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Book No 43

43

F. U.

Saturday 3rd January 1857

At a Court of the Tanjore Additional

Present

T. Anderson Esqr. ____ Actg. Sessn. Judge

T. R. Goodwyer Esqr. ____ Actg. Puisne Judge

G. F. Harris Esqr. ____ Actg. Puisne Judge

Read letter dated 11th November from the Session Judge of Bellary, requesting instructions of the Judges as to whether the sentence inflicted at the expiration of a period of imprisonment

(Here enter F. U. No. 2108 of 1856)

The Court of Sessions [illegible] opinion that sentence of corporal punishment should not be deferred but should be inflicted

Hay observed that in the case of reference the sentence as entered in the monthly Report for March last does not specify that the prisoner should receive the lashes at the expiration of the imprisonment awarded to him.

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

(Sent in Pcl.)

Read again Calendar of the 1856 on the file of the Session Court of Chingleput

(Here enter F. U. No. 2218 of 1856)

3rd January 1857

Read also Return dated 13th December 1856 from the Session Judge of Chingleput, to the Receipt of the 1st Idem, calling for a detailed explanation as to the delay of 8 months in the trial of the above case.

(Here entered F.C. No. 22nd of 1856)

The Session Judge's explanation is ~~in the opinion of the~~ Court of Fouzdaree Udalut quite satisfactory, and they direct that it be pointed out to the Principal Sudr Ameen that the record should be forwarded to the Session Court directly the case is committed and should not be delayed for the preparation of the Calendar.

vide Circular 15th Oct. 1844

The Court of Fouzdaree Udalut regret to observe that the Principal Sudr Ameen has not satisfactorily accounted for the 46 days' delay in committing this case. If the Police do not transmit all those accused of any crime, the circumstance does not authorise the committing Officer in delaying the committal of those Prisoners who have arrived. If the Proceedings of the Police were quite satisfactory the Principal Sudr Ameen should have brought their conduct to the notice of the Session Court under Section XX Act VII of 1843, and the Fouzdaree Udalut trust that the Principal Sudr Ameen will in future endeavour to dispose of committable cases directly they arrive and bring to the Session Judge's notice any delays or other irregularities on the part of the Police.

3 The Court of Fouzdaree Udalut observe

3rd January 1857

in the Session Judge's observations on the Magistrate's letter contained in paras 2 and 3 of the above return, and that a copy thereof be sent to the Magistrate.

4 With reference to the last para of the Magistrate's return the Court direct that a Extract from this Court's Proceedings dated the 22nd January 1821 be forwarded for the information and guidance of that Officer. The are of opinion that the unwillingness on the part of witnesses to attend to give evidence is in a great degree owing to the delays in the investigation of cases whereby the witnesses are repeated or protracted attendance is required to their great inconvenience.

5 The Fouzdaree Udalut are convinced that if the Heads of Police are stimulated to exertion and vigilantly supervised by the Magistracy and if the Principal Sudr Ameen took care to commit or dispose of cases with no greater delay than is absolutely requisite there would be far less difficulty than at present in obtaining the attendance of witnesses in so small district as Chingleput. The delays this prevalent increase the witnesses' unwillingness to attend and the latter evil reacts on the former.

Ordered that a Extract from these Proceedings be sent to the Session Judge of Chingleput for his information and for communication to the Principal Sudr Ameen and Magistrate.

(Sent in No 11)

Read

January 1857

Read again Calendar of Case No. 2 of 1856 of the Session Court of Combaconnum

(Here enter F. Pc. No. 2283 of 1856)

Read also Return dated 13th December 1856 from the Session Judge of Combaconnum to the Precept of the Foujdaree Udalut under date the 9th Idem, calling upon him to explain why the trial of Case No. 33 which was committed on the 8th was not commenced till the 19th November

(Here enter F. Pc. No. 2440 of 1856)

The explanation furnished in the above return is in the opinion of the Court of Foujdaree Udalut satisfactory, but they observe that the delay in forwarding the Calendar should not delay the commencement of the trial in the Session Court.

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

Read Calendar of Case No. 55 of 1856, submitted by the Acting Session Judge of Calicut

(Here enter F. Pc. No. 2341 of 1856).

1. The Court of Foujdaree Udalut see no reason from the Calendar to doubt the correctness of the Acting Session Judge's opinion of this Case.

2. The Court observe that the Acting Subordinate

F. Pc.
January 1857

Subordinate Judge's statement that the commitment of the case was in opposition to his opinion was improper, and that he should simply have stated that the case was committed in obedience to the orders of the Session Court

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

(Seal in No.)

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

(Here enter F. Pc. No. 2418 of 1856)

The charge has been very defectively framed. There should have been only one heading, and not one to each count. The means used by the 1st Prisoner to procure abortion should have been described in the 1st Count, so as to render it complete in itself. Moreover if the child was born alive it could not have been an abortion. The offence appears to have been one of concealing the birth of a child, and should have been so designated.

2. The Court of Foujdaree Udalut are of opinion that as there is no proof that the child was born alive, a sentence of 6 months' imprisonment will be an adequate punishment for the 1st Prisoner, and resolve to call upon the Acting Session Judge to reduce his sentence accordingly.

3. Unable to concur with the Court

3rd January 1857

in the propriety of the instigated 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 sent to the Acting Session Judge of Guntoor for his information by Receipt returnable in x days from and after its receipt.

(Sent in No

Read Calendar of Case No 9 of 1856, submitted by the Session Judge of Chicacole, under date the 9th December 1856.

(Here enter F. C. No 2439 of 1856)

This case arrived before the Principal Sudr Ameen on the 31st October and was not committed till the 5th November, and the trial in the Session Court was not commenced till the 25th November, but no explanation is furnished of the delays; and the Court of Fouzdaree Udalut direct that the attention of the Principal Sudr Ameen and Session Judge be called to their Circular Order No 713—

2.

The Prisoner should have been indicted for Murder; it would then be for the Session Judge to decide whether any circumstances in connection with the commission of the crime exist to deprive it of the guilt of Murder.

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

(Sent in No

Read

3rd January 1857

Read Criminal Report B submitted by the Acting Session Judge of Tellicherry for the month of November 1856.

(Here enter F. C. No 2437 of 1856)

Case No 82.

Trespass should also have been entered in the heading of the charge in this case.

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

(Sent in No

No returns having been received from the Session Judge of Cuddapah to the Precept of the Fouzdaree Udalut dated the 13th November 1856, calling for explanation of delay in closing the trial of Cuddapah Session Case No 45 of 1856 and in dispatching the Calendar to this Court;—

Ordered that the Session 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 Session Judge of Cuddapah to the Precept of the Fouzdaree Udalut dated the 19th November 1856, calling upon the Session Judge for explanation of the delay in commencing the trial in Session Case No 64 of 1856 and in forwarding the same;—

Ordered that the Session Judge of Cuddapah be required to make a return to the above Precept without further delay

(Sent in No

No

No return having been received from the Session Judge of Cuddapah to the Receipt of the Tonjdaree Udalut dated the 19th November 1856, calling upon him for explanation of delay in forwarding the Calendar in Session Case No. 77 of 1856,-

Ordered that the Session Judge of Cuddapah be required to make a return to the above Receipt without further delay.

(Sent in No.

No return having been received from the Session Judge of Cuddapah, to the Receipt of the Tonjdaree Udalut dated the 5th ultimo, calling for an explanation of the delay in commencing the trial of Session Case No. 74 of 1856,-

Ordered that the Session Judge of Cuddapah be required to make a return to the above Receipt without further delay.

(Sent in No.

Read letter dated 10th December 1856 from the Acting Session Judge of Guntoor.

(Here enter T. C. No. 2417 of 1856)

1. With the above letter the Acting Session Judge submits a copy of a communication from the Acting Magistrate requesting to be informed whether the Police are competent to enforce cleanliness in Towns by imposing fines upon parties accumulating filth or allowing nuisances to lie outside their houses in the streets.

2. The Court of Tonjdaree Udalut are of opinion that the Police are competent to dispose of trivial cases

cases of the nature referred to by the Acting Magistrate under the provisions of Section XXXIII Regulation XI of 1816.-

3 The provisions of Act XXI of 1841 can only be enforced by the Magistrate.

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

(Sent in No.

Read Calendar of Case No. 1 of 1856 submitted by the Session Judge of Chicacole.

(Here enter T. C. No. 2438 of 1856)

1. As the 1st Prisoner is charged with Murder the entry of a count charging him with being an old offender is unnecessary (vide Tonjdaree Udalut Proceedings 8th February 1851 and Circular Order No. 193 B. 2 October 1850)

2. The charge should have stated that the Prisoner wilfully and maliciously &c.

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

(Sent in No.

Read again Criminal Report B for the month of October 1856, Zillah Bellary.

(Here enter T. C. No. 2222 of 1856)

Read also return dated 13th December 1856 from the Session Judge of Bellary to the Receipt which accompanied the Proceedings of the Tonjdaree Udalut under date the 5th Idem, held on the Criminal Report B for the month of October 1856.

(Here enter T. C. No. 2433 of 1856)

Case No. 275. 1. With reference to the explanations of the Acting Subordinate Judge on this case, the Court of Foujdaree Udalut observe that if the offence of which the Prisoner was convicted differed from the charge, the same should have been stated in the Report.

Cases Nos. 278-282 2. The Acting Subordinate Judge explains that the 2 cases were forwarded to the Court "without any evidence", and the Court direct that the Magistrate be called upon to report what notice has been taken of this neglect and disobedience of the Regulations.

Case No. 290. 3. This case ought to have been referred to the Moofty Sudr Ameen on the 21st October 1856.

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

(Sent following Precept No. 9)

Read again Miscellaneous Petitions presented on the 21st August 1856 by R. Teroomal Row, Pleader on behalf of Ramachendracharry and Veboodady Rajah Teerta swamy of Zillah Mangalore.

(Here enter F. Mc. Ps. Nos. 156. 163 and 164 of 1856)

Read also again Miscellaneous Petition presented on the 25th August 1856, by L. N. Canteeracharry Pleader on behalf of Venkata and another, Zillah Mangalore.

(Here enter F. Mc. P. No. 166 of 1856)

Read also Return dated 22nd November 1856 from the Acting Session Judge of Mangalore to the Precept

3rd January 1857

of the Foujdaree Udalut under date the 30th October, directing him to transmit a copy of the Magistrate's order to the Tahsildar in which he is stimulated to discover the perpetrators of the Arson &c.

(Here enter F. Mc. No. 2294 of 1856)

Mr. Anderson & Mr. Cradock.

1. The Court of Foujdaree Udalut observe that the Church was burned down on the night of the 1st March, and that the 1st and 2d Prisoners were not accused till the 28th of that month, nor the 3d till the 11th of April.

2. On the 20th March the Magistrate issued an order of so stringent a nature as would almost force the Police in self defence to fit the charge upon some one. The Court consider such a stimulating order to be open to serious objection and are bound therefore to express their disapproval of it.

3. If the evidence of the Witnesses be true it would not have been so long suppressed and ought to have been obtained at once. Either therefore the District Head of Police grossly failed in the performance of his duty as to the obtaining of this evidence, or it was subsequently got up.

4. The Court observe that a very short time before the Arson which forms the present charge was committed the Mission Bungalow also was burnt down, these acts do not appear to have proceeded from private malice and the supposition is that they were the result of a deliberate conspiracy against the Missionaries. If the Prisoners are the guilty persons it is deeply

deeply to be lamented that they should escape with impunity.
But considering the length of period that elapsed before the evidence
of the witnesses was obtained, and the suspicion which attaches
to their evidence by reason of the order issued in the mean time
by the Magistrate, the Court do not consider that evidence to
be sufficiently worthy of credit to raise that strong suspicion on
which a sentence of security can alone be warranted, the Court
therefore resolve to direct the security bond to be cancelled.

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

(Sent following precept No 4)

Read again Miscellaneous Petition
presented on the 8th September 1856 by E. Salmon Esqr.
Pleader on behalf of Sayed Hoossain Saib of Tellah-
Tinnevelly.

(Here enter F. M. S. No 177 of 1856)

Read also again Return dated 4th
October 1856 from the Session Judge of Tinnevelly to the
Precept of the Tongdaree Udalut under date the 22d
September, directing the Session Judge to forward an
English translation of the Record of Case No 22 of 1856
so far as regards the 3d Prisoner; and to suspend the sentence
of corporal punishment awarded to him.

(Here enter F. Pb. No 1944 of 1856)

Read also Return dated 12th December,
to the Precept of the Tongdaree Udalut under date the 2d
December,

December 1856, calling for information as to the value of
the property found in the house of the above mentioned
Prisoner.

(Here enter F. Pb. No 2445 of 1856)

Mr. Anderson
Mr. Harris

It appears clear to the Court of Tongdaree
Udalut that the information as regards the robbery and discovery
of part of the stolen property was obtained through the 1st
witness, a servant of the 3d Prisoner, and that he originally
implicated the 3d Prisoner, and the fact of the stolen property
found in his house being of so great a value as Rupees 66-2-
furnishes strong circumstancial evidence as to the 3d
Prisoner knowing at the time he received the property that
it was stolen.

2 Under these circumstances the Court
of Tongdaree Udalut see no reason to disturb the conviction
appealed against, but being of opinion that the circumstan-
ces of the case do not require the punishment of stripes in
addition to Imprisonment, the Court resolve to remit that
portion of the sentence.

Ordered that Extract from these Pro-
ceedings be sent to the Acting Session Judge of Tinnevelly
for his information.

(Sent in No)

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

Read Calendar in Case No 42 on the
file.

deeply to be lamented that they should escape with impunity
But considering the length of period that elapsed before the evidence
of the witnesses was obtained, and the suspicion which attaches
to their evidence by reason of the order issued in the mean time
by the Magistrate, the Court do not consider that evidence to
be sufficiently worthy of credit to raise that strong suspicion on
which a sentence of security can alone be warranted, the Court
therefore resolve to direct the security bond to be cancelled.

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

(Sent following precept No 9)

Read again Miscellaneous Petition
presented on the 8th September 1856 by E. Salmon Esqr.
Pleader on behalf of Cazee Hoossain Saib of Tillah
Tinnevelly.

(Here enter F. M. P. No 177 of 1856)

Read also again Return dated 7th
October 1856 from the Session Judge of Tinnevelly to the
Precept of the Tonjdaree Udalut under date the 22d
September, directing the Session Judge to forward an
English translation of the Record of Case No 22 of 1856
so far as regards the 3d Prisoner; and to suspend the sentence
of corporal punishment awarded to him.

(Here enter F. P. C. No 1944 of 1856)

Read also Return dated 12th December,
to the Precept of the Tonjdaree Udalut under date the 2d
December,

P 76
3d January 1857

December 1856, calling for information as to the value of
the property found in the house of the above mentioned
Prisoner.

(Here enter F. P. C. No 2445 of 1856)

Mr Anderson
Mr Harris

It appears clear to the Court of Tonjdaree
Udalut that information as regards the robbery and discovery
of part of the stolen property was obtained through the 4th
witness, a servant of the 3d Prisoner, and that he originally
inculpated the 3d Prisoner, and the fact of the stolen property
found in his house being of so great a value as Rupees 66-2-
furnishes strong circumstancial evidence as to the 3d
Prisoner knowing at the time he received the property that
it was stolen.

2 Under these circumstances the Court
of Tonjdaree Udalut see no reason to disturb the conviction
appealed against, but being of opinion that the circumstan-
ces of the case do not require the punishment of stripes in
addition to Imprisonment, the Court resolve to remit that
portion of the sentence.

Ordered that Extract from these Pro-
ceedings be sent to the Acting Session Judge of Tinnevelly
for his information. (Sent in Ptc)

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

Read Calendar in Case No 42 on the
file

3d January 1857

file of the Session Court of Coimbatore

(Here enter F. No. N° 2398 of 1856)

1 With reference to the last para of the Session Judge's observations on the above case, the Court of Foujdaree Udalut observe that they do not consider it absolutely incumbent upon a Head of Police to attend to see bodies exhumed provided there are other trustworthy persons present on whose report he can rely.

2 It appears, however, that the Head of Police of Daraikencottah is physically incapacitated for the efficient discharge of his police duties. The Court are therefore of opinion that a copy of the Session Judge's concluding remarks should be forwarded to the Magistrate, and the latter officer called upon to cause the Head of Police to appear before the Zillah Surgeon, whose opinion as to his fitness or otherwise for further service should be submitted for the information of this Court.

3 The Court remark that in remanding the case for further investigation the Session Judge instructed the Principal Sudr Ameen to release the prisoners on security, but that no mention is made as to whether bail was demanded or not. The Court require explanation on this point.

4 Under Circular Order N° 213 explanation should have been afforded of the delay in commencing the trial in this case, which extended from the 17th October to the 13th November.

Ordered

3d January 1857

Ordered that Extract from these Proceedings be sent to the Session Judge of Coimbatore for his information by Precept returnable in V days from and after its receipt.

(Sent following precept No

Read Calendar of Cases N° 80 of 1856 from the Session Judge of Cuddapah under date the 3d December 1856

(Here enter F. No. N° 2360 of 1856)

1. Before disposing of the above Calendar the Court of Foujdaree Udalut resolve to call upon the Session Judge to state whether the Prosecutors were (previous to the robbery) acquainted with all the Prisoners and to what degree, and to forward for their consideration copies of their depositions relative to this point.

2 They also direct that the Session Judge will explain in what the uncertainty consisted by which he characterises the testimony of the 5 witnesses to the property, and to state his reasons for rejecting the testimony offered regarding the discovery and identification of all the property.

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

(Sent following Precept N°

Exd Dall.

F. Ub.

Friday——
2nd January, 1857.

At a Court of the Foujdaree Udalut

Present

F. Anderson, Esquire,
J. W. Goodwyn, Esquire,
G. F. Morris, Esquire,

} Mr. Puisne Judges

Read Calendar, and sentence in Case No. 68, from the Acting Session Judge of Salem, under date the 4th December 1856.

Here enter F. Ub. No. 2404 of 1856.

The Court of Foujdaree Udalut regret to observe that the Acting Session Judge's sentence is again drawn out to an unnecessary length and they resolve to call his attention to their Proceedings dated the 28th August and 18th October last, pointing out the necessity of condensing his sentences.

2. They also observe that explanation of the delay as required in Circular Order No. 213 has not been entered in the Calendar.

Ordered, that Extract from these

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

/Sent in No /

Read Calendar of Case No. 21 of 1856 of the Session Court of Rajahmundry.

/Here enter F.H.C. No. 2419 of 1856/

The Court of Foujdaree Udalut approve of the recommendation made by the Session Judge in this case, that the period of imprisonment which the Prisoner, noted in the margin, has been adjudged to suffer on his conviction of having uttered the forged document be reduced to 6 months with hard labor in irons, and they do authorize the Acting Session Judge to issue his warrant accordingly.

2d Kunda Appiah

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

/Sent in No /

Read Report B for the month of November 1856, submitted by the Acting Session

Session Judge of Mangalore.

/Here enter F.H.C. No. 2436 of 1856/

Case No. 88

With reference to the Note appended to this case, the Court of Foujdaree Udalut direct the Magistrate to instruct the Police Officers to specify invariably the probable date of attendance in such cases.

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

/Sent in No /

Read Criminal Report B. dated the 1st Ultimo, submitted by the Session Judge of Combaconum, for the month of November 1856.

/Here enter F.H.C. No. 2474 of 1856/

Magistrate's Report Case No. 4.

The Court of Foujdaree Udalut observe that the heading of the charge in this case is defective, and the offence in the 2d Count should have been given.

Ordered, that Extract from these proceedings be sent to the Session Judge of

of Coimbatoor, for his information.-

/ Sent in No. /

Read letter under date the 12th December 1856, from the Agent to the Governor of Fort Saint George in Vizagapatam, submitting for the final judgment of the Foujdaree Udalut a report of the trial of Criminal Case No. 21 of 1856 on his file

/ Here enter F. No. 2492 of 1856 /

Messrs. Goodwyn and Harris

The Court of Foujdaree Udalut concurring in the conviction of the Prisoners,

1st Mammode Goorawadoo

of house breaking and theft, and

2d Cumare Guddy, and

5th Gontah Dunpah

of having received a portion of the stolen property with a guilty knowledge, resolve to confirm the sentence passed upon the 2d and 5th Prisoners viz: 18 months' Imprisonment with labor suited to their sex.-

2.

But being of opinion that the punishment proposed for the 1st Prisoner is inadequate, the Court resolve to sentence him

him to Imprisonment for 7 years with hard labor in irons.-

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

/ Sent in No. /

Read letter dated 22d December 1856, from the Session Judge of Bellary, submitting for the final judgment of the Foujdaree Udalut, the record of Case No. 109 of 1856 on the file of the Session Court.-

/ Here enter F. No. No. 2525 of 1856 /

Mr. Goodwyn

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

"Sevegah"

is sufficient to convict him of the crime of wounding with intent to kill, for which according to Futwahs of their Law Officers Discretionary punishment is awardable under the Mahomedan Law

2d January, 1857.

Law, do convict him thereof and in conformity with 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 (12) Twelve years.

Sent in No.

F. 116.

Monday 5th January 1857. } At a Court of the Foujdaree Udalut

Present

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

Read Calendar of Case No. 54 of 1856, submitted by the Acting Sessions Judge of Calicut.

(Here enter F. 116. No. 2391 of 1856)

Adverting to the prevalence of Murder and wounding in Malabar, the Court of Foujdaree Udalut are of opinion that the Subordinate Judge was right in committing this case to the Sessions Court.-

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

(Sent in No.)

Read

Read again Miscellaneous

Petition presented on the 25th September 1836,
by S. Seroomala Shanry, Pleader on behalf
of Castain Jaoro Fernandez, Zillah Mangalore

(Here enter F. M. P. No 190 of 1836)

Read also return dated 13th
December, from the Acting Sessions Judge
of Mangalore, to the Precept of the Soujdaree
Udalut under date 20th November 1836, calling
for explanation as to who was in possession
of the Church before the date of Complaint.

(Here enter F. M. No 2451 of 1836)

Mr. J. Anderson
and
Mr. J. W. Goodwyn.

The Court of Soujdaree
Udalut observe that, as the Petitioner
was found by the Magistrate to have been
in possession of the Church at the date
of the forcible dispossession, he should
be kept in possession without he was
proved to have handed over charge of
the Church to the opposite party, which
does not appear to have been alleged
or proved. The Magistrate will therefore
replace the Petitioner in possession, unless
he

he considers that there is proof that he
made over legal possession to his opponents
in which case he will make a further
report on the subject.

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

(Sent following Precept No.)

Read Miscellaneous Petition
presented on the 27th November 1836, by
Seroovien and Venkataramien of Zillah
Trichinopoly.

(Here enter F. M. P. No 231 of 1836)

Mr. J. W. Goodwyn.

The Court of Soujdaree
Udalut see no reason to interfere with
the order passed by the Magistrate, and
accordingly reject this Petition.

Ordered that Extract from
these proceedings be granted to the
Petitioners on their application.

Read return dated 1st December
1856, from the Session Judge of Chittoor

to

5th January 1857.

to the Precept of the Court of Foujdaree Udalut under date the 17th November 1856, directing the submission of certain Correspondence and depositions referred to in Miscellaneous Petition No. 216 of 1856.

(Here enter F. C. No. 2356 of 1857)

Read again Miscellaneous Petition presented on the 3rd November 1856 by Mr. J. B. P. Wilson, Pleader on behalf of the heirs and relations to the Prisoners Nos. 16 20 in Calendar No. 30 of 1856 on the file of the Chittoor Sessions Court.

(Here enter F. C. No. 216 of 1856.)

Before finally disposing of this petition the Court of Foujdaree Udalut resolve to call for translation of all the evidence relating to the 9th & 15th and 19th and 20th Prisoners.

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

(Sent following Precept No.)

E. Hall.

C. S. Cannicr

F. C.

Tuesday 6th January 1857 } At a Court of the Foujdaree Udalut.

Present.

F. Anderson Esqre.
J. W. Goodwyn Esqre.
G. A. Harris Esqre.
} Hon'ble Puisne Judges

Read letter dated 13th December 1856 from the Acting Sessions Judge of Rajahmundry, submitting for the final judgment of the Foujdaree Udalut the record of trial in Case No. 27 of 1856 on the Calendar of the Sessions Court.

(Here enter F. C. No. 6 of 1857.)

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 Cavsoola Soobiah, is sufficient to convict him of the crime of Murder, do convict him thereof and under the provisions of Section X Regulation

Mr. J. W. Goodwyn and Mr. G. A. Harris.

6th January 1857.

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

(Sent in No.)

Jo 1810.

Wednesday 7th January 1857

F U

Court of the Fouzdaree Udalut

Present

F. Anderson Esqr. — Acting Puisne Judge

F. W. Goodwyn Esqr. — Acting Puisne Judge

G. A. Harris Esqr. — Acting Puisne Judge

Read Calendar of Case No. 38 of 1856 on the file of the Session Court of Cuddalore

(Here enter F U. No. 2527 of 1856)

Before finally disposing of this Calendar the Court of Fouzdaree Udalut desire to be informed, whether the skull of the deceased was examined by the Surgeon, and, whether his evidence had been taken as to the probable cause of the deceased's death

Ordered that Extract from these Proceedings be sent to the Session Judge of Cuddalore by Precept returnable in III days from and after its receipt

(Sent following Precept No.

Read Calendar of Cases Nos. 37 and 38 of 1856, submitted by the Session Judge of Trichinopoly

(Here enter F U. No. 2531 of 1856)

The sentence in No. 38 is not clear - it would appear that the Prosecutors 1st witness proved the theft of the bullocks and that the animals found with the Prisoners belonged to the Prosecutor - whilst the 2d, 3 and 4th witnesses prove the Prisoners apprehension in possession

possession of the stolen cattle, and the Law Officer convicts the Prisoners of the 2nd Count only, the Court of Tongdaree Udalut resolve therefore to call upon the Session Judge to state whether he convicts on the 1st or 2nd or on both the Counts as well as state the proof on which he convicts

2. It is not clear why this case which appears to be one of Cattle stealing was headed "Robbery by open violence", and the Court direct that an explanation on this point be submitted for their consideration

Ordered that Extract from these Proceedings be sent to the Session Judge of Trichinopoly by Receipt returnable in V days from and after its receipt

(Sent following Receipt No.

Read again Miscellaneous Petition forwarded by the Session Judge of Tinnevelly from Carattadchy of the said Zillah

(Here enter T. No. A. No. 155 of 1856)

Read also again return dated 4th October 1856 from the Session Judge of Tinnevelly to the Receipt of the Tongdaree Udalut under date the 18th September calling for an English translation of the evidence against the 1st Prisoner in Session Case No. 28 of 1856

(Here enter T. No. No. 1921 of 1856)

Read also Return dated the 23d ultimo from the Acting Session Judge of Tinnevelly to the Receipt of the Tongdaree Udalut under date the 15th Idem, directing the Session Judge to examine the 4th Prisoner as a witness in the presence of the 1st Prisoner in Session Case 28 of 1856

and

and to forward a translation of the deposition and defence taken from them respectively

(Here enter T. No. No. 2544 of 1856)

Mr. Anderson
Mr. Goodwyn

The Court of Tongdaree Udalut are of opinion that the evidence is insufficient for the conviction of the 1st Prisoner though sufficient to raise a very strong suspicion against him, they accordingly acquit him, but direct that he be required to furnish 2 good and sufficient securities to the amount of 100 Rupees each security, for his good behaviour for 3 years or in default that he be confined for and during that period

Ordered that Extract from these Proceedings be sent to the Session Judge of Tinnevelly by Receipt returnable in III days from and after its receipt

(Sent following Receipt No.

Read Criminal Report B for the month of November 1856. Zillah Nellore

(Here enter T. No. No. 2486 of 1856)

No. 188 1 It should have been stated that the sentence was to take effect at the expiration of the period of imprisonment awarded in the preceding case

191 2 The heading should have been "Assault, with intent to commit a rape"

195 3 The offence of the prisoners was Murder and the charge should have been framed so as to accord with the provisions of Clause first Section IV Regulation I of 1818

The

7th January 1857

No 206 4 The case is headed "attempt to commit Murder", but no such attempt is specified in the charge. The offence alleged appears to have been conspiracy.

207 5 The charge should have been headed "Robbery, with attempt to commit a rape."

177-183-184-185-186-192-193-194-195-196-197-198-199-201-204-206-and 207. 6. Considerable delay took place in the disposal of the cases named in the margin, which the Court of Fouzdaree Udalut request may not occur again.

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

(Sent in No)

Read Calendar of Case No 24 of 1856 of the Session Court of Tellicherry.

(Here enter F Vo. No 2462 of 1856)

1 The Prisoner in this case tried on a charge of Wounding has been convicted and sentenced to 3 years imprisonment with hard labor in irons.

2 The Court of Fouzdaree Udalut are of opinion that a sentence of imprisonment for 2 years with hard labor in irons will be adequate punishment for the Prisoner, and they direct the Session Judge to issue his warrant accordingly.

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

(Sent in No)

Read Calendar of Cases No 50 of 1856 of the Session Court of Nellore.

(Here enter F Vo. No 2496 of 1856)

F Vo

7th January 1857

The Court of Fouzdaree Udalut direct that the Principal Sudr Ameen be called upon to explain the delay in the committal of this case, which extended from 5th November to 9th December, and that the Session Judge will in submitting this explanation, state why it was not given in a note on the Calendar as required by Circular Order No 213.

Ordered that Extract from these Proceedings be sent to the Session Judge of Nellore by Receipt returnable in III days from and after its receipt.

(Sent following Receipt No)

Read Calendar of Cases No 10 of 1856 submitted by the Acting Session Judge of Rajahmundry under date the 22d December 1856.

(Here enter F Vo. No 2550 of 1856)

As the wounding charged does not appear to have been very severe, the Court of Fouzdaree Udalut resolve to return this Calendar in order that the Acting Session Judge may dispose of the case himself in accordance with this Courts Proceedings dated the 17th June 1851, unless he considers the punishment he is empowered to inflict under Clause 7, Section II Regulation XX of 1803 to be insufficient.

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

(Sent in No)

Entd

F. C.

Thursday 8th January, 1857

At a Court of the Foujdaree Udalut

Present

F. Anderson, Esquire,
T. W. Goodwyn, Esquire,
G. N. Harris, Esquire,
} Actg Puisne Judges

Read Calendar of Case No. 44 of 1856 of the Session Court of Chittoor.

Here enter F. C. No. 1683 of 1856.

The Court of Foujdaree Udalut approve of the recommendation made by the Acting Session Judge in this case, that the period of imprisonment which the Prisoner, noted in the margin, has been adjudged to suffer on his conviction of 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.-

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Ordered, that Extract from these proceedings, be sent to the Acting Session Judge of Chittoor for his information.- Sent in No. 1 Read

Read again Calendar of Case No. 37, submitted by the Acting Session Judge of Tinnevelly under date the 5th November 1856.

/Here enter F. C. No. 2116 of 1856/

Read also again return dated the 26th, from the Acting Session Judge of Tinnevelly to the precept of the Foujdaree Udalut dated the 19th November 1856, calling for explanation as to the extraordinary delay in the disposal of this case, and for certain information in regard to the stolen property found on the prisoners.

/Here enter F. C. No. 2295 of 1856/

Read also return dated 19th, from the Acting Session Judge of Tinnevelly to the precept of the Foujdaree Udalut dated the 10th December 1856, calling for certain information in Session Case No. 37 of 1856.

/Here enter F. C. No. 2515 of 1856/

The explanation furnished by the Head of Police of Brommadasem is in the opinion of the Court of Foujdaree Udalut very unsatisfactory, and they resolve to

to call for information of the grounds on which the Head Cavilgar charged the 65 persons of another Village, and what were the peculiar circumstances that induced the Head of Police to issue the warrants for their apprehension.

They also resolve to call for information as to the statement made by the Head of Police of sending a confessing Prisoner with a warrant to find out the other robbers.

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

/Sent following precept No. /

Read return dated 20th November 1856, from the Session Judge of Chingleput to the precept of the Foujdaree Udalut under date the 6th November 1856, requiring the submission of the Petty Calendar of cases disposed of by the Magistracy in the zillah of Chingleput during the 3d quarter of 1856.

/Here enter F. C. No. 2225 of 1856/ Read

Read also return dated 27th December 1856 from the Session Judge of Chingleput to the precept of the Foujdaree Udalut under date the 16th December 1856 calling for a detailed explanation of the delay in Cases Nos. 14 and 15 of Calendar I and in Cases Nos. 18 and 19 of Calendar II of the Magistracy for the 3d quarter of 1856.-

/Here enter F. Co. No. 2543 of 1856/

Calendar I Case No. 14

1. The Court of Foujdaree Udalut observe that the delay in this case is very unsatisfactory. In so petty a case if the attendance of the witnesses could not be procured in a week or 10 days the case should be dismissed by the Jahsildar. The Jahsildar's report appears to have been six days reaching the Magistrate's Office and no explanation has been offered for the negligence on the part of the Jahsildar or his Prond.

Case No. 15.

2. The Police Ameen deserves blame for his negligence in examining into this case and his ignorance of his duties in not sending up the parties at

at once.

Calendar II Case No. 18

3. The Court observe that if the Prosecutor could not name the fresh witnesses or assign good reason for his requiring to proceed to this village to get further evidence the case should have been dismissed at once.-

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

/Sent in No. /

Read again Criminal No. Report B, for the month of October 1856, zillah Salem.-

/Here enter F. Co. No. 2257 of 1856/

Read also Return dated the 15th Ultimo, from the Acting Session Judge of Salem, to the precept of the Foujdaree Udalut under date the 9th Idem, calling for an explanation of the delay in transmitting the Report A in Case No. 220 by the Acting Joint Magistrate.-

/Here enter F. Co. No. 2459 of 1856/

The Court of Foujdaree Udalut

8th January, 1857.

Udalut direct that the Acting Joint Magistrate be instructed to make such arrangements as will prevent similar delays in future.-

Ordered, that Extract from these proceedings, be sent to the Acting Civil Judge of Salem, for his information.-

/Sent in No./

Read again Calendar of Case No. 55 of 1856, of the Session Court of Chittoor.-

/Here enter F. No. No. 2301 of 1856/

Read also Return dated the 24th December, from the Session Judge of Chittoor, to the precept of the Fouzdaree Udalut under date the 17th December 1856, desiring to be informed to what extent the beating and ill-treatment in the above case had been proved and why the Prosecutor delayed one week to prefer his charge- also calling for an explanation as to the variance between the finding and the Session Judge's sentence relative to the 2d Prisoner

/Here enter F. No. No. 2553 of 1856/ Under

8th January, 1857.

Under the circumstances set forth by the Acting Session Judge in the foregoing return, the Court of Fouzdaree Udalut resolve to sanction the mitigated sentence proposed to be passed upon the Prisoners in this Case viz (8) Eight years Imprisonment with hard labor in irons.-

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

/Sent in No./

Read again Criminal Report B, for the month of October 1856, zillah Tinnevelly.-

/Here enter F. No. No. 2276 of 1856/

Read also Return dated the 19th Ultimo, from the Acting Session Judge of Tinnevelly, to the precept of the Fouzdaree under date the 9th Idem, calling for certain explanation in the above Report.-

/Here enter F. No. No. 2514 of 1856/

With regard to the Acting Session Judge's explanation of the delay in transmitting the Report B. in Cases Nos. No. 134. 136. and 137, the Court of Fouzdaree Udalut

8th January, 1857.

Udalut direct that the Moofty Sudr & Ameen be required to record his sentences in future in Hindostanee instead of Persian, if he does not sufficiently understand the Tamil language.-

2. The Moofty Sudr Ameen's explanation in regard to the delay in the disposal of Case No. 132 is in the opinion of the Court very unsatisfactory

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

/Sent in No. /

Read Calendar of Case No. 24 of 1856, on the file of the Session Court of Guntoor.-

/Here enter F. No. No. 2442 of 1856/

The Court of Foujdaree

Udalut observe that the Prisoner should have been committed for Murder and the Session Judge left to determine whether the offence proved amounted to murder or Culpable Homicide.-

Ordered that Extract from these proceedings, be sent to the Acting Session

F. No.

8th January, 1857.

Session Judge of Guntoor, for his information.-

/Sent in No. /

Read Calendar of Case No. 34 of 1856, of the Session Court of Cuddalore.-

/Here enter F. No. No. 2464 of 1856/

The Court of Foujdaree.

Udalut observe that the heading of this case ought to be "Murder" not murder accompanied with Assault.-

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

/Sent in No. /

Read Criminal Report B, for the month of November 1856, zillah Guntoor.-

/Here enter F. No. No. 2467 of 1856/

No. 66. 1. The prisoner should have been charged "with having escaped from the custody of his guard, while at work on the Bellary road."

Great

8th January, 1857.

No. 64. 2. Great delay occurred in disposing of this case, the reason of which should have been explained.

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

/Sent in No /

Read Calendar of Case No. 88 of 1856 of the Session Court of Masulipatam.

/Here enter F. No. No. 2488 of 1856/

1. The prisoner in this case tried on a charge of Highway Robbery has been convicted and sentenced to Imprisonment for one year with hard labor in irons.

2. It being proved that the prisoner "attacked and robbed" the Prosecutrix, the sentence in the opinion of the Court of Fouzdaree Udalut is quite inadequate.

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

/Sent in No /

Read

8th January, 1857.

Read Calendar of Case No. 25 of 1856 of the Session Court of Rajahmundry.

/Here enter F. No. 2489 of 1856/

1. The Court of Fouzdaree Udalut desire to be informed of the value of the stolen property found in the house of the 2d Prisoner.

2. The Court also require an explanation why the trial of this case, which was committed on the 19th November, was not commenced until 2d December.

Ordered, that Extract from these proceedings, be sent to the Acting Session Judge of Rajahmundry, by precept Returnable within V days from and after its receipt.

/Sent following precept No /

Read Calendar of Case No. 86 of 1856, of the Session Court of Cuddapah.

/Here enter F. No. No. 2494 of 1856/

1. The Session Judge recommends that the period of Imprisonment which the prisoner in this case has

has been adjudged to suffer on his conviction of Gang Robbery may be reduced to seven years.-

2. As the Court of Foujdaree Udalut are of opinion that severe sentences are required in Cases of the nature of that under review, they decline to sanction the mitigation proposed by the Session Judge.-

3. The Court approve of the reward of one hundred Rupees proposed to be bestowed upon the 1st witness for the bravery displayed by him in attacking the Robbers and the Session Judge is hereby authorized to disburse the same.

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

/Sent in No. /

Read Criminal Report B, for the month of November 1856, zillah Tinnevelly.-

/Here enter F. Co. No. 2498 of 1856/

No. 150

1. The Defendant was not liable to a Criminal prosecution unless it could be

be shown, either that he never intended to supply the goods and therefore that he obtained the money under false pretences, or that he was entrusted with the money and embezzled or misappropriated the same. From the wording of the charge the case appears to have been one of breach of Contract, for which the proper remedy is by Civil Action.-

2. There was delay in transmitting the Criminal Report A in many cases, which is irregular.

Ordered, that Roobuck from these proceedings, be sent to the Acting Session Judge of Tinnevelly, for his information.-

/Sent in No. /

Read Calendar of Case No. 8 of 1856, on the file of the Session Court of Chicacole.

/Here enter F. Co. No. 2518 of 1856./

1. The Court of Foujdaree Udalut direct that an explanation be furnished of the cause of delay in the disposal of this case between the 15th November

vember and 2d December, and they direct the attention of the Session Judge to their Circular Order No. 213.

2. They are of opinion that under the circumstances detailed by the Session Judge, the sentence is inadequate.

Ordered, that Extract from these proceedings be sent to the Session Judge of Chicacole, by precept Returnable within III days from and after its receipt.

/Sent following precept No /

Read Calendar of Case No. 36 of 1856, of the Session Court of Cuddalore.

/Here enter F. No. No. 2524 of 1856./

The Court of Foujdaree Udalut approve of the recommendation made by the Session Judge in this case, that the period of imprisonment which the Prisoners noted in the margin have been adjudged to suffer on their conviction of House-breaking and Theft be reduced to /7/ Seven years with hard labor in irons and they do authorize the Session Judge to

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2. Moothan

to issue his warrant accordingly.

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

/Sent in No /

Read Calendar of Case No. 35 of 1856, submitted by the Session Judge of Cuddalore, under date the 22d December 1856.

/Here enter F. No. No. 2528 of 1856/

Before finally disposing of this Calendar the Court of Foujdaree Udalut resolve to direct that the Magistrate be called upon for a Special report as to the length of time the Head of Police of Tirvoccavelloor has held that Office, the number of cases of Gang-Robbery committed and detected in his Talook during the last two years, and whether it appears to the Magistrate that satisfactory exertions were made by the Police in this case.

Ordered, that Extract from these proceedings be sent to the Session Judge of Cuddalore, by precept returnable

8th January, 1857.

F. No.

8th January, 1857.

able within V. days from and after its receipt.-

/Sent following precept No. /

Read Calendar of Case No. 27 of 1856, on the file of the Session Court of Rajahmundry.

/Here enter F. No. No. 2533 of 1856/

The Court of Foujdaree Udalut direct that in forwarding the record of this case, the Acting Session Judge will explain the cause of delay between the arrival of this case and the commencement of the trial.-

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

/Sent in No. /

Read Calendar of Case No. 30 of 1856, submitted by the Session Judge of Honore, under date the 20th December 1856.-

/Here enter F. No. No. 2536 of 1856/

Before finally disposing of this Calendar, the Court of Foujdaree Udalut direct that explanation be furnished as to the proof of the Prisoners knowing the Coin to be Counterfeit.-

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

/Sent following precept No. /

Read Calendars of Cases Nos. 25. 26. 27. and 28 of 1856, of the Session Court of Chingleput.-

Here enter F. No. Nos. 2546. 47. 48 & 49/1856

The Session Judge recommends that the period of Imprisonment which the prisoner noted in the margin has been adjudged to suffer on his conviction of House breaking with Theft be reduced to four years.

2nd Commmr

2. The Court of Foujdaree Udalut being of opinion that the mitigated sentence above proposed is inadequate for the punishment of the said prisoner, resolve to direct that he be sentenced to Imprisonment for five years with hard labor in irons.-

Ordered

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

/Sent in No. /

Read Calendar of Case No. 79 of 1856, on the file of the Session Court of Guntoor.-

/Here enter F. M. No. 2554 of 1856/

The Court of Foujdaree Udalut desire to be informed whether there is any thing in the character of the Prisoner or of the offence charged that calls for the full measure of punishment in this case.-

Ordered, that Extract from these proceedings, be sent to the Acting Session Judge of Guntoor, by precept returnable within III days from and after its receipt.-

/Sent following precept No. /

Read Miscellaneous Petition received thro' the Acting Session Judge of Madura, from Minna Boyee zillah Madura.-

/Here enter F. M. P. No. 236 of 1856/

Petitioner

Mr. Anderson. 1. Petitioner wife of one Jaga=nad Sing prisoner in Calendar Case No. 69 of 1856, on the file of the Session Court of Madura, prays for the reversal /for reasons assigned in her petition/ of the sentence passed upon her husband in the above case.-

2. The Court of Foujdaree Udalut see no reason to interfere with the sentence passed by the Acting Session Judge on Petitioner's husband and accordingly reject this petition.-

Ordered, that Extract from these proceedings, be sent to the Acting Session Judge of Madura, for communication to Petitioner.-

/Sent in No. /

Read Miscellaneous Petition presented on the 18th December 1856, by Dawanum Kristniah, of zillah Chittoor

/Here enter F. M. P. No. 244 of 1856/

Mr. Goodwyn. 1. Petitioner prays for the interference of the Court of Foujdaree Udalut to reverse the proceedings of the Session Court of Chittoor under date the 30th October last, rejecting his

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

/Sent in No. /

Read Calendar of Case No. 29 of 1856, on the file of the Sessions Court of Guntoor.-

/Here enter F. M. No. 2554 of 1856/

The Court of Foujdaree Udalut desire to be informed whether there is any thing in the character of the Prisoner or of the offence charged that calls for the full measure of punishment in this case.-

Ordered, that Extract from these proceedings, be sent to the Acting Session Judge of Guntoor, by precept returnable within III days from and after its receipt.-

/Sent following precept No. /

Read Miscellaneous Petition received thro' the Acting Session Judge of Madura, from Munna Boyee zillah Madura.-

/Here enter F. M. P. No. 236 of 1856/

Mr. Anderson

1. Petitioner wife of one Jagga=nad Sing prisoner in Calendar Case No. 69 of 1856, on the file of the Session Court of Madura, prays for the reversal /for reasons assigned in her petition/ of the sentence passed upon her husband in the above case.-

2. The Court of Foujdaree Udalut see no reason to interfere with the sentence passed by the Acting Session Judge on Petitioner's husband and accordingly reject this petition.-

Ordered, that Extract from these proceedings, be sent to the Acting Session Judge of Madura, for communication to Petitioner.-

/Sent in No. /

Read Miscellaneous Petition presented on the 18th December 1856, by Dawanmma Kristniah, of zillah Chittoor

/Here enter F. M. P. No. 244 of 1856/

Mr. Goodwyn

1. Petitioner prays for the interference of the Court of Foujdaree Udalut to reverse the proceedings of the Session Court of Chittoor under date the 30th October last, rejecting his

8th January, 1857.

his Appeal from the order of the Assistant Magistrate, on the ground of the expiration of the Appeal time.-

2. The Court of Foujdaree Udalut decline to interfere with the order of the Session Judge, and resolve to reject the petition.-

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

Read Calendar of Case No. 49 of 1856, submitted by the Session Judge of Coimbatore under date the 16th December 1856.

/Here enter F. No. No. 2509 of 1856/

The Court of Foujdaree Udalut are of opinion that as no intimidation or violence has been used, the case is simply one of snatching and not of robbery, and unless therefore the Session Judge can shew further grounds for considering the case to be one of robbery, they direct that the sentence be reduced to one year's imprisonment as regards the 1st, one [illegible] months

F.C.

8th January, 1857.

months as regards the 2d and five months as regards the 3d Prisoner.-

Ordered that Extract from these proceedings, be sent to the Session Judge of Coimbatore, by precept returnable within X days from and after its receipt

/Sent following precept No. /

Read Calendar of Case No. 12 of 1856, on the file of the Session Court of Rajahmundry.-

/Here enter F. No. No. 2534 of 1856/

1 The Court of Foujdaree Udalut desire to be furnished with an explanation of the cause of delay between the apprehension and committal of the Prisoner, as also in passing sentence.-

2 They direct that the Acting Subordinate Judge be instructed in future to enter a note in the Calendar explaining such delays as is prescribed in their Circular Order No. 213, and in cases of similar future omission it will be the duty of the Acting Session Judge to call for and enter the same in the Calendar

8th January 1857.

Calendar.

Ordered, that Extract from these proceedings, be sent to the Acting Session Judge of Rajahmundry, by precept returnable within 10 days from and after its receipt.

/Sent following Precept No /

Read Calendar of Case No. 111 of 1856, of the Session Court of Bellary.

/Here enter F. No. No. 2538 of 1856/

Before finally disposing of this Calendar, the Court of Foujdaree Udalut desire information as to the nature of the wounds and injury sustained by the Prosecutor and whether the Prisoner and 1st Witness attempted in the first instance to seize the Prosecutor and whether any resistance was made by him.—

Ordered, that Extract from these proceedings, be sent to the Session Judge of Bellary, by precept returnable within 7 days from and after its receipt.

/Sent following precept No /

Read

8th January, 1857

Read Calendar of Case No. 28 of 1856, submitted by the Acting Session Judge of Guntoor, under date the 27th December 1856.—

/Here enter F. No. No. 4 of 1857/

Read Calendar of Case No. 113 of 1856, submitted by the Session Judge of Bellary, under date the 31st December 1856.

/Here enter F. No. No. 9 of 1857/

Read return dated 31st December 1856, from the Session Judge of Chittoor, to the precept of the Foujdaree Udalut under date the 24th December 1856, conveying their observation on the Criminal Reports for the month of November 1856 and requiring to know what circumstances gave the Chittoor Criminal Authorities Jurisdiction in Case No. 16 of 1856.—

/Here enter F. No. No. 11 of 1857/

Read report dated 2d January 1857, from the Session Judge of Chingleput of a case pending before

before him for more than 25 days.-

/Here enter F. Uc. No. 14 of 1857/

Read Calendars and sentences of Cases. Nos. 29 and 30 of 1856, submitted by the Sessions Judge of Chingleput, under date the 2d January 1857.-

/Here enter F. Uc. Nos. 15 & 16 of 1857/

Read Calendars of Cases Nos. 90-91 and 92 of 1856, submitted by the Sessions Judge of Masulipatam, under date the 30th December 1856.-

/Here enter F. Uc. No. 20 of 1857/c.

Ex B.D.

F. Uc.

Friday 9th January 1857 } Ho Court of the Foujdaree Udalut.

Present

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

Read Calendars of Cases Nos. 13. 14. 15. 16. 17. 18. 19 and 20 of 1856, submitted by the Acting Sessions Judge of Rajahmundry, under date the 6th Ultimo.-

/Here enter F. Uc. No. 2490 of 1856./

1. Of the 2 prisoners who were charged in these cases with having in conjunction with an armed gang led by one Madaconi Boochanah, since deceased, committed Rebellion, Murder, Gang robbery &ca, the 2nd died in Jail before commitment to the Session Court, and the 1st was acquitted by the Acting Session Judge in concurrence with the fetwa of the Mahomedan Law Officer, but as the Magistrate is of opinion that this prisoner can not with safety to the District be released unconditionally, the Acting Session Judge recommends

recommends that he be placed under the Magis-
trate's surveillance till such time as he may
think fit, with reference to the peace of the Dis-
trict, to release him.-

2. Under the circumstances of the
case and as the 1st prisoner is a lad of 15 or 16 years
of age, the Court of Foujdaree Udalut direct the
Sessions Judge to deliver him over to the Magis-
trate.-

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

/Sent in Nº/

Read Calendar of Case Nº 34
of 1856 on the file of the Sessions Court of
Manzalore.-

/Here enter F. Mc. Nº 2497 of 1856./

The Court of Foujdaree Udalut
conclude that the remarks of the Acting Session
Judge regarding the marks of violence on the
1st Prisoner have been brought to the notice
of the Magistrate.-

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

of Manzalore for his information.-

/Sent in Nº/

Read Calendar of Case Nº 74 of
1856, submitted by the Acting Session Judge of
Salem, under date the 6th December 1856.-

/Here enter F. Mc. Nº 2466 of 1856./

The Court of Foujdaree Udalut
observe that as the only point on which the
Prisoner directly contradicted herself in the
2 depositions was as regards the identification
of the prisoners, the charge ought to have been
confined to that one point.-

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

/Sent in Nº/

Read Calendar of Case Nº 87
of 1856 of the Session Court of Cuddapah.-

/Here enter F. Mc. Nº 2495 of 1856./

The Court of Foujdaree Udalut
observe that though the trial of this case was not
commenced till 15 days after its committal, no
explanation of this delay has been furnished
in the Calendar as required by Circular Order
Nº

No. 213. The Session Judge is requested to take care that the provisions of the said Circular Order are in future strictly attended to.-

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

/Sent in No./

Read Calendar of Cases Nos. 28 and 29 of 1856 of the Session Court of Honore.-

/Here enter F. No. No. 2535 of 1856./

1. The Session Judge recommends that the period of imprisonment which the Prisoner noted in the margin has been adjudged to suffer on his conviction of Housebreaking and theft be reduced to 5 years.- Summa.-

2. As the Prisoner was convicted on a former occasion and has been convicted now of Housebreaking and of theft, the Court of Foujdaree Udalut decline to mitigate the sentence passed upon him.-

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

/Sent in No./

Read

Read letter dated 24th Decem. ber 1856, from the Session Judge of Cuddapah, submitting for the final judgement of the Foujdaree Udalut the Record of Case No. 76 of 1856 on the file of the Session Court.-

/Here enter F. No. No. 2560 of 1856./

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

"1st Chulla Yerrapah"

is sufficient to convict him of the crime of Culpable Homicide for which the penalty of Deyut is awardable under the Mahomedan Law, as declared in Futwas of their Law Officers, do convict him thereof and under the provisions of Clause Second, Section XV. Regulation VII of 1802, sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (3) three years.-

And the Court being of opinion that

that the prisoner,

2nd " Coonmara Gungeeally

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 therefrom, and direct that he be set at liberty.-

1.

2 Prisoners in this case were charged with having entered the Prosecutor's house, kicked his wife on whose breast her infant daughter aged 1/2 years was hanging, and with having dragged by her hair and the child by the leg from the effects of which the said child there and there died.-

2.

The Law officer declared suspicion of the crime of Culpable Homicide against the 1st " Prisoner and that of aiding and abetting against the 2nd ".-

3.

The Sessions Judge was of opinion that there was strong presumptive proof of the Prisoners having violently assaulted the Prosecutor's wife and caused the death of the child and recommended that each of

of the Prisoners be sentenced to 3 years' imprisonment with hard labor in irons.-

4. On a consideration of the record the Court of Foujdaree Udalut observe that the statements as regards the part the 2nd " Prisoner took in this matter have become gradually stronger and stronger as the case advanced. In his first deposition on the 25th " September the Prosecutor did not allege that the 2nd " Prisoner entered the house or committed any assault. Subsequently it was alleged that the 2nd " Prisoner seized the 1st " witness by the hair. that he dragged her by the hair. that he kicked her once and that he kicked her twice. The 2nd " Prisoner in his deposition before the Police stated what the Court believe to be the truth that he had been sent along with the 1st " Prisoner and that the affray took place between the 1st " witness and 1st " Prisoner. The evidence of the witness was not given till 5 " and 6 " days after the assault was committed.-

5 The Court therefore do not think

9th January.

Summa

that the prisoner.

2nd Caimmara Gungeally

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.

2 Prisoners in this case were

charged with having entered the Prosecutor

house, kicked his wife on whose breast her

infant daughter aged 1½ years was hanging

and with having dragged by her hair and

the child by the leg from the effects of which

the said child then and there died.-

2.

The Law officer declared suspi-

-cion of the crime of Culpable Homicide

against the 1st Prisoner and that of affray

and abetting against the 2nd.-

3.

The Session judge was of opin

that there was strong presumptive proof

of the Prisoners having violently assaulted

the Prosecutor's wife and caused the death

of the child and recommended that each

of

of the Prisoners be sentenced to 3 years'

imprisonment with hard labor in irons.-

4. On a consideration of the record

the Court of Foujdaree Udalut observe that

the statements as regards the part the

2nd Prisoner took in this matter have

became gradually stronger and stronger as

the case advanced. In his first deposition

on the 25th September the Prosecutor did

not allege that the 2nd Prisoner entered the

house or committed any assault. Subsequent-

-ly it was alleged that the 2nd Prisoner struck

the 1st witness by the hair. that he dragged

her by the hair. that he kicked her once

and that he kicked her twice. The 2nd Prisoner

in his deposition before the Police stated

what the Court believe to be the truth that

he had been sent along with the 1st Prisoner

and that the affray took place between the

1st witness and 1st Prisoner. The evidence of

the witness was not given till 5 and 6 days

after the assault was committed.-

5 The Court therefore do not

think

think the evidence against the 2nd Prisoner is worthy of credit and have accordingly acquitted him.-

Concurring with the Session Judge in the conviction of the 1st Prisoner, they have sentenced him to 3 years' imprisonment with hard labor in irons.-

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

(Sent in No)

Read again Calendar of Case No 61 of 1856 on the file of the Session Court of Cuddapah.-

/Herewith F. C. No 2046 of 1856./

Read again also return dated 17th from the Session Judge of Cuddapah to the precept of the Foujdaree Adalut under date the 7th November 1856, directing him to report what notice had been taken by the Magistrate of the interlineation brought to notice in the above case.-

/Herewith F. C. No 2228 of 1856./

Read also return dated 22nd from

from the Session Judge of Cuddapah to the precept of the Foujdaree Adalut under date the 9th December 1856, directing that translations of the whole of the Proceedings regarding the interlineation in Case No 61 of 1856 be submitted for their consideration.

/Herewith F. C. No 2541 of 1856./

On a consideration of the Proceedings forwarded by the Session Judge, the Court of Foujdaree Adalut are of opinion that this is a gross case of trumping up evidence by the Police against the Prisoners, and as the Acting Vakeel Ramachendriah and the Police Vakeel Ellapah are both equally guilty in this transaction, the Court direct that they be dismissed.-

2. They direct that the Magistrate be called upon for information as regards the responsibility of the Police Vakeels and to explain whether it is usual in Cuddapah to examine 2 cases at the same time.-

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

9th J

of Cuddapah by precept returnable within
X days from and after its receipt.-

(Sent following precept No)

Read Statement dated 2nd
January 1857, submitted by the Acting
Sessions Judge of Guntoor, of the trials referred during the 2nd Half of 1856.-

/Here enter F. Uc. No 22 of 1857./

Read Return dated 29th
December 1856, from the Acting Agent in
Ganjam, to the precept of the Foujdaree
Adalut under date the 15th December
1856, conveying observations and orders on
the Criminal Reports for October last.-

/Here enter F. Uc. No 23 of 1857./

Read Report dated 3d January
1857, submitted by the Acting Sessions Judge of
Salem, of cases pending on the 31st December
1856 before him for a period in excess of 25
days, calculated from the date of commit-
ment.-

/Here enter F. Uc. No 27 of 1857./

Read

Read Calendar in Case
No 79 of 1856, submitted by the Acting Sessions
Judge of Salem, under date the 20th December
1856.-

/Here enter F. Uc. No 30 of 1857./

Read Calendar in Case No
114 of 1856, submitted by the Sessions Judge
of Bellary, under date the 3d January 1857.-

/Here enter F. Uc. No 38 of 1857./

Read letter dated 31st December
1856, from the Sessions Judge of Honore, for-
warding the usual death warrant in Case
No 20 on the Calendar for 1856.-

/Here enter F. Uc. No 39 of 1857./

Read Report dated 2nd
January 1857, submitted by the Acting Sessions
Judge of Tellicherry, of a case pending on the
31st December 1856 and committed for trial
during the months of November before him.-

/Here enter F. Uc. No 41 of 1857./ ps

Ed Hill.

Monday
13th January 1857.

F. C.

At a Court of the Foujdaree Udalut

Present

J Anderson Esquire
J N Goodwyn Esquire — Sitting Puisne Judges
G J Harris Esquire

Read Calendar of Case No 7, submitted by the Session Judge of Coimbatore, under date the 28th November 1856.

(Here enter F. C. No 18 of 1857)

The Court of Foujdaree Udalut observe that Section XXI Regulation XII of 1802 and not Clause Seventh Section II Regulation XV of 1803, should have been quoted in support of the sentence in this case.

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

(Sent in No)

Read Calendar in Case No 80 of 1856 on the file of the Session Court of Salem.

(Here enter F. C. No 31 of 1857.)

The Court of Foujdaree Udalut

desire

desire the Sessions Judge will explain the meaning of his remarks that the spirit of the Circular Order of the Foujdaree Adalut No 188B of 1847 has in no way been violated by the Police, whereas the assessors state that no fœtus was found and Para 3 of the Circular Order above quoted distinctly and most positively declares the Police "to be strictly prohibited from adopting any measures whatever against females accused or suspected of having procured their own miscarriage, unless there shall have been actually found a fœtus fully formed" &c. &c.

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

(Sent following Precept &c)

Read letter under date the 27th December 1856 from the Acting Sessions Judge of Madura, forwarding English translation of the Record of Case No 60 of 1856 on the Calendar of the Sessions Court, for the final judgment of the Court of Foujdaree Adalut

(Here enter F. R. No. 251 of 1856)

The Court of Foujdaree Adalut, on

Wits Goodwyn and Harris.

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

1st Arockiatsinga Sudan,

alias Ayapery Sudan

2d Annamalaiya Sudan

3d Arokiam

4th Curpia Tavan, son of Permah Tavir.

5th Calimoottoo

6th Veronaiy Tavan

and

7th Curpia Tavan son of Vera Tavan.

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.

Seven Prisoners in this Case were charged with Murder and the Sessions Judge concurring with the Law Officer in the acquittal of the 2d, and conviction of the remaining prisoners, released the 2d Prisoner and on the ground that the actual perpetrator of the Murder had not been brought to light suggests that a sentence of 5 years imprisonment with hard labour in irons

6s

be passed on the 1st, 2d, 4th, 5th, 6th and 7th Prisoners.

2. The Court of Injuctures Adulant on a consideration of the Records are unable to concur in the conviction of these Prisoners as they do not consider the evidence offered in the case to be satisfactory.

3. They observe that the murder of the deceased is proved by the discovery of the body with the throat cut - but in the Prosecutor's first deposition he states that the 1st & 2d witnesses roused him with the alarm that some one they murdered by the river, and not (as he afterwards deposed) that they had just seen his son murdered body.

4. It is also clear that the Prisoners and 67 other persons (not apprehended) were not named or known to the Police as the parties accused until the evening of the 25th August, when the Prosecutor gave his deposition before the Subordinate Officer.

5. The Court distrust the evidence of the 1st and 2d witnesses, for if those witnesses really saw the 1st, 2d to 7th Prisoners making off from the direction where the body was, and at once mentioned this fact to the Prosecutor they would

surely have also denounced the Prisoners as the murderers to all the Villagers assembled near the body an hour or so after day light, especially when the bloody Knife was found close to the body, which knife was alleged to have been immediately recognized from its very peculiar construction as one worn by the 1st Prisoner - but these witnesses (1st and 2d) declare that they related what they had seen to no one save the Prosecutor before being examined by the Subordinate Officer.

6. Their description moreover of the position in which they met the Prisoners as given before the Police does not tally with their subsequent explanation in the Session Court, and the Court regret to observe that the cross examination on this point was very defective.

7. The evidence of the Satanmyar and Peow also tends to show that no one was accused nor was the knife alleged to have been identified till the evening; their statements are to a certain extent corroborated by the evidence of the Subordinate Officer, the 8th Witness, which shows that he did not hear the Prisoners accused till seeing the

Prosecutor

Prosecutor which was after he (8th Witness) had inspected the body at about 5 O'Clock that afternoon.

8 Under these circumstances the Court of Foujdaree Udalut being of opinion that the Prosecutor suspecting the 1st Prisoner, concealed the evidence of the 1st and 2d Witnesses as well as that respecting the 1st Prisoner's ownership of the knife, acquit the 1st & 2d Prisoners and direct their immediate release.

9 The Court observe that the Acting Sessions Judge ought to have questioned the 8th Witness most particularly as to what information respecting the murder he was able to elicit previous to his interview with Prosecutor.

10 They also observe that the sentence proposed by the Acting Sessions Judge was wholly inadequate for the offence of which he has convicted the Prisoner.

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

(Sd) Tn Ap

Read Calendar of Cons.t No 6 of 1856 of the Sessions Court of Coimbatore.

(Present T.M.C. No 250 of 1856)

1 The Sessions Judge finds the Prisoners guilty of Gang Robbery and inflicting "cruel torture on the unfortunate Prosecutrix," who, above two months afterwards "appeared suffering much from the effects of the severe burns on her person," (the charge states that they were on her private parts), the Court of Foujdaree Udalut consider the punishment awarded Ten years' imprisonment inadequate and that the Case should have been referred under Clause Second Section IV Regulation XV of 1863.

2 It is presumed that the delay in committing this case, which extended from the 11th October to 27th November, was owing to the Prosecutrix's not being able to attend from the very severe injuries she had sustained; the Court of Foujdaree Udalut however direct that the Principal Sudder Ameen be called upon to report the cause of the delay and that he be instructed in future to enter

the

the explanation of delay in a note in the Calendar as required by Circular Order No 213.

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

(And following No)

Read Calendar of Case No LVIII of 1856, submitted by the Acting Sessions Judge of Calicut, under date the 3rd January 1857.

(Hereunto No 52 of 1857)

Read Return dated 30th Instant from the Sessions Judge of Cuddapah, to the Precept of the Foujdaree Adalut under date the 30th Ultimo, conveying observations on the Criminal Reports for the months of November 1856, and directing that a copy of the Report A in Case No 231 60 forwarded for their consideration.

(Hereunto No 51 of 1857)

Read Calendar of Case No 115 of 1856, submitted by the Sessions Judge of Bellary, under date the 5th January 1857.

(Hereunto No 54 of 1857)

Read

Read Calendar of Case No 30 of 1856, submitted by the Acting Sessions Judge of Guntoor, under date the 7th January 1857.

(Hereunto No 58 of 1857)

Read Criminal Report B for the months of December 1856, submitted by the Acting Sessions Judge of Guntoor, under date the 7th January 1857.

(Hereunto No 59 of 1857)

Read Return dated 7th from the Acting Sessions Judge of Guntoor to the Precept of the Foujdaree Adalut under date the 3d Instant, calling upon the Acting Sessions Judge to reduce the sentence passed by him in Sessions Case No 27 of 1856 to 6 months imprisonment.

(Hereunto No 60 of 1857.)

Ex Adl.

F. No

Wednesday, 14th January 1857. At a Court of the Toungdaree Modulut

Present

G. S. Hooper Esqre
F. Anderson Esqre Asst. } Puisne Judges
T. W. Goodwyn Esqre Asst.

Read Report B of Cases disposed of by the Principal Sudr Ameen and Magistracy during the month of November 1856 Zillah Chingleput.

(Here enter F. No. 8 2453 of 1856)

Case No 17 / The charge in the 2nd Count should have contained the additional word "Knowing them to have been stolen".

2 Adverting to the entry in the abstract at the end of the Report that 8 Cases were under Examination the Court of Toungdaree Modulut observe that in all these Cases the statement of the charge &c should have been entered in the Report B.

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

(Sent in No.)

Read

14th January 1857

Read Criminal Report B for the month of November 1856, Village Coimbatore.

(Herewith Nº 2510 of 1856)

Nº 225 — The charge is badly worded. The word "with having" should have come immediately after the word "Charged". Section LIV Act VII of 1843 need not to have been quoted in addition to Section VII Regulation X of 1816.

By the Acting Hº Assistant Magistrate

Nºs 190 and 201 — 2 The nature of the offensive weapons should have been described in the charge thus: swords, sticks &c as "offensive weapons" is a very vague term.

By the Principal Sudr Ameen of Coimbatore

Nº 198 — 3 The words "and killed the same for the sake of food" need not have been entered in the charge.

Nº 199 — 4 The words "vide the testimony of the Jailor &c" should have been omitted from the charge.

Nº 203 — 5 The charge should have stated that the 1st prisoner "ordered" not allowed and the word "license" be substituted for Puttah.

Nº 205 — 6 The nature of the ill-treatment should have been entered in the charge.

Nº 25 — 7 The 2nd and 3rd prisoners should have

By the Principal Sudr Ameen of Ootacamund

14th January 1857

have been charged with having "wilfully and of their malice aforethought killed and murdered" the deceased, and the means by which death was caused should have been set forth in the charge. The other prisoners should have been charged as accessories after the fact in having aided the part alleged "knowing" that the deceased had been so killed and murdered".

8 The charge is very indistinctly worded. It may be inferred that the prisoner really defrauded was the prosecutor, and that the witness was merely instructed to deliver the letter in question to the Mistry. In Column Nº 2 the names of both prosecutor and prisoner should be entered.

Nº 26 — 9 The entry of the 3rd Count was unnecessary.

10 The provisions of Act VII of 1843 need not have been quoted in addition to Clause 3rd Section IX Regulation X of 1816 as the authority for committing cases to the Session Court.

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

Judge of Coimbatore for his information.

(Sent in N°)

Read Calendar of Case N° 22, submitted by the Acting Sessions Judge of Rajahmundry, under date the 10th ultimo.

(Here enter F. H. N° 2502 of 1856)

Before passing order on this Calendar, the Court of Foujdaree Udalut resolve to call upon the Acting Sessions Judge to state the dates of the depositions in which the Prosecutor's witnesses first deposed to the identification of the prisoners, and whether any questions had been put to them on the subject.

2 They also desire information as to whether it appeared in evidence that the 14th 15th and 16th Prisoners (wives respectively of the 1st, 7th and 5th) knew the Rupees to be stolen which their husbands had given them.

3 The Court observe that in para 3 of his sentence the Acting Sessions Judge states that the "1st 2nd and 3rd witnesses depose having recognized the 1st 2nd 3rd 4th 5th and 11th Prisoners," whereas in the abstract of their evidence given before the Subordinate Court it appears they had

had left out the 11th Prisoner, and the Acting Sessions Judge has made no mention of the proof against the 15th Prisoner, and they direct therefore that explanation on these points be also submitted for their consideration.

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

(Sent following Precept N°)

Read again Calendar in Case N° 48 of 1856 on the file of the Sessions Court of Cahcut.

(Here enter F. H. N° 2333 of 1856)

Read again letter dated 3rd December 1856, from the Acting Sessions Judge, forwarding the record of the case N° 48 of 1856 and recommending for the reasons assigned that the Prisoner be sentenced to 7 years' imprisonment with hard labor in irons.

(Here enter F. H. N° 2386 of 1856)

Read Return dated 2nd January 1857, from the Acting Sessions Judge of Cahcut, to the precept of the Foujdaree

Foujdaree Wdalut under date the 20th December 1856, conveying their observations in Case No 48 of 1856 and directing the Acting Sessions Judge to take further evidence in the case-

(Here enter F. W. No 45 of 1857)

1 The Court of Foujdaree Wdalut on review of the evidence now forwarded by the Acting Sessions Judge remark that the Surgeon's 2d answer does not really answer the 2d Question, nor did the Acting Sessions Judge obtain from Doctor Cleveland any decided opinion as to whether he would, from the evidence of these persons, consider the Prisoner to have been sane or insane at the commission of the crime.

2 The evidence of the 5th and 6th witnesses was taken the same day that the Surgeon was examined, but their evidence was not read over to him nor was he requested to suggest any questions being put to these Witnesses which might have elicited from them such answers as would have thrown light on the state of the prisoner's mind on the date of the crime.

The

3 The Acting Sessions Judge has not stated how the additional evidence was obtained, or his opinion as to its trustworthiness, but has merely recorded very briefly the additional evidence he was enjoined to take without putting any questions to the 5th or 6th Witnesses or the Surgeon that would test the value of the evidence on the point on which they were examined.

4 The evidence that has been submitted leaves the question of the prisoner's state of mind in much obscurity and the Court of Foujdaree Wdalut therefore resolve to direct the Acting Sessions Judge to take such further evidence tending to prove or disprove the Prisoner's criminal responsibility as may be procurable, and to submit the same for the consideration of the Court, with his detailed opinion thereupon.

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

(Sent following Receipt No 1)

Read

14th January 1857.

Read Calendar of Case N° 1 of 1857 submitted by the Session Judge of Chittoor under date the 3rd January 1857.

(Here enter F. N. N° 630 of 1857)

Read Return dated 3rd January 1857, from the Session Judge of Honore, to the Precept of the Foujdaree Adalut under date the 16th December 1856, conveying observations and orders on review of the Petty Calendars of Cases disposed of by the Magistracy for the 3rd Quarter of 1856.

(Here enter F. N. N° 66 of 1857)

Read letter dated 1st January 1857, from the Agent to the Governor of Fort Saint George at Vizagapatam, forwarding warrant for the execution of Pedika Chundrial.

Ex. M.

(Here enter F. N. N° 730 of 1857)

Thursday 15th January 1857.

No. II.

At a Court of the Foujdaree Adalut

Present

G. A. Hooper Esquire - - - Puisne Judge.
T. Anderson Esquire - - - } Ag. do.
W. W. Goodwyn Esquire - - - }

Read Calendar of Case N.93 of 1856 submitted by the Session Judge of Cuddapah under date the 27th Ultimo.

(Here Enter F. N. N° 2 of 1857)

The Court of Foujdaree Adalut are of opinion that a 2nd question ought to have been put to the Law Officer in regard to the 1st Witness.

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

(Sent in No)

Read Miscellaneous Petition presented on the 22nd December by John Faulkner Inman pleader on behalf of Mootooswamy Chetty zillah Combaconum.

(Here Enter F. M. P. N° 246 of 1856)

Petitioner appeals from the Proceedings of the Session Court under date

Mr. W. W. Goodwyn

the

the 2d October 1856 confirming the sentence dated the 18th September 1856 passed by the Special Assistant Magistrate fining the petitioner Rs 50 on a charge of Misdemeanor.

2. The Court of Foujdaree Adalut resolve to reject this petition as the applicant has failed to assign any good grounds for interfering with the Order of the Magistrate.

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

Read Criminal Report B for the month of November 1856 Zillah Bellary.

(Here Enter Ill No 24/5 of 1856)

No 314. 1 The Sentence was inadequate, the theft having been committed at night, in a dwelling house, although the value of the property was small. The Offence however was within the cognizance of the Magistrate exercising his Ordinary powers, and the case need not have been transmitted to Court.

320. 2. In Order to establish this charge it was necessary to prove the fact of the theft. The circumstances under which the theft was committed should, therefore, have been set forth in the charge, as well as the name of the party from whom the prisoner was alleged to have received the child, knowing it to have been stolen.

No

322. 3 No "attempt" at Murder appears to have been made. To render therefore the prisoner's act an indictable Offence, it was necessary to allege that it was done in pursuance of a previous conspiracy or to set forth some circumstances from which the intent of the prisoner might be presumed.

323. 4. The proceedings in this case have been very irregular. The charge should have been headed "Housebreaking, with intent to steal," and as a felonious entry appears to have been established in evidence, the sentence should have been passed under clause sixth, Section II. Regulation VII of 1822, which does not provide for the infliction of a fine in such cases. On a charge of this kind the prisoner might have been convicted of a simple theft, but not of a misdemeanor, for which latter class of Offences alone, a fine can be imposed

326. 5. If the charge was fully proved, the punishment awarded was insufficient.

331. 6. The Offence with which the prisoner was charged was punishable by the Magistrate under Section XV of Act No. XVII of 1854, and the case should have been committed to that Officer. The Sessions Judge

is

15th January 1857.

is requested to communicate with the Magistrate with the view of the necessary instructions being issued to the Police Officers for the transmission of such cases as pertained to the Magistracy for disposal.

274. 7. With respect to the explanation of delay the Court of Sessions Udalut consider it unsatisfactory that so much time should have been occupied in the trial of a simple case like this, which the evidence of a single eye-witness was sufficient to prove. The request made by the prosecutor on the 4th October was irregular, and should not have been complied with. If the charge was not substantiated by the combined testimony of the six and twenty witnesses first sent up, it should have been dismissed.

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

(Sent in &c)

&c 18th.

Friday
16 January 1857. } At a Court of the Sessions Udalut

Present

G. S. Hooper Esquire ——— Puisne Judge
T. Anderson Esquire ——— Ag. do ———
W. Goodwyn Esquire ——— Ag. do ———

Read Calendar of Case
No 52 submitted by the Sessions Judge
of Nellore.

(Here Enter PR No 30 of 1857.)

The Court of Sessions
Udalut observe that the charge in this
case should have been headed "Conspiracy"

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

Read Calendar of Case No 70
of 1856 of the Sessions Court of Salem.

(Here Enter PR No 28 of 1857.)

Under Circular Order No 213
an Explanation should have been furnished
of the cause of the delay in the committal
of this case. The Acting Sessions Judge
will be so good in future as to take care
that the explanation of the Subordinate

x

or Sessions Courts delay are duly entered in the Calendar

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

(Sent in No)

Read letter dated 5th January 1857 from the Sessions Judge of Mangalore, submitting for the final Judgment of the Foujdaree Adalut the Record of Trial in Case No. 35 of 1856 of the Calendar of the Sessions Court

(Here Enter Dft No. 79 of 1857.)

Mr. G. L. 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 prisoners,

1st Kakoonjay Pedro.
2d Joao
3d Saloo.
4th and Goostiny

is sufficient to convict them of the crimes charged do convict them thereof; and Sentence the prisoner

1st Kakoonjay Pedro

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

public roads or other public works, for and during the period of his natural life and the prisoners,

2d Joao
3d Saloo
and
4th Goostiny

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.

1 Four Prisoners in this case were charged with wounding with intent to kill.

2 The Jury after two convicted all the Prisoners of the crime charged - and the Acting Sessions Judge concurring in the verdict referred the case, recommending that the 1st Prisoner should be sentenced to 10 years imprisonment with hard labor in irons - and the 2d, 3d and 4th to 1 years imprisonment and labor without irons.

3 The Court of Foujdaree Adalut concur in the conviction of the Prisoners it having been fully established by the evidence, that the 1st Prisoner maliciously aimed and discharged a Gun at the Prosecutor whereby he was severely and dangerously wounded, mistaking him in all probability for another person against whom he

he had a grudge and that the other 3 Prisoners armed with clubs were present aiding and abetting the 1st Prisoner in the commission of the said act.

4. They consider the sentence proposed by the Acting Session Judge to be far too lenient for so heinous an offence as that of which the Prisoners, especially the first, have been found guilty and have accordingly sentenced the 1st Prisoner to transportation for life and the 2d 3d and 4th Prisoners to 2 years' imprisonment with hard labor in irons.

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

(Sent in No)

Read Calendar of Case No 91 of 1856 of the Session Court of Cuddapah

(Here Enter D.M. No 1 of 1857.)

The Court of Dewjdaree Adalut observe that it is not stated why the trial of this case was not commenced till two weeks after committal; they direct that the Session Judge will in future be so good as to pay strict attention to Circular Order

No.

No 213, and insert in a brief note in the Calendar an explanation of delay in commencing trials.

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

(Sent in No)

Read Criminal Report B for the month of November 1856 Zeccah Rajahmundry.

(Here Enter D.M. No 2545 of 1856.)

Case No 100

1 The heading should have been "Housebreaking," the Prisoner having effected an entrance into the room by unlocking the door.

No 142 2. The charge in this case should have been headed "Theft" not snatching.

No 143 3. Adverting to the rule laid down in the Circular Order of the 25th February 1829, the 8th 9th and 10th Counts of the charges having reference to offences committed on a date different to that of the preceding Counts, should have been entered as a separate case.

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

(Sent in No)

Read

16th January 1857

Read Calendar of Case No 7 of 1857 submitted by the Acting Sessions Judge of Guntoor under date the 10th January 1857.

(Here Enter Dft No 86 of 1857)

Read Calendar of Case No 6 of 1856 submitted by the Sessions Judge of Coimbatore under date the 29th December 1856.

(Here Enter Dft No 94 of 1857)

Read Return dated 10th January 1857 from the Acting Sessions Judge of Mangalore, to the precept of the Sunjedaree Adalut under date the 3rd idem, cancelling the requisition of Security under which the Prisoners in Case No 11 on the Calendar for 1856 were placed.

(Here Enter Dft No 95 of 1857)

Read Criminal Report B submitted by the Acting Sessions Judge of Mangalore for the month of December 1856.

(Here Enter Dft No 96 of 1857)

Read Statement submitted by the Acting Sessions Judge of Calicut required by Circular Order No 4 from 1st July to 31st December 1856.

(Here Enter Dft No 90 of 1857)

Read

16th January 1857.

Read Statement submitted by the Acting Sessions Judge of Calicut of Batta paid to Prosecutors and Witnesses attending before his Court from 1st July to 31st December 1856.

(Here Enter Dft No 99 of 1857) &c &c

16th January 1857

Read Calendar of Case No.s of 1857 submitted by the Acting Sessions Judge of Guntoor under date the 10th January 1857.

(Here Enter Dft No 86 of 1857)

Read Calendar of Case No 6 of 1856 submitted by the Sessions Judge of Coimbatore under date the 29th December 1856.

(Here Enter Dft No 94 of 1857)

Read Return dated 10th January 1857 from the Acting Sessions Judge of Mangalore, to the precept of the Tonjedawe Adalut under date the 3rd idem, cancelling the requisition of Security under which the Prisoners in Case No 11 on the Calendar for 1856 were placed.

(Here Enter Dft No 95 of 1857)

Read Criminal Report B submitted by the Acting Sessions Judge of Mangalore for the month of December 1856.

(Here Enter Dft No 96 of 1857)

Read Statement submitted by the Acting Sessions Judge of Calicut required by Circular Order No 4 from 1st July to 31st December 1856.

(Here Enter Dft No 99 of 1857)

Read

16th January 1857.

Read Statement submitted by the Acting Sessions Judge of Calicut of Batta paid to Prosecutors and Witnesses attending before his Court from 1st July to 31st December 1856.

(Here Enter Dft No 99 of 1857)

Read

F. H.

Saturday,
17th January 1857. At a Court of the Foujdaree Adalut

Present.

G. S. Harper Esqre
Sinclay Anderson Esqre Acting Puisne Judges
L. M. Goodwyn Esqre Ag.

Read return dated 12th Janu-
-ary from the Sessions Judge of
Trichinopoly, to the Precept of the
Foujdaree Adalut under date 7th Instant
calling for certain explanations in
Calendar of case No 38 of 1856.-

(Here Enter F H No 81 of 1857)

Read again Calendar in the
above case.-

(Here Enter F H No 2531 of 1856)

1. The Court of Foujdaree Adalut
point out to the Sessions Judge that
as he convicted the prisoners on
the 2d Count only he should have dis-
-tinctly stated this fact in his Sentence.

2. The cattle were carried off
secretly, neither violence or intim-
-idation, which are necessary

to

to constitute "robbery" being used (Vide C.C.P. No. 23d February 1829) consequently the offence has been incorrectly headed "Robbery by open violence."-

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

(Sent in No.

Read Criminal Report B for the month of November 1856-

(Here Enter P.R. No 2522 of 1856)

Honore Cases 52 & 56. 1. The Court of Tanjore Evalue observe that the Principal Sudder Ameen has omitted to explain the cause of the delay in the disposal of these cases, and they direct that his attention be called to their Circular Order No 213-

2. Being in possession of counterfeit coin knowing it to be such ought to have been added to the heading of the charge.

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

(Sent in No.

Read Criminal Reports submitted

submitted by the Acting Sessions Judge of Madura under date the 19th Ultimo.-

(Here Enter P.R. No 2532 of 1856)

Case 156. 1. The 2d Count should with reference to Circular Order of the 25th February 1829 have formed a separate case-

169. 2. The citation of Section XXXIII Regulation IX of 1816 is incorrect, as this Regulation refers to the Magistrate and gives no power to the Criminal Courts, and the Court infer that Clause 1st Section III Regulation I of 1822 has been inadvertently quoted instead of Clause 4th Section IV Regulation VI of 1822.-

170 180. 181. 3. The punishment of imprisonment under Regulation IX of 1832 has been ruled by this Court to be simple incarceration, and the awards in these cases of hard labor must be accordingly cancelled.-

4. As the false complaints with which the Prisoners are charged in cases 180 and 181 had been originally sent

sent up to the Criminal Court as true ones, the Head of Police acted irregularly in committing the Prisoner on the present charge.-

Vide Circular Pro 24th July 1846.

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

/Sent in No

Read letter dated 20th Decem=ber 1856 from the Acting Session Judge of Rajahmundry, submitting translation of the record of case No 15 of 1856 on the file of the Session Court.-

/Here Enter J R No 50 of 1857/

Read also Calendar in the above case.-

/Here Enter J R No 2550 of 1856/

1. The translations of the Records in connection with the above case are returned to the Acting Sessions Judge with reference to the proceed=ings of this Court under date 7th Janua=ary 1857.-

2. If the Sentence has not already

already been passed, the Court of Tanjore doubt consider that the Acting Sessions Judge should take into consi=deration, previous to recording the same, the alleviating circumstances detailed in Para 5 of his letter under acknowledgment.-

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

/Sent in No

Read letter under date the 31st December 1856 from the Session Judge of Masulipatam, forwarding English Translation of the record of case No 82 of 1856, on the Calendar of the Session Court for the final judgment of the Court of Tanjore doubt.-

/Here Enter J R No 52 of 1857/

Messrs Anderson & T. W. Goodwyn.

The Court of Tanjore doubt, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the Prisoners 1st Pantulullah Lutchmiah alias Lutchmanah and 2d Banlanjee - are

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

1.

The Prisoners in this case were charged with having with one Lashoolo, (not apprehended) murdered one Soobbahsetty by stabbing him severely with sticks or some instruments on his chest and on other parts of his body.

2.

The Sessions Judge inconcurr= =ence with the verdict of the Assessors convicted the Prisoners of the crime charged, and recommended that they be sentenced to suffer death.-

3.

On a consideration of the record the Court of Foujdaree Udalut cannot concur in the conviction of the Prisoners.

4.

They observe that if the deceased was really murdered, the truth was suppressed in the first instance, and they doubt whether the witnesses have given a true account.-

5.

The deceased is stated to have

17th January 1857.

have met his death on the night of Saturday the 11th October, his body was discovered in a well near the village on the after= =noon of Monday the 13th, but was only taken out of the water on the morning of the following day, as the deceased had not been dead more than 2½ days, the recognition of a fellow Villager must have been easy from the fact of the deceased having his left arm shrunk up and wrist deformed from an old dislocation, and yet the father in law of the deceased is stated to have only said that he thought it was the corpse of the deceased, and the two persons who took it out of the well said they could not identify it; and it is suspicious that the village Moonsiffs report of the 14th October does not mention the recog= =nition of the body or that it bore marks of violence.-

6.

The examination of the deceased's wife 1st witness, 2d witness and others before the Sub Officer showed

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

1. The Prisoners in this case were charged with having with one Lashtoolen (not apprehended) murdered one Loobbahsetty by stabbing him severely either with sticks or some instruments on his chest and other parts of his body.

2. The Sessions Judge in concurrence with the verdict of the Assessors convicted the Prisoners of the crime charged and recommended that they be sentenced to suffer death.-

3. On a consideration of the record the Court of Sudder Adawlut cannot concur in the conviction of the Prisoners.

4. They observe that if the deceased was really murdered, the truth was suppressed in the first instance, and they doubt whether the witnesses have given a true account.-

5. The deceased is stated to have met his death on the night of Saturday the 11th October, his body was discovered in a well near the village on the afternoon of Monday the 13th, but was only taken out of the water on the morning of the following day.- as the deceased had not been dead more than 2½ days, the recognition of a fellow Villager must have been easy from the fact of the deceased having his left arm shrunk up and wrist deformed from an old dislocation, and yet the father in law of the deceased is stated to have only said that he thought it was the corpse of the deceased, and the two persons who took it out of the well said they could not identify it; and it is suspicious that the village Moonsiffs report of the 14th October does not mention the recognition of the body or that it bore marks of violence.-

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1. The Prisoners in this case were charged with having with one Lashtoolo (not apprehended) murdered one Soobbahsetty by stabbing him severely either with the or some instruments on his chest and other parts of his body.

2. The Sessions Judge in concurrence with the verdict of the Assessors convicted the Prisoners of the crime charged and recommended that they be sentenced to suffer death.-

3. On a consideration of the record the Court of Sudder are also not cannot concur in the conviction of the Prisoners.

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6. The examination of the deceased's wife 1st witness, 2d witness and others before the Sub Officer showed

showed that the deceased was last seen on Sunday morning when he was going, (taking 14 Rupees with him) to a neighbouring village to purchase a bullock, but the appearance of the body indicated to those who examined it that the deceased had died from violence, whilst the proximity of the well to the deceased's house and other circumstances raised the presumption that the deceased could not have been robbed and murdered, but that it was either a case of murder from revenge or suicide or accidental death. The Court are however not quite satisfied that the marks on the chest were from violence; decomposition was so far advanced that ignorant villagers might have mistaken the swelling and discoloration from decomposition for the effects of blows.-

7. On the 18th October D. Lastrooloo and his servants 1st and 2d Prisoners were accused by an anonymous petition. It is stated that the Head of Police was on very

very bad terms with D. Lastrooloo which fact could be proved by certain public records. The Sessions Judge did not send for these records, apparently because he considered it "quite beyond belief + par 13. "that the hatred of a Government Officiab should be carried out even to the "death against the retainers of a personab enemy whom the former could "have had no personab object in thus "persecuting." The Court consider that it was clearly incumbent on the Sessions Judge to have sent for the specified records, as a true knowledge of the precise terms on which the Head of Police and D. Lastrooloo stood was calculated to throw great light on the case. and they direct this now to be done and submitted for their information.

8. The Case the Court observe assumed entirely new features directly the Head of Police superintended the investigation, the 1st and 2d witnesses entirely retracted their former evidence and declared that the deceased having at night

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8. The case the Court observe assumed entirely new features directly the Head of Police superintended the investigation, the 1st and 2d witnesses entirely retracted their former evidence and declared that the deceased having at night

might detected D: Lastrooloo holding adul-
=terous intercourse with his wife, accused
the adulterer (D: Lastrooloo) whose servants
murdered him on the spot. The 3d witness
(who slept with her daughter the 2d witness
in the house where the murder is alleged
to have been committed) heard a noise
in the night when she was half asleep
but did not know what it was till
next morning when her daughter (2d witness)
told her of the murder.

9. The 1st Prisoner gave a confession
before the Head of Police the details of
which give a different account of the
murder from that given by the 1st and
2d witnesses.-

10. The entire contradiction
between the 1st and 2d witnesses first and
second Police depositions throw great
doubt on the testimony which is still
further increased by the considerable
discrepancies and contradictions in
their evidence before the Session Court,
and their 2d Police statements.-

11. The 3d witness 2d Police statement
declared

declared that she was asleep and was
conscious of nothing more than that
there was some noise in the night.
The 2d witness 2d Police deposition states
that her mother 3d witness was asleep,
that she (2d witness) alone heard what
she details, that she did not tell her
mother (3d witness) at the time, but that
she told her next morning. The above
relation may coincide, but it is impossi-
=ble to reconcile this with the 3d witness
evidence before the Session Court to
the effect that she and her daughter
got up, seated themselves, and heard all
that they so minutely detail about
the murder.-

12. There are moreover other
objections to the evidence of the 2d and
3d witnesses, their discription of all
that took place is by far too precise,
considering that the circumstances
were not seen by them, but only
over heard through a closed door. Like-
=wise, since the deceased heard the
orders given for his murder, it is most
improbable

improbable that he could not have attempted to rouse his uncle sleeping in the same house and other near neighbours by his cries for assistance. It is also to be remarked that the motive for the murder (anger at the deceased's abusing D: Lastrooloo on account of his detecting him in adulterous intercourse with deceased's wife) appear hardly adequate.—

13. The Sessions Judge at para 11 mentions that D: Lastrooloo "almost "immediately after the commission of the murder" made his appearance at the Huzzoor Cutcherry but on referring to the Magistrate's letter it seems that he only came there on October 25th or a fortnight after the deceased's death, and 8 days after D: Lastrooloo had first been charged with the murder. His hastening to the Magistrate to endeavour to get the case taken out of the hands of the Head of Police, if the latter was his bitter enemy, cannot be construed against him and the same remark applies to the employment of

of three Court Pleaders to conduct the defence of his retainers, accused of being his fellow culprits in the crime.

14. In taking all these circumstances into consideration, the Court of Sujawaree Adawlut consider the charge not proved against the Prisoners and have accordingly acquitted them.

15. The Court observe that the Sub Police Officer has not entered the dates to several of the depositions taken before him, and they direct that this Officer be reprimanded for his omission.

16. It appears from note at page 12 that the 1st witness was examined on the 1st November on her former oath, administered October 31st. this has been repeated by ruled by the Sujawaree Adawlut to be irregular.

17. The first depositions of the 1st witness &c have not been entered in the Index.—

Ordered that Extract from these Proceedings be sent to the Sessions

Judge of Combaconum for his information.

(Sent in N°)

Read Calendar of Case N° 53 of 1836 of the Session Court of Salem.

(Here enter F. N. N° 21 of 1837.)

The Session Judge recommends that the period of imprisonment which the Prisoner in this Case has been adjudged to suffer on his conviction of robbery by open violence with wounding, be reduced to 3 years.

Pasorla Kitchadu

The Court of Fouzdaree Udalut being of opinion that the mitigated punishment proposed is very inadequate, resolve to sentence the Prisoner to Imprisonment for 8 years with hard labor in irons.

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

(Sent in N°)

Read Miscellaneous petition presented on the 15th December 1836, by Mr. H. B. Saunders, pleader on behalf of Sadat Khatoo, of Zillah Kurnool.

(Here enter F. M. P. N° 242 of 1836)

Mr. Anderson

The Court of Fouzdaree Udalut resolve

resolve to forward Copy of this petition to the officiating Agent at Kurnool, and to call upon that Officer for information as to the circumstances under which possession of the Mosque was delivered over to Jasimiah and Golam Moshedan Khan Sooraja; and as to the Petitioner's allegation that she was forcibly dispossessed of the property in question.

Ordered that Extract from these Proceedings be sent to the Officiating Agent to the Governor of Fort Saint George at Kurnool by Receipt returnable in 7 days from and after its receipt.

(Sent following Precept N°)

Read Miscellaneous petition received on the 17th December 1836, through the Acting Session Judge of Tinnevelly, from Soobbien of that Zillah.

(Here enter F. M. P. N° 243 of 1836)

Messrs. Cooper and Anderson

Petitioner Complains of the sentence passed upon his brother-in-law, prisoner in Case N° 42 of 1836 on the file of the Session Court of Tinnevelly, and prays the Court of Fouzdaree Udalut to

to reverse the sentence.

2 The Court of Foujdaree Udalut see no reason to interfere with the sentence appealed against, and therefore reject this petition.

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

(Sent in N°)

Read again letter dated 29th October 1856, from the Session Judge of Cuddapah, submitting for the final judgment of the Foujdaree Udalut, the Record of trial in Case N° 52 of 1856 of the Calendar of the Session Court.

(Here enter F. U. N° 2179 of 1856)

Read also letter dated the 16th December from the Session Judge of Cuddapah, forwarding Copy of a letter from the Subordinate Criminal Judge, submitting explanation with reference to the 3d Para of this Court's proceedings dated the 25th November last directing that his attention be called to the illegality of the 3d question put by him to the 1st Prisoner in the above mentioned Case.

(Here enter F. U. N° 2460 of 1856)

The

1 The Acting Subordinate Judge in the above letter explains that the 3d question was put to the 1st Prisoner in accordance with the instructions contained in the Proceedings of this Court of the 8th July 1850.

2 The Court of Foujdaree Udalut observe that the Acting Subordinate Judge has misunderstood the Proceedings quoted by him. They refer to the case of a Prisoner who confesses before the Police and Subordinate Court but in the present instance the 1st Prisoner pleaded not guilty before the Acting Subordinate Judge and the question put by that Officer was therefore irregular.

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

(Sent in N°)

Read again Calendar of Case N° 44 of 1856 of the Session Court of Coimbatore.

(Here enter F. U. N° 2112 of 1856)

Read also Return dated the 13th December, from the Session Judge of Coimbatore, to the Precept of the Foujdaree Udalut under date the 28th November 1856, calling for explanation

of

of delay in the disposal of the above Case.

(Here enter F.M. N° 24,57 of 1856)

The explanation furnished by the Sessions Judge is in the opinion of the Court of Foujdaree Udalut satisfactory, but they cannot accept that offered by the Principal Sudder Ameen, as the case, being a short one only 4 witnesses) should have been committed on the 15th or at latest on the 16th, and the sickness of the Prisoner need not have prevented the committal of the Case.

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

(Sent in N°)

The record of trial in referred case N° 82 of 1856 on the Calendar of the Session Court of Cuddapah not having been yet received,

Ordered that the Session Judge of Cuddapah be required to submit the record aforesaid without delay.

(Sent in N°)

Read Miscellaneous petition presented

presented on the 18th December 1856, by Chinna Anchary, Zillah Coimbatoor.

(Here enter F.M.P. N° 238 of 1856)

Petitioner appeals from the sentence passed on him on the 10th inst by the Sessions Judge in Session Case 25 of 1856.

Mr F. Anderson. 1

7 years' hard labor in irons.....

2 The Court of Foujdaree Udalut see no reason to interfere with the sentence passed in this case.

3 Petition rejected.

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

Read Miscellaneous petition presented on the 15th December 1856, by Mr J. H. P. Wilson, pleader on behalf of Bagady Sutchinee Ummal, Zillah Chingleput

(Here enter F.M.P. N° 239 of 1856)

Read again Miscellaneous petition presented by the same party on the 29th September 1856.

(Here enter F.M.P. N° 1 of 1854)

Mr F. Anderson.

The Court of Foujdaree Udalut observe that the sentence on Petitioner's

19th January 1857

Petitioner's husband was passed so far back as 1849; the Court decline to reopen the case after a lapse of so many years during which time no appeal had been preferred.

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

Read Calendar of Case No. 270 of 1856 of the Session Court of Honore.

(Here enter F. No. 8 No. 2559 of 1856)

The Court of Foujdaree Udalut direct that explanation be furnished as to why this case, which arrived on the 16th November, was not committed till 3rd December, and why the trial, which commenced on the 5th December, was not closed before the 16th of that month.-

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

(Sent following Precept No.)

Read Calendar of Case No. 26 of 1856, of the Session Court of Tellicherry

(Here enter F. No. 8 No. 13 of 1857)

The Court of Foujdaree Udalut directs

19th January 1857

died that the Acting Magistrate be called upon to state what notice has been taken of the witness's conduct. His unfitness for Government employ is in the opinion of the Court, clearly shown by the Acting Session Judge's remarks in this case.

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

(Sent following Precept No.)

Read Miscellaneous Petition presented on the 5th Instant, by Mr. J. H. Wilson, Pleader on behalf of Rungiah Naiken of Zillah Madura.

(Here enter F. No. 8 No. 1 of 1857)

Mr. G. S. Hooper / and Mr. F. Anderson

The order of the Magistrate, from which the Petitioner appealed to the Session Court of Madura, not being produced, the Court of Foujdaree Udalut decline taking the petition into consideration.

2 Petition dismissed.

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

E. H.

19th January 1837.

A return return having been received from the Acting Agent to the Governor of Fort Saint George in Gyanjam to the Precept of the Fouzdaree Udalut dated the 10th November 1836, directing him to suspend the sentence of imprisonment passed in Case No 49 of 1836, and to submit translation of the record,

Ordered that the Acting Agent to the Governor of Fort Saint George in Ganjam be required to make a final return to the above Precept without further delay.

Ex Regr.

(Sent in &c.)

Tuesday 20th January 1857.

F. U.

At a Court of the Fouzdaree Udalut

Present

G. T. Hooper Esquire
F. Anderson Esquire 1st } Puisne Judges
J. W. Goodwyn Esquire 2d }

Read letter under date the 2nd January 1857 from the Officiating Agent to the Governor of Fort Saint George at Ganjam submitting for the final Judgment of the Fouzdaree Udalut a report of the trial of Criminal Case No 52 of 1856 on his file.-

(Here enter F. U. No 49 of 1857)

The Court of Fouzdaree Udalut concur in the Conviction of the Prisoner-

Boya Caseegadoo

of severe wounding, but being of opinion that the sentence of 2 years imprisonment with hard labor in irons proposed by the Agent, is inadequate punishement for so aggravated a case of cruelty and ill-treatment, they direct that the Prisoner be sentenced to imprisonment with hard labor in irons for (3) three years.-

Ordered.-

Ordered that Extract from these Proceedings be forwarded to the Officiating Agent to the Governor of Fort Saint George at Tellicherry for his information.-

/ Sentence /

Read Calendar of Case No 22 of 1856 on the file of the Sessions Court of Mangalore.-

/ Here enter F.H. No 1737/1856 /

Read also letter dated 13th December 1856 from the Acting Sessions Judge of Mangalore submitting for the consideration of the Foujdaree Adalut a translation of the record of trial in the above case.-

/ Here enter F.H. No 2450/1856 /

On a consideration of the record submitted by the Acting Sessions Judge the Court of Foujdaree Adalut see reason to doubt the truth of the evidence of the 1st and 2d witnesses in this case but the other witnesses appear worthy of credit as regards the main facts deposed to by them.-

1. It is clear from the admission of the Prisoners and the evidence of the witnesses that the documents referred to were found in a box in possession of the 3d Prisoner sitting in the shop of his master Goa Shetty- that one of these was the draft of an agreement by which the Prosecutor bound himself to pay 2000 Rupees to the 1st Prisoner that the 1st and 2d Prisoners also were at the shop on that morning- The 1st Prisoner in

his defence alleges the whole case is a conspiracy on the part of the prosecutor and 3d prisoner. But against this supposition there is the strong argument that the 3d prisoner has made himself amenable to a criminal prosecution, and that the 1st prisoner went to the above shop on that morning.-

2d The Court see no reason to doubt the facts that the 1st, 3d and 4th Prisoners had not in conspiracy to defraud the Prosecutor that the 3d and 4th Witnesses did give the information to the Prosecutor as stated by them and that the 5th and 6th witnesses, Pons, whose evidence is therefore worthy of credit were despatched by the Police Ameen on the Prosecutor informing him of what he had heard.-

3. The Sessions Judge in the 9th para of his sentence states that the evidence regarding the handwriting of the 2d Prisoner is not conclusive. It appears to the Court that the evidence of the witnesses on this point is most distinct.. If the Sessions Judge had doubted the evidence on this point he should have examined some of the Court Vakeels on solemn affirmation

regarding

regarding the hand writing.- If the hand writing did not correspond the 1st and 2nd Prisoners would not have failed to call evidence to that effect.-

Under these circumstances the Court of Foujdaree Adalut see reason to alter their former opinion regarding the disposal of this case on perusal of the Calendar.-

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

/ Sentence Nº /

Read Calendar of Case Nº 77 of 1856 of the Sessions Court of Salem.-

/ Here enter Ft Nº 57 of 1857 /

The Court of Foujdaree Adalut approve of the recommendation made by the Acting Sessions Judge in this case that the period of imprisonment which the Prisoner, + Naikoo number three shewy noted in the Margin, has been adjudged to suffer on his conviction of Theft, be reduced to /18/ Eighteen Months with hard labor in irons, and they do authorize the Sessions Judge to issue

issue his warrant accordingly.-

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

/ Sentence Nº /

No final return having been received from the Sessions Judge of Chingleput to the Precept of the Foujdaree Adalut dated the 19th November last, directing him to report the result of the Magistrates enquiry regarding the maltreatment alleged to have been suffered by the 4th Prisoner, in Case Nº 18 of 1856 on the Chingleput Calendar.-

Ordered that the Sessions Judge of Chingleput be required to make a final return to the above Precept without further delay.-

/ Sentence Nº /

No return having been received from the Sessions Judge of Cuddapah, to the Precept of the Foujdaree Adalut dated the 23d December 1856, calling for explanation of the delay in commencing the trial in Sessions Case Nº 24 of 1856.-

Ordered

regarding the hand writing. If the hand writing did not correspond the 1st and 2nd Prisoners would not have failed to call evidence to that effect.-

Under these circumstances the Court of Foujdaree Udalut see reason to alter their former opinion regarding the disposal of this case on perusal of the Calendar.-

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

/Sentence/

Read Calendar of Case No 174 of 1856 of the Sessions Court of Salem.-

/Here enter Ft No 57 of 1857/

The Court of Foujdaree Udalut approve of the recommendation made by the acting Sessions Judge in this case that the + Nattoor number shewn period of imprisonment which the Prisoner noted in the Margin, has been adjudged to suffer on his conviction of Theft, be proved to /18/ Eighteen Months with hard labor in irons, and they do authorize the Sessions Judge to issue

issue his warrant accordingly.-

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

/Sentence No/

No final return having been received from the Sessions Judge of Chingleput to the Precept of the Foujdaree Udalut dated the 19th November last, directing him to report the result of the Magistrates enquiry, regarding the maltreatment alleged to have been suffered by the 4th Prisoner, in Case No 18 of 1856 on the Chingleput Calendar.-

Ordered that the Sessions Judge of Chingleput be required to make a final return to the above Precept without further delay.-

/Sentence No/

No return having been received from the Sessions Judge of Cuddapah, to the Precept of the Foujdaree Udalut dated the 23d December 1856, calling for explanation of the delay in commencing the trial in Sessions Case No 64 of 1856.-

Ordered

Ordered that the Sessions Judge of Cuddalore be required to make returns to the above precept without further delay.-

/ Sent in /

Circular Order

No 215.-

1. In pursuance of the orders of Government, the Court of Foujdaree Adalut resolve to direct that, in future whenever the attendance of Public servants is required in Criminal Cases before the Police, the summons should be served direct on such servants without previous reference to their official superior.

2. They also direct, that the several District Moonsiffs be required to report to the Civil Judge, every instance of a servant on their establishment absenting himself on the score of having been summoned as a witness by the Police, and it will be the duty of the Civil Judges to check any abuse in this respect, either on the part of the Police or the servants on the establishments of District Moonsiffs.-

Read Calendar of Case No 26

Submitted

Submitted by the Acting Sessions Judge of Rajahmundry, under date the 23d December 1856.-

/ Here enter F. H. No 2332 /

1. The Court of Foujdaree Adalut observe that if there was any reasonable doubt of the sanity of the Prisoner at the time he committed the Offence charged evidence to clear up the doubt should have been taken before proceeding to pass sentence on him. The Court direct that it now be taken.-

2. The question was not what the state of the Prisoners mind may be hereafter, but what it was at the time he committed the Offence.-

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

/ Sent in /

Read Criminal Report B from the Acting Agent at Ganjam for the Month of November 1856.

/ Here enter F. H. No 7 of 1857 /

Report B 34 of 1856.

1. The Acting Agent will explain if he has directed the release of the 1st prisoner in this case whose sentence is in accordance with the Regulation providing for the punishment of Offences such as the prisoner is charged with, as well as whether he has cancelled the requisition of Security from the 4th prisoner.-

36 and 37

2. The felonious and malicious intent constituting

constituting the crime of murder should have been charged in these cases.-

38. 3 The Prisoners should have been separately charged for the acts done by them at different places and not in separate counts of the same indictments.-

4- The 2d Count charging the 3d prisoner with murder is defective in as much as it does not specify that his particular act caused the death of the prov. If the death of the prov was caused by a shot fired by one of the Gang the Prisoners are all indictable for murder.-

5. The Agent will therefore amend this Count charging the 3d prisoner directly with the Murder unless the case has already been disposed of.-

6. The Agent is also directed to put the other prisoners on their trial for murder. The act of the 3d Prisoner was murder by all who were present being committed to effect the common object of the assembly, who had combined for an unlawful purpose.-

Ordered that Extract from these Proceedings be sent to the Acting Agent to the Governor at Ganjam, by Precept per returnable within III days from and after its receipt.

Sentence pd

E. W.S.

J. No.

Wednesday 21st January, 1857.

At a Court of the Foujdaree Adalut

Present

G. S. Cooper, Esquire
F. Anderson, Esquire Actg
J. W. Goodwyn, Esquire Actg
} Puisne Judges

The record of trial in referred Case No. 83 of 1856 on the Calendar of the Session Court of Cuddapah not having been yet received.

Ordered, that the Session Judge of Cuddapah be required to submit the record aforesaid without delay.-

Sent in No.

E. W.S.

Read Statement, dated the 31st December 1856 submitted by the Session Judge of Chingleput, of

Batta

constituting the crime of murder should have been
charged in these cases.-

38- 3 The Prisoners should have been separately
charged for the acts done by them at different
places and not in separate counts of the same
indictments.-

4- The 2d Count charging the 3d prisoner
with murder is defective in as much as it does
not specify that his particular act caused
the death of the person. If the death of the person
was caused by a shot fired by one of the Gang
the Prisoners are all indictable for Murder.

5. The Agent will therefore amend this
Count charging the 3d prisoner directly with
the Murder unless the case has already been
disposed of.-

6. The Agent is also directed to put
the other prisoners on their trial for Murder-
The act of the 3 Prisoner was murder by all
who were present being committed to effect
the common object of the assembly, who had
combined for an unlawful purpose.-

Ordered that Extract from these
Proceedings be sent to the Acting Agent to the
Governor at Ganjam, by express
=turnable within III days from and after its
receipt.-

/ Sent in pr

E. & S.

No.

Wednesday. 21st January, 1857. At a Court of the Fouzdaree Adalut

Present.

G. L. Cooper, Esquire
F. Anderson, Esquire Actg.
J. W. Goodwyn, Esquire Actg.
} Puisne Judges

The record of trial in re-
=ferred Case No. 83 of 1856 on the
Calendar of the Session Court of
Cuddapah not having been yet re-
=ceived.

Ordered, that the Session
Judge of Cuddapah be required to
submit the record aforesaid with-
=out delay.-

/ Sent in No. /-

E. & S.

Read Statement, dated
the 31st December 1856 submitted by the
Session Judge of Chingleput, of
Batta

constituting the crime of murder should have been charged in these cases.

38. 3 The Prisoners should have been separately charged for the acts done by them at different places and not in separate counts of the same indictments.-

4. The 2d Count charging the 3d prisoner with murder is defective in as much as it does not specify that his particular act caused the death of the person. If the death of the person was caused by a shot fired by one of the gang the Prisoners are all indictable for Murder.

5. The Agent will therefore amend this Count charging the 3d prisoner directly with the Murder unless the case has already been disposed of.-

6. The Agent is also directed to put the other prisoners on their trial for murder. The act of the 3 Prisoner was murder by all who were present being committed to effect the common object of the assembly who had combined for an unlawful purpose.-

Ordered that Extract from these Proceedings be sent to the Acting Agent to the Governor at Ganjam, by express per Peon returnable within III days from and after its receipt.-

/ Sentence pro

E. & S.

No.

Wednesday 21st January, 1857.

At a Court of the Foujdaree Adalut

Present.

G. S. Cooper, Esquire
F. Anderson, Esquire Actg.
T. W. Goodwyn, Esquire Actg.
} Puisne Judges.

The record of trial in referred Case No. 83 of 1856 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 delay.-

/ Sent in No. 1 -

E. & S.

Read Statement, dated the 31st December 1856 submitted by the Sessions Judge of Chingleput, of Batta

21st January, 1857.

Batta paid to Prosecutors and Witnesses attending before the Sessions Court for the 2d Half ending 31st December 1856.—

/Here enter F. No. 101 of 1857/—

Read return dated the 13th Instant from the Acting Sessions Judge of Guntoor to the precept of the Foujdaree Adalut under date the 8th idem, desiring to be informed whether there is any thing in the character of the Prisoners or of the offence charged that calls for the full measure of punishment in Case No. 29 of 1856.—

/Here enter F. No. 102 of 1857/—

Read Calendar of Case No. 1 of 1857 submitted by the Sessions Judge of Nellore under date the 15th January 1857.—

/Here enter F. No. 104 of 1857/—

Read return dated the 14th January 1857 from the Sessions Judge of Cuddapah to the Precept

21st January, 1857.

Precept of the Foujdaree Adalut under date the 27th December 1856, directing that the fine imposed (Rupees 25) in No. 16 on the Register of the Joint Magistrate for 1856 be reduced to Rupees 10.—

/Here enter F. No. 110 of 1857/—

Read Calendar of Case No. 1 of 1857 submitted by the Acting Sessions Judge of Madura under date the 15th January 1857.—

/Here enter F. No. 116 of 1857/—

Read return dated the 14th January 1857 from the Acting Sessions Judge of Tinnevelly to the precept of the Foujdaree Adalut under date the 7th January 1857 acquitting the 1st Prisoner in Session Case No. 28 of 1856 and holding him to security for good behaviour for 3 years.—

/Here enter F. No. 117 of 1857/—

Read Calendar of Case No. 10 of 1856 submitted by the Acting

F.No.

Friday 23d January, 1857. Held a Court of the Foujdaree Adalut

Present

G.S. Hooper, Esquire
F. Anderson, Esquire Actg. } Puisne Judges
J.W. Goodwyn, Esquire Actg.

Read Criminal Report B submitted by the Acting Sessions Judge of Calicut for November 1856.

/Here Enter F.No. 2491 of 1856/-

Read also Report A submitted by the same Officer of Case No. 165 disposed of by the Acting Subordinate Judge for November last.

/Here Enter F.No. 2530 of 1856/-

Magistrate's Report 1.
Case No. 24.

The Court of Foujdaree Adalut observe that the Prisoner in this Case should have been sentenced under Clause 1st Section IV Regulation III of 1822, and not under the Regulation quoted by the Joint Magistrate

Magistrate which has no reference to a demand of security - the sentence moreover is incomplete in as much as it fails to specify that the Prisoner should be detained in Custody in default of furnishing security.

By Principal Sudr Amen. Nos 31 and 32.

2. If the Default did not require a more severe punishment than a fine of 20 Rupees, or one month's Imprisonment the addition of irons was manifestly improper.

3. The insertion of the memorandum that "The Prisoners were never convicted of any offence before" was unnecessary.

No. 333.

4. The Memorandum appended to the sentence in this case was unnecessary.

By Subordinate Judge. No. 92.

5. The measurements of wounds should be inserted in English measures, not "Vinnels" and "paddy seeds"; this was noticed in a former Report.

By Moosfy Sudr Amen. No. 175.

6. This charge as entered, appears to be of too severe a nature to

to have been referred to the Moosfy.

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

Sent in No. 1.

Read again Criminal Report for the month of October 1856, submitted by the Sessions Judge of Chicacole.

Here Enter F. No. No. 2224 of 1856.

Read also return and Supplemental return dated 29th December 1856, and 10th January 1857, from the Sessions Judge of Chicacole to the precept of the Foujdaree Adalut under date the 9th December 1856, calling for explanations of the delay in the disposal of certain cases in the Criminal Reports for October last.

Here Enter F. No. Nos 26 and 103 of 1857.

The Court of Foujdaree Adalut observe that the Moofly Sudder

23d January, 1857.

Sudder Ameen's explanation for the delay in Cases Nos. 46 and 47 is unsatisfactory, and they direct that that Officer be instructed to endeavour to avoid similar delays in future.—

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

Sent in No. /—

Read Criminal Report B for the month of December 1856, of Zillah Nellore.—

No. 195. Were entered F.N.C. No. 90 of 1857.—

1. The Court of Foujdaree Udalut, observe that the heading of this case has been changed, but that in other respects the charge remains the same as before.—

No. 210. 2. The Criminal Reports should be examined and the English corrected by the Session Judge. Such phrases as "with a bad intention" should not appear in a criminal charge.—

The

F.N.C.

23d January, 1857.

3. The Report A should

No. 214. have been transmitted on the 25th at the latest.—

No. 215. 4. As the prisoner was convicted and sentenced in the following case, it should have been stated that the prisoner was "acquitted".—

No. 219. 5. The charge is badly worded.— The act alleged was no offence if not followed by the presentation of a false complaint to the criminal authorities, accusing the said Cakumani Venkanna of having maliciously set fire to the house in question. If a man burn his own house, however, with the malicious intention of destroying that of a neighbour by that means, the act is punishable as a criminal offence.—

No. 221. 6. The charge should have been framed in accordance with Section I, Act XIII of 1850.—

No. 223. 7. The defendant should not

not have been required to make an
answer to this charge, the act not being
declared punishable by any legislative
enactment.—

8. The Court desire to know
what the Sessions Judge has done
with respect to the delay pointed
out by the Principal Sudder Ameen
as not having been properly accounted
for in many cases.—

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

Sent following Precept No. 1—

Read Criminal Report
for the month of December 1856, Zillah
Chingleput.—

Where Entered F. No. — No. 105 of 1857.—

No. 119.— Prin: 1.
cipal Sudr Amee.

The circumstances alleged
in the charge are not such as would
justify the inference that the prisoners
intended to defraud the customs.—

The

No. 120.— 2. The Case should have
been headed "Embezzlement" and the
charge should have been framed in
accordance with Section I, Act XXIII
of 1850.—

No. 121.— 3. There has been much
unnecessary repetition in the sentences
affecting this prisoner. An entry
might have been made in this Case
to the following effect.— "The prisoner
is convicted and for this offence
as well as those of which he has
been convicted in Nos. 122, 123, 124, &
125 is sentenced to 2 years' imprison-
ment Vide Vide". In the "punished"
Column in the other Cases it
would have been sufficient to have
entered these words: "Convicted.—
For sentence, see No. 121.—"

No. 127.— 4. The prisoners should have
been committed for Murder, and
been left to show on their trial that
their offence did not amount to
wilful murder.—

The

23rd January, 1857.

No. 136. 5. The remedy for the act complained of was by civil action, to which, therefore, the prosecutor should have been referred.—

No. 137 6. If it could be shown that the prisoner fraudulently disposed of the articles for his own benefit he might have been indicted under Section VIII, Act No. XIII of 1850.—

No. 140. 7. The charge should have been headed "Breach of Revenue Laws."

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

Sent in No. 1/—

Read letter, dated the 5th instant, from the Sessions Judge of Chicacole, submitting for the final judgment of the Foujdaree Adalut the Record of trial in Case No. 7 of 1856 on the Calendar of the Sessions Court.—

Were Entered F.A.C. No. 113 of 1857/—

The

F.A.C.

23rd January, 1857.

Mr. J. Anderson and Mr. J. W. Goodwyn.

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

1st Dundasy Podasaradhygaudoo

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

The Court of Foujdaree Adalut observe that the deposition of the 1st and 2d Prisoners have been recorded at great length, though neither of these Prisoners admitted any criminating facts, and they direct that the Head of Police be directed to pay strict attention to the various Circular Orders on the subject, and cautioned against so

endeavouring

21

endeavouring by a process of questions to obtain from Prisoners admission of guilt.—

2. They also observe that the Sessions Judge has omitted to enter in the above record, a copy of the warrant for the release of the 2d Prisoner, and they direct that his attention be called to the Circular Order of the 21st July 1823.—

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

/Sent in No. /—

Read letter dated 16th instant from the Sessions Judge of Bellary submitting for the final judgment of the Fouzdaree Adalut, the Record of Case No. 110 of 1856 of the Calendar of the Sessions Court.—

/Have Enter'd No. 126 of 1857/—

Mr. J. W. Goodwyn.

The Court of Fouzdaree Adalut, on a deliberate consideration

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

1st Timmah

is sufficient to convict him of the crime charged, do convict him thereof and sentence him to be transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor for and during the period of his natural life.—

1. The Sessions Judge will call the Magistrate's attention to the Tahsildar's neglect to attend to the provisions of Circular Order No. 211; the Tahsildar persists in entering the question "What language do you speak" instead of inserting this information in the heading. The 2d to 5th Prisoners admitted no criminating facts;

hence

23rd January 1857.

hence no further deposition should have been taken from each of them than "I am not guilty".

2.

The Subordinate Judge has omitted to have the 1st. Prisoners Police deposition read over to him and to ask if he gave the same.

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

Ed. Hill.

Sentence No 5

Complete

F.H.

Hla Court of the Foujdaree Udalut.

Saturday.

25th January 1857.

Present

G. J. Hooper, Esquire. —— Puisne Judge

F Anderson, Esquire. —— Acting Puisne Judge

J. W. Goodwyn, Esquire. —— Acting Puisne Judge

Read Criminal Report B for the months of December 1856, Zillah Chittoor.

(Hereunto F.H. No 69 of 1857)

Case Nos 152, 168, 170, 171, 172,

The Court of Foujdaree Udalut notice that the instructions conveyed in the 5th para of their Proceedings dated the 24th December last have not been attended to and that in the cases noted in the margin a Regulation has been quoted although the decision was only one of release. Should this occur in future reports they will be returned for correction.

Case No 171.

2 Under the Circular instructions of the Foujdaree Udalut dated 2nd May 1832, merely an abstract of the indictment should have been given, charging the Defendant with

"Perjury".

In having on solemn affirmation made before the

District Moonsiff of Vellore, wilfully, deliberately and corruptly gives two contrary depositions on a matter of fact material to the issue of a certain judicial proceeding."

Case No. 173. 3

"The Prisoner's previous conviction, if under Section VII, Regulation 10 of 1816, should have been entered as a third count. If it was under Section XXXIII Regulation IX of 1816, the present sentence should have been passed under Regulation X of 1816.

Case No. 178. 4

"The acts alledged against the prisoners did not amount to an "attempt" to commit the offence. The indictment should have been "going forth (or assembling) in a gang for the purpose of committing Robbery" which is punishable under Class fourth Section IV Regulation XV of 1803.

Case No. 179. 5

"The sentence was inadequate. The prisoner should have been committed.

Case No. 181. 6

It should have been stated in the sentence that the punishment was for the Offence and that of which the same prisoner was convicted in case No. 183; and further that the sentence was to take effect at the expiration of

of the period of imprisonment awarded in No. 182.

That the punishment was inadequate.

Case No. 11 of the Joint Magistrate } 7.

Case No. 12. 8 If the prisoner was found in possession, a second count should have been added to that effect.

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

(Sent in No.)

Read again Calendar of Case No. 50 of 1856 of the Sessions Court of Nellore.

(Here enter No. 10 No. 2496 of 1856)

Read also return dated 10th Instant, from the Sessions Judge of Nellore to the Receipt of the Foujdary Adalut under date the 7th Idem, calling for explanation of — delay in the committal of Calendar No. 50 of 1856.

(Here enter No. 10 No. 77 of 1857)

The explanation of the delay furnished by the Principal Sudder Ameen is in the opinion of the Court of Foujdaree Adalut satisfactory, but they observe that the note respecting the delay should have been entered in the Calendar

Ordered

24th January 1857.

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

(Sent in P.)

Read Calendar of Case No 17 of 1856 of the Sessions Court of Combatore.—

(Here enter P. No. No 55 of 1857)

The Sessions Judge recommends that the period of imprisonment which the Prisoners in this case have been adjudged to suffer on their conviction of Gang Robbery by show violence may be reduced to 7 years.

*1 Coimatchy
2 Vellay

2

The Court of Foujdaree Adalut being of opinion that the mitigated sentence above proposed is inadequate for the punishment of the Prisoners, resolve to direct that they be sentenced to imprisonment with hard labour in Irons for the period of 10 years.

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

(Sent in P.)

Read Letter dated 27th December last, from the Acting Sessions Judge of Calicut, forwarding the Proceedings held before the Sessions Court

24th January 1857.

and other portions of the record in Case No 55 of 1856 in the Calendar for the consideration and orders of Government under the provisions of Act IV of 1849.

(Here enter P. No. No 12 of 1857)

The Court of Foujdaree Adalut observe that the surgeon as well as some of the Jail Establishment should have been examined as to the state of the Prisoner's mind before his defence was taken and verdict of acquittal pronounced.

2. As however the record shews that the Prisoner could not have been sane when he committed the offence laid to his charge, they have considered it unnecessary in the present case to call for further investigation, but resolve to point out his errors to the Acting Sessions Judge and to call his attention to the Extract from the Minutes of Consultation dated the 16th August copy of which was circulated by this Court on the 20th October 1849.

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

(Sent in P.)

Read

Read letter under date the 9th January 1857, from the officiating Agent to the Governor of Fort Saint George at Kurnool, submitting for the final Judgment of the Foujdary Adalut, a report of the trial of Criminal Case No 1 of 1857 on his file.

(Here enter F. Ac. No 97 of 1857)

The Court of Foujdarey Adalut concur in the conviction of the Prisoner,

Sheelum Byadoo

of Highway Robbery, but being of opinion that the sentence of 7 years' Imprisonment with hard labour in irons proposed by the Officiating Agent is inadequate punishment for the Prisoner, they direct that he be sentenced to imprisonment with hard labour in irons for the period of (10) Ten years.

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

(Sent in Ac)

Read letter dated 6th January 1857 from

from the Magistrate of Trichinopoly

(Here enter F. Ac. No 35 of 1857.)

With the above letter the Magistrate Head submits a communication from the Acting Assistant Magistrate reporting the proceedings in the case of murder lately committed at the Village of Shengendy together with the depositions connected therewith, and requesting the Court of Foujdaree Adalut will in consideration of the punishment already undergone by the Head of Police of Lalgoody by suspension from office permit him to resume his functions.—

2. On review of the proceedings which accompanied the above letter the Court of Foujdaree Adalut are of opinion that the evidence which the Magistrate pronounces to be wholly unworthy of Credit and which the Head Assistant Magistrate who conducted the investigation himself only half believed is too suspicious and contradictory to justify the Court giving their sanction to the proposal of the Head Assistant Magistrate to offer a pardon to such of the Prisoners who would come forward as approvers and they accordingly direct that the Prisoners be set at liberty

Thongo

3

Though the Court of Foujdary Adalut are willing to give Mr. Swinton credit for the Zeal and labour bestowed by him in the conduct of the case, they are constrained to remark that his letter to the Magistrate under date 2d January 1857, when directed to proceed to the scene of the Murder and hold an investigation, and his report on the result of this inquiry display a lamentable want of Judgment and ingenuity for his duty, but as Mr. Swinton has applied for leave to proceed to Europe on Medical Certificate they are willing to attribute to ill health what under other circumstances would have necessitated more serious notice.

4

The Court of Foujdary Adalut after a full consideration of all the circumstances of this case see no reason to alter the opinion already expressed by them, that the conduct of the Head of Police was discreditable and that it has in a great measure been owing to his negligence that the perpetrators of the murder have escaped.—

5.

In consideration however of the strong and favorable testimony borne by the Magistrate to the former good conduct of the Head of Police, and of the punishment and disgrace which he has already

undergone by suspension from office and loss of pay, the Judges authorize his reemployment by the Magistrate.—

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

(Sent in Mr.)

Read Criminal Report from the Sessions Judge of Trichinopoly, for the month of November 1856.

(Here enter F. C. 2454 of 1856)

No 96

The Prisoner in this case was charged with stealing a ram valued at 10 annas, and the Court direct that the Magistrate be required to instruct the Police as to the impropriety of committing to the Criminal Court cases of so trifling a nature.

No 97 and 98.

2.

As no one was accused by the Prisoners the Tahsildar should not have sent up these cases.

No 100.

3.

As the value of the property reaped by the Prisoners is only 11 Rupees and the Prisoners were sentenced only to 3 months' imprisonment, Section VII Regulation X of 1816 and not Clause fourth section III Regulation VI of 1822 ought to have been quoted

quoted in support of the sentence.

A. 101. 4. If the cattle eat only of the poisonous grass the sentence is correct, if otherwise it is erroneous as attempting to poison cattle is not punishable under Section VIII Regulation XIII of 1832, but under Section XII Regulation X of 1816 and the Court accordingly direct that the sentence be reduced to 6 months' imprisonment with hard labour in irons.

A. 102 5. If the assault and wounding were slight, irons should not have been inflicted

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

(Sent in A.)

Read letter under date the 12th December 1856, from the Session Judge of Coimbatore, submitting at the request of the Magistrate of Coimbatore copy of a letter addressed in reference to a remark of the Session Judge on review of the Petty Calendars for 3d quarter 1856 that the mere fact of a person having in his possession false scales constitutes no offence, that it is the using of the same that is a punishable act.—

(Here enter Fr. No. A. 2456 of 1856)

The Court of Foujdaree Adalut observe that the possession of false weights and measures by a shop Keeper at his place of trade having been declared by the accompanying fatwa of their Law Officer to be punishable under the Mahomedan Law is one of those petty offences which fall under Section XXXII Regulation IX of 1816, unless the accused can prove that his possession of the same was under some peculiar circumstances, an innocent possession.

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

(Sent in A.)

Read Calendar of Cases A. 79, 80, 81, 82, and 83 of 1856 of the Session Court of Madura.

(Here enter Fr. No. A. 80 of 1857)

The Court of Foujdaree Adalut desire to be informed on what evidence the 2d and 3d Prisoners in Case A. 80 and the 3d Prisoner in Case A. 83, were convicted as there appears nothing in the Calendar against these Prisoners but the examination of the other Prisoners which is not legal evidence against them.

Ordered

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

(Sent following Receipt A)

Read Report B dated 17th January 1857 submitted by the Acting Sessions Judge of Mangalore of Case No 27 of 1856 disposed of by the Acting Head Assistant Magistrate of Canara.

(Here enter F. No. 131 of 1857)

Read Calendar of Cases No 1 of 1857, submitted by the Sessions Judge of Combaconum, under date the 17th January 1857.

(Here enter F. No. 133 of 1857.)

Read statement of Batta paid to Prosecutors and Witnesses from 1st July to 31st December 1856 submitted by the Sessions Judge of Tinnevelly under date the 1st January 1857.

(Here Enter F. No. 134 of 1857)

Read Criminal Report A dated 17th January 1857, submitted by the Acting Sessions Judge of Guntoor, for the months of January 1857.

(Here enter F. No. No. 140 of 1857.)

Read Statement of batta paid to

to the Prosecutors and Witnesses attending before the Sessions Court of Nellore from 1st July to 31st December 1856, submitted by the Sessions Judge of Nellore under date the 1st January 1857.

(Here enter F. No. No. 142 of 1857)

Read Criminal Report dated 31st December 1856, submitted by the Sessions Judge of Chicacole, for the months of December 1856.

(Here enter F. No. No. 147 of 1857.)

Read Criminal Report dated 17th January 1857, submitted by the Acting Subordinate Judge of Madura, for the months of December 1856.

(Here enter F. No. No. 148 of 1857.)

Read statement of Battah paid to the Prosecutors and Witnesses attending before the Sessions Judge of Combaconum from 1st July to 31st December 1856.

(Here enter F. No. No. 149 of 1857)

E & M.

24th January 1857.

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

(Sent following Receipt A)

Read Report B. dated 14th January submitted by the Acting Sessions Judge of Manguloor of Case No 27 of 1856 disposed of by the Acting Head Assistant Magistrate of Canara.

(Dore under F. No. No 131 of 1857)

Read Calendar of Cases No 1 of 1857 submitted by the Sessions Judge of Combaconum under date the 17th January 1857.

(Dore enter F. No. No 133 of 1857.)

Read statement of Batta paid to Prosecutors and Witnesses from 1st July to 31st December 1856 submitted by the Sessions Judge of Tinnevelly under date the 1st January 1857.

(Dore Enter F. No. No 134 of 1857)

Read Criminal Report A dated 17th January 1857, submitted by the Acting Sessions Judge of Guntoor for the months of January 1857.

(Dore enter F. No. No 140 of 1857.)

Read Statement of batta paid to

24th January 1857

to the Prosecutors and Witnesses attending before the Sessions Court of Salem from 1st July to 31st December 1856, submitted by the Sessions Judge of Salem under date the 1st January 1857.

(Dore enter F. No. No 142 of 1857)

Read Criminal Report dated 31st December 1856, submitted by the Sessions Judge of Chicacole, for the months of December 1856.

(Dore enter F. No. No 147 of 1857.)

Read Criminal Report dated 17th January 1857, submitted by the Acting Subordinate Judge of Madura, for the months of December 1856.

(Dore enter F. No. No 148 of 1857.)

Read statement of Battah paid to the Prosecutors and Witnesses attending before the Sessions Judge of Combaconum from 1st July to 31st December 1856.

(Dore enter F. No. No 149 of 1857)

E. B. M.

Monday
26th January 1857.

F. M.

At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esquire Puisne Judge
F. Anderson Esquire
T. W. Goodwyn Esquire } Ad. — Ditto —

Read Miscellaneous Petition presented on the 20th December 1856 thro' the Acting Session Judge of Calicut by Madavan paad Narrania Nambiar of that Zillah.

/Here enter F. M. R. No. 245 of 1856/

Petitioner 1st Prisoner in Case

Mr. T. W. Goodwyn 1.

No. 51 of 1856 on the file of the Session Court of Calicut, appeals against the sentence of 5 years Imprisonment with hard labor in irons passed upon him in that case, on his conviction of Forgery - stating that the charge had been got up against him in consequence of the Prosecutor son in law Kalishary — Parmaishwara Namboodry the Adighary of the Goorooveyhoor Unnahom, having heard that the Petitioner intended to cause to be — brought to the notice of the Court, that he the said Adighary had falsely — certified

certified in a Vakeels Vunnak for the enforcement of a decree that the decree holders had affixed their signatures thereto.

2. Before disposing of this Petition the Court of Fouzdaree Udalut resolve to forward copy of Para 5 thereof to the Acting Session Judge, who is requested to state whether the said Rebecca Menon was cited as a witness by the Prisoner, and if so, to explain why he was not examined.

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

(Sent following precept No)

Read Calendar of Case No 3 of 1857 submitted by the Session Judge of Tinnevelly.

(Here enter F. U. No 120 of 1857)

The Court of Fouzdaree Udalut observe that the Principal Sudder Ameen should have entered in the Calendar a note explaining the delay in committing this case from 20th September to 7th January, and they direct that that Officer be instructed to pay stricter attention in future to the Circular Order No 213, and to submit the record to the Session Judge directly

Magistrates Report Case No 63

directly cases are committed.

Ordered that Extract from these Proceedings be sent to the Session Judge of Tinnevelly for communication to the Principal Sudder Ameen.

(Sent in No)

Read Criminal Report B for the month of November 1856 (Village Cuddalore.

(Here enter F. U. No 2526 of 1856)

A sentence of one month imprisonment is meet inadequate for the offence of snatching a neck jewel worth 5 Rupees.

The words "intended to Magistrate by Section LIV Act VII of 1843 should have been omitted.

Principal Sudr Ameens Report No 109.

The 1st to 4th Prisoners ought to have been charged with the murder, the 5th in Count against the 2d to 4th Prisoners for aiding & abetting being omitted.

No 110

"The charge on which prisoner was detained in the custody of the 1st Witness Village" watcher not being of the petty nature attended to in the Circular Order of the Foujdaree Udalut No 213 dated the 11th November 1854".

The charge stated that the Prisoners escaped whilst under custody for "Housebreaking and theft" the words noted in the margin were therefore manifestly unnecessary.

No 112

The words merely as a means to deter others from making a similar attempt were manifestly unnecessary.

Committed

5. "Committed under clause 3d Section IX Regulation X of 1816" is quite sufficient, it is unnecessary to enter- "The Prisoner is committed to stand his trial before the Sessions Court of Cuddalore &c. &c. &c."-

Case Nos 112 and 113. 6. The citation of a Regulation is unnecessary as authority for release of Prisoners.-

Case No. 115. 7. The Court of Tonjdaree Adalut infer that clause 4 has been inadvertently quoted as instead of Clause 6 Section II Regulation VII of 1822.

Case No. 121. 8. The Prisoner should have been indicted for Murder, and it would then be for the Session Judge to decide whether any circumstances in connection with the commission of the crime exist to deprive it of the guilt of Murder.-

" No. 124. 9. "And Maliciously" should have been entered in the charge; the words noted in the margin were unnecessary.-

"and then partially concealing the dead body of the said Adoliar, in the new dug turned mould of the field of one Chinna Alimoottoo, in the Village of Parumgiyoor in the Cavanatoor Talook".

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

(Sent in No.)

Read Calendar of Case No. 2 of 1857 of the Session Court of Chittoor.-

(Here Enter F. R. No. 108 of 1857)

The

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 House breaking and theft may be reduced to 4 years.-

× Goojeegandoo

2. The Court of Tonjdaree Adalut being of opinion that a less severe punishment than that proposed will meet the ends of justice in this case, resolve to direct that the Prisoner be sentenced to Imprisonment with hard labor in irons for 2 years.-

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

(Sent in No.)

Read letter under date the 9th January 1857 from the Agent to the Governor of Fort Saint George in Vizagapatam submitting for the final Judgment of the Tonjdaree Adalut a report of the trial of Criminal case No. 23 of 1856 on his file.-

(Here Enter F. R. No. 111 of 1857.)

The Court of Tonjdaree Adalut,

1. concurring in the conviction of the Prisoners

1st A. Docaradoo and
2d A. Somadoo
of Burglary and
3d Veeranah

of

of receiving a portion of the stolen property with a guilty Knowledge, resolve to confirm the sentence proposed to be passed upon them by the Agent, Viz. Imprisonment with hard labor in irons in the case of the 1st and 2d Prisoners for three years, and in that of 3d Prisoner for twelve months.-

2. The Court also approve of the acquittal of the 4th and 5th Prisoners.-

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

(Sent in No)

Read Criminal Reports of the Session Court of Chicacole for the month of November 1856.-

(Here enter F.R. No. 2519 of 1856)

Chicacole Case No. 48. 1. The delay in the disposal of this case is not accounted for and the Court of Foujdaree Udalut direct that the attention of the Moofsly Sudder Ameen be called to their Circular Order No. 213.-

" 51. 2. The wilful and Malicious intent should have been charged, and the 2d Prisoner should have been indicted as a principal.-

The

3. The insertion of the 3d Count was unnecessary in this case with reference to the Circular Order of the 28th February 1851.-

No. 51 & 52 4. It is not necessary to specify the grounds of committal the entry need only be committed under Clause 3. Section IX. Regulation X of 1816.-

" 55 5. The manner in which the entry is described is not clear it appears to be doubtful whether the Offence is housebreaking or theft.-

" 56 6. The 3d Prisoner should have been charged with having in her possession, and instead of "having dressed herself in a cloth &c."

Vizagapatam Case 29. 7. In this case also the delay in its disposal has not been accounted for.-

8. It is unnecessary to quote Section I. XVI Act VI of 1844 in addition to Clause 3 Section IX Regulation X of 1816.-

No. 30 9. The Court of Foujdaree Udalut have ruled that in all cases of Culpable Homicide, the Prisoner should be indicted for Murder; it being left to the convicting Officer to decide whether the crime amounted to Murder or Culpable Homicide.

No. 31 10. The Value of the paddy stolen should have been stated in the charge.-

The

No. 36 11. The heading in this case should have been Forgery, the forging and uttering an acquittance or receipt either for money or goods or any accountable receipt either for money or goods with intent to defraud any person having been declared to be a forgery.-

" 39 12. Adverting to the injury inflicted on the Prosecutor, the Court of Tinjdaree Udalut observe that a portion of a fine might have been awarded to that individual, under Section XXXIV Regulation X of 1816.-

" 40 13. As the Prisoners are stated to have unlocked the door of the Prosecutor's house, the heading should have been House-breaking, and the sentence should have been passed under Clause 6 Section II Regulation VII of 1822.-

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

(Sent in No.)

Read Miscellaneous Petition presented on the 8th December by Mr. J. H. P. Wilson pleader on behalf of Saravadeen Maratha Zillah Tinnevelly.-

(Fine Enter F. U. No. 235 of 1856)

Read

Read again Miscellaneous Petition presented by the same pleader on 30th October 1856 on behalf of the same individual.-

(Fine Enter F. U. No. 208 of 1856).

Mr. G. S. Hooper 1. Petitioner appeals from an order of the Head Assistant Magistrate under date the 27th March 1856, directing certain obstructions in a road which had been then placed by Petitioner and others, to be removed and the cost of such removal to be borne by them.-

2. The Court of Tinjdaree Udalut seeing no reason to interfere with the orders passed in this case, resolve to reject this petition.

Ordered that Extract from these Proceeding be granted to the Petitioner's Pleader on his application.

Read Criminal Report B for the month of December 1856, Zillah Cuddapah.

(Fine Enter F. U. No. 129 of 1857)

No. 235 House-breaking and Theft of Salt or Chillies valued at 5 Pice.- 1 The Court of Tinjdaree Udalut desire to know why this case was not disposed of by the Subordinate Judge.

No. 236 Attempt at Suicide 2 The case should have been disposed of by the Subordinate Judge.-

The

No. 240. 3. The Prisoner should have been indicted of — murder.-

" 243 4 The prisoners should have been committed for Murder.

" 248 5 The heading should have been — Snatching if no force or intimidation were used.-

" 250. 6 The heading should have been murder and robbery.

7. The Court request to be informed whether any notice has been taken by the Magistrate of the delay pointed out by the Session Judge in connection with some of the cases entered in this report.

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

/ Sent following precept No. /

Read Miscellaneous Petition presented on the 15th December 1856 by Syavarapa Zillah Cuddapah.

/ Have enter F.R. No. 241 of 1856 /

Mr. G. S. Hooper 1. Petitioner being dissatisfied with the result of a certain trial before the Session Judge of Cuddapah on which the prisoners charged with the murder of his (Petitioner) brother

brother were acquitted, prays the Court will direct a new trial to be held by another Judge.-

2. The Court of Foujdaree Udalut reject this petition seeing no reason to interfere in the matter.-

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

Read Return dated the 16th Instant from the Session Judge of Bellary to the precept of the Foujdaree Udalut under date the 3d idem held on the Criminal Report B for the month of October 1856.-

/ Have enter F.R. No. 132 of 1857 /

The Court of Foujdaree Udalut concur with the Session Judge that the Magistrate has taken a too favourable view of the conduct of the Police Authorities, and consider that the Head of Police has shewn great ignorance of his duties and great negligence, with reference to cases Nos. 282 and 273, and that he should be cautioned against similar misconduct.-

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

Judge of Bellary for his information.-

(Sent in No.)

Read again Calendar of Case No. 31 of 1856 on the file of the Session Court of Cuddalore.

(Here enter F.R. No. 2527 of 1856)

Read also return dated 15th instant from the Session Judge of Cuddalore, to the precept of the Foujdaree Udalut under date the 7th idem, calling for certain information connected with the above case.-

(Here enter F.R. No. 89 of 1857)

In the above return the Session Judge reports that as the deed was committed at a place remote from any Medical Station it was not possible to have the Skull examined by a Surgeon, and that therefore no medical evidence could have been taken as to the probable cause of the deceased's death.-

2. The Court of Foujdaree Udalut are of opinion that as there was very great doubt as to the cause of the deceased's death the opinion of the Surgeon should have been received in evidence, after his hearing the Witnesses' description of the injury inflicted and the other circumstances of the case. Likewise that the Skull of the deceased should have been

seen sent for, if the Medical Officer considered it advisable that it should be examined.-

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

(Sent in No.)

Read Miscellaneous Petition presented on the 26th January 1857 by A. Mg. Ritchie Esqr. and Mr. J.H.P. Wilson, pleaders on behalf of Rednum Durmaryadoo, prisoner in Session No. 28 of 1856 on the Rajahmundry Calendar.

(Here enter F.M.P. No. 14 of 1857)

Mr. Lg. S. Hooper and " T.W. Goodwyn. Petitioner appeals from the sentence[x] of the Acting Session Judge (copy of which he produces thro' his pleader) and prays the Court will direct the suspension of the above sentence, and direct that he (Prisoner) may be detained in the custody of the Nazir.-

[x] 7 years imprisonment with hard labor in irons and to receive 39 stripes.-

2. Before finally disposing of this petition, the Court of Foujdaree Udalut direct the Acting Session Judge will suspend the execution of his sentence in Calendar Case No. 28 of 1856, detaining the prisoner in the Jail without irons.-

3. The Acting Sessions Judge is requested to forward with the least practicable delay a translation of the whole record in this

Judge of Bellary for his information.

(Sent in No.)

Read again Calendar of Case No. 4 of 1856 on the file of the Session Court of Cuddalore

(Here enter F.M. No. 2527 of 1856)

Read also return dated 13th instant from the Session Judge of Cuddalore, to the precept of the Foujdaree Udalut under date the 7th idem, calling for certain information connected with the above case.-

(Here enter F.M. No. 89 of 1857)

1. In the above return the Session Judge reports that as the deed was committed at a place remote from any Medical station it was not possible to have the skull examined by a Surgeon, and that therefore no medical evidence could have been taken as to the probable cause of the deceased's death.-

2. The Court of Foujdaree Udalut are of opinion that as there was very great doubt as to the cause of the deceased's death, the opinion of the Surgeon should have been received in evidence, after his hearing the Witnesses' description of the injury inflicted and the other circumstances of the case. It is ordered that the skull of the deceased should have been

seen sent for, if the Medical Officer considered it advisable that it should be examined.-

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

(Sent in No.)

Read Miscellaneous Petition presented on the 26th January 1857 by A. Mc. Ritchie Esqr. and Mr. J. H. P. Wilson, pleaders on behalf of Rednum Durmaroyadoo, prisoner in Session No. 28 of 1856 on the Rajahmundry Calendar.-

(Here enter F.M.P. No. 14 of 1857)

Mr. G. S. Hooper and T. W. Goodwyn. 1. Petitioner appeals from the sentence* of the Acting Session Judge (copy of which he produces) thro' his pleader and prays the Court will direct the suspension of the above sentence, and direct that he (Prisoner) may be detained in the custody of the Nazir.-

* 7 years imprisonment with hard labor in irons and to receive 39 stripes.-

2. Before finally disposing of this petition, the Court of Foujdaree Udalut direct the Acting Session Judge will suspend the execution of his sentence in Calendar Case No. 28 of 1856, detaining the prisoner in the Jail without irons.-

3. The Acting Sessions Judge is requested to forward with the least practicable delay a Translation of the whole record in this

this case.

Ordered that Extract from these Proceedings be sent to the Session Judge of Rajahmundry by precept returnable within one day from and after its receipt.

(Sent following precept No.)

Read record of Case No. 60 of 1856 on the Calendas of the Session Court of Calicut

(Now Index F. R. No. 167 of 1857)

Mr. J. W. Goodwyn

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

Porratanatoo Chandoo Nair.

is sufficient to convict him of the crime of wounding with intent to kill, for which according to Futwahs of their Law Officers, discretionary punishment is awardable under the Mohammedan Law, do convict him thereof; and in conformity with the provisions of Clause third, Section VII Regulation XV of 1803, and Section XXXIV Act VII of 1843, sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of (10) Ten years.-

The

The Prisoner in the above case was charged with "wounding with intent to murder." The Mahomedan Law Officer acquitted the prisoner, but the Session Judge not concurring in this Verdict, has forwarded the trial for the final judgment of the Court of Foujdaree Udalut, with a recommendation that the prisoner be sentenced to 10 years imprisonment with hard labor in irons.-

2. On a consideration of the record of the trial in this case, the Court of Foujdaree Udalut concur with the Acting Sessions Judge, and being of opinion that the prisoners guilt is clearly established, they accordingly sentence him to imprisonment as proposed by the Acting Sessions Judge.

3. It is with much regret that the Court of Foujdaree Udalut have again* to remark on the want of care displayed by the Acting Sessions Judge in the conduct of trials. The prisoner pleaded not guilty before the Police, and — Subordinate Court and stated that the 1st Witness who had a sickle in his hand jumped down from an areca tree upon some Sapan trees and a fence below and might have thereby received his wounds.-

*Vide Extract from Proceedings of the Court of Foujdaree Udalut under dates 29th November and 26th December 1856 to Calicut.-

It

this case.

Ordered that Extract Pro
Proceedings be sent to the Session Jud
Rajahmundry by precept returnable wi
one day from and after its receipt.

/ Sent following precept No. /

Read record of Case No. 6
on the Calendar of the Session Court of

/ Hon'ble Inter. F. C. No. 167 of 1856 /

Mr. F. W. Goodwyn

The Court of Foujdaree A
on a deliberate consideration of all the c
tances of the case in evidence before th
being of opinion that the proof against
prisoner,-

Perratanato Chandoo Nair.

is sufficient to convict him of the crim
wounding with intent to kill; for whic
ing to Futwahs of their Law Officers, a
any punishment is awardable under th
medan Law, do convict him thereof; and
conformity with the provisions of Clause
Section VIII Regulation XV of 1803, and Se
XXXIV Act VII of 1843, sentence him to be
and kept to hard labor in irons on the p
roads or other public works, for and dur
the period of (10) Ten years.-

The

26th January 1857.

The Prisoner in the above case
was charged with "wounding with intent
to murder." The Mahomedan Law Officer
acquitted the prisoner, but the Sessions Judge
not concurring in this Verdict, has forwarded
the trial for the final judgment of the Court
of Foujdaree Adalut, with a recommendation
that the prisoner be sentenced to 10 years
imprisonment with hard labor in irons.-

2. On a consideration of the record
of the trial in this case, the Court of Fa
Foujdaree Adalut concur with the Acting
Sessions Judge, and being of opinion that
the prisoner's guilt is clearly established,
they accordingly sentence him to imprison-
ment as proposed by the Acting Sessions Judge.

3. It is with much regret that
the Court of Foujdaree Adalut have again
to remark on the want of care displayed
by the Acting Sessions Judge in the conduct
of trials. The prisoner pleaded not guilty
before the Police, and — Subordinate Court
and stated that the 1st Witness who had a
sickle in his hand jumped down from an
areca tree upon some Sapan trees and a fence
below and might have thereby received his
wounds.-

* Vide Extract from Proceedings of the Court of Foujdaree Adalut under dates 29th November and 26th December 1856 to Calicut.-

It

26th January 1857

that accd.

Ordered that Extract from
Proceedings be sent to the Session Judge
Rajahmundry by precept returnable with
one day from and after its receipt.

(Sent following precept No.)

Read record of Case No. 60 of
on the Calendar of the Session Court of
(Vide Intr. F.C. No. 107 of 1857)

M. J.W. Goodwyn

The Court of Foujdaree Ud
on a deliberate consideration of all the cir
tances of the case in evidence before them
being of opinion that the proof against th
prisoner,

Porratanatoo Chandoo Nair.

is sufficient to convict him of the crime
wounding with intent to kill, for which
=ing to Futwahs of their Law Officers, dire
=ary punishment is awardable under the
=medan Law, do convict him thereof; and
conformity with the provisions of Clause
Section XII Regulation XX of 1803, and Sec
XXXIV Act VII of 1843, sentence him to be imp
and kept to hard labor in irons on the pu
roads or other public works, for and dur
the period of (10) Ten years.

The

26th January 1857.

The Prisoner in the above case
was charged with wounding with intent
to murder. The Mahomedan Law Officer
acquitted the prisoner, but the Sessions Judge
not concurring in this Verdict, has forwarded
the trial for the final judgment of the Court
of Foujdaree Udalut, with a recommendation
that the prisoner be sentenced to 10 years
imprisonment with hard labor in irons.-

2. On a consideration of the record
of the trial in this case, the Court of
Foujdaree Udalut concur with the Acting
Sessions Judge, and being of opinion that
the prisoners guilt is clearly established,
they accordingly sentence him to imprison=
=ment as proposed by the Acting Sessions Judge.

3. It is with much regret that
the Court of Foujdaree Udalut have again
to remark on the want of care displayed
by the Acting Sessions Judge in the conduct
of trials. The prisoner pleaded not guilty
befor the Police, and — Subordinate Court
and stated that the 1st Witness who had a
sickle in his hand jumped down from an
areca tree upon some Sapan trees and a fence
below and might have thereby received his
wounds.-

x Vide Extract from Proceedings of the Court of Foujdaree Udalut under dates 29th November and 26th December 1856 to Calicut.-

It

4.

It was manifestly requisit
that the prisoners deposition before the Sub
-ordinate Court should have been put in an
proved, and it was also clear that the evi
of the Surgeon who attended the 1st Witne
in Hospital should have been taken to prove th
dangerous nature of the Witness wounds and th
they could not have been received in the man
alleged by the prisoner yet this importank fa
has not been received.-

5

As the 2d Witness was ten (10)
years old his ignorance of the nature of an
was no bar to the reception of his testimony
a simple affirmation (Vide Section XV Act
of 1855.)-

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

(Sent in No)

Read return dated 17th Janu
1857 from the Session Judge of Honor, to th
precept of the Foujdaree Udalut under d
the 8th January 1857, calling for explanat
as to the proof of the 1st Prisoner in Cal
No. 30 of 1856 having been aware that the co
uttered by him was counterfeit.-

(Here enter F.C. No. 170 of 1857)

Read

Read letter dated 19th January
1857 from the Acting Session Judge of Rajah-
-mundry forwarding Original Warrant, and Copy
of Subordinate Judge's letter reporting that
1st Prisoner in Case No. 27 of 1856 was executed

(Here enter F.C. No. 155 of 1857)

Read return dated 19th January
1857 from the Session Judge of Coimbatore to
the precept of the Foujdaree Udalut under
date the 12th January 1857 directing that the
Principal Sudr Ameen of Coimbatore be
called upon to report the cause of the delay
in committing case No. 46 of 1856 on the Calendar
of the Session Court which extended from
the 14th October to 27th November and that
he be instructed in future to enter the
explanation of delay in a note in the
Calendar as required by Circular Order
No. 213.-

(Here enter F.C. No. 156 of 1857)

Read Statement dated 1st
January 1857 submitted by the Session Judge
of Coimbatore of Batta paid to Prosecutors
and Witnesses attending befor his Court
during the 2d half of 1856.-

(Here enter F.C. No. 157 of 1857)

Read

26th January 1857

Read Calendar of Case No. 1 of 1857 submitted by the Acting Session Judge of Rajahmundry under date the 19th January 185

/Vide Enter F.C. No. 164 of 1857/

Read Statement dated 15th January 1857 submitted by the Session Judge of Honor of Batta paid to Prosecutors and Witnesses attending before his Court for the half year ending the 31st December 1856.

/Vide Enter F.C. No. 169 of 1857/

Rd 18/2.

F. C.

Tuesday 27th January 1857 } At a Court of the Foujdaree Adalut.

Present

G. L. Hooper Esquire ——— Puisne Judge

L. Anderson Esquire. Acting Puisne Judge

T. W. Goodwyn Esquire. Acting Puisne Judge

Read Calendar of Case No. 1 of 1857 Submitted by the Acting Session Judge of Tellicherry.

/Vide enter F.C. No. 87 of 1857/

The Court of Foujdaree Adalut observe that Clause 7th Section II Regulation VII of 1802 has been erroneously quoted for Section XXI Regulation VII of 1802, under which a sentence of 7 years imprisonment should have been passed on all the prisoners it being optional with the Acting Session Judge under Section IX Regulation I of 1825, to recommend a mitigation thereof in favor of the 2d and 3d prisoners. —

2. The Court will not however disturb the sentence passed by the Session Judge, and accordingly direct that the same be carried into execution.

Ordered that Extract from these proceedings be forwarded to the Acting Session

26th January 1857

Read Calendar of Cases
1857 submitted by the Acting Session
Rajahmundry under date the 19th Janu
/Hen Inter F.C. No. 164 of 1857/

Read Statement dated
January 1857 submitted by the Sessio
of Fines of Batta paid to Prosecutor
Witnesses attending before his Court fo
half year ending the 31st December
/Hen Inter F.C. No. 169 of 1857/

Ew
182.

F. C.

Tuesday } At a Court of the Foujdaree Adalut.
27th January 1857 }

Present

G. S. Hoosper Esquire ——— Prisne Judge
T. Anderson Esquire. Acting Prisne Judge
T. W. Goodwyn Esquire. Acting Prisne Judge

Read Calendar of Case No. 1
of 1857 Submitted by the Acting Sessions Judge
of Tellicherry.

/Here enter F.C. No. 87 of 1857/

The Court of Foujdaree Adalut
observe that Clause 7th Section II Regulation VII
of 1802 has been erroneously quoted for Section
XXI Regulation VII of 1802, under which a Sentence
of 7 years imprisonment should have been
passed on all the prisoners it being optional
with the Acting Sessions Judge under Section
IV Regulation I of 1825, to recommend a mitigation
thereof in favor of the 2d and 3d prisoners. —

2. The Court will not however
disturb the Sentence passed by the Sessions Judge,
and accordingly direct that the same be
carried into execution.

Ordered that Extract from
these proceedings be forwarded to the Acting
Session

Sessions Judge of Tellicherry for his information
(Sent in ditto

Read Calendar of Case No 116
Submitted by the Sessions Judge of Bellary.
(Here enter F. R. No 67 of 1857)

The Court of Zoujdaree Adalut desire to be informed whether satisfactory evidence has been given that the Memorandum of letters taken by the prisoner from the box at the Post Assistants Office, was prepared with such care as precludes the possibility of any mistake and that the Prisoner must have received the said letter and delivered a lesser number.

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

(Sent following precept No

Read again Calendar of Case No 111 of 1856 of the Sessions Court of Bellary.
(Here enter F. R. No 2538 of 1856)

Read also Return dated 16th January 1857 from the Sessions Judge of Bellary to the precept of the Zoujdaree Adalut under date the 8th Idem, calling for information as to

to the nature of the wounds and injuries received by the prosecutor in Case No 111 of 1856.
(Here enter F. R. No 118 of 1857)

1. Taking all the circumstances of this case into consideration, the Court of Zoujdaree Adalut are of opinion that a sentence of 4 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. 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 Bellary by precept returnable within X days from and after its receipt.

(Sent following precept No

Read Calendar of case No 2 submitted by the Acting Sessions Judge of Tinnevelly under date the 10th Instant.
(Here enter F. R. No 92 of 1857)

The

27th January 1857.

Sessions Judge of Tellicherry for his infor
(Sent in etc
Read Calendar of Case
Submitted by the Sessions Judge of Bellary
(Here enter F.R. No 67 of 1857)
The Court of Sunjdaree
desire to be informed whether satisfactory
has been given that the Memorandum of
taken by the prisoner from the bar at the Sub
-tants Office, was prepared with such care
precludes the possibility of any mistake
that the Prisoner must have received
letter and delivered a Sessions number.
Ordered that Extract from
proceedings be forwarded to the Sessions Judge
Bellary by precept returnable within III days
from and after its receipt.—
(Sent following precept No
Read again Calendar of Case
No 111 of 1856 of the Sessions Court of Bellary.
(Here enter F.R. No 2538 of 1856)
Read also Return dated 10th
January 1857 from the Sessions Judge of Bella
to the precept of the Sunjdaree Adalut under
date the 8th Instant, calling for information as

27th January 1857.

to the nature of the wounds and injuries received
by the prosecutor in Case No 111 of 1856.
(Here enter F.R. No 118 of 1857)
Taking all the circumstances
of this case into consideration, the Court of Sunjdaree
Adalut are of opinion that a sentence of 14 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. 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 Extracts from these
proceedings be forwarded to the Sessions Judge
of Bellary by precept returnable within X
days from and after its receipt.
(Sent following precept No
Read Calendar of Case No 2 sub-
-mitted by the Acting Sessions Judge of Tinnevelly
under date the 10th Instant.
(Here enter F.R. No 92 of 1857)

The

1

The Court of Foujdaree Udalut observe that Clause 7th Section II Regulation XV of 1803 has been erroneously quoted for section XXI Regulation VII of 1802.

2.

No explanation of the delay in committing the case (from 26th December to 6th January) has been entered in the Calendar as required in the Circular Order No 213 and they direct the Sessions Judge and Principal Sudr Ameen will take care that similar omissions do not occur in future.—

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

(Sent in No

Read Calendar of Case No 59 submitted by the Acting Session Judge of Calicut.—

(Here enter F. R. No 43 of 1857)

1

The prisoner in this case was charged with wounding with intent to do grievious bodily harm and on conviction was sentenced by the Acting Session Judge to 3 years imprisonment with hard labor in irons under Clause 7th Section II Regulation XV of 1803.—

2.

The Court of Foujdaree Udalut

see of opinion that corporal punishment should in this case have been added to the above sentence.—

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

(Sent in No

Read Calendar of Case No 75 of 1856 of the Session Court of Salem.

(Here enter F. R. No 56 of 1856)

The Court of Foujdaree Udalut approve of the recommendation made by the Acting Session Judge in this case, that the period of imprisonment which the prisoner, noted in the Margin, has been adjudged to suffer on his conviction of Gang robbery by open violence be reduced to (10) Ten years with hard labor in irons and they do authorize the Session Judge to issue his warrant accordingly.—

× Mawsen.

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

(Sent in No

Read Calendar of Case No 1 of 1857 of the Session Court of Trichinopoly.

(Here enter F. R. No 82 of 1857)

The

27th January 1857.

1.

The Court of Enquiry dated 16th desire that explanations be furnished of the cause of the delay from 22d December to 8th January in the committal of this case.

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

(Sent following precept No

Read Miscellaneous petition of Dodda Bhima and Linna Bhima received from the Sessions Judge of Honore on the 15th December 1856.

(Here Enter F. M. P. No 240 of 1856)

Mr Anderson. 1

The petitioners appeal from the sentence of 14 years imprisonment passed on them by the Sessions Judge of Honore in Case No 17 of 1856 on the Calendar of the Sessions Court.—

2.

The Court of Enquiry dated 16th dec see no reason to interfere with the sentence passed on these Petitioners.

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

(Sent in No)

Read

27th January 1857.

Read Criminal Report B submitted by the acting Session Judge of Calicut under date the 19th January 1857 for the months of December 1856.—

(Here Enter F. R. No 172 of 1857)

Read statement submitted by the Session Judge of Chittoor under date the 20th January 1857 of Batta paid to the Prosecutors and witnesses attended before the Session Court from 1st July to 31st December 1856.—

(Here Enter F. R. No 174 of 1857)

Read Calendar of Case No 4 of 1857 submitted by the Session Judge of Chittoor under date the 16th January 1857.

(Here Enter F. R. No 175 of 1857)

Read Calendar of Case No 6 of 1857 submitted by the Session Judge of Tinnevelly under date the 21st January 1857.

(Here Enter F. R. No 177 of 1857)

Read Criminal Report B submitted by the Session Judge of Cuddalore under date the 24th January 1857 for the months of December 1856.—

(Here Enter F. R. No 180 of 1857)

Saunders

477

J.M.

Wednesday 28th January 1857.

Ma Court of the Foujdaree Adalut.

Present.

G. S. Hooper Esquire.
F. Anderson Esquire Acting. } Puisne Judges.
T. B. Goodwyn Esquire Acting.

Read Criminal Report B for the months of December 1856, zillah Bellary.

(Hereunto File No. 153 of 1857)

No. 333. 1 The nature of the fraudulent communication should have been set forth. It is said that the "prosecutor" was defrauded, but from the tenor of the charge it may be inferred that the Government, by whom the prosecution was conducted, was not intended to be referred to as the party defrauded.

No. 349. 2 Offences of this nature are made punishable by the Magistracy by Section IV, Act No. XXIII of 1854, and the Magistrate should be called upon to issue the necessary instructions to prevent such cases being sent to Court.

3 The Sessions Judge is requested to ascertain and report to this Court whether

J.W.

Wednesday 28th January 1857.

At a Court of the Fouzdaree Adalut.

Present.

G. S. Hooper Esquire.
F. Anderson Esquire Acting. } Puisne Judges.
T. W. Goodwyn Esquire Acting.

Read Criminal Report B for the months of December 1856, Zillah Bellary.

(Hereunder File No. 153 of 1857.)

No. 333. 1 The nature of the fraudulent communication should have been set forth. It is said that the "prosecutor" was defrauded, but from the tenor of the charge it may be inferred that the Government, by whom the prosecution was conducted, was not intended to be referred to as the party defrauded.

No. 349. 2 Offences of this nature are made punishable by the Magistracy by Section LV, Act No. XVII of 1854, and the Magistrate should be called upon to issue the necessary instructions to prevent such cases being sent to Court.

3 The Sessions Judge is requested to ascertain and report to this Court whether

J.W.

Wednesday 28th January 1857.

In Court of the Toujdaree Adalut.

Present.

G. S. Hooper Esquire.
F. Anderson Esquire Acting.
T. W. Goodwyn Esquire Acting.
} Puisne Judges.

Read Criminal Report B for the months of December 1856, Zillah Bellary.

(Here enter J.W. No. 153 of 1857.)

No. 333. 1 The nature of the fraudulent Communication should have been set forth. It is said that the "prosecutor" was defrauded, but from the tenor of the charge it may be inferred that the Government, by whom the prosecution was conducted, was not intended to be referred to as the party defrauded.

No. 349. 2 Offences of this nature are made punishable by the Magistracy by Section IV, Act No. XXIII of 1854, and the Magistrate should be called upon to issue the necessary instructions to prevent such Cases being sent to Court.

3 The Sessions Judge is requested to ascertain and report to this Court whether

J.C.

Wednesday 28th January 1857.

At a Court of the Foujdaree Adalut.

Present.

G. S. Hooper Esquire.
F. Anderson Esquire Acting. } Puisne Judges.
T. H. Goodwyn Esquire Acting.

Read Criminal Report B for the months of December 1856, Zillah Bellary.

(Hereunto File No. 153 of 1857.)

Pp. 333. 1 The nature of the fraudulent communication should have been set forth. It is said that the "prosecutor" was defrauded, but from the tenor of the charge it may be inferred that the Government, by whom the prosecution was conducted, was not intended to be referred to as the party defrauded.

Pp. 349. 2 Offences of this nature are made punishable by the Magistracy by Section IV, Act No. XVII of 1854, and the Magistrate should be called upon to issue the necessary instructions to prevent such cases being sent to Court.

3 The Sessions Judge is requested to ascertain and report to this Court whether

indicated in the above Circular Order have not been scrupulously fulfilled.

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

Sent in No. /

Read letter dated 19th January 1857, from the Acting Sessions Judge of Rajahmundry.

(Here enter F.C. No. 164 of 1857.)

In the above letter the Acting Sessions Judge reports that he has for the reasons stated therein, delayed for 14 days the execution of the sentence passed in Case No. 28 of 1856, on Sessions Court Calendar, in order to enable the Prisoner to appeal therefrom.

2

The Court of Foujdaree Adalut are surprised that the Acting Sessions Judge should when made aware that his proceedings were not only irregular but illegal have considered himself bound by any promise made to the Prisoner, to continue acting irregularly and illegally. The Court are of opinion that such conduct was most improper and they desire he will in future strictly conform to the instructions contained in the Proceedings of the 8th June 1852.

1852 on the record of his Court.

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Rajahmundry by Precept returnable within one day from and after its receipt.

Sent following Precept No. /

Read Calendar in Case No. 54 of 1856, on the file of the Sessions Court of Nellore.

(Here enter F.C. No. 137 of 1857.)

The indictment in this Case has been so defectively framed that it does not charge the Prisoner with any Criminal Act, "usurping" is a most vague term and may mean that the Prisoner, merely took illegal possession of the articles, and would not allow their removal by the rightful owners. The indictment should have been framed in accordance with the provisions of Section I Act XIII of 1850 under which the sentence was passed.

The attention of the

2

Sessions Judge is directed to the Extract from this Court's Proceedings under date the 27th December 1852 addressed to his Court, and he is desired to conform more carefully to the instructions therein contained.

contained.

3. The Court of Foujdarry Adawlut desire the Sessions Judge will state whether he considered it proved that the Prisoner had stolen the articles and that his offence was not merely one of very grose negligence or want of precaution.

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

/Sent following Precept No /

Read letter dated 16th January 1857, from the Acting Sessions Judge of Tellicherry, submitting for the final Judgment of the Foujdarry Adawlut the Record of trial in Case No 23 of 1856 on the Calendar of the Sessions Court.

(Here enter F.Bo. No 166 of 1856.)

Prisoner brought up
F. Anderson 2nd

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

Patovan Cherria Pairon

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

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

/Sent in No /

Read Calendar in Case No 2 of 1857, submitted by the Acting Sessions Judge of Tellicherry, under date the 7th January 1857.

(Here enter F.Bo. No 189 of 1857.)

Read return dated the 20th January 1857, from the Sessions Judge of Chicacole to the precept of the Foujdarry Adawlut under date the 8th Instant, directing him to furnish an explanation of the cause of delay in the disposal of Case No 8 of 1856 on the Calendar.

(Here enter F.Bo. No 192 of 1857)

Read return dated 27th January 1857, from the Sessions Judge of Nellore to the precept of the Foujdarry Adawlut under date the 23d January, remarking on the Criminal Reports B for the month of December 1856.

(Here enter F.Bo. No 193 of 1857)

Read Calendar of Case No 2 of 1857, submitted by the Sessions Judge of Coimbatore under date the 8th January 1857.

(Here enter F.Bo No 196 of 1857)

Read Calendar of Case No 3 of 1857, submitted by the Sessions Judge

Judge of Coimbatore under date the 8th January 1857.

(Here enter F.Ho. No. 197 of 1857)

Read Calendar of Case No. 4 of 1857, submitted by the Sessions Judge of Coimbatore, under date the 8th January 1857.

(Here enter F.Ho. No. 198 of 1857.)

Ex. Nil.

F. Ho.

Thursday 29th January 1857.

At a Court of the Foujdaree Adalut

Present

G. S. Hooper, Esquire
T. Anderson, Esquire Actg.
T. W. Goodwyn, Esquire Do.
} Puisne Judges

No return having been received from the Sessions Judge of Coimbatore to the Precept of the Foujdaree Adalut, dated the 8th January 1857, directing further mitigation of sentence in Sessions Case No. 19 of 1856.

Ordered that the Sessions Judge of Coimbatore be required to make a return to the above Precept without further delay.

(Sentence No.)

No return having been received from the Sessions Judge of Cuddapah to the Precept of the Foujdaree Adalut, dated the 12th Ultimo calling

calling for explanation of delay in the committal and disposal of Session Case No. 79 of 1856.

Ordered that the Session 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 Session Judge of Cuddapah to the Precept of the Foujdaree Adalut dated the 3d Instant, calling for certain information in Session Case No. 80 of 1856.—

Ordered that the Session 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 Session Judge of Cuddapah to the Precept of the Foujdaree Adalut dated the 23d Ultimo, calling for explanation of

of delay in commencing the trial in Session Case No. 84 of 1856.—

Ordered that the Session Judge of Cuddapah be required to make a return to the above Precept without further delay.—

(Sent in No.)

Read again Calendar in Case No. 16 of 1856 of the Session Court of Honore.

(Here Enter F. No. 16. No. 1950 of 1856)

Read also return dated 24th November last from the Session Judge to the Precept of the Foujdaree Adalut under date the 10th Idem calling for a translation of the above Record.—

(Here Enter F. No. 16. No. 2332 of 1856)

Read return dated the 12th Instant from the Session Judge of Honore to the precept of the Foujdaree Adalut under date the 31st Ultimo calling for information whether the iron Coodla produced in the above Case was buried in a hut.—

(Here Enter F. No. 16. No. 119 of 1857)

The

1 The Session Judge in his last return states that the 7th and 8th witnesses Khundapa and Bussapa stated before the Police that the Coodda was found in a hut, but on reference to the depositions of these witnesses the Court find that they stated the Coodda had been buried in a field and they say nothing about a hut.—

2 The Court also observe that the value of the Kerchief found in the house of the 8th Prisoner is only 1 anna which he claims as his own. and they consider the evidence as to its having been found: is suspicious and that as to its belonging to the Prosecutor not to be perfectly satisfactory.—

3 The evidence against the 5th 6th and 8th Prisoners in this case appearing to the Court of Foujdaree Adalat to be very suspicious so as not to warrant a conviction thereon, they direct that these prisoners be immediately and unconditionally released.—

Ordered

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

(Sent following Precept No)

Read Criminal Report B for the month of December 1856, Zillah Tinnevelly.—

(Here enter F. No. 135 of 1857)

The Court of Foujdaree Adalat observe that only seven Criminal Cases were disposed of during the month, and that some unwarrantable delay appears to be taking place with respect to the rest. In future returns when cases are said to be "under examination" the reason that they are delayed—whether by the illness of the prosecutor, or by whatever other cause—will be stated. The Session Judge is requested to instruct the Principal Sudr Ameen to bring up the arrears on the Criminal side of his Court

Court without further delay.

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

(Sent in No)

Read Calendar of Case No 92 of 1856 on the file of the Sessions Court of Cuddapah.

(Here Enter F. No. No 128 of 1857)

The Sessions Judge will be so good as to explain the delay in commencing the trial from December 4th to December 14th and in future to enter the explanation of such delays in the Calendar as required by Circular Order No 213.

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

(Sent following Precept No)

Read letter dated 9th January 1857 from the Acting Subordinate Judge of Bellary forwarding the case of an Insane patient and requesting instructions thereon

29th January 1857

thereon.

(Here Enter F. No. No 71A of 1857)

The Court of Foujdaree Adawlut directed that the attention of the Mooftee Sudr Ameen be called to the Extract from the Minutes of Consultations No 529 dated 16th August 1849 copy of which was circulated to the Courts under date the 20th October following, wherein it was directed by Government that on witnesses deposing to the unsoundness of a prisoner's mind, the Zillah Surgeon should be examined and his opinion taken as to the justness of the inferences on which such witnesses based their convictions of the prisoner's insanity.

Ordered that Extract from these Proceedings be sent to the Acting Subordinate Judge of Bellary for his information and for communication to Mooftee Sudr Ameen.

(Sent in No)

Read Miscellaneous Petition presented

presented on the 5th instant by Korappa Manaddy Zillah Cutlaut.

(Here enter F. M. P. No 3 of 1857)

Mr. T. W. Goodwynt

The Petitioner again appeals from the sentence of the Sessions Judge in Case No 45 of 1855 on the Calendar of the Sessions Court of Cutlaut.

2 The Court of Foujdaree Udalut decline to reconsider the orders passed on the 29th February 1855 on a former Petition on the same subject.

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

Read Miscellaneous Petition received on the 6th instant this the Sessions Judge on behalf of Venatramien Zillah Combaconum.

(Here enter F. M. P. No 4 of 1857)

Mr. G. A. Hoopir

The Petitioner appeals against an order of the Sessions Court of Combaconum dated the 7 October last confirming that of the Joint Magistrate refusing

refusing to grant a copy of the sentence applied for by the Petitioner.

The Court of Foujdaree Udalut

2

see no reason to interfere in this matter and therefore reject this Petition.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Combaconum for communication to the Petitioner. (Sentence No 1)

Read Miscellaneous Petition received on the 26th December 1856 through the Sessions Judge on behalf of Poorasery Zillah Trichinopoly

(Here enter F. M. P. No 5 of 1857)

Mr. T. W. Goodwynt

The Petitioner appeals against the sentence passed on the Prisoners in Case No 27 of 1856 on the Calendar of the Sessions Court of Trichinopoly.

Before passing orders on

2

this Petition the Court of Foujdaree Udalut resolve to direct that all the original (in untranslated) proceedings in the above case be submitted for their consideration.

Ordered

29th January 1857

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Tricknopoly by Precept returnable within 111 days from and after its receipt.

(Sent following Precept &c)

Read Miscellaneous Petition presented on this 5th January 1857 by Mr. H. B. Saunders and R. Tevenard Row. Pleaders on behalf of Gopoo bundoo Bustub Mahapatroodoo and Huree bundapatto Zillah Ganjam.

(Here Enter F. M. P. No 2 of 1857)

Mr. G. S. Hooper

Petitioners 1st and 2d Prisoners in Case No 46 of 1856 on the file of the Governors Agent in Ganjam complain that the Agent has refused them copies of the sentence and proceedings in the above case, they further pray the Court that the sentence passed upon them may be suspended pending their appeal therefrom.

2. The Court of Foujdaree Udalat

29th January 1857

Resolve to direct the Agent to furnish the Petitioners with copies of the sentence and proceedings in the case in question.

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)

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

Read letter dated 20th January 1857 from the Acting Sessions Judge of Calicut.

(Here Enter F. M. No 184 of 1857)

With the above letter the Acting Sessions Judge forwards the Calendar in Case No 56 of 1856 and requests the opinion of the Judges as to whether when a case has been tried by the Sessions Judge with the aid of 3 assessors two of whom concur in acquitting

29th January 1857

acquitting the prisoner and in which verdict the Judge also concurred it is necessary that the case should be referred for the final sentence of the Court of Fouzdaree Udalut.

2 The Court of Fouzdaree Udalut are of opinion that when any difference of opinion occurs between the Judge and the assessors or any one of them it is necessary to refer the trial for the final Judgment of the Higher Court, and they accordingly direct that the untranslated record of the trial of case No. 56 of 1856 be at once forwarded to this Court. In the mean time the prisoners may be released on bail.

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

(Sent following Precept No. 15

Rec'd 18.

I. A. C.

Friday 30th January 1857. At a Court of the Fouzdaree Udalut.

Present

G. S. Hooper, Esquire
F. Anderson, Esquire Actg. } Puisne Judges
F. W. Goodwyn, Esquire do.

Read Calendars of Cases Nos. 1-2-3-4-5-6. and 8 of 1857, submitted by the Acting Sessions Judge of Guntoor.

(Here Enter S. A. C. No. 139 of 1857)

Case No. 1

1 The indictment should have stated the acts committed by the 2d Prisoner which renders him an accessary in the Theft.

The Acting Sessions Judge

2 should have stated whether he considered both the charges proved against the 1st Prisoner and the grounds for his opinion as well as that the 1st Prisoner was convicted. He should also have recorded his reason for acquitting the 2d Prisoner.

The

Case No. 2.

3 The charge states the date of the crime to be one night about a year before the 26th December 1856 this is a very clumsy manner of expressing one night about the 26th December 1855.

4 The same remark applies to the cases 3-4-5 and 6, and the sentences in Nos 3 and 5 should have stated that the Prisoner was acquitted.

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

(Sentence No)

Read Calendar of Case No 3 of 1857 of the Sessions Court of Chittoor.

(Here Enter H. Ms. No 152 of 1857)

1 The Prisoner in this case tried and convicted on a charge of severe wounding has been sentenced by the Sessions Judge to 6 years' imprisonment with hard labor in irons.

2 The Court of Foujdaree Adalut are of opinion that the full punishment

punishment of 7 years should have been awarded in this case.

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

(Sentence No)

Read Calendar of Case on No 5 of 1857 of the Sessions Court of Tinnevelly.

(Here Enter H. Ms. No 150 of 1857)

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

Aroonachellum.

2 The force and intimidation used

used should have been entered in the Charge.

3 The Principal Sudr Ameen has not entered in the Calendar an explanation of the delay in the commitment of this Case as required by Circular Order No. 213 and that Officer is directed in future to pay strict attention to the said Circular Order.

4 The Session Judge will be so good as to return all Calendars to the Principal Sudr Ameen for supplying such omissions in future.

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

(Sentence No.)

Read letter dated 22d January 1857 from the Sessions Judge of Cuddalore, submitting for the final judgment of the Foujdaree Adalut, the Record of Trial in Case No. 34 of 1856 of the Calendar

Calendar of the Sessions Court.

(Here inter. F.H.C. No. 179 of 1857)

Mr. T. B. Goodwyn

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

1st Narayana Counden

and

3d Seenun

is sufficient to convict them of the crime of Culpable Homicide, for which the penalty of Deyut is awardable under the Mahomedan Law as declared in Futwahs of their Law Officers, do convict them thereof, and under the provisions of Clause second, Section XV, Regulation VII of 1802 and Section XXXIV, Act VII of 1843, sentence the prisoner,

1st Narayana Counden

to be imprisoned and kept to hard labor in irons on the public roads or other public

public works for and during the period
of (1) One year, and the prisoner,
3d Seenun
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.

But being of opinion that
the prisoners,
2d Ramasawmy Coundan
and
4th Venkatachella Coundan
are not convicted on presumptive proof,
or on the evidence of credible witnesses,
or on their own confessions of the crime
charged, do acquit them thereof, and
direct that they be set at liberty.
1
The Court of Foujdaree
Adalut observe that the Police depo-
sitions in this case have been recorded
at unnecessary length, and in total dis-
regard to the directions contained in
Circular Order. No. 211. The translation
of the 2d witness's deposition corrected
in

30th January 1857

in red ink will clearly explain the
errors that have been committed.
2
The unnecessary bulk of
many of the Police records causes
delays and unprofitably occupies the
time of the Magistracy, Subordinate
Sessions, and Foujdaree Courts, it is
therefore hoped that the Magistracy and
Sessions Judge will use their best
efforts in enforcing strict attention
to the directions contained in Circular
Order No. 211.
3
If one or more of the
depositions faultily taken were
occasionally returned to the Police with
the useless parts scored out in red ink,
the Court are of opinion that the
Native Police would soon understand
the manner in which depositions should
be recorded, and if persisting in error
might be fined by the Magistracy.
4
The record of the examina-
tion held before the Principal Sudr

Ameen

Ameen shows that this officer pays no attention to Circular Order No. 211.—

The depositions of the 1st and 2nd Prosecutors and 1st Prisoner corrected in red ink are sent for the inspection of the Sessions Judge and Principal Sudr Ameen error of omission is also noticed in the 1st Prisoner's deposition.—

5 The Sessions Judge will be pleased to return the depositions above referred to after inspection.—

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

(Sent in No.)

Read further return dated the 20th Instant, from the Sessions Judge of Hono to the Precept which was accompanied by an Extract from the Proceedings Foujdaree Adalut dated the 16th December 1856, calling for explanation of delay in the disposal of some cases which appeared in the Petty

Petty Calendars of the Magistracy for the 3d Quarter of 1856.—

(Here enter F. No. No. 201 of 1857)

Read Calendar of Case No. 1 of 1857, submitted by the Sessions Judge of Honore, under date the 20th Instant.—

(Here enter F. No. No. 202 of 1857)

Read supplemental return dated the 28th Instant, from the Sessions Judge of Chingleput, to the precept of the Foujdaree Adalut, dated the 19th November 1856, directing the Sessions Judge to report the result of the Magistrate's enquiry regarding the maltreatment alleged to have been suffered by the 4th Prisoner, Veerien, in Session Case No. 18 of 1856 on the Chingleput Calendar.—

(Here enter F. No. No. 203 of 1857)

Read Calendar of case No. 2 of 1857, submitted by the Acting Sessions Judge of Cuddalore, under date the

the 23d January 1857.

(Here Enter F. Ille. No. 207 of 1857)

Read Calendar of Case No. 3 of 1857, submitted by the Acting Sessions Judge of Salem, under date the 20th Instant.

E. Ille.

(Here Enter F. Ille. No. 208 of 1857)

F. Ille.

Saturday the 31st January 1857

In Court of the Foujdaree Adalut

Present

G. T. Hooper Esqre.
T. Anderson Esqre. Actg.
T. W. Goodwyn Esqre. Actg.
} Puisne Judges

Read Criminal Report B for the month of December 1856, Zillah Salem

(Here enter F. Ille No. 136 of 1857.)

Nos. 179, 180, and 181.

1. The ends of justice appear to have been defeated in these cases by the bloody Sudder Ameen's inability properly to appreciate the evidence adduced.

183. 2. It should have been alleged in the charge that the matter respecting which the Defendant was examined was material to the issue of the Case.

186 3. The Sentence was inadequate— the prisoners should have been committed, or at least a fine imposed upon them payable to the prosecutor or commutable if not paid to the prosecutor or commutable if not paid to

further

31st January 1857

further imprisonment

203 4

The offence was House breaking with theft.

No 9 by Magistrate 5

The delay in the Taluk should have been noticed.

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

/Sent in No/

Read Criminal Report B. for the month of December 1856, Zillah Combaconum

/Here enter J. No. No 765 of 1857/

No 73, 96, 115, 106. 1

The mode in which the prisoner effected a felonious breaking and entry should have been described in the charge.

99, 100. 2.

It should have been alleged that the matters of fact in question were material to the issue of the Case.

109, 110 3.

If the Defendants were public servants, their offence was abuse of Authority.

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

/Sent in No/

Read

31st January 1857

the

Read again Return dated 19th Ultimo from the Acting Session Judge of Tinnevelly to the Precept of the Tondiarie Adalut under date the 9th Ideem, calling for explanation of the delay in certain case in the Report B for October 1856.

/Here enter J. No. No 2514 of 1856./

Read also letter dated the 19th Instant from the Session Judge of Tinnevelly, forwarding an explanation submitted by the Moosty Vudder ameen regarding the remarks contained in para 1 of this Courts proceedings dated 8th January 1857.

/Here enter J. No. No 751 of 1857/

The Court of Tondiaree Adalut see no reason to alter their orders directing the Moosty Vudder ameen to record his sentences in Hindoostanee or Tamil instead of Persian

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

/Sent in No/

Read letter dated 5th January 1857 from the Session Judge of Bellary

/Here enter J. No. No 68 of 1857/

The

31st January 1857.

1.

The Session Judge forwards with the above letter a communication from the Magistrate soliciting the sanction of the Court of Zoujdaree Udalut to certain alterations being made in the forms of criminal proceedings laid down in the appendix to Regulation XIX of 1816.

2.

The Court of Zoujdaree Udalut consider the alteration proposed in para 3 of the Magistrate's letter, viz the insertion of the words "and all Police officers" in addition to the name of the officers to whom the warrants is addressed, objectionable, as tending to weaken the responsibility of those officers. The Court cannot, therefore, sanction this change.

3.

The Court of Zoujdaree Udalut approve of the rest of the Magistrate's suggestions and authorize him to have the forms of process printed in accordance therewith. With respect to the alteration alluded to by the Magistrate in para 4, the Court are of opinion that a similar addition as regards "irons" would be advisable.

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

(Sent in No "

31st January 1857

Read Calendar of Case No 3 of 1857, submitted by the Session Judge of Vellore

Here enter J. Uc. No 158 of 1857

1.

The Prisoner in this case was convicted of having with about 20 others proceeded in a gang with sticks to the prosecutor's field and robbed therefrom ears of Jonna to the value of Rupees 3. 8. and was sentenced to 14 Years imprisonment with hard labour in irons under clause 3rd Section IV Regulation XV of 1803; as however the prisoner offered no resistance and the amount of grain stolen was of small value, the Session Judge recommends that his sentence be mitigated to 3 years imprisonment with hard labour in irons.

2.

Adverting to the number of persons engaged in this case appears to be one of gang robbery, the Court of Zoujdaree Udalut are therefore of opinion that the mitigated sentence recommended by the Session Judge is insufficient for the punishment of the prisoner and they accordingly direct that he be sentenced to

to 7 Years Imprisonment with hard labour in irons.

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

Sentence &c.

Read return dated 20th January 1857, from the Acting Sessions Judge of Calicut, to the precept of the Sudder Adalut under date the 14th January, conveying the observations of the Court on Case No 48 of 1856 on the Calendar of the Sessions Court.

Here enter S. C. No 185 of 1857.

In their recent proceedings held on the referred trial in Case No 60 of 1856 on the Calendar of the above Court, the Court of Sudder Adalut have had to notice the careless and deficient investigation held by the Acting Sessions Judge in the present case when his omissions to complete a full investigation were pointed out to him and he was directed to rectify them he has disobeyed the orders of the Court and has justified his disobedience by endeavouring

endeavouring to show the inutility of calling further evidence in the Case.

2. The Court of Sudder Adalut are surprised that an officer of Mr. Cook's experience should have so acted and he is cautioned against the repetition of conduct such as he would not have permitted if manifested towards his own Court by a subordinate one. If the Superior Court considered the production of further evidence necessary it was the manifest duty of the Acting Sessions Judge to procure such evidence without offering any comment on the order transmitted to him.

3. The Acting Sessions Judge will forthwith comply with the orders contained in the Proceedings of this Court under date the 14th January and he will, to prevent any risk of misconception with respect to the medical testimony, examine the Zillah Surgeon on the following points.

1st. Whether any of the depositions alluded to in the 2d question or those of the 5th and 6th Witnesses (Varu and Virarau Cootty) contain any statements respecting the prisoner's conduct and symptoms

31st January 1857.

Symptoms inconsistent with the assertions
as to the Prisoners occasional insanity

2nd Qy If the Prisoner was subject to occasional
fits of insanity might he not have been insane
at the time of the commission of the crime and
yet perfectly sane when examined by the Surgeon

3rd Qy If the 5th and 6th Witnesses' account
of the Prisoner's conduct & symptoms be correct,
would the Surgeon consider that the unsound
=ness of mind described, rendered him incapable
of knowing at the time, that he was doing an
act forbidden by law?

4th Qy Has the Surgeon's observation of the Prisoner
enabled him to state whether the Prisoner is
liable or not to occasional fits of insanity?

5th Qy Has the Prisoner while under the
observation of the Surgeon in Hospital
endeavoured to feign unsoundness of mind?

6th Qy Has the Prisoner while in Hospital
made any remarks to the Surgeon respecting
his (Prisoner's) sanity or insanity?

7th Qy What opportunities of observing the Prisoner
=er has the Zillah Surgeon prior to his deposition

of

31st January 1857. ... 30th December 1856 and the last-mentioned
observations has been enabled to inspect and peruse
the letter in any way altered this for our opinion.

Ordered that Extract from
the Proceedings be forwarded to the Acting
Civil & Judge of Salicut by Precept returnable
in V days from and after its receipt.

Sent following Precept &c

Read letter dated 9th December
1856, from the Acting Sessions Judge of Salicut,
submitting for the final Judgment of the
Foujdaree Adaulut the record of Case No. 32
of 1856 on the Calendar of the Sessions Court
of 1856 [Here enter J. No. & 2482 of 1856.]

Read also return dated 16th
January 1857 from the same Officer to the Precept
of the Foujdaree Adaulut under date the 31st
December 1856, calling for further evidence
in the case above referred to
[Here enter J. No. & 159 of 1857.]

Present
Messrs Goodwyn
&
Harris.

The Court of Foujdaree Adaulut
on a deliberate consideration of all the circum=
stances of the case in evidence before them

Acting

31st January 1858 being of opinion that the Prisoner

Illatha paramboe Maideen

committed the Act charged against him being

then of unsound mind, under the provisions of

Act IX of 1849 direct that he be kept in safe

custody in the Jail at Calicut until the pleas-

=ure of Government regarding him be made

known.

1.

The Court of Sanjdaree Udalut

observe that the Acting Sessions Judge's minute

=gation in this case has been most deficient

The Prosecutor and Chief witnesses should

have been examined more in detail as to when

the Prisoner came to the Shop, all that occurred

then and prior to the wounding, and they should

have been called upon to explain what led them

to state that the Prisoner "appeared like an

insane person" and their statements should

have been laid before the Medical officer and

in his opinion received evidence as to the correct

=ness or otherwise of the conclusion arrived at

by them and as the Prisoner was all along under the

surveillance of the Zillah Surgeon for some

time, the Officer's evidence should have been

taken

31st January 1858 taken as to the Prisoner's state of mind during

that period instead of receiving a short

Certificate from him.

Before however reporting

this case to the Government the Court of

Sanjdaree Udalut direct that the Acting Sessions

Judge will procure and forward a Certificate

from the Zillah Surgeon as to whether he

considers the Prisoner might be released

with safety to the Community.

Ordered that Extract from

these Proceedings be forwarded to the Acting

Session Judge of Calicut by Precept returna=

=ble within 10 days from and after it's receipt.

Sent following Precept &c.

Read letter dated 25th January

1858 from the Session Judge of Chittoor sub=

=mitting for the final Judgment of the Sanj=

=daree Udalut the record of Case No 59 of 1856

of the Calendar of the Session Court

Here enter J. Ud. No 188 of 1857.

Wm. T. Goodwyn.

The Court of Sanjdaree Udalut

on a deliberate consideration of all the circum=

=stances of the case in evidence before them

Seeing

31st January 1857. being of opinion that that the proof against the prisoners.

2d Vellooma Iyacanny

and

3rd Chokalinga Chetty

is sufficient to convict them of the crime charged do convict them severally thereof and sentence them to be imprisoned & kept to hard labour in irons on the public Roads or other public works for and during the period of [illegible] Seven Years and the prisoner

3rd Cho. Kalingam Chetty

moreover to receive one hundred and fifty stripes with a Cat O. nine tails.

But being of opinion that the

Prisoner.

1st Vellooma Annamalay.

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

The Court of Sanjadaree Udalar

but direct the Session Judge to instruct the Sanjadaree Translator to be more careful in interlining

31st January 1857. interlining the correct designation of the Prisoners

and [illegible] [illegible] about their names and their [illegible] the more requisite when there are numerous Prisoners charged.

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

Sentence &c.

Record Report dated 23rd January 1857, submitted by the Agent to the Governor of Vizagapatam of persons apprehended in the Separated tracts of Vizagapatam and delivered to the Agent in the month of December 1856.

Vide enter J. Vo. No. 2130 of 1857

Read Calendar in case No. 98 of 1856, submitted by the Session Judge of Cuddapah, under date the 27th January 1857.

Vide enter J. Vo. No. 218 of 1857

Read Calendar in case No. 98 of 1856, submitted by the Session Judge of

31st January 1857

of Cuddalore under date the 27th January 1857

/Here enter F. No. No. 210 of 1857/

Read Return dated 6th January 1857, from the Sessions Judge of Coimbatore, to the precept of the Foujdaree Adawlut under date the 8th January 1857, observing that no intimidation or violence had accompanied the Case, and simply one of Cheating and not of robbery, and that unless the Sessions Judge could shew further grounds for considering the Case to be one of Robbery, the Judges directed that the Sentence be reduced to one Year imprisonment as regards the 1st one month's as regards the 2nd and 6 months as regards the 3rd Prisoner.

/Here enter F. No. No. 221 of 1857/

Ed. W.

Monday 2nd February 1857

F. No.

In the Court of the Foujdaree Adawlut

Present

J. F. Hooper Esqre. — Puisne Judge

J. Anderson Esqre. — Actg. Puisne Judge

J. W. Godwyn Esqre. — Actg. Puisne Judge

Read Calendar in Case No. 4 of 1856 on the file of the Sessions Court of Cuddalore.

/Here enter F. No. No. 162 of 1857/

The Court observe that the Case was committed on the 4th December, the Record should have at once been sent to the Sessions Judge whereas it was not submitted until the 19th by the Court of Foujdaree Adawlut desire that in future the Principal Sudder Ameen will submit the Record directly the Case is committed.

Ordered

2d February 1857

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

Sent in N°

per

Tuesday — In Court of the Fouzdaree Adawlut

3d February 1857

Present

G. A. Hooper, Esquire, Puisne Judge

T. Anderson, Esquire, Ag. Puisne Judge

J. W. Goodwyn, Esquire, Ag. Puisne Judge

Read Calendar in Case N°. 2 of 1857 on the file of the Session Court of Nellore.

(Here enter F.D. N°. 138 of 1857)

As Theft or attempts thereat, if accompanied with certain aggravating circumstances, should be committed to the Session Court and as Section IX Regulation I of 1825 declares that one of those aggravating circumstances in cases of Theft is if the property stolen exceed 300 Rupees in value, the Court are of opinion that under the provisions of the above Regulation, the Sessions Judge erred in remanding the case to the Principal Sud Ameen. Under any circumstances the case was of that

that peculiar nature that fully justified the Principal Sudr Ameen in committing it, as the punishment he could award was manifestly insufficient.

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

/Sent in No. /

Read Criminal Report 3, for the month of December 1856, of Zillah Tellicherry.

No. 97. /Here enter F. No. No. 173 of 1857/

1. The wording of this charge is such as is used in describing at. tempts to commit murder. The Prisoner should have been charged "with having feloniously, wilfully, and of his malice aforethought, killed and murdered his elder brother Karooraye, by "&c. &c."

98. 2. The same remark applies to this case also. The acts of the Prisoners 2d. to 6th. which rendered them accessories after the fact, should have been clearly set forth in the charge.

The

No. 99. 3. The charge should have alleged that the act was done maliciously.

100. 4. The sentence was inadequate, and should have been passed under Clause sixth, Section 4, Regulation VI of 1822.

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

/Sent in No. /

Read Criminal Report 3, for the month of December 1856, of Zillah Coimbatore.

/Here enter F. No. No. 181 of 1857/

The Court of Foujdaree Udalut desire to be informed whether any measures have been adopted by the Magistrate for suppressing the crime of Gang-Robbery which appears by these returns to prevail to a great extent in the Zillah.

Ordered, that Extract from these proceedings, be sent to the Session

Sessions Judge of Coimbatore, by precept returnable within V days from and after its receipt.-

/ Sent following precept. No. /

Read letter dated 10th January 1857, from the Sessions Judge of Canara, submitting for the final judgment of the Foujdaree Udalut the record of Case of 1856 No. 24 of the Calendar of the Session Court.

/ Here enter F. No. No. 1144 of 1857 /

Messrs. Hooper and Anderson.

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

Dowby Govinda alias Gouda

is sufficient to convict him of the crime charged, do convict him thereof, and sentence him to be transported to such place or places beyond seas as the Governor in Council shall appoint, there to 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

The Court of Foujdaree Udalut observe, that the indictment should have charged the Prisoner with "Murder" he was not properly speaking an Accessory, but a Principal in the second degree. The sword cuts he inflicted on the deceased were not, there is reason to believe, the actual cause of deceased's death, which was the result of the Gun shot wound he received from "Bhirke Tooroo", but the Prisoner was there present and aided and abetted in the said crime by following up the fatal shot by cutting the deceased with a sword.-

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

/ Sent in No. /

Read letter dated 10th January 1857 from the Sessions Judge of Canara, submitting for the final judgement of the Foujdaree Udalut the record of Case No. 25 of 1856, on the

3d. February, 1857.

Mr. Dyer.

the Calendar of the Session Court of Jaffna under F. No. No. 115 of 1857.

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. Dowly Govinda alias Gondo,
2d. Thanika Baikelo,
3d. Ronno Hroostna, and
4th. Nargo alias Narayna

is sufficient to convict them of the crime of Gang Robbery, do convict them thereof; and under the provisions of Clauses third and fifth, Section IV, Regulation XV of 1803 and Section XXXIV. Act VII of 1843 sentence the Prisoners,

2d. Thanika Baikelo,
3d. Ronno Hroostna, and
4th. Nargo alias Naragna

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

The

3d. February, 1857.

The Court of Fouzdaree Udalut, do further, under the provisions of Section I. Act XVI of 1850, sentence the Prisoners,

1st. Dowly Govinda alias Gondo
and
2d. Thanika Baikelo

to pay the sum of Rupees thirteen and direct that the same be paid to the Prosecutor. No further sentence being required to be passed in this case on the 1st. Prisoner who has already been sentenced in Case No. 24 of 1856.

/Sent in No. /

Read return dated 28th. January 1857, from the Acting Session Judge of Madura, to the precept of the Fouzdaree Udalut under date the 24th. January 1857, calling upon him to state on what evidence the 2d. and 3d. Prisoners in Calendar Cases No. 80 and 3d. Prisoner in No. 83 of 1856 were convicted.

/Rule nisi under F. No. No. 223 of 1857/

Read Calendar of Case No. 4 of 1857, submitted by the Acting Session

3d Feby 1857

Session Judge of Salem under date the 23d January 1857.

/ Here enter F. No. No. 224 of 1857 /

Read Calendar of Case No. 111 of 1856 submitted by the Session Judge of Bellary, under date the 25th January 1857.

/ Here enter F. No. No. 226 of 1857 /

Read Statement dated 24th January 1857 submitted by the Session Judge of Chicacole, of Batta paid to the Prosecutor and Witnesses attending before him during the 2d Half of 1856.

/ Here enter F. No. No. 228 of 1857 /

Read Extract from the Proceedings of the Session Court of Masulipatam dated 26th January 1857 forwarding the Report B of the Magistracy for December 1856.

/ Here enter F. No. No. 231 of 1857 /

Read Calendar of Case No. 8 of 1857 submitted by the Session Judge of Tinnevelly, under date the 27th January 1857.

/ Here enter F. No. No. 232 of 1857 /

Examd

F. No.

Wednesday 4th February, 1857

At a Court of the Foujdaree Udalut

Present

G. I. Hooper, Esquire, Puisne Judge
F. Anderson, Esquire, Actg Puisne Judge
T. W. Goodwyn, Esquire, Actg Puisne Judge

Read Criminal Report B. of the Principal Sudr Ameen of Masulipatam for the month of December 1856.

/ Here enter F. No. No. 146 of 1857 /

Case No. 62 1. Clause 3 Section IX Regulation X of 1816 should have been quoted as the authority for committal.

" 63. 2. The sentence appears inadequate.

" 65. 3. It is unnecessary to quote Act VIII of 1843 as an authority for committal.

" 66. 4. A Circular Order of the Foujdaree Udalut need never be quoted in the Report B as an authority for committal, Clause 3 Section IX Regulation X of 1816 is sufficient.

Ordered, that Extract from these

these proceedings, be sent to the Session Judge of Combaconum, for his information.

/ Sent in No. /

Read letter dated 23d January 1857 from the Session Judge of Chittoor, submitting for the consideration and final judgement of the Court of Foujdaree Udalut an English translation of the record of the trial of Case No. 58 of 1856, on the file of the Session Court of Chittoor.

/ Circular Order No. No. 187 of 1857 /

The Court of Foujdaree Udalut observe[x] that the prisoners to be were brought before the Additional Joint Magistrate at Chittoor, who after finding that the property obtained from them tallied with the articles in the list of plundered property in his Office, directed them to be taken to the Pongunoor Zemindar.

2. The Subordinate Judge in charge of the Session Court will procure information from the Acting Joint Magistrate as to the nature of the proceedings held on the prisoners' appearance

[x] Vide Paras 3 & 4 of the above letter

appearance before him; whether he called upon the prisoners to give an account of the stolen property alleged to have been found upon them, whether they admitted such finding, and in the event of this, whether their admissions were recorded and if not, the Additional Joint Magistrate's reasons for not recording these statements.

3. In para 7 of the letter under notice it is stated that the 1st 2d and 3d prisoners complained of ill-usage at the hands of the Police, the Court desire that the Additional Joint Magistrate will state whether on their appearance before him they complained of ill-usage or stated that any admissions of guilt made before the Police were extorted by such ill-usage.

4. The Court of Foujdaree Udalut desire to be informed what the duties of a Mookhtussar be, and to what situation or employment in other zillahs the term made use

of

of may be applied, as also to be fur=
=nished with copies of the warrant or
warrants issued for the apprehension of
those concerned in the robbery at 6 o
Kanipank for the investigation of
which the 2d witness was at Serrapully
when he received the information
from the spy (the 1st witness.)

Ordered, that Exctract
from these proceedings, be sent to the
Session Judge of Chittoor, by precept
returnable in X days from and after
its receipt.-

(Sent following precept. No.

Read Return dated 31st Jan
=uary 1857 from the Sessions Judge of
Vaichinapoly, to the precept of the
Tahsildar Udaluk under date the 27th
Ultimo, desiring that explanation be
furnished of the cause of the delay
in the committal of Calendar of Case
No. 1 of 1857, from 22d December to 5th
January.-

(Here enter F. No. No. 234 of 1857.)

Read Exctract from the Pro=
=ceedings of the Session Court of
Guntoor

Guntoor dated 9th December 1856, held
on the Talook Police Calendars for the
4th Quarter 1856.

(Here enter F. No. No. 241 of 1857.)

Read letter dated 28th Ja=
=nuary 1857, from the Acting Session
Judge of Rajahmundry, stating that
he entertained no doubt regarding
the sanity of the Prisoner (in Case
No. 26 of 1856 on the Calendar) at the
time he committed the theft, and that
he had made enquiries about the same
previous to passing sentence.-

(Here enter F. No. No. 243 of 1857.)

Read

Rec'd
R.C.

F U.

Thursday 5th February 1857

At a Court of the Foujdaree Udalut

Present

G. L. Hooper Esqr. ——— Puisne Judge

F. Anderson Esqr. ——— Acting Puisne Judge

T. W. Goodwyn Esqr. ——— Acting Puisne Judge

Read Criminal Report B. for the month of December 1856, Zillah Masulipatam

(Here enter F U. No. 114 of 1857)

No. 88.

The words "by a single unmarried person" in the heading should have been omitted.

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

Read letter dated 22d January from the Session Judge of Coimbatore

(Here enter F U. No. 200 of 1857)

The Session Judge with the above letter submits copy of a Return made by the Magistrates of Coimbatore to the Precept of the Session Court dated the 7th January 1857, regarding the Head of Police of Danaicken eottah, and states that it is not necessary for him to repeat further than what has been stated in his remarks in Case No. 42 of 1856 regarding Soobramanien's unfitness for his situation.

1

The Court of Foujdaree Udalut do not consider

2

consider that the Magistrate has urged any sufficient reason
x vide Proceedings 3d Jany 1857. x why their instructions regarding the Head of Police of Panaiyur
cottah (now of Erode) should not be carried out, and the
Magistrate is directed to cause him to appear before the
Zillah Surgeon, in view to that Officer's reporting on his physical
ability to carry on efficiently the active duties of his situation.

Ordered that Extract from these Proceedings
be sent to the Session Judge of Coimbatore for his information
and for communication to the Magistrate by Precept returnable
in x days from and after its receipt.

(Sent following Precept No.

Read Extract of Proceedings dated 28th ultimo
from the Session Court of Madura, reviewing Petty Calendars
of the Magistrates for the 4th Quarter of 1856.

(Here enter F. 26. No. 222 of 1857)

Calendar I. Case No. 72. 1. No assault is charged, the heading is therefore incorrect.

No. 74. 2. It is presumed that 1st Defendant in this case is a Revenue Officer, the Court desire to be informed if after the present conviction he still retains his situation in the employment of Government.

No. 77. 3. Should have been headed 'Misdemeanor'.

No. 81. 4. This was "Extortion" not "Fraud."

No. 84. 5. The charge is very badly worded, there is no meaning in "Prosecutor measuring man and Meerassee"

6. The Court of Tondaree Oodalut observe that Mr. Boalth has decided cases (e.g. on the 31st October) both

both as District Moonsif of Paramagoody and Sheragum
.ga. they desire explanation on this point.

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

(Sent following Precept No.

Read Petty Calendars of the Magistracy
for the 4th Quarter of 1856. Zillah Guntoor.

(Here enter F. 26. No. 236 of 1857)

Calendar No. I. Case No. 49. The whole charge should have been set forth as preferred by the Prosecutor; and in the sentence it should have been stated "convicted of a simple assault and sentenced &c."

The nature of the summons should
Nos. 59 & 63. 2. have been described in the charge. It appears from the Acting Session Judges' proceedings that the parties were required to appear as Defendants. In that case on its being duly reported to him by the Peon entrusted with the service of the summons that the Defendants refused to sign, it was competent to the Head of Police to issue a warrant for their apprehension.

It is difficult to comprehend how four
No. 55 3. days' simple confinement could have been looked upon by the Acting Head Assistant Magistrate either as an adequate punishment for the offence of which the Prisoners were convicted or one calculated to operate as a warning to others.

Ordered that Extract from these Proceedings be

be sent to the Acting Session Judge of Guntoor for his informa

(Sent in No.

No return having been received from the Session Judge of Cuddapah to the precept of the Fouzdaree Udalut dated 5th ultimo, calling for explanation with reference to the proceedings of the Acting Head Assistant to the Magistrate of Cuddapah on a charge of assault preferred by Mr. Fondelair.

Ordered that the Session 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 Acting Session Judge of Mangalore to the precept of the Fouzdaree Udalut dated the 5th ultimo, conveying further orders with reference to the Petition of Costan Joave Fernandez of Tillah Mangalore.

Ordered that the Acting Session Judge of Mangalore be required to make a return to the above precept without further delay.

(Sent in No.

Read Return dated 31st January 1857 from the Session Judge of Nellore, to the Precept of the Court of Fouzdaree Udalut under date the 28th January, remarking on the Calendar of Case No. 54 of 1856.

(Here enter F. Ul. No. 240 of 1857)

The Court of Fouzdaree Udalut remark that the above return is imperfect, inasmuch as it does not afford the explanation called for in para 3 of this Courts

proceedings of the 28th January. The information sought by the Court was whether the Session Judge considered it proved that the prisoner in the above case had stolen the articles that were in his custody. As the Session Judge now states that there is no evidence of the prisoners having actually stolen the articles, the Court request the Session Judge to state distinctly of what he convicts him if he considered the prisoner not guilty of the theft.

Ordered that Extract from these Proceedings be sent to the Session Judge of Nellore by Precept returnable in one day from and after its receipt.

(Sent following Recpt. No.

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

(Here enter F. Ul. No. 115 of 1857)

The transmission of an account particular of Batta paid to prosecutors and witnesses during the month of December, with the above Report was irregular. Under this Courts Circular of the 22nd January 1844 such statements should be forwarded half yearly by the Session Judge or other Officer making the disbursement.

2 Much of the Report is written with such pale ink that it is almost illegible.

No. 108 3 In this case malice should have been alleged in the charge and the intention of the prisoner, whether to murder the deceased or to do him grievous bodily harm,

harm should have been stated.

No. 110

4.

It should have been stated that the prisoner was convicted

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

(Sent in No.

Read Miscellaneous Petition from Nalla Naicken Charry, Zillah Cuddapah, forwarded by the Acting Session Judge of that Zillah.

(Here enter T. M. P. No. 9 of 1857)

Mr. Goodwyn.

Petitioner, 1st prisoner in Calendar Case No. 46 of 1856, on the file of the Session Court, and sentenced to be imprisoned for 2 years with hard labor in irons and to receive 150 lashes with a Cat-o-nine tails prays the Court to cancel the said sentence which he says has been unjustly imposed.

2.

The Court of Foujdaree Udalut see no reason for disturbing the sentence passed on the 1st prisoner in the above case.

3.

Petition rejected.

Ordered that Extract from these Proceedings be sent to the Acting Session Judge of Cuddapah for communication to the Petitioner.

(Sent in No.

Read Calendar of Case No. 28 of 1856 on the file of the Session Court of Rajahmundry

(Here enter T. C. No. 267 of 1857)

1.

The Court of Foujdaree Udalut observe that the Assessors have acquitted the Prisoner in this case on the

1st and 2nd Counts, but have found him guilty on the third.

The Acting Session Judge while concurring in their verdict on the 1st and 3rd Counts dissents from it as regards the 2nd on which he declares the prisoner guilty.

2.

This difference of opinion rendered it necessary for the Acting Session Judge to have referred the trial for the final judgment of the Court of Foujdaree Udalut, and this they resolve to direct be now done.

3.

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

(Sent in No.

Rd 18/2.

F. 66.

Friday
6th February 1857 } In Court of the Fouzdaree Udalut.

Present

G. S. Hooper Esquire — Puisne Judge.

F. Anderson Esquire
J. W. Goodwyn Esquire } Acting Puisne Judges.

Read Calendar of Case No. 94 of 1856 of the Session Court of Cuddapah.

/Here enter F. 66. No. 217 of 1857./

The Court of Fouzdaree Udalut observe that the trial in this case was not commenced till the 22nd December or for six days after its committal; an explanation of this delay should have been entered in the Calendar.-

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

(Sent in No.)

Read again Criminal Reports submitted by the Acting Session Judge of Madura under date the 19th Ultimo.-

/Here enter F. 66. No. 2532 of 1856./

Read

Read also letter dated 27th Ultimo from the Acting Session Judge of Madura forwarding copy of a letter from the Acting Subordinate Judge, submitting his reasons for recording the sentences in Criminal Cases Nos. 170, 180, and 181 of 1856.-

/Here enter S. C. No. 216 of 1857./

Under the circumstances represented by the Acting Subordinate Judge, the Court of Foujdaree Udalut sanction the award of light labor within or in the immediate vicinity of the Jail, on the prisoners in Cases Nos. 170, 180 and 181 on the Criminal file.-

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

(Sent in No.)

Read letter dated 5th January 1857 from the Session Judge of Cuddapah.-

/Here enter S. C. No. 64 of 1857./

With the above letter the Session Judge forwards copy of a communication from the Magistrate of Cuddapah desiring to be informed whether

whether a complainant can be compelled to proceed with his written charges against certain public servants or in the event of his refusal to be punished under Clauses I, II -- Regulation XXX of 1841 for "obstructing justice."

2. The Court of Foujdaree Udalut are of opinion that an individual cannot be punished for refusing to depose on oath or otherwise to the truth of charges contained in the petition he may have preferred, but should a criminal investigation be held on the person or persons so charged, he may then be examined as a witness to the truth of such charges, and under the XXXIIth Section of Act II of 1855 be examined on any points relevant to the matter in issue the refusal to answer such questions subjecting him to -- punishment for contempt of Court.-

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

(Sent in No.)

Read Return dated 28th January 1857 from the Acting Agent in Ganjam to -- the

the precpt of the Foujdaree Udalut under date the 20th January 1857 intimating the observations recorded by the Court in certain cases.

/Here enter F. No. No 253 of 1857./

Read Return dated 26th January 1857 from the Session Judge of Honore to the precpt of the Foujdaree Udalut under date the 19th January 1857, calling for explanation as to why the case No 27 on the Calendar for 1856, which arrived on the 16th November, was not committed till the 3rd December, and why the trial which commenced on the 5th December was not closed before the 16th of that month.

/Here enter F. No. No 256 of 1857./

Read Calendar of Case No 17 of 1856 submitted by the Session Judge of Chingleput under date the 3rd February 1857.

/Here enter F. No. No 258 of 1857./

Read Calendar of Case No 11 of 1856 submitted by the Session Judge of Chicacole under date the 29th January 1857.

/Here enter F. No. No 259 of 1857./

Read

Read Calendar of Case No 12 of 1856 submitted by the Session Judge of Chicacole under date the 29th January 1857.

/Here enter F. No. No 260 of 1857./

Read Calendar of Case No 13 of 1856 submitted by the Session Judge of Chicacole under date the 29th January 1857.

/Here enter F. No. No 261 of 1857./

Read Calendar of Case No 14 of 1856 submitted by the Session Judge of Chicacole under date the 29th January 1857.

/Here enter F. No. No 262 of 1857./

Read Calendar of Case No 15 of 1856, submitted by the Session Judge of Chicacole under date the 29th January 1857.

/Here enter F. No. No 263 of 1857./

Ed 18 D.

in this respect.

2 In case No III Calender II. The Court of Tondaree Adalut observe that the charge was preferred to the Head Assistant Magistrate on the 17th January 1856 and was not finally disposed of until the 18th October 1856.

3 Such delay the Court of Tondaree Adalut are constrained to remark is most discreditable to the Assistant Magistrate who conducted the enquiry and also reflects most seriously on the supervision exercised over the Police administration of the district. Delays of this nature [illegible] denial of

of Ramnad, Crattor.

(Present Hutchinson & Morehead Esqrs. 11th March 1857

Petitioner appeals from the sentence passed upon him by the Subordinate Judge in Criminal Case No 141, 142 of 1856 wherein the Prisoner (Petitioner) was convicted of possessing stolen property and sentenced to be imprisoned for 12 months with hard labour in irons.

2 The Court of Tondaree Adalut after hearing the Petitioner's Pleaders are of opinion that they have failed to show any good or sufficient reason which would warrant interference

Appt. J. W. Goodwyn. -

7th February 1857.-

1. In his remarks appended to the trial of this case the Sessions Judge draws the attention of the Court of Foujdaree Udalut to the manner in which evidence is taken before the Principal Sudr Ameen of Cotacamund, he states that the deposition is first translated into English to the Judge, taken down by him and there retranslated into the vernacular language of deponent - which translation he is called upon to declare to be correct and attest.-

2. The Court of Foujdaree Udalut are of opinion that this mode of recording evidence is very objectionable and they desire the Sessions Judge will direct its discontinuance and that in future the practice that obtains in the other Sessions and Subordinate Courts as well as that enjoined by Section XVI Regulation X of 1816 and the Circular Orders of the Foujdaree Udalut of the 26th November 1824 and 16th May 1832 be closely followed by the - Principal Sudr Ameen of Cotacamund.-

Ordered that Extract from these Proceedings be forwarded to the Sessions

7th February 1857.-

Session Judge of Coimbatore for his information.-

(Sent in No)

Read Supplemental return dated the 27th January 1857, from the Session Judge of Cuddalore, to the Precept of the Court of Foujdaree Udalut dated 8th January 1857, requesting certain information regarding the Head of Police of Tiruvalore.-

/Herewith F. C. No 205 of 1857./

1. A return from the Magistrate of South Arcot to the Precept of the Session Court accompanies the above supplemental return from which it appears that there have been eight cases of gang robbery committed in the Tiruvalore Taluk during the last two years, the perpetrators of one only of which appear by the Records to have been detected and committed to the Session Court.-

The Court of Foujdaree Udalut

2. observe that the Tahsildar was once before removed from office by the Board of Revenue, and the Magistrate states his opinion that in the present case the Tahsildar has not made

interference with the sentence passed by the Subordinate Judge and confirmed on appeal by the Sessions Judge.

3. Petition rejected.

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

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

(Sent in A.)

Read Calendars of Petty Cases for the 4th Quarter of 1856 disposed of by the Magistracy of Tinnevelly.

("Here enter T. O. A. 252 of 1857)

1. In the second Para of their Proceedings of the 3d December 1856 the Court of Foujdaree Adalut found it necessary to notice the delays that took place in the disposal of Cases by the Magistracy. &c &c &c "They regret to find that the Calendars now under review show no improvement in

in this respect.

2. In case No. III Calender II. The Court of Foujdaree Adalut observe that the charge was preferred to the Head Assistant Magistrate on the 17th January 1856 and was not finally disposed of until the 18th October 1856.

3. Such delay the Court of Foujdaree Adalut are constrained to remark is most discreditable to the Assistant Magistrate who conducted the enquiry and also reflects most seriously on the supervision exercised over the Police administration of the district. Delays of this nature are tantamount to a total denial of justice and in this Case the Prosecutor after having travelled to and fro between the Head Assistant Magistrate and the Head of Police for a space of nine months appears to have despaired of obtaining any decision in his case and to have solicited its dismissal.

4. The Judges are at a loss to account for these extraordinary delays in Tinnevelly which do not appear to occur in other Zillahs. It appears to them that the mode of procedure observed by the different officers is most faulty and

and that much time is most unnecessarily lost in summoning and obtaining the attendance of parties before them.

5 The Court of Foujdaree Adalut desire the Session Judge will in his future reviews of the Calendars of the Magistracy select some of the cases wherein the delays may appear to him excessive and having sent for the proceedings held therein, ascertain where the irregularity and informality of procedure exists and point out the same to the Magistrate Unless the Magistrate visits with severity the delays that occur in the Talooks on the part of the native officers of Police and stimulates his European Subordinates to an energetic performance of their duties it will be hopeless to look for improvement, and unless this takes place it will be the painful duty of the Court of Foujdaree Adalut to bring the state of things to the Notice of Government

Ordered that Extract from these Proceedings be sent to the Session Judge of Tinnevelly for his information and Guidance

(Sent in Ext.)

9th February 1857.

Read letter dated 3d February 1857, from the Session Judge of Chingleput, submitting for the final judgment of the Foujdaree Adalut, the Record of Trial in Case No. 1 of 1857 of the Calendar of the Session Court

(Here enter Fo No. 257 of 1857)

Messrs Hooper and Goodwyn.

The Court of Foujdaree Adalut, on a deliberate consideration of all the circumstances of the Case in evidence before them, being of opinion that the proof against the Prisoner, Veera Swamy of the crime of murder do convict him is sufficient to convict him, thereof, and under the provisions of section X Regulation VIII of 1812 sentence him to suffer death by being hanged at the usual time and place of execution.

(Sent in Ext.)

Ex Sdd.

F. No.

Tuesday 10th February 1857.

At a Court of the Foujdaree Udalut

Present

L. S. Hooper Esqre.
F. Anderson Esqre Acting
T. W. Goodwyn Esqre &c

} Puisne Judges

Read Calendar of Case No 3 of 1857 of the Session Court of Salem.

(Here enter F. No 237 of 1857.)

The Court of Foujdaree Udalut approve of the recommendation made by the Session Judge in this Case, that the period of Imprisonment which the Prisoner noted in the margin, has been adjudged to suffer on his conviction of House breaking and attempt at Theft be reduced to (3) Three years with hard labor in irons and 25 lashes, and they do authorize the Session Judge to issue his warrant accordingly.

Maurce Moottoo alias Mendookistunna.

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

(Sent on No)

Read Calendar of Case No 4 of

10th February 1854.

of 1854, submitted by the Acting Session Judge of Tinnevelly, under date the 10th January 1854.

(Here enter F. No. N° 91 of 1854)/sr

E. Hall.

F. No.

Wednesday, 11th February 1854

At a Court of the Foujdaree Udalut

Present

G. A. Hooper Esqre
J. F. Anderson Esqre Acting
J. W. Goodwyn Esqre Do

} Puisne Judges

Read Calendar of Case N° 76 of 1856 of the Session Court of Salem.

(Here enter F. No. N° 238 of 1854)

This case arrived on a Monday the 8th and was not committed till Friday the 12th, but no explanations of this delay has been entered in the Calendar as required by Circular Order N° 213. As the Subordinate Courts delays have before been prominently noticed by the Acting Session Judge the Court of Foujdaree Udalut request that this Officer will instruct the Acting Subordinate Judge to pay strict attention to the provisions of the aforesaid Circular Order and if explanations of delay are not duly entered to call on the Acting Subordinate Judge to supply the deficiency.

Ordered that Extract from these

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

(Sent on N°)

Read Return dated 7th February 1857, from the Acting Subordinate Judge in charge of the Session Court of Cuddalore, to the Precept of the Court of Foujdaree Udalut under date the 4th November, directing him to procure certain information from the additional Joint Magistrate in regard to certain prisoners in Calendar N° 58 of 1856.

(Here enter F. R. N° 292 of 1857.)

The Court of Foujdaree Udalut observe that the letter of the Acting Joint Magistrate is not sufficiently explicit on the points regarding which information was sought. The Court of Foujdaree Udalut are almost led to infer that the prisoners alluded to were brought to the additional Joint Magistrate's Cutcherry were not brought into his presence.

The Additional Joint Magistrate will be called upon to explain whether the prisoners appeared before him and if so whether any proceedings of the nature alluded to in para 2 of this Court's Proceedings of the 4th February were held by him.

2 The additional Joint Magistrate will also explain how he became aware that the wives and families of the above prisoners accompanied them to Cuddalore, and whether whenever the relatives of prisoners prefer charges of ill usage to the Magistracy against the Officers of Police such charges are always made matter of strict investigation.

Ordered that Extract from these Proceedings be sent to the Subordinate Judge in Charge of Session Court of Cuddalore by precept returnable in 14 days from and after its receipt.

(Sent following Precept N°)

Read Criminal Report B for the month of December 1856, Zillah Rajahmundry.

(Here enter F. R. N° 266 of 1857.)

Rs. 130/155 Report A 1.

The Subordinate Judge's sentence is by far too voluminous. Long abstracts of the Prosecutor's and witnesses' statements should not have been given; it would have been sufficient if the Subordinate Judge had stated what facts were proved against the Prisoner and the nature

nature and description of the property & the nature of the Prisoner's defence with the reasons for disbelieving the same.—

Nos 126. 127. & 128. 2. If the witnesses were not sent up with the case which reached on October 29th the Subordinate Judge should not have delayed sending for their transmission till November 18th. The Magistrate will explain why these witnesses were not sent up with these Cases.

No. 142. 3. Enticing a Child about 10 years old of a Village and there robbing him of his ornaments is a much more heinous Crime than snatching the same ornament from a Child's person in the Village, inasmuch as the former offence often leads to the commission of murder to prevent alarm being given, and the Court of Foujdaree Udalut therefore consider that the case should have been committed as one of robbery.

4 The Foujdaree Udalut observe that the Foujdaree Udalut Proceedings 25th May 1854, Para 8 do not require that Cases of Snatching be headed as Theft;- the heading Snatching would have been correct under the Circular 29th June 1853 if the Child had not been enticed out of the Village.

Where

Nos 144 & 145. 5 Where Cases are entered as "Under Examination" the reason of them being delayed should be given. The Court of a Foujdaree Udalut desire to be informed why the disposal of the Cases noted in the margin occupied a month and upwards.

No 149. 6 Explanation is required of the circumstances under which the defendants in this Case were committed to custody, the offence with which they were charged being a bailable one.

No. 160. 7 Only an Abstract of the charge should have been given, and it should have been alleged that the false statements were made on a point material to the issue of the Case.

No. 164.- 8 The offence was Robbery as described in the Charge.

9 The Court observe that the Criminal department of the Subordinate Court appears to be in an unsatisfactory State, and request that measures may be taken to expedite the despatch of business therein.

Ordered

11th Febmary 1857.—

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Rajahmundry by Receipt returnable in V days from and after its receipt.

(Sent following Receipt No 1st

E. H.

Thursday — 12th Febmary, 1857.

P. M.

At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esquire — Puisne Judge
F. Anderson Esquire — Acting — do
T. W. Goodwyn Esquire — Acting — do

Read again Calendar of Case No 22 of 1856 of the Sessions Court of Rajahmundry.

(Here Enter P. M. No 2502 of 1856)

Read also Return dated the 20th January from the Acting Sessions Judge of Rajahmundry to the Precept of the Foujdaree Udalut under date the 14th January 1857 calling for certain explanation in the above Case.

(Here Enter P. M. No 242 of 1857)

In view of the explanation afforded by the Acting Sessions Judge in the foregoing Return the Court of Foujdaree Udalut resolve to sanction the mitigated sentence proposed to be passed upon the Prisoners noted in the Margin viz Imprisonment with hard labor in irons in the case of the

3. Bontoo Soobbudoo
4. Paradoomillee Narregandoo
5. Paradoomillee Pasegandoo
9. Saureddla Gopygadoo
10. Pyllumpurty Soobbadoo
12. Cusumma Paupee
13. do Nunnegandoo
14. do Peddd Nangee
15. do Punsee
16. Penthoo Soobbee
17. Coozuma Chena Nangee
18. Gogroo Penkee.

3d, 4th, 8th, 9th and 10th for 7 years and in that of the 12th, 13th, 14th, 15th, 16th, 17th and 18th for 3 years.

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Rajahmundry (together with the private Notes) for his information.

(Sentin No.)

Read letter dated 7th February 1857 from the Sessions Judge of Combaconum

(Here Enter D.M. No. 297 of 1857)

In the above letter the Sessions Judge requests certain instructions with reference to this Courts proceedings of 31st January containing remarks on the criminal Report B for the month of December 1856.

2.

The Court of Zoujdaree Adalut did not in their proceedings of the 31st January 1857 require that in cases of housebreaking the mode of entry should be entered in detail but that a sufficiently clear description thereof should be briefly stated in order to enable them to determine whether the offence charged amounted to "housebreaking" or "theft."

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

(Sent in No.)

Read

Read return dated 7th February from the Sessions Judge of Nellore to the precept of the Court of Zoujdaree Adalut under date 5th February, calling upon him to state distinctly of what acts he convicted the prisoner in Calendar No. 54 of 1856.

(Here Enter D.M. No. 295 of 1857)

Read again Calendar in the above Case.

(Here Enter D.M. No. 137 of 1857)

The Court of Zoujdaree Adalut observe that the 9th Section of Act XIII of 1850 under which the Sessions Judge has sentenced the prisoner in this Case, provides a punishment for "feloniously stealing" as the Sessions Judge has declared that he did not consider the prisoner guilty of theft but merely of very gross neglect, the Court of Zoujdaree Adalut resolve to quash the above conviction and direct the prisoner's release.

2. They desire also to point out to the Sessions Judge that his stating that he considered the prisoner to have evinced great neglect or connivance did not distinctly afford the information sought for, inasmuch as "being guilty of neglect"

was

was no Criminal Offence, whereas being "guilty of connivance" was, and the Sessions Judge's return did not state distinctly whether the prisoner was guilty of "neglect" or of "connivance" or of both.

Ordered. that Extract from these Proceedings be forwarded to the Sessions Judge of Nellore by precept returnable in 14 days from and after its receipt

(Sent Following precept No)

Read Miscellaneous Petition presented on the 15th January 1857 by G. Suraiah of Vizagapatam.

(Here Enter D.M.P. No 8 of 1857)

Mr G. S. Hoskyn

1. Petitioner prisoner in Case No 15 of 1854 on the file of the Government Agent of Vizagapatam and undergoing sentence of imprisonment for 7 years with hard labor in irons appeals therefrom.

2. The Court of Zoujdaree Udalut reject this petition, the case to which it refers having been disposed of 2 years ago.

Ordered. that Extract from these Proceedings be sent to the Principal Sudr Ameen of Vizagapatam for communication to the Petitioner.

(Sent in No)

Read

Read Miscellaneous Petition presented on the 20th November 1856 by Arthur W Ritchie Esqr and Messrs W Ritchie Esqr Pleaders on behalf of M. Appalachariar of Gillah Nellore.

(Here Enter D.M.P. No 227 of 1856.)

Mr G. S. Hoskyn

1. Petitioner prays the Court will reconsider their Order passed on the 18th August 1856, on Miscellaneous Petition No 96 of 1856.

2. The Court of Zoujdaree Udalut decline to disturb the Orders already passed by them in the Petition referred to.

Petition rejected.

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

Read again Calendar of Case No 116 of 1856 submitted by the Sessions Judge of Bellary.

(Here Enter D.M. No 69 of 1857.)

Read also Return dated 2d February 1857 from the Sessions Judge of Bellary to the precept of the Zoujdaree Udalut under date the 27 Ultimo, requesting information as to whether the Memo. of

letter

12th February 1857

Letters taken by the Prisoner in the above case was prepared with care &c.

(Here Enter F.U. No 274 of 1857)

The Court of Foujdaree Udalut direct that an English Translation of the record of the above case be submitted for their consideration.

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Bellary by precept returnable in Nine days from and after its receipt.

(Sent following Precept No) to

Ino 18 C.

F. U.

Friday 13th February 1857.

At a Court of the Foujdaree Udalut.

Present

G. L. Cooper, Esquire
F. Anderson, Esquire. Actg. } Puisne Judges.
T. H. Goodwyn, Esquire. Actg.

Read Calendar of case No 73. of 1856 submitted by the Acting Sessions Judge of Salem under date the 21st ultimo.

(Here Enter F. U. No 237 of 1857)

The Court of Foujdaree Udalut direct that the result of the enquiry into the irregularities of the Police noticed by the Acting Sessions Judge be submitted for their consideration.

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

(Sent following Precept No)

Read

Read Calendar of Case No 9
of 1857 of the Sessions Court of Tinnevelly-
(Here Enter H. Mo. No 233 of 1857)

This case arrived on the 30th
September but was only committed on the
23rd January - no explanation has been submit
=ted for this extraordinary delay as
required by Circular Order No 213, the Princi
=pal Sudr Ameen is directed to be careful
to insert the explanations of delays in the
Calendar as prescribed by the above Circular
Order and any omission so to do should
be remedied by the Sessions Judge after
calling on the Principal Sudr Ameen
for the explanation.

Ordered, that Extract from these
Proceedings be forwarded to the Sessions
Judge of Tinnevelly for his information
and for communication to the Principal
Sudr Ameen.

(Sent in No)

Read Calendar of Case No 11
of 1857 submitted by the Sessions Judge of Tinnevelly-
(Here Enter H. Mo. No 279 of 1857)

The Principal Sudr Ameen
will explain the 36 days delay in
committing this case, and will in future
pay strict attention to the Circular
Order No 213 which prescribes that the
explanation of the delay shall be enter
=ed in the Calendar. in case the Principal
Sudr Ameen in future omits to insert
the required explanation of delay in
the Calendar the Sessions Judge should
at once call upon him to remedy
the omission.

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

(Sent following Precept No)

Read report dated the 4th
Instant, submitted by the Sessions Judge
of Cuddalore of cases pending before
him for a period in excess of 25 days-

(Here Enter H. Mo. No 269 of 1857)

Read

Read Calendar of case No. 5 of 1857 submitted by the Sessions Judge of Masulipatam under date the 31st ultimo.

(Here Enter F. No. No. 270 of 1857)

Read Calendar of case No. 2 of 1857 submitted by the Sessions Judge of Bellary under date the 2d Instant.

(Here Enter F. No. No. 273 of 1857)

Read report dated the 2d Instant submitted by the Sessions Judge of Bellary of cases pending before him on the 31st December 1856 for more than 25 days.

(Here Enter F. No. No. 275 of 1857.)

Read return dated the 3d Instant from the Sessions Judge of Bellary to the precept of the Tahsildar of Adoni under date the 27th ultimo calling upon him to reduce his sentence in case No. 111 of 1856 to 4 years imprisonment with hard labour in irons.

(Here Enter F. No. No. 281 of 1857)

Read Calendar of case No. 43 of 1856 submitted by the Sessions Judge of Cuddalore under date the 4th Instant.

(Here Enter F. No. No. 284 of 1857)

Read Calendar of case No. 3 of 1857 submitted by the Sessions Judge of Masulipatam under date the 4th Instant.

(Here Enter F. No. No. 285 of 1857)

Read return dated the 6th Instant from the Sessions Judge of Cuddapah to the precept of the Tahsildar of Adoni under date the 26th ultimo conveying observations on the Criminal Reports for the month of December 1856.

(Here Enter F. No. No. 295 of 1857)

Read Criminal Report A dated the 7th Instant submitted by the Acting Sessions Judge of Guntoor for the month of February 1857.

(Here Enter F. No. No. 298 of 1857)

Ex [illegible]

J. A6.

Saturday 11th February 1857

At a Court of the Tongidara Udalab

Present

G. L. Hooper, Esquire
H. Anderson, Esquire Actg
T. W. Goodwyn, Esquire Actg
} Puisne Judges

Read Calendar of Case No 16 of 1856 of the Session Court of Chicacole.

(Here Enter J. A6. No 264 of 1857)

The Court of Tongidara Udalab require an explanation of the delay from 9th November to 6th December 1856, in committing this Case and from the latter date to 10th January 1857 in commencing the trial before the Session Court.

Ordered that a Extract from these Proceedings be forwarded to the Civil Judge of Chicacole by precept returnable within

14th February 1857.

within 7 days from and after the receipt &
Sent the following Precept for
Ld

Monday
16th February 1857.

F. C.

At a Court of the Foujdaree Adawlut.

Present.

G. S. Hooper Esquire
Findlay Anderson Esqre Ag
J. W. Goodwyn Esqre Ag
} Puisne Judges

Read letter dated 6th February 1857, from the Acting Sessions Judge of Tellicherry, submitting for the final judgment of the Foujdaree Adawlut, the record of Trial in case No 25 of 1856 of the Calendar of the Session Court.

(Here Enter F.R. No 314 of 1857)

The Court of Foujdaree Adawlut,
Messrs G. S. Hooper
and
J. W. Goodwyn on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner,

"Coonhy Pidigaib Amboo"

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

16th February 1857

there to be imprisoned and kept to hard labor on the public roads or other public works, for and during the period of his natural life.-

1. The prisoner in this case was charged with having murdered his mother by striking him on his head with a stone, and pressing his throat with his hands.

2. The Acting Lefcion Judge concurred with the Law Officer in convicting the Prisoner of the crime charged and recommended that he be sentenced to suffer death.-

3. The Court of Fourteen Assistants concur in the conviction of the Prisoner, but as the deceased's death took place in an affray which appears to have originated from sudden passion at the deceased's reproaches, they consider themselves justified in exempting the Prisoner in this case from the extreme penalty of the law, and have accordingly sentenced him to transportation for life.

Ordered that Extract from these Proceedings be sent to the Acting Lefcion

16th February 1857.

Lefcion Judge of Tellicherry for his information.-

(Sent in No. "

Sd/ WM. Sampson

Tuesday 17th February 1857.

At a Court of the Tonjidaree Aldalut

Present.

G. S. Hooper Esqre
F. Anderson Esqre M.A.
F. W. Goodwyn Esqre M.A.
} Puisne Judges

Read letter dated 31st January 1857, from the Sessions Judge of Bellary (Herewith F. No. 272 of 1857.)

The Court of Tonjidaree Aldalut, on reexamining the charges in Criminal Case No. 331 of 1856, find that as brought to their notice by the Sessions Judge, the prisoner was accused of having made away with the letters, as well as of having removed the postage labels. Such being the Case the prisoner was properly committed, and no instructions to the Magistrate will therefore be requisite.

The Court observe, however, that the mention in the first Count of prisoner's having removed the labels was

was irregular, such act forming an ingredient in the offence declared in Section 1 of Act No XVII of 1854. If it was considered advisable, a second count might have been framed, on Section XV, so as to ensure the prisoner's conviction thereon, in the event of his being acquitted on the first count.-

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

(Sentence)

Read letter dated 21st January 1857, from the Acting Sessions Judge of Rajahmundry, submitting for the final judgment of the Foujdaree Adalut, the Record of Trial in Case No 2 of 1857 of the Calendar of the Sessions Court.-

(Hereunder Fit No. No 308 of 1857.)

Wm H. Anderson

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

Mallem Bauspadoo

17th February 1857.

Mallem Bauspadoo.

is sufficient to convict him of the crime of Affault with intent to commit Rape, for which, in the absence of the requisite conditions of Mind, discretionary punishment is awardable under the Mahommedan Law, as declared in futwas of their Law Officers, & Convict him thereof; and under the provisions of Clause third, Section VII, Regulation XXXIII. A.D. VIII. of 1843, Section XV of 1803 and Section VIII. A.D. 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

The Prisoner in this Case was charged with attempt ab rape, and robbery of neck and ear ornaments from the person of the Prosecutrix.-

The Law Officer declared 2. a futwa of Dishonour of Highway robbery but the Acting Sessions Judge not concurring in this opinion but convicting the Prisoner of attempt ab rape and robbery, has referred the Case,

17th February 1857.

Case, recommending that the prisoner be sentenced to 3 years' imprisonment with hard labor in irons.

3. The Prosecutrix did not say anything to the 12th witness about the robbery and it is not likely in the opinion of the Court of Sanjeevee-Adalut, that the prisoner would take away her ornaments and leave his own cloth and Hatpeece, the Court acquit the prisoner of that part of the charge; but considering the Statement of the Prosecutrix as to the prisoner's having assaulted her with intent to commit rape, corroborated as it is by the evidence of the 1st and 2d witnesses and the Statement of the prisoner himself, to be sufficient to convict him of this offence, the Court have sentenced him to 7 years' imprisonment with hard labor in irons.

4. They observe that had the robbery been also proved, the sentence proposed by the Acting Session Judge would have been quite inadequate.

Ordered,

17th February 1857.

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

(Sent in Ste)

Read Report dated 5th January 1857, submitted by the Session Judge of Chicacole, of Cases pending on the 31st December and committed for trial during the month of November 1856 before the Session Court.-

(Here enter Fl. No. No 76 of 1856.-)

Read Calendar of Case No 4. of 1857, submitted by the Session Judge of Nellore, under date the 26th January 1857.-

(Here enter Fl. No. No 194 of 1857.)

Read Calendar of Case No 5 of 1857, submitted by the Session Judge of Coimbatore, under date the 8th January 1857

(Here enter Fl. No. No 199 of 1857)

Read Return dated 24th January 1857, from the Session Judge of Tinnevelly, to the Precepts of the Sanjeevee Adalut under date the 8th Ultimo, calling for certain explanation in Session Case No 37 of 1856.-

(Here enter Fl. No. No 206 of 1857)

Read

17th February 1857.

Read Calendar of Case No 9 of 1857, submitted by the Acting Session Judge of Guntoor, under date the 28th January 1857.

(Here enter F. No. 233 of 1857.)

Read Return dated 27th Ultimo, from the Acting Session Judge of Tellicherry to the precept of the Foujdaree Adalut under date the 19th Ultimo, directing that the Acting Magistrate of Malabar be called upon to state what notice has been taken of the conduct of the 8th witness in Case No. 26 of 1856 on the Calendar of the Sessions Court.

(Here enter F. No. 214 of 1857.)

Read Calendar of Case No. 4 of 1857, submitted by the Sessions Judge of Coimbatore, under date the 16th January 1857.

(Here enter F. No. 283 of 1857.)

Read Calendar of Case No. 10 of 1857, submitted by the Acting Sessions Judge of Guntoor, under date the 4th February 1857.

(Here enter F. No. 287 of 1857.)

Read Calendar of Case No. 2, 3, and 6 of 1857 submitted by the Sessions Judge of Combaconum under date the 6th February 1857.

(Here enter F. No. 296 of 1857.)

Ex. Mll.

F. No.

Wednesday 18th February, 1857.

At a Court of the Foujdaree Adalut.

Present.

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

Read letter, dated the 27th November 1856 from the Acting Sessions Judge of Calicut, submitting for the final Judgment of the Foujdaree Adalut the Record of Case No. 48 of 1856 of the Calendar of the Sessions Court.

(Here Enter F. No. 2333 of 1856.)

Read also return dated the 9th February 1857 from the Acting Sessions Judge of Calicut to the precept of the Foujdaree Adalut under date the 31st January 1857, directing as compliance with the instructions conveyed in their proceedings of the 14th

idem

18th February, 1857

idem in Case No. 48 of 1856 on the Calen-
dar of the Sessions Court.—

Here Enter F. No. No. 350 of 1857/—

Mr. J. W. Goodwyn.

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

Pandacalagatha County Coya-
is sufficient to convict him of the
crime of Wounding with intent to
kill, for which according to Futwas
of their Law Officers, discretionary
punishment is awardable under the
Mahamedan Law, do convict him
thereof—and in conformity with the
provisions of Clause third Section
VII Regulation XV of 1803 and Section
XXXIV Act VII of 1843 sentence him to
be imprisoned and kept to hard labor
in irons on the public roads or other
public works for and during the
period of (10) Ten years.—

Sent in No. /—

Read

18th February, 1857

Read Calendar of Case
No. 50 of 1856 of the Sessions
Court of Coimbatore.—

Here Enter F. No. No. 282 of 1857/—

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 Gang robbery
by open violence, be reduced to (5)
five years with hard labor in irons,
and they do authorize the Sessions
Judge to issue his warrant accord-
ingly.—

2d Bommon-

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

Sent in No. /—

The records of trial
in referred Cases Nos. 38 and 40
of 1856 on the Calendars of the

Acting

18th February 1857.

Acting Agent's Court in Ganjam not having been yet received;

Ordered that the Acting Agent at Ganjam be required to submit the records aforesaid without delay.

Sent in No 15

4 Y 8.

Friday
20th February 1857.

F. U.

At a Court of the Foujdaree Udalut.

Present

G. S. Cooper Esquire
F. Anderson Esquire Act.
F. H. Goodwyn Esquire Act.
} Puisne Judges.

Read Calendar of Case No. 85 of 1856, submitted by the Session Judge of Cuddapah

(Here enter F. U. No. 127 of 1857.)

1. The sentence in this case is not clearly drawn out as it fails to set forth sufficient grounds for demanding security from the 2d to 10th and 13th prisoners, and the Court of Foujdaree Udalut direct that further explanation on this point be submitted for their consideration.

2. The period for which security is demanded and for which the above Prisoners are to be detained in confinement in default of finding it, is not stated in the Calendar.

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

(Sent following precept No.)

Read

Read letter under date the 11th February 1857 from the Session Judge of Cuddalore forwarding English Translation of the record of Case No. 37 of 1856, on the Calendar of the Session Court for the final Judgment of the Court of Foujdaree Udalut.

/Here enter F.U. No. 319 of 1857/

Mr. G. S. Hooper

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

Thillay Chetty

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

/Sent in No. /

Read Calendar of Case No. 2 of 1857, submitted by the Session Judge of Tpchinopoly.-

/Here enter F.U. No. 278 of 1857/

The Court of Foujdaree Udalut desire to be informed whether the Prisoner in this case has been held to security for being a bad character or on the ground of suspicion

suspicion of having committed the Offence charged against him.-

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

/Sent following precept No. /

Rs 18.

Saturday
21st February 1857

J. V.

At a Court of the Foujdaree Udalut

Present

G. I. Hooper Esqre
T. Anderson Esqre Acting
T. W. Goodwyn Esqre ——

} Puisne Judges.

Read letter dated 13th February 1857
from the Session Judge of Tinnevelly submitting
for the final judgment of the Foujdaree Udalut
the Record of trial in Case No. 16 of 1857 on the
Calendar of the Sessions Court—

(Vide infra J. V. No. 354 of 1857.)

Mr. F. Anderson

The Court of Foujdaree Udalut on a
deliberate consideration of all the circumstances
of the case in evidence before them, being of opinion
that the proof against the prisoner,
Cr. Soodalymuttu
is sufficient to convict him of the crime of Rape,
for which in the absence of the requisite condi-
tions of Hud, discretionary punishment is
awardable under the Mahomedan Law, as
declared in futwas of their Law Officers, do convict
him thereof, and under the provisions of Clause
third

third Section XII Regulation XV of 1803, Regulation VIII of 1828, and Section XXXIII Act VII of 1843, sentence him to receive one hundred and fifty lashes with a Cat o nine tails, and to be imprisoned and kept to hard labor in irons on the public roads or other public works, for, and, during the period of (5) five years.—S

(Sentence Sd.)

Lt. Geo. Edwards

C. R. Chamier

Monday.

25th Feby 1857. At a Court of the Foujdaree Adalut

Present

G. S. L. Cooper Esquire — Prisng Judge

F. Anderson Esquire — Acting Prisng Judge

J. W. Goodwyn Esquire — Acting Prisng Judge

Read Miscellaneous Petitions presented on the 5th Feby 1857, through the Session Judge of Cumbaconum, by Rayporama Pattun, of Zillah Cumbaconum.

(Proceedings entered F. A. D. No. 23 of 1857)

Petitioner was held to security by the Joint Magistrate in a certain Criminal matter, and is dissatisfied with the result of an appeal made to the Session Judge with the view of obtaining the reversal of the Joint Magistrates sentence.

Mr. J. W. Goodwyn. 1. The Court of Foujdaree Adalut decline to interfere with the Session Judge's order, as the Petitioner has failed to assign any good and sufficient reason for so doing.

Petition rejected.

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

Read

Read again Miscellaneous Petition presented on the 26th December 1856, through the (Acting) Sessions Judge of Calicut by Madavan and Narrayna Nambier of that Zillah.

(Here enter F. M. D. No. 214 of 1856)

Read also return dated 10th instant, from the Acting Sessions Judge of Calicut, to the precept of the Fouzdaree Adalat under date the 26th January, calling upon him to report whether a party therein named was cited as a Witness by the 1st Prisoner in case No. 51 of 1856, and if so, why he was not examined.

(Here enter F.D. No. 361 of 1857)

Mr. J. R. Goodwyn.

The Acting Sessions Judge having in the above return stated that the party mentioned by the Petitioner in para 5 of his Petition had not been cited by him as a Witness, the Court of Fouzdaree Adalat see no reason to interfere with the sentence in the case referred to and accordingly reject this Petition.

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

(Sent in No.)

Read Calendar of Case No. 3 of 1857 of the Sessions Court of Rajahmundry.

(Here enter F.R. No. 359 of 1857)

The

The Court of Fouzdaree Adalat 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 (3) three years with hard labor in irons without bail and they do authorize the Sessions Judge to issue his warrant accordingly.

Virgula Ramoodoo.

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

(Sent in No.)

Read Miscellaneous petition presented on the 3rd February 1857, by G. Jagannada Sastri, of Zillah Cuddapah.

(Here enter F. M. D. No. 19 of 1857)

Mr. G. S. Hoskyns.

Petitioner revives the subject of his petition No. 361 of 1856 which was rejected by this Court in their proceedings of the 26th January 1857.

1.

The Court of Fouzdaree Adalat see no ground for interfering with the sentence passed by the Sessions Judge in the case in question, and they therefore reject this petition.

2.

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

Read again Miscellaneous Petition presented on the 3rd November 1856 by Mr. J. H. D. Wilson, pleader on behalf of the heirs and relations to the Prisoners from No. 1 to 20 in Calendar No. 30 of 1856 of Zillah Chittoor.

(Here Enter F. M. P. No. 216 of 1856)

Read also again Return dated 1st December 1856 from the Session Judge of Chittoor to the precept of the Fouzdaree Adaulut under date the 17th November, directing the submission of certain correspondence and depositions referred to in the Miscellaneous Petition No. 216 of 1856.

(Here Enter F. M. P. No. 2326 of 1856)

Read also Return dated 28th January 1857, from the Subordinate Judge in charge of the Sessions Court of Chittoor, to the precept of the Fouzdaree Adaulut under date the 5th idem, calling for translation of all the evidence relating to the 9th to 15th and 19th and 20th Prisoners in Calendar No. 30 of 1856 on the file of the Sessions Court.

(Here Enter F. M. P. No. 230 of 1857)

Mr. F. Anderson. 8
Mr. J. W. Goodwyn. 1

On a consideration of the record which accompanied the last return, the Court of Fouzdaree Adaulut observe that the alleged proof against the 9th to 15th; and 19th and 20th

Prisoners

Prisoners in this Case, is that they verbally confessed to the 9th 10th and 13th Witnesses and up articles of stolen property proved to belong to the Prosecutor.

2. The examination of these Witnesses reflects most seriously on the Acting Sessions Judge; they do not state why the Prisoners were apprehended, or the circumstances of the apprehension or what induced them to confess directly they were apprehended, or whether their confessions were given voluntarily or extorted by ill usage. nor were these witnesses asked any questions which would test the value of their evidence as to the alleged confessions and delivering up of the property produced in Court. The 9th Witness deposed that the 15th Prisoner gave up the property shown under proceedings in the backyard of his house - the 13th Witness that he did so from Castor Oil trees - Same facts respecting these confessions are however perfectly clear. they were never produced to Waiting and were retracted directly they got out of the power of the Mayoree Peons. The evidence to the 9th to 15th and 19th and 20th Prisoners' confessions is utterly worthless.

The value of the evidence of the 9th

3.

9th 10th and 13th Witnesses as to the finding of the property is destroyed - firstly, because they could not clearly identify the articles each Prisoner produced; secondly, because the 4th and 5th Witnesses could not identify the property with any certainty, their depositions containing such expressions as (4th Witness) "I feel it difficult to tell to whom "they belong) to in as much as they are found in "separate bits. I cannot identify the articles of pro: "perty in as much as each of them is tied up in "a separate bundle" (5th Witness). "I am unable to "identify the articles of property in as much as "they are arranged in separate A.s" and lastly because the jewels being "pounded up into small fragments" it was not possible for even the owner to state to which of 2 or 3 ornaments they belonged, so that identification was clearly impossible.

4 Under these circumstances the Court of Foujdaree Adalut are of opinion that the evidence as taken before the Sessions Court is altogether insufficient for the conviction of the 9th to 13th and 9th and 20th Prisoners and direct that they be unconditionally released.

Orders that Extracts from these Proceedings be sent to the Subordinate Judge in charge of the Sessions Court of Chittoor by precept

Returnable

returnable in 10 days from and after its receipt.

(Sent following Precept A.)

Read letter dated 23d January 1857 from the Sessions Judge of Chittoor, submitting for the final Judgment of the Foujdaree Adalut the Record of Case No. 58 of 1856, of the Calendar of the Sessions Court.

(Here enter F.R. No. 187 of 1857)

Read also return dated 1st February 1857, from the Subordinate Judge in charge of the Sessions Court of Chittoor, to the precept of the Foujdaree Adalut under date the 4th February 1857, directing that officer to procure certain information from the Acting Additional Joint Magistrate in Calendar No. 58 of 1856.

(Here enter No. 292 of 1857)

Read again also return dated 16th February 1857, from the same officer to the precept of the Foujdaree Adalut under date the 11th February 1857, calling for further information in Calendar No. 58 of 1856.

(Here enter F.R. No. 364 of 1857)

Messrs. Anderson and Goodwyn

The Court of Foujdaree Adalut on a deliberate consideration of all the circumstances of the Case in evidence before them being of

Nos 10 and 11 from his Jurra (whence he produced also the other articles) whereas before the Sessions Court he states that the 2d prisoner produced them from his house after the 3d prisoner had given information of their being in possession of the 2d prisoner. This discrepancy together with the fact of the 2d witness having failed to mention in his Enzee that articles 10 and 11 were given up by the 2d Prisoner, after he was applied to in consequence of the 3d Prisoner's statement that he (3d Prisoner) had given him (2d Prisoner) these articles, in the opinion of the Court, vitiates the evidence regarding the delivering up of these articles. The only other evidence that would then remain to corroborate the Police confession of the 3d Prisoner would be the evidence of the 9th witness but as he admits the 3d prisoner was a stranger, even if his evidence were true he may have mistaken his identity. The Court do not therefore consider the evidence sufficient for his conviction.

6. Under these circumstances the Court of Faujdaree Adalut have sentenced the 3d 5th and 7th prisoners to find security in the sum of Rupees 100 each for 1 year.

7. The Court direct that it be pointed out to the Acting Additional Joint Magistrate that on hearing that the Prisoners had verbally confessed to the 2d witness, he ought to have ascertained if their confessions

confessions were entirely free and voluntary and recorded their depositions whether of confession or retraction and in the latter case he should have examined their persons if they alleged illusage, and that it was most objectionable to send the Prisoners off to Poonganoor without giving them a full and fair opportunity of stating any thing they might wish to record.

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

Sent in A.

E. Hall.

Leaud Reed

F. C.

Tuesday
24th February 1857. At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esquire
F. Anderson Esquire Acting
F. N. Goodwyn Esquire Acting
} Prisno Judges.

Read Return dated the 3d Fe-
bruary 1857, from the Acting Session Judge of
Rajahmundry, to the Precept of the Foujdaree
Udalut under date the 28th January, convey-
ing their remarks relative to the suspension of
the execution of the sentence in Case F. 28 of 1856
on the Calendar of the Session Court -

(Perusal F. C. No. 288 of 1857)

Read also letter dated the
5th February, from the Acting Session Judge,
stating that since the dispatch of his return
of the 3d February to the Higher Court's Precept
he found that the order quoted was revoked,
and requests certain instructions relative to the
infliction of stripes.

(Perusal F. C. No. 289 of 1857)

The Court of Foujdaree Udalut
inform

inform the Acting Sessions Judge that under clause first Section XV Regulation VII of 1812 on conviction of a Prisoner the Sessions Judge is to pass sentence and issue warrant for its execution" without further reference or delay. The Proceedings, therefore of the Acting Sessions Judge in delaying the execution of the sentence were illegal. The Court of Foujdaree Adalut further point out to the Acting Sessions Judge that when execution of the sentence as regards stripes is delayed the principal part of the sentence is carried out at once, for the Convict is put to hard labour in irons, the stripes being a supplementary part of the sentence, whereas in the present case the entire sentence was stayed.

2. The Judges also desire to point out to the Acting Sessions Judge the very injurious effect such a proceeding as that noticed by this Court was likely to cause, for the community would be led to think that there was one law for the rich and another for the poor.

3 In regard to the reference made by the Acting Sessions Judge in his letter under acknowledgment, there being no case pending before this

this Court requiring such reference, they decline to offer any instructions to the Acting Sessions Judge unless he applies for them on a Special case.

4. At the close of Para 5 of the Return dated the 3d February the Acting Sessions Judge has erroneously stated that the Proceedings of this Court there under acknowledgment had taken 13 days to reach his station. The Precept and Proceedings of this Court are dated the 28th January and the Acting Sessions Judge's Return to them is dated the 3d February.

5. In conclusion the Court of Foujdaree Adalut inform the Acting Sessions Judge that they consider the remarks and reference made in his Return and letter captious and uncalled for.—

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

(Sent in ✠)

Read again Calendar of Case No 21 of 1856 of the Sessions Court of Trichinopoly.

(Here enter F.M.C. No 1641 of 1856)

The

The Court of Foujdaree Udalut direct that the whole of the Original record of this case be submitted for their consideration

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Trichinopoly by Precept returnable within 24 hours.

(Sent following Precept)

Read letter dated 9th February 1857, from the Acting Sessions Judge of Calicut, submitting for the final Judgment of the Foujdaree Udalut the Record of Trial in Case No. 3 of 1857, of the Calendar of the Sessions Court

Capts Hooper and Goodwyn.—

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

"Edayongat Chatsa Coorpoo"

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

Ex. Dft. (Dft in Pt)

F. Uc.

Thursday 26th February 1857 } At a Court of Foujdaree Udalut

Present:

G. S. Hooper Esqre
F. Anderson Esqre Actg
J. W. Goodwyn Esqre Actg
} Puisne Judges

Read letter dated 6th Instant, from the Acting Agent to the Governor of Fort St George at Ganjam, reporting the release of the Prisoner in Criminal Case No. 3 of 1857.

(Here enter F. Uc. No. 381 of 1857)

The Court of Foujdaree Udalut direct that an English Translation of the record of this case be submitted for their consideration and for eventual transmission to Government.

Ordered that Extract from the proceedings be forwarded to the Acting Agent to the Governor of Fort St George at Ganjam by precept returnable within 2 days from and after its receipt.

(Sent following precept No.)

Read Calendar of Case No. 15 of 1857 of the Session Court of Salem.

(Here enter F. M. No. 340 of 1857)

The Court of Foujdaree Udalut approve of the recommendation made by the Session Judge in this case, that the period of imprisonment which the Prisoner noted in the margin, has been adjudged to suffer on his conviction of House breaking with theft be reduced to (4) four years with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.

Marcodawaigum Pillay

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

Sent in Sic

Read Calendar of Case No. 92 of 1857 on the file of the Session Court of Tinnevelly.

(Here enter F. M. No. 304 of 1857)

The Court of Foujdaree Udalut observe that the Principal Sudr Ameen's explanation of the delay in the commitment of the case from the 24th to 30th January is unsatisfactory as they are of opinion that the fresh witnesses could have been examined on the 26th and the case at once committed. The record should have been delivered to the Session Judge on the 30th January.

Ordered that Extract from these proceedings be forwarded to the Session Judge of Tinnevelly for communication to the Principal Sudr Ameen Sent in Sic

Read Miscellaneous Petition presented on the 15th January 1857, by Arthur Cand. Mc Ritchie Esqr. & Alexander Mc Ritchie Esqr. Pleaders on behalf of Eddatta Paravan, Zillah Tellicherry.

Wm. G. S. Cooper
Wm. J. W. Goodwyn

(Here enter F. M. P. No. 79 of 1857)

Petitioner appeals from the orders of the Acting Civil Judge under date the 1st November 1856, cancelling the orders of the Head Assistant Magistrate dated 28th August 1856 which confirmed Petitioner in the possession of the Hereditary Cherikal land.

The

2.

The Pleader who appeared on behalf of R. Verma Rajah of Cherical (the Petitioner's opponent) admits that the Prosecutor Eddaka Parama Odenan has been in actual possession of the disputed land up to the date of the dispute but denies that he has any legal right to hold possession in as much as the party who had leased the same to him Viz. the Ellea Rajah had no right or title over the land. The R. Verma Rajah's Pleader also admits that the Acting Sessions Judge was in error in stating that the original Defendant Cunnu was in possession. Under these circumstances the Court of Foujdaree Udalut consider that the Acting Sessions Judge's decision must be cancelled and that of the Head Assistant upheld as the only question before the police was that of actual possession and not right and title.

Ordered that Extract from these proceedings be forwarded to the Acting Civil Judge of Tellicherry for his information

Seal in Wax

Ordered

26th February 1857.

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

E Hall

Campbell

T. U.

Friday 27th February 1857 } At a Court of the Tanjadore Udalut

Present

G. S. Hooper Esqre
T. Anderson Esqre Actg } Puisne Judges
T. W. Goodwyn Esqre Do.

Read letter dated the 5th February 1857, from the Sessions Judge of Bellary.

Here enter T. U. No. 291 of 1857.)

1 The Court of Tanjadore Udalut are of opinion that the intention of their proceedings of 18th August 1834 was to prohibit the recording a prisoner's mere assent to the correctness of the Talook depositions (which had been read over to him) without taking down any confession or admission made by him before the Subordinate Court in his own words.

2 The object of this order was to prevent ignorant prisoners being entrapped into

into admission of their Police Confessions, the meaning of which they might not fully comprehend when hastily read over, and the consequence of which admission they were not fully aware of - But the Court had no intention of prohibiting Police Confessions being read over to prisoners, as this course would deprive them of the advantage of becoming acquainted with a portion of the evidence that would be adduced against them - Requiring prisoners to dictate (and recording in their own words) the details of any admission freely and voluntarily made, is the only safeguard against misconception of their true meaning and is no hardship to the accused, whilst it is frequently of the utmost consequence in aiding the Court to form correct conclusions as to the guilt or innocence of the accused

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

(Seal in Mn.)

Read Return dated 14th January 1857, from the Sessions Judge of Cuddapah to the

27th February 1857.

to the precept of the Foujdaree Adalut under date the 9th January 1857, directing that the Acting Vakeel Ramachundriah and the Police Vakeel Ellapah be dismissed from their situations and that the Magistrate be called on to afford certain information

(Here enter F. Mo. No. 112 of 1857.)

Read Calendar of Case No. 1 of 1857, submitted by the Sessions Judge of Coimbatore, under date the 5th January 1857.

(Here enter F. Mo. No. 306 of 1857.)

Read Calendar of Case No. 2 of 1857, submitted by the Acting Sessions Judge of Madura, under date the 9th February 1857.

(Here enter F. Mo. No. 307 of 1857.)

Read Calendar of Case No. 2 of 1857, submitted by the Acting Sessions Judge of Salem, under date the 30th January last.

(Here enter F. Mo. No. 316 of 1857.)

Read Calendar of Case No. 3 of 1857, submitted by the Acting Sessions Judge of Tellicherry, under date the 16th January 1857.

(Here enter F. Mo. No. 317 of 1857.)

Read

Read Calendar of Case No 114 of 1857, submitted by the Acting Sessions Judge of Salem, under date the 6th Instant.

(Here enter F. G. No 339 of 1857)

Read Calendar of Case No 2 of 1857, submitted by the Sessions Judge of Coimbatore, under date the 7th Ultimo.

(Here enter F. G. No 345 of 1857) Ed Hall.

F. G.

Saturday.
28th February 1857. At a Court of the Foujdaree Adawlut.

Present

G. S. Hooper Esquire
F. Anderson Esquire Acting
T. W. Goodwyn Esquire Acting
} Puisne Judges.

Read Return of the Acting Sessions Judge of Rajahmundry to the Precept of this Court under date the 11th February 1857, calling for certain explanations in connection with Criminal Report B for the months of December last.

(Here enter F. G. No 426 of 1857)

1. The Court of Foujdaree Adawlut do not consider that the delay noticed in the 2d para: of their proceedings dated 11th February last has been satisfactorily explained.

2. The remarks conveyed in para 9 of those Proceedings had reference partly to the Circumstance of certain cases which reached the Subordinate Court in October and November being in arrears at the end of December; — partly to the delay that occurred in many of the cases disposed of by the Subordinate Judge as shown in the margin; and partly also

× In No 130 delay of 29 days
" " 149 " 9 days
" " 150 " 7 "
" " 152 " 12 "
" " 151 " 7 "
" " 155 " 9 "

also to the observations recorded by the Acting Sessions Judge on the manner in which Cases Nos. 130, 150, 155 and 160 had been decided by the Subordinate Judge: The Court also found that there were Cases committed early in December which had not been disposed of at the close of the month.

Committed before end of month.
No. 162 — 14 days.
" 163 — 13 "
" 164 — 10 "

3.

The Court of Foujdaree Adawlut, having thus supplied the information solicited by the Subordinate Judge in the third para. of his return dated 20th February think it right again to remark that the state of things pointed out is unsatisfactory, and that early measures should be adopted to improve the same.

4

Considerable delay has also taken place in the Cases disposed of by the Moorshy Sudr Ameen, but as the dates on which they were referred to him are not mentioned, the Court have no means of ascertaining whether such delay occurred in the Court of that officer, or in that of the Subordinate Judge

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

Session Judge of Rajahmundry for his information.

Sent in No. 1

Read Calendar of Cases No. 11 of 1857 Submitted by the Acting Session Judge of Salem under date the 11th February 1857.

(Here enter F.D. No. 378 of 1857)

The Court of Foujdaree Adawlut observe that if the Session Judge considered that the Prisoner had struck and kicked the deceased without any intention of killing her, and that owing to decease the Assault caused death, he should have convicted of Culpable homicide

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

Sent in No. 1

Read Calendar of Cases No. 10 of 1857 Submitted by the Session Judge of Masulipatam.

(Here enter F.D. No. 336 of 1857)

The Court of Foujdaree Adawlut observe that the 2d 3d and 4th Prisoners should have been charged as principals and not accessaries.

Ordered that Extract from these

28th February 1857.

these Proceedings be sent to the Sessions Judge of Masulipatam for his information.

/ Sent in Dr. /

Read Calendar of Case No. 14 of 1857 of the Sessions Court of Tinnevelly.

(Here enter Flio No. 337 of 1857)

The Principal Sudr Ameen's explanation for the delay in committing in this case is in the opinion of the Judge unsatisfactory. Moreover the Record should have been submitted to the Sessions Court directly the case was committed, but it was not forwarded till 3 days after.

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

/ Sent in Dr. /

Read Calendar of Case No. 3 of 1857 of the Sessions Court of Coimbatore.

(Here enter Flio No. 346 of 1857)

The Court of Foujdaree Adawlut observe that though this Case was committed on the 8th the record was not received till the 17th the Principal Sudr Ameen should be directed to forward the

28th February 1857.

the Record to the Sessions Court directly the Case is committed, the Calendar can be prepared subsequently.

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

/ Sent in Dr. /

Ed 1857.

Monday F. C.

2d March 1857. At a Court of the Foujdaree Adalut

Present.

G. A. Hooper Esqre
" Findlay Anderson Esqre Agt } Puisne Judges
T. W. Goodwyn Esqre Agt

Read letter under date the 5th February 1857, from the Acting Agent to the Governor of Fort St George in Ganjam, submitting for the final judgment of the Foujdaree Adalut a report of the trial of Criminal case No 2 of 1857 on his file.—

(Here Enter F A No 380 of 1857)

Wm Anderson.

The Court of Foujdaree Adalut concurring in the conviction of the Prisoners

1st T. Toovungoo.
2d Juggah
3d Loonkarah and
4th Mandah alias Pundah

of Gang Robbery by open violence, resolve under the peculiar circumstances of the case, to confirm the sentence proposed

proposed to be passed upon them by the Acting Agent, Viz.t Two years' Im=prisonment with hard labor in irons under clause 2d Section III Regulation I of 1825.-

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

(Sent in No.11

Read Miscellaneous Petition received through the Acting Sessions Judge of Tinnevelly on the 17.th January 1857 from Peroomal Naiken of Zillah Tinnevelly.-

(Here Enter F.M.P.No.10 of 1857)

Wm. F. Anderson. 1. Petitioner is a relative of the 2d and 3d prisoners in case No.107 1856 on the file of the Sessions Court of Tinnevelly; and prays that, as the said prisoners were punished for having been concerned in the matter of case No.4 of 1856 in which the pri=soners were set at liberty under the orders of the Foujdaree Adawlut, they may also be released from custody.-

The

2. The Court of Foujdaree Adawlut observe that the prisoners in this case were convicted on the same evidence as those in No.4 - As the Court have declared that evidence to be unworthy of credit and acquitted the prisoners, they resolve likewise to acquit the prisoners in this case, and to direct that they be immediately released.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Tinnevelly by Precept returnable in 111 days from and after its receipt.-

(Sent following Precept No.11

Read Miscellaneous Petition received through the Sessions Judge of Tinnevelly on the 21.st January 1857, from Veerabadraswara Tauen of that Zillah.-

(Here Enter F.M.P.No.12 of 1857)

Wm. J. Goodwyn. 1. Petitioner, a relation of the 1st to 2d prisoners in Calendar case No.37 of 1856 on the file of the Sessions Court, appeals from the Sentence (7 years imprisonment

imprisonment with hard labor in irons and 100 lashes) passed on them in that case.

2. The 1st and 2d Prisoners were convicted of being found in possession of stolen property, but were acquitted of the actual robbery.

3. The reasons urged by the Petitioner in his appeal from the above sentence relate mainly to the charge of robbery. He has failed to assign any reasons that are sufficient to justify interference in this case.

4. Petition dismissed.

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

(Sent in No.

Read return dated 6th February 1857, from the Officiating Agent to the Governor at Kurnool, to the Precept of the Court of Foujdaree Adawlut under date the 19th January

Fh

2d March 1857.

January 1857, regarding the petition of Saadut Khatoon of Kurnool complaining of having been forcibly dispossessed of a Mosque.

(Here Enter Fh No 318 of 1857)

Read again Miscellaneous Petition presented on the 15th December 1856, by Mr. H. B. Sanders, pleader on behalf of Saadat Khatoon, zillah Kurnool.

(Here Enter F.M.P. No 242 of 1857)

Mr. T. Anderson. 1. On consideration of the foregoing return the Court of Foujdaree Adawlut are of opinion that the circumstances of the case do not call for their interference. If the Petitioner's rights have been affected her remedy is by a civil action.

2. Petition rejected.

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

(Sent in No.

Ordered

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

Read Miscellaneous Petition received on the 4th February 1857, from Loorah Sree Ramachendra Samantaroya Mahapatroo Joongaroo, Zemindar of Hoommah, Ganjam.-

(Here Enter F. in P. No 21 of 1857)

Wm T. W. Goodwyn - 1. Petitioner appeals from the orders of the Acting Agent dated 25th September 1856, confirming those of the Assistant Agent in Criminal case No 43 of 1856 and holding Petitioner and others to security to the amount of 1000 Rs each.-

2. The Court of Foujdaree Adalut observe that as there has been no conviction of an actual "breach of the peace", Clause 1st Section V Regulation VI of 1827 declares that the amount respectively of the recognizance and security in no instance shall exceed the sum of 200 Rs, the security in this case is therefore reduced to this amount.-

3. The Zemindars should be warned of the provisions of Section XIII Regulation V of 1822 under which they though not actually present, may be held liable under certain circumstances for the acts of their Agents, Servants, & Dependants viz in cases of wounding or violently assaulting any person whilst taking or attempting to take forcible possession of lands or crops.-

4. The Court of Foujdaree Adalut decline to interfere further in the case as requested by the Petitioner.-

Ordered that Extract from these Proceedings be sent to the Acting Agent to the Governor of Fort St George at Ganjam for his information and for communication to Petitioner

Sent in No 5

E. B. M.

Tuesday,
3d March 1857.

F. R.

At a Court of the Foujdaree Adalut

Present.

G. S. Hoopes Esqre
Findlay Anderson Esqre Ag
T. W. Goodwyn Esqre Ag
} Puisne Judges.

Read letter dated 13th February 1857 from the Acting Agent to the Govern=nor of Fort St. George at Vizagapatam, submitting for the final judgment of the Foujdaree Adalut the English translation in case No. 1 of 1857.

(Here Enter F.R. No 439 of 1857)

Messrs G. S. Hoopes & F. Anderson. The Court of Foujdaree Adalut, on a deliberate consider=ation of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner

Pedda Bhenimaka Lummajy

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

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

(Sent in No 11)

Read Petty Calendars of the Magistracy for the 4th Quarter of 1856, Zillah Trichinopoly.-

(Here Enter F.R. No 390 of 1857.)

Calendar No I 1. This can scarcely be considered
General No 1. a petty case. The punishment was in-
adequate, and the prisoners should
have been committed to Court.-

5. 2. It should have been stated
whether the door was open or fastened.

Calendar II. 3. As the charge is worded
No 2. no offence is alleged. It should have
been stated that the defendants entered
the house under the pretence of searching
for stolen goods, and without legal
authority.-

4. As the charge stands, the case
was one of Robbery.-

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

(Sent in No 11)

Rec'd 18th

C J Chamier

F.R.

Wednesday 4th March, 1857.

At a Court of the Foujdaree Adalut

Present.

G. L. Hooper, Esquire
F. Anderson, Esquire Actg. } Puisne Judges
J. W. Goodwyn, Esquire

Read letter, dated 21st February 1857, from the Sessions Judge of Masulipatam, submitting for the final Judgement of the Foujdaree Adalut, the Record of Case No 4 of 1857 of the Calendar of the Sessions Court.-

(Here Enter F.R. No 440 of 1857.)-

Mr G. L. Hooper. and Mr F. Anderson. The Court of Foujdaree Adalut, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner,

Gollamundalah Lutcheegundoo-

is sufficient to convict him of the crime of Murder, do convict him thereof; and sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of his natural life.—

The Court of Fouzdaree Adalut observe that the opinion of the Zillah Surgeon should have been given on solemn affirmation.—

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

/Sent in No. 1/—

Read the Criminal Reports submitted by the Sessions Judge of Tinnevelly for the year 1856.

/Here Enter F.No. No. 271 of 1857/—

Appendix C to Statt. No. 1. No. 3 B. De. ..... C to D No. 3 A.

The Court of Fouzdaree Adalut direct that the Sessions Judge will explain the cause of the detention of Persons for more than 30 days in

in the columns of Remarks of these appendices.—

Comparative Abstract Statement of Petty Offences and Crimes and Misdemeanors.—

The entries in Columns 22 and 23 under head "1856" of the Abstract Statement of Crimes and Misdemeanors should have been 539 and 1754.—

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Tinnevelly by Precept returnable within 1 1/2 days from and after its receipt.—

/Sent following Precept No. 1/—

Read the Criminal Reports submitted by the Acting Sessions Judge of Guntoor for the year 1856.

/Here enter F.No. No. 299 of 1857/—

Appendix D to Statt. No. 1. Statement No. 2

The Court of Fouzdaree Adalut direct that the 21 Persons entered in Columns 21 and 23 of the Statement No. 2 should be excluded from this appendix.—

De. G de. 2.

The aggregate number of Persons in Columns "Undisturbed" and "Reversed"

1st March, 1857.

"Reversed" under head "Cases disposed of under Act VIII of 1843." Viz: 14, does not correspond with the number brought (21) under review.—

Comparative ab. extract shewing Petty Offences and Crimes and Misdemeanors.—

3. The number of Persons entered in Columns 6. 14 and 19 under head "Petty Offences" should be 467-9262 and 8206 and those in Columns 22-19-22 and 23 under head "Crimes and Misdemeanors" should be 10-22-128 and 284.

Statement shewing the Cases investigating Grave in jury to person or property.—

4. The one Case of Perjury entered in Column 10 of the Statement No. 3-B should have been entered in Column 38 of this Statement.—

Statement No. 13-5. Bengal Form.—

The number of Persons entered in Columns 2-28. and 29 should be 9546-5189 and 33.—

Do. ——— No. 10. 6. —do.—

This Statement will be affected by the above remarks.—

Ordered, that Extract from these Proceedings be sent to the Acting Sessions Judge of Guntoor by precept returnable within 111 days from and after its receipt.—

Sent following Precept No. /—

F. No.

1st March, 1857.

Read the Criminal Reports submitted by the Acting Session Judge of Madura for the year 1856.—

(Were entered F. No. 403 of 1857.)—

Statement No. 1. 1. The Court of Sujidaree Udalut observe that the aggregate number of Persons charged with Assaults disposed of by the Village Police does not correspond with the number summoned.—

2. The number of Persons convicted by the Magistracy for Breach of the Peace should be entered in Columns 22 and 23.—

3. The manner in which the one person charged with Riotously assembling &c. was disposed of by the District Police should be entered.

4. The number of Persons charged with "Crimping" should in future be entered in the Statement No. 2, Crimping being classed under the head of Heinous Crimes.—

These

Appendix A to State-ment No. 1.

These Appendices will be affected by the foregoing remarks.—

Do. — B to do. —

Do. — C. to Statement No. 3. B. 6.

The total number of Persons entered in this appendix, Viz. 520 does not tally with the aggregate number of persons entered in Columns 22 - 24. and 26 of the Statement No. 3 - B. (495). —

Do. — D — to Do. 7.

The number of Persons entered under head "of which charged with" appears to be incorrect. —

Do. — B to Statement No. 4. 8.

The 20 Persons being under trial at the close of the year should be excluded from this appendix. —

Do. — C to Do. 9.

The remarks in para: 7 ap-plies also to this appendix. —

Statement shew-ing the nature & the result of charges preferred against the Police. — 10.

The total number of Persons in Columns 10 and 12 of this statement should be 30 and 21 accord-ing to the entries under heads Nos. 1 and 2 of the Statements Nos. 1 and 2. —

Comparative Abstract shewing Petty Offences and Crimes and Mis-demeanors. — 11.

The entry in Column 14 under head "1856" of the abstract state-ment of Crimes and Misdemeanors should

should be 51. and Column 18 should have been left blank as no cases of Perjury appear to have been entered under the head No. 41 of the statement No. 2. —

Statements Nos. 10 & 12. Bengal forms. These statements will be affected by the amendment required in the Statement No. 1. —

13. The number of errors in the foregoing statements reflect most seriously on the efficiency of the ministerial Establishment of the Court below; the Sessions Judge is therefore requested to conform strictly to the instructions contained in para. 4 of the Circular letter dated 8th January 1855 on all occasions of a similar nature. —

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

(Sent following Precept No.) —

Read

14th March, 1857.

Read Criminal Report B for the month of January 1857, Zillah Tellicherry.-

/Here Enter F. No. 442 of 1857/-

No. 2.
By the Asst. Joint Magistrate.-

The prisoner's barbarous offence was very inadequately punished. He ought to have been sentenced to the full period of Imprisonment or should have been committed for trial before the Sessions Court.-

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

/Sent in No. /-

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

/Here Enter F. No. 1355 of 1856/-

Read also again return dated the 28th July 1856 from the Acting Sessions Judge of Chittoor to the Precept of the Court of Foujdaree Adalut calling upon the Acting Sessions Judge to

F. No.

14th March, 1857.

to explain the facts proved against the 1st Prisoner in Calendar No. 30 of 1856.-

/Here Enter F. No. 1421 of 1856/-

Read also again Miscellaneous Petition presented on the 3d November 1856, by Mr. J. H. D. Wilson, pleader on behalf of the heirs and relations to the Prisoners from No. 16 to 20 in Calendar No. 30 of 1856 of Zillah Chittoor.-

/Here Enter F. M. P. No. 216 of 1856/-

Read also again return dated 1st December 1856, from the Sessions Judge of Chittoor, to the precept of the Foujdaree Adalut under date the 17th November, directing the submission of certain correspondence and depositions referred to in Miscellaneous Petition No. 216 of 1856.-

/Here Enter F. No. 2326 of 1856/-

Read also again return dated 28th January 1857, from the Subordinate Judge in charge of the Sessions Court of Chittoor, to the precept of the

the Foujdaree Udalut under date the 5th idem, calling for translation of all the evidence relating to the 9th to 15th and 19th and 20th Prisoners in Calendar No. 30 of 1856 on the file of the Sessions Court.-

//Here Enter F.Ms. No. 230 of 1857//-

1. The Prisoners 1st to 15th and 19th and 20th were charged with having proceeded in company with a large armed gang, attacked with open violence the house of the Prosecutor and having beaten him robbed him of property valued at Rupees 2,359-6-, the 2d to 15th and 19th and 20th as well as the 16th, 17th and 18th were also charged with knowingly receiving a portion of the plundered property.-

2. The late Acting Sessions Judge concurred with the Law Officer in the conviction of the Prisoners 1st to 15th and 19th and 20th and sentenced them respectively to 14 years' imprisonment with hard labor in irons. He also

also concurred with the Law Officer in the acquittal of the 16th, 17th and 18th Prisoners and directed their release.-

3. On perusal of the Calendar the Court of Foujdaree Udalut remarked that the abstract of the evidence would induce the belief that the 1st Prisoner gave up some articles of the stolen property, but that the sentence and futwah appeared to negative this, and they accordingly called upon the late Acting Sessions Judge to explain the facts proved against this Prisoner.-

4. In his return the late Acting Sessions Judge stated that "the "facts proved against the Prisoner consisted in his admission of the crime "before the Villagers as shewn by the "evidence of the 1st, 2d and 3d Witnesses "and his subsequent confession before "the Head of Police, which was duly "proved by the 15th and 16th Witnesses- "This when viewed in connection with

the

"the circumstance that the person to
"whom the 1st. Prisoner acknowledged,
"having given plundered property had
"absconded, together with his (the 1st.
"Prisoner's) criminination by the other
"Prisoners led the Acting Sessions Judge
"to convict the 1st. Prisoner."

5. The Court of Foujdaree Udalut being of opinion that the proof against the 1st. Prisoner's Police confession (retracted before the Sessions Court) was not sufficient to warrant his conviction, acquitted him and directed his unconditional release.

6. A Petition having been presented on behalf of the Prisoners 1st. to 20th., the Court deemed it necessary to call for translation of all the evidence relating to the 9th. to 15th. and 19th. and 20th. prisoners.

7. On a review of these proceedings, the Court of Foujdaree Udalut observe that the conviction of the 1st. Prisoner on his bare uncorroborated

uncorroborated confession shews that the late Acting Session Judge, and Moosfy attached a most exaggerated importance to this species of evidence.

8. They also observe that the sentence of the Acting Session Judge, as given in the Calendar contains such mistakes as proves the case to have received but little attention. Thus at para: 3 it is stated that the 1st., 2d. and 3d. Witnesses deposed that all the prisoners confessed, whereas it is clear these Witnesses knew nothing about the 9th. to 20th. Prisoners' confession as they were not present when the 9th. to 20th. prisoners were apprehended and are as alleged to have confessed.—

9. Again in para: 4 it is stated, the 9th. and 10th. Witnesses proved "the confessions and delivery of property by Prisoners from 9th. to 20th. "except the three females 16th., 17th., 18th." to the Calendar and 10th. Witness'

Session

Sessions deposition shews he (10th Witness) was not present at the 13th and 14th prisoners' delivery of property &c.—

"5. The property was identified by Witnesses 4th and 5th."

10. The commencement of the 5th para: would indicate that the 4th and 5th Witnesses identified all the property; but the very Calendar shews that this was not the case, whilst the these two Witnesses' depositions contain such expressions as these (4th Witness) "I feel it difficult to tell whom they belong" "to in as much as they are found in" "separate bits." "I cannot identify the" "articles of property in as much as each" "of them is tied up in a separate bun-" "dle." (5th Witness) "I am unable to iden-" "tify the articles of property in as much" "as they are arranged in separate numbers"

11. The above palpable errors are cited to prove that the Acting Sessions Judge has given as little attention to the case, that his recorded opinion deserves little weight.—

12. In that portion of the record

record relating to 9th to 15th and 19th & 20th Prisoners, which has been called up, the alleged proof against these Prisoners is shown to be that they verbally confessed to the 9th, 10th and 13th Witnesses and gave up articles of stolen property proved to belong to the Prosecutor.—

13. The examination of these Witnesses reflects most seriously on the Acting Sessions Judge. They do not detail the circumstances which first induced suspicion against these Prisoners, or the circumstances of their apprehension, or what induced them to confess directly they were apprehended, or whether their confessions were given voluntarily. Nor were these witnesses asked any questions which would test the value of their evidence as to the alleged confessions and delivering up of the property produced in Court.—

Some

The 9th Witness deposed that the 14th prisoner gave up the property from under ground in the back yard of his house.
The 13th Witness that he did so from Castor oil trees.—

some facts respecting these confessions are however perfectly clear. They were never reduced to writing and were extracted directly those confessing sat out of the power of the Myvare Peons. The evidence to the 9th to 15th and 19th and 20th Prisoners' confessions is utterly worthless.

14. The value of the evidence of the 9th, 10th and 13th Witnesses as to the finding of the property is destroyed first, because they could not clearly identify the articles each Prisoner produced; Secondly, because the 4th and 5th Witnesses could not identify the property with any certainty as shewn in para: 10 of these proceedings, and lastly because the jewels being "pounded up into small fragments" it was not possible for even the owner to state to which of 2 or 3 ornaments they belonged, so that identification was clearly impossible.—

Vide Act 9 Additional Joint Magistrate's letter 24th June 1856.

15. Under these circumstances the Court of Foujdaree Adalut were of

of opinion that the evidence as taken before the Sessions Court was altogether insufficient for the conviction of the 9th to 15th and 19th and 20th prisoners, and they directed their unconditional release.—

16. The Court of Foujdaree Adalut observe that the Acting Sessions Judge dispensed with the evidence of the 6th, 7th, 8th, 11th, 12th and 14th Witnesses as unnecessary, without assigning any reasons for so doing.—

17. The careless manner in which this trial has been conducted reflects great discredit on the late Acting Sessions Judge.—

18. They accordingly revolve to forward the Calendar and the above record to Mr Sullivan and to call upon him for such explanation as he may have to offer in regard to his conduct of this trial on which the Court of Foujdaree Adalut have considered it necessary to animadvert.—

Ordered

4th March, 1857.

Ordered, that Extract from these Proceedings be sent to R. J. Sullivan Esquire, late Acting Sessions Judge of Cuttoor by precept returnable within X days from and after its receipt.—

Sent following Precept No 1 to Ex Hall.

Ct Chamier

Thursday
5th March 1857

J. C.

At a Court of the Foujdaree Adalut.

Present

G. L. Hooper Esquire —— Puisne Judge
F. Anderson Esquire Acting ——
T. H. Goodwyn Esquire Acting ——

Read again Miscellaneous petition presented on the 17th November 1856 by R. Sewell Pleader on behalf of Ammoo Zillah Mangalore.—

(Here Enter F. C. P. No 224 of 1856)

Read also return of the Acting Session Judge to the precept of this Court under date the 8th December last, enquiring why that Officer objected to receive and pass Orders on an Appeal petition presented by the above petitioner.—

(Here Enter F. R. No 2540 of 1856)

Mr Goodwyn. The Acting Session Judge reports that the petition first presented was returned for correction, and that before an amended petition was produced, the appeal time had expired.——

The

2. The Court of Foujdaree Udalut observe that the Petitioners' appeal to the Acting Session Judge against the Tasildars' decision was altogether irregular. She should first have appealed to the Magistrate. For this reason the Court of Foujdaree Udalut decline to interfere with Acting Session Judge's Order rejecting her appeal.—

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

Ordered also that Extract from these proceedings be granted to the Petitioners' Pleader on his application.—

(Sent in No.

Read Criminal Report B for the month of January 1857, Zillah Chingleput.

(Here Enter F. R. No. 373 of 1857)

Nos. 5 and 6 Principal Sudr Ameen

1 What enquiry the Session Judge alludes to in his remarks on these cases is not apparent.

Ordered that Extract from these proceedings be forwarded to the Session Judge

Judge of Chingleput for his information.—

(Sent in No.

Read Criminal Report B for the month of January 1857, Zillah Cuddapah.

(Here Enter F. R. No. 365 of 1857)

No. 5 of 1857.

1 If the wounding was not proved it should have been clearly stated in the sentence that such was the case.—

No. 1 by the Acting Rs. Asst. Mag.te

2. The case should have been disposed of under section XXXIII, Regulation IX of 1816.—

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

(Sent in No.

Read Petty Calendars of the Magistracy for the 4th quarter of 1856, Zillah Rajahmundry.—

(Here enter F. R. No. 388 of 1856)

Calendar I General No. 4.

1 The nature of the resistance offered should have been stated. The Magistracy should be careful in receiving charges of this kind, and should require proof that the person entrusted with the warrant did all in his power to carry the sentence into execution,

and

and was prevented by the violence offered or threatened by the Defendant.

No. 47. 2. The punishment which should have been awarded to the Defendant was imprisonment, with or without fine, under Section LV of the Act quoted, as he was in the employ of the Government in the Post Offices department.—

Calendar II Sent. No. 46. 3. This case should have been entered in Calendar I, because the parties were not acquitted, but only released on furnishing the required security, the demand of which was tantamount to a punishment.

47. 4. Bheemadu ought to have prosecuted the Defendant himself unless he duly authorized the prosecutor to act for him.—

59. 5. The words "knowing it to have been stolen" should have been added to the charge. The Defendant appears to have been prosecuted upon insufficient grounds, which is to be regretted.—

61. 6. Who the Defendant was and how the money came to be entrusted to him should have been set forth in the charge.—

Ordered

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

Sent in No.

Read Criminal Report B for the month of January 1857, Zillah Salem.

(Here enter S. R. No. 457 of 1857.)

No. 199 of 1856. 1 As the Prisoner is said to be of tender age, the punishment awarded appears unnecessarily severe. The Court of Sessions Adalut therefore resolve to reduce the sentence to two months imprisonment with light labor. The corporal punishment should be at once inflicted.

206. 2. The charge should have stated that the toddy was manufactured not drawn toddy by a fermented liquor.

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

Sent in No.

The annual Criminal Reports

for

5th March 1857.

for 1856 not having been yet received, the Court of Zoujdaree Adalut resolve to call upon the Session Judges of Bellary, Calicut, Chicacole, Coimbatore, Cuddalore, Cuddapah, Honore, Mangalore, Masulipatam, Salem and Tellicherry to forward the same without delay.

Ordered that Extract from these proceedings be sent to the above Officers by precept returnable within X days from and after its receipt.

(Sent following precept No

The Calendars of Petty Cases for the 4th quarter of 1856, not having been yet received, the Court of Zoujdaree Adalut resolve to call upon the Session Judges of Calicut, Chittoor, Coimbatore, Cuddapah, Mangalore, and Tellicherry to forward the same without delay.

Ordered that Extract from these proceedings be sent to the above Officers for their information.

(Sent in No

Read

5th March 1857.

Read Miscellaneous petition presented on the 15th January 1857, by Messrs. Arthur M. Ritchie and Alexander M. Ritchie, Pleaders on behalf of Vadantha Chayyan of Zillah Combaconum.—

(Here enter F. M. D. Ct. 6 of 1857)

Mr. Goodwyn. 1. Petitioner prays the Court to review their Orders of the 17th November 1856, rejecting his petition No. 206 of 1856.—

2. The Court of Zoujdaree Adalut, after perusing this petition, decline to reconsider the Orders formerly passed.

Petition rejected.—

Ordered that Extract from these proceedings be granted to the Petitioners Pleaders on their application.—

Read Miscellaneous petition presented on the 5th February 1857 by G. Audee Lutchmee Ammah of Zillah Nellore.

(Here Enter F. M. D. Ct. 24 of 1857)

Mr. Anderson 1. The Court of Zoujdaree Adalut dismiss this petition, (without entering upon

a

a consideration of the case) as it contains an unwarranted Calumny against the Moofftee Sudr Ameen.

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

Read Miscellaneous petition presented on the 13th November 1856 by Soobhroya Moodelly of Zillah Chittoor.

(Here enter F. M. P. No. 222 of 1856)

Mr. Goodwyn. 1 This is a petition of review, Mr. Salmon appeared for petitioner, on the case being taken up for hearing.

2 On August 13th 1856 the Court of Sudr Dedalut after hearing the petitioner's pleader Mr. Wilson (who admitted that Petitioner had no case) rejected the Petitioners' prayer, and after perusing the present Petition the Court do not consider that the Petitioner have assigned sufficient reasons for a re consideration of their former Orders.

Ordered that Extract from these

these proceedings be granted to the Petitioner on his application.

Rec'd

Read Miscellaneous petition presented on the 5th February 1857 by Mr. J. H. P. Wilson pleader on behalf of Parea Hoossanee Bontten of Zillah Tinnevelly.

(Here enter F. M. P. No. 22 of 1857.)

Mr. Goodwyn. 1 Petitioner appeals from an order of the Acting Sessions Judge dated 6th November 1856, confirming the sentence of the Moofftee Sudr Ameen in Criminal Case No. 126 of 1856, in which petitioner was the Defendant.—

2. The Court of Foujdaree Dedalut observe that the petitioners' retracted admission that he would procure the restoration of the bullocks, cannot be deserving of equal weight with a recorded Police confession denied before the Court; but the latter if uncorroborated, has been repeatedly ruled as insufficient to warrant a demand for security. The Court also remark that the Acting Session Judges' order merely states that the Moofftee Sudr Ameens sentence is confirmed, but does not mention whether

5th March 1857.

whether this was done on perusal of the record.

S. The Court of Foujdaree Udalut therefore direct the Session Judge to call for the record and dispose of the appeal on its merits.—

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

(Sent following precept &c.)

&c 1[illegible]

F. U.

Friday 6th March 1857

Sta Court of the Foujdaree Udalut.

Present

G. I. Hooper Esq.
J. Anderson Esq. 2nd Mr. } Puisne Judges
J. W. Goldwyn Esq. 4th Mr.

Read Criminal Reports

B for the month of January 1857 Zillah Cuddalore.

Mercenier F. U. Nos 372 and 432 1857.

Case No. 2. Principal Sudr Ameen

1. Explanation is required as to the grounds upon which this Case was committed to Court.

" No. 5. Moofty S. A.

2. Similar explanation will be furnished with respect to this Case.

" No 385 " "

3. The Court of Foujdaree Udalut desire to know what notice has been taken by the Magistrate of the delay pointed out by the Principal and Mooftee Sudder Ameens in

6th March 1857

in these Cases.

4. The Joint Magistrate and Acting Head Assistant Magistrate should have sent their Reports through the Magistrate.

5. The heading of the Joint Magistrate's return has been inaccurately printed the word "punishment" being put for "punishment" and "convictment" for commitment.

6. At the end of the heading of each charge there are the words "of No. 9 &c." the meaning of which is not apparent at any rate they are not required.

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.

Sent following Precept &c.

Read letters dated the 3d December and 26th January last from the Acting Agent to the Governor of Fort Saint George &c. Ganjam, submitting Reports in Criminal Cases Nos. 48 and 49 with his opinion regarding the

6th March 1857 the Sentence to be passed on the Prisoners

Here enter J. Co. Nos. 2431 2432 and 2907/1854

The Court of Sudder Adalat concur in the conviction of the Prisoners and the Sentence Recommended by the Acting Agent and accordingly direct that the prisoners 1st and 10th be Sentenced to 9 years, the 3rd and 6th to 7 years, and the 2nd 4th 5th 7th 8 and 9th to 5 years' imprisonment with hard labor in irons.

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

Sent in No. /s

E. V. S.

F.M.

Saturday 7th March 1857. At a Court of the Fouzdaree Adalut

Present

G. S. Cooper Esquire
F. Anderson Esquire 4th
F. W. Goodwyn Esquire 4th
} Puisne Judges

Read letter dated 21st February 1857 from the Magistrate of Bellary.
(Here Enter F.M. No 143 of 1857)

Read also return dated 16th January 1857 from the Sessions Judge of Bellary to the Precepts of the Court of Fouzdaree Adalut under date the 3d January 1857 forwarding Extracts from the Proceedings of the Court of Fouzdaree Adalut held on the Criminal Report B for the months of October 1856.
(Here Enter F.M. No 132 of 1857)

Read again Criminal Report B for the months of October 1856 forwarded by the Sessions Judge of Bellary.
(Here Enter F.M. No 2232 of 1856)

On the above letter the Magistrate offers

F.B.

Saturday
7th March 1857.

At a Court of the Fouzdaree Adalut

Present

G. L. Cooper Esquire
F. Anderson Esquire 4th
F. W. Goodwyn Esquire 4th
} Puisne Judges

Read letter dated 21st February
1857 from the Magistrate of Bellary.
(Here enter F.B. No. 43 of 1857)
Read also return dated 16th January
1857 from the Sessions Judge of Bellary to the
Precept of the Court of Fouzdaree Adalut under date the 3rd January 1857 forwarding Extracts
from the Proceedings of the Court of Fouzdaree
Adalut held on the Criminal Report B for the
months of October 1856.
(Here enter F.B. No. 132 of 1857)
Read again Criminal Report B
for the months of October 1856 forwarded by
the Sessions Judge of Bellary.
(Here enter F.B. No. 2222 of 1856)
On the above letter the Magistrate
offers

F.B.

Saturday 7th March 1857. At a Court of the Fouzdaree Adalut

Present

G. S. Hoosier Esquire
F. Anderson Esquire 1st
F. W. Goodwyn Esquire 2d
} Puisne Judges

Read letter dated 21st February 1857 from the Magistrate of Bellary.
(Here enter F.B. No. 1, 3 of 1857)

Read also return dated 16th January 1857 from the Sessions Judge of Bellary to the Precept of the Court of Fouzdaree Adalut under date the 3d January 1857 forwarding Extracts from the Proceedings of the Court of Fouzdaree Adalut held on the Criminal Report B for the months of October 1856.
(Here enter F.B. No. 132 of 1857)

Read again Criminal Report B for the months of October 1856 forwarded by the Sessions Judge of Bellary.
(Here enter F.B. No. 2222 of 1856)

On the above letter the Magistrate offers

offers certain explanation with reference to the proceedings of the Court of Faujdaree Adalut of the 26th January 1857 relative to the conduct of the Head of Police therein referred to, and states that he has been duly cautioned.

2. The Court of Faujdaree Adalut are of opinion that in the explanation furnished by him the Magistrate has entirely failed to answer the comments made by the Sessions Judge in Case No 273 (B. report) in the last para of his return dated 16th January which shows that the Head of Police omitted to furnish to the Court any information which might show how or why suspicion fell upon the prisoner. It is alleged that the prisoner confessed and simply on that confession and without any enquiry as to whether the crime was committed he was sent up to Court.

3 The Court of Faujdaree Adalut agree with the Sessions Judge in considering that the Tashildar has shown great ignorance of his duty in sending up the case in so imperfect and careless a manner.

4 The letter of the Magistrate altogether passes over the Tashildar's omission and merely

7th March 1857.

merely depends the actual committal of the case. The Court of Faujdaree Adalut have never objected to the legality of the committal of a case where such has taken place in conformity to the instructions contained in Circular Order Faujdaree Adalut No 30. February 9th 1855, but in their remarks have had reference to the gross negligence with which the investigation was conducted before the Police and the case eventually sent up to the Court.

Ordered that Extracts from these Proceedings be forwarded to the Sessions Judge of Bellary for communication to the Magistrate.

(Sent in No. Read Criminal Report B. Sub: submitted by the Sessions Judge of Coimbatore for the months of January 1857. (Vide letter S.P.D. No 1090 of 1857)

Rind Indr Annex. Cases 1.3.4.6 Vea.

Section XXIX Act VII of 1843 should not be quoted in addition to Clause 3rd Section IX Regulation X of 1816 as authority for committal.

Case No 8.

2 The Court of Faujdaree Adalut direct the attention of the Sessions Judge to the

the unnecessary length of the charge in this case, which has rendered it almost unintelligible. The Sessions Judge should invariably return for amendment or amend in his own office charges that contain such unnecessary matter.

Case No. 18. 3 This appears to have been a Case of robbery not snatching.

Case No. 20 4 This also appears to have been a Case of Robbery not snatching.

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

(Sent in No.)

Read Report B submitted by the Acting Sessions Judge of Rajahmundry for the months of January 1857.

(Vide under F.W. Nos. 1, 4, 5 of 1857)

Case No. 143 of 1856. 1. There is nothing in the charge to show in what manner Section 1 Act XVI of 1850 was applicable to this case, as the prisoner is charged with an offence against Government and it does not appear how the commission of this offence injured the rights of the Villagers mentioned in the sentence.

Case No. 164 of 1856. 2 The heading of the charge in this

this case should be "Robbery" not mere snatching.

3. With reference to Cases 1. 2. 3 of 1857 said to be under examination the attention of the Acting Sessions Judge is called to the omission to conform to para 5 of the proceedings of the Fouzdaree Adalut under date 11th February 1857.

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

(Sent in No.)

Read the Criminal Reports submitted by the Agent at Vizagapatam for the year 1856.

(Vide under F.W. No. 342 of 1857)

The 18 Persons summoned before the Village Police should be excluded from this Appendix.

Appendix A to Statement No. 1

The 2 Persons entered in Column 21 of the Statement No. 2 as having died &c should be excluded from this Appendix.

Do. B. to Statement No. 2.

The 2 persons entered in Column 27 of the Statement No. 3 B as having died &c should

Do. C. to E. No. 3 B. 3.

should be excluded from this Appendix.

Appendix B to Statement No 4. — 4. The 7 Persons entered in Column 20 of the Statement No 4 as pending should be excluded from this Appendix.

Statement showing the nature and the result of charges preferred against the Police. — 5. The number of Persons entered in Columns 10 and 12 of this Statement should be 3 and 2 according to the entry under head "No 1" of the Statement No 1.

Comparative Statement showing Petty offences and Crimes and Misdemeanors — 6. The entries in Columns 11-12- and 13 under head "1856" of the abstract statement of Crimes and misdemeanors should be 148. 22. and 93.

Ordered that Extracts from these Proceedings be sent to the Agent to the Governor of Fort St George at Vizagapatam by Dracft retainable within III days from and after its receipt.

(Sent following Dreaft No)

Read Calendar of Cases No 26, 27. and 28 of 1856 of the Sessions Court of Manzedore.

(Here enter F.C. No 407 of 1856)

The Court of Foujdary Adaulut approve of the recommendation made by the Acting

3rd Mellada Luchmma
11th Podinaya Soobraya
12th Cotta Soobraya
13th Mellada Soobraya
14th Bayee Gavinda

16th Cumma Chenna
17th Bitharay Baba
18th Bayada Ramo
19th Adipina Cherma
20th Bhaya Timmulla
21st Achary Chinnana
22nd Malayada Challa
23rd Dhon Ganah
24th Dhay Pamah
25th Bhaya Sooba
26th Billa Dewo
27th Maramantilla Soobba
28th Cupa Sunkra
29th Dhu Deyo
30th Ditto Hanna
31st Ditto Hummiga
32nd Bhaya Appo
33rd Pudamutty Annappa
34th Gowda Venkata

Acting Sessions Judge in case No 26 that the period of imprisonment which the Prisoners named in the margin have been adjudged to suffer on their conviction of Riot with assault and robbery and rescue of property, be reduced to (3) Three Months with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

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

(Sent in No)

Ex Dell.

F. P. C.

Monday
9th March, 1857.

At a Court of the Fouzdaree Adalut.

Present

G. L. Hooper, Esquire, Puisne Judge
F. Anderson, Esquire, 4th Puisne Judge
J. W. Goodwyn, Esquire, 5th Puisne Judge

No final return having been received from the Session Judge of Cuddapah, to the precept of the Fouzdaree Adalut dated the 5th Jan. ultimo last, reviewing the record connected with the charge of Assault preferred by Mr. Fondelair against Venkatisoo and others.

Ordered, that the Session Judge of Cuddapah be required to make a final return to the above precept without further delay.

/Sent in No. /

Read Petty Calendars submitted by the Session Judge of Nellore for the quarter ending 31st December 1856.

/Here enter F. P. C. No. 396 of 1857./

This

9th March, 1857.

Calendar I
46/61 1. This should have been of
headed Misdemeanor.

50/53 2 The charge fails to shew how
this was an abuse of authority; it appears
to have been a simple assault.

51/55 3. The sentence is much too
lenient, the Court desire to be informed
if the 1st Defendant has been dismissed
from his situation which he deserved to
be.

56/69. 4. The sentence in this case
appears to be inadequate to the offence;
the age of the prisoner is not stated
to enable the Court to judge how far
the District Moonsiff was justified
in reviewing it as an extenuating fact.

57/54. 5 Should have been headed
resistance to legal process.

Calendar II
69/64 6. This was no assault and
at most could only be a treaspass.

74/69. 7. The delay before the Head
of Police in the case appears excessive, or
being upwards of a month.

83/62. 8. The delay before the Head of
Police in this case from 13th October to 3d
December

9th March, 1857

3d December is unexplained.

Ordered, that Extract from
these proceedings, be sent to the Session
Judge of Nellore, by precept returnable
within III days from and after its receipt.

/Sent following precept No /

Read Petty Calendar of the
Magistracy for the 4th quarter of 1856, zillah
Honore.

/Here enter F.C. No. 432 of 1857/

No. 124. 1 The offence in question is
using false weights & measures; and there-
fore the charge should have been so worded.

.. 133. 2. If the other party was in
possession under the orders of the Magis-
trate, the Defendants offence was a
Trespass.

Calendar III
General No 3 3. The condition of the security
should have been to keep the peace towards
his mother.

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

/Sent in No /

Read

9th March, 1857.

Read Calendar of Case No. 12 of 1857, of the Session Court of Salem.

/Here enter F. P. No. 138 of 1857/

The Court of Foujdaree Adalut approve of the recommendation made by the Acting Session Judge in this case, that the period of imprisonment which the Prisoners noted in the margin, have been adjudged to suffer on their conviction of Gang Robbery by open violence be reduced in the case of the 1st Prisoner to 8 years and in that of the rest to 3 years with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.

1st Cawly
2nd Nanjian
4th Poothuny Caroopum
7th Pallay Soondra
8th Para Choopum

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

/Sent in No. /

Read Petty Calendars of the Magistracy for the 4th quarter of 1856, Zillah Cuddalore.

/Here enter F. P. No. 148 of 1857/ This

F. P. 76.

9th March, 1857.

Calendar I General No. 119.

1. This case should have been disposed of under the provisions of Section V, Regulation V of 1822.

120. 2. The heading should have been "Assault."

Calendar II General No. 70

3 The prisoners should have been charged with having maliciously set fire to the Complainants house.

71 4 The offence as described in the charge was Assault and Robbery.

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

/Sent in No. /

Rs 180

F. C.

Tuesday 10th March 1857. } At a Court of the Fouzdaree Adalut

Present

G. S. Hooper Esquire — Puisne Judge

F. Anderson Esquire — } Acting Puisne Judges

J. W. Goodwyn Esquire —

Read letter dated the 4th Ultimo from the Subordinate Judge in charge of the Sessions Court of Chittoor, submitting the Criminal Statements for 1856.

/Here enter F. C. No. 276 of 1857./

Read also Order of Government dated the 25th Ultimo, referring a Petition from Soobba reddy and others of North Arcot, praying to be relieved from the persecution of gang Robbers who from the absence of vigilance on the part of the Police authorities have infested the Villages and other places in that District, and calling for a Special report upon the state of crime in the District of North Arcot.

/Here enter F. C. No. 446 of 1857./

The

F. 116.

Tuesday
10th March 1857.

Adawlut Court of the Foujdarree Adawlut

Present

G. S. Hooper Esquire — Puisne Judge

F. Anderson Esquire — Acting Puisne Judges

T. W. Goodwyn Esquire —

Read letter dated the 4th Ultimo from the Subordinate Judge in charge of the Session Court of Chittoor, submitting the Criminal Statements for 1856.

/Here enter F. 116. No. 276 of 1857./

Read also Order of Government dated the 25th Ultimo, referring a Petition from Soobba reddy and others of North Arcot, praying to be relieved from the persecution of gang Robbers who from the absence of vigilence on the part of the Police authorities have infested the Villages and other places in that District, and calling for a Special report upon the state of crime in the District of North Arcot.

/Here enter F. 116. No. 446 of 1857./

The

1. The Court of Foujdaree Udalut direct the Session Judge to procure from the Magistrate and submit for their consideration, a statement of the Highway and Gang Robberies committed in 1855 and 1856 in each of the Talooks specified in para 9 of the Magistrates letter dated the 20th January last No. 28 shewing also the No. of cases committed to the Subordinate and Session Courts and the No. sentenced or released.-

2 They also direct that the Acting Additional Joint Magistrate — Mr. Banbury be called upon for a Special report on the subject of the prevalence of these robberies in the Talooks under his charge, as well as the Heads of Police and District Moonsiffs of those Talooks.-

3. In submitting the above the Magistrate will report upon the remodelling of the Police in the Talooks, detailing the measures he considers requisite for checking Highway and Gang robberies and for rendering the roads safe for travellers and he will also

10th March 1857.-

also state whether he has made or proposed any arrangements to meet the evil in the Talooks referred to.-

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

(Sent following precpt. No.)

Read Calendar of Case No. 8 of 1857 on the file of the Session Court of Coimbatore

/Here enter F. C. No. 471 of 1857./

1. This case was committed on the 6th but the record was not received in the Session Court till the 9th February.-

2. The Court of Foujdaree Udalut direct that the Principal Sudr. Ameen be instructed invariably to forward the record to the Session Court directly the case is committed, as pointed out in this Court's Circular dated the 16th October 1844.-

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

(Sent in No.)

Read

Read Calendar of Cases Nos 20 of 1857 on the file of the Sessions Court of Tinnevelly.

/Here enter F. H. No. 454 of 1857./

1. This case was committed on the 10th but neither the Calendar nor the record were received by the Sessions Court till the 13th February last.

2. The Court of Foujdaree Adalut direct that the Principal Sudr Ameen be instructed invariably to forward the record to the Sessions Court directly the case is committed, the Calendar being afterwards prepared as pointed out in this Courts' Circular dated the 16th October 1844.

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

/Sent in. No. /

Read Calendar of Case No. 19 of 1857 of the Sessions Court of Tinnevelly.

/Here enter F. H. No. 400 of 1857./

The Principal Sudr Ameen should

should be informed that the Record should be delivered to the Sessions Judge directly the Case is committed, the Calendar can be prepared afterwards.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Tinnevelly for communication to the Principal Sudr Ameen.

(Sent in No.)

Read Calendar of Cases Nos 8, 9 and 10 of 1857 of the Sessions Court of Combaconum.

/Here enter F. H. No. 472 of 1857./

The Court of Foujdaree Adalut approve of the recommendation made by the Sessions Judge in Case No. 10 of Kistnapadiachy 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 (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

these Proceedings be forwarded to the Session Judge of Combaconum for his information.-

(Sent in No)

Read Petty Calendars submitted by the Acting Sessions Judge of Calicut for the 4th Quarter of 1856.

/Here enter F. No. 318 of 1857./

Calendar No. I Case No. 148. 46.

1. Clause 8 Section VI Regulation I of 1820 should have been quoted as the authority under which the sentence was passed.-

Calendar No. III Case No. 172 by Special Assistant Magistrate.

2. In this Case the Prisoner is charged with being a bad character provoking a breach of the Peace, but the acts charged are committing adultery. If he had been guilty of adultery he should have been put on his trial for the offence.-

3. The Court of Foujdaree Adalut do not consider this a Case in which security can with propriety be demanded and they accordingly cancel the same and direct the Prisoner's release.-

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

Sessions Judge of Calicut for his information

(Sent in No)

Read Calendar in Case No. 57 of 1856 submitted by the Acting Sessions Judge of Calicut under date the 5th January 1857.

/Here enter F. No. 74 of 1857./

Read Calendar in Case No. 72 of 1856 submitted by the Acting Sessions Judge of Salem under date the 7th January 1857.

/Here enter F. No. 75 of 1857./

Read Statement dated 9th January 1857 submitted by the Acting Sessions Judge of Guntoor of batta paid to Prosecutors and Witnesses during the 2d Half of the year 1856.-

/Here enter F. No. 78 of 1857./

Read Calendar in Case No. 1 of 1857 submitted by the Acting Sessions Judge of Salem under date the 17th January 1857.-

/Here enter F. No. 178 of 1857./

Read Criminal Report dated 7th January 1857 submitted to the Acting Agent to the Governor of Fort St. George at

10th " March 1857.

at Ganjam for the month of December 1856.

/Here enter F. Cc. No. 255 of 1857./

Read Calendar in Case

No. 7 of 1857 submitted by the Session Judge

of Bellary under date the 3d February 1857.

/Here enter F. Cc. No. 280 of 1857./

Re 1st.

F. Cc.

Wednesday
11th March 1857. } At a Court of the Foujdaree Adalut.

Present

G. S. Hooper Esquire — Puisne Judge.

F. Anderson Esquire
T. W. Goodwyn Esquire } Acting Puisne Judges

Read Calendar of Case —

No. 2 of 1857, submitted by the Sessions

Judge of Trichinopoly.

/Here enter F. Cc. No. 278 of 1857./

Read also Return dated

the 23d Ultimo from the Session Judge of

Trichinopoly, to the precept of the Foujdaree

Adalut under date the 20th idem, desiring

to be informed whether the Prisoner in

the above case has been held to security

for being a bad character or on the

ground of suspicion of having commit-

-ted the offence charged against him.

/Here enter F. Cc. No. 428 of 1857./

As the evidence against the

Prisoner has been discredited, the Court

of

of Foujdaree Udalut do not see how strong suspicion can lie against him and they accordingly direct that the security be cancelled and the Prisoner unconditionally released.-

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Trichinopoly by Precpt returnable within 11 days from and after its receipt.-

(Sent following precpt No)

Read Extract from the Proceedings of the Sessions Court of Masulipatam dated 6th February 1857 held on review of the Petty Calendars submitted by the Magistracy for the 4th Quarter 1856.-

/Here enter F. Uc. No 302 of 1857./

Read Calendar of Case No 4 of 1857 submitted by the Sessions Judge of of Trichinopoly under date the 10th February 1857.-

/Here enter F. Uc. No 309 of 1857./

Read

Read letter dated 7th February 1857 from the Session Judge of Chicacole forwarding the usual death warrant in Case No 7 on the Calendar for 1856.-

/Here enter F. Uc. No 321 of 1857/

Read return dated 10th February 1857 from the Acting Session Judge of Mangalore to the precpt of the Foujdaree Udalut under date the 5th January 1857 conveying further orders with reference to the Petition of Caetano Joao Fernandes

/Here enter F. Uc. No 322 of 1857./

Read letter dated 9th February 1857 from the Acting Session Judge of Tellicherry forwarding the usual death warrant in Case No 23 on the Calendar for 1856.-

/Here enter F. Uc. No 323 of 1857./

Read Report B dated 9th February 1857 submitted by the Acting Session Judge of Mangalore for the month of January 1857.-

/Here enter F. Uc. No 324 of 1857./

Read

11th March 1857.

Read Criminal Statement dated 6th February 1857 submitted by the Subordinate Judge of Chittoor for the month of January 1857.

/Hereunto F. No. No. 325 of 1857./

Rd 18.

F. No.

Thursday—
12th March, 1857.

At a Court of the Foujdaree Udalut.

Present

G. S. Hooper, Esquire, Puisne Judge
T. Anderson, Esquire, Aff. Puisne Judge
T. W. Goodwyn, Esquire, Aff. Puisne Judge

Read Calendar of Case No. 16 of 1857, of the Session Court of Tinnevelly.

/Here enter F. No. No. 427 of 1857/

1. The Session Judge recommends that the period of Imprisonment which the prisoners in this case have been adjudged to suffer on their conviction of Robbery by open violence unattended with aggravating circumstances may be mitigated to five years.—

2. As this is a very petty case not calling for a severe punishment, the Court of Foujdaree Udalut direct that the prisoners be sentenced to Imprisonment for one year with hard labor in irons.—

The

x 1st Sattoo alias Ira
Sanneattoo Raichen
2d Vellattoo pooven

11th March 1857.

Read Criminal Statement dated 6th February 1857 submitted by the Subordinate Judge of Chittoor for the month of January 1857.-

/Herewith F. No. No. 325 of 1857./

Rd 18/3.

F. No.

Thursday— 17th March, 1857.

At a Court of the Foujdaree Udalut.

Present

G. S. Hooper, Esquire, Puisne Judge
F. Anderson, Esquire, Actg. Puisne Judge
J. W. Goodwyn, Esquire, Actg. Puisne Judge

Read Calendar of Case No. 16 of 1857, of the Session Court of Tinnevelly.

/Here enter F. No. No. 427 of 1857/

1. The Session Judge recommends that the period of Imprisonment which the prisoners in this case have been adjudged to suffer on their conviction of Robbery by open violence unattended with aggravating circumstances may be mitigated to five years.-

2. As this is a very petty case not calling for a severe punishment, the Court of Foujdaree Udalut direct that the prisoners be sentenced to Imprisonment for one year with hard labor in irons.-

The

1st Sattoo alias Sra: ramoottoo Raichun
2d Vellattoo Poosa

11th March 1857.

Read Criminal Statement dated 6th February 1857 submitted by the Subordinate Judge of Chittoor for the month of January 1857.

/Herewith F. No. No. 325 of 1857./

Rd 18.

F. No.

Thursday — 12th March, 1857. At a Court of the Foujdaree Udalut.

Present

G. L. Hooper, Esquire, Puisne Judge
F. Anderson, Esquire, 2d Puisne Judge
T. W. Goodwyn, Esquire, 3d Puisne Judge

Read Calendar of Case No. 16 of 1857, of the Session Court of Tinnevelly.

/Here enter F. No. No. 427 of 1857/

1. The Session Judge recommends that the period of Imprisonment which the prisoners in this case have been adjudged to suffer on their conviction of Robbery by open violence unattended with aggravating circumstances may be mitigated to five years.-

2. As this is a very petty case not calling for a severe punishment, the Court of Foujdaree Udalut direct that the prisoners be sentenced to Imprisonment for one year with hard labor in irons.-

The

* 1st Sattoo alias Ira
Ramoottoo Raichen
2d Vellattoo Pooran

11th March 1857.

F. No.

12th March, 1857.

12th March, 1857.

3.

The Principal Sudr Ameen should be instructed to deliver the record to the Session Judge directly the case is committed, the Calendar being afterwards prepared as pointed out in this Court's Circular dated the 16th October 1846.—

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

/Sent in No./

Read Petty Calendars of the Magistracy for the 4th quarter of 1856, zillah Chingleput.—

/Here enter F. No. No. 480 of 1857/

The transmission at this period of the Session Judge's proceedings of the 29th November 1856, held on the reports of cases disposed of by the Police, would under any circumstances have been useless: but the Court of Foujdaree Udalut are of opinion that the reviews of such returns need never be forwarded to them.—

Ordered

12th March, 1857.

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

/Sent in No./

Read Miscellaneous Petition presented on the 12th February 1857 by Moulavee Syed Vully Ahmed, Pleader on behalf of Palany Ummal and another, zillah Salem.—

/Here enter F. No. P. No. 30 of 1857/

Mr. Hooper

1.

The Petitioners, relatives, the former wife of the prisoner in Case No. 78 of 1856, and the latter, Aunt of the 10th prisoner in Case No. 70 of 1856 on the file of the Session Court of Salem, appeal from the sentences passed respectively on them relatives in the above cases and pray for their release.

The Court of Foujdaree

2.

Udalut see no reason to interfere with the sentences passed on the Petitioners' relatives and therefore reject this petition.—

Ordered

12th March, 1857.

Ordered, that Extract from these proceedings, be given to the Petitioners' Pleader on his application.-

Read Miscellaneous Petition presented on the 12th February 1857 by Para Vellien, zillah Madura.-

/Here enter F.M.P. No. 33 of 1857/

Mr. Hooper. 1. The Petitioner, brother of the 1st Prisoner in Case No. 70 of 1856 on the file of the Session Court of Madura, prays the Court will send for the record of the trial in the above case and on a consideration thereof direct his brother's release from confinement.-

2. The Court of Foujdaree Udalut see no reason to doubt the correctness of the sentence passed in this case and reject this petition.-

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

Read Miscellaneous Petition presented on the 19th February 1857, by Coomarapillay, of zillah Madura.-

/Here enter F.M.P. No. 36 of 1857/

Petitioner

F. Co.

12th March, 1857.

Messrs. Hooper and Anderson. Petitioner prays the Court with reference to their orders of the 17th March 1856, to direct that he be restored to his former situation.-

2. The Court of Foujdaree Udalut do not consider that there are grounds for their interfering further in petitioner's Case and they therefore reject this petition

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

Read Miscellaneous Petition received on the 9th February 1857, through the Session Judge of Tinnevelly, from Sevasoobramonyen, of that zillah.-

/Here enter F.M.P. No. 29 of 1857/

Messrs. Hooper and Anderson. 1. Petitioner seeks to obtain the release of his brother, the Prisoner in Case No. 5 of 1857, on the ground that he has been convicted on insufficient evidence.-

2. The Court of Foujdaree Udalut see no reason to doubt the correctness of the sentence passed in the

the case in question. The prisoner as appears from the Calendar "had no defence to make, nor witnesses to call in his defence." Petition rejected.-

Ordered, that Exctract from these proceedings, be sent to the Session Judge of Tinnevelly, for his information, and for communi-cation to the Petitioner.-

/Sent in No. /

Read Miscellaneous Petition presented on the 12th February 1857, by Alvan-nmmal and another, zillah Madura.-

/Here enter F. M. P. No. 31 of 1857/

Mr. Cooper. 1. Petitioners, who are the rela-tives of the 1st, 2d, 3d, 11th and 15th prisoners in Case No. 8 of 1856 on the Criminal file of Session Court appeal from the sentence passed in that case on the above prisoners.-

2. The Court of Foujdaree Udalut resolve to call upon the Acting Session Judge to forward a trans-lation of the record of the trial in the above case.-

Ordered, that Exctract from these

these proceedings, be sent to the Acting Session Judge of Madura, by precept returnable within X days from and after its receipt.-

Ordered also, that Exctract from these proceedings, be given to the Petitioners on their application.-

/Sent following Precept No. /

Read Miscellaneous Petition presented on the 19th February 1857, by Mr. J. H. D. Wilson, Pleader on behalf of Nadacoodily Seetummah, of zillah Rajahmundry.-

/Here enter F. M. P. No. 37 of 1857/

Mr. Anderson. 1. Petitioner appeals from an order of the Session Judge dated 2d January 1857, declining to disturb the sen-tence passed upon him in Criminal Case No. 152 of 1856.-

2. The Court of Foujdaree Udalut see no grounds to interfere in the matter, and accordingly reject this petition.-

Ordered, that Exctract from these proceedings, be given to the Petitioners Pleader on his application.-

Read

12th March, 1857.

Read Miscellaneous Petition received on the 16th February 1857, through the Session Judge of Tinnevelly, from Pache Moottoo Tevan, of that zillah.-

/Here enter F. M. P. No. 38 of 1857/

Mr. Hooper. 1. The object of this petition is to obtain the release of the prisoner in Calendar Case No. 13 of 1857 on the file of the Session Court.-

2. The Court of Foujdaree Udalut see no reason to interfere, and accordingly reject this Petition.-

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

/Sent in No. /

Read Miscellaneous Petition presented on the 4th March 1857, by C. Salmon Esquire, Pleader on behalf of Kootoosa and H. Ally Coolly, Zillah Calicut.-

/Here enter F. M. P. No. 47 of 1857/

Read also Calendar in Case No. 56 of 1856, on the file of the Session Court

F. C.

12th March, 1857.

Court of Calicut.

/Here enter F. C. No. 184 of 1857/

Messrs. Hooper Anderson and Goodwyn

1. In the above Petition, Petitioners pray the Court of Foujdaree Udalut will, as the Acting Session Judge and two out of the three Assessors present throughout the trial, acquitted them of the charges on which they were arraigned, confirm such acquittal and direct their release.-

Circular. 2. The Court of Foujdaree Udalut having seen reason to reconsider the former rulings of this Court regarding the reference of trials for final decision when a difference may arise between the Judge and Assessors, resolve to modify so much of these rulings as to declare that in all cases when (it being competent for the presiding Judge to pass a final sentence) the Judge and the Majority of the Assessors are in favor of acquittal such sentence of acquittal shall be final, but that when the Judge and Majority of the Assessors may be in favor of conviction the trial in such Case shall be referred to

to the Court of Foujdaree Udalut for final sentence.

3. Under these circumstances the Court of Foujdaree Udalut direct the immediate release of the prisoners in the above case.—

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

Ordered also, that Extract from these proceedings, /para 2/ be sent to the several Session Judges for their information and guidance.

/Sent in No. /

Read the Criminal Reports submitted by the Session Judge of Nellore for the year 1856.

/Here enter F. Cs. No. 422 of 1857/

Appendix C to statement No. 3 B

1. The Court of Foujdaree Udalut observe that the one person entered in Column 27 of the statement No. 3 B as having died should be excluded from this appendix.

Appendix A. to Statement No. 4

2. The aggregate number of persons in Columns "Imprisoned" and "Imprisoned

and flogged" should be 62 and not 64.

Appendix B to statement No. 4

3 The aggregate number of persons in this appendix should be 157, and the cause of the detention of persons for more than 30 days should be explained in the Column of remarks.

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

4. Columns 16. 19. 22. and 23 should be filled up, and the foot note required in para 2 of this Courts Circular letter dated 1st April 1853, should be added.

Statement shewing the cases involving grave injury to person or property

5. The one case entered in Column 10 of the statement No. 3 B, under head "Forgery" should have been entered also in Column 36 of this statement.

Comparative abstract shewing crimes and misdemeanors

6. The entries in Columns 22 23 and 31 should have been 511. 1252. and 62.

Ordered, that Extract from these proceedings, be sent to the Session Judge of Nellore, by precept returnable within III days from and after its Receipt.

/Sent following precept No. /

Read the Criminal Reports submitted by the Acting Session Judge of Rajahmundry for the year 1856.

/Here enter F. Cs. No. 456 of 1857/

The

12

Appendix F to Statement No. 2

1 The Court of Foujdaree Udalut observe that 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.

Appendix C to Statement No. 3 B

2. The 8 persons entered in Column 27 of the Statement No. 3 B, as having died Vizt. should have been excluded from this Appendix.—

Appendix D to Statement No. 3 B.

3. The remark in para 1 of these proceedings applies also to this Appendix.—

Appendix B to Statement No. 4.

4. The one person entered in Column 20 of the statement No. 4 should have been excluded from this appendix.

Appendix C to Statement No. 4

5. The remark in para 1 applies also to this appendix.—

Comparative Abstract

6 The entries in Columns 2-10-14 and 19 under head "Petty Offences" should have been 14304-579-15179 and 13491 and those in Columns 22-23-28-29 and 30 under head "Crimes and Misdemeanors" should have been 302-741-114-142 and 8.—

Statement shewing the cases involving grave injury to person or property.

7. The number of cases and persons entered in Columns 10 and 11 of the statement

statement No. 3 B, under heads "Forgery" and "Perjury" should have been entered also in Columns 36-37-38-and 39 of this statement.—

8. The necessary corrections in the above statements have been made in the Register's Office.—

Statement No. 10 Bengal form

9 The aggregate number of persons in Columns 2-4-and 5, and in Columns 6 and 7, and the entries in Columns 8-9-10-21 and 27 under head "Total," do not correspond with the entries under head "Grand Total" of the Statement No. 13.—

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

/Sent following precept No. /

Read a Miscellaneous Petition received on the 23d. February, from Ramadoss a Naik, Zillah Cuddalore.—

/Here enter F. M. P. No. 39 of 1857/

Before passing final orders

Mr. Hooper.

on

x to be returned

on this Petition, the Court of Foujdaree Udalut resolve to forward it to the Session Judge in order that he may afford explanation of the circumstances set forth therein.

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 15

E. Hall.

No 6.

Friday 13th March 1857.

At a Court of the Foujdaree Udalut

Present

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

Read Miscellaneous —

Petition of Basavadoo, received on the 5th February 1857, from the Sessions Judge of Bellary.

(Herd Entered H. M. P. No 25 of 1857)

Mr G. S. Hooper

1 The Petitioner appeals against the sentence of the Sessions Court of Bellary in Case No 111 of 1856 which adjudged the Prisoner to 7 years imprisonment with hard labour in irons.—

2 The Court of Foujdaree Udalut see no reason to disturb the sentence passed in this Case and reject this Petition.—

Ordered, that Extract from these

12th March, 1857.

to be returned

on this Petition, the Court of Fouzdaree Udalut resolve to forward it to the Session Judge in order that he may afford explanation of the circumstances set forth therein.

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

Sent following precept. No 15

Ed Hall.

X

#66.

Friday 13th March 1857.

At a Court of the Fouzdaree Udalut

Present

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

Read Miscellaneous —

Petition of Basavadoo, received on the 5th February 1857, from the Sessions Judge of Bellary.

(Here Enter F. M. D. No 25 of 1857)

Mr G. S. Hooper

1 The Petitioner appeals against the sentence of the Sessions Court of Bellary in Case No 111 of 1856 which adjudged the Prisoner to 7 years imprisonment with hard labour in irons.

2 The Court of Fouzdaree Udalut see no reason to disturb the sentence passed in this Case and reject this Petition.

Ordered, that Extract from these

these Proceedings be sent to the Sessions Judge of Bellary for communication to the Petitioner.—

(Sentence Fe)

Read Miscellaneous Petition presented on the 9th February 1857, by M. J. H. P. Wilson, Pleader on behalf of Runjiah Naik, Zillah Madura.—

(Here Enter F. Mc. P. No. 26 of 1857)

Read also Miscellaneous Petition presented on the 5th January by the same pleader, on behalf of the same individual

(Here Enter F. Mc. P. No. 1 of 1857)

Mr. F. Anderson 1

Petitioner, aggrieved by the orders of the Magistrate of Madura, dated the 22d September 1856, which he states inflicted on one Jagana Ravathen, who had ill treated him, an insufficient punishment, appeals therefrom and prays the Court will do him justice.—

2 The Court of Foujdaree Udalut do not find that there are sufficient

sufficient grounds to interfere with the sentence appealed against.—

3 Petition rejected.

Ordered, that Extract from these Proceedings be granted to the Petitioners' Pleader on his application.—

Read Miscellaneous Petition presented on the 9th February 1857, by M. J. H. P. Wilson, Pleader on behalf of Bazadee Lutchmee Ammal of Zillah Chicacole.—

(Here Enter F. Mc. M. P. No. 27 of 1857)

Mr. F. Anderson 1 This is an application for reconsideration of the order of this Court dated the 19th January last, rejecting the Petitioner's former Petition No. 191 of 1856.

2 The Court of Foujdaree Udalut see no reason to interfere with their former Proceedings, and accordingly reject this Petition.—

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

Read

13th March 1857

Read Miscellaneous Petition presented on the 9th February 1857 by S. Veeraswamala Chetty, pleader on behalf of Chinnanarasimmapah, Zillah Bellary.

(Here Enter F. Mc. P. No 28 of 1857)

Mr. F. Anderson / Petitioner, brother of the prisoner in Case No 274 of 1856 on the file of the Criminal Court of Bellary, appeals from the sentence passed in that case by the Moofflee Sudr Ameen.

2 The Court of Foujdaree Udalut see no reason to interfere with the order appealed against and accordingly reject this petition.

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

Read Calendar of Case No 10 of 1857, submitted by the Sessions Judge of Cuddalore.

(Here Enter F. Mc. No 496 of 1857)

The Court of Foujdaree Udalut direct the Principal Sudr Ameen be instructed that the record should have been delivered to the Sessions Court the same day the case was committed.

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

(Sent in No /

Read Calendar of Case No 40 of 1857 on the file of the Sessions Court of Combaconum.

(Here Enter F. Mc. No 490 of 1857)

The Court of Foujdaree Udalut resolve to call upon the Sessions Judge to state whether the Peons have been suspended or dismissed, and if so, what is his opinion respecting their restoration with back pay.

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

(Sent following Precept No /

Read

Read Calendar of Case
No. 6 of 1857, submitted by the Sessions
Judge of Nellore.

(Here Entered Fl. No. 477 of 1857)

The Court of Foujdaree
Udalut desire to be informed why the
District Head of Police did not in
the first instance send up the witness-
-es who attested the prisoner's confession
before him.

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

(Sent following Precept No.)

Read again Calendar
of Case No. 16 of 1856 of the Sessions
Court of Honore.

(Here Entered Fl. No. 1950 of 1856)

Read also letter dated
the 26th February 1857, from the Sessions
Judge of Honore, requesting to be
informed whether the Judges have
approved

13th March 1857

approved of the recommendation
made by him that the period of
4th Coorbas Cayo. imprisonment which the 4th and 7th
7th Luxmeea. Prisoners in the above Case were
adjudged to suffer on their conviction
of Robbery by open violence unatten-
-ed with aggravating circumstances,
and receiving plundered property &c
knowingly, be reduced to 8 years with
hard labour in irons.

(Here Entered Fl. No. 491 of 1857)

The Court of Foujdaree Uda-
-lut deeming the mitigated sentence
proposed inadequate for the punish-
-ment of the Prisoners in question,
resolve to direct that they be
sentenced to Imprisonment for 10 years
with hard labor in irons.

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

(Sent in No.)

E. D. M.

Read Calendar in Case
No. 1 of 1857, submitted by the Sessions
Judge of Bellary under date the 10th
January 1857.

(Here Enter F. No. No. 84 of 1857.)

Read Calendar in Case
No. 4 of 1857, submitted by the Sessions
Judge of Bellary under date the 24th
January 1857.

(Here Enter F. No. No. 209 of 1857)

Read Calendar in Case
No. 5 of 1857 submitted by the Sessions
Judge of Bellary under date the 24th
January 1857.

(Here Enter F. No. No. 210 of 1857.)

Read Calendar in Case
No. 3 of 1857 submitted by the Sessions
Judge of Bellary under date the
7th February 1857.

(Here Enter F. No. No. 313 of 1857)

Read Calendar of Case
No. 6 of 1857, submitted by the Sessions
Judge of Bellary under date the
10th

10th February 1857.

(Here Enter F. No. No. 334 of 1857.

Read return dated the 16th
Ultimo from the Sessions Judge of
Nellore to the precept of the Fouj-
-daree Udalut under date the 12th
Idem directing the release of the
Prisoner in Calendar No. 54 of 1856.

(Here Enter F. No. No. 353 of 1857)

Read Calendar of Case
No. 5 of 1857, submitted by the Sessions
Judge of Coimbatore under date the
20th January 1857.

(Here Enter F. No. No. 355 of 1857.)

Read Criminal Reports
for the month of January 1857 submit-
-ted by the Sessions Judge of Trichinopoly
under date the 5th Ultimo.

(Here Enter F. No. No. 356 of 1857)

Read Criminal Reports
for the month of January 1857 submitted
by the Acting Sessions Judge of Guntoor
under date the 14th Ultimo.

(Here Enter F. No. No. 358 of 1857)

Read

13th March 1857.

Read Extract from the Proceedings of the Session Court of Salem under date the 13th February 1857. held on review of the Petty Calendars of the Magistracy of Salem for the 4th Quarter of 1856.

(Here Enter F. 86. No. 360 of 1857)

Ex'd All

F. 86.

Saturday 14th March 1857.

Met a Court of the Foujdaree Udalut.

Present

G. L. Cooper, Esquire
F. Anderson, Esquire Actg.
T. W. Goodwyn, Esquire Actg.
} Puisne Judges

Read Criminal Reports A and B submitted by the Session Judge of Nellore for the month of January 1857.

(Here Enter F. 86. No. 357 of 1857)

1 The attention of the Session Judge is again called to the wording of the charges framed by his Subordinates in Case No. 6 Report A. the 2d Count charges the Prosecutor with discovering his own property in the Prisoner's bundle.

2 In this case the charge contains the expression "Malicious intent not known". The Court of Foujdaree Udalut observe that in all cases of Murder the law presumes malice

malice, and it is essential that in all charges of Murder the wilful and malicious intent, the very gist of the offence, be charged, and they resolve to call upon the Sessions Judge to explain if the charge came before the Court in this form, how he allowed a charge containing such grave omission to pass unnoticed.—

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

(Sent following Precept No)

Read Calendars of Cases on the file of the Court of Trichinopoly Sessions Nos 5-6-7-8-9-10 and 11 of 1857.

(Here Enter F. No. No 398 of 1857)

Before disposing of these cases the Court of Fouzdaree Udalut desire information as to whether the Plaintiffs in these Cases were different persons

persons, or how many different persons there were among them.—

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

(Sent following Precept No)

Read again Miscellaneous Petition presented on the 5th January 1857, by Mr. H.B. Saunders and R. Jeroomul Row, Pleaders on behalf of Gopibundoo Baburtah, Mahapatroodoo and Hurri Soundoopatty, Zillah Ganjam.—

(Here Enter F.M.P. No. 20 of 1857.)

Read also letter dated the 19th February 1857, from the Acting Agent at Ganjam, informing that Copies of the sentence Vide in Case No. 46 were given to the Petitioners' Pleader on plain paper on the 6th December 1856.—

(Here Enter F. No. No. 429 of 1857.)

As it appears from the above

Mr. G.S. Hooper
Mr. F.W. Godwyn.—

above letter that the statement made by the Petitioners was a palpable falsehood, copies of the sentence Vera having been given to them on the 6th December last, the Court of Foujdaree Udalut resolve to reject this Petition.—

Ordered, that Extract from these Proceedings be given to the Petitioners' Pleaders on their application.—

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

(Sent in No.)

Read letter dated the 17th Ultimo, from the Acting Sessions Judge of Rajahmundry, reporting that the 1st and 2d witnesses as accessaries in a Murder case before him were sent up to be committed as Prisoners, and as they seem to have taken no actual part in the murder, solicits sanction to offer them and 6th Prisoner, who

who does not appear to have been an interested party, a condition-al pardon.—

(Here Enter F. Co. No. 408 of 1857)

The Court of Foujdaree Udalut, under the authority vested in them by Section XII Regulation XIII of 1832, resolve to sanction the offer of a pardon to the individuals referred to in the above letter, on the terms and condition specified in Section XX Regulation VIII of 1802.

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

(Sent in No.)

Read letter dated the 13th Ultimo, from the Acting Sessions Judge of Mangalore, forwarding Copy of the Magistrate's Return to the Precept of the Sessions Court stating that the Petitioner Castano Joao Fernandez has been put in possession of the Survan

Survam Church.

(Here Enter F. No. 363 of 1857)

Read return dated the 14th Ultimo, from the Session Judge of Cuddapah to the precept of the Fouj-dary Udalut under date the 5th Decem-ber 1856, directing information to be afforded as to the cause of delay consisting of 8 days in commencing the trial in No. 74 on the Calendar of the Session Court for 1856.

(Here Enter F. No. 367 of 1857)

Read return dated the 13th Ultimo, from the Session Judge of Cuddapah to the precept of the Fouj-dary Udalut under date the 12th Decem-ber 1856, directing submission of explanations of the delay which took place in the commit-al of Case No. 19 of 1856.

(Here Enter F. No. 368 of 1857)

Read return dated the 13th Ultimo, from the Session Judge of Cuddapah to the precept of the Foujdary Udalut

Udalut under date the 29th January 1857, requiring explanation as to the cause of delay in commencing the trial in case No. 92 on the file of the Sessions Court for 1856 from 4th to 14th December.

(Here Enter F. No. 369 of 1857)

Read Calendar of Case No. 2 of 1857, submitted by the Session Judge of Chicacole, under date the 12th Ultimo.

(Here Enter F. No. 371 of 1857)

Read Criminal Report Board other Statements dated 14th Ultimo, submitted by the Session Judge of Masulipatam for the month of January 1857.

(Here Enter F. No. 374 of 1857)

Ex Edl.

F. C.

Monday 16th. March 1857. At a Court of the Fouzdaree Adalut

Present.

G. S. Hooper. Esqre.
F. Anderson Esqre. Asst. } Puisne Judges
T. W. Goodwyn. Esqre. Asst.

Read Calendar of Case No. 27 of 1857 on the file of the Sessions Court of Tinnevelly.-

(Here enter F.C. No. 509 of 1857)

The Court of Fouzdaree Adalut observe that the Principal Sudr. Ameen's explanation of the delay in this case is unsatisfactory.-

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

(Sent in No.)

Read Calendar in Case No. 15 of 1857 on the file of the Sessions Court of Tinnevelly.-

(Here enter F.C. No. 507 of 1857.)

The

16th March 1857

The Court of Fouzdaree Adalut observe that as the case was committed on the 4th Ultimo the records should have been delivered to the Session Court the same day, as has been lately repeatedly notified to the Principal Sudr Ameen.

Ordered that Extract from the Proceedings be sent to the Session Judge of Tinnevelly for communication to the Principal Sudr Ameen.

(Sent in No)

Read Calendar of Case No 9 of 1857 of the Session Court of Nellore.

(Here enter F. Co. No 517 of 1857.)

The Court of Fouzdaree Adalut approve of the recommendation made by the Session Judge in this case, that the period of imprisonment which the Prisoner notes in the margin, has been adjudged to Nelapatter Achi suffer on her conviction of house breaking with theft be reduced to (4) four years with labour suitable to her sex, and they do authorize the Session Judge to issue his warrant accordingly.

Ordered that Extract from the Proceedings

16th March 1857.

proceedings be forwarded to the Session Judge of Nellore for his information.

(Sent in No)

Read Calendar of Case No 7 of 1857 of the Session Court of Salem.

(Here enter F. Co. No 377 of 1857)

The Court of Fouzdaree Adalut approve of the recommendation made by the Acting Session Judge in the case, that the period of imprisonment which the prisoners noted in the margin

1 Vora Caroospum
2 Michael
3 Moottaun

have been adjudged to suffer on their conviction of ~~Gang~~ Robbery by open violence be reduced to (8) Eight years with hard labor in irons, and they do authorize the Acting Session Judge to issue his warrant accordingly.

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

(Sent in No)

Read Calendar of Case No 5 of 1857 on the file of the Session Court of Tellicherry.

Here enter F. Co. No 521 of 1857

The

The Court of Foujdaree —

† Pro: dated 17th November 1857.

Udalut have ruled† that security cannot with propriedy be demanded in Cases in which persons may be charged with Forgery or utterance of Forgery, and the evidence may not be sufficient for their conviction. The Court therefore, resolve to cancel the requisition of security made in the above case, and to direct that the Prisoner be unconditionally released.—

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

Sent in Ats

Read Return dated the 26th Ultimo from the Subordinate Judge in charge of the Sessions Court of Chittoor, to the Precept of the Foujdaree Udalut under date the 23rd February 1857, directing the unconditional release of the Prisoners from 9th to 15th and 19th to 20th in Calendar 30 of 1856.—

(Here enter F. G. No. 455 of 1857)

In the above Return the Subordinate Judge in charge of the Sessions Court reports having carried out the instructions

instructions of this Court for the release of the 10th 11th 12th 13th 14th 19th and 20th Prisoners in the above Case, the 9th Prisoner having died on the 9th Ultimo and States that as the 15th Prisoner appeared to have been convicted of the crime of Highway Robbery in Case No. 31 of 1856, but was not sentenced in that No. in consequence of his having also been convicted in No. 30 of 1856, he has not released him from confinement but directed him to be Kept to hard labor in irons until the orders of this Court are received regarding the punishment to be awarded to him.—

2. The Court of Foujdaree — Udalut observe that as the 15th Prisoner was ordered to be released in Case No. 30 and no sentence was passed against him in No. 31, the Keeping him in irons with hard labor was clearly illegal.—

3. The Court direct that the Sessions Judge be required to pass sentence in Case No. 31 and in doing so to peruse the Proceedings and state whether in his opinion the guilt of this Prisoner is brought clearly home in the latter —

Case

Case - If this is not the Case, the Sessions Judge will be pleased to submit an English translation of the record for their consideration -

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

(Sent following Precept No)

Read Calendar of Case No. 7 of 1857, submitted by the Sessions Judge of Coimbatore -

(Here enter F. Rs. No. 152 of 1857)

It having been ruled by this Court that a charge of perjury will not lie on a deposition given before the Police and confirmed on solemn affirmation before the Subordinate Court, the Court of Foujdaree Adalut resolved to quash the conviction in this Case and to direct the release of the prisoner.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Coimbatore by Precept returnable within 3 days from and after its receipt -

(Sent following Precept No)

Read

Read Criminal Report B.

for the months of January 1857, Ghillah Ganjam

(Here enter No 494 of 1857.)

No 49. 1. The means used should have been set forth in the charge -

No 51. 2. The Court conclude that information was duly laid, and some investigation held, at the time of the robbery: which appears to have been committed ten years ago -

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

(Sent in No)

Read letters dated respectively the 18th and 26th February 1857, from the Acting Agent to the Governor of Fort St. George in Ganjam, submitting for the final judgment of the Foujdaree Adalut reports of the trials in Criminal Cases Nos 4 and 5 of 1857 on his file -

(Here enter F. Rs. Nos 505 & 506 of 1857.)

In Case No 4 Six Prisoners were put on their trial for Highway Robbery of which the 1st 2d 3d and 6th were convicted; and in No 5 the three first of the same Prisoners were also tried for Gang Robbery

by

by open violence with arson, of which only the 1st was convicted.-

2. The Court of Fouzdaree Udalut concur in the above convictions, and, in accordance with the recommendation of the Acting Agent, Sentence the Prisoner.-

1st Dam Dundasanaly to 12 years' Imprisonment with hard labor in irons, and the Prisoners.-

2d Neelambara Pradeny and

3d Pareedasamy.-

to Imprisonment with hard labor in irons for the period of 7 years.-

3. The Court also approve of the acquittal of the Prisoners 4th and 5th in No 4 and 2d and 3d in No 5.-

4. The Acting Agent states that as the 6th Prisoner stands committed for trial in No 8 of 1857, his Sentence will be recorded on the conclusion of that trial.-

Ordered that Extract from these Proceedings be sent to the Acting Agent to the Governor of Fort St George as Gunjam for his information.-

(Sent in No)

Read

Read Supplemental return from the Principal Sudr Ameen in charge of the Session Court of Cuddalore dated 28th February 1857, to the Precept of the Court of Fouzdaree Udalut dated 7th February 1857, requiring explanation from the Head of Police of Tricalore as to his conduct in connexion with Session Case No 35 of 1856.-

(Here enter F.D. No 470 of 1857.)

The Court of Fouzdaree Udalut observe that this Officer was on a former occasion removed from his Office by the Board of Revenue for inefficiency, and he was on another occasion suspended from Office for three Months.

2 It is evident that he is unfit to hold the responsible office of District Head of Police.- In the last two years 8 gang robberies have taken place in the talook of Tricaloor and in none have the perpetrators been discovered.- The Magistrate has given his opinion that this has been owing to the want of energy and exertion on the part of the Head of Police;

Police, he further states that the explanation furnished contains no extenuating circumstances for such inefficient discharge of his duties.—

3 The Court of Fouzdaree Adawlut consider that in justice to the community and to the Magistrate of this District, Banpa Row should no longer continue to hold the Office of Head of Police, and they accordingly direct that he be forthwith removed from such situation.—

Ordered that Extract from these Proceedings be sent to the Principal Sudr Ameen in charge of the Session Court of Cuddalore for his information

(Sent in Ste)

Read Miscellaneous Petition presented on the 12th Ultimo by Coopsummud of Zillah Chingleput

(Here enter F.W.P. No 32 of 1857.)

Mr. J.W. Goodwyn.— Adverting to the Proceedings of this Court under date the 13th November last, Petitioner produces an attested copy of the Magistrate's Order and requests this Court of Fouzdaree Adawlut to take into consideration the Petition (No 213 of 1856.) presented by her, appealing from the

16th March 1857.

the order of the Sessions Judge of Chingleput dated the 31st July last, whereby that officer, in reversal of the decision of the Magistrate directed the house mentioned in the Petition to be placed in possession of Boojungarow and referred the Petitioner to the institution of a Civil action for the recovery thereof.—

Read also counter presented on the 5th Instant, by Boojungarow, requesting that the order of the Sessions Judge may be confirmed.—

(Here enter F.W.P. No 49 of 1857.)

Mr. J.W. Goodwyn The Court of Fouzdaree Adawlut resolve to reject the Petition of the Petitioner in No 32, as she has failed to assign any sufficient reason which would warrant their interference with the Sessions Judge's order appealed from.— If the Petitioner is dissatisfied therewith her remedy lies in a Civil Suit.

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

E.S.M.

F. 16.

Tuesday — 17th " March 1857. } At a Court of the Fouzdaree Udalut.

Present

G. S. Hooper Esquire — Puisne Judge.

F. Anderson Esquire — } Acting Puisne Judges.
T. W. Goodwyn Esquire — }

Read letter dated 21st February 1857, from the Acting Session Judge of Madura.

/Here enter F. 16. No. 419 of 1857./

1. With the above letter the Acting Session Judge submits for the consideration and orders of this Court of Fouzdaree Udalut a letter from the Acting Subordinate Judge and a correspondence between him and the Acting Joint Magistrate relative to the intent and meaning of the Circular Order of the Court of Fouzdaree Udalut. No. 190.

2. A similar reference on the same subject as is alluded to in this correspondence was made to this Court by the Session Judge, Mr. Baynes, on the 10th May 1850

× 21st May 1850. 1850 and to the Proceedings held on his letter as well as that of the Magistrate forwarded by him, the Acting Session Judge is referred.

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

(Sent in No.)

Read Calendar of Case No. 42 of 1856, submitted by the Session Judge of Cuddalore.

/Here enter F. H. No. 498 of 1857./

The Court of Foujdaree Udalut observe that this case was committed on the 11th, but the record does not appear to have been delivered till the 15th December, and they direct that the Principal Sudr Ameen be required to submit an explanation of the delay.-

Ordered that Extract from these Proceedings be sent to the Principal Sudr Ameen in charge of the Session Court of Cuddalore by Precept returnable within 3 days from and after its receipt.-

(Sent following precept No.)

Read letter dated 3rd March 1857, from

from the Session Judge of Chicacole, submitting for the final judgment of the Foujdaree Udalut, the record of trial in Case No. 1 of 1857 on the Calendar of the Session Court.-

/Here enter F. H. No. 544 of 1857./

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

"Govindoopatro"

is sufficient to convict him of the crime of wounding, for which according to the Mohomedan 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 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 (4) four years.

(Sent in No.)

Read

17th March 1857.

Read Supplemental return dated 12th February 1857, from the Sessions Judge of Cuddapah, to the Precept of the Foujdaree Adalut dated 9th Ultimo, directing the Acting Vakeel, Ramachendriah and Police Vakeel, Yellapah, be dismissed from their Offices.

/Herewith F. No. No. 327 of 1857./

Read letter dated 13th February 1857, from the Sessions Judge of Chingleput, reporting that the Prisoner in Session Case No. 1 of 1857 has been executed in accordance with the Higher Courts' Warrant dated 9th Instant.

/Herewith F. No. No. 328 of 1857./

Read Petty Calendars dated 30th January 1857, submitted by the Sessions Judge of Combaconum, of the Magistracy, for the 4th Quarter of 1856.

/Herewith F. No. No. 329 of 1857./

E & M.

F. No.

Wednesday — 18th March, 1857. At a Court of the Foujdaree Adalut

Present

G. S. Hooper, Esquire, Puisne Judge
F. Anderson, Esquire, Acting Puisne Judge
T. W. Goodwyn, Esquire, Acting Puisne Judge

Read Criminal Reports submitted by the Session Judge of Masulipatam for the year 1856.

/Herewith F. No. No. 528 of 1857/

Statement shewing the cases involving Grave injury to person or property.

1. The Court of Foujdaree Adalut direct that the Session Judge will explain why the 3 Cases of attempt at Rape have been entered in Column 6 while all attempts have been directed to be excluded from this statement.

2. The entries in Columns 28 and 29 should be 5 and 7.

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

3 The entries in Columns 10 and 12 should be 22. 9 and 12. according to the entries under heads No. 1 and 2 of the statements No. 1. 2. 3B and 4.

Bengal statement No. 13.

4. The persons discharged upon Razeenamah should be entered in Column 28 and not in Column 27.

Ordered

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

/Sent following precept No. /

Read Criminal Report 137 dated 13th Ultimo, submitted by the Acting Session Judge of Calicut for the month of January 1857.-

/Were enter F. No. No. 375 of 1857/

Read Calendar of Case No. 4 of 1857, submitted by the Acting Session Judge of Calicut, under date the 14th February 1857.

/Were enter F. No. No. 376 of 1857/

Read Calendar of Case No. 13 of 1857, submitted by the Acting Session Judge of Salem, under date the 12th February 1857.

/Were enter F. No. No. 379 of 1857/

Read Calendars of Cases Nos. 8. 9. & 10 of 1857, submitted by the Session Judge of Bellary, under date the 16th February 1857.-

/ Were enter F. No. Nos. 384. 385. & 386 / 1857

Read

Read Criminal Report dated 16th February 1857, submitted by the Session Judge of Bellary, for the Month of January 1857.-

/Were enter F. No. No. 387 of 1857/

Read Supplemental return dated 13th February 1857, from the Acting Session Judge of Tellicherry, to the Foujdaree Courts Precept dated 19th January 1857, directing that the Acting Magistrate of Malabar be called upon to state what notice has been taken of the conduct of the 8th witness in Case No. 26 of 1856 on the Calendar of the Session Court.-

/Were enter F. No. No. 389 of 1857/

Read Calendar of Case No. 17 of 1857, submitted by the Session Judge of Tinnevelly, under date the 16th February 1857.-

/Were enter F. No. No. 392 of 1857/ ps

Ep 182.

F. Do.

Thursday 19th March 1857. At a Court of the Foujdaree Adalut.

Present.

G. S. Hooper Esqre
F. Anderson Esqre A.J. } Sessions Judges
T. W. Goodwyn. Esqre A.J.

Read Criminal Report B for the Month of February 1857, Zillah Chittoor.-

(Here enters N: 519 of 1857.)

Nos 19-27-35 & 41. The Court of Foujdaree Adalut desire to know what notice has been taken of the delay brought to the notice of the Magistrate by the Sessions Judge in connection with these Cases.-

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 No)

Read return dated 16th February 1857 from the Sessions Judge of Cuddapah, to the Precept of the Foujdaree Adalut

under

F. Uc.

Thursday 19th March 1857. At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper Esqre
F. Anderson Esqre Asst. } Puisne Judges
T. W. Goodwyn. Esqre Asst.

Read Criminal Report B for the Month of February 1857, Zillah Chittoor.-

(Hereunto No: 519 of 1857.)

Nos 19-27-35 & 41. The Court of Foujdaree Udalut desire to know what notice has been taken of the delay brought to the notice of the Magistrate by the Session Judge in connection with these Cases.-

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

(Sent following Precept No)

Read return dated 16th February 1857, from the Session Judge of Cuddapah, to the Precept of the Foujdaree Udalut

under

under date the 3d January 1857, directing certain information to be afforded with reference to Case No. 80 on the Calendar of this Court for 1856.-

(Here enter F. No. No. 395 of 1857.)

Read Calendar of Case No. 7 of 1857, Submitted by the Sessions Judge of Combaconum, under date the 17th February 1857

(Here enter F. No. No. 399 of 1857.)

Read Report A dated 17th February 1857, Submitted by the Sessions Judge of Masulipatam, of Case No. 1 of 1857 disposed of by the Acting Joint Magistrate in charge Masulipatam, in the month of January 1857.

(Here enter F. No. No. 401 of 1857.)

Read Return dated 18th February 1857, from the Acting Sessions Judge of Madura, to the Precept of the Fouzdaree Adalut under date the 5th February 1857, Conveying their remarks on the Petty Calendars of the Magistracy for the 4th Quarter of 1856.

(Here enter F. No. No. 402 of 1857.)

Read Criminal Report dated 4 February 1857, Submitted by the Acting

Sessions Judge of Madura for the months of January 1857.-

(Here enter F. No. No. 404 of 1857.)

Read Criminal Report B dated 6th February 1857, Submitted by the Acting Sessions Judge of Tellicherry for the months of January 1857.-

(Here enter F. No. No. 405 of 1857)

Read Report B dated 17th February 1857, Submitted by the Acting Sessions Judge of Mangalore, of Cases disposed of by the Magistracy in the Months of January 1857.-

(Here enter F. No. No. 406 of 1857)

Read Memorandum dated 16th February 1857, Submitted by the Acting Sessions Judge of Mangalore, forwarding duplicate Copies of the Calendars in Cases No. 26-27 and 28 of 1856.-

(Here enter F. No. No. 407 of 1857.)

Read Criminal report B. dated 12th February 1857, Submitted by the Sessions Judge of Combaconum, for the Months of January 1857.-

(Here enter F. No. No. 410 of 1857.)

Read

19th March 1857.

Read Calendar of Case No. 12 of 1857 submitted by the Sessions Judge of Trichinopoly under date the 20th February 1857.

(Here enter F. Dc. No. 444 of 1857)

Read Calendar of Case No. 3 of 1857 submitted by the Sessions Judge of Chingleput under date the 16th February 1857.

(Here enter F. Dc. No. 445 of 1857.)

Ed Sgt

F. Dc.

Friday 20th March 1857. At a Court of the Foujdaree Udalut.

Present

G. S. Cooper, Esquire
H. Anderson, Esquire Actg
T. W. Goodwyn, Esquire Actg
} Puisne Judges

Read Calendar of Case No. 6 of 1857, of the Sessions Court of Rajahmundry.

(Here Enter F. Dc. No. 525 of 1857)

1 The Court of Foujdaree Udalut approve of the recommendation made by the Acting 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 be reduced to (5) Five years with hard labor in irons and 100 lashes and they do authorize the Acting Sessions Judge to issue his warrant accordingly.—

Cadaursetty Soobbarayda

2 The Court observe that the

the date of the arrival of this case before the Subordinate Court has been omitted

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

(Sent in No.)

Read Calendar of Case No. 7 of 1857 of the Sessions Court of Nellore.—

(Here Enter F. No. No. 492 of 1857)

1 The Court of Foujdaree Adalut are of opinion that a sentence of 2 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 Sessions Judge to reduce their sentence accordingly.—

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

20th March 1857

case, for their consideration.—

3 The Court are of opinion that the Prisoners should have been adjudged to pay 100 Rupees to the Prosecutrix under Section I Act XVII of 1850.

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

(Sent following Precept No.)

Read Calendar in Case No. 10 of 1857, submitted by the Sessions Judge of Nellore.—

(Here Enter F. No. No. 518 of 1857)

The Court of Foujdaree Adalut direct that a copy of the sentence in this case be given to the Prisoner, if this has not already been done.—

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

(Sent following Precept No.)

Read Calendar in Case
No. 18 of 1857, submitted by the Sessions
Judge of Tinnevelly, under date the
4th Instant.—

(Here Enter F. Ms. No. 508 of 1857)

1 The Court of Foujdaree
Adalut observe that as this case was
committed on the 5th ultimo, the record
should have been sent to the Sessions
Court on the same day in accordance
with their Circular of the 16th October 1844.—

2 They also observe that the
2d count is not clear—if the Prisoners
were present, they were principals in
the Murder.—

3 The necessity for the 2d
count is moreover not evident all
the Prisoners should have been charged
with Murder and wounding in one count.

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

(Sent in, No)

Read

Read letter dated 10th
March 1857, from the Acting Sessions
Judge of Guntoor, submitting for the
final Judgement of the Foujdaree
Adalut the Record of case No. 11 of 1857,
of the Calendar of the Sessions Court.

(Here Enter F. Ms. No. 545 of 1857)

The Court of Foujdaree
Mr. F. Anderson and Mr. T. W. Goodwyn 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,

Nalamala Namalegaudoo.

is sufficient to convict him of the
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.—

1 In para 10 of his letter of
reference the Acting Sessions Judge
appears to make the sentence depend

on

on the description of the proof, not the heinousness of the offence.—

2 The Court of Fouydaree Udalut resolve to point out to the Acting Sessions Judge that the nature of the proof should influence the conviction not the sentence; the latter should be regulated solely by the nature of the crime.—

3 The Acting Sessions Judge's letter omits to state the charge against the Prisoner.—

4 The Tahsildar ought to record the date of receipt on the Village reports, and should not enter the date of the transmission to Court.—

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

(Sent in No)

No final return having been received from the Sessions Judge of

of Cuddapah to the Precept of the Fouydaree Udalut dated the 5th January last, reviewing the record connected with the charge of assault preferred by Mr. Fondelair against Vencatisoo and others, although his attention was called to the same on the 9th instant.—

Ordered, that the Sessions Judge of Cuddapah be required to make a final return to the above Precept without further delay, and to explain for the information of the Right Honorable the Governor in Council the cause of the delay in furnishing the information required.—

Precept returnable within XXIV hours from and after its receipt.—

(Sent following Precept No)

Read Criminal Reports dated the 31st January 1857, submitted by the Sessions Judge of Chicacole for

for the month of January 1857.—

(Here Enter F.No. 416 of 1857)

Read return dated 19th Ultimo, from the Session Judge of Tinnevelly, to the precept of the Fouj-daree Udalut under date the 13th Idem, calling for an explanation of delay in the committal of Session Case No. 11 of 1857.—

(Here Enter F.No. 418 of 1857)

Read Calendar of Case No. 4 of 1857, submitted by the Acting Session Judge of Tellicherry, under date the 14th Ultimo.—

(Here Enter F.No. 423 of 1857)

Read Petty Calendars for the 4th Quarter 1856, submitted by the Acting Agent to the Governor of Fort St. George at Ganjam, under date the 15th Ultimo.—

(Here Enter F.No. 424 of 1857)

Read letter dated 16th Ultimo from the Session Judge of Hmore, forwarding Criminal Report B for the month of

of January 1857.—

(Here Enter F.No. 431 of 1857)

Read Calendar of Case No. 9 of 1857, submitted by the Acting Session Judge of Salem, under date the 20th Ultimo.—

(Here Enter F.No. 444 of 1857)

Read return dated the 21st Ultimo, from the Session Judge of Cuddapah, to the precept of the Fouj-daree Udalut under date the 13th November 1856, calling for explanation of delays in Calendar No. 45 of 1856.—

(Here Enter F.No. 447 of 1857)

Read Statement dated 23rd Ultimo, submitted by the Session Judge of Masulipatam, of Batta paid to Prosecutors and witnesses who attended before the Session Judge and Sudder Ameen in that Zillah for the 2nd Half year of 1856.—

(Here Enter F.No. 450 of 1857)

Read Calendar of Case No.

No. 6 of 1857, submitted by the Sessions Judge of Coimbatore, under date the 28th January 1857.—

(Here Enter F. No. No. 451 of 1857)

Read return dated the 27th Ultimo, from the Sessions Judge of Chingleput, to the precept of the Foujdaree Adalut under date the 23d Idem, calling for an explanation from the Principal Sudder Ameen as to the cause of delay from 2d to 9th February 1857, in committing Sessions Case No. 2 of 1857 on the Chingleput Calendar.—

(Here Enter F. No. No. 453 of 1857)

Read Criminal Report B dated 21st Ultimo, submitted by the Agent to the Governor of Fort St. George at Vizagapatam, for the month of January 1857.—

(Here Enter F. No. No. 458 of 1857)

Read Calendar of Case No. 22 of 1857, submitted by the Sessions Judge of Tinnevelly, under date

date the 25th February 1857.—

(Here Enter F. No. No. 474 of 1857.)

E. M.

21st March 1857

Read Criminal Report
B under date the 12th Instant, submitted by
the Acting Sessions Judge of Mangalore, for
the Month of February 1857.

(Here enter F.R. No 554 of 1857)

Ex Dll.

F.R.

Monday
23 March 1857. At a Court of Fouzdaree Adalut

Present.

G. S. Hooper Esquire
F. Anderson Esquire } Puisne Judges.
J. W. Goodwyn Esquire

Read Calendar of Case No 29 of 1857
Submitted by the Sessions Judge of Tinnevelly

(Here enter F.R. No 520 of 1857)

The explanation of the delay in
committing this Case is not satisfactory, the
Principal Sudr Ameen should make use of
greater exertion in disposing of Cases directly
they arrive, frequently Cases may and easily
can be committed on the day of their
arrival, and the Fouzdaree Adalut trust
that the Principal Sudr Ameen will in
all practicable cases take up committable
cases the day they arrive.

Ordered that Extract from
these Proceedings be forwarded to the Sessions
Judge of Tinnevelly for Communication to
the Principal Sudr Ameen.

(Sentence No)

Read

21st March 1857

Read Criminal Report
Bunder date the 12th Instant, submitted by
the Acting Sessions Judge of Mangalore, for
the month of February 1857.

(Here enter F.D. No 554 of 1857)

E.D.W.

F.D.

Monday
23 March 1857 At a Court of Foujdaree Adalut

Present.

G.S. Hooper Esquire
T. Anderson Esquire } Puisne Judges.
J.W. Goodwyne Esquire

Read Calendar of Case No 29 of 1857
Submitted by the Sessions Judge of Tinnevelly

(Here enter F.D. No 520 of 1857)

The explanation of the delay in
committing this Case is not satisfactory, the
Principal Sudr Ameen should make use of
greater exertion in disposing of Cases directly
they arrive, frequently Cases may and easily
can be committed on the day of their
arrival, and the Foujdaree Adalut trust
that the Principal Sudr Ameen will in
all practicable Cases take up committable
Cases the day they arrive.

Ordered that Extract from
these Proceedings be forwarded to the Sessions
Judge of Tinnevelly for Communication to
the Principal Sudr Ameen.

(Serial No)

Read

Read letter dated 21st February 1857 from the Sessions Judge of Combaconum forwarding Criminal Annual Statements for the year 1856.

/ Hereunder J. H. No 434 of 1857 /

The Court of Foujdaree Udalut approve of the remarks of the Sessions Judge in his proceedings of the 21st Ultimo.

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

/ Sent in No /

Read Calendar of Case No 18 of 1857 of the Sessions Court of Salem.

/ Hereunder J. H. No 519 of 1857 /

The Court of Foujdaree Udalut approve of the recommendations made by the Acting Sessions Judge in this case, that the period of imprisonment which the Prisoners noted in the margin have been adjudged to suffer on their conviction of Gang Robbery by open Violence with wounding be reduced to 8 (Eight) years with hard labor in irons and they do authorize the Acting Sessions Judge to issue his warrant accordingly.-

1 Solasiranaury Cora Cooppen 3
2 Nunnipullie Cora Caroppen 3
Sengodan
4 Ramadavunn Cora Caroppen 3½

Ordered

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

/ Entd in No /

Read Calendar of Case No 6 of 1857 of the Sessions Court of Tellicherry.-

/ Hereunder J. H. No 522 of 1857 /

The Court of Foujdaree Udalut direct that a Copy of the Sentence in the case be forwarded to the Magistrate who will cause a strict investigation to be held respecting the alleged illusage of the Prisoner reporting the result for the information of this Court.-

2 The Acting Sessions Judge will be pleased to submit the report with any remarks that he may consider requisite.-

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Tellicherry by Precept. Returnable in 2 days from and after dispatch.

/ Sent following precept No /

Read Calendar of Case No 25 of 1857 submitted by the Sessions Judge of Tinnevelly.-

/ Hereunder J. H. No 574 of 1857 /

The

Read letter dated 21st February 1857. from the Sessions Judge of Combaconum forwarding Criminal Annual Statements for the year 1856.

/ Hereunder F. Ct. No 434 of 1857 /

The Court of Foujdaree Udalut approve of the remarks of the Sessions Judge in his proceedings of the 21st Ultimo.-

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

/ Sentence No /

Read Calendar of Case No 18 of 1857 of the Sessions Court of Salem.-

/ Hereunder F. Ct. No 519 of 1857 /

The Court of Foujdaree Udalut approve of the recommendation made by the Acting Sessions Judge in this case, that the period of imprisonment which the Prisoners noted in the margin have been adjudged to suffer on their Conviction of Gang Robbery by open Violence with wounding be reduced to (8) Eight years with hard labor in irons and they do authorize the Acting Sessions Judge to issue his warrant accordingly.-

1 Solasiramaney Cora Coopen 3
2 Ilumpulle Cora Caroppen 3
Sengodan
4 Ramadawmy Cora Caroppen 3½

Ordered that

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

/ Sentence No /

Read Calendar of Case No 6 of 1857 of the Sessions Court of Tellicherry.-

/ Hereunder F. Ct. No 522 of 1857 /

The Court of Foujdaree Udalut direct that a Copy of the Sentence in the case be forwarded to the Magistrate who will cause a strict investigation to be held respecting the alleged illusage of the Prisoner reporting the result for the information of this Court.-

2 The Acting Sessions Judge will be pleased to submit the Report with any remarks that he may consider requisite.-

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Tellicherry by Precept returnable in 2 days from and after its receipt.

/ Sent for Covering Precept No /

Read Calendar of Case No 25 of 1857 submitted by the Sessions Judge of Tinnevelly.-

/ Hereunder F. Ct. No 514 of 1857 /

The

The observations recorded in this days proceedings on Case No 28 regarding the delay in forwarding the records of cases to the Sessions Court apply to this case also.

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

/Sent in/

No return having been received from the Sessions Judge of Masulipatam to the Precept of the Zemindaree Adalut dated the 17th January 1857 communicating their orders on preferred Case No 82 on the Calendar of the Sessions Court of Masulipatam for 1856.-

Ordered that the Sessions Judge of Masulipatam be required to make a return to the above Precept without further delay.-

/Sent in/

Read Calendar in Case No 28 of 1857, submitted by the Sessions Judge of Tinnevelly.-

/Vernacular F.H. No 575 of 1857/

The Principal Sudder Ameens omission to forward the records of Committed cases on the day of Committal appears habitual,

the Court of Zemindaree Adalut desire that the Principal Sudder Ameen will in future never again commit the irregularity. This case was so simple that it might have been at once committed and the delay is not satisfactory.-

2. The Court of Zemindaree Adalut regret to observe the delays constantly occurring before the Principal Sudder Ameen and trust that he will in future endeavour to dispose of Cases more speedily.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Tinnevelly for Communication to the Principal Sudder Ameen.-

/Sent in/

Read Miscellaneous Petition presented on the 23d February by John Jacobs Iyenon Reader on behalf of Veerun of Madura

Here enter F.H.P. No 41 of 1857.

Mr Anderson. / Petitioner brother of the Prisoner Caruppan in Case No 72 on the Calendar of the Sessions Court of Madura and under sentence of 7 years imprisonment and 150 lashes appeals to this Court and prays that the record of the case may be sent for and such orders

as

The observations recorded in this days proceedings on Case No 28 regarding the delay in forwarding the records of cases to the Sessions Court apply to this case also.

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

/Sent in/

No return having been received from the Sessions Judge of Masulipatam to the Precept of the Foujdaree Adalut dated the 17th January 1857 communicating their orders on referred Case No 82 on the Calendar of the Sessions Court of Masulipatam for 1856.-

Ordered that the Sessions Judge of Masulipatam be required to make a return to the above Precept without further delay.-

/Sent in/

Read Calendar in Case No 28 of 1857, submitted by the Sessions Judge of Tinnevelly.-

/Vernacular F.H. No 575 of 1857/

The Principal Sudder Ameens omission to forward the records of Committed cases on the day of Committal appears habitual

the Court of Foujdaree Adalut desire that the Principal Sudder Ameen will in future never again commit the irregularity. This case was so simple that it might have been at once committed and the delay is not satisfactory.-

2. The Court of Foujdaree Adalut regret to observe the delays constantly occurring before the Principal Sudder Ameen and trust that he will in future endeavour to dispose of Cases more speedily.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Tinnevelly for Communication to the Principal Sudder Ameen.-

/Sent in/

Read Miscellaneous Petition presented on the 23d February by John Jacobs Interpreter on behalf of Veerun of Madura

Vernacular F.H.P. No 41 of 1857.

Mr Anderson. / Petitioner brother of the Prisoner Caaruppen in case No 72 on the Calendar of the Sessions Court of Madura and under sentence of 7 years imprisonment and 150 lashes appeals to this Court and prays that the record of the case may be sent for and such orders

as

as the Court may see fit passed thereon.-

2- The Court of Fouzdaree Udalut resolve to reject this Petition no grounds having been shown for their interference with the Sentence passed on the Petitioners brother.

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

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

/sent in Ms/

Read Calendar of Case No 8 of 1857 of the Session Court of Rajahmundry.-

/Hereunter F.H. No 536 of 1857/

Before passing final orders on the above Calendar the Court of Fouzdaree Udalut resolve to direct that English Translation of the entire 2 depositions given by the Prisoner be submitted for their consideration.-

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

/sent following Precept No/

Read Calendar in Case No 11 of 1857 submitted by the Acting Sessions Judge of Guntoor.-

/Hereunter F.H. No 524 of 1857/

The Court of Fouzdaree Udalut observe that the trial of this case which commenced on the 11th Ultimo was not closed till the 2nd and that the case was not set down for reference till the 7th instant, and they direct that the cause of the delay be explained.-

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

/sent following Precept No/

Read Miscellaneous Petition received on the 25th February through the Acting Sessions Judge of Mangalore from Sankapah and others Gillah Mangalore.-

/Hereunter F.M.P. No 44 of 1857/

Mr. J.H. Goodwyn. Petitioner aggrieved by the orders of the Acting Sessions Judge dated 2d January confirming a sentence passed by the Acting subordinate

Subordinate Judge in case No 8 of 1856 sentencing each to two months imprisonment on a charge of Riot and Assault, pray the Court as they were innocent of the charge and have already undergone the punishment awarded to give them such relief as they may see fit.

2. As the Petitioners have undergone the sentence appealed from the Court of Sudder Dewanny Adawlut decline to interfere with the Acting Sub Judges decision which was confirmed by the Acting Sessions Judge after perusing the record of the case but they resolve to point out to the Acting Subordinate Judge that the mere fact of Several ——— witnesses deposing against a prisoner forms no grounds for the Acting Sessions Judges dispensing with the examination of witnesses cited by a Prisoner to prove an alibi.

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Mangalore for Communication to Petitioners.

/Sent in No/

Read Calendar of Case No 8 of 1857 of the Sessions Court of Calicut.

/Here enter F. R. No 571 of 1857/

This

23d March 1857.

1. This case was committed by the Principal Sudder Ameen of Cochin on the 6th but the trial was not commenced in the Sessions Court till the 27th Ultimo.

2. No explanation of this delay has been entered in the Calendar as required by the Circular Order No 213 and the Court of Sudder Dewanny Adawlut direct that the Acting Sessions Judge will in future enter explanation of delays as required by the above order.

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

/Sent in No/

CR Cannon

RD

F. Uc.

Tuesday
24 March 1857 } At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esq^re.
J. Anderson Esq^r. Actg } Puisne Judges
J. W Goodwyn Esq^re. Do

Read again Calendar of Case N^o. 116 of 1836, submitted by the Sessions Judge of Bellary.

(Here enter F. Uc. N^o. 67 of 1857.)

Read also again Return dated 2^nd February 1857, from the Sessions Judge of Bellary, to the Precept of the Foujdaree Udalut under date the 27^th January last, requesting information as to whether the Memo^s of Letters taken by the Prisoner in the above Case were prepared with Care &^c.

(Here enter F. Uc. N^o. 270 of 1857.)

Read also return dated 19^th February 1857, from the Acting Subordinate Criminal Judge in charge, Bellary, to the Precept

T. U.

Tuesday
24 March 1857 } At a Court of the Toujdaree Udalut

Present

G. S. Hooper Esqre.
T. Anderson Esqre. Actg } Prisne Judges
J. W Goodwyn Esqre. Do

Read again Calendar of Case No 116 of 1856 submitted by the Sessions Judge of Bellary.

(Here enter T. U. No 67 of 1857)

Read also again Returns dated 2nd February 1857, from the Sessions Judge of Bellary, to the Precept of the Toujdaree Udalut under date the 27th January last, requesting information as to whether the Mmos. of Letters taken by the Prisoner in the above Case was prepared with Care &c

(Here enter T. U. No 270 of 1857)

Read also return dated 19th February 1857, from the Acting Subordinate Criminal Judge in Charge, Bellary, to the Precept

Precept of the Foujdaree Udalut under date the 12th Idem, requiring the transmission of an English translation of the proceedings held in Case No. 116 on the Sessions file for 1856.

(Here enter F. C. No. 420 of 1857)

The Court of Foujdaree Udalut observe that the facts mentioned in the Calendar doubtless create strong suspicion against the prisoner, such as would authorize his being removed from his situation, but they are of opinion that they are insufficient for his conviction of the crime charged.

2. The Sepoy, who examined the box on the 4th December, was not examined and the only direct evidence therefore against the prisoner is that of the 7th witness, who deposes that on the 18th December he counted 13 letters, but in the opinion of the Court, implicit confidence cannot be placed on this evidence.

3 It was not the 7th witness but another Sepoy who made the report to the 2nd witness - the Sepoy had not in

Consequence

Consequence of the abstraction of letters been specially directed to keep a strict watch on the prisoner's proceedings it appears that the practice of daily making a report Commenced at the time the box was put up in the Fort. Adjutant's office. The Carelessness with which the duty was performed may be deduced from the fact of 6 letters being entered in the account of the prisoner on the preceding day and only 2 reported by the Sepoy guard.

4. Under these Circumstances the Court of Foujdaree Udalut resolve to acquit the Prisoner and to direct his immediate release.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Bellary by Precept returnable within 10 days from and after its receipt.

(Sent following Precept No)

Read Criminal Reports,

Submitted

Submitted by the Sessions Judge of Tinnevelly
for the month of January 1857.

(Here enter F. C. No 411 of 1857.)

Case No 160.

The Court of Foujdaree
Udalut observe that as pointed out in
paras 9 & 10 of their proceedings of the 14th
November last, all the prisoners in this
case were principals in the commission
of the Crime, in a more or less degree,
absence being necessary to constitute
an accessary.

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

Sent in No.

Read Petty Calendars of
the Magistracy for the 4th quarter of 1856, Zillah
Mangalore.

(Here enter F. C. No 499 of 1857.)

Calendar I.
Gen. Nos 354
to 366.-

The apportionment of the
fines for these offences must be left
to the discretion of the local Magistracy,
but

but care should be taken that they are
sufficient to answer the object in view,
Viz. the preservation of the forests from
useless destruction, in localities where the
timber can be made available for com-
mercial purposes. In order to ensure
this end the penalties should be such
as to render it not worth the while
of the parties to repeat the offence.
It will be found that in some of the
cases noted in the margin the fines
imposed were at the rate of one Rupee
per acre, whilst in others they were at
the rate of ¼ a Rupee per acre.

2 The measures taken to put
a stop to the petty frauds committed by
the merchants in producing for exportation
pice Moorahs below the standard, do not
appear to have been followed by the
results anticipated, a large number of
such cases being still found in the
Calendars of the Magistracy. The attention
of the Magistrate should be directed
to this point. The Court of Foujdaree Udalut

are

are of opinion that the fines are just & legal.

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

(Sent in No.)

Read again Calendar of Case No. 27 of 1856 of the Sessions Court of Trichinopoly

(Here enter F. No. 3767 of 1856.)

Read again Miscellaneous Petition received on the 26th December 1856, through the Sessions Judge on behalf of Doraveyi Zillah Trichinopoly.

(Here enter F. M. P. No. 5 of 1857.)

Read also returns dated the 10th and 27th Ultimo from the Sessions Judge of Trichinopoly to the Precept of the Foujdaree Adalut under dates the 29th January and 24th February 1857, directing the transmission of the record in Calendar of Cases Nos. 21 and 27 of 1856 on the file of the Sessions Court.

(Here enter F. No. 311 & 349 of 1857.)

Mr. Anderson and Goodwyn. — The 6 Prisoners in Case No. 27 were charged with having in Company with the

the Prisoner in Case No. 21, and 5 others armed with Cudgels, committed robbery by open violence in the Prosecutor's house on the 2nd August 1856.

2 The most cursory inspection of this charge and Police record raises the strongest distrust as to the truth of the evidence, and shows the necessity of its being subjected to the test of strict scrutiny and cross examination.

3 It is most improbable that 7 men with whom the Prosecutor and his neighbours were well acquainted would with 5 others go armed but undisguised to commit a robbery by open violence at a Village where they were well known.

4 If burglary and secret theft were the object, the party would not have consisted of 12 armed men, as so large a number would excite suspicion and could be of no use.

5 The Village Moonsiff and proves very detailed report written on

are of opinion that the fines are remanded.

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

(Sent in No.)

Read again Calendar of Case No. 27 of 1856 of the Sessions Court of Trichinopoly

(Here enter S. C. No. 1767 of 1856.)

Read again Miscellaneous Petition received on the 26th December 1856, through the Sessions Judge, on behalf of Poorayer, Zillah Trichinopoly.

(Here enter S. C. P. No. 5 of 1857.)

Read also returns dated the 10th and 27th Ultimo, from the Sessions Judge of Trichinopoly, to the Precept of the Tonjdaree Adalut under dates the 27th January and 24th February 1857, directing the transmission of the record in Calendar of Cases No. 21 and 27 of 1856 on the file of the Sessions Court.

(Here enter S. C. Nos. 311 & 449 of 1857.)

Mr. H. Anderson and Goodwyn. — The 6 Prisoners in Case No. 27 were charged with having in Company with the

the Prisoner in Case No. 21, and 5 others armed with Cudgels, committed robbery by open violence in the Prosecutor's house on the 2nd August 1856.

2 The most cursory inspection of this charge and Police record raises the strongest distrust as to the truth of the evidence, and shows the necessity of its being subjected to the test of strict scrutiny and Cross Examination

3 It is most improbable that 7 men with whom the Prosecutor and his neighbours were well acquainted would with 5 others go armed but undisguised to commit a robbery by open violence at a Village where they were well known.

4 If burglary and secret theft were the object, the party would not have consisted of 12 armed men as so large a number would excite suspicion and could be of no use.

5 The Village Moonsiff and Proús very detailed report written on

on the morning after the alleged offence, shows that at midnight the Prosecutor raised an alarm of thieves, which awoke his neighbours the 1st & 2nd witnesses, and one Mariya Dashy Reddy, who ran up, saw the thieves running off, pursued them, apprehended one named Veny Thettan (Prisoner in Case No. 21) and brought him back, and that the Village Moonsiff and Peon hearing the alarm hastened to the spot and found Veny Thettan, (the Prisoner in Case No. 21) in Custody.

6 The report leaves considerable doubt as to whether the 1st and 2nd witnesses and Mariya Dashy Reddy informed the Village Moonsiff either that night or next morning (when a more detailed investigation was made) if they recognized any of the thieves whom they pursued. As the night was dark the recognition of the thieves who were only seen whilst running off was of course all but impossible, but the wording of the report is obscure on this point.

The

7 The Prosecutor's Sub Court deposition in No. 21 shows that it was only after the arrival of the Moonsiff & Peon that they recognized the captured robbers Veny Thettan, Prisoner in Case No. 21.

The Report mentions that the 3rd witness' name was Mariya Dashy Reddy, but the 3rd witness before the Police, Subordinate and Sessions Courts is entered as Savoory Mootoo Reddy (a relation of the Prosecutor); a suspicion is therefore raised that the Prosecutor has substituted a relation of his own (Savoory Mootoo Reddy) for the person (Mariya Dashy Reddy) who aided in securing the Prisoner in Case No. 21 (Veny Thettan)

8 There is not a word of this recognition by lamp light in the Village Report.

In the Prosecutors' Police deposition given a week after the alleged offence, it is found that he had introduced an entirely novel fact (which would be supposed provide against the objection that might be raised to the recognition of the 6 thieves whilst running off) this was a lamp in the Verandah, by the light of which the 6 Prisoners in Case No. 27 were recognized. The 1st and 2nd witnesses and the (apparently substituted 3rd witness) Savoory Mootoo Reddy confirmed* the recognition of the 6 Prisoners in

*on August 9th

in this case by the lamp light; they do not however mention seeing the fine other thieves.

9 If a gang (who were well known at the Prosecutor's village) were robbing by open violence they would have made use of a light to search for the property, but this is not alleged to have been done. If the said gang were stealing secretly they would have extinguished the light. But in no case is it probable that from the time the Prosecutor began crying out for assistance till the arrival of his neighbours, would the gang remain near the lamp and thus enable the neighbours to recognize them. It is also most improbable that 12 armed men would allow 3 unarmed men to seize one of the gang.

10 Another serious discrepancy in the depositions of August 9th is that the 1st witness stated that the Prisoner in Case No. 21 was the first that came out of the house and was immediately seized by the three witnesses when the gang ran off: which statement was supported by

24th March 1857.

by the other two witnesses, but it is opposed to the Prosecutors deposition which would indicate that he (Prisoner in Case No. 21) was the last of the party and that when Prisoner Venyfectan in Case No. 21 was apprehended the others had run off. Moreover the village report indicates that the Prisoner in Case No. 21 was the only thief whom the 1st & 2nd and 3rd witnesses could catch when they pursued the Gang; he must therefore have been the last and not the first.

The above are some of the

11

improbabilities and contradictions that loudly called for the examination of the village. Moonsiff, upon 1st and 3rd imperatively required most careful investigation when these 6 Prisoners in Case No. 27 were tried, but the depositions of the Prosecutor, 2nd and 3rd witnesses though most suspiciously alike, are of the most meagre description; no information was given or question asked them respecting the above improbabilities or contradictions; they do not mention whether they knew the Six Prisoners before

The investigation in Case No. 21 was as meagre as that in No. 27.

1st Witness was not examined.

before or how well, and how long; or whether enmity Existed between them and the Prisoner, or where the lamp was, or how the thieves entered the house, or what they stole, or where the Prosecutor was when they apprehended the Prisoner in Case No. 21, or even what was the Cause of their (the witnesses) coming to the spot; or how far they were from the Six Prisoners in Case No. 27; or how they could recognize so many in such confusion and by such very imperfect light, or respecting the other five thieves alleged in the Charge to have been present. In fact the evidence Considered insufficient to Sentence these Six persons to 14 years' imprisonment, may be summed up as being "these are the Six thieves whom we have named in our former detailed depositions."

12 The Court of Foujdaree Adalut Consider that no Prisoners could be convicted after such a trial, and in such a Case, and they direct the release of the Six Prisoners, and to call on the Sessions Judge to explain how he could Sentence the Six Prisoners

in

in Case No. 27 to 14 years' imprisonment on Evidence with the details of which they were afforded no means of becoming acquainted, and likewise as to his omission to acquaint himself with the facts appearing in the record, and to submit this most suspicious Evidence to the test of a strict Cross-Examination, the record of the trial Showing that the Prosecutor, 2nd, and 3rd witnesses were not subjected to even the slightest semblance of any such test.

Ordered that Extract from these proceedings be sent together with the original record in Cases No. 21 & 27, to the Sessions Judge of Trichinopoly by Precept returnable within X days from and after its receipt.

X to be returned with the Sessions Judge's explanation

Sent following Precept No. 45

E. H. M.

before or how well, and how long; or whether
enmity Existed between them and the Prisoner,
or where the lamp was, or how the thieves
entered the house, or what they stole, or
where the Prosecutor was when they ap-
prehended the Prisoner in Case No. 21, or
even what was the Cause of their (the
witnesses) coming to the spot; or how far
they were from the Six Prisoners in Case No. 27;
or how they could recognize so many in such
confusion and by such very imperfect light,
or respecting the other five thieves alleged
in the Charge to have been present. In
fact the Evidence Considered Sufficient
to Sentence these Six persons to 14 years'
imprisonment, may be summed up as being
"these are the Six thieves whom we have
named in our former detailed depositions."

12 The Court of Foujdaree Adalut
Consider that no Prisoners could be convicted
after such a trial, and in such a Case, and
they direct the release of the Six Prisoners,
and to call on the Session Judge to explain
how he could Sentence the Six Prisoners

in

in Case No. 27 to 14 years' imprisonment
on Evidence with the details of which
they were afforded no means of becoming
acquainted, and likewise as to his omission
to acquaint himself with the facts ap-
pearing in the record, and to submit
this most suspicious Evidence to the
test of a strict Cross-Examination, the
record of the trial showing that the
Prosecutor, 2nd, and 3rd witnesses were not
subjected to even the slightest semblance
of any such test.

Ordered that Extract from
these proceedings be sent, together with the original
record in Cases Nos. 21 & 27, to the Sessions
Judge of Trichinopoly by Precept
returnable within [illegible] days from and after
its receipt.

Sent following Precept No. [illegible]

* to be returned with the Sessions Judge's explanation

E. H. M.

Wednesday
25th March 1857

No

At a Court of the Foujdaree Udalut

Present

G. S. J. Cooper Esquire
F. Anderson Esquire Acting
J. W. Goodwyn Esquire Acting
} Puisne Judges

Read Calendar of Cases No 12 of 1857 of the Sessions Court of Combaconum.

(Here enter F. D. No. 556 of 1857)

The Sessions Judge and the Assessors appear to convict the Prisoner of Housebreaking, Theft and possession of stolen property; the sentence should therefore have been passed under section XXI Regulation VII of 1802. If the Prisoner had been acquitted of the 1st Count, the Regulation quoted, Clause 3d Section IV Regulation VI of 1822, would have been correct.

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

Sent in No

Read return dated the 17th March 1857, from the Sessions Judge of Nellore to the

Precpt

Wednesday.
25th March 1857

F. 46

At a Court of the Foujdaree Udalut

Present.

G. S. Cooper Esquire.
F. Anderson Esquire Acting.
J. B. Goodwyn Esquire Acting.
} Prisne Judges.

Read Calendar of Cases No. 12 of 1857 of the Session Court of Combaconum.

(Here enter F. 46, No. 556 of 1857)

The Session Judge and the Assessors appear to convict the Prisoner of Housebreaking, Theft and possession of stolen property; the sentence should therefore have been passed under section XXI Regulation VII of 1802. If the Prisoner had been acquitted of the 1st Count, the Regulation quoted, Clause 3d Section IV Regulation VI of 1822, would have been correct.

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

Sent in No.

Read return dated the 17th March 1857, from the Session Judge of Nellore, to the Precept

Precept of this Court under date the 14th March 1857 remarking on the Criminal Reports A and B for the months of January last.

(Here enter File No. 561 of 1857)

Read return dated the 12th instant, from the Sessions Judge of Chicacole, to the Precept of the Foujdaree Adalut under date the 5th Instant, directing him to forward the annual Criminal Reports for 1856 without delay.

(Here enter File No. 565 of 1857)

Read return dated 18th instant, from the Sessions Judge of Nellore, to the Precept of the Foujdaree Adalut under date the 13th March 1857, desiring to be informed why the Head of Police did not in the first instance send up the attesting Witnesses in Calendar No. 6 of 1857.

(Here enter File No. 566 of 1857)

Read return dated the 13th Instant, from the Acting Sessions Judge of Calicut, to the Precept of the Foujdaree Adalut under date the 5th Instant, calling for the annual Criminal Reports for 1856.

(Here enter File No. 570 of 1857)

Read Criminal Report B, Submitted by the Officiating Agent to the Governor of Fort St. George at Kurnool, for the Month of February 1857.

(Here enter File No. 582 of 1857)

Read

Read Criminal Reports Submitted by the Principal Sudr Ameen in charge of the Sessions Court of Cuddalore, for the Month of February 1857.

(Here enter File No. 585 of 1857)

Read Criminal Reports Submitted by the Acting Sessions Judge of Guntoor, for the Months of March 1857.

(Here enter File No. 586 of 1857)

Read letter dated 14th Instant, from the Acting Agent to the Governor in Ganjam, reporting the death of Khonsew Saick, Prisoner in Cases Nos. 37. 39 and 40 of 1856.

(Here enter File No. 587 of 1857)

Ed. Mk.

Franklin

F. No.

Thursday
26th March 1857.

At a Court of the Foujdaree Udalut

Present

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

Read letter dated 17th March 1857, from the Session Judge of Tinnevelly, submitting for the final Judgement of the Foujdaree Udalut the Record of Case No. 23 of 1857 of the Calendar of the Sessions Court.—

(Here enter F. No. No. 596 of 1857)

Mr. T. Anderson and Mr. T. W. Goodwyn

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

1st Auroonoogum Pillay
and
2d Pooloosairavagaren.

F. No.

Thursday
26th March 1857

At a Court of the Foujdaree Udalut

Present

G. L. Cooper, Esquire
T. Anderson, Esquire Actg. } Puisne Judges
T. W. Goodwyn, Esquire Actg.

Read letter dated 17th March 1857 from the Sessions Judge of Tinnevelly, submitting for the final Judgement of the Foujdaree Udalut the Record of Case No. 23 of 1857 of the Calendar of the Sessions Court.—

(Here enter F. No. No. 596 of 1857)

Mr. T. Anderson and Mr. T. W. Goodwyn

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

1st Auroonoogom Pillay
and
2d Poolosairvagaren.

is sufficient to convict them of the crime of Murder, do convict them thereof; and in conformity with the provisions of Section x Regulation XVIII of 1802, sentence the prisoner

1st Auroomoogum Pillay

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

2nd Pooloosairvagaren

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.

(Sent in No)

Ex Dlll

Dlll

Friday 27 March 1857. At a Court of the Foujdaree Adalut

Present

G. L. Cooper Esquire - Puisne Judge
J. Anderson Esquire - Acting Do
T. W. Goodwyn Esquire - Acting Do

Read again Calendar of Case No 30 of 1856, submitted by the Session Judge of Chittoor.

(Here Enter Dll No 1355 of 1856)

The Court of Foujdaree Adalut Resolve to direct that the intranslated depositions of the Prosecutor and his 1st 2nd 3rd 15th and 16th Witnesses, as well as those of the 1st to 8th Prisoners' Witnesses before the Session Court in the above case, be submitted for their consideration.

Ordered, that Extract from these Proceedings be sent to the Session Judge of Chittoor by precept returnable in 11 days from and after its receipt.

(Sent following Precept No)

Read

26th March 1857.

is sufficient to convict them of the crime of Murder, do convict them thereof; and in conformity with the provisions of Section X. Regulation VIII of 1802, sentence the prisoner

1st Auroomoogum Dillay

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

2nd Pooloosairvagaren

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.

(Sent in No)

Ex. dd

P.U.

Friday
27th March 1857. } At a Court of the Fouzdaree Adalut

Present

G. S. Hooper Esquire - Puisne Judge
J. Anderson Esquire - Acting do
T. W. Goodwyn Esquire - Acting do

Read again Calendar of Case No 30 of 1856, submitted by the Sessions Judge of Chittoor.

(Here Enter P.U. No 1355 of 1856)

The Court of Fouzdaree Adalut Resolve to direct that the intranslated depositions of the Prosecutor and his 1st 2nd 3d 15th and 16th Witnesses, as well as those of the 1st to 8th Prisoners' Witnesses before the Sessions Court in the above case, be submitted for their consideration.

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Chittoor by precept returnable in 11 days from and after its receipt.

(Sent following Precept No)

Read

P.T.O.

316

27th March 1857.

Read Calendar in Case No 13 of 1857, submitted by the Sessions Judge of Tinnevelly, under date the 12th Ultimo.

(Here Enter Dft No 347 of 1857)

Read Calendar in Case No 5 of 1857, submitted by the Sessions Judge of Nellore, under date the 19th Ultimo.

(Here Enter Dft No 397 of 1857)

Read Calendar in Case No 21 of 1857, submitted by the Sessions Judge of Tinnevelly, under date the 18th Ultimo.

(Here Enter Dft No 413 of 1857)

Read Calendar in Case No 3 of 1857, submitted by the Sessions Judge of Chingleput, under date the 7th Instant.

(Here Enter Dft No 503 of 1857)

Read Calendar in Case No 7 of 1857, submitted by the Sessions Judge of Chittoor, under date the 10th Ultimo.

(Here Enter Dft No 557 of 1857)

Read

27th March 1857

Read Calendar in Case No 15 of 1857, submitted by the Sessions Judge of Masulipatam, under date the 16th Instant.

(Here Enter Dft No 576 of 1857) vs

Ex Dft

Counsellor

Judge

26th March 185

day-
ch 1857 At a Court of the Foujdaree Adalut.

Present.

G. S. Cooper Esquire p.
F. Anderson Esquire Acting p. } Puisne Judges.
T. W. Goodwyn Esquire Acting.

Read letter dated 9th Instant from the Sessions Judge of Masulipatam forwarding Annual Criminal Statements for the year 1856.

(Here enter F.C. No. 528 of 1857)

The Court of Foujdaree Adalut direct that the Acting Registrar be informed with reference to Para 23 of his letter to the Session Court dated the 16th Instant, that he should apply to the Inspector of Prisons for the grant of a higher reward for the reapprehension of the escaped convict Vamoola Naumcharrijandoo.

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

(Sent in No.)

The Record of trial in referred Case No. 283 of 1856 on the Calendar of the Session Court of Cuddapah not having been yet received, although called for on the 21st January last.

Ordered that the Sessions

Judge

Saturday.
28th March 1857

F.D.C.

At a Court of the Fouzdaree Adalut.

Present.

G. L. Cooper Esquire.
F. Underwood Esquire Acting. } Puisne Judges.
T. W. Goodwyn Esquire Acting.

Read letter dated 9th Instant, from the Sessions Judge of Masulipatam forwarding Annual Criminal Statements for the year 1856.

(Here enter F.D.C. No. 528 of 1857)

The Court of Fouzdaree Adalut direct that the Acting Magistrate be informed with reference to Para 23 of his letter to the Session Court dated the 16th Ultimo, that he should apply to the Inspector of Prisons for the grant of a higher reward for the re-apprehension of the escaped convict Vamoola Naimcharrigaudoo.

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

(Sent in No.)

The Record of trial in referred Case No 283 of 1856 on the Calendar of the Session Court of Cuddapah not having been yet received, although called for on the 21st January last.

Ordered that the Session

Judge

Judge of Cuvvapah be required to submit the record aforesaid without further delay, and to explain the cause of the delay that has already occurred.

Precept returnable within 11 days from and after its receipt.

/Sent following Precept &c/

Read Calendar of Case No 7 of 1857 of the Sessions Court of Tellicherry.

(Here enter File No 553 of 1857)

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 in the margin, has been adjudged to suffer on his conviction 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.

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

/Sent in No

/

Read Calendar in Case No 11 of 1857 of the Sessions Court of Combaconum

(Here enter File No 598 of 1857)

The Court of Foujdaree Adawlut observe

28th March 1857.

observe that with reference to Section V Regulation I of 1825, the submission of the record is unnecessary, but the Sessions Judge should proceed in the mode prescribed in Clause 2 Section III of the above Regulation and Circular Order of the Foujdaree Adawlut dated 18th July 1834 No 6, and they accordingly direct that the Calendar be returned to the Sessions Judge for this purpose.

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

/Sent in No

/

E & S.

C. Clavier

Kalla Comby alias Comby with Comby

Judge of Cuddapah be required to submit the record aforesaid without further delay, and to explain the cause of the delay that has already occurred.

Precept returnable within 11 days from and after its receipt.

/sent following Precept &c /

Read Calendar of Case No 7 of 1857 of the Sessions Court of Tellicherry.

Here enter File No. 553 of 1857)

The Court of Foujdaree Adalut approve of the recommendation made by the Sessions Judge in this case, that the period of imprisonment which the Prisoner noted in the margin, has been adjudged to suffer on his conviction of Housebreaking and theft be reduced to (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 Acting Sessions Judge of Tellicherry for his information.

/sent in No

Halla Comby alias Comby vittil Comby

/

Read Calendar in Case No 11 of 1857 of the Sessions Court of Combaconum

(Here enter File No. 598 of 1857.)

The Court of Foujdaree Adalut

observe

28th March 1857.

observe that with reference to Section V Regulation I of 1825, the submission of the record is unnecessary, but the Sessions Judge should proceed in the mode prescribed in Clause 2 Section III of the above Regulation and Circular Order of the Foujdaree Adalut dated 18th July 1834 No 6, and they accordingly direct that the Calendar be returned to the Sessions Judge for this purpose.

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

/sent in No

E & Y.

/s

C. S. Chamier

F. U.

Monday
30th March 1857.

At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper Esqre. _____ Puisne Judge

F. Anderson Esqre. ___ Acting Puisne Judge

T. W. Goodwyn Esqre. ___ Acting Puisne Judge.

Read Miscellaneous Petition presented on the 17th Febrary 1857 by Mullanay of Zillah Chittoor

(Here enter F. M. P. No. 35 of 1857)

Mr. Anderson. Petitioner prays for a reconsideration of this Courts orders dated 20th November 1856.

The Court of Foujdaree Udalut see no reason to review the orders passed on petitioners former petition No. 214 of 1856.

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

Read Miscellaneous Petition presented on the 5th March by Shah Mahomed Hoossain Candery of Zillah Chittoor.

(Here enter F. M. P. No. 51 of 1857)

Read also Miscellaneous Petition presented on the 10th March by the same party.

(Here enter F. M. P. No. 52 of 1857)

Mr. Hooper. Petitioner complains of the insufficiency of certain enquiries held under the orders of the Magistrate into

into a charge of forgery which Petitioner states he preferred against the District Moonsif of Trivatoor and others, he prays that orders may be issued to the Session Judge to hold enquiry thereon.

2 The Court of Foujdaree Udalut reject these Petitions, as they can take no cognizance of such complaints except on appeal from the Session Judge.

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

Read Criminal Report B for the month of February 1857 - Zillah Nellore

(Here enter F. No. No. 560 of 1857)

No. 25. 1. According to the terms in which the offence is described in the charge, it was one of Robbery.

Nos. 6-7-8. 2 In these cases no notice was taken of the delay in the Talook.

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

(Sent in No.

Read Calendar in Case No. 30 of 1857 of the Session Court of Tinnevelly.

(Here enter F. No. No. 569 of 1857.)

With reference to the Principal Sudr Ameen's explanation of delay in the disposal of this case, the Court of Foujdaree Udalut desire to be informed why the witnesses required by that officer, were not sent up to Court in the first instance.

Ordered

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

(Sent following) Receipt No.

Read Criminal Report B and other statements submitted by the Acting Session Judge of Rajahmundry, for the month of February 1857.

(Here enter F. No. No. 601 of 1857)

No. 9 1 The charge in this case should have been corrected either by the Subordinate or Session Judge, and not forwarded to the Court framed in so careless a manner.

" 14. 2 The fine appears most inadequate, if the charge as laid against the Prisoner was proved.

" 17. 3. The charge is not clearly worded; if the Prisoner was present at the Murder, he would appear to be a Principal, not an accessory.

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

(Sent in No.

Read Calendar of Case No. 11 of 1857 of the Session Court of Rajahmundry.

(Here enter F. No. No. 626 of 1857.)

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

Monta Syeegandoo.

margin

margin, has been adjudged to suffer on his conviction of Robbery be reduced to 100 lashes and 1 year's imprisonment with hard labor in irons and they do authorize the Acting Sessions Judge to issue his warrant accordingly.

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

(Sent in No.

Read Calendar of Case No. 17 of 1857 of the Session Court of Trichinopoly.

(Here enter F. Ul. No. 632 of 1857)

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 be reduced to (3) three years " " " with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.

1st Aumoogum

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

(Sent in No.

Read Criminal Report B. for the month of February 1857. Zillah Madura.

(Here enter S. Ul. No. 612 of 1857)

Nos 11-12-16. 1 There was delay in the Talook Dis connection with

with these Cases, but it is not stated whether it was properly accounted for, or not.

No 11. 2 Receiving stolen property. Clause 4th Section IV Regulation XII of 1822 should have been quoted as the authority for the sentence not Clause 6th Section II Regulation XV of 1822.

No 14. 3 The charge has been carelessly prepared, it should have been framed with reference to Section XV Regulation LI of 1820.

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

(Sent in No.

Ed 18.

Y. Vo.

Tuesday 31st March 1857. At a Court of the Vizagapatam Adalut

Present

G. S. Hooper Esqre. Y. Anderson Esqre. Actg. } Puisne Judges
T. W. Goodwyn Esqre. Actg.

Read Criminal Report B submitted by the Agent to the Governor of Fort Saint George at Vizagapatam for the month of February 1857.

(Here enter Y. Vo. No. 627 of 1857)

Case No. 2. Wilful and malicious intent should have been entered in the Charge in this Case.

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

(Sentin. &c.)

Read.

31st March 1857

Read Criminal Report B for the month of February 1857, Zillah Trichinopoly

[Here enter J. No. N°s 568 of 1857]

Cases N°s 6 to 12. 1. The headings of these charges contain a redundancy of words "cheating" in itself implies the obtaining of money or chattels under false pretences. The heading generally used is "fraud".

2. The indictments have been incorrectly framed. Each one of them contains all the ingredients essential to the offence of forgery as well as fraud.

3. As the prisoner was the same in all the cases they might have been thrown into one, and the charges might have been made separate counts in the same indictment.

Case N° 18. 4. The intent is not mentioned in charges for actual murder but only in attempts at murder. The prisoners should have been charged with having feloniously, wilfully, and of their malice aforethought killed and murdered one Mahanmoony by attacking and

31st March 1857.

and wounding him with cudgels.

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

[Sent in N°s]

Read Calendars of Cases N°s 5-6-7-8-9-10 and 11 of 1857 on the file of the Sessions Court of Trichinopoly.

[Here enter J. No. N°s 398 of 1857]

Read also return dated 18th March 1857 from the Sessions Judge of Trichinopoly to the Receipt of the Honorable Court dated the 4th March 1857 calling for information as to whether the Plaintiffs in Cases N°s 5-6-7-8-9-10 and 11 of 1857 on the file of the Sessions Court were different persons or how many different persons there were among them.

[Here enter J. No. N°s 575 of 1857]

5. It appears from the above Return that there were different Plaintiffs in these Cases. It is utterly improbable that seven different persons would make use

of

31th March 1857

of the prisoner as an unconsciousness of the fact of the Prisoner being a batta Peon also tells against him; under these circumstances the Court of Zuijdarea Adalut are of opinion, that the evidence was conclusive against the Prisoner, and that he ought to have been convicted.

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

Sent in No.

Read Petty Calendar from the Sessions Judge of Cuddapah for the 4th quarter of 1856.

Here enter J. No. No 552 of 1857

Calendar No 1. Case No 56.

The charge in this Case should have been headed "abuse of authority and extortion".

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

Sent in No.

Read

31th March 1857

Read the Criminal Reports submitted by the Sessions Judge of Chicacole for the year 1856.

Here enter J. No No 507 of 1857

Comparative abstract shewing Petty Offences and Crimes and Misdemeanors.

The Court of Zuijdarea Adalut observe, that the aggregate number of Cases and Persons entered in Columns 22 and 23 under head "1856" of the two abstracts submitted for the Districts of Ganjam and Vizagapatam should have been 233 and 512, and not 231 and 509.

Statement shewing the Cases involving grave injury to person or property

2. The entries in Columns 26 and 27 under head "Ganjam" should have been 18 and 34.

3. The Sessions Judge will Report in what manner the Zudder Ameen at Ichapoor has exercised the Criminal Jurisdiction during the year 1856 as required under Circular Proceedings of this Court dated 18th February 1845.

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

Sent in No.

Read

31th March 1837

Read letter dated 5th February 1837 from J. Onslow Esqre Acting Sessions Judge of Guntoor forwarding the Criminal Statements for the year 1836.

Peresenter J. No. 299 of 1837.

1. From Para 5 of the Acting Magistrates letter which accompanied the above Statements, the Court of Foujdaree Adalat observe that out of the 413 Cases of Crimes of all descriptions the supposed offenders in but about one fourth of that number have been apprehended.

2. The greater number of Cases are those of housebreaking, and of this number, Viz 236 Cases, but 14 appear to have been brought before the Police.

3. There is no Statement showing the amount of property stolen on these occasions, and only 4 persons appear to have been brought up either as Possessors or receivers of stolen property.

4. While it is satisfactory to remark that, with the exception of "murder" there appears to be a decrease in the commission of the more heinous

31st March 1837

heinous crimes, the Court of Foujdaree Adalat cannot but note the insecurity as regards property that must prevail in the Guntoor District, in consequence of the small proportion the number of detected Cases of housebreaking bear to those that appear entirely to escape the vigilance of the Police.

5. The Acting Magistrate is requested to submit to this Court information regarding the value of the property carried off the number of Cases in which no theft was committed and the remedial measures he has adopted or proposes to adopt for the putting down this Class of offences as well as the steps he may have taken towards tracing property that has been robbed on occasions of housebreaking, and in stimulating the vigilance of the Superior as well as inferior offices of Police.

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Guntoor by precept returnable in X days from and after its receipt.

Sent following Precept

Read

31st March 1857

Read again Miscellaneous Petition presented on the 10th November 1856, by E. Salmon Esq.re Reader on behalf of Sreerama Chendroo Nunding, Sunthon, and two others of Zillah Ganjam.

/Here enter J. Vo. N.o 218 of 1856/

Read also return &c &c of the Acting Agent to the Precept of this Court under date the 10th November 1856, directing the suspension of the Sentence in Case N.o 49 of 1856 on the Assistant Agents file, and transmission of translation of the Records

/Here enter J. Vo. N.os 227 & 230 of 1856 and 254 of 1857./

W.m J. W. Goodwyn } After carefully perusing the very long Sentence passed by the Assistant Agent in this case and referring to the Record, the Court of Zuydaree Vedalut are of opinion that there are no grounds for interfering with the acting Agents final decision; and they therefore resolve to cancel their former orders directing the suspension of the Sentence and dismiss this Appeal.

2. The Assistant Agent &c &c

Mr

31st March 1857. Mr Davidson, deserves great Credit for the Zeal and activity he has displayed in the Case, but the Court of Zuydaree Vedalut concur with the acting agent in considering that he should be directed to prepare his Sentences far more succinctly that under observation extends to forty two large closely written pages and might have been most advantageously compressed into a tenth of this bulk.

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

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

/Sent in N.o/

Read Calendar in Case N.o 28 of 1856 on the file of the Sessions Court of Rajahmundry

/Here enter J. Vo. N.o 267 of 1857/

Read

Read also record of trial of
the above case submitted by the Acting Sessions
Judge of Rajahmundry.

Here enter J. No. No. 351 of 1857

Read also Miscellaneous
Petition presented on the 28th February 1857
by C. Salmon Esqre and Alexr M. Ritchie
Esqre Pleaders on behalf of Redimm Durma=
=rayadoo, prisoner in Session Case No. 28 of 1856
Zillah Rajahmundry.

Here enter J. No. No. 45 of 1857

The Court of Foujdaree Udalut
on a deliberate consideration of all the circum=
=stances of the case in evidence before them being
of opinion that the proof against the Prisoner.

Redimm Durmarayadoo.

is sufficient to convict him of the Crime of
having caused the forgery of a receipt to be
committed, and of uttering the same Knowing
it to be forged, do convict him thereof and under
the provisions of Clause third Section III Regulation
VII of 1811, Sentence him to be imprisoned and kept

to hard labor in irons on the public roads
or other public works for and during the
period of (7) Seven Years.

The Prisoner on this Case was
tried before the Acting Session Judge and
three assessors on a charge of Forgery: the
indictment charged the prisoner 1st with
forging a certain receipt with intent to
defraud, 2d with causing the said forgery
to be committed, and 3d with uttering the
aforesaid forged receipt Knowing it to be
forged.

2. The assessors acquitted the
prisoner of the two first counts of the indict=
=ment, but convicted him of the 3rd. The Acting
Session Judge concurred with the assessors in
their finding of the 1st and 3d counts but differed
as to that on the 2nd of which he declared him
guilty. and under clause 7 Section III Regulation
XV of 1803 sentenced him to be imprisoned in
the Jail for 7 Years with hard labour in irons
and to receive 150 lashes with a Cato nine tails

3. A. having been pointed out to
the

31st March 1857

the Acting Sessions Judge that as he differed with the Assessors on the 2d Count he should under Clause 3 Section XXXII Act VII 1843 have referred the case for the final Judgment of the Court of Foujdaree Udalut, the Sentence passed by the Acting Sessions Judge was suspended and he was directed to refer the case to this Court and to submit the whole record of the trial for their final Sentence.

4. The Case for the prosecution was conducted by Mr. Dale, the Government Pleader, the defence by Mr. Salmon and Mr. Alexander M. Ritchie.

5. On a full consideration of the whole Record of this case as well as of what has been urged by the prisoner's counsel in his defence, the Court of Foujdaree Udalut are of opinion that the Prisoner Redmum Durmo-=hoyoodoo is guilty of the 2nd and 3d Counts of the Indictment.

6. In his Answer in Original Suit No 7 of 1855 the defendant, the present Prisoner referred to the Plaint as setting forth that Rupees 3700 were due to the Plaintiff by

Witness

31st March 1857

Witness in this case, an account of the Abkary Contract Rupees 3700 is the Exact amount which the 1st Witness deposes he received in promissary Notes from the Prisoner and for which promissary Notes he states he gave the receipt with the alteration of which the prisoner is charged. It was regarding the entry of these same Rupees 3700 in the accounts that a Dispute had previously arisen and a correspondence taken place which finally resulted in the institution of Original Suit No 7 of 1855 before the Subordinate Judge. In his answer in this suit the prisoner pleaded that the entire amounts of Abkary contract for the two Taloks therein referred to had been paid to the Plaintiff in Cash.

7. After the Pleadings were completed, the Subordinate Judge in order evidently to prevent any possible ambiguity laid it down as a point to be proved by the prisoner that he had paid all in ready Cash in the petition of the Defendant which accompanied

accompanied the exhibits put in by him Reference is made to that point, and the 1st exhibit which which was put in by him to prove it is set forth as "a receipt on common paper for Rupees 3700 granted by the Plaintiff on the 13th September 1853."

8. It is further stated by the 5th witness that the rough draft of the answer was prepared at the prisoners dictation. and that he stated he would bring documents to prove the defence set up in the answer.

9. It is clear that the Prisoner Redemum Durmarayudu was cognizant of the transfer of the Promissory notes as they were in his name and belonged to him and he took the form under Mr Faulkner; the Prisoner's letter to the Collector of Rajahmundry requesting notes of the Value of Rupees 2200 to be Kept in deposit is dated the 3rd July 1853 ie the day before Mr Faulkner entered the sum of Rupees 3700 in his account.

10. By documents A.B.C. filed by the Prisoner during the trial it appears that Mr Faulkner on three different occasions furnished the

31st March 1857 furnished an account shewing that the value of the Government Notes had been credited to the Prisoners account. On the 2nd June 1854 the prisoner wrote to Mr Faulkner to say that the Bill drawn by Mr Faulkner on him (see document E) for Rupees 2695-1 cleared off all accounts. On the 6th August 1855. Mr Faulkner wrote to the Prisoner explaining the mistake made in crediting the prisoner with Rupees 3700; this letter was addressed to the prisoner at Cocanada and was produced by him on the trial; Mr Faulkner in this letter stated that the balance against the prisoner instead of being the above sum Rupees 2695-1 was Rupees 6395-1 (ie Rupees 2695-1 + Rupees 3700). The Prisoner in his letter of the 11th August stated that the account sent to him on the 6th was not correct and that Mr Faulkner owed him Rupees 1825. In this letter no explanation is afforded regarding the promissory notes; Rupees 1825 is the exact amount which

31st March 1857. which Mr Faulkner had in his account, credited the prisoner with on account of Kist.

11. On his trial the prisoner cited three witnesses to prove that Rupees 3700 were paid in Cash; the only one examined deposed that he saw the Cash carried as far as Mr Faulkners gate the two others were dispensed with.

12. All these facts taken together form such strong presumptive evidence that the only conclusion that can be drawn from them is that the prisoner was perfectly cognizant of the fraud the whole time and during all the proceedings.

13. Had the sum at issue been of small amount and had the transactions regarding it been carried on entirely by the prisoner's agent at Rajahmundry the prisoner might possibly have been ignorant of them; But considering that the matter originated in a large Cash Contract for upwards of Rupees 11000; that the dispute arose regarding certain promissary notes belonging to the prisoner; that he communicated

31st March 1857. with the Collector on the subject of giving them as security for Mr Faulkner's contract; that he was furnished with accounts duly shewing that value of these promissary Notes had been credited to his account; that subsequently on Mr Faulkner's pointing out this inaccuracy and informing him that the value of these notes Rupees 3700, was therefore due by him (the prisoner) he evaded the question altogether, it is impossible not to arrive at the conclusion as before stated in Para 11. that he was perfectly cognizant of all the subsequent proceedings.

14. These same circumstances bear upon the question of the time when the alteration of the receipt was made; a fraudulent object was to be gained by the filing of the altered receipt and the fraud committed may fairly be attributed therefore to the person by whom and on whose account it was filed. The accounts produced by the prisoners agent place this beyond a

doubt

31st March 1857

31st March 1857 doubt, for in them the sum of Rupees 3700 is entered as having been paid on the 24th July (the altered date) and the witness examined on behalf of the Prisoner stated that it was on a Sunday he saw the money taken for payment to Mr. Faulkner.

15. For the foregoing reasons the Court of Tonydaree Adalut convict the prisoner, of having caused the forgery of the receipt above referred to, to be committed and of uttering the aforesaid receipt knowing it to be forged.

16. Considering the social condition held by the prisoners the Court of Tonydaree Adalut are of opinion that a Sentence of 7 years imprisonment with hard labour in irons on the public roads brings sufficient ignominy upon him.

They accordingly Resolve to condemn him to undergo that period of imprisonment and remit that portion of the Acting Sessions Judges Sentence which awarded 150 lashes in addition.

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

Sentence No. 1

Read letter dated 31st December 1856 from the Acting Agent in Ganjam submitting for the final Judgment of the Tonydaree Adalut the Record of trial in Case No. 38 on the Calendar of the Agents Court.

Hereunto J. A. No. 461 of 1857.

The Court of Tonydaree Adalut

Mr. G. S. Hooper
and
" T. W. Goodwyn

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 Lombary Naik alias Bootiah
Sirdar
2nd a Poyekra
and
3d Nichoola Naik

is sufficient to convict them of the crimes charged to convict them thereof; and under the provisions of Section X Regulation VIII of

31st March 1857

of 1802 Sentence the prisoner.

1 Lombaya Naik alias Bootiah
Sirdar

to suffer death by being hanged so soon as conveniently can be after the Receipt of this warrant at a spot to be selected by the acting Agent at Ganjam in the immediate vicinity of the place where the murder of Charoo Molikoo was committed, and the prisoners

2d Poyekra and
3d Atchoota Naik

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 &c)

Read letter 16th March 1857 from the Sessions Judge of Combacconum submitting for the final Judgment of the Zoujdaree Adalut the Record of Trial in Case No 85 on the Calendar of the Sessions Court.

(Here enter S.C. No 16 of 1857.)

The Court of Zoujdaree Adalut

Mr Anderson and Goodwin

31st March 1857.

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

Ramanoyavatty

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

The Court of Zoujdaree Adalut

1. observe that the Sessions Judge has conducted the Trial with extreme caution and attention whilst his letter shows that every circumstance that would tell in the Prisoners favor has been carefully weighed.

2. The Police record, the evidence and the Prisoners defence all prove that he had long been engaged in numerous quarrels, whilst the two former show that it is a bad, surly quarrelsome Character.

3. The Prisoner had a dispute

31st March 1857

of old standing with the 13th witness (the owner of the deceased's house) and had for the previous 2 months suspected that the deceased had sowing to the 13th witness not repairing the wall between the Prisoners and deceased's house, been able to enter the Prisoners and his sister in law's the 11th Witnesses house and stole Cash and trinkets to the value of above 40 Rupees. The Prisoner appears to have brooded over this injury (or supposed injury) till he determined to be revenged on the deceased.

4. The 1st 2nd and 3rd Witnesses prove that the Prisoner is the person who inflicted the fearful wounds, that he then locked himself into his house, when after a little delay he was secured by the 4th and 5th Witnesses to whom as well as to the Police Ameen, he is proved to have at once fully and freely confessed.

5. The evidence of the Prisoners relations 7th 11th 12th 14th and 17th witnesses prove the Prisoners perfect sanity as well as that he was of a morose and quarrelsome temper the evidence of the 16th witness the Jail Dresser most decidedly establishes the Prisoners sanity.

The

31st March 1857

The 15th witness Doctor Joseph's evidence appears to the Court to go no further than that the Prisoner appeared excitable, abrupt, and very strange &c. Considering that the Prisoner is proved to be of a morose, excitable, quarrelsome temper, and was under trial for murder it is natural that Doctor Joseph should have found him as he had described.

7. The Prisoners denial of his Malice confession and his defence contain no indication of insanity through they do of a quarrelsome, passionate temper, and cunning.

8. Under these circumstances the Court of Zuyd Adawlut do not see sufficient reason for commuting the Sentence in this case and have accordingly sentenced the Prisoner to suffer death.

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

Sent in No.

Read

Read letter dated 1st February 1857 from the Acting Agent at Ganjam submitting for the final judgment of the Zoujdaree Udalut the Record of Trial in Case No 40 of 1856 on the Calendar of the Agents Court.

/Here enter J. U. No 460 of 1857/

The Court of Zoujdaree 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 Lombaree Naik alias Bostia Surdar

7th Kondia Naik

and

8th Dhumsoo Pattoo

is sufficient to convict them of the crimes charged do convict them thereof; and sentence the prisoners.

7th Kondia Naik

and

8th Dhumsoo Pattoo

to be transferred to such place or places beyond Sea as the Governor in Council shall Appoint, there to be imprisoned and kept to hard labor on

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

1st Lombaree Naik alias Bostia Surdar.

having been already sentenced in Case No 38 on the Ganjam file for 1856 to suffer death, no further sentence is required to be passed upon him in this Case.

/Sent in No /

Read Criminal Report B dated 18th March 1857 submitted by the Sessions Judge of Honore for the Month of February 1857.

/Here enter J. U. No 592 of 1857/

Read Calendar in Case No 5 of 1857 submitted by the Sessions Judge of Chittoor under date the 30th January 1857.

/Here enter J. U. No 594 of 1857/

Read Calendar of Case No 5 of 1857 submitted by the Sessions Judge of Chittoor under date the 16th February 1857.

/Here enter J. U. No 595 of 1857

Read Calendar in Case No 31

of

31st March 1857

of 1857 submitted by the Sessions Judge of Tinnevelly under date the 18th March 1857.

Here enter J. No. 599 of 1857

Read Report A dated 16th March 1857 submitted by the Acting Sessions Judge of Rajahmundry of a case disposed of by the Acting Head Assistant Magistrate in the month of December 1856.

Here enter J. No. 602 of 1857

Read Return dated 21st March 1857 from the Principal Sudder ameen in charge of the Sessions Court of Cuddalore to the Precept of the Tonjadare Vedalut under date the 17th March 1857 requiring explanation from the Principal Sudder Ameen of Cuddalore for the delay in forwarding the Record in Sessions Case No. 42 of 1856 to the Sessions Court.

Here enter J. No. 605 of 1857

Read Return dated 19th March 1857 from the Principal Sudder Ameen in charge of Coimbatore to the Precept of the Tonjadare Vedalut under date 16th March 1857 quashing the conviction of the Prisoner in Case No. 7 of 1857 on the file of the Sessions Court of Coimbatore and directing the

his

31st March 1857 his Release.

Here enter J. No. 606 of 1857

Read Criminal Report B dated 9th March 1857 submitted by the Acting Sessions Judge of Tellicherry for the Month of February 1857.

Here enter J. No. 607 of 1857

4 Work

CS Chamier

F. No.

Wednesday 5th. April, 1857.

At a Court of the Foujdaree Adalut

Present.

G. S. Hooper, Esquire. } Puisne Judges.
F. Anderson, Esquire Ag.
F. W. Goodwyn, Esquire Ag.

Read letter dated the 20th. March 1857 from the Agent at Vizagapatam, referring for the final Judgment of the Foujdaree Adalut, the record of Case No. 5 of 1857 of the Calendar of the Agent's Court.

(Here enter F. No. No. 629 of 1857).

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,

1st. Vadivoo Summea Joigandoo

ey

is sufficient to convict him of the crime of Culpable Homicide for which the penalty of Dyut is awardable under the Mahamedan Law as declared in Futwas of their Law Officers, do convict him thereof: and under the provisions of Clause Second, Section XV Regulation VII of 1802, sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (2) Two years, and (6) six months.—

/Sent in. No. /—

Read again Calendar in Case No. 31 of 1856 of the Sessions Court of Chittoor.—

/Here Enter F.M.C. No. 1356 of 1856/—

Read also return dated 27th. ultimo from the Sessions Judge of Chittoor to the precept of the Foujdaree Adalut under date the 16th. idem enquiring certain orders with reference to Cases Nos. 30 and 31 of 1856/—

/Here Enter F.M.C. No. 659 of 1857/—

Before

Before passing final orders, the Court of Foujdaree Adalut resolve to direct that English translation of the rest of the proceedings as to both Prisoners in Case No. 31 be submitted for their consideration.—

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

/Sent following Precept No. /—

Read letter, dated the 17th. ultimo from the Acting Sessions Judge of Mangalore, stating that the Prisoners whose sentences were mitigated to 3 months' imprisonment according to the Extract of the Foujdaree Adalut of the 7th. ultimo were released on the 12th. idem as their sentences had already expired.

/Here Enter F.M.C. No. 609 of 1857/—

Read return dated the 17th. March 1857 from the Acting Sessions Judge

is sufficient to convict him of the crime of Culpable Homicide for which the penalty of Dyut is award-able under the Mahomedan Law as declared in Futwas of their Law Officers, do convict him thereof: and under the provisions of Clause Second, Section XV Regulation VII of 1802, sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (2) Two years, and (6) six months.-

/Sent in. No. /-

Read again Calender in Case No. 31 of 1856 of the Sessions Court of Chittoor.-

/Here Enter F.H.C. No. 1356 of 1856/-

Read also return dated 27th. ultimo from the Sessions Judge of Chittoor to the precept of the Fouzdaree Adalut under date the 16th. idem enclosing certain orders with reference to Cases Nos. 30 and 31 of 1856/-

/Here Enter F.H.C. No. 659 of 1857/-

Before

Before passing final orders, the Court of Fouzdaree Adalut resolve to direct that English translation of the rest of the proceedings as to both Prisoners in Case No. 31 be submitted for their consideration.-

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

/Sent following Precept No. /-

Read letter, dated the 17th. ultimo from the Acting Sessions Judge of Mangalore, stating that the Prisoners whose sentences were mitigated to 3 months' imprisonment according to the Extract of the Fouzdaree Adalut of the 7th. ultimo were released on the 12th. idem as their sentences had already expired.

/Here Enter F.H.C. No. 609 of 1857/-

Read return dated the 17th. March 1857 from the Acting Sessions Judge

1st. April, 1857.

Judge of Mangalore to the precept of the Foujdaree Adalut under date the 5th. idem, calling upon him to forward the annual Criminal accounts without delay.—

/Here enter F.A. No. 614 of 1857/-

Read Calendar of Case No. 9 of 1857 submitted by the Sessions Judge of Chittoor under date the 19th. February 1857.—

/Here enter F.A. No. 617 of 1857/-

Read return dated the 23d. March 1857 from the Sessions Judge of Nellore to the precept of the Foujdaree Adalut under date the 20th. idem, directing to furnish the Prisoner in Case Calendar No. 10 of 1857 with copy of sentence.—

/Here enter F.A. No. 622 of 1857/-

Read return dated the 23d. March 1857 from the Sessions Judge of Nellore to the precept of the Foujdaree Adalut under date the 20th. idem, directing to reduce the sentence

F.A.

1st. April, 1857.

sentence in Case Calendar No. 7 of 1857 to two years.—

/Here enter F.A. No. 623 of 1857/-

Read Criminal Reports dated the 28th. February 1857 submitted by the Sessions Judge of Chicacole for the month of February 1857.—

/Here enter F.A. No. 630 of 1857/-

Read Calendar of Case No. 11 of 1857 submitted by the Sessions Judge of Nellore under date the 23d. March 1857.—

/Here enter F.A. No. 631 of 1857/-

Read letter dated the 23d. March 1857 from the Sessions Judge of Chittoor forwarding report B of Cases disposed of by the Magistracy for the month of February 1857.—

/Here enter F.A. No. 636 of 1857/-

& Thirty

Thursday
2d April 1857

F. U.

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esqre — Puisne Judge
F. Anderson Esqre — Acting Puisne Judge
T. W. Goodwyn Esqre — Acting Puisne Judge

Read the Criminal Reports submitted by Agents at Ganjam for the year 1856.

/ Here enter F. U. No. 572 of 1857 /

The Court of Foujdaree Udalut observe that the entries in Columns 19. 20. and 21 under head "1856" of the Abstract shewing crimes and Misdemeanors should have been 108. 589 and 17,887. and Column 18 should have been left blank as no case is entered in Column 2, head No. 41 of the Statement No. 2.

Comparative Abstract.

2. The 26 cases including 57 Persons shewn in the foot note of the Statement No. 2 should have been entered in Columns 26 and 27 of the Statement noted in the margin.

Statement shewing the cases involving grave injury to person or property.

Statement No. 13 Bengal form.

3. The entries in Columns 25 and 28 should be 1322 and 2174.

Do. No. 10 Do.

4. This Statement will be affected by the amendment required in the foregoing remark.

The

1. Appendix B & 5
Statement No 4

The agent will explain in the Column of Remarks the cause of the detention of Prisoners before him for more than 30 days.

Ordered that Extract from these Proceedings be sent to the Agent to the Governor of Fort St. George at Ganjam by precept returnable within 3 days from and after its receipt.-

/ Sent following precept No. /

Read Miscellaneous Petition presented on the 10th March 1857, by John Pancha Menon, pleader on behalf of Arakier Mortandagath Coonjy, Zillah Calicut.-

/ Here enter F. M. P. No. 53 of 1857 /

Mr. G. S. Draper

Petitioner appeals from the orders of the Acting Session Judge of Calicut dated 8th December 1856, confirming those passed by the Acting Magistrate of Malabar under date 31st October 1856, reversing the orders of the Police Ameen in Calicut passed in Petitioner's favor.

2. The Court of Foujdaree Udalut reject this petition, the order of the Acting Magistrate was confirmed by the Acting Session Judge, and the Court of Foujdaree Udalut see no reason to interfere.-

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

Read Criminal Report B for the month of February 1857, Zillah Chingleput

/ Here enter F. U. No. 567 of 1857 /

No 6 by the Acting Head Assistant Magistrate

No circumstances of aggravation are alleged in the charge, which is for a simple assault; it does not therefore appear why the case was not decided under Section XXXII Regulation IX of 1816. The Session Judge is requested to forward for the perusal of the Judges of the Foujdaree Udalut, the Criminal Report A connected with this case.-

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

(Sent in No.)

Read return dated 21st March 1857, from the Session Judge of Masulipatam, to the Precept of the Court of Foujdaree Udalut under date the 17th January, containing their remarks and observations on the Record of Trial in case No. 82 of 1856 on the Session Court's file.-

/ Here enter F. U. No. 624 of 1857 /

The Court of Foujdaree Udalut having had under their consideration the translations

translations of the Arzees addressed to the Magistrate by D. Sastralo, are of opinion that the Session Judge should on the trial of the above case have sent for and carefully weighed these documents which throw great light on the terms upon which the Tahsildar and D. Sastralo were previous to the alleged murder. The conviction of D. Sastralo would have followed or was expected to follow the conviction of his Servants.-

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

(Sent in No.)

Read letter dated 26th March 1857, from the Session Judge of Chittoor, submitting for the final Judgment of the Foujdaree Udalut, the Record of trial in Case No. 10 of 1857 on the Calendar of the Session Court.-

(Rec'd inter F.U. No. 658 of 1857)

Mr. F.W. Goodwyn

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

1st Vencataramoodoo

is sufficient to convict him of the crime of Highway

2d April 1857.

Highway Robbery, do convict him thereof; and under the provisions of Clause 3d Section IV, 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 (14) fourteen years.-

(Sent in No.)

E.B.

Accepted

translations of the Arzees addressed to the Magis-
trate by D. Sastralo, are of opinion that the
Sessin Judge should on the trial of the above
case have sent for and carefully weighed
these documents which throw great light on
the terms upon which the Tahsildar and
D. Sastralo were previous to the alleged
murder. The conviction of D. Sastralo would
have followed or was expected to follow the con-
viction of his Servants.-

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

(Sent in No.)

Read letter dated 26th March 1857,
from the Session Judge of Chittoor, submitting for
the final Judgment of the Foujdaree Udalut,
the Record of trial in Case No. 10 of 1857 on the
Calendar of the Session Court.-

/ Rec. Inter F. U. No. 658 of 1857 /

Mr. T. W. Goodwyn

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

1st Vencataramoodoo

is sufficient to convict him of the crime of
Highway

Highway Robbery, do convict him thereof; and
under the provisions of Clause 3d Section IV,
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 (14) fourteen years.-

/ Sent in No. / es

Edd.

F. Cc.

Day
April 1857. } At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esquire — Puisne Judge.
F. Anderson Esquire —
T. W. Goodwyn Esquire } Acting Puisne Judges.

Read Criminal Report B,
for the month of February 1857, forwarded
by the Session Judge of Tinnevelly.—

/Here enter F. Cc. No. 652 of 1857./

The Court of Foujdaree Udalut
regret to observe the delay that has taken
place in the disposal of cases before the
Principal Sudr. Ameen. In consequence
of the period which elapsed between the
death of the late Principal Sudr. Ameen
and the present incumbent's arrival
considerable arrears had unavoidably,
accrued, but in the disposal of several
of these cases as well as those forwarded
subsequently to the Court much unnecess-
sary delay has occurred and which the

Session

3rd April 1857.

Sessions Judge has frequently noticed and pronounced unsatisfactory.-

2. The Court of Foujdaree Udalut enjoin on the Principal Sudr Ameen greater diligence and punctuality in attendance at his Court; the fact of the Principal Sudr Ameen's being engaged on official business at his house as alleged, cannot be admitted as a reason for late attendance at Court; as a general rule official business should be performed at Court and not at the Principal Sudr Ameen's private residence.-

Case No. 25.- 3. It is unnecessary to enter the full charge in the Report, an abstract would have been sufficient.-

Case No. 26.- 4. The 2nd and 3rd Prisoners should have been charged as Principals as they were present aiding and abetting in the assaults &c.-

5. It is unnecessary to quote Act VII of 1843 in addition to Clause 3 Section IX Regulation X of 1816 as the authority for committal, or in addition to Section VII Regulation X of 1816 for punishment.-

Does

x Vide Magistrates Calendar.-

3rd April 1857.

Case No. 27.- 6. Does not appear to be a criminal offence.-

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

(Sent in No.)

The record of trial in referred Case No. 82 of 1856 on the Calendar of the Sessions Court of Cuddapah not having been yet received, although called for on the 19th January 1857.-

Ordered that the Sessions Judge of Cuddapah be required to submit the record aforesaid without any further delay, and to explain the cause of the delay in the transmission of the record.-

Precpt returnable within II days from and after its receipt.-

(Sent following precpt No.)

Read Criminal Reports submitted by the Acting Sessions Judge of Salem for the year 1856.-

(Have entered F. Ms. No. 610 of 1857) The

3d April 1857.-

Comparative abstract.- 1. The Court of Foujdaree Adalut observe that the entries in Columns 17. 19-20. 21. 22. 23. 28 and 29 under head "1856" of the abstract shewing crimes and mis=demeanors, should have been 5. 96. 1090. 3659. 626. 1729. 88. and 171. and column 18 should have been left blank as no case is entered in column 2 head N° 41 of the statement N° 2.-

Statement shewing the cases involving grave injury to person or property. 2. The entries in Columns 26 and 27 should have been 374. and 809.-

Bengal State=ment N° 13. 3. The entries in columns 2, 25. 27. 28. and 29 should be 14. 957. 3526. 5869. 5213. and 349.-

D°- N° 10.- 4. This statement will be affected by the amendment required in the above para.-

5. The Session Judge will report in what manner the Moofty Sudr Ameen has exercised the criminal jurisdiction during the year 1856, as required under Circular Recordings dated 18th February 1845.-

Ordered

3d April 1857.-

Ordered that Extract from these Proceedings be sent to the Acting Session Judge of Salem by Precept return=able within III days from and after its receipt.-

(Sent following precept N°)

Read Return dated 10th February 1857 from the Session Judge of Coimbatore to the precept of the Foujdaree Adalut under date the 3d February 1857 desi=ring to be informed whether any measures have been adopted by the Magistrate for suppressing the crime of Gang Robbery in the Zillah of Coimbatore.-

/Herewith F. Re. N° 330 of 1857./

Read Return dated 6th February 1857 from the Session Judge of Honore to the precept of the Foujdaree Adalut under date the 29th January 1857 directing the re=lease of the 5th 6th and 8th Prisoners in Case N° 16 on the Calendar for 1856.-

/Herewith F. Re. N° 331 of 1857./

Read Return dated 10th February 1857 from the Session Judge of Bellary to the precept

3d April 1857.-

precpt of the Foujdaree Udalut under date the 28th Ultimo calling upon the Sessions Judge to ascertain and report whether any measures were taken by the Magistrate to put a stop to the numerous instances of Highway Robbery which are occurring in this Zillah.-

/Herewith F. Uc. No. 332 of 1857./

Read Calendar in Case No. 100 of 1856, submitted by the Sessions Judge of Bellary under date the 10th February 1857.-

/Herewith F. Uc. No. 333 of 1857./

Read Calendar in Case No. 2 of 1857 submitted by the Sessions Judge of Cuddalore under date the 14th February 1857.-

/Herewith F. Uc. No. 335 of 1857./

Read Calendar in Case No. 8 of 1857 submitted by the Acting Sessions Judge of Salem under date the 6th February 1857.-

/Herewith F. Uc. No. 338 of 1857./

Read letter dated 10th February 1857 from the Sessions Judge of Chicacole forwarding the Petty Calendars of the Magistracy of Vizagapatam for the 4th Quarter of 1856.-

/Herewith F. Uc. No. 352 of 1857./

Ed Uc.

Saturday
4th April 1857.-

F. Uc.

At a Court of the Foujdaree Udalut

Present

G. S. Cooper Esquire. Puisne Judge.
F. Anderson Esqr. } Acting Puisne Judges.
T. W. Goodwyn Esqr. }

Read Petty Calendars of the Magistracy for the 4th quarter of 1856, Zillah Tellicherry.-

/Herewith F. U. No. 608 of 1857/

Calendar I. No. 38.

1. The Court of Foujdaree Udalut concur with the Acting Session Judge in considering the sentence passed quite inadequate to the Offence proved.-

No. 39

2. It was not competent to the Head Assistant Magistrate to dispose of the fine in the manner stated.-

Calendar II No. 44.

3. The charge is headed "child stealing and Fraud" but there is no allegation either that the defendants stole the child, or obtained the money under false pretences.-

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

/Sent in No. /

Read

Read Criminal Report B, for the month of February 1857, Zillah Salem.-

(Here enter F. R. No. 584 of 1857)

No. 43. The offence, as described in the charge, was theft; the prisoner is not alleged to have obtained the goods under false pretences. The same remark applies also to the next case No. 44.-

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

(Sent in No.)

Read return dated 16th March 1857 from the Sessions Judge of Tinnevelly, to the precept of the Foujdaree Adalut under date the 2d March 1857, directing that the prisoners in Session Case No. 10 of 1856 be immediately released.-

(Here enter F. R. No. 583 of 1857)

Read Calendar of Case No. 16 of 1857, submitted by the Sessions Judge of Trichinopoly, under date the 16th March 1857.-

(Here enter F. R. No. 559 of 1857)

Read return dated 21st March 1857, from the Principal Sudr Ameen in charge of

of the Session Court of Cuddalore, to the precept of the Foujdaree Adalut under date the 6th March 1857, requiring explanation on certain points connected with the Criminal Reports for the month of January 1857.-

(Here enter F. R. No. 604 of 1857)

Read Extract from the Proceedings of the Session Court of Tellicherry dated 17th March 1857, held on review of the Report A in Case No. 7 of 1857 on the Criminal File.-

(Here enter F. R. No. 613 of 1857)

Read return dated 20th March 1857, from the Session Judge of Tinnevelly, to the precept of the Foujdaree Adalut under date the 6th March 1857, directing the Session Judge to dispose of an appeal on a perusal of the Records of Criminal Case No. 126 of 1856.-

(Here enter F. R. No. 664 of 1857)

Read Calendar of Case No. 22 of 1857, submitted by the Session Judge of Masulipatam, under date the 25th March 1857.-

(Here enter F. R. No. 667 of 1857)

Read Calendar of Case No. 17 of

of 1857, submitted by the Acting Session Judge of Salem, under date the 20th March 1857.-

(Here enter F. N. No. 669 of 1857)

Read return dated 24th March 1857, from the Acting Session Judge of Tellicherry, to the precept of the Foujdaree Adalut under date the 5th March 1857, calling upon the Acting Session Judge to forward without delay the annual Criminal Reports for 1857.

(Here enter F. N. No. 676 of 1857)

E. D. M.

F. 16.

Monday 6th April 1857. At a Court of the Foujdaree Adalut

Present

G. S. Cooper, Esquire
F. Anderson, Esquire Actg Puisne Judge
T. W. Goodwyn, Esquire Actg

Read Miscellaneous petition presented on the 19th January 1857, by S. N. Canteerava Chetty, pleader on behalf of Avasaraloo Rungaroyadoo, Zillah Rajahmundry.-

(Here Enter F. M. P. No. 11 of 1857)

Mr. T. W. Goodwyn Petitioner appeals from the proceedings of the Acting Session Judge under date 16th October 1856, declining to interfere with the revised sentence passed by the Moofty Sudr Ameen in No. 88 of 1856 on the Criminal file of the Subordinate Court.-

2 ... The Court of Foujdaree Adalut see no reason to interfere with the sentence passed upon the Petitioner

Petitioner on October 23d (the date of the revised sentence) 3½ Months before the presentation of this petition, but the Court of Foujdaree Udalut observe that the Sessions Judge has not assigned sufficient reason for interfering with the Moofty Sudr Ameen's first sentence - the power of enhancing sentences though vested in the Sessions Court should be exercised rarely and with great caution.—

3 Petition rejected.—

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

(Sent in No)

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

Read letter dated the 6th March 1857 from the Sessions Judge of Chittoor.—

(Here enter Fl. No. 502 of 1857)

The

1 The Sessions Judge forwards for the disposal of this Court a reference from the Acting Additional Joint Magistrate, in which the latter officer submits that if the orders of the Fouj: Daree Udalut dated 29th October 1856 on review of the Criminal Report B for the month of September 1856 are to be taken as directing that "no cases "of Assault are to be punished under "the extended powers with a less fine "than 50 Rupees this prohibition will "be found inconvenient in practice."—

2 The Court of Foujdaree Udalut observe that their remarks had reference only to the cases then under consideration, but, as on closer examination they find that the manner in which those cases were disposed of was altogether irregular, they resolve to cancel their former proceedings and substitute for them the observations which follow.—

3 The nature of the injuries ought

ought to have been entered in charges
in order to shew the exact nature of
the offence and amount of punishment
merited - If the object of the assault
in Case 4 was to effect an escape this
should have been entered, as it increases
the offence -

4 Case No 4 was not one in
which the option of a fine should have
been allowed at all. The sentence should
have been imprisonment with hard
labor. Adjudging a fine, commutable
to hard labor in irons, was most irregu-
lar; as irons cannot be adjudged for
misdemeanors or bailable offences.

5 Case No 5 does not appear
to have been a mere misdemeanor, irons
therefore were properly awarded. The
sentence however, should have been
one of imprisonment, without the option
of a fine in the first instance -

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

Sessions Judge of Chittoor for his in-
formation -

(Sent in No)

No 233 17th December 1856
" 235 27th " " "
" 236 27th " " "
" 239 27th " " "
" 250 19th " " "
" 252 10th January 1857
" 253 23d December 1856
" 2 5th January 1857
" 3 8th " " "
" 6 13th " " "
" 12 24th " " "
" 15 2d February " "
" 19 9th " " "
" 23 21st " " "
" 25 26th " " "

On referring to the Cud-
dapah Criminal Reports for
December January and February
last, the Court of Nowjdaree
Adalut observe that the cases
noted in the margin were
committed to the Sessions Court
on the dates specified, but neither
the Calendars nor the report of
cases pending before the Sessions
Court for more than 25 days during
the above months have been received
to enable the Court to ascertain whether
these cases have been disposed by the
Sessions Court -

2 The Court resolve therefore
to call upon the Sessions of Cuddapah
for information as to whether or
not these cases have been disposed
of and the date of their disposal,

and

ought to have been entered in charges
in order to shew the exact nature of
the offence and amount of punishment
merited - If the object of the assault
in Case 4 was to effect an escape this
should have been entered, as it increases
the offence -

4 Case No. 4 was not one in
which the option of a fine should have
been allowed at all. The sentence should
have been imprisonment with hard
labor. Adjudging a fine, commutable
to hard labor in irons, was most irregu-
-lar; as irons cannot be adjudged for
misdemeanors or bailable offences.

5 Case No. 5 does not appear
to have been a mere misdemeanor; irons
therefore were properly awarded. The
sentence however, should have been
one of imprisonment, without the option
of a fine in the first instance.

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

6th April 1857

Sessions Judge of Chittoor for his
information -

(Sent in No.)

No. 233 — 17th December 1856
" 235 — 27th " — "
" 236 — 27th " — "
" 239 — 27th " — "
" 250 — 19th " — "
" 252 — 10th January 1857
" 253 — 23d December 1856
" 2 — 5th January 1857
" 3 — 8th " — "
" 6 — 13th " — "
" 12 — 24th " — "
" 15 — 2d February — "
" 19 — 9th " — "
" 23 — 21st " — "
" 25 — 26th " — "

On referring to the Cud-
-dapah Criminal Reports for
December January and February
last, the Court of Foujdaree
Adalut observe that the cases
noted in the margin were
committed to the Sessions Court
on the dates specified, but neither
the Calendars nor the report of
cases pending before the Sessions
Court for more than 25 days during
the above months have been received
to enable the Court to ascertain whether
these cases have been disposed by the
Sessions Court.

2 The Court resolve therefore
to call upon the Sessions of Cuddapah
for information as to whether or
not these cases have been disposed
of and the date of their disposal,

and

and also for explanation as to the cause of the delay in the disposal of the above cases and in the submission of the Calendars, as well as his omission to forward the Monthly report of cases pending before him for more than 25 days.—

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddapah by Precept returnable within XXIV hours from and after its receipt.—

(Sent following Precept, No.)

Read return dated 23d Ultimo, from the Sessions Judge of Combaconum, to the precept of the Foujdaree Adalut under date the 13th Idem, calling upon him to state his opinion respecting the restoration with back pay of the Prisoners in Sessions Case No. 4 of 1857.—

(Here Enter F. No. No. 638 of 1857)

Read final return dated 28th Ultimo, from the Sessions Judge of

Combaconum, to the Precept of the Foujdaree Adalut under date the 13th Idem, requiring certain information regarding the Peons suspension &c. Prisoner in Sessions Case No. 4 of 1857.—

(Here Enter F. No. No. 679 of 1857)

Read Calendar of Case No. 32 of 1857, submitted by the Sessions Judge of Tinnevelly under date the 27th Ultimo.—

(Here Enter F. No. No. 680 of 1857)

Read Calendar of case No. 13 of 1857, submitted by the Sessions Judge of Chittoor under date the 16th Ultimo.—

(Here Enter F. No. No. 689 of 1857)

Read Calendar of Case No. 1 of 1857, submitted by the Acting Sessions Judge of Madura under date the 31st Ultimo.—

(Here Enter F. No. No. 693 of 1857)

Read letter dated 31st Ultimo, from the Acting Sessions Judge of

7th April 1857

mentioned in Para 2 without delay, as the final disposal of the case as concerns the 2nd to 8th prisoners will be delayed until their receipt.

2 The Court further direct that the Session Judge be required to forward forthwith to Mr Sullivan the remaining portion of the untranslated record in the above case.

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

(Sent following Precept No)

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

(Sent following Precept No)

Read letter dated 16th February and received 24th March 1857, from the Acting Session Judge of Salem submitting

7th April 1857

submitting for the final judgement of the Foujdaree Udalut, the record of Trial in case No 6 of 1857 of the Calendar of the Session Court.

(Here Enter F. No. No 615 of 1857)

Mr F. Anderson
Mr T. W. Goodwyn

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

1st Maurun son of Carregaun
2d Monday Maurun
3d Seerungun
and
4th Pichun

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

1st Maurun, son of Carregaun

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

Execution

execution, and the prisoners,

2nd Mondy Maurun

3rd Leerungun

and

4th Pichun

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

But being of opinion —

that the prisoner,

5th Maurun.

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

The first 4 Prisoners in this case were charged with having murdered one Vencatun, the 5th

with —

4th April 1857

with having aided and abetted in the commission of the said murder and the 6th with having instigated the other Prisoners to commit the murder.—

2 The Acting Sessions Judge in concurrence with the futwa of the Law Officer acquitted the 6th Prisoner, and in convicting the other Prisoners of the crime charged, — recommended that the 1st Prisoner be sentenced to suffer death and the 2d 3d 4th and 5th to transportation, "unless it be deemed sufficient to sentence each of the 4 latter to 14 years imprisonment with hard labor in irons with the additional infliction on each of 100 lashes with the Cat o nine tails."—

3 The Court of Foujdaree Udalut concurred in the conviction of the four first Prisoners, and have sentenced the 1st Prisoner to suffer death and the 2d 3d and 4th to —

Transportation

Transportation for life.—

4 The Court are however unable to concur in the conviction of the 5th Prisoner, as they observe that the 1st witness' Police deposition tends to exculpate him entirely, whilst in her deposition before the Sessions Court she states that she did not see him there—and the Police and Sessions depositions of the 2d and 3d witnesses respecting the 5th Prisoner's acts are very contradictory.—

5 Under these circumstances the Court have acquitted the 5th Prisoner.—

6 The Acting Sessions Judge is directed to prepare his letter of reference in future in strict conformity with the Circular letter of 11th June 1851.—

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

(Sent in No.)

Ordered

Ordered, also, that Extract from these Proceedings (para 6) be sent to the late Acting Sessions Judge of Salem for his information and future guidance.—

(Sent in No.)

Read Calendar of Case No. 31 of 1856 of the Sessions Court of Chittoor.—

(Here Enter F. No. No. 1356 of 1856.)

Read also return dated 27th March 1857, from the Sessions Judge of Chittoor, to the precept of the Foujdaree Adalut under date the 16th March 1857, in Calendar Nos. 30 and 31 of 1856.—

(Here Enter F. No. No. 659 of 1857.)

Read also return dated 4th April 1857, from the Sessions Judge of Chittoor to the precept of the Foujdaree Adalut under date the 1st April 1857, submitting translation of the remaining Proceedings in Calendar

4th April 1857

Calendar No. 31 of 1856.—

(Here Entd. F. Ufe. No. 134 of 1857)

F. Anderson Esqr.
and
J. W. Godwyn Esqr.

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,

2d Nungely Ramoodoo

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 No sentence was pronounced on the 2d Prisoner's conviction in Case No. 31 as he had been sentenced in Case No. 30. On the reversal of his sentence in Case No. 30 the Foujdaree Udalut required the present Session Judge to sentence the 2d prisoner in Case No. 31 if he considered his guilt to be proved; otherwise

4th April 1857

otherwise to submit the record relating to the 2d Prisoner. The Session Judge discrediting the evidence, forwarded the record regarding the 2d Prisoner in Case No. 31 and on its perusal the Fouj-daree Udalut coinciding in opinion with the Session Judge, Mr. G. Harris, and distrusting the whole evidence, called for the rest of the record.—

2 The Court of Foujdaree Udalut concurring with the Session Judge Mr. G. Harris that the evidence against the 2d Prisoner is insufficient for his conviction, have directed his release.—

3 The record of the trial (by Mr. Sullivan Acting Session Judge) is of the most meagre description. If it were not recorded that the Acting Session Judge had attentively perused and considered the

Police

Police &c. Record, the Court would have declared it impossible that he could have made himself acquainted with the Police depositions, for the Court cannot understand how knowing the contents of these depositions he could have omitted to question the Prosecutors and witnesses on many points urgently demanding examination, but none of which appear to have attracted his attention.

4 The proof against the 1st and 2d Prisoners is 1st their recognition by the Prosecutor, 2d their Police confessions to the Peons, 3d their Magisterial and Subordinate Courts admissions that the 1st Prisoner gave up Tumbal No. 1 and cloths No. 2 and 3, and 2d Prisoner cloth No. 4, the Prisoners claiming these articles as their own property, 4th proof that the 1st and 2d Prisoners gave up articles

1 to 4. Lastly 5th proof that their articles were the Prosecutors.

5 If the first three of these proofs attracted the Acting Sessions Judges attention, it is singular that he has omitted all notice thereof in his sentence.

6 No person could read over the Prosecutors' Police depositions of March 3rd and 6th especially that part of it wherein he states it was dark, that he suspects Yelloogan the Jaliary as one of the two robbers whose persons he describes &c., without being convinced that his subsequent pretended recognition of the 1st and 2d Prisoners as the two robbers is utterly undeserving of credit; but the Acting Sessions Judge put no question to the Prosecutor as to these glaring contradictions which are the more remarkable, as he states before the Sessions Court that they blinded his eyes. The

Prosecutor

Prosecutor does not even state that he identifies articles No. 1 to 4 as his — he only says that he claimed them before the Police as his property. No question was asked him as to his actually identifying them, or his degree of certainty as to the identification, or as to the existence of any marks or other causes which would render these articles suscep= =tible of clear identification. —

7 The Prisoners were appre= =hended May 8th; their depositions — before the Acting Additional Joint Magistrate are dated the 14th of — June; it is clear therefore that — the length of time which elapsed between the Prisoners' apprehension and appearance before the European Magistracy should have attracted attention. Strict examination as to the time place and circumstances of these Prisoners' alleged confessions on May 19th (eleven days after their

The person who could give the best evidence on this point was Mahomed Eusuff referred to in this 1st Witness's Magisterial deposition

deposition of June 16th, but he was not examined by the Session Judge; his examination was the mere necessary as he is a person of the Village of Nungely — where the Prosecutor was robbed. their apprehension) was the more requisite from the very suspicious account given in the 1st and 2nd witnesses' Magisterial depositions respecting the causes of their suspecting and questioning the 1st and 2nd Prisoners about this High= =way robbery. But no examination took place as to the degree of credit deserved by the alleged Police — confession. —

8 The Prisoners stated — before the Joint Magistrate and Subordinate Court that articles No 1 to 4 were their own and taken from their persons (and No 1 from 1st prisoner's house) but these depositions — were not put in and proved, nor has the Acting Session Judge noticed in his sentence that the Prisoners' defence repeated their former state= =ments as to their ownership of articles No 1 to 4 which really left the only question at issue to be the identification

identification of these articles as Prosecutor's property.

9 The Acting Sessions Judge's sentence as regards the proof against the Prisoners is contained in para 3. Now the identification by 5th and 6th witnesses of these common articles may be summed up thus, "we have seen our next door neighbour, the Prosecutor, use them". No question was asked as to marks or reasons why these witnesses could identify a neighbour's property, nor were they asked to pick it out from among other and similar articles, but on this vague proof totally untested and untried, the Prisoners were convicted.

10 The 1st Prisoner has produced 3 witnesses to prove that the articles given up by him are his own property; but the Acting Sessions Judge neither tested the value of this testimony by cross examination nor commented on it in his sentence nor stated why he discredited it. This is the more remarkable as he states in Para 2 that Tumbal is peculiar to Brahmins and not used by one of the Prisoners' caste; so that questioning the Prisoners' witnesses on this point was absolutely requisite. Moreover, if the Acting Sessions Judge considered that the peculiarity of the Tumbal was of the importance indicated in the above remark, it is singular he did not question the 6th witness particularly as to this bare assertion. The 5th witness was not asked about this point nor was any fresh evidence called to clearly establish the 6th witness' statement which if true was most important, whilst the settlement of the question was easy and would have been decided by reference to any Brahmin at Chittoor.

The

x. Witnesses 2 and 3 prove the giving up of the stolen property by the Prisoners. Witnesses 5 and 6 identify the property as belonging to the Prosecutor.

7th April 1857.

11 The evidence as it stands against both Prisoners, especially against the 2d, is so unsatisfactory as to be insufficient for their conviction and the Court of Foujdaree Udalut have accordingly directed the unconditional release of both Prisoners.

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

(Sent following Precept, No) per Express.

C. S. Ekamie

F. No.

Wednesday 8th April 1857.

At a Court of the Foujdaree Udalut

Present

G. L. Cooper, Esquire
F. Anderson, Esquire Acting } Puisne Judges
T. W. Goodwyn, Esquire Acting

Read Calendar of Case No. 11 of 1857 of the Session Court of Calicut.

(Here Enter F. No. 633 of 1857)

1 As the wounding appears to have taken place from the Prisoner suddenly passing arising from well grounded suspicion of his wife the 2d witness' fidelity, the Court of Foujdaree Udalut are of opinion that a sentence of 2 years' imprisonment with hard labor will suffice in this case, and they resolve to call upon the Acting Session Judge to reduce his sentence accordingly.

2 If unable to concur with the Court in the propriety of the mitigated sentence

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 Acting Sessions Judge of Cuddapah by Precept returnable within five days from and after its receipt.—

(Sent following Precept No.)

Read Calendar of Case No. 12 of 1857, of the Sessions Court of Rajahmundry.—

(Here Enter F. C. No. 688 of 1857)

1 The Court of Foujdaree Udalut observe that in all cases of Murder, Malice should be entered in the abract of the charge.—

2 They suppose that a copy of the sentence has been forwarded to the Magistrate.—

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

his information.—

(Sent in No.)

Read Criminal Report B submitted by the Acting Sessions Judge of Guntoor under date the 25th Ultimo.—

(Here Enter F. C. No. 654 of 1857)

1 The Court of Foujdaree Udalut observe that with reference to the Extract from the Minutes of Consultation dated the 16th August and circulated by them on the 20th October 1849, the Zillah Surgeon should have been examined and his opinion taken as to the justness of the inferences on which the Witnesses based their convictions of the Prisoners' insanity.

2 Before therefore reporting the case for the orders of Government under Act IV of 1849, the Court of Foujdaree Udalut resolve to direct the Acting Sessions Judge to adopt this course, reporting the result for their information.—

Ordered

8th April 1857

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

(Sent following Precept No)

Read letters dated 10th Decemr. ber 1856, and 9th and 21st January 1857, from the Acting Agent at Ganjam, submitting reports on Cases Nos. 37, 39, 41, 42 43, 44 and 50 of 1856.—

(Here Enter F. No. Nos. 462-463-464, 465 466-467 and 468 of 1857)

Read also letter dated 12th February 1857, from the same Officer, submitting a report on case No. 45,— and a general report as regards the sentences to be passed on the several prisoners tried for Gang robberies &c. in Goomsoor.—

(Here Enter F. No. No. 469 of 1857)

Case No. 37 1 The Court of Foujdaree Udalut concur with the Acting Agent in the acquittal of the 2d prisoner.—

They

8th April 1857

2 They also concur in the conviction of the 1st 3d and 5th Prisoners and in the sentence of 12 years im- prisonment with hard labor in irons in the case of the 1st Prisoner, Hoony Deegalo the 3d Prisoner having already been sentenced to transpor- tation in Case No. 38 and the 5th to a simila punishment in Case No. 40 of 1856.—

3 The evidence against the 4th Prisoner, Dhummah Naick, appears to the Court to be the same as that against the 2d Prisoner, who was acquitted by the Acting Agent, with the exception of his deposition before the Assistant Agent; but as para 12 of the Acting Agents letter in this case is not clear as to what facts he confessed to, the Court direct that a translation of his confession be sub- mitted for their consideration.—

Case No. 39.— 4 The Court of Foujdaree Udalut

8th April 1857

Udalut concur with the Acting Agent in the acquittal of the 5th - 7th - 8th - 10 - 11th and 12th Prisoners and in the conviction of the 1st - 3d and 6th Prisoners as well as in the sentence of 14 years' imprisonment with hard labour proposed to be passed on the 3d, the 1st having been sentenced in Case No. 38 and the sentence against the 6th Prisoner, who is also concerned in Case No. 45, being reserved until the receipt of the information called for in para 10 of these Proceedings.—

5 The Court do not however consider that the evidence of the approvers, which is unsupported, is sufficient for the conviction of the 4th and 9th Prisoners, Lokanand Naick and Nonda Naick, as the facts therein detailed took place nearly 10 years ago and no particular reason has been assigned why the approvers should recollect which Prisoners formed the gang that committed the crime charged

8th April 1857

charged in this case, as it is to be supposed that the approvers were present at several excursions and it being improbable that they could tell after such a lapse of time who were out on each excursion.—

6 Under these circumstances the Court of Foujdaree Udalut acquit the 4th and 9th Prisoners in this case.—

Cases Nos. 41 7 The Court of Foujdaree
42 - 43 - and 50. Udalut concur with the Acting Agent in the acquittal of the Prisoners in these cases.—

Case No. 44. 8 The Court also concur with the Acting Agent in the conviction of the 1st Prisoner against whom sentence has been passed in Case No. 38, but disagreeing with the Acting Agent as to the conviction of the 2d and 3d Prisoners, the evidence of their guilty knowledge being insufficient, the Court acquit the 2d and 3d Prisoners in this case.—

Case No. 45. 9 It appears to the Court

of

of Foujdaree Udalut that Act XXIV of 1843, under which the Acting Agent proposes that sentence should be passed on the Prisoners convicted in this case, is merely intended to refer to professional dacoits systematically employed in robbery, and not to persons who may have lived in the country or Villagers under the power of a rebel or robber chief like Chokra Bissoye, and may therefore from fear of his vengeance or the inability of Government to protect them in this hilly, jungly and feverish tract of country have remained in a certain degree subject to him.—

10 Previous therefore to confirming the sentence in this case, under this Act or any other law it must be shown by clear and good evidence that they have been active members of the Gang, and the acts committed by each clearly detailed; the Court of Foujdaree Udalat resolve

resolve therefore to call for the detailed Statement, and the Acting Agents opinion on the case of, and exact proof against, each of the Prisoners 3d—7th—9th—10th—11th—13th—14th—15th—16th—17th—21st—22d 23d—24th—25th—26th and 28th in Case No. 45.—

11 The Court direct the release of the 18th and 19th Prisoners in this Case as proposed by the Acting Agent, as their long detention would, under the peculiar circumstances of this case, be a sufficient punishment, even if the very vague charge brought against them was clearly proved.—

12 The Court direct that Koony Deegaloo, the 1st Prisoner in case No. 37, and Dhunnoo Naick, the 3d Prisoner, in Case No. 39, be respectively banished to the Jails at Masulipatam and Rajahmundry, there to be imprisoned and kept to hard labour during the terms of their sentences.—

Ordered, that Extract from

of Foujdaree Udalut that Act XXIV of 1843, under which the Acting Agent proposes that sentence should be passed on the Prisoners convicted in this case, is merely intended to refer to professional dacoits systematically employed in robbery, and not to persons who may have lived in the country or Villages under the power of a rebel or robber chief like Chokra Bissoye, and may therefore from fear of his vengeance or the inability of Government to protect them in this hilly, jungly and feverish tract of country have remained in a certain degree subject to him.—

10 Previous therefore to confirming the sentence in this case, under this Act or any other law it must be shown by clear and good evidence that they have been active members of the Gang, and the acts committed by each clearly detailed the Court of Foujdaree Udalut resolved

resolve therefore to call for the detailed Statement, and the Acting Agent's opinion on the case of, and exact proof against, each of the Prisoners 3d—7th—9th—10th—11th—13th—14th—15th—16th—17th—21st—22d 23d—24th—25th—26th and 28th in Case No. 45.—

11 The Court direct the release of the 18th and 19th Prisoners in this Case as proposed by the Acting Agent, as their long detention would, under the peculiar circumstances of this case, be a sufficient punishment, even if the very vague charge brought against them was clearly proved.—

12 The Court direct that Koony Deegaloo, the 1st Prisoner in case No. 37, and Dhunno Naick, the 3d Prisoner, in Case No. 39, be respectively banished to the Jails at Masulipatam and Rajahmundry, there to be imprisoned and kept to hard labour during the terms of their sentences.—

Ordered, that Extract from

from these Proceedings be forwarded to the Acting Agent to the Governor of Fort St. George at Ganjam by Precept returnable within x days from and after its receipt.—

(Sent following Precept No.)

Read report dated the 5th instant submitted by the Principal Sudr Ameen in charge of the Session Court of Cuddalore, of cases pending before the Sessions Court for a period in excess of 25 days.—

(Here Enter F. C. No. 695 of 1857)

Read letter dated the 1st instant, from the Principal Sudr Ameen in charge of the Sessions Court of Cuddalore, returning the depositions which accompanied an Extract from the proceedings of the 30th January 1857.

(Here Enter F. C. No. 696 of 1857)

Read Statement dated the 30th Ultimo, submitted by the Principal Sudr Ameen in charge of the Sessions Court of Cuddalore, of batta paid to

to Prosecutors and Witnesses in Cases pending before the Sessions Court during the 2d half of 1856.—

(Here Enter F. C. No. 697 of 1857)

Read Calendar of Cases No. 10 of 1857, submitted by the Acting Sessions Judge of Calicut, under date the 30th March 1857.

(Here Enter F. C. No. 699 of 1857)

Read Calendar of Cases No. 12 of 1857, submitted by the Acting Sessions Judge of Calicut, under date the 30th March 1857.—

(Here Enter F. C. No. 700 of 1857)

Read Calendar of Cases No. VI of 1857, submitted by the Acting Sessions Judge of Madura, under date the 2d Instant.—

(Here Enter F. C. No. 709 of 1857)

Read letter dated the 30th Ultimo, from the Acting Sessions Judge of Calicut, submitting explanation with reference to the Extract from the

the

8th April 1857

the Proceedings of the Foujdaree Udalut under date the 23d Instant on review of Calendar of case No. 8 of the Session Court of Calicut.

(Here enter F. Ulc. No. 711 of 1857.)

Ld Dull.

F. Ulc.

Thursday 9th April 1857

At a Court of the Foujdaree Udalut

Present

G. S. Hooper, Esquire
H. Anderson, Esquire Actg. } Puisne Judges
T. W. Goodwyn, Esquire &c.

Read letter under date of the 28th March 1857, from the Sessions Judge of Tinnevelly, forwarding English Translation of the record of Case No. 18 of 1857, on the Calendar of the Session Court for the final judgement of the Court of Foujdaree Udalut.

(Here enter F. Ulc. No. 685 of 1857)

Read also letter dated the 6th Instant from the Sessions Judge of Tinnevelly, reporting the death of the 6th Prisoner in Sessions Case No. 18 of 1857, now under reference to the Court of Foujdaree Udalut.

(Here enter F. Ulc. No. 744 of 1857)

The

9th April 1857

Mr. T. Anderson
and
Mr. T. W. Goodwyn

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

1st Puthmanabien
2d Soondaramien
3d Soondaramia naraniem
4th Coonjee Iyen
5th Moottien
6th Paroopsa Soobbien
7th Samoovatheyar
8th and Veerabagoovatheyar
9th

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

1 The Prisoners in this case were charged with murder and severe wounding, and being accessories to the same.—

2 The assessors acquitted the

9th April 1857

the Prisoner of both counts and the Sessions Judge concurred with them on the first count, but being unable to concur with them on the 2d count as he considered the evidence sufficient to convict the Prisoners of the same, has referred the case to the Court of Foujdaree Udalut, and recommended that the 1st 2d and 3d Prisoner be sentenced to transportation for life, and the remaining prisoners to 14 years imprisonment with hard labor in irons.—

3 The Court of Foujdaree Adalut on a consideration of the record, are unable to concur with the Sessions Judge in the conviction of the Prisoners in this case.—

4 The Sessions Judge states that the evidence for the prosecution is very contradictory and full of improbabilities, and that he has committed the 3d and 5th Witnesses for Perjury and

and fined the 8th 9th and 11th Witnesses for
grofs prevarication.—

5 The Court of Foujdaree
Udalut admit that the defence is
weak and suspicious, but it contains
a most explicit denial of all—
concern in the affray, and the Court
cannot allow that the weakneſs
of the Prisoners' defence the injuries
on the persons of the 4th 5th and 6th
Prisoners, and clear proof of a fight,
are sufficient to warrant the convic
-tion of the Prisoners in the absence
of any credible evidence that they
were present aiding and abetting
in the murder.—

6 The Court fail to understand
the Sefsion Judges acquittal on the
1st Count Viz: that the eight Prisoners
and 56 others murdered the deceased,
and yet their conviction on the 2d
The 2 Prosecutors count of being present at the murder
and the 8th 9th beating and wounding the deceased's
Witneſses.— relations

relations 8ca who were with the deceased

7 Under these circumstances
and as they do not consider the evi=
=dence sufficient for conviction, the
Court of Foujdaree Udalut have
directed the release of the Prisoners

8 The defective nature of
the arraignment has been already
noticed by this Court in the Pro=—
=ceedings of the 20th Ultimo, they—
—observe that the charge should—
have been Affray murder and wounding

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

(Sent in No)

Ex Bld.

C A Cheyne

F. No.

Monday 13th April 1857. At a Court of the Foujdaree Udalut

Present

G. L. Hooper, Esquire
F. Anderson, Esquire Actg. } Puisne Judges
T. W. Goodwyn, Esquire Actg.

Read letter dated the 27 February 1857 from the Session Judge of Coimbatore, forwarding English Translation of the record of Case No. 3 of 1857, on the Calendar of the Session Court for the final Judgment of the Court of Foujdaree Udalut

(Here Enter F. No. No. 482 of 1857)

Mr. G. L. Hooper and Mr. F. Anderson

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

1st Vencatachaur
2d Muddoovaroyachaur
3d Kristnien
and
4th Vencatarow Monigar

are

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

1 The Prisoners were charged with having fabricated a deed with the intent of defrauding the Prosecutor of his landed property and the first 3 Prisoners were further charged with having uttered the same.—

2 The Law Officer acquitted the Prisoners on the ground of the evidence for the prosecution being inconsistent and undeserving of credit.

3 The Sessions Judge, on the contrary, considering the charge to have been brought home to the Prisoners and convicting them thereof, recommended that they should each be sentenced to 4 years' imprisonment with hard labour in irons.

4 Having carefully gone through the Record of this case and heard the Prisoners' Pleader orally in support of their defence, the Court of Foujdaree Adalut are led to take a different view of the case from that of the Sessions Judge and to concur with the Law Officer in thinking that the evidence for the Prosecution is not sufficient for the conviction of the Prisoners.—

5 The Court observe that the forgery is alleged to have been committed some day in the month of Arpissy or October 1856, on the 21st November 1856 the Prosecutor presented his first Petition of complaint, and in that he made no mention of the 4th and 5th witnesses, or the circumstances to which they had deposed—he did not do so till he was examined before the Police officer on 23d December. When the prisoners brought the document A to the Prosecutor, he returned it to Ebram Saheb

Labels the Prisoners 3d Witness which he would hardly have done had he believed it to be a forged document, and when the Prisoners were called upon to produce the said document more than a month afterwards, they did so at once instead of destroying it as it is natural to suppose they would have done when they knew its genuineness had been called in question, had they been conscious of its falsity. In his deposition before the Police on 23d December, the Prosecutor says that on 12th November he was told by 3d witness that on the preceding evening (11th) the alleged forged deed was brought to him to have his deceased brother's signature affixed to it as an attesting witness, but before the Subordinate Court he says that 3d witness came and told him on the same day and there are other discrepancies to be observed in the evidence of Prosecutor and his witnesses

The

to The Session Judge draws an inference adverse to the Prisoners from the deed of sale E declared the sale to have been for ready money paid down, whereas the Bond A represents the sale to have been made on a settlement of accounts. but it is to be observed that the Prosecutor himself, in his deposition before the Session Court, distinctly states that dealings had previously existed between his father and the Prisoners, and that it was for the balance struck against the latter that the Bill of Sale E was executed.—

7 Again the evidence of the 1st and 2d witnesses who deny their attestations in the document A is but negative testimony, and is partly at least counterbalanced by the evidence of the 2d witness for the 1st and 2d Prisoners, who was

one

one of the attesting witnesses to the deed of sale E. and who deposes to the truth of the Counter deed A, not to mention the evidence of the 8th and 9th Witnesses for said Prisoners as to the said 1st and 2nd Witness having denied their signatures because they have colluded with the Prosecutor. As for the conclusion drawn by the Sessions Judge from a comparison of the acknowledged signatures of Prosecutor's deceased father Goorooe Chetty in document B. C and D with that in document A. The Court concur with the Law Officer that no reliance can be placed on such comparison. The signatures in the said 3 documents also differ from each other. It was the duty of the Sessions Judge to examine competent persons as to the signature of Goorooe Chetty attached to the document A when compared with signatures of his attached to other accounts.

8

The Court also agree with

13th April 1857

with the Law Officer that no safe conclusion against the Prisoners can be drawn from the fact of the document E. not having been alluded to in Document A, and the latter being written on unstamped paper, the former having been on stamp paper, and the Court are not at all convinced that a counter deed like this is contrary to the usage of the country. Moreover the question put by the 3d Prisoner to the 3d witness before the Prosecutor and the latters answer thereto would tend to shew that 3d Prisoner asked him the number and other Particulars of the land for the purpose of a suit before the Moonsiffs Court and not for the purpose of fabricating the document A. The story of the 3d witness that the Prisoners asked him to "affix a signature to the document resembling that of his deceased Brother," appears

to

to the Court highly improbable-
It is hardly to be credited that
they would have had the boldness
afterwards to have brought forward
a false claim unsupported by the
evidence of the attesting witnesses.

9 The 4th witness for the
Prosecution says he saw the signa-
-tures of the attesting witnesses on
document A, although he admits
that it was not put into his hand,
and that it was folded at the time
The evidence of the 1st and 2d witnesses
for the Prisoners is at least as worthy
of credit as that of the Prosecutors
1st and 2d witnesses; the 2 other attest-
-ing witness are dead. and the writer
thereof was made a Prisoner in the
case.

10 Upon the whole therefore
the Court of Foujdaree Udalut are
of opinion that the charge has not
been satisfactorily established
against

13th April 1857

against the Prisoners, and they
have accordingly directed the
immediate release of the Prisoners.

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

Sent in No 1

Ex R.D.

to the Court highly improbable-
It is hardly to be credited that
they would have had the boldness
afterwards to have brought forward
a false claim unsupported by the
evidence of the attesting witnesses-

9 The 4th witness for the
Prosecution says he saw the signa-
-tures of the attesting witnesses on
document A, although he admits
that it was not put into his hand,
and that it was folded at the time
The evidence of the 1st and 2d witnesses
for the Prisoners is at least as worthy
of credit as that of the Prosecutors
1st and 2d witnesses; the 2 other attest-
-ing witness are dead. and the writer
thereof was made a Prisoner in the
case.-

10 Upon the whole therefore
the Court of Hoojdara Udalut are
of opinion that the charge has not
been satisfactorily established
against

against the Prisoners, and they
have accordingly directed the
immediate release of the Prisoners.
Ordered, that Extract
from these Proceedings be forwarded
to the Sessions Judge of Coimbatore
for his information.-

Sent in No 1
Coimbatore

E. K. D.

Wednesday F. U.

15th April 1857. At a Court of the Foujdaree Adalut.

Present

G. L. Hooper Esquire.
T. Anderson Esquire. Asst. } Puisne Judges.
T. W. Goodwyn Esquire. Asst.

Read Calendar of Case N° 33 of 1857 Submitted by the Sessions Judge of Tinnevelly.

/Here enter F.C. N° 715 of 1857/

With reference to the Principal Sudder Ameen's explanation of the delay in the Committal of this case the Court of Foujdaree Adalut observe that if the Witnesses sent up with a case are sufficient for its Committal, the Principal Sudr Ameen may send for any fresh witnesses whom he may deem requisite but should at once commit the case, the fresh witnesses attendance will take place before the Sessions Court, and the Sessions Judge will examine them if he considers the course requisite. The

Committal

committal of a case where there is sufficient evidence should never be delayed by the calling for fresh witnesses, though the calling for them is clearly the duty of the Principal Sudr Ameen in order to avoid delay in the Sessions Trial.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Tinnevelly for communication to the Principal Sudr Ameen.

/sent in No /

Read Calendar of Case No 5 of 1857 submitted by the Acting Sessions Judge of Rajahmundry

/Hereunto F.H. No 600 of 1857.

The Court of Foujdaree Adalut observe that the Acting Sessions Judge acted irregularly in calling upon the 1st Prisoner to answer the questions put to him.

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

/sent in No /

Read

Read Calendar of Case No 9 of 1857 of the Sessions Court of Coimbatore.

/Hereunto F.H. No 692 of 1857/

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 to (8) Eight years with hard labor in irons, and they do authorize the Judge Sessions to issue his warrant accordingly.

1 Coopoon
2 Nunjanaiken
3. Samboo
4 Vencataramaw

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

/sent in No /

Rec 15th

Read letter dated 10th March 1857, from the Sessions Judge of Cuddapah forwarding copy of a letter received from the Acting Subordinate Criminal Judge regarding a charge of assault by one European British Subject against another.

/Hereunto F.H. No 526 of 1857/ The

1 The Court of Foujdaree Udalut observe that act VII of 1853 to which reference has been made by the Acting Subordinate Judge extended the jurisdiction of the Magistrates and enabled them to take cognizance and dispose of cases of assault committed by one European British subject on another but similar authority does not appear to have been delegated to Justices of the peace who are not Magistrates, and the court of Foujdaree Udalut are of opinion that until a legislative interpretation of the terms "Magistrate" similar to that given by act II of 1839 Section IV has been received, Subordinate Judges are not competent to deal with cases of the nature referred to in the letter now under reply under act VII of 1853.-

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

(Sentence passed)

F. Uc.

Thursday 16th April 1857 } At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esquire — Puisne Judge.

F. Anderson Esquire — Acting Puisne Judge.

T. W. Goodwyn Esquire — Acting Puisne Judge.

Read letter dated 25th March 1857, from the Sessions Judge of Chittoor.-

(Herewith F. Uc. No. 653 of 1857.)

1. The Sessions Judge forwards copy of the Report in Criminal Cases No. 52 of 1857 and of Extract from the Proceedings of the Sessions Court held thereon, — and solicits the opinion of the Foujdaree Udalut, as to whether it is competent to Subordinate Judges to dispose of cases of Breach of Trust.-

2. The Court of Foujdaree Udalut are of opinion that as Act No. XIII of 1850 does not limit the trial of such cases to the Sessions Courts, petty charges of

of Breach of Trust can be dealt with by the Criminal Courts under the provisions of Section VII Regulation X of 1816 and those of Clause fourth, Section III, Regulation VI of 1822.-

3. With respect to Criminal Case No. 52 of 1857, the Court of Foujdaree Udalut consider that the only part of the sentence which was illegal was the infliction of a fine. The Court therefore resolve to over-rule the proceedings of the Session Judge cancelling the Subordinate Judge's sentence and directing that officer to commit the prisoner; and to confirm so much of the decision as adjudged the prisoners to suffer 6 months' imprisonment with hard labor in irons, remitting the fine awarded.-

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

(Sent in No.)

Read Calendar of Case No. 11 of 1857 of the Sessions Court of

of Combaconum.-

/Here enter F. C. No. 714 of 1857./

Valoyda Marcondan.-

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 Perjury be reduced to (18) Eighteen Months with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

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

(Sent in No.)

Read Calendar of Case No. 11 of 1857 of the Sessions Court of Coimbatore.-

/Here enter F. C. No. 723 of 1857./

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this case, that

of Breach of Trust can be dealt with by the Criminal Courts under the provisions of Section VII. Regulation X of 1816 and those of Clause fourth, Section III, Regulation VII of 1822.-

3.

With respect to Criminal Case No. 52 of 1857, the Court of Foujdaree Udalut consider that the only part of the sentence which was illegal was the infliction of a fine. The Court therefore resolve to over-rule the proceedings of the Session Judge cancelling the Subordinate Judge's sentence and directing that officer to commit the prisoner; and to confirm so much of the decision as adjudged the prisoner to suffer 6 months' imprisonment with hard labor in irons, remitting the fine awarded.-

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

(Sent in No.)

Read Calendar of Case No. 11 of 1857 of the Session Court of

of Combaconum.-

(Here enter F. No. 714 of 1857.)

Valoyda Marcondan.-

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 Perjury, be reduced to (18) Eighteen 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. 11 of 1857 of the Session Court of Coimbatore.-

(Here enter F. No. 723 of 1857.)

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

1. Alagarry
2. Swadian
3. Sooba Naicken.

that the period of imprisonment which the Prisoners noted in the margin have been adjudged to suffer on their conviction of Gang Robbery, be reduced to (10) Ten 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 Coimbatore for his information.-

(Sent in No)

Read letter under date 30th March 1857, 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 Case No 5 of 1857 on his file.-

/Herewith F. M. No 702 of 1857./

The Court of Foujdaree Udalut, concur in the conviction of the Prisoner

1st Hoosain Saib.
alias Hoosainee

of

of House breaking and Theft, and, in accordance with the recommendation of the Officiating Agent, sentence him to 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 Officiating Agent to the Governor of Fort St George at Kurnool for his information.-

(Sent in No)

Read Miscellaneous Petition received on the 9th March 1857, through the Acting Sessions Judge of Rajahmundry, from Naca Ganjoolu, of that Zillah.-

/Herewith F. M. P. No 55 of 1857./

Mr J. Anderson
Mr J. W. Goodwyn /.

Petitioner is the 1st Prisoner in Calendar Case No 25 of 1856, and prays the Court to call for the proceedings and cancel the sentence passed in that case.-

The Court of Foujdaree Udalut see no reason to call for the record

2.

or

or in any way to interfere with the sentence passed upon the Prisoner. Petition rejected.-

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

(Sent in No.)

Read Miscellaneous Petition received on the 4th March 1857, through the Sessions Judge of Tinnevelly, from Baddy Naik of that Zillah.-

Mr. J. Anderson. (Here enter S. M. P. No. 50 of 1857.)
Mr. J. W. Goodwyn. 1.

Petitioner is the father of the 4th Prisoner in Criminal Case No. 156 of 1856, and prays the Court to cancel the sentence passed upon his son.-

2. The Court of Foujdaree Adalut decline to call for the record, or to interfere with the Sessions Judge's order slightly modifying the Principal Sudr Ameen's sentence - which order was passed upon a perusal of the record. Petition rejected.-

Ordered

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Tinnevelly for communication to the Petitioners.-

(Sent in No.)

Read Miscellaneous Petition received on the 10th March 1857, through the Acting Sessions Judge, from Roossoonna Nursegadoo and others, Zillah Rajahmundry

(Here enter S. M. P. No. 54 of 1857.)

Mr. J. Anderson. Petitioners, prisoners in Case
Mr. J. W. Goodwyn. 1.

No. 22 of 1856, appealed from the sentence passed by the Acting Sessions Judge upon them, and pray the Court will, on consideration of the record of the above case, direct their immediate release.-

The Court of Foujdaree Adalut R.

2. resolved to reject this petition, seeing no reason to call for the record or to interfere.-

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

to the Petitioners.-

(Sent in No.)

Read Miscellaneous Petition received on the 16th March 1857, from Palavasa Tavary, through the Sessions Judge, Tillah-Tinnevelly.-

/Hervanter F. Mc. P. No. 56 of 1857./

Mr. F. Anderson. 1.

Petitioner, father of the-

and

Mr. T. W. Goadwyn. 2d Prisoner in Case No. 28 of 1856 on the file of the Sessions Court of Tinnevelly, appeals from the sentence of 7 years'- imprisonment with hard labor in irons, passed by the Sessions Judge, and prays- the Court will send for the Record in the above case, and on consideration thereof, acquit his son.-

2. The Court of Foujdaree- Adalut see no reason to interfere with the sentence appealed from.-

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

(Sent in No.) Read

16th April 1857.

Read Miscellaneous Petition presented on the 2d March 1857, by Rajah Hoossain Sail, Zillah Tinnevelly.-

/Hervanter F. Mc. P. No. 18 of 1857./

Mr. F. Anderson. 1. Petitioner prays the Court of Foujdaree Adalut to reconsider their orders of the 3d January 1857, passed on Miscellaneous Petition No. 177 of 1856.-

2. As the Court of Foujdaree Adalut see no reason to review the- orders already passed on Petitioner's case they resolve to reject this petition.-

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

Read Miscellaneous Petition presented on the 22d January 1857, by R. Sreenivasa Row, Pleader on behalf of-

Ramier of Zillah Coimbatore.-

/Hervanter F. Mc. P. No. 13 of 1857./

Mr. T. W. Goadwyn. 1. Petitioner prays that the prisoners in Criminal Case No. 6 of 1857 may be discharged on bail during the absence of the

to the Petitioners.-

(Sent in No)

Read Miscellaneous Petition received on the 16th March 1857, from Palavasa Tavey, through the Sessions Judge, Tillah Tinnevelly.-

/Herewriter F. Mc. P. No 56 of 1857./

Mr. F. Anderson. 1. Petitioner, father of the
and
Mr. T. W. Goodwyn. 2d Prisoner in Case No 28 of 1856 on the file of the Sessions Court of Tinnevelly, appeals from the sentence of 7 years' imprisonment with hard labor in irons, passed by the Sessions Judge, and prays the Court will send for the Record in the above case, and on consideration thereof, acquit his son.-

2. The Court of Foujdaree Adalut see no reason to interfere with the sentence appealed from.-

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

(Sent in No)

Read

Read Miscellaneous Petition presented on the 2d March 1857, by Rajah Hoossain Saib, Tillah Tinnevelly.-

/Herewriter F. Mc. P. No 48 of 1857./

Mr. F. Anderson. 1. Petitioner prays the Court of Foujdaree Adalut to reconsider their orders of the 3d January 1857, passed on Miscellaneous Petition No 177 of 1856.-

2. As the Court of Foujdaree Adalut see no reason to review the orders already passed on Petitioner's case they resolve to reject this petition.-

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

Read Miscellaneous Petition presented on the 22d January 1857, by P. Tiroomala Row, Pleader on behalf of Ramien of Tillah Coimbatore.-

/Herewriter F. Mc. P. No 13 of 1857./

Mr. T. W. Goodwyn. 1. Petitioner prays that the prisoners in Criminal Case No 6 of 1857 may be discharged on bail during the absence of the

the Sessions Judge.-

2. The Court of Foujdaree Udalut observe that the case alluded to has been subsequently disposed of and that no order is therefore requisite.-

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

Read return dated 4th April 1857, from the Sessions Judge of Chingleput, to the Extract from the Proceedings of Foujdaree Udalut dated 2nd Instant, requiring the submission of Criminal Report A in Case No. 6 disposed of by the Head Assistant Magistrate of Chingleput during the month of February last.-

/Here enter F. Uc. No. 716 of 1857./

Read Report dated 1st April 1857, submitted by the Acting Sessions Judge of Calicut of a case pending on the 28th February and committed for trial during the month of March 1857.-

/Here enter F. Uc. No. 717 of 1857./

Read

Read Calendar of Case No. 12 of 1857, submitted by the Sessions Judge of Coimbatore, under date the 3rd March 1857.-

/Here enter F. Uc. No. 724 of 1857./

Read Calendar of Case No. 18 of 1857, submitted by the Sessions Judge of Trichinopoly, under date the 6th April 1857.-

/Here enter F. Uc. No. 728 of 1857./

Read Report dated 1st April 1857, submitted by the Acting Sessions Judge of Rajahmundry, of cases pending on the 1st April 1857 before him for a longer period than 25 days.-

/Here enter F. Uc. No. 730 of 1857./

Read Calendar in Case No. 8 of 1857, submitted by the Acting Sessions Judge of Tellicherry, under date the 30th March 1857.-

/Here enter F. Uc. No. 732 of 1857./

Read return dated 4th April 1857, from the Sessions Judge of Tinnevelly, to the precept of Foujdaree Udalut under date

16th April 1857.-

date the 30th March 1857 calling for explanations as to why certain witnesses in Session Case No. 30 of 1857 were not in the first instance forwarded to the Criminal Court by the Police Officer.-

/Here enter F. Uc. No. 735 of 1857./

Read Calendar of Cases No. 14 of 1857 submitted by the Acting Session Judge of Guntoor, under date the 6th April 1857.-

/Here enter F. Uc. No. 737 of 1857./

Ordered.

F. Uc.

Friday
17th April 1857

At a Court of the Foujdaree Adalut.

Present

G. S. Hooper Esquire — Puisne Judge.
F. Anderson Esquire.
J. W. Goodwyn Esquire. — Acting Puisne Judges.

Read the Criminal Reports submitted by the Session Judge of Honore for the year 1856.-

/Here enter F. Uc. No. 686 of 1857./

Statement No. 13 Bengal forms. 1. The Court of Foujdaree Adalut observe that the entries in Columns 25-27 and 28 under head "Grand Total" should be 2195-1495- and 1891.-

Do. 10 Do. 2. The aggregate number of persons in Columns 2-4 and 5 and in Columns 6 and 7 and the entry in Column 8 under head "Total" do not correspond with the entries in Columns 3-4 and 5 under head "Grand Total" of the statement No. 13.-

Ordered that Extract from these

these Proceedings be sent to the Sessions
Judge of Hooghly by precept returnable
within 11 days from and after its receipt.

/Sent following precept No./

Read letter dated 6th February
1857, from the Acting Agent in Ganjam,
submitting for the final judgment of the
Foujdaree Udalut, the record of case No. 3
of 1857 on the file of the Agents' Court.

/Here enter F. Dc. No. 381 of 1857./

Read also return dated
16th March 1857, from the same officer,
to the precept of the Foujdaree Udalut
under date the 26th February 1857, calling
for translations in Case No. 3 of 1857.

/Here enter F. Dc. No. 620 of 1857./

Read also letter dated the
24th March 1857, from the same officer,
submitting the translates of the record in
Case No. 3 of 1857.

/Here enter F. Dc. No. 722 of 1857./

The Court of Foujdaree,
Udalut on a deliberate consideration of all
the circumstances of the case in evidence
before

before them, being of opinion that the
prisoner,

Saura Sambarah

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

The Court of Foujdaree
Udalut direct that their sentence in trial
No. 3 of 1857 from the Acting Agent in
Ganjam together with the whole of the
proceedings held in the case be transmit-
ted to the Chief Secretary to Government
for the purpose of being laid before the
Right Honorable the Governor in Council,
to the intent that the Court may, in
conformity with the provisions of Regula-
tion I of 1834, Section V Regulation XX of 1802,
and section V. Act No. V of 1841, receive the
orders of Government before they direct
their sentence to be carried into execution.

(Sent in No.)

The Court of Foujdaree Udalut
direct

direct that it be pointed out to the Acting Agent that with reference to section V. Act V of 1841 he should not have released the prisoner till the orders of Government on this case have been communicated to him.-

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

E. H.

(Sent in No. 15)

Saturday
18th April 1857. At a Court of the Foujdaree Adalut.

Present.

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

Read Extracts from the Proceedings of the Sessions Court of Bellary, dated 20th January and 14th February 1857.-

(Herewith F. A. No 767 of 1857.)

1. The above proceedings appear to have been held in review of certain monthly returns of the several Heads of Police, exhibiting the cases disposed of by those Officers during the months of October November, and December 1856.-

2. The Court of Foujdaree Adalut resolve to inform the Sessions Judge of Bellary that it will be unnecessary in future for him to transmit to them Copies of the Proceedings held by him, in review of such returns as the above.-

Ordered

Magistracy for the 4th quarter of 1856 Gillah Bellary
/Here enter F.R. No 708 of 1857/

Calendar No 1 No 40. 1. This case should have been disposed of under the provisions of Act No XXI of 1841.

No 57 2. The defendant committed no criminal offence whatever, according to the terms of the charge, and has been illegally sentenced to imprisonment.-

No 58 3. Section XXXV Regulation IX of 1816 should have been quoted as the authority for the sentence.-

Calendar II No 109. 4 As the award was not obtained under false pretences, the case was not one of Fraud as observed by the Sessions Judge.-

5. These returns should be submitted at an earlier date.-

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

/Sent in No /

Read Petty Calendars of the Magistracy for the 4th Quarter of 1856. Gillah Coimbatore.-
/Here enter F.R. No 733 of 1857/

Calendar II No 112. It does not appear why the Acting Head Assistant Magistrate's decision in this case was entered in extenso.

A short abstract only should have been given.-

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

/Sent in No /

Read Calendar in Case No 13 of 1857 of the Sessions Court of Coimbatore.-
/Here enter F.R. No 725 of 1857/

1. The Court of Foujdaree Adalut observe that this case which arrived on the 13th March might have been at once committed, and they direct that the Principal Sudr Ameen be called upon to explain the reason of the 5 days delay in committing the case to the Sessions Court.-

2. The Court also direct that in all cases where the delay in committal exceeds 2 days, and the explanation required by Circular Order No 213 is not entered by the Principal Sudr Ameen, the Sessions Judge will direct the Principal Sudr Ameen to remedy the omission.-

Ordered that Extract from these

18th April 1857.

Registracy for the 4th quarter of 1856, Gillah Bellary.

/Here enter F.R. No 768 of 1857./

Calendar No 1 No 48. 1. This case should have been disposed of under the provisions of Act. No XXI of 1841.

No 57 2. The defendant committed no criminal offence whatever, according to the terms of the charge, and has been illegally sentenced to imprisonment.-

No 58 3. Section XXXV Regulation IX of 1816 should have been quoted as the authority for the sentence.-

Calendar II No 109. 4 As the sword was not obtained under false pretences, the case was not one of fraud as observed by the Session Judge.-

5. These returns should be submitted at an earlier date.-

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

/Sent in No /

Read Petty Calendars of the Magistracy for the 4th Quarter of 1856. Gillah Coimbatore.-

/Here enter F.R. No 733 of 1857./

Calendar II No 112. It does not appear why the Acting Head Assistant Magistrate's decision in this case was not referred in extenso

18th April 1857.

A short abstract only should have been given.-

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

/Sent in No /

Read Calendar in Case No 13 of 1857 of the Session Court of Coimbatore.-

/Here enter F.R. No 725 of 1857./

1. The Court of Foujdaree Adalut observe that this case which arrived on the 13th March might have been at once committed and they direct that the Principal Sudr Ameen be called upon to explain the reason of the 5 days delay in committing the case to the Session Court.-

2. The Court also direct that in all cases when the delay in committal exceeds 2 days and the explanation required by Circular Order No 213 is not entered by the Principal Sudr Ameen the Session Judge will direct the Principal Sudr Ameen to remedy the omission.-

Ordered that Extract from these

thers Proceedings be sent to the Sessions Judge of Coimbatore by Precept returnable within XV days from and after its receipt.

/Sent following precept No /s

Rec 18th

Read letter dated 30th March 1857 from the Sessions Judge of Masulipatam submitting for the final judgment of the Foujdaree Adalut the record of trial in case No 2 of 1857 of the Calendar of the Sessions Court.

/Here enter S.R. No 720 of 1857/

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 Congalah Mootteyalow,

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.-

1. The 2 Prisoners in this case were charged with the having murdered one Ramoodoo and were acquitted by the Assessors.-

2. The Sessions Judge concurring with the

verdict as regards the 2d Prisoner directed his release, but being of opinion that the 1st Prisoner is guilty of the crime charged has recommended that he be sentenced to imprisonment for life, as in his opinion the extreme penalty of the Law would be of no avail checking the crime of which the Prisoner stood charged, it not being as such as among his uncivilized compeers.-

3. The Court of Foujdaree Adalut concurring in the conviction of 1st Prisoner have sentenced him to transportation for life.-

4. The Court of Foujdaree Adalut are of opinion that the Chemical analysis could not be received in evidence, as the record contains nothing to show that it was translated to the 1st Prisoner or regularly put in, but even if this had been done it is clear that this evidence was only obtained at Madras on February 25th or 3 weeks after the trial was closed, and the 1st Prisoners defence taken on February 4th 1857, so that he could have had no opportunity of giving his defence to the evidence contained in Doctor Mayers report.

5. They are also of opinion that the Sessions Judge should have called for the 2d Witness as well as the Lad Pilly Surveyee, and

and for additional proof that the deceased was consi-
-dered in the Village as a sorcerer, also as to the
deaths of the Prisoners relations lately as to the de
=ceased's leaving the Village for some days and his
return to it / The examination of the 1st Witness is
too meagre, it did not elicit much important
information contained in her Police deposition.
6. The translation of the Police Proceedings
have been most carelessly prepared the names of the
Prisoners and Witnesses are spelt in different ways
and 1st Prisoner 1st Witness / is not entered above
the names so that it is difficult to tell whether
the party is a Witness, a Prisoner, or neither.-
7. The examination of the 1st Witness has been
commenced in an unusual and objectionable
manner, the information obtained in the six
first answers should have been entered in the
heading of the deposition.-
8. The Police appear to have conducted the
investigation with care but it should be pointed out
to them that the 1st and 2d Prisoner's depositions should
have been recorded the same day that they confessed
and that search should have been made for the
bullet, as if it had been found, and fitted the
Matchlock N/ and resembled other balletis in
the 1st Prisoners possession, it would have afforded
additional proof against the Prisoner.-

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

/ Sent in ex

x

F.H.C.

Monday 20th April 1857 } At a Court of the Foujdaree Adalut.

Present.

G.S. Cooper Esquire
F. Anderson Esquire Acting } Puisne Judges.
J.W. Goodwyn Esquire Acting

Read letter dated 20th March 1857 from the Acting Sessions Judge of Tellicherry.

(Here enter F.H.C. No 665 of 1857.)

/ With the above letter the Acting Sessions Judge forwards the Criminal Returns for the year 1856.

2 The Court of Foujdaree Adalut resolve to call upon the Acting Sessions Judge to state his opinion whether the Dynaad Groundiff, who has not a heavy Civil file, might not with much benefit to prosecutors and Witnesses concerned in Magisterial cases, be entrusted with Criminal Jurisdiction. Such parties would thus be spared a long journey to the low country for the investigation of petty complaints. The Acting Sessions Judge will likewise obtain the opinion of the Acting Magistrate on the subject.

Ordered

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

Sent in Re.

Read Miscellaneous Petition presented on the 12th March 1857, by C.P. Canteravan Charry, Pleader on behalf of Ramiah of Zillah Bellary.

(Here enter F.M.P. No. 58 of 1857)

Mr. T.W. Goodwyn

This is an appeal from the sentence passed in Sessions Case No. 116 of 1856.

2 The Court of Foujdaree Adawlut observe that the Prisoner in the case in question was directed to be released in their proceedings of the 24th March last.

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

Read Miscellaneous Petition presented on the 16th March 1857, by Lutchmee Ammal, Zillah Combaconum

(Here enter F.M.P. No. 57 of 1857)

Mr. T.W. Goodwyn

1. Petitioner, wife of the Prisoner in Sessions Case No. 37 of 1856 on the Criminal file of the Court of Combaconum, appeals from the sentence of 5 years' imprisonment with hard labor in irons passed upon him and prays that he may be released.

2 The Court of Foujdaree Adawlut decline to interfere with the sentence appealed against.

3.- Petition rejected.

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

Read Miscellaneous Petition presented on the 23d February 1857, by Ananiah of Zillah Guntoor.

(Here enter F.M.P. No. 42 of 1857)

Mr. T.W. Goodwyn.

1. This is an appeal from a sentence passed on the 10th of May 1856 in Sessions Case No. XXXI of 1856.

2. The Court of Foujdaree Adawlut after perusing the sentence decline to interfere with the Acting Sessions Judge's decision. Petition rejected.

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

Read Miscellaneous Petition presented on the 23d February 1857, by Ananiah of Zillah Guntoor.

(Here enter F.M.P. No. 43 of 1857)

This

20th April 1857.

Br Ch Hooper

1 This is an appeal from the sentence passed in Sessions Case No. XVIII of 1856.

2 The Court of Foujdaree Adalut see no reason to doubt the correctness of the sentence passed against the Prisoners in the Case in question, and therefore reject this Petition.

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

Read return dated 28th March from the Principal Sudr Ameen of Cuddalore in Charge of the Sessions Court to the precept of the Court of Foujdaree Adalut under date the 12th March 1857, requiring explanation of certain circumstances set forth in the petition of one Ramadoss Naick.

(Here enter F.Dc. No. 671 of 1857)

Read again Miscellaneous Petition received on the 23d February from S. Ramadoss Naick, Zillah Cuddalore.

(Here enter F. In. P. No. 39 of 1857)

Br Mess. Hooper and Goodwyn.

The Court of Foujdaree Adalut resolve with reference to Para 3 of the Circular Order of the Court of Foujdaree Adalut No. 190 B to direct that if the Sessions Judge on consideration of the decision

20th April 1857.

decision of the Magistrate consider the appeal reception of this to be in his opinion requisite for the ends of justice, he do admit the same and dispose of the case on its merits.

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

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

(Sent in No.)

Read letter dated 2d April 1857, from the Acting Sub Criminal Judge of Bellary.

(Here enter F.Dc. No. 719 of 1857)

1. The Court of Foujdaree Adalut observe that with reference to their Circular Proceedings of the 11th July 1849 and the Extract from the Minutes of Consultation of the 16th August circulated by this Court on the 20th October 1849, the Zillah Surgeon should have been examined and his opinion taken as to the justness of the inferences on which the Witnesses based their conviction of the Prisoner's insanity, and a certificate should also be obtained from him

him respecting the state of the Prisoner's mind.

2

Before, therefore, reporting this Case for the orders of Government under Act IX of 1849, the Court of Foujdaree Adawlut resolve to direct the Acting Subordinate Judge to adopt this Course, and to submit for their consideration, the deposition and Certificate of the Zillah Surgeon.

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

(Sent following Precept No)

Read return dated the 4th Instant from the Sessions Judge of Bellary to the Precept of the Foujdaree Adawlut under date the 24th Ultimo, acquitting the Prisoner in Case No 116 on the Sessions Calendar for 1857 of the charge of exclusive fraud preferred against him and directing his release.

(Here enter F. Dd. No. 741 of 1857)

Read letter dated 6th Instant from the Sessions Judge of Tinnevelly, reporting the execution of the sentence of Death passed by the Court of Foujdaree Adawlut in Sessions Case No 23 of 1857

(Here enter F. Dd. No. 743 of 1857)

Read Calendar in Case No 9 of 1857 submitted by the Acting Sessions Judge of Calicut under date the 6th Instant.

(Here enter F. Dd. No. 745 of 1857)

Read Calendar in Case No 19 of 1857 submitted by the Sessions Judge of Trichinopoly under date the 8th Instant.

(Here enter F. Dd. No. 746 of 1857)

Read Calendar in Case No 13 of 1857 submitted by the Sessions Judge of Combaconum under date the 8th Instant.

(Here enter F. Dd. No. 758 of 1857)

Read letter dated 9th Instant, from the Sessions Judge of Combaconum, Submitting Returns 8th made by the Subordinate Judge certifying that the sentence of death was executed on the Prisoner, Ramanoojavatty, in Sessions Case No 5 of 1857.

(Here enter F. Dd. No. 759 of 1857)

Read return dated 8th Instant from the Acting Sessions Judge of Tellicherry to the Precept of this Court dated 23d Ultimo directing that a Copy of the sentence in Case No 6 of 1857 on the Calendar of the Sessions

Sessions Court of Trichinopoly be forwarded to the Acting Magistrate who will cause a strict investigation to be held respecting the alleged illness of the Prisoner.

(Here enter Fdo. No. 764 of 1857.)

Read Criminal Report B. submitted by the Sessions Judge of Trichinopoly for the month of March 1857.

(Here enter Fdo. No. 774 of 1857.)

Ex Ball.

Tuesday. 21st April 1857.

Fdo.

At a Court of the Foujdaree Adawlut.

Present:

G. S. Cooper Esquire. }
T. Anderson Esquire Acting. } Puisne Judges.
T. M. Goodwyn Esquire Acting. }

Read letter under date the 31st March 1857 from the Sessions Judge of Chittoor.

(Here enter Fdo. No. 691 of 1857.)

In reply to the reference contained in the concluding portion of Para. 4 of the above letter the Court of Foujdaree Adawlut inform the Sessions Judge that unless he differs with the Law Officer in regard to the Conviction of the Prisoner in those Cases to which the Sessions Judge refers, there is no occasion for him to do more than to submit the usual Calendars for the consideration of the Court.

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

(Sent in Ext.)

Read letter dated 11th April 1857 from the Sessions Judge of Cuddapah submitting

Submitting for the final Judgment of the Foujdaree Dewalut the record of trial in Case No. 82 of 1856, of the Calendar of the Sessions Court.

(Here enter Flio No. 783 of 1857.)

Read also return dated 11th April 1857 from the Sessions Judge of Cuddapah, to the precept of the Foujdaree Dewalut under date the 3d April 1857, directing the record in referred Case No. 82 of 1856.

(Here enter Flio No. 775 of 1857.)

Wm. C. J. Hooper

The Court of Foujdaree Dewalut, on deliberate consideration of all the Circumstances of the Case in evidence before them, being of opinion that the proof against the Prisoners

1st Gobalapilla Vencatagaro.

and

2d Gounrala Ramudoo.

is sufficient to convict them of the crime of Culpable Homicide, for which the penalty of Deyut is awardable under the Mahomedan Law as declared in Futwas of their Law officers, do convict them thereof and under the provisions of Clause Second, Section XV, Regulation VII of 1802, sentence them to be imprisoned and kept to hard labor

labor in irons on the public roads, or other public works for and during the period of (2) Two years.

The reasons assigned by the Sessions Judge in his return under date the 11th April 1857 for the extraordinary delay that has taken place in sending up the record of this trial, nearly 5 months from the date on which it was set down for reference, are most unsatisfactory and altogether inadmissible.

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

(Sent in No)

Re 1 Do.

S. Chamier

Read Calendar in Case No. 14 of 1857 submitted by the Sessions Judge of Nellore under date the 16th Instant.

(Here enter Flio. No. 800 of 1857.)

Read Calendar in Case No. 15 of 1857 submitted by the Sessions Judge of Nellore under date the 18th Instant.

(Here enter Flio No. 808 of 1857.)

Read Criminal Report B

Submitted

submitted by the Sessions Judge of Cuddalore
for the month of March 1857.

(Here enter F.H.O. Nº 813 of 1857)

Read Calendar in Case
Nº 14 of 1857 submitted by the Acting Sessions
Judge of Calicut under date the 14th Instant.

(Here enter F.H.O. Nº 816 of 1857)

Read return dated the 14th
Instant, from the Acting Sessions Judge of
Calicut to the Precept of the Foujdaree
Adalut under date the 8th Instt, Conveying
their observation on the Calendar of Case
Nº 11 of 1857.

(Here enter F.H.O. Nº 817 of 1857)

Read Calendar in Case
Nº 12 of 1857 submitted by the Sessions
Judge of Bellary under date the 14th Instant.

(Here enter F.H.O. Nº 818 of 1857)

Thursday F. H.
23d April 1857. At a Court of the Foujdaree Adalut.

Present.

G. S. Hooper Esquire
F. Anderson Esquire Asst } Puisne Judges.
J. W. Goodwyn Esquire Asst

Read letter under date the 31st
March 1857 from the Acting Agent to the
Governor of Fort Saint George in Ganjam, sub-
-mitting for the final Judgment of the
Foujdaree Adalut a report of the trial
of Criminal Case Nº 29 of 1857 on his file.

(Here enter F. H. Nº 754 of 1857.)

In this case the Prisoner.

Jonko Dolobhero

was tried for Murder, but acquitted by the
Acting Agent on the ground that the evidence
appeared unworthy of belief.

2. The Court of Foujdaree Adalut
concur in the acquittal of the Prisoner.

Ordered that Extract from
these Proceedings be sent to the Acting Agent
to the Governor of Saint George in Ganjam for
his

his information.

/ Sentence No /

Read Calendar of case No 10 of 1857 submitted by the Sessions Judge of Coimbatore.

/ Here enter F. H. No 760 of 1857 /

The Charge in this case has been very defectively drawn up, and should have been corrected by the Sessions Judge.

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

/ Sentence No /

Read Calendar of Case No 15 of 1857 submitted by the Sessions Judge of Bellary.

/ Here enter F. H. No 766 of 1857 /

The trial of this case has been delayed owing to the Sessions Judge's absence, on leave, but this explanation should, with reference to Circular Order No 213 have been entered in the Calendar.

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

/ Sentence No /

Read

Read again Calendar of Case No 8 of 1857 of the Sessions Court of Rajahmundry.

/ Here enter F. H. No 536 of 1857 /

Read also return dated 28th Ultimo from the Acting Sessions Judge of Rajahmundry to the Precept of the Foujdaree Adalut under date the 23d March 1857, directing transmission of English translation of the return 2 depositions given by the Prisoner in Case No 8 of 1857.

/ Here enter F. H. No 682 of 1857 /

1. The Court of Foujdaree Adalut observe that if the Prisoner had deposed before the Sessions Judge as she did before the Sub Court her evidence would not have affected case No 4, and her declaration before the latter Court cannot therefore be said to be material to the issue of that case.

2. The Court being of opinion therefore that the present conviction is illegal, resolve to quash the same, and to direct the release of the Prisoner.

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

precept

precept returnable within III days from and after its precept.

/Sentence N°/

No return having been received from the Sessions Judge of Cuddalore to the Precept of the Sowdaree Adalut dated the 28th March 1857, calling again for the record of referred Sessions Case N° 83 of 1856.

Ordered that the Sessions Judge of Cuddalore be required to submit without further delay the translations of the record in Case N° 83 of 1856, and explain the cause of the delay by precept returnable within XXIV hours from and after its receipt.

/Sentence N°/

Read Criminal Report B for the Month of March 1857 Gillah Chingleput.

/Here enter J.R. N° 780 of 1857./

N°16 by Print Sheet 1. amen

The act charged does not appear to have been as much a neglect of duty as a positive disobedience of orders. In any case however the offence was not one for which the person was liable to be criminally tried. He should have been punished by the officer in

charge of the Jail.

10 by the Head Sheristadar 2 Magistrate.

The term larceny is not used in the Regulations. The heading should have been theft.

Ordered that Extract from these Proceedings be sent to the Principal Sudder Ameen of Chingleput for his information.

/Sentence N°/

Read Miscellaneous Petition presented on the 23d February 1857 by A. M. Ritchie Esqr and Alexander M. Ritchie Esqr Pleaders on behalf of Aberamy Pillah Madura.

/Here enter J.R. N° 40 of 1857./

Mr J.W. Powrys 1. Petitioner the wife of Arumachellum Pillay prisoner in Calendar Case N° 10 of 1856 on the file of the Sessions Court of Madura sentenced on conviction of Gang robbery to 14 years imprisonment with hard labor in irons, appeals from the above sentence and prays for his release.

2. As the Judges to whom the record of the above case was submitted did not consider it requisite to issue any

Orders

2.

orders on Petitioners' case, it is clear that they did not consider that interference with that portion of the sentence was called for.-

3 The Judges who went into the record having left the Court, the Court of Joinderee Adalut as at present constituted decline to interfere.-

4. Petition rejected.-

Ordered that Extract from these Proceedings be granted to Petitioners' Pleaders on their application.-

Read Miscellaneous Petition presented on the 17th February 1857 by A. R. Ritchie Esqr and Misc. R. Ritchie Esqr and V. Sadagopah Chetty Pleaders on behalf of Dree - Caryen Gillah Combaconum.-

Hereunder F. C. No 34 of 1857.

Mr J. W. Goodwyn / Petitioners pray the Court will reconsider their orders passed on the 18th November 1856 dismissing his Petition No 207 of 1856 and confirming the orders of the Sessions Judge of Combaconum.-

2. The Court of Joinderee Adalut decline to reconsider the orders already passed

passed in this case and reject this Petition.-

Ordered that Extract from these Proceedings be granted to Petitioners Pleaders on their application.-

Rd 18.Dr.

Read Miscellaneous Petition presented on the 17th December 1856 by J. Miller Esqre Pleader on behalf of Ramoo Brachee Vencatrow of Gillah Masulipatam.

Hereunder F. C. No 237 of 1857.

Mr J. Wedderburn. 1. Petitioner 1st Prisoner in case No 66 of 1856 on the file of the Sessions Court of Masulipatam, prays the Court to permit the sentence passed upon him by the Sessions Judge.-

2. This Petition was first presented on December 17th when that portion of it which requested suspension of the sentence was rejected on consideration of what the Petitioners Pleader now urges against the correctness of the Sessions Judges sentence the Court of Joinderee resolve to direct the Sessions Judge to send up translation of the case with the least practicable delay.-

Ordered that Extract from these

25 Ap

orders on Petitioners' case, it is clear that they did not consider that interference with that portion of the sentence was called for.

3

The Judges who went into the record having left the Court, the Court of Fouydaree Adalut as at present constituted declines to interfere.

4.

Petition rejected.

Ordered that Extract from these Proceedings be granted to Petitioners' Pleaders on their application.

Read Miscellaneous Petition presented on the 17th February 1857 by A. R. Ritchie Esqr and Alex. R. Ritchie Esqr and V. Sadagopah Chetty Pleaders on behalf of Dree - Caryeu Gillah Combaconum.

Mr J. W. Goodwyn /

Forwarder F. H. N° 34 of 1857 /

Petitioner prays the Court will reconsider their orders passed on the 18th November 1856 dismissing his Petition N° 207 / 1856 and confirming the orders of the Sessions Judge of Combaconum.

2.

The Court of Fouydaree Adalut declines to reconsider the orders already passed

passed in this case and reject this Petition.-

Ordered that Extract from these Proceedings be granted to Petitioners Pleaders on their application.-

R. B. W.

Read Miscellaneous Petition presented on the 17th December 1856 by J. Muller Esquire Pleader on behalf of Ramoo Bpachee Venkatrow of Gillah Masulipatam.

Were enter F. H. N° 237 of 1857.

Mr J. Woodroffe / 1. Petitioner 1st Prisoner in Case N° 66 of 1856 on the file of the Sessions Court of Masulipatam, prays the Court to permit the sentence passed upon him by the Sessions Judge.-

2. This Petition was first presented on December 17th when that portion of it which requested suspension of the sentence was rejected on consideration of what the Petitioners Pleader now urges against the correctness of the Sessions Judges sentence the Court of Fouydaree resolve to direct the Sessions Judge to send up translation of the case with the least practicable delay.-

Ordered that Extract from these

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

/Sent following precept to/

Read Miscellaneous Petition presented on the 12th March by J. B. Norton Esqr pleader on behalf of the Reverend Barthleyn Gillah Trichinopoly.

/Here enter F. H. No 59 of 1857./

M. J. Wordsworth. 1 Petitioner appeals from the orders of the Sessions Judge under date 12th December 1856, reversing the orders passed by himself on the 20th November of the same year, which latter order petitioner prays may be confirmed.

2. The Sessions Judge's orders of the 20th November and 12th December 1856 are contradictory, and the Court of Foujdaree Adalut considering that the appeal from the Magistrate's decision has not received due attention from the Sessions Judge, resolve to cancel the above orders (20th November 12th December) and direct him to dispose of the case on its merits.

Ordered that Extract from these

these Proceedings be sent to the Sessions Judge of Trichinopoly for his information.

/Sent id No/

Read Criminal Report B dated 15th April 1857, submitted by the Sessions Judge of Mangalore for the months of April 1857.

/Here enter F. H. No 826 of 1857./

Read Criminal Report A of cases Nos 14 and 21 of 1857, submitted by the Acting Sessions Judge of Mangalore, with copies of the Proceedings thereto annexed.

/Here enter F. H. No 822 of 1857/

Read letter dated 18th April 1857 from the Acting Sessions Judge of Salem, submitting the warrant in Calendar No 1 of 1857 returned by the Acting Subordinate Judge shewing the manner in which the sentence was carried into effect together with the letter required by the Circular order of the Foujdaree Adalut of the 20th September 1830.

/Here enter F. H. No 826 of 1857./

Read Criminal Report dated 31st March 1857 submitted by the Sessions Judge of Combatore for the month of March 1857.

/Here enter F. H. No 828 of 1857/

23d. April 1857.

Read statement of Batta dated 15th April 1857 submitted by the Acting Sessions Judge of Tellicherry paid to Prosecutors and witnesses attending before the Sessions Judge during 2d half year 1856.

(Here enter F.H. No 829 of 1857)

Read Calendar of Case 13 of 1857 submitted by the Acting Sessions Judge of Rajahmundry under date 13th April 1857.

(Here enter F.H. No 830 of 1857)

Read Calendar of Case No 14 of 1857, submitted by the Sessions Judge of Trichinopoly under date the 11th March 1857.

(Here enter F.H. No 527 of 1857)

Read Calendar of Case No 17 of 1857 submitted by the Sessions Judge of Bellary under date the 15th April 1857.

(Here enter F.H. No 819 of 1857)

ws BD

Monday
24th April 1857

F. H.

At a Court of the Foujdaree Adalut.

Present

G. L. Hooper Esqr. _____ Prisne Judge
T. Anderson Esqr. _____ Acting Prisne Judge
T. W. Goodwyn Esqr. _____ Acting Prisne Judge

Read Calendar of Case No 8 of 1857 of the Session Court of Madura.

(Here enter F. H. No 807 of 1857)

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 Theft, and knowingly possessing stolen property, be reduced to (4) four years with hard labor in irons; and they do authorize the Session Judge to issue his warrant accordingly.

1. Pitchatavan.
2. Sowmianansary. Mason.
3. Sowmianansary. Blacksmith.
4. Sinnamm alias Sinniah
5. Sonnacauly
6. Pacavannansary. Blacksmith.
7. Coopparamoottian.

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

(Sent in No

Read letter dated 29th March 1857 from the Agent to the Governor of Fort St. George at Vizagapatam submitting for the final judgment of the Foujdaree Adalut the record in case No 8 of 1857 on the Calendar of the Agents Court

(Here enter F. H. No 763 of 1857)

The

23d. April 1857.

Read statement of Batta dated 15th April 1857 submitted by the Acting Sessions Judge of Tellicherry paid to Prosecutors and witnesses attending before the Sessions Judge during 2d half year 1856.

/Here enter F.U. No 829 of 1857/

Read Calendar of Case 13 of 1857 submitted by the Acting Sessions Judge of Rajahmundry under date 13th April 1857.

/Here enter F.U. No 830 of 1857/

Read Calendar of Case No 14 of 1857, submitted by the Sessions Judge of Trichinopoly under date the 11th March 1857.

/Here enter F.U. No 827 of 1857/

Read Calendar of Case No 17 of 1857 submitted by the Sessions Judge of Bellary under date the 15th April 1857.

/Here enter F.U. No 819 of 1857/

Rec'd

Friday

Monday

24th April 1857.

F. U.

At a Court of the Foujdaree Udalut.

Present

G. L. Cooper Esqre. _____ Puisne Judge

T. Anderson Esqre. _____ Acting Puisne Judge

T. W. Goodwyn Esqre. _____ Acting Puisne Judge.

Read Calendar of Case No 8 of 1857 of the Session Court of Madura.

(Here enter F. U. No 807 of 1857)

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 Theft, and knowingly possessing stolen property, be reduced to (4) four years with hard labor in irons; and they do authorize the Session Judge to issue his warrant accordingly.

1. Pitchaitavan.
2. Sowmianansary s. Muruga.
3. Sowmianansary s. Blacksmith.
4. Semaan alias Semiah
5. Sonacanby
6. Pacavannansary s. Blacksmith.
7. Coopparamoottun.

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

(Sent in No

Read letter dated 29th March 1857 from the Agent to the Governor of Fort St. George at Vizagapatam submitting for the final judgment of the Foujdaree Udalut the record in case No 8 of 1857 on the Calendar of the Agents Court

(Here enter F. U. No 763 of 1857)

The

Mr Anderson
Mr Goodwyn.

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

Lachala Bodiah,

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

The Court of Fouzdaree Adalut observe that the Prisoner's Police deposition dated 27th February 1857 should have been put in and proved at the trial.

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.

Read Criminal Report B. submitted by the Acting Session Judge of Tellicherry for the month of March 1857.

(Here enter F. R. No. 832 of 1857)

Read Criminal Report B. submitted by the Officiating Agent to the Governor of Fort St. George at Rumnad for the month of March 1857.

(Here enter F. R. No. 833 of 1857)

Read

Read Criminal Report B. submitted by the Acting Session Judge of Cuddalore for the month of March 1857.

(Here enter F. R. No. 834 of 1857)

Read Criminal Report B. submitted by the Session Judge of Combaconum for the month of March 1857.

(Here enter F. R. No. 835 of 1857)

Read Criminal Report B. submitted by the Agent to the Governor of Fort St. George at Vizagapatam for the months of March 1857

(Here enter F. R. No. 839 of 1857)

Read Criminal Report B. submitted by the Session Judge of Chicacole for the month of March 1857.

(Here enter F. R. No. 840 of 1857) [illegible]

Rc 180.

Monday J. C.

27th April 1857. At a Court of the Foujdaree Adalut

Present

G. S. Hooper Esquire
W. A. Morehead Esquire } Puisne Judges.
J. W. Goodwyn Esquire 2d

Read letter under date the 8th April 1857 from the Acting Agent to the Governor of Fort Saint George in Ganjam submitting for the final Judgement of the Foujdaree Adalut, a report of the trial of Criminal Case N° 30 of 1857.-

/Here enter F. A. N° 301 of 1857/

1. In this case the Prisoners

1 Roying Dolabehara
2 Bunno Dolabehara
3 Sama Naick
4 Arjuna Naick

tried on a charge of Aiding Marauders, and possessing stolen property knowingly were acquitted by the Acting Agent for the reasons stated in his letter.

The

2. The Court of Foujdaree Udalut concur in the acquittal of the above Prisoners.

Ordered that Extract from these Proceedings be sent to the Acting Agent to the Governor of Fort Saint George in Ganjam for his information.

/sent in Sr/

Read Calendar of Case Nº 35 of 1857 submitted by the Sessions Judge of Tinnevelly.

/Here enter F.H. Nº 727 of 1857/

The Court of Foujdaree Udalut observe that if there was sufficient evidence for committal, the Principal Error Assessor, though he may have been quite correct in sending for the fresh witnesses, should at once have committed the case to the Sessions Court.

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

/sent in Sr/

Read Calendar of Case Nº 15 of 1857 submitted by the Sessions Judge of Guntoor.

/Here enter F.H. Nº 765 of 1857/

The

1 The Court of Foujdaree Udalut observe that the Sentence should have stated the evidence by which the criminating facts were proved against each prisoner.

2. The Sentence moreover is not clear as Para 1 would indicate that the prisoners pleaded not guilty but para 4 that they partly confessed to the Sessions Court.

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

/sent in Sr/

Read Calendar of Case Nº 36 of 1857 submitted by the Sessions Judge of Tinnevelly.

/Here enter F.H. Nº 736 of 1857/

The Court of Foujdaree Udalut observe that the intent to steal is not stated in the abstract of the charge and they direct that explanation on this point be submitted for their consideration.

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

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

/sent following precept No /

No return having been received
from the Sessions Judge of Cuddalapah to the
Precept of the Foujdaree Adalut dated the 23d
December 1856, calling for explanation of delay
in commencing the trial in Sessions Case
No 84 of 1856 although his attention had been
called to the same on the 29th January 1857.

Ordered that the Sessions Judge
of Cuddapah be required to make a return
to the above Precept without further delay
explaining at the same time why the explana-
tion called for was not earlier furnished.-
Precept returnable within 24 hours from and
after its receipt.-

/sent following precept No /

No return having been received
from the Sessions Judge of Cuddapah to the
Precept of the Foujdaree Adalut dated
the 20th February 1857, calling upon him
for further explanation as to the grounds

for

for demanding security in Sessions Case No 85
of 1857.-

Ordered that the Sessions Judge
of Cuddapah be required to make a return
to the above Precept without further delay
explaining at the same time why the explana-
tion called for was not earlier furnished.-
Precept returnable within 24 hours from
and after its receipt.-

/sent following precept No /

No return having been received
from the Sessions Judge of Cuddapah to the
Precept of the Foujdaree Adalut dated the
19th November 1856, calling upon him for
explanation of delay in commencing
the trial in Sessions Case No 84 of 1856,
and in forwarding the Calendar although
his attention had been called to the same
on the 3d January 1857.-

Ordered that the Sessions
Judge of Cuddapah be required to make
a return to the above Precept without
further delay, explaining at the same time

why

why the explanation called for was not earlier furnished.

Precept returnable within 24 hours from and after its receipt.

/Sent in No /

No return having been received from the Sessions Judge of Cuddapah to the Precept of the Fouzdaree Adalut dated the 19th November 1856, calling upon him for explanation of delay in forwarding the Calendar of Sessions Case No 72 of 1856, although his attention had been called to the same on the 3d January 1857.

Ordered that the Sessions Judge of Cuddapah be required to make a return to the above Precept without further delay, explaining at the same time why the explanation called for was not earlier furnished.

Precept returnable within 24 hours from and after its receipt.

/Sent in No /

Read letter dated 15th Instant from the Sessions Judge of Chittoor requesting to be informed

informed, whether it is necessary to submit translations in cases in which he recommends a sentence of transportation for life, in consequence of the Prisoner being convicted of a repetition of the offence described in clause 3, Section IV, Regulation XV of 1803, or whether the Calendar will be sufficient.

/Were enter S.R. No 781 of 1857/

The Court of Fouzdaree Adalut observe that, in such cases translations of the case should be submitted to them, for, although it is not so provided for in clause 3, Section IV, Regulation XII of 1803, yet clause 1st, Section II of that Regulation, requires that the Sessions Courts shall transmit to the Court of Fouzdaree Adalut, all trials in which the Prisoner or Prisoners may be convicted and liable to a sentence of perpetual imprisonment or death.

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

/Sent in No /

4 Vols.

C J Elaine

Wednesday
29th April 1857

At a Court of the Foujdaree Adalut.

Present.

G. L. Hosier Esquire —— Prisne Judge
W. A. Morehead Esquire — ditto
J. W. Goodwyn Esquire Acting ditto.

Read Extract from the Minutes of Consultation dated 12th March 1857 No 304 for report communicating certain correspondence from the Government of India — — on the new forms of annual criminal returns suggested for adoption by the Sudder Foujdaree Adalut at Bombay.

(Here Enter F. C. No 526 of 1857)

1. The Court of Foujdaree Adalut submit the following observations upon a consideration of the above returns.

2. The Court are of opinion that in Tables Nos 1-2-3-4-5-6-10 and 13 the entry of the exact nature of the sentences originally passed without reference to subsequent results on appeal or otherwise appears desirable, as if this is not done it will not be possible to ascertain the

manner

manner in which each authority disposed of the prisoners brought before them. The Judges are of opinion that it would be preferable to have the result on appeals &c. shewn separately and distinctly in the form now submitted for the approval of the Government.

3. To Tables Nos. 5. 6 and 7 the Court of Foujdaree Adalut would suggest the appending a note shewing the manner in which cases, the proceedings of which had been called for, were finally disposed of.

4. The number of persons "Discharged on security" may be entered in the Tables under head "Otherwise disposed of."

5. The new form No. 13 annexed to the resolution of the Bombay Government dated 6th August 1856, may be substituted for the form No. 13 hitherto used.

6. Table No. 5 A has reference to Assistant Sessions Judges, a class of Officers not in existence in the Madras Presidency.

7. Tables Nos. 8 and 9 are inapplicable

applicable to the Madras Judicial System, there being no sentences passed by the referring or Committing Officers in those cases in which trials are referred or Commitments made from inferior to higher Courts.

8. The Court of Foujdaree Adalut observe that as all the necessary information as regards the administration of Criminal Justice will be contained in the new Forms now suggested for adoption and referred to in the Extract Minutes of Consultation aforesaid, they beg to submit for the consideration of Government that all the Tables and Statements on the Criminal side noted in the margin may be conveniently dispensed with, retaining only if necessary, all the Comparative abstract Statements shewing Petty offences and Crimes and Misdemeanors for each Zillah, and the state of Crimes and Causes which have influenced it. The Tables &c. now recommended by them to be dispensed with,

× Tables A to V Comparative Abstract Statements.

with the Court of Zinjdaree Adalut observe have already been discontinued in the other Presidencies and there seems no apparent reason why these additional statements should be required from this Court alone.

Ordered that Extract from these proceedings be forwarded to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council. —

(Sent in ditto

Read Criminal report B for the month of March 1857, Zillah Guntoor.

(Here Enter F. R. No. 792 of 1857)

20 of 1857. 1 The only allegation in the charge which was material, has been omitted, Viz^t, the prisoners intent in inflicting the wound. The same remark applies to case No. 22. —

24 of " 2 Irons should not have been adjudged in the sentence in this case.

Ordered that Extract from these

proceedings be sent to the Acting Session Judge of Guntoor for his information. —

Sent in ditto

Read Miscellaneous petition presented on the 16th March 1857 through the Session Judge of Tinnevelly by Rasa Reddy, of that Zillah.

(Here Enter F. M. P. No. 61 of 1857)

Mr. Hooper. 1 This is an appeal from the sentence passed in Session Case No. 29 of 1857. —

2 The Court of Zinjdaree Adalut see no reason to disturb the sentence in question, and accordingly reject this petition.

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

(Sent in ditto

Read Criminal Report B for the month of March 1857, Zillah Madura.

(Here Enter F. R. No. 793 of 1857)

No. III by Additional Joint Magistrate. 1 It does not appear whether the fact of the Cattle having been stolen was established or otherwise. This is essential where

the

29th April 1857.

the principal is not convicted Vide clause 5th Section IV Regulation VII of 1822.

Nos IV, VII and VIII

2. The same remark applies to these cases.

3. This report has been very imperfectly prepared. No mention is made of the dates on which the sentences were passed; nor of those on which the reports A were forwarded to the Session Judge; nor whether they were remarked upon or not; nor whether the delay in the Labour was satisfactorily accounted for or otherwise.

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 2 of 1857, submitted by the Session Judge of Cuddapah.

(Here enter F. H. No 789 of 1857)

The Session Judge is directed to explain the cause of the delay from the 8th to 17th January

in commencing the trial of the case, and to take care that in future the explanation is entered in the Calendar as required by Circular Order No 213.

2. The Session Judge is also directed to explain the delay of 2 months in submitting this Calendar.

Ordered that Extract from these proceedings be sent to the Session Judge of Cuddapah by precept returnable within III days from and after its receipt.

(Sent following precept No

Read Calendars of Cases Nos 99 and 101 of 1856, submitted by the Session Judge of Cuddapah.

(Here enter F. H. Nos 786 and 788 of 1857)

The Court of Foujdaree Adalut direct that the Acting Subordinate Judge be required to explain why these cases which arrived on the 26th November were not committed till the 27th December, and to be careful in future to enter the explanation of delays as required by the Circular Order No 213.

The

29th April 1857.

2. The Session Judge will explain why the trial of these cases was not commenced till the 8th and 12th January, and will in future take care that the delays in the Session and Subordinate Courts are entered in the Calendar in accordance with the Circular Order above quoted.

3. The Session Judge will also explain why the Calendars were only despatched on the 11th April, or 3 months after the date of the sentence.

Ordered that Extract from these proceedings be sent to the Session Judge of Cuddapah by precept returnable within III days from and after its receipt. —

(Sent following precept No.

Read Miscellaneous petition presented on the 12th March 1857 by Vidia = linga putten Zillah Conlaconnum. —

(Here enter F. M. P. No. 60 of 1857)

Wm Goodwyn. 1

Petitioner prays the Court of Foujdaree Adalut will reconsider the orders passed by them on Miscellaneous petition

29th April 1857.

petition No. 200 of 1856 on the 8th December last. —

2. The Court of Foujdaree Adalut decline to reconsider the orders already passed in this case. —

3. Petition rejected. —

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

Read Calendar of Case No. 7 of 1857 on the file of the Session Court of Cuddalore.

(Here enter F. R. No. 862 of 1857.)

Read Calendar of Case No. 9 of 1857 on the file of the Session Court of Tellicherry.

(Here enter F. R. No. 848 of 1857)

Read Calendar of Case No. 9 of 1857 on the file of the Session Court of Madura.

(Here enter F. R. No. 847 of 1857)

Read Criminal Report B submitted by the Session Judge of Honore dated the 16th April 1857 for the month of March 1857.

(Here enter F. R. No. 850 of 1857)

Read Criminal Report A submitted by the Acting Session Judge of Guntoor for the month of April 1857.

(Here enter F. R. No. 854 of 1857)

Read

29th April 1857.

Read Criminal Report B submitted by the Acting Session Judge of Cuddalore for the month of March 1857.

(Here enter F. R. No. 863 of 1857)

Read Criminal Report B submitted by the Acting Agent to the Governor of Fort St. George at Ganjam for the month of March 1857.

(Here enter F. R. No. 873 of 1857)

E 7/8

C. R. Clarke

Thursday 30th April 1857 } At a Court of the Zinjdaree Adalut.

F. R.

Present

G. A. Hoosen Esquire — Puisne Judge
W. A. Morshead Esquire — ditto
T. W. Goodwyn Esquire Acting ditto.

Read letter dated the 18th April 1857 from the Acting Session Judge of Calicut, forwarding English translation of the record of Case No. 13 of 1857 on the Calendar of the Session Court for the final Judgment of the Court of Zinjdaree Adalut.

(Here enter F. R. No. 876 of 1857.)

Mr. Hoosen. The Court of Zinjdaree 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 Tallapil Eny Coutty and
2d Coutty palakal poorakel
Vellom Coonhoony.

is sufficient to convict them of the crime charged, do convict them thereof and sentence them

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.)

Read letter dated the 6th Instant from the Acting Session Judge of Rajahmundry.

(Here Enter F. R. No. 751 of 1857.)

The Acting Session Judge brings to the notice of the Long dared Dacoit that since sentence has been passed on the Prisoners in Case No. 22 of 1856 on the Calendar of the Session Court, he has been given to understand that they are accumulating considerable wealth which there can be no doubt they had amassed from the proceeds of the robbery on which they were convicted, and as he was not aware of this fact when passing sentence, he solicits sanction to search and sell under Act XVI of 1850 sufficient property belonging to the Prisoners at the time of conviction as will reimburse the Prosecutor for the loss

loss sustained by him at their hands.

2. The Court of Long dared Dacoit observe that Act XVI of 1850 empowers a Judge to add the punishment of fine to the punishment he was already authorized to inflict, but they are of opinion that after a sentence without fine has been passed, it is not competent to the Judge to increase its severity on a subsequent date, and they accordingly decline to sanction the enhanced punishment proposed by the Acting Session Judge.

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

(Sent in No.)

Read Calendar of Case No. 13 of 1857, submitted by the Acting Session Judge of Guntoor.—

(Here Enter F. R. No. 681 of 1857)

The 1st 2d 3d and 4th Prisoners were charged with Housebreaking and Theft and the 1st 4th 5th 6th 7th 8th and 9th were also charged with receiving portions of the stolen property.

The Acting Session Judge

2.

in

in concurrence with the Finding of the Law Officer considered "both Counts proved against the 1st 2d 3d and 4th prisoners" and sentenced them to 7 years imprisonment with hard labor in irons, and convicting the 5th and 7th on the second count, sentenced them to 2 years imprisonment with labor suitable to their sese, and released the 6th 8th and 9th prisoners.

3. The Acting Session Judge recommends that the sentence of the 1st 2d 3d and 4th prisoners be mitigated to 4 years "as there was nothing aggravating or peculiar in the case to render necessary the full measure of punishment."

4. The Court of Singdarree Adalut do not perceive any reason for mitigating the sentence in this case, as the entry was effected by boring a hole in a terraced roof which shows the 1st 4 prisoners to be practised burglars and the amount of property stolen being large.

5. The sentence in this case is confused and the facts proved against each prisoner is not clearly stated.—

The

6 The Acting Session Judge convicts the 1st 2d 3d and 4th Prisoners of both counts Viz^t House breaking and receiving stolen property, but the 2d and 3d were not charged with receiving, so that it would appear that they have been convicted of an offence with which they are not charged.

7- Again the 1st 2d 3d and 4th prisoners are stated to have been proved to have given up stolen property, but what property was given up by the 2d and 3d is not stated. The 2d prisoners wife the 6th prisoner gave up property, but it does not appear that any of the 3 prisoners gave up any.—

8. "The evidence shews" is a very doubtful sort of expression. The Acting Session Judge should have stated whether such and such facts were proved, and it was especially requisite that it should have been stated whether the alleged Police Confessions had been put in and proved and whether the Acting Session Judge considered they were entitled to full credit.

9. The Court of Singdarree

Adalut

Adalut resolve therefore to return the Calendar to the Acting Session Judge with instructions to prepare and submit a fresh sentence with reference to the foregoing observations.—

Ordered that the record from these proceedings be sent to the Acting Session Judge of Guntoor by precept returnable within X days from and after its receipt.

(Sent following precept No

No final return having been received from the Session Judge of Cuddapah to the precept of the Lingdance Adalut dated the 6th Instant respecting the delay in forwarding the Calendars and monthly reports.

Ordered that the Sessions Judge of Cuddapah be required to make a final return to the above precept without further delay.—

(Sent in No)

No final return having been received from the Sessions Judge of Chittoor to the precept of the Lingdance Adalut dated the 19th March last, desiring to know what notice has been taken of the delay brought to the notice of the Magistrate by the Sessions

Judge

Judge in connection with cases Nos 19. 27. 35 and 41.—

Ordered that the Sessions Judge of Chittoor be required to make a final return to the above precept without further delay.—

(Sent in No)

No final return having been received from the Acting Sessions Judge of Salem to the precept of the Lingdance Adalut dated the 13th February last directing him to report the result of the enquiry by the Magistracy into certain alleged irregularities of the Police in Calendar No 73 of 1856.—

Ordered that the Acting Sessions Judge of Salem be required to make a final return to the above precept without further delay.—

(Sent in No)

E. B. C.

C. J. Chamier

F. Ille.

Friday
1st May 1857. } At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esquire
W. A. Morehead Esquire } Puisne judges.
T. W. Goodwyn Esquire Acting Puisne judge

Read letter dated 14th March 1857, from the Acting Session judge of Calicut, forwarding English translation of the record of Case No. 6 of 1857 and the Calendar of the Session Court, for the final judgment of the Foujdaree Udalut.

/Here enter F. Ille. No. 634 of 1857./

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

1st Vellat Govinn Menon
2d Vellat Valia veetil Cooty Tayan Nair
and
3d Nalam Moothatil Tayan Nair

is sufficient to convict them of the crimes charged,

charged, do convict them thereof, and sentence the prisoner,

1st Vellat Govina Menon

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, and the prisoners,

2d Vellat Valiaveetil Cooty Tayan Nair
and
3d Nalam Moothatil Tayan Nair,

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.-

1. The 1st Prisoner was charged with having murdered one Vakadah Itty by striking her with a rattan and kicking her, and the 2d and 3d Prisoners with having aided and abetted and assisted the 1st Prisoner in the commission of the offence.

2. The Law Officer convicted the 1st Prisoner on strong presumptive proof of

of the crime of "Culpable Homicide," and the 2d and 3d Prisoners of aiding and abetting the 1st in the commission of the said offence.-

3. The Acting Sessions Judge convicts the 1st Prisoner on strong presumptive proof of having murdered the deceased and caused her to be secretly buried, and the 2d and 3d Prisoners of having aided and assisted him in the latter act, and he recommends that the 1st Prisoner should be transported for life, and that the 2d and 3d Prisoners should be sentenced to 14 years' imprisonment with hard labor in irons.-

4. The Court of Foujdarry Udalut concurring in the conviction of the Prisoners of the crimes charged, have sentenced the 1st Prisoner to transportation for life; but considering that the 2d and 3d Prisoners evidently acted under the orders of the 1st Prisoner, the Court have sentenced them to 8 years' imprisonment with

with hard labor in irons, which, in their opinion, is sufficient to meet the ends of justice.-

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

(Sent in No.)

Read again Calendar of Case No. 21 of 1856, submitted by the Sessions Judge of Trichinopoly.-

/Here enter F. C. No. 1641 of 1856./

Read again Calendar of Case No. 27 of 1856, of the Sessions Court of Trichinopoly.-

/Here enter F. C. No. 1767 of 1856./

Read also return dated 10th February 1857, from the Sessions Judge of Trichinopoly, to the Precept of the Foujdaree Udalut under date the 29th January 1857, directing the transmission of the record in Case No. 27 of 1856 on the file of the Sessions Court.-

/Here enter F. C. No. 311 of 1857./

Read also return dated the 27th

27th February 1857, from the Sessions Judge of Trichinopoly, to the precept of the Foujdaree Udalut under date the 24th February 1857, directing the transmission of the whole of the Original record in Case No. 21 of 1856 on the file of the Sessions Court.-

/Here enter F. C. No. 449 of 1857./

Read also return dated 31st March 1857, from the Sessions Judge of Trichinopoly, to the precept of the Foujdaree Udalut under date the 24th March 1857, calling for certain explanation relative to Calendar of Case No. 27 of 1856 and direct-ing the release of the Prisoners.-

/Here enter F. C. No. 684 of 1857./

A Petition of Appeal having been presented on behalf of the prisoners in case XXVII, from the sentence of the Sessions Judge, the Court of Foujdaree Udalut, on a consideration of the whole record of the trial, were of opinion that the evidence adduced was not sufficient to

to justify the conviction of the prisoners; the Court accordingly directed their immediate release and called upon the Sessions Judge for such explanation as he might have to offer as to the extreme carelessness with which the trial had been conducted.-

2. The foregoing return contains the required explanation which the Court of Foujdaree Adalut consider most unsatisfactory. The evidence, if true, would doubtless be sufficient for conviction, but the Sessions Judge has altogether failed to explain how he could receive such very suspicious evidence as true without taking the trouble to test its truth by cross examination, as well as by comparing it with the different statements given by the Prosecutor and witnesses and with the rest of the record of the case.-

3. As this is the second instance in which the Court of Foujdaree Adalut have found it necessary to remark on the excessive negligence displayed

1st May 1857.-

displayed by Mr. Harris in the disposal of a Criminal trial, they resolve under Section XXIV Regulation VIII of 1802 to bring the Sessions Judge's proceedings to the notice of Government, for such record of its opinion as will in future secure from Mr. Harris that strict attention and care in the conduct of Criminal trials which it is the imperative duty of every Sessions Judge to afford.-

Calendar No. 21 of 1856.-
Do. ____ No. 27 of Do.-
F. M. P. ____ No. 175 of Do.-
Translation of the Report of the Village Moonsiff and Tyndal Row made to the Head of Police of Tarriore in Trichinopoly-
Calendar, Case No. 21 of 1856.-
Record in Case No. 21 of 1856.-
Do. _____ No. 27 of Do.-
Extract from the Proceedings of the Foujdaree Adalut dated 24th March 1857.-
Return from the Sessions Judge of Trichinopoly dated 31st March 1857.-

Ordered that Extract from these Proceedings together with Copies of the papers marginally noted, be forwarded to Government.
(Sent in No.)

Ordered also that Copies of these Proceedings be forwarded to the Sessions Judge of Trichinopoly for his information.-
(Sent in No.)

Read letter dated the 9th Ultimo from the Sessions Judge of Chittoor, forwarding

to justify the conviction of the prisoner, the Court accordingly directed their immediate release and called upon the Sessions Judge for such explanation as he might have to offer as to the extreme carelessness with which the trial had been conducted.-

2. The foregoing return contains the required explanation which the Court of Foujdaree Adalut consider most unsatisfactory. The evidence, if true, would doubtless be sufficient for conviction, but the Sessions Judge has altogether failed to explain how he could receive such very suspicious evidence as true without taking the trouble to test its truth by cross examination, as well as by comparing it with the different statements given by the Prosecutor and witnesses and with the rest of the record of the case.-

3. As this is the second instance in which the Court of Foujdaree Adalut have found it necessary to remark on the excessive negligence displayed by Mr. Harris in the disposal of a Criminal trial, they resolve under Section XXIV Regulation VIII of 1802 to bring the Sessions Judge's proceedings to the notice of Government, for such record of its opinion as will in future secure from Mr. Harris that strict attention and care in the conduct of Criminal trials which it is the imperative duty of every Sessions Judge to afford.-

Calendar No. 21 of 1856.-
D.___ No. 27 of D.-
F.M.P.___ No. 175 of D.-
Translation of the Report of the Village Moonsiff and Tyns Row made to the Head of Police of Tarroor in Trichinopoly.-
Calendar, Case No. 21 of 1856.-
Record in Case No. 21 of 1856.-
D.___ No. 27 of D.-
Extract from the Proceedings of the Foujdaree Adalut dated 24th March 1857.-
Return from the Sessions Judge of Trichinopoly dated 31st March 1857.-

Ordered that Extract from these Proceedings together with Copies of the papers marginally noted, be forwarded to Government.-
(Sent in No.)

Ordered also that Copies of these Proceedings be forwarded to the Sessions Judge of Trichinopoly for his information.-
(Sent in No.)

Read letter dated the 9th Ultimo from the Sessions Judge of Chittoor, forwarding

forwarding for the consideration and orders of the Court of Foujdaree Udalut certain correspondence together with an Extract from the Proceedings of the Session Court dated 9th April last, on a communication from the Additional Joint Magistrate, appealing against the decision of the Subordinate Judge, whereby 2 hardened Criminals had been set at liberty.-

/Herewith enter F. Uc. No. 762 of 1857./

The Court of Foujdaree Udalut observe that as the Session Judge was authorized to pass the necessary order on the case, the above reference to this Court was uncalled for, and they accordingly decline expressing any opinion thereon.-

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

(Sent in No.)

Read letter dated 18th April 1857 from the Session Judge of Masulipatam.-

/Herewith enter F. Uc. No. 845 of 1857./ With

1. With the above letter the Session Judge forwards a communication from the Acting Joint Magistrate who had been deputed to make personal enquiries into the truth of the charge of Murder preferred against D. Sastroolu, and requests the Court's instructions as to whether D. Sastroolu can be placed on his trial upon evidence which has been pronounced by the Court of Foujdaree Udalut untrustworthy.-

2. The Court of Foujdaree Udalut inform the Session Judge that as they have considered the evidence upon which the Session Judge convicted the prisoners in Session Case No. 82 of 1856 unworthy of credit, and as no further proof of guilt has been discovered, he would not be justified in placing D. Sastroolu on his trial on the same evidence.-

3. The Court of Foujdaree Udalut further do not consider that any sufficient or legal grounds have been urged for the

forwarding for the consideration and orders of the Court of Foujdaree Udalut certain correspondence together with an Extract from the Proceedings of the Session Court dated 9th April last, on a communication from the Additional Joint Magistrate, appealing against the decision of the Subordinate Judge, whereby 2 hardened Criminals had been set at liberty.-

/Here enter F. Cl. No. 762 of 1857./

The Court of Foujdaree Udalut observe that as the Session Judge was authorized to pass the necessary order on the case, the above reference to this Court was uncalled for, and they accordingly decline expressing any opinion thereon.-

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

(Sent in No.)

Read letter dated 18th April 1857 from the Session Judge of Masulipatam.-

/Here enter F. Cl. No. 845 of 1857./ With

With the above letter the

1. Session Judge forwards a communication from the Acting Joint Magistrate who had been deputed to make personal enquiries into the truth of the charge of Murder preferred against D. Sastrooloo, and requests the Court's instructions as to whether D. Sastrooloo can be placed on his trial upon evidence which has been pronounced by the Court of Foujdaree Udalut untrustworthy.-

2. The Court of Foujdaree Udalut inform the Session Judge that as they have considered the evidence upon which the Session Judge convicted the prisoners in Session Case No. 82 of 1856 unworthy of credit, and as no further proof of guilt has been discovered, he would not be justified in placing D. Sastrooloo on his trial on the same evidence.-

3. The Court of Foujdaree Udalut further do not consider that any sufficient or legal grounds have been urged for the

1st May 1857.-

the suggestion contained in Para 11 of the Acting joint Magistrate's letter, and they accordingly direct that D. Sastroolu be released from custody.-

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

(Sent in No.)

E. Hall.

Saturday
2nd May 1857.

F. W.

At a Court of the Zeyndaree Adalut

Present

G. I. Hooper Esqr.
W. A. Morehead Esqr. } Puisne Judges
J. W. Goodwyn Esqr. Sessions Judge

Read Miscellaneous Petition presented on the 23rd April 1857 by E. Salmon Esqr. Pleader on behalf of Sree Ramachendra Standing Zillah Ganjam.

(Here enter J. M. P. No. 87 of 1857)

Read also Miscellaneous Petition presented on the 23rd April 1857 by E. Salmon Esqr. Pleader on behalf of Vemmu Lobbiah and 62 others Zillah Ganjam.

(Here enter J. M. P. No. 88 of 1857)

The Petitioners pray the Court to Review their orders of the 31st March last confirming the final decision of the Acting Agent at Ganjam in Case No. 4 of 1856.

The Court of Zeyndaree Adalut observe

Mr. Goodwyn 1.

2.

observe that the Sentence on the Prisoners in this Case was suspended, and the translation of the voluminous Record called for on the applica-tion of the Petitioners Vakeel. The Record having been received on February 4th 1857 inspected shortly after, and the Court of Zoujdaree Adalut with the facts of the Case fresh in their memory were prepared to hear all that the Petitioners' Counsel might urge on their behalf, but from that time till the end of March the Petitioner's Vakeel neither addressed the Court orally or by Petition on the subject, and in consequence the Case was disposed of on the 31st March by confirming the Acting Agents Sentence.

3rd Seventy three days after the Sentence was thus confirmed, the present petitions were put in, but the Court cannot allow their time to be taken up in reperusing this most voluminous Case, and considering the objection that the Petitioners Counsel may now raise to the sufficiency of the evidence, but which objections were not raised during the unusually long period allowed for preferring the same.

4 The Court after hearing the Petitioners Counsels

Counsels Legal objection to the Sentence, do not consider that he has shewn any grounds for reconsidering the order already passed. Certain, though not all the Acts charged were proved against the Prisoners, which acts justify the Sentence imposed. The words "confined" and "imprisoned" made use of synonymously in the Sentence, can as ruled by the Acting Agent, fairly bear but one meaning viz. Imprisonment in Jail.

Ordered, that Extract from these Proceedings be forwarded to the Acting Agent to the Governor at Gayaum for his information

Ordered also, that Extract from these Proceedings be furnished to the Petition-er or Pleader on his application.

/Sent in No. /

The record of Trial in referred Case No. 2 of 1857 on the Calendar of the Session Court of Honore not having been yet received

Ordered that the Session Judge of Honore be required to submit the record afore-said without delay.

/Sent in No. /

2d May 1857

Read Return dated 24th March 1857 from the Session Judge of Cuddapah to the Precept of the Foujdaree Udalut under date 20th March 1857 requiring explanation for the cause of the delay in furnishing the final Return to their Courts Precept of the 3rd of January last.

/Here enter F. Uc. No. 644 of 1857/

Read Criminal Report B and other Statements dated 17th March 1857 submitted by the Session Judge of Masulipatam for the month of February 1857.

/Here enter F. Uc. No. 5780 of 1857/

Read Criminal Reports dated 2nd March 1857 submitted by the Principal Sudder ameen of Vizagapatam for the Month of February 1857.

/Here enter F. Uc. No. 630 of 1857/

Read Calendar in Case No. 18 of 1857 submitted by the Session Judge of Masulipatam under date the 16th March 1857.

/Here enter F. Uc. No. 577 of 1857/

2nd May 1857

Read Calendar in Case No. 23 of 1857 submitted by the Session Judge of Masulipatam under date the 28th March 1857.

/Here enter F. Uc. No. 690 of 1857/

Read Calender in Case No. 26 of 1857 submitted by the Session Judge of Masulipatam under date the 7th April 1857.

/Here enter F. Uc No. 756 of 1857/

Read Calendar in Case No. 28 of 1857 submitted by the Session Judge of Masulipatam under date the 14th April 1857.

/Here enter F. Uc. No. 799 of 1857/

Read Calendar of Case No. 30th of 1857 submitted by the Session Judge of Masulipatam under date the 18th April 1857.

/Here enter F. Uc. No. 846 of 1857/

Read Calendar of Case (4) No. 16 of 1857 submitted by the Acting Sessions Judge of Guntoor under date the 17th April 1857

/Here enter F. Uc No. 820 of 1857/

Read Return dated 24th March 1857 from the Session Judge of Cuddapah to the Precept of the Foujdaree Udalut under date 28th March 1857 requiring explanation for the cause of the delay in furnishing the final Return to their Court's Precept of the 3rd of January last.

/Here enter F. Uc. No. 644 of 1857/

Read Criminal Report B and other Statements dated 17th March 1857 submitted by the Sessions Judge of Masulipatam for the month of February 1857.

/Here enter F. Uc. No. 578 of 1857/

Read Criminal Reports dated 2nd March 1857 submitted by the Principal Sudder ameen of Vizagapatam for the Month of February 1857.

/Here enter F. Uc. No. 630 of 1857/

Read Calendar in Case No. 15 of 1857 submitted by the Sessions Judge of Masulipatam under date the 16th March 1857.

/Here enter F. Uc. No. 577 of 1857/

Read Calendar in Case No. 23 of 1857 submitted by the Sessions Judge of Masulipatam under date the 28th March 1857.

/Here enter F. Uc. No. 690 of 1857/

Read Calender in Case No. 26 of 1857 submitted by the Sessions Judge of Masulipatam under date the 7th April 1857.

/Here enter F. Uc No. 756 of 1857/

Read Calendar in Case No. 28 of 1857 submitted by the Sessions Judge of Masulipatam under date the 14th April 1857.

/Here enter F. Uc. No. 799 of 1857/

Read Calendar of Case No. 30th of 1857 submitted by the Sessions Judge of Masulipatam under date the 18th April 1857.

/Here enter F. Uc. No. 846 of 1857/

Read Calendar of Case No. 16 of 1857 submitted by the Acting Sessions Judge of Guntoor under date the 17th April 1857

/Here enter F. Uc No. 820 of 1857/

2nd May 1857

Read Criminal Reports dated 1st April 1857 submitted by the Principal Sudder ameen of Vizagapatam for the Month of March 1857.

/Here enter J. No. 840 of 1857/

4th J.

C. S. Chamier

Monday 4th May 1857.

J. No

At a Court of the Zoujdaree Adalut

Present

G. S. Hooper Esq.re
W. D. Morehead Esq.re
} Puisne Judges
J. W. Goodwyn Esq.re 2d J.

Read Calendar of Case No 100 of 1856 of the Session Court of Cuddapah

/Here enter J. No. 787 of 1856/

1. The delay from 26th November to 27th December in committing this Case and the further delay from 27th December to 8th January in its disposal by the Session Judge have not been explained as required by Circular Order No 213 this will now be done and the Session Judge will take care in future that the explanations of delays are entered in the Calendar as required by the above Circular Order.

2. The Session Judge will also explain

4th May 1857

explain the months delay in forwarding this Calendar.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Cuddapah by precept returnable in 3 days from and after its receipt.

/Sent following Precept/

Read Miscellaneous Petition received through the Acting Government Agent at Ganjam from Gopenada Venkayacoodoo of Zillah Ganjam.

/Here enter T. M. P. No. 20 of 1857/

M. W. D. Morehead. This is an appeal from an order conveyed in a Yaddast of the Acting Agent, directing petitioner's dismissal from his situation as Kurnum of a certain pagoda, and of certain villages.

2. The Court of Zoujdaree Udalut resolve to reject this petition, and to point out to the Acting Government Agent that their Circular order of the 6th July 1847 (No 188) did not contemplate forwarding petitions of this nature by Lascars.

Ordered

4th May 1857.

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

/Sent in No/

No Return having been received from the Session Judges of Coimbatore and Cuddapah to the Precept of the Sudder Udalut dated the 5th March 1857, calling for the annual Criminal Reports for 1856.

Ordered that the Session Judges of Coimbatore and Cuddapah be required to make a return to the above Precept without further delay.

/Sent in No/

Read Miscellaneous Petition presented on the 16th March 1857 by Shmood Manamee of Zillah Calicut.

/Here enter T. M. P. No 62 of 1857/

M. G. L. Hooper 1. This is an appeal from the order of the Session Judge dated 30th January 1857.

The

4th May 1857

2. The Court of Foujdaree Udalut see no reason to interfere with the order appealed from, and accordingly reject this Petition.

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

Read Criminal Reports for the month of March 1857 submitted by the Acting Sessions Judge of Salem.

/Here enter F. Vo. No. 814 of 1857/

Report A
Case No. 33 by
Sessions Judge

1. The reasons detailed in Para 2 of the Sessions Judge's Extract of 21st March justify the cancelment of the requisition of security, but had the requisition been well founded, the death of two of the Prisoners would have formed no valid reason for cancelling the Sentence.

Report B
Case No. 40 by
Sessions Judge
Ditto
Case No. 50 by
Sessions Judge

2. The nature of the assault should have been stated.

3. The nature of the injuries whether slight or severe, sustained by the Prosecutrix, should have been stated.

Ordered that Extract from these

4th May 1857.

Proceedings be forwarded to the Acting Sessions Judge of Salem for his information.

/Sentence/

Read Calendar in Case No. 2 of 1857 submitted by the Sessions Judge of Mangalore under date the 18th April 1857.

/Here enter F. Vo. No. 849 of 1857/

Read Calendar in Case No. 13 of 1857 submitted by the Sessions Judge of Bellary under date the 22d April 1857.

/Here enter F. Vo. No. 853 of 1857/

Read Calendar in Case No. 5 of 1857 submitted by the Acting Sessions Judge of Cuddalore under date the 23d April 1857.

/Here enter F. Vo. No. 860 of 1857/

Read Calendar in Case No. 13 of 1857 submitted by the Sessions Judge of Bellary under date the 18th April 1857.

/Here enter F. Vo. No. 865 of 1857/

Read Calendar in Case No. 15 of 1857 submitted by the Sessions Judge

4th May 1857

of Combaconum under date the 23rd April 1857.

/Here enter F. No. 869 of 1857/

Read Calendar in Case No. 15 of 1857 submitted by the Acting Sessions Judge of Calicut under date the 22nd April 1857.

/Here enter F. No. 870 of 1857/

C. S. Chamier

F. No.

Tuesday
5th May, 1857.

At a Court of the Foujdaree Udalut

Present

G. S. Cooper, Esquire, Puisne Judge
W. A. Morehead, Esquire, Puisne Judge
J. W. Goodwyn, Esquire, Offg. Puisne Judge

Read Criminal Reports for the months of March 1857, Zillah Chittoor.

/Here enter F. No. 797 of 1857/

Cases Nos. 37, 51 and 60. 1. It is to be supposed that the torture was resorted to for compelling discovery of concealed property; if this was the case, this fact as well as the nature of the torture employed should have been entered in the charge.

Case No. 52. 2. The sentence is legal but most inadequate.

Cases Nos. 53 & 54. 3. As the Moofty held that the prisoner was not guilty of preferring a wilfully false and malicious complaint, the Foujdaree Udalut do not consider that the sentence should have been interfered with and therefore

therefore cancel the order in question. Wilful falsehood and malice are essential to constitute the offence punishable under Regulation IX of 1832.-

Cases Nos. 61 1862. 4. Malice should have been charged and the manner in which the deceased was murdered should have been stated, as well as the date of his death;-the latter remark applies also to Case 65.-

Case No. 68. 5 The value of the property robbed should have been entered.-

By the Acting additional Joint Magistrate Case No. 2 6. As the Foujdaree Adalut have some doubts respecting this case, they direct that the Session Judge do call for the record and review the case.-

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

/Sent in No. /

Read Criminal Report B, submitted by the Acting Session Judge of Rajahmundry, for the month of March 1857.

/Here enter F. No. No. 831 of 1857/ The

Case No. 26 The 2d Count was unnecessary and moreover does not contain any offence.-

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

/Sent in No. /

Read Criminal Report B, submitted by the Session Judge of Honore, for the month of March 1857.

/Here enter F. No. No. 850 of 1857/

Case No. 5. 1. The charge should have stated whether the act arose from Malice or accident.-

Case No. 6. 2. Malice should have been charged.-

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

/Sent in No. /

Read Criminal Report B, for the month of March 1857, Zillah Cudapah.-

/Here enter F. No. No. 852 of 1857/

The

5th. May, 1857.

Case No. 57 1 The term unlawfully should have been used, and not "feloniously."-

Cases Nos. 59 & 60. 2 It does not appear why these cases were not disposed of by the Acting Subordinate Judge.-

Case No. 61 3. As the money was not obtained by the prisoner under false pretences, it was not a case of "fraud." If the prisoner was a servant of the Prosecutor his offence was theft, as the money, in that case, was constructively in the Prosecutor's possession. Otherwise, the offence was Breach of trust.-

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

/Sent in No./

Read letter under date the 11th. April 1857, from the Acting Agent to the Governor of Fort Saint George in Ganjam, submitting, for the final judgment of the Fouzdaree Udalut, a report of the trial of Criminal

Case

F. Ua.

5th. May, 1857.

Case No. 28 of 1857 on his file.-

/Here enter F. Ua. No. 855 of 1857/

Mr. Hooper. The Court of Fouzdaree Udalut concur in the conviction of the Prisoners

1 Colah

2 Boyjeno

of wounding, and, in accordance with the recommendation of the Acting Agent, sentence them to imprisonment for one year with hard in irons.

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

/Sent in No./

Read letter dated 17th. Ultimo, from the Acting Agent to the Governor in Ganjam, submitting 7 Perjury Cases with his opinion for the sentences to be passed on the Prisoners.-

/Here enter F. Ua. No. 856 of 1857/

1. The Prisoners in these 7 cases were charged with Perjury, of which

which crime the Acting Agent has convicted them, but in consideration of their ignorance and the undue influence which others exercised over them, he recommends that they be sentenced each to 6 months imprisonment with hard labor under Sections II and III Regulation III of 1826.

2. The Acting Agent states that the proof in each of these cases is the same as in No. XXI, but on referring to the letter on that case, the Foujdaree Adalut find that the Acting Agent has expressed himself so obscurely that it is left doubtful whether both the depositions before the Assistant Agent and Acting Agent were duly proved. The Court of Foujdaree Adalut therefore resolve to call on the Acting Agent to state which of the witnesses proved the 1st, and which witnesses the 2d deposition, and whether the Prisoners were duly warned and sworn before giving both depositions, as well as whether both depositions were

5th. May, 1857.

were read over and explained to the Prisoners before they signed them.

3. In case there is any difference in the proof in any of the cases, that will be duly noticed.

Ordered, that Extract from these proceedings, be sent to the Acting Agent to the Governor of Fort Saint George at Ganjam, by precept returnable within V days from and after its receipt.

/Sent following precept No./

Read Criminal Report B. for the month of March 1857, Zillah Bellary.

/Here enter Fr. No. No. 864 of 1857/

No. 1 by Joint Magistrate

1. The sentence in this case was unnecessarily severe.

No. 35 by Mooftly Shoo Ameen

2. There seems to have been considerable delay in disposing of this case.

Ordered, that Extract from these proceedings, be sent to the Session Judge of Bellary,

for

5th May, 1857.

for his information

Sent in No.

Read letter dated 22d April 1857.
from the Session Judge of Bellary, submitting
for the final judgement of the Foujdaree Udalut
the record of Case No. 16 of 1857 on the Calendar
of the Session Court.-

Here enter F. Uc. No. 868 of 1857.

Messrs. Cooper and Goodwyn

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

Sunjeevadoo

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.-

Ed Uc.

Sent in No.

F. Uc.

Wednesday
6th May, 1857.

At a Court of the Foujdaree Udalut

Present

G. A. Cooper, Esquire, Puisne Judge
W. A. Morehead, Esquire, Puisne Judge
J. W. Goodwyn, Esquire, 4th Puisne Judge

Read Calendar and Supplemental Calendar in Case No. 89 of 1856, of the Session Court of Cuddapah.

Here enter F. Uc. No. 784 of 1857.

The Court of Foujdaree Udalut observe that the delay in this case which is not explained as required by Circular Order No. 213, reflects seriously on the Session Judge, and they direct that a detailed explanation of the delay in the disposal of this case and in forwarding the Calendar, be submitted for their consideration.-

Ordered, that Extract from these proceedings, be sent to the Session Judge of Cuddapah, by

precept

/receipt returnable within 10 days from and after its receipt.

/Sent following precept No. /

Read Calendar of Case No. 97 of 1856, on the file of the Session Court of Cuddapah.

/Here enter F.R. No. 785 of 1857/

The delay from the 21st. December to the 5th. January, in the disposal of this case by the Session Court has not been explained as required by Circular Order No. 213, and the Session Judge will now explain the cause of this delay as well as the delay in forwarding this Calendar.

Ordered, that Extract from these proceedings, be sent to the Session Judge of Cuddapah, by precept returnable within 10 days from and after its receipt.

/Sent following precept No. /

W. 18.

F.R.

Thursday— 7th. May, 1857.

At a Court of the Foujdaree Adalut

Present

G. S. Cooper, Esquire, Puisne Judge
W. A. Morehead, Esquire, Puisne Judge
J. W. Goodwyn, Esquire, Actg. Puisne Judge

Read letter dated 22d. April 1857, from the Session Judge of Honore, submitting for the final judgement of the Foujdaree Adalut, the Record of Case No. 2 of 1857 of the Calendar of the Session Court.—

/Here enter F.R. No. 885 of 1857/

Mr. Goodwyn.

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

Ammoo,

is sufficient to convict him of the crimes charged, do convict him thereof; and sentence him to be transported to such place or places beyond

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.-

As the Prisoner confessed before the Principal Sudr Ameen and admitted his Police confession, it was unnecessary to take down the 9th and 10th witnesses' deposition or to enter these witnesses names in the Calendar. It would have been sufficient if the Principal Sudr Ameen had verified the Prosecutor's and witnesses' Police statements, &c. recording their deposition a fresh was useless, the Principal Sudr Ameen's attention is called to Circular Order No. 211.-

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

/Sent in No.

Rd 8.5.

Friday 8th May 1857. At a Court of the Foujdaree Udalut

F. W.

Present

G. S. Hosper Esquire.
W. F. Morehead Esquire. } Puisne Judges.
J. W. Goodwyn Esquire. A.J.

Read letter under date the 8th April 1857 from the Acting Agent to the Governor of Fort Saint George in Ganjam submitting for the final judgment of the Foujdaree Udalut a report of the trial of Criminal case No 1 of 1857 on his file.-

/Recognizance F. W. No 879 of 1857/

In this case the Prisoners.

1. / Ramachendradoss
2 Damodara Doss
3 Balajee Patnaick
4 Modhoo Mahmaty

were tried on a charge of aiding "Marauders" but acquitted by the Acting Agent for the reasons stated in his letter.-

The Court of Foujdaree

2. Udalut concur in the acquittal of the above

above Prisoners, being of opinion with the the Acting Agent that the case is unproved and appears to have been trumped up against the Prisoners.-

3. The charge as laid does not appear to be one that required a criminal prosecution.-

Ordered that Extract from these Proceedings be forwarded to the Acting Agent to the Governor of Fort Saint George in Ganjam for his information.-

/Sent in No /

Read letter dated the 18th Ultimo from the Sessions Judge of Combaconum recommending that the Prisoner in Case No 29 of 1857 who was of unsound mind at the time when he attempted to commit Housebreaking with intent to steal be made over to his brother.-

/Here enter F.H. No 836 of 1857/

1. The Court of Foujdaree Udalut are of opinion that the Prisoner committed no offence, the case being clearly one of trespass and not housebreaking, he was merely a wondering

wondering lunatic and ought not to have been sent up to Court.-

2 They accordingly direct that he be released and delivered over to his brother.-

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

/Sent in No /

Read letter dated the 9th Ultimo from the Sessions Judge of Tinnevelly, submitting for the final judgment of the Foujdaree Udalut the record of Case No 33 of 1857 on the Calendar of the Sessions Court.-

/Here enter F.H. No 769 of 1857/

Mess. Hooper and Goodwyn

The Court of Foujdaree Udalut on a deliberate consideration of all the circumstances of the case, no evidence before them being of opinion that the proof against the prisoner

Thanah per Moodelly

is sufficient to convict him of the crime of Manslaughter for which the penalty of Deyut is awardable under the Mahomedan Law as declared in Fatwas of their Law Officers do convict him thereof and under the provisions

of

of Section XI Regulation VIII of 1802 sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of seven (7) years.-

1. The Prisoner in this case was charged with having beaten and ill treated the daughter of the Prosecutrix aged 20 years and murdered her by pressing her throat and by beating and kicking upon her abdomen and private parts.-

2. The Sessions Judge in concurrence with the verdict of the assessors convicted the Prisoner of Murder and recommended that he should be sentenced to suffer death.-

3. The Prisoners defence is that the deceased was a prostitute and that he had never kept her as his concubine; that her death was suicidal from hanging as appears from the 14 "Witness's depositions and the Mahazurnamah, and lastly an alibi. But it is deserving of notice that the only cited witnesses to prove or corroborate one of these assertions by the alibi, although all the others if true were easily susceptible

of

of proof.- The evidence of the 14 "Witness the Inettoo Peon is in the opinion of the Court of Foujdaree Adalut evidently groply false.-

4. The Mahazurnamah most clearly shews that the deceased's death could not have been by suicide, it respectively states that the only marks of violence are a contusion on the abdomen (about the size of the palm of the hand) as if from a kick, and a slight excoriation of the neck as if from a nail.- The only preference to any other marks on the neck is to that caused by the "Thaly" string.- The evidence for the defence as to the alibi at Sattoor (or 2 miles distance) appears to be tutored and undeserving of credit.-

5. The evidence for the prosecution clearly proves that the deceased was the prisoners concubine, that they had been quarrelling for the last fortnight on account of the prisoners having cheated the deceased out of a jewel the proceeds

of

of which she suspected he had given to another woman, and that on her threatening to leave him and return to her husband he had beaten her and made use of threats towards her.

6. If the deceased had received more ill-treatment than that described by the witnesses, the marks of it would have been visible on the corpse. If the prisoner planned the deceased's murder and prepared evidence of suicide, the body would have been discovered hanging or with part of the rope round her neck. If the deceased committed suicide and her relations trumped up the charge of murder, the rope would have been removed, no marks of violence inflicted on the corpse, and more positive evidence got ready by 1 o'clock, the time when the Peon and Village Moonsiff arrived. The circumstances connected with the rope appears either accidental or to have arisen from the sudden act of the Prisoner after the deceased's death.

All

8th May 1857.

7. All the facts of the case disprove the Sessions Judges opinion that the murder was premeditated and tend to show that the Prisoner irritated and enraged at deceased's abuse and threats of quitting him seized her (deceased) by the throat and kicked her in the abdomen thereby causing her instantaneous death. The description of his conduct directly after the murder as given by the Prosecutrix, 1st 2d 3d 6th 7th and 10th Witnesses, especially the two latter, indicate that the act was unpremeditated and instantly repented of.

8. Under these circumstances the Court of Foujdaree Adalut have convicted the Prisoner of Manslaughter and as in their opinion the ends of justice would be met by a sentence of 7 years imprisonment with hard labor in irons they have sentenced him accordingly.

9. The Court observe that the searching cross examination to which the prisoner

prisoner has been subjected is highly objectionable
He has been subjected to no less than 61
questions by the Sessions Judge, the Prosecutor
and the assessor, and in fact treated rather
as a Witness suspected of prevarication and
out of whom disadvantageous admissions
were to be obtained by a process of searching
cross examination than as a Prisoner under
trial for his life.-

10. The report of the Village Moonsiff
and Peons (13th and 14th witnesses) does not
appear to have attracted the Sessions Judges
notice, the first part of the report seems to
have been prepared when the writers con-
sidered it a case of murder, whilst the
latter part shows that they had altered
their minds and made it out to be a
case of suicide. The 13th witnesses deposition
was so brief that it may be almost said
he was not examined as to the gross con-
tradictions between his sessions, subordinate
Court, and Police statements, or who the
barber woman was who examined the
corpse, or who the inhabitants were who
stated

stated the deceased's death was caused
by hanging, or whether the 11th Witness did not
see the marks of the kicks on the abdomen,
when inspecting the body with the Tahsildar,
or what the native doctor the 11th Witness who
inspected the corpse at the time of his report
told him was the cause of the deceased's death
Yet Yet or lastly as the 13th and 14th Witnesses
report states "On questioning the above
"Thanapah Moodelly he stated that he had
"not been to the deceased's house for 4 days,"
how he and 13th Witness came to release
a man (Prisoner) whom their (13th and 14th
Witnesses) own report showed was charged
with murder by Prosecutrix 3rd and 4th Witnesses.

The Natanmakar Goorroopa
11
Naick examined the body and conducted
the first investigation along with the 13th
and 14th Witness his evidence was therefore
of importance but has not been taken.-

The European surgeons evidence
12
should have been received as to whether death
would arise so instantaneously from a kick
on the part described.-

The

13 The Principal Sudder Ameen's investigation has been conducted to a useless length he has before received instructions as to the nature of the investigation he should hold in committable cases.-

14 The Court direct that the conduct of the Peon and Village Moonsiff be brought to the notice of the Magistrate.-

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

/Sentence &c

Read letter dated 29th Ultimo from the Sessions Judge of Cuddapah forwarding English Translation of the record of case No 83 of 1856 on the Calendar of the Sessions Court for the final Judgment of the Court of Foujdaree Adalut.-

/Here enter S.R. No 93 of 1857/

The Court of Foujdaree Adalut on a deliberate consideration of all the circumstances of the case no evidence before them being of opinion that the proof against the prisoners,

Bulgia Anthavogadoo

is sufficient to convict him of the crime of Murder

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

Messrs Morehead and Goodwyn.

The Court of Foujdaree Adalut observe that six months have elapsed since this case reached the Sessions Court. The case is so simple one and need not have occupied more than a few days before its submission to this court.-

2. It appears that the Acting Tahsildar held the Inquest and issued his warrant for the Prisoners apprehension on the 11th October the day of the Murder but the 1st Witness and other Witnesses though on the spot were not examined till 18 October or subsequently- the incorrectness of this proceeding should be pointed out to the Tahsildar who should have examined these Witnesses on 12th October.- Ordered that Extract from these Proceedings be sent to the Sessions Judge of Cuddapah for his information.-

/Sentence &c/

C. S. Chamier.-

E 78

Saturday
9th May 1857.

J. U.

At a Court of the Foujdaree Udalut.

Present

G. A. Hooper Esquire
W. A. Morehead Esquire
J. W. Goodwyn Esquire Jrs.
} Puisne Judges.

Read letter dated 30th April 1857 from the Agent of Vizagapatam Submitting for the final Judgment of the Foujdaree Udalut the record of Case No 10 on the Calendar of the Agent's Court.

/Vide order J. U. No 943 of 1857/

Mr G. A. Hooper

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

1 Doonkary Guravanyalu
and
2 Doonkary Appanyalu.

is insufficient to convict them of the crime of Culpable Homicide, for which the penalty of Deyut is awardable under the Mohemmedan Law as declared in Fatwas of their Law Officers

Saturday
9th May 1857.

J. U.

At a Court of the Foujdaree Udalut.

Present

G. A. Hooper Esquire
W. A. Morehead Esquire
T. W. Goodwyn Esquire Jrs.
} Puisne Judges.

Read letter dated 30th April 1857 from the Agent of Vizagapatam submitting for the final Judgment of the Foujdaree Udalut the record of Case No 10 on the Calendar of the Agent's Court.

/Here enter J. U. No 943 of 1857/

Mr. G. A. Hooper

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

1 Soonkary Guravanyah
and
2 Soonkary Appanyah.

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

Officers, do convict them thereof and under the provisions of clause second section XV Regulation VII of 1802, and section XXXIV Act VIII of 1843, do sentence the prisoner

1st Soonkary Kuravanyah 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 and the prisoner

2 Soonkary Appanyah 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 No /

Read letter dated 4th February 1857 from Subordinate Judge in charge of the Sessions Court of Chittoor submitting the Criminal Statements for 1856.-

/Here enter No 270 of 1857./

Read also letter dated 26th February 1857, from the Magistrate of North Arcot furnishing the explanation required in Extract Minutes of Consultation of 15th December 1856 regarding the prevalence of Gang and Highway Robberies

Robberies in North Arcot and forwarding copies of two reports from the Joint Magistrate on the Subject.-

/Here enter F.R. No 476 of 1857/

Read also return dated 23d March 1857 from the Sessions Judge of Chittoor to the precept of the Foujdaree Adalut under date the 18th March 1857 directing him to procure from the Magistrate and submit for their consideration a Statement of Highway and Gang Robberies committed in certain Talooks of his District in 1855 and 1856.-

/Here enter F.R. No 643 of 1857/

Read also letter dated 9th April 1857 from the Sessions Judge of Chittoor and Supplemental return to the precept of the Foujdaree Adalut dated 18th March 1857 directing him to procure from the Magistrate and submit for their consideration a Statement of Highway and Gang Robberies committed in some Talooks of his District in the year 1855 and 1856, and also a special report from the Acting Additional Joint Magistrate and the heads of Police and District Moonsiffs of his Talooks.-/Here enter F.R. No 761 of 1857/

9th May 1837.

1 The Court of Foujdaree Udalut have very attentively considered the explanatory Communications which have been forwarded to them through the Sessions Judge and regret to find that so little has been done by the Magistracy to put a stop or at least to check those offences which have more particularly been brought under the notice of Government.

2. Although the annual report for the last year shows a slight decrease in the aggregate amount of crime yet the Court of Foujdaree Udalut have good reason to know that the offence of Highway robbery has been practised with greater boldness and greater frequency during the beginning of this year than ever, as an instance of the audacity of those Highway robbers it is sufficient to remark that they had the boldness to attack the baggage guard of a native regiment marching through the District, and that the sepoys were obliged to protect the baggage, to fire upon the gang.-

3. The Judges observe that the Magistrate in forwarding his annual criminal report has attributed the prevalence of undetected crime to the insufficiency of the Police, and the only remedial measures

9th May 1837.

measures he reports having adopted are the issuing of proclamations encouraging the people to defend themselves when attacked, In another communication 27th March he reports that a scheme for remodelling and increasing the present defective Police is under preparation and will soon be completed. but the Court of Foujdaree Udalut are constrained to observe that while the Magistrate is elaborating this scheme no immediate steps have been taken for the repression of those offences which are becoming day by day more frequent and more audacious

4- The report is now under notice contains many Complaints and suggestions but furnishes no details tending to show that the Magistracy have made energetic use of all the means at present in their power to repress this great and crying evil.-

5. No mention is made of the Magistrate or any of his subordinates having proceeded to those places where crime was most prevalent and by their presence and exertions stimulated the native Police to the more energetic discharge of their duties

4

or of the deligation to those particular localities of superior native officers accompained by as many Daloys as and prons as could have been sent.

6. It is quite evident that the Police of North Arcot is insufficient to cope with such an acquisition of crime as is referred to by the Acting Joint Magistrate or with such daring robbers as alluded to in para 2 of these proceedings, and therefor it was the more incumbent upon the Magistrate to be most earnest in his applications for increased aid; it is well known that Government would have sanctioned the employment of the requisite number of additional prons to repress the sudden increase of crime, but no prons appear to have been applied for, although complaints are now made of the insufficiency of the prons and comparisons instituted to show that North Arcot is worse off in this respect than its neighbouring districts; these comparisons however are incorrect, for they are made with reference to the number of the Talooks and not as they should have been, according to area and population

7. The Court of Foujdaree Adalut view

view with satisfaction the endeavours made by the Acting Joint Magistrate towards ascertaining the causes, and checking the prevalence of Gang and Highway robbery in the divisions under his charge; it is therefore to be regretted that a misplaced sympathy for long and perhaps in some cases meritorious service should have permitted his carrying out his intentions as set forth in para 12 of his letter of the 13th March. Such hesitation in cases like the present is often most mischievous in its consequences, as it tends to encourage the countenance in the public service of the old and unfit for no other apparent reason than that the too old and unfit for the ordinary active operations of daily life, they are good enough for Police.

8. The Court of Foujdaree Adalut desire that the Magistrate and his European Subordinates will by personal observation ascertain those who by reason of their age or infirmities are unfit for the active discharge of police duties, and those so pronounced unfit, the Court suggest should without delay be removed from their situations as police Prons.

9. The Magistracy have alluded to the existance of Professional robbers who act under Sirdars who are apparently respectable and well to do men, but there does not appear that any systematic and well directed efforts have been made to obtain information respecting these suspicious characters.-

10. An Active Magistrate or Police Officer whilst tracing out particular crimes will meet with much information respecting many bad characters against whom no tangible proof can be obtained; this information from not generally being reduced to writing or arranged in order becomes soon forgotten. In order to supply this detective element and facilitate the efforts of the Police, every Talooke should possess a list of every bad character residing in or frequenting that Talook.- This Register should give the name, habits, employment past history and in fact all information that might be of service in the detection of crime already committed by tracing the manner in which stolen property had been disposed of &c, or in its prevention by keeping the

the individual under Police observation.-

11. The possession of good information respecting professional robbers would enable the Heads of Police to communicate with each other and combine for their suppression. At present each acts for his own Talook without much regard to the aid he can give or receive from other Talookdars.-

12. This registered specific information would be most useful to the Magistrate in enabling him to ascertain whether general charges against bad characters were all founded and capable of being supported by such evidence as would warrant a demand for security.-

13. It will be incumbent upon the Magistrate to supervise most carefully and vigilantly this Register in order to guard against it's being abused and made an instrument of oppression; such a Register if properly kept, cautiously scrutinized by an Active Magistrate, though it will not furnish evidence per se will place in the hands of the Magistrate such an amount

of

9th May 1857.

of information as will enable him to procure evidence that he otherwise would fail in securing from ignorance of the source whence it might be sought.-

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

(Sentence Sr) Jr

Rec'd 16th

C. L. Ramier

F. C.

Monday 11th May 1857

At a Court of the Sudder Udalut

Present

G. S. Cooper Esquire
W. A. Morehead Esquire
T. W. Goodwyn Esquire &c. } Puisne Judges

Read letter dated 25th April 1857 from the Sessions Judge of Masulipatam.

(Cert. Enter F. C. No 882 of 1857)

In the above letter the Sessions Judge submits the question as to whether the offence of offering a bribe "may not be disposed of by the Magistracy under their extended powers.-

2 The offence of "offering a bribe" can only be punished by the Criminal Judge; and the Court of Sudder Udalut would point out to the Sessions Judge that the extended powers of the Magistracy can only embrace cases before punishable by them under Regulation IX of 1816.

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

Mussulipatnam for his information.

(Sent in A.)

Read Petty Calendars of the Magistracy for the 1st Quarter of 1857, Zillah Goojam.

(Here Enter F.W. No. 900 of 1857.)

Calendar I.
Case No. 1

It is not alleged that the defendant attempted to commit suicide. He appears to have accidently fallen into the well while in a state of intoxication. This was not a misdemeanor.

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

(Sent in A.)

Read Criminal Reports for the months of March 1857, submitted by the Sessions Judge of Nellore.

(Here Enter F.W. No. 771 of 1857.)

The Court of Foujdaree Adalut observe that the charges in this Report are in many instances very carelessly worded, and should have been corrected in the Sessions Court, and they direct that the Sessions Judge will pay more attention in future to their repeated orders on this subject.

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

of Nellore for his information.

(Sent in A.)

Read Calendar of Case No. 4 of 1857, submitted by the Acting Sessions Judge of Cuddalore.

(Here Enter F.W. No. 859 of 1857.)

If the evidence before the Principal Sudr Ameen was sufficient for committal, he should have at once committed the case and sent orders for the transmission of the others & witnesses to the Sessions Court.

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

(Sent in A.)

Read Calendar of Case No. 6 of 1857, submitted by the Acting Sessions Judge of Cuddalore.

(Here Enter F.W. No. 861 of 1857.)

1. The punishment awarded in this case appears inadequate and the Acting Sessions Judge has omitted to quote the Regulation under which the sentence was passed.

2. The Court of Foujdaree Adalut observe

observe that if the evidence before the Principal Sudr Ameen was sufficient for committal, he should have directed any fresh witnesses he considered requisite to attend before the Sessions Court and not have committed the case.

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Cuddalore for his information and for communication of para 1 to the Principal Sudr Ameen.

(Sent in A)

Read Calendar of Case No 50 of 1857, of the Sessions Court of Chingleput.

(Here Enter F.C. No 903 of 1857)

x Yella Moorgyan. 1. The Prisoner in this Case was tried and convicted on a Charge of Robbery by a previous conviction. The Sessions Judge in sentencing him to the prescribed penalty, recommends that the same may be mitigated to 14 years, and the grounds that the value of the property stolen was small, and the violence used by the Prisoner appeared to have been resorted to more with the intention of intimidating than of inflicting injury.

2. The Court of Faujdaree Adalut being of opinion that a less severe punishment than that proposed will meet the ends of justice in this

Case

Case, resolve to direct that the Prisoner be sentenced to imprisonment with hard labor in irons for the period of 2 years.

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

(Sent in A)

Read letter dated 2d May 1857, from the Sessions Judge of Madura, submitting for the final Judgment of the Faujdaree Adalut, the record of Trial in Case No 7 of 1857, of the Calendar of the Sessions Court.

(Here enter F.C. No 910 of 1857)

The Court of Faujdaree Adalut, on a deliberate consideration of all the circumstances of the Case as enclosed before them, being of opinion that the proof against the Prisoner

"Chinnamun"

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.

No. T.W. Goodwyn. and Mr. W.A. Morehead.

1. As it has been stated that mutual complaints have been preferred against each other

Prisoner

(Prisoner and deceased) before the Police Magistracy and other authorities, the Court of Foujdaree Adalut observe that those proceedings should have been inspected as they might have thrown light on the Prisoner's motives.

2 The Foujdaree Translator attached to the Sessions Court at Madura should be instructed to arrange and page the Police depositions of the Sessions witnesses first and then those of other parties who though examined by the Police were not witnesses at the Trial.

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

(Sent in S.)

Read letter dated 11th April 1857, from the Acting Sessions Judge of Rajahmundry, submitting for the final Judgment of the Foujdaree Adalut the record in Case No. 14 of 1857 of the Calendar of the Sessions Court.

(Here enter F. A. No. 948 of 1857)

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

Cundoola Samiadu

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 S.)

Read letter dated the 12th May 1857, from the Sessions Judge of Bellary, submitting for the final Judgment of the Foujdaree Adalut, the Record of Trial in Case No. 14 of 1857 on the Calendar of the Sessions Court.

(Here enter F. A. No. 953 of 1857)

Mr. J. W. Goodwyn.

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

Sunjeeva

is sufficient to convict him of the crime of wounding, 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 third Section VII

Regulation

Regulation XX of 1803, and Section XXXIX Act XVII of 1843, sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (3) three years.

1. The Prisoner in this case was charged with having attempted to murder the Prosecutrix by wounding and endeavouring to cut her throat.

2. The Law Officer convicted the Prisoner of wounding with intent to kill, and the Sessions Judge concurring in the Futwa of the Law Officer has recommended that the Prisoner be sentenced to 10 years' imprisonment with hard labor in irons.

3. The Prisoner, a barber, states that the Prosecutrix is the prisoner's who resided in his wife's elopement with a young Mussulman; that the Prisoner and on passing the Prosecutrix's house interchanged abuse with her; a struggle ensued, in which the Prosecutrix got accidentally wounded with the razor he had in his hand.

4. The Prosecutrix states that when on asleep she was attacked by the Prisoner and on raising the alarm the 1st witness, her mother, hastened up and disarmed the Prisoner who had wounded her (the Plaintiff) in several places. This evidence

is

is confirmed by the 2d and 3d witnesses who came up just after the 1st witness.

5. The Surgeon's certificate and evidence show that the wounds are slight and superficial.

6. If the Prosecutrix's statement respecting the Prisoner's murderous intentions were true, he (Prisoner) had no good opportunity for effecting his purpose when attacking her in her sleep, but the slight nature of the wounds negative the supposition of the Prisoner's having had any intention of taking her life. The Court are not inclined to give full credit to the prosecutrix account of the commencement of the affair and consider that it is more probable that (as stated by the Prisoner) abuse was interchanged and that the Prisoner angered at this and the remembrance of the part he suspected the Prosecutrix had taken in his wife's elopement, threw attached her with the razor or knife; intending only to inflict superficial wounds.

7. The Court of Sudder Adalut being therefore of opinion that a sentence of 3 years' imprisonment with hard labor in irons is sufficient to meet the ends of justice have

sentenced

J. H.

Tuesday 12th May 1857.

At a Court of the Tongdarce Udalut

Present.

G. S. Hooper Esquire
W. A. Morehead Esqre
J. W. Goodwyn Esquire } Puisne Judges

Read letter under date the 8th April 1857 from the Acting Agent to the Governor of Fort Saint George in Ganjam, submitting for the final judgment of the Tongdarce Udalut a report of the trial of Criminal Case No. 31 of 1857 on his file.

(Here enter J. H. No. 880 of 1857.)

1 The Prisoners

1 Ramachendradorss

2 Damodara Doss

3 Baluyee Puttnaik

4 Moodoo Mahanty

were put on their trial for "Aiding & Abetting Plunderers"

2 The Acting Agent dismissed the charge, being of opinion that it had been fabricated.

3 The Court of Tongdarce

Udalut

11th May 1857

sentenced the Prisoner accordingly.

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

(Sent in Ex.)

Ex. Dd.

C. J. Chamier

J. V. C.

Tuesday 12th May 1857.

A Court of the Foujdaree Udalut

Present.

J. S. Hooper Esquire
W. A. Morehead Esqre
J. W. Goodwyn Esquire Jr.

} Sessions Judges

Read letter under date the 8th April 1857 from the Acting Agent to the Governor of Fort Saint George on Ganjam submitting for the final judgment of the Foujdaree Udalut, a report of the trial of Criminal Case No. 31 of 1857 on his file.

(Here enter J. V. C. No. 880 of 1857.)

1 The Prisoners

1 Ramachendradoss

2 Damodara Doss

3 Balajee Puttnaik

4 Moodoo Mahanty

were put on their trial for "Aiding & Abetting Plunderers"

2 The Acting Agent dismissed the charge, being of opinion that it had been fabricated.

3 The Court of Foujdaree Udalut

11th May 1857.

sentenced the Prisoner accordingly.

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

(Sent in A.)

E. H.

C. Chamier

F.H.C.

Tuesday 12th May 1857.

A Court of the Foujdaree Udalut

Present.

G. S. Hooper Esquire
W. A. Morehead Esqre
J. W. Goodwyn Esquire &c.

} Sessions Judges

Read letter under date the 8th April 1857 from the Acting Agent to the Governor of Fort Saint George in Ganjam submitting for the final judgment of the Foujdaree Udalut, a report of the trial of Criminal Case No. 31 of 1857 on his file.

(Here enter F.H.C. No. 880 of 1857.)

1 The Prisoners

1 Ramachendradoss

2 Damodara Doss

3 Balajee Puttnaik

4 Moodoo Mahanty

were put on their trial for "Aiding & Abetting Plunderers"

2 The Acting Agent dismissed the charge, being of opinion that it had been fabricated.

3 The Court of Foujdaree

Udalut

12th May 1857.

We do not concur in the view taken of this case by the Acting Agent.

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

(Sent in No)

Read letter under date the 8th April 1857 from the Acting Agent to the Governor of Fort Saint George in Ganjam, submitting for the final judgment of the Foujdaree Udalut, a report of the trial of Criminal Case No. 32 of 1857 on his file.

(Here enter F. U. No. 881 of 1857.)

1 The Prisoners,

1 Ramachendra Doss

2 Balajy Putniack

were put on their trial for "Aiding Marauders"

2 The charge not having been supported by corroborative evidence, was dismissed by the Acting Agent for the reasons already assigned in the other cases with which this is connected, viz. Nos. 1 and 31 of 1857.

3 The Court of Foujdaree Udalut

12th May 1857.

We do not concur in the dismissal of this case.

4 The Acts charged do not constitute a criminal offence.

Ordered that Extract from those Proceedings be sent to the Acting Agent to the Governor of Fort Saint George at Ganjam for his information.

(Sent in No)

Read Calendar and Supplemental Calendar in Case No. 39 of 1856 submitted by the Session Judge of Cuddapah.

(Here enter F. U. No. 784 of 1857.)

Adverting to the great delay that has already taken place in the submission of translations of records set down for reference, the Court of Foujdaree Udalut resolve to call upon the Session Judge to send up without delay so much of the Original record of this case as may remain on the receipt of these Proceedings untranslated with his letter of reference.

Ordered that Extract from these Proceedings be sent to the Session Judge of Cuddapah by Precept returnable in 10 days from and after date of receipt.

(Sent following Precept No)

Read letter dated 13th April 1837
from the Session Judge of Masulipatam
(Case entered N.M. No 782 of 1837)

With the above letter the Session Judge submits a reference from the Acting Magistrate as to whether individuals having unauthorized Arrack Shops & stills, are or are not punishable under the Abkary Laws on the prosecution of Government.

2. The Court of Foujdaree Adawlut are of opinion that the view taken by the Acting Magistrate on this subject is the correct one; and the Judges regret that the Session Judge should have so seriously erred in the disposal of the case alluded to by the Magistrate in his letter of reference.

3 Under Section XVI Regulation 1 of 1820 the Magistrate has full power to act upon any credible information he may receive regarding unlicensed stills, and as the infraction of the Regulation is an offence against the Government, and not merely a breach of the contract between the Abkary renter and the Subrenters,

the

the prosecution of the parties infringing the regulation should be conducted by Government or its Officers-

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

(Sent in No.) ss

Ex Ed M.

F. N.

Wednesday 13th May 1857. At a Court of the Foujdaree Adalut

Present

L. S. Hooper Esquire
W. A. Morehead Esqre
} Puisne Judges

J. W. Goodwyn Esquire Acting

Read letter dated 15th April 1857 from the Acting Session Judge of Salem.

(Here enter F. N. No 810 of 1857)

With the above letter the Acting Session Judge submits copies of a correspondence between himself and the Collector relative to the transmission to him of the proceedings held in the trial of a Session Case and solicits the instructions of the Judges as to whether he ought to furnish the Collector with the papers applied for.

2 In reply, the Acting Session Judge is informed that the Judges consider he should use his own discretion in dealing with the communication of the Collector in the matter referred to in his letter, and that the circumstances to which he has alluded are not at present such as to call for any

Expression

expression of this Court's opinion.

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

(Sent in No)

Read Criminal Report B for the month of March 1854, Zillah Salem.

(Here enter F. H. No 911 of 1854.)

No 2 by the Head Assistant Magistrate

There was a week's delay in the talook, of which no notice has been taken.

Nos 3 and 4.

There was a delay of eleven days in the talook, and sentence was not passed for ten days after the arrival of the parties. It should have been stated whether the former delay had been satisfactorily accounted for or otherwise, and the reason of the delay in passing sentence should also have been explained.

Ordered that Extract from these Proceedings be sent to the Acting Session Judge of Salem for communication to the Magistrate.

(Sent in No)

Read petty Calendars of the Magistracy for the 1st quarter of 1854, Zillah Masulipatam.

Calendar No. II No 4.

(Here enter F. H. No 951 of 1854.)

The manner in which the entry was effected

No 5.

effected should have been stated.

2 The nature of the property and the place from which it was stolen should have been mentioned.

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

(Sent in No)

Read Calendar of Case No 17 of 1854, submitted by the Acting Session Judge of Cuddapah under date the 24th April 1854.

(Here enter F. H. No 908 of 1854.)

Read Return dated 27th April 1854 from the Acting Session Judge of Rajahmundry, to the Precept of the Foujdaree Adalut under date the 23rd April 1854, directing the release of the prisoner in Case No 8 of 1854, on the Session Calendar.

(Here enter F. H. No 909 of 1854.)

Read Criminal Report A dated 28th April 1854, submitted by the Acting Session Judge of Guntoor, for the month of April 1854.

(Here enter F. H. No 910 of 1854.)

Read Calendar in Case No 10 of 1854, submitted by the Session Judge of Madura

Madura under date the 1st May 1857.

(Here enter F. No. 913 of 1857)

Read Return dated 30th April 1857, from the Session Judge of Coimbatore, to the Precept of the Foujdaree Udalut under date the 18th April 1857, directing that the Principal Sudr Ameen of Coimbatore be called upon to explain the reason of the 5 days' delay in committing the case No. 13 of 1857 to the Session Court.

(Here enter F. No. 914 of 1857)

Read letter dated 1st May 1857 from the Acting Session Judge of Cuddapah giving certain explanation in regard to the Court's remarks on the Calendar of Session Case No. 15 of 1857 on the file of the Session Court of Cuddapah.

(Here enter F. No. 917 of 1857)

Read Calendar of Case No. 920 of 1857, submitted by the Acting Session Judge of Calicut dated 1st May 1857.

(Here enter F. No. 920 of 1857)

Read Return dated 2nd May 1857, from the Session Judge of Cuddapah, to the Precept of the Foujdaree Udalut under date

date the 19th November 1856, affording explanation of the delay in commencing case No. 64 of 1856, and in forwarding the Calendar in the same.

(Here enter F. No. 923 of 1857)

Read Return dated 1st May 1857, from the Session Judge of Cuddapah, to the Precept of the Foujdaree Udalut under date the 23rd December 1856, desiring to be informed of the cause of the delay in commencing the trial in case No. 84 of 1856.

(Here enter F. No. 924 of 1857)

Read Return dated 1st May 1857, from the Session Judge of Cuddapah, to the Precept of the Foujdaree Udalut under date the 20th February 1857, observing that the sentence passed in No. 85 of 1856, had not clearly shewn the grounds for demanding security viz.

(Here enter F. No. 925 of 1857)

Read Return dated 2nd May 1857, from the Session Judge of Cuddapah, to the Precept of the Foujdaree Udalut under date the 28th March 1857, affording explanation

explanation with reference to the delay in submitting the Translated Record in referred Case No. 83 of 1836.

(Here enter F. No. 926 of 1837)

Read Return dated 1st May 1837 from the Session Judge of Cuddapah, to the Precept of the Foujdaree Wedalut under date the 23d April 1837, directing the submission of the translated Record in Case No 83 of 1836.

(Here enter F. No. 927 of 1837)

Read Return dated 2d May 1837, from the Session Judge of Cuddapah, to the Precept of the Foujdaree Wedalut under date the 27th April 1837, offering explanation of the cause of delay in furnishing the further information required respecting the demand of security in Session Case No 85 of 1836.

(Here enter F. No. 928 of 1837)

Read Return dated 2d May 1837 from the Session Judge of Cuddapah, to the Precept of the Foujdaree Wedalut under date the 27th April 1837, affording explanation for the delay in submitting the information required by this Court's proceedings of the 23d of

of December last on the delay in commencing Session Case No. 84 of 1836.

(Here enter F. No. 929 of 1837)

Read Petty Calendars submitted by the Session Judge of Nellore, for the 1st Quarter of 1837, under date the 24th April 1837.

(Here enter F. No. 931 of 1837)

Read Criminal Report A dated 2d May 1837, submitted by the Acting Session Judge of Guntoor, for the month of April 1837.

(Here enter F. No. 932 of 1837)

Read letter dated 28th April 1837 from the Acting Agent to the Governor of Fort Saint George in Ganjam, submitting the Original Warrant for the execution of the Prisoner Boodhiah Sirdar, bearing an endorsement certifying the manner in which it has been carried into effect, together with a letter from Captain Smith on the subject.

(Here enter F. No. 933 of 1837)

Read Extract from the Proceedings of the Session Court of Innerelly dated 30th April 1837, submitting Proceedings held

13th May 1857.

held on the monthly Reports of the Sub Offices of Police for the 1st Quarter of 1857.

(Here enter F. No. 935 of 1857)

Read Report dated 4th May 1857 submitted by the Acting Session Judge of Cuttack, of cases pending before the Session Court for a period in excess of 25 days from the date of committement.

(Here enter F. No. 936 of 1857)

E. M.

F. No.

Thursday 14th May 1857.

At a Court of the Foujdaree Adalut

Present

G. S. Hooper, Esquire
W. A. Morehead, Esquire } Puisne Judges
T. W. Goodwyn, Esquire

Read letter dated the 6th April 1857. from the Sessions Judge of Tinnevelly requesting instructions as to whether parties preferring frivolous and vexatious appeals against the decisions of the Magistracy can be fined under Section VII Regulation XIII of 1832.

(Here Enter F. No. No. 742 of 1857)

The Court of Foujdaree Adalut are of opinion that the Appeal referred to cannot be considered as a contempt of Court, and is therefore not punishable under Section VII Regulation XIII of 1832.

Ordered,

14th May 1857

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

(Sent in No)

Read Calendar of Case No. 24 of 1857 submitted by the Acting Sessions Judge of Salem.—

(Here Enter Fl. No. 887 of 1857)

The charge in this case is badly prepared, as it does not specify out of what amount the alteration of the account was intended to defraud the Railway company.—

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

(Sent in No)

Read Calendar of Case No. 32 of 1857, submitted by the Sessions Judge of Masulipatam.—

(Here Enter Fl. No. 904 of 1857) The

14th May 1857

1 The Sessions Judge and assessors discrediting the evidence acquitted the prisoners, but the Sessions Judge required security on account of the admitted ill-feeling which exists between the parties.—

2 As strong suspicion of guilt did not exist against the prisoners, the Court of Foujdaree Adalut resolve to direct that the security demanded be cancelled, and the Prisoners released unconditionally.—

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Masulipatam for his information.— 3.

(Sent in No)

Read Calendar of Case No. 46 of 1857 of the Sessions Court of Chicacole.—

(Here Enter Fl. No. 907 of 1857)

The Court of Foujdaree Adalut

13

Abdulla approve of the recommend-
-ation made by the Sessions Judge
in this case, that the period of
× Chakalaka imprisonment which the Prisoner
Kello. Nair noted in the margin, has been adjudg-
-ed to suffer on his conviction of
House-breaking and theft and
possession of stolen property, be
reduced to (4) four years imprison-
-ment with hard labour in irons,
and to receive 50 lashes with the
Cat.o'-nine tails, and they do author-
-ize 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 116 of 1857, submitted by the Sessions
Judge of Vellore.

(Here Enter H.M.o. No 915 of 1857)

14th May 1857

The charge has been incor-
-rectly prepared and leaves it
doubtful whether the Prisoners
entered the Prosecutors or their
neighbour's house.

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

(Sent in No)

Read Calendars in Cases
Nos 19 and 20 of 1857, of the Sessions
Court of Calicut.

(Here Enter H.M.o. Nos 918 & 921 of 1857.)

The delay in commencing
the trial in these cases should have
been explained in the Calendars,
as required by the Circular Order No 213.

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

(Sent in No)

Read Petty Calendars
submitted by the Sessions Judge
of

of Chittoor for the 1st Quarter of 1857.—
(Here Enter F. No. No. 950 of 1857)

Calendar IV
Case No. 5.—

The period for which the Prisoner in this Case is to be confined is not stated.—

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. 21 of 1857, submitted by the Session Judge of Calicut.

(Here Enter F. No. No. 942 of 1857.)

The charge and abstract of the evidence mention that the wounds were inflicted with an axe, but the sentence states that they were made with a knife, whilst the last para of the sentence cites the case as illustrative of the ready way in which the Malabarians resort to the knife.— The Session Judge will explain the nature of

of the weapon with which the wounds were inflicted.—

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

(Sent following Precept No.)

Read letter dated 4th Instant, from the Session Judge of Nellore, forwarding copies of a letter and two Reports A in Cases Nos. 61 and 62 of 1857, for the consideration and final Orders of Government.—

(Here Enter F. No. No. 930 of 1857.)

Before reporting this case for the Orders of Government under Act IV of 1849, the Court of Foujdaree Udalut resolve to direct that the Principal Sudr Ameen be instructed to observe the course laid down in their Circular Proceedings dated 11th July and the Extract

14th May 1857

Extract from the Minutes of Consultation dated the 16th August, and circulated by this Court on the 20th October 1849, and to submit for their consideration the deposition and Certificate of the Zillah Surgeon.

2 The Zillah Surgeon should also be called upon for his opinion whether the Prisoner can be safely released, or whether he considers that he should remain for some time longer under Medical treatment.

3 The Court observe that the evidence of 5th Witness in Case No 61 and 6th Witness in Case No 62 being mere hearsay, should not have been received by the Principal Sudr Ameen.

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

Sent following Precept No

Rec 18

C R Clarke

No 76.

Friday 15th May, 1857.

At a Court of the Foujdaree Udalut.

Present

G. L. Cooper, Esquire,
W. A. Morehead, Esquire,
J. W. Goodwyn, Esquire, Acting
} Prisne Judges

Read Miscellaneous Petition presented on the 16th March 1857, by L. N. Cunteeparva Chary, Pleader on behalf of Darapooram Soobramanya Chetty, Zillah Coimbatore.

Here enter Sd M. P. No 64 of 1857.

The Petitioner who is the Appellant in Case No 3 of 1857 on the Calendar of the Session Court at Coimbatore, appeals against the sentence of the Session Judge acquitting the prisoners in that case.

The Court of Foujdaree Udalut reject this Petition as the acquittal of the Prisoners by the Session Judge is final.

Ordered, that Extract from these proceedings be given to the Petitioner's Pleader on his application.

Read

Mr Goodwyn

14th May 1857

Extract from the Minutes of Consultation dated the 16th August, and circulated by this Court on the 20th October 1849, and to submit for their consideration the deposition and Certificate of the Zillah Surgeon.

2 The Zillah Surgeon should also be called upon for his opinion whether the Prisoner can be safely released, or whether he considers that he should remain for some time longer under Medical treatment.

3 The Court observe that the evidence of 5th Witness in Case No 61 and 6th Witness in Case No 62 being mere hearsay, should not have been received by the Principal Sudr Ameen.

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

Sent following Precept No. for

C. R. Clarke

Esq 18.

F.M.

Friday 15th May, 1857

At a Court of the Fouzdaree Udalut.

Present

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

Read Miscellaneous Petition presented on the 15th March 1857, by L. N. Cuntee-rava Chetty, Pleader on behalf of Darapoo-rum Soobramanya Chetty, Zillah Coimbatore.

Here enter F.M.P. No. 64 of 1857

The Petitioner who is the Prose-cutor in Case No. 3 of 1857 on the Calendar of the Session Court at Coimbatore, appeals against the sentence of the Session Judge acquitting the prisoners in that case.

The Court of Fouzdaree Udalut

2. but reject this Petition as the acquittal of the Prisoners by the Session Judge is final.

Ordered, that Extract from these proceedings be given to the Petitioner's Pleader on his application.

Read

Mr. Goodwyn

15th. May, 1857.

Read Miscellaneous Petition presented on the 16th. March 1857 by Secunder Beebee, zillah Tinnivelly.

(Here enter T. No. P. No. 65 of 1857)

Mr. Goodwyn

1. Petitioner, mother of the prisoner in Session Case No. 29 of 1856 who was charged with destroying Public records and embezzling and being convicted was sentenced to (5) five years imprisonment with hard labor in irons, appeals from the said sentence and prays the release of the prisoner, her son.

2. The Court of Foujdaree Adalut do not consider that the Petitioner has assigned any good and sufficient reason warranting the interference of the Court of Foujdaree Adalut with the sentence appealed from.—

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

Read Miscellaneous Petition presented on the 19th. March, by L. Veroonala Charry, Pleader on behalf of Sevarama Putter, zillah Calicut.

(Here enter T. M. P. No. 66 of 1857)

Petitioner

15th. May, 1857.

Mr. Goodwyn

1. Petitioner appeals from the orders of the Acting Session Judge of Calicut under date the 17th December 1856, reversing the orders of the Joint Magistrate in the matter of a dispute as to the right of drawing water from a certain tank.—

2. The Court decline to interfere with the order appealed against.—Petition rejected.—

Ordered, that Extract from these proceedings, be given to the Petitioner's Pleader on his application.—

Read Miscellaneous Petition presented on the 19th. March 1857 by Comara Pillay, zillah Madura.

(Here enter T. Mo. P. No. 67 of 1857)

Mr. Goodwyn.

Petitioner prays the Court of

1. Foujdaree Adalut will reconsider their orders of the 19th. March on his petition No. 36 of 1857, and direct his restoration to his former situation.

The Court of Foujdaree Adalut

2. decline to interfere in this case or to pass any fresh order thereon.

Petition dismissed.—

3.

Ordered

15th. May, 1857.

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

Read. Miscellaneous Petition presented on the 23d. March 1857, by Mr. H. B. Saunders, Pleader on behalf of Gopala. Naick and others, zillah Combaconum.-

/Here enter F. M. P. No. 68 of 1857/

Mr. Goodwyn. 1. Petitioners appeal from the orders of the Civil Judge under date the 10th. November 1856, dismissing them from their situations as Batta Peons in the Court of the District Moonsiff of Tirapoondy for conspiracy.-

2. The Court of Foujdaree Udalut decline to interfere with the orders of the Civil Judge.-Petition rejected.-

Ordered, that Extract from these proceedings, be given to the Petitioners' Pleader on his application.-

Read. Miscellaneous Petition presented on the 23d. March 1857, by Coolly and Chinny, zillah Salem.-

/Here enter F. M. P. No. 69 of 1857/

Mr. Goodwyn. 1. The Petitioners pray the Court of Foujdaree Udalut to call for the proceedings in

in Case. No. 10 of 1857 on the Calendar of the Session Court of Salem and to release their husbands, the Prisoners in that case.-

The Court of Foujdaree Udalut

2. see no reason to interfere with the sentence of the Acting Session Judge in the above case and accordingly reject this Petition.-

Ordered, that Extract from these proceedings, be given to the Petitioners on their application.-

Read. Miscellaneous Petitions presented on the 27th. March and 20th. April 1857, by Vallattal, Zillah Cuddalore.-

/Here enter F. M. P. Nos. 70 & 84 of 1857/

Mr. Goodwyn. 1. The Petitioner, who represents herself as the widow of the late Kendia Gounden with whose murder the Prisoners in Case. No. 34 of 1856 were charged, prays the Court of Foujdaree Udalut to reconsider their sentence in that case.-

The Court of Foujdaree Uda-

2. lut decline to reconsider the sentence passed by this Court after perusing the whole record of the case which was referred

15th. May, 1857.

Mr. Goo

Mr. Goodwyn.

Mr. Goodwyn

Mr. Goodwyn.

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

Read a Miscellaneous Petition presented on the 23d. March 1857, by Mr. H. B. Saunders, Pleader on behalf of Gopala Naick and others, Zillah Combaconum.-

/ Here enter F. M. D. No. 68 of 1857 /

1. Petitioners appeal from the order of the Civil Judge under date the 10th. November 1856, dismissing them from their situations as Battas Peons in the Court of the District Moonsiff of Tirapoondy for conspiracy.-

2. The Court of Foujdaree Udalut decline to interfere with the orders of the Civil Judge. Petition rejected.-

Ordered, that Extract from these proceedings, be given to the Petitioners' Pleader on his application.-

Read a Miscellaneous Petition presented on the 23d. March 1857, by Cooly and Chinny, Zillah Salem.-

/ Here enter F. M. D. No. 69 of 1857 /

1. The Petitioners pray the Court of Foujdaree Udalut to call for the proceedings in

F. M.

15th. May, 1857.

in Case a No. 10 of 1857 on the Calendar of the Session Court of Salem and to release their husbands, the Prisoners in that case.-

2. The Court of Foujdaree Udalut see no reason to interfere with the sentence of the Acting Session Judge in the above case and accordingly reject this Petition.-

Ordered, that Extract from these proceedings, be given to the Petitioners on their application.-

Read a Miscellaneous Petitions presented on the 27th. March and 20th. April 1857, by Vallattal, Zillah Cuddalore.-

/ Here enter F. M. D. Nos. 70 & 84 of 1857 /

Mr. Goodwyn

1. The Petitioner, who represents herself as the widow of the late Kendia Gounden with whose murder the Prisoners in Case No. 34 of 1856 were charged, prays the Court of Foujdaree Udalut to reconsider their sentence in that case.-

The Court of Foujdaree Uda-

2. lut decline to reconsider the sentence passed by this Court after perusing the whole record of the case which was a

referred

referred trial.-

3. The Petition is rejected.

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

Read. Miscellaneous Petition presented on the 23d. March, by Shaw Mahomud Ebrahim Hoossain Hader, Zillah Chittoor.

/Here enter F. M. O. No. 71 of 1857/

Mr. Goodwyn. 1. Petitioner prays the Court of Foujdaree Udalut will issue instructions to the Session Judge of Chittoor to investigate and decide upon certain charges of forgery petitioner lays against the Moonsiff of Trivettoor and others.-

2. The Court of Foujdaree Udalut resolve to reject this petition as no good or sufficient reasons have been assigned for their interference in the matter.-

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

Read. Miscellaneous Petition presented

presented on the 30th. March 1857, by Kristappa Naiken and another, prisoners in Chingleput.-

/Here enter F. M. O. No. 72 of 1857/

Mr. Goodwyn. 1. The Petitioners, who are the uncle and brother-in-law of the Prisoner in Case No. 3 of 1857 on the Calendar of the Session Court at Chingleput, pray this Court to release the said prisoner.-

2. The Session Courts sentence enters fully into the merits of the case and shows that the Prisoner's guilt has been established.-

Petition dismissed.-

3. Ordered, that Extract from these proceedings, be given to the Petitioners on their application.-

Read. Miscellaneous Petition presented on the 31st. March 1857, through the Session Judge of Combaconum, by Viswanatha Chetty of that Zillah.-

/Here enter F. M. O. No. 73 of 1857/

Mr. Goodwyn. 1. The Petitioner appeals from an order of the Session Court of Combaconum dated the 6th. February last, dismissing his appeal from the sentence of security passed against

against him by the Joint Magistrate.

2. The Court of Foujdaree Udalut decline to interfere with the Joint Magistrate's sentence of security which is confirmed by the Session Judge, and accordingly dismiss this Petition.-

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

/Sent in. No. /

Read. Miscellaneous Petition presented on the 30th. March 1857, by Vezia Sutchinee, Zillah Madura.-

/Here enter F. Mo. P. No. 75 of 1857/

Mr. Goodwyn. 1. The Petitioner prays the Court to reconsider their order of the 27th. November last, declining to interfere with the sentence of the Acting Session Judge of Madura in Case No. 62 of 1856.-

2. The Court of Foujdaree Udalut decline to reconsider the above order and reject this Petition.-

Ordered, that Extract from these proceedings, be given to the Petitioner on

her application.-

Read. Miscellaneous Petition presented on the 6th. April 1857, by Dasayee Runigasamy Chetty, Zillah Cuddalore.-

/Here enter F. Mo. P. No. 76 of 1857/

Mr. Goodwyn. 1. Petitioner, prosecutor in Session Case No. 1 of 1857 before the Session Court of Cuddalore, appeals against the acquittal of the prisoners in the said case.-

2. The Petition is dismissed as the Session Court's acquittal is final.-

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

Read. Miscellaneous Petition presented on the 6th. April, by S. N. Cumtera-ra Chary, Pleader on behalf of Govinda Sanabogee and another, Zillah Canara.-

/Here enter F. Mo. P. No. 77 of 1857/

Mr. Goodwyn. 1. Petitioners appeal from the orders of the Session Judge dated 30th. December 1856, confirming those of the Joint Magistrate of the 26th. September of the same year, fining the Petitioners in the sum of Rupees 25 and 15 respectively, and requiring each

15th. May, 1857.

each of them to find security in the sum of Rupees 200 for their good behaviour for one year, for having committed an assault upon one Maroo.

2. The Court of Foujdaree Uda-lut decline to interfere with the orders of the Joint Magistrate confirmed by the Session Judge.

Ordered, that Extract from these proceedings, be given to the Petitioners' Pleader on his application.

Read Miscellaneous Petitions received on the 8th Ultimo from Marooda Pillay and Paroomaloo Padyatchee, thro' the Session Judge of Combaconum.

[Here enter F. Mo. P. Nos. 79 and 80 of 1857]

Read also Miscellaneous Petition presented on the 4th Instant, by Marooda Pillay.

[Here enter F. Mo. P. No. 100 of 1857]

Mr. Goodwyn

The Petitioners appeal from the order of the Session Judge of Combaco-num dated the 6th January last, confirming the sentence of the Joint Magistrate holding them to security on a complaint preferred by one Venealasa Igen.

The

15th. May, 1857.

The Court of Foujdaree Udalut

2. do not consider that the Petitioners have shewn any good or sufficient reason for their interference and accordingly reject their Petitions.

Ordered, that Extract from these proceedings, be sent to the Session Judge of Combaconum, for communication to Petitioners

Sent in No. /

Read Miscellaneous Petition presented on the 9th April 1857, by Messrs. Arthur M. Ritchie and Alexander Mc Ritchie, Pleaders on behalf of Veroomalapa Moodely, of Zillah Chittoor

[Here enter F. Mo. P. No. 81 of 1857]

Mr. Goodwyn

The Petitioner appeals from the sentence of the Session Judge of Chittoor, in Case No. 56 of 1856 and prays that his brother, the prisoner in that case, may be unconditionally released.

The Court of Foujdaree Uda-

2. lut do not consider that the petitioner has assigned any good and sufficient reason for their interference with this sentence as they observe that the plea of partnership was not advanced before the Additional Joint Magis-trate

trate or Subordinate Court as would have been the case if it had been a true plea.—

3. Petition is rejected.—

Ordered, that Extract from these proceedings, be granted to the Petitioners Pleader on their application.—

Read Miscellaneous Petition presented on the 20th. April 1857, by Mr. H. B. Saunders, Pleader on behalf of Vencataramasastry of Zillah Madura.

/Here enter F. M. P. No. 850 of 1857./

Mr. Goodwyn. 1. The Petitioner appeals from an order of the Acting Session Judge of Madura dated the 20th. January last, declining to interfere with the order of the Magistrate confirming that of the Joint Magistrate and Police Ameen ordering the parties to enjoy equally the produce of certain land and prohibiting the cultivation of the said land without the consent of the Karegars.

2. The Court of Foujdaree Udalut decline to interfere with the Acting Session Judge's order confirming that of the Magistrate. If the Petitioner considers that he has any claim to the land he should seek his

F. M.

15th. May, 1857.

his remedy by a civil action.

Ordered, that Extract from these proceedings, be granted to the Petitioner's Pleader on his application.

Read Miscellaneous Petition presented on the 15th Instant, by Mr. H. B. Saunders, Pleader on behalf of Totoola Appannah and Soomiah, appealing against the sentence passed on them by the Acting Session Judge in Case No. 7 of 1857 on the Calendar of the Session Court of Rajahmundry.

/Here enter F. M. P. No. 105 of 1857./

Mr. Goodwyn. 1. Before passing final orders on this Petition, the Court of Foujdaree Udalut resolve to direct that the original record of the Case be submitted for their consideration.

2. The Acting Session Judge states in his sentence that "the Zillah Surgeon "in his report states that he is inclined to believe that he (Prosecutor) was feigning and "that there was not much the matter with "him," but on referring to the Zillah Surgeon's Certificate it is found to be stated that "after a careful examination I am of opinion "that the symptoms were assumed and that he

"he was malingering"- he doubt is here implied-
the Surgeon after a careful examination ex-
-presses no decided medical opinion that the
Prosecutor was shamming, and the Foujdaree
Udalut therefore request that the Acting
Session Judge will submit an explanation
of his placing so forced a construction on
the Certificate to the disadvantage of the Pri-
-soners instead of examining the Surgeon on
oath as he was bound to have done.-

3. The Prisoners will be released
on security till the case is finally disposed
of.-

Ordered, that Extract from
these proceedings, be sent to the Acting Ses-
-sion Judge of Rajahmundry by Precept
returnable in 11 days from and after its
receipt.-

/Sent following Precept &c./

Read again letter dated 2d. Ultimo,
from the Acting Subordinate Criminal Judge
of Bellary.-

/Here enter F. C. No. 719 of 1857./

Read also return dated 25th.
Ultimo, from the Acting Subordinate Cri-
-minal

-minal Judge of Bellary, to the precept of
the Foujdaree Udalut under date the 20th. idem,
directing him to adopt the course pointed
out in the case of the Insane Prisoner re-
-ferred to and to submit the deposition and
certificate of the Zillah Surgeon.-

/Here enter F. C. No. 886 of 1857./

1. The Court of Foujdaree
Udalut observe that the Acting Subordi-
-nate Judge has not conformed to the in-
-structions conveyed in the Extract from
their Proceedings dated the 20th. Ultimo, to
"examine the Zillah Surgeon and take his
"opinion as to the justness of the inferences
"on which the witnesses based their convic-
-tion of the Prisoner's insanity," but has
only sent up the depositions originally
taken from the Zillah Surgeon in the
trial of the 2 Cases in question, and which
do not contain the required information.

2. They resolve to call upon the
Acting Subordinate Judge to adopt this
course now, reporting the result for their
information.-

Ordered, that Extract from
these

"he was malingering"- he doubt is here implied
the Surgeon after a careful examination ex-
-presses a decided medical opinion that the
Prosecutor was shamming, and the Foujdaree
Adalut therefore request that the Acting
Session Judge will submit an explanation
of his placing so forced a construction on
the Certificate to the disadvantage of the Pri-
-soners instead of examining the Surgeon on
oath as he was bound to have done.-

3. The Prisoners will be released
on security till the case is finally disposed
of.-

Ordered, that Extract from
these proceedings be sent to the Acting Ses-
-sion Judge of Rajahmundry by Precept
returnable in 14 days from and after its
receipt.-

/Sent following Precept &c./

Read again letter dated 2d. Ultimo,
from the Acting Subordinate Criminal Judge
of Bellary.-

/Here enter F. Pro. No. 719 of 1857./

Read also return dated 25th.
Ultimo, from the Acting Subordinate Cri-
-minal

-minal Judge of Bellary, to the precept of
the Foujdaree Adalut under date the 20th. idem,
directing him to adopt the course pointed
out in the case of the Insane Prisoner re-
-ferred to and to submit the deposition and
certificate of the Zillah Surgeon.-

/Here enter F. Pro. No. 886 of 1857./

1. The Court of Foujdaree
Adalut observe that the Acting Subordi-
-nate Judge has not conformed to the in-
-structions conveyed in the Extract from
their Proceedings dated the 20th. Ultimo to
"examine the Zillah Surgeon and take his
"opinion as to the justness of the inferences
"on which the witnesses based their convic-
"tion of the Prisoner's insanity," but has
only sent up the depositions originally
taken from the Zillah Surgeon in the
trial of the 2 Cases in question, and which
do not contain the required information.

2. They resolve to call upon the
Acting Subordinate Judge to adopt this
course now, reporting the result for their
information.-

Ordered, that Extract from
these

these proceedings, be sent to the Acting Subordi-
-nate Judge of Bellary, by precept returnable
within III days from and after its receipt.-

/And following precept. No. /

Read again letter dated 9th. and
21st. January and 12th. February 1857, from the
Acting. Agent at Ganjam, submitting re-
-ports on Cases Nos. 37, 39 and 45 of 1856.-

/Here enter F.R. Nos. 462-463 & 469 of 1857/

Read also Return and supple-
-mental Return dated the 22d. and 28th. April
1857, from the same Officer, to the precept of
the Foujdaree Adalut under date the 8th. Ultimo,
calling for certain information with re-
-gard to the 4th. Prisoner in Case. No. 37. the
6th. Prisoner in Case. No. 39 and some of the
Prisoners in Case. No. 45 of 1856.

/Here enter F.R. Nos. 784 & 949 of 1857/

Case. No. 37.

1. The Court of Foujdaree Ada-
-lut are of opinion that the deposition of the
4th. Prisoner in this case before the Acting
Agent and the evidence clearly proves the
Prisoner's guilt, and they therefore sanction
the sentence proposed to be passed upon him
by the Acting Agent viz: 12 years' imprison-
-ment

F.R.

15th. May, 1857.

-ment with hard labor in irons.-

Case. No. 39

2. The Court sanction the sen-
-tence proposed to be passed on Bolee Kauck,
the 6th. prisoner in this case viz: 10 years' im-
-prisonment with hard labor in irons.-

Case. No. 45.

3. The Court of Foujdaree A-
-dalut concur in the acquittal of the
14th., 15th., 16th., 24th., 25th. and 28th. Prisoners, if the
Acting Agent considers that the general
character of these prisoners (except the 16th.
whom he proposes to release unconditionally
to be such as to require the demand of se-
-curity he has of course the authority to
demand it.-

4. The Court of Foujdaree
Adalut observe, that the explanation
submitted by the Acting Agent in para 2
of his Supplemental Return is unsatis
-factory and they are not prepared to admit
that the act of residence in the country
or villages under the power of a robber
chief constitutes the offence described in
Act. No. 23 of 1843.-

5. The proof against the 6th. Prisoner

S. Ranaud

Lokanand Naik, 11th Prisoner Chaytunnia Naik, 17th Prisoner Dano Naik, 22d Prisoner Nando Naik 23d Prisoner, Seeva Naik, 26th Prisoner Bondoia Naik, is insufficient to their conviction, and the Court therefore resolve to direct their acquittal. The Acting Agent will be at liberty to take security from these Prisoners, if he deems this course requisite from the character of each.

6 In his Supplemental Return the Acting Agent says most of the prisoners admitted that they received rations from Chokra Bessayi; but the detailed explanation only shews that the 3d, 7th and 13th Prisoners admitted this before the Assistant Agent. Before passing any final orders as to these Prisoners, the Court of Foujdaree Udalut direct that translations of their depositions admitting the receipt of rations be submitted, as well as of extracts from the depositions of the witnesses which prove any specific acts against these prisoners.

7. The 10th prisoner Bolee Naik and the 21st prisoner Dhunnia Naik in this case having been sentenced in Cases 39 and 37 need no further notice.

8. The Court direct that Dhunnia Naik the 4th prisoner in Case No. 37, and Bolee Naik the 6th prisoner in Case No. 39 be respectively banished to the Jails at Rajahmundry and Masulipatam, there to be imprisoned and kept to hard labor during the term of their respective sentence.—

Ordered, that Extract from these proceedings, be sent to the Acting Agent to the Governor of Fort Saint George at Ganjam, by precept returnable within V days from and after its receipt.

/Sent following precept No. /

Read Miscellaneous Petition presented on the 16th March 1857 by S. Teroomala Chary, pleader on behalf of Goomdoo Naikru, of Zillah Cuddalore.

/Here enter F.M.P. No. 13 of 1857./

1. Petitioner appeals from the sentence passed upon his brother-in-law, the prisoner in Session Case No. 40 of 1856.

Mr. Goodwyn.

2. Before passing any final orders

orders on this petition, the Court of Foujdaree Adaulut resolve to direct the Acting Session Judge to furnish them with the certificate in question, and a translation thereof, as well as to explain how a certificate which had apparently expired on September 7th. 1 or could have been given by the 2d. witness Head Goomastah of the Moonsiffs Court to the 4th. witness the plaintiff on September the 10th. as well as how the prisoner could be supposed to have received an overdue certificate vide Section IV. Act No. XVII of 1848 as payment, without the date had been altered before it was given to him petitioner by the 4th. witness.

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

Sent following precept No. 15
Ex Gall.
Cr Chamier

F. M.

Saturday 16th May 1857. } At a Court of the Foujdaree Adaulut

Present

G. S. Hooper Esquire
W. A. Morehead Esquire
T. W. Goodwyn Esquire Actg. } Puisne Judges

Read Miscellaneous Petition forwarded by the Acting Session Judge of Salem from Nattam Coundem and another, of the same Zillah.

(Here enter F. M. D. No. 96 of 1857)

Read also petition forwarded by the same officer from Mareyan and another, of the above Zillah.

(Here enter F. M. D. No. 97 of 1857)

The Petitioners are the 1st, 2d, 4th, and 5th Prisoners in Case No. 17 of 1857 on the file of the Session Court of Salem, and pray the interference of this Court for the reasons stated in their petitions, to reverse the sentence passed upon them in the above case.

Mr. W. A. Morehead. 1.

The Court of Foujdaree Adaulut

2

discover nothing in these petitions which leads them to question the correctness of the sentence appealed from.

3.

Petitions dismissed

Ordered that Extracts from these Proceedings be sent to the Sessions Judge of Salem for communication to Petitioners.

(Sent in A.

Read Miscellaneous Petitions presented on the 23d April by V. Sadagopa Charry, Pleader on behalf of Venkatanarasimha Charlu, Zillah Nellore.

(Here Enter F. M. P. No 90 of 1857)

Mr. W. A. Morehead.

Petitioner, brother of the prisoner in Calendar No 5 of 1857 on the file of the Sessions Court of Nellore, appeals from the sentence passed in the above case and prays for his release.

2 The Court of Foujdaree Adalut see no grounds for the admission of this appeal and accordingly reject the petition.

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

Read Miscellaneous Petitions presented on the 28th April by Mr. J. H. D. Wilson, Pleader and

on behalf of Nagoory Chetty and Thumner Chetty, Zillah Madura.

(Here Enter F. M. P. No 91 of 1857)

Mr. W. A. Morehead. 1 Petitioners, prosecutors in Calendar Case No 17 of 1857 on the file of the Sessions Court of Madura, appeal against the acquittal of the 3d Prisoner in the above Case.

2 The Court of Foujdaree Adalut resolved to reject this petition as the acquittal of the prisoner by the late Acting Sessions Judge is final.

Ordered that Extracts from these Proceedings be furnished to the Petitioners on their application.

Read Miscellaneous Petitions presented on the 28th April by S. N. Canteravachary, Pleader on behalf of Gopalu Moodelly, Zillah Cumbaconum.

(Here Enter F. M. P. No 93 of 1857)

Mr. W. A. Morehead. 1. Petitioner appeals from the order passed by the Sessions Judge of Cumbaconum under date the 1st November 1856, reversing the orders of the Magistrate under date 9th August 1856.

2 The Court of Foujdaree Adalut see no reason to disturb the orders passed by the Sessions

16th May 1857.

2. The Court of Foujdaree Adalut reject this petition, the case having been already disposed of.

Ordered that Extracts from the Proceedings be furnished to the Petitioner on this application.

Read Miscellaneous Petition presented on the 28th April 1857 by Yellaghaud of Chittoor.

(Here enter F.M.D. No. 95 of 1857)

Mr. W.A. Morehead 1. The Court of Foujdaree Adalut resolve to send a copy of this petition to the Sessions Judge, who will ascertain if the statements made in it are correct. The Sessions Judge will also state the age of the 1st prisoner in Calendar Case No. 29 of 1855.

2. The petitioner has been ordered to attend the Sessions Court, in order to afford the Sessions Judge any information he may see fit to seek from him.

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

(Sent following Receipt No.)

Read

16th May 1857.

Read Miscellaneous Petition presented on the 16th May by C. Salman Esquire, Pleader on behalf of Rednum Lutchmee Ammal, Zillah Rajahmundry.

(Here enter F.M.D. No. 107 of 1857)

Mr. W.A. Morehead 1. Before passing any order on this petition the Court of Foujdaree Adalut resolve to refer the same to the Acting Sessions Judge for such explanation of the circumstances therein referred to as it may be in his power to offer.

To be returned.

Ordered that Extracts from the Proceedings be sent to the Acting Sessions Judge of Rajahmundry by Receipt returnable within VII days from and after its receipt.

(Sent following Receipt No.)

Read Miscellaneous petition presented on the 30th April 1857 by S. Sankaranarayana Chetty, Pleader on behalf of Mama Naidoo, of Zillah Tinnevelly.

(Here enter F.M.D. No. 83 of 1857)

Mr. W.A. Morehead 1. This is an appeal from the order of the Sessions Judge dated 4th February 1857.

2. Before finally disposing of this petition, the Court of Foujdaree Adalut resolve to

16th May 1857

to call upon the Sessions Judge to submit the record of Criminal Case No. 174 of 1856.

Ordered that Extracts from these Proceedings be sent to the Sessions Judge of Tinnevelly by Precept returnable within 15 days from and after the receipt.

(Sent following Precept No.)

Read Calendars of Cases Nos. 15 and 20 of 1857, submitted by the Sessions Judge of Trichinopoly under dates the 16th March and 9th April 1857.

(Here enter F.R. Nos. 558 and 747 of 1857)

Read Criminal Report B and another Statement submitted by the Sessions Judge of Masulipatam under date the 16th April 1857 for the month of March 1857.

(Here enter F.R. No. 806 of 1857)

Read Calendar of Case No. 26 of 1857, submitted by the Sessions Judge of Chittoor under date the 21st April 1857.

(Here enter F.R. No. 1001 of 1857)

Read Calendars of Cases Nos. 20, 21, 22, and 28 of 1857, submitted by the Sessions Judge of Cuddapah under date the 13th May 1857.

(Here enter F.R. Nos. 1002, 1003, 1004 and 1005 of 1857)

Exd. W.H.

C. S. Chamier

X

F. No.

Monday, 18th May 1857. } At a Court of the Foujdaree Adalut.

Present

G. S. Hooper Esquire. } Puisne Judges.
W. A. Morehead Esquire. }
T. W. Goodwyn Esquire Acting Puisne Judge.

No return having been received from the Sessions Judge of Cuddapah to the Precept of the Foujdaree Adalut dated the 29th April 1857, calling for explanation of delay in Sessions Cases Nos. 99 and 101 of 1856.

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 the Foujdaree Adalut dated the 6th Instant, calling for explanation of delay in Sessions Case No. 97 of 1856.

Ordered

Ordered that the Sessions Judge of Cuddapah be required to make a return to the above Precept without further delay.-

(Sentin No)

No return having been received from the Sessions Judge of Cuddapah to the Precept of the Foujdaree Udalut dated the 4th Instant, calling for explanation of delay in the committal and disposal of Sessions Case No. 100 of 1856. and inforwarding the Calendar.-

Ordered that the Sessions Judge of Cuddapah be required to make a return to the above Precept without further delay.-

(Sentin No)

No return having been received from the Sessions Judge of Cuddapah to the Precept of the Foujdaree Udalut dated the 29th April 1857, calling for explanation of delay in Sessions Case No. 2 of 1857.-

Ordered that the Sessions Judge of Cuddapah be required to make a return to

to the above Precept without further delay.

(Sentin No)

Read Calendar of Cases No. 3 of 1857, submitted by the Acting Sessions Judge of Cuddalore under date the 4th May 1857.-

/Here enter F. Re. No. 937 of 1857./

Read Return dated 2d May 1857 from the Sessions Judge of Coimbatore, to the precept of the Foujdaree Udalut under date the 5th March 1857, calling upon him to forward the Annual Criminal Reports for the year 1856.-

/Here enter F. Re. No. 938 of 1857./

Read Return dated 2d May 1857 from the Sessions Judge of Tinnevelly, to the precept of the Foujdaree Udalut under date the 27th April 1857, observing that the intent to steal is not stated in the abstract of the charge in Case No. 36 of 1857, and calling for explanation on the point.-

/Here enter F. Re. No. 941 of 1857./

Read Extract dated 6th May 1857 from the Sessions Judge of Trichinopoly

on

on reviewing of the Petty Calendar for the 1st Quarter of 1857.

/Here enter F. No. No. 944 of 1857./

Read Calendar of Cases No. 34 of 1857, submitted by the Sessions Judge of Masulipatam under date the 30th April 1857.

/Here enter F. No. No. 953 of 1857./

Read Calendar of Cases No. 37 of 1857, submitted by the Sessions Judge of Masulipatam under date the 30th April 1857.

/Here enter F. No. No. 954 of 1857./

Read Petty Calendars dated 1st April 1857, submitted by the Acting Sessions Judge of Salem disposed of by the Magistracy for the 1st Quarter of 1857.

/Here enter F. No. No. 955 of 1857./

Read Report dated 5th May 1857 submitted by the Sessions Judge of Bellary of Cases pending on the 31st March 1857 for a longer period than 25 days.

/Here enter F. No. No. 966 of 1857./

Ed. R.D.

F. No.

Tuesday——
19th May, 1857.

Madura Court of the Zoujdaree Udalut.

Present

G. S. Hooper, Esquire, —— Puisne Judge.
W. A. Morehead, Esquire, —— Puisne Judge.
J. W. Goodwyn, Esquire, Acting Puisne Judge.

Read Criminal Report, submitted by the Session Judge of Madura, under date the 6th May 1857, for the months of April 1857.

/Here enter F. No. No. 959 of 1857./

Case No. 32. 1. This sentence appears very heavy, the Session Judge will call for the record and pass such orders thereon as he deems fit.

" No. 34. 2. In this case Clause 6th of Section II Regulation VII of 1822 has been erroneously quoted for Clause IV Section IV Regulation VI of 1822.

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

/Sent in No. /

Read

on reviewing of the Petty Calendar for
the 1st" Quarter of 1857.

/Here enter F. Co. No. 944 of 1857./

Read Calendar of Cases No. 34
of 1857, submitted by the Sessions Judge of
Masulipatam under date the 30th" April 1857.

/Here enter F. Co. No. 953 of 1857./

Read Calendar of Cases No.
37 of 1857, submitted by the Sessions Judge of
Masulipatam under date the 30th" April 1857.

/Here enter F. Co. No. 954 of 1857./

Read Petty Calendars dated
1st" April 1857, submitted by the Acting Sessions
Judge of Salem disposed of by the Magistracy
for the 1st" Quarter of 1857.

/Here enter F. Co. No. 957 of 1857./

Read Report dated 5th" May
1857, submitted by the Sessions Judge of Bellary
of Cases pending on the 31st" March 1857 for a
longer period than 25 days.

/Here enter F. Co. No. 966 of 1857./

Ex 18 D.

F. Co.

Tuesday——
19th" May, 1857.

Ma Court of the Foujdaree Adalut.

Present

G. S. Hooper, Esquire,—— Puisne Judge.
W. A. Morehead, Esquire,—— Puisne Judge.
T. W. Goodwyn, Esquire, Acting Puisne Judge.

Read Criminal Report,
submitted by the Session Judge of
Madura, under date the 6th" May 1857,
for the months of April 1857.

/Here enter F. Co. No. 959 of 1857./

Case No. 32. 1. This sentence appears very
heavy, the Session Judge will call for
the record and pass such orders thereon
as he deems fit.

" No. 34. 2. In this case Clause 6th" of
Section II Regulation VII of 1822 has been
erroneously quoted for Clause IV Sec-
tion IV Regulation VII of 1822.

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

/Sent in A."/

Read

Read letter dated 6th May, from the Acting Session Judge of Salem.

/Here enter F. No. 973 of 1857/

1. In the above letter the Acting Session Judge requests the instructions of the Judges as to whether in a referred trial when the whole record of a case is applied for it is to be understood to include the letter of reference to the Higher Court.

2. The Court of Fouzdaree Udalut inform the Acting Session Judge that the letter of reference does not form part of the record of a trial and therefore cannot be given to parties thereto without the sanction of the Court of Fouzdaree Udalut to whose application for the same should be submitted It is otherwise with the Futwa, which together with the other component parts of the record, the Acting Session Judge is at liberty to furnish the Applicant with a copy.

Ordered, that Extract from these

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

/Sent in No. /

Read Miscellaneous Petition presented on the 25th April 1857, by John Tanchoo Menon, Pleader on behalf of Olayppa Mannoo Mankel Narrainen Numboodry, and of Gillah Calicut.

/Here enter F. Mis. P. No. 92 of 1857/

Mr. Morehead

1. The Petitioner appeals from an order of the Acting Session Judge of Calicut, dated the 13th February last, declining to disturb the order of the Joint Magistrate in the matter of the complaint of the Petitioner against his brother for having forcibly carried away the Key of a Madom.

2 The Court of Fouzdaree &c. Udalut reject this Petition the course followed by the Session Court being correct.

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

/Sent in No. /

Ordered

Ordered also, that Extract from these proceedings, be granted to the Petitioner Pleader on his application.-

Read again Calendar of Case No. 10 of 1856, submitted by the Acting Session Judge of Madura.-

/Here enter F. Mo. No. 354 of 1856/

Read also again Miscellaneous Petition presented on the 23d February 1857, by A. Mc. Ritchie Esquire and Alexander Mc. Ritchie Esquire, Pleaders on behalf of Aberamy, Pillah Madura.-

/Here enter F. Mo. P. No. 40 of 1857/

Read also Miscellaneous Petition presented on the 4th Instant, by the above party

/Here enter F. Mo. P. No. 101 of 1857/

Mr. Hooper

1.

Petitioner, the wife of Aroona-chellum Pillay, prisoner in Calendar Case No. 10 of 1856 on the file of the Session Court of Madura, who was sentenced on conviction of Gang Robbery to 14 years' imprisonment with hard labor in irons, appeals from the above sentence and prays for his release.-

2.

The Court of Foujdaree Udalut observe that the Prisoner in this case has been convicted upon the very same

same evidence which has been rejected by them in their proceedings of the 11th November 1856 on Case No. 50 of 1855 as utterly false, and they direct that the prisoner Aroonachellum in Case No. 10 of 1856 be immediately and unconditionally released.-

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

/Sent following Precept No. /

Read Return dated 5th May from the Session Judge of Cuddapah, to the precept of the Foujdaree Udalut under date the 27th April 1857 calling for explanation of the delay in furnishing the information required by this Court's precept of the 19th of November last.-

/Here enter F. Mo. No. 962 of 1857/

Read also return dated 5th May from the Session Judge of Cuddapah, to the precept of the Foujdaree Udalut under date the 27th April 1857 directing to be informed of the cause of the delay in affording the information called for

for on the 19th November 1856 in Calendar Case No. 72 of 1856.

/Here enter F. Ms. No. 963 of 1857/

The Court of Foujdaree Udalut trust that the Session Judge will make such arrangements as will prevent similar delays in future.

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

/Sent in No. /

Read again Calendar of Case No. XXVI of 1856, of the Session Court of Madura.

/Here enter F. Ms. No. 1096 of 1856./

Read also Miscellaneous Petition presented on the 24th Ultimo, by C. Salmon Esquire, Pleader on behalf of Audee Naiken and Ramasawmy Naik, Zillah Madura

/Here enter F. Ms. P. No. 89 of 1857./

Mr. Morehead

1. The Petitioners appeal from the Proceedings of the Acting Session Judge of Madura, sentencing the 2d and 3d Prisoners to 14 years' imprisonment with hard labor in irons on a charge of Gang Robbery and

and pray for their release.

2. The evidence on which the 2d 3d and 4th Prisoners in this case have been convicted, being the same as that which was deemed by the Court of Foujdaree Udalut in their Proceedings of the 4th November last to be untrustworthy, they direct that these Prisoners be immediately and unconditionally released.

3. The Court of Foujdaree Udalut are of opinion that on the receipt of their Proceedings above referred to, the Acting Session Judge should have brought to the notice of the Higher Court the sentence which had been passed by him in this case, and that he should not have left it to the Prisoners to apply to the Higher Court as they have now done.

Ordered, that Extract from these proceedings, be sent to the Acting Session Judge of Madura, by Precept returnable within 10 days from and after its receipt.

/Sent following Precept No. /

Read

19th. May, 1857.

Read letter dated 15th. May 1857 from the Session Judge of Nellore, submitting for the final judgment of the Foujdaree Udalut the record of Trial in Case No. 16 of 1857, of the Calendar of the Session Court.

/Here enter F. Uc. No. 1009 of 1857/

Mr. Goodwyn

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

1st. Palle Ranganumma
and
2d. Marisetty Cannadu

is sufficient to convict them 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 awardable, do convict them thereof; and under the provisions of Section XXI Regulation VIII of 1802, Clause 2d. Section VI Regulation I of 1825, and Section XXXIII Act VII of 1843, sentence the prisoners,

2d. Marisetty Cannadu

to be imprisoned and kept to hard labor in irons on the public roads or other public works

F. Uc.
19th. May, 1857.

for and during the period of (7) seven years, and the prisoners,

1st. Palle Ranganumma

to be imprisoned and kept to labor suitable to her sex for and during the period of (2) two years.-

The Court of Foujdaree Udalut
1. concur with the Session Judge in the conviction of the prisoners in this case of the crime charged, and in the sentence proposed to be passed on the 2d. prisoner, but consider ing that a sentence of 2 years' imprisonment is sufficient to meet the ends of justice in the case of the 1st. prisoner they have sentenced her accordingly.

The Session Judge in Para 3
2. of his letter alludes to the Prosecutor's statements as if they were in evidence, but has omitted to notice the Mooftys objection to the same as hearsay they being only what the Prosecutor told his Vakeel. As the offence took place at Nellore the Prosecutor should have been examined on oath.

A Plan showing Prosecutor's
3. 1st. prisoner's and the neighbour's houses and premises

19th. May, 1857.

premises, the places where the bones were found, fire lighted, the 2d. Prisoner seen, &c. ought to have been transmitted by the Head of Police.

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

/Sent in No. 1/5

Ed. Hall.

F. No.

Wednesday
20th. May, 1857.

At a Court of the Foujdaree Adalut.

Present

G. S. Hoopers, Esquire,
W. A. Morehead, Esquire, } Puisne Judges.
J. W. Goodwyn, Esquire, Ag.

Read letter dated 6th. Instant, from the Session Judge of Calicut, submitting for the final judgment of the Foujdaree Adalut the Record of Trial in Case No. 18 of 1857 of the Calendar of the Session Court.-

/Here enter F. No. No. 999 of 1857/

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,

Messrs. Morehead and Goodwyn

2d. Topitta Alamas

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 the death by being hanged at the usual time

and

and place of execution.

And being of opinion that the Prisoner

1st. Palaporah Valiakettodyil Seyud Ahmed alias Coonhy Cogah Tungul

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

The Prisoners were charged with having murdered one Pattoomah by cutting her throat with a Knife.

2. The Mahomedan Law Officer convicted the 2d. Prisoner, but declared Fehmut only against the 1st. The Session Judge considered the proof sufficient for the conviction of both Prisoners and recommended a Capital sentence.

3 The Court of Foujdaree Udalut concur in the conviction of and sentence proposed for the 2d. Prisoner.

4. As regards the 1st. Prisoner the Court of Foujdaree Udalut do not deem the proof sufficient for his conviction.

Almost the only evidence against him is his Police confession, which is suspicious, because made when there was no proof against him; moreover it was immediately denied, and nothing is found in the record that can be safely accepted as bearing out the alleged confession.

5 If the 1st. Prisoner was a hired assassin as charged, it appears hardly probable that he would when going away with his intended victim openly state that he was going to his village, take and murder her at his village at midnight on Sunday, and deposit the body at the Tomb attached to his Uncle's Mosque, when aware that the 4th. Witness repaired there every Monday and Friday to light the lamps at the tombs; for discovery of the body would be thereby assured on Monday i. e. within 24 hours. This concealment of the murdered body in this tomb appears also to contradict the Session Judge's supposition that the murderer's motive was fanaticism.

6. The deceased's body was not discovered till several days after her murder

and place of execution.

And being of opinion that the Prisoner

1st. Palaporah Valiakellodyil Seyud Ahmood alias Coonhy Cogah Tungul

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

1 The Prisoners were charged with having murdered one Pattoomah by cutting her throat with a knife.

2. The Mahomedan Law Officer convicted the 2d. Prisoner, but declared Tolmut only against the 1st. The Session Judge considered the proof sufficient for the conviction of both Prisoners and recommended a Capital sentence.

3 The Court of Foujdaree Udalut concur in the conviction of and sentence proposed for the 2d. Prisoner.

4. As regards the 1st. Prisoner the Court of Foujdaree Udalut do not deem the proof sufficient for his conviction.

Almost the only evidence against him is his Police confession, which is suspicious, because made when there was no proof against him; moreover it was immediately denied, and nothing is found in the record that can be safely accepted as bearing out the alleged confession.

5 If the 1st. Prisoner was a hired assassin as charged, it appears hardly probable that he would when going away with his intended victim openly state that he was going to his village, take and murder her at his village at midnight on Sunday, and deposit the body at the Tomb attached to his Uncle's Mosque, when aware that the 4th. Witness repaired there every Monday and Friday to light the lamps at the tombs; for discovery of the body would be thereby assured on Monday i.e. within 24 hours. This concealment of the murdered body in this tomb appears also to contradict the Session Judge's supposition that the murderer's motive was fanaticism.

6. The deceased's body was not discovered till several days after her murder

murder, and there is nothing, the Court observe, to show that the deceased was murdered on the night of the day on which she with the 1st and 2d Prisoners left the house of the 3d Witness.-

7.

The Court fail to understand why the Subordinate Officer has not stated the source of his information obtained at 5½ P.M. 12th April; the deceased's name was not previously known and none of the witnesses were examined till the next day 13th April, but suddenly on April 12th he obtains the deceased's name, the account of her pregnancy by Pattani Sheik Ahmood, deceased's quarrels with him, information that 1st Witness knows all about it &c. &c. but not a syllable is hinted as to the source of this most important intelligence.-

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

Sent in No. /4

Ex. Mall.

C. S. Chamier

H. C.

Friday 22nd May 1857 } At a Court of the Foujdaree Udalut

Present.

G. S. Cooper Esqre
W. A. Morehead Esqre
J. W. Goodwyn Esqre } Puisne Judges

Read Calendar in Case No. 28 of 1857 of the Sessions Court of Bellary.

(Here Enter F. C. No. 967 of 1857)

The Court of Foujdaree Udalut observe that this case arrived before the Subordinate Court on the 11th inst. was committed on the 22nd, and the trial in the Sessions Court commenced on the 30th April, but no explanations of the delays have been furnished.-

2

The Sessions Judge will in future take care that explanations of delays in the Subordinate and Sessions Courts are entered in the Calendar as required by Circular Order No. 213.

Ordered that Extract from these

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

Sent in No.

Read Calendar of Cases Nos.
16 and 17 of 1857 of the Sessions Court of Combaconum
(Here enter F. Ct. No. 968 of 1857.)

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
Samy in the margin has been adjudged to suffer
on his conviction of House breaking and theft
viz., 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 Combaconum for his information

(Sent in No.)

Read Calendar of Case No. 18
of 1857 of the Sessions Court of Combaconum
(Here enter F. Ct. No. 983 of 1857)

The Court of Foujdaree Udalut
approve

approve of the recommendation made by the
Sessions Judge in this case, that the period
Jumbaconum Chetty of imprisonment which the Prisoner noted
in the margin has been adjudged to suffer
on his conviction of Forgery, be reduced to
(18) Eighteen months with hard labor in irons,
and they do authorize the Sessions Judge
to issue his warrant accordingly.

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

Sent in No.

Read Calendar in Case Nos.
of 1857 of the Sessions Court of Combaconum
(Here enter F. Ct. No. 984 of 1857.)

This Case appears to the
Court of Foujdaree Udalut to be one that
might have been committed on the day
of its arrival, but no explanation for
the 11 days' delay has been given as
required by Circular Order No. 213.

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

(Sent in No.)

Read Petty Calendars submitted by the Sessions Judge of Calicut for the 1st quarter of 1857

(Here enter F.C. No 985 of 1857)

Calendar No 1
Case No 12.

The Court of Poojdaree Udalut observe that the charge against the Prisoner in this case is not one that called for the Magistrates notice and that the imposition of the fine is not sanctioned by any Regulation.

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

Sent in No

Read Extract from the Proceedings of the Sessions Court of Guntoor dated 4th May 1857, reviewing the Petty Calendars of the Magistracy for the 1st quarter of 1857.

(Here enter F.C. No 970 of 1857)

Calendar No 1
3 - 3.

The Court of Poojdaree Udalut observe that the 1st Defendant should have been dismissed.

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

Sent in No

Read

Read Calendar of Cases No 5 of 1857, submitted by the Acting Sessions Judge of Calicut under date the 25th February 1857.

(Here enter F.C. No 978 of 1857)

Read return dated 24th February 1857, submitted by the Sessions Judge of Chicacole, to the Precept of the Poojdaree Udalut under date the 11th Idem, requiring explanation of the delay in committing the case No 16 of 1856 on the Calendar and in commencing the Trial of it by the Sessions Court.

(Here enter F.C. No 978 of 1857)

Read letter dated 2nd February 1857, from the Sessions Judge of Chicacole, forwarding the Petty Calendars of the Magistracy of Ganjam for the 4th Quarter of 1856.

(Here enter F.C. No 979 of 1857)

Read Calendar of Case No 1 of 1857, submitted by the Sessions Judge of Calicut under date the 27th February 1857.

(Here enter F.C. No 983 of 1857)

Read Calendar of Case No 3 of 1857, submitted by the Sessions Judge of Madura under date the 28th February 1857.

(Here enter F.C. No 984 of 1857)

Read

Read Calendar of Case No 53 of 1857, submitted by the Sessions Judge of Trichinopoly under date the 3rd March 1857.

(Here enter F. Mo. No 185 of 1857)

Read Calendar of Case No 24 of 1857, submitted by the Sessions Judge of Tinnevelly under date the 28th February 1857.

(Here enter F. Mo. No 186 of 1857)

Read Letter dated 2nd March 1857, from the Sessions Judge of Chittoor, forwarding the Calendar of Petty Cases disposed of by the Magistracy for the 4th Quarter, 1856.

(Here enter F. Mo. No 187 of 1857)

E. W. H.

Saturday 23rd May 1857.

F. Mo.

At a Court of the Foujdaree Adalut

Present.

G. S. Hooper Esqre
W. A. Morehead Esqre
J. W. Goodwyn Esqre
} Puisne Judges

Read Miscellaneous Petition presented on the 16th May 1857, by Mauricham of Yillah Madura.-

(Here enter F. M. P. No 108 of 1857.)

The Petitioner prays for a review of the orders of this Court dated 20th April 1857, refusing to disturb the sentence passed in Sessions Cases Nos XVIII and XXXI of 1856.-

Mr G. S. Hooper.

The Court of Foujdaree Adalut resolve to reject this petition, as they see no reason to alter their former Orders.-

2.

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

Read letter dated 16th instant from

23th May 1857.

from the Session Judge of Chittoor, requesting to be informed whether he may send the Original records in Calendar Nos 28 and 32, as the Fouzdaree Translator and others in the English Department are engaged in the translation of other Cases previously referred.-

(Here enter F.M. No 1020 of 1857.)

The Court of Fouzdaree Adalut resolve to direct the Session Judge to send up the Original records of the Cases referred to, as well as that of Case No 19 of 1857, should the latter be still untranslated

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

(Sent following Precept No)

Read Miscellaneous Petition forwarded by the Acting Sessions Judge of Salem, from Pichacoopien, of the said Zillah.-

(Here enter F.M.P. No 103 of 1857.)

Mr G. S. Hooper 1.

This is an appeal from a sentence passed on the 5th November 1856 in the Sessions

23d May 1857.

Sessions Case No LXIV.-

2. The Court of Fouzdaree Adalut resolve to reject this Petition as they see no reason whatever to doubt the correctness of the sentence passed by the Sessions Judge in the case in question.-

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

Sent in No

Read Miscellaneous Petition presented on the 2d March 1857, by John Sanchoo Iruvon, Pleader on behalf of Tolen Noosoan of Inahi of Zillah Tellicherry

(Here enter F.M.P. No 146 of 1857.)

Mr G. S. Hooper

The Petitioner not having produced Copies of the order against which he appeals, the Court of Fouzdaree Adalut resolve to direct that this Petition be removed from their file.-

Ordered that Extract from these Proceedings be furnished to the Petitioner

Petitioner's Pleader on his application.—

Read Miscellaneous Petition presented on the 15th May 1857, by Terowengada Moodelly of Zillah Trichinopoly.—

(Here enter F. M. P. No. 104 of 1857)

Mr. G. S. Hooper 1. The Petitioner appeals from an Order of the Sessions Judge confirming a fine of Rupees 2 imposed on the Petitioner by the Police authorities.—

2 The Court of Fouzdaree Adalut can take no notice of this Petition which is unaccompanied by an Order of the lower Tribunals, and no trace can be found of any Appeal Petition having been received from the Petitioner on the subject. The Petition is therefore rejected.—

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

Read Miscellaneous Petition presented on the 18th May 1857, by Nallo Vandoo Naicken, Zillah Chittoor.—

(Here enter F. M. P. No. 111 of 1857.)

Mr. G. S. Hooper 1. This is an Appeal from the Proceedings

Proceedings of the Sessions Judge dated the 5th March 1857, reversing an order of the Head Assistant Magistrate fining the defendants in various sums for publishing certain scandalous reports prejudical to the character of the Petitioner's daughter.—

2 The Court of Fouzdaree Adalut resolve to reject this Petition, as they see no reason to interfere with the order of the Sessions Judge. There appears however to be no reason why the Petitioner should not bring a Civil suit for damages against the defendants for defamation.—

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

(Sent in No.)

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

Read Miscellaneous Petition presented on the 18th May 1857 by V. Vanugadoo (Here enter F. M. P. No. 110 of 1857)

Mr. G. S. Hooper. Petitioner having lent a Buffalo to one Ruttaya Nursadoo has been unable to

to recover it from the said individual—
he complains that he can obtain no
redress from any of the authorities in
the Mofussil.—

2 The Court of Foujdaree
Udalut cannot interfere in this matter
which appears to be of a Civil nature.—

3. Petitioner rejected.—

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

Read letter dated 11th. May 1857,
from the officiating Agent to the
Governor of Fort St. George at Kurnool.—

(Here enter F. No. 960 of 1857)

1 In the above letter, the
officiating Agent solicits orders to make
known generally to the Police that they
may act on the offensive against any
body of men surprised with arms in their
hands committing a Gang Robbery.—

2 The Court of Foujdaree
Udalut inform the Officiating Agent
that the Police may be instructed to use

force

force to prevent the commission of heinous
offences, and that if in their efforts to
apprehend or otherwise disperse offenders
of this nature resistance is offered, they
may repel force by force and should
they in thus discharging their duties
unavoidably be compelled to kill the
parties thus resisting, they will be held
blameless.—

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

Sent in No.

Read Miscellaneous Petition
presented on the 18th. May 1857 by Arthur
and Alexander M. Ritchie Esqrs.
M. Ritchie Esqr. Pleaders on behalf of
Cumsala Gooroo Moorty, Zillah Bellary.

(Here enter F. Gn. P. No. 109 of 1857)

Petitioner prays the Court
Mr. G. S. Cooper of Foujdaree Udalut will for the reasons
set forth in his Petition reverse or modify
the sentence of 7 years' imprisonment

with

with hard labor in irons passed upon him in case No. 6 of 1857 by the Sessions Judge.-

2 Before passing a final order on this petition the Court of Fouzdaree Adalut resolve to direct the Sessions Judge to send up a translation of the whole of the record of the case in question for their consideration.-

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

(Sent following Precept No.)

Read Miscellaneous Petition presented on the 16th May 1857, by E. Salmon Esqr. Pleader on behalf of Seriah, of Tillah Trichinopoly.

(Hereunto Fr. P. No. 106 of 1857.)

Mr. Lyd. Hooper

In compliance with the prayer of this petition, the Court of Fouzdaree Adalut resolve to send Copy thereof to the Civil Judge of Trichinopoly with instructions to ascertain by comparing with acknowledged signatures, and examination

of

of witnesses, if necessary, and to report whether the signatures attached to the Certificates in question are those of the petitioner himself or are, as he asserts, forgeries. Also, whether the seals on the said certificates are those of the Moonsiffs Court, or mere imitations. As the certificates are now, there is reason to believe, in the Civil Auditors office, they must be sent for from thence and forwarded to the Civil Judge with the Petition.-

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

(Sent following Precept No.)

Read letter dated 7th May 1857, from the Sessions Judge of Tinnevelly, Submitting copies of correspondence received from the Magistrate shewing reference to the Extract from the Proceedings of the Sessions Court held on review of the monthly Police reports for the 1st Quarter of 1857.

(Here enter Fr. No. No. 980 of 1857.)

Read

Read further return dated 11th. Instant from the Session Judge of Chittoor, to the Precept of the Foujdaree Udalut dated 19th. March 1857, desiring to know what notice has been taken by the Magistrate of the delay in Criminal Cases Nos. 19, 27, 35, and 41 of 1857.

(Here enter F. No. 988 of 1857.)

Read return dated 5th. Instant, from the Acting Sessions Judge of Guntoor, to the Precept of the Foujdaree Udalut under date the 30th. April 1857, returning the Calendar of Sessions Case No. 13 of 1857 with instructions to prepare and submit a fresh sentence.

(Here enter F. No. 971 of 1857.)

Read supplemental Criminal Report dated 7th. Instant submitted by the Sessions Judge of Masulipatam for the Month of March 1857.

(Here enter F. No. 975 of 1857.)

Read Calendar of Case No. 10 of 1857, submitted by the Acting Sessions Judge of Cuddalore under date the 9th. May 1857.-

(Here enter F. No. 976 of 1857.)

Read Extract from the proceedings of the Sessions Court of Tinnevelly under date the 4th. May 1857, submitting Petty Calendars of the Magistracy for the 1st. Quarter of 1857.

(Here enter F. No. 969 of 1857.)

Read Calendar of Case No. 22 of 1857, submitted by the Acting Sessions Judge of Salem, under date the 29th. April 1857.

(Here enter F. No. 978 of 1857.)

Read Calendar of Case No. 38 of 1857, submitted by the Sessions Judge of Tinnevelly under date the 9th. May 1857.

(Here enter F. No. 992 of 1857.)

Read Calendar of Case No. 24 of 1857, submitted by the Sessions Judge of Bellary under date the 9th. May 1857.

(Here enter F. No. 993 of 1857.)

Read Calendar of Case No. 29 of 1857, submitted by the Sessions Judge of Bellary under date the 9th. May 1857.

(Here enter F. No. 994 of 1857.)

Read Calendar of Case No. 30 of 1857, submitted by the Sessions Judge of Bellary under date the 9th. May 1857.-

(Here enter F. No. 995 of 1857.)

Read

23rd May 1857.

Read Calendar of Case No. 22 of 1857, submitted by the Sessions Judge of Chittoor under date the 9th April 1857.—

(Here enter F.C. No. 996 of 1857)—

Ex Edit.

Ch Ch answered

F.C.

Monday 25th May 1857 At a Court of the Foujdaree Adawlut

Present

G. S. Hooper Esquire
H. Morehead Esquire
T. H. Goodwyn Esquire
} Puisne Judges.

Read Petty Calendars of the Magistracy for the 1st Quarter of 1857 submitted by the Sessions Judge of Combaconum.

(Here enter F.C. No. 956 of 1857)

Circular 1 The Sessions Judge in Para 10 of his proceedings reviewing the above Petty Calendars expresses his belief that Calendar No. III was intended to include all cases in which persons remained under confinement at the end of the quarter in default of finding security and that Calendar IV should include all cases in which persons required to give security had been released, but that by an omission in the heading of Calendar III cases in which security is demanded for breaking the peace are excluded from it and only appear in Calendar IV and he proposes to instruct the Magistrate to include cases falling under Section V Regulation VI of 1827

in

in which parties may remain in confinement at the close of the quarter in Calendar III, which will then show all persons remaining in confinement, while the Calendar No. IV will show all persons who have been released.

The Court of Foujdaree Adawlut Concur with the Sessions Judge and accordingly direct that the entries above proposed in Calendar III and IV be instituted hereafter.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judges for communication to Magistrates.

Sent in. Jr

1

6th Ultimo, the Court of Foujdaree Adawlut called upon the Sessions Judge of Cuttack for information as to whether certain cases which were committed to the Sessions Court in the months of December, January and February last, were disposed of and also for explanation of the causes of delay in the disposals of those cases, and the submission of the Calendar as well as his commission to forward the monthly report of cases pending before the Sessions Court for more than 25 days.

2

In his return dated the 11th Ultimo

Ultimo to the Precept which accompanied the above Proceedings, the Sessions Judge reported that the cases referred to had been disposed of and submitted the Calendar for the past year, but stated that "the explanation called for would be submitted immediately by a further return".

3 The explanation not having been received, the Sessions Judge was called upon by the Court of Foujdaree Adawlut in their Proceedings of the 30th Ultimo to submit the same without further delay, and although nearly a month has since elapsed, no final return to the Precept

250 of 1856
252 — "
2 of 1857
6 — "
12 — "
15 — "
19 — "
23 — "
25 — "

of the 6th Ultimo, has as yet been received nor have the Calendars of the cases noted in the Margin been submitted.

4 The Court of Foujdaree Adawlut resolve therefore to direct that the attention of the Sessions Judge be again called to the Precept referred to, and that it be intimated to that officer that if he fails to furnish the Calendars and his explanation within the period notified in this precept the Court will no longer refrain from bringing his frequent neglect to the notice of the Government.

Ordered that Extract from

from these Proceedings be sent to the Sessions Judge of Cuddapah by precept returnable within VIII days from and after its receipt.

Sent following precept No.

Read letter dated 14th May 1857 from the Sessions Judge of Bellary, submitting for the final Judgment of the Foujdaree Adawlut the Record of Case No. 27 of 1857 of the Calendar of the Sessions Court.

(Here enter No. 1055 of 1857)

M. N. Muthoo & Ve Govindoo.

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

Cumsul Ramalingaroo

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

The Court of Foujdaree Adawlut direct that the Head of Police Raghavendra Row be instructed to have the deposition recorded in the manner prescribed in Circular Order No. 211, and in the form

of question and answer.

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

Sent in No.

Ve
Rd.

C. J. Chamier

Tuesday
26th May 1857

T. M.

At a Court of the Fouzdaree Adalut

Present

G. S. Hooper Esquire
W. A. Morshead Esquire } Puisne Judges
T. W. Goodwyn Esquire

Read letter dated 16th April 1857 from the Magistrate of South Arcot, requesting the opinion of the Court of Fouzdaree Adalut as to whether Act III of 1857 provides for the party who has suffered damages by the trespass of another's cattle being compensated, and whether cattle straying in public places, the owners being known, can be impounded.

(Here enter Ftio. No. 778 of 1857)

1. The Court of Fouzdaree Adalut decline giving any extra Judicial Construction of the Act referred to.

2. The Magistrate should exercise his own judgment in the matter, and the parties if dissatisfied, can appeal from his decisions.

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

Sent in Dt

Rs 18.0

F.C.U.

Wednesday
27th May, 1857.

At a Court of the Fouzdaree Udalut

Present

G. L. Hooper, Esquire, Puisne Judge
W. A. Morehead, Esquire, Puisne Judge
J. W. Goodwyn, Esquire, Offg. Puisne Judge

30—3d March 1857
32—1st—0d—
35—7th—0d—
37—11th—0d—
38—11th—0d—
39—11th—0d—
40—11th—0d—
44—16th—0d—
45—18th—0d—
59—27th—0d—
60—27th—0d—

1. The Court of Fouzdaree Udalut observe that the Calendars of the Cases noted in the margin which were committed on the dates specified have not yet been received, and they resolve to call upon the Session Judge of Cuddapah to submit the same without delay, explaining at the same time the cause of the delay in the transmission of these Calendars.

2. The Court also direct that the Session Judge's attention be called to their Circular letter &c dated 16th October 1844 requiring a report of all cases pending before the Session Court for more than 25 days.

Ordered, that Esctract

from

from these proceedings, be sent to the Session Judge of Cuddapah, by Precept returnable within VIII days from and after its receipt.-

/Sent following Precept. No. /

Read Calendar of Case. No. 21 of 1857, of the Session Court of Rajahmundry.

/Here enter F. No. No. 1033 of 1857./

The Court of Foujdaree Udalut approve of the recommendation made by the Acting Session Judge in this case, that the period of imprisonment which the Prisoner noted in the margin has been adjudged to suffer on his conviction of Perjury, be reduced to (1) One year with hard labor in irons, and they do authorize the Acting Session Judge to issue his warrant accordingly.-

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

/Sent in. No. /

Read Criminal Report B. for the month of April 1857, Zillah Cuddapah.-

/Here enter F. No. No. 1035 of 1857./

These

Ganeschaty Venkiah.

Cases. Nos. 68 & 73. 1. These cases are not Housebreaking; 68 is Cattle straying and 73 is Theft.

" No. 81. 2 The heading should have been "wounding."-

" No. 76. 3. The act should have been charged as having been done maliciously.

" No. 84. 4. The offence was Theft, no false pretences having been used to obtain the money.-

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

/Sent in. No. /

Read again letter dated 17th. Ultimo, from the Acting Agent to the Governor in Ganjam, submitting 7 Perjury cases with his opinion for the sentences to be passed on the Prisoners.-

/Here enter F. No. No. 856 of 1857./

Read also return dated 13th. May 1857, from the Acting Agent in Ganjam to the Precept of the Foujdaree Udalut under date the 5th. May 1857, directing to report plainly regarding the Perjury Cases.-

/Here enter F. No. No. 1048 of 1857./

The

27th. May, 1857.

1. The explanation furnished in the above return being satisfactory, the Court of Foujdaree Udalut concur in the conviction of the Prisoners in the above cases and in the sentence proposed to be passed upon them by the Acting Agent.

2. The sentence should date from the 17th. April 1857.

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

/Sent in No. /

Read letter dated 9th. May 1857 from the Acting Agent to the Governor in Ganjam, submitting a report in Criminal Case No. 33 of 1857, with the opinion of the Acting Agent with regard to the sentence to be passed in the case.

/Here enter F. Ul. No. 1050 of 1857/

1. The Court of Foujdaree Uda. lut concur in the conviction of the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 29th and 30th Prisoners, and approve of the sentence of 7 years' imprisonment with hard labor in irons proposed by the Acting

F. Ul.

27th May 1857.

Acting Agent to be passed upon them.

2. The rest of the Prisoners were properly released for want of proof.

Ordered, that Extract from these proceedings be sent to the Acting Agent to the Governor of Fort Saint George in Ganjam, for his information.

/Sent in No. /

Read letter dated 14th May 1857, from the Session Judge of Bellary, submitting for the final judgement of the Foujdaree Udalut the record of Case 26 of 1857, of the Calendar of the Session Court.

/Here enter F. Ul. No. 1054 of 1857/

Mr. Hooper

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

Veerabuddrapah

is sufficient to convict him of the crime of wounding, for which according to the Mahomedan Law as declared in Futwas of their Law Officers discretionary punishment is awardable, do convict him thereof; and

under

28th May 1857.

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.-

/ Sudbin No. / 2

Ex Sessions.

C S Chamier

X

F. No.

Friday 29th May 1857

Sessions Court of the Fouzdaree Adalut

Present

G. S. Hooper Esqre
W. P. Morehead Esqre } Puisne Judges
J. W. Goodwyn Esqre

Read Petty Calendars of the Magistracy for the first quarter of 1857 Zillah Cuddalore.

/Here enter F. No. 1018 of 1857./

Calendar I
Cases No. II

1. This was not a case of "fraud," as the defendant did not obtain the money upon false pretences. If the defendant was a servant of the prosecutor the offence was theft; if only a friend, it was a petty case of breach of trust.

No. 15

2. The defendants were charged with trespass as well as "abuse." From the sentence it appears that the abuse was proved, and the inference is that the trespass was likewise established; it is not clear, therefore, why the first defendant was not convicted of the trespass.

No. 17.

3 The offence as it is described in the

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. / 17

E. S. M.

C. S. Chamier

T. Vo.

Friday 29th May 1857 } A Court of the Tongdaree Vodalut.

Present

G. S. Mooper Esqre.
W. J. Morehead Esqre. } Resident Judges
J. W. Goodwyn Esqre. J.J.

Read Petty Calendars of the Magistracy for the first quarter of 1857 Zillah Cuddalore.

Here enter T. Vo. No. 1018 of 1857. /

Calendar I
Case No. II

1. This was not a case of "fraud," as the defendant did not obtain the money upon false pretences. If the defendant was a servant of the prosecutor the offence was theft; if only a friend, it was a petty case of breach of trust.

No. 15

2. The defendants were charged with trespass as well as "abuse." From the sentence it appears that the abuse was proved, and the inference is that the trespass was likewise established; it is not clear, therefore, why the first defendant was not convicted of the trespass.

No. 17.

3 The offence as it is described in the

21 29th May 1857.

No. 21

the charge, was theft.

4.

The false pretences alleged, should have been set forth in the charge.

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

/Sent in No/

Read Criminal Report B for the month of April 1857. Zillah Trinomally.

1. /Here enter F. No. No 186 of 1857/

The Remarks generally are two lengthy and in some cases they were unnecessary as no unusual delay had taken place.

No 48

2.

The heading should have been Robbery and wounding.

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

/Sent in No/

Read Calendar in Case No 11 of 1857 submitted by the Sessions Judge of Cuddapah under date the 24th April 1857.

/Here enter F. No. No 87 of 1857/

Read Calendar in Case No 12 of 1857 submitted by the Sessions Judge of Bellary under date the 25th April 1857.

/Here enter F. No. No 893 of 1857/

29th May 1857.

Read Calendar in Case No 19 of 1857 submitted by the Sessions Judge of Bellary under date the 25th April 1857.

/Here enter F. No. No 894 of 1857/

Read Calendar in Case No 21 of 1857 submitted by the Sessions Judge of Bellary under date the 25th April 1857.

/Here enter F. No. No 896 of 1857/

Read Calendar in Case No 20 of 1857 submitted by the Sessions Judge of Bellary under date the 25th April 1857.

/Here enter F. No. No 895 of 1857/

Read Calendar in Case No 22 of 1857 submitted by the Sessions Judge of Bellary under date the 25th April 1857.

/Here enter F. No. No 897 of 1857/

Read Calendar in Case No 23 of 1857 submitted by the Sessions Judge of Bellary under date the 25th April 1857.

/Here enter F. No. No 898 of 1857/

Read Report A dated 27th April 1857 submitted by the Sessions Judge of Masulipatam of Cases No 11 and 12 of 1857 disposed of by the Acting Joint Magistrate in the

29th May 1857 the Month of March 1857 with the Courts Proceedings thereon

Here enter F. Ud. No. 883 of 1857

Ct Chamier

F. Ud.

Saturday 30th May 1857

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esqr. _____ Puisne Judge

W. A. Morehead Esqr. ____ Puisne Judge

J. W. Goodwyn Esqr. ___ Acting Puisne Judge

Read Criminal Report B for the month of April 1857, Zillah Masulipatam

(Here enter F. Ud. No. 1021 of 1857)

No. 21

In cases of this kind it is necessary to state that the charge was wilfully false and malicious.

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

(Sent in No.

Read Petty Calendars of the Magistracy submitted by the Session Judge of Chicacole for the 1st Quarter of 1857

(Here enter F. Ud. No. 1025 of 1857)

Calendar I. 1 of 1857. Principal Asst. Magr.

This petty case appears to have been under investigation nearly 3½ months - the delay before the Head of Police from the 24th October to the 5th December has not been explained, and the subsequent delay has not been by any means satisfactorily accounted for, the Head of Police will be called upon for explanation which is

to be forwarded to the Court of Fouzdaree Udalut

Ordered that Extract from these Proceedings be sent to the Session Judge of Chicacole by Receipt returnable in X days from and after its receipt.

(Sent following Receipt No

Read Criminal Report B for the month of April 1857, Zillah Coimbatore.

(Here enter F. Ud. No 1090 of 1857)

No 53.

The complaint should have been described as wilfully false and malicious.

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

(Sent on No

Read Letter dated 7th Instant from the Session Judge of Chittoor

(Here enter F. Ud. No 965 of 1857)

1 The Court of Fouzdaree Udalut are of opinion that a Session Judge has the power of overruling a judgment of acquittal, but that it should be exercised with great caution. They consider that it is preferable, except in peculiar cases, to point out the error

2 With respect to the two cases in question the Court observe that the Session Judge describes the charge in one as "false" and that in the other as "false and calumnious" but overlooked the point that such charges are not punishable unless

unless they are shown to be "wilfully false and malicious".

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

(Sent in No

Read Miscellaneous Petition presented on the 9th April 1857 by Moottoosawmy Cottayan of Zillah Combaconum

(Here enter F. M. P. No 82 of 1857)

Mr Goodwyn

1 The Petitioner prays the Court to reconsider their order of the 15th January last, rejecting his Petition of Appeal from the Proceedings of the Session Court of Combaconum under date the 2d October last, confirming the order of the Special Assistant Magistrate, fining the Petitioner 50 Rupees on a charge of Misdemeanor.

2 The Court of Fouzdaree Udalut decline to reconsider the order already passed; if the Petitioner considers that he has the right claim, he is at liberty to bring a Civil Suit for the enforcement of the same.

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

Read Miscellaneous Petition presented on the 20th May 1857, by Moorgachetty Venkatanarayadoo of Zillah Nellore.

(Here enter F. M. P. No 112 of 1857)

Mr Goodwyn

1 The Petitioner, who is the brother of the 2 Prisoner in Case No 16 of 1857 on the Calendar of the Session Court at Nellore, prays for the release of the said prisoner

30th May 1857

prisoner

2

Both the Moofty and Session Judge convicted the 2d Prisoner of this crime, and the Foujdaree Udalut consider that the Petitioner has failed to assign any good and sufficient reason for disturbing the 2d Prisoner's conviction of being engaged in this case of Housebreaking, which the Petitioner admits was perpetrated by the 1st Prisoner with whom though a brahminee woman he acknowledged that the 2d Prisoner had a connection.

3

The Petitioner is mistaken in regard to his statements respecting the 1st Prisoner's denial of the 2d Prisoner's concern in the crime, she (1st Prisoner) accused him (2d Prisoner) in her Police deposition and recited the charge against the 2d Prisoner and a Panchayet in her defence before the Session Court, when the 2d Defendant's Vakeel stated that he supposed she must have been instigated by his enemies to accuse him (2d Prisoner)

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

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

(Sent in No.

Read Miscellaneous Petition presented on the 30th May 1857 by G. Vurdachary of Zillah Nellore.

(Here enter F. M. P. No. 117 of 1857.)

Mr. Goodwyn.

The Petitioner who is the father of the 1st Prisoner

2

F. Uc.

30th May 1857

Prisoner in Case No. 16 of 1857 on the Calendar of the Session Court at Nellore, prays for the release of the said Prisoner.

2

The Court of Foujdaree Udalut have carefully looked into all the record of the trial and considered the 1st Prisoner's guilt clearly proved; the 1st Prisoner in her defence admitted that she gave up the property, and the circumstances attendant on the placing of the property in her house and her giving the same up, are such as clearly prove that she was aiding and abetting the 2d Prisoner, whom she accuses as the thief.

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

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

(Sent in No.

Read Miscellaneous Petition presented on the 23d May 1857 by Mustapha Allie Khan, Reader on behalf of P. Mottoo Chetty of Zillah Salem.

(Here enter F. M. P. No. 114 of 1857)

Mr. Goodwyn.

The Petitioner appeals from the order of the Session Court of Salem, dated the 28th February 1857, declining to order the committal of the Prisoners (found in possession of property stolen from his (Petitioners') house) improperly released by the Acting Joint Magistrate, and prays that the Prisoners may be held answerable for the stolen property.

The

2 The Court of Foujdaree Udalut observe that the late Acting Session Judge states that the facts of the case offered "the strongest presumption adverse to the Prisoners "innocence" and that "the discovery of some of the stolen articles "in the dwelling house of the 1st Prisoner, and of others buried "in the back premises of the 2d Prisoner combined with the "information given by the 1st witness offered ample grounds "to commit the case."

3 The Foujdaree Udalut do not therefore understand why the late Acting Session Judge was restrained from directing the committal of this case and therefore resolve to direct the present Acting Session Judge to look into the whole record and direct the Prisoners committal, if he considers the proof sufficient to justify their being placed on their trial.

Ordered that Extract from these Proceedings be sent to the Acting Session Judge of Salem for his information by Receipt returnable in VIII days from and after its receipt.

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

(Sent following Receipt No

Read letter dated 20th May 1857 from the Session Judge of Tinnevelly, submitting for the final judgment of the Foujdaree Udalut the record of trial in Case No 37 of 1857 of the Calendar of the Session Court

(Here enter F. Uc. No 1084 of 1857)

The

Mr Hooper
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,

Selumben Chetty alias
Chedumbara Chetty,

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

The Prisoner was charged with having beaten the Prosecutors father on his head with a rice beater, from the effects of which he died on the third day.

The Assessors find the Prisoners
2 guilty of Homicide, but acquit him of Murder.

The Session Judge is of opinion that
3 the act which the Prisoner is fully proved to have committed constitutes Murder, and recommends that the Prisoner should be sentenced to suffer death.

The Court of Foujdaree Udalut concur
4 with the Session Judge in his view of the nature of the offence committed by the Prisoner, who struck his victim a blow on the head with all his force with a heavy iron shod rice beater, which he held with both hands in consi-

deration

consideration, however, that the Prisoner committed the act in a moment of great irritation caused by the deceased's abusive language, that his house from whence he brought the said instrument was only a very few paces distant from the spot of the altercation, and, that he did not repeat the blow, the Court are of opinion that the extreme penalty of the Law is not called for in this case, and have accordingly sentenced the Prisoner to Transportation for life.

5 The conduct of the 7th witness for the prosecution, the Nr. Curumn in not having immediately reported the occurrence to the Head of Police, is in the opinion of the Court inexcusable; and should be brought to the notice of the Magistrate, in order that he may pass such orders as he may deem necessary.

6 The Court of Fouzdaree Udalut observe that the Session Judge has adopted the same course in this case which this Court in their Proceedings of the 8th May last noticed with disapprobation viz. that of subjecting the prisoner to a lengthy cross examination. It is true that it had reference solely to his plea of an Alibi, but still, they are of opinion it is objectionable and should be discontinued.

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

(Sent in No.

Read letter dated 22d May 1857, from the Session Judge of Coimbatore, submitting for the final judgment of the Fouzdaree Udalut the record of trial in

case

F. C.
30th May 1857.

Case No. 10 of 1857 on the Calendar of the Session Court.

(Here enter F. C. No. 1106 of 1857).

Mr. Goodwyn.

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 Boady Boyen.
2d Annoomunda boyen
3d Rannaboyee.
4th Veeron
5th Chinnamuchenan - and
6th Condaboyen,

is sufficient to convict them of the crime of Assault, for which according to the Mahomedan Law as declared in futwas of their Law Officers discretionary punishment is awardable, do convict them therefore; and under the provisions of Clause third Section VII Regulation XI of 1803, and Section XXXIII Act XII of 1843, sentence the Prisoner.

1st Boady Boyen,

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 prisoners,

2d Annoomunda Boyen
3d Ramma boyee.
4th Veeron
5th Chinna Muchenun - and
6th Conda boyen,

to

30th May 1857.

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 No.

Read letter dated 15th May 1857 from the Sessions Judge of Calicut, submitting for the final judgment of the Tonjdarees Adalut, the record of trial in Case No. 22 of 1857 on the Calendar of the Sessions Court.

(Here enter F. C. No. 1110 of 1857)

Mr. Hooper.

The Court of Tonjdarees 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 Ayagom Koomaratha Koonhy Krishnen Nair.

2d Eyeoven Pandarapoorakel alias Karadiam parah Joty,

is sufficient to convict them of the crime of "Forgery" and "Uttering a forged document," do convict them thereof, and under the provisions of Clause third Section III Regulation XI of 1811, Regulation VIII of 1828, and Section XXXII Act VII of 1843, sentenced the prisoner,

1st Ayagom Koomaratha Koonhy Krishnen Nair,

to receive (100) one hundred lashes with a cat o'nine tails, and to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (5) five years, and the prisoner,

2d Eyeoven Pandarapoorakel alias Karadiam parah Joty,

to be imprisoned and kept to hard labor in irons on the public

30th May 1857.

roads or other public works for and during the period of (2) two years.

(Sent in No. 45

to 1857.

C. R. Clarke.

F. C.

Tuesday—
2d. June, 1857.

At a Court of the Foujdaree Adalut

Present

G. S. Hooper, Esquire,—
W. A. Morehead, Esquire,— } Puisne Judges.
J. W. Goodwyn, Esquire, &c.

Read letter dated the 12th. May,
from the Acting Session Judge of Cuddalore.
(Here enter F. C. No. 982 of 1857.)

In the above letter the Acting
Session Judge prefers a request that he may
be absolved from the necessity of presiding
at the execution of prisoners.—

2. The Court of Foujdaree &
Adalut have not the power in the present
state of the law to sanction any modifica-
tion of the rule which requires that sen-
tences of death should be carried out under
the superintendence of the Officer in charge
of the Jail. A departure from this rule
can only be permitted when from un-
avoidable circumstances the Session
Judge or Subordinate Judge, as the case
may

may be, is prevented attending the execution.

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

/Sent in No./

Read letter dated 17th. May, from the Session Judge of Tinnevelly.

/Here enter F. No. No. 1083 of 1857/

1. In the above letter the Session Judge offers certain explanations in regard to the circumstances referred to in the proceedings of the Tongidarce (Vda. Sut of the 8th. May 1857.

2. The Court of Foujdaree (Vda: Sut see no reason to alter the opinion expressed by them in Para: 9 of the above proceedings.

3. They consider such a cross examination as the prisoner was subjected to by the Session Judge, Assessor and Prosecutor most objectionable and under no circumstances justifiable.

4. A Judge is justified in placing before prisoner those facts of the case which if unexplained would tell

tell against him leaving him to explain or not at his pleasure; but this is very different from the course adopted by the Session Judge in the case under notice.

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

/Sent in No./

Read Criminal Report B, for the months of April 1857, Zillah Honore.

/Here enter F. No. No. 1086 of 1857/

No. 13 by Prin. Exr. Asstt.

Unless the Head of Police considered that the defendant had not exercised due caution, he should not have forwarded the case to Court. The charge should have been drawn up for Culpable homicide, and it should have been left to the defendant to shew that it was homicide by misadventure.

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

/Sent in No./

Read Criminal Report B, for the months of April 1857, Zillah Calicut

2d. June, 1857.—

Calicut.

/Here enter F. No. No. 1111 of 1857/

No. 66 1 There is no allegation of a violence or intimidation having been used, which is essential to the offence of robbery.

No. 67. 2 Malice should have been alleged.

No. 10 by Special Assistant Magistrate 3. This case should have been headed Assault and Snatching.

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

/Sent in No./

Read letter dated 26th May 1857 from the Acting Session Judge of Cuddalore, submitting for the final judgment of the Foujdaree Adalut, the record of Case No. 17 of 1857 on the Calendar of the Session Court.

/Here enter F. No. No. 1122 of 1857./

Mr. 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

F. No.

2d. June. 1857.

proof against the prisoner, Veerabundren is sufficient to convict him of the crime of Rape, for which in the absence of the requisite conditions of Hud, discretionary punishment is awardable under the Mahomedan Law as declared in futwas of their Law Officers, do convict him thereof; and under the provisions of Clause third Section VIII Regulation XV of 1803, Regulation VIII of 1828 and Section XXXIV Act VIII of 1843, sentence him to receive (100) one hundred lashes with a Cat-o-nine tails and to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (6) six years.

/Sent in No./

Read return dated 1st. Ultimo from the Session Judge of Chittoor, to the precept of the Foujdaree Adalut under date the 7th. April 1857, directing the release of both the Prisoners in Calendar No. 31 of 1856.

/Here enter F. No. No. 901 of 1857/

Read return dated 7th. Ultimo from the Session Judge of Cuddapah to the

the

2nd June 1857.

the precept of the Foujdaree Adalut under date the 5th March 1857, calling for the Annual Criminal Reports for 1856.

/Here enter F. No. No. 964 of 1857/

Read Petty Calendars under date the 7th Ultimo, submitted by the Session Judge of Madura for the 1st Quarter of 1857.

/Here enter F. No. No. 986 of 1857/

Read Extract dated 9th Ultimo, from the Acting Session Judge of Rajahmundry, of the proceedings held on review of the Magistrate's Petty Calendars for the 1st Quarter of 1857.

/Here enter F. No. No. 1024 of 1857/

Read Calendar in Case No. 19 of 1857, submitted by the Session Judge of Cuddapah under date the 12th Ultimo.

/Here enter F. No. No. 1041 of 1857/

Read return dated 17th Ultimo, from the Session Judge of Cuddapah, to the precept of the Foujdaree Adalut under date the 29th April 1857, calling for explanation of delays in Cases Nos. 99 and 101 of 1856.S

/Here enter F. No. No. 1043 of 1857/

Ex. MA.

C. L. Clarke

O

F. No.

Wednesday 3rd June 1857.

At a Court of the Foujdaree Adalut

Present.

G. S. Hooper Esqre
W. A. Morehead Esqre
} Puisne Judges
J. W. Goodwyn Esqre acting

Read Miscellaneous petition presented on the 3rd June 1857, by C. Salmon Esqre, Pleader on behalf of Rungasawmy Nack, late Town Police Sheristadar of Trichinopoly.

/Here enter F. M. C. No. 122 of 1857/

Mr. W. A. Morehead/

The petitioner appeals from the Proceedings of the Session Judge under date the 7th May 1857, confirming the Proceedings of the Acting Head Assistant Magistrate sentencing the Petitioner to pay a fine of Rupees 100 and to be imprisoned for 3 months on a charge of having assaulted the Prosecutor and caused him to be imprisoned under a false charge.

The Court of Foujdaree Adalut resolve to call upon the Session Judge to submit the record of this case for their consideration.

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

Judge of Trichinopoly by Precept returnable in
III days from and after its receipt.

(Sent following Precept N.o)

Read letter dated 9.th May 1837,
from the Acting Session Judge of Tellicherry.

(Here enter G.O. N.o 1039 of 1837)

1 With the above letter the Acting
Session Judge enbodies one from the Acting
Magistrate objecting to the Wynaad Monsiff
being entrusted with Criminal jurisdiction
and stating that he concurs in the opinion
expressed by that Officer.

2 The Court of Foujdaree Udalut
observe that the Acting Session Judge and
Magistrate have misapprehended the proposed
measure (Foujdaree Udalut Proceedings 20.th
April) on which their opinion was requested.

3 It was not the intention to vest
the Wynaad Monsiff with the powers of Head
of Police of the Talook, but that as has already
been done with advantage in certain other
districts, the District Monsiff should, under
Act XII of 1854, be empowered to hear and determine
complaints for petty offences and petty thefts
as defined in Sections 32, 33. Regulation IX of
1816

1816 Decr.a (Vide Clause 1 of the Act above quoted)

4 The Court of Foujdaree Udalut
request that the opinions of the Acting
Session Judge and Magistrate may be
submitted to them on this subject with
the least practicable delay.

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

(Sent following Precept N.o)

Read letter dated 15.th April 1837,
from the Acting Session Judge of Rajahmundry,
submitting for the final judgment of the Foujdaree
Udalut, the Record of Case N.o 4 of 1837 of
the Calendar of the Session Court

(Here enter F.U. N.o 899 of 1837)

Maly & Hagen
and
Sir W. A. Arbuthnot

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

1.st Elrapally Soobayydoo
2.d Varra Venkanpeta
3.d Mangapa Acullapaunga
4.th Vedlada Balaramiah
5.th Bundela Ramachandroodoo
and
6.th Seela Gunnasah

as

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

But being of opinion that the prisoner,

8th Ammoo Ackessomayajoloo

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

The 2d Prisoner in this case was charged with having killed the elder brother of the 1st Prisoner by strangling him, and the other Prisoners with aiding and abetting in the same—

2 The Law Officer and the Session Judge convicted the 1st, 2d, 3d, 4th, 5th, 6th and 8th Prisoners of the crime charged against them, and the Session Judge recommended that the 1st, 2d and 5th Prisoners should be sentenced

sentenced to suffer death—that the 3d, 4th and 6th should be transported for life, and that the 8th should be imprisoned with hard labor in irons for 5 years—The 7th Prisoner having been admitted as an approver and examined as the 32d witness.

3 The Court of Foujdaree Udalut concurring in the conviction of the 1st, 2d, 3d, 4th, 5th and 6th prisoners have sentenced them to transportation for life—

4 The Court of Foujdaree Udalut are unable to concur in the conviction of the 8th Prisoner, who appears to have come upon the other Prisoners when they were committing the murder, but failed to discover it as he had been threatened with death if he said ought about it, and the Court have accordingly acquitted him—

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

(Sent in 8vo)

Read letter dated 26th May 1857, from the Session Judge of Chittoor, submitting for the final judgement of the Foujdaree Udalut

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

But being of opinion that the prisoner,

8th Ammoo Ackassomayajoloo

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

The 2nd Prisoner in this case was charged with having killed the elder brother of the 1st Prisoner by strangling him, and the other Prisoners with aiding and abetting in the same.

2 The Law Officer and the Session Judge convicted the 1st, 2nd, 3rd, 4th, 5th, 6th and 8th Prisoners of the crime charged against them, and the Session Judge recommended that the 1st, 2nd and 5th Prisoners should be sentenced

sentenced to suffer death - that the 3rd, 4th and 6th should be transported for life, and that the 8th should be imprisoned with hard labor in irons for 5 years - The 7th Prisoner having been admitted as an approver and examined as the 32nd witness.

3 The Court of Foujdaree Udalut concurring in the conviction of the 1st, 2nd, 3rd, 4th, 5th and 6th prisoners have sentenced them to transportation for life.

4 The Court of Foujdaree Udalut are unable to concur in the conviction of the 8th Prisoner, who appears to have come upon the other Prisoners when they were committing the murder, but failed to discover it as he had been threatened with death if he said ought about it, and the Court have accordingly acquitted him.

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

(Sent in 8)

Read letter dated 26th May 1857, from the Session Judge of Chittoor, submitting for the final judgment of the Foujdaree Udalut

3d June

3d June 1857.

Udalut, the record of case No 23 of 1857 of the Calendar of the Session Court

(Here enter G. C. No 1121 of 1857.)

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

1st Jamal alias Camalgan

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession of the crime charged, do acquit him thereof; but considering that there is opinion, though not amounting to conviction, attaches to him, they direct that he be required under clause sixth, Section II Regulation XV of 1803, to find two sureties in (25) Twenty five Rupees each surety for his good behaviour and appearance when required within (3) three years in default thereof, that he be detained for (3) three years in confinement &c.

Two prisoners in this case are charged with having murdered the husband of the Prosecutrix by cutting his throat with a bill hook.

The

3 June 1857.

2 The Law officer acquitted both the prisoners, and the Session Judge seeing good grounds for suspicion against the 2 prisoner has placed him under a requisition of security in 2 sureties of 25 Rupees each for and during the period of 3 years; but considering that the 1st prisoner was convicted of having been present at the murder without interposing or subsequently giving information about it, has recommended that he be sentenced to 14 years' imprisonment with hard labor in irons.

3 The Court of Fouzdaree Udalut on a Consideration of the record see no reason for the conviction of the 1st Prisoner.-

4 They observe that the Prosecutrix states that her deceased husband told her that he had a quarrel with Crala Pedda Verados and Chinna Verados about a cow, and that they had vowed to kill him within a week; but there is nothing to show that the deceased was on bad terms with his maternal Nephew, the 1st Prisoner - rather the contrary.- If therefore the 1st Prisoner had concern in the Murder, it must have been either to possess himself

himself of money on the deceased's person or from being hired by those whose object was revenge.-

5 As the deceased is represented as having gone for the purpose of receiving money from 1st Prisoner, it seems hardly probable that he would take 12 rupees with him.- As the deceased and his Nephew, 1st Prisoner, were on good terms it does not seem likely that those wishing to murder the deceased would attempt to hire 1st Prisoner for this purpose.

6 The prosecutrix states that when her husband left home on Monday night he said that he was going to the 1st Prisoner: it would appear that the 8th witness met and heard from him that he was going on this mand. As the 8th witness did not state in his Police deposition about his afterwards seeing the deceased and 1st Prisoner talking together, the latter statement deserves no credit.-

7 Several days after the murder the Prosecutrix accused on suspicion the 2 individuals named in para 4, and the 1st and 2d Prisoners (the 2 Prisoner as her husband had told her that the 1st Prisoner's message was delivered through him.)

It

8 It is evident to the Court that the 1st Prisoner at first denied all knowledge of the deceased's death and subsequently pointed out his body floating in a tank. Under the circumstances of the case the Court of Foujdaree Udalut do not consider that his first denials tell much against him. The 1st Prisoner admits that he had seen the deceased's body floating in the tank, and the Court believe concealed this fact till after his apprehension; but they do not think that his discovery of the body was attended with any facts inconsistent with the supposition that his previous suppression of his discovery arose from fear and not guilt.

9 Till the body was discovered the 1st Prisoner had not stated a single fact showing acquaintance with the manner in which the murder was perpetrated; the body sunk with stones attached &c. His police deposition also seems to the Court to be rather that of a person conjecturing about the facts of the murder and those engaged than furnishing details of facts passing within his own knowledge.- The Court doubt whether his statement

was

June 183[illegible].

was taken down in his own words, and they believe that his sumnses have been transformed into details, a little added here and suppressed there, in order to change the statement from that of a witness into that of an accusary -

10 With regard to the cloth it is deserving of notice that 1st Prisoner's Police deposition is silent about it, and it is not as alleged that it was given up in his presence by the 2d Prisoner. - If the 1st Prisoner had made any statement respecting the cloth it would surely have been entered in his Police deposition, and the Court cannot but view with the greatest distrust the evidence that the 1st Prisoner knew where it was buried or that it was through his information that it was found buried -

1st Prisoner apprehended before the 1st Prisoner -

11 Under these circumstances the Court of Foujdaree Udalut do not consider that the evidence is sufficient for the 1st Prisoner's conviction and accordingly direct that he be released on the same terms of security as that required for the 2d Prisoner by the Session Judge -

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

3d June 183[illegible].

Chittoor for his information. 5
(Sent in No)

Ed Udl.. Ct Chancery

P 11

Friday 5th June 1857 } At a Court of the Toungdaree Udalut

Present

C. S. Hooper Esquire
W. A. Morehead Esquire
P. W. Goodwyn Esquire - Acting
} Judges & Assessors

Read letter dated 27th April 1857, from the Sessions Judge of Chittoor, submitting for the final Judgment of the Toungdaree Udalut, the Records in Case No 15 of 1857 on the Calendar of the Session Court.

(Here Enter P 11 No 677 of 1857.)

The Court of Toungdaree Udalut,

W. A. Morehead Esqre

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 Dundoo Mooneesawmy
2d Boyee Ramoodoo
3d Cavaly Goorawdoo
4th Chinnegadoo
5th Gunjee Chinnee Nonegadoo.

and

6th Lutchmakah

is sufficient to convict them of the crimes charged, do convict them thereof; and

Sentence

5th June 1857.

Sentence the prisoners

1st Dundoo Mooncsawmy
2. Boyee Ramoodoo
3. Cavaty Goravadoo
4. Chinnegadoo

and

5th Gunjee Chinna Moonegadoo

to be transported to such place or places beyond sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor on the public roads or other public works for and during the period of their natural lives - but being of opinion that the punishment which the prisoner,

6. Lutchmiah

has already undergone is sufficient for the Offence committed by her in this case, direct that she be set at liberty.

(Sent in No)

Read Calendar in Case No 25 of 1857 of the Sessions Court of Bellary

(Here Enter Dft No 1078 of 1857)

The Court of Zoujdaree Adalut observe that no explanation has been submitted of the delay of 13 days in committing this case, and they direct that this omission be now supplied.

The

5 June 1857.

2. The Sessions Judge will in future take care that explanation of the delays in the Subordinate Court be invariably entered in the Calendar as required by Circular Order No. 213.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Bellary by precept returnable in 10 days from and after its receipt.

(Sent following precept No)

Read letter dated 9th April 1857, from the Sessions Judge of Chittoor, submitting for the final judgment of the Zoujdaree Adalut, the record in case No 14 of 1857 on the Calendar of the Sessions Court.

(Here Enter Dft No 740 of 1857)

The Court of Zoujdaree

Wm G. Hooper

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 Chinnegandoo

is sufficient to convict him of the crime of Robbery by open violence, do convict him thereof; but having been sentenced in Case No 15, no further sentence is required to be passed upon him in this case. And being of

opinion

opinion that the prisoner,

2d Cavaty Gooravadoo

is not convicted on presumptive proofs, or on the evidence of credible witnesses, or on his own confession of the above crime, do acquit him thereof so far as he is concerned in this case.

(Sent in No)

Read letter dated 23d May last from the Sessions Judge of Chittoor, submitting for the final judgment of the Zoyadaree Adalut, the Records in Cases Nos 18 & 19 of 1857 on the Calendar of the Sessions Court.

(Here Enter F.H. No 1094 of 1857)

Mr W.A. Morehead.

The Court of Zoyadaree 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 Dundoo Moonesamy
2d Cavaty Gooravadoo
3d Chinnegandoo
4th Gunjee Chinna Moneygadoo
5th Cavaty Rungadoo
6th Dundoo Caupadoo
7th Tumrayala Chinna Moneygandoo
and
8th Colladoo

is

sufficient to convict them of the crimes charged, do convict them thereof; that the prisoners,

1st Dundoo Moonesamy
2d Cavaty Gooravadoo
3d Chinnegandoo
and
4th Gunjee Chinna Moneygandoo

having been already sentenced in Case No. 15, the prisoners

5th Cavaty Rungadoo
6th Dundoo Caupadoo
and
8th Colladoo

in Case No. 18, and the prisoner,

7th Tumrayala Chinna Moneygandoo

in Case No 19, no further sentence is required to be passed upon these prisoners in this case

(Sent in No)

Case No. 18.

Mr W.A. Morehead.

The Court of Zoyadaree 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 Dundoo Moonesamy
2d Boya Ramadoo
3d Chinnegandoo
4th Cavelly Rungadoo
5th Dundoo Caupadoo

5th June 1857

opinion that the prisoner,

2d Canaty Goorawadoo

is not convicted on presumptive proofs, or on the evidence of credible witnesses, or on his own confession of the above crime, do acquit him thereof so far as he is concerned in this case.

(Sent in No)

Read letter dated 23d May last, from the Sessions Judge of Chittoor, submitting for the final judgment of the Sudder Adalut, the Records in Cases Nos 16 & 18 of 1857 on the Calendar of the Sessions Court.

(Here Enter F.H. No 1094 of 1857)

Mr 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 prisoners,

1st Dundoo Moonesamy
2d Canaty Goorawadoo
3d Chinnegandoo
4th Gunjee Chinna Moonegandoo
5th Canaty Rungadoo
6th Dundoo Ganpadoo
7th Tunnyala Chinna Moonegandoo
and
8th Colladoo

5th June 1857.

is sufficient to convict them of the crimes charged, do convict them thereof; that the prisoners,

1st Dundoo Moonesamy
2d Canaty Goorawadoo
3d Chinnegandoo
and
4th Gunjee Chinna Moonegandoo

having been already sentenced in Case No 15, the prisoners

5th Canaty Rungadoo
6th Dundoo Ganpadoo
and
8th Colladoo

in Case No 18, and the prisoner,

7th Tunnyala Chinna Moonegandoo

in Case No 19, no further sentence is required to be passed upon these prisoners in this case

(Sent in No)

Case No 18.

Mr 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 prisoners,

1st Dundoo Moonesamy
2d Boya Ramadoo
3d Chinnegandoo
4th Canaty Rungadoo
5th Dundoo Ganpadoo

6th

opinion that the prisoner,

2d Cavaty Goravadoo

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 so far as he is concerned in this case.

(Sent in No)

Read letter dated 23d May last, from the Sessions Judge of Chittoor, submitting for the final judgment of the Zoyedaree Adalut, the Records in Cases Nos 18 & 19 of 1857 on the Calendar of the Sessions Court.

(Here Enter Ft. No 1094 of 1857.)

Mr W. A. Morehead.

The Court of Zoyedaree 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 Dundoo Mooneesamy
2d Cavaty Goravadoo
3d Chinnegandoo
4th Gunjee Chinna Moonegandoo
5th Cavaty Rungadoo
6th Dundoo Panpadoo
7th Vunnyala Chinna Moonegandoo
and
8th Colladoo

is

is sufficient to convict them of the crimes charged, do convict them thereof; but the prisoners,

1st Dundoo Mooneesamy
2d Cavaty Goravadoo
3d Chinnegandoo
and
4th Gunjee Chinna Moonegandoo

having been already sentenced in Case No 15, the prisoners

5th Cavaty Rungadoo
6th Dundoo Panpadoo
and
8th Colladoo

in Case No 18, and the prisoner,

7th Vunnyala Chinna Moonegandoo

in Case No 19, no further sentence is required to be passed upon these prisoners in this case

(Sent in No)

Case No 18.

Mr W. A. Morehead.

The Court of Zoyedaree 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 Dundoo Mooneesamy
2d Boya Ramadoo
3d Chinnegandoo
4th Cavelly Rungadoo
5th Dundoo Panpadoo

6th

5 June 1857

6. Vunkayala Chinna Moneyadoo
and
7. Coolladoo
is sufficient to convict them of the crime charged,
do convict them thereof, and sentence the prisoners,
4. Cavaty Runyadoo
5. Dundoo Punyadoo
and
7. Coolladoo
to be imprisoned and kept to hard labor in
irons on the public roads or other public works,
for and during the period of (14) fourteen years.

The prisoners,
1. Dundoo Moonesamy
2. Boya Ramoodoo
and
3. Chinnegandoo
having been already sentenced in Case No 15 and the
prisoner,
6. Vunkayala Chinna Moneyandoo
in Case No 19, no further sentence is required
to be passed upon these prisoners in this case.
(Sent in No)

Read letter dated 15 May 1857,
from the Sessions Judge of Chittoor, submitting
for the final Judgment of the Provincial Adalut the

5th June 1857

the record in case No 17 of 1857 on the Calendar
of the Sessions Court.
(Here Enter Dft No 1008 of 1857)

Mr Wa Morehead.

The Court of Provincial
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,
1. Dundoo Moonesamy
2. Cavaty Goorawadoo
3. Loka Chinna Papadoo
and
4. Lutchmakah
is sufficient to convict them of the crime
charged, do convict them thereof, and sentence
the prisoner,
3. Loka Chinna Papadoo
to be imprisoned and kept to hard labor
in irons on the public roads or other public
works for and during the period of (14) fourteen
years,

The prisoners
1. Dundoo Moonesamy
and
2. Cavaty Goorawadoo
having been already sentenced in Case No 15,
no further sentence is required to be
passed

passed upon them in this case. And being of opinion that the punishment which the prisoner,

1st Sulochmakah

has already undergone is sufficient for the offence committed in this case, they direct that she be set at liberty -

(Sent in No)

Read letter dated 26th May last from the Sessions Judge of Chittoor, submitting for the final judgment of the Foujdaree Adawlut the records in Case No 19 of 1857 on the Calendar of the Sessions Court.

(Were Entered Dft No 1119 of 1857)

M. W. Morehead.

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

1st Dundoo Moonesamy
2d Cavaty Goovadoo
3d Gunga Chinna Moonesamy
and
4th Venkayala Chinna Moongandoo

is sufficient to convict them of the crime charged, do convict them thereof and sentence the prisoners

1st Venkayala Chinna Moongandoo

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,

1st Dundoo Moonesamy
2d Cavaty Goovadoo
3d Gunga Chinna Moongadoo

having been already sentenced in case No 15, no further sentence is required to be passed upon them in this case.

(Sent in No)

Ex Dft.

C. H. Chamier

F. Mc.

Saturday
6th June 1857. } At a Court of the Foujdaree Adalut

Present

G. S. Hooper Esquire
W. A. Morehead Esquire } Puisne Judges

T. W. Goodwyn Esquire — Acting Puisne Judge

Read Calendar of Cases

No. 39 of 1857 of the Sessions Court of
Bellary.

/ Hawanter F. Mc. No. 1080 of 1857. /

The Court of Foujdaree
Adalut approve of the recommendation
made by the Sessions Judge in this case,
that the period of imprisonment which
Mahomed Saib. the Prisoner noted in the margin has
been adjudged to suffer on his conviction
of House breaking with Theft be reduced
to (4) four years with hard labor in irons,
and they do authorize the Sessions Judge
to issue his warrant accordingly.

Ordered that Extract
from these Proceedings be forwarded to
the

F. Ms.

Saturday 6th June 1857 } At a Court of the Foujdaree Adalut

Present

G. S. Hooper Esquire } Puisne Judges
W. A. Morehead Esquire }

T. W. Goodwyn Esquire — Acting Puisne Judge

Read Calendar of Cases

No. 39 of 1857 of the Sessions Court of Bellary.-

/ Hawarnter F. Ms. No. 1080 of 1857. /

The Court of Foujdaree Adalut approve of the recommendation made by the Sessions Judge in this case, that the period of imprisonment which Mahamed Saib. the Prisoner noted in the margin has been adjudged to suffer on his conviction of House breaking with Theft be reduced to (4) four years with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

Ordered that Extract from these Proceedings be forwarded to the

6th June 1857.

the Sessions Judge of Bellary for his information.

(Sentence No.)

Read Calendar of Cases No. 15 of 1857 of the Sessions Court of Coimbatore.

/Herventer F. Ms. No. 1131 of 1857./

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 to (10) Ten years with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

1st Chickoomauran.
3rd Palany.
4th Arunachellum.

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

(Sent in No.)

Read Miscellaneous Petition received

6th June 1857.

received on the 21st May 1857 from Gubbay Zillah Mangalore.

/Herventer F. Ms. P. No. 113 of 1857./

Petitioner appeals from the sentence of 2 years imprisonment passed upon him on the 21st March last by the Acting Sessions Judge in Calendar case No. 1 of 1857.

Mr. H. A. Marshead.

The Court of Foujdaree Adalut resolve to reject this petition as they fail to discover therein any thing to lead them to question the propriety of the sentence appealed against.

2.

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

(Sent in No.)

Read Petty Calendars of the Magistracy for the 1st Quarter of 1857, Zillah Bellary.

/Herventer F. Ms. No. 1138 of 1857./

This was a case of Breach of

Calendar I
Case No. 3.

1

of Trust. The purposes for which the money was entrusted to the defendant should have been set out in the charge, and the case should have been punished by the Magistracy under their extended powers.-

Case No. 5. 2. The names of the persons and the number of the case should have been mentioned.-

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

(Sent in No.)

Read Miscellaneous Petition received on the 25th May 1857 from T.- Moneyappen and two others, Tillahs Salem.-

/Herewith T. M. P. No. 115 of 1857./

Mr. W. A. Morehead. 1.

Petitioners, 1st 2d and 3d Prisoners in Calendar Case No. 23 of 1857 of the Session Court of Salem, appeal from the sentence passed upon them in the above case.-

2. The Court of Foujdaree Adalut resolve to reject this petition, seeing no reason to

to question the correctness of the sentence passed against them.-

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

(Sent in No.)

Read Miscellaneous Petition presented on the 1st June 1857, by Samy Iyen and another, Tillahs Trichinopoly.-

/Herewith T. M. P. No. 118 of 1857./

Petitioners appeal from the

Mr. W. A. Morehead. 1. orders of the Session Judge of Trichinopoly confirming those of the Head Assistant Magistrate fining petitioners Rupees 20 for an alleged trespass.-

The Court of Foujdaree -

2. Adalut resolve to reject this petition seeing no grounds for interfering with the order appealed against. The Petitioner should have filed the order of the Acting Head Assistant Magistrate.-

Ordered

2. Before disposing of this case the Court of Foujdaree Udalut resolve to call upon the Sessions Judge to submit the return made by the Joint Magistrate to the proceedings of the Sessions Court dated 18th Novemr. last 1856.-

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

(Sent following precept No.)

Read Calendar of Case No. 23 of 1857 submitted by the Sessions Judge of Calicut under date the 20th May 1857.-

/Here enter F. Co. No. 1100 of 1857./

Read Calendar of Cases Nos. 4 and 5 of 1857 submitted by the Sessions Judge of Honore under date the 20th May 1857.-

/Here enter F. Co. No. 1112 of 1857./

Read Calendar of Case No. 28 of 1857 submitted by the Sessions Judge of Nellore under date the 26th May 1857.-

/Here enter F. Co. No. 1113 of 1857./ Read

Read return dated 23d May 1857 from the Sessions Judge of Calicut to the precept of the Foujdaree Udalut under date the 14th instant, directing him to explain the nature of the weapon with which the wounds were inflicted in Case No. 21 of 1857 on the Calendar Sessions Court.-

/Here enter F. Co. No. 1116 of 1857./

Read return dated 26th May 1857 from the Sessions Judge of Cuddapah, to the precept of the Foujdaree Udalut under date the 29th April 1857, calling for explanation of the delay in Case No. 2 of 1857.-

/Here enter F. Co. No. 1123 of 1857./

Read return dated 26th May 1857 from the Sessions Judge of Cuddapah, to the precept of the Foujdaree Udalut under date the 6th May 1857, calling for explanation of the delay 4 mos in Case No. 97 of 1856.-

/Here enter F. Co. No. 1124 of 1857./

Read return dated 26th May 1857 from the Sessions Judge of Chittoor to the precept of the Foujdaree Udalut under date

6th June 1857.-

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

Ordered also that Extract from these Proceedings be given to the Petitioner on this application.-

(Sent in No)

Read Miscellaneous Petition presented on the 30th May 1857 by Patchaya Pillay, Zillah Tinnevelly.-

/Here enter F. M. P. No 116 of 1857./

Mr W. A. Morehead. 1.

Petitioner prays the Court of Foujdarry Adalut will direct the Sessions Judge or Magistrate to reinvestigate the complaint preferred by him to the Magistrate which complaint, on the report of the Head of Police, was dismissed by the late Acting Head Assistant Magistrate.-

2. The Court of Foujdarry Adalut resolve to send copy of this petition to the Sessions Judge and to require him to call for the record and to pass such orders in the case as its merits call for.-

The

6th June 1857.-

3. The Court of Foujdarry Adalut consider that the ends of justice call for the adoption of this course, as they are of opinion that a sufficient investigation has not been made into Petitioner's original complaint.-

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

(Sent in No)

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

Read Miscellaneous Petition presented on the 1st June 1857 by Mr H. B. Saunders, Pleader on behalf of Armooga Puttan, Zillah Combaconum.-

/Here enter F. M. P. No 119 of 1857./

Mr W. A. Morehead 1.

Petitioner appeals from the orders of the Sessions Judge dated 4th December 1856 confirming the sentence passed by the Joint Magistrate imprisoning petitioner on a charge of false complaint.-

Before

6th June 1857.-

2. Before disposing of this case the Court of Foujdaree Udalut resolve to call upon the Sessions Judge to submit the return made by the Joint Magistrate to the proceedings of the Sessions Court dated 18th November 1856.-

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

(Sent following precept No.)

Read Calendar of Case No. 23 of 1857 submitted by the Sessions Judge of Calicut under date the 20th May 1857.-

/Here enter F. Uc. No. 1100 of 1857./

Read Calendar of Cases Nos. 4 and 5 of 1857 submitted by the Sessions Judge of Canara under date the 20th May 1857.-

/Here enter F. Uc. No. 1112 of 1857./

Read Calendar of Case No. 18 of 1857 submitted by the Sessions Judge of Nellore under date the 26th May 1857.-

/Here enter F. Uc. No. 1113 of 1857./ Read

6th June 1857.-

Read return dated 23d May 1857 from the Sessions Judge of Calicut to the precept of the Foujdaree Udalut under date the 14th instant, directing him to explain the nature of the weapon with which the wounds were inflicted in Case No. 21 of 1857 on the Calendar Sessions Court.-

/Here enter F. Uc. No. 1116 of 1857./

Read return dated 26th May 1857 from the Sessions Judge of Cuddapah, to the precept of the Foujdaree Udalut under date the 29th April 1857, calling for explanation of the delay in Case No. 2 of 1857.-

/Here enter F. Uc. No. 1123 of 1857./

Read return dated 26th May 1857 from the Sessions Judge of Cuddapah to the precept of the Foujdaree Udalut under date the 6th May 1857, calling for explanation of the delay &c. in Case No. 97 of 1856.-

/Here enter F. Uc. No. 1124 of 1857./

Read return dated 26th May 1857 from the Sessions Judge of Chittoor to the precept of the Foujdaree Udalut under date

6th June 1857.-

2. Before disposing of this case the Court of Foujdaree Udalut resolve to call upon the Session Judge to submit the return made by the Joint Magistrate to the proceedings of the Session Court dated 15th Novem. ber 1856.-

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

(Sent following precept No)

Read Calendar of Case No 23 of 1857 submitted by the Session Judge of Calicut under date the 20th May 1857.-

/Here enter F. Re. No 1100 of 1857./

Read Calendar of Cases No 4 and 5 of 1857 submitted by the Session Judge of Honore under date the 20th May 1857.-

/Here enter F. Re. No 1112 of 1857./

Read Calendar of Case No 18 of 1857 submitted by the Session Judge of Nellore under date the 25th May 1857.-

/Here enter F. Re. No 1113 of 1857./ Read

6th June 1857.-

Read return dated 23d May 1857 from the Session Judge of Calicut to the precept of the Foujdaree Udalut under date the 14th instant, directing him to explain the nature of the weapon with which the wounds were inflicted in Case No 21 of 1857 on the Calendar Session Court.-

/Here enter F. Re. No 1116 of 1857./

Read return dated 26th May 1857 from the Session Judge of Cuddapah, to the precept of the Foujdaree Udalut under date the 29th April 1857, calling for explanation of the delay in Case No 2 of 1857.-

/Here enter F. Re. No 1123 of 1857./

Read return dated 26th May 1857 from the Session Judge of Cuddapah, to the precept of the Foujdaree Udalut under date the 6th May 1857, calling for explanation of the delay &c in Case No 97 of 1856.-

/Here enter F. Re. No 1124 of 1857./

Read return dated 26th May 1857 from the Session Judge of Chittoor to the precept of the Foujdaree Udalut under date

6th June 1857.-

date the 23rd May 1857 directing the submission of the Original records of Cases Nos 28 and 32 of 1857 and also of Case No 19 of 1857 should the latter be still untranslated.-

/Here enter F. Uc. No 1125 of 1857./

Read return dated 26th May 1857 from the Sessions Judge of Combaconum to the Extract from the Proceedings of the Court of Foujdaree Udalut under date the 22nd May 1857 remarking on the delay occurred in the Commital of Case No 22 of 1857.-

/Here enter F. Uc. No 1126 of 1857./

Read Calendar of Case No 27 of 1857 submitted by the Sessions Judge of Chittoor under date the 1st May 1857.

/Here enter F. Uc. No 1128 of 1857./

Read Calendar of Cases No 34 of 1857 submitted by the Sessions Judge of Chittoor under date the 22nd May 1857.-

/Here enter F. Uc. No 1130 of 1857./

Read Calendar of Cases No 13 of 1857 submitted by the Acting Sessions Judge of Cuddalore under date the 27th May 1857.-

/Here enter F. Uc. No 1135 of 1857./

E Hall.

C Ackerman

F. Uc

Thursday 11th June 1857

At a Court of the Foujdaree Udalut

Present

G. S. Cooper Esquire
W. A. Morehead Esquire
T. W. Goodwyn Esquire &c } Puisne Judges

Read letter under date the 25th May 1857 from the Agent to the Governor of Fort St George in Vizagapatam submitting for confirmation the final Judgement of the Foujdaree Udalut in respect of the trial of a Criminal Case on his file.-

(Here Enter F. Uc. No 1116 of 1857)

The Court of Foujdaree Udalut concur in the conviction of the Prisoner Cundy Sinegoyalu

of Homicide without aggravation and sentence him to Nine months imprisonment with hard labor without irons.-

Ordered that Extracts from these Proceedings be sent to the Agent to the Governor

6 11th June 1857.

Governor of Fort St. George at Vizagapatam for his information.

(Sentin A.

Read Calendar of Case No. 21 of 1857 submitted by the Sessions Court of Cumbaconum

(Here enter F.R. No. 1127 of 1857)

The Court of Foujdaree Adawlut observe that Mungle in his remarks on this Case the Sessions Judge has commented on the suspicious nature of the evidence, he has in no part of them stated that he concurred with the futwah of acquittal given by the Law Officer but the Court presume that he has done so, and that he has acquitted, and released the Prisoners.

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

Law Officer but the Court presume that he has done so, and that he has acquitted, and released the Prisoners.

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

(Sentin A.

Calendar I Cases Nos. 11 and 10.

Read Petty Calendars of the Magistracy submitted by the Sessions Judge of

11th June 1857.

Law No. 30. 2.

The charge should have been headed "Breach of

The attention of the Head Assistant Magistrate should be drawn to the provisions of Act I of 1853 in regard to the punishment of flogging of adult offenders.

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

(Sentin A.

Read letter dated 27th April 1857 from the Acting Sessions Judge of Salem submitting for the final Judgement of the Foujdaree Adawlut the record of Case No. 24 of 1857 on the Calendar of the Sessions Court.

(Here enter F.R. No. 1105 of 1857)

Mr. W. A. Marshall.

The Court of Foujdaree Adawlut on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the proof against the Prisoner, J. F. Kenzie is sufficient to convict him of the crime of Forgery, do convict him thereof; and under the provisions of Clause third Section III Regulation VI of 1811. Clause third Section VIII Regulation XV of 1803 and

and Section XXXIII Act VII of 1843 sentence him to be imprisoned for (4) four years and to be banished during the period of his sentence from the District in which his place of abode is situated and kept to hard labor in irons and the public roads or other public works in the Zillah Jail of Cuddalore.

(Sent in Ct.)

Read letter dated 3d June 1857 from the Sessions Judge of Vellore submitting for the final Judgment of the Fouzdaree Adalut the record of Case No 19 of 1857 on the Calendar of the Sessions Court.

(Rec'd Enter F.R. No 1149 of 1857)

Mess[rs] G.S. Hooper and F.W. Goodwyn

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,

Pengali Sundararamayya

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

(Sent in Ct.)

Read letter dated 2d June 1857 from the Acting Sessions Judge of Mangalore submitting for the final Judgment of the Court of Fouzdaree Adalut the record of Case No 5 of 1857 on the Calendar of the Sessions Court.

(Rec'd Enter F.R. No 1188 of 1857)

Mess[rs] G.S. 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

Subbaya

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

(Sent in Ct.)

Read Calendar of Case No 33 of 1857 on the File of the Sessions Court of Chittoor.

(Rec'd Enter F.R. No 1129 of 1857)

Before passing final orders on this Calendar the Court of Fouzdaree Adalut resolve to direct that the Original record of the Case be submitted for their consideration.

Ordered that Extract from these

these Proceedings be forwarded to the Sessions Judge of Chittoor by Cowsoft returnable in III days from and after its receipt.

(Seal following Cowsoft &c.

And letter dated the 20th Instant from the Sessions Judge of Nellore, forwarding Copies of certain correspondence for the opinion of the Judges of the Foujdaree Adalut.

(Here Enter F. R. No. 1071 of 1857)

1. The sentence of Law passed by the Joint Magistrate on the prisoner in Case No. 1 on the Petty Calendar for 1st Quarter of 1857, who was charged with forcibly preventing & Ryot from the cultivation of land purchased by him at auction and its being sold for arrears of rent, having been reversed by the Sessions Judge on the ground that the Case should have been decided by the Collector under Section XI Regulation V of 1822 and not by the Magistrate, the Joint Magistrate solicits that the point may be referred for the consideration of the Court of Foujdaree Adalut as involving one of General Practice and of same importance.

2. The Court of Foujdaree Adalut are of opinion that such Cases ought generally to be disposed of by the Magistrate.

They observe that Section XI of Regulation V of 1822 leaves it optional to the parties dispossessed to bring such Cases before the Collector, and where they are not so specially laid, it is clear that the proper Course is for the Magistracy to deal with them by fining for the trespass and restoring possession.

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

(Seal in Ct.

Read Calendar of Case No. 11 of 1857, submitted by the Acting Sessions Judge of Cuddalore under date the 14th May 1857.

(Here Enter F. R. No. 1064 of 1857)

Read Criminal Reports dated 1st May 1857, submitted by the Acting Sessions Judge of Salem for the months of April 1857.

(Here Enter F. R. No. 1066 of 1857)

Read Criminal Reports B dated 15th May 1857, submitted by the Acting Sessions Judge

11th June 1857.

Judge of Mangalore for the Months of April 1857.

(Here Enter F.R. No 1067 of 1857).

Read Criminal Report B. dated 15th May 1857, submitted by the Agent to the Governor of Fort St. George at Vizagapatam for the Months of April 1857.

(Here Enter F.R. No 1068 of 1857)

Read Petty Calendar dated 11th May 1857 submitted by the Sessions Judge of Wynaad for the 1st Quarter 1857.

(Here Enter F.R. No 1069 of 1857)

Read letter dated 18th May 1857, from the Sessions Judge of Cuddapah, informing the execution of the Prisoner in Case No 83 of 1856

(Here Enter F.R. No 1072 of 1857)

Read Calendar of Case No 39 of 1857, submitted by the Sessions Judge of Chittoor, under date the 5th May 1857.

(Here Enter F.R. No 1073 of 1857) vs

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F.R.

Friday 12th June 1857. At a Court of the Foujdaree Adalut

Present

C. S. Cooper Esquire
W. A. Morehead Esquire } Puisne Judges
J. W. Goodwyn Esquire Jr.

A Return having been received from the Sessions Judge of Cuddapah to the Precept of the Foujdaree Adalut, dated the 13th May last, directing him to send up without delay so much of the original record of Sessions Case No 89 of 1856 as may remain on the receipt of the above Precept untranslated with his letter of reference.

Ordered that the Sessions Judge of Cuddapah be required to make a return to the above Precept without further delay.

(Sent in No)

Read Calendar of Case No 20 of 1857 submitted by the Acting Sessions Judge of Rajahmundry under date the 9th May 1857.

(Here Enter F.R. No 1039 of 1857)

Read Calendar of Case No 39 of 1857 submitted

submitted by the Sessions Judge of Mannalipuram under date
date the 15th May 1857.

(Here Enter F.R. No. 1035 of 1857)

Read Calendar of Case No. 11 of 1857, sub-
mitted by the Acting Sessions Judge of Tellicherry under
date 7th May 1857.

(Here Enter F.R. No. 1037 of 1857)

Read Return dated 11th May 1857, from the Ses-
sions Judge of Cuddapah to the Precept of the Tripatoor
Vakil under date the 4th May 1857, calling for explanation
of delay in Case No. 100 of 1856.

(Here Enter F.R. No. 1044 of 1857)

Read Criminal Report B dated 9th
May 1857, submitted by the Acting Sessions Judge
of Tellicherry for the months of April 1857

(Here Enter F.R. No. 1038 of 1857)

Read Criminal Report B dated 13th
May 1857, submitted by the Acting Agent in Wynaad
for the months of April 1857.

(Here Enter F.R. No. 1053 of 1857)

Read letter dated 11th May 1857, from the
Sessions Judge of Honore, reporting that the Record of
Case No. 2 of 1857 on the Calendar was despatched from this
office on the 23d Ultimo.

(Here Enter F.R. No. 1056 of 1857)

Read letter dated 18th May 1857, submit-
ted by the Sessions Judge of Madura, reporting execution
of Prisoner Chinnanen in Calendar Case No. VII of 1857.

(Here Enter F.R. No. 1057 of 1857)

Read Calendar of Case No. 16 of 1857,
submitted by the Sessions Judge of Coimbatore under date
the 11th May 1857.

(Here Enter F.R. No. 1058 of 1857)

Read Criminal Report B dated 30th
April 1857, submitted by the Sessions Judge of Chingle-
put for the Months of April 1857.

(Here Enter F.R. No. 1060 of 1857)

Read Criminal Report B dated
1st May 1857, submitted by the Sessions Judge of Canba-
conum for the Months of April 1857.

(Here Enter F.R. No. 1061 of 1857)

Read Calendar of Case No. 39 of 1857,
submitted by the Sessions Judge of Tinnevelly under
date the 16th May 1857.

(Here Enter F.R. No. 1063 of 1857)

C. S. Canie

E. T. B.

F. H.

Saturday 13th June 1857. At a Court of the Foujdaree Adalut

Present.

G. S. Hooper Esqre. }
W. A. Morehead Esqre. } Puisne Judges
T. W. Goodwyn Esqre. }

Read letter dated 26th May 1857, from the Session Judge of Chittoor, submitting for the final judgment of the Foujdaree Adalut the record of Case No. 20 of 1857 on the file of the Session Court.

(Here enter F. H. No. 1120 of 1857.)

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 Sanara Lutcheegan
2d Comely Moonesawmy
3d Maula Anjeegandoo
alias Anjoonun
4th Maula Moonegan
and
5th Maula Cundadoo

is sufficient to convict them of the crime

Mr. W. A. Morehead.

of

of Robbery by open violence, do convict them now thereof, and under the provisions of Clauses Third and Fifth, Section IV, Regulation XX of 1803, and Section XXXIII, 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.-

Sent in &c.

Read Criminal Report dated 30th April 1857, submitted by the Sessions Judge of Chicacole for the Months of April 1857.

(Here enter F. No. 1074 of 1857)

Read Criminal Report dated 18th May 1857, submitted by the Sessions Judge of Bellary for the Months of April 1857.

(Here enter F. No. 1077 of 1857.)

Read letter dated 30th May 1857. from the Sessions Judge of Bellary, transmitting the Original death Warrant issued by his Court in Case No. 16 of the Sessions Court for 1857 together with a Copy of a letter from the

the Acting Subordinate Criminal Judge of Bellary.-

(Here enter F. No. 1081 of 1857)

Read Calendar of Case No. 40 of 1857, submitted by the Sessions Judge of Tinnevelly under date the 20th May 1857.-

(Here enter F. No. 1085 of 1857)

Read Calendar of Case No. 17 of 1857, submitted by the Acting Sessions Judge of Guntoor under date the 20th May 1857.

(Here enter F. No. 1088 of 1857.)

Read Calendar of Case No. 10 of 1857 submitted by the Acting Sessions Judge of Tellicherry under date the 6th May 1857.-

(Here enter F. No. 1095 of 1857)

Read Calendar of Case No. 38 of 1857, submitted by the Sessions Judge of Bellary under date the 22d May 1857.

(Here enter F. No. 1096 of 1857)

Read return dated 23d Ultimo from the Sessions Judge of Madura to the Precept of the Foujdaree Adalut under date the 19th Idem directing release of 2d 3d and 4th Prisoners in Calendar Case No. 26 of 1856

(Here enter F. No. 1097 of 1857.)

Read

13th June 1857.

Read return dated 23d Ultimo from the Session Judge of Madura, to the Precept of the Foujdaree Udalut under date the 19th Idem, directing release of Prisoner in Calendar Case No X of 1856.

(Here enter F. Dc. No 1098 of 1857.)

Read Calendar of Case No 31 of 1857, submitted by the Session Judge of Chittoor under date the 11th May 1857.

(Here enter F. Dc. No 1075 of 1857.)

Exchanged.

F. Mc.

Wednesday — 17th June 1857.

At a Court of the Foujdaree Udalut

Present

G. A. Hooper, Esquire. — Puisne Judges
W. A. Morehead, Esquire. — Puisne Judges
J. W. Goodwyn, Esquire. — Puisne Judges

Read again Miscellaneous Petition presented on the 15th May 1857 by Jotoola Appannah and another, Gillah Rajahmundry.

(Here enter F. Mc. No 105 of 1857.)

Read also return dated 27th May 1857, from the Acting Session Judge of Rajahmundry to the precept of the Foujdaree Udalut under date the 15th May 1857, requiring the transmission of the Original Record of Case No 7 of 1857 on the Calendar, and directing the release of the Prisoners on security till the case is finally disposed of.—

(Here enter F. Mc. No 1161 of 1857.)

Mr. Goodwyn

The record of this case shows that at noon on the 27th September last, the Acting Head Assistant Magistrate received

a

a Petition (dated 25th. posted 26th.) stating that the Prisoners had murdered the Prosecutor and were going to bury the body &c. As the Anonymous writer must have been aware of the probable time of the Arzees receipt (Vizt 48 hours after its preparation) it is clear to the Court of Fouzdaree Adalut that it could not have been written from its apparent motive; otherwise opportunity of 48 hours delay for disposing of the body would not have been given.-

2. Immediate search in the Prisoners' premises discovered the Prosecutor bound hand and foot, apparently insensible and dying: he was at once conveyed to the Hospital and inspected.-

3. The Prosecutor (aged 22) stated that he had been starving for several days previously (5 or 6), and on the 24th. September went and lay down at the Verandah of the Prisoners' house, when they beat, alarmed, bound and confined him from Wednesday night till his rescue on Saturday afternoon.

4 The facts of the case enable a correct opinion to be formed of its truth

or falsehood. starvation for 8 days, the 3 latter accompanied by thirst, illusage and lengthened application of ligatures leave unmistakable marks and symptoms which would enable a Medical Officer to pronounce decidedly on the credit due to such a story. The Surgeon's Certificate and letters show that the apparently insensible and dying Prosecutor was at once carefully examined, when it was found that he was malingering, his symptoms being assumed, and that he had nothing the matter with him.-

5 The Acting Head Assistant Magistrate, in a clear decision, dismissed the complaint as improbable in the extreme.-

6. On appeal, the Acting Sessions Judge directed the case to be committed, and eventually sentenced the Prisoners respectively to 18 and 12 months' Imprisonment with hard labor in irons.

7. The Court of Fouzdaree Adalut, after referring to the record, fully concur in opinion with the Acting Head Assistant Magistrate, and consider that the evidence

evidence is utterly undeserving of credit and therefore cancel the sentence of the Acting Session Judge.

8.

It is with deep regret that the Foujdaree Adalut have to remark on the strong bias against the Prisoners apparent on all Mr. R. Cotton's Proceedings. The Sessions Extract, 13th February, alludes to matters having no reference to the charge of attempt at Murder, viz. the 1st Prisoner's punishment for false complaint, to there being no question that the 1st Prisoner has been guilty of Perjury in another case though he had escaped legal conviction, and even goes the length of stating that there was no reason for doubting the credibility of those witnesses whose evidence is distinctly opposed to the Surgeon's Certificate.

9.

The case mainly depended on whether the Prosecutor had really received extreme illusage in the attempt to murder him, or had only feigned symptoms of approaching dissolution, but the Acting Session Judge, instead of examining the Surgeon, has endeavoured in his sentence to weaken

weaken the force of Mr. Babington's most decided statement, which told so strongly in favor of the Prisoners, by declaring "that "the Zillah Surgeon in his report states that "he is inclined to believe &c."

The Acting Session Judge's

10.

explanation for this forced construction of the certificate and omission to examine the Surgeon, is most unsatisfactory.

Since Mr. R. Cotton considered the evidence as to the Prosecutor's state to be contradictory, he was imperatively bound to have examined the Surgeon whose testimony could alone decisively settle the fact. The Prisoners' neglect to cite Mr. Babington as their witness might not to have operated to their disadvantage as the omission clearly might have arisen from ignorance of the law of evidence and confidence that so plain and decided a certificate could bear but one construction and would carry full conviction to any unprejudiced mind that the Prosecutor's symptoms were feigned.

The

17th June 1857.

12.

The Acting Session Judge's extract, 15th February, indicates his predetermination to pass over the strong Medical testimony in favor of the accused, his sentence and return prove the manner in which he has done so, and the fallacy of his excuses for so doing. Mr. R. Cotton's prejudice against the accused appears to have so blinded his judgment, that in his explanation of his forced construction of the certificate, he calls the attention of the Foujdaree Adalut to the connection between the Prisoners and one of their relations at Madras now appealing from the Acting Session Judge's illegal proceedings in the case of Ramachendradoo, as if the latter fact threw a light on the former.

Ordered, that Extract from these proceedings, be sent to the Acting Session Judge of Rajahmundry, by precept returnable within III days from and after its receipt.

Sent following precept No 5

Ex Enq.

Cs Chamier

F. H.

Thursday, 18th June 1857.

At a Court of the Foujdaree Adalut

Present

G. S. Cooper Esquire
W. A. Morehead Esquire
J. W. Goodwyn Esquire. Acting
} Puisne Judges.

Read Calendar of Case No 33 of 1857 of the Sessions Court of Cuddapah.

(Ken Enter F. H. No 1155 of 1857)

The Subordinate Judge's explanation for the months delay in the committal of this Case, is in the opinion of the Foujdaree Adalut unsatisfactory. he should have examined and at once committed the Case.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddapah for communication to the Subordinate Judge.

(Sent in No)

Read Calendar in Case No 13 of 1857, of the Sessions Court of Tellicherry.

(Here Enter F. H. No 1189 of 1857)

The

17th June 1857.

12.

The Acting Session Judge's extract, 13th February, indicates his predetermination to pass over the strong medical testimony in favor of the accused, his sentence and return prove the manner in which he has done so, and the fallacy of his excuses for so doing. Mr. R. Collins's prejudice against the accused appears to have so blinded his judgment, that in his explanation of his forced construction of the certificate, he calls the attention of the Foujdaree Adalut to the connection between the Prisoners and one of their relations at Madras now appealing from the Acting Session Judge's illegal proceedings in the case of Ramachendradoo, as if the latter fact threw a light on the former.

Ordered, that Extract from these proceedings, be sent to the Acting Session Judge of Rajahmundry, by precept returnable within III days from and after its receipt.

(Sent following precept No 15
Ex Dated.
Os Chamier

F. No

Thursday, 18th June 1857.

At a Court of the Foujdaree Adalut

Present

G. S. Cooper Esquire
W. A. Morehead Esquire
J. W. Goodwyn Esquire Acting
} Puisne Judges.

Read Calendar of Case No 33 of 1857 of the Session Court of Cuddapah.

(Here Enter F. No. No 1155 of 1857)

The Subordinate Judge's explanation for the months delay in the committal of this Case, is in the opinion of the Foujdaree Adalut, unsatisfactory. he should have examined and at once committed the Case.

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

(Sent in No)

Read Calendar in Case No 130 of 1857, of the Session Court of Tellicherry.

(Here Enter F. No. No 1189 of 1857)

The

17th June 1857.

12.

The Acting Session Judge's extract, 13th February, indicates his predetermination to pass over the strong Medical testimony in favor of the accused, his sentence and return prove the manner in which he has done so, and the fallacy of his excuses for so doing. Mr. R. Collett's prejudice against the accused appears to have so blinded his judgment, that in his explanation of his forced construction of the certificate, he calls the attention of the Foujdaree Udalut to the connection between the Prisoners and one of their relations at Madras now appealing from the Acting Session Judge's illegal proceedings in the case of Ramachendradoo, as if the latter fact threw a light on the former.

Ordered, that Extract from these proceedings be sent to the Acting Session Judge of Rajahmundry by express returnable within 10 days from and after its receipt.

Sent following precept No 15

Es Mll.

Cs Chamier

Thursday, 18th June 1857.

At a Court of the Foujdaree Udalut

Present

G. S. Cooper Esquire
W. A. Morehead Esquire
T. W. Goadsoyne Esquire. Acting
} Puisne Judges

Read Calendar of Case No 33 of 1857 of the Sessions Court of Cuddapah.

(Here Enter F.C. No 1155 of 1857)

The Subordinate Judge's explanation for the months delay in the committal of this Case, is in the opinion of the Foujdaree Udalut, unsatisfactory. he should have examined and at once committed the Case.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddapah for communication to the Subordinate Judge.

(Sent in No)

Read Calendar in Case No 120 of 1857, of the Sessions Court of Tellicherry.

(Here Enter F.C. No 1189 of 1857)

The

18th June 1857.

The Court of Fauzdaree Adalut are of opinion that the sentence passed on the 1st Prisoner, is inadequate to the offence proved against him.

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

(Sent in S.)

Read Calendar in Case S. 25 of 1857. of the Sessions Court of Chittoor.

(Mem. Entered P.O. S. 1171 of 1857)

The Court of Fauzdaree Adalut observe that the Regulation under which the sentence was passed in this Case has not been entered.

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

(Sent in S.)

The record of trial in referred Case S. 21 of 1857 in the Calendar of the Sessions Court of Salem not having been

yet received.

18th June 1857

Ordered that the Acting Sessions Judge of Salem be required to submit the record aforesaid without delay.

(Sent in S.)

No return having been received from the Sessions Judge of Cuddapah to the Precept of the Fauzdaree Adalut dated the 6th Ultimo, calling for an explanation of delay in Session, Case S. 89 of 1856.

Ordered that the Sessions Judge of Cuddapah be required to make a return to the above Precept without further delay.

(Sent in S.)

No return having been received from the Sessions Judge of Cuddapah to the Precept of the Fauzdaree Adalut dated the 27th May last, calling upon him to submit the Calendars of Cases S. 30. 32. 35. 37. 38. 39. 40. 44. 45. 54. and to state the reasons of the delay in transmitting them.

Ordered that the Sessions Judge of Cuddapah be required to make a return to the

18th June 1857.

the above Precepts without further delay.

(Sentence As)

Read letter dated 29th May 1857, from the Acting Sessions Judge of Rajahmundry, submitting for the final Judgment of the Sudder Adalut the record of Case No. 23 of 1857 and the Proceedings of the Sessions Court.

(Here Enter F. R. No. 1239 of 1857.)

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.

Ruda Pale Goora Pale

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 As)

Read Calendar of Case No. 22 of 1857, submitted by the Acting Sessions Judge of Rajahmundry under date the 19th May 1857.

(Here Enter F. R. No. 1102 of 1857)

Read.

18th June 1857

Read letter dated 23d May 1857, from the Acting Sessions Judge of Guntoor, forwarding copy of a letter addressed to the Acting Magistrate in regard to the conducts of the Heads of Police in Cases Nos. 17 and 18 of 1857, the Calendars of which were despatched on the 20th Instant.

(Here Enter F. R. No. 1117 of 1857)

Read Calendar of Case No. 25 of 1857, submitted by the Acting Sessions Judge of Salem under date the 18th May 1857.

(Here Enter F. R. No. 1134 of 1857)

Read Criminal Report B dated 1st May 1857, submitted by the Officiating Agent to the Governor of Fort St. George at Burmah for the Month of April 1857.

(Here Enter F. R. No. 1137 of 1857)

Read Calendar of Case No. 24 of 1857, submitted by the Sessions Judge of Cumbaconum under date the 30th May 1857.

(Here Enter F. R. No. 1142 of 1857)

Read Calendar of Case No. 35 of 1857, submitted by the Sessions Judge of Chittoor under date the 25th May 1857.

(Here Enter F. R. No. 1144 of 1857)

Read Calendar of Case No. 13 of 1857, submitted

18th June 1857.

submitted by the Acting Sessions Judge of Tellicherry under date the 18th May 1857.

(Here enter F. P. No. 1145 of 1857)

Read Calendars of Cases Nos 23 and 24 of 1857 submitted by the Sessions Judge of Bellary under date the 29th May 1857.

(Here Enter F. P. Nos 1151 and 1152 of 1857)

Read letter dated 4th June 1857, submitted by the Sessions Judge of Salem, reporting that the assemblage was unusually large and between 8 and 10 thousand persons were computed to have been present at the execution of the prisoner in Session Case No. 17 of 1857.

(Here Enter F. P. No. 1160 of 1857)

Read Calendar of Case No. 25 of 1857 submitted by the Sessions Judge of Cuddalore, under date the 3d June 1857.

(Here Enter F. P. No. 1161 of 1857)

Read Extract dated 27th May 1857, submitted by the Sessions Judge of Cuddalore, forwarding remarks made on the Police Reports for the months of January, February and March 1857.

(Here Enter F. P. No. 1165 of 1857) S

Ext Gdl.

C. A. Clarke

Friday
19th June, 1857.

F. P.

At a Court of the Foujdaree Adalut

Present

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

Read letter under date the 30th May 1857, from the Session Judge of Tinnevelly, forwarding copy of a communication from the Principal Sudr Ameen and requesting the opinion of the Foujdaree Adalut as to whether the act of stealing cattle from an uncovered cowpen by breaking the wall thereof and attended with a slight injury to the Prosecutor is committable.—

(Here enter F. P. No. 1148 of 1857)

The Court of Foujdaree Adalut are of opinion that the Prisoner in the case referred to should have been committed for trial.—

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

to

submitted by the Acting Sessions Judge of Tellicherry under date the 18th May 1857.

(Here enter F. H. No. 1145 of 1857)

Read Calendars of Cases Nos 31 and 34 of 1857 submitted by the Sessions Judge of Bellary under date the 29th May 1857.

(Here enter F. H. Nos 1151 and 1152 of 1857)

Read letter dated 4th June 1857, submitted by the Sessions Judge of Salem, reporting that the assemblage was unusually large and between 8 and 10 thousand persons were computed to have been present at the execution of the prisoner in Session Case No. 17 of 1857.—

(Here enter F. H. No. 1160 of 1857)

Read Calendar of Case No 25 of 1857 submitted by the Sessions Judge of Cuddapah under date the 3d June 1857.

(Here enter F. H. No. 1161 of 1857)

Read Extract dated 27th May 1857, submitted by the Sessions Judge of Cuddapah, forwarding Remarks made on the Police Reports for the three months of January, February and March 1857.—

(Here enter F. H. No. 1165 of 1857)

Ex Gill.

C. J. Chamier

F. H.

Friday
19th June, 1857.

At a Court of the Foujdaree Adalut

Present

G. L. Hooper, Esquire,
W. A. Morehead, Esquire,
} Puisne Judges
J. W. Goodwyn, Esquire, Acting.

Read letter under date the 30th May 1857, from the Session Judge of Tinnevelly, forwarding copy of a communication from the Principal Sudr Ameen and requesting the opinion of the Foujdaree Adalut as to whether the act of stealing cattle from an uncovered cowpen by breaking the wall thereof and attended with a slight injury to the Prosecutor is committable.—

(Here enter F. H. No. 1148 of 1857)

The Court of Foujdaree Adalut are of opinion that the Prisoner in the case referred to should have been committed for trial.—

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

19th June, 1857.

to the Principal Sudr Ameen.-

/Sent in No./

Read Calendar of Case No. 27 of 1857, of the Session Court of Salem.-

/Here enter F. Ca. No. 1191 of 1857./

The Acting 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 by open violence with wounding, be reduced to /4/ four years.-

Cora Palany

2. The Court of Fouzdaree Adalut deeming the mitigated sentence above proposed inadequate for the punishment of the Prisoner, resolve to direct that he be sentenced to imprisonment with hard labor in irons for the period of /7/ seven years.-

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

/Sent in No./

Read Calendar of Case No. 25 of 1857, of the Session Court of Caliaut.

/Here enter F. Ca. No. 1197 of 1857/

The

19th June, 1857.

The Court of Fouzdaree Adalut.

Ant 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 Robbery and possession of property so obtained, be reduced to /5/ five years with hard labor in irons and 60 lashes with a Cat-o-nine tails, and they do authorize the Session Judge to issue his warrant accordingly.-

2d Para Kanniottil Narayan Nair
3d Korchil Mathoran

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

/Sent in No./

Read Calendar of Case No. 18 of 1857, of the Session Court of Coimbatore.-

/Here enter F. Ca. No. 1198 of 1857/

The Court of Fouzdaree 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 Gang Robbery by open violence, be reduced to /10/ ten years with hard labor

1st Moroogan

19th June, 1857.-

labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

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

/Sent in No. /

Ex'd All.

Saturday, 20th June, 1857.

F.C.

At a Court of the Tanjore Zillah

Present.

G.S. Hooper Esqre
W.A. Morehead Esqre
} Puisne Judges
J.W. Goodwyn Esqre Acting

Read Criminal Report B for the months of May 1857, Zillah Chittoor.

(Here Enter F.C. No 1208 of 1857)

No 90. 1. The manner in which the house was entered should have been described-

91. 2. The money never having been in the prosecutor's possession, the offence was breach of trust, and not "theft."

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

/Sent in No.

Read letter dated 11th instant from the Sessions Judge of Bellary, submitting for the final Judgment of the Tanjore Zillah the record of trial in case No 11 of 1857 on the Calendar of the Sessions Court-

(Here Enter F.C. No 1252 of 1857)

The

20th June 1857.

Majors Morehead &
and
Goodwyn.

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

Tirroopputty

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

The Court of Sanjeeree Zealut
observe that Dr Reid should have been
questioned as to what, from his post
mortim examination, he considered to be
the cause of the boy's death - also, whether
the inflamation observed was such
as would have been produced by
Arsenic, and as to his opinion (of the
cause of death) resulting, from his
post mortim examination and the
Chemical analysis.

Ordered that Extract from
these Proceedings be sent to the
Sessions

20th June 1857.

Sessions Judge of Bellary for his information
(Sent in No.

Read Miscellaneous Petition
presented on the 1st June 1857, by T. Mootta-
=piew and another of Zillah Tinnevelly.
(Here Enter No 1200 of 1857)

W. Goodwyn.

The Court of Sanjeeree Zealut
decline to reconsider the order passed
by them acquitting the prisoners in Session
case No 18 of 1857, and accordingly reject
this Petition.

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

Read Miscellaneous Petition
presented on the 6th June 1857, by R. Tiroo=
=vuel Row, pleader on behalf of Tiroo=
=dachellum Pillay, of Zillah Trichinopoly.
(Here Enter No 1214 of 1857)

W. Goodwyn.

Nearly six months having
intervened, the Court of Sanjeeree Zealut
decline to interfere with the Session
Judge's order dismissing petitioner's appeal
from the Magistrate's decision, which
referred the Petitioner to a Civil Suit.

Petition

20th June 1857.

Petition rejected.—

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

Read Miscellaneous Petition presented on the 8th June 1857 by T. Sadagopachariar, Pleader on behalf of Doobhiem of Zillah Tinnevelly

(Here Enter No 128 of 1857)

Mr Goodwyn.

The Court of Sudder Adawlut resolve to reject this petition, as it is clear from the Calendar of the case in question that the prisoner committed perjury in one or other of his depositions on a point material to the issue of the case.

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

Read Miscellaneous Petition presented on the 6th June 1857 by T. Sadagopachariar, Pleader on behalf of Doobhiem of Zillah Tinnevelly

(Here Enter No 126 of 1857)

Mr Goodwyn.

It is clear that the prisoner in the case referred to committed perjury

F. R.

20th June 1857.

perjury in one of his two depositions, on a point that was material to the issue. The Court of Sudder Adawlut resolve accordingly to reject this petition.

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

Read Miscellaneous Petition presented on the 8th June, by T. Sadagopachariar, Pleader on behalf of Doobhiem, Zillah Tinnevelly—

(Here Enter T.M.P. No 128 of 1857)

Mr Goodwyn.

Petitioner, relative of the prisoner in Calendar No 340 of 1857 before the Sessions Court of Tinnevelly, appeals from the Sentence passed upon him in the above case maintaining that the contradictions which have led to his conviction for perjury do not amount to that crime.—

The Court of Sudder Adawlut resolve to reject this petition as it is clear from the Sentence that the prisoner has given contradictory depositions on oath on a point material

to

to the issues of the cause.-

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

Read Miscellaneous Petition received on the 9th June from Cona Lobbay Gillah Masulipatam.-

(Here Enter F.M.C. No 129 of 1857)

W. Goodwyn. 1. Petitioner appeals from the orders of the Sessions Judge dated 23d February 1857, confirming those passed by the Acting Magistrate, acquitting certain parties of a charge of assault and rape preferred by her against them.

2. The Court of Foujdaree Adalut decline to interfere with the orders appealed from, the evidence as to the charge brought forward and by Petitioner having been considered insufficient by both the Magistrate and Sessions Court.

3. Petition dismissed.

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

(Sent in No 11

Read Miscellaneous Petition presented on the 6th June 1857, by V. Lodayah Pacharbo, Pleader on behalf of Kristnienger and 7 others, Gillah Chingleput.

(Here Enter F.M.C. No 127 of 1857)

W. Goodwyn. 1. Petitioners appeal from the orders of the Sessions Judge under date the 20th February 1857, confirming those of the Acting Head Assistant Magistrate fining them for trespass.

2. Before passing final orders on this Petition the Court of Foujdaree Adalut resolved to call on the Sessions Judge to explain whether the house in question forms part of the Pungoo sued for by the Plaintiff (Petitioner) in 41 of 1856 on the file of the District Moonsiff of Carungooly and which house he alleges had been put in his possession with the rest of the Pungoo on the 8th March 1857 in conformity with the tenor of the Moonsiffs order dated 4th March, so that he had legal possession of the same on the 10th March, the date on which he is charged with

with having illegally broken open the said house.—

Ordered that Extract from these Proceedings be sent to the Session Judge of Chingleput by Precept returnable in X days from and after its receipt.—

(Sent following Precept No"

Read letter dated the 25th May 1857, from the Session Judge of Chittoor, submitting for the final Judgment of the Court of Foujdaree Adawlut, the Original record of trial of case No 28 of 1857 on the file of the Session Court.

(Here Enter F.R No 1108 of 1857)

In re R. Moorhead

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

1st Timmana Bayadoo alias Chengadoo

2d Veerasamy alias Mootarachajaty Veerasawmy

is sufficient to convict them of the Crime of Highway Robbery, do convict them thereof, and under the provisions of Clause

20th June 1857.

Clause third, Section IV Regulation XV of 1833, and Section XXXIII 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 seven years.—

(Sent in No"

Read Calendars submitted by the Session Judge of Bellary in cases Nos 36, 37, & 40 of 1857, under date the 2d June 1857.—

(Here Enter F.R Nos 1168, 1169, & 1170 of 1857)

Read Report dated 3d Instant, from the Session Judge of Bellary, of a case pending on the 30th of April 1857 before him for a longer period than 25 days.—

(Here Enter F.R No 1174 of 1857)

Read Calendars submitted by the Session Judge of Trichinopoly in cases Nos 21 & 23 of 1857 under date the 3d Instant.

(Here Enter F.R No 1175 & 1176 of 1857)

Read Calendars submitted by the Session Judge of Nellore in case No 20 and 21 of 1857 under date the 6th Instant.—

(Here Enter F.R Nos 1177 & 1178 of 1857)

Read Letter dated 4th Instant from—

from the Sessions Judge of Bellary, transmitting the Original death warrant issued by this Court in case No 27 of the Sessions Court for 1857 together with a copy of a letter from the Acting subordinate Judge of Bellary.—

(Here Enter J R No 1182 of 1857)

Read Calendar of case No 169 1857, submitted by the Sessions Judge of Masulipatam under date the 4th Instant

(Here Enter J R No 1183 of 1857)

Read Calendar of case No 190 1857, submitted by the Sessions Judge of Guntoor under date the 5th Instant

(Here Enter J R No 1193 of 1857)

Read letter dated 5th Instant, from the Sessions Judge of Calicut, forwarding the warrant issued for the execution of the sentence of death passed on the Prisoner in case No 18 of 1857 on his calendar with the Subordinate Judge's endorsement thereon and copy of his report.—

(Here Enter J R No 1196 of 1857)

Ex Ill.

C S Chamier

J H.

Monday 22d June 1857

At a Court of the Zoyjdaree Adalut

Present

G. S. Hooper Esquire - - - - -
H. A. Morehead Esquire - - - - Puisne Judges
D. H. Goodwyn Esquire - Ad. -

Read letter dated 18th May 1857, from the Acting Sessions Judge of Rajahmundry, submitting for the final Judgment of the Zoyjdaree Adalut the record of trial in Case No 19 of 1857 of the Calendar of the Sessions Court.

(Here Enter J H No 1187 of 1857)

Mr. Hooper
J H Goodwyn

The Court of Zoyjdaree 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 Robiee Pantiah
2d do Mullaiah
3d Moolagala Pakeer
4th Doshala Mainah
5th Annem Pariah
6th Mamma Puttiah

and

7th Doshalacota Veeranah

is sufficient to convict them of the crime of

Culpable

culpable Homicide, for which the penalty of Deynt is awardable under the Mahomedan Law as declared in Futwas of their Law Officers to convict them thereof and under the provisions of Clause Second, Section XV Regulation VII of 1802, Sentence the prisoner

1st Robbee Santiah

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

2d Robbee Mullah

to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of (5) five years; the prisoner,

3d Moolagala Saheb

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

6th Poolchala Nauiah

7th Annam Sariah

8th Mannam Puttiah

and

9th Poolchalacola Veeranah

to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of (6) six months.

1 The 1st and 3d Prisoners were charged with having murdered one P. Venkata-reddy, and the 2d, 4th, 5th, 6th, 7th, 8th and 9th with having aided and abetted in the murder.

2 The Acting Sessions Judge and Moofty acquitted the 4th and 5th Prisoners. The Moofty convicted the 1st, 2d and 3d Prisoners of having actively engaged in the murder, and the 6th, 7th, 8th and 9th Prisoners of aiding; the Acting Session Judge concurs as to the 1st, 2d and 3d Prisoners but states that he entertains no doubt as to the 6th, 7th, 8th and 9th Prisoners' presence and taking part in the affray, but recommends their acquittal as no specific act was brought home to them.

3 The charge has been most carelessly prepared; the murder took place on 18th April, and not on 18th March. - the manner in which the 4th to 9th Prisoners aided has been omitted, and no reference is made to the other wounds and hurts on the person

of the deceased.

1. The impression of the Court of Poojdaree Adalut from the record is that one or some of the party of Weavers knocked down some drink, when words were interchanged and an affray ensued, in which the deceased met his death from the 1st 2d and 3d Prisoners as described by the 1st 2d and 3d Witnesses. The wounds on the 5th and 8th Prisoners; their complaints at once to the Police, and the statement of the 2d Witness that the deceased struck one of the Weavers support this supposition. As no previous enmity existed it appears hardly probable that so murderous an assault would in the presence of so large a party of men and women have been occasioned by so slight a provocation as that alleged.

5 The Verdict of 1st 2d and 3d Prisoners also admit, that these Prisoners were concerned in a sudden affray.

6 Under these circumstances the Court of Poojdaree Adalut have convicted the 1st 2d and 3d Prisoners of Culpable Homicide in an affray, and have sentenced the 1st Prisoner

to (10) ten years, the 2d to 5, and the 3d to 7 years' imprisonment, with hard labor in irons.

7 The Court of Poojdaree Adalut also convict the 6th 7th 8th and 9th Prisoners of the crime charged, but seeing no reason for according to the recommendation of the Acting Sessions Judge, have sentenced these Prisoners to 6 months' imprisonment with hard labor in irons.

8. The Court observe that the leather case found at the 1st Prisoners' house and admitted to be his, fits the wound exactly, but it is singular that the Acting Sessions Judge did not examine the Surgeon as to whether the wound in the deceased's heart was caused by a weapon of this peculiar shape. The reception of the certificate as evidence is opposed to the commonest Rules of evidence.

9 Court The 1st and 2d Prisoners' subordinate depositions should have been proved.

10 The Summons for the deceased issued on the 5th and 8th Prisoners' verbal complaints should have been submitted.

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

(Sent in Rc.)

Read

23d June 1857

F. C.

Tuesday
23rd June 1857. } At a Court of the Foujdaree Adalut.

Present

G. S. Hooper Esquire
W. A. Morehead Esquire } Puisne Judges.

T. W. Goodwyn Esquire — Acting Puisne Judge.

Read Calendar of Case —

No. 26 of 1857 of the Sessions Court of Nellore.-

(Here enter F. C. No. 1222 of 1857.)

The Sessions Judge recommends that the period of Imprisonment which the Prisoner in this Case has been adjudged to suffer on his conviction of Highway Robbery, may be reduced to 3 years.-

The mitigated punishment above proposed being in the opinion of the Foujdaree Adalut too lenient, they resolve to direct that the Prisoner be sentenced to imprisonment with hard labor in irons for the period of 5 years.-

Ordered

x Vendate Bangarigadu-

x

Read letter dated 28th May 1857, from the Sessions Judge of Chittoor, submitting for the final Judgment of the Foujdaree Adalut, the original Records of trial in Case No. 32 of 1857 on the Calendar of the Sessions Court.

(Here Enter F. C. No. 1109 of 1857.)

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

Moneyadoo,

is sufficient to convict him of the crime of Assault and Wounding, for which according to the Mahomedan 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 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.

E. F. C. (Sent in No)

C. R. Clarke

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

(Sent in No.)

Read Calendar of Cases No. 9 of 1857 of the Sessions Court of Cuddalore.

/Here enter T. Ms. No. 1184 of 1857./

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 Gang Robbery, be reduced to (10) ten years with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.-

2. The Court observe that the sentence of the Acting Sessions Judge is very obscure and is drawn out to an unnecessary length in direct contravention of their repeated orders, and they direct that the attention of the Acting Sessions Judge be called

2. Ramasamy
5. Carathal
6. Mootthen
8 Cattan
9. Nagaraunale
Carrapajadicty.

called to the necessity of recording his sentence in a clear, concise, and succinct form.-

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

(Sent in No.)

Read again Miscellaneous Petition presented on the 20th April 1857 by S. N. Cunniraw Chetty, Pleader on behalf of Mared Nadany of Tillak Tinnevelly.

/Here enter T. Ms. P. No. 83 of 1857./

Read also Return of the Sessions Judge of Tinnevelly, to the precept of this Court under date the 16th May 1857.

/Here enter T. Ms. No. 1162 of 1857./

Mr. W. A. Morehead.

The Court of Foujdaree Adalut, having considered the record submitted with the above return, declines disturbing the order appealed against. Petition rejected.-

Ordered that Extract from

from these Proceedings be sent to the Sessions Judge of Tenneully for his information and that the record be returned to the Sessions Judge.-

(Sent in Nº)

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

Read Calendar of Case Nº 24 of 1857 submitted by the Acting Sessions Judge of Rajahmundry.-

/Here enter F. Mc. Nº 1186 of 1857./

The Court of Foujdaree Udalut have ruled that a requisition of security cannot with propriety be made in cases of forgery and utterance of forgery, and they accordingly direct that the security demanded in this case be cancelled, and the Prisoner unconditionally released.-

2. With reference to the note appended to the remarks of the Acting Sessions Judge, the Court of Foujdaree Udalut observe

observe that that officer has nothing to do with approving the securities that may be offered, the Criminal Judge acting under clause 6 Section III Regulation XV of 1803, the officer by whom their competency is to be approved of.-

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

(Sent following precept Nº)

Read Calendar of Case Nº 6 of 1857 submitted by the Sessions Judge of Kanara under date the 5th June 1857.-

/Here enter F. Mc. Nº 1215 of 1857./

Read Calendar of Case Nº 4 of 1857 submitted by the Sessions Judge of Cuddapah under date the 4th June 1857.-

/Here enter F. Mc. Nº 1226 of 1857./

Read Calendar of Case Nº 5 of 1857 submitted by the Sessions Judge of Cuddapah under date the 4th June 1856.-

/Here enter F. Mc. Nº 1227 of 1857./ Read

23rd June 1857.

Read Calendar of Case No. 94 of 1857 submitted by the Sessions Judge of Cuddapah under date the 4th June 1857.

/Here enter F. Uc. No. 1234 of 1857./

Read Calendar of Case No. 26 of 1857 submitted by the Sessions Judge of Salem under date the 10th June 1857.

/Here enter F. Uc. No. 1238 of 1857./

Read Calendar of Case No. 11 of 1857 submitted by the Sessions Judge of Madura under date the 4th June 1857.

/Here enter F. Uc. No. 1241 of 1857./

Read Calendar of Case No. 12 of 1857 submitted by the Sessions Judge of Madura under date the 12th June 1857.

/Here enter F. Uc. No. 1242 of 1857./

Read Calendar of Case No. 19 of 1857 submitted by the Sessions Judge of Trichinopoly under date the 1st June 1857.

/Here enter F. Uc. No. 1243 of 1857./

Read Calendar of Case No. 26 of 1857 submitted by the Sessions Judge of Calicut under date the 10th June 1857.

/Here enter F. Uc. No. 1248 of 1857./

for U.C.

C. L. Chamier

F. Uc.

Wednesday 24th June 1857.

At a Court of the Foujdaree Udalut

Present

G. L. Hooper, Esquire
W. A. Morehead, Esquire
J. W. Goodwyn, Esquire, &c.
} Puisne Judges.

No return having been received from the Session Judge of Cuddapah to the precepts of the Foujdaree Udalut dated the 12th May and 12th Instant, directing him to send up without delay so much of the Original record of Session Case No. 89 of 1856 as may remain on the receipt of the above Precepts untranslated, with his letter of reference.

The Court of Foujdaree Udalut observe that the Session Judge was directed to forward this record untranslated and that there could be no valid excuse for the very reprehensible delay that has occurred in its transmission. They accordingly resolve to inform the Session Judge that if the record and letter of reference

23rd June 1857.

Read Calendar of Case No. 397 of 1857 submitted by the Sessions Judge of Cuddapah under date the 4th June 1857.

/Here enter F. No. 1232 of 1857/

Read Calendar of Case No. 426 of 1857 submitted by the Sessions Judge of Salem under date the 10th June 1857.

/Here enter F. No. 1238 of 1857/

Read Calendar of Case No. 11 of 1857 submitted by the Sessions Judge of Madura under date the 11th June 1857.

/Here enter F. No. 1241 of 1857/

Read Calendar of Case No. 12 of 1857 submitted by the Sessions Judge of Madura under date the 12th June 1857.

/Here enter F. No. 1242 of 1857/

Read Calendar of Case No. 19 of 1857 submitted by the Sessions Judge of Ganjam under date the 1st June 1857.

/Here enter F. No. 1243 of 1857/

Read Calendar of Case No. 26 of 1857 submitted by the Sessions Judge of Calicut under date the 10th June 1857.

/Here enter F. No. 1248 of 1857/

Re 18 C.

C. S. Chamier.

F. No.

Wednesday — 24th June, 1857.

At a Court of the Foujdaree Udalut

Present

G. L. Hooper, Esquire,
W. A. Morehead, Esquire,
J. W. Goodwyn, Esquire, &c. } Puisne Judges.

No return having been received from the Session Judge of Cuddapah to the precepts of the Foujdaree Udalut dated the 12th May and 12th Instant, directing him to send up without delay so much of the Original record of Session Case No. 89 of 1856 as may remain on the receipt of the above Precepts untranslated, with his letter of reference.

The Court of Foujdaree Udalut observe that the Session Judge was directed to forward this record untranslated and that there could be no valid excuse for the very reprehensible delay that has occurred in its transmission. They accordingly resolve to inform the Session Judge that if the record and letter of reference

reference be not forwarded within 11 days
they will be under the necessity of reporting
his continued and repeated neglect of their
directions to Government, in view to his
removal from his situation as Civil and
Session Judge of Cuddapah.

Ordered, that the Session Judge
of Cuddapah be required to make a return
to the above Precept within 24 hours from
and after its receipt.

/Sent following precept. No. /

Read again Calendar of Case
No. 33 of 1857 on the file of the Session
Court of Chittoor.

/Here enter F. No. No. 1129 of 1857/

Read also Return dated the
13th June, from the Session Judge of Chittoor
to the precept of the Foujdaree Adalut
under date the 11th June 1857, directing the
submission of the Original Record of the
above case.

/Here enter F. No. No. 1259 of 1857/

The Court of Foujdaree
Adalut having perused the Record, see no
reason to disturb the sentence recorded. They
would

would however point out to the Session
Judge that it would have been more
satisfactory had he examined the indivi-
dual to whom the 1st Witness states he
had the same morning reported that he
had seen the Gang returning to their homes.

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

/Sent in No. /

Read Calendar of Case
No. 39 of 1857, submitted by the Acting Agent
to the Governor of Fort Saint George at
Ganjam.

/Here enter F. No. No. 1202 of 1857/

The Court of Foujdaree Adaw-
lut observe that the charge in this case
has been most defectively prepared.

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

/Sent in No. /

Read Calendar of Case No. 40
of 1857, of the Session Court of Chittoor.

/Here enter F. No. No. 1214 of 1857/

The

24th June, 1857.

1

The Court of Foujdaree Adawlut 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 Prisoner in this case has been convicted, and they resolve to call upon the Session Judge to reduce his sentence accordingly.-

2.

If unable to concur with the Court in the propriety of the mitigated sentence now proposed, the Session Judge will be pleased to submit an English translation of the entire Record of the case, for their consideration.-

Ordered, that Extract from these proceedings, be sent to the Session Judge of Chittoor, by precept returnable in days from and after its receipt.-

/Sub following precept No. /

Read Calendar of Case No. 24 of 1857, of the Session Court of N. Vellore

/Here enter F. W. No. 1216 of 1857/

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

F. W.

24th June, 1857.

1. Ankadu
2. Kluba

of imprisonment which the Prisoners noted in the margin, have been adjudged to suffer on their conviction of Highway Robbery with wounding be reduced to 10 Ten 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.-

/Sent in No. /

Read Calendar of Case No. 22 of 1857, submitted by the Session Judge of Trichinopoly.-

/Here enter F. W. No. 1217 of 1857/

The Prisoners in this case appear to the Court of Foujdaree Adalut to have entered the Town of Trichinopoly and after committing the robbery in Prosecutor's house left the place unmolested. They resolve therefore to direct that the Magistrate be called upon to report why the Police did not make their appearance at the scene of robbery previous to the robbers

25th June 1857.

case not having been yet received, though the time closed on the 5th March last, and as it is probable that further delay will occur before the receipt of a transcript, the Court of Foydaree Udalut would direct that the Session Judge will at once submit the Original Record with his letter of reference.

Ordered that the Proceedings be sent back from Judge of Cuddapah by Precept returnable in V days from and after its receipt.

(Sent following Precept &c)

C. Cockerell

F.W.

Saturday 27th June 1857

At a Court of the Foydaree Udalut

Present

W. S. Hooper Esq. Pt.
W. A. Morehead Esq.
J. W. Cordoza Esq. sitting

Puisne Judges

Read letter dated 11th June 1857 from the Session Judge of Chittoor.

Hereunder F.W. N 3207 of 1857

In the above letter the Session Judge requests the opinion of the Foydaree Udalut whether there is any objection to Judicial Officers communicating direct with the District officers of Police of another District, with regard to the attendance of witnesses in Criminal cases, and suggests the issue of a Circular Order on the subject.

2 The Court of Foydaree Udalut do not deem it expedient to issue a Circular Order as suggested by the Session Judge as the course he would propose to adopt would be contrary to the Regulations, but they do not consider that there exists any objection to a Session Judge in communication with the Magistrates of the neighbouring districts making

Ordered

27th June 1837.

Mr G. S. Hooper - 1

The prayer of this petition is the same as that of the Foujdaree Miscellaneous petition No. 704 of 1837 presented by the petitioner which was disposed of by this Court's proceedings under date the 23d May last.

2 The Court of Foujdaree Udalut see no reason to pass any other order in this matter than that passed on the 23d May 1837 and they accordingly resolve to reject the petition.

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

Read Miscellaneous petition presented on the 13th Instant by Mr J. H. P. Watson, Pleader on behalf of Gyngee of Zillah Chittoor.

Mr G. S. Hooper - 1

(Here enter F. M. P. No 130 of 1837)

Petitioner prays for the interference of the Court of Foujdaree Udalut to call for and consider the record of trial in case No 11 of 1837 on the file of the Session Court of Chittoor and direct the release of the 1st 2d 3d and 4th Prisoners who were convicted of the crime laid to their charge and sentenced each to 14 years' imprisonment with hard labor in irons, and to cause

27th June 1837.

100 lashes with a cat-o-nine tails.

2 The Court of Foujdaree Udalut see no reason whatever to doubt the correctness of the sentence passed by the Session Judge in this case, nor can they find any thing in the Petition put in on behalf of the Prisoners that would warrant their calling for the record of the trial. They therefore reject this Petition.

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

Read Miscellaneous Petition presented on the 30th March 1837 by Tyla and another of Zillah Madura.

(Here enter F. M. P. No 74 of 1837)

Mr G. S. Hooper - 1

Petitioners pray for the interference of the Court of Foujdaree Udalut to order the release of the Prisoners in Case No 44 of 1835 on the file of the Session Court of Madura.

2 Before passing final orders on this petition, the Court of Foujdaree Udalut resolve to direct the Session Judge of Madura to forward the original record connected with the above case for their consideration.

Ordered

24th June 1854

Ordered that Extract from these Proceedings be sent to the Session Judge of Madura by Precept returnable in 10 days from and after its receipt.

Sent following Precept No 7 —

No return having been received from the Acting Session Judge of Tellicherry to the Precept of the 7th June Ult dated 8th Instant, calling upon the Acting Session Judge and Magistrate for their opinions on the subject of vesting the Wynaad Moonsiffs with Criminal jurisdiction under Act XII of 1854.

Ordered that the Acting Session Judge of Tellicherry be required to make a return to the above Precept without further delay.

Ex Mk.

Sent in No 7

CS Chamier