sessions Court.

/ Here Enter P.M.P. No. 124 of 1854 /

Read also Petition presented on the same date from Addigayee daughter of Arndayee 5th Prisoner in same Case.

/ Here Enter P.M.P. No. 125 of 1854 /

Read also Petition presented on the same date by Chittee Amal, wife of Nila Sawan 1st Prisoner in same Case.

/ Here Enter P.M.P. No. 127 of 1854 /

Before

14th July 1854

Before disposing of the above Petitions the Court of Tonjadaree Adalut deem it necessary to have before them the translations of the Record of the case referred to.

Ordered, that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Combaconum, by Precept returnable within XV days from and after its' receipt.

/ Sent following Precept No. /5

Ex Nott

Saturday 15th July 1854 } At a Court of the Tonjadaree Adalut

Present

G S Hooper Esquire
H A Morrhead Esquire } Presine Judges.
J L Strange Esquire

Read Calendar of Cases, No 7 of 1854 on the file of the Sessions Court of Tinnevelly:-

/Hereunder F C No 1652 of 1854/

1 The Prisoner in this Case was charged with housebreaking and Robbery by open violence, and further with having received a portion of the plundered property.

2 Evidence appears to have been adduced to the identity of the Prisoner as one of the Robbers corroborated by his confessions and by the fact of his having given up a portion of the plundered property.

3 The Acting Sessions Judge dispensed the evidence to the identification and confessions but observed that there could be no doubt that the information upon which the stolen property was found

15th July 1854.

found and restored to the owner was received from the Prisoner who gave it upon receiving 7 Rupees as remuneration.

4 Notwithstanding the above opinion the Acting Sessions Judge has concurred with the Mahomedan Law Officer in acquitting the Prisoner on both Counts of the indictment and has placed him under a Recognizance of Security.

5 The Court of Tongalaree Odalut are at a loss to understand upon what grounds the Acting Sessions Judge has abstained from convicting the Prisoner on the 2nd Count of the indictment and they resolve to direct that he will submit a more detailed Statement of his reasons for discrediting the evidence to the Prisoners identification and confession and that he will explain how he reconciles the discovery of the property with the innocence of the Prisoner.

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

(Sent following precept &c.)

Read

15th July 1854.

Read again Criminal Reports submitted by the Agent to the Governor of Fort St. George at Kurnool for the Month of March 1854.

(Herewith Sl. No. 1194 of 1854)

Read also Return under date the 23d June 1854 from the Agent to the Governor of Fort St. George at Kurnool to the precept of the Tongalaree Odalut dated the 14th June 1854 conveying their orders on the foregoing Reports

(Herewith Sl. No. 1564 of 1854)

The explanation submitted in the above Return is very unsatisfactory, the illness of one Witness is no sufficient cause for delaying the commencement of a trial, and the postponement of a Criminal trial, to suit the Agent's convenience with reference to his revenue duties is clearly inadmissible.

Ordered that Extract from these Proceedings be sent to the Agent to the Governor of Fort St. George at Kurnool for his information and future guidance.

(Sent &c.)

Read again Calendar of Cases No. 43 of 1854 on the file of the Sessions Court of Masulipatam.

(Herewith Sl. No. 1147 of 1851.)

Read

Read again also Return dated the 5th Instant from the Sessions Judge of Masulipatam to the precept of the Sanjolaree Adalut directing the submission of an English translation of the entire proceedings of the above case.-

(Hereunder F.C. No. 1356 of 1854)

Read also Return under date the 27th June 1854 from the Sessions Judge of Masulipatam to the precept of the Sanjolaree Adalut dated the 14th June 1854 directing the amendment of the requisition of security under which the Prisoner in the foregoing Case had been placed.-

(Hereunder F.C. No. 1501 of 1854)

It does not appear from this Return whether or not the orders of the Court of Sanjolaree Adalut have been carried out The Sessions Judge will be pleased to supply the requisite information.-

Ordered that Record from these Proceedings be sent to the Sessions Judge of Masulipatam by precept returnable within II days from and after its receipt.-

(Sent following precept &c)

The Record of Trial in preferred Sessions Case No. 20 of 1854 on the Calendar of the

the Sessions Court of Chittoor not having been yet received.

Ordered that the Sessions Judge of Chittoor be required to submit the record of rejected pertinent delay.-

(Sent)

Read Calendar of Case No. 97 of 1854 submitted by the Sessions Judge of Guntoor under date the 22d June 1854.-

(Hereunder F.C. No. 1499 of 1854)

Read letter under date the 16th Instant from the Acting Agent to the Governor of Fort St. George & Company submitting Criminal Reports No. 1 and 2 of this Court for last Month together with Report B &c. from the Acting Principal Assistant Agent, and Assistant Agent.-

(Hereunder F.C. No. 1510 of 1854)

Read Calendar of Cases No. 40 of 1854 submitted by the Sessions Judge of Nellore under date the 23d June 1854.-

(Hereunder F.C. No. 1506 of 1854)

Read Calendar of Case No. 89 of 1854 submitted by the Sessions Judge of Bellary under date the 21st June 1854.-

(Hereunder F.C. No. 1510 of 1854)

Read

15th July 1854.-

Read Calendar of Case No. 91 of 1854 submitted by the Sessions Judge of Bellary under date the 21st June 1854.-

(Here enter F. Cl. No. 1512 of 1854)

Read Calendar of Case No. 92 of 1854 submitted by the Sessions [illegible] under date [illegible]

[illegible] 1854 from the Sessions Judge of Mangalore to the Receipt of the Foujdaree Adalut under date the 6th July 1854 directing that the Report A of Case No. 1 disposed of by the Magistracy during the Months of May 1854.-

(Here enter F. Cl. No. 1736 of 1854.-

Read Criminal Reports dated 10th July 1854. Submitted by the Sessions Judge of Tellicherry for the Months of June 1854.-

(Here enter F. Cl. No. 1738 of 1854)

4 Papers

F. 110.

Monday ...
17th July 1854.

At a Court

W. A. Morehead Esquire
T. L. Strange Esquire
} Puisne Judges

Read letter under date the 4th July 1854 from the Agent to the Governor of Fort St. George at Ganjam submitting for the final judgment of the Foujdaree Adalut a report of the trial of Criminal Case No. 16 of 1854 on his file.

(Here Enter F. Cl. No. 1706 of 1854)

1. The Court of Foujdaree Adalut concurring in the conviction of the Prisoners,

2. Coommaree Gunna Marhanah

3. Jaya Pradhan, and

4. Cheetie Naick

of the crime of Robbery by intimidation and possessing stolen property, resolve to direct that the Sentence proposed to be passed upon them by the Agent under Clause VII Section II Regulation XV of 1809, be mitigated to one of Three years

17th July 1854.

Read Criminal Reports dated 1st July 1854. Submitted by the Subordinate Judge of Salem for the Months of June 1854.-

(Here enter F. Cc. No. 1715 of 1854.)

Read return dated 10th July 1854. from the Sessions Judge of Mangalore to the Precept of the Fouzdaree Udalut under date the 6th July 1854 directing that the Report A of Case No. 1 disposed of by the Magistracy during the Months of May 1854.-

(Here enter F. Cc. No. 1736 of 1854.-

Read Criminal Reports dated 10th July 1854. Submitted by the Sessions Judge of Tellicherry for the Months of June 1854.-

(Here enter F. Cc. No. 1738 of 1854) s

Et Post

X

F. U.

Tuesday. 18th July. 1854. } At a Court of the Fouzdaree Udalut

Present

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

Read letter under date the 4th July 1854 from the Agent to the Governor of Fort St. George at Ganjam submitting for the final judgment of the Fouzdaree Udalut a report of the trial of Criminal Case No. 16 of 1854 on his file.

(Here Enter F. U. No. 1706 of 1854.)

1. The Court of Fouzdaree Udalut, concurring in the conviction of the Prisoners,

2d Coommaree Gunna Marhanah

3. Daya Pradhan, and

4th Cheetie Naick

of the crime of Robbery by intimidation and possessing stolen property, resolve to direct that the sentence proposed to be passed upon them by the Agent under Clause VII Section II Regulation XV of 1809, be mitigated to one of 3 Three years

18 July 1854

years Imprisonment with hard labor in irons.

2. The Court of Foujdaree Udalut are of opinion that the Agent has erred in acquitting the 1st Prisoner, the evidence adduced being ample for his conviction, — and indeed shewing that his guilt was greater than that of his accomplices.

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

/ Sent in No /

Read Calendar of Case No 37 of 1854 of the Session Court of Chittoor

/ Here Enter F.H. No 1547 of 1854 /

The Court of Foujdaree Udalut approve of the recommendation made by the Session Judge, that the periods of Imprison- -ment which the Prisoner in this case has been adjudged to suffer on his conviction of the crime of House breaking by day and theft, be reduced to /2/ Two years with hard labor in irons, and they do authorize the Session Judge to issue his Warrant accordingly

4 × Mooneyadoo

18th July, 1854.

accordingly.

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

/ Sent in No /

Read Calendar in Case No 30 of 1854 on the file of the Sessions Court of Cuddapah.

/ Here Enter F.H. No 1886 of 1854 /

1. In this case the Prisoner charged with gang robbery were acquitted by the Sessions Judge who concurred with the Mahomedan law Officer in considering that evidence adduced against the prisoners insufficient for their conviction.

2. The Sessions Judge commented strongly upon the evidence given by the Punchayetum and upon his conduct throughout the investigation of the case.

3. The Court of Foujdaree Udalut direct the Sessions Judge to call the attention of the Magistrate to these observations regarding the above mentioned Punchayetum.

Ordered

18 July 1854

years Imprisonment with hard labor in irons.

2. The Court of Foujdaree Udalut are of opinion that the Agent has erred in acquitting the 1st Prisoner, the evidence addduced being ample for his conviction, — and indeed shewing that his guilt was greater than that of his accomplices.

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

/ Sent in No /

Read Calendar of Case No 37 of 1854 of the Session Court of Chittoor

/ Here Enter F.H. No 1647 of 1854 /

The Court of Foujdaree Udalut approve of the recommendation made by the Session Judge, that the period of Imprisonment which the Prisoner in this case has been adjudged to suffer on his conviction of the crime of House breaking by day and theft, be reduced to /2/ Two years with hard labor in irons, and they do authorize the Session Judge to issue his Warrant accordingly

4 × Moonegadoo

18th July, 1854.

accordingly.

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

/ Sent in No /

Read Calendar in Case No. 30 of 1854 on the file of the Sessions Court of Cuddapah.

/ Here Enter F.H. No. 1686 of 1854 /

1. In this case the Prisoner charged with gang robbery were acquitted by the Sessions Judge who concurred with the Mahomedan Law Officer in considering the evidence addduced against the prisoners insufficient for their conviction.

2. The Sessions Judge commented strongly upon the evidence given by the Punchayetum and upon his conduct throughout the investigation of the case.

3. The Court of Foujdaree Udalut direct the Sessions Judge to call the attention of the Magistrate to these observations regarding the above mentioned Punchayetum.

Ordered

18 July 1854

years Imprisonment with hard labor in irons.

2. The Court of Foujdaree Adalut are of opinion that the Agent has erred in acquitting the 1st Prisoner, the evidence adduced being ample for his conviction, — and indeed shewing that his guilt was greater than that of his accomplices.

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

/ Sent in No /

Read Calendar of Case No 37 of 1854 of the Session Court of Chittoor

/ Here Enter F.H. No 1647 of 1854 /

The Court of Foujdaree Adalut approve of the recommendation made by the Session Judge, that the periods of Imprison- -ment which the Prisoner in this case has been adjudged to suffer on his conviction of the crime of House breaking by day and theft, be reduced to /2/ Two years with hard labor in irons, and they do authorize the Session Judge to issue his Warrant accordingly

4 × Moonegadoo

18th July, 1854.

accordingly.

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

/ Sent in No /

Read Calendar in Case No 30 of 1854 on the file of the Session Court of Cuddapah.

/ Here Enter F.H. No. 1686 of 1854 /

1. In this case the Prisoners charged with gang robbery were acquitted by the Session Judge who concurred with the Mahomedan Law Officer in considering the evidence adduced against the prisoners insufficient for their conviction.

2. The Sessions Judge commented strongly upon the evidence given by the Surcheshum and upon his conduct throughout the investigation of the case.

3. The Court of Foujdaree Adalut direct the Sessions Judge to call the attention of the Magistrate to these observations regarding the above mentioned Surcheshum.

Ordered

F. Uo.

Thursday -- 20th July 1854. -- At a Court of the Foujdaree Udalut.

Present.

G. L. Hooper Esqr 1st
W. A. Morehead Esqr 2nd
T. L. Strange Esqr 3rd
} Puisne Judges.

Read Report B. or of Persons apprehended in Zillah of Bellary and delivered to Subordinate Criminal Judge in May 1854.

(Here enter F. Uo. No. 1484 of 1854)

Case Nos 103-106-1 and 119.-

In these three Cases the Prisoners have been committed to take their trial before the Sessions Court on a charge of "Culpable Homicide". The Prisoner in 1st Case is charged with having killed deceased by strangling him. In the 2d Case Prisoner is charged with having caused the immediate death of the deceased by beating him with a cudjal; while in the 3d Case the deceased is said to have died from the effects of a stab inflicted by Prisoner with a knife.-

2. In all these cases, the Court observe, the Indictment should have been framed

20th July 1854.

"Wilful murder".-

3. It is not considered advisable unless under very peculiar circumstances that the Subordinate Civil Courts should determine that a particular case of Homicide, committed in the perpetration of an illegal act, amounts to Manslaughter only- Primâ facie every such Homicide amounts to Murder, and should be indicted as such- and it will then be for the convicting authority to decide whether any particular circumstances in connection with the commission of the crime in question extend to alleviate it of the guilt of Murder.-

4. The foregoing observations are not, of course, intended to apply to cases of "Justifiable Homicide" which, as pointed out in this Courts Circular Order of the 27th December 1832 have an immunity from Criminal prosecution "any more than to Cases of "Homicide accidental"- for which, whether "devoid of all criminality" or otherwise, an appropriate procedure has been laid down in Fouzdaree Adalut Circular Order No 2.-

Order

20th July 1854.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Bellary- for his information and guidence and for communication to his Judicial Subordinates.-

(Sent in No 1 5

4th Nov

F. Uc.

Saturday 22nd July 1854 } At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper Esquire
W. A. Morehead Esquire } Puisne Judge
J. L. Strange Esquire

Read Report of persons apprehended in Zillah Chingleput and delivered to the Principal Sudr Ameen in the Month of June 1854.

(Here enter F. Uc. No. 1731 of 1854)

Case No. 49

This case "Riotous assembly and affray" committed to the Sessions Court by the Principal Sudr Ameen was remanded by that authority to be disposed of by the lower tribunal. under these circumstances, the Court observe that the Sessions Judge should have followed out the directions laid down in the Foujdaree Udalut Circular Order (A) of 20th February 1823 and transmitted the Calendar of the Case for the information

information of this Court.

Case No 49. 2 In this Case the Prisoner, Chinnapien, was released by the Principal Sudr Ameen on a Charge of "attempt at Seduction sent up by the Acting Head Police of Mounnengalum - the event act charged being, that the Prisoner entered Prosecutrix's house through the open door and there and there trod on her feet" with intent &c

3 The Court have to observe that it is matter of surprise to them that the above Commitment which reflects very seriously on the judgment of the Head of Police, has been passed over without notice by the Acting Session Judge -

4 That officer will now point out to the Acting Magistrate the absurd nature of the Charge on which Prisoner was sent up for trial. The Prosecutrix was quite justified in complaining of the prisoner's conduct, which however, should have been punished by the Head of Police for the assault (if proven as laid) and if necessary, bound over by the Magistrate to

to keep the peace towards Prosecutrix instead of being committed to take his trial on an indictment of the nature under review. -

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

(Sent in No)

Read Calendar in Cases No 16 of 1854 on the file of the Session Court of Tinnevelly.

(Here enter F. No. No 1739 of 1834)

The prisoners in this case sixteen in number were charged with murder. -

2 The assessors pronounced that strong suspicion was established against the 1st to 5th prisoner of participating in the murder that had been committed and that no offence had been established against the remaining Prisoners. -

3 The Acting Session Judge concurring in opinion expressed by the assessors ordered the 1st to 5th Prisoner to furnish

two

two sureties in 500 Rupees each for his good behaviour and appearance within 3 years or in default to be imprisoned 6m. that period.

4 The remaining Prisoners were acquitted and released.

5 The Acting Sessions Judge commented severely upon the gross negligence of the Head of Police and two peons the effect of which was to prevent the discovery of the manner in which the deceased met with his death, and the punishment of the persons guilty of the Crime which had been committed.—

6 The Court of Foujdaree Adalut desire to be informed what steps the Magistrate has thought it necessary to take regarding the Police Ameen and peons whose misconduct has been brought to his notice by the remarks of the Acting Sessions Judge.

Ordered that Extract from these proceedings be sent to the Acting Sessions Judge of Tinnevelly by Precept returnable in x days x from and after its receipt.—

Sent following Precept No

Read Calendar of Petty Cases disposed of by the Magistracy of Salem during the 1st Quarter of 1854.

(Here enter F. Dc. No. 1700 of 1854)

Case No 3. In this Case the prisoner was convicted on a charge of "attempt" at Theft directed against the Prosecutors grain valued at Rupees 15- from the latter part of the indictment however "by opening the heap and taking out some ears valued at annas 2" it would appear that the larceny was complete. The Charge should consequently have been headed "Theft Petty".

Case No 13 2 Here the prisoner, a bandyman was convicted of Careless driving in the town of Salem whereby he caused a Collision between his own Cart, and Mr. Reader's Phaeton to the detriment of the latter vehicle and was sentenced by the Joint Magistrate to 10 days imprisonment for a misdemeanour. The Court observe that in such a case Prisoner should have been allowed the option of a fine.—

Case No 14 3 The Prisoner was fined Rupees

Rupees 10 on a conviction of "False Complaint" he having falsely charged a Moonsiff with the receipt of a bribe - Sentence was passed under Section XXXV Regulation IX of 1816 - the proceedings of the Sessions Court under date the 17th February 1854 (in which with reference to another case, it was rightly pointed out that - bribery not being one of the offences punishable under Section XXXII and XXXIII of the above enactment such conviction was unsustainable) not having at the time of passing the sentence been received. -

4 The Joint Magistrate has remarked that, the present conviction having been quashed, he is at a loss to know what procedure he is in future to adopt with a view to the punishment of "false complaints" of the nature in question. The Court have only to observe that such complainants, who would of course give their testimony on oath, could be committed in the usual way to take their trial before the Sessions Court for perjury.

Ordered

22nd July 1854.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Salem for his information and guidance and for communication to his Judicial Subordinates. -

(Sent in No)

Read again Miscellaneous Petition sent by the Sessions Judge of Calicut from Vadayil Kellan of the Zillah of Calicut. -

(Here enter F. No P. No 1170 of 1854)

Read also return dated the 30th June 1854 from the Sessions Judge of Calicut to the precept of the Fouzdaree Adalut under date the 22nd June 1854, directing the submission of the proceedings held by the Magistrate in the case of the above petitioner, which appeared to have been approved by the Sessions Judge

(Here enter F. No. No 1620 of 1854)

The Court of Fouzdaree Adalut upon consideration of the proceedings held in this Petitioner's Case resolve that the Petitioner

Petitioner be restored to his situation in the Calicut Jail from which he has been dismissed.

2 The Cause of the Petitioner being dismissed was his having acted as Prisoner in procuring security when according to the Regulations such security was required.

3 The Court of Fouzdaree Adalut do not consider that the act of procuring or helping to procure security is illegal or deserving of punishment and they are therefore of opinion that the Petitioner was upon insufficient grounds required to furnish security, and punished by the loss of his situation.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Calicut for his information and guidance and for communication to the Magistrate and the Petitioner.—

(Sent in No)

Read Return dated 11th July 1854 from the Magistrate of Trichinopoly to the Precept of the Fouzdaree Adalut under date the 8th July 1854 regarding the sale proceeds of

of a Bandy and Bullocks.

Here enter F. Ec. No 1701 of 1854

Read Statements dated 1st July 1854 submitted by the Sessions Judge of Coimbatore, of Batta paid to Prosecutors and witnesses attending before the Sessions Judge in the Zillah of Coimbatore during the 1st half of 1854.

(Here enter F. Ec. No 1714 of 1854)

Read Return dated 15th July 1854 from the Sessions Judge of Cuddalore to the Precept of the Fouzdaree Adalut under date the 4th July 1854 reviewing the Calendar in Sessions Case No 35 of 1854.

Here enter F. Ec. No 1717 of 1854.

Read Extract submitted by the Sessions Judge of Guntoor from the Proceedings of the Sessions Court of Guntoor dated 10th Instant held on review of Police Reports for the 4th Quarter of 1853.

(Here enter F. Ec. No 1723 of 1854)

Read letter dated 7th July 1854 from the Sessions Judge of Chicacole informing that as no articles were manufactured by

by the Prisoners in the Jail under his charge the statement to that effect is not sent.

(Here enter F. No. 1725 of 1834)

Read Return dated 8th July 1834 from the Session Judge of Masulipatam to the Precept of the Fouzdaree Udalut under date the 3rd July 1834 communicating their observations and orders upon the Criminal Reports of this Court for the Month of May 1834.

(Here Enter F. No. 1727 of 1834)

Read Return dated 10th July 1834 from the Session Judge of Mangalore to the Precept of the Fouzdaree Udalut under date the 30th June 1834 Calling for Explanation as to the lenient punishment awarded in Case No. 24 on the Criminal Report for May 1834.

(Here enter F. No. 1735 of 1834)

Read Half yearly Statement dated 1st July 1834 Submitted by the Session Judge of Vellore, of Batta to Prosecutors and witnesses.

(Here enter F. No. 1748 of 1834)

Read Return dated 12th July 1834 from the Session Judge of Tellicherry to the Precept of the Fouzdaree Udalut under date the 7th July 1834 authorizing the Session Judge to reduce the sentence passed on the Prisoner in Case No. 7 of 1834 on the Calendar of the Session Court to 3 years imprisonment with hard labor in irons.

(Here enter F. No. 1751 of 1834)

Read Statement dated 12th July 1834 submitted by the Session Judge of Tellicherry, of Batta paid to Prosecutors and witnesses attending before this Court during the 1st half of year 1834.

(Here enter F. No. 1752 of 1834)

Read a list dated 1st July 1834 submitted by the Session Judge of Trichinopoly. Showing the amount realized by the labour of Prisoners in the Jail during the 2nd Quarter of 1834.

(Here enter F. No. 1754 of 1834)

Exd
J. H. S.

F 6

Monday.
24th July 1854.

At a Court of the Fonjdaree Adalut.

Present

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

Read a Miscellaneous Petition presented on the 10th July 1854 by Sonaoollah a native of Zillah Tinnevelly.

(Referred under S. & P. Rule 130 of 1854)

In Criminal Case No 30 of 1854

Mr H. T. Morehead.

The Petitioner prosecuted certain parties on a charge of "Assault and Highway Robbery" The case was dismissed by the Principal Sudr Ameen, as also an earlier charge, Case No 27 of 1854 brought by the 2d Prisoner in the first mentioned Case against Petitioner for a similar offence.

2 Petitioner now prays the Court to direct the lower Tribunal to examine certain of his witnesses whose evidence was not taken when the case was disposed of and to order the reapprehension of the parties released.

Petitioner

3 Petitioner is directed to address the Sessions Judge who will pass such orders as the Case may appear to demand.-

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

Read Calendar of Case No 30 of 1854 on the file of the Sessions Court of Cuddalore

(Here under F.C. No 1709 of 1854)

1 In this Case the Prisoners were charged with culpable Homicide attended with Robbery - The Sessions Judge being unable to concur with the Mohomedan Law officer in considering the crime as committed and proved against the Prisoners to be express wilful murder or that the Robbery has been proved, referred the Case for the final decision of the Sungdaree Adalut.-

2 The Court of Sungdaree Adalut resolve to instruct the Sessions Judge of Cuddalore that in Calendars of trials referred it will be sufficient if the cause of reference is mentioned and that the particulars of the case which will be set forth in the letter of reference - need not be stated in the Calendars.-

ordered

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

(Sent in Ltr)

Resolved again Calendar of Case No 30 of 1854 on the file of the Sessions Court of Cuddalore.-

(Here under F.C. No 1104 of 1854)

Read Miscellaneous Petition presented on the 24th July 1854 by Bawah Saib and another of the Gillah Cuddalore

(Here under F.C. No 1601 of 1854)

The Court of Sungdaree Adalut

Mr W.A. Morehead resolve to direct that new English translation of the foregoing Case be submitted for their consideration.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Cuddalore by Precept returnable within XV days from one after its receipt

(Sent following precept No)

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

Read Petition presented

on

on 6th July 1854 by Pachyunnual of Yillah Salem.

(Hereunder S.N.P. No. 136 of 1854.)

Mr. W.D. Morhead. 1 This is an application for the reversal of an order of the Sessions Judge passed on the Petition of this Petitioner undertaken the 4th April 1854.

2 In an order passed on appeal Petition No. 43 of 1853 the Petitioner had been directed with reference to an appeal against the decision of the Joint Magistrate regarding certain property alleged to have been plundered from Petitioner to produce the Joint Magistrates Endorsement on the subject of the said inquiry.

3 With the Petition the order passed on which is now appealed against, Petitioner files the Endorsement referred to and prays for a reversal of the orders therein contained

4 The Sessions Judge observed that the case which appeared to be rather Civil than Criminal in its nature was of very old date, and that he deemed no good purpose would be answered by calling for the Proceedings therein.

5 Against such order Petitioner now

now appeals. The Court of Sunderee Adalut see no reason to interfere must resolve therefore to reject this Petition.-

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

Read Miscellaneous Petition presented on the 12th July 1854 by Nattoo Saranumma of Yillah Salem.-

(Hereunder S.N.P. No. 141 of 1854.)

Mr. W.D. Morhead. 1 The Petitioner was the prosecutrix in Sessions Case No. VIII of 1854 charging one Moothoredy with highway robbery committed on her person.-

2 The Law Officer acquitted the prisoner and the Sessions Judge concurred.

3 The Petitioner now prays the Court to call for the record of the trial and pass orders directing the punishment of the accused.-

4 The Sunderee Adalut reject this Petition and have to point out to the Sessions Judge that the Circular Order of this Court which directs the transmission by the former of appeals from his decision in Criminal Cases, has references only

to

to applications submitted by Prisoners under sentence - and not to Prosecutors..

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

/Sent in accordingly/

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

Read again Petition forwarded by the Sessions Judge of Calicut from Cherria Kakoory Nair..

/Here enter S. C. P. No. 110 of 1854/

Read also Return made by the Sessions Judge of Calicut to the precept of the Tangadee Adalut under date the 30th June 1854. referring the above Petition to the Sessions Judge for report..

/Here enter S. C. No. 1730 of 1854/

Under the circumstances set forth by the Sessions Judge in the above Return the Court of Tangadee Adalut see no reason for their passing any order in the matter of this Petition..

Ordered that Extract from these

24th July 1854..

these Proceedings be forwarded to the Sessions Judge of Calicut for his information and for communication to the Petitioner..

/Sent in accordingly/

Read Calendar of Case No. 96 of 1854 of the Sessions Court of Bellary.

/Here enter S. C. No. 1729 of 1854/

The Court of Tangadee Adalut approve of the recommendation made by the Sessions Judge that the period of imprisonment which the 2nd Prisoner in this case has been adjudged to suffer on his conviction of the crime of Housebreaking and theft be reduced to /3/ three years with hard labor in irons and they do authorize the Sessions Judge to issue his warrant accordingly..

Pestola Sankrippah.

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

/Sent in accordingly/

Read Calendar of Case No. 300 of 1854 of the Sessions Court of Cundapah..

/Here enter S. C. No. 1730 of 1854/

The Court of Tangadee Adalut

Mr. W. A. Moorhead.

to applications submitted by Prisoners under sentence - and not to Prosecutors..

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

/true copy &c/

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

Read again Petition forwarded by the Sessions Judge of Calicut from Cherria Kakoory Nair..

/Herewith S. R. P. No. 110 of 1854/

Read also Return made by the Sessions Judge of Calicut to the precept of the Sunderee Adalut under date the 27th June 1854. referring the above Petition to the Sessions Judge for report..

/Herewith S. C. No. 1730 of 1854/

Under the circumstances set forth by the Sessions Judge in the above Return the Court of Sunderee Adalut see no reason for their passing any order in the matter of this Petition..

Ordered that Extract from these

Proceedings be forwarded to the Sessions Judge of Calicut for his information and for communication to the Petitioner.

/true copy &c/

Read Calendar of Case No. 96 of 1854 of the Sessions Court of Bellary.

/Herewith S. C. No. 1729 of 1854/

The Court of Sunderee Adalut approve of the recommendation made by the Sessions Judge that the period of imprisonment which the 2nd* Prisoner in this case has been adjudged to suffer on his conviction of the crime of Housebreaking and theft be reduced to 3/ three years rigorous hard labor imprisonment and they do authorize the Sessions Judge to issue his warrant accordingly..

Pedda Narrumpah.

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

/true copy &c/

Read Calendar of Case No. 300 of 1854 of the Sessions Court of Cudda pah..

/Herewith S. C. No. 1730 of 1854/

The Court of Sunderee Adalut

Ubalubi & approval of the recommendation
made by the Sessions Judge that the period
2 Gungerredegadoo- of imprisonment to which the 1st Prisoner in
this case has been adjudged to suffer on his
conviction of the crime of Gang Robbery
be reduced to 7 / seven years with hard
labor in irons and they do authorize the
Sessions Judge to issue his warrant accordingly

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

/Sent in &c

/

Read Miscellaneous Petition
presented on the 3rd July 1854 by Lutchmy
Ammaul of Gillah Sriharipoly.-
Mr G S Cooper.-

/Here enter & C &c No 1300 of 1854/

This Petition is rejected and
the Petitioner is referred to the former order
passed on the matter to which she adverts.-

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

Read Miscellaneous Petition
presented on the 6th July 1854 by Verramootoo
and Sabyee of Combaconum relatives of
certain

certain prisoners in Case No 10 of 1854 on
the file of the Sessions Court of Combaconum

/Here enter & C &c No 1330 of 1854/

Mr H S Morehead.- Before passing final orders
on the above Petition the Court of Sudderee
resolve to forward it to the Acting Sessions
Judge of Combaconum for Report.-

Ordered that & Extract from
these Proceedings be sent to the Acting
Sessions Judge of Combaconum by precept
returnable in 10 days from and after its
receipt.-

/Sent following precept &c &c

/

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

Read Calendar in Case No 31
of 1854 on the file of the Sessions Court of
Calicut.-

/Here enter & C &c No 1692 of 1854/

In this case the Prisoner convicted of Arson was sentenced by the Sessions
Judge to one months imprisonment with
labor suitable to her sex.-

The

24th July 1954.-

2 The Court of Sessions Kolalit do not consider that the circumstances of this case were of a nature to justify so severe a sentence as that which was passed upon the Prisoner..

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

/ Sentd accdly

Read Calendar of Case No 26 of 1954 of the Sessions Court of Combatoor..

(Here under F.C. No 1653 of 1954)

The Court of Sessions Kolalit approve of the recommendation made by the Sessions Judge that the period of Imprisonment which the Prisoners in this Case have been adjudged to suffer, on their conviction of the crime of Highway Robbery be reduced to (4) four years with hard labor in irons. and they do authorize the Sessions Judge to issue his warrant accordingly..

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

/ Sentd accdly

Read

* 1st Chinnan
2d Kochappiyal and
3d Kuttanunni.

24th July 1954.-

Read Calendar of Case No 34 of 1954 of the Sessions Court of Calicut..

(Here under F.C. No 1756 of 1954)

The Court of Sessions Kolalit approve of the recommendation made by the Sessions Judge that the period of Imprisonment which the Prisoner in this Case has been adjudged to suffer on his conviction of the crime of Perjury be reduced to (2) two years with hard labor in irons. and they do authorize the Sessions Judge to issue his warrant accordingly..

Patadil Krishna Menon.

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

/ Sentd accdly

Read Calendar of Case No 65 of 1954 of the Sessions Court of Combatoor..

(Here under F.C. No 1733 of 1954)

The Court of Sessions Kolalit approve of the recommendation made by the Sessions Judge that the period of Imprisonment which the 1st Prisoner in this Case has been adjudged to suffer on his conviction of the crime of Gang Robbery by open violence be reduced to (7) seven years with hard

Caroopoyan.

hard labor in irons and they do authorize the Sessions Judge to issue his warrant accordingly..

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

Sent in Fee.

The record of trial in preferred Sessions Case No 20 of 1854 on the Calendar of the Sessions Court of Cuddalapah not having been yet received..

Ordered that the Sessions Judge of Cuddalapah be required to submit the record aforesaid, without delay..

Sent in Fee

Read Letter dated 14th July 1854 from the Sessions Judge of Tellicherry submitting for the final Judgement of the Court of Sudder Adalut the records of Case Nos of 1854 on the Calendar of the Sessions Court Hereunder Fee No 1700 of 1854/

Mesrs G. S. Hosper and W. A. Morehead.

The Court of Sudder Adalut on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the proof against the Prisoner Vellandy Vallapill Khadia female is

is sufficient to convict her of the crimes charged do convict her thereof and sentence her to be transported to such place or places beyond Sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor suitable to her Sex for such during the period of her natural life..

Sent in Fee.

Read Miscellaneous Petition presented on the 3rd July, 1854 by Ghoma Pressadam of the zillah of Salem.

(Here enter F.H. No 131 of 1854.)

Mr W. A. Morehead.

This Petition is rejected and the Petitioner is referred to the former orders passed on the matter to which he adverts.

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

Read Miscellaneous Petition presented on the 17th July, 1854, by Annamaimmal of the zillah of Cuddalore.

(Here enter F.H. No 143 of 1854).

Mr G. S. Hosper, and Mr W. A. Morehead.

The Court of Sudder Adalut

24th July 1854.

Adalut direct that a copy of this Petition be forwarded to the Session Judge with instructions to that Officer to take measures for causing the restoration to the Petitioner of the property found in her house on the occasion referred to, and which has not been proved to belong to the Prosecutor.

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

(Sub following precept No)

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

Extd Thos W

F. H.

Tuesday 25th July 1854 } At a Court of the Foujdaree Adalut.

Present.

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

Read letter dated 18th July 1854 from the Session Judge of Coimbatore submitting for the final Judgment of the Foujdaree Adalut the record in Case No 4 of 1854 of the Calendar of the Session Court.

(Here enter F. H. No 1797 of 1854)

Mr W. A. Morehead. The Court of Foujdaree Adalut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoners,

1st Sundy

2d Cumum

and

3d Conjoo.

is sufficient to convict them of the crime of Gang Robbery, do convict them thereof;

and

and under the provisions of Clauses third and Fifth Section IV Regulation XV of 1803 and Section XXXIV Act VII of 1843. Sentence them to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (7) Seven years. —

(Sent in &c 1 /

Wednesday 26th July 1854 } At a Court of the Foujdaree Adalut

Present

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

Read Return made by the Sessions Judge of Cuddalore to the precept of the Foujdaree Adalut under date the 3d July 1854 conveying observations in regard to Calendar of the Session Case No. 33 of 1854:

(Here enter F. H. No. 1716 of 1851.)

In the Extract from the proceedings of this Court which accompanied the precept of the 3d Instant. Explanation was called for by the Foujdaree Adalut on two points, Viz 1st the delay observable on the part of the Principal Sudr Ameen in committing the above case to the Session Judge and 2dly the authority by which the 9 witness, Aroonachella Mooppen ap-prehended the Prisoners. —

In

2. In regard to the 1st point the Sessions Judge has submitted a copy of the explanation furnished to him by the committing Officer - a perusal of this paper has failed to make it clear to this Court that the delay in question has been satisfactorily accounted for. And the Sessions Judge will be pleased to issue an imperative requisition to the Principal Sudr Ameen with a view to the more expeditious transmission of Cases committed to the Sessions Court for the future. —

3. With reference to the second point of enquiry, the return of the Sessions Judge leaves the Court little room to doubt that the witness Mootoo is one of those who, neglecting to procure an honest livelihood are fain to maintain themselves by the institution against innocent parties of Charges of the like serious nature to the one under review in the present case. —

4. The present is not the first

instance, by many, in which this Court has had occasion to remark the excitableness of the above class of informers in the Zillah of Cuddalore. The Sessions Judge will be good enough to intimate to the Magistrate that it is by no means creditable to the Police of the District that, on a failure of any efforts of their own in the detection of Crimes, recourse should be had to the services of individuals such as Sivanachellum and Mootoo. —

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

(Sent in Ct.)

Read letter (No. 372) from the Sessions Judge of Masulipatam, under date the 7th July 1854.

(Here enter F. R. No. 1689 of 1854)

In the above letter, the Sessions Judge, enclosing Copies of certain correspondence between the Sessions

Sessions Court and the Magistrate requested to be instructed whether it is incumbent or not upon Native officers of Police to pay the customary daily subsistence money to all prisoners from the time of their apprehension to the date of their discharge or delivery to the Criminal Judge. —

2. The Court observe that this reference was unnecessary. — The enactment cited by the Sessions Judge (Section XXXVIII Regulation IX of 1816) having declared in plain terms that "all prisoners" - that is - all parties detained in custody, upon whatever charge, are to receive batta from the Magistrates and the Court, desire that this rule may be always enforced.

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

(Sent in No)

Read Extract from the proceedings

proceedings of the Sessions Court of Chingleput under date the 30th Ultimo. —

(Vide Enter F. H. No. 1612 of 1854)

The Court of Foujdaree Adalut fully concur in the remarks recorded by the late Acting Magistrate on review of the Calendars of Petty cases disposed of by the Joint Magistrate during the first quarter of 1854. The insufficiency of the evidence upon which the Joint Magistrate has considered himself justified in placing persons under requisition of security has been justly commented on by the Acting Magistrate and the Court trust that the Joint Magistrate will in future exercise more discretion in the discharge of this part of his duty. —

The Court of Foujdaree Adalut observe that the proceedings of the Sessions Court when laid before the Foujdaree Adalut should be invariably accompanied by a letter —

Ordered.

Ordered that Extract from these proceedings be sent to the Acting Session Judge of Chingleput for communication to the Joint Magistrate at Lt. Thomas Mount through the Acting Magistrate of Chingleput.

(Sent in Mrs)

Read letter dated the 15th July from the Session Judge of Masulipatam forwarding English translation of the record of Case No. 59 of 1854 on the Calendar of the Session Court for the final Judgment of the Court of Foujdaree Adalut.

(Here Enter F.D. No. 1804 of 1854)

Mr. H.A. Morehead,

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

1st Patree Sreenevasa Row

and

2d Coodooroo Ramachendroodoo

is sufficient to convict them of the Crime of stealing and destroying Judicial Records, do convict them thereof; and under the provisions of Clause 1st Section II Regulation VIII of 1829, and Section XXXIII Act VII of 1843, sentence the prisoner,

2d Coodooroo Ramachendroodoo

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (2) Two years, and the prisoner,

1st Patree Sreenevasarow

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (6) Six months.—

(Sent in Mrs)

End
JPS

Read return dated 14th July 1854 from the Session Judge of Calicut to the precept of the Foujdaree Adalut under date the 1st July 1854 directing that the Magistrates' order requiring security from Manalingal Veeran and 3 others for good behaviour be cancelled and that

that they be unconditionally released.—

(Here enter F. R. No. 1765 of 1854)

Read Extract from the proceedings held on the explanation submitted by the Magistrate forwarded by the Acting Sessions Judge of Tinnevelly under date the 10th July 1854.—

(Here enter F. R. No. 1770 of 1854)

Read statement submitted by the Acting Sessions Judge of Tinnevelly under date the 1st July 1854 of batta paid to Prosecutors and witnesses attending before the Session Court from 1st January to 30th June 1854.

(Here enter F. R. No. 1794 of 1854)

Read statement submitted by the Assistant Judge in charge of the Session Court of Combaconum under date the 18th July 1854 of the Jails under charge of the Magistracy for the month of June 1854.—

(Here enter F. R. No. 1792 of 1854)

Read statement submitted by the Acting Subordinate Judge of Combaconum under date the 1st July 1854 shewing the amount realized by the labour of Prisoners in the 2d quarter of 1854.

(Here enter F. R. No. 1790 of 1854)

Thursday.
27th July 1854.

F. R.

At a Court of the Foujdaree Adalut.

Present

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

Read Report (Form B.) of Persons apprehended in Villah Madura and delivered to Criminal Judge in the month of June 1854.—

(Here enter F. R. No. 1721 of 1854)

Case No. 66. In this case the Petitioner has been committed to take her trial before the Session Court, charged with the murder of her child, a boy 4 years of age "by some means unknown"

The Court have to point out that this Indictment has been framed in an extremely vague manner— The Prisoner was under Examination in the Jail for from the 10th to the 22d of the month, and it is a matter for surprise that the Coroner did not hold an inquest on the Corpse of the deceased or other circumstances

that they be unconditionally released.—

(Here enter F. H. No. 1765 of 1854)

Read Extract from the proceedings held on the explanation submitted by the Magistrate, forwarded by the Acting Sessions Judge of Tinnevelly under date the 10th July 1854.—

(Here enter F. H. No. 1770 of 1854)

Read statement submitted by the Acting Sessions Judge of Tinnevelly under date the 1st July 1854 of batta paid to Prosecutors and witnesses attending before the Sessions Court from 1st January to 30th June 1854.

(Here enter F. H. No. 1794 of 1854)

Read statement submitted by the Assistant Judge in charge of the Sessions Court of Combaconum under date the 18th July 1854 of the Lists under Charge of the Magistracy for the month of June 1854.—

(Here enter F. H. No. 1792 of 1854)

Read statement submitted by the Acting Subordinate Judge of Combaconum under date the 1st July 1854 shewing the Amount realized by the labor of Prisoners in the 2d quarter of 1854.

(Here enter F. H. No. 1790 of 1854)

Thursday.
27th July 1854.

F. H.

At a Court of the Foujdaree Adalut.

Present

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

Read Report (Form B) of Persons apprehended in Tillah Madura and delivered to Criminal Judge in the month of June 1854.

(Here enter F. H. No. 1721 of 1854)

Case No. 66. In this case the Petitioner has been committed to take her trial before the Session Court, charged with the murder of her child, a boy 4 years of age "by some means unknown"

1.

The Court have to point out that this Indictment has been framed in an extremely vague manner. The Prisoner was under Examination in the Sessions from the 10th to the 22d of the month, and it is a matter for surprise that the Coroner did not hold an Inquest on the Corpse of the deceased or otherwise ascertain the circumstances

2.

27th July 1854.

circumstances in connection with the Commission of the Crime charged, were not found available in the discovery of the instrument or mode of death, or, at any rate, of some clue to the same.

3. Case No 69. In this case, nineteen (19) Prisoners, charged with "Severely wounding" reached the Criminal Court on the 28th May - and the Case is observed, at the date of the report under review, to be still "under Examination." The Court resolve to call for an Explanation of this delay.

Ordered that Extract from these proceedings be forwarded to the Session Judge of Madura for his information and guidance and that the Explanation demanded in Para 3. be furnished to this Court, the Precept forwarded with their Proceedings being returnable within 15 days from and after its receipt.

(Sent following Precept No)

End

J.W.S.

F.R.

Friday 28th July 1854 } At a Court of the Fouzdaree Adalut.

Present

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

Read Criminal Report submitted by the Sessions Judge of Tinnevelly, for the month of June 1854.

(Here Enter F.R. No 1753 of 1854)

The Court of Fouzdaree Adalut

Cases 31 & 32

1. are at a loss to understand why the Prisoners here were not committed to take their trial before the Sessions Court. The Indictment in both Cases amounting to the crime of "Robbery by open violence."

Fouzdaree Adalut Circular Order 6th April 1830.

2. It has already been pointed out by this Court that to bring robbery within the definition of "violence" contained in Clause I Section III Regulation XV of 1803, it is only necessary to show that it was committed openly by force or intimidation

intimidation"- In case No 32, the Gang was in number 5, "all armed with sticks," while in Case No 31- tho' no weapons appear to have been carried, the number of the Gang alone. 15, was enough as ruled in the Circular Order referred to, to intimidate and overawe"

Case No 34. 3. The Sentence in this case (3 months Imprisonment with hard labor in irons) appears to be somewhat inadequate to the Offence of which the Prisoners stands convicted. The property stolen amounted to but 2½ Rupees, the Crime of "Snatching" however, calls for severer examples of punishment than cases of Larceny unaccompanied by all show of violence- and the Court desire that this may be adopted as a principle in future.

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

(Sent in Ro)

Read letter under date the 15th Instant from the Session Judge of Coimbatore

Coimbatore.

(Here Enter Ft No 1759 of 1854)

1. In regard to the first of the two questions submitted in the foregoing letter, Viz whether the Sessions Judge or the Magistrate is to take primary cognizance of charges of assault preferred against European British subjects at a station where the Subordinate Criminal Court is presided over by a Principal Sudr Ameen, the Court of Foujdaree Adalut observe, that it is laid down in Rule 8 of the rules published by the Court of Foujdaree Adalut for the guidance of Justices of the Peace, that at stations where a Subordinate Judge is not located, the duty of acting as Justice of the Peace belongs to the Sessions Judge.

2. On the 2d question the Court of Foujdaree Adalut concur in the opinion of the Sessions Judge that if the security tendered on behalf of parties held to security by the Courts or Magistracy be reported sufficient, it cannot be objected to

to on the ground that the person tendering it resides in another zillah.

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

/ Sent in Rc /

Read letter dated 22d July 1854 from the Sessions Judge of Trichinopoly, submitting for the final judgment of the Foujdaree Adalut the record of Case No 14 of 1854 on the Calendar of the Sessions Court.

/ Here Enter F.R. No 1837 of 1854 /

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,

Messrs Wahorchad & T.L. Strange

1st Moothyen

and

2d Chedumbrum

is sufficient to convict them of the crimes charged, do convict them thereof; and under the provisions of Section X Regulation VIII of 1802, sentence the prisoner,

1st Moothyen

to

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

the prisoner,

2d Chedumbrum

to be imprisoned and kept to hard labor in irons on the publick roads or other publick works for, and, during the period of / one year.

/ Sent in Rc /

R.C. B.S.

Saturday
29th July 1854

F. U.

At a Court of the Fauydaree Udalut

Present

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

Read Calendar dated 18th July 1854
in Sepoy Case 15 of 1854 on the file of the Sepoy
Court of Trichinopoly

(Here enter F. U. No. 1774 of 1854)

1 The Prisoners 15 in number were charged with robbery by open violence with aggra-vating circumstances and with being in the possession of stolen property.

2 The Mahomedan Law Officer convicted the Prisoners from 1 to 11 of Robbery and declared them liable to "Hud". The 12th, 13 and 14th Prisoners were convicted of possessing stolen pro-perty knowingly, and the 15th Prisoner of harbour-ing the 9th Prisoner and declared liable to "Ookoobut".

3 The Sepoy considering that the Prisoners had been identified by the Prosecutrix - although it did not appear certain that the names of other than the 1st and 2nd Prisoners were

were mentioned immediately after the robbery took place, and that the property found upon the Prisoners was identified as belonging to the Prosecutrix - concurred in the Futwah of the Mahomedan Law Officer and sentenced the Prisoners from 1 to 11 to be imprisoned with hard labor in irons for fourteen years, the 12th, 13th, 14th and 15th Prisoners (females) the three former to 2 years' imprisonment with labour suited to their sex - the 15th Prisoner to imprisonment for 6 months -

4th The Court of Sadr Dewanny Adalut conclude that the Sessions Judge has considered the evidence to identification given against the Prisoners from 1 to 11 by the Prosecutrix and the 1st and 2nd Witnesses, Satisfactory - as otherwise there would be no evidence for the conviction of several of these Prisoners. The Sessions Judge has merely adverted to this evidence as affecting the 1st and 2nd Prisoners.

5 The Court of Sadr Dewanny Adalut direct the Sessions Judge to explain what grounds exist for concluding that the 9th Prisoner concealed himself in the house of the 15th Prisoner with the connivance of the latter.

Orders that Extract from these Proceedings be sent to the Sessions Judge of Trichinopoly by Precept returnable in 7 days from and after its receipt.

(Sent following Precept No)

End

J.A.S.

F 96

Monday
31st July 1854

At a Court of the Fouzdaree Udalut

Present

G. L. Cooper Esquire
H. A. Morehead Esqr.
J. L. Strange Esquire
} Puisne Judges

Read Criminal Reports submitted by the Acting Sessions Judge of Combaconum for the Month of June 1854.-

Here enter F 96 No 1755 of 1854.-

Case 100 / The prisoners in this case are charged with 'kidnapping' The intent, the Court observe, is not laid, the omission is erroneous.

Case 104 2. "False Complaint" on a Conviction of this charge the Prisoner was sentenced by the Acting Sessions Judge to 1½ months Imprisonment with labour without Irons. The Indictment charges the Prisoner with having falsely accused certain parties of "Housebreaking and Theft" alleged to have been committed in his (Prisoners) house on the night of 24th May 1854 "whereas an entry only was effected in his

house

house but nothing was stolen from it. The Court desire to have before them the Report in this Case form A

Cases 107 & 110

3 The Convictions in these two Cases were for 'Theft' committed in a dwelling house In the 1st Case the punishment awarded is 2 Months Imprisonment with labor in Irons - in the 2nd 4 weeks only The property stolen was not, in either case, large, but the Court are of opinion that the Sentences are somewhat inadequate -

Case 111

4 Here the Prisoner is indicted for having received a bribe from the two prisoners in Case 110 and allowed those parties subsequently committed for "Housebreaking and theft" to abscond, instead of reporting to the Talook the Charge against them - The Charge is headed "Misdemeanour" The Joydaree Udalut have to point out that the technical name for an offence of this nature is either "Compounding a Felony" or "Misprision of Felony" according as the individual Charged is the party who should be the prosecutor or otherwise In the present instance it is not clear to which of these Classes Prisoner belongs - If Prisoner was a Public Officer / then,

31st July 1854

then, the Court have to remark the punishment inflicted (2 Months hard Labor & 8 Rs fine) was altogether insufficient

5 There appear to be a number of Cases disposed of by the Criminal Courts in the Report under review, which might very advantageously have been undertaken by the Magistracy, and there is one Case (No 94) which appears to have been within the jurisdiction of a Head of Police -

6 In more than one case the Indictment has been unskilfully laid. In Case 93 a Charge of "False Complaint" of the Crime of murder brought against one Marodeen and others - the 2d Prisoner is Charged in a Separate Count with having "aided and abetted" Prisoner No 1, this was unnecessary "when two or "more combine together for the same illegal purpose "each is the agent of all the rest, and any "act done by one in furtherance of the "unlawful design, is, in Consideration of "law the act of all" The Prisoners should have been Charged jointly and tried for

the

31st July 1854

the Conspiracy -

/ again Case 98 Here the 3d, 4th, 5th and 6th Prisoners in a Case of "Cattle poisoning" are charged separately with having been present, aiding and abetting the 1st and 2d in the Commission of the Crime. But parties present, aiding and abetting are Principals -.

S. Magistrates Report No 15 The 1st Prisoner was sentenced by the Joint Magistrate to 3 Months Imprisonment with hard labour in Irons, on his Conviction of Theft and the 2d Prisoner, Convicted of receiving the same, to 15 days Imprisonment The Court of Foujdaree Udalut see no reason for the great difference in these punishments. If there were no receivers, there would be no thieves The 2d Prisoner should have been more severely sentenced.

9 The Door of Gaining entrance to the house should have been set out in the indictment

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

31st July 1854

guidance by precept returnable within 3 days from and after its receipt -.

(Sent following Precept No /)

Read Calendar No 12 of 1854 dated the 15th July 1854 on the file of the Sessions Court of Chingleput -

(Here enter F. No 1760 of 1854)

The prisoners seven in number were charged with Theft - the Mahomedan Law officer acquitted the 6th and 7th prisoners and declares suspicion to attach to the other prisoners from 1 to 5 -.

2 The property stolen consisted of jewels valued at 2803-6-6 belonging to a Pagoda a portion of the property was afterwards recovered upon information given by the 1st prisoner in an unoccupied house belonging to the Proprietor the Dhurmakurta of the Pagoda -.

3 The Acting Sessions Judge concurred in the Futwah of the Mahomedan Law Officer but considering that the evidence only warranted security being taken from the

31st July 1854

the Conspiracy -

/ again Case 98 Here the 3d, 4th, 5th and 6th Prisoners in a Case of "Cattle poisoning" are charged separately with having been present, aiding and abetting the 1st and 2d in the Commission of the Crime. But parties present, aiding and abetting are Principals -.

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9 The mode of gaining entrance to the house should have been set out in the indictment

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

31st July 1854

guidance by precept returnable within 3 days from and after its receipt -.

(Sent following Receipt No 1)

Read Calendar No 12 of 1854 dated the 15th July 1854 on the file of the Sessions Court of Chingleput. -

(Here enter F.C. No 1760 of 1854)

The prisoners seven in number were charged with Theft - the Mahomedan Law officer acquitted the 6th and 7th prisoners and declared suspicion to attach to the other prisoners from 1 to 5. -

2 The property stolen consisted of jewels valued at 2803 - 6 - 6 belonging to a Pagoda a portion of the property was afterwards recovered upon information given by the 1st prisoner in an unoccupied house belonging to the Executor the Dhurmakurta of the Pagoda. -

3 The Acting Sessions Judge concurred in the Futwah of the Mahomedan Law Officer but considering that the evidence only warranted security being taken from

the

the 1st Prisoner required him to furnish his
Sureties of 100 Rs. each for his good behaviour
and appearance for one Year or in default
to be imprisoned for that period The Acting
Session Judge ordered the release of the other
Prisoners

4 The Court of Foujdaree Udalut
consider that there were grounds for convicting
the 1st Prisoner as are accessary to the Theft

5 He pointed out a portion of
the stolen property under circumstances indica-
tive of guilty knowledge or participation and
he failed to clear himself of this fact

6 The Court of Foujdaree Uda-
lut direct the attention of the Acting Session
Judge to the necessity of condensing his
Sentences.

7 It is not necessary that they
should exhibit all the knowledge possessed
by the Acting Session Judge of the cases
and the mental process by which he arrives
at his conclusions It will be sufficient
that these conclusions should be succinctly

recorded

recorded upon such points as bear upon
the guilt or innocence of the accused.

8 The judgment arrived at will
be all the more valuable when this
Composed.

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

Sent in No 1

No final return having
been made by the Session Judge of Rajah-
mundry to the precept of the Foujdaree Udalut
under date the 3rd May 1854 directing him
to submit an English translation of the
Records of Cases Nos 22 and 23 of 1853 on
his Calendar

Ordered that the Session
Judge of Rajahmundry be required to
make a final return to the precept aforesaid
without any further delay.

Sent in No

Read letter dated 20th July 1854

from

25 July 1854.

from the Sessions Judge of Cuddapah submitting for the final judgments of the Foujdaree Udalut the Record of Case No. 16 of 1854 of the Calendar of the Sessions Court

(Here entered F. C. No. 1842 of 1854)

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

Peddoogadoo

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 Sp. / s

E. C. Thos

F. C.

Tuesday
1st August, 1854.

At a Court of the Foujdaree Udalut.

Present.

G. L. Hooper, Esqre.,
W. A. Morehead, Esqre.,
I. L. Strange, Esqre.,
} Puisne Judges.

Read Criminal Reports submitted by the Sessions Judge of Chittoor for the month of June, 1854.

(Here enter F. C. No. 1766 of 1854.)

Case No. 99.
"House-breaking by night and Theft."

1. In this case the 4 Prisoners convicted on the above charge have been sentenced by the Moofty Sudr Ameen to 1 months imprisonment without labor and irons.

The value of the property charged to have been stolen is laid at Rupees 22, Annas 2, and prize fine. The Foujdaree Udalut are unable to see any good reasons for the leniency exhibited towards the Prisoners in this case, and desire to have before them the Report form A.

Case No. 105.
"Uttering Counterfeit Coin without good cause."

2. The Sessions Judge will be pleased

pleased to point out to the Magistrate the error on the part of the Head Police, in committing this case to the Criminal Court in lieu of sending it to the Magistracy, by whom it was adjudicable under Section VIII, Regulation III of 1822.

Case No. 107. "Assault with Wounding."

3. In this case 12 Prisoners were put on their trial, charged as above. The Instruments laid were, 1st a bill hook and 2nd stones; 4 prisoners were convicted and sentenced to one months imprisonment with hard labor in Irons. The punishment awarded appears to the Court altogether inadequate both with reference to the nature of the offence and the number that joined in its commission, certain of the Prisoners were indicted on a separate Count as "aiding and abetting" the rest. Which doors, the Fouzdaree Adalut have to point out, are divisible into three classes — Principals, — Accessories before, and accessories after the fact — in the case under review, if Prisoners 6 to 12 while "aiding and abetting" were also alleged

alleged to have been present; they were Principals, and should have been indicted as such.

Case No. 113. 4. Here Prisoner, on his conviction of having stolen from Prosecutor's daughter a gold necklace valued at Rupees 1½, was sentenced to one months imprisonment with labor in Irons. This appears to be a very lenient sentence, and altogether insufficient if by the words, "from Prosecutor's daughter," it is meant from the person of that individual.

Case No. 114. 5. The Sessions Judge will point out to the Subordinate Judge that in all cases of "Embezzlement," it is necessary to lay in the Indictment that the Prisoner received the sum alleged to have been embezzled "on the account of his Master and by virtue "of the employment held by him under such "Master."

6. From a perusal of the Jail Returns" submitted with the above Reports, the Fouzdaree Adalut are unable to discover

that

that any note is now made of the Treadmill,
with which, it is within the knowledge of
the Court, the Jail at Chittoor is fur-
nished. They desire to procure information
on this point. The Sessions Judge will be good
enough to ascertain whether any particular
obstacle exists to the uniform working of the
Mill in question, which appears to the Court
to form a very appropriate punishment in the
minor classes of criminal offences, as well as
to be applicable to the cases of such prisoners
as may be incapacitated for the severer toil
of work outside the Jail.

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

(Sent following precept No)

Read Return dated 17th July,
1854, from the Acting Session Judge of Comba-
-conum to the precept of the Sudder Adalut
under

under date the 13th July, 1854, calling for
explanation as to the grounds on which the No.
Prisoner in Case No. 25 of 1854 on the file
of the Session Court, was acquitted on the
first Count of the indictment, and instructing
that both the Calendar and notes on evidence
being made less diffuse in future.

(Here enter F. R. No. 1777 of 1854.)

Read Criminal Report B,
submitted by the Sessions Judge of Mangalore
under date the 20th July, 1854, for the Month
of June, 1854.

(Here enter F. R. 1834 of 1854.)

Read Return dated 19th
July, 1854 from the Sessions Judge of Masu-
-lipatam, to the precept of the Foujdaree
Adalut under date the 15th July, 1854, request-
-ing the Session Judge to furnish information
whether or not the orders of the Higher
Court under date the 14th June, 1854,
directing the annulment of the requisition
of Security from certain prisoners in Sessions
Case

1st August, 1854.

Case No. 43 of 1854, have been carried out.

(Here enter F. M. No. 1836 of 1854.)

Read letter dated 24th July, 1854, from the Acting Subordinate Judge in charge of the Sessions Court of Madura submitting Warrant issued for the execution of Prisoner Cossyen Naicken in Calendar Case No. 25 of 1854, together with the return made thereto, and a separate letter.

(Here enter F. M. No. 1858 of 1854.)

Read Return dated 20th July, 1854, from the Session Judge of Masulipatam, to the precept of the Sunnud Adalut under date the 13th July, 1854, directing the Sessions Judge to restore to their posts two (late) Jail Peons only one of whom appealed, attached to the Establishment in this Zillah.

(Here enter F. M. No. 1867 of 1854.)

Read Statement submitted by the Acting Session Judge of Combaconum under date the 1st July, 1854, of Batta paid to

1st August, 1854.

to the Prosecutors and Witnesses attending before the Court from 1st January to 30 June.

(Here enter F. M. No. 1871 of 1854.)

Read Criminal Report submitted by the Sessions Judge of Guntoor, under date the 26th July, 1854, for the same month.

(Here enter F. M. No. 1872 of 1854.)

Read Criminal Report submitted by the Subordinate Judge in charge of the Sessions Court of Rajahmundry, under date the 15th July, 1854, for the month of June last.

(Here enter F. M. No. 1876 of 1854.)

Read letter dated 28th July, 1854, from the Sessions Judge of Chittoor forwarding the Criminal Report for the month of June last.

(Here enter F. M. No. 1878 of 1854.)

Read Calendar of Case No. 27 of 1854 submitted by the Acting Session Judge of Combaconum under date the 28th July, 1854.

(Here enter F. M. No. 1874 of 1854.)

Ex. & Thos W

F. C.

Wednesday 2nd August, 1854.

At a Court of the Fujdaree Adalut.

Present.

G. L. Hooper Esqre. }
W. A. Morshead Esqre. } Puisne Judges.
T. L. Strange Esqre. }

Read Calendar of Case No. 44 of 1854 of the Session Court of Nellore.

(Here enter F. C. No. 1785 of 1854.)

1. The Court of Fujdaree Adalut, considering the mitigated sentence of (2) Two years Imprisonment, proposed to be passed upon the 2d Prisoner in this Case, inadequate for the offence of which he has been convicted, direct that a sentence of (4) Four years Imprisonment with hard labor in irons be passed upon him, and that the Sessions Judge will issue his warrant accordingly.

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

(Sent in No.)

Read Criminal Reports submitted by the Sessions Judge of Cuddapah for the month of June 1854.

(Here enter F. C. No. 1767 of 1854.)

The

2d Ratu Chengadu

2nd August, 1854.

Case No. 126.

1.

The Prisoner in this case convicted of having entered Prosecutor's House, by breaking a hole in the wall, and stolen therefrom grain and other property to the value of Rupees 4-5-6, has been sentenced by the Subordinate Judge to 2 years' Imprisonment with hard labor in irons.

2.

In the absence of any aggravating circumstances, the Court are of opinion that a Sentence of six months' Imprisonment would be sufficient to meet the demands of justice, they accordingly direct the Sessions Judge to review the proceedings and pass such order thereon as he may think proper reporting the same for the information of the Lordships Adalut.

Case No. 128. "Leaving up a Document."

3.

There is no such head in the Criminal Statements. The charge should have been termed "Misdemeanor" and the particular offence specified in the Indictment.

Case No. 149. "Wounding."

4.

The Prisoner convicted of wounding one Bhojunja Row in the breast and back with a dagger, has been sentenced to 2 months' Imprisonment with labor without Irons. The Court desire to have before them the Report A in this case as they are at a loss to understand how so slight a punishment was awarded for a crime so serious.

Ordered

2nd August, 1854.

Ordered that Extract from the proceedings be sent to the Sessions Judge of Cuddapah for his information and guidance by precept No. = returnable within V days from and after its receipt.

(Sent following precept No.)

Read Calendar of Case No. 17 of 1854 of the Sessions Court of Trichinopoly

(Here enter S. C. No. 1775 of 1854.)

1.

The Court of Sudder Udalut are of opinion that a Sentence of 7 years' imprisonment with hard labor in irons will be adequate punishment for the offence of which the Prisoners in this case have been convicted, and they resolve to call upon the Session Judge to pass their 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 Extract from these proceedings be forwarded to the Session

Judge

× 1st No. Soppelaum
2nd No. Murday
3rd No. Mottoveeren
4th No. Tunniently Parattay
5th No. Possaly Mootlu
6th No. Vaycothandy Parattay
7th No. Arachy, and
8th No. Narabundren.

2nd August, 1854.

Judge of Trichinopoly by precept returnable within X days from and after its receipt.

(sent in No.)

Read Criminal Reports submitted by the Sessions Judge of Cuddalore for the month of June, 1854.

(Here enter F.R. No. 1789 of 1854.)

Case No. 101. 1. The charge in this case is headed "Assault with Murder," it should have been headed "Murder" only.

Case No. 118. "Harbouring a Convict." 2. In the Indictment here, the "Knowledge" is not laid. The omission is erroneous.

Cases No. 120 and 128. 3. The offences in these two cases are charged as "Fraud;" they appear, however, to constitute the crime of "Theft," and should have been so designated.

In the first mentioned case, it is not stated whose property the money and stolen articles were, they are described as "part of the property robbed in Criminal Case No. 119 of 1854;" but in that case there are no less than seven prosecutors. It is observed that the stolen property is charged to have been carried away by the present prisoners during the period it was in the custody of the 2nd prisoner, a person in

2nd August, 1854.

in the employ of the Government. It might therefore have been laid as the property of the Government, as it certainly was, against all wrong doers. The 2nd prisoner is charged with having "aided and abetted the 1st Prisoner," in the said theft. The Court have to point out that a party concerned in the commission of any offence is either a Principal or an Accessory (before or after the fact) - and Indictments should be framed accordingly.

In the 2nd of the above noticed cases (No. 128) the Sessions Judge will please desire to have before them the Report (form A), in order that they may understand under what view of the case the offence can be considered to be "of a petty nature," and sufficiently punished by 1 month's imprisonment; the value of the property carried off, amounting, as appears by the Indictment, to Rupees 3,500.

With further reference to this Indictment, the Court have to remark that in no case should the value of stolen property be given, otherwise, than in Company's Rupees.

Case No. 122. "Rioters assembling." 4. As the Prisoners (6 in number) have

have been committed to take their trial before the Sessions Court, the offence with which they are charged, would seem to be of the nature indicated in Section III, Regulation III of 1831; consequently the wording of the Indictment "with others" is incomplete - it should run "with others twelve (or more) in number."

Case No. 123. 5. The Court resolve to call for an explanation of the delay observable in the transmission of this case - one of Petty Theft, adjudicable by the Magistracy - to the Criminal Court, in order that they may judge how far such delay, extending over a period of nearly six months, has been "satisfactorily" accounted for.

Case No. 132. 6. The Sessions Judge will be pleased to forward the Criminal Report (A) in this case also. The Prisoner is charged with having "escaped from the Police while in custody," on account of "a Petty Theft." Prisoner was convicted, and in sentencing him to a fortnight's imprisonment under Clause III, Section V, Regulation VII of 1822; the Principal Sudr Ameen has remarked that, "the case should "have been disposed of by Head of Police, under Cir- "cular Order, No. 203" of this Court.

from

From the words "in custody on account "of a Petty Theft," it is not clear to the Sessions Judge Udalut whether Prisoner was under examination, or undergoing a sentence on his conviction of such charge. If the latter, then the case was not "disposable" by the Head of Police; and if the former, then the sentence awarded by the Principal Sudr Ameen under the Enactment above referred to, was irregular, as being opposed to the provisions of the Circular Order quoted by him.

Case No. 135. "Theft." 7. The sentence here (2 months' imprisonment) seems to be altogether inadequate to Theft in a dwelling house, and where the value of the property, Prisoner was convicted of stealing, amounted to Rupees 83-2-0. The Sessions Udalut desire to have this case before them in the Report (Form A).

Case No. 136. 8. The Prisoner, a lad of from 13 to 14 years of age, was sentenced by the Principal Sudr Ameen, on a conviction of "House- breaking and Theft" to 12 stripes with a switch, in consideration of his youth and under the pa- thority of "Circular Order, 20th June, 1828." The

above

2nd August, 1854.

above appears to be a misquotation; there being no Circular Order of the date specified. In any case the punishment awarded should have been accompanied with some measure of Imprisonment; the theft was not a simple one, and showed that the culprit, if of tender years, was somewhat advanced in a knowledge of crime.

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

(Stat following precept No)

Read Report dated 1st August 1854 submitted by the Acting Sessions Judge of Chingleput of cases committed for trial during the month of May 1854.

(Herewith entered F.R. No. 1888 of 1854)

F.R.

Thursday
3rd August 1854

At a Court of the Foujdaree Adalut.

Present.

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

Read Miscellaneous Petition presented on the 10th July 1854 by V. Ramen-nah of Zillah Masulipatam.

(Here enter F.R. No. 140 of 1854)

On Consideration of the Record of Case No. 39 of 1854 on the Calendar of the Sessions Court of Masulipatam the Court of Foujdaree Adalut have Convicted the Petitioners nephew the 1st Prisoner therein of the crime laid to his charge and have sentenced him to six Months imprisonment with hard labor in irons.

W. B. Morehead.

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

Read letter under date the 19th

19th July 1854 from the Agent to the Governor of Fort St George at Ganjam submitting for the final judgement of the Foujdaree Udalut a Report of the trial of Criminal Case No 7 of 1854 on his file

/Here enter F Uc No 1856 of 1854/

W. T. L. Strange

The Court of Foujdaree Udalut concurring in the Conviction of the Prisoner Juggoo Naiko

of the Crime of House breaking and wounding resolve to confirm the Sentence proposed to be passed upon him by the Agent of 8 Eight Years Imprisonment with hard labor in irons under Clause 4 Section II Regulation VI of 1822 the Court see no sufficient grounds for adjudging banishment and corporal punishment as recommended by the Acting Agent.

2 The Court of Foujdaree Udalut authorize the Agent to grant the rewards proposed to the Captors of the Prisoner in this Case, Viz Rs (70) Seventy to the 1st Witness; and Rs (10) Ten each to the Prosecutor, and the 2d and 3d

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)

Read Miscellaneous Petition presented on the 2d May 1854 by Vaktiar Vakeel on behalf of Sooradaee Ramachendra Samantaraja Maleapatradoo of the Zillah Ganjam

/Here enter F M P No 105 of 1854/

W. T. L. Strange

The Petitioner prays the Court of Foujdaree Udalut to reverse an order passed by the Agent to the Governor in Ganjam in his magisterial capacity in the matter of a boundary dispute betwn the Petitioner and the Palaiyagar Zemindar

The Court of Foujdaree Udalut decline interfering with the Order passed by the Magistrate. The Petitioner must seek redress in the Civil Court. The Court of Foujdaree Udalut resolve accordingly to reject this Petition

Ordered

3d August 1854

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

Read Petition presented on 24th July 1854 by Sookavanum Pillay of the Zillah of Salem

(Here enter S.C. 7th & Fn. P. No. 53 of 1854.)

W.P.S. Moorhead. 1 Petitioner prays the Court to reverse an order (under date 15th March 1854) of the Sessions Judge of Salem who refused to entertain Petitioners appeal against an order of the Magistrate dismissing Petitioner from the post of Police Ameen in the town of Salem — on the ground that the Petitioner has allowed four months to elapse between his dismissal and his preferring an appeal.—

2 The Court reject this Petition the appeal against the Magistrates decision lies not to the Foujdaree Udalut but to the Board of Revenue — to which authority it is competent for Petitioner to apply.

3 The Court have to point out to the Sessions Judge the error in his

Proceedings

3d August 1854. Proceedings in rejecting Petitioners application on the ground above specified and not on the ground that the Sessions Court had no jurisdiction. They direct his attention to Extract Minutes of Consultation 1st in Con 10th June 1850 Judicial Department No 346 where he will find it laid down that the General superintendance, control and revision of all Native Revenue and Police establishments rests with the Board of Revenue and that the power of the Sessions Judge is "limited to recommending to the Foujdaree Udalut (as enacted by Section 39 Act VII of 1843) "the dismissal of Native officers of Police "in those instances only in which from his "conduct may have come under his observation "in a case investigated by himself or reported "to him by a Subordinate Judge or Principal Sudder Ameen" and that further such "minor neglects and omissions brought by the Judge "to the notice of the Magistrate are to be "dealt with by the latter, as may seem to be "required, subject to the general supervision "of the Board of Revenue."

Ste.

4 The Sessions Judge is requested to give strict attention to the above instructions in future.-

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

(Sentence &c)

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

Read Criminal Reports submitted by Agent to the Governor Vizaga-patam for the Month of June 1854.-

(Vide order F. 96 No. 1830 of 1854.)

Case 26. As a theft accompanied the "breaking" in this case the Charge should have been headed "Housebreaking and Theft" The punishments awarded 3 months to 1st & 6 Months to 2nd Prisoner with hard labor in Irons appears to the Court to be altogether inadequate to the crime of which Prisoners were convicted

2 Cases 27 & 28 "Escaping from Custody"

The

2 The Prisoners in these two Cases were in Custody, pending a reference to Certain parties named by them as willing to be bound in recognizances for their Prisoners good behaviour for 6 months and broke from confinement- on their apprehension they were sentenced by the Agent to the Governor to one Years Imprisonment with hard labor in Irons. The Foujdaree Udalut are of opinion that the circumstances of the Case by no means warranted the infliction of a punishment to this extent. The Agent will be pleased to revise the Sentence, with a view of considering whether 3 months Imprisonment would not meet the ends of justice If he is unable to concur in this view of the Case, he will be good enough to forward the record to this Court.-

3 Case 30 and 33 as "theft" is alleged to have accompanied the "housebreaking" here, the Charge should have been entered accordingly.

4 Case 35 The Prisoner in this Case was convicted of having broken open a

box

3d August 1854.

box, entrusted to his care by Roccentrix on the occasion of a fire which threatened destruction to her house, and stolen therefrom property to the value of Rs. 254-0-12 on his conviction of this offence which has been termed "Breach of Trust" the Prisoner was sentenced to 1 Years Imprisonment with hard labor in Irons under Act XIII of 1850.

5

The Court have to point out that the Crime of which Prisoner was convicted constitutes, not a breach of Trust but, a Theft and he should have been sentenced under Clause 4 Section III Regulation VII of 1822.

Ordered that Extract from these Proceedings be sent to the Agent to the Governor of Vizagapatam for his information and Guidance.

Sent in &c.

Read letter dated 4th July 1854 from the Sessions Judge of Calicut submitting for the final Judgment of the Foujdaree Adalut the Record of Case No. 33 of 1854 of the Calicut

of

3d August 1854 -

Wt. W. A Goodhead
. T. L. Strange.

of the Sessions Court. / Referred to Sessions Court of 7th July 1854 by 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 Chemee Chalen

2nd Do. Illia

and

3rd Ella Chomaun Illia

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

/ Sent in No. / -

Et Thos W

F. 116.

Friday 4th August 1854.

At a Court of the Foujdaree Adalut

Present

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

Read Calendar of Case No. 70 of 1851 on the file of the Sessions Court of Masulipatam.—

/Here enter F. 116. No. 1845 of 1854/

The Prisoners in this Case were charged with murder, in having "feloniously assaulted and maltreated "one Vencadoo severely with their hands "feet sticks &c." on several parts of his "body, and finally fastened him with "a rope to a Tamarind tree, from the "effects of which maltreatment he died "on the following day."

The Sessions Judge in concurrence with his Assessors has convicted

convicted the 1st Prisoner of Culpable Homicide and sentenced him to eighteen months Imprisonment, and acquitting the remainder but considering strong suspicion to attach to them, has placed them under requisition of security.-

3 The Sessions Judge in his remarks on the evidence has not described the manner in which the deceased was fastened to the tree, nor has he stated what in his opinion led to the deceased's death.-

4 The Court require further information on these points as the Case is reported it would seem to be one of murder and the sentence passed appears very inadequate.-

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

Sent following Precept No.

Read Calendar in Case No. 99 of the file of Sessions Court

Court Bellary for 1854.-

Here enter F.M.C. No. 1859 of 1854

1 This is a Case of "Robbery with Wounding" of the nine prisoners indicted. Prisoners 1 to 5 are charged as the actual perpetrators of the alleged crime and the remaining Prisoners are charged severally with having feloniously received portions of the property plundered.-

2 The property found upon certain of the prisoners and alleged to form part of the stolen articles, was of a most trifling description, consisting merely of a few handfuls of rice, and one or two ragged old Cumblies, altogether unsusceptible of identification.-

The search was conducted by the Police Surchasham in a most suspicious manner and the result of the trial appears to have left no doubt on the mind of the Sessions Judge that the whole Case

convicted the 1st Prisoner of Culpable Homicide and sentenced him to eighteen months Imprisonment, and acquitting the remainder, but considering strong suspicion to attach to them, has placed them under requisition of security.—

3 The Sessions Judge in his remarks on the evidence has not described the manner in which the deceased was fastened to the tree, nor has he stated what in his opinion led to the deceased's death.—

4 The Court require further information on these points as the Case is reported it would seem to be one of murder and the sentence passed appears very inadequate.—

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

Sent following Precept No.

Read Calendar in Case No. 99 of the file of Sessions Court

4th August 1854

Court Bellary for 1854.—

Here enter Fl. Mc. No. 1859 of 1854.

This is a Case of "Robbery with Wounding" of the nine prisoners indicted. Prisoners 1 to 5 are charged as the actual perpetrators of the alleged crime. and the remaining Prisoners are charged severally with having feloniously received portions of the property plundered.—

2 The property found upon certain of the prisoners and alleged to form part of the stolen articles, was of a most trifling description, consisting merely of a few handfuls of rice, and one or two ragged old Cumblies, altogether unsusceptible of identification.—

The search was conducted by the Police Surchashum in a most suspicious manner and the result of the trial appears to have left no doubt on the mind of the Sessions Judge. that the whole

Case

Case had been got up by the Sur-
-chasham, "either as a proof of his
"Zeal or as a cloak to hide his
"remissness in not capturing the
"real culprits."

3 In this view of the Case,
the Foujdaree Udalut concur and
they resolve to direct, that the Session
Judge bring prominently to the
notice of the Magistrate, the conduct
of the Surchashum under review
with instructions to that officer to
investigate the matter, the result
of which investigation will be reported
for the consideration of the Foujdaree
Udalut.—

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

(Sent following Precept No.

Read Calendar of Case
No.

No. 32 of 1854 submitted by the Sessions
Judge of Cuddapah under date
the 3d July 1854

(Here enter F. Mc. No. 1798 of 1854)

Read Calendar of Case
No. 33 of 1854 submitted by the Sessions
Judge of Cuddapah under dated
19th July 1854.—

(Here enter F. Mc. No. 1799 of 1854)

Read Calendar of Case
No. 35 of 1854 submitted by the
Sessions Judge of Cuddapah under
date the 20th July 1854.—

(Here enter F. Mc. No. 1810 of 1854)

Read Calendar of Case
No. 34 of 1854 submitted by the Sessions
Judge of Cuddapah under date the
20th July 1854.—

(Here enter F. Mc. No. 1811 of 1854)

Read Calendar of Case
No. XVI of 1854 submitted by the
Sessions Judge of Trichinopoly under
date the 20th July 1854.—

(Here enter F. Mc. No. 1812 of 1854)

Read Calendar of Case
No.

No. 46 of 1854 submitted by the Session Judge of Nellore under date the 20th July 1854.—

/Here enter F. No. No. 1814 of 1854/

Read Statement dated the 1st July 1854 submitted by the Session Judge of Salem shewing the amount realized by the labour of the Prisoners during the 2d Quarter 1854.—

/Here enter F. No. No. 1823 of 1854/

Read Statement dated the 22d July 1854 submitted by the Session Judge of Chittoor of Batta paid to the Prosecutors and Witnesses attended before the Session Court in that Zillah from 1st January to 30th June 1854.—

/Here enter F. No. No. 1828 of 1854/

Read Statement dated the 18th July 1854 submitted by the acting Session Judge of Honore shewing the amount realized by the labour of Prisoners in the Jail at Honore in the 2d Quarter of 1854.—

/Here enter F. No. No. 1839 of 1854/

Read

Read Statement dated the 18th July 1854 submitted by the acting Session Judge of Honore shewing the amount realized by the labor of Prisoners in the Jail at Sirsy in the 2d Quarter of 1854.—

/Here enter F. No. No. 1840 of 1854/

Read Statement dated the 22d July 1854 submitted by the Session Judge of Guntoor of Batta paid to Prosecutors and witnesses who attended before him during the 1st Half of 1854.—

/Here enter F. No. No. 1847 of 1854/

Read supplemental Return dated the 1st August 1854 from the Session Judge of Cuddalore to the Precept of the Foujdaree Adalut dated 3d July 1854 conveying observations on the Calendar in Session Case No. 33 of 1854.—

/Here enter F. No. No. 1899 of 1854/

Ent. Clerk

T. 26.

Saturday 5th August 1834 } At a Court of the Tanjadore Udalut.

Present

Lg. S. Hooper Esquire
W. A. Morehead Esquire } Puisne Judges
J. Lo. Strange Esquire

Read Miscellaneous Petition presented on the 3d July 1834 by Venkatachella Sadan of the zillah of Combaconum

(Heretofore F. Mo. P. No 129 of 1834)

Mr. W. A. Morehead / This is an application on behalf of certain prisoners the 1st of whom was convicted by the Acting Sessions Judge of Combaconum of embezzlement and the 2d held to security upon strong suspicion of concealing the stolen property knowing it to have been stolen

2 The 1st was sentenced to 7 years imprisonment with hard labor in irons.

3 The Petitioner states that the evidence was insufficient for conviction and prays that the prisoners may be released.

The

Mr W. A. Morehead

The Court of Foujdaree Udalut see no reason to question the justice of the sentence passed by the Acting Sessions Judge resolve to dismiss this petition.

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

Read Miscellaneous Petition presented on the 6th July 1834 by Sreenivasa Moorty of zillah of Salem.

(Here enter F. M. P. No 137 of 1834)

The Petitioner prays the Court of Foujdaree Udalut to reverse the order of the Sessions Judge of Salem affirming an order passed by the Acting Head Assistant Magistrate by which a fine of 7 Rupees has, as the Petitioner submits, been without any sufficient reason inflicted on him.

2 The Court of Foujdaree Udalut before passing any final orders on the above Petitioner resolve to call upon the Sessions Judge to submit for the consideration of this Court the order of the Acting Head Assistant Magistrate of which the Petitioner complains.

Ordered

5th August 1834

Ordered that Extract from these proceedings be sent to the Sessions Judge of Salem by Precept returnable within 4 days from and after its receipt.

(Sent of following Precept &c)

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

Read Miscellaneous Petition sent by the Sessions Judge of Mangalore from Sheik Mubdoom 2nd prisoner in Case No 2 of 1834 before the Assistant Magistrate of Canara

(Here enter F. M. P. No 147 of 1834)

Mr J. Le Strange

Two Prisoners in this Case were charged the 1st with stealing from the house of his Master the Prosecutor's brass utensils valued at 20 Rupees the 2nd with having bought and retained the said property knowing it to have been stolen.

2 The Assistant Magistrate considered the charges fully established and sentenced the Prisoners to be imprisoned for 6 months and to receive fifty lashes.

3 The 2nd Prisoner in the above

Petitioner

petition prays the Court of Foujdaree Udalut to cancel the sentence passed by the Assistant Magistrate upon the grounds that his conviction was based on insufficient proof.

4 The Court of Foujdaree Udalut resolve to call for the record of this case, as far as regards the 2d prisoner the petitioner and to direct that the sentence passed upon him be in the meantime suspended.

Ordered that Extracts from these proceedings be sent to the Sessions Judge of Mangalore by Precept returnable within VII days from and after its receipt and for communication to the Petitioner on his application.

(Sent following Precept No)

Read Miscellaneous Petition sent by the Sessions Judge of Cuddalore from Vembidee and others of the Zillah of Cuddalore.—

(Here enter F. M. P. No 148 of 1834)

The Petitioners the 1st 2d 3d 4th and 5th prisoners in Case No 42 of 1834 on the file of the Sessions Court were convicted of

Mr W. A. Morehead

of Riotous, affemblage and sentenced to three years imprisonment with hard labor in irons.

2 The object of the present application is to induce the Court of Foujdaree Udalut to cancel this sentence and to order their release.—

3 The Court of Foujdaree Udalut see no reason under the circumstances of this case to question the justice of the Petitioner's Conviction or the propriety of the sentence passed upon them.

4 The Court of Foujdaree Udalut therefore resolve to reject this petition.—

Ordered that Extracts from these proceedings be sent to the Sessions Judge of Cuddalore for communication to the Petitioners

Read Criminal Reports submitted by the Sessions Judge of Calicut for the Month of June 1834.

(Here enter F. M. No 1743 of 1834)

Case No 51
Escape

1 It should have been specified in the body of the Charge in this Case whether the persons who had prisoners in custody were public officers or not— If they were not,

not, then, the their holding prisoner in their custody may have been quite justifiable, his escape from such keeping did not constitute a Criminal offence.-

Cases Nos 88 & 90 2 These are Cases of "arson" It was not necessary to enter in the Indictment that the house and granary "set fire to" by the prisoners in these Cases were burnt down "the kindling constitutes the offence provided It is done "maliciously" which essential ingredient, It is observed is not laid in the first mentioned Case

Case No 82 Escape 3 It is not stated from whose Custody the escape in question was effected by the prisoner.

Case No 84 4 In this case the 2nd 3rd and 4th Prisoners are charged with having held the deceased, while 1st Prisoner stabbed him with a knife; they should have been indicted as principals; having been present aiding and abetting the Commission of the Crime.

Case No 89. 5 The Court direct that the Sessions Judge will point out to the Subordinate

Subordinate Judge the Expediency of framing the indictment in a clear manner, the latter part of the charge in this Case is so confused as to be almost unintelligible.

Case No 91 False Complaint 6 The charge maliciously and falsely preferred against the prosecutors was one of a serious nature, and its Conviction called for a severer Example than a sentence of 6 weeks imprisonment.

Report B of the Magisstracy Case No 23. 7 The Sessions Judge will point out to the Magistrate that an assault committed in resistance offered to the Execution of a District Moonsiffs decree is, tho' a Misdemeanour of a grave character, an assault only and cannot be termed "Resistance to legal process" which applies to Cases of resistance to Magisstrial Officers, and to such Cases only.

Case No 24 8 The assault in this Case of which the prisoners were Convicted was one of a very serious and dastardly nature, and the Magistrate should not have allowed the offenders the option of a fine.

Case No 25 "Assault (attended with ill usage)" 9 The words in brackets are superfluous

5th August 1834

superfluous.

Case No 26 "Wounding"

10 The intent is not laid. This appears to have been a bad case of the use of the knife and the sentence awarded (2 months Imprisonment) is altogether inadequate to the Crime.

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

Sent in No.

Read Criminal Reports submitted by the Acting Sessions Judge of Honore for the Months of June 1834.

(Here enter S. Cc. No 1835 of 1834)

Case No 31

1 In this case the Prisoner on his Conviction of "Housebreaking and Theft" the amount stolen being Rupees 56-13-2 was sentenced to 4 months imprisonment with labor in irons. The punishment appears to be altogether inadequate to the Crime

Case No 32 "Assault with personal injury"

2 The first word alone is generally used in the Criminal and statistics of this Court. The Sessions Judge will be pleased to

to review this case. The prisoner has been held to security under the provisions of Clause 1st Section IV Regulation II of 1822. It appears strange that in a severe assault like the present, committed at the hour of 5 in the afternoon and in the middle of a village, adequate evidence was not forthcoming to support the identification of the offender by the Prosecutor which, it is presumed, was given. the prisoner is described as a Police peon. this was unnecessary unless the offence is alleged to have been committed by him in the maladministration of his duty as a public officer in which case the offence should have been styled "Abuse of authority" The Sessions Judge after reviewing the proceedings, will report on the matter to the Foujdaree Adalut and will be pleased to state whether, in his opinion, the presumed identification of prisoner by prosecutor was not in itself sufficient, under the circumstances to justify a Conviction.

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

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

Sent following Precept No.

Read again Calendar of Cases
Nos 23 & 24 of 1854 on the file of the Sessions Court
of Cuddalore.

(Here enter F. Mo. No 1243 of 1834)

Read also return under date
the 20th July 1834 from the Sessions Judge of Cuddalore
to the precept of the Foujdaree Udalut dated
the 6th June 1834 calling for the record of the
trial in the foregoing Cases.

Here enter F. Mo. No 1833/54

As the 1st prisoner in these
two Cases, allows that the articles produced
were found in the house occupied by himself
and his brother (who has absconded) contending
merely that they were not in his room but
his brothers the Court of Foujdaree Udalut
see no reason for questioning the evidence
adduced against him on which the Sessions
Judge has relied on for interfering with the
sentence

sentence passed upon the prisoner.

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

(Sent in No)

Read Miscellaneous Petition
presented on the 10th July 1854 by Pasupoolaty
Narasoo and another of the Zillah of Nellore.

Here enter F. Mo. P. No 139 of 1834

This is an application on
M. W. A. Morehead, behalf of the 1st and 2nd prisoners in Case No 29
of 1854 on the file of the Sessions Court of
Nellore who were sentenced by the Foujdaree
Udalut at the recommendation of the Sessions
Judge to imprisonment with hard labor in
irons for ten years as being convicted of
Highway Robbery.

The Petitioners describe the
2 whole of the proceedings held by the Police
authorities and by the Sub Collector to have
been irregular and oppressive. They state that
the identification of the prisoners was con-
-ducted between the Peons and the party robbed
in

in order that the prens should recover their situations from which they had been suspended and pray the Court of Foujdaree Udalut to peruse the record of this case and pass such orders as may appear necessary

3 Before passing final orders upon this petition the Court of Foujdaree Udalut direct the Sessions Judge of Tellore to submit for their consideration the Record of the above case.

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

(Sent following Precept No)

Ordered also that Extract from these proceedings be furnished to the petitioners on their application.

Read Return dated 25th July 1854 from the Sessions Judge of Calicut to the precept of the Foujdaree Udalut under date the 11th July 1854 directing the Sessions Judge to review the proceedings in all cases where Prisoners have been held to security by Magistracy

5th August 1854

Magistracy for periods exceeding 12 months and to report the result of his review thereof.

(Here enter F. Co. No 1879 of 1854)

Read letter dated 25th July 1854 from the Sessions Judge of Bellary, transmitting the Original death warrant issued by his Court in Case No 84 on the Sessions Calendar for 1854, together with a Copy of the Subordinate Criminal Judge's letter which accompanied it.

(Here enter F. Co. No 1880 of 1854)

Read Statement dated 30th June 1854 submitted by the Sessions Judge of Chicacole of Batta paid to the Prosecutors and witnesses attending before him during the 1st half of 1854.

(Here enter F. Co. No 1902 of 1854)

Read Statement dated 26th July 1854 submitted by the Sessions Judge of Honore of Batta paid to Prosecutors and witnesses attending before him for the half year ending the 30th June 1854.

(Here enter F. Co. No 1893 of 1854)

Ent'd Mott

F. C.

Monday 7th August 1854.

At a Court of the Foujdaree Udalut

Present

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

Read Petition presented 1st July 1854 by Chinnatumby Moodeliy of Zillah Chittoor

Here enter F. C. M. P. No. 128 of 1854.

Mr. Morehead

1. The Petitioner whose prayer has already been twice rejected by the Foujdaree Udalut now for the third time reiterates the subject of his complaint.

2. The Petitioner is referred to the former orders passed on his case and is warned that no further applications will be entertained.

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

Ex. ordered

Read Report dated 1st July 1854, submitted by the Session Judge of Salem of Convict Labour of the Jail under charge of the Magistrate for the month of June 1854

(Here enter F. C. No. 1912 of 1854)

Read

19th July 1854 from the Agent to the Governor of Fort St George at Ganjam submitting for the final judgement of the Foujdaree Udalut a Report of the trial of Criminal Case No 7 of 1854 on his file

/Here enter F Uc No 1856 of 1854/

W. T. L. Strange

The Court of Foujdaree Udalut concurring in the Conviction of the Prisoner Juggoo Naiko

of the Crime of House breaking and wounding resolve to confirm the Sentence proposed to be passed upon him by the Agent of 8 Eight Years Imprisonment with hard labor in irons under Clause 4 Section II Regulation VI of 1822 the Court see no sufficient grounds for adjudging banishment and corporal punishment as recommended by the Acting Agent.

2 The Court of Foujdaree Udalut authorize the Agent to grant the rewards proposed to the Captors of the Prisoner in this Case, Viz Rs (70) Seventy to the 1st Witness; and Rs (10) Ten each to the Prosecutor, and the 2d and 3d

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)

Read Miscellaneous Petition presented on the 2d May 1854 by Vaktiar Vakeel on behalf of Sooradaee Ramachendra Samantaraja Maleapatradoo of the Zillah Ganjam

/Here enter F M P No 105 of 1854/

W. T. L. Strange

The Petitioner prays the Court of Foujdaree Udalut to reverse an order passed by the Agent to the Governor in Ganjam in his magisterial capacity in the matter of a boundary dispute betwn the Petitioner and the Palaiyagar Zemindar

The Court of Foujdaree Udalut decline interfering with the Order passed by the Magistrate. The Petitioner must seek redress in the Civil Court. The Court of Foujdaree Udalut resolve accordingly to reject this Petition

Ordered

F. Uc.

Tuesday. 8th August 1854. At a Court of the Fouzdaree Udalut

Present

G. S. Hooper Esqr. _____ Puisne Judge

W. A. Morehead Esqr. _____ Puisne Judge.

T. L. Strange Esqr. _____ Puisne Judge.

Read Criminal Reports submitted by the Session Judge of Chicacole for the month of June 1854.

(Here enter F. Uc. No. 1846 of 1854)

Case No. 27 / "House breaking and Theft with assault". The Moofty Sudr Ameen had not the jurisdiction in this case, which should have been tried by the Session Judge under the provisions of Clause first Section VIII Regulation XX of 1803; it is clear that the present offence comes under the definition of Robbery by open violence. The attack was open, made by numbers sufficient to intimidate and overawe. and at the same time and place an onslaught was made by one of the Gang. stick in hand, against the person of the Prosecutor. With further reference to cases of this nature, the Court have to direct the attention of the Session Judge to the

Fouzdaree

Foujdaree Udalut Circular Order under date 6th April 1830 to the provisions of which ruling the Session Judge will be pleased invariably to conform.

Cases 28 and 29. 2. Here the Prisoners are charged on an indictment for "Fraud and purchasing property obtained by fraud knowingly." These cases, the Foujdaree Udalut have to point out, should both have been indicted as "Thefts" it appearing clear that the Prisoners received the property in question from the Prosecutors, with an intent to steal the same.

Case 33. 3. "Wounding severe." In such cases the intent should invariably be laid in the indictment.

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

(Sent in No.

Read Petition presented 17th July 1854 by Venkamma of Tillah Cuddapah.

(Here enter T. U. M. J. No. 1444 of 1854)

Mr. T. L. Strange. 1. Petitioner who is the elder sister of Koatappah the 2d Prisoner in Case No. 7 of 1854 on the file of the Session Court of Cuddapah, prays the Foujdaree Udalut to call for the record in that case and to quash the conviction of the said Koatappah, who has been sentenced by the Session Judge to 2 years imprisonment with

with hard labour in irons on a charge of "Housebreaking and Theft."

2. Before disposing of this Petition, the Court resolve to send a copy of it to the Session Judge, who will be pleased to report, whether the plea of animosity raised therein was made before the Court by the 2d Prisoner, and if so, whether the same is based on truth.

3. The Foujdaree Udalut desire also to be informed what the prisoner's condition in life may be.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Cuddapah for his information by Precept returnable within 7 days from and after its receipt.

(Sent following Precept No.

Read Criminal Reports submitted by the Agent to the Governor of Fort St. George in Ganjam for June 1854.

(Here enter F. U. No. 1860 of 1854.)

Case No. 13. 1. The Foujdaree Udalut desire to be informed whether the 3 bandies load of salt, for the smuggling of which the Prisoners have been indicted in this case has been produced before the Court. If it has been so produced by the peons and others who sworeare to

to having found the same in the possession of the Prisoners, then the Court are at a loss to understand how the Agent entertained any doubts as to the propriety of convicting the accused, especially as he altogether discredited the evidence adduced by the Prisoners, to prove an alibi. If on the other hand, the salt and the bandies were not produced, the omission throws material suspicion on the statements made by the informers and the Police - and the Fouzdaree Adalut would be inclined to question the justice, on the weight of evidence thus uncorroborated, of calling for a requisite of security from the Prisoners to the large amount specified by the Agent.

Case No. 15. 3. In this case one of the witnesses was fined for gross prevarication. It is not stated to what amount of imprisonment the fine was commutable, and the enactment under which the sentence was passed is termed Section VII Act XIII of 1822 instead of Section VII Regulation XIII of 1832.

Case No. 16. 4. "Robbery (by intimidation)" The words in the bracket are altogether superfluous - "violence & putting) in fear" being, of course the criterion which distinguishes "Robbery" from "Theft". In this case the 2d, 3d and 4th Prisoners are indicted on a separate count. This is erroneous - as present, aiding and abetting, they would

would be principals.

Case No. 17. 5. "Housebreaking and Wounding." It is presumed that no attempt to plunder was alleged against the Prisoner and his comrades in this case - otherwise the offence would be one of "Gang Robbery by open violence accompanied with aggravating circumstances" as the "two others" alleged to have accompanied Prisoner are not in custody - it should have been so stated.

Report A.
Case No. 4.
Acting Principal Assistants file.

6. The Court approve of the remand for further investigation made by the Agent in this case. It is not stated that the evidence on behalf of the prosecution was discredited by the Acting Principal Assistant - and if credited, it certainly appears to be of a very full and satisfactory nature.

Report B.
Case No. 3.
on same file.

7. (Aggravated Assault &c.) Robbery. The words between the brackets are superfluous.

Case No. 21 8. "Riot. Arson and Robbery." It appears to the Court that the charge should have been headed "Gang Robbery by open violence and Arson."

Ordered that Extract from these Proceedings be forwarded to the Agent to the Governor of Fort Saint George in Ganjam for his information and guidance by Precept returnable within [illegible] days from and after its receipt.

(Sent following Precept No.

Read letter under date the 31st July 1854 from the Session Judge of Calicut forwarding English translation of the record of Case No. 13 of 1854 on the Calendar of the Session Court for the final judgment of the Court of Foujdaree Udalut.

(Here enter F. Uc. No. 1922 of 1854)

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 Prisoner,

Moopan Koorian,

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

1. In this case the Prisoner, Moopan Koorian, was charged with the wilful murder of Iravaran Chetty by severing his neck with a knife. He was further charged with robbing property of the deceased to the value of Rupees 140.

2. The crime was alleged to have been committed on the 29th October 1853 on the road leading from Anakoonshy to Coimbatore, the Prisoner travelling in company with the deceased as a coolly employed in his service.

The

3. The Law Officer in his Futwah convicts the Prisoner on strong presumptive proof and declares him liable to Kissas but

4. The Session Judge however, is of opinion that the evidence adduced is only sufficient to warrant a verdict of strong suspicion against the Prisoner - he therefore acquits him of the charge, but recommends that he should be required to furnish two sureties in the sum of 25 Rupees each for 3 years, or in default be imprisoned for that period.

5. Upon a careful consideration of this record of this case the Court of Foujdaree Udalut are unable to concur in the [illegible] as they cannot consider the evidence sufficient to establish the Prisoner's guilt.

6. There are many contradictions in the evidence of the witnesses and part of it bears, in the opinion of the Court, strong marks of being spurious and concocted; particularly that of the 1st and 2d witnesses. There is moreover no satisfactory proof that the Chunam Box and cloths produced were the property of the deceased and the bags, which it is deposed the Prisoner admitted having robbed from the deceased when he killed him, and fully ascertained, on further enquiry not to have belonged to the deceased,

and

8th August 1854.

Read letter under date the 31st July 1854 from the Session Judge of Salem forwarding English translation of the record of Case No. 13 of 1854 on the Calendar of the Session Court for the final judgment of the Court of Fouzdaree Udalut.

(Here enter F. U. No. 1922 of 1854)

Mr. Hooper.

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

Moopan Koreen,

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

1. In this case the Prisoner, Moopan Koonan, was charged with the wilful murder of Iraveran Chetty by severing his neck with a knife. He was further charged with robbing property of the deceased to the value of Rupees 140.

2. The crime was alleged to have been committed on the 29th October 1853 on the road leading from Arakoonshy to Combatore, the Prisoner travelling in company with the deceased as a coolly employed in his service.

3. The Law Officer in his Futwah convicts the Prisoner on strong presumptive proof and declares him liable to Dookoobut.

4. The Session Judge however, is of opinion that the evidence adduced is only sufficient to warrant a verdict of strong suspicion against the Prisoner - he therefore acquits him of the charge, but recommends that he should be required to furnish two sureties in the sum of 25 Rupees each for 3 years, or in default be imprisoned for that period.

5. Upon a careful consideration of the record of this case the Court of Fouzdaree Udalut concurs in the view taken of it by the Session Judge, as they cannot consider the evidence sufficient to establish the Prisoner's guilt.

6. There are many contradictions in the evidence of the witnesses and part of it bears, in the opinion of the Court, strong marks of being spurious and concocted, particularly that of the 1st and 2d witnesses. There is moreover no satisfactory proof that the Chunam Box and Cloths produced were the property of the deceased and the bags, which it is deposed the Prisoner admitted having robbed from the deceased when he killed him, are fully ascertained, on further enquiry not to have belonged to the deceased,

and

and this circumstance throws material suspicion on the alleged confessions of the Prisoner before the Police at the Taloak.

7. No doubt however, suspicion attaches to the Prisoner, but upon the whole the Court of Foujdaree Udalut are of opinion that he should be acquitted and unconditionally released.

8. The Head of Police was undoubtedly guilty of serious neglect of duty in omitting to send the said Bags up to the Session Court with the case. It is to be hoped the omission was not intentional with a view to prevent the result of a more strict examination of the prosecutor and witnesses, with the Bags before the Court, shewing the weakness of the case for the prosecution on that point.

9 The Police Officer should be reprimanded for his misconduct in this respect.

10. It does not appear to the Court in what respect the Police were to blame with regard to securing possession of the articles carried away by the 12th 13th and 14th witnesses. They were subsequently produced on the examination of the 3rd witness.

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

(Sent in No.)

Ead
J.W.S.

F. C.

Wednesday 9th August 1854 } At a Court of the Foujdaree Udalut

Present

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

Read Calendar of Cases disposed of by the Magistracy of Trichinopoly in the Second Quarter of 1854.

(Here enter F. C. No. 1864 of 1854.)

Calendar of Releases F. J. "Abuse of authority"

1. On this charge, a Village Moonsiff was released by the Head Assistant Magistrate on the ground of the discrepancies apparent between the depositions of the Prosecutors witnesses, as given before the Magistrate and the Head of Police respectively. Foujdaree Udalut have more than once ruled that charges of the nature under review are not to be taken up by Heads of Police but by the Magistracy only. It does not appear that the Sessions Judge has brought to the

the notice of the Magistrate the departure from this rule in the present instance.' He will now be pleased to do so - and will issue strict orders prohibiting any such proceeding in future.-

Case N.o 2 "Attempting to utter base coin."

2 The knowledge is not laid in the Indictment - the omission is material. In releasing the Prisoner, the Assistant Magistrate observed there is not sufficient "evidence to show that Prisoner was aware "of the Rupee being bad." - He Court have to point out that even had the evidence shown such knowledge, conviction could not have followed in the present case - To give a piece of counterfeit coin in charity to another party - which is all that the Prisoner is alleged to have done - is not within the Regulation - there must be also an intent to defraud.-

Case N.o 1. Calendar of Cases disposed of under the "Security" enactments

3 Here the Prisoner was held to security for his "good Behaviour" - In the sentence the convicting officer quotes Section III Regulation II of 1822 and Section VI Regulation VI of 1827, but the latter alone gives the necessary Jurisdiction - the former Regulation having

9th August 1854.

having reference to security for "appearance"

Case N.o 2. 4 The above remarks applies to this case also:-

Case N.o 3. 5 Here again Section III Regulation II of 1822 is erroneously quoted in a requisition of security for "good behaviour".-

Case N.o 4. "Misdemeanour" 6. The charge against the Prisoners should have been headed "Conspiracy" The Sessions Judge reversed the order in this case of the Assistant Magistrate - who had sentenced the Prisoners to find bail for their good behaviour - on the ground of discrepancies observable in the evidence - To warrant a requisition of security (otherwise than "to keep the peace") the party held to bail must fall within one or other of the four classes specified in Section III Regulation II of 1822 and the Indictment against the convicted parties was not so laid.-

Case N.o 2. Calendar Form 4. "Crimping as defined" "under act XIV of 1839"

7 The charge against the Prisoner should have been headed "Misdemeanour" leaving the particular offence to be specified in the Indictment - It was unnecessarily laid

laid that the "promises" made by Prisoner were "false" - If the parties contracted with, sustained any loss by such "false promises" they have their remedy in a Civil action. The offence contemplated by the act is merely the making a contract with a Native of India for labor to be performed in certain localities.-

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

(Sent in No)

Read Calendars of Cases Nos 18, 19, 20, 21, and 22 of 1854. of the Sessions Court of Chingleput.-

(Here enter F.Dc. No. 1885 of 1854.)

The Court of Foujdaree Udalut are of opinion, that the corporal punishment adjudged to the Prisoner noted in the margin, might, with propriety, be reduced to (100) one hundred stripes, and they direct, that the Sentence passed upon him by the Session Judge, be modified accordingly.-

Vembely -

Ordered that Extract from these Proceedings

Proceedings be sent to the Acting Sessions Judge of Chingleput for his information.-

(Sent in No)

Read Calendar of Case No 40 of 1854. of the Sessions Court of Cuddalore.-

(Here enter F.Dc. No. 1887 of 1854)

1. The Court of Foujdaree Udalut approve of the recommendation made by the Session Judge in this Case, that the period of Imprisonment which the prisoner noted in the margin have been adjudged to suffer on their conviction of the crime of Gang Robbery, be reduced to (8) Eight years with hard labor in irons, and they do authorize the Session Judge to issue his Warrant accordingly.-

1 Maroothavar Candan
2 Coonjancalathoor Saunden.

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

(Sent in No) 5.

Read Supplemental Return dated 1st August 1854 from the Session Judge of Masulipatam, to the Receipt of the Foujdaree Udalut under date the 13th July 1854., directing the restoration of certain Jail Peons to their situations.

4th Wolf

(Here enter F.Dc. No. 1932 of 1854)

Read Statement dated 2nd August 1854 submitted by the Session Judge of Salem of Convict labor for the 1st Quarter of 1854.

(Here enter F.Dc. No. 1943 of 1854)

F. Uo.

Wednesday - - }
10th August 1854 } At a Court of the Foujdaree Adalut

Present.

G. S. Hooper Esqre. —
W. A. Morehead Esqre. — } Puisne Judges
T. Lo. Strange Esqre. —

Read again Miscellaneous Petition presented on the 8th May 1854 by Mootoobummoo Padiachy of the Zillah of Cuddalore.—

(Here enter F. M. P. Nos 9 1794 of 1854)

Read also Returns made on the 16th June and 29th July 1854 by the Sessions Judge of Cuddalore, to the precept of the Foujdaree Adalut dated 25th May and 22d June 1854, relative to Session Case No 47 of 1853 on the file of the Session Court of Cuddalore.—

(Here enter F. C. No. 1442 & 1897 of 1854)

Upon a careful consideration of the Record of the trial in the above Case, which accompanied these Returns, the Court of Foujdaree Adalut are of opinion that the evidence adduced is not of a nature to justify the conviction of the 6th Prisoner

10th August 1854. Prisoner, whom accordingly the Court of Fonjdaree Adalut order to be released.—

2 The mode in which the 6th Prisoner is represented to have confessed and paid money for his release cannot be reconciled with the reasons assigned for his having had the property concealed in the well of the 4th Prisoner.—

3 The deposition of the 19th Witness wherein he sets out the manner in which he cajoled the 6th Prisoner is in the opinion of this Court deserving of no confidence; to be credited, it would be necessary to prove the idiocy of the 6th Prisoner who is no where described as deficient in intelligence.—

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

(Sent in A.)

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

Read Return made by the Sessions Judge of Masulipatam to the precipt of the Fonjdaree Adalut under date 13th July 1854.—

(Here enter F. No. A. 1815 of 1854)

1. In the Proceedings which accompanied

accompanied the above Precept, the Fonjdaree Adalut remarked on the heavy sentences passed upon the Prisoner convicted of petty theft in "Report of Cases disposed of by the Magistracy June 1854 Case 5" and observed that as the corporal punishment awarded against the Prisoner had already been inflicted, three out of the six months Imprisonment to which Prisoner had been sentenced, should be remitted.—

2 The Sessions Judge now reports that under reasons assigned by the Civil Surgeon, the punishment by stripes has not yet been carried out, and requests further instructions.—

3 If the Medical officer opposes the corporal punishment up to the period at which the mitigated term of Imprisonment expires, the flogging should be at the end of three months remitted and the prisoner released - if the Medical Officer shall not now object the flogging should be inflicted.

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

and

10th August 1854

and guidance.—

(Sent in A.

Read letter (A. 104 under date 18th July 1854 from Sessions Judge of Trichinopoly.—

(Heretenter F. No. A. 1748 of 1854)

1 In the above letter the Sessions Judge with reference to the dismissal of Sail Peon Shaik Mohideen, who allowed a number of convicts (4) to escape from his custody, as reported by the Sessions Judge in Calendar of Case A. 12 of 1854, now requests the sanction of the Fouzdaree Udalut for the re-employment of the said Peon in the public service, only in a lower capacity.—

2 In making this recommendation the Sessions Judge adverts to the long service of the dismissed Peon and the satisfactory character he has hitherto borne.—

3. The Fouzdaree Sudalut feel themselves precluded from compliance with the Sessions Judge's request, the deliberate way in which the Peon suffered the Convicts to effect their escape, implying a degree

F. No.

10th August 1854. degree of complicity such as is altogether without excuse.—

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

(Sent in A.

2d H.D.

Read Statement dated 4th August 1854 submitted by the Session Judge of Salem, of Batta paid to Prosecutors and Witnesses during the first half of 1854.

(Herewith entered F. No. A. 1954 of 1854)

Read letter dated 7th August 1854 from the Session Judge of Cuddapah, reporting the execution of the Prisoner, Peddoogadoo, in referred Case A. 16 of 1854.

(Heretenter F. No. A. 1957 of 1854)

Read letter dated 8th August 1854 from the Session Judge of Trichinopoly returning the death warrant in referred Case A. 14 of 1854 duly executed.

(Heretenter F. No. A. 1959 of 1854)

F. Ue.

Friday ------ }
11th August 1854 }

At a Court of the Fouzdaree Udalut

Present.

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

Read letter (No. 409 dated 21st July 1854) from Session Judge of Masulipatam.

(Herewith F. Ue: No. 1868 of 1854)

With the above letter the Session Judge has forwarded a Petition from Sergeant W. Lodge, late Jailor of the Masulipatam Prison, appealing against the orders of the Session Judge (under date 1st of May last) directing his dismissal from the above Office, and praying the Court to issue instructions for the disbursement of a sum of Rupees 190-8-a being the amount expended by Petitioner in excess of the Government estimate in the erection of certain buildings within the Jail Compound, for his Petitioners use as Jailor and now vacated by him on his discharge from such duties.—

The

11th August 1854.

2 The Court of Fouzdaree Udalut observe that it is quite clear to them, from the accounts they have had under review of the deplorable absence of discipline in the Masulipatam Jail, that Serjeants Lodges, whatever satisfaction he may have given to the late Sessions Judge whose certificates, as requested by Petitioner, are herewith returned, has become altogether unfitted for the duties of superviseing an establishment of that nature - and they accordingly resolve to uphold the orders of the Sessions Judge directing Petitioners dismissal.-

3 With reference to the matter of the sum of money alleged to have been laid out by Petitioner from his own resources on the buildings occupied by him when Jailor, and for which expense Petitioner prays to be reimbursed, the Fouzdaree Udalut are unable to interfere,- the expenditure in question originated with the Petitioner, who will make what arrangements he can regarding the tenements erected therewith - The matter is not within the official cognizance of this Court.

Ordered

11th August 1854

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

(Sent in A°

Read letter from the Acting Sessions Judge of Tinnevelly dated the 17th July 1854.-

(Here enter F. No. A. 1805 of 1854.)

1 In the above communication the Acting Sessions Judge of Tinnevelly submits to the Court of Fouzdaree Udalut the question "Whether it is legal for a Delayet or Magistrate's peon to apprehend an accused person without a summons or warrant otherwise than as it is legal for any person to do so on hue or cry or at the special requisition of a Superior Police officer as laid down in Clause 2 Section XXXI Regulation XI of 1816.-

2 This reference has arisen from a case before the Head Assistant Magistrate in which it appeared that a Circar Delayet deputed by that officer to watch suspected parties in a village arrested

arrested a person, whom there was reason to suppose from information given on the spot to the Deloyet in question, to have been concerned in a case of Theft which had taken place.—

3 The Court of Foujdaree Udalut but are of opinion that the Magistrates Deloyet when detached from the Magistrate on Special duty, as in the present instance, was justified in the arrest he effected and that he should be viewed as an officer of Police acting upon information, as contemplated in the Regulation quoted above.—

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

(Sent in No.

Read return, dated the 29th Ultimo from the Acting Sessions Judge of Tinnevelly to the Receipt of the Foujdaree Adalut under date the 15th idem directing him to submit a more detailed statement of his reasons for discrediting the evidence to the Prisoners identification and confession and to explain how he reconciles the discovery of the property with the innocence of the Prisoners in Calendar Case

F. Dy.
11th August 1854. Case No. 17 of 1854.—

(Reverter F. Dy. No. 1915 of 1854)

Read Report, dated the 1st Instant submitted by the Sessions Judge of Calicut of Cases pending on the 30th June and committed for trial during the months of July 1854.—

(Reverter F. Dy. No. 1925 of 1854)

Read Calendar of Case No. 37 of 1854 submitted by the Sessions Judge of Cuddapah under date the 3d Instant.

(Reverter F. Dy. No. 1929 of 1854)

Read report, dated the 1st Instant submitted by the Subordinate Judge in charge of the Civil Courts of Rajahmundry of Cases pending before the Sessions Court on the 1st instant for a longer period than 25 days.—

(Here enter F. Dy. No. 1933 of 1854)

Read Calendar of Case No. 104 of 1854 submitted by the Sessions Judge of Bellary under date the 1st Instant.—

(Reverter F. Dy. No. 1942 of 1854)

Read Calendar of Case No. 106 of 1854 submitted by the Sessions Judge of Bellary under date the 2d Instant.—

(Reverter F. Dy. No. 1946 of 1854)

Read Calendar of Case No. 107

11th August 1854

of 1854 submitted by the Sessions Judges of Bellary under date the 3d Instant -

(Here enter F. C. No. 1947 of 1854)

Read report A of Criminal Case No. 30 of 1854 submitted by the Sessions Judge of Guntoor under date the 5th Instant. -

(Here enter F. C. No. 1949 of 1854)

Read Report A of Criminal Case No. 31 of 1854 submitted by the Sessions Judge of Guntoor under date the 5th instant.

(Here enter F. C. No. 1950 of 1854)

Read Return dated 7th instant from the Sessions Judge of Trichinopoly to the Precept of the Foujdaree Adaulut under date the 2d idem directing him to reduce the sentence passed against the Prisoners in Case No. 17 of 1854 to 7 years -

(Here enter F. C. No. 1951 of 1854)

Read Calendar of Cases No. 18 of 1854 submitted by the Sessions Judge of Trichinopoly under date the 7th Instant. -

(Here enter F. C. No. 1952 of 1854)

Read Calendar of Case No. 16 of 1854 submitted by the Sessions Judge of Salem under date the 5th Instant. -

(Here enter F. C. No. 1961 of 1854)

E. T. C.

Saturday
12th August, 1854.

F. C.

At a Court of the Foujdaree Adaulut.

Present

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

Read letter under date the 25th July, 1854, from the Sessions Judge of Chicacole forwarding English Translation of the Record of Case of C. No. 7 of 1854, on the Calendar of the Session Court, for the final Judgment of the Court of Foujdaree Adaulut.

(Here enter F. C. No. 1924 of 1854.)

Mr. Hooper
" Morehead

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

1st, Simmacotta Ranjegandoo,
2nd, Munchala Pattegandoo,
3rd, Simma Mosalegandoo,
4th, Simma Andeyenaidoo,
5th, Simma Palacandoo,
6th, Simma Ausaregandoo,

8th

8th, Nataly Chinniah, and,
9th, Moddadee Tuggor,

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 released at liberty.

× × ×
× ×
×

Mr. H. A. Morehead. 1. In this case 9 Prisoners were charged, 1st and 2d as Principals, and the remaining Prisoners as accessories in the murder of two Men.

2. The Mahommedan Law Officer in his Futwah considered the discrepancies in the evidence so considerable as to render it insufficient for the conviction of the Prisoners, who were in his opinion entitled to unconditional release.

3. The Session Judge did not concur in this Futwah, holding the evidence sufficient for the conviction of all the Prisoners, except the 9th.

The

4. The Court of Foujdaree Adalut are unable to concur with the Sessions Judge in the conclusion to which he has arrived as to the guilt of the prisoners; the discrepant testimony to the murder being in the opinion of this Court utterly false.

5. Further, no sufficient motive has been adduced to account for the murder of the two men, with whose death the Prisoners are charged,—it is only stated that these two men had come into the Village with a view of discovering smuggling, which was being carried on.

6. No traces of these men have been discovered. The bones found in the hill cave, and which were produced as being their remains, having been pronounced by the 24th Witness, (a Medical Officer) not to be human bones.

7. It is thus evident that no corpus delicti exists, and that although the parties said to have been murdered may not at present be forthcoming, there is no sufficient proof

12th August 1854.

proof that they are dead or that they have met their death in the manner stated in the charge.

8. The indictment in this case is framed in a very loose and negligent manner. The Court of Sudder Adalut direct the Sessions Judge to observe more care in future in the preparation of the indictments in Criminal Trials.

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

(Sent in Ext.)

Read letter under date the 29th July, 1854, from the Sessions Judge of Bellary, submitting for the final judgment of the Sudder Adalut, the Record of Case No. 100 of 1854, on the file of the Sessions Court.

(Here enter Ext. No. 1940 of 1854.)

Mr. G. L. Hooper, and Mr. T. L. Strange.

The Court of Sudder Adalut on a deliberate consideration of all the circumstances of the case in evidence before them

12th August, 1854.

them being of opinion that the proof against the prisoner,

Sarabhanah,

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 Ext.)

Ext. No.

F. No.

Monday.
14th. August, 1854.

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 the 29th. July 1854 from the Sessions Judge of Bellary, referring for the final judgment of the Foujdaree Udalut, the Record of Case No. 101 of 1854 of the Calendar of the Sessions Court.—

Here enter F. No. 1941 of 1854.—

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 proof against the prisoner.

Burmah.

is sufficient to convict him of the

crime

crime of Murder, do convict him there-
of; 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 again Miscellaneous
Petition presented on the 6th July 1854
by Veeramootoo and Seeprayee of
Combaconum relatives of certain
prisoners in Case No. 8 of 1854 on the
file of the Sessions Court of Com-
baconum.-

/Here Enter F. Mo. P. No. 133 of 1854/-

Read also Return dated
10th August 1854 from the Acting
Sessions Judge of Combaconum to
the precept of the Fouzdaree Adalut
under date 24th July 1854 forwarding
the above petition for report.-

/Here Enter F. R. No. 1967 of 1854/-

Mr. W. A. Morehead.

Under the circumstances
stated in the above return a copy
of which may be furnished to the
above

above Petitioners, the Court of Fouzdaree
Adalut resolve to reject their Petition.

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

Read again Petition presented
on the 3d July 1854 by Lutchmee Narrain,
late Jail Peon in Zillah Masulipatam.-

/Here Enter S. & F. M. D. No. 50 of 1854/-

Read also Extract from
the Proceedings of the Session Court of
Masulipatam dated 1st May 1854 -
filed by Petitioner with above.-

Read also Return by the
Sessions Judge of Masulipatam to the
Precept of the Sudder and Fouzdaree
Adalut under date 13th July 1854.-

/Here Enter S. & F. R. No. 1866 of 1854/-

Mr. J. L. Strange.

The Proceedings which ac-
companied the Precept of the above date
called for explanation on two points.-

First. The objections made by the Peti-
tioner to the effect that the two con-
victs who gave evidence against him
had

14th August, 1854

had cause of enmity against him.—

Second. The allegation by the same party that the evidence which led to his dismissal was not committed to writing. In the event of this latter statement being correct, the Sessions Judge was directed to remedy the omission and to forward the record for the information of this Court.—

2. The Court of Sudder and Foujdaree Adalut observe, that on the first of the above mentioned points of reference, the Sessions Judge has failed to make a satisfactory return. It is not said when the Petitioner gave his evidence against the convict Pitada. and no notice is taken of the Petitioner's allegation that the other convict Kausim had an altercation with him on the day previous to that of the occurrence in reference to which he Petitioner was dismissed.

3. In regard to the second point, the Court have to observe, that the

F.116.

14th August, 1854

the Sessions Judge has erred in his application of the enactment quoted by him. That enactment relates simply to offences against discipline committed by Prisoners. In the present instance the conduct of a Jail Prow is in question. and the Court consider that no individual in the public service should be dismissed upon evidence that is unrecorded and which he has not been allowed every opportunity of meeting.

4. The Sessions Judge will therefore be pleased to set forth clearly an explanation of the points under the first head in regard to which the return now under review has been deemed deficient. and, in taking the written examinations already called for, to transmit the entire record for the information and orders of this Court.—

Ordered, that Extract from these Proceedings, be forwarded to

14th August, 1854

to the Civil and Sessions Judge of Masulipatam, by Precept returnable within 7 days from and after its receipt.—

Sent following Precept No 1—

£4 8 Mc W

F. 16

Tuesday 15th August 1854 } 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 the 3rd August 1854 from the Sessions Judge of Mangalore referring for the final Judgment of the Foujdaree Udalut, the Record of Case No 9 of 1854 of the Calendar of the Sessions Court.

(Here enter F. 16. No 1958 of 1854)

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 Hummaday
2d Bunter Corruggia
and
3d Bunter Rammanna

are not convicted on presumptive proof

or

or on the evidence of credible witnesses or on their own confession of the crime charged do acquit them thereof, and direct that they be set at liberty.

1

The Prisoners in this case were charged with the murder of one Abdoolla while asleep in an out house of the 1st Prisoners kept mistress - the 1st witness Caunto, and with having robbed the deceased of a bag containing money and of his clothes.-

2

The Prisoners pleaded not guilty before the Sessions Court. The Mahomedan Law Officer convicted the prisoners of Rutt Shebeh And and declared them liable to Ookoobut: The Sessions Judge has convicted the prisoners of wilful murder but as this conviction rests on the evidence of the 1st and 2nd witnesses and the presence of these witnesses at the murder and their subsequent silence are suspicious circumstances, the Sessions Judge has abstained from recommending that capital punishment should

should be adjudged.-

3

Although the Session Judge has considered the Prisoners guilty of the crime with which they were charged - he would seem to have held the Chief evidence - that of the 1st and 2nd witnesses, in some suspicion, but of what nature he has not clearly defined, and this has led him to recommend that the prisoners should be sentenced to transportation, not to death. If the Session Judge's doubts were as to the credibility of the witnesses this should have influenced his finding, but not his recommendation of sentence, the selection of sentence depending upon the nature of the guilt ascertained, not upon the means existing for coming to a Conclusion as to the guilt.

In the present instance

4

the crime charged is that of cold blooded murder perpetrated on a Companion for the sake of coin about his person, and should

the

14

the prisoners be duly convicted they indubitably deserve death.—

5 The Court of Sujdaree Adalut are unable to come to the conclusion that the prisoners guilt has been established

6 The first defect in the evidence is as to the identity of the body found. The report of the Potails of the 30th May shows that the body was not recognized though deceased was of the neighbourhood and known there. The evidence of the 4th 6th 11th and 12th witnesses is that it was in such a condition as not to allow of the features being identified. The 4th an uncle of the alleged murdered man Abdoolla, says he knew the body to be his nephews by a mark on one of its toes. The 5th (also an uncle) professes to have identified the body by an earring hole not a discriminative mark at all. of any mark existing on the toe he had no knowledge. The 1st deposed before the

the Session Court that he had recognized the features of the deceased, but before the Police his statement was that this could not be perfectly done. — — — — An incomplete identification is none at all. The 1st witness who did not see the body till the 31st May declares the features to have been perfectly recognizable as Abdoolla's, a declaration so opposed to the residue of the evidence that it must be rejected. This witness's evidence moreover, as hereunder shewn is throughout of a most questionable description

Another defect in the evidence

7 (the suspicious testimony of the 1st and 2d witnesses being considered) is that proof was not brought that Abdoolla is really missing, the Session Judge on this head having been content with a declaration taken from Abdoollas father before the police to the effect that he had not reached his house where he had been expected

14

expected.—

8 The body having been found on the 30th May inquiry was set on foot and on the following day the 1st witness was produced by one Simma Mully and others and gave evidence against the prisoners to the murder. Simma Mully is declared by the 1st prisoner to be his successfull rival in the favors of the 1st witness and he and the other prisoners attributes the concoction of the charge brought against them to him.—

9 The 1st witness's testimony introduced that of the 2nd and these two have professed to have witnessed the murder of Abdoolla, describing it to have occurred in an outhouse attached to the dwelling of the former. These parties suppressed their testimony, the first from the night of the 27th May to the 31st, and the latter to the 2nd June.

10 It is scarcely credible that the murder would be committed in the house of the 1st witness without her complicity,

or

or that the murderers should, as is alleged, have induced the 2nd witness to remain there without having also secured his consent.—

11 On this ground alone the Court of Foujdaree Udalut consider that their testimony could not be received as appearing illegal, and furthermore as not containing the true account of the murder. But the Court of Foujdaree Udalut have no hesitation in rejecting it also on account of the numerous contradictions it contains on nearly all matters of detail, especially that of the 1st witness who varies her statements wherever examined, these discrepancies, and improbabilities also attaching to the evidence satisfying the Court that the true account of the murder has not been given by these deponents.

12 The Court of Foujdaree Udalut think it quite possible that these witnesses may themselves be the murderers, if murder has been committed,

and

14th

repeated.—

8 The body having been found on the 30th May inquiry was set on foot and on the following day the 1st witness was produced by one Sinnna Mully and others and gave evidence against the prisoners to the murder. Sinnna Mully is declared by the 1st prisoner to be his successfull rival in the favors of the 1st witness and he and the other prisoners attributed the accusation of the charge brought against them to him.—

9 The 1st witness's testimony introduced that of the 2nd and these two have professed to have witnessed the murder of Abdoolla, describing it to have occurred in an outhouse attached to the dwelling of the former. These parties professed their testimony, the first from the night of the 27th May to the 31st, and the latter to the 2nd June.

10 It is scarcely credible that the murder would be committed in the house of the 1st witness without her Complicity,

11

or that the murderers should, as is alleged, have induced the 2nd witness to remain there without having also secured his Consent.—

11 On this ground alone the Court of Foujdaree Udalut Consider that their testimony could not be received as appearing illegal, and furthermore as not containing the true account of the murder. But the Court of Foujdaree Udalut have no hesitation in rejecting it also on account of the numerous contradictions it contains on nearly all matters of detail, especially that of the 1st witness who varies her statements wherever examined, these discrepancies, and improbabilities also attaching to the evidence satisfying the Court that the true account of the murder has not been given by these deponents.

12 The Court of Foujdaree Udalut think it quite possible that these witnesses may themselves be the murderers, if murder has been committed,

and

and that on the discovery of the body, they
have charged their guilt upon others.

13 The Court of Foujdaree Udalut
resolve therefore to acquit the prisoners
and direct their release.

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

(Sent in No.)

Read letter dated the 5th
August 1854 from the Sessions Judge of Cuddapah
referring for the final Judgment of the
Foujdaree Udalut, the record of Case No 20
of 1854 of the Calendar of the Sessions Court.

(Here enter F. No. No 1956 of 1854)

Mr. J. D. 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
G. Gungadoo
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

do convict him thereof and under the pro-
visions of Clause Second, Section XV Regula-
tion VII of 1802, sentence him to be imprisoned
without labor or Irons for and during the
period of (2) Two years.

(Sent in No.)

Entered

Read letter dated 10th August 1854 from
the Acting Sessions Judge of Chingleput, stating that
the corporal punishment awarded to the Prisoner in Case
No 18 of 1854 has been already inflicted on him.

(Here enter F. No. No 1977 of 1854)

F. C.

At a Court of the Foujdaree Adalut.

Present.

G. A. Hoopes Esqr.
W. A. Morehead Esqre. } Puisne Judges.
T. L. Strange Esqre.

Thursday.
17th August, 1854.

Read again Petition presented by Vakeel Mahomed Fazeelullah Khan Saibe, on behalf of Latchoomanna, 13th Prisoner in Calendar Case No. 4 of 1854 on the file of Sessions Court of Cuddalore.

(Here enter F. C. M. P. No. 97 of 1854.)

Read also returns of Sessions Judge to the Precept of the Foujdaree Adalut under date 29th May 1854 calling for the Translation of such portion of the Record in said Calendar Case as relates to the 13th Prisoner.

(Here enter F. C. No. 1979 of 1854.)

Mr. W. A. Morehead. 1. On a consideration of the above Record the Foujdaree Adalut are of opinion that the evidence adduced is not such as to justify the conviction of the petitioning Prisoner. His conduct from first to last has been such as to indicate all absence of guilty knowledge, as to the property, he was charged with having received, being the proceeds of a Gang Robbery. The Court, accordingly, direct his release.

The

2. The Court direct the Session Judge to point out to the Principal Sudr Ameen that the proceedings held by him in committible cases are much too lengthy; and to instruct him in such cases to act more in accordance with the Provisions of Section 29th, Act 7 of 1843, as explained by the Circular Order of this Court № 159.

Ordered that Extract from these proceedings be forwarded to the Session Judge of Cuddalore for his information and guidance by receipt returnable within III days from and after its receipt.

(Sent following precept №)

Read letter (№ 189) under date 29th July 1854 from Session Judge of Calicut.

(Here enter F. C. № 1905 of 1854.)

1. With the above letter the Session Judge has submitted certain correspondence between himself and the Subordinate Judge; originating in a petition presented to the latter authority by the Contractor for Jail rice, who prays that compensation to the amount of Rupees 692-10-8 as per Memo enclosed may be allowed him in consideration of the losses he has sustained owing to the late rise in the price of that provision; a prayer which the Session Judge has supported.

2. The Court of Foujdaree Adalut resolve to reject the contractor's Petition. They observe that transactions of the nature under review should be invariably regulated by the strict letter of the agreement. In good years the contractor's margin of profit would, the Court apprehend, be extremely remunerative. Should then a bad year befall, he cannot fairly look for aid apart from his own foresee.

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

(Sent in №)

Read Criminal Reports submitted by the Subordinate Judge in charge of the Session Court of Rajahmundry for the month of June 1854.

(Here enter F. C. № 1808 of 1854.

Adverting to the absence of the Session Judge of Rajahmundry the Court of Foujdaree Adalut resolve to direct that the reports of the cases entered in the foregoing reports may be submitted in the Form A for the consideration of the Foujdaree Adalut.

Ordered that Extract from these proceedings be forwarded to the Subordinate Judge in

2.

The Court direct the Sessions Judge to point out to the Principal Sudr Ameen that the proceedings held by him in committible cases are much too lengthy; and to instruct him in such cases to act more in accordance with the Provisions of Section 29th, Act 7 of 1843; as explained by the Circular Order of this Court № 159.

Ordered that by extract from these proceedings be forwarded to the Sessions Judge of Cuddalore for his information and guidance by receipt returnable within III days from and after its receipt.

(Sent following precept №)

Read letter (№ 189) under date 29th July 1854 from Sessions Judge of Salem.

(Here enter F. R. № 1905 of 1854.)

1.

With the above letter the Sessions Judge has submitted certain correspondence between himself and the Subordinate Judge; originating in a petition presented to the latter authority by the Contractor for Jail fuel, who prays that compensation to the amount of Rupees 692-10-8 as per Memo enclosed may be allowed him in consideration of the losses he has sustained owing to the late rise in the price of that provision; a prayer which the Sessions Judge has supported.

2.

The Court of Foujdaree Adalut resolve

resolve to reject the contractor's petition. They observe that transactions of the nature under review should be invariably regulated by the strict letter of the agreement. In good years the contractor's margin of profit would, the Court apprehend, be extremely remunerative. Should then a bad year befall, he cannot fairly look for aid apart from his own resources.

Ordered that by extract from these proceedings be forwarded to the Sessions Judge of Salem for his information and guidance.

(Sent in №)

Read Criminal Reports submitted by the Subordinate Judge in charge of the Sessions Court of Rajahmundry for the month of June 1854.

(Here enter F. R. № 1808 of 1854.

Adverting to the absence of the Session Judge of Rajahmundry the Court of Foujdaree Adalut resolve to direct that the reports of the cases entered in the foregoing reports may be submitted in the Form A for the consideration of the Foujdaree Adalut.

Ordered that by extract from these proceedings be forwarded to the Subordinate Judge

in

in charge of the Sessions Court of Rajahmundry by precept returnable within V days from and after its receipt.

(Shut following precept No)

Read letter dated the 12th instant from the Sessions Judge of Chingleput, submitting for the final judgment of the Foujdaree Adalut the Record of Cases Nos 8, 9, and 11 of 1854 of the Calendar of the Session Court.

(Vide entry F. H. No. 1974 of 1854.)

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

Case No. 8.

1st, Moorty,
2nd, Cruthapun,
3rd, Maurenmottoo,
4th, Kadanun,
5th, Gorrosawmy,
6th, Gorrundum, and,
7th, Syd Ismail,

is sufficient to convict them of the crime charged, do convict them thereof, and sentence them to be imprisoned and kept to labor without irons for and during the period of (4) four months. The term of their imprisonment being calculated from the 12th of August, 1854

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

Case No. 9.

1st, Cruthapun,
2nd, Gorrundum,
3rd, Maurenmottoo,
4th, Sadahummud,
5th, Kunnun,
6th, Aromoogum,
7th, Mottorpundaram,
8th, Syd Kauder,
9th, Aroomugum,
10th, Sundararagoo,
11th, Abdulrahman, and,
12th, Sunnecandersah,

is sufficient to convict them of the crimes charged, do convict them thereof, and sentence the prisoners,

1st, Sadahummud,

5th

in charge of the Sessions Court of Rajahmundry by precept returnable within V days from and after its receipt.

(Shut following precept No)

Read letter dated the 12th instant from the Session Judge of Chingleput, submitting for the final judgment of the Foujdaree Adalut the Record of Cases Nos. 8, 9, and 11 of 1854 of the Calendar of the Session Court.

(Vide rules F. M. No. 1974 of 1854.)

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

Case No. 8.

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

1st, Moorty,
2nd, Cruthapun,
3rd, Maurmoottoo,
4th, Cadanum,
5th, Gorrodaumy,
6th, Gorumadun, and,
7th, Syed Yusuf,

is sufficient to convict them of the crime charged, do

do convict them thereof, and sentence them to be imprisoned and kept to labor without irons for and during the period of (4) four months. The term of their imprisonment being calculated from the 12th of August, 1854

The Court of Foujdaree Adalut

Cases No. 9.

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, Cruthapun,
2nd, Gorumadun,
3rd, Maurmoottoo,
4th, Fadahummud,
5th, Cummun,
6th, Aromoogum,
7th, Mothoopundarum,
8th, Syed Cauder,
9th, Aboomiyah,
10th, Sundararagoo,
11th, Abdulrahman, and,
12th, Sumeeanderzah,

is sufficient to convict them of the crime charged, do convict them thereof and sentence the prisoners,

4th, Fadahummud,

5th

17th August, 1854.

5th, Kommun,
6th, Aromoogum,
7th, Mootto pandaram,
8th, Syed Lander,
9th, Abomeyah,
10th, Sondasarago,
11th, Abdulrahuman, and,
12th, Innreeandersah,

to be imprisoned and kept to labor without irons for and during the period of (4) months. The term of their imprisonment being calculated from the 12th of August, 1854.

The prisoners,
1st, Cressoosum,
2nd, Goroonadun,
3rd, Maurrumuttoo,

having been already sentenced in Case No. 85 of the Chingleput Calendar for 1854, no further sentence is required in this case.

Case No. 11.

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

17th August, 1854.

1st, Moorty,
2nd, Rungasawmy,
3rd, Goroosawmy,
4th, Shaik Abdoollah,
5th, Sokun,
6th, Sondarasagoo,
7th, Syed Ebram,
8th, Batcha, and,
9th, Syed Fareed,

is sufficient to convict them of the crime charged, do convict them thereof and sentence the prisoners,

2nd, Rungasawmy,
4th, Shaik Abdoollah,
5th, Sokun,
7th, Syed Ebram, and,
8th, Batcha,

to be imprisoned and kept to labor without irons for and during the period of (4) four months. The term of their imprisonment being calculated from the 12th of August, 1854.

The prisoners,
1st, Moorty,
3rd, Goroosawmy, and,
9th, Syed Fareed,

having

having been already instituted in Case No. 8, and the prisoners,

6th Tondaraagon,

in No. 9 on the Chingleput Calendar for 1854 no further sentence is required in this.

× × ×

1. Cases 8, 9, and 11 for 1854, on the file of the Session Court of Chingleput, have been referred to this Court in consequence of the Mahommedan Law Officer having acquitted certain of the prisoners, and the Acting Session Judge being unable to concur in such acquittal. Case No. 10 of 1854 has been also referred as being connected with the above cases, although both the Acting Session Judge and the Mahommedan Law Officer, concur in convicting the prisoners.

2. The Court of Foujdaree Adalut concur with the Acting Session Judge in the conviction of all the prisoners in Cases Nos. 8, 9, and 11; and in the sentence suggested by him, that these prisoners should be imprisoned for four months with labor without irons; — this imprisonment to date from the 12th August, 1854.

1854.

3. The Court of Foujdaree Adalut direct the Acting Session Judge to pass such sentence as he may think requisite in Case No. 10.

4. The Court of Foujdaree Adalut are of opinion that the whole of the prisoners in these four Cases should have been assigned on one charge — Rundering the Bungalow Bazar situated at St. Thomas' Mount, the prosecution being conducted by the Government Vakeel.

Ordered that Extract from these proceedings be forwarded to the Acting Session Judge of Chingleput for his information and guidance together with the Original Record of Case No. 10 of 1854.

(Sent in No.)

Read letter dated 11th August 1854 from the Agent at Vizagapatam, stating that he will attend to the observations and orders conveyed in the Proceedings of the Foujdaree Adalut under date the 3rd Idem with regard to the Prisoners therein referred.

Vide enter Ft. No. No. 1993 of 1854

Ex'd
W.S.

F. Ud.

Friday 18th August 1854

At a Court of the Foujdaree Udalut.

Present.

G. L. Hooper Esqr. _____ Puisne Judge.

W. A. Morehead Esqr. ___ Puisne Judge

T. L. Strange Esqr. _____ Puisne Judge.

Read letter under date the 20th July 1854 from the Session Judge of Salem.

(Here enter F. Ud. No. 1817 of 1854)

In this letter the Session Judge

1 requests the opinion of the Court of Foujdaree Udalut in regard to the position of the Zillah Surgeon with reference to a discussion which has arisen between the Subordinate Judge and Military authorities to whom the Zillah Surgeon is bound to report his absence when absent from his station above 48 hours.

2 The Session Judge is of opinion that considering the somewhat multifarious duties the Civil Surgeon has to perform the claims of the Subordinate Judge and of the Officer Commanding the Invalid Detachment are alike untenable and that "if there is any local controlling authority "over the Civil Surgeon, he should imagine

"that

"that from this officer's appointment in the Judicial
"Department and denomination, the authority must
"be vested in the Senior Judicial and Revenue Officers
"i.e. the Session Judge and Collector."

3. The Court of Foujdaree Udalut observe that by far the most important duty devolving upon the Zillah Surgeon is the Medical charge of the Jail to which he is attached, and that the Officer in charge of the Jail is unquestionably the authority whose permission he should obtain for his absence whenever any occasion may arise for his quitting the station on other duty. Adverting however to the other duties which he is occasionally called upon to perform, the Judges are of opinion that the Officer in charge of the Jail should carefully abstain from throwing any obstacle in the way of his duly performing those duties, making at the same time such arrangements as may prevent as far as possible the absence of the Zillah Surgeon being detrimental to his stated duties at the Jail Hospital.

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

(Sent in No. Read

Read return under date the 20th July 1854 from the Session Judge of Masulipatam to the precept of the Foujdaree Udalut dated the 13th July 1854, directing the restoration of certain Jail Peons to their situations.

(Here enter F. Ua. No. 1865 of 1854)

1. The Court of Foujdaree Udalut see nothing in the representations made in the foregoing return which could have influenced them in the disposal of the Appeal made to them by the Peons whose restoration has been ordered. The Peons in question could only be held responsible for individual acts in breach of the Jail rules and the Session Judge has even now adduced none against them. The Session Judge's assertion that his authority is subverted and the discipline of his Jail endangered in consequence of the Court of Foujdaree Udalut having exercised the responsibilities vested in them on behalf of parties whom they consider aggrieved by the Session Judge's orders is altogether unwarrantable. The Court will always uphold the Session Judge in the legitimate exercise of his functions, but where he acts arbitrarily as he has done in the present instance in resorting to the extraordinary step of "decimating" persons against whom

whom no specific offence has been established, the Court of Fouzdaree Udalut are bound to interfere, and if the Session Judge's influence is weakened thereby the fault is his own.

2 The remarks recorded by the Session Judge in the concluding para: are most objectionable. Mr. Cotton must have been perfectly aware when he recorded them that it was not only not necessary but that it would be a gross direlection of duty on his part were he to permit matters in his Jail to revert to the state described in the earlier paras of his return.

3 The Court are constrained to observe in conclusion that Mr. Cotton appears entirely to have lost sight of the inference which is to be deduced from the continuance of such irregularities in the Jail under his charge. It appears to the Judges to be impossible that such a state of things should have continued if a due degree of supervision had been exercised by the Officer in charge of the Jail, and they cannot but attribute in some measure to negligence on the part of Mr. Cotton the lax state of discipline which is stated to have prevailed both among the Convicts and Peons

Ordered that Extract from these

Proceedings

F. C.

18th August 1854.

Proceedings be sent to the Session Judge of Masulipatam for his information.

(Sent in No.

Read letter under date the 1st Instant from the Session Judge of Calicut Here enter F. C. No. 1923 of 1854.

Under the circumstances represented in the Magistrate's letter, the Court of Fouzdaree Udalut will so far modify their orders of the 22d ultimo as not to require the re employment of the Peon referred to.

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

(Sent in No.

Read Calendar in Case No. 105 of 1854 on the file of the Session Court of Bellary.

(Here enter F. C. No. 1945 of 1854)

1 In this case the Prisoner charged with House breaking and Theft was acquitted by the Session Judge in concurrence with the Mahomedan Law Officer. the evidence adduced against the Prisoner being considered insufficient for his conviction.

2 The Court of Fouzdaree Udalut concur

concur with the Session Judge in considering the evidence insufficient for conviction and in his remarks upon the doubtful manner in which the Prisoner's assent was given to his Police confession.

3. The attention of the Subordinate Judge should be called to the impropriety of reading over a Police deposition to a Prisoner and obtaining his assent thereto.

4. Any confession or admission made by the Prisoner before the Subordinate Court, should be taken down as given viva voce before the Subordinate Judge.

Ordered that Extract from these Proceedings be sent to the Session Judge of Bellary for communication to the Subordinate Court.

(Sent in No.

Read again Criminal Reports submitted by the Acting Session Judge of Combaconum for the month of June 1854.

(Here enter F. No. 1755 of 1854)

Read also return under date the 7th August 1854 from the Acting Session Judge of Combaconum to the precept of the Foujdaree Adalut dated 31st July 1854, conveying their observation on the foregoing Criminal Reports.

(Here enter F. No. 1960 of 1854) On

18th August 1854.

1. On perusal of the report in the Form A. of Case No. 104, the Court of Foujdaree Adalut are confirmed in the opinion formed on perusal of Report B. that the charge was not sustainable under Regulation IX of 1832, the prisoner having been guilty rather of an exaggeration than of a deliberate false complaint.

2. It is observed that the period of imprisonment adjudged has expired.

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

(Sent in No.

Read Calendar of Case No. 70 of 1854 on the file of the Session Court of Chicacole

(Here enter F. No. 1938 of 1854)

1. The prisoner in this case charged with severely wounding his mother, the Prosecutrix, was acquitted by the Mahomedan Law Officer in consequence of the Prosecutrix refusing before the Session Court to depose against her son, and stating that her wounds were the result of accident.

2. The Session Judge put a question to the Mahomedan Law Officer as to the specific punishment

punishment to which the prisoner would have been liable, had the Prosecutor before the Session Court adhered to the charge originally preferred against the Prisoner.

3 The answer of the Mahomedan Law Officer to this question was, that the Prisoner would have been liable to 8 stripes.

4 The Session Judge then convicted the Prisoner of the crime with which he was charged and sentenced him to five years imprisonment with hard labor in irons.

5 The Court of Foujdaree Udalut consider that the above question (Question 3) was improperly put to the Mahomedan Law Officer not being of the nature contemplated by Section VIII Regulation of 1825.

6 They therefore direct that this case be referred to this Court for their final decision. the sentence passed upon the Prisoner being suspended.

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

(Sent following) Precept No. 5

Saturday
19th August 1854

F Ud

At a Court of the Foujdaree Udalut

Present.

G. L. Cooper Esqr. ____ Puisne Judge
W. A. Morehead Esqr. ____ Puisne Judge
T. L. Strange Esqr. ____ Puisne Judge

Read letter (No 119) under date 15th August 1854 from the Session Judge of Trichinopoly

(Here enter F Ud. No 1990 of 1854.)

1 In the above letter the Session Judge with reference to para: 6 of the Foujdaree Udalut Court's Extract dated the 9th August last, desires to be informed if in future he is to understand that a Session Judge is empowered to rescind all sentences which may fall under his review, simply because the wrong enactment is quoted.

2 In reply the Foujdaree Udalut have to observe that any such procedure would tend to defeat the ends of justice and is altogether opposed to the principles adopted by the Foujdaree Udalut as a Court of Review and Appeal.

3 The Court are at a loss to understand how their meaning could so far have been misapprehended as

in the first instance. For what is the case? certain parties are tried by the Assistant Magistrate for "Misdemeanour" in having incited certain owners of bazars in the town of Trichinopoly to close the same, such act tending to tumult and confusion, and are sentenced by the convicting officer to find bail for their good behaviour. The Session Judge on reviewing the case, which was appealed to him, quashes the conviction, on the ground of "discrepancies observable in the evidence" the obvious inference being that had the offence been brought home to the accused, the sentence, a requisition of bail for good behaviour, would have been sustainable; whereas, of course, as pointed out by the Foujdaree Adalut in the above Proceedings such sentence is altogether illegal. Security for good behaviour being demandable from certain classes of offenders, and in which category the Prisoners, whose case is under review, were not charged to fall.

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

(Sent no. No.

Read return dated the 8th August 1854 from the Session Judge of Masulipatam to the precept of the Foujdaree Adalut under date the 4th idem requesting

requesting to be informed how the deceased in Case No. 70 of 1854 on the file of the Session Court was fastened to the tree and what led to his death.

(Here enter F. Ut. No. 1969 of 1854)

Read Calendar of Case No. 43 of 1854 submitted by the Session Judge of Nellore, under date the 10th August 1854.

(Here enter F. Ut. No. 1970 of 1854)

Read Calendar of Case No. 109 of 1854 submitted by the Session Judge of Bellary, under date the 9th August 1854

(Here enter F. Ut. No. 1976 of 1854)

Read Calendar of Case No. 19 of 1854 submitted by the Session Judge of Trichinopoly, under date the 12th August 1854.

(Here enter F. Ut. No. 1989 of 1854)

Read Calendar of Case No. 38 of 1854 submitted by the Session Judge of Cuddapah, under date the 14th August 1854.

(Here enter F. Ut. No. 1996 of 1854)

Read Supplemental Calendar of Case No. 2 of 1854 submitted by the Session Judge of Nellore, under date the 15th August 1854.

(Here enter F. Ut. No. 1997 of 1854)

Read

19th August 1854

in the first instance. For what is the case? certain parties are tried by the Assistant Magistrate for "Misdemeanour in having incited certain owners of bazars in the town of Trichinopoly to close the same, such act tending to tumult and confusion, and are sentenced by the convicting officer to find bail for their good behaviour. The Session Judge in perusing the case, which was appealed to him, quashes the conviction, on the ground of "discrepancies observable in the evidence" the obvious inference being that had the offence been brought home to the accused, the sentence, a requisition of bail for good behaviour, would have been sustainable; whereas, of course, as pointed out by the Foujdaree Adalut on the above Proceedings, such sentence is altogether illegal. security for good behaviour being demandable from certain class of offenders, and to which category the Prisoners, whose case is under review, were not charged to fall.

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

(Sent on No

Read return dated the 8th August 1854 from the Session Judge of Masulipatam to the precept of the Foujdaree Adalut under date the 4th idem requesting

End
J.H.

19th August 1854

requesting to be informed how the deceased in Case No. 70 of 1854 on the file of the Session Court was fastened to the tree and what led to his death.

(Here enter F. Ch. No. 1969 of 1854)

Read Calendar of Case No. 43 of 1854 submitted by the Session Judge of Nellore, under date the 10th August 1854.

(Here enter F. Ch. No. 1970 of 1854)

Read Calendar of Case No. 109 of 1854 submitted by the Session Judge of Bellary, under date the 9th August 1854

(Here enter F. Ch. No. 1976 of 1854)

Read Calendar of Case No. 19 of 1854 submitted by the Session Judge of Trichinopoly, under date the 12th August 1854.

(Here enter F. Ch. No. 1989 of 1854)

Read Calendar of Case No. 38 of 1854 submitted by the Session Judge of Cuddapah, under date the 14th August 1854.

(Here enter F. Ch. No. 1996 of 1854)

Read Supplemental Calendar of Case No. 2 of 1854, submitted by the Session Judge of Nellore, under date the 15th August 1854.

(Here enter F. Ch. No. 1997 of 1854)

Read

19th August 1854

Read Calendar of Case No. 77 of 1854 submitted by the Session Judge of Salem, under date the 9th August 1854.

(Here enter F. C. No. 1999 of 1854.)

F. C.

Monday.
21st August, 1854.

At a Court of the Foujdaree Udalut.

Present.

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

Read letter (No. 1563) under date 29th July 1854, from the Magistrate of Malabar.

(Here enter F. C. No. 1908 of 1854.)

In the above letter the Magistrate requests the sanction of the Foujdaree Udalut for the filling up casualties, as they occur, in the gang of convicts located and employed at Malapooram, observing that the object of stationing the convicts at that place will otherwise be greatly neutralized.

1. Resolved that the Subordinate Judge, in charge of the jail, be directed to carry out the Magistrate's wishes, as above intimated.

Ordered that Extract from these proceedings be sent to the Magistrate of Malabar for his information.

Ordered also that Extract from these proceedings be sent to the Subordinate Judge of Calicut for his information.

(Submin No.)

Read letter under date the

31st

31st July 1854 from the Subordinate Judge of Calicut

(Here enter F. M. No. 1944 of 1854.)

The Court of Foujdaree Adalut sanction the admission as approvers of the three prisoners referred to in the foregoing letter.

Ordered that extract from these proceedings be forwarded to the Subordinate Judge of Calicut for his information and guidance.

(Sent in No.)

Read Miscellaneous Petition presented on the 17th July 1854 by J. Onchterlony Esqr Vakil on behalf of Ganapaty Sastry of the Zillah of Madura.

(Here enter F. M. Pet. No. 142 of 1854.)

Mssrs G. S. Harper, W. A. Morehead, and S. L. Thange.

1.

The object of this Petition is to induce the Court of Foujdaree Adalut to reconsider their order of the 14th November last in which they declined to over-rule an order passed by the Magistrate of Madura under date the 20th April 1852 forbidding the petitioner and other followers of Comparacommum Sunkara Acharia to pass in procession with Thangueies and horse through the Ummum Sunnedhi

Vishi

Sunnidhi Vidhi of the town of Madura on the ground that such a procession would certainly be opposed by the Counter Petitioner and his adherents and would lead to a serious breach of the peace.

2. In confirming the Magistrate's order in which the legality of the procession contended for by the Petitioner, was admitted, the Court of Foujdaree Adalut observed that that officer 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 it might pass without inconvenience "or objection."

3. The Petitioner contends that as the Legality of the procession is admitted it is the duty of the Magistrate to take measures for preventing its being illegally opposed and he repeats the prayer of his former Petition that the interdict against it

it

it may be removed and that punishment may be adjudged to those, whose illegal opposition led to the Magistrate's order being passed.

4. The disposal of this Petition having been referred to a full Court by the Judge who passed the order of the 14th November last, the Court of Sawdaree Adalut are of opinion that the order of the Magistrate prohibiting the procession in question must be over-ruled.

5. The Joint Magistrate has entered into a full inquiry as to the grounds on which the Agent of the Singery Gooroo objects to the passage of the procession before his Mutt or residence. He has observed that "the Singery's "witnesses are all of his own party, while "the opposite party have many of all parties "and that even some of the Singery's witnesses "speak in his favor." From this evidence it appears that the testimony "of all the trust-"worthy and independent witnesses, is most clear "that the Gooroos and Shermogunes of all Mutts "have been in the habit of, and are still enjoy-

-ing "enjoying the privilege of going down the Sunnadi "Vidhi by the door of the Mutt of Singery "Gooroo in procession with all honor." The question then appears to be, Can this particular procession be interdicted while all others are allowed free progress through the street in question? It seems to the Court of Sawdaree Adalut that there can be no grounds of a public nature, calling for the interposition of the Magistrate to enforce a prohibition of so peculiar and exceptional a description, and that the Magistrate is bound to see that the Petitioner has right of way allowed him for his procession equally with others until by a decree of Court, if his opponent thinks fit to resort to a suit for the purpose, it may be shown that the latter has some special right or privilege entitling him to exclude him.

6. The Court recognize the principle upon which the Magistrate has refused to allow of this procession, namely, that parties

are

are not to be permitted to take measures of the kind which may have an obvious tendency to disturb the public peace, but such principle can only, they consider be rightly enforced where the step objected to is of a novel & unusual nature and such as carries with it an offence to the public. In the present instance the Petitioner is only seeking to perform what is permitted to all others in a parallel position to his own and is opposed upon individual grounds.

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

(Sent in No)

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

Extract sent

J. W.

Tuesday
22nd August 1854.

At a Court of the Foujdaree Adalut.

Present.

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

Read again Petition presented 27th June 1854 by Alagappa Malavaraya of Zillah Combaconum, father in law of Moorgen Cadavaraya, 3d Prisoner in No 9 of 1854 on the file of the Session's Court.

(Here enter F. M. P. No 124 of 1854)

Read also again Petition presented on same date by Chittee Ammah, wife of Nello Sanam, 1st Prisoner in same Case.

Here enter F. M. P. No 125 of 1854.

Read also Return dated 3d August 1854 from Acting Session Judge to Precept of Foujdaree Adalut under date 14th July 1854, directing the submission of a translation of the Record of the Case.

(Here enter F. A. No 1948 of 1854)

The

22d. August 1854.

Mr. W. A. Morehead J. The Prisoners, seven (7) in number were committed by the Subordinate Judge to take their trial before the Sessions Court on a charge of "Housebreaking and theft" on the ground of suspicion attaching to them, by reason of certain property, sworn to have been stolen from Prosecutors premises on the occasion in question, having been alleged to have been discovered in their several houses.

2. All the Prisoners were convicted by the late Acting Sessions Judge of being in possession of the above property with a guilty knowledge - and were severally sentenced by that authority to various periods of imprisonment, in proportion to their presumed guilt.-

3. On the commission of the Burglary, which was perpetrated, the Court observe, as far back as the 27th. November 1853 - the Prosecutor - on the plea of an alleged enmity subsisting between those parties and himself, immediately preferred an accusation against three of the Prisoners (Nos. 1-2-3.) These individuals were at once seized

22d. August 1854.

Seized by the local authorities - and their houses, which are contiguous to that of the Prosecutor, were searched - Nothing, however, of a tangible nature came out against them and they were, consequently, released.

4. Subsequently, in the Months of March following - the 4th. Prisoner volunteered a statement that he had had property of a suspicious nature given him by Prisoner No. 3. on this the 3d. Prisoner together with the two other parties previously accused - as well as the remaining Prisoners were taken into custody - and certain articles have been produced as from the houses of all of these Prisoners - which are claimed alike by them and by the Prosecutor.-

5. With reference to this evidence, the Foujdaree Adalut have to observe that there is no proof to the fact of the 3d. Prisoner making over the property charged to the 4th. Prisoner - The Statements by the 1st. and 2d. witnesses, the former the brother of this latter Prisoner, the Court are constrained to reject as false; - indeed it

it appears to the Court as more than probable that the actual perpetrators of the crime were no others than the three last mentioned individuals.-

6 In regard, secondly, to the property found. These articles, the Foujdaree Adalut remark, are of comparatively trifling value and apparently not susceptable of any satisfactory identification; evidence of such a nature is recorded, the witnesses who depose to them as being the Prosecutors' property merely, it is observed, stating that they can swear to the same by having frequently noticed them in the house of the Prosecutor, whose relatives they allege themselves to be.-

7. Ona consideration of the whole of the circumstances of the Case, the Court are of opinion that the evidence is not sufficiently trustworthy to justify the conviction of Prisoners Nos 1-2-3-5-6 and-7 who are, accordingly, released.-

8. In regard, however, to the 4th Prisoner, the Court of Foujdaree Adalut see no reason to interfere with the Sentence regarded

recorded against him- being of opinion that his Conduct in the transaction, as deposed to by himself (whether such statements be true or false) fully authorizes the punishment awarded to him.-

Ordered, that Extract from these Proceedings, be Sent to the Acting Sessions Judge of Combaconum, for his information and guidance, by Precept returnable within V days, from and after its receipt.-

(Sent following Precept No)

Read letter dated 15th August 1854. from the Sessions of Coimbatore referring for the final Judgment of the Foujdaree Adalut the Record of Case No 11 of 1854. of the Calendar of the Sessions Court.-

(Hereunto F.R.C. No 2004 of 1854.)

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-

1st Caroothy.

is sufficient to convict him of the crimes charged, do convict him thereof

and

22d. August 1854.

and Sentence him to be transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisond and kept to hard labor on the public Roads or other public works for and during the period of his natural life.-

(Sent in No.)

Read report B. dated 14th August 1854 Submitted by the Session Judge of Mangalore of Persons apprehended in the Zillah of Mangalore and delivered to the Acting Subordinate Judge, and tried in the Months of July 1854.-

(Here enter F. C. No. 2005 of 1854.)

Read letter dated 15th August 1854 from the Session Judge of Calicut, transmitting the warrant issued for the execution of the Sentence of death passed upon the Prisoners in Calendar No. 33 of 1854 with the Subordinate Judge's endorsement certifying due execution and copy of his report under Circular Order Fouzdaree Adalut 3d. May 1830.-

(Here enter F. C. No. 2015 of 1854)

Read Calendar in Case No. XXIX of 1854 Submitted by the Session Judge of Madura under date the 17th August 1854.-

(Here enter F. C. No. 2022 of 1854)

22d. August 1854.

Read return dated 15th August 1854 from the Session Judge of Madura, to the Precept of the Fouzdaree Adalut under date the 27th July 1854 remarking on Cases Nos. 66 and 69 in the Criminal Report for June.-

(Here enter F. C. No. 2026 of 1854)

4 Do Noll

F.116.

Wednesday 23d. August, 1854 } At a Court of the Foujdaree Adalut.

Present.

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

Read letter under the 9th. August 1854 from the Sessions Judge of Nellore forwarding English Translation of the record of Case No. 41 of 1854, on the Calendar of the Sessions Court, for the final Judgement of the Court of Foujdaree Adalut.-

(Here enter Fllc. No. 1965 of 1854)-

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

Machavole Silanna.

is not convicted on presumptive proof

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

or

or on the evidence of credible witnesses, or on his own confession, of the crime charged, do acquit him thereof, and direct that he be set at liberty.

1. The Court of Enquiry does not feel unable to place reliance on the evidence adduced against the prisoner.—

2. The 1st and 2d witnesses have given conflicting statements, at first supporting the Prisoner in his declaration that his wife was killed by robbers, and then stating that they had done so to screen the Prisoner, who was himself the murderer. These witnesses by their own account have been guilty of misprision of felony and their evidence was not properly receivable.—

3. The Court furthermore distrust this evidence as well as that brought in support thereof.—

4. The deceased come by her death on the night of the 28th May.

On

On the following day the Village of Moonsiff assembled an inquest of five persons who with himself came to the conclusion that the deceased had been killed by robbers as alleged then by the Prisoner and the 1st and 2d witnesses. The Prosecutor, who was examined on the 30th, was of a like opinion. G. Lukshmi, C. Boleyreddy, and C. Venatanarasoogandoo, examined before the Police stated that it was the universal belief that such had been the case. It was not till the 31st that evidence to the prejudice of the Prisoner was brought out, and from that date it was alleged that the tale as to robbers having killed the deceased was a palpable falsehood, that the thrashed grain they were said to have carried off had in fact been previously removed to the Prosecutor's house, and that there were no traces of a robbery having been committed.—

Facts

5.

Facts so well known and self evident could hardly have been overlooked at the period of the earlier inquiry, and the result of this inquiry, as above noticed, is against these facts. The Sessions Judge, the Court have to observe, erred greatly in coming to a conclusion against the Prisoner without taking the evidence of the Village Moonsiff and some of the Punchayetdars & on the subject of their reports on which told so directly against the latter evidence brought against the Prisoner.

6.

On the 30th June a bloody stick belonging to the Prisoner is said to have been discovered near the site of the corpse. This is represented to have led to the prisoner's confession and to his pointing out another bloody stick, also used for the murder, and the deceased's bangles. These sticks, according to the

the 5th witness, were but 2 and 3 fathoms from where the body lay. It is difficult to believe that when the prisoner was planning to shelter himself from suspicion he would have left these evidences of his guilt in such a neighbourhood, and also that when parties were examining, as they affirm, the premises to see whether traces of a robbery existed they should have failed to discover them.

The evidence to the Prisoner

7.

giving up the bangles is most unsatisfactory. The 5th and 8th witnesses contradict themselves as to whether they actually witnessed the occurrence or not, and the other evidences on this subject, namely the 6th, 12th and 13th witnesses, allow that they did not actually see the articles in question taken up. The Foujdaree Adalut think it suspicious that this evidence should so break down. It is also inexplicable that the

deceased's

deceased's Taly and Earring should not have been produced. If the Prisoner had secured the bangles he would equally have secured these ornaments. 8.

Under these circumstances the Court of Foujdaree Udalut acquit the Prisoner and direct his release.—

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

/Sent in a No. /—

Read Calendar of Case No. 28 of 1854 of the Sessions Court of Combaconum.—

/Here Enter F.R. No. 1937 of 1854/—

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge, that the period of Imprisonment, which the Prisoner in this case has been sentenced to suffer, on his conviction of the crime of Gang Robbery, be reduced to

*Valaroment.

to (5) five years with hard labor in irons; and they do authorize the Sessions Judge to issue his Warrant accordingly.—

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

/Sent in a No. /—

54 & Nellore

Read Convict Labor Report dated 15th July 1854 submitted by the Sessions Judge of Madura of the Dambrow Jail for the months of June 1854.

(Here Enter F.R. No. 1719 of 1854)

Read Extract dated 15th July 1854 submitted by the Sessions Judge of Masulipatam from the Proceedings held on Review of the Drilly Calendars submitted by the Magistracy for the 1st Quarter of 1854.

(Here Enter F.R. No. 1802 of 1854)

F. U.

Thursday 24th August, 1854

At a Court of the Foujdaree Adalut

Present

G. S. Cooper, Esqre,
W. A. Morehead, Esqre,
J. L. Strange, Esqre,
} Puisne Judges.

Read Foujdaree Miscellaneous Petition presented on the 31st July 1854 by Sakroodeen late Naik in the Jail at Bellary.

(Here enter F. U. N. 2. No 56 of 1854.)

Messrs W. A. Morehead and J. L. Strange.

1. The Petitioner appeals from an order passed by the Subordinate Judge of Bellary under date the 25th January 1854 directing his dismissal from the situation of Jail Naik for connivance in the escape of three convicts from the Jail.

2. The Petitioner was tried for connivance in the escape in question before the Sessions Court, but was acquitted by the Sessions Judge.

3. The Court of Foujdaree Adalut observe that this Petition should have been addressed to the Session Judge. They resolve however to call upon the Session Judge to report whether considering the acquittal of the Petitioner when tried before the Sessions Court

24th August, 1854.

Court for connivance there are sufficient grounds to justify the order of the Subordinate Judge from which the Petitioner appeals.

Ordered that Extract from these proceedings be sent to the Session Judge of Bellary by precept returnable within III days from and after its receipt.

(Sent in No)

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

Read Miscellaneous Petition presented by Davy Goorareddy of the zillah of Cuddapah.

(Here enter F. M. 2. No. 154 of 1854.)

Mr. W. A. Blackland.

1. Petitioner complains of certain proceedings held by the Magistrate of Cuddapah in the matter of a complaint preferred by him against one Dullatore Ramy Reddy and another, and prays the Court of Foujdaree Adalut to interfere in his behalf.

2. The Court of Foujdaree Adalut observe that the Petitioner must in the first instance appeal to the Session Judge of the zillah who will pass such orders in the matter as he may deem proper.

Ordered

24th August, 1854.

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

Read again Calendar of Case No. 34 of 1854 on the file of the Session Court of Cuddalore.

(Here enter F. M. No. 1384 of 1854.)

Read also Return of the Session Judge of Cuddalore under date 4th July, 1854, to Precept of Foujdaree Adalut, dated 1st Idem, directing the submission of the Record in the above case.

(Here enter F. M. No. 1655 of 1854.)

In the above case, the Session Judge, concurring with the Law Officer, related the 4th, 5th, and 6th Prisoners, and convicting the remaining three Prisoners of "Attempt at gang Robbery," sentenced them severally under Clause 3, Section IV, Regulation XV of 1803, recommending at the same time, in the case of the 2nd and 3rd Prisoners, a mitigation of the punishment prescribed by that enactment to a sentence of Imprisonment with hard labor in Irons for five years.

The

2.

The Court of Foujdaree Adalut deemed it necessary to call for the record, observing that it appeared, that the crime for which the Prisoners were sentenced, was distinct from that laid in the Indictment.

3.

A perusal of this record has satisfied the Court, that the provisions of Clause 4, Section IV, Regulation XV of 1803, do not apply - there was no such "going forth," as the Regulation contemplates - and as there is no other charge against the 2nd and 3rd Prisoners, the Court have to direct their immediate release.

But under the circumstances of the case the Court of Foujdaree Adalut direct the Sessions Judge to transfer the Prisoners to the Magistrate with instructions to institute an enquiry into their mode of life, and general character, under the rules enacted by Clause 1st, Section III, Regulation II of 1822, for the requisition of security.

4.

In respect to the 1st Prisoner, whom the Foujdaree Adalut do likewise acquit, it remains with the Sessions Judge to put

that individual on his trial, should such procedure not already have been adopted, for his escape from Jail, under the provisions of Clause 2nd, Section V, Regulation VI of 1822.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Cuddalore for his information and guidance, by Precept returnable within V days from and after its receipt.

(sent following precept No)

Ed 18 Ld

T 26.

Saturday 28th August 1854. 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 Miscellaneous Petition presented on the 17th July 1854 by Rackoye of Zillah Tinnevelly.

(Hereunder T. 26. M. P. No. 146 of 1854)

Petitioner, the mother of Sunkura

Mr. Morehead. / Serga Nathen, Prosecutor in Criminal Case No. 28 1854

on the file of the Principal Sudr Ameen, complains that the Prisoners in that case were unduly released, and prays the Court to call up the proceedings and to pass such orders as they may deem proper.

2 The Foujdaree Udalut resolve to reject this Petition. Petitioner having failed to show any grounds that would lead the Court to interfere with the orders passed by the lower Courts.

Ordered that Extract from those Proceedings be given to the Petitioner on her application.

Read Miscellaneous Petition presented

presented on the 20th July 1854, by Sarcoreyal and Tyunnual of Zillah Trichinopoly.

(Here enter F. M. P. No. 149 of 1854.)

Mr. Morehead.

1

The 1st Petitioner is the mother of the Prisoner No. 1, and the 2d Petitioner the wife of Prisoner No. 2 in Case No. 9 of 1854 on the file of the Session Court.

2

The said Prisoners were severally sentenced in the foregoing case, on their conviction of "Housebreaking and Theft," to 7 years Imprisonment, with hard labor in Irons - impugning the justice of the conviction, Petitioners now appeal on behalf of their several relatives, to this Court.

3

The Court of Tanjore Dated resolved to reject this joint Petition - they observe that the grounds urged by Petitioners are eminently worthless - the same were pleaded before the Session Judge, and the Prisoners altogether failed to establish them.

Ordered that Extract from these Proceedings be given to the Petitioners on their application.

Read Miscellaneous Petition presented by Codoory Mahalutchmy of Zillah Masulipatam on the 24th July 1854.

(Here enter F. M. P. No. 152 of 1854.)

Petitioner

Mr. Morehead

1

Petitioner who is the mother of Codoory Ramachandra, who with another was convicted in Case No. 59 of 1854 on the file of the Session Court of the crime of stealing and destroying certain Judicial records - prays this Court on behalf of the said 2d Prisoner to go through the record of trial and direct his release -

This Petition is rejected - the sentence complained was passed by this Court on the fullest consideration - and nothing has been set out in this Petition which at all leads the Court to question the justice thereof -

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

Read Miscellaneous Petition presented on the 27th July 1854 by Patathil Shangoo Nair of Zillah Calicut.

(Here enter F. M. P. No. 155 of 1854.)

Petitioner's Uncle on his conviction

Mr. Morehead

1

of Perjury in Case No. 24 of 1854 on the file of the Session Court, was sentenced by this Court at the recommendation of the Session Judge to the mitigated punishment of two years imprisonment with hard labor in irons - and against such sentence he now appeals -

This

2

This Petition is rejected, the Tondaman Adalut see no grounds for altering their former sentence.

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

Read Petition presented on the 27th July 1854 by Arnachella Chetty and another of Zillah Chittoor.

(Hereafter T. M. P. No. 156 of 1854.)

Mr. Morehead 1. Petitioners on the charge of having riotously conducted a certain caste procession in the town of Vellore, were fined respectively Rupees 50 and 10 by the Head Assistant Magistrate and the 1st Petitioner was further dismissed from the Moonsifship of Sarapettah, one of the suburbs of the town of Vellore.

2. They complain, that, on preferring an appeal to the Session Judge, that authority confirmed the sentence of the fines, and with regard to the office of Moonsif, expressed himself unable to interfere.

3. The Court of Tondaman Adalut resolved to reject this Petition there being no ground for disturbing the orders passed by the Session Judge.

4 In regard to the matter of Pr. Petitioners' dismissal

dismissal from the office of Moonsif, the Tondaman Adalut have no jurisdiction. the jurisdiction lies with the Board of Revenue, to whom it is competent to Petitioner to appeal.

Ordered that Extract from these Proceedings be given to the Petitioners on their application.

Read Miscellaneous Petition presented on the 31st July 1854 by John Tanchoonnian Vatteel on behalf of Mr. W. D'Silva, Merchant of Zillah Calicut.

(Hereafter T. M. P. No. 158 of 1854.)

This is an appeal from an order

Mr. Morehead 1 of the Session Judge of Calicut, upholding a sentence of the Magistrate, who, under date the 2nd March last, fined Petitioner Rupees 20 under Section xxxii Regulation ix of 1816, for an offence against the public health.

Petitioner appeals both on the

2 general merits of the case, and on the ground that in a case like the present, the Magistrate had no jurisdiction under the Regulation quoted by him.

3 The Court of Tondaman Adalut observe that the general provisions of the Mahomedan Law in accordance with which the Session Judge has

2.

This Petition is rejected, the Foujdaree Udalut see no grounds for altering their former sentence.

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

Read Petition presented on the 27th July 1854 by Arnachella Chetty and another of Zillah Chittoor.

(Here enter F. M. R. No. 156 of 1854.)

Mr. Morehead 1.

Petitioners on the charge of having riotously conducted a certain caste procession in the town of Vellore, were fined respectively Rupees 50 and 40 by the Head Assistant Magistrate and the 1st Petitioner was further dismissed from the Moonsiffship of Karapettah, one of the suburbs of the town of Vellore.

2.

They complain, that, on preferring an appeal to the Session Judge, that authority confirmed the sentence of the fines, and with regard to the office of Moonsiff, expressed himself unable to interfere.

3.

The Court of Foujdaree Udalut resolved to reject this Petition there being no ground for disturbing the orders passed by the Session Judge.

4.

In regard to the matter of 1st Petitioner's dismissal

dismissal from the office of Moonsiff, the Foujdaree Udalut have no jurisdiction. the jurisdiction lies with the Board of Revenue, to whom it is competent to Petitioner to apply.

Ordered that Extract from these Proceedings be given to the Petitioners on their application.

Read Miscellaneous Petition presented on the 31st July 1854 by John Tauchoonnoon Vakeel on behalf of Mr. W. D'Silva, Merchant of Zillah Calicut.

(Here enter F. M. R. No. 158 of 1854.)

Mr. Morehead 1

This is an appeal from an order of the Session Judge of Calicut, upholding a sentence of the Magistrate, who, under date the 2nd March last, fined Petitioner Rupees 20 under Section xxxii Regulation ix of 1816, for an offence against the public health.

2 Petitioner appeals both on the general merits of the case, and on the ground that in a case like the present, the Magistrate had no jurisdiction under the Regulation quoted by him.

3 The Court of Foujdaree Udalut observed that the general provisions of the Mahomedan Law in accordance with which the Session Judge has

has pronounced the sentence of the Magistrate legal
can only be had recourse to when the offence committed
has not been specifically provided for otherwise
In the present case, the offence charged is expressly
set out in Act xx of 1841 - and the procedure to be adopted
by the Magistrate is also set out, and that procedure
includes a clause which directs that the offending
party be served with an injunction to remove the
nuisance complained of - and this preliminary step
is imperative - its omission vitiates any subsequent
conviction.

4 Under these circumstances the Court
call upon the Session Judge to enquire whether any
injunction of the nature referred to, was issued by the
Magistrate - If the Session Judge shall ascertain
that it has been so issued, the sentence complained of is
confirmed, the Session Judge pointing out to the
Magistrate the error he has fallen into in quoting
the enactment of 1816 - if it has not been so issued, the
conviction cannot be sustained, and the fine levied
will be remitted by the Session Judge to the Petitioner.

Ordered that Extract from these
Proceedings be sent to the Session Judge of Calicut
for his information and guidance, by Precept re-
turnable within 10 days from and after its receipt.

(sent following) precept No.

ordered

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

Read Miscellaneous Petition
presented on the 31st July 1854 by Papathee of Zillah
Trichinopoly.

(Hereunto annexed No 1 of 1854)

Petitioner, a dancing Girl attached
Mr. Marshall. to the Pagoda at Sreerungum, brought a charge
against certain parties of "Assault and Robbery" -
the same was examined into by the Police Ameen
of Trichinopoly, on whose report to the Assistant
Magistrate, that Officer, deeming the assault
alone proved, fined the Defendants in the sum of
Rupees 3 - On appeal to the Magistrate, the Assistant
Magistrate's sentence was confirmed - Defendants
again appealed to the Session Judge, who remitted
the fine, holding the charge not made out -
against this order of the Session Judge, Petitioner
now appeals.

The Court of Foujdaree Adalut
2.
reject this Petition, the order of the Session Judge
reversing that of the Assistant Magistrate
being final.

Ordered that Extract from
these

these Proceedings be given to the Petitioner on her application.

Read Miscellaneous Petition presented on the 3d August 1854 by Soobramien of Zillah Combaconum.

(Here enter F. C. M. & No. 160/1854.)

Mr. Morehead. 1 Petitioner was informed no further back than the 22d June last, that this Court saw no reason to interfere with the order calling upon Prisoner to furnish security made by the Joint Magistrate of Combaconum, and confirmed on appeal by the Acting Session Judge. He now prays the Foujdaree Udalut to revise their above said order.

2 The Foujdaree Udalut reject this application and have only to refer Petitioner to their former orders on his case.

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

Read Miscellaneous Petition presented on the 26th August 1854 by Venkaty and 3 others of Zillah Chittoor.

(Here enter F. M. & No. 179 of 1854)

Mr. Morehead 1 Petitioner, on behalf of the Prisoners 1 to 4. sentenced to 14 years imprisonment with hard

hard labor in irons by the Session Judge on their conviction of "Gang Robbery" (Case No. 18 of 1854) pray the Court of Foujdaree Udalut to direct the release of those parties, they being guiltless of the crime charged.

The Foujdaree Udalut reject this

2 Petition the case to which Petitioners refer has already received the consideration of this Court.

Ordered that Extract from these Proceedings be given to the Petitioners on their application.

5

Read 18 Cd.

F. U.

Tuesday
29th August 1854. At a Court of the Foujdaree Udalut

Present

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

Read a Miscellaneous Petition

forwarded by the Session Judge of Masulipatam from Bheemadee and three others of Zillah Masulipatam

/Here enter F. M. P. No. 157 of 1854./

The Petitioners appeal from the sentence

1.

Mr. W. A. Morehead. passed upon them in case No. 37 of 1854 on the file of the Session Court of Masulipatam.

The Court of Foujdaree Udalut see

2.

no reason to question the propriety of the sentence from which the Petitioners appeal and they accordingly resolve to dismiss this Petition

It is observed that the Petition was

3.

forwarded to the Session Judge on the 20th of June and was not forwarded to the Foujdaree Udalut until the 27th of the following month.

Ordered that Extract from these Pro-
=ceedings be sent to the Session Judge of Masulipatam

for

29th August 1854

Ent'd Th. N.

for communication of para 1 and 2 to the Petitioner

Sent in No. P.

Read letter dated 18th August 1854 from the Session Judge of Nellore, submitting the Petty Calendar for the 2nd Quarter of 1854.

(Here enter F.P. No. 2028 of 1854)

Wednesday,
30th August 1854

F.P.

At a Court of the Tonjoaree Dewaut.

Present.

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

Read Calender of case No 111 of 1854 on the file of the Sessions Court of Bellary.-

(Here Enter F.P. No 2012 of 1854)

1. The Court of Tonjoaree Dewaut have to point out to the Sessions Judge, that, in the Submission of cases like the present, it is in every way desirable that the Sessions Judge should give briefly some accounts of what led to the apprehension of the Prisoners.

2. In the present instance the Prisoners were not apprehended until some few days had elapsed subsequently to the commission of the robbery - and the Tonjoaree Dewaut desire that the Sessions Judge will now remedy the omission above noted, giving a short history of the steps which led to the accused being taken up by the Police.

Ordered

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

Sent following Precept No

Read Calendar of Case No 1 of 1854 on the file of the Sessions Court of Nellore.-

(Here Enter F R No 2051 of 1854)

Read also Calendar of case No 2, of 1854 on the file of the Sessions Court

(Here Enter F R No 2052 of 1854)

1. The foregoing are cases of "Robbery by open violence". The Prisoners are the same in each - and the plundering of the two houses constituted one continuous act. it was unnecessary, therefore, to try the Prisoners on each charge separately.

2. As the Prisoners were convicted in both cases the Sessions Judge passing no sentence in case No 2, has recommended a mitigation to 5 years Imprisonment with hard labor in Irons of the punishment provided by the terms of Clause 3d Section IV Regulation XV

XV of 1803 - with reference to the commutation in case No 1.

3. Adverting to the considerations urged by the Sessions Judge viz: the scarcity of the season, the small value of the grain stolen and the fact of no injury resulting to the Prosecutors, the Court of Tanjore are unable to resolve to give effect to his recommendation - and the warrant will be amended accordingly.

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

(Sent in No

Read Calendar No XXXIV of 1854 on the file of the Sessions Court of Calicut.

(Here Enter F R No 1995 of 1854)

1. In the foregoing calendar, the Sessions Judge has recommended in the case of Prisoners Nos 3 - 13 - 8 - 9 & 10 (all sentenced to 14 years imprisonment with hard labor in irons on their conviction of Highway Robbery attended with aggravating circumstances) that they be banished to other Districts.

2. The Court of Tanjore are unable to resolve

30th August 1854

resolve to give effect to this recommenda-
=tion, and direct that the 3d and 13 11th Prisoners
be transferred to the Zillah Salem, Tellicherry
and the 8th 9th and 10th Prisoners to the Zillah
Salem Coimbatore.-

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

4 of the W

(Sent in No)

Wednesday
31st August 1854.

F. U.

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esquire
W. N. Morehead Esquire } Puisne Judges.
J. L. Strange Esquire

Read letter under date the 14th August 1854
from the Sessions Judge of Bellary
(Here enter F. U. No 2014/1854)

Mr Morehead

The Court of Foujdaree Udalut au-
=thorize the Sessions Judge to return to the Of-
=ficer Commanding Bellary the original pro-
=ceedings of the Court of Inquest referred to
in the foregoing letter.

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

(Sent in No)

Read again Petition presented 5th July
1854 by Sreenevassa Moorty of Zillah Salem
(Here enter F. U. M. P. No 137/1854)

Read also Return of Sessions Judge
Salem under date 17th August 1854 to Precept of
Foujdaree Udalut dated 5th August, calling
upon that Officer to submit copy of the order
of

of the Head Assistant Magistrate passed in the case of Petitioner.

(Here enter F. C. No. 2030/1854)

Mr. Strange

1 The Court of Fouydaree Udalut see no grounds for interfering with the order of the Head Assistant Magistrate which has been affirmed on appeal by the Session Judge.

2 The Petitioner in entering forcibly into the disputed Village of Kondalampatty, has clearly been guilty of treapass and was therefore amenable to the sentence passed upon him under Section XXXII, Regulation IX of 1816.

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

Read Calendar of Case No 112 of 1854 on the file of the Session Court of Bellary.

(Here enter F. C. No. 2013/1854)

The foregoing is a case of "House-breaking and Theft," the value of property stolen amounted to Rupees 44 and Annas 12. The case was however committed to the

Session Court in consequence of the two Prisoners having been concerned as 3rd and 6th Prisoners in Case 110 of 1854 ("Highway Robbery").

2 The Session Judge has observed that as the Prisoners were convicted on the charge in Case 110, and as the present charge is one of a less serious character, it appeared unnecessary to place the Prisoners on a second trial for the "Housebreaking and Theft," and he has quoted Fouydaree Udalut Circular Order dated 24th May 1829.

The Circular Order referred to is

3 not applicable. That Enactment contemplates a case where Prisoners are undergoing a sentence, and a charge, less serious than that for which they are under punishment, is brought against them. In the case under review the Prisoners were committed at the same time on both charges, the "Highway Robbery" and the "Housebreaking" and the Fouydaree Udalut have to instruct the Session Judge that the proper course was to try the Prisoners on both charges, passing a sentence commensurate with the amount of guilt.

Ordered

31st August 1854.

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

Entd Thos W

/Sent in No /.

Read Calendar of Case No. 111 of 1854 submitted by the Session Judge of Bellary under date the 17th Instant.

/Here enter F. Ca. No. 2047 of 1854/

Read Calendar of Case No. 116 of 1854 submitted by the Session Judge of Bellary under date the 19th Instant.

/Here enter F. Ca. No. 2049 of 1854/

Read report dated 16th Instant submitted by the Subordinate Judge in charge of Session Court of Rajahmundry of the Labor of Convicts of the jail at Cocanada under charge of the Magistrate for July 1854.

/Here enter F. Ca. No. 2067 of 1854/

Read Criminal reports dated 14th Instant submitted by the Session Judge of Bellary for the month of July 1854

/Here enter F. Ca. No. 2068 of 1854/

Read Calendar of Case No. 108 of 1854 submitted by the Session Judge of Bellary under date the 21st Instant

/Here enter F. Ca. No. 2070 of 1854/ Read

31st August 1854.

Read report of Criminal Case No. 32 of 1854 submitted by the Session Judge of Guntoor under date the 24th Instant.

/Here enter F. Ca. No. 2075 of 1854/

Read report dated 5th September 1854 submitted by the Acting Session Judge of Chingleput of Cases pending on the 31st Instant, and committed for trial during the month of May 1854.

/Here enter F. Ca. No. 2156 of 1854/

Entd Thos W

Case Clear

F. C.

Friday
1st September 1854.

At a Court of the Sonjedaree Udalut.

Present

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

Read Criminal Reports submitted by the Sessions Judge of Coimbatore for July 1854.

Here Enter F. C. A.s 2018 of 1854.

1. Case No. 86. Accessories being of two classes, it should have been stated to which the 2d Prisoner, who is indicted as "accessory" to his son the 1st Prisoner, belonged. It would appear from the statement of charges against the 1st prisoner that the 2d prisoner was accessory before the fact.

2. Case No. 91. 'False Complaint.' The punishment awarded in this case appears very slight. The consequences to Prosecutor, had he been convicted on the charge wilfully and falsely preferred

1st September 1854. =ferred against him, would have been extremely serious.

3. Case No. 94. "Cattle stealing [and killing]" The words in brackets are superfluous. The gist of the offence of which Prisoners were convicted was the stealing of the Prosecutor's sheep. That, after committing such larceny, they killed the sheep for food is immaterial.

4. Case No. 96. Vide remark in Para 2 supra.

5. Case No. 97. This case should have been disposed of by the Magistracy. it appears to have been an ordinary case of grain lifting. the value laid being only Rupees 10-4-6.

6. Case No. 107. "Housebreaking with theft" In this case Prisoners 3 to 7 inclusive are charged "with receiving and secreting" portions of the stolen property. the words underlined are superfluous. the offence being the receiving

7. Case No. 108. "False complaint. vide remark in Para 2 supra.

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

1st September 1854 his information and guidance.

Sent in No.

Read Criminal Reports submitted by the Sessions Judge of Cuddapah for July 1854.

Here enter F. R. No. 2019 of 1854.

1. Case No. 159. This case wherein the Prisoners were charged with having stolen from the Prosecutors garden green plantains valued at Annas four (4) should have been disposed of by the Head of Police.

2. Case No. 167. "Housebreaking and Theft" The circumstances under which the alleged larceny was perpetrated. Viz: from the person of the Prosecutrix and with violence, rendered the offence, not "Theft" but "Robbery".

3. Case No. 170. "Robbery [attended with violence]" the words in brackets are superfluous. 'violence' being that which raises theft to "Robbery". As the Prisoners are alleged to have cut the Prosecutor on the hand with a knife, the "wounding"

should

1st September 1854. should properly have been inserted in the heading of the charge.

4. Case No. 175. Vide remark in Para 2 supra.

5. Case No. 177. Adverting to the value of the grain which the prisoners in this case are convicted of having stolen, the Court of Fouzdaree Udalut consider the sentence passed viz: 4 Months Imprisonment with hard labor in irons extremely lenient.

6. Case No. 182. The Crime charged in this case should have been designated in the heading as "assembling with the intent of committing "a gang robbery".

7 Case No. 185. "Arson" as the flames kindled by 1st Prisoner were alleged to have caused the death of certain inmates of the tenements set fire to, the "murder" should have been laid in the charge with reference to the Indictment against the 2d Prisoner the Fouzdaree Udalut have to point out that the counselling an accused party "not to confess" is no penal offence.

8. Case No. 191. "Escape" As parties escaping while under examination on charges of

1st September 1854. of Petty offences and Petty Thefts are, by a recent ruling of this Court not punishable under Clause 3 Section V. Regulation VI of 1822, it is desirable in cases of escape taken up by the Criminal Courts, to enter in the Indictment, after the word "Theft" or other offences as the case may be, the words "otherwise than "pretty".

9. Case No. 192. "Escape" The foregoing remark applies to this case also. it should have been stated of what description of larceny the "stolen "property" was the proceeds.

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

Sent in No.

Read, Criminal Reports submitted by the Sessions Judge of Tellicherry for the month of July 1854.

Here enter S. R. No. 2000 of 1854.

Case No. 66. 1. The prisoner in this case was charged with having inflicted four wounds.

1st September 1854. wounds on the prosecutor with a knife and on conviction has been sentenced to two months Imprisonment with hard labor in irons.-

2. Adverting to the nature of the offence and its prevalence in Malabar the Court of Foujdaree Udalut consider the above sentence altogether inadequate.-

Ordered that Extract from these Proceedings be sent to the Session Judge of Tellicherry for his information and for communication to the Principal Sudder Ameen.-

Sent in &c.

Read Calendar of Case No. 30 of 1854 of the Session Court of Madura

Here enter F. R. No. 2023 of 1854

The Court of Foujdaree Udalut approve of the recommendation made by the Session Judge that the period of Imprisonment which the Prisoner in this case has been adjudged to suffer, on his conviction of the crime of Robbery by

× Arunayagum.

1st September 1854. by open violence, be reduced to (8) Eight years with hard labor in irons; and they do authorize the Session Judge to issue his Warrant accordingly.-

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

Sent in &c.

Read Calendar of Case No. 9 of 1854 of the Sessions Court of Tellicherry

Here enter F. R. No. 1988 of 1854.

The Court of Foujdaree Udalut approve of the recommendation made by the Session Judge in this Case, that the period of imprisonment, which the Prisoners noted in the margin have been adjudged to suffer, on their conviction of the crime of House breaking and theft, be reduced to (4) four years with hard labor in irons, and they do authorize the Sessions Judge to issue his Warrant accordingly.

1st Kayoo tha Pollian Appoo.
2d Kanoo Eramoo
+
3d Onda alias Kapaddan Pockan.

Ordered

1st September 1854. should properly have been inserted in the heading of the charge.

4. Case No. 175. Vide remark in Para 2 supra.

5. Case No. 177. Adverting to the value of the grain which the prisoners in this case are convicted of having stolen, the Court of Fonjdaree Udalut consider the sentence passed viz: 4 Months Imprisonment with hard labor in irons extremely lenient.

6. Case No. 182. The crime charged in this case should have been designated in the heading as "assembling with the intent of committing "a gang robbery."

7 Case No. 185. "Arson" as the flames kindled by 1st Prisoner were alleged to have caused the death of certain inmates of the tenements set fire to, the "Murder" should have been laid in the charge with reference to the Indictment against the 2nd Prisoner the Fonjdaree Udalut have to point out that the counselling an accused party "not to confess" is no penal offence.

8. Case No. 191. "Escape" As parties escaping while under examination on charges

of

1st September 1854.

Read Criminal Reports submitted by the Sessions Judge of Masulipatam for the months of July 1854.

Hare Inter F. H. No. 2006 of 1854.

The Court of Fonjdaree Udalut desire to be informed what is meant by the "Sunday Extras" referred to in the Statement of punishments inflicted on prisoners in Jail.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Masulipatam by precept returnable within 11 day from and after its receipt.

Sent precept &c.

Read Calendar of case No. 12 of 1854 on the file of the Sessions Court of Coimbatore.

Hare Inter F. H. No. 2017 of 1854.

The Court of Fonjdaree Udalut consider that the periods of Imprisonment adjudged to the prisoner may with propriety be

reduced

1st September 1854.

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

Sentin Nº

Read Calendar of Case Nº 110 of 1854 of the Session Court of Bellary

Here enter F.M. Nº 1980 of 1854

The Court of Fouzdaree Udalut approve of the recommendation made by the Session Judge in this Case, that the period of imprisonment to which the Prisoner noted in the margin have been sentenced on their conviction of the crime of Highway Robbery, be reduced to (5) five years with hard labor in irons, and they do authorize the Session Judge to issue his Warrant accordingly.

1. Chinna Hanoomah.
2. Senjeevah
3. Shimoogadoo
4. Kollanpooce
5. Hanoomah and
6. Dansadoo.

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

Sentin Nº

Read

1st September 1854.

Read Criminal Reports submitted by the Session Judge of Masulipatam for the month of July 1854.

Here enter F.M. Nº 2006 of 1854.

The Court of Fouzdaree Udalut desire to be informed what is meant by the "Sunday Extras" referred to in the Statement of punishments inflicted on prisoners in Jail.-

Ordered that Extracts from these Proceedings be sent to the Session Judge of Masulipatam by precept returnable within 11 day from and after its receipt.

Sent precept &c.

Read Calendar of case Nº 12 of 1854 on the file of the Session Court of Coimbatore.

Here enter F.M. Nº 2017 of 1854.

The Court of Fouzdaree Udalut consider that the periods of Imprisonment adjudged to the prisoner may with propriety be

reduced

1st Sep 1st September 1854. reduced in the case of the 1st prisoner to 6 years and in that of the 2d prisoner to one year and they authorize the Session Judge to amend his warrant accordingly

2 Should the Session Judge be unable to concur in the above opinion he will be pleased to submit an English Translation of the record for the consideration of the Court.

3 The remarks recorded by the Session Judge on the calendar should invariably contain a brief statement of the facts in evidence upon which his judgment is based.

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

Sent precept &c.

Read again letter under date the 10th May 1854 from the Agent to the Governor of Fort St. George in

1st September 1854. in Vizagapatam submitting a summary of the proceedings in case No. 3 of 1854 on the Annual file of the Agents Court

Here enter F.H. No. 1161 of 1854.

Read also return under date the 5th June 1854 from the Agent to the Governor of Fort St. George at Vizagapatam to the precept of the Foujdaree Adalut dated the 25th May 1854 directing the submission of translation of certain depositions connected with the foregoing case.

Here enter F.H. No. 1383 of 1854.

Read also return under date the 22d June 1854 and supplemental return under date the 11th August 1854 from the same officer to the precept of the Foujdaree Adalut dated 15th June 1854 directing him to hold a further investigation on certain points connected with the foregoing case.

Here enter F.H. Nos. 1529 & 1994 of 1854.

The

1st September 1854. 1.

The prisoners in the above case were charged with the theft in having "misappropriated a sum of Rupees 1,286-2-4. given to them by the Prosecutor for the purchase of Gengely Oil Seed and rice by purchasing therewith Stick lac, Tamarinds, Cotton and Timber for their own benefit contary to their own engagements entered into with the Prosecutor" and further in having "taken illegal possession of the articles valued in the aggregate at Rupees 357-3-3. and having appropriated the same to their own use and benefit the articles in question having been previously delivered over by the Prisoners to the Prosecutor's Gomastah Allalah Sheikh as security for and in satisfaction of money given to them by the Prosecutor for the purchase of Rice and Oil seed."-

2. The Agent has convicted the prisoners of the crime charged and has recommended that the Prisoners be sentenced to four years imprisonment with

1st September 1854. with hard labor in irons and the 2nd prisoner to two years imprisonment with hard labor in irons under Section IX Act XIII of 1853.

3. The Court of Fonjdaree Adalut are unable to concur with the Agent in considering that their are grounds for the conviction of the prisoners on either Count of the indictment upon which they have been tried. The money advanced to them by the prosecutor for supply of commodities to him became by the Act of the transfer absolutely their own. Their failure to supply the said commodities placed the prisoners under a pecuniary obligation to the prosecutor but they cannot be held to have "feloniously stolen" the money so advanced to them to which they had obtained legal right. Nor could it be shown that the prisoners had received the money under false pretences to defraud the prosecutor, they might have been indicted for such fraud but there is no evidence of such intent. The prisoners in part acted up to their contract and in part failed to do so, and for such failure there is no remedy against them but by Civil action.-

The

The goods removed by the
prisoners which the prosecution
considers to have been made security
for his demand never left the prisoners
custody. They remained in the godowns
rented by them and the prisoners held
the keys of these godowns. The goods
were not even assigned to the prosecutor
by document, and the prisoners right
thereto was house absolute. The removal
of these goods by the prisoners constituted
therefore no act of "stealing"
5.
The Court of Foujdaree
Udalut accordingly resolve to direct
that the prisoners be immediately
discharged from custody.--
Ordered that Extract
from these proceedings be sent to
the Agent by precept returnable
within 15 days from and after its receipt
Sd/ Compy
Sent precept to Sc
Read return dated 16th
August 1854 from the Sessions Judge
of Nellore to the precept of the Foujdaree
Udalut dated 5th August 1854 directing
submission of the Record of Case No
29 of 1854.

Here Entered No. 1987 of 1854

The

14th September 1854.

The Court of Foujdaree
Udalut direct, that the Sessions Judge
will employ an extra Translator
to prepare the translation of the
record of the foregoing case.
Ordered that Extract
from these proceedings be sent
to the Sessions Judge of Nellore for
his information
Sent in Sc

Ext Thos W

Saturday
2nd September 1854

F. U.

At a Court of the Foujdaree Udalut

Present

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

Read letter dated 29th August 1854 from the Sessions Judge of Nellore, submitting for the final judgment of the Foujdaree Udalut the record of Case No. 42 of 1854 on the Calendar of the Session Court.

/Here enter F. U. No. 2110 of 1854./

Mr. J. L. Strange

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

Nandoyena Nagadu.

is sufficient to convict him of the crimes charged, do convict him thereof; and under the provisions of Clauses third and Fifth, Section IV Regulation XI of 1803 and Section ~~XXXVI~~ Act VII of 1843, sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of Seven years.

/Sent in Ch. 1/

Rec'd 18th

Read

Read Letter dated the 24th August 1854 from the Session Judge of Bellary, transmitting the Original death Warrant issued by his Court in Case No. 100 on the Session Calendar for 1854, together with a Copy of the Subordinate Criminal Judge's letter which accompanied it.

/Here enter F. W. No. 2094 of 1854./

Read Letter dated the 24th August 1854 from the Session Judge of Bellary, transmitting the Original death Warrant issued by his Court in Case No. 101 on the Session Calendar for 1854 together with a Copy of the Subordinate Criminal Judge's letter which accompanied it.

/Here enter F. W. No. 2095 of 1854./

Read Calendar in Case No. 41 of 1854 submitted by the Session Judge of Calicut under date the 25th August 1854.

/Here enter F. W. No. 2106 of 1854./

Read Criminal Report B dated 23d August 1854 submitted by the Session Judge of Honore for the month of July 1854.

/Here enter F. W. No. 2108 of 1854/

Read Report dated 1st August 1854 submitted by the Session Judge of Salem, of Persons apprehended in that zillah and delivered to the Magistracy in the Month of July 1854.

/Here enter F. W. No. 2111 of 1854/

Read

Read Extract from the proceedings of the Session Judge's Court at Coimbatore dated the 26th August 1854, held on review of the Petty Calendars of Cases disposed of by the Magistracy and Heads of Police of that zillah for the 2d Quarter of 1854.

/Here enter F. W. No. 2114 of 1854/

Read Return dated 23d August 1854 from the Acting Session Judge of Honore, to the Precept of the Foujdaree Udalut under date the 5th August 1854, directing the Acting Session Judge to review the proceedings in Case No. 32 of 1854 disposed of by the late Acting Principal Sudr Ameen, and to state whether in his opinion the identification of Prisoner by Prosecutor was not in itself sufficient to justify a conviction.

/Here enter F. W. No. 2115 of 1854/

Read Calendar in Case No. 4 of 1854 submitted by the Session Judge of Nellore, under date the 30th August 1854

/Here enter F. W. No. 2116 of 1854./

Read

F. M.

Monday 4th September 1854. At a Court of the Fouzdaree Udalut

Present

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

Read letter dated 21st August 1854 from the Session Judge of Calicut.

Here enter F. M. No 2072 of 1854.

It is competent to the Session Judge when in charge of the Subordinate Court to refer to the Suder Ameen such of the Cases committed to the Subordinate Criminal Court as are cognizable by that officer

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

Sent in No.

Read Calendar of Case No. 50 of 1854 of the Session Court of Cuddalore

Here enter F. M. No 2039 of 1854.

The

4th September 1854.

The Court of Foujdaree Udalut being of opinion that the mitigated sentence of 5 years Imprisonment proposed to be
x Mothien passed upon the Prisoner x in this case is insufficient for the offence of which he has been convicted; direct that a Sentence of (7) Seven years Imprisonment with hard labor in irons be passed upon him, and that the Session Judge do issue his Warrant accordingly.-

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

Sentin Ns.

Read Calendar of Case No. 53 of 1854 of the Session Court of Nellore.-

Here enter F.M. No. 2053 of 1853.

The Court of Foujdaree Udalut approve of the recommendation made by the Session Judge in this Case, that the period of imprisonment which the
Eraiyana Prisoner noted in the margin has been
Lakshmaya adjudged to suffer on his conviction of the Crime of Highway Robbery, be reduced

4th September 1854.

reduced to (7) Seven years with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.-

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

Sentin Ns.

Read Calendar of Case No. 115 of 1854 of the Session Court of Bellary.-

Here enter F.M. No. 2048 of 1854.-

The Court of Foujdaree Udalut being of opinion that the mitigated Sentence of (5) five years Imprisonment proposed to be passed upon the Prisoner x in this Case is an
x Govindoo. inadequate for the offence of which he has been convicted, direct that a Sentence of (7) Seven years Imprisonment with hard labor in irons be passed upon him, and that the Session Judge do issue his Warrant accordingly.-

Ordered

4th September 1854.

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

Sent in &c.

Read Calendar of Case No 374 of 1854 of the Sessions Court of Madura.

Here enter F.R. No. 2066 of 1854.

The Court of Fouzdaree Adalut approve of the recommendation made by the Sessions Judge in this case, that the period of imprisonment, which the Penacaroopen. Prisoner noted in the margin has been adjudged to suffer, on his conviction of the crime of Attempt at Robbery, be reduced to (5) five years with hard labor in irons, and they do authorize the Sessions Judge to issue his Warrant accordingly.

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

Sent in &c.

Read

4th September 1854.

Read Criminal Reports submitted by the Agent to the Governor, Vizagapatam, for the month of July 1854.

Here enter F.R. No. 2044 of 1854.

1. Case No. 38. "Theft" The number of persons engaged in the larceny was very large. The Fouzdaree Adalut question whether the distinctions between "Theft" and "Robbery" are not occasionally overlooked by the lower authorities. They find it difficult to believe, in the present instance, that the offences of which the Prisoners were convicted, did not constitute "robbery" as illustrated by the Circular Order of the 6th April 1850.

2. The Agent to the Governor will be pleased to transmit to this Court a brief account of the circumstances under which the larceny occurred.

Ordered that Extract from these Proceedings be sent to the Agent to the Governor of Vizagapatam for his information and Guidance. by Precept returnable within 7 days.

Sent following Precept &c.

Read

4th September 1854.

Read Miscellaneous

Petition presented on the 14th August 1854 by Venkatachary alias Sreenevasa Iyengar of Tillah Chingleput.

Here enter F.M. No. 168 of 1854

M.R.

Mr. Morehead.

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

Petition dismissed.

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

Read Petition presented 21st August 1854 by Mootoo Perumal Moodly of Tillah Combaconum.

Here enter F.M.M.P. No. 172 of 1854.

Mr. Morehead.

This is an application for a review of an order of this Court (under date 23rd January last or upwards of six months ago) declining to interfere with the decision of the Sessions Judge who refused to remit to Petitioner a fine

imposed

4th September 1854.

imposed on him by the head Police of Negapatam, on the occasion of a dispute between the right and left hand castes.

2. The Fouzdaree Udalut resolve to report this Petition; Petitioner is referred to the former order which is final.

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

Read again Calendar of case No. 41 of 1854 on the file of the Session Court of Cuddalore.

Here enter F.M. No. 1256 of 1854.

Read also return dated 14th August 1854 from the Session Judge of Cuddalore to the precept of the Fouzdaree Udalut under date the 6th June 1854 calling for the record in Session Case No. 66 of 1854.

Here enter F.M. No. 2010 of 1854.

On perusal of the record of this case the Court of Fouzdaree

Udalut

Udalut are of opinion that the period of Imprisonment adjudged to the Prisoner may with propriety be reduced to one year and they direct that the Session Judge will amend his warrant accordingly.

Ordered that Extract from these Proceedings be sent to the Session Judge of Cuddalore for his information and Guidance by precept returnable within 15 days.

Sent following Precept &c.

Read Miscellaneous Petition presented on the 10th August 1854, by Moothaya Moodly of Lillah Trichinopoly

Heretofore I.J.N.P. No. 83 of 1854.

W. Morehead 1.

Petitioner, who, under the proceedings of this Court dated 17th July 1849 was dismissed from the post of Deputy Jailor of the Lillah Jail Trichinopoly and declared disqualified for the public service during the space of one year sets forth that the Session Judge has omitted to reemploy him up

to the present date and prays that this Court will direct the Session Judge to do so forthwith.

2. The Court of Foujdaree Udalut resolve to intimate to the Session Judge that it was not their intention that the Petitioner should be deprived entirely of office. He has now been out of employ for a much longer period than the Court contemplated and they therefore direct that the Session Judge will take an early opportunity of reemploying him in any capacity for which he may be considered qualified observing merely that under their orders of the 17th July 1849 he cannot resume his place as Deputy Jailor

Ordered that Extracts from these Proceedings be sent to the Session Judge of Trichinopoly for his information

Sent in &c.

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

E. Thornton

F.U.

Tuesday 5th. September 1854.

At a Court of the Foujdaree Udalut.

Present

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

Read Calendar of Case No. 17 of 1854 of the Session Court of Chingleput.

[Here enter F.U. No. 1973 of 1854]

The Court of Foujdaree Udalut

approve of the recommendation made by the Session Judge, that the period of Imprisonment which the 2nd Prisoner in this Case has been adjudged to suffer, on his conviction of the crime of Highway Robbery, be reduced to (5) five years with hard labor in irons, and they do authorize the Session Judge to issue his Warrant accordingly.

*Govindoo Naick

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

[Sent in Mr.]

Read letter (with enclosures) from the Acting Session Judge of Combaconum under date 19th August 1854.

[Here enter F.U. No. 2041 of 1854]

1. In the foregoing letter the Acting Session

5th September 1854. Sessions Judge has brought to the favorable notice of this Court an application from the Jailor Mr. Kyte for a Horse Allowance of Rupees 7. per Mensem. in order that that officer may be enabled to more efficiently to superintend the working of gangs of convicts at a distance from the Jail.

2. The Foujdaree Udalut are unable to give effect to this recommendation - The Acting Sessions Judge has referred to the Case of the Chingleput Jailor, in whose favor a small allowance of a like nature was sanctioned by Government in 1848 - on that occasion, the Chingleput Convicts were located in Gangs out on the Madras Roads - and the Jailor had occasion to ride out on inspection sometimes as far as Palaveram - The allowance made to him therefore cannot be looked upon as a precedent - as a general rule the Court are further of opinion that the Jailors duty should be confined to a Superintendance over the Jail.

the case is not analogous to the present

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

/ Sent in No. 4 /

Read Criminal Reports submitted by the Acting Sessions Judge of Combaconum for the month of July 1854.

/ Here Enter F. D. No. 2032 of 1854. /

Case No. 113. "Sheep stealing"

1. The 2d. count is superfluous - The offence charged against the Prisoners was theft and not that, after stealing the sheep, they took it home and killed it.

Case No. 114 "Theft"

2. This is a case of grain stealing - the number of Prisoners charged to have been engaged is very large - The Foujdaree Udalut trust that the Acting Subordinate Judge bears in mind the Circular Order of this Court under date 6th April 1830.

Case No. 123 "Cattle stealing"

3. The additional charge against the 1st. Prisoner is not called for - the act charged constitutes no penal offence - whether by the word 'fraudulently' it is laid that the Prisoner defrauded the 3d. Witness or otherwise - of which the Court are not clear - nor are they assisted in arriving at a conclusion in the matter from a perusal of the indictments in the following case on the Calendar - where the 2d. Prisoner after an indictment on the theft is further charged with having sold the stolen buffaloe with a fraudulent intent to another party - who again, as if to contradict the above, is charged with having received the stolen animal, knowingly -

Case No. 129. "Homicide".

4 The Court have to point out, is not necessarily a crime - the Law sometimes commands and

sometimes

sometimes permits it. The Foujdaree Udalut have now ruled that cases of this description should be classed as 'Murder' in reference to which an Extract from the Proceedings of the Foujdaree Udalut to the Session Judge of Bellary is inclosed for the guidance of the criminal authorities in Combaconum.

Case Nº 130. "Fraud" 5. The Indictment rather seems to indicate that the offence charged was a theft.

Case Nº 133. 6. The punishment here, the Court deem insufficient for the crime - The amount of the property stolen was large Rupees 118-12-

Case Nº 136. 7. (Vide remark in Para 4 Supra)

Case Nº 140. "Poisoning Cattle" 8. The malice is not charged - the ingredient is essential to the offence.

Magistrate's Calendar Case Nº 16 9. Witness in this Case was fined by the Head Assistant Magistrate under Section VII Regulation XIII of 1832. the conviction is wrong the adjudication under the enactment quoted not lying with the Magistracy. the Court of Foujdaree Udalut direct that the fine if levied be returned.

10 The Court desire that the Acting Civil Judge will point out to the Magistrate the expediency of a more extensive resort to the powers provided for the Magistracy in Act VII of 1843 - In the month under review a number of thefts, more or less petty, have been committed, very unnecessarily, to the Criminal Courts

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

Sent in Nº

Read letter, dated 23d August 1854 from the Session Judge of Calicut submitting for the final Judgment of the Foujdaree Udalut the Record in Case Nº 33 of 1854 on the Calendar of the Session Court

(Here enter F. U. Nº 2096 of 1854.)

Mr. G. S. Cooper

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.

"Akiparambil Koyamoo"

is sufficient to convict him of the crime of severe wounding, for which according to the Mohummedan Law as declared in Futwas of their Law Officers, discretionary punishment is awardable do convict him thereof, and under the provisions of Clause third Section VII Regulation XV of 1803 and Section ~~XXXIII~~ 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 (1) one year.

(Sent in Nº)

Ent Th 11

F. U.

Wednesday
6th September 1854. At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esquire — Puisne Judges
W. A. Morehead Esquire — Puisne Judges
J. L. Strange Esquire — Puisne Judges.

Read letter under date the 24th August 1854 from the Agent to the Governor of Fort Saint George at Kurnool, submitting for the final judgment of the Foujdaree Udalut a report of the trial of Criminal Case No. 11 of 1854 on his file.

(Here enter F. U. No. 2105 of 1854)

The Court of Foujdaree Udalut concurring in the conviction of the Prisoner

Atchummah.

of the crime of "Fraud" resolve to confirm the sentence proposed to be passed upon her by the Agent of (6) six months Imprisonment with labour suitable to her sex under Clause VII Section II Regulation XV of 1803.

Ordered that Extract from these Pro=ceedings be sent to the Agent to the Governor of Fort Saint George at Kurnool for his information

(Sentin No.)

6th September 1854.

Read Extract from the proceedings of the Sessions Court of Guntoor under date the 5th August 1854.

/Here enter F. U. No. 2060 of 1854./

The Court of Foujdaree Udalut direct that the Acting Magistrate be called upon to state what measures he could recommend with reference to the gross neglect of duty on the part of the Head of Police of Tsmaracotty, who the Sessions Judge has brought to notice in the foregoing Extract from his Proceedings

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Guntoor for communication to the Acting Magistrate by precept returnable within V days from and after its receipt.

/Sent following precept No. /

Read letter dated 31st August 1854, from the Sessions Judge of Nellore submitting for the final Judgment of the Foujdaree Udalut the Record in Case No. 38 of 1854 on the Calendar of the Sessions Court

/Here Enter F. U. No. 2144 of 1854./

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 Davonen Ramalingareddy

2d Mardipatta Viraraghavareddy and

6th September 1854

and

3d Davonen Varadareddi.

is sufficient to convict them of the crime of Assault do convict them thereof; and sentence them to be imprisoned for (3) three Months with labor or Irons.

/Sent in No. /

Extract

F. U.

Thursday 7th September 1854. At a Court of the Fouzdaree Udalut.

Present

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

Read Criminal Reports, submitted by the Session Judge of Chingleput, for the month of July 1854.

Referred to C. S. No. 991 of 1854.

1. Case No. 63. The Prisoner in this case, Venbely, has been committed on a charge of "Theft" to the Sessions Court. The Fouzdaree Udalut have to point out, that there was no necessity for this. The Prisoner is certainly concerned in other cases in the present Calendar, viz: 64 & 55 (Theft) and 56 & 57 (Housebreaking and Theft). but these Cases are not such, that the Principal Sudder Ameen could not have disposed of all as 2 years Imprisonment with hard labor in irons would, it appears to the Court, have amply

7th September 1854. ends of justice.

2. Case No. 71. In this case, the two Prisoners respectively, son and husband to the Prosecutrix, were charged with "Housebreaking and Theft," and released by the Principal Sudder Ameen for want of evidence. The Acting Sessions Judge in reviewing the case, has observed, that that the case should never have been committed, enunciating the general principle, that a charge of larceny brought by a parent against his child, cannot be entertained, by reason of the child having a species of joint partnership in the property described as stolen from the parent. In this doctrine the Court of Fouzdaree Udalut find themselves unable to concur - and the Acting Sessions Judge, will be pleased to recall any orders and proceedings he may have issued, enforcing the principle objected to.

3. Case No. 7. "Housebreaking and Theft." The Prisoner in this case, was sentenced on his conviction to receive on the palm of his hand 20 stripes with a cat O'nine tails.

7th September 1854. The tails. Prisoners age, the Court observe, was 15 years. The sentence in the opinion of the Fouzdaree Udalut was altogether inadequate, a severe punishment appears to have been merited.-

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

Sent in &c.

Read letter dated the 29th August 1854, from the Acting Sessions Judge of Combaconum, referring for the final judgment of the Fouzdaree Udalut, the Record of case No. 29 of 1854, of the Calendar of the Sessions Court.

Have Inter F.U. No. 2140 of 1854.

Mr. W.A. Morehead

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

1st Karoopiyanamman
and
2nd Rengavisia Savan.

is

7th September 1854.

is sufficient to convict them of having been found in possession of stolen sheep, well knowing the same to have been stolen, do convict them thereof, and under the provisions of Clause Second, Section IV, Regulation VII of 1822, and Section XXXIV, Act VIII of 1843, sentence them to be imprisoned and kept to hard labor in irons, on the public roads or other public works, for and during the period of (18) Eighteen months.

Sentence

Ex. 2 Mad. W

J. C.

Friday 8th September 1854

At a Court of the Tonjadaree Adalut.

Present

G. S. Hooper Esquire
W. R. Morehead Esquire
J. L. Strange Esquire
} Puisne Judges

Read letter under date the 15th August 1854 from the Sessions Judge of Calicut.

Heard Inter J. C. No. 2027 of 1854.

With the foregoing letter the Sessions Judge has submitted a correspondence between the Magistrate and Joint Magistrate of Malabar having reference to the construction of Regulation VII of 1819 which the Joint Magistrate interprets as authorizing the conviction of persons prosecuted under its provisions upon evidence which though not such as would stand the test of an appeal to a Court guided by the rules of evidence as laid down in law books may be sufficient to the satisfaction of the convicting Officer.

Mr. Knox bases his construction of the enactment on the expression used in

2.

8th September 1854. in it "sufficient evidence to his satisfaction" and these words, he argues, have been purposely introduced to prevent the reversal of sentences for "abuse of authority by an appellate authority on a different appreciation of the evidence adduced.

3. The Court of Foujdaree Udalut are of opinion that Mr. Knox is altogether in error in the construction put by him upon the Regulation quoted. There is nothing in the words upon which he bases his argument to show that it was the intention of the legislature to relax the rules of evidence in the cases provided for. In all cases in which a penal sentence is imposed, the evidence must be sufficient to satisfy the convicting officer that the facts established are such as to leave room for no other conclusion than the guilt of the accused.

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

Sent in etc.

Read

8th September 1854. Read Criminal Reports submitted by the Subordinate Judge in charge of the Session Court of Rajahmundry for July 1854.

Here enter F.C. No. 2054 of 1854.

The Court of Foujdaree Udalut direct that the Session Judge will review the proceedings in these cases and submit any orders he may deem it necessary to pass on them together with the detailed reports in the form A of the cases entered.

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

Sent Precept No.

Read Criminal Reports submitted by the Session Judge of Calicut for July 1854.

Here enter F.C. No. 2050 of 1854.

The Prisoner in this case is charged to have followed up the alleged Murder by setting fire to his own dwelling house.

1 Case No. 57.

8th September 1854. House. The latter act did not, under the circumstances, constitute "arson."

2. Case No 58. "Arson." the burning to constitute Arson must be malicious and the Malice should be invariably alleged in the charge.

3. Case No 68. "Wounding" the intent is not noticed in the Indictment.

4. Case No 2 Vide remark in Proceedings para

5 Case No 113. "Snatching" The Foujdaree Adalut desire to know under what circumstances the crime here charged was committed for which purpose the Sessions Judge will be pleased to transmit the Report Form A.

6. Case No 117. "Wounding" Vide remark in para 3 supra.

7. Magistrates file No 28. "Extortion" The Prisoner was charged with having received a bribe from one Ramen & consenting to exonerate the latter from a charge of participation in a case of "Gang Robbery" in which he (Ramen) had been concerned. The sentence of the Joint

8th September 1854. Joint Magistrate of 3 months Imprisonment and a fine of Rupees 50 was, as that officer deemed the charge fully proved very inadequate.

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

Sentence No

Read again Petition received on the 20th July 1854 from Shaik Mukdoom of Zillah Mangalore.

Here enter F. M. P. No 147 of 1854.

Read also Petition dated the 17th August 1854 from the Sessions Judge of Mangalore to the precept of the Foujdaree Adalut dated the 5th idem directing suspension of the sentence passed upon the 2d Prisoner in case No 2 on the file of the Assistant Magistrate of Canara.

Here enter F. M. No 2037 of 1854.

1. The Court of Foujdaree Adalut view the evidence brought against

8th September 1854. against the 2nd prisoner with much distrust. The Prisoner has throughout the trial denied his guilt and has prosecuted his Appeal to the place of last resort.

2. The Court find it difficult to believe that he in the first instance confessed his guilt, and to parties not authorized to proceed against him. He is said to have then given up the bulk of the stolen property, namely the articles from 1 to 12, and yet to have retained one item which was found in his house on regular search the next day, and two which were taken up from near his house, as if to give the opportunity of evidence being heaped up against him.

3. The Court see no grounds to doubt but that the article found in the prisoner's house is his own, and can place no confidence in the evidence which would connect him with the other items.-

The

8th September 1854.

4. The Court of Fouzdaree Adalut therefore reverse the sentence passed upon this prisoner by the Assistant Magistrate and acquit him and direct his release.

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

Sentence Rs

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

Read Calendar of case XXXI

on the file of the Sessions Court Madura

Here in ter F.H. No. 2062 of 1854

This is a case of a severe

1. wounding "the intent, the Fouzdaree Adalut observe, is not laid as should have been done.

In sentencing the 1st Prisoner

2. to be imprisoned for 10 days and to pay a fine of 50 Rupees or in default to be imprisoned for a further period

of

8th September 1854. of 4 months under Clause 5th Section 11th Regulation XX of 1803. The Sessions Judge under the provisions of Act XXX of 1846 has directed that one half of the fine imposed on the prisoner should be paid to the Prosecutor the remaining half being carried to the account of Government.

3. The Court of Foujdaree Udalut observe that the injury suffered by the Prosecutor at the hands of the 1st Prisoner was was very severe, and deem it proper to direct that the whole amount of fine levied from the latter be paid to the Prosecutor.

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

Sentence &c.

Ex. Th. W

F. D.

Saturday 9th September 1854. At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esquire
W. A. Morehead Esq.
J. L. Strange Esquires
} Puisne Judges

Read Criminal Reports submitted by the Sessions Judge of Trichinopoly for the month of July 1854.

/ Herewith F. D. No. 2034 of 1854 /

Case No 39 / The Court of Foujdaree Udalut require an explanation of the delay which has occurred in the disposal of the case.

Ordered, that Extracts from these Proceedings be sent to the Sessions Judge of Trichinopoly, for communication to the Principal Sudder Ameen, by precept returnable within V days from and after its receipt.

Sent following precept No

Read calendar of case No. 30 of 1854, on the file of the Sessions Court of Combaconum

/ Herewith F. D. No. 2033 of 1854 /

The prisoners in this case, two in number,

8th September 1854. of 4 months under Clause 4th Section 11th Regulation XX of 1803. The Sessions Judge under the provisions of Act XXX of 1846 has directed that one half of the fine imposed on the prisoner should be paid to the Prosecutor the remaining half being carried to the account of Government.

3. The Court of Foujdaree Udalut observe that the injury suffered by the Prosecutor at the hands of the 1st Prisoner was was very severe, and deem it proper to direct that the whole amount of fine levied from the latter be paid to the Prosecutor.

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

Sentence

Ent Thos W

Saturday
9th September 1854 Sat a Court of the Foujdaree Udalut

Present

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

Read Criminal Reports submitted by the Sessions Judge of Trichinopoly for the month of July 1854.

/ Herewith F. D. No 2034 of 1854 /

Case No 39 / The Court of Foujdaree Udalut require an explanation of the delay which has occurred in the disposal of the case.

2 Proceedings Ordered, that Extracts from these be sent to the Sessions Judge of Trichinopoly, for communication to the Principal Sudder Ameen, by precept returnable within V days from and after its receipt.

Sent following precept No

Read calendar of case No 30 of 1854, on the file of the Sessions Court of Combaconum

/ Herewith F. D. No 2033 of 1854 /

/ The prisoners in this case, two in number,

9th September 1854

number, charged with Gang Robbery, have been placed by the Acting Sessions Judge under a requisition of security; the grounds of such requisition being, that a bag stated to have belonged to the prosecutor was found in the house of the 1st prisoner, and that the 2nd confessed before the Subordinate Court to have written an slai which had reference to the robbery charged.

2 The Court of Fouydaree Udalutt observe, that the evidence to the identity of the bag found in the 1st prisoner's house, has not been accepted, and that the writing attributed to the 2d prisoner is of an inconclusive nature.

3 The Court of Fouydaree Udalutt accordingly resolve to cancel the requisition of security, under which these prisoners have been placed.

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

(Sent following precept No 1)

Read Petition presented 7th August 1854 by Amma Mootoo of Zillah Trichinopoly

(Here enter F. D. in P. No 161 1854)

Mr. W. A. Morrhead 1

Petitioner prays for the release

9th September 1854

of her husband Vaundeva and her sons Rajalingam & Vyapoory, Prisoners, sentenced on a charge of Robbery in Case No 15 of 1854 on the file of the Session Court.

2 The Court of Fouydaree Udalutt resolve to reject this Petition

Ordered also that Extract from these Proceedings be given to Petitioner on her Application

Read Petition presented 7th August 1854 by Annamalay Umbalacarren of Zillah Trichinopoly

(Here enter F. D. in P. No 163 of 1854)

Mr. W. A. Morrhead 1

Petitioner, paternal uncle of Mootoosamy, Prisoner sentenced in Case No 15 of 1854 on the file of the Session Court, prays this Court to direct the release of that Individual who Petitioner alleges, is not guilty of the Crime of Robbery of which he has been convicted

The Court of Fouydaree Udalutt

2 resolve to reject this Petition.

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

Read.

9th September 1854.

Read Petition presented on 7th August 1854 by Mothachi of Pillah Inchimpoly Here enter F. No. & No. 152 of 1854.

Mr. W. A. Morrison. 1 Petitioner prays for the release of the Prisoners S. Moothooveren, C. Moothooveren P. Moothooveren Ponnen, Vavooren and Muruggan, sentenced in case No. XV of 1854 on the file of the Sessions Court Inchimpoly, on their conviction of Gang Robbery.

2. The Court of Fouydaree Udalut resolve to reject this Petition

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

Read again Calendar of Case No. 16 of 1854 on the file of the Sessions Court of Tinnevelly

Here enter F. No. 1759 of 1854

Read also return under date the 29th July 1854 and Supplemental return under date the 9th August 1854 from the Acting Sessions Judge of Tinnevelly to the precept of the Court of Fouydaree Udalut dated the 22d July 1854 calling for information

as

9th September 1854.

as to the measures taken by the Magistrate regarding the Head of Police & Peons whose misconduct was noticed in the remarks recorded by the Acting Sessions Judge on the Calendar of the foregoing Case.—

Here enter F. No. 1916 & 198 of 1854.

1 On perusal of the papers submitted with the foregoing return, the Court of Fouydaree Udalut are disposed to concur in the view of the case adopted by the Magistrate that no murder was committed. It is clear that the direct evidence adduced in support of the charge of murder is false, and such being the case the Court considers the probabilities to be in favor of the Magistrate's conclusion that the dead bodies exhibited as they must have come of violence had been used, manifest signs of beating, it is to be inferred that the persons who saw them when taken out of the river could not have failed to observe it and would have drawn accordingly The Court of Fouydaree Udalut

2 accordingly

9th September 1854 - Accordingly resolve to cancel the requisition of security under which the 1st prisoner has been placed and to direct that the Head of Police, Duffadar and Mettor Ren Moothoosamy naick be restored to their situations.--

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Tinnevelly for communication to the Magistrate by precept returnable within x days from and after its receipt

(Sent following precept &c.)

Read Miscellaneous Petition presented on the 21st August 1854 by Soondara Sadan of the Zillah of Coimbatore (Here enter F. No. 174 of 1854)

The Petitioner is referred to the former orders passed by this Court in the matter of this petition

The Court of Foujdaree Udalut resolve to reject the present petition

Ordered that Extract from these Proceedings be sent to Petitioner on application.

Read

9th September 1854

Read letter dated 20th September 1853 from the Acting Sessions Judge of Cuddalore forwarding the remarks of the Sessions Court on Criminal Case No. 48 together with the explanation furnished by the Principal Sudr Ameen thereon (Here enter F. No. 2134 of 1854)

Read return dated 20th September 1853 from the Acting Sessions Judge of Salem to the precept of the Foujdaree Adalut under date the 15th September 1853 returning the record of Case No. 19 of 1853 and directing the Acting Sessions Judge to pass sentence thereon- (Here enter F. No. 2136 of 1854)

Read Report dated 5th September 1854, submitted by the Acting Sessions Judge of Chingleput, of cases pending and the 31st August 1854, and committed for trial during the Months of May before the Sessions Court of Chingleput- (Here enter F. No. 2156 of 1854)

F 6

Monday
17th September 1854. Mofa Court of the Foujdaree Udalut

Present.

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

Read the Criminal Reports
Submitted by the Acting Sessions Judge of
Combaconum for the year 1853.

Here enter F 6 No 1131 of 1854.

Statement No 1. The Court of Foujdaree Udalut
direct that the entry of 24 persons charged with Crimping
be transferred to Statement No 2. crimping
being classed under the head of Minor
Crimes.-

Dr. No 2. 2 The number of the case in which
the prisoner in Column 2 under head B is
concerned should be entered in Column 8.

Appendices to Statt. Nos 1 & 2. 3 These appendices will be
affected by the foregoing remarks.-

Statement No 3B 4 In Columns 2 & 3 of this
Statement 2 Cases including 2 persons are
entered as pending at the Commencement
of the Year 853 whereas the Statements
Submitted,

11th September 1854

Submitted for the Year 1852 shewed that only 1 Case including 1 person was under trial at the close of the year.

Statt shewing the Cases involving grave injury.

5 The 14 Cases including 24 persons appearing in Columns 20 and 21 are not entered in the Statement No 2 from which the Statement notes in the margin has been prepared

Statt shewing the Natme and the result of Charges preferred against the Police

6 The entry in Column 21 should be 11.-

7 The Court also direct that the attention of the Sessions Judge be called to their proceedings under date the 16th June 853 in which they have observed that the District Police Officer are not competent to dispose of Charges of abuse of authority proposed against the inferior officers of Police

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Combaconum by precepte returnable within 5 days from and after its receipt.-

Sent following precept No 1

Read

11th September 1854

Read the Biennial Reports submitted by the Sessions Judge of Tanjore for the year 1853

(Here enter F/C No 1426 of 1854)

Appendix A to Statt No 3B. 1 The Court of Foujdaree Udalut observe that the entries in Columns "Fines" and "Imprisoned and fined" Vizt 4 does not correspond with that under head "Fined" in Column "Fines" levied" (3).

Do B & Do 2 The number of persons under head "Trials Reported" Vizt 86 does not tally with that in Column "Sentences undisturbed" (85).

Statt shewing the Natme and the result of Charges preferred against the Police 3 The entry of one person in Column 19 should also appear in Columns 22 & 24.-

Do Cases involving grave injury 4. The entries in Columns 2-3 26 & 27 should be 7-14-38 & 144 and those in Columns 40 to 48 will be affected thereby.-

Statt No 10 Bengal form. 5. The total number of persons punished under head "Sessions Judge" should be 19 according to the entry in Column 15 of the Statement No 4.

Statt No 13 Bengal form 6. The entry in Column 28 under head District Police should be 2390

Thus

11th September 1854 1 This statement will require amendment with reference to the foregoing remark. The entries in Columns 4 5. 6 & 7 under head "Grand total" of this statement and those in Columns 6. 7. 8. 9 & 10 under head "Total" of the Statement No 10 do not correspond

The submission of a Duplicate Copy of the Report of the Joint Magistrates is unnecessary.-

Ordered that Extract from these Proceedings together with the statements noticed above be sent to the Sessions Judge of Honore by precept returnable within 5 days from and after its receipt.-

(Sent following precept No 1/.

Read the Criminal Reports submitted by the Sessions Judge of Tellicherry for the year 1853

(Here enter F No No 1093 of 1854)

Appendix B to Statt No 3B of the P.S.N. at Cochin. 1 The Court of Foujdaree Udalut direct that the number of cases committed to the Sessions Court should be excluded from the head "Trials Reported" of this appendix.

The

11th September 1854 2 The 5 persons referred to in the foot note should be entered in this appendix

Appendix C to Do. Do.

App. B to Statt No 4 3 The foregoing remark applies also to the 6 persons referred to at the foot of this Appendix

Statt shewing the Cases involving Loss of injury — 4 The one case of Perjury entered in Column 10 of the Statement No 3B as primarily cognizable by the Court should be entered in this Statement.—

Statt No 10 Bengal form 5 The 3 persons who were detained in default of furnishing security should be included in Column 2 under head "Sessions Judge" and the aggregate of the entries in Columns 4 to 21 should be 68 according to the entry in Column 15 of the Statement No 4.-

Statt No 13 Bengal form 6 The entries in this Statement will be affected by the foregoing remarks.

Statt shewing the Nature and the result of Charges preferred against the Police 7 The 2 persons in Columns 13 & 17 under head 2 of the Statement No 2 should also be entered in Columns 3 and 7 of this Statement.-

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

11th 15th September 1854 Judge of Calicut by precept returnable within 5 days from and after its receipt-

(Sent following precept No.)

Read the Criminal Reports submitted by the Acting Agent at Gangaum for the year 1853.-

(Here enter F.C. No. 1004 of 1854.)

Appendix B to Stat. No. 4. The Court of Sessions Udalut direct that the number of days which have intervened between the dates on which the Cases were set down for reference to this Court and on which their final judgments on them were received by the Agent be not included in this Appendix.

2 The submission of a Duplicate copy of the letter forwarding the Statements is hereafter unnecessary.-

Ordered that Extracts from these Proceedings be sent to the Acting Agent at Gangaum by precept returnable within 2 days from and after its receipt

(Sent following precept No.

Read the Criminal Reports

Submitted

11th September 1854 Submitted by the Acting Sessions Judge of Chingleput for the year 1853.-

(Here enter F.C. No. 1267 of 1854.)

Appendix E to Stat. No. 1. The Court of Sessions Udalut direct that the Acting Sessions Judge do require the Magistrate to explain in the Column of Remarks in this Appendix the cause of detention of the Persons before him and his assistant and entered in Columns "Under 60" and "above 60 days"

Statement No. 2. 2. The entry of one case including one person in Columns 10 & 11 opposite to head 19 should also appear in Columns 2 & 3 of the same head.-

3 The cause of excess of one case and 2 persons in Columns 2 & 3 over that entered in Columns 2 and 3 head 65 should be explained at the foot of this Statement.

Appendix D to Statement No. 2. 4. The cause of detention of 1 person before the Magistrate and 74 before the heads of Police for more than 30 days and entered under head "In cases forwarded to

11th September 1854 to the Courts or Magistracy should also be be explained in the Column of Remarks in this appendix.-

Statt. No. 10 Bengal. 5- form.

The one persons who have been sentenced to pay a simple Fine should be entered in Column 4 under head "Sessions Judge" and not in the Column shewing the period of Imprisonment.-

6 The 3 persons who have been Detained in default of furnishing Security should be entered in Column 2 under head "Principals Sub: Ameen" and the total of these in Columns 7-8 & 9 should be 3/-.

7 The foregoing remark applies also to the entries under head Sudder Ameen.

Statt. No. 13- Do. 8 This Statement will require amendment with reference to the foregoing remarks.-

Ordered that Extract from these Proceedings together with the Statement noticed above be sent to the Acting Sessions Judge of Chengleput by special Messenger within 5 days from and after the receipt hereof.

But following present Read.

17th September 1854

Read Calendars of Cases Nos. 23, 24, and 25, of 1854 by the Sessions Court of Chingleput.-

Here Enter F/6 No. 2016 of 1854.

The Court of Foujdaree Udalut

approve of the recommendation made by the Sessions Judge that the period of Imprisonment

1st Magan. 2d Shaik Mastan } In No. 23- which the Prisoners noted in the Margin have

been adjudged to suffer on their Conviction of the Crime of House breaking with theft be

reduced to (1) one Year with hard labour in irons, and they do authorize the Sessions Judge

to issue his Warrant accordingly but Con-

Pungasawmy. sidering the 1st Prisoner in No. 25 a Con-

firmed House breaker, the Court decline to authorize any mitigation of the Sentence

passed upon him by the Sessions Judge

of (7) seven Years Imprisonment with

hard labor in irons.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Chingleput.-

Sent in No. 1

Read.

11th September 1854.

Read the Criminal Report submitted by the Agent at Vizagapatam for the Year 1853

[Here enter Ft's No. 1137 of 1853]

Appendix E to Statt. No. 1.

The Court of Foujdaree Udalut direct that the Sessions Judge will explain in the Column of Remarks in this appendix the cause of detention of the Persons, entered in Column "Under 60 days"

Do. D to No. 2. 2 The entry of 2 persons in Column 21 of the Statement as having died was should be excluded from the Column in which they may have been included in this appendix

Do. B to Statt. No. 3B. 3 The number of cases and persons disposed of by the Agent in his capacity of Subordinate Judge should be excluded from the head "Trials Reported" in this appendix

Do. C. to Do. 4 The entry of one person in Column 29 of the statement as being under trial should be excluded from this

15th September 1854 this appendix.

Statt. shewing the Cases involving grave injury. 5. The entries in Columns 25 34 & 35 should be 442, 192 & 803 and those in Columns 40 to 48 will consequently require alteration.-

Statt. shewing the Cargo forwarded to the Agency by each Head of Police.- 6 The one Case pending trial at the close of the Year 1852 is not entered in the 1st Column of the Statement and the manner in which 7 persons (out of 17 entered under head Goalgondah) were disposed of is not stated.-

Statt. No. 10 Bengal form. 7 The number of persons who were acquitted and released should have been entered in Column 28 and not in Column 5.

Statt. No. 13 — Do. 8 The Column 25 should have been filled up.

9 The necessary alterations in the foregoing Statements No. 10 & 13. have been made in the Register's Office.-

10 The Submission of a Duplicate Copy of the Report of the Agent is unnecessary.

Ordered.

11th September 1854.

Ordered that Extract from these Proceedings together with the Statements noticed above be sent to the Agents at Vezagapatam by precept returnable within 5 days from and after its receipt

(Sent following precept No 1

Read Calendar of Case No. 119 of 1854 of the Sessions Court of Bellary

(Here enter F.C. No. 2121 of 1854)

The Court of Foujdaree Adalut considering the mitigated sentence of (3) Three Months imprisonment proposed to be passed upon the Prisoner in this case on his conviction of the crime of Perjury inadequate for that offence, direct that a sentence of (6) six Months Imprisonment with hard labor in irons be passed upon him, and that the Sessions Judge will issue his Warrant accordingly

Ramorgah

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

(Sent in No)

Read

17th September 1854.

Read the Criminal Reports submitted by the Sessions Judge of Tinnevelly for the Year 1853.

(Here enter F.C. No. 816 of 1854)

App. D to Statt No 2 /

The Court of Foujdaree Adalut observe that the entries under head "In Cases forwarded to the Courts of Magistracy" opposite to "Magistrate" Nos. Vest. 209 do not correspond with those in Columns 32 and 35 of the Statement (30)

2 The entries under head "In Cases treated under Act VII of 1843" opposite to "Magistrate" Nos. Vest. 18 do not correspond with those in Column 37 of the Statement (34)

App. A to Statt No 3A 3 The entry of 10 persons whose Sentences were eventually reversed by the Sessions Court or by the Court of Foujdaree Adalut should not be excluded from this appendix

app. A to Statt No 3B. 4 The foregoing remark applies

app. A to Statt No 4. also to the appendices noted in the margin

Statt shewing the Cases involving grave injury to person or property. 5 The entries in Columns 26 and 27 should be 169 and 648 and those in Columns 40 to 48 will be affected thereby

The

11th September 1854. 6.

Statt. No. 10 Bengal form

The aggregate of entries in Columns 6 & 9 under head "Principal Sudder Ameen" Vol. 37 does not tally with the number of persons convicted and punished by the same officer as entered in the Statement No. 3 B (53)

7 The total of entries in Column 4 to 9 under the head 'Sudder Ameen' Vol. 34 does not correspond with the number punished by the same officer (64)

8 The aggregate of the entries in Columns 8 - 11 & 14 of this Statement does not correspond with those entered in the Statement No. 13

Statt. No. 13 Bengal form

9 The total number of persons entered in Column 2 of this Statement should be 7421 according to the entries in the Statements 4 to 4.-

10 The entry of 8 persons whose cases were remanded by the Sessn Judge and entered in the Statement No. 3 B should be excluded from Column 2 of this Statement

11 The entries in Column 4 under the Head 63, 64, 67, 93 and 94 do not

11th September 1854 not agree with those of the corresponding numbers in the Statements 1 to 4 as given in the Memorandum appended to the Circular letter of this Court dated 20th June 1853.-

Orders that Extract from these proceedings be sent to the Sessn Judge of Tinnevelly by precept returnable within 5 days from and after its receipt.-

(Sent following precept &c)

Read the Criminal Reports Submitted by the Sessn Judge of Tellicherry for the Year 1853.-

(Here enter Rec No. 1370 of 1854)

Statt. No. 3. B. 1 The Court of Foujdaree Adalut observe that the entries in Columns 6-7-12-13 25 & 26 opposite to head 23, should be 3-3 4-4-1 & 1 according to the entries in Columns 16 & 17 of the Statement No. 2 and Columns 4 to 5 of the Statement No. 4 head 23.

Appendix C. to Do. 2 The aggregate of the entries in this Appendix should be 157 with reference to the foregoing remark.-

Do. B. to Statt. No. 4. 3 The total of the entries in

this

11 September 1882 this appendix should be 48.-

Statt. No 10 Bengal form 4 The 3 persons confined in default of security and included in Column 28 should be transferred to Column 2 opposite to head "Sessions Judge".

5 The foregoing remark applies also to the entries under head "Principal Subordinate"

Statt. No 13 Bengal form 6 This Statement will require amendment with reference to the foregoing remark.

Ordered that Extract from these Proceedings together with the Statement notices above be sent to the Sessions Judge of Tellicherry by precept returnable within 3 days from and after its receipt.

(Sent following precept No 1

Read the Criminal Reports submitted by the Sessions Judge of Mangalore for the Year 1853.-

(Here enter No 1532 of 1854.-

Appendix D 6 Statt. No 2 1 The Court of Sudder Adalat observe that the aggregate number

11 September 1882 of persons detained before the Police Vide 868 does not correspond with those in Columns 16-17 & 19 of the Statement No 2 (869)

Statt. Shewing the nature and the result of charges preferred against the Police

2 The entry of 1 person in Columns 15 and 19 under head No 2 of the Statement No 2 should also appear in Columns 3 & 6 of this Statement.

D 2 Cases involving grave injury. 3 The 3 cases of Perjury entered in Column 10 of the Statement No 5 B as Primarily cognizable by the Court should also be entered in this Statement and the entries in Columns 40 to 48 will be affected thereby

Statt. No 10 Bengal form 4 The aggregate of the entries in Columns 4 to 7 under head "Magistrates" should be 35 and those in Column 28 should be 61

5 The entry in Column 28 under head "Subordinate Judge" should be 80-

6 The entries in Columns 4-5 & 28 under head "District Police" should be 767-45-102 and 4740

Statt. No 13 Bengal form 7 In Column 2 under the heads

11th September 1852

heads Nos 11 and 18 there should be an entry of 1 person in each and the entry in Column 2 under head 84 should be 84.-

8 The entry of 3 persons whose Cases were Remanded by the Sessions Judge and entered in the Statement No 3B should be excluded from Column 2 of this Statement

Cols 2-10 & 28 of Stat No 1 - Persons 5724.
" 13 & 31 of Statt No 2 - 992
Deduct Remanded cases both by Police & the Magistracy - 105 = 887
Col 3 of Statt No 3A - 10
Cols 3 & 11 of Statt No 3B - 21
" 3 & 7 of Statt No 4 - "
6644

9 The aggregate number of persons in Column 2 of this Statement should be 6644 according to the entries in the Statements Nos 1 to 4.-

10 Column 25 should be filled up and the aggregate of the entries in Columns 27 and 28 should be 2625 and 2926.-

11 The Sessions Judge will report the manner in which the Subordinate Magistrates have exercised the Criminal Jurisdiction vested in them as directed in the Circular proceedings of this Court dated 18th February 1845

Ordered that Extract from these Proceedings together with the Statements noticed above be sent to the Sessions

11th September 1852

Sessions Judge of Mangalore by precept returnable within 5 days from and after its receipt.-

/ Sent following Precept No /

Read the Criminal Reports submitted by the Sessions Judge of Salem for the year 1853.-

/ Here enter F/C No 1136 of 1854 /

Statt shewing the Cases involving grave injury.

The Court of Foujdaree Udalut observe that the entries in Columns 26 and 27 should be 267 and 726 which will affect the entries in Columns 40 to 48.-

Statt No 10 Bengal form.

2 The Sessions Judge will explain whether the entry of 18 persons in Column 3 of this Statement opposite to head "Magistrates" is correct and whether they were actually dismissed from office.-

Statt No 13. Do.

3 This Statement should in future be filled up on the Lithographed form.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Salem by precept returnable within 5 days from and after its receipt.

/ Sent following Receipt No /

Read.

11th September 1854

Read Criminal Reports
Submitted by Sessions Judge of Madura
for July 1854

Here enter F 26 No. 2380 1854

1 Case 69 "Wounding severe" on this charge nineteen Prisoners have been committed for trial before the Sessions Court The "intent" is not laid

2 Case 82 "Wounding" vide foregoing remark. the instrument with which the wounding was alleged to have been inflicted is not stated unless and in that case the wording is bad it is meant that it was inflicted with the "sticks and Stones"

3 Case 89 "Sheep Stealing and Wounding" From the indictment it is clear this is a case of Robbery and the three Prisoners being charged to have been in Company with two others evil doers not apprehended a gang Robbery on this point the attention of the Sessions Judge is called to this Court Circular Order of the 6th April 1850.

4 Case 102 The charge as against the 1st 2nd 3rd and 5th Prisoners is far from clear It would seem that these parties were hired by

11th September 1854 by Prosecutor to track out his Bullocks which had been stolen from him and that they put him on such track accordingly It is desirable that Indictments should in all cases be framed with great Care both that a Court of Review may the better exercise supervision and accused parties be assured what it is they are charged to have done

5 Case 105 "Forgery" The Court resolve to call for explanation in regard to the Committal of this case such appearing to be directly opposed to Circular Order No. 200

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Madura for Information and Guidance by Precept returnable within 7 days from and after its receipt.

(Sent following precept No.)

4th Short

Read Return dated 21st August 1854 from the Acting Sessions Judge of Madura to the precept of the Joint Judge Adalut under date the 5th July 1854, directing him to review the proceedings in Case No. 26 of 1854 disposed of by the late Acting Principal Sudr Ameen.

(Here enter F No. No. 2079 of 1854) Read

11th September 1854

Read return dated 4th Instant from the Session Judge of Coimbatore to the precept of the Foujdaree Adalut under date the 1st Instant held on review of the Calendar in Case No. 12 of Session Court 1854 of the, wherein the Judges consider that the period of imprisonment adjudged to the Prisoner may with propriety be reduced in the case of the 1st Prisoner to 4 years and in that of the 2d prisoner to 1 Year, and directing that should the Session Judge be unable to concur in the above opinion an English Translation of the record of the case be submitted.-

(Here enter F. C. No. 2181 of 1854)

Entered

4

Tuesday
12th September 1854

F. C.

At a Court of the Foujdaree Adalut.

Present

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

Read Calendar of Case No. 118 of 1854 submitted by the Session Judge of Bellary —

(Here enter F. C. No. 2093 of 1854)

The Court of Foujdaree Adalut observe that the sentence of four years imprisonment with hard labor in irons passed by the Session Judge on the prisoner in this case is inadequate for the offence of which he has been convicted - viz. Culpable Homicide of an aggravated nature. —

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

(Sentence No.)

Read Calendars of Petty Cases disposed

disposed of by the Magistrates of Vizagapatam and Ganjam during the 2d quarter of 1854 and submitted by the Session Judge of Chicacole under date the 24th Ultimo.—

(Here Enter F.H. No. 2113 of 1854)

Vizagapatam Calendar Case No. 1.

1. It would appear from the Charge that the 1st Defendant in this case was a Police Officer and if so the offence charged should have been designated as "abuse of authority" and the case disposed of under the provisions of Regulation III of 1819.

2. The sentence passed appears extremely inadequate.—

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

(Sent in No. /

Read Calendars of Cases disposed of by the Magistracy of Canara during the first quarter of 1854.

(Here Enter F.H. No. 2109 of 1854)

1. These Calendars do not call for notice otherwise than that the Foujdaree Adalut

Adalut have to observe that in many of the cases the length of time elapsing between the apprehension of the Prisoners and the date of sentence appears to have been somewhat in excess of what is reasonable.—

Ordered that Extract from these proceedings be sent to the Session Judge of Mangalore for his information and guidance and for communication to the Magistrate.—

(Sent in No. /

Read letter under date the 4th September 1854 from the Session Judge of Coimbatore.—

(Here enter F.H. No. 2182 of 1854)

1. The Court of Foujdaree Adalut observe that it was competent to the Session Judge to pursue either of the two courses indicated in the last para of his letter either to remand the case back to the Principal Sudr Ameen with the instruction to take security from the prisoner on the ground of strong suspicion pending the production of further evidence" or to proceed with the trial and

Call

Call direct for further evidence from the Magistrate.—

2. Either mode of procedure the Session Judge was at liberty to adopt without reference to the Fouzdaree Adalut.—

3. As some delay has occurred it seems probable that the Session Judge should apply to the Magistrate direct to procure such additional evidence as may be forthcoming on the points which require further elucidation.—

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

(Sent in No.)

Read Criminal Reports submitted by the Principal Sudr. Ameen of Honore (in charge) for the month of July 1854.—

(Hereunto Fr. R. No. 2064 of 1854)

Case No. 33. The separate Indictment against the 5th Prisoner is not clear unless he

he was present aiding and abetting (which is not charged) it is difficult to understand of what crime he stands accused.—

Case No. 34. "Kidnapping" 2. The intent should have been laid.—

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

(Sent in No.)

Read Criminal Reports submitted by the Session Judge of Chittoor for July 1854.—

(Here enter Fr. R. No. 2077 of 1854)

The 1st five cases in the report under review were delivered to the Subordinate Judge not in the month of July, but in June. They should, therefore have been submitted in a supplemental report.—

Case No. 118. 2. The offence described cannot be termed "Embezzlement" it was a theft. the Prisoner however being the sole

wife of the Prosecutor no such Charge was sustainable. and as the remaining Prisoners could only have received the property from the wife, there was likewise no charge against them. —

Cases Nos 119. 120. and 121. 3. The three robberies here Charged would appear to have been one continuous act of the Prisoners, who are the same in each case. The case, therefore, is one: and the Session Judge will be pleased to try it as such. —

Case Nos 131. 132. and 133. 4. These three cases appear also to be one with the foregoing. —

Case No 134. "Maiming Cattle" 5. The malicious intent, which constitutes the offence, is not laid. This case should not have been committed to the Criminal Court. but disposed of by the Magistracy. —

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

(Sent in Ex.

Read again Criminal Reports

Reports submitted by the Subordinate Judge in Charge of the Session Court of Rajahmundry for the month of June 1854.

(Here enter F. H. No 1808 of 1854)

Read also return under date the 24th August 1854 from the Subordinate Judge in Charge of the Session Court of Rajahmundry to the precept of the Foujdaree Adalut dated the 17th August 1854 directing the submission of the foregoing Reports in the form A —

(Here enter F. H. No 2100 of 1854)

Case No 41. 1 The 1st prisoner in this Case a Cook boy in the service of the Prosecutor was charged with having stolen from a box in the prosecutors' house the sum of Rupees 121-5-6 being the Revenue Collections of the Village of Pullumcooroo which had been secured there by the Prosecutor at the request of the 5th witness the Village Monsiff. On the money being missed the 1st Prisoner was searched and a bag containing Rupees 120-6-9 was found on his person, upon which, according to the evidence, he

he confessed the theft and criminated the 2d Prisoner as having instigated him to it. —

2. Before the Subordinate Criminal Court the 1st Prisoner retracted his confession and asserted that the money was his own and cited witnesses to prove it four of whom were examined but their evidence was entirely discredited by the Subordinate Judge. —

3. There were however contradictions in the evidence of the witnesses for the prosecution in regard to the circumstances attending the delivery of the money by the 5th witness to the prosecutor previous to the commission of the theft, and on this ground apparently, notwithstanding the discovery of the money on the prisoners person, and his inability to furnish any satisfactory explanation of the manner in which so large a sum had come into his possession, the Subordinate Judge pronounced the evidence against him insufficient for conviction. —

Considering

12th September 1854.

4. Considering however that strong suspicion attached to him the Subordinate Judge ordered the Prisoner to find two securities in Rupees 50 each for his good behaviour and appearance when called for during the period of six months or in default to be imprisoned for that period but directed that on his release from Jail the money should be restored to him. —

5. The evidence against the 2d prisoner being entirely discredited he has been unconditionally released. —

6. The proceedings of the Subordinate Judge in regard to the 1st prisoner in this case appear to the Court of Foujdaree Adalut most extraordinary. The evidence against that prisoner, as furnished by the discovery on his person of a sum of money, which, considering his position in life, it is next to impossible that he could have come by honestly, coupled with his failure to substantiate the pleas advanced by him as to the manner in which it had come into his possession

was

was in the opinion of the Court amply suffi-
-cient for his full conviction of the theft
and the rejection of such evidence on ac-
-count of improbabilities or contradiction in
the statements of the witnesses for the prosecution
on other comparatively immaterial points
was most ill judged.—

7. The above remarks are still
more applicable to the order passed by the
Subordinate Judge for the restoration of the
money to the prisoner on the expiration of
the imprisonment adjudged to him in de-
-fault of his producing the security required.
This order the Court resolve to cancel and
to direct that the money found on the prisoner
be delivered to the Prosecutor.—

Case No. 62. 8. The 1st and 2d prisoners in
this case should have been charged as
principals.—

Ordered that Extract from
these proceedings be sent to the Sessions
Judge of Rajahmundry for his information
and for Communication to the Subordinate
Judge by precept returnable within [illegible]
days

days from and after its receipt.

(Sent following precept No.)

Read the Criminal reports
submitted by the Sessions Judge of
Coimbatore for the year 1853.—

(Vide Inter D. No. 871 of 1854.)

Appendix E to Statement No. 1. The Court of
Do. D to Statement No. 2. Foujdaree Udalut observe
Do. B to Statement No. 4. that the Sessions Judge
has omitted to furnish the explanation
in the Column of Remarks contained in
these appendices as directed in para. 4
of this Court's letter dated 1st April 1853.—

Statement No. 2. 2. The one case including one
person entered in Columns 40 and 41 under
head 22 of the statement submitted for
the year 1852 does not appear in the corres-
-ponding head in Columns 24 and 25
of this statement.—

Statement shewing the Cases 3. The entries in Columns
involving grave injury.— 26 and 27 should be 174
and 426 and those in Columns 40 to
48 will be affected thereby.—

4. The entry of 3 persons punished

by

by the Magistracy under Act VIII of 1843. should be excluded from this Statement it being intended to embrace only such cases as may involve grave injury to person or property. —

Statement shewing the number of Cases forwarded to the Criminal Court by each Head of Police. —

No. 2. —

Statement No. 10. Bengal form.

5. The number of cases in Column 3 of this statement should be 195 according to the statement.

6. The aggregate of the entries in Columns 6 and 7 under head "Magistrates" Viz. 57 does not tally with those exhibited in Column 28 of the Statement No. 1 and Appendix A to Statement No. 2 (52)

7. The entry in Column 4 under head "Principal Sudr Ameen" should be 6 and the aggregate of the entries in Columns 6-7-8 and 9 should be 95 according to the Appendix A to Statement No. 3 B. —

7. The particulars of punishments in some of the Columns in this

Statement do not correspond with those entered in the Statement No. 13. —

Statement No. 13. Bengal form.

In the total of Columns 2. 10. and 23 of Statement No. 1 ——— 8708.
Do. Columns 13 and 31 of Statement No. 2 ——— 1521.

Deduct Sentences by Police to the Magistracy ——— 69 1452
In the total of Columns 3 and 11 of Statement No. 3B ——— 15
Do. 3 and 7 of Statement No. 4 ——— 2 10177

8. The total number of persons entered in Column 2 of this Statement should be 10177 according to the entries in the Statements Nos. 1 to 4. —

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

(Sent following precept No. 1

Read letter under date the 28th August 1854 from the Agent to the Governor of Fort St. George at Kurnool submitting for the final judgment of the Foujdaree Adalut a summary of the trial of Criminal case No. 56 of 1854 on his file. —

(Here Enter F.A. No. 2130 of 1854)

The Court of Foujdaree Adalut concurring in the conviction

of

1st Talari Pedda Sonkadoo.
2d Kolaminy Mandadoo.
3d Bulosoolgandoo.
4th Talari Pedda Madandoo.
5th Talari Chinna Madandoo.
6th Talari Chimperigandoo.
7th Talari Pedda Zellogandoo.
8th Talari Ronadoo.
9th Himmadoo.
10th Goodidy Sonkadoo.
11th Pagol Vengadoo.
12th Talari Rookadoo.
13th Kurrivandoo.
14th Boya Kurravandoo.
15th Boya Sonkadoo.
16th Gorintha Pedda Himadoo.
17th Gorintha Chinna Himadoo.
18th Boya Sashadoo.
19th Gorintha Mandadoo.
20th Boya Himmadoo.
21st Talari Boya Venkata
22d Talari Pedda Himadoo.
23d Talari Chinna Himadoo.
24th Talari Gowrigandoo.
25th Moonnagunty Mandadoo.
27th Boya Chinnavandoo.
29th Boya Chinnarungadoo.
30th Chakala Lingadoo and
31st Talarivengadoo.

of the Prisoners noted in the Mar-
=gin, resolve to confirm the
sentence proposed to be passed
upon them by the Agent of
(3) three months Imprisonment
with hard labor in irons. —

Ordered that
Extract from these proce-
=dings be sent to the Agent
to the Governor of Fort St.
George at Kurnool for
his information. —

(Sent in No)

Read Criminal Reports
Submitted by the Agent at Kurnool for the
year 1853. —

(Here enter L. R. No 1143 of 1854)

Appendix D to Statement
No 2.

The Court of Foujdaree
Adalut direct that the entry
of one person in Column 21 of the statement
as having died Vide should be excluded from
the Column in which it may have been
included in this Appendix. —

D:....C. to D: No 3B.
D:....B. to D: No 4.

The above remark applies
also

also to these Appendices. —

Statement No 10. 3. The number of persons con-
Bengal form. victed and punished opposite to head
"Agent" should be 28 according to Column
15 of the Statement No 4 and the entry in
Column 28 should be 14. —

4. Columns 2. 4. 5. 6. 7 and 28
opposite to head "Magistrates Vide" should
be filled up. —

5. The entries in Columns 2. 4
and 28 opposite to head "Assistant Agents"
should be 5. 1 and 14 and those in Column
5 should be excluded.

Statement No 13. 6. The 10 persons charged with
Bengal form. abuse of authority by Police Officers
and 3 with Theft and Murder in the State-
-ments No 1. 2. and 3B should be entered
under heads 32 and 49 of this Statement,
and the 3 persons charged with Threatening
to murder and included under head
No 1 should be transferred to that of 94. —

7. The total entries in Column 2
of this Statement should be 1481. —

Statement Nos 3A 3B and 4. 8. The result of the

review

Session should be given in these statements as directed in this Court's letter dated 16th January last. —

9- The Agent will be pleased to report whether the Town Cauzee of Kurnool has acquitted himself satisfactory in the discharge of his Criminal duties during the year 1853. —

Ordered that Extract from these proceedings together with the statements noticed above be sent to the Agent at Kurnool by precept returnable within V days from and after its receipt.

(Sent following precept No. /

Read Calendar of Case No. 10 on the file of the Session Court of Chicacole under date the 31st July 1854. —

(Here enter F.R. No. 1938 of 1854.)

Read also return dated 30th August 1854 from the same officer to the precept of the Foujdaree Adalut under date the 18th August 1854 directing to refer the case No. 10 of 1854 on the Calendar for their final decision suspending the sentence

passed by him upon the Prisoner.

(Here Enter F.R. No. 2196 of 1854)

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

Corroy Yaccadoo

is sufficient to convict him of the crime of wounding, for which according to the Mohomedan Law, as declared in Futwahs of their Law Officers, discretionary punishment is awardable, do convict him thereof, and under the provisions of Clause third Section VII Regulation XI of 1803 and Section XXXIV Act VII of 1843 sentence him to be imprisoned and kept to hard labor in irons, on the public roads, or other public works, for and during the period of (5) five years. —

(Sent in No. /

Read return dated 30th August 1854 from the Session Judge of Cuddalore to the precept of the Foujdaree Adalut

under

under date the 24th August 1854 con-
=veying observations on the Calendar
in Sessions Case No. 34 of 1854. —

(Here enter F.R. No. 2128 of 1854)

Read Return dated 26th
August 1854 from the Agent to the Governor
of Fort St. George at Ganjam to the pres-
=ent of the Tondiaree Adalut under
date the 8th August 1854 submitting a
short explanation of the decision of the
Acting Agent in case No. 23 as called for.

(Here enter F.R. No. 2131 of 1854)

Read Criminal Report
submitted by the Session Judge of Chittoor
under date the 1st September 1854 of
Cases pending on the 31st August 1854
before the Session Court for a period
in excess of 25 days calculated from
the date of Commitment. —

(Here enter F.R. No. 2133 of 1854)

Read Return dated the 31st
August 1854 from the Acting Session
Judge of Combaconum to the precept
of the Tondiaree Adalut under date

the

the 22nd August 1854 directing the release
of the Prisoners Nos. 1. 2. 3. 5. 6 and 7 in Case
No. 9 of 1854 as the evidence is not suf-
=ficiently trustworthy to justify their con-
=viction and observing that the Court
see no reason to interfere with the sentence
recorded against the 4th Prisoner that
his conduct in the transaction fully
authorizes the punishment awarded to him.

(Here enter F.R. No. 2134 of 1854)

Read Criminal Report
submitted by the Session Judge of
Nellore under date the 1st September
1854 of cases pending for the month
of August 1854. —

(Here enter F.R. No. 2145 of 1854)

Read Extract dated the
29th August 1854 from the Acting Session
Judge of Tinnevelly submitting the
Petty Calendars for the 2nd quarter of 1854.

(Here enter F.R. No. 2146 of 1854)

Read Criminal report
submitted by the Session Judge of
Cuddapah under date the 4th September 1854

of

12th September 1854

12th

of cases pending on the 31st July and Com-
=mitted for trial during the month
of August 1854 which remained on the
file of the Session Court of Cuddalore
for more than 25 days. —

4th Ht

(Here enter F.H. No 2171 of 1854)

Wednesday.
13th September 1854 } At a Court of the Foujdaree Adalut

Present

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

Read letter under date the
25th August 1854 from the Acting Session
Judge of Tinnevelly. —
(Here Enter F.H. No 2092 of 1854)

The Court of Foujdaree
Adalut direct that a copy of their Proceedings
under date the 26th January last held on
a reference from the Session Judge of Bellary
on the point mooted in the foregoing letter
be forwarded to the Acting Session Judge
for communication to the Magistrate. —

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

Sentence No

Read Criminal Reports
submitted by the Session Judge of
Cuddalore

13th September 1854.

Cuddalore for the year 1853.—

(Here Enter F. C. No. 1204 of 1854)

Statement No. 1 — 1 The Court of Foujdaree Adalut direct that the entry of 13 persons charged with "Crimping" be transferred to Statement No. 2 "Crimping" being classed under the Head of "Heinous Crimes."—

Appendices to State- ment Nos. 1 and 2. — 2. These appendices will be affected by the foregoing remark. —

Statement shewing the Cases involving grave injury. — 3. In Columns 20 and 21 of this Statement 10 Cases including 15 persons are entered as Charged with Crimping, while Columns 2 and 3 of the Statement No. 2 from which the statement noted in the Margin has been prepared shew only 1 Case including 2 persons. —

4 The entries in Columns 26 and 27 should be 172 and 379 and those in Columns 40 to 48 will be affected thereby.

Appendix A to Statement No. 3 A. Do. — A to Do. 3 B. — 5 The number of persons Imprisoned in default of

13th September 1854.

of payment of fine should also be included under head "Imprisoned" Senior Columns "Under 3. 6. 12 & 24 months."

Statement shewing the nature and the result of Charges preferred against the Police. — 6 The Court observe that the District Police Officers are not competent to dispose of cases of Abuse of Authority against the inferior Officers of Police. —

Statement No. 10 Bengal form. — 7 The total of entries in Columns 6 and 7 opposite to head "Magistrates" should be 28 and that in Column 28 should be 126. —

Do. No. 13. Do. — 8 The entries in Columns 4 and 27 of this Statement will require amend- ment with reference to the foregoing re- marks. —

9 The submission of a Duplicate Copy of the report of the Magistrate is unnecessary. —

Ordered that Extract from these proceedings together with the Statements noticed above be sent to the Sessions Judge of Cuddalore by precept returnable within V days from and after its receipt.

(Sent following precept No.

13th September 1854.

Read the Criminal reports sub-
=mitted by the Sessions Judge of Madura
for the year 1853.

(Here Enter F.H. No. 781 of 1854)

Statement No. 2. 1 The Court of Fouzdaree Adalut direct that a note should be appended to the total of Columns 26. 27. 28 and 29 of this statement showing how many of the cases and persons entered in Columns 18 and 19 have been included in each of the former Columns. —

Statement No. 3A. 2 The result of the review should be given in this statement as directed in this Court's Circular letter dated 16th January last. —

Appendix A to Do. 3 The number of persons im-
=prisoned in default of payment of fine should also be included under head "Imprisoned" Minor Columns under 3-6-12 & months in the same manner as was done in the statement submitted for the year 1852. —

Do. B to Statement No. 3B. 4 The number of cases under head "Trials reported" should be 92 and not 95. —

The

13th September 1854.

Appendix D to Statement No. 3B. 5 The entries under head "Deduct charged with more than one offence" must be erroneous if the entries under head "Of which charged with" be correct. —

Statement No. 10. Bengal form. 6 One person who was de-
=tained in default of furnishing security and included in Column 28 under head "Subordinate Judge" should be trans-
=ferred to Column 2 of this Statement.

Do. No. 13 Bengal form Statement shewing the nature and the result of Charges preferred against the Police. 7. The foregoing remarks ap-
=plies also to this statement.

8 The Court also direct that the attention of the Sessions Judge be called to their proceedings under date the 25th August 1853 in which they have observed "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 by precept returnable within 15 days from and after its receipt.

(Sent following precept No.

Read

13th September 1854

Read the Criminal reports submitted by the Sessions Judge of Chittoor for the year 1853. —

(Here Enter F. H. No 1248 of 1854)

Statement shewing the Cases involving grave injury. — Table of Suicides and accidental deaths. — Statement No 10 Bengal form. — D. No 13.

1 The Court of Fouj: = daree Adalut observe that the entries in Columns 26 and 27 should be 322 and 718 and those in Columns 40 to 48 will be affected thereby. —

2 The exact age of each of the 3 Children under head "Suicides" should be stated. —

3 The number of persons sentenced to imprisonment by the Magistracy should be 29 and not 16 and those in Columns 4 and 6 under head "District Police" should be 2396 and 170. —

4 The entries in this statement will require amendment with reference to the foregoing remarks. —

5 The entry of 3 persons whose cases were remanded by the Sessions Judge and entered in the statement

No

13th September 1854.

No 3. B should be excluded from Column 2 of the statements noted in the Margin.

Ordered that Extracts from these proceedings together with the statements noticed above be sent to the Sessions Judge of Chittoor by precept returnable within III days from and after its receipt. —

(Sent following precept No)

Read report A in No 149 on the file of the Subordinate Criminal Court of Cuddapah, submitted by the Sessions Judge in his return dated 29th August 1854 to the precept of the Foujdaree Adalut under date the 2d Idem. —

(Here enter F. H. No 2117 of 1854)

In this case it appears that the prisoner and his mother, on their violation of certain precautionary measures drawn up by the Village Community of Goliyarooyollah against the spread of Cholera, were seized by the Villagers and pushed forward by the neck in the direction of the Village Choultry where it was in contemplation to confine them

them. and that upon this the prisoner stabbed the Prosecutor apparently the village Headman in the left breast and behind the back with a dagger.—

2. The Subordinate Criminal Judge "considering the provocation" Prisoner had received, sentenced him to be imprisoned with labor, but without irons, for a period of two (2) months.

3. The provocation received does not appear to the Court of Foujdaree Adalut to be any excuse to the prisoner in his use of a lethal weapon. It would seem, too, that the prisoner's son had armed himself with the dagger, on his discovering that the infringement of the village Rules had come to the notice of the villagers, which was indicated to him by the Prosecutor and others coming to enquire into the matter. So that the prisoner and his family appear to have been prepared with some desperate measures. The Session Judge will be pleased to intimate to the Subordinate Criminal Judge that the sentence under

under review is considered altogether inadequate to meet the ends of Justice.

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

(Sent in No.)

Read Calendar of Cases disposed of by the Magistracy of Guntoor during the Second quarter of 1854.—

(Here Enter D.K. No. 2091 of 1854)

Calendar No. 1 / Case No. 18. "Assault" — 1. This case having been primarily disposed of by the Head of Police who fined the Defendant in Rupees 2. it was irregular in the Magistrate to call up the case and mulct the Defendant in an additional sum.—

Case No. 27. "Assault" — 2. This case is one of "abuse of authority" and should have been disposed of under Regulation III of 1819.—

Calendar No. 2. Case No. 5. — 3. The remarks in para 2 supra applies, it would seem, to this case also. if the offence charged did not come under the head of "Abuse of Authority." then to indicate

13th September 1854.

indicate the 1st Defendant as the village Curnum and the 2d as a Revenue peon was not called for.—

Case No. 15- 4 It would appear from the mention of the Village Menial Servants as the instruments in this case, that the present charge is similar to the charges already noticed in the two preceding paras.

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

(Sent in No.)

Read Criminal reports submitted by the Sessions Judge of Chicacole for the month of July 1854.—

(Were Entd. F. R. No. 2073 of 1854)

Cases delivered to the Sessions Judge No. 33. "Wounding" the "intent" should have been laid.—

Case No. 37- "Assault" 2. As the assault is alleged to have been committed by the Prisoners in order to facilitate the escape and hinder the capture of a thief, the prisoners should have been indicted as accessaries after

13th September 1854.

after the fact to the Theft.—

Cases delivered to Principal Sudr Ameen Vizagapatam Case No. 11. 3 It does not appear from the charge in this case that any Theft was actually committed and the crime therefore should have been designated as an attempt at Theft.—

Do. Nos. 12 and 13. 4- These appear to have been trifling cases of grain stealing, and need not have been sent up to the Criminal Court to being disposable by the Magistracy.

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

(Sent in No.)

Read again Report of a Case disposed of by the Assistant Magistrate of Chingleput under the provisions of Section VII Regulation X of 1816 under date the 19th February 1854.

(Were Entd. F. R. No. 1559 of 1854)

Read also return from the Acting Sessions Judge of Chingleput under date the 28th August 1854 to the precept of the Sunjdaree Adalut dated the 11th July 1854 conveying their orders on the foregoing

foregoing report.—

(Here enter F. H. No. 2102 of 1854)

1. The Court of Fojdaree Adalut observe that considerable misapprehension has been caused by the very defective manner in which the report of the case above referred to was drawn out by the late Assistant Magistrate Mr. Grenfell. The statement of charge contains no mention of the 7th Prisoner nor was the offence recorded against him in the sentence 7th "having "omitted to bring the whole circumstances "to the notice of the Head of Police and mis- "represented matters" of such a character as to justify a penal sentence. It now appears however that the above description of the offence proved against this prisoner was by no means complete, his guilt having been aggravated by openly abetting the other prisoners in the Commission of the assault of which they were convicted. But neither for this nor for any other offence that might have been charged against him in the Calendar sent up by the Head of Police

or

or in the evidence of the witnesses on the trial could he be legally punished unless it was duly set forth in the charge to which he was called upon to plead.—

2. The report of the case is in other respects very badly drawn up and should have been returned by the Magis- trate for amendment with instructions as to the manner in which such docu- ments should be prepared. The bare statement that "the crime laid to the "charge of the prisoners though denied "by them has been fully established against "them by 16 witnesses" was obviously in- sufficient. A brief statement by the evidence of the several witnesses should have been given in order to enable the reviewing officer to form some estimate of the value of the evidence upon which the conviction was based.—

3. The Court of Fojdaree Adalut resolve to direct that a copy of these proceedings of the report of the case

and

and of Mr. Grenfells return be forwarded direct to the Magistrate of North Arcot who will be pleased to instruct Mr Grenfell as to the course of procedure to be observed by him in conducting trials held under section LIV Act VII of 1843 and in framing the reports of such trials for submission to the Session Court. The Magistrate of North Arcot will likewise point out to Mr Grenfell the very objectionable tone of his return.

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

Ordered also that Extract from these proceedings be sent to the Magistrate of North Arcot for communication to Mr Grenfell. — —

(Sent in Rs /

Read again Criminal Reports submitted by the Session Judge of Cuddalore for the Month of June 1854. —

(Here enter F. R. Rs 1789 of 1854.)

Read also return dated 23d August of Sessions Judge to the precept of

of the Foujdaree Adalut under date 2d Idem - calling upon the Session Judge to furnish certain Reports (Form A) and explanations in regard to the foregoing Criminal statements. —

(Here Enter F. R. No. 2063 of 1854)

Case No. 728. "Fraud". In their proceedings reviewing this case the Foujdaree Adalut remarked that the charge was one not of "Fraud" but of "Theft" They now observe from a perusal of the extract of the Proceedings of the Session Court submitted by the Session Judge that the Sessions Judge in reviewing the case had already remarked on it to the same effect. and that he had further rightly directed the Acting Principal Sudr Ameen that the Charge against the Prisoners should have been framed agreeably to the evidence before the Court. that Officer having erroneously adopted the very exaggerated Indictment framed by the Police. The Court of Foujdaree Adalut resolve to point out to the Sessions Judge that cases noticed in review by the Sessions Judge should invariably

be

be entered as such. And that some intimation of the matter animadverted on should be added. An abstract to the above effect in the margin of the Calendar under notice would have obviated the necessity of any additional Proceedings on the part of the Foujdaree Adalut. —

2. With reference to the foregoing Case, the Foujdaree Adalut do not apprehend the force of an objection taken by the Sessions Judge to the proceedings of the Acting Principal Sudr Ameen. The Sessions Judge has observed that no defence was taken from the 2d, 3d, 4th, 5th, 6th, 7th, 8th, and 9th Prisoners. but as these parties were not convicted by the Principal Sudr Ameen who released them for want of proof as to their complicity with the 1st Prisoner, and as there was but one charge against them, it is difficult to see what it was they should have been called upon to refute. —

Case No. 132. 3. The Sessions Judge will be pleased to point out to the Principal Sudr Ameen that under Circular Order No. 203

of this Court, the Prisoner should have been discharged without trial. —

Case No. 135. 4. The Foujdaree Adalut observe that the sentence in this case was ten not two months Imprisonment as erroneously stated in the proceedings of this Court under date the 2d August 1854.

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

(Sent in Ct.)

Read letter dated 1st September 1854, from the Sessions Judge of Cahcut submitting for the final Judgment of the Foujdaree Adalut the record of case No. 42 of 1854 of the Calendar of the Sessions Court. —

(Have enter E.R. No. 2172 of 1854)

Mr. G. S. Hooper. / 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 H. Narapat Lekhmy (female) is sufficient to convict her of the crime

of Murder, do convict her 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 the Court under the provisions of Clause second Section III Regulation I of 1825 sentence her to be imprisoned and kept to labor suitable to her sex, for, and during the period of Seven years.—

1. In the foregoing case the Law Officer, convicting the prisoner on strong presumptive proof, has declared her liable to discretionary punishment.

2. The Sessions Judge on the other hand, has considered a conviction against the prisoner not sustainable, but being of opinion that strong suspicion attaches to her, has recommended that she should be required to furnish security in two sureties of 25 Rupees each for three years, or in default, that she be imprisoned for that period.—

The

13th September 1856.

3. The Court of Foujdaree Adalut agree with the Law officer in convicting the prisoner on strong presumptive proof.—

4. The prisoner has pleaded before the Sessions Court, that her child died before her delivery, and that, not having the means to bury it, she disposed of the corpse by throwing it into the tank.

5. These assertions, however, are contradicted by the admissions to the very reverse effect made by her before the Criminal Court and the Police, and are further disproved by the testimony of those witnesses who were present when the prisoner was delivered, these parties state that the child was born alive, and was alive and in apparent health when the prisoner, carrying it in her arms, left the residence of the 1st witness.—

6. The circumstances of the prisoner at the period laid in the Indictment appear to have been of a very forlorn and dispirate character, turned adrift, as she is alleged to have been,

from

13th September 1854.

from her Paramours' house and having no means of support but begging.-

7- In convicting the prisoner of the murder, the Court resolve, therefore, to pass the mitigated sentence of Seven (7) years' Imprisonment with Labor suited to the Prisoners' sex.

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

(Sent in No. 14 of 1854)

13

17

No. 40.

Thursday 14th September 1854. } At a Court of the Foujdaree Adalut.

Present.

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

Read Report (B) of Case No. 11 of 1854 delivered to the Assistant Magistrate of Ganjam in the month of July 1854 submitted by the Sessions Judge of Chicacole

(Here enter No. 209 of 1854.)

The Charge is headed "Assault and Theft from the Person" - it should have been termed "Robbery" - Violence was charged and that of a nature clearly to bring the offence within the definition of "robbery" as distinguished from "Theft."

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

(Sent in No.)

Read

Read again Miscellaneous
Petition presented on the 31st July 1854 by
Fakrooddeen late Sirick in the Jail at
Bellary.

Here enter S. & F. M. Pr. No 56 of 1854

Read also return under date
2nd September 1854 from the Sessions Judge
of Bellary to the precept of the Foujdaree
Udalut dated the 24th August 1854 conveying
their preliminary orders on the foregoing
Petition.

(Here enter F. Ct. No 2180 of 1854)

Mr. W. A. Morehead / Under the Circumstances stated
in the foregoing return, the Court of Foujdaree
Udalut see no grounds for interfering on
the Petitioner's behalf.

2 Petition dismissed

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

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

Do 1Cy. (Sent in No)/

F No.

Friday.
15th September 1854. At a Court of the Foujdaree Udalut

Present.

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

Read letter under date
the 5th September 1854 from the Sessions
Judge of Cuddalore.

/Here enter F. Ct. No 2167 of 1854/.

1. Under the circumstances
represented in the foregoing letter, the
Court of Foujdaree Udalut, resolve
to authorize the Principal Sudder
Ameen, to exercise a discretion in as
respect to the detention of the pro-
secutors and witnesses in the cases
referred to, until they can be ex-
amined.

2. In all instances in
which the parties are permitted to
return

return to their villages, the Principal Sudder Ameen should, in consultation with the Sessions Judge, fix a day for their again attending, which day should be entered in the Moochilka executed by them on their departure. It should however be left optional with the prosecutors and witnesses to remain at the Court station until they are examined, and in those cases in which they may prefer remaining, batta should be paid to them.—

3rd. The Court of Foujdaree Adalut, resolve to avail themselves of this occasion of impressing upon the Principal Sudder Ameen, the necessity of confining as far as possible, his Examination in all committible cases, to the course laid down in Section XXIX Act VII of 1843 and of preparing the Calendars of cases tried by him, in a more succinct form than that usually observed by him.—

In

4th In order that every possible facility may be afforded to the Principal Sudder Ameen for the speedy preparation of the Calendars in committed cases, the Court of Foujdaree Adalut desire the Sessions Judge, to depute one of the Session Court writers, to aid in that duty so long as the business before the Principal Sudder Ameen continues to be so heavy as at present.—

Ordered, that Extracts from these Proceedings, be forwarded to the Sessions Judge of Cuddalore, for communication to the Principal Sudder Ameen.—

Sent in No. 12

4th Ditto

Read letter dated 13th September 1854 from the Acting Session Judge of Chingleput, forwarding copy of a communication from the Asst. Magistrate with reference to the Court's letter of the 6th Idem, on the subject of the deficient supply of clothing to the Prisoners employed at work in the Sudr Court Compound.

(Vide enter F. Dy. No. 2215 of 1854)

Saturday
16th September 1854

At a Court of the Foujdaree Adalut

Present

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

Read Miscellaneous Petition presented on the 24th August 1854 by Mootoo Kunnoo Padiachee of Zillah Cuddalore.—

[Here enter F. M. D. No. 177 of 1854]

Mr. W. A. Morehead

The Petitioner who was lately tried on a charge of Gang Robbery but ordered by this Court 10th August 1854 to be released, applies for instructions to the Sessions Judge of Cuddalore to restore to him Rupees 107 which sum he states is held in deposit by that Officer.—

The Court of Foujdaree Adalut observe that the petitioner should apply to the Sessions Judge for any money or other property belonging to him that may be in deposit in

F. 16.

Saturday
16th September 1854

At a Court of the Fouzdaree Adalut

Present

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

Read Miscellaneous Petition presented on the 24th August 1854 by Mootoo Kunnoo Padiachee of Tillah Cuddalore.

(Hereunto T. M. P. No. 177 of 1854)

Mr. W. A. Morehead

The Petitioner who was lately tried on a charge of Gang Robbery but ordered by this Court 10th August 1854 to be released, applies for instructions to the Session Judge of Cuddalore to restore to him Rupees 107 which sum he states is held in deposit by that Officer.

The Court of Fouzdaree Adalut observe that the petitioner should apply to the Session Judge for any money or other property belonging to him that may be in deposit

in

in his Court.

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

Read Calendar of Case No. 123 of 1854 of the Sessions Court of Bellary.—

/Here Enter F.M.P. No. 2165 of 1854/

The Court of Foujdaree Adalut approve of the recommendation made by the Sessions Judge in this case that the period of imprisonment which the Prisoner noted in the margin has been adjudged to suffer on his conviction of the crime of "Robbery" be reduced to /7/ Seven years' with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.—

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

/Sent in No. /

Read Miscellaneous Petition presented on the 10th August 1854 by Alamaloo Ammal of Zillah Chingleput

/Here enter F.M.P. No. 165 of 1854/

*Nagndoo

Read also Miscellaneous Petition presented on the 14th August 1854 by J. Tauchinemoon Vakeel on behalf of Lutchmee and others of Zillah Chingleput.—

/Here enter F.M.P. No. 169 of 1854/

Read also Miscellaneous Petition presented on the 21st August 1854, by Chinnummay of Zillah Chingleput.

/Here enter F.M.P. No. 173 of 1854/

The petitioners, who are the connexions of some of the prisoners in Cases Nos. 8. 9 & 10 on the Calendar of the Sessions Court of Chingleput, prays the Court of Foujdaree to order the release of their relatives from imprisonment.—

Mr. W.A. Morehead 1

The Court of Foujdaree Adalut see no reason for disturbing the sentence passed in the Cases above mentioned and, therefore resolve to reject these petitions.—

Ordered, that Extract from these Proceedings be furnished to the Petitioners in Nos. 165 and 173

ouf

on their application.—

Ordered also, that Extract from these Proceedings be furnished to the Petitioners Vakeel in No. 167 on his application.—

Read Miscellaneous Petition dated 29th July 1854 from Ramanada pillay. Vakeel on behalf of Serasuddeen Mercoyer forwarded by the Acting Sessions Judge of Tinnevelly.

/Here enter F.M.C. D. No. 170 of 1854/

Mr. W. A. Morehead 1 The Petitioner appeals against
Mr. T. Le Strange an order passed by the Acting Sessions
of Tinnevelly dated 16th June 1854 approving of certain proceedings by the Magistracy in regard to a fine imposed upon the petitioner by the Police Ameen of Colasagarapatam.—

2 The Court of Foujdaree Adalut decline to interfere in the matter to which the above petition relates as it has been duly enquired into and decided by the local authorities.—

3 The Acting Sessions Judge is

informed that Circular Order No. 188 A was not designed to authorize the transmission of petitions like that under notice but was meant to meet the Cases of prisoners undergoing imprisonment.—

Ordered, that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Tinnevelly for his information and for communication to Petitioners Vakeel of paras 1 and 2.—

/Sent in No. /

Read Calendar of Case No. 12 of 1854 of the Sessions Court of Tellicherry.—

/Here enter F.M.C. No. 2151 of 1854/

The Court of Foujdaree Adalut approve of the recommendation made by the Sessions Judge in this case that the period of imprison-
2d Variation: ment which the Prisoner noted
Banner. in the margin has been adjudged to suffer on his conviction of the crimes of "Housebreaking" and "theft"

be

be reduced to (3) three years with hard labour in irons, and they do authorize the Sessions to issue his warrant accordingly.—

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

(Sentence No.)

Read Calendar of Case No. 120 of 1854 of the Sessions Court of Bellary.—

(Here enter F.M. No. 2162 of 1854)

The Court of Foujdaree Adalat approve of the recommendation made by the Sessions Judge in this case that the period of imprisonment which the prisoners noted in the margin have been adjudged to suffer on their conviction of the crime of "Highway Robbery" be reduced to (5) five years with hard labor in irons and they do authorize the Sessions to issue his warrant accordingly.—

Ordered, that Extract from

1. Coraba or Boddajah
2. Syegah.

from these Proceedings be forwarded to the Sessions Judge of Bellary for his information.—

(Sentence No.)

Read Calendar of Case No. 121 of 1854 of the Sessions Court of Bellary.—

(Here enter F.M. No. 2163 of 1854)

The Court of Foujdaree Adalat approve of the recommendation made by the Sessions Judge in this case that the period of imprisonment which the Prisoners noted in the margin have been adjudged to suffer on their conviction of the crime of "Highway Robbery" be reduced to (5) five years with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.—

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

(Sentence No.)

1. Suacregandoo
2. Goodoobhoye
3. Yenkaly
4. Balegaly
5. Shokaly

16th Septem

Read Miscellaneous Peti-
tion from Patathil Kristna Menon
forwarded by the Sessions Judge of
Calicut.—

/Here enter F. M. P. No 169 of 1854/

Mr W. A. Morehead /

The Petitioner appeals
from the sentence passed upon him
in Case No. 24 of 1854 on the file/
of the Sessions Court of Calicut.—

2 The petitioner is referred
to this Court's Proceedings under
date the 26th Ultimo upon the Peti-
tion presented by his uncle Patathil
Shangoo Nair wherein the Court de-
clined to interfere with the
sentence passed upon him.—

Ordered that Extract
from these Proceedings be sent
to the Sessions Judge of Calicut
for communication to Petitioner.—

/Sent in No/

Read Miscellaneous Peti-
tion forwarded by the Sessions Judge
of Calicut from Kallara Cony
Manood of that Zillah.—

/Here enter F. M. P. No. 171 of 1854/ The

F/6
16th September 1854

Mr. Morehead
and
Strange

The Petitioner appeals
from an order passed by the Sessions
Judge of Calicut under date the
19th May last containing a requisitions
of security under which he was
placed on the 31st March 1851 for a fur-
ther period of three years.—

The Court of Foujdaree
Adalut direct that translation
of the record connected with the
matter referred to in this Petition
may be submitted for their consider-
ation.—

Ordered, that Extract
from these Proceedings be sent to
the Sessions Judge of Calicut &c
by Precept returnable within 11 days
from and after its receipt.—

/Sent following Precept No /

Read again Calendar of
Case No. 43 of 1853 on the file of the
Sessions Court of Combaconum.—

/Here enter F. M. P. No. 1 of 1854.—

Read

Read also miscellaneous
Petition presented on the 14th September
1854 by Oodyummah of Zillah Combaconum.

/Here enter F. M. P. No. 199 of 1854/

Mr. Morehead and Strange

The Court of Foujdaree
Adalut resolve to direct that an
English Translation of the record
of the foregoing Case be submitted
for their consideration.-

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

/Sent following Precept No. /

Read Miscellaneous Petition pre-
sented on the 21st August 1854 by S. N. Canteerava
Chavey Vatteal on behalf of Ramakristnien
and others of Zillah Salem.-

/Here enter F. M. P. No. 175 of 1854/

1. The petitioners seek a reversal
of the orders passed by the Session Judge
of Salem under dates the 12th & 20th June
1854 declining to interfere with the
decision of the Collector in the matter
of

of a complaint preferred by them against
certain parties for removing the bund of
a tank which irrigates their lands.-

2. The Court of Foujdaree Adalut
consider the order passed by the Session
Judge to be correct and therefore resolve
to reject this petition.-

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

Read Miscellaneous Petition
presented on the 28th August 1854 by Rury
Row of Zillah Cuddapah.-

/Here enter F. M. P. No. 181 of 1854/

Mr. Morehead /

The petitioner prays that
the Civil Judge of Cuddapah may be
instructed to cause payment to be made
to him of certain arrears of Salary deposited
in the Subordinate Court on account of
his late father who held the post of
Nazir in that Court.-

2. The Court of Foujdaree
Adalut direct the petitioner to apply to
the Subordinate Judge of Cuddapah.

Ordered

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

4th Ditto

Read Calendar of Case No 36 of 1854 submitted by the Acting Sessions Judge of Combaconum under date the 9th September 1854.—

(Here enter F.M.C. No 2204 of 1854)

Read Calendar of Case No 17 of 1854 submitted by the Acting Sessions Judge of Honore under date the 4th September 1854.—

(Here enter F.M.C. No 2206 of 1854)

Read Calendar of Case No 28 of 1854 submitted by the Sessions Judge of Bellary under date the 7th September 1854.

(Here enter F.M.C. No 2208 of 1854)

Read Calendar of Case No 39 of 1854 submitted by the Sessions Judge of Madura under date the 11th September 1854.—

(Here enter F.M.C. No 2217 of 1854)

Read return dated the 8th September 1854 from the Agent to the Governor

Governor of Fort St George at Vizagapatam to the precept of the Foujdaree Adalut under date the 1st September 1854 ordering the release of Prisoners in Case No 3 of 1854 of the Agents' file, they have been released accordingly.—

(Here enter F.M.C. No 2219 of 1854)

Read return dated the 12th September 1854 from the Acting Sessions Judge of Combaconum to the precept of the Foujdaree Adalut under date the 9th September 1854 directing to cancel the requisition of security under which the Prisoners in Case No 30 of 1854 have been placed.—

(Here enter F.M.C. No 2222 of 1854)

Read return dated the 11th September 1854 from the Sessions Judge of Cuddalore to the precept of the Foujdaree Adalut under date the 4th September 1854 reducing the period of Imprisonment awarded to the Prisoner in Sessions Case No 41 of 1854 to one year.—

(Here enter F.M.C. No 2223 of 1854)

Read

16th September 1854

Read Calendar in Case
No. 130 of 1854 submitted by the Sessions
Judge of Bellary under date the 9th Septem-
-ber 1854.—

(Here enter F.M. No. 2220 of 1854)

Read Calendar of Case
No. 28 of 1854 submitted by the Acting
Sessions Judge of Chingleput under
date the 12th September 1854.—

(Here enter F.M. No. 2225 of 1854)

Read Calendar in Case
No. 40 of 1854 submitted by the Sessions
Judge of Madura under date the 12th
September 1854.—

(Here enter F.M. No. 2227 of 1854)

Et Tho W

F.M.

Monday—
18th September 1854. } At a Court of the Foujdaree Adalut

Present

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

Read Letter dated 11th September
1854 from the Sessions Judge of Nellore,
submitting for the final Judgment of the
Foujdaree Adalut the record in case No. 49 & 50
of 1854. on the Calendar of the Sessions
Court

(Here Enter F.M. No. 2211 of 1854)

Mr. W. A. Morehead The Court of Foujdaree
Adalut, on a deliberate consideration of
all the circumstances of the case in evidence
before them, being of opinion that the
proof against the prisoner,

"Rakolle Venkatapathah."

is sufficient to convict him of the crime
of Highway Robbery attended with aggra-
-vating circumstances, do convict him
thereof; and under the provisions of Clauses

third

third and Fifth Section XV 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.

/ Sent in No /

Read Calendars of Cases Nos 35 and 36 of 1854 of the Sessions Court of Madura.

/ Here Enter FR Nos 2175 & 2176 of 1854 /

The Court of Foujdaree Adalut approve of the Recommendation made by the Sessions Judge that the periods of Imprisonment which the Prisoners noted in the Margin have been adjudged to suffer be reduced

1st Coomaroovaloo Pillay
2d Ramatchalum Pillay
3d Moottoocarpa Tavan
4th Soobramonea Tavan, &
5th Ooyavunda Pillay

in the case of the 1st Prisoner to (2) Two years, and in that of the 2d 3d 4th and 5th Prisoners to one (1) year 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

Sessions Judge of Madura for his information

/ Sent in No /

Read Two Petitions presented on the 10th and 21st August 1854 respectively, by Ambalavana Buttan of zillah Combaconum.

/ Here Enter FR Nos 1754 & 1755 of 1854 /

Mr E. A. Morehead

The foregoing Petitions relate to one and the same matter, and the Court resolve to send the first received (No 164) to the Acting Sessions Judge who will direct the Magistrate to dispose of the Appeal of the Petitioner from the order of the Assistant Magistrate on its merits - in case it may be true that before the expiration of the Appeal time Petitioner addressed the Magistrate on the subject through the Vappal, the Court being of opinion that such course in lieu of appearing before the Magistrate in person could only have been taken by the Petitioner in ignorance and extenuates his default.

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

/ Sent in No / Ordered

third and Fifth Section XV 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.

/ Sent in No /

Read Calendars of Cases Nos 35 and 36 of 1854 of the Sessions Court of Madura.

/ Here Enter F/C Nos 2175 & 2176 of 1854 /

The Court of Sudder Adalut approve of the Recommendation made by the Sessions Judge that the periods of Imprisonment which the Prisoners noted in the margin have been adjudged to suffer be reduced in the case of the 1st Prisoner to (2) Two years, and in that of the 2. 3. 4. and 5. Prisoners to one (1) year with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

1st Coomaroovaloo Pillay
2. Ramakrishnum Pillay
3. Mootloocarpa Tavan
4. Soobramonea Tavan, &
5. Oyavunda Pillay

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

Sessions Judge of Madura for his information

/ Sent in No /

Read Two Petitions presented on the 10th and 21st August 1854 respectively, by Ambalavana Butten of gillah Combaconum.

/ Here Enter P.M. Nos 164 & 176 of 1854 /

In A.D.A. Morehead

The foregoing Petitions relate to one and the same matter, and the Court resolve to send the first received (No 164) to the Acting Sessions Judge who will direct the Magistrate to dispose of the Appeal of the Petitioner from the order of the Assistant Magistrate on its merits - in case it may be true that before the expiration of the Appeal time Petitioner addressed the Magistrate on the subject through the Vappal, the Court being of opinion that such course in lieu of appearing before the Magistrate in person could only have been taken by the Petitioner in ignorance and exterminates his default.

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

/ Sent in No / Ordered

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

Read Calendar of Case —
No. 39 of 1854 on the file of the Sessions Court of Combaconum.

(Here Enter Pt. No. 2178 of 1854)

The Court of Foujdaree —
Adalut observe that the escape entered in the 2d and 3d Counts of the indictment in this case need not have been charged. an escape from custody not being an offence of such a character as to necessitate the enhancement of the sentence passed for a crime subsequently committed.

Ordered, that Extract from those Proceedings be forwarded to the Acting Session Judge of Combaconum. for his information.

Sent in No /

Read Calendar of Case —
No. 37 of 1854 of the Session Court of Madura

(Here Enter Pt. No. 2177 of 1854)

The Court of Foujdaree Adalut approve of the recommendation made by the Session Judge in this case

Sinnaur. Case that the period of imprisonment which the Prisoner noted in the Margin has been adjudged to suffer on his conviction of the crime of Robbery by open violence, be reduced to (4) four years with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.

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

Sent in No /

Read Miscellaneous Petition presented on the 7th September 1854 by Neelamana Shanboo Embrandari of Zillah Tellicherry.

(Here enter F. No. 1890 of 1854)

Mr. J. L. Strange / The Petitioner appeals from an order passed by the Session Judge of Tellicherry under date the 17th July last declining to interfere with an order of the Head Assistant Magistrate of Malabar regarding the management of certain lands to which he lays claim.

2 The Court of Foujdaree Adalut see no grounds for interfering on the Petitioner's behalf. The local authorities have

have decided that the Petitioner's opponent was in posseſsion of the property referred to and the Tahsildar warned him from interfering therewith. If the Petitioner's rights have been invaded by his opponent his course is to seek a remedy from the Civil Courts.

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

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

Sent in No 1

Read Calendar of Case No 40 of 1854 of the Sessions Court of Cuddapah (Here enter F.C. No 2136 of 1854)

The Court of Foujdaree Adalut approve of the recommendation made by the Sessions Judge in this case that the period of imprisonment which the Prisoner noted in the Margin has been adjudged to suffer on his conviction of the crime of Gang Robbery, be reduced to (7) Seven years with hard labor in irons,

Muddoogadoo

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 1

Read Calendar of Cases No 46 of 1854 of the Sessions Court of Chittoor. (Here enter F.C. No 2125 of 1854)

The Court of Foujdaree Adalut considering the mitigated Sentence of (1) one years imprisonment proposed to be passed upon the Prisoner in this case, on his conviction of the crime of Theft, inadequate to meet the ends of Justice, direct that a Sentence of (2) two years Imprisonment with hard labor in irons be passed upon him, and that the Sessions Judge will issue his warrant accordingly.

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

Sent in No 1

× Venkiah

Extract

F. C.

Tuesday
19th September 1854

At a Court of the Foujdaree Adalut

Present.

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

Read letter under date the 26th August 1854, from the Sessions Judge of Cuddapah.

(Reverted F. C. No. 2107 of 1854)

1. The correspondence submitted with the foregoing letter has reference to the course to be observed in framing the indictment against a prisoner, who has been committed by the Rajah of Poongunoor to the Sub Criminal Court, on a charge of "having escaped from custody, taking with him the dagger of one of the peons with which, on their attempting to re-apprehend him, he stabbed himself".

2. The Subordinate Judge on receiving the record of proceedings held by

by the Rajah in his capacity of Head of Police, having forwarded it to the joint Magistrate in charge, with the remark that the charge involved "3 crimes, theft, escape and attempt at suicide," a reference was made by that officer to the sessions Judge as to whether the indictment of the charge should be made by the Magistrate or Subordinate Criminal Judge, and the Sessions Judge ruled that the indictment should be amended by the latter officer.-

3. The Subordinate Judge questions the propriety of the Sessions Judges order on the ground that it is illegal for him "to frame charges against a prisoner "which have never been preferred and on "which he has never been tried by the "committing officer".-

4 The Court of Fouzdaree Adalut observe that the charge upon which the prisoner was committed upon trial by the Rajah of Poongannor as it clearly involved the three offences specified in the Subordinate Judges first communication to the Joint Magistrate was sufficient to justify the trial

19th September 1854.

trial of the prisoner — upon the three separate charges, if the Subordinate Judge deemed it expedient that he should be tried for each, and under this view of the case it was the duty of the Subordinate Judge to frame amended charges.-

The Court of Fouzdaree Adalut however are of opinion that the ends of Justice will be met by the trial of the prisoner for the escape.-

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Cuddapah for communication to the Subordinate Judge, and Joint Magistrate in charge.-

(Sent in No)

Read Miscellaneous petition presented on the 17th July 1854 by Mr. John Sachoo Menon, Vakeel on behalf of Modaven Hodyshib Coony Pane Ahmah and others of Zillah Calicut.-

(Herewith No 1145/1854)

Read also Miscellaneous Petition presented on the 14th August 1854 by the same Vakeel and on behalf of

of the same parties.-

(Here enter F. M. C. S. No. 166 of 1854)

Mr. W. A. Morehead. In the first of the abovementioned petitions, the petitioner appeals against an order of the Session Judge of Calicut dated 17th March 1854, setting aside the Proceedings of the Magistracy on a Case of disputed right to manage certain property and referring the parties to a Civil action for the adjustment of their dispute; but in the second Petition, he withdraws his Motion.-

2. The Court of Foujdaree Adalut, have therefore no orders to pass in the Case to which these petitions refer.-

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

No return having been received from the Session Judge of Cuddapah, to the precept of the Foujdaree Adalut, under date the 8th August last, forwarding for report a Petition presented to them by Venkamma elder sister of the 2d prisoner in Case No. 7 of 1854, on the file of the Session Court.-

Ordered that the Session Judge of

of Cuddapah be required to make a return to the Precept aforesaid without delay.-

Read letter dated 6th September 1854, from the Session Judge of Madura, submitting for the final Judgment of the Foujdaree Adalut, the Record of Case No. 32 of 1854, of the Calendar of the Session Court.-

(Here enter F. C. No. 2207 of 1854)

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

The Court of Foujdaree Adalut on a deliberate consideration of all the circumstances of the Case in evidence before them, being of opinion, that the Prisoner, Ramasawmy Saicken alias Iyaloo Saicken.-

Committed the act charged against him - being then of unsound mind, under the provisions of Act IV of 1849, direct that he be kept in safe custody in the Jail until the pleasure of Government regarding him be made known.-

1 It is clearly proved that the acts charged against the prisoner were committed by him, but it appears to the Court of Foujdaree Adalut that there is

reason-

reason to conclude that he perpetrated them in a fit of insanity.-

2. No medical opinion has been taken on the prisoner's state of mind, but the facts of the Case are such as to leave the Court no room to doubt, but that the prisoner was insane when he killed the parties mentioned in the charge.-

3 These are four in number, and besides them he attacked and wounded five others, of whom one an infant, is since dead. Six of the nine persons so attacked by the prisoner were females. One of these was his own mother, and another a cousin. These appear to have been first assailed, and there is no conceivable cause for the prisoner having attacked these individuals but frenzy. Four of the parties are related to the 4th Witness, and there is in like manner no apparent cause for the prisoner having assailed them.-

4 None of the witnesses in fact can adduce any motive whatever for the prisoner's violence, which broke out suddenly and without provocation. The only account the

the Court have of the impelling cause, is, that given by the prisoner, especially before the Police. This might embrace the cases of three of the parties attacked, namely Gopaulingam, Caroopayee, mother of the 4th witness, and the infant; but it affords no reason for the assault upon the other six, upon two of whom as before observed, the attack began, one of these being the prisoner's mother.-

5 The Prisoner's statements are moreover throughout most wild and incoherent and appear to be descriptive of madness. The Court of Enquiry do therefore, acquit the prisoner on this ground but direct that he be kept in safe custody in the Jail until the pleasure of Government regarding him be made known.-

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

(Sent in No.)

4 Thos

F. No.

Wednesday
20th September 1854

At a Court of the Foujdaree Adalut

Present

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

Read letter under date the 24th August 1854 from the Sessions Judge of Masulipatam.

/Here enter F. No. No. 2141 of 1854/

The Court of Foujdaree Adalut adhere to the opinion recorded in the 3d para of their proceedings of the 18th ultimo, that the extremely lax & unstate of discipline which is stated to have prevailed so long both among the Convicts and Peons in the Jail at Masulipatam must be attributable in some measure to negligence on the part of the Sessions Judge. The Court are unable to conceive how such irregularities as those described could have escaped

escaped detection at any of the Sessions Judge's visits of inspection the more especially as he represents himself to have been early armed with information as to the state of the Jail Mr. Cotton entered upon his present appointment early in 1853, and it was not till the 3d of May of the present year that he brought to the notice of the Foujdaree Adalut the irregularities which he states were brought to his notice almost immediately after his arrival at Masulipatam. If Mr. Cotton can account for the continuance of the irregularities in question after he had become aware of their existence, the Court will very readily withdraw the censure they have deemed it their duty to pass upon him.—

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

(Sent in No.

Read Calendar of Cases

No.

No. 88 of 1854 of the Sessions Court of Masulipatam.—

(Here enter F. No. No. 2200 of 1854)

The Court Foujdaree Adalut approve of the recommendation made by the Sessions Judge in this Case that the period of imprisonment which the Prisoners noted in the margin have been adjudged to suffer for on their conviction of Highway Robbery attended with wounding &c., be reduced to (7) Seven years with hard labour in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.—

1st Nunnoo Wooter
2d D. Hunnoo and

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

(Sent in No.

Read Calendar of Cases

No. 50 of 1854 of the Sessions Court of Chittoor.—

(Here enter F. No. No. 2190 of 1854)

The Court of Foujdaree Adalut

20th September 1854

Venaatapaty Naid. alias Latchmepaty Naid.

Adalut approve of the recommendation made by the Session Judge in this case that the period of imprisonment which the Prisoner noted in the margin, has been adjudged to suffer on his conviction of the Crime of House breaking by Night and theft, be reduced to (2) two years 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 Chittoor for his information.-

(Sent in No.)

Read Calendar of Case No. 83 of 1854 of the Session Court Masulipatam.-

(Here enter F.H.C. No. 2199 of 1854.)

The Court of Foujdaree Adalut approve of the recommendation made by the Session Judge in this Case, that the period of imprisonment &c which the Prisoner noted in the &c

margin

F.H.C.

20th September 1854

Pentury Subba Naidey.-

margin, has been adjudged to suffer on his conviction of the crime of Highway Robbery, be reduced to (5) five years 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 Masulipatam for his information.-

(Sent in No.)

Read Calendar of Case No. 47, on the file of the Session Court of Cuddapah.-

(Here enter F.H.C. No. 2209 of 1854.)

The Court observe that the crime of which the Prisoner in this Case was convicted amounted to "Robbery" The erroneous heading "Snatching" will be amended accordingly by the Sessions Judge.

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

(Sent in No.)

Ready

Read Calendar of Case No. 38 of 1854 of the Sessions Court of Madura.

(Here enter F.M. No. 2216 of 1854.)

The Court of Foujdaree Adalut approve of the recommendation made by the Sessions Judge in this Case that the period of imprisonment which the Prisoner noted in the margin, has been adjudged to suffer on his conviction of the Crime of Highway Robbery, be reduced to (5) five years with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

Govindum.

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

(Sent in No.

Read Calendar of Cases No. 32 and 33 of 1854 of the Sessions Court of Combaconum.

(Here enter F.M. No. 2185 of 1854.)

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

that the period of imprisonment which the Prisoners noted in the margin, have been adjudged to suffer on their conviction of the crime of Gang Robbery be reduced to (7) Seven years with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

2d Kistnapa Naik.
3d Punnan.

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

(Sent in No.

Read Petition presented on the 20th September 1854 by Sheik Tippu Jail Peon in the Zillah of Cuddapah.

(Here enter Land F.P. No. 74 of 1854.)

Before disposing of the foregoing Petition, the Court resolve to forward a copy thereof to the Sessions Judge of Cuddapah for his report on the circumstances mentioned therein.

Ordered that Extract from these Proceeding be forwarded to the

the Sessions Judge of Cuddapah for his information and guidance by Precept returnable within V days from and after its receipt.-

/Sent following Precept &c

Read letter under date the 12th September 1854 from the Acting Session Judge of Combaconum, submitting for the final Judgment of the Foujdaree Udalut the Record of Case No. 35 of 1854 of the Calendar of the Sessions Court.-

/Here enter F.Mo. No. 2246 of 1854/

Mr. W.A. Morehead 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 proof against the prisoners

1st Ponnan Ambalagarer

and

2d Teroomany.

is sufficient to convict them of the crime of Murder, do convict them thereof; and sentence the prisoners

1st Ponnan Ambalagarer

to

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 - and the prisoner

2d Teroomany

to be transported to such place or places beyond sea as the Governor in Council shall appoint, there to be imprisoned and kept to labor suitable to her sex, for, and during the period of her natural life.-

1 The Court of Foujdaree Udalut are of opinion with the Law Officer that the Prisoners are guilty of the murder of the deceased, Tyeral. They confessed before the Subordinate Officer and the Head of Police, and these confessions have received every corroboration that the Case admits of.-

2 The objections taken by the Acting

Acting Sessions Judge to the reception
of the Statements made by the deceased,
appear to the Tongidaree Adalut to be
of no force. These Statements which are
those of a girl of 10 years of age, have
been carefully recorded and are in
every respect deserving of credit. It is
amply proved that she accused the
Prisoners from the begining and that,
when arrested, they confessed.

3 The Court, therefore, con-
victing the Prisoners, sentence them
severally to transportation for life.

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

(Sent in No.)

Read Calendar of Case
No. 21 of 1854 of the Sessions Court of
Trichinopoly.

(Here enter T. No. No. 2186 of 1854)

The Court of Tongidaree
Adalut are of opinion that a sentence
of 7 years imprisonment with hard
labour

labour in irons will be adequate punish-
ment for the offence of which the
Prisoners in this Case have been con-
victed and they resolve to call upon
the Sessions Judge to reduce their
sentence accordingly.

1st Carpenter
2nd Peria Mundey
3rd China Mundey
4th Coroopen

2 If unable to concur with
the Court in the propriety of the
mitigated sentence 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 forwarded
to the Sessions Judge of Trichino-
poly Precept returnable within x
days from and after its receipt.

(Sent following Precept No.)

Read Criminal Reports
submitted by the Sessions Judge of
Nellore for July 1854.

(Here enter T. No. No. 2029 of 1854)

1 The Court of Tongidaree
Adalut observe that it is not
competent

Acting Sessions Judge to the reception of the Statements made by the deceased appear to the Tonjidaree Udalut to be of no force. These statements which are those of a girl of 10 years of age, have been carefully recorded and are in every respect deserving of credit. It is amply proved that she accused the Prisoners from the begining and that, when arrested, they confessed.

3 The Court, therefore, convicting the Prisoners, sentence them severally to transportation for life.

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

(Sent in No.)

Read Calendar of Case No. 21 of 1854 of the Sessions Court of Trichinopoly.

(Here enter T. Mo. No. 2186 of 1854)

The Court of Tonjidaree Udalut are of opinion that a sentence of 7 years imprisonment with hard labor

labour in irons will be adequate punishment for the offence of which the Prisoners in this Case have been convicted and they resolve to call upon the Sessions Judge to reduce their sentence accordingly.

1th Carpenter.
2d Peria Munday.
3d China Munday
4th Coorapen.

2 If unable to concur with the Court in the propriety of the mitigated sentence 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 forwarded to the Sessions Judge of Trichinopoly Precept returnable within x days from and after its receipt.

(Sent following Precept No.

Read Criminal Reports submitted by the Sessions Judge of Nellore for July 1854.

(Here enter T. Mo. No. 2029 of 1854)

1 The Court of Tonjidaree Udalut observe that it is not competent

competent to the Magistracy to place persons under requisition of security on the ground of strong suspicion of a specific offence, if the offence charged be beyond their jurisdiction. In this case, the offence charged was Housebreaking, and was consequently beyond the jurisdiction of the Head Assistant Magistrate. The Court of Foujdaree Adalut accordingly direct that the security bond be cancelled, or that the Prisoner if in confinement be discharged.

Magistrates Calendar No 2

Case No 137 "Theft"

2 The Court are at a loss to understand how this case was committed. They observe that Prisoners No 5 are charged with having stolen certain property, the owner of which is not specified, the prosecution being conducted by the Government Vakeel, every particular in connection with the case, being unknown the Sessions Judge will be pleased to forward the Report A.

Case No 149

3 This Case, one of grand stealing

stealing to the amount of Rupees 16, should have been disposed of by the Magistrate.

Case No 154

4 "Attempt at Murder and at Suicide" should be added, it appearing that the Prisoner tried to make away with herself also.

Case No 155

5 "Embezzlement." This indictment is defective. In cases of embezzlement it must be said that the Prisoner was in the employ of the Prosecutor, and that he received the money &c., alleged to have been embezzled from a third party on account of his master by virtue of his employment under the latter. In the present case it is not clear who entrusted the money &c. to the Prisoner if the Prosecutor, Prisoner being in his employ, then the case becomes one of "Theft."

Case No 157

Vide remark in para 5 Supra.

Case No 172.

Vide remark in para 5 Supra.

Ordered that Extract from

20th September 1854.

from these Proceedings be forwarded to the Sessions Judge of Nellore for his information and guidance by Precept returnable in V days &c from and after its receipt.—

(Sent following Precept No)

Extract

F. No.

Friday
22d " September 1854

At a Court of the Foujdaree Adaulut

Present

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

Read Calendar of Case No. 124 of 1854 on the File of the Sessions Court Court of Bellary.—

(Herewith F. No. No. 2179 of 1854)

The Court of Foujdaree—

Adalut resolve to direct the Sessions Judge to call upon the Subordinate Judge to account for his having committed the Case, with reference to the observations of the Sessions Judge, in Paras 4 and 5 of his Sentence in the Calendar under review.

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

(Sent following Precept No)

Read

22nd September 1854.

Read Calendar of Case No. 24 of 1854 of the Sessions Court of Salem

(Here enter F.C. No. 2231 of 1854)

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this Case that the period of imprisonment which the prisoners noted in the Margin have been adjudged to suffer on their conviction of the Crime of Gang Robbery by open violence, be reduced to (2) Two years with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly

1st Chuckily Mollier
2nd Para Coopsien
3rd Para Maurien
5th Para Ishinnan
6th Para Chitty and
7th Para Sencaroopsen

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

(Sent in No.)

Read Calendar of Case No. 12 of 54 of the Sessions Court of Guntoor.-

(Here enter F.C. No. 2226 of 1854)

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this Case that the period of imprisonment which the Prisoner noted in the margin has been adjudged to

3rd Pagodalu Venkayya

22nd September 1854

to suffer on his conviction of the Crime of House breaking with theft, be reduced to (4) four years with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.-

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

(Sent in No.) /

4th Ho N

Read Calendar of Case No. 127 of 1854 Submitted by the Sessions Judge of Bellary Under date the 15th September 1854.-

(Here enter F.C. No. 2270 of 1854.)

Read Calendar of Case No. 129 of 1854 Submitted by the Sessions Judge of Bellary Under date the 15th September 1854.-

(Here enter F.C. No. 2271 of 1854)

Read Calendar of Case No. 23 of 1854 Submitted by the Sessions Judge of Trichinopoly under date the 16th September 1854.-

(Here enter F.C. No. 2280 of 1854)

Read Calendar of Case No. 24 of 1854 Submitted by the Sessions Judge of Trichinopoly under date the 16th September 1854

(Here enter F.C. No. 2281 of 1854)

Read

F.H.C.

Saturday 23rd September 1854

At a Court of the Foujdaree Adalut

Present

G. S. Hooper Esqre
W. A. Morehead Esqre
J. L. Strange Esqre
} Puisne Judges

Read Calendar of Case No. 126 of 1854 on the file of the Session Court of Bellary.-

(Here enter F.H.C. No. 2194/1854)

1. The charge in this case should have been headed "Gang Robbery".- The Session Judge, concurring with the Futwah in the conviction of all the Prisoners, has recommended a mitigation of the punishment prescribed in Clause 3rd Section IV. Regulation XV of 1803 to a Sentence of Imprisonment for five (5) years with hard labour in irons.-

2. The Court of Foujdaree Adalut resolve to give effect to the foregoing recommendation, and the Session Judge is authorized to amend his warrant accordingly

22nd September 1854

Read Calendar of Case No. 25 of 1854 Submitted by the Session Judge of Trichinopoly under date the 16th September 1854.-

(Here enter F.H.C. No. 2282 of 1854)

Read Calendar of Case No. 26 of 1854 Submitted by the Session Judge of Trichinopoly under date the 16th September 1854.-

(Here enter F.H.C. No. 2283 of 1854)

Read Calendar of Case No. 27 of 1854 Submitted by the Session Judge of Trichinopoly under date the 16th September 1854.-

(Here enter F.H.C. No. 2284 of 1854)

Read Calendar of Case No. 28 of 1854 Submitted by the Session Judge of Trichinopoly under date the 16th September 1854.-

(Here enter F.H.C. No. 2285 of 1854)

accordingly as regards all the Prisoners except the 13th; in whose case the Court will not pass an order at present, the Sessions Judge being required to explain on what grounds he convicts that prisoner.-

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

(Sent following Precept No.)

Read Calendar of Case No.37 on the file of the Sessions Court of Combaconum for 1854.-

(Here enter F.Rs. No. 2203/1854)

1. In this Case it appears that the Prisoner having detected Ramayee, the 2nd Prosecutrix, a child of nine years of age, in the act of surreptitiously drinking some conjee water which she (the Prisoner) had put by in her house, seized the girl, tied her to a tree with ropes - and heating a sickle at the fire, returned with it and branded the girl on both cheeks, the chin and right wrist, inflicting very severe wounds.-

The

2. The Acting Sessions Judge concurring with the Assessors, has convicted the Prisoner and sentenced her to four (4) months imprisonment with labour suited to her sex.-

3. The Court of Foujdaree - Adalut have to point out to the Acting Sessions Judge that the foregoing Sentence is altogether inadequate to meet the ends of Justice. The crime of "Wounding" and (the heading of the charge should have been so worded, "Branding" being only one out of many modes of "Wounding") always calls for severe punishment, and in the present instance the malice of the Prisoner, as exhibited in the instrument of torture she selected was most clear- Her crime demanded a much severer punishment.

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

(Sent in No.)

Ed R.D.

F. Ms.

Monday 25th September 1854. At a Court of the Fouzdaree Adalut.

Present.

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

Read letter under date the 4th September 1854 from the Acting Sessions Judge of Tinnevelly.

(Here enter F. Ms. No 2188 of 1854)

The Court of Fouzdaree Adalut observe that the question mooted in the foregoing letter has been disposed of in this Court's letter of the 25th April 1832 to the Judges of the Provincial Court of Circuit in the Southern Division, and in their Proceedings of the 5th March 1849. Copies of which documents they direct may be forwarded to the Acting Session Judge, for Communication to the Magistrate of Tinnevelly.

1.

Ordered that Extract from these Proceedings be sent to the Acting Session Judge

Judge of Tinnevelly for his information.

(Sent in No)

Read Miscellaneous Petition presented on the 4th September 1854, by Tippoo saib of Zillah Chittoor.-

(Here enter F. M. P. No 185 of 1854)

Mr. W. A. Morehead. The Petitioner Appeals from an order passed by the Session Judge of Chittoor under date the 22d July last, confirming certain Proceedings of the Magistracy on a charge of theft preferred by the Petitioner against certain persons named by him.-

2 The Court of Foujdaree Adalut see no reason for their interference in the matter, which appears to have been properly disposed of by the local authorities, and they accordingly resolve to dismiss this Petition.-

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

Read letter dated the 14th September 1854 from the Agent to the Governor of Fort St. George at Runnoo, submitting for the final judgment of the Foujdaree Adalut a report of the trial of Criminal Case No. 78 of 1854 on his file.-

(Here enter F. C. No. 2251 of 1854.)

The

2.

The Court of Foujdaree Adalut concurring in the conviction of the Prisoner Sodalee Chinna Rungadoo- of the crime of "Highway Robbery," resolve to confirm the Sentence proposed to be passed upon him by the Agent of (5) five years — Imprisonment with hard labour in Irons, under clauses III and V Section IV Regulation XV of 1803.-

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

(Sent in No)

Read Miscellaneous Petition presented on the 4th September 1854 by N. Venkatachellapaty Chetty of Zillah Chittoor.-

(Here enter F. M. P. No 187 of 1854.)

Mr. W. A. Morehead. The Petitioner Appeals from an order passed by the Session Judge of Chittoor under date the 6th July last, declining to overrule certain Proceedings of the Magistracy on a charge of theft — preferred by certain individuals named by him.-

The

25th September 1854.

2. The Court of Fouzdaree Udalut observe that the Petitioners Case received full consideration from the local authorities, and the Court of Fouzdaree Udalut see no reason to interfere in the matter.-

3 The Court accordingly resolve to dismiss this Petition.-

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

Read Miscellaneous Petition presented on the 21st August 1854 by Annachella Moodely, Zillah Chingleput

Hereentex F. M. D. No. 174 of 1854.

M. W. A. Morehead 1. The Petitioner who was one of the Prosecutors in Case No. 51 of 1854 on the file of the Principal Sudder Ameen's Court at Chingleput, complains of the leniency of the punishment adjudged to the prisoners.-

2. The case in question having been disposed of by a Tribunal of competent jurisdiction, the Court of Fouzdaree Udalut cannot interfere to enhance the Sentence

Sentence passed upon the prisoners.-

3. His Petition is accordingly dismissed.-

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

Read Miscellaneous Petition presented on the 4th September 1854 by Maumbalum Eterajooloo Naidoo of Zillah Chittoor.-

(Hereentex F. M. D. No. 188 of 1854)

M. W. A. Morehead 1. The Court of Fouzdaree Udalut can pass no orders in the matter of this Petition, until an authenticated copy of the order of the Assistant Magistrate of North Arcot to which the Petitioner refers, is submitted for their consideration.

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

Read Miscellaneous Petition presented on the 24th August 1854 by Moottoosamy and another of the Zillah Trichinopoly.-

(Hereentex F. M. D. No. 178 of 1854)

The

25th September
1854.

Mr W. A. Morehead 1. His Petitioners are referred to the orders passed by this Court of Foujdaree Udalut under date the 10th June last, in the matter to which this Petition relates.-

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

Read Miscellaneous Petitions presented on the 4th and 7th September 1854 by Veerayee of Zillah Madura.-

(Here enter F. M. C. Nos 186 & 190 / 1854)

Mr W. A. Morehead Before passing final Orders on the above Petitions, the Court of Foujdaree Udalut resolve to direct the Sessions Judge of Madura to submit a translation of the record in so far as it relates to the 5th Prisoner Adican in Case No 12 of 1854 on the file of the Sessions Court of Madura.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Madura by Precept returnable in one week from and after its receipt.-

(Sent following Precept No)

Read letter from the Sessions Judge of Masulipatam, submitting a Petition of

25th September 1854.

of Appeal from Samuel dos, late Duffadar in the Zillah Jail.-

(Here enter F. C. No 2143 of 1854)

Read also the foregoing Petition.-

(Here enter S & F. C. No 69 of 1854)

Mr W. A. Morehead 1. The Petitioner was degraded from his post of Jail Duffadar to that of a Jail Peon by the Sessions Judge in his Proceedings of the 28th April 1854, on the ground that there was reason to believe that he, Petitioner, had connived at certain irregularities on the part of the Convicts in the Jail, and against this Sentence Petitioner now Appeals.-

The Court of Sudder and Foujdaree 2. Udalut must decline to interfere on behalf of Petitioner with the orders complained of, which is held to be correct and proper.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Masulipatam, for his information and guidance. (Sent in Ltr No)

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

Read

20

25th September 1854.

Read Miscellaneous Petition presented on the 28th August 1854, by Gnanapracasem of Tillah of Salem.-

(Herewith F.M.C. No. 180 of 1854)

Mr. W. A. Morehead

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

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

Rec'd 18th.

F.M.C.

Tuesday ---- 26th September 1854

At a Court of the Fouzdaree Udalut

Present.

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

Read letter under date the 11th September 1854, from the Agent to the Governor of Fort St. George at Kurnool, submitting for the final judgment of the Fouzdaree Udalut, a report of the trial of Criminal Cases Nos. 47 and 48 on his file.-

(Herewith F.M.C. No. 2252 of 1854)

The Court of Fouzdaree Udalut concurring in the conviction of the Prisoners.-

1st Mala Hunmuntoogadoo.
2d Do Anbialgadoo.-
3d Vencatagadoo.-
4th Zollawadoo.-
5th Joghegaudoo.-
6th Soonkadoo.-
7th Shashadoo.-
8th Nangadoo.-
9th Enkeantoogadoo son of Chinnavadoo.-

of the crime of "Housebreaking, and theft", resolved to confirm the sentence proposed to be passed upon

upon them by the Agent under the provision of Clause Seventh, Section II, Regulation XV of 1803; viz^t, 3 Months imprisonment with hard labor in irons, in the case of the 1st, 2d, 3d, 4th, 5th, 6th, 7th & 9th Prisoners and as regards the 8th Prisoner^ to either simple imprisonment in consideration of his youth.-

Ordered, that Extract from these Proceedings, be Sent to the Agent to the Governor of Fort St^n George at Kurnool, for his information

(Sent in N^o)

Read return dated 30th August 1854 from the Session Judge of Cuddalore to the Precept of the Fouzdaree Adalut under date the 17th August 1854 conveying observations on the Calendar in Session Case N^o 4 of 1854.

(Here enter F. Co. N^o 2127 of 1854)

Read Magistrates Petty Calendars

Submitted by the Session Judge of Chingleput for the 2^d Quarter of 1854.-

(Here enter F. Co. N^o 2214 of 1854)

Read Criminal report dated 15th September 1854 Submitted by the Acting Session Judge of Chingleput for the Months of August

August 1854.-

(Here enter F. Co. N^o 2235 of 1854)

Read Magistrates Petty Calendars

Submitted by the Session

Judge of Rajahmundry for the 2^d Quarter of 1854

(Here enter F. Co. N^o 2256 of 1854)

Read report B dated 16th September 1854 Submitted by the Sessions Judge of Mangalore of Persons apprehended in the Zillah of Canara and delivered to the Magistracy in the Months of August 1854.-

(Here enter F. Co. N^o 2274 of 1854)

Read Extract dated 9th September 1854 Submitted by the Sessions Judge of Masulipatam of Cases disposed of by the Magistracy in the Months of August 1854.-

(Here enter F. Co. N^o 2289 of 1854)

Read return dated 21st September 1854 from the Sessions Judge of Chittoor to the precept of the Fouzdaree Adalut under date the 13th September 1854 on a review of the Criminal Reports for the year 1853 returning some of the Statements for correction

(Here enter F. Co. N^o 2293 of 1854)

Read return dated 18th September 1854

1854. from the Agent to the Governor at Vizagapatam to the Precept of the Foujdaree Adalut under date the 4th September 1854 requiring a brief account of the circumstances under which larceny occurred in Case No. 38 of 1854 on his file which is accordingly reported on—

(Here enter F. Mc. No. 2298 of 1854)

Read Calendar of Case No. 132 of 1854 Submitted by the Sessions Judge of Bellary under date the 16th September 1854—

(Here enter F. Mc. No. 2299 of 1854)

4th Thom

F. Mc.

Wednesday 27th September 1854

At a Court of the Foujdaree Adalut

Present

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

Read Calendar of Case No. 32 of 1854 on the file of the Sessions Court of Trichinopoly—

(Here enter F. Mc. No. 2187 of 1854)

It was not necessary to take a Futwah in this Case. The Offence charged being culpable neglect of duty on the escape of a prisoner it was competent to the Sessions Judge to dispose of it without the aid of the Mahomedan Law Officer under the Clause and Section quoted in his capacity of Officer in charge of the Jail—

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

his information.—

(Sent in No.

Read letter under dated the 11th Instant from the Session Judge of Salem.—

(Here enter F.No. No. 2229 of 1854)

The term "goods" as made use of in Section II Act XXII of 1850 appeared to the Court of Foujdaree Adalut to apply exclusively to the moveable property of the offender.—

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

(Sent in No.

Read Calendar of Case No. 47 of 1854 submitted by the Session Judge of Chittoor under date the 20th August 1854.—

(Here enter F.No. No. 2287 of 1854)

Adverting to the number of cases set down for reference by the Session Court to the Court of Foujdaree Adalut to resolve direct that the Original record of this case be submitted at once

once without a translation.—

Ordered, that Extract from these Proceedings be sent to the Session Judge of Chittoor for his information by precept returnable within 11 days from and after its receipt.—

(Sent following Precept No. for

Read Calendar of Case No. 133 of 1854 submitted by the Session Judge of Bellary under date the 16th September 1854.—

(Here enter F.No. No. 2300 of 1854)

Read Calendar of Case No. 134 of 1854 submitted by the Session Judge of Bellary under date the 16th September 1854.—

(Here enter F.No. No. 2301 of 1854)

Read Calendar of Case No. 136 of 1854 submitted by the Session Judge of Bellary under date the 18th September 1854.—

(Here enter F.No. No. 2302 of 1854)

Read Calendar of Case No. 54 of 1854 submitted by the Session Judge of Cuddalore under date the 22d August 1854.—

(Here enter F.No. No. 2310 of 1854)

Read

Read Calendar of Case
No. 39 of 1854 submitted by the Sessions Judge
of Cuddapah under date the 21st September 1854.
(Here enter F.M. No. 2313 of 1854)
Read Calendar of Case
No. 59 of 1854 submitted by the Sessions
Judge of Nellore under date the 21st
September 1854. —
(Here enter F.M. No. 2319 of 1854)
Read return dated the 16th
September 1854 from the Acting Sessions Judge
of Tinnevelly to the precept of the Foujdaree Adalut under date the 9th Septem-
ber 1854 directing to cancel the requisition
of security under which the 1st Prisoner in
Sessions case No. 16 of 1854, has been placed
and to restore the Head of Police, and Peons to their situations. —
(Here enter F.M. No. 2322 of 1854)
Read return dated 28th
September 1854 from the Sessions Judge of
Trichinopoly to the precept of the Foujdaree
Adalut under date the 20th September 1854
directing him to reduce the sentence passed

passed against the Prisoners in Case No. 21
of 1854 to 7 years. —
(Here Enter F.M. No. 2326 of 1854)
Read Calendar of Case No. 135
of 1854 submitted by the Sessions Judge of
Bellary under date the 20th September 1854. —
(Here enter F.M. No. 2329 of 1854)
Read Calendar of Case No. 138
of 1854 submitted by the Sessions Judge of
Bellary under date the 20th September 1854. —
(Here enter F.M. No. 2331 of 1854)
Read Criminal Reports
dated the 31st August 1854 submitted by
the Sessions Judge of Chicacole for the
month of August 1854. —
(Here enter F.M. No. 2333 of 1854)
Read Calendar of Case
No. 15 of 1854 submitted by the Sessions Judge
of Mangalore under date the 20th
September 1854. —
(Here enter F.M. No. 2342 of 1854)

4 7 Nov 54

F.C.

Thursday 28th September 1854.

At a Court of the Foujdaree Udalut.

Present

G.S. Cooper Esquire
W.R. Morehead Esquire
T.L. Strange Esquire
} Puisne Judges.

Read return under date the 6th September 1854, from the Sessions Judge of Masulipatam, to the precept of the Foujdaree Udalut, dated the 1st September 1854, calling for information as to what is meant by the "Sunday Extras" referred to in the Statement of punishment inflicted on the prisoners in Jail submitted with the Criminal Reports for the month of July 1854.-

(Vide Inten F.C. No. 2201 of 1854.-)

The Court of Foujdaree Udalut direct, that the supply of meat and fish which it appears is furnished to the prisoners on Sunday be discontinued except when recommended

28th September 1854. recommended by the Medical Officer; such indulgence not being permitted in other Jails.-

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

Sent in &c.

Read return dated 23d Instant from the Acting Session Judge of Chingleput, to the precept of the Fouzdaree Udalut, under date the 11th September 1854, returning for amendment the Criminal Statement for the year 1853.-

(Here Inter F. M. No. 2307 of 1854.)

Stat. No. 10 Bengal form.

The Court of Fouzdaree Adalut observe, that the aggregate of the entries in Cols 2, 3, 4 & 5, and those in Cols 6 & 7 under head "Total" Viz. 2034 & 464, does not correspond with the entries in Cols 3 & 4 under head "grand Total" of the Statement No. 13 (2022 & 476).-

Ordered, that Extract from these Proceedings, be sent to the Acting Session Judge of Chingleput, by precept returnable within 24 hours, from and after its receipt

Sent following precept No. Read

28th September 1854. Read Miscellaneous Petition presented on the 11th September 1854, by Sevacanny of the Zillah of Tinnevelly.-

Here enter F. M. P. No. 196 of 1854.

Mr. W. A. Morshead 1. The Petitioner is referred to the former orders passed by the Court of Fouzdaree Adalut, in the matter to which this Petition relates.-

Petition dismissed.-

2. Ordered, that Extract from these Proceedings, be furnished to the Petitioner, on her Application.-

Read again Calendar of Case No. 76 of 1853 on the file of the Sessions Court Masulipatam.-

Here enter F. M. No. 2709 of 1853.

Read also again Petition presented 19th May 1854 by Jaunsty on Jagonadam 2d Prisoner in the above case.

Here enter F. M. P. No. 1045 of 1854.

Read also return dated 26th August of the Session Judge to the Precept of the Fouzdaree Adalut under date the 19th May 1854. directing the transmission of an English translation

of

of the Record in the foregoing Case.

Here enter F.H. No. 2162 of 1854.

Mr W.A. Morehead,

In this case the Court of Foujdaree Adalut see no ground for disturbing the sentence passed by the Sessions Judge as regards the 1st & 2nd Prisoners. There is sufficient evidence to establish the fact that these parties were present, aiding and abetting, when the deceased was ill used and being bound to the tree. The sentence on them is therefore confirmed.

2. With reference to the 3rd Prisoner the Court are unable to concur with the Sessions Judge in convicting him as an accessory after the fact. They accordingly resolve to direct his release.

3. It appears to the Court, in reference to the scanty nature of the evidence where so much might have been expected to present itself, that there is great reason to believe that most of the witnesses for the Prosecution are parties more or less implicated in the assault committed upon the deceased

28th September 1854.

deceased. although it is probable that legal proof of the same would be wanting.

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

Sent in No.

Ex. Wm W

28th Feb.y 1855

F. Uc.

Friday
29th September 1854

At a Court of the Foujdaree Udalut

Present

G. S. Hoopers Esqr.
W. A. Morehead Esqr. } Puisne Judges
J. L. Strange Esqr.

Read Calendar of Cases Nos. 85, 86, 87, and 89 of 1854 of the Sessions Court of Masulipatam.-

(Here enter F. Uc. No. 2264 of 1854)

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this × case that the period of imprisonment which the Prisoner noted in the margin has been adjudged to suffer on his conviction of an attempt at Highway Robbery, be reduced to (5) five years with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.-

× No. 85.
Woyandla Mootteegadoo.

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

(Sent in No.)

Read

Read again Extract from the Proceedings of the Sessions Court of Guntoor, under date 5th August 1854, held on review of the Police Statements for the 1st Quarter of 1854.

(Here enter F. No. 2060 of 1854)

Read also Return of the Sessions Judge under date 13th September 1854, to the Precept of the Fouzdaree Adalut dated the 6th Idem directing the Sessions Judge to call upon the Acting Magistrate to state, what measure he could recommend with reference to the gross neglect of duty on the part of the Head of Police of Tsmaracotty, noticed in the foregoing Proceedings of the Sessions Court

(Here enter F. No. 2242 of 1854)

1. The Acting Magistrate has reported, that he has removed the Head of Police to a similar office in another Talook, where his emoluments will be 20 Rupees a Month less than at Tsmaracotty.-

2. The Court are of opinion that this punishment will sufficiently meet the neglect of duty pointed out by the Sessions Judge

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

(Sent in No.)

Read

Read Calendar of Case No. 51. of 1854 of the Sessions Court of Chittoor.-

(Here enter F. No. No. 2273 of 1854)

The Court of Fouzdaree Adalut approve of the recommendation made by the Sessions Judge in this Case that the period of imprisonment which the Prisoner, noted in the margin, has been adjudged to suffer on his conviction of House breaking by night and Theft, be reduced to (1) One year with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.-

Para Imura

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

(Sent in No.)

Read Calendar of Case No. 40 of 1854 of this Sessions Court of Coimbatoor

(Here enter F. No. No. 2278 of 1854)

1. The Court of Fouzdaree Adalut approve of the recommendation made by the Sessions Judge in this Case that the period of Imprisonment which the Prisoner, Mootoocaroopun noted in the margin, has been adjudged to

29th September 1854.

to suffer on his conviction of the Crime of Gang Robbery, be reduced to (7) Seven years with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.

2. The Court direct that the Session Judge will report what notice has been taken by the Magistrate of the delay on the part of the Police Ameen in forwarding the Prisoner for trial.

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

(Sent following Precept No.)

The records of trials in referred Cases No. 43 and 45 on the file of the Session Court of Cuddalore for 1854 not having been yet received.

Ordered that the Session Judge of Cuddalore be required to submit the records of the Cases aforesaid without further delay

Ex. of the M

F. M.

Saturday 30th September, 1854. At a Court of the Foujdaree Adalut

Present

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

Circulars. Read Calendar of Case No. 12. of 1854 on the file of the Session Court of Mangalore.

(Here enter F. M. No. 2174 of 1854)

The Court of Foujdaree Adalut resolve to direct that in the Calendars of cases set down for reference to the Foujdaree Adalut the abstract of the evidence recorded before the Subordinate Criminal Court and grounds of commitment &c. be in future omitted.

Ordered, that Extracts from these Proceedings be sent to the several Session Judges and Agents for their information.

(Sent in No.)

Read

29th 30th September 1854

Read letter under date the 18th September 1854 from the Session Judge of ~~Tellicherry~~ submitting for the final Judgement of the Tanjadore Udalut the Record of Case Nos 10 and 11 of 1854 on the Calendar of Session Court.

(Here enter F. U. No. 2343 of 1854)

M. G. S. Hooper
" W. R. Morehead

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

Pillacherry Bavotty

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 Court of Tanjadore Udalut having in their Proceedings of this date sentenced the Prisoner in this Case to suffer death for the Crime of Murder of which he has been convicted in

30th September 1854

in Case No 10 on the Calendar of the Session Court do not consider it necessary to proceed to a consideration of the Record of Case No 11

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

(Sent in No)

Read letter under date the 18th September 1854 from the Session Judge of Mangalore submitting for the final Judgement of the Tanjadore Udalut the Record of Case No 11 of 1854 on the Calendar of the Session Court.

(Here enter F. U. No. 2316 of 1854)

M. G. S. Hooper

The Court of Tanjadore 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 Burimar Budwa
8th Burimar Sadry
9th Burimar Edeniay
and
16th Benpos Bapa

is

30th September 1854 } is sufficient to convict them of the crime of Gang Robbery attended with murder, do convict them thereof; and under the provisions of Clause first Section IV Regulation XV of 1803 Clause 2d Section VI Regulation I of 1825 and Section XXXIV Act VII of 1843 Sentence them to be imprisoned and kept to hard labor in Irons on the public roads or other public Works, for, and, during the period of (14) fourteen years.

But being of opinion that the prisoners.

1st Venktesha
2d Shekay alias Kuppanay
3d Cheriabbu
15th Mynda
and
20th Kurnappa

are not convicted on presumptive proof, or on the evidence of credible Witnesses or on their own confessions of the above crime, The Court do acquit them thereof and direct that they be set at liberty.

(Sentence No.)

Ex Thott

X

F.M.P.

Monday 2d October 1854.

At a Court of the Fouzdaree Adalut.

Present

G. S. Hooper Esqre.
W. A. Morehead Esqre. } Puisne Judges
T. D. Strange Esqre.

Read letter under date the 23d September 1854 from the Session Judge of Cuddalore.

(Here enter F.M.P. No. 2337 of 1854)

The Court of Fouzdaree Adalut authorize the Session Judge to forward only such portion of the record of the case referred to in the foregoing letter as relates to the 11th prisoner in regard to whose conviction the Session Judge differs from the Mahomedan Law Officer.

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

(Sentence No.)

Read Statement submitted by

2d October 1854

by the Session Judge of Masulipatam
of Batta paid to Prosecutors and Witnes-
-ses attending before the Session Court
for the 1st half of the year 1854.-

/Here enter F. Ab. No. 2317 of 1854/

Read Convict Labor Report dated
1st September 1854 from the Session Judge
of Salem for the month of August 1854.-

/Here enter F. Ab. No. 2357 of 1854/

Read letter dated 25th Septem-
-ber 1854 from the Session Judge of Madura
requiring a certain document which was for-
-warded with proceedings in Calendar Case
No. XV of 1850.-

/Here enter F. Ab. No. 2361 of 1854/

4-Vide

F 26.

Tuesday
3d October 1854.- At a Court of the Faydaree Udalutu

/Present/

G. S. Hooper Esquire
H. N. Morehead Esq.
J. L. Strange Esquire
} Puisne Judges.

Read Criminal Reports sub-
-mitted by the Agent to the Governor in
Vizagapatam under date the 15th September
1854.-

/Here enter F. Ab. No. 2353 of 1854/

Case No. 42.- / The Prisoners in this Case were
charged with theft or with having entered the back
Yard of the Prosecutors house by climbing
over the top of the house and stolen from
the open Verandah thereof certain grain valued
at Rs. 29-8-"

2 Adverting to the manner in
which the prisoners are states to have effected
their entry into the prosecutors back Yard
the Court of Fayedaree Udalut observe that
the Offence charged amounted to house breaking
and should have been designated accordingly

In

Case No 44 3 In this Case the guilty knowledge which forms the gist of the offence of receiving stolen property should have been set forth in the Charge.

Case No 45 4 The 1st Prisoner in this Case Charged with house-breaking and theft of property valued at Rs 6-4 has been Sentenced to six Months Imprisonment with hard labor in irons

5 Assuming the value of the property stolen to be as stated in the charge the Sentence passed appears to the Court of Fouzdaree Udalut extremely lenient.

Case No 46. 6 In this case also the Guilty knowledge should have been set forth in the Charge.

Ordered that Extract from these Proceedings be sent to the Agent to the Governor of Fort St George at Vizagapatam for Communication to the Principal Assistant and Assistant Agents.

(Sent in No)

Read Criminal Reports Submitted by the Sessions Judge of Chittoor for

for the Month of August 1854.

(Here Enter F No 2346 of 1854)

Case No 134 1 In this Case in which the prisoner was Charged with maiming a buffalo the Malicious intent which forms the gist of the offence should have been set forth in the Charge

Case No 147 2 The trial of the prisoner in this case on the Charge of escape was unnecessary as in the event of her Conviction on the Charge of murder on which she was Committed in the preceding Case the Separate Sentence adjudged for the escape could not be Carried out.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Chittoor for Communication to the Subordinate Judge.

(Sent in No)

Circular Order

No 204.

The Court of Fouzdaree Udalut having had occasion to observe in

Irregularity

reviewing the decisions of the Criminal tribunals that Misconception exists as to the nature of the grounds upon which it is competent to the Courts to place accused persons under requisition of security I accordingly to issue the following instructions upon the subject

1 Security should in no instance be demanded from a prisoner charged with a specific offence on the ground of evidence having been adduced against him, which, if credited, would be sufficient for his Conviction but which the officer presiding at the trial considers to be of doubtful credibility

3 Whenever a Subordinate Judge or Principal Sudder Ameen acting in the capacity of Committing Officer may entertain doubts of the truth of the evidence adduced but may consider it to be such as in the event of its being pronounced credible would suffice for conviction, it is his duty to commit the accused in order that the charge against him may be disposed of

by

by the tribunal competent to pass sentence in the case If the latter tribunal has similar doubts as to the credibility of the evidence the prisoner is entitled to a full acquittal on the ground that the facts alleged in support of the charge preferred against him has not been established by trustworthy evidence A prisoner Can only be convicted upon evidence satisfactory to the tribunal trying his case, and it is due to him that a punishment should be based one way or other on the evidence adduced It is manifestly unjust that he should be subjected to any penal consequences whatever upon evidence, the credibility of which is doubted by the presiding officer, and which is consequently deemed insufficient to establish the facts necessary to his Conviction -

4 The only cases then in which a prisoner should be held to security either by a Committing Officer or by the authority Competent to pass sentence in the Case upon suspicion of a specific offence are where facts have been established

established by undoubted evidence, which though in themselves insufficient for a Conviction are such as, if unexplained afford strong grounds for suspecting the accused.

5 In such Cases it is obvious that the prisoner should have an opportunity of explaining the circumstances upon which the suspicion is considered to depend and in trials held before the Session Courts or before the Subordinate Courts, if the Crime Charged be finally adjudicable by them, the prisoner is enabled to offer any explanation he may deem necessary in his defence.

The Committing Officer as the law stands, is not Competent to enter upon the defence but having determined that the circumstances established, though insufficient to justify a Commitment with a reasonable probability of a Conviction, are such as to involve the accused in strong suspicion and to justify a requisition of security under Clause first Section IV Regulation II of 1822, it is clearly his duty before directing that the prisoner shall be

detained

detained in custody until he shall give sufficient security for his future good behaviour and appearance when required, to put before him the circumstances standing forth against him and to receive from him any explanation or evidence he may be able to adduce, with the view of removing the suspicion attaching to him. The Committing Officer in taking this Course is not trenching upon the province of the Court having final jurisdiction in the case. He has already determined that the facts established do not suffice to justify the prisoner's Commitment, and has merely to consider whether the latter may be set at large with or without the precautionary measure of requiring security from him, in view to his being subsequently brought to trial in the event of further evidence being procured.

6 Whenever a Committing Officer may thus require security from a prisoner upon suspicion attaching to him, he should be careful to point out to the Magistrate whatever further sources of evidence he may

deem

deem to exist, and which if Carefully traced out may be likely to lead to the eventual Conviction of the accused.-

/ Sent in No. /

Read letter under date the 21st September 1854 from the Sessions Judge of Cuddalore forwarding english translation of the Decree of Case No. 32 of 1854 on the Calendar of the Sessions Court, for the final Judgment of the Court of Foujdaree Udalut.-

/ Here enter File No. 2312 of 1854. /

Read also Miscellaneous Petition presented on the 21st July 1854 by Doss man Said of Zillah Cuddalore

/ Here enter File No. 151 of 1854 /

Read also Miscellaneous Petition presented on the 21st July 1854 by Roosaniee of Zillah Cuddalore.

/ Here enter File No. 1530 of 1854 /

Mr. Hooper
" Shaw

/ This is a charge of Gang robbery attended with Murder" The Prisoners 1 to 6, 8 and 9 are charged with having on the night of the 1st January 1854 entered the

the house of one Pavaday Pillay and dragged the Prosecutrix husband Venkataramanacharry, who was lying there, to his own house immersed him in a well and beat and otherwise maltreated him, from the effects of which he died on the 19th January 1854 and robbed from his person and house property to the value of Rs. 42-15-0 and the 7th Prisoner with having had in his possession part of the property stolen knowing it to be such

The Sessions Judge Concurring

2

with the law officer in the conviction of all the Prisoners, has recommended in the case of the 2d Prisoner a sentence of transportation for life and in the case of the 1st 3d 4th 5th 6th 8th and 9th Prisoners 14 Years Imprisonment with hard labor in Irons, and for the 7th prisoner a similar punishment for a period of 8 Years.-

The Court of Foujdaree Udalut

3

differs with the Sessions Judge and Assessors in the appreciation of the evidence and consider it to be undeserving of Credit

The

4 The Crime charged upon the
prisoners was perpetrated on the night of the
1st January 1854. No information to criminate
the prisoners was obtained until the 3rd March
when the Vakeel of the Prosecutor wrote to
the Tasildar saying that the 10th witness had
told him that he and the 11th witness had
seen the outrage committed on the deceased,
and that certain of the Prisoners were among
those concerned therein. Fear it is said prevented
the witness revealing sooner what he had seen,
but there is nothing to show how this fear
was eventually over come, or what impelled
the witness to break silence. He appears to
have made his statement without demur
and under no impelling cause. The other witness
to identification, the 11th 14th and 15th maintained
the like silence and it is said from the
same cause. and broke it in a similar way
without demur or difficulty. The testimony
of the 1st witness who alleges that he saw
and overheard the gang plotting together has
the like features of reserve and abandonment

of reserve. The whole of this evidence is thus
presented under the most questionable cir=
cumstances. The witnesses, five in number,
kept strict silence for a certain period and
that no inconsiderable a one. and then in
some inexplicable way all causes of hesita=
=tion on their parts disappear and they come
forward with their testimony.

5 When examined the evidence
of these persons in itself appears to the
Court to contain strong indications of
falsehood.

6 That of the 1st witness the
Sessions Judge himself sees to be made
up. This individual deposed before the police
that he saw the 1st 2d 3d 4th and 8 prisoners,
and seven other parties named by him, among
the gang of whom he spoke, but did not hear
what passed between them or discover what was
their project. Before the Sessions Court he restricted
his identification to that of the 1st and 2d prisoners
=ers and again extended his evidence by declaring
that he overheard the party speak of murdering
the deceased's house. These contradictions falsify

this

this witness' evidence which is otherwise on the face thereof concocted.

7 The 10th witness deposed before the Police that on the night in question hearing a noise he and the 11th witness went out and saw a light at deceased's house and the deceased being maltreated there Before the Sessions Court he alleged that the light was one carried by the robbers and that thereby he saw the deceased being dragged from the 6th witness' house, and made no mention of events at the deceased's house. The scenes are different, the one being that of the termination of the outrage and the other that of its Commencement. The 11th witness makes no mention of events at the 6th witness' house. In fact he could not say from what house it was that the deceased was dragged. The light he saw was a great light at the deceased's house which the robbers had made with thatch from the house, and at which fire they had burned the deceased, the scene in this deponent's evidence being this the deceased's house

The.

8

The 11th witness pretends that just before the Commencement of the outrage the 2nd prisoner asked him where deceased was to be found and abused him on his professing ignorance, a Circumstance of the most improbable description as no one about to Commit such Crime would have thus exposed himself.

9 The whole of these witnesses as well as the 15th represent that they were standing close to the robbers within from one to three Coles from them, a propinquity too dangerous for them to have brought themselves into, and yet one and all assert that they ran such risks.

10 The 6th witness at whose house the outrage began deposed before the Police that he had been unable to identify any of those engaged therein. Before the Sessions Court he explained that tho' the robbers were near him and their several acts observed by him he could recognize none of them, the 3d therein excepted, from their heads being tied up with

Clothes

clothes and their faces daubed with white The
10th and 15th witnesses declared that notwithstanding
these means of disguise resorted to by the robbers
they had made out their identity, which is improbable, while the 11th and 14th state that
although they recognized the parties they had
failed to observe whether their faces were whitened
or not.

11 The Court of Fonydare Udalut
feel no hesitation in rejecting the whole of the
above evidence which appears to them to be throughout of one character. They equally can place
no faith in the allegation that the articles
found in the possession of Certain of the
prisoners were what was plundered from
the deceased's house. They are mostly of an
ordinary description and were not put away
in places of Concealment and the Prisoners
Claim them as their own.—

12. The Court of Fonydare
Udalut therefore acquit the prisoners and
direct their release.

Ordered that Extract from these

these Proceedings be sent to the Sessions Judge
of Cuddalore for his information

(Sent in No)

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

Ex. Work

F. U.

Wednesday 4th October 1854. At a Court of the Foujdaree Udalut

Present.

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

Read Miscellaneous Petition presented on the 18th September 1854 by Annamalay of the Zillah of Trichinopoly.

(Here Enter F. M. P. No 201 of 1854)

Mr W. Morehead

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

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

Read again Letter from the Sessions Judge of Trichinopoly dated 29th August 1854 reporting the escape on the 26th Idem of Kistnan, a convict-Prisoner in Calendar Case No 37/1853 on the file of the Sessions Court.

(Here enter F. U. No 2123/1854)

Read

4th October 1854.

Read also letter of the Sessions Judge dated 16th September 1854, submitting certain information, in regard to the foregoing escape, called for by the Fonjdaree Adalut in their Proceedings of the 14th Instn.

(Here enter F.R. No 2250/1854)

1 The Court of Fonjdaree Adalut have to point out to the Sessions Judge that the particulars which have been now elicited in reply to the specific enquiries of this Court should have been furnished by the Sessions Judge in his original letter and they resolve to direct the Sessions Judge to adopt this course in all subsequent cases of a similar nature.

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

Sent in No.

Read Criminal Reports submitted by the Sessions Judge of Trichinopoly for the month of August 1854.

(Here enter F.R. No 2249/1854)

1 Case No 46. The 2d Prisoner is separately charged with having aided and abetted the 1st Prisoner in committing the alleged

4th October 1854 alleged Murder. The Court have to point out that if the 2d Prisoner is charged with having been present at the Murder, he is indictable as a Principal - otherwise as an Accessory before the fact: and under one of these heads he should have been committed.

2 Case No 50. Vide remark in Para 1 preceding.

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

Sent in No.

Read Calendar of Cases disposed of by the Magistracy of Palicat for the 2d Quarter of 1854.

(Here enter F.R. No 2258/1854)

1 Case 69 - "Acting in violation of orders" - In this case the 2d Prisoner was fined 1 Rupee, in default 10 days imprisonment, under Regulation XII of 1816, Section XXXII - for having illicitly sold some Arrack to the 1st Prisoner who was flogged to the full extent of the provisions of Act I of 1853. The adjudicating Officer was Mr Knox the Joint Magistrate at Palghaut.

2 The Court of Fonjdaree Adalut have had under their notice the Proceedings of the Sessions Court in this case, and the explanations

explanations afforded by the Joint Magistrate, who, being unable to allege any thing in defence of the sentence of flogging except the very incomprehensible argument that the secret manner in which the 2d Prisoner sold the arrack to the 1st Prisoner is clear proof that he, 1st Prisoner, in purchasing it, stole the same - proceeds to observe, that, in regard to the 2d Prisoner, the fine imposed was legal, if not under the enactment quoted in the sentence, yet by Clause 5th Section XVIII Reg: IX of 1816 - the woman's conduct, in selling the Arrack being a resistance to Magisterial process, he the Joint Magistrate having shortly before publicly prohibited such sales.

3 These explanations, as the Sessions Judge has rightly remarked, are altogether untenable, and it is a matter of surprise to this Court how an Officer of the Joint's standing & presumed experience could, in the first instance, so far misapply the law and, subsequently, exhibit such perversity of argument in defending his sentences.

4 Case 82 - This case was not adjudicable by the Magistrate - The power given to Magistrates in Section XXXV Reg: IX

IX of 1816 to punish false complaints only applies to false complaints of the petty offences provided for in Sections XXXII & XXXIII of the same Regulation.

5 Calendar No 243 call for no remark.

Ordered that Extract from these Proceedings be sent to the Session Judge of Calicut for his information and guidance and for communication to the Magistracy.

Sent in No

Read Criminal Reports submitted by the Session Judge of Mangalore for the Month of August 1854.

(Here enter F. R No 2262/1854.)

1 Case No 35 - The 1st Count contains an allegation of robbery, but the offence is not charged in the heading of the Indictment.

2. Case No 43. An indictment did not rightly lie in this case, unless the removing the roof of the Prosecutor's house was accompanied with circumstances amounting to a breach of the peace, and it is not so alleged.

Ordered that Extract from

these

4th October 1854 These Proceedings be sent to the Sessions Judge of Mangalore for his information and guidance.

Sent in Sp

Read Petty Calendars of the Magistracy of Masulipatam for the 2d quarter of 1854.

(Here enter F. R. No 2263/1854)

1 Case 37. If the "assault" was made in connection with the "theft", the case was one of robbery - it should have been stated to whom the alleged stolen property belonged.

2. Case 39. In this case the Assistant Magistrate convicting Prisoners 2 - 3 - 4 of receiving (it is not said knowingly) the property stolen by the 1st Prisoner has released them with a warning, they being "very young" - The Assistant Magistrate is not empowered to refrain from punishing convicted prisoners, on account of their youth - The legislature has lately, to meet cases of this description, passed an enactment, providing a suitable punishment for all juvenile criminals -

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

Sent in Sp

Read

4th October 1854. Read Criminal Reports submitted by the Sessions Judge of Rajahmundry for the Month of August 1854.

(Here enter F. R. No 2266/1854)

Case No 76. As many as nine Prisoners being charged in this case, it became one of "Gang Robbery."

Case 87. This case appears to lie within the cognizance of the Magistracy.

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

Sent in Sp

Read Calendar in Supplemental Case No 5 of 1854, Nellore Sessions Court.

(Here enter F. R. No 2320/1854)

1 The Prisoner in this case having, on his conviction of the offence of escape from custody (he being a convict) been sentenced under Section V Regulation VII of 1822, and the Sessions Judge being in charge of the Jail, the Extract of the Law Officer was not necessary.

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

Sent in Sp

Read

4th October 1854

Read Calendar of Case No 21/1854
on the file of the Session Court of Timerelly.

(Here enter F. R. No 2325/1854.)

1 In this case the 1st Count charged all the Prisoners with "Gang Robbery by open violence." The 2d Count was laid against the 1st Prisoner only, and charged him with the felonious possession of certain property of the value of 11 Annas, obtained by the Robbery which is the subject of the 1st Count.

2. The Acting Session Judge concurring with the Law Officer has acquitted all the Prisoners on the 1st Count, and convicting the 1st Prisoner on the 2d Count, has sentenced him to 4 Years Imprisonment with hard labour under Clause 2 Section IV. Regulation VII of 1822.

3. The Court of Foujdaree Adalut deem it questionable whether the conviction of the 1st Prisoner is correct — they resolve, therefore, to call upon the Acting Session Judge to forward to them that portion of the record on which such conviction has been founded.

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

Sent following Precept &c.

Read

4th October 1854

Read Calendar in Case No 125/1854
on the file of the Session Court of Bellary.

(Here enter F. R. No 2328/1854)

1 The Prisoner in this case Lasker convicted of wounding with a sword the three prosecutors. The wounds inflicted were in two cases of a severe nature, and in the third, slight.

2. It appears from the evidence recorded by the Session Judge, that the Prisoner and the three Prosecutors were quarrelling, one with another — when the Prisoner, suddenly left the spot, went into his own house (which it is presumed, was close at hand) and coming out armed with the sword, proceeded to assault the Prosecutors, as laid in the Indictment.

3. Under these circumstances, the Court have to instruct the Session Judge that the sentence awarded by him against the Prisoner, viz: 6 Months Imprisonment with hard labour, is one utterly inadequate to meet the ends of justice.

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

Sent in &c.

Read

4th October 1854.

Read Criminal Reports submitted by the Session Judge of Guntoor for the Month of August 1854.

(Here enter F. R. No 2254/1854.)

1. Case No 30. The charge in this case is far from clear and bears marks of having been adopted exactly as it was sent in by a Native Official.

2. The Magistrate's Calendar calls for no remark.

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

Sent in No.

Read Criminal Reports submitted by the Session Judge of Masulipatam for the Month of August 1854.

(Here enter F. R. No 2265/1854)

1- Case 78- 'Theft' - The sentence awarded against the 2d Prisoner is illegal, the powers of the enactment quoted, No 1 of 1853, being vested in certain classes of the Magistracy only.

2 Case 79- Should never have reached the Criminal Court- The case is a petty charge of cattle stealing.

No

4th October 1854.

3- Case 86- It does not appear that this case was one committable to the Session Court, unless it is meant that the Session Judge purposes to try the case, in his capacity of Subordinate Criminal Judge, in which case the entry "committed to the Session Court" is obviously erroneous-

4- Case 87. The foreging remark applies to this case also-

5- Case 89- Ditto.

Ordered that Extract from these Proceedings be sent to the Session Judge of Masulipatam for his information and guidance by precept returnable within V days from and after its receipt.

Sent following Precept No

Read again Petition presented 31st July 1854 by John Tachoomenon, Vakeel on behalf of Mr. W. D'Silva, Merchant, of Tillack Caliat.

(Here enter F. R. Pr. No 138 of 1854)

Read also Return of the Session Judge of Calicut dated 15th September 1854, to the Precept of the Foujdaree Adalut under date the 26th August 1854.

(Here enter F. R. No 2286)

Mr. W. Morehead

The enclosure forwarded in the above Return is a copy of a Return made by the Registrar of Malabar, when called upon by the Session Judge to state whether the procedure laid down in Act XXI of 1841, had been adopted in the present case It appears that it was not- and the Court consequently

resolves

4th October 1854. resolve to direct that the fine levied from Mr. D'Silva be returned.

2. The Magistrate has complained that, in cases of emergency, the "process indicated in the Act of 1841" is found to be "slow". The Court are unable to concur in the justice of this remark. It is competent to the Magistrate, in the case of a nuisance the speedy removal of which is a measure necessary for the public health or safety, to issue his injunction to the offender to abate the nuisance within even a few hours. It is true that the 2d Section of the Act gives the party affected by the Magistrate's notice leave to move for a Punchayet by a written petition to be presented within 10 days. But it is obvious to remark that this can only apply in cases where the Magistrate, who is on no account to work the provisions of the Act oppressively, sees fit, with reference to the nature of the nuisance to be abated, to allow for its removal a period of over and above ten days. It can by no means be held to be applicable to cases where a more immediate removal of the nuisance is called for as a measure of public safety. In such cases the offending party must apply for his Punchayet within the period allowed in the Injunction for the abatement of the nuisance, and the time given to the Punchayet for consultation must be proportionably curtailed.

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

 of Calicut for his information and guidance.

Sent in Ps.

Read Return from the Sessions Judge of Rajahmundry dated 23rd September 1854 to the precept of the Fouzdaree Adalut under date the 12th September 1854, conveying their remarks on the Criminal Reports for the month of June last.

(Here enter F.R. No 2356 of 1854.)

Read Letter from the Sessions Judge of Trichinopoly dated 23rd September 1854 forwarding, for review, 2 A Reports in Criminal Case Nos 1 & 2 on the file of the Assistant Magistrate.

(Here enter F.R. No 2365 of 1854)

Read Return from the Sessions Judge of Bellary dated 28th September 1854 to the precept of the Fouzdaree Adalut under date the 20th September 1854 on review of the Criminal Reports for the month of July last.

(Here enter F.R. No 2367 of 1854)

Read

2 4th Oct 4th October 1854

Read Calendar from the Sessions Judge of Bellary dated 27th September 1854 in Case No 139 on the file of the Sessions Court of Bellary for 1854.

(Here enter F. M. No 2388 of 1854)

Read Letter from the Sessions Judge of Coimbatore dated 29th September 1854 reporting the result of his visit to the Jail at Palghat and forwarding copies of two Statements.

(Here enter F. M. No 2399 of 1854)

Do Rd.

F. M.

Thursday 5th October, 1854. At a Court of the Foujdaree Adalut.

Present.

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

Read Miscellaneous Petitions presented on the 4th September and 5th October 1854 by Soobbramanyen of the Zillah of Coimbatoor.

(Here enter F. M. Ps Nos 197 and 211 of 1854.)

Mr W. A. Morehead. The Petitioner is referred to the former Proceedings in the matter to which these Petitions relate.

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

(Sent in No)

Read Criminal Reports submitted by the Sessions Judge of Salem for the month of August 1854.

(Here enter F. M. No 2290 of 1854.)

Case No 76. 1. All charges involving the crime of

5th October, 1854.

of "Murder" should be charged as "Murder." There is no such heading, as "Infanticide" in the criminal statistics. The heading should be amended.

Case No. 96. "Fraud."

2. In this case a Peon entrusted with a warrant of the Civil Court returnable on the 27th June was convicted of "Fraud" in having apparently to cover his neglect of duty, altered the date to the 27th June and sentenced to two months' Imprisonment. The Court have to point out that the act charged against the Peon did not amount to an indictable offence and that he should have been dealt with by his immediate superior for his misconduct and they direct that he be immediately released from Imprisonment.

Case No. 110.

3. It is presumed that the 1st witness opposed the larceny of the paddy; and that the assault made upon him was connected therewith; the case then would be one of "Robbery."

Case No. 112. "Infanticide".

4. Vide remark in para 1 supra.

Case No. 116.

5. The remark in para 4 applies to this case also. The Sessions Judge will be pleased to review these cases with reference to the foregoing remarks.

The

5th October, 1854.

Case No. 123.

6. The Sessions Judge will point out to the Magistrate, that this case, a trifling charge of grain stealing, should never have reached the Criminal Court.

Case No. 124.

7. This case is of a similar description and its commitment was most unnecessary.

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 Cases No. 52 of 1854 of the Sessions Judge of Chittoor.

(Heresuites F.R. No. 2309 of 1854.)

Manda Venkatadoor.

The Court of Sudder Adalut approve of the recommendation made by the Sessions Judge in this case that the period of imprisonment which the Prisoner noted in the margin has been adjudged to suffer on his conviction of House-breaking by night, and Theft, be reduced to (2) Two Years' with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Chittoor

5th October, 1855.

Chittoor for his information.

(Sent in No)

Read Calendar of Case

No 55 of 1854 of the Sessions Court of Cuddalore.

(Here enter F. H. No 2311 of 1854.)

The Court of Foujdaree Adalut

approve of the recommendation made by the Sessions

Judge in this case that the period of imprison-

Mottur Naiken. ment to which the Prisoner noted in the margin

has been adjudged to suffer on his conviction of House-

breaking and Theft, be reduced to (2) Two years'

with hard labor in irons, and they do authorize

the Sessions Judge to issue his warrant accordingly.

Ordered that Extract from these

proceedings be forwarded to the Sessions Judge of

Cuddalore for his information.

(Sent in No)

Read Calendar of Case No 137

of 1854 of the Sessions Court of Bellary.

(Here enter F. H. No 2330 of 1854.)

The Court of Foujdaree Adalut

approve of the recommendation made by the Sessions

Judge in this case that the period of imprisonment

Boya Timmador. which the Prisoner noted in the margin has been ad-

judged

5th October, 1854.

adjudged to suffer on his conviction of an attempt

at Robbery, be reduced to (5) five years' with

hard labor in irons, and they do authorize the

Sessions Judge to issue his warrant accordingly.

Ordered that Extract from

these proceedings be forwarded to the Sessions

Judge of Bellary for his information.

(Sent in No)

Read Calendar of Case No 44

of 1854 of the Sessions Court of Calicut.

(Here enter F. H. No 2349 of 1854.)

The Court of Foujdaree Adalut

approve of the recommendation made by the

Sessions Judge in this case that the period

of imprisonment which the Prisoner noted

Munzada Koyile Moydo. in the margin has been adjudged to suffer on

his conviction of House-breaking and Theft, &c.,

be reduced to (4) four years' with hard labor

in irons, and they do authorize the Sessions Judge

to issue his warrant accordingly.

Ordered that Extract from these

proceedings be forwarded to the Sessions Judge of Calicut

for his information.

(Sent in No)

5th October, 1854.

Read letter under date the 15th September, 1854, from the Sessions Judge of Madura.

(Here enter F. R. No. 2247 of 1854.)

1. The Court of Foujdaree Udalut decline to pass any opinion upon the question propounded in the foregoing letter which it is presumed has originated in a case pending before the Magistrate and which may consequently be brought in Appeal before the Court of Foujdaree Udalut.

2. The Magistrate should act in the matter to the best of his judgment leaving the party or parties who may be aggrieved by his decision as to the mode of procedure adopted by him to appeal in the usual course.

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

(Sent in No.)

Read Criminal Reports submitted by the Sessions Judge of Coimbatore for the months of August, 1854.

(Here enter F. R. No. 2288 of 1854.)

the

5th October, 1854.

Case No. 95. "Abuse of Authority"

1. The delay in this case is very great. It is still, it is observed "under examination," although it reached the Principal Sudr Ameen on the 8th July. The Court resolve to call for an explanation.

Cases No. 106. " " 111. " " 118. " " 122. " " 123. " " 125. " " 128.

2. The charge in these cases have been carelessly drawn up; as it is to be presumed that the prisoners referred to as having been released by the Police were so released on the ground that they were not concerned in the offences charged.

Case No. 112.

3. In this case, if the 1st witness, who is alleged to have been assaulted by the Prisoners was in charge of the property they came to steal, the case is one of Robbery; otherwise the charge, being of a petty nature, was very improperly committed.

Case No. 118.

4. See remark in preceding para.

This case, one of petty theft, should have been disposed of by the Magistracy.

Case No. 120.

5. The Court presume that the offence here charged was committed secretly, and that neither the Prosecutor nor his watchers were

were present during the larceny; otherwise, the Prisoners mustering very strong, and in number calculated to overawe all opposers, the charge is one of Robbery. The Sessions Judge will be pleased to review the case with reference to the foregoing remarks.

Case No. 129. 6. The observations recorded in para 5 apply to this case also.

Case No. 130. 7. This is another case of Petty Theft, disposable of by the Magistracy.

Case No. 132. 8. This is not a case of "House-breaking with Theft," but a "Gang Robbery." There are 4 Prisoners, and they are charged with having used violence. The Sessions Judge will cause the heading to be amended.

Case No. 133. 9. Vide, remark in para 5. supra.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Trincomalee for his information and guidance and for communication to the Magistrate by precept returnable within X days from and after its receipt.

(Sent following precept No.) Read

Read letter under date the 27th September, 1854 from the Sessions Judge of Chilaw forwarding English Translation of the record of Case No. 20 of 1854 on the Calendar of the Sessions Court, for the final judgment of the Court of Fujdaree Adalut.

(Here enter F.U. No. 2369 of 1854.)

The Court of Fujdaree

Mr. G.T. Hooper
Mr. S.L. Strange. Adalut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the Prisoner,

Lutchmanen,

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

× × ×
× ×
×

1. In this case the first Prisoner Lutchmanan was charged with having at 4 o'Clock on the night of the 28th March, 1854, at Cadiya Kundeyay a hamlet of Pyapankam in the Talook of Sholunghur and Zillah of Chittoor,

Chittor, murdered a female, one Moottee, by cutting her throat with a knife.

2. The 2nd Prisoner, Ramalinga Reddy was also charged as a Principal in having aided and abetted the 1st Prisoner, and on a second Count as an accessory after the fact. He was acquitted and released by the Sessions Judge.

3. The circumstances of the case are such as make it evident that either the 1st prisoner must have been guilty of the murder and have inflicted the wounds on his own person, or that these acts must have been perpetrated by the 2nd prisoner.

4. The 2nd prisoner has been acquitted by the Sessions Court and released, but there are facts connected with him which appear to the Court of Enquiry Worthy of a suspicious nature.

5. According to the 1st witness this prisoner informed him before day light that the murder had been effected by the 1st prisoner with his, the witness's, knife; and then took a light, looked for the knife and brought it, put to him. It is certainly very suspicious that the

the prisoner should have known of the occurrence before he had light whereby to see it. Before the Police the prisoner introduces statements that would account for this, if admissible; but they appear to the Court of an improbable description and seemingly made up for the purpose of meeting this difficulty. Again, the 1st witness deposes that when he went to the Tope four or five Indian hours before day light and returned two Indian hours afterwards he on both occasions observed the prisoner sitting at the house of the deceased and passed without being addressed by him. This, according to the prisoners statements must have been after the murder, he accomplished. It is difficult to reconcile the prisoner's refraining to seek the relief of communicating such an event to another and his remaining himself close by the scene, with the idea of his innocence. The bewilderment he must have been in, rather indicates guilt and inability at the time to shape out a course for himself. The prisoner has further more in every place where interrogated, varied his representations and

been

been guilty of manifest misrepresentation to the Court.

6. The Court of Sanjdara Udalatt feel consequently unable to satisfy themselves that the 2nd prisoner was not the murderer and hence could not convict the 1st prisoner.

7. Moreover the evidence against the 1st prisoner is insufficient and unsatisfactory. It consists merely of his confession before the Head of Police. This has in no way been corroborated and when first examined by the Subordinate Officer the prisoner denied the crime, making the same statements which he has offered on his defence before the Session Court. It does not even appear that he was on bad terms with the deceased, saving, according to the suspicious crimination of the 2nd prisoner, while the evidence is against the 2nd prisoner's assertions showing that the parties were on friendly terms.

8. The Court therefore acquit the 1st prisoner and direct his release.

Ordered

5th October, 1854.

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

Extract sent in No.)

F. C.

Friday
6th October 1854.

At a Court of the Fouzdaree Udalut

Present

G. L. Hooper Esqre. ——— Puisne Judge

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

T. L. Strange Esqre. ——— Puisne Judge.

Read Calendar of Case No. 45 of 1854 of the Session Court of Cuddapah (Herewith enter F. C. No. 2253 of 1854)

Adverting to the 4th para of the remarks of the Session Judge, the Court of Fouzdaree Udalut resolve to direct that Officer to issue instructions to the Magistrate strictly to prohibit the Native Police Officers of his District from employing for the future the persons alluded to as "Pittadars."

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

(Sent in No.

Read Criminal Reports submitted by the Session Judge of Cuddapah for August 1854 (Herewith enter F. C. No. 2260 of 1854)

Magistrate's Calendar Case No. 9. 1. "Snatching". The Prisoner on his conviction

conviction of this offence, the article stolen being a gold and coral necklace valued at Rupees 7, was sentenced by the Head Assistant Magistrate to 20 lashes with a cat of nine tails. The punishment appears very inadequate.

Case No. 194. 2. The Session Judge will cause the heading hereto be amended. The circumstances charged as accompanying the larceny of the sheep constitute a case of "Robbery". The Prisoners, the Court observe, were four in number.

Case No. 195. 3. "Wounding". The Session Judge has directed the committal of this case to the Session Court as being of a heinous nature, and insufficiently punished by the Subordinate Judge with 8 months' Imprisonment. The sentence is otherwise in error. Imprisonment upto 6 months is the extent of Imprisonment primarily provided for in the enactment quoted, and in the case of any further term of Imprisonment appearing to be merited, the Prisoner has the option of a fine.

Case No. 204. 4. The latter part of the Indictment is superfluous, viz: that the Prisoners after stealing the Prosecutor's cattle, killed them for the purpose of eating the same.

Case No. 205. 5. The Session Judge will be pleased to

point out to the Subordinate Judge, that larceny accompanied with violence is not "theft" but "Robbery".

Case No. 208. 6. "Gang Robbery attended with Murder". The Murder is not specified in the Indictment.

Case No. 210. 7. The having in one's possession a forged instrument is not a "Forgery". Vide remark in para 5. supra.

Case No. 215. 8. "Wounding". The intent is not charged.

Case No. 226. 9. This case, one of simple Theft, was very unnecessarily committed by the Head Assistant Magistrate, who should have disposed of it himself. Vide remark in para 5 supra.

Case No. 241. 11. The offence with which the 2d. Prisoner is charged is not an indictable one.

Case No. 246. 12. To abstract grain from a basket is not "House breaking" the heading should be amended.

Case No. 248. 13. The Court of Foujdaree Adalut observe in the Reports under review, that 22 cases have been released by the Subordinate Judge against 21 cases in which the parties have either been committed to the Session Court, punished or required to find security.

14. So large a proportion of releases indicates either that the Police authorities have acted without due warrant in the committal of the accused or that

that the Subordinate Judge has formed erroneous conclusions in judging of the evidence submitted to him by the Police. In order to allow of the circumstances of these releases being taken into consideration by the Court of Fouzdaree Udalut, they resolve to have before them all the Reports (form A) in the 22 Cases entered as "Released" by the Session Judge in the statement now before them.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Cuddapah by Precept returnable within 7 days from and after its receipt.

4th Matr

(Sent following) Precept No. to

Read letter dated 31st August 1854 from the Session Judge of Guntoor, forwarding correspondence relative to the remarks passed by the Fouzdaree Udalut on review of the Petty Calendars of the Magistracy for the 2d quarter of 1854.

(Here enters F.R. No. 2152 of 1854)

F.R.

Saturday 7th October, 1854.

At a Court of the Fouzdaree Udalut.

Present.

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

Read Petition presented on the 11th September 1854 by Venkatachella Pillay of Zillah Chittoor.—

(Here enter F. M. P. No. 194 of 1854.)

1. Petitioner, the father of Davasikamany 1st Prisoner in Calendar Case No. 40 of 1854 on the file of the Session Court of Chittoor, prays the Court to send for the record in the above Case and direct the release of the said 1st Prisoner, who has been sentenced by the Session Judge for the robbery charged therein to 14 years' Imprisonment with hard labor in irons.—

The

2. The Court of Foujdaree Udalut reject this Petition, they see no grounds for questioning the correctness of the sentence complained of.

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

Read Petition presented on the 20th September 1854 by Mr. Alexander Stewart, Pleader, on behalf of Dunmer Ramalinga Reddy and two others of Zillah Nellore.—

/Here enter F. M. P. No. 204 of 1854/—

1. The Petitioners were indicted before the Sessions Court of Nellore (Case No. 38 of 1854) for a "Culpable Homicide and Robbery".—The Law Officer convicted the Prisoners, but the Sessions Judge dissenting from the Futwah referred the record to the Foujdaree Udalut. He convicted the Prisoners of having taken part in the affray wherein the deceased Chinna Passarigadu, Prosecutrix's husband,

husband, met with a violent end.— and recommended in the case of the 1st Prisoner 2 years' Imprisonment with hard labour in Irons and in the case of the 2d and 3d Prisoners a similar punishment for six months.—

2. The Court of Foujdaree Udalut in their Proceedings of the 6th September 1854 modified the proposed sentences in the case of all three prisoners to simple Imprisonment for a period of three (3) months.—

3. The Petitioners now pray this Court to remit the foregoing sentence—pleading that the assault committed by them was justified on grounds of self defence.—

4. The Court having considered the subject of this petition do not see grounds for cancelling or modifying the sentence passed in the case.—

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

The

7th October, 1854.

The record of trial and referred Sessions Case No. 54 of 1854 on the Calendar of the Sessions Court of Nellore not having been yet received,

Ordered, that the Sessions Judge of Nellore be required to submit the record aforesaid without further delay.—

(Sent in No. /—

Do 1854.

F. H.

Monday
9th October 1854. } At a Court of the Foujdaree Adalut

Present

G. L. Hooper Esquire.
W. A. Morrhead Esquire } Puisne Judges.
J. L. Strange Esquire.

Read again Miscellaneous petition presented on the 5th January 1854 by Davacunnoo Pillay of Zillah Tinnevelly.

(Here enter F. M. P. No. 4 of 1854)

Read also return under date the 6th May 1854 and supplemental return under date the 11th May 1854 from the Acting Sessions Judge of Tinnevelly to the precept of the Foujdaree Adalut dated the 18th April 1854 conveying their preliminary orders on the foregoing petition.

(Here enter F. C. Nos. 1113 and 2295 of 1854)

It appears from the Acting Sessions Judge's supplemental return that the petitioner has had the fullest opportunity of establishing his statements as to the treatment he and his witnesses

Mr. J. L. Strange.

met

most with at the Sands of the Principal Sudr Ameen and the result of the re examination held by the Acting Sessions Judge shows that the Petitioner's accusations were utterly unfounded.—

2 The Court of Foujdaree Adalut consider that the Petitioner has been properly punished with fine and resolve to dismiss his Petition.—

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

(Sent in &c.)

Read Miscellaneous Petition presented on the 11th September 1854 by Perro: = matha Counden and Narrainasamy Naiken of Zillah Chittoor.—

(Here Enter F. H. P. Nos. 193 and 195 of 1854)

The Court of Foujdaree Adalut see no reason to question the Justice of the Sentences from which the Petitioners appeal and they accordingly resolve to dismiss these petitions.—

Ordered that Extract from

from these proceedings be granted to the Petitioners on their application.—

Read Miscellaneous petition presented on the 11th Ultimo by Chullah Sobiah late Pleader of the Zillah Court of Masulipatam.—

(Here Enter and F. H. P. No. 72 of 1854)

This is an application for copies of the letter from the Sessions Judge of Masulipatam dated the 12th June 1852, and of the extract from the Minutes of Consultation dated the 24th July following.—

The Court of Foujdaree Adalut are precluded from granting Petitioner copies of the correspondence referred to by him.—

Petition dismissed.—

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

Read Report of a Case disposed of by the Joint Magistrate of Salem under Act VII of 1843.—

(Here Enter F. H. No. 2243 of 1854)

The

9th October 1854.

case. No. 4.

The Court desire to be informed what facts were established against the prisoner in this case.

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

(Sent following precept &c)

Read again Miscellaneous petition presented on the 17th July 1854 by Vencummah of Zillah Cuddapah.

(Here enter F. G. O. No. 1144 of 1854)

Read also return under date the 23d September 1854 from the Session Judge of Cuddapah to the precept of the Foujdaree Adalut dated the 8th August 1854 conveying their preliminary orders on the foregoing Petition.—

(Here enter F. R. No. 2345 of 1854)

Mr. T. L. Strange.

Under the explanation submitted in the foregoing return the Court of Foujdaree Adalut see no reason to question the correctness of the sentence passed upon the 2d Prisoner in the Case

9th October 1854.

case referred to and they accordingly resolve to dismiss the Petitioners' application.—

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

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

(Sent in No.)

Read Miscellaneous Petition received from Aramoodiengar on the 21st September 1854 through the Session Judge of Zillah Cuddalore.—

(Here enter F. G. O. No. 205 of 1854)

Read again Calendar in Session case No. 11 of 1854 submitted by the Session Judge of Zillah Cuddalore.

(Here Enter F. R. No. 1333 of 1854)

Mr. T. L. Strange.

The petitioner who describes himself as 6th released prisoner in the above Session Case prays the Court of Foujdaree Adalut to cause the Jewel produced

produced by him in the above case, and which has been by the Sessions Court delivered to the Prosecutors Vakil to be given to him for return to the 2d Respondent Released Prisoner from whom he received it.

2. The Court of Foujdaree Adalut resolve to forward this petition to the Sessions Judge and to direct him to return it with an explanation of the grounds on which the ornament in question was made over to the Prosecutors Vakeel. —

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

(Sent following precept No 1

Read Calendar in Case No 29 of 1854 on the file of the Sessions Court of Chingleput.

(Here enter F. C. No 2358 of 1854)

1 In this case the prisoner was charged with "receiving stolen property" but it is not laid in the indictment that he received the property "knowingly" — The omission is erroneous. —

2. The Acting Sessions Judge deeming the evidence against the prisoner insufficient for conviction has returned the case to the Criminal Court with directions to the Principal Sudr Ameen to hold the prisoner to security under the provisions of Foujdaree Adalut Circular Order of the 20th July 1829. C. and to take the necessary steps in communication with the Magistrate for procuring any further evidence which may be available. —

3. The Court of Foujdaree Adalut consider the foregoing course on the part of the Acting Sessions Judge to be in error. He has discredited the testimony of the Prosecutors witnesses as to the identity of the gold ornaments, and it does not appear probable that further proof can be looked for. The Acting Sessions Judge will now put the Prisoner on his trial, acquitting him if the case against him be not found stronger than it appears to

to be on a review of the present Calendar.

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

(Sent in Mo. /

Read again Miscellaneous petition presented on the 24th July 1854 by Bawah Saib and another of Zillah Cuddalore. —

(Here Enter F. M. P. No. 150 of 1854)

Read also return from the Sessions Judge of Cuddalore dated 2d October 1854 to the precept of the Foujdaree Adalut under date the 24th July 1854 calling for a translation of the record in Sessions Case No. 20 of 1854. —

(Here Enter F. Mo. No. 2412 of 1854)

Mr. H. A. Morehead. /

On consideration of the record in this case the Court of Foujdaree Adalut are unable to concur with the Sessions Judge in convicting the Prisoners. —

2.

The evidence to their identification is far from satisfactory.

and

and the statement made that the 1st Prisoner robbed the Prosecutors' house when he was well known without any attempt at disguising himself is most improbable.

3.

The evidence of the Town Cutwal moreover shows that the prisoners were not named to him on the night the affair occurred as parties who had been identified, but merely as persons to whom the Prosecutor attached suspicion. —

4.

The Court of Foujdaree Adalut resolve to cancel the conviction by the Sessions Court of these prisoners and to direct that they be immediately released. —

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

Ordered also that Extract from these proceedings be granted to

9th October 1854.

to the Petitioners on their application.

4th Wott

(Sent following precept &c.

Tuesday
10th October 1854.

F. A.

At a Court of the Fouzdaree Adalut

Present

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

Read letter dated 3d Instant from the Session Judge of Cuddalore submitting for the final judgment of the Fouzdaree Adalut the record of Case No. 43 of 1854 on the Calendar of the Session Court

(Here enter F. A. No. 2435 of 1854)

Mr. Hooper.

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

1st, Munjeenee

is not convicted on presumptive proof or on the evidence of credible witnesses or on his own confession of the crime charged, acquit

acquit thereof, and direct that he be set at
liberty.-

/Sent in No./

Read Criminal Reports &
dated 18th Ultimo submitted by the Ses-
sion Judge of Tellicherry for the Month
of August 1854.-

/Here enter F. Uc. No. 2244 of 1854/

Report 13
Case No. 51 The Court of Foujdaree
Adalut desire to be informed what
facts were established against the prison-
er in this case.-

Ordered, that Extract from
these Proceedings be forwarded to the
Session Judge of Tellicherry by precept
returnable in X days from and after
its receipt

/Sent following Precept No./

Read Criminal Reports
submitted by the Acting Session Judge
of Tinnevelly for the Month of August 1854

/Here enter F. Uc. No. 2321 of 1854/

Case

Case No. 72 1. The Court resolve to call for
"Trespass" Report from A. in this case.-
Case No. 74 2. A charge of "using false &
measures" is punishable under the Regu-
-lations by the Magistracy only the &
enacting Regulation being XI of 1816, Sec-
-tion I.IV. The sentence of imprisonment
with labor in irons awarded against the
Defendants in this case is altogether &
illegal, and the Acting Session Judge
will immediately release the parties con-
-cerned.-

Case No. 78. 3 This charge of Assault
should have been disposed of by the Ma-
-gistracy.-

Case No. 83. 4 Three months imprisonment
is not an adequate punishment for
receiving property obtained by House-
-breaking.-

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

Session

10th October 1854

Session Judge of Tinnevelly for his information and guidance by Precept returnable within III days from and after its receipt.-

Sent following Precept &c

F. C.

Thursday 12th October 1854

At a Court of the Foujdaree Adaulut

Present.

G. S. Woosnam Esqr
W. A. Morehead Esqr
J. L. Strange Esqr
} Puisne Judges

Read letter under date the 22d September 1854 from the Acting Magistrate of Chingleput.-

(Here enter F. C. No 2296 of 1854)

With the foregoing letter the Acting Magistrate has submitted for the order of this Court a Copy of a correspondence which has passed between him and the joint Magistrate at St. Thos' Mount regarding certain rewards granted by the joint Magistrate to the Cutwal and eight Peons for their exertions in suppressing a riot on the 25th March last and which rewards the Magistrate has declined to sanction on the ground that the services performed were not such as appeared in his judgment to call for a Special remuneration and that the

Regulation

Regulation quoted by the Joint Magistrate in support of his proceedings Viz.t Section XXIII Regulation IX of 1816 and Section X Regulation XIII of 1832 do not empower to grant rewards of his own authority.-

The Court of Fouzdaree Adalut fully concur in the opinion of the Acting Magistrate that the joint Magistrate is not competent to grant rewards in Cases of the nature of that adverted to without the sanction of the Magistrate and that in the present instance no special remuneration is called for the services rendered by the Police being no more than they were bound to render in the ordinary discharge of their duty.-

Ordered that Extract from these Proceedings be sent to the Acting Magistrate of Chinglepute for communication to the Joint Magistrate.-

(Sent in No)

Read Criminal reports submitted by the Sessions Judge of Cuddalore for the months of August 1854.-

(Here enter F.C. No. 2297 of 1854)

1.

By the Magistracy Rule on the file of the Ct. Mr. Asstt. Magistrate "Assault with aggravating circumstances"-

The Prisoners in this Case were charged with having by the exercise of considerable violence, rescued certain parties from the custody of Police Peons, who had defeated such parties in a theft committed at the Government Salt Pans and apprehended them for the larceny. Four of the Prisoners were convicted and sentenced to from 25 to 20 Rupees fine, commutable to various degrees of Imprisonment upto a term of 2 Months. The Court of Fouzdaree Adalut consider that the punishment awarded is very inadequate to the offence- and they are of opinion that, in such a Case the Defendants should not, on their conviction have been allowed the option of a fine.-

Case No. 178 2.

Breach of Abkaree Laws.-

The Regulation provides for fine in a case of this description upto 400 Rupees. The fine awarded by the Moofty Sudder Ameen (Rupees 5) appears very light. The Sessions Judge will be pleased to review the record of the Case, and instruct the Mooftys should the Case appear to have deserved a severer sentence.-

Cases No.s 201 & 202, 3

"Theft"

These Cases should have been disposed

disposed of without a commitment to the Criminal Court.-

4. Adverting to the entry in the abstract of Cases disposed of that 39 Cases were under examination none of which have been entered in the Report B. the Court of Fouzdaree Adalut observe that in all these Cases the Statement of charge &c. should have been entered in the Report B.-

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

(Sent in Sr.)

Read Calendars of Petty Cases submitted by the Sessions Judge of Cuddalore for the 2d Quarter 1854.-

(Here enter F.M.C. Sr. 2339 of 1854)

Case No. 38 Under the view of this case entertained by the Sessions Judge, the fine imposed upon the prisoner should be remitted.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Cuddalore by Precept returnable within

V

V days from and after its receipt.-

(Sent following precept Sr.)

Read petition presented on the 5th Instant by Sreeneewasa Mooniy of Villah Salem.-

(Here enter F.M.P. Sr. 213 of 1854)

The Court of Fouzdaree Adalut

Mr. F.L. Strange refer the Petitioner to their former orders bearing date the 31st August last, which are final. Petition dismissed.-

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

Read letter dated 7th October 1854 from the Sessions Judge of Chittoor, submitting for the final judgment of the Fouzdaree Adalut the record of Case No. 34 of 1854 of the Calendar of the Sessions Court.

(Here enter F.M.C. No. 2473 of 1854)

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

1st Moonesamy

and

2d Narrainsamy

is sufficient to convict them the 1st Prisoner of the Crime of Theft, and the 2nd of having received stolen property knowing it had been acquired in the perpetration of Theft, do convict them thereof; and in conformity with the provisions of Section XXI Regulation VII of 1802 and Clauses third and fifth Section IV Regulation XV of 1803 and Section XXXIV Act VII of 1843, sentence them to be imprisoned and kept to hard labor in irons, on the public roads or other public works for and during the period of (1) one year.

(Sentence No)

Read Report B dated 25th Sept 1854 from the Sessions Judge of Chicacole received from the Magistrate of Ganjam of Cases disposed of during the Month of August last.

(Here enter F. No. 2410 of 1854)

Read Report dated 2nd October 1854 submitted by the Sessions Judge of Rajahmundry of Cases pending on the 1st October

1st October 1854 before this Court for a longer period than 25 days.

(Here enter F. No. 2443 of 1854)

Read Return dated 3rd October 1854 from the Sessions Judge of Rajahmundry to the Precept of the Tonjadaree Adalut under date the 8th September 1854 directing the Sessions Judge to review the proceedings in the Cases disposed of by the Subordinate Court during the Month of July 1854, and to submit any orders he may deem it necessary to pass on them together with the detailed reports in the form A of the Cases entered.

(Here enter F. No. 2444 of 1854)

Read letter dated 7th October 1854 from the Sessions Judge of Guntoor, furnishing an explanation with reference to the remarks of the Court on the Criminal Reports for the Month of August 1854.

(Here enter F. No 2451 of 1854)

Read Extract dated 3rd October 1854 from the Sessions Judge of Bellary

from

12th October 1854.

from the Proceedings of this Court held on the letter from the Acting Registen to the Court of Fonjdaree Udalut dated 28th Ultimo in regards to the Criminal Statements A and B of this Court for the month of August 1854

(Here enter F.U. No. 2458 of 1854) vo

4 & 7th M

Friday.
13th October 1854.

F. U.

At a Court of the Fonjdaree Udalut.

Present

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

Read Criminal Reports Sub-mitted by the Session Judge of Nellore for the months of August 1854.

(Here enter F.U. No. 2294 of 1854.)

Case No. 6 of 1854. before the acting Joint Magistrate. "Assault and Quarrelling." The Sentence in this case, 1 months imprisonment with labor, has been animadverted on by the Session Judge who observes that it appears hardly commensurate to the offence. In this observation the Court of Fonjdaree Udalut entirely concur, and they have further to point out to the Session Judge for the information of the acting Joint Magistrate, that the case was not adjudicable by the latter Officer. The Circumstances which accompanied the larceny, as related by the acting Joint Magistrate in the 3d para of his Sentence, clearly rendered the charge one of Robbery.

Case

2. Case No. 132- Criminal Courts file- This case, one of Cattle stealing of a petty nature should never have reached the Court- Further in a case of "Cattle stealing", it is unnecessary to charge the Prisoner with having subsequently killed the cattle- This case, which might have been disposed by a Head of Police in a few hours, reached the Court on the 10th June and is as still "under examination."-

3. Case No. 136- a charge of Gang Robbery has been under Enquiry in the same Court since the 15th June- The Session Judge will report whether the delay can be satisfactorily accounted for.

4 Case No. 157- Vide remark in para 2 supra- as regards the objection to committing to the Courts cases of this petty nature- The Session Judge will communicate with the Acting Magistrate, with a view of providing against such committals as these-

5. Case No. 170- "House breaking by night with theft." The punishment awarded, 2 months Imprisonment with hard labour is altogether inadequate-

6. Case No. 173- The foregoing remark

remark applies to this case also- Larceny accompanied by Breaking, calls for severer punishment than simple theft-

7. Case No. 176- A maliciously false accusation, which endeavoured to prove a man a thief, is very insufficiently punished by 2 months imprisonment.

8. Case No. 182- "Arson"- The Session Judge will instruct the Principal Police Ameen that if Prisoner No. 2 who is described as having aided and abetted the 1st Prisoner in the Commission of the above crime, was present, as it would appear he was/he was a Principal, and should have been indicted jointly with the 1st Prisoner-

9. Case No. 185- The heading in this case should be amended from "Theft" to "Statute"

10- Cases No. 186 & 191- 'Theft' The Session Judge will revise these cases, keeping in view the remarks of this Court in the C. A. of the 6th April 1850-

11 Case No. 196- This is not a case of Embezzlement- If the Prisoner is the Prosecutor's servant, he is chargeable with Theft- otherwise, the Prosecutor has his remedy only by

by Civil Action.

12. Case No 198. Vide remark in para 10 supra.

13. Cases Nos 202 and 205 appears to be Petty theft cases disposable of by the Magistracy and Police.

14. Adverting to the number of Cases entered as being under examination before the Principal Sudr Ameen, the Court of Foujdaree Udalut are of opinion that so long as the present pressure of business in the Criminal Department continues, all cases cognizable by the Moosiff Sudr Ameen should be referred to that officer, and that the Sessions Judge should occasionally have recourse to assessors, with the view of relieving the Moosiff Sudr Ameen from attendance in the Session Court.

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

(Sent in No)

Read Petty Calendars of the Magistracy of Malabar for the 1st and 2d Quarters of 1854 - forwarded by the Session Judge

of Tellicherry.

(Here enter F.H. No 2292/1854)

1. These Calendars have been very late in reaching this Court. The Session Judge will be pleased to enforce greater regularity in future.

2. Case No 2. "Acting in violation of orders." The Prisoner, it is presumed, was a Revenue Officer and destrained where he had been directed not to destrain. For such "violation of orders," he was punishable by the Collector under the general powers of that Station, but not under the provisions of Section XXXII. Regulation IX of 1816.

3. Case No 6. Calendar No 2. "Trespass in a garden &c." As the trespass is not alleged to have been accompanied by a breach of the peace, and as the "carrying off of the betel nuts" is not charged as theft - this case was not cognizable by the Magistrate, but by the Collector. who by Section XI. Regulation V of 1822, has very ample powers in affording redress.

4. Case No 7. In this case the Indictment

Indictment appears to have been framed in accordance with the finding of the Head assistant Magistrate. The Prisoner was found by that Officer to have inflicted the wound on Coonhamboo accidentally. but the charge against him, when brought before the Magistrate, included, the Court presume, something of culpability.—

5. Case No 3. There is a punishment provided for theft / Act. I of 1853./ even in the case of "quite young children." The Head Assistant Magistrate should have applied this enactment. unless indeed the children were, from a consideration of their age, in his opinion, primâ facie not capable of crime — which should have been stated.

6. Case No 5. The foregoing remarks apply to this case also.

7. Calendars for the 1st Quarter, Nos 3 and 4 call for no remarks.

8. Calendars for 2nd Quarter of 1854 Nos 1. 2 and 3 call for no remarks.

9. Calendar No 4. Cases 19 and 20. are cases where one party has "sworn the peace"

peace" against another — showing that he has just cause of bodily fear by reason of the others menaces. The Magistrate has erred in both cases in making the Defendants recognizances general — they should have been special, being demanded not for the protection of the public, but of him only who had been threatened by the Defendant.

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

(Sent in Do)

Read Criminal Reports submitted by the Session Judge of Calicut for the months of August 1854.

(Here enter F. H. No 230 of 1854)

Magistrates Reports. Cases

1. The Session Judge will instruct 30 and 34. the Officers who disposed of these cases, severally, that larceny, accompanied by any description of violence, constitutes a case of "Robbery." These two cases were not cognizable by the Officers who took it

it upon themselves to dispose of the same.

2. Criminal Courts Reports. Case No. 99. The 2d Prisoner was, it would appear, a Principal.

3. Case No. 109. Unless Prisoners 6th and 8th were present at the alleged Murder, aiding and abetting, and not, as it would appear, there by accident, no offence of an indictable nature lies against them.

4. Case No. 127. a petty charge of Cat. - the stealing should not have been committed to the Court.

5. Case No. 130. "Dog Killing". For the killing of his dog, Prosecutor has his remedy by a Civil action. and for the trespass into the yard, if appearing to have been accompanied with a breach of the peace, he could have laid a complaint before the Police but the Prisoners were in no way indictable.

6. Case No. 131. In this case one of "Housebreaking" the 2d Prisoner is charged as an "accessory before and after the fact," "by suppressing the matter." The Sessions Judge will be pleased to instruct the Sub. Judge that the foregoing term 'accessory' has

been here misapplied. An accessory before the fact being he who counsels and procures the Commission of a crime. and an accessory after the fact he who receives and assists a felon knowing him to be such.

7. Case No. 134. a petty theft. vide remark in Para 4 supra.

8. Case No. 136. all charges of "Murder" should be indicted under the head of "Murder". There is no Column for 'Infanticide' in the Criminal Statistics.

9. Case No. 147. Should have been disposed of without committal to the Criminal Court.

10. Case 150. 151. The foregoing remark applies to these Cases also.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Calicut for his information and guidance & for communication to the Magistrate.

(Sent in No.)

Read Criminal Reports submitted by the Acting Session Judge of Kowa-

for

13th October 1871.

for August 1871.

(Here enter P. A. No. 2315 of 1871)

1. File of the Sudr Ameen at Sirsy. Case No. 6 "False complaint before the Police." In this case the Sudr Ameen awarded "hard labour without irons." The Session Judge observing that the prisoner was a female mitigated the sentence of hard labour to labour suited to the Prisoner's sex. He also modified the term of Imprisonment from 6 months to 3 months.

2. The Court of Foujdaree Udalut have to point out to the Session Judge that Section III. Regulation IX of 1832, under which the Prisoner was punished, does not provide for labor at all but for simple Imprisonment alone. The Court are unable to concur with the Session Judge in deeming 6 months Imprisonment an excessive sentence. The parties falsely accused by the Prisoner would have been liable to very severe punishment, had her malicious charge against them succeeded.

3. File of the Principal Sudr Ameen at Hoonre. Case No. 33. With reference to the charge against the 5th Prisoner his alleged omission to report the murder

13th October 1871.

murder to the Police is not an indictable offence. It is not clear whether this Prisoner who is charged with having been "present" was 'aiding and abetting'. If so, he should have been indicted as a Principal.

4. Case No. 37. The Court resolve to call for Report form A in this case, with a view of ascertaining what the precise nature of the alleged offence may be.

5. Case No. 40. The Prisoners are charged with "Robbery by open violence" "in company with 6 others released by the Police for "want of proof" the wording of the indictment is clearly erroneous unless it appeared that the six other persons referred to were improperly released and in this case steps should be taken for their reapprehension.

Ordered that Extract from these proceedings be sent to the Session Judge of Hoonre for his information and guidance by Precept returnable within V. days from and after its receipt.

Sent following Precept &c.

Read Report of Cases in the Zillah of Chingleput pending on the

30th

13th October 1854.

30th September 1854 and committed for trial during the month of May 1854.

(Here enter F.C. No. 2402 of 1854.)

1. Case No. 36. "Robbery by open violence" on this charge Five Prisoners have been under trial for a period of nearly four months. The Court resolve to call for a full explanation of the delay.

Ordered that Extract from these proceedings be sent to the Acting Session Judge of Chingleput by precpt returnable in 7 days from and after its receipt.

No. 18 C. (Sent following Precpt No.)

F.C.

Saturday 14th October 1854. } 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. 358 of 1854 on the file of the Sessions Court of Nellore.

(Here Enter F.C. No. 2376 of 1854)

1. The indictment in this case has been badly framed. Parties indicted can be indicted only either as Principal or Accessary, 'before' or 'after' as the case may be. In the present instance there is a second count drawn up to meet the charge against the 2d. Prisoner.

2. This was unnecessary. being charged with having been present aiding and abetting the 1st. Prisoner in the Arson and Theft for which he was indicted, the 2d. Prisoner should have been indicted as a Principal and included in the same Count with the 1st. Prisoner.

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

of Nellore for his information and guidance

(Sent in No.)

Read Calendar of Case No. 43

of 1854, of the Sessions Court of Madura.

/Here Enter F. C. No. 2383 of 1854/

The Court of Foujdaree Adawlut, approve of the recommendation made by the Sessions Judge in this case, that the period of imprisonment which the Prisoner, noted

1st. Oddaya Taven: in the margin, has been adjudged to suffer on his conviction of the crime laid to his charge, be reduced to /8/ eight years with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

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

(Sent in No.)

Read Calendar in Case No. 31

of 1854, of the Sessions Court of Trichinopoly.

/Here Enter F. C. No. 2384 of 1854/

The Court of Foujdaree Adawlut, approve of the recommendation made by the Sessions Judge in this case, that the period of imprisonment which the Prisoners noted

1st. Payen
5th. Periamen

noted in the margin, have been adjudged to suffer on their conviction of the crime laid to their charge, be reduced to /7/ Seven years with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

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

(Sent in No.)

Read Calendar of Case No. 57

of 1854, of the Sessions Court of Nellore.

/Here Enter F. C. No. 2414 of 1854/

The Court of Foujdaree Adawlut, approve of the recommendation made by the Sessions Judge in this case, that the period of imprisonment which the Prisoners, noted

1st. Sota Muthyalu
2d. Sankara Sheimaredy
3d. Condama Shima Subarayadu
5th. Pangulur Poladu
11th. Damisetti Ashenyahayadu
12th. Pudakula Venkatareddi

in the margin, have been adjudged to suffer on their conviction of the crime of Robbery by open violence, be reduced /10/ ten years with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

Ordered, that Extrad from these Proceedings, be forwarded to the Session Judge

14th. October 1854.

Judge of Nellore for his information -

(Sent in Ats.)

Read Calendar in Case No. 42 of 1854, on the file of the Session Court of Madura

(Here enter F. Dc. No. 2374 of 1854)

In the foregoing case, seventeen Prisoners, charged with "Robbery by open violence" were acquitted by the Futwah of the Mahomedan Law Officer, in which finding the Session Judge concurred, observing that the evidence for the Prosecution was 'in many respects wholly incredible'.-

2. The Court resolve, to call upon the Sessions Judge, to explain the grounds on which he has declared, the evidence to be of the nature attributed to it.-

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

(Sent following Precept No.)

4 Rs/Rs N

complete

14th. October 1854.

Read letter under date 3d. October 1854 from the Session Judge of Cuddalore forwarding the statement from the Subordinate Judge shewing the amount realized by the labor of the Prisoners in the 2d. Quarter 1854.-

(Here enter F. Dc. No. 2438 of 1854)

Read Statement dated 30th. September 1854 Submitted by the Acting Session of Chingleput shewing the amount realized by the labor of Prisoners in the Zillah of Chingleput for the 3d. Quarter 1854.-

(Here enter F. Dc. No. 2440 of 1854)

Read Statement dated 1st July 1854 Submitted by the Session Judge of Cuddalore, of batta paid to Prosecutors and witnesses who attended before the Session Court of Cuddalore during the 1st half-year ending the 30th. June 1854.-

(Here enter F. Dc. No. 2441 of 1854)

Read Calendar of Case No. 52 of 1854 Submitted by the Session Judge of Cuddapah under date the 3d. October 1854.-

(Here enter F. Dc. No. 2468 of 1854)

Read

14th October 1854

Read letter dated 4th October 1854 from the Sessions Judge of Chicacole, Informing that no articles were manufactured in his Jail during the 3d quarter & consequently the Statement required by the Circular Order No. 88 has not been forwarded.-

(Here enter F.C. No. 2483 of 1854)

Ent. Roll

F.C.

Monday 16th October 1854 } At a Court of the Foujdaree Adalut

Present

G.S. Cooper Esquire —
W.A. Morehead Esquire — } Sessions Judges.
J.L. Strange Esquire —

Read Criminal Reports Submitted by the Acting Sessions Judge of Combaconum for the month of August 1854.

(Here enter F.C. No. 2269 of 1854)

Cases Nos. 130. 1 The Prisoner in this case was charged with "Fraud" in having fraudulently appropriated to his own use Rupees 55 which had been entrusted to him by the Prosecutor for delivery to a third party.

2 The money having been entrusted to the Prisoner for the express purpose of being delivered to a 3d party the appropriation of it amounted to a theft and should have been so designated in the heading affixed to the Statement of charge.

Cases Nos. 150 & 155. 3 The Court of Foujdaree Adalut desire to be informed what facts were established against the 1st Prisoner in case No. 150 and against the Prisoner in case No. 155.-

Ins

16th October 1854.

Case No 154. 4 In this case the appropriation of the Sum alleged to have been embezzled amounted to a theft.

Ordered that Extract from these Proceedings be sent to the Acting Session Judge of Combaconum by precept returnable in V days from and after its receipt.

/Sent following precept No /

Read letter from the Sessions Judge of Calicut dated 18th September 1854 forwarding Report A of Case No 113 of 1854 on the Criminal File Zillah Calicut

(Here enter F.D. No 2304 of 1854)

1 This Report is submitted with reference to the Proceedings of this Court on the Criminal Reports submitted by the Civil Judge for July 1852.

2 The hearing of the Charge in the case in question is entered in the Calendar as "Snatching" but from the abstract of the evidence contained in the Report A now submitted it appears that the Prisoners threw down the boy Kristnen and cut with a knife the string attached to the neck ornament which they are charged with snatching.

The Sub Judge Sentenced the Prisoners

16th October 1854

Prisoners to be flogged and released disposing of the Case under Section VII. Regulation X of 1816 and passing a leniant Sentence in consideration of the Prisoners youth.

The Court of Foujdaree Adalut are of opinion that this case was clear by one of Robbery and should have been committed for trial before the Sessions Court, while the Sentence passed was, they consider, in every respect, most inadequate to the offence proved.

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

/Sent in No /

Read again Criminal Reports Submitted by the Acting Session Judge of Combaconum for the month of July 1854.

(Here enter F.D. No 2032 of 1854)

Read also Extract from the Proceedings of the Session Court of Combaconum under date the 22d September 1854 forwarding a letter from the Magistrate of Tanjore.

(Here enter F.D. No 2325 of 1854)

The Court of Foujdaree Adalut

1 observe that the Case adverted to in the Magistrates

16th October 1854.

Magistrates letter was not one in which the Magistracy were competent to pass sentence under the provisions of Section VIII Regulation X of 1816. The Case in question was either a petty one, or one which should have been sent up to the Court to-

2 The Submission of a report by the Magistrate in the form B was consequently a mistake.

3 It is only in cases disposed of by the Magistracy under the section above quoted that they can act under the provisions of Section VIII Regulation XIII of 1832.

The Court accordingly direct that their order of the 5th September be carried out.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Combaconum for communication to the Magistrate by precept returnable within 4 days from and after its receipt.

4 pcs Roll

(Sent the following precept)

Tuesday
17th October 1854.

F.A.

At a Court of the Foujdaree Adalut.

Present.

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

Read again Calendar of case No 126 of 1854 on the file of the Sessions Court of Bellary.-

(Here Enter F.R No 2194 of 1854)

Read also return dated 27th ultimo made by the Sessions Judge of Bellary to the Precept of the Foujdaree Adalut under date the 23d ultimo requesting him to explain on what grounds he convicted the 13th Prisoner in the above case.

(Here Enter F.R No 2387 of 1854)

On consideration of the circumstances set forth in the foregoing return, the Court of Foujdaree Adalut are of opinion that the Sessions Judge was correct in convicting the Prisoner in question of the crime laid to his charge They at the same time approve of the recommendation made in his favor, and resolve to mitigate his sentence to 5 years imprisonment with hard labor

labor in irons,-

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

(Sent in No.

Read report of cases in the Zillah of Nellore pending on the 31st ult. of August 1854 and committed for trial during the months of September 1854.-

(Here Enter FR No 2425 of 1854)

1. Case No 174 "Robbery by open violence". The Session Judge attributes his delay in passing sentence in this case to "the Record of Proceedings being great." The Court cannot understand how this circumstance could have caused any delay. After the Futwah was given in, the sentence might have been passed, as it is to be presumed that by the close of the trial the Judge had made up his mind as to its results.-

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

(Sent in No.

Read Calendar of case No 43 of 1854 of the Session Court of Combaconum

(Here Enter FR No 2434 of 1854) The

1st Alagappen
2d Lakmanaroo pen alias Veerappen.
5th Sittum chetty.

Court of Foujdaree Udalut approve of the recommendation made by the Session Judge in this case that the period of imprisonment which the Prisoners noted in the margin have been adjudged to suffer on their conviction of House breaking and theft be reduced to (4) four years with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.

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

(Sent in No.

No return having been received to the Precept of the Foujdaree Udalut dated the 27th September 1854, directing the Session Judge of Chittoor to submit at once without a translation the original record of case No 47 on the file of his Court for 1854.-

Ordered that the Session Judge of Chittoor be directed to make a return to the Precept aforesaid without any further delay.-

(Sent in No.

Read Report of cases in the Zillah of Cuddapah pending on

17th October 1854

on the 31st August 1854 and committed for trial during the month of September 1854.

(Here Enter F.R No 2432 of 1854)

1. Case No 164. "Abuse of authority". The Court observe, that in this case, the examination of 12 of the witnesses for the defence occupied 3 days, an unusually long period.-

2. Case No 198. "House breaking and theft". Altho' the trial of this case has been closed, no sentence appears to have been passed. The Sessions Judge will submit an explanation.-

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

Sent following Precept No

J.W.S.

Read return dated 9th Instant from the Sessions Judge of Combaconum to the precept of the Tonjaore Adalut under date the 29th September 1854 approving of the recommendation made by the Sessions Judge regarding the sentence passed against the Prisoner in Sessions case No 40 of 1854 and directing to report what notice has been taken by the Magistrate of the delay on the part of the Police ameen in forwarding the Prisoner for trial.-

(Here Enter F.R No 2480 of 1854)

End

J.W.S

F.R.

17th October 1854

Read letter under date the 11th October 1854 from the Sessions Judge of Nellore forwarding English Translation of the record of case No 54 of 1854 on the calender of the Sessions Court for the final judgment of the Court of Tonjaore Adalut.-

(Here Enter F.R No 2491 of 1854)

Mr W. A Morehead

The Court of Tonjaore Adalut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the Prisoners,

1st Condavety Condisetty

and

2d D° Pirama

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

J. U.

Wednesday 18th October 1854

At a Court of the Tongjolaree Udalut

Present

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

Read letter under date the 15th October 1854 from the Agent to the Governor of Fort St. George at Rumnad submitting for the final judgment of the Tongjolaree Udalut a report of the trial of Criminal Case No. 85 of 1854 on his file.

(Bore on the file No. No. 2456 of 1854)

Mr. J. L. Strange 1. The Court of Tongjolaree Udalut concurring in the conviction of the Prisoner

Moosammah

of the crime of Child stealing resolve to confirm the sentence proposed to be passed upon her by the Agent of (2) Two years Imprisonment with labor suitable to her sex under clause VII Section II Regulation XV of 1803.

The

2. The Court have to remark that if the statement of the child be true that she was brought to the house of the 1st Witness in a state of stupefaction the latter would be guilty of being accessary to the abstraction of the child.

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

Sentence &c.

Read Petition presented on the 2nd Instant by Shaik Knabeebee of Zillah Cuddalore praying for the release of her son Abdoolla Khan 5th Prisoner in Case No. XXXII of 1854 on the Calendar of the Sessions Court of Cuddalore.

Here enter F. M. P. No. 210 of 1854.

Mr. Morehead

The Petitioner is informed that the party whose release is now sought, was released under the orders passed by the Court of Foujdaree Udalut on the 3rd Instant, to which the Petitioner is referred.

Ordered that Extract from these

Proceedings be granted to the Petitioner upon her application.

Read letter dated 12th October 1854 from the Acting Subordinate Judge of Combaconum forwarding the Jail return for the 3rd Quarter 1854, and stating that the value of Thread, purchased in 4th Quarter 1853 and 1st and 2nd Quarters of 1854, is now deducted from the produce of the labor of Prisoners derived in the 3rd Quarter 1854.

Here enter F. M. No. 2500 of 1854.

Read Criminal Report dated 13th October 1854. from the Sessions Judge of Guntoor of Criminal Case No. 36 of 1854.

Here enter F. M. No. 2518 of 1854.

Read letter dated 11th October 1854 from the Subordinate Criminal Judge in charge Bellary, Returning Extract from the proceedings of the Court of Foujdaree Udalut of the 5th instant for an omission to be supplied

Here enter F. M. No. 2503 of 1854.

Read return dated 14th October 1854 from the Sessions Judge of Cuddalore to the precept of the Foujdaree Udalut under date the 9th October 1854. Directing the release of the Prisoners in Sessions Calendar No. 20 of 1854.

Here enter F. M. No. 2514 of 1854.

Et Thall

F U

Thursday
19th October 1854. At a Court of the Foujdaree Udalut

Present

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

Read Miscellaneous Petition presented on the 28th September 1854 by Mooneyammal of Chittoor.

[Here Enter F. M. P. No. 208 of 1854.]

Mr. W. A. Morehead

The petitioner appeals against an order of the Session Judge of Chittoor, declining to interfere with the proceedings of the Magistracy in the matter of a Complaint preferred by her accusing certain parties of having robbed and ill treated her.

The Court of Foujdaree Udalut resolve to reject this petition as they see no reason to interfere with the order complained against.

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

Read Criminal Reports submitted by the Agent to the Governor at Ganjam for August 1854.

[Here Enter F U No. 2424 of 1854.]

Agent Court.

19th October 1854.

Agent Court No. 19. "Theft and having stolen property in possession knowing by"

1. The two charges here should have been laid in two separate counts in the Indictment. The stolen goods are alleged to have been in the Prisoners' possession "concealed under a tree near the Juggos Tank" the latter specification is out of place in the indictment.

Case No. 25.

2. In this case "abuse of authority" if the 1st Prisoner was (as would appear from the 2nd Count) present he should have been charged as a Principal in one and the same count of the Indictment with the remaining Prisoners.

Pinapal Asstt. file Case No. 26. "Extortion"

3. The Defendant being Government servants, it is presumed the offence charged was of the nature provided for in Regulation III of 1819. The heading should be "abuse of authority"

Assistant file (Mr. M'Donald) Case No. 31.

4. In this Case both the Prisoners should have been charged as Principals. The 2nd Prisoner is alleged to have been "present aiding and abetting."

Case No. 37. "Embezzlement"

5. It is presumed that the Prisoners, Prosecutor's butler received the Rupees 1-8. alleged to have been "embezzled" from his employer. In this case the offence became a theft

6. The Court observe that on the agents file there are no less than six cases under trial and that Case No. 20 involving a charge of Murder has been under examination since the 25 July last. all these cases call for an early disposal

Ordered that Extract from these Proceedings be sent to the Agent to the Governor of Fort St. George at Gargaum for his information & guidance

Sent in No.

Read

19th October 1854.

Read Criminal Reports B and other Statements from the Agent to the Governor at Kurnool for the month of June, July, and August 1854.

(Here enter Hd. Nos. 2470, 2471, 2472 of 1854.)

Case No. 23 "Murder with theft"

1. The latter charge was improperly laid the alleged thief being the wife of the Prosecutor cannot be guilty of larceny as against his property

Case No. 42

2. "Murder" and Robbery should be added.

Case No. 45

3. Two months imprisonment with hard labor appears a slight sentence for Theft accompanied by Housebreaking

Case No. 53.

4. The foregoing remark applies to this case also and to cases Nos. 56, 57.

5. The Court observe that at the end of the month of August the Agents file contained 9 Cases under examination against 1 punished and 3 released.

6. Three cases of murder are among those pending trial. the first of these was committed as far back as the 3rd April. The Court desire that these charges be disposed of without further delay.

Ordered that Extract from these Proceedings be sent to the Agent to the Governor of Fort Saint George at Kurnool for his information and guidance.

Sent in No.

Read Report of Cases disposed of by the

19th October 1854.

the Magistracy of Salem under Section LIV Act VII of 1843 during the month of September 1854.

Here enter F.U. No. 2483 of 1854.

Case No. 5.

1. The Court of Foujdaree Udalut desires to be informed what facts were established against the prisoner in this case.

2 The reports of cases disposed of by the Magistracy under the extended powers vested in them by Act VII of 1843 should be invariably submitted with the report of the Subordinate Criminal Court.

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

/ Sent following precept No. /

Read Letter dated 12th October 1854 from the Session Judge of Calicut forwarding the Record of Case No. 26 of 1854 for the final judgment of the Foujdaree Udalut.

/ Here enter F.U. No. 2523 of 1854. /

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

proof against the Prisoners

1st Moplah Coyen

2nd Koonaparambatha Vellow Nair

and

4th Chetty Karoopen alias Soobramanien

is sufficient to convict them of the crimes of Gang Robbery attended with violence & of being in possession of the Stolen property do convict them thereof: and under the provisions of Clauses third and fifth Section IV Regulation XV of 1803 Clause 2nd Section IV Regulation VII of 1822 and Section XXXIV Act 7 of 1843 sentence them to be imprisoned and kept to hard Labor in irons on the public roads or other public works for and during the period of (7) Seven years to be calculated from the close of the trial before the Session Court.

And being of opinion that the prisoner

3d Chetty Okanoo is not convicted on presumptive proof or on the evidence of credible Witnesses or on his own confession of the Crimes charged do acquit him thereof and direct that he be set at liberty

/ Sent in No. /

4th Thos W

Read Return dated 16th October 1854 from the Acting Session Judge of Chingleput in reply to the Receipt of the Foujdaree Udalut under date the 13th Inst. calling for a full explanation of the delay in the disposal of Session Case No. 13 of 1854

Here enter F.U. No. 2525 of 1854

Friday

20th October 1854. F. U

At a Court of the Foujdaree Udalut

Present

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

Read Calendar in Sefsion Case

No. 27 of 1854 received on 6th October 1854 from the

Acting Sefsion Judge of Ching leput

/ Here enter F. U. No. 2420 of 1854. /

1. In this case the 4th Prisoner who was charged with theft has been required to furnish 2 securities in 50 Rupees each for his good behaviour and appearance for the space of one year or indefault to lie imprisoned for that period.

2. It appears however that none of the stolen property was found in the prisoners posefsion and that such evidence as was produced against him has not been accepted by the Sefsion Judge

3. Under these circumstances the Court of Foujdaree Udalut are unable to perceive any sufficient grounds of suspicion against the 4th Prisoner and resolve to cancel the requisition of security under which the Sefsion Judge has placed him.

Ordered that Exctract from these Proceedings be forwarded to the Sefsion Judge of Ching leput

Chingleput by Precept returnable in III days from and after its receipt.

/Sent following Precept No. /

Read Criminal Report dated the 19th September 1854 submitted by the Session Judge of Madura for the month of August 1854.

/Here enter F. U. No. 2340 of 1854/

Case Nos. 107, 108. 1. It is to be inferred from the sentences passed in these cases that the offences of which the prisoners have been convicted must have been much less serious than those set forth in the charge - a brief note to that effect should have been appended to the report.

Case No. 113. 2. The Court desire to be informed what facts were established against the prisoners in this Case.

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

/Sent following Precept No. /

Read Calendar of Session Case No. 17 of 1854 - received on 11th October 1854 from the Session Judge of Coimbatore.

/Here enter F. U. No. 2466 of 1854./

The Court of Foujdaree Udalut consider that the opinions of the Assessors with whose aid the above

above trial was conducted were recorded in very unnecessary detail, and that obtaining a simple verdict from them of guilty or not guilty is the most convenient as it is the more usual course.

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

/Sent in No. /

Read again Miscellaneous Petition presented on 14th September 1854 by Odyemmah of Zillah Combaconum.

/Here enter F. M. P. 199 of 1854/

Read also return dated 3rd October 1854 from the Session Judge of Combaconum to the Precept of the Foujdaree Udalut under date the 16th September 1854, directing him to submit an English translation of the record in Session Case No. 43 of 1853 referred to in the above petition for their consideration.

/Here enter F. U. No. 2436 of 1854/

Mr. T. L. Strange 1. In the above case in which the prisoners were charged with Gang robbery - the 1st Prisoner was convicted upon the identification of the prosecutor and because a pair of gold earrings deposed to have been part of the plundered property were traced to his wife & Prisoner

2 - The 1st Prisoner was sentenced to 14 years imprisonment with hard

hard labour, and the 8th prisoner was convicted as a receiver of the said property - and sentenced to 6 Months imprisonment with labour.

3. On a careful consideration of the record the Court of Foujdaree Udalut are unable to concur with the Session Judge as to the sufficiency of the evidence for the conviction of the accused.

4. The earlier Report of the Subordinate Police Officer written on the night of the robbery shows in effect that the prosecutor had not identified any of the robbers. He is there in stated to have merely suspected certain parties whose names moreover he was not prepared to particularise until the following morning.

5. The prosecutor does not profess to have seen the 1st prisoner and the others eventually named by him - There was no light - and he deposes that he knew them merely by their voices - a very questionable mode of recognition. He has further more varied considerably as to whom else beside, the 1st prisoner he had been able to recognise - at one time naming 5 others - at another 3. and finally 2 - as regards these others his testimony has been rejected by the Session Judge and the Court of Sudder Udalut see no ground why it should have been accepted in the case of the 1st prisoner.

6. As respects the earrings they were not

not entered in the list of stolen property given by the prosecutor and had they been stolen goods it is very improbable that the 8th prisoner would have pledged them, as she is proved to have done after the arrest of her husband

7. The 8th Prisoner has undergone her sentence

8. The Court of Foujdaree Udalut resolve to acquit the 1st prisoner and to direct his immediate release

9. The earrings are to be recovered from the Prosecutor - and delivered to the 8th Prisoner.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Combaconum by Precept returnable in 7 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.

4 annas Stamp

Read Return dated 16th October 1854 from the Session Judge of Combatore to the receipt of the Foujdaree Udalut under date the 5th Instt. conveying observations and orders on the Criminal Reports for the Month of August 1854.

(Here enter F No. No 2550 of 1854)

F. No.

Saturday - - 21th. October 1854. } 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 28th. September 1854 by Mr. John T. Menon Vakeel on behalf of Changanm Coonhyappa of Zillah Tellicherry.-

(Here enter F. No. P. No. 207 of 1854)

Mr. W. A. Morehead. 1 Petitioner prays the Court of Foujdaree Udalut to reverse the orders of the Civil Judge of Tellicherry, dated 26th. July last declining at Present to appoint Petitioner to the situation of Sail peon in succession to a deceased relative on account of his Youth

2 The Court of Foujdaree Udalut decline to interfere in this matter which is entirely at the discretion of the Sessions Judge and resolve to reject this petition.-

Ordered accordingly-

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

Read

21st October 1854

Read Petition presented on the 18th September 1854 by Terumalachari Vakeel, on behalf of Deya Varma Rajah of Zillah Tellicherry -

(Hereunto F. M. P. No. 202/1854)

Mr. W. A. Morehead 1 This is an Appeal from the order of the Session Judge of Tellicherry who under date the 21st March last, held Proceedings confirming a decision originally passed by the Head Assistant Magistrate of Malabar and upheld in Appeal by the Magistrate -

2 By this decision the Petitioner was fined in the sum of Rupees 50 on his conviction of having caused an affray by forcibly taking out of the possession of the complainant a certain Elephant to which he Petitioner, laid claim. -

3 Petitioner complains that the fine referred to was levied under Regulation IX of 1816 while the investigation was conducted not by the Magistrate but by the Head of Police. -

4 This Petition is rejected - The provisions of Act XXXIII of 1837 empower the Magistrate to act as he has done. -

Decreed

21st October 1854.

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

Read Miscellaneous Petition presented on the 25th September 1854 by Patree Ramanah of Zillah Masulipatam -

(Here enter F. M. P. No. 206 of 1854)

Mr. W. A. Morehead. Petitioner prays the Court of Fonjdaree Udalut in consideration of the circumstances stated in this petition to reverse the sentence passed by them on his nephew - 1st Prisoner in Session Case No. 59 of 1854 on the Masulipatam Calendar convicted of the offence of stealing and destroying Judicial Records and sentenced to six months imprisonment with hard labor in irons. -

The sentence in question was passed by this Court on full consideration of all the facts connected with the case - and there is nothing in the present petition to induce the Court to question its correctness. -

It has on previous occasions been ruled by this Court that there is nothing illegal in employing Court Vakeels as

21st October 1854

as Assessors on Criminal trials and there is nothing else urged in this petition requiring consideration —

The Petition is rejected.—

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

Read again Calendar of Case No. 35 of 1854 on the file of the Sessions Court of Tillah Madura.—

(Here enters F. No. 20. 2175 of 1854)

Read also Miscellaneous petition presented on 5th October 1854 by Sanda Naiken and another of Tillah Madura.—

(Here enters F. M. P. No. 212 of 1854)

Mr. W. A. Morehead

Petitioners who are respectively the son and nephew of the 1st and 2d Prisoners convicted in the above Sessions Case of Forgery and sentenced on reference by the Court of Foujdaree Adalut to a mitigated punishment, pray the Court of Foujdaree Adalut on consideration of the circumstances stated in their petition to call for the record of the case and to cancel the conviction and direct the release of all the prisoners.—

There is nothing in this petition

2

F. No.

21st October 1854

to induce the Court of Foujdaree Adalut to question the justice of the conviction of the prisoners in this Case. and the petition is therefore rejected.—

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

Read Calendar in Case No. 131 of 1854 on the file of the Sessions Court of Bellary.—

(Here enters F. No. No. 2272 of 1854)

Read also Miscellaneous Petition of Toonkadoo received on 2d October 1854 from the Sessions Judge of Bellary.—

(Here enters F. No. P. No. 209 of 1854)

Mr. W. A. Morehead

Petitioner who was 5th Prisoner in the above Sessions Case and on conviction of having stolen property in his possession under suspicious circumstances was sentenced to undergo two years imprisonment with hard labor in irons, prays the Court of Foujdaree Adalut on consideration of the facts stated in his petition and of the records of the trial to annul the Sentence passed upon him and to

direct

direct the restoration of the property taken away from his house.

2 The Court of Fonjdaree Udalut resolve to call upon the Sessions Judge to submit an English translation of the record in the said Session Case No. 131 of 1854

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 &c.

Read Miscellaneous Petition presented on the 11th September 1854 by Coomarum and 5 others of Taluk Salem

(Here enter F. M. P. No. 191 of 1854)

Mr. W. A. Morehead / The Petitioners appeal from an order passed by the Session Judge of Salem under date the 14th February last reversing an order of the Joint Magistrate which had been confirmed by the Magistrate and which directed that the Petitioners who are the Village Ryots of Toothkolum should not be disturbed in the exercise of certain privileges vested in them by the usage of the country.—

2 The Court of Fonjdaree Udalut

Udalut resolve to reverse the order passed by the Session Judge in this matter; they concur with the Magistrate that prescriptive rights of the nature of those adverted to should be upheld by the Magistrate until their validity shall have been negatived by the decision of a Civil Court.

Ordered that Extract from these Proceedings be sent to the Session Judge of Salem for communication to the Magistrate by precept returnable within V days from and after its receipt.—

(Sent following Precept &c.

Ordered also, that Extract from these Proceedings be granted to the Petitioners on their application.—

Read Miscellaneous Petition of Soosse Ramappa alias Narnappa received on 6th October 1854 from the Session Judge of Mangalore.

(Here enter F. M. P. No. 214 of 1854)

Mr. W. A. Morehead / Petitioner prays the Court of Fonjdaree Udalut to cancel an order of the Head Assistant Magistrate of Mangalore dated 7th April last requiring Petitioner to furnish 2 Securities in Rupees 30 each for the space of one year with

2

direct the restoration of the property taken away from his bounds.

2 The Court of Fonjdaree Udalut resolve to call upon the Session Judge to submit an English translation of the record in the said Session Case No. 131 of 1854.

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

(Sent following Precept &c.

Read Miscellaneous Petition presented on the 11th September 1854 by Coomarum and 5 others of Pillah Tal

(Here enter F. M. P. No. 191 of 1854)

Mr. W. A. Morehead 1

The Petitioners appeal from an order passed by the Session Judge of Salem under date the 14th February reversing an order of the Joint Magistrate which had been confirmed by the Magistrate and which directed that the Petitioners who are the Village Talliers of Pokkum should not be disturbed in the exercise of certain privileges vested in them by the usages of the country.—

2 The Court of Fonjdaree

Udalut resolve to reverse the order passed by the Session Judge in this matter; they concur with the Magistrate that prescriptive rights of the nature of those adverted to should be upheld by the Magistrate until their validity shall have been negatived by the decision of a Civil Court.

Ordered that Extract from these Proceedings be sent to the Session Judge of Salem for communication to the Magistrate by precept returnable within V days from and after its receipt.—

(Sent following Precept &c.

Ordered also, that Extract from these Proceedings be granted to the Petitioners on their application—

Read Miscellaneous Petition of Soisde Ramappa alias Narnappa received on 6th October 1854 from the Session Judge of Mangalore.

(Here enter F. M. P. No. 214 of 1854)

Mr. W. A. Morehead 1

Petitioner prays the Court of Fonjdaree Udalut to cancel an order of the Head Assistant Magistrate of Mangalore dated 7th April last requiring Petitioner to furnish 2 Securities in Rupees 30 each for the space of one year with

21 to 24 October 1854.

with which order the Sessions Court of Mangalore in its proceedings of 3rd July 1854 refused to interfere.

2 Before passing orders on this petition the Court of Foujdaree Udalut resolve to call upon the Sessions Judge to submit a copy of the order of the Head Assistant Magistrate appealed against by Petitioner.

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

(Sent following Precept No.

Read Petition presented on the 14th September 1854 by Srinivasa Chairy Vakeel on behalf of Malayappen of Lillah Trichinopoly.

(Here enter F. N. P. No. 198 of 1854)

Mr. W. A. Morehead

Petitioner complains that having occasion to prosecute certain parties (Criminal Case No. 15 of 1854 on the file of the Principal Sudder Ameen) and observing that sundry privileges calculated to defeat the ends of justice, were granted

F. No.

21st October 1854

granted to the accused parties by the Officers of the Jail, to and from the Jail and the Criminal Court; he presented an Arzee to the Sessions Judge setting forth the said unlicensed acts of the Jail Roods and others, that the Sessions Judge on perusal of the Arzee, fined Petitioner in the sum of 5 Rupees for having presented the same, and took no other notice of his representation.

2 The Court, before passing any final orders on this Petition resolve to call upon the Sessions Judge to furnish a translate of the Petitioner's Arzees referred to. The Sessions Judge will further be pleased to state, which information is not recorded in his Proceedings, the Regulation under which the fine complained of was imposed.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Trichinopoly by Precept returnable within 14 days from and after its receipt.

(Sent following Precept No.

Read Petition presented 18th September

21th October 1854

September 1854 by S. Teroomala,chari, Vakeel on behalf of Oodeya Varma Rajah of Zillah Tellicherry.—

(Here enter F. No. Mis. P. No. 203 of 18)

Mr. W. A. Morehead

Petitioner prays for the reversal of an order of the Sessions Judge of Tellicherry who under date 24th March last confirmed a decision of the Magistrate of Malabar mulcting Petitioner in the sum of Rupees 50 on the grounds that a certain complaint preferred by Petitioner before the Head Police of Talook Kartinaad, was false and litigious.—

2 Petitioner appeals alleging that the Sentence of the Magistrate is not warranted by the Regulations under the circumstances of Petitioner's case.—

3 The Session Judge will be pleased to report whether the Magistrate disposed of the case under Regulation IX of 1816 Section XXXV- that is by personal investigation in which case the fine would be warranted- or whether he did so on the report of the Head of Police of Kartenaad- false complaint before Heads of Police being adjudicable only by the Civil Court under Regulation IX of 1832

Ordered

21th October 1854.

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

(Sent following Precept No.

Read letter dated 5th October 1854 from the Agent to the Governor at Tellicherry submitting for the final judgment of the Foujdaree Adalut the Record of Case No. 77 of 1854 on his Criminal file.—

(Here enter F. No. Sto No. 2505 of 1854)

Mr. G. S. Hooper.

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,

"Elloozado,"

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. 5

E. H. W.

21th October 1854

September 1854 by S. Teroomala chari, Vakeel on behalf of Odeya Varma Rajah of Zillah Tellicherry.—

(Here enter F. C. Mis: P. No. 203 of 1854)

Wm. W. A. Morehead

Petitioner prays for the reversal of an order of the Sessions Judge of Tellicherry who under date 24th March last confirmed a decision of the Magistrate of Malabar mulcting Petitioner in the sum of Rupees 50 on the ground that a certain complaint preferred by Petitioner before the Head Police of Talook Kartinaad, was false and litigious.—

2 Petitioner appeals alleging that the Sentence of the Magistrate is not warranted by the Regulations under the circumstances of Petitioner's case.—

3 The Session Judge will be pleased to report whether the Magistrate disposed of the case under Regulation IX of 1816 Section XXXV that is by personal investigation in which case the fine would be warranted. or whether he did so on the report of the Head of Police of Kartenaad false complaint before Heads of Police being adjudicable only by the Civil Court under Regulation IX of 1832

Referred

21th October 1854.

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

(Sent following Precept No.

Read letter dated 5th October 1854 from the Agent to the Governor at Kurnool Submitting for the final judgment of the Foujdaree Adalut the Record of Case No. 77 of 1854 on his Criminal file.—

(Here enter F. C. No. 2505 of 1854)

Wm. G. S. Hooper.

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

"Elloyadoo"

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. 57

4th/11/N

F. Uc.

Monday 23d October 1854 } At a Court of the Foujdaree Udalut.

Present.

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

Read again Miscellaneous petitions presented on the 4th and 7th September 1854 by Vevoyee of Zillah Madura

(Here enter F. Uc. No. 186 to 190 of 1854)

Read also return under date the 10th October 1854 from the Sessions Judge of Madura to the precept of the Foujdaree Udalut, dated the 25th September 1854 directing the submission of an English translation of that portion of the record of Case No. 12 of 1854 on the Calendar of the Sessions Court which relates to the 5th Prisoner therein.

Here enter F. Uc. No. 2521 of 1854

Mr Morehead

The Court of Foujdaree Udalut are of opinion that the evidence adduced in support of the assertions made by the Prosecutor

Prosecutor in the foregoing case that the brass articles Nos 1. 2 and 3 which are said to have been found in the house of the 5th Prisoner are the property of the Prosecutor is not such as to justify the conviction of the Prisoner. None of the witnesses examined state any valid reasons for knowing the articles in question to be the prosecutors property nor does the Prosecutor do more than assert that they are his— the prisoner makes a similar assertion which under the circumstances must equally entitled to credit.

The Court of Sessions Madura accordingly resolve to reverse the sentence which have been passed upon the 5th Prisoner Adaysamy and direct that he be immediately released.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Madura by Precept returnable within 11 days from and after its receipt.

(Sent following Precept No)

Ordered also that Extract from

23rd October 1854

these proceedings be furnished to the petitioner on her application.

Ent Theft

21

Prosecutor in the foregoing Case that the brass articles Nos 1. 2 and 3 which are said to have been found in the house of the 5th Prisoner are the property of the Prosecutor is not such, as to justify the Conviction of the Prisoner. None of the witnesses Examined state any valid reasons for knowing the articles in question to be the prosecutors property nor does the Prosecutor do more than assert that they are his— the prisoner makes a similar assertion, which under the Circumstances must equally entitled to Credit.

The Court of Sonjdaree Walah accordingly resolve to reverse the sentence which have been passed upon the 5th Prisoner Adaysiew and direct that he be immediately released.

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

(Sent. following Precept No)

Ordered also that Extract from these proceedings be furnished to the petitioner on her application.

Ext Mak

23rd October/~~December~~ 1854

Tuesday
24th October 1854 At a Court of the Foujdaree Udalut.

FDe.

(Present)

Gp. S Hooper Esquire
Fr. A Moorehead Esqr
T L Strange Esquire
} Puisne Judges.

Read letter under date the 27th September 1854 from the Agent to the Governor of Fort St George at Vizagapatam submitting for the final judgement of the Foujdaree Udalut a report of the trial of Criminal Case No 55 of 1854 on his file

(Here enter FDe No 2476 of 1854)

The Court of Foujdaree Udalut

Mr Hooper

concur in the conviction of the Prisoners.

1st Mactoom Sahib
2d Seetal Sing
4th Gundy Sauriah
5th Abdulla Muzzeed Khan and
6 Ram Lauls.

of House breaking and theft, and in that of the Prisoner

3d Nazur Khan.

of Receiving the stolen property with

a

24th October 1854

a guilty knowledge; and, in accordance with the recommendation of the Agent, declares the 1st 2nd 3rd 5th & 6th Prisoners to be punished with Seven Years Imprisonment with hard labor in irons under Section XXI Regulation VII of 1802 and Section IV Regulation I of 1825; and the 4th Prisoner to (7) Seven Years Imprisonment with hard labor in irons under Section XXI Regulation VII of 1802.

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

(Sent in No)

No return having as yet been received from the Sessions Judge of Chittoor to the precept of this Court dated the 27th Ultimo directing him to transmit within two days, the Original record in Case No 47 of 1854, at this his attention having been called on the 17th Instant to the above Receipt

Ordered that the Sessions Judge be directed to transmit the record

24th October 1854.

in question without any further delay, and that he be required to explain the cause of his not having earlier Conformed to the requisition contained in the precept above referred to.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Chittoor by Receipt returnable within 12 hours from and after its receipt.

(Sent following precept No 1)

Read letter dated the 6th Instant from the Sessions Judge of Mangalore submitting for the final judgment of the Foujdaree Adalut the Record of Case No 12 of 1854 on the Calendar of the Sessions Court

(Here enter F26 No 2501 of 1854)

The Court of Foujdaree

Mr D I Hooper
and
" I L Strange

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 "Billa Coraga."

is sufficient to convict him of the crime

of

24th October 1854 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.

4th Nov

/ Sent in Sr /

F. H.

Wednesday
25th October 1854. At a Court of the Foujdaree Udalut.

Present

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

Read Calendar of Case No 149 of 1854 of the Session Court of Bellary.

(Vide enter F. H. No 2464 of 1854)

The Court of Foujdaree Udalut approve of the recommendation made by the Session Judge in this case that the period of imprisonment which the Prisoner noted in the margin has been adjudged to suffer on his conviction of the crime of Theft, be reduced to (3) Three months with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.

2d Roddah

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

Sent in Sr

Read

25th October 1854

Read Calendar of Case No 146 of 1854 on the file of the Sessions Court of Bellary.

(Here enter F. R. No 2461 of 1854)

The Court of Foujdaree Adalut approve of the recommendation made by the Sessions Judge in this case that the period of Imprisonment which the Prisoners noted in the margin have been adjudged to suffer on their conviction of Highway Robbery be reduced in the case of the 1st Prisoner to (4) four years and in that of the 3d Prisoner to (7) Seven Years with hard labor in irons and they do authorize the Sessions Judge to issue his warrant accordingly.

1st Bussawah
3d Hanoomah.

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

Sent in No

Read Calendar of Case No 149 of 1854 of the Sessions Court of Cuddapah.

(Here enter F. R. No 2467 of 1854)

1 In this case the Prisoners, seven in number, were charged the 1st & 2d with House breaking and theft, and being in possession of part of the stolen property, and the 3d, 4th, 5th, 6th & 7th with possessing also a part of the stolen property knowing it to be such, and

on

25th October 1854.

on conviction were sentenced, the 1st and 2d to 7 years Imprisonment with hard labor in irons under Section XXI Regulation VIII of 1802, and the remainder to find each 2 Securities of 25 Rs each Security for 1 Year or in default to be imprisoned for that period under Clause Sixth Section II Regulation XV of 1803.

2 From a perusal of the Calendar it appears to the Court of Foujdaree Adalut that the evidence adduced in this case was amply sufficient to have convicted all the Prisoners of having been concerned in the theft charged.

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

Sent in No

Read Calendar in Sessions Case No 50 of 1854 received on 19th October 1854 from the Sessions Judge of Zillah Cahient.

(Here enter F. R. No 2540 of 1854)

1 It is observed that in this case the conviction has been arrived at entirely upon the identification of the Prisoners.

2. Before passing the orders requested by the Sessions Judge for the mitigation of the prescribed punishment to which he has sentenced the Prisoners. The Court of Foujdaree Adalut resolve to call upon the Sessions Judge to report

what

what were the circumstances which led to their apprehension.

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

Sent following Precept No

Read Calendars of Petty Cases disposed of by the Magistracy of Salem during the 2nd Quarter of 1854.

(Here enter F. R. No 2486 of 1854)

1 Calendar No 1. Case No 29. Before the Joint Magistrate. The Sessions Judge has noticed the leniency of the punishment awarded in this case. The charge, the Court observes, was made on the 10th of February and the sentence passed on the 9th of May. Such delay is very unsatisfactory.

2. Case 39. By the Assistant Magistrate Mr Dalzell. "Possessing stolen property". the allegation that the Prisoner was in possession "knowingly" has been omitted. The sentences in this case and the remaining cases disposed of by this Officer appear very lenient.

3 Cases 40 & 41. The prisoners in the latter case should have been indicted jointly with the Prisoners in Case 40. as they were apprehended at the same time.

4. Case 42. By the Assist. Magistrate Mr Davidson. "abuse". The charge not being one of "abuse of authority" it was immaterial to state that the Defendant is a "Dissadar in

25th October 1854. "in the Police Ameen's Cutcherry."

5. Case 45. "Fraud and abuse". The criminality of the charge here laid is not very clear. The matter between the Prosecutor and the Defendant would appear to be of a civil nature.

6 Case 49. This case contains a charge against the Prisoner of having knowingly uttered or attempted to utter base coin. It is not clear from the remarks of the Sessions Judge on review whether the case which the Assistant Magistrate disposes of under section VII Regulation II of 1822. should or should not have been committed to the Criminal Court. It is incumbent on the Sessions Judge not to leave the question in doubt. If he was obliged to do so from the fact of the record not having reached him from the Magistrate's Office, the omission on the part of the Magistrate should have been noticed.

7. Case 35. In this case, an assault committed by certain Revenue Authorities in a Moottah on a defaulter, the Joint Magistrate has released the Prisoner Annachilla, inasmuch as he only "acted under the orders" of the principal offender the Moonsiff. The prisoner should not have been so released, he was only to obey the Moonsiff in matters that are honest and lawful. otherwise he is not excused.

8 Case 36. The matter charged in this case is altogether unintelligible.

9. Case 38. "Cattle stealing and killing". The latter charge is not material.

It

what were the circumstances which led to their apprehension.

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

Sent following Precept &c

Read Calendars of Petty Cases disposed of by the Magistracy of Salem during the 2d Quarter of 1854.

(Here enter F.C. No 2486 of 1854)

1 Calendar No 1. Case No 29- Before the Joint Magistrate- The Sessions Judge has noticed the leniency of the punishment awarded in this case- The charge, the Court observes, was made on the 10th of February and the sentence passed on the 9th of May- Such delay is very unsatisfactory-

2. Case 39- By the Assistant Magistrate Mr. Dalzell- "Possessing stolen property"- the allegation that the Prisoner was in possession "knowingly" has been omitted- The sentence in this case and the remaining cases disposed of by this Officer appear very lenient-

3 Cases 40 & 41- The prisoners in the latter case should have been indicted jointly with the Prisoners in Case 40- as they were apprehended at the same time-

4. Case 42- By the Assist. Magistrate Mr. Davidson- "abuse"- The charge not being one of "abuse of authority" it was immaterial to state that the Defendant is a "Duffadar in

"in the Police Ameen's Cutcherry."

5- Case 45- of the charge would appear to be of a civil nature.

6 Case 49- against the prisoner of having knowingly uttered or attempted to utter bad coin- It is not clear from the remarks of the Sessions Judge on review whether the case which the Assistant Magistrate disposed of under Section VII Regulation II of 1822- should or should not have been committed to the Criminal Court- It is incumbent on the Sessions Judge not to leave the question in doubt- If he was obliged to do so from the fact of the record not having reached him from the Magistrate's Office, the omission on the part of the Magistrate should have been noticed.

7. Case 35- In this case, an assault committed by certain Revenue Authorities in a Mootah on a defaulter, the Joint Magistrate has released the Prisoner Annachella, inasmuch as he only "acted under the orders" of the principal offender the Moonsiff- The prisoner should not have been so released, he was only to obey the Moonsiff in matters that are honest and lawful- otherwise he is not excused-

8 Case 36- The matter charged in this case is altogether unintelligible.

9. Case 38- "Cattle stealing and Killing"- The latter charge is not material-

It

25th October 1854

10

It would appear from the entries in Col: 5 of the Calendars under review that the "Date of charge" is taken to mean the date of the offence charged instead of the date at which the charge was preferred. The Session Judge will be pleased to instruct the Magistrate that the latter information alone is required.

11.

The Session Judge has noticed in the concluding para of his Proceedings the great and unexplained delay observable in many of the cases disposed of by the Joint Magistrate. It appears to the Court that the censure passed by the Session Judge applies very generally to the whole of the Calendars submitted. and they resolve to direct the Session Judge to bring the matter to the notice of the Magistrate with instructions to ensure the more speedy adjudication of such Petty cases for the future. The Magistrate himself, it is observed, has disposed but of three Charges during the quarter under review.

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

Sent in Ms.

Read letter under date the 5th October 1854 from the Agent to the Governor of Fort St George at Kurnool submitting for the final judgment of the Zoujdaree Udalut a report of the trial of Criminal Case No 89 of 1854.

Here

25th October 1854. (Here enter F. R. No 2455 of 1854)

The Court of Foujdaree Udalut concurring in the conviction of the Prisoner, Boya Pedda Mauttadoo, of Zamy Robbery, resolve to confirm the sentence proposed to be passed upon him by the Agent of (3) Three months Imprisonment with hard labor in irons under Clauses IV & V Section IV Regulation XV of 1816.

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

Sent in Ms.

Read Calendar of Case No 53 of 1854 of the Sessions Court of Cuddalore.

(Here enter F. R. No $\frac{2588}{1854}$)

1. The Court of Foujdaree Udalut are of opinion that a sentence of one year's 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 Sessions Judge to reduce his sentence accordingly.

Moottoosawmy

2. If unable to concur with the Court in the propriety of the mitigated sentence now proposed, the Sessions Judge will be pleased to submit an English translation of the entire record of the case for their consideration.

Ordered

25th October 1854

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

Sent following Precept &c

Read letter under date the 17th October 1854 from the Officiating Agent to the Governor of Fort St. George at Kumool.

(Here enter F. R. No 2565 of 1854)

1 In the first of the two cases referred to in the foregoing letter as the charge is one of murder, the record should be translated and dispatched to the Court of Foujdaree Adalut for final judgement.

2 In the second case, the Officiating Agent should dispose of the case on the evidence recorded or call for further evidence if he sees cause to do so.

Ordered that Extract from these Proceedings be sent to the Officiating Agent for his information.

Sent in &c

Read Return dated 17th October 1854 from the Session Judge of Cuddalore to the precept of the Foujdaree Adalut under date the 12th October 1854 reviewing the Calendars of Petty Cases disposed of by the Magistracy.

(Here enter F. R. No 2554 of 1854)

Read

25th October 1854

Read Calendar of Case No 49 of 1854 submitted by the Sessions Judge of Combaconum under date the 17th October 1854.

(Here enter F. R. No 2555 of 1854)

Read Statement shewing the Amount realized by the labour of Prisoners in the 3rd Quarter of 1854 submitted by the Sessions Judge of Tinnevelly under date the 1st October 1854.

(Here enter F. R. No 2557 of 1854)

Read Return dated 14th October 1854 from the Acting Sessions Judge of Tinnevelly to the Precept of the Foujdaree Adalut under date the 10th October 1854.

(Here enter F. R. No 2567 of 1854)

Read Calendar of Case Committal No 11 of 1854 submitted by the Sessions Judge of Chicacole under date the 14th October 1854.

(Here enter F. R. No 2572 of 1854)

25th October 1854.

Read Letter under date the 16th October 1854 from the Acting Sessions Judge of Honore reporting that no amount was realized by the labour of Prisoners in the Jail at Honore during the 3rd Quarter of 1854, and forwarding a statement of the amount realized by the labour of Prisoners in the Jail at Sirsy for the said quarter.

(Hereunto F. U. No. 2576 of 1854)

Read Report of persons apprehended in the separate Tracts of Tiyagapatam and delivered to the Agency in the month of September 1854 submitted by the Agent to the Governor Tiyagapatam under date 16th October 1854.

(Here enter F. U. No. 2578 of 1854)

Ed. 7 Hott

Read Return dated 23rd October 1854 from the Acting Session Judge of Chingleput to the Precept of the Tonjdaree Udalut under date the 20th Idem, cancelling the requisitions of Security from the 4th Prisoner in Session Case No. 27 of 1854.

(Here enter F. U. No. 2580 of 1854)

Read Return dated 19th October 1854 from the Session Judge of Tellicherry to the Precept of the Tonjdaree Udalut under date the 10th Idem, calling upon him to state what facts were established against the Prisoner in case No. 51 of 1854 on the Criminal file.

(Here enter F. U. No. 2593 of 1854)

Thursday 26th October, 1854.

F. U.

At a Court of the Tonjdaree Udalut.

Present.

G. L. Harper, Esqre.,
W. A. Morehead, Esqre.,
I. L. Strange, Esqre.,
} Puisne Judges.

Read again Calendar of Case No. 21 of 1854, on the file of the Session Court of Tinnevelly.

(Hereunto F. U. No. 2323 of 1854.)

Read also Return dated 14th October 1854, from the Acting Session Judge of Tinnevelly to the Precept of the Court of Tonjdaree Udalut, under date 4th October, 1854, calling upon him to forward that portion of the record in the above case on which the conviction of the 1st Prisoner was founded.

(Here enter F. U. No. 2568 of 1854.)

On consideration of the record submitted with the above return, the Court of Tonjdaree Udalut are of opinion that the evidence against the 1st Prisoner in the above

Session

26th October, 1854.

Sessions Case of his being in possession of stolen property, is not to be relied on.

2.

The property claimed by the Prosecutor is valued at Annas 11, and while the property stolen is stated to have been worth Rupees 1719-4--, all that has been alleged to be discovered is one single jewel valued at Annas 11.

3.

It is observable also that no attempt is made by the 3d witness to show how he can identify the jewel in question.

4.

The Court of Foujdaree Udalut consequently see no to direct that the 1st prisoner in the above Sessions Case be immediately released.

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Tinnevelly by Precept per turnaille in 2 days from and after its receipt.

(Sent following precept No)

Read Criminal Reports submitted by the Sessions Judge of Guntoor for the month of September, 1854.

(Here enter F. No. No 2552 of 1854.)

26th October, 1854.

Case No 35.
"False accusation"

10th April, 1847 to the Sessions Judge of Mangalore.

The punishment of Imprisonment under Regulation IX of 1832 has been ruled by this Court, in their Proceedings marginally noted, to be simple incarceration; the award in the present case of hard labor with irons must be accordingly cancelled by the Sessions Judge.

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

(Sent in No)

4 & 5 Pro N

Read Statement dated 18th October 1854 submitted by the Sessions Judge of Mangalore, of the actual produce of the labor of Prisoners from 1st July to 30th September 1854

(Here enter F. No. No 2594 of 1854)

Read letter dated 17th October 1854 from the Sessions Judge of Cheacole, submitting Report B of the Ganjam Magistracy for the month of September 1854.

(Here enter F. No. No 2596 of 1854)

Read Report B dated 18th October 1854 submitted by the Sessions Judge of Mangalore, of persons apprehended in the Zillah of Canara and delivered to the Magistracy in the month of September 1854

(Here enter F. No. No 2597 of 1854)

F. C.

Friday
27th October 1854

At a Court of the Fouzdaree Udalut.

Present

G. L. Hooper Esqre ____ Princl Judge
W. A. Morehead Esqre ____ Princl Judge
J. L. Strange Esqre ____ Princl Judge

Read letter dated 24th October 1854 from the Session Judge of Chittoor, submitting for the final judgment of the Fouzdaree Udalut the record of Case No. 47 of 1854 on the file of the Session Court.

(A) (Here enter F. C. No. 259 of 1854)

The Court of Fouzdaree Udalut on

Mr. Morehead.

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

"Kalunga Veerasawmy,"

is sufficient to convict him of the crime of Housebreaking and Theft, for which according to the Mahomedan Law, as declared in futwas of their Law Officers, the penalty of Hud is awarded able to convict him thereof; and under the provisions of Section XI Regulation VIII of 1802, Clause second Section

Section VI Regulation I of 1825 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 (7) seven years.

(Sent in No.

Read letter under date the 2d October 1854 from the Session Judge of Coimbatore

(Here enter T. C. No. 2422 of 1854.)

The Court of Foujdaree Udalut concur with the Sessions Judge in considering the word station as made use of in Rule 8 of the Rules for the guidance of the Justices of the Peace to embrace that space around the Court house which includes the Area of the Native town and the residences of the European community.

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

Sent in No.

Read Criminal Reports submitted by the Acting Session Judge of Chingleput for the month of September 1854.

(Here enter T. C. No. 2526 of 1854.)

Case No. 94. Principal Sudr Ameen's file

"Escape from Custody." The Prisoner effected

effected his escape from the village Choultry while detained on a charge of Highway Robbery - on his conviction he has been sentenced to one week's Imprisonment without labor and irons - The punishment is very inadequate.

The heading of the charge being

Case No. 98. 2

Assault, the Indictment for the Robbery, which, it is presumed, was not proved, should not have been inserted.

The two cases here disposed of are

On the file of the Magistracy. 3

cases of "wounding" inflicted in a manner the most malicious - the sentences seem inadequate.

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

(Sent in No.

No return having been received from the Session Judge of Cuddapah to the Precept of this Court dated the 6th Instant, directing the submission of the Report A of the 22 Cases entered in the Criminal Reports for the month of August, as having been released by the Subordinate Judge.

Ordered that the Session Judge of Cuddapah be directed to make a return to the above precept without delay.

(Sent in No.

27th October 1854.

Read letter dated 19th October 1854 from the Sessions Judge of Salem, requesting the opinion of the Foujdaree Udalut as to whether a convicted Prisoner may be admitted as a witness against his accomplice with reference to Act No. ~~XX~~ of 1837.

(Here enter F.C. No. 2566 of 1854) ss

F.C.

Saturday 28th October, 1854.

At a Court of the Foujdaree Udalut

Present.

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

Read Calendars of Petty cases disposed of by the Magistracy of Bellary for the 2d Quarter of 1854.

(Here Enter F.C. No. 2495 of 1854)

Calendar No. 1.
Case No. 17.
"Petty Fraud".

The charge made in this case is not clearly drawn up.

Case No. 31.
"Petty Assault".

2.

The Sessions Judge will point out to the Magistrate, for the information of the Assistant Magistrate that Heads of Police should be prohibited from forwarding to the Magistracy cases of this petty nature. The parties were upwards of a fortnight on the road from the Talook to the Koyoor station. Such cases may well be left to Heads of Police acting

acting either on their own powers or under the provisions of Act XXXIII of 1837.-

Case No. 33 "Petty Fraud"- 3. The charge should have been headed "Petty Theft".-

Calendar No. II. Case No. 60 "Justifiable Homicide" 4. The slaying of the thief here cannot be termed "Justifiable" both otherwise and because the slayer did not strike to kill. The Homicide is "Excusable" as being by misadventure. the intent of the owner of the property stolen was only to arrest the thief.-

Case No. 64- 5. To "utter counterfeit coin" is no offence- unless the uttering be with knowledge.-

Case No. 66- 6. To "obtain money under false pretences" cannot be termed a "Misdemeanor"- it is something more. the heading should be altered to "Fraud"- the "false pretences" should invariably be specified in the charge.

Case No. 70 "Maliciously killing Cattle"- 7. The Prosecutor and Defendant in this case prayed the Magistrate to dispose of the case on their Razeenamah.

Razeenamah. which was done. The Sessions Judge has objected, observing that the charge in question can never be of a "petty nature"- But this is erroneous- vide Clause 2d. Section VIII- Regulation XIII of 1832. It was competent therefore for the Magistrate, as it is in all petty cases except petty larcenies, to accept the Razeenamah of the parties.-

Case No. 75 "Petty Assault and snatching."- 8. The charge appears to be one of "Robbery"- If, however, the Magistrate deemed the "Snatching" a mere trespass- the term, which conveys the notion of larceny accompanied by a certain degree of force, has been misapplied.-

Case No. 79- 9. The Sessions Judge will be pleased to instruct the Assistant Magistrate as to the nature of "Embezzlement"- which that officer does not distinguish from an offence of a different description.-

Case No. 87- 10. As a Knife is charged to have been used by the Prisoner- the

case

case is one of "Wounding".-

Case No. 92. 11. The charge should be en-
headed "Kidnapping" not "abduction".-

Case No. 93. 12. Vide remark in Para. 9 su-
pra. The 2nd Prisoner is charged with
being an "accomplice in the crime"
Parties accused must be charged either
as Principals or accessaries.-

Cases Nos. 98 & 99. 13. The Prisoners in these two
cases were charged jointly with certain
other Prisoners - who were punished -
To make our case of the parties con-
victed and another of those acquitted,
entering the first case in Column No. I
and the latter as a seperate case in
Column No. II is altogether irregular.
The practice is calculated to give a
false appearance of activity on the
part of the adjudicating Officer and
the Sessions Judge will be pleased to
direct its discontinuance.-

Calendar No. III. 14.
Case No. 30. The several sums demand-
ed as recognizances in this case appear
to be very large. The Sessions Judge
will

will review the Joint Magistrate's pro-
ceedings with reference to the foregoing
objection.-

15. The "date of charge" Column 5.
is not, the Sessions Judge will point
out to the Magistrate, the date at
which the offence charged is alleged
to have taken place - but the date
under which the Prosecutor prefers
his charge to the authorities - the in-
tention being that the Court may
be enabled to watch against any
delay on the part of the Executive in
affording redress.-

16. With reference to Para. 6.
of the Sessions Judge's Proceedings re-
viewing the Calendars of Trials of
Police for May last the Court desire
it may be understood that the prac-
tice of taking a deposition from a
Prisoner under the circumstances
there referred to is, in the Courts
opinion, altogether uncalled for.-

Ordered, that Extract

from

from these Proceedings be forwarded to the Sessions Judge of Bellary for his information and guidance and for communication to the Magistrate.-

/Sent in No. /-

Read letter dated the 19th Instant from the Officiating Agent to the Governor of Fort St. George at Rumnad submitting for the final Judgment of the Foujdaree Udalut the Record of Case No. 79 of 1854 of the Calendar of the Agent's Court.-

/Here Enter F.U.C. No. 2599 of 1854/-

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 prisoner

"Syed Khadair"

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,

Officers, do convict him thereof: and under the provisions of Clause second, Section XV Regulation VII of 1802, sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (7) seven years.-

/Sent in No. /-

Read return dated the 23d October 1854 from the Sessions Judge of Combaconum in the precept of the Foujdaree Udalut under date the 16th idem, conveying their observations and orders on the Criminal reports of the Subordinate Court for the month of August 1854.-

/Here Enter F.U.C. No. 2600 of 1854/-

Read Calendar of Case No. 48 of 1854 submitted by the Sessions Judge of Madura under date the 23d Instant.-

/Here Enter F.U.C. No. 2602 of 1854/-

Read return dated the 23d Instant from the Sessions Judge of Salem

28th October, 1854.

Salem to the precept of the Foujdaree Adalut under date the 19th instant, requiring information as to what facts were established against the Prisoners in Case No. 5 disposed of by the Magistracy of Salem under Section LIV Act VIII of 1843 during the month of September last.—

/Here Enter F.M. No. 2608 of 1854/—

Read Extract from the Proceedings of the Sessions Court of Tinnevelly under date the 14th October 1854 held on the explanation submitted by the Magistrate of Tinnevelly—

/Here Enter F.M. No. 2611 of 1854/ E

& R.D.

F.M.

Monday 30th October 1854 } At a Court of the Foujdaree Adalut.

Present

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

The Record of Case No. 450 of 1854 on the Calendar of the Sessions Court of Cuddalore which was set down for reference so far back as the 12th July last, and which was called for by the Court of Foujdaree Adalut in their Proceedings of the 29th Ultimo, not having been yet received.

Ordered that the Sessions Judge be directed to forward the same without any further delay and to submit an explanation as to the cause of the delay in the transmission of the above record.

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

/Sent following precept/

Read.

Read Calendar of Case No 61 of
1854 of the Sessions Court of Bellary.
(Here enter F.C. No 2478 of 1854)
The Court of Foujdaree Adalut
approve of the recommendation made by the
Sessions Judge in this Case that the period of
imprisonment which the Prisoners noted in
the margin have been adjudged to suffer on their
conviction of the Crime of Gang Robbery, be
reduced to (3) Three years with hard labor in
irons, and they do authorize the Sessions Judge
to issue his warrant accordingly.
Ordered that Extract from
these Proceedings be forwarded to the Sessions
Judge of Bellary for his information.
Sent in No

1st Linga bathuni Chinna Subbaroo.
2d Do Pitchigaroo
3d Do Rea Subbaroo
4th Do Subbaroo
5th Do Praroo &
6th Do Iyegaroo

Read Calendar of Case No 248 of
1854 of the Sessions Court of Calicut.
(Here enter F.C. No 2481 of 1854)
The Court of Foujdaree Adalut
approve of the recommendation made by the
Sessions Judge in this Case that the period of
imprisonment which the Prisoner noted in
the margin has been adjudged to suffer on his
conviction of House breaking and Theft &c

1st Pattany Koidaran Coolly.

be

be reduced to (4) four years with hard labor in
irons, and they do authorize the Sessions Judge
to issue his warrant accordingly.
Ordered that Extract from
these Proceedings be forwarded to the Sessions Judge
of Calicut for his information.
Sent in No

Read Calendar of Case No 46
of 1854 of the Sessions Court of Madura
(Here enter No 2564 of 1854)
The Court of Foujdaree Adalut
approve of the recommendation made by the
Sessions Judge in this Case that the period of
imprisonment which the Prisoners noted in
the margin have been adjudged to suffer on their
conviction of Robbery with wounding, be reduced
to (3) Three years with hard labor in irons,
and they do authorize the Sessions Judge to issue
his warrant accordingly.
Ordered that Extract from
these Proceedings be forwarded to the Sessions
Judge of Madura for his information.
Sent in No

1st Soorum alias Ayyum
2d Annacutty alias Aroolippen
3d Poolyathy alias John and
4th Maury

Read Calendar of Case No 31
of 1854 of the Sessions Court of Tinnevelly
(Here enter F.C. No 2519 of 1854)

The

The Court of Fouzdaree Udalut
consider the sentence of one years imprison-
ment proposed to be passed upon the 1st
× Inasmanuch the Prisoner in this Case exstremely inadequate
for the offence of which he has been con-
victed, and they direct that a sentence of
(7) Seven years imprisonment with hard
labor in irons be passed upon him and that
that the Session Judge will issue his warrant
accordingly.

Ordered that Extract from
these Proceedings be sent to the Acting
Session Judge of Tinnevelly for his information.
(Sent in Sr.)

Read Calendar in Cases
Nos. 9, 15, 31 and 33 of 1854 on the file of the
Session Court of Chittoor.
(Hereafter Nos. 1630, 1631, 1632 and 1662 of 1854)

The Court of Fouzdaree
Udalut observe that Case No. 33 was set
down for reference on the 21st and the three
first cases on the 30th June last and though
the employment of extra translators for
the speedy translations of the records of these
Cases

Cases was ordered by the Court of Fouzdaree
Udalut on the 29th July last, and the Session
Judge was under date the 29th ultimo
directed to submit the records without
further delay neither of these records
have as yet reached the Court.

The Court of Fouzdaree
Udalut therefore resolve to direct that
the Session Judge of Chittoor do on the receipt
of these orders forward the original records
of the above cases with such translations
rough or fair, as may have been already
made.

The Court of Fouzdaree Udalut
deem it necessary to impress upon the
Session Judge the urgent necessity which
exists for the adoption of an improved
System in the Court over which he presides
in order that similar delays may be
prevented in future.

The Session Judge will be
pleased to explain the cause of the delay
in the transmission of the records above
referred to.

Ordered

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

Sent following precept &c

Read letter dated 30th September 1854 from the Sessions Judge of Madura

(Here enter T.C. No. 2394 of 1854)

With this letter are forwarded Copies of Proceedings of the Session Court dated 27th September 1854 on Petition 47 of 1854 being an appeal against a sentence of the Joint Magistrate and of a letter from the Magistrate questioning the correctness of the Sessions Judge's ruling on the above petition and requesting that the matter might be referred for the decision of this Court.

2 The Petitioner who was a tenant of a Zemindar was fined by the Joint Magistrate for a breach of the peace has having declined to attend when summoned by the Zemindar, under the provisions

provisions of Clause 8 Section XXXIV Regulation XXVIII of 1802. Such refusal being accompanied by no act of violence

3 On Appeal the Sessions Judge annulled the Sentence of the Joint Magistrate as illegal being of opinion that an act such as the Petitioner was convicted of does not constitute the breach of the peace contemplated by the Regulation cited.

4 The Magistrate dissented from this opinion and thinking that it admits of question whether the legislature did not intend to make a mere refusal by a tenant to attend a Zemindar a special breach of the peace in order to obviate the danger of an actual breach that might arise from the permission given by the clause to Zemindars to compel the attendance of their ryots. has requested that the question might be referred for the decision of this Court.

5 The Court of Foujdaree Adalut are of opinion that the Sessions Judge's ruling in the case in question was correct. after the tenant refused to attend when summoned

&c

No further steps were taken to compel his attendance and no breach of the peace occurred. If the Zemindar sustained any damage by his tenants refusal to attend he has his remedy in a Civil action.

The Court of Foujdaree Adalut are further of opinion that the compulsion which by the Regulation in question a Zemindar is authorised to use is that of a warrant, which he may issue and enforce on a mere summons failing of effect. a resistance to such warrant would constitute the breach of the peace contemplated by the Regulation.

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

Sent in &c.

F. No.

Tuesday 31st October, 1854

At a Court of the Foujdaree Adalut

Present

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

Read again Calendar in Case No. 124 of 1854 on the file of the Sessions Court of Bellary submitted by the Sessions Judge.

(Here enter F. No. No. 2179 of 1854)

Read also return under date the 2nd October 1854 from the Sessions Judge of Bellary to the precept of the Court of Foujdaree Adalut dated the 22nd September 1854 calling for an explanation of the commitment of the foregoing case.

(Here enter F. No. No. 2430 of 1854)

It appears from the return of the Subordinate Judge a copy of which is submitted with the Sessions

Sessions Judge's return that the former Officer had no expectation of the evidence suffing for conviction. Under these circumstances he was not justified in committing the prisoners for trial.—

2 The Court of Foujdaree Adalut at the same time deem it proper to observer that the Sessions Judge was altogether unwarranted in imputing to the Subordinate Judge the serious neglect of duty ascribed to him in the 4th para of the Sessions Judges remarks in the Calendar of having omitted to make himself acquainted with the Police record. The fact that the Subordinate Judge sent for witnesses to verify the Statements made before the Head of Police by the witnesses who retracted their police depositions was sufficient to show that he had made himself acquainted with the record.—

3 The Court have observed on more than one occasion the very objectionable

31st October 1854

objectionable tone adopted by Mr. Story in commenting on the proceedings of the Subordinate Judge.—

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

(Sent in A.)

Read letter under date the 2d October 1854 from the Sessions Judge of Salem.—

(Here enter F.M. No. 2433 of 1854)

1 The Court of Foujdaree Adalut concur with the Sessions Judge in considering that the Acting Subordinate Judge was in error in returning the case referred to in the foregoing letter to the Magistrate.—

2 The evidence against the prisoner was before the Acting Subordinate Judge and on it he had suggested to the Magistrate the propriety of committing the prisoner. The Magistrate was satisfied that the evidence previously recorded was such as to justify.

justify a commitment and that no further investigation was necessary. Under these circumstances the transmission of the prisoner and of the charge sent by the Magistrate to the Subordinate Judge was all that was required.—

3 The course adopted by the Subordinate Judge is not borne out by the Circular Orders quoted by him the object of which is merely to prohibit the institution of proceedings in the Subordinate Criminal Courts of persons against whom no charge has been framed by the Magistrate or Police.—

4 In the case under notice the charge was regularly framed and under the circumstances further proceedings on the part of the Magistrate were necessary.—

Ordered, that Extract from these Proceedings be sent to the Session Judge of Salem for communication to the Acting Subordinate Judge and Magistrate.—

/Sent in Mr /

Read

Read letter dated the 12th October 1854 from the Sessions Judge of Tellicherry.

/Here enter F.46. No 2531 of 1854/

1 It is observed that in the above letter returning the Death warrant in case No 10 of 1854 on the Calendar of the Sessions Court of Tellicherry the Sessions Judge has omitted to say whether after the sentence was communicated to him the Prisoner admitted his guilt or expressed contrition for his offence.—

2 The Court of Foujdaree Adalut resolve to call the attention of the Sessions Judge to this deficiency in his report and to direct him in future to carefully supply all the information required by the Circular Order of this Court dated 3rd May 1830.—

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

/Sent in Mr /

Read

Read Criminal Reports submitted by the Sessions Judge of Chittoor for the month of September 1854.—

/Here enter F.M.C. No. 2549 of 1854/

Case No. 151 1
"Theft by administering poisonous Drugs."

The charge in this Case should have been divided into separate counts. one count for the alleged theft. and the second for the remainder of the charge Viz.t. feloniously administering poisonous Drugs being a distinct crime.—

Case No. 167. 2

Is a similar case to the foregoing.—

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

/Sent in No. /

Read Criminal Reports submitted by the Sessions Judge of Tellicherry for the month of September 1854.—

/Here enter F.M.C. No. 2513 of 1854/

Case No. 59
"Theft with wounding".

1

Amounting to Robbery the Sessions Judge will direct the Principal Sudder

31st October 1854

Sudder Ameen to amend the heading of this charge accordingly. one count should have included all the Prisoners. the 2.d and 3.d Prisoners are Principals in Law.—

Case No. 60. 2

The theft charged in this case also amounts to Robbery.—

Case No. 61 3
"Fraud"

The charge here is "Theft".

Case No. 62 4
"Fraud."

Here it would appear that the Prisoner obtained 10 Rupees from the Prosecutor on the pretence that he would procure and give him "a Deed from Mr. Grant for a piece "of land" and failed to procure such Deed. To sustain an Indictment for obtaining Money &c.a by false pretences, the pretence charged must be of some existing fact and not merely a promise for future conduct. It is clear that the prisoner is only liable to the Prosecutor for a breach of covenant.—

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

information and guidance.—

/Sent in A.

Read Calendar of Case No. 56 of 1854 of the Sessions Court of Chittoor

/Here enter F.M.C. No. 2560 of 1854/

The Court of Foujdaree Adalut considering the mitigated sentence /6 years imprisonment/ proposed to be passed upon the Prisoner in this case inadequate for the offence of which he has been convicted, direct that a sentence of /7/ Seven years Imprisonment with hard labor in irons be passed upon him and that the Sessions Judge will issue his warrant accordingly.—

× Gungadoo

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

/Sent in A.

Read return dated 28th Ultimo from the Sessions Judge of Combaconum to the Precept of the Foujdaree

Foujdaree Adalut under date the 11th September 1854 returning for amendment the Criminal Statements for the year 1853.—

/Here enter F.M.C. No. 2381 of 1854/

The Court of Foujdaree Adalut direct that the Sessions Judge be requested to intimate to the Magistrate of Tanjore with reference to para 3 of his letter under date the 20th September last, that no rule on the subject therein referred to Viz:, the competency or otherwise of the Native District Police to dispose of charges of Abuse of authority preferred against the inferior Officers of Police was passed on the 17th May 1852, but in a letter addressed to Government in that date it was stated that the Court of Foujdaree Adalut had resolved to withdraw the Circular Order which had been forwarded to Government empowering Head of Police to take cognizance of petty charges of Oppression, abuse

of

of authority &c and this letter was incorrectly referred to under the designation of rule in this Courts proceedings of the 16th June 1853.

The Court also observe that in submitting the statement shewing the nature and the result of charges preferred against the Police the columns 3 to 9 can be left blank.

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

/Sent in No. /

Read Supplemental Return dated 3d Instant from the Session Judge of Chittoor to the precept of the Foujdaree Adalut under date the 13th Ultimo returning for amendment the Criminal Statements for the year 1853.

/Here enter F. No. 2421 of 1854/

The Court of Foujdaree Adalut direct that the Session Judge be requested to intimate to

31th October 1854

to the Magistrate that in future the Cases in which the Children have been murdered by their Mothers throwing themselves into wells together with the children should be entered under head murder in the annual Criminal Statements.

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

/Sent in No. /

Read letter from the Session Judge of Chicacole dated the 10th May last forwarding the Annual Criminal Reports for 1853.

/Here enter F. No. 1175 of 1854/

The Court of Foujdaree Adalut observe that only one individual was brought before the Village Police in the Ganjam District during the year under review, the number of persons summoned before the Talook Police being 4787, many of whose cases might have been disposed

of

of by the Village Officers.—

2 The Acting Magistrate should stimulate the Village Officers to exercise the powers vested in them for disposing of petty Offences.—

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

Sent in &c.

Read letter dated 2nd October 1854 from the Sessions Judge of Zillah Mangalore.—

(Here enter F.M.C. No. 2445 of 1854)

1 With this letter are submitted statement A of a case decided by the Acting Subordinate Judge of Mangalore with the proceedings of the Sessions Court thereon, and copy of a letter from the Acting Sessions Judge requesting that the matter referred to might be submitted for the opinion of the Court of Foujdaree Adalut.—

2 The Subordinate Judge sentenced a British subject for contempt of

of Court to pay a fine of Rupees 20 or to be imprisoned for a month under Section XIII Regulation XIII of 1832.

3 The Sessions Judge cancelled the sentence holding that the Subordinate Judge was not competent to convict a British subject under the Regulation quoted.—

4 The Subordinate Judge has requested that the matter be referred for the opinion of the Court of Foujdaree Adalut.—

5 The Court of Foujdaree Adalut observe that cases such as that under notice are punishable under Section I. Act XXX of 1841 which makes ample provision for expressing obstructions to justice in the Court of the East India Company.—

6 The Acting Subordinate Judge inflicted a fine under a wrong enactment. and the sentence was properly cancelled by the Sessions Judge.

Ordered that Extract from these Proceedings be forwarded to

Sessions Judge of Mangalore for his information and for communication to Acting Subordinate Judge.—

(Sent in Fr.)

Read return dated 26th Instant from the Acting Sessions Judge of Chingleput to the Extract of Proceedings of the Foujdaree Adalut under date the 9th October 1854 conveying their remarks on case No. 29 of 1854 and requiring him to put the prisoner on trial acquitting him, if the case against him be not found stronger than it appeared to be on a review of the Calendar.—

(Here enter F. No. No. 2613 of 1854)

Read Convict Labor Report dated 2d Instant submitted by the Sessions Judge of Salem of the Jail under charge of the Magistrate of Salem for the month of September 1854.—

(Here enter F. No. No. 2615 of 1854)

Read return dated 25th Instant from the Sessions Judge of Cuddapah to the precept of the Foujdaree Adalut under date the 17th October 1854 observing on

on the unusually long period in examining the 12 witnesses for the defence in No. 164 and that although the trial in Case No. 198 had been closed no sentence appeared to have been passed.—

(Here Enter F. No. No. 2621 of 1854)

Read return dated the 24th Instant from the Sessions Judge of Combaconum to the precept of the Foujdaree Adalut under date the 16th October 1854 containing their observation and orders on the Criminal Reports of the Magistracy for the month of July last.—

(Here enter F. No. No. 2626 of 1854)

Read return dated the 26th Instant from the Sessions Judge of Combaconum to the precept of the Foujdaree Adalut under date the 20th October 1854 directing him to release the 1st prisoner in Sessions Case No. 143 of 1853 and also to recover the earings from the prosecutor and to deliver the same to the 8th prisoner in the case.—

(Here enter F. No. No. 2629 of 1854)

Ent'd Wh W

Wednesday.
1st November 1854.

F. U.

At a Court of the Foujdaree Adalut

Present.

G. S. Cooper Esqre.
W. A. Morehead Esqre. } Puisne Judges.
T. L. Strange Esqre.

Read Calendar of Case No. 21 of 1854 of the Session Court of Salem.-

(Here enter F. U. Nos. 2402 2403 of 1854)

The Court of Foujdaree Adalut approve of the recommendation made by the Session Judge in this case that the period of imprisonment which the Prisoners noted in the margin have been adjudged to suffer on their conviction of Sang Robbery by open Violence, be reduced to (7) seven years with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.-

5th Maruva Mootoo Curpen, and
2nd Chinna Mootan.-

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

(Sent in No. 1)

Read Criminal Reports submitted by the Session Judge of Salem for September 1854.

/Pere enter F.R. No. 2551 of 1854/

Case No. 125 1 As the Prisoner is alleged to have "opened the door" of Prosecutor's house to commit the theft - the offence charged is "Housebreaking"

Cases 120 & 136. 2. The Prisoners in both these cases are charged with "House breaking" the "breaking" charged being in either case, the "scaling the wall" - with reference to this point the Court resolve to furnish the Session Judge with their ruling of 23d November 1853 as follows - "The Court are of opinion "that if the wall over which a prisoner "has climbed is the wall of the house "and that immediately upon surmounting "such obstruction he enters the house itself "such entry will constitute a breaking - "but if, on the contrary, the wall surmount- "ed is that of a garden or a backyard and "entry to the house remain stable effected, "the prisoner's act will not amount to "a breaking"

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

of Salem for his information and guidance

/Sent in No. /

Read Calendar of Case No. 15 of 1854 submitted by the Session Judge of Rajahmundry -

/Here Enter F.R. No. 2529 of 1854/

The Session Judge was in error in considering that this case if the crime charged was correctly designated as house breaking need not have been committed seeing that the prisoner had been previously convicted of house breaking which is one of the circumstances specified in Clause Second Section II Regulation XI of 1822 as necessitating the commitment of a prisoner a second time charged with house breaking for trial before the Court of Session -

It seems however to be doubtful from the wording of the charge whether the present case was one of house breaking and in order to judge of the correctness of the charge, the Court of Foujdaree Adalut desire to be informed of what nature the fence was through which the prisoner is stated to

to have effected his entry and how it was connected with the house.—

Ordered that a track from these Proceedings be sent to the Sessions Judge of Rajahmundry by precept returnable within V days from and after its receipt.—

/Sent following precept No /

Read Criminal Reports submitted by the Sessions Judge of Nellore for the month of September 1854.—

/Here enter F.R. No 2542 of 1854/

Case No 132 "Cattle stealing" — The Prisoner in this case is charged with having stolen three lambs valued at annas twelve. He was delivered to the Principal Sudr Ameen on the 10th June and the case is still "under examination". The Session Judge will be pleased to report whether a satisfactory explanation can be given for this delay and he will also direct the Acting Magistrate to instruct Heads of Police as to the impropriety of committing to the Criminal Court cases of so trifling a nature.—

Case No 182 "Arson" — 2. The errors in the framing of this Indictment have already been pointed out to the Sessions Judge in the proceedings of

of this Court reviewing the Calendar of the case.

Case No 193 "Housebreaking with Theft" — 3. A conviction on such a charge is very inadequately punished by a sentence of two months imprisonment with hard labor.—

Case No 194 — 4 The Session Judge will report and proceed in this case as pointed out in para 1 supra.—

Case No 209 "Theft" — 5 The charge would appear to amount to "Robbery". The 2d and 3d Prisoners are indicted for having "aided and abetted" the 1st Prisoner. The Court desire once more to point out to the Session Judge for the information of the Principal Sudr Ameen that parties indicted should be indicted either as Principals or accessaries. The term used in the 1st Case is vague.—

Case No 210 "Attempt at rape" — 6 In the indictment the intent only is charged.—

Case No 215 — 7 The individual who is alleged to have delivered the money to the Prisoners being / for any thing that appears to the contrary in the Indictment / the Prisoners Master. the charge is one of theft. To

support

support the "embezzlement" in this case, the property embezzled should have been laid as that of the Government.-

Case No. 217 "Robbery" 8 There are certain allegations in this Indictment which appear superfluous.

9 With reference to the number of cases under examination before the Principal Sudder Ameen the Court of Foujdaree Udalut resolve to draw the attention of the Session Judge to the necessity of requiring that officer to refer for disposal by the Sudder Ameen such of the above cases as may be within his jurisdiction. The Court also think it desirable that the Session Judge should with the view of affording leisure to the Sudder Ameen decide his Criminal trials by the aid of Assessors.-

10 It is observed that the submission of report A was not required in No. 8 of 1854 as no alteration was made in the sentence of the Acting Joint Magistrate. It would have been sufficient to append to Report B a note of the remarks made by the Session Judge.-

Ordered that a Extract from these

these Proceedings be sent to the Sessions Judge of Nellore for his information.-

/Sent in No./

Read Criminal Reports, submitted by the Subordinate Judge of Bellary in charge for September 1854.-

/Here enter P.R. No. 2538 of 1854/

Case No. 196 "Robbery" 1 The heading should be "Gang Robbery."-

Case No. 203 "Robbery with wounding" 2 It should invariably be stated at the heading of the charge of what nature the robbery is whether committed by a Gang or not and accompanied by aggravating circumstances.-

3. The same remarks apply to Cases No. 216. 222. 223. 224 & 231.

Case No. 221 4. The intention to commit a crime not being penal, the statement made by the Prisoner against Soogunnah, even if false, is not indictable.-

Case No. 226 5 The foregoing remark is applicable to this case also.-

Case No. 228 "Housebreaking & Theft" 6 Where no less than thirty evildoers go forth in a body and steal- it is difficult to believe that the crime does not

not amount to Robbery - The attention of the Subordinate Judge is directed to a Tanjdaree Adalut Circular Order of the 6th April 1830.-

Case No. 232 "Cattle stealing" 7 The circumstances charged - Viz the threats held out by the thief against the person in charge of Prosecutors cattle make the case one of Robbery - and the Subordinate Judge was not authorized to dispose of it.-

Case No. 236 "Cattle stealing" 8 The files of the Criminal Court are extremely heavy in Bellary at the present time - it is, therefore, incumbent on the Magistrate to dispose, as far as possible, of all petty larcenies himself.-

Case No. 239 "Theft" 9 The turkey the property charged to have been stolen in this case was valued at 5 Rupees and no aggravating circumstances are alleged against the Prisoner - The Court are at a loss to understand why the Head Assistant Magistrate, who committed the Prisoner, did not dispose of the case himself.-

Case No. 247 "Embezzlement" 10 The case is not of the nature charged - but one of "Fraud" "Obtaining goods by

by false pretences".-

Case No. 253 & 254. "Misdemeanor" 11 These cases amount to "False and Malicious Complaint.-

Case No. 255 12 Vide remark in Para 7 supra.-

Case No. 258 13 Ditto It is not necessary to allege that the thieves, after stealing the buffaloe, slaughtered it the gist of the offence being the theft.-

Case No. 259 "Embezzlement" 14 The offence here, if properly indictable is theft - this remark applies to No. 260 also and to case No. 261.-

Magistrates' file Case No. 20 "Cattle stealing & Killing" 15. The latter allegation is superfluous - The Sessions Judge will be pleased to review the record of this case with reference to the Circular Order of this Court, 6th April 1830 above referred to.-

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

Sent in No. 1

Read return dated 27th October 1854 from the Session Judge of Madura to the precept of the Tanjdaree Adalut under date the 20th October 1854 desiring to be informed

informed what facts were established against the prisoners in Criminal Case No. 113.-

/Here enter F.R. No. 2645 of 1854/

Read return dated 27th October 1854 from the Session Judge of Madura to the precept of the Foujdaree Adalut under date the 23d October 1854 directing the immediate release of the 5th Prisoner Adaikkan in Calendar Case No. XII of 1854.-

/Here enter F.R. No. 2646 of 1854/

Read return dated 27th October 1854 from the Session Judge of Salem to the precept of the Foujdaree Adalut under date the 9th October 1854 requiring informations as to the facts established against the Prisoner in Case No. 4 disposed of by the Joint Magistrate under Act VIII of 1843.-

/Here enter F.R. No. 2647 of 1854/

Read letter dated 28th October 1854 from the Session Judge of Coimbatore forwarding copy of an Extract from the Proceedings of the Session Court at Coimbatore under date the 26th October 1854 issued to the Magistrate in Calendar No. 21 of 1854.-

/Here enter F.R. No. 2633 of 1854/

Read

Read Criminal Report dated 27th October 1854 submitted by the Session Judge of Guntoor for the month of October 1854

/Here enter F.R. No. 2654 of 1854/

Read Report dated 19th October 1854 submitted by the Session Judge of Rajahmundry of the labour of Convicts in the jail at Cocanada under the charge of the Magistrate for the month of September 1854.-

/Here enter F.R. No. 2656 of 1854/

Entered

Thursday F. 16.

2nd November 1854. At a Court of the Foujdaree Udalut

Present

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

Read Calendar of Case
No 13 of 1854 before the Sessions Court
of Zillah Chingleput.
(Recd. under F. 16. No 2533 of 1854)

With reference to the enclosing
observations of the Principal Sudder
Ameen in his Committing order the
Court of Foujdaree Udalut resolve to
Call upon the Acting Sessions Judge
to state for their information what has
resulted from the report made by the Princi-
-pal Sudder Ameen that the 3rd Prisoner
had been apparently subjected to ill
treatment by the Police.

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

2d November 1854

precept returnable in III days from and after its receipt.

(Sent following Receipt &c)

Read Calendar of Case No 32 of 1854 before the Acting Sessions Judge of Chingleput.

(Here enter F 16 No 2603 of 1854)

In this Case of House-breaking with Theft the Acting Sessions Judge returned the case to the Principal Sudder Ameen for disposal on the ground that notwithstanding the 1st prisoner had been previously convicted of a like offence the Principal Sudder Ameen's powers of punishment were sufficient to meet the requirements of this Testimony case.

The Court of Foujdaree Udalut observe that the return of this case to the lower Court by the Sessions Judge was improper as by Clause 3. Section II Regulation VII of 1822 it is required that all such cases be committed for trial by the Sessions Court.

Ordered.

2d November 1854

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Chingleput for information and future guidance.

(Sent in &c)

Read again Calendar of Case No 42 of 1854 before the Sessions Court of Madura.

(Here enter F 16 No 2374 of 1854)

Read also return dated 18th October 1854 from the Sessions Judge of Madura to the precept of the Foujdaree Udalut under date 14th October 1854 requiring explanation of the grounds on which he considered the evidence against the Prisoners in the above Case to be incredible

(Here enter F 16 No 2563 of 1854)

The Court of Foujdaree Udalut consider the explanation afforded in this return to be sufficient

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

2d November 1854

of Madura for his information

/Sent in Sc/

Read Criminal Reports submitted by the Sessions Judge of Mangalore for the Month of September 1854-

/Here enter F/6 No. 2563 of 1854/

Case 55
"Assault with Wounding"

1

The Prisoner has been sentenced to 3 months Imprisonment with labor but without irons "he not being" the Acting Subordinate Judge remarks "a Principal" It would appear however that the Prisoner was a Principal - he is charged with having been "present" and "aiding and abetting" by the terms of the Indictment -

Case No. 57
"Wounding"

2

It would appear that this case differs very little from the charge in Case 60 wherein the Sessions Judge very properly rescinded the lenient sentence passed by the lower Court, and directed the commitment of the Prisoner to the Sessions Court -

Case No. 62.
"Murder" "Assault with Wounding"

3

The several Crimes which make up the indictment in this case are attributed to different individuals - the Murder

2d November 1854

Murder to the 1st Prisoner and the "Wounding" (the wounded man being distinct from the man murdered) to the 2nd Prisoner - It does not therefore appear clear why the Prisoners were not indicted altogether separately - If however the two assaults were committed by the prisoners pursuance of one common design, the Prisoners should have been both indicted for either Crime jointly - The charge against the 3rd Prisoner is diffuse the Crime alleged against him being that of "accessary before the fact"

Case No. 71
"Misdemeanour"

4

The Prosecutor's remedy in this case was by a Civil action The Prisoner was not indictable under the circumstances alleged -

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

5

/Sent in Sc/

Read Calendar in Case No. 956 of 1854 before the Sessions Court of Zillah Tellicherry -

/Here enter F/6 No. 2558 of 1854/

2nd November 1854

The Court of Foujdaree Uda-
lut observing that the Sessions Judges sentence
convicting the prisoners in this Case is drawn
up in very loose and general terms conveying
no specification of the facts established against
the several prisoners was to justify the sentence
passed upon them, resolve to instruct the
Sessions Judge in future in his sentences
in Criminal Cases to specify distinctly
in the Case of each prisoner the ground
upon which he considers their respective
guilt to be established and his sentence
against them to be justified

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

/ Sent in Sr /

Read Criminal Reports
submitted by the Sessions Judge of
Cuttack for the Month of September
1854

/ Vide entry F.C. Sr 2539 of 1854 /

Case [illegible]

2nd November 1854

Case No 68.
'Severe Wounding'

1. The allegation that the Prisoner
committed the crime charged "in consequence of
"the medicine prepared for him by his wife
"not proving witness not being properly done nor his
"meal ready at the time due" is altogether
superfluous in an Indictment. it would
have been sufficient to have charged the
Prisoner with "an intent to kill" or "to
do grievous bodily harm to" the parties
wounded. Considering the palpable nature
of the wounds alleged to have been inflicted
and that two parties are said to have suffered
from the Prisoners violence, it appears some-
what unaccountable that conviction did not
follow. The Court resolve to call for the
report A.

Case No 99.

2. With reference to the foregoing
remarks, the form of the Indictment in this,
a similar case, is also objectionable The 2nd
Prisoner, it would appear, should have been
charged as a Principal

Case No 141.
'Murder'

Is the gist of the charge in
this Case Prof. that the Prisoner tied a stone

2d November 1854

to the corpse of the deceased and sunk it in a sunk" would be evidence against him at his trial but the allegation is unnecessary in the Indictment.-

Case No 143.
"Severe Wounding"

The words "in a quarrel about the price of some grain" are superfluous.

Case No 147.
"Cattle Stealing"

A charge of this nature would not be supported by proof that the prisoner "Appropriated the flesh" of sundry goats the property of the Prosecutor which is all the larceny here alleged.

Case No 149.

A portion of the Indictment in this Case also is superfluous.-

Case No 109.
"Murder."

The Prisoners are all indictable as Principals.-

Case No 155
Abduction with Robbery &c.

To decoy a woman to a Jungle for the purpose of robbing her is no "abduction" The Charge so far, should be amended.-

Case No 57.
Report from the Magistracy.

Five Months Imprisonment with hard labor in Irons appears very insufficient for the punishment of "Wounding" the instrument used being a knife.-

Case No 41.
"Fraud"

The Charge here should be headed

2d November 1854

headed "Theft". The Prisoner appearing, from Reports from A. to have got the legal possession of the Prosecutor's gold, with a felonious intent to steal the same. With reference to the directions given by the Special Assistant Magistrate in regard to the infliction of stripes, the Court have ruled that it is not competent in any Officer punishing by flogging and Imprisonment, to order the infliction of the flogging at the close of the Imprisonment the corporal punishment is to take place on the admission of the prisoner into the Jail.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Calicut with reference to Para 1. by Precept returnable within 7 days from and after its receipt.-

Sent following Precept No 1

Read again Criminal Report submitted by the Sessions Judge of Masulipatam for the Month of September 1854.-

Here Entered No 2265 of 1854

Read also Return of Sessions Judge.

2d November 1854

Judge, dated 14th October 1854 to the Receipt of the Foujdaree Adalut under date 4th Idem containing the Courts observations on the foregoing Reports.-

(Here enter F.C. No. 2587 of 1854)

The Court having pointed out to the Sessions Judge with reference to Case 78 that certain classes of the Magistracy only are empowered to punish Juvenile Offenders under Act I of 1853 that officer now requests to be informed under what enactment the Sudder Ameen should have passed sentence. In reply the Court have to state, under Regulation X of 1816 such measure of punishment being adjudged as the Prisoners crimes likely to bear on the case appeared to merit

In respect to Case 79 a case of Cattle stealing (Petty) the Sessions Judge would contend, that, there being a second charge against the Prisoner Inf. (Case 80) of having effected his escape while under examination as to the first charge, and "Escape from Custody" being an offence cognizable by the Criminal Judge only

2d November 1854

only (Clause III Section V Regulation XI of 1822) the Prisoner was rightly sent up for trial. But "Escape from custody" effected by a Prisoner while under examination on a charge of a "Petty Offence" adjudicable by the Police or the Magistracy under Regulation IX of 1816 has been ruled by this Court, as per margin not to come under the scope of the Regulation above quoted by the Sessions Judge.-

F.C. No. 263

With reference to the committals of Cases 86 and 87 to the Sessions Court, the explanation afforded is satisfactory. The Court omitted to notice that the Prisoners names were entered in red ink in the Calendar

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

(Sent in A.)

Read Calendar of Case

4th Nov

No. 16 of 1854 before the Sessions Court of Rajahmundry.

(Here enter F.C. No. 2591 of 1854)

The

2nd November 1854 /

The prisoners in this case were charged with uttering Counter feit Coin and the facts stated in the Charge being proved against them they were sentenced by the Sessions Judge to three years imprisonment with hard labour but without irons under Section VI Regulation II of 1832.-

2 From the abstract of the evidence given in the Calendar the Court of Fouzdaree Udalut observe that the Case was not one of "paseing Counter feit Coin

3 It was proved that the prisoners offered for sale a necklace on which Counterfeit Gold Coins were strung but these fictitious Coins were not designed to be passed Coins of the Currency.

4 The Court of Fouzdaree Udalut therefore resolve to direct the Sessions Judge to amend his sentence the Case appearing to be one of "Fraud".

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Rajahmundry by precept returnable in 5 days from and after its receipt.

/ Sent following precept &c /

F. Ud.

Friday
3rd November 1854

At a Court of the Fouzdaree Udalut

Present

G. S. Hooper Esquire
W. A. Morehead Esquire } Puisne Judge
J. Lp. Strange Esquire

Read Calendar of Case No. 216 of 1854 of the Session Court of Salem.-

/ Here enter F. Ud. No. 2493 of 1854 /

The Court of Fouzdaree Udalut, considering the mitigated sentence / 6 months Imprisonment Vcn / proposed to be passed upon the Prisoner in this case to be extremely inadequate for the offence of which he has been convicted, direct that a sentence of /7/ Seven years Imprisonment with hard labor in irons be passed upon him and that the Sessions Judge do issue his warrant accordingly.-

Summa fiat

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

/ Sent in &c /

Read

Read Criminal Reports sub-
mitted by the Agent to the Governor at
Kurnool for the month of September 1854.

/Here Enter H.O. No. 2571 of 1854/

Case No. 82
"Escape from Custody"

It is not sufficient to state
that the Prisoner was in custody, on a
charge of theft" the words "otherwise than as
Petty" should be added. Vide Fouzdaree Udalut
Circular Order No. 203.

Case No. 84
"Cattle Killing"

2. In cases of this nature, the ingre-
dient of the offence is malice, which is not here
alleged. It would appear however that the Pri-
soner stole the buffaloe, and this being the case,
he should have been charged with the larceny
alone it being immaterial that, after stealing
it, he killed it.

Case No. 86

3. The violence which accompanied,
as alleged, the theft in this case renders the charge
one of 'Gang Robbery' and the heading will
be amended accordingly.

Case No. 290
"Fraud"

4. Owing to the Prisoner being in
Hospital, this case has not yet been enquired
into. The Agent to the Governor remarks that
the Assistant Agent appears to have sent
up

up for trial a case of a Civil nature. In
this view of the charge the Court concurs,
unless it is meant that the cheque ten-
dered by Prisoner created his credit with
the Prosecutor, a mere promise to pay,
which constitutes the rest of the Indict-
ment, not falling under the head of
"false pretences."

Case No. 91
"Cattle stealing"

5. For the words "with having or
sold" the words "with having in his possess-
sion" the date of the sale being entered,
should be substituted.

6. The Calendars call for no
further review, the Court having already
remarked on the cases committed ante-
riorly to the month of September.

Ordered, that Extract
from these Proceedings, be sent to the
Agent to the Governor of Fort St. George
at Kurnool, for his information and
guidance.

/Sent in No. /

Read Criminal Statement
for September 1854 submitted by the
Sessions

3d. November 1854

Session Judge of Rajahmundry.

/Here enter F. Dy. No. 2590 of 1854/

Subordinate Judge
Case No. 87 of 1854
"Assault"

1.

The prisoner who is only 13 years of age was sentenced to be imprisoned for one month with hard labor.-

2.

The Court of Foujdaree Udalut consider that the sentence in this case, which involved the association of a mere child with felons, and for an offence which could scarcely have been of a serious nature, was highly injudicious. The case should have been disposed of by the Police.-

Sudr Ameen 3.
Case No. 91 of 1854
Breach of Abkary laws

The prisoner was charged with being in possession of certain county arrack, and the case was noticed by the Session Judge who submits his proceedings on it, but has failed to point out to the Sudr Ameen that the gist of the offence viz: the absence of a permit or license is omitted in the charge.-

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

(Sealed &c.)

Exd
J. H. S.

F. Dy.

3d. November 1854.

Read Report dated 23th October 1854, submitted by the Session Judge of Rajahmundry Accounts of the Suits under charge of the Magistracy for the month of September 1854.-

/Here enter F. Dy. No. 2664 of 1854/

C. Saunders

F. Us.

Saturday
4th November 1854

At a Court of the Foujdaree Udalut

Present

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

Read Miscellaneous Petition re-
ceived on 20th October 1854, through the Acting
Session Judge, from Gooverlayen and others
of Zillah Tinnevelly.

(Vide Entry Fo. Mis. P. No. 220 of 1854)

Mr. W. A. Morehead.

Petitioners pray the Court of Fouj-
daree Udalut for reasons stated in this petition
to cancel the sentence passed on their relatives, the
prisoners in Case No. 37 of 1854 on the file
of the Head Assistant Magistrate of Tinnevel-
ly, and confirmed on appeal by the Magistrate
and by the Acting Session Judge.

2. The Court of Foujdaree Uda-
lut declino to interfere in this matter, which
has been disposed of by the local Authorities
after a full consideration of its merits.

Ordered, that Extract from these
Proceedings, be sent to the Acting Session Judge

of

4th November 1854

of Tinnevelly for his information and for communication to the Petitioners.-

(Sent in No.)

Read Petition presented on the 18th September 1854, by Idaya Channappa of Gillah Bellary.-

/Here enter F. M. P. No. 200 of 1854/

Petitioner who was tried / Case No. 118 of 1854, on the file of the Session Court of Bellary/ for the wilful murder of one Nagan deceased, and sentenced, on his conviction of Culpable Homicide, to 4 years Imprisonment with hard labor in irons- prays the Court to call up the record of trial and direct his release.-

Mr. W. A. Morehead. /

2. The Court of Foujdaree Udalut, see no reason to comply with this request, the Petition is accordingly rejected.-

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

(Sent in No.)

Read

4th November 1854

Read Petition presented 18th October 1854 by Devacannoo Pillay and another of Gillah Tinnevelly.-

/Here enter F. M. P. No. 217 of 1854/

Petitioners, refferring to his Petition No. 4 of 1854, prays the Court to reverse their orders of 9th October 1854, rejecting the said Petition.-

Mr. W. A. Morehead. /

Petitioner is informed that the orders for which a revision is now sought, were passed after full enquiry, and are final.-

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

Read again Calendar of Case No. 26 of 1854 before the Session Court of Chingleput.-

/Here enter F. M. P. No. 2224 of 1854/

Read also Miscellaneous Petition presented on 23d October 1854 by Veyanda Coonden of Gillah Chingleput.-

/Here enter F. M. P. No. 222 of 1854/

Petitioner prays the Court of Foujdaree Udalut in consideration of the circumstances

Mr. W. A. Morehead. /

circumstances stated in this petition to cancel the sentence passed on his brother Chinna Tumby, the 2d [illegible] case.

2. The Court of Fonjdaree Adawlut resolve, to call upon the Session Judge to submit a translate of the record of trial in this case. The Session Judge will be pleased, at the same time, to explain why the case was detained under examination by the Police from the 28th July to 7th September, and to report as to the Petitioner's allegation that the witnesses for the defence were not heard.

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

(Sent following Precept No.)

Read again Miscellaneous Petition of Hallara Amy Mahomed received on 18th August 1854, from the Civil Judge of Calient.

(Vide enter F. Mo. P. No. 171 of 1854)

Read also return dated the

reviews the record of trial, and reverse the said sentence.

2. The Court of Fonjdaree Adawlut resolve, to call upon the Session Judge to submit a translate of the record of trial in this case. The Session Judge will be pleased, at the same time, to explain why the case was detained under examination by the Police from the 28th July to 7th September, and to report as to the Petitioner's allegation that the witnesses for the defence were not heard.

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

(Sent following Precept No.)

Read Petition presented on the 19th October 1854, by C. Srinivâsâchâr, Vakeel on behalf of Vejiathammal wife of Ramasawmy Dengar Prisoner in Criminal Case No. 41 of 1854, on the file of the Session Court of Zillah Combaconum.

(Vide enter F. Mo. P. No. 219 of 1854)

Mr. W. A. Morehead. 1.

Petitioner, who was tried as above on a charge of having embezzled the funds of his employer the Tumbiraw of the Matham of Tenpannidant, and sentenced on his conviction to 18 Months Imprisonment, with hard labor in Irons, now prays this Court to

review

22nd. September 1854, from the Session Judge of Caliant to the precept of the Fouj-daree Adalut under date 18th. Septem-ber 1854, directing the submission of a translation of the record connected with the matter referred to in the above petition.-

/Vere enter F. Cl. No. 2362 of 1854/

Mr. H. A. Morehead

Upon consideration of the record received with this return. The Court of Fouj daree Adalut are of opinion that the proceedings held in regard to the above petitioner were altogether irregular.-

2. It appears that after being kept in confinement for three years in default of security required from him as being a dangerous cha-racter, he was released.-

3. After this, the petitioner was required to take up his abode in the town of Trovangody to be under the

the surveillance of the Head of Police who has his station there, and on his declining to do so as reported by the Head of Police - Petitioner has been recommitted to gaol - in default of fresh security required from him under Section IX Regulation VI of 1827.-

4 This section it is observed contemplates the requisition of continu security from a prisoner already bound under such security.-

5. The Petitioner had been re-leased, and the act of release absolved him from liability for further security, unless upon fresh cause appearing against him. Such cause has not been adduced in this instance as the fact of Petitioner declining to reside at Trovangody furnishes none.-

6. The Court of Fouj daree Further Adalut, observe that nothing can be of a vague and unsatisfactory natu than the evidence as to Petitioner's cha-racter and habits upon which the original requisition of security was made.-

7. The Petitioner appears to have been once arrested for crime, but was

4th November 1854

was acquitted of the charge, and nothing else appears against him, except the allegations of witnesses who say they have heard he is addicted to crime without being able to indicate the sources of their information or to specify any particular instance of crime of which he may be even suspected. The Court of Foujdaree Adalut therefore resolve to direct that the petitioner Kellara Pony Ramood be immediately released, and further resolve to call upon the Session Judge to state for their information by whom the order dated 31st March 1854 directing the Petitioner to be confined (failing) security for three years was passed.—

Ordered, that Extracts from these Proceedings be sent to the Session Judge of Cuddapah by precept returnable in III days from and after its receipt.—

(Sent following precept &c.)

Read again Calendar of Case No. 56 of 1854 before the Session Court of Nellore.—

Were Enter S. R. No. 2558 of 1854

Read

S. R.

4th November 1854

Read also Miscellaneous Petition presented on 25th October 1854 by Nagareddy Coondareddy of Zillah Nellore.—

(Were Enter S. R. No. 221 of 1854)

Mr. W. A. Morehead

1. Petitioner prays the Court of Foujdaree Adalut for reasons stated in this Petition to cancel the sentence passed in the above case by the Session Judge upon his (Petitioner's) brother, the 1st prisoner Nagareddy Ramireddy.—

2. The Court of Foujdaree Adalut resolve to direct the Session Judge to submit with as little delay as possible so much of the record of trial in the above case as affects the 1st prisoner.—

Ordered, that Extract from these Proceedings be forwarded to the Session Judge of Nellore by precept returnable in VII days from and after its receipt.—

(Sent following Precept &c.)

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

G. A. Holt

F. U.

Monday.
6th November, 1854.

At a Court of the Tanjore Adalut.

Present

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

Read Miscellaneous petition presented on 6th November, 1854 by T. Ouchterlony, Esqre., Vakeel on behalf of Coomara Unnal of the Zillah of Trichinopoly.

(Vide enter F. M. P. No. 235 of 1854.)

Mr. W. A. Morehead.

1. Petitioner prays the Court of Tanjore Adalut on consideration of the record to cancel the sentence passed against her husband the prisoner in Case No. 177. 1854, before the Assistant Magistrate of Trichinopoly.

2. From the copy of the Calendar in this case submitted with this petition, it appears that the prisoner Mootoo Veera Sawmy Naik, was on the prosecution of his master T. J. P. Harris, Esqre., Sessions Judge of Trichinopoly, convicted of a charge of Breach of Trust and sentenced by the Assistant Magistrate Mr. H. E. Sullivan to undergo three months' imprisonment with

with hard labor, under Section VII, Regulation X of 1816, and Section LIV, Act VII of 1843.

3. The Court of Zoujdaree Udalut doubt resolve to call for the record of this case, and at the same time to direct the suspension of the sentence passed; as the Prisoner from the peculiar circumstances of the case, has not been able to avail himself of the Appeal allowed by Section LV, Act VII of 1843.

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

(But following precept &c.)

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

Read Calendar of Cases No. 12 of 1854, before the Sessions Court of Chicacole.

(Here enter F. R. No. 2573 of 1854.)

1. The prisoner in this case was acquitted by the Sessions Judge of a charge of Theft and Attempt at Murder, by throwing into a well a boy from whose person he had previously stolen certain ornaments.

2. In his proceedings in this case, Extract from which was sent to the Principal Sudr Ameen, of Vizagapatam, the Sessions Judge intimated his opinion that the case had been committed for trial on insufficient evidence, and that the Principal Sudr Ameen had in so doing paid no attention to the Circular Orders of this Court dated 20th July, 1829, C, and 16th November, 1831.

3. The Court of Zoujdaree Udalut consider that the Sessions Judge was not justified in opening these proceedings, and that not only was the Principal Sudr Ameen perfectly right in committing the case, but also that from the circumstances of the case, there is much room to believe the prisoner to be guilty of the crime laid to his charge.

4. The 1st witness (the boy who was robbed) was taken up from the well, and immediately denounced the prisoner.

5. The prisoner admitted that he had possession of the 1st witness's ornaments, and his account of the manner in which the 1st witness happened to

6th November, 1854.

to fall into the well is, this Court consider shown to be palpably untrue by the fact that even according to Prisoner's own account, he took no steps to preserve him.

6. The Sessions lays great stress upon the discrepancies in the evidence of the 2nd and 3rd witnesses, as to the prisoner having confessed to them on his apprehension, and this indeed forms almost the sole ground of his acquittal of the prisoner, has however assigned no reason for disbelieving the evidence of the 1st witness, which the Court of Fujdaree Vidalut consider to have received all requisite corroboration and consequently ought to have been received.

Ordered that a Extract from these Proceedings be forwarded to the Sessions Judge of Chicacole for his information and guidance, and for communication to the Principal Sudr Ameen of Vizagapatam.

Rd 18th.

(Sent in No)

Tuesday 7th November, 1854.

F. V.

At a Court of the Fujdaree Vidalut.

Present.

G. S. Cooper Esqre.
W. A. Morehead Esqre.
J. L. Strange Esqre.
} Puisne Judges.

Read letter dated 11th October 1854 No 12 from the Sessions Judge of Salem.

(Here enter F. C. No 2493 of 1854.)

1. The Sessions Judge with reference to the remarks of this Court on Cases No 9 and 96 contends that larceny does not become Robbery under the circumstances of the case under review; in which "the violence offered was slight, and the property carried off small." The distinctions between the two offences is in no way affected by considerations of the nature urged. The case must be classified as one of Robbery.

2. The Sessions Judge further requests to be informed whether, being "Robbery," the case is a Sessions Case. There can be no doubt on this point. The charge of "Robbery" is cognizable only by the Sessions Court. In the present case the Prisoners were three in number, constituting therefore a "gang" as per Circular Order of 23rd February 1829.

As

7th November, 1854.

3.

As respects Case No. 116, the violence charged appears from the explanation of the Sessions Judge to have been offered solely to avoid capture; and not in the perpetration of the larceny. The case, therefore, does not come under the head of "Robbery," and the assault or violence need not have been entered in the charge.

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

(Sent in No.)

Read letter dated 18th October 1854 No. 67 from the Sessions Judge of Mangalore.

(Here enter F. C. No. 2585 of 1854)

With the foregoing letter the Sessions Judge has forwarded translates of parts of the Police and Criminal Proceedings in Case No. 19 of 1854, on the file of the Sessions Court wherein the Prisoners are charged with the Murder of the deceased Appu, and requests the sanction of the Court for the admission as approvers of either the 5th Prisoner or the 4th; the same not being the actual principals in the commission of the alleged Murder.

2.

The Court of Sudder Adawlut resolve to give effect to the recommendation of the Sessions

7th November, 1854. Sessions Judge.

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

(Sent in No.)

Read letter under date the 1st November, 1854, from the Sessions Judge of Cuddalore forwarding English Translation of the record of Case No. 45 of 1854, on the Calendar of the Sessions Court, for the final judgment of the Court of Sudder Adawlut.

(Here enter S. C. No. 2687 of 1854.)

Mr. W. A. Morehead.

The Court of Sudder Adawlut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the Prisoner, Pt. Emam Ravoothun

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.

This letter contains in detail the reasons

7th November, 1854. praises of the Session Judge for declining to concur with his Law Officer in convicting the 1st Prisoner in the above named Case of the Crime of Gang Robbery laid to his charge.

2. The Court of Foujdaree Udalut concurs with the Session Judge in acquitting the 1st Prisoner and resolve to direct his immediate release.

3. The Court of Foujdaree Udalut consider that the conduct of the Head of Police in acting as he did upon the statement made to him by the 1st Witness Bhurgah Sahib is deserving of censure.

4. That statement was, it is manifest, worthless, and should not have been acted upon, without some previous inquiry being held, as required by Section XXVII, Regulation XI of 1816.

Ordered that Extract from these proceedings be forwarded to the Session Judge of Cuddalore for his information and for communication to the Magisthate.

(Sent in No)

Read Return dated 31st October 1854, from the Session Judge of Cuddalore to the precepts

7th November, 1854. precepts of the Foujdaree Udalut under date the 25th October, 1854, receiving the Calendars in Session Cases No 535 of 1854.

(Here enter F. U. No 2678 of 1854.)

Read Return dated 31st October, 1854, from the Session Judge of Nellore to an Extract from Proceedings of the Foujdaree Udalut dated 13th October, 1854, remarking on Criminal Reports for August last.

(Here enter F. U. No 2679 of 1854.)

Read Criminal Report dated 1st November, 1854, submitted by the Session Judge of Nellore pending for the month of October, 1854.

(Here enter F. U. No 2680 of 1854.)

Read Criminal Report dated 1st November 1854 submitted by the Session Judge of Chittoor, of Cases pending on the 31st October, 1854 before the Session Court of Chittoor for a period in excess of 25 days, calculated from the date of Commitment.

(Here enter F. U. No 2690 of 1854.)

Read

Read Return dated 3rd November, 1854, from the Session Judge of Chingleput to the precept of the Tonjadarce Udalut under date the 2nd November, 1854, calling upon the Acting Session Judge to state what has resulted from the report made by the Principal Sudr Ameen that the 3rd Prisoner in Session Case No. 13 of 1854 had been apparently subjected to ill-treatment by the Police.

(Here enter F. R. No. 2691 of 1854.

Read Return dated 1st November 1854 from the Session Judge of Cuddalore to the precept of the Tonjadarce Udalut under date the 30th October, 1854, calling for the Record in Session Case No. 15 of 1854 and for explanation of the cause of delay in transmitting it.

(Here enter F. R. No. 2692 of 1854.)

Read letter dated 2nd November 1854, from the Sessions Judge of Cuddalore explaining the cause of the delay in forwarding the Criminal Reports for the month of September

September, 1854.

(Here enter F. R. No. 2693 of 1854.)

Read Extract dated 26th October, 1854, submitted by the Session Judge of Honore from the Proceedings of the Session Court of the same date reviewing the Jail Calendars from the Magistrate of Canara for the 2nd Quarter of 1854.

(Here enter F. R. No. 2697 of 1854.)

Read Criminal Report dated 2nd November 1854 submitted by the Session Judge of Cuddalore for the month of September 1854.

(Here enter F. R. No. 2694 of 1854.)

Read Calendar in Case No. 14 of 1854 submitted by the Session Judge of Coimbatore under date the 30th August, 1854.

(Here enter F. R. No. 2695 of 1854.)

Read Calendar in Case No. 14 of 1854 submitted by the Sessions Judge of Tellicherry under date the 10th October, 1854.

(Here enter F. R. No. 2698 of 1854.)

F. 16.

Wednesday
8th November 1854. At a Court of the Foujdaree Adalut.

Present

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

Read Return dated 26th October 1854 from the Sessions Judge of Chittoor to the precept of the Foujdaree Adalut under date 24th October 1854 directing the Sessions Judge to submit without any further delay the original record in Case No 47 of 1854 before his Court and to explain the cause of his not having earlier conformed to the requisition contained in their precept of the 27th September.

(Herewith F. A. No 2620 of 1854)

In this return the Sessions Judge ascribes the delay that has occurred in this matter to the necessity of preparing his letter of reference after a perusal of the untranslated record which circumstances prevented him from making at an earlier period.

The

2.

The Court of Foujdaree Adalut consider that the Session Judge's letter might have been prepared from the notes which it is presumed he took during the trial of the case and recalls to inform him that his explanation of the cause of delay is not deemed by them satisfactory.

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

Sent in &c.

Read Calendar in Case No 53 of 1854 submitted by the Session Judge of Calicut.

(Here enter F. R. No 2612 of 1854)

The fact of intent to kill having been established against the prisoner charged with wounding is no ground for the reference of the case to the Foujdaree Adalut unless the Session Judge considers the sentence which he is competent to pass under Clause Seventh, Section II Regulation XV of 1803, to be insufficient as a punishment for the prisoners' guilt - should such not be the case, the Session Judge will pass his own sentence in the case.

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

Sent in &c

Read Statement dated 1st October 1854 from the Sessions Judge of Salem of Amount realized by the labor of the Prisoners during the 3d Quarter of 1854.

(Here enter F. R. No 2700 of 1854)

Read Extract from the Proceedings of the Sessions Court of Rajahmundry dated 25th October 1854 reviewing the Magistrates' Petty Calendars for the 3d Quarter of 1854.

(Here enter F. R. No 2702 of 1854)

Read Calendar, dated 13th October 1854 from the Sessions Judge of Coimbatore, of Prisoners in Case No 20 of 1854.

(Here enter F. R. No 2703 of 1854)

Read Calendar dated 1st November 1854 from the Sessions Judge of Cuddapah, in Case No 59 of 1854.

(Here enter F. R. No 2704 of 1854)

Read Calendar dated 1st November 1854 from the Sessions Judge of Cuddapah, in Case No 60 of 1854.

(Here enter F. R. No 2705 of 1854)

8th November 1854.

Read Letter dated 31st October 1854 from the Session Judge of Calicut forwarding a Statement from Sub Judge of Calicut shewing the amount realized by the Labor of Prisoners in the 3d Quarter 1854.

(Here enter F.R. No 2706 of 1854)

Read Return from the Acting Session Judge of Tinnevelly dated 31st October 1854, to the precept of the Foujdaree Adalut under date the 26th October 1854 directing the release of the 1st Prisoner in Sessions Case No 21 of 1854.

(Here enter F.R. No 2712 of 1854)

Read Calendar dated 31st October 1854 from the Acting Session Judge of Tinnevelly in Sessions Case No 35 of 1854.

(Here enter F.R. No 2714 of 1854)

Read Report, dated 1st November 1854 from the Session Judge of Cuddalore, of Cases pending for a period in excess of 25 days.

(Here enter F.R. No 2720 of 1854)

Ex Thrift

F.R.

Thursday 9th November, 1854.

At a Court of the Foujdaree Adalut.

Present.

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

Read again Calendar in Case No 29 of 1854, before the Sessions Court of Nellore.

(Here enter F.R. No 1197 of 1854.)

Read also again Miscellaneous Petition presented on 10th July, 1854, by Padroopaty Rasadoo, and another of the Zillah of Nellore.

(Here enter F.M.P. No 1395 of 1854.)

Read also Supplemental Return dated 25th October, 1854, from the Sessions Judge of Nellore to the Precept of the Foujdaree Adalut under date 5th August, 1854, directing the submission of a translation of the record in the above Session Case.

(Here enter F.R. No 2624 of 1854.)

The prisoners in the above Case

Mr. T.L. Strange. 1.

were charged with Highway Robbery attended with violence, and with being knowingly in possession of part of the stolen property.

2. The 1st, 2nd, 5th, 6th, and 7th prisoners were convicted of the first part of the charge, and the 9th and 10th Prisoners of the second part and they were sentenced to undergo 10 years' imprisonment with hard labor in irons by the Sessions Judge, and on his recommendation by the Court of Sudder Adalut.

3. The above Miscellaneous Petition was presented on behalf of the 1st and 2nd Prisoners in the Case, and on consideration of the reasons stated in it, the Court of Sudder Adalut called for the entire record of the Case, a translation of which accompanies this return.

4. In these papers, the Court of Sudder Adalut have given their careful attention.

5. It appears that the 1st prisoner was identified by the prosecutor and by the 5th witness, and the 2nd prisoner by the prosecutor, and by the

the 2nd and 5th witnesses as having been among the robbers.

6. The 4th witness also identified these prisoners but her evidence was properly rejected by the Sessions Judge as being incredible, she having professed to have recognized all the prisoners, eight in number, who were arraigned for the robbery.

7. The Court of Sudder Adalut consider the identification of the 1st and 2nd prisoners to be most questionable.

8. They with the 3rd prisoner and 3 others, were arrested on no other ground than that they had been seen together, and were thence judged to be suspicious characters.

9. The statement of the prisoners is that they were engaged in trafficking in buffaloes, and that they had for this purpose borrowed Rupees 40, and their story is supported by abundant evidence adduced by them, and by the finding on them of Rupees 39 and odd, which money is unclaimed by any one but themselves.

10. It appears that the 6th and 7th

were charged with Highway Robbery attended with violence, and with being knowingly in possession of part of the stolen property.

2. The 1st, 2nd, 5th, 6th, and 7th prisoners were convicted of the first part of the charge, and the 9th and 10th Prisoners of the second part and they were sentenced to undergo 10 years imprisonment with hard labor in irons by the Sessions Judge, and on his recommendation by the Court of Sunjarees Adalut.

3. The above Miscellaneous Petition was presented on behalf of the 1st and 2nd Prisoners in the Case, and on consideration of the reasons stated in it, the Court of Sunjarees Adalut called for the entire record of the Case, a translation of which accompanies this Return.

4. In these papers, the Court of Sunjarees Adalut have given their case due attention.

5. It appears that the 1st prisoner was identified by the prosecutor and by the 5th witness also, and the 2nd prisoner by the prosecutor, and by the

the 2nd and 5th witnesses as having both been among the robbers.

6. The 4th witness also identified these prisoners but her evidence was properly rejected by the Sessions Judge as being incredible, she having professed to have recognized all the prisoners, eight in number, who were arraigned for the robbery.

7. The Court of Sunjarees Adalut consider the identification of the 1st and 2nd prisoners to be most questionable.

8. They with the 3rd prisoner and 3 others, were arrested on no other ground than that they had been seen together, and were thence judged to be suspicious characters.

9. The statement of the prisoners is that they were engaged in trafficking in buffaloes, and that they had for this purpose borrowed Rupees 40, and their story is supported by abundant evidence adduced by them, and by the finding on them of Rupees 39 and odd, which money is claimed by any one but themselves.

10. It appears that the 6th and 7th witnesses

witnesses who are police peons were with others suspended from their appointments by the Acting Joint Magistrate for the non-discovery of these robbers, upon which they seized the above party three among whom having been identified by the 4th witness, the said peons were restored to their situations.

11. This arrest was made upwards of a month and a half after the robbery had taken place, and the circumstances attending it are such as to lead this Court to place no faith in the subsequent identification, especially when headed by such a witness as the 4th witness has shown herself to be, and being moreover unsupported by any corroborative testimony.

12. The Court of Sujdaree Adalut therefore acquit the 1st and 2nd prisoners of the crimes laid to their charge, and direct their immediate release.

13. The 7th prisoner is similarly circumstanced. His arrest was made more than two months after the robbery occurred and on very dubious

dubious information. The same witnesses have appeared against him, as against the 1st and 2nd prisoners and their testimony in his instance likewise is uncorroborated.

14. The Court of Sujdaree Adalut therefore resolve to acquit the 7th prisoner also, and to direct his immediate release.

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

Ordered also that Extract from these proceedings be granted to the Petitioners on their application.

(Sent following precept No)

Read Calendar of Case No. 55 of 1854 of the Session Court of Chittoor.

(Peremptory No. 2604 of 1854.)

The Court of Sujdaree Adalut approve of the recommendation made by the Sessions Judge in this case that the period of imprisonment which the prisoners noted in the margin have been adjudged to suffer on their conviction of Robbery by

1. Gungadoo
2. Thadiana pulliengadoo
3. Pedda Thiviadoo

by oath (evidence), be produced to (8) Eight years with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

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

(Sent in No)

No returns having been received from the Sessions Judge of Cuddapah to the Precept of this Court dated the 20th September last forwarding for his report copy of the petition presented by Shaik Sippoor late a Prisoner in the Jail at Cuddapah.

Ordered that the Sessions Judge of Cuddapah do make a Return to the above Precept without any further delay.

(Sent in No)

Read Calendar of Case No. 93 of 1854 of the Sessions Court of Masulipatam.

(Here Enter F. H. No. 2648 of 1854.)

1. The Court of Sudder Adawlut assenting to the recommendation made by the Sessions Judge in this case, that the periods of imprisonment

imprisonment which the Prisoners noted in the margin have been adjudged to suffer on their conviction of House-breaking and theft be reduced, in the case of the 1st Prisoner to (4) four years, and in that of the 2nd and 3rd Prisoners to (3) three years with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

1st Chinna Naidoo Mahommad
2nd Goorrum Reddy Gundoo, ppd
3rd Mahommad Khandoo

2. The Court observe that this case was under trial for nearly a month, and they resolve to call upon the Sessions Judge for an explanation of this delay.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Masulipatam by Precept returnable in 7 days from and after its receipt.

(Sent following precept No)

Read Calendar in Case No. 62 of 1854 of the Sessions Court of Cuddalore.

(Here Enter F. H. No. 2634 of 1854.)

The Session Judge recommends that the sentence of 14 years imprisonment awarded to the 1st, 4th, and 9th prisoners may be mitigated to 10 years imprisonment in the case of the 1st, and to 8 years in the case of the 4th and 9th

9th prisoners.

2. The Court of Sudder Dewanny Adawlut see no sufficient grounds for the mitigation proposed by the Sessions Judge.

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

(Entered No)

No Return having been received from the Sessions Judge of Cuddapah to the Precept of this Court dated the 21st June last, requiring for report a petition presented by Gorinda Row of that Zillah,

Ordered, that the Sessions Judge of Cuddapah do make a Return to the above Precept without any further delay.

(Entered No)

Read letter dated 30th October, 1854, from the Sessions Judge of the Zillah of Madura.

(Here enter F. C. No 2686 of 1854.)

1. With this letter, the Session Judge submits for the consideration and final judgment of the Court of Sudder Dewanny Adawlut an English Translation of the Record in the above Session

Case

Case.

2. The Prisoners were charged with "Attempt at Robbery," and "Murder."

3. The Sessions Judge concurred in so much of the Law Officers Futwa, as convicted the prisoners of having, while engaged in the attempt to commit robbery by open violence, assaulted the deceased and so wounded him as to cause his death, and holding that their case therefore fell within the scope of Clause 1st, Section IV, Regulation XVI of 1803, has preferred the case for the final judgment of this Court. He intimates in his letter of reference his opinion, that a mitigation of the prescribed sentence of Death to one of (14) years' imprisonment, would meet the requirements of the case, considering the evidence sufficient to warrant a conviction of the Prisoners as having been present on the occasion of the Attempt at Robbery, in which Deceased met his Death.

4. The Court of Sudder Dewanny Adawlut are unable to concur with the Sessions

Judge

9th November, 1854.

Judge in the Conviction of these Prisoners, considering the evidence to their identification, to be altogether worthless.

5th

There was no moonlight on the night on which the attack took place, and it does not appear, that there was any lighted lamp in the house of Deceased; moreover the testimony that the Deceased, immediately after the robbers retired, mentioned the names of the 1st and 2nd prisoners and others, is far from satisfactory; and it is to be remarked that the Mukhtesar in his report dated 27th August, three days after the assault on Deceased, states that the deceased when questioned by him on that day, declared, that "he did not know the names, features, or Villages of the robbers who wounded and ill-treated him." Of this circumstance the Sessions Judge takes no notice.

6th

The 1st Prisoner is said to be a Village Moosiff, and the 2nd prisoner is his brother, neither of them appear to have hitherto borne a bad character. The Deceased moreover had not much property to tempt them, and no Enmity between them

9th November, 1854.

them and Deceased is deposed to.

7th

No complaint was made by any one to the Police Authorities, and although the nephew of the deceased, carried him the day after he was wounded to another Village, still to this person, no mention was made by him of the names of the prisoners.

8th

Thus it appears, that deceased not only remained silent for three days, but that when actually asked by a Police Authority, if he knew the parties who had injured him, he denied all knowledge of them.

9th

The Sessions Judge himself admits, that the witnesses have each in all probability deposed to more than they individually witnessed, and that they "may be mistaken in their testimony."

10th

It seems extraordinary, that the 2nd witness for the prosecution, a lad of 12 years of age, who was in the house at the time, should have been unable, as reported by the Police Ameen, to answer the question put to him on the subject.

The

9th November, 1854.

11. The Court of Joydaree Adalut do not think the evidence sufficient to bring the charge home to the prisoners, whom they accordingly acquit, and resolve to direct, to be immediately released.

12 The mission on the part of the Sessions Judge to examine the Matter pros and thereby clear up the above-mentioned difficulties is, this Court consider, much to be regretted; as it leaves in doubt a case, which, in the opinion of this Court might have been either proved or shown without doubt, to be false as far as the present prisoners are concerned

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

(Sent following precept No.)

Read letter dated 30th October, 1854 from the Acting Session Judge of Tinnevelly submitting for the final judgment of the Joydaree Adalut, the Record of Case No.

9th November, 1854. No. 34 of 1854 on the file of the Sessions Court.

(Here entered No. 26858 of 1854)

Messrs. G. L. Harper, and S. L. Stranger.

The Court of Joydaree 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, Moorooghen,
2nd, Permal,
3rd, Sevanaathaven,

and

4th, Lobben,

is sufficient to convict them, the 1st prisoner of the crime of Murder, and the 2nd, 3rd, and 4th of aiding and abetting the same, do convict them severally thereof; and in conformity with the provision of Section X, Regulation VIII of 1802, sentence the prisoners,

1st, Moorooghen,

to suffer death by being hanged at the usual time and place of execution; the prisoner,

2nd Permal,

to be imprisoned and kept to hard labor in irons

on

on the publick roads or other publick works for and during the period of (10) Ten years; and the prisoners,

3d, Sevanaithanan,

and

4th, Loobben,

to be imprisoned and kept to hard labor in irons on the publick roads or other publick works for, and during the period of (5) Five years.

(Entered No.)

Read Petition presented on the 26th ultimo by Soundara Londia Pillay of the zillah of Madura.

(Here enter F. H. P. No. 2285 of 1854.)

Wm. W. A. Morehead.

The Court of Fouzdaree Udalut resolve to reject this Petition and refer the Petitioner to their former orders in the matter to which he refers.

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

E. C. Thelwall

F. H.

Friday 10th November 1854.

At a Court of the Fouzdaree Udalut

Present:

G. L. Hooper Esqr. ——— Puisne Judge

W. A. Morehead Esqr. ——— Puisne Judge

T. L. Strange Esqr. ——— Puisne Judge

Read Calendar in case No. 95 of 1854 on the file of the Session Court of Masulipatam

(Here enter F. H. No. 2618 of 1854)

In this case the Prisoner was

1. convicted of having severely wounded the 1st and 2d witnesses with a knife - the 1st witness on the neck and the 2d on the back, with intent to do them grievous bodily harm, and was sentenced by the Session Judge to 2 years Imprisonment with hard labor in irons.

2. The Court resolved to instruct the Session Judge that the foregoing punishment is deemed inadequate. It was pleaded for the Prisoner that he was a man of violent temper - but he does not appear on this occasion to have received any ostensible provocation - and the

use

use of the knife, under the circumstances recorded,
would seem to indicate a considerable degree of malice

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

(Sent in No.

Read Calendar of Case No. 50 of
1854 of the Session Court of Cumbaconum.

(Here enter T. No. No. 2628 of 1854)

The Court of Foujdaree Udalut
approve of the recommendation made by the Sessions
Judge in this case that the period of imprisonment
which the Prisoners noted in the margin have been
adjudged to suffer on their conviction of House
breaking and Theft, be reduced to (6) six months
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
Combaconum for his information.

(Sent in No.

Read Calendar of Case No. 47 of
of the Session Court of Cuddalore

(Here enter T. No. No. 2638 of 1854)

The Court of Foujdaree Udalut
approve

1 Soondrum and
2 Yellappen.

approve of the recommendations made by the Session
Judge in this case that the period of imprisonment
to which the Prisoner noted in the margin has been
adjudged to suffer on his conviction of the crime
of Gang Robbery, be reduced to (7) seven years
with hard labor in irons, and they do authorise
the Session Judge to issue his warrant accordingly.

Soobbien alias
Soobbaroyen

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

(Sent in No.

Read letter under date the 20th
October 1854 from the Acting Agent to the Governor
of Fort St. George at Vepery, submitting for
the final judgment of the Foujdaree Udalut a
report of the trial of Criminal Case No. 32 of
1854 on his file.

(Here enter T. No. No. 2666 of 1854)

The Court of Foujdaree Udalut
concur in the conviction of the Prisoner,

Doocka Dundasy,

of House breaking with intent to steal and
wounding and resolve to confirm the sentence
proposed to be passed upon him by the Agent of
(14) fourteen years imprisonment with hard
labor

10th November 1854

9½

laboo in irons and to receive 60 lashes under Clause fourth Section III Regulation II of 1822.

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

(Sentin No.

Read letter dated 3d November 1854 from the Session Judge of Chittoor, submitting for the final judgment of the Foujdaree Udalut the Record in case No. 33 of 1854 of the Calendar of the Session Court.

(Here enter F Ud. No. 2685 of 1854)

Mr. Hooper
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,

"Venkataroyaloo Nachend,"

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.

F Ud.

10th November 1854

Read letter dated 3d November 1854 from the Session Judge of Chittoor, submitting for the consideration and final judgment of the Foujdaree Udalut a record of the trial of Criminal Case No. 9 of 1854 on the files of the Session Court.

(Here enter F Ud. No. 2728 of 1854)

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 proof against the prisoner,

"Ebrama Sah,"

is sufficient to convict him of the crime of Perjury, do convict him thereof; and under the provisions of Clause first Section III Regulation VII of 1811, and Section XXII Act VIII of 1843, sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (2) two years to be calculated from the 30th June 1854.

(Sent in No.

Read letter dated the 7th November 1854 from the Session Judge of Chittoor, submitting for the consideration and final judgment of the Foujdaree Udalut a record of the trial of Criminal Case No. 31 of 1854 on the file of the Session Court.

(Here enter F Ud. No. 2730 of 1854)

The

9th

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 proof against the prisoners,

1st Tirovengada Naick and

2d Moonesawmy Naick,

is sufficient to convict them of aiding and abetting Forgery, do convict them thereof, and sentence them to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of (2) two years, to be calculated from the 30th June 1854.

Sent in No

Read letter dated the 6th November 1854 from the Session Judge of Chittoor, submitting for the consideration and final judgment of the Foujdaree Udalut a record of the trial of Criminal Case No 15 of 1854 on the file of the Session Court.

(Here enter F. R. No 2729 of 1854)

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 proof against the Prisoner,

"Balakrishna Moodely"

is sufficient to convict him of the crime of Forgery

do

do convict him thereof and under the provisions of Clause third Section III Regulation XI of 1811, and Section ~~XXXIV~~ Act VII of 1843 sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of (6) six years to be calculated from the 30th June 1854.

(Sent in No

No return having been received from the Session Judge of Cuddalore to the precept of this Court dated the 9th October last forwarding for explanation the Petition presented thro the Session Court by Arumoodiengar, the 6th Prisoner in Case No 11 of 1854 on the file of the Session Court

Ordered that the Session Judge of Cuddalore be directed to make an immediate return to the above precept.

(Sent in No

Rd 11th

F.N.6.

Saturday -
11th November, 1854. At a Court of the Fouzdaree Udalut -

Present -

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

Read Miscellaneous Petition presented on the 23d October 1854 by Sen Kralingum Chetty of Zillah Tinnevelly -

(Here enter F. M. P. No. 224 of 1854 /-

Mr. W. A. Morehead /

Petitioner prays the Court of Fouzdaree Udalut for reasons stated in his petition to cancel the orders of the Magistrate of Tinnevelly in fining him and others for "Riot and Affault" and placing Petitioners under a requisition of Security with which orders the Sessions Judge in his Proceedings of the 11th August 1854 has declined to interfere.

The

F. No.

Saturday -
11th November, 1854 - At a Court of the Fouzdaree Adalut -

Present.

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

Read Miscellaneous Petition presented on the 23d October 1854 by Sen Ratinguem Chetty of Tillah - Tinnevelly -

Here enter F. M. P. No. 224 of 1854 -

Mr. W. A. Morehead. Petitioner prays the Court of Fouzdaree Adalut for reasons stated in his petition to cancel the orders of the Magistrate of Tinnevelly - fining him and others for "Riot and Assault" and placing Petitioners under a requisition of Security with which orders the Sessions Judge in his Proceedings of the 11th August 1854 has declined to interfere -

The

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11th November, 1854.

2.

The Court of Foujdaree Udalut see no reason to interfere in this matter - and resolve to reject this petition.

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

Read Petition presented on the 2d November 1854 by S. Seroomala Chariar, Vakeel on behalf of Badrumal of Zillah Salem.-

/Here Enter F. M. P. No. 231 of 1854/-

Mr. W. A. Morehead.

This is a Petition for the reversal of the sentence passed against Petitioner the 2d Prisoner in Case No. 21 of 1854 on the file of the Session Court of Salem on his conviction of the crime of "Gang Robbery" - Petitioner prays the Court to call for the record of Trial.-

2.

This Petition is rejected. the Court see no reason to comply with the Petitioner's request.-

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

Read

11th November, 1854.

Read Miscellaneous Petition presented on the 30th October 1854 by S. Jachoo Menon Vakeel on behalf of Canatchy of Zillah Chittoor.-

/Here Enter F. M. P. No. 232 of 1854/-

Mr. W. A. Morehead - 1.

Petitioner who is the wife of the Prisoner, Veerasawmy in Case No. 47 of 1854 before the Session Court of Chittoor - prays the Court of Foujdaree Udalut to acquit her husband of the crime of "Housebreaking and Theft" laid to his charge.-

2.

The Court of Foujdaree Udalut have already disposed of this case on a perusal of the record and convicted the prisoner.-

3.

This petition is therefore rejected.-

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

Read Petition presented on the 23d October 1854 by Patcomah, Fabeva, and Aseeny of Zillah Calicut.-

/Here Enter F. M. P. No. 233 of 1854/-

Petitioners

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11th November, 1854.

Mr. W. A. Morehead.

1. Petitioners, on behalf of their respective sons Pakiny Sah, Ibram Sah and Pitany Abdoo who were sentenced, on their conviction of "Highway Robbery" (Case No. XXXIV of 1854 Sessions File of Calicut) to 14 years Imprisonment with hard labor in Irons, pray this Court to call for the Record of Trial and reverse and rescind the said sentences.—

2. The Court of Foujdaree Udalut see no ground for complying with the foregoing request and reject this Petition.—

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

Read again Calendar of Case No. 21 of 1854 before the Sessions Court of Trichinopoly.—

/Here Enter F.M.C. No. 2186 of 1854/—

Read also Miscellaneous Petition presented on the 9th October 1854 by Maree of Zillah Trichinopoly.—

/Here Enter F. M. P. No. 216 of 1854/—

Petitioner

2/-

F.M.C.

11th November, 1854.

Mr. W. A. Morehead.

1. Petitioner adduces the Court on behalf of the prisoners in the above Sessions Case, whose conviction she prays this Court to cancel.—

2. The Court of Foujdaree Udalut see no cause to disturb the sentence passed by the Sessions Judge and accordingly resolve to reject this petition.—

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

Read Calendars in Cases Nos. 30 and 31 on the file of the Sessions Court of Salem.—

/Here Enter F.M.C. Nos. 2631 & 2632 of 1854/—

1. In the foregoing Cases the Prisoners, who are charged, in either Calendars, with "Gang Robbery" have been acquitted and released by the Sessions Judge - who observes that the evidence is most contradictory and suspicious and records his belief that the cases were committed to the Sessions Court

owing

owing to Para: 3. Circular Order No. 204 of the Foujdaree Udalut which prescribes that "whenever a Subordinate Judge may "entertain doubts of the truth of the "evidence adduced, but may consider it "to be such as in the event of its being "pronounced credible would suffice for "conviction, it is his duty to commit &c."

2. The Court resolve to inform the Sessions Judge that the above orders cannot be construed to mean that the Subordinate Judge should commit, as when he deemed that no conviction would follow.—

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

/Sent in No. /—

Read Calendar in Case of No. 61 of 1854 on the file of the Sessions Court of Cuddalore.—

/Here Enter F.M.C. No. 2633 of 1854/—

1. In the foregoing Case the Sessions

Sessions Judge concurs with the Law Officers in considering the evidence adduced sufficient to convict either of the Prisoners of the charge which was one of "Housebreaking and Theft" but has taken from the 1st Prisoner a requisition of security for his good behaviour and appearance for a period of (3) three years.—

2. The Court observe that it would appear from the remarks of the Sessions Judge that he attached credit to the testimony of the 1st Witness, who has stated all along that he recognized in the 1st Prisoner the thief whom he seized in the act. The Sessions Judge therefore should have held that Prisoner guilty and have referred the trial.—

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

/Sent in No. /—

Read Calendar of Case No.

11th November, 1854.

No. 66 of 1854 of the Sessions Court of Cuddalore.-

/Here Enter F.No. No. 2637 of 1854/-

×Dausee. 1. The ×Prisoner in this case was charged with Highway Robbery, and on conviction has been sentenced to 14 years' Imprisonment with hard labor in irons under Clause 8 Section IV Regulation XV of 1803, but considering this punishment too severe, the Sessions Judge recommends that the period of Imprisonment be mitigated to 10 years.-

2. The Court of 2nd Foujdaree Udalut are of opinion that the sentence passed upon the Prisoner as might with propriety be still further reduced to one of (7) seven years Imprisonment with hard labor in irons, and they direct that the Sessions Judge do issue his warrant accordingly.-

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

/Sent in No. /-

Read

3/-

F.No.

11th November, 1854.

Read Calendar of Case No. 62 of 1854 of the Sessions Court of Nellore.-

/Here Enter F.No. No. 2641 of 1854/-

1. The Sessions Judge in concurrence with his Mohomedan Law Officer convicted the ×Prisoners of Highway Robbery and sentenced them to 14 years' Imprisonment with hard labor in irons, but considering this punishment, under the circumstances of the case, too severe, recommends that the period of Imprisonment may be reduced to 2 years.-

×1-Mokala Bodigadu.-
2-Palakiti Ramudu.-

2. The Court of Foujdaree Udalut are of opinion that the Prisoners should undergo a punishment of (3) three years' Imprisonment with hard labor in irons, and to that extent they authorize the Sessions Judge to mitigate the sentence passed, and to issue his warrant accordingly.-

Ordered, that Extract from these Proceedings be sent to the

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the Sessions Judge of Nellore for his information.—

/Sent in No. /—

Read Calendar of Case No. 13 of 1854 on the file of the Sessions Court of Chicacole.—

/Here Enter F.M. No. 2658 of 1854/—

1. In the foregoing case the Sessions Judge has sentenced the prisoner - an old offender - on his conviction of the crime of "Housebreaking and Theft" to (7) seven years' Imprisonment with hard labor in Irons under Clause XXI. Regulation VII of 1802 and to receive 195 lashes - and he recommends that the sentence of Imprisonment be undergone by the Prisoner in the Rajahmundry Jail.—

2. The Court resolve to give effect to this recommendation of the Sessions Judge.—

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Chicacole and Subordinate Judge of Rajahmundry

Rajahmundry for their information and guidance.—

/Sent in No. /—

Read Calendar in Case No. 55 of 1854 before the Sessions Court of Cuddapah.—

/Here Enter F.M. No. 2660 of 1854/—

1. In this case of "Housebreaking and Theft" the Sessions Judge concurred with the Assessors in acquitting the 2d. and 3d. prisoners, but held the 1st. prisoner to security for one year, as he considered that from the evidence of the 1st. 2d. and 4th. Witnesses against 1st. prisoner from his own confession before the Head of Police the day after apprehension and from the stated delivery by him of some of the stolen property - from the facts that one of the parties seen with him on the night of the robbery had absconded - that 1st. prisoner's own defence had failed and that he bore a bad character - therefore

there

9½

there was the greatest suspicion attaching to him.-

2. The Court of Foujdaree Udalut are of opinion that on the Sessions Judge's own showing there was sufficient evidence to justify the conviction of this 1st prisoner.-

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

/Sent in No. /-

Read Criminal Reports submitted by the Sessions Judge of Trichinopoly for the month of September 1854.-

/Here enter F.C. No. 2556 of 1854/-

Case No. 61- 1. "Obtaining money under false pretences" is the name of the offence with which the Prisoner is charged in this and the following five cases.-

Case No. 71- 2. The Prisoner, on his conviction of having falsely and maliciously charged

charged one Soobarayen and others with a highway robbery, has been sentenced to one months' Imprisonment under Regulation IX of 1832. The punishment, for a malicious charge of the foregoing nature, is very lenient. It was not necessary to state that the Imprisonment was to be "without labor or irons" the Imprisonment contemplated by the enacting Regulation being simple Incarceration only.-

Report B. of the Magistrate. Case No. 1. "Fraud".- 3. The offence committed by the Prisoner who, as Prosecutor's servant had charge of the articles he appropriated to himself, is "Theft" the heading will be altered accordingly.-

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

/Sent in No. /-

Read

Read Criminal Reports submitted by the Acting Sessions Judge of Hosur for the month of September 1854.

/Here Enter F.No. No. 2574 of 1854/-

Case No. 40. 1. It is clearly an error to charge the Prisoners as having committed the offence charged "in company with "others released by the Police for want "of proof" unless the Police have been directed to reapprehend and commit such released parties. which is not stated.-

Case No. 41. 2. The foregoing remarks applies here also.

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

/Sent in No. /-

Read Criminal Statements for September 1854 submitted by the Sessions Judge of Masulipatam.-

/Here Enter F.No. No. 2586 of 1854/-

Sessions Judge as Subordinate Judge. No. 81 of 1854.

From the wording of the charge in this case. the heading of "Housebreaking

"Housebreaking" would appear to be incorrect.-

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

/Sent in No. /-

Read Criminal Reports submitted by the Sessions Judge of Madura for the month of September 1854.

/Here Enter F.No. No. 2607 of 1854/-

Cases Nos. 137 and 138. 1. "Assault attended with Wounding & Robbery".- In these cases unless the carrying away of the timbers Vcas was of the nature of a trespass only (which does not appear) the charges should have been headed "Robbery by open violence".-

Case No. 139. 2. The property alleged to have been stolen in this case is laid as that of the "Goddess Moottoodummen".- It should have been laid as that of the Wardens - or other party in charge of the same.-

Case No. 158. 3. "Wounding with intent to Kill."- The malice having been charged

11 11th November, 1854-

charged - it was not necessary to set forth the causes of the same. —

Case No. 161- 4. "Theft and professing stolen property" add "knowingly." —

5. From the number of cases released (12) against those committed (5) the Court are led to infer that the Heads of Police exercise by no means sound discretion in the sending up for trial to the Criminal Courts many of the cases which reach that tribunal. The Sessions Judge will bring this matter prominently to the notice of the Magistrate - and he will be pleased further to direct the Acting Subordinate Judge to expedite the examination of the 19 cases now "not disposed of" on his file. —

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

Sent in No. /—

No return having been received

11th November, 1854-

received from the Sessions Judge of Cuddapah to the Precept of this Court dated the 7th July last conveying their observations on Case No. 19 of 1854 on the Calendar of the Sessions Court,

Ordered, that the Sessions Judge of Cuddapah be required to make a return to the above Precept without further delay. —

Sent in No. /—

No return having been received from the Sessions Judge of Cuddapah to the precept of this Court dated the 15th May last directing him to review the proceedings in Case No. 41 on the Cuddapah Criminal Reports for the month of February 1854,

Ordered, that the Sessions Judge of Cuddapah do make a Return to the above Precept without any further delay. —

Sent in No. /—

Read Petition presented on the

the 6th October 1854 by Moollammal of Zillah Salem.—

/Here Enter F. M. P. No. 215 of 1854/—

Read also Petition presented on the 30th October 1854 by Alamaloo of Zillah Salem.—

/Here Enter F. M. P. No. 229 of 1854/—

Read also Petition presented on the same date by Alamalamma of Zillah Salem.—

/Here Enter F. M. P. No. 230 of 1854/—

Mr. W. A. Morehead 1.

The Petitioners pray respectively for the reversal of the sentences passed by the Sessions Judge of Salem on Prisoners 33d. 12th. and 1st. convicted in Case No. 21 on the file of the Sessions Court.—

2.

Before passing final orders on the foregoing applications the Judges resolve to call for the Record of Trial so far as it regards the three prisoners above mentioned. The Sessions Judge will be pleased to furnish the same without loss of time.—

Ordered,

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

/Sent following Precept No. /—

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

Read Petition presented on the 26th October 1854 by Ramasawmy Cutcheeroyen of Zillah Cuddalore.—

/Here Enter F. M. P. No. 225 of 1854/—

Petitioner on behalf of the

Mr. W. A. Morehead 1.

Prisoners convicted, in Cases Nos. 12 and 13 of the Sessions Court of Cuddalore, of "Gang Robbery" and whose sentences were commuted, on the recommendation of the Sessions Judge, to (8) Eight years' Imprisonment with hard labor in Irons, prays the Court to call up the Record of Trial and to rescind the ~~said~~ sentences respectively.—

The Court resolve to ~~a~~ direct

2.

11th November, 1854.

direct the Sessions Judge to submit without loss of time the Original Records of the Trials in the foregoing cases for the consideration of this Court.—

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddalore by precept returnable in III 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.—

Read again Calendar in Case No. 42 of 1853 before the Sessions Court of Zillah Cuddalore.—

/Here Enter F.M.C. No. 1617 of 1854/-

Read also Miscellaneous Petition presented on the 26th October 1854 by Arthur Ritchie and Alex. Ritchie Esquires Vakeels on behalf of the convicted prisoners in the above Sessions Cases.—

/Here Enter F.M.P. No. 226 of 1854/-

Before

F.M.C.

11th November, 1854.

Mr. W.A. Morehead.

Before passing final orders on this petition the Court of Foujdaree Udalut resolve to call upon the Sessions Judge to submit without delay the Original record of the trial in Sessions Case No. 42 of 1854.

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

/Sent following Precept. No. /-

Read Calendar of Cases Nos. 36-37-38 on the file of the Sessions Judge of Tinnevelly.—

/Here Enter F.M.C. Nos. 2715-2716 & 2717 of 1854/-

As these cases appear to be of a simple character, the Court of Foujdaree Udalut direct that the original records be submitted for their consideration without translations.—

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

precept

11th 11th November, 1854.

precept returnable within V days from
and after its receipt.—
Sent following Precept. No. /—

4th Moll

Monday— 13th November 1854

At a Court of the Fouzdaree Udalut.

Present

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

Read Letter under date the 30th September 1854 from the Session Judge of Masulipatam.—

/Here enter F. Cp. No. 2413 of 1854/

Read also letter under date the 2d October 1854 from the Magistrate of Masulipatam.—

/Here enter F. Cp. No. 2427 of 1854/

1. The foregoing letters have reference to certain charges preferred against the Head of Police of Pentapaud by a prisoner in a case tried by the Moofty Sudr Ameen, who alleged that he had been maltreated by the Head of Police. The Magistrate having been directed by the Session Judge to inquire into the charge, an investigation was held by the Special Assistant Magistrate, which

which resulted in a fine of Rupees 15-- being imposed upon the Head of Police, and 4 fines of Rupees 4 each on 4 Peons whom the Special Assistant Magistrate considered to have been implicated in the matter, that Officer recording his opinion that it was "fully "proved that the complainant was beaten "although the evidence showed a number of "minor discrepancies, and very evident attempts "at exaggeration."

2.

On perusal of the record, the Magistrate determined not to interfere with the decision, but at the same time recorded his belief that "the greater portion "of the evidence was worthless and that there "were circumstances connected with the position "of the Defendant (the Head of Police) "at the time and place at which the investigation was held, and with the village from "which the witnesses were brought, all tending "to incite and favor the getting up of false evidence" The Magistrate further stated that "he would not himself have convicted upon "the evidence adduced." The Magistrate's return concludes with the following remarks.

"The Magistrate is however of opinion "that although the Head of Police of "Pentapaud is active and energetic in "his duties, has hitherto held a high character for integrity and has raised many "enemies among Cutwaws and others, "whose pilfering he has kept in check, "he is of hasty temperament, and may "not keep it under sufficient control "in the discharge of his duties.

"This conviction taken in connexion with the fact that there was "much unnecessary delay in the disposal "of the case by the Head of Police, and "that the examining officer while seeing "in the witnesses before him, a strong tendency to exaggeration, still believes the charge "not to be without foundation, and the probability that there were some grounds for it, "rather than any belief in the recorded "evidence, determine the Magistrate not to interfere with the decision of the Special Assistant Magistrate."

"The Magistrate has warned

"the

"the Head of Police to be most careful in
"future to dispose of all cases without delay,
"and not to act in a manner which can af-
"ford the slightest grounds for believing that
"he has been guilty of harshness towards any
"parties under examination before him, and
"equally to take care that his Peons prac-
"tice none."

3 On perusal of this return and adverting to the animadversions re-corded by the Court of Foujdaree Udalut on the conduct of the Head of Police in a former case, the Session Judge has recommended that the Head of Police should be dismissed from his situation.

4 The Court of Foujdaree Udalut see no sufficient grounds for the dismissal of the Head of Police. The Magistrate, who has gone into the evidence adduced against the Head of Police, is of opinion that the charge preferred against him has not been established. In the face of this opinion, the Court of Foujdaree Udalut consider that the Session

Session Judge, who does not appear to have had the record of the case before him, was not justified in recommending that the Head of Police should be dismissed. On the contrary, the Court are of opinion that, entertaining the view of the evidence which he has placed on record, the Magistrate was bound to reverse the sentence passed by the Special Assistant, and the Court accordingly resolve to direct that the fines imposed by that Officer be remitted.

Ordered, that Extract from these Proceedings, be sent to the Session Judge of Masulipatam, for communication to the Magistrate, by Precept returnable within X days from and after its receipt.

(Sent following Precept &c)

Read letter under date the 16th October 1854, from the Session Judge of Masulipatam.

(Here enter F. Cl. No. 2588 of 1854)

1 The Court of Foujdaree Adalut

Udalut see nothing in the foregoing letter which would lead them to retract the opinions recorded in their proceedings of the 18th August and 20th September last. They at the same time see no grounds for complying with Mr. Cotton's request that the correspondence which has passed in the matter adverted to should be submitted for the consideration of Government.-

2. The Court of Fouzdaree & Udalut were quite prepared to withdraw the animadversions they had passed upon Mr. Cotton's management of his Jail if he could have adduced facts to satisfy them that these animadversions were unfounded. This was intimated to Mr. Cotton in the Courts proceedings of the 20th September in which the Court at the same time pointed out to him the nature of the explanation which would serve to satisfy them that his conduct in regard to the prevalence of the irregularities in his Jail was not open to censure.-

3. Such an explanation Mr. Cotton has failed to submit.-

4 It appears from the diaries now submitted by him in proof of the active supervision exercised by him over the Jail that he was made aware of the existence of the irregularities which have formed the subject of this correspondence with the Court in May 1853, and that until April 1854 when he reported to the extraordinary and unwarranted measure of decimating the prisoners no active check was attempted by him.-

5. Mr. Cotton is altogether unwarranted in the inferences drawn by him in the 6th para of his present letter from the Courts proceedings in this matter and in the case of the late Seristadar of the Subordinate Court of Rajahmundry, in both of which he alleges that the Judges have indirectly questioned the honesty of his proceedings and of his word. In regard to the management of the Jail, the Court have not been satisfied with Mr. Cottons' exertions and they have attributed the continuance of such irregularities for so long a period to a want of effective

supervision

supervision. Whether the supervision exercised by Mr. Cotton was such as the circumstances demanded is a matter of opinion on which the Court have pronounced their judgment without for a moment questioning the correctness of the assertions made by Mr. Cotton as to the nature of the supervision exercised by him.-

6. In regard to the case of the Seristadar of the Subordinate Court of Rajahmundry which Mr. Cotton adduces as another instance of the Courts' evincing a distrust of his word, it is sufficient to observe that the opinion formed by Mr. Cotton of that individuals incompetency was likewise a matter of opinion on which the Court were unwilling to form a judgment until they had before them the fullest information they could procure. The Court have never questioned Mr. Cotton's veracity, but they have seen ample grounds for questioning his discretion.-

7. Mr. Cotton is further in error in stating that the Court have absolved the Jail

Jail guards from the responsibilities really devolving on them of which the duty of preventing convicts, as far as lies in their power, from secreting and bringing with them forbidden articles is one. The gist of the Courts observations on this point is that the responsibility of allowing such articles to pass into the Jail rests with the officers appointed to search the convicts on entering the Jail.-

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

/Sent in No./

Read letter under date the 31st. October 1854, from the Officiating Agent to the Governor of Fort St. George at Kurnool, submitting for the final judgment of the Fouzdaree Udalut, a report of the trial of Criminal Case. No. 81 of 1854 on his file.-

/Here enter F. Ug. No. 2710 of 1854/

Mr. Munhead

The Court of Fouzdaree Udalut concur with the Agent in convicting the 1st. Prisoner,

Kissun Bharty

of

of house breaking and Theft, and sentenced him as recommended to (3) three years Imprisonment with hard labor in irons and to receive 70 lashes with a cat of nine tails under clause VII Section II Regulation XV of 1803.-

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

(Sentence Rd.)

Read letter under date the 25th October 1854, from the Acting Agent to the Governor of Fort St. George at Ganjam, submitting for the final judgment of the Foujdaree Udalut, a report of the trial of Criminal Case No. 31 of 1854 on his file.-

(Here enter F. Ul. No. 2724 of 1854)

Mr. Strange

The Court of Foujdaree Udalut concur with the Acting Agent in convicting the Prisoners

5th. Mongala

of house breaking and Theft, and the

the Prisoners

1st. Baya, and

2d. Rajeeva

of receiving part of the stolen property, knowing it to be such, and sentence them to Imprisonment with hard labor in irons, the 5th. for (3) Three years and the 1st. and 2d. each for (1) One year under Clause 4th. Section IV Regulation VII of 1822.-

2. The Court see no reason for the addition of stripes.-

3. There appear no sufficient grounds for the conviction of the 3d. Prisoner, and the Court therefore acquit him and direct his release. The only evidence adduced affecting this prisoner was that of the 7th. witness, and his testimony has not been corroborated by the production of the Articles said to have been purchased by the Prisoner.

4. The Court have to point out to the Acting Agent that he erred in inviting the 5th. Prisoner to put question

to

to the 1st. and 2d. Prisoners as this could elicit no available evidence, as also in considering the crimination of the 1st. and 2d. Prisoners to be evidence against the 3d.—

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

/Sentence &c/

Read letter under date the 30th. October 1854, from the Agent to the Governor of Fort St. George, tendering Vizagapatam, submitting for the final judgment of the Foujdaree Udalut a report of the trial of Criminal Case No. 16 of 1854 on his file.—

/Here enter F. Uc. No. 2731 of 1854/

Mr. Hoop

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

1st. Luckavarapoo Doondy. Appeegandoo
2d. Gaditha Chinneyandoo
3d. Peddada Pydeyandoo and
4th. Condapilly. Appeegandoo

of

of Highway Robbery by open violence attended with aggravating circumstances and,

5th. Madarapoo Boochiah
6th. Gorasa Sunnassy
7th. Ommudy. Verrapah
8th. Yedlah Chittennah and
9th. Yedlah Sutchinoodoo

of having purchased certain of the stolen articles with a guilty knowledge and sentence them to Imprisonment with hard labor in irons, the 1st. 2d. and 3d. each for (14) fourteen years, and the 4th. for (7) Seven years under Clauses Second and Fifth Section IV Regulation XV of 1803; the 5th. for (3) Three years and the 6th. 8th. and 9th. respectively for (6) six months under Clause Second Section IV Regulation VI of 1822.—

2. As the crime of which the 1st. Prisoner has been convicted was not attended by any aggravating Acts of the nature described in Clause 2d. Section IV Regulation XV of 1803,

and

and it does not appear that he has been before convicted of any such aggravated offence, the Court of Fouzdaree Udalut do not consider him liable to a sentence of Transportation for life as recommended by the Agent.

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

(Sentence &c.)

Read again Criminal Reports for the month of August 1854, from the Acting Session Judge of Honore.

(Vide Inter F. Dr. No. 2315 of 1854)

Read also return dated 24th October 1854, from the Acting Session Judge of Honore, to the precept of the Fouzdaree Udalut under date 13th October 1854 on review of the above Criminal reports.

(Vide Inter F. Dr. No. 2655 of 1854)

1. In this return the Acting Session Judge with reference to the observations

observations of this Court on Case No. of 1854 on the file of the Sirsy Sudr Ameen states, that under the Circular Instructions of the Fouzdaree Udalut dated 7th February 1820, and 31st August 1853, it has hitherto been the practise in the Honore zillah to award labor in sentences passed under Section II Regulation IX of 1832, and requests to be instructed whether the Sudr Ameen should be directed to annul the award of labor, and to keep the prisoner to six months imprisonment pursuant to the sentence originally passed in the case.

2. The Court of Fouzdaree Udalut observe that in their proceedings of 10th April 1847 on the Mangalore Criminal reports, it was ruled that labor in irons was not to be inflicted in cases of conviction under Section II Regulation IX of 1832, but that in such cases and generally in those of a trifling nature involving a brief period of imprisonment Convicts should be employed on light labor within or in the immediate vicinity of the Jail.

3. In the particular case now in question, as the Acting Session Judge

Judge reduced the sentence to 3 months imprisonment, it should not be again enhanced.-

Ordered, that Extract from these Proceedings, be sent to the Acting Session Judge of Honore, for his information and future guidance

(Sentin. Sp)

Read letters under date the 23d. and 24th. October 1854 from the Session Judge of Salem.-

(Here enter F. Uc. Nos. 2610 & 2616 of 1854)

1. The Session Judge is in error in his construction of the Circular Order. No. 204.-

2. The intent of that order is not that the committing Officer shall be bound to commit when utterly discrediting the evidence but merely that when he is unable to solve his doubts as to the truth or falsehood of the evidence he shall commit the case to the Court of Session and that he shall not find a refuge for his doubts in taking security. The wording of the Circular Order is "whenever the Committing Officer may entertain doubts

doubts of the truth of the evidence adduced" not as "whenever he may discredit the evidence adduced," which would have been the term used if the intent of the order had been such as it has been construed by the Session Judge.-

3. The case adverted to by the Session Judge in his letter of the 23d. Ultimo is an extraordinary one and such as it is impossible to provide for. It might be argued with equal reason that no accused person should be unconditionally acquitted, because it might subsequently turn out that the evidence against him had been improperly discredited, or that his guilt might be afterwards established by evidence not forthcoming at his trial.-

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

(Sent in. No.)

Read Supplemental return dated 10th. Instant submitted by the Acting Session Judge of Chingleput calling upon the Acting Session Judge to state what has resulted from the report made by the Principal Sudr Ameen that the 3d. Prisoner

13th November 1854

Prisoner in Session Case No. 13 of 1854 had been apparently subjected to ill treatment by the Police.

/Here enter F. Ct. No. 2744 of 1854/

Read Report dated 31st October 1854 from the Session Judge of Chicacole of cases pending before the Session Judge for the Month of September 1854

/Here enter F. Ct. No. 2751 of 1854/

Read Extract of Proceedings dated 6th Instant from the Session Judge of Guntoor reviewing the Police Calendars for the 2nd Quarter of 1854.

/Here enter F. Ct. No. 2752 of 1854/

Read Report dated 1st Instant from the Session Judge of Cuddapah of cases pending before the Session Court for the Months of October 1854.

/Here Enter F. Ct. No. 2753 of 1854/

Et Wolf

F. C.

Tuesday 14th November 1854

At a Court of the Foujdaree Udalut.

Present.

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

Read letter under date the 28th October 1854, from the Officiating Agent to the Governor of Fort St. George - ab Kurnoo C, submitting for the final judgment of the Foujdaree Udalut, a report of the trial of Criminal Case No. 96 of 1854, on his file.

(Here enter F. C. No. 2689 of 1854.)

The Court of Foujdaree Udalut

Mr. G. S. Hooper

concur in the conviction of the Prisoner.

Gungamah

of the Misdemeanor charged, but considering that a less severe punishment than that recommended by the Agent will meet the ends of justice in this case direct that the Prisoner be sentenced to (6) six months' Imprisonment with Labor subjected to her by under Clause VII, Section II, Regulation XV of 1803.

Ordered that 1 Extract from the Proceedings

13th November 1854

Prisoner in Session Case No. 13 of 1854 had been apparently subjected to ill treatment by the Police.

/Were Enter F. Ct. No. 2744 of 1854/

Read Report dated 31st October 1854 from the Session Judge of Chicacole of cases pending before the Session Judge for the Month of September 1854

/Were enter F. Ct. No. 2751 of 1854/

Read Extract of Proceedings dated 6th Instant from the Session Judge of Guntoor reviewing the Police Calendars for the 2d Quarter of 1854.

/Were enter F. Ct. No. 2752 of 1854/

Read Report dated 1st Instant from the Session Judge of Cuddapah of cases pending before the Session Court for the Month of October 1854.

/Were Enter F. Ct. No. 2753 of 1854/

Ent'd Theft

F. C.

Thursday 14th November 1854. At a Court of the Foujdaree Udalut.

Present.

G. L. Hooper, Esq^re,
W. A. Morehead, Esq^re,
T. L. Strange, Esq^re,
} Puisne Judges.

Read letter under date the 28th October 1854, from the Officiating Agent to the Governor of Fort St. George at Vizagapatam, submitting for the final judgment of the Foujdaree Udalut, a report of the trial of Criminal Case No. 96 of 1854, on his file.

(Here enter F. C. No. 2689 of 1854.)

The Court of Foujdaree Udalut

Mr. G. L. Hooper.

concur in the conviction of the Prisoner.

Ginjamah

of the Misdemeanor charged, but considering that a less severe punishment than that recommended by the Agent will meet the ends of justice in this case direct that the Prisoner be sentenced to (6) six months' Imprisonment with labor suited to her sex under Clause VII, Section II, Regulation XV of 1803.

Ordered that Extract from these proceedings

14th November, 1854.

proceedings be forwarded to the Officiating Agent to the Governor of Fort St. George at Madras.

(Sent in No.)

Read Reports B. of cases disposed of by the Magistracy of Vizagapatam for the month of August 1854.

(Here enter F.C. No. 2677 of 1854.)

1. These reports have been very late in reaching this Court. The Sessions Judge will be pleased to provide against a recurrence of such delay.

Case No. 4, By the Assistant Magistrate, "False complaint."

2. Three of the Prisoners in this case were sentenced to imprisonment for 4 months each under Section VII, Regulation X, of 1816; by the Assistant Magistrate on the 5th August but were released by the Magistrate on the 10th Idem. The proceedings of the Magistrate in reviews of the judgments of his subordinate should invariably be submitted to this Court.

Case No. 5, By the same Officer, "Attempt to procure Abortion."

3. The Indictment does not support any such charge. It is observed that the Magistrate has confirmed the sentence of the Assistant Magistrate, who directed the Prisoner's Imprisonment with hard labor in irons for 6 months under Section VII, Regulation X, of 1816. The Court presume to direct the

14th November, 1854.

the Prisoner's immediate release, the offence of "Abortion" and by consequence of an "Attempt" thereof is adjudicable only by the Sessions Court; in the case under review the only allegation against the accused is that he "attempted to procure from "the Civil Hospital Dresser medicine that "would procure abortion for the purpose of giving it" to his concubine.

Cases Nos. 7, 8, and 9, "Obtaining money by false pretences."

4. It is clear to the Court that the promises of the Prisoner in these cases did not amount to 'false pretences'; they therefore cancel the sentence awarded by the Assistant Magistrate, and direct the Prisoner's immediate release.

Case No. 10.

5. Here the Prisoner is charged with fraud "contrary to the provisions of Act XIII of 1857" and has been sentenced to punishment under Section VII, Regulation X, of 1816. It would appear from the Indictment that the charge is one of Theft; the Prisoner having only the bare charge of the cloths appropriated by her. The heading of the charge will be amended accordingly.

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

(Sent following precept No.)

Read

14th November, 1854.

Read return dated 8th November 1854 from the Sessions Judge of Chittoor to the precept of the Foujdaree Adalut under date the 30th October directing him to forward the Original Records in cases Nos 9, 15, 31, and 33 of the Calendar of 1854 with such translations rough or fair as may have been already made, and to explain the cause of the delay in the transmission of the records in the above cases.

(Here enter F. R. No 2737 of 1854.)

Under the circumstances represented by the Sessions Judge the Court of Foujdaree Adalut resolve to authorize that Officer to forward the Original records in Cases Nos 48 and 54 and the rough copies of the Sessions Courts proceedings in Cases Nos 38 and 39 together with translations of such parts of the Police proceedings as may appear most essential.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Chittoor by precept returnable in V days from and after its receipt.

(Sent following precept No)

No final returns having been yet received from the Sessions Judge of Bellary to the precept

14th November, 1854.

precept of the Foujdaree Adalut under date the 4th August last directing him to instruct the Magistrate to investigate into the conduct of the Police Surchasan in Session Case No 99 of 1854, and to report the results for their consideration;

Ordered, that the Sessions Judge of Bellary be required to make a final return to the precept aforesaid without delay.

(Sent in No)

Read Criminal Reports for the months of September, 1854, forwarded by the Sessions Judge of Combaconum.

(Here enter F. R. No 2630 of 1854.)

By the Magistracy. Cuda No 23. "Escape."

1. In this case the Prisoner was sentenced by the Head Assistant Magistrate to 6 months Imprisonment for having effected his escape from the Custody of a Peon, who had apprehended him on a charge of "Assault and Rescue," and was conveying him to the Choultry of the Colwal. This sentence is irregular, Charges of "Escape" are cognizable only under Section V Regulation VII of 1822 and the adjudication under that enactment lies solely with the Criminal Judge. The Prisoner will therefore be released immediately on the expiring of

dated 6th November, 1854, for the months of October, 1854.

(Here enter F. R. No. 2757 of 1854.)

Read Calendar of Case No. 59 of 1854 submitted by the Sessions Judge of Chittoor under date the 11th October, 1854.

(Here enter F. R. No. 2761 of 1854.)

Read Calendar of Case No. 65 of 1854 submitted by the Sessions Judge of Cuddapah under date the 9th November, 1854.

(Here enter F. R. No. 2762 of 1854.)

Read Calendar of Case No. 66 of 1854 submitted by the Sessions Judge of Cuddapah under date the 9th November, 1854.

(Here enter F. R. No. 2763 of 1854.)

Read Calendar of Case No. 55 of 1854 submitted by the Sessions Judge of Madura under date the 8th November, 1854.

(Here enter F. R. No. 2765 of 1854.)

Read Calendar of Case No. 57 of 1854 submitted by the Sessions Judge of Madura under date the 8th November 1854.

(Here enter F. R. No. 2766 of 1854.)

Read Calendar of Case No. 32 of 1854 submitted by the Sessions Judge of Tinnevelly under date the 7th November, 1854.

(Here enter F. R. No. 2768 of 1854.)

Read Calendar of Case No. 14 of 1854 submitted by the Sessions Judge of Guntoor under date the 9th November 1854.

(Here enter F. R. No. 2771 of 1854.)

Read Calendar of Case No. 28 of 1854 submitted by the Sessions Judge of Salem under date the 10th November 1854.

(Here enter F. R. No. 2772 of 1854.)

Et Hoc

F. Ille

Wednesday 15th November 1854 — At a Court of the Foujdaree Adalut

Present

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

Read again Criminal Reports forwarded by the Sessions of Cuddapah for the month of Augt 1854.

/Here enter F. Ille. No. 2260 of 1854/

Read also return of the Sessions Judge dated 26th October 1854 to the Precept of the Foujdaree Adalut under date the 6th Idem directing the submission of the Report A in the /22/ twenty two Cases entered as released by the Subordinate Judge.

/Here enter F. Ille. No. 2657 of 1854/

Case No. 194 "Robbery" — In this case the Prisoners /4 in number/ were charged with having in company with 6 others, assaulted

assaulted the Prosecutor who was watching his sheep fold bound his arms and eyes with a cloth and carried off 12 sheeps valued at Rupees 3. The Prosecutor made his complaint forthwith to the Reddie who a few days afterwards showed him two sheep and the skin of another all of which, he identified as his property. The Prisoners made no counter claim, but asserted that the sheep came astray to them. what explanation they had to give in regard to the fresh skin on what the 4th Prisoner had to say as to the sheep found in his house, what length of time had elapsed without any report to the Village Police by the Prisoners as to the property "found" by them. what character the Prisoners bear. on all these these points the Court are left to conjecture. the Sessions Judge not having recorded any remarks thereon. The Subordinate Judge released the Prisoners with a warning. observing that although

15th November 1854

"although the existence of the sheep
"on the premises of the Prisoners
"is suspicious. no proof has been adduced
"that they stole them neither is positive
"recognition of such animals possible.
In the last remark the Court are unable to concur and they feel surprise that it should have been made and are further of opinion that the Subordinate Judge did not exercise a sound discretion in disposing of the Case without at least a requisition of security from the accused.

Case No 197 "Murder" 2 Here the witnesses repudiating their Talook depositions, a conviction as remarked by the Subordinate Judge, was out of the question.

Case No 207 "Gang Robbery" 3 The Prisoner was released, the Prosecutor declining to give any statement.

Case No 280 "Gang Robbery" 4 This case, the Court are of opinion should have been committed. It does not appear upon on what grounds the evidence has been denounced

denounced as not trustworthy.—

Case No. 209 5 The foregoing remarks apply
to this case also.—

Case No. 210 6 The case as remarked by
"Forgery" this Court in their Proceedings of 6th
October - is not of this nature - It appears
to have been very improperly committed
by the Head of Police.—

Case No. 214 7 In this case the Subordi-
"Highway Robbery" nate Judge has failed to state whether
any of the stolen property was found
with the prisoners. It appears that
the Prosecutor recognised the Prison-
ers on their apprehension - To the
objections of the Subordinate Judge
that the Prosecutor is unable to give
any particulars "as who had swords
who hatchets" the Court can attach no
importance - it appearing that very
early in the attack he was struck down
by a blow on the back of his head.—

Case No. 216 8 Here the only evidence
"Housebreaking and Theft." is the Prisoner's confession before
the Police - and as there was reason
to

to believe he was coerced into the
same, the Session Judge properly
directed his release.—

Case No. 218 9 The alleged Robbery co-
"Gang Robbery" took place 12 years ago among the
articles carried off was a match-
-lock - and the Prisoner is now co-
found in possession of a weapon which
prosecutor claims as the matchlock
aforesaid. It is obvious, as remark-
-ed by the Subordinate Judge that
no weight can be attached to such
identification. Having released
the Prisoner on this ground it ap-
-appears to the Court that the Sub-
-ordinate Judge went out of his way
in casting suspicion on the whole
class of Village Officers. "The evi-
-dence as to its having been found
"with the Prisoner is that of the
"Village Police officers - who are not
"scrupulously exact in such matters."

Case No. 222. 10 Here the evidence is co-
"Attempt at Gang Robbery" palpably discrepant.—

Case No. 228. 11 Was a case of accidental
Homicide

denounced as not trustworthy.—

Case No. 209 5 The foregoing remarks apply
to this case also.—

Case No. 210 6 The case as remarked by
"Forgery" this Court in their Proceedings of 6th
October. is not of this nature. It appears
to have been very improperly committed
by the Head of Police.—

Case No. 214. 7 In this case the Subordi-
"Highway Robbery" nate Judge has failed to state whether
any of the stolen property was found
with the prisoners. It appears that
the Prosecutor recognised the Prison-
ers on their apprehension. To the
objections of the Subordinate Judge
that the Prosecutor is unable to give
any particulars as who had swords
who hatchets" the Court can attach no
importance. It appearing that very
early in the attack he was struck down
by a blow on the back of his head.—

Case No. 216 8 Here the only evidence
"Housebreaking and Theft" is the Prisoners confession before
the Police. and as there was reason

to believe he was coerced into the
same, the Session Judge properly
directed his release.—

Case No. 218 9 The alleged Robbery
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found in possession of a weapon which
prosecutor claims as the match-lock
aforesaid. It is obvious, as remark-
-ed by the Subordinate Judge that
no weight can be attached to such
identification. Having released
the Prisoner on this ground it ap-
-appears to the Court that the Sub-
-ordinate Judge went out of his way
in casting suspicion on the whole
class of Village Officers. "The evi-
"dence as to its having been found
"with the Prisoner is that of the
"Village Police officers. who are not
"scrupulously exact in such matters."

Case No. 222. 10 Here the evidence is
"Attempt at Gang Robbery" palpably discrepant.—

Case No. 228. 11 Was a case of accidental

Hom

15th November 1854

Homicide wherein no blame attached to the Prisoner's act.—

Case No. 229. 12 — The Head of Police was not justified in forwarding the case on the narrow proofs before him.—
Aiding escape convicts.—

Case No. 231. 13 — This case should have been committed, there being sufficient evidence for the Sessions Courts consideration.—
Highway Robbery.

Case No. 232. 14 — The Prisoner in this Case was charged with having in company with others committed "Robbery" was released "with a warning" he should have been held to security.—

Case No. 233. 15 — Calls for no remark.—

Case No. 239 16 — The charge being proved, it was the duty of the Subordinate Judge to inflict some measure of punishment on the Prisoner a severe sentence was not of course called for.
Attempt at suicide.—

Case No. 243 17 — In this case the Statements of the Prosecutors appear entitled to no credit.—
Gang Robbery.

Case No. 244. 18 — Here the Prisoner was seized by the Prosecutor in the act

act of the breaking. The Prisoner set up the plea that he was intoxicated at the time. and it appearing that he did smell of arrack when captured the Subordinate Judge directed his release. The Court think there was enough to justify and call for security. it occurs the Prisoner when first seized, effected his escape which is suspicious.—

Case No. 245 19 — There was no evidence before the Police to justify a committal on the charge of "Forcible Rescue." The Head of Police should have disposed of the Case himself.—

Case No. 246 20 — In this case it is probable that the Subordinate Judge was right in his conjecture that the Prisoner had found means to induce the Prosecutrix and her witnesses to retract their former Statements.—
"Murder"

Case No. 247 21 — The Reports submitted are returned to the Session Judge who will communicate the foregoing
Calls for no remark.—

remarks

remarks to the Subordinate Judge for his information and guidance and to the Magistrate where occasion may require it.—

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

/Sent in No./

Read Criminal Reports under date the 30th September 1854 submitted by the Sessions Judge of Coimbatore for the month of September 1854.—

/Here enter F.M.C. No. 2651 of 1854/

Case No. 106 1 The 1st. 2d. 3d. and 4th prisoners in this Case charged with Gang Robbery, have been placed under requisition of security on the ground that strong suspicion existed against them.—

2 Adverting to the nature of the Crime charged, the requisition of security by the Acting Principal Sudder Ameen would seem to

be in contravention of the rule laid down in Circular Order No. 204, and the Court accordingly direct that the Sessions Judge will review the proceedings and pass such orders as he may deem proper reporting the same to the Foujdaree Adalut.—

Case No. 109 3 The Court of Foujdaree Adalut desire to be informed what facts were established against the 1st prisoner in this Case.—

Cases Nos. 111, 113, 114, 123, 139 4 The remarks and instructions recorded in the 1st and 2d paras of these proceedings, apply to these cases likewise.—

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

/Sent following Precept No./

Read Petty Calendars of the Magistracy of Cuddapah for the 2d Quarter of 1854.—

/Here enter F.M.C. No. 2719 of 1854/

The/

Calendar No 1
Case No 19
"Assault".

The 2d count charges the Prisoner with having "plundered Prosecutor of certain ornaments valued Rupees 20". The Magistrate deemed the whole charge proved and disposed of the case himself under Section XXXII Regulation IX of 1816. It is obvious therefore that the appropriation of the property by Prisoner was of the nature of a trespass only but it is described as Robbery.

Case No 25 2
"Assault and Robbery"

In this case the Head Assistant Magistrate held the assault alone proved, but deeming that there was also full proof of the use of bad language by the Complainant, — fined both parties, the Prisoner in 5 Rupees and — the Plaintiff in 3 Rupees. The Court resolve to direct the return of the latter fine. the Head Assistant Magistrate was not justified in punishing both the accused and the complainant. If he deemed

deemed the Defendants conduct justified under the complainants own wrong, he should simply have dismissed the Case.—

Case No 27 3

For Section XXXII Regulation IX of 1816, read Section LIV Regulation XI of 1806. that being the specific enactment enabling Magistrates to take cognisance of false weights and measures.—

Calendar No 24
Case No 27
"Assault".

It would appear, however, that the charge is one of Gang Robbery.—

Case No 28 5
"Assault".

It would seem from the entry here that these Prisoners were tried jointly with the Prisoners punished in Case 19 in the Calendar No 1. It is altogether erroneous to enter as one case that of the Prisoners released and as another that of those punished where the charge is the same against all. The Session Judge will bring this remark to the special notice of

of the Magistrate. The mode objected to is not only erroneous, but is calculated to give a false idea of activity on the part of the adjudicating Officer. This remark applies also to cases Nos 34 and 39.-

Case No 35 6 In the case of "Wounding cattle" it is necessary to allege that the wounding was malicious.-

7 Calendar No 3 calls for no remark.-

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

(Sent in No)

Read letter dated 6th November 1854 from the Sessions Judge of Cuddapah Submitting for the final Judgement of the Foujdaree Adalut the Record of Case No 53 of 1854 of the Calendar of the Sessions Court

(Here enter F. C. No 2758 of 1854)

Mr. Morehead and Mr. Strange.

The Court of Foujdaree Adalut on deliberate consideration of all the circumstances of the case in evidence before them

them being of opinion that the proof against the prisoner.-

Toorka Hujam saib.-

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

(Sent in No) 2

Et Thos

T. U.

Thursday 16th November 1854 } At a Court of the Tanjadore Udalut

Present

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

Read Calendar of Case No 27 of 1854 of the Sessions Court of Salem.

(Here enter T. U. No 2667 of 1854)

The Court of Tanjadore Udalut approve of the recommendation made by the Sessions Judge in this Case that the period of imprisonment which the Prisoners noted in the margin have been adjudged to suffer on their conviction of House breaking by night and Theft, be reduced to (1) one year with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

1st Maurice
2nd Cooppuswamy
3d Moothan and
4th Maurice

Ordered that Extracts from these

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

(Sent in No)

Read Calendar of Case No 20
of 1854 of the Sessions Court of Honore

(Here enter F. No. 2674 of 1854)

The Court of Foujdaree
Udalut approve of the recommendation
made by the Sessions Judge in this case
that the period of imprisonment which
Seebraya the Prisoner noted in the margin has been
adjudged to suffer on his conviction of
the crime of Forgery, be reduced to (2)
Two years with hard labor in irons, and
they do authorize the Session Judge to
issue his warrant accordingly.

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

(Sent in No)

Read Calendar of Case No. 36
of 1854 before the Sessions Court of Zillah
Cuddalore

Cuddapah.

(Here enter F. No. No 2718 of 1854)

In the Calendar of this Case
in which gross oppression and abuse
of authority were charged against certain
parties most of whom are village Officers.
The Session Judge intimates his opinion
that the village and Talook authorities
did all in their power to conceal the facts
of the case. and that the studied neglect
of the Head of Police Goorroorow showing
a determination not to ascertain the
truth - can only be attributed to corrupt
motives.

The Court of Foujdaree
2
Udalut resolve to direct the Session
Judge to call upon the Magistrate to
require fully into the conduct of the
Head of Police and village Officers in
this case and that his report on the
subject be submitted to this Court.

Ordered that Extract from
these

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

(Sent in No)

Read Calendar of Case No 20 of 1854 of the Sessions Court of Honore

(Here enter F. C. No 2674 of 1854)

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this case that the period of imprisonment which the Prisoner noted in the margin has been adjudged to suffer on his conviction of the crime of Forgery, be reduced to (2) Two years with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

Seobraya

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

(Sent in No)

Read Calendar of Case No 36 of 1854 before the Sessions Court of Zillah Cuddalore

Cuddapah.

(Here enter F. C. No 2718 of 1854)

In the Calendar of this Case in which gross oppression and abuse of authority were charged against certain parties most of whom are village Officers. The Sessions Judge intimates his opinion that the village and Talook authorities did all in their power to conceal the facts of the case. and that the studied neglect of the Head of Police Goorroorow showing a determination not to ascertain the truth - can only be attributed to corrupt motives.

The Court of Foujdaree Udalut resolve to direct the Sessions Judge to call upon the Magistrate to require fully into the Conduct of the Head of Police and village Officers in this Case and that his report on the subject be submitted to this Court.

2

Ordered that Exctract from these

these Proceedings be sent to the Sessions Judge of Cuddapah by Precept returnable within XX days from and after its receipt.

(Sent following Precept No.)

Read Calendar of Case No. 52 of 1834 of the Sessions Court of Calicut.

(Here enter T. C. No. 2725 of 1834)

The Sessions Judge in concurrence with his Mahommedan Law Officer convicted the Prisoners of House breaking and Theft and sentenced them to 7 years imprisonment with hard labor in irons, but recommends that the period of imprisonment be reduced in the case of the 1st and 2nd Prisoners to 4 years and in that of the 3rd Prisoner to 2 years.

2

The Court of Foujdaree Udalut are of opinion that the sentence passed might with propriety be further mitigated, in the Case of the 1st and 2nd Prisoners to (3) Three years and in that of the 3rd to (1) one year and they do authorize the Sessions Judge to issue his warrant accordingly.

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

(Sent in No.)

Read Calendar of Case No. 16 of 1834 of the Sessions Court of Tellicherry.

(Here enter T. C. No. 2727 of 1834)

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this Case that the period of imprisonment which the Prisoner noted in the margin has been adjudged to suffer on his conviction of House breaking and theft be reduced to (5) five years with hard labor in irons and 60 lashes and they do authorize the Sessions Judge to issue his warrant accordingly.

Cherravallapil Hydross.

Ordered

16th November 1854.

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

(Sent in No.)

Read Return dated 8th November 1854 from the Sessions Judge of Rajahmundry to the Precept of the Foujdaree Udalut under date the 2nd November 1854 directing the Sessions Judge to amend his sentence in Case No. 16 of 1854 on the Calendar of the Sessions Court.—

(Here enter F. C. No. 2776 of 1854)

Read Returns, dated 10th Instant from the Sessions Judge of Combatoor with reference to the Extract from the Proceedings of the Foujdaree Udalut dated 18th September 1854, the translation of the Petition of Ambalavana Battan, together with the copy of a letter received from the Magistrate.

(Here enter F. C. No. 2781 of 1854)

Friday,
17th November 1854.

F. C.

At a Court of the Foujdaree Udalut.

—Present—

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

Read Calendar of Case No. 23 of 1854 of the Session Court of Combatoor—

(Here enter F. C. No. 2696 of 1854.)

1. The Session Judge recommends that the period of Imprisonment which the Prisoner in this Case has been adjudged to suffer on his Conviction of Gang Robbery may be reduced to 5 years.

2. The Court of Foujdaree Udalut are of opinion that the lowest term of Imprisonment which can be awarded in this Case consistently with the ends of justice is 7 years, and to that extent they authorize the Session Judge to mitigate the Sentence passed and to issue his warrant accordingly.—

Ordered that Extract from these proceedings be sent to the Session Judge

* Palany

Judge of Coimbatore for his information.

/ Sent in No. /

Read Calendar of Cases No. 64 and 65 of 1854 of the Session Court of Nellore.

(Here Enter F.H. Nos. 2681 & 2682 of 1854.)

1. The Prisoners in these Cases are the same, and are charged in No. 64 the 1st with Highway Robbery and the 2nd in a 2nd Count with being in possession of a portion of the stolen property with a Corguilty Knowledge, and in No. 65 both are charged with Theft.

2. The Session Judge in Concurrence with his Mahommedan Law Officer convicted the Prisoners of the Crimes Charged and sentenced them to 14 years Imprisonment with hard labor in irons as prescribed by Clause 3d Section IV. Regulation XV of 1803, but in Consideration of the present Scarcity and high prices of grain and that no particular violence was used towards the Prosecutor, recommends that the period of Imprisonment may be mitigated to 10 years.

Under

3. Under the above Extenuating circumstances the Court of Foujdaree Adalut are of opinion that the Sentence passed might be still further mitigated to one of (5) five years Imprisonment with hard labor in irons, and they direct that the Session Judge do issue his warrant accordingly.

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

(Sent in No.)

Read letter dated 4th November 1854 submitted by the Agent to the Governor of Fort St. George &c, transmitting an Indent in duplicate for iron hand cuffs and requests to obtain sanction for the same.

(Here Enter F.H. No. 2481 of 1854)

End

J.W.S.

F. C.

Saturday
18th November 1854

At a Court of the Foujdaree Adalut

Present.

G. S. Hoopers Esqre —
W. A. Morehead Esqre — } Puisne Judges
J. L. Strange Esqre —

Read Petition presented 6th — November 1854 by Paroomah Moodely of Zillah Chittoor —

(Herewith enter F. M. P. No 236 of 1854.)

Mr Morehead

1. The Petitioner, elder Brother of Bandi Kistna Moodely Prisoner in Case No 15 of the Sessions Calendar Zillah Chittoor, prays the Court to call for the record of the said case and to direct the Prisoner's release.

2 The Petitioner is informed that the sentence awarded against the Prisoner has been proved by the Court of Foujdaree Adalut on a perusal of the record and nothing contained in this Petition leads them to consider the conclusion which they have arrived at of the Prisoner guilt is otherwise than correct - The Petitioner is

accordingly

F. U.

Saturday
18th November 1854

At a Court of the Foujdaree Udalut

Present.

G. S. Hoosper Esqr
W. A. Morehead Esqr
T. L. Strange Esqr
} Puisne Judges

Read Petition presented 6th November 1854 by Paroomah Moodely of Zillah Chittoor.—

(Vide enter F. M. D. No. 236 of 1854.)

Mr Morehead

1. The Petitioner, elder Brother of Bamla Soostra Moodely Prisoner in Case No. 15 of the Sessions Calendar Zillah Chittoor, prays the Court to call for the record of the said case and to direct the Prisoner's release.

2 The Petitioner is informed that the sentence awarded against the Prisoner has been proved by the Court of Foujdaree Udalut on a perusal of the record and nothing contained in this Petition leads them to consider the conclusion which they have arrived at of the Prisoner guilt is otherwise than correct. The Petitioner is

accordingly

accordingly rejected.-

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

Read again Miscellaneous Petition presented on 28th September 1854 by Sheik Baboo late a Jail Peon, of Zillah Chingleput.-

(Here enter S. and F. M. O. No 77 of 1854)

Read also Return dated 13th November 1854 from the Acting Sessions Judge of Chingleput to the Precept of the Foujdaree Udalut under date 4th November 1854 directing him to submit a report of the circumstances connected with the dismissal of the above Petitioner from the situation of Gaol Peon.-

(Here enter F. M. No 2779 of 1854)

Mr W. A. Morehead

On consideration of this Return the Court of Foujdaree Udalut see no reason to interfere on behalf of the above Petitioner whose Petition they accordingly resolve to reject.-

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

(Extract sent No.)

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

Read again Miscellaneous Petition presented on 23rd January 1854 by Chekammah of Zillah Chittoor.-

(Here enter F. M. O. No 14 of 1854.)

Read also Supplemental return dated 11th July 1854 by the Sessions Judge of Chittoor to the Precept of the Court of Foujdaree Udalut under date 13th February 1854 directing the Submission of an English Translation of the Record of Case No 3 of 1853 before the said Sessions Court referred to in the above Petition

(Here enter F. M. No 1693 of 1854)

Petitioner prays the Court of Foujdaree Udalut to cancel the conviction of her son &c Prisoner in the said Sessions Case, on a charge of Gang robbery, and to direct his release.-

Mr W. A. Morehead

The Court of Foujdaree Udalut having gone into the record of this trial are satisfied that the conviction of

of the 3d Prisoner is fully borne out by the evidence adduced against him and accordingly resolve to reject this Petition.

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

(Sent in 4)

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

4 Vol IV

Monday
20th November 1854.

F. P.

At a Court of the Foujdaree Adalut

Present

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

Read letter dated 18th November 1854 from the Acting Sessions Judge of Tinnevelly submitting for the final Judgment of the Foujdaree Adalut the Record of Cases Nos 36, 37, and 38 of 1854 of the Calendar of the Session Court.

(Here enter F. P. No. 3814 of 1854.)

Mr. W. A. Morehead.
Case No. 36.

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 Vailoo Soobben

and

2d Nullamoudem

is sufficient to convict them of the crime

of

of Housebreaking and Theft for which according to the Moohummedan Law as declared in fut: wahs of their Law officers the penalty of Hud is awardable do convict them thereof, and under the provisions of Section XXI Regulation VII of 1802, Clause 2d Section VI Regulation I of 1825 and Section XXXIV Act VII of 1843, sentence them to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (1) one year.

Mr W. S Morehead
Case No 37 of 1854

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 Vailoo Soobben
and
2d Nullamanden

is insufficient to convict them of the crime charged, do convict them thereof; but they having been already sentenced in Case No 36 of the Tinnevelly Calender for 1854 no further sentence is required to be passed upon them in this case.

Mr W. S Morehead
Mr T. L Strange
Case No 38 of 1854

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 Vailoo Soobben
and
2d Nullamanden

are not convicted on presumptive proof, or on the evidence of credible witnesses or on their own confession of the crime of an attempt of Highway Robbery, do accordingly acquit them thereof so far as regards this case.

(Sentence &c)

Read letter dated 8th November 1854 from the Sessions Judge of Tanjore submitting for the final Judgment of the Foujdaree Adalut the Records of case No 5 of 1854 of the Calender of the Sessions Court.

(Here enter S. R. No 2778 of 1854)

Mr G. L Hooper
" 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 prisoners

1st Patarakel Ramen Nair
2d Monan Karoopen
and
3d Poan Vadakel Poorakel Ramen

is

is sufficient to convict them of the Crime of Murder do convict them thereof and under the provisions of Section x Regulation VIII of 1802, sentence them to suffer death by being hanged at the usual time and place of execution.

L.S.

Certificate of Pardon to

1st Coonjerah

2d Malayan

and

3d Moondan

Whereas under date the 21st August last, the Court of Foujdaree Adalut were pleased to authorize the Sessions Judge of Zillah of Calicut to tender an offer of pardon to 1st Coonjerah 2d Malayan, and 3d Moondan on conditions of their making a full disclosure of every circumstance within their knowledge relative to the Murder of Atterachen committed on the night of the

the 9th July 1854 in the Talook of Nedoongoor: road in the Zillah of Calicut.

And whereas the Court of Foujdaree Adalut are of opinion that the conditions of the said grant of pardon have been sufficiently fulfilled

Now, these are to certify and declare that in consideration thereof, the Court of Foujdaree Adalut have been pleased under the provisions of Section xx Regulation VIII of 1802 to confirm the pardon conditionally tendered as aforesaid to the said 1st Coonjerah 2d Malayan and 3d Moondan so far as regards the acts herein referred to.

And the Court do hereby confirm the said pardon accordingly.

Given under my hand and the seal of this Court this 20th day of November 1854.

(Sent in No)

Read letter under date the 4th November 1854 from the Officiating Agent to the Governor of Fort St George at Rumnad submitting for the final judgment of the Foujdaree Adalut a report of the trial of Criminal Case No 88 of 1854 on his file.

(Here enter F. Sr. No 2738 of 1854)

The

Mr F. L. Strange 1

The Officiating Agent convicts the Prisoners 1st Nawegadoo, 3d Pidda Venegadoo and 4th Ginger Rungadoo of Gang Robbery and recommends that they be sentenced to two years Imprisonment with hard labor in irons under Clauses III and V Section IV Regulation XI of 1803

2.

The Court of Foujdaree Adalut concur in the conviction of the said prisoners but observe that the crime was perpetrated by a gang, and with force, and the robbery was to extensive a one to justify it being viewed as the result of mere want.

3

Under these circumstances the Court consider the sentence proposed by the Officiating Agent too lenient, and they direct that the Prisoners 1st, 3d and 4th be each sentenced to Imprisonment for (5) five years with hard labor in irons.

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

Sent in A.

Read Calender in Case No. 31 of 1854

of the Sessions Court of Chingleput.

(Here Enter F. D. No. 274 of 1854)

The Court of Foujdaree Adalut approve of the recommendation made by the Sessions Judge in this case, that the period of imprisonment which the Prisoners noted in the margin have been adjudged to suffer on their conviction of Housebreaking and Theft, be reduced to (5) five years with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

1st Chinnapien and 2d Pennuppien alias Pennegaw.

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

(Sent in A.)

Read Calender of Case No. 36 of 1854

of the Sessions Court of Chingleput.

(Here Enter F. D. No. 274 3 of 1854)

The Court of Foujdaree Adalut approve of the recommendation made by the Sessions Judge in this Case that the period of imprisonment which the Prisoner noted in the margin has been adjudged to suffer on his conviction of Robbery by open violence, be reduced to (7) seven years with hard labor in irons, and they do authorize

Moottan.

the

20th November 1854

Mr. F. L. Strange 1

The Officiating Agent remits the Prisoners 1st Sawrayaroo, 3d Pida Tenasroo and 4th Ginjee Rungaroo of Gang Robbery and recommends that they be sentenced to two years Imprisonment with hard labor in irons under Clauses III and IX Section IV Regulation XV of 1803

2.

The Court of Foujdaree Adalut concur in the conviction of the said prisoners but observe that the crime was perpetrated by a gang, and with force, and the robbery was too extensive a one to justify it's being viewed as the result of mere want.

3

Under these circumstances the Court consider the sentence proposed by the Officiating Agent too lenient, and they direct that the Prisoners 1st, 3d, and 4th be each sentenced to Imprisonment for (5) five years with hard labor in irons.

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

Sent in A.

Read Calender in Case No. 31 of 1854

20th November 1854

of the Session Court of Chinglepute.

(Here Enter F. W. No. 274 of 1854)

The Court of Foujdaree Adalut approve of the Recommendation made by the Session Judge in this case, that the period of imprisonment which the Prisoners noted in the margin have been adjudged to suffer on their conviction of Housebreaking and Theft, be reduced to (5) five years with hard labor in irons, and they also authorize the Sessions Judge to issue his warrant accordingly.

1st Chennapien and
2d Pennapien
alias
Pennegan.

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

(Sent in A.)

Read Calender of Case No. 36 of 1854

of the Session Court of Chinglepute.

(Here enter F. W. No. 2743 of 1854.)

The Court of Foujdaree Adalut approve of the recommendation made by the Sessions Judge in this Case that the period of imprisonment which the Prisoner noted in the margin has been adjudged to suffer on his conviction of Robbery by open violence, be reduced to (7) seven years with hard labor in irons, and they do authorize

Moottan.

the

the Sessions Judge to issue his warrant accordingly.

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

(Sent in As.)

Read Calendar of Case No. 74 of 1854 of the Sessions Court of Cuddalore.

(Here enter F. M. No. 3786 of 1854)

The Sessions Judge dissenting from the Futwah of his Law Officer which acquits the the Prisoner of the crime charged (Uttering counterfeit Coin with a guilty knowledge) has set down the Case for reference to this Court.

2 The Court of Foujdaree Adalut resolve to direct that the Sessions Judge will submit for their consideration the original record of the trial.

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

(Sent following precept No.)

Read letter under date the 31st October 1854 from the Acting Agent to the Governor of Fort St. George at Sanjaum submitting for the final judgment of the Foujdaree Adalut

a report of the trial of Criminal Case No. 233 of 1854 on his file.

(Here enter F. M. No. 3754 of 1854)

Mr. G. L. Hooper

The Court of Foujdaree Adalut concur in the conviction of the Prisoner Lodor of Theft with aggravating circumstances and possessing stolen property knowingly, and sentence him, in accordance with the recommendation of the Acting Agent, to (5) five years imprisonment with hard labor in irons and to receive (100) One hundred lashes under Section VI Regulation VI of 1827.

Ordered that Extract from these Proceedings be sent to the Acting Agent to the Governor of Fort St. George at Sanjaum.

(Sent in As.)

E. Thornhill

Tuesday,
21st November 1854

F. R.

At a Court of the Foujdaree Adalut

Present.

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

Read letter dated 17th Instant from the Session Judge of Chittoor, submitting for the final Judgment of the Foujdaree Adalut the Record in case No 54 of 1854 on the Calendar.-

(Here Enter F R No 2832 of 1854)

Wm. W. A. Morehead

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

1st Chelumrajoo.

and

2d Chengalarajoo.

is sufficient to convict them of the crime of severe wounding for which according to the Mahomedan Law as declared in Futwas of their Law officers, discretionary punishment is awardable, do convict them thereof; and under the provisions of Clause third Section VII Regulation XV of 1803 and section XXXIV

Act

21st November 1854

Act VII of 1843, sentence them to be impris=
=oned and kept to hard labor in irons
on the publicroads or other public works
for, and during the period of (18) Eighteen
months, the term of their imprisonment
being calculated from the 12th October 1854
the date on which the trial concluded.

(Sent in No.

4th Mr W

F. Pc.

Wednesday
22d November 1854.

At a Court of the Fouzdaree Udalut.

Present

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

Read letter under date the 14th November 1854, from the Sessions Judge of Cuddapah submitting for the final Judgment of the Fouzdaree Udalut the Record in Case No. 58 of 1854 on the Calendar of the Session Court Here entered No. 2835 of 1854.

Mr 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 proof against the prisoner.

"Panchanabogadoo"

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

22d November 1854.

roads or other public works for and
during the period of his natural life.

4r Thos W

Sent in Ac

Thursday
23d November 1854. At a Court of the Foujdaree Udalut

Present

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

Read Calendar of Petty Cases disposed of by the Magistracy of Trichinopoly during the 3d Quarter 1854.

[Here enter F.U. No 2782 of 1854.]

It is observed that a portion of the grounds of the sentence in each case is appended in the foregoing Calendars. This is unnecessary. A draft is always to be made in the hand writing of the officer disposing of the case, and as pointed out in Circular Order No 201 "retained with the record" but a submission of Copies thereof to this Court was not contemplated.

Case No 1.
"Possessing stolen property knowingly"

2. The stolen property which Prisoner was convicted of having in felonious possession consisted of 4 Bullocks valued at Rupees 22 " . The sentence of the Assistant Magistrate one months imprisonment under section XXXIII Regulation IX of 1816 appears very inadequate.

The

3. The Proceedings of the Magistracy during the present quarter have been extremely limited. The Magistrate himself, it is observed, has not disposed of a single case.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Trichinopoly for his information, and for communication to the Magistrate

/Sent in No./

Read Criminal Reports for the Month of September 1854 submitted by the Session Judge of Chicacole

/Here enter F.U. No. 2606 of 1854/

File of the Mosfy Sudr Ameen No. 46 of 1854.

"Theft and receiving stolen property"

This charge is imperfect in as much as it does not state where the Theft was committed.

Ordered that Extract from these Proceedings be sent to the Session Judge of Chicacole by precept returnable with XV days from and after its receipt.

/Sent following precept No./

Read Calendars of Petty Cases disposed of by the Magistracy of Canara for the 3rd Quarter of 1854.

/Here Enter F.U. No. 2792 of 1854./

Case No. 135 "Trespass"

1. Cases of this nature of the present trespass should be disposed of by the Collector under Regulation V of 1822.

Case No. 139. "Wounding Cattle."

2. It should have been alleged that the wounding was with malice.

Cases Nos. 146 & 147.

3. It should have been charged in either case whose property the stolen fruit was.

Case No. 158. "Trespass"

4. The charge against the Prisoner was that on the 27 December "felled trees of prohibited kinds". The wording is not intelligible, nor is it stated who is the owner of the trees. The Prisoner it is observed was apprehended on this petty charge on the 9 March and the case was not disposed of until the 24th of the following month. The Session Judge will be pleased to report on this case both as to its merits and the delay adverted to.

Case No. 225 "Wounding"

5. A sentence on conviction of this offence under section XXXII of Regulation IX of 1816 is altogether illegal. The Session Judge will look into this case, which, it appears, should have been disposed of under Section VII Regulation X of 1816 or committed to the Criminal Court.

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

/Sent following precept No. 1/

Read Criminal Reports for the month of

22 2 23 November 1854.

3. The Proceedings of the Magistracy during the present quarter have been extremely limited. The Magistrate himself, it is observed, has not disposed of a single case.

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

/Sent in No./

Read Criminal Reports for the Month of September 1854 submitted by the Session Judge of Chicacole

/Here enter F. U. No. 2606 of 1854/

File of the Mnsfy Sudr Adlt Amen No. 46 of 1854.

"Theft and receiving stolen property"

This charge is imperfect in as much as it does not state where the Theft was committed.

Ordered that Extract from these Proceedings be sent to the Session Judge of Chicacole by precept returnable with XV days from and after its receipt.

/Sent following precept No./

Read Calendars of Petty Cases disposed of by the Magistracy of Canara for the 3d Quarter of 1854.

/Here Enter F. U. No. 2792 of 1854./

Case No. 135 "Trespass"

1. Cases of the nature of the present trespass should be disposed of by the Collector under Regulation of

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2. It should have been alleged that the wounding was with malice.

Cases Nos. 146 & 147.

3. It should have been charged in either case whose property the stolen fruit was.

Case No. 155. "Trespass"

4 The charge against the Prisoner was that on the 27 December "felled trees of prohibited kinds" The wording is not intelligible, nor is it stated who is the owner of the trees. The Prisoner it is observed was apprehended on this petty charge on the 9 March and the case was not disposed of until the 24 of the following month. The Session Judge will be pleased to report on this case both as to its merits and the delay adverted to

Case No. 225 "Wounding"

5. A sentence on conviction of this offence under section XXXII of Regulation IX of 1816 is altogether illegal. The Session Judge will look into this case, which, it appears, should have been disposed of under Section VII Regulation X of 1816 or committed to the Criminal Court.

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

/Sent following precept No./

Read Criminal Reports for the month of

of September 1854 submitted by the Sessions Judge of Zillah Tinnevelly

/Here enter F. U. No. 2711 of 1854./

Principal Sudr: Ameen's file No. 85 of 1854

"Administering poisonous drugs and Fraud"

The Malicious intent which constitutes the gist of the offence ought to have been charged.

Ordered that Ecstract from these Proceedings be forwarded to the Sessions Judge of Tinnevelly for communication to the lower Court.

/Sent in No./

Read letter under date the 14th November 1854 from the Sessions Judge of Calicut submitting an English Translation of the record of Case No. 53 of 1854 on the Calendar of the Sessions Court for the final Judgment of the Foujdaree Udalut.

/Here Enter F. U. No. 2827 of 1854./

The proceedings in this case are defective in the important particular of how the evidence of the witnesses produced against the prisoner was first known of. The Adikary's earliest report has not been communicated and his second report is alone sent up. In this the adikary names of the prisoner as the offender but how he learnt the fact appears not, the prosecutor being described by him as senseless and unable to give him any information. The Sessions

Judge

Judge in his letter of reference states that in the examination held by the Subordinate Officer of the prosecutor on the 17th August (the day following that of the crime) he mentioned his belief that the 1st Witness must have seen the occurrence. The name of the party spoken of by the prosecutor on the said occasion is Kadoshazen Nadambady alias Kullatinguel Maiden while that of the 1st Witness is given as Coonhidan, no house name being mentioned.

The Court of Foujdaree Udalut resolve to direct that the Sessions Judge will submit a translation of the Adikary's first report, a document that on no occasion should be omitted. He will also furnish the requisite information as to the name of the 1st Witness and will in future take care that so important a means of identifying a party as the specification of his house name be always afforded in his proceedings and those of the authorities under him. He will furthermore take the requisite measures to make it appear what led to the evidence of the witnesses being brought forward should this information not appear in the adikarys report, and in view to the corroboration of their testimony examine the individuals of the prosecutors house who may have been presented when the witnesses brought the prosecutor there as they depose to having done

ordered

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

/Sent following precept No. /

Read again Miscellaneous Petition forwarded by the Session Judge of Mangalore from Kristnaya prisoner in case No. 31 of 1853 on the file of the Session Court of Mangalore.

/Here enter F. M. P. No. 173 of 1854/

Read again also Calendar of the No. 31 of 1853 on the file of the Session Court of Mangalore

/Here enter F. U. No. 2597 of 1853/

Read again also return under date the 7th January 1854 from the Sessions Judge of Mangalore to the precept of the Foujdaree Udalut dated the 23rd December 1853 calling for further information in regard to the conviction of the prisoner in the foregoing case.

/Here Enter F. U. No. 106 of 1854/

Read again also return under date the 27th February 1854 from the Sessions Judge of Mangalore to the precept of the Foujdaree Udalut dated the 26th January 1854 directing the Sessions Judge to state whether the fact of the Moonsiff Dasuppa having received a bribe of Rupees 100 from

Runga Ballega had been established

/Here enter F. U. No. 591 of 1854/

Read again also return under date the 31st March 1854 from the Sessions Judge of Mangalore to the Precept of the Foujdaree Udalut dated the 23rd March 1854 directing the release on bail of Kristnaya prisoner in case No. 31 of 1853 on the Calendar of the Sessions Court.

/Here Enter F. U. No. 831 of 1854/

Read also return under date the 4th July 1854 from the Sessions Judge of Mangalore to the precept of the Foujdaree Udalut dated the 18th April 1854 directing the Submission of an English Translation of the record of the foregoing case.

/Here Enter F. U. No. 1670 of 1854/

In dealing with the charges of

1.

Mr. W. A. Morehead
" T. L. Strange

Corruption preferred against the District Moonsiff Dasuppa, the Court of Foujdaree Udalut have recorded their reasons for discrediting the charge of bribery in reference to which the Petitioner is alleged to have committed perjury.

It is clear that the charge of perjury

2.

against the Petitioner cannot be sustained unless the fact of the Moonsiff having received the bribe

to

to which the evidence of the Petitioner related shall have been established, and as the Court have discredited the evidence adduced in support of that fact, they resolve to reverse the sentence passed upon the Petitioner and to direct his unconditional release

Ordered that Extract from these Proceedings be sent to the Session Judge of Mangalore by Precept returnable within 11 days from and after its receipt.

Sent following precept No.

Read Criminal Reports submitted by the Session Judge of Combatore for the month of October

Here enter F. U. No. 2787 of 1854.

Case No. 140 "Assault & Robbery"

1. It is not necessary to charge an assault when the same is perpetrated in the commission of a larceny

Case No. 159. "Cattle Stealing"

2. The Session Judge will call upon the Magistrate to direct Heads of Police to refrain from sending to the Criminal Court cases of this petty nature

Case No. 167.

3. The foregoing remark applies to this case also, and to Cases No. 168 and 171

Case No. 172. Theft

4. Here the Prisoners were three in number. The Session Judge will be pleased to review the record with reference to Circular Order dated 6 April 1836

5. The number of Cases released is 10 and of Parties held to security 4 - This total, 14, against the

Sic

23d November 1854.

† Original

six cases committed and a similar number punished is very large — The Court resolve to call for the Reports †(A) in the fourteen cases above referred to in order to judge of the circumstances under which each was disposed of

Ordered that Extract from these Proceedings be sent to the Session Judge of Coimbatore by Precept returnable within 11 days from and after receipt

Sent following Precept No.

Sd. T. Thomas

J. No.

Friday ------- 24th November 1854

At a Court of the Foujdaree Udalut.—

Present

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

Read Return under date the 28th October 1854 from the Civil Judge of Masulipatam to the Precept of the Sudder Udalut dated the 17th October 1854 calling for information as to what course the Sessions Judge has adopted to prevent the recurrence of the irregularity brought to notice in his return of the 20th September last.—

(Hese enter S. No. 2503 of 1854)

The Court of Foujdaree Udalut desire to be informed what course is followed in the Jail at Masulipatam in respect to the supply of curry stuff &c. to the Prisoners.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Masulipatam by precept returnable within 14 days from and after its receipt.—

(Sent following Precept No.

24th November 1854.

Read letter dated the 22d ult.o November 1854 from the Sessions Judge of Cuddalore submitting for the final judgment of the Foujdaree Udalut the record of Case No. 47 of 1854 on the Calendar of the Sessions Court.—

(Sevenster F. No. No. 2853 of 1854)

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,

L. to Strange.

11th Soobboo Moodely
alias
Soobba Moodely,

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

1 The prisoners in this case were charged with Gang Robbery and with knowingly being in possession of portion of the stolen property.—

2 The Mahomedan Law Officer acquitted the 5th, 6th, 7th, 9th and 10th prisoners and convicted the 1st, 2d, 3d, 4th, 8th and 11th prisoners of the crime laid to their charge and

24th November 1854.

and the Sessions Judge concurring in this Futwa as regards all of the prisoners except the 11th recommends that as regards 1st, 2d, 3d and 4th Prisoners a Sentence of 10 years imprisonment with hard labor in irons be passed - and a similar Sentence against the 8th Prisoner for a period of 8 years - but that the 11th prisoner should be acquitted and released.—

3 The Court of Foujdaree Udalut concur with the Sessions Judge in acquitting the 11th Prisoner and resolve to direct his immediate release.—

4 The silver girdle found in his house is not proved to be part of the stolen property and it is not shown that the prisoner received the brass pot knowing it to have been stolen.—

5 The Court of Foujdaree Udalut further resolve to mitigate the Sentence of the 1st, 2d, 3d and 4th prisoners to 10 years, and that of the 8th prisoner to 8 years as recommended by the Sessions Judge.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Cuddalore by Precept returnable within 11 days from and after its receipt.

(Sent following Precept No.

Reads letter with enclosures dated 10th November 1854 from the Sessions Judge of Chicacole.—

(Here enter T. No. 2801 of 1854)

1 In this letter the Sessions Judge intimates his opinion that the Prisoners in Criminal Case No. 28 of 1854 before the Principal Sudr Ameen of Vizagapatam were unjustly sentenced by that Officer and ought to be unconditionally released.

2 The Prisoners Circar Boys were convicted of "Gross and Culpable neglect of duty" in allowing certain prisoners under their Charge to escape and sentenced to six Months imprisonment with hard labor in irons.

3 On consideration of this letter and its accompaniments the Court of Foujdaree Adalut are of opinion that these individuals were legally punished. They were Cirkar Boys and were engaged in the discharge of duty imposed upon them by a competent Authority.

Under all the circumstances of the Case however the Court of Foujdaree Adalut think that some consideration may

may be shown to them and they resolve therefore to reduce the Sentence passed by the Principal Sudr Ameen to one of three Months imprisonment with labour but without irons.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Chicacole for communication to the Principal Sudr Ameen of Vizagapatam by Precept returnable within V days from and after its receipt.

/Sent following precept &c./

Read Calendar of Case No. 51 of 1854 on the file of the Sessions Judge of Zillah Combaconum.

(Here enter T. No. 2838 of 1854)

1 The Prisoner who is the late Shroff and Cash-Keeper of the Civil Court has on conviction of fraudulently and feloniously embezzling Money entrusted to his charge been sentenced to 3 years imprisonment with hard labor and to pay a fine equal to the amount proved to have been embezzled.

2 In para 7. of the Sentence

the

the Sessions Judge observes that it is not necessary to determine here how far the Sheristadar was implicated because the matter as regards him and others is still under investigation.-

3 With reference to this para. the Court of Fouzdaree Udalut resolve to direct the Sessions Judge to suspend the Sentence passed in this case against the late Shroff, pending a full enquiry into the nature of the defaulcation in question and to submit a report of the result of the investigation with as little delay as possible.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Combaconum by precept returnable within 10 days from and after it's receipt.

/Sent following precept No. /s

Saturday
25th November 1854.

F. C.

At a Court of the Fouzdaree Udalut.

Present

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

Read again Miscellaneous Petition presented on the 14th September 1854 by Streenevasa charry Vakeel on behalf of Malayappen of Zillah Trichinopoly.-

/Here Enter F. C. D. No. 198 of 1854/

Read also Return dated 7th Instant from the Sessions Judge of Trichinopoly to the precept of the Fouzdaree Udalut under date the 21st October 1854 directing him to submit translate of the Urzee presented by the Petitioner and to state the Regulation under which he fined him.-

/Here Enter F. C. No. 2734/54/

The Regulation quoted not authorizing the fine imposed on Petitioner the Court of Fouzdaree Udalut direct that the same be refunded to Petitioner.-

†Section II Regulation I of 1832.

Ordered

24th Novem

24th November 1854.

the Sessions Judge observes that it is un-
necessary to determine here how far
Sheristadar was implicated because
the matter as regards him and others
still under investigation.-

3 With reference to this para
the Court of Foujdaree Udalut resolved to
direct the Sessions Judge to suspend the
Sentence passed in this case against the
late Shroff, pending a full enquiry into
the nature of the defalcation in question
and to submit a report of the result of the
investigation with as little delay as
possible.-

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

Extract sent following precept No. /

Saturday
25th November 1854.

P. P.

At a Court of the Foujdaree Udalut.

Present

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

Read again Miscellaneous
Petition presented on the 14th September 1854
by Streenevasa chary Vakeel on behalf
of Malayappen of Vzillah Trichinopoly.-
/Here enter F. M. D. No. 198 of 1854/

Read also Return dated 7th
Instant from the Sessions Judge of
Trichinopoly to the precept of the Foujdaree
Udalut under date the 21st October 1854
directing him to submit translate of
the Urzee presented by the Petitioner
and to state the Regulation under
which he fined him.-
/Here enter P. P. No. 2734/54/

*Section II Regulation I of 1832.

The *Regulation quoted
not authorizing the fine imposed
on Petitioner the Court of Foujdaree
Udalut direct that the same be refunded
to Petitioner.-

Ordered

25th November 1854.

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

/Sent following precept No. /

Read Miscellaneous Petition from Ty Kundy Canen forwarded by the Sessions Judge of Calicut.-

/Vere enter F. M.P. No. 218 of 1854/

Mr. Morehead. 1 The petitioner appeals against an order passed by the Session Judge of Calicut under date the 16th September 1854 deciding in reversal of the Magistrates proceedings, that one Kadoomboy Pokan should hold possession of certain disputed lands until the ownership to the same is established by Civil action.-

2 The Court of Foujdaree Udalut being of opinion that the order of the Sessions Judge appealed against is correct, resolve to reject this petition.

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

/Sent in No. /

25th November 1854

Read Miscellaneous Petition presented by Shaik Borjoan late Jail Peon of Tuticorin.-

/Vere Inter F. M.P. No. 84 of 1854/

Mr. Hooper
Mr. Morehead 1 The petitioner prays to be restored to the situation of Jail peon at Tuticorin from which he states he has been unjustly dismissed by the Sessions Judge.-

2. The Court of Foujdaree Udalut refuse to interfere on behalf of the Petitioner and therefore reject this Petition.-

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

Read Miscellaneous Petition presented by Pareyatomby Podiache of Zillah Cuddalore.-

/Vere Inter F. M.P. No. 244 of 1854/

Mr. Marshead. 1 The petitioner appeals on behalf of his relatives the 8th & 9th prisoners in Case No. 45 of 1852 on the Tuticorin Calendar, against the sentence passed upon them by the Acting

25th November 1854.

Ordered that Extract from these Proceedings be sent to the Session Judge of Tricheinopoly by Precept returnable within 11 days from and after its receipt.—

/Sent following precept No. /

Read Miscellaneous Petition from Ty Mundy Canen forwarded by the Sessions Judge of Calicut.—

/Vere inter F. M.P. No. 218 of 1854/

Mr. Morehead. 1 The petitioner appeals against an order passed by the Session Judge of Calicut under date the 16th September 1854 deciding in reversal of the Magistrates proceedings, that one Kadoombiry Pokan should hold possession of certain disputed lands until the ownership to the same is established by Civil action.—

2 The Court of Foujdaree Udalut being of opinion that the order of the Sessions Judge appealed against is correct, resolve to reject this petition.

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

/Sent in No. /

25th November 1854

Read Miscellaneous Petition presented by Shaik Hoossain late Jail Peon of Trichinopoly.—

/Vere Inter F. M.P. No. 84 of 1854/

Mr. Hooper
Mr. Morehead 1 The petitioner prays to be restored to the situation of Jail peon at Trichinopoly from which he states he has been unjustly dismissed by the Sessions Judge.—

2. The Court of Foujdaree Udalut refuse to interfere on behalf of the Petitioner and therefore reject this Petition.—

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

Read Miscellaneous Petition presented by Pareyatomby Padiache of Zillah Cuddalore.—

/Vere Inter F. M.P. No. 244 of 1854/

Mr. Morehead. 1 The petitioner appeals on behalf of his relatives the 8th & 9th prisoners in Case No. 45 of 1852 on the Trichinopoly Calendar, against the sentence passed upon them by the Acting

25th November 1854.

Acting Session Judge.

2. This petition is rejected. The plea now raised that enmity led to the charge of Robbery being made against the 8th & 9th prisoners should have been advanced before the lower Court.

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

Read Petition presented on the 9th Instant by Vencaty and another of Cy Zillah Chittoor.

/Here enter F. M. P. No. 241 of 1854/

Mr. Morehead

This Petition is rejected and the Petitioners are referred to the orders passed by the Court of Foujdaree Udalut under date the 26th August 1854 in the matter to which the Petition relates.—

Ordered that Extract from these Proceedings be granted to the Petitioners upon their application.—

Read Miscellaneous Petition presented by Pommmmay of Zillah Chinglepute.—

/Here enter F. M. P. No. 234 of 1854/

Thes

F. M.
25th November 1854.

Mr. Hooper
&
Mr. Morehead

1 The petitioner prays the Court of Foujdaree Udalut to order the release of her son Tolasingum who was tried on a charge of Theft and sentenced to 2 years imprisonment by the Principal Sudder Ameen of Chinglepute.—

2. The Petitioner, if dissatisfied with the sentence passed upon her son must prefer her appeal to the Session Judge of Chinglepute.—

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

Read again Petition presented on the 18th September 1854 by S. Terumala Charriar, Vakeel, on behalf of Odeya Varma Rajah of Zillah Tellichery

/Here enter F. M. M. P. No. 203 of 1854/

1. Read also Return made by the Session Judge under date 9th November last to the Precept of the Foujdaree Udalut dated 21st October 1854 and calling upon the Session Judge to state whether Petitioner's case was disposed of by the Magistrate

25th November 1854.

Magistrate of Malabar on a personal investigation or on the report of the Head Police of Nadiuand.—

(Here Enter F. M. No 2793 of 1854)

Mr. Morehead. The Sessions Judge having reported that the case was disposed of in accordance with the provisions of Regulation IX of 1816, the Petition is rejected.—

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

Sd/ H. W

Sunday—
26th November 1854

F. C.

At a Court of the Foujdaree Adalut

Present.

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

Read Miscellaneous Petition of Sreenewasarow, received on the 11th May 1854 from the Agent to the Governor of Fort St George at Kurnool.

(Here Enter F. M. P. No 96 of 1854)

Read also Miscellaneous Petition presented on the 6th July 1854 by Casavarow of Kurnool.

(Here Enter F. M. P. No 134 of 1854)

The Court of Foujdaree Adalut in rejecting these Petitions resolve to refer Petitioner to their Orders of the 30th June 1852, and 18th August 1853, wherein his case received a full consideration.

Ordered that Extract from these Proceedings be sent to the Agent at Kurnool for communication to Petitioner

Sent in No.

Sd/ H. C.

F. U

Monday
27th November 1854 At a Court of the Fonjdaree Udalut.

Present

G. S. Stroper Esqre
W. A. Morehead Esqre
T. L. Strange Esqre } Puisne Judges

Read Letter from the Session Judge of Chicacole dated 7th November 1854 transmitting the Record (with translation) of Case No 57 of 1854 on his file for the consideration and instructions of the Court of Fonjdaree Udalut as the Session Judge considers that the prisoners in the case ought to be released.

(Here enter F. U. No 2826 of 1854)

1 The Court of Fonjdaree Udalut are of opinion that this reference by the Session Judge for instruction, as to how he is to dispose of a Criminal case committed to him for trial by the Magistrate, is most irregular.

2 It is the duty of the Session Judge to dispose of the case according to the best of his judgment under the Regulations and Circular orders issued for his guidance, and from this responsibility he

F. C.

Monday
27th November 1854 At a Court of the Tonjdaree Adalut.

Present

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

Read Letter from the Session Judge of Chicacole dated 7th November 1854 transmitting the Record (with translation) of Case No 57 of 1854 on his file for the consideration and instructions of the Court of Tonjdaree Adalut as the Session Judge considers that the prisoners in the case ought to be released.

(Here enter F. C. No 2829 of 1854)

1 The Court of Tonjdaree Adalut are of opinion that this reference by the Session Judge for instructions, as to how he is to dispose of a Criminal case committed to him for trial by the Magistrate, is most irregular.

2 It is the duty of the Session Judge to dispose of the case according to the best of his judgment under the Regulations and Circular orders issued for his guidance, and from this responsibility he

27th November 1854

he is apparently desirous to relieve himself by shifting it on to the Judges of this Court.

3 The Court of Foujdaree Adalut resolve to return this Record to the Sessions Judge and direct him to dispose of this Case, without further delay.

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

Sent following Precept &c

Read Letter dated 15th November 1854 from the Sessions Judge of Chittoor submitting for the consideration and final judgment of the Court of Foujdaree Adalut the Original record of the trial of Case No 48 of 1854 on the Calendar of the Sessions Court.

(Here enter F. A. No 2885 of 1854)

Mr. T. A. Moorhead

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

1 Cunchum Chinnapa

is sufficient to convict him of having been found in possession of part of the stolen property, knowing it had been acquired in the perpetration of Robbery, do convict him thereof under the provision of Clause Second Section IV Regulation VII of 1822 and Section XXXIV Act XIV of

27th November 1854

of 1843, sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (2) Two Years.

Sent in Ps

Read Letter dated 11th November 1854 from the Officiating Agent to the Governor at Rumbah forwarding an English Translation of the Record of a Case of Murder for the final judgment of the Court of Foujdaree Adalut.

(Here enter F. A. No 2836 of 1854)

Mr. G. S. Hooper

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 Venemma
2d Manjadoo
and
3d Poollamma.

are not convicted on presumptive proof or on the evidence of credible witnesses, or on their own confession of the crimes charged, do acquit them thereof, and direct that they be set at liberty.

Sent in Ps

Read Calendars dated 11th August 1854 submitted by the Acting Sessions

27th November 1854 Session Judge of Cuttack, Magistracy for the 2nd Quarter of 1854.

Entered

(Here enter F.R. No 2861 of 1854)

Tuesday,
28th November 1854

F.R.

At a Court of the Foujdaree Adawlut.

Present.

G.A. Hoopper Esquire. }
W.A. Morehead Esqre } Puisne Judges
T.L. Strange Esquire }

Read Criminal Reports submitted by the Acting Session Judge of Chingleput for the months of October 1854.

(Here Enter F.R. No 2802 of 1854)

Magistrates file Case No 17.

1. The Sentence in this case should have been passed under section XXXIII Regulation IX of 1816 as it did not exceed the powers of punishment under that Enactment.-

Criminal Court file. Case No 106.

2. The Sentence awarded against this Prisoner who was convicted also in the two previous cases - is altogether insufficient.-

Case No 109. 'Rape and snatching'

3. The larceny here charged is 'Robbery' not snatching, under the circumstances detailed.

Case No 114

4. House breaking and attempt either to commit rape or theft. No attempt of either kind is referred to

28th November 1854

to in the body of the charge.

Case No 116.
"Cattle Killing"

5. In a charge of this nature malice must be alleged.

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

Sent in No 4

Rd
W.A.S.

Read Extract from the Proceedings of the Sessions Court of Guntoor under date the 20th November 1854 held on review of the Magistrate's calendar for the 3d Quarter of 1854.

(Here Enter F.R. No 2886 of 1854.)

W.A.S.

Geo Taylor

F. 16

Wednesday 29th November 1854

At a Court of the Foujdaree Adalut

Present

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

Read letter under date the 1st November 1854 from the Sessions Judge of Nellore.

(Hereunto F. 16 No 2683 of 1854.)

1. The Court of Foujdaree Adalut resolve to direct that the Prisoner in the case referred to be put upon her trial in order to the disposal of her case under the provisions of Act IV of 1849.

2. The Court of Foujdaree Adalut observe that the rules laid down in paras 6 and 7 of the Circular Order of the 1st June 1829 and in Circular Order No 133 have been superseded by the provisions of Act IV of 1849, the intention of which enactment would seem to be that every person charged with a Criminal offence which may appear to have been committed under the influence

29th November 1854

existing against them.

11 This power is vested in the Magisterial Officers when exercising the Criminal jurisdiction extended to them by Section XIV Regulation VII of 1843. and the Circular Order Foujdaree Udalut quoted by the Joint Magistrate refers to such cases only.

12 This case should therefore appear in the Criminal Statements.

13 "Abuse of authority by Police Officers."

Nos 14-15-16 by the Joint Magte These three cases involving serious charges of gross abuse of authority against certain Police officers have been dismissed for want of proof.

14 The charges were it is observed made in the first instance between the 13th and 20th February and the cases were not finally disposed of until 11th May.

15 The proceedings were conducted until 15th April by the Jaloak Head of Police although it was a case not within his jurisdiction. the first report to the Joint Magistrate appears to have been made on 15th April, or two months after the complaints had been preferred. The parties were not produced before the Joint Magistrate until 8th May. and the 3 cases appear to have been disposed of by that Officer on one day viz. the 11th May.

The

2.

F. C.

29th November 1854.

16 The same parties are implicated in the 3 charges. and from the 2d part of the charge in No. 14/16 it would appear that had the charge been groundless, it could have been easily ascertained to be so.

17 The Court of Foujdaree Udalut consider that the conduct of this case through so long a period by the Jaloak Head of Police was opposed to the Regulations and the Circular Orders of this Court which direct that complaints against Police Officers should be invariably investigated by the Magistrates.

18 The delay that occurred in the Jaloak before the case was reported to the Joint Magistrate was most reprehensible and probably precluded the possibility of obtaining proof of the charges.

19 The Court of Foujdaree Udalut resolve to direct the Session Judge to call upon the Magistrate to examine and report on the conduct of the parties charged in these cases, and whether they are fit to be retained in public employ the report to be submitted to this Court.

By the Asstt to Magte Nos 22/12 23/19 24/18 25/22 26/21 31/26 35/25 and 36/32.

20 The headings and wording of the charges noted in the margin are so faulty that this

Court

Court are led to believe that they have been drawn up by a Native Writer and not corrected previously to their submission to the Session Court.

21. The Magisterial Officers disposing of the several cases entered in the Petty Calendars should satisfy themselves that the charges - sentences and reasons for release are as correctly stated in these Calendars, as in those in which they themselves write the charge and sentence when exercising the extended powers.

22. It is observed that the Session Judge has noticed an apparent alteration in one charge as entered in the Calendar from that on which the prisoners were convicted.

By the Asst to Magte No. 28 / 20.

23. The sentence in this case is inconsistent with itself - The prisoner was sentenced to furnish two securities - and in satisfaction of this requisition is said to have furnished one security and to have entered into personal recognizances -

Statement III By the Joint Magte No. 1 / 22

24. From the remarks appended to this case it appears that the witnesses cited by the prisoner to depose to her character were questioned in the Talook by the Head of Police, upon whose report the Joint Magistrate considered it unnecessary to send for and examine them.

The

25 The Court of Foujdaree Udalut consider that this mode of proceeding was opposed to the spirit of their Circular Orders of the 25th February 1824 and 7th April 1835 which require a personal examination by the Magistrates - that evidence to character, mode of life and means of livelihood be taken on oath; and that the defence be fully entered into.

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

(Sent in Sn.

Read letter under date the 15th November 1854 from the Officiating Agent to the Governor of Fort St. George at Kurnool, submitting for the final judgment of the Foujdaree Udalut a report of the trial of Criminal case No. 102 of 1854 on his file.

Here enter F. U. No. 2839 of 1854.)

The Court of Foujdaree Udalut

concur in the conviction of the Prisoners,

1st Booggadoo

2d Pedda Ramoodoo - and

3d Chinna Ramoodoo,

of House breaking and Theft - but being of opinion that a less severe punishment than

that

that proposed by the Officiating Agent will suffice in this case direct that the Prisoners be sentenced the 1st to (3) three years Imprisonment with hard labor in irons, and the 2d and 3d to (2) two years Imprisonment with hard labor in irons under Clause VII Section II Regulation XX of 1803.

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

(Sent in No

Read letter dated 16th November 1854 from the Agent to the Governor of Fort St George at Vizagapatam, submitting for the consideration and final judgement of the Foujdaree Udalut a report of the trial of Criminal Case No 18 of 1854 on the file of this Court.

(Here enter F. No. No 2907 of 1854)

Mr Hoosar
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 proof against the prisoners,

1st Pankalapaty Ranghanaiaze

and

2d Pankalapaty Padmanabhaiaze,

is sufficient to convict them, the 1st Prisoner, of the crime of wilful Murder, and the 2d, of being accessary before the fact, do convict them thereof, and in conformity with the provisions of Section X Regulation VIII of 1802, sentenced the prisoner,

1st Pankalapaty Ranghavaraiaze.

to suffer death by being hanged at the usual time and place of execution; and the prisoner,

2d Pankalapaty Padmanabhaiaze,

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

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29

F.A.C.

Thursday -
30th. November, 1854.

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. 167 of 1854 submitted by the Sessions
Judge of Bellary.

Here Enter F.A.C. No. 2858 of 1854.

1. It does not appear from the Calendar what led to the appre-hension of the prisoner or how the property said to have been found on the prisoner valued at Rupees 22 of which Rupees 21 are in Cash was ap-proved to belong to the Prosecutor.—

2. The Sessions Judge will be pleased to furnish further explan-ation on these points.—

Ordered,

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

/Sent following precept No. 1/-

Read Calendar of Case No. 14 of 1854 before the Sessions Judge of Zillah Chicacole.-

/Here Enter F.C. No. 2862 of 1854/-

1. In this case of "Gang Robbery" the Sessions Judge has convicted the Prisoners from 1 to 10 and the 12th prisoner - and sentenced the first ten prisoners to 14 years' imprisonment with hard labor in irons - and to receive 195 lashes - and the 12th. Prisoner to 7 years' imprisonment with hard labor and irons - and to 150 lashes.-

2. The Court of Foujdaree Udalut seeing reason to question the propriety of this sentence resolve to direct the Sessions Judge to submit an English translation of the record of the

the case - and to suspend the sentence until further orders.-

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

/Sent following Precept No. 1/-

Read again Criminal Reports for September 1854 submitted by the Sessions Judge of Zillah Calicut.-

/Here Enter F.C. No. 2539 of 1854/-

Read also return dated 10th November 1854 from the Sessions Judge of Calicut to the Precept of the Foujdaree Udalut under date the 2nd Idem - conveying their observations on the above Criminal Reports - and directing the submission of Report A in Case No. 68 of 1854 on the file of the Subordinate Judge.-

/Here Enter F.C. No. 2800 of 1854/-

1. In this case of "Severe Wounding" the prisoner was charged with wounding

29th November 1854.

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

/Sent following precept No. /-

Read Calendar of Case No. 14 of 1854 before the Sessions Judge of Zillah Chicacole.-

/Here Enter F.C. No. 2862 of 1854/-

1. In this case of "Gang Robbery" the Sessions Judge has convicted the Prisoners from 1 to 10 and the 12th prisoner - and sentenced the first ten prisoners to 14 years' imprisonment with hard labor in irons - and to receive 195 lashes - and the 12th Prisoner to 7 years' imprisonment with hard labor and irons - and to 150 lashes.-

2. The Court of Foujdaree Udalut seeing reason to question the propriety of this sentence resolve to direct the Sessions Judge to submit an English translation of the record of the

30th November, 1854.

the case - and to suspend the sentence until further orders.-

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

/Sent following Precept No. /-

Read again Criminal Reports for September 1854 submitted by the Sessions Judge of Zillah Calicut.-

/Here Enter F.C. No. 2539 of 1854/-

Read also return dated 10th November 1854 from the Sessions Judge of Calicut to the Precept of the Foujdaree Udalut under date the 2nd Idem - conveying their observations on the above Criminal Reports - and directing the submission of Report A in Case No. 68 of 1854 on the file of the Subordinate Judge.-

/Here Enter F.C. No. 2800 of 1854/-

1. In this case of "Severe Wounding" - the prisoner was charged with

wounding

2. 30th November, 1854.

wounding his wife severely in two places and inflicting other injuries upon her. and with having inflicted six wounds on the prosecutor who interposed.-

2. A plea of temporary mental derangement was set up for the defence which the Subordinate Judge rejected. but considering the evidence insufficient to justify a conviction. placed the prisoner under a requisition of security.-

3. The Court of Foujdaree Udalut are of opinion that the Subordinate Judge was altogether wrong in thus disposing of the case which they consider should have been committed for trial by the Sessions Court. the evidence being under the circumstances ample for conviction.-

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

/Sent in No. /-

Read

F.U.C.

30th November, 1854.

Read Criminal Reports for the month of October 1854. submitted by the Sessions Judge of Zillah Salem.-

/Here Enter F.U.C. No. 2813 of 1854/-

The Court of Foujdaree

Cases Nos. 6 and 7. on the Joint Magistrates file.-

1. Udalut observe that the submission of Report B in these cases and of the Sessions Judge's proceedings thereon was uncalled for. as no alteration was made in the sentences.-

2. A note of what had been done. appended to Report B. of the case. would have sufficed.-

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

/Sent in No. /-

Read Criminal Reports submitted by the Sessions Judge of Combaconum for the month of October 1854.-

/Here Enter F.U.C. No. 2833 of 1854/-

By

30th November, 1854.

Magistrate's File.

Case No. 30.- 1. By the Joint Magistrate.
The 1st Prisoner has been sentenced to furnish security for his appearance and good behaviour, under Clause first. Section IV. Regulation II of 1822. The requisition of security must be set aside. the Magistracy not being competent to dispose of cases of "Housebreaking" or "attempts" thereat.-

Case No. 34.- 2. By the same Officer. To have profession of stolen property and to dispose of the same are no offences unless the profession is felonious and with knowledge.-

Case No. 31.- 3. By the Head Assistant Magistrate. "Trespass". The Prisoner should have been held to security as one of suspicious character. and not punished as if for a specific offence.-

Case No. 32.- "Trespass". 4. As the carrying away of the grain in this case was not a taking and the Prisoner is not charged with having committed any breach of the peace, it is difficult to understand how

30th November, 1854.

how the charge was cognizable by the Head Assistant Magistrate. The Sessions Judge will be pleased to look into the case. and report its nature.-

5. Criminal Courts file.- The Cases Nos. 197 to 207 were reviewed last months.-

Case No. 210. 6. "Poisoning Cattle" add "maliciously". The indictable nature of the 2d Count is not clear.-

Case No. 215. "Seduction"- 7. The Court resolve to call for Report in this case.-

Case No. 230. "Assault"- 8. The charge appears to be one of "Highway Robbery".-

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

Sent following Precept No. 1.-

Read letter dated 29th November 1854 from the Magistrate of Chinglepute. Here Enter F. No. 2928 of 1854.-

In this letter the Magistrate

1. details.

details the circumstances connected with the murder of Sobyummah in the Village of Alamady, and seeks permission to admit one Vencatgun as an approver with promise of pardon in the event of his evidence being satisfactory to the Court.—

2. The Court of Fouzdaree Udalut resolve to allow the Magistrate to admit the individual named Vencatgun as an approver.—

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

Sent in No. /—

1. In their proceedings under date the 14th Instant the Court of Fouzdaree Udalut authorized the Sessions Judge of Chittoor to forward the Original Records in Cases Nos. 45 and 54 and the rough copies of the Sessions Courts proceedings in Cases Nos. 38 and 39, together with translation of

of the most essential part of the Police Proceedings.—

2. Of the above Cases the records of Case No. 48 alone having been received, the Court of Fouzdaree Udalut resolve to call upon the Sessions Judge to submit the remaining records forthwith, and to make a return to the precept which accompanied the Proceedings above referred to.—

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

Sent in No. /—

No further return having been received from the Sessions Judge of Cuddalore to the Precept of the Fouzdaree Udalut under date the 24th July last directing the restoration of the Property to the 14th Prisoner in Sessions Case No. 42 of 1853.—

Ordered, that the Sessions Judge of Cuddalore be required forthwith

forthwith to make a further return
to the above precept.—

/Sent in No. /—

No return having been received
from the Sessions Judge of Madura to the
precept of the Court of Foujdaree Udalut
under date the 9th Instant, directing the
immediate release of the prisoner in
Case No. 44 of 1854 on the Calendar of
the Sessions Court.—

Ordered, that the Sessions
Judge of Madura be required to make
an immediate return to the above
precept.—

/Sent in No. /—

No return having been re-
ceived from the Sessions Judge of
Cuddalore to the precept of the Foujdaree
Udalut under date the 20th Instant, di-
recting the submission of the Original
record of the trial in Case No. 74 of
1854.—

Ordered, that the Sessions
Judge of Cuddalore be required forthwith

to

to send up the above record.—

/Sent in No. /—

No return having been re-
ceived from the Sessions Judge of
Cuddapah to the Precept of the Foujdaree
Udalut under date the 7th July last con-
veying their observations in Case No. 19
of 1854 on the Calendar of the Sessions
Court;

Ordered, that the Sessions
Judge of Cuddapah be required immedi-
ately to make a return to the above
precept.—

/Sent in No. /—

Read letter dated the 23d
Instant from the Sessions Judge of
Cuddapah, reporting the execution of
the Prisoner Toorka Kujsun Saibin
Case No. 53 of the Calendar for 1854.—

/Here Entered Fl. No. 2908 of 1854/—

Read letter dated the 23d
Instant from the Sessions Judge of
Cuddapah, forwarding copy of a

letter

1st December 1854

Read Criminal Reports submitted by the Session Judge of Trichinopoly under date the 15th November 1854 for the month of October 1854.—

/Here enter F. M. No 2850 of 1854/

Report B Cases Nos 4 5 & 6

1 Adverting to the trifling value of the property stolen, the Court of Foujdaree Adalut consider the sentences passed unnecessarily severe and that the period of imprisonment adjudged may with propriety be reduced to three months.—

2 The Session Judge will review the proceedings with reference to the foregoing remarks and will report the orders passed by him thereon for the information of the Foujdaree Adalut.—

Magistrates Report Case No 3

3 The Court of Foujdaree Adalut resolve to cancel the requisition of security in this case, the offence charged being one which the Assistant Magistrate was not competent to punish.—

Ordered, that Extract from

from these Proceedings be sent to the Session Judge of Trichinopoly for communication of para 3 to the Magistrate by precept returnable in X days from and after its receipt.—

/Sent following Precept No /

Read Calendar of Case &c No 190 of 1854 on the file of the Session Court of Honore.—

/Here enter F. M. No 2764 of 1854/

In the Calendars of Cases set down for reference to the Foujdaree Adalut the usual abstract of grounds of the Session Judges judgment which are required to be stated at length in the letter of reference is unnecessary. It is sufficient that the fact whether the Sessions Judge agrees or disagrees in the Futwah of the Law Officer should be stated

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

/Sent in No /

Read

Read Criminal Reports submitted by the Sessions Judge of Trichinopoly under date the 15th November 1854 for the month of October 1854.—

/Here enter F. M. No 2850 of 1854/

Report B / Adverting to the trifling
Cases No 7 5 7 6 value of the property stolen, the Court of Foujdaree Adalut consider the sentences passed unnecessarily severe and that the period of imprisonment adjudged may with propriety be reduced to three months.—

2 The Sessions Judge will review the proceedings with reference to the foregoing remarks and will report the orders passed by him thereon for the information of the Fouj= =daree Adalut.—

Magistrates Report Case No 3 3 The Court of Foujdaree Adalut resolve to cancel the requisition of security in this case, the offence charged being one which the Assis= =tant Magistrate was not competent to punish.—

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Trichinopoly for communication of para 3 to the Magis= =trate by precept returnable in 7 days from and after its receipt.—

/Sent following Precept No /

Read Calendar of Case No 19 of 1854 on the file of the Sessions Court of Honore.—

/Here enter F. M. No 2764 of 1854/

In the Calendars of Cases set down for reference to the Fouj= =daree Adalut the usual abstract of grounds of the Sessions Judges judg= =ment which are required to be state= =d at length in the letter of reference is unnecessary. It is sufficient = that the fact whether the Sessions Judge agrees or disagrees in the Futwah of the Law Officer should be stated

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

/Sent in No /

Read

Read Calendar of Cases
No. 55 of 1854 before the Sessions Judge
of Zillah Calicut.

/Here enter F.M.C. 2784 of 1854/

In this case in which the
1st prisoner was convicted of severely
wounding in 35 places his former para-
mour on account of her having found
an intimacy with another person and
the 2d prisoner with having aided and
abetted in the assault by holding
the prosecutrix while the 1st prisoner
wounded her. the Sessions Judge has
sentenced the 1st prisoner to 7 years
imprisonment with hard labor in
irons and to receive 150 lashes and
the 2d Prisoner to only 6 months im-
prisonment with hard labour in
irons in consideration of his having
been already 4 months in confinement.

The Court of Foujdaree
Adalut resolve to intimate to the
Sessions Judge their opinion that
the punishment which he has sentenced
the 2d prisoner to undergo is very inadequate

to

to his offence as he was equally guilty
with the 1st prisoner.—

Ordered, that a Extract
from these Proceedings be sent to
the Sessions Judge Calicut for his
information and future guidance.

/Sent in No. /

Read Criminal Reports
submitted by the Sessions Judge of
of Cuddapah for the month of Octo-
ber 1854.—

/Here enter F.M.C. No. 2834 of 1854./

Magistrates
Report B
Case No. 12

1 The case as entered in
the Calendar is one beyond the
jurisdiction of the Magistracy.
explanation on this point should
be called for by the Sessions Judge.

Subordinate
Criminal
Court Report
B
Case No. 298

2 The Court of Foujdaree
Adalut desire to be informed, what
facts were established against the
1st, 3d, and 4th prisoners, in this case.

Case No. 305.

3 In this case, the "malicious
intent" which constitutes the gist of
the offence of cattle killing, should
have been stated in the charge.—

Ordered

1st December 1854

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Cuddapah, for communication of para 1 to the Magistrate, and paras 2 and 3 to the Subordinate Judge by precept returnable within V days from and after its receipt

(Sent following precept Nº)

Read Calendar in Case Nº 17 of 1854 before the Sessions Judge of Zillah Rajahmundry.-

(Here enter F. Gl. Nº 2887 of 1854)

In this case in which the 1st Prisoner is charged with house breaking and theft and the 2d Prisoner with knowingly receiving and detaining in his possession the stolen property the Sessions Judge has convicted the Prisoners but recommends that the prescribed sentence for the former offence be in this instance reduced to 4 years imprisonment with hard labour in irons.-

The Court of Foujdaree Adalut consider this sentence to be

1st December
1854

badly drawn up and resolve to point out to the Session Judge that to justify his conviction of the Prisoners his sentences should contain all the facts appearing in evidence against them

It does not suffice that vague reference to the statements of witnesses be made, without particularizing what facts are proved by those witnesses

The Court of Sudder Adalut resolve therefore to direct the Session Judge to supply the omission as to the prisoners in this Case and more particularly as regards the 1st Prisoner the reason for whose conviction does not appear

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

(Sent following precept Nº)

Read again Miscellaneous petition presented on the 6th November 1854 by J. Auchterlony Esqr Vakeel on behalf of Coomara Ummal of Zillah Trichinopoly

(Here enter F. M. P. Nº 235 of 1854)

Read also return dated 20th November 1854 from the Sessions Judge of Trichinopoly to the precept of the Foujdaree Adalut under date the 6th November 1854 calling for the record in Case No. 1 of 1854 on the file of the Assistant Magistrate referred to in the above petition, and directing suspension of the sentence pending further orders.-

(Here enter F. Co. No. 2884 of 1854.)

1. The Petitioner is wife of the prisoner in this Case and prays the Court of Foujdaree Adalut to cancel the sentence

2. The Prisoner was Butler of T. I. P. Harris Esqr. Sessions Judge of Trichinopoly, and on conviction of a Breach of Trust, as such was sentenced by the Assistant Magistrate to 3 Months imprisonment with hard labour under Section VII Regulation X of 1816.

3. The Court of Foujdaree Adalut directed that the sentence should be suspended until their decision was known the prisoner from the peculiar circumstances of the case being deprived of the Appeal allowed by Section IV Act VII of 1843.-

The Court of Foujdaree Adalut having perused the record resolve to set aside the sentence passed by the Assistant Magistrate and to direct that the prisoner Mootoo Veerasawmy Naik be immediately released, as they are of opinion that the evidence adduced in support of the charge made against him, is not deserving of credit.-

4.

The Court of Foujdaree Adalut would point out that the party employed to prosecute was if his own statement and the testimony of the witnesses might be credited quite as guilty as the Prisoner in as much as he aided and abetted him in the theft which the prisoner was charged with committing It is further observed that the Prisoner should have been charged with theft and not with Breach of trust.-

5.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Trichinopoly by precept returnable in VIII days from and after its receipt.-

(Sent following precept No.)

Ordered

1st December 1854

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

Extract

F. Uc.

Saturday 2nd December 1854

At a Court of Foujdaree Udalut

Present.

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

Read Petition presented 20th November 1854 by Palany Pareyan of Zillah Combaconum.

Here enter F. M. P. No. 251 of 1854.

Petitioner prefers an Appeal against the conviction of his brother Chidambara Pareyan, 10th Prisoner in Case No. 15 of 1854 on the file of the Sessions Court of Combaconum.

Mr. W. A. Morehead.

The Court of Foujdaree Udalut resolve to direct the suspension of the sentence passed against the said 10th Prisoner, and the Sessions Judge will be pleased to submit, without loss of time, the translate of the record of Trial so far as it refers to that individual.

2.

Ordered that Extract from the

these Proceedings be sent to the Sessions Judge of Combaconum 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.-

Read again Calendar in Case No 37 of 1853 on the file of the Sessions Court of Trichinopoly.-

(Here enter F.M.C. No 2988 of 1854.)

Read also Miscellaneous petition presented on the 16th November 1854 by Kristnasamy of Zillah Trichinopoly

(Here enter F.M.P. No 247 of 1854)

Mr W. A. Morehead 1. The Petitioner prays the Court to call for the record of the above Case and to cancel the Sentence passed against him by the Sessions Judge of Trichinopoly

2. The Court of Foujdaree Adalut discover nothing in this petition that would induce them in any way to question the propriety of the Sessions Judge's Sentence in Petitioner's Case and they accordingly resolve to reject his Petition

Petition.-

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

Read again Calendar of Case No 21 of 1854 on the file of the Sessions Court of Tinnevelly.-

(Here enter F.M.C. No 2323 of 1854.)

Read also Miscellaneous Petition of Mandutties received on the 7th November 1854 through the Sessions Judge of Tinnevelly

(Here enter F.M.P. No 239 of 1854)

Mr W. A. Morehead 1. The Petitioners son having been released under the orders passed by this Court under date the 26th October 1854, no further orders are called for in this Petition.-

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

(Sent in No)

No return having been received from the Sessions Judge of Cuddapah to the Precept

these Proceedings be sent to the Sessions Judge of Combaconum 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.-

Read again Calendar in Case No. 37 of 1853 on the file of the Sessions Court of Trichinopoly.-

(Here enter File No. 2988 of 1854.)

Read also Miscellaneous petition presented on the 16th November 1854 by Kristnasamy of Zillah Trichinopoly

(Here enter F. M. P. No 247 of 1854)

Mr. W. A. Morehead 1. The Petitioner pray the Court to call for the record of the above Case and to cancel the Sentence passed against him by the Sessions Judge of Trichinopoly

2. The Court of Foujdaree Adalut discover nothing in this petition that would induce them in any way to question the propriety of the Sessions Judge's Sentence in Petitioner's Case and they accordingly resolve to reject his Petition

2nd December 1854.

petition.-

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

Read again Calendar of Case No. 21 of 1854 on the file of the Sessions Court of Tinnevelly.-

(Here enter F. M. No 2323 of 1854.)

Read also Miscellaneous Petition of Mandutties received on the 7th November 1854 through the Sessions Judge of Tinnevelly

(Here enter F. M. P. No 239 of 1854)

The Petitioner's son having been released under the orders passed by this Court under date the 26th October 1854, no further orders are called for in this Petition.-

Mr. W. A. Morehead 1.

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

(Sent in No)

No return having been received from the Sessions Judge of Cuddapah to the Precept

Precept of the Foujdaree Adalut under date the 15th May last directing him to review the Proceedings in Case No 41 on the Cuddapah Criminal Reports for the month of February 1854.-

Ordered that the Sessions Judge of Cuddapah be required immediately to make a return to the above Precept.-

Read Miscellaneous Petition presented on the 9th November 1854 by Peter Ramanaiah of zillah Masulipatam.-

(Here enter F. M. P. No 243 of 1854)

Mr W. A. Morehead

The Court of Foujdaree Adalut resolve to refer the Petitioner to their former orders on the subject to which the Petition relates.-

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

Read Miscellaneous Petition presented on the 16th November 1854 by Mauvey of zillah Trichinopoly.-

(Here enter F. M. P. No 249 of 1854)

W. A. Morehead 1.

The Petitioner prays the Court to call for the record of the Case No 16 of 1851.

on the file of the Sessions Judge of Trichinopoly and to order the release of her brother the 4th Prisoner who has been sentenced to 6 years imprisonment with hard labor in irons.-

2 The plea now urged by the Petitioner on behalf of 4th prisoner, should have been established during the trial in the lower Court.-

3 Petition rejected.-

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

Read Miscellaneous Petition presented on the 23d November 1854 by Mahomed Ally Gareeb of zillah Chittoor.-

(Here enter F. M. P. No 254 of 1854)

Mr W. A. Morehead 1

The Petitioner Appeals against an order of the Sessions Judge of Chittoor confirming that of the Assistant Magistrate fining the Petitioner and others on a charge of obstructing a Hindoo procession, and prays that the fine may be remitted.-

The Assistant Magistrate

2 and Sessions Judge have disposed of

petitioners

petitioners plea after a full consideration of the Case, and the Court of Foujdaree Adalut find nothing in this petition that would lead them to question the correctness of the orders appealed from.-

This Petition is therefore rejected.

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

Read again Calendar of Case No. 20 of 1854 on the file of this Sessions Court of Tinnevelly.-

(Here enter F. Ro. No. 2160 of 1854)

Read also Miscellaneous petition presented on the 6th November 1854 by Ramalingam Pillay of Zillah Tinnevelly

(Here enter F. M. P. No. 238 of 1854)

Mr. W. A. Morehead. The Petitioner who is the Prosecutor in Case No. 20 of 1854 in the Calendar of the Sessions Court of Tinnevelly, prays the Court to issue orders to the lower authority to recover the remaining portion of the property which is alleged to have been stolen from his house.-

2. The Court of Foujdaree Adalut can

can do nothing for the Petitioner, who is referred to the Magistrate.-

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

Read Miscellaneous Petition presented on 11th September 1854 by Mannapa Nairker of the Zillah of Cuddalore.-

(Here enter F. M. P. No. 192 of 1854)

Mr. W. A. Morehead. The Petitioner is referred to the orders passed by this Court under date the 21st August last on the subject to which this Petition relates.-

Petition rejected.-

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

Read again Miscellaneous Petition of Josee Ramappa alias Naranappa, received on 6th October 1854, from the Sessions Judge of the Zillah of Mangalore.-

(Here enter F. M. P. No. 214 of 1854)

Read Return dated the 8th November to the Precept of the Foujdaree Adalut of the 21st October last, calling upon the

this Sessions Judge to submit a Copy of the order of the Head Assistant Magistrate, appealed against by the Petitioner.-

(Herewith enter F. No. 2791 of 1854)

Mr. W. A. Morehead 1

The Court see no cause for interfering in the matter of this Petition

2

Petition rejected.-

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

Read again Calendar of Case No. 22 of 1854 on the file of the Sessions Court of Trichinopoly.-

(Herewith enter F. No. 2187 of 1854)

Read also Miscellaneous Petition presented on the 6th November 1854 by Seroomala Ammal of Zillah Trichinopoly.-

(Herewith enter F. M. P. No. 237 of 1854)

Mr. W. A. Morehead 1.

The Court of Foujdaree Adalut see no reason to interfere on behalf of Petitioner's son the prayer of the Petitioner is therefore rejected.-

2.

*to be returned

The Court however resolve to refer the petition to the Sessions Judge in

order that he may ascertain of the statements contained in it in respect to the reduction of the Guards is correct and that he may adopt such measures in regard to the same as may seem to him called for.-

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

(Sent following precept No.)

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

Read Miscellaneous Petition presented on the 13th November 1854 by Soobbum Servaikaren and another of Zillah Trichinopoly.-

(Herewith enter F. M. P. No. 245 of 1854)

Before disposing of this Petition the Court of Foujdaree Adalut resolve to forward the same to the Sessions Judge of Trichinopoly for report.-

Mr. W. A. Morehead 1.

*To be returned

Ordered, that Extract from

from

from these Proceedings be Sent to the Sessions Judge of Trichinopoly by Precept returnable in V days from and after its receipt.-

(Sent following Precept No.)

Read letter dated 6th November 1854 from the Sessions Judge of Tanjore referring for the final Judgement of the Foujdaree Adalut the Record of Case No. 16 of 1854. of the Calendar of the Sessions Court.

(Here enter F.C. No. 2788 of 1854)

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 prisoners.-

3d. Hullepooki Annoo Som

and

4th Mogneir Bedoo.

is sufficient to convict them of the crime of Murder, do convict them thereof; and under the provisions of Section X Regn XVIII of 1802 Sentence them to suffer death by being hanged at the usual time and place of execution.-

And being of opinion that the Prisoners.-

1st. Doogapa Shetty

2d. Canchany Annapa Shetty

and

5th. Mogneir Baboo.

are not convicted on presumptive proof or on the evidence of credible witnesses or on their own confession of the crime charged, the Court acquit them and thereof; and direct that the prisoners.-

5th. Mogneir Baboo.

be immediately released.-

But considering that strong suspicion though not amounting to conviction attaches to the prisoners.-

1st. Doogapa Shetty

and

2d. Canchany Annapa Shetty they direct that under Clause Sixth Section II Regulation XV of 1803 they be severally required to find two sureties in (100) one Hundred Rupees each surety for their good behaviour and appearance when required within 3 years or in default thereof. they

be

be detained for (3) three years in confinement

(Sent in Mr)

Read letter dated 22nd November 1854 from the Sessions Judge of Bellary referring for the final Judgment of the Foujdaree Adalut the record of Case No 157 of 1854 of the Calendar of the Sessions Court.-

(Here enter F. Mo. No 2926 of 1854)

Mr G. L. Hooper and Mr H. A. Monteath

The Court of Foujdaree Adalut on deliberate consideration of all the circumstances of the Case in evidence before them being of opinion that the proof against the prisoner.-

"Did do and"

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 Mr)

Read

Read again Miscellaneous Petition received on the 2nd October 1854 from K. Soonkadoo, 5 Prisoner in Case No 131 of 1854 before the Sessions Court of Zillah Bellary.-

(Here enter F. M. P. No 209 of 1854)

Read also return dated 17th November 1854 from the Sessions Judge of Bellary to the Precept of the Foujdaree Adalut Under date the 21st October 1854 directing him to submit an English translation of the record in the said Sessions Case.-

(Here enter F. Mo. No 2903 of 1854.)

1. The above Petitioner was convicted in Sessions Case 131, of 1854 of having stolen property in his possession under suspicious circumstances, and was sentenced to undergo two years imprisonment with hard labour in irons, the Sessions Judge observing in his sentence that Petitioner was one of a tribe by birth and practice thieves and robbers, that the value of the property found in his possession Viz Rupees 305-14-

was

was more than such a person could honestly be professed of or from the extravagant habits of the tribe, was likely to have accumulated that altho the witnesses who identified the property found, could not shew any remark by which they recognized the articles, that was no reason for rejecting their evidence, and the fact of their declining to swear to some of the property was a reason for believing their other evidence to be true, and finally that if Petitioner was as he asserts robbed 17 years ago of Rupees 700, the fact would tell against him, as such a Man could not have honestly accumulated more than Rupees 300 in the interval.

2. The Court of Foujdaree Adalut having gone through the record of this Case, cannot concur with the Sessions Judge in the conviction of the 5th Prisoner (Petitioner) who was immediately released they accordingly resolve to direct.

3. The property found in the 5th Prisoner's house is in no way proved to belong to the prosecutor and is to be restored

restored to the 5th Prisoner.

4 The Court of Foujdaree Adalut cannot but observe that the Sessions Judges reasons for the conviction of this individual are forced, and far from conclusive.

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

(Sent following Precept No.)

E. C. Thos W

2.

Monday
4th December 1854.

F. U.

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 in Case No 112 of 1854 before the Session Court of Zillah Cuddalore.

(Here enter F. U. No 1617 of 1854.)

Read again also miscellaneous Petition presented on the 26th October 1854 by Arthur Pitchie and Alexr Ritchie Esqrs Vakeels on behalf of the convicted prisoners in the above Sessions Case.

(Here enter F. M. P. No 276 of 1854)

Read also return under date the 25th November 1854 from the Session Judge of Cuddalore to the precept of the Foujdaree Udalut dated the 11th November 1854, directing the submission of an English translation of the record of the foregoing case.

(Here enter F. U. No 2912 of 1854)

On perusal of the record of this case the Court see no reason to interfere with the sentence passed upon the prisoners.

W. A. Morehead J.

The

2. The evidence shows that on the occasion referred to in the charge, the Conduct of the prisoners was most violent and that their assembling in the manner they did and their continued refusal to disperse after having been warned to do, fully subjected them to the provisions of Act III of 1831.

3. The Court of Foujdaree Udalut would further observe that the sentence passed upon the prisoners is as lenient as it was competent to the Sessions Judge to award for the offence of which the prisoners have been convicted.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Cuddalore.

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

(Sent in No.) 5

Dr 1 R.

F. Uc.

Tuesday ... 5th December 1854. At a Court of the Foujdaree Udalut

Present.

G. S. Hooper Esqre
W. A. Morehead Esqre
J. L. Strange Esqre
} Puisne Judges

Read Calendar of Case No. 19 of 1854 of the Session Court of Rajahmundry (Herewith F. Uc. Nos 2876 of 1854.)

The Court of Foujdaree Udalut approve of the recommendation made by the Session Judge in this Case that the period of imprisonment which the Prisoner noted in the margin has been adjudged to suffer on his conviction of Robbery by open violence Vizt, be reduced to (7) Seven years with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.

Cuttoola Dowrey

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

(Sent in No.)

Read

5th December 1854.

Read Calendar of Case No 168 of 1854 of the Sessions Court of Bellary.

(Here enter F.H.C. No 2825 of 1854.)

The Court of Foujdaree Adalut approve of the recommendation made by the Sessions Judge in this Case that the period of imprisonment which the Prisoner noted in the margin has been adjudged to suffer on his conviction of House breaking and Theft be reduced to (5) five years with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

4th Nungondah

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 70 of 1854 of the Sessions Court of Cuddapah.

(Here enter F.H.C. No 2814 of 1854)

1. In this Case the Sessions Judge in concurrence with the Mohomedan Law officer convicted the 1st and 4th Prisoners of the crime charged (Gang robbery) and sentenced them to 14 years Imprisonment with hard labor in irons but in consideration that no violence

* 1st H. Ramudoo
* 4th C. Nagadoo.

violence was used on the Prosecutors party, recommends that the period of Imprisonment be mitigated to 7 years.

2. The Court of Foujdaree Adalut are of opinion that the mitigated sentence of 7 years proposed by the Sessions Judge is insufficient and they accordingly resolve to direct that the Prisoners 1st and 4th be sentenced to Imprisonment for (8) Eight years with hard labor in irons.

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

(Sent in No)

Read Calendar of Cases No 70 71 and 72 on the file of the Sessions Court of Cuddalore.

(Here enter F.H.C. No 2854, 2855 & 2856/1854)

1. Many of the prisoners in these Cases have been in confinement for six Months on charges which have been proved to be false.

The Court of Foujdaree Adalut resolve to direct that the attention of the Magistrate be called to the state of

his

his Police which from the trials that have come before the Court appears to be in a most inefficient and mischievous condition the Police officers not hesitating where robberies are committed to get up charges against innocent persons.-

3 The Sessions Judge will call upon the Magistrate for a list of the Head of Police whose committals within the last 10 Months have been pronounced by the Court to have been unjustifiable.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Cuddalore by Precept returnable within 4 days from and after its receipt.-

(Sent following Precept No)

Read again Miscellaneous Petition presented on the 19th May 1854, by Appavoo Catchiyappen of the Zillah of Cuddalore, on behalf of Certain prisoners in Cases Nos 12 and 13 on the file of the Sessions Court of Cuddalore

(Here enter F. M. D. No 102 of 1854)

Read also Return dated the 25th November, 1854, from the Sessions Judge of Cuddalore to the precept of the Foujdaree Adalut

5th December 1854.

Adalut under date the 11th Idem, calling for the Records in Sessions Cases Nos 12 and 13 of 1854.-

(Here enter F. M. No 2930 of 1854)

The Court of Foujdaree

Mr W. A. Morehead 1.

Adalut having considered the record of trial submitted to them, cannot concur with the Sessions Judge in the conviction of the Prisoners.-

The 1st and 2d Witnesses appear

2.

that they recognized the Prisoners by star light, a recognition under such circumstances, cannot be relied upon.-

No property was found on

3.

the Prisoners, and the evidence, adduced by them in support of their defence seems to the Court of Foujdaree Adalut to be deserving of credit.-

The Prisoners are accordingly

4.

released.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Cuddalore by Precept returnable in III days from & after its receipt.- 3 4

(Sent following Precept No)

4 of the W

F. D.

Wednesday
6th December 1854. At a Court of the Faujdaree Adalut.

Present

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

Read Calendar of Case No 590 of 1854
of the Sessions Court of Madura.

(Here enter F. D. No 2811 of 1854)

The Court of Faujdaree Adalut
approve of the recommendation made by the
Sessions Judge in this case that the period of imprison-
Vera Taven ment which the Prisoner noted in the margin
has been adjudged to suffer on his Conviction of
Robbery by open violence be reduced to (4) four years
with hard labor in irons, and they do authorize
the Sessions Judge to issue his warrant accordingly.

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

(Sent in A)

Read Petty Calendars for 3d Quarter

6th December 1854

of 1854 - submitted with his Proceedings on the same by the Sessions Judge of Zillah Madura.

(Herewith F. No. A: 2818 of 1854)

1. The charges in the cases noted in the margin are imperfect in not stating the place where the offence charged occurred and in some the date of the offence is also omitted.

Statement A:1. Joint Magistrates file A:s 39/59, 40/70, 41/74, 42/78 and 43/81.

2 The same remark applies also to almost every case entered in statement A:II as having been disposed of by the Joint Magistrate.

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

(Sent in A:)

Read Criminal Reports for October 1854 - submitted by the Sessions Judge of Zillah Bellary

(Herewith F. No. A: 2828 of 1854)

A: 221. before the subordinate Judge "False accusation &c.

1 It is observed that the Sessions Judge in his proceedings of 10th November 1854 has cancelled the sentence in this case as illegal.

A: 253. before do False accusation &c.

2 The falseness and malice in the matter of the complaint should have been detailed in the charge.

3. The attempt to extort money as charged in the conclusion of the indictment is not constituted

6th December 1854

constituted a distinct offence.

A: 254. before the subordinate Judge.

4 The latter remark applies to this case also.

A: 25 before the Assistant Magistrate. Embezzlement.

5. The charge should have been headed "Fraud"

Ordered that Extract from these proceedings be sent to the Sessions Judge of Bellary for communication to Subordinate Judge and Magistrate.

(Sent in A:)

Read Criminal Reports submitted by the Acting Agent to the Governor of Ganjam.

(Herewith F. No. A: 2903 of 1854)

Report B of the Acting Principal Assistant Agent. Case A: 13 of 1854.

The Cases being a Petty theft should have been entered in the Calendar of Petty Cases disposed of by the Magistracy.

Report B of the Agent 2

The Court of Sanjamu Madalut desire to be informed what were the aggravating circumstances in this Case.

Several of the Cases entered in these reports are Petty assaults and thefts punishable under Sections XXXII and XXXIII Regulation IX of 1816. all of these Cases should have been omitted and entered in the Calendars of Petty Cases disposed of by the Magistracy and which are forwarded quarterly to

6th December 1854. to the Court of Tondiarpe Mdalut.

4 There are also cases entered in the Report of the Agent committed for trial before him in his capacity of Session Judge which should not appear in these reports which should merely comprise such cases as are disposed of by the Officers of the Agency in their capacity of Sub Criminal Judge and none others.

Ordered that Extract from these Proceedings be sent to the Acting Agent to the Governor of Fort St. George in Ganjam for his information by precept returnable within V days from and after its receipt.

(Sent following precept No.)

The Calendar of Petty Cases disposed of by the Magistracy during the 2d Quarter of 1854, not having as yet been received from the Session Judge of Trichinopoly that Officer is requested to forward the same without any further delay.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Trichinopoly by precept returnable within III days.

(Sent following precept No.)

4 To the N

Thursday,
7th December 1854

F. G.

At a Court of the Tondiarpe Mdalut

Present.

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

Read Criminal Reports Submitted by the Session Judge of Caddapah for the month of September 1854.-

(Here Enter F.R. No 2562 of 1854)

Case No 253 "House breaking and Theft."

1. This case was very improperly committed by the Head Assistant Magistrate. The charge is one of "Theft" only. To involve Housebreaking the place broken into must be one of the nature of a place of habitation or a storehouse.-

Case No 258. 2. The foregoing remark applies to this case also. The Session Judge will be pleased to have the heading of these two cases amended.-

Case No 263 "Attempt at Theft" 3. It is not stated what the Prisoner attempted to steal.-

Cases Nos 264 & 270. 4. Vide remarks in paras 1 and 2 supra.

Case No 287. Misdemeanor. 5. It is not charged that the Prisoners harboured the escaped convicts, knowing them to be such. The Indictment will not be in any way sustained by the allegation that the accused "conversed with

6th Dec

"with the convicts on a hill called Nulla-
"malah and in other places."

Case No 289. "Embezzlement"

6. If the ready money &c alleged to have been appropriated by the Prisoner were delivered to his charge, as it would appear, by his master the charge becomes one of "Theft" an indictment for Embezzlement only lying where a Servant in virtue of his employment, receives money or goods on account of his master and misappropriates the same to his own use. Further it is not necessary to set forth the Prisoners defence in the body of the charge.

Case No 290 "Murder"

7. The allegation as to the disposal of the body of the child said to have been murdered is out of place in an Indictment.

Case No 297. "Misdemeanour"

8. The charge here is not very plain. It is not clear that the prisoner is in any way indictable. The Magistrate should have disposed of the case under the Security

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddapah by precept returnable in 111 days from and after its receipt.—

Sent following Precept No

Read Calendar of case No 295 of 1854 before the Sessions Judge of Zillah Bay

(Rec'd Inter F. R No 2819 / 1854)

4 7/

1. In this case the 1st prisoner was charged with personating another person who had been cited as witness in a certain suit, and with having given a deposition in that character on solemn affirmation relative to a matter which the other party had been cited to depose to.—

2. The 2d prisoner was charged with having instigated the 1st prisoner to act as above stated.—

3. They were indicted for a "misdemeanor" and sentenced to 6 months imprisonment with light labor & without irons. The Sessions Judge in observing in his sentence that several instances occur in "Morley's Digest" of similar cases having been similarly disposed of in Bengal.—

4. The Court of Tanjore Zillah are of opinion that the sentence passed by the Sessions Judge is sufficient to meet the requirements of the case but consider that the Prisoners should have been charged and convicted the 1st of Perjury and the 2d of Subornation of Perjury - and that the latter should have been tried in a distinct calendar.

It

7th December 1854.

6 de

5. It is observed that in the case referred to by the Session Judge all the prisoners were convicted of Perjury not of a misdemeanor.-

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

(Sent in No.

Read again calendar in case No 57 of 1854 submitted by the Session Judge of Nellore under date the 3d October 1854.-

(Here Enter F & No 2414 of 1854)

Read also Miscellaneous Petition presented on the 30th Ultimo by Hamaka-shamma of Zillah Nellore.-

(Here Enter F M.P. No 2616 of 1854)

Before disposing of this Petition the Court of Foujdaree Adalut resolve to call upon the Session Judge of Nellore to send up the record of the case so far as regards the 12th prisoner, together with a translation of the village Moonsiffs' report.-

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

(Sent following Precept No

Read

4 & 5/No

F.P.

7th December 1854

Read petition presented on the 30th Ultimo by Veerayee of Zillah Madura.-

(Here Enter F M.P. No 2662 of 1854)

1. This is an application for an attested copy of the order of the Court of Foujdaree Adalut on the Petition presented by the Petitioner in No 190 of 1854.-

2. The Court of Foujdaree Adalut direct that the copy applied for be granted to Petitioner on her producing the requisite Stampt paper.-

Ordered that Extract from these proceedings be furnished to the Petitioner on her application.-

Read again Miscellaneous Petition presented on the 19th October 1854 by C. Sreenewasa Charry Vakeel on behalf of Vezia Tumma wife of Ramasawmy Iyangar Prisoner in Criminal case No 41 of 1854 on the file of the Session Court of Combaconum.-

(Here Enter F M.P. No 2190 of 1854)

Read also return dated the 29th November 1854 from the Session Judge of Combaconum to the Precept of the Foujdaree Adalut under date the 4th idem, calling upon him to submit a translate of the record of the above case,

case, and at the same time to explain why the case was detained under examination by the Police from the 28th July to 7th September and to report as to the Petitioner's allegation that the witnesses for the defence were not heard

(Here Enter F.R. No 2970 of 1854)

1. The Court of Poujdaree Adalut having gone carefully through the record of trial forwarded by the Sessions Judge concurs with the finding arrived at by the assessors and the Sessions Judge. and see no reason to disturb the sentence passed against petitioner

2- Petition rejected.

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

Sent in No"

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

Read letter dated 27th November 1854 from the Sessions Judge of Cuddalore forwarding English Translation of the record of case No 74 of 1854, on the Calendar of the Sessions Court, for the final judgment of the Court of Poujdaree Adalut.

(Here Enter F.R. No 2952 of 1854)

The Court of Poujdaree Adalut on

Messrs G Horsfall
F.L. and
Thange

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

Sadayen

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 Court of Poujdaree Adalut concur with the Mahomedan Law Officer in the acquittal of the prisoner in this case, there is nothing in the evidence to indicate that the prisoner knew the coin tendered by him to the prosecutrix to be a counterfeit one and his demeanor at the time would rather go to show that he was not aware that he was incurring penal consequences.

2. The Court of Poujdaree Adalut have accordingly directed the prisoners unconditional release.

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

Sent in No" "

Exd J.P.S.

Friday
8th December 1854.

F. U.

At a Court of the Foujdaree Udalut

Present.

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

Read Calendar in Case No. 49 of 1854 submitted by the Session Judge of Chittoor under date the 19th August 1854.

/Here Enter F. U. No. 2308 of 1854./

The Record of the above case which was set down for reference to the Court of Foujdaree Udalut so far back as the 23rd September last not having been as yet received

Ordered, that the Session Judge of Chittoor be required to send up the record in question without any further delay.

/Sent in No./

Read Calendar in Case No. 20 of 1854 Submitted by the Agent to the Governor of Fort Saint George at Ganjam under date the 3rd October 1854.

/Here enter F. U. No. 2490 of 1854./

The Record of the above case, which

was

Friday
8th December 1854.

F U

At a Court of the Foujdaree Udalut

Present.

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

Read Calendar in Case No. 49 of 1854 submitted by the Session Judge of Chittoor under date the 19th August 1854.

/Here Enter F. U. No. 2308 of 1854/

The Record of the above case which was set down for reference to the Court of Foujdaree Udalut so far back as the 23rd September last not having been as yet received

Ordered, that the Session Judge of Chittoor be required to send up the record in question without any further delay.

/Sent in No./

Read Calendar in Case No. 20 of 1854 Submitted by the Agent to the Governor of Fort Saint George at Ganjam under date the 3rd October 1854.

/Here enter F. U. No. 2490 of 1854./

The Record of the above case, which

was

was set down for reference to the Court of Foujdaree Udalut so far back as the 2d October last, not having been as yet received.

Ordered that the Agent at Ganjam be required to send up the record in question without any further delay.

/Sent in No. /

Read Calendar of Case No 34 of 1854 submitted by the Acting Session Judge of Chingleput under date the 21st November 1854.

/Here enter F.D. No 2895 of 1854./

1.

The Prisoners are charged with having stolen from outside the Prosecutors choultry 13 Palmyra rafters valued at Rupees 4-14-

2.

The Mahommedan Law Officer convicted the prisoners of the crime charged and the Acting Session Judge concurring in the Futwa sentenced the prisoners under Section XXI Regulation VII of 1802 to 7 years imprisonment with hard labor in irons, but recommends that the same may be reduced to 4 months as being sufficient in this trifling case.

3.

The Court of Foujdaree Udalut deeming the imprisonment undergone a sufficient punishment for the offence proved resolve to direct the release of the prisoners.

Ordered that Extract from these

Proceedings

Proceedings be sent to the Acting Session Judge of Chingleput by precept returnable in 3 days from and after its receipt.

/Sent following precept No. /

Read Calendar of Case No 33 of 1854 of the Sessions Court Chingleput

Here enter F.D. No 2894 of 1854

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this case that the period of imprisonment which the Prisoners noted in the margin have been adjudged to suffer on their conviction of the crime of Highway Robbery, be reduced to Three years with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly

1 Vella Moota
2 Vella Pien
3 Commuttan
4 Sadyen
5 Yellen
6 Coollun
9 Colalan
10 Rocken.

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

/Sent in No. /

Read Calendar of Case No 36 of 1854 of the Sessions Court of Trichinopoly

/Here enter F.D. No 2917 of 1854./

The Court of Foujdaree Udalut

1.

are of opinion that a sentence of 5 years imprisonment with hard labor in irons will be adequate punishment for the offence of which the 4th and 5th

Prisoners

Prisoners in this case have been convicted, and they resolve to call upon the Session Judge to reduce their sentences accordingly.

2. If unable to concur with the Court in the impropriety 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 Ectract from these Proceedings be sent to the Session Judge of Trichinopoly by Precept returnable in X days from and after its receipt.

/Sent following Precept No. /

Read Calendars of Cases Nos. 22 and 23 of 1854 of the Session Court of Honore.

/Here enter F. H. No. 2897 of 1854./

The Court of Foujdaree Udalut approve of the recommendation made by the Session Judge in these cases that the period of imprisonment which the Prisoners noted in the margin have been adjudged to suffer on their conviction of the crime of Robbery by open violence, be reduced to ten years with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.

Ordered that Ectract from these Proceedings be forwarded to the Acting Sessions

Case No. 22
1 Dumilly Naraina
2 Chinnoo
3 Balapa shetty
4 Tucurcah
Case No. 23.
5 Baboo
6 Somoo

Sessions Judge of Honore for his information

/Sent in No. /

Read Calendar of Case No. 162 of 1854 of the Sessions Court of Bellary.

/Here enter F. H. No. 2921 of 1854/

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this case that the period of imprisonment which the Prisoners noted in the margin have been adjudged to suffer on their conviction of the crime of Robbery be reduced to one year with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

1 G. Siddagadoo
2 M. Tippagadoo
3 M. Goorroodoo
4 Mullagadoo
5 Boodegadoo.

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

/Sent in No. /

No return having been received from the Sessions Judge of Coimbatore to the precept of the Foujdaree Udalut under date the 15th Ultimo, conveying their observations and Orders on the Criminal Reports for the month of September last

Ordered that the Sessions Judge of Coimbatore be required to make a return to the above Precept without any further delay

/Sent in No. /

Et Wolt

Prisoners in this case have been convicted, and they resolve to call upon the Sessions Judge to reduce their sentences accordingly.

2. If unable to concur with the Court in the impropriety of the mitigated sentence 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 Ecstract from these Proceedings be sent to the Sessions Judge of Trichinopoly by Precept returnable in X days from and after its receipt.

/Sent following Precept No. /

Read Calendars of Cases Nos. 22 and 23 of 1854 of the Sessions Court of Honore.

/Here enter F. U. No. 2897 of 1854./

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in these cases that the period of imprisonment which the Prisoners noted in the margin have been adjudged to suffer on their conviction of the crime of Robbery by open violence, be reduced to ten years with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

Ordered that Ecstract from these Proceedings be forwarded to the Acting Sessions Judge of Honore for his information

/Sent in No. /

Case No. 22.
1 Devully Naraina
2 Chinnoo
3 Balapa Chetty
4 Tucureah

Case No. 23.
5 Baboo
6 Somoo

Sessions Judge of Honore for his information

/Sent in No. /

Read Calendar of Case No. 162 of 1854 of the Sessions Court of Bellary.

/Here enter F. U. No. 2921 of 1854./

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this case that the period of imprisonment which the Prisoners noted in the margin have been adjudged to suffer on their conviction of the crime of Robbery be reduced to one year with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

1st G. Siddagadoo
2d M. Tippagadoo
3 M. Goorroowadoo
4 Mullagadoo
5 Boochegadoo.

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

/Sent in No. /

No return having been received from the Sessions Judge of Coimbatore to the precept of the Foujdaree Udalut under date the 15th Ultimo, conveying their observations and Orders on the Criminal Reports for the month of September last

Ordered that the Sessions Judge of Coimbatore be required to make a return to the above Precept without any further delay

/Sent in No. /

4th Mott

F. Uc.

Saturday ----- }
9th December 1854 }

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
of Singum Chetty Balakrishnamah received on
the 5th December 1854 from the Session Judge
of Rajahmundry.—
(Here enter F. M. P. No. 264 of 1854)

Mr. W. A. Morehead.

The Court of Foujdaree Udalut
resolve to direct the Sessions Judge of Rajahmun-
dry to transmit a translate of the record in Case
No. 17 of 1854 on the file of the Sessions Court
of Rajahmundry.—

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 Miscellaneous Petition
presented on the 25th November 1854 by
Maljee Chetty of Tallah Konore.—
(Here enter F. M. P. No. 256 of 1854)

The Petitioner who is the 1st

Mr. W. A. Morehead.

Prisoner in Case No. 16 of 1854 on the Calendar
of

9th December 1854.

of the Sessions Court of Ramnad, prays the Court on perusal of the records to order his release.—

2 The Petitioner is referred to the Sentence passed on this case by the Court of Fouzdaree Udalut on a perusal of the record.—

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

Read Calendar of Case No 419 1854 of the Sessions Court of Tinnevelly

(Here enter F. M. P. No. 2806 of 1854)

The Court of Fouzdaree Udalut consider the Plea referred to in the concluding remarks of the Acting Sessions Judge to be deserving of punishment, and Deem this view they direct that Officer to bring his conduct to the notice of the Magistrate reporting the result to this Court.—

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Tinnevelly by Receipt returnable within 2 days from and after its receipt.—

(Sent following Receipt No.

Read Miscellaneous Petition presented on the 26th October 1854 by Mr. John Tachoomenon Vakeel on behalf of Ramen Adiody

9th December 1854 Adiody of Zillah Tellicherry.—

(Here enter F. M. P. No. 227 of 1854)

Mr. W. A. Morehead 1

The Petitioner Appeals from an order of the Sessions Judge of Tellicherry dated the 15th June 1853, declining to reemploy the Petitioner as a Vakeel of the Tellicherry Moonsiffs' Court from which he had been dismissed.—

2 The Court of Fouzdaree Udalut declines to interfere in the matter to which this Petition relates.—

3 Petition rejected.—

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

Read Miscellaneous Petition presented on the 25th November 1854 by Amara Naika Pillay and another of Zillah Cuddapah.—

(Here enter F. M. P. No. 255 of 1854)

Mr. W. A. Morehead 1

The Petitioners pray to be furnished with Copies, on stamp papers, of the Courts Orders directing their release and restoration to their former situations.—

The Court of Fouzdaree Udalut 2 resolve to comply with the prayer of the Petitioners on their producing the requisite stamp

9th December 1854

Stamp paper.—

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

Read Miscellaneous Petition from Hajee Ahmed Khan Saib of Tillah Trichinopoly.—

(Here enter F. M. P. No. 258 of 1854)

Mr. W. A. Morehead. 1. The Petitioner appeals against an order of the Sessions Judge of Trichinopoly dated 13th June 1854 declining to interfere with the decision passed by the Assistant Magistrate upon a complaint preferred by Petitioner charging one Appavoo pillay with having cut down some of his trees and taken possession of his garden.—

2 The Court of Foujdaree Udalut refuse to interfere in the matter of this Petition which is accordingly rejected. If Petitioner has sustained loss or damage as represented he should seek redress by a Civil action.—

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

Read Miscellaneous Petition presented by Permal Ummal of Tillah Trichinopoly

F. No.

9th December 1854

Trichinopoly.—

(Here enter F. M. P. No. 246 of 1854)

Mr. W. A. Morehead. 1 The Petitioner as the representative of the prisoners in Case No. 18 of 1849 on the Trichinopoly Calendar, appeals against the Sentence passed by the Acting Session Judge.

The Court of Foujdaree Udalut

2 resolve to reject this petition. The Petitioner has mistated the number of the trial to which she refers, the parties alluded to by her not being those entered in the Calendar No. 18 of 1849

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

Read Miscellaneous Petition from Chaken Veerappen forwarded by the Session Judge of Calicut.—

(Here enter F. M. P. No. 253 of 1854)

Mr. W. A. Morehead 1 The Petitioner appeals against the Sentence of 14 years imprisonment passed upon him by the Session Judge of Calicut in Calendar No. 40 of 1854 on his conviction of the crime of High-way Robbery

This Petition is rejected, the

2 Court of Foujdaree Udalut seeing no reason

to

to doubt the justness of the sentence passed on petitioner. They observe that the Robbery of which Petitioner has been convicted took place in the day time.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Calicut for communication to the Petitioner.—

4th Head

(Sent in No. to

Read Return dated 28th November 1854 from the Session Judge of Coimbatore to the Precept of the Fouzdaree Adalut under date the 23d Idem, directing him to review the Proceedings in Case No. 192 and to submit the report A in 14 cases disposed of by the Principal Sudr Ameen for the Month of October 1854.

(Here enter F. Dr. No. 2949 of 1854)

F.D.

Monday, 11th December, 1854 At a Court of the Fouzdaree Adalut.

Present.

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

Read again Miscellaneous Petition presented on the 11th November 1854 by Moottamab of Zillah Salem.—

(Here Enter F. M. P. No. 215 of 1854)

Read again also Miscellaneous Petition presented on the 30th October 1854 by Alamaloo of Zillah Salem.

(Here Enter F. M. P. No. 229 of 1854)

Read again also Miscellaneous Petition presented on the 30th October 1854 by Alamalumma of Zillah Salem.—

(Here Enter F. M. P. No. 230 of 1854)

Read also return under date the 30th November 1854 from the Session Judge of Salem to the precept of the Fouzdaree Adalut dated the 11th November 1854 directing the Session Judge to submit an English translation of the

12th December 1854.

of Government regarding him be made known.

Extract

Sent in No 1

Wednesday
13th December 1854

F. C.

At a Court of the Foujdaree Udalut.

Present

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

Read Calendar of Case No 169 of 1854 on the file of the Sessions Court of Bellary.

(Here enter F.C. No 2893 of 1854)

The Court of Foujdaree Udalut question the propriety of the acquittal of the 1st prisoner in this case. Property to a considerable amount was obtained from him and the 1st and 2d witnesses whose evidence the Sessions Judge has viewed as unexceptionable deposed that he gave up the property admitting that he had obtained it by the commission of the robbery charged.

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

Sent in No

the record of case No 210 of 1854 so far as it regards the 1st 12th and 33d prisoners.

(Here Enter F R No 2982 of 1854)

Read also Miscellaneous Petition presented on the 27th November 1854 by Paky Chetty of Tillah Salem.-

(Here Enter F R No 2959 of 1854)

Mr Moubray 1. The Court of Tanjore would resolve to direct that the Sessions Judge will submit the following papers connected with the foregoing case.

2. Translation of the deposition given by the 1st witness before the Police.

3. Translation of the report made by the Head of Police of Kanthirapadoog to the late Assistant Magistrate Mr Davidson to the effect that he had apprehended five more number of the Gang including Veerum.

4. Translations of the depositions given by the said Veerum before the Police

5. Translation of any previous reports made by the said Head of Police to Mr Davidson regarding the robbery.

6. Translation of all bonds executed by Mr Davidson to the said Head of Police both previously and subsequent to the apprehension of Veerum.

7. Those portions of the Police Decisions in Original of which Translations have not been called for in these proceedings.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Salem by Precept returnable within X days from and after it is received

(Sent following Precept &c

Ordered also, that Extract from these Proceedings be granted to the Petitioners on their application.

Read Criminal Report dated the 25th November 1854 submitted by the Sessions Judge of Cuddalore for the month of October 1854.-

(Here Enter F R No 2911 of 1854)

Cases Nos 125-
127.
186
187.
188.
192
193
194
195
196
197.
198
199.
200.
203
204
205
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207.
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213.
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215
228
229
243
247.

1. The Court of Tanjore would require an immediate explanation of the delay which has occurred in the disposal of these cases all of which in the absence of any sentence having been recorded it is presumed are still undisposed of, though the usual note of

13th December 1854

No further Return having been received from the Session Judge of Cuddalore to the Precept of the Foujdaree Adalut under date the 24th July last, directing him to restore certain property to the 4th Prisoner in Session Case No 42 of 1853.

Ordered that the Session Judge of Cuddalore be required to make a further return to the above precept without further delay.

Precept returnable within two days from and after its receipt.

Sent following Precept No

Read Calendar of Case No 33 of 1854 on the file of the Session Court of Salem.

(Here enter F.R. No 2935 of 1854)

The Session Judge should have specified in the remarks recorded by him on the Calendar on what points he considered the evidence for the prosecution improbable and suspicious.

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

Sent in No

13th December 1854.

Read Calendar in Case No 185 of 1854 submitted by the Session Judge of Bellary under date the 28th November 1854.

(Here enter F.R. No 2963 of 1854)

The attention of the Heads of Police in the Bellary District should be called to the increase of false and malicious charges adverted to in the 7th para of the Session Judge's remarks in the foregoing case.

Ordered that Extract from these Proceedings be sent to the Session Judge of Bellary for communication to the Magis. of that District.

Sent in No

Read Calendars of Cases Nos 181 & 182 of 1854 of the Session Court of Bellary.

(Here enter F.R. Nos 2959 & 2960 of 1854)

The Court of Foujdaree Adalut approve of the recommendation made by the Session Judge in these cases that the period of imprisonment which the Prisoners noted in the margin have been adjudged to suffer on their conviction of Perjury be reduced to (3) Three months with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.

No 181. Seeviah
" 182. Siddiah

Ordered

11th December 1854

Nos 248
250
257.
255
256
257.
258-

of their being "under Examination" has not been appended to the reports.

2- The cases noted in the margin the Court of Tanjore Vakeel remark might also have been referred to the Mooftee Sudder Ameen.-

Ordered that Extract from these Proceedings be sent to the Sessions Court of Cuddalore by precept returnable within V days from and after its receipt.-

(Sent following Precept &c.

Read Calendars of cases Nos 50. 51 and 52 of 1854, on the file of the Sessions Court of Madura.-

(Here Enter F R No 2747 of 1854)

1. The prisoners in case No 51 were charged with having assembled with the intent to commit a robbery which robbery forms the subject of the charge on which the prisoner in case No 50 was tried.-

2- The prisoners in case No 52 were charged with resisting the process issued by the Police Ameen for Searching the houses of certain of them, with intent to

F.R.

11th December 1854

to conceal certain property acquired by robbery by open violence, the same prisoners with the exception of the 14th having been tried separately in case No 50 for the robbery of the said property.

3. The Court of Tanjore Vakeel observe that the charges in these cases should have been entered as separate Counts in the indictment in case No 50.-

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

Sent in No.

Read again Miscellaneous Petition forwarded by the Sessions Judge of Cuddalore from Aramoo-=dienger of that Zillah.-

(Here Enter F M P No 2055 of 1854)

Read again also Calendar of case No 11 of 1854 on the file of the Sessions Court of Cuddalore.-

(Here Enter F R No 1333 of 1854)

Read also return under date the 11th November 1854 from the Sessions Judge of Cuddalore, to the precept of the Tanjore Vakeel dated the 9th idem directing the Sessions Judge to explain the

13th December 1854

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

Sent in Sr

Read Calendar of Case No 180 of 1854 of the Session Court of Bellary.
(Here enter F.R. No 2958 of 1854)

The Court of Foujdaree Adalut approve of the recommendation made by the Session Judge in this case that the period of imprisonment which the Prisoner noted in the margin have been adjudged to suffer on their conviction of Gang Robbery be reduced to (2) Two years with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.

1. Dandegadoo
2. C. Nauroppah
3. N. Obleydoo alias Ringadoo
4 N. Hanoomadoo.
5 Govindapadoo.

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

Sent in Sr

Read Calendar of Case No 181 of 1854 of the Session Court of Calicut.
(Here enter F.R. No 2959 of 1854)

The Court of Foujdaree Adalut approve of the recommendation made by the Session Judge in this case that the period of imprisonment which the Prisoners noted in the margin have been adjudged to suffer

1. Kittoonpa Modoo
2 Apay Modoo.

13th December 1854

suffer on their conviction of House breaking and Theft they be reduced to (4) four years with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.

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

Sent in Sr

Read Calendar of Case No 59 of 1854 of the Session Court of Calicut.
(Here enter F.R. No 2990 of 1854)

The Court of Foujdaree Adalut approve of the recommendation made by the Session Judge in this case that the period of imprisonment which the Prisoners noted in the margin have been adjudged to suffer on their conviction of Gang Robbery with violence &c., they be reduced to (7) seven years with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.

1 Tiva Macko
1 Kavotta Bava Colly

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

Sent in Sr

Read Calendar of Case No 18. of 1854 of the Session Court of Chicacole.
(Here enter F.R. No 2942 of 1854)

The

the grounds on which he has directed the ornaments referred to in the foregoing Petition to be delivered to the Prosecutors Vakil

(Here Enter S.R. No 2803 of 1854)

Abt Mustard

1. The Court of Foujdaree Adawlut are of opinion that the ornaments in question should be returned to the Petitioner.

2. The 2d prisoner together with the other prisoners in the case was acquitted by the Sessions Court of the offence charged on the ground that the said ornament and the other articles sent up as part of the plundered property had not been proved to be such.—

3. The Court of Foujdaree Adawlut accordingly resolve to direct that the Sessions Judge will recover the ornaments and restore it to the Petitioner.—

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

(Sent in No)

Read return dated 13th Instant from the Sessions Judge of Nellore, to the precepts of the Foujdaree Adawlut under date the 9th Instant, directing the release

release of the 1st 2d and 7th Prisoners in case No 29 of 1854.—

(Here Enter S.R. No 2794 of 1854)

Dr 1 Cl

7 December 185[illegible]

13th December 1854.

The Court of Fujdaree Adalut approve of the recommendation made by the Session Judge in this case that the period of imprisonment which the Prisoners noted in the margin have been adjudged to suffer on their conviction of House breaking and Theft be reduced to (4) Four Years with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.

1. Juggah Gowdo
2. Yenney Neelum

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

Sent in Ss

Read Return under date the 20th November 1854 from the Session Judge of Calicut to the Precept of the Court of F.A. dated the 4th November 1854 directing the unconditional release of Kallara Cony Kakomed.

(Here enter F.A. No 2904 of 1854)

The Court of Fujdaree Adalut observe that the Special Assistant Magistrate was not competent to pass the order referred to in the foregoing return. Under Section VIII Regulation VII of 1827, it is not competent to the Magistrate to demand Security for a longer period than one year.

Ordered that Extract from these Proceedings be sent to the Session Judge of Calicut for communication to the Magistrate of Malabar.

Sent in Ss

13th December 1854

Read Letter dated 5th December 1854 from the Session Judge of Madura submitting for final judgment, the Fujdaree Adalut, an English Translation of Records in Calendar Case No 58 of 1854.

(Here enter F.A. No 3046 of 1854)

Mr. W.A. Morehead

The Court of F.A. on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the Prisoners

1st Columdaven Iver
2d Vella Tavee
3d Curoopen
4th Moorooppen
5th Mootoosawmy
6th Curoopen
7th Viapoory, and
8th Cadavaraw

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 Ss

Read Petty Cabeadar's Cumbacomun, dated 16 November 1854, submitted by the Session Judge of Malabar for the 3rd Quarter of 1854.

(Here enter F.A. No 3007 of 1854)

£4 9/10 18

Read Report dated 1st May 1854 from the Sessions Judge of Calicut, submitted of a Case pending on the 31st March and committed

F. Uc.

Tuesday 12th December 1854 } At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esquire
W. A. Morehead Esquire } Puisne Judges
J. Pc. Strange Esquire

Read letter dated 29th November 1854 from the Sessions Judge of Calicut submitting for the final judgment of the Foujdaree Udalut the Record of Cases Nos. 46 and 47 of 1854 of the Calendar of the Sessions Court.

(Here enter F. Uc. No. 2998 of 1854)

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

The Court of Foujdaree Udalut on a deliberate consideration of all the circumstances of the Case in Evidence being of opinion that the prisoner,

"Parakadavatha Tirostumel Jeyotty"

committed the Act charged against him, being then of unsound mind, under the provisions of Act IV of 1849 direct that he be kept in safe Custody in the Jail until the pleasure

of

13th December 1854 committed for trial during the month of April 1854 before the Sessions Judge of Calicut.

(Here enter F. R. No 1075 of 1854)

Read Report dated 5th May 1854 from the Acting Sessions Judge of Cuddapah with reference to the Extract from the Proceedings of the Tongaree Vakeel under date the 2d May 1854 that he has directed that the sentence passed upon the Prisoner in Sessions Case No 10 of 1854 be revised to 7 years imprisonment.

(Here enter F. R. No 1080 of 1854)

Read Report dated 4th May 1854 from the Sessions Judge of Cuddapah of Cases pending on the 31st March and committed for trial during the month of April 1854 which remained on the file of the Sessions Court of Cuddapah for more than 15 days.

(Here enter F. R. No 1081 of 1854)

Read Extract dated 4th May 1854 from the Sessions Judge of Salem forwarding Petty Calendars 1243 for the 1st Quarter 1854.

(Here enter F. R. No 1084 of 1854)

Read

13th December 1854

Read Statement dated 4th May 1854 submitted by the Sessions Judge of Masulipatam, of Batta paid to the Prosecutors and witnesses attending before the Sessions Judge for the 2d half of 1853.

(Here enter F. R. No 1097 of 1854)

Read Letter dated 3d November 1854 from the Sessions Judge of Mangalore forwarding a Warrant issued for the execution of Sentence of death passed on Billa Coranga in Case No 12 of 1854 on the Calendar, and copy of the Report made by the Acting Subordinate Judge.

(Here enter F. R. No 2723 of 1854)

Entered

13th December 1854 committed for trial during the month of April 1854 before the Sessions Judge of Calicut.

(Here enter F. R. No 1075 of 1854)

Read Report dated 5th May 1854 from the Acting Sessions Judge of Cumbacum with reference to the Extract from the Proceedings of the Tongaree Cowlut under date the 2d May 1854 that he has directed that the Sentence passed upon the Prisoner in Sessions Case No 10 of 1854 be remitted to 7 years imprisonment.

(Here enter F. R. No 1080 of 1854)

Read Report dated 4th May 1854 from the Sessions Judge of Cuddapah of Cases pending on the 31st March and committed for trial during the month of April 1854 which remained on the file of the Sessions Court of Cuddapah for more than 15 days.

(Here enter F. R. No 1081 of 1854)

Read Extract dated 4th May 1854 from the Sessions Judge of Salem forwarding Petty Calendars 1, 2 & 3 for the 1st Quarter 1854.

(Here enter F. R. No 1084 of 1854)

Read

13th December 1854

Read Statement dated 4th May 1854 submitted by the Sessions Judge of Masulipatam, of Batta paid to the Prosecutors and witnesses attending before the Sessions Judge for the 2d half of 1853.

(Here enter F. R. No 1097 of 1854)

Read Letter dated 3d November 1854 from the Sessions Judge of Mangalore forwarding a Warrant issued for the execution of Sentence of death passed on Billa Coruppa in Case No 12 of 1854 on the Calendar, and copy of the report made by the Acting Subordinate Judge.

(Here enter F. R. No 2723 of 1854)

F.No

Thursday ... 14th December 1854 } At a Court of the Foujdaree Udalut.

Present

G.D.S. Cooper Esquire. }
W.A. Morehead Esquire. } Puisne Judges.
J.L. Strange Esquire. }

Read Criminal Reports dated 1st November 1854, Submitted by the Officiating Agent to the Governor of Fort St. George at Kurnool for the months of October 1854.

(Here enter F.No. N: 2874 of 1854)

Cases Nos 1 to 2481 1 The Court of Foujdaree Udalut desire to be informed what facts have been established against the prisoners in these Cases.

Case No 96. 2 The Sentence passed in this case should have been entered in the Report B.

3 The Court of Foujdaree Udalut observe in the convict labor report 88 prisoners are entered as receiving rice at the ordinary rate. they require to be informed at what rate the remaining

prisoners

Prisoners are supplied with rice.

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

/Sent in No /

No return having been received from the Sessions Judge of Bangalore to the precept of the Foujdaree Adalut dated the 23d November last, conveying their orders on the Calendar of petty cases disposed of by the Magistracy for the 3d Quarter of 1854.

Ordered that the Sessions Judge of Bangalore be required to make return to the said precept without further delay.

/Sent in No /

Read letter under date the 28th November 1854 from the Sessions Judge of Calicut.

(Here enter F.C. No 2968 of 1854)

The question is submitted in the foregoing letter whether the attendance of a Member of a Punchayet nominated under the provisions of Section III Act XXI of 1841 may be enforced or their non attendance

attendance without reasonable cause visited with a penalty.

2 The Court of Foujdaree Adalut are of opinion that as no penalty has been provided in the enactment referred to for non-attendance on the part of a party summoned under its provisions no such penalty can legally be enforced.

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

/Sent in No /

Read Criminal Reports Submitted by the Sessions Judge of Bellore for the Month of October 1854.

(Here enter F.C. No 2915 of 1854)

Case No 198 of 1854. /

The 1st 2d and 3d prisoners were charged with having stolen certain Salt manufactured by them in the Cottar of Jada, and sold it to the 4th 5th 6th 7th 8th 9th 10th and 11th Prisoners, and on conviction all the Prisoners have been sentenced to pay fines commutable to imprisonment for various periods under Section XVIII Regulation I of 1806, and Clause first, Section IV Regulation V of 1831.

The

14th December 1854

2

The Court of Foujdaree Adalut observe that the crime charged against the 1st 2d and 3d Prisoners amounted to a simple theft, and that against the other prisoners to receiving stolen property knowing it to have been stolen, and should have been disposed of accordingly.

Case No 215 3

In this case three persons employed as Coomastahs in the Road Department charged with embezzling money entrusted to them for the payment of Coolies have been committed for trial before the Sessions Court under clause first, section XVIII Regulation IX of 1822.

4

The prisoners were not of the class of persons amenable to Regulation IX of 1822, and the crime charged against them should have been disposed of under the general Regulations.

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

Sent in No

/

Read Calendar of Case No 153 on the file of the Sessions Court of Bellary for

F 60

14th December 1854.

for 1854.

(Here enter F 60 No 2920 of 1854)

The Court of Foujdaree Adalut see nothing in the conduct of the 1st witness in this case which could have subjected him to penal consequence. He merely omitted to give information against the other prisoner. The witness should have been examined.

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

Sent in No

/

Read Calendar of Case No 60 of 1854 of the Sessions Court of Bellary.

(Here enter F. 60. No 2975 of 1854)

1

In this case of Robbery and knowingly possessing stolen property the Sessions Judge concurs with the Assessors in considering the indictment fully substantiated against the Prisoners 1 to 6 and in acquitting the 7th but recommends that as the convicted Prisoners were guilty of no great personal violence, the punishment prescribed by clause 3d Section IV Regulation XV of 1803 to which they have rendered themselves

themselves liable, may be mitigated to 4 years imprisonment with hard labor in irons.

2 The Court of Foujdaree Adalut consider the sentence proposed by the Session Judge insufficient to meet the requirements of the case, and they accordingly direct that the Prisoners 1 to 6, be sentenced to (7) years imprisonment with hard labor in irons.

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

/Sent in No /

Read Calendar of Case No 158 of 1854 on the file of the Sessions Court of Bellary

(Here enter F.C. No 2936 of 1854)

/ The Prisoner was convicted on a Charge of Perjury, and sentenced under clause 1. Section III Regulation VI. of 1811 to 4 years imprisonment with labor suited to her sex. but in consideration of her Sex and of her having evidently been made a tool by others, the Sessions Judge recommends that her Sentence may be mitigated to 2 months.

2 The Court of Foujdaree Adalut

Case No 210

are of opinion that the mitigated sentence proposed by the Sessions Judge is insufficient for the punishment of the Prisoner as the Charge Sworn to by her would have entailed very serious consequences on the accused had it been established and they therefore resolve to direct that the sentence be mitigated to 2 years imprisonment with labor suited to the sex of the Prisoner.

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 82 of 1854 on the file of the Sessions Court of Cuddapah

(Here enter F.C. No 2995 of 1854)

The Prisoner in this case was / charged with having surreptitiously carried away from the Talook Cutcherry at Coilcoontlah a Duffter containing public records.

The records in question are 2 stated to consist of Talook accounts for the year 1821, possessing apparently no value beyond that which might attach to the paper on which they were written. The prisoner

prisoner is stated to be a volunteer from unable to read or write and in what manner or for what purpose the bundle of papers was taken by him or whether it was placed under his cloth by some other person appear to be involved in doubt and the Sessions Judge considering that with reference to the worthlessness of the article even if the fraudulent concealment were proved a trifling fine would be an ample punishment, has remanded the case to the Sub Criminal Judge for disposal with the remark that the case does not fall within the provision of Section II Regulation VII of 1829 but that it is perfectly within those of Regulation IX of 1822.

3 The Court of Foujdaree Adalut are of opinion that the case is not one that could be disposed of under Regulation IX of 1822, as there is no appearance of the prisoner having knowingly concealed public accounts. The accounts he took seem to have been utterly valueless and of their contents he was entirely ignorant. Regulation VII of 1829 is equally inapplicable,

there

there being no evidence of a fraudulent appropriation of records.

4 Entertaining this view of the case, the Court are of opinion that the prisoner should have been discharged from the bar - there being no grounds for putting him on his trial and they direct that he be unconditionally released.

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

Read Criminal Reports submitted by the Sessions Judge of Nandyal for the Month of October 1854.

(Here enter F. 60, No. 2878 of 1854)

Case No. 160. 1 Adverting to the trifling value of the property stolen, the sentence passed in this case appears to the Court of Foujdaree Adalut unnecessarily severe. The Sessions Judge will be pleased to review the proceedings with a view to a mitigation of the sentence, unless there should be circumstances of aggravation not stated in the report.

Jno

Case Nº 171 2

In this case the Malicious intent which constitutes the gist of the Crime of cattle killing, should have been set forth in the charge.

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

/Sent following precept Nº /

Read Criminal Reports of the Sessions Court of Chicacole for the month of October 1854.

(Here enter F.M.P. Nº 2906 of 1854)

Chicacole Sessions Report Case Nº 254 /

The fact of the prisoners having killed the bullock with the theft of which they were charged, need not have been stated in the charge.

Vizagapatam Civil Report Case Nº 1/6 2

This case should be disposed of without further delay the Government Vakeel being directed to conduct the prosecution.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Chicacole for communication

of para 2 to the Principal Sudr Ameen of Vizagapatam.

/Sent in Nº /

Nº 18

Read Miscellaneous Petition presented on the 14th December 1854 by C. Salmon Esquire Vakeel on behalf of Baulagooroomoorthy Chetty Prisoner in Case Nº 51 of 1854 on the Calendar of the Session Court of Combaconum.

(Here enter F.M.P. Nº 2736 of 1854)

/ The Court of Foujdaree Adalut see no reason to comply with the Petitioners application that pending the decision of his case he may be released from Jail and placed under the custody of the Nazir.

2 As regards the security furnished by the Petitioner, the Court resolve to direct that a copy of the foregoing Petition be forwarded to the Civil Judge with instructions to that officer to state in what respect the said security has been considered by him insufficient.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Combaconum by precept returnable within

within 11 days from and after its receipt

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

Sent following precept No

F. C.

Friday 15th December 1854

At a Court of the Fouzdaree Udalut.

Present

G. L. Hooper Esqr. ——— Puisne Judge
W. A. Morehead Esqr. ——— Puisne Judge
T. L. Strange Esqr. ——— Puisne Judge

Read letter dated 9th December 1854 from the Session Judge of Chittoor, submitting for the final judgment of the Fouzdaree Udalut, the record of Cases Nos. 38 and 39 of 1854 on the Calendar of the Session Court.

(Here enter F. C. No. 3057 of 1854)

Mr. 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 proof against the Prisoners,

1st Cheema Naik
2d Narraimegadoo
3d Gunnagadoo
4th Gungoogadoo
5th Narrasimmadoo

6th

6th Mana Naick alias Munja Naick

7th Baboogadoo

8th Ramjee

9th Tavereyagadoo

10th Soma Naick

14th Chinna alias Beemah. and

15th Lutchmoogah. alias Peekah,

is sufficient to convict them of the crime of Robbery the Prisoner,

11th Lingadoo,

of being accessary before the fact, and the prisoner,

13th Dagah,

of receiving part of the plundered property knowing the same to have been plundered do convict them severally thereof; and sentence the prisoner,

1st Chana Naick,

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,

2nd Narrainegadoo

3rd Gunnagadoo

4th Gungergadoo

5th Narasimmadoo

6th

6th Mana Naick alias Munjah Naick

7th Baboogadoo

8th Ramjee

9th Tavereyagadoo

10th Soma Naick

11th Lingadoo

14th Chinnah alias Beemah - and

15th Lutchmoogah,

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

13th Dagah,

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (8) eight years.

(Sent in No.

Read Calendar of Case No. 21 of 1854 on the file of the Session Court of Honore

Here enter F. Vo. No. 2919 of 1854)

It appears from the remarks recorded by the Session Judges on the Calendar that the articles Nos. 2 to 8 have been proved to have been the property of the prosecutor and to have been pledged by the 1st prisoner to the 2nd prisoner.

It

15th December 1854.

It is not shown what explanation was offered by the 1st prisoner for the articles in question having come into his possession, nor has the Session Judge passed any judgement in this point.

2 It is presumed that the plea of the 4th Prisoner that he purchased articles 11 and 12 from the 2d Prisoner was not established

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

Sent in No 4

F. No.

Saturday 16th December, 1854.

At a Court of the Foujdaree Adalut.

Present.

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

Read again Miscellaneous Petition presented on the 25th May 1854 by Govinda Row of Zillah Cuddapah.

(Here Enter F. M. P. No. 100 of 1854.)

Read also Miscellaneous Petition presented on the 30th October 1854 by Govinda Row of Zillah Cuddapah.

(Here Enter F. M. P. No. 233 of 1854.)

Read also return under date the 23d November 1854 from the Session Judge of Cuddapah to the precept of the Foujdaree Adalut dated the 21st June 1854 calling for a report on the circumstances stated in the foregoing

9th Dece[illegible]

16th December, 1854.

foregoing Petition.—

/Here Enter F.M.C. No. 2910 of 1854/-

Mr. W.A. Morehead. 1. Under the circumstances
stated in the foregoing return the Court
of Foujdaree Adalut resolve to dismiss
the above Petition.—

2. It is found that a search-
ing enquiry has been instituted into
the charge of murder preferred by the
Petitioner and that it has been shown
to be without foundation. The other
matters referred to by the petitioner
have in the opinion of the Court
been correctly disposed of.—

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

/Sent in No. /-

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

Read petition presented on
the 9th ultimo by Annamalay of
Zillah

16th December, 1854.

Zillah Trichinopoly.—

/Here Enter F.M.P. No. 242 of 1854/-

The Court of Foujdaree

Mr. W.A. Morehead.

Adalut resolve to reject this Petition
and refer the Petitioner to the orders
formerly passed by them in the matter
to which the Petition relates.—

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

Read Miscellaneous Petition
presented on the 14th November 1854, by
Soobroya of the Zillah of Honore.—

/Here Enter F.M.P. No. 248 of 1854/-

The Court of Foujdaree

Mr. W.A. Morehead. 1.

Adalut see no reason to question the
propriety of the sentence passed upon
the Petitioner, in Case No. 20 of 1854,
on the file of the Sessions Court of
Honore.—

The Court resolve there-
2. fore to dismiss this Petition.—

Ordered, that Extract
from these Proceedings be forwarded to
the

16th December, 1854.

the Sessions Judge of Honore for communication to the Petitioner, on his application

/Sent in a No. /-

Read a Miscellaneous Petition forwarded by the Sessions Judge of Calicut from M. Raman Elaththa of Zillah Calicut.-

/Here Enter F. M. P. No. 252 of 1854/-

Mr. W. A. Morehead v.

The Court of Foujdaree Udalut see no reason to question the propriety of the order passed by the Sessions Judge of Calicut under date the 3d November 1854 in the matter to which this Petition refers-and the Petitioner's application is accordingly dismissed

2.

The Court of Foujdaree Udalut deem it proper to observe that their Circular Order No. 188 does not apply to Petitions of this nature. The Petitions contemplated in that order are those presented by prisoners under sentence of imprisonment.-

Ordered, that Extract from these Proceedings be forwarded to the

2/

F. M.

16th December, 1854.

the Sessions Judge of Calicut for his information and guidance and for communication of paras 1 to the Petitioner.-

/Sent in a No. /-

Read a Miscellaneous Petition presented on the 27th November 1854 by B. Ramaswamy of Zillah Nellore.-

/Here Enter F. M. P. No. 260 of 1854/-

Mr. W. A. Morehead v.

The Court of Foujdaree Udalut see no reason to question the propriety of the sentence passed upon the Petitioner's relative 1st Prisoner in Case No. 25 of 1854 on the file of the Sessions Court of Nellore.-

The Court resolve therefore to dismiss this Petition.-

2.

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

Read a Miscellaneous Petition presented on the 30th November 1854 by Ally Saib of Zillah Mangalore.-

/Here Enter F. M. P. No. 263 of 1854/-

The object of this Petition

Mr. W. A. Morehead v.

is

16th December, 1854

is to induce the Court of Fouzdaree Udalut to set aside an order passed by the Assistant Magistrate of Canara and confirmed in Appeal by the Session Judge requiring the Petitioner to furnish security in 2 sureties of Rupees 50 each to keep the peace for a period of one year.—

2. On perusal of the order of the Assistant Magistrate appealed from the Court of Fouzdaree Udalut observe that the requisition for security was made without any personal examination and inquiry being held by that officer; Such a proceeding the Court of Fouzdaree Udalut deem irregular it having been on former occasions ruled that Circular Order dated 25th February 1824 is equally applicable to requisitions of security made under the provisions of Regulation II of 1822.—

3. The Court therefore direct that petitioner if in confinement be at once released.—

Ordered,

16th December, 1854

Ordered, that Extract &c from these Proceedings be forwarded to the Session Judge of Mangalore for his information.—

Sent in No 1—

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

Read petition of Paupanna received on the 4th Instant from the Session Judge of Salem.—

Vide Enter F. M. D. No 265 of 1854—

Mr W. A. Morehead.

This is an application for the release of Emam Khan the 3rd Prisoner in Case No 21 of 1854 on the Salem Calendar, who was sentenced to 14 years' imprisonment with hard labor in irons.—

2. The Court of Fouzdaree Udalut see no reason to interfere with the sentence passed upon the Prisoner, and accordingly reject this Petition.—

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

Read

16th December, 1854.

Read Miscellaneous Petition presented on the 7th December 1854 by Venkiah of Zillah Chittoor.

(Here enter F. M. P. No. 267 of 1854.)

Mr. W. A. Morehead.

The Court of Foujdaree Udalut see no reason to question the propriety of the sentence recorded against the 1st prisoner in Case No. 53 of 1854 on the file of the Session Court of Chittoor.—

2.

This Petition is therefore rejected.—

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

Read Petition of Munatchy received on the 11th Instant from the Session Judge of Salem.—

(Here enter F. M. P. No. 271 of 1854.)

Mr. W. A. Morehead.

This is an application for the release of Chuckla Sydully 1st Prisoner in Case No. 21 of 1854 on Salem Calendar, who was sentenced to 14 years' imprisonment with hard labor in Irons.—

The

F. M.

16th December, 1854.

2.

The Court of Foujdaree Udalut see no reason to interfere with the sentence passed upon the prisoner and accordingly reject this Petition.—

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

Read petition of Canoop-prayee received on the 11th Instant from the Session Judge of Salem.—

(Here enter F. M. P. No. 272 of 1854.)

Mr. W. A. Morehead.

This is an application for the release of Maury the 28th Pri-soner in Case No. 21 of 1854 on the Salem Calendar, who was sentenced to 14 years' imprisonment with hard labor in Irons.—

2.

The Court of Foujdaree Udalut cannot interfere with the sentence passed by the Session Judge upon the Prisoner and accordingly reject this Petition.—

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

Read

16th December, 1854.

Read petition of Ennoyye received on the 11th Instant from the Sessions Judge of Salem.—

/Here Enter F. M. P. No. 273 of 1854/-

Mr W. A. Morehead-1.

The Petitioner prays the Court of Foujdaree Udalut to order the release of her son Sunnyasee Prisoner in Case No. 26 of 1854 on the file of the Sessions Court of Salem, who was sentenced to 7 years' imprisonment with hard labor in Irons.—

2.

The Court of Foujdaree Udalut see no reason to interfere with the sentence passed upon the Prisoner, and accordingly resolve to reject this Petition.—

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

Read Calendar of Case No. 66 of 1854 submitted by the Sessions Judge of Chittoor.—

/Here Enter F. M. No. 3022 of 1854/-

1.

The Court of Foujdaree Udalut

16th December, 1854.

Udalut resolve to direct that the attention of the Magistrate of North Arcot be called to the 4th para: of the remarks recorded by the Sessions Judge in this case regarding the conduct of the Police.—

It seems clear that the

2.

confessions placed on record as having been made by the prisoners were entirely without foundation and must therefore have been extorted or concocted by the Police.—

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

/Sent in No. /-

Read Miscellaneous Petition presented on the 7th December 1854 by Vakeel S. Tirroomalachary on behalf of Tungummal and another of Zillah Salem.—

/Here Enter F. M. P. No. 268 of 1854/-

Mr W. A. Morehead-1.

This is an application for the reversal of an order passed by the Sessions

16th December, 1854.

Sessions Judge of Salem under Date the 5th September 1854 imposing upon the Petitioners a fine of fifty Rupees each, or in default adjudging them to be imprisoned for the period of one month under Section XXII Regulation VIII of 1802.—

2. Before disposing of this Petition the Court of Fouzdaree Udalut resolve to call upon the Sessions Judge to submit a translate of the Petition for presenting which, petitioner was fined in the sum of Rupees 50.—

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Salem for his information by precept returnable in III days from and after its receipt.—

/Sent following Precept to No./

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

Extract

J. Uc

Monday
16th December 1854

At a Court of the Fouzdaree Udalut

Present

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

Read Petition presented on the 16th Instant by Amma Mootoo and another of Tillak Cuddalore, praying orders for the release of Anny Pillay the Prisoner in Case No. 2 of 1854 on the file of the Session Court of Cuddalore.

/Hereunto F. Uc. P. No. 275 of 1854/

Mr. W. A. Morehead

The Court of Fouzdaree Udalut see no reason to interfere with the sentence passed upon the Prisoner, and therefore resolve to reject this Petition.—

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

Read Calendar of Case No. 40 of 1854 of the Session Court of Calicut.

/Hereunto F. Uc. No. 2999 of 1854/

The

18th December 1854.

The Court of Sessions Udalut
approve of the recommendation made by
the Session Judge in this case that the
period of imprisonment which the Prisoners
are noted in the margin have been adjudged
to suffer on their conviction of Gang Robbery with violence &c., be reduced to
[illegible] seven years with hard labor in irons,
and they do authorize the Session Judge
to issue his warrant accordingly.

Ordered, that the Proceedings be forwarded to the Sessions Judge of Calicut for his information.

/ Sent in Ats /

1st Sitan Coroonhitty
2nd Sian Mangalan
3rd Sian Manjatin
Parendan &
5th Pogarakatan
Ahmed

The Record of trial in referred Case No. 19 of 1854 on the file of the Session Court of Malabar not having been yet received, though the case was set down for reference so far back as the 24th of October last.

Ordered, that the Acting Session Judge of Malabar, be directed to submit the Record aforesaid without further delay.

/ Sent in Ats /

The

18th December 1854.

The Record of trial in referred Case No. 63 of 1854 on the file of the Session Court of Nellore, not having been yet received though more than a month has elapsed since the case has been set down for reference.—

Ordered, that the Session Judge of Nellore, be required to submit the Record aforesaid without further delay.—

/ Sent in Ats /

No further Return having been received from the Session Judge of Nellore to the precept of the Sonjidara Udalut dated the 4th Ultimo calling for a translation of so much of the record as affects the 1st prisoner in Case No. 56 of 1854.—

Ordered that the Session Judge of Nellore be required to make a further return to the above Precept without further delay.—

/ Sent in Ats /

Ent'd Thos W

F. U.

Tuesday 19th December, 1854. At a Court of the Toujdaree Udalut.

Present

G. L. Mostyn, Esqre,
W. A. Morehead, Esqre,
T. L. Strange, Esqre,
} Puisne Judges.

Read Calendar of Cases —
No 68 of 1854 of the Sessions Court of Chittoor.

(Here enter F. U. No 3021 of 1854.)

The Court of Toujdaree Udalut after perusal of the recommendation made by the Sessions Judge in this case that the period of imprisonment which the Prisoners noted in the margin have been adjudged to suffer on their conviction of Robbery by open violence, be reduced to (8) Eight years with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

1st Cuttla Lingadoo.
2d Vengadula Immadoo.
3d Veerapegadoo.

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

(Sent in No)

No

19th December 1854.

No return having been received from the Session Judge of Chicacole to the precept of the Foujdaree Udalut dated the 27th ult.o, returning for disposal by the Sessions Judge Case No. 51 of 1854 on the Calendar of the Session Court of Chicacole.

Ordered that the Session Judge be required to make a return to the above precept without delay and to explain why he had not earlier complied with its exigency.

Precept returnable in 2 days from and after its receipt.

(Sent following precept No.)

No return having been received from the Session Judge of Chittoor to the precept of the Foujdaree Udalut of the 29th ultimo, covering their orders on the Calendars of petty cases disposed of by the Magistracy during the 2nd Quarter of 1854.

Ordered that the Session Judge of Chittoor be required to make a return to the above precept without delay and to explain why he had not earlier conformed to its exigency.

Precept returnable in 2 days from and after its receipt

(Sent following precept No.)

4th Thom

F. H.

Thursday
21st December 1854 } At a Court of the Foujdaree Udalut.

Present.

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

Read Calendar of Case No. 188 of 1854 of the Session Court of Bellary—
(Here Enter F. H. No. 3068 of 1854)

The Court of Foujdaree Udalut seeing reason to question the validity of the grounds upon which the Prisoner in this case has been acquitted by the Session Judge deem it proper to direct that an English translation of the entire Record be submitted for their consideration.—

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

(Sent following precept No.

Read letter dated 14th November

November 1854 from the Sessions Judge of Calicut submitting for the final judgment of the Foujdaree Adalut the record of trial in Case No. 53 of 1854 of the Calendar of the Sessions Court.—

(Here enter F.H. No. 2827 of 1854)

Mr F.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,

Mattody Moideen

is sufficient to convict him of the Crime of Sever wounding, with intent to kill for which according to the Mohomedan law as declared in Futwahs of their Law officers, discretionary punishment is awardable, do Convict him thereof; and under the provisions of Clause third Section VII Regulation XV of 1803, and Section XXXIV Act VII of 1843, sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period

of (14) fourteen years.—

(Sent in No. 15

Ent'd/No IV

Y Vo

Friday
22d. December 1854. At a Court of the Sayidaree Udalut.

Present.

G. T. Hooper Esqre.
W. A. Morehead Esqre. } Puisne Judges
J. L. Strange. Esqre.

The Record in Case No. 49 of 1854
on the Calendar of the Sessions Court Chittoor which
was set down for reference on the 23d. September 1854
not having been as yet received although the Sessions
Judge was directed under date the 8th instant to forward
the same without any further delay.

Ordered that the Sessions Judge of
Chittoor be required forthwith to send up the record
in question and also to explain why the same had
not been earlier submitted.

Precept in 2 days.

(Sent following Precept No.)

The Record of Trial in referred
Case No. 68 of 1854 on the Calendar of the Sessions
Court of Cuddapah not having been yet received,
the Case having been set down for reference on
the

the 4th November last.

Ordered that the Sessions Judge of Cuddapah be required to submit the Record before said without further delay.

(Sent in No.)

The Record of trial in referred Case No. 72 on the Calendar of the Session Court of Nellore for 1854 not having been yet received.

Ordered that the Sessions Judge of Nellore be required to submit the Record aforesaid without delay.

(Sent in No.)

The Record of trial in referred Case No. 24 on the Calendar of the Session Court of Honore for 1854 not having been yet received.

Ordered that the Sessions Judge of Honore be required to submit the record aforesaid without delay.

(Sent in No.)

The Record of trial in referred Case No. 60 on the Calendar of the Session Court of Chittoor for 1854, not having been yet received

Ordered that the Sessions Judge of Chittoor be required to submit the record aforesaid without

without delay.

(Sent in No.)

Read letter dated 12th December 1854 from the Sessions Judge of Salem submitting for the final Judgement of the Foujdaree Udalut the record of Trial in case No. 32 of 1854 of the Calendar of the Session Court.

(Here enter No. 3097 of 1854)

M.s W. A. Morehead and T. L. Strange.

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

1st Venkataramma Chetty

and

2d Casim.

is sufficient to convict them of the crime of Assault do convict them thereof; but considering that the imprisonment they have already undergone is sufficient punishment do accordingly direct that they be let at liberty.

The Court of Foujdaree Udalut concur with the Sessions Judge in considering the assault upon the prosecutor and the deceased by the prisoners proved; but they have been unable to satisfy themselves

22d December 1854.

themselves that the deceased's death was occasioned by the violence to which he was then subjected. The deceased died of abscess in the leg, but how this abscess was caused there is no evidence.

The Court have therefore acquitted the Prisoners of homicide and directed their release as already sufficiently punished for the assault by the imprisonment they have undergone.

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

(Sentence No)

F. 116.

Saturday 23rd December 1854. } At a Court of the Foujdaree Adalut.

Present

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

Read letter, dated 14th December 1854 from the Sessions Judge of Bellary submitting for the final judgment of the Foujdaree Adalut the Record of Case No 187 of the Calendar of the Sessions Court of 1854.

(Here enter F. C. No 3122 of 1854)

The Court of Foujdaree Adalut

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

on a deliberate consideration of all the circumstances of the Case in evidence before them being of opinion that the proof against the prisoner "Mahadava Row" 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 No)

Read

Read letter dated 11th December 1854 from the Sessions Judge of Coimbatore

(Here enter F. No. 3040 of 1854)

1 In the foregoing communication the Sessions Judge requests the opinion of the Court of Foujdaree Udalut in respect to "whether it is competent for a Sessions Judge to order the committal of a prisoner who was charged with an offence cognizable by him, but who was improperly released by a Criminal Judge or a Principal Sudr Ameen."

2 The Court of Foujdaree Udalut observe that as the prisoner in question was released by incompetent authority the Sessions Judge has full power to direct his committal for trial before the Sessions Court.

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

(Sent in Sic)

Read the following letter from the Sessions Judge of Tellicherry dated 9th December 1854.

(Here enter F. No. 3045 of 1854)

With

With the foregoing letter the

1 Sessions Judge submits for the consideration and orders of the Foujdaree Udalut Copies of a correspondence which has passed between himself and the Acting Magistrate, regarding the competency of the latter officer to collect by monthly instalments from the salary of a Circar peon the amount of a debt acknowledged by that individual to be due by him to a Convict at that time in Confinement in the Tellicherry Jail.

The Court of Foujdaree Udalut

2 consider that the Acting Magistrate under authority to place the salary of the peon under stoppages for the debt in question; although if, as in the present instance it would appear to have been the case, that individual voluntarily consented to such an arrangement the Court can see no objection to the Acting Magistrate remitting the money to the Sessions Court.

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

Communication

communication to the Magistrate.

(Sent in No.)

Read Calendar of Petty Cases submitted by the Sessions Judge of Cuddalore for the 3rd Quarter of 1834.

(Here enter T. No. No 3080 of 1834)

Punished Calendar Case No 67.

From the statements of the Charge in this Case it appears to the Court of Foujdaree Udalut that the Prisoners offence was one of "Theft" rather than of Fraud, and that the Case has been erroneously dealt with by the Acting Head Assistant Magistrate under the provisions of Section XXXII Regulation IX of 1816.

2 The Sessions Judge will be pleased to review the proceedings of the Acting Head Assistant Magistrate in the Case and pass such orders therein as may seem to him called for.

3 The Court observe with satisfaction the manner in which these Calendars have been reviewed by the Sessions Judge.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge

Judge of Cuddalore for his information and guidance.

(Sent in No.)

The record of trial in referred Case No 158 on the Calendar of the Sessions Court of Bellary for 1834 not having been yet received, the case having been set down for reference on the 11th November last.

Ordered that the Sessions Judge of Bellary be required to submit the record aforesaid, without further delay.

(Sent in No.)

Petition presented 7th May 1834 Kantirâghavâchar, Vakeel on behalf of Subapaty Vadiar of Zillah Salem.

(Here enter T. No. P. No 266 of 1834)

This is a prayer for a review of this Court's order passed on Foujdaree Udalut Miscellaneous Petition No 191 of 1834 wherein an order of the Sessions Judge, reversing the decision of the Magistrate was cancelled the Court agreeing with the Magistrate that certain prescriptive rights vested according to the usages of the Country in the village Talias of

M. W. A. Marshall

of Tottycoolum should be upheld by the Magistrate until their validity shall have been negatived by the decision of a Civil Court.

2 The Petitioners pray the Court of Tonjdaree Udalut to reconsider and reverse the foregoing order the tendency of which is to create an impression among the Ryots that they are no longer at liberty to employ in the Conduct of their Ceremonies any other parties than the few appointed to that end by the Magistrate.

3 The Court resolve to reject this application. They observe that the order complained of has reference solely to a particular village Ceremony and does not affect any private dealings of Tom Low connected with any domestic or religious observances at the houses of the Villagers.

Ordered that Extract from these proceedings be furnished to the Petitioners Vakeel on his application.

Read petition presented on the 7th Instant by Syn Panaamal Puthen of Zillah Combaconum.

(Here enter F. M. P. No 269 of 1854) The

Mr. T. L. Strange

The Court of Tonjdaree Udalut observe that the Petitioner has produced no order from the Sessions Judge on the subject of his Petition. The Court of Tonjdaree Udalut cannot therefore take the case into Consideration

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

Read Petition of Sengum of Zillah Cuddalore, received on the 18th Instant from the Sessions Judge of that station.

(Here enter F. M. P. No 270 of 1854)

The object of this petition is to induce the Court of Tonjdaree Udalut to issue orders for the release of the Petitioner Prisoner in Cases Nos 43, 44 and 45 of 1853 on the file of the Sessions Court of Cuddalore who was sentenced to 14 years imprisonment with hard labour in irons.

Mr W. A. Morehead

The Court of Tonjdaree Udalut resolve to reject this petition the case having been established against the Petitioner, as set out in the Calendar by his having pointed out property proved to

of Tottycoreum should be upheld by the Magistrate until their validity shall have been negatived by the decision of a Civil Court.

2 The Petitioners pray the Court of Tonjdaree Udalut to reconsider and reverse the foregoing order, the tendency of which is to create an impression among the Ryots that they are no longer at liberty to employ in the Conduct of their Ceremonies any other parties than the few appointed to that duty by the Magistrate.

3 The Court resolve to reject this application. They observe that the order complained of has reference solely to a particular village Ceremony and does not affect any private dealings of Tom Dos connected with any domestic or religious observances at the houses of the Villagers.

Ordered that Extract from these proceedings be furnished to the Petitioners Vakeel on his application.

Read petition presented on the 7th Instant by Iyempanaamal Puthen of Zillah Combaconum.

(Here enter Fn. No. P. No 269 of 1854) The

Mr. J. L. Strange

The Court of Tonjdaree Udalut observe that the Petitioner has produced no order from the Sessions Judge on the subject of his Petition. The Court of Tonjdaree Udalut cannot therefore take the case into consideration

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

Read Petition of Sengum of Zillah Cuddalore, received on the 18th Instant from the Sessions Judge of that station.

(Here enter Fn. No. P. No 270 of 1854)

The object of this petition is to induce the Court of Tonjdaree Udalut to issue orders for the release of the Petitioner Prisoner in Cases Nos 43, 44 and 45 of 1853 on the file of the Sessions Court of Cuddalore, who was sentenced to 14 years imprisonment with hard labour in irons.

Mr W. A. Maclead

The Court of Tonjdaree Udalut resolve to reject this petition the case having been established against the Petitioner, as set out in the Calendar by his having pointed out property proved to

to be Prosecutrix's and further by his confession

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

Read Miscellaneous Petition presented on the 23rd December 1854 by C. Salmon Esquire Barrister at Law on behalf of Sumiah Chetty of Zillah Salem praying the release of Venkatarama Chetty 1st Prisoner in Case No. 32 of 1854 on the file of the Sessions Court.

(Here enter F. M. P. No. 280 of 1854)

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

The Petitioner is informed that the Court of Foujdaree Adalut have already acquitted the 1st Prisoner as also the 2nd of Homicide, and have directed their release.

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

Read Miscellaneous Petition presented on the 21st Instant by C. Narasingaroo late Head Sheristadar under the Collector of Rajahmundry and 1st Prisoner in Case No. 30 of

of 1851 on the Calendar of the Sessions Court of Rajahmundry.

Here enter F. M. P. No. 281 of 1854

The Petitioner prays to be furnished with authenticated Copies of the following papers, Viz.

1 Letter from the Sessions Judge of Rajahmundry to the Court of Foujdaree Adalut dated 31st August 1852 No. 69.

2 Extract from the Proceedings of the Court of Foujdaree Adalut dated 17th January 1853

3 Extract from the Proceedings of the Foujdaree Adalut dated 13th July 1853.

4 Extract Copies of Paras 9. 10 and 11 of the letter from the Civil Judge of Rajahmundry to the Sudder Adalut dated 15th June 1853

5 Extract Copy of para 12 of a letter from Do. to Do. dated 17th August 1853.

6 Ordered that with the exception of the papers numbered 2, 3 and 4, which the Court remark have no particular reference to the Petitioner's case, the Copies applied for be

23rd December 1854

be granted to him on his producing the requisite stamp papers.

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

Tuesday.
26th December 1854.

J. U.

At a Court of the Foujdaree Udalut.

Present

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

Read letter dated the 13th instant from the Session Judge of Coimbatore submitting for the final judgment of the Foujdaree Udalut the record of Case No 26 of 1854 on the file of the Session Court.

(Here enter J. U. No 3089.)

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 Iruvan
2d Rungen
3d Manganly.

and

4th Chinna Manganly

is sufficient to convict them of the crime of Highway Robbery, do convict them thereof, and under the provisions of Clause 3d Section

26th December 1854.

Section IV. Regulation XV. of 1803, and Section XXXIV. Act XIII of 1843, sentence the prisoner,

1st Ponnen

and

2nd Ponnen

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 15/- fifteen years, and the prisoner

3rd Manganly

and

4th Chinna Manganly.

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 12/- twelve years.

The Court of Foujdaree Udalut do further under the provisions of Act 16. of 1850, sentence the 1st prisoner

Ponnen

to pay the sum of Rupees fifteen, annas two and pice four, (Rs 15. 2. 4.) and direct that the same be paid to the prosecutrix.—

Rs 180 / Sent in No)

F. Co.

Wednesday 27th December 1854

At a Court of the Foujdaree Udalut

Present

G. S. Hooper. Esqre
W. A. Morehead Esqre
J. L. Strange Esqre
} Sessions Judges

Read letter dated 15th December 1854 from the Sessions Judge of Nellore submitting for the final sentence of the Foujdaree Udalut the Record of Trial in Case No. 63 of 1854 of the Calendar of the Sessions Court.—

(Herewith F. Co. No. 3124 of 1854)

Read also Miscellaneous Petitions presented on the 16th and 27th November and 11th December 1854 by Balaprasa of Gillah Nellore.—

(Herewith F. Co. Nos. 250 257, & 270 of 1854.

Mr. W. A. Morehead and Mr. J. L. Strange.

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

opinion that the proof against the prisoner.-

1st Visvanaden Subbaya

is sufficient to convict him of the crime of Embezzlement, for which according to the Mohammedan Law as declared in futwas of their Law officers discretionary punishment is awardable, do convict him thereof; and under the provisions of Clause Seventh Section II 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 during the period of (1) one year.-

But being of opinion that the Prisoner.-

2d Mohandala alias Subbalala

is not convicted on presumptive proof or on the evidence of credible witnesses or on his own confession of the above crime, do acquit him thereof and direct that he be unconditionally released.-

2 The Court of Foujdaree Adawlut have been unable to concur with the Sessions Judge in considering the evidence sufficient

sufficient for the conviction of the 2d prisoner in this case; some suspicion necessarily attaches to him from his presence on the occasion referred to in the charge, but there is no fact established against him which would justify his conviction.- The statements alleged to have been made by him to the 1st and 2d witnesses the Court do not consider to have been satisfactorily established.-

The conduct of the overseer

3

Sergeant Henderson was in the opinion of the Court most blamable.- It was his duty to pay the coolies himself, and he not only omitted to do this, but did not even take the trouble to intimate to the coolies the amount of hire they were entitled to receive.-

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

(Sent in &c.)

End

J.R.

F. U.

Thursday — 28th December 1854 — } At a Court of the Foujdaree Adalut

Present

C. S. Hooper Esquire
W. A. Morehead Esquire — Puisne Judges
P. L. Strange Esquire

Read letter dated 9th December 1854 from the Agent to the Governor of Ganjam, submitting for the final Judgment of the Foujdaree Adalut, the Record in the Case No. 20 of 1854 of the Calendar.

/ Here enter S.M. No. 3[illegible] /

Mr. W. A. Morehead
&
Mr. P. 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 prisoners,

1st Dondapaty Balajeeranarow
2d do Gopaulloo
3d do Nazanah
4th do Budiah
5th do Juggiah
6th do and Balajee

is

is sufficient to convict them of the crime of Murder, do convict them thereof and sentence the prisoners,

1st Dondapaty Balajeenanaroo

2d ——— do. ——— Gopaloo

4th ——— do. ——— Bulliah

and

6th ——— do. ——— Balajee

to suffer death by being hanged at the usual time and place of execution, and the prisoners

3d Dondapaty Nazamah

and

5th ——— do. ——— Juggiah

to be transported to such place or places beyond Sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor on the public roads or other public works for and during the period of their natural lives.

The Court of Fouzdaree Adaulut consider the mode of examination adopted by the Agent in this case to have been too minute in respect

to

to the details of the part taken by each prisoner in the attack on the deceased such a course of examination tends to confuse the witnesses and to lead to contradictions on points, the proof of which was not really essential to the conviction of the accused.

Ordered that Extract from these Proceedings be forwarded to the Agent to the Governor of Fort St. George in Gunjam for his information and future guidance.

Sent in Do.

Friday,
29th December 1854.

F.R.

At a Court of the Tanjoare Adalut.

Present.

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

Read again Miscellaneous Petition presented on the 23d October 1854 by Nageredy Condereddy of Zillah Nellore.
(Here Enter F.M. P. No 2210 of 1854.)

Read also return dated 22d
to the precept of the Tanjoare Adalut
under date the 4th Instt, directing the
submission of a translation of so much
of the record in Sessions case No 56 of 1854,
as affected the 1st prisoner in that case.
(Here Enter F.R. No 2888 of 1854.)

W. Morehead — 1 The Court of Tanjoare Adalut
cannot concur with the lower Court in
the conviction of the 1st prisoner, and
they therefore direct his immediate release.
2. There is in fact no evidence
against him save his Police confession.
The testimony of the 2d witness cannot
the Court consider be relied upon and
the

the evidence that it was 1st prisoner who pointed out the rest of the prisoners, is most unsatisfactory.-

3. In the opinion of the Court the 1st witness is the person who was more than probably at the bottom of the robbery- his examination the Court consider most suspicious as affecting his own character as indicative of his having been more or less concerned in the robbery.

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

(Sent following Precept No.

Read again Petition presented on the 20th November 1854 by Balany Pareyan of Zillah Combaconum.-

(Here Enter F. N. No. 2257 of 1854)

Read also return dated the 18th Instant from the Session Judge of Combaconum, to the Precept of the Foujdaree Adawlut under date the 2d Inst directing the submission of a translation of

29th December 1854.

of the record of case No 15 of 1854 on the Calendar of the Session Court in so far as it regards the 10th prisoner in that case.-

(Here Enter F. R. No. 3130 of 1854)

M. N. Moorhead- The Court of Foujdaree Adawlut on a perusal of the record aforesaid, fail to discover from it any thing that can justify the conviction of the 10th prisoner- They therefore direct his discharge immediate release.

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

(Sent following Precept No.

Read letter under date the 9th December 1854 from the Session Judge of Combaconum-

(Here Enter F. R. No. 3060 of 1854)

1. The Session Judge has correctly construed the orders of the Court of Foujdaree Adawlut directing the suspension of the orders passed against the prisoner in case No 37 of 1854 on the

29th December 1854

the file of the Sessions Court.-

2. It was not the intention of the Court that the prisoner in question should be released from Irish-

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

Sent in a Ltr

16th Read letter dated 15th December 1854 from the Sessions Judge of Tanjore submitting for the final sentence of the Court in case No 42 of 1854 of the Calendar of the Sessions Court.-

(Here Enter P. Ro No 3176 of 1854)

Messrs G. Hooper and T. L. Strange- The Court of Tanjore 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 Annamaly alias Pallavanee or Button

2d Maurun or Coonun

3d Pullee Lutchmun

4th Para Coollun and

5th Seertaghery

is sufficient to convict them the

Th

29th December 1854

1st prisoner of the crime of Murder and 2d 3d 4th and 5th of aiding and abetting therein do convict them thereof; and under the provisions of Section X Regulation VIII of 1802, sentence the prisoner

1st Annamaly alias Pallavanee or Button

to suffer death by being hanged at the usual time and place of execution, and the prisoners,

2d Maurun or Coonun

3d Pullee Lutchoomun

4th Para Coollun and

5th Seertaghery

to be transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor on the public roads or other public works for and during the period of their natural lives-

The Court of Tanjore do not observe that the Sessions Judge instead of taking down detailed statements from the prisoners from 2 to 5 at the time of their arraignment should have merely recorded their

29th December 1854

their plea of guilty or not guilty.-

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

Sent in Ke

Ex 1854

Read Convict Labor Report submitted by the Sessions Judge of Salem under date the 12th September 1854 of the Gaol under charge of the Magistrate of Salem for the Month of July 1854.-

(Here Enter F R No 2228 of 1854)

Read Return dated 14th September 1854 from the Sessions Judge of Trichinopoly to the Precept of the Foujdaree Adalut under date the 9th September 1854 requiring an explanation of the delay which has occurred in the disposal of case No 39 of 1854.-

(Here Enter F R No 2236 of 1854)

Read accounts submitted by the Sessions Judge of Combaconum under date the 20th December 1854 of the Gaol in charge of the Magistracy for the month of November

(Here Enter F R No 3150 of 1854)

Sunday,
31st December 1854.

F R

At a Court of the Foujdaree Adalut.

Present.

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

Read letter dated 26th December 1854 from the Sessions Judge of Chittoor, submitting for the final judgment of the Foujdaree Adalut the record of Trial in case No 49 of 1854, of the Calendar of the Sessions Court.-

(Here Enter F R No 3201 of 1854)

The Court of Foujdaree
Present G.S. Hooper
and
W. Morehead Esquires

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,

Lutchy.

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

In this case, Lutchy a female was

was tried for the robbery and murder of one Vencaty a girl of 13 years of age, the wife of the Prosecutor Vencatramooroo.

2- The Session Judge convicted the Prisoner on her confessions before the Village and District Police, corroborated as these were, by the strong circumstantial evidence adduced. the Prisoner, it appears, is the person who was with deceased the last time deceased was seen alive- and the ornaments deceased is proved to have worn on that occasion were given up by the Prisoner from her own person, within a few hours afterwards.-

3. The Futwa of the Law Officer acquitted the Prisoner- the reasons assigned are partly technical, and partly derived from a consideration of certain discrepancies in the depositions of the witnesses for the Prosecution.-

4. The Court of Tanjore doubts concur with the Session Judge in convicting the Prisoner, whom they resolve to sentenced to suffer death. they are unable to discover any valid grounds for a mitigation of such penalty, as recommended by the Session Judge.-

5. It is matter for regret to observe the great dilatoriness that has occurred in the disposal of this case. For the delay of 16 days during which the trial was pending before the Session Court, the Judges are at a loss to assign any satisfactory explanation.-

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

Clerk in No 1

Dr
B.C.