281

1140

1857

370

F. U.

Wednesday
1st July 1857.

At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esquire — Puisne Judge
W. A. Morehead Esquire — Ditto —
T. W. Goodwyn Esquire — Actg — Ditto —

Read again Miscellaneous Petition presented on the 16th May 1857, by C. Salmon Esqre, Pleader on behalf of Rednum Lutchee Ummal of Zillah Rajahmundry

(Here enter F. M. P. No. 107 of 1857)

Read also Return dated 30th May 1857, from the Acting Session Judge of Rajahmundry, to the Precept of the Foujdaree Udalut under date the 16th Idem directing him to submit an explanation why the accounts, documents &c belonging to Rednum Durmaroydoo were seized and kept in Court.

(Here enter F. U. No. 1199 of 1857)

Mr. W. A. Morehead and Mr. T. W. Goodwyn

The Court of Foujdaree Udalut in disposing of the Petition in question resolve to direct the Acting Session Judge to take immediate steps for returning to the

1st July 1857.

the Acting Head Assistant Magistrate the documents &c. which were handed over by that Officer to the Session Court, as stated in the Acting Head Assistant Magistrates return of the 13th of April, with instructions requiring him to take the requisite steps to restore to Petitioner the documents in question, and which had been removed by him from the house in her immediate possession

2 The Court of Foujdaree Udalut direct to be returned unopened the documents forwarded by the Acting Session Judge in his return to the Precept of the Foujdaree Udalut of the 16th May last in two sealed packets. The proceedings of the Acting Session Judge as detailed in the return above mentioned are still under the consideration of the Court of Foujdaree Udalut, the result of which will be duly communicated to him.

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

Ex Dd

/Sent following precept No /es

1st July 1857.

Read Calendar of Case No. 22 of 1857 submitted by the Session Judge of Nellore under date the 6th June 1857.

/Here Enter F.C. No. 1200 of 1857/

Read Calendar of Case No. 7 of 1857, submitted by the Session Judge of Honore under date the 2d June 1857.

/Here Enter F.C. No. 1201 of 1857/

Read Criminal Report A. dated 8th June 1857, submitted by the Acting Session Judge of Guntoor for the month of June 1857.

/Here Enter F.C. No. 1210 of 1857/

Read Calendar of Case No. 41 of 1857 submitted by the Session Judge of Bellary, under date the 6th June 1857.

/Here Enter F.C. No. 1218 of 1857/

Read Calendar of Case No. 42 of 1857, submitted by the Session Judge of Bellary under date the 6th June 1857.

/Here Enter F.C. No. 1219 of 1857/

Read Calendar of Case No. 23 of 1857, submitted by the Session Judge of Nellore under date the 9th June 1857.

/Here Enter F.C. No. 1220 of 1857/

Read

1th July 1857.

Read Criminal Report dated 4th June 1857, submitted by the Session Judge of Cuddapah for the month of November 1856.-

(Here enter F. R. No. 1232 of 1857)

Read Criminal Report dated 4th June 1857, submitted by the Session Judge of Cuddapah for the month of December 1856.

(Here enter F. R. No. 1233 of 1857)

Read Criminal Report dated 4th June 1857, submitted by the Session Judge of Cuddapah for the month of January 1857.

(Here enter F. R. No. 1234 of 1857)

Read Criminal Report dated 4th June 1857, submitted by the Session Judge of Cuddapah for the month of February 1857.-

(Here enter F. R. No. 1235 of 1857)

Ex Ell

C. Chamier

Thursday 2nd July 1857.

F. R.

At a Court of the Foujdaree Adalut.

Present.

G. S. Hooper Esqre
W. A. Morehead Esqre
T. W. Goodwyn Esq Actg
} Puisne Judges

Read Calendar of Case No 20 of 1857 of the Session Court of Guntoor.-

(Here enter F. R. No 1272 of 1857)

As no punishment appears to have been inflicted on the guards, who besides allowing the prisoners to escape have been guilty of perjury, the Court of Foujdaree Adalut resolve to call upon the Acting Session Judge to take some steps if he has not already done so, to punish them as they appear to deserve.

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

(Sent following Precept No)

Read Criminal Report B for the month of May 1857, Zillah Nellore.

(Here enter F. R. No 1280 of 1857)

There

2d July 1837.

his warrant accordingly.

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

(Sent in N.)

Read Miscellaneous petition presented on the 13th June 1837, by Mr J. H. P. Wilson, pleader on behalf of Nauchem Ummal, Zillah Salem.

(Here enter F.M.P. N. 731 of 1837.)

Mr J. W. Godwyn / Petitioner prays the Court will allow her copy of the letter of reference which accompanied the record of the referred trial in Calendar Case N. 21 of 1837 on the file of the Session Court of Salem, in which she is Prosecutrix.

2 As the grant of a copy of the letter of reference in referred trials is not usual, the Court of Foujdaree Udalut decline to comply with this request.

3 Petition rejected.

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

Read Return dated 30th May 1837

2d July 1837.

1837 from the Acting Session Judge of Rajahmundry to the Precept of the Court of Foujdaree Udalut under date the 16th idem directing him to submit an explanation why the accounts documents &c. &c. belonging to Redunnee Darnaroy dos were seized and kept in Court.

(Here enter F.M.P. N. 1199 of 1837.)

Mr G. S. Hooper
Mr W. H. Monkland
and
Mr J. W. Godwyn

Read again Miscellaneous petition presented on the 16th May 1837 by L. Salmon Esq. Pleader on behalf of Redunnee Lakshmeeammal Zillah Rajahmundry.

(Here enter F.M.P. N. 1147 of 1837.)

The above petition presented to the Court by the wife of Redunnee Darnaroy dos now undergoing a penal sentence in the Jail of Rajahmundry on conviction of forgery, set forth that on the 12th April 1837 the Acting Head Assistant Magistrate in obedience to a precept received from the Acting Session Judge, came in company with the Head of Police and others to the Petitioners house at Cocanada broke open boxes in which were accounts, letters, documents and vouchers referring to her husbands dealings and property, and sent

sent them to the Session Judge.

2 Before passing any orders on this petition the Court of Foydaree Oodalut referred it to the Acting Session Judge for such explanation as might be in his power to afford.

3 On the 30th May the Acting Session Judge submitted the above return. From this return it appears that the Acting Session Judge on receipt of the proceedings of the Court of Foydaree Oodalut under date 31st March 1834 convicting Rednunn Dasmaroy doo of forgery and sentencing him to 7 years imprisonment with hard labor irons, issued the precept as stated in the petition and directed the seizure of such papers &c as might be discovered in Rednunn Dasmaroy doo's house.

4 The papers being produced before the Acting Session Judge he proceeded in the presence of Rednunn Dasmaroy doo to break the seals affixed to the different bundles in which they were contained, to Examine the papers consisting of Accounts, letters, bonds, stamped papers, stamped cadjans &c, making a list of some, destroying others, (it is stated with the assent of the

the prisoner) and restoring some to their owners.

5 The Acting Session Judge's precept to the Acting Head Assistant Magistrate recites what he considered to be his warrant for these proceedings viz that "the Prisoner is "known to be a notorious forger" and that this course was necessary in order "to prevent improper "use being made of the papers and to meet the "requirements of justice" and to obtain information regarding the Prisoners connection with the Public officers of the Courts and Cutcherries. In his return now under notice the acting Session Judge explains at length his reasons for the above proceedings which have been by petition brought before the Court.

6 The Court of Foydaree Oodalut observe that no fresh Criminal information had been presented to the Acting Session Judge against Rednunn Dasmaroy doo and even if there had been any thing of the kind it was the province of the Magistrate and not of the Session Judge to have initiated proceedings in the matter, moreover no new facts subsequent to Rednunn Dasmaroy doo's

Conviction

conviction had been brought to his notice, which even if used erroneously could be held to justify the Acting Session Judge in his deviating from the usual course of his duty.

7 The Acting Session Judge was aware as he himself states in his Return that under the law existing in this Country he had no warrant for seizing the property of Bedouins Durumary dos and it is surprising that an Officer of Mr. Cotton's standing and experience should have issued the illegal orders which were most inadvisedly carried out by the Acting Head Assistant Magistrate. The Court of Foujdaree Udalut would also observe that in issuing these orders to the Acting Assistant Magistrate, the Acting Session Judge has overlooked Circular Order No. 150, which requires all communications of this nature ordinarily to be addressed to the Magistrate that the Session Judge should have in this instance failed to observe the Circular Order in question is to be regretted as the Court of Foujdaree Udalut are of opinion that had the precept of the Acting Session Judge been directed to the Magistrate he would have declined to carry out the illegal orders it conveyed.

The

8 The Court of Foujdaree Udalut are willing to give the Acting Session Judge credit for being actuated by a sincere desire to further the ends of justice; nevertheless they can find no excuse for Mr Cotton's proceedings which are in their opinion arbitrary and illegal.

9 The proceedings in question likewise appear to the Judges of the Court of Foujdaree Udalut to evince on the part of Mr Cotton great recklessness and want of judgement, with an entire disregard of his position as Session Judge vested with the controlling power over all the Judicial tribunals within his District, and consequently called upon in an especial manner to discharge his own immediate duties with circumspection and in strict conformity with the Laws and Regulations laid down for his observance and guidance.

10 Under the above circumstances the Judges of the Court of Foujdaree Udalut feel that they have no alternative left but to express to Government their conviction that the removal of Mr Cotton from his present situation of Acting Civil and Session Judge of Rajahmundry is necessarily called for.

Ordered

Ordered that Extract from these proceedings together with the papers connected therewith be forwarded to the Acting Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council

Sent in N°.

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

Sent in N°

Read Criminal Report dated 4th June 1837, submitted by the Session Judge of Cuddapah, for the month of March 1837.

(Here enter F. R. N° 1236 of 1837)

Read Criminal Report dated 4th June 1837, submitted by the Session Judge of Cuddapah, for the month of April 1837.

(Here enter F. R. N° 1237 of 1837)

Read Calendar of Case N° 21 of 1837, submitted by the Session Judge of Coimbatore, under date the 5th June 1837.

(Here enter F. R. N° 1246 of 1837)

Read Calendar of Case N° 27 of 1837, submitted by the Session Judge of Calicut, under date the 10th June 1837.

(Here enter F. R. N° 1249 of 1837)

Read

Read Calendar of Case N° 20 of 1837, submitted by the Session Judge of Coimbatore, under date the 4th June 1837.

(Here enter F. R. N° 1251 of 1837.)

Read Return dated 12th June 1837, from the Session Judge of Bellary, to the Precept of the Foujdaree Adalut under date the 3d instant, requiring an explanation of the delay in committing Case N° 25 on the Sessions Calendar for 1837.—

(Here enter F. R. N° 1255 of 1837)

Read Criminal Report dated 15th June 1837, submitted by the Session Judge of Masulipatam, for the Month of May 1837.

(Here enter F. R. N° 1267 of 1837)

Read Calendar of Case N° 14 of 1837, submitted by the Acting Session Judge of Cuddalore, under date the 11th June 1837.

(Here enter F. R. N° 1268 of 1837)

Read Calendar of Case N° 43 of 1837, submitted by the Session Judge of Chittoor, under date the 15th June 1837.

(Here enter F. R. N° 1269 of 1837)

Read Calendar of Case N° 13 of 1837, submitted by the Session Judge

2d July 1837.

Judge of Madura under date the 16 June 183[illegible]
(Here enter F.C. N° 1275 of 1837)
Read Calendar of Case N° 38
of 1837, submitted by the Session Judge of [illegible]
under date the 6th June 1837.
(Here enter F.C. N° 1277 of 1837)

Ex. Ell.

C.R. Cranmer

F.C.

Saturday
4th July 1837.

A Criminal Court of the Foujdaree Adalut
Present
G. S. Hooper Esqre
W. A. Morehead Esqre
J. W. Goodwyn Esqre
Puisne Judges
Ag.

Read Criminal Report B for
the month of May 1837 Zillah Chicacole
(Here enter F.C. N° 1298 of 1837)

No 7.

The offence as described in the
charge, was robbery - The 2d and 3d prisoners appear
to have been principals and should have been
dealt with as such. The prisoners should all
have been committed for robbery, and it would
have been competent to the Session Judge to
have convicted them of an aggravated assault,
if he considered that their offence did not
amount to robbery -

Ordered that Extract from
these Proceedings be sent to the Session
Judge of Chicacole for his information.
(Sent in N°)

Read Criminal Report B
for the month of May 1837, Zillah Madura
(Here enter F.C. N° 1261 of 1837)

Instead

4th July 1834.

No 34

Instead of "received" it should have been stated that the defendants claimed, and further on in the charge in lieu of the words "informing her (1st witness)" the words under the false pretence should have been substituted.

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

(Sent in No.)

Read Petty Calendars of the Magistracy for the 1st quarter of 1834 Zillah Mangalore

(Here enter F. H. No. 1283 of 1834)

The Court of Sessions have repeatedly pointed out to the magistracy that their punishments for Petty Frauds in connection with rice Moodahs produced for exportation, are totally inadequate to operate as a warning to others, or even to satisfy the ends of justice in the cases disposed of; and the consequence of the inattention of the magistracy to the Court's orders has been that the Calendars have been greatly swelled by cases of this description, which are daily increasing in numbers. The Court consider that the fine imposed for offences of this kind should never be less than five Rupees.

Ordered

4th July 1834.

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

(Sent in No.)

Read Criminal Report B for the month of May 1834 Zillah Cuddapah.

(Here enter F. H. No. 1279 of 1834)

Case No 91. 1 The manner in which the corpse was disposed of should not have been entered in the charge. The indictment should have described the manner in which the deceased was killed.

Case No 94. 2 This was not a mere misdemeanor. The punishment should have been imprisonment.

Case No 101. 3 The acts charged do not constitute a criminal offence; the Prisoner should be released.

Case No 104. 4 The charge is headed murder but it is not clear with what offence the 2d Prisoner is intended to be charged; "failing to suppress the same" is no criminal offence: if the 2d Prisoner aided and abetted the 1st Prisoner the facts of aiding & abetting should have been clearly laid. Instigating a prisoner to effect his escape is very indefinite charge.

The

Case N° 104. 5 The insertion of the note respecting the Prisoner's release in two former Cases was irregular.

Case N° 110. 6 The infliction of a sentence of Lashes must be at one time (Vide Foujdaree Udalut Extract 6th February 1847) and should not be delayed till the expiration of the imprisonment. (Foujdaree Udalut Extract 21st July 1848.)

N° 2 By the Acting Head Assistant Magistrate. 7 The defendant, if liable at all, which is extremely doubtful, could only be liable to a Civil action for breach of the terms of a contract, provided he were in some way a party to the contract. The Court consider the conviction illegal, and direct that the defendant be unconditionally released. The sentence should have been passed under Section VII Regulation X of 1816.

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

(Sent in N°)

Read proceedings of the Session Judge of Combaconum on the Police Reports for April last.

(Here enter F. C. N° 1321 of 1837)

It

It will not be necessary in future to transmit to the Foujdaree Udalut copy of the Session Judge's proceedings in review of the Police Reports.

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

(Sent in N°)

Read letter dated 24 June 1837, from the Session Judge of Tinnevelly, submitting for the final judgment of the Foujdaree Udalut the record of trial in Case N° 41 of 1837 of the Calendar of the Session Court.

(Here enter F. C. N° 1346 of 1837)

The Court of Foujdaree Udalut,

Mr G. S. Hooper. 1.
and
Mr T. W. Goodwyn.

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

1st Vauleu alias Anuny a personal

and

2nd Valayee a female

is sufficient to convict them of the crime charged, do convict them thereof, and sentence the prisoners

1st Vauleu alias Anuny a personal

to

to be transported to such place or places beyond sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor on the public roads or other public works for and during the period of his natural life and the prisoner -

2d Valayee

to be imprisoned and kept to labor suitable to her sex for and during the period of (10) Ten years.

The Court of Foujdaree Udalut direct the Session Judge carefully to correct the charges prepared by the Principal Sudr Ameen which are frequently defectively drawn up; thus in the charge in this case the words "afternoon" and "broom" should have been used for "Evening" and "Broomsticks" whilst the arrangement of the sentences in the charge is very faulty.

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

Sent in N.

Read petition presented on the 27th June 1837 by Lutchmee, Zillah Chingleput.

(Here enter F. M. C. N. 139 of 1837)

This

Mr W. A. Morehead -

This is an application for the release of Petitioner's husband, the 1st Prisoner in Case N. 6 of 1837 on the file of the Session Court of Chingleput -

Before finally disposing of the petition the Court of Foujdaree Udalut resolve to direct the Session Judge of Chingleput to submit for their consideration the original record of trial in the case in question -

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

(Send following Precept N.)

Read again Miscellaneous petition presented on the 28th April last by Yellowgaw of Zillah Chittoor -

(Here enter F. M. C. N. 95 of 1837)

Read also Return and Supplemental Return dated the 10th and 27 Ultimo, from the Session Judge of Chittoor, to the precept of the Court of Foujdaree Udalut under date the 16th May last, requiring him to

ascertain

4th July 1857.

ascertain if the statements made in the above petition were correct, and to state the age of the 1st prisoner in Case No. 29 of 1838 on the file of this Session Court of Chittoor.

(Here enter F. M. Nos. 1240 and 1372 of 1857.)

Mr. W. A. Morehead. Under the circumstances set out in the above petition the Court of Foujdaree Udalut see no reason to question the correctness of the sentence passed upon the prisoner in question and accordingly resolve to reject the Petition.-

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

(Sent in No.)

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

E. Ed.

Ex. Examiner

F. M. O.

Monday
6th July 1857.

At a Court of the Foujdaree Udalut

Present

G. S. Cooper, Esquire,
W. A. Morehead, Esquire, } Puisne Judges
T. W. Goodwyn, Esquire, &c.

Read Miscellaneous Petition presented on the 22d June 1857, by J. B. Norton Esquire, Pleader on behalf of Munjerry Coonhi Mhound Kooritul and another, gillah Calicut.

(Here enter F. M. O. No. 138 of 1857.)

Mr. Morehead. 1 The Petitioners appeal from the order of the Session Court of Calicut dated the 16th March 1857, confirming that of the Special Assistant Magistrate sentencing them to produce 2 sureties in the sum of 250 Rupees each for their good behaviour for one year on a charge of torturing the complainant on account of some hidden treasure.-

2 The Court of Foujdaree Udalut resolve to set aside the order complained against.

Mr.

3. The Special Assistant Magistrate had no legal authority to make the demand for the security he did as clearly explained by Circular Order of the 7th July 1831-B.

4. The case was one beyond the jurisdiction of a Magistrate acting under the provisions of Section LIV Act VII of 1843, and consequently the provisions of Circular Order No. 173 are inapplicable to this case.-

5. The Court of Foujdaree Adalut accordingly direct the immediate release of the Petitioners and should security Bonds have been executed by them they are directed to be forthwith cancelled.-

6. The Court of Foujdaree Adalut are at a loss to understand how the illegality of the order appealed against escaped the notice of the Session Judge.-

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

/Sent following precept. No. /

Read

Read Criminal Report B, submitted by the Acting Session Judge of Tellicherry, for the month of May 1857.-

/Here enter F. Pc. No. 1262 of 1857/

Case. No. 25.

The manner in which the corpse was disposed of need not have been entered in the charge.-

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

/Sent in No. /

Read Criminal Report B, for the month of May 1857, Zillah of Trichinopoly.-

/Here enter F. Pc. 1264 of 1857/

Case No. 24.
No. 25.

1. The sentence was inadequate.-

2. The jewels appear to have been delivered voluntarily to the defendants charged and not to have been obtained by false pretences. The offence, therefore, was not "Fraud," but Breach of Trust.-

Ordered, that Extract from these proceedings, be sent to the Session Judge of Trichinopoly, for his information.- /Sent in No. /

Read

6th July 1857.-

Read Criminal Report B, for the month of May 1857, Zillah Tinnevelly.-

/Here enter F. Ms. No. 1287 of 1857./

No. 55. 1. The offence, as described in the charge, was Robbery, and should have been so headed.-

57. 2. The offence was Breach of Trust, and not Fraud, the prosecutor having voluntarily entrusted his property to the defendants for repair. The same remark applies to cases 58 and 59.-

by Joint Magistrate 3. This " was not an offence punishable under Section VII, Regulation X of 1816. The fine, therefore, if levied, must be returned to the defendant.-

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

/Sent in No. /

Ex Mll.

Chamier

Tuesday 6th July 1857.

F. Ms.

At a Court of the Foujdaree Adalut

Present.

G. S. Hooper Esqre.
W. A. Morehead Esqre. } Puisne Judges
S. W. Goodwyn Esqre. Jg.

Read Miscellaneous Petition presented on the 1st July 1857 by E. Salmon Esqr. Pleader on behalf of Redmum Durmarayoodo Zillah Rajahmundry.-

/Here enter F. Ms. Pet. No. 143 of 1857./

Mr G. S. Hooper 1. Petitioner prays the Court of Foujdaree Adalut will reconsider their sentence of conviction passed upon him on the 31st March 1857.-

2. As none of the grounds set forth in this petition are founded on any new plea of law or practice having the force of law which was not urged at the trial of the case before them the Court of Foujdaree Adalut

6th Inst. 7th July 1857.

Udalut resolve to dismiss this petition.

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

Read Calendar of Case No 2 of 1857 of the Sessions Court of Chittoor.

/Here enter T. Ub. No 1316 of 1857./

1. The Court of Sunjdaree Udalut 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 prefer 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 further consideration.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Chittoor by precept returnable in XV days from

7th July 1857.

from and after its receipt.

/Sent following Receipt &c/

Read Letter dated the 20th June 1857 from the Sessions Judge of Honore, submitting for the final Judgment of the Sunjdaree Udalut the record of Trial in Case No 3 of 1857 of the Calendar of the Sessions Court.

/Here enter T. Ub. No 1370 of 1857/

In re J. W. Goodwyn

1. The Court of Sunjdaree Udalut on a deliberate consideration of all the circumstances of the Case in evidence before them being of opinion that the proof against the prisoners

2nd Coorbur Moodha

3rd Lutchy female

and

4th Coorbur Demy female

is sufficient to convict them of the crimes charged, do convict them thereof, and in conformity with the provisions of Section X Regulation VIII of 1802, Sentence the prisoner

2nd Coorbur Moodha

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

3rd Lutchy female

and

4th Coorbur Demy female

to

7th July 1837

to be transported to such place or places beyond Seas as the Governor in Council shall appoint there to be imprisoned and kept to labor suitable to their Sex for and during the period of their natural lives.

1. The Court of Zuydaree Adalut direct that the Police officer before whom the deposition was taken should be instructed to pay a stricter attention to the Circular Order No. 211. if this had been done, the Prosecutor's deposition would not have been half its present length, whilst the 1st Prisoner's deposition should have been "I am not guilty;" recording the inquest Paper in the form of question and answer was improper.

2 The lengthy examination before the Principal Sudder Ameen has swelled the bulk of the record without throwing any light upon the Case or being of any service and the attention of that officer is called to para 8 of the Circular Order above quoted.

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

Sent in &c

Read

7th July 1837.

Read letter dated 22nd June 1837 from the Sessions Judge of Cuddapah submitting for the final judgment of this Zuydaree Adalut the record of Trial in Case No. 30 of 1837 of the Calendar of the Sessions Court.

Here enter J. W. No. 1392 of 1837.

Pr. J. W. Goodwyn.

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

Kooykal Gowman Nair

is sufficient to commit him of the crime of wounding with intent to kill, for which according to the Mahommedan Law as declared in the Futwahs of their Law Officers, discretionary punishment is awardable to convict him thereof; and under the provisions of Clause third Section VIII Clause third Section VIII Regulation XXV of 1803 and Section XXXIV. Act XVII of 1843, Sentence him to be imprisoned for life and to be banished during the period of his sentence from the District in which his place of abode is situated, and kept to hard labor in irons on the public roads or other public works in the Zillah Jail of Chingleput.

Sentence &c

Read

7th July 1857.

Read Report dated 15th May 1857 submitted by the Agent to the Governor of Fort Saint George at Vizagapatam of persons apprehended and delivered to the Agency in the month of May 1857.

Here enter J. Uc. No. 1303 of 1857.

Read Criminal Report B. dated 19th June 1857 submitted by the Sessions Judge of Bellary for the month of may 1857.

Here enter J. Uc. No. 1304 of 1857.

Read Criminal Report B. dated 15th June 1857 submitted by the Sessions Judge of Honore for the month of may 1857.

Here enter J. Uc. No. 1311 of 1857.

Read Calendar in Case No. 30 of 1857 submitted by the Sessions Judge of Masulipatam under date the 19th June 1857.

Here enter J. Uc. No. 1314 of 1857.

Read Calendar in Case No. 39 of 1857 submitted by the Acting Sessions Judge of Chittoor under date the 8th June 1857.

Here enter J. Uc. No. 1315 of 1857.

Read

Read Calendar in Case No. 825 of 1857 submitted by the Acting Sessions Judge of Rajahmundry under date the 19th June 1857.

Here enter J. Uc. No. 1318 of 1857.

Read Calendar in Case No. 6 of 1857 submitted by the Acting Sessions Judge of Mangalore under date the 20th June 1857.

Here enter J. Uc. No. 1319 of 1857.

Read Calendar in Case No. 44 of 1857 submitted by the Sessions Judge of Tinnevelly under date the 22d June 1857.

Here enter J. Uc. No. 1329 of 1857.

Read Calendar in Case No. 22 of 1857 submitted by the Sessions Judge of Coimbatore under date the 9th June 1857.

Here enter J. Uc. No. 1323 of 1857.

Read Return dated 23d June 1857 from the Acting Sessions Judge of Salem to the Precept of the Foujdaree Adalut under date the 30th May 1857 directing the Acting Sessions Judge to look into the whole record therein alluded to and order the Prisoners committed if he considers the proof sufficient to justify them being placed on their trial.

Here enter J. Uc. No. 1325 of 1857.

D Chamier

Rs 18d

F. Ct.

Wednesday 8th July 1857

At a Court of the Fouzdaree Udalut

Present

G. S. Harper Esquire
W. A. Morehead Esquire
J. W. Goodwyn Esquire } Puisne Judges

Read letter dated 25th May 1857 from the Sessions Judge of Chittoor (New entry F. C. No. 1107 of 1857)

In the above letter the Sessions Judge requests the Court of Fouzdaree Udalut to reconsider their Circular Order dated 30th April 1856 No 181, as under the present system great delay occurs in the trial of cases committed to the Sessions Court. And he suggests that in all such cases, the prisoner should be required to name in the Subordinate Court all witnesses whom he may wish to be examined to refute the charge and evidence as it then stands against him, and that if any new facts should be elicited in the course of the trial before the Sessions Court, he

should

6th July 1857

should be allowed the right to refute them by counter testimony.

2 The Court of Sanjdarie Adalut decline to accede to the proposed modifications of the Circular Order referred to.

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

(Sent in Ct.)

Read Calendar of Case No. 45 of 1857 submitted by the Sessions Judge of Bellary.

(Case entered F. Rs. No. 1305 of 1857)

The Court of Sanjdarie Adalut observe that as the injuries inflicted upon the 1st 3rd and 4th Prisoners are represented to have been very severe, the Case should have been referred to the Sanjdarie Adalut under the Circular Order of the 23rd November 1820.

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

(Sent in Ct.)

Read Criminal Report No. 13 submitted by the Sessions Judge of Chingleput for the

6th July 1857 the months of May 1857.

(Case entered F. Rs. No. 1263 of 1857)

Magistrates Report No. 1
Case No. 5

The extent of the injury sustained by the Prosecutor should have been entered in the charge. The sentence leaves it doubtful whether there is any evidence against the 4th Prisoner, and does not clearly state the nature of the proof on which the Prisoners 1 to 4 are convicted. The Sessions Judge will call for the proceedings and pass such orders thereon as he deems fit.

2. The Magistrates sentence should have been passed under Section VII Regulation X of 1816, and as it did not specify Years the Sessions Judge cannot adjudge the same.

3 The Magistrate's attention should be called to the necessity of paying greater attention to the framing of his Charges and sentences.

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

(Sent in Ct.)

Read Calendar of Case No. 28 of 1857 of the Sessions Court of Coimbatore.

(Case entered F. Rs. No. 1324 of 1857)

The

6th July 1857.

Roaman.

1 The Sessions Judge recommends that the period of Imprisonment which the Prisoner in this Case has been adjudged to suffer and his conviction of Going Robbery by a pew violence may be mitigated to 5 years.

2. The Court of Sadder 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 the period of 3 years.

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

(Sent in A.

Read Criminal Report B. for the months of May 1857, Zillah Coimbatore.

(Rewenter F. Pb. No. 1289 of 1857)

The Court require information as

By Head Assistant Magistrate 34 1. to the nature of the locality in which the trees were growing; whether it was a pew or enclosed; and also as to the circumstances generally under which the act of the defendants amounted to Theft.

By Principal Sudder Ameen 68 2. The prisoner should have been committed

8th July 1857.

, committed for Murder, the weapon used having been a dangerous one, such as the parties were not justified in using and sudden provocation.

69 3 As no false pretences were used the offence was not Fraud: The defendant appears to have been a pewn; if so, the offence of which he was guilty was theft, as he had no contract over the property. If he was a private individual, to whom the Police Ameen voluntarily entrusted the money, the offence was Breach of Trust.

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

(Sent following Precept A.

Read Petty Calendars of the Magistracy for the 1st quarter of 1857, Zillah Tellicherry.

(Rewenter F. Pb. No. 1282 of 1857)

No 6 The offence should have been punished under Section 32 Regulation IX of 1816 as Act XXX of 1841 does not apply to Sadr Adalut. The fine imposed was legal but it should have been commuted to 15 days Imprisonment.

Ordered

8th July 1857.

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

(Sent in A.)

Read Return dated 26th June 1857, from the Sessions Judge of Chittoor, to the Precepts of the Fouzdaree Adalut under date the 24th June 1857, observing that a sentence of 8 years' imprisonment with hard labor in irons will be an adequate punishment for the offence of which the prisoner in Calendar No. 40 of 1857 has been convicted, and calling upon the Sessions Judge to reduce his sentence accordingly, otherwise to forward a translation of the record.

(Here Enter F.R. No. 1330 of 1857)

Read Criminal Report B dated 9th June 1857, submitted by the Sessions Judge of Salem for the months of May 1857.

(Here Enter F.R. No. 1332 of 1857)

Read Calendar of Case No. 4 of 1857, submitted by the Sessions Judge of Chicacole, under date the 17th June 1857.

(Here Enter F.R. No. 1335 of 1857)

Read Criminal Report B dated 1st July June 1857, submitted by the Officiating Agent to the Governor at Vizagapatam of Fort St. George for the months of May 1857.

(Here Enter F.R. No. 1336 of 1857)

8th July 1857.

Read letter dated 24th June 1857, from the Sessions Judge of Bellary, forwarding another copy of the Futwah in Case No. 36 and explaining that the objection of the Law Officers of the Fouzdaree Adalut must have been caused by a Clerical error in the copy of the Futwah already sent with the Calendar.

(Here Enter F.R. No. 1337 of 1857)

Read Extract of Proceedings dated 26th June 1857, submitted by the Sessions Judge of Chingleput, held on the Calendars of Petty Cases disposed of by the Magistracy during the 1st Quarter 1857.

(Here Enter F.R. No. 1347 of 1857)

Read Calendar of Case No. 7 of 1857, submitted by the Sessions Judge of Chingleput, under date the 26th June 1857.

(Here Enter F.R. No. 1348 of 1857)

Read Calendar of Case No. 23 of 1857, submitted by the Sessions Judge of Cumbaconum, under date the 26th June 1857.

(Here Enter F.R. No. 1349 of 1857)

Read Calendar of Case No. 14 of 1857, submitted by the Sessions Judge of Madura, under date the 27th June 1857.

(Here Enter F.R. No. 1354 of 1857)

Read

8th July 1857.

Read letter dated 27th June 1857. from the Acting Sessions Judge of Cuddalore, submitting copies of Correspondence vizt. with the Magistrate of South Arcot, in the matter of an Appeal from the Magistrates order directing the removal of a wall raised by a Party on his own premises and which order was cancelled by the Sessions Court as illegal and opposed to the course laid down by Act XXI of 1841.

(Here Enter J.C. No. 1355 of 1857)

E. Hall.

C. Chamier

J.C.

Thursday 9th July 1857 } At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esqr.
W. A. Morehead Esqr.
T. W. Goodwyn Esqr. Actg.
} Puisne Judges.

Read Criminal Report B for the month of May 1857, Zillah Salem

Here Enter J.C. No. 1274 of 1857

No. 1 By Magistracy	1	The nature of the aggravated assault should have been specified.
No. 65.	2	The nature of the severe wounds inflicted on the 2nd 3rd and 4th Prosecutors with knives and a dagger, should have been entered. It would appear that the case should have been committed. The Sessions Judge is requested to look over the record, and if the case appears to be one that should have been committed, to explain this to the Subordinate Judge

9th July 1857.

Judge for his future guidance.

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

Sent in No

Read Miscellaneous

Petition presented on the 27th June 1857, by V. Narrayadoo of zillah Nellore.

(Here enter F. M. P. No 141 of 1857)

W. G. S. Hooper. 1 This is a petition of review

2. The Court of Sudder Adalut see no reason to doubt the correctness of their former order, the matter referred to not being of a nature that can be thus disposed of. This petition is therefore rejected.

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

Sent in No

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

9th July 1857

Read Criminal Report B for the month of May 1857, zillah Rajahmundry

(Here enter F. M. No 1312 of 1857)

Case No 45. 1 The place from which the salt was stolen should have been stated.

This charge does not appear

" No 46 2 to be one of escape. The Sessions Judge will call for the record in 45 and 46 and pass such order as he may deem fit; if the Prisoner merely took sum salt from a swamp he should be at once released as the sentence undergone is sufficient punishment.

This sentence appears too

" No 48. 3 heavy and the imprisonment will be reduced to 6 months.

The manner in which the 2d

" No 50 & 53. 4 Prisoner in No 50 and 2d & 3d Prisoners in No 53 aided and abetted should have been stated.

Appears to be The first

" No 51 5 House breaking.

The Sentence was most inadequate,

No 55. 6 the Prisoner should have been sentenced to imprisonment, and if fined, provision should

should have been made in the sentence for the fine being paid to the prosecutor as Compensation for the injury he had sustained. The leniency of the sentence in this Case contrasts strangely with the Severity of that in Nos 45 and 46.

No 2 / By the Magistrate

As the property was not obtained by false pretences, but was voluntarily entrusted to the defendant for a special purpose, the offence was Breach of Trust and not "Fraud."—

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

Sent in No

Read Return and Supplemental Return dated respectively the 30th May and 18th June from the Acting Agent to the Governor of Fort St. George in Ganjam, to the Precpt of the Foujdaree Udalut under date the 15th May 1857, directing the submission of translations of the depositions of the 3rd 7th and 13th Prisoners

Prisoners in Case No 45 of 1856 admitting the reception of rations from Chokra Bejaya, as well as of Extracts from the depositions of the witnesses which prove any specific acts against those Prisoners.

(Here enter F. Co. Nos 1172 & 1333 of 1857)

On a Consideration of the depositions which accompanied the above returns the Court observe that the 3rd and 13th Prisoners both state that they were carried off by force and threats, and by the same means kept amongst the rebels; the 7th Prisoner states that he was taken there when a boy of 10 or 12 by his father. All three deny that they have committed or aided in the commission of any outrages. The mere fact of their having received Paddy from the rebel leader, (which might have been in Exchange for their labour as basket or rope makers) does not tell much against them. The 3rd and 7th Prisoners' possession of arms raises a certain amount of suspicion.

Under these circumstances the

2

Court

9th July 1857

Court of Foujdaree Udalut do not consider the charge proved against the 3d 7th and 13th Prisoners; and accordingly direct their release, the Acting Agent being at liberty to take security from these Prisoners, if he deems this course requisite.

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

Sent in A/n

Read letter under date the 3d July 1857, from the Session Judge of Cuddapah, 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. C. No 1413 of 1857.)

Mr J W Goadwyn

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,

V. Jauleereddy

is not convicted on presumptive proof or on the evidence of credible witnesses, or

9th July 1857.

on his own Confession of the Crime charged, do acquit him thereof, and direct that he be set at liberty.

The Prisoner was charged

1 with having inflicted a severe wound on the head of the Prosecutors brother with a heavy axe, from the effects of which he died about half an hour afterwards, and with having also wounded the 1st and 2d witnesses with a heavy axe, the last mentioned

2 The Moofty's main objections to the evidence of the 1st and 2d witnesses were, I that enmity existed between the prisoner and the 1st witness II that the 2d witness is a servant of the Prosecutor III that it would have been impossible for the 1st and 2d witnesses in the darkness and confusion to have recognized the Prisoner, whilst they admit that they could not recognize the other murderers.

3 These objections are not technical but affect the credibility of these witnesses' evidence, no second question should therefore have been put, and the

Sessions

Session Judge should at once have released the Prisoner.

4 The Moosliy's second Tuhwah convicted the Prisoner of aiding and abetting in the murder, but the Session Judge was of a contrary opinion and recommended the Prisoner's acquittal.

5 The bad terms on which the Prisoner was with his late brother raises a suspicion that he was one of the party who committed the murder, but the evidence of the 1st and 2nd witnesses is too contradictory and suspicious to deserve much credit.

Although the Court of Foujdaree Udalut cannot concur with the Session Judge that the murder was probably planned and executed by the Prosecutors and his two first witnesses, they fully agree with him that the evidence for the prosecution is insufficient for conviction and that the Prisoner is entitled to his release.

6 The trial was concluded on march 5th the letter of reference is dated July 3d or four months after, so that this Prisoner (whom the Session Judge considered to be innocent

9th July 1857.

innocent and entitled to release) has been subjected to four months unnecessary detention in Jail. The Court of Foujdaree Udalut trust that this will be the last time that they have to comment on such deplorable delays.

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

Sentence No 5

Ex Roll.

C. Adamé

Read return dated 11th April 1857 from the Sessions Judge of Cuddapah to the precept of the Foujdaree Udalut under date the 6th April 1857 respecting the delay in forwarding the Calendars and monthly reports.

(Here enter F. C. No. 776 of 1857)

Read final return dated 4th June 1857 from the Sessions Judge of Cuddapah to the precept of the Foujdaree Udalut under date the 6th of April 1857 submitting causes of delay in submitting Calendars and

and

and monthly reports of Cases pending.

(Here enter F.No. №1180 of 1857)

Read returns dated 4th June 1857 from the Sessions Judge of Cuddapah to the precept of the Foujdaree Adalut under date the 25th May 1857 submitting Calendars and Explanation of delay in forwarding them and the monthly report of Cases pending for more than 25 days.

(Here enter F.No. №1181 of 1857.)

F.No.

Friday. 10th July, 1857. At a Court of the Foujdaree Adalut.

Present.

G. S. Cooper, Esquire.
W. H. Morehead, Esquire } Puisne Judges.
T. W. Goodwyn, Esquire Actg

Read Criminal Report B for the month of May 1857, Zillah Combaconum.

(Here enter F.No. №1320 of 1857)

№52. As the prosecutrix voluntarily "entrusted" her property to the 1st prisoner, the offence on his part was not "Fraud," but Breach of Trust.

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

Sent in №1

Read

10th July, 1857.

Read letter dated the 24th June 1857 from the Sessions Judge of Masulipatam requesting the sanction of the Court of Foujdaree Adalut for the banishment to a distant Jail of the 2d Prisoner in Case No. 53 of 1857, on account of his bad character, having twice escaped from Jail.—

//Here enter F.M. No. 1340 of 1857//-

The Court of Foujdaree Adalut direct that the Prisoner.

2d. Borray Cotuppa.

be removed to the Jail at Chingleput, there to be imprisoned and kept to hard labor agreeably to the term of his sentence.—

Ordered, that Extract from these Proceedings be sent to the Sessions Judges of Masulipatam and Chingleput for their information.—

//Sent in No//-

Read letter under date the 20th June 1857 from the Acting Agent to the Governor of Fort St. George in Ganjam

10th July, 1857.

Ganjam submitting for the final judgment of the Foujdaree Adalut a report of the trial of Criminal Case No. 34 of 1857 on his file.—

//Here enter F.M. No. 1388 of 1857//-

1. In this Case the Prisoner.

Lamo Naicke.

was tried on a charge of Arson.

2. The Acting Agent being of opinion that from the discrepancies in the evidence of the Prosecutor and his first and second Witnesses, no credit could be given to it, dismissed the charge and released the Prisoner.

3. The Court of Foujdaree Adalut concur with the Acting Agent that the charge is not proved against the Prisoner, and therefore approve of his being acquitted and released.—

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

10th July, 1857

his information.-

/ Sent in No. /-

Read Statement dated the 2d Instant submitted by the Acting Sessions Judge of Guntoor of the Trials referred during the 1st Half of 1857.

/ Vere Enter F.M.C. No. 1403 of 1857 /-

Read return dated the 29th June 1857 from the Acting Sessions Judge of Rajahmundry to the precept of the Foujdaree Adalut under date the 23d June 1857, directing the release of the Prisoner in Case No. 24 of 1857 on the Calendar.-

/ Vere Enter F.M.C. No. 1404 of 1857 /-

Read return dated the 30th June 1857 from the Acting Sessions Judge of Rajahmundry to the precept of the Foujdaree Adalut under date the 17th June 1857, cancelling the sentence in Case No. 7 of 1857 on the Calendar.-

/ Vere Enter F.M.C. No. 1407 of 1857 /-

Read letter dated the 4th Instant

F.M.C.

10th July, 1857

Instant from the Acting Sessions Judge of Salem enclosing copy of a letter from the Acting Subordinate Judge and requesting that the heading of the charge therein referred to may be rectified.-

/ Vere Enter F.M.C. No. 1412 of 1857 /-

Read return dated the 3d July 1857 from the Sessions Judge of Cuddapah to the precept of the Foujdaree Adalut under date the 25th June 1857, directing the vernacular records in Case No. 7 on the Calendar for 1857 to be submitted.-

/ Vere Enter F.M.C. No. 1414 of 1857 /-

Read letter dated the 2d Instant from the Sessions Judge of Bellary, transmitting the original Draft Warrant issued by this Court in Case No. 11 of 1857 on the Sessions Calendar together with a copy of a letter from the Acting Subordinate Criminal Judge.-

/ Vere Enter F.M.C. No. 1415 of 1857 /-

Read

10th July, 1857.

Read Calendar of Case No. 53 of 1857 submitted by the Session Judge of Bellary under date the 3rd Instant.-

/Here Enter F.H.C. No. 1416 of 1857/-

Read Calendar of Case No. 54 of 1857 submitted by the Session Judge of Bellary under date the 3d Instant.-

/Here Enter F.H.C. No. 1417 of 1857/-

Read Calendar of Case No. 27 of 1857 submitted by the Session Judge of Combaconum under date the 3d Instant.-

/Here Enter F.H.C. No. 1420 of 1857/-

Rec'd 18th.

Saturday
11th July 1857.

F.H.C.

At a Court of the Foujdaree Adalut.

Present

G. S. Hooper Esqre. — Prime Judge
W. A. Morehead Esqre. ——— Ditto ———
J. W. Goodwyn Esqre. Acting — Ditto ———

Read letter dated 29th June 1857, from the Session Judge of Cuddapah, submitting for the final Judgment of the Foujdaree Adalut, the Record of trial in Case No. 96 of 1856 on the Calendar of the Session Court.-

/Here Enter F.H.C. No. 1393 of 1857/

Mr. G. S. Hooper

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

1st S. Palacondoo
and
2d N. Yellareddy

is sufficient to convict them of the crime of Culpable Homicide, for which the penalty of Deyut is awardable under the Mahommedan Law as declared in Futwas of their Law Officers, do convict them thereof, and under the provisions of Clause Second

11th July 1857.

Second, Section XV Regulation VII of 1802, sentence them to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of (14) fourteen years.-

/Sent in Nº

Read letter dated 2d July 1857, from the Session Judge of Tinnevelly, submitting for the final Judgment of the Foujdaree Udalut, the Record of Case Nº 43 of 1857 on the Calendar of the Session Court.-

/Here enter F.U. Nº 1411 of 1857/

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

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

Konan alias Sunkarainarain Kone

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

/Sent in Nº/

Ex Md.

C. R. Cha[illegible]

F.U.

Monday 13th July 1857 } At a Court of the Foujdaree Udalut.

Present.

C. S. Hooper Esquire ...
W. A. Morehead Esquire ... } Puisne Judges.
J. B. Goodwyn Esquire Acting ...

Read Miscellaneous Petition presented on the 13th July 1857 by E. Salmond Esquire Master on behalf of Sreerama Chetty praying further of Zillah Canjam.

(Here enter F.M.O. Nº 147 of 1857.)

Mr. J. B. Goodwyn 1. Petitioner appeals from the Acting Agent's order of the 30th May 1857

2. Under the peculiar circumstances of the Case the Court of Foujdaree Udalut consider that as the delay between the date of the petitioner's apprehension on the 20th April and that of his reaching the Ichapore Jail on the 20th May does not appear to be owing to the petitioner, the interval viz. one month should be allowed to count in the sentence; and the Court therefore direct that orders be issued by

by the Acting Agent accordingly.

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

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

/Sent in No/

Read Calendar in Case No. 5 of 1857 submitted by the Sessions Judge of Chicacole under date the 30th June 1857.

(Here enter F.Do. No. 1422 of 1857)

Read return dated 6 instant from the Acting Sessions Judge of Cuttack to the precept of the Fouzdaree Adawlut under date the 2d instant, calling upon him to take some steps to punish the guards, who before allowing the Prisoners to escape, have been guilty of Perjury in Sessions Case No. 20 of 1857.

(Here enter F.Do. No. 1425 of 1857)

Read Supplemental Return dated 1st Instant from the Sessions Judge of Chicacole to the precept of the Fouzdaree Adawlut under date the 30th May 1857 directing to

to call upon the Head of Police for the explanation of the delay in the examination of Case No 1 on the Petty Calendar No 1 of the Ganjam Magistracy for the 1st Quarter of 1857.

(Here enter F.Do. No. 1426 of 1857)

Read Statement dated 6th Instant, submitted by the Sessions Judge of Guntoor, of Batta paid to Prosecutors and Witnesses before the Sessions Court during the 1st Half of 1857.

(Here enter F.Do. No. 1427 of 1857)

Read Calendar in Case No 30 of 1857 submitted by the Acting Sessions Judge of Salem under date the 1st Instant.

(Here enter F.Do. No. 1428 of 1857)

Read Calendar in Case No 28 of 1857 submitted by the Sessions Judge of Salem under date the 4th July 1857.

(Here enter F.Do. No. 1431 of 1857)

Read Return dated the 9th Instant, from the Sessions Judge of Chittoor to the Precept of the Fouzdaree Adawlut under date the 7th Instant observing that a sentence of 5 years imprisonment with hard labor in irons will be adequate punishment

13th July 1857

punishment for the offence of which the Prisoner in Calendar No. 42 of 1857 has been convicted and Calling upon the Sessions Judge to reduce his sentence accordingly, otherwise to forward a translation of the Record.

(Here enter F. No. No. 1433 of 1857)

Read Calendar in Case No. 47 of 1857 of the Sessions Court of Tinnevelly under date the 6th Instant.

(Here enter F. No. No. 1436 of 1857)

Read Criminal Report B submitted by the Sessions Judge of Chingleput for the Months of June 1857.

(Here enter F. No. No. 1441 of 1857)

Read Calendar in Case No. 29 of 1857 of the Sessions Court of Trichinopoly under date the 10th July 1857.

(Here enter F. No. No. 1444 of 1857)

Rec'd 18th

C. Clarke

F. No.

Tuesday 14th July 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 letter dated 20th June 1857 from the Acting Sessions Judge of Guntoor

(Here enter F. No. No. 1313 of 1857)

With the above letter the Acting Sessions Judge forwards a letter and its enclosure from the Acting Magistrate of Guntoor submitting a reference for the decision of the Court of Foujdaree Adalut.

1. The Court of Foujdaree Adalut are of opinion that trivial cases of this nature referred to by the Acting Magistrate fall under Section XXXIII Regulation XI of 1816 and may be disposed of by the Tahsildars in his capacity of Head of Police.

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

of Guntoor for communication to the Acting Magistrate.-

(Sent in No)

Read letter dated 30th June 1857 from the Acting Subordinate Judge of Mangalore.

/Here enter F. M. No 1401 of 1857./

1. With the above the Acting Subordinate Judge forwards copy of a letter from the Zillah Surgeon dated the 30th Instant recommending the immediate release of a convict, six days of whose sentence remains unexpired, who is dangerously ill as the only hope of his life being saved and states that he has taken upon himself to discharge the prisoner.-

2. The Court of Foujdaree Adalut inform the Acting Subordinate Judge that his proceedings as stated in the above letter are improper. It has been repeatedly ruled by the Court that the release of a prisoner under the above circumstances is not allowable and they strictly prohibit a repetition of such irregularity.-

The

3. The Court of Foujdaree Adalut are at a loss to understand how removing a man in the very precarious condition the prisoner who has been released is reported to have been from a Hospital where he can receive the best medical attendance the station can afford, is likely to conduce to his recovery.-

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

(Sent in No)

Read letter dated 23d June 1857, from the Sessions Judge of Cuddapah submitting for the final Judgment of the Foujdaree Adalut the record of Case No 89 of 1856 on the Calendar of the Sessions Court.

/Here enter F. M. No 1371 of 1857./

Mr. W. A. Morehead 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

proof against the prisoners,

7th Oomursaib

8th Madarsaib

9th Muddookhan

and

10th Nunnaysaib

is sufficient to convict them of the crime of Torture for which according to the Mahomedan Law as declared in futwahs of their Law Officers discretionary punishment is awardable, do convict them thereof and under the provisions of Clause Seventh, Section II. Regulation XV of 1803 sentence the prisoner,

7th Oomursaib

to be imprisoned and kept to hard labor in irons on the public roads, or other public works, for and during the period of (4) four years, the term of his imprisonment being calculated from the 3d January 1857 and the prisoners,

8th Madarsaib

9th Muddoo Khan

and

10th Nunnaysaib

to be imprisoned and kept to hard labor in

irons on the public roads or other public works, for and during the period of (3) three years, the term of their imprisonment being calculated from the 3d June 1857.-

And being of opinion that

the prisoners,

11th Verareddygarru Chinnarapooreddy

and

12th Chinnagooroovappagarru Verrareddy

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.-

The 8th 9th and 10th Prisoners were charged with having on or about 26th May 1856 pinioned the Prosecutor who was apprehended on a suspicion of having been concerned in a theft committed in the 4th Witness' house, the 8th Prisoner with having kicked him on the back with his slipper on, tied back the middle finger of his right hand to his arm with a rope and struck the rope with a stick, the

1st

1st 2d 11th and 12th Prisoners with having abused the Prosecutor and ordered him to be beaten, the 5th and 6th Prisoners with having on the same day again bound the Prosecutor and suspended him from a beam in the roof of a building, the 8th and 10th Prisoners were further charged with being present and taking an active part in these cruel proceedings whilst the 3d and 4th were charged with also being present aiding and abetting and pulling the Prosecutor's legs, and the 7th Prisoner with having struck the Prosecutor's head with a Slippers, from the effects of which maltreatment, the Prosecutor's life had been placed in great danger and his left shoulder blade fractured.-

2. Of the above Prisoners the 1st 2d 3d 4th 5th and 6th Prisoners died in jail whilst the case was under reference.-

3. The Law Officer considered the Prisoners liable to suspicion, but the Sessions Judge considering the evidence sufficient for their conviction suggested that the

14th July 1857.-

the 8th Prisoner should be sentenced to 10 years' imprisonment and the 7th 9th 10th 11th and 12th Prisoners to 5 years' imprisonment with hard labor in irons.-

4. On a consideration of the Record the Court of Foujdaree Udalut can discover nothing established against the 11th and 12th Prisoners in respect to the actual illusage of the Prosecutor or of having connived at it, the evidence of the Prosecutor's 1st and 2d witnesses proving that they were not present at the time the illusage was inflicted, they appear however to have been aware of the fact after it had occurred, and endeavoured to hush up the matter by preparing the Mahazurnamah and Carar, but this does not form any portion of the charge, and considering that the long imprisonment they have undergone fully meets any offence they may have been guilty of, the Court of Foujdaree Udalut direct the unconditional release of the 11th and 12th Prisoners

The

14th July 1857.-

5. The Court concur in convict-
-ing the 7th 8th 9th and 10th Prisoners and as
the 7th Prisoner is the Police Duffadar and
head of the party, the others acting under
his authority, the Court sentence the 7th
Prisoner to 4 years and the 8th 9th and 10th
Prisoners to 3 years' imprisonment with hard
labor in irons, such sentence to have effect
from date of conviction.-

6. The Court desire to be inform-
-ed what notice has been taken by the
Magistrate of the conduct of the Head of Police
in this case, as well as of any explanation
he may have given of the delay in causing
an investigation.-

7. The trial of this case in the
Sessions Court commenced on the 6th Decem-
-ber and was set down for reference on the
15th January last, but the record only reach-
-ed this Court on the 30th June. This delay
has not and cannot be justified as the case
was a simple one and could have been
referred within a month.-

Ordered

14th July 1857.-

Ordered that Extract from
these Proceedings be sent to the Sessions
Judge of Cuddapah by precept returna-
-able within x days from and after its
receipt.-

(Sent following precept. No.)

Read letter dated 4th July
1857, from the Sessions Judge of Bellary, -
submitting for the final Judgment of
the Foujdaree Adalut, the record of trial
in Case No. 49 of 1857 on the Calendar
of the Sessions Court.-

(Here enter F. Mo. No. 1142 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,

Baureka Boollah-

is sufficient to convict him of the crime
of wounding, for which according to the -
Mahomedan Law as declared in Futwahs
of their Law Officers discretionary punishment
is

14th July 1857.

is awardable, do convict him thereof, and under the provisions of Clause third, Section VII, Regulation XV. of 1803, and Section XXXIII, Act VII of 1843 sentence him to be imprisoned — and kept to hard labor in irons on the public roads or other public works, for and during the period of (7) seven years.-

(Sentence No.) per

Ex Dll.

C. F. Chamier

Read Calendars of Cases Nos. 16 & 17 of 1857 submitted by the Sessions Judge of Madura under date the 8th July 1857.-

/Hd. recd. under F. Dc. Nos. 1446 & 1447 of 1857./

Read Calendars of Cases Nos. 55 and 56 of 1857 submitted by the Sessions Judge of Masulipatam under date the 8th July 1857.-

/Hd. recd. under F. Dc. Nos. 1453 & 1454 of 1857./

Ex Dll.

Wednesday, 15th July 1857.

F. C.

At a Court of Foujdaree Adalut.

Present.

G. A. Hooper Esquire
W. A. Morehead Esquire — Puisne Judges.
T. W. Goodwyn Esqre Acting

Circular.-

1. The Court of Foujdaree Adalut hereby give notice that no appeals will be received by them from third parties calling themselves friends or relations of the Prisoners, unless, as required by Para 3 of Circular Order No. 188, they have been duly accredited to act on behalf of the Appellants.-

2. The Court of Foujdaree Adalut further require that all Mookteernamahs executed by Prisoners, should be executed in the presence of the Officer in charge of the Gaol and attested by him.-

Ordered that Extract from these Proceedings be sent to the several Sessions Judges and Agents for their information and for communication

communication to the Subordinate Judicial Officers.—

(Sent in No 11)

Read letter dated 25th ultimo from the Acting Session Judge of Guntoor, forwarding a copy of the Acting Magistrate's letter making certain observations upon the remarks in calendar of case No 18 of 1857, and of the Acting Session Judge's reply thereto.

(Here Enter F.R No 1357 of 1857)

The Court of Sowdaree Adalut direct that it be pointed out to the Magistrate that his letter commenting upon the Proceedings of the Session Court is extremely objectionable, and by no means calculated to advance, in any way, the due administration of justice, and they accordingly desire that he will in future abstain from so doing the proceedings in question being sent to him for his guidance not for comment.

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

(Sent in No

Read

Read Calendar of case No 15 of 1857 of the Sessions Court of Madura.—

(Here Enter F.R No 1384 of 1857)

The Court of Sowdaree Adalut observe that with reference to their Circular Orders of the 19th June 1823 and 27th May 1836, the sentence should have been passed under Clause 7th Section II Regulation XV of 1803 under which it is competent to the Session Judge to award the reduced period of imprisonment which he recommends, and they authorize the Sessions Judge to amend his sentence accordingly—

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

(Sent in No 11)

Read letter dated 10th Instant, from the Sessions Judge of Trichinopoly, acknowledging the Extract Minutes of Consultation animadverting upon his conduct in the trial of Criminal cases for which he expresses his deep regret and assures that he will endeavor

15th July 1857.

endeavor to avoid being found fault with in future.-

(Here Enter F.R. No 1461 of 1857)

Read Criminal Report B dated 11th July 1857, submitted by the Acting Session Judge of Guntoor, for the month of June 1857-

(Here Enter F.R. No 1462 of 1857)

Read Criminal Report A dated 11th July 1857, submitted by the Acting Session Judge of Guntoor, for the month of July 1857-

(Here Enter F.R. No 1463 of 1857)

Read Statement dated 10th July 1857, submitted by the Acting Session Judge of Guntoor, of Batta paid to the Prosecutors and witnesses who attended before him during the 1st Half of 1857-

(Here Enter F.R. No 1464 of 1857)

Read return dated the 9th July 1857, from the Acting Session Judge of Rajahmundry, to the precept of the Fouzdaree Adalut under date the 1st idem, directing the whole of the papers belonging to Redmum Dhurmarayadoo, be returned thro' the Acting Head Assistant Magistrate.

(Here Enter F.R. No 1465 of 1857)

C.S. Chamier

Ex. Hd.

Thursday 16th July 1857.

F. A.

At a Court of the Fouzdaree Adalut.

Present.

G. S. Hooper Esqre
W. A. Morehead Esqre
J. W. Goodwyn Esqre Asstg.

} Puisne Judges

Read again Miscellaneous petition presented on the 16th March 1854, by S. Tirooma-mala Chary, Pleader on behalf of Gouindoo Naiken, brother-in-law of Sutchmana Naiken, prisoner in case No 40 of 1856 on the file of the Session Court of Cuddalore

(Here enter F.R. M.P. No 63 of 1854)

Read also return dated 30th May 1857, from the Acting Session Judge of Cuddalore, to the precept of the Court of Fouzdaree Adalut under date the 15th idem, requiring explanation in the matter:-

(Here enter F.R. No 1136 of 1857)

The Court of Fouzdaree Adalut

Mr W. A. Morehead
Mr J. W. Goodwyn

resolve to direct the Acting Session Judge to submit the untranslated record of this case and to direct that the Prisoner be released on security of 100 Rupees till final orders shall

16th July 1837.

shall be passed.

2 The Court of Foujdaree Udalut resolve to request the Civil Auditor to forward the original certificate marked D granted by the District Moonsiff of Cuddalore to Damaniga Pillay, Plaintiff in Suit 506 of 1835, for a refund of the value of the stamp in that suit. This certificate will be returned when the case is disposed of.

Ordered that Extract from these Proceedings (Para 1) be sent to the Acting Sessions Judge of Cuddalore by Precept returnable in V days from and after its receipt.

(Sent following Precept No 1)

Ordered also that Extract from these Proceedings (Para 2) be sent to the Civil Auditor for his information.

(Sent in No 1)

Read Miscellaneous Petition presented on the 1st June 1837, by Mr J. H. P. Wilson, Pleader on behalf of Paupaka, Mother of Venatasamy, 1st Prisoner in Case No 6 of 1837 on the file of the Sessions Judge of Chittoor.

(Here enter F. No P. No 121 of 1837)

The Court of Foujdaree Udalut

decline

Mr W. A. Rochead 1.
and
Mr T. W. Goodwyn.

16th July 1837.

decline to call for a translation of the record of the case, as the Petitioner has failed to assign any grounds that could warrant this course.

2. Petition rejected.

Read Miscellaneous Petition presented on the 6th June 1837, by Koothummay of Vellah, Chittoor.

(Here enter F. No. P. No 123 of 1837)

This petition is rejected as it does not clearly set out the case to which it refers.

Mr W. A. Rochead.
Mr T. W. Goodwyn.

E. Ball.

C. S. Chancier

Friday
17th July 1857

F. C.

At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esquire — Puisne Judge
W. A. Morehead Esquire — ditto —
T. W. Goodwyn Esquire Actg — ditto —

Read letter dated 10th July 1857,
from the Session Judge of Trichinopoly, submitting
for the final Judgment of the Foujdaree Udalut,
the Record of Trial in Case No. 25 of 1857 on the
Calendar of the Session Court.

(Vide order F. C. No. 1143 of 1857)

Mr. W. A. Morehead and T. W. Goodwyn

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

Joppay

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

17th July 1857.

The Court of Fouzdaree Udalut direct that it be pointed out to the Session Judge that the Surgeon should have been examined on oath, his written report not being proof as to the sanity of the Prisoner, unless established by evidence. Irrespective however of this report, there is nothing on the record of the case that would lead the Court to view the Prisoner as insane when he committed the Murder: hence there does not appear to exist a necessity, which there otherwise would be, of having the Surgeon examined on oath before the case could be finally disposed of.

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

(Sent in No.)

E. Hill.

F. 116

Saturday
18th July 1857

Fouzdaree Udalut Court of the

Present

G. S. Hooper Esquire
W. A. Morehead Esquire } Puisne Judges.
T. W. Goodwyn Esquire — Acting Puisne Judge.

Read Miscellaneous Petition of Soodalamady received on the 9th July 1857 thro' the Session Judge of Tinnevelly.

Here enter S. M. P. No. 149 of 1857.

Mr. W. A. Morehead.

This is an application for the release of her husband, the prisoner in Case No. 42 of 1857 on the file of the Session Court of Tinnevelly, who was convicted of an attempt at Housebreaking and theft, and sentenced to 7 years' imprisonment with hard labor in irons.

2. The Court of Fouzdaree Udalut see no reason to interfere in the matter and accordingly reject the Petition.

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

18th July 1857.-

of Tinnevelly for communication to the Petitioners.-

(Sent in No)

Read Miscellaneous Petition of Cumsala Bundisspa received on the 13th July 1857, thro' the Sessions Judge of Bellary.

/Corresp. entered F. Mc. P. No. 148 of 1857./

Mr. W. A. Morehead. / Petitioner prays for the release of his father the Prisoner in Cases Nos. 33 and 35 of 1857 on the file of the Sessions Court of Bellary, who, being convicted of the crimes laid to his charges in Case No. 35, was sentenced to 7 years' imprisonment with hard labor in irons.-

2. The Court of Foujdaree Udalut see no reason to interfere in the matter and accordingly reject this Petition.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Bellary for communication to the Petitioners.-

(Sent in No)

Read Miscellaneous Petition presented

18th July 1857.-

presented on the 9th July 1857, by Bauboovien, Tillah Chittoor.-

/Corresp. entered F. Mc. P. No. 151 of 1857./

Mr. W. A. Morehead. / This is an application for the release of his brother Kristniey, the 2d Prisoner in Case No. 37 of 1857 on the file of the Sessions Court of Chittoor, who was sentenced to 14 years' imprisonment with hard labor in irons on a charge of Robbery by open violence.-

2. The Court of Foujdaree Udalut resolve to forward a copy of this Petition to the Sessions Judge of Chittoor and call upon him for explanation as to why the witnesses named on behalf of the 2d Prisoner were not as alleged summoned and examined.-

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 Miscellaneous Petition presented on the 2d Instant by Venkatasinga of Tillah Madura.-

/Corresp. entered F. Mc. P. No. 145 of 1857./ /Petitioner

18th July 1857.-

Mr. W. A. Morshead 1. Petitioner appeals from the proceedings of the Session Court of Madura under date the 21st February last, confirming the sentence of the Magistrate dated the 25th August 1855, whereby the Petitioner was dismissed from his office of Village Moonsiff and fined in a sum of 25 Rupees on a charge of abuse of authority and extortion, of which he was convicted.-

2. The Court of Foujdarry Adalut have no authority to interfere in respect to the Petitioner's removal from or restoration to office- It rests with the Board of Revenue, vide Extract from the Minutes of Consultation dated 10th June 1850.-

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

Read Miscellaneous Petition presented on the 9th July 1857, by Vurrayana Chetty of Zillah Chittoor.-

/Herewith T. P. No. 150 of 1857./

Mr. W. A. Morshead 1. Petitioner appeals from the order of the Session Court of Chittoor under date

18th July 1857.-

date the 22d April 1857, confirming the decision of the Head Assistant Magistrate, whereby the charge of robbery preferred by the Petitioner against certain individuals was dismissed as not proved.-

2. The Court of Foujdarry Adalut declined to interfere, the case in question having received full consideration from the local authorities.-

3. Petition rejected.-

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

Read letter under date the 30th April 1857, from the Acting Session Judge of Salem, forwarding English Translation of the record of Case No. 21 of 1857 on the Calendar of the Session Court, for the final Judgment of the Court of Foujdarry Adalut

/Herewith T. C. No. 1341 of 1857./

Mr. G. S. Cooper and Mr. F. W. Goodwyn. The Court of Foujdarry Adalut, on a deliberate consideration of all the circumstances of the case as evidenced before them,

them, being of opinion that the Prisoner,

1 Devaun

2 Imaum Khan,

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, while going their rounds in a public street in the Town of Salem, with malice aforethought murdered and Yellum, an insane person aged about 40 years.-

2. The Moofty acquitted the Prisoners, but the Acting Sessions Judge convicted them of Culpable Homicide, and in consideration of the circumstances of the case and the long detention of the Prisoners in confinement, has considered that the ends of justice would be sufficiently met by a further imprisonment of 3 months with hard labor, to be reckoned from the conclusion of the trial.-

3. The Court of Foujdaree Udalut observe that the evidence of the Prosecutrix and that

that of the 1st to 5th witnesses is so replete with palpable falsehoods, contradictions, and prevarications, that it is most difficult to ascertain which of the alleged facts are true and proved. The difficulty is increased by the inexperience and deficient nature of the Acting Sessions Judge's voluminous investigation.-

4. It appears clear that the deceased was discovered to be laboring under aberration of mind 8 days previous to the 1st February 1857; but the cause of insanity is not known and no endeavours seems to have been made to discover it. Shortly before the affray he had been treated for the same by having an incision made on his head, lime juice rubbed in, and cold water poured in large quantities over him. (*On the night of February 1st the Police rounds 1st 2d Prisoners 7th met the deceased wandering about and crying out, and after a little difficulty apprehended and conveyed him to the guard house, where he was refused to be received, and was, as the 1st and 2d Prisoners allege, released.) The 7th 8th and 14th witnesses clearly prove that after the hours of

*This statement of the 1st and 2d Prisoners before the Police and Subordinate Court is not in evidence.-

of the alleged assault the deceased came to
the 11th witness' house, woke up the inmates, —
speaking at random &ca like a mad man,
and eventually went off towards the Car.
At about 4 or 4½ A.M. the deceased was —
found by the Prosecutrix lying on a mat
in the street near the Car speechless and
insensible; the Prosecutrix at once charged
the Rounds with assaulting her husband,
who was taken to the Hospital. The Apothe-
caries considered that the deceased was suffer-
ing from apoplexy and, till the post mortem
examination, were not aware that there was
any injury to the head from violence; it was
then discovered that there were 5 or 6 severe
fractures on the right side of and back
of the head, with slight abrasions of the skin
on the site of the principal fractures.-

5 Such fractures as the above
might not have prevented the deceased going
about for several days prior to his death and
might have been the cause of insanity for 8 or
10 days before February 1st. It was therefore of
the utmost importance to have ascertained
how

how many days prior to death the 11th and
12th witnesses considered these injuries to
have been inflicted; but no question was
asked or information given on this point.
It would appear that neither the Prose-
cutrix or any one else could possibly have
mentioned to the 11th and 12th witnesses that
the deceased had been struck with a heavy
stick on the head; otherwise they or any
person of the most ordinary capacity, though
ignorant of Surgery, would at once have
carefully inspected the back of the head
and observed the 5 abrasions and swellings
which both of these witnesses admit that
they were ignorant of till after the post
mortem examinations. The Sessions Judge
attaches great weight to the evidence of
these "two very intelligent apothecaries," but
if a man is admitted with symptoms that
showed that the brain was affected and
at the same time it was stated to them
that the man had been ill treated, it ap-
pears to the Court that they (11th and 12th
witnesses) showed the most culpable —
negligence

negligence or grossest ignorance did not most carefully examining the sufferers head which their omission to discover the abrasions, swellings on the head &c., proves could not have done.-

6. The influence of Mr. Fisher, Mootadar of Salem, is well known, and several of the witnesses hold interests in the Salem Mootah. If the Prosecutrix therefore declined to prosecute, the Government Pleader should have been employed; but it would appear that the Prosecutrix (deceased's paramour) was before the Court, so that the Fouzdaree Udalut consider that the Acting Sessions Judge showed great want of judgment in allowing Mr. Fisher to conduct the prosecution, more especially as Mr. Cherry expressly states that Mr. Fisher is evidently anxious to connect the Tahsildar of Salem with the improper proceedings in the case; the Tahsildar and Mr. Fisher being well known to be "no friends." The effect that the "evident anxiety" would have on the minds and evidence of the witnesses connected with the Mootah must

must not be lost sight of.-

7. The Court of Fouzdaree Udalut concur with the Acting Sessions Judge in considering that the depositions of the Prosecutrix and 1st to 5th witnesses were fairly recorded by the Police; the contradictions between their Police, Subordinate Court, and Sessions depositions are most glaring and deprive their testimony of all credit. Thus all these individuals stated before the Police that the deceased had been lately attacked with insanity, the Prosecutrix denied this before the Subordinate Court, but the 1st to 5th witnesses still admitted it, but all at the trial declare that he (deceased) was not mad. The fact of the deceased's aberration of mind is most clearly proved and was so prominently and repeatedly alluded to by the Prosecutrix's Vakeel, whilst his client was perjuring herself to the contrary. Again the Prosecutrix first admitted the deceased's treatment (incision, lime juice application &c.) for insanity, but denied this

this before the Subordinate and Sessions Courts although it is perfectly clear and proved that the incision was made. Gross contradictions likewise exist as to the enmity between Prosecutrix and some of the witnesses with the 1st and 2nd Prisoners &c., as well as the motive for the murder.-

8. The case appears to the Court of Faujdaree Adalut to be a very doubtful one, for the evidence of the Prosecutrix and 1st to 5th witnesses being rejected as unworthy of credit, there is no clear proof whether the injuries on the deceased's head were inflicted on the night in question or were received 8 or 10 days previously, and constituted the cause of the deceased's previous insanity. The Acting Session Judge's omission to have the 1st and 2nd Prisoners Police and Subordinate Court depositions put in and proved, prevents their being received in evidence; but there can be little doubt that the deceased had some sort of scuffle with the Rounds, though there

there is no credible evidence that he was treated with violence. The Faujdaree Court under these circumstances acquit the Prisoners.-

9. The indictment has been carelessly prepared; the Prosecutrix charges the Prisoners and another with murdering the deceased, the main act being striking him on the head with a bludgeon, but all notice of this act is omitted.-

10. The Papers of the Inquest on deceased's corpse and Mr. Fisher's Petition to the Acting Magistrate, tho' both these are very important documents, have not been sent.-

11. The Surgeon's certificate, tho' forming part of the Police Record, has not been submitted, and the Acting Session Judge has omitted to examine the Surgeon though the Prisoner's Vakeel begged that his evidence might be taken; and the case was one, that urgently required the best surgical evidence procurable as to the state of the skull, effects of such a fracture

fracture &c.a.

12. If the deceased's wife Ayamnaud and Cummaula Unguppia were examined their depositions should have formed part of the record, and the Foujdaree Udalut can hardly suppose that two so important witnesses were neither examined by the Police or Sessions Court.

13. Whatever might be the cause of the deceased's death will not affect the question of the conduct of the Police Officer who conducted the preliminary investigation; the case was one that undoubtedly should have been sent up to Court with the least practicable delay. If the Acting Joint Magistrate's Office was then at Salem, the Court considers that he should be called on to explain why he did not conduct the investigation in person, as was his clear duty to do in a complaint of murder perpetrated by the Police Rounds (a Dalayt Pean &c.a.)

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

18th July 1857.

Judge of Salem for his information and guidance. — (Sent via &c.a.)

Read Miscellaneous Petition presented on the 6th July 1857, by Venkatasawmy Pillah Chettoor.

(Here enter F. Mo. P.e No. 116 of 1857.)

Mr. W. A. Morehead. This is an appeal from the Proceedings of the Session Court of Chittoor under date the 7th April 1857, confirmatory of the sentence of the Acting Additional Joint Magistrate of Vaitle Attal dated the 4th March last, whereby the Petitioner and two others were fined in the sum of 225 Rupees on a charge of having made a false report to the Head of Police regarding the death of one Sinzala Paupen.

2. The Court of Foujdaree Udalut resolve to direct the Session Judge of Chittoor to forward for their consideration the record connected with the above case, together with the Criminal Report & in which it is entered.

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

of Chittoor by Precept returnable within IV days from and after its receipt.-

(Sent following precept No)

Read Miscellaneous Petition presented this day by Mr H.B. Saunders, Pleader on behalf of Servana Moodely, of Zillah Chittoor.-

/Here enter F. M. P. No 155 of 1857./

Mr W.A. Marshall 1. Petitioner appeals from the Sessions Judge's order of the 3rd instant, declining to interfere with the sentence passed on Petitioner in a charge of Fraud, by the Assistant Magistrate.-

2. The Court of Foujdarry Udalut direct that the sentence be suspended, and the prisoner be released on Bail pending the receipt of their final orders on this petition; the bail to consist of two sureties in the sum of two Rupees each. The Court further direct that the Criminal Report A, together with the original record of the case in question, be forwarded for their consideration.-

Ordered that Extract from these

Mess 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 Statement dated 8th July 1857, submitted by the Sessions Judge of Calicut, of batta paid to Prosecutors and witnesses attending before the Court of Sessions from 1st January to 30th June 1857.-

/Here enter F. M. No 1466 of 1857./

Read Statement dated 8th July 1857, submitted by the Sessions Judge of Calicut, required by Circular Order No 4. from 1st January to 30th June 1857.-

/Here enter F. M. No 1467 of 1857./

Read Criminal Report B dated 13th July 1857, submitted by the Acting Sessions Judge of Cuddalore, for the month of June 1857.-

/Here enter F. M. No 1471 of 1857./

Read letter dated 11th July 1857, from

18th July 1857.

from the Sessions Judge of Tinnevelly, informing that the charge entered in the Calendar No. 46 of 1857 has been altered.

(Here enter F. C. No. 1478 of 1857.)

Ed. Ell.

C. D. Chamier

F. C.

Monday 20th July 1857

At a Court of the Sudr Udalut

Present

G. L. Hooper Esqre. ——— Puisne Judge

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

T. W. Goodwyn Esqre. — Acting Puisne Judge

Read Calendar in Case No. 26 of 1857 of the Session Court of Rajahmundry

(Here enter F. C. No. 1449 of 1857)

The Court of Foujdaree Udalut direct that it be pointed out to the Acting Session Judge that in his proceedings in this case he could only deal with the matter set forth in the Calendar and that he could not do as he has done. Set aside the Subordinate Judge's award in an Appeal Suit and desire that Officer to pass a fresh award in the case.

2 The Subordinate Judge's award if objected to by the parties could only be remedied by a Special Appeal or by an application for a review of judgement, and this step it is for the parties themselves to take.

3 The Court would further point out that the Subordinate Judge erred in directing the District Moonsif to deal with the case as one of forgery. When the case was before the District Moonsif he did not

not deem such a course called for, and the Subordinate Judge had no authority to issue to the District Moonsif the instructions which he did, and which has led to the parties being committed for trial on the present charge.

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

(Sent in No.

Read letter dated 20th June 1857 from the Acting Session Judge of Cuddalore.

(Here enter T. Ua. No. 1296 of 1857)

1. The Acting Session Judge submits for the orders of the Tonjdaree Udalut copy of a letter from the Magistrate in which that Officer expresses his dissent from the view taken by the Acting Session Judge of a certain criminal case, which he had dealt with, and punished as one of Fraud.

2 The Court of Tonjdaree Udalut observe that the tone of the Magistrate's communication is objectionable, the proceedings of the Session Court being sent for his guidance, and not for his comment

3. As remarked by the Acting Session Judge the offence imputed to the defendant was not "Fraud," no false pretences having been used, nor was it however Breach of Trust; the defendant having received the goods on his master's account and fraudulently made away with the same, they must

must be considered to have been in the constructive possession of the Master, and the offence was Theft.

4 The Tonjdaree Udalut have ruled that cases of Fraud and Breach of Trust are punishable under the general Regulations, unless the charge is specially laid under Act No. XIII of 1850.

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

(Sent in No.

Read again Miscellaneous Petition presented on the 3d ultimo by E. Salmon Esqr. Reader on behalf of Rungasamy Naik late Town Police Annean of Trichinopoly

(Here enter T. M. P. No. 122 of 1857)

Read also Return dated the 8th June last from the Session Judge of Trichinopoly to the Receipt of the Tonjdaree Udalut under date the 3d idem, calling upon him to submit the record for the consideration of the Judges in the matter of Rungasamy Naik late Town Police Annean of Trichinopoly

(Here enter T. Ua. No. 1194 of 1857)

Mr Morehead 1. The Court of Tonjdaree Udalut having carefully perused the record submitted with the sentences recorded by the Acting Head Assistant Magistrate and the Session Judge, fails to discover that such a case has been made out against the petitioner as to justify the sentence recorded which is accordingly set aside.

The

2 The evidences for the prosecution is in the opinion of the Court false and exaggerated. The Court are at a loss to understand why so much delay occurred in holding the original enquiry. The assault took place on the 22d March and although all parties were on the spot no depositions appear to have been taken until the 14th of April.

3 It is asserted that Prosecutor's house was partially uncovered and the door broken down, yet no steps appear to have been taken to test the truth of these statements, altho' it is manifest that such might easily have been done.

4 The statements made against the Prisoner are in the highest degree improbable and would indicate that the Prisoner was a drunkard & a most disreputable character a state of matters in every respect opposed to the testimonials held and produced by him, whereas the case as described by the Prisoner and fully supported by his evidence, is both possible and probable and fully borne out by the testimony adduced.

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

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

Sent in No.

Read Miscellaneous Petition presented on the 22d ultimo by Ramasawmy Iyen of Zillah Tinnevelly

(Here enter F. M. P. No. 136 of 1857)

Mr. Goodwyn / Petitioner appeals from the sentence passed by

20th July 1857.

by the Session Judge of Tinnevelly in Case No. 32 of 1857 fining him in a sum of 25 Rupees, commutable on default to one months imprisonment, for the gross prevarication in the evidence given by him as 2d witness for the Prosecutor.

2 The Petitioner files no copy of the deposition to show that he has not been guilty of prevarication and has altogether failed to adduce any valid objection to the Session Judge's order fining him 25 Rupees.

Petition rejected

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

Read Calendar of Case No. 29 of 1857 submitted by the Acting Session Judge of Salem under date the 10th Instant.

(Here enter F. C. No. 1483 of 1857)

Read Statement dated 1st Instant submitted by the Session Judge of Trichinopoly, of Batta paid to Prosecutors and Witnesses during the 1st half of 1857.

(Here enter F. C. No. 1484 of 1857)

Read Criminal Reports dated 4th Instant, submitted by the Session Judge of Trichinopoly for the months of June last.

(Here enter F. C. No. 1485 of 1857)

Read Calendar of Case No. 50 of 1857, submitted

20th July 1857

submitted by the Session Judge of Bellary under date the 15th Instant

(Here enter F. No. 1491 of 1857)

Read Calendar of Case No. 58 of 1857 submitted by the Session Judge of Bellary under date the 13th Instant.

(Here enter F. No. 1493 of 1857)

Read Statement dated 15th Instant submitted by the Session Judge of Chittoor, of Batta paid to Prosecutors and Witnesses for the 1st half of 1857

(Here enter F. No. 1499 of 1857)

Ed KD

C S Lamie

F No

Tuesday
21st July 1857.

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esqre
W. A. Morehead Esqre
T. W. Goodwyn Esqre acting
} Puisne Judges

Read Calendar of Case No. 27 of 1857 of the Session Court of Nellore

(Here enter F. No. 1448 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 Highway Robbery, be reduced to (7)½ seven years with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.

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

(Sent in No)

Read Calendar of Case No. 24 of 1857, submitted by the Session Judge

1 Tupakula Sanigadu –
2 Dr. Polatigadu –

21st July 1857.

of Coimbatore under date the 23 June 1857.

(Here enter F. No. N° 1603 of 1857)

Read Calendar of Case N° 30 of 1857, submitted by the Session Judge of Coimbatore under date the 2 July 1857.

(Here enter F. No N° 1604 of 1857)

Read Calendar of Case N° 33 of 1857, submitted by the Acting Session Judge of Salem, under date the 15 July 1857.

(Here enter F. No N° 1607 of 1857)

Read Calendar of Case N° 27 of 1857, submitted by the Session Judge of Coimbatore, under date the 25th June 1857.

(Here enter F. No. N° 1625 of 1857)

E. Hall.

C. Chamier

Wednesday 22d July 1857

No. 11.

At a Court of the Foujdaree Adalut.

Present

G. S. Hooper Esqre. —
W. A. Morehead Esqre. — } Puisne Judges.
T. W. Goodwyn Esqre. Actg.

Read Miscellaneous Petition presented on the 1st Instant by Runga chary alias Rungavawmy Iyengar of Zillah Cuddalore.

(Here Enter F. M. P. N° 1142 of 1857)

W. A. Morehead

1 The Court of Foujdaree Adalut decline taking the petition into consideration the Petitioner having failed to produce an authenticated copy of the Order of the Head Assistant Magistrate of South Arcot against which he appealed to the Session Court of Cuddalore.

2 Petition dismissed.

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

Read Letter dated 15th July 1857 from the Session Judge of Bellary, submitting for the final Judgment of the Foujdaree Adalut the Record of Case N° 43 of 1857 of the Calendar

of the Sessions Court.

(Here Enter F.H. No 1490 of 1857.)

Messrs Morehead and Goodwyn

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

1st Kassim.

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.

And being of opinion that the prisoner

2d Venkadoo

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

1 The Prisoners were charged with having wounded the Prosecutrix's son on the head and right temple with a club, from the effects of which he died, and with

with having afterwards robbed him of ready cash, amount unknown.

2 The Sessions Judge concurred with the Law Officer in convicting the Prisoners of Murder, and recommended that they should be sentenced to suffer death.

3 The Court of Foujdaree Adaulut concur in the conviction of the 1st Prisoner, but as all plea of robbery is given up and with this all pretext of motive is removed leaving it to be reasonably supposed that the attack on the deceased sprung out of a sudden quarrel, the Court are of opinion that the sentence of death is not called for in the case of the 1st Prisoner, and accordingly sentenced him to transportation for life.

4 As all the blows appear to have been inflicted by the 1st Prisoner and in the absence of all proof to the contrary, the Court give full credit to the 2d Prisoner's version of the matter and have accordingly acquitted him of the crime charged.

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

(Sent in No) Read

22d July 1857

Read letter dated the 7th July 1857, from the Acting Sessions Judge of Rajahmundry submitting for the final judgment of the Foujdaree Adalut the records in Case No 27 of 1857 of the Calendar of the Sessions Court.

(Here Enter Dft No 1469 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 Prisoner,

"Cunnipilly Rungadoo"

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 letter dated 27th June 1857, from the Sessions Judge of Chittoor, submitting for the final judgment of the Foujdaree Adalut the record in Case No 45 of 1857 of the Calendar of the Sessions Court.

(Here Enter Dft No 1469 of 1857.)

Mr. Wm Morehead.

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

22d July 1857

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

1st Nemoorgadoo alias Timmadoo

2d Colaramadoogoo Baligane Codookoo Moonegadoo

3d Nullavadoo

and

4th Nagane Chugadoo.

is sufficient to convict them of the crimes charged, do convict them thereof, and sentence the prisoner,

1st Nemoorgadoo alias Timmadoo

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 Colaramadoogoo Baligane Codookoo Moonegadoo

3d Nullavadoo

and

4th Nagane Chugadoo

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

(Sent in No)

Read

20

Read Miscellaneous Petition
presented on the 13th July 1857, by Mookiyar
Vakeel on behalf of Ponnoosamy Chetty & Zillah
Combaconum.

W. H. Morehead Esqr. (Here Enter P.M.P. No 152 of 1857.)

Petitioner appeals from the Order
of the Session Judge of Combaconum under date
the 14th April last, confirming the Order of the
Assistant Magistrate dated the 14th February —
preceding, dismissing the Petitioners complaint
charging one Vyapoory and others with forcibly
reaping his crop.

2. The Court of Sudder Adalut
see no Reason to interfere with the Sessions
Judges Order appealed against, which is ac-
-cordingly confirmed.

3. Petition dismissed.

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

Read again Miscellaneous Petition
presented on the 12th February 1857, by Alwaramah
and another, of Zillah Madura.

(Here Enter P.M.P. No 31 of 1857.)

Read also Miscellaneous Petition
presented on the 6th April 1857, by Alwaramah
of that Zillah.

(Here Enter P.M.P. No 70 of 1857.) Read

22 July 1857.

Read also the translated
Record of the proceedings in Sessions Case
No. VIII of 1856 transmitted with the Sessions
Judges return to the precept of this Court
under date the 12th March 1857, as well as
the Calendar in the said case.

(Here Enter No 827 of 1857.)

Rogers Cooper
Goodwyn.

The Court of Sudder Adalut
observe that the conviction of the prisoners was grounded
on their alleged recognition on the night of the
robbery by the prosecutor and the 1st and 2d witnesses,
and on the discovery in their houses of certain
articles which the prosecutor claimed as part
of the property robbed from his house.

The Court have carefully —
2. considered the whole of the record, and are of
opinion that the evidence as to the identification
of the prisoners is totally undeserving of credit,
whilst that as to the articles alleged to have
been found in their houses is equally open to
suspicion. The articles were in their very nature
hardly susceptible of identification, and the
evidence as to their discovery is so confused
and abounds with such glaring contradictions,
as to deprive it of all credit.

The statements of the prosecutor
3. and his 1st 2d and 8th witnesses, as to their
alleged

alleged recognition of the prisoners living in their neighbourhood with whom they have long been well acquainted are entirely discredited by their neglect to divulge the circumstance for the space of five days succeeding the robbery though questioned on the point first by the Village Monsiff, and then by the Peon. The reason given by the prosecutor for his silence, viz that he feared the disclosure of the names of the robbers might impede their capture, is altogether absurd and unsatisfactory for if the Prosecutor's statement be true respecting their long prior acquaintance, the Prisoners must have been as certain that their names were known as if they had been publicly proclaimed as the robbers.

4. With respect to the discrepancies in the evidence as to the discovery of the property, it will be sufficient to refer to the testimony given with regard to the articles alleged to have been found in the 2d prisoner's house. Thus, the 1st witness deposes that nothing was found there. The 5th witness's police deposition mentions an earring and an iron knife; his statement before the Subordinate Court omits the earring; and his examination before the Sessions Court adds one Skein of thread. The police deposition of the 6th witness enumerates a knife and a spade; that before the Subordinate Court, earring

No.

No. 7; and his evidence before the Sessions Judge substitutes earring No. 1. The 7th witness deposes before the police to Skein of thread, and on the trial, to an earring having been discovered. Similar contradictions abounds in the evidence against the other prisoners.

5. The Court of Sudder Adalut, considering the evidence in the case such as cannot safely be relied upon for the conviction of the prisoners, resolve to direct their immediate release.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Madura by precept returnable in three days from and after its receipt.

(Seal) (Sent following Receipt No. 1 per Ex. Ex.)

C. J. Chamier

F. R.

Thursday
23d July 1857 } At a Court of the Fojdaree Adalut.

Present

G. L. Hooper Esqre —— Puisne Judge
W. A. Morehead Esqre —— ditto.
T. W. Goodwyn Esqre —— Acting ditto

The record of trial in referred case No 17 of 1857 on the Calendar of the Sessions Court of Coimbatore not having been yet received.

Ordered that the Sessions Judge of Coimbatore be required to submit the record aforesaid without delay.

(Sent in No

The record of trial in referred case No 1 of 1857 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

Read letter dated 6th July 1857 from the Acting Sessions Judge of Rajahmundry.

(Here Enter F. R. No 1150 of 1857)

With

23d July 1857.

1 With the above letter the acting Sessions Judge submits a petition from 5 European Seamen confined in the Zillah Jail of Rajahmundry appealing from an Enhancement of the Sentence of fine and imprisonment for 12 weeks with hard labor already passed upon them by J. P. Thompson Esqre one of Her Majesty's Justices of the peace.

2. In this case the Acting Sessions Judge has evidently acted without jurisdiction. The Prisoners were tried for disobedience of orders and sentenced to a certain period of imprisonment and to pay a fine in addition. against this sentence the complainant appealed seeking an enhancement of the sentence under the plea that the prisoners had been guilty of desertion.

3. The Acting Sessions Judge accedes to this view of the case and accordingly enhances the sentence, on appeal against a sentence is only afforded to a prisoner and an appellate authority can only alter or annul the sentence or order so appealed from provided that it shall not increase the said punishment:-

The

23d July 1857

4. The Acting Sessions Judge's order is therefore set aside and the original sentence directed to stand.

Ordered that Extract from these proceedings (together with the Original Enclosure) be sent to the Sessions Judge of Rajahmundry for his information.

(Sent in ct.) J S

Rd 18.

C. S. Chauncy

Friday,
24th. July, 1857.-

F. Ms.

In a Court of the Foujdaree Udalut.

Present

G. S. Hooper, Esquire, ——
W. A. Morehead, Esquire, —— Puisne Judges
J. W. Goodwyn, Esquire, &c.

Read again Miscellaneous Petition presented on the 27th. June 1857, by Lutchmee, Zillah Chinglepute.-

/Here Enter F. Mc. P. No. 139 of 1857/

Read also return dated 14th. July 1857, from the Session Judge of Chinglepute to the precept of the Foujdaree Udalut under date the 4th. Idem, directing him to submit the Original record in Case No. 6 of 1857.-

/Here enter F. Mc. No. 1468 of 1857/

Mr. Morehead

The Court of Foujdaree &c. Udalut having perused the record of the case in question, see no reason to disturb the sentence passed by the Session Judge, and accordingly resolve to reject this petition.-

Ordered, that Extract from these proceedings be sent to the Session &c. Judge

Judge of Chinglepuk, for his information.

/Sent in. No. /

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

Read Criminal Report B. for the month of June 1857, Zillah Tellicherry.

/Here enter F. No. No. 1457 of 1857/

No. 40 and 42. "With the premeditated intent of Killing" would be a suitable term perhaps to use in a charge for wounding with intent to kill, but is not proper in a charge for "Murder." In the last named offence the prisoner should be charged "with having wilfully and of his malice aforethought murdered" the deceased, by Vcc. Vcc.

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

/Sent in. No. /

Read Criminal Report B. for the month of June 1857, Zillah Chittoor

/Here enter F. No. No. 1475 of 1857/

Nos. 107 and 111 / The circumstances attending the murder

24th July, 1857.

murder should have been more fully detailed. Malice should have been alleged, and the manner of wounding the weapons, and the time of death should have been described.

No. 118 2. A mere attempt at escape by a prisoner under examination is not a criminal offence.-

119 3 The charge should have been headed "Breach of Revenue laws."

120 4 A description of the wounds inflicted should have been given.-

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

/Sent in. No. /

Read Criminal Report B. for the month of June 1857, Zillah Vellore.

/Here enter F. No. No. 1479 of 1857/

No. 9 by Joint Magistrate 1. It should have been distinctly alleged that the misappropriation of the money was fraudulent. As the Defendant was not accused of embezzling the amount, it was necessary to set forth the intent with which he paid the sum to other individuals than those named in his list.

The

24th July, 1857.

The Session Judge is requested to look into the case.-

2. The Court of Foujdaree Udalut further observe that, in view of the amount misapplied, it was a case that should have been sent up to Court, and that the charge ought to have been laid under Act No. XIII of 1850.-

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. 41 of 1857, from the Acting Agent to the Governor of Fort Saint George at Ganjam.-

/Here enter F. Rc. No. 1480 of 1857/

The Court of Foujdaree Udalut observe that Malice should have been charged in this case.-

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 Criminal Report B. for the

F. Rc.

24th July, 1857.

the months of June 1857, Zillah Masulipatam.-

/Here enter F. Rc. No. 1488 of 1857/

No. 50. The defendant should have been charged with Housebreaking and Rape.-

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 for the 1st quarter of 1857, Zillah Cuddapah

/Here enter F. Rc. No. 1489 of 1857/

1. The delay that has occurred in the transmission of these Returns is very discreditable to the Magistrate's department.-

2 The Session Judge is requested not to detain the calendars, but to forward them within a week after their receipt, accompanied with copy of his remarks thereon.-

No. 11 3. The case was on the face of it merely a breach of contract, and the complainant should at once have been told to seek a remedy by action.-

Here

No. 15.

4. Mere Killing does not constitute "murder", although every homicide is presumed to be murder until the contrary be shown. In a charge for murder it should be alleged that the defendant "wilfully, feloniously and of his malice aforethought killed and murdered" the deceased.

No. 17. 5. The proper heading for such cases is "Cattle Killing," and it should be alleged in the body of the charge that the offence was done maliciously. The defendant should not have been acquitted unless he was absolutely irresponsible for his action.—

No. 22. 6. The goats remained in the constructive possession of the complainant, defendant having only a bare charge. The offence, if proved, would therefore have been Theft. A criminal intent is always presumed from the circumstances of the case, and is not capable of direct proof.—

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

/Sent in No /

Read

Read Calendar of Case No. 15 of 1857, submitted by the Acting Session Judge of Cuddalore, under date the 18th Instant.

/Here enter F. No. No. 1504 of 1857/

Read Extract dated 16th Instant, from the Session Judge of Masulipatam, of the proceedings of the Session Court under date the 16th Instant.—

/Here enter F. No. No. 1505 of 1857/

Read Calendar of Case No. 48 of 1857, submitted by the Session Judge of Tinnevelly, under date the 15th Instant.

/Here enter F. No. No. 1510 of 1857/

Read Criminal Reports and other Statements, dated the 1st Instant, from the Acting Session Judge of Rajahmundry, for the months of June 1857.

/Here enter F. No. No. 1516 of 1857/

Read letter dated 13th Instant, from the Acting Session Judge of Tellicherry, reporting the reapprehension of a Prisoner alluded to in his letter of the 24th June 1857.

/Here enter F. No. No. 1518 of 1857/

Read Criminal Report B. dated the 16th Instant, from the Acting Session

Judge

Judge of Mangalore, for the months of June 1857.

/Here enter F. No. No. 1519 of 1857./

Read Criminal Report &c. &c.
dated the 1st. Instant, from the Officiating Agent
to the Governor of Fort Saint George & Kurnool,
for the months of June 1857.

/Here enter F. No. No. 1520 of 1857./

Read Report dated 15th. Instant,
from the Agent to the Governor of Fort Saint
George at Vizagapatam, of persons apprehended
in the separate Tracts and delivered to the
Agency in the months of June 1857.

/Here enter F. No. No. 1521 of 1857./

Read Statement dated 1st. Instant,
submitted by the Session Judge of Tinnevelly,
of Batta paid to Prosecutors and Witnesses at-
tending before him from 1st. January to 30th.
June 1857.

/Here enter F. No. No. 1523 of 1857./

Read Statement dated 30th. Ultimo,
submitted by the Session Judge of Chingleput,
of Batta paid to Prosecutors and Witnesses attend-
ing before him for the half year ending 30th June 1857.

/Here enter F. No. No. 1524 of 1857./

Exd Hall.

C L Pearce

Saturday
25th July 1857.

F. No.

At a Court of the Foujdaree Udalut

Present.

G. S. Hooper Esquire — Puisne Judge
W. A. Morehead Esquire — Ditto —
T. W. Goodwyn Esquire Acting — Ditto —

Read letter dated 13th July 1857, from the Acting Session Judge of Tellicherry, submitting for the final Judgement of the Foujdaree Udalut, the Record of trial in Case No. 16 of 1857 on the Calendar of the Session Court.

/Here enter F. No. No. 1514 of 1857./

Mr. W. A. Morehead and T. W. Goodwyn

The Court of Foujdaree Udalut, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner "Jair Chogatathil Pothan" is sufficient to convict him of the crime of Murder, do convict him thereof, and under the provisions of Section X Regulation VIII of 1802, sentence him to suffer death by being hanged at the usual time and place of execution.

/Sent in No. /

Exd Hall.

Monday 27th July 1857. } At a Court of the Fouzdaree Uddalut

Present

G. A Hooper Esquire ——
W. A. Morehead Esquire —— } Puisne Judges
J. W Goodwyn Esquire Actg

Read Petty Calendars of the Magistracy for the 2d quarter of 1857, Zillah Cuddalore.

(Here enter No 1503 of 1857)

Calendar I Case No. 32.

No abuse of the defendants' police authority is alleged in the charge. He laid himself open to an action for slander, but was not liable to a criminal prosecution. The misconduct of the defendant might have been punished with a fine by the Magistracy in the exercise of their general authority over their police subordinates.

(Sent in Re)

Read again Miscellaneous Petition presented on the 1st June by Mr. H. B. Saunders pleader on behalf of Amoogamooga Puttan Zellah Combaconum.

(Here Enter No 119 of 1857)

Read

27th July 1857

Read return dated 22d June 1857 from the Session Judge of Combaconum to the Precept of the Foujdaree Udalut dated 6th idem calling upon him to submit the return made by the Joint Magistrate in the matter.

(Here Enter Pt Nr 1322 of 1857)

Mr G. S. Hooper
and
Mr H. S. Mackenzie

The Court of Foujdaree Udalut finds from the foregoing return that the Sessions Judge did reverse the sentence.

2. The Court of Foujdaree Udalut therefore have only to explain to the Petitioner that the sentence appealed from was reversed by the Sessions Judge in his proceedings dated 4th December 1856.

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

Read letter dated 16th July 1857 from the Sessions Judge of Tinnevelly submitting for the final Judgment of the Foujdaree Udalut the record of Case Nr 46 of 1857 of the Calendar of the Sessions Court.

Here Enter Pt Nr 1513 of 1857.

Messrs G. Hooper
& H. 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

27th July 1857

that the proof against the prisoner,

"Ramalinga chetty"

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.

1. As there were numerous other witnesses to the facts deposed to by the Tahsildar to whom the Court of Foujdaree Udalut considers that the Head of Police should not have been called away from his duties to give evidence, especially as the main fact of it related to the prisoner's confession before him being free and voluntary, no Tahsildar could do other than swear that this was the case without criminating himself.

2. There can be no doubt about the body found being that of the child Perowady, but the identification should have been clearer.

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

(Sent in No)

Rec'd

C. J. Chamier

F. U.

Tuesday — 28th July 1834

At a Court of the Foujdaree Adalut

Present —

G. S. Hooper Esqre
W. A. Morehead Esqre
T. W. Goodwyn Esqre Acting
} Puisne Judges

Read Calendar in case No 34 of 1834 of the Session Court of Calicut.

(Here enter F. U. No 1509 of 1834)

1. The Court of Foujdaree Adalut observe that the award of stripes was unnecessary and being of opinion that under all the circumstances of the case — a sentence of One years imprisonment with hard labor in irons will be adequate punishment for the offence of which the Prisoner has been convicted, 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 Calicut by

by Precept returnable in X days from and after its receipt.

(Sent following Precept N°)

Read Calendar of Case N° 489 1853 from the Session Judge of Chittoor.

(Here enter F. H. N° 1500 of 1853)

That part of the charge which relates to the Murder has been defectively prepared; malice should have been entered as well as the manner, viz in which the deceased was wounded and the time of his death.

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

(Sent in N°)

Read letter dated 1st July 1853, from the Acting Sessions Judge of Mangalore

(Here enter F. H. N° 1419 of 1853)

With the above letter the Acting Session Judge forwards Reports A of cases N°s 41, 42 of 1853 disposed of by the Acting Subordinate Judge, together with copies of the correspondence which passed between the Acting Session Judge regarding the manner in which sentences

1. &

to be recorded against a prisoner in three cases, and requests the opinion of the Court thereon.

2 The Court of Foujdaree Adalut inform the Acting Session Judge that it has been repeatedly ruled that the same individual cannot be legally sentenced at one time to two or more specific terms of imprisonment under seperate charges brought against him, except in cases where the second charge may be for escape which is an offence distinct from all other, but when a prisoner may be brought before a tribunal charged at the same time with two or more offences, judgment should not be passed until the trial of all the seperate cases shall have been concluded, and then sentence should be passed not on each one seperately but on the whole of the proceedings held against the prisoner.

3. The Court further point out that the charge in N° 42 is irregular; preferring a false charge before a Potail cannot be punished under Regulation IX of 1832, so that the indictment should only have referred to the false charge before the Head of Police.

4 The Court desire that it may be

he intimated to the Acting Subordinate Judge that when he receives proceedings from the Session Court it is his duty at once and implicitly to obey the orders they may convey.

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

(Sent in N°)

Read letter dated 10th July 1837 from the Acting Session Judge of Calicut.

(Here enter F. W. N° 1473 of 1837)

With the above letter the Session Judge submits Copies of certain correspondence that has taken place between himself and the Subordinate Judge as to the construction of Act XVI of 1836.

2 The Court of Foujdaree Udalut are of opinion that the ruling as laid down by the Subordinate Judge is correct and that the construction put upon the words "loss appearing to be caused" by the Subordinate Judge is erroneous - for the Court of Foujdaree Udalut consider that by the "loss" there expressed is to be understood the "loss" apparent to the Court

Court when finally disposing of the case.

3 The Court of Foujdaree Udalut point out to the Subordinate Judge that he should have replied to the Session Judge by a return to the Precept he received from that office and not by letter.

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

(Sent in N°)

Read Return dated 26th June 1837, from the Session Judge of Cuddapah, to the Precept of the Foujdaree Udalut under date the 6th May 1837, calling for explanation of delay in disposing the case N° 89 of 1836.

(Here enter F. W. N° 1356 of 1837)

Read Return dated 26th June 1837, from the Session Judge of Cuddapah, to the Precept of the Foujdaree Udalut under date the 12th May 1837, informing that the whole of the translated record in case N° 89 of 1836 was despatched on the 25th instant.

(Here enter F. W. N° 1357 of 1837)

Read letter dated 26th June 1837, from the Session Judge of Chicacole, reporting that

that the information as to the places at which pounds will have to be built and the approximate expense of constructing them has not been received from the Magistrates, whose attention has been again called to the order on that subject.

(Here enter F.C. N.s 1395 of 1837)

Read Calendar of Case N.o 14 of 1837, submitted by the Session Judge of Coimbatore, under date the 11th June 1837.

(Here enter F.C. N.o 1409 of 1837)

Read Calendar of Case N.o 26 of 1837, submitted by the Session Judge of Coimbatore, under date the 26th June 1837.-

(Here enter F.C. N.o 1410 of 1837)

Read letter dated 3d July 1837, from the Magistrate of Tinnevelly, stating that a statement of contingent charges incurred in respect of Prisoners under his charge during the official year 1837, has been forwarded to the Inspector of Prisons

(Here enter F.C. N.o 1430 of 1837)

Read Calendar of Case N.o 36 of 1837, submitted by the Session Judge of Bellary, under date the 18th July 1837.-

(Here enter F.C. N.o 1533 of 1837)

Read letter dated 23d July 1837 from

from the Session Judge of Tuticorin forwarding the Death Warrant in Calendar Case N.o 25 of 1837 duly endorsed-

(Here enter F.C. N.o 1535 of 1837)

Read letter dated 22d July 1837, from the Session Judge of Tuticorin, acknowledging the receipt of an Extract from the Proceedings of the Foujdaree Adalut dated the 17th instant.

(Here enter F.C. N.o 1536 of 1837)

Read statement dated 18th July 1837, from the Session Judge of Honore, of batta paid to Prosecutors and Witnesses attending before the Session Court of Honore for the half year ending the 30th June 1837.

(Here enter F.C. N.o 1544 of 1837)

Read Calendar of Case N.o 6 of 1837, submitted by the Session Judge of Coimbatore, under date the 8th May 1837.

(Here enter F.C. N.o 1546 of 1837)

Read Calendar of Case N.o 7 of 1837, submitted by the Session Judge of Coimbatore under date the 13th May 1837.-

(Here enter F.C. N.o 1547 of 1837)

Read

28th July 1857.—

Read Calendar of Case No 8 of 1857, submitted by the Session Judge of Chingleput, under date the 24 July 1857.

(Here enter F. M. No 1550 of 1857)

Ex. Ell.

C. Cadamier.

F. M.

Wednesday 29th July 1857

At a Court of the Foujdaree Adalat.

Present

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

Read Miscellaneous Petition presented on the 2d March 1857, by G. Venkatarama reddy of Zillah Nellore.—

(Here Enter F. M. P. No. 165 of 1857)

Mr. W. A. Morehead

This Petition is rejected and the Petitioner referred to the orders formerly passed by this Court in the case to which it relates.—

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

Read Calendar of Case No. 28 of 1857 of the Session Court of Rajahmundry.—

(Here Enter F. M. No. 1517 of 1857)

The Court of Foujdaree Adalat

29th July 1857.

Udalut approve of the recommend-
ation made by the Acting Sessions
Judge in this Case, that the period
of imprisonment which the Prisoner,
Pungum Swamy. noted in the margin, has been adjudged
to suffer on his conviction of Aiding
and abetting in Gang Robbery be
reduced to (7) Seven years with
hard labour 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 Rajahmundry
for his information.—

(Sentence No. 1)

Read letter dated the 25th
instant, from the Sessions Judge of
Combaconum, submitting for the final
judgment of the Foujdaree Udalut,
the record of Case No. 28 of 1857 on the
file of the Sessions Court.—

(Here Entered F. No. No. 1560 of 1857)

Mr. J. W. Goodwyn

The Court of Foujdaree Udalut.

29th July 1857.

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,

"Moottooveerun"

is sufficient to convict him of the
crime of wounding with intent to
kill, for which according to the
Moohummedan Law, as declared
in futwas of their Law Officers, dis-
-cretionary punishment is awardable,
do convict him thereof, and under the
provisions of Clause third, Section VIII,
Regulation XII of 1803, and Section XXXIV,
Act VII of 1843, sentence him to be
imprisoned for (14) fourteen years
in irons with labor suitable to
his condition.—

(Sentence No.)

Ex Evid.

C. Chamier

290

Pungu

Mrs. F. H.

F. 16.

Thursday 30th July 1857 } At a Court of the Fouzdaree Adalut.

Present.

G. L. Hooper Esquire —— Puisne Judge
W. A. Morehead Esquire —— ditto ——
J. W. Goodwyn Esquire —— Acting ditto ——

Read against Misrs Hanson's petition presented on the 30th March 1857 by Tyland and another of Zillah Madura.

(Here enter F. H. P. No. 74 of 1857.)

Read also return dated the 7th July 1857 from the Sessions Judge of Madura to the precept of the Fouzdaree Adalut under date the 27th June last, calling for the Original records in Calendar Case No. 44 of 1855. —
(Here enter F. H. P. No. 34 of 1857.)

Mr. Hooper / The Court of Fouzdaree Adalut on a perusal of the record of the above case observe that the evidence to the identification of these two prisoners (and their conviction before the Sessions Court rested on no other ground) is not at all more satisfactory or conclusive than that adduced against the 3d 4th 5th and 6th Prisoners in Case No. 44 of 1855, who were ordered to be released

released by this Court in the proceedings dated 11th April 1856 on a perusal of the record in that case, and they accordingly quash the Conviction in case No. 44 and order the immediate release of the Prisoner in this case.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Madura by precept returnable in 10 days from and after its receipt.

(Sent following precept No.)

Read Criminal Report B for the month of June 1857, Zillah Tinnevelly.

(Here Enter F. C. No. 1511 of 1857)

No 70. 1 The heading should have been "Attempt at Murder".

65 2 If the Prisoner was convicted on the 1st count, Clause 4th Section III Regulation VI of 1822 should have been quoted, if the Prisoner was acquitted of the 1st count this fact should have been entered.

Joint Magistrate 3. The charge is very obscurely worded.

No 24 - if the Prisoner presented a false complaint to the Magistrate that the Prisoner had deposed before the Police that his wife had been murdered

murdered, this would not appear to be a criminal offence. The case could only be punished by the Magistrate under Section XXXI Regulation IX of 1816 if the Original Complaint was of description punishable under Section XXXII and XXXIII Regulation IX of 1816 and it is not clear how it could be punished under Section VII Regulation X of 1816; a detailed explanation will be submitted.

(Sent in No.

Read letter dated the 23d July 1857 from the Session Judge of Bellary, forwarding English translation of the record of Session Case No. 57 of 1857 on the Calendar of the Sessions Court for the final Judgment of the Court of Foujdaree Adalut.

(Here enter F. C. No. 1558 of 1857.)

Mr G. L. Hooper 1 The Court of Foujdaree
and Adalut, on a deliberate consideration
" W. A. Morehead of all the circumstances of the case in evidence before them, being of opinion that the proof against the Prisoner

"Rooka Loonkah"

is sufficient to convict him of the crime of Murder do convict him thereof; and under

the

the provisions of Section X Regulation XIII of 1802 sentence him to suffer death by being hanged at the usual time and place of execution.

Sent in No.

Read Miscellaneous petition pre-sented by Mr H B Saunders Pleader on behalf of Veeramalayya and another Zillah Nellore.

(Here enter F. R. No. 153 of 1857)

Mr G. S. Hooper. Petitioners pray for the interference of the Court of Foujdaree Udalut to reverse the order of the Sessions Judge of Nellore under date the 15th June last confirming the de-cision of the Joint Magistrate whereby the Petitioners were sentenced to three months imprisonment with hard labor in irons and to a fine of 25 Rupees commutable, in default, to a further imprisonment of three months on a charge of aggravated Assault.

2. The Court of Foujdaree Udalut see no reason for their interference and accordingly reject this Petition.

Dr 18.0.

J Chamier

Read

Read statement submitted by the Session Judge of Combaconum under date the 1st July 1857. of batta's paid to the Prosecutors and witnesses in the Sessions Court during the 1st half of 1857.

(Here Enter F. R. No. 156 of 1857)

Read Calendar of Case No. 50 of 1857 on the file of the Sessions Court of Tinnevelly

(Here Enter F. R. No. 1564 of 1857)

Read letter dated 20th Instant from the Sessions Judge of Chicacole forwarding the B report of the Ganjam Magistracy for the month of June last.

(Here Enter F. R. No. 1567 of 1857)

Read Calendar of Case No. 29 of 1857 on the file of the Sessions Court of Coimbatore.

(Here Enter F. R. No. 1568 of 1857)

Read Calendar of Case No. 20 of 1857 on the file of the Sessions Court of Cuttack

(Here enter F. R. No. 1574 of 1857)

Read Calendar of Case No. 18 of 1857 on the file of the Sessions Court of Madura

(Here Enter F. R. No. 1575 of 1857)

Read return dated 27th Instant

Jam

30th July 1857.

from the Sessions Judge of Madura to the precept of the Foujdaree Adalut under date the 22d July 1857 directing the release of the Prisoners in Calendar Case No 8 of 1856.

(Here Enter F. R. No 1576 of 1857)

Read Copy of the Extract of the Sessions Court from the Sessions Judge of Trichinopoly under date the 28th July 1857 on review of the Petty Calendars for the second quarter of 1857.—

(Here Enter F. R. No 1577 of 1857)

Read Calendar of Case No 49 of 1857 on the file of the Sessions Court of Chittoor.—

(Here Enter F. R. No 1578 of 1857)

Read letter dated 20th July 1857 from the Sessions Judge of Honore reporting that the sentence of death passed on the 2d Prisoner in Case No 3 of 1857 on the Calendar of the Sessions Court was carried into effect on the 20th Instant.

0

Friday,
31st July 1857.

F. R.

At a Court of the Foujdaree Adalut

Present:

G. L. Hooper Esquire
W. A. Morehead Esqre
T. W. Goodwyn Esqre } Puisne Judges

Read letter dated 15th July 1857 from the Sessions Judge of Calicut forwarding for the final sentence of the Court of Foujdaree Adalut the English translation of Case No 33 of 1857 on the Calendar of the Sessions Court.

(Here Enter F. R. No 1543 of 1857)

Mess^rs G. L. Hooper. & 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, Coorapully Khalil Seyoo, 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

at the usual time and place of prosecution.

(Sent in No. "

Read again Criminal Report B for the month of May 1857, Zillah of Rajahmundry.-

(Here Enter F R No 1312 of 1857)

Read also letter dated 18th instant, from the Acting Session Judge of Rajahmundry, submitting a communication from the Subordinate Judge explaining his reasons for having passed a lenient sentence in case No 55 of 1857-

(Here Enter F R No 1534 of 1857)

The Foujdaree Adalut are of opinion that the Subordinate Judge's explanations of the leniency of the sentence in No 55 are generally satisfactory, although they still consider the sentence a lenient one.

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

(Sent in No. "

Read

Read again Calendar of case No 30 of 1856 on the file of the Sessions Court of Chittoor.-

(Here Enter F R No 1355 of 1856)

Read final return dated 14th May 1857, from the late Acting Sessions Judge of Chittoor, to the Precepts of the Foujdaree Adalut under dates the 4th March and 30th April 1857, on the conduct of the trial of case No 30 of 1856 on the file of the Sessions Court of Chittoor-

(Here Enter F R No 1034 of 1857)

The Court of Foujdaree Adalut observe that the late Acting Sessions Judge, Mr Sullivan, having been called upon by Precepts under date 4th March 1857 to submit such explanation as he may have to offer regarding his investigation of Calendar case No 30 of 1856, admits the commission of the errors noticed by the Court of Foujdaree Adalut, but deprecates censure on the grounds of his inexperienced of Judicial business in which line he states he has never sought employment.

On

31st July 1857.

2. On a full consideration of the explanation furnished by Mr Sullivan the Court of Foujdaree Udalut regret to be compelled to observe that the faults animadverted on in their proceedings are not those of inexperience but have evidently resulted from carelessness as to the discovery of the real facts of the case. They therefore resolve, under Section XXIV Regulation VIII of 1802 to submit the records noted marginally for the consideration of the Right Honorable the Governor in Council.

Ordered that Extract from these Proceedings be forwarded to the Acting Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council.

Sent in &c

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

Sent in &c.

C. Chamier

× Calendar in case No 30 of 1856- Extract from Proc. of Court of F.D. under date the 4th March 1857- Final return to be from late Acting Session Judge dated 14th May 1857-

F. No.

Saturday 1st August, 1857.

At a Court of the Foujdaree Udalut

Present.

G. L. Cooper Esquire —
W. A. Morehead, Esquire — } Puisne Judges
J. W. Goodwyn, Esquire Actg —

Read Miscellaneous Petition presented on the 13th July 1857 by Naranayyen- Zillah Chittoor.-

Here enter F. Mo. P. No. 154 of 1857/-

Mr W. A. Morehead.

Petitioner prays for the interference of the Court of Foujdaree Udalut to order the release of his son-in-law, the 1st Prisoner in Case No. 37 of 1857 on the file of the Session Court of Chittoor.-

2. The Court of Foujdaree Udalut see no reason to doubt the correctness of the sentence passed upon the Prisoner, and accordingly refuse to interfere with it.-

Petition

3.

Petition dismissed.—

Read Calendar of Case No. 30 of 1857, submitted by the Sessions Judge of Trichinopoly.—

/Here Enter F. No. No. 1537 of 1857/—

The Court of Foujdaree Adalut observe that malice should have been entered in the charge in this case.—

/Sent in No. /—

Read Calendar in Sessions Case No. 26 of 1857, forwarded by the Sessions Judge of Combaconum.—

/Here Enter F. No. No. 1549 of 1857/—

1. In the Extract from the proceedings of the Sessions Court under date the 16th July 1857 appended to the above Calendar, the Sessions Judge awards to certain of the witnesses rewards amounting in the aggregate to Rupees 140 for their meritorious conduct in apprehending the perpetrators of a gang robbery, but as the sum thus awarded exceeds that which under

under Para: 10 of Circular Order Foujdaree Adalut No. 89 the Sessions Judge has the authority to declare payable, the sanction of the Court of Foujdaree Adalut is solicited for this disbursement.—

2. The Court of Foujdaree Adalut are of opinion that the conduct of these witnesses has been most praiseworthy, and as such is deserving of every encouragement: they resolve under the authority vested in them by Section XXIII. Regulation IX of 1816, to direct that double the sum awarded by the Sessions Judge be disbursed to the witnesses referred to in the Proceedings under notice.—

/Sent in No. /—

Read Calendar in Cases Nos. 27, 29 and 46 of 1857, from the Sessions Judge of Cuddapah.—

/Here Enter F. No. Nos. 1551, 1552 & 1553 of 1857/—

1. The Court of Foujdaree Adalut

1st August, 1857.

Adalut observe that the sentences in Cases Nos. 27 and 29 were passed on the 7th and 9th May and in Case No. 46 on the 23d June, but the Calendars of these Cases were forwarded only on the 22d instant.-

2. As it is unlikely that these 3 Calendars could have been finished on the same day, the Court of Foujdaree Adalut view the delay in their submission with great disapprobation, and they direct that it be pointed out to the Sessions Judge that if in future any Calendar is longer than one week in preparation, they will be under the necessity of bringing to the notice of Government the constantly recurring delay in the transmission of these Calendars.

Sent in No. 1/-

Read Criminal Report B for the month of June 1857, Zillah Cuddapah.-

Here enter F. No. No. 1486 of 1857.-

Instead

2/-

F. No.

1st August, 1857.

No. 91.

1. Instead of "by some way or other" the term "by some means to the Court unknown" might have been used; but if there was sufficient to show that the deceased had been murdered, the immediate or remote cause of death must have been ascertained, and should have been mentioned in the charge.-

Nos. 114, 115, and 116. 2. No enactment has been quoted for the sentence. It is not clear why the defendant was not punished under Section CV, Regulation II of 1820 as extended by Act No. VII of 1853, which provides for cases of assault and forcible entry committed by British subjects. The Court of Foujdaree Adalut being of opinion that the sentence of security was illegal, resolve to cancel the same, and to direct that the defendant be unconditionally released.

Nos. 128 and 129. 3. It was essential to the offence to allege that the contradictory depositions were given on a point material to the issue.-

Ordered

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 Criminal Report B for the month of June 1857. Zillah Honore.—

/Here enter F.R. No. 1545 of 1857/—

No. 22. 1. This was a case of Breach of Trust, and should have been disposed of under Sections VI, IX and XV, of Act No. XIII of 1850. The indictment being laid in accordance with the said Act.

No. 23. 2. The police authority held by the Peshkar should have been stated in the charge.—

No. 25. 3. If the false complaint was of Theft, this should have been expressly stated in the charge. If it was only a false complaint of taking unlawful possession, it was not an offence

offence of the description contemplated by Regulation IX of 1832.—

/Sent in No. /—

Read Calendar of Case No. 31 of 1857, submitted by the Sessions Judge of Trichinopoly.—

/Here enter F.R. No. 1565 of 1857/—

1. The Court of Foujdaree Udalut direct that the attention of the Magistrate of Trichinopoly be called to the frequency of Gang robberies in this District, and that he be required to report if the Police are taking any further steps to discover the robbers in this case.—

2. In the Heading in this case "Murder" should have been entered instead of "Culpable Homicide".—

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. /—

Ex Dna. Geo. Pettigrew

F. U.

Monday 3d August 1857. At a Court of the Foujdaree Udalut

Present

G. L. Hooper, Esquire —
W. A. Morehead, Esquire — Puisne Judges
T. W. Goodwyn, Esquire &c.

Read Miscellaneous Petition presented on the 1st July 1857, by Mr. Venkataroyaloo Naidoo, pleader on behalf of Tandava Moorty Moodelly of Zillah Chittoor.

(Here enter F. M. D. No. 144 of 1857)

Mr. W. A. Morehead and Mr. T. W. Goodwyn

Petitioner appeals from the Sessions Judge's proceedings of the 25th March 1857, rendering certain real property liable for the fine imposed on petitioner's brother, as prisoner in Calendar Case No. 516 of 1856.

2 The Court of Foujdaree Udalut resolve to annul the order appealed from, and to cancel the sale of the property as section II Act. No. XVI

of

of 1850 merely provides that payment of the fine be enforced by distress and sale of the goods of the offender; and the word 'goods' cannot be held to include house-property.—

(Sent in. No.)

Read the Calendar and Record of Case No. 17 of 1857 on the file of the Sessions Court of Coimbatore, referred for the disposal of the Foujdaree Adalut.—

(Here Enter F.M.C. No. 1586 of 1857)

Mr. G. S. Hooper

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

1st Coottya Gounden
2d Sellusswa Gounden
3d Mootloo Gounden
4th Nunjon
5th Annasay Gounden
6th Comara Gounden
and
7th Nullaw Gounden

is sufficient to convict them of the crime

crime of Assault do convict them thereof; but considering that the imprisonment they have already undergone is sufficient punishment for the offence, direct that they be set at liberty.—

1 The prisoners are charged with having committed a violent assault on the prosecutor, and the 2d prisoner with having caused the death of the prosecutor's child by a blow from a stone thrown at the prosecutor, but which missed him and struck the said child.—

2 The assessors differing in opinion, one convicting only of the assault, while the other considers the offence of culpable homicide also proved, the Sessions Judge refers the case to the Foujdaree Adalut for disposal, accompanied by his own view of the evidence, according to which he merely finds the prisoners guilty of a simple assault.—

The

3

The Court of Fouzdaree Udalut concur with the Session Judge in thinking that the charge of culpable homicide against the 3d prisoner has not been established, the evidence on that point being contradictory and unworthy of credit. The Court consider the charge of assault to be clearly proved, but being of opinion that the prisoners have already been sufficiently punished by the four months' confinement which they have undergone, the Court direct that they be immediately released.

(Sent in No)

Read Calendar of Case No. 35 of 1857 of the Session Court of Coimbatore.—

(Here Enter F. No. 1548 of 1857)

The Court of Fouzdaree 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

1 Salumbon.
2 Sadagen.
3 Parea Coolly.
4 Chinna Coolly.

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 Session Judge to issue his warrant accordingly.

(Sentence No)

Read Criminal Report B for the month of June 1857, Zillah Ganjam.—

(Here Enter F. No. 1529 of 1857)

It is clear from this return that the charges have not been framed by the European officers who investigated the cases. Some are unnecessarily long, and in others unsuitable expressions are used.

23 2. In this case it would have sufficed to have stated that the Defendant was charged "with having at Berhampore fraudulently applied to his own use, and embezzled, certain gold ornaments

ornaments valued at Rupees 34, 8 6,
entrusted to his care by the prosecutrix
on the 16th November 1856, in breach of
the trust she had reposed in him."
The great delay that has taken place must
be fully explained in the Return
for July.—

24 3 Blood is said generally
to flow, not to "protrude".—

25 4 The book cut through with
the sword is called a "Count current
book".—

27 5 The prisoner should have
been committed on a charge of having
wilfully and of his malice afore-
thought killed and murdered the
deceased, by kicking him &c.—
The Agent was the proper officer to
determine whether the offence did
or did not amount to murder.

28 6 The heading should have
been "attempt at murder".—

29 7 Instead of "made away
with"

with," the term "feloniously stolen"
should have been used.—

30 8 The heading should
have been "Murder", and the charge
should have been framed as above
directed.—

31 9 The offence described
in the first count was Theft.
(Sent in No)
Read Criminal Report
B for the month of June 1857, Zillah
Calicut.—
(Here Entered F. No. No. 1526 of 1857.)

No. 94 1 The manner of stealing
and the place from which the money
was taken, should have been described
in the charge.—

98 2 The heading should have
been cattle Maiming.—

102 3 This case would appear
to have been improperly sent to Court.

106 4 The heading should have
been Breach of Revenue Laws.

108 5 The proper heading would
have been Misdemeanour.—

It

3rd August 1857

No 18 by Magistrate — It was no offence unless circumstances were shown in evidence from which it might be inferred that the prisoner had received the article knowing it to have been stolen.

19 by Special Assistant Magistrate — The charge against the defendant is unintelligible.

(Sent in No.)

Read Criminal Report dated 15th July 1857 submitted by the Session Judge of Chicacole for the month of June 1857.

(Here Enter H.C. No. 1512 of 1857)

Case No. 8 of 1857 — Charge should have been culpable Homicide as it presumed that the deceased met his death in consequence of the violence of the prisoner

No. 14. 2. — The 1st prisoner should have been charged as an accessory.

(Sent in No.)

2 — Read Calendar of Case No. 49 of 1857 of the Session Court of Tinnevelly.

(Here Enter H.C. No. 1563 of 1857)

3rd August 1857

Maudeu. — The Court of Foujdaree Adalut approve of the recommendation made by the Session Judge in this case, that the period of imprisonment, which the Prisoner, noted in the margin, has been adjudged to suffer on his conviction of Perjury be reduced to one year with hard labour in irons and they do authorize the Session Judge to issue his warrant accordingly.

(Sent in No.)

Rec'd 18th

C. Chamier

Wednesday
5th August 1857

F. U.

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esqre. ___ Puisne Judge.
W. A. Morehead Esqre. ___ Ditto ___
T. W. Goodwyn Esqre. ___ Acting ___ Ditto ___

Read Criminal Report B for the month of May 1857, Zillah Ganjam.

(Here enter F. U. No. 1406 of 1857.)

No. 8

The defendant should have been charged with having preferred a wilfully false and malicious complaint.

(Sent in No.)

Read Calendar in Case No. 30 of 1857, on the file of the Session Court of Cuddapah.

(Here enter F. U. No. 1570 of 1857.)

The Court of Foujdaree Udalut have frequently ruled that Clause second, Section II, Regulation III of 1826, requires the actual dictation, upon oath or solemn affirmation, of two directly contradictory statements of facts material to the issue of the case under trial.

Presuming

5th August 1857.

2. Presuming, therefore, that the prisoner in this case has been illegally convicted, the Court direct that the sentence be suspended and that the prisoner be released on bail pending the final orders of the Foujdaree Udalut.

3. To enable the Judges to dispose of the case, the Session Judge will forward without delay the original record for their perusal.

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

Sent following precept No 15

Ex Dd

C S Clarmier

Thursday
6th August 1857. At a Court of the Foujdaree Udalut

F. U.

Present

G. S. Hooper Esquire
W. A. Morehead Esquire } Puisne Judges.
J. W. Goodwyn Esquire &c.

Read letter dated 23d July 1857 from the Acting Sessions Judge of Cuddalore.

(Were entered F. U. Nos 1550 of 1857)

1. The Acting Sessions Judge points out that the ruling of the Foujdaree Udalut in para 3 of their proceedings dated 20th Ultimo differs from the opinion recorded by them respecting the designation of the offence in question in para 4 of their Proceedings of the 4th Idem held in review of the Criminal Report B. and expresses a hope that the Judges on reconsideration will adhere to their first opinion.

2. The Court of Foujdaree Udalut observe that it is often extremely difficult to draw the line of distinction between the offences of theft and Breach of trust. On perusing the charge in the Criminal report the case referred to appeared to

the

the Court to be one of Breach of Trust; but subsequently on examining the record submitted by the Acting Sessions Judge, they found that there were circumstances in the case which brought it within the offence of Theft.

3. The Court are of opinion that the Acting Sessions Judge was right in directing the release of the defendant.-

/Sent in No /

Read Criminal report B submitted by the Acting Sessions Judge of Salem for the Months of June 1857.-

/Here enter F. C. No 1575 of 1857./

No 77. This was a case of Theft and should have been punished under Regulation X of 1816, the prisoner was the Prosecutor's Servant.

2. The Charge should also have been headed "receiving stolen property" as the 2nd prisoner, even supposing the Original heading to be correct committed no breach of trust.-

/Sent in No /

Read Calendar in Case No 982 of 1857 on the file of the Sessions Court of Salem.-

/Here enter F. C. No 1606 of 1857./

1. If the offence was proved as laid, which appears to have been the case, the

the trial should have been referred to the Fouzdaree Adalut for disposal.-

2. The Sessions Judge will explain the reasons that led him to pass sentence in the case himself.-

/Sent in No /

Read Calendar in Case No 26 of 1857 on the file of the Sessions Court of Cuddapah.-

/Here enter F. C. No 1569 of 1857./

1. It appears to the Court of Fouzdaree Adalut that there was sufficient evidence for the conviction of some of the prisoners.-

2. The Sessions Judge is requested to forward the Original examinations of the 3d 4th 6th and 8th prisoners before the police subordinate Court and Sessions Court.-

3. The Court consider the delay that has occurred in transmitting this Calendar, disgraceful; two Months and fifteen days having elapsed after the sentence was passed.

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

Read Extract from Proceedings of the Sessions Court of Guntoor held in review of the Police statements for the 2d Quarter 1857.

/Here enter F. R. No 1593 of 1857./

1. These Proceedings do not require to be laid before the Court of Foujdaree Adalut, and need not therefore be in future submitted.

/Sentence No /

Read Criminal report B for the months of June 1857 Gillah Bellary.-

/Here enter F. R. No. 1331 of 1857./

No. 96.

Defendant had no controul over the money, the Constructive possession of which remained in the 1st Witness. The offence was therefore Theft.

/Sentence No /

Circular.

Intending to facilitate the administration of Justice, the Court of Foujdaree Adalut resolve to issue the following rules for the future guidance of the Subordinate Criminal Courts and Magistrates.-

1. It shall be at the discretion of the Officer conducting the investigation to examine the defendant at any stage of the proceedings from the time of the defendant being first brought

brought before him, and to put such questions to him from time to time as he may consider necessary, until the proceedings are completed and judgment or order of committal pronounced.

2. If the defendant shall of his own accord propose to confess the commission by him of the offence of which he supposes himself to be accused, the Officer conducting the investigation shall require him to give an account of the facts and circumstances in detail and shall examine him thereupon to test the consistency of his relation in the same manner as if he were a witness.- In all committable cases the confessions of Defendants must as heretofore be attested by two or witnesses.-

3. No influence by means of any promise or threat, shall be used to any defendant under examination, to induce him to disclose or withhold any matter within his knowledge.-

4. The examination of the defendant including every question put to him and every answer given by him shall be recorded in full, and shall be shown or

read

6th August 1857.

read to him and he shall be at liberty to explain or add to his answers, and when the whole is made conformable to what he declares is the truth, he shall be called upon to sign the examination, and so with the examination made on each day, if made on more days than one. If the defendant refuses to sign, his reason shall be stated in writing, as he gives it, at the foot of the examination, and, whether the defendant signs it or not, the examination shall be attested by the signature of the Officer conducting the investigation who shall certify under his own hand that it was taken in his presence and in his hearing and contains accurately the whole of the defendant's statement.

Ordered that Extract from these Proceedings be sent to the several Sessions Judges and agents for Communications to the Magistrates and subordinate Judges Principal Sudr Ameens for their information and guidance.

/Entered No /

C. Cleaveland

6th August 1857.

Read Calendar in case No 9 of 1857 on the file of the Sessions Court of Mangalore together with translation of the entire record.

/Here enter S. R. No 1453 of 1857/

1. The 1st, 2d and 3d prisoners are charged as principals, and the 4th prisoner as an accessory after the fact in the murder of one Shetty.

2. The assessors found a verdict of "Guilty" against the prisoners, and the Sessions Judge concurring in that finding, has recommended that the 1st prisoner be sentenced to suffer death, and the 2d 3d and 4th prisoners to two years imprisonment.

3. The Court of Foujdaree Udalut observe that the murder was committed under such circumstances as to render it almost impossible that it could have been effected without all of the first three prisoners being more or less concerned in its commission. They all slept in the same varandah or apartment, all were actually

actually employed in burying of the dead body and all shared in the spoil.-

4. The 4th prisoner slept in a part of the house separate from the other prisoners, and may possibly have known nothing of the murder until it had taken place, and does not appear to have received any portion of the deceased's property. He however admits that he aided the others in burying the corpse.-

5. The Court of Foujdaree Udalut, after a careful consideration of the record of the trial convict the 1st prisoner of being a principal in the first degree in the murder of the said Chekay and sentence him to suffer capital punishment.

6. The Court convict the 2d and 3d prisoners of being principals in the said degree and sentence them to transportation for life.-

7. The Court find the 4th prisoner guilty as an accessory after the fact, and adjudge him to suffer two years imprisonment in the Zillah jail, with hard labor in irons.-

F. M.

Friday 7th August 1857.

At a Court of the Foujdaree Udalut

Present

G. L. Hooper, Esquire,
W. A. Morehead, Esquire, } Puisne Judges.
J. W. Goodwyn, Esquire, Advocate

Read Miscellaneous Petition presented on the 22d Ultimo, by Moottien of Zillah Tinnevelly.-

(Here enter F. M. D. No. 137 of 1857)

Mr Goodwyn

Petitioner appeals from the proceedings of the Session Judge of Tinnevelly under date the 19th February 1857 imposing upon him a fine of (50) fifty Rupees commutable, in default, to one months imprisonment, for gross prevarication in the evidence given by him as 9th Witness in Case No. 15 of 1857 on the file of the Session Court of Tinnevelly.-

2. The Court of Foujdaree Udalut decline to interfere with the Session Judge's order, and the Petition is

3

is accordingly rejected.-

Read Miscellaneous Petition presented on the 27th. June last, by Judy Lyrur of Zillah Tinnevelly.-

/Here enter F. Mo. D. No. 110 of 1857/

Mr. Goodwyn. 1. This is an appeal from the order of the Session Judge of Tinnevelly under date the 20th. February 1857 adjudging the Petitioner to pay a fine of (25) Twenty five Rupees, or to suffer one months imprisonment, for prevarication in the testimony given by him as 8th. witness in Case No. 18 on the Calendar of the Session Court of Tinnevelly for 1857.-

2. The Court of Foujdaree & Udalut after referring to the record of the 8th. Witness' examination in Case No. XVIII of 1857 observe that the Petitioner does not appear to have been guilty of such conduct as would require a fine for prevarication, and they therefore resolve to cancel the order appealed from and direct the fine to be returned.-

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

Judge

Judge of Tinnevelly, by precept returnable within V days from and after its receipt.-

/Sent following precept No. /

Read Criminal Report B for the month of June 1857, Zillah Coimbatore.-

/Here enter F. Mo. No. 1525 of 1857./

No. 87 1. No deceitful means appear to have been used by the defendant to obtain possession of the property. The case was one of Breach of Trust, and should have been so dealt with.-

91. 2. It should have been alleged that the complaint was wilfully false and malicious, without which it was not punishable.-

96. 3 The prisoners should have been charged with having wilfully and of their malice aforethought murdered the deceased.-

/Sent in No. /

Read Criminal Report B for the month of June 1857, Zillah Coimbatore.-

/Here enter F. Mo. No. 1573 of 1857/

It

7th August 1857.

No. 63

1.

It does not appear why the offence of the 2d prisoner required to be so severely punished as that of the first. The 2d Count against him would seem to imply that he was a principal in the second degree, but it should have alleged that he was present, aiding and abetting, and the nature of the assistance he afforded should have been described. The Sessions Judge is required to look into the case.

666 7 874

2.

The mode of entry, instead of being mentioned in the form of a foot note should have been embodied in the charge.

70

3.

The charge does not describe the offence of "crimping" at all, the definition of which is given in Section 1 of Act. No. XXIV of 1852.

73

4

The act should have been as alleged to have been done maliciously.

(Sent in No.)

Read letter dated the 29th July last, from the Session Judge of Bellary, submitting for the final judgment of the Foujdaree Udalut the record of

Case

F. C.

7th August 1857.

Case No. 55 of 1857, on the file of the Sessions Court.

(Here enter F. C. No. 1612 of 1857.)

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,

"Vencateecondah."

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 (7) seven years.

The Court of Foujdaree Udalut concur with the Assessors and Session Judge in convicting the Prisoner of Culpable Homicide and deeming a sentence of 7 years' imprisonment with hard

hard labor in irons sufficient under the circumstances of the case have sentenced the Prisoner accordingly.-

/ Sent in Ans. /

Read Record of the trial in Case No. 43 of 1857, on the Calendar of the Session Court of Masulipatam referred for the disposal of the Foujdaree Udalut.

/ Here enter F. Rs. No. 1583 of 1857 /

Messrs. Morehead 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. Puttra Mootteegandoo.
2d. ——— Do. ——— Sasheegandoo
3d. Meereyalah Paroomalloogandoo.
4th. Pouladoogoo Sutcheegandoo.
5th. Jaunapanty Sutcheegandoo
6th. Chadoolla Bhadreegandoo
7th. Singala Venkadoo.

and

8th. Dannooloorao Akkoologandoo

is sufficient to convict them of the crime of Murder, do convict them thereof and sentence

sentence the prisoners.

1st. Puttra Mootteegandoo
2d. ——— Do. ——— Sasheegandoo
3d. Meereeyalah Paroomalloogandoo
4th. Pauladoogoo Sutcheegandoo

and

5th. Jaunapanty Sutcheegandoo

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. Chadoolla Bhadreegandoo
7th. Singala Venkadoo.

and

8th. Dannooloorao Akkoologandoo

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of /5/ five years.-

1. The prisoners stand charged with the murder of one Boodda Venkatasoo.

2. The assessors have given a verdict of "guilty" against all the prisoners, and the Session Judge concurring in their conviction, has recommended that, in

lieu

view of the punishment assigned by law for the offence, a mitigated sentence be passed, of 5 years' imprisonment against the 2d 3d & 4th 5th and 8th prisoners, of four years' imprisonment against the 1st and of 3 years' imprisonment against the 7th prisoner.

3

The Court of Foujdaree Udalut observe that the admissions made by the 1st 2d and 3d witnesses in their examinations before the Head of Police, show them to have been privy to the murder, at least as accessories, if not as principals; their evidence must, therefore, be rejected. If the Session Judge considered it requisite that their evidence should be made available for the prosecution, he should have applied for permission to make them approvers.

4.

The Court see no reason to distrust the Police confessions of the 1st 3d 4th and 7th prisoners; but consider that those of the 2d 5th 6th and 8th prisoners cannot be received in evidence as they have not been proved. The Session Judge has omitted to ask the 23d witness if the 1st and 7th Prisoners' confessions

confessions were free and voluntary, but the 22d witness deposes that they were so.

5.

The evidence, however, of the 4th 5th and 6th witnesses, corroborated by that of the 8th to the 14th witnesses and the 1st to 7th Prisoners' admission before the Session Court proves that all the prisoners were more or less implicated in the murder of the deceased.

6.

The Court of Foujdaree Udalut accordingly convict the prisoners, but resolve, under all the circumstances of the case, to mitigate the punishment to which they are properly liable; and, finding some to be more guilty than others, to sentence the first, second, third, fourth and fifth prisoners to seven years, and the sixth, seventh and eighth prisoners to five years' imprisonment in the Zillah Jail with hard labor in irons.

/ Sent in No. /s

Ex H.D. C.S. Chamier

J. W.

Monday
10th August 1857

At a Court of the Fougdarree Adawlut

Present

G. S. Cooper Esquire
W. A. Morehead Esquire } Puisne Judges
J. W. Goodwyn Esquire &c.

Read again Miscellaneous Petition presented on the 6th June last, by T. Sadagopa Chetty, Pleader on behalf of Kristnaingar and others, Zillah Chingleput.

(Vide Order F. A. D. No 127 of 1857)

Read Return dated 11th Ultimo, from the Assistant Judge of Chingleput, to the precept of the Fougdarree Adawlut, under date the 20th June last, requiring that officer to explain whether the Lease in question from the Ryots and for by the Plaintiff in Original Suit No 11 of 185 is Canarese or Tamul Moorasilla &c.

(Vide order F. R. No 1410 of 1857)

Read also Counter Petition presented on the 20th July 1857 by Narrasimma Chetty, Zillah Chingleput.

(Vide Order F. A. D. No 156 of 1857)

The

13th August 1857.

Mr. G. S. Hooper and Mr. J. W. Gordon.

The Court of Sessions Dealut resolve to reject this Petition No 27 as it does not appear that the Petitioner made the statement respecting his obtaining possession of the license through the Mooneiffs Court either before the Police or Magistracy.

(Sentence No.)

Return of the Acting Sessions Judge of Cuddalore to the Precept of the Sessions Dealut under date the 16th July 1857, calling for the record of Case No. 10 of 1856 in reference to the petition of appeal presented by Gaminden Nathen.

Mr. G. S. Hooper and Mr. J. W. Gordon.

(Here Enter F.R. No. 1555 of 1857)

1. The Court of Sessions Dealut have carefully perused the record submitted with the above return, and are of opinion that there is strong presumptive evidence that the prisoner committed the forgery with the uttering of which he was convicted; and the Court therefore resolve to reject this petition, and to direct that the sentence be carried into execution.

2. The Acting Sessions Judge observes that a practice prevails of delivering refund certificates whenever applied for. The Court of Sessions Dealut are surprized at any such practice prevailing in any Mooneiffs

10th August 1857.

Mooneiffs Courts, remaining unchecked by the Civil Judge, for it is clear that an overdue certificate could only be applied for with the view of rendering it available by forgery of dates. The Court direct that the practice in question be immediately put an stop to.

(Sentence No.)

C. Chamier

E. Hall.

F. U.

Tuesday
11th. August 1857 — At a Court of the Foujdaree Udalut.—

Present

G. S. Hooper Esquire. —
W. A. Morehead Esquire. — Puisne Judges.—
T. W. Goodwyn Esquire Ag. —

Circular Proceedings

1 The following order applies to the manner in which the deposition of Prosecutors and witnesses should henceforth be recorded in the trial of all criminal cases.

2. The evidence of each witness shall be taken down in writing by, or in the presence and under the superintendance of the Officer conducting the trial, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness, and signed by him in the presence of the Officer conducting the Trial. In case the witness shall refuse to sign the deposition, the Officer conducting the trial shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the Officer conducting the Trial shall think fit to make. It shall be at the discretion of the Officer conducting the Trial to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case

shall

shall require it. If any question put to a witness be objected to by any such person, and the Officer conducting the Trial shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the person making it, shall be noticed in taking down the depositions, together with the decisions of the Officer conducting the Trial upon the objection. The Officer conducting the Trial shall also record such remarks as he may think material respecting the demeanour of any witness whilst under examination.—

/ Sent in N°. /

Ed Ell.

02 Chamier

J. W.

Wednesday 12th August 1857

Ma Court of the Fouzdaree Udalat

Present

G. S. Hooper Esqre
W. A. Morehead Esqre
J. W. Goodwyn Esqre Acting
} Puisne Judges

Read Petty Calendars of the Magistracy, submitted by the Session Judge of Masulipatam for the 2d Quarter of 1857.

/Here enter J. W. N° 1608 of 1857./

Calendar N° 11. Case N° 13-14-21.

The charge in these Cases should have been "Receiving a bribe" and not "Bribery."— In Case N° 13 it should have been stated in the charge that the money was received by the Prisoner on account of some act to be performed by him in his official capacity.

/Sentence/

Read Petty Calendars of the Magistracy, submitted by the Session Judge of Vizagapatam for the 2d Quarter of 1857.

/Here enter J. W. N° 1609 of 1857./

Calendar N° 1 Case N° 4-29.

The act charged is not an offence under Section XXXVI. Act XVII of 1854 unless from such

12th August 1857

such Postage Stamp some writing or other matter thereon written or impressed shall have been fraudulently removed or erased. Section LXIV provides that no proceedings for the recovery of fines under this act shall be taken, unless orders have been previously obtained either from Government or the Post Master General.

2nd The Session Judge will call for the proceedings in the above case and dispose of it with reference to these remarks.

3rd As the offence charged in the original complaint could not have been punished by the Magistrate under Section XXXII or XXXIII of Regulation IX of 1816, he could not fine under Section XXXV of the same Regulation.

/Sent in &c

Read letter dated 3d instant, from the Acting Session Judge of Mangalore, submitting for the final Judgment of the Sudder Udalut the record in case No 10 of 1857 on the Calendar of the Session Court.

(Herewith P. C. No 1630 of 1857)

Calendar No 1
Case No 25-5-

Messrs Morehead and Goodwyn —

The Court of Sudder Udalut, on a deliberate consideration of all the circumstances of

12th August 1857.

of the Case in evidence before them, being of opinion that the proof against the Prisoner

Gowda Ammoo

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

The Acting Session Judge should have asked the witnesses to the Prisoner's Police confession, if it was given freely and voluntarily and should also have procured evidence that the 1st witness could not possibly have detained the Prisoner in his house to prevent his disclosing the murder. —

/Sentence &c/

E. Elliot.

Geo. A. Brightman

F. M.

Thursday 13th August 1857. } At a Court of the Foujdaree Adalut.

Present

G. S. Hooper Esquire. —
W. A. Morehead Esquire. — } Puisne Judges.
T. W. Goodwyn Esquire Acting —

Read Miscellaneous Petition presented on the 18th July 1857, by Colunday Coonnarren Carosthen, Zillah Cuddalore.

/Here enters F. M. P. No. 159 of 1857./

This is an application —

Mr. G. S. Hooper 1.
and
Mr. T. W. Goodwyn. for the release of the 4th, 5th, 6th, 7th and 8th prisoners in case No. 9 of 1857 on the file of the Sessions Court.

The Court of Foujdaree —

2. decline to interfere with the sentence passed against the prisoners, and accordingly reject this Petition.

Read Miscellaneous Petition of Shunkoo, received from the Sessions Judge of Calicut.

/Here enters F. M. P. No. 157 of 1857./

Petitioner is the 1st Prisoner in

Mr. G. S. Hooper 1.
and
Mr. T. W. Goodwyn.

13th August 1857.

in Case No. 15 of 1857 on the file of the Sessions Court, and prays orders for his release.

2. The Court of Foujdaree Udalut, after inspecting the charge and sentence, resolve to reject this appeal, as the Petitioner has failed to set forth any good or sufficient reason which would warrant interference with the Sessions Judge's sentence.-

(Sent in No.)

Read Petition of Podiatara received from the Sessions Judge of Tinnevelly

/Here enter F. M. P. No. 160 of 1857/

Mr. G. S. Hoopes. and Mr. T. W. Goodwyn. 1. This is an application for the release of the 1st and 2d Prisoners in Sessions Case No. 45 of 1857.-

2. The Court of Foujdaree Udalut decline to interfere in the case, and accordingly reject this Petition.-

(Sent in No.)

Read Miscellaneous Petition presented on the 4th August 1857, by P. Vandan Nair, Tillah Calicut.-

/Here enter F. M. P. No. 171 of 1857/ The

13th August 1857.

Mr. G. S. Hoopes. and Mr. T. W. Goodwyn. The Court of Foujdaree Udalut resolve to reject this Petition, as the Petitioner has not produced a copy of the Magistrate's Order against which he appealed to the Sessions Court.-

(Sent in No.)

Read Miscellaneous Petition of Chalumba Ramadas Naik, received on the 6th August 1857, through the Principal Sudr Ameen of Cuddalore.-

/Here enter F. M. P. No. 170 of 1857/

Mr. G. S. Hoopes. and Mr. T. W. Goodwyn. The Court of Foujdaree Udalut reject this Petition, the order of the Assistant Magistrate against which petitioner appealed to the Sessions Court, not having been produced.-

(Sent in No.)

Circular. The Court of Foujdaree Udalut have ruled that no person can be convicted of perjury under the provisions of Section II, Regulation III of 1826, unless it be proved that he wilfully and deliberately dictated upon solemn affirmation two contradictory depositions on a matter

matter of fact material to the issue of a Judicial procceding; and that the enactment is inapplicable to cases in which either of the two conflicting depositions may have been originally given without affirmation, and merely read out to the deponent at a subsequent enquiry and there generally approved by him on solemn affirmation.-

2.

This ruling, however, will not extend to cases where, in answer to further questions put to him on such subsequent enquiry, the deponent, after verifying his original deposition, may have made statements on solemn affirmation touching points material to the issue, directly opposed to other statements also made on solemn affirmation, respecting the same points.-

3.

In all cases of conviction under the enactment in question, the contradiction between the two depositions must, as provided in clause first, Section II, be direct and positive, and, upon the

the whole circumstances of the case, there must be strong grounds to presume the corrupt intention of the deponent.-

(Sent in No)vs-

Ex Edn.

J. No.

Friday ——
14th August 1857

At a Court of the Fouzdaree Adalut.

Present

G. S. Hooper, Esquire, ——
W. A. Morehead, Esquire, —— } Puisne Judges.
J. W. Goodwyn, Esquire, Ag. ——

Read Calendar of Case No. 35 of 1857, of the Session Court of Calicut.

/Here enter J. No. No. 1629 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 Housebreaking and Theft and possession of stolen property be reduced to (3) Three years with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.—

× Ramen Trikovil Variata Haroo nagara Variar

/Sent in. No./

Read Calendar of Case No. 28 of 1857, of the Session Court of Nellore.—

/Here enter J. No. No. 1638 of 1857/

The

14th August 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 Highway Robbery be reduced to (10) Ten years with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.

1st Tota Subbadu
2d Pasupulati Venkiladasari
3d Inikala Nagadu
4th Pasupulati Tabira
5th Thula Gangadasari
6th Gogula Pillo Soobbadasari and
7th Pasupulati Soobbadu

/Sent in. No./

Read Calendar of Case No. 904 1857, on the file of the Session Court of Chingleput.

/Here enter F. No. No. 1647 of 1857/

The Court of Foujdaree Adalut decline sanctionning the mitigation recommended by the Session Judge in this case, as they are of opinion that these Torchlight robbers deserve the full punishment prescribed by Law.

/Sent in. No./

Read Calendar of Case No. 1004 1857 of the Session Court of Coimbatore.

/Here enter F. No. No. 1651 of 1857/

The Court of Foujdaree Adalut

14th August 1857.

1st Soobbumma,
2d Cazapumma,
3d Soondragoundan,
4th Nullagoundan, and
5th Palamaun

Adalut approve of the recommendation made by the Session Judge in this case, that the period of imprisonment which the Prisoners noted in the margin, have been adjudged to suffer on their conviction of Gang Robbery by open violence be reduced to (8) eight years with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.

/Sent in. No./

Read Calendar in Case No. 38 of 1857, on the file of the Session Court of Cuddapah.

/Here enter F. No. No. 1654 of 1857/

The Court of Foujdaree Adalut observe that, though the Calendar was not despatched till the 8th August, the sentence was passed so far back as on the 19th of May.

1.

The Session Judge is requested to state how many Calendars of cases disposed of before the current month, have still to be submitted.

2.

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

14th August 1857.

Judge of Cuddalore, by precept returnable within 11 days from and after its receipt.

/Sent following precept No. /

Read letter, dated 11th August 1857, from the Magistrate of North Arcot.

/Here enter F.R.C. No. 1660 of 1857/

The Magistrate submits for the confirmation of the Foujdaree Adalut the proceedings he has taken against one Venkataroya Chetty, on whom he has imposed a fine of Rupees 500 for not appearing in pursuance of a process issued by the Magistrate, requiring him to attend and answer to a charge of receiving stolen property.

2. The Court of Foujdaree Adalut observe that the provision of the law under which this reference is made is inapplicable to the case in question. Section XVIII Regulation IX of 1816 applies only to cases in which there has been an actual resistance to a Magistrate's process, and not to those in which the parties for whose apprehension a warrant has been issued absconds, without making any active resistance

F.R.C.

14th August 1857.

resistance to the execution of the warrant. The offence of Venkataroya Chetty is of the latter description, and should be dealt with under Section XVII of the same Regulation. The Court of Foujdaree Adalut, being of opinion that the proceedings of the Magistrate have been irregular from the outset, resolve to cancel the same, and to direct that Officer to proceed as above pointed out.—

/Sent in No. /

Rd 18th/

C.S. Chamier

F. C.

Monday 17th August 1857. At a Court of the Fouzdaree Adalut

Present

G. L. Cooper Esquire
W. A. Morehead Esquire — Puisne Judges
F. W. Goodwyn Esquire. Actg

Read Miscellaneous Petitions received on the 21st July last, through the Sessions Judge of Combaconum, on behalf of Ramanadeen of that Zillah

(How entered F. M. D. No. 164 of 1857)

Petitioner appeals from the orders passed by the Sessions Judge in his case under date the 11th April 1857.

Messrs. Cooper and Morehead

1.

2 The Court of Fouzdaree Adalut see no reason to interfere with the order appealed against, and accordingly rejects this petition.

(Sent in No.)

Read Calendar of Case No. 28 of 1857, on the file of the Sessions Court of Combaconum.

(How Entered F. D. No. 1648 of 1857)

1. The Court of Fouzdaree Adalut observe that

that the Charge has been very carelessly drawn up, as no number of particulars being mentioned which were made surplusage, and the expressions used being unintelligible. For example, as the Defendants were not put on their trial for murder, but merely for "culpable homicide" not amounting to murder, the word "murdered" should not have been used in the body of the Charge. In future instances Court will return the Charge for amendment, if prepared so carelessly as the one under notice.

(Sentence &c.)

Read Petty Calendars of the Magistracy submitted by the Sessions Judge of Cambacanum for the 3d Quarter of 1857.

(Vide Order F.C. No. 1631 of 1857)

Calendar No. I Case No. 13. 1. Hard labor cannot be imposed under Section XXXII Regulation IX of 1816 - Vide Circular Order 28th September 1824.

Calendar No. I Case 26-7- 2. A sentence of one month's imprisonment is a very inadequate punishment for a theft of property valued at fifteen rupees.

Calendar No. I Case No. 28-4. 3. The Charge is very vaguely worded, and the sentence is irregular - It is not clear why Clause I Section XXXIX Regulation IX of 1816 is quoted; and one month's imprisonment cannot be imposed under Section XXXII of the same Regulation - The Sessions Judge will call for the Record and pass such orders as he may deem fit. -

Calendar No. I Case No. 31-6 4. If a severe wound was inflicted, the punishment is inadequate -

Calendar No. III Case No. 7-1. 5. That the Prisoner is not charged with being either a vagrant or Bad Character; the sentence requiring him to find security is illegal; if the only offence proved against him is that of harbouring vagrants and if he was proved to be a bad character it should have appeared in the sentence.

(Sentence &c.)

Read Miscellaneous Petition presented on the 25th July 1857, by Cooverjee of Zillah, Chinglepoot.

Mrs. G. S. Hooper and Mrs. H. A. Marchead. Put.

(Vide Order F.C. No. 1163 of 1857)

Before finally disposing of this Petition the Court of Foujdaree Adalut resolve to send a Copy thereof to the Sessions Judge and call upon him for a report as to the matter therein set forth.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Chinglepoot by Precept returnable within 15 days from and after its receipt. -

(Sentence following Precept &c.)

17th August 1857

Read Return and Supplemental Return of the Session Judge of Masulipatam to the precepts of this Court under date the 27th June 1857, calling for an English translation of the record of Case No. 15 of 1857, on the file of the Session Court.

(Here Enter F.H. No. 1598 and 1616 of 1857.)

On a careful consideration of the whole of the record in this case, the Court of Foujdaree Adalut see no reason to doubt the correctness of the sentence passed by the Session Judge upon the 1st and 2d prisoners, and they therefore refuse to disturb it. The petition put in on their behalf is dismissed.

(Entrin No.

Read letter dated the 11th June 1857, from the Magistrate of North Arcot.

(Here Enter F.H. No. 1245 of 1857)

1. The Magistrate submits for the consideration and orders of the Foujdaree Adalut, under the provisions of Clause 2nd, Section XVIII, Regulation IX of 1836, the proceedings held in the matter of one Moorumbut Nursiu, for whose apprehension, in connection with a charge of forgery in fraudulently altering a certificate for receipt of Stamp duty, the magistrate has issued a warrant and whom he has fined in the sum of 1000 Rupees for absconding in order to evade the execution of the warrant.

The

17th August 1857.

2. The Court of Foujdaree Adalut observe that the Magistrate's proper course would have been to have offered a reward for the apprehension of the offender under Section XXI, as he is not charged with having resisted the Magistrate's process, for which alone he could have been proceeded against under Section XVIII.

3. In misdemeanors, if the accused evades the service of a summons and absconds, proceedings may be taken under Section XVII; but where the crime is of a heinous character, and the ordinary processes prove ineffectual, a reward for the arrest of the offender should be offered.

4. Under the above circumstances the Court of Foujdaree Adalut resolve to set aside the Magistrate's proceedings as illegal, as it is manifest on the face of Section XVIII, that it provides only for the punishment of resistance to a Magistrate's process, which the accused is not alleged to have made.

(Entrin No.

Read Miscellaneous Petition presented on the 20th April 1857, by John Miller Esquire, Pleader on behalf of Nauchia Pracharty of Zillah Madura.

(Here Enter F.H.P. No. 86 of 1857)

Mr. J. Cooper and Mr. W. A. Morehead

1. Petitioners appeals from the order of the Session Judge under date the 6th November 1856.

The

2. The Court of Sudder Adalut considering the Acting Sessions Judge's order erroneous, reverse the same, and confirm that passed by the Magistrate, which upheld Petitioner's right to the property in dispute on the ground of long enjoyment.

(Sent in A.)

Read letter dated 11th August 1857, from the Acting Sessions Judge of Salem.

(Here enter F.R. No. 1668 of 1857)

1. The Acting Sessions Judge explains, in reference to the remarks of the Sudder Adalut on the Calendar in Case No. 32, that there was nothing to show that the prisoners had any intention of murdering the woman.

2. The Court of Sudder Adalut observe that the prisoners were responsible for all the probable consequences of their unlawful act, and that the offence was therefore murder. The Case ought, accordingly, to have been referred, but under the circumstances the Court see no necessity for disturbing the sentence.

(Sent in A.)

Read letter dated 12th instant, from the Magistrate of Cuddapah.

(Here enter F.R. No. 1696 of 1857)

The

1. The Magistrate suggests the offer of a reward of 100 Rupees to any one who will give the authorities such information as will lead to the discovery of the fate of a Police Duffadar, who was sent with a warrant for the apprehension of certain offenders and has not been since heard of, but who is thought to have been murdered.

2. The Court of Sudder Adalut observe that the Magistrate has failed to mention the dates and other particulars which ought to have been furnished, but under the circumstances the Court resolve to authorize the Magistrate to offer the reward, as requested.

(Sent in A.)

Read Miscellaneous Petition received on the 23d July last, through the Sessions Judge of Canara, on behalf of Moothoorea Shenvy of that Zillah

(Here enter F.R. P. No. 161 of 1857)

Messrs Hooper and Morehead

1. Petitioner appeals from the orders passed by the Sessions Judge in his Case under date the 7th July 1857.

2. The Court of Sudder Adalut see no reason to interfere with the order appealed against, and accordingly reject this Petition.

(Sent in A.)

Read Miscellaneous Petitions presented on the

17 17th August 1857.

the 23rd July last by V. Sadagopa Charlu, Pleader on behalf of Mackintosh Moodely, Gillalo Chinglepute.

(Here Enter F. Pt. D. No. 162 of 1857)

Messrs. Hooper and Morehead. 1. Petitioner appeals from the orders passed by the Sessions Judge in his case under date the 20th of February 1857.

2 The Court of Foujdaree Adalut see no reason to interfere with the order appealed against, and do accordingly reject this petition.

(Sent in A.)

Read again the Miscellaneous Petition presented on the 9th July last by Baubraman, Gillalo Chittoor

(Here Enter F. Pt. D. No. 151 of 1857)

Read also return dated 24th July last, from the Sessions Judge, to the Precept of the Foujdaree Adalut, under date the 18th idem, calling upon that Officer for explanation why the witnesses named on behalf of the 2d Prisoner in Calendar No. 37 of 1857 were not summoned and examined.

(Here Enter F. Pt. D. No. 1541 of 1857)

Read also Miscellaneous Petition presented on the 30th July last by Baubraman.

(Here Enter F. Pt. D. No. 166 of 1857)

Messrs. Hooper and Morehead Under the explanations contained in the aforesaid return, the Court of Foujdaree Adalut decline to interfere

17th August 1857.

interfere in the matter and accordingly reject these Petitions.

(Sent in A.)

Read Petty Calendars of the Magistracy submitted by the Sessions Judge of Guntoor for the 2d Quarter of 1857.

(Here Enter F. Pt. No. 1642 of 1857)

Calendar II No. 24. 16 Pennah Polly 1. The charge is not clear; it would seem that it was a case of uttering counterfeit Coin.

(Sent in A.)

Read letter dated 3d August 1857, from the Acting Government Agent in Guntoor.

(Here Enter F. Pt. No. 1643 of 1857)

1. The Acting Government Agent reports a Case (No. 149 of 1857) in which the defendant is charged with having uttered a counterfeit rupee, and stating a doubt as to the guilt of the defendant, he considers that he should be acquitted.

2 Under the circumstances stated, the Court of Foujdaree Adalut are of opinion that the guilt of the defendant has not been clearly established, and they therefore concur in his acquittal by the Agent.

(Sent in A.)

Read letter dated 31st July 1857, from the Sessions Judge of Canara, submitting for the final Judgment

17th August 1857

Judgement of the Fouzdaree Udalut, the record of case No. 8 of 1857 on the Calendar of the Sessions Court.

(Here Enter F No. 1633 of 1857)

Mesrs. Hooper and Morehead

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

1st Sobraya

is sufficient to convict him of the crime of theft and punishable with imprisonment and hard labour in irons on the public roads or other public works, for and during the period of (10) ten years.—

(Sent in No.)

E. H. M.

Mey

Tuesday
18th August 1857.

F No

At a Court of the Fouzdaree Udalut

Present

G. S. Hooper Esqre
W. A. Morehead Esqre } Puisne Judges
J. W. Goodwyn Esqre Acting

Read Petty Calendar of the Magistracy submitted by the Sessions Judge of Nellore for the 2nd Quarter of 1857.—

(Here enter F No. No. 1665 of 1857)

Calendar No. 1
Cases No. 26 & 23.

The Prisoner does not appear to have been guilty of fraud, and the offence of deserting from his masters service cannot be punished under Section XXXII Regulation IX of 1816.—

(Sent in No.)

Read letter dated the 13th Instant from the Sessions Judge of Bellary submitting for the final Judgment of the Fouzdaree Udalut the Record of case No. 59 of 1857 of the Calendar of the Sessions Court.—

(Here enter F No. No. 1699 of 1857)

The Court of Fouzdaree Udalut,

Mr. J. W. Goodwyn.—

on

18th August 1857.

on a deliberate consideration of all the circumstances of the case in evidence before them, they are of opinion that the proof against the Prisoner

Dodda Ramanah

is sufficient to convict him of attempt at Murder, do convict him thereof, and under the provisions of Clause third, Section VII, Regulation XV of 1808, and Section XXXIX, Act VII of 1843, sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of (14) fourteen years.

The Prisoner appears from the record to have been apprehended on May 21st, the date of the crime, and not on June 20th, as entered in the Calendar.

(Sent in No.)

E. Elliot.

C. L. Chamier

F. Do.

Wednesday.
19th August 1857.

At a Court of the Fouzdaree Adalut

Present

G. S. Hooper Esqre.
W. A. Morehead Esqre. } Puisne Judges
T. W. Goodwyn Esqre. Asst.

Read letter dated 22nd July 1857, from the Acting Sessions Judge of Guntoor.—

(Here enter No. 1557 of 1857)

1 The Acting Session Judge in reporting on the result of the measure, investing the District Moonsiff of Banputla with magisterial powers, states that, though six months have expired, the Moonsiff has only really exercised his new powers during three months of that time.—

2 The Acting Session Judge also does not consider it advisable that the Moonsiff's Criminal jurisdiction should be extended, as it is probable that his work will greatly increase,

the

the Moonsiff having taken up every petty case, of however trivial a character-

3. The Court of Fouzdaree Adalut request the acting Sessions Judge to point out to the Moonsiff that he should only enquire into such Cases as are beyond the jurisdiction of the Tahsildar and at the same time punishable under Sections XXXII and XXXIII of Regulation IX of 1816.

4 The Fouzdaree Adalut also deem it advisible that their report to the Government should be deferred for a period of six months, further, and they request that the acting Sessions Judge will, at the end of that time, forward a second report on the subject, containing his opinion as to the expediency or otherwise of bringing more of the Salooks named by the Magistrate, under the same Moonsiffs jurisdiction.

Sentence No.

Read letters dated 11th June and 23d July 1857, from the Sessions Judge of Bellary.—

(Herewith Fdc. Nos. 1253 and 1542 / 1857)

Read

Read also letter from the Secretary to the Medical Board, dated the 6th August 1857.

(Herewith Fdc. No. 1685 of 1857)

1 The Sessions Judge suggests that measures should be taken for more detailed reports being made by the chemical examiner, and forwards a letter from the Surgeon of the Station, from which it appears that Medical Officers in the interior are prohibited from making analyses in Cases of poisoning.—

2 The Court of Fouzdaree Adalut find from the letter of the Medical Board, to whom a reference was made on the subject, that it is in contemplation to re-issue to Medical Officers at the principal Civil and Military Stations, chemical test sheets, which will enable them to analyse substances supposed to contain poison, and give their evidence in due form. Until this arrangement is effected the practice now prevailing, of obtaining a report from the chemical Examiner at Madras

must

must be continued.—

(Sent in No.)

Read Criminal Report for the month of July, submitted by the Session Judge of Trichinopoly.—

(Here enter No. 1697 of 1857.)

Calendar B
Case No. 43.

The Charge in this Case should have been "Robbery attended with Murder." The Prisoners were engaged in a felonious act, and the death of the deceased at their hands, however caused, would, under such circumstances, have constituted the crime of murder in the eye of the Law.— In the present instance the Prisoners appear to have deliberately tortured the deceased in such a manner that death follows, and they should have been committed on a charge of murder.

(Sent in No.)

Read Criminal Reports A and B for the months of July, submitted by the Session Judge of Nellore.—

(Here enter No. 1689 of 1857.)

Calendar B
Case No. 118

The charge in this case is so vaguely worded, and so completely at variance

variance with the heading, that it is impossible to discover with what offence the Prisoners were charged and put upon — their trial. An explanation is therefore called for on the above point.—

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 Calendar in Case No. 54 of 1857, on the file of the Session Court of Cuddapah.—

(Here enter F. Do. No. 1693 of 1857.)

The Court of Foujdaree Adalut request that the Session Judge will call upon the Magistrate to explain the nature of the employment held by that Venkatakrishna Reddy, individual mentioned in para: 3 of the Session Judge's Sentence as acting in the capacity of Puttadar, though a very bad character.—

(Sent in No.)

Read Calendars of Case No. 36 of 1857 of the Session Court of Coimbatore

(Here enter F. Do. No. 1675 of 1857.)

The

19th August 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 Prisoners noted in the margin have been adjudged to suffer on their conviction of Gang Robbery by open violence and receiving plundered property, be reduced to (10) ten years ——— with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.-

1st Rungun
2d Pakany
3d Annadsay
and
4th Canoopoon

Sent in No.

Read Calendar of Case No. 38 of 1857 of the Session Court of Coimbatore.-

(Here enter F. Do. No. 1677 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 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 Session Judge to issue his warrant accordingly.-

1st Gaundawn alias Royanawn & 2d Rungon

(Sent in No.)

Ed. Hall.

19th August 1857.-

Read letter dated 3d August 1857, from the Session Judge of Trichinopoly, submitting for the final judgment of the Fouzdaree Adalut, the record of Case No. 30 of 1857 on the Calendar of the Session Court.-

(Here enter F. Do. No. 1613 of 1857)

Messrs Hooper and 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 Cooppummal

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

And being of opinion that the prisoner,

2d Kistnasamy Iyengar

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession of the crime charged, the court acquit him thereof, but considering that

that strong suspicion, though not amounting to conviction, attaches to him, they direct, under Clause sixth Section II Regulation XV of 1803, that he be required to find two sureties in 50/ fifty Rupees each surety for his good behaviour and appearance when required, within 3 years, or in default thereof, that he be detained for 3/ three years in confinement.-

1. Two Prisoners in this case were charged with having murdered the Prosecutor's son aged 7 years, and stolen the golden and silver ornaments on the person of the deceased valued at Rupees 335-8-

2. The Law Officer convicted both the prisoners on strong presumptive proof and declared them liable to Kisas but, and the Session Judge concurring in the Futwah, recommended that both the prisoners should be sentenced to suffer death.

3. The Court of Foujdaree Adalut concur in the conviction of the 1st prisoner and have accordingly sentenced her to suffer death.-

4. They are, however, unable to concur

19th August 1857.-

concur with the Session Judge in deeming the evidence sufficient for the conviction of the 2d prisoner, altho they entertain no moral doubt of his complicity in the murder, if indeed he was not the actual perpetrator thereof. It is true that there are discrepancies in his own statements and that he admitted in his Police declaration having been told by his mother, the 1st prisoner, that she and another person had murdered the child. It is moreover in the highest degree improbable that "that other person" could be any other but the 2d prisoner himself; but it is possible that the murder might have been committed in his absence, and his crimination by the 1st prisoner cannot of course be taken as legal evidence against him. Again the evidence of the 1st and 3d witnesses, as to their recognition of the 2d prisoner as the person whom they saw throw down the cloth which had been worn by the child, is certainly not worthy of belief. There seems to be nothing

19th August 1857.-

nothing therefore amounting to legal proof in the evidence in the case to establish the guilt of the 2d prisoner- As, however, the strongest suspicion undoubtedly attaches to him, the Court have directed that he be required to furnish security in 2 sureties of 50 Rupees each for 3 years, or in default, that he be imprisoned for that period..

Sent in No /15

Exd Ald.

Mrs Fullerton

J. C.

Thursday 20th August 1857 } At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esqre
W. A. Morehead Esqre
J. W. Goodwyn Esqre Actg

} Puisne Judges

Read letter dated 11th August 1857, from the Session Judge of Combaconum, submitting for the final judgment of the Foujdaree Udalut, the record of trial in Case No 29 of 1857 on the Calendar of the Session Court.

(Here enter J. C. No 670 of 1857)

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

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

Iyoo Ammah

is sufficient to convict her of the Crime of Murder, do convict her thereof, but being of opinion, under the circumstances of the case, that the punishment to which the prisoner

20th August 1857.

prisoner is liable under the provisions of Section X Regulation VIII of 1802 would in this instance be too severe, the Court, under the provisions of Clause second Section VII Regulation I of 1825, sentence her to be imprisoned, and kept to labor suitable to her Sex for and during the period of her natural life.—

Sent in Ns.

Ex Dall.

C S Cranmer

Friday
21st August 1857.

J. 96.

At a Court of the Foujdaree Udalut
Present

G. S. Hooper Esqre. ——
W. A. Morehead Esqre. —— } Puisne Judges
J. W. Goodwyn Esqre. — Acting }

Read Miscellaneous Petition presented on the 21st Instant by E. Salmon Esqre. Pleader on behalf of Pedunna Dunnayyadoo, Prisoner in case No. 26 of 1856 on the file of the Sessions Court of Rajahmundry.—

/ Here enter F. M. P. No. 181 of 1857 /

Before finally disposing of this Petition, the Court of Foujdaree Udalut resolve to direct the Subordinate Judge to submit a copy of his letter to the Inspector of Prisons, on which the removal of the prisoner in question to Guntoor was sanctioned.—

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

/ Sent following precept No. /

Mr. W. A. Morehead.—

Ex Dall.

C S Cranmer

F.M.C.

Saturday. 22d August 1857 } At a Court of the Foujdaree Adalut.

Present.

G. S. Cooper Esquire
W. D. Morehead Esquire
T. H. Goodwyn Esquire } Puisne Judges.

Read letter dated the 8th August 1857, from the Acting Sessions Judge of Rajahmundry.

(Here enter F.M.C. No. 1708 of 1857)

1 The Acting Sessions Judge encloses copy of a letter from the Subordinate Judge in which that officer asks for instructions as to whether he is to continue entering Criminal Case No. 89 of 1857 in future reports, the Prisoner having been by inadvertence set at liberty, and not since apprehended.

2 The Court of Foujdaree Adalut authorize the Subordinate Judge to omit the Case in question, in furnishing future Criminal Reports.

Sent in No. /

Ed. M.C. S. Chamier

22d August 1857

F. U.

Monday
24th August 1857

At a Court of the Foujdaree Udalut

Present

G. L. Hooper Esqr. _____ Prisnl Judge

W. A. Morehead Esqr _____ Prisnl Judge

T. W. Goodwyn Esqr — Acting Prisnl Judge

Read Criminal Reports for the months of July 1857, submitted by the Session Judge of Bellary.

(Here enter F. U. No. 1704 of 1857)

Calendar B.
Cases Nos. 101-102.

It is doubtful from the charge whether there are cases of Housebreaking or of simple Theft. Entry by climbing over the door or wall of a yard or garden would not constitute the offence of Housebreaking. The Session Judge will call for the record in these cases, and pass such orders as he may deem fit, with reference to these remarks, reporting the same to the Foujdaree Udalut.

(Sent in No.

Read copy of the Calendar in Case No. 29 of 1857 on the file of the Rajahmundry Session Court.

(Here enter F. U. No. 1707 of 1857)

No. 29 of 1857.

1.

The charge has been carelessly prepared. The Murder is stated to have taken place on the 27th of July 1857, whilst the charge is preferred on the 12th and the Prisoners apprehended on the 13th July 1857.

2.

If the cause of death could not be ascertained on

22d A

on an inspection of the body immediately after deceased or subsequently the charge of murder should not have been committed.

(Sent in No.

Read letter dated 8th August 1857 from the Acting Session Judge of Rajahmundry.

(Here enter F. R. No. 1641 of 1857)

1 The Acting Session Judge submits for the opinion of the Tondaree Udalut two cases of Extortion disposed of by the Subordinate Judge, being doubtful as to the legality of the sentences passed in consequence of the prisoners not being Police officers.

2 There appears to have been great irregularity in dealing with the cases in question. Offences committed at different times and places having been improperly included in one charge, instead of being made each the subject of a separate trial.

3 As the prisoner in No. 63 was not a prisoner in No. 58, it was irregular to convict him on evidence adduced in the latter case. Distinct reasons should have been recorded in the sentence in No. 63 for punishing the prisoner.

4 The Court of Tondaree Udalut merely notice these irregularities for the future guidance of the local officers, but leave the Acting Session Judge to deal with the appeal pending before him, according to his own judgment.

5 The offence appears to have been rightly treated as one of Extortion, the defendants having obtained the goods fraudulently, and under colour of right.

6 The Tondaree Udalut are of opinion that the offence of Extortion, whether committed by public servants other

other than police officers, or by private individuals, is punishable according to the circumstances of each case, under the provisions of Section XXXII Regulation IX of 1816, or of Section VII Regulation X of 1816, or of Clause seventh Section II Regulation XV of 1803; and that to the punishment so awarded a fine may be added under the provisions of Act No. XXI of 1850.

7 The Court consider that there is nothing in the last named enactment which precludes the addition of a fine, leviable by distress and sale of the offenders goods, to the punishment of fine under the regulations of 1816 above quoted, which is commutable to imprisonment. Any other construction of the law might deprive the injured party of that summary restitution of the value of property wrongfully appropriated which the said Act provides for.

8 With respect to the particular cases under notice the Tondaree Udalut observe that if the charges were fully proved, the offences appear to have required a higher punishment than the Subordinate Judge was competent to inflict.

9 The Court deem it further necessary to remark, that the use of personal violence to obtain possession of the goods, after the illegal demand had been made and refused, would render the offence one of Robbery, and not merely Extortion.

Sent in No. 5

E. B.C.

C. R. Cameron.

F. Us.

Tuesday,
25th August 1857.

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esqre. —
W. A. Morehead Esqre. — Puisne Judges
J. W. Goodwyn Esqre. — Acting

Read Criminal Report B and other Statements received from the Subordinate Judge of Rajahmundry for the Month of July 1857.

/ Here enter Fk. No. 1706 of 1857 /

Calendar B
Case No. 39.

1 If the probable date of the offence was known, it should have been entered in the Charge. If it was not known, it is not clear, how the case could have been sent up for trial.

Case No. 73.

2 Breaking open a grain pit is punishable, as Housebreaking, under Section III. Regulation VI of 1822. If a prisoner is charged with a Theft punishable under Section VII Regulation X of 1816 and with possession of the stolen property, he cannot, if convicted of both charges, or of the latter only, be sentenced to a heavier punishment than can be awarded by Clause VII of the same Regulation, i.e. Six months imprisonment and 150 lashes. The Sessions Judge will therefore call for

25 August 1857

for the Record in this case, and pass such orders, as he may deem fit, with reference to these remarks, reporting the same to this Court.—

Case No. 74. 3 The facts of the Robbery should have been entered in the charge, instead of referring to another case.—

Case No. 75. 4 The time and place should have been entered in the 2d Count.—

Case No. 79. 5 The period of imprisonment in default of payment of the fine of 15 Rupees imposed for smuggling Arrack, is reduced from six to two months.

Case No. 80 6 The charge has been defectively framed. The Act as charged is no criminal offence: to have rendered it such the Prisoner should have been charged with maliciously killing. The entry of former convictions in a case of Cattle killing is unnecessary.—

7 The punishment appears needlessly severe, and the Sessions Judge will call for the record in this case and pass such orders as he deems fit.—

8 The remarks of the Foujdaree Adalut on the Sessions Calendar in this case are to be communicated to the Subordinate Judge.—

(Sent in No.)

Read

25th August 1857.

Read letter dated the 18th August 1857, from the Sessions Judge of Coimbatore

(Here enter Fk No. 1741 of 1857.)

The Sessions Judge is requested to forward the Civil Surgeon's deposition, of which extracts are given in the third para: of the above letter, as well as a Certificate respecting the prisoner's State of mind—

(Sent in No.)

Ex Bell.

C S Chamier

25 Aug

Ca

Cas

Cas

Ca

Wednesday
26th August 1857.

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esqre
W. A. Morshead Esqre — Puisne Judges
J. W. Goodwyn Esqre — Acting

Read Criminal Report for the Month of July 1857, submitted by the Sessions Judge of Tinnevelly —

(Here enter F.U. No. 1739 of 1857)

Calendar B
Case No. 76

1 As the Police deposition was merely assented to on oath, the Prisoner cannot be indicted for giving 2 contrary depositions on oath. —

Case No. 77

2. The words wilfully or maliciously, should form part of a charge for Arson. —

Case No. 80

3. The charge as entered appears to be one of robbery. —

Case No. 84

4 The Prisoner, from the charge, does not appear to have been guilty of the offence of Housebreaking, having merely effected his entry into an open Garden or Compound. —

(Short as No.)

Read letter dated the 12th August 1857, from the Acting Government Agent in

in

26th August 1857.

in Ganjam.—

/ Here enter F.M. No. 1735 of 1857 /

1 The Acting Agent recommends the acquittal of the Prisoner in Case No. 62 of 1857, on the ground that there is reason to believe that the deceased died from natural causes, and not in consequence of any injuries inflicted by the prisoner.—

2 The Court of Fouzdaree Udalut are of opinion that the Acting Agent has taken a proper view of the case; and that the commitment of the prisoner was an error on the part of the Assistant Agent.—

3. The Court observe that about eight months elapsed before the prisoner was acquitted.— The Acting Agent is requested to explain where and under what kind of restraint the prisoner was during that time, and the reason of the delay.—

Ordered that Extract from these proceedings be forwarded to the Acting Agent to the Governor of Fort St. George at Ganjam, by precept returnable within X days from and after its receipt

E. Hall. / Sent following precept No. /

F. C.

Thursday. 27th August 1857

At a Court of the Fouzdaree Udalut

Present

G. S. Hooper Esqre —
W. A. Morehead Esqre — Puisne Judges
J. W. Goodwyn Esqre — Acting

Read Calendars in Sessions Cases Nos. 13 and 14 of 1857, Zillah Mangalore.—

/ Here enter F.C. Nos. 1749 and 1750 of 1857 /

The Court of Fouzdaree Udalut are of opinion that the acquittal of the prisoners in these cases was an error, and that the evidence justified at the very least a demand of security.—

/ Sent in No. /

Read Miscellaneous Petition presented on the 3d August 1857 by Madras Satiah late Duffadar of Beckkavole Talook in the District of Rajahmundry.—

/ Here enter F.M.P. No. 169 of 1857 /

Mr. W.A. Morehead. / Petitioner appeals from the order of the Sessions Judge under date the 15th May last, directing the Magistrate to cause him to refund the sums of money extorted by him and also to dismiss him from the public service.

The

2 The Court of Foujdaree Udalut proceeds to set aside the proceedings passed by the Acting Sessions Judge as being illegal, and to confirm those passed by the Acting Head Assistant Magistrate against which the complainant before that Officer had no right of Appeal to the Acting Sessions Judge.—

3 The Court of Foujdaree Udalut do not consider it necessary to pass any orders in regard to the restoration of Petitioner to his situation of Duffadar from which he had been removed by the order of the Acting Sessions Judge, as they deem it better to leave it optional with the Magistrate to take such steps in this matter as may seem to him advisable.—

(Sent in No)

Read Criminal Reports for the Month of July 1857, submitted by the Sessions Judge of Coimbatore.—

(Here enter F. No. No. 1738 of 1857)

Calendar B Case No. 109. 1 The charge in this case has been very incorrectly drawn up, and the Prisoner could not be tried for Murder on such an indictment. Malice, which is essential to constitute the crime of

of Murder is not alleged against him, and the criminal act is stated in the charge to have been effected by the Prisoner when in a State of mental derangement, which circumstance forms part of the sentence and should not have been entered in the charge.—

Case No. 116. 2 This case might have been disposed of by the Sudder Ameen.—

(Sent in No)

Read Criminal Reports for the Months of July 1857, submitted by the Sessions Judge of Tellicherry.—

(Here enter F. No. No. 1705 of 1857)

Calendar B Case No. 47. 1 The Sentence in this case is reduced to Six months' imprisonment on account of the escape, a term equivalent and additional to that which the prisoner was sentenced to undergo at the time he effected it.—

Case No. 52. 2 The nature of the wound in the chest should have been entered.—

Case No. 54. 3. The date and place of 2d. prisoner's offence should have been entered.—

(Sent in No)

Read Criminal Reports for the Month of

of July 1857, Submitted by the Sessions Judge of Honore.—

(Here enter Fle. No. 1744 of 1857)

Case No. 29 1 The charge in this case has been defectively preferred. Preferring a false and malicious complaint before a village Potail, is not a Criminal offence, and consequently should not have been entered in the charge. Also, preferring a false and malicious complaint before a Deputy Tahsildar, would not be punishable, unless that officer had the powers of a Head or Assistant of Police.—

(Sent in No.)

Read Criminal Reports for the month of July 1857, Submitted by the Sessions Judge of Chittoor.—

(Here enter Fle. No. 1715 of 1857)

Calendar B Case No. 3 by the Magistracy — The preparing a false account cannot be punished as an "attempt at Theft". The prisoner should have been tried on a charge of Fraud.—

(Sent in No.)

Read Criminal Reports for the month of July 1857, Submitted by the Sessions Judge

Judge of Chicacole.—

(Here enter Fle. No. 1737 of 1857)

Calendar B Case No. 28. 1 It does not appear in the charge how the entry into the house was effected. Entry into the garden only, by jumping over the compound wall, would not constitute the offence of Housebreaking.—

Case No. 29. 2 The Prisoner is sentenced to six months' imprisonment in default of finding two Securities of 13 Rupees for his good conduct during that time; this appears a severe punishment, and the term of imprisonment might be reduced to two (2) months.—

(Sent in No.)

Read Criminal Reports for the month of July 1857, Submitted by the Sessions Judge of Cuddapah.—

(Here enter Fle. No. 1722 of 1857)

Calendar B Case No. 38. The Prisoner is charged with being accessory to the Sale of Stolen property.—It should have appeared in the charge, that he knew the property to have been Stolen.—

(Sent in No.)

The records of trial in referred cases Nos. 48 and 60 of 1857 on the Calendars of the Sessions

27th August 1857.

Sessions Court of Bellary not having been yet received -

Ordered that the Sessions Judge of Bellary be required to submit the record aforesaid without delay &c

(Sent in &c)

E.S. Hall.

J. W.

Friday 28th August 1857.

At a Court of the Foujdaree Udalut

Present.

G. S. Hooper Esq^re
W. D. Morehead Esq^re
T. W. Goodwyn Esq^re Atty

} Puisne Judges.

Read Report of the Government Agent in Ganjam in Case No 43 of 1857.

(Here enter J. W. No 1765 of 1857)

The Court of Foujdaree Udalut see no reason to doubt the correctness of the Agent's view of the evidence in the case, and they therefore con cur in the acquittal of the prisoners -

2 The Court observe that the Report is not clear and that the charge is defective - The 2nd and 3rd prisoners should have been tried as accessories before the fact in procuring or instigating the commission of the crime -

(Sent in No. 5 &c

E.S. Hall.

S. Chamier

Saturday F. C.

29th August 1857 At a Court of the Fouzdaree Adalut

Present

G. S. Hooper Esquire
W. A. Morehead Esquire
J. W. Goodwyn Esquire A.J.

} Puisne Judges.

Read again Miscellaneous petition presented on the 18th May 1857 by the Mssrs. Ritchie pleaders on behalf of Cumsalan Goorroo Moorty of Zillah Bellary.

Here enter F. M. P. N° 104 of 1857

Read also, returns and supplemental returns to the precept of this Court underdate the 23rd May 1857, calling for a translation of the whole record in Sessions Case N° 6 of 1857 on the Bellary file.

/Here enter N° 1252 and 1338 of 1857/

Mr. G. S. Hooper. The Court of Fouzdaree Adalut having carefully gone through the whole of the record in this case, and heard the petitioners pleaders orally on behalf of the prisoner in the case in question, are of opinion that the evidence is amply sufficient for the conviction of the prisoner of theft in having fraudulently carried off and appropriated

appropriated four tolahs of gold valued at Rupees 65 belonging to the prosecutor, but that the five pairs of gold bangles valued at Rupees 1100 having been clearly proved and admitted to be his own property, and not that of the prosecutor who has also no mortgage or lien on them while they were to be sold by the prisoner himself and not by the prosecutor or his people the prisoner cannot legally be held guilty of theft as regards them.

2. Under the above view of the case the sum awarded by the Sessions Judge to be paid as Compensation to the prosecutor under act XVI of 1850, Vide 1165, appears to the Foujdaree Adalut to be excessive, and the term of imprisonment to which the prisoner has been sentenced appears longer than the justice of the case demands.

3. The Court of Foujdaree Adalut therefore, resolve to modify the sentence passed by the Sessions Judge by reducing the period of imprisonment with hard labor in irons to Five years, and the Fine imposed upon him to Rupees 65, the value of the four tolahs of gold.

/Sent in No /

Read Extract from the Proceedings of the Sessions Court of Cuddapah under date

date 21st August 1857.

/Here enter No 1758 of 1857/

With reference to Para 2 of these Proceedings the Sessions Judge is informed that the Court of Foujdaree Adalut consider that a sentence of imprisonment for more than fifteen days cannot be awarded by section XXXIX of Regulation IX of 1816 in default of payment of a Fine imposed under section XXXII of the same Regulation. This latter section expressly providing that the period of imprisonment awarded under its provisions shall not exceed fifteen days.-

/Sent in No /

Read Criminal reports for the month of July 1857 submitted by the Acting Agent to the Governor of Fort Saint George at Vizagapatam.-

/Here enter F.C. No 1756 of 1857/

Case No 26.

The charge in this case is incorrect and defective. The Heading is "Culpable Homicide" but the prisoner is charged merely with "inciting and abetting". It is not stated whom he incited and abetted, or in what manner the crime of Culpable homicide was committed.-

/Sent in No /

Read

29th August 1857.

Read Criminal report for the month of July 1857 submitted by the Acting Sessions Judge of Salem.-

/Hereunder F.R. No 1740 of 1857/

Calendar B. Case 101. 1 It was unnecessary to mention in the charge, that the effect of the assault was to cause the Prosecutrix to drop the child that was in her arms. If the death of the child was caused by the assault it should have formed the subject of another charge.-

Case 108. 2 The Prisoner is charged with having stolen 4 annas worth of Toddy and is sentenced to 3 months imprisonment with hard labor, and to receive 12 lashes, no previous convictions are alleged against him and the punishment appears far too severe.

/sent in/

Read letter from the Sessions Judge of Tinnevelly under date 22d August 1857, soliciting further instructions on a case remarked upon by the Tondiarpet Adalut in their Proceedings dated 12th August 1857.

Read also a letter from the Registrate of Tinnevelly under date 20th August to the Session Judge, requesting him to obtain the

the instructions of the Tondiarpet Adalut with reference to a case remarked upon by the Tondiarpet Adalut in their Proceedings dated August 12th 1857.-

/Hereunder F.R. No 1771 of 1857./

1. The Sessions Judge has correctly specified the three clases of offences provided for by section XXXVI of act XVIII of 1854, Viz. Fraudulently removing any Postage stamps from any letter or thing, to which such stamps shall have been affixed, or knowingly using any such stamps thus fraudulently removed, or fraudulently removing or erasing from any such stamp any writing or other matter thereon impressed.-

2. It is not clear with which of these three offences, the Sessions Judge would charge the Defendant in this case, he did not fraudulently remove a Postage stamp he did not knowingly make use of such a stamp, he did not attempt to obliterate or erase any writing or impression on such a stamp and it is difficult to understand on what grounds the Sessions Judge considers he

was

was liable under this act.

3. The attempt to defraud his master of 1/2 an anna given to him for the purpose of purchasing a Postage stamp should have been punished as a fraud..

4. The fine imposed in this case will be remitted..

5. The attention of the Sessions Judge is also called to section LXIV. of the same act which forbids the recovery of any such fines without the sanction of Government or Postmaster has been previously obtained..

6. With reference to para 3 of the letter of the Sessions Judge, he is directed to inform the Magistrate, that the offence of preferring a false complaint cannot be punished under section XXXIX of Regulation IX of 1816 unless the offence charged in the false complaint was one punishable under section XXXII or XXXIII of the same Regulation..

7. Parties aggrieved by such complaints can prosecute the offenders on a charge of Perjury or Conspiracy as the case may be..

/ Sent in Ap /

Read

29th August 1857.

Read Calendar in Sessions Cases
Nos 32 and 33 of 1857 Gillale Coimbatore..
/ Here enter F. H. No 1754 of 1857 /

The Court of Foujdaree Adalut observe that the charge in Case No 32 does not appear to have been revised and corrected by the Sessions Judge and that it consequently contains many inappropriate expressions, as well as much that is irrelevant to the matter in issue..

/ Sent in Ap /

W.B.D.

C. Saunier

F. C.

Monday
31st August 1857 } At a Court of the Fouzdaree Adalut.

Present

G. S. Hooper Esquire — Puisne Judge
W. A. Morehead Esquire — ditto —
T. W. Goodwyn Esquire — acting ditto —

Read again Miscellaneous petition presented on the 17th December 1856 by John Miller Esquire Pleader on behalf of Rawoo Boochee Venkatarow of Zillah Masulipatam.

(Vide Inter F. Ch. P. No 237 of 1856)

Read also return of the Session Judge to the precept of this Court under date the 23d April 1857 requiring transmission of the translated record in Session Case No 66 of 1856.

(Vide Inter F. C. No 1099 / 1400 / 1857)

Mr G. S. Hooper / and Mr T. W. Goodwyn. The Petitioners Pleader has failed to appear without assigning any reasons for his non-attendance.

2. The Court of Fouzdaree Adalut have carefully considered the record of the trial and see no reason to doubt the

Correctness

correctness of the opinion arrived at by the Assessors, as set forth in the sentence, and in which the Session Judge concurred. The Court accordingly decline to interfere in the case and reject this petition.—

(Sent in No.)

Read Criminal Reports for the months of July 1857 submitted by the Session Judge of Calicut.

(Here enter F. R. No. 1721 of 1857)

Calendar A Cases 118 to 121.

1 The first prisoner is sentenced to 100 lashes and nine months imprisonment, on account of three petty thefts of fruit (valued at little more than one rupee) committed by him on the 7th and 8th of August. Although convicted on three separate charges, the value of the property stolen is so trifling that the punishment appears very severe, and the sentence of imprisonment might be reduced from nine months to three which is accordingly directed to be done.

Calendar B Case No. 21. Case No. 117.

2. The word maliciously should form part of a Charge of Arson.

3 If the offence, as stated in the charge, was proved, the punishment is very inadequate.

4. In these Calendars it is observed that the place at which the offence has been committed is not sufficiently defined in the Charge.

(Sent in No.)

Read letter dated the 12th August 1857 from the Session Judge of Cuddapah forwarding English translation of the record of Case No. 1 of 1857 on the Calendar of the Session Court for the final Judgment of the Court of Foujdaree Adalut.—

(Here Enter F. R. No. 1703 of 1857)

Mr. Morstead and 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 Prisoners,

1st T. Sunjeevee

and

2d S. Sashadoo

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

The

31st August 1857.

1. The Court of Enjdaree Adalut observe that both the Session Judge and the Mohomedan Law Officer convicted the prisoner, the first prisoner of having administered to her husband and her mother-in-law, in the form of a cake, some arsenic provided for this purpose by the 2d prisoner; shortly after which the husband and mother-in-law both died from the effects of the poison.

2. The motive for the crime is found in the fact that an adulterous intercourse had existed between the prisoners which had been detected by the first prisoner's deceased husband; in consequence of which the prisoners had determined to destroy him.

3. The prisoners have been found guilty of a deliberate and premeditated murder; and the Court of Enjdaree Adalut, seeing no extenuating circumstances in the case to justify a mitigation of the penalty prescribed by Law for that offence, have passed sentence of death upon both the Prisoners.

(Sent in No. /

Read letter dated 18th August 1857 from the Session Judge of Chittoor submitting for the final Judgment of the Enjdaree Adalut the record

31st August 1857.

Record of Trial in case No. 36 of 1857 of the Calendar of the Session Court.

(Here enter F. H. No. 1714 of 1857)

Mr. Hooper and Mr. Morehead

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

3d Valaboya Venkategaudoo
4th Moonga Venkatasadoo
12th Umbodala Giddedoo
and
13th Valaba Bode Reddegaudoo

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.

And being of opinion that the prisoners,

9th Rachatlee Pacheeroogaudoo
10th Boyadree Naigadoo
and
15th Moonga Chinnegaudoo

are

and 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 Sunjdarce Adalut concur with the Session Judge in convicting the 3d 4th 12th and 13th prisoners of the crime with which they are charged and sentence them accordingly to be transported beyond sea for the term of their natural lives.—

2. The Court of Sunjdarce Adalut do not concur with the Session Judge in his conviction of the 9th 10th and 15th Prisoners. The evidence regarding the stolen property said to have been discovered in their possession is very unsatisfactory both as regards the circumstances of its discovery and its identification as part of the property stolen from the Prosecutor. Considering it insufficient to warrant the conviction of these prisoners the Court of Sunjdarce Adalut accordingly acquit them.

3. The Court of Sunjdarce Adalut would point out to the Police Authorities the great impropriety in suspecting the Prosecutor and

and his son to take an active share in the search of the prisoners Houses and direct that such a practice be carefully abstained from in future. In all such cases the search should be conducted by the Police aided by parties uninterested in the matter.

(Sent in No 1/5

Rec'd 8.9.

C. Chamier.

Fll.

Tuesday
1st September 1857 } At a Court of the Fouzdaree Udalut

Present

G.S. Hooper Esqre
W.A. Morehead Esqre } Puisne Judges
F.W. Goodwyn Esqre

Read Petty Calendars of the Magistracy for the 2d Quarter of 1857, submitted by the Acting Sessions Judge of Rajahmundry.

(Here Enter Fll No 1709 of 1857.)

Calendar I
Case 16. 21.

1 This case should have been entered in Calendar No III.

16. 18. 2. The value of the Property attempted to be stolen should have been entered in the charge.

19. 17. 3. A Justice of the Peace cannot punish under Regulation IX of 1816; the fine imposed on the 3d Defendant in this case is illegal, and must be remitted.

Calendar II
Cases. 26. 15
36. 18

4. The means by which the extortion was effected, should appear in the charge.

33. 20. 5. It is not clear with what offence the 3d 4th and 5th Defendants are charged; whether with being accessories to the Theft by the 1st and 2d Defendants or with having afterwards

stolen

1st September 1857.

Calendar II
Case 34. 21

stolen the property from them -

6 The nature of the assault should be described, but it is not necessary to state the cause of it in the charge.

35. 18 - 7. The Wearing should be assault and Robbery.

Sent in No

Read Criminal Reports for the month of July 1857, submitted by the Sessions Judge of Cuddalore.

(Here Enter No. 1770 of 1857)

Calendar B
Case No. 56 -

The charge is defective, no assault as there is no malice alleged against the Prisoner.

(Sent in No)

Read Return of the Sessions Judge of Trichinopoly to the Receipt of this Court under date the 23d May 1857 -

(Here Enter No. 1353 of 1857)

Before disposing of the petition of the late Head Goomastah of the Tonjore Moonsiffs Court, the Court of Foujdaree Adawlut resolve to request the Sessions Judge to call upon the District Moonsiff of Tonjore to explain how he came to acknowledge the seals on the certificates, as those of his Court; and whether he

1st September 1857.

he has any thing to say respecting his signatures, with reference to their being genuine or forged -

2. The Moonsiff will also be called on to state whether the late Head Goomastahs signatures are genuine or forged, and submit any explanation he may desire with reference to the late Head Goomastahs present statement -

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Trichinopoly by precept returnable in VII days from and after its receipt - -

(Sent following precept No)

E. Ball.

Thos Pycroft

Wednesday,
2d September 1857.

F. C.

At a Court of the Foujdaree Adalut

Present.

G. L. Hooper Esquire
W. A. Morehead Esqre
T. W. Goodwyn Esqre Acting
} Puisne Judges

Read letter dated 18th August 1857, from the Session Judge of Madura, submitting for the final Judgment of the Foujdaree Adalut, the Record of case No 190 of 1857 of the Calendar of the Sessions Court.

(Here enter F.C. No 1726 of 1857)

Mssrs Morehead 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 prisoners,

1st Thairvagaren
and
2d Ramasawmy

is sufficient to convict them of the crime of murder, do convict them thereof;

thereof; and in conformity with the provisions of Section X Regulation VIII of 1802 sentenced the prisoner,

2d Ramasawmy

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

1st & 2d Thairvagaren

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 being of opinion that the prisoner,

3d Ramayee

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

1. The Court of Tanjore doth concur with the Sessions Judge, in his conviction of the 2d Prisoner of the crime

crime of murder, and sentence him as proposed by the Session Judge to suffer death.

2. The Court of Tanjore doth concur with the Session Judge in his conviction of the 1st Prisoner of the crime charged against him, but taking into consideration the circumstances of the case, and that this prisoner had not the same motive for the commission of the crime, attach to him a minor degree of guilt, and sentence him to transportation beyond sea for the term of his natural life.

3. The Court of Tanjore doth not concur with the Session Judge in his conviction of the 3d prisoner. She appears to have raised the alarm as soon as the murder was committed, and her after silence is to be attributed to the influence of her husband, and fear on his and her own account. The Court of Tanjore doth accordingly acquit her.

4. The Duffadar and Peons have throughout shown such extreme cowardice and want of determination

that

that they seem unfitted for their situations.

5. The Inquest paper should have been submitted. The subordinate Judge should have asked the prisoners whether they acknowledged the depositions given by them before the Police, and these should have been put in evidence and proved before the Prisoners' defence was taken: receiving evidence for the prosecution after the defence was irregular.—

(Sent in No.

Read petty Calendars of the Magistracy, submitted by the Sessions Judge of Calicut, for the 2d Quarter of 1857.

(Here Enter F.R. No. 1720 of 1857)

Calendar I Case 59-25. 1. Giving Toddy to a European Soldier cannot be punished as a misdemeanor.

Calendar II Case 73-38. 2. Some approximation to the date, on which the offence was committed, should be entered in the charge.

Case 93-45. 3. In a charge for possessing stolen property, the words knowing it to be stolen should be entered.—

(Sent in No.

Read Calendars in cases Nos

2d September 1857.

Nos 35 and 36 of 1857 on the file of the Sessions Court of Salem.

(Here Enter F.R. Nos 1783 and 1784/1857)

1. The Court of Foujdaree Adalut resolve to return these Calendars, and to direct the Acting Session Judge to enter his sentence in accordance with the instructions laid down in the Circular order of the Foujdaree Adalut dated 6th September 1849.

2. The Court observe that a sentence should set forth in succinct language every particular necessary to exhibit the nature of the offence, and the evidence on which the criminating facts are established.—

(Sent in No.

Read petty Calendars of the Magistracy, submitted by the Session Judge of Chicacole, for the 2d Quarter of 1857.

(Here Enter F.R. No. 1767 of 1857)

Calendar No II Case 4—12. The charge against the 3d Defendant should have been brought in a separate case.—

(Sent in No.

Read letter dated 28th August 1857,

1857, from the Acting Subordinate Judge of Salem.-

(Here Enter F.R. No 1803 of 1857)

1. The Acting Subordinate Judge, in pursuance of instructions received from the Sessions Court, recommends that, as the evidence as it now stands is insufficient for the Prisoners conviction and further proof is not forthcoming, a conditional pardon may be tendered to the 6th and 7th prisoners in Criminal case No 104 of 1857, in which the 1st to 7th prisoners are charged with murdering one Haley Perma Padiachee.

2 Before sanctioning the offer of a conditional pardon to the 6th and 7th prisoners, the Court of Sanjdarce would resolve to call for an English translation of the examinations of these prisoners taken before the Police and Subordinate Court.-

3. The Sanjdarce would observe that the Calendar does not appear to bear out the Acting Subordinate Judge's statement that the 1st and 2d Prisoners accuse each other; and

and also that all the Prisoners who were present aiding the murder should be charged as principals.-

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

Sent following Precept No

Ed Hall.

F. M. C.

Thursday
3d. September, 1857. At a Court of the Foujdaree Adalut.

Present.

G. S. Cooper, Esquire
W. A. Morehead, Esquire } Puisne Judges
T. W. Goodwyn, Esquire. Actg.

Read Miscellaneous Petition presented on the 1st. August 1857, by Soobbarayen of Zillah Chittoor.

Here Enter F. M. P. No. 168 of 1857.

Mr. T. W. Goodwyn. Petitioner appeals from the sentence of acquittal passed by the Sessions Judge in Case No. 24 of 1857 wherein he was Prosecutor.

2. The sentence of acquittal in question being final, the Court of Foujdaree Adalut are precluded from interfering therewith and accordingly reject this Petition.

Read Extract from the Proceedings

3d September, 1857.

Proceedings of the Sessions Court of Nellore under date 11th August 1857.-

Read also Letter from the Sessions Judge of Nellore under date August 25th, enclosing Letter from Acting Magistrate of Nellore under date August 20th 1857.-

/Here Enter F.No. No. 1766 of 1857/-

1. The Court of Foujdaree Udalut direct the Sessions Judge of Nellore, to acquaint the Acting Magistrate of that District, that the proceedings, at which the Acting Magistrate would appear to have taken exception, are communicated to him for his guidance and instruction, and that any reply of the nature now submitted by him is most irregular and uncalled for.-

2. The Court of Foujdaree Udalut direct that he abstain from any such comment or remarks on simi-lar proceedings for the future.-

/Sent in. No /-

Read

3d September, 1857

Read letter dated 26th August 1857, from the Acting Sessions Judge of Salem.-

/Here Enter F.No. No. 1782 of 1857/-

1. The Acting Sessions Judge forwards for the orders of the Foujdaree Udalut two applications; one from the Prosecutor in Session Case No. 24 of 1857, requesting that a certain amount (Rupees 73-7-3) found in the prisoner's possession, at the time of his apprehension, may be returned to him, as being part of the sum embezzled by the prisoner; and the other from the prisoner's pleader requesting that the said amount may be returned to him for the benefit of the prisoner's family. The Prosecutor also puts forward a claim for Rupees 520, as the travelling charges incurred by his witnesses.-

2. As the money found in the prisoner's possession formed part

of

3d. September, 1857.

of the amount be misappropriated, the Court of Foujdaree Udalut direct that it be paid to the prosecutor.—

3. The Court remark that it is only where the witnesses are unable to defray their own expenses, that the Regulations authorize the payment to them of a trifling amount of diet-money; and that it is not, therefore, in their power to sanction the disbursement of the travelling charges of the witnesses in the present case.—

/Sent in No. /—

Read Calendar in Sessions Case No. 37 of 1857, Zillah Salem.—

/Here enter F. Mo. No. 1801 of 1857/—

1. A wrong section has been quoted. Sentence should have been passed under Clause third, Section IV, Regulation XV. of 1803.—

2. The sentence is very defective: it should have specified which of the prosecutors identified the

F. Mo.

3d. September 1857.

the prisoners; which of the witnesses proved the finding of the property; whether the police confessions of the prisoners were proved by any; and if so, by which of the witnesses; as well as the nature of the defence set up before the Sessions Court.—

/Sent in No. /—

Read Calendar in Sessions Case No. 38 of 1857, Zillah Salem.—

/Here enter F. Mo. No. 1802 of 1857/—

1. The Court of Foujdaree Udalut observe that the sentence is very imperfect: the age of the fifth prisoner should have been stated, as well as the relationship existing between the females and the other prisoners.—

2. A mother found guilty of receiving and concealing property obtained by her son by robbery, should not be acquitted on the bare supposition that she was not a free agent; which appears to have been

done

3rd September, 1857.

done in the case of the 7th prisoner.-

/Sent in No. /-

Read again Miscellaneous petition presented on the 21st August 1857 by E. Salmon Esquire, Pleader on behalf of Rednum Durmaroyadoo, Prisoner in Case No. 26 of 1856 on the file of the Sessions Court of Rajahmundry.-

/Here enter F.M.P. No. 181 of 1857/-

Read also Return of the Subordinate Judge of Rajahmundry, to the Precept of this Court under date the 21st August 1857, directing him to submit copy of his letter to the Inspector of Prisons on which the removal of the prisoner, Rednum Durmaroyadoo, to the Guntoor Jail was sanctioned.-

/Here enter F.M. No. 1797 of 1857/-

Mr. W.A. Morehead.

Under the law now in operation, the Court of Foujdaree & Udalut have no power of interference in this and similar matters, although the removal of a prisoner from one jail to another may in some cases amount

3rd September, 1857.

amount virtually to an enhancement of his sentence. Petition dismissed.

/Sent in No. /-

Ex Zaa.

A Stanier

Friday.
4th. September 1857.

F. No.

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esqre. ____ Puisne Judge
W. A. Morehead Esqre. ____ Ditto ____
J. W. Goodwyn Esqre. Acting ____ Ditto ____

Read Calendar in Session Case
No. 18 of 1857, Zillah Tellicherry.
(Now enter F. No. 183 of 1857)

It seems probable that the Moofty
Sudr Ameen convicted the prisoner of Theft as
well as wounding, although mention is only made
of the latter offence in his Futwah. If such is
the case, he should have been required to rectify
this error.

2. If the Moofty convicted of the wounding only, and the Acting Session Judge concurred with him, the sentence should have been passed under Clause seventh, Section II Regulation XV of 1803.

3. The Court of Foujdaree Udalut are of opinion that the sentence passed was inadequate, the offence appearing to have required

required the full punishment prescribed by law.

/Sent in No. /

Read letter dated 20th. August 1857,
from the Session Judge of Chicacole, submitting for
the final Judgment of the Foujdaree Udalut the
Record of Trial in Case No. 6 of 1857 of the Calendar
of the Session Court.

/Here enter F. C. No. 1805 of 1857/

Mr. W. A. Morehead
" T. W. Goodwyn.

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

Killumsetty Coormiah.

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.

1. The Court of Foujdaree Udalut
observe that the evidence points strongly to the
prisoner as the murderer of the lad; both having
been seen going near the spot where the body
was afterwards found, and the prisoner having
been observed to return alone from the place.

2. The Court of Foujdaree Udalut have
concurred

concurred with the Session Judge in convict-
-ing the prisoner, on strong presumptive proof
of the crime of Murder; and finding nothing
in the case to justify them in preventing
the law from taking its due course, the Court
have sentenced the prisoner to be hanged.—

/Sent in No. /

Read letter dated 24th. August 1857
from the Acting Sessions Judge of Mangalore, &c.
submitting for the final judgment of the Foujdaree
Udalut the record of trial in Case No. 11 of 1857
of the Calendar of the Session Court.

/Here enter F. C. No. 1794 of 1857./

Mr. G. S. Hooper

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

1st. Abokray
and
4th. Aysumma

is sufficient to convict them of having been found
in possession of stolen property well knowing
the same to have been stolen, do convict them
thereof; and under the provisions of clause
second Section IV Regulation VII of 1822, and
Section XXXIV Act VII of 1843, sentence the prisoner

1st. Abokray.

to

4th September 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 (3) three years and the prisoner

4th Ayoumma.

to be imprisoned and kept to labor suitable to her sex for and during the period of (1) one year.

(Sent in No 1 5

Ex 1810

C R Chance

7th

Saturday, 5th September 1857. At a Court of the Fouzdaree Udalut

Present

G. A. Cooper Esquire
W. A. Morehead Esquire
T. W. Goodwyn Esquire &c &c

} Puisne Judges

Read Calendar of Case No 18 of 1857 of the Session Court of Cuddalore.

(How entered F. No. 1816 of 1857)

The Court of Fouzdaree Udalut concur in approving 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 House breaking and Theft, be reduced to five (5) years' imprisonment with hard labor in irons, and they do authorize the Acting Sessions Judge to issue his warrants accordingly.

1st Ramasamy
2d Vyapoory

(Sent in No

Read Miscellaneous Petition presented on the 31st August 1857 by Mr. J. B. Saunders, pleader

on

7th September 1857

Read Miscellaneous
Petition presented on the 10th Ultimo
by R. Veroomul Row, Pleader on behalf
of Balagooly Venka Bhut, Zillah
Kimedy.

(Here Enter F. M. D. No. 1730 of 1857)

Mr. G. S. Hooper
and
Mr. W. A. Morehead
1 This is an application for the release of the Prisoner in Case No. 6 of 1857 on the file of the Sessions Court.

2 The Court of Foujdaree Adalut see no reason to question the propriety of the sentence passed upon the Prisoner, and accordingly resolve to reject this Petition.

(Sent in No.)

Read Miscellaneous petition presented on the 13th August 1857, by Venkataray alias Naidoo, Pleader on behalf of Sabapaty Chetty of Zillah Cuddalore.

(Here Enter F. M. D. No. 1780 of 1857)

Mr. G. S. Hooper
and
Mr. W. A. Morehead
1 Petitioner appeals from the orders passed by the Acting Sessions Judge

7th September 1857

Judge in his Case, under date the 11th May 1857.

2 The Court of Foujdaree Adalut see no reason to interfere with the order appealed against, and accordingly reject this petition.

(Sent in No.)

Read return to the Precept of the Foujdaree Adalut under date the 6th of August 1857, submitted by the Sessions Judge of Cuddapah under date the 10th of August 1857.

Read also depositions given before the Police, Subordinate Criminal, and Sessions Courts, by the 3rd-4th-6th and 8th Prisoners in Calendar No. 216 of 1857.

(Here Enter F. M. No. 1672 of 1857)

1 The Court of Foujdaree Adalut on a consideration of the Depositions of the 3rd-4th-6th and 8th Prisoners in this case, now submitted by the Sessions Judge, see ample grounds for the confirmation of

their

their opinion expressed in their proceedings of the 6th of August.—

2 The 3d Prisoner in his deposition given before the Police admits, that he was present at the quarrel which terminated in the murder of the deceased by the 1st and 2d Prisoners, and that he on three different occasions aided them in removing and disposing of the body, and to this confession he adhered when examined before the Subordinate Court.—

3 The 2d Prisoner gave a deposition to a similar effect before the Police, and this deposition, though afterwards retracted, was in the first instance adhered to, and confirmed in the Subordinate Court.—

4 The Sessions Judge does not allude to the strong support ^ they depositions add to the case against

against the 3d, 4th, 6th and 8th Prisoners, and which taken with the other evidence, the Court of Hoojdaree Udalut consider was sufficient for their conviction.—

5 The Subordinate Judge appears to have conducted his examinations of the 4th 6th and 8th Prisoners in a faulty manner. He confined his examination to asking the Prisoners, if the depositions then read to them, had been given by them before the Police; whereas he should have required them to repeat their statements and enter into a full detail of all the circumstances, in order to ascertain beyond all doubt that they clearly understood the Police depositions then read to them and fully admitted the statements recorded therein.—

(Sent in No.)

Read Miscellaneous Petition presented on the 12th Ultimo, by Moonakka

of

7th September 1857

of Zillah, Chittoor

(Here Enter F. Mo. D. No. 176 of 1857)

Mr. G. S. Hooper and Mr. W. A. Morehead 1 This is an application for the release of the Petitioners son Chellado, Prisoner in Case No. 440 of 1857 on the file of the Sessions Court.

2 Before passing final orders on this petition, the Court of Foujdaree Udalut resolved to direct the Sessions Judge to submit for their consideration the Original Record of the trial connected with the case, and suspend execution of the sentence passed upon the Prisoner, pending the decision of this Court.

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

(Sent following Receipt No)

Read Miscellaneous Petition presented on the 10th August 1857, by S. Teroomala Charry, Pleader on behalf

7th September 1857

of Ramanada Pundarum of Zillah Madura.

(Here Enter F. Mo. D. No. 174 of 1857)

Mr. W. A. Morehead 1 Petitioner appeals from the order passed by the Sessions Judge in his case under date the 1st May 1857.

2 The Court of Foujdaree Udalut resolve to call upon the Sessions Judge for explanation in regard to his order above referred to.

3 The Magistrates order was confirmed by the Acting Sessions Judge and again suspended, to allow of an appeal to the Foujdaree Udalut. The time for appeal having expired an application was made to have the Magistrates order carried out.

4 The Court of Foujdaree Udalut fail to discover in the order appealed from, any legal grounds for the exercise of the interference now attempted by the Sessions Judge in the matter of an

an order not passed by himself, and in respect to which no appeal could be entertained by him.—

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

(Sent following Precept No)

Ex Ell.

F. 16.

Tuesday 8th September 1857

At a Court of the Foujdaree Udalut

Present

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

Read Calendar in Case No. 15 of 1857, on the file of the Sessions Court of Manzalore.—

(Here Enter F. 16. No. 1819 of 1857)

The Acting Sessions Judge is requested to point out to the Subordinate Judge that his abstract of the evidence is most unnecessarily long.—

(Sent in No)

Read Calendar in Case No. 12 of 1857, on the file of the Sessions Court of Honore.—

(Here Enter F. 16. No. 1820 of 1857)

The Sessions Judge recommends that the sentence of seven years' imprisonment which he

he has passed upon the prisoner in this case may be reduced to five years.—

2 The prisoner being a confined thief, the Court of Foujdaree Adalut decline to mitigate the sentence.—

(Sent in No)

Read Calendar in Case No. 35 of 1857, on the file of the Session Court of Trichinopoly.—

(Here enter F. No. No. 1826 of 1857)

1 The Court of Foujdaree Adalut observe, with reference to the Session Judge's remarks on the case, that if the 2nd witness, who is said to be of about nine or ten years of age, was examined on a simple affirmation, his evidence was correctly received by the Principal Sudr Ameen under Sections XIV and XV of Act No. II of 1855.—

2 The Court are also of opinion that if the prosecutor and

first witness were examined in the hospital, owing to their being unable to attend in Court on account of the wounds they had received, and their examination was taken in the presence of the prisoners, the course thus adopted by the Principal Sudr Ameen was correct, and calculated to expedite the disposal of the case.

(Sent in No. 5)

Ed. Hall.

Scharnier

F. No.

Wednesday 9th September 1857. } At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esquire. —— }
W. A. Morehead Esquire. —— } Puisne Judges.
T. W. Goodwyn Esquire Acting. }

Read letter dated 31st Ulti-
mo from the Sessions Judge of Tinnevelly.
Herewith F. Pte. No. 1827 of 1857.
If the deposition given
before the Head of Police was merely
read to the prisoner and generally af-
firmed by him to be correct, without
any further questions being put, the answers
to which were in accordance with such
deposition, the prisoner's conviction on a
charge of perjury in wilfully and cor-
ruptly giving two directly contradictory
depositions on solemn affirmation, is il-
legal, and he must be released.

(Sent in. No)

Ed. R.D. C.S. Chance

F. / Co.

Thursday——
10th " September 1857.

At a Court of the Foujdaree Udalut /

Present

G. L. Hooper, Esquire,——
W. A. Morehead, Esquire,—— } Puisne Judges.
J. W. Goodwyn, Esquire, Actg.

Read Petty Calendars of the Magistracy, submitted by the Session Judge, Bellary, for the 2nd Quarter of 1857.

/Here enter F. / Co. No. 1841 of 1857./

Calendar I
Case No. 11-7

It is not clear from the charge, whether the Prisoner was in the employment of Government or not; in either case, the punishment is very inadequate. If he was in the employment of Government, he should have been punished under Section LV of the Act quoted.-

/Sent in No. /

Read letter dated 1st September 1857, from the Session Judge of Bellary, submitting for the final judgment of the Foujdaree Udalut, the record of Case No. 48 of 1857 on the Calendar of the Session Court.-

/Here enter F. / Co. No. 1834 of 1857./ The

10th. September 1857.

Messrs. Morehead
and
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,

Goorooyadoo,

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

/Sent in. No. 5/

Ex Hall.

Ct Chamier

F. Ud.

Friday
11th. September 1857.

At a Court of the Foujdaree Udalut

Present

G. L. Hooper, Esquire,
W. A. Morehead, Esquire,
J. W. Goodwyn, Esquire, Actg.
} Puisne Judges

Read letter under date the 28th. August 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. 55 of 1857 on his file.

/Here enter F. Ud. No. 1828 of 1857/

The Court of Foujdaree Udalut approve of the acquittal of the Prisoners in this case.

Sent in No.

Read letter dated 29th. August 1857, from the Session Judge of Cuddapah, submitting for the final judgment of the Foujdaree Udalut the record of Case No. 12 of 1857, on the Calendar of the Session Court.

/Here enter F. Ud. No. 1833 of 1857/

The

11th September 1857.

Messrs Hooper and Morehead

The Court of Foujdaree or 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,

"Naregadoo"

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

/Sent in No. /s

Ed. Hall.

C. Chamier

Saturday 12th September 1857.

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esqre. — Puisne Judges
W. A. Morehead Esqre. —
J. W. Goodwyn Esqre. — Acting

Read Petition presented on the 13th ultimo, by M. Vencataroyaloo Naidoo on behalf of Tondewa Moorty Moodaly, Zillah Chittoor

/Here enter F. M. P. No. 177 of 1857/

Mrs. Morehead and Goodwyn

This is a Petition for a review of the order of the Court of Foujdaree Udalut under date the 15th May 1857.

2. The Court of Foujdaree Udalut decline to reconsider their former order and accordingly reject this petition

Read again Miscellaneous Petition presented on the 18th July 1857, by M. A. B. Saunders, Pleader on behalf of Seravana Moodaly of Zillah Chittoor

/Here enter F. M. P. No. 155 of 1857./

Read Return and Supplemental Return dated 23d. July 1857, from the Sessions Judge, to the precept issued by the Foujdaree Udalut under date

date the 18th idem, requiring transmission of the original record and the Criminal report in the matter—

/ Here enter F.M. Nos 1527 and 1539 of 1857 /

Mess^rs Morehead and Goodwyn

1 The Court of Foujdaree Adalut having perused the record of the case, fail to discover that the prisoner has been guilty of any offence whatever — an error in heading the bill is evidently all that has occurred, and had the case been regularly dealt with during the original investigation, it appears to the Court of Foujdaree Adalut impossible that any conviction could have followed.—

2 The Court of Foujdaree Adalut therefore resolve to order the release of the prisoner, and record it as their deliberate opinion, that the character of the prisoner appears to be free from all imputation of dishonesty.—

3 The Court of Foujdaree Adalut further desire that the Magistrate be informed that the proceedings in this case are marked by so many gross irregularities from first to last that it is not too much to say, that in no one instance connected with this trial, have the

the Regulations or the Rules laid down for the guidance of the Magistracy been observed.— For instance, Witnesses have been examined, but not on Solemn declaration— The Magistrate's Sentence bears date the 26th May, and depositions were nevertheless recorded on the 30th June— Vide Ord.—

4 In conclusion, the Court of Foujdaree Adalut point out to the Magistrate, that in under the provisions of Clause Second, Section 54, Act VII of 1843 he cannot, as he has done in this case, pass Sentence in accordance with the said Act, unless the examination of the case has been held before himself.—

(Sent in No)

Read Miscellaneous Petition presented on the 21st August 1857, by Mr. H. B Saunders, Pleader on behalf of Venkata Balakrishna Chetty and 2 others of Zillah, Combaconum.—

/ Here enter F.M.P. No. 182 of 1857 /

Mess^rs Morehead and Goodwyn

1 Petitioners appeals from the order passed in his case by the Sessions Judge on the 20th May last.—

2 The Court of Foujdaree Adalut are

are of opinion that the order of the Head Assistant Magistrate can only be final as far as it carried determination to prevent a Pandal being erected by Petitioners, and thereby precluded the possibility of a breach of peace, and to this extent the Sessions Judge's proceedings declaring such order not appealable, can alone apply.-

3. The point in dispute between the parties was of a Civil nature, and one which could only be finally set to rest by a Civil action. It is therefore still open to the petitioners, if they see fit to do, to establish by a Civil suit their right and title to erect the Pandal in question, as contended for by them; and to this course they are referred.-

Suit in No.

Read letters dated 21st February and 30th April 1857, from the Sessions Judge of Tinnevelly.-

/ Here enter F.C. No. 1849 of 1857 /

1 The Sessions Judge enquires whether the Mahomedan Law Officer's opinion, in regard to the offence involved in Sessions Case No. 2 of 1857, is correct; and if so, whether the enactment under which Sentence was passed, has

not been rightly quoted.-

2 The Court of Foujdaree Adalut observe that, as it was only an attempt to commit an offence, the Regulation originally quoted was correct.-

3 The disposal of this matter has been delayed by the original papers having been mislaid.-

(Suit in No.)

Read letter dated 5th instant, from the Sessions Judge of Tinnevelly.-

/ Here enter F.C. No. 1850 of 1857 /

1 The Sessions Judge forwards the explanation called for by the Foujdaree Adalut in their proceedings of the 30th July last, as to the Joint Magistrate's reasons for punishing a false charge of Murder, under Section VII of Regulation X of 1816.-

2 The Court of Foujdaree Adalut are of opinion that the Sentence passed by the Joint Magistrate was illegal.-

3 The Court observe that much delay has occurred in furnishing this explanation.-

(Suit in No.)

Read

12th September 1857.

Read Miscellaneous Petition pre-
sented on the 17th August 1857, by Chengulroya
Naiken Zillah Chingleput.—

(Here enter F. M. P. Nos. 179 and A 179 of 1857)

Messrs. Morehead and Goodwyn

1 These are applications for the release
of the 1st Prisoner in case No. 4 of 1857 on the
file of the Sessions Court.

2 The Court of Foujdaree Udalut see no
reason to question the correctness of the Sentence
appealed from, and accordingly reject these petitions.—

(Sent in No.)

Read Calendar in case No. 25 of
1857, Zillah Guntoor.—

(Here enter F. C. No. 1842 of 1857)

The Court of Foujdaree Udalut
observe that as the property Stolen exceeded 600
Rupees in value, which is one of the aggravating
circumstances of Theft entered in Clause Second,
Section II Regulation VII of 1822, Sentence should
have been passed under Clause Second, Section
IV, of that Regulation.—

(Sent in No.)

Read Miscellaneous Petition pre-
sented on the 7th August 1857, by Gundoo Sully
Soobarayadoo

12th September 1857.

Soobarayadoo on behalf of V. Rammanah of Zillah
Chittoor.—

(Here enter F. M. P. No. 180 of 1857)

Messrs. Morehead and Goodwyn

1 This is an application for the release
of the prisoner in case No. 31 of 1857 on the file
of the Sessions Court.—

2 The Court of Foujdaree Udalut see
no reason to question the propriety of the Sentence
passed upon the prisoner, and accordingly reject
the Petition.—

(Sent in No.)

Read letter dated 27th July 1857, from
the officiating Agent to the Governor of Fort St. George
at Kurnool, submitting for the final Judgment
of the Foujdaree Udalut, the Record of Case
No. 17 of 1857, on the Calendar of the Agent's
Court

(Here enter F. C. No. 1851 of 1857)

Messrs. Morehead and Goodwyn.—

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

1st Mahomed Hoossain

2d. Gorovoodoo alias Boodlavadoo

is sufficient to convict them of the crime 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.—

(Sentence No.)

Read letter dated the 3rd Instant, from the Sessions Judge of Cuddalore, submitting for the final Judgment of the Foujdaree Adalut, the Record of case No. 13 on the Calendar of the Sessions Court.—

/ Here enter File No. 1845 of 1857 /

Messrs. Hooper and Gadsiyar

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

C. Soobbadoo

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.

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

(Sentence No.)

Ex. Dall.

C. S. Ramsden

F. C.

Monday
14th September 1857.

At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esqre ——— Senior Judge
W. A. Morehead Esqre —— Senior Judge
T. W. Goodwyn Esqre Acting Senior Judge.

Read letter dated 7th September 1857,
from the Session Judge of Cuddapah, submitting for
the final judgment of the Foujdaree Udalut the Record
of Case No. 15 of 1857 on the Calendar of the Session Court.

(Here enter F. C. No. 1846 of 1857)

Mr. Hooper - and
Mr. Morehead.

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

"O. J. Venkatah,"

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

(Sent in No. 41

Ex. Dea.

C. A. Clavier

F. U.

Tuesday
15th September 1857

At a Court of the Foujdaree Udalut

Present

G. L. Hooper Esqr. _____ Puisne Judge

W. A. Morehead Esqr. ____ Puisne Judge

T. W. Goodwyn Esqr. — Acting Puisne Judge

Read Calendar in Case No. 20 of 1857

on the file of the Session Court of Cuddalore

(Here enter F. U. No. 1859 of 1857)

The Court of Foujdaree Udalut

1. resolve to mitigate the sentence passed upon the 6th prisoner to one year's imprisonment with light labor, as he appears to be a mere lad.

2. The Court cannot accede to the Acting Session Judge's recommendation as to the other prisoner who belong to a caste notorious as thieves. The state of crime throughout the Country requires that stringent measures should be adopted to check in some degree the propensities of those who are thieves by habit and profession.

(Sent in No.

Read again letter dated 28th August 1857 from the Acting Subordinate Judge of Salem, recommending the offer of a conditional pardon to the 6th and 7th prisoners in Criminal Case No. 104 of 1857.

(Here enter F. U. No. 1803 of 1857)

Read

Read also return of the Acting Subordinate Judge to the Precept of the Tonjdaree Udalut under date the 2nd instant, calling for an English translation of the examinations of the said prisoners.

(Here enter F. Ch. No. 1861 of 1857)

Under the circumstances stated by the Acting Session Judge in his proceedings of the 21st August, and the explanation offered by the Acting Subordinate Judge the Court of Tonjdaree Udalut resolve to sanction the offer of a pardon to the 6th and 7th prisoners in the said case, on the usual conditions.

(Sent in No.

Read Return of the Session Judge of Cuddapah to the Precept of this Court under date the 5th ultimo, calling for the original record in Session Case No. 30 of 1857.

(Here enter F. Ch. No. 1683 of 1857)

1 The Court of Tonjdaree Udalut find that on his first examination before the Subordinate Court, the prisoner merely confirmed on solemn affirmation the deposition he had given before the Police, without thus asserting that he could identify the prisoners in Case No. 78.

2 Such examination does not amount to a deposition on solemn affirmation, and cannot therefore be regarded as one of two contradictory depositions given on solemn affirmation on a point material to the issue.

The

The Court further observe that there are entirely wanting in this case any circumstances from which a corrupt intention might be presumed.

4. For the above reasons the Court of Tonjdaree Udalut resolve to annul the sentence passed upon the prisoners, and to direct that the bail bonds be cancelled and the prisoner be unconditionally released.

(Sent in No.

Read Petty Calendars of the Magistracy for the 2nd Quarter of 1857 of Tillah Mangalore.

(Here enter F. Ch. No. 1857 of 1857)

Calendar I. 1. With reference to the Cases entered in these Calendars under the head of "Petty Frauds" and in a great proportion of which very inadequate and insufficient sentences appear to have been passed, the Session Judge is directed to call the attention of the Magistrate to the Extract from the Proceedings of the Tonjdaree Udalut under date the 4th July 1857, in which the Magistrate was informed that it was the opinion of the Court, that in such cases the fine imposed should not be less than 5 Rupees, whereas in these Calendars the fines in many instances range from one Rupee down to a few annas.

2. The Session Judge will direct the Magistrate to furnish an explanation why these instructions of the Court have not been attended to.

Calendar I. Cases 203 - 188. 219 - 204. 3. In these charges the nature of the wound inflicted should have been clearly described.

Ordered

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

(Sent following Precept No.

Read again Miscellaneous Petition presented on the 6th July 1857 by Venatasan of Tillah Chittoor.

(Here enter F. M. P. No. 146 of 1857)

Read also return dated 25th July 1857 from the Session Judge of Chittoor, to the precept of the Foujdaree Udalut under date the 18th Idem, directing transmission of the record connected with the case of the above Petitioner together with the Criminal Report A in which it is entered.

(Here enter F. Ut. No. 1540 of 1857)

Mr. Morehead. 1. The Court of Foujdaree Udalut having perused the proceedings in this case, resolve to set aside the proceedings of the Additional Joint Magistrate, and to direct the refund of the fines imposed.

2 The Court of Foujdaree Udalut are of opinion that there is no just grounds for considering the Cadjan report a false one. It is shown by the Chittoor Tahsildar's report to the Additional Joint Magistrate that he also received a similar report from the Monigar of the village that a woman and some men also came to him and preferred at the same time a complaint similar to the purport of the Cadjan report.

3. The Court of Foujdaree Udalut cannot but

but entertain the opinion that the relatives of the deceased have been induced to recant their previous assertions, and to deny that they ever made them. It is deserving of remark that they the relatives of the deceased can assign no satisfactory cause for their relative committing suicide.

The Court of Foujdaree Udalut desire

4. the Session Judge to call upon the Magistrate to explain what are the duties of a Mooktasaree, under what Regulation he acts, and by what authority he is appointed.

Ordered that Extract 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 letter under date the 5th September 1857 from the Session Judge of Cuddapah forwarding English Translation of the record of Case No. 18 of 1857 on the Calendar of the Session Court, for the final judgment of the Court of Foujdaree Udalut.

(Here enter F. Ut. No. 1847 of 1857.)

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 Prisoners,

1st V. Venkatramoodoo.

2d N. Upanadeegadoo

3d Luchmajeegadoo - and

4th M. Lutcheegadoo.

are not convicted on presumptive proof, or on the evidence of credible

credible witnesses or on their own confession of the crime charged, do acquit them thereof and direct that they be set at liberty.

(Sent in No.

Read letter under date the 21st August 1857 from the Acting Agent at Ganjam, forwarding English Translation of the record of Case No. 1 of 1857 on the Calendar of the Agent's file for the final judgment of the Court of Fonjdaree Udalut.

(Here enter F. C. No. 1838 of 1857.)

Mr. Hooper.
Mr. Goodwyn.

The Court of Fonjdaree 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,

Soorjee,

is sufficient to convict her of the crimes charged, do convict her thereof, and sentence her to be transported to such place or places beyond sea as the Governor in Council shall appoint, there to be imprisoned and kept to labor suitable to her sex for and during the period of her natural life.

(Sent in No.

Read letter dated 25th July 1857 from the Officiating Agent at Kurnool, submitting for the final judgment of the Fonjdaree Udalut the record of Case No. 16 of 1857 on the Agent's file.

Mr. Hooper.
Mr. Goodwyn.

(Here enter F. C. No. 1853 of 1857.)

The Court of Fonjdaree Udalut, on a deliberate

15th September 1857

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

Sahabun Saib,

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

(Sent in No. 5

E. W.

F. U.

Wednesday 16th September 1857

At a Court of the Foujdaree Udalut.

Present

G. L. Hooper Esqr. _____ Puisne Judge.

W. A. Morehead Esqr. _____ Puisne Judge.

T. W. Goodwyn Esqr. — (Acting) Puisne Judge.

Read Calendar of Case No. 47 of 1857.

submitted by the Session Judge of Coimbatore, with recommendation that the Court of Foujdaree Udalut sanction a mitigation of the sentence passed.

(Here enter F. U. No. 1862 of 1857)

The Court of Foujdaree Udalut concurs

1 with the Session Judge in his conviction of all the Prisoners

The crime of which the Prisoners are convicted having been attended with circumstances of great

2 cruelty and atrocity, the Court of Foujdaree Udalut see no grounds for any mitigation of the sentence, as suggested by the Session Judge.

(Sent in No.

Read Calendar in Case No. 73 of 1857 on the file of the Session Court of Honore.

(Here enter F. U. No. 1866 of 1857)

The Court of Foujdaree Udalut consider

1 the sentence too lenient.

The Court also observe that Clause second

2 should

should have been quoted as the authority for the sentence, instead of Clause fourth of Section IV Regulation N° VI of 1822.

Sent in N°

Read Petty Calendars of the Magistrates submitted by the Session Judge of Cuddapah for the 2d Quarter of 1857

(Here enter F Dc N° 1831 of 1857)

Calendar I.
Case 10 - 27

1 The offence with which the Prisoner is charged is not specified in the provisions of Clauses 5th and 8th Section XII Regulation I of 1820 (which are quoted as the authority for the sentence); but would appear to be merely a breach of some beneficial rule entered in the Adawlut Cowlnamah, and can only be dealt with by enforcing the conditions of the Moochulka and not by a Magisterial sentence under Regulation I of 1820.

Case 11 - 33.

2 The Foujdaree Udalut cannot agree with the Session Judge in his remark on this case - the offence was fraud and punishable under the regulation quoted the fine if returned is to be relevied - The Court of Foujdaree Udalut concur with the Session Judge in considering that the charge was defectively prepared.

Case 37 - 34.

3 A Magistrate examining a case under Regulation III of 1819 cannot punish for prevarication, and he cannot punish under any circumstances for prevarication under Act XXX of 1841 quoted in this case - the fines are to be returned

E D C.

Sent in N°

F D

Thursday - 17th September 1857 } At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esquire
H. A. Morehead Esquire } Puisne Judges
T. H. Goodwyn Esquire

Read Calendar of Case N° 65 of 1857 of the Sessions Court of Bellary -

(Here enter F Dc N° 1878 of 1857)

1 The Sessions Judge recommends that the period of imprisonment which the Prisoners noted in the margin have been adjudged to suffer on their Conviction of Robbery, may be reduced to 10 years.

1 Erunnah.
2 Bussuah.

2 The Court of Foujdaree Udalut 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 Prisoners be sentenced to imprisonment with hard labor in irons for the period of 7 years.

Sent in N°

E D C.

C S Chamier

F. 16.

Friday
18th September 1857.

Ho Court of the Foujdarry Udalut

Present

G. S. Hooper Esquire.
W. A. Morehead Esquire. } Puisne Judge.
T. W. Goadwyn Esquire &c.

Read Extract from the Proceedings of the Session Court of Guntoor under date 2nd September 1857, remarking on Case No. 2 Calendar 2 of the Magistracy.

Read also letter from the Magistrate to Session Judge dated 4th — September 1857.

/Here enter F. Mo. No. 1881 of 1857./

Calendar 1
Case No. 2.

1. The Court of Foujdarry Udalut direct the Acting Session Judge to inform the Magistrate, that they consider his proceedings in this case to be irregular.

2. The Assistant Magistrate had no authority to pass sentence under Act XII of 1843, and the Magistrate was equally devoid of authority to confirm it.

3. The Magistrate is to be informed

informed, that he cannot pass sentences
under this Act unless the trial has been
conducted by himself.-

(Sent in No.)

Read letter from the Sessions
Judge of Bellary under date September
10th 1857, requesting sanction for the com-
mittal to the Subordinate Court of a case
of assault, committed by two Europeans and
two Natives.-

/Here enter F. C. No. 1877 of 1857./

1. The Court of Foujdaree
Adalut consider that this application
for their sanction for the committal of
this case was unnecessary.-

2. The Circular Order quoted
by the Sessions Judge has reference only
to those cases, in which from the nature
of the offence, it is necessary to commit
the Europeans for trial before the Supreme
Court.-

3. In the present instance the
charge against the Natives can be disposed
of by the Magistrate, or if necessary they may

18th September 1857.-

they may be committed to the Subordinate
Court.-

4. The charge against the
European parties can only be disposed of
by the Subordinate Judge, when acting
in the capacity of Justice of the Peace.
(Sent in No.) es.

J Thomlin

Ed Ellis.

F U

Saturday
19th September 1857.

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esqre. —
W. A. Morehead Esqre. — } Puisne Judges
J. W. Goodwyn Esqre. — Acting

Read calendar of case No. 17 of 1857, from the Acting Sessions Judge of Mangalore.

/ Here enter F. U. No. 1890 of 1857 /

The Court of Foujdaree Udalut observe that Section XVI Regulation VII of 1802 should have been quoted as the authority for the Sentence, instead of Clause 7th Section II Regulation XV of 1803. —

(Sent in No.)

Read Miscellaneous Petition presented on the 27th ultimo by M. Venkatarayaboo Naidoo, Pleader on behalf of Narrainsawmy Pillay of Zillah Chingleput. —

/ Here enter F. M. P. No. 183 of 1857 /

Mess^rs. Hooper and Goodwyn. 1 Petitioner appeals from the order passed by the Sessions Court in his case under date the 26th May 1857. —

2 The Court of Foujdaree Udalut

see

19th September 1857.

see no reason to interfere with the orders appealed against, and accordingly reject this Petition

(Sent in No)

Read Criminal Reports for the Month of August 1857, submitted by the Sessions Judge of Chittoor.-

/ Here enter Fle. No. 1889 of 1857 /

Calendar B
Case No. 4

It would appear from the remarks entered in the Calendar, that the proceedings in this case were held before the Assistant Magistrate, and the sentence should have been passed by that Officer and not by the Magistrate.-

2 In disposing of Cases under Act VII of 1843, the trial must be conducted by the Magistrate himself, and it is not competent for him to pass Sentence on a consideration of the record submitted by the Assistant Magistrate.-

(Sent in No)

Read Miscellaneous Petition presented on the 13th August 1857, by S. S. Canteravachary, Pleader on behalf of Chinnappa Pillay of Zillah Tinnevelly.-

/ Here enter Fle. P. No. 184 of 1857 /

Messrs Cooper and Goodwyn.-

1 Petitioner appeals from an order of the Sessions Judge under date the 7th May 1857.-

19th September 1857.

The Court of Foujdaree Udalut resolve to call on the Sessions Judge for his reason for considering that the refusal of the Head Assistant Magistrate to examine into a complaint under Regulation III of 1819 was correct, and to explain why he deemed an examination unnecessary.-

2

The Sessions Judge will also explain

3

how the Petitioner could be legally fined by the Head assistant Magistrate under Act XXX of 1841, as the examination appears to have been held by the Ameen.-

The Foujdaree Udalut further

4

observe that the Head Assistant Magistrate's order does not quote Act XXX of 1841 or any other Act or Regulation.-

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Tinnevelly by precept returnable in X days from and after its receipt.-

(Sent following precept No)

Exd Ellt.-

F. M.

Monday
21st September 1857 } At a Court of the Fouydaree Udalut

Present

G. S. Hooper Esquire —
W. A. Morehead Esquire — } Puisne Judges.
T. W. Goodwyn Esquire Actg

Read Miscellaneous Petition presented on the 31st Ultimo by Rr. Teroomul Row Reader on behalf of Sengaranada Iyen and another of Zillah Tinnevelly.

(Here enter F. M. P. No. 186 of 1857.)

Petitioners appeals from the orders passed by the Session Judge in his case, under date the 30th May 1857, confirming the sentence passed by the Acting Head Assistant Magistrate on the 7th April last.

Mr. T. W. Goodwyn. 1.

The Court of Fouydaree Udalut see no reason to interfere with the orders appealed against, and accordingly reject this petition.

2.

(Sent in No)

Read Miscellaneous Petition presented on the 19th January 1857 by

S.

21st September 1857.-

S. N. Canteravoo Chetty Pleader on behalf of Avasarala Rungarayadoo of Rajahmundry.

Mr. J.W. Goodwyn.

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

Before passing final order on the above petition, the Court of Foujdaree Udalut resolve to direct the Sessions Judge to transmit a copy of the order passed by him the Petitioner's case on the 16th October 1856 as the Extract has been mislaid.

Ordered that Extract of these Proceedings be sent to the Acting Sessions Judge of Rajahmundry by Sept. returnable within III days from its receipt.-

(Sent following precipt. No.)

Ex 1857

C.S. Ree

F. Mc.

Tuesday—
22d September 1857.-

At a Court of the Foujdaree Udalut

Present

G. S. Hooper, Esquire.—
W. A. Morehead, Esquire.— Puisne Judges.
J.W. Goodwyn, Esquire. Actg.

Read Criminal Reports for the month of August 1857, submitted by the Session Judge of Nellore.-

/Here enter F. Mc. No. 1886 of 1857/

Case. No. 125. 1. The charge has been very defectively prepared. The use of the 2d part of the 1st Count (against 7th, 8th, 9th, 10th and 11th Prisoners) is not clear as no details are given. The 2d Count is obscure and badly arranged; it refers to articles found with or on the 9th, 10th, 3d, 11th, 4th, 5th and 8th Prisoners on the 20th July, but why these Prisoners have been thus arranged is not evident; the arrangement creates confusion. No detailed and specific charge is made against the 7th Prisoner.

Case. No. 127. 2. Those who had charge of the Prisoner in this case appear to have been

been as culpable as the Prisoner. The sentence of 15 days' imprisonment was awarded by the Joint Magistrate, not by the Head of Police.

3. The charge does not state whether the Prisoner had been sentenced when he escaped, and has been carelessly prepared. As the Foujdaree Adalut doubt whether the case has been properly disposed of and sentenced, they direct the Session Judge to call for the record and pass such orders thereon as he may deem fit.

Case No. 129. 4 The charge is unintelligible; the Regulation under which the attachment took place should have been quoted as well as whether it was a legal attachment; it could not be so if the paddy belonged to 1st Prisoner and was attached by the Polygar for a debt due from (or by) the Polygar.

Case No. 130 5. This case should have been committed under Section 4 of Act XVII of 1854.

" No. 131. 6. It appears the Prisoner was

not sentenced to 13 days' imprisonment by the Head of Police, but by the Assistant Magistrate. The Session Judge will call for the record and pass his orders thereon.

Case No. 132. 7. The date and village &c. where the theft was committed should have been entered. The date of the offence charged should have been "about 5th July 1857."

" No. 133. 8. The charge in this case is very carelessly worded; it is not clear whether the Prisoner broke into the house or only attempted to break in.

" No. 134. 9. The place (i.e. with being on 19th August "at so and so") should have been entered in the 2d Count.

" No. 135. 10. The words "wilfully and maliciously" should have been entered in the charge.

11. The Foujdaree Adalut regret to observe the great carelessness displayed in the preparation of the charges: this would not have occurred if the Session Judge had paid due attention to the reports of cases disposed of and

at

at once corrected thereon.-

/Sent in No. /

Read Criminal Reports for the month of August 1857, submitted by the Officiating Agent to the Governor at Kurnool.

/Here enter F.C. No. 1887 of 1857/

Calendar B. 1. The Court of Foujdaree Udalut would call the attention of the Officiating Agent at Kurnool to the omission in several of the charges in this Calendar of particulars, which it was essential to set out.-

Cases Nos. 20 22 & 23 2. In the 2d. Count in each of these cases, the time and place should have been entered, and also in the first Count of 22, the manner in which the lock was opened.-

No. 16. 3. After the words "with a sword" should have followed, "of which wounds so inflicted, the deceased then and there died".-

No. 24. 4 The charge is confused and incorrectly worded.-

/Sent in No. /

Read

Read Criminal Reports for the month of August, submitted by the Session Judge of Cuddapah.-

/Here enter F.C. No. 1897 of 1857/

Calendar B. Case No. 149 1. All the Prisoners should have been charged with 'Murder', the latter part of the charge should have been omitted.

" 151. 2. The Prisoner does not appear to have committed any Criminal Offence.-

" No. 152. 3. No security should have been required in such a case, and the sentence will therefore be cancelled.-

" No. 159. 4. The circumstances (such as the possession of housebreaking instruments) that indicated the intention of the prisoner to break through the wall should have been entered in the charge.-

/Sent in No. /

Read Criminal Reports for the month of August, submitted by the Session Judge of Madura.-

/Here enter F.C. No. 1902 of 1857/

With

22d. September 1857.

Calendar B.
Cases Nos. 64, 65, 68, 69 and 70

1. With reference to these cases, the attention of the Magistrate is called to the delay between the apprehension of the prisoners, and their committal to the Subordinate Court, and for which no satisfactory reason appears to have been assigned.

By Magistrate.
" No. 10.

2. A sentence of 6 months' imprisonment with 25 lashes appears a severe punishment for stealing a sheep valued at 1 Rupee; the Session Judge will call for the record and pass such orders thereon as he may deem fit.

" No. 70

3 The wrong section has been quoted; it should be Clause 3 Section V Regulation VII of 1822.

" No. 73.

4. Malice should have been charged.

/ Sent in No. /

Read Extract from the Proceedings of the Session Court of Combaconum, under date 13th. of August 1857, remarking on Case No. 78 of 1857.

/ Here enter F. C. No. 1903 of 1857 /

The

22d. September 1857

Calendar B
Case No. 78

The Court of Foujdaree Udalut direct the Session Judge to forward the Original sentence passed in this case.

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

/ Sent following precept No. /

Read letter from the Session Judge of Cuddapah, dated the 16th. instant.

/ Here enter F. C. No. 1916 of 1857. /

1. The Session Judge reports, with reference to the Proceedings of this Court dated 19th. Ultimo, that Venkata Krishnareddy holds no employment under Government, and has been twice committed to the Session Court on charges of Murder; and that in the case in question he pretended to discover the robbers.

2. The Court of Foujdaree Udalut request that the Session Judge will instruct the Magistrate never again to employ the abovementioned person, as a

Puttadar

22d. September 1857.

Puttadar.-

3. The Court of Foujdaree Udalut, also deprecate, as a general rule, the employment of informers in the detection of offenders, as experience has shown them that such persons usually mislead the Police, and accuse innocent parties; their true object being to screen the actual perpetrators of the offence, in which, not unfrequently, they are themselves implicated.

/Sent in A.

Read letter dated 2d. August 1857. from the Acting Session Judge of Rajahmundry, submitting for the final judgment of the Foujdaree Udalut, the record of Case No. 31 of 1857, of the Calendar of the Session Court.-

/Here enter F. Uc. No. 1880 of 1857/

Messrs. Cooper and 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,

Vytla Atchiah

is sufficient to convict him of the crime of

F. Uc

22d. September 1857.

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

/Sent in A.

Ed. Hall.

C. Chanier

F. Mc.

Thursday
24th September 1857

At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esquire
W. A. Morehead Esquire
} Puisne Judges.
T. W. Goodwyn Esquire Actg.

Read Miscellaneous Petition presented on the 30th July 1857 by Mullunnaud of Zillah Chittoor.

/Herewith F. Mc. P. No. 167 of 1857./

This is a petition for a review of this Courts order under date the 20th November 1856.

Mr. G. S. Hooper. 1.
and
Mr. T. W. Goodwyn

The Court of Foujdaree Udalut see no reason to reconsider their former order and accordingly reject this Petition.

2.

Read Calendar of Case No. 26 of 1857 of the Sessions Court of Madura.

/Herewith F. Mc. No. 1908 of 1857./

The Court of Foujdaree Udalut approve

approve of the recommendation made by the Sessions Judge in this case, that the period of imprisonment to which the Prisoner, noted in the margin, has been adjudged to suffer on his conviction of Robbery be reduced to (5) five years with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.-

1st. Narrainan alias Oorrian.-

(Sentence No.
Read letter dated 9th September 1857 from the Sessions Judge of Calicut, submitting for the final Judgment of the Foujdaree Udalut the Record of case No. 42 of 1857, on the Calendar of the Session Court.-
/Here enter F. Mc. No. 1915 of 1857./

Mr. W. A. Morehead.
Mr. T. W. Goodwyn.

The Court of Foujdaree Udalut, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner Maakonen Panakel Mainen is sufficient to convict him of the crime of Murder, do convict him thereof; but being of opinion under the circumstances of the case that the punishment to which the prisoner is liable under the provisions of Section X. Regulation VIII of 1802 would in this instance be too severe, the Court under the provision of Clause Second Section VI. Regulation I of 1825, 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.-

(Sentence No.

Read Miscellaneous Petition received on the 4th September 1857 thro' the Acting Session Judge of Cuddalore on behalf of Kristna Sing of that Zillah.
/Here enter F. Mc. P. No. 189 of 1857./

Read also Miscellaneous Petition presented on the 14th instant by the same party.-
/Here enter F. Mc. P. No. 192 of 1857./

Petitioner prays for the release of the prisoner in Case No. 13 of 1857 on

Mr. G. S. Cooper.
Mr. T. W. Goodwyn.

24th September 1857.

on the file of the Session Court of Cuddalore.-

2. The Court of Foujdaree Udalut see no reason to interfere with the sentence passed upon the Prisoner, and accordingly reject this Petition.-

Rd 18.

(Sentence No.) 47

C. R. Cannier

F. U.

Friday——
25th September 1857.

At a Court of the Foujdaree Udalut

Present

G. L. Hooper, Esquire,
W. A. Morehead, Esquire, } Puisne Judges.
J. W. Goodwyn, Esquire, &c.

Read again Calendar in Case No. 60 of 1856, of the Session Court of Chittoor.-

(Here enter F. U. No. 2558 of 1856.)

The Court of Foujdaree Udalut direct that the Original deposition of the Prosecutor in Case No. 60 of 1856, on the Calendar of the Session Court of Chittoor be forwarded for their consideration.-

Ordered, that Extract from these proceedings, be sent to the Session Judge of Chittoor, by precept returnable within 24 hours from and after its receipt.

(Sent following precept No.)

Rd 18.

C. R. Cannier

Monday
28th. September 1857.

F. C.

At a Court of the Foujdaree Udalut

Present.

G. S. Hooper Esqre. — Puisne Judge
W. A. Morehead Esqre. — Ditto —
T. W. Goodwyn Esqre. — Acting — Ditto —

Read letter dated 18th. September 1857,
from the Acting Session Judge of Cuddalore, submit-
-ting for the final judgment of the Foujdaree
Udalut, the record of trial in Case No. 17 of 1857
of the Calendar of the Session Court.

(Here enter F.C. No. 1919 of 1857.)

W. G. S. Hoopst.

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. Mottayen
2d. Nundoo alias Parasooramen.
3d. Area and Poothecree.

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

28th September 1857.

Section IV, Regulation XV of 1803, and Section XXVII Act VII of 1843, sentence them to be imprisoned and kept to hard labor in irons on the public roads other public works, for and during the period of (7) seven years.—

/Sentence No. /

Exd Ald.

C R Cheere

F. Uc.

Tuesday,
29th September 1857. At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esq re
W. A. Morehead Esq re — Puisne Judges
J. W. Goodwyn Esq re — Acting

Read Criminal Reports for the Month of August 1857, submitted by the Sessions Judge of Chicacole.—

/Herewith F Uc. No. 1951 of 1857/

Case No. 30

This case should have been committed at once, if there was sufficient evidence, as from the nature of the offence it could not be disposed of by the Principal Sudder Ameen, and it was therefore unnecessary for him to examine the witnesses for the defence

Case No. 17.

2

The offence with which the Prisoners is charged is not of a criminal nature, and the sentence must be cancelled.—

/Sent in No. /

Read Calendar of Case No. 28 of 1857 of the Sessions Court of Madura.—

/Herewith F Uc. No. 1938 of 1857/

The Court of Foujdaree Udalut approve

29th September 1857

approve of the recommendation made by the Sessions Judge in this case, that the period of imprisonment which the Prisoners noted in the margin, have been adjudged to suffer on their conviction of Robbery and wounding be reduced - the 2d and 3d prisoners to 3 years and the 4th to 5 years, with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

2 Periapatchen
3. Palany - and
4. Cuttanen.

(Sent in No)

Read letter dated 17th September 1857, from the Acting Sessions Judge of Mangalore, submitting for the final judgment of the Foujdaree Adalut, the record of case No 18 of 1857 of the Calendar of the Sessions Court -

Messrs Morehead and Goodwyn

(Have entered No 1956 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 Chindaya
2d Venkuppa
and
3d Kunja Shetty

29th September 1857.

is sufficient to convict them of the crime of Manslaughter, for which the penalty of Deyat is awardable under the Mahomedan Law as declared in Futwas of their Law Officers, do convict them thereof: and under the provisions of Section XI, Regulation VIII, of 1802, sentence them to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (5) five years -

(Sent in No)

E. & A.M.

Chas Morehead

F. C.

Wednesday—
30th. September 1857.

At a Court of the Foujdaree Udalut

Present

G. S. Hooper, Esquire,
W. A. Morehead, Esquire,
J. W. Goodwyn, Esquire, &c. } Puisne Judges.

Read Criminal Reports
for the months of August 1857, submitted
by the Session Judge of Mangalore.—
(Here enter F. C. No. 1906 of 1857.)

Case No. 54 1. Malice should have been
alleged.—

" 59. 2. The charge is not clearly worded. The "places" should have been described in the 2d. Count.—

" 60. 3. Malice and the nature of the wound should have been entered in the charge.—

" 62. 4. It should have been stated in what manner the 3d. Prisoner "aided and abetted." If he was present he was a principal.—

" 64. 5. The Heading should have been Robbery by open violence.—

The

Case No. 66. 6. The prisoner should have been charged with 'Murder.' In the 2d Count the village where the prisoner's house is situated should have been entered.

7. All these cases are stated to have been committed under Section XXIX Act VII of 1843. This is incorrect: such cases should be committed under Regulation IX of 1816.-

/Sent in No./

Read Criminal Reports for the month of August 1857, submitted by the Session Judge of Rajahmundry.-

/Here enter F. No. No. 1924 of 1857/

Case No. 81. 1. If there was no evidence to show how the deceased was killed, it is difficult to understand how the prisoner should have been charged with her Murder, and the case should not have been committed.

2. If the means by which Prisoner killed the deceased were known, they should have been entered in the Charge.

/Sent in No./

Read

Read Criminal Reports for the month of August 1857, submitted by the Acting Agent at Vizagapatam.-

/Here enter F. No. No. 1926 of 1857/

Case No. 30. 1. The previous convictions should be entered in the charge.

" 31 2. This case having been disposed of under Act XIV of 1857, should not have been entered in this Calendar, and will be struck off by the Agent.-

/Sent in No./

Read Criminal Report for the month of August 1857, submitted by the Session Judge of Tinnevelly.-

/Here enter F. No. No. 1953 of 1857/

Case No. 86. If the entry is made by a window, which has been left open, the offence is not Housebreaking.-

/Sent in No./

Read Criminal Report for August 1857, submitted by the Acting Agent at Ganjam.-

/Here enter F. No. No. 1966 of 1857/

Cases Nos. 45 & 46. The Charges have been most improperly

improperly prepared, and the acts alleged do not appear to be criminal offences.

No. 47. 2. A warning would have been sufficient in this case.-

Cases Nos. 49 51-52-53. 3. When and from what place the property was stolen should be entered in the Charge.-

/ Sent in. No. /

Read Calendar in Session Case. No. 20 of 1857, Zillah Mangalore.-

/ Here enter F. Mc. No. 1974 of 1857. /

The Court of Foujdaree Adalut observe that, since the Acting Session Judge disbelieved the confessions of the 3d and 4th prisoners, he did rightly in acquitting them, but that the acquittal should have been complete. It was not a case in which partial reliance could be placed on the prisoners' confessions; they were either deserving of full credit, or were altogether untrustworthy. For the above reasons the Court resolve to direct that the security taken from the prisoners be cancelled.-

/ Sent in No. /

E. H. M.

C. S. Cramer

F. Mc.

Thursday 1st October 1857. } At a Court of the Foujdaree Adalut

Present

G. S. Cooper Esquire. }
W. A. Morehead Esquire. } Puisne Judges.
T. W. Goodwyn Esquire &c. }

Read Criminal Reports for the month of August 1857, submitted by the Session Judge of Calicut.-

/ Here enter F. Mc. No. 1914 of 1857. /

Cases Nos. 25 and 26. Acting Magistrate's Calendar. 1. In cases of "affray" Govern-ment should prosecute, and not the parties themselves: when the latter prosecute the heading should be Assault. In 26 the weapon with which the wound was inflicted should have been entered. Under Clause I, Section IV.-

Case. No. 27. 2. Regulation II of 1822, a party in default of finding security cannot be detained for an indefinite period, as "until it be ascertained whether further evidence is procurable" so much of the sentance therefore is cancelled.-

The

Case No. 26.
Sudr Ameen's
Calendar.

3.

In a charge for Murder it is essential that malice should be alleged.

(Sent in No)

Read letter dated 21st September 1857, from the Acting Sessions Judge of Rajahmundry.-

/Here enter F. Mc. No. 1970 of 1857./

1.

The Acting Sessions Judge having instructed the Subordinate Judge to put certain questions to the witnesses in committable cases, and the latter officer having submitted that the ruling of the Foujdaree Udalut, as to convictions for perjury in giving two contradictory depositions, was not intended to interfere with the former procedure in that respect the Acting Sessions Judge refers the question for the consideration of the Foujdaree Udalut.-

2.

The Court of Foujdaree Udalut observe that it was not their intention, when expressing their opinion as to what circumstances were necessary in order to justify a conviction for perjury on two contradictory depositions on solemn affirmation, to introduce any change of practice in the examination of witnesses before the committing officers. The instances are rare in which witnesses retract their police depositions, after having confirmed them on solemn affirmation; and it is not, therefore, necessary to examine every witness with a view to secure his conviction for perjury, should he afterwards depose differently before the Sessions Court.-

1st October 1857.-

(Sent in No)

Read Miscellaneous Petition presented on the 10th August last, by Mr. J. H. P. Wilson, Pleader on behalf of Prisoners Nos. 6 and 8 in Chittoor Calendar 30 of 1856.-

/Here enter F. Mc. P. No. 175 of 1857./

Before passing final orders on the above Petition, the Court of Foujdaree Udalut resolve to direct that the Original record in the above case so far as respects the 2d and 8th prisoners, be forwarded for their consideration.-

Ordered

Messrs. Cooper and Morehead.-

1st October 1857.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Chittoor by precept returnable within 11 days from and after its receipt.

Ex Mad.

(Sent following precept No)

Friday 2nd October 1857.

Y. Vc.

At a Court of the Fouzdaree Adalut

Present

G. S. Hooper Esqre
W. A. Morehead Esqre
J. W. Goodwyn Esqre Acting

} Puisne Judges

Read letter dated the 25th ultimo from the Sessions Judge of Nellore.

(Here enter Y. Vc. No 1967 of 1857.)

1. The Sessions judge refers for the disposal of the Court of Fouzdaree Adalut, a letter from the Joint Magistrate in charge, called forth by the circumstance of the Sessions Judge having set aside certain proceedings held by him in a complaint of forgery on the ground that the document alleged to have been forged had been filed in a Civil Suit.

2. The Joint Magistrate in charge argues that he had jurisdiction in this Case, because it was a public record, (a copy of which had been given to the party,) which was alleged to have been tampered with.

3. The Court of Fouzdaree Adalut are of opinion that the charge of forgery in question was not properly cognizable by the Joint Magistrate in

in Charge. The Court observe that the very inconvenience which their circular Order No 200 was designed to obviate, would have arisen in this Case, for the Sessions Judge states that had he gone into the investigation he believes no forgery would have been proved, and that the party would have been unjustly exposed to much unnecessary annoyance.

(Sent in &c)

Read Calendar of Case No 56 of 1857 of the Sessions Court of Trinomally.

(Here enter F. R. No 1981 of 1857.)

1. The Court of Foujdaree Adawlut

approve of the recommendation made by the Sessions Judge in this Case that the period of imprisonment

6th Madadamy × which the Prisoner noted in the margin had been

adjudged to suffer on his conviction of Robbery by open violence with wounding be reduced to) seven Years with hard labor in irons, and they authorize the Sessions Judge to issue his warrant accordingly.

(Sent in &c)

Read Criminal Reports for August 1857 submitted by the Sessions Judge of Coimbatore.

(Here enter F. R. No 1976 of 1857.)

Case No 3. 1. Malice should be entered in the body

body of the Charge.

139— 149
152 and 154
2nd Count. 2 The place where the prisoner was found in possession of the property should have been entered.

156. 3. It should have been stated in the Charge, who the Prosecutor was, and whether he had a warrant for the apprehension of the Prisoner.

(Sent in &c)

No 180.

F. Uc.

At a Court of the Foujdaree Udalut.—

Present

Saturday, 3rd. October 1857.—

G. S. Hooper, Esquire.—
W. A. Morehead, Esquire.—
T. W. Goodwyn, Esquire. Aj.— } Puisne Judges.—

Read letter from Sessions Judge of Bellary under date September 24th., with reference to the proceedings of the Foujdaree Udalut of the 18th. August, on his letter requesting permission of the Judges for the committal to the Subordinate Court of certain natives concerned with other parties being British subjects in a case of afsault and robbery.—

/ Here enter F. Uc. No. 1972 of 1857 /

The Court of Foujdaree Udalut sanction, as requested by the Sessions Judge of Bellary, the committal to the Subordinate Court of the natives concerned with other parties, being British subjects, in a case of afsault and robbery.—

/ Sent in No. /

Read letter dated 15th. September 1857, from the Sessions Judge of Honore, submitting for the final Judgment of the Foujdaree Udalut the Record of Case No. 11 of 1857 of the Calendar of

3d. October 1857.—

of the Sessions Court.

/ Here enter F. U. No. 1954 of 1857 /

Mr. G.S. Hooper.
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 Seedy Apee alias Pangnea

and

2d. Timmacka /female/

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

/ Sent in No. /

Read letter dated 22d. September 1857, from the Sessions Judge of Bellary, submitting for the final Judgment of the Foujdaree Udalut the record of case No. 61 of 1857 of the Calendar of the Sessions Court.

/ Here enter F. U. No. 1960 of 1857 /

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

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

1st Pathapah

2d. Conooda Hanoomah

3d. and Bassapah

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

The attention of the Sessions Judge is drawn to the fact that the 3d. prisoner's name has been entered in the Calendar as "Berogooroo Bussmah" and in the translated record as "Bassapah," a material difference to appear in a trial for the crime of murder, or indeed for any crime. In the letter of reference the names of the prisoners are altogether omitted in the margin.—

/ Sent in No. /

Exd. Lea.

C. Chamier

3d

F U.

Monday 5th October 1857.— At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esq^re
W. A. Morehead Esq^re
} Puisne Judges.
J. W. Goodwyn Esq^re — Acting

Read Miscellaneous Petitions presented on the 17th and 9th September 1857, by Ayyar, wife of Appasawmy, Zillah Chinglepute.—

/Here enter F. M. C^s Nos 188 and 191 of 1857/

Petitioner appeals from the sentences passed by the Sessions Judge upon her husband the 3d Prisoner in case No 3 of 1857.—

2. The Court of Foujdaree Udalut see no reason to interfere with the sentence appealed against, and accordingly resolve to reject these Petitions.—

(Sent in No)

Ed Ball. C Chamier

F. C.

Tuesday
6th October 1857.

At a Court of the Foujdaree Udalut

Present

G. S. Cooper, Esquire,
W. A. Morehead, Esquire, } Puisne Judges.
J. W. Goodwyn, Esquire, Advocate-General.

Read again Miscellaneous Petition presented on the 12th August 1857, by Moonakka, of zillah Chittoor.

(Here enter F. M. P. No. 176 of 1857.)

Read also return dated 11th Ultimo, from the Sessions Judge of Chittoor to the precept of the Foujdaree Udalut, under date the 7th September 1857, directing the submission of the Original record in Calendar No. 44 of 1857, and the suspension of the execution of the sentence passed upon the prisoner in the above case.

(Here enter F. C. No. 1871 of 1857.)

Mr. Morehead. The Court having perused the record in this case with the papers called for in Criminal Case No. 60 of 1856, are satisfied of the propriety of the sentence

6th October 1857.

sentence appealed from. They therefore reject this Petition, and cancel that part of their order of the 7th Ultimo, which directed the suspension of the sentence in question.-

/Sent in No. /

to H.D.

Chamier

Wednesday 7th October 1857.

F. U.

At a Court of the Foujdaree Udalut

Present

G. L. Hooper Esquire
W. H. Morehead Esquire
J. W. Goodwyn Esquire Actg.

} Puisne Judges

Read letter under date the 26th September 1857. from the Officiating Agent to the Governor of Fort Saint George in Council, submitting for the final judgment of the Foujdaree Udalut a report of the trial of Criminal case No 24 of 1857 on his file.-

/Here enter F.U. No 989 of 1857/

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

1 Goora Goundadoo.

2 Lingadoo.

3 Boyadimma Kasegadoo,

of Highway robbery, but being of opinion that a less severe punishment than that proposed will meet the ends of justice in this case, direct that the Prisoners be sentenced to Imprisonment for 5 years with hard labor in irons.-

/Sent in No. /

Read

Read Calendar of case No 68 of 1857
of the Sessions Court of Bellary.
/Here enter F. H. No 1987 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 Prisoners noted in
the margin have been adjudged to suffer on
their 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.

/Sentence to/

1 Madega Kudligah
2 Kotra
3 Buswah.

Read Calendar of case No 57 of 1857
of the Sessions Court of Tinnevelly.
/Here enter F. H. No 1985 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 Robbery by open violence be re-
duced to /10/ Ten years with hard labor in
irons, and they do authorize the Sessions Judge
to issue his warrant accordingly.

/Sentence to/

Caroo Appa pillay

Read

Read Extract from the Minutes
of Consultation dated the 3rd Instant No 1279
Communicating the orders of Government on the
case of the Prisoner Vanjee Cudovath Vanjee
Mayew.-

/Here enter F. H. No 1997 of 1857./

The Court of Foujdaree Udalut
direct that an English Translation of the
whole of the proceedings in the case disposed
of by the Principal Sudr Ameen of Tel-
licherry, wherein the above named Prisoner
was charged with publicly using language
to excite the people to sedition and murder,
be submitted for their consideration.-

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

/Sent following precept &c/

Ex W.D.

A Chamier

F. M. D.

Thursday. 8th. October, 1857. At a Court of the Foujdaree Adalut.

Present.

G. S. Hooper, Esquire — W. A. Morehead, Esquire — T. W. Goodwyn, Esquire Asst. — } Puisne Judges.

Read Miscellaneous Petition received on the 14th. September 1857, thro' the Sessions Judge of Combaconum on behalf of Calaya Pillay of that Zillah.—

(Here Enter F. M. D. No. 190 of 1857.)

Mssrs. Morehead and Goodwyn.— 1. Petitioner appeals from the order of the Sessions Judge under date the 24th. August 1857, confirming that of the Head Assistant Magistrate, dated the 20th. June last, whereby that officer sentenced Arounachella Pillay, the brother-in-law of the Petitioner, to 3 months' imprisonment with

8th October, 1857.

with hard labor in irons, on a charge of obtaining money on false pretences.—

2. The Court of Foujdaree Udalut see no reason to interfere with the order appealed against and accordingly reject this Petition.—

/Sent in No. /—

Read Calendar in Case No. 48 of 1857 on the file of the Session Court of Calicut.—

/Here Enter F.M.C. No. 1991 of 1857/—

1. The Court of Foujdaree Udalut are of opinion that the Session Judge should submit an Extract from his sentence, with the deposition of the Jailor, to the Inspector of Prisons, in order that his attention may be drawn to the acts of the Acting Subordinate Judge in the management of the jail under his charge, which acts are stated by the Session Judge to be irregular and tyrannical.—

2. The Court of Foujdaree Udalut direct that the Prisoners in the

8th October 1857.

the above case be banished to the Jail at Mangalore, there to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of their respective sentences.—

/Sent in No. /—

Exd. Chance

F. Ms.

Friday 9th October 1857. } At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esquire
W. A. Morehead Esquire } Puisne Judges.
T. W. Goadwyn Esquire &c.

Read Calendar in Case No. 77 of 1857 of the Session Court of Bellary.-

/Here enter F. Ms. No. 1999 of 1857./

The Session Judge will be pleased to report what notice was taken by the Magistrate of the conduct of the Head of Police of Ghooty in this case.-

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.)

C. S. Chamier

F. C.

Saturday,
10th October 1857.

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esq^re
W. A. Morehead Esq^re
J. W. Goodwyn Esq^re — Acting

} Puisne Judges

Read Calendar of case N^o. 21 of 1857,
from the Acting Sessions Judge of Mangalore.—

/ Here enter F.C. N^o. 2000 of 1857 /

The Court of Foujdaree Udalut observe that, as the Acting Sessions Judge and Jurors convicted the Prisoners of the charge, viz. Housebreaking with Theft, the Sentence should have been passed under Section XXI Regulation VII of 1802.—

(Sent in N^o.) 45

Ed. Hall.

C. Rechamier

F. Ac.

Monday,
12th October 1857. At a Court of the Foujdaree Adalut

Present

G. S. Hooper. Esqre
W. A. Morehead Esqre } Puisne Judges
T. W. Goodwyn Esqre Asst

Read letter from Sessions Judge of Coimbatore, submitting letter from the Joint Magistrate of the District with reference to Proceedings of Foujdaree Adalut of 31st August 1857.

(Here enter F. Ac. No 2012 of 1857)

1 The Court of Foujdaree Adalut concur with the Sessions Judge of Coimbatore in his opinion, that where grain pits are broken into, the offence must be considered as "House breaking" and the case committed to the Subordinate Criminal Court.-

2 The remarks of the Joint Magistrate with reference to the delay and the inconvenience to the parties which

which will be the consequence of com:
: mitting these Petty Cases alluded to by
him, would apply equally to petty cases
of house breaking in dwelling houses.—

(Sent in No)

Read letter from the Sessions
Judge of Chittoor, submitting letter
from the Magistrate of the District,
under date 2d October 1857.—

(Here enter F. C. No. 2013 of 1857.)

1. The Sessions Judge of Chittoor
having submitted a letter from the
Magistrate of the District, requesting
the opinion of the Foujdaree Adalut, as
to whether he can, ona consideration
of examinations held by his Assistants,
pass sentence under act VII of 1843, the Sessions
Judge is directed to inform the Magistrate,
that this mode of procedure is irregular,
and a sentence so passed would be illegal.

2 It is expressly provided, that
in all cases where Magistrates shall
exercise the additional powers under
this act VII of 1843, the form of procedure
shall be the same, as is required to be

observed

observed in the Subordinate Criminal
Courts, and consequently the whole
trial must be conducted, by the Officer
who passes sentence.—

3 With reference to the remark
of the Magistrate, that considerable
delay is likely to occur in the disposal
of these cases, if he is precluded from
availing himself of the services of his
Assistant in conducting the examinations,
the Court of Foujdaree Adalut observe
that the cases punished under this act
are few in number, and that if it
should occasionally happen that the
Magistrate is unavoidably prevented
by other business from immediately
taking up such a Case, and there is a
probability that a considerable delay
may take place before he can dispose
of it, he should at once commit it for
trial to the Subordinate Court.—

(Sent in No) as

Ed. Ell.

J. Chamier

Read

12th October 1857.

Read Return from the Session Judge of Chittoor dated 5th October 1857 to the precept of the Foujdaree Udalut dated the 1st idem directing the transmission of the record in Calendar No. 30 of 1856 so far as respects the 2d and 8th Prisoners.-

(Here enter F. Co. No. 2004 of 1857.)

The Session Judge is directed to forward the Original record in the above Case so far as regards the 3d, 4th 5th 6th and 7th prisoners.-

Ordered that Extract from these Proceedings be sent to the Session Judge of Chittoor by precept returnable within 11 days from and after its receipt.-

(Sent following precept No.)

F. Co.

Tuesday.
13th October 1857.

At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper, Esquire.
W. A. Morehead, Esquire. } Puisne Judges.
J. W. Goodwyn, Esquire, Actg.

Read Calendar of Case No. 51 of 1857, of the Session Court of Coimbatore.-

(Here enter F. Co. No. 2010 of 1857.)

The Court of Foujdaree Udalut approve of the recommendation made by the Session Judge in this case, that the period of imprisonment &c which the Prisoners, noted in the margin, have been adjudged to suffer on their 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.-

1 Polavum.
2 Palany.
3 Rungon.
4 Sodusing alias Soobboosing.
5 Dansow alias Govindow.

(Sent in No.)

Read Calendar of Case No. 52 of 1857, of the Session Court of Coimbatore

Coimbatore.

/Here enter F. No. No. 2011 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 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.-

1st Marooda veeroo

/Sent in No. /

Read Calendar of Case No. 48 of 1857, of the Session Court of Salem.-

/Here enter F. No. No. 2034 of 1857/

1. The Acting Session Judge recommends that the sentence of 14 years' Imprisonment which he has passed upon the Prisoner in this case may be mitigated to 10 years.-

2. The Court of Foujdaree Udalut see no grounds for any mitigation of

of the sentence and accordingly decline to accede to the Acting Session Judge's recommendation.-

/Sent in No. /

Read Calendar of Case No. 36 of 1857, of the Session Court of Nellore.-

/Here enter F. No. No. 2039 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 House breaking, with theft, be reduced to /5/ five years with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.-

1st Pebbina Venka-
-Iaranadu
3d Yalagiri Ramen
alias Timmadu

/Sent in No. /

Read Calendar of Case No. 33 of 1857, of the Session Court of Rajahmundry.-

/Here enter F. No. No. 2043 of 1857/

The Court of Foujdaree Udalut

13th October 1857.

Udalut approve of the recommendation made by the Acting Session Judge in this case, that the period of imprisonment which 2d Gotcha Gungamanje the Prisoner, noted in the margin, has been adjudged to suffer on his conviction of Forgery be reduced to /2/ two years & with hard labor in irons, and they do authorize the Acting Session Judge to issue his warrant accordingly.-

/Sent in A.

Ed Hall.

C. H. Chamier

F. Ho.

Wednesday— 14th October 1857.- At a Court of the Foujdaree Udalut

Present

G. S. Hooper, Esquire,
W. A. Morehead, Esquire,
J. W. Goodwyn, Esquire, Jr. } Puisne Judges

Read Calendar of Case No. 47 of 1857, from the Session Judge of Calicut.-

/Here enter F. Ho. No. 2024 of 1857/

The sentence is carelessly prepared, confused, and fails to set forth clearly and succintly the grounds for conviction or acquittal. Thus, with regard to the 2d Prisoner, the Session Judge states that "the Prosecutrix gave a very satisfactory deposition deposing that she identified the 1st 2d and 4th Prisoners" at the Robbery; the Session Judge in the next para states that "the 1st Witness deposed "that excepting the 3d Prisoner he clearly "identified all the others;" it is next stated that the witnesses deposed that "No. 4 was found concealed in a small drain

to commit theft. He expressly denies that such was the case; and his acts prove that he had no felonious intention. The Court therefore direct that the prisoner be immediately released.-

/Sent in No. /

Read Petty Calendars of the Magistracy, submitted by the Acting Session Judge of Salem for the 2d Quarter of 1857.-

/Here enter F. Uc. No. 2045 of 1857./

Calendar I. By the Acting Joint Magistrate Cases Nos 18—12 19—13

1 If the 1st Prisoner was convicted as charged, of having suppressed an accusation of theft in consideration of a bribe of 24 Rupees, a fine of 12 Rupees or half as much as he received is a very inadequate punishment, especially if he was convicted in the 2d case which is not clear from the sentence.-

Calendar II. By the Acting Joint Magistrate Cases Nos 1-3 5-4 6-5

2. The 1st Defendant in these cases is the Head of Police of the Sankerry Talook; and there appears to be no reason, why, at the request of that Officer, the inquiry into the charges against him was deferred until it could be held in another

another Talook, owing to the ill feeling that prevailed against him in his own.-

3. The attention of the Acting Session Judge is directed to the great delay in submitting these Calendars to the Court of Fouzdaree Adalut.-

/Sent in No. /

E. Elliot. C. Chasnie

F. No

Thursday 15th October 1857.

At a Court of the Fouzdaree Udalut

Present

G. S. Hooper, Esquire, }
W. A. Morehead, Esquire, } Puisne Judges
T. W. Goodwyn, Esquire, &c.

Read Miscellaneous Petition presented on the 19th September 1857, by Mook-tyar Vakeel on behalf of Coopoen, of Zillah Chingleput.

[Here enter F. M. P. No. 193 of 1857]

This is an application for the release of the Petitioner, 1st Peti-tioner in Case No. 9 of 1857, of the Sessions Court.

Messrs. Hooper and Goodwyn.

1.

2.

The Court of Fouzdaree Udalut resolve to reject this Petition, seeing no reason to question the correctness of the sentence passed against the prisoner in question.

[Sent in No.]

Read Miscellaneous Petition presented on the 21st September 1857, by Mr. Vencatarogaloo Naidoo, Pleader on behalf

15th October 1857.-

behalf of Paupunnual, sister of Vruca-
-tachellums of zillah Chittoor.-

/Here enter F. M. P. No. 194 of 1857/

Messrs Hooper and Goodwyn

Before finally disposing of this Petition, the Court of Fouj-
-daree Udalut resolve to direct the Session Judge to submit a transla-
-tion of all the record relating to the 3d Prisoner in Case No. 41 of 1857.-

Ordered, that Extract from these proceedings, be sent to the Session Judge of Chittoor, by pre-
-cept returnable within V days from and after its receipt.-

/Sent following precept No. /s

Exd
CA.

C A Chamier

Friday
16th October 1857.

F. C.

At a Court of the Foujdaree Udalut

Present.

G. S. Hooper Esquire— Puisne Judge
W. A. Morehead Esquire— Ditto—
T. W. Goodwyn Esquire Acting— Ditto.—

Read Calendar of Case No. 24 of 1857 of the Session Court of Mangalore.-

/Here enter F. C. No. 2052 of 1857/

The Court of Foujdaree Udalut ap-
-prove 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 ten years with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.-

1st Mahalinga.-

/Sent in No. /

Read letter dated 8th October 1857,
from the Session Judge of Chittoor, submitting for the final judgment of the Foujdaree Udalut the re-
-cord of trial in Case No. 50 of 1857 of the Calendar

of

of the Session Court.-

(Here enter J.U. No. 2023 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 proof against the prisoners.-

1st Taliar Mahboogandoo
3d Stalam Chinnegadoo
5th Boorada Moonegadoo and
6th Cumsala Atchee.

is sufficient to convict them of the crimes charged,
do convict them thereof and sentence the prisoners

1st Taliar Mahboogandoo
3d Stalam Chinnegadoo, and
5th Boorada Moonegadoo.

to be imprisoned and kept to hard labor in irons
on the public roads or other public works, for and
during the period of (14) fourteen years; but consider-
-ing that the imprisonment which the prisoner.

6th Cumsala Atchee

has already undergone is sufficient punishment
for her offence, the Court direct that she be set
at liberty.-

And being further of opinion that
the

16th October 1857.

the prisoners.

2d Vuckalacoola Vencataramoodoo
4th Cootaly Ramoodoo

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

(Sent in No. 1 to

Ex. Jail.

C. Chamier

F. Ms.

Saturday
17th October 1857.

At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esquire.—
W. A. Morehead Esquire.— } Puisne Judges.
J. W. Goodwyn Esquire &c.—

Read Calendar of Case —

No. 24 of 1857 of the Sessions Court of Cuddalore.

(Here enter F. Ms. No. 2055 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 Prisoners noted in the margin, have been adjudged to suffer on their conviction of Highway robbery, be reduced to — seven years with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.-

1. Tenjaw alias Runjun
2. Baulooguroowa.

(Sent in No.)

Rd. K.D.

C. Chamier

Monday,
19th October 1857.

F. U.

At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper Esquire — Puisne Judge —
W. A. Morehead Esquire — Ditto. —
T. W. Goodwyn Esquire Actg. — Ditto. —

Read again Miscellaneous Petition presented on the 10th August 1857, by S. Teeroomala. charry, Pleader on behalf of Ramanadha Pundaram of Zillah Madura.

(Here enter F. M.P. No. 174 of 1857)

Read also return dated 15th September 1857, from the Session Judge of Madura, to the Precept of the Foujdaree Udalut under date the 7th idem, calling for an explanation in the matter.

(Here enter F. U. No. 1894 of 1857)

Mesrs. Hooper and Morehead. — The Court of Foujdaree Udalut resolve to reject this Petition, the reasons assigned by the Sessions Judge for his order being in their opinion, correct.

(Sent in No.)

19th October 1857.

Read Return of the Session Judge of Trichinopoly to the Precept of this Court under date the 1st September 1857.

/ Here Enter F. H. No. 1860 of 1857 /

1. The Session Judge submits the explanation of the District Moonsiff of Tooriore respecting the statements made by the late Head Goomastah of his Court as to the seals and signatures on the fraudulent certificates being forgeries.—

2. The District Moonsiff states that his signatures and seals are genuine; and that he further has every reason to believe that the signatures of the late Head Goomastah are also genuine.—

3. Under the explanation afforded by the District Moonsiff, the Court of Foujdaree Udalut have no hesitation in rejecting the petition of the late Head Goomastah, Seviah (No. 106 of 1857). The Moonsiff, who must be well acquainted with petitioner's handwriting, pronounces the signatures on the certificates to be those of petitioner, and the Court of Foujdaree Udalut have no doubt that they are so; and therefore decline to disturb their former orders directing petitioner's dismissal from the public service.—

/ Sent in No. /

19th October 1857.

Read Calendar in Case No. 52 of 1857 on the file of the Session Court of Calicut.—

/ Here Enter F. H. No. 2054 of 1857 /

1. The Court of Foujdaree Udalut observe that as the Futwah did not award Hud, section XXI, Regulation VII of 1803 should not have been quoted.—

2. The Cauzee. ool. Cazaats' opinion respecting the above Futwah and of the law as it bears upon the case of the prisoners is herewith enclosed; and the Session Judge is requested to furnish the same to the Moofty, and to call upon that officer for a fresh Futwah.—

3. On receiving such fresh Futwah the Session Judge, if any alteration should be found to be necessary, will modify his sentence accordingly.—

/ Sent in No. /

Ex. Dda.

F. No.

Tuesday
20th October 1857. } At a Court of the Foujdaree Udalut

Present

G. S. Cooper Esquire
W. A. Morehead Esquire } Puisne Judges.
J. W. Goodwyn Esquire Ag.

Read Criminal Reports
for the month of September 1857. submitted
by Session Judge of Chittoor.

/Here enter F. No. 2060 of 1857./

Cases Nos 176
177-178.

The prisoner having been
convicted on three separate charges viz.
two of Housebreaking, and one of Theft.
The Court of Foujdaree Udalut consider
the sentence to be most inadequate.

(Sent in No.)

Read letter dated the 12th
instant from the Magistrate of Rajahmundry

/Here enter F. No. 2084 of 1857./

The Magistrate requests the
sanction of the Foujdaree Udalut to certain
rewards being offered for the apprehension
of six petty chiefs, who, with their followers,
have

20th October 1857.-

have been plundering some villages and committing other offences in open defiance of the authority of the local officers.-

2. The Court of Foujdaree Adalut sanction the several rewards offered by the Joint Magistrate; and under the peculiar circumstances of the case approve of his having acted in the matter upon his own responsibility.-

(Sent in No)

Circular

The Court of Foujdaree Adalut direct that the words "and orders" occurring in the first para: of their Circular Order of the 6th July 1847, No 188, be struck out, and that the said Circular Order be in future considered as applicable only to appeals from the sentences passed by Sessions Judges.-

(Sent in No)

Ed W.D.

Geo F Fedderwen

F. Cs.

Wednesday 21st October 1857. } At a Court of the Foujdaree Adalut.

Present

G. S. Hooper Esquire—
W. A. Morehead Esquire— } Puisne Judges.
T. W. Goodwyn Esquire Bt—

Read Calendar of Case No 66 of 1857, of the Sessions Court of Bellary.-

(Here enter F. Cs. No 2071 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 the crime of Highway Robbery, be reduced to seven (7) years with hard labor in irons; and they do authorize the Sessions Judge to issue his warrant accordingly.-

1st Mulloogah.
2d Conegah.-

(Sent in No)

Ed Adl.

C. Chamier

F. M.

Thursday——
22d. October 1857.-

At a Court of the Foujdaree Adalut

Present

G. L. Hooper, Esquire,——
W. A. Morehead, Esquire,—— } Puisne Judges
J. W. Goodwyn, Esquire, Ag.—

Read Miscellaneous Petition presented on the 12th. October 1857, by Messrs. Arthur M. Ritchie and Alexander M. Ritchie, Pleaders on behalf of Ramapillay alias Ramasawmy Pillay, Zillah Combaconum.-

/Here enter F. M. C. No. 201 of 1857/

Messrs. Morehead and Goodwyn

Before passing a final order on this Petition, the Court of Foujdaree Adalut resolve to direct the Session Judge to submit a translation of the record of trial as regards the 1st. Prisoner in Case No. 31 of 1857, on the file of the Session Court.-

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

after its receipt.-

/Sent following precept. No. /

Read Miscellaneous Petition presented on the 31st. August 1857, by Messrs. I.W. Branson and John Miller, Pleaders on behalf of Ayagoon Coomartha Coonhy Khistnen Moottar, zillah Calicut.:

/Here enter F. Mo. P. No. 187 of 1857/

Mr. Hooper

1. This is a Petition for a review of the sentence passed by this Court upon the Petitioner, the 1st. Prisoner in Case No. 22 of 1857, on the file of the Session Court.-

2. The Court of Foujdaree Udalut resolve to dismiss this Petition, as the Petitioner has failed to show any valid grounds of objection to the sentence passed in the case, and the Court see no reason to doubt its correctness.-

Read again Calendar in Case No. 34 of 1857, of the Session Court of Salem.-

/Here enter F. Mo. No. 1658 of 1857/

Read also letter dated 7th. instant

from the Acting Session Judge of Salem.

/Here enter F. Mo. No. 2026 of 1857/

1. The Court of Foujdaree Udalut observe that in the letter above recorded, the Acting Session Judge reported that the translation of the record in Case No. 34, which was called for in this Courts Proceedings of the 30th. Ultimo, was all but completed and that it would require another week to be copied out. The record however has not up to this date been received.-

2. The Court resolve therefore to call upon the Acting Session Judge to submit the translation of the record in question, without further delay.-

Ordered, that Extract from these proceedings be sent to the Acting Session Judge of Salem, by precept returnable within 11 days from and after its receipt.-

/Sent following precept No. /

Read

22d. October 1857.

Read letter from the Session Judge of Masulipatam dated 12th. October, submitting letter from the Acting Magistrate under date October 7th., 1857.-

/Here enter F. Pro. No. 2068 of 1857./

The Acting Magistrate of Masulipatam having submitted for the opinion of the Judges of the Foujdaree Adalut a question, as to whether the offence of cutting through the Banks of Government Canals for the purpose of appropriating the water is cognizable by him under Regulation X of 1816, the Session Judge is directed to inform the Magistrate, that as the punishment of minor offences of this description is provided for by Regulation XI of 1816, it is clearly intended that more serious cases of the same nature should be cognizable by the Magistrate under Section XXXII Regulation IX of 1816, or Courts and Magistrates, under Section VII Regulation X of 1816.-

/Sent in No. /

Read

F. Pro.

22d. October 1857.

Read letter from the Session Judge of Coimbatore dated 13th. October 1857, submitting letter from the Magistrate under date September 7th. 1857.-

/Here enter F. Pro. No. 2069 of 1857./

1. The Magistrate of Coimbatore having submitted for the opinion of the Judges of the Foujdaree Adalut a question, as to whether he is authorised under Regulation IX of 1816, as extended to Magistrates by Regulation XIII of 1832, to reward parties affording valuable secret information leading to the apprehension of public offenders, the Session Judge is directed to inform the Magistrate, that it is the opinion of the Judges that services of the nature alluded to may be rewarded by the Magistrate under the provisions of the Regulations quoted.-

2. With reference to the 2d. point submitted by the Magistrate, as to the amount of security he may demand

demand from suspicious characters.
and whether it is limited to 200 Rupees
by Clause 1 Section V Regulation VII of
1827, the Court would observe that or
the Clause quoted has reference only
to security for the preservation of the
peace (where no actual breach of it
has been proved) and that the amount
that may be demanded for good be-
haviour and appearance, is only
limited by the considerations spe-
cified in Clause 2 Section VII of
the same Regulation

/Sent in. No. /

Read Criminal Reports
for the month of September 1857, submit-
ted by the Session Judge of Malabar.-

/Here enter F. Cl. No. 2082 of 1857/

Acting Joint Magistrate's Calendar. Case. No. 29.

1. The Court of Foujdaree Ad-
Adalut concur with the Session Judge
in considering the sentence awarded
in this case most inadequate, four se-
vere wounds having been inflicted
with a Knife on the chest, collar-bone
and small of the back.

The

Cochin Judr Ameen's Ca. Calendar. Case. No. 25.

2. The Session Judge will
call for the record in this case and
pass such orders as he may deem fit.-

/Sent in. No. /

Read Criminal Reports
for the month of September 1857, submitted
by the Session Judge of South Arcot.-

/Here enter F. Cl. No. 2106 of 1857/

Case. No. 3.

1. The infliction of lashes at
the expiration of a sentence of imprison-
ment is objectionable; they should Ad
generally be given immediately after
the sentence has been passed by the
Session Judge.-

2. The sentence in this case
appears to be very severe; the Session Ad
Judge will therefore call for the record
and pass such orders thereon as he Ad
deems fit.- Ad

/Sent in. No. /

F. Cl.

Geo. Ibbetson

F. Ude.

Friday——
23d. October 1857.-

At a Court of the Foujdaree Udalut

Present

G. S. Hooper, Esquire,——
W. A. Morehead Esquire,—— } Puisne Judges.
J. W. Goodwyn, Esquire, Advr.

Read Calendar of Case
No. 85 of 1857, of the Session Court of
Masulipatam.-

/Here enter F. Ude. No. 2080 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 con-
viction of House breaking with theft,
be reduced to (3) three months with hard
labor in irons, and they do authorize
the Session Judge to issue his warrant
accordingly.-

1st. Booddum Saheb

/Sent in. No. /.

Read Calendar of Case
No. 35 of 1857, of the Session Court of
Rajahmundry

Rajahmundry.-

/Here enter F. Pro. No. 2083 of 1857/

1. The Prisoner in this case, convicted on a charge of Aggravated Assault, has been sentenced to be imprisoned with hard Labor in irons, for 2 years- and to receive 150 lashes with a Cat-o'-nine tails.-

2. The Court of Foujdaree Udalut consider this sentence to be a very lenient and inadequate punishment for the Prisoner's offence.-

/Sent in No. /

Read letter from the Session Judge of Rajahmundry, dated September 25th, submitting letter from the Magistrate under date September 17th, 1857.-

/Here enter F. Pro. No. 1982 of 1857./

1. With reference to extract from the proceedings of the Foujdaree Udalut under date September 1st, the Magistrate of Rajahmundry submits for the consideration of the Judges, the question, whether, when an offence is committed by natives and Europeans acting

together, the parties can be tried and sentenced in one case, the natives under Regulation IX of 1816, the Europeans 53 George III; adding that it has been usual for the Magistrate when acting under the latter act to do so as Justice of the Peace.-

2. The Court of Foujdaree Udalut are of opinion that the Officer conducting the trial, can, in his Magisterial capacity, sentence all the parties in one case; but if sitting as Justice of the Peace, he can sentence the Europeans only, and the native parties must be tried in a separate case.-

/Sent in No. /

Read again Calendar in Case No. 18 of 1857, on the file of the Session Court of Calicut.-

/Here enter F. Pro. No. 1991 of 1857/

Read also copy of a letter -- dated 15th instant, from the Inspector of Prisons, to the Session Judge of Calicut, in reference to the Session Judge's remarks in

the

the above Calendar respecting the treatment by the Subordinate Judge of prisoners confined in the Calicut Jail.-

/Here enter F. Ml. No. 2104 of 1857/

1. The Court of Foujdaree & Udalut are gratified to find that the allegations of the prisoners in the above case, respecting the harsh treatment they had received in the jail under the & Subordinate Judge's charge, are considered by the Inspector of Prisons to be totally unfounded.

2. The Court of Foujdaree Udalut regret that the Session Judge should have recorded remarks reflecting so seriously on the conduct of the Subordinate Judge, without previously ascertainning the real state of the case, and affording the Subordinate Judge an opportunity of explaining the system of discipline pursued in the Jail & under his charge.- &

/Sent in No /

E & M.

W. Morehead

F. Ml.

Saturday— 24th October 1857.- At a Court of the Foujdaree Udalut

Present

G. S. Hooper, Esquire,—
W. A. Morehead, Esquire,— } Puisne Judges
J. W. Goodwyn, Esquire, &c.—

Read Miscellaneous Petitions presented on the 1st and 19th Instant, by Sutchummah, of Zillah Cuddapah.-

/Here enter F. M. P. Nos. 199 & 209 of 1857/

W. Morehead. 1. Petitioner appeals from the order passed by the Session Judge under date the 5th of March 1857, and prays the Court, for the reasons set forth in the Petition, to order him to be replaced in possession of the land, which, he states, has been usurped by certain other parties.-

2. Before passing a final order in this case, the Court of Foujdaree Udalut resolve to send this petition to the Session Judge for explanation.- It appears to them that the orders of the Collector were passed under

23d

under the provisions of Section XI Regu=
=lation V of 1816.- The matter in issue was
a revenue one, and the dispute was
not, as asserted by the Session Judge,
for the possession of a house which
had been occupied by Defendants for
50 years; but for a piece of land on
which, when the complaint was
first preferred before the Collector, there
was no house. It does not appear that
the Session Judge had the proceedings
of the Collector before him when he
passed his order of the 5th March 1857.-

3. The Court of Foujdaree
Udalut therefore desire the Session
Judge to call for the record and re=
=port as to the nature of the dispute,
and whether the case was a Magis=
=terial or Revenue one.

Ordered, that Extract
from these proceedings, be sent to the
Session Judge of Cuddapah, by pre=
=cept returnable within X days from
and after its receipt

/ Sent following precept No. /s

C S Chamier

Monday—
26th October 1857.-

F. P. No.

At a Court of the Foujdaree Udalut

Present

G. L. Hooper, Esquire,—
W. A. Morehead, Esquire,— Puisne Judges
J. W. Goodwyn, Esquire, Ag...

Read letter dated the 3d Instant, from the Acting Agent to the Governor of Fort Saint George at Ganjam, submitting for the final judgement of the Foujdaree Udalut, a report of the trial of Criminal Case No. 45 of 1857, on his file.-

/ Here enter F. P. No. No. 2100 of 1857 /

The Court of Foujdaree Udalut approve of the acquittal of the Prisoner in this case.-

/ Sent in No. /

Read Criminal Reports for the month of September 1857, submit=
=ted by the Session Judge of Chingleput.

/ Here enter F. P. No. No. 2102 of 1857 /

Magistrate's Ex. Kundar. Case No. 16.

The first Prisoner should have been sentenced under Regulation X

of

of 1816 Section VII. The regulation under which the 3d. Prisoner is sentenced has not been entered.-

Cases. Nos. 51-52 & 53. 2.

Section VII of Regulation X of 1816 has been erroneously quoted as authority for committal of these cases instead of Section IX of the same Regulation.-

/Sent in. Ans./

Read Calendar of Case No. 29 of 1857, of the Session Court of Madura.-

/Here enter F. No. No. 2107 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

Kanttoonaudans. the Prisoner, noted in the margin, has been adjudged to suffer on his conviction of the crime of Robbery by open violence be reduced to (5) five years with hard labor in irons, and they do authorise the Session Judge to issue his warrant accordingly.-

/Sent in Ans./

Read

Read letter dated 19th. September 1857, from the Session Judge of Chingleput, submitting for the final judgement of the Foujdaree Udalut, the record of trial in Case No. 10 of 1857, of the Calendar of the Session Court.-

/Here enter F. No. No. 1907 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, bring of opinion that the proof against the prisoners,-

1st. Annah Buttum, and

5th. Cooty Buttum alias Vurdaraja Buttum

is sufficient to convict them, the 1st. Prisoner of the crime of Murder, and the 5th. of being accessory after the fact, do convict them thereof; and in conformity with the provisions of Section X Regulation VIII of 1802, sentence the prisoners

1st. Annah Buttum

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

and

and the prisoner,

5th. Cottty buttun alias
Vurdaraja buttun.

to be imprisoned and kept to hard labo
in irons on the public roads or other pub
-lic works, for and during the period of
/3/ three years.-

And being of opinion that
the prisoners,

2d. Ramanooja Iyengar
and
3d. Mottay alias Streenevassa
Vurdachary

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

/ Sent in &c. /

Read letter dated the 6th.
Instant, from the Session Judge of
Coimbatore.-

/ Here enter F.Cs. - No. 2040 of 1857 /

This is a reference by the
Magistrate of Coimbatore, to ascertain
what is the proper course to be pursued
in

Cases

Trautoor Circular.

in furnishing peons with subsistence
money while escorting convicts under
sentence of transportation, or banishment
from one zillah to another.-

2. The point involved in the
doubt is, as to whether the peons being
changed, in accordance with Circular
Order No. 167, subsistence money is to be
provided for the whole distance by the
Magistrate from whose Zillah the pri-
soner is despatched, or only sufficient
to last till his peons are relieved at
the frontier station of the next zillah.-

3. The Court of Fouzdaree
Udalut are of opinion that the simplest
and best method is that prevailing in
the Coimbatore district, viz: for the Ma-
gistrate to supply his peons with money
sufficient for the subsistence of the con-
vict within the limits of his own
district.-

4. Under this arrangement,
the Magistrate first despatching the
convict will give early notice to all
the Magistrates along the line, describing
accurately

accurately the convicts destination, the route to be taken, the strength of the guard required, and the probable date of arrival at the frontier station of the adjoining district; at the same time naming such frontier station.-

5. On receiving the above intimation, the Magistrate of the adjoining district will take steps to have a relief of peons posted at his frontier station, and to supply them with subsistence money for the convict from that place to the frontier station of the next district; and will give notice to the Magistrate of such district, of the date on which the convict may be expected to arrive within his limits.-

6. A similar course is to be pursued by each succeeding Magistrate until the convict reaches his destination. Where the route passes through only ten or twenty miles of any district, arrangements should be made for the convict being escorted over that portion of the journey without any

change

26th. October 1857.-

change of the guard, notice being in such case given to the Magistrate at whose frontier station the peons are to be relieved.-

/Sent in No. /

Ex. Dist.

Emerson Tennent

F. C.

Tuesday
27th October 1857.—

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esqre
W. A. Morehead Esqre
} Puisne Judges.

J. W. Goodwyn Esqre — Acting.

Read Miscellaneous Petition presented on the 10th August 1857, by Mr. J. H. P. Wilson, Pleader on behalf of the 6th and 8th Prisoners in case No. 30 of 1856 on the Calendar of the Sessions Court of Chittoor.—

/ Here enter F. M. P. No. 175 of 1857 /

Read again Calendar in case No. 30 of 1856 before the Sessions Court of Chittoor.—

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

Read also Return from the Sessions Judge of Chittoor dated 5th October 1857, forwarding so much of the record as respects the 2d and 8th Prisoners.—

/ Here enter F. C. No. 2004 of 1857 /

Read also Return from the Sessions Judge of Chittoor, dated 14th October 1857, forwarding so much of the record as regards the 3d, 4, 5th, 6th and 7th Prisoners.—

/ Here enter F. C. No. 2061 of 1857 /

The

27th October 1857.

1 The Sessions Judge's sentence sets forth that the 1st 2d and 3d witnesses prove the delivery of the property by the 2d to 8th prisoners who confessed on apprehension, and that the 4th and 5th witnesses identified the property, and on this proof the Acting Sessions Judge convicted the 2d to 8th Prisoners.

2 The evidence to these Prisoners' verbal confessions is most meagre and vague; they are not even proved to have been given willingly, nor are any circumstances detailed to prove that it was probable that the accused would have admitted their guilt.

3 The evidence of the 1st to 3d witnesses as to the identity of the property is vague, contradictory and completely fails to prove what articles each prisoner gave up; whilst the 4th and 5th witnesses' testimony as to the Prosecutor's ownership of the articles found on the prisoners entirely breaks down.

4 The evidence adduced is insufficient for the 2d to 8th prisoners' conviction, and they are therefore directed to be released.

(Sent in No)

Read letter from the Magistrate of

27th October 1857.

of Coimbatore, forwarding the confession of one Timmon concerned in the Murder of the late General Kennet and requests the Sanction of the Fouydaree Udalut to his being admitted as Approver

/ Here enter File No. 2125 of 1857 /

The Magistrate of Coimbatore requests the Sanction of the Court of Fouydaree Udalut for the admission as Approver of one "Timmon" who has confessed to having been concerned in the Murder of the late General Kennet; the Court of Fouydaree Udalut are unable to discover in the Magistrate's letter what other evidence there is against the parties mentioned in it, and whether it would be sufficient with the testimony of "Timmon" for their conviction, and accordingly do not consider it advisable at present to grant their sanction as requested by the Magistrate

2 It does not appear whether any deposition was taken from "Lingaw," and if so whether it confirmed the statement of the party who would now be admitted as approver.

3 It does not appear also whether any

27th October 1857.

any evidence was taken as to "Timmons" having slept at the bungalow of Mr. Daloff, and of his leaving it with the three others in the night and again returning.

4 The Deposition or confession of Timmons should have been translated before being sent up to the Court of Foujdaree Adalut.

(Sent in No.)

Ex'd Hall.

F. 46.

Wednesday 28th October 1857. } At a Court of the Foujdaree Adalut.

Present

G. S. Hooper Esquire
W. A. Morehead Esquire
J. W. Goodwyn Esquire &c. } Puisne Judges.

Read Calendar in Case No. 59 of 1857 on the file of the Sessions Court of Chittoor.

(Here enter F. 46. No. 2115 of 1857.)

The Court of Foujdaree Adalut are of opinion that evidence to prove that the Prisoner did write the deed in question, should be called for, as this proof in addition to the accused's admission before the Subordinate Judge and Moonsiff would furnish sufficient grounds for putting the Prisoner on his trial.

(Sent in No.)

Read Criminal Reports for the month of September 1857 submitted by the Sessions Judge of Canara.

(Here enter F. 46. No. 2116 of 1857.) With

28th October 1857.-

Principal Sudr Amins Calendar Cases Nos 37.38.

"With intention to defraud" should have been entered in the charge in Case No 37. In Case No 38 no fraud would appear to have been committed by the prisoner, and if his punishment in Case No 36 was increased on account of this conviction, such portion of it should be remitted.-

(Sent in No)

Rs 180

C. Chamier

F. No.

Thursday 29th October 1857.- } At a Court of the Foujdaree Adalut

Present

G. S. Hooper Esquire — } Puisne Judges.
J. W. Goodwyn Esquire Actg.

Read return of the Sessions Judge of Bellary to the Precept of this Court under date the 9th instant, calling for information as to what notice was taken by the Magistrate of the conduct of the Head of Police in connection with Sessions Case No 77 of 1857.-

(Here enter F. No. No 2127 of 1857.)

The Court of Foujdaree Adalut concur with the Sessions Judge in the unfavorable view he takes of the conduct of the Head of Police in this matter; and they desire that the Magistrate will caution the Head of Police against the repetition of such illegal acts for the future.-

(Sent in No)

Read Extract from the Minutes

Minutes of Consultation dated 30th September 1857.-

Read also letter from the Magistrate of Nellore with reference to the above extract, under date 22nd October 1857.-

/Herewith F. No. 2126 of 1857./

The Court of Foujdaree Adalut concur with the Magistrate of Nellore in considering the parties mentioned in his letter to be deserving of reward on account of their meritorious conduct in repelling an attack of a gang of robbers, and the Court accordingly authorize the Magistrate to grant the rewards as suggested by him.-

(Sent in No.)

Read Criminal Reports for the month of September 1857, submitted by the Sessions Judge of Tinnevelly.-

/Herewith F. No. 2119 of 1857./

The Court of Foujdaree Adalut observe that there is a great delay in the disposal of cases before the Court of the Principal Sudr Ameen.-

This

This appears to be caused by additional witnesses being almost invariably called for, after the trial has commenced, which would tend to the impression that the cases are committed on very insufficient evidence.-

2. This not only occasions great delay but is the cause of the trial being spread over several days, a practice of which the Court of Foujdaree Adalut has expressed its disapproval.

(Sent in No.)

Read Criminal Reports for the month of September 1857, submitted by the Sessions Judge of Salem.-

/Herewith F. No. 2117 of 1857./

Magistrate's Calendar Case No. 5.-

The Court of Foujdaree Adalut remark, that the sentence in this case appears very inadequate, considering the very serious nature of the offence, but the Court presume that it must have been passed with reference to circumstances which are not set forth in the Calendar under

29th October 1857.-

under review.-

Exd Ull.

(Sent in No)

Cmore Shutterton

Friday
30th October 1857.

F. Ul.

At a Court of the Foujdaree Udalut

Present

The Honorable W. A. Morehead Esqre — Chief Judge

G. S. Hooper Esqre ———— } Puisne Judges

J. W. Goodwyn Esqre — Acting ——

Read letter dated the 26th instant,

from the Acting Sessions Judge of Cuddalore.-

/ Here enter F. Ul. No. 2157 of 1857 /

The Acting Sessions Judge submits

the question whether, where a prisoner is required to

find Security and imprisoned for default, and is

shortly afterwards for another offence sentenced to

a specific period of imprisonment / 7 years / exceeding

the period for which he was held to security, the

former punishment merges in the latter.-

The Court of Foujdaree Udalut

2

are of opinion that, in such a case, the sentence

of Security would merge in the more severe

sentence of imprisonment for 7 years.-

(Sent in No)

Read letter dated the 23d October

1857, from the Sessions Judge of Chittoor, —

submitting for the final judgment of the

Foujdaree

2

30th October 1857.

Fouzdaree Udalut, the Record of Case No. 66 of 1857 on the Calendar of the Session Court

/ Here enter F.C. No. 2121 of 1857 /

The Honorable Mr. H.A. Morehead.

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

1st Emanuel

2d Annandaly

3d Veerun

and

5th Iyadawony

is sufficient to convict them of the crime of Robbery by open violence attended with severe wounding, 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.—

And being of opinion that the proof against the prisoner

4th Royappen

is sufficient to convict him, under the Mohummedan Law

30th October 1857.

Law, of a slight offence in having failed to give information to the Circar of his being asked to join in the robbery, the Court do convict him thereof, but considering that the imprisonment he has already undergone is sufficient punishment, the Court direct that he be set at liberty.—

(Sent in No.)

Read Calendar in Case No. 54 of 1857 on the file of the Sessions Court of Coimbatore

/ Here enter S.C. No. 2111 of 1857 /

The Principal Sudder Ameen should have submitted the record directly the case was committed, whereas, it appears that he did not do so for two days.—

(Sent in No.) as

Ex Clk.

F. M.

Saturday—
31st. October 1857.

At a Court of the Foujdaree Udalut

Present

The Honble W. A. Morehead Esqre. Chief Judge
G. S. Hooper, Esquire. } Puisne Judges
J. W. Goodwyn, Esquire. &c. }

Read Miscellaneous Petition presented on the 31st. Instant, by J. W. Branson Esquire, Pleader on behalf of Pootoola Vencatareddy, of Zillah Ra-jahmundry.-

/ Here enter F. M. P. No. 216 of 1857 /

The Court of Foujdaree Adalut resolve to direct the Session Judge to stay, until further orders, execution of that part of the sentence which awards stripes to the Prisoner in Case No. 36 of 1857 on the file of the Session Court.-

The Honble Mr. Morehead and Mr. Goodwyn

/ Sent in No. /

Read Miscellaneous Petitions presented on the 1st. October 1857, by S. N. Cunteeravachary, Pleader on behalf of Caray Cootty,

of

31st. October 1857.

of Zillah Tellicherry.-

/Here enter F. No. P. Nos. 197 & 198 of 1857/

The Hon'ble Mr. Morehead, and Mr. Goodwyn.

Petitioner appeals from the order of the Session Judge under date the 5th. May last, confirming the Acting Magistrate's proceedings, whereby the Petitioner was required to find security in two sureties, each in the sum of 250 Rupees, for a period of one year, on a charge of crimping.-

2. The Court of Fouzdaree Udalut observe that the Magistrate had no power to require security on suspicion of the prisoner having committed the offence of crimping, as this offence is not one over which the Subordinate Judge would have had jurisdiction under Section VIII Regulation X of 1816, and it is over this class of offences alone that the Magistrate, under Circular Order No. 173, 23d. July 1845, could take security under Clause 1st. Section IV Regulation II of 1822. The order appealed from is therefore cancelled.-

/Sent in No. /

Read Calendar in Case No.

31st. October 1857.

No. 79 of 1857, of the Session Court of Bellary.-

/Here enter F. No. No. 2130 of 1857/

The Court of Fouzdaree Udalut conclude that the conduct of the Head of Police, as set forth in Para 4, has been brought to the notice of the Magistrate.-

/Sent in No. /

Read Criminal Reports for the month of September 1857, submitted by the Session Judge of Combaconum.-

/Here enter F. No. No. 2132 of 1857/

Magistrate's Calendar Case No. 2.

Sending a Letter by Post to the Magistrate falsely accusing certain parties of a Criminal Offence cannot be punished under Section VII. Regulation X of 1816. The sentence in this case must therefore be cancelled.-

/Sent in No. /

Read Calendar of Case No. 27 of 1857, of the Session Court of Chingleput.-

/Here enter F. No. No. 2141 of 1857/

The Court of Fouzdaree Udalut

31st. October 1857.

2d. Moonegadoo

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 (4)
four years with hard labor irons, and they
do authorize the Session Judge to issue
his warrant accordingly.-

/Sent in No./

Read Calendar in Case No. 60 of
1857, on the file of the Session Court of Chittoor.-

/Here enter F. Mo. No. 2142 of 1857./

The Court of Foujdaree Udalut
consider that the Session Judge was right in
not putting the defendant on his trial, on the
ground that he had not had an opportunity
of explaining the discrepancies in his state-
ments; and they are, further, of opinion that
no conviction of Perjury should take place
on such a charge as that preferred against
this defendant.-

E.B.M. /Sent in No./

Mess. Hooper

F. Mo.

Monday — 2d. November 1857. At a Court of the Foujdaree Udalut

Present

G. S. Hooper, Esquire, —
T. W. Goodwyn, Esquire, Actg. } Puisne Judges

Read again Miscellaneous
Petition presented on the 13th. August 1857,
by S. N. Cunteerava Chetty, Pleader
on behalf of Chinnuppa Pillay, of
Zillah Tinnevelly.-

/Here enter F. Mo. P. No. 184 of 1857./

Read also return dated
3d. Ultimo, from the Session Judge of
Tinnevelly, to the Precept of the Foujdaree
Udalut under date the 19th. September 1857,
calling upon him to furnish certain ex-
planation in the matter.-

/Here enter F. Mo. No. 2021 of 1857./

Messrs. Hooper and Goodwyn

The Court of Foujdaree
Udalut observe that the Head Assistant
Magistrate could not, under Act XXX
of 1841, fine the Petitioner for an offence
committed before a Police Ameen. The
fine imposed, will therefore be returned.

The

The explanation for declining to examine into the Petitioner's complaint, is unsatisfactory, but as the Petitioner's Vakeel states that he should not probably be able to prove his charge after this lapse of time, and that he does not press for investigation, no further orders on this subject are requisite.-

/Sent in No./

Read Criminal Reports for the months of September 1857, submitted by the Session Judge of Coimbatore

/Here enter F. No. No. 2149 of 1857./

Magistrate Case No. 7. 1. It is not stated whether the prisoner was convicted in this case.-

Case No. 10. 2 This is a Case of robbery and beyond the jurisdiction of the Magistrate; the sentence however may be allowed to stand.-

Case No. 162. 3. The manner in which the murder was perpetrated should have been entered.-

Cases Nos. 167. 168. 4. It is not clear why the prisoner was sentenced under Clause 4, Section 3, Regulation VII of 1822, and it would

would appear that the Principal Sudr Ameen should either have punished under Section VII Regulation X of 1816, or under the peculiar circumstances of the case have committed the Prisoner. The Session Judge will therefore call for the Record, and, if a mistake has been committed, correct the sentence, and point out to the Principal Sudr Ameen the course he should have pursued.-

/Sent in No./

Read Criminal Reports for the months of September 1857, submitted by the Acting Agent in Ganjam

/Here enter F. No. No. 2151 of 1857./

Case No. 22. 1 As the case was committed it is to be supposed that great violence was committed: if this was the case, the acts of violence should have been entered in the charge.-

Case No. 59. 2. This charge has been so vaguely drawn up that it is difficult to understand the precise nature of the offence with which the Prisoner

was

2d. November 1857.-

was accused: it should have stated what overt acts were committed which indicated that the Prisoner had the intent charged.-

/Sent in A.

Read Letter from the Session Judge of Cuddalore, with reference to Proceedings of Foujdaree Udalut under date 22d. October 1857.-

/Here enter F. Uc. No. 2156 of 1857./

It was unnecessary for the Session Judge to have reported on this case, as the Foujdaree Udalut considered that the sentence should not be interfered with, if the Session Judge concurred with the Joint Magistrate as to the amount of punishment.-

/Sent in A. /

Ex Secy.

F. Uc.

Tuesday—
3d. November 1857.-

At a Court of the Foujdaree Udalut

Present.

G. S. Hooper, Esquire,—
T. W. Goodwyn, Esquire, M.—
} Puisne Judge

Read Calendar of Case &c.
No. 27 of 1857, of the Session Court of &c.
Cuddalore.-

/Here enter F. Uc. No. 2169 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 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 Acting Session Judge to issue his warrant accordingly.-

2. Kancoommutten
3. Ramen
4. Chinnapien

/Sent in A. /

Read Criminal Reports for the month of September 1857, submitted by

4th November 1857.-

the Magistracy submitted by the Sessions Judge of Trichinopoly for the 3rd Quarter of 1857.

/Herewith F. No. Nos 2178 of 1857./

Calendar I Case Nos 1-30.

1. The nature of the false complaint should have been entered in the charge.-

Calendar II Case Nos 1-29.

2. The manner in which the theft was committed should have been entered.-

Calendar III Case Nos 2-31.

3. The facts stated in the charge are not of such a nature as would justify the demand of security.-

Calendar IV Case Nos 3-33.

4. The demand of security from the defendants in this case would appear to be unnecessary or at any rate for so long a period as one years the Sessions Judge will after perusing the record in this and Case Nos 2. 31 pass such orders thereon as he may deem requisite.-

(Sent in Nos)

Read Calendar of Case Nos 39 of 1857, of the Session Court of Nellore.-

/Herewith F. No. Nos 2162 of 1857./

1. The two Prisoners in this case were

were tried and convicted on a charge of Highway Robbery. The Sessions Judge in sentencing them to the prescribed punishment recommends that the same may be reduced to five years on the grounds of this being their first offence and no violence having been used.-

2. The Court of Foujdaree Adalut being of opinion that the mitigated sentence is inadequate for the punishment of the Prisoners, resolve to direct that they be sentenced to Imprisonment with hard labor in irons for the period of 7 years.-

(Sent in Nos)

Read Calendar in Case Nos 24 of 1857, on the file of the Session Court of Tellicherry.-

/Herewith F. No. Nos 2186 of 1857./

1. The prisoner was charged with uttering a counterfeit coin, in having tendered to the first witness writer a false rupee, under the pretence that it had been paid to him by the first witness, and

and asked to have it exchanged, intending thereby to defraud the first witness.-

2. The Court of Foujdaree Adalut consider that the offence was an attempt to obtain money under false pretences, and not of uttering counterfeit coin. In order to constitute the latter offence it is necessary that the utterer should pay or tender in payment, the false coin, as a good and genuine one; which is not the charge in the present case. The sentence should, therefore, have been recorded under clause seventh, Section II. Regulation XV of 1803.-

(Sent in No.)

Read letter dated the 30th Ultimo, from the Acting Sessions Judge of Salem.-

(Here enter F. Mo. No. 2187 of 1857.)

The Acting Sessions Judge enquires whether a Sessions Judge has authority to enhance the punishment awarded by a Subordinate Judge or Sudder Ameen, when it appears inadequate to the offence proved.

The

2. The Court of Foujdaree Adalut observe that a Session Judge has not power to enhance sentences passed by a subordinate Judge, but is competent to increase the punishment awarded by a Sudder Ameen.-

This authority, however, should only be used under very peculiar circumstances.-

(Sent in No.)

Read letter dated the 19th Ultimo, from the Session Judge of Masulipatam.-

(Here enter F. Mo. No. 2154 of 1857.)

1. The Session Judge submits for the opinion of the Foujdaree Adalut the following reference from the Acting Magistrate regarding the construction of Section XIII, Act No. III of 1857, viz:- first, whether the prosecutor must prove that the cattle were doing damage, at the time of seizure; and Secondly, what is to be considered a forcible opposition to the seizure.-

2. With respect to the first

of

of these points the Court of Foujdaree Udalut observe that it is clear, upon the face of the section quoted, and indeed of the whole Act, that its provisions are only applicable where the trespassing cattle are "doing damage;" the burden of proving which, of course falls upon the seizer.-

3. In regard to the second point the Court consider that no difficulty can arise, if the words "who shall forcibly oppose" or "forcibly rescue" be taken in their plain and obvious meaning. In dealing with such cases the police should be guided by the degree of force used in each particular instance.-

4. The Foujdaree Udalut do not consider that this Act takes from the Heads of Police and Magistrates their former powers of punishing petty offences of this nature; and they are of opinion that the parties should only be forwarded to the Criminal Court, or to the Magistrate exercising his extended powers, where the case is attended with aggravating circumstances.

Cases

4th November 1857.

Cases Nos 71 and 83 on the Sessions Court file were both such as might have been disposed of by the Magistrate on a reference from the police.-

5. The Court request that in submitting future references from the Magistracy, the Sessions Judge will embody the points referred, in his own letter; instead of alluding to enclosures, which must be perused before the Judges can understand the purport of the reference.-

(Sent in No)

Read Calendar in Case No 26 of 1857 of the Sessions Court of Cuddalore

[Here enter F. Co. No 2168 of 1857.]

1. The Acting Sessions Judge concurring with the Futwa of the Law Officer in the conviction of the 1st Prisoner sentenced him to 3 years' imprisonment with hard labor in irons, but not approving of the Futwa convicting the 2d Prisoner, he has set down the case as concerns the latter Prisoner for reference to the Foujdaree Udalut.-

The

4th November 1857.

2. The Court of Foujdaree Udalut observe that the sentence upon the 1st prisoner was illegal. Section XXII. Regulation VII of 1802 declares that when the Judges shall disapprove of any part of the proceedings held on a trial, or of the Futwa delivered by the Law Officers "they are not to pass sentence in such cases" but shall refer the case to the Foujdaree Udalut, "and wait the sentence of that Court."-

3. The Acting Sessions Judge must cancel his sentence on the 1st Prisoner and refer the whole record for the final sentence of the Foujdaree Udalut.-s

(Sent in No)

Ex'd Ma.

C.S. Cranier

F.Tle

Thursday 5th November 1857. At a Court of the Foujdaree Udalut

Present

G. S. Cooper Esquire
T. W. Goodwyn Esquire Acts } Puisne Judges

Read letter dated 26th October 1857, from the Sessions Judge of Madura, submitting for the final judgment of the Foujdaree Udalut the records of Case No 30 of 1857.-

(Were enter F.Tle No 2165 of 1857)

Mesrs Cooper 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

Errum

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

(Sent in No)s

C.S. Cranier

Ex'd Ma.

F. Ud.

Friday-
6th November 1857.

At a Court of the Foujdaree Udalut

Present:

G. S. Hooper Esqr. _____ Puisne Judge

J. W. Goodwyn Esqr. — Acting Puisne Judge.

Read Calendar of Case No. 56 of 1857

on the file of the Session Court of Coimbatore.

(Here enter F. Ud. No. 2183 of 1857).

As herein recommended, the Court of Foujdaree Udalut resolve to authorize the Session Judge to issue his warrant for the imprisonment of the prisoners for the period specified in the margin in mitigation of the sentences passed upon them in the said case.

1. Soobbia Goundon
2. Kaurappa raicken
3. Pettaim Chetty. and
4. Maroodon.

10 years.

(Sent in No.

Read Calendar of Case No. 57 of 1857

on the file of the Session Court of Coimbatore.

(Here enter F. Ud. No. 2184 of 1857).

As herein recommended the Court of Foujdaree Udalut resolve to authorize the Session Judge to issue his warrant for the imprisonment of the prisoners for the period specified in the margin, in mitigation of the sentences passed upon them in the said case.

1. Seeran.
2. Jauttan alias Comaravalan.
3. Panja Pyen — and
4. Causon.

10 years.

(Sent in No.

Read

F. U.

Saturday
7th November 1857.

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esqre. ——— } Puisne Judges.
T. W. Goodwyn Esqre. Acting — }

Read Letter from the Sessions Judge of Chittoor under date November 2d. 1857, requesting the instructions of the Court of Foujdaree Udalut regarding the trial of a certain party on a charge of Forgery, with reference to the Courts proceedings under date October 28th 1857.—

/Here enter F.U. No. 2195 of 1857/

The Court of Foujdaree Udalut are of opinion, as before expressed in their Proceedings of the 28th October, that if the Prisoner's deposition of the 14th was wilfully false, having been given on oath duly administered, the retraction or qualification, on the following day, after the perjury was discovered and the proof clearly laid before him, could not reduce the offence to one of mere prevarication.—

With reference to the latter part

2

of the letter of the Sessions Judge, the Court

of

7th November 1857.

of Foujdaree Udalut direct that the Prisoner be put upon his trial if the evidence specified in the Court's Proceedings of the 28th October be forthcoming.

3 The Court of Foujdaree Udalut would observe that Act XIX of 1848 quoted by the Sessions Judge, has reference only to cases in which a trial has taken place and Sentence has been passed; in the present instance the Sessions Judge having released the prisoner without proceeding to trial on the grounds of the insufficiency of the evidence, the Court of Foujdaree Udalut overrule that objection and under the general regulations direct the Sessions Judge to proceed with the trial.—

(Sent in No 9)

Read letter dated the 27th October 1857, from the Sessions Judge of Nellore; forwarding Roughish translation of the record of Case No 37 on the Calendar of the Sessions Court, for the final judgment of the Court of Foujdaree Udalut

(Here enter Flc No 2164 of 1857)

Mr. G. L. Hooper and 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

7th November 1857.

that the proof against the Prisoner

"Dasari Latchadu"

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

(Sent in No)

C. F. Chamier

Rec'd 8th

F 46

Monday.
9th November 1857

At a Court of the Foujdaree Udalut

Present

The Honorable W. A. Morehead Esqre. — Chief Judge

G. S. Hooper Esqre. ——— } Puisne Judges.
J. W. Goodwin Esqre. — Acting }

Read Miscellaneous Petition pre-
sented on the 19th ultimo by V. Sadagopa Charloo
Pleader on behalf of Commaroo cottah Ambala-
caren and 6 others of Zillah Madura —
/ Here enter F. M. P. No. 206 of 1857 /

Petitioners appeal from the Sentence

Mr. J. W. Goodwin. /

passed by the Register of [illegible]
No. 21 of 1857 directing them to find Securities for
good behaviour and appearance when required,
for and during a period of three years. —

The Court of Foujdaree Udalut

2

decline to interfere with the Sentence appealed
against and accordingly reject this petition. —

(Sent in No.)

Read Miscellaneous petition pre-
sented on the 12th November 1857 by S. Veroomala
chary Pleader on behalf of Mootteanna Chetty
of Zillah Trichinopoly. —
Here enter F. M. P. No. 203 of 1857 / Petitioner

9th November 1857

Mr. J. W. Goodwyn

1 Petitioner appeals from the orders passed by the Sessions Judge in his case under date the 17th June 1857

2. The Court of Fouzdaree Udalut see no reason to interfere with the order appealed against, and accordingly reject this petition

(Sent in No)

Read Miscellaneous Petition presented on the 15th October 1857, by R. Seroomnirow Pleader on behalf of Lutchmy Naraina Chetty and another of Zillah Salem.—

/ Here enter F. M. P. No. 202 of 1857 /

Mr. J. W. Goodwyn

1 Petitioner appeals from the orders passed by the Acting Sessions Judge in his case under date the 11th July 1857 confirming the Acting Joint Magistrates order whereby he and his deceased brother were fined in 45 Rupees on a charge of assault.—

2 The Court of Fouzdaree Udalut see no reason to interfere with the order appealed against, and accordingly reject this petition.—

(Sent in No)

Read letter dated the 4th instant from the Acting Civil Judge of Cuddalore

/ Here enter F. Mo. No. 2206 of 1857 /

The

9th November 1857

The question submitted in the above letter, as to the construction of Section XIII of Act No. III of 1857, having recently been considered and disposed of by the Fouzdaree Udalut, the Judges resolve to forward a copy of the same* for the guidance of the authorities in the Zillah of Cuddalore.—

* Extract Proceedings F. M. dated 4th November 1857.

(Sent in No)

Read Miscellaneous Petition received on the 8th October 1857 through the Sessions Judge of Calicut on behalf of Vonikorew Nair of that Zillah.—

/ Here enter F. M. P. No. 200 of 1857 /

Mr. J. W. Goodwyn

1 Petitioner appeals from the sentence passed by the Sessions Judge in Calendar Case No. 38 of 1857, in which he was second prisoner, and prays this Court to call for and consider the record of the case, and annul the said sentence

2 The Court of Fouzdaree Udalut reject this petition, as they do not consider that the Petitioner has assigned any sufficient reason for calling for the record in the case.—

(Sent in No)

Read Miscellaneous Petition presented on the 15th instant by Mr. H. B. Saunders Pleader

9th November 1857.

Reader on behalf of A. Sobbiah of Zillah Nellore—

/ Here enter F. M. P. No. 204 of 1857 /

Messrs Hooper and Goodwyn.—

1 Petitioner appeals from the sentence passed by the Sessions Judge in Calendar case No. 32 of 1857, awarding to him imprisonment for 5 years with hard labor in irons on a charge of Forgery.—

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

(Sent in No.)

Read letter under date the 23d October 1857 from the Sessions Judge of Tinnevelly forwarding English translation of the record of case No. 60 of 1857, on the Calendar of the Session Court, for the final judgment of the Court of Foujdaree Udalut.—

/ Here enter F. M. No. 2126 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 Prisoners,

1st Moothoopayen

and

2d Sumacanlay alias Moothoopayen

are

F. M.

9th November 1857.

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 therefrom, and direct that they be set at liberty.—

(Sent in No.)

Ed 1st

Cecil Thomason

F. Vo

Tuesday 10th November 1857.

At a Court of the Fouzdaree Udalut

Present

G. S. Hooper Esqre
J. W. Goodwyn Esqre Acting } Puisne Judges

Read letter dated the 3rd instant from the Magistrate of Coimbatore (Here enter F. Vo. No. 2217 of 1857)

1. The Magistrate transmits a translation of the deposition given by Lingum in connection with the murder of General Kennedy the same having been called for in this Court's proceedings of the 27th Ultimo, to enable them to judge of the propriety of admitting one Timmon as an approver.

2. As the statement made by Timmon is corroborated by that of Lingum, and the Magistrate, who states that he has given particular care to the case, recommends the admission of Timmon as an approver, the Court of Fouzdaree Udalut resolve to sanction a conditional pardon being tendered to the said Timmon on the usual terms, and this being examined

as

10th November 1857

as a witness at the trial.

/Sent in &c

Read Calendar of Case No. 38 of 1857 on the file of the Sessions Court of Nellore.

/Here enter F. Ct. No. 2208 of 1857/

Id herein recommended, the Court of Foujdaree Udalut resolved to authorize the Sessions Judge to issue his warrant for the imprisonment of the Prisoner for the period specified in the Margin in mitigation of the sentence passed upon him in the said case.

Imamalathelly to be detained four years

/Sent in &c

Read remarks of the Acting Government agent at Ganjam, on Case No. 310 of 1857.

/Here enter F. Ct. No. 2221 of 1857./

1. If the Acting Agent discredited the charge, he was correct in dismissing it. He would appear to have considered that it was founded on a mere assault; but the whole report is obscure, and great delay has taken place in transmitting it.

/Sent in &c

Read Calendar of Case No. 884 of 1857, from the Sessions Judge of Masulipatam.

/Here enter F. Ct. No. 2209 of 1857./

A.

10th November 1857

A description of the wound should have been given in the charge.

/Sent in &c/

Ei 18th

W. H. Anderson

P. No.

Wednesday 11th November 1857. At a Court of the Foujdaree Adalut

Present

The Honorable C. W. A. Morehead Esqr. — Chief Judge

G. L. Hooper, Esquire
C. R. Baynes, Esquire } Puisne Judges
J. W. Goodwyn, Esquire Actg.

Read Calendar of Cases Nos 81 of 1857 from the Sessions Judge of Bellary —

(Here Enter P. No. 2205 of 1857)

Res a sentence of Hud was given the Prisoner should have been sentenced under Section XXI Regulation XII of 1822. —

(Sent in No.)

Read again Miscellaneous Petition presented on the 31st August 1857 by Mr. H. B. Saunders, Pleader on behalf of Erapah, Prisoner in Cases Nos 33 and 35 of 1857 on the Calendar of the Sessions Court of

of Bellary.—

(Here Enter F. No. D. No. 185 of 1857)

Read also Calendars in cases Nos. 33 and 35 of 1857 on the file of the Sessions Court of Bellary.—

(Here Enter F. No. Nos. 1028 and 1029 of 1857)

Read also return of the sessions judge dated 11th September 1857, forwarding records in cases Nos. 22, 33 and 35 of 1857.—

(Here Enter F. No. No. 1879 of 1857)

The Hond'le Mr. W. Morehead 1 The petitioner appeals from the proceedings of the Sessions judge convicting him of having had in his possession certain stolen property knowing it to be such,—and sentencing him to 7 years' imprisonment with hard labor in irons.—

2 The Court of Foujdaree Adalut having considered the record, are of opinion that there is not evidence to convict him of the offence charged, and therefore they direct his release.—

3 The Court of Foujdaree Adalut

11th November 1857.

Adalut would point out that in dealing with the cases in question the Sessions Judge has failed to attend to the Rules laid down in their Circular order dated 28th October 1822, and that the institution by the Acting subordinate criminal judge of proceedings against the prisoner was illegal.—

(Sent in No. 2 Ex. Ma.)

Mr. Whitehill

F. No.

Thursday, 12th November 1857.

At a Court of the Foujdaree Udalat.

Present

G. T. Cooper, Esquire
C. R. Baynes, Esquire
} Puisne Judges
J. W. Goodwyn, Esquire Advocate

Read Petty Calendars of the Magistracy for the 3d Quarter of 1857, submitted by the Session Judge of Guntoor.—

(Here enter F. No. 2218 of 1857)

Cases 35 and 36.

The offence charged does not appear to be one punishable under the Act quoted, but could be disposed of as a Petty fraud under the general Regulations.—

Para 2 Session 2 Judge's Extract November 2d 1857.

Section XXXII Regulation IX of 1816 has been correctly quoted by the Acting Magistrate Act XXI of 1841 would not appear to be applicable to this case.—

(Sent in No.)

E. Ellt.

C. Chamier

F. G.

Friday,
13th November, 1857. At a Court of the Foujdaree Adalut

Present.

G. S. Hooper Esquire
C. R. Baynes Esquire } Puisne Judges.
T. W. Goodwyn Esqre Ag.

Read letter dated the 12th Instant from the Acting Session Judge of Mangalore, referring the record of case No 27 of 1857 on the Calendar for the final orders of the Foujdaree Adalut.

(Here Enter F G No 2210 of 1857)

1. The Court of Foujdaree Adalut observe that as the witnesses refer in their depositions in this case to their former depositions in case No 22 of 1857, in which 2 other persons were tried for the same murder and acquitted, the record of the latter case should also have been forwarded with the present case.-

2. They accordingly direct that an English translation of the record of

of case No 22 be forwarded for their consideration

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

(Sent following Precept &c

Read petty Calendars of the Magistracy for the 3d Quarter of 1857, submitted by the Session Judge of Combaconum.-

(Here Enter Sh No 2211 of 1857)

Calendar I 1. The nature of the "disturbance"
Case 38. should have been described-

Case 27. 2. The charge should have shown that the act complained of was committed by Defendant in his official capacity-

Case 32 3. As the charge against the defendant could not be disposed of by the Magistrate if proved, he should not have entered in the defence, but if a prima facie case was made out

out against the Defendant should have committed him to the Criminal Court which if the evidence is sufficient, he is now directed to do without reference to the evidence for the defence- and if so the crime should be designated "murder"

Case 34. 4 The Official designation of the Prosecutor should have been entered in the charge.

Calendar III Case No 3 5. The charge should have stated in what the breaches of the Peace consisted-

(Sent in No

Read calendar in case No 65 of 1857 on the file of the Session Court of Chittoor-

(Here Enter Sh No 2231 of 1857)

The Court of Foujdaree Udalut observe that the investigations held before the Magistracy are not trials, so that the Duffadar though released after the first investigation could be again arraigned in the same charge-

As the prisoner appears

2

to

13th November 1857.

to be an ignorant female, and not to have been duly cautioned of the consequences of giving false evidence, the Foujdaree Udalut will not interfere, although they consider that the prisoner should have been placed upon her trial.

(Sent in No. 18.)

C. Chamier

F. Ud.

Saturday. 14th November, 1857.

At a Court of the Foujdaree Udalut.

Present.

G. L. Cooper, Esquire
C. R. Baynes, Esquire
T. W. Goodwyn, Esquire Ag.
} Puisne Judges.

Read Criminal Reports for the month of September 1857, submitted by the Sessions Judge of Cuddapah.

Vide Enter F. Ud. No. 2180 of 1857.

Case No. 164. 1. The manner in which the entry was effected should have been stated in the charge.

Cases Nos. 167, 168, 184, 187. 2. In the 2d Count in these cases the property should be described as part of that mentioned in the 1st Count.

Cases Nos. 174, 187. 3. "Maliciously" should have been entered in the charge.

(Sent in No.)

Read

Read letter, dated the 7th instant, from the Magistrate of Cuddapah.-

/Here enter F.No. No. 2226 of 1857/.

1. The object of this reference is to obtain the orders of the Foujdaree Adalut on a matter which the Magistrate, on the 22d August last, requested might be laid before them by the Sessions Judge, but which that officer has up to the present time neglected to bring to their notice.-

2. It appears that one Bogunnah having attempted to take forcible possession of a certain house in the occupation of two persons named Shashadoo and Naugah, the interference of the police was applied for, and after due enquiry the Magistrate issued an order, directing that the said occupants, having had possession for sixteen years, should continue therein undisturbed, leaving it optional with Bogunnah to adopt the usual legal

legal measures for the recovery of his rights.-

3. This order was afterwards cancelled by the Sessions Judge, who required the Magistrate not to interfere with the rights of the parties, but to confine himself to the preservation of the peace. The Sessions Judge observed that the Magistrate had given possession to Shashadoo, in opposition to a decree of the Zillah Court passed in 1821, which awarded the property to Bogunnah's father.-

4. The Magistrate now reports that a serious breach of the peace, attended with fatal results, has taken place, and that it is imperatively necessary that one party or the other should be put authoritatively in possession and the other left to seek his remedy by action, as disastrous consequences may otherwise ensue.-

5. The Court of Foujdaree Adalut

14th November, 1857.

Udalut are of opinion that no suffi-
cient reason has been assigned by
the Sessions Judge for suspending the
Magistrate's order. The only proper
course for a Magistrate to pursue under
such circumstances, is to maintain
the right of the party in actual pos-
session, and the Sessions Judge's duty
in appeal was, to hold a summary
enquiry as to that point alone.—

The above course not hav-
ing been pursued, and the Sessions
Judge having apparently been guided
merely by a decree of Court, thirty
six years old, the Court of Foujdaree
Udalut resolve to direct that the
order of the Magistrate be immedi-
ately carried into effect, and that
Bagunnah be required to have re-
course to legal measures to establish
his claims, security being taken from
him to keep the peace, if the Magis-
trate should think it necessary to
demand the same.—

The

No.

14th November, 1857.

The Session Judge will
also explain his omission to dispose
of the reference, directly it was trans-
mitted to him by the Magistrate.—

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

Sent following Precept No 1—

A copy to the Magis-
trate of Cuddapah.

E Bax.

C. Chamier

Monday 16th November 1857

At a Court of the Faydarre Wadath

Present

G. S. Hooper Esquire — }
C. R. Baynes Esquire — } Puisne Judges
T. W. Goodwyn Esquire &c. }

Read Miscellaneous Petitions presented on the 26th Ultimo and 12th Instant by J. D. ors Mayne Esquire, Pleader on behalf of Drummale of Zillah Ballarry.

(Here Enter F. 76 Pets 213 and 230 of 1857)

Before passing a final order on this Petition, the Court of Faydarre Wadath resolves to desire the Sessions Judge to send up a translation of the entire Record of the trial in case No. 65 of 1857 on the file of the Sessions Court of Ballarry.

Mess.rs Hooper and Baynes.

Ordered that Extracts from these Proceedings be sent to the Sessions Judge of Ballarry by Precept returnable within 2 months from and after its receipt.

(Sent following Precept &c.)

Read Miscellaneous Petition presented on the 19th Ultimo, by Samiadoo Pillay of Jillalo Cambaconum.

(Here Enter F. M. D. No. 211 of 1857)

Mess^rs Hooper and Baynes.

1. Petitioner appeals from the order of the Sessions Judge under date the 20th July 1857 confirming that of the Special Assistant Magistrate, fining the Petitioner and removing him from the Office of Village Monniff, on a charge of trespass preferred by one Ramaraowmy Iyengar.

2. The Court saw no reason to interfere with the decision arrived at by the three Subordinate tribunals.

(Sent in No.)

Read Miscellaneous Petition received on the 21st Ultimo, through the Sessions Judge of Tinnevelly, on behalf of Sellyaradoo, native of Agaty Pillay of that Zillah.

(Here Enter F. M. D. No. 207 of 1857)

Mess^rs Hooper and Baynes.

1. This is an application for the release of the 3d Prisoner in Case No. 61 of 1857 on the file of the Sessions Court of Tinnevelly.

2. The Court of Foujdaree Adalut saw no reason for doubting the propriety of the 3d Prisoner's conviction - the allegations of the appeal are mere assertions. It was open to prisoner to make such defence on the trial and prove it if he could.

3. Petition rejected.

(Sent in No.)

Read Miscellaneous Petition presented on the 19th Ultimo, by Mess^rs Arthur Ritchie and Alexander M. Ritchie, Pleaders on behalf of Paly Saunders, Prosecutor in Case No. 44 of 1857 on the file of the Sessions Court of Salem, complaining of the sentence passed by the Acting Sessions Judge releasing the prisoners in that case.

(Here Enter F. M. D. No. 212 of 1857)

Mess^rs Hooper and Baynes

1. This is an appeal against an acquittal by a competent tribunal, with which this Court cannot interfere - nor do they see any ground for doubting the perfect propriety of the lower Courts' decision.

Petition rejected.

2.

(Sent in No.)

Read

Read Miscellaneous Petition &c
presented on the 19th Ultimo by Rungasawmy Iyengar
of Tillaly Cuddalore.

(Have Enter F. M. D. No. 210 of 1857)

Messrs. Hooper and Baynes.

1. Petitioner appeals from the order of the Acting Sessions Judge under date the 16th April last confirming that of the Head & Assistant Magistrate, fining the Petitioner and others in the sum of 3 Rupees on a charge of having created a disturbance at a marriage festival.

2. The Petitioner and others were fined 3 Rupees each by the Head of Police, and it was confirmed on appeal by the Head Assistant Magistrate and Sessions Judge. There is nothing but their denial to set against the judgment of these functionaries on the evidence.

3. The Court therefore see no reason to interfere in the case. and accordingly reject this Petition.

(Sentence No.)

Read letter under date the 31st October 1857, from the Officiating Agent to the Governor of Fort

16th November 1857

Fort St. George at Burmah, submitting for the final judgment of the Faujdaree Adalut, a report of the trial of Criminal Case No. 30 of 1857 on his file.

(Have Enter F. M. No. 2215 of 1857)

The Court of Faujdaree Adalut con-
-cur in the conviction of the Prisoner.

Talary Lutchyandoo

of House breaking with attempt at Theft and &c
sentence him, as proposed by the Agent, to 5 years'
Imprisonment with hard labor in irons in Bamick-
-ment to the Jail at Chingleput and to receive
150 lashes in addition.

(Sentence No.)

Read letter under date the 1st October
1857, from the Officiating Agent to the Governor
of Fort St. George at Burmah, submitting for
the final judgment of the Faujdaree Adalut
a report of the trial of Criminal Case No. 28
of 1857 on his file.

(Have Enter F. M. No. 2216 of 1857)

The Court of Faujdaree
Adalut concurring in the Conviction of
the

16th November 1857

the Prisoners

1st Nazah

2d Radical Vencatah

3d Mudamul Venkatah

4th Erkal Soonkah, and

5th Pundegooday Venkatah.

of House breaking and Theft, and

6th Voracul Venkatagah and

7th Chetral Venganah

of Professing stolen property knowing the same to be such, resolve to sentence them as proposed by the Agent Viz^z 1st 2d 3d 4th and 6th to 7 years' Imprisonment with hard labor in irons in banishment to Chingleput Jail, and 5th and 7th to 5 years' Imprisonment with hard labor in irons.

2 The Court also concur in fining the 1st 2d 3d 5th and 6th Prisoners in Rupees 25 each.

3 The Court concur also in the acquittal and release of the 8th and 9th Prisoners.

(Sent in A^o)

Read Calendar of Case A^o 166 of 1857

16th November 1857.

1857 on the file of the Sessions Court of Tinnevelly.

(Here Enter F. No. A^o 2240 of 1857)

As herein recommended, the Court of Sayidaree Walah resolve to authorize the Sessions Judge to issue his warrant for the imprisonment of the prisoners* for the period specified in the margin, in mitigation of the sentence passed upon them in the said Case.

(Sent in A^o)

Read Calendar of Case A^o 39 of 1857 on the file of the Sessions Court of Trichinopoly

(Here enter F. No. A^o 2218 of 1857)

As herein recommended, the Court of Sayidaree Walah resolve to authorize the Sessions Judge to issue his warrant for the imprisonment of the prisoners* for the period specified in the margin, in mitigation of the sentence passed upon them in the said case.

(Sent in A^o)

Read Calendar in Case A^o 53 of 1857 on the file of the Sessions Court of Calicut.

(Here Enter F. No. A^o 2230 of 1857)

The 2d Count of the Charge is obscure.

1

* 1. Chinnavenjen alias Pasum Moothun
Nandy Mardew and
Poday Moothun
(5) five years.

* 1. Monthrasamy Pillay
2. Malyoudew
3. Malyoudoorew
4. Sadayew.
5. Vyapoory
6. Sellew
7. Pettaun and
8. Sarluttaw.
Sayeare

obscure and fails to clearly set forth what portion of property was found on the 3d 4th 5th 7th and 11th Prisoners, or on which of the Prisoners the portion valued at 32 Rs 4 As 9 was found on the 12th September 1857.

2. The proof against the Prisoners rests on their confessions and each giving up as being found in possession of property proved to belong to the Prosecutors; the sentence should therefore have clearly stated whether the property found on each was clearly identified, but this has not been done.

Para 8. 3 Articles Nos 52. 53 and 54 were found in the 3d Prisoners house; these articles are stated to be capable of identification, but the sentence fails to state whether they were identified.

Para 6. 4 A Pistol and some Moths of foreign manufacture were found on the 4th and 5th Prisoners' premises, but it is not stated whether the articles were identified, as the mere facts of the Moths being of foreign manufacture does not by itself prove that they are evidently the property of the Prosecutors who are natives of Coimbatore.

The

Paras 7 and 12. 5. No observation at Para 3 applies to the articles found at the 2d 7th and 9th Prisoners.

There is some omission in this Para as it is not stated who "This Witness" is.

Para 8. 6th Was the Court find that the sentence fails to set forth clearly and distinctly whether the articles given up by any Prisoner except the 1st were clearly identified as stolen property; they therefore resolve to call on the Sessions Judge to furnish a list setting forth the nature of the articles identified of each of the Prisoners 2 to 12 and the evidence by which these articles were proved to belong to the Prosecutors. The Sessions Judge will in future

8 be so good as to number the Paras of his sentences

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

(Sent following Precept &c)

Read

16th November 1857.

Read letter dated 30th October 1857, from the Sessions Judge of Coalicut, submitting for the final Judgment of the Foujdaree Adalut, the record of Case No 54 of 1857 on the Calendar of the Sessions Court.

(Here Enter F. No. 2223 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

Weyambam Pallyathoo Chamoo

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

(Sent in Ms)

Ass. Sr. Hooper and Baynes

Exd. Ad.

C. Chamoo

O

F. No.

Tuesday 17th November 1857

At a Court of the Foujdaree Adalut

Present.

G. S. Hooper Esqre
C. R. Baynes Esqre
} Sessions Judges
J. W. Goodwyn. Esqre Advt

Read Criminal Reports for the month of October 1857, Submitted by the Sessions Judge of Chittoor.-

Read also Proceedings of Sessions Court of Chittoor on Case No. 11 of 1857 disposed of by the Joint Magistrate.-

Read also letter from the Joint Magistrate with reference to above Proceedings dated October 9th 1857.-

(Here enter F. No. No. 2243 of 1857.)

1. The Court of Foujdaree Adalut have ruled on several occasions that a party cannot be indicted under Regulation XI of 1811 for the Forgery or uttering of a Rahdaree.-

2. In the present case, the Prisoner having

having been convicted and punished for the offence in prosecution of which he fabricated the paper in question, no separate punishment was necessary.-

3 In the event of the fabrication of such a document being the sole act alleged against a party, it might doubtless be punished as a misdemeanor under the Mehommedan Law.-

(Sent in No)

Read letter dated 4th November 1857, from the Agent to the Governor at Vizagapatam, submitting for the final Judgment of the Foujdaree Adalut the record of Case No. 27 of 1857 on the file of the Sessions Court.

(Here enter F. Do. No. 2246 of 1857.)

Mr. C. B. Baynes and Mr. T. W. Goodwyn

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

"Radingia Boddoo alias Boogadah"

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,

17th November 1857.

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

(Sent in No)

Ed. Ellt.

F. de.

Wednesday, 18th November 1857.

At a Court of the Foujdaree Adalut

Present.

G. S. Hooper Esqre
C. R. Baynes Esqre
T. W. Goodwyn Esqre Asty.
} Puisne Judges

Read again Petition No. 213, on file of the Foujdaree Adalut, of Ennumah, sentenced in Case No. 65 of 1857 on the Sessions Calendar of Bellary.

(Here enter F. de. No. 213/1857.)

The Court of Foujdaree Adalut, until their final disposal of this Petition, direct that the Prisoner Ennumah be kept simply in confinement in the jail, and that the sentence of hard labor in irons be suspended.—

Mssrs. Hooper and Baynes.

(Sent in No.)

Read Calendar of Case No. 30 of 1857 on the file of the Session Court of Cuddalore.—

(Here enter F. de. No. 2265 of 1857.)

As

18th November 1857.

As herein recommended, the Court of Fouzdaree Udalut resolve to authorize the Session Judge to issue his warrant for the imprisonment of the prisoner for the period specified in the margin, in mitigation of the sentence passed upon him in the said case.

(Sent in Rs)

Read letter dated 9th November 1857, from the Session Judge of Coimbatore, submitting for the final judgment of the Fouzdaree Udalut, the record of Case No. 63 of 1857 on the file of the Session Court.

(Here enter F. Co. No. 2253 of 1857.)

+ Veerasamy (5) five years

Mesrs. Cooper and 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 prisoner. —

Manyaundy.

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

18th November 1857

being hanged at the usual time and place of execution. —

(Sent in Rs)

C. S. Chamier

E. Hall.

F. & C.

Thursday - - - At a Court of the Fouzdaree Adalut 19th November 1857.

Present

G. S. Hooper. Esqr.
C. R. Baynes Esqr. } Puisne Judges
T. W. Goodwyn. Esqr.

Read letter from the Government Agent in Vizagapatam dated the 12th instant.-

(Here enter F. & C. No. 2276 of 1857)

1 The Agent requests that the judgment of the Fouzdaree Adalut, in a case recently sent up, may be passed at an early date, as an interpreter from the Khond country, who accompanied the parties, is anxious to return home. The Agent also alludes to certain enquiries he made of the prisonier, as to the punishment he would prefer to undergo for his crime.-

2 The Court of Fouzdaree Adalut

observe

observe that the record of the trial in case No. 27 of 1857, which they conclude is the case referred to, was received on the 13th, and their final sentence passed on the 17th instant. The Court consider that the Agent's communication with the prisoner, relative to the punishment he would prefer - whether Hanging or Transportation for life - were at once irregular and objectionable.-

(Sent in No.)

Read Petty Calendars of the Magistracy for the 3d Quarter of 1857, submitted by the Sessions Judge of Chittoor.

(Here enter F. C. No. 2233 of 1857)

Joint Magistrates Calendar No. 1. Case No. 20-19

The act complained of not having been committed by Police officers in abuse of their authority as such, was not punishable under the Regulation quoted (III of 1819). The parties appear to have been guilty of an "aggravated assault" for which under the provisions of the general regulations they might and ought to have been more severely punished.

punished.-

Calendar No. II 2 Cases Nos. 31 and 36 are also entered as cases of "abuse of authority" which implies that the accused were Police officers, acting as such; the purport of the preceding remark is applicable to them also.-

Case No. 35-25. 3. There having been two Forgeries of two distinct papers, two cases should have been made. The substitution of the 2d paper for the first should have formed the 2d Count of the 1st Case, as it would appear to be an uttering of the forged document.

(Sent in No.)

E. Bull

C. Cramer

F. M.

Friday 20th November 1857.

At a Court of the Fouzdaree Adalut

Present

G. S. Hooper Esquire
C. R. Baynes Esquire
T. W. Goadwyn Esquire

} Puisne Judges

Read Criminal Reports for the month of October 1857 submitted by the Sessions Judge of Chingleput.

(Here enter F. M. No. 2278 of 1857.)

Cases Nos. 63, 64 and 65.

1. It is unnecessary in cases of Perjury to enter in the abstract of the charge the full particulars of the offence.

Case No. 67

2. The charge should have been headed Cattle stealing and the sentence passed under Clause 4 Section III Regulation VI of 1822.

(Sentence No.)

Read letter dated 21st October 1857, from the Acting Session Judge of Salem, submitting for the final judgment of the Fouzdaree Adalut the record of Case No. 34 of 1857 on the Calendar of the Session

Sessions Court.

/Here enter F. Rc. No. 2137 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 Prisoners,

1st. Naraniew
and
2d. Varnen.

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

(Sent in No.)

Read letter dated 14th November 1857, from the Acting Sessions Judge of Tellicherry, submitting for the final judgment of the Foujdaree Udalut the record of Case No. 25 of 1857 on the Calendar of the Sessions Court.-

/Here enter F. Rc. No. 2274 of 1857./

Mr. G. S. Hooper.

The Court of Foujdaree Udalut on a deliberate consideration of all

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

1st. Asoor Kullen
2d. Nirally Kemban
and
3d. Kekary Shangarun

is sufficient to convict them of the crime of "Uttering Counterfeit Coin," knowing the same to be false and Counterfeit, do convict them thereof, and under the provisions of Clause 1st. Section VI. Regulation II of 1822, and Section XXXIV. Act VII of 1843, sentence them to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (2) Two years.-

(Sent in No.)

2d Rc.

Mr. A. Wilson

F. Ufc.

Saturday 25th November 1857. } At a Court of the Foujdarry Udalut.

Present

G. S. Hooper Esquire
C. R. Baynes Esquire } Puisne Judges.
J. W. Goodwyn Esquire Actg.

Read Calendar of Case No. 41 of 1857 on the file of the Sessions Court of Rajahmundry.

/Here enter F. Ufc. No. 2262 of 1857./

As herein recommended,

the Court of Foujdarry Udalut resolve to authorize the Sessions Judge to issue his warrant for the imprisonment of the prisoner for the period specified in the margin, in mitigation of the sentence passed upon him in the said case.-

* Bomasamy Moothyalas. (2) two years.

(Sent in No.)

Read letter dated the 4th inst. from the Acting Agent to the Governor in Ganjam.-

/Here enter F. Ufc. No. 2247 of 1857./

1. The Acting Agent brings to notice

notice the hardships to which his prisoners are subjected, in having to escort prisoners, under sentence of transportation, a distance of 700 miles and upwards, in order to make them over to the authorities at Chinglepute; and suggests the advisability of changing the guards at each judicial station on the road.-

2. The Court of Foujdaree Udalut resolve to refer the Acting Agent to their circular instructions of the 26th October last, an adherence to which will obviate the inconveniences complained of.-

(Sent in No)

Read letter from the Sessions Judge of Chittoor under date November 11th 1857.-

Read also Calendar in Case No 63 of 1857 on the file of the Sessions Court of Chittoor

Read also explanation from Police Ameen of Damalacherroovoo in return to Precept of Sessions Court of Chittoor.-

/Hervey Enter F. Vo. No 2266 of 1857./

The

1. The Sessions Judge of Chittoor recommends the dismissal of the Police Ameen of Damalacherroovoo on account of his culpable neglect of duty and fraudulent alteration of dates in the investigation of a charge of murder.-

2. Before passing final orders on this subject it is necessary that the Court of Foujdaree Udalut should have before it the Report of the Magistrate prescribed by Section XXXIX Act VII of 1843 and they therefore resolve to call the attention of the Magistrate of Chittoor to the matter, requesting that the said report with his opinion as to the sufficiency of the explanations submitted by the Police Ameen, may be transmitted as soon as practicable.-

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

(Sent following precept No)

Read letter from the Sessions Judge of Calicut dated November 9th 1857

21th November 1857.-

1857, forwarding the record in case No. 55 of 1857 on the Calendar of the Sessions Court, and recommending that the Prisoner be sentenced to 10 years' imprisonment.-

/Here enter F. M. No. 2275 of 1857./

1. The Moofty convicted the 1st Prisoner of "Manslaughter" in which finding the Sessions Judge concurred. It was therefore unnecessary for the Sessions Judge to refer the case, as he could himself sentence under Clause 2, Section XV, Regulation VII of 1802, to 10 years' imprisonment, the term he now proposes.-

2. The Sessions Judge is therefore directed to pass sentence himself in the case.-

(Sent in No.)

Read letter dated 11th November 1857, from the Sessions Judge of Bellary, submitting for the final judgment of the Foujdaree Udalut, the record of Case No. 55 of 1857 on the Calendar of the Session Court.-

/Here enter F. M. No. 2258 of 1857./ The

21th November 1857.-

Mr. G. S. Hooper 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 prisoner,

C. Vellunnah

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

(Sent in No.)

Read letter dated 9th November 1857, from the Sessions Judge of Bellary, submitting for the final judgment of the Foujdaree Udalut, the record of Case No. 75 of 1857, on the Calendar of the Sessions Court.-

/Here enter F. M. No. 2257 of 1857./

The Court of Foujdaree Udalut,

Messrs. Hooper and Baynes.-

on

21st November 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,

1st Pullathiah

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.-

And being of opinion that the Prisoners,

2d Chinnavarriah
3d Koochavarriah and
4th Chinna Mulliah

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.-

Ed Hall. (Sentence No)

F.No.

Monday 23d November 1857. At a Court of the Foujdaree Adalut.

Present.

G. S. Hooper, Esquire
C. R. Baynes, Esquire } Puisne Judges
T. W. Goodwyn, Esquire Actg

Read Criminal Report for the month of October 1857, submitted by the Sessions Judge of Mangalore

(Here enter F. No. 2285 of 1857)

No 82 1 As the release of the prisoner without punishment appears incorrect, the Sessions Judge will call for the proceedings and pass such orders as he may deem requisite.

No 83 2 The Subordinate Judge remarks on this case that it does not appear by what authority the Head Assistant Magistrate ordered the reapprehension and committal of parties who had been once acquitted. It would appear that the Subordinate Judge considered the dismissal

dismissal of the charge by the Head of Police in the light of an acquittal, the Sessions Judge should have pointed out to the Subordinate Judge, that the proceedings before the Police authorities consisted merely of an investigation preliminary to committal, and, that although the charge was then dismissed, the Magistrate could at any future time reapprehend the parties and commit them for trial.

No. 84 3 The 1st Prisoner should have been charged with an "attempt to murder" in the 2d Count. The 2d Prisoner should have been charged as a principal in the two counts of "murder" and "attempt to murder".

No. 85 4 The charges in this case have not been carefully prepared. No Criminal act is alleged against the 1st Prisoner, he should have been charged as being concerned with the 2d Prisoner in the erection and working of an illicit still. It is not

not sufficient to charge the 3d and 9th Prisoners generally with having sold arrack between the 1st July and 10th October; some specific acts of sale should have been alleged; the having arrack in their possession which forms the subject of the 2d part of the charge should have been stated as being without a valid permit, and there various offences if occurring at different places should have formed the subject of separate charges. If the Prisoners were convicted only of the 1st part of the charge which would appear from the Clause and Section quoted in the sentence, such sentence should be cancelled.

(Sent in No.)

Read Miscellaneous Petition received on the 2d November 1857, through the Sessions Judge of Coimbatore on behalf of Ramasawmy of Thottiyillah.

(Here enter F. M. P. No. 222 of 1857)

Petitioner

23d November 1857.

21

Mr C. R. Baynes
Mr J. W. Goodwyn

Petitioner appeals from the sentence passed by the Sessions Judge in Case No 45 of 1857, wherein he is 8th prisoner, adjudging him to be imprisoned for 14 years with hard labor in irons, on a charge of "Gang Robbery by open violence."—

2 The Foujdaree Udalut observe that evidence was adduced in proof of the petitioner's presence at the robbery, which the Sessions Judge and Law Officers held to be sufficient. The Prisoner pleaded an alibi, which he failed to establish, and the Foujdaree Udalut see no grounds for interfering with the sentence passed, or to call for the record.—

(Sent in No)

Read Miscellaneous Petition presented on the 2d November 1857, by Mr H. B. Saunders and Mr Vencataroyaloo Naidoo, Pleaders on behalf of Vencataramiah

of

23d November 1857

of Zillah Nellore.—

(Here Enter Dt M. P. No 225 of 1857)

Mr C. R. Baynes
Mr J. W. Goodwyn

Petitioner appeals—against the sentence passed by the Sessions Judge in case No 30 of 1857, wherein he is 1st Prisoner, adjudging him on a charge of breach of trust, to find two sureties of 25 Rupees each for his appearance and good conduct for 6 months, or to be imprisoned for that period without labour.—

2 The Court of Foujdaree Udalut resolve to cancel the Sessions Judge's demand for security, as they observe that the sentence fails to adduce sufficient grounds for requiring the same under Clause 6th Section II Regulation XV of 1803, whilst the provision of the law quoted by the Sessions Judge, Viz 1st Clause 1st Section III Regulation II of 1822, does not authorize the demand of security by the Sessions Court.— (Sent in No) C. H. Chamier

Ex Enl.

Tuesday.
24th November 1857.

At a court of the Foujdaree Udalut

Present

G. S. Hooper Esqre. —
C. R. Baynes Esqre. — } Puisne Judges
T. W. Goodwyn Esqre. — Acting

Read again Miscellaneous Petition presented on the 21st September last, by Mr. Vencata-royalos Naidoo, Pleader on behalf of Panpammal, sister of Vencatachellum, 3d Prisoner in Calendar No. 41 of 1857, Zillah Chittoor.—

/Here enter F. Mc. P. No. 194 of 1857/

Read also Return dated 27th ultimo, from the Sessions Judge of Chittoor, to the Precept of the Foujdaree Udalut under date the 15th idem, directing the transmission of a translation of all the record relating to the 3d prisoner in Calendar No. 41 of 1857.—

/Here enter F. 96. No. 2147 of 1857/

Mess.rs Hooper and Goodwyn

The Court of Foujdaree Udalut, on a consideration of the records which accompanied the above return, find that the proof against the 3d Prisoner is his Police confession retracted before the Subordinate Court, the evidence of the 4th, 5th and 6th

witnesses

24th November 1857.-

witnesses, and the fact of his being found in possession of a little bit of gold worth Rs. 1—5—0.—

2 The Police proceedings have not been submitted but the abstract of the 4th 5th and 6th witnesses evidence in the Calendar, and the question put to the 4th and 5th witnesses at the trial indicate that these three witnesses were members of the gang stationed at the Tope to fling stones and prevent assistance being afforded to the Prosecutor— It is clear therefore to the Court of Foujdaree Adalut, that their evidence of fellow-robbers is inadmissible and they request the Sessions Judge to explain why he received the same.—

3 The 3d Prisoner was apprehended at 8 o'Clock on the night of the 29th May, kept all that night in the choultry with the 1st and 2d Prisoners, and on the morrow his and the other prisoners' houses were ineffectually searched— It is true that subsequently a small bit of gold was found on his person, but as he had not availed himself of the most ample opportunity for making away with the gold between his seizure and the discovery of the same, at noon on the following day, the Court do not consider that the mere possession of a few annas worth

24th November 1857.

worth of gold is a circumstance that tells much against him— The evidence respecting the 3d prisoner's Police confession stands uncorroborated by other circumstances and is worth but little— The Court of Foujdaree therefore direct the release of the 3d prisoner.—

4 The record now submitted shows that the Sessions Judge and Moofty discredited the direct evidence of the 1st 2d and 3d witnesses respecting the 2d prisoner who was acquitted; the Court do not understand why it deserves more weight respecting the 1st Prisoner who was found guilty, and they resolve therefore to call for a translation of the whole of the rest of the record.—

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

(Sent following precept No.)

Read letter dated the 9th instant, from the Acting Agent to the Governor in Ganjam, reporting the case of a prisoner charged with gang robbery, and recommending that he may be sentenced to 5 years' imprisonment with hard labor in irons.—

/Here enter F. C. No. 2290 of 1857/

The

24th November 1857.

W. J. W. Goodwyn

The Court of Foujdaree Udalut concur with the Acting Agent in the conviction of the Prisoner of the crime charged and direct that he be sentenced to 5 years' imprisonment with hard labor in irons.—

(Sent in No.)

Read Letter from the Officiating Agent to the Governor of Fort St. George at Kurnool, dated 11th November 1857.—

/ Here enter F16. No. 2289 of 1857 /

1 The Officiating Agent requests the sanction of the Judges of the Foujdaree Udalut for the transfer to another Jail of a prisoner suffering from severe illness.—

2 The Court of Foujdaree Udalut are of opinion that this application should have been made to the Inspector of Jails, and accordingly decline passing any orders on the subject.—

Sent in No.

Read Petty Calendars of the Magistracy submitted by the Sessions Judge of Madura, for the 3rd Quarter of 1857.—

/ Here enter F16. No. 2291 of 1857 /

Calendar No. I
Case No. 30-13.

1. A description of the wound should have been entered in the charge: a fine of 2 Rupees appears

24th November 1857.

appears a most inadequate punishment for a wound inflicted with a mamootee.—

Case No. 32-15.

2 The charge has been defectively prepared; if taken literally it would indicate that the complainant's wife had been killed.—

Case No. 39-8.

3 The 1st Prisoner was convicted of extorting 9 1/2 Rupees, by "Abuse of his authority as Moonsiff;" a fine of 10 Rupees is a very inadequate punishment— In cases of this description, when the offence is clearly proved, a severe sentence should invariably be passed.—

(Sent in No.)

Read Criminal Reports for the month of October 1857, submitted by the Sessions Judge of Tinnevelly.—

/ Here enter F16. No. 2284 of 1857 /

Case No. 108.

1 The 2d count against the 1st Prisoner was useless; no prisoner could be charged with "being found in possession of cash obtained by the sale or mortgage" of property stolen by him.—

Case No. 110.

2 The Court of Foujdaree Udalut concur with the Sessions Judge in considering that the punishment in this case was most inadequate, if the Prisoners were convicted as charged in the indictment.

24th November 1857. indictment. A misdemeanor of this description, committed at night, by a large body of armed men, was a most serious offence, and called for a severe sentence.—

Case No. 111. 3 The heading should have been "Arson".—

(Sent in No.)

Read Sentence in case No. 39 of 1857 on the Rajahmundry Session Calendar.—

(Hereunto F.C. No. 226 of 1857)

The Sessions Judge is directed to suspend until further orders that part of the sentence in this case, that orders the infliction of corporal punishment.—

Ex Sall. (Sentence No.) /s

A. Chamier

F.C.

Wednesday 25th November 1857.

At a Court of the Sudder Adalut

Present

G. L. Cooper Esquire—
C. R. Baynes Esquire— } Puisne Judges
T. W. Goodwyn Esquire &c.—

Read Calendar in case No. 57 of 1857.

Zillah Calicut.

(Here Enter Sudr. A. No. 226 of 1857)

The Court of Sudder Adalut observe that if each witness swore to all the prisoners, it certainly affords strong grounds for discrediting their testimony; but if, as would appear from the abstract given in the Futwah, the 1st witness specially identified the 2d & 4th and sixth prisoners, the 2d witness the 2d prisoner only, and the 3d witness the 1st 5th and 7th prisoners, as the robbery was committed in a few days, such conclusion would be unsafe. It would be almost tantamount to deciding against the possibility of recognition under any circumstances.

The

F. No.

Thursday
26th. November 1857.

At a Court of the Foujdaree Udalut

Present

G. S. Cooper, Esquire,
C. R. Baynes, Esquire, — Puisne Judges
J. W. Goodwyn, Esquire, Advocate

Read Criminal Reports for the month of October 1857, submitted by the Session Judge of Combaconum.-

/Here enter F. No. No. 2293 of 1857./

Joint Magistrate's Calendar Case No. 12

1. If the charge was fully proved the punishment was very inadequate. The assembling together of large bodies of armed men for illegal purposes is a very serious offence in itself, especially when accompanied by acts of violence such as described in the 2d. Count.

No. 15.

2. A sentence of 15 days' Imprisonment and 10 Rupees fine appears to be a most inadequate punishment for inflicting a severe wound on the left side of Prosecutor's head with an Aroovaul.

Subordinate Judge No. 95.

3. Malice should have been charged, and the manner in which the strangling

strangling was effected should have been stated.-

/Sent in. No. /

Read Miscellaneous Petition presented on the 24th. September last, by Mr. H. B. Saunders, Pleader on behalf of Veera-sawmy Moodely, Prosecutor in Case No. 56 of 1856 on the file of the Session Court of Chittoor.-

/Here enter F. M. P. No. 196 of 1857./

Messrs. Baynes and Goodwyn

1. Petitioner appeals from the order issued by the Session Judge on the 11th. August last, /with reference to this Courts proceedings dated the 3rd. idem, cancelling the sale of the Prisoner's houses/ for the re-collection from the petitioner of the amount realized by the said sale, and paid to him under the sentence passed in the above case.-

2. The Court of Foujdaree Adalut resolve to direct the Session Judge to hold in deposit for six weeks the money collected from the Petitioner, /if it has not yet been paid over/ in order to allow the Petitioner an ample opportunity for

for the institution of the suit which, his vakeel states, is about to be brought respecting his claim.-

/Sent in. No. /

Read Miscellaneous Petition presented on the 31st. Ultimo, by Vadoogaradha Chetty, of zillah Combaconum.-

/Here enter F. M. P. No. 226 of 1857./

Messrs. Baynes and Goodwyn

1. Petitioner appeals from the orders passed by the Session Judge in his case, under date the 11th. August 1857, confirming the decision of the Joint Magistrate, whereby the Petitioner was fined three Rupees on a charge of trespass and assault.-

2. The Court of Foujdaree Adalut see no reason to interfere with the order appealed against, and accordingly reject this petition.-

/Sent in. No. /

Read Miscellaneous Petition presented on the 31st. Ultimo, by Vadoogaradha Chetty, of zillah Combaconum.-

/Here enter F. M. P. No. 227 of 1857./

Messrs. Baynes and Goodwyn

1. Petitioner appeals from the

orders

orders passed by the Session Judge in his case, under date the 19th. August 1857, confirming the Joint Magistrate's decision, whereby the Petitioner was fined /10/ Ten Rupees on a complaint preferred by Sabapaty Chetty.-

2.

The Court of Foujdaree Adalut see no reason to interfere with the order appealed against, and accordingly reject this petition.-

/Sent in No./

Mess

Read letter dated 20th October 1857, from the Acting Session Judge of Cuddalore, submitting for the final judgment of the Foujdaree Adalut the record of Case No. 26 of 1857 on the Calendar of the Session Court.-

/Here enter F. Rc. No. 2219 of 1857./

Messrs. Baynes 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 prisoners,

1st. Goorooswamy
and
2d. Moottoosawmy

is sufficient to convict them of the crime of purchasing stolen property well knowing the same to have been stolen, do convict them thereof, and do under the provisions of Clause second, Section IV, Regulation VI of 1822, sentence them to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of /7/ seven years.

/Sent in No./

Ex Dd.

Cs. Chamier

F. P. Co.

Friday
27th November 1857.

At a Court of the Foujdaree Adalut

Present

G. S. Hooper, Esquire,
C. R. Baynes, Esquire, } Puisne Judges
J. W. Goodwyn, Esquire, Actg.

Read Criminal Reports for the month of October 1857, submitted by the Session Judge of Vellore.

(Here enter F. P. Co. No. 2283 of 1857)

No. 159. 1 This charge is unintelligible. The Session Judge will call for the record and pass such orders thereon as he may deem fit.

No. 168 2 It would have been better if the Session Judge had pointed out the insufficiency of the punishment to the Principal Sudr Ameen. The Session Judge has the power of enhancing a Principal Sudr Ameen's sentence, but this should only be done in very peculiar cases; whereas in the present instance, it would appear that the sentence was only increased from 7 to 10 months.

His

No. 171

3. This case should not have been committed for trial by the Head of Police, as a mere threat does not constitute an attempt. In all cases of attempt at suicide Government alone can prosecute.

No. 173

4. The Mooftys sentence is very defective; but since the Session Judge did not consider that the evidence warranted the punishment of the Prisoner, the Foujdaree Adalut consider that it would have been better if the Session Judge had pointed out the error and left the sentence untouched.

/Sent in No. /

Read Criminal Reports for the month of October 1857, submitted by the Session Judge of Tellichery.

/Here enter F. No. No. 2295 of 1857/

Case No. 84.

This does not appear to have been a case in which security should have been demanded. The Session Judge will call for the record and pass such orders thereon as he may deem fit.

/Sent in No. /

Read Calendar of Case No. 33 of

of 1857, submitted by the Acting Session Judge of Madura.

/Here enter F. No. No. 2296 of 1857/

1 The Prisoner being convicted and declared liable to "Hud." ought, under Section XXI Regulation VII of 1802, to have been sentenced to 7 years' imprisonment, unless the Acting Session Judge saw grounds for recommending mitigation under Regulation I of 1825.

2. The Court of Foujdaree Adalut therefore resolves, under the provisions of Section II. Act XIX of 1848, to annul the sentence and direct the Acting Session Judge to pass a revised one according to law, recommending that the prescribed punishment be mitigated.

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

/Sent following precept No. /

Read Calendar of Case No. 20 of

27th November 1857.

27th

of 1857, submitted by the Session Judge of Tinchinopoly.

(Here enter F. Uc. No. 2297 of 1857.)

As the Prisoners were not convicted of the "Robbery" Clause 3d of Section IV Regulation XV of 1803 ought to not to have been quoted in support of the sentence in addition to Clause 2d Section IV Regulation VI of 1822.—

(Sent in No.)

Ex Dll.

F. Uc.

Saturday, 28th November 1857. } At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esqre. }
C. R. Baynes Esqre. } Puisne Judges.
T. W. Goodwyn Esqre. Offg.

Read letter from the Sessions Judge of Combaconum, dated 13th November 1857, submitting letter of the Magistrate of the District with reference to the Extract from the Proceedings of the Foujdaree Udalut on the Criminal report for the month of September 1857.

(Here enter F. Uc. No. 2269 of 1857.)

The Court of Foujdaree Udalut, on consideration of their ruling of the 31st October 1857, are of opinion that, "sending a letter by Post falsely accusing certain parties of a Criminal offence" is a misdemeanor punishable under Section VII Regulation X of 1816.—

(Sentence No.)

27

Read Fifty Calendars of the Magistracy submitted by the Sessions Judge of Nellore for the 3d Quarter of 1857.

(Here enter R. No. No 2302 of 1857)

Calendar No IV
Nos 3-9.

The Court of Foujdaree Adalut regret that the Sessions Judge should have permitted so extraordinary a charge and sentence to appear in these Calendars without notice from himself. He is directed to call for the record and pass such orders as he may deem fit, with reference to the criminality or otherwise of the act alleged and the apparently illegal confiscation of the property of the defendants.

(Sent in No)

Read Calendar of Case No 65 of 1857, from the Sessions Judge of Coimbatore.

(Here enter R. No. No 2328 of 1857)

The Court of Foujdaree Adalut observe that the Sessions Judge appears to be under an impression that having taken security for appearance from the prisoners in this case, they can be again placed on their trial for the same offence should further evidence be forthcoming. This cannot be done - they having been finally tried and acquitted by a Court of Competent jurisdiction.

(Sent in No)

Read Calendar of Case No 35 of 1857 on the file of the Sessions Court of Madura.

(Here enter R. No. No 2336 of 1857)

As herein recommended, the Court of Foujdaree Adalut resolve to authorize the Sessions Judge to issue his warrant for the imprisonment of the prisoner for the period specified in the margin, in mitigation of the sentence passed upon him in the said case.

* Chinnapalangandy 5 years, with 50 lashes.

(Sent in No)

Read letter dated the 30th Ultimo, from the Sessions Judge of Calicut.

(Here enter R. No. No 2199 of 1857)

1. The Sessions Judge explains, with

with reference to this Court's proceedings of the 23rd Ultimo, that being convinced, from the manner in which the prisoners' statements were put forth, that their complaint was well founded, he examined the Jailor and that that officer was unable to satisfy the Sessions Judge that the punishment to which the prisoners had been subjected was not unnecessarily severe.

2 The Sessions Judge also states that he considers the letter of the Inspector of Prisons justifies, but does not deny the allegations of the prisoners.

3 The Court of Foujdaree Udalut find nothing in the Sessions Judge's letter, which would induce them to change their sentiments in the matter as recorded in their proceedings above quoted. The Sessions Judge seems to have erred at the outset in being convinced that the statements of the prisoners were true, before they were proved to be so. Considering that the prisoners were being tried for escaping from legal custody and had every inducement to endeavour to justify their escape, the Sessions Judge should, rather, have received their statements with distrust.

4 The Court further observe that, the Inspector of Prisons having justified the treatment pursued by the Subordinate Judge towards the prisoners under his charge, the allegations of these convicts, that it was tyrannical, are virtually shown to be without foundation.

(Sent. in Mss)

Read letter under date the 23rd Instant, from the Sessions Judge of Chingleput forwarding English translation of the record of Case No 29 of 1857 on the Calendar of the Sessions Court, for the final judgment of the Court of Foujdaree Udalut.

(Here enter F.C. No 2330 of 1857)

Mssrs Hooper and Baynes.

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

Andy Cassava Pillay

is not convicted on presumptive proof,

or

28th November 1857.

or on the evidence of credible witnesses, or on his own confession of the crime charged, do acquit him thereof and direct that he be set at liberty.

Ed Hall.

Sentence Sn

C L Chamier

F. C.

Wednesday.
2d December 1857.

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esqre. — Puisne Judges.
C. R. Baynes Esqre. — Puisne Judges.
T. W. Goodwyn Esqre. — Acting — Puisne Judges.

Read letter under date the 11th Novem-
ber 1857, from the Acting Agent to the Governor of
Fort St George in Ganjam, submitting for the final judg-
ment of the Foujdaree Udalut a report of the trial
of criminal case No 64 of 1857 on his file.-

/Here enter F.C. No 2343 of 1857./

The Court of Foujdaree Udalut concur
in the conviction of the Prisoner.-

Mr. T. W. Goodwyn

Soora Hudeya

of Gang Robbery, and Sentence him, as recommended
by the Acting Agent, to 5 years Imprisonment
in irons under Clause 3d Section IV Regulation XV
of 1803.-

2 The Acting Agent's attention is called
to the obscure manner in which this very simple
and easy case has been reported.-

(Sent in No)

Read letters dated respectively the 6th
and

2d December 1857.

and 9th November 1857, from the Agent to the Governor of Fort St. George in Ganjam, submitting for the final judgment of the Foujdaree Udalut, reports of the trials of Criminal cases Nos. 58 and 59 of 1857 on his files

/Here enter Fls. Nos. 2341 and 2342 of 1857/

Mr. C. R. Baynes

The Court of Foujdaree Udalut approve of the acquittal and release of the Prisoners in these cases.

(Sent in No.)

Ex 18 D.

C. S. Chamier

F. 46.

Thursday 3d December 1857. } At a Court of the Foujdaree Udalut

Present

G. S. Cooper Esquire
C. R. Baynes Esquire } Puisne Judges.
T. W. Goodwyn Esquire

Read Miscellaneous Petition presented on the 31st October 1857, by Appavoo Nattan, of Zillah Chingleput.

/Here enter F. M. P. No. 224 of 1857/

Messrs. Cooper and Goodwyn.

Petitioner appeals from the orders passed in his case by the Sessions Judge under date the 23d July 1857.-

2. The Court of Foujdaree Udalut decline to interfere with the order passed by the Sessions Judge confirming the sentence of the Head Assistant Magistrate.-

(Sent in No.)

Read Miscellaneous Petition presented on the 31st October 1857, by R. Veroomuttoo, Pleader on behalf of Chodapully Rungaroo of Zillah

3d December 1857.-

Zillah Ganjam.-

/Here enter F. Mo. P. No. 219 of 1857./

Messrs. Hooper and Goodwyn. 1. Petitioner appeals from the orders passed by the Acting Governor's Agent at Ganjam in his case, under date the 30th July 1857.-

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

(Sent in No.)

Read Miscellaneous Petition presented on the 19th October 1857, by Kristna Sing of Zillah Cuddalore.-

/Here enter F. Mo. P. No. 214 of 1857./

Messrs. Hooper and Goodwyn. 1. This is a petition for review of this Court's orders under date the 24th September 1857.-

2. The Court of Foujdaree Udalut see no reason to reconsider the orders in question, and accordingly reject this petition.-

Read letter dated 21st November 1857, from the Sessions Judge of

3d December 1857.-

of Masulipatam, submitting for the final judgment of the Foujdaree Udalut, the record of Case No. 91 of 1857 on the Calendar of the Session Court.-

/Here enter F. Mo. No. 2367 of 1857./

Messrs. Hooper and Baynes.- 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,

Mahommud Khaujsing

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

(Sent in No.)

Read Miscellaneous Petition presented on the 19th October 1857, by Messrs. Arthur M. Ritchie and Alexander M. Ritchie, Pleaders on behalf of Parrasaumy Pillay and 2 others of Zillah Madura.-

/Here enter F. Mo. P. No. 208 of 1857./

Petitioners

3d December 1857.-

Messrs Hooper and Goodwyn.- Petitioners appeal from the order of the Session Judge confirming the Acting Magistrates sentence whereby they were fined 110 Rupees and required to produce security for their future conduct, in consequence of their having disobeyed the Magistrate's order relative to the discontinuance of the practice of tying cattle at a certain place.-

2. The Sessions Judge is requested to state whether the order issued by the Magistrate referred to in his proceedings, was an injunction of the nature described in Section II. Act XXI of 1841, also whether the other proceedings held in this case were conducted in the manner prescribed by the nuisance Act; if this has not been the case, the Acting Sessions Judge will explain why it was supposed that the acts charged were not provided for by Act XXI of 1841, and fell under Section XXXII Regulation IX of 1816.-

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

(Sent following precept No)

Read

3d December 1857.-

Read Miscellaneous Petition No 244 of 1857, complaining of the sentence passed in Case No 39 of 1857 on the file of the Rajahmundry Sessions Court.-

/Here enter F. M. P. No 244 of 1857/

Messrs Hooper and Goodwyn.- With reference to the above Petition, the Sessions Judge of Rajahmundry is directed to forward the record in case No 39 of 1857 on the file of the Sessions Court.-

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

(Sent following precept No)

Read Miscellaneous Petition presented on the 5th Ultimo, by Mustapha Ally Khan, Pleader on behalf of Raka alias Chellum and others, of Zillah Chingleput.-

/Here enter F. M. P. No 228 of 1857./

Messrs Hooper and Goodwyn.- Petitioners, in appealing against the sentence of the Sessions Judge in Case No 9 of 1857, urge that the discrepancies in the evidence for the prosecution were

3d 3d December 1857.

Mg

were not noticed, and the witnesses cited in this defence were not examined.

2. Before finally disposing of this Petition, the Court of Foujdarree Udalut resolve to call upon the Sessions Judge to report whether the 4th and other prisoners named witnesses, and if so, whether they were dispensed with, and to explain the reason for so doing.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Chingleput, by precpt returnable within 7 days from and after its receipt.

(Sent following precpt No)

Exd Ald.

F No

Friday 4th December 1857.

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esq. 1st
C. R. Bayley Esq. 2nd
T. W. Goodwyn Esq. 1st Acting
} Puisne Judges

Read Petty Calendars of the Magistracy submitted by the Sessions Judge of Coimbatore for the 3rd Quarter 1857.

(Here enter F No. 2348 of 1857.)

Calendar No. 1
No. 91 — 5
93 — 7.
No. 95 — 33.

1. These appear to be Cases of fraud.

2. This would appear to have been a case of "abuse of authority" or fraud, and has been sentenced under the wrong regulation.

(Sentence No)

Read Letter, dated the 26th ultimo, from the Sessions Judge of Chittoor.

(Here enter F No. 2344 of 1857)

1. The Sessions Judge submits, for the opinion of the Foujdaree Udalut, the question whether the attendance of Jurors or assessors is necessary in the trial of offences under the provisions

opinion that the prisoner

Manoo

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession of the crime of Murder, do acquit him thereof; but considering that strong suspicion, tho' not amounting to conviction, attaches to him, they direct that he be required under Clause 6th, Section II, Regulation XV of 1803, and Section XXXIV, Act VII of 1843, to find 2 Sureties in 50 Rupees each Surety for his good behaviour and appearance when required within 3 years, or in default thereof that he be detained for 3 years in confinement.

/Sent in &c/

Read letter dated 21st November 1857, from the Sessions Judge of Calicut, submitting for the final judgment of the Sudder Adawlut, the record of Case No 61 of 1857 on the Calendar of the Sessions Court.

/Here enter S. D. No 2358 of 1837./

Mr. H. S. Hoopers
& J. W. Goodwyns

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

the Prisoner

Vadakke Mangatalias

Mangat Kooreyinee

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

/Sent in &c/

Ex Edn.

F. Co.

Saturday 5th December 1857.

Sessions Court of the Tongdaree Malabar

Present

G. S. Hooper Esqre
C. R. Baynes Esqre
} Puisne Judges.
F. W. Goodwyn Esqre Acting

Read Calendar of Case No. 275 of 1857 of the Sessions Court of Nellore.

Here enter F. Co. No. 2372 of 1857.

1. The Court of Tongdaree Malabar are of opinion that a sentence of one year's imprisonment with hard labour in irons will be adequate punishment for the offence of which the Prisoner in this Case has been convicted, and they resolve to call upon the Sessions Judge to reduce the 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 Nellore by Precept returnable in X days from and after its receipt.

Sent in 8th / Read

5th December 1857

Read letter from the Magistrate of Cuddapah dated 25th November 1857, forwarding copy of correspondence with the officer Commanding at Cuddapah.

/ Here enter J. No. No 2345 of 1857 /

1. The Magistrate of Cuddapah requests the opinion of the Judges of the Zoujdaree Adalut as to whether act III of 1857 is applicable to Cantonments, particularly to that of Cuddapah.

2. The Court of Zoujdaree Adalut are of opinion that as the Cantonment of Cuddapah is not a Military Bazar station in which it might be held that Rounds regulated under act III of 1857 might be established and managed by the officer in charge of the Police, it must be considered as "land situated within the limits of a Village or township" and consequently all cattle found straying therein should be sent to the pound established for such Village or township.

3. The Court can see no objection to the establishment of a separate Pound within the limits of the Cantonment by the Magistrate under section III, and to his appointing the Cantonment Cutwal as Pound Keeper under section IV of the same Act, who will account to the Magistrate for

5th December 1857

for all fines levied under the act, and the Court accordingly suggest the adoption of this course as calculated to remove all inconvenience.

4. The above arrangement will the Zoujdaree Adalut trust provide against the inconveniences complained of by Major Salmon, but if the continues of opinion that he can legally exercise any Police power at Cuddapah, after being informed by the Magistrate of the Court's opinion to the contrary, the Judges will be ready to set his doubts at rest by bringing the matter to the notice of Government.

/ Sent in No. /

Ed Hall.

Mort Thornton

J. U.

Monday 7th December 1857

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esqre. ——— Puisne Judge
C. R. Baynes Esqre. ——— Puisne Judge
J. W. Goodwyn Esqre. ——— Acting Puisne Judge

Read Return of the Sessions Judge of Cuddapah to the precept of this Court under date the 11th ult.o, directing him to carry immediately into effect the orders of the Magistrate in the matter of Sashadoo versus Bogumnah, relating to the occupation of certain premises, the right to which was in dispute. (Here Enter J. U. No. 2371 of 1857)

1. The Sessions Judge, in reporting the execution of the orders of the Foujdary Udalut, states that he had other reasons for concluding that the disputed premises were in Bogumnah's possession, besides the decree of Court passed in his father's favor, thirty six years before. The

Session

Sessions Judge also proposes transmitting translations of papers which he considers may "tend to show that the Magistrate has not given a very truthful version of the case"; and requests to be furnished with a copy of the Magistrate's letter, to enable him to afford explanation on the subject.

2. The Court of Foujdary Udalut resolve to furnish the Sessions Judge with a copy of the Magistrate's letter, read in their proceedings of the 14th Ultimo.

3. The Judges resolve to inform the Sessions Judge that they view with the strongest disapprobation, the language in which in the present, as well as in a former communication, he has made allusion to the motives and proceedings of the Magistrate; and that, if persisted in, it will be their duty to bring the fact to the notice of the Government.

Copy sent to the Magistrate for his information

(Sent in No)

Read Criminal Reports for the month of October 1857 submitted by the Sessions Judge of Rajahmundry

Rajahmundry.

(Here Enter No 2334 of 1857).

Nos 111 114

1. It is only intended that the "Abstract" of the charge should be entered in these Calendars and it is not requisite in Cases of Perjury and Forgery to recite in full the words, depositions &c. that form the subject of the charge

2. With reference to the Extract from the Proceedings of the Sessions Court of Rajahmundry on the A Re= =port of Case No 119 before the Subor= =dinate Court, the Court of Foujdaree Udalut would observe that they do not consider that the Sessions Judge can limit the punishments of the Subor= =dinate Judge by any general rule that he may deem advisable; at the same time the Subordinate Judge should be cautious and not order the infliction of corporal punishment inad= =visedly.

3. The Sessions Judge is in error in suggesting that the Subordinate Judge

Judge should not sentence in this man=
=ner in cases of "Housebreaking" except
where there has been a previous conviction,
or the offence has been attended with some
circumstances of aggravation, as in either
of these cases the offenders would be com=
=mittable to the Sessions Court, and this
general rule would in fact be a cancel=
=ment of the law empowering the Subor=
=dinate Judge to Slog in cases of house=
=breaking.

(Sent in No

Read Petty Calendars of
the Magistracy submitted by the Sessions
Judge of Chingleput for the 3rd Quarter
of 1857.

(Here Enter No 2379 of 1857)

The Court of Foujdaree
Udalut have to call the attention of
the Sessions Judge to the delay in
forwarding these Calendars.

(Sent in No

Read Miscellaneous Petition
forwarded by the Acting Session Judge
of

of Cuddalore from Mahomed Insloolla
Khan Vakeel for the 5th Prisoner in
case No 27 of 1857 on the file of the
Session Court.

(Here Enter F. M. P. No 234 of 1857)

Mr. C. R. Baynes. The Court of Foujdary
Udalut resolve to direct the Session
Judge to submit a translation of so
much of the evidence in this case as
affects the 5th Prisoner, this Petitioner.

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

(Sent following Precept No

Read Miscellaneous Petition
presented on the 12th Ultimo by John
Taiachos Menon Reader on behalf of
Rolete Parumbil Achoota Menon of
Tellah Caliut.

(Here Enter F. M. P. No 231 of 1857)

Petitioner complains of the
Mr. C. R. Baynes. 1. order passed by the Session Judge
under

under date the 17th August last, re=
=versing the Sentence of the Principal
Sudr Ameen in Criminal Case No. 16
of 1857, and directing the release of the
Prisoner in that Case, and restoration
to him of the property which was
found in his possession.

2. This is in effect an appeal
against an acquittal or discharge by a
competent authority; and the Fouzdaree
Udalut cannot interfere.—

3. Petition rejected.

Read Miscellaneous Petition
presented on the 9th November 1857
by Moottoo Sawmiah Pillay of Zillah
Tinnevelly.—

(Here Enter F. M. P. No. 235 of 1857)

Mr C. P. Baynes

As in his Petition No. 16 of
1847, the Petitioner craves protection
against some parties from whom
he apprehends violence. the Fouzdaree
Udalut can only refer him to the
order on his former Petition

Read Miscellaneous Petition
presented on the 9th Ultimo by J. P.
Branson

Branson Esqre Pleader on behalf of
Pootoola Venkataroovy of Zillah Rajah=
=mundry

(Here Enter F. M. P. No. 229 of 1857)

Before passing final orders
Messrs Hooper and Baynes. on this petition, the Court of Fouzdaree
Udalut resolve to direct the Session
Judge to submit a translation of the
record in Case No. 36 of 1857 on the
file of the Session Court of Rajah=
=mundry. They further direct that
until such orders be given, the Sentence
passed on the Prisoner so far as re=
=gards labor in irons, be suspended,
the corporal punishment having
been already suspended

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

(Sent following Precept)

E. Ld. Mr A. Watson

J. U.

Tuesday 8th December 1857

At a Court of the Foujdaree Udalut 6.

Present

G. S. Hooper Esqre. ——— Prisne Judge
C. R. Baynes Esqre. ——— Prisne Judge
J. W. Goodwyn Esqre. ——— Acting Prisne Judge.

Read Calendar of Case No. 33 of 1857 on the file of the Sessions Court of Madura.

(Here Enter J. U. No. 2383 of 1857)

As herein recommended, the Court of Foujdaree Udalut resolve to authorize the Sessions Judge to issue his warrant for the imprisonment of the prisoner for the period specified in the margin, in mitigation of the sentence passed upon him in the said case.

Sent in Sr

E. D. M.

C. S. Ramier

× Vinnayandy — (2) two years and 50 lashes

F. 96.

Wednesday 9th December 1857. At a Court of the Fouzdaree Adalut.

Present.

G. S. Hooper Esqr.
C. R. Baynes Esqr. } Puisne Judges
T. W. Goodwyn Esqr. Actg.

Read Calendar of Case No. 38 of 1857, on the file of the Sessions Court of Combaconum.—

(Herewith F. D. No. 2395 of 1857)

As herein recommended, the Court of Fouzdaree Adalut resolve to authorize the Sessions Judge to issue his warrant for the imprisonment of the prisoner for the period specified in the margin, in mitigation of the sentence passed upon him in the said case.—

(Sent in No.)

E. Hall.

Thos. A. Wilkinson

* Adeemula Chetty (1) one year.

F.C.

Thursday 10th December 1857. At a Court of the Faujdaree Adalut

Present

G. A. Hooper Esquire
C. R. Baynes Esquire
} Puisne Judges
T. W. Goodwyn Esquire &c.

Read Proceedings of Sessions Court Nellore under date 4th December 1857, held, as directed by Proceedings Faujdaree Adalut 26th November, case No 3. in Calendar IV. submitted by the Magistrate for 3d Quarter of 1857.-

(Herewith F.C. No 23900 of 1857)

The Prisoners in the case referred to, 4 in number, were tried as "suspicious characters". The circumstantial evidence adduced against them consisted in the fact that the 1st kept a house for the "smoking of Bang", and that the others smoked there". and upon these grounds the 1st was ordered to find securities for good behaviour and his stock in trade, viz. Bang, hookahs, and other smoking utensils confiscated

confiscated. the other prisoners being released with a warning. The Sessions Judge on a review of the case held this proceeding to be legal, an opinion in which the Fouzdaree Adalut cannot concur. There exists no law against the use of Bang. or under which utensils employed in its manufacture or use can be confiscated, and they therefore resolve to direct that the securities be discharged from their responsibility and the articles taken from the 1st Prisoner restored to him.

(Sentence &c.)

Read Miscellaneous Petition presented on the 12th Ultimo by Ramoy, mother of the Prisoner in Calendar No. 33 of 1857 and the file of the Session Court of Tuckmirapaty.

(Here Enter F. M. D. No. 233 of 1857)

Mesrs. Hooper and Baynes.

1. This is an application for the release of the Prisoner in the above case, who was sentenced to 14 years imprisonment with hard labor in irons.

2. The Court of Fouzdaree Adalut see no grounds for interfering with the sentence passed.

passed in this case, and accordingly reject this petition.

(Sentence &c.)

Read letter dated 1st December 1857, from the Acting Sessions Judge of Cuddalore, submitting for the final Judgment of the Fouzdaree Adalut, the record of Trial in case No. 31 of 1857 of the Calendar of the Sessions Court.

(Here Enter F. M. No. 2391 of 1857)

Mesrs. Hooper and 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,

Moonea Row

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

The Principal Sudr Ameen should have had the Prisoner's Police confession

confession read over to him, and I have asked him if he gave it.

(Sentence &c

Ex parte.) vs.

Imre Thurzo

Concluded

Friday
11th December 1857.

No. 16.

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esqre ——
C. R. Baynes Esqre —— > Puisne Judges.
F. W. Goodwyn Esqre — Acting

Read letter dated 2d October 1857, from the Acting Agent at Ganjam, submitting general report of the sentences proposed may be passed on the prisoners in the various cases connected with the disturbance of Purlakemedy.—

/Here enter F.16. No. 2006 of 1857/

Read also letter dated 4th August 1857, from the same officer, reporting the conviction of 1st and 2d and the acquittal of the other prisoners in No. 6 of 1857.—

/Here enter F.16. No. 2087 of 1857/

Read also letter dated 29th September 1857, from the same officer, reporting the conviction of the 1st and 2d prisoners and the acquittal of the 3d prisoners in Case No. 10 of 1857.—

/Here enter F.16. No. 2158 of 1857/

Read also letter dated 8th September 1857, from the same officer, reporting the acquittal

F

11th December 1857.

of the 2d prisoner in Case No. 35 of 1857 with the opinion of the Acting Agent as regards the 1st prisoner.-

/ Here enter F.16 No. 2097 of 1857 /

Read also letter dated 15th August 1857, from the same officer, forwarding English transl. of Instrt in Case No. 37 of 1857 with the opinion of the Acting Agent.-

/ Here enter F.16. No. 2098 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 prisoners

Case No. 6.

Mssrs. Hooper and Baynes

1st Govindana Bessoyee

and

2d Sookoota Barjee

is sufficient to convict them of the crime charged, do convict them thereof and sentence the prisoner

1st Govindana Bessoyee

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

2d Sookoota Barjee

having

11th December 1857. having been sentenced in Case No. 10 on the Agent's file for 1857, no further sentence is required to be passed upon him in this case-

And being of opinion that the prisoners

3d Gopenauth Bodar

4th Poraboda Naiker

and

5th Ramachundra Boradalee

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

The Court of Foujdaree Udalut,

Case No. 10.

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 Raghonada Mujjee

and

2d Sookoota Barjee

is sufficient to convict them of the crime of rebellion, do convict them thereof, and under the provisions of section II, regulation I of 1834, sentence them to suffer death by being hanged at the usual time and place of execution, and considering that the prisoner

3d

11th December 1837.

3d. Goindana Bissyee

is not convicted in this case on presumptive evidence, or on the evidence of credible witnesses, or on his own confession of the above crime, they accordingly acquit him thereof.

Case No. 35

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

1st. Radhacroostna Dundasena

is sufficient to convict him of the crime of rebellion, do convict him thereof, but having been sentenced in case No. 37, no further sentence is passed in this case, and considering that the prisoner,

2d. Raghonatha Mujjee

is not convicted in this case on presumptive evidence, or on the evidence of credible witnesses, or on his own confession of the above crime, they accordingly acquit him thereof.

Case No. 37

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

Radhacroostna Dundasenah

is sufficient to convict him of the crime of rebellion,

do

11th December 1837

do convict him thereof, and under the provisions of Section II Regulation I of 1834, sentence him to suffer death by being hanged at the usual time and place of execution.-

Case No. 6.

1. The Court of Fouzdaree Udalut concur with the Acting Agent at Ganjam in considering the 1st Prisoner as the leader of an armed and rebellious band by which robbery was attempted and arson committed- and the 2d as having also taken an active part in the same; the other prisoners were acquitted by the Acting Agent.-

2. The 1st prisoner also stands convicted in No. 15 of the Agent's Calendar of inciting and stirring up rebellion. The Court agree with the Agent in sentencing him to "transportation for life," on the ground that no deed of actual bloodshed is proved against him.-

3. The 2d prisoner "Sookoota Barjee" has been convicted of rebellion in Case No. 10 of the Agent's Calendar where a sentence has been passed in which the punishment due on the present conviction, as well as on those in Nos. 7 and 8, for robbery and rebellion, have merged.-

No. 10

4 The Court also concur with the Agent in convicting the 1st and 2d prisoners of having taken a leading and active part in the overt act of rebellion with which they are charged, and in acquitting the 3d, who however

however has been sentenced to transportation for life in
No 6.-

5

The 1st prisoner, Raghonada Majee, is described by the Acting Agent "as the father in law of Dundasena, the principal rebel, and himself one of the most active leaders in the rebellion".- In the present case he stands convicted of a most audacious and persistent attack upon the forces and servants of the state at Goomah, and the Acting Agent proposes that sentence of death be passed upon him, in which the court concur for the reasons, and on the principles stated in their remarks on the case of his son-in-law 'Dundasena', recorded upon said case No 37.- The 2d prisoner is also convicted in No 6 of rebellion and in No 7 and 8 of robbery and rebellion respectively- The Acting Agent proposes that he should be sentenced for these crimes to suffer death, and the court concur in that opinion seeing no grounds on which any mitigation can be proposed.-

6.

The Court of Fouzdaree Udalut agree with the Acting Agent in convicting the 1st prisoner of the act of open violence and rebellion with which he stands charged, and in prosecution of which the servants of the Government were fired upon and wounded and

No 35.

and in one instance, killed, and they have accordingly sentenced him to death upon his conviction in No 37 taken in connection with this case.-

7.

The 2d prisoner was acquitted by the Acting Agent- but is sentenced to death in No 10.-

8

The Court concur with the acting agent in considering the prisoner fully convicted in this case of having been the leader of an armed force in open rebellion against the Government, as also in No 35 of 1857, of the particular act of rebellion therein charged against him, in the prosecution of which one of the Government servants was murdered, and several wounded.-

No 37.

In case No 39 of 1857, he was also indicted

9.

for another specific act of rebellion, during which he was said to have directed, and sanctioned by his presence a most cruel and deliberate murder. He was indeed acquitted, but the acting agent has nevertheless laid before the Court a translation of the record, and has referred to the impression thereby made on his mind, while discussing in his general report the punishment which he considers should be inflicted on this prisoner and others,- "he thinks that the prisoner was the instigator of the old Daroa's death", but "that the evidence could not be relied on".- After careful consideration the

court

court of Foujdaree Udalut cannot concur in this acquittal upon which the agent founds his recommendation for the extension of mercy to this notorious chief rebel.- But setting this case out of view, still, for open and continued rebellion against the Government; for directing, if not personally making, murderous attacks upon its servants, of which he has been convicted in this case and in No. 36, he has justly incurred the penalty of death, and the court do not see on what grounds they can say that mitigation is either "just or necessary," in which case only the law directs them to recommend it.- The court has therefore sentenced him to suffer death under Section II Act I of 1834.-

10. If, however, the Government see fit to commute it to transportation for life as proposed by the acting agent, the prisoner and his adherents should be made to understand that he owes his life to the mercy of the Government which he has offended, and not to any idea entertained by a court of justice that he does not merit death.-

11. The Court of Foujdaree Udalut direct that their sentences in Trials Nos. 6-10-35 and 37 from the acting agent at Ganjam, together with the whole of the proceedings held in these cases, be transmitted to the Chief Secretary

Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council, to the intent that the court may, in conformity with the provisions of Sec. V Act V of 1841, receive the orders of Government before they direct their sentence to be carried into execution.-

(Sent in No.)

Read letter dated 4th August 1857, from the acting agent at Ganjam, reporting the conviction of the prisoners in case No. 7 of 1857.-

/ Here enter F.C. No. 2088 of 1857 /

Read also letter dated 4th August 1857, from the same officer, reporting the opinion of the acting agent as regards the conviction of the prisoners in No. 8 of 1857.-

/ Here enter F.C. No. 2089 of 1857 /

Read also letter dated 24th August 1857, from the same officer, reporting the acquittal of the prisoners in case No. 9 of 1857.-

/ Here enter F.C. No. 2090 of 1857 /

Read also letter dated 20th August 1857, from the same officer, reporting the conviction of the 2 and the acquittal of the other prisoners in case No. 11 of 1857.-

/ Here enter F.C. No. 2091 of 1857 /

Read

11th December 1857.

Read also letter dated 28th August 1857, from the same officer, reporting the conviction of the prisoner in case No. 13 of 1857.—

/ Here enter F.C. No. 2092 of 1857 /

Read also letter dated 24th August 1857, from the same officer, reporting the acquittal of the within mentioned prisoner in case No. 14 of 1857.—

/ Here enter F.C. No. 2093 of 1857 /

Read letter dated 20th August 1857, from the same officer, reporting the conviction of the prisoners in No. 15 of 1857.—

/ Here enter F.C. No. 2094 of 1857 /

Read also letter dated 8th September 1857, from the same officer, reporting the conviction of the 1st and the acquittal of the 2d 3d 4th and 5th prisoners in case No. 16 of 1857.—

/ Here enter F.C. No. 2095 of 1857 /

Read also letter dated 20th August 1857, from the same officer, reporting the acquittal of the prisoners in No. 17 of 1857.—

/ Here enter F.C. No. 2096 of 1857 /

The Court of Foujdaree Udalut concur with the acting agent as to the sentences of imprisonment proposed to be passed on the several prisoners concerned in the

Messrs. Hooper and Bayne.

11th December 1857

the above cases, but as they are connected with the other cases this day submitted for the orders of the Right Honorable the Governor in Council under Regulation I of 1834, the Court deem it necessary, before confirming the sentences, to forward the letters above referred to for the consideration of the Government.—

2. In reference to the suggestion of the acting agent for the deportation of these prisoners, the Court of Foujdaree Udalut are disposed to think, that unless there be some objections of which they are not aware, to the expediency or policy of the measure, such addition to the punishment would be attended with beneficial effects, and they solicit the orders of Government as to the necessity of making banishment a part of the sentence.—

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 No.)

Read return dated 4th instant, from the Sessions Judge of Chittoor, to the precept of the Foujdaree Udalut under date the 24th ultimo, requiring an explanation from that

that officer why he received the evidence of the 4th 5th and 6th witnesses who appear to be members of the Gang, and directing the release of the 3d prisoner, and the transmission of the translation of the whole of the rest of the record in Calendar No. 41 of 1857.—

11th December 1858

/ Here enter F.C. No. 2393 of 1857 /

1. On a perusal of the record which accompanied the above, the Court of Foujdaree Udalut observe that the evidence of the 3d and 6th witnesses was dispensed with by the Sessions Court.—

2 The Calendar shews that the Sessions Judge and Moofty discredited the direct evidence of the 1st and 2d witnesses respecting the 2d Prisoner who was acquitted. This evidence appears to the Court of Foujdaree Udalut to be alike worthless as regards the 1st Prisoner.—

3. The Prosecutor's first deposition of may 29th / two days after the robbery / and the 1st witness' statement made on the same day indisputably prove that the prosecutor was entirely and utterly ignorant of the names 9ca of the robbers when first examined by the Tahsildar. This complete ignorance on the part of the prosecutor for nearly forty eight hours most thoroughly disproves the

1st

F.C.

11th December 1857.

1st 2d and 3d witnesses' Police statement that they had at the robbery most clearly and positively recognized the 1st and 2d prisoners / whom they had known for years and who were undisguised / the first of whom / 1st prisoner / had been loudly reproached by the 1st witness with joining in the robbery.— If the 1st 2d and 3d witnesses' statement be true, there could be no scruple about mentioning the 1st and 2d prisoners' names at once for fear they should escape; for both these Prisoners must have been quite aware that they had been most fully recognized; hence their / 1st 2d and 3d witnesses / 48 hours silence about their recognition of 1st and 2d prisoners is unaccounted for and proves that this pretended recognition is a mere after-invention.—

4 The Prosecutor's 1st and 2d witnesses' shuffling and contradictions as to the time when the prosecutor was informed of the recognition of the 1st and 2d prisoners is an additional proof of the falsehood of the 1st and 2d witnesses' testimony.—

5 The 4th 5th and 6th witnesses' Police depositions prove that these witnesses' evidence

is

is inadmissible as they took active parts in the robbery.— If they had been unwilling to comme 9ca., as the Session Judge supposes, why did they not escape on the road between the hill where the gang assembled and the prosecutor's village? Why, when left at the tope, 20 yards from the prosecutor's, to fling stones and keep off the villagers, did they not run off?— Why should they fling stones in all directions as the 6th witness declares that they did? Why should half a rupee be allotted to each as their share of the plunder? The fact of their being cheated out of their allotted share by their companion Goroyan, tho' preventing their deriving any benefit from the robbery, does not affect their motive or guilt.—

11th December 1858

The only other evidence against the 1st Prisoner is his alleged police confession, retracted before the Subordinate Court, which, being unsup=ported by any credible evidence, is insufficient for conviction, and the Court resolve therefore to acquit him, and direct his unconditional release.—

Sent in Mr.

Mr. F. Fullarton

Ed. Ald.

F. No.

Saturday 12th December 1857

At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper, Esquire
C. R. Baynes, Esquire
T. W. Goodwyn, Esquire &c. } Puisne Judges

Read Calendar of Case No. 70 of 1857, from the Sessions Judge of Tinnevelly—

(Here Enter F. No. No. 2386 of 1857)

The Court of Foujdaree Udalut observe that though culpable Homicide is not necessarily a crime of such a nature as to form an aggravating feature in offences subsequently committed by the same party, yet, as the prisoner appears to have perpetrated it while resisting a lawful attempt to arrest him in the prosecution of a theft, the offence was of a heinous nature and the committal of the prisoner in

in this case was correct.—

(Sent in No)

Read Calendar of cases Nos 40. 41. 42 and 43 of 1857, from the Acting Sessions Judge of Madura.—

(Here Enter F. C. No 2402 of 1857)

Case No 40 1 The Court of Foujdaree Udalut sanction the mitigation of the sentence recorded against the prisoner in this case from 4 years to 3 months' imprisonment without labor.—

Cases Nos 41 42-43. 2 The Court also approve of the mitigated sentences proposed in these cases, but being of opinion that one months additional imprisonment might with propriety be substituted for the corporal punishment proposed, they direct that the prisoners* be sentenced to 3 months' imprisonment with labor and irons.—

* Adykun Ramasamy Pullycoodathar

(Sent in No)

Read letter, dated the 3d instant, from the Acting Magistrate of

of Masulipatam.—

(Here Enter F. C. No 2410 of 1857).

1 The acting Magistrate recommends a conditional pardon being offered to one Nazanah, who was employed as a bullock-driver by the Rohilla dacoits, in the recent case of robbery and murder perpetrated at Juggiapettah; and mentions at the same time that he has applied to the Government to allow the prisoners to be tried under Act No XIV of 1857.—

2 Should the case be tried in the ordinary courts, the Court of Foujdaree Udalut authorize a conditional pardon being tendered to T. Nazanah, upon the usual terms.—

(Sent in No)

Read letter dated the 23d Ultimo, from the Acting Sessions Judge of Mangalore, submitting for the final judgement of the Court of Foujdaree

12th December 1857.

Foujdaree Adalut, the record of Case No. 38 of 1857 on the Calendar of the Session Court.—

(Here enter F.C. No. 2349 of 1857)

Mr. G.S. Hooper
Mr. C.R. Baynes

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 Amboo.—

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

(Sent in No.)
Ex. Ell.

F.C.

Monday— 14th December 1857

At a Court of the Foujdaree Adalut

Present

G.S. Hooper, Esquire,
C.R. Baynes, Esquire,
J.W. Goodwyn, Esquire, &c. } Puisne Judges.

Read Calendar of Cases Nos. 25 and 26 of 1857, submitted by the Session Judge of Honore.—

(Here enter F.C. No. 2420 of 1857)

Case No. 25. 1. As this charge is House-breaking with intent to steal, the sentence should have been passed under Clause 7th Section II Regulation XV of 1803.—

Case No. 26. 2. A Session Judge cannot sentence for House-breaking and theft under Clause 6th Section II Regulation VII of 1822, which applies only to Subordinate Criminal Judge. The 3d Prisoner should have been sentenced under Section XXI Regulation VIII of 1802 and a mitigation recommended. The Court of Foujdaree Adalut however sanction a mitigated sentence

sentence of 2 years against the 3d Prisoner in this case and direct the Session Judge to make the necessary correction in his sentence.-

/Sent in No. /

Read letter dated the 23d ultimo, from the Session Judge of Coimbatore.-

/Here enter F. Ul. No. 2376 of 1857/

To enable him to dispose of a charge of housebreaking with theft, pending before him, the Session Judge enquires whether, under the hindu law, the adopted daughter of a dancing girl can be held criminally liable for taking and converting to her own use, the property of her adoptive mother, under such circumstances as, in any other person, would amount to housebreaking and theft.-

2. The Court of Foujdaree Adalut resolve to forward to the Session Judge copies of the answers given by their Pundits to certain questions put to them; from which answers it appears clear that the child, whether adopted or not, has no vested

vested interest in the property of the foster-mother, or adoptive mother, during her life-time; and that she is, therefore, capable, in law, if committing a theft on the property.-

/Sent in No. /

Read Petty Calendars of the Magistracy, submitted by the Session Judge of Tellicherry, for the 3d Quarter of 1857.

/Here enter F. Ul. No. 2389 of 1857/

The Court of Foujdaree Adalut observe that these Calendars were only despatched from the Magistrate's Office on the 5th of November, and that they were not forwarded by the Session Judge till the 28th of the same month, and the Court have to request that the same delay may not occur in future.-

/Sent in No. /

Read Miscellaneous Petition presented on the 12th November 1857, by Mustapha Alikhan, Pleader on behalf of Mootoo Chetty, Prosecutor in Case No. 29 of 1857, on the Calendar

of

of the Session Court of Salem.-

/Here enter F. Mc. P. No. 232 of 1857/

Messrs. Baynes and Goodwyn. 1. The Petitioner represents that the 1st Prisoner in the above case has brought an action against the Petitioner for defamation of character, and prays for the interference of the Court of Foujdaree Adalut.-

2 The Court of Foujdaree Adalut decline to interfere in the matter, and this Petition is accordingly rejected.-

/Sent in. No. /

Read Miscellaneous Petition presented on the 15th October 1857 by Mustapha Alikhan, Pleader on behalf of Puttanna Moottoochetty, Prosecutor in Case No. 29 of 1857, on the Calendar of the Session Court of Salem.-

/Here enter F. Mc. P. No. 205 of 1857/

Messrs. Baynes and Goodwyn. 1. The Petitioner appeals from the sentence of the Acting Session Judge in the above case acquitting the prisoner and refusing to restore to the Petitioner certain property claimed by him.-

The

2. The Acting Session Judge's acquittal is final; and the Court of Foujdaree Adalut decline to interfere with the order respecting the restoration of the articles.-

/Sent in. No. /

Read Miscellaneous Petition received on the 6th November 1857, from W. Andramayen, W. Bawa, Poothenpoorail Tarovay Cootty and Amed Cootty, prisoners in Case No. 20 of 1857, on the Calendar of the Session Court of Tellichery, through the Session Judge.-

/Here enter F. Mc. P. No. 237 of 1857/

Messrs. Baynes and Goodwyn 1. The Petitioners appeal against a sentence passed by the Session Court on the ground of the insufficiency of the evidence.-

2. The Foujdaree Adalut on reference to the abstract thereof as given by the Session Judge are satisfied of the propriety of the judgment and decline to interfere. The Petition is accordingly rejected.-

/Sent in No. /

Ed. Ell.

A. S. Chamier

F.N.C.

Tuesday.
15th December, 1857.

At a Court of the Foujdaree Adalut

Present

G. S. Cooper, Esquire
C. R. Baynes, Esquire
J. W. Goodwyn, Esquire &c. — Prisone Judges.

Read Calendar of Case No. 59 of 1857, from the Sessions Judge of Chittoor.

(Here enter F.N.C. No. 2418 of 1857.)

1. The prisoner in this case was convicted of Perjury and sentenced to 4 years' imprisonment with hard labor in irons; but the Sessions Judge recommends that the same be mitigated to 2 years.—

2. The Court of Foujdaree Adalut are of opinion that the sentence might with propriety be further mitigated, and they accordingly direct that the prisoner be sentenced to 6 months' imprisonment with

with hard labor in irons.—

Ex. Dld.

15th December, 1857.

/Sent in No. /—

Court Decision

F. No.

Wednesday— 16th December 1857.— At a Court of the Foujdaree Adalut

Present

The Honble W. A. Morehead Esqre, Chief Judge

G. S. Hooper Esquire, }
C. R. Baynes Esquire, } Puisne Judges
J. W. Goodwyn Esquire, &c. }

Read Calendar of Case No. 45 of 1857, on the file of the Session Court of Trichinopoly.—

/Here enter F. No. No. 2429 of 1857/

As herein recommended the Court of Foujdaree Adalut resolve to authorize the Session Judge to issue his warrant for the imprisonment of the prisoner for the period specified in the margin, in mitigation of the sentence passed upon him in the said case.—

* Ramen (7) Seven years

/Sent in No. /

Read letter dated the 9th instant, from the Acting Session Judge of Salem.—

/Here enter F. No. No. 2435 of 1857./

The

1. The Acting Session Judge forwards an appeal from the prisoner in Session Case No. 51 of 1857, against his conviction of the offence of Breach of Trust, and explains that his reason for transmitting the appeal, before delivering judgement, which has been reserved in consequence of a charge of Forgery having subsequently been preferred against the same prisoner, is, that a request is made therein, relative to the prisoner's being replaced in the Nazir's custody, which the Foujdaree Adalut might now dispose of.-

2. The transmission of an appeal at the present stage of the proceedings being irregular, the Court of Foujdaree Adalut resolve to return the same and to direct the Acting Session Judge to give such orders as he may think proper on the prisoner's application in the matter of his custody.-

/Sent in No. /

Read Miscellaneous Petition presented on the 12th October 1857, by Messrs. Arthur

Arthur Mc. Ritchie and Alexander Mc. Ritchie, Pleaders, on behalf of Rama Pillay alias Ramaswamy Pillay 1st Prisoner in Case No. 31 of 1857 on the Calendar of the Session Court of Combaconum

/Here enter F. M. P. No. 201 of 1857./

Messrs. Hooper and Baynes

1. The Petitioner appeals from the sentence of the Session Judge in the above case and prays that the Court of Foujdaree Adalut will order his unconditional release.-

2. The Court of Foujdaree Adalut having gone through the entire record of this case, and heard the Petitioner's Pleader orally in support of his petition, are of opinion that taking into consideration the nature and extent of the offence of which the Petitioner has been found guilty by the Session Judge and which the Court consider to be supported by the evidence adduced, the punishment which the Petitioner has undergone, Viz: 4 months imprisonment, (having moreover been previously in custody for about 2 months)

is

16th December 1857.

is sufficient to meet the ends of justice.-

3 The Court of Foujdaree Udalut therefore direct that the Petitioner be released forthwith.-

/Sent in No. /

E. Ward.

C. D. Chamier

F. C.

Thursday 17th December 1857. At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esquire, C. R. Baynes Esquire, T. W. Goodwyn Esquire, Ag. — Puisne Judges

Read Miscellaneous Petition presented on the 19th November 1857 by Sottay Cunnoo Nadan, of zillah Tinnevelly.-

/Here enter F. M. P. No. 240 of 1857/

Messrs. Baynes and Goodwyn

1. The Petitioner appeals from the proceedings of the Session Judge of Tinnevelly dated 12th August 1857 confirming the order of the Joint Magistrate, who, deeming the fine imposed on the Petitioner by the Head of Police of Manoonary, inadequate, enhanced the same to Rupees 7.-

2 The Petitioner, having been tried, convicted and fined for a petty assault by the Head of Police, it was not competent to the Joint Magistrate upon appeal and view of the record, to

to set aside that sentence, and pass a new and enhanced one. If the Joint Magistrate was of opinion that the Head of Police had tried a case of assault, of such nature as to be evidently beyond his powers of punishment, and therefore out of his jurisdiction, he should have quashed the whole trial as virtually null, and proceeded to try and dispose of the case himself.-

3. The Foujdaree Udalut therefore direct that the amount levied in excess of the original sentence, viz Rs. As. 6—8, be refunded to the Petitioner.-

Exd. Aa. / Sent in No. / 4

A Chamier

F. No.

Friday 18th December, 1857.

At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper, Esquire
C. R. Baynes, Esquire } Puisne Judges.
J. W. Goodwyn, Esquire

Read letter dated the 10th Instant, from the Sessions Judge of Chittoor, referring for the final judgment of the Foujdaree Udalut the record of Cases Nos. 67 and 68 of 1857 of the Calendar of the Sessions Court.-

/ Were enter F. No. 2456 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 Vencateegaudoo is sufficient to convict him of the crimes

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

/Sent in No. /—

Read letter dated the 30th October 1857, from the Acting Agent at Ganjam, submitting for the final judgment of the Foujdaree Adalut a report of the trial in Criminal Case No. 57 of 1857 on his file.—

/Here Enter F.W. No. 2340 of 1857/—

The Court of Foujdaree Adalut concur with the Acting Agent in his acquittal of the Prisoner in this case, the evidence against him being clearly unworthy of credit.—

/Sent in No. /—

Ex Dall

Mr. Chilwell

F.W.

Monday 21st December 1857

At a Court of the Foujdaree Adalut

Present

G. S. Hooper Esquire
C. R. Baynes Esquire
F. W. Goodwyn Esquire 4th } Puisne Judges

Read Extract from the Minutes of Consultation in the Judicial Department under date the 16th October 1857

(How enter F.W. No. 2114 of 1857)

Read, also, letter, dated the 3rd December 1857, from the Sessions Judge of Chingleput.

(How enter F.W. No. 2382 of 1857)

The Government having, in the above proceedings, called the attention of the Foujdaree Adalut to a case of ill-usage, or torture, reported by the Magistrate of Chingleput, in which one Moonchi was complainant and Kurasamy Naik, a village moonsiff, and Cannen, a taliar, were defendants, the Court sent for the whole record, which the Sessions Judge

Judge forwards with the foregoing letter.

2. It appears that, in order to enforce payment of a debt, the first defendant, aided by the second, assaulted the complainant and her husband and her father; the second defendant compelling them to stoop down and placing stones on their backs, under the direction of the first defendant who gave the complainant some slight stripes with a tamarind switch. The complainants husband died the following day; but her evidence and that of her witnesses shows that he died of Cholera, after having worked all day in beating rice at the house of one of the witnesses.

3. The case of assault was tried by the head assistant magistrate, who sentenced the first defendant to six months, and the second to two months imprisonment with labor; and further dismissed them from the offices they held, as village servants.

4 The Court of Tanjore Wadalur are of opinion that this punishment was amply sufficient to meet the ends of justice, being indeed, more severe than the circumstances demanded; the head assistant magistrate having

having probably influenced, when passing sentence, by a consideration of the official position of the offenders, though their acts had no necessary connection with it.

5 The Court consider that the case was not properly one of "torture", if by that term is to be understood, the employment either by revenue or police officers, of violence or ill-treatment in the course of their official duties; and the Judges think it advisable that a careful distinction should be observed between cases of torture, falling within that description, and those which are in reality only assaults, more or less aggravated, committed by public officers in their personal and individual character and for their private ends; and not in their official capacity and in supposed furtherance of their public duties.

6. Ordered, that copy of these proceedings be transmitted to the Government for their information.

(Sent in No)

Ordered, also, that a copy of these be likewise forwarded to the Sessions Judge, for communication to the Magistrate of Chingleput, and by him to the head assistant magistrate.

(Sent in No)

21st December 1857.

Read Calendar of case No 9 of 1857, on the file of the Sessions Court of Chicacole.

(Here Enter F. No. No 2397 of 1857)

1. The prisoners were charged with having unlawfully broken and entered the house of one Canavaroo Kristna Doss, and stolen therefrom property valued at Rupees 6-2 -; and, on being resisted, felaniously murdered the said Kristna Doss.

2. The first prisoner was convicted, and sentenced by the Sessions Judge to seven years imprisonment; the rest were acquitted.

3 The Court of Fouzdaree Udalut resolve to call upon the Sessions Judge and most fully Judge Ameen to state whether they considered it proved, that murder was committed in prosecution of the offence of which the first prisoner has been convicted. If such was their opinion, the offence was beyond the Sessions Judge's jurisdiction under clause first, Section IV, Regulation XV of 1803, and the sentence must therefore be quashed, and the case referred for the final judgment of the Fouzdaree Udalut.

Ordered

21st December 1857.

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

(Sent following Precept No)

Read Calendar of Case No 38 of 1857 on the file of the Sessions Court of Cuddalore

(Here Enter F. No. No 2450 of 1857)

As herein recommended, the Court of Fouzdaree Udalut resolve to authorize the Sessions Judge to issue his warrant for the imprisonment of the prisoner for the period specified in the margin, in mitigation of the sentence passed upon him in the said case.

x Narraimun (9) nine years.

(Sent in No)

Read Miscellaneous Petition presented on the 16th ultimo, by M. Vencataroyaloo Naidoo, Pleader on behalf of Ramadasoo Sauck, Zillah Cuddalore.

(Here Enter F. M. P. No 239 of 1857)

Messrs G. S. Hooper and T. H. Goodwyn.

Petitioner appeals from the 1 order of the Sessions Judge under date the 5th May 1857, confirming the decision of the Assistant Magistrate dated the 16th April 1856, whereby the charge of misdemeanor preferred

21st December 1857

preferred by the Petitioner against certain persons, was dismissed as not proved.

2 The Court of Foujdaree Udalut reject this petition, as they do not consider that the Petitioner has adduced sufficient reasons for interfering with the Sessions Judge's order confirming that of the Assistant Magistrate.

(Sent in A.)

Read Miscellaneous petition presented on the 3d October 1857, by Caroothan of Zillah Cuddalore.

(Here Enter F. C. No. 236 of 1857)

Messrs G. L. Cooper and T. W. Goodwyn.

1 This is a petition for review of this Court's orders under date the 13th August 1857.

2 The Court of Foujdaree Udalut see no reason to reconsider the orders in question, and accordingly reject this petition.

E. R.

C. Chamier

F. Uc

Tuesday, 22d December 1857

At a Court of the Foujdaree Udalut

Present

G. L. Cooper Esquire
C. R. Baynes Esquire — Puisne Judges
T. W. Goodwyn Esquire

Read letter, dated the 1st instant, from the Acting Agent to the Governor in Ganjam.—

(Here Enter F. Uc. No. 2423 of 1857)

1 The Acting Agent enquires whether the circular proceedings of the Foujdaree Udalut, dated the 26th October last, do away with the necessity of sending delayets with prisoners, as prescribed by Circular order No. 96, dated 9th December 1857.

2 The Court of Foujdaree Udalut resolve to inform the Acting Agent that the intention of their circular instructions of the 26th October last, was, that the relief on each frontier

frontier should be completed; the relieving magistrate deputing a deloget or duffadar, with sufficient escorts and funds, to receive the convict and convey him to the next frontier station.—

Ordered, that copy of these proceedings be forwarded to the several Zillah Judges, Agents, and Zillah Magistrates, for their information and guidance.—

(Sent in No)

Read Calendar in Case No 100 of 1857 on the file of the Sessions Court of Masulipatam.—

(Here enter H.C. No 2485 of 1857)

The Sessions Judge has convicted the prisoner in this case of perjury, in having, though only 35 years old, wilfully, corruptly, and falsely deposed on solemn affirmation to the following effect.— "About 30 years ago, the first prisoner's "mother gave her Rupees 400, for the

"the purpose of earning her livelihood, "by means of interest; I am now aged "50 years": the same being material to the issue of the case in which the prisoner was then being examined as a witness.—

2. Before approving the mitigated sentence of one year's imprisonment, proposed by the Sessions Judge, the Court of Foujdaree Udalut resolve to call upon that Officer to state on whether the prisoner actually deposed that he was personally cognizant of and present at the transaction in question, and also forward translation of the deposition given by the prisoner.

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

(Sent following Precept No)

Ed Hill. Lewis Pilkington

F. U.

Wednesday
28th December 1857. At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper Esquire —— Puisne Judge
C. R. Baynes Esquire —— Puisne Judge
J. W. Goodwyn Esquire — Actg. Puisne Judge

Read Criminal reports for the Months of November 1857, submitted by the Sessions Judge of Chittoor.

(Here enter F. U. No. 2477 of 1857)

The Court of Foujdaree Udalut

Magistrates' Calendar.

direct the attention of the Magistrate to the great delay there has been in the disposal of all the cases in this Calendar - In some instances the parties appear to have been in Custody for three or four weeks.

(Sentence No.)

Read Criminal reports for the Months of November 1857, submitted by the Sessions Judge of Masulipatam.

(Here enter F. U. No. 2473 of 1857)

The Sessions Judge of Masulipatam

No. 93.

is requested to explain under what circumstances he

he has held, to bail the party under trial on a criminal charge, pending the disposal of a civil suit.

/Sentence N°/

Read Calendar in Case N° 98 of 1857 of the Sessions Court of Masulipatam.

/Hereunto F. C. N° 2486 of 1857/

It is not shown in the sentence, in this case that the property was in possession of the Prosecutrix, but on the contrary it would appear, that the box was in the 1st Prisoners house. and if so, it is probable that it was in her keeping and possession. Moreover it would appear that the 1st Prisoner had the same right in the property as the Prosecutrix.

2. Before therefore passing orders on this case, the Court of Foujdaree Udalut resolve to call upon the Sessions Judge for information on the above points.

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

/Sent following precept N°/

Read Criminal reports for the Months

Months of November 1857 Submitted by the Sessions Judge of Masulipatam.

/Hereunto F. C. N° 2482 of 1857/

Magistrate Calendar N°31.

The Sessions Judge should have pointed out to the Magistrate, that, unless under peculiar circumstances, which should be entered in the Calendar, a sentence of Corporal punishment should be carried out at once on being confirmed by the Sessions Judge, and that the postponement by sentence of such punishment till the expiry of a portion of a term of imprisonment is not warranted by the Regulations.

/Sentence N°/

Read criminal reports for the Months of November 1857 Submitted by the Sessions Judge of Guntoor.

/Hereunto F. C. N° 2474 of 1857/

Magistrates Calendar N°36.

This would appear to have been a case of "Robbery by open violence" and should have been committed.

/Sentence N°/

Read Criminal reports for the Months of November 1857 Submitted by the Sessions Judge of Chicacole.

/Hereunto F. C. N° 2497 of 1857/

The

25th December 1857.

The Fouzdaree Udalut observe that the charges framed by the Sudder Ameen of Itchapoor in cases brought before him are not expressed in correct and clear language this should be pointed out to him by the Sessions Judge with such remarks for his guidance as may enable him to avoid like errors in future. Should he not succeed in doing so, the Sessions Judge should himself amend them when they require it.

Sudder Ameen of Itchapoor Calendar.

/Sent in S/

Read Calendar of Cases Nos 63 and 64 of 1857 on the file of the Sessions Court of Calicut.-

/Vide Proceedings F. M. No 2492 of 1857/

As herein recommended, the Court of Fouzdaree Udalut resolve to authorize the Sessions Judge to issue his warrant for the imprisonment of the prisoners for the period specified in the Margin, in mitigation of the sentence passed upon them in the said case.-

Case No 64

+Kanaka Ghervan alias Payanny
2d Pandu Mappa alias Pandu
3d Kopila Abdulla alias Coolhully

/Seven years and 90 lashes each.

/Sent in No/

/s/

Mr A Ellis

Rs 15/0

F.M.

Thursday 24th December 1857.

At a Court of the Fouzdaree Udalut.

Present.

G. S. Hooper, Esquire
C. R. Baynes, Esquire
} Puisne Judges.
J. W. Goodwyn, Esquire

Read again Miscellaneous Petitions presented on the 26th October and 12th November 1857 by J. D. Mayne Esquire, Pleader on behalf of Drummah of Zillah Bellary.-

/Here Enter F. M. Ds Nos 213 and 230 of 1857/-

Read also return dated the 3d December 1857 from the Sessions Judge of Bellary, to the precept of the Fouzdaree Udalut under date the 16th November 1857, requiring the submission of a translation of Case No 65 of 1857 on the Sessions Calendar.-

/Here Enter F. M. No 2404 of 1857/-

The Assessors and Sessions Judge

Mr G. S. Hooper.
and
Mr C. R. Baynes.

Judge convicted both the Prisoners in this case of robbery, and at the recommendation of the Sessions Judge the mitigated sentence of 7 years' imprisonment with hard labor in irons was passed upon them.-

2. The entire record of the trial was called up on a Petition presented to this Court on behalf of the 1st Prisoner - and the sentence, as regarded him, suspended pending their final orders.-

3. On perusal of the record the Court of Foujdaree Adalut find no reliable evidence of any robbery having been committed, but on the contrary it is calculated to create a strong impression that the 2d Prisoner attempted to take liberties with the Prosecutrix with which the 1st Prisoner did not think it necessary to interfere but to which she offered a resistance, probably unexpected, and in revenge extemporised the charge of robbery, taking off, and throwing down her necklace in order to create a prece-

of circumstantial evidence.-

Being therefore of opinion

4. that the Prisoners are not convicted of the crime charged, the Court of Foujdaree Adalut do acquit them - thereof, and direct their immediate release.-

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Bellary by precept returnable within 10 days from and after its receipt.-

/Sent following Precept No. 1/-

Read Miscellaneous Petition presented on the 26th November 1857 by Yellappa Moodelly, Prosecutor in Case No. 24 of 1857 on the Calendar of the Sessions Court of Chingleput.-

/Were enter F. M. D. No. 243 of 1857./-

Mr. G. S. Hooper. and Mr. J. W. Goodwyn.

1. The Petitioner appeals from the sentence of the Sessions Judge acquitting the 2d, 3d and 4th Prisoners in the above case.-

The Court of Foujdaree

2. Adalut

24th December, 1857.

Adalut decline to interfere, as the Sessions Judge's acquittal is final; and this Petition is accordingly rejected.-

Sent in No /-

Read Calendar in Case No. 71 of 1857 of the Sessions Court of Chittoor.-

/Here enter F.M.C. No. 2419 of 1857/-

The Court of Foujdaree Adalut are of opinion that if, as appears from the finding of the Sessions Judge, the Prisoner assumed the character of a railway servant merely as conferring respectability, and by so doing led the Prosecutors to lend him money which they would not otherwise have done, the Prisoner is not liable to a conviction because the false pretence must have obtained the property in the money from the Prosecutors - which was not done - a fraudulent representation inducing a loan being totally distinct from a "false pretence obtaining money".-

2. If, however, as may be inferred

F.M.C.

24th December, 1857.

inferred from the indictment and futwa, the Prisoner obtained the money in gift, by pretence that he was authorized to give; and would give, employment, as the Court see no objection to the conviction.-

3. Before therefore disposing of this case, the Court resolve to call upon the Sessions Judge for an explanation on the above points.-

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 Calendar of Case No. 71 of 1857 of the Sessions Court of Tinnevelly.-

/Here enter F.M.C. No. 2484 of 1857/-

The Prisoner in this case

1. was tried and convicted on a charge of House breaking with theft, and being found in possession of stolen property knowingly

knowingly. The Sessions Judge in sentencing him to the prescribed punishment, recommends that the same may be reduced to two years.-

2. The Court of Foujdaree Udalut being of opinion that the mitigated sentence is 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 4 years.-

/Sent in No. /-

The record of trial in referred Case No. 42 of 1857 on the Calendar of the Sessions Court of Salem not having been yet received;

Ordered that the Acting Sessions Judge of Salem be required to submit the record aforesaid without delay.-

/Sent in No. /-

Read Miscellaneous Petition presented on the 26th ultimo by J. D. Mayne Esquire Pleader on behalf of Ruingy Pillay and

and another, prisoners in Criminal Case No. 64 of 1857 on the file of the Principal Sudder Ameen of Trichinopoly.

/Here Enter F. M. D. No. 242 of 1857/-

Before passing a final order on this Petition, the Court of Foujdaree Udalut, resolve to call for a Translation of the entire record of the case in question.-

Ordered, that Extract from these Proceedings be sent to the Principal Sudder Ameen of Trichinopoly by Precept returnable within days from and after its receipt.-

/Sent following Precept No. /-

To

Read Extract from the Minutes of Consultation, under date the 15th December 1857, communicating Extract from a despatch from the Honorable the Court of Directors, desiring to be informed whether the practice of summoning public servants in police cases, without previous reference to their official superiors, as prescribed

prescribed by Circular Order Foujdaree Adalut No. 215, has been attended with any inconvenience.-

/Here enter F.M.C. No. 2462 of 1857./-

The Court of Foujdaree Adalut resolve to call upon the several Zillah Judges to report whether any inconvenience has been experienced during the past year, either by themselves, or by any of the judicial officers subordinate to them, by the ministerial servants of their respective Courts being summoned before the police, without previous notice being given that their attendance was so required.-

/Sent in No. /-

In 1858

F.M.C.

Saturday. 26th December, 1857.

At a Court of the Foujdaree Adalut

Present

G. S. Cooper, Esquire
C. R. Baynes, Esquire
J. W. Goodwyn, Esquire Actg.
} Puisne Judges.

Read Petty Calendars of the Magistracy for the third quarter of 1857, Zillah Mangalore.-

/Here enter F.M.C. No. 2440 of 1857/-

No. 271.-

The Court of Foujdaree Adalut observe that the Magistracy are not competent to punish cases of escaping from custody, where the party charged is a sentenced prisoner, under Section XXXII, Regulation IX of 1816. The Circular order quoted is inapplicable, and the case should have been sent up to the Criminal Court.-

/Sent in No. /-

Ex Hall.

Chas A Willoughby

J. U.

Wednesday
30th December 1857. At a Court of the Foujdaree Adalut

Present

G. S. Hooper Esquire
C. R. Baynes Esquire } Puisne Judges.
J. W. Goodwyn Esquire Ag.

Read letter dated 2nd December 1857
from the Sessions Judge of Chicacole, submitting
for the final Judgment of the Foujdaree Adalut
the record of Case No 8 of 1857.
(Here enter J. A. No 2452 of 1857)

Mssrs Hooper. Baynes and Goodwyn.—

The Court of Foujdaree Adalut, on
deliberate consideration of all the circumstances
of the case in evidence before them, being of opinion
that the proof against the prisoner
Chulla Nulliah
is sufficient to convict him of the crime of culpable
Homicide, for which the penalty of Deyat is awardable
under the Mahomedan Law as declared in
Fatwas of their Law Officers, do convict him
thereof, and under the provisions of Clause
Second, Section XV Regulation VII of 1802, sentence
him to be imprisoned and kept to Labor without
irons, on the public works, roads or other public
for and during the
period

period of (6) Six Months, the term of his imprisonment being calculated from the date of the conclusion of the Trial-Viz.t 25th October 1857.-

/Sentence No /s

Ex.d Dall.

Chas Thurtle

F. H.

Thursday
31st December 1857 At a Court of the Foujdaree Udalut

Present.

G. S. Hooper Esquire
C. R. Baynes Esquire
J. W. Goodwyn Esquire Actg.

} Puisne Judges.

Read letter dated 12th December 1857, from the Sessions Judge of Calicut, submitting for the final judgment of the Foujdaree Udalut, the record of case No 58 of 1857 of the Calendar of the Session Court.-

/Here enter F. H. No 2516 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 proof against the prisoners,

1st Velanchola Attita
2d Edakatody Tatykoota Ramen
3d Koonashery Kannoony
4th Vakata Mootenoo
5th Havilapara Iny
and
6th Velanchola Moideen.

is sufficient to convict them of the crime of House breaking and Theft, for which, according to the Mahomedan Law as declared in futwas

of

Read Miscellaneous Petition &c
presented on the 19th Ultimo by Rungasawmy Iyengar
of Tillaly Cuddalore.

(Have Enter F. M. D. No. 210 of 1857)

Messrs. Hooper and Baynes.

1. Petitioner appeals from the order of the Acting Sessions Judge under date the 16th April last confirming that of the Head & Assistant Magistrate, fining the Petitioner and others in the sum of 3 Rupees on a charge of having created a disturbance at a marriage festival.

2. The Petitioner and others were fined 3 Rupees each by the Head of Police, and it was confirmed on appeal by the Head Assistant Magistrate and Sessions Judge. There is nothing but their denial to set against the judgment of these functionaries on the evidence.

3. The Court therefore see no reason to interfere in the case. and accordingly reject this Petition.

(Sentence No.)

Read letter under date the 31st October 1857, from the Officiating Agent to the Governor of Fort

16th November 1857

Fort St. George at Burmah, submitting for the final judgment of the Faujdaree Adalut, a report of the trial of Criminal Case No. 30 of 1857 on his file.

(Have Enter F. M. No. 2215 of 1857)

The Court of Faujdaree Adalut con-
-cur in the conviction of the Prisoner.

Talary Lutchyandoo

of House breaking with attempt at Theft and &c
sentence him, as proposed by the Agent, to 5 years'
Imprisonment with hard labor in irons in Bamick-
-ment to the Jail at Chingleput and to receive
150 lashes in addition.

(Sentence No.)

Read letter under date the 1st October
1857, from the Officiating Agent to the Governor
of Fort St. George at Burmah, submitting for
the final judgment of the Faujdaree Adalut
a report of the trial of Criminal Case No. 28
of 1857 on his file.

(Have Enter F. M. No. 2216 of 1857)

The Court of Faujdaree
Adalut concurring in the Conviction of
the

16th November 1857

the Prisoners

1st Nazah

2d Radical Vencatah

3d Mudamul Venkatah

4th Erkal Soonkah, and

5th Pundegooday Venkatah.

of House breaking and Theft, and

6th Voracul Venkatagah and

7th Chetral Venganah

of Professing stolen property knowing the same to be such, resolve to sentence them as proposed by the Agent Viz^z 1st 2d 3d 4th and 6th to 7 years' Imprisonment with hard labor in irons in banishment to Chingleput Jail, and 5th and 7th to 5 years' Imprisonment with hard labor in irons.

2 The Court also concur in fining the 1st 2d 3d 5th and 6th Prisoners in Rupees 25 each.

3 The Court concur also in the acquittal and release of the 8th and 9th Prisoners.

(Sent in A^o)

Read Calendar of Case A^o 166 of 1857

16th November 1857.

1857 on the file of the Sessions Court of Tinnevelly.

(Here Enter F. No. A^o 2240 of 1857)

As herein recommended, the Court of Sayidaree Walah resolve to authorize the Sessions Judge to issue his warrant for the imprisonment of the prisoners* for the period specified in the margin, in mitigation of the sentence passed upon them in the said Case.

(Sent in A^o)

Read Calendar of Case A^o 39 of 1857 on the file of the Sessions Court of Trichinopoly

(Here enter F. No. A^o 2218 of 1857)

As herein recommended, the Court of Sayidaree Walah resolve to authorize the Sessions Judge to issue his warrant for the imprisonment of the prisoners* for the period specified in the margin, in mitigation of the sentence passed upon them in the said case.

(Sent in A^o)

Read Calendar in Case A^o 53 of 1857 on the file of the Sessions Court of Calicut.

(Here Enter F. No. A^o 2230 of 1857)

The 2d Count of the Charge is obscure.

1

* 1. Chinnavenjen alias Pasum Moothun
Nandy Mardew and
Poday Moothun
(5) five years.

* 1. Monthrasamy Pillay
2. Malyoudew
3. Malyoudoorew
4. Sadayew.
5. Vyapoory
6. Sellew
7. Pettaun and
8. Sarluttaw.
Sayeare

obscure and fails to clearly set forth what portion of property was found on the 3d 4th 5th 7th and 11th Prisoners, or on which of the Prisoners the portion valued at 32 Rs 4 As 9 was found on the 12th September 1857.

2. The proof against the Prisoners rests on their confessions and each giving up as being found in possession of property proved to belong to the Prosecutors; the sentence should therefore have clearly stated whether the property found on each was clearly identified, but this has not been done.

Para 8. 3 Articles Nos 52. 53 and 54 were found in the 3d Prisoners house; these articles are stated to be capable of identification, but the sentence fails to state whether they were identified.

Para 6. 4 A Pistol and some Moths of foreign manufacture were found on the 4th and 5th Prisoners' premises, but it is not stated whether the articles were identified, as the mere facts of the Moths being of foreign manufacture does not by itself prove that they are evidently the property of the Prosecutors who are natives of Coimbatore.

The

Paras 7 and 12. 5. No observation at Para 3 applies to the articles found at the 2d 7th and 9th Prisoners.

There is some omission in this Para as it is not stated who "This Witness" is.

Para 8. 6th Was the Court find that the sentence fails to set forth clearly and distinctly whether the articles given up by any Prisoner except the 1st were clearly identified as stolen property; they therefore resolve to call on the Sessions Judge to furnish a list setting forth the nature of the articles identified of each of the Prisoners 2 to 12 and the evidence by which these articles were proved to belong to the Prosecutors. The Sessions Judge will in future

8 be so good as to number the Paras of his sentences

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

(Sent following Precept &c)

Read

16th November 1857.

Read letter dated 30th October 1857, from the Sessions Judge of Coalicut, submitting for the final Judgment of the Foujdaree Adalut, the record of Case No 54 of 1857 on the Calendar of the Sessions Court.

(Here Enter F. No. 2223 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

Weyambam Pallyathoo Chamoo

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

(Sent in Ms)

Ass. Sr. Hooper and Baynes

Exd. Ad.

C. Chamoo

O

F. No.

Tuesday 17th November 1857

At a Court of the Foujdaree Adalut

Present.

G. S. Hooper Esqre
C. R. Baynes Esqre
} Sessions Judges
J. W. Goodwyn. Esqre Advt

Read Criminal Reports for the month of October 1857, Submitted by the Sessions Judge of Chittoor.-

Read also Proceedings of Sessions Court of Chittoor on Case No. 11 of 1857 disposed of by the Joint Magistrate.-

Read also letter from the Joint Magistrate with reference to above Proceedings dated October 9th 1857.-

(Here enter F. No. No. 2243 of 1857.)

1. The Court of Foujdaree Adalut have ruled on several occasions that a party cannot be indicted under Regulation XI of 1811 for the Forgery or uttering of a Rahdaree.-

2. In the present case, the Prisoner having

of their Law officers, the penalty of Hud is awardable,
do convict them thereof, and under the provisions
of Section XXI Regulation VII of 1802, Clause 2d
Section VI Regulation I of 1825, Regulation VIII
of 1828, and Section XXXIV Act VII of 1843, sentence them
respectively to receive 100 lashes with a Cat O.
nine tails, and to be imprisoned and kept
to hard labor in irons, on the public roads or
other public works, for and during the period
of (7) seven years.

Sentence No. 15

Ex Sad

Emm Abbott