282

Monday 4th January, 1858.

At a Court of the Foujdaree Adalut.

Present.

G. L. Cooper, Esquire
C. R. Baynes, Esquire — Puisne Judges.
T. W. Goodwyn, Esquire

Read Calendar of Cases.

No. 82 of 1857 from the Sessions Judge of Cuddapah.

Hend. Enter F. A. No. 2539 of 1857.

The grounds shown at para. 6 of the Sessions Judge's remarks for requiring security appearing insufficient, the Court of Foujdaree Adalut resolve to direct the prisoner's release, unless the Sessions Judge can furnish better grounds for requiring security.

Ordered, that Extracts from these Proceedings be sent to the

Sessions

Sessions Judge of Cuddapah, by precept returnable within X days from and after its receipt.—

/Sent following Precept No /—

Read Calendar of Case No. 83 of 1857, submitted by the Sessions Judge of Coimbatore.—

/Here enter F.M.C. No. 2545 of 1857/—

The Foujdaree Udalut consider that the Sessions Judge very properly sent this case back to the Principal Sudder Ameen in the exercise of the discretion given by Circular Order 20th February 1823. A. and they direct that the Principal Ameen Ameen be told that the notice of the Foujdaree Udalut has been attracted to the apparent want of care and judgement displayed by him in committing the case.—

/Sent in No /—

Read Calendar of Case No. 56 of 1857 from the Acting Sessions

Judge of Salem.—

/Here enter F.M.C. No. 2543 of 1857/—

1. The Court of Foujdaree Udalut direct the Acting Sessions Judge to explain the circumstances that have induced him to consider 14 years' imprisonment required for the offence of which the prisoner in this case has been convicted.—

2. They observe that the charge omits to state the place and village where the offence was committed, as well as to set forth the manner (viz. intimidation or violence) in which the robbery was effected.—

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

/Sent following Precept No /—

Read again Miscellaneous Petition presented on the 26th November 1857, by J. D. Mayne Esquire, Pleader on

behalf of Rungy Pillay and another, prisoners in Criminal Case No. 64 of 1857 on the file of the Principal Sudder Ameen of Trichinopoly.

/Here enter F. M. P. No. 242 of 1857/

The Court of Fouzdaree Adalut resolve to direct that the sentence as regards hard labor in irons be suspended until final orders are passed in the case.

/Sent in No /-

Ex Dd.

C. Chamier

4th January 1858

Mr. G. S. Hooper

Tuesday.
5th January, 1858.

F. M.

At a Court of the Fouzdaree Adalut.

Present.

G. S. Hooper, Esquire —
C. R. Baynes, Esquire — } Puisne Judges.
J. W. Goodwyn, Esquire —

Read again Miscellaneous Petition forwarded by the Acting Session Judge of Cuddalore, from Mahommed Yusaloollacan Saib, Vakeel for the 5th Prisoner in Case No. 22 of 1857 on the file of the Session Court.

/Here enter F. M. P. No. 234 of 1857/

Read also return dated the 21st December 1857 from the Acting Session Judge of Cuddalore, to the precept of the Fouzdaree Adalut under date the 7th Idem, calling for a Translation of so much of the evidence as relates to the 5th Prisoner in Session Case No. 22 of 1857.

/Here enter F. M. No. 2521 of 1857/

Session
return
after

No. 8
Judg

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In this case, 5 Prisoners
were convicted of Gang Robbery and sen:
:tenced to be imprisoned for 10 years. Sim:
:ilarly, the 5th Prisoner, having appealed
against the conviction as regards him:
:self, on the ground of the insufficiency
of the evidence, the Session Judge was
required by the Foujdaree Adalut to
submit the record of the case for their
consideration.

2.

It must be admitted that,
whether the evidence be held sufficient
for the conviction of the Petitioner or
not, it is of less force against him than
the other prisoners; such indeed was the
impression created by it in the mind
of the Acting Session Judge; he says —
"the recognition of the Prisoners, more par:
:ticularly of the 1st to the 4th, is most satis:
"factorily established. The 5th, who was
"only recognized by the 1st and 2d witnesses,
"called two witnesses to prove an alibi",
in which he considered him to have
failed. It is certain that a full

5 January
Mr 6

January, 1858.

attended with circumstances of much
violence and cruelty, took place in the
house of the Prosecutor. None of the per:
:petrators appear to have been known to
the inmates save perhaps the 1st Prisoner,
but such traces being obtained as led
to the apprehension of the Prisoners 1
to 4, the 1st made a confession, implic:
:ating the 5th; this of course excited sus:
:picion against him, and on being ap:
:prehended, he was recognized by the 2d
witness, an Arrack vender, as the indi:
:vidual whom he had before deposed
had come to his shop in company with
the Prisoners 1 to 4, a short time before
the robbery. Upon the credit to be
attached to the evidence of this wit:
:ness must, the Court of Foujdaree
Adalut consider, depend in great
measure the conviction or otherwise of the
Petitioner; for, if it be true, it gives such
additional probability to the evidence of
the witnesses, who declare, on his being
shown to them, that he was present at

5th January 1858.

the robbery, as to warrant the Court believing it; and they see no reason for discrediting it beyond that uncertainty which attaches to all oral testimony in this country.

The evidence against the Petitioner therefore amounts to this:- the Prosecutor's house was robbed by the 1st Prisoner and others at a certain time, a little before which, at a most suspicious hour and place, the 5th Prisoner was seen in their company; and one at least of the persons present in the house at the time swears positively that he can recognize him as having taken an active part in the crime. Under these circumstances, the Court of Sujdaree Adalut do not feel that any grounds exist for declaring the conviction wrong, and they accordingly dismiss the appeal.-

/Sent in a No. /-

Read Calendar of Case No. 54 of 1857 from the Acting Sessions Judge of Salem.-

F.C.

5th January, 1858.

The charge, sentence, and Calendar in this case leave it doubtful whether the prisoner struck the Prosecutrix or assaulted her in any manner; - the Court of Sujdaree Adalut therefore resolve to call upon the Sessions Judge for particulars; and as to whether, in his opinion, the sentence might not with propriety be mitigated, as this case differs materially from No. 48 in which there were 2 robbers who severely beat and wounded the Prosecutor, on the head with stones.-

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

/Sent following Precept. No. /-

Read Calendar of Case No. 55 of 1857 on the file of the Sessions Court of Salem.-

/Here enter F.C. No. 2542 of 1857/-

Before finally disposing

5th January 1858.

of this Calendar, the Court of Foujdaree
Adalut resolve to call on the Sessions
Judge to state whether any evidence was
taken to show that the Prosecutor was
likely to be possessed of so large a sum
as 500 Rupees, and what evidence there
was of the theft of the 500 Rupees —

The Court also require
2. information as to the number of robbers
concerned in the offence, the Moofly's
future leading them to believe that there
were only 2. —

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

Sent following Precept No /-

Read Calendar of Cases
No 13 of 1857 on the file of the Sessions
Court of Coimbatore. —

/ Vide rules F. 116 - No 10 of 1858 /-

As herein recommended,

5th January, 1858.

1st Moonyen.
2d Rajee -

Four years.

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 No /

E. Ellis.

C. Chamier

F. Ude.

Wednesday 6th January 1858 } At a Court of the Foujdaree Udalut

Present

G. L. Hooper Esqre. .....
C. R. Baynes Esqre. ..... } Puisne Judges
J. W. Goodwyn Esqre. Acting

Read letter dated the 30th Ultimo from the Sessions Judge of Masulipatam (Here Enter F. Ude. No. 13 of 1858.)

The Sessions Judge, in affording the explanation called for in the proceedings of this Court under date the 23d Ultimo, states that "the party accused of forcibly carrying off the property pleaded that he was the adopted son of the husband of the prosecutrix, and a suit was pending before the District Moonsiff, which would primarily determine whether or no the accused could be charged criminally or not."

2 The Foujdaree Udalut are of opinion that the Sessions Judge is in error in suspending the trial, and admitting the accused to bail under these circumstances. A

Criminal

criminal charge is before him, to be determined on its own merits, and he should dispose of it as if no such Civil suit had been filed. If the prisoner, in his defence, admit the taking and set up a colourable plea of right, the Sessions Judge must pronounce on the value of such plea.

(Sent in No)

Read Criminal Report for the month of November 1857 submitted by the Sessions Judge of Tellicherry

Recd. under R. Dis. No. 2495 of 1857

The Court of Foujdaree Udalut having doubts as to the propriety or necessity for demanding security in these cases, request the Sessions Judge to send for the records and pass such orders on them as he may deem fit.

Sudr. Amen Calendar No. 90 of 57

(Sent in No)

Read Miscellaneous petitions dated respectively 29th and 30th October, and 8th November 1857, praying that the Petty [illegible] from Rajamundry for the

prisoners in Calendars Cases Nos. 56 and 61 of 1857 in the Agents' file.

(Here enter R. Dis. Nos. 215. 220 and 223 of 1857)

The Court of Foujdaree Udalut

W. C. Re Baynes.

having already directed the release of the Petitioners, no further orders are required on these petitions.

Sent in No

Recd 1858.

A Chamier

F. 16

Thursday 7th January 1858

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esq^re
C. R. Baynes Esq^re
} Puisne Judges.
J. W. Goodwyn Esq^re Acting

Read letter, dated the 30th December 1857, from the Sessions Judge of Chingleput.—

/Here enter F. 16. No. 7 of 1858/

The Sessions Judge submits, for the consideration of the Foujdary Udalut, a correspondence which has taken place between the Magistrates of Chingleput and North Arcot, as to the proper method of executing criminal processes beyond the jurisdictions of the authority issuing the same.—

1

The Magistrate of North Arcot maintains

2

that all such processes, issued by the Magistrates or heads of police of other districts, must be backed by himself before they can legally be executed within his own precincts; the provisions of Act No. XVII of 1856 superseding all previous enactments on this point.—

The Magistrate of Chingleput, on the

3

other hand, considers that it was not the object of

of Act No. XVII of 1856 to substitute the procedure there in provided for that before observed; but simply to facilitate the execution of criminal processes: and that, in cases of emergency, magistrates and police officers may still exercise the powers vested in them by Section XXXV, Regulation XII of 1816.

4. The Court of Foujdaree Udalut observe that, as Act No. XVII of 1856 applies expressly and solely to processes issued by persons vested with magisterial powers, and by justices of the peace, it cans make no difference whatever in the procedure therto fore observed by police officers, and that Section XXXV, Regulation XII of 1816, so far as it regards them, accordingly remains in full force.

5. The only question therefore is, whether any and what difference has been made in the course to be adopted by magisterial officers, in such cases as are contemplated in Section XXXV, Regulation XII of 1816. The Foujdaree Udalut are clearly of opinion that the intention of Act XVII of 1856 was not to repeal, but to extend, the powers exercised by the magistracy by providing for the execution of processes generally, and not of warrants only, beyond

7th January 1858

the limits of their own jurisdiction.

6. Section XXXV, Regulation XII of 1816 relates solely to "pursuit of flying offenders"; and, whether the chase be commenced on a warrant from a magistrate, or from a police officer, or on hue and cry, it need not and ought not to be relinquished because a particular boundary is passed; although the party, after arrest, cannot be taken from the zillah in which he has been apprehended, without the permission, or, in case of a warrant, without the endorsement of the magistrate of such zillah — whereas Act XVII of 1856 contemplates processes originally designed to have operation in another jurisdiction, and in such cases, the course therein prescribed is not likely to be attended by any inconvenience

(Sent in No.)

Read letter dated the 6th October 1857, from the Acting Agent to the Governor of Fort St. George in Ganjam, forwarding English translation of the record of case No. 61 of 1857 in the file of his court.

/Here enter F.H. No. 2153 of 1857/

Mr. Bayne and Sadhoya

The Court of Foujdaree Udalut, on a deliberate consideration of all the circumstances of the case as recorded before them, being of opinion that the prisoner

C. Lutchmajee

7th January 1857

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 Return of the Acting Sessions Judge of Chittoor, to the precept of this Court under date the 24th ultimo –

/ Here enter F.16. No. 2550 of 1857 /

The Acting Sessions Judge states that "the prosecutors advanced money to the prisoner because they believed his statement, that he was employed in the Madras Railway, to be true;" and that "the prisoner's whole conduct appears, from the record, to have been that of a great impostor."

2 The Fonjdaree Udalut observe that, as the prisoner only induced the prosecutors to lend him money by falsely describing himself as a servant of the Railway Company he is not properly punishable for the offence of "obtaining money under false pretences;" but, as the Sudder Adawlut has declared the prisoner liable to criminal punishment for fraud under the Mahomedan law, there is no objection to the sentence passed upon him –

/ Sent in No. /

Read

7th January 1858

Read again Calendar in Case No. 100 of 1857, on the file of the Sessions Court of Masulipatam –

/ Here enter F.16. No. 2485 of 1857 /

Read also Return dated 30th December 1857, to the precept of the Fonjdaree Udalut calling for a translation of the deposition given by the prisoner in the above case –

/ Here enter F.16. No. 14 of 1858 /

As recommended in the above Calendar, the Court of Fonjdaree 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 –

*Gollapoody Sooryaplah. (1.) One year.

(Sent in No.)

Read letter dated the 22d ultimo from the Acting Sessions Judge of Tinnevelly –

/ Here enter F.16. No. 2532 of 1857 /

The Acting Sessions Judge enquires whether two cases disposed of by the Commissioner appointed under Act XV of 1857, are to be included in the Annual Criminal Statements for the past year –

The

The Foujdaree Udalut direct that 7th January 1858.
cases of the above kind be entered in the returns,
with a note of explanation to show that they
were disposed of under the powers conferred by
the said enactment.

(Sent in No.)

Read Return of the Sessions Judge
of Masulipatam, to the precept of the Foujdaree
Udalut under date the 23d December 1857, calling
for certain explanations in connection with Sessions Case
No. 90 of 1857.-

/ Here enter F. G. No. 15 of 1858. /

1 The Sessions Judge states that the
property which the 1st prisoner was charged with
having "illegally and clandestinely carried away"
was "made over by the husband of the prosecutrix
to both parties, although the key of the whole was
delivered to his wife."

2 The Foujdaree Udalut are of opinion
that the first prisoner, having a joint-right
with the prosecutrix in the property, could not
legally be convicted of stealing the same; and
the Court accordingly resolve to annul the
conviction and direct the release of the prisoners.-

(Sent in No.)

Read

7th January 1858.

Read letter under date the 9th
October 1857, from the Acting Agent to the Governor
of Fort St. George at Ganjam, forwarding English
translation of the record of case No. 56 of 1857 on the
file of this Court.-

/ Here enter F. G. No. 2152 of 1857 /

Messrs. Baynes 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 Rayavarapoo dree Venkatachellapaty

2d V. Sreeroostavelo

and

3d S. Venkataswamy

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

(Sent in No.)

Read Miscellaneous Petition
presented on the 16th November 1857, by Mr. John
Sachoo Menon, pleader on behalf of Tollan
Moosdan, of Zillah Tellicherry.-

/ Here enter F. G. P. No. 238 of 1857 /

The

The Petitioner prays that as the enclosures in his former petition, No. 46 of 1857, which was struck off the file on the ground that it was not accompanied by copies of orders appealed from, have now been discovered to have been put up with another case through mistake, the said petition may be replaced on the file and duly disposed of.—

7th January 1858
Mess.rs Hooper and Bagnall

2 Under the circumstances represented, the Court of Fouzdaree Udalut resolve to admit this petition, and direct that it be set down for hearing in course.

Read Miscellaneous Petition presented on the 2d December 1857, by A. Sobbiah, Pleader on behalf of Kamsalo Goroomoorty, prisoner in Calendar case No. 6 of 1857, on the file of the Sessions Court of Bellary.—

/ Here enter F. M. P. No. 247 of 1857 /

This is an application for a review of the proceedings of this court under date the 29th August last, modifying the sentence passed by the Sessions Judge and refusing to acquit the petitioners on the ground that there was sufficient evidence for his conviction.—

Mr. Hooper.

The

7th January 1858

2 The Court of Fouzdaree Udalut went very carefully through the trial of this case and were satisfied of the petitioners guilt as regarded the theft of the 4 Tolahs of gold; and they see no reason whatever to reconsider their judgment in the matter. This petition is therefore rejected.—

Ex Ea.

C. B. Clarmier

J. No.

Friday 8th January 1858 } At a Court of the Tanjadaree Udalut

Present

G. S. Hooper Esqre ..... } Puisne Judges
C. R. Baynes Esqre .....
J. W. Goodwyn Esqre Acting

Read letter dated 29th December 1857 from the Acting Sessions Judge of Cuddalore submitting for the final Judgment of this Tanjadaree Udalut the record of trial in Case No. 34 of 1857 on the Calendar of the Sessions Court.

(Here enter J. No. 8 of 1858.)

The Court of Tanjadaree 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

Mr. G. S. Hooper
and
Mr. C. R. Baynes

3rd Ramen
and
4th Caloopada Subbien

is sufficient to convict them of having been

8th January

been found in possession of stolen property well knowing the same to have been stolen in the perpetration of Gang Robbery, & convicted thereof; and under the provisions of Clause Second Section IV Regulation VII of 1822. sentenced them to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of (10) Ten years.

And being of opinion that the prisoner

5. Vallacara Seshiah

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

(Sent in No)

Read Criminal Reports for the month of November 1857 submitted by the Acting Sessions Judge of Rajahmundry.

(Herewith R. No. 3879 of 1857)

With reference to the Remarks No 134
by the Acting Sessions Judge on the R Report

8th January 1858

of this case, the Court of Foujdaree Udalut would point out that the Subordinate Judge is not competent to pass any sentence for culpable neglect on the part of guards in charge of prisoners under such circumstances. The regulation quoted prescribes that the Magistrate shall dismiss such if found guilty of wilful neglect. This case should not have been sent to the Magistrate and they accordingly direct that the sentence be cancelled.

The sentence in this case appears
No 124. 2
to be unnecessarily severe, the Acting Sessions Judge is requested to send for the record and pass such orders thereon as he may deem fit and will also call upon the Magistrate to explain under what circumstances a party called on to give security was confined in the stocks in default thereof

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

Sent following precept No
C. Chamier

1858

T. C.

Monday,
11th January 1858.

At a Court of the Fauzdaree Adalut

Present

G. S. Cooper Esquire
C. R. Baynes Esquire
T. W. Goodwyn Esquire &c. } Circuit Judges

Read Extract from the proceedings of the Sessions Court of Bellary dated the 17th December 1857.

(Here Enter Ex. No. A. 2519 of 1857.)

Read also letter dated the 24th idem from the Sessions Judge of the same Zillah

(Here Enter Ex. No. A. 9 of 1858.)

The above proceedings relate to the conduct of the Head of Police of Gooty Taluk,
1. in reference to the prisoner in Sessions Case
No. 77 of 1857; of which the Sessions Judge has re-
corded a very unfavorable opinion, while the
magistrate considers the allegations made against
the Head of Police unfounded.

With the above letter, the Sessions
2. Judge forwards a further communication from
the

the magistrate and translation of a petition
submitted by the head of police in explanation
of his conduct.

3. The offence which the Sessions
Judge supposes the head of police to have committed
was that of "illegally putting a prisoner into the
hands of the village talaries, with instructions
to obtain a discovery of the thief and the stolen
property, under pains & penalties of the severest
and also of having by his order dated 29th
August, tried to give the Head assistant Magis-
trate the idea that the prisoner had been
released on the 28th August; whereas in reality
he had only been made over to the custody of
talaries."

4. Looking to the high character given
of the head of police by the Magistrate, the
Court of Faydarre Adalat and disposed to put
the most favorable construction on his
conduct in this matter. In discharging
the prisoner in the first instance, for want
want of evidence, he may have deemed the
talaries not to relax their efforts for the
discovery of the guilty parties, and they, finding
certain that they had the right person in custody,

11th January 1838

may have kept him under restraint, without
the authorization, and indeed contrary to
the intention of the head of police, though
they may have considered that such was
implied. And as to the supposed alteration
of dates, the Faydarre Adalat, consider
that, under the explanation given by the
Magistrate on the subject, it would be
unsafe to conclude from the "receipt dated"
in the Magistrate's office that the arze of
the 29th August was antedated. For the above
reasons the Court of Faydarre Adalat, though
not perfectly satisfied that the conduct of
the head of police is free from blame, are
unwilling absolutely to censure him under
the circumstances.

(Sd) H. Shakespear

Ex Sd.

F.No.

Tuesday 12th January 1858.

At a Court of the Faydare Adalut

Present

G. S. Hooper Esquire
C. R. Baynes Esquire
T. W. Goodwyn Esquire 1st } Puisne Judges

Read Calendar of Case No. 41 of 1857, on the file of the Sessions Court of Combaconum.

(Here enter F.No. No. 24 of 1858.)

As herein recommended, the Court of Faydare 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.

*Mottiah. Four years.

(Sentence No 1 on

E. Ball. G. H. Chamier

Foujdaree Ud

Wednesday.
13th January 1858.

F. U.

At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esqre. }
C. R. Baynes Esqre. } Puisne Judges
F. W. Goodwyn Esqre. — Acting }

Read calendar of case No. 43 of 1857, submitted by the Acting Sessions Judge of Cuddalore.—

/Here enter F. U. No. 41 of 1858/

1. The Prisoner in this case was convicted of Gang Robbery and sentenced to 14 years' imprisonment with hard labor in irons, but as the case was not of an aggravated nature, the Sessions Judge recommends that the sentence be mitigated to 9 years' imprisonment.—

2. The Court of Foujdaree Udalut do not find on the record or in the terms of the Sessions Judge's recommendation any sufficient reason for acceding to it, and accordingly direct that the original sentence be carried into effect.—

(Sent in No.)

Read calendar of Case No. 105 of 1857, from the Sessions Judge of Masulipatam.—

/Here enter F. U. No. 26 of 1858/

The

Tonjdaree Ud

13th January 1858

The Court of Tonjdaree Udalut resolve to call upon the Session Judge to state whether the witnesses have been examined entirely afresh in this case.-

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

/ Sent following precept No. /

Read Calendar of Case No. 109 of 1857 on the file of the Session Court of Bellary.-

/ Here enter F.C. No. 35 of 1858 /

As herein recommended, the Court of Tonjdaree 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.-

× Balagate. (7) seven years

/ Sent in No. /

Read Calendar of case No. 58 of 1857 from the Acting Session Judge of Salem.-

/ Here enter F.C. No. 54 of 1858 /

Before finally disposing of this Calendar, the Court of Tonjdaree Udalut resolve

13th January 1858

to call upon the Acting Session Judge for to the English translation of the record of the case, and to direct that the infliction of corporal punishment be suspended until further orders.-

Ordered that Extract from these proceedings be forwarded to the Acting Session Judge of Salem, by precept returnable in X days from and after its receipt.

/ Sent following precept No. /

Read Calendar of case No. 30 of 1858 on the file of the Session Court of Chittoor.-

/ Here enter F.C. No. 33 of 1858 /

As herein recommended, the Court of Tonjdaree 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.-

× Govindum (8) eight years.

/ Sent in No. /

Read Calendar of case No. 63 of 1857 on the file of the Sessions Court of Chittoor.-

/ Here enter F.C. No. 2249 of 1857 /

Read also letter from the Session Judge of Chittoor with reference to above Calendar dated 11th November 1857.-

/ Here enter F.C. No. 2266 of 1857 /

Read also return to the precept of the

Tonjdaree

marginy, in mitigation of the sentence passed — 13th January 1858
upon him in the said case —

2 The Court resolve to call upon the Session Judge for information as to the precise facts established against the 6th prisoner, and how the Session Judge is sure that the silver button might not have been purloined before the robbery —

Ordered that Extract from these proceedings be forwarded to the Session Judge of Nellore, by precept returnable within III days from and after its receipt —

(Sent following precept No) vs

Ex Dcm.

C S Clemens

F. M.

Thursday 14th January 1858. } At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esquire — Puisne Judges.
C. R. Baynes Esquire —
T. W. Goodwyn Esquire Ag —

Read Calendar of Case No 53 of 1857 submitted by the Acting Sessions Judge of Salem. —

Here enter F. M. No 52 of 1858. /

Before finally disposing of the above Calendar, the Court of Foujdaree Udalut resolve to direct the Acting Session Judge to submit for their consideration a copy of the order of Government directing the retrial of this case.

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

(Sent following precept No)

Read

11th January

Read again Miscellaneous Petition presented on the 5th November 1857 by Mustapha Ally Khan, Pleader on behalf of Haka alias Challum and others, of Tillak Chingleput.

(Here enter F. M. P. No 328 of 1857)

Read also return dated 10th Ultimo, from the Sessions Judge, to the precept of the Fouzdaree Udalut under date the 3d idem, calling upon him to report whether the 4th and other Prisoners in Sessions Case No 9 of 1857 named in the petition, and, if so, why they were dispensed with.-

(Here enter F. M. No 2431 of 1857)

As the Sessions Judge's Return of the 10th December 1857 satisfactorily explains why the witnesses named by one of the Prisoners were not examined, the Court of Fouzdaree Udalut decline to interfere, and accordingly reject this Petition.-

Mofsil Kistna and Guntoor

(Sent in No)

Read Calendar of Case No

14th January 1858

No 69 of 1857 on the file of the Session Court of Coimbatore.-

(Here enter F. M. No 45 of 1858)

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.-

1. Venkata-luchumee- Four years

(Sent in No)

Read Criminal Reports for the month of November 1857, submitted by the Session Judge of Honore.-

(Here enter F. M. No 2516 of 1857)

With reference to the 2d count in No 53 of this Calendar, the Court of Fouzdaree Udalut would observe that the Session Judge in reviewing the Calendar should have pointed out to the Principal Sudr Ameen that the possession of articles purchased with the proceeds of a theft or robbery cannot form the subject of a criminal charge.

No 53.

In

14th January 1858.

2. In the 1st Count in this case some of the prisoners are charged with "murder;" in the 2nd Count they are charged along with others with "belonging to a gang of robbers;" as these offences are of a totally distinct nature, requiring distinct and separate proofs the Principal Sudr. Ameen should have been directed to make each of these the subject of a separate charge.

(Sent in No.)

Read again Calendar in No. 55 of 1857 on the file of the Acting Sessions Judge of Salem.-

(Here enter F. Mo. No. 2542 of 1857.)

Read also returns to the Precept of the Faujdaree Adalut dated January 8th 1858, from the Acting Sessions Judge of Salem, dated 8th January 1858.-

(Here enter F. Mo. No. 58 of 1858.)

Before passing final orders in this case, the Court of Faujdaree Adalut resolve to direct the Acting Sessions Judge

14th January 1858.

Judge to submit a translation of the record.-

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

(Sent following precept No.)

Read again Calendar of Case No. 54 of 1857, from the Acting Sessions Judge of Salem.-

(Here enter F. Mo. No. 2527 of 1857.)

Read also Return dated the 8th January 1858, from the Acting Sessions Judge of Salem, to the precept of the Faujdaree Adalut under date the 5th idem, calling upon him to report whether the prisoner in the above Calendar struck the Prosecutrix or assaulted her in any manner, and also whether in his opinion the sentence might not be mitigated.

(Here enter F. Mo. No. 57 of 1858.)

In the above return the Acting

14th January

Acting Sessions Judge reports that the prisoner attempted to strike the Prosecutrix with a stick, and states that a mitigated sentence of 7 years' imprisonment will meet the ends of justice

2. The Court of Foujdaree Adalut resolve to authorize the Acting 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.-

7 Bthum. five years

(Sent in No)

Read again Miscellaneous Petition presented on the 19th October 1857, by Messrs Arthur Mc. Ritchie and Alexander Mc. Ritchie, Pleaders on behalf of Parayasamy Pillay and 2 others, of Zillah Madura.-

(Here enter F. Mc. P. No 208 of 1857.)

Read Returns and Supplemental returns dated respectively the 11th and 21st December 1857, from the Acting Sessions Judge of Madura, to the precept of the Foujdaree Adalut under date the

3d

14th January 1858.-

3d idem, calling for certain explanations in the matter of appeal preferred on behalf of the above Petitioners.-

(Here enter F. C. Nos 2447 and 2522 of 1857.)

Messrs Hooper and Goodwyn. The Court of Foujdaree Adalut consider that cases of this description were intended by the Legislature to be dealt with under Act XX of 1841 which gives the Magistracy ample authority in the removal &c of local nuisances, and at the same time provides the remedy for parties who may deem themselves injured by the Magistrates' injunction; but as the course prescribed by the above law has not been pursued in the present case, they resolve to cancel the order fixing the petitions.-

(Sent in No)

Read again Miscellaneous Petition presented on the 9th November last, by J. W. Branson Esquire, Barrister at Law, on behalf of Pootoo la Venkatareddy, Zillah Rajahmundry.

(Here enter F. Mc. P. No 229 of 1857.) Read

Read also return dated 16th from the Sessions Judge of Rajah-mundry to the precept of the Foujdaree Udalut under date the 7th Instant, calling for English translation of the record in Case No. 36 of 1857.

/Here enter F. Co. No. 2530 of 1857./

1. The Court of Foujdaree Udalut observe that one Redunna Dhurmaroydoo was finally convicted by them in No. 28 of 1856 on the file of the Sessions Court of Rajahmundry, of having with fraudulent design, caused the fabrication of a certain "receipt", and of having uttered the same in a Civil Suit in which he was defendant.- Messrs Hosse and Bayne

2. The Acting Sessions Judge taking as "facts" from the said case that the said receipt was a fraudulent fabrication, and that the sum for the payment of which it professed to vouch was not paid, and assuming as consequence that any document produced in the said suit with intent to show that such receipt was genuine or such money paid, must be forgeries; and that any testimony to the like effect must be perjured; has convicted the prisoner in the present case, of the crimes charged against him, on the evidence of the single witness Dasary Vencata Reddy, his fellow goomastah in the service of Redunna Venkataroydoo, who declares that the document marked T. 2. which the Prisoner is charged with suborning him to forge "was fair copied by him (witness) from an original prepared by the Prisoner and one Chelumkoory Soo. karayadoo" which original "he recollects was in their handwriting" and further "that from the said account T 2. the "Prisoner extracted another account "which he (witness) also fair copied, "and which the Prisoner, attaching "his signature, sent to Redunna Dhur-"maroydoo, by whom it was exhibited in

"in the Civil suit and marked W."

3. The conviction cannot, the court observe, be sustained. If any fabrication took place it was that of the original account from which it was copied and W extracted; supposing the Prisoner and Chelumbooy Soobrayda in collusion with their employer to have made a false entry in their accounts, they might be charged with forgery in conspiracy, but not with "Subornation of Forgery" a term unknown to the law, - in directing another person to make a copy of it in the ordinary course of his duty, as he stated himself to have done, without any idea that he was doing wrong or any solicitation on the part of the alleged subarner. The original account which the witness at first stated he "thought", and afterwards that he "recollected," to be in the handwriting of the Prisoner and Chelumbooy Soobrayda is not produced - there is no evidence on the

the record, beyond the assertion of the witness, that it ever existed, or that when first given to him to be copied it contained the entry now said to be false, which for all that appears may as well have been interpolated by the witness himself, who appears to have been at least as much as the others in the confidence of Rednund Dhur, employed, and on this occasion to have been employed to get these accounts, and take them to the Vakeel for exhibition. It may be said that the falsehood is repeated in W which bears the Prisoner's signature in attestation of its being a true extract from T; but although it may have been the Prisoner's duty to read such a document before signing it, yet he cannot be held criminally responsible on that ground only, for any error which it contained, for he may never have read it.-

The indictment for Perjury, which should have formed the subject of

of a distinct trial, as well as the connection thereon appear to the Court to be radically defective and bad. The 3rd Count, the 1st for Perjury, as committed on the 14th January, does not conclude with any assignment of that crime, tho' the 4th, charging another perjury on the 17th idem, concludes by asserting that the accounts and payments, which the depositions of the Prisoner set forth in the indictment, are alleged to support, are in the one case "false" and in the other "not made". Now, allowing this assignment to have been intended to apply to both counts, the Court do not see that it is borne out by the recital of the depositions themselves; the Prisoner does not declare in that of the 14th January that he was personally cognizant of the payment, he pretends to show how it might have been made, and so speaks assuming that it was paid; but he particularly says he is not speaking from his own

knowledge. "I did not write that item in the account which was written therein by the time I returned." He cannot be held to have deposed in that deposition to the payment as a fact within his knowledge, nor does he in the deposition of the 17th Januar. say that the accounts were "true" but merely that he signed that marked W, which was copied from T, and they were both written by Dasaroy Venkataraddy 8th.

Under this view of the case the Court of Foujdarry Adalut cannot concur with the Acting Sessions Judge in convicting the Prisoner either of "Subornation of Forgery" or "Perjury" and accordingly acquit him and direct his unconditional release.

(Sent in No.)

C. S. Chamier

Ex Exam.

F. No.

Friday——
15th January 1858.—

Mr Court of the Foujdaree Adalut.

Present.

G. L. Hooper Esquire,—
C. R. Baynes Esquire,—
J. W. Goodwyn Esquire, &c.— } Puisne Judges.

Read again. Miscellaneous Petition presented on the 27th. November 1857, by J. D. Mayne Esquire, on behalf of Dontoo Rammunah and others, of Zillah Rajahmundry.

/Here enter F. M. P. No. 244 of 1857./

Read also Return of the Acting Session Judge of Rajahmundry, to the precept of the Foujdaree Adalut, directing the submission of the record in Session Case No. 39 of 1857.

/Here enter F. No. No. 2436 of 1857./

The Court of Foujdaree Adalut find that the first prisoner expressly cited witnesses to prove that the money had actually been paid as alleged; but that, though called to

Messrs Hooper, Baynes, and Goodwyn

1.

a

a point so material and relevant to the issue, they were not examined by the Acting Sessions Judge.

2. The Fouzdaree Adalut accordingly resolve to annul the conviction as illegal, and to direct the Acting Sessions Judge to take the evidence of the witnesses for the defence and pass sentence afresh in the case.

/Sent in Nº. /

Read letter from the Sessions Judge of Masulipatam dated the 7th instant.

/Here enter F. Rec. Nº. 46 of 1858/

1. The Sessions Judge submits for the sanction of the Fouzdaree Adalut, an indent in triplicate, for six "cages", to be used for any criminals who may hereafter be sentenced to be hanged in chains; and mentions that, in his capacity of commissioner appointed under Act. Nº. XIV of 1857, he has already made application for their being prepared by the Commissary of Ordnance.

2. The Fouzdaree Adalut consider that it would be improper for the ordinary criminal tribunals to make such anticipatory provision for the execution of felons, as the Sessions Judge recommends; and the Court accordingly decline to sanction the indent for the "cages" in question. With that officer's arrangements as commissioner the Court have no concern.

/Sent in Nº. /

Read again Calendar of Case Nº. 9 of 1857, on the file of the Sessions Court of Chicacole.

/Here enter F. Rec. Nº. 2397 of 1857/

Read also return dated the 4th instant, from the Sessions Judge of Chicacole, to the precept of the Fouzdaree Adalut, under date the 21st December 1857, calling upon him and the Moofty Sudr Ameen to state their opinion on the above Calendar.

/Here enter F. Rec. Nº. 60 of 1858/

As the Sessions Judge and

15th January 58

and Law Officer distinctly state that they did not intend to find that any murder was committed in prosecution of the Burglary of which the prisoner was convicted, the Court of Fouzdaree Udalut will not disturb the sentence passed by the Session Judge.

/Sent in Nº. /

Read again Calendar of Case Nº. 56 of 1857, from the Acting Session Judge of Salem.

/Here enter F. Rc. Nº. 56 of 1857/

Read also Return dated the 7th January 1858, from the Acting Session Judge of Salem, to the precept of the Fouzdaree Udalut under date the 4th idem, calling on him to explain the circumstances that have induced him to consider 14 years' imprisonment required for the offence of which the prisoner in the above Calendar has been convicted.

/Here enter F. Rc. Nº. 56 of 1858/

1. As the case is apparently one of snatching, rather than robbery, the Court of Fouzdaree Udalut are of opinion

F. Rc.
8th January 1858.

opinion that a sentence of 2 years' imprisonment with hard labor in irons is sufficient to meet the ends of justice, and they resolve to call upon the Acting Session Judge, accordingly to reduce the sentence in this case.

2. If unable to concur with the Court in the propriety of the mitigated sentence now proposed, the Acting Session Judge will be pleased to submit an English translation of the entire record of the case for their consideration

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

/Sent following precept Nº. /

Read letter dated the 5th Instant, from the Session Judge of Coimbatore, forwarding English Translation of the record of Case Nº. 68 of 1857, on the Calendar of the Session Court, for the final judgment of

15th January 1858.

of the Court of Foujdaree Udalut.

/Here enter F.Clo. No. 50 of 1858/

1.

The Court of Foujdaree Udalut observe that as the Session Judge concurred with the Law Officer in acquitting the 2d prisoner, he should at once have been released by the Session Judge, and they accordingly direct that Officer to dispose of the case of this prisoner.

2.

Before deciding finally as regards the 1st prisoner in this case, the Court of Foujdaree Udalut resolve to call for a translation of the examinations held between the 13th and 30th October last; not one deposition of which has been transmitted, though calculated to throw the greatest light on the case.

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

/Send following precept. No /-

C.S.C.

Ex. Mll.

F. Clo.

Saturday —
16th January 1858.

At a Court of the Foujdaree Udalut

Present

G. A. Hooper Esquire, — Puisne Judges
C. R. Baynes Esquire, —
J. W. Goodwyn Esquire. Ag. —

Read letter dated 6th inst. from the Acting Agent to the Governor in Ganjam, recommending that the within mentioned prisoner in No. 69 of 1857, be sentenced to two years' imprisonment with hard labor in irons.

/Here enter F. Clo. No. 70 of 1858/

The above letter not affording information of the nature of the wounds inflicted, the Court of Foujdaree Udalut request the Agent to state the length and supposed depth of the wounds, and whether the Surgeon was examined respecting them, as well as furnish any other information in his power respecting that on the thigh, i.e. whether dangerous

dangerous or no &c.

Ordered, that Extract from these proceedings, be sent to the Acting Agent to the Governor of Fort Saint George at Ganjam, by precept returnable within V days from and after its receipt.

/Sent following precept. &c/

Read letter under date the 7th January 1858, from the Acting Session Judge of Cuddalore, submitting for the final judgement of the Foujdaree Adalut the record of Case. No. 36 of 1857, on the Calendar of the Session Court.

/Here enter F.P.C. No. 66 of 1858/

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,

Messrs Baynes and Goodwyn

1st Jaliary Andy

is not convicted on presumptive proofs, or on the evidence of credible witnesses, or on his own confession of the crime charged, do acquit him or

thereof,

and direct that he be set at liberty.

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,

2d Jaliary Sadyen

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 &c/

Read again Calendar in the Session Court Case. No. 73 of 1856, of the Sessions Court of Salem.

/Here enter F.P.C. No. 237 of 1857/

Read also return and supplemental return dated 11th March and 30th May 1857, from the Acting Session Judge of Salem, to the Precept of the Foujdaree Adalut under date the 13th February 1857, directing that the result of the enquiry by the Magistracy into certain

certain alleged irregularities of the Police should be reported to the higher Court.

/Here enter F. No. Nos. 532 & 1152 1857/

Read also Miscellaneous Petition presented on the 15th June 1857, by W. Sadagopachary, Pleader on behalf of Govindarow, Talsildar of Omalore, Zillah Salem.

/Here enter R. No. P. No. 134 of 1857/

The Court of Foujdaree Adalut are of opinion, on a perusal of the above papers, that no further notice is called for regarding the conduct of the Talsildar, Govindarow, than that which the Magistrate, Mr. Brett, proposed to take of it in para 16 of his letter to the Acting Joint Magistrate Mr. Dykes, under date 27th May 1857.

Mr. Cooper

2. Altho' Mr. Dykes, on a "general review" of Govinda rows conduct in the matter in question, recommended his suspension from office for 6 months, yet he acquitted him on all the 10 specific charges of illtreatment brought against him and

other

others under his authority, on the ground that the evidence adduced in support of them was either "false" or "too contradictory" "to warrant a conviction in any one case". And in regard to the other charge, viz. that of having unwarrantably arrested parties and kept them in custody a longer time than he ought to have done, altho' Mr. Dykes, upon the whole, considered that Govinda row had "exercised the power of arrest to an unjustifiable extent," yet he explains in his reply to the Magistrate under date the 20th May 1857, that Govinda row was not, in his opinion, actuated by improper motives in apprehending any of the 76 individuals arrested on account of the Gang Robbery in question; and he further states that "throughout the enquiry no evidence was elicited that "could show him to be actuated by any "other motive than a desire to bring "to justice the perpetrators of a daring "Gang Robbery."

The

16th January 1858

3. The Court have no pow-
-er, moreover, to order the suspension
of Govinda row from office. As re-
-marked by the Magistrate, such a mea-
-sure cannot be carried into effect
without the sanction of the Board of
Revenue, and they see no sufficient
cause for bringing the matter to the
notice of the Board, with a view to so
severe punishment being inflicted,
particularly as so long a period has
now elapsed since the occurrence
took place which gave rise to this e-
-nquiry.

4. They resolve therefore to
inform the Acting Session Judge, t
that they see no reason to view the con-
-duct of Govinda row in a more seve-
-re light than the Magistrate has done,
but that as Govinda row appears to have
acted in a manner irregular and open
to censure, they direct that he be warn-
-ed against committing himself in a
like manner in future, and en-
-joined to confine his proceedings
strictly within the line of his duty

as

8th January 1858.

as prescribed in the regulations.

Sent in A.C. P.S.

E.B.M.A.

S. Chamier

F. Mo.

Monday 18th January 1858

Mofussil Court of the Foujdaree Udalut.

Present

G. L. Cooper, Esquire
C. R. Baynes, Esquire } Puisne Judges.
T. W. Goodwyn, Esquire

Read Miscellaneous Petition presented on 2d and 7th December last, by J. W. Branson Esqre, Pleader on behalf of Thoppay Moodaly alias Venatachella Moodaly and others, Zillah Chingleput.

(Here Entered F. Mo. Ds Nos 345 & 348 of 1857)

Petitioners appeal against the sentence passed upon them by the Sessions Judge in Case No 25 of 1857, in which they are 1st, 2d, 3d and 4th Prisoners.

Mr. C. R. Baynes and Mr. T. W. Goodwyn

The Court of Foujdaree Udalut resolve to call upon the Sessions Judge to furnish a certified translation of so much of the evidence in this case, as relates to the 1st, 2d, 3d and 4th Prisoners.

Ordered

Ordered, that Extract from
these Procedings be forwarded to the
Sessions Judge of Chingleput, by
Precept returnable within x days
from and after its receipt
(Sent following Precept No.)

Read letter under date the
30th November 1857, from the Sessions
Judge of Calicut, forwarding an English
translation of the record of Case No. 49
of 1857 on the Calendar of the Sessions
Court, for the final judgment of the
Court of Foujdaree Udalut.

(Here Enter F. Uc. No. 2432 of 1857)

The Court of Foujdaree Udalut, on a deliberate consider- Mr. G. S. Hooper and Mr. C. R. Bagnall
-ation of all the circumstances of
the case in evidence before them, o-
being of opinion that the prisoner,
Poolikiyee Ittiaricha
Menon
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.)

E. Ind. C. S. Chamier

F.M.C.

Tuesday 19th January 1858.

At a Court of the Foujdaree Udalut

Present

G. S. Hooper, Esquire
C. R. Baynes, Esquire
} Puisne Judges
F. W. Goodwyn, Esquire Ag.

Read Calendar of Case

No 49 of 1857, submitted by the Sessions Judge of Calicut.

(Here Enter F.M.C. No 2320 of 1857)

Read also letter, dated 30th November 1857, from the Sessions Judge of Calicut, forwarding the record of the case No 49 of 1857 on the Calendar of the Session Court; and recommending, for reasons assigned, that the Prisoner be sentenced to two years' imprisonment without labor and irons.

(Here Enter F.M.C. No 2432 of 1857)

The Court of Foujdaree Udalut observe that in the Calendar the Column headed abstract of examination

Cases

examination, grounds and date of
commitment is left blank — and
that neither in it, or elsewhere upon
the record, does there appear an indict-
-ment and commitment in the usual
and proper form. There is indeed a
paper headed "statement" among the
proceedings of the committing Court, —
which recites the offence for which
the prisoner was tried, but which
does not conclude, as it ought, by
declaring that "upon these grounds
"the Prisoner was by order of the —
"Civil Court committed to take his
"trial before the Sessions Court". —
The Judges of the Foujdaree Udalut
therefore desire to be informed why
in this instance, the ordinary course
and form were not observed. —

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

(Sent following Precpt. No)

Read letter dated 21st
December 1857, from the Acting Agent
to the Governor of Fort St. George at
Ganjam, reporting the case of a
Prisoner convicted of an aggravated
assault, and recommending that he
be sentenced to 2 years' imprison-
-ment with hard labor in irons. —

(Here Enter F.C. No 11 of 1858)

The Court of Foujdaree
Udalut concur in the conviction of
the Prisoner, and confirm the sentence
of 2 years' imprisonment with hard
labor in irons, proposed by the Agent
to be passed on him. —

(Sent in No)

C. Chamier

G. Gnl.

Fr. Dc.

Thursday 21st January 1858

At a Court of the Fouzdaree Adalut

Present

G. S. Horsfer Esqr.
C. R. Baynes Esqr. } Puisne Judges
T. D. Lyndwyn Esqr. Asst.

Read Criminal Report — B, submitted by the Session Judge of Trichinopoly, for the month of December 1857.—

(Vide entry Fr. Dc. No. 90 of 1858)

The number of the Cases should have been entered in the 1st and 2d Counts.

Case No. 98. 1

The sentence should have been recorded on the most serious case, viz. 100, under Clause 6th Section II, Regulation VI of 1822. It is not clear to the Fouzdaree Adalut how Clause 4th Section III, Regulation VI of 1822 applies to either case.—

Case Nos. 100 and 101. 2

The manner in which the theft was attempted should have been stated.—

Case No. 102 3

Malice

Malice should have been
4 entered in the charge.-

(Sent in No.)

Read Calendar of Case No. 1
of 1858 on the file of the Sessions Court
of Cuddalore.-

(Here enter F.M. No. 113 of 1838)

Asherein recommend, the
Court of Fouzdaree Udalut resolve to
authorize the Acting Sessions Judge to
issue his warrant for the imprisonment
of the prisoners for the periods specified
in the margin, in mitigation of the
sentence passed upon them, in the
said case.-

1st Saleembam
2d Tamdam
3d Tamdam
Five years

(Sent in No.)

Read Miscellaneous Petition
received on the 8th December last, through
the Sessions Judge of Mangalore, from
Goolam alias Goolam Hoseen of that
Zillah.-

(Here enter F.M.P. No. 249 of 1857)

1 Petitioner appeals from
the order of the Sessions Judge under date
the 28th November last, confirming the
sentence

sentence passed by the Acting Subordinate
Judge in Criminal Case No. 90 of 1857, award-
-ing one year's imprisonment and 50
-ings to Petitioner.-

Lashes

The Court of Fouzdaree Udalut,
2 upon consideration of this Petition, see
no reason to doubt the propriety of the
Prisoner's conviction, as confirmed on
appeal by the Sessions Judge.-

(Sent in No.)

Read Miscellaneous petition
presented on the 17th December last, by the
H.B. Saunders, Pleader on behalf of Soma-
-sundren Chetty, Zillah Coombaconum.

(Here enter F.M.P. No. 251 of 1851.)

Petitioner, adverting to the
Mr. L.B. Bayley 1 sentence passed by the Sessions Judge dis-
and -missing the case No. 35 of 1857 in which
Mr. F.D. Goodwyn he was prosecutor, prays the Court of
Fouzdaree Udalut, for reasons set forth
in the petition, to issue instructions to
the Magistracy for a reinvestigation of
the matter; the Police authorities not
having exercised proper vigilance to bring
the culpable parties to justice.-

If

F. 66.

Saturday 25th January 1858 } At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esquire } Puisne Judges
C. R. Baynes Esquire }
T. W. Goodwyn Esquire Actg

Read Calendar of Case No 2 of 1858 on the file of the Sessions Court of Coimbatore.-

Herewith F. Ms No 112 of 1858./

As herein recommended, the Court of Foujdaree 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.-

1st Chinnaraya } 7 years
2d Malayan }

4 years

(Sent in No)

Read Calendar of Case No 71 of 1857 on the file of the Sessions Court of Coimbatore.-

Herewith F. Ms No 110 of 1858./ As

22d January

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.-

4 7th Manuja Raja Four years

(Sent in No)

Exd Hall.

As herein recommended, the Court of Foujdaree 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.

Magan 10 years.

(Sent in No)

Read Calendar of Case No 1 of 1858 on the file of the Sessions Court of Coimbatore.

/Hereunto F. No. No 111 of 1858./

As herein recommended, the Court of Foujdaree 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 cases.-

1st Ungan.
2d Chinnaun.
3d Rayen.
4th Kuttiwamben.
5th Para Rungen.
6th Chinna Rungen.
7th Rungan.

8 years.

(Sent in No)

Read letter dated the 11th instant, from the Sessions Judge of

of Mangalore.-

/Hereunto F. No. No 77 of 1858/

The Sessions Judge forwards translation of a proclamation issued by the late Sessions Judge, requiring complainants in criminal cases, when unable or unwilling personally to attend, to furnish their Vakeels with Vakalutnamahs executed on stamped paper; and explains his reasons for considering it at variance with the regulations.-

2. The Foujdaree Udalut are of opinion that parties employing counsel in criminal cases are not required by law to execute their Vakalutnamahs on stamps; and they accordingly authorize the Session Judge to read the proclamation referred to.-

(Sent in No)

Read Calendar in Case No 93 of 1857, of the Sessions Court of Masulipatam.-

/Hereunto F. No. No 88 of 1858./

No

As the 2nd to 7th Prisoners would appear to have been tried, the verdict should have stated that they were acquitted. — If they were not tried, some explanation is requisite as to the cause of their having been released without trial.-

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

(Sent following precept No)

Extract.

C. R. Lamien

Monday 25th January 1858

F No

At a Court of the Foujdaree Udalut.

Present

G. T. Hooper Esq 2nd
T. L. Strange Esq 1st
C. R. Baynes Esq 3rd
} Puisne Judges

Read Miscellaneous Petition presented on 2nd December 1857 by J. D. Maynard Pleader on behalf of Balagoorroomoorty Chetty late Shoroff of the Civil Court of Combaconum praying for the reasons stated, that the Case therein referred to, if removed from Combaconum may not be sent to Cuddalore.

(Here enter F. Mo. P. No 246 of 1857)

Mr C. R. Baynes. The petitioner having been already ordered to be tried by the Sessions Judge of Trichinopoly no order is necessary on this Petition.

Read letter dated the 19th Instant from the Acting Sessions Judge of Salem.

(Here enter F. No No 131 of 1858)

The question herein submitted for the opinion of the Foujdaree Udalut is whether it is competent to officers committing Criminal

Cases

cases to the Sessions Courts, to provide counsel
for the prisoners at the public expense, in trials
for heinous offences.

2. The Foujdaree Udalut observe that para XI of their Circular, № 209, is only applicable in the particular circumstances therein described, when occuring before their own Courts; and that the lower courts have no authority to act upon the principle of that rule.

/Sent in №/

Read letter from the Acting Sessions Judge of Chittoor under date January 15th 1858, submitting copy of a letter from the Magistrate of the District.

/Here enter J. Uc. № 74 of 1858/

1. By desire of the Magistrate the Sessions Judge of Chittoor has requested the opinion of the Foujdaree Udalut as to whether cases of Sales of Children by their parents are punishable by Magistrates.

2. The Court of Foujdaree Udalut observe that under the Mahomedan Law the offence in question is punishable by "Tazeer or slight discretionary punishment, or such punishment as might be awarded by a Magistrate under

under section VII Regulation X of 1816, and accordingly concur with the Sessions Judge in considering that such Cases may be disposed of by the Magistrate under the Regulation quoted.

/Sent in №/

Read return to the Precept of the Foujdaree Udalut under date January 8th 1857 from the Sessions Judge of Rajahmundry dated January 16th 1858.

/Here enter J. Uc. № 118. 1858/

1. In return to the Precept of the Foujdary Udalut directing the Sessions Judge to request the Magistrate to explain under what circumstances a prisoner, under sentence of imprisonment in default of finding security, was confined in the stocks, the Magistrate has submitted an explanation which the Sessions Judge appears to consider satisfactory.

2. It would appear to the Court of Foujdaree Udalut that in this explanation the Sessions Judge and Magistrate draw a distinction without a difference, as it is of little consequence whether "he was sentenced to be put in the stocks in default of finding security" or whether "because he did not find it was put

put in the Stocks for safe Custody.

3. The Court are of opinion that under such circumstances a party should not be confined in the Stocks, and direct that the practice be discontinued.

4. The Court with reference to the circumstances under which the prisoner effected his escape, resolve to reduce the sentence passed upon him for that offence to three months imprisonment with hard labor.

/Sent in 8o /

C. R. Baynes

C. S. Clarke

F. N.

Tuesday— 26th January 1858

At a Court of the Foujdaree Udalut

Present

G. A. Hooper Esq re, J. Le. Strange Esq re, C. R. Baynes Esq re, } Puisne Judges

Read Criminal Report B, submitted by the Session Judge of Calicut, for the month of December 1857

/Here enter F. N. No. 107 of 1858/

The Court of Foujdaree Udalut direct the Session Judge to review the proceedings in case No. 43 on the file of the Principal Sudr Ameen of Cochin, in order to judge whether, under all the circumstances of the case, so severe a punishment as 8 months' imprisonment with hard labor in irons is called for, the value of the property alleged to have been stolen being only 1½ Rupees.

/Sent in No /

Read Return of the Acting Session Judge of Salem, to the

the precept of this Court, under date the 14th instant, directing the Acting Session Judge to forward copy of the order of Government respecting the re-trial of the prisoner in Session Case No. 53 of 1857.-

/Here enter F. Ct. No. 135 of 1858/

1. Under the circumstances set forth in the Government order, the Foujdaree Adalut are of opinion that no trial was had in the first instance, and that the one held in the Session Court must be regarded as the only one which has taken place.

2. The Court, however, consider that the sentence, upon the Acting Session Judge's own showing, is very severe, and accordingly resolve to call upon the Acting Session Judge to submit translation of the record;- unless, upon a reconsideration of all the circumstances of the case, he feels that he can recommend a mitigation of the punishment to seven years' imprisonment with hard labor in irons.

Ordered

26th January 1858

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

/Sent following precept. No. pr

E. Ball.

C. Chamier.

F. C.

Wednesday
27th January 1858.

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esqre
J. Le. Strange Esqre
C. R. Baynes Esqre
} Puisne Judges

Read Criminal Reports for the month of December 1857, submitted by the Session Judge of Chicacole.

/Here enter F. C. No. 127 of 1857/

Magistrate of Ganjam
No. 11.

The mode of entry should have been stated. The Session Judge will point out to the Magistrate that he could not legally sentence the Prisoners to find securities to keep the peace, although he might have sentenced them to find securities for their good conduct. The Session Judge will send for the record and pass such orders thereon as he may deem fit, with reference to the above remark.

/Sent in No. /

Read Criminal Reports for the month of December 1857, submitted

submitted by the Session Judge of Nellore.

/Here enter F. No. No. 100 of 1858/

1. In this case, it is clear, that the prisoners could not be punished under Clause 6, Section II, Regulation VI of 1822, and no less clear that Section IX Regulation XIII of 1832 is equally inapplicable, as the offence is either that of receiving stolen property, which would be dealt with under Clause 4, Section IV, Regulation VI of 1822, or of fraudulently appropriating property found by them which is an offence punishable under Mahomedan law and Section VII Regulation X of 1816; but the Court of Foujdaree Udalut are unable to discover from the sentence that the grain either was, or could be, identified as part of that belonging to the prosecutor.

Sudr Ameen No. 203.

2. The Session Judge is therefore requested to send for the records and to inform the Court whether the evidence clearly proves that the grain found in the possession of the prisoners was

was a portion of that stolen from the Prosecutor, and also to explain the precise offence of which he considers the prisoners to have been guilty.

Magistrates No. 12.

3. As the property attempted to be stolen was not alleged to have been upwards of 300 rupees in value, and as there do not appear to have been any other aggravating circumstances, the Court of Foujdaree Udalut are of opinion that the Session Judge was not competent to annul the sentence and direct a fresh trial.

/Sentence No./

Read letter under date the 16th January 1858, from the Acting Session Judge of Chittoor, submitting for the final judgment of the Foujdaree Udalut, the record of Case No. 2 of 1858, on the Calendar of the Session Court.

/Here enter F. No. No. 81 of 1858./

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

opinion that the proof against the a-
prisoner,

Razavienger

is sufficient to convict him of the
crime of Suborination of Perjury, do con-
vict him thereof, and under the pro-
visions of Clause first, Section III
Regulation VII of 1811, sentence him to
be imprisoned and kept to hard a-
labor in irons on the public roads
or other public works for and during
the period of /12/ Twelve months.

/Sent in No. /p

Exd.

C. Chamier

Read letter dated the
18th instant, from the Collector of
Coimbatore.

/Here enter F. Mo. No. 133 of 1858./

1. The Collector of Coim-
batore forwards, with the above
letter, a Memorandum designed
to convey the information called
for in para 4 of Exctract from
the minutes of Consultation

under

under date the 7th ultimo, as to the southern
line of the proposed limits of the Cotacammund
Principal Sudr Ameen's jurisdiction.

2. The Court of Sudder Udalut,
in preparing the subjoined notification
have reversed the order adopted in the
Collector's Memorandum and taken up the
line where it was left in para 3 of the
Government Minutes viz, at the point
of junction of the Moyaur and Bowany
rivers, and traced along the southern crests
of the hills to Soondaputty which they
think will make it clearer, and in
transmitting it to the Collectors of Co-
Coimbatore and Malabar, request those
officers carefully to revise the same, at the
same time referring to the district maps,
in order to ensure perfect accuracy, and
also to offer any suggestions which may
occur to them, before the notification
is sent to the Government for publication.

4. The Collector of Coimbatore
is requested to explain whether it is his
intention to include the villages of Tonay
Danaud and Moolachap Combay, in the
jurisdiction of the Cotacammund Court,
as the expressions used in his memo in

this

this respect are indefinite.

Notification.

The Right Honorable the Governor in Council, having resolved to extend the present limits of the jurisdiction of the Subordinate Judge's Court at Cotacaumund, is pleased hereby to notify that the boundary line shall hereafter run from Vadooga Malai Dimbum, a little north of Soondapully along the southern and western ridges of the Neilgherry table-land by Gulikal Hill (Pipara) the Makoorty and Neilgherry peaks, to Reddewattam; thence follow the course of the Pykara and Moyaur rivers to the junction of the latter with the Bowany river; and from this point pass on the west side of the village of Moolachap Coimbay to Danaud a village to the north-west of Danaikan cottah; whence it will strike off to Toonary village in the Baranganand, and, skirting the base of the Coonoor pass, will take the direction of Bakkasoora Malai, and thence to Vadooga Malay Dimbum.

(Sent in No.)

E. & A.

F. No.

Thursday— 28th January 1858.

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esqre. —
T. L. Strange Esqre. — Puisne Judges
C. R. Baynes Esqre. —

Read letter dated the 31st December 1857, from the Acting Agent to the Governor of Fort St. George at Ganjam, submitting a report on Case No. 71 of 1857, in which the Prisoner was acquitted of the crime of extensive fraud.

(Here enter F. No. No. 151 of 1858.)

The Court of Foujdaree Udalut approve of the acquittal of the Prisoner in this case, and direct his release.

(Sent in No.)

Read Criminal Reports for the months of December 1857, submitted by the Acting Session Judge of Salem.

(Here enter F. No. No. 144 of 185)

The

The Court are unable to understand how a prisoner, convicted of cattle stealing in these cases, should be sentenced only to find security.- The Acting Session Judge will call for the record, and submit an explanation on the subject to the Court.-

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

/Sent following precept No. /

Read letter dated the 13th instant, from the Acting Agent at Ganjam, submitting a summary report of case No. 2 of 1858, in which the Prisoners were acquitted of conspiracy.

/Here enter F. Co. No. 153 of 1858/

Under the circumstances stated by the Acting Agent, the Court of Foujdaree Udalut are of opinion that the Prisoners have been properly acquitted, and they accordingly confirm

Nos 190 & 191

confirm the sentence of the Acting Agent.

/Sent in No. /

Read Calendar of Case No. 3 of 1858, on the file of the Session Court of Coimbatore.

/Here enter F. Co. No. 155 of 1858/

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 sentence passed upon them in the said case.

1. Coomaren
2. Pullee
3. Lackooley

Ten years

Sent in No.

Read Calendar of Case No. 4 of 1858, on the file of the Session Court of Coimbatore.

/Here enter F. Co. No. 163 of 1858/

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

1. Saymalay
2. Chellummu

Eight years

period specified in the margin, in mitigation of the sentence passed upon them in the said case.

/Sent in No. /

Read letter under date the 22d January 1858 from the Session Judge of Coimbatore, submitting for the final judgment of the Foujdaree Udalut the record of Case No. 68 of 1857 on the Calendar of the Session Court.

/Here enter F.H. No. 161 of 1858/

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

1st. Veerana Chetty

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

/Sent in No. /

Read Miscellaneous Petition presented on the 4th instant, by M. Vencatarayaloo

Mr. Baynes.

Messrs Hooper and Baynes

Vencatarayaloo Naidoo, Pleader on behalf of Ramasamy, zillah Chittoor.

/Here enter F.H.P. No. 5 of 1858./

1. Petitioner appeals from the sentence passed by the Session Judge in Case No. 29 of 1857, in which he is 2d Prisoner.

2. The Court of Foujdaree Udalut resolve, under the provision of Section III. Act XIX of 1843, to call on the Session Judge to certify to them so much of the evidence in this case as affects the 2d Prisoner, together with any observations he may desire to make with reference to his conviction thereon.

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

C.S. Chamier

E.F. Elliott.

F. 16.

Friday
29th January 1858. } At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esqr.
T. Le. Strange Esqr. } Puisne Judges
C. Ro. Baynes Esqr.

Read letter under date the 7th January 1858, from the Acting Sessions Judge of Salem, forwarding English translation of the record of Case No. 42 of 1858 on the Calendar of the Session Court, for the final judgment of the Court of Foujdaree Udalut.

(Here enter F. 16. No. 51 of 1858.)

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. Appangee
2nd. Chennum
3rd. Carroppen
4th. Armoogum
5th. Vyapoory
6th. Peegan
and
7th. Annamaly

are

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

(Sent in No)

Exd.

C. Chamier

F. No.

Saturday 30th January 1858. } At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esquire
T. L. Strange Esquire } Puisne Judges.
C. R. Baynes Esquire

Read Criminal reports for the month of December 1857, submitted by the Acting Session Judge of Rajahmundry.

(Here enter F. No. 129 of 1858.)

No 142. The age of the prisoner should have been entered in the sentence, and the Session Judge is requested to state this for the information of the Court.-

Ordered that Extract &c from these Proceedings be sent to the Acting Session Judge of Rajahmundry by precept returnable within III days from and after its receipt.-

(Sent following precept No)

Read Criminal Report for

for the month of December 1857, sub-
mitted by the Acting Sessions Judge
of Tinnevelly.-

/Here enter F. M. No 123 of 1858./

1. The Court of Foujdaree
Udalut observe in the above reports
that the reason assigned by the Prin-
cipal Sudr Ameen of Tinnevelly for
the non-disposal of No 106 of 1857 on
his criminal file is the non-receipt
of any reply from the Magistrates of
Madura and Trichinopoly to his letter
regarding two witnesses named by the
prisoner.-

2. The Court therefore re-
solve to call upon the Magistrate
to explain the cause of this delay in
furnishing the information required
by the Principal Sudr Ameen.-

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

(Sent following precept. No)

Read

Read Calendar of Cases
No 2 of 1858. on the file of the Sessions
Court of Cuddalore.-

/Here enter F. M. No 175 of 1858./

As herein recommended,
the Court of Foujdaree Udalut resolve
to authorize the Acting Sessions Judge
to issue his warrant for the imprison-
ment of the prisoner for the period
specified in the margin, in mitiga-
tion of the sentence passed upon him
in the said case.-

x Persian
5 years.

(Sent in No)

Read Criminal Re-
ports for the month of December 1857,
submitted by the Agent to Governor
at Vizagapatam.-

/Here enter F. M. No 119 of 1858./

No 43.- The sentence should have
shown what portion of the matter
charged against the prisoner was es-
tablished. The Court conclude that
the robbery was not proved- If the
torture was established the sentence
appears

appears to be very inadequate, and the Court request that the Agent will submit an explanation on this point.-

(Sent in No)

Read Criminal reports for the month of December 1857, submitted by the Acting Sessions Judge of Tinnevelly.-

/Here enter J. Bk. No 123 of 1858./

No 130.

1. The sentence in this case appears to be excessive. The Sessions Judge is requested to call for the record and consider whether it may not be reduced.-

2. The delay in these cases appears unwarrantable. If the party could not be taught the nature of an oath in the course of a day, he should have been considered incompetent to give evidence, and his examination dispensed with.- No 133. 141.

3. With reference to the cases noted in the margin, the Court

of Foujdaree Adalut would observe that the Principal Sudr Ameen appears to be most dilatory in his mode of conducting examinations. On some days but one party is examined, and an interruption of several days occurs during which other cases than this one originally under hearing are stated to be under trial. A trial when once entered on should be brought to a conclusion without delay, and the examinations should be conducted without interruption.-

4. The Sessions Judge is requested to ascertain whether these remarks are applicable to the mode in which examinations and trials are conducted by the Principal Sudr Ameen.-

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Tinnevelly, by express precept returnable within 7 days from and after its receipt.-

(Sent following precept No)

Read

Read again Calendar in
Case No. 55 of 1857, on the file of the
Acting Sessions Judge of Salem.-

/Here enter F. Mo. No. 2542 of 1857./

Read also Return to the
precept of the Fouzdaree Udalut dated
5th January 1858, from the Acting Sessions
Judge of Salem, dated 8th January 1858.

/Here enter F. Mo. No. 58 of 1858./

Read also Return dated the
25th January 1858, from the Acting Sessions
Judge of Salem, to the precept of the
Fouzdaree Udalut under date the 11th
idem, requiring the submission of a trans-
lation of the record in the above Calendar

/Here enter F. Mo. No. 167 of 1858./

The prisoners were accused
of attacking the Prosecutor while sleeping
near his cattle, wounding, and taking
from him a bag containing 500 Rupees,
which he had under his head. The
first, who was taken on the spot, was
sentenced to 14 years' imprisonment, the
2d, ordered to find 2 securities in 50 Rupees
each,

each, or in default to be imprisoned
for two years. The Fouzdaree Udalut, on
view of the Calendar, deemed it proper
to call on the first instance for in-
formation, and ultimately for a trans-
lation of the whole record. On perusing
it, they see no reason to doubt the
propriety of the conviction. The Prosecu-
tor, and his relatives accompanying
him, appear to have been merchants
travelling for the purpose of buying Cattle,
and would naturally take with them
a considerable sums of money, and may
be believed when they state that 500
Rupees were taken from them. An expo-
sure of this money in the bazar pro-
bably led to their being followed and
attacked by the Prisoner and his com-
panions. He, the prisoner, was taken
in the act, tho' unfortunately the others
escaped with the booty. In regard to
the 2d Prisoner, the Court are also satis-
fied that sufficient grounds exist
for calling on him for security, adverting

however

however to the circumstances of the case generally, the Court of Faujdaree Udalut are of opinion that the punishment awarded to the 1st Prisoner may with propriety, be mitigated, and accordingly direct that the sentence be reduced to 8 years' imprisonment with hard labor in irons.-

(Sent in No)

Read Criminal reports for the months of December 1857, submitted by the Sessions Judge of Tellicherry.

Here enter F. Re. No 115 of 1857.

1. The instrument used — should have been mentioned. If a lethal weapon the sentence is inadequate, and should have been to imprisonment not commutable by fine. The Sessions Judge is requested to inform the Court of the nature of the instrument used.. — No 104.

2. The Prisoner in this case should have been indicted for Forgery and not Fraud.. — No 107.

The

No 108. 3. The simple offer to buy stolen property does not give grounds for an indictment. If there was misprision of felony, the charge should have been so set out.-

No 114. 4. It was not necessary to introduce the killing and the cause thereof. The act making the 2d Prisoner an aider and abettor should have been specified.-

(Sent in No)

Extract.

A Chamier

F. U.

Monday 18th February 1858. At a Court of the Foujdaree Udalut.

Present

G. L. Hooper, Esquire
T. L. Strange, Esquire — Puisne Judges.
C. R. Baynes, Esquire

Read Return of the Sessions Judge of Nellore to the Precept of this Court under date the 15th ultimo, calling for explanation as to the precise facts established against the 6th prisoner in Calendar Case No. 44 of 1857.—

(Here Enter F. U. No. 103 of 1858.)

The Court of Foujdaree Udalut are of opinion that the evidence against the 6th prisoner, as certified to the Court, in the above Return, is not, upon the Sessions Judge's own showing, sufficient for the prisoner to be safely convicted thereon. The Court accordingly resolve, under the provisions of Section III, Act XIX. of 1848, to annul the sentence pronounced on the

F. Uo

Monday
18th February 1858

At a Court of the Foujdaree Udalut.

Present

G. S. Hooper, Esquire
T. L. Strange, Esquire
C. R. Baynes, Esquire
} Puisne Judges

Read Return of the Sessions Judge of Nellore to the Precept of this Court under date the 13th ultimo, calling for explanation as to the precise facts established against the 6th prisoner in Calendar case No. 44 of 1857.—

(Here Enter F. U. No. 103 of 1858.)

The Court of Foujdaree Udalut are of opinion that the evidence against the 6th prisoner, as certified to the Court in the above Return, is not, upon the Sessions Judge's own showing, sufficient for the prisoner to be safely convicted thereon. The Court accordingly resolve, under the provisions of Section III, Act XIX. of 1848, to annul the sentence pronounced on the

the said prisoner, and to direct that he be forthwith set at liberty.—

(Sent in No.)

Read Calendar of Case No. 2 of 1858, on the file of the Sessions Court of Trichinopoly—

(Here Enter F. Uc. No. 173 of 1858)

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.—

Sinnanna 7 Years

(Sent in No.)

Read letter under date the 15th Ultimo, from the Sessions Judge of Mangalore, forwarding English translation of the record of Case No. 33 of 1857 on the Calendar of the Sessions Court, for the final judgment of the Court of Foujdaree Udalut.—

(Here Enter F. Uc. No. 137 of 1858)

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

1st Billa Mynda

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.—

Mr. G. S. Hooper
Mr. C. R. Baynes

(Sent in No.)

Read letter under date the 15th Ultimo, from the Sessions Judge of Mangalore, forwarding English translation of the record of Case No. 35 of 1857 on the Calendar of the Sessions Court, for the final judgment of the Court of Foujdaree Udalut.—

(Here Enter F. Uc. No. 136 of 1858)

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

proof against the prisoner,

Dooma Shetty

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

(Sent in No.)

Read Calendar in Case—

No. 3 of 1858 of the Sessions Court of Cuddalore.

(Here enter F. M. No. 143 of 1858)

1 The prisoner is charged—

with housebreaking and theft. He appears to have confessed to the theft, but to have denied the housebreaking; and as to the manner of the entry, no evidence is set forth in the remarks of the Acting Sessions Judge.—

2 The Court of Foujdaree—

Udalut resolve therefore to call upon the Acting Sessions Judge to explain how he has convicted the prisoner of the crime of housebreaking, as, from the wording

wording of his judgement, he would—

seem to have done.—

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

(Sent following Precept No.)

Read Miscellaneous—

Petitions presented on the 17th December last and 4th instant, by J. W. Branson Esquire, Pleader on behalf of Parsonal and Pandia Mootoo Caroopen, Villah Madura.

(Here enter F. M. D. No. 252/1857 & 4/1858)

Mr. G. S. Hooper } Petitioners appeal—
Mr. F. L. Strange } from the sentence passed by the Sessions Judge awarding to the first of them two years and to the second, One year's imprisonment with hard labour in irons in Case No. 3 of 1857 in which they are Prisoners.

2 The Court of Foujdaree—

Udalut

Udalut resolve to direct the Sessions Judge to state whether, as declared by the Petitioners, three witnesses were cited by them who were not examined, and if so, to explain why their depositions were not taken.—

3 The Court also require that the inquest paper be forwarded to them.—

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

(Sent following precept No)

Read letter dated the 25th January 1858, from the Sessions Judge of Nellore.—

(Here enters P. No. 171 of 1858)

1 The Sessions Judge intimates that a theft was committed "on or about the 20th December last," and the sum of Rupees 418-4-6 abstracted

1st February 1858.

abstracted from the Cash-Chest of the Moofty Sudr Ameen; and enquires how the amount is to be made good to the parties to whom it is due—, no discovery having taken place either of the stolen property or of the persons by whom it was stolen, though a Court peon has been held to security for suspicious conduct in connection with the matter.—

2 The Court of Foujdaree Udalut consider the Sessions Judge's report very insufficient, and resolve to call for information I, as to when the Cash-chest was last examined by the Moofty Sudr Ameen; II, as to the contents of the 4 bags; III, from whom the Court-peon received charge, in what condition the hasp and seal then were, and by whom examined (if examined)? IV. under what circumstances the monies in question had been so long with the Moofty and had not been remitted

to

to the Judge for safe custody; V, as to where the cash was kept, and why a box of so insecure a kind was trusted to; and VI, as to whose charge the Court-peon (first prisoner in Criminal Case Nos of 1858) states the cash to have been left in during the hour he absented himself.

3 In affording the explana-tion above called for, the Sessions Judge will take each point in its order, and be careful that the informa-tion is sufficiently detailed to en-able the Court to pass final orders thereon.—

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

(Sent following Precept No)"
Ed all.

C.S. Clamier.

F. 26.

Wednesday 3rd February 1858.

At a Court of the Foujdaree Udalut

Present

G. L. Cooper, Esquire
T. L. Strange, Esquire
C. R. Baynes, Esquire
} Puisne Judges

Read letter dated the 22nd ultimo, from the Sessions Judge of Chinglepute

(Here enter F. 26. No 147 of 1858)

1 The Sessions Judge reports that certain prisoners, tried at Kurnool in Criminal cases Nos 28 and 30 of 1857 and sentenced to imprisonment, with banishment to the Chinglepute Zillah, endeavoured to effect their escape while within the limits of the Chittoor dis-trict, but were re-captured. Considering it unadvisable that the prisoners should be sent back to Chittoor for trial for the offence of attempting to escape from lawful custody, the Sessions Judge requests permission for their being tried at Chinglepute.—

The

The Court of Foujdaree Udalut

2

are of opinion that as the prisoners merely made an "attempt at escape" for which no punishment has been provided by law, they cannot be put upon their trial as for a specific criminal offence.

(Sent in Ac)

Read Calendar of Case No. 1 of 1858 on the file of the Session Court of Cuddalore.

(Here Entr Fl. Mo. No. 199 of 1858)

As herein recommended, the Court of Foujdaree 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.

1st Mootiew

Two years.

(Sent in Ac)

Read Calendar of Case No. 43 of 1857, submitted by the Session Judge of Nellore under date the 12th December last.

(Here Enter Fl. Mo. No. 2442 of 1857)

Read

Read also letter dated the 16th Instant, from the Sessions Judge of Nellore, submitting for the final judgement of the Foujdaree Udalut the record of trial in Case No. 43 of 1857 on the Calendar of the Sessions Court.

(Here enter Fl. Mo. No. 102 of 1858)

1 The Court of Foujdaree Udalut observe that the crime charged against the prisoner in the above case is designated "Breach of Salt Laws." In the indictment it is laid as "felonious stealing" or Theft, and in his letter of reference the Sessions Judge considers the offence to be "an attempted extensive Fraud against the Government." They therefore desire the Sessions Judge will state, explicitly, of what crime he holds the prisoners to be guilty, setting forth at the same time the circumstances which constitute the crime,

and

and carefully distinguishing such
as indicate the sale of the salt to
have been of an unlawful nature
from those which would belong
to a lawful sale.—

2. The Court of Foujdaree
Adalut further direct that the
Superintendent, Challa Venkata-
-seriatnaya be examined, and his
deposition submitted to them;
and that that officer be called
upon to state what passed
between him and the 10th
and 11th witnesses and any of the
prisoners with reference to the
sale in question, showing how, and
when, information of the offence
reached him, and what he did
thereon. They also require that
his official reports on the sub-
-ject, and any statements of the
above parties set down by him,
in writing, which should be put
in

in and verified by him, be forward-
-ed, accompanied by an explana-
-tion of the circumstances, which
with reference in the rules of
his office, make it appear that
the sale in question was other
than a lawful one.—

Ordered, that Extract
from these Proceedings be forwarded
to the Sessions Judge of Nellore,
by precept returnable within 111
days from and after its receipt.—
Sent following Precept. No /—

Exd.

C. Chamier

F. U.

Thursday— 4th February 1858.

At a Court of the Foujdaree Udalut

Present

G. A. Hooper Esquire,
T. L. Strange Esquire,
C. R. Baynes Esquire,
} Puisne Judges

Read letter dated 30th Ult: from the Acting Session Judge of Chittoor, requesting to be informed whether there is any objection to the payment to the purchaser of the amount of the purchase money of the house refered to in the Petition presented to the Foujdaree Udalut on behalf of Veerasamy Moodelly, the Prosecutor in Calendar No. 66 of 1856, now held in deposit under the order of that Court dated 26th November last.

/Here enter F. U. No. 185 of 1858/

As the 6 weeks allowed in the order of the 26th November last, above referred to, have elapsed, the Court of Foujdaree Udalut see no objection to the sale amount being refunded to the purchaser, /Petitioner before the Session

Judge

Judge/

Sent in No.

Read Calendar of Case No. 2 of 1858, on the file of the Session Court of Chicacole.

/Here enter F. Rc. No. 194 of 1858/

1. The Court of Foujdaree Adalut observe that by the Session Judge's own showing, the Prisoner in this case should have been charged with "Assault with intent to kill, or do some grievous bodily harm;" and if the Session Judge considered that the offence deserved heavier punishment than he was empowered to inflict, he ought to have referred the case to the Foujdaree Adalut under the provisions of the very clause on which he sentenced. The Court do not consider it expedient to banish the Prisoner as recommended by the Session Judge; and they reduce the stripes to 100.

2. The Court further observe that the conviction extracted from the Moofty is not very satisfactory; but the Session Judge's abstract of the evidence is clear and forcible, and gives every reason

4th February 1858.

reason to believe the conviction proper.

/Sent in No. /

Read Miscellaneous Petition presented on the 21st December 1857, by V. Sadagopa Charloo, Pleader on behalf of Teelasy Ramagen, of zillah Calicut.

/Here enter F. Rc. P. No. 254 of 1857/

Messrs Cooper and Strange.

Petitioner appeals from the order of the Session Judge under date the 8th October 1857, reversing the one previously passed by himself on the 30th September preceding, directing the Joint Magistrate to cause the due enforcement of the order passed by Mr. Robinson to the effect that "the road therein referred to should be open to the public."

1.

Petitioner concludes by praying the Foujdaree Adalut to reverse the order appealed against, and confirm the proceedings passed by the Session Judge on the 30th September 1857, in reversal of the order of the Joint Magistrate dated the 7th August last referring the Petitioner to a Civil action.

2.

The Court of Foujdaree Adalut

3.

Judge/

Sent in No.

Read Calendar of Case No. 2 of 1858, on the file of the Session Court of Chicacole.

/Here enter F. Mo. No. 194 of 1858/

1. The Court of Foujdaree Udalut observe that by the Session Judge's own showing, the Prisoner in this case should have been charged with "Assault with intent to Kill, or do some grievous bodily hurm;" and if the Session Judge considered that the offence deserved heavier punishment than he was empowered to inflict, he ought to have referred the case to the Foujdaree Udalut under the provisions of the very clause on which he sentenced. The Court do not consider it expedient to banish the Prisoner as recommended by the Session Judge: and they reduce the stripes to 100.

2. The Court further observe that the conviction extracted from the Mofsly is not very satisfactory; but the Session Judge's abstract of the evidence is clear and forcible, and gives every reason

reason to believe the conviction proper.

/Sent in No. /

Read Miscellaneous Petition presented on the 21st December 1857, by V. Sadagopa Charlu, Pleader on behalf of Toolasy Ramagee, of zillah Calient.

/Here enter F. Mo. P. No. 254 of 1857/

Messrs Roper and Strange.

1. Petitioner appeals from the order of the Session Judge under date the 8th October 1857, reversing the one previously passed by himself on the 30th September preceding, directing the Joint Magistrate to cause the due enforcement of the order passed by Mr. Robinson to the effect that "the road therein referred to should be open to the public."

2. Petitioner concludes by praying the Foujdaree Udalut to reverse the order appealed against, and confirm the proceedings passed by the Session Judge on the 30th September 1857, in reversal of the order of the Joint Magistrate dated the 7th August last referring the Petitioner to a Civil action.

3. The Court of Foujdaree Udalut

4th February 1858.

Udalut consider that the Session Judge was not warranted in departing from the order he passed in the matter on the 30th September 1857 without obtaining the sanction of this Court. They are further of opinion that the Joint Magistrate need not have referred the complainant to the Civil Court for redress, it being competent to him to himself to have granted it under Act XXV of 1841. The Court direct that the Joint Magistrate do take up the case and dispose thereof in the manner laid down by the said Act.

/Sent in No. /

Read Miscellaneous Petition presented on the 24th December 1857 by S. Teroomala Chetty, Pleader on behalf of Venceba row, of zillah Chittoor.

/Here enter F. Mo. P. No. 3 of 1858/

1. Petitioner appeals from the order of the Session Judge under date the 23d September 1857, confirming the sentence passed by the Magistrate on the 18th July last, awarding against the Petitioner a fine of 30 Rupees, commutable, in default, to one months imprisonment.

Messrs. Hooper and Strange

The

F. Mo.

4th February 1858.

2. The Court of Foujdaree Udalut resolve to call upon the Session Judge to forward the record of the case in question for their consideration.

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

/Sent following precept No. /

Read Miscellaneous Petition presented on the 17th December 1857, by S. N. Canteerava Chetty, Pleader on behalf of Jambothen, of zillah Calicut.

/Here enter F. Mo. P. No. 255 of 1857/

Messrs. Hooper and Strange

1. Petitioner seeks the interference of the Foujdaree Udalut to reverse the order of the Principal Sudr Ameen of Cochin, in Criminal Case No. 38 of 1857, confirmed by the Session Judge on the 16th November 1857, sentencing the petitioner to two years' imprisonment with hard labor in irons and to receive 60 lashes, on a charge of receiving stolen property.

2. The order of the Session Judge does not show that he has

inspected

inspected the record of the trial. The Court think, on the face of the case, that there may be serious grounds for questioning the evidence adduced against the prisoner. They therefore direct the Session Judge to submit the judge thereof and submit the opinion he may form thereon to the Court. The Court at the same time forward copy of the prisoner's petition to the Session Judge, and request him to reply to the allegations therein.

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 letter dated 27th January 1858, from the Session Judge of Bellary submitting for the final judgment of the Foujdaree Udalut, the record of Case No. 110 of 1857 on the Calendar of the Session Court.

/Here enter F. Ille. No. 203 of 1857/

The Court of Foujdaree Udalut, on a deliberate consideration of all the circumstances of the case in evidence before

Mr. Baynes

before them, being of opinion that the proof against the prisoner,

Chinna Hurramah

is sufficient to convict him of the crimes charged, do convict him thereof and sentence him to be transported to such place or places beyond sea as the Governor in Council shall 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. /

Extd.

C. Chamier

J. U.

Friday
5th February 1858. At a court of the Foujdaree Udalut.

Present.

G. S. Hooper Esquire.
J. L. Strange Esquire. } Puisne Judges
C. R. Baynes Esquire.

Read letter dated the 26th January 1857 from the Sessions Judge of Masulipatam.

/Hereinafter J. U. No. 190 of 1858./

Referring to the orders of this Court, directing the release of the prisoners in Sessions Case No. 98 of 1857, the Sessions Judge enquires whether a person fraudulently abstracting property in which he has a joint-right with another, without the other's knowledge or consent, is guilty of an offence at common law. The Sessions Judge also mentions that having made over the disputed property in Case No. 98, to the prosecutrix, he does not know by what authority he can call upon her to restore it.

2. The Court of Foujdaree Udalut decline to give any opinion upon a hypothetical case.

H

It is clear that one joint tenant or tenant in Common of a personal chattel, cannot, at Common law, be convicted of stealing the same, and this was the offence of which the Sessions Judge erroneously convicted the prisoners in Case No. 98.

3. The property in the above case having been delivered to the prosecutrix, the Sessions Judge should point out to the party acquitted of stealing it and now claiming to have it returned to her possession, that she should proceed in the Civil Courts for the Establishment of any claim she may imagine herself to have.

Read Calendar of case No. 1 of 1858 on the file of the Session Court of Combaconum.

/ Here enter F. H. No. 232 of 1858. /

1. 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. + 1st Prisoner 7 years.

2. With reference to the 8th para of the Sessions Judge's remarks the Court of Foujdaree Udalut observe that the Orders of Government therein referred to leave it in the discretion of the Magistracy

to commit in such case either to the Ordinary Courts or to the Commissioner.

3. The Court sanction the reward of 30 Rupees proposed to be given to the widow of the 1st witness the Jaliary who is stated to have acted with great boldness on the occasion of this Robbery.

/ Sentence No. /

Read Calendars of Cases Nos. 76 and 77 of 1857 on the file of the Session Court of Coimbatore.

/ Here enter F. H. Nos. 210 & 211 of 1858 /

1. It would appear that the Prisoners having stolen or attempted to steal 3 sheep from an adjacent field were flying from the pursuit of the Prosecutor in No. 77, when the Prosecutor in this case attempted to intercept them. It is very improbable that under such circumstances the Prisoners should have intended to commit a highway robbery. Nor is it expressly stated that they are proved to have done so though found guilty of the charge generally.-

2. Considering the offences of which the Prisoners have been found guilty to be an attempt at Cattle stealing in No. 77 and an aggravated

apaunt

5th February 1858.

The Court of Foujdaree Udalut are of opinion that there were grounds for convicting the Prisoner of the theft

/ Sent in No. /

Read Calendar of Case No. 2 of 1858 of the Sessions Court of Guntoor.

/ Here enter F. H. No. 188 of 1858 /

The circumstances of the robbery should have been set forth in the charge

/ Sent in No. /

Read Calendar of Case No. 44 of 1857 on the file of the Sessions Court of Chingleput

/ Here enter F. H. No. 229 of 1858 /

As herein recommended the Court of Foujdaree Udalut prefer 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. /

Read letter dated 5th January 1858 from the Sessions Judge of Coimbatore, submitting the trial in Case No. 8 of 1857 on the Calendar of the Sessions Court.

/ Here enter F. H. No. 59 of 1858. /

5th February 1858.

W. G. J. Hosper
and
R. 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 prisoners

1st Mahomed Sillaman
2d Syed Koosain
3d Periatumbee
4th Shaik Allee

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 Prisoner 4th 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. /

Certificate of Pardon
to
Timmow.

L. S.

Whereas under date the 18th November 1857 the Court of Foujdaree Udalut were pleased to authorize the Magistrate of Coimbatore to tender an offer of pardon to Timmow on condition of

5th February 1858.

of his making a full disclosure of every circumstance within his knowledge relative to the Murder committed on the 8th October 1857, on the person of General Brackley Kennett in the District of Coimbatore.-

And whereas the Court of Foujdaree Udalut are of opinion that the conditions of the said grant of pardon have been sufficiently fulfilled.-

Now these are to certify and declare that in consideration thereof the Court of Foujdaree Udalut have been pleased under the provisions of section XX Regulation VIII of 1802 to confirm the pardon conditionally tendered as aforesaid, to the said Seemunoo, so far as regards the acts herein referred to.-

And the Court do hereby confirm the said pardon accordingly.-

Dd 18th

C. Chamier

Saturday
6th February 1858.

F. C.

At a Court of the Foujdaree Udalut

Present

G. S. Cooper Esquire,
T. L. Strange Esquire,
C. R. Baynes Esquire,
} Puisne Judges.

Read Calendar of Cases No 5 of 1858 on the file of the Sessions Court of Madura.-

(Herewith No 213 of 1858.)

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.-

T. Kroomoogam Ansary — Four years.

(Sent in No)

Read Return of the Sessions Judge of Calicut to the precept of the Foujdaree Udalut under date the 19th January 1858, requiring information as to

to why the ordinary course and form were not observed in preparing the commitment in Sessions Case No. 49 of 1857.

/Here enter F. M. No. 230 of 1858./

1. The Sessions Judge states that the abstract of the examination with the grounds and date of commitment were omitted under the instructions conveyed in Extract from the Proceedings of the Foujdaree Udalut dated 30th September 1854.

2. The Foujdaree Udalut do not consider that the irregularity pointed out in their former proceedings has been satisfactorily explained by the Sessions Judge. The orders quoted merely direct the omission of the abstract of the evidence and the grounds of commitment; but the commitment itself and the charge should certainly be entered.

(Sent in No.

Read again Calendar of Case No. 58 from the Acting Session Judge

Judge of Salem.

/Here enter F. M. No. 54 of 1858./

Read also return dated 2nd instant, from the Acting Session Judge of Salem, to the precept of the Foujdaree Udalut under date the 13th Ultimo, requiring the submission of an English translation of the record in Case No. 58 of 1857.

/Here enter F. M. No. 246 of 1858./

1. On a perusal of the record in this case, the Court of Foujdaree Udalut are of opinion that there is no evidence to convict the 2nd Prisoner of the House breaking and Theft with which alone he was charged: that 1st Prisoner indeed says that he accompanied him, in the commission of the crime; but there is no other proof of it. He is said by the witnesses, brother and mother of 1st Prisoner, to have been with him when he hid the property, and so might, perhaps, have been convicted of having had a

joint

joint possession, if those witnesses were to be believed on the point, but with this he is not charged, and is therefore entitled to an acquittal, and the Court accordingly direct his immediate and unconditional release.

2.

In regard to the 1st Prisoner, the Court cannot take the same lenient view of his case as the Sessions Judge, and consider that four years' imprisonment is the least punishment which ought to be inflicted on him, and direct that he be sentenced accordingly.

(Sent in No)

C. S. Channier

Exd.

6th February 58

No 186.

Monday—
8th February 1858

At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esquire,
J. G. Strange Esquire,
C. R. Baynes Esquire,
} Puisne Judges

Read again a Miscellaneous Petition presented on the 26th November 1857, by J. D. Mayne Esquire, Vakeel on behalf of Runjy Pillay and another, prisoners in Criminal Case No 64 of 1857, on the file of the Principal Sudr Ameen of Trichinopoly.

(Herewith P. M. P. No 242 of 1857)

Read also return dated 18th ultimo, from the Principal Sudr Ameen of Trichinopoly, to the precept of the Foujdaree Udalut under date the 21st December 1857 calling for a translation of the record of Criminal Case No 64 of 1857.

(Herewith F. M. No 27 of 1858)

On a perusal of the whole of the proceedings held in this case, the Court

Mr Hooper

8th February 1858

Court of Tanjore Adalut are of opinion that the evidence of the witnesses for the prosecution is open to much suspicion not only on account of the numerous discrepancies, and improbabilities it contains, but because the Prisoners have brought forward respectable and satisfactory evidence in their defence which proves that the Prosecutor acknowledged before several persons that he had been mistaken in his charge against them, and had accused innocent persons and would have withdrawn his complaint had he not also charged them with robbery which precluded a compromise; and also that the 2d Prisoner was absent at Tanjore, 30 miles off, at the time the outrage was alleged to have been committed. The circumstance of the Prosecutor not having himself come forward to prosecute the charge in person before the Principal Sudr Ameen is a strong corroboration of the truth of the evidence to the former point, and there are no discrepancies in the evidence

8th February 1858

evidence to the latter point that would lead the Court to discredit it.

The Court do not concur with the Principal Sudr Ameen in opinion that the mistake made by the 2d Prisoner as to the precise date on which he left Trichinopoly for Tanjore, and which he afterwards corrected, is to be considered as presumptive proof of the falsity of his plea.

The Court of Tanjore Adalut therefore resolve to reverse the sentence passed on the Prisoners by the Principal Sudr Ameen, and to order their immediate release.

(Section No. 1
Read Calendar of Case submitted by the Session Judge of Vellore
No. 1 of 1858.
Vide entry Vellore No. 177 of 1858.)

The Court of Tanjore Adalut do not consider the explanation submitted by the Principal Sudr Ameen as to the cause of the delay in committing this case to the Session Court, at all

wounds

all satisfactory. The 26th and 28th Decem-
ber, should not have been taken as
holidays. The 29th is not accounted for,
and the 30th very insufficiently so. Nor
is the time from the 1st to the 4th account-
ed for. They consider that very unjus-
tifiable delay has occurred.

/Sent in Nº. /

Read Calendars of Cases
Nos. 47, 48, 49, 50 and 51 of 1857, submitted
by the Session Judge of Nellore.

/Here enter F. Cs. Nos. 217, 218, 219,
220 and 221 of 1858/

1. The Session Judge states that the Prisoner prevaricated as to his own name, and it was subsequently proved that the parties having a right to the sums in deposit had not given the Vakalutnamahs; their names were also forgeries.

2. The Court of Foujdaree Udalut observe that there is no evidence of this nature on the Calendars. The note appended shows that the parties whose names are said to have been forged could not be found. They therefore

therefore direct the Session Judge to explain in what way the proof herein adverted to was afforded before him.

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 again letter dated 6th January 1858, from the Acting Agent to the Governor in Ganjam, recommending that the prisoner in Case Nº. 69 of 1857, be sentenced to two years' imprisonment with hard labor in irons.

/Here enter F. Cs. Nº. 70 of 1858/

Read also return dated 27th ultimo, from the Acting Agent, to the precept of the Foujdaree Udalut, under date the 15th idem, calling for further information regarding the wounds in the above case.

/Here enter F. Cs. Nº. 248 of 1858/

Under the explanation afforded it appears probable that the wounds

wounds inflicted on the Prosecutrix in this case were more malicious in design and serious in extent than the punishment awarded would adequately meet. At this distance of time it is impossible, however, to ascertain these points with certainty; and the Foujdaree Udalut confirm the sentence proposed by the Agent.

/Sent in No. /

Read Statement of Batta paid to Prosecutors and witnesses attending before the Session Court of Coimbatore, during the half year ending 31st December 1857.

/Here enter F. Co. No. 180 of 1858/

1. The Foujdaree Udalut observe that the occurrence of a "Friday" is constantly alluded to, as causing, the Court presume, an entire day's interruption in a trial. This need not be, as the Moofty should always be in Court on Fridays except between the hours of one and three P. M., if any criminal trial be pending.

2. The statement appears to indicate

indicate that there are considerable and habitual delays in the disposal of cases in the Session Court, which the Judges consider might be obviated by due exertion.

/Sent in No. /

Read letter dated 30th January 1858, from the Acting Session Judge of Chittoor, submitting for the final judgment of the Foujdaree Udalut the record of Case No. 76 of 1857 on the Calendar of the Session Court.

/Here enter F. Co. No. 183 of 1858/

The Court of Foujdaree

Mr. Harper

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 Cundum

is sufficient to convict him of the crime of Robbery by open violence attended with severe wounding, do convict him thereof; and under the provisions of Clauses Third and Fifth, Section IV Regulation XV of 1803, and Section XXXIV Act VIII of 1843 sentence him to be imprisoned and kept to hard

labor

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

And being of opinion that the prisoner,

2d Ramasawmy

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession of the crime charged, the Court acquit him thereof; but considering that strong suspicion though not amounting to conviction attaches to him, they direct that under Clause Sixth, Section II, Regulation XV of 1803, he be required to find two sureties in thirty five Rupees each surety for his good behaviour and appearance when required within three years, or in default thereof that he be detained for three years in confinement.

/Sent in No /

Read letter dated 30th January 1858, from the Session Judge of Nellore, submitting for the final judgment of the Foujdaree Udalut, the record of Case No 3 of 1858 on the Calendar of the Session Court.

/Here enter F.C. No 224 of 1858/

The

F.C.
8th February 1858
Messrs Hooper and Stange.

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

1st Nalagorla Munni
2d Tupakula Nyarnzadu
and
3d Gondoli Brahmadu

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 the prisoners,

1st Nalagorla Munni

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

2d Tupakula Nyarnzadu
and
3d Gendoli Brahmadu

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

/Sent in No /

Ex Mll.

C. Chamier

F. No

Tuesday
9th February 1858.

At a court of the Foujdaree Udalut

Present

G. S. Hooper Esqre.
F. L. Strange Esqre.
C R. Baynes Esqre.
} Puisne Judges.

Read calendar of case No 50 of 1858, on the file of the Session Court of Coimbatore -

/ Here enter F. No. 260 of 1858 /

As herein recommended, the court of Foujdaree Udalut resolve to authorize the Session Judge to issue his warrant for the imprisonment of the prisoners of the period specified in the margin, in mitigation of the sentence passed upon them in the said case. -

* 1 Iyacutty
2 Ramon
3 Sawondow chetty
4 Carroppan
5 Balamy.
Eight years.

/ Sent in No. /

Read calendar of Case No 70 of 1858, on the file of the Session Court of Calicut -

/ Here enter F. No. 261 of 1858 /

As herein recommended, the Court of Foujdaree Udalut resolve to authorize the Session Judge to issue his warrant for the imprisonment

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 No.

9th February 1858

× 1 Kakadowathoo Ally Assew
2 Bosan Pother
3 Moolapully Coomby Moideencoutty

Four years and 100 Lashes each.—

Read again Calendar of Case — No. 53 of 1857, on the file of the Sessions Court of Salem.—

/Here enter F.Mc. No. 52 of 1858/

Read also Return dated 4th instant, from the Acting Session Judge of Salem, — submitting explanation with reference to the sentence passed in the above case.—

/Here enter F.Mc. No. 251 of 1858/

As recommended in para 2 of the above return, the Court of Foujdaree Udalut resolve to authorize the Acting 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.—

× Chinnen — seven years

/Sent in No. /rs

C.R. Cannie

Ex'd.

F.Mc.

Wednesday — 10th February 1858.

At a Court of the Foujdaree Udalut

Present

G. A. Hooper Esquire,
J. L. Strange Esquire, — Puisne Judges
C. R. Baynes Esquire,

Read letter dated the 3d instant, from the Principal Sudr Ameen of Cuddalore.

/Here enter F.Mc. No. 241 of 1857/

The Principal Sudr Ameen states that two of the witnesses in a case of murder recently committed to his Court, were evidently principals in the crime; and requests sanction for their being admitted as approvers, without being remanded to the Magistrate for that purpose.

2. The Court of Foujdaree Udalut see no necessity for offering a conditional pardon to these witnesses, if they are willing, as they appear to be, to give their evidence without it. Their being accomplices in the offence does not

not render them incompetent to testify. Should they hesitate or object to answer questions tending to criminate themselves, the Principal Sudr Ameen may require them to do so under Section XXXII Act II of 1856.

/Sent in Sr

Ex Coll.

Cs Chemie

10th February 58

F. No.

Thursday——
11th February 1858

At a Court of the Foujdaree Adalut

Present

G. L. Hooper Esquire,
T. S. Strange Esquire,
C. R. Baynes Esquire,
} Prisnr Judges

Read again Miscellaneous Petitions presented on the 2d and 7th December last, by J. W. Branson Esquire, Pleader on behalf of Thoppay Moodely alias Venkatachella Moodely and others, zillah Chingleput.

/Here enter F. No. & Nos 245 and 248 of 1857/

Read also return dated 5th instant, from the Session Judge of Chingleput, to the precept of the late Foujdaree Adalut under date the 18th ultimo, requiring the Session Judge to submit a certified translation of so much of the evidence as relates to the 1st, 2d, 3d and 4th Prisoners in Case No. 25 of 1857.

/Here enter F. No. No 256 of 1858/

Mr. C. R. Baynes

I. Upon a perusal of this return

return and the record which accompanied it, in connection with the arguments adduced in the appeal, the Court of Foujdaree Udalut are satisfied that the evidence was sufficient for convicting the Prisoners of the assault, which was of a most lawless and aggravated nature, justifying the sentence passed upon them, which the Court accordingly decline to disturb.

2 Petitions rejected.

/Sent in. No. /

Read Miscellaneous Petition presented on the 11th December 1857 by Mr. H. B. Saunders, Pleader on behalf of Mottia Naiken alias Peruma Naiken, of Zillah Chingleput.

/Here enter F. de. D. No. 250 of 1857/

1. This is an appeal against the sentence of the Session Judge, in case No. 4 of 1857.

2. The Court of Foujdaree Udalut, on a consideration of the abstract of this case in the calendar, are of opinion, on the Judge's own

showing, that the ends of justice would have been met by a less severe punishment than that inflicted; and they therefore resolve to call upon the Session Judge, unless on reconsideration he should feel able to recommend that the sentence be reduced to two years' imprisonment, to cite and forward to this Court so much of the evidence with such observations as he may desire to submit as provided by Act XIX of 1848.

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

/Sent following precept. No. /

Read Miscellaneous Petition presented on the 11th December 1857, by Mookteyar Vakeel, on behalf of Peroona and 3 others, of Zillah Chittoor

/Here enter F. de. D. No. 253 of 1857/

M. de R. Baynes

1. This is an application for the release of the prisoners in case No. 56

of

of 1857, on the file of the Session Court of Chittoor, who have been sentenced to transportation by the Foujdaree Udalut under date the 30th October 1857.

11th February

2. The Judges of the Foujdaree Udalut do not consider that any reasons have been shown by the Petitioners for reconsidering the sentence already passed by them in this case.

Read Calendar of cases Nos 1 of 1858, from the Acting Session Judge of Tinnevelly.

/Here enter F. Rs. No. 233 of 1858/

1. The Court of Foujdaree Udalut resolve to call upon the Acting Session Judge to explain the grounds of distinction in the cases of the 7th. 8th. 9th & 10th prisoners, which have prevented his releasing them unconditionally as the rest.

2. The Court object to the delay in the Principal Sudr Ameen's Court in the examination of the 7th Prisoner, which from the 26th December to the 11th January, for the purpose stated. They leave

F.R.

11th February 1858

observe that if, upon full explanation as given, the party were unable to comprehend the nature of an oath, she should at once have been set aside as one incompetent to be sworn, and have been examined on simple affirmation under Section XV, Act II of 1855.

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

/And following precept. No. /

Read Petty Calendar of the Magistracy, for the fourth Quarter of 1857, submitted by the Session Judge of Combaconum.

/Here enter F.R. No. 244 of 1858/

Calendar No. 1
Case Nos 13-24

1. The charge should have shown in what manner the 2d Defendant "aided and abetted": as far as can be judged from the present charge he was a principal and might have been joined with the 1st.

Case Nos 32-33.

2. The charge is defective, as the

the pretence or threat or pretext under 11th February
which the money was extorted, should
have been set forth.

3

The Foujdaree Udalut presume that this prisoner, charged with an actual Calendar No. 270 of 1858
Breach of the Peace, was acquitted thereof.
In such case, it was competent to the
Head Assistant Magistrate, to call
on him for securities to "keep the peace"
under Clause 1, Section V, Regulation VI
of 1827; but not, to substitute for the
Original charge, an averment of "Bad
character", and upon that require se-
curities either for appearance, under
Clause 1, Section III, Regulation II of 1822,
or for good behaviour under Clause 1,
Section VII, Regulation VII of 1827. The
latter course has however been adopted
and should have been as stated. The
order is moreover defective, inasmuch
as it does not fix the period for which
the prisoner is called upon to furnish
the security for his good behaviour, or
and the Court therefore direct that the
requisition for security be discharged
and the prisoner released.

/Sent in No.

11th February 1858.

Read Petty Calendars of
the Magistracy for the fourth Quarter
of 1857, submitted by the Session Judge
of Masulipatam.

/Here enter F. C. No. 248 of 1858/

The Magistrate is not or
1.
Calendar No. 270 competent to remit a fine when he
has once ordered it to be levied.

The latter part of the ac-
-72. 2
cusation in this case commencing "and
with having &c" is not matter for a
criminal indictment.

/Sent in No. /

Read again Calendar in a
case No. 3 of 1858, of the Session Court of
Cuddalore.

/Here enter F. C. No. 113 of 1858/

Read also return dated 11th
instant, from the Acting Session Judge
of Cuddalore, to the precept of the
Foujdaree Udalut, under date the 1st
idem, calling upon the Acting Session
Judge for certain explanation in Ca-
lendar Case No. 3 of 1858.

/Here enter F. C. No. 249 of 1858/

The

11th February 1858.

The explanation furnished
1. by the Acting Session Judge in the above return is still insufficient. It is not said that when the prosecutor left his house locked he saw that the money was there and missed it on his return. Were this the case, it would justify the presumption that the prisoner made his entry by breaking. The prisoner appears for that too is not clearly put to have confessed to an entry at another time, and the prosecutor allows that when he returned home he found the door locked as before.

2. The Court of Fouzdaree Adawlut resolve therefore to call the attention of the Acting Session Judge to these points, and to request he will submit an explanation thereupon.

3. With reference to the 2d para of the above return, the Court presume the error admitted is the stating the prisoner to have been convicted of the crime charged on his own confession, and they request the Acting Session

J. Ho.
11th February 1858.

Session Judge will be more careful in drawing up his statements, for there is no error to admit in the matter according to what is set down in the para referred to.

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

Sent following precept &c. JL

E. Ma.

C. Chamier

F. No.

Saturday 13th. February 1858.

At a Court of the Fouzdaree Udalut

Present

G. S. Hooper Esqr.
T. L. Strange Esqr. } Puysne Judges.
C. R. Baynes. Esqr.

Read letter under date the 27th. January 1858, from the Officiating Agent to the Governor of Fort St. George at Kurnool, submitting for the final judgment of the Fouzdaree Udalut, a report of the trial of Criminal Case No. 27 of 1858 on his file.—

(Here enter F. No. 279 of 1858)

1 In this Case, the prisoner Lookhanah Jungum was tried on a charge of Arson, and being convicted thereof, the Officiating Agent recommends that he may be sentenced to 7 years' Imprisonment with hard labor in irons.—

2. The Court of Fouzdaree Udalut

concur

concur in the conviction of the prisoner, but considering the punishment proposed unnecessarily severe under the circumstances of the case, they direct that he be sentenced to Imprisonment with hard labor in irons for the period of 3 years.-

(Sent in No.)

Read Criminal Reports for the months of January 1858, submitted by the Sessions Judge of Coimbatore.-

(Here enter F. R. No. 240)

1 The Foujdaree Adalut would point out that for a mere attempt to escape, frustrated by the vigilance of the guard or otherwise, the regulations do not provide for the party being placed on his trial as for a distinct offence, unless the attempt be accompanied by some other act in itself criminal.- P. S. Calendar No. 237.

2 The heading in this Case should have been "murder" and not "manslaughter", as the prisoner is charged with having committed the act "wilfully and of malice aforethought".- No. 271

In

P. S. Annexure 3
Calendar
No. 25.

In these reports, in Cases of Perjury, it is only necessary to enter an abstract of the charge.-

(Sent in No.)

Read letter, dated the 5th instant, from the acting Session Judge of Salem.-

(Here enter F. R. No. 265 of 1858.)

The acting Session Judge submits

1 for the consideration of the Foujdaree Adalut, a proposition put forward by the Gillah surgeon, that where persons are found dead under suspicious circumstances — and a post mortem examination is requisite, the Heads of Police be instructed to send the bodies to Salem for that purpose, provided the distance be not in excess of 40 miles.-

The Court of Foujdaree Adalut

2 are of opinion that the measure proposed would militate too strongly against the feelings and prejudices of the people, and that its adoption is therefore inadvisable.-

(Sent in No.)

Read

13th of February 1858

Read again Report dated 11th Ultimo, submitted by the Sessions Judge of Cuddapah, of Cases pending on the 31st December and committed for trial during the months of November 1857, which remained on the file of the Sessions Court for more than 75 days.—

(Here enter F. Mo. No. 76 of 1858)

In the above report, Case No. 57 of 1857 is stated to have been disposed of early in January, but the Calendar has not yet been submitted; and as great delay has already occurred in the disposal of this Case, the Court of Foujdaree Adalut resolve to call upon the Session Judge to submit the Calendar without delay.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Cuddapah, by precept returnable within 11 days from and after its receipt.

(Sent in No.)

Edna.

C S Chamier

F. Mo.

Monday 15th February 1858

At a Court of the Foujdaree Adalut

Present

G. S. Cooper, Esquire
T. Le. Strange, Esquire
C. Re. Baynes, Esquire
} Puisne Judges

Read Miscellaneous Petn. now presented on the 4th ultimo, by Mo. Vencataroyaloo Naidoo, Pleader, on behalf of Nullatomby Counden, and another, of Zillah Cuddalore.—

(Here enter F. Mo. P. No. 6 of 1858)

Mr. G. S. Hooper

1 Petitioners pray the Court of Foujdaree Adalut, for reasons set forth in the Petition, to cancel the sentence passed upon the 1st 2d and 3d Prisoners in case No. 17 of 1857 on the file of the Session Court.—

2 The Court of Foujdaree Adalut resolve to reject this petition, seeing no grounds for questioning the correctness of the sentence passed in the case in question, nor any necessity

necessity to hear the vakeel orally in support of the Petition.—

(Sent in No.)

Read letter dated 27th ultimo, from the Officiating Agent to the Governor of Fort St. George at Kurnool, submitting in conformity to the Agency Rules for the final decision of the Court of Foujdaree Udalut, a summary of the evidence taken in a case of "House-breaking and theft," with his opinion as to the punishment to be passed.—

(Here Enter F. No. 292 of 1858)

The Court of Foujdaree Udalut concur with the Agent in the conviction of the 1st Prisoner, and direct that he be sentenced to 7 years' imprisonment with hard labor in irons, but they do not consider it necessary that he be banished to Chingleput.—

(Sent in No.)

Read Calendar in case No. 6 of 1858 of the Session Court of Nellore

(Here Enter F. No. 276 of 1858)

The

The Court of Foujdaree Udalut do not consider this a case in which requisition of security is called for, and they accordingly direct that the Prisoner be immediately released.—

(Sent in No.)

Read Criminal Reports for the month of December 1857, submitted by the Acting Agent at Ganjam.—

(Here Enter F. No. 205 of 1858)

No. 31

In this case, the Assistant Agent, acquitting the Prisoner, recommended that he should be imprisoned for a year as a dangerous character: this unusual proceeding, for which no regulation was, or indeed could be, quoted, would have been wholly unintelligible, but for the proceedings held on review of the case by the Acting Agent, which shew that the "dangerous character" of the Prisoner arose from "insanity." Such being the case, the Acting Agent was justified in taking

steps

steps to prevent his doing mischief, but he must bear in mind that, as the party was not pronounced to be insane by the Lower Court, any precautionary measures of this nature must originate with the Magistrate.—

(Sent in No)

Read Petty Calendars of the Magistracy for the fourth Quarter of 1857, submitted by the Sessions Judge of Trichinopoly.—

(Here Enter P. C. No. 274 of 1858)

	1	An appeal to seduce would hardly come under the head of "crimping". It does not appear why Act ~~XIII~~ of 1847 was quoted. If the prisoner was sentenced under XIV of 1839, the imprisonment could only be awarded in default of payment of a fine.	Calendar I 1–34.
	2.	The charge should have stated how the prisoner was implicated in the theft, and the value of the Bullocks should have been entered. If the prisoner was convicted of	2–37.

of stealing three Bullocks, the sentence is very inadequate.—

Calendar II 1–38	3	The words "seized with evil intent" do not express the nature of the charge which would appear to have been brought against the prisoner.—
2–39	4	The pretext under which the money was extorted should have been set forth in the charge.—

(Sent in No)

Ed Mad.

C. Chamier

F 86.

Tuesday— 16th February 1858. At a Court of the Foujdaree Adalut

Present

G. A. Hooper Esqre, —
T. L. Strange Esqre, — Puisne Judges
C. R. Baynes Esqre, —

Read Petty Calendars of the Magistracy for the fourth Quarter of 1857, submitted by the Acting Session and Judge of Salem.

/Here enter F 86. No. 251 of 1857/

With reference to the cases noted in the margin, the Court of Foujdaree Adalut request the Session Judge to call the attention of the Joint Magistrate to the great delay that occurs in the disposal of cases entered in these Calendars, and to request that such irregularity may be avoided in future.

Joint Magistrate Calendar I. Nos 50 and 54
Calendar II Nos 45. 48 and 49

/Sent in. No /

Read letter dated 27th January 1858, from the Officiating Agent at

at Kurnool, submitting for the final judgment of the Foujdaree Uddalut, a report of the trial of Criminal case No. 39 of 1857, on his file.

/Here enter F. Cl. No. 290 of 1858/

The Court of Foujdaree Adalut concur in the conviction of the Prisoners, — Messrs. Grange and Baynes

1. Rachanah
and
2. Nagamah,

of "High way Robbery" and sentence them as proposed by the Officiating Agent to (10) ten years' imprisonment with hard labor in irons, and to be fined in the sum of Rupees 50 each.

/Sent in No. /

Read Calendar of case No. 31 of 1857, on the file of the Session Court of Coimbatore.

/Here enter F. Cl. No. 303 of 1858/

As herein recommended, the Court of Foujdaree Adalut 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 sentence

× 1. Ringaian
2. Nanaung
3. Kanthaian

Four years

sentence passed upon them in the said case.

/Sent in No. /

Ed. Eld.

C. Scdamier

F. 16

Wednesday — 17th February 1858 — At a Court of the Foujdaree Adalut

Present

G. A. Hooper Esquire,
T. L. Strange Esquire,
C. R. Baynes Esquire,
} Puisne Judges.

Read Calendar of Case No. 4 of 1858, on the file of the Session Court of Tinnevelly.

/Here enter F. 16. No. 309 of 1858/

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.

*Muachellem
Fourgate

/Sent in No.

Read Calendar of Case No. 8 of 1858, on the file of the Session Court of Chittoor.

/Here enter F. 16. No. 317 of 1858/

As herein recommended, the Court of Foujdaree Adalut resolve to

F. Ola

Wednesday — 17th February 1858 — At a Court of the Foujdaree Adalut

Present

G. S. Hooper Esquire,
J. Le. Strange Esquire,
C. R. Baynes Esquire } Puisne Judges.

Read Calendar of Case No. 4 of 1858, on the file of the Session Court of Tinnevelly.

/Here enter F. Ola. No. 309 of 1858/

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.

*Annachellew — Four years

/Sent in No./

Read Calendar of Case No. 8 of 1858, on the file of the Session Court of Chittoor.

/Here enter F. Ola. No. 317 of 1858/

As herein recommended, the Court of Foujdaree Adalut resolve to

F. Co.

Wednesday —— At a Court of the Foujdaree Adalut
17th February 1858

Present

G. S. Hooper Esquire,
T. L. Strange Esquire, } Puisne Judges.
C. R. Baynes Esquire

Read Calendar of Case
No. 4 of 1858, on the file of the Session
Court of Tinnevelly.

/Here enter F. Co. No. 309 of 1858/

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 sen-
tence passed upon him in the said
case.

Imprisonment
For years

/Sent in No. /

Read Calendar of Case
No. 3 of 1858, on the file of the Session
Court of Chittoor.

/Here enter F. Co. No. 317 of 1858/

As herein recommended,
the Court of Foujdaree Adalut resolve
to

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.

7th February 1858

* Monegar Three years

/Sentence No/

Read letter dated 21st January 1858, from the Session Judge of Rajahmundry, submitting for the final judgment of the Foujdaree Udalut the record of Case No. 1 of 1858, on the Calendar of the Session Court.

/Here enter F. C. No 296 of 1858/

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,

Goonnala Nariah

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 /

Exd Hall.

F. C.

Thursday 18th February 1858. At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esquire
T. L. Strange Esquire
C. R. Baynes Esquire
} Puisny Judges

Read letter dated the 8th instant from the Session Judge of Masulipatam.

/Here enter F. C. No 289 of 1858/

The object of this reference is to obtain the opinion of the Judges on the following point. Viz. whether an officer of the Public Works Department, charged with corruption in receiving a pecuniary consideration for supplying a Village with an undue share of water, can be tried and punished, and if so by what authority, and under what enactment.

2. The Court of Foujdaree Udalut observe that there is no specific enactment under which such person could be tried, but as their Law officer declares that he would be liable to punishment under the Mahomedan

Mahomedan Law, the Court are of opinion that he could be tried and punished under the general regulations..

3. A party so offending might be charged with Exaction, in that he being a servant of the Government in the department of Public Works and entrusted with the distribution of certain water Pcs did corruptly and unlawfully receive to his own use from A B the sum of Pcs upon consideration of Pcs Pcs..

/ Sentence Nil /

Read letter dated the 6th instant from the Sessions Judge of Rajahmundry

/ Hereunto F. H. No 280 of 1858 /

1. The point herein preferred for the opinion of the Foujdaree Adalut is whether a person who has been forwarded by a Head of Police to the Subordinate Court, as prosecutor in a criminal case, can, upon the dismissal of the charge as false and malicious be re-committed by the Head of Police, to be punished for having preferred such false complaint.-

2. The Court of Foujdaree Adalut are

are clearly of opinion that the Head of Police is not competent under Section II Regulation IX of 1832, to send up to the Criminal Court, for "making a false and malicious charge" a prosecutor whose statement he has so far credited, as to make a commitment thereon in the first instance; although such statement may have been deemed by the Criminal Court to be false and malicious. The offence, in such a case, is merged in the graver crime of Perjury; and the offender can only be brought to trial at the instance of the Court before whom the perjury was committed, as provided by Section III Regulation VIII of 1829.-

Read letter dated 27th January 1858 from the Officiating Agent at Guntoor submitting for the final judgment of the Foujdaree Adalut a report of the trial of Criminal Case No 40 of 1857 on his file..

/ Hereunto F. H. No 291 of 1858 /

The Court of Foujdaree Adalut concur in the conviction of the Prisoner "Pingaree Emangah" of House breaking and Theft, and confirm the sentence

sentence of /2/ two years imprisonment with hard labor in irons proposed to be passed upon him by the Officiating Agent.

/ Sentence No. /

Read Miscellaneous Petition presented on the 7th Ultimo by S. N. Canteravoo Charry Pleader on behalf of Bondily Seetaramu of Zillah Rajahmundry.-

/ Here enter J. Dr. P. No. 8 of 1858. /

1. Petitioner appeals from the order of the Sessions Judge, under date the 12th November 1857, confirming the sentence of the Subordinate Judge in Criminal Case No. 116 of 1857, adjudging to the Prisoner six months imprisonment with hard labor in irons, on a charge of Culpable neglect of duty.- Mr. C. R. Baynes

2. The Foujdaree Udalut on Consideration of the evidence in this case, as set forth by the lower Courts, consider it so unsatisfactory that they would have called for the record did they not think that even allowing the conviction to be sustainable, the prisoner has already undergone a sufficient punishment and they therefor resolve to direct that he be at

at once released.-

/ Sentence No. /

Read Miscellaneous Petition presented on the 20th Ultimo by S. Tirooneela Charry Pleader on behalf of Rungiah of Zillah Bellary.

/ Here enter J. Dr. P. No. 13 of 1858. /

Petitioner seeks the interference of the Foujdaree Udalut to cancel the sentence passed by the Sessions Judge in Case No. 72 of 1857, adjudging the Petitioner to find 2 securities in 100 Rupees each for his good behaviour for the period of one year Commutable in default to imprisonment for that period.- Mr. C. R. Baynes

2. The Foujdaree Udalut are of opinion that on the Sessions Judge's own showing, no sufficient grounds exist for the requisition of security from the 3d Prisoner, Rungiah. and they therefore direct that the order made for his furnishing the same be discharged.-

/ Sentence No. /

Read Miscellaneous Petition presented on the 7th Ultimo by Mookteyar Vakeel on behalf of Venkata Soobbyer of Zillah Chittoor

/ Here enter J. Dr. P. No. 9 of 1858 /

Petitioner

1. Petitioner appeals from the sentence passed by the Sessions Judge in Case No 59 of 1857 in which he is prisoner.

2. The Petitioner in this case having been convicted of perjury, his punishment has already been reduced by the Foujdaree Adalut to six months imprisonment. He now prays for a total remission. The Foujdaree Adalut are of opinion that no grounds whatever exist for a compliance with this request.

Read again Calendar of Case No 3 of 1858 of the Sessions Court of Salem.

/Here enter F. A. No 202 of 1858/

Read also letter dated 9th instant from the Acting Sessions Judge of Salem, forwarding the Tamil record in the above case.

/Here enter F. A. P. No 293 of 1858/

On reference to the Record in this case the Court of Foujdaree Adalut find that the Prosecutor describes himself as being in his house and hearing a noise, eight persons removing the Tatty which closed the entrance to his yard, and states that seeing them enter he concluded they were thieves, and

and so getting away outside unobserved by them, raised an alarm which directly brought the 1st and 2d witnesses and other neighbours to his aid. Under these circumstances it was natural that the parties inside, finding themselves discovered, should determine "to run for it," without taking any property with them; and the Court see no reason for doubting the statement of the Prosecutor and witnesses that they did so, and that one was overtaken and apprehended after a short chase of about 100 yards. The Court of Foujdaree Adalut agree in the propriety of the conviction and sentence thereon, and direct that the record be returned to the Sessions Judge.

/Sentence/

Read criminal Reports for the Months of January 1858 submitted by the Sessions Judge of Chittoor.

/Here enter F. A. No 288 of 1858/

Nos 6 and 8.

The attention of the Court of Foujdaree Adalut having been attracted to the apparent severity of the sentences in Nos 6 and 8 of 1858 desire that they may be perused by the Sessions Judge.

Judge with reference to the value and nature of the articles stolen and the severe corporal punishment which forms part of the sentence.

2. It is true that the 1st Prisoner in No 8 was convicted of a serious offence in 1833 which he has expiated by 14 years imprisonment but the Court would observe that the present offence is relative to the former and has been committed ten years after the expiration of this punishment and probably under the pressure of severe distress.-

3. The Heading in this case should have been "Forgery."

/ Sentence No 1 /s

Ed 18th C. J. C. Chamier

F. No.

Friday 19th February 1858.

At a Court of the Foujdaree Udalut

Present

G. S. Hooper, Esquire
J. L. Strange, Esquire
C. R. Baynes, Esquire
} Puisne Judges

No 6

Read Extract from the Minutes of Consultation under date the 30th January 1858.

(Here enter F. No. No 225 of 1858)

1 The above proceedings of the Government contain the particulars of a case of abuse of authority, disposed of by the Acting Magistrate of Masulipatam, and reported to the Government under their orders dated the 10th June 1856 No

2 The Government remark — that they fail to see any abuse of authority or irregularity on the part of the Moonsiff, and they accordingly suggest that the Foujdaree Udalut should call for the record of the case, and dispose of

of it; and the Government take the oppor-
tunity of explaining to the Foujdaree
Udalut that their orders of the 10th June
1856, &c., were not intended in any
way to interfere with the review, by
the latter, of cases of abuse of auth-
rity in the magistrate's Calendars.

3 With respect to the last
remark, the Judges observe that they
never supposed the orders in question
to be intended to interfere with their
proper and ordinary duties, as defined
by the legislature. With the view,
however, of promoting the same ends
as those the Government have in view,
the Judges resolve to issue instructions
to the Sessions Judges to transmit to
the Foujdaree Udalut, accompanied
with their own observations, special
reports in all cases of Torture properly so termed, and to draw the attention
of the Judges to any cases of abuse
of authority of the more ordinary
description appearing in the usual

abstract periodical returns.

4 In regard to the particular
case under consideration, the Judges
find that they have sufficient inform-
ation on the face of the Acting Magis-
trate's decision to enable them to pass
orders thereon, as the facts are not
disputed, the defendant simply plead-
ing, as found upon his trial that he
acted as he did, from timidity and
ignorance, and not from any malicious
feeling towards the prosecutor. A
copy of the remarks recorded by the Judges
will be forwarded with these proceedings
for the information of the Government.

(Sent in No)

Read again abstract Report
of case No. 13 of 1857 on the file of the
Acting Magistrate of Masulipatam, in
which Nookala Venkiah, Village Mun-
siff of Motoor, stands convicted of "abuse
of authority" in having, without sufficient
reason, placed handcuffs on parties
whom

whom, in the execution of his duty, he was forwarding to the Head of Police, and has been fined Rupees five under Clause 2, Section III, Regulation III, of 1819.

(Here Enter F. No. 248 of 1858)

Read also Full report of the same case, as submitted by the Acting Magistrate to the Government on the 9th January 1858.

(Here Enter F. No. 225 of 1858)

The Foujdaree Udalut observe that although a person of more reso-lution, experience, and judgment, might have acted differently, and although the conduct of the complain-ing parties may not have been such as strictly to justify the measure adopted by the Moonsiff, yet that in the proved and declared absence of all intentional fault on his part, he ought not to have been found guilty of such "abuse" of authority as is evidently contemplated by the regulation under which he has

been sentenced; and they therefore resolve to direct that the fine, if levied, be refunded to him.

(Sent in No.)

Circular.

To enable the Court of Fouj-daree Udalut to exercise a closer super-vision over the proceedings of the inferior tribunals, in the investiga-tion and disposal of charges of abuse of authority against the native officials, the Judges direct that a <u>special report</u>, in the Form A, be forwarded to them, accompanied with the observations of the Sessions Judge thereon in all cases of <u>Torture</u>, i. e. where the defendants, being public officers, are accused of em-ploying personal violence or ill-treatment in the course of their Official duties; and, further, that the attention of the Judges be particularly drawn to every case of abuse of authority appearing in the monthly

criminal

19th February 1858.

criminal reports, and quarterly returns of the Magistracy; all which should, in the first instance, be carefully reviewed by the Session Judge, and his opinion thereon recorded.

(Sent in No.) to
Ed. Gaz.

C. Chamier

J. U.

Saturday 20th February 1858.

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esqre
T. L. Strange Esqre
C. R. Baynes Esqre
} Puisne Judges.

Read letter dated the 10th instant, from the Session Judge of Mangalore, forwarding English translation of the record of case No. 29 of 1857 on the Calendar of the Session Court, for the final judgment of the Court of Foujdaree Udalut.

/ Here enter F. U. No. 330 of 1858 /

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 prisoners

4th Bayas Ayta
5th Comaroo
7th Curtha

and

8th Ananay

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confession

confession, of the crime charged, do acquit them thereof, and direct that they be set at liberty.-

(Sent in No)

Read letter, dated the 11th instant, from the Sessions Judge of Masulipatam.-

(Here enter F.M. No. 333 of 1858)

The Sessions Judge, referring to this Court's proceedings of the 5th instant, states that another case, of a similar nature to No. 93 of 1857, has come before him, in which a person charges his own mother and sister with fraudulently misappropriating his property; and enquires whether such amounts to a criminal offence.-

2 The Sessions Judge adds that, before the Court, the complainant acknowledges that a portion of the property had been acquired by his mother, and that she may have removed it from his control for their mutual benefit.-

3 The Court of Fonjdaree Udalut observe that there is nothing in the bare relationship of these parties to render a charge of theft unsustainable. It is the judge's duty to determine whether a theft has been committed,

that

that is, whether there has been a wrongful taking and carrying away of the personal property of another, with a felonious intent to convert it to the taker's own use, without the consent of the owner. This is a point which, looking to the admissions made by the complainant before the Court, would not appear to present much difficulty.-

(Sent in No)

Read letter dated the 9th instant, from the Acting Sessions Judge of Tinnevelly, forwarding English translation of the record of Case No. 72 of 1857 on the Calendar of the Sessions Court, for the final judgment of the Court of Fonjdaree Udalut.-

(Here enter F.M. No. 319 of 1858)

M.C.R. Baynes.

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

1st Peroomal, son of Boothyen

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

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. /

Exd Sda.

20th February 1858.

F. U.

Monday 22d February 1858. At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esqre. — Puisne Judges.
T. L. Strange Esqre. —
C. R. Baynes Esqre. —

Read again Miscellaneous—

Petition presented on the 11th December 1857, by Mr. H. B. Saunders, Pleader on behalf of Moottia Naiken alias Vounapa Naiken, of Zillah Chingleput.

/ Here enter F. M. P. No. 250 of 1857 /

Read also return, dated the 17th February, from the Sessions Judge of Chingleput, to the precept of the Foujdaree Udalut under date the 11th February 1858, calling upon him to recommend, should he feel able, on a reconsideration of the record, a mitigation to two years' imprisonment of the sentence recorded by him in Case No. 4 of 1857 on the Chingleput Calendar.—

/ Here enter F. U. No. 344 of 1858 /

Mr. C. R. Baynes.

The Court of Foujdaree Udalut agree to the mitigation, to two years, as recommended.

recommended by the Sessions Judge.— 22d. February 1858

/ Sent in No. /

Read Criminal Reports for the month of January 1858, submitted by the Sessions Judge of Trichinopoly.—

/ Here enter F. No. 326 of 1858. /

A party making away with, or feloniously appropriating property entrusted to his care for conveyance from one place to another, should be charged with 'Theft' and not with 'Breach of Trust' Case No. 5

/ Sent in No. /

Read Petty Calendars of the Magistracy for the fourth Quarter of 1857, submitted by the Moofty Sudder Ameen in charge of the Session Court of Chicacole.—

/ Here enter F. No. 318 of 1858 /

The charge is defective, as it does not allege that the Bullock was stolen, or that the Prisoner had it in possession knowing it to have been stolen. If the offence was proved, the sentence is most inadequate.— Magistrate of Ganjam No. 11.—35.

/ Sent in No. /

C. & C.

E. Hall.

F. 96

Tuesday 23d February 1858. At a Court of the Foujdaree Udalut

Present

G. L. Hooper Esq^re
T. Lp. Strange Esq^re
C. R. Baynes Esq^re
} Puisne Judges

Read Criminal reports for the month of January 1858, submitted by the Session Judge of Masulipatam.—

/ Here enter F. No. 339 of 1858 /

In this case the prisoner was

A Report No. 2 of 1858.— indicted for a "breach of the revenue laws," and on conviction sentenced to pay a fine of 15 Rupees or in default to be imprisoned for 3 months under Clause I, Section IV, Regulation V of 1831.— the acts alleged clearly constituted the crime of "Theft" as pointed out by the Session Judge; but his proper course, instead of directing the record to be amended by the substitution of "Theft" in the conviction, and the quotation of a regulation applicable thereto, would have been to annul the finding, and sentence thereon, as erroneous and illegal, and to declare that the prisoners not having been convicted by the evidence of the offence with which they stood charged

charged, were entitled to their acquittal.— 23d. February 1858

2 The Foujdaree Udalut observe also that in amending the record as directed, the Sudder Ameen has entirely changed the nature and enhanced the extent of the punishment originally awarded, which could not, under any circumstances, have ban admitted, and they therefore resolve to annul the sentence in question, and to direct that the prisoners be immediately released.—

Ordered that Extract from these proceedings be forwarded to the Session Judge of Masulipatam by precept returnable in 3 days from and after its receipt.—

(Sent following precept— No.)

Read Criminal Reports for the month of January 1858, submitted by the Acting Sessions Judge of Madura.—

(Here enter F. C. No. 313 of 1858)

In the cases noted in the margin, all of which are of the same description, the Court observe a great inequality in the sentences awarded, and request the Sessions Judge to explain its cause.—

No.	133
"	135
"	136
"	3
"	11

Ordered that Extract from these proceedings

23d. February 1858 proceedings be forwarded to the Sessions Judge of Madura by precept returnable in V days from and its receipt.—

(Sent following precept— No.)

Read return to the Extract from proceedings of Foujdaree Udalut under date — February 11th, from the Sessions Judge of Combaconum dated February 17th 1858.—

(Here enter F. C. No. 343 of 1858)

1 The Court of Foujdaree Udalut do not consider that the explanation submitted by the Session Judge, removes the defects in the Magistrate's orders pointed out in the Courts proceedings of the 11th of February.—

2 The party, it is stated, was tried, convicted, and sentenced for a breach of the peace, and the Assistant Magistrate might in addition to such sentence have called on him for security to keep the peace, but he should not have assumed because of this conviction of a breach of the peace that he was a "bad character" and sentenced him on that account, without, as it would appear, taking any evidence on the point as provided by Section VI Regulation VI of 1827.

The

The Court therefore direct that the pri- 23rd February 1858.

3.

soner, if still in confinement, be at once released.—

Sent in No.

No report having been received from the Acting Agent at Ganjam of the execution of the sentences of death passed by the Court of Fouzdaree Udalut on the prisoners noted in the margin, the Court of Fouzdaree Udalut resolve to call upon the Acting Agent to submit the same, or to report the cause of delay in carrying the sentences into execution.—

Case No 10
1st Raghunada Majee
2nd Bikrita Barjee
Case No 37
1st Radhacoorta
Dundasee

Ordered that Extract from these pro-
ceedings be sent to the Acting Agent at Ganjam,
by precept returnable within V days from and
after its receipt.—

(Sent following precept No 15
Ex Dak.

C. C. Clarke

F. No.

Wednesday 24th February 1858.

At a Court of the Fouzdaree Udalut

Present

G. L. Cooper, Esquire
T. L. Strange, Esquire
C. R. Baynes, Esquire
} Puisne Judges

Read Calendar of Case.—

No 7 of 1858 on the file of the Sessions Court of Coimbatore.—

(Here Enter F. No. No 373 of 1858)

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.—

1st Ramon (3) Three years.

(Sent in No.)

Read, again Calendar in case No 3 of 1858 of the Sessions Court of Cuddalore.—

(Here Enter F. No. No 1143 of 1858)

Read

Read also again return
dated 4th instant, from the Acting
Session Judge of Cuddalore, to the
precept of the Foujdaree Udalut under
date the 1st idem, calling upon him
for certain explanation in the above
case.—

(Here Inter F.C. No. 349 of 1858.)

Read also return dated 17th
instant, from the Acting Sessions Judge
of Cuddalore, to the precept of the Fouj-
=daree Udalut under date the 11th idem,
calling for further explanation in
the above case.—

(Here Inter F.C. No. 334 of 1858)

1 With reference to the conclu-
=ding remark in para 2 of the Acting
Sessions Judge's return dated the 17th
Instant, the Court of Foujdaree Udalut
are of opinion that the evidence of the
prosecutor was quite sufficient in law
to prove the mode in which entry must
have been effected, if there was nothing
to lead to his statements being mistrusted.

2 They observe that in
para 3 of the said return the Acting
Sessions Judge certifies that he con-
victed the prisoner of theft alone,
which is apparently in contradic-
tion to his return to the Court's
precept of the 4th instant, which
described the conviction to have been
of housebreaking, and that para 4,
of his present return, in contradic-
tion of the previous para, again
shows housebreaking to have been
proved.—

3 These contradictions are
most unsatisfactory, and they resolve
to call upon the Acting Session
Judge for a clear and explicit
declaration of the nature of the
conviction of the prisoner, and the
grounds thereof.—

Ordered that Extract from
these Proceedings be forwarded to the
Acting Session Judge of Cuddalore
by

by Precept returnable within III days from and after its receipt.—

(Sent following Precept No)—

Exd Clk.

C. S. C.

24th February 1858

No 86

Thursday— 25th February 1858 — At a Court of the Foujdaree Udalut.

Present.

G. A. Hooper Esquire,
T. Lo. Strange Esquire,
C. R. Baynes Esquire,
} Puisne Judges

Read letter dated 13th February 1858, from the Session Judge of Calicut, submitting for the final judgment of the Foujdaree Udalut the record of Case No 5 of 1858 on the Calendar of the Session of Court.

[Here enter No 86 — No 377 of 1858.]

Mr. 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 prisoners

1st Schathomkolungare Karoopan
and
2d Tien Pisharatil Pinhen

is sufficient to convict them of the crime of robbery by open violence, do convict them thereof, and under the provisions of Clauses 3d and 5th, Section IV, Regulation XV of 1803, & Clause

Clause 2d, Section VI, Regulation I of 1816 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 (10) Ten years.

/Sent in No /

Read Miscellaneous Petition presented on the 25th ultimo, by Ambalavanachetty, of zillah Chingleput.

/Here enter T. M. P. No 15 of 1858/

1. Petitioner appeals from the sentence of acquittal passed in Case No 28 of 1857 on the file of the Session Court of Chingleput.

Mr Strange

2. The Court of Foujdaree Adalut resolve to reject this Petition, having no authority to interfere with the sentence objected to.-

Read Miscellaneous Petition presented on the 7th December 1857 by V. Sadagopa Charlu, Pleader on behalf of Tillayrayagoun Pillay for himself and on behalf of his ward Seetaramen Pun-daram, of zillah Madura.

/Here enter T. M. P. No 7 of 1858/

This

Mr Strange

1. This is an appeal from the order of the Session Judge under date the 3d September 1857, modifying the one passed by the Acting Head Assistant Magistrate on the 9th June last, and directing that a fine of 20 Rupees be imposed upon the Petitioner for assault.

2. The Court resolve to cancel the sentence passed upon Petitioners and to direct that the fines paid by them be refunded, it appearing from the orders passed in the case that there is no evidence that petitioners instigated the assault.

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

/Sent following precept No /

Read Criminal Reports for the months of January 1858, submitted by the Session Judge of Calicut.

/Here enter T. M. No 363 of 1858/

Acting Magistrate No 1

The offence with which the prisoners

prisoners were charged was of a very serious nature, and deserving of severe punishment. The case should have been committed, but as the sentence has been already passed, the Court do not consider it necessary to disturb it.

/Sentence No /

Read Miscellaneous Petition presented on the 14th ultimo, by V. Sadagopa Chary, Pleader on behalf of Nattovadan, of Zillah Madura.

/Here enter F. M. P. No 11 of 1858/

1. This is an appeal from the sentence passed upon the Petitioner in Case No 29 of 1857 on the file of the Session Court of Madura.

Messrs Harper and Strange

2. Before finally disposing of the Petition, the Court of Foujdaree Udalut resolve to call upon the Acting Session Judge to report what brought the case within the jurisdiction of the Court, the property wherein the robbery occurred appearing to be within the territories of the Rajah of Travancore.

Ordered, that Extract from

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 /

Ex. Call.

C. S. Chamier

Friday

26th February 1858 At a Court of the Fouzdaree Udalut.

F. U.

Present.

G. S. Hooper Esquire
J. L Strange Esquire
C. R. Baynes Esquire
} Puisne Judges.

Read return dated the 20th February from the Sessions Judge of Cuddapah to the precept of the Fouzdaree Udalut under date the 13th February 1858, submitting the Calendar in Case Nº 57 of the Sessions Court for 1857.

/Vide puter F. U. Nº 385 of 1858/

1. In forwarding the above Calendar, the Sessions Judge requests permission to send up the whole original record with the translation of only such portion as more immediately refers to the 1st and 2d Prisoners, respecting whom alone the case is set down for reference to this Court.-

2. The Court of Fouzdaree Udalut desire to have the whole record translated, except such papers as the Sessions Judge may

may be able to certify have no bearing on the merits of the Case as regards the acts of any of the prisoners.

/ Sent in No. /

Read again Calendar of Case No 1 of 1858 on the file of the Sessions Court of Tinnevelly

/ Here enter S. C. No 253 of 1858. /

Read also petition dated 17th February 1858 from the Acting Sessions Judge of Tinnevelly, explaining the grounds of distinction in the cases of the 7th 8th 9th 12th and 15th prisoners, which have prevented his releasing them unconditionally as he desires in the above Calendar.

/ Here enter S. C. No 364 of 1858 /

The Court of Foujdaree Udalut observe that the explanation of the Acting Sessions Judge in no way justifies the perquisition of security from these prisoners. The evidence brought against them has been rejected as untrustworthy, and the Court consider them therefore entitled to be released unconditionally equally with the other prisoners

to be released. The Court accordingly direct that they be discharged.

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

/ Sent following precept No. /

Read Calendar in Case No 1 of 1858 on the file of the Sessions Court of Kuddapah.

/ Here enter S. C. No 387 of 1858. /

The Court of Foujdaree Udalut see no reason for doubting the truth of the statements originally made by the 6th and 7th Prisoners attended as they were by so much corroborating evidence both oral and circumstantial, and they regret that both the subordinate and Sessions Judges did not further exert themselves to procure evidence in regard to this cruel and atrocious murder, of which there was so much reason to believe the Prisoners guilty, and they might very properly have had recourse to removing any fear which may have led the 6th and 7th Prisoners to retract their testimony by

by the offer of pardon, if they would disclose all they know.

/Sent in No

Read Calendar of case No 7 of 1858 on the file of the Sessions Court of Chingleput.

/Herewith F. R. No 361 of 1858/

It herein recommended, the Court of Foujdaree Udalut resolve to authorize the Sessions Judge to issue his warrant for the imprisonment of the prisoners for the period specified in the margin as mitigation of the sentence passed upon them in the said Case.

Can Ramayya 2 Pauper 10 years

/Sent in No

Rd 18.2.

/-

C. Chamier

21 February 1858

FR 6.

Saturday 27th February 1858

At a Court of the Foujdaree Udalut

Present

G. A. Cooper, Esquire
T. Le. Strange, Esquire
C. R. Baynes, Esquire
} Puisne Judges

Read Calendar of Case No 1 of 1858, submitted by the Sessions Judge of Canara.—

/Herewith F. R. No 370 of 1858/

The Court of Foujdaree Udalut do not consider that this is a case in which the Magistrate would be justified in demanding security from the 1st Prisoner for keeping the peace, and are therefore of opinion that the Sessions Judge was wrong in suggesting that course in his sentence.—

/Sent in No /

Read Calendar of Case No 9 of 1858 on the file of the Sessions Court of Nellore.—

/Herewith F. R. No 394 of 1858/

As

F. No.

Monday— 1st March 1858. At a Court of the Foujdaree Udalut.

Present

G. A. Hooper Esquire,
J. Le. Strange Esquire,
C. R. Baynes Esquire,
} Puisne Judges

Read Calendar of Case
No. 4 of 1858, on the file of the Session
Court of Salem.

(Here enter F. No. No. 388 of 1858)

As herein recommended,
the Court of Foujdaree 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 No.)

Read Calendar of Case
No. 10 of 1858, on the file of the Session
Court of Coimbatore.

(Here enter F. No. No. 403 of 1858)

As herein recommended,
the

x Cavacheroma
Seven years

2nd February 1858

As herein recommended, the
Court of Foujdaree Udalut resolve
to authorize the Session Judge to
issue his warrant for the imprison-
ment of the prisoners for the period
specified in the margin, in mitiga-
tion of the sentence passed
upon them in the said Case.

(Sent in No.)

Read Calendar of
Case No. 12 of 1858 on the file
of the Session Court of
Cuddalore.—

(Here Enter F. No. No. 396 of 1858)

As herein recommended,
the Court of Foujdaree Udalut
resolve to authorize the Acting 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 No.)

C. S. Chamier

x Atharazu
Viraraghavulu
2 Conoraze
Mahalakshmi
Lemma.

Four years.

x Chinnapilly
Naiken

Ten years.

Ex Bill.

the Court of Foujdaree 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.

Ex. Hall.

/ Sent in. /

/ s /

C. Chamier

F. Mc.

Tuesday —
2d. March 1858.

At a Court of the Foujdaree Udalut.

Present

G. A. Hooper Esquire, —
J. Sc. Strange Esquire, —
C. R. Baynes Esquire, —
} Puisne Judges.

Read the Criminal Returns submitted by the Session Judge of Trichinopoly, for the year 1857.

/ Here enter F. Mc. No. 254 of 1858. /

Statement No. 2.

1. The Court of Foujdaree Udalut observe that the number of Persons entered in Column 3 under the foot note No. 45, Viz: 31, does not correspond with the number of Persons entered under head. No. 45 (16).

2. The entry in Column 3 of the foot Note No. 50, Viz: 221, does not tally with that under head. No. 50 (236).

Statement shewing the cases involving danger to person or property.

3. The 2 cases of Perjury entered in Column 10 of the statement No. 3 B, should be entered in Column 38 of this statement.

The

4.

2d March 1858

Compilation Abstract shewing Petty Offences and Misdemeanors

The Session Judge will be pleased to append to this abstract a review shewing the state of crime and causes which have influenced it, as required in para 6 of this Court's letter under date the 1st April 1853.

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

/Sent following precept. No /

Read letter, dated the 28th ultimo, from the Acting Joint Magistrate of Madura.

/Here enter Fle. No 419 of 1858./

1. The Acting Joint Magistrate reports that two daring gangs of robberies have recently been committed within the limits of his division in one of which the parties robbed were treated with great cruelty and recommends the offer of a higher reward, than he has power to sanction, for the apprehension of the offenders

2. The Court of Foujdaree Adalut

2d March 1858.

Adalut resolve to authorize the Acting Joint Magistrate to offer a reward of Rupees 300 for the leader, and Rupees 50 for the other members of the gang, by whom the robbery, attended with aggravating circumstances, was committed. In the other case the Court sanction the reward already offered, being raised to Rupees 150 for the leader, and Rupees 50 for each of the inferior offenders.

The Court observe that

3.

this application should have been made to them through the Magistrate of the Zillah.

/Sent two. No /

Read Miscellaneous Petition presented on the 25th January 1858, by Vattanna Mootoo Chetty, of Zillah Salem.

/Here enter F. Mc. P. No 16 of 1858./

This is a petition for review

Messrs Strange & Bayne

1 of this Court's orders under date the 14th December 1857

The Court of Foujdaree Adalut

2.

Udalut see no reason to reconsider the orders in question, and accordingly reject this petition. 2d March 1858

Read Miscellaneous Petition received on the 26th January 1858, thro' the Session Judge of Bellary, on behalf of Boyalinga and 4 others, of that Zillah.

/Here enter F. Mc. P. No. 17 of 1858/

1. This is an appeal from the sentence passed by the Session Judge in case No. 76 of 1857, adjudging the Prisoners, (Petitioners) to 4 years' imprisonment with hard labor in irons. Messrs Strange and Baynes

2. Before finally disposing of this petition, the Foujdaree Udalut resolve to call on the Session Judge to submit the first document in which the names of the Prisoners are mentioned, as well as all preceding reports by the village Moonsiff, Police Officers or others, and also to certify whether the 1st witness deposed before the Police and Subordinate Court that he mentioned the names of the

F.M.C.

2d March 1858.

the Prisoners immediately.

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

/Sent following precept No /

Read Miscellaneous Petition presented on the 18th January 1858, by Mooktyar Vakeel, on behalf of Runnesspah, of Zillah Chittoor.

/Here enter F. Mc. P. No. 21 of 1858/

This is an application for a review of the sentence passed by this Court in Cases Nos. 67 and 68 of 1857 on the file of the Session Court of Chittoor. Messrs Strange and Baynes

This Petition is rejected, 2. no sufficient grounds for mistrusting the sentence passed in the case appearing.

Read Miscellaneous Petition presented on the 5th ultimo, by Venkatee, of Zillah Chittoor.

/Here enter F. Mc. P. No. 23 of 1858/

This

2d. March 1858.

Messrs Strange and Baynes

1. This is an application for the release of Dasyadoo, Prisoner in Case No. 18 of 1854 on the file of the Session Court of Chittoor.

2. The Court of Foujdaree Udalut see no reason to interfere in the case, and accordingly resolve to reject the Petition.

Read Miscellaneous Petition presented on the 25th January 1858, by Bateriddy Chinna Ramoodoo, of zillah Nellore.

/Here enter F. Mc. P. No. 17 of 1858/

1. Petitioner appeals from the sentence passed by the Session Judge in Case No. 11 of 1857, directing him to find two securities at 15 Rupees each for one year, and in default, to be imprisoned for that period, and prays the Court, for reasons set out in the petition, to cancel the said sentence, and order his restoration to the office of Peon from which he has been dismissed.

2. The Court of Foujdaree Udalut

2d. March 1858.

Messrs Strange and Baynes

Udalut consider the grounds set forth for requiring security from the 4th. accd prisoner to be insufficient, and resolve therefore to cancel the order to the above effect.

3. The Court of Foujdaree Udalut have no authority to restore petitioner to his appointment.

Ordered, that Extract from these proceedings, be sent to the Session Judge of Nellore, by precept returnable within 11 days from and after its receipt.

/And following precept No. /

Read Calendar of Case No. 5 of 1858, on the file of the Session Court of Nellore.

/Here enter F. Mc. No. 350 of 1858/

1. Mchalla Sakhinyaga.
2. Papadi Satcha Reddy.
3. Do. Ramireddy.
5. Yekalla Sakhinyadu.

(10) Ten years

In 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

2d March 1858.

tion of the sentence passed upon them in the said case.

2. The Session Judge having rejected the evidence brought against the 4th, 7th and 8th Prisoners, the Court of Foujdaree Udalut are of opinion that nothing remains to warrant requisition of security from them, and they accordingly direct that the security be cancelled and the Prisoners unconditionally released.

/Sent in No. /

Read Calendar in Case No. 10 of 1858, submitted by the Acting Session Judge of Madura.

/Here enter F. Rs. No. 382 of 1858./

1. As there was wounding in this case, the Court do not consider that the mitigated sentence of 4 years' imprisonment, proposed by the Acting Session Judge to be passed upon the 1st Prisoner, will be sufficient to meet the ends of justice; and they direct that he be sentenced to (7) seven years' imprisonment with hard labor in irons.

With

F. Rs.
2d March 1858.

With respect to the rest
2. of the Prisoners, the Court of Foujdaree Udalut observe that, as the evidence against them has not been accepted, there is nothing remaining to warrant requisition of security from them, and the Court accordingly direct their unconditional release.

/Sent in No. /

Read Calendar of Case No. 8 of 1858, on the file of the Session Court of Vellore.

/Here enter F. Rs. No. 393 of 1858/

As herein recommended,
1. the Court of Foujdaree 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.

2. Ms. Ramaswami — Four years

The Court desire to be informed what the grounds of suspicion are against the 2d prisoner.

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

Judge of Vellore, by precept, returnable within III days from and after its receipt.

/Sent following precept No. /

Read letter dated 18th ultimo, from the Session Judge of Honore, submitting for the final judgment of the Foujdaree Udalut, the Record of trial in Case No. 22 of 1857 of the Calendar of the Session Court.

/Here enter F. Ua. No. 105 of 1858/

The prisoners in this case having been convicted and sentenced in Case No. 21, the Court of Foujdaree Udalut consider it unnecessary to enter upon the present case.

/Sent in. No. /

Read letter dated 15th February 1858, from the Session Judge of Honore, submitting for the final judgment of the Foujdaree Udalut the record of Case No. 21 of 1857 on the Calendar of the Session Court.

/Here enter F. Ua. No. 106 of 1858/

The Court of Foujdaree Udalut, on a deliberate consideration of

Mess. Morris and Boyd

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

1st Siddy Fackeera
2d Siddy Paulee
3d Siddy Musnea
4th Siddy Purshea
5th Siddy Hongnea alias Bastian
6th Murutty Mullapa
and
9th Cudum Bhurmea

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 the prisoners,

1st Siddy Fackeera
and
9th Cudum Bhurmea

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

But being of opinion under the circumstances of the case, that the punishment to which the prisoners,

2d Siddy Paulee
3d Siddy Musnea
4th Siddy Purshea

5th

2d March 1858

6th Tiddy Hongnen alias Bastian
and
8th Murally Mallapa

are liable under the provisions of the Regu-
lation above quoted would in this instance
be too severe, the Court, under the provisions
of Clause third, Section III, Regulation I of
1825, sentence them to be transported to such
place or places beyond sea as the Governor
in Council shall appoint, there to be im-
prisoned and kept to hard labor on the
public roads or other public works, for
and during the period of their natural
lives.

And further being of opinion
that the proof against the prisoners,
6th Mudinulli Pachura
and
7th Hervanna
is sufficient to convict them of the crime
of having belonged to a gang of robbers or
originized to plunder, do convict them a
thereof and under the provisions of Act XI
of 1845 sentence them to be imprisoned and
kept to hard labor in irons on the pub-
lic roads or other public works, for,

2. 2d March 1858.

and during the period of (7) seven years.

/Sent in No. /

Read letter dated 24th Ult. from
bruary 1858, from the Acting Session Judge
of Cuddalore, submitting for the final or
judgement of the Foujdaree Adalut the
record of Case No. 8 of 1858 on the Calen-
dar of the Session Court.

/Here enter F. Ma. No. 415 of 1858/

The Court of Foujdaree
Mr. Cooper
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 Iyengoolly
2d Alamaloo

is sufficient to convict them of an aggra-
vated assault, do convict them thereof,
and under the provisions of Clause third,
Section VII, Regulation XV of 1803, and
Section XXXIV, Act VIII of 1843 sentence
the prisoner,

1st Iyengoolly

to be imprisoned and kept to hard or
labor in irons on the public roads or
other

other public works until the 30th April 1858.

2d March 1858

and that he do pay a fine of Rupees 30 —
and direct that the same be paid to the
Prosecutrix. But being of opinion that
the imprisonment already undergone
by the Prisoner,

2d. Hamulee

is sufficient for the part she had —
taken in the assault, the Court direct
that she be released.

Sent in No. /

Ex Dak.

F. No

Wednesday A Court of the Fouzdaree Adalut.
3 d March 1858. Present

G. L. Cooper, Esquire
T. Le. Strange, Esquire } Puisne Judges.
C. R. Baynes, Esquire

Read Petty Calendars
of the Magistracy for the 4th Quater
of 1857 submitted by the Sessions
Judge of Nellore.
(Have entered F. No. 383 of 1858)

Calendar I 1. As the false complaint
57 - 8 was of "abuse of authority", which
is not punishable under Section XXXII
Regulation IX of 1816, the party pre-
ferring it could not be punished
under Section XXXV of the same
Regulation, and the fine must be
returned.

Calendar II 2. The same remark applies
71 - 76 in his case (the offence falsely
charged not being punishable
under Section XXXIII, Regulation IX of 1816)
and

and the fine must be returned.

3 The prisoner not being charged with being a vagrant or suspicious character, could not be sentenced to find security, and the sentence must be cancelled.

Calendar III No. 2.50

(Sent in No)

Read Criminal reports for the month of January 1858, submitted by the Sessions Judge of Honore.—

(Here enter F. Dc. No. 400 of 1858)

The sentence is most inadequate; unless the injury inflicted was very slight (in which case this should have appeared in the sentence) the case should have been committed.

Under Sec. 323 Act No. 1

2 There being no such head as "wounding" in the list of crimes and offences, the case should have been entered under the heading of assault.

(Sent in No)

Read letter dated the 1st

January 1858, from the Acting Sessions Judge of Salem, forwarding English translation of the Record of Case No. 57 of 1857 on the Calendar of the Session Court, for the final judgement of the Court of Foujdaree Udalut.—

(Here enter F. Dc. No. 416 of 1858)

The Court of Foujdaree—

Mr. C. R. Baynes

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 Setahury;

is sufficient to convict her of having been found in possession of property with a guilty knowledge of its having been acquired by theft, do convict her thereof, and under the provisions of Clause second, Section IV, Regulation XII of 1822, and Section XXXIII, Act VII of 1843, sentence her to be imprisoned and kept to labor

suitable

3d March 1858.

suitable to her sex for and during
the period of (1) one year.—

(Sent in No.) to
Ex Agt.

C.S. Chamier

F. No.

Thursday 4th March 1858 } At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esqr.
J. Lb. Strange Esqr. } Puisné Judges
C. R. Baynes Esqr.

Read letter dated the 26th ultimo from the Sessions Judge of Tonbaconum
(Here enter F. No. 1234 of 1858)

The Sessions Judge states,

1.

in reference to the proceedings of this Court dated the 5th Ultimo, that he has learnt from the Magistrate that the 1st witness in the Case in question, has left no widow: and the Sessions Judge accordingly recommends that the reward of Rupees 30 may be disbursed to deceased's daughters, who are said to be under the guardianship of one Mootien, their uncle.—

2 The Court of Foujdaree Udalut resolve to comply with the Sessions Judge's recommendations, and request that, in communication with the Magistrate, he will take such

precautions

precautions as may be practicable, for ensuring that the money is applied to the use of the orphans

(Sentence Nil)

Read letter dated 24th Ultimo from the Magistrate of Rajahmundry

(Here enter F. Ho. No. 130 of 1838)

1 On the 20th of October last the Tanjore Adalut sanctioned the offer of certain rewards for the apprehension of six petty chiefs, who had by open violence plundered certain villages, and committed other offences within the limits of the joint Magistrate's jurisdiction.

2 The Magistrate now reports that the offenders in question are still at large and are keeping Kaatians from the people in the vicinity; that they are in fact in a state of rebellion: and he accordingly recommends that the authority of the Government may be obtained for increasing the rewards offered for the apprehension of the two principal offenders to Rupees 2500 & 1000 respectively.

3 The Court of Tanjore Adalut observe that, since the date of their previous orders, the case appears to have grown beyond the dimensions which such measures as those hitherto adopted can satisfactorily deal with; and to have become matter for the original action of the Government, rather than for any recommendation on their part; and the Court accordingly, resolve to submit the correspondence for the consideration and orders of the Government.

To The Chief Secretary to Government

" Magistrate of Rajahmundry

(Sentence Nil) ss

E. R. D.

C. S. Chamier

J. U.

Friday 5th March 1858

At a Court of the Foujdary Udalut

Present:

G. I. Hooper Esqr. 1st
J. L. Strange Esqr. 2nd } Puisne Judges.
C. R. Baynes Esqr. 3rd

Read letter dated the 19th December 1857, from the acting Sessions Judge of Chittoor.

/Here enter J. U. No. 24 of 1857/

Read also letter dated the 2nd February 1858, from the same officer.

/Here enter J. U. No. 223 of 1858/

1. In the first of the above communications, the acting Sessions Judge brings to the notice of the Foujdaree Udalut the conduct of the Police Ameen of Vencatagiree called in connection with a Case of robbery, committed for trial before the Commissioner.

2. He is reported not only to have evinced culpable neglect and ignorance of his duty, but also to have been guilty of fraudulently

fraudulently altering the dates of certain depositions; and is accordingly considered by the Sessions Judge to be unfit for the office of Police Ameen.

5th March 1858.

3. In the second of the letters above recorded, a communication from the Magistrate is enclosed, in which that officer expresses his concurrence in the opinion formed by the Sessions Judge of Goolam Moorteyah's conduct, and states that he has already suspended him, in anticipation of his ultimate dismissal from his situation of Police Ameen.

4. The Court of Zoujdaree Udalut are of opinion that the circumstances set forth by the Commissioner in his Sentence and Report to the Government in the case in question, show such gross misconduct, as well as ignorance of his duty on the part of Goolam Moorteyah, Police Ameen of Vencatagerry cutcherry, as fully to justify his dismissal under clause first, section XXXIX, act VII of 1843; and the Court direct that he be dismissed accordingly.

Sent in &c

Read again letter dated 16th Ultimo, from the Sessions Judge

5th March 1858.

Submitting for the final judgment of the Zoujdaree Udalut the Record of trial in case No 3 of 1857 on the Calendar of the Sessions Court.

(Herewith Z. U. No 102 of 1858)

Read also return and supplemental return dated 8th and 15th February 1858 from the Sessions Judge of Nellore to the Precept of the Zoujdaree Udalut under date the 3rd Idem, calling for certain information in the foregoing Case.

(Herewith Z. U. Nos 273 and 324 of 1858)

The Court of Zoujdaree Udalut,

Present
W. J. L. Strange.

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

1st Darapanani Cristnamma
2nd Chendato Hasain Mahomed
3rd Mamindar Hasain Mahomed
4th Panabaka Yellugadee.
5th Panabaka Adedigadee
6th Edura Sanigadee
7th Panabaka Adedigadee
8th Tantadan Mustalaya
9th Karikato Ramudee
10th Do Chengamma
11th Rattamalla Gurnadham
and
12th Rattamalla Ramudoo

is sufficient to convict them of theft, do convict them thereof and with reference to the provisions of the Mahomadan Law as declared in Futwas of their Law

5th March 1858.

Law officers, annexing the penalty of amputation of one limb to that offence, and to the provisions of Section XXI, Regulation VII of 1802, and Section XXXIV, Act VII of 1843, sentence the prisoners.

4th Durayanan Cristnamma.

5th Chendatu Hassain Mahamud

and

6th Mamudur Hassain Mahamud

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 prisoners.

7th Tanabatra Yellagadu

8th Edura Tanigadu

9th Tanabatra Adadegadu

10th Pantadani Mudaliya

11th Karikati Rammadu

12th Di Chengamma

13th Rallamalla Gurnadham

and

14th Rallamalla Rammadu

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) years. —

The Court of Zoujdaree Adaulut, being of opinion that the prisoners,

1st Syed Ahamad

2nd Moonuppa Ulla

3rd Sikkandu Chinnaya

are not convicted on precise

5th March 1858.

evidence of credible witnesses, or on their own confession of the crime charged, do acquit them thereof, and direct that they be set at liberty.

Sent in Kc /s

C S Chamier

Exd Bell.

F. U.

Saturday.—
6th March 1858.—

At a Court of the Foujdaree Udalut.—

Present

G. J. Hooper, Esquire.——
T. L. Strange, Esquire.——
C. R. Baynes, Esquire.——
} Puisne Judges.—

Read letter dated the 25th ultimo, from the Sessions Judge of Masulipatam.—

/ Herewith No. 433 of 1858 /

The Sessions Judge states that a jail
1
prisoner was recently tried for "culpable neglect of duty" in allowing certain prisoners to escape, convicted of that offence, and sentenced to six months' imprisonment.

On the ground that evidence is forthcoming of
2
the prisoner having "connived" at the escape of the convicts, the Sessions Judge requests permission to bring him to trial for that offence.—

The Judges see no objection to the party's
3
being brought to trial on a new and distinct charge of connivance, provided it be supported by fresh evidance, and the circumstances be clearly apart from those which led to the trial he has already undergone. It will not suffice that additional particulars discovered which, if known at the time of the previous trial, would have given a different complexion to the prisoner's conduct on the day of the escape: the act for which he is to be tried must constitute, in itself, a criminal offence.—

For

6th March 1858

4 For example, if in such a case as the one referred to, it were merely ascertained subsequent to the trial, that instead of absenting himself from the jail-guard through culpable negligence, he had done so with the intention of affording the convicts an opportunity of escaping, the peon could not legally be tried again, though this would, in fact, amount to connivance.

5 But if, on the other hand, evidence were forthcoming that, on the evening previous to the escape, the peon had knowingly permitted one or more of the convicts, while returning from their labor, to convey files into the jail, to enable them to remove their irons and thus facilitate their flight, this would be a specific offence in itself, distinct from any conduct of the peon during the time of the escape; and there would be no legal objection to his being tried for it, though already sentenced for culpable neglect of duty by which the convicts were enabled to effect their escape.

6 The Judges have confined themselves to a consideration of the general principles by which the courts should be guided in cases of this nature; but, in dealing with the particular matter which forms the subject of the present reference, the Sessions Judge must act upon his own judgment; and the course he may pursue thereon, will be subject to revision by the Foujdaree Udalut.

/ Sent in No. /

6th March 1858

Read letter under date the 24th February 1858, from the Agent to the Governor of Fort Saint George at Vizagapatam, forwarding English Translation of the record of Case No. 32 of 1857 on the Calendar of the Agent's Court, for the final judgement of the Court of Foujdaree Udalut.

/ Here enter F. U. No. 434 of 1858 /

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 Condaity China Appanyah
and
2d Peesa Chilkumdhora

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

/ Sent in No. /

Ed Ellt

C. S. Chamier

T. Ub.

Monday 8th March 1858 } At a Court of the Toujdaree Udalut

Present

G. S. Hooper Esquire
J. L. Strange Esquire
C. R. Baynes Esquire
} Puisne Judges

Read Miscellaneous Petition presented on the 18th January 1858, by Venkata Sawmy Naiken of Vellalu Chittoor.

(Here enter T. Mb. P. No. 12 of 1858)

Petitioner appeals from the order of the Sessions Judge under date the 22d October 1857, whereby that officer confirmed the order passed by the Joint Magistrate ordering one Chinnatumby Naiken of the right hand caste, to pass in procession thro' certain streets.

Maj.r Hooper and Baynes

1.

The Court of Toujdaree Udalut observe that it rests with the Magistrate to determine what processions shall be allowed to take place in the towns, and they consider the Sessions Judge to have acted rightly in declining to interfere.

2

(Sentence Nil)

Read

8th March

Read Miscellaneous
Petition presented on the 25th January 1858, by
V. Sadagopa charlu, Pleader on behalf of
Rance Coonjara Nauckyar and another, of
zillah Madura.

(Here enter Suits D. No. of 1858)

1.

This is an appeal from the order of the Acting Sessions Judge under date the 19th November 1857, refusing to interfere with the Magisterial proceedings whereby the charge preferred against Dorasja Jamadar was dismissed.

2.

The Court of Foujdaree Udalut see no reason to order the taking of any further steps in the matter of this petition; the Magistrate and Sessions Judge having considered the case to have been properly disposed of by the Police in the first instance.

(Sent in No.)

Ex. Cal.

C. F. Chemier

Mess. Hoff and Bayne

Tuesday
9th March 1858

F. C.

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esq. 1st
T. L. Strange Esq. 2d
C. R. Baynes Esq. 3d

} Puisne Judges

Read letter dated the 1st instant,
from the Sessions Judge of Masulipatam —

(Here enter F. C. No. 460 of 1858)

The Sessions Judge, reverting to the
1
subject of his letter dated the 11th ultimo, states —
that, being "at a loss to define the legal distinctions
of meum and tuum that such cases border upon",
he has released the accused parties without trial —
he has released the accused parties without trial —

The Court of Foujdaree Udalut are
2.
of opinion that the Sessions Judge has acted irregularly in liberating the prisoners in question, without trial. He was informed that, whether a theft had been committed or not, must depend upon the circumstances of the case, as appearing in evidence; and it was, therefore, his duty to have tried the issue, and to have recorded his judgment thereon in the usual form. —

(Sent in No.)

C. F. Chemier

F. Co.

Wednesday. At a Court of the Foujdaree Adalut
10th. March 1858.

Present.

G. S. Hooper. Esqre.
T. B. Strange Esqre. } Puisne Judges
C. R. Baynes. Esqre.

Read Petty Calendars of the Magistracy for the first Quarter of 1858, submitted by the Sessions Judge of Chittoor (Vide enter F. Co. No. 455 of 1858.)

1. The Sessions Judge of Chittoor, in his letter of the 27th Ultimo, forwarding the Petty Calendars of the Magistracy, suggests that a statement in the form A, of cases in which security has been demanded by the Magistracy, should be sent to the Sessions Judges as soon as decided, to enable them to review the sentences without delay.-

2. The Court of Foujdaree Adalut see no sufficient reason for ordering the course now suggested by the Sessions Judge to be adopted, or for drawing any distinction

distinction between Cases of the nature referred to by the Sessions Judge and the other Cases entered in the Petty Calendar of the Magistracy; the parties having it in their power, if aggrieved, to seek prompt redress.-

3 The Sessions Judge is requested to direct the Magistrate to forward these Calendars at an earlier date.-

(Sent in No)

Read Criminal Reports for the months of January 1858, submitted by the Sessions Judge of Coimbatore.-

(Here enter File No 1410 of 1858.)

If the "snatching" was proved, the sentence is illegal. If not proved, this should have appeared in the sentence, which, if for the assault only, is a severe one. The Sessions Judge is requested to send for the record and pass such orders thereon as he may deem fit, with reference to the above remarks.- No 1 of 1858

(Sent in No)

Read Petty Calendars of the Gunjam

Ganjam Agency for the fourth Quarter of 1857, submitted by the Acting Agent.-

(Here enter File No 391 of 1858.)

The Foujdaree Adalut

Calendar III No 48.

would point out to the Acting Agent that having acquitted the accused of the specific act laid to his charge, it was not competent to him to call upon him for securities to keep the peace under Clause 1, Section V, Regulation VI of 1827; and they therefore direct that the requisition be annulled, and the Prisoner, if in confinement, released.-

(Sent in No)

Read Calendar of Case No 11. of 1858 on the file of the Session Court of Coimbatore.-

(Here enter File No 439 of 1858.)

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

× Snatching / Ten years

10th March 1858.

sentence passed upon him in the said case.-

(Sent in No.)

Read Calendar of Case No. 5. of 1858 on the file of the Session Court of Chinglepet.-

(Here enter F. No. No. 437 of 1858.)

As herein recommended, the Court of Fouzdaree Adalut resolve to authorize the Session Judge to issue his warrant for the imprisonment of the prisoners for the periods specified in the margin, in mitigation of the sentence passed upon them in the said Case.-

1 Monumaul
2 Monumaul
3 Imprisonment for Two years

(Sent in No.)

Read Calendar in Case No. 10 of 1858 of the Session Court of Bellary.

(Here enter F. No. No. 450 of 1858.)

The Court of Fouzdaree Adalut observe that the Session Judge should have stated his reasons for discrediting the evidence as to guilt of the 2d prisoner in this Case.-

(Sent in No.)

10th March 1858.

The record of trial in referred Case No. 1 of 1858 on the Calendar of the Session Court of Tellicherry not having been yet received,

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

(Sent in No.)

Read again Miscellaneous petitions presented on the 2d and 7th December last, by J. W. Branson Esqr., Pleader on behalf of Hidspray Moodely alias Venkatachella Moodely and others, Zillah Chinglepet.-

(Here enter F. No. Nos. 245 & 248 of 1857)

Read also return dated 5 Ultimo, from the Session Judge of Chinglepet, to the precept of the Fouzdaree Adalut under date the 18th January 1858, requiring him to submit a certified translation of so much of the evidence as related to the 1st 2d 3d and 4th Prisoners in Session Case No. 75 of 1857.-

(Here enter F. No. No. 255 of 1858.)

The Court of Fouzdaree Adalut

Messrs. Strange and Bayne. 1

Home

have been called on to review their
order passed upon the above petition
on the 11th February 1858, on the ground
that it was given without the counsel
retained for the petitioning prisoner
having been heard.-

2 The Court accordingly have
heard the Counsel and have reconsidered
the Case.-

3 The Court observes that while
the son of Hosspray Moodely, the 14th prisoner,
is mentioned in the 7th witness's report
of the 2nd July 1857, the prisoner himself
is not declared to have been informed
against by the prosecutor, though, when
examined, the 7th witness how deposes that
he was so informed against. The Court
require that the 7th witness be interrogated
on this head.-

4 Again, it is noticed that the
14th prisoner in his defence, how states
that on the morning following the
outrage charged, the prosecutor came
to him as village Moorsiff and laid
information of the matter before him,

upon which he made report to the
Head of Police. The Court wish it to be
ascertained from the prosecutor whether
he made any such communication to
the prisoner, and if so, how he can reconcile
his having done so with the fact that
the prisoner was himself one of the
guilty parties. The Court request at the
same time that the said report of the
prisoner, if made, may be forwarded
to them.-

5 The Court further wish to be
informed whether in such part of the
deposition of the 7th witness as has not been
forwarded to them, any statement appears
to the effect that there was an obstruction
between the prosecutor's house and the
wall in the potter's field, where the
first four prisoners are said to have
stood, of a nature to prevent their being
seen there from the prosecutor's house.-

Ordered that Extract from
these Proceedings be sent to the Sessions Judge
of Chinglepet by precept returnable
within x days from and after its receipt.-
(Sent following precept No.)
C. F. Chamier
Esq.

Thursday 11th. March 1858 } At a Court of the Tonjdaree Udalut

Present.

G. S. Hooper Esqre. }
J. Lo. Strange Esqre. } Puisne Judges
C. Ro. Bayne Esqre. }

Read the Criminal Reports submitted by the Acting Sessions Judge of Tonjdaree for the year 1857. (Hon'ble S.D. No 234 of 1858.)

Comparative Abstract shewing Petty offences and Crimes and Misdemeanors.

1. The Court of Tonjdaree Udalut observe that the entry in Column 19 head "1857" of the abstract shewing Petty offences should be 6562.

2. The 7 Cases of Perjury entered under head "1857" of the abstract shewing Crimes and Misdemeanors should be excluded from Column 18, as no Cases of Perjury appear to have been entered under the head No 14 of the Statement No 2.—

3. The entries in Columns 34 and 35 should be 9 & 14.

4. The Acting Sessions Judge will be pleased to append to this abstract

a

a review shewing the state of Crime and Casdes which have influenced it as required in para 5 of this Courts letter under date the 1st April 1853.

Ordered that Extract from these proceedings be sent to the Acting Sessions Judge of Tinnevelly by Precept returnable within 5 days from and after its receipt.

(Sent following Precept &c)

Read Calendar of Cases for of 1858 on the file of the Sessions Court of Tinnevelly.

(Here enter S. No. 1 to 53 of 1858)

As herein recommended, the Court of Foujdaree 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 Cases.

1	Pannal
2	Maury
3	Veerapilly
4	Nagery
5	Thandapatty
6	Ristnapatty
7	Tangacherry
8	Cherlandy
9	Ringapatty
10	Tuticorin

Four years

Sent in &c

Read Calendar of Cases for of 1858 on the file of the Sessions Court of Masulipatam.

(Here enter S. No. 1 to 69 of 1858)

As herein recommended, the Court of Foujdaree 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 Cases.

1	Cuddapah Boardegandoo
2	Chinnamanoor Cuntagandoo

Four years.

(Sent in &c

Read Criminal Reports of the Magistracy for the month of January, submitted by the Sessions Judge of Chittoor.

(Here enter S. No. 265 of 1858)

No. 1.

1.

In this Case the prisoners, Police peons, in the service of the Railway Company, were charged with stealing property entrusted to the Company for transit, and were sentenced by the Joint Magistrate to two months' imprisonment with hard labor.

2

The Court of Foujdaree Udalut are of opinion that in consideration of the high public interests involved in the safeguard of property entrusted for transit by Railway, and the circumstance that the prisoners were specially employed to protect such

such property and in stealing it were guilty
of breach of trust as well as theft, the punish-
ment awarded has been very insufficient.

(Seal in No.)

Read again. Miscellaneous
Petition presented on the 14th January 1858,
by M. Vencatarayalu Naidu, Pleader on
behalf of Ramasamy of Pillah Chittoor.

(Here enter F. M. P. No. 5 of 1858)

Read also return dated
5th Ultimo, from the Acting Sessions Judge of
Chittoor, to the precept of the Joujdaree
Adalut under date the 28th January 1858, calling
upon that officer to certify & transmit
of the evidence in Calendar No. 29 of 1857 as
affects the 2nd prisoner, together with any
observations or explanations he might desire
to make with reference to his conviction
thereon.

(Here enter F. Mo. P. No. 250 of 1858)

The Court having perused
the return of the Sessions Judge and heard
the Petitioner's Counsel thereon, see no reason
to interfere with the sentence passed in this
Case,

Mr. Roper and Bayne

Case, and accordingly reject this Petition.

(Seal in No.)

Read Miscellaneous Petition
presented on the 24th December 1857, by Mo.
Vencatarayalu Naidu, Pleader on behalf of
P. Pauperaddy of Pillah Nellore.

(Here enter F. M. P. No. 2 of 1858)

This is an appeal from
1. the order of the Sessions Judge under date the
22nd September 1857, confirming the decision
of the Acting Head Assistant Magistrate
in Case No. 74 of 1857 before the Head of Police
of Singum, whereby the Petitioner & others
were fined on a charge of assault; and their
Money Ordered to be made over to one Condoore
Vencala Reddy.—

The Joujdaree Adalut having
2. considered the circumstances of the Case,
and heard the Petitioner's Counsel thereon,
see no reason for interfering with the order
of the Sessions Judge.

Petition dismissed.
3.

(Seal in No.)

Mr. Roper and Bayne

C. Chamier

Ex. Hall.

F. Ho.

Friday... 17th. March 1858. At a Court of the Foujdaree Adalut

Present.

G. L. Hoosier. Esqr.
T. B. Strange Esqr. } Puisne Judges
C. R. Baynes Esqr.

Read letter dated 19th Ultimo, from the Officiating Assistant Agent to the Governor at Runnoo, requesting orders for the trial of a prisoner charged with theft, committed in the Runnoo district, after having escaped from the Jail at Cuddapah.

(Here enter F. Ho. No. 397 of 1858.)

As the offence committed by the prisoner in the Runnoo District, was of a petty nature, it does not appear to the Court of Foujdaree Adalut expedient to incur the risks and expence of transmitting him thither to undergo his trial for it. The prisoner is undergoing a lengthened sentence in the Cuddapah Jail,

jail, and that, the Court consider
may suffice for him.-

(Sent in No)

Read letter dated 7th instant,
from the Session Judge of Rajahmundry

(Here enter Fo. No. 1478 of 1858)

With reference to the Proceedings
of the Foujdaree Adalut dated the 18th ultimo,
ruling that a Head of Police is incompetent
to commit a Prosecutor to the Criminal
Court for having preferred a false and
malicious charge upon the dismissal
of the original charge by that Court
as false, the Magistrate of Rajahmundry
solicits the opinion of the Foujdaree
Adalut as to whether he is competent,
being himself satisfied on perusal
of the record of a Case before a Head of
Police, that the charge is false, to direct
the commitment of the party preferring
such charge, or whether proceedings against
the offender must originate with the
Head of Police.-

2. The Court of Foujdaree Adalut
are of opinion that it must rest with

the

the Head of District police to make the
commitment, but that the Magistrate,
on view of the record, may, should he find
the Head of police has come to an opinion
that a charge before him is a false one,
and has neglected to take steps thereupon
to carry out the objects of Regulation VIII
of 1879, call upon him to put in force
the provisions of the said Regulation.-

(Sent in No)

Read letter dated 8th instant,
from the Acting Sessions Judge of Cuddalore,
requesting to be informed of the pleasure
of the Court of Foujdaree Adalut in the
event of the 1st prisoner in No. 8 of 1858 -
failing to pay the fine to which he has
been adjudged.-

(Here enter Fo. No. 1494 of 1858.)

The Court of Foujdaree Adalut
direct that in default of paying the
fine, the 1st Prisoner be further imprisoned
for 4 months as proposed by the Acting
Sessions Judge.-

(Sent in No)

Read

Read Calendar in Case No. 12 of 1858 of this Sessions Court of Bellary.

(Here enter F. Dc. No. 170 of 1858.)

The Court of Foujdaree Adalut resolve to call upon the Sessions Judge, under Section III act XIX of 1848, to certify under his hand the particular facts in evidence on which he has convicted the prisoner of the offence of Robbery.

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

(Sent following precept No.)

Read Criminal Reports for the months of January 1858, submitted by the Sessions Judge of Cuddapah.

(Here enter F. Dc. No. 1108 of 1858.)

The prisoner appears to have been charged in one case with many separate and distinct acts of theft committed at various times extending over a period of three years. To what extent he has been found guilty is not stated; and the Foujdaree Adalut observe that the case does not seem to have been properly dealt with. The prisoner appears to have been apprehended for

Assistant Magistrate B. No. 1.

for the specific offence committed on the 11th January, which led to a discovery on the 12th of property belonging to numerous individuals stolen from them during the preceding 3 years. The proper course in this Case would have been to frame two separate charges, one for the "theft from the person" and another for "possessing stolen property" of an aggregate value; in which latter case the Government would have prosecuted and the parties robbed as witnesses have proved the theft and the identity of the property; in such case the Criminal Court, to whom the case should have been committed, would, under the circumstances, have probably committed him for trial in the Sessions Court as alone competent to pass a sentence sufficiently severe.—

(Sent in No.)

Read letter dated 18th February 1858, from the Sessions Judge of Rajahmundry, submitting for the final judgment of the Foujdaree Adalut the record of Case No. 3 of 1858 on the file of the Sessions Court.—

(Here enter F. Dc. No. 501 of 1858)

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

Mr. C. R. Baynes

proof against the prisoner.

Seemuntola Suttaganda

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 10th March 1858, from the Sessions Judge of Chittoor, submitting for the final judgment of the Foujdaree Udalut the record of Case No 10 of 1858 on the file of the Sessions Court.-

(Here enter F. Do No. 302 of 1858)

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.-

Ragavan.

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 January 1858, from the Agent to the Governor of Fort St. George at Kurnool, submitting for the final judgment of the Foujdaree Udalut the record of Case No 29 on the file of the Agent's Court for 1857.-

(Here enter F. Do. No 294 of 1858)

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 Hoonnoor Saib.-

and

2nd Vudda Appigah.

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

The Honorable Mr. Morehead and Mr. Baynes.

Mr. F.L. Mongo

execution.-

But being of opinion
that the prisoners.-

3d Lambiah
4th Chinna Mundy
5th Narrainasawmy, and
6th Veeranah.

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

(Sent in No.)

Ex. Exd.

C. S. Chamier.-

F. No

Saturday—
13th March 1858.

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esquire,
J. L. Strange Esquire,
C. R. Baynes Esquire,
} Puisne Judges

Read Miscellaneous Petition presented on the 25th January last, by M. Vencataroyaloo Naidoo, Pleader on behalf of Maseknum Venkatasspah, zillah Chittoor.

(Here enter F. M. D. No. 18 of 1858.)

Messrs. Strange and Baynes

1. This is an appeal from the sentence of the Session Judge in Case No. 61 of 1857, in which the Petitioner is first Prisoner.

2. The Court of Foujdaree Udalut see no reason to question the propriety of the sentence appealed against, and accordingly resolve to reject this petition.

(Sent in No.)

Read letter dated the 26th ultimo, from the Session Judge of Mangalore

Mangalore.

13th March 1858.

/Here enter F. Ch. No. 467 of 1858/

1. At the request of the Magistrate, the Session Judge submits for the opinion of the Foujdaree Udalut, the point whether, in the case of a Poojarry being dismissed by the Wardens or Managers of a Pagoda, and appealing to the Magistrate, the Magistrate should support the Managers and direct the Poojarry to seek redress by a civil action, or direct his restoration to office, and refer the Managers to a remedy by action.

2. The Court of Foujdaree Udalut decline to express any extra-judicial opinion on the subject: a formal order has been passed by the Magistrate, and an appeal therefrom lodged with the Session Judge, who should dispose of it according to his own judgment, leaving the parties, if any of them should consider themselves aggrieved, to address the Foujdaree Udalut in due course and form. The Magistrate's request that the correspondence might be submitted to the

13th March 1858.

the Judges, before the appeal pending in the Session Court had been disposed of, was irregular. It was equally so, if made before giving effect to the Session Judge's order, (supposing such to have been passed, which is not clear,) as the parties aggrieved are the proper persons to seek the interference of the Foujdaree Udalut, in a matter affecting private rights and privileges.

/Sent in No. /

Read Calendar of Case in No. 13 of 1858, of the Session Court of Chittoor.

/Here enter F. Ch. No. 496 of 1858/

The Foujdaree Udalut observe that a note of the voluntary statement of the Prisoner before the Subordinate Judge, should have been made; otherwise evidence should have been taken thereto; and the Session Judge's knowledge of the Prisoner's subsequent statement to the Jailor should have been based on evidence so as to allow of cross-examination, or of its being rebutted by the Prisoner. Facts although within the knowledge

15th March 1858

knowledge of the Judge must still be proved in the usual way on the trial.

/Sent in No. /

Read again Calendar of Case No. 1 of 1858, submitted by the Session Judge of Vellore.

/Here enter F. Mc. No. 177 of 1858./

Read also Miscellaneous Petition presented on the 25th Ultimo, by J. D. Mayne Esquire, Barrister at Law, on behalf of Ly. Narapa, the Prisoner in the above case.

/Here enter F. Mc. P. No. 34 of 1858/

The Foujdaree Adalut having perused the Petition presented against the conviction and sentence in this case, and heard counsel in explanation thereof, resolve to direct the Session Judge to transmit the entire record therein, untranslated, and to suspend the execution of the sentence, so far as labor in irons is concerned, till receipt of final orders thereon.

Mesrs. Strange and Baynes

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

/Sent following precept No. /

Jas Chamier

Monday 15th March 1858.

F. A.

At a Court of the Foujdaree Adalut.

Present

G. S. Hooper Esquire
J. L. Strange Esquire
C. R. Baynes Esquire
} Puisne Judges

Read letter dated 1st March 1858 from the Sessions Judge of Cuddapah, submitting for the final judgment of the Foujdaree Adalut the record of trial in case No. 71 of 1857.

/Here enter F. A. No. 172 of 1858./

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

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

1st C. Govindoryandoo

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

/Sentence No. /

Jas Chamier

Do 18d

15th March 1858.

Read Miscellaneous petition pre-
sented on the 11th February 1858 by John Faneloo
Menow Pleader on behalf of Encadata Iyngar
of Gillale Madura.-

/Here enter F. M. P. No. 25 of 1858/

1. This is a petition for review of Mr. W. M. Irwin
this Courts orders under date the 8th July 1857.

2. The Court of Fouzdaree Adalut see
no reason to be consider the orders in question
and accordingly reject this petition.-

F. M.

Tuesday
16th March 1858. At a Court of the Fouzdaree Adalut

Present.

G. S. Hooper Esquire
J. L. Strange Esquire
C. R. Baynes Esquire
} Puisne Judges.

Read Calendar in Case No.
19 of 1858, Submitted by the Acting Sessions
Judge of Cuddalore.-

/Here enter F. M. No. 535 of 1858./

The Court of Fouzdaree Adalut
concur with the Acting Sessions Judge in
considering that the prescribed sentence
should in this case be mitigated, and they
accordingly direct that the Prisoner be
sentenced to 7 years imprisonment with
hard labor in irons.-

+ Seven

/Sentence No. /cr.

Ed 8/d.

C. F. Chamier

Wednesday 17th March 1858

F. H.

At a Court of the Fouzdaree Udalut.

Present.

G. S. Hooper Esquire
J. L. Strange Esquire
C. R. Baynes Esquire
} Puisne Judges.

Read letter dated the 11th March 1858, from the Acting Sessions Judge of Cuddalore, submitting for the final Judgment of the Fouzdaree Udalut the record of trial in Case No. 11 of 1858.-

/ Here enter F. H. No 516 of 1858 /

Mess^rs Strange and Baynes.-

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 Buthu Mano alias Vencatachellum.

is sufficient to convict him of having been found in possession of stolen property well knowing the same to have been stolen, do convict

convict him thereof, and under the provisions of Clause Second, Section IV, Regulation VI of 1822, 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.-

/ Suit in No /

Read Calendar in Case No 39 of 1857 on the file of the Sessions Court of Rajahmundry.-

/ Here enter T. M. No 479 of 1858 /

The Court of Foujdaree Adalut resolve to direct the Sessions Judge to suspend the infliction of the stripes awarded by the sentence in question, pending the hearing of the appeal petition of which notice has been given by the Prisoner's Vakeel.-

/ Suit in No /

Read Calendar of Case No 11 of 1858 on the file of the Sessions Court of Nellore.-

/ Here enter T. M. No 520 of 1858 /

As herein recommended, the Court of Foujdaree Adalut resolve to authorize the Sessions Judge to issue his warrant for the

17th March 1858.

+
Chelamcherla Sanjingadu
Four years

imprisonment of the prisoner for the period as specified in the margin, in mitigation of the sentence passed upon him in the said case.-

/ Suit in No /

Ex Roll.

C. S. Chamier

18th March 1858.

Rajahgerlagudda Lutchmundacommul of that zillah.

/Here enter F. In. P. N° 20 of 1858/

1. Petitioner appeals from the decision Mr J.L. Strange
of the Sessions Judge releasing the prisoner in
Calendar Case N° 108 of 1857 in which the petitioner
was Prosecutor.

2. This petition is rejected the Court
having no power to interfere with an acquittal
of a prisoner by the Sessions Judge.

/Sentence N°/

Read Miscellaneous Petition
received on the 11th Ultimo from the Acting
Subordinate Judge of Salem on behalf of
Alagherry Naiken of that Zillah.

/Here enter F. In. P. N° 24 of 1858/

This is an appeal from the order Mr J.L. Strange
of the Sessions Judge under date the 21st November
1857 confirming the decision passed by the
Acting Subordinate Judge in criminal case
N° 165 of 1857, whereby the Petitioner, the accused
prisoner was sentenced to 6 months imprisonment with labour in irons on a charge
of culpable neglect of duty.

This Petition is rejected, the
Court seeing no grounds for their interference.

/Sentence N°/

18th March 1858.

Read again Miscellaneous Petition
presented on the 17th December 1857 by S. N.
Canteerava Chetty, Pleader on behalf of Jame-
-thew of Zillah Calicut.

/Here enter F. In. P. N° 225 of 1857/

Read also return and supplemental
return dated respectively the 22d February and 2d
March 1858, from the Acting Sessions Judge of
Calicut, to the precept of the Foujdaree Adalut
under date the 4th February 1858, calling for an
opinion on the evidence adduced against
petitioner, 2d prisoner in case N° 38 of 1857 on
the criminal file of the Principal Sudr Ameen
of Calicut.

/Here enter F. A. N° 417 and 485 of 1858/

Mr J.L. Strange

On view of the explanation con-
-tained in the foregoing return, the Court see
no ground for their interference.

Petition dismissed.

Read Calendar of case N° 11
of 1858 on the file of the Sessions Court of
Tinnevelly.

/Here enter F. A. N° 336 of 1858./

As herein recommended the
Court of Foujdaree Adalut resolve to
authorize

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. /

Two years.

Read letter dated 10th February 1858 from the Sessions Judge of Cuddapah submitting for the final Judgment of the Foujdaree Udalut the record of case No. 84 of 1857 of the Calendar of the Session Court.

/Here enter F.U. No. 576 of 1858./

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

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

Dandoo alias Shitk Imrab

is sufficient to convict him of the crime of Murder, do convict him thereof and under the provisions of Section X Regulation VIII of 1812 sentence him to suffer death by being hanged at the usual time and place of execution.

/Sent in No. /

C. F. Chamier

Ed. 18/3

Friday 19th March 1858.

At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esquire,
T. L. Strange Esquire,
C. R. Baynes Esquire,
} Puisne Judges.

Read return to the Extract from the Proceedings of the Foujdaree Udalut dated 23d February, from the Session Judge of Combaconum.

/Here enter F. U. No. 425 of 1858/

1. With reference to the Proceedings of the Court of Foujdaree Udalut dated the 23d February, directing the requisition of security in No. 23 of Calendar III to be cancelled, the Session Judge now submits that the party having been charged with breach of the Peace was held to security on that account and not on account of his suspicious character.

2. Under the explanation as completed in the above return, the Court of Foujdaree Udalut are of opinion that

that the requisition for security need not be withdrawn.

3. The Court, however, desire that the attention of the Magistracy be called to the necessity of precision and accuracy in the entry of such cases; as otherwise, as in the present instance, much additional and unnecessary labor is entailed on the Higher Courts.-

Read letter dated 12th. February 1858, from the Acting Session Judge of Salem, submitting for the final judgment of the Foujdaree Udalut the record of Case No. 8 of 1858 on the Calendar of the Session Court.

Here enter F. No. No. 542 of 1858/

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,

1. Coondum

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

Messrs. Strange and Baynes

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

/Sent in No. /

Read letter dated the 5th. March 1858, from the Session Judge of Tellicherry, submitting for the final judgment of the Foujdaree Udalut the record of Case No. 1 of 1858 on the Calendar of the Session Court.

/Here enter F. No. No. 517 of 1858/

Messrs. Hooper and Strange

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

1st. Anavil Kadangodum Pydel.

2d. Pandapoyil Kallo Chindan, and

3d. Varrikoddy Kadangodum Koongum

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. /

E. H. Lamb.

F. No.

Saturday
20th March 1858

At a Court of the Foujdaree Udalut

Present

G. S. Cooper, Esquire
T. L. Strange, Esquire
C. R. Baynes, Esquire
} Puisne Judges

Read letter dated the 11th instant from the Officiating Agent of Kurnool.—

(Here Enter F. No. 546 of 1858)

1 The question referred in this letter is, whether there is any provision of the criminal law under which a private servant can be punished for neglect of duty.—

2 The Foujdaree Udalut observe that, under such circumstances, the master has no penal remedy but dismissal, and withholding of wages, if he is prepared to justify that course in the event of the servant claiming them before a

Civil

civil tribunal.—

(Sent in No.)

Read letter dated the 6th March 1858, from the Acting Agent at Ganjam.—

(Here Enter F.R.C. No. 550 of 1858)

1 The Acting Agent convicts the Prisoner in this case of arson, and recommends that he be sentenced to 3 years' imprisonment and to pay a fine of 50 Rupees, to be given to the sufferers under Clause 7th Section II, Regulation XV of 1803 and Act XVI of 1850.—

2 The Court of Foujdaree Udalut are unable to concur in the conviction of the Prisoner. They are of opinion that the evidence of the 1st witness, if true, corroborated by that of the 2d, would suffice to justify conviction, but they are not satisfied that this evidence is trustworthy.—

3 The 1st witness is a friend of

of the complainant and therefore, it may be judged, ill disposed towards the prisoner; and his information was not given as early as it should have been to the Cutwal, when this officer was present at the spot.—

4 The Court resolve therefore to acquit the Prisoner, and to direct his unconditional release.—

(Sent in No.)

Read letter under date the 15th February 1858, from the Session Judge of Calicut, forwarding an english translation of the Record of Cases.— Nos 8 and 10 of 1858 on the Calendar of the Session Court, for the final judgement of the Court of Foujdaree Udalut.—

(Here Enter F. R. C. No. 513 of 1858)

The Court of Foujdaree Udalut.

Messrs G. S. Hooper & T. L. Strange-Lut, on a deliberate consideration of all the circumstances of the

Case

20th March 1858

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

1st Parracheroomans
Palaná son Koolavan

2d Parracheroonan
Kodah Molayen.

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.—

(Sentence No 4)

Ex Add.

C S Chamier

F. No.

Monday 22d March 1858.

At a Court of the Foujdaree Udalut

Present

G. S. Hooper, Esquire
J. L. Strange, Esquire
C. R. Baynes, Esquire
} Puisne Judges

Circular.

The Court of Foujdaree
Udalut having had their attention
called to an observation made by
them on the 10th April 1854 to the
effect "that a Sessions Judge seeing
"cause to disapprove the acquittal of
"an accused party by a Sudr Ameen
"was competent under Clause I
"Section II, Regulation III of 1833
"and Section XXXVII, Act VII of 1843
"to over-rule the same and award
"punishment to the party," and also
to the proceedings of the Court under
date 22d February 1856, ruling Judges
to have the power of enhancing the
amount of punishment awarded
by a Sudr Ameen, when it may
appear

appear to them inadequate, have reconsidered the subject, and are of opinion that in bestowing the power of "overruling" the legislature did not intend to confer that of substituting conviction for acquittal, or enhancing punishment awarded, but merely contemplated either the modification of a sentence in favor of the convict, or its total annulment; and they therefore resolve to direct that such interpretation of the law in question be adopted, and acted on in future; any previous rulings or precedents to the contrary notwithstanding. If, upon review of a case disposed of by a Sudr Ameen, it shall appear to the Sessions Judge that the accused was acquitted, though in his opinion sufficient evidence existed for his conviction, or that upon conviction he has been inadequately

punished.

punished, it will of course be his duty to record that opinion, and its grounds for the information and future guidance of the Sudr Ameen.

(Sent in No.)

Read Miscellaneous.—

Petition presented on the 18th February 1858, by A. Soobbiah, Pleader on behalf of Chittumbala Moodely and others, of Zillah Madura.—

(Here Enter F. Mc. P. No. 31 of 1858)

Mr. J. L. Strange. Petitioners appeal from the order of the Sessions Judge under date the 17th November 1857, declining to interfere with the decision made by the Acting Joint Magistrate under date the 10th September last confirming the order of the Head of Police, whereby the Petitioners were fined in Rupees 39-6-0 for trespass.

2 The Court of Foujdaree Udalut observe that the fine adjudged by the Head of Police has been

imposed

imposed on consideration of evidence to the alleged trespass taken by a subordinate Officer of Police, who, under Clause 3d, Section III, Regulation IV, of 1821 was not competent to hold such investigation. The procedure having been thus irregular, the Court resolve to cancel the sentence and direct the fines to be returned.—

(Sent in No.)

Read Miscellaneous Petition forwarded through the Acting Sessions Judge of Cuddalore, by Somasingum and another, the 8th and 10th Prisoners in Case No. 37 of 1857, praying for the cancelment of the sentence passed against them in that case.—

(Here Enter F. M. D. No. 32 of 1858)

Read also Miscellaneous Petition forwarded through the Acting Sessions Judge of Cuddalore by Moothoosamy the first prisoner in the above case, appealing from the sentence

sentence passed against him.—

(Here Enter F. M. D. No. 33 of 1858)

Mr. T. L. Strange
Mr. C. R. Baynes

The Court of Foujdaree Udalut seeing no ground to question the justice of the sentence appealed from, resolve to reject the petitions.—

(Sent in No.)

Read letter under date the 11th instant, from the Sessions Judge of Salem, forwarding English translation of the Record of Case No. 90 of 1858 on the Calendar of the Sessions Court, for the final judgement of the Court of Foujdaree Udalut.—

(Here enter F. M. No. 57 of 1858)

Mr. T. L. Strange

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

1st Ponnen
2d Tanden.

3d

22d March 1858

3d Pooslygan
and
4th Conien

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 labour on the public roads or other public works for and during the period of their natural lives.—

(Sent in No)

Read letter dated the 11th instant, from the Acting Sessions Judge of Tinnevelly forwarding English translation of the record of Case No 10 of 1858 on the Calendar of the Sessions Court, for the final judgement of the Court of Foujdaree Udalut.—

/Here enter F.H. (No 551 of 1858)/

The Court of Foujdaree Udalut

Mr G. S. Hoosun

22d March 1858.

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 Coottie Cauder
and
2d Cauder Maamoo

is sufficient to convict them of the crime of Robbery attended with aggravating circumstances, do convict them thereof, and under the provisions of Clause third, Section IV, Regulation XV of 1803, and Section XXXIV, Act VII of 1843, sentence them to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of (14) fourteen years.—

(Sent in No)

E. P. Gan.

C. S. Rama

F. No

Tuesday 23d March 1858

At a Court of the Foujdaree Udalut

Present

G. S. Cooper, Esquire
T. L. Strange, Esquire — Puisne Judges.
C. R. Baynes, Esquire

Read Criminal Reports for the Month of February 1858, submitted by the Sessions Judge of Chittoor.

(Here enter F. No. No 528 of 1858)

No 22. The Court of Foujdaree Udalut have to observe that the latter portion of the sentence in this case is irregular. Under the Act quoted a fine might be imposed, and in default of payment, the amount levied by distraint; but the Subordinate Judge was not competent, under its provisions, to order the property at once to be sold and the proceeds made over to the Prosecutor.

Exd Reg. (Sent in No)

C. D. Chamier

F 11.

Thursday 25th March 1858.

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esquire
T. L. Strange Esquire
C. R. Baynes Esquire
} Puisne Judges.

Read Miscellaneous Petition A received on the 1st Instant this the Session Judge of Masulipatam on behalf of Sobbaroyadoo the late Cutwall of Condapully of that Zillah.

/ Here enter F. M. P. No. 36 of 1858. /

/ C. R. Baynes. / This is an appeal from the order of the Session Judge under date the 4th November 1857, confirming that of the Joint Magistrate, whereby the Petitioner was fined in 5 Rupees and dismissed from his situation on a charge of bribery.

2 The sentence passed in this case by the Joint Magistrate imposing a fine of Rupees 5 on this petitioner was confirmed on an appeal by the Session Judge, and the Foujdaree Udalut do not consider that any grounds have been shown for their again going over the record. They therefore resolve to dismiss

dismiss this application for a third hearing of the case, observing that the dismissal should not have formed part of the sentence under the Regulation quoted.—

Read again Calendar of Case No. 1 of 1858 of the Session Court of Chicacole

/ Here enter F. H. No. 193 of 1858 /

Read also letter dated 4th Instant, from the Session Judge of Chicacole, forwarding translation of the record of Case No. 1 of 1858.

/ Here enter F. H. No. 569 of 1858 /

1 Having referred to the record in this case, the Court of Fouzdaree Udalut are of opinion that the evidence on which the Prisoner has been convicted of the 2d Count of the charge, tho' acquitted of the 1st is insufficient for that purpose. The articles said to have been found in his possession were of the most trifling value and ordinary description. The witnesses professing to identify them as belonging to prosecutor, can refer to no marks or peculiarities enabling them to do so, and the evidence shows them to have been found under circumstances and in a Situation in which any one desirous of making evidence against the prisoner could have had no

25th March 1858

difficulty in introducing them.

2 The Court resolve therefore to direct the unconditional release of the Prisoner.—

Precept in III days.

Read again Calendar in Case No. 12 of 1858 of the Session Court of Bellary.

/ Here enter F. H. No. 470 of 1858 /

Read also return dated 14th from the Session Judge of Bellary, to the precept of the Fouzdaree Udalut under date the 12th instant, requiring him to certify the facts in evidence on which he has convicted the Prisoner in Case No. 12 of 1858.

/ Here enter F. H. No. 575 of 1858 /

The Court of Fouzdaree Udalut resolve to call upon the Session Judge to submit for their consideration a translation of the 1st witness' evidence in this case before the Police and Session Court.

Precept in III days.

Entd C. S. Chamier

Friday F. U.

26th March 1858 At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esquire.
J. L. Strange Esquire.
C. R. Baynes Esquire. } Puisne Judges.

Read letter dated 20th March 1858 from the Sessions Judge of Bellary submitting for the final judgement of the Foujdaree Udalut the record of case No 16 of 1858 of the Calendar of the Sessions Court.

/Here enter F. U. No 606 of 1858/

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 prisoner

Ranoomunthappah,

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

the Court under the providions of clause third
Section III Regulation I of 1825, and section XXXVII
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.

Read letter dated 2nd March
1858 from the Acting Sessions Judge of Calicut,
submitting for the final judgment of the
Fouzdaree Udalut the record of Case N°13
of 1858 of the Calendar of the Sessions Court.

/Here enter F.C. N°480 of 1858/

The Court of Fouzdaree Udalut, Mr C. R. Bay
on a deliberate consideration of all the circum
stances of the case in evidence before them,
being of opinion that the proof against the
prisoner,

Kalary Koudyil Kolan
Chacho Koorpoo

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

Ordered

C. A. Chamier

Saturday
27th March 1858

F. C.

At a Court of the Fouzdaree Udalut.

Present

G. S. Hooper Esquire
T. L. Strange Esquire
C. R. Baynes Esquire

} Puisne Judges

Read Criminal reports for the
Months of February 1858, submitted by the Sessions Judge
of Salem.

/Here enter N°. 585 of 1858./

The sentence in this case appears unnecessarily severe. The previous conviction which forms part of the charge must have been in a trifling case, as the sentence was only imprisonment for one Month, and can hardly be considered as sufficient grounds for charging the prisoner as an old offender. The Judge is requested to send for the record and reduce the sentence if he think fit.

Read letter dated 10th February 1858
from the Sessions Judge of Honore submitting for the final
Judgment of the Fouzdaree Udalut the record of Case
N°. 2 of 1858 in the Calendar of the Sessions Court.

/Here enter F. C. N°. 331 of 1858/

The

1

The Court of Sujidaree Udalut, Mr. Strange

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

Sier Rama

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:—

Ed 18 D.

C. Strange

F. 26.

Monday 29th March 1858 } At a Court of the Sujidaree Udalut

Present

G. S. Hooper Esquire
T. L. Strange Esquire
C. R. Baynes Esquire
} Puisne Judges

Read Petty Calendars of the Magistracy for the 4th Quarter of 1857, submitted by the Sessions Judge of Honore.

(Vide ante F. 26. No 608 of 1858)

Calendar No 69-62.

1 The Sessions Judge is directed to point out to the Magistrate that the sentence in this case is most inadequate, as the sentence does not specify that the prisoner was convicted of any offence less in degree than that set forth in the charge, it must be presumed that he was found fully of a most gross abuse of his authority as a Police officer; not of having on pretence of searching for stolen property entered the 1st Complainant's house and stolen a quantity of grain and sixteen Rupees, and further with having extorted four Rupees

from

from the 2nd Complainant; and yet he is virtually released without punishment save a refund of his plunder, as the order for his dismissal forms no part of the sentence which only imposes on him a fine of 20 Rupees, or the very amount he had levied by his illegal proceedings. The Foujdaree Udalut consider that the case should have attracted the notice of the Session Judge.

2d The Session Judge is requested to direct the Magistrate to forward these Calendars at an earlier date in future.

(Sent in Ns.

Read Miscellaneous

Petition presented on the 15th February 1858, by John Touchee Munoo, Pleader on behalf of Manail Kelloo of zillah Calicut.

(Here enter S. No. P. N. 28 of 1858)

Petitioner appeals from the order of the Session Judge under date the 14th December 1857, reversing the decision of the Joint Magistrate of Malabar dated the 19th November preceding, and directing, in Confirmation of the order of the Head of Police of Palghaut dated the 27th October 1857, that the Complainant Manil

Mr. G. L. Hope and Mr. A. Roy

Amalee Nhuna should be placed in possession and management of the Tarwad property.

2d The Foujdaree Udalut are of opinion that the Sessions Judge has not shown any sufficient reason for interfering with the order made by the Acting Joint Magistrate in this case. The Head of Police appears to have exceeded the requirements of his duty in the first instance. A Complaint was made to him of assault and forcible possession, which was not proved; but he proceeded to determine that possession should be given to the Complainant. This order, the Acting Joint Magistrate, reversed, because he conceived that in the face of facts showing that whether rightly or otherwise, the defendants were managing the property in question, the Head of Police had no power to deprive them thereof, and that the Complainants' course was by a civil action for their rights. The Foujdaree Udalut therefore resolve to annul the order of the Sessions Judge appealed against, and to uphold that of the Joint Magistrate.

(Sent in Ns.

29th March 1858.

Read Miscellaneous Petition presented on the 11th Ultimo by S. N. Canteeranna Chetty, Pleader on behalf of Perualy of Zillah Tinnevelly.

(Here enter S. M. P. No 26 of 1858)

1. Petitioner seeks the interference of the Foujdaree Udalut to reverse the order passed by the Sessions Judge under date the 24th November 1857 in confirmation of that of the Magistrate dated the 6th October preceding, whereby that officer affirmed the decision passed by the Head of Police of Tenkasy, dismissing the charge of robbery preferred by the Petitioner.

Mr. G. L. Hooper and Mr. C. R. Baynes

2. The Foujdaree Udalut cannot interfere as prayed, and accordingly reject this petition.

(Sd/- G. L. Hooper
C. R. Baynes)

(Sentence No

Read Miscellaneous Petition presented on the 11th Ultimo, by S. N. Canteeranna Chetty, Pleader on behalf of Perualy of Zillah Tinnevelly.

(Here enter S. M. P. No 27 of 1858)

1. Petitioner seeks the interference of the Foujdaree Udalut to reverse the order

Mr. G. L. Hooper and Mr. C. R. Baynes

29th March 1858.

passed by the Sessions Judge under date the 24th November 1857, in confirmation of that of the Magistrate dated the 6th October preceding, whereby that officer affirmed the decision passed by the Head of Police of Tenkasy, dismissing the charge of robbery preferred by the Petitioner.

2. The Foujdaree Udalut cannot interfere as prayed, and accordingly reject this petition.

(Sentence No

Read again Miscellaneous Petitions presented on the 1st & 19th October 1857, by Lutchmunnah, of Zillah Cuddapah.

(Here enter S. M. P. Nos 199 & 209 of 1857)

Read also return and supplemental return dated respectively 30th November 1857 and 12th March 1858, from the Sessions Judge of Cuddapah, to the precepts of the Foujdaree Udalut under date the 24th October 1857, calling for certain explanation in the matter.

(Here enter S. C. Nos $\frac{2380}{1857}$ & 546 of 1858)

Mr. G. L. Hooper and Mr. C. R. Baynes

The Foujdaree Udalut

are

are of opinion that the Sessions Judge was right in discharging the order for the security in this case, and it does not appear that further order is necessary to be made in the matter of the Petitions Nos 199 and 209 of 1857.

(Sent in No)

Read Calendar of Cases

No 18 of 1858 of the Sessions Court of Chittoor

(Here enter S. C. No 616 of 1858)

1.

The Court of Tanjore

Adalut are of opinion that a sentence of (3) three years' imprisonment with hard labor in irons will be adequate punishment for the offence of which the Prisoner in this Case has been convicted, and they resolve to call upon the Sessions Judge to reduce his sentence accordingly.

2.

If unable to concur with the Court in the propriety of the mitigated sentence now proposed, the Sessions Judge will be pleased to submit an English translation of the entire Record of the

29th March 1858.

Case for their consideration.

Ordered that Extracts from these proceedings be forwarded to the Sessions Judge of Chittoor, by precept returnable within VIII days from and after its receipt.

(Sent following Precept No)

Ep Coll.

C S Chamier

F.U.C.

Tuesday 30th March 1858. At a Court of the Foujdaree Udalut Present

G. S. Hooper, Esquire
T. Le. Strange Esquire
C. Re. Baynes, Esquire
} Puisne Judges

Read Calendar of Case No. 6 of 1858, submitted by the Sessions Judge of Honorel—

Here enter F.U.C. No. 6 of 1858

1 The Court of Foujdaree Udalut, on a perusal of the evidence as given in the Calendar, are of opinion that there has been a lamentable failure of justice in this case.—

2 They observe that the Prisoner was proved by evidence to have confessed the murder, he gave up the property, and pointed to the remains of the deceased, he was seen, if not in the act of

murdering

murdering, at least in that of running from the spot, by the 1st witness, the variations in whose testimony were insufficient to exculpate the prisoner, even if they were allowed entirely to discredit his own evidence which the Court do not see that, under the circumstances, they need have been considered as doing.

(Sent in. No.)

Read again Miscellaneous Petitions presented on the 2d and 7th December last, by J. W. Branson Esquire Pleader on behalf of Thoppa Moodely alias Vencatachella Moodely and others, Zillah Chingleput.

(Here enter F.M.Ps. Nos. 245 & 248 of 1857)

Read also return dated 25th instant, from the Sessions Judge of Chingleput, to the precept of the Foujdaree Udalut under date the 10th idem, requiring further information in Sessions Case No. 25 on the Chingleput

Chingleput Calendar for 1858.

(Here enter F. Rc. No. 617 of 1858)

Messrs. T. Le Strange /
C. R. Rayner

The evidence appears to the Court of Foujdaree Udalut complete against the 3d and 4th prisoners. Their names appear in the report of the peon, the 7th witness, as informed against by the prosecutor on the morning after the outrage, and the prosecutor and the 1st witness have identified them. The 3d prisoner was further identified by the 2d witness.

2 The further examinations which have been held in pursuance of the Court's proceedings of the 10th instant remove from their mind the doubts they had as to the sufficiency of the grounds for convicting the 1st prisoner. The allegation that the prosecutor laid his information before this prisoner is satisfactorily explained away, and the Court are convinced that the omission

of

of the prisoner's name from the aforesaid report of the peon was not because he had not been informed against. The peon and the 1st and 2d witnesses concur in identifying this prisoner.—

3 They see therefore no ground to disturb the sentence passed upon the above three prisoners.

4 The 2d prisoner was identified by the prosecutor and the 1st witness, but not by the 3d; and as he was not informed against at the time the peon wrote his above mentioned report, as appearing both from the absence of his name in the report, and the deposition of the peon, the Court of Foujdaree Udalut consider it right to give him the benefit of the doubt arising from this circumstance, and accordingly to acquit him and direct his unconditional release.—

Ordered

Ordered, that Extracts from these Proceedings be forwarded to the Civil Judge of Chingleput, by Precept returnable within III days from and after its receipt.—

(Sent following Precept No)

Ex Sad.

C.S. Chamier

F.M.C.

Wednesday 31st March 1858. At a Court of the Foujdaree Adalut

Present

G.S. Cooper, Esquire
T.L. Strange, Esquire
C.R. Baynes, Esquire
} Puisne Judges

Read letter from the Acting Session Judge of Cuddalore under date the 20th March 1858.

(Here enter F.M.C. No. 595 of 1858)

1 The Acting Session Judge of Cuddalore, with reference to his proceedings of the 5th March 1858, requests the opinion of the Foujdaree Adalut on the following question. Can a party, who has been fully tried by a Criminal Court for an offence cognizable by such Court and sentenced to give security, be again put upon his trial for the same offence?"

2 The Court are clearly of opinion that the Acting Session Judge

Judge is right in his interpreta-
-tion both of the law and the Circular
Order quoted. A requisition for securi-
-ty by a Court competent to dis-
-pose of a charge can only be made,
after, and in consequence of an
acquittal, on the ground of the
evidence being legally insufficient
for conviction, and after such an
acquittal the prisoner can never
be tried again for the same offence.

3 The case of a Subordinate
Judge or Sudr Ameen requiring an
accused party to furnish security
where the evidence is insufficient
for committal is different, and
such requisition for security in
no way affects the liability of
the prisoner to be reapprehended
and again called upon to answer
the charge, should further evidence
at any future time be forthcom-
-ing.—

(Sent in No)

C. J. Chamier Read

Read the Criminal
Reports submitted by the Acting Sessions
Judge of Cuddalore for the Year 1857.—

(Here enter F. No. 594 of 1858)

Appendix E to Statement No I The Court of Foujdaree
Udalut direct that the Acting Session
Judge will be pleased to call upon the
Magistrate to explain in the Column
of Remarks the cause of the deten-
-tion of persons for more than 30
days.—

Ordered, that Extract from
these Proceedings be forwarded to—
the Acting Session Judge of Cuddalore,
by precept returnable within VII c.
days from and after its receipt.—

(Sent following Precept No)

Ex Pall.

F. No.

Thursday. 1st. April 1858. At a Court of the Fouzdaree Adalut.

Present.

G. S. Hooper. Esqre.
T. L. Strange Esqre. } Puisne Judges
C. R. Baynes Esqre.

Read letter dated the 26th. Ultimo, from the Sessions Judge of Salem, forwarding an original letter from the Subordinate Judge on the subject of the sentence of death passed upon the first prisoner in Case No. 8 of 1858.-

(Here enter F. No. 631 of 1858.)

1. The case in question was tried by Mr. Cherry while acting for the Sessions Judge; and concurring with the Mahomedan Law officer in finding the prisoner Coondun guilty of being accessary to the murder of a boy named Panpah, he recommended a sentence of fourteen years' imprisonment.-

2. The Court of Fouzdaree Adalut-

Udalut convicted the said prisoner of
being a principal in the murder, and
passed sentence of death upon him;
which they directed should be carried
into execution in the usual manner

3 The Subordinate Judge, however,
has taken upon himself the respon-
sibility of staying execution; and has
forwarded for the consideration of the
Foujdaree Udalut, a statement made
by the convict directly contradicting
his defence; accompanying the statement
with a recommendation that the
sentence of death be commuted to one
of transportation for life.-

4 The Court of Foujdaree Udalut
consider that the late acting Sessions
Judge has displayed by his conduct
in this matter, great want of judicial
capacity. His original letter of reference
was of the most meagre description,
recapitulating briefly and without
comment the main facts in evidence,
and loosely describing the accused as
an "accessary to the murder", whether

before

before or after he did not say; evidently,
in fact, meaning that he was a prin-
cipal, though it might perhaps be
in the second decree.-

5. Upon perusal of the evidence
the Court of Foujdaree Udalut had no
doubt of the said Coondun's guilt as
a principal; and indeed there was nothing
but his own assertion, to lead to the sup-
position that he was not the sole
perpetrator of the murder.-

6 The Court are now asked to
pass a mitigated sentence upon the
convicted murderer, because, when
told that upon his own admission
corroborated by oral and circumstantial
evidence he is about to be punished,
he chooses to say his former statements
were incorrect, and to point, as the
real and sole murderer, to one who may
have been the partner of his guilt,
but who is now protected against the
consequences.-

7 It appears to the Court that
the convict's present statement confirms

the

the evidence of the witnesses, who say they saw him and the second prisoner in company with the deceased just before the murder; the second prisoner may have artfully allowed the convict Coondum to retain possession of all the booty.-

8. The Court observe that the facts of the case remain unaltered; save that the prisoner admits that he criminated three innocent individuals, a feature certainly not calculated to create any impression in his favor. His present disavowal of presence at the murder, or knowledge of the perpetrator thereof, the Court cannot accept as true. The circumstances before them on the trial too plainly proved that he had a personal part in the crime; and the Court remain of opinion that the discovery with him of the whole of the effects belonging to the deceased, marks him out as the chief, if not the sole actor in the crime.-

9 The Court of Foujdaree Adawlut therefore

therefore see nothing in the present reference to induce them to change their opinion that the prisoner has been properly convicted of a cruel and deliberate murder; nor any reason for commuting or suspending the sentence they have passed upon him, which must accordingly take its course.-

To The Sessions Judge of Salem - for his information, and for communication to the Subordinate Judge.-

(Sent in Mo)

Ex. Mll.

C. S. Chamier

F. Ud.

Tuesday 6th April 1858

At a Court of the Foujdaree Udalut

Present

G. S. Hooper, Esquire
T. L. Strange, Esquire
C. R. Baynes, Esquire
} Puisne Judges

Read supplemental Report in Form B, from Acting Subordinate Judge of Cuddapah, for January 1858.—

Read also Report in form B from the same Officer for February 1858.

(Here enter F. Ud. No. 649 of 1858)

Supplemental Report No. 18.

The Foujdaree Udalut are of opinion that the sentence in this case is such as could not lawfully be passed upon the prisoner. The Regulation quoted explicitly says that if the escaping party be under a sentence of limited imprisonment, he may, for the act of escape, be sentenced to a further period of imprisonment beyond the unexpired term of his original sentence, but that if

if he be in confinement under an order to find security for good behaviour, he shall then be sentenced to imprisonment for a specific time. The law contemplates no greater punishment than the annulment of the requisition for security and the award in supersession thereof of a fixed period of imprisonment for the specific offence of the escape, which will reckon from the date of sentence. The Foujdaree Adalut therefore resolve, under the provisions of Section 11, Act XIX of 1848, to direct that the sentence be amended accordingly.

2 The Court observe for the future guidance of the Police and Magisterial officers that a charge of "False complaint" under Regulation IX of 1832 can only be preferred when the complaint is made before the Head of Police or Police Ameen. In this case it appears to have

February Report Case 81.

been made before the Joint Magistrate, and being of course on solemn affirmation, would, if proved false, have subjected the complainant to the penalties attached to perjury.

(Sent in No.)

Read letter under date the 31st ultimo, from the Session Judge of Chittoor, forwarding English translation of the record of Case No. 110 of 1858 on the Calendar of the Session Court, for the final judgment of the Court of Foujdaree Adalut.

(Here enter F. Ale. No. 653 of 1858)

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 prisoners

2d Vodda Vencatesaudoo

and

3d Pedoosoo Yelloosaudoo.

is

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.—

(Sent in No. 5 Ex Sdd.)

C. J. Ramier

F.M.

Wednesday. 7th. April, 1858.

At a Court of the Foujdaree Adalut.

Present.

G. S. Hooper, Esquire
T. L. Strange, Esquire
C. R. Baynes, Esquire
} Puisne Judges.

Read Miscellaneous Petition presented on the 7th. Instant, by Messrs. J. B. Norton and J. W. Branson, Pleaders on behalf of Teekaram and 9 others, of Zillah Madura.—

(Here enter F. M. P. No. 54 of 1858)—

Petitioners, who are 1st., 3d., 4th., 5th., 7th., 8th., 9th. and 10th. Prisoners in Case No. XI of 1858 on the file of the Sessions Court of Madura, complain that the Sessions Judge, who referred the case to this Court, has declined to allow them to remain on bail pending the final decision of this Court.

Mr. G. S. Hooper. 1.
Mr. T. L. Strange and Mr. C. R. Baynes

They,

2. They, therefore, pray the Foujdaree Adalut, for the reasons set forth in the petition, to direct that they be admitted to bail; and further to furnish them with copies of all proceedings connected with the case, and to pass no decision against them without hearing their counsel.—

7th April, 18

3. As the accused were admitted to bail pending the issue of the trial, the Court of Foujdaree Adalut are of opinion that they are entitled to this privilege until sentence be finally passed in the case. The Court, therefore, direct that the Session Judge will re-admit the prisoners to bail, accepting the sureties before produced in their behalf, should these be willing to stand security for them, or otherwise taking fresh bail.—

Sent in No. /—

C. Chamier

Ex Sall.

F. C.

Thursday. 8th April 1858. At a Court of the Foujdaree Adalut.

Present.

G. S. Hooper. Esqre.
J. L. Strange Esqre. } Puisne Judges
C. R. Baynes. Esqre.

Read letter dated 20th March 1858, from the Acting Session Judge of Calicut submitting for the final judgment of the Foujdaree Adalut the record of Case No. 16. of 1858 on the file of the Session Court.—

(Here enter F. C. No. 650 of 1858)

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—

Parangodan Nair

is sufficient to convict him of the crime of fraudulently and unlawfully altering and injuring certain Judicial Records

do

do convict him thereof, and under the provisions of Clause first, section II, Regulation VIII of 1829, and section XXXIV, Act VII of 1843, sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of (1) One year.-

(Sent in Ste)

Read letter dated 31st March 1858, from the Sessions Judge of Tellicherry, submitting for the final judgment of the Foujdaree Udalut the record of a Case Ste 2 of 1858 on the file of the Sessions Court.

(Here enter F. Dc. Ste 669/1858)

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, Panjara alias Mookinallapil Coonhy Auran Cootty alias Coonhy Rayen Cootty is sufficient to convict him of having been found in possession of stolen property well knowing the same to have been stolen, do convict him thereof; and under the provisions of Clause second, section IV, Regulation VI of 1822 and section XXXIV, Act VII of 1843, sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of (4) four years.-

Sent in Ste

Mr. C. R. B.

Read Miscellaneous petition presented on the 18th February 1858, by Mr. H. B. Saunders, Pleader on behalf of Cundy Ramoodoo and others, of Zillah Chittoor.-

(Here enter F. M. P. Ste 30 of 1858.)

1 Petitioners appeal from the order of the Sessions Judge under date the 2d January 1858, refusing to restore to them the property claimed by them, on their acquittal under the sentence of this Court in Case Ste 30 of 1856 on the file of the Sessions Court of Chittoor.-

2. The petitioners, under the sentence passed in the case by the Court of Foujdaree Udalut, are clearly entitled to restitution of the said property.-

3 The Court resolve therefore to

to direct the Sessions Judge to take such steps as may be now possible to have the same restored to the accused severally, according as each was deprived thereof, or the value thereof, levied from the prosecutors and paid to petitioners.-

(Sent in &c.)

Read Calendar of Cases No. 4 of 1858 of the Sessions Judge of Chicacole.

(Here enter Fl. No. 615/1858)

The Court of Foujdaree Adalut not being satisfied that this case has been properly disposed of, resolve to call upon the Sessions Judge to certify if there be any evidence against the 1st Prisoner beyond the accusations of the 2d 3d and 5th Prisoners and the finding of a kerchief in his back yard in which it could easily have been placed by others.-

2 In regard to the 1st Prisoner it is to be observed that tho' the Law officer in the first instance acquitted this Prisoner on the ground that there was nothing to shew that the piece of silver

silver which he admitted having sold for 2d belonged to the Prosecutor, yet, in the answer to the 2d question, he appears to be thrown in with the rest upon grounds which, if affecting them, would create no difference in his case; and the Sessions Judge is also requested to certify any grounds and evidence on which he has convicted the said prisoner of knowingly possessing &c in the face of his own recorded opinion that all probability is against that fact; that there is no evidence of it; that if he had exercised thought he might indeed have guessed it was stolen, but that he doubts if the prisoner is not such a simpleton as to be incapable of thought, that is to say irresponsible.-

3. The Sessions Judge will suspend the corporal punishment awarded in this case until the final orders of the Foujdaree Adalut are passed upon it.-

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

8th April 1858.

judge of Chicacole, by precept returnable within 7 days from and after its receipt

(Sent following precept No)

Read Petty Calendars of the Magistracy for the fourth quarter of 1857, submitted by Sessions Judge of Mangalore.-

(Here enter File. No. 654 of 1858.)

The charges, as worded, convey no idea of the crime charged having been committed.-

Calendar No. 357

2.

The Sessions Judge is requested to direct the Magistrate to forward these Calendars at an earlier date in future.-

(Sent in No)

E.B.H.

C.S. Chamier

J. H.

Saturday 10th April 1858. At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esquire
J. L. Strange Esquire
C. R. Baynes Esquire
} Puisne Judges.

Read Calendar of case No. 12 of 1858 on the file Sessions Court of Cuddapah.-

(Here enter J. H. No. 671 of 1858.)

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 No)

C.S. Chamier

Transportation for life.

Ex 187.

F. U.

Monday
12th April 1858. At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esquire
J. L. Strange Esquire. } Puisne Judges.
C. R. Baynes Esquire

Read again Calendar in Case
No. 12 of 1858 of the Session Court of Bellary.
/Hereafter F. U. No. 470 of 1858./
Read also return dated 31st
March 1858 from the Session Judge of
Bellary, to the precept of the Foujdaree
Udalut under date 25th idem, calling for
a translation of the evidence of the 1st witness
in case No. 12 on the Session Court Calendar for
1858.
/Hereafter F. U. No. 675 of 1858./
The sentence and the explanations
connected therewith obtained from the
Session Judge [illegible] the opinion of
the Foujdaree Udalut to exhibit any
facts sufficient to convict the prisoner
of robbery. He appears to have met with the
the prosecutrix when the latter was in a excoriated

by

by intoxication, and to have secured her cloth by placing it under the charge of the Watchman. There is no evidence that he removed the cloth from the prosecutrix feloniously nor that he had any design of appropriating it to himself. They cannot therefore see that any robbery has been committed.

2 Under these circumstances the Court of Foujdaree Udalut overrule the conviction of the prisoner, and direct that he be released.

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

Sent following precept No. for

Rs 16/0

C. Chamier

F. H.

Wednesday, 14th. April 1858. At a Court of Foujdaree Udalut

Present

G. S. Hooper Esqre. }
T. L. Strange Esqre. } Puisne Judges
C. R. Baynes. Esqre. }

Read Calendar of Cases No. 15 of 1858 on the file of the Sessions Court of Madura.—

(Received F. H. No. 702 of 1858.)

As therein recommended, the Court of Foujdaree Udalut resolve to authorize the Sessions Judge to issue his warrant for the imprisonment of

1. Mooniandy
2. Mooniandy
3. Iyah Cunno

the prisoners for the period specified in the margin, in mitigation of the sentence passed upon them in the said case.

1. Asamy — Ten years.

(Sent in No.)

Read Miscellaneous Petition presented on the 7th instant, by M. Vencata: royalo Naidoo, Pleader on behalf of Chulla Lutchmiah and 2 others, Villah Nellore

Nellore.— 14th April 1858

(Here enter F. Dn. P. No. 55/1858)

1 Petitioner appeals from the sentence passed by the Sessions Judge in case No. 5 of 1858 wherein they are the 1st 2nd and 3rd Prisoners, awarding against them 10 years' imprisonment with hard labour in irons, on a charge of Robbery by open violence.—

2 The Court of Foujdaree Adalut see no reason to question the propriety of the sentence appealed against, and accordingly resolve to reject the Petition.—

(Sent in No.)

The Record of trial in referred Case No. 7 of 1858 on the Calendar of the Agent to the Governor of Fort St. George in Ganjam not having been yet received,

Ordered that the Agent be directed to submit the Record aforesaid without further delay.—

(Sent in No.)

Ex'd Ball.

C. Chamier

F. 66.

Thursday 15th April 1858. } At a Court of the Foujdaree Adalut

Present

G. S. Cooper Esquire
J. Lo. Strange Esquire } Puisne Judges.
C. Re. Baynes Esquire

Read Calendar of Case No. 13 of 1858 of the Sessions Court of Nellore.—

(Here enter F. 66. No. 692 of 1858.)

The Court of Foujdaree Adalut resolve to point out to the Sessions Judge that his expression of opinion that the 4th Prisoner, though not convicted of the crime charged against him, should be "dismissed from office for neglect," is irregular. He should have confined himself to bringing his conduct to the notice of the Magistrate, leaving him to deal with it as he might see fit.—

(Sent in No.)

Read Miscellaneous Petition Received

received on the 28th February 1858, thro' the Session Judge of Honore, on behalf of Unealapaty, 1st Prisoner in Cases Nos 25 and 26 of 1857 on the file of the Session Court.-

(Here enter F. M. P. No 35 of 1858.)

1. Petitioner appeals against the sentence passed by the Session Judge awarding against him imprisonment for 7 years with hard labor in irons on a charge of "attempt at House-breaking"

2. The Court of Foujdaree Adalut see no reason to question the propriety of the sentence appealed against, and accordingly resolve to reject this petition.-

Mssrs Shaw and Baynes

(Sent in No:)

Read Miscellaneous Petition received on the 15th Ultimo, through the Session Judge of Rajahmundry, on behalf of Rayaparapoo Brummajee of that zillah.-

(Here enter F. M. P. No 41 of 1858.)

1. Petitioner is the 3d prisoner

Mssrs Shaw and Baynes

in Case No 2 of 1858 on the file of the Session Court, and he prays the Foujdaree Adalut for reasons set forth in the petition, to reverse the decision passed by the Session Judge, sentencing him to six months' imprisonment with hard labor without irons, and to pay a fine of 100 Rupees.-

2. The Foujdaree Adalut see-ing reason to doubt the propriety of the conviction of the 3d prisoner, the Petitioner, resolve to call on the Sessions Judge to certify so much of the evidence taken in the case as refers to him, and to offer any observations he may have to allege in explanation of his finding in respect of him, and the legality of the fine under Act XVI of 1850.-

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

(Sent following precept No)

Read

Read letter dated 9th instant from the Acting Session Judge of Madura, requesting the opinion of the Judges as to the necessity of forwarding in referred trials translation of depositions of all the witnesses examined before the Police and Magistrate.-

/Here enter F. M. No 713 of 1858./

The Tondiarpe Udalut are of opinion that translation of such depositions as the Session Judge refers to need not be forwarded with the record. The Session Judge will of course satisfy himself that they contain no matter which ought to have been adduced on the trial, and as now will forward a list of all documents on the record of which translations are not sent.-

(Sent in No)

Read Miscellaneous Petition presented on the 24th December 1857 and 1st February 1858, by M. Venkatarya-loo Naidoo, Pleader on behalf of C.

C. Ramasamy Moodely of Zillah Chingle-put, appealing against an order made by the Session Judge under date the 3rd November 1857 in supercession of one issued by Magistrate directing certain Godown to be placed in his (Petitioner's) possession.-

/Herewith enter F. M. P. Nos 1 and 19 of 1858./

Messrs Strange and Baynes.

The Judges observe that when Parthasarady Naicken, on behalf of Vydelinga Pillay, complained to the Police that Ramasamy Moodely, &c. the present petitioner, had taken forcible possession of the indigo godown to which the said Vydelinga was entitled, and when it appeared that the right of occupancy was matter of civil question between them, the Head of Police should have contented himself with preventing any forcible attempt to obtain or recover possession, and should have abstained from all interference with the state of things existing. Allowing the statement

on

on the part of Vydelinga to be true, and that Ramasamy was trespassing, his remedy lay in a civil action to which he should have been referred; instead of which it would appear that under an erroneous construction of Section 41 Regulation XI of 1816, an enactment simply authorizing the police to prevent the taking of forcible possession, the building in dispute was, by the Head of Police, directed to be taken out of the admitted possession of Ramasamy and made over to the complainant Vydelinga, recommending also that the said Ramasamy and others, his adherents, should be fined in a sum of Rupees 35.-

2.

The Magistrate, on the case coming before him in appeal, also went into the merits of which however he took a different view, and upheld the rights of Ramasamy whom he consequently declined to punish as proposed by fine. On Vydelingas appeal to the Sessions Judge, that officer pursued the same

course as the Subordinate authorities and pronounced in favor of the claims of Vydelinga, in accordance with which opinion the Magistrate, by his order of the 12th November, reverted to the course originally taken by the Head of Police, and ordered Ramasamy to be ousted from possession and himself and others of his party fined.-

3.

The Foujdaree Udalut considering that the Police Officer, the Magistrate, and Sessions Judge, severally exceeded the limits of their functions by entering into and deciding upon the question of right in issue between the parties. Ramasamy was confessedly in possession when the matter was first brought under their notice and in that position he should have been left. The Judges therefore resolve to quash all the previous orders made in the matter, and to direct that Ramasamy (this petitioner) be left in such possession, and that the fines imposed on him and others

others of his party, if levied, be refunded.

(Sentence No.

Ex Dd.

15th April 1858

vs

Chamier

F. C.

Friday 16th April 1858. } Hon Court of the Fouzdaree Udalut

Present

G. S. Hooper Esquire — Puisne Judges
J. L. Strange Esquire —
C. R. Baynes Esquire —

Read Calendar of Case No. 21 of 1858 on the file of the Sessions Court of Masulipatam.-

(Here enter F. C. No. 694 of 1858.)

In the above case the Sessions Judge recommends a mitigation of 8 years' imprisonment with hard labor in irons.-

The Court of Fouzdaree Udalut consider that, under the circumstances, a mitigated sentence of five years' imprisonment would be an adequate punishment, and they resolve to sentence the Prisoner accordingly.-

(Sentence No.

2.

Read letter dated 31st March 1858, from the Acting Sessions Judge of Cuddapah, submitting

submitting for the final judgment of the Fouzdaree Udalut the record of Case No. 17 of 1858 on the Calendar of the Session Court.-

"Here enter F. C. No. 696 of 1858."

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,

Mofr Shaw and Baynes.

1st Poolan Chathan
2d Malayan
3d Kaolanee and
4th Coongeera

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 the prisoners,

1st Poolan Chathan
2d Malayan
3d Kaolanee and

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

the

the prisoners,

4th Coongeera

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.)

Fr Sec.

C S Chamier

Saturday—
17th April 1858.

At a Court of the Foujdaree Adalut

Present

G. S. Hooper Esquire,
J. Sc. Strange Esquire,
C. R. Baynes Esquire,
} Puisne Judges

Read Petty Calendars of the Magistracy for the fourth quarter of 1857, submitted by the Session Judge of Bellary.

Here enter F. 116. No. 695 of 1858.

Cole. I. 47. 23. " 24.

The parties appear to have been put to much unnecessary inconvenience by being obliged to attend at the Joint Magistrate's office. The cases were trifling and could have been disposed of without a personal investigation by the European Officer.

No. 30. 2. The Session Judge will point out to the Magistrate that in case of conviction under Section VII Regulation II of 1822, the amount of the fine to be imposed is not left to the discretion of the Magistrate but must be four times the nominal value of the counterfeited coins

coins.

17th. April 1858.

Cdr. II. No. 58

3. The circumstances mentioned by the Assistant Magistrate were not of such a nature as to justify the prisoner's acquittal, although they might form good grounds for the imposition of a lenient sentence.

4. The Session Judge is requested to direct the Magistrate to forward these Calendars at an earlier date in future.

/Sent in No. /

Read Calendar of Case No. 15 of 1858, of the Session Court of Combaconum.

/Here enter F. Mo. No. 711 of 1858./

The Court of Foujdaree Udalut sanction the payment of 90 Rupees to make up the sum proposed by the Session Judge to be paid as rewards to the persons who seized the Prisoners in this case.

/Sent in No. /

Read Calendar of Case No. 20 of 1858, on the file of the Session Court

17th. April 1858.

Court of Calicut.

/Here enter F. Mo. No. 718 of 1858/

As herein recommended, the Court of Foujdaree 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.

× Chelly, Poyhumody, Raheem, Hassan, Kunhan

Three years

/Sent in No. /

Read Calendar of Case No. 16 of 1858, on the file of the Session Court of Madura.

/Here enter F. Mo. No. 725 of 1858/

The Court of Foujdaree Udalut observe that the sentence of the Session Judge in the above case is defective without the grounds upon which he has arrived at this conclusion being set forth. They therefore call upon him to state the same.

/Sent in No. /

Read Miscellaneous Petition presented on the 10th. ultimo, by Moothya

17th April 1858

Mooktyar vakeel on behalf of Brahmiah, father of Iyanneu, Zillah Coimbatore

/Here enter F. Mc. P. No. 61 of 1858./

1. This is an appeal from the order of the Session Judge under date the 2d February 1858, reducing the Principal Sudr Ameen's sentence upon the 2d prisoner in Criminal Case No. 272 of 1857 to 4 months' imprisonment with hard labor in irons.

2. The Foujdaree Udalut having perused the abstract statement of the trial as held in this case before the Principal Sudr Ameen, together with the proceedings held thereon by the Session Judge, mitigating the punishment awarded, are of opinion that by the showing of the said abstract, there does not appear to have been any legal or sufficient evidence for the conviction of the Prisoners, and that there is indeed much ground for questioning the truth of the Prosecution. A theft is alleged, but why it should not have been accomplished, if the prisoners were prepared to resort to violence, as is

M.C.R. Bryant

F. 16
17th April 1858.

is stated they did, it is difficult to understand. Of the said violence, there were but slight and doubtful traces, and the evidence of the Subadar, on which the Courts seem to have relied, was nothing but hearsay. Under all the circumstances of the case, the Court resolve to annul the sentence passed; an act which they regret will be of little advantage to the prisoners whose sentence has expired, except in so far as it may serve to save them from any ulterior consequences or disabilities.

/Sent in No. /

Read letter dated 13th April 1858, from the Session Judge of Chittoor, submitting for the final judgment of the Foujdaree Udalut the record of Case No. 21 of 1858 on the Calendar of the Session Court.

/Here enter F. Mc. No. 722 of 1858./

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

Mc. Hooper

opinion that the Prisoners

1st. Para Tayjun
and
2d. Pullova Chinnan
alias Chikan

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

/Sent in Vc. /

C. S. Chamier

Ex. Hall.

17th. April 1858

F.N6.

Monday.
19th. April, 1858.

At a Court of the Foujdaree Adalut.

Present.

G. L. Hooper, Esquire
J. L. Strange, Esquire
C. R. Baynes, Esquire
} Puisne Judges.

Read letter dated the 18th.
March 1858 from the Session Judge of
Chittoor.-
/Here enter F.N6. No. 573 of 1858/-
Read also letter dated the
10th. instant from the Session Judge.-
/Here enter F.N6. No. 723 of 1858/-
In the former of these
communications the Session Judge re-
verts to certain acts of Soondriah,
the Head of Police of Calastry, con-
sisting in his sending persons to Court
on criminal charges, without there
being the slightest proof against them;
delaying

delaying to examine certain material
witnesses; and altogether omitting
the examination of others; and the
Sessions Judge expresses his opinion
that that officer is unfit for the
situation he now holds.—

2. With the second letter the
Sessions Judge forwards the Magistrate's
answer to his comments on the con-
duct of the Head of Police, accom-
panied with certain observations
thereon. The Magistrate considers that
the Head of Police, though guilty of
grave errors of judgment, has not ex-
hibited such incompetency as to justify
his dismissal from a situation which
he has filled for eight and twenty years.

3. The Judges have carefully
perused the papers transmitted for their
consideration, and see nothing what-
ever in the conduct of the Head of
Police to justify so extreme a measure
as that of dismissing him from his
office. The instances cited by the
Sessions

19th. April, 1858.

Sessions Judge established no more
against him than errors of judgement;
and the Magistrate certifies that during
the long course of his services he has
given satisfaction, and is considered
by himself to be competent to fulfil
the duties of his situation.—

/Sent in No. 1/—

Read letter dated the 10th.
instant from the Agent to the Governor
in Vizagapatam.—

/Here enter F.C. No. 727 of 1858/—

The Agent submits the fol-
lowing question for the opinion of the
Judges:— "In the case of two similar of-
fences committed by the same individ-
ual, but in different jurisdictions,
to what tribunal is the prisoner to be
made amenable, and how is he to be
disposed of?"

2. The Judges observe that
the Agent was bound by rule and
practice to submit his own opinion,
together with the ground on which
he

19th April 1858

he may have formed it; and such full information as would assist the superior Court in coming to a conclusion.— In the absence of these particulars the Judges decline to give any opinion on the point, and leave the Agent to act according to the best of his judgement in disposing of the matter now pending before him.—

/Sent in No. /—

Read return, dated 9th Instant, from the Sessions Judge of Masulipatam, to the precept of the Fouzdaree Adalut under date the 25th ultimo, returning for amendment the Criminal Returns for the year 1857.—

/Here enter Fllo. No. 724 of 1858/—

1. The Court of Fouzdaree Adalut observe that the aggregate number of persons entered in Columns "Undisturbed", "Modified" and "Reversed" under head "Cases disposed of under Act VII of 1843". Viz. 3, does not

Appendix G to Statement No. 2.

Fllo.
19th April 1858.

not correspond with the number received (7).—

The aggregate number of Persons entered in Columns "Fined", "Imprisoned" and "Imprisoned and flogged", Viz. 47, does not tally with the number of persons entered in Column 13 of the Statement No. 3

Appendix A to 2. Statement No. 3. A.—

A (48).— 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 No. /—

C. Chemier

4 1858

Tuesday 20th April 1858.

At a Court of the Foujdaree Udalut

Present

G. L. Cooper, Esquire
F. L. Strange, Esquire
C. R. Baynes, Esquire
} Puisne Judges

Read Miscellaneous Petn. presented on the 15th February last, by J. W. Branson Esquire, Pleader on behalf of Sabapathy Nynan and 4 others, Prisoners No 5 in Case Nº 29 of 1857 on the file of the Session Court of Cuddalore.

(Vide Entry F. M. D. Nº 29 of 1858)

Mr. G. L. Hooper
Mr. C. R. Baynes

This Petition is for the release of the said Prisioners.

The Court of Foujdaree Udalut, upon consideration of the abstract in this case and after hearing Petitioners' Counsel, are of opinion that no sufficient grounds have been shown for questioning the propriety of their conviction.

(Sent in Nº)

Read

20th April 1858.

Read Miscellaneous Petition presented on the 11th ultimo, by John Tauchoo Menon, Pleader on behalf of Pattam butta Punditor, Zillah Combaconum.—

(Here Enter F. Mo. P. No. 40 of 1858)

1 This is an appeal from the Sessions Judge's order confirming that of the Special Assistant Magistrate who ratified that of the Police Ameen, refusing to entertain a complaint of assault preferred by the Petitioner against certain individuals.—

Mr. G. S. Hoope and C. R. Baynes

2 The Court of Foujdaree Udalut see no grounds to interfere in the matter and therefore reject the Petition.—

(Sent in No.)

Read Calendar in Case No. 15 of 1858 of the Sessions Court of Nellore.—

(Here Enter F. Mo. No. 184 of 1858)

The Prisoners were convicted of

20th April 1858.

of Highway robbery, and sentenced to 14 years' imprisonment with hard labor in irons, but in consideration of their youth, the trifling amount of property stolen without bodily injury to the Prosecutor, and this being their first offence, the Sessions Judge recommends that the sentence be reduced to 4 years.—

2 As violence was used, the Court of Foujdaree Udalut are unable to mitigate the sentence below 7 years, and they direct the Sessions Judge to issue his warrant accordingly.—

(Sent in No.)

Read Miscellaneous Petition received on the 15th ultimo, through the Sessions Judge of Mangalore, on behalf of Mooddabiddy Unnappah, of Zillah.—

(Here enter F. Mo. P. No. 44 of 1858)

Mr. G. S. Hoope
Mr. C. R. Baynes

This is an appeal against the order of the Sessions Judge under date the 11th February last, confirming

20th April 1858.

confirming the sentence passed by the Moofty Sudr Ameen in Crimi= =nal Case No. 2 of 1858, awarding against the Petitioner, the 1st prisoner, two years' imprisonment with hard labor in irons on a charge of cattle stealing.—

2 The Court of Foujdaree Adalut, on consideration of the abstract of the Case in connection with the allegations of the Peti= =tioner, see no reasons for doubt= ing the propriety of the conviction appealed against, and accordingly reject this petition.—

(Sent in No.) Exd. Ldd.

C. S. Chamier

F. M.

Wednesday 21st April 1858.

At a Court of the Foujdaree Adalut.

Present

G. S. Hooper Esquire, J. L. Strange Esquire, C. R. Baynes Esquire, } Puisne Judges

Read letter dated the 8th April 1858, from the Acting Session Judge of Salem, submitting for the final judgment of the Foujdaree Adalut the record of Case No. 17 of 1858, on the Calendar of the Session Court.

/Here enter F. M. No. 717 of 1858./

Messrs. Strange and 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 prisoners,

1st. Caroopia gounden
2d. Nulla gounden, and
3d. Chinnacaroopen

is sufficient to convict them, the 1st prisoner of the crime of Murder, the 2d and 3d of an aggravated assault and being accessory after the fact of the Murder, do convict them thereof

thereof; and in conformity with the provi-
sions of Section X, Regulation VIII of 1802,
sentence the prisoner,

1st Caroolpa gounden

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

2d Nulla gounden, and

3d Chinnacaroolpen

to be imprisoned and kept to hard labor in
irons on the public roads or other public
works, for and during the period of (10)
Ten years.

/Sent in No. /

Read Calendar of Cases No. 19
of 1858, on the file of the Session Court of
Salem.

/Here enter F. U. No. 767 of 1858/

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 No. /

C. Chamier

E. Hall.

21st April 185

* Ten Years
Transportation
Five years.

F. U.

Thursday
22d April 1858. At a Court of the Fouzdaree Udalut

Present

G. S. Hooper Esquire
J. L. Strange Esquire
C. R. Baynes Esquire
} Puisne Judges.

Read letter dated the 3d instant
from the Principal Assistant Agent of
Ganjam, applying for the admission of two
individuals as approvers in a case of robbery
in the Talook of Purlakimedy of the Ganjam
District.

/Here enter F. U. No. 691 of 1858./

The Fouzdaree Udalut would
1. point out to the Principal Assistant Agent,
that an offer of conditional pardon is
only necessary for the purpose of inducing
and procuring evidence not otherwise ob-
tainable; where parties, as in the present
case, voluntarily come forward and tender
evidence against their accomplices, such is
not needed. It is perfectly competent to
a Magistrate to use one or more of them as
witnesses against others, without making
any condition for their own immunity,

tho

tho' it is true that such course is held in practice to imply that the witness, shall not, unless for special reasons, arising out of his own conduct, be made the subject of subsequent prosecution.

2. The four individuals who have submitted before the Assistant agent their participation in a particular crime, might it is evident, be convicted thereon on proof of that fact, in connection with the circumstantial evidence which their admissions reveal. Under these circumstances the Judges resolve to inform the Assistant Agent, that he may make his Committal of such parties as he may see grounds for accusing of the crime in question, upon the evidence of one or more of the individuals who, tho' implicating themselves, are willing to give it; it will be perfectly good and legal, tho' given without any promise of pardon.

3. The Judges would point out that this communication should have been made through the Agent.

/ Sent in No. /

Read Calendar in Case No 10 of 1858 of the Session Court of Honore. / Note enter D. R. No. 743 of 1858 /

1. The Court of Foujdaree Adalut are of opinion that the sentence in this case is unwarrantably severe.

They observe that the prisoner

2 has been convicted only of a fault, in a drunken quarrel, without serious consequences ensuing the 1st Prosecutor, also being intoxicated and having abused and thus provoked him.

Under these circumstances

3 the Court of Foujdaree Adalut resolve to call upon the Session Judge to reduce the sentence to 3 Months' imprisonment without irons, but if unable to concur in this reduction of the sentence, the Court direct that an English Translation of the record be submitted for their consideration.

4. The Court have to notice that the Prisoner's conviction of theft, which is an offence quite distinct in its nature from that now in question, should not have been taken as ground for enhancing his sentence.

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

/ Sent following precept No. / Read.

Read sixty Calendars of the Magistracy for the fourth quarter of 1858 submitted by the Sessions Judge of Cuddapah.

/Hereunder F.R. No 739 of 1858/

1. The charges in the cases noted in the Margin are so badly drawn up as to be quite unintelligible, and their coming in such a form from the Magistrates office, is far from creditable to him.-

Calendar I No 3
Calendar II Nos 4, 5, 8, 9, 10, 6

2 A Prosecution for sedition must be at the instance of Government, and cannot be instituted by a private party.

Calendar II No 5

3. The Court do not consider the reasons assigned by the Sessions Judge for the late date at which these Calendars have been submitted to the Court as satisfactory, and request that a similar delay may not occur in future.

/Sent in No /

Read Calendar of case No 23 of 1858 on the file of the Session Court of Madura.-

/Hereunder F.R. No 767 of 1858/

1. As herein recommended, the Court of Foujdaree Udalut resolve to authorize the Session Judge to issue his warrant for the imprisonment of the prisoners

+ 1 Moothien and 2 Sevanandy Fourmds.

for the period specified in the margin, in mitigation of the sentence passed upon them in the said case.

2. The Court observe that the manner of Breaking should have been specified in the charge.-

/Sent in No /

Read Criminal Reports for the Months of March 1858, submitted by the Sessions Judge of Tinnevelly.-

/Hereunder F.R. No 758 of 1858/

No 23. The Heading in this case should have been "Theft" and not "Fraud."

/Sent in No /

Read Miscellaneous Petition presented on the 15th Ultimo by V. Ramanoojen Syengar Pleader on behalf of Raghavangar of Zillah Chittoor.-

/Hereunter F.R.P. No 45 of 1858./

M.C. R. Baynes J. This is an application for a reconsideration of the Sentence passed by this Court upon the petitioner in case No 2 of 1858 on the file of the Session Court of Chittoor.-

2 The Court see nothing which would justify

justify a revision of the sentence referred
to, and accordingly resolve to reject this
petition.. 22nd April 1858

Cs Chamier

Friday
23d April 1858.

J. U.

At a Court of the Tanjadore Udalut

Present

G. S. Hooper Esquire
J. L. Strange Esquire } Puisne Judges
C. R. Baynes Esquire

Read letter dated the 17th April 1858, from the Acting Magistrate of Tanjore. / Here enter J. U. No. 759 of 1858 /

1. The Acting Magistrate brings to notice the arrival within his limits of eight prisoners, (whom he has forwarded to their supposed destinations), without any information having been afforded as to their character or the extent of the precautions required for their safe transport.

2. The Court of Tanjadore Udalut conclude that the convicts in question were transferred from some district in the North, to the Jails of the Southern Zillahs, under instructions issued by the Inspector of Prisons, to whose notice the circumstance should

23rd April 1858.

should, therefore, be brought. The Court cannot interfere in the matter.-

/Sent in No /s

Exd.

A Chamier

F. 66.

Saturday 24th April 1858. } At a Court of the Faujdaree Adalut

Present

G. S. Hooper Esquire — }
J. L. Strange Esquire — } Puisne Judges.
C. R. Baynes Esquire — }

Read Calendar of Cases

No. 12 of 1858 of the Session Court of Hooghly

/Here enter F. 66. No. 782 of 1858./

The Court of Faujdaree Adalut see no reason why the prisoner's police confession should not have been credited and sentence passed upon him on the first count. The discovery of the property in his possession, his inability to account fairly for it, and his being an old offender addicted to theft, all formed grounds of presumption that he was concerned in the robbery charged; and as he confessed fully thereto when apprehended, and when brought before the police, there appears to the Court to have been

been ample evidence for his conviction.-

(Sent in No)

Read Calendars of Cases
No. 30 and 31 of 1858 of the Sessions
Court of Cuddalore.

/Here enter F. H. Nos. 777 and 778 of 1858/

The Court of Foujdaree
Adalut point out to the Acting Session
Judge that the grounds of his sentence
in Calendars should be recorded suc-
cinctly, as well as clearly, it being
unnecessary to give an abstract of the
evidence, which already appears in the
body of the Calendar.-

(Sent in No)

Read letter dated 24th
March 1858, from the Acting Agent to
the Governor of Fort St. George at
Ganjam, submitting for the final
judgment of the Foujdaree Adalut
the record of Case No. 5 of 1858 on the
Calendar of the Agents Court.-

/Here enter F. H. No. 771 of 1858./

The Court of Foujdaree Adalut, Messrs Strang
on and
Baynes-

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

Sawrah Sunnya

is sufficient to convict him of the
crime of Rebellion and Murder, do con-
vict him thereof, and under the pro-
visions of Section II, Regulation I of 1834,
sentence him to suffer death by being
hanged at the usual time at Sera-
dah, being the place where the said
murder was perpetrated.-

The Court of Foujdaree
Adalut direct that their sentence in
Trial No. 5 from the Agent at Gan-
jam, together with the whole of the
proceedings held in this case, be trans-
mitted to the Chief Secretary to Govern-
ment, for the purpose of being laid
before the Right Honorable the Gover-
nor in Council, to the intent that
the Court may, in conformity with
the provisions of Section V, Act V of 1841,

receive

receive the orders of Government before
they direct their sentence to be carried
into execution.-

(Sent in No)

Exd Coll. C S Clarnie

F. H.

Monday
26th April 1858 At a Court of the Fouzdaree Udalut

Present

G. S. Hooper Esquire
J. L. Strange Esquire
C. R. Baynes Esquire
} Puisne Judges.

Read letter from Sessions Judge of Chittoor dated 18th March 1858 forwarding Criminal Statements for the year 1857.

/ Hereunto F. H. No 561 of 1858 /

/ From the Criminal Statements for the year 1857 now submitted by the Sessions Judge of Chittoor, it appears that there has been a considerable diminution in the number of offences against person and property attended by violence. The Court however observe that notwithstanding this decrease, the amount of crime committed in the Chittoor district is still far above the average of the neighbouring districts, a state of things which reflects seriously on the energy and efficiency of the Magistracy and subordinate police authorities.

2. The Magistrate would attribute this

continued

receive the orders of Government before
they direct their sentence to be carried
into execution.-

(Sent in No)

Exd all. C S Chamier

Monday F. H.
26th April 1858 At a Court of the Foujdaree Udalut
Present
G. S. Hooper Esquire
J. L. Strange Esquire } Puisne Judges.
C. R. Baynes Esquire

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minal Statements for the year 1857.

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considerable diminution in the number of offences
against person and property attended by violence.
the Court however observe that notwithstanding
this decrease, the amount of crime committed in the
Chittoor district is still far above the average of
the neighbouring districts, a state of things which
reflects seriously on the energy and efficiency
of the Magistracy and subordinate police autho-
rities.

2. The Magistrate would attribute this

continued

continued prevalence of crimes and offences, to the well known inefficiency of the district police. How far it is in the power of the Magistrate to improve and render this force more efficient towards the prevention and discovery of crime, or how far the Magistrate has the power to control and supervise its operation in these matters, the Court do not at present consider it necessary to point out.

3 But on an examination of the statements which show the working and conduct of the native police in their investigation and disposal of cases brought before them, and where the Magistrate has full power and opportunity to observe correct and peform, the Court cannot but come to the conclusions arrived at by the Sessions Judge that there is evidence not only of the greatest laxity and irregularity on the part of the native officers, but also of the most defective supervision on the part of the Magistracy.

4. From the Extract of Proceedings of the Sessions Court on the reports of cases disposed of by the native police in November and December it appears that the grossest carelessness and procrastination prevails with respect to their proceedings on notice or complaint

of an offence being made to them. Weeks and months pass between the dates of the charge apprehension examination and sentence. Parties in petty cases detained are to their manifest inconvenience and injury for lengthened periods of time, and in cases where conviction would be followed by only a few days imprisonment, are obliged to undergo this long term of imprisonment or surveillance.

5 It is clear that the Magistrate has ample means and opportunities of supervision and correction in his department of the police duties, and it is equally evident that they have been greatly neglected and disused. From this evident want of energy in matters so completely within his own control and direction, the Court cannot avoid inferring that the inefficiency of the police in other matters connected with the repression and detection of crime, may also be in a great measure attributed to the manner in which the duties of the Magistracy generally are conducted.

6 It can hardly be necessary for the Court to remark that should this state of things be not speedily rectified, it will be more than imperative duty to bring the matter under the notice of Government.

Scrutin No /

Read

Read letter dated 12th instant from the Officiating Agent to the Governor of Fort Saint George at Kurnool, submitting for the orders of the Foujdaree Udalut, a summary of the evidence recorded before his court in a case of "Highway robbery," with his opinion as to the punishment to be passed.-

/Here enter F. H. No. 749 of 1858./

The Court of Foujdaree Udalut concur with the Officiating Agent in the conviction of both the Prisoners, and confirm the sentence proposed by him to be passed upon them Viz.t 10 years imprisonment with hard labor in irons.

/sent in No.

Read Criminal Report for the Month of March 1858 Submitted by Sessions Judge of Combaconnum.

/Here enter F. H. No. 793 of 1858/

If the offence as stated in the charge was fully proved, the punishment is most inadequate. The Court of Foujdaree Udalut have on several occasions called the attention of the Magistracy to the serious nature of breaches of the peace of this description, committed by large bodies of armed men, and as in No. 3 setting the police authority of the district completely at defiance. The Court

Magistrates Reports Nos. 3, 4, 5.

Court are of opinion that a severe sentence should be imposed in such cases.-

/sent in No.

Read Calendar of Case No. 16 of 1858 on the file of the Sessions Court of Nellore.

/Here enter F. H. No. 790 of 1858/

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 her in the said case.-

1st Rajeli Sobbalakshmi — Three months.

2 The Court are of opinion that the sentence passed on the 2d prisoner is wholly inadequate to the offence of which he has been convicted, especially under the aggravating circumstances which attended it.-

Sent in No.

Read again Miscellaneous Petition presented on the 4th January 1858 by V. Sadagopa Charry pleader on behalf of Nattovadan of Zillah Madura.

/Here enter F. M. P. No. 11 of 1858/

Read also return dated 3d March 1858 from the Acting Subordinate Judge in charge of Madura, to the precept of the Foujdaree

Foujdaree Udalut under date the 25th February 1858, calling upon him to report what brought the Calendar case N° 29 of 1857 within the jurisdiction of the Sessions Court.

/ Herewith F. U. N° 463 of 1858 /

The Court seeing no ground to question the propriety of the sentence passed resolve to reject this Petition.

Mr J. L. Strange

/ Sent in N° /

Read again Miscellaneous petitions presented on the 17th December last and 4th January 1858 by J. H. Branson Esqre Pleader on behalf of Peroomal and Pandia Moottoo Caroopen the 1st and 2nd Prisoners in Case N° 24 of 1857 on the file of the Sessions Court of Madura.

/ Herewith F. H. P. N°s 252 of 1857 and N° 4 of 1858 /

Read also return dated the 6th February last from the Acting Sessions Judge of Madura to the precept of the Foujdaree Udalut under date the 1st idem, calling upon that officer to state whether as declared by the Petitioners three witnesses were cited by them who were not examined and if so to explain why their depositions were not taken and further to forward the Inquest paper connected

connected with the case in question.

/ Herewith F. U. N° 272 of 1858 /

Mr J. L. Strange

From the explanation given in the foregoing return and the circumstances set forth in the inquest paper sent up, the Court see no ground to question the propriety of the sentence passed upon the prisoners and dismiss their Petitions.

/ Sent in N° /

Read Miscellaneous Petition presented on the 22d Ultimo by Moyadoo of Gillalo Chettoor.

/ Herewith F. M. P. N° 490 of 1858 /

Mr J. L. Strange

1. This is an appeal from the order of the Sessions Judge under date the 26th November 1857 confirmatory of the one passed by the Joint Magistrate, imposing a fine of 3½ Rupees upon the Petitioner for falsely accusing the wife of the complainant Venkatachellum with adultery.

2. The Court of Foujdaree Udalut seeing no reason to interfere in the matter resolve to reject this Petition.

/ Sent in N° /

Read Miscellaneous Petition presented on the 18th Ultimo by V. Sadagopa Charry Pleader

Pleader on behalf of Raghavacharry of Gillah Cuddalore.-

/ Here enter T. M. P. No. 46 of 1858 /

1 This is an application for the interference of the Court of Foujdaree Udalut to reverse the order passed by the Assistant Magistrate of South Arcot, which was confirmed by the Acting Sessions Judge in proceedings under date the 10th February 1858, prohibiting the distribution of Prasadam in the Pagoda of Tiruvendeporum unless the parties were able to come to an amicable arrangement or pending the final judgment of the Court of Sudder Udalut in an appeal respecting the shares of certain privileges in the said Pagoda.-

Messrs. G. S. Hooper and J. L. Strange.

2. The Court of Foujdaree Udalut are of opinion that the Assistant Magistrate has exceeded his powers in prohibiting operations within the pagoda. The utmost that he could do on anticipating a disturbance of the peace connected with such operations, was to have required security from those by whom the public peace might be

endangered.

3 The Court therefore resolve to remove the interdiction in question.-

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

/ Sent following precept No. /

Read letter dated 12th April 1858 from the Acting Sessions Judge of Cuddalore, submitting for the final judgment of the Foujdaree Udalut the record of Cases Nos. 15, 16, 17, and 18 of 1858 on the Calendar of the Sessions Court.

/ Here enter F. H. No. 726 of 1858 /

Case No. 15

Messrs. G. S. Hooper and J. L. Strange

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

1st Chinna Pounen.

2d Araly Pounan.

and

3d Thoppay

is sufficient to convict them of the crime of Highway Robbery, do convict them thereof and under the provisions of clause 3d Section IV. Regulation XV of 1803, sentence them to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during

during the period of (14) fourteen years.

/ Sent in No. /

Case No. 16.
Messrs G. S. Hooper
and
J. L. Strange.

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

1st Chinna Ponnen

is sufficient to convict him of the crime charged do convict him thereof but having been already sentenced in case No 15 on the Cuddalore Calendar for 1858 no further sentence is required to be passed upon him in this case.

/ Sent in No. /

Case No. 17.
Messrs G. S. Hooper
and
J. L. Strange.

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

1st Chinna Ponnen
2d Araly Ponnen
3d Thospay
and
4th Moottan.

is sufficient to convict them the 1st, 2d and 3d of Highway Robbery, and the 4th of being an accessory after the fact to the said crime, do convict them severally thereof and sentence the prisoners

prisoner,

4th Moottan

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. But the prisoners

1st Chinna Ponnen
2d Araly Ponnen
and
3d Thospay

having been already sentenced in case No 15 on the Cuddalore Calendar for 1858, no further sentence is required to be passed upon them in this case.

And being of opinion that the prisoner

5th Moottaloverdy

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. /

Case No. 18.
Messrs G. S. Hooper
and
J. L. Strange

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

2nd Moottan

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

26th April 1858

confession of the crime charged, do acquit him
therefore and direct that he be set at liberty
/Sentence Nº /
/s/ C.S. Chamier

F. 116.

Tuesday 27th April 1858. } At a Court of the Fouzdarree Adalut.

Present

G. S. Hooper Esquire
J. L. Strange Esquire } Puisne Judges.
C. R. Baynes Esquire

Read Criminal Reports for the month of March 1858, submitted by the Session Judge of Chittoor.
/Here enter F. 116. Nº 762 of 1852./

Joint Magistrate's Report Nº 6.

In this case the circumstances do not support a charge of fraud. The Court direct the sentence to be cancelled as unwarranted by Law.-

(Sentence Nº)

Read letter dated 21st April 1858, from the Acting Session Judge of Trichinopoly, submitting for the final judgment of the Fouzdarree Adalut the record of Case Nº 10 of 1858 on the Calendar of the Session Court.-
/Here enter F. 116. Nº 786 of 1858./

The

Mr Strange and Mr 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,

Sinnapyel alias Marooda Moottoo,

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

(Sent in No.)

Read letter dated 20th April 1858, from the Sessions Judge of Bellary, submitting for the final judgment of the Foujdaree Udalut the record of Case No. 25 of 1858 on the Calendar of the Sessions Court.-

(Here enter F. C. No. 798 of 1858.)

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

Mr Baynes

that the proof against the prisoner,

Kullah,

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 15th April 1858, from the Acting Sessions Judge of Calicut, submitting for the final judgment of the Foujdaree Udalut the record of Case No. 18 of 1858 on the Calendar of the Sessions Court.-

(Here enter F. C. No. 801 of 1858.)

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

Mr Strange

the

the proof against the prisoner,
Thayan Kandachera chandaamen,
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 XX, 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 (5) five years.

(Sent in No)

Exd Ecd.

C J Clavier

J. 16.

Wednesday 28th April 1858. } At a Court of the Foujdaree Adalut

Present

The Honble W. A. Morehead Esqre Chief Judge.
G. S. Hooper Esquire
T. L. Strange Esquire } Puisne Judges.
C. R. Baynes Esquire

Read Calendar of Case No 22 of 1858 of the Session Court of Salem.-

(Here enter J. 16. No 805 of 1858.)

The Court of Foujdaree Adalut are unable to concur in the mitigation proposed in this case by the Sessions Judge; the proved conduct of the prisoner appears to them inconsistent with the pleas of stupidity and ignorance, advanced in his favor. He has been convicted of perjury of the most dangerous character, and the Judges see no reason why the sentence passed on him should not be fully carried out.-

(Sent in No)

Read

Read letter dated the 22d instant from the Sessions Judge of Bellary.-

(Here enter F. C. No. 830 of 1858.)

1. The Sessions Judge forwards for the opinion of the Foujdaree Adalut, copy of a letter from the Acting Subordinate Judge, wherein that officer reports that a case of Housebreaking and Theft is lying over in his Court, in consequence of the absence on field service of the prosecutor and two of his witnesses; and enquires whether under such circumstances their evidence could not be taken by commission under Act VII of 1841.-

2. The Judges are of opinion that the evidence of the absent parties cannot legally be taken by means of interrogatories. If there are any other witnesses to the fact, the Government Vakeel might be directed to prosecute.- The evidence, on such prosecution, though insufficient for conviction, might justify a

requisition for security. If, however, there be no other evidence, or no such evidence as it would be possible to obtain a conviction upon, the Judges consider that the accused should be discharged from custody.-

(Sent in No.)

Read Calendar of Case No. 21 of 1858, of the Session Court of Salem.

(Here enter F. C. No. 804 of 1858.)

1. The Foujdaree Adalut feel unable to grant a mitigation of punishment in this case to the extent proposed by the Session Judge. They observe that the prisoner is necessarily guilty either of the heinous crime of accusing two innocent men of a capital offence, or of using perjury to shield from justice the murderers of her husband. Whatever mistaken compassion the public may feel towards such an offender, it is important that they should be made to understand that the Courts of justice do not participate in it.-

The

2. The Court resolve, however, to mitigate the sentence of the Prisoner to 2 years' imprisonment with labor suitable to her sex; and they direct the Sessions Judge to issue his warrant accordingly.-

(Sent in No)

Read Calendar of Case No 22 of 1858, on the file of the Sessions Court of Bellary.-

/Here enter F. Dc. No 812 of 1858./

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.-

× Buffalo (7) stripes.

(Sent in No)

Read Calendar of Case No 5 of 1858 of the Sessions Court of Tinnevelly.-

/Here enter F. Dc. No 776 of 1858./

As far as can be judged from

from the abstract, the Foujdaree Adalut are of opinion that the Sessions Judge erred in returning this case to the Principal Sudr Ameen for more positive determination. The offence charged was cognizable only by the Sessions Court. The Principal Sudr Ameen appears to have considered the evidence sufficient for conviction, if believed; he may have had some doubts whether certain discrepancies were sufficient to discredit it or not; but the solution of such doubts is the object of Trial by the authority competent to decide the point finally. If the Principal Sudr Ameen had undertaken to do this, he would have usurped the functions of the Sessions Judge. If, on reconsideration of the record, the Principal Sudr Ameen should have been able to say either "that the evidence, even if true, is not in proof "of the prisoner's guilt," or that it is so manifestly false that there could be no prospect of conviction, the case

need

need not be committed. In any other case the Sessions Judge must proceed to its trial.-

(Sent in No)

Read Petty Calendars for first Quarter of 1858, submitted by the Acting Sessions Judge of Trichinopoly.-

/Here enter F. M. No 818 of 1858./

1. The Court of Foujdaree Adalut would point out to the Acting Sessions Judge that the proceedings in this case are irregular, and the sentence illegal. The offence charged was manslaughter, and the Magistrate was not competent to pass any sentence in such a case. If there was any culpability attaching to the act by which the child met with its death at the hands of the defendant, it was the duty of the Magistrate to commit him for trial; if, on the other hand, the defendant was free from all blame, he should have been released unconditionally.- Calendar I No 3.

2. The Court would also point out

out that under the act quoted as authorizing a portion of the fine to be paid to the prosecutor, provision is only made for such payment being made to the injured party, who, in the present instance, was dead.-

3. The Acting Sessions Judge will forward copy of these remarks for the information and guidance of the Magistrate.-

(Sent in No)

E. Hall.

C. S. Chamier

F. U.

Thursday
29th. April 1858.

At a Court of the Foujdaree Udalut

Present.

G. S. Hooper Esq.re
J. L. Strange Esq.re
C. R. Baynes Esq.re
} Puisne Judges

Read again Miscellaneous Petition received on the 6th. January 1858, thro' the Session Judge of Bellary, on behalf of Boyalinga and 4 others, of that Zillah.-

/Here enter F. M. P. No. 17 of 1858/

Read also return dated 9th. Ultimo, from the Session Judge of Bellary, to the precept of the Foujdaree Udalut under date the 3d. idem, requesting submission of the 1st. document in which the names of the Prisoners in Case No. 76 of 1857 are mentioned, as well as the preceding reports &c.

/Here enter F. U. No. 530 of 1858/

Mess.rs J. L. Strange and C. R. Baynes.

The Court of Foujdaree Udalut resolve to reject this petition, seeing, from the information before them, no ground to question the justice of the sentence passed by the Session Judge on the prisoners.-

/Sent in No. /

Read

29th April 1858.

Read Criminal Reports for the month of March 1858, submitted by the Acting Sessions Judge of Madura.-

(Here enter F. H. No. 825 of 1858)

1. In this case the prisoner should have been charged with "cattle stealing" and "being in possession" &c. — No. 26

2. The heading in this case should have been "assault and theft." — Joint Magistrate's Report No. 23.

3. The facts alleged do not constitute a penal offence. The Court therefore direct that the sentence be cancelled, and the fine, if levied, be returned. — No. 144

Ex'd.

(Sent in Sec. /s

C. S. Clavier

F. Do.

Friday 30th April 1858. At a Court of the Foujdaree Adalut.

Present.

G. S. Hooper. Esqre.
J. B. Strange Esqre.
C. R. Baynes Esqre.
} Prisne judges

Read again Calendar in Case No. 4 of 1858 of the Sessions Court of Chicacole.-

(Here enter F. Do. No. 645 of 1858)

Read also Return dated the 19th instant, from the Sessions Judge of Chicacole, to the precept of the Foujdaree Adalut under date the 8th idem, directing him to certify upon what evidence the 1st and 4th Prisoners in the above case have been convicted.-

(Here enter F. Do. No. 829 of 1858)

1 Upon consideration of the evidence, as herein certified and explained under the provisions of act XIX of 1848, the Court of Foujdaree Adalut are of opinion that the evidence is insufficient for the conviction of the 1st prisoner in

prisoner in this case; it consists solely of the accusations of other Prisoners, with the single fact of a Kerchief being found in his back yard, which the known criminal, his only accuser, may possibly have placed there. The Court therefore direct his unconditional release.

2 Under the explanation afforded by the Sessions Judge, the Court see no cause for interfering with the sentence passed on the 4th Prisoner.

(Sent in No.)

Read letter dated 21st instant, from the Sessions Judge of Tinnevelly, requesting permission to review and cancel an order passed by him on a Miscellaneous Petition.

(Here enter F. & C. No. 817 of 1858.)

Under the circumstances herein set forth the Sessions Judge is authorized by the Foujdaree Adalut to review his order as requested.

(Sent in No.)

Read Calendars in Cases Nos. 11. 26. and 28 of the Session Court of Masulipatam.

(Here enter F. & C. Nos. 527, 832 and 836 of 1858)

The Foujdaree Adalut, in approving of the Sentences passed on the Prisoners in these cases, would observe that the fact of severe personal injury having been inflicted by the convicts, should have been so specified in the Heading, charge, and sentence, as to show distinctly why the offence of those who did not actually effect their escape was not dealt with under the provisions of Clause 5th Section V Regulation X 1832, and of those who did escape, under Clause 7th Section V Regulation VII of 1822;- why in short they were sent for trial before the Session Court under Clause 4th of the last quoted Section.

2 The Court do not consider it necessary to make an order for the banishment of the Prisoners in No. 26 as suggested by the Session Judge.

(Sent in No.)

30th April 1858.

Read letter dated 20th April 1858, from the Session Judge of Masulipatam, submitting for the final Judgment of the Foujdaree Udalut, the record of Case No. 72 of 1858 on the file of the Session Court.-

(Here enter F. Dc. No. 799 of 1858)

Mr. Strange

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

Cooracheo Swamygandoo.

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

(Sentence No.)

Ex. Dd.

C. Chamier

J. W.

Saturday 1st May 1858. At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper Esqre.
J. L. Strange Esqre.
C. R. Baynes Esqre.
} Puisne Judges.

Read again Miscellaneous Petition received on the 15th March 1858 from the Sessions Judge of Rajahmundry on behalf of Rayavarapoo Brammajee of that Zillah.-

(Here enter F. M. P. No. 41 of 1858)

Read also petition dated 24th Ultimo from the Sessions Judge of Rajahmundry to the precept of the Foujdaree Udalut under date 15th idem, calling upon him to certify so much of the evidence taken in case No. 2 of 1858 as refers to the 3d Prisoner, and to offer any observations he may have to allege.-

(Here Enter F. C. No. 848 of 1858)

The 3d Prisoner in this case was

Mr. C. R. Baynes.

charged with the compromising and compounding a felony by making an arrangement between the Prosecutrix and the party who had robbed her, under which her property should be recovered, and a portion be allowed to the negociator.

Pc

1st May 1858

The Sessions Judge considered that usurpation of undue authority, extortion and embezzlement were all, more or less, proved against him and sentenced him to 6 months imprisonment without irons and to pay a fine of Rupees 100 under Act XVI of 1850.-

2. The Foujdaree Udalut on appeal made to them deemed it necessary to call for the evidence taken against the Petitioner, and on perusing it are of opinion that tho' there can be no doubt that the 3rd Prisoner acted in such manner as to render himself obnoxious to the charge preferred against him, it does not appear that he was aware of the extent of the criminality which the law attaches to such dealings, as is shown by his making no secret of his concern in them, and reporting his proceedings to the police.-

3. Under this view of the case, the Foujdaree Udalut consider that an imprisonment of three months, which he will have now undergone, will be sufficient punishment, and resolve to mitigate the sentence accordingly.-

4. The fine of Rupees 100 the Judges consider cannot legally be imposed on

1st May 1858.

him under Act XVI of 1850. It is not pretended that he stole, or was accessary to the stealing, of any property of which he could be called on to make restoration under that enactment, such fine must therefore be remitted.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Rajahmundry by Precept returnable within 10 days from and after its receipt.

/ Sent following precepts &c /

Read criminal reports for the Month of March 1858 submitted by the Acting Agent of Ganjam.

/ Vide Register S. G. No 839 of 1858 /

No 5 of 1858. 1. The sentence in this case is irregular. The fine imposed under Section VII Act X of 1840 cannot be levied by distraint, an additional fine should have been imposed under Act XVI of 1850 to be levied by distraint for the purpose of reimbursing the sums illegally collected from the ryots, as the error however proceeds from mere informality, the Court will not disturb the sentence.-

2. The indictment in this case has not been drawn out with sufficient precision, the corrupt purposes not having been specified with the time at which the matter laid in

in the 2d count occurred being altogether in-
-definite.-

/Sent in No /

Read criminal reports for the
Months of March 1858, from the Sessions
Judge of Honore.-

Here enter F. H. No 842 of 1858/

The Prisoners in this case should Principal Sadder
have been charged with "Forgery" and should ameens file No 4.
have been committed for trial to the Sessions
court.-

/ Sent in No /

Read criminal reports for the
Months of March from the Sessions Judge
of Cuddalapah.-

/Here enter F. H. No 843 of 1858/

1 The criminal intent should No 52.
have been set forth in the charge.-

2. Malice should have been charged. No 55.

3. The charge in this case is con- No 60.
-fused, and it does not appear that the
party prosecuting has any interest suffi-
-cient him to do so.-

4 There does not appear to have been any No 58.
breaking, and the prisoner should therefore have been
charged with simple Theft.-

/Sent in No /

E H Chamier

2. 1858.

F. H.

Monday 3d May 1858. At a Court of the Foujdaree Adalut.

Present

G. S. Hooper, Esquire
T. Le Strange, Esquire
C. R. Baynes, Esquire
} Puisne Judges

Read letter dated the 20th ultimo, from the Acting Session Judge of Cuddalore, forwarding English Translation of the record of Case No 14 of 1858, on the Calendar of the Session Court, for the final Judgment of the Court of Foujdaree Adalut.

/Here enter F. H. No. 796 of 1858/

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,

Veerun

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession of the crime charged

charged, do acquit him thereof, and direct that he be set at liberty.—

Exd all.

C S Clarnier

F. M.

Tuesday—
4th May 1858—

At a Court of the Foujdaree Adalut.

Present

G. L. Hooper Esquire
T. L. Strange Esquire
C. R. Baynes Esquire
} Puisne Judges

Read Miscellaneous Petition presented on the 11th March last, by J. D. Mayne Esquire, Pleader on behalf of Arcomoogum Pillay, Zillah Tinnevelly.

[Here enter F. M. P. No. 39 of 1858.]

Petitioner appeals from the order of the Session Judge under date the 9th December 1857, confirming that of the Magistrate whereby he was dismissed from the office of No. Cur. runnum for having buried a corpse without giving information of it to the Police.

Messrs Hooper & Strange

2. The Court of Foujdaree Adalut observe that petitioner is a revenue, not a Police officer, and that the Magistrate has not been justified in dismissing him from his situation for

for failure to discharge a duty as a Police officer. The Court resolve therefore to cancel the said order.

/Sent in No. /

Read Miscellaneous Petition presented on the 22d March last, by J. D. Mayne Esquire, Pleader on behalf of Duntoo Rammunah, Zillah Rajahmundry.

/Here enter F. Mc. P. No. 48 of 1858/

This is an appeal from the sentence passed by the Session Judge in Case No. 39 of 1857, in which the Petitioner is first Prisoner.

Messrs. Strange and Mayne

2. Before disposing of this Petition, the Court of Foujdaree Adalut resolve to direct the Session Judge of Rajahmundry to transmit English translation of the original record of trial before the Session Court. They do not require that before the Magistrate and Subordinate Court.

3. The Court of Foujdaree Adalut further direct that until the receipt of their final orders in this case, the sentence passed be suspended.

Ordered

4th May 1858.

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

/Sent following precept. No. /

Ed. Mc. C. Clarnce

F.116.

Wednesday— 5th May 1858.— At a Court of the Foujdaree Adalut

Present

G.S. Hooper Esquire,
J.S. Strange Esquire, } Puisne Judges
C.R. Baynes Esquire,

Read letter dated the 23d April 1858, from the Acting Session Judge of Madura.

(Here enter F.116.— No. 833 of 1858.)

1. The object of this reference is to ascertain how far the Magistrate was authorized in entertaining an appeal from a decision of the Joint Magistrate fining a certain Natamagar, and dismissing him from his office.

2. The Judges of the Foujdaree Adalut observe that the Session Judge having the power of reviewing the decisions of the Magistracy, should interfere whenever he may see ground to question the propriety of the sentence of any Magistrate within his jurisdiction.

3. Dismissal from service forming

forming no part of any penal sentence as authorized by the Regulations, the case referred to in the present correspondence is one requiring the attention of the Session Judge; and the Judges direct him to deal therewith, by cancelling such part of the sentence as null and void.

4. As regards the Magistrate's reception of appeals from sentences passed by his European Subordinates, the Session Judge has rightly declared such course to be prohibited by the Circular Order of the Foujdaree Adalut No. 207 quoted in his proceedings of the 21st ultimo.

/ Sent in a No. /

Ex. Ed.

C. Chamier

7

F. 16.

Thursday 6th May 1858

At a Court of the Foujdaree Adalut

Present

G. L. Cooper, Esquire
T. L. Strange, Esquire
} Puisne Judges
C. R. Baynes, Esquire

Read Miscellaneous

Petition presented on the 4th instant, by J. D. Mayne Esqr. and V. Sadagopa Charry, Pleaders on behalf of Appatoray Iyyen, Prisoner in Case No. 16 of 1858 on the Session Calendar of Combaconum

(Here Enter F. M. P. No. 66 of 1858)

Mr. G. L. Cooper / 1 This is an appeal against the sentence passed by the Sessions Judge upon the Petitioner in the above case.

2 Before passing a final order on this petition the Court of Foujdaree Adalut resolve to direct the Sessions Judge of Combaconum to forward a translation of the record of the case, for their consideration, and further to suspend the sentence of labor in irons

irons passed upon the Prisoner, pending their final decision on the case in question.—

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

(Sent following Precept No.)

Read letter under date the 15th April 1858, from the Acting Sessions Judge of Madura, forwarding English Translation of the record of Case No. 11 of 1858, on the Calendar of the Sessions Court, for the final judgment of the Court of Foujdaree Udalat.—

(Here Enter F. C. No. 151 of 1858)

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

1st Teekaram Doobaje Iyer, Mr. G. S. Hooper.
Mr. C. R. Baynes.

3d Chinnasawmy Bhutter
4th Caleana Bhutter
5th Chella Bhutter
6th Soobbun
7th Soobbun
8th Teroomany
9th Pernal and
10th Moottien

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

(Sent in No.)

Ed Gill.

C S Chamier

F.No.

Friday 7th May 1858. At a Court of the Foujdaree Udalut

Present

G. L. Cooper, Esquire
T. L. Strange, Esquire
C. R. Baynes, Esquire
} Puisne Judges

Read letter dated the 1st May 1858, from the Magistrate of South Arcot.—

(Here enter F.No. 870 of 1858)

The Magistrate brings to notice the misconduct of the Head Police Officer of Munnargoody, in having caused a certain widow to be examined by matrons with the view of ascertaining whether she was in a state of pregnancy - an anonymous petition having alleged the fact, as well as her determination to procure abortion; - and the magistrate recommends that, if the Head of Police be not degraded to

to

to the post of Serishtadar, by the Board of Revenue, he be fined in the sum of 20 Rupees by the Foujdaree Udalut.

2 The Court of Foujdaree Udalut observe that they have no power to comply with the Magistrates request. The only circumstances in which the Court can authorize, or direct the punishment of a Head of Police are those described in section XXXIX, Act VIII of 1843.

(Sent in A°)

Read again Miscellaneous Petition presented on the 25th Febru-ary last, by J. D. Mayne Esqre, Barrister at Law, on behalf of G. Narapah, Prisoner in Case N° 1 of 1858 on the Calendar of the Sessions Court at Nellore

/Here enter F. M. D. N° 34 of 1858/

Read also return dated the 18th March last, to the precept of the 13th idem, directing submission of

of the record of the above Case.

/Here enter F. M. N° 591 of 1858/

Upon consideration of the record in Mr. C. R. Bayne's this case, and after hearing the arguments of Counsel on the appeal, the Foujdaree Udalut are of opinion that the evidence, circumstantial and oral, is not such as ought to have been relied on for the conviction of the prisoner.

2 Even apart from the improbabilities surrounding the alleged settlement between the 4th witness and the prisoner, it is scarcely credible that the prose-cutor, who is described as under-taking for his, prisoner's, liabili-ties, should have accepted as security a bond which, without further action on the part of the prisoner, he could not render available.

3 Whatever doubts exist as to the deposit being made at all,

all, are greatly strengthened by consideration of the circumstances under which the fraudulent re= =taking is said to have occurred, and the evidence adduced in sup= =port thereof. The prisoner, it is observed, could have had no hope of even temporary Concealment; a few hours would infallibly bring his misdoing to light, and that too before he could expect to profit by it, for the prosecutor alleges that he did, what of course he would have done, immedi= =ately stop payment.— The advantages he would derive were also trifling and indirect; he would deprive prosecutor of the security, but would of course draw down upon himself an instant demand for payment of his bond of Rupees 800 to him, Prosecutor. It is remarkable also that when the Prisoner asked

7t.

7th witness for the bond as deputed by the Prosecutor, so many witnes= =ses should have been opportunely present, and that he should have carried out his scheme in their presence. Nor is it explained why if the 7th witness had such confi= =dence on the Prisoner as to be willing to give him the bond under such circumstances, she should not have allowed him to select it from the others instead of sending for the Schoolmaster= This part of the evidence, moreover, abounds with discrepancies and contradictions. According to one witness, a girl was sent to summon the schoolmaster, while another declares it was a boy;— nor do they at all agree as to the time when the transaction took place.—

4 Taking this view of the

the evidence, the Foujdaree Udalut resolve to annul the conviction, and sentence passed thereon, and to direct that the prisoner be released.—

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Nellore by precept returnable within 2 days from and after its receipt.—

(Sent following Precept No.)

Ex^d Sd. C. Chamier.

F. C.

Saturday 8th May 1858. At a Court of the Foujdaree Udalut

Present.

G. S. Hooper Esq^re
J. L. Strange Esq^re
L. R. Baynes. Esq^re
} Puisne Judges

Read letter dated 27th April 1858, from the Sessions Judge of Tinnevelly, submitting for the final judgment of the Foujdaree Udalut, the record of Case No. 5 on the file of the Sessions Court.

(Here enter F. C. No. 861 of 1858.)

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 Sivasungoothaven
and
2nd Nullamanden alias Coottien

is sufficient to convict them of the crime of Assault and severe wounding, for which, according to the Moohummedan

Law,

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.—

Ex Dalg.

C. Clarnie

10th May 58

Tuesday.
11th May 1858.

F. 96

At a Court of the Fouzdaree Adalut

Present

G. S. Hooper Esqre
T. L. Strange Esqre
C. B. Baynes Esqre
} Puisne Judges

Read Criminal Report for the Month of March 1858, submitted by the Sessions Judge of Coimbatore.—

/Hereunto F. No. No. 860 of 1858/

Asst Magistrate No 4

The Heading in this case should have been "extortion" only, and that part of the charge commencing "in abuse" &c. should have been omitted, as the prisoner had no police authority.—

P. S. Ameen No 63

2 The rope with which the murder was committed should not be described in the indictment as "rope marked No 1," if so described it must be proved. The same remark applies to the articles described in Nos 6, 7 and 66.—

No 67.

3. The Sessions Judge should have corrected this indictment, as the expression "left off" is quite unintelligible, and it is not at all clear how the death of the deceased was caused.—

(Sent in No)

Read

Read Calendar of Case No. 22 of 1858 — 11th May 1858

on the file of the Session Court of Madura.

/ Here enter F. No. 892 of 1858 /

As herein recommended, the Court of Foujdaree Udalut resolve to authorize the Acting Session 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.

1st Nagalingam
2d Vellien
3d Buttavumbo carpenter
4th Carpanen
5th Mottiswamah
6th Swamalalagar
7th Oodian
8th Cauly
9th Mootiapamah carpenter and
12 Carpanen

(Sent in No.)

Read Calendar in case No. 24 of 1858 of the Session Court of Calicut

/ Here enter F. No. 871 of 1858 /

As the wound is described a very slight one, and was not inflicted in malice, but to effect an escape, the Court of Foujdaree Udalut are of opinion that six months' imprisonment would suffice; and they direct the Session Judge to reduce the sentence accordingly.

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

11th May 1858

proceedings be forwarded to the Session Judge of Calicut, by precept returnable within III days from and after its receipt.

(Sent following precept No.)

Read letter under date the 21st April 1858, from the Acting Session Judge of Madura, forwarding English Translation of the record of Case No. 18 of 1858 on the Calendar of the Session Court, for the final judgment of the Court of Foujdaree Udalut.

/ Here enter F. No. 826 of 1858 /

Mssrs Stirling and Bayner.

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 Iyale alias Sungara Ramen Tavem
2d Ramasawmy
3d Nagoor Meerah Mootten
4th Savoryappen son of Royappen
5th Maria Rasoo

and

6th Savoryappen son of Selambum
Savory Mootten

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confession

confession of the crime charged, do acquit them thereof, and direct that they be set at liberty.—S.

(Sent following letter No)

Ex'd all.

C S Clarke

11th May 1858

P. C.

Wednesday 12th May 1858.

At a Court of the Foujdaree Udalut

Present

G. L. Hooper, Esquire
T. L. Strange, Esquire
C. R. Baynes, Esquire
} Puisne Judges

Read letter under date the 26th ultimo, from the Sessions Judge of Chittoor, forwarding English translation of the record of Case No. 20 of 1858 on the Calendar of the Sessions Court, for the final judgment of the Court of Foujdaree Udalut.—

(Here enter P. C. No. 835 of 1858)

Mr. G. L. 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 Gopauloo
2nd Parasooramun
and
3d Conacaloottun Vareyen
alias Govindun,

is

is sufficient to convict them of the crime of Robbery by open violence attended with wounding, do convict them thereof, and under the provisions of Clauses third and fifth, Section IV, Regulation XV of 1803, and Section XXXIV, Act VII of 1843, sentence 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.—

And being of opinion that the prisoners,

4th Bodee

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

Read letter under date the 5th instant, from the Acting Sessions Judge of Cuddalore, forwarding English translation of the record of case No. 27 of 1858 on the Calendar of the Sessions Court, for

for the final judgment of the Court of Foujdaree Udalut.

(Here Enter F. Dc. No. 896 of 1858)

Mr. C. R. 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 prisoners

1st Maury

2d Maury son of Venkatem

3d Cunny Saw

and

4th Mootloosamy

is sufficient to convict them of the crime of Highway Robbery, do convict them thereof, and under the provisions of Clause 3d, Section IV, Regulation XV of 1803, and Section XXXIII, Act VII of 1843, sentence them to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of (8) Eight years.

Ex Dft.

Sr Chamier

F. C.

Thursday 13th. May 1858.

At a Court of the Foujdaree Udalut

Present

G. S. Hooper, Esquire
T. L. Strange, Esquire
C. R. Baynes, Esquire
} Puisne Judges.

Read letter dated the 28th. ultimo from the Sessions Judge of Coimbatore.

/ Here enter F. C. No. 87 of 1858 /

1. The object of this reference is to ascertain whether it is competent to a party, placed under requisition of security for keeping the peace and being of good behaviour, to furnish sureties residing in another Zillah.

2. The Judges observe that a similar reference was made by the magistrate of Coimbatore in the year 1854, when it was ruled that such security could not be objected to, on the sole ground of the surety being an inhabitant of another Zillah.

3 The Judges are, however, of opinion, that the question as to whether the security is good and sufficient, and calculated to answer the end for which it is required, is one in which the magistrate may exercise a discretion, and which he may determine on general grounds.

C S Chamier

Esqr

F. 116.

Friday 14th May 1858. At a Court of the Foujdaree Udalut

Present

G. T. Cooper, Esquire
F. L. Strange, Esquire
C. R. Baynes, Esquire
} Puisne Judges

Read the Criminal Reports, submitted by the Session Judge of Chicacole, for the year 1857.

(Herewith F. 116 No. 661 of 1858)

Comparative Abstract shewing Petty Offences and Crimes and Misdemeanors. Ganjam.

The Court of Foujdaree Udalut direct that the Session Judge will append to this abstract a review, shewing the state of Crime and Causes which have influenced it as required in para 5 of this Court's letter under date the 1st April 1853.

2. The Court also direct that the Session Judge will report on the working of their Circular Order No. 208, respecting the receiving of Confessions by Heads of Police in

in the Districts under the charge of the Magistrate of Vizagapatam, as required by this Courts Circular letter dated 30th October 1857.-

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

/ Sent following Precept No. /

Read letter under date the 4th May 1858, from the Sessions Judge of Combaconum, forwarding English translation of the Record of Case No. 19 of 1858 on the Calendar of the Sessions Court, for the final judgment of the Court of Foujdaree Udalut.—

/ Here enter F. Ue. No. 897 of 1858 /

The Court of Foujdaree Udalut, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner, 1st Tavooden alias Manikren, is

Mr. G. S. Hooper.—

11th May 1858.

sufficient to convict him of the crime of Highway Robbery, do convict him thereof; and under the provisions of Clause 3d, Section IV, Regulation XV of 1803, Clause third, Section III, Regulation I of 1825, and Section XXXIV, Act VII of 1843, sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (7) Seven years.—

(Sent in No.)

E. & E.

C. S. Chamier

F. M.C.

Saturday 15th May 1858.

At a Court of the Foujdaree Adalut

Present.

G. S. Hooper Esquire,
J. L. Strange Esquire,
C. R. Baynes Esquire,
} Puisne Judges.

Read letter dated 6th April 1858, from the Acting Session Judge of Madura, submitting for the final judgment of the Foujdaree Adalut the record of Case No. 7 of 1858, on the Calendar of the Session Court.

/Here enter F. M.C. No. 688 of 1858./

Messrs. Hooper and 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 prisoners,

1st. Poolachy Sherry
3d. Shalavoya Carroopana Tavan
4th. Nagalingum pillay
5th. Nagalingum
6th. Mottayen
7th. Shandycoomaroo

Cullacaroopanen

8th. Cullacaroo Spanen
9th. Narayanen.
10th. Chinnacurippah Tauen, and
11th. Vencatachellumasary

is sufficient to convict them of the crime of Gang Robbery attended with Murder, do convict them thereof, and in conformity with the provisions of Clauses First and Fifth, Section IV, Regulation XX. of 1803, sentence the prisoners,

1st. Poolachy Shery

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

8th. Cullacaroo Spanen

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,

3d. Shalanoyer Caroopana Tauen
4th. Nagalingum Pillay
5th. Nagalingum
6th. Moottayen

Shendycoomaroo

7th. Shendycoomaroo
9th. Narayanum
10th. Chinnacaroppah Tauen, and
11th. Vencatachellumasary

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 10th. May 1858, from the Session Judge of Chittoor, submitting for the final orders of Foujdaree Udalut the judgment of Foujdaree Udalut the record of Case No. 25 of 1858, on the Calendar of the Session Court.

/Here enter F. U. No. 916 of 1858/

Messrs. Harper and Dayus

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,

Chinnasawmy

is sufficient to convict him of the crime of Murder, do convict him thereof

15th May 1858.

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

/Sentence No. /

Ed Hall.

C. A. Chamier

Monday 17th May 1858. At a Court of the Foujdaree Udalut.

F. U.

Present:

G. L. Hooper Esquire
J. L. Strange Esquire
C. R. Baynes Esquire
} Puisne Judges.

Mr C. R. Baynes

Read Miscellaneous Petition presented on the 8th March 1858 by S. N. Cumberaca charry Pleader on behalf of Sorobiew of Gillah Combaconum.-

/Hereunder F. Rev. P. No 37 of 1858/

1. This is an appeal from the order of the Sessions Judge under date the 4th December 1857, confirming the sentence of the special assistant Magistrate dated the 21st October last, whereby the Prisoner's son and servants were fined on a complaint preferred against them by one Chedumbara Iyen.-

2. The Foujdaree Udalut see no grounds for interfering with the order appealed against, and accordingly resolve to dismiss this Petition.-

/Sentence No /

Read letter dated the 15th Ultimo from the Acting Sessions Judge of Madura.

/Hereunder F. U. No 752 of 1858/

The

17th May 1858.

1. The Sessions Judge forwards a letter addressed to him by Mr. W. Scott, applying to be re-imbursed for his travelling expences which amounted to Rupees 150, from Polacammund to Madura and back, and further seeking Compensation for loss of income, entailed by his being obliged to attend the Madura Sessions Court as a witness for the prosecution, in the case of Government Versus Seshiaram and others.

2. The grounds upon which this application is made, and supported by the Sessions Judge, are, that had not a charge of Sedition been ingrafted upon Mr. Scotts original complaint of assault, his attendance a second time would have been unnecessary, and the case, instead of occupying thirty days to investigate, would probably have been decided summarily.-

3. The Court of Foujdaree Udalut observe that it is not the practice in the Courts of this presidency to allow compensation to prosecutors and witnesses for their trouble and loss of time.-

4. With respect to the applicant's travelling expenses the sanction of the Government would have to be sought, Section XXXIII, Regulation

17th May 1858.

Regulation X of 1816 having, obviously, reference only to native witnesses.-

5. For these, batta is granted only when they "may appear to be actually in need of such assistance," as this cannot be said to be Mr. Scotts condition, the recommendation in his case would rest upon special grounds.-

6. Such doubtless exist in the circumstance that his evidence was required in the matter of a prosecution by Government, but as the whole turmoil which led to the prosecution appears to have originated in Mr. Scotts very indiscreet conduct, the Judges are not disposed to make any application to the Government on his behalf.-

/ Entd in No. /

Read Miscellaneous Petition presented on the 18th March last by Bagiveradthy Mother of Ramasawmy 8th Prisoner in Case No. 45 of 1857 on the file of the Sessions Court of Coimbatore, praying the Foujdaree Udalut in review of their order dated the 23d November last upon Miscellaneous Petition No. 222 of 1857, to reverse the sentence passed against the 8th Prisoner in the above Case.-

/ Here enter F. M. P. No. 53 of 1858 /

The

1. The Sessions Judge forwards a letter addressed to him by Mr. W. Scott, applying to be re-imbursed for his travelling expences which amounted to Rupees 150, from Oolacamund to Madura and back, and further seeking Compensation for loss of income, entailed by his being obliged to attend the Madura Sessions Court as a witness for the prosecution, in the case of Government Versus Seekaram and others.

2. The grounds upon which this application is made, and supported by the Sessions Judge, are, that had not a charge of Sedition been ingrafted upon Mr. Scotts original complaint of assault, his attendance a second time would have been unnecessary, and the case, instead of occupying thirty days to investigate, would probably have been decided summarily.-

3. The Court of Foujdaree Udalut observe that it is not the practice in the Courts of this presidency to allow compensation to prosecutors and witnesses for their trouble and loss of time.-

4. With respect to the applicant's travelling expenses the sanction of the Government would have to be sought, Section XXXIII, Regulation

Regulation X of 1816 having, obviously, reference only to native witnesses.-

5. For these, batta is granted only when they "may appear to be actually in need of such assistance," as this cannot be said to be Mr. Scott's condition, the recommendation in his case would rest upon special grounds.-

6. Such doubtless exist in the circumstance that his evidence was required in the matter of a prosecution by Government, but as the whole turmoil which led to the prosecution appears to have originated in Mr. Scotts very indiscreet conduct, the Judges are not disposed to make any application to the Government on his behalf.-

/ Minutes Nil /

Read Miscellaneous Petition presented on the 18th March last by Bagueradhy Mother of Ramasawmy 8th Prisoner in case No. 46 of 1857 on the file of the Sessions Court of Coimbatore, praying the Foujdaree Udalut in review of their order dated the 28th November last upon Miscellaneous Petition No. 222 of 1857, to reverse the sentence passed against the 8th Prisoner in the above case.-

/ Here enter F. Jr. P. No. 53 of 1858 /

The

17th May 1858.

The Court of Foujdaree Udalut Mr. C. R. Bay
seeing reason to question the sufficiency of
the evidence for the conviction of the Petitioner
8th Prisoner in case No 45 of 1857, resolve to
call upon the Sessions Judge to certify to
this Court, translate of so much of the evidence
therein as relates to the said Prisoner, together
with any observations or explanation he
may desire to offer in support of his con-
viction - They further resolve to direct
that so much of the sentence as awards
hard labor in irons be suspended, until
final orders be made in the matter.

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

/Sent following precept &c/

Read Miscellaneous Petition
presented on the 25th March 1858 by S. N. Cun-
-teerava Charry, Pleader on behalf of Mootoo
Soobbier of Zillah Tinnevelly.

/Hereunder F. M. P. No 52 of 1858/

1. Petitioner appeals from the order
of the Sessions Judge under date the 8th December
last, confirmation of the proceedings passed
by the Joint Magistrate, declining to order the

17th May 1858.

the removal of the huts presently built upon the
Petitioners land by certain Pullers.

The Foujdaree Udalut see no reason
2.
for interfering with the order appealed against
and accordingly resolve to dismiss this Petition.

Read Miscellaneous Petition
presented on the 8th March 1858 by S. N. Cun-
-teerava Charry, Pleader on behalf of Soobbien
of Zillah Combaconum.-

/Hereunder F. M. P. No 38 of 1858/

This is an appeal from the order
Mr. C. R. Baynes /
of the Sessions Judge under date the 7th January
1858, confirming the one passed by the Head
Assistant Magistrate on the 28th Novem-
-ber 1857, fining the Petitioner and another
person on a charge of assault preferred
by one Kistnapah Naiko.

The Court of Foujdaree Udalut
2.
see no ground to interfere with the order
appealed against, and accordingly resolve
to dismiss the petition.-

Read Miscellaneous Petition
presented on the 18th March 1858 by Chelaka
Bellumrauze of Zillah Guntoor.-

/Hereunder F. M. P. No 50 of 1858/

Petitioner

14th May 1858.

1 Petitioner complains that on a charge Mr. C. R. Bagnes
of abuse of authority having been preferred
against him, the Magistrate fined him
25 Rupees and suspended him from his
office of Curunny for one year, and that that
officer eventually dismissed him from
the said office, with reference to the remark
contained in the Proceedings of the Tongdaree
Adalut dated the 22d May 1857.

2. Petitioner concludes by praying
the Tongdaree Adalut for reasons set forth
in the Petition, to order the refund of
the amount of fine levied from him and
his restoration to the office of Curunny from
which he has been dismissed.

3. The Petitioner having been
sentenced for "abuse of authority" under
Regulation III of 1819 to a fine of 25 Rupees
and to be suspended for a year. "the Tongdaree
Adalut remarked that he should have
been dismissed altogether from his office
of Curunny." This remark could be applic-
cable only as an observation bringing the
fact of the conviction under the notice
of the Revenue authorities, with whom such

power

17th May 1858.

power of dismissal lies, as it can form no part
of a judicial sentence under the Regulations.
If the Collector has dismissed the Petitioner
the Tongdaree Adalut have nothing
to do in the matter.

Read Petition received by Post
from Mullaporey Ramarauze Gillotis
Ganjam.
/ Here enter Sessions L.P. No 157 of 1858 /

1 Petitioner complains that his
son in law Putchimaye and other
native servants in the office of the
Collector of Ganjam have been unlawfully
committed to close imprisonment on
a false charge of Bribery and been sub-
jected to harsh treatment under the
orders of the Assistant agent, and
he accordingly prays the immediate
interference of the Tongdaree Adalut.

The Court of Tongdaree Adalut
resolve to forward the above petition
to

to the Acting Agent in Ganjam, and to direct that officer to obtain from the Assistant Agent and forward to the Court a detailed statement of the circumstances under which the parties in question have been arrested, and the nature of the restraint to which they have been since subjected, unless the charge should have been preferred against them in the capacity of Revenue Servants.

Ordered that Extract from these Proceedings be sent to the Agent to the Governor of Fort Saint George in Ganjam by precept returnable within VIII days from and after its receipt.

Read Calendar in Case No 10 of 1858 of the Sessions Court of Bellary.

/Here enter J. C. No 930 of 1857/

The Court of Foujdaree Udalut are of opinion that a sentence of (7) seven years imprisonment with hard labor in

irons will be adequate punishment for the offence of which the Prisoners in this case have been convicted, and they resolve to call upon the Sessions Judge to reduce his sentence accordingly.

2. If unable to concur with the Court in the propriety of the mitigated sentence now proposed, the Sessions Judge will be pleased to submit an English translation of the entire record of the case for their consideration.

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

Read letter dated 10th May 1858 from the Acting Sessions Judge of Cuddalore submitting for the final judgment of the Foujdaree Udalut the record of Case No 21 of 1858 of the Calendar of the Sessions Court.

/Here enter J. C. No 932 of 1858/

Mr G. S. Cooper

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

18th Ally Saheb

in

14th May 1858.

is sufficient to convict him of the crime of Gang robbery do convict him thereof and under the provisions of Clause third Section IV Regulation XV of 1803, and Section XXXIV Act XIII 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.-

Ed 18/5.

C. Chamier

F. 66.

Tuesday 18th May 1858.

At a Court of the Fouzdaree Adalut

Present

G. S. Hooper, Esquire
T. Le. Strange, Esquire } Puisne Judges
C. R. Baynes, Esquire

/No. 15/

Read Extract from the Minutes of Consultation under date the 27th March 1858.-

/Here enter S. C. No. 659 of 1858/

1 The Judges have been called upon by the Government to give their judgment upon certain proceedings held relative to C. Sreenivasa Row, late Tahsildar and Head of Police of Peddapollium in the District of Chingleput, with the view to enable the Honorable the Court of Directors to dispose of a memorial addressed to them by the said individual, apparently for restoration to his Office.-

2 It seems that on the 5th

5th October 1855 the said memorialist was fined in the sum of Rupees 5, for illusing one Sowdapen and others, to compel them to discharge an arrear of Moturpha tax, due from them as weavers; and also that, on the 25th January 1856 he was fined by the Magistrate with the approval of the Right Honorable the Governor in Council as to the measure of punishment (Minutes of Consultation of 10th January 1856) in the sum of Rupees 25 for having (under circumstances of provocation) handcuffed, abused, and placed in confinement one Narrain Pillay; and that he was subsequently dismissed from office by the Board of Revenue on grounds which are not before the Court.

3 The first case attracted attention in the House of Lords, and this led to the Court's calling the notice of the Sessions Judge thereto and to his taking the case up and

commenting on it after communication with the Magistrate. This correspondence occurred in May 1856.

4 The Magistrate's sentence in the said case, as more fully explained in his letter to the Session Judge of the 23d of the said month, shows that the evidence adduced by the complainant was not considered by him satisfactory, and that his conviction of the Tahsildar really rested upon the presumption that his success in levying the tax, notwithstanding the strong disinclination to pay it arising from the prospect of its abolition, was probably gained by coercion. The Session Judge in his letter of the 28th of the same month expresses a total distrust of the evidence offered, from contradictions, exaggerations, and improbabilities connected therewith.

5 The Magistrate's sentence appears

appears to the Judges a very unsatis-
factory one. The grounds he gives
to support his conviction of the
Tahsildar are obviously insufficient,
and as he could not rely on the
evidence adduced against him, he
should have acquitted him. Again,
if justified in convicting the
Tahsildar, the sentence passed
was a very inadequate one.

6 The petition of complaint
in this case was drawn out in
English, a language with which
the complainants, from their con-
dition in life, must have been
unacquainted. It is doubtless, as
observed by the Magistrate, the work
of a professional petition
writer. It is evidently written for
effect, and under advantage of the
impression then made upon the
public mind by the proceedings of
the committee appointed for inquir-
ing into the prevalence of torture

as

as inflicted on the people by the
native public officers, and it contains
various serious allegations of which
neither the complainant Sowdapen,
when examined, nor his witnesses speak.

7 The evidence adduced affords
but few means of testing the veracity
of the complaint, but where specific
details do appear it is discordant. The
Judges would think it unsafe to act
upon such evidence, especially as the
allegation of ill treatment was un-
supported by any appearance on the
persons of the complainants of any
violence used towards them. Nor should
such evidence have been acted upon
without receipt of the counter evidence
upon his defence which the Tahsildar
was prepared to offer, but which was
not taken.

8 As regards the second case
the evidence shows that the Head of Police
was subjected to much provocation, and

it

it seems to the Judges that apart from his having abused the complainant, which of course was unjustifiable, he took no measures but what the unruly and violent conduct of the complainant compelled him to. The complainant had been summoned to answer a charge of assault. In lieu of attending at once to the summons he addressed the Head of Police by letter with requisition to return to him a sum of Rupees 15 which he alleged he had taken from him as a bribe in another matter. The day following the complainant appeared before the Head of Police, defied his authority, resisted his peons, abused him, and when taken into custody, made attempts upon his own life. That the Tahsildar then had him handcuffed appears to the Judges what the circumstances amply justified.

The

9 The original record of the previous case referred to in para 2 of the Extract from the Minutes of Consultation dated 27th March last, together with a Copy of a letter from the Magistrate of Chingleput dated the 30th ultimo are herewith forwarded.

Read again letter dated 11th March 1858, from the Acting Sessions Judge of Tinnevelly, submitting an English translation of the record in Sessions Case No. 10 of 1858.

/Here enter F. No. No. 551 of 1858/

Read again letter dated 27th March 1858, from the same officer, soliciting instructions as to whether the sentence of the Foujdaree Udalut in Sessions Case No. 10 of 1858 is to be carried out, with reference to the remarks of the Sessions Judge on the evidence in Sessions Case No. 14 of 1858.

/Here enter F. No. No. 652 of 1858/

Read also letter dated

24th

24th ultimo, from the same Officer, submitting an English translation of the proceedings held in Session Case No. 14 of 1858.

(Here enter F.H.C. No. 84 of 1858)

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 Cootie Cauder

and

2d Cauder Maunoo

are not convicted on presumtive 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.

Mr. G. S. Hooper

Having perused and considered the proceedings held by the Session Judge, Mr. Story, in Case No. 14 of 1858, and the sentence recorded therein by him, as well

as

as the reasons given by him in his letter, dated the 27th March 1858, for discrediting the evidence of the prosecutor and 1st 2d and 3d witnesses in the said case; and having carefully reconsidered the record of trial, in Case No. 10 of 1858, tried and referred by the late Acting Session Judge Mr. R. G. Clarke, the Court of Foujdaree Udalut are of opinion that the evidence of the said prosecutor and witnesses, who are the same in both cases, cannot be safely relied on for the conviction of the prisoners in the said case No. 10, and that they, the said prisoners, ought therefore to be acquitted and released.

2 The further and more searching examination which the said prosecutor and 1st and 2d witnesses have undergone, in Case No. 14, as well as the 3d, who had not been examined by the Criminal or Session Court

in

in No. 10 of 1858, at all, has had
the effect of throwing great discredit
upon their evidence, and raising a
strong suspicion that the alleged
recognition of the prisoners in the
said 2 cases, and in others of the
robberes is false, and concocted
with a view to support the so called
dying declaration of the deceased
father of the prosecutor. That the
latter person should have been
able, under the circumstances, to
identify so many as he has stated
in the said declaration, is certainly
most improbable; and the total
omission of the said witnesses to
mention the fact to any one for so
many days after the robbery, and
till after the said declaration was
given, is a very suspicious circum-
stance. This further examina-
tion has also rendered it extremely
doubtful whether the said witnesses
could have seen, so as to identify,
from

from the spot where they say they
stood at the time the outrage was
committed. The Court of Foujdaree
Udalut resolve therefore to cancel
the sentence passed by them in
the said Case No. 10, and direct the
unconditional release of the prisoners.

Read Calendar of Case

No. 33 of 1858 of the Sessions Court of Cuddalore.

(Here enter F. Re. No. 934 of 1858)

The prisoner is charged
and convicted of attempt at Robbery
by open violence, and sentenced to 14
years' imprisonment with hard labor
in irons; but as the case is not of
an aggravated nature, the Acting
Sessions Judge recommends that
the sentence be mitigated to 9 years.

2 The Court of Foujdaree
Udalut agree to a mitigation of
the prescribed punishment, and consider-
ing that a sentence of (7) Seven
years' imprisonment will meet the
requirements

18th May 1858.

Udalut do not consider the circum-
-stances of this Case as warranting
the mitigation of punishment pro-
-posed by the Acting Sessions Judge,
and they accordingly direct that
the original sentence be carried into
execution.—

E & Eal.

C. Chamier

Wednesday
19th May 1858.

F. U.

Ha Court of the Fouzdary Udalut

Present

G. L. Hooper Esqre
J. L. Strange Esqre
C. R. Baynes Esqre
} Puisne Judges.

Read Criminal Reports
for the Month of April 1858 submitted by the
Sessions Judge of Bellary.

(Here enter F. U. No. 949 of 1858)

No 93.

This Sentence requiring the
prisoner to find Security or in default to be im-
prisoned for six months to take effect at the
expiration of the period of imprisonment awarded
upon his conviction for a Specific offence is illegal,
and the Court direct that it be cancelled.

(Sentence No.)

Read letter dated 7th May 58.
from the Acting Session Judge of Madura sub-
-mitting for the Judgment of the Fouzdaree
Udalut the record of Case No. 25 on the Calendar
of the Session Court.

(Here enter F. U. No. 913 of 1858.)

The Court of Fouzdaree Udalut,
on

Mr. G. L. Hooper
and
C. R. Baynes

19th May 1858

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

Mootto dian alias

Keerimootto dian

is sufficient to convict him of the crime of Robbery by open violence attended with murder, do convict him thereof and in conformity with the provisions of clause First Section IV Regulation XV of 1803, sentence him to suffer death by being hanged at the usual time and place of execution.

E. 18 D.

C. S. Chamier

No. 111.

Thursday 20th May, 1858.

At a Court of the Foujdaree Adalut

Present.

G. S. Cooper, Esquire
T. L. Strange, Esquire
C. R. Baynes, Esquire
} Puisne Judges.

Read Calendar of Case No. 25 of 1858 on the file of the Sessions Court of Calicut.—

(Here Enter F. A. No. 951 of 1858)—

1. Mangadda Kooyen Coonjoo's son Coonhalen.
2. Pallolyl Mumma Manis son Koyamoo.—
3. Koyakare Mamod's son Potteri.

Four years.

As herein recommended, the Court of Foujdaree Adalut 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, but they do not see any thing in the case to call for the infliction of lashes.—

(Sent in No.)—

Rec'd

Read Criminal Reports for the month of April 1858, submitted by the Sessions Judge of Chittoor.—

20th May, 1858.

/Were enter F.C. No. 947 of 1858/-

1. The Court of Foujdaree Adalut would point out to the Sessions Judge that the Joint Magistrate has exceeded his powers in sentencing the prisoner in this case to find security or in default to be imprisoned for the period of a year. The Joint Magistrate was only competent to sentence him to find security for the same period that, in the case of his conviction, he might have ordered him to be imprisoned, that is, six months. The Court direct the sentence to be modified with reference to these remarks.

Joint Magistrate's File No. 5.

2. With reference to the nature of the offence, the Court have to observe that the sentence in this case appears to be very inadequate.—

By the Subordinate Judge No. 82.

/Sent in No. /-s

C. S. Chamier

Ex. Asst.

F.C.

Friday 21st May 1858

At a Court of the Foujdaree Adalut.

Present

G. S. Cooper, Esquire
T. L. Strange, Esquire
C. R. Baynes, Esquire
} Puisne Judges

Read again letter, dated 28th April 1858, from the Acting Sessions Judge of Madura, submitting copies of correspondence relative to the competency of the Magistrate to receive an appeal from the order of the Joint Magistrate.—

/Were Enter F.C. No. 935 of 1858/

Read also letter dated 10th Instant, from the Acting Sessions Judge of Madura, requesting the further opinion of the Foujdaree Adalut on the subject of his letter dated the 23d Ultimo.—

/Were Enter F.C. No. 935 of 1858/

1. The Court of Foujdaree Adalut observe that the Sessions Judge should have made his reference clearer.

The

The Acting Magistrate represented that the Acting Sub. Collector (Joint Magistrate) defended his order of dismissal from interference with by him as depending upon a Magisterial decision, and this naturally led the Court to infer that the dismissal formed part of the decision.—

2 The Circular Order No. 207 has respect only to Magisterial decisions. It is in ammendment of the Circular Order of the 8th April 1850 which seems to relate only to such decisions, and the general proceedings of the Magistrates Subordinates, it is declared, remain under his control.—

3 Where a second Appeal may be made to the Sessions Judge from an order by the Magistrate, passed in revision of one by his Subordinate, the Sessions Judge need not interfere save on special grounds.—

Read letter dated 14th instant, from the Sessions Judge of Chittoor, enclosing

21st May 1858.

sending copy of an Extract from the Proceedings of his Court dated 13th May 1858, and requesting to be informed whether the Judges of the Court of Foujdaree Udalut concur with him in the opinion therein expressed regarding the Competency of the Acting Head Assistant Magistrate to admit a person into the Jail under his charge at Ranneput who was sentenced by District Court Martial to 3 months' imprisonment with hard labor for theft.—

(Here enter P. No. 94 of 1858)

The Court of Foujdaree Udalut concur with the Sessions Judge in his opinion that it is competent to the Acting Head Assistant Magistrate, under the provisions of Act II of 1840 and article 84, Act XIX of 1847, to admit the Prisoner referred to into the Jail under his charge.—

Read letter from the Sessions Judge of Bellary, dated April 29th, enclosing

enclosing copies of letters of the Magis-
trate dated 20th and 21st April 1858.—

/Here enter F. No. No. 866 of 1858/

1 The Magistrate of Bellary having received no instructions from Government regarding the establish-
ment of Pounds under Act III of 1857 in his district, requests the opinion of the Foujdaree Udalut as to whether he can put the act in force previous to the receipt of such instructions,— stating at the same time that he is able to make arrangements for the safe custody at the Village Choultries of Cattle seized under the act, and for the due superintend-
ance over such temporary pounds by the potails of the Villages.—

2 The Court of Foujdaree Udalut see no objections to the Magistrate's putting the act at once in force, securing the Cattle, as a temporary measure, in the manner he proposes.—

Read letter dated 10th May 1858, from

21st May 1858

from the Sessions Judge of Cuddapah, forwarding English translation of the Record of Case No. 2 of 1858 on the Calendar of the Sessions Court, for the final judgement of the Court of Fouj-
daree Udalut.—

/Here enter F. No. No. 945 of 1858/

Mr. J. G. Hooper
C. R. Baynes and

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,

Gollah Bittany Moosiliyadoo.

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

Read again Calendar of Case No. 7 of 1858 on the file of the Sessions Court of Tinnevelly.—

/Here enter F. No. No. 483 of 1858/

Read

Read also letter dated 2nd Ultimo, from the Sessions Judge of Tinnevelly, requesting the orders of the Foujdaree Udalut on the sentence passed in Case No. 7, which, with reference to his sentence in Case No. 18, cannot stand.—

/Here enter F. Uc. No. 863 of 1858/

Before passing final order on the above letter, the Court of Foujdaree Udalut direct that an English Translation of the record of Case No. 7 of 1858 be submitted for their consideration.—

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

Read letter dated 15th ultimo, from the Acting Sessions Judge of Madura, submitting an English Translation of the Record of the trial of Case

No.

No. XI of 1858.

/Here enter F. Uc. No. 751 of 1858/

The Court of Foujdaree Udalut having disposed of the trial in case No. 11 of 1858 referred to them by the Acting Sessions Judge of Madura, deem it necessary to record some observations on the conduct of the case before the lower Tribunals.—

Magistrate 2

On the 25th January last, a Mr. Scott complained to the Acting Magistrate that he had been abused and pelted in the pagoda, alleging no actual injury sustained and accusing no one in particular. On the 27th it appears that in consequence of evidence obtained in the interim the Acting Magistrate had resolved to institute a prosecution on the part of Government, and convert Mr. Scott into its witness.— A consideration of the evidence on which this resolution was taken apart from the result impresses the

Foujdaree

Foujdaree Udalut with no favorable
idea of its discretion or wisdom, and
they would observe that it is after
all difficult to discover from the
record of what the Acting Magistrate
considered the parties guilty, and
on what charges he committed them,
though they may be inferred from
the questions put to the prisoners
at the close of the examination, and
from which alone they appear to
have had any notice of the crimes
for which it was eventually deter-
=mined to prosecute them.—

Viz. 1st Prisoner. With having used insult-
=ing and seditious lan-
=guage towards Mr. Scott
and exciting the other
prisoners to expel him
from the pagoda.—

2, 3, 4, 5, 6 & 7th. With abusing Mr. Scott
and exciting the people to
expel him from the
pagoda

pagoda and pelt him with
stones.—

8th 9th and 10th. With throwing stones at Mr. Scott.

These charges, but for the intro-
=duction of the word "seditious," the
Acting Magistrate would of course
have himself disposed of, and how
language could be "seditious" towards
Mr. Scott, is not intelligible.—

In what light the Acting
Acting Subordin. 3 note Judge. Subordinate Judge regarded the case,
the Foujdaree Udalut are at a loss to
understand: he would seem to have
considered it as one within his own
competency to dispose of, as he took
the entire evidence, called on the Prisoners
for a defence, and examined their witnes-
=es; but subsequently, instead of proceed-
=ing to judgment, framed an Indictment
on which he committed all the
Prisoners to the Sessions Court although
the only conceivable grounds for taking
such course could have had reference
to the 1st Prisoner alone.— If he excited

others

others to expel Mr. Scott, and they accord-
-ingly expelled him, he and they might
have been tried together for those acts,
if considered to constitute an offence,
but his usage of seditious words was
his individual deed which could not
implicate others who it was not
even pretended in any way respond-
-ed to, or joined in them. The proper
course would have been to indict the
1st Prisoner alone for the use of sedi-
-tious language, if the evidence was
deemed sufficient to support such
charge, allowing the minor charge
of having with the others broken the peace
towards Mr. Scott, to stand over for
subsequent disposal.

4 Upon the Indictment so framed the Session Court however proceeded to the trial of the Prisoners, in the course of which the Foujdaree Udalut note as irregular. Session Court

1st The examination of the 1st witness,

Mr.

Mr. Scott, upon affirmation instead of oath.

2d The allowance of Mr. Fischer to intermeddle in the trial, in the capacity as it would appear of counsel for the 1st witness.

3d. The refusal to permit the counsel for the Prisoners to put in cross examination various questions which were perfectly allowable and unobjectionable; such as to the 1st witness "have you written to the news papers about this case?" To the 5th witness "did not you abuse the crowd?" and to the 7th witness. "are you a Goowastah in the service of Mr. Fischer?"

"How often have you been to Mr. Fischer about this case"? To the 8th witness "were you discharged from your situation?"

5 The proceedings of the Sessions Judge upon the close of the case for the Prosecution appear to the Foujdaree

Udalut

Udalat to be still more irregular and objec-
-tionable. He states that the "Prisoners' counsel
then addressed the Court and jury for
them"; this address it is presumed con-
-stituted their defence, and yet no notice
whatever is taken by the Acting
Sessions Judge, of its general nature,
the points raised, the arguments &c &c &c.
Upon hearing this the
jury are described as declaring that
they "did not require any defence" —
meaning, it is to be presumed, any
further defence: this seems to have
been elicited from them by a question
put by the Judge, which, from such
officer, under such circumstances, is
tantamount to an expression of opinion
on his part that none is needed; and
the jury immediately delivered a verdict
of "not guilty," specifying the general
grounds on which their opinion was based.
This verdict the Acting Sessions Judge
did not take and record as he was

bound to do, but left the case open
for two days, and then again questioned
the Jurors desiring them to state with-
-out observation whether the Prisoners
were guilty or not guilty, to which,
making reference to their first verdict,
they replied not guilty on all the
counts.—

It then became the duty of
the Judge to declare whether he
concurred in all or any part of that
verdict: this he did not do, merely
saying that he agreed in the acquit-
-tal of the 2nd and 6th Prisoners, but as
to the others stated generally that he did
not concur in the verdict, thereby leaving
it in doubt whether he found the 1st Prisoner
guilty of "Sedition" or "Instigating a
common assault" or both. His judg-
-ment on this point was not divulged
till the 15th April or 20 days after the
close of the trial, and how injurious
this was to the 1st Prisoner especially,

is

is manifested by the step next taken by the Acting Session Judge: he refused to allow the Prisoners to remain out on their bail, - which it cannot be supposed he would have thought of doing had he declared them all guilty in his opinion of an assault only; though by leaving it undecided whether the 1st Prisoner was not convicted of the graver offence he seems to have considered himself justified in throwing all into prison. In any case however, as the Foujdaree Udalut pointed out to him in their proceedings of the 7th April 1858, they should have been left at large on their bail, pending the final result of the trial. —

8 In his letter of the 15th April the Acting Session Judge declared that he acquitted the 1st Prisoner of sedition, but convicted the 1st, 3d, 4th, 5th, 7th, 8th, 9th and 10th Prisoners of a most unprovoked, premeditated and aggravated assault

9 The Foujdaree Udalut, in noting these facts as apparent on the record, purposely abstain from any extended remarks: such cannot they think be necessary, as they trust that all to whom they apply will upon reflection see the necessity of greater regularity, deliberation and order in the conduct of Criminal procedure, and that the Acting Session Judge especially will perceive how greatly the want of such qualities is calculated to prejudice the reputation of his Court, and the administration of justice throughout the province generally. —

E. Hall. C. Chapman

F. H.

Saturday 22nd May 1858 } At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esquire — J. L. Strange Esquire — C. R. Baynes Esquire — } Puisne Judges

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Read letter dated 17th May 1858, from the Session Judge of Chittoor, submitting for the final judgment of the Foujdaree Udalut, the record of Case No 24 of 1858 on the Calendar of the Session Court.-

/Here enter F. H. No 960 of 1858./

Messrs Hooper and Strange. The Court of Foujdaree Udalut, on a deliberate consideration of all the circumstances of the case and evidence before them, being of opinion that the Prisoner,

Yesupa Venkatramoodoo,

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

22d May 1858.

direct that he be set at liberty.

Sd Elliot.

Sd Chamier

F. C.

Monday 24th May 1858 } At a Court of the Foujdaree Adalut

Present

G. S. Hooper Esquire
J. Le. Strange Esquire } Puisne Judges.
C. R. Baynes Esquire

Read letter dated 18th May 1858, from the Acting Session Judge of Madura, submitting for the final judgment of the Foujdaree Adalut, the record of Case No 30 of 1858 on the Calendar of the Session Court.-

(Here enter F. C. No 1004 of 1858.)

Mr 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,

Nagalingum Asary

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

24th May 58

punishment is awardable under the Mahomedan Law, do convict him thereof, and in conformity with the provisions of Clause third, Section VII, Regulation XV of 1803, and Section XXXV, Act VII of 1843, sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of his natural life.-

Ext Ella.

C. S. Clarke

F. No.

Tuesday 25th May 1858.

At a Court of the Foujdary Adalut.

Present

G. S. Hooper Esqr.
J. L. Strange Esqr.
C. R. Baynes Esqr.
} Prime Judges.

Read Calendar of Cases Nos 19 and 20 of 1858 on the file of the Sessions Court of Madura.

Per Center F. No. 991 of 1858/

1st Perumal
2d Periasamy
3d Conachen Kempen
4th Pullangonden Kempen
} 7 Years Imprisonment

5th Pathinga Servai
6th Soorey
7th Sunkerannen Servai
8th Ayyappen Pillay
9th Muyappen Thevan
10th Kootandy Thevan
11th Karuppen
12th Ramalingam
13th Ragappen
14th Ramen Servai
} 4 Years Imprisonment

1. As herein recommended, the Court of Foujdaree Adalut 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.

2. The Court of Foujdaree Adalut concur with the Acting Sessions Judge of Madura in commending the energy and promptitude displayed by the District Moonsiff of Melsquitas which led to the immediate apprehension of the offenders, and approve the grant of the Rewards proposed by him and which are within his own competency

to

to award under section XXIII Regulation IX of 1816. 25th May 1858.

/Sent in No /

Read again Extract from the Minutes of Consultation under date the 19th April 1858. No 504 forwarding copy of despatch from the Honorable the Court of Directors, and requesting the Court of Sudder Udalut to revise the proceedings in the Case of Bhowanee Lala against Mr. C. B. Thomas the Magistrate of Coimbatore and to submit their opinion thereon

/Here enter J. Vo. No 842 of 1858/

Read also letter from the Acting Magistrate of Coimbatore, forwarding the original Record of the Case of Bhowanee Lalah.

/Here enter J. Vo. No 923 of 1858/

The Court of Zoujdaree Udalut request the Acting Magistrate to report how the Memorialist Bhowanee Lalah was held in custody from the 23d December 1854 to the date of his Sentence; and how that Sentence was carried out.

Ordered that Extract from these proceedings be forwarded to the Acting Magistrate of Coimbatore, by precept returnable in N days

25th May 1858.

days from and after its receipt.s

/Sent following precept No /

R. H. D.

C. S. Chamier

F. No.

Wednesday 26th May 1858.

At a Court of the Fouzdaree Adalut.

Present

G. S. Hooper Esquire,
J. Le. Strange Esquire,
C. R. Baynes Esquire,
} Puisne Judges.

Read the Criminal Reports submitted by the Session Judge of Vellore for the year 1857.

(Here enter F. No. 332 of 1858.)

Statement No. 23 1. The Court of Fouzdaree Adaw. Adt observe that the Crimes with which the prisoners entered in Column 7 are charged should be specified under heads Nos. 69 and 70 of this statement.

Comparative Abstract shewing Petty Offences and Crimes and their demeanors

2. The Session Judge will append to this Abstract a review shewing the state of Crime and Causes which have influenced it as required in para 6 of this Courts letter under date the 1st April 1853.

3. The names of the Session Judge, Principal Sudr Ameen, and Hurkary Sudr Ameen should also be entered in the Memo.

The

4. The Session Judge will also report, as required by the Circular Proceedings dated 18th. February 1845, in what manner the Moosfy Sudr Ameen has exercised the Criminal Jurisdiction during the year 1857.

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

/Sent following perscpt. No. /

Read the Criminal Reports, submitted by the Session Judge of Bellary, for the year 1857.

/Here enter F. No. No. 8141 of 1858./

1. The Court of Foujdaree Adawlut observe that the entries in Columns 2. 18 and 19 under head "1857" of the Abstract shewing Petty Offences should be 3857 4520 and 4132, and those in Columns 2. 18. 19. 20 and 21 under head "1857" of the Abstract shewing Crimes and Misdemeanors 46. 6. 71. 1088 and 4146.

Comparative Abstract shewing Petty Offences Crimes and Misdemeanors

2. The Session Judge will be pleased to append to this abstract a review shewing the state of Crime and Causes

which have influenced it as required in para 6 of this Courts letter under date the 1st. April 1850.

5. The Session Judge will also report on the working of their Circular Order No. 208 respecting the receiving of confessions by Heads of Police as required by this Courts Circular letter dated 30th. October 1857.

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

/Sent following perscpt. No. /

Read Petty Calendars of the Magistracy, submitted by the Session Judge of Combaconum, for the second quarter of 1858.

/Here enter F. No. No. 977 of 1858./

Calendar I. No. 1

1. The charge is not put in an intelligible manner. It does not imply theft, it not appearing that accused removed property other than their own. Possibly their offence was an attempted fraud upon Government, and if so it should

should have been more clearly set forth. 26th May 1858.

2. Village officers have no authority to seize stray or trespassing cattle, unless they have been duly appointed as pound keepers by the Magistrate under the provisions of Act III of 1857. No.

3. The several counts in this No. should have formed the subject of separate charges. Calendar No. 7

/Sent in No. /

Read Petty Calendar of the Session Judge of Coimbatore, No. 1 and II for 1858.

/Here enter F.M. No. 972 of 1858./

1. In the charge the prisoner should be described as a convict, or as undergoing a sentence of imprisonment. No.

2. A distinct sentence under the regulations should have been passed on the 2d prisoner; suspension from office cannot form part of a sentence. No.

/Sent in No. /

Read letter dated 18th May 1858, from the Session Judge of Tinnevelly submitting for the final judgment of the Foujdaree Adalut the record of

F.M.P.
26th May 1858

Case No. 20 of 1858 on the Calendar of the Session Court.

/Here enter F.M. No. 1014 of 1858./

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

/Sent in No. /

Read letter dated 19th May 1858, from the Session Judge of Combaconum, submitting for the final judgment of the Foujdaree Adalut the record of Case No. 17 of 1858 on the Calendar of the Session Court.

/Here enter F.M. No. 1023 of 1858./

Mr. Baynes

The Court of Foujdaree Adalut

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. Bungaroosamy Puttan
2d. Idakalan
4th. Francina
10th. Savarayen
11th. Arokiam alias Savaryanchy
12th. Savarymoottoo, and
13th. Visvovasam.

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 severally thereof; and under the provisions of Clause second, Section IV, Regulation VII of 1822, and Section XXXIV Act VII of 1843 sentence the prisoners,

1st. Bungaroosamy Puttan
2d. Idakalan, and
4th. Francina

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

10th. Savarayen

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 months: but considering that the imprisonment already undergone by the prisoners,

11th. Arokiam alias Savaryanchy
12th. Savarymoottoo, and
13th. Visvovasam

is sufficient punishment for the part taken by them, the Court direct that they be set at liberty.

And being of opinion that the prisoners,

3d. Yagapen
5th. Savara Antonymoottoo Kadan
6th. Gnanaprygasam
7th. Marianadan
8th. Coroova Puttan, and
9th. Saroovany Savarymoottoo

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confession of

of the crime charged, this Court do
acquit them thereof and direct that
they be set at liberty.

Sent in No. 1/7

Ex Hall.

C. Chamier

26th. May 185

F. U.

Thursday
27th May 1858. At a Court of the Foujdaree Udalut.

Present

L. S. Hooper Esquire
J. L. Strange Esquire } Puisne Judges.
C. R. Baynes Esquire

Read letter dated the 10th instant
from the Sessions Judge of Honore.
(Here enter F. U. No. 958 of 1858)

The opinion of the Judges is requested
on the following point.

Certain parties are brought before
the Magistrate on a charge of murder, the evidence
adduced is insufficient for conviction, but is suf-
ficient to create a strong suspicion
that they are really guilty: has the Magistrate
power to demand security from them for ap-
pearance when required?

The Judges are of opinion that the
2. Magistrate has no such power, and that Sub.
ordinate Judges and Principal Sudder Ameens
are the only judicial officers by whom persons
under suspicion of having committed offences
triable by the Sessions Courts alone, can be
required to furnish security for appearance.

The

3.

The Magistrate's course in such a case is either to remand the accused, if he see good prospect of obtaining further evidence within a reasonable time; or to forward him to the criminal Court on such evidence as he has been able to obtain, in order that should it appear to the Judge insufficient for conviction, he may exercise the power vested in him, as to requiring security for appearance. The same course should be pursued, where the offence is specially within the cognizance of the criminal Court.

4.

Where persons are charged before a Magistrate with an offence which is punishable under the extended powers conferred on him by Section III, Act VII of 1843, he is authorized by the circular order of the Tondiarre Udalut № 173 to exercise the same powers as the Criminal Court under Section IV Regulation II of 1822, saving that he cannot subject the accused to longer imprisonment in default of security, than, under the forfeited enactment, he could sentence him to upon conviction.

Read Calendar of Case № 32 of 1858 of the Sessions Court of Madura.
(Here enter J. C. № 918 of 1858.)

Before passing any final orders, in this case the Tondiarre Udalut, desire to have the original record submitted to them without translate, and direct that in the mean time the execution of the sentence be suspended.

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

Read again Calendar of case № 31 of 1858 of the Sessions Court of Madura:
(Here enter J. C. № 992 of 1858.)

Read also Memorandum dated 19th instant from the Sessions Judge of Madura, reporting that the 1st witness in Sessions case № 31 of 1858 has been fined 50 Rupees in default to one month's imprisonment.
(Here enter J. C. № 1016 of 1858.)

The Acting Sessions Judge in his

1.

sentence in case № 31 of 1858 remarked that the 1st witness "had made statements clearly false and that it was his intention to institute against him a prosecution for Perjury", he now states that he finds the circumstances will not support an indictment for Perjury and therefore sentences him for prevarication.

The Tondiarre Udalut are of

2.

opinion

opinion that this is irregular; if the witness prevaricated i e wavered and differed in his statement it must have been evident at the trial, and he ought then to have been punished for that offence; but it is clear from the Acting Sessions Judge's own showing that he did not prevaricate; he swore positively to a fact; if he could be proved to have sworn falsely he might be punished for perjury; but because the Acting Session Judge finds himself unable to prove the false swearing, he is not competent to punish the witness for a crime which it is evident he never committed.

3. The Foujdaree Udalut therefore resolve to annul the sentence passed.

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

Read Calendars of Cases Nos 36 and 37 of 1858 on the file of the Session Court of Cuddalore.

Here enter F. R. Nos 1018 and 1019 of 1858

As herein recommended, the Foujdaree Udalut resolve to annul

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 sentence passed upon them in the said case

1 Collun
2 Moothoosamy
Seven years.

Mess. Cooper
Strange

Ed 1858

C S Chamier

Read letter dated 11th May 1858 from the Session Judge of Tellicherry, submitting for the final Judgment of the Foujdaree Udalut the record of trial in case No 6 of 1858 on the Calendar of the Sessions Court

(Recorded F. R. No 1013 of 1858.)

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

Vannian Kunnathanar
alias Mood Chundan

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

sentence hind to suffer death by
being hanged at the usual time and
place of execution

27th May 1858

2nd Do

Ft. Ue

Friday 28th May 1858

At a Court of the Foujdaree Adalut

Present.

G. S. Hooper Esq^re.
J. L. Strange Esq^re. } Puisne Judges
C. R. Baynes Esq^re.

Read Criminal reports of Cases Nos. 20 and 21 of 1858 disposed of by the Magistracy, Submitted by the Sessions Judge of Guntoor under date the 21st. May 1858.

(Here Enter Ps & Nos. 1026 & 1027 of 1858.)

1. The Foujdaree Adalut Consider that these reports are not prepared in such way as to enable them to judge of the Nature of the Case, or the propriety of their disposal.

2. It is not stated that the Prisoner was engaged in official business, or what was the object of the illtreatment, or its extent. The charge seems to have been preferred on the 17th January; yet none of the parties seem to have been brought

brought up till the 26th April, which is not accounted for-

3- The Foujdaree Adalut observe that the meagreness of the reports is not supplied by the Proceedings of the Sessions Judge on review, who ought, in such case, to have called for the record and transmitted a more full account and opinion for their information; and this they desire may now be done-

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

Read Criminal reports for the month of April, from the Sessions Judge of Chicacole-

/Here enter F. Co. No. 1006 of 1858./

The Court of Foujdaree Adalut would point out to the Sessions Judge, that it is not advisable, or in any way necessary, that Government should prosecute in petty Cases of this discription-

Criminal Letter of Sessions No 18.

Read Petty Calendar of

the Magistracy for the first quarter of 1858, Submitted by Sessions Judge of Tellicherry

/Here enter F. Co. No 1033./

Calendar No IV Case No 22.

W. Hooper

The Prisoner should not have been Charged with the two first Counts. a Magistrate Cannot hold to Security on Suspicion a prisoner acquitted of a Specific Charge-

Read letter under date the 17th May 1858, from the Sessions Judge of Mangalore, Submitting English Translation of the record of Case No 6 of 1858, on the Calendar of the Session Court, for the final judgement of the Court of Foujdaree Adalut-

/Here enter F. Co. No 1024 of 1858./

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

1st Munjappa
2d Bussa
3d Ammoo

4th

28th May 1858.

4th Venkappa Chetty
5th Nandappa

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.

Read the Criminal Reports submitted by the Acting Sessions Judge of Cuddapah for the Year 1857.

/Here enter S. R. No. 606 of 1858/

1. The Court of Foujdaree Adawlut direct that Columns 34. 36. and 36 under head 1857 of the abstract Showing Crimes and Misdemeanors Should be filled up.

Comparative abstract shewing petty offences and crimes and Misdemeanors.

2. The Sessions Judge will append to this abstract a review Showing the state of Crimes and Causes which have influenced it, as required in para 5 of this Court's letter under date the 1st April 1853.

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

28th May 1858.

by Precept returnable within 11 days from and after its receipt.

Read the Criminal Statements Nos. 10 and 13 of the Bengal forms, submitted by the Sessions Judge of Bellary for the Year 1857.

/Here enter S. R. No. 844 of 1858/

1. The Court of Foujdaree Adawlut observe that the aggregate number of persons entered in Columns 2. 4. and 5. under head "Total" of the Statement No. 10, Viz. 1321, does not tally with the number in Column 3 head "Grand Total" of the Statement No. 13 (1316).

2. The aggregate number of persons in Columns 6 and 7 under head Total of the Statement No. 10, Viz. 391 does not correspond with the number in Column 4 of the Statement No. 13 (394).

3. The total number of persons entered in Column 29 of the Statement No. 13 as pending on the 31st December, Should be 98 according to the Statements Nos. 1. 2. 3A. 3B. and 4.

Ordered that Extract from these proceedings be sent to the

28th May 1858.

~~the Sessions Judge of Bellary by Receipt~~
~~returnable within III days from and~~
~~after its receipt~~
Exd Sdd.

C. Chamier

F. Dc.

Saturday, 29th May 1858. At a Court of the Foujdaree Adalut

Present.

G. S. Hooper Esqre
J. L. Strange Esqre
C. R. Baynes Esqre
} Puisne Judges

Read Criminal Reports for the months of April 1858 submitted by the Sessions Judge of Cuddapah.

(Here enter F. Dc. No. 1007 of 1858)

In perusing these reports the attention of the Foujdaree Adalut has been drawn to the large number of Cases in which the Acting Subordinate Judge has considered the evidence, the legally insufficient for full conviction, as justifying a demand of security under clause I, Section IV, Regulation II, 1822. In the absence of the record the Court cannot, save in No. 59, positively say, if any particular one of these Cases, that it is not within the literal scope of

No. 59. Misdemeanor.
" 61 Theft - 79 8 - 14 -
" 66 House breaking and Theft 2, 9, 7
" 67 Theft Rupees 11.
" 68 Theft and Possessing 15 - 8 - 6 -
" 70 Receiving Stolen property Rs. 12 - -
" 71 House breaking and Theft 11 7 3. -
} Cases

reconsider the evidence with reference to the foregoing observations, and, unless he continue of opinion that it creates more than the "strong suspecion" only short of adequate legal proof which is evidently intended by Clause I, Section IV, Regulation II, 1822, that he should release the parties — under the discretion vested in him for that purpose by Clause I, Section XI, Regulation VI of 1827.-

Joint Magistrate's file
No. 2

The Court would point out that the offence with which the prisoner was charged in this Case was "forgery", and consequently that the Magistrate was not competent to pass any final sentence.- The Court accordingly direct that the Sentence be annulled and the prisoner released. It is left to the discretion of the Magistrate to take further proceedings against the prisoner, or not, as he may think fit.-

Read letter from the Sessions Judge of Tehillion, dated May 5th, forwarding explanation from the Magistrate with reference

of the regulation quoted; but they remark that it is scarcely possible that in one month, and almost consecutively, so many Cases should come before a Court, in which a simple act is charged, and yet the evidence be of such nature, as to leave the mind of the Judge in that state which authorizes his resort to the law in question; to which the Fouzdaree Udalut are of opinion that recourse should be had very sparingly, and only in very peculiar circumstances; it being the duty of the Judge, towards the State and the accused, to make up his mind on the evidence, giving the latter the benefit of any reasonable doubt that may present itself. So much reason appears to the Court for believing that this principle has not been borne in mind in the present Cases, that they deem it the safer course to direct the discharge without security of the prisoners in Nos. 59, 66, 67, 68, and 70; and in respect of Nos. 61 and 71, to desire the Subordinate Judge to

reference to remarks conveyed in ex-
tract from proceedings of Tongdanee
Adalut on review of the criminal Statements
for 1857, dated April 27th.-

(Here enter F. No. 894 of 1858)

Read also letter from Sessions
Judge of Chittoor, observing on the above
explanations of the Magistrate dated
10th May 1858.-

(Here enter F. No. 924 of 1858.)

The Court of Tongdanee Adalut
do not consider it necessary to enter
minutely into the explanations now
submitted by the Magistrate of North
Arcot as to the causes of the delay and
procrastination in the investigation
and disposal of petty offences by the
district Police. The Court find it fully
admitted by the Magistrate that the
proceedings of the Police in such cases
are most dilatory, and the reasons
assigned are not, in the opinion of the
Court, of such a nature, as should have
precluded the Magistrate from taking
steps for the correction of the abuse; and

for

for the introduction of a better system.-

2 In suggesting now that a
rule be laid down that all cases of
petty misdemeanour and petty theft
should be dismissed when the party
does not appear to prosecute within ten
days from the date of his original com-
plaint, the Magistrate has shown that
the evil was not entirely beyond his powers
of correction, and that had he earlier directed
his attention to the subject, he might
without difficulty, have devised measures
for its abatement.-

3 The Court, while authorizing
the Magistrate to carry out the rule he
proposes, would, at the same time, impress
upon him the necessity of his exercising
a strict and vigilant supervision over the
conduct of the Police at every stage of
their proceedings, as, making every allowance
for the delays, caused by dilatory prosecutors
and unwilling witnesses, it is unquestiona-
ble that the long delays which occur in
the settlement and disposal of these
petty cases are principally to be attributed

to

29th May

to the irregularities and want of energy
of the native Police, and which, it is the
opinion of the Court, must be the cause
of much annoyance and discomfort to
the parties over whom charges are hanging,
even although, as mentioned by the Magistrate,
they may not actually be under restraint,
or even surveillance.-

With reference to those portions
of the explanation of the Magistrate from
which it would appear that he has taken
exception to the manner in which
this subject was brought to the notice
of the Court by the Sessions Judge, and
to para 6. of the judge's letter in which
the latter officer draws the attention of
the Court to the tone of the Magistrate's
explanation, which he considers wanting
in that respect due to his official
position, the Court have but to observe,
that the Sessions Judge only fulfilled
an imperative duty in reporting on
this subject to the Court as early as
his leisure permitted him to look into
the matter; and, on the other hand, after

29th May 1858.

a careful consideration of the Magistrate's
communication, the Court are glad to
state that they have failed to discover
any expression which could be construed
into an intention on the part of the
Magistrate to imply that matters
had been misrepresented by the Session
Judge, or any grounds for considering
the Magistrate wanting in that respect
and deference which are due to the
official position of the Sessions Judge.-

Ed. Hall. C. S. Cleaver

F No.

Monday
31st May 1858.

At a Court of the Foujdaree Udalut

Present

G. A. Hooper, Esquire
T. L. Strange, Esquire
C. R. Baynes, Esquire
} Puisne Judges

Read petty Calendars of the Magistracy submitted by the Acting Session Judge of Cuddalore for the 1st Quarter 1858.—

(Here enter F No. 990 of 1858)

Calendar 1 / The Foujdaree Udalut are
Cases Nos 1-11 of opinion that the acts alleged &
" 8-16 and proved against the prisoners in
these cases do not constitute the
crime of fraud, or any Criminal
offence whatever, but amount to a
simple breach of contract, and
therefore resolve to annul the
sentences passed, and direct that
the fines, if levied, be refunded.—

It may seem that by
2
such decision encouragement and
immunity

immunity may be afforded to parties
engaging with the officers in the recruiting
department; but the Court observe
that it cannot be difficult to devise
and enforce such precautions as
would secure them against loss
from such change of mind on the
part of those who may offer to
enlist and receive bulla till
they do so.

(Sent in No.

Ex Dept.

C. S. Chennier

31st May

Tuesday
1st June 1858.

F.C.

At a Court of the Foujdaree Adalut

Present

G. L. Cooper Esquire
T. L. Strange Esquire
C. R. Baynes Esquire
} Puisne Judges

Read Miscellaneous Petition presented on the 8th April last, by Gazzala Venkiah mah, zillah Masulipatam

(Here enter F.D. No. 58 of 1858)

Mr. Baynes. - 1. Petitioner appeals from the order of the Sessions Judge under date the 4th February 1858, and prays the Foujdaree Adalut, for reasons set forth in the petition, to issue instructions to the Sessions Judge of Masulipatam requiring him to make measures to restore to her the ready money, Jewels &c., which were made over to the Prosecutrix in Case No. 98 of 1857.

2. The property in question having already been given up to the Prosecutrix, the only course remaining open to the Petitioner is that pointed out to her by the Sessions Judge under the direction of this Court as contained in the 3d para of its proceedings of the 5th February last.

(Sent in No.

Read

14 June 1858

Read Calendars in Cases Nos 34, 35, 36 and 37 of 1858, submitted by the Sessions Judge of Madura.

(Here enter F. R. No 1058 of 1858)

The Court of Foujdaree Adalut observe that the corporal punishment awarded in three cases is directed to be inflicted in the yard in front of the Court during office hours, i.e during the sitting of the Court. They consider this deviation from ordinary practice inexpedient and objectionable as not according with the position and dignity of the highest Criminal Court in the Province, and therefore direct that the sentence be carried into effect at the usual place. In the case of the Prisoner Cauder in No 35, who is sentenced, "on account of his age", to receive only 25 lashes, they resolve to remit the corporal punishment altogether.

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

Read Miscellaneous Petition received on the 28th April last, through the Sessions Judge of Bellary, from Manoo-mukka of that Zillah.

(Here enter F. M. No 649 of 1858)

24 June 1858.

Mr Baynes.

1. Petitioner appeals from the sentence passed by the Sessions Judge in Case No 21 of 1858, awarding against the Prisoners imprisonment for 14 years with hard labor in irons on a charge of Highway Robbery.

2 It does not appear that petitioner has any authority to prefer this Appeal petition, which is accordingly rejected under the Circular instructions of the Foujdaree Adalut dated 16th July 1857.

Sent in do

Read Calendar in Case No 17 of 1858, from the Sessions Judge of Nellore.

(Here enter F. Mo. No 1041 of 1858)

Before passing orders in this matter the Foujdaree Adalut desire to have before them the record of the case, and direct the Sessions Judge to submit a translate of that taken before himself, together with the original of that given before the Police.

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

Sent following precept No

Read Miscellaneous Petition presented on the 22nd April last, by Mr A. D. Saunders

Saunders, Pleader on behalf of Broome Saumy, Zillah Salem.

(Here enter F.M.D. Nr. 62 of 1858)

1. Petitioner appeals from the sentence passed upon him by the Sessions Judge in Case Nr. 49 of 1857, and prays the Foujdaree Adalut for reasons set forth in the Petition, to mitigate the punishment inflicted upon him.

2. The Petitioner complains of the undue severity of the sentence passed on him. The Foujdaree Adalut cannot so consider it. His offence was of the most serious nature, calling for severe punishment, in protection of most important public interests. The Court can attach no merit to alleged contrite confession made when the offence was clearly brought home to him, or the fact of his having restored his plunder, as he was compelled to do under the terms of the truce.

3 Petition dismissed.

Sent in Dr.

Read Miscellaneous Petition presented on the 1st instant, by Dr Venkata Roya alias Kaiva, Pleader on behalf of R. Rachappah

1st June 1858

Mr Baynes.

Rachappah, Zillah Bellary.

(Here enter F.M.D. Nr. 81 of 1858)

Mr Baynes. 1. This is an application for the issue of an order directing the Magistrate of Bellary to grant to the Petitioner an attested copy of the order passed by that officer, and which was confirmed by the Sessions Judge in his proceedings under date the 15th January 1858, against which the petitioner has appealed to the Foujdaree Adalut.

2. The Court of Foujdaree Adalut direct that the Magistrate be directed to furnish the Petitioner with copy of the order in question, the same being necessary to the prosecution of his appeal before this Court.

Sent in Dr

Read Miscellaneous Petition presented on the 19th April last, by D. D. Brannon Esquire, Pleader on behalf of Chinnappien, 5th Prisoner in Calendar Case Nr. 22 of 1857 on the file of the Sessions Court of Cuddalore.

(Here enter F.M.D. Nr. 61 of 1858)

Mr Baynes. 1. This is an appeal from the sentence passed by the Sessions Judge in the above case, awarding against the Prisoner imprisonment for 14 years with hard labor in irons, on a charge

of

of Gang Robbery-

2. The Court of Foujdaree Issalut having considered the objections herein taken to the conviction of the Prisoner, are of opinion that no sufficient reason has been shown for interfering with the sentence passed on him-

3 Petition rejected-

Read Miscellaneous petition presented on the 26th April 1858, by J. Miller Esquire, Pleader on behalf of Nullatomby Iyenar, of Villah Cuddalore-

(Here enter F. In. No. & Vol 63 of 1858.)

1. This is an appeal from the order of the Acting Sessions Judge under date the 26th January 1858, Confirming that of the Acting Head Assistant Magistrate, whereby the Petitioner was required to furnish 2 Sureties each in the sum of Rupees 100 for a period of one year, on the ground that he is a receiver of stolen property-

2. Before finally disposing of this petition the Foujdaree Issalut is solicited to call on the Sessions Judge of Cuddalore to report whether, as alleged by Petitioner, witnesses were named for his defence

defence, and if so, whether they were examined, and if not, why not-

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

Read letter dated the 24th ultimo, from the Sessions Judge of Bellary, referring for the final judgment of the Foujdaree Issalut the record of Case Nos 43 and 44 of 1858 of the Calendar of the Sessions Court-

(Here enter Vol. No. 1054 of 1858)

The Court of Foujdaree Issalut, Mr Strange.- on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner-

Mathiga Doorgah

is sufficient to convict him of the crimes charged, do convict him thereof, and sentence him to be transported to such place or places beyond Sea as the Governor in Council shall 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.-

E. Chamier

Ed Gall.

F. D.

Wednesday 2d. June 1858

At a Court of the Foujdaree Adawlut

Present-

G. S. Hooper Esquire
T. L. Strange Esquire
C. R. Baynes Esquire
} Puisne Judges-

Read Criminal Reports for the month of April 1858, submitted by the Sessions Judge of Bellary-

(Here enter F. D. No. 1037 of 1858)

No 82.

The act charged does not amount to a criminal offence, unless abortion actually took place in consequence. The administering, to another, with intent to cause abortion, would be punishable-

Read Criminal Reports for the month of April 1858, submitted by the Sessions Judge of Rajahmundry-

(Here enter F. D. No. 1044 of 1858)

Nos 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39.

Under the regulation quoted, the Magistrate cannot sentence to labor in irons, that portion of the sentence must therefore be cancelled- Fines imposed under the Regulation should be levied by distraint and sale of property, and it is only when no property is to be found or not sufficient

to

to pay the amount of such fines, or otherwise
in default of payment of such fines, that
the offender is to be sentenced to imprison
=ment in commutation thereof.-

Read the Criminal statements
Nos 10 and 13 of the Bengal forms, submitted
by the Sessions Judge of Tellicherry, for the year
1857.

(Here enter File No 720 of 1857)

1. The Court of Foujdaree Adawlut ob
=serve that the aggregate number of Persons
entered in Columns 2, 3, 4, and 5, under head
"Total" of the statement No 10, viz 825, does not
tally with the number in Column 3 head "Grand
Total" of the statement No 13 (951).-

2. The aggregate number of persons
in columns 6 and 7, and the entry in Column 8
under head "Total" of the statement No 10, viz
300 and 12, do not correspond with the number
in Columns 4 and 5 of the statement No 13
(175 and 10).-

3 The total number of persons
in Column 28 under head "Total" of the statement
No 10 does not correspond with the number
in columns 27 and 28 head "Grand Total"
of the statement No 13.-

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

Judge of Tellicherry, by precept returnable within
III days from and after its receipt.-

Read the Criminal Reports sub-
mitted by the Sessions Judge of Tellicherry, for
the year 1857.-

(Here enter File No 720 of 1858)

Statement No 1. 1. The Court of Foujdaree Adawlut observe
that the number of persons charged with
"Crimping" should in future be entered in the
statement No 2, Crimping being classed under
the head of "Heinous Crimes".

Comparative Abstract showing Nature of Offences & Crimes & Misdemeanors. 2 The Court also observe that the
entries in Columns 22. 23. 29 and 30 under head
"1857" of the abstract showing crimes and mis-
demeanors, should be 269. 688. 124. and 30.

3 The Sessions Judge will be pleased
to append to this abstract a review shewing
the state of crime and causes which have
influenced it, as required in para 5 of this
Court's letter under date the 1st April 1853.

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

Read the Criminal Reports
submitted by the Sessions Judge of Mangalore,
for the year 1857.

(Here enter File No 828 of 1858)

The

Thursday,
3d June, 1858.

F. C.

At a Court of the Tonjaore Zillah

Present.

G. A. Hooper Esquire -
J. L. Strange Esquire
C. R Baynes Esqre -

} Puisne Judges.

Read the Criminal Reports submitted by the Agent at Ganjam for the year 1857 -

(Here Enter F. C. No 680 of 1858)

Comparative abstract - Showing Petty Offences - and Crimes and Misdemeanors - } 1.

The Court of Tonjaore Zillah observe that the entries in columns 28 and 31 under head "1857" of the abstract shewing Crimes and Misdemeanors should be 85 and 55, and that those in columns 22-23 and 34 are incorrect -

2. The Court direct that the Agent will append to this abstract a review shewing the state of crime and causes which have influenced it, as required in para 5 of this Court's letter

2d June 1858.

Comparative Abstract shewing Petty Offences and Crimes and Misdemeanors

1.

The Court of Tonjaore Zillah observe that the entries in Columns 6. 7. 9. 10. 11. and 13. under head "1857" of the abstract shewing Petty offences should be 426. 268, 133 745. 148 and 491, and those in Columns 2. 6 and 19 under head "1857" of the abstract shewing crimes and Misdemeanors 18. 2 and 34; and also that the entries in Columns 34 and 35 appear to be incorrect -

2. The Sessions Judge will be pleased to append to this abstract a review shewing the state of Crime and causes which have influenced it as required in para 5 of this Court's letter under date the 1st April 1853 -

3 The Sessions Judge will also report, as required under Circular Proceedings dated 18th February 1845, in what manner the Moofty and Umeen have exercised the criminal jurisdiction during the year 1857 -

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Trangalore, by precept returnable within 10 days from and after its receipt -

E. & A. -

C. F. Clarke -

letter under date the 1st April 1853.

3. The Court also direct that the Agent will report on the working of their Circular Order No 208 respecting the receiving of confessions by Heads of Police in the Districts under the charge of the Agent, as required by this Courts Circular Letter dated 30th October 1857.

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

Read letter from the Acting Session Judge of Madura dated 10th May 1858.

(Here Enter F. R. No 936 of 1858)

1. The object of this reference is that the Court of Foujdaree Adawlut should decide whether the translation of the A reports of cases decided by the Mooftys Sudder Ameen, if required by the Sessions Judge, should be

be made for him by the Subordinate Judge or by his own Foujdaree Translator as heretofore.-

2. The Court are of opinion that some advantage may attend the transmission of these reports direct to the Session Court as appears to have been the practice, and that it will be better that the translation should be made in the office of the Sessions Judge.-

Read letter dated 29th May 1858, from the Sessions Judge of Chittoor, submitting for the consideration and final judgment of the Court of Foujdaree Adawlut an English translation of the record of trial of case No 29 of 1858 on the file of the Sessions Court.

(Here Enter F H No 1057 of 1858)

Mr C R Baynes.

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

1st Cuntapully Ramoodoo
and
2d Cuntapullay Nulladoo

is

3d June 1858

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 severally thereof, and under the provisions of clause second, section IV, Regulation VI of 1822, and section XXXIII, Act VII of 1843, sentence the prisoner,

2d Cuntapullay Mulladoo

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (10) Ten years.-

The prisoner

1st Cuntapullay Ramoodoo

having been already sentenced in case No 28 on the Chittoor Calendar for 1858, no further sentence is required to be passed upon him in this case.-

Read letter dated 29th May 1858, from the Session Judge of Chittoor, submitting for the consideration and final judgment of the Court of Sanjeare Udalut, an English translation of the record of that of case No 28 on the file

F.K.

3d June 1858. file of the Session Court.-

(Here Enter F.K. No 105 8 of 1858)

Mr C R Baynes.

The Court of Sanjeare 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 Cuntapully Ramoodoo

is sufficient to convict him of the crimes charged, do convict him thereof, and sentence him to be transported to such place or places beyond sea as the Governor in Council shall 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.

C S Arnuvi

Ed Reg.

Friday,
4th June 1858.

T. H.

At a Court of the Toujaree Moalut.

Present.

G.S. Hooper Esquire — Puisne Judges
J.L. Strange Esquire —
C.R. Baynes Esquire —

Read Calendar of Case No 45 of 1858 on the file of the Session Court of Bellary—

(Here Enter T.H. No 1076 of 1858)

1. Although the prisoners may be, technically speaking, guilty of Robbery, in-as-much as they took the bullock against the will of the party in charge of it, yet their actual criminality appears, according to the Session Judge's own showing, to be very slight; and they certainly never intended to commit, or supposed themselves to be committing, highway robbery.

2. Under all the circumstances of the case the Court of Toujaree Moalut resolve to mitigate the prescribed punishment

4th June 185

punishment to two months imprison=
=ment in the case of the 1st & 3d and 4th
Prisoners, and to direct the releas
of the 2d as sufficiently punished by
the confinement he has already undergone.

Ordered that Extract from
these Proceedings be sent to the Session
Judge of Bellary, by precept returna=
=ble in III days from and after its
receipt.—

Read Calendar of case
No 46 of 1858 on the file of the Sessions
Court of Madura.—

(Here Enter F. Q. No 1080 of 1858)

As herein recommended,
the Court of Foujdaree Adalut resolve
to authorize the Session Judge to issue
his warrant for the imprisonment 1 Ramalinga
of the prisoners for the period speci= 2 Curpana
=fied in the margin, in mitigation 3 Cundasa
of the Sentence passed upon them in (7) Seven y
the said case.—

Ex Hall.

CS Chamier

F. Q.

Saturday 5th June 1858

At a Court of the Foujdaree Adalut

Present.

G. S. Hooper. Esqre
J. L. Strange Esqre
C. R. Baynes. Esqre
} Puisne Judges

Read Criminal Reports for
the month of April 1858, submitted by the
Sessions Judge of Combaconum.
(Vide enter F. Q. No. 1077 of 1858.)

Case No 44. In this case the prisoners
were charged with having "attacked and
killed a bullock", and were sentenced
under Section VIII, Regulation XIII of 1832 to
one years imprisonment. The Judge
held that the prisoners not being charged
with having killed the bullock "malicious-
ly" could not be sentenced under the
Act quoted, and directed that if the
simple act of killing stray cattle be
not punishable under the Mahomedan
law, the proceedings should be quashed

and

and the prisoners again put upon their trial for "killing it with intent to steal the flesh." The prisoners were again put upon their trial upon the same indictment, and convicted of killing with intent to steal, this not so charged, and sentenced under Section VII, Regulation X of 1816 to six months' imprisonment. On this the Sessions Judge remarks that the Judge Arreen had misunderstood his instructions and again directs that, if the act of killing stray cattle be not punishable under the Mahomedan law, the trial be quashed and the prisoners be again brought to trial on an indictment charging the killing with intent to steal the flesh.

2 The Court of Foujdaree Adalut consider this course of proceeding to have been unnecessary in the present case. There is no doubt that the indictment should have charged the prisoners with a "malicious" killing, but the Court has always been unwilling

unwilling to treat such omissions as in themselves a sufficient ground for the release or acquittal of a prisoner, where the charge is drawn in such terms as cannot fail to apprise the accused of the nature and extent of the crime which it is intended to allege against him. In the present case the parties were charged with having "attacked and killed," and the Court are of opinion that looking to the state of practice in our Courts, this must be held sufficient to justify a conviction, for "malicious killing." There could be no doubt on the prisoners' minds that they were charged with illegally "attacking and killing a bullock" an offence for which they were liable to criminal punishment or in other words with doing it wrongfully, wickedly, or maliciously, and they had full notice that it behoved them, if they could, to justify or show the legality of their acts.

The Court would also point out

3 to the Sessions Judge that by strict law

the

the flaw in the indictment on which he founds his objection to the sentence is not of a nature to render the proceedings null ab initio, but is only such an omission or defect as would form grounds for the acquittal of the prisoner, in which case his re-trial for the commission of an act for which he has once been tried and acquitted would be contrary to law.-

4 The Court therefore being of opinion that the conviction and sentence in the first trial was warranted by law, direct that it be confirmed, and that all other proceedings in the case be quashed.-

Read Calendar in Case No. 19 of 1858, submitted by the Sessions Judge of Nellore.-

(Here enter S. Dc. No. 1085 of 1858)

1 The prisoner in this case was convicted of highway robbery and sentenced to 14 years' imprisonment with hard labor in irons; but as no personal injury resulted to the prosecutor and this is

the prisoner's first offence, the Sessions Judge recommends that the sentence be mitigated to 10 years' imprisonment.-

2 The Court of Foujdaree Adalut being of opinion that the sentence might, with propriety, be further mitigated, - direct that the prisoner be sentenced to (8) eight years' imprisonment with hard labor in irons.-

Read again Criminal Reports of Cases Nos. 20 and 21 of 1858, disposed of by the Acting Head Assistant Magistrate, submitted by the Sessions Judge of Guntoor, under date the 21st ultimo.-

(Here enter S. Dc. Nos. 1026 & 1027 of 1858)

Read also Proceedings of the Sessions Court dated the 28th ultimo, held on appeal Petitions presented by the prisoners in the above Cases.-

(Here enter S. Dc. Nos. 1082 & 1083 of 1858)

The Foujdaree Adalut observe that the proceedings of the Sessions Judge in Case No. 20 are wanting in judicial decision. He sets forth that the Acting Head Assistant Magistrate was of opinion that "the evidence did

5th June 1858.

"did not satisfactorily and clearly
"establish the charge against the prisoner,"
and that in this opinion he, the Sessions
Judge, concurs in review, and that he
therefore resolves to remit the "remainder
of the sentence"! a sentence which upon
his own showing, as well as that of the
Acting Head Assistant Magistrate, ought
never to have been passed. Under such
circumstances, it was the duty of the
Sessions Judge, in justice to the party
accused, to pronounce as he has done
in No. 21, that the evidence was insufficient
for conviction, and that the prisoner
were entitled to an acquittal; a declaration
of the highest importance to the principal
party concerned, and who, if the case be,
as there seems every reason to suppose
it is, was entitled to every reparation
that can be made to one suffering
from an erroneous conviction.

Ed. Eag.

C. S. Chamier

F. U.

Monday.
7th June 1858

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esqre. }
T. L. Strange Esqre. " } Puisne Judges
C. R. Baynes Esqre. "

Read letter dated 29th ultimo from the officiating Agent to the Governor of Fort St. George at Kurnool, submitting in conformity to the agency rules for the final decision of the Court of Foujdaree Udalut, a summary of the evidence taken in case No. 24, with his opinion as to the punishment to be passed—

/Here enter Fld. No. 1090 of 1858/

The Court of Foujdaree Udalut concur in the conviction of the prisoner,

Ezra Timmanah

of perjury and sentence him, as proposed by the officiating Agent, to 2 years' imprisonment with hard labor in irons—

/Sent in No. /

Read letter dated 29th ultimo, from the officiating Agent to the Governor of Fort St. George at Kurnool, submitting in conformity to the

the Agency rules for the final decision of the Court of Foujdaree Udalut, a summary of the evidence taken in case No. 25, with his opinion as to the punishment to be passed.— 3rd June 1858.

/Here enter F.C. No. 1091 of 1858/

The Court of Foujdaree Udalut concur in the conviction of the prisoner

Mauny Hinder Vincatah

of Perjury, and sentence him, as proposed by the officiating Agent, to 2 years' imprisonment with hard labor in irons.—

/Sent in No. /

Read letter dated 29th ultimo, from the Officiating Agent to the Governor of Fort St. George at Kurnool, submitting in conformity to the Agency rules for the final decision of the Court of Foujdaree Udalut, a summary of the evidence taken in case No. 26, with his opinion as to the punishment to be passed.—

/Here enter F.C. No. 1092 of 1858/

The Court of Foujdaree Udalut concur in the conviction of the prisoner

Cawaly Curranah

of perjury, and sentence him, as proposed by the officiating

7th June 1858.

Agent, to 2 years' imprisonment with hard labor in irons.—

/Sent in No. /

Read letter dated the 2d. instant, from the Session Judge of Chittoor, requesting the opinion of the Foujdaree Udalut whether a Session Judge can call upon the Magistrate to levy the penalty awarded in any case under the provisions of Act XVI of 1850, or whether, under the wording of the Act, the Session Court, which imposes the fine, must itself realize it by sale of the offender's goods.—

/Here enter F.C. No. 1101 of 1858/

The Court of Foujdaree Udalut have already ruled in their proceedings under date the 20th August 1856 /a copy of which is annexed/ that a Session Judge is at liberty to execute the orders he may pass under Act XVI of 1850, through the means of such agency as he may consider best adapted to the end in view, and they are therefore of opinion that the Magistrate, on being directed to cause the sale of the property in question, should have done so.—

/Sent in No. /

Read Criminal Reports for the month

month of April 1858, submitted by Sessions Judge of Coimbatore. 7th June 1858

/Here enter F.H. No. 1048 of 1858/

1 The act of the 1st prisoner, in giving a puttah to the 2d prisoner to draw and sell Toddy &c., does not amount to a criminal offence.— Principal Sadr Ameen No. 88

2 The Sessions Judge is requested to review the record in this case with a view to the reduction of the sentence, which appears to be severe with reference to the period of imprisonment originally awarded.— No. 89

3 The 2d prisoner should not have been indicted on such a charge. There can be no accessaries to the offence of preferring a "false complaint".— No. 96

4 The mere act of deserting his master's service would not constitute fraud. This would simply warrant an action for breach of contract— Magistrate's Calendar Nos. 6 and 9.

(Sent in No.)

Read letter dated the 7th May 1858, from the Session Judge of Mangalore, submitting for the final judgment of the Foujdaree Udalut, the record of case No. 6 on the Calendar of the Session Court.—

/Here enter F.H. No. 920 of 1858/

The

7th June 1858.

Mr 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 prisoners,

1st Mogner Poodoo

2d Billa Cocka

3d Billa Deroo

4th Mogner Corago

7th Mogner Baloo

and

8th Mogner Joguy

is sufficient to convict them of the crime of Highway Robbery, do convict them thereof, and under the provisions of Clauses 3d and 5th, Section IV, Regulation XV of 1803, and Section XXXIII, Act VII of 1843, sentence them to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (5) five years.—

Read letter dated the 18th May 1858, from the Sessions Judge of Chicacole, submitting for the final judgment of the Foujdaree Udalut, the record of case No. 6 on the Calendar of the Session Court.—

/Here enter F.H. No. 1079 of 1858/

The

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 —

Dundasy Broondadoo

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. —

Ex^d Dall.

C. S. Chamier

7th June 1858
Mr. Hooper

Tuesday,
8th June 1858.

F. C.

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esq^re
F. L. Strange Esq^re
C. R. Baynes Esq^re
} Puisne Judges.

Read letter dated the 6th ultimo, from the Officiating Agent at Kurnool, forwarding for the disposal or instructions of the Foujdaree Udalut the original record in suit No. 30 of 1857, as he is doubtful of its being admissible, it having been tried criminally and is preferred by a subordinate against his superior for a public act. —

/Here enter F. C. No. 922 of 1858/

The Court of Foujdaree Udalut seeing no objection to the Officiating Agent dispensing of this suit, direct that the original record be returned to that officer. —

Read Letter from Sessions Judge of Rajahmundry under date 13th May 1858.

/Here enter F. C. No. 1045 of 1858/

From the Extract from proceedings of the Sessions and Subordinate Courts of Rajahmundry now submitted, it appears that in a criminal case

case referred for trial to the Moofty Sudder Ameen 8th June 1858
in which that officer awarded a sentence of
eight months' imprisonment, the Sessions Judge,
on review, being of opinion that the most impor-
tant evidence against the prisoner had not been
brought forward on the trial, and that the case
against him was consequently not so clearly
established, as it might otherwise have been, direct-
ed that the trial should be quashed, and the pri-
soner retried by the Subordinate Judge himself,
who was directed to call for and take the evidence
alluded to. The Subordinate Judge considering
that such a course of proceeding is opposed to law,
requests that a reference on the subject may be
made to the Court of Foujdaree Udalut.

2. The Court of Foujdaree Udalut
are of opinion that the proceedings of the Sessions Judge
are irregular and unwarranted by law. The Court
would point out to the Sessions Judge that he
cannot quash the conviction of a competent Court
and order the retrial of the party by another tri-
bunal, because, in his judgment, the evidence taken
was insufficient for conviction, and better might
be obtained.

If,

8th June 1858.

3. If, on further and mature consi-
deration, the Sessions Judge should be of opinion
that the prisoner has been convicted on insufficient
evidence, he should annul the sentence. His pre-
sent order must be considered as null.

Read the Criminal Reports sub-
mitted by the Officiating Assistant Agent in charge
at Kurnool for the year 1857.

/Here enter File No. 633 of 1858./

The Court of Foujdaree Udalut direct
that the Agent will report on the working of their
Circular Order No. 208 respecting the receiving of
confessions by Heads of Police as required by this
Court's Circular letter dated 30th October 1857.

The Agent will also report as
2.
required under Circular Proceedings dated 16th Febru-
ary 1856, the manner in which the Town Cazee of
Kurnool has exercised the Criminal Jurisdiction
during the year 1857.

Ordered that Extract from these pro-
ceedings be forwarded to the officiating Agent at
Kurnool by precept returnable within III days from
and after its receipt.

/Sent following precept No. /

Read

8th June 1858.

Read Petty Calendars of the Magistracy for the first Quarter of 1858, submitted by the Acting Sessions Judge of Madura.-

/ Here enter F.No. No 1096 of 1858 /

1. If the latter part of the charge was established, namely "the entering therein certain words &c.", the prisoner was guilty of "Forgery," and the Assistant Magistrate was not competent to dispose of the case. The Magistrate is requested to review the record with reference to the above remark, and with a view to the case being committed should he think fit.- Calendar I No 15-10

2 It is not clear from the charge how the prisoners rendered themselves liable to punishment.- The Acting Sessions Judge is requested to call for the record and pass such orders thereon as he may deem fit.- No 16-11

3 The suspicious circumstances should have been set forth in the charge. The Judge is requested to call for the record in this case and pass such orders as he may deem fit.- Calendar II No 26-8

Read the Criminal Statements No. 10 and 13 Bengal forms, submitted by the Sessions Judge of Mangalore for the year 1857.-

/ Here enter F.No. No 828 of 1858 /

The Court of Foujdaree Udalut observe that Statement No 10

8th June 1858

observe that the number of persons entered in columns 4 and 6 under head "Magistrates &c." should be 13 and 3, and the entry in column 5 should be erased.-

The number of persons entered in columns 4, 5 and 6 under head "District Police" should be 918, 17 and 96.-

2

E.B.Ball.

C.S.Chance

Ft. Ed.

Wednesday 9th June 1858. At a Court of the Foujdaree Adalut

Present

G.S. Hooper Esquire
T.L Strange Esquire } Puisne Judges.
C.R. Baynes Esquire

Read again Criminal Re-
ports of Cases Nos. 20 and 21 of 1858, disposed
of by the Magistracy, Submitted by the
Sessions Judge of Guntoor under date the
21st May 1858—
(Here enter Ft. Ed. Nos. 1026 & 1027 of 1858)

Read also return dated
the 2d June 1858, from the Sessions Judge
of Guntoor, to the precept of the Foujdaree
Adalut under date the 28th May 1858, de-
siring the Sessions Judge to call for the Re-
cords of Cases Nos. 20 and 21 of 1858 on
the file of the Acting Head Assistant
Magistrate, and to transmit a more
full account and opinion for their
information—
(Here enter F. Ed. No. 1123 of 1858)

Since calling for this
Report

9th June 1858.

report and information the Sonjdarow Adalut have had before them the further Proceedings of the Session Judge in the Cases referred to, held on the Petition of the parties, on which having Commented under date the 5th June, it is unnecessary to remark further. It is to be observed, however, that it is by no means their wish or intention that the Sessions Judge should call for the record of every Case disposed of by the Magistrates by when unappealed against, and when the attention of the Sessions Judge himself is not attracted to it by some apparent error, viz. The remarks of the Court were directed to the meagreness of the reports of the Head Assistant Magistrate, which they considered ought not to have satisfied the Sessions Judge; and the result has shown how necessary it was that he should have required further information.

Read Calendar in Case No. 26 of 1858 from the Sessions Judge of Cuddapah.

(Here enter No. 1063 of 1858.)

9th June 1858.

The Court of Sonjdarow Adalut

but resolve to point out to the Sessions Judge, that it is only in Cases of Perjury and Forgery and Stealing or destroying judicial records, falling within his own judicial view, that he is authorized to direct the Subordinate Judge to Commit parties guilty thereof for trial before himself, and that had Conviction followed in this Case, the proceedings must have been quashed.

Read letter dated the 2d Instant, from the Magistrate of Cuddapah, requesting the opinion of the Judges of the Sonjdarow Adalut as to whether a Sessions Judge can Commit a Case to himself, and proceed to try it, expressing his own opinion that he cannot, and accordingly questioning the legality of the Sessions Judge's proceedings in Case No. 26 of 1858.

(Here enter Sr. Do. No. 1125 of 1858.)

The Court of Sonjdarow

1.

Adalut Consider that the Magistrate's interference in this matter is uncalled for

for; and, from the manifest ignorance of the fact that the case to which he alludes was committed by the Subordinate Judge to the Sessions Judge, they regard it as displaying rather a desire to put the Sessions Judge in the wrong, than any concern for the interests of public justice.

2.

If, as a Magistrate, he thought the accused ought not to be tried, unless committed by himself, he might have brought the matter to the notice of the Sessions Court at the time of the Commitment. Viz. 22d March last.

Read the Criminal Reports Submitted by the Agent at Vizagapatam for the Year 1857.

/Here enter S. Co. No. 431 of 1858/

1

The Court of Songdarees adopt observe that the entries in Columns 11. 13. 21. and 26 under head "1857" of the abstract Shewing Crimes and Misdemeanors, Should be 6. 124. 15. and 370, and that the entry in Column 36 is incorrect.

Comparative Abstract Shewing Petty offences and Crimes and Misdemeanors.

The Court direct that the

2.

Agent will be pleased to append also to this abstract a review Showing the State of Crime and Causes which have influenced it, as required in para 6 of this Court's letter under date the 1st April 1853.

Ordered that Extract from these proceedings be Sent to the Agent at Vizagapatam by precept returnable within III days from and after its receipt.

Read the Criminal Reports Submitted by the Acting Subordinate Judge in-Charge of the Sessions Court at Madura for the Year 1857.

/Here enter S. Co. No. 427 of 1858/

The Court of Songdarees

Comparative Abstract Shewing Petty offences and Crimes and Misdemeanors.

1.

adopt observe that the entries in Columns 14. 15. 19. and 20 under head "1857" of the abstract Shewing Petty offences Should be 15,842. 7,698. 13,500. and 712; and those in Columns 2. 3. 10. 12. 13. 20. 21. 22. 23. 25. 26. and 28 under head "1857" of the abstract Shewing Crimes and Misdemeanors, Should

Should be 22. 2. 25. 109. 64. 581. 4,986. 436. 1,663
33. 28 and 84; and Column 18 should have
been left blank as no case is entered
in Column 2, head 41, of the Statement
No. 2.

2. The Sessions Judge will be
pleased to append to this abstract a
review shewing the State of Crime and
Causes which have influenced it as
required in para 5 of this Court's
letter under date the 1st April 1853.

3. The Sessions Judge will also
report, as required under Circular
proceedings dated 18th February 1846,
the manner in which the Moofsil Sadr
Ameen has exercised the Criminal
Jurisdiction during the Year 1857.

4. The Sessions Judge will
also report on the working of their Cir-
cular Order No. 208, respecting the
receiving of Confessions by Heads of
Police, as required by this Court's Circular
letter dated 30th October 1857.

Ordered that Extract
from these proceedings be sent to the
Acting

Acting Sessions Judge of Madura by
Precept returnable within III days from
and after its receipt -

Read letter dated 31st
May 1858, from the Sessions Judge of Tend-
dapah, submitting for the final judgment
of the Foujdaree Adalut, the record of
trial in Case No. 57 of 1857 on the Calendar
of the Sessions Court -

(Here enter F. Rc. No. 1116 of 1858.)

The Court of Foujdaree Adal-
lut, on a deliberate consideration of all
the Circumstances of the Case in evidence
before them, being of opinion that the
proof against the prisoner,

D. A. Condadoo,

is sufficient to convict him of the
crime of Murder, do convict him thereof;
but being of opinion, under the Circum-
stances 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 provi-
sions of Clause Second, Section VI,

Regulation

Mr Baynes. -

9th June 1858.

Regulations I of 1825, and ~~Section XXXIV~~ ~~Act VII~~ of 1843, Sentenced 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.

Ex Gaol.

C. Chamier

J. No.

Thursday 10th June 1858 } At a Court of the Fouzdaree Adalut

Present

G. S. Hooper Esq^re
J. Lo. Strange Esq^re
C. Re. Baynes Esq^re
} Puisne Judges

Read letter dated the 1st instant from the Acting Sessions Judge of Cuddalore.

(Here enter F. No. 1087 of 1858)

The question therein referred for the opinion of the Judges, is whether in cases of escaping from lawful custody, the party, if the crime for which he was detained was one of those enumerated in Section III of Act X of 1858, is to be dealt with under that enactment, or under the regulations before in force.

Circular

The Judges observe that the Act in question ~~supersedes~~ supersedes the previous enactments, and must be followed to its letter.

Read.

Read letter dated 2nd Instant, from the Sessions Judge of Chittoor, forwarding copy of a Communication with copy of its accompaniment from the Magistrate of North Arcot, in regard to the remarks passed by the Sessions Court on review of the Petty Calendars for the 1st Quarter of 1858.

(Here enter R. Mc. No 1102 of 1858)

1. The Court of Foujdaree Udalut are of opinion that the Sessions Judge has not gone beyond his powers in revising the sentences of the Joint Magistrate in question in this Correspondence. The terms of Clause 2nd, Section VIII, Regulation VII of 1827 do not prohibit him from instituting such supervision, and the submission to him of the Magistrate's Calendars subjects the sentences therein recorded to review by him.

2. As respects the grounds which the Sessions Judge has had for objecting to the Joint Magistrate's sentences, they appear to the Court amply to warrant his setting these sentences aside.

10th June 1858.

Read Calendar of Case No 20 of 1858, submitted by the Sessions Judge of Nellore.

(Here enter R. Mc. No 1119 of 1858)

The Prisoners in this Case were convicted of Highway robbery and sentenced to 14 years' imprisonment with hard labor in irons, but as no personal injury was inflicted, and the amount of the property stolen was trifling, the Sessions Judge recommends that the sentence be mitigated to 10 years.

1. The Court of Foujdaree Udalut being of opinion that under all the circumstances of the case a sentence of 8 years' imprisonment with hard labor in irons is sufficient to meet the ends of justice, direct the Sessions Judge to issue his warrant accordingly.

Read Calendar in Case No 10 of 1858 of the Sessions Court of Rajahmundry.

(Here enter R. Mc. No 1121 of 1858)

As the Sessions Judge has not accepted the evidence against the Prisoner in this Case, the Foujdaree Udalut are of opinion

10th June 1858

opinion that he is entitled to unconditional release, and accordingly cancel the order for security.-

Precept in 4 days.-

Read letter dated 2nd June 1858, from the Acting Sessions Judge of Madura, submitting for the final judgment of the Foujdaree Adalut, the record of trial in Case No 27 on the Calendar of the Session Court.

(Here enter F. A. No 1113 of 1858)

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

Mess.rs J. L. Strange and L. R. Bayne

Sy.n Perconal Nadan,

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.-

Ex Ena.

C. Chamier

Friday 11th June 1858.

F. A.

At a Court of the Foujdaree Adalut.

Present

G. S. Hooper Esquire -
J. L. Strange Esquire -
C. R. Bayne Esquire -
} Puisne Judges.

Read again Calendar of Case No 32 of 1858 of the Session Court of Madura.-

(Here enter F. A. No 1015 of 1858)

Read also return dated the 31st May, from the Acting Session Judge of Madura, to the precept of the Foujdaree Adalut under date the 27th May 1858, calling for the original record in Calendar Case No 32 of 1858, and directing suspension of sentence.-

(Here enter F. A. No 1098 of 1858)

1. The Court of Foujdaree Adalut, on a perusal of the proceedings in this case, cannot agree with the Session Judge in convicting the Prisoner of Perjury.-

2. It would appear that he, in swearing that he saw the parties in question, gave at the same time such statements and explanations as to the manner and circumstances under which he recognized them and on which he founded his alleged belief, that he had seen them,

as

as might justify any tribunal in placing no reliance on his testimony, but could expose him to no graver charge than forming conclusions from insufficient premises. The Prisoner, on being sent into the subordinate Court, to be committed for Perjury, became, he says, as well he might, "frightened and confused". Having stated that he recognized the parties, tho' he did not see their faces, and finding himself accused of perjury for so doing, he very naturally tried to amend the defect and satisfy the Court, by "declaring that he had seen their faces"; and to this he adhered before the Session Court. There was nothing impossible or improbable, in the Prisoner's original deposition;- he may well have thought what he did he warranted his belief; and it would be hard to punish him for endeavouring to accommodate his testimony to what he perceived was the opinion of the Court, Viz^t. that a sight of the face alone justifies identification.

3. The Court of Foujdaree Adalut Consider the conviction to be founded on insufficient grounds, and accordingly annul

annul it and direct the unconditional release of the Prisoner.

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Madura, by precept returnable within 2 days from and after its receipt.

Read letter dated the 29th Ultimo, from the Sessions Judge of Cuddapah, submitting translation of the Record for final judgment in Case No^r 21 of 1858.

(Here enter F.B.C. No^r 1115 of 1858)

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. Vizzy Tippaiah

is insufficient 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.

Read letter dated the 2d instant, from the Sessions Judge of Calicut, submitting the record in Case No^r 27 of 1858, for final Judgment of the Foujdaree Adalut.

(Here enter F.B.C. No^r 1140 of 1858)

The

11th June 1858.

The Court of Foujdarree 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-

Kadanamana Kovilagathapanlle Cheroman Coonhan-

is sufficient to convict him of the crime of "wounding with intent to do grievous bodily harm", for which, according to the Mahommedan Law, as declared in futwas of their Law officers, discretionary punishment is awardable, do convict him thereof, and under the provisions of clause third, Section VII, Regulation XV of 1803, Regulation VIII of 1828, and Section XXXIV, Act VII of 1843, sentence him to receive fifty lashes with a cat-o-nine tails, and to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of (5) five years-

C. F. Channic

Saturday,
12th June 1858.

F. A.

At a Court of the Foujdaree Adaulut

Present.

P. S. Hooper Esquire
T. L. Strange Esqre
C. R. Baynes Esquire
} Puisne Judges.

Read again Calendar of case No 31 of 1858 of the Sessions Court of Madura.-

(Here Enter F A No 992 of 1858)

Read also return dated the 31st May, from the Acting Session Judge of Madura, to the precept of the Foujdaree Adaulut under date the 27th May 1858, containing their remarks in Calendar case No 31 of 1858, and annulling the sentence passed-

(Here Enter F A No 1099 of 1858)

The Foujdaree Adaulut observe, from the explanation now submitted by the Acting Session Judge, that the extent of the Prisoner's offending amounted to premarication; and whether that was the result of any evil design, or of

of mere confusion and terror of mind, seems very doubtful.- "I did ~~not~~ see, and I did ~~tell~~, are actually blended in the same sentence with "I did not see, and I did not tell," in such a way as to lead to the latter supposition.- If the acting Sessions Judge had reason, from the demeanor of the witness, to believe such prevarication to be wilful, he should have fined him at the time, and recorded it in the Calendar; instead of doing which, he states therein that the obnoscious testimony "was clearly false", without any allusion to the fact that the party had not deliberately sworn that he saw, but that "he had seen and had not seen"; the one being a perjury which may affect the case, the other a prevarication which, ipso facto, renders the testimony unavailing, and is punishable as a "gross contempt of Court."

2. The Joujoaree Coalut observed that the sentence subsequently passed for "prevarication", even allowing it,

under

under such circumstances, to be legal, should at least have been dated the 13th May, the date of offence, and not the 19th; and they consider that in a case of this kind, the Sessions Judge should have completely obeyed the precept without further reference.- They now direct that the party be relieved from all further restraint.-

Read calender of case No 42 of 1858, submitted by the Sessions Judge of Bellary.-

(Here Enter Sk No 1141 of 1858)

This case appears to the Joujoaree Coalut to have been too hastily disposed of, as, in their opinion, it did not follow, that because the Prosecutors could not swear to the Prisoner as one of those who robbed them, the evidence of those who apprehended him in the act of escaping with plundered property, and from whose custody he escaped, should go for nothing.-

Read

12th June 1858.

Read calendar of case No 48 of 1858, submitted by the Sessions Judge of Bellary under date the 31st ultimo.

(Here Enter F & R No 1143 of 1858)

1. The 1st Prisoner in this case was convicted of House breaking and theft and 2d of knowingly receiving stolen property, and were sentenced under clause 2d, Section IV, Regulation XV of 1803 to 7 years' imprisonment; but considering that a much less severe sentence will meet the ends of justice, the Sessions Judge recommends that it be mitigated to 2 years' imprisonment.

2. There appears, by the Judge's own showing, in this singular case, to be great doubts whether the property was taken with intent to steal; it would rather appear to have been a move, in a pending dispute, between father and son, made with a view to bring the opposite party to terms. Without, however, questioning the legal propriety of the

F.R.
12th June 1858.

conviction, it is evident that the real guilt of the parties is of a very different complexion from that of ordinary theft, and that a mitigation of the prescribed penalties is necessary.

The Foujdaree Adalut, upon consideration of all the circumstances of the case, resolve, therefore, to reduce the sentence upon the Prisoners to one month's imprisonment.

3. They observe that the sentence should have been passed under Section XXI, Regulation VII of 1802, and not clause 2d, Section IV, Regulation XV of 1803.-

Read letter dated 8th Instant, from the Sessions Judge of Chittoor, submitting for the consideration and final Judgment of the Court of Foujdaree Adalut, an English translation of the record of trial of case No 33 of 1858-

(Here Enter F & R No 1139 of 1858)

The Court of Foujdaree

Mesprs GS Hooker
F.L. Strange

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, Govinda Moodely, 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.

Ex^d All.

C. Chamier

12th June

Monday
14th June 1858.

F. U.

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esqure.
J. L. Strange Esqure.
C. R. Baynes Esqure.
} Puisne Judges.

Read letter under date the 4th Instant, from the Sessions Judge of Chittoor, forwarding English translation of the Record of Case No. 30 of 1858 on the Calendar of the Sessions Court, for the final judgment of the Court of Foujdaree Udalut.

(Here enter F. U. No. 1114 of 1858)

Mess^rs 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, 1st Seromellore Sreenevasa Moodley, is sufficient to convict him of the crime of Forgery and uttering a forged document, do convict him thereof, and under the provisions of Clause third, Section III, Regulation VI of 1811, sentence him to be imprisoned and kept to hard

labour

14th June 185

labour in irons on the public roads or other public works for and during the period of (2) Two years.

And being of opinion that the prisoner,

2d Vochen Soobroya Chetty,

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

Ex Dd

C. Chamier

F.R.

Tuesday,
5th June, 1858. At a Court of the Foujdaree Adalut.

Present.

G. S. Hooper Esquire
T. L. Strange Esquire
C. R. Baynes Esquire
} Puisne Judges

Read Calendar of case
No 28 of 1858 on the file of the Session
Court of Calicut-
(Here Enter F.R. No 1157 of 1858)
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.

Read Calendar of case No 29
of 1858 on the file of the Session Court
of Calicut-
(Here Enter F.R. No 1160 of 1858)
As herein recommended the
Court

Parroomarakat Shungaren.
Seven years.
and 100 lashes.

15th June 1858.

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.

* Veeran, Son of Katookeb Moid

Five years. 100 lashes

Read Miscellaneous Petition presented on the 7th April 1858, by J. W. Branson Esqre, Pleader on behalf of Thomas Ralph Davis, of Gillah Lalew.

(Here Enter Trno No 56 of 1858)

1. Prisoner, appellant, was charged with having embezzled and misappropriated Rupees 116-6 entrusted to him as a Servant of the Madras Railway Company for the special purpose of paying the wages of certain workmen and others.

Mr. C.E. Boy

2. The Sessions Judge convicted him of the offence, but passed no sentence in consequence of his having been also convicted of Forgery in another case, and adjudged to suffer 7 years' imprisonment.

On

18th June 1858.

3. On behalf of appellant it was urged by his Counsel, Mr. Branson Esqre, Barrister at law.

1st That the prosecution is on the complaint of John Braddock, himself a servant of the company and not authorized or competent to prosecute on their behalf.

2d That he, appellant, was no trustee of Braddock, and that neither the act XIII of 1850 or former regulations apply to such a case.

3d That there is no evidence of any breach of trust or embezzlement, nor does the act alleged against him constitute such offence: there was not the fraudulent concealment necessary to that end. he did not deny receipt he duly charged himself. there was mere non-payment.

4th That the accounts, statements, memoranda &c produced at the trial were not evidence and ought not to have been received as such.

5th That the receipts which the appellant put

put in as duly and properly accounting for the money entrusted to him are not proved to be false, and that on the party accusing lies the burden of so proving them.-

4. The 1st and 2d objections the Court dare & don't consider they have disposed of by their judgment on the appeal preferred against the sentence in case No 52, on Petition No 57 of 1858.- It is only necessary to add that appellant is not alleged to be the trustee of Braddock but of the Company, and that Braddock merely appears as their agent.-

5. In regard to the other objections collectively, the Court dare & don't consider the evidence of the fraudulent breach of trust to be completed. Appellant cannot deny the receipt of the money, and it is proved that it was given him for the specific purpose of paying coolies, and wages: he does not even pretend he

15th June 1858. he so appropriated it, but put forward two receipts, confessedly with a view of accounting for money, which he admits he is liable to account for. He contends that having so done he has flung the burden of proving them false on the Railway company; but the Court cannot think so:- the Company do not say the receipts are false, but simply you received the money for one purpose, You tell us you have employed it for another; if so, you have done wrong; but if you can show that you have although irregularly applied our money to our own use, you are at liberty to do so. It was clearly for appellant under such circumstances to prove his own defence: this he has totally failed to do: he cannot bring forward the pretended contractors who received the advances from him: he cannot show that a single article has been received from them: and in respect of one of the receipts he produced, it has been proved if not that it was

was an entire fabrication, at least that a material part was a glaring forgery. Under these circumstances the Foujdaree Adalut are of opinion that the conviction appealed against must be upheld and the petition dismissed.

Read Miscellaneous Petition presented on the 7th April 1858, by J. N. Branson Esqre, Pleader on behalf of Thomas Ralph Davis of Gillah Salem.

(Here Enter J. N. P. No 57 of 1858)

1. The Prisoner, appellant, was charged 1stly with having, while in the employ of the Madras Railway Company forged the signature of one J. C Paterson as and for that of an attesting witness to a certain receipt, purporting to have been granted to him, appellant, by one Pulney boy for a sum of Rupees 30 as advanced for goods to be supplied to the Madras Railway Co, with intent to defraud the said Co; and 2dly with uttering the said receipt with such intent.

Mr. C.R. Boyne

2. The Sessions Judge convicting the

the Prisoner, sentenced him to 7 years' imprisonment.

On behalf of appellant

3. it was urged by his counsel J. N. Branson Esqre, Barrister at Law-

1st That the prosecution was upon the complaint of John Braddock, himself a servant of the same Company and not authorized to prosecute on its behalf.

2dly That the Receipt itself not being alleged or proved to be a forgery, the mere addition of the signature of an attesting witness to what may itself be a genuine document will not constitute the crime of forgery.

3d That there is no legal evidence of the uttering.

4th That some of the evidence has been improperly admitted and is generally of an insufficient nature.

5thly That as prosecutor has commenced Civil Proceedings he was incompetent to proceed criminally under Circular order Foujdaree Adalut No 200.

The Foujdaree Adalut

4. are

are of opinion that the first objection is untenable. By section XIII Regulation IX of 1876 a Magistrate is authorized to dispense with the attendance of a complainant, and to receive a charge presented by an authorised agent. We considered, and the Court think rightly, that the position and office of Mr Braddock, as the immediate superior of the Prisoner, carried with it authorization of the Company to do all that might be necessary on their behalf for bringing offenders to justice. The indictment alleges the act to be done in fraud of the Railway Co. & gives to the Prisoner every due and necessary information for the understanding of the nature of the charge against him, which is all that is requisite for the ends of substantial justice.

5. In regard to the 2d objection the Court observe that it is sufficient if Paterson's signature be proved to be a forgery as they hold it to be; the fraudulent application

of

of a true signature to a false instrument or of a false signature to a true instrument are equally forgery. In the present case the signature of a witness was requisite by the conditions of the document to perfect it and give it any operation beneficial to the Prisoner or in fraud of the company, and that signature is proved to have been forged.

6. As to the uttering there can, the Court think, be no doubt whatever: the Prisoner, Appellant, does not even pretend to deny that when called on for disbursement on account of the Company he put forward the receipt in question.

7. The Court are of opinion that the evidence is fully sufficient to sustain the conviction. It is proved and not denied that Prisoner was entrusted with money for specific purposes; that he had no authority to make such an advance as the document in

15th June 1858.

Comparative abstract shewing petty offences and crimes & misdemeanors

1. The Court of Sessions resolve to observe that the entries in columns 22-23-34 and 35 under head "1857" of the abstract shewing crimes and misdemeanors are incorrect.

The Court direct that the

2. Sessions Judge will furnish the information required by their Circular letter dated 11th September 1857.

The Sessions Judge will

3. append to this abstract a review shewing the state of crime and causes which have influenced it as required in para 5 of this Courts letter under date the 1st April 1853.

The Sessions Judge will also

4. report on the working of their Circular Order No 208 respecting the receiving of confessions by Heads of Police as required by this Courts Circular letter dated 30th October 1857.

Read again Miscellaneous Petition presented on the 18th March last, by Bageeradhy, mother of Ramasamy,

8th

in question refers to; that a material part of that document is a fabrication; and that it was used by him fraudulently as a voucher in support of a false account, with intent to defraud his employers.

8. The Civil proceedings to which allusion is made were forced on the prosecutor by the misdirection of the Head of Police: the case was proceeded with criminally by the Joint Magistrate, and those proceedings at once dropped, and the Circular Order quoted cannot be held as contravened.

9. The Sessions Judge therefore see no reasons for interfering with the sentence passed, the measure of punishment having professed reference to another case in which the appellant has also been convicted of fraudulent breach of Trust.

Read the Criminal Reports submitted by the Sessions Judge of Cuddapah for the year 1857.

(Here enter P.R. No 1117 of 1857)

The

15th June 18

8th Prisoner in case No 45 of 1857 on the file of the Sessions Court of Coimbatore-

(Here Enter I.R. No 530 of 1858)

Read also return dated 17th May 1858, from the Sessions Judge of Coimbatore, to the Precept of the Sowdaree Adawlut under date the 17th May 1858, directing the Submission of transcript of so much of the evidence as relates to the 8th Prisoner in the above case, together with any observations or explanations that he may desire to offer in support of his conviction, and further directing him that so much of the Sentence as awards hard labour in irons be suspended until final orders be made in the matter-

(Here Enter I.R. No 1093 of 1858)

The Court of Sowdaree Adawlut having considered the evidence submitted with this return and the remarks of the Sessions Judge thereon, in connection with the exceptions taken thereto by

15th June 1858.

by the Petitioner, are of opinion that the evidence is not such as can be safely relied on- The 1st witness, by his own showing, is the friend and confidant of notorious robbers- He says he saw the Petitioner in company with robbers of his acquaintance on the day before the crime in question was committed, but he does not appear to have been previously acquainted with him- It is true indeed he mentioned others, of whom some confessed and implicated the petitioner, but their testimony cannot be received against him- The evidence of the 1st witness, looking to his character and the nature of his testimony, certainly requires corroboration, which seems to be wanting as regards the 8th Prisoner, this Petitioner; for the next witness against him, the 5th witness, who had never seen him before, professes to have seen him so as to be able to recognize him, under such circumstances as would render it almost if not impossible

impossible for him to do so; and the 6th, who declares he also recognised him, could not say any positively have done so, as he was kept lying on his face in the next house. Upon consideration of the case as regards the 8th prisoner, the Foujdaree Adalut therefore resolve to annul the conviction and direct his release.-

Read Miscellaneous Petition presented on the 6th May 1858, by Mooktyar Vakeel on behalf of Peda Mahomed Casim and 2 others, of Zillah Masulipatam.

(Here Enter F.M.O. No 67 of 1858)

1. Petitioners pray the Foujdaree Adalut, for reasons set forth in the petition, to reverse the order passed by the Sessions Judge of Masulipatam under date the 4th February 1858, rejecting their appeal against the orders of the Magistrate whereby that officer dismissed the charge of assault preferred by the Petitioners against certain parties-

Mr C.R. Baynes

2. The Petitioners appear to have had some disputes with their opponents relative to certain revenue matters, and while such was pending, to have preferred a charge of assault and petty theft against them before the Head of Police, who thought they, the Defendants, ought to be fined 4 Rupees for assault- Circumstances led to the postponement of all decision in the matter for a long time, and it was eventually re-investigated, when it appeared very doubtful if any assault had been committed, and on this ground the case has been finally dismissed by the Head Assistant Magistrate, and confirmed, on appeal, by the Sessions Judge- The Foujdaree Adalut therefore see no reason to interfere in the matter, and accordingly resolve to reject the Petition-

Mr C.R. Baynes

Read Miscellaneous Petition presented on the 6th May 1858, by Coopier, Zillah Combaconam-

(Here Enter F.M.O. No 71 of 1858)

Petitioner complains that neither the Magistracy nor the Sessions Judge

15th June

Judge of Combaconum made a proper enquiry and afforded him redress in the matter of the charge of Gang Robbery preferred by him against certain parties. He therefore prays for the interference of the Sovjdaree Adalut to see justice done to him in the matter in question.

2. Petitioner, by his own showing, has been tormenting the Magistracy and Sessions Court since April last for refusing to proceed on a charge of Gang Robbery preferred by him against certain parties. The authorities with whom it lies to commit or otherwise, consider that there are no grounds of committal, and the Sovjdaree Adalut cannot interfere, and accordingly resolve to reject the Petition.

Read Miscellaneous Petition presented on the 12th May 1858, by R. Seroomul Row, Pleader on behalf of Moodjee Sheth of Zillah Honore.

(Here Enter F. Dis. No. 72 of 1858)

The

F. L.

15th June 1858.

Wm. C. R. Baynes

The Petitioner preferred a charge of "Breach of Trust and attempt at embezzlement" against certain parties which was tried at great length in the Sessions Court, and resulted in the acquittal of the accused. The Sessions Judge, however, remarked that the 1st to 3rd prisoners had been guilty of certain acts towards the Petitioner, which would have justified the Magistrate in requiring from him Securities to keep the peace. The Sovjdaree Adalut on the 27th February pointed out that it was not a case in which such requisition was proper, and that it ought not to have been suggested. Petitioner would now have this inhibition removed and such security taken; but the Sovjdaree Adalut see no reason whatever to alter their former order, and accordingly resolve to reject this Petition.

Read Miscellaneous Petition

Petition presented on the 15th April last, by J. W. Brenson Esqre, Pleader on behalf of Thomas Ralph Davis, Gillah Salem.

(Here Enter F No 59 of 1858)

1. Petitioner is prisoner in cases Nos 51 and 52 of 1857 on the file of the Session Court of Salem, and demurs to the Criminal jurisdiction of that Court, on the ground that he is a British subject, being of European descent.

2. The Court of Foujdaree Adalut are of opinion that if Petitioner has any such ground of exception as he alleges to the competency of the Court under whose sentence he is suffering imprisonment, his proper course is to allege and prove it before that Court. No such plea was here to-fore raised by Petitioner; no judgment consequently has been given upon it; and no grounds are apparent for any appeal to this Court.

Read Miscellaneous Petition received

15th June

15th June 1858.

Mr C R Baynes

received on the 11th May 1858, from the Session Judge of Cuddalore, on behalf of Nyaloo Naick of that Gillah.

(Here Enter F No 73 of 1858)

Mr C R Baynes.

This is an appeal from the sentence passed by the Sitting Session Judge in case No 37 of 1857, awarding 14 years' imprisonment with hard labor in irons, and 100 lashes against the Petitioner, 9th prisoner in the case in question.

2. This petition is a mere denial of guilt, and an assertion that the witnesses who depose to his presence at the robbery were instigated by his enemies. If the Petitioner had any proof of this, he should have adduced it on his trial. The Foujdaree Adalut see no reason to interfere with the sentence passed, and accordingly reject the Petition.

Read Miscellaneous Petition presented on the 17th May 1858, by John Sauchoomenon, Pleader on behalf of Annamengar of Gillah Combaconum.

(Here Enter F No 77 of 1858)

Petitioner

15th June 18

1. Petitioner appeals from the order of the Session Judge under date the 16th February last, confirmatory of the decision of the Head Assistant Magistrate dated the 29th January preceding, whereby that officer reversed the sentence of the Head of Police in the matter of the Petitioner's complaint against one Tythenadien and others.

2. Petitioner having preferred against certain parties a charge of forcible taking sea, it was dismissed by the Magistrate, an order which was confirmed on appeal by the Session Judge. The Foujdaree Adalut will not interfere.

3. Petition rejected.

Read Miscellaneous Petition presented on the 19th May 1858, by M Venkataroyaloo Naidoo, Pleader on behalf of Mooneyummah, mother of Puckeerah, of Zillah Chittoor.

(Here Enter F M O No 78 of 1858)

1. This is an application for the interference of the Foujdaree Adalut.

Mr C R Baynes.

F.A.

15th June 1858. Adalut to reverse the order of the Session Judge under date the 20th February 1858, confirming the sentence passed by the late Acting Subordinate Judge in Criminal case No 22 of 1858, adjudging the Petitioner's son, the prisoner, to suffer a 2 years' imprisonment with hard labor in irons, and receive 50 lashes on a charge of theft.

2. The Foujdaree Adalut see no reason to interfere with the sentence passed in this case, and accordingly reject this Petition.

Read Miscellaneous Petition presented on the 28th April 1858, by Soukar Mooneyapa of Zillah Chittoor.

(Here Enter F M O No 65 of 1858)

Mr C R Baynes. Petitioner, complainant in a case of Gang Robbery, appeals against the decision of the Subordinate Judge, confirmed on appeal by the Session Judge on the 3d April 1858, declining to commit the case for want of evidence. The Foujdaree Adalut resolve to dismiss the Petition.

Read Miscellaneous Petition received

15th June

received on the 12th ultimo, from the
Sessions Judge of Mangalore, on behalf
of Lenkara Narrain Bhut, of that zillah.

(Here Enter F.M.P. No 74 of 1858)

1. Petitioner appeals from the sentence passed against him by the Sessions Court of Mangalore in Case No 4 of 1858, wherein he is first prisoner.

2. The Court of Tonjoare Doubt see no reason to question the propriety of the sentence appealed against, and accordingly resolve to reject the Petition.

Read Miscellaneous Petition received on the 12th ultimo, from the Sessions Judge of Mangalore, on behalf of Rambhut of that zillah.

(Here Enter F.M.P. No 75 of 1858)

1. Petitioner appeals from the sentence passed against him by the Sessions Court of Mangalore in case No 4 of 1858, wherein he is 2d prisoner. Mr C R Baynes

2. The Tonjoare Doubt seeing reason to doubt the propriety of the Petitioner's

15th June 1858.

Petitioner's conviction, resolve to call for a certified translation of such portion of the evidence as affects him. and also to require the Sessions Judge to explain on what grounds he regards the verdict of the Jury as convicting the 2d prisoner, Petitioner, of the crime charged.

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

Read Miscellaneous Petition presented on the 17th May 1858, by J. B. Branson Esqre, Pleader on behalf of Peroomal Chetty, of Zillah Coimbatore.

(Here Enter F.M.P. No 76 of 1858)

Mr C R Baynes. This is an Appeal against the sentence passed by the Sessions Judge of Coimbatore in case No 72 of 1857, awarding imprisonment against the Petitioner (3d prisoner) for 4 years with hard labor in irons.

The

2. The Tanjore Court, before disposing of this petition, desire to have before it the record of the case, which they accordingly direct may be transmitted to them, and further that pending their final orders, the execution of the sentence passed on the 3d Prisoner, petitioner, be suspended.—

Ordered that Extract from these proceedings be sent to the Sessions Judge of Coimbatore, by Precept returnable within V days from and after its receipt.—

E.H. Hall.
C.S. Chamier

15th June 1858

Wednesday,
16th June 1858.

F.R.

At a Court of the Tanjore Circuit—

Present.

G.S. Hooper Esquire
J.L. Strange Esquire
C.R. Baynes Esquire
} Puisne Judges

Read again letter dated 15th April 1858 from the Acting Sessions Judge of Madura, submitting an English Translation of the Record of the trial of case No XI of 1858.

(Here Enter F.R No 750 of 1858)

Read also letter dated the 8th Instant from the Acting Sessions Judge of Madura, forwarding for the consideration of the Tanjore Circuit, a letter from the Acting Magistrate, submitting a few explanatory remarks with reference to his committal to the Subordinate Court of the Prisoner in the above case.

(Here Enter F.R No 1150 of 1858)

The Tanjore Circuit

Can—

was not among the papers submitted.
But there is the "Declaration taken
from 1st Prisoner on the 1st February -
on which the charge is said to have
been recited to the prisoner in
these words - "You stand accused
of having used insulting and sedi-
-tious language towards Mr Scott
who was &c&a - It was upon this that
the remarks of the Court in reference
to the improper use of the word sedi-
-tious were formed -

Read letter dated the
1st instant from the Session Judge
of Bellary, forwarding an appeal -
petition of the Magistrate of Bellary
from the order of the Session Court -
setting aside an order of the Magistrate
dated 27th January 1858 -

(Here Enter S.R. No 1145 of 1858.)

The Court of Foujdaree Adalut

1.

are of opinion that the order of the
Session Judge of the 22d March 1858, now
appealed against, is correct. They observe
that Audiappah, whether rightfully
or

can discover no material difference
in their summary of what took place
before the acting Magistrate, and
that now submitted by that officer
himself and they still consider that
the institution of a prosecution on
the part of Government is to be
regretted - The complainants own
statement before the Magistrate
disclosed him to be in the wrong, and
the acting Magistrate should in
their opinion have disposed of the
charge as laid before him, which
on Mr Scotts own showing, amounts
to - a petty assault provoked by
himself - From the Calendar now
sent, it appears that the 1st Defendant
was charged by the acting Magis-
-trate "with having used abusive
"and seditious language, and with
"having instigated the other Defen-
-dants to assail a gentleman from
"the Pagoda &c&a" - This document

was

or not, is admitted to have been for some considerable time in ostensible possession of the premises, and upon the strength of his alleged ownership to have sought the Magistrate's protection against Singaha as a forcible trespasser, enquiry not only be the Magistrate to dismiss the complaint as between the parties, but, in his own opinion, disclosed the fact that neither had a title, and that the Chonthry was in question was Government property the occupation of which it was his duty as collector to have prevented, and thereupon he proceeded to make an order in the case before him as Magistrate, decreeing Audenapah to give up and deliver the same to the officers of Government. In this the Court consider the Magistrate was clearly wrong. he should have contented himself with dismissing the case before him as Magistrate, and have proceeded as collector to take

F.R.

16th June 1858. take legal measures for the assertion of any rights which he might imagine the Government to possess. The Court resolve therefore to confirm the order appealed against.

2. The Magistrate has submitted with his appeal the record of another case which he considers to be of the same nature, as the present one, and in which like proceedings on his part were confirmed by the Sessions Judge on the 15th January 1858. Upon this it is not necessary that the Court should give an opinion, as it has not, and cannot now come in appeal before them, the parties having acquiesced in the decision. It may be remarked however that the two cases present primâ facie very different features and that it may be doubted whether mature consideration would discover them to be analagous in principle.

Ed 18.

C. Chamier

F. Uc.

Thursday 17th June 1858. At a Court of the Fouzdaree Adalut

Present

G. S. Hooper, Esquire
T. L. Strange, Esquire
C. R. Baynes, Esquire
} Puisne Judges

Read Petty Calendars of the Magistracy for the first quarter of 1858, submitted by the Session Judge of Mangalore.—

(Here enter F. C. No. 1155 of 1858)—

The Session Judge is requested to direct the Magistrate to forward these Calendars at an earlier date in future.—

Calendars 1 2 Nos. 23 and 31

The Session Judge will point out for the guidance of the Assistant Magistrate that under the Regulation quoted the mere act of obstructing the traffic of the streets &c. is not punishable. The Magistrate must, in the first instance, issue an injunction ordering the obstruction to be removed, and

and it is only in cases where such order is disobeyed that he can punish.

3 With reference to the pencil note on this case, the Court have to observe that if there was no malicious intention and the killing was accidental, the offence would not be punishable under regulation XIII of 1832. A blow with a peg could not have been expected to kill the cow; so as little malice could be presumed, the punishment was light.— Calendar No. 25.

4 Irons should not have formed part of the sentence in this Case: if there was reason to believe that they were necessary, this should have been brought to the notice of the Officer in charge of the Jail, who could use his own discretion in the matter.— No. 60.

5 If nothing further was brought against the Defendant than is contained in the charge, the Court are of opinion that the sentence should be Calendar III No. 9.

should be cancelled, and accordingly request the Judge to call for the record and pass such orders on it as he may deem fit.—

Read Calendar of Case No. 28 of 1858 on the file of the Sessions Court of Salem.—

/Here enter F.C. No. 1158 of 1858/

As the evidence affecting the 8th prisoner has not been accepted, there nothing remains against him to warrant the requisition of security from him; and the Court of Foujdaree Udalut accordingly resolve to cancel the order for security

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Salem, by precept returnable within 11 days from and after its receipt.—

E. Ball. S. Chamier

Friday.

18th June 1858.

F. C.

At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper Esquire
J. L. Strange Esquire } Puisne Judges.
C. R. Baynes Esquire.

Read the Criminal Reports submitted by the Session Judge of Chittoor for the year 1857.-

(Vide order F. C. No. 561 of 1858)

The Court of Foujdaree Udalut observe that the entries in Columns 18, 20, and 21 under head "1857" of the abstract shewing Crimes and Misdemeanors should be 1. 1077 and 4435, and that those in Columns 22 and 23 are incorrect. Columns 34 to 36 should be filled up.

Comparative Abstract Shewing Petty Offences and Crimes and Misdemeanors.-

1.

2.

The Session Judge will be pleased to append to this abstract a review shewing the state of Crime and causes which have influenced it, as required in para 5 of this Courts' letter under date the 8th April 1853.-

Ordered that Extract from these proceedings be sent to the Session Judge of Chittoor by precept returnable within 5 days from and after its receipt.-

Read.

18th June 1858.

Read again Calendar in Case
No. 17 of 1858 from the Session Judge of Nellore.
/Here enter F.H. No. 1041 of 1858/
Read also return dated 11th
instant, from the Session Judge of Nellore, to the
precept of the Sudder Adalut under date the
4th idem, directing the submission of a translate
of the record of the case No. 17 of 1858.
/Here enter F.H. No. 1170 of 1858/
In this case, Prosecutor, witnesses,
and Prisoners are all described as Vagrants and
Beggars. They appear to have been members of the
same strolling gang, tho' on the night in question
the prisoners had encamped at a considerable
distance from the Prosecutor and his party.
There is independent testimony to the fact of
an attack being made on prosecutors hut,
tho' the circumstances of the robbery as related
by the prosecutor and witnesses, are most im-
probable, indeed incredible, but however that
may be, and whatever suspicion may attach
to the prisoners, the Sudder Adalut are of
opinion that the evidence of their identity
with the perpetrators cannot safely be relied
on. It was quite dark; Prosecutor had no lamp,
the robbers no torch, and they were only recognised by
their voices. The 6th and 7th witnesses say Prosecutor
cried out the names of the prisoners at the time, but

18th June 1858.

but the question is, could he have recognised them?
was he warranted in so doing by any thing more
than suspicion?
2 The features of the case, moreover,
are such as to beget great doubt as to whether
what did occur was not entirely of the nature
of a quarrel between members of different parties,
of which one has taken advantage to bring a
serious charge against the other. The Court there-
fore resolve, upon consideration of the record,
to annul the conviction, and direct the
release of the Prisoners.
Precept returnable in II days.
Read again Calendar of Case No.
7 of 1858 on the file of the Session Court of Tinnevelly
/Here enter F.H. No. 483 of 1858/
Read also letter dated 27th
Ultimo, from the Session Judge of Tinnevelly,
requesting the order of the Sudder Adalut
on the sentence passed in Case No. 7, which, with
reference to his sentence in Case No. 18, cannot stand.
/Here enter F.H. No. 863 of 1858/
Read also return dated 31st
Ultimo, from the Session Judge of Tinnevelly, to
the precept of the Sudder Adalut under date
the 21st May 1858, calling for an English trans-
lation of the record of Session Case
No.

18th June 1858.

No 7 of 1858.-

Here enter F.C. No 112 of 1858/

Read also Miscellaneous petition presented on the 6th May 1858, by Mr H.B. Saunders, Pleader on behalf of Peroomal and others, of Zillah Tinnevelly.-

/Here enter F.M.P. No 69 of 1858/

Mr G.d Hoppe

1. The prisoners were all convicted of the crime charged, by the Assessors and the late Acting Session Judge, and were sentenced to the mitigated punishment of 7 years' imprisonment with hard labor in irons, as recommended by the Acting Session Judge.-

2. The record of the trial was subsequently called up by this Court, on the representation of the Session Judge in his letter of the 27th April 1858, transmitting the Calendar in Case No. 18 of 1858 tried by him, in which 2 other prisoners were charged as having been concerned in the same Robbery, on the evidence of the same Prosecutor and witnesses, which he pronounced to be "utterly worthless," and therefore, in concurrence with the opinion of the 2 Assessors (one of whom appears to be the same person who sat as one of the Assessors at the trial of the said case No 7) acquitted and released them.-

A

18th June 1858.

3. A petition has been since presented to the Court of Foujdaree Udalut on behalf of the prisoners from 1 to 9, by Mr H.B. Saunders, Pleader, appealing against the sentence passed upon them in Case No 7.-

Having gone thro' the whole of

4. the proceedings held in case No 7, the Court are of opinion that the evidence is altogether unsatisfactory and insufficient to bring the charge home to the prisoners. Their conviction before the lower Court rests entirely upon their alleged recognition by the Prosecutor and 1st, 2d and 3d Witnesses on the night of the robbery, and on this point the evidence is certainly not trustworthy, as it is scarcely to be credited that the said witnesses should have been able, as they assert, to identify by name 22 Persons (including the prisoners) and recollect the features of 10 or 15 others; and that the Prosecutor and said witnesses, who were in different places at the time, should have all named the same 22 is most extraordinary. But as they did not name them to each other that night, or to the other villagers who came there after the robbers had retired, there is room for suspicion that the names were agreed upon subsequently,

particularly

particularly as it is admitted by the Prosecutor himself that there is enmity between himself and the prisoners. Not an article of property belonging to the Prosecutor was found upon any of the prisoners, and the 2d Witness was fined 10 Rupees by the late Acting Session Judge for gross prevarication. The said witnesses, moreover, appear to have made contradictory statements in the two cases. On the above grounds, the Court of Foujdaree Adalut reverse the sentence in case No 1, and direct the unconditional release of all the prisoners.

Precept returnable in II days.

Exd Sall.

C. S. Chamier

F. C.

Saturday 19th June 1858. } At a Court of the Foujdaree Adalut.

Present

G. S. Hooper Esqure
T. L. Strange Esqure
C. R. Baynes Esqure
} Puisne Judges.

Read letter dated 15th Instant, from the Acting Sessions Judge of Madura, forwarding English translation of the Record of case No 49 of 1858 on the Calendar of the Session Court, for the final judgment of the Court of Foujdaree Adalut.

(Here enter F. C. No 120 of 1858)

Mr. 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,

Singaren alias Singara Thavasy,

is sufficient to convict him of the crime of Robbery attended with murder, do convict him thereof, and in conformity with the provisions of clauses First and Fifth, Section IV, Regulation XV of 1803, and Section XXXIV, Act VII of 1843, sentence him to be imprisoned and kept to hard labour

19th June 1858.

labour in irons on the public roads or other public works, for and during the period of (14) fourteen years.

C. S. Chamier

Ex. Sad.

F. M.

Monday— 21st June 1858. At a Court of the Foujdaree Adalut.

Present.

G. S. Hooper Esquire,
T. L. Strange Esquire,
C. R. Baynes Esquire,
} Puisne Judges

Read Miscellaneous Petition presented on the 15th instant, by J. D. Mayne Esquire, Pleader on behalf of Nanadatha Choy Cootty, Prisoner in Case No. 24 of 1858 on the file of the Session Court of Calicut.

/Here enter F. M. C. No. 39 of 1858./

Mr. Strange. 1. The Petitioner appeals from the sentence of 2 years' imprisonment with hard labor in irons passed on him in the above case.

2. The Court of Foujdaree Adalut seeing no ground to question the justice of the sentence, reject the this petition.

Read Calendar of Case No. 12 of 1858, on the file of the Session Court

21st June 1858.

Read Calendar in Case
No. 49 of 1858, on the file of the Session
Court of Bellary, under date the 15th
instant.

/Here enter F. M. No. 1195 of 1858./

According to the abstracts
of both the Subordinate and Session
Judges, there is not a particle of
evidence to shew that the Prisoner
committed the offence with which
only he is charged viz: "House
breaking and theft." It all goes to
prove him guilty of possessing pro-
perty thereby acquired, knowing it
to be such. A count should have been
added charging him with such pos-
session. That he knew it to be the
real matter of accusation against
him is however manifest from
his line of defence, and the Fouj-
daree Adalut will not therefore
interfere with the conviction, but
regard it as in effect one for pos-
sessing stolen property, under
which he was liable to a sentence
by the Criminal Court of two
years'

F. M.

21st June 1858.

years' imprisonment under Clause 4th
Section IV, Regulation VII of 1822, and
accordingly resolve, under the pro-
visions of Section II, Act XIX of 1848,
to direct the Sessian Judge to amend
the record in this case by sentencing
the Prisoner to be imprisoned for
two years with hard labor in irons,
for possessing stolen property with
a guilty Knowledge.

Read Criminal reports
for the month of May 1858, submitted
by the Session Judge of Masulipatam.

/Here enter F. M. No. 1193 of 1858./

The Court of Foujdaree
Adalut would point out to the Session
Judge, with reference to his sentence in
No. 32, that under Clause 9, Section VI,
Regulation I of 1820, irons cannot be
awarded.

Ex Exam.

C. Chamier

F.M.C.

Tuesday.
22d June, 1858.

At a Court of the Foujdaree Adalut.

Present.

G. S. Hooper, Esquire.
T. L. Strange, Esquire. } Puisne Judges.
C. R. Baynes, Esquire.

Read Calendar of Case No. 30 of 1858 on the file of the Sessions Court of Calicut.

/Here enter F.M.C. No. 1217 of 1858/

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.—

Read letter dated the 14th June 1858, from the Sessions Judge of

1st Author Coma Koonatha Ine Lothil Govindan.

(4) four years.

of Bellary, submitting for the final judgment of the Foujdaree Adalut the record of trial in Case No. 46 of 1858 on the Calendar of the Session Court.—

22d June, 1858.

/Here enter F.M.C. No. 1204 of 1858/

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, D. Sippagandoo is sufficient to convict him of the crime of wounding with intent to kill; for which according to the Mooluminedan Law as declared in futwas of their Law Officers, a discretionary punishment is awardable, do convict him thereof, and under the provisions of Clause third, Section VII, Regulation LIV 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

Mr. G. S. Hayes

22d June, 1858.

or other public works, for and during the period of (12) Twelve years.—

Exd. C. S. Chamier

F.M.C.

Wednesday. 23d. June, 1858. At a Court of the Foujdaree Adalut.

Present.

G. L. Cooper, Esquire
T. L. Strange, Esquire
C. R. Baynes, Esquire
} Puisne Judges.

Read letter, dated the 16th. instant, from the Session Judge of Chittoor, requesting to be informed whether a Session Judge is empowered to call upon the Magistrate to report whether any persons are employed in the Police Department who may have once been dismissed from public employ for misconduct.

Have Enter F.M.C. No. 1181 of 1858/-

The Court of Foujdaree Adalut observe that, with reference to the Extract from the Minutes of Consultation dated the 1st. June 1850; No. 364, the Session Judge has no jurisdiction

23d June, 1858.

jurisdiction in the matter.—

Read Criminal Report for the month of May 1858, submitted by the Sessions Judge of Chittoor.

/Here Enter File. No. 1166 of 1858/

1. The prisoner should have been charged with "theft" in this case. No. 90.

2. With reference to the Nos. noted in the margin, the Court have to observe that it is provided in the Post office act, XVIII of 1854, that the offences with which the prisoner is charged should be taken cognizance of by the Magistrate only; it was therefore irregular to forward the case to the Criminal Court, and it is directed that the proceedings be quashed and the parties sent back to the Magistrate, who will deal with the case under the provisions of the act quoted. No. 89 and 91.

3. The Court are of opinion that the additional imprisonment should be of the same character as that

23d June, 1858.

to which the prisoner is subject by the primary sentence, and in this case, therefore, should have been without "irons."—

No. 93.

Ex. Ell.

C. Chamier

Thursday.

24th June 1858.

F. C.

At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esqre.
J. L. Strange Esqre. } Puisne Judges.
C. R. Baynes Esqre.

Read Calendar in Case No. 27 of 1858 of the Session Court of Salem.

/ Here enter F. C. No. 1187 of 1858 /.

The Court of Foujdaree Udalut observe that the Session Judge has dealt wrongly with the evidence of the 1st witness as it respects the 1st and 2d prisoners. Having believed this part of the evidence, he should have acted on it without being influenced by the remaining portion of the evidence which he distrusted. The requisition of security does not rest upon a right footing, as, if the testimony brought against the prisoners has been rejected, as it virtually has been, nothing remained on wherewith to hold them in suspicion. As, however, it would seem that there was evidence for their conviction, the Court will not interfere with this part of the sentence.

Read.

26th June 1858

Read Criminal Reports for the month of May 1858, submitted by Sessions Judge of Guntoor.

/ Here enter F.C. No. 1244 of 1858. /

With reference to the No. noted in the margin, in which a convict under sentence of imprisonment for robbery was tried for escape by the Criminal Judge and sentenced to two years' imprisonment, the Court of Foujdaree Udalut have to call the attention of the Sessions Judge to the provisions of Act V of 1858, which direct that prisoners who escape from Jail or lawful custody while detained under sentence of imprisonment for any of the crimes specified in Section III of the same act, shall, upon conviction, be sentenced to transportation for life.

2. As by this act all other regulations providing for the punishment of convicts escaping under such circumstances are clearly superseded, any sentence passed under them must be illegal; and the Court accordingly direct that the trial in this case be quashed, and that the prisoner be committed to the Sessions Court, which, on conviction, will pass sentence under Act XIX of 1848, as directed by Act V of 1858.

Ex Parte C.S. Chamier

No. 21

F.C.

Friday 25th June 1858.

At a Court of the Foujdaree Udalut

Present

G.S. Hooper, Esquire
T.L. Strange, Esquire
C.R. Baynes, Esquire
} Puisne Judges

Read Criminal reports for the Month of May 1858, from the Sessions Judge of Chicacole.—

/ Here enter F.C. No. 1237 of 1858 /

In petty cases of this description, as observed in their proceedings of the 28th May 1858, the Court consider it is neither necessary or expedient that the prosecution should be at the instance of Government.

Report of Sessions Judge delivered to No. 18.

Read Calendar of Case No. 59 of 1858, on the file of the Sessions Court of Bellary.—

/ Here enter F.C. No. 1248 of 1858 /

As herein recommended, the Court of Foujdaree Udalut resolve to

25th June 1858.

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.

Exd Edd.

C S Chamier

F 46

Saturday 26th June 1858. } At a Court of the Foujdaree Adalut.

Present

G. S. Hooper Esquire.
T. L. Strange Esquire } Puisne Judges.
& R. Baynes Esquire

Read letter dated 18th Instant, from the Sessions Judge of Coimbatore, forwarding English translation of the Record of Case No 21 of 1858 on the Calendar of the Sessions Court, for the final judgment of the Court of Foujdaree Adalut.

(Herewith F. A. No 123 of 1858).

The Court of Foujdaree Adalut,

Mess. G. S. Hooper and R. Baynes.

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 Murana sowlen
2nd Narraina Naiken
3rd Maronda Coravun
4th Shottay alias Nunjon
and
5th Chenny Coravun,

as

1 Ball & fish Sunjeevazadu 4 four years

26th June 1858.

is sufficient to convict them of the crime of Gang Robbery by open violence, do convict them thereof, and under the provisions of Clauses Third and Fifth, Section IV, Regulation XX of 1803, sentence them to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of (10) Ten years.

But being of opinion that the prisoners,

5th Cawady Carospew,

7th Soobbon

and

8th Ramon,

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

Ex Exd.

C. L. Chamier

F. G.

Monday.
28th June 1858.

At a Court of the Foujdaree Adalut

Present.

G. S. Hooper. Esqre.
J. L. Strange. Esqre.
C. R. Baynes. Esqre.
} Puisne Judges

Read Calender of Case No.
51 of 1858 of the Session Court of Bellary.
(Here enter F. G. No. 1211 of 1858)

The Court of Foujdaree Adalut

1 are of opinion that a sentence of 3 years' imprisonment with labor suitable to her sex, will be adequate punishment for the offence of which the 2d Prisoner in this case has been convicted; and they resolve to call upon the Session Judge to reduce his sentence accordingly.

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 for their consideration an English translation of

of so much of the evidence as affects her, with any remarks he may desire to offer.

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

Read Criminal reports submitted by Sessions Judge of Rajahmundry for Month of May 1858.-

(Here enter F. Co. No. 1252 of 1858)

The prisoner in this case should have been charged with "Murder"- Subordinate Judge No. 15.

Read the Criminal Reports submitted by the Session Judge of Salem for the year 1857.-

(Here enter F. Co. No. 712 of 1858) ✓

1. The Court of Foujdaree Adalut observe that the entries in Columns 22 23 and 35 under head "1857" of the abstract shewing Crimes and Misdemeanors should be 631 - 1832 and 5. — Comparative abstract shewing Petty Offences and Crimes and Misdemeanors

2. The Court also observe that the Sessions Judge will distinguish for the year 1856 the offence of Gang Robbery

Robbery in houses from the same offence when committed in fields.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Salem by precept returnable within 5 days from and after its receipt.-

Esqr.

CS Chamier

Read the Criminal Reports submitted by the Session Judge of Salem for the year 1857.

(Here enter F. Co. No. 712 of 1858.) ✓

The Court of Foujdaree Adalut observe that the entries in Columns 22. 23. & 35 under head "1857" of the abstract shewing Crimes and Misdemeanors should be 631, 1832, and 5.- Comparative abstract shewing Petty Offences and Crimes and Misdemeanors.

The Court also observe that the 2 Session Judge will distinguish for the year 1856 the offence of Gang Robbery in houses from the same offence when committed in fields.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Salem, by precept returnable within

within 5 days from and after its receipt.

F. Rd.

Tuesday 29th June 1858. At a Court of the Tongdaree Adalut

Present.

G S Hooper Esquire. | Puisne Judges
F L. Strange Esquire. |
C. R. Baynes Esquire. |

Read again letter dated the 15th April 1858. from the Acting Sessions Judge of Madura, Submitting an English translation of the Record of the trial of Case No. XI of 1858.

/Here enter F. Rd. No. 751 of 1858/

Read also letter dated the 14th June 1858 from the Acting Sessions Judge of Madura, Submitting explanation with reference to the remarks of the Court of Tongdaree Adalut recorded in paras 4. 5. 6. 7. 8. and 9 of their proceedings dated the 21st ultimo.

/Here enter F. Rd. No. 1190 of 1858/

1. The Court of Tongdaree Adalut See no reason for altering their recorded opinion as to the irregularity of allowing a witness to employ Counsel or the

the impropriety of disallowing the prisoners Counsel to put the questions to which they alluded.

2. Nor do the Judges consider that the explanations offered in the 6th, 7th, 8th and 9th Paras of this letter relative to the procedure at the close of the trial, place it in any better light. It appears that the prisoners Counsel, after addressing the Court on the evidence, asked, if defence, meaning of Course further defence, was required. If the Judge himself was not satisfied of the innocence of the prisoners, but desired to hear any further matter they might have to allege, it was his duty to tell him to go on. By turning to the jury, and asking them whether they wished to hear more, he implied, according to established usage, that he for his part was prepared to acquit the prisoners on the Case as it stood, and, on the jury replying that they were satisfied, and found the prisoners "not guilty", the prisoners Counsel declined to make a further defence

29th June 1858

defence before the Judge alone after he had dismissed the jury as no longer required. If the acting Session Judge is unable to see that such procedure is out of Course, the Judges feel that any attempt to convince him must be unsatisfactory and would confine themselves to directing that the like be not adopted infuture.

3. In para 10 of his letter the Acting Session Judge states that the importance of declaring of what he considered the prisoners to be guilty never struck him, and, in para 11, he endeavors to defend his cancelment of their bail by saying "that being convicted - the trial was at an end. and that it lay with the Magistrate to admit only to authorize their continuance on bail." How such ideas are exactly what the Court supposed could not have consisted in the Judge's mind with due "deliberation" very brief reflection would, they consider, have sufficed to have taught him that the prisoners were not convicted at all;

all, and that even he himself thought that they ought to be convicted of a bailable offence only, that only one was even indicted for an offence not bailable as of Course, and that all were in all respects entitled to remain out on the bail given by them to abide the issue of the trial. A little consideration would surely have removed all doubt on this point, and if any remained in his mind it was clearly the Acting Sessions Judge's duty, by his own shewing, to make a reference to that Court to which he considered alone belonged the power of making any order in the matter.

Read Criminal reports for the month of May 1858 from the Sessions Judge of Coimbatore.

/Here enter File No. 1260 of 1858/

The prisoner in this case being in the employment of Government in the Post office Department, was charged with appropriating money entrusted to him for a public purpose, and secondly with having he being entrusted with the

the preparation of a document /the receipt/ incorrectly prepared a document with a fraudulent intention. It is provided in Sections XIV and XVI of act XVII of 1864 that these offences should be taken cognisance and disposed of by the Magistracy only, the proceedings in this case must therefore be quashed and the parties forwarded to the Magistrate, who will deal with the Case under the act quoted, the prosecution being at the instance of the Post master.

Read letter dated the 14th June 1858, from the Acting Sessions Judge of Trichinopoly submitting for the final Judgment of the Tongdarre Adalut the record of trial in Case No. 15 of 1858 on the Calendar of the Sessions Court.

/Here enter No. 1230 of 1858/

The Court of Tongdarre Adalut, on a deliberate consideration of all the circumstances of the Case in evidence before them, being of opinion that the prisoners.

/ Coppan.

Rs. 106

Mr. Strange and Baynes.

and

29th June 1858

and

2d Cadookooran alias

Woolyapidiachy -

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 -

2d Plea.

C.S. Chamier

F. No.

Wednesday, 30th June 1858

At a Court of the Foujdaree Udalut

Present

G.A. Hooper, Esquire
T.L. Strange, Esquire
C.R. Baynes, Esquire
} Puisne Judges

Read Miscellaneous Petition

presented on the 15th Instant, by P. Chengul-
-royadoo of Zillah Chittoor -

(Here enter S. & F. M.P. No 16 of 1858)

The Petitioner appeals against
(Mr. C.R. Baynes)
an order of the Session Judge, declining
to direct his restoration to the office of
Curnum, from which he has been dismiss-
-ed by the Collector and Magistrate -

The Foujdaree Udalut resolve
2
to reject this Petition -

Read Calendar of Case No 11
of 1858 on the file of the Session Court of
Tellicherry -

(Here enter F. No. 12 71 of 1858)

As herein recommended, the
Court of Foujdaree Udalut resolve to
authorize

authorize the Session Judge to issue his
warrant for the imprisonment of the
prisoner for the period specified in the Porakath Ambo
margin, in mitigation of the sentence Five years.
passed upon him in the said case.—

Read letter dated the 23d
June 1858, from the Acting Sessions
Judge of Madura, submitting an
english translation of the Record
of the trial of case No. 38 of 1858.

/Here enter Ft. No. No. 1267 of 1858/

There are defects in the
Acting Session Judge's proceedings in
this case which must be remedied
before judgment can be given in it.—

2. In his letter of reference
the Acting Session Judge states that
the name of the 7th prisoner appears
entered, as being one of the robbers,
in the report of the Village police
of the 18th February. In the translation
of the said report appears the name of
one "Chocheir of Casavanumpatty" but

it

it is not certified on the translation
that this is the 7th prisoner. That he
is the individual indicated is made
doubtful by an examination held
by the Acting Joint Magistrate of one
"Chokatavan son of Carooppa Tavan of
Thidian Patty" (in the translation of
the said examination it not however
being certified that this is the 7th
prisoner though it is to be inferred
that such is the case); by the 7th prisoner
being designated in the examination
held before the Session Court as—
"Chocka Tavan son of Carooppa Tavan
of Oochapatty;" and by there being two of
the name of "Sokan" in the number of
persons originally brought before the
Acting Joint Magistrate, namely the
2d and the 36th prisoners on his list.—

3 Again by the above examinations
held by the Acting Joint Magistrate of
Chokatavan Thedian Patty" it would
appear that the said individual made
a confession before the said Officer

of

of having taken part in the robbery charged, but the 7th prisoner was not called upon by the Acting Sessions Judge to acknowledge or disclaim any such confession, no witnesses were examined by him in attestation thereof, and the matter of such confession is not adverted to by him in his letter referring the trial for the decision of the Foujdaree Udalut.—

4 The Acting Session Judge is requested to clear up the difficulties above particularized, and should the confession in question purport to be that of the 7th prisoner, to take evidence thereto and the prisoners' defence thereon and send the same to the Foujdaree Udalut without loss of time.—

5. The Court regret to observe that the Acting Session Judge has betrayed great inattention in sending up the record in so defective a state.—

Ordered

30th June 1858.—

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

Ex Zaa.

Friday,
4th June 1858.

T. H.

At a Court of the Toujaree Moalut.

Present.

G.S. Hooper Esquire — Puisne Judges
J.L. Strange Esquire —
C.R. Baynes Esquire —

Read Calendar of Case No 45 of 1858 on the file of the Session Court of Bellary—

(Here Enter T.H. No 1076 of 1858)

1. Although the prisoners may be, technically speaking, guilty of Robbery, in-as-much as they took the bullock against the will of the party in charge of it, yet their actual criminality appears, according to the Session Judge's own showing, to be very slight; and they certainly never intended to commit, or supposed themselves to be committing, highway robbery.

2. Under all the circumstances of the case the Court of Toujaree Moalut resolve to mitigate the prescribed punishment