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Collection
Boerhaave
1859

212

Monday 3d January 1859. At a Court of the Fouzdaree Adalut.

Present.

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

Read again Miscellaneous Petition presented on the 22d July last, by S. N. Bunteeram Chowry, Reader on behalf of Muddepaty Achamah and 3 others, the 3d, 4th, 5th and 6th petitioners in Case No. 44 of 1858, on the file of the Sessions Court of Masulipatam.-

(Here enter F. M. P. No. 142 of 1858.)-

Read also return dated 3d November 1858, from the Sessions Judge of Masulipatam, to the precept of the Fouzdaree Adalut under date the 4th October 1858, directing him to re-open the above case and to

respond

dispensed execution of the previous sentence and to pass a new sentence after taking the evidence for the defence &c.

/Here enter F.M.C. No. 2088 of 1858/-

Read also Miscellaneous Petition presented on the 20th December 1858, by the same Pleader on behalf of the same parties.-

/Here enter F.M.P. No. 213 of 1858/-

The Court of Foujdaree Adalut having given the case their best consideration, see no ground for further interference in the matter, and accordingly resolve to reject the Petitions.- Messrs Hooper and Baynes.

Read Calendar of Case No. 65 of 1858 on the file of the Sessions Court of Nellore.-

/Here Enter F.M.C. No. 2357 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

× Lambadi Ramya

Seven years-

of the sentence passed upon him in the said case.-

Read again Miscellaneous Petition presented on the 8th October 1858, by Mr. H. B. Saunders, Pleader on behalf of Madar Khan and others, of Zillah Cuddalore.-

/Here enter F.M.P. No. 178 of 1858/-

Read also return dated 12th November 1858, from the Acting Sessions Judge of Cuddalore to the precept of the Foujdaree Adalut under date the 18th October 1858, requiring explanation from the Magistrate of South Arcot in respect of certain allegations set forth in the Petition.-

/Here enter F.M.C. No. 2112 of 1858/-

Messrs Hooper and Baynes.

The Foujdaree Adalut are of opinion that the surveillance under which the Petitioners complain of having been placed, even to the extent which the explanation afforded, discloses, is not warranted by law. The requisition to sleep each

night

night in the Thanah must be annulled.

3d January

Read Miscellaneous Petition presented on the 14th October last, by Ambar, wife of the 1st and mother of the 15th prisoners in Case No. 8 of 1856, on the file of the Session Court of Madura.

(Here enter F. M. P. No. 179 of 1858.)

1. This is an application for the release of the four prisoners who, the Petitioner complains, were not set at liberty as well as the other 10 Prisoners in the above case under the orders of the Court of Fouzdaree Udalut bearing date the 22d July 1857.

Manner & Ind. Pris.

2. The Petitioner describes herself as the wife of 1st and mother of the 15th prisoners in Case No. VIII of 1856 on the file of the Session Court of Madura. The Fouzdaree Udalut observe that there were only 10 Prisoners in this case and

that

F. 116.

3d January, 1859

that they were released by the Fouzdaree Udalut on appeal by Proceedings 22d July 1857. They are therefore unable to understand the assertion of the Petitioner, in which she persists that 4 men still remain in custody in the case, and therefore direct that a copy of this Petition be sent to the Acting Session Judge with direction to state whether such be the fact and under what circumstances.

Precept returnable within V days.

C. S. Chamier

Sept. 5. T.

Tuesday 4th January 1859.

At a Court of the Faujdaree Adalut

Present

G. S. Cooper Esquire,
J. L. Strange Esquire, — Puisne Judges
C. R. Baynes Esquire,

Read Calendar of Cases No 73 of 1858 on the file of the Sessions Court of Salem.

Here enter F. 66. No 33 of 1859.

As herein recommended; the Court of Faujdaree 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.

* Maimed — Three years.

Read Calendar of Cases No 71 of 1858 on the file of the Sessions Court of Salem.

Here enter F. 66. No 32 of 1859.

As herein recommended, the

the Court of Foujdaree Adalut re-
-solve to authorize the Session Judge
to issue his warrant for the im-
-prisonment of the prisoners for
the period specified in the mar-
-gin in mitigation of the sentence
passed upon them in the said
case.-

1. Santhen
2. Gopandayan

Five years.

Read letter dated 17th
December 1858 from the Session Judge of
Mangalore submitting for the final judg-
-ment of the Foujdaree Adalut the
record of Case No 31 of 1858 on the Ca-
-lendar of the Sessions Court.

/Here enter F. Ma. No 2358 of 1858./

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

Billa Soje

is sufficient to convict him of the of-
-fence charged, do convict him thereof;
and under the provisions of Section X
Regulation

Messrs Harper and Strange

Offence charged, Robbery and Murder.

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

Read letter dated 20th
December 1858 from the Session Judge of
Calicut submitting for the final judg-
-ment of the Foujdaree Adalut the record
of Case No 71 of 1858 on the Calendar of
the Sessions Court.

/Here enter F. Ma. No 13 of 1859./

Messrs Harper and Strange

Offence charged, Murder.

The Court of Foujdaree Ada-
-lut, on a deliberate consideration of all
the circumstances of the case in evi-
-dence before them, being of opinion that
the proof against the prisoner,

1st Manatodil Tekekanatha Krishna

is sufficient to convict him of the
offence charged, do convict him thereof;
and under the provisions of Section X
Regulation VIII of 1802, sentence him to suf-
-fer death by being hanged at the usu-
-al time and place of execution.-

Read letter dated 24th
Ultimo, from the Sessions Judge of Chittoor
submitting

submitting for the final judgment of the Foujdaree Udalut the record of Trial in Case No. 73 of 1858 of the Calendar of the Session Court.-

/Were entered F. Ulc. No. 4 of 1859./

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 Juggaloogadoo
2d Basappa
3d Cavaly Timmadoo
and
4th Bodigadoo

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

The Court of Foujdaree Udalut observe that the Session Judge has omitted to send up the Village Moonsiffs report of the 5th and 6th Novemr. last, two material documents which

are

Mr Strange.

Offence charged, Robbery by open violence attended with wounding.-

are referred to by him in his letter.-

Read letter dated 23d Decemr. 1858 from the Acting Session Judge of Cuddalore submitting for the final judgment of the Foujdaree Udalut the record of Case No. 58 of 1858 on the Calendar of the Session Court.-

/Were entered F. Ulc. No. 3 of 1859./

Mr G. S. Hooper.

Offence charged, Gang Robbery.-

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,

Annamalay

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

Read letter dated 29th December 1858 from the Acting Session Judge of Madura, submitting for the final judgment of the Foujdaree

Udalut

4th January 1859.

Udalut the record of Case No 84 of
1858 on the Calendar of the Sessions
Court.

(Here enter F. No. No 2 of 1859.)

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 Emamiaga Routlen

is sufficient to convict him of the offence charged, do convict him thereof; and under the provisions of clause fourth Section IX Regulation XI 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 (2) Two years.

Ed 18 Ld

C. S. Chamier

Offence charged, Receiving stolen property knowing it to be stolen.

D.C. R. Baynes

F. No.

Wednesday 5th January 1859

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esquire
J. L. Strange Esquire
C. R. Baynes Esquire

} Puisne Judges

Read again Criminal reports for the month of October 1858, submitted by the Governor's Agent at Ganjam.—

(Here enter F. No. No 2162 of 1858)

Read also letter dated the 21st December 1858, from the Agent to the Governor at Ganjam, requesting the Court will allow to stand the sentence passed by the Assistant Agent in No 21 of 1858.—

(Here enter F. No. No 40 of 1859.)

Under the explanation furnished by the Agent, the Court of Foujdaree Udalut see no ground to call in question the sentence passed in Case No 21 of 1858.

Read Calendar of Case No 80 of 1858

on

on the file of the Sessions Court of Coimbatore.

(Here enter T.M. No 20 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.

Read Calendar of Case No 50A and 50B of 1858 on the file of the Sessions Court of Combaconum.-

(Here enter T.M. No 2368 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.

Read Calendar of Case No 51 of 1858 on the file of the Sessions Court of Tinnevelly.

(Here enter T.M. No 79 of 1859.)

As herein recommended, the Court

5th January 1859.

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.

× Mayandy Chetty — Seven years.

× Lutchmanna — eight years.

Read Calendar of Case No 54 of 1858 on the file of the Sessions Court of Combaconum.-

(Here enter T.M. No 22 of 1859.)

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 Nulla Carpen
2nd Gringa Pannen
3rd Lutchmanna Chetty
4th Venkatrama Chetty
5th Venkedachella Chetty
6th Venkedachella
7th Veeruppen
8th Carcappen Padiachy
9th Ramasamy
10 Narrayanen
11 Veeranen
12th Carcappen
13th Veeranen and
14th Alagiren — Nine years.

Read Calendar of Case No 73 of 1858 on the file of the Sessions Court of Calicut.

(Here enter T.M. No 4 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

5th January 1859.-

Specified in the margin, in mitigation of the sentence passed upon him in the said case.- as

Ashary Pisarra
Four years

Ex Jail.

C. S. Chamier

F.16.

Thursday, 6th January 1859. At a Court of the Fouzdaree Adalut.

Present

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

Read letter from the Sessions Judge of Calicut, dated 14th December 1858, requesting, by desire of the Magistrate, to be informed whether the proceedings of the Court of the 2d December, ruling that the offence of rescuing cattle seized under the cattle trespass Act can only be dealt with by the Criminal Courts, are to be considered as superseding the Courts ruling on the same subject of the 4th November 1857.-

(Here enter F.16. No. 2342 of 1858)

On re-consideration the Court are of opinion that under the provisions of Act III of 1857 the offence of rescuing cattle seized under the Act in question can only be dealt with by the Criminal Courts; their proceedings of the 2d December are therefore to be considered as superseding the Courts ruling

ruling of the 4th November referred to by
the Acting Magistrate.—

Read Miscellaneous Petition
presented on the 6th instant, by Mr H.B. Saunders,
Pleader on behalf of P. Chetumbrinaik,
Zillah Sundial.—

(Here enter F. M. P. No. 3 of 1859)

1 Petitioner complains of the re. Mr G.S. Hooper
fusal of the Sessions Judge to furnish him Mr C.R. Baynes and
with a copy of the warrant which, he states,
was issued against him on the 21st December
last, on a charge of forgery; and prays that
that officer may be instructed to forward
to this Court a copy of the proceedings
already held in the matter, and suspend
all further proceedings therein until
further orders.—

2 The Court of Foujdaree Udalut
decline interfering in the present stage of
these Proceedings.—

Read Petty Calendars of the
Magistracy for the third quarter of 1858, sub-
mitted by Session Judge of Tinnevelly.—

(Here enter F. M. No. 10 of 1859.)

The Session Judge is requested
to

6th January 1859.

to submit these Calendars at an earlier
date in future.— C

Ex Dall. C. Chamier

F. No.

Friday 7th January 1859

At a Court of the Foujdaree Adalut.

Present.

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

Read letter dated 24th December 1858, from the Acting Session Judge of Madura, submitting for the final judgment of the Foujdaree Adalut, the record of Case No. 71 of 1858 on the file of the Session Court.

(Here enter F. No. No. 1 of 1859.)

Mess.rs Strange and Baynes

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

1st. Moottoosawmy,

Gang Robbery attended with murder.

is sufficient to convict him of the offence charged, do convict him thereof; and under the provisions of Clause third, Section IV, Regulation XV of 1803, sentence him

F No.

Friday 7th January 1859.

At a Court of the Foujdaree Udalut.

Present.

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

Read letter dated 24th December 1858, from the Acting Session Judge of Madura, submitting for the final judgment of the Foujdaree Udalut, the record of Case No. 74 of 1858 on the file of the Session Court.

(Here enter F No. No. 1 of 1859.)

Messrs. Strange 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. Moottoosawmy,

Gang Robbery attended with Murder.

is sufficient to convict him of the offence charged, do convict him thereof; and under the provisions of Clause third, Section IV, Regulation XV of 1803, sentence him

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.

7th January 1859

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,

Messrs Strange and Bayley.

2d Veeracala Tavan
3d Sowanayottoo
4th Mudiapan Mudalaun
5th Veeracala Tavan
6th Mudiapan
7th Sathasiva Goorookal
and
8th Vijiting Veeracala,

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

Gang Robbery attended with Murder.

E.H.
E.T.

C.L. Chamier

F 116

Saturday 8th January 1859

At a Court of the Foujdaree Udalut.

Present.

G. L. Cooper, Esquire.
J. L. Strange, Esquire.
C. R. Bayley, Esquire.
} Puisne Judges.

Read letter dated 23d December 1858, from the Sessions Judge of Bellary, submitting for the final judgment of the Foujdaree Udalut, the record of Case No. 88 of 1858 on the Calendar of the Session Court.

[Here enter F. Mo. No. 5 of 1859.]

Messrs Strange and Bayley.

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 D. Siddalingappah,

Murder.

is sufficient to convict him of the offence charged, do convict him thereof; and under the provisions of Section X, Regulation VIII of 1802, sentence him to suffer death by

being

8th January 1859

being hanged at the usual time and
place of executions.

Exd
E.T.

C.S. Cramer

F.16

Monday. 10th January 1859. Mad Court of the Foujdaree Udalut.

Present

The Honorable W.A. Morehead Esqre Chief Judge

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

Read letter from the Session Judge of Rajahmundry dated 2d November 1858.—

(Here enter F.16. No. 2078 of 1858)

With this letter the Session Judge of Rajahmundry submits Calendar of case No. 25 on the file of the Sessions Court, in which a party accused of "Breach of Trust" in having appropriated to his own use a sum of nine rupees, entrusted to him by the prosecutor for the payment of Coolies, was sentenced by him to a year's imprisonment under Act XIII of 1850, and the Sessions Judge requests the opinion of the Court as to whether this Act vests the Sessions Court with exclusive jurisdiction in

in such cases, or whether they may not, as formerly, be disposed of by the lower Courts, and whether in the latter case these Courts would be authorized in passing sentence under the Act in question.—

2 The Court are of opinion that the power of trying and punishing cases of fraud, before exercised by the Magistrate, Sub. Criminal, and Sessions Courts under the various provisions of the general regulations applicable to them respectively, remains to them, Act XIII of 1850 notwithstanding; but that in cases in which it may be deemed convenient or expedient to indict a party under Act XIII of 1850, the case must be committed to the Sessions Court, which is alone competent to hold trial and pass sentence under that enactment.—

Read again Calendar in Case No. 90 of 1858, from the Sessions Judge of Bellary.—

(Here enter Fde. No. 2250 of 1858)

Read

10th January 1859.

Read also return dated 15th December 1858, from the Sessions Judge of Bellary, to the Precept of the Foujdaree Adalut under date the 7th idem, requiring that the Original record in the above Case be submitted for their consideration.—

(Here enter Fde. No. 2317 of 1858)

1 The Court of Foujdaree Adalut, on a perusal of the record, are of opinion that the Prisoner cannot safely be convicted on the evidence adduced.—

2 They observe that the story of the Prosecutrix, a prostitute, is highly improbable. According to her account, the prisoner, an old associate, broke into her house; how is not clearly stated or proved, and in the dark, seized her by the neck, for the sole purpose it would appear of awaking her, and in reply to her enquiry who it was informing her that it was himself, and then releasing her from his grasp, managed to find in the dark two brass vessels valued at 2½ Rupees, with which,

having

having put them in his cloth, he proceeded to a short distance and then sat down under a wall, where he appears to have awaited capture by the Prosecutrix's brother and other witnesses, to whom, leaving her house, she had detailed these circumstances. The witnesses, indeed, depose to the Prosecutrix having informed them of the robbery and to their finding the Prisoner as described with the property on him, but the improbability of the circumstances reacts so strongly on their testimony in support of it, that the Court cannot consider it as countervailing the far more probable account of the transaction given by the Prisoner himself, Viz^t, that quarelling with the Prosecutrix in her house on the night in question, she trumped up this charge against him and procured false evidence in support of it. The Court of Foujdaree Udalut therefore, under Section XXXIII, Act VII of 1843, annul the conviction, and acquitting the Prisoner, direct

10th January 1859.

direct his release.—

Precept returnable within 11 days from and after its receipt.—

Read Calendar of Case No. 39 of 1858, submitted by the Sessions Judge of Coimbatore.—

(Here enter F. Mo. No. 19 of 1859)

The Court of Foujdaree Udalut observe that the Sessions Judge has omitted to state to what extent he would recommend mitigation of the sentence passed on the prisoners, and they direct that this omission be now supplied.—

Precept returnable within 11 days from and after its receipt.—

Read Calendar of Case No. 17 of 1858, on the file of the Sessions Court of Salem.—

(Here enter F. Mo. No. 51 of 1859)

As therein 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

× Poojaury
Three years.

margin, in mitigation of the sentence passed upon him in the said case.

Read Calendar of Case No. 59 of 1858 on the file of the Sessions Court of Combaconum.

(Here enter F. M. No. 45 of 1859)

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.

1 Veeraragoo Naik	
2 Rama Pillay	
3 Paradasy	Six years.

Read letter under date the 30th December 1858, from the Sessions Judge of Chicacole, forwarding English translation of the record of case No. 14 of 1858 on the Calendar of the Sessions Court, for the final judgment of the Court of Foujdaree Adalut.

(Here enter F. M. No. 48 of 1859)

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, N. C. R. Bagoo

1st Doospuddah

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. —is

Ed. Hall.

C. S. Chance

F.Q.

Thursday.
13th January 1859. At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esqr 1e ——
F. L. Strange Esqr 2e —— } Puisne Judges
C. R. Baynes Esqr 3e ——

Read Calendar of case No 60 of 1858 on the file of the Session Court of Combaconum.—

/Here enter F.Q. No 58 of 1859/

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.—

1st Comarasamy
2d Chockrapany Chetty
Five years.

Read letter from the Session Judge of Madura dated 28th December 1858.—

/Here enter F.Q. No 37 of 1859/

In acknowledging Extract from proceedings of the Foujdaree Udalut of the 23d December directing him to return to a petitioner certain attested copies of orders of the Joint-Magistrate filed in the Session Court, the Session Judge requests to be informed whether it is the opinion of the Court that all documents whether original or copies

copies presented in Civil and Session cases should be restored to the parties on their application

2. — The Court are of opinion that in all cases where the party has procured and filed attested copies for the original record, he should be allowed to have them for use in any appeal open to him. If the judge desire it, he can direct him to have plain copies made for reference to be kept with the original record, noticing in them that the authenticated copies were filed and redelivered. —

Read letter dated the 5th instant, from the Session Judge of Combaconum, submitting for the final judgment of the Foujdaree Adalut the record of Case No. 57 of 1858, on the file of the Session Court.

[Here enter J. Mo. No. 68 of 1859.]

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,

Mr. Strange
Offence charged Riot and Robbery

2d Appasamy Iyengar,

is not convicted on presumptive proof, or on the evidence of credible witnesses, or by his own confession, of the crime as charged

charged, do acquit him thereof, and do direct that he be set at liberty.

Rd 18 D.

C. S. Chamier

F. U.

Friday,
14th January 1859. At a court of the Foujdaree Udalut.

Present

G. S. Hooper Esqre
T. L. Strange Esqre
H. D. Phillips Esqre
} Puisne Judges.

Read Miscellaneous petition presented on the 9th December 1858, by Chinnan Chetty, of Zillah Combaconum.—

/ Here enter F. M. P. No. 209 of 1858 /

Messrs Hooper and Strange

1 Petitioner complains of certain tricks played upon him by certain persons in the Tanjore Palace, and of the refusal of the Magistrate and the Session Judge to afford him redress, and prays the Foujdaree Udalut to instruct the Magistrate to investigate into the matter, punish the delinquents, and recover the amount of which he was defrauded.

2 The Court of Foujdaree Udalut decline to interfere in the matter, and accordingly reject the petition.—

Read Miscellaneous petition presented on the 11th instant, by Arthur M. Ritchie Esqre, pleader on behalf of Vasoodavarow, of Zillah Bellary.

/ Here enter F. M. P. No. 5 of 1859 /

Petitioner

1. Petitioner appeals from the proceedings of the Session Judge under date the 13th December 1858, confirmatory of the sentence passed by the Acting additional Joint Magistrate, awarding to the petitioner three months' imprisonment on a charge of torture.—

11th January 1859
Messrs. Hooper and Strange

2. Before passing final orders on the petition, the Court of Foujdaree Udalut resolve to direct the Session Judge to procure and submit a translation of the record of the case in question, and to order the sentence to be suspended in the mean while.—

Precept returnable within VII days from and after its receipt.—

Read Miscellaneous Petition received on the 9th December 1858, through the Session Judge of Rajah-mundry, from Saney Ammador and others of that Zillah.—

/Here enter F. M. P. No. 208 of 1858/

1. Petitioners appeal from the sentence passed upon them by the Session Judge in case No. 22 of 1858, wherein they were prisoners.— Messrs. Hooper and Strange

2. The Court of Foujdaree Udalut see no ground to doubt the correctness of the sentence appealed from, and accordingly resolve to reject the petition.—

Read Miscellaneous petition presented on the 9th

11th January 1859. 9th ultimo, by Soobraya Reddy, Zillah Chittoor.—

/Here enter F. M. P. No. 203 of 1858/

Messrs. Hooper and Strange

1. This is an application for the release of the Petitioner, prisoner in case No. 69 of 1858 on the file of the Session Court of Chittoor.

2. The Court see no ground to question the judgment formed by the Session Court of the petitioner's guilt; but considering that a year's imprisonment with hard labor in irons will suffice as a punishment for his offence, resolve to reduce the sentence passed upon him accordingly.—

Read Miscellaneous petition presented on the 2d ultimo by Vencatachella Iyyen, Zillah Combaconum.—

/Here enter F. M. P. No. 206 of 1858/

Messrs. Hooper and Strange.

Petitioner appeals from the order of the Session Judge under date the 14th February 1857, rejecting his application to be absolved from the imputation cast upon him by the magisterial proceedings connected with the case No. 36 of 1856 on the file of the Session Court.—

2. The Court of Foujdaree Udalut, in view of the order passed by the Session Judge, see no ground for their interference, and accordingly reject this petition.—

Read

14th January 1859.

Read Calendar of case No. 60 of 1858, on the file of the Session Court of Cuddalore.-

/ Here enter F. No. No. 62 of 1859 /.

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.-

* Appor Five years

Read again letter, dated the 11th Ultimo, from the Session Judge of Nundial, drawing attention to the impropriety of the conduct of the Head of Police of Doopaud, in committing the prisoner in case No. 31 of 1858 on the Session Judge's Calendar to stand his trial for murder, solely on the suspicion of deceas-ed's brother that she had been strangled by the prisoner.-

/ Here enter F. No. No. 2319 of 1858 /

Read also letter dated the 3d instant, from the Magistrate of Kurnool, proposing that, as the Head of Police has been 25 years in the public service, he be not dismissed, but removed to a smaller talook on a reduced salary.-

/ Here enter F. No. No. 57 of 1859 /

The

F. No.

14th January 1859

The Court of Foujdary Udalut do not consider that sufficient grounds exist for ordering the dismissal of the Head of Police, under the provisions of clause first, section XXXIX, Act VII of 1843; and it is only in cases calling for that penalty that they are required to act.- It remains for the Magistrate to take such notice of the conduct of the Head of Police as he may deem expedient and proper.-

To the Session Judge of Nundial, for communication to the Magistrate.-

Read letter dated 24th Decem-ber 1858, from the Session Judge of Nellore, submitting for the final judgment of the Foujdaree Udalut the record of Case No. 64 of 1858 on the Calendar of the Session Court.

/ Here enter F. No. No. 12 of 1859 /

The Court of Foujdaree Ad-

Messrs Hooper Strange and Phillips.

Udalut, on a deliberate consideration of all the circumstances of the case in evi-dence before them, being of opinion that the proof against the Prisoner,

Yerabuddee Guravadu,

alias Bajjagadu,

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

shall

14th January 1859

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

C. S. Chimnè

Ex. Jail.

Fille

Saturday,
15th January 1859.

At a Court of the Foujdaree Adalut.

Present.

G. S. Hooper, Esquire. }
J. Lo. Strange, Esquire. } Puisne Judges.
H. D. Phillips, Esquire. }

Read letter dated 10th January 1859, from the Acting Session Judge of Cuddalore, submitting for the final judgment of the Foujdaree Adalut the record of Case No. 57 of 1858 on the Calendar of this Session Court.

[Here enter Fille No. 75 of 1859.]

Mr. Phillips. This 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,

Murnately,

Concealment of the birth of a child. is sufficient to convict her of the offence charged, do convict her thereof; and under the provisions of Clause third, Section VIII, Regulation XV of 1803, sentence her

ber to be imprisoned in the Zillah Jail, and kept to labor suitable to his sex, for and during the period of (1) one year.

Read letter dated 17th December 1858, from the Session Judge of Combaconum, submitting for the final judgment of this Foujdaree Udalut, the record of Case No. 52 of 1858 on the Calendar of the Session Court.

(Here enter F. C. - No. 2536 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 prisoners,

1st Moorty Chetty,
3d Vettyrajen, and
4th Iyaloo Naick,

is sufficient to convict them of the offence charged, do convict them thereof, and under the provisions of Clause 3d Section IV Regulation XV of 1803, Section I Act XVI of 1850, and Regulation VIII of 1828, sentence this

Mr. Harper.

Riot and Robbery.

the prisoners,

1st Moorty Chetty, and
4th Iyaloo Naick,

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 to receive 100 lashes with a Cat o'nine tails, and to pay a fine of 140 Rupees respectively; the prisoner,

3d Vettyrajen,

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (5) five years, and to pay a fine of 65 Rupees.

And being of opinion that the prisoners,

5th Ringen Servagaren, and
6th Hydrawully,

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.

C. H. Chamier

Esqr.
E. T.

Fol 6.

Monday. 17th January 1859. At a Court of the Foujdaree Adalut.

Present

G. S. Hooper, Esquire
T. L. Strange, Esquire — Puisne Judges
H. D. Phillipps, Esquire

Read Miscellaneous Petition received on the 13th December 1858, through the Session Judge of Salem, from Cahinnaa Pillay, Inhabitant of that Zillah.—

(Here enter Fde. D. No. 210 of 1858).

This is an appeal from the sentence passed by the Session Judge in Case No. 69 of 1858, wherein the Petitioner is prisoner.

Mr. G. S. Hooper. 1
Mr. T. L. Strange. 2

The Court of Foujdaree Adalut see no ground to question the propriety of the sentence in question, and accordingly resolve to reject the petition.—

Read Miscellaneous Petition presented on the 13th December 1858, by Mook. tyar vakeel on behalf of Nullatomby Nyenar, of Zillah Cuddalore.—

(Here enter Fde. D. No. 211 of 1858)

This

17th January 1859

1 This is an application for a reconsideration of the order of this Court under date the 6th September last upon Foujdaree Miscellaneous Petition No. 63 of 1858. — Mr. G. L. Hooper and Mr. T. L. Strange

2. The Court of Foujdaree Adalut see no ground to comply with the Petitioner's prayer, which is accordingly rejected. —

Read Calendar of Case No. 91 of 1858 on the file of the Session Court of Masulipatam. —

(Here enter F.M. No. 78 of 1859)

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. —

E. Reid.

C. D. Ohanmier

7th Soodepully Ramachendrudoo

Five years.

F.M.

Tuesday 18th January 1859

At a Court of the Foujdaree Adalut

Present

G. L. Hooper, Esquire
T. L. Strange, Esquire
H. D. Phillips, Esquire
} Puisne Judges

Circular.

With a view to securing to parties in criminal cases the full benefits of their privilege of appeal, the Court of Foujdaree Adalut direct that no sentence of corporal punishment awarded by a Session Judge shall be carried into effect until ten clear days, exclusive of the number ordinarily occupied by the post to and from this Court, shall have elapsed from the date of such sentence. —

2 At the expiry of such period, should no orders have been received from the Court of Foujdaree Adalut, the sentence shall be at once carried out. —

Read letter from the Session Judge of Bellary dated 18th December 1858.

(Here enter F.M. No. 2364 of 1858)

The

1 The Sessions Judge of Bellary having remitted to the Subordinate Judge, to be disposed of by that officer, a case which had been committed to the Sessions Court under the Breach of Trust act in which the party being a servant of the Prosecutor's had made away with certain cattle which he had been directed to take to graze, on the ground that the offence was "Theft" involving no breach of trust and therefore cognizable by the Criminal Court and that the party was not a Clerk, or person of the description to whom the act is applicable,-he now requests the opinion of the Court on the correctness of his ruling in the case.—

2. The Court have to observe that the taking away of Bullocks by a servant charged with keeping them, is not a "Breach of Trust," but "Theft", as there is no possession under trust.—

3 With reference to the second point, the Court are of opinion that every person being a trustee, whether a servant of

18th January 1859.

of the entrustor or not, is indictable under act XIII of 1850 for fraudulent "breach of trust". In explanation of the Court's view of the discretion under which the several tribunals should have recourse to the act in question, they would refer the Sessions Judge to their late rulings on the subject, a copy of which is herewith enclosed.—

Read Calendar of Case No. 80 of 1858 on the file of the Sessions Court of Salem.—

(Here enter Fle. No. 81 of 1859)

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 Pandyan	Seven years.
2d Solay	Five years.

E. & A.

C. S. Chamier.

F.C.

Wednesday, 19th January 1859 } At a Court of the Foujdaree Adalut.

Present.

G. S. Hooper, Esquire
J. L. Strange, Esquire. } Puisne Judges.
H. D. Phillips, Esquire.

Read Calendar and letter of Case N° 89 of 1858, on the file of the Sessions Court of Coimbatore.

(Here enter F.C. N°s 19 and 91 of 1859.)

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.

1. Ammavay
2. Rengum.
3. Ninjon
4. Sengoum
5. Sebumgow
6. Narrainum.
7. Yelluppen
8. Coroonandum.

Eight years.

Read letter dated the 10th instant, from the Acting Sessions Judge of Madura, submitting for the final Judgment of the Foujdaree Adalut, the record of trial in Case N° 89 of 1858 on the file of the Sessions Court.

(Here enter F.C. N° 76 of 1859.)

Messrs. Hooper and Strange.

The Court of Foujdaree Adalut on a deliberate consideration of all the Circumstances of the case in evidence before them, being

19th January 1859.

being of opinion that the proof against the Prisoner,

1st Ramun,

is sufficient to convict him of the offence charged, 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. — Murder.

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, — Messrs. Hooper and Strange.

2d Cunna Tavee

and

3d Nullee Tavee, alias Nullapermal,

is insufficient to convict them of the offence 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. — Murder.

C. S. Chamier

S.P.
S.T.

Thursday 20th January 1859.

F. No.

In the Court of the Foujdaree Udalut.

Present

G. I. Hooper Esqre.
T. L. Strange Esqre.
H. D. Phillips Esqre. } Puisne Judges.

Read Miscellaneous Petition presented on the 11th December 1858. by J. M. Branson Esqre. Pleader on behalf of Ragava Moodaly and others of Zillah Chittoor.

(Here enter F. No. P. S. No. 205 of 1858.)

This is an appeal from the

Mess. T. L. Strange & H. D. Phillips.

proceedings of the Session Judge under date the 11th November 1858, confirmatory of the sentence passed upon the Petitioners in Case No. 3 of 1858 on the file of the Magistrate of North Arcot.

2 The Court of Foujdaree Udalut resolve to send a copy of this Petition to the Session Judge of Chittoor, and request him to state the facts proved, which suffice in his opinion to establish the guilt of the several prisoners.

They further direct that the prisoners be in the meanwhile admitted to bail.

Precept returnable within XV days from

from and after its receipt.

Read letter dated the 14th instant from the Joint Magistrate of Cotaccamund, again recommending the admission of Karpen one of the accomplices in the robbery committed on in the house of Captain Morgan, as an approver, and further proposing that one Goondien be similarly admitted to give evidence for the prosecution, with a view to the conviction of the Veen Govendarajoo, who appears to have designed the robbery, and taken a leading part in its perpetration.

(Here enter S. No. 5 of 1859.)

The Courts of Sessions & Adalat see no sufficient grounds for admitting the two prisoners in question as approvers. They observe that the statement of one of them (Goondien) does not implicate the Veen whose conviction is aimed at, and that of the other (Karpen) is not corroborated to a degree to endure the conviction of the suspected parties.

Read Criminal Reports for the month of December 1858 submitted by the Sessions Judge of Vellore.

(Here enter as No. 8 of 93.)

1. The Court have to remark on the very loose and defective manner in which the charges entered in these reports have been drawn out. They would point out that it is the duty of the Sessions Judge to correct and put them in proper form when the Criminal Judge is unable to prepare them properly himself.

2. They would particularly remark on the charge in case No. 251 which besides containing much irrelevant matter and being a narrative of facts is also almost unintelligible, and they are surprised to find on a reference to the Calendar in this case that at the trial before the Sessions Court this charge was adopted by the Sessions Judge without correction or alteration.

No. 18.

Friday. 21st January 1859. } At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper, Esqre.
T. Lo. Strange, Esqre. } Puisne Judges.
H. D. Phillips, Esqre.

Read Calendar in Case No 1 of 1859, submitted by the Acting Sessions Judge of Madura under date the 11th Instant.

(Hereinafter No 1 of 1859.)

The Court of Foujdaree Udalut observe that the intent to commit theft should have been specified in the charge.

Read letter dated 17th instant from the Sessions Judge of Chittoor, forwarding under the provisions of Clause first, Section XXXIX, Act VII of 1843, Copy of Extract from the Proceedings of his Court dated 11th idem, and of the several Communications referred to therein, and recommending that the Head of Police

of

21st January 1859.

of Sulwaid, Sutchamy Narasuppah, be removed from his situation.

(Here Enter T.116. No 96 of 1859.)

Before passing orders on the above letter, the Court of Sanjdarce Adalut resolve, with reference to Clause 2, Section XXXIX Act VII of 1843, to call upon the Magistrate to submit his answer with as little delay as possible.S.

Precipe in V. Days.

Exd
E.P.

C. Chamier

T. 116.

Saturday 22nd January 1859. } At a Court of the Sanjdarce Adalut

Present

G. S. Hooper Esquire
J. L. Strange Esquire
H. D. Phillips Esquire
} Puisne Judges

Read Criminal reports for the month of December 1858 submitted by the Acting Sessions Judge of Madura.

(Here enter T. 116. No 116 of 1859.)

Magistrate's Report No 48 "Misdemeanour"

The Prisoner, a Colla pram was charged with making a false report, it is presumed to the District Moonsiff of Paramagoody, in the matter of a Civil process. This does not amount to an act Criminally punishable, and the sentence must therefore be Cancelled.

No 49 "Fraud and Embezzlement"

As the offence with which the prisoner in this case was charged is of the nature of "Theft" a fine in addition to imprisonment

Could

could not be imposed under the regulation quoted. Act XVI of 1850 which authorizes the imposition of a fine in cases of Theft or embezzlement limits the amount of fine to the value of the property stolen, the sentence must therefore be amended with reference to this remark.

The Court would point out that as the Acting Sessions Judge finds that the identity of the cattle was not established, the Prisoner was entitled to a full acquittal, and they therefore direct that the sentence to find Security be cancelled the prisoner be unconditionally released.

3

A Report No 232 "Cattle Stealing and possessing stolen property"

W. D.

C. S. Clarnie.

F. No.

Monday 24th January 1859.

At a Court of the Foujdaree Adalut.

Present

G. S. Hooper Esquire
J. L. Strange Esquire
H. D. Phillips Esquire
} Puisne Judges.

Read letter dated the 10th instant, from the Agent to the Governor in Ganjam, recommending that the Prisoner in Case No 27 of 1858 may be sentenced to 14 years' imprisonment with hard labor in irons.

(Here enter F. No. 125 of 1859)

The Court of Foujdaree Adalut concur with the Agent in the conviction of the Prisoner of Culpable Homicide, and in the sentence proposed to be passed upon him.

Read Calendar of Case No 1 of 1859 on the file of the Sessions Court of Guntoor.

(Here enter F. No. 120 of 1859)

The

24th January 1859.

The Court of Foujdaree Udalut

resolve to point out to the Sessions Judge,

the necessity of studying Conciseness in drawing

up his sentences - The matter in this sentence

might have been expressed in many fewer words.

Read Miscellaneous Petition

presented on the 17th November 1858, by J. W.

Branson Esqr., Pleader on behalf of

Mookiah pacry Candershar Routhen and others,

of Zillah Madura.

(Here enter T. M. Pr. No 198 of 1858)

1 This is an appeal from the Mssrs Norjes and Phillips -

sentence passed by the Acting Sessions Judge

upon the Petitioners in Case No 61 of 1858, in

which they are 2nd 3d 4th and 7th Prisoners.

2 On reference to the statement

made by the Petitioners, in respect of the discre-

pancies and improbabilities in the evidence

on which their conviction by the Acting Sessions

Judge appears to be founded, the Court

of Foujdaree Udalut resolve to require sub-

mission of a translation of the record, and

to

24th January 1859.

to direct that pending their final disposal

of the case, the sentences passed against

the 2nd 3d 4th and 7th Prisoners be suspended.

Precipit in X days.

Ed Saa.

C. H. Chancellor

Thursday,
27th. January 1859.

F. U.

At a Court of the Foujdaree Udalat.

Present:

G. S. Hooper Esquire.
T. L. Strange Esquire } Puisne Judges.
H. D. Phillips Esquire.

Read letter from the Sessions Judge of Chittoor dated 14th. January 1859, requesting the opinion of the Court as to whether a case of Forgery, which has been brought before the Magistracy by a District Moonsiff under Circular Order No. 200 and dismissed as being false, can be ordered by the Session Judge to be committed to the Subordinate Court.-

(Here enter F. U. No. 89 of 1859)

The Court of Foujdaree Udalat are of opinion that the Session Judge has the power to order commitment in this as well as in all other cases.-

Read Miscellaneous Petition presented on the 3d. Instant, by Mr. H. B. Saunders, Pleader on behalf of Moottoo mullee Chetty, of Zillah Coimbatore.

(Here enter F. M. P. No. 2 of 1859)

Messrs. Hooper and Phillips

1. Petitioner appeals from the sentence passed upon him by the Session Judge in case No. 27 of 1858, wherein he is 1st. prisoner.-

The

2. 27th January 1859

The Court of Foujdaree Udalut seeing reason to doubt the propriety of the conviction of the 1st prisoner Mottumullee Chetty, resolve to require the submission of a translation of so much of the record of the Police and lower Courts' proceedings, as affect the said prisoner.

Precept in X days. ✓

Exd Saa.

C. A. Chamier

Read Miscellaneous Petition presented on the 3d Instant, by J. W. Branson Esqr, Pleader on behalf of Kydervally of Zillah Combaconum

/ Here enter F. M. P. No. 1 of 1859 /

Petitioner prays to be heard thro' his counsel in Case No. 52 of 1858 on the file of the Session Court, wherein he is 6th prisoner. Messrs. Hosp and Phillips.

2. The prisoner in question having been already released, no order is required on this Petition. ✓

Exd Saa.

F. 60.

Friday. 28th January 1859.

At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper Esquire, — J. L. Strange Esquire, — H. D. Phillips Esquire, — } Puisne Judges.

Read Calendar of Case No. 5 of 1859 from the Session Judge of Salem.

/ Here enter F. 60. No. 135 of 1859. /

The Court of Foujdaree Udalut are of opinion that the Prisoners might have justly been convicted on the first count. The immediate arrest of the Prisoners with the property on them, and their confession at the time, coupled with the nature of the property which could not have come to them as receivers, and the absence of any plea on their part that they were receivers, all serve to warrant the conclusion that they committed the robbery.

Read

Read Criminal Reports for
the month of December 1858 submitted
by the Sessions Judge of Mangalore.

(Here enter F. Dd. No. 106 of 1859.)

With reference to the proceedings No. 89.
of the Criminal Court in this number, "Escape".
the Court of Faujdaree Udalut would
request the Sessions Judge to call the
attention of the Criminal Judge to Sec-
tion VII. Act V of 1858 which must regu-
late the disposal of cases of Escape by
parties under commitment on the
charges specified in Section III of the same
Act.

Read letter dated 19th
January 1859 from the Sessions Judge of
Combaconum submitting for the final
judgment of the Faujdaree Udalut
the record of Case No. 53 of 1858 on the
Calendar of the Sessions Court.

(Here enter F. Dd. No. 140 of 1859.)

The Court of Faujdaree Mr. Hoop
Udalut, on a deliberate consideration Offence charg
of all the circumstances of the case Riot and R
in

in evidence before them, being of opinion
that the Prisoner,
1st Palanyandy
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.

Dd 18.

C. D. Chamier

F.M.C.

Saturday
29th January 1859

At a Court of the Foujdaree Adalut

Present

G.S. Hooper Esquire,
J.L. Strange Esquire,
H.D. Phillips Esquire,
} Puisne Judges.

Read letter from the Session Judge of Honore, dated 14th January 1859.

(Here enter F.M.C. No. 130 of 1859)

1. In this letter the Session Judge of Honore requests the opinion of the Court as to whether he may compel the attendance of a Mussulman woman, a witness in a case of murder under trial in the Session Court, who declines appearing on the ground that she is a Gosha woman, it being evident from her own and her husband's statements that she belongs to the labouring classes and generally works in the fields.

2. The Court are clearly of opinion that under these circumstances, the Session Judge has the power of compelling

requiring the attendance of the woman in Court; and taking such measure for the purpose as the law allows of.

Read Criminal Report A. submitted by the Session Judge of Guntoor, for the month of January 1859.

[Here enter R. No. No. 155 of 1859.]

1. The Police would seem to have taken the initiative in bringing forward this case. The commitment of the case to the criminal tribunal appears to have been most unwarrantable.

Case No. 4.

2. The Court of Foujdaree Adalut request the Session Judge to bring the matter to the notice of the Magistrate on together with such observations as the circumstances of the case may appear to him to call for.

Read letter dated the 15th instant, from the Acting Session Judge of Madura, referring for the opinion of the Judges certain questions of Civil and Criminal law.

[Here enter L. M. No. 156 of 1859.]

The

1. The Court of Foujdaree Adalut observe that a reference of this description should only be made on an actual difficulty arising, and that all the circumstances of the case should then be set forth, together with the Judge's own opinion on the point referred. Matters belonging to the Civil and Criminal sides of the Court should further be made the subject of separate and distinct communications.

2. The Court of Foujdaree Adalut will confine themselves to replies to such of the questions submitted as involve constructions of certain Criminal Regulations; leaving the Civil Judge, if he thinks proper, to bring forward the remaining points in a fresh communication, accompanied by a concise statement of the actual facts out of which they have each arisen.

3. The Court answer the first two of the said questions in the negative.

On

4. On the third point the Court have ruled that mere neglect of duty by a police officer is not matter for a criminal prosecution. Whether the recording of his authority, or the committing of any particular act would render such officer punishable for "abuse of authority" are points which must necessarily be determined on a consideration of the circumstances of each case, and the intent of the party.

5. In reply to the fourth enquiration the Court observe that clause second, section VIII, Regulation XIII of 1832 authorizes no other punishment than that of imprisonment. is

C. B. C. Chaumier

J. H.

Monday
31st January 1859

At a Court of the Foujdaree Adalut.

Present.

G. S. Hooper Esquire
S. S. Strange Esquire
H. D. Phillips Esquires
} Puisne Judges.

Read Calendar of case No 64 of 1858 and the file of the Sessions Court of Combaconum.

(Here enter S. H. No 160.)

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.

Moothy Vincat Mow — Five years

Circular 1. The Foujdaree Adalut finding that little or no improvement was discernible in the manner of drawing up Criminal Charges in the lower Courts notwithstanding that the defects appearing therein were from time to time pointed out, have had all the charges in the trials referred for their disposal during the year 1858 carefully amended, so as to serve as a guide to judicial officers in cases of a similar nature

nature which may hereafter come before them.

2. In drawing the attention of those officers to the printed decisions of the Sooprance Udalut for the past year wherein the amended charges are given the Judges resolve to remind them of the necessity of observing the strictest care and accuracy in a matter of such serious importance to the lives and liberties of the people.

3. In the charges as now prepared there is often much surplusage, chiefly in the description of circumstances which, though accompanying do not themselves constitute any part of the offence, and there is frequently no direct allegation that the defendant committed the act for which he is tried, while in other cases the accusation is conveyed in such vague terms as to render it impossible for the defendant to know what offence he is charged with: and again the absence of any allegation of intent, where it forms the principal ingredient in the offence, is not an uncommon defect in such charges.

4. In framing criminal charges special care should be taken to set forth with certainty and precision the acts and intent constituting the offence alleged, and the defendant should be charged directly and positively with having committed it.

5. The issue in all criminal trials of a grave nature being between the Queen as the general conservator of the peace, and the party accused, the prosecution should be conducted by the

the Government Vakeel, and the cases entred under the designation "Regina versus _____", the prosecutor being examined as a witness. This should be done in all trials before the Session Courts.

6. Allegations of time and place need only be stated with particularity where they form ingredients in the offence. The time is sufficiently laid by stating the day of the English month and year on which the act was committed, except in cases of housebreaking by night, in which the act should be alleged to have been done in the night. The exact hour need never be specified. Local description is only necessary in cases of arson, housebreaking and robbery in a dwelling house by open violence, in all other cases the place need not be particularized.

7. At stations where there is a Subordinate Judge it will be his duty personally to frame the charges in all cases committed by him for trial before the Sessions Court, as well as those in cases within his own jurisdiction. At other stations it will be the Sessions Judge's duty to amend the charges in trials held before him and to point out to the Sudder Ameens any errors appearing in the charges of cases disposed of by them, and to adopt a similar course in respect of cases tried by the Magistracy, which latter duty should be equally performed by Sessions Judges at stations where there are Subordinate Judges.

8. The Court of Sooprance Udalut indulge the hope that judicial officers in the provinces will enter into the spirit of these instructions, and by a little exertion endeavour to effect a material improvement in the manner of preparing

Criminal

criminal charges. In justice to those few officers who have already paid attention to the subject, the Court consider it necessary to observe that the remarks contained in the first and third paras of these proceedings though applicable to most of the Lower Courts are not so to all.

Read again Miscellaneous Petition presented on the 11th November last by J. D. Mayne Esquire Pleader on behalf of B. Narraidoo and others Zillah Nellore.

(Here enter J. M. P. No 195 of 1858)

Read also return dated 18th December last from the Session Judge of Nellore to the precept of the Foujdaree Udalut under date the 13th idem calling for explanation in case No 18 of 1858.

(Here enter F. M. No 2327 of 1858)

The Court of Foujdaree Udalut see no reason for interfering with the sentence passed in the case in question and accordingly resolve to reject the Petition. Mess[rs] Hoope and Strange

Read letter dated 18th November 1858 from the Session Judge of Rajahmundry submitting for the final Judgment of the Foujdaree Udalut the Records of cases Nos 23 and 24 of the Calendar of the Session Court.

(Here enter No 133 of 1859)

The

31st January 1859

Mr H. D. Phillips
Case No. 23
Offence charged
Murder & Robbery

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

"Jonnada Poolayah"

is sufficient to convict him of the offence 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

Mr H. D. Phillips
Case No 24
Offence charged
Murder & Robbery.

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.

"Jonnada Poolayah."

is sufficient to convict him of the offence charged, do convict him thereof, but he having been already sentenced in case No. 23 on the Rajahmundry Calendar for 1858, no further sentence is required to be passed upon him in this case.

1. The letter of the Session Judge (para 14) adverts to the Calendar, in which grounds are shown for the

the demand from the other Prisoners of security.

2. As there is now a periodical publication of trials disposed of by this Court, it would have been more convenient and regular had the Session Judge given the grounds referred to in the body of his communication, that they might have appeared in the printed Report.

3. The sentence proposed by the Session Judge should have been limited to the extent and mode of punishment recommended.

4. This Court has no judicial Knowledge of the Andaman Islands being a penal settlement available for the Transportation of such criminals as may be sentenced by it. It is however aware that the Supreme Government have declined to send there a notorious offender on the ground that the settlement in question is intended as a penal colony for only mutineers and rebels.

5. The records of these trials are not accompanied by a list of the witnesses and the points they were called to prove as required by Fouzdaree Udalut Circular Order of date the 27th September 1824.

2d 18th

C. Chamier

F. 110.

Tuesday 1st February 1859.

At a Court of the Fouzdaree Udalut.

Present

G. S. Cooper Esquire, J. L. Strange Esquire, H. D. Phillips Esquire, — Puisne Judges.

Read again letter dated the 17th Ultimo, from the Session Judge of Chittoor, forwarding, under the provisions of clause first, Section XXXIX, Act VII of 1843, copy of Extract from the Proceedings of his Court dated the 11th idem, relative to the inefficiency of the Head of Police of Sutnaid, and recommending his dismissal.

[Here enter F. 110. No. 96 of 1859.]

Read also letter dated the 26th Ultimo, from the Session Judge, transmitting a communication from the Magistrate of Chittoor, in which that officer concurs in the above recommendation.

[Here enter F. 110. No. 157 of 1859.]

The

1st February 1859.

The Court of Foujdaree Adalut do not consider that they would be justified, upon the information now before them, in directing the dismissal from office of a public functionary whose duties are so important and harassing as those entrusted to a Head of Police. Before passing any order on the subject, the Foujdaree Adalut resolve to call upon the Magistrate to submit a statement showing the several occasions on which, during the last two years, the Head of Police has been fined or otherwise punished, the amount of fine or nature of the punishment, and the circumstances which led to its being inflicted.

Precept returnable within VIII days from and after its receipt.

Read Calendar of Case No 4 of 1859 of the file of this Session

Court

1st February 1859.

Court of Masulipatam.

[Mrs writes F. No. 162 of 1859.]

The Court of Foujdaree Adalut observe that this sentence affords no insight into the merits of the case. It does not appear what the nature of the 1st witness's evidence is, or why it is held to be insufficient, and they request explanation on these points.

Precept returnable within V days from and after its receipt.

Ex Dak.

C. Chamier

F. M.

Wednesday. 2d February 1859. At a Court of the Foujdarry Adalut

Present

G. S. Hooper Esquire,
J. Sc. Strange Esquire,
H. D. Phillips Esquire,
} Puisne Judges.

Read Calendar of case No. 2 of 1859 on the file of the Session Court of Madura.

(Here enter F. M. No. 167 of 1859)

As herein recommended, the Court of Foujdarry 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 passed upon them in the said case.

† 1st Perian
2d Sungily
Seven years.
3d Pillia Reddy
4th Soobbun
Five years.

Read Calendar of case No. 2 of 1859 on the file of the Session Court of Combaconum.

(Here enter F. M. No. 172 of 1859)

As herein recommended, the Court of Foujdarry Adalut resolve to authorize

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.

Read Calendar in case No. 3 of 1859 from the Session Judge of Honore.

/Here enter F. M. No. 173 of 1859/

1. The Court of Foujdaree Adalut are of opinion that the sentence in this case is unnecessarily severe.

2. It does not appear that the prisoners were guilty of more than an ordinary assault, the result of a quarrel occurring at the mound. They have been in arrest since the 16th and 20th December, and considering the imprisonment they have undergone sufficient punishment, the Court resolve to direct their discharge with an admonition.

Read Calendar of cases Nos. 93-94-95-96 and 97 of 1858 on the file of the Session

× 1st Nugappatten Sabapathy Moodely
2d Nyapary of Paroombuttum
4th Nuychoochen
6th Nuroonoogum
Eight years
3d Carroottan Tulyary
5th Nyapary Moodely of Chodalore
7th Moothya Moodely
Three years.

Session Court of Masulipatam.

/Here enter F. M. No. 181 of 1859/

It having been 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 passed upon them in the said case.

* Chaukala Basavoyalu. Two years
Goottamookkoda Bapoyalu. Six Months.

Read Calendar of case No. 2 of 1859 on the file of the Session Court of Salem.

/Here enter F. M. No. 183 of 1859/

It having been 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.

× Moothuna
Three years.

Read letter dated the 24th January 1859, from the Session Judge of Calicut, submitting for the final judgment

of

2d February 1859.

of the Foujdarry Adalut the record of Case No. 3 of 1859 on the Calendar of the Session Court.

[Here enter F. H. No. 182 of 1859]

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

Messrs. Strange and Phillips.

Egoovan Padattia por. Rl.

Payner Pillai's son, Hindu.

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.

Rape.

E. Ed.

C. Chamier

F. H.

Thursday 3d February 1859.

At a Court of the Foujdarry Adalut

Present

G. A. Hoopes Esquire,
J. L. Strange Esquire,
H. D. Phillips Esquire,
} Puisne Judges.

Read Miscellaneous Petition presented on the 22d November 1858, by V. Sadagopa Chetty, Pleader on behalf of Channya of Zillah Cuddapah.

[Here enter F. M. P. No. 199 of 1858]

Messrs. Hoopes and Strange.

This is an application for the interference of the Court of Foujdarry Adalut to reverse the order of the Sessions Judge under date the 20th August 1858, whereby that officer, in modification of the orders of the Magistracy, directed the Plaintiff in Case No. 122 of 1858 to be left in sole occupancy of certain land, leaving the Petitioner, the Defendant, at liberty to establish any right he may have thereon, by a regular suit, notwithstanding

notwithstanding he has been found by the Joint Magistrate to have been in joint occupation with the Plaintiff.-

2. The Court observe that the Session Judge has erred in settling the question upon consideration of the rights of the several parties. The matter in issue turns altogether upon ~~the fact~~ of actual possession at the time of the alleged trespass. The Joint Magistrate has found petitioner to have been in joint occupation, and the Session Judge has passed no opinion to the contrary.-

3. The Court resolve consequently to uphold the order of the Joint Magistrate, which is based upon the said finding.-

Read Miscellaneous Petition received on the 11th October 1858, through the Governor's Agent of Ganjam, from Sunnasy Patroo and others, of that Zillah.-

/Here enter F. M. P. No 166 of 1858./

1. This is an application for a reconsideration of the sentence passed by this Court in Case No 13 of 1858 on the file of the Governor's Agent for Ganjam.- Mr Strange.

2. The Court of Foujdaree Adalut see no ground to alter the sentence already recorded by them in the case in question, and accordingly dismiss the petition.-

Read Criminal Reports for the month of December 1858, submitted by Session Judge of Combaconum.-

/Here enter F. M. No 189 of 1859./

Report of Subordinate Judge No 130 Assault.

The Court of Foujdaree Adalut have frequently ruled that "Irons" cannot be awarded on conviction for assault. The sentence in this case will therefore be amended with reference to this remark.-

Read Criminal Reports for the month of December 1858, submitted by the Session Judge of Bellary.-

/Here enter F. M. No 190 of 1859./

No 261. "Housebreaking"

The sentence in this case appears severe with reference to the value of

of the property stolen. The Sessions Judge is requested to call for the record and consider whether the sentence may not be reduced.-

Read letter from the Sessions Judge of Madura, dated 25th January 1859, submitting explanation in regard to two cases remarked on in the proceedings of the Foujdaree Udalut of the 22nd January.

/Here enter F. M. No 170 of 1859./

Under the explanation now submitted by the Sessions Judge, the Court of Foujdaree Udalut see no cause to interfere with the sentence passed in No 48; but as respects No 49, their objection to the sentence is not affected by the present communication.-

Read again Miscellaneous Petition presented on the 21st October last, by J. D. Mayne Esquire, Madras on behalf of Rt. Ramasawmy and others of Zillah Nellore.-

/Here enter F. M. P. No 182 of 1858./

Read also return and Supplemental return dated the 23rd November and 24th December 1858 respectively from the Sessions Judge of Nellore, to the precept of the Foujdaree Udalut under date the 15th November 1858, calling for translation of the record of Calendar Case No 41 of 1858.-

/Here enter F. M. No 2184 of 1858 & 11 of 1859/

Messrs Hoopes and Phillips.

The Sessions Judge convicted the 1st, 2nd, 3rd, 5th, 7th, 8th, 14th and 15th of the twenty three Prisoners who were originally brought to trial. On an appeal preferred by Counsel, the Court of Foujdaree Udalut have carefully weighed the arguments adduced and have given their best consideration to the proceedings recorded before the Police and magisterial authorities and the Sessions Court; but see no sufficient ground for mistrusting the testimony on which the Sessions Judge has formed his belief of the guilt

quill of the 1st, 2d, 3d, 5th, and 15th Prisoners. They will not therefore interfere with the sentence passed on them further than to mitigate it in respect of the 2d, 3d, 5th and 15th to a period of eight years. They are induced to adopt this course as regards the last prisoner in consequence of his not having been shown to have taken an active part in the robbery although acknowledging that he accompanied the gang to the vicinity of the Prosecutor's house, and that he received a small amount of the money realized by the robbery.

2. The Court, however, are not satisfied that the alleged recognition of the 7th, 8th and 14th Prisoners, each by two witnesses, can safely be acted on under all the circumstances of the case, and they accordingly resolve to direct their release.

Precept returnable within 11 days from and after its receipt.

Ex Deal.

C. Chamier

J. M.

Saturday,
5th February 1859.

At a Court of the Supreme Holden.

Present

G. S. Cooper Esquire
J. G. Strange Esquire
H. D. Phillips Esquire
} Puisne Judges

Ward Miscellaneous Petition presented on the 31st Ultimo, by J. W. Branson Esquire, Pleader on behalf of Sowana Permal Pillay and others, Jaffna Tunnevelly.

(Vide enter J. M. P. No 21 of 1859)

Messrs Cooper, Strange and Phillips

1. The Petitioners pray that the preliminary investigation of charges against them arising out of the occurrences referred to in the Petition may be withdrawn from the jurisdiction of Mr. Sawinge, the Magistrate of Tunnevelly, that proceedings against them may be suspended pending proceedings intended to be taken before Her Majesty's Supreme Court, and that they may not be tried by Mr. Story, the present Session Judge, on any charges arising out of the said occurrences.

2. The Court of Sudder & Police dated see no grounds for their interference in the matter,

and

and accordingly resolve to reject this Petition.

Ed. Sale.

C. S. Channer

the 5 February 1859

F. M. D.

Monday 7th February 1859. At a Court of the Foujdaree Adalut.

Present.

G. S. Cooper, Esquire — }
T. L. Strange, Esquire — } Puisne Judges.
H. D. Phillips, Esquire. }

Read Miscellaneous Petition received on the 11th December 1858, through the Session Judge of Kanara, from Tippa Saicy, of that Zillah.

(Here enter F. M. D. No. 207 of 1858.)

1. This is an appeal from the order of the Session Judge of Kanara under date the 10th November 1858, confirming the order of the Joint Magistrate sentencing the Petitioner to 4 months' imprisonment and imposing on him a fine of Rupees 100 commutable to a further imprisonment of 4 months.

The

7th February 1859

2. The Court of Foujdaree Adalut see no reason to interfere with the orders appealed against, & and accordingly reject this Petition.—

Ed. Hall.

C. Chamier

F.N.

Wednesday 9th February 1859.

At a Court of the Foujdaree Adalut.

Present.

G. L. Hooper, Esquire
J. L. Strange, Esquire
H. D. Phillips, Esquire
} Puisne Judges.

Read Criminal Reports for the month of December 1858, submitted by the Sessions Judge of Nundial.—

(Here enter F.N. No. 186 of 1859)—

No. 50 "House breaking."

1. The sentence in this case appears severe, and the Sessions Judge is requested to explain for the information of the Court the grounds upon which he considered it necessary to inflict the full measure of punishment permitted by law.—

Magistrate's Report No. 4 "Theft".

2. The same remark applies to the sentence in this case, which appears severe with reference

to

to the nature and value of the property stolen. The Sessions Judge is requested to review the record and pass such orders thereon as he may deem fit.

3 With reference to No. 56, the Court of Foujdaree Adalut would point out that the monthly Criminal report in the form B is intended only to include the record of proceedings held before the Criminal Court. It is unnecessary therefore to enter sentences of the Sessions Court which come under the review of the Higher Court in the usual Calendars. It will be sufficient in such cases to enter the result of the Criminal Courts proceedings, as, "committed" or "security required for appearance in case of further evidence being forthcoming."

4 From the manner in which these Reports are prepared the Court infer that the Sessions Judge does not go through the form of committing in cases which are beyond his jurisdiction

jurisdiction as a Criminal Judge, but at once proceeds to trial, a course which may occasionally save some time and trouble, but which, on the other hand, throws upon the Judge the burden of a strict and formal trial with examination of defence &c. in all cases, many of which he would otherwise dismiss on the grounds of the evidence being evidently insufficient for conviction and not warranting his subjecting the party accused to a criminal trial. The Court therefore direct that the Sessions Judge of Nundial will conform to the practice prevailing in other districts where the Sessions Judge is invested with the powers and functions of a criminal Judge, and in all cases cognizable by the Sessions Court only, will, at the preliminary investigation, confine himself to exercising the duties of a committing officer only.

5 The Court have further to

to direct that the Sessions Judge submit, in the form A reports of all cases disposed of by him in his capacity of Criminal Judge, with a view to their review by this Court.

Precept returnable within V days.—

Read Calendar of Cases No. 1 of 1859 on the file of the Sessions Court of Coimbatore.—

(Vide Enter F. No. No. 213 of 1859)—

As herein recommended, the Court of Foujdarree 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 passed upon them in the said case.—

Ed Rad.

C. S. Clarke

1st Cr. conv. pow.	
2d Manp. pow.	
	Eight years.

Thursday 10th February 1859.

At a Court of the Foujdarree Adalut.

Present.

G. S. Hoope Esquire,
J. C. Strange Esquire,
H. D. Phillips Esquire,
} Puisne Judges.

Read Miscellaneous Petition presented on the 10th ultimo, by Appavoo Mooroo, of Zillah Salem.

(Vide infra F. No. D. No. 6 of 1859)

Messrs Strange and Phillips.

1. Petitioner appeals from the order of the Session Judge under date the 3d November 1858, refusing to interfere with the proceedings of the Magistrate, whereby the Petitioner's complaint against Rungiah and another was dismissed on the ground that the evidence was not trustworthy.

2. The Court of Foujdarree Adalut cannot interfere in the matter, and accordingly reject the Petition.—

Read Miscellaneous Petition presented on the 10th ultimo, by Mr Pooroshottama

Poroochottanna Pillay, of zillah Chittoor.

(Mem. entd. F. No. P. No. 7 of 1859.)

1. This is an appeal from the sentence of acquittal passed by the Sessions Judge in Case No. 27 of 1858. Messrs. Strange and Phillips.

2. The Court of Foujdarry Udalut direct that the Petitioner be informed that no appeal lies against an acquittal, and that his petition cannot therefore be entertained.

Read Miscellaneous Petition presented on the 10th ultimo, by Ringasamy Pillay, of zillah Chingleput.

(Mem. entd. F. No. P. No. 12 of 1859.)

1. Petitioner appeals from the order of the Session Judge, under date the 20th October 1858, confirmatory of the decision of the acting Head assistant Magistrate dated the 15th September ordering, whereby the charge of murder preferred by the Petitioner against certain parties, was dismissed for want of evidence sufficiently strong to warrant a committal of the case for trial before Messrs. Strange and Phillips.

before the Court.

2. The Court of Foujdarry Udalut cannot interfere in the matter of the forgoing Petition, which is accordingly dismissed.

Read again Calendar in Case No. 5 of 1859, from the Session Judge of Salem.

(Mem. entd. F. No. No. 135 of 1859.)

Read also letter dated 1st instant, from the Session Judge of Salem, explaining his reasons for not convicting the prisoners on the 1st Count of the charge preferred against them.

(Mem. entd. F. No. No. 198 of 1859.)

The Court of Foujdarry Udalut are of opinion that the course taken by the Session Judge in this case was a judicious one.

Ex. Hale.

C. Chamier

F. C.

Saturday 12th February 1859.

At a Court of the Foujdaree Adalut

Present

G. L. Hooper Esquire, — Puisne Judges.
J. L. Strange Esquire, —
H. D. Phillips Esquire, —

Read letter dated 3d instant from the Agent to the Governor in Gen-eral reporting for the final judgement of the Foujdaree Adalut the trial of Criminal Case No 2 of 1859.-

/Here enter F. C. No 230 of 1859./

The Court of Foujdaree Adalut agree to the sentence proposed to be passed upon the Prisoners in-this case viz^t the 1st to three years rig-orous imprisonment with hard labor in irons and the 2d and 3d to one year each.-

Ed^s B.D.

C. Chamier

F. M.

Monday.
11th February 1859.

At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper Esquire,
T. L. Strange Esquire, — Puisne Judges.
H. D. Phillips Esquire,

Read again Miscellaneous Petition presented on the 11th October last by Alwar wife of the 1st and mother of the 15th prisoner in Case No. 8 of 1856 on the file of the Sessions Court of Madura.

/Here enter F. M. P. No. 179 of 1858./

Read also return dated the 10th Ultimo from the Acting Sessions Judge of Madura to the precept of the Foujdaree Udalut under date the 3d idem, calling upon him with reference to the Petitioner's assertion that four men still remain in custody, to state whether such be the fact, and under what circumstances.

/Here enter F. M. No. 77 of 1859./

The

11th February 1859.

The Court of Soujdaree Udalut resolve to call upon the Officiating Sessions Judge to forward the original Records connected with cases Nos XIX and XXXVI of 1856 on the file of the Sessions Court.

Messrs Hooper and Phillips

Precept returnable within days from and after its receipt.

Ex Rd.

C. Chamier

S. U.

Tuesday the 15th February 1859

At a Court of the Soujdaree Udalut

Present

G. S. Hooper Esquire
T. L. Strange Esquire
H. D. Phillips Esquire

} Puisne Judges

Read Calendar of case No. 3 of 1859 on the file of the Session Court of Madura (Hereunto S. U. No. 235)

As herein recommended, the Court of Soujdaree 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.

1st Caunthan
2nd Vinum
2nd Vena perennial
Five years

Read Calendar of case Nos 4 and 5 of 1859 on the file of the Session Court of Madura.

(Hereunto S. U. No. 236)

A.S

15th February 1859

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. vs

Rajcoopathy
One year

E. H. D.

C. S. Chamier

Y. No.

Wednesday,
16th February 1859.

At a Court of the Foujdaree Udalut.

Present:

G. I. Hooper, Esq^re.
J. Lo. Strange, Esq^re. } Puisne Judges.
H. D. Phillips, Esq^re.

Read Calendar of Cases &c.
of 1859. on the file of the Session Court of Nellore
Hereunder Y. No. 5 & 202 of 1859.

The Court of Foujdaree Udalut
see no reason to doubt the propriety of the
sentence passed in this case, and accordingly
resolve to call upon the Session Judge to
transmit the original record for their consi-
deration, and suspend the sentence pending
the receipt of the Court's orders.

Precept returnable within IV
days.

Read Calendar of Cases &c.
of 1859 on the file of the Session Court of

Nongore

16th February 1859

Honores.

/Here enter H. Ve. Nº 226. of 1859/

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.

* 1st Hembaralli Ningnea.

Ten years.

Read Calendar of Case Nº 2 of 1859 on the file of the Session Court of Cuddalore.

/Here enter F. Ve Nº 227. of 1859/

As herein recommended, the Court of Fouzdaree 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.

* 1st Vya para 2nd Chinnamalai 3rd Ponnu Mooppa alias Bodda

Seven Years

Read Petty Calendars of the Magistracy for the fourth quarter of 1858, submitted by Session Judge of Madura Zillah.

/Here enter F. Ve. Nº 233. of 1859/

16th February 1859.

Calendar I. Nº 94. "Misdemeanour" 1. A Servant cannot be Criminally punished for deserting his Master's service - the Sentence in this Case must therefore be cancelled.

Calendar III. Nº 127. "Vagrancy" 2. The prisoner's previous convictions should not have been alleged against him in a charge of Vagrancy.

Nº 128. "Housebreaking." 3. The Sentence in this Case must be cancelled as a Magistrate is not competent in cases of House-breaking to sentence the party to find or give security.

Calendar IV. Nº 130. "Misdemeanour." 4. The Magistrate was not competent to demand security in this case under the Regulation quoted, the sentence must therefore be cancelled.

Nº 131. "Theft." 5. The Magistrate is not competent to demand security under the Regulation quoted, except when proceeding under the extended powers, in which case the trial must be conducted by himself in person; and sentence cannot be passed on a consideration of proceedings held by his assistant, as would appear to have been the case in this Case. The

sentence

16th February 1859.

Sentence must therefore be cancelled.s

E.p.d.
E.F.

C. Chamier

F. No.

Thursday 17th February 1859.

Court of the Fouzdaree Udalut.

Present:

G. S. Hooper, Esqre.
T. L. Strange, Esqre.
H. D. Phillips, Esqre.
} Puisne Judges.

Read Petty Calendars of the Magistracy for the fourth quarter of 1858, submitted by the Session Judge of Madura.

Here enter F. No. 206/1859

Calendar I. Case No. 58.

The defendant in this Case appears to have been twice punished for his conduct during one and the same investigation held before the Collector; the Session Judge is requested to review the proceedings and see how far the sentence is warranted by law.

Read letter dated 26th January 1859 from the Session Judge of Mangalore submitting for the final judgment of the Fouzdaree Udalut the record of Case No. 1 of 1859 on the Calendar of the Session Court.

Hon'ble G. S. Hooper and T. L. Strange

The Court of Fouzdaree Udalut on a deliberate consideration of all the circumstances

of

17th February 1859.

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

Billa Balappen alias

Biramma,

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

C. S. Chamier

Ep" E.P.

J. C.

Friday. 18th February 1859. At a Court of the Tondaree Adalut.

Present.

G. S. Cooper, Esquire.
T. L. Strange, Esquire. } Puisne Judges.
H. D. Phillips, Esquire.

Read Petty Calendars of the Magistracy for the fourth quarter of 1858, submitted by the Acting Sessions Judge of Cuddalore.

(Here enter J. C. No 23 of 1859.)

Cab. I. No 50. "Abuse of authority"

The Court have to observe on the great irregularity with which the indictment in this case has been drawn. The acts alleged against the Defendants differ in their nature and occurred on different dates and at different places and should have formed the subject of separate charges. The Court have further to remark that in the acts alleged they do not see any thing to warrant their being

18th February 1859.

made the ground of Criminal prosecution,
and they therefore direct that the sentence
be at once Cancelled.

C. S. Chamier

Expd.
E.T.

F. U.

Saturday
19th February 1859.

At a Court of the Fouzdaree Udalut
Present.

G. S. Hooper Esquire,
T. L. Strange Esquire,
H. B. Phillips Esquire
} Puisne Judges.

Read Calendar of Case No. 104 of the Session Court of Bellary.—

(Here enter F. U. No. 258 of 1859.)

As the Sentence prescribed by Act V of 1848 is laid down peremptorily, the Court of Fouzdaree Udalut are unable to accede to the recommendation of the Acting Session Judge for mitigating the Sentence in this case.—

2 The case however being one in which the Government might very properly exercise the power recognized in them by Act XVIII of 1855 of remitting a portion of the Sentence passed upon the prisoner, the Court resolve to forward the Calendar to be laid before the Right Honorable the Governor in Council, and to recommend that the Sentence be reduced to

2.

19th February 1859.

2 years imprisonment as proposed by the Session Judge.—

Read Petty Calendars of the Magistracy for the fourth quarter of 1858, Submitted by the Session Judge of Chingleput.—

(Here enter F. Dc. No. 269 of 1859.)

The act set forth in the charge is not of such a description as to render the defendant punishable under the Regulation quoted. The Sentence must therefore be cancelled.—

Calendar I No 71 "Mademeanor"

The charge in this case is defectively prepared, the Session Judge is requested to send for the record, and ascertain whether the acts of the defendants were of such a nature as to make them liable under the Regulation quoted. Cases of "Camping" should be entered in the Criminal reports and not in the Petty Calendars.—

No 75 "Camping"

The Joint Magistrate was not competent to demand Security in this case, he should either have remanded the prisoner, or forwarded him to the Criminal Court.—

Calendar III No 15 "Suspicious character"

Read Petty Calendars of the Magistracy for the fourth quarter of 1858, Submitted by the Session judge of Salem.—

(Here enter F. Dc. No. 247 of 1859.)

The

19th February 1859.

Calendar I, No. 28.

The delay in the disposal of this case is very great and is not satisfactorily accounted for, the Session Judge is requested to call for explanation on the Subject.—

Read Calendar of case No. 11 of 1859 on the file of the Session Court of Salem.—

(Here enter F. Dc. No. 216 of 1859.)

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.—

† Changed to 3 years.

Read Criminal reports for the month of January 1859, Submitted by the Session Judge of Tinnivelly.—

(Here enter F. Dc. No. 270 of 1859.)

With reference to the remarks of the Session Judge on these cases, the Court would point out that resistance to a summons, which it is optional to the party to obey or not as he pleases, cannot form the ground of a Criminal charge.—

Magistrate's Report Nos. 1. 2. 3.

They would further observe that it was illegal to award irons in a case of simple assault.—

Read

Read Criminal reports for the months of January 1859, submitted by the Acting Session Judge of Trichinopoly.—

/Here enter F. R. No. 253 of 1859/

No. 9.

If the defendant did not repeat the false accusation before the Head of Police, he was not liable to punishment under the Regulation quoted; the fact of such statement before the Police should have formed the ground of the charge— The Session Judge is requested to review the record with reference to this remark, and also the record in the previous number which appears to be connected with this case.

Read Calendar of case No. 6 of 1859, on the file of the Session Court of Honore

/Here enter F. R. No. 255 of 1859./

The Court of Foujdaree Adalut observe that under the circumstances of the case, the conviction of the prisoner should have been preceded by the procural, if practicable, from the proper Medical Officer, of a certificate showing his opinion of the origin of the injury sustained by the 1st witness, and the extent to which her sight has been affected by the act

of

of which her husband the Prisoner, is held to have been guilty.

Read letter dated 4th February 1859, from the Session Judge of Calicut, submitting for the final judgment of the Foujdaree Adalut, the record of trial in Case No. 4 of 1859 on the Calendar of the Session Court.—

/Here enter F. R. No. 240 of 1859/

The Court of Foujdaree Adalut,

W. A. D. Phillips.

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

Tayatha poolyar chalil Imbichy Kouhaw alias Chathoo,

* Murder and wounding.

is sufficient to convict him of the offence charged*, do convict him thereof; and under the provisions of clause 2d, Section VI, Regulation I of 1825,— sentence him to be imprisoned and kept to hard labor in Irons on the public roads or other public works, for and during the period of (14) fourteen years.—

C. D. Chamier

Ex. Reg.

J. No.

Monday, 21st February 1859. } At a Court of the Foujdaree Udalut.

Present:

G. S. Hooper, Esquire.
J. L. Strange, Esquire. } Puisne Judges.
H. D. Phillips, Esquire.

Read Return of the Session Judge of Chittoor to the Precept of the Foujdaree Udalut, calling for a statement shewing the several occasions on which, during the last two years, the Head of Police has been fined, or otherwise punished. — (Here enter J. No. 232 of 1859.)

The Court of Foujdaree Udalut have carefully considered what has been urged against the efficiency of the Head of Police of Sultywaid, and are unable to concur with the Session Judge and Magistrate in the necessity of dismissing him from office.

The

The Court observe that the proper course of procedure in cases of this description, is for the Sessions Judge to forward a copy of his report to the Magistrate, whose answer should be addressed & direct to the Foujdaree Udalut.

Read letter dated 22nd January 1859 from the Acting Sessions Judge of Cuddalore, submitting for the final Judgment of the Foujdaree Udalut the record of trial in Case No. 5 of 1859, on the Calendar of the Sessions Court.

(Here enter F. C. No. 43 of 1859.)

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 Vyapoory Chetty

and

2nd Sreenevassa Chetty

Mr. G. S. Hoop[illegible]

Gang robbery and attempt to Murder.

is sufficient to convict them of the offence charged, do convict them thereof; and under the provisions of Clause 3rd, Section IV, Regulation XV of 1803, and Clause 3rd, Section VIII, Regulation XV of

of 1803, Sentence them to (14) fourteen years' imprisonment, and to be banished during the period of their sentence from the District in which their place of abode is situated and to be kept to hard labor in irons on the public roads or other public works, in the Zillah Jail of Chittoor. -5

Esq.
E. T.

C. S. Chamier

F. U.

Wednesday 23rd February 1859

At a Court of the Foujdaree Udalut.

Present.

G. S. Cooper, Esquire
J. Le. Strange, Esquire
H. D. Phillips, Esquire
} Puisne Judges.

Read letter dated the 21st instant from the Sessions Judge of Chittoor, forwarding copy of a communication from the Acting Subordinate Judge in which that officer, having discovered that different charges for similar offences, in the cases disposed of by the Foujdaree Udalut during the year 1858, are not drawn up in precisely the same words, enquires which of the said charges he is to take for a model, and suggests that a model charges be furnished to the lower Courts for every Criminal offence.

(Here enter F. U. No. 313 of 1859.)

The Court of Foujdaree Udalut do not consider it necessary that there should be any stereotyped form of charge for any particular offence, to be used as

as a model in all cases of the same description.
The amended charges for 1858 will "serve as a guide to judicial officers in cases of a similar nature," and in others they must be guided by the general instructions laid down in the Courts' proceedings of the 31st ultimo.

Read Criminal Reports for the month of January 1859, submitted by Sessions Judge of Tellicherry.

(Here enter F. C. No. 272 of 1859)

The Prisoner's having been convicted of 9 separate thefts, the Court are of opinion that the sentence passed on such confirmed thieves was much too lenient. Nos. 4 to 12.

Read Petty Calendars of the Magistracy for the fourth quarter of 1858, submitted by the Sessions Judge of Combaconum.

(Here enter F. C. No. 241 of 1859)

As the Act with which the party in this case was charged amounted to theft, he should not have been punished by fine. Calendar No. 57. Sub

Read

Read letter dated 15th February 1859 from the Sessions Judge of Nundial, submitting for the final Judgment of the Foujdaree Adalut, the record of Case No. 54 of 1858 on the Calendar of the Sessions Court.

(Here enter F. C. No. 304 of 1859)

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

Mr. H. D. Phillips

1st Shayshigadoo,

Murder and Robbery

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

The 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,

2nd Ramigadoo,

is

is not convicted on presumptive proof or on the evidence of credible witnesses, or on his own confession, of the crime charged, do acquit him thereof; but considering that strong suspicion, though not amounting to conviction, attaches to him, they direct that he be required, under Clause Sixth, Section xxii, Regulation XV of 1803, to find 2 Sureties in (100) Rupees each surety for his good behaviour and appearance when required within three years, or in default thereof that he be detained for 3 years in Confinement. — do —

Exd. E. T. C. E. Chamier

J. No.

Thursday, 24th February 1859. } At a Court of the Soojdaree Adalut.

Present.

G. S. Cooper, Esqre. }
T. L. Strange, Esqre. } Puisne Judges.
H. D. Phillips, Esqre. }

Read Calendar of Case

No 1 of 1859 of the Sessions Court of Bellary.

(Here enter J. No. 306 of 1859.)

The Court of Soojdaree Adalut are of opinion that a sentence of eighteen months' imprisonment with hard labor in irons will be adequate punishment for the offence of which the Prisoners in this case have been convicted, and they resolve to call upon the Sessions Judge to reduce their sentence accordingly

2 If unable to concur with the Court in the propriety of the mitigated sentence now proposed, the Sessions Judge will be pleased to submit an English translation.

translation of the entire Record of the case for their consideration.

Read Criminal Reports for the month of January 1859, submitted by the Session Judge of Calicut.

(Here enter T. No. 302 of 1859.)

The Court would point out that the Circular Order quoted by the Magistrate does not apply to the cases of parties in custody on charges of offences cognizable under Regulation X of 1816. — Magistrate's Calendar No. 3, "escape".

Read letter dated 25th Ultimo from the Session Judge of Masulipatam, submitting for the final Judgment of the Foujdaree Udalut the record of Cases Nos. 60 and 83 of 1858 of the Calendar of the Session Court.

(Here enter T. No. Nos. 208 of 1859.)

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 Boyena Kanakaya,

and

2nd Vamsaey Seobbaraydoo,

Mesrs. J. Lowis & H. D. Sturt

Case No. 84 Murder

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

The 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,

Case No. 83. Murder

Bojanaboyana Boganyah,

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

1 No sufficient necessity is apparent for the submission to this Court, of a transcript of the correspondence which has passed between the Session Judge and the Magistracy of Masulipatam, relative to the measures urged by the one authority and taken by the other, for the procural of such further testimony as might have been required to secure the ends of justice.

2 In their perusal of it, the Court have not, however, failed to observe that the Acting Joint Magistrate, in responding to the call

call made on him, has placed under restraint in the zillah Jail, two individuals whom he considers punishable under the provisions of Regulation I of 1824. They have refused, it seems, to give any evidence before the Magistracy in the matter of the trial under notice and regarding which, in the opinion of the Acting Joint Magistrate, they possess full knowledge.

3 This opinion is based on the evidence of other witnesses and on the circumstances of the case; but the Court of Foujdaree Adalut are unable to recognize the sufficiency of such grounds for bringing into operation the law under which the Acting Joint Magistrate has acted.

4 They therefore direct that, if paid, the fines imposed be refunded to the female Subsuneedary and the peon Khistnumah and that they be released from confinement if still under restraint.

E.D.
E.T.

C. Chamier

Friday.
25th February 1859.

F.D.

At a Court of the Foujdaree Adalut.

Present

G. S. Hooper, Esquire.
J. C. Strange, Esquire. } Puisne Judges.
H. D. Phillips, Esquire.

Read Miscellaneous Petition received on the 27th ultimo, through the Sessions Judge of Nundial, from Abdool Cawder of that zillah.

(Here enter F.M.P. No. 19 of 1859.)

Present Mr. Hooper and Strange.

1 This is an application for the release of the Prisoner in case No. 52 of 1858 on the file of the Sessions Court of Nundial.

2 The Court of Foujdaree Adalut see no ground to question the propriety of the prisoner's conviction, or the justice of the sentence passed upon him, and they accordingly resolved to reject the Petition.

Read Criminal Reports for the month of January 1859, submitted by the Sessions Judge of Chittoor.

(Here enter F.M. No. 289 of 1859.)

The Court have to remark that

that greater exertions should have been made to dispose of the cases on the criminal file of the subordinate Court. They observe that only seven cases were disposed of by the Subordinate Judge which they consider unsatisfactory looking to the state of his criminal file, and they trust that the arrears which he has allowed to accumulate will be disposed of during the current month.

Read Miscellaneous Petition received on the 17th ultimo, through the Sessions Judge of Masulipatam, from Sreeman Selamby Runga charryalu of that zillah.

(Here enter F. In. P. No. 15 of 1859.)

1. The object of this petition is to induce the Court of Foujdaree Adalut for reasons stated, to instruct the Sessions Judge, in reversal of his proceedings dated the 12th July, 16th August, and 28th October 1858, to take measures for the enforcement of his order dated the 2d April 1853, by causing restoration to the petitioner of certain enam lands which were unjustly made over by the Magistracy to one Vencata Ragava Charlu.

Insts Hooper and Strange.

The

2. The Court of Foujdaree Adalut see no ground for their interference in the matter, and accordingly dismiss the petition.

Read Miscellaneous Petition received on the 27th ultimo, through the Sessions Judge of Combaconum from Krishnasawmy Iyyengar of that zillah.

(Here enter F. In. P. No. 17 of 1859.)

Insts Hooper and Strange.

1. This is an appeal from the Sentence of the Sessions Judge in Case No. 2 of 1858, wherein the Petitioner is prisoner.

2 The Court of Foujdaree Adalut see no ground to question the propriety of the sentence passed upon the prisoner, and accordingly dismiss the petition.

Entd.
S. T.

C. Chamier

J. 86.

Saturday 26th February 1859.

At a Court of the Fouzdaree Adalut

Present.

G. S. Cooper, Esquire. — Puisne Judges
J. L. Strange, Esquire. —
H. D. Phillips, Esquire. —

Read Criminal Reports for the month of January 1859, submitted by the Sessions Judge of Chingleput.

(Here enter J. 86. No. 333 of 1859.)

No. 89. "Theft."

The punishment in this case appears unnecessarily severe with reference to the value of the property and the circumstances under which it was stolen, and the Sessions Judge is requested to review the record and pass such orders thereon as he may deem fit.-

Circulars

1. The Court of Fouzdaree Adalut, finding that the Criminal Returns now submitted by the Lower Courts

Courts and Magistracy contain much matter which need not come before them as a revising authority, and which must occupy much unnecessary time and labor in preparing. I resolve to substitute one general Form of Criminal Return, in lieu of the different ones now furnished by each functionary; and to exclude all such information as they do not require to have before them.-

2. The Form annexed to these proceedings, is to be used equally for the Calendars of the Session Courts, the A and B Reports of the Criminal Courts, and of the Magistracy exercising their extended powers, and also for the Petty Calendars of the Magistracy, but with the heading applicable to each functionary.-

3. In drawing up their sentences the Session Judges will be pleased to preface them with the finding

26th February 1859.

finding of the Assessors, or the verdict of the jury or assessors, as the case may be; forwarding a translation of the whole of the finding or verdict as an enclosure to the Calendars. The sentence should mention the pleas of the prisoners, whether "Guilty" or "Not Guilty". After this should follow a brief summary of the evidence for the prosecution; and, if it bears on differently on the several prisoners, the facts proved against each should be clearly stated. The defence of the prisoners should then be given, and the evidence of their witnesses, if any, should have been called and examined. In recording his judgment the Session Judge should be careful, where there are more counts than one, to specify distinctly on which of them he convicts or acquits all or any of the prisoners.-

The

4. The grounds of commitment being omitted in the new forms of Calendar the Subordinate Judge, or Principal Sudder Ameen, as the case may be, will hereafter send with every case committed for trial before the Session Court a Statement in the annexed form, which after use, is to be recorded in the Session Court, and not to be forwarded to the Foujdaree Adalut.

5. The sentences in the Criminal Reports A, to be submitted to the Session Judges by the Subordinate Judges, Principal Sudder Ameens, or the Magistracy exercising their extended powers, or to the Foujdaree Adalut by Session Judges in Zillahs where there are no Subordinate Criminal Courts, are to be prepared in the manner pointed in the third para of these proceedings for the drawing up of sentences in the Calendars of the Session Courts.

And

6. In the monthly Criminal Reports B, it will only be necessary to enter the charges in those cases where the prisoners have been ——, sentenced to punishment, or held to security. In cases under examination, or committed, or those in which the prisoners have been tried and acquitted, or in which they have been discharged on account of the insufficiency of the evidence to warrant their being committed for trial before the Session Court, it will suffice to enter merely the designation of the offence, and date of the complaint, as shown in the subjoined Form.

7. The statement of Batta paid to indigent prosecutors and witnesses need not hereafter be appended to the B Reports, nor be otherwise submitted to the Foujdaree Adalut; and it will be unnecessary to enter at the foot of those reports any

any abstract of cases disposed of.

8. All the cases tried by the Magistracy are to be entered in a single statement, in the preparation of which they will be guided by the same directions as are given in para 6 of these proceedings respecting the Monthly Criminal Reports (B). No cases are to be entered in the Quarterly Petty Calendars except those in which the Magistracy were competent to pass sentence, and those which have undergone their personal investigation, these returns not being intended to include complaints of heinous offences, nor the trivial cases disposed of on the report of Heads of Police, and other Police Officers.-

Read letter dated 18th February 1859 from the Sessions Judge of Mangalore, submitting for the final judgment of the Foujdaree Adalut, the record of Case No. 4 of 1859, and the Calendar

Calendar of the Session Court.-

/Here enter F. Ac. No. 321 of 1859./

Mr 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,

Dhera Panji,

is sufficient to convict him of the

Murder- offence 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.- s

Sd. C. S. Chaunier

E.T.

J. No.

Monday
28th February 1859.

At a Court of the Tonjdaree Adalut

Present.

G. S. Hooper Esquire,
T. L. Strange Esquire,
H. D. Phillips Esquire,
} Puisne Judges.

Read letter from the Ses-
sion Judge of Madura, dated 12th Feb-
ruary 1859.

(Here enter J. No. No. 268)

1. With reference to some late proceedings of his Court the Ses-sion Judge requests to be informed if the Court approve of a ruling of the late Session Judge of Madura, that in cases of theft and robbery where the parties are immediately apprehend-ed in possession of the stolen property, it is unnecessary to charge them in a second count with the unlawful possession.

2. The Court have to observe that it is the practice in all other Courts

to

25th February 1859.

to enter the 2d Court in such cases, and they are of opinion that the practice is convenient and advantageous, and as should be conformed to in the Courts of Madura.

The following Foujdaree Miscellaneous Petition was rejected, Viz:s

No. 13 of 1859.

E & Ald.

S. Chamier

F. C.

Tuesday, 1st March 1859.

At a Court of the Foujdaree Udalut

Present

G. S. Hooper ... Esquire
T. L. Strange ... Esquire } Puisne Judges.
H. D. Phillips ... Esquire

Read Calendar of Case No. 12 of 1859. of the Session Court of Calicut.—

(Here enter F. C. No. 350 of 1859.)

1. The Court of Foujdaree Udalut are of opinion that a Sentence of 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 Session Judge to reduce his Sentence accordingly.—

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

Read letter dated 18th ultimo, from the Session Judge of Nellore, submitting for

1st March 1859.

for the final judgement of the Foujdaree Udalut the record of trial in Case No. 8 of 1859 on the Calendar of the Session Court.

[Here enter F. U. No. 298 of 1859.]

The Court of Foujdaree Udalut, Mess^rs Hooper and Phillips. on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner,

Minuga Narain,

is sufficient to convict him of the offence charged, 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.—S

Ex^d Exec.

C. S. Chamier

F. U.

Thursday, 3rd March 1859. At a Court of the Foujdaree Udalut

Present.

H. S. Hooper Esquire.
J. L. Strange Esquire. } Puisne Judges.
H. D. Phillips Esquire.

Read letter dated the 22d ultimo, from the Session Judge of Chicacole, reporting that one Robert Monk has been committed for trial before him, on a charge of culpable homicide, but that as the prisoner has pleaded that he is the legitimate descendant of a European British Subject by an East Indian mother, he entertains a doubt whether the prisoner is amenable to the Mofussil Courts; and therefore requesting the opinion of the Foujdaree Udalut on the subject.

[Here enter F. U. No. 364 of 1859.]

1. The Court observe that the opinion of the Advocate General of Calcutta, recently circulated to the lower Courts, embraces the present case; and according to that opinion the prisoner is not amenable to the mofussil courts.—

2. The Court further remark that the

the case, as described by the Session Judge, would appear to be one of accidental homicide, and therefore not properly the subject of a criminal prosecution.

Read Petty Calendars of the Magistracy for the fourth quarter of 1858, Submitted by the Session Judge of Chicacole.-

(Here enter F. Dr. No. 372 of 1859.)

1. From the date on which the offence is said to have been committed, being the same as that on which the charge was preferred, the Court see reason to doubt whether the provisions of Section LXIV of the Post Office Act were complied with, without which the Assistant Magistrate was not competent to take proceedings against the defendant.- The Court are unable to understand the meaning of the latter part of the sentence ordering the defendant under Section XXXVIII to pay the express fees amounting to Rupees 9. 8 —. The Session Judge is requested to revise the record with reference to these remarks. Calendar I No. "Breach of Post Office Act"

2. The acts, with which the defendant is charged in these cases, do not appear to be of a criminal nature. The Session Judge is requested to review the record. No. 32. "Calumny" No. 33 "Misdemeanor"

3. With reference to the Magistrate's proceedings Calendar II. No. "Breach of Peace"

proceedings in this case, the Court have to observe that the No. appears to have been properly entered in the Petty Calendars, as from the serious nature of the charge the Assistant Magistrate could not have disposed of the case under Section VII, Regulation X of 1816, but must have committed it to the Criminal Court had the evidence appeared to him sufficient for conviction.

Read again Petty Calendars of the Magistracy, for the 4th quarter 1858, Submitted by the Officiating Session Judge of Madura.

(Here enter F. Dr. No. 206 of 1859.)

Read also letter dated the 22d ultimo from the Officiating Session Judge of Madura, submitting copy of an Extract proceedings Session Court having reference to an Extract Proceedings of the Tondaree Adalut, dated 17th February 1859, on the Petty Calendars of the Magistrate for the 4th quarter of 1858.-

(Here enter F. Dr. No. 339 of 1859.)

Before passing final orders in this case, the Court of Tondaree Adalut desire to be furnished with a copy of the Proceedings of the Session Court dated 21st October 1857.-

Precept in III days.-

Read.

Read again Calendar of Case No. 7 of 1859, on the file of the Session Court of Nellore.

/Here enter F. H. No. 202 of 1859./

Read also return dated 19th February 1859, from the Session Judge of Nellore, to the precept of the Foujdaree Adalut under date the 16th idem, calling for the Original record in Calendar Case No. 7 of 1859.—

/Here enter F. H. No. 311 of 1859./

1. The Court of Foujdaree Adalut have considered the vernacular record forwarded by the Session Judge, and there appears to them to be no reason why the Conviction of the 1st Prisoner should not be upheld.—

2. They observe that the doubts which led to the requisition for the original proceedings now before them would not have arisen had more care and attention been paid to the preparation and transcription of the remarks entered in Column 8 of the Calendar.—

3. As these stand recorded, the 1st witness, a female, is stated to have proceeded for a natural purpose to the spot where she was robbed, accompanied by the 2d witness, who is a man named Venkataramoodoo and the 3d witness, a woman, her relative. She is also shown to have declared that certain Rupees found in the house of the 1st Prisoner were her own although the charge made no mention of more than Gold ornaments worth 24 having been taken from her person. The first circumstance was an unlikely one; but if true, it seemed to cast suspicion on the truth of the alleged robbery;—the other circumstance, too, was a suspicious one, if only jewels, according to the 1st witness' original Complaint, had been robbed.—

4. The Session Judge, the Court now find, must have intended to write 3d and 4th witnesses when he wrote 2d and 3d as the parties who went with the 1st witness to the privy ground, and they further find that the latter did declare she had been robbed of ready money.

5. It is however difficult to trace the meaning of the Session Judge in the part which runs thus—"The Police improperly Subsequently, viz., on the 16th, the crime having taken place on the 11th January 1859, received evidence

evidence of the 6th 7th and 8th contrary to their Statement to prove the Prisoners were all at Ababapett the day of the robbery". It is equally difficult to trace that of this phrase. "There own "Separate evidence given before the Court, the "3 witnesses for each prisoner entirely failed to "prove they were absent as asserted."

6. The Court of Foujdaree Udalut re-quest the Session Judge will see that his own drafts are carefully transcribed for the future.-

Read letter dated the 15th ultimo, from the Session Judge of Nundial, questioning the propriety of a sentence passed by the late Agent, Captain Russell, in a case of Arson.-

/Here enter F. C. No 303 of 1859./

1. The Court of Foujdaree Udalut having perused the record forwarded with the above letter, concur with the Session Judge in thinking that the evidence upon which the Prisoner in the case in question has been convicted of the crime of "Arson" by the late Officiating Agent, Captain Russell, and sentenced to 3 years' imprisonment with hard labor in irons is not trustworthy; and that had a correct Summary of the evidence been

been reported by the Agent, the said conviction and sentence would not have been confirmed by the Foujdaree Udalut.-

2. The Court resolve therefore to set aside the Sentence passed against the said Prisoner "Sungunnadoo," and direct his immediate release.

Read again Miscellaneous Petition presented on the 11th December 1858, by S. G. Brannon Esqre, Pleader on behalf of Ragava Moodely and others, of zillah Chittoor.-

/Here enter F. M. P. No 205 of 1858./

Read also return dated 31st January 1859, from the Session Judge of Chittoor, to the precept of the Foujdaree Udalut under date the 20th idem, calling upon him to state the facts proved, which sufficed, in his opinion, to establish the guilt of the several prisoners in case No 3 of 1858, on the file of the Magistrate of North Arcot.-

/Here enter F. C. No 191 of 1859./

Messrs Strange and Phillips 1. The Foujdaree Udalut do not consider that the circumstances of the case warrant the conviction of the prisoners. The Magistrate's

Magistrates judgment is based upon assumptions, and not upon the evidence; and it is impossible to conclude therefrom that the prisoners may not be entirely innocent of the offence laid to their charge. There is no proof, for example, that the 1st and 2d prisoners put the letters into the letter bag, or authorized another to put them in, or that the 3d and 4th prisoners were parties to these letters going by the post, or guilty of more, possibly, than negligence in allowing of their being so conveyed undiscovered by them. It does not even appear at what office the letters in question were inserted in the bag. It seems to the Court on the other hand that had the 1st and 2d prisoners dispatched the letters in fraud of the post office revenue, they would have taken care that some one in their interests should have been ready to receive them at the place of their destination, so as to prevent the fraud being exposed.—

2. The Court therefore hold that the guilt of the prisoners has not been established, and resolve to direct that they be discharged.

Precept returnable in 11 days.

3d. March 1859.

Read letter dated 16th ultimo, from the Session Judge of Calicut, submitting for the final judgment of the Foujdaree Udalut the record of trial in Case No. 7 of 1859 on the Calendar of the Session Court.—

(Here enter F. Dc. No. 320 of 1859.)

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,—

1. Mariparambil Krutinan Nair
2. Koonatha Eracha Nair,

is sufficient to convict them of the offence 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. Dal.

C. S. Chamier

F.M.C.

Friday 4th. March 1859. At a Court of the Foujdaree Adalut.

Present.

G. L. Hooper Esquire,
J. Le. Strange Esquire,
H. D. Phillips Esquire,
} Puisne Judges.

Read return to the precept of the Foujdaree Adalut of 9th. February, from the Session Judge of Mundial, &c. dated 17th. February.

(Here enter F.M.C. No. 309 of 1859.)

No. 50

The Court remark that the observations of the Session Judge on the frequency of the crime of Housebreaking and theft are of universal application, and they consider it desirable that there should be, as far as possible, conformity on the part of the Courts, in dealing with crime. They are of opinion that 9 months' imprisonment with hard labor in irons &c. would be a sufficient sentence in Case No. 50, and they accordingly direct the Session Judge to reduce the sentence to that amount.

The

No 4

2. The explanation which the Session Judge gives in respect to No 4 on the Magistrate's file is sufficient.

3. The Court do not require the instructions referred to in the last para of the Judge's return to have a retrospective effect.

Read letter from the Session Judge of Calicut, dated 21st February 1859 submitting with reference to correspondence with Subordinate Judge, the question as to whether cases of rescue of cattle seized under the cattle trespass Act should be disposed of by the Criminal Judge or whether they should be committed for trial to the Session Court.

/Here enter Jt. Rc. No 348 of 1859./

The Court see no ground to alter their recent ruling on this point. By the enactment in question it is provided that all cases of this description should be sent up to the Criminal Court, and there is no provision made that they shall of necessity go further. In passing sentence, the Criminal Court should quote the Section in the Act and not Section VII Regulation X of

4th March 1859.

of 1816, the powers in which do not suffice to meet the requisitions of the Act in question.

C. Chamier

Ex. Mc.

F. C.

Saturday. 5th March 1859. At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper, Esquire.
T. L. Strange, Esquire. } Puisne Judges.
H. D. Phillips, Esquire.

Read Calendar of case No. 15 of 1859 on the file of the Session Court of Calicut.

(Herewith F. C. No. 377 of 1859.)

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.

Anda. Three years.

Read Miscellaneous Petition presented on the 3d Instant, by J. W. Branson Esquire, Pleader on behalf of Sewana Permal Pillay and others, of Zillah Tinnevelly.

(Herewith F. M. P. No. 21 of 1859.)

Ste.

5 March 1859
Mess^rs Hooper
and Phillips

1. The Petitioners pray that the preliminary investigation of charges against them arising out of the occurrences referred to in the Petition may be withdrawn from the jurisdiction of M^r Loring the Magistrate of Tinnevelly, that processes against them may be suspended pending proceedings intended to be taken before Her Majesty's Supreme Court, and that they may not be tried by M^r Story the present Sessions Judge on any charges arising out of the said occurrences.

2. The Court of Foujdaree Udalut see no grounds for their interference in the matter, and accordingly resolve to reject this Petition.

Read Calendar of case N^o 6 of 1859 from the Session Judge of Tinnevelly.

/ Here enter F. C. N^o 378 of 1859. /

1. The Court of Foujdaree Udalut do not consider the evidence of the 3, 4 & 5^th witnesses deserving attention. It is scarcely to

5 March 1859

to be credited that the 6 prisoner would talk these persons that One of them the 7^th had been concerned in the murder when the allegation was known to those addressed as a palpably unfounded one, and the females said by the 3 witness to have been present at the time deny the fact.

2. They see there no grounds for placing the 6 prisoner under requisition of security, and direct that he be released immediately.

Precept returnable in 11 days.

Read Petty Calendars of the Magistracy for the fourth quarter of 1858, submitted by the Session Judge of Coimbatore.

/ Here enter F. C. N^o 379 of 1859. /

Calendar N^o 129.
"Breach of the Peace"

Sentence in this case should have been passed under Clause 1, Section V, Regulation VI of 1827, which provides that when there

5th March 1859.

there is no actual breach of the peace, the amount of security required shall not exceed 200 rupees, the sentence must therefore be amended accordingly. The recommendation of the Magistrate, that at the end of the period of time named in his sentence security for a further period should be required, cannot be enforced unless on a fresh application from the Complainants.

C. Chamier

£4-7-
£2-7-

No 5. Crimping.

F. U.

Monday. 7th March 1859.

At a Court of the Foujdaree Adalut.

Present.

G. S. Hosper, Esquire.
J. L. Strange, Esquire. } Puisne Judges.
H. D. Phillips, Esquire.

Read Criminal Reports for the month of January 1859 of the Magistracy, submitted by the Sessions Judge of Cuddalore.

Here enter F. U. No 323 of 1859.

The prisoner in this case was charged with administering noxious drugs to the 4th Witness, of the effect of this was intoxication or stupification by which he was enabled to cause the removal of the widows to the French territories. he was liable under Section V of the act quoted to be imprisoned for a period of three years, and should have been committed for trial to the Sessions Court. The Sessions Judge is requested to review the record.

Read Calendar of case No I

of

7th March 1859.

Mess^rs Hooper & Phillips.

1. This is an appeal on behalf of the prisoner in case No 55 of 1858 on the file of the Session Court of Nellore.

Seeing reason to doubt the propriety

2. of the sentence passed by the Session Judge in the case to which this address has reference, the Court of Foujdaree Udalut resolve to require the Session Judge to submit an English translation of the record of the proceedings held in it.

Precept returnable in x days.

Read Calendar of case No 6 of 1858 on the file of the Session Court of Combaconum.

(Here enter F. Ms. No 385 of 1859.)

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.

Hareemootoo. — Three years.

E.T.

7th March 1859.

of 1859 on the file of the Session Court of Coimbatore.

(Here enter F. Ms. No 400 of 1859.)

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.

x Shaik Dawood. — Four years.

Read Calendar of case No 5 of 1859 on the file of the Session Court of Chingleput.

(Here enter F. Ms. No 384 of 1859.)

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.

x Sidambara Chetty. — Four years.

E.T.

Read Miscellaneous Petition presented on the 20th January 1859 by Andummalo, of Zillah Nellore

(Here enter F. Ms. P. No 16 of 1859.)

This

F. 40.

Tuesday 8 March 1859

At a Court of the Foujdaree Adalut.

Present

G.S. Hooper Esquire
J. So. Strange Esquire
H.D. Phillips Esquire
} Puisne Judges

Read Criminal Reports for the months of January 1859 submitted by the Sessions Judge of Combaconum.

/ Hereunto No. 387. /

Read. Assistant Magistrate's report No. 1 Misdemeanours

As the Court entertain doubts as to the legality of the sentence in this case, the Session Judge is requested to submit the A report, together with any proceedings he may have held thereon.

Ent. R.D.

C.S. Chamier

F. C.

Wednesday 9th March 1859.

At a Court of the Foujdaree Adalut.

Present

G. S. Hooper Esquire. }
T. L. Strange Esquire. } Puisne Judges.
H. D. Phillips Esquire. }

Read Petty Calendars of the Magistracy for the 4th quarter of 1858, submitted by the Session Judge of Tinnevelly.—

(Here enter F. C. No 292 of 1859.)

Calendar I, No 32.

The Magistrate can take no cognizance of cases of resistance to process of attachment on account of revenue due to a Zemindar. Unless then the parties in this case were fined for breach of peace the sentence must be remitted.—

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

(Here enter F. C. No 300 of 1859.)

No 15 attempt at fraud

The Session Judge is requested to review the record in this case and ascertain whether there is sufficient evidence of the fraudulent intention

intention to justify the Sentence on account of the false or incorrect entries in the accounts.-

Read letter dated 3d instant, from the Acting Session Judge of Vizagapatam, submitting for the final judgment of the Foujdaree Adalut the record of trial in Case No. 16 of 1859 on the Calendar of the Session Court.-

(Here enter F. D. No. 422 of 1859.)

Mr. Phillips.

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 Mungala Venkoo alias Somadoo.

2d Bogam Dauvogaudoo,

is sufficient to convict them of the offence 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.-

"Returning from Transportation."

Read letter dated 4th instant,

from

from the Session Judge of Combaconum, Submitting for the final judgment of the Foujdaree Adalut the record of trial in Case No. 16 of 1859 on the Calendar of the Session Court.-

(Here enter F. D. No. 419 of 1859.)

Mr. T. L. Strange.

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

Iyalummay,

is sufficient to convict her of the offence charged, do convict her thereof; and Sentence her to be transported to such place or places beyond Sea, as the Governor in Council shall appoint, there to be imprisoned, and kept to labor suitable to her Sex, for and during the period of her natural life.-

"Murder."

C. D. Chamier

Entd.
S. P.

No 1

Thursday. 19th March 1859

Mr a Court of the Joydaroo Adalut.

Present.

G. L. Hooper, Esquire.
J. G. Strange, Esquire. } Puisne Judges.
H. D. Phillips, Esquire.

Read Petty Calendars of the Magistracy for the 4th quarter of 1858, submitted by the Session Judge of Silhet.

(Here enter No 1,066 of 1859.)

Calendar I. No 102 "Cramping".

1. Sentence in this case should have been passed under Section IV Act XXIV of 1857, as Section II Regulation XIV of 1839 does not provide for the specific offence set forth in the charge. The sentence will be amended with reference to this remark. The Court have further to observe that cases of "cramping" should not be entered in the Petty Calendars but in the monthly Criminal Reports, and the Reports forwarded as in other cases in those reports to the Session Judge.

Calendar III. No 104. "Dangerous character".

2. The charge in this case should have been more clear and specific. The Court do not understand on what grounds security was required or under what regulation. The Session Judge is requested to review the proceedings.

Read Miscellaneous Petition presented on the 14th February 1859 by J. B. Norton Esqr. Pleader

1st March 1859.

Pleader on behalf of Rama Pitchama Nauchear, the mother of minor Zemindar of Shivagungah, Zillah Madura.

/ Here enter S. M. P. No. 24 of 1859. /

1 Petitioner appeal from the order of the Acting Session Judge under date the 10th January last confirmatory of the decision of the Acting Magistrate dated the 25 October last whereby that officer dismissed the charge of forgery preferred by the Petitioner against Mahama Nauchear and Manikavasa Mudi Pillay.

Mr. Hooper and Phillips.

2 The Court of Foujdaree Adalut observe that in the proceedings of the Session Court dated the 10 January 1859 there is a recital of the several grounds on which the Acting Magistrate had resolved to abstain from a commitment of the charge of Forgery.

3 In addition to this recital is the recorded opinion of the Acting Session Judge that until the authority of the Court of Wards has been procured for the bringing of the prosecution, which the Acting Magistrate had dismissed, he is debarred from acknowledging the prosecutrix's right to prosecute.

4. The Court of Foujdary Adalut are unable to recognize the propriety of the view thus entertained by the Acting Session Judge, and resolve to direct that the appeal made to this Court by Pitchama Nauchear, be entered into and disposed of in the usual course on its merits.

1st March 1859.

Read again Miscellaneous Petition presented on the 3rd January last by Mr. H. B. Saunders, Pleader on behalf of Mootoomullee Chetty, 1st Prisoner in case No. 27 of 1858, on the Calendar of the Session Court of Coimbatore.

/ Here enter S. M. P. No. 2 of 1859. /

Read a Return dated 18th Ultimo from the Session Judge of Coimbatore to the precept of the Foujdaree Adalut under date the 27th January 1859, directing the submission of an English Translation of so much of the record of the Police and Lower Court proceedings as affect Mootoomullee Chetty, the 1st Prisoner in Calendar case No. 27 of 1858, on the file of the Session Court of Coimbatore.

/ Here enter S. M. No. 328 of 1859. /

Mr. Hooper and Phillips.

1. The conviction of the 1st Prisoner in the above trial is based on an alleged recognition of him at the time of the robbery by the Prosecutor and certain of the witnesses who supported the prosecution.

1. The Court of Foujdaree Adalut observe that the residence of the Prisoner is only eight miles distant from

from the 1st Prosecutor's house, and that he is styled by the latter person as being "an old acquaintance". Nevertheless, the Prisoner is declared to have presented himself at the house of the Prosecutor with others, to have threatened to take his life without any disguise whatever, and in the middle of a glare from each light which enabled Prosecutor and others at once to identify him.

3. On a comparison of the testimony given in the Session Court with that recorded before the Police, the Court observe inconsistencies, discrepancies, and statements passing belief which cast so much doubt on the claims to credibility of the deponents that it is difficult to regard the evidence brought forward by the Prosecutor as other than concocted for the occasion and got up for the ruin of the 1st Prisoner under motives which do not appear.

4. With this impression on the mind of the Court, they resolve to give to the 1st Prisoner, Portonnilly Chitty, the benefit of the doubts that have arisen in a careful consideration of the papers sent up by the Session Judge, and to direct that the said Prisoner be released from confinement and set at liberty.

Precept returnable in 11 days.

C. S. Channie

Ex^d
E. F.

J. 16.

Friday,
11 March 1859.

At a Court of the Inquisitorial Tribunal.

Present.

G. L. Casper, Esquire.
L. L. Strange, Esquire.
H. D. Phillips, Esquire.
} Puisne Judges.

No. 16. P.S.a. Theft.

Read Criminal Reports for the month of January 1859, submitted by Session Judge of Coimbatore.

/ Hereunto J. 16 No 414 of 1859. /

With reference to the proceedings of the Session Judge in this case, the Court have to remark, Clause 4th, Section III, Regulation VI, of 1822, authorizes the imposition of a sentence of two years' imprisonment in the case of theft where a previous conviction for the same offence, Burglary, robbery, or other heinous crimes are established against the prisoner. The Court however do not consider it necessary to alter the sentence as amended by the Session Judge.

Read

11. March 1859

Read Letter dated the 26th February 1859 from the Acting Sessions Judge of Bellary submitting for the final judgment of the Foujdaree Adalut the record of trial in case No 100 of 1858 on the Calendar of the Sessions Court.

/ Herewith F. Dy. No 383 of 1859. /

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,

Nonatee Gavirgah, — Murder

is sufficient to convict him of the offence charged, 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.

E.P.
E.F.

C.S. Chamier

F. Dy.

Saturday 12th March 1859.

At a Court of the Foujdaree Adalut

Present

G. S. Hooper Esquire,
J. L. Strange Esquire,
H. D. Phillips Esquire,
} Puisne Judges.

Read Calendar of Case No 6 of 1859 on the file of the Sessions Court of Cuddalore.

/ Here enter F. Dy. No 438 of 1859 /

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.

× Para Maunt seven years.

Read Petty Calendars of the Magistracy for the fourth Quarter of 1858 submitted by the Sessions Judge of Bellary.

/ Here enter F. Dy. No 370 of 1859 /

The

1. The Magistrate was not competent to declare the money and other property to be forfeited to Government, and the Court directs that they be returned to the parties. Calendar I. No 33 "Gambling"

2. The Court have to draw the attention of the Magistrate to Section LXIV of the Post office act, which provides that no proceedings shall be taken for the recovery of fines leviable from parties committing offences of this description except at the instance of Government or the Post Masters General. No 42. Offence under Post office act.

3. The offence with which the defendant was charged was of a serious description, and would appear to have deserved a more severe sentence. No 43. Misdemeanor

Read letter dated 22nd Ultimo, from the Registar of the Nizamut Adalut Calcutta, forwarding certain ~~—"—~~ correspondence, and requesting this Court to issue ~~—"—~~ instructions

12th March 1859.

instructions to the Magistrate of Ganjam to levy the fine of 21 Rupees imposed ~ under Act XVI of 1850, from the Defendant Rama Kishen Dosa, and remit the same to the Magistrate of Poorie.-

[Here enter F. C. No 437 of 1859.]

The Court of Foujdaree Adalut resolve to forward to the Magistrate of Ganjam copies of the above letter, and that of the Magistrate of Poorie dated the 18th December last, with instructions to levy and remit the said fine as therein requested.-

Precept returnable within XV days from and after its receipt.- s

E
R.D.

C. F. Chamier

F. 66.

Monday
11th March 1859

At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esquire,
J. L. Strange Esquire,
H. D. Phillips Esquire
} Puisne Judges.

Read Miscellaneous Petition presented on the 30th October last, by A. W. Brandon Esquire, Pleader on behalf of Arunachella Pillay and another the 1st and 2d prisoners in Case No. 72 of 1858 on the file of the Sessions Court of Madura, praying to be heard in the above case which was referred for the final decision of the Foujdaree Udalut.

/Case under F. M. R. No. 185 of 1858./

Messrs. Hooper and Strange.

The Court of Foujdaree Udalut having in their proceedings dated the 1st November last, acquitted and directed the release of the above prisoners as well as the prisoner in Case No. 80 of 1858 on the file of the above Sessions

Sessions Court, do not consider any further order called for upon this petition.

Read again Miscellaneous Petition presented on the 11th January 1859, by Arthur Mc. Ritchie Esquire, Pleader on behalf of Vasudawarao, of Zillah Bellary.

/Here enter F. Mc. P. No. 5 of 1859./

Read also returns and supplemental return dated the 2d and 11th Ultimo, from the Sessions Judge to the precept of the Foujdaree Adalut under date the 14th January last, calling for a translation of the record of a case of Torture in which the Petitioner was sentenced by the Acting Additional Joint Magistrate of Bellary to 3 months imprisonment.

/Here enter F. Mc. P. Nos. 218 and 260 of 1859./

1. The Foujdaree Adalut are of opinion that the evidence upon which the prisoners have been convicted, is very meagre and unsatisfactory. It may be gathered that the prosecutor's person has at no time exhibited marks of the violence complained of by him, and his allegations of the violence are unsupported by any witness; but the 3 whose statements the Court distrust, as they would seem to have been related under fear of fine, a procedure, which the Court must reprobate as most irregular and calculated to subvert justice.

Mess. Hoope and Strange.

2. The Court direct that the prisoners be at once discharged.

11th March 1859.

Read again Miscellaneous Petition presented on the 17th November 1858, by J. W. Branson Esquire, Pleader on behalf of Mookoopoory Cavaderaha rautlen and others, of Zillah Madura.

/Here enter F. Mc. P. No. 198 of 1858./

Read also return dated 16th February 1859, from the Officiating Sessions Judge of Madura, to the precept of the Foujdaree Adalut under date the 24th January 1859, calling for a translation

translation of the record in Calendar
No. 64 of 1858.

(Here enter F. Co. No. 288 of 1859.)

1. The Court of Faujdaree Adalut have attentively considered the records of the Police and Sessions Courts proceedings submitted with the above returns by the Officiating Sessions Judge, and are unable to concur with that officer in regarding as credible and trustworthy the testimony on which the conviction of the 1st, 2d, 3d, 4th and 7th Prisoners is based. They accordingly resolve to cancel the sentences under which these Prisoners are still in confinement and to direct that they be set at liberty.

Mesrs. Harper. Stamp. and Phillips.

2. The alleged kindling of the thatch on the tobacco shed, by the Prisoner and two others, is stated to have been witnessed by only one person, Cottay Marathun; but independently of his being a servant of the Prosecutor whose enmity with the 2d Prisoner is

acknowledged to be of some years standing, the Court observe that Marathun's narrations of the circumstances said to have accompanied the lighting are discrepant and in a high degree improbable.

3. Further, the statements of the two witnesses who assert they heard the 2d Prisoner blaming the 1st Prisoner and his two alleged associates in regard to the non-burning of the shed, are so extremely unlikely as, in the opinion of the Faujdaree Adalut, to be quite beyond belief. This Court forms the same view in respect of the circumstances which are said to have preceded and followed the arrangements the 2d Prisoner is alleged to have made for securing the escape from the Cholum garden, of the 1st Prisoner and his two companions.

4. Adverting to para: second of the Return under notice, the Faujdaree Adalut observe that on a necessity becoming apparent, it would rest with this

Court

Court to call in the aid of the Government
Pleader at the hearing of a trial against
the sentence in which said appeal may
have been presented by and authorized
Pleader of the Fauzdarry Adalut.-

5. This Courts perusal and
consideration of the translated proceedings
received from the Officiating Sessions Judge,
has been impeded by the omission on
the part of that officers ministerial
establishment, to observe the rules prescribed
by the orders marginally noted which
it is requested may carefully be adhered to
in future. The Court also notice omissions
at the close of some of the depositions
recorded in the Court of the Subordinate
Judge, which should hereafter be avoided.-

27th September 1824 Pl and b.
11th November 1847.-

Read Miscellaneous

Petition presented on the 17th Ultimo
by J. D. Mayne Esquire, Pleader on be-
half of Sagavararanna Venadasawarra
Gettuppa Naiker, Zemindar of Gettia-
poorum, of Zillah Tinnevelly.-

(Here enter T. M. P. No. 26 of 1859.)

Petitioner

Messrs Hoopes and Strange. Petitioner appeals from the order of the Sessions Judge under date the 18th November 1858, cancelling that of the Acting Head Assistant Magistrate in the matter of a certain ground belonging to the Petitioners Zemindary.-

2. The land appears to be the property of the petitioner, and, when lying waste, was taken possession of by Reverend Mr Kearns, under an assignment by one Vyaparaddy, a former occupant. The Court are of opinion that the circumstances do not shew the said Vyaparaddy to have been in possession at the time of the said assignment, but the contrary. Directly Mr Kearns began to deal with the land, petitioner resisted him as an intruder upon his property, and the Court are of opinion that the Acting Magistrate was justified in granting the redress he gave. The Court resolve therefore to set aside the order of the Sessions Judge, and to uphold that

14th March 1859.

that of the Acting Magistrate. S

C. S. Chamier

Eyd
" E. T.

F. Ct.

Tuesday
15th March 1859.

At a Court of the Foujdaree Udalut

Present.

G. S. Hooper Esqre.
T. L. Strange Esqre.
H. D. Phillips Esqre.
} Puisne Judges.

Read Calendars of cases Nos
5 and 6 of 1859 on the file of the Session
Court of Coimbatore.—

/Here enter F. Ct. No. 454 of 1859./

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 mitiga-
tion of the sentence passed upon them in
the said case.—

× Veo. Palamyandy
Do. Nully.
Eight years.

Read Petty Calendar of Case
No. 1 of 1859, Submitted by the Session Judge
of Coimbatore.—

/Here enter F. Ct. No. 446 of 1859./

The Court of Foujdaree
Udalut observe that this Report should
have been submitted in the form A; and
that

that the term Regina should always be used in public prosecutions, in lieu of "Government"

Read Calendar of Case No. 2 of 1859 on the file of the Session Court of Combatore.

/ Here enter F. H. No. 447 of 1859. /

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 passed upon them in the said case.-

× 1st Scobbon	
2d Auraw	
3d Boroonandan	
4th Para Cossyon	
5th Chinna Cossyon	
6th Chinna Cossyon	
7th Silly	
8th Vellon	
10th Kannon	
11th Sadyon	
12th Vellyannon	
13th Sunjon	
14th Carruppan	but of the 13th previous
15th Para Carruppan	
16th Moorooswamy	
17th Rungon	Ten years.

E. Reed.

C. F. Chamier

× Tomma Venkatasawmy gandoo. — Three years.

F. C.

Wednesday 16th March 1859.

At a Court of the Foujdaree Adalut.

Present

G. S. Hooper, Esqre.
T. L. Strange, Esqre.
H. B. Phillips, Esqre.
} Puisne Judges.

Read Calendars of cases Nos. 11, 12, 13 and 14 of 1859 on the file of the Session Court of Masulipatam.

/ Here enter F. H. No. 458 of 1859. /

As herein recommended, the

Case No. 11

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 letter dated 5th instant, from the Acting Session Judge of Bellary, submitting for the final judgement of the Foujdaree Adalut, the record of trial in Case No. 115 of 1858 on the Calendar of the Session Court.-

/ Here enter F. C. No. 456 of 1859. /

The

16th March 18

The Court of Foujdaree Udalut, Mess^rs T.L. Strang
on a deliberate consideration of all the and H.D. Phillip
circumstances of the case in evidence before
them, bring of opinion that the proof against
the prisoner,

Rungiah,

is sufficient to convict him of the offence
charged, do convict him thereof; and under Murder.
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.

Ordered.

C.S. Channie

F. No.

Thursday. At a Court of the Foujdaree Udalut.
17th March 1859.

Present.

G.L. Hooper, Esquire.
T.L. Strange, Esquire. } Puisne Judges.
H.D. Phillips, Esquire.

Read Miscellaneous —

Petition presented on the 18 December 1858, by
J.W. Branson Esquire, Pleader on behalf of
Tiroongadoo, Yillah Trichinopoly.

/ Hurcunter F. Mc. P. No 912 of 1859. /

Messrs Hooper and Strange. This is a petition for review of the order of this Court bearing date the 23 September rejecting Petitioner's appeal from the sentence passed by the Sessions Judge in case No 12 of 1858.

2. The Court do not observe from the sentence passed in this case, in what respect the act charged upon the prisoner involved fraud, acts of such character being alone punishable under the enactment pursuant to which sentence was passed.

passed, namely, Section L, Act XVII, of 1854.

3 The Court therefore direct the Acting Session Judge of Trichinopoly to submit an explanation on the above points, and further to suspend execution of the sentence in question, till final orders are passed on this petition.

Precept returnable in V days.

Read letter dated 11th March 1859 from the Session Judge of Nellore, submitting for the final judgment of the Foujdaree Udalut the record of case No 6 of 1859 on the file of the Session Court. /Vide entry F. Dr. No 457 of 1859./

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,

3 Maunneenda Muttiyalu,

is sufficient to convict him of the offence 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. Chamier

Mess^rs Strange & Phillips

Munda.

E.J.D. E.T.

17th March 1859.

Read letter dated 10th March 1859 from the Session Judge of Nellore, submitting for the final judgement of the Foujdaree Udalut the record of trial in case No 6 of 1859 on the file of the Session Court. /Vide entry F. Dr. No 457 of 1859./

The Court of Foujdaree Udalut

Mess^rs Strange and Phillips 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 Bhimavarapu Narsigadu

2d Boddu Pedda Pidduriddy

Murder. is sufficient to convict them of the offence charged, 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.

E.J.D. E.T.

J. U.

Friday 18th March 1859

At a Court of the Foujdaree Udalut.

Present

G. S. Hoopen Esquire
J. Lo. Strango Esquire
H. D. Phillips Esquire
} Puisne Judges

Read Letter dated the 17th Instant from the Magistrate of Nor th Arcot requesting the sanction of the Court of Foujdary Udalut for offering certain rewards for the discovery and apprehension of the leader and others of a gang who lately robbed the Vellore Railway station and carried off property of the Railway Company to the amount of Rupees 50,935 7-4.

/ Herewith J. U. No 185 of 1859 /

The Court of Foujdaree Udalut authorize the Magistrate to proclaim the offer of a reward of Rupees 500 for the apprehension of the leader, and Rupees 100 for each informer of finder of the gang by whom the robbery in question was

18th March 1859

was committed.

& 18d

C. J. Channie

F. M.

Saturday
19th March 1859.

At a Court of the Foujdaree Adalut.

Present.

The Honble W. A. Morrhead Esquire, Chief Judge.
G. I. Hooper, Esquire.
J. Sc. Strange, Esquire. } Puisne Judges.
H. D. Phillips, Esquire.

Read Miscellaneous Petition presented on the 25th February 1859, by J. W. Brauson Esquire and C. Sadagopa Chary Readers on behalf of Soobbumma, zillah Salem.

(Here enter F. M. R. No. 29 of 1859.)

Messrs. Hooper and Strange

1. Petitioner represents that pursuant to the order of this Court under date the 13th December last, upon his petition on No. 204 of 1858, he has obtained copies of the evidence for the prosecution in Case No. 44 of 1858 on the file of the Session Court of Salem, and submitting his observations upon the sentence passed against him, he requests that that sentence may be cancelled.

The

2. The Foujdaree Udalut are of opinion that the fact charged against the prisoner is not one to justify a criminal prosecution against him. They resolve therefore to direct that the prisoner be set at liberty.

Read Miscellaneous Petition presented on the 25th ultimo by J. D. Mayne Esquire, Pleader on behalf of Pillandon vittle Kanoo Kooriker, of Zillah Calicut.

[Here enter F. Mo. P. No. 30 of 1859.]

Read also Miscellaneous Petition presented on the 25th ultimo, by Sadagopa Chary, Pleader on behalf of Parakoolambil Malo alias Shanoo Mannadyi of Zillah Calicut.

[Here enter F. Mo. P. No. 31 of 1859.]

Petitioners appeal from the sentences passed upon them respectively in cases Nos. 1 and 2 of 1859 on the file of the Sessions Court of Calicut. Messrs. Mayne and Sharp

2. The Court of Foujdaree Udalut see no reason to question the conviction of the prisoners, but considering the

the sentences passed upon them unnecessarily severe, they resolve to reduce them to two years' imprisonment with hard labor in irons.

Read letter dated 28th February 1859, from the Sessions Judge of Malabar, submitting for the final judgment of the Foujdaree Udalut, the record of Case No. 5 of 1859 on the Calendar of the Sessions Court.

[Here enter F. Mo. No. 393 of 1859.]

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

Ammoo,

is sufficient to convict him of the offence charged, 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. Murder.

Read letter dated 11th March 1859, from

19th March 1859.

from the Session Judge of Calicut, submit-
ting for the final judgment of the Fouj-
daree Udalut, the record of Case No. 17
of 1859 on the calendar of the Session Court.

[Here enter F. Ua. No. 480 of 1859.]

The Court of Foujdaree Uda-
lut on a deliberate consideration of all
the circumstances of the case in evi-
dence before them, bring of opinion
that the proof against the prisoner,

Kambarathaparkum
Chatompally Chandoo,

is sufficient to convict him of the
offence charged, 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 executions.

Messrs. Hooper and Phillips.

Murder.

Sd/-
C. Chamier
C. F.

F. Ua.

Monday.
21st. March 1859.

At a Court of the Foujdaree Udalut.

Present.

G. A. Hooper, Esquire.
J. L. Strange, Esquire.
H. D. Phillips, Esquire.
} Puisne Judges.

Read Miscellaneous Petition
received on the 10th. January 1859, thro' the ses-
sion Judge of Cuddalore, from Madoo-
sooyen, of Zillah Ganjam.

[Here enter F. M. P. No. 10 of 1859.]

Petitioner is a prisoner
1.
Messrs. Strange and Phillips.
sentenced to imprisonment for life in
Case No. 47 of 1840, on the file of the Zillah
Court of Ganjam, and he prays the Court
of Foujdaree Udalut in consideration of
his advanced age and infirmity, to order
the removal of the chains from his feet.

The Court resolve to reject
2.
the petition. They observe that the mat-
ter thereof is one that it rests with the
Session Judge to take into consideration.

Read again Petty Calendars

of

of the Magistracy for the 4th quarter of 1858, submitted by the Officiating Session or Judge of Madura.

/Here enter F. No. 226 of 1859/

Read also letter dated the 22nd February 1859, from the Officiating Session Judge of Madura, submitting copy of an Extract from the proceedings of the Session Court, having reference to an Extract from the proceedings of the Foujdaree Adalut, dated 17th February 1859 on the Petty Calendar of the Magistracy for the 4th quarter of 1858.

/Here enter F. No. 339 of 1859/

Read also return dated the 8th instant from the Officiating Session Judge of Madura to the precept of the Foujdaree Adalut under date the 3rd March 1859, requiring copy of proceedings of the Session Court dated 31st October 1857.

/Here enter F. No. 1180 of 1859/

1. In their examination of the Magisterial Calendars for the 4th quarter of the past year, the Court of Foujdaree Adalut saw reason for drawing the attention of the Acting

Acting Session Judge to Case No. 58; accordingly that officer was requested to review the Magistrate's proceedings and see how far the double punishment inflicted on the Prisoner charged, was warranted by law.

2. In reply to this requisition the Court have received from the Acting Session Judge certain Extracts from his own proceedings which seem to have been held on appeals preferred to him by the individual punished in the case, which the Foujdaree Adalut had noticed; but nothing appears to show that the Magisterial record had then been under revision, or, that the Acting Session Judge conformed to the directions of the Foujdaree Adalut by revising it.

3. It is, however, to be gathered from the papers now before the Court, that Soobbiah pillay, the person punished first for refusal to obey the warrant of the Collector, and secondly, for declining to answer the Acting Magistrate's questions, is the Curnum of a village appertaining

appertaining to the Ramnad Zamindarie, and that he has objected on grounds not clearly specified, to surrender certain Mailvaram grain, which the Court conclude has come into his possession by virtue of his office of Curnum. Should the Court's impression be correct, they observe that the Collector of the District does not possess the power, which he seems to have been desirous of exercising in such a matter, and consequently that the step taken by him being void abinitio, the fine imposed on the Curnum Soobbiah Pillay, must be cancelled, and the money refunded, if it has been realized from that individual.

4. The Court would further observe that a refusal to answer questions put by a Magistrate, to which a defendant may or may not have the power of replying, does not constitute an obstruction punishable under Act XXX of 1841, and therefore, that the further fine of 50 Rupees adjudged to be paid by Soobbiah

Soobbiah Pillay should also be annulled and the money repaid to him, if collected.

The following Zemindaree Miscellaneous Petition was rejected, Viz:

No. 18 of 1859.

Entd E.T.

C. S. Chamier

F. No.

Tuesday,
22nd March 1859.

At a Court of the Fouzdaree Adalut.

Present.

G. S. Hooper Esquire,
J. G. Strange Esquire,
H. D. Phillips Esquire,
} Puisne Judges

Read letter dated the 11th instant, from the Session Judge of Chittoor, requesting the opinion of the Court of Fouzdaree Adalut whether an appeal is admissible against the order of the District Moonsiff, refusing to act according to the provisions of Circular Order Fouzdaree Adalut No. 200 on the ground that there are not sufficient grounds to prosecute a party for forgery, and if it seems proper, whether the Session Judge can cancel the said order of the District Moonsiff, and direct that officer to send the Plaintiff and the record to the Magistrate.

/Here enter F. No. No. 463/

The points on which the

Session

22d March 1859.

Session Judge desires to receive the opinion of the Fouzdaree Udalut, are such, in the view of this Court, as should be disposed of by the Session Judge himself, in the exercise of his own discretion and judgment. By the adoption of this course, the Fouzdaree Udalut avoid the embarrassment which by possibility might be created, should the matter in question eventually come before them in appeal or otherwise.

Ed Ad.

C. F. Chamier

F. Uc.

Wednesday 23d March 1859.

At a Court of the Fouzdaree Udalut.

Present.

G. S. Hooper, Esquire. — Puisne Judges
J. L. Strange, Esquire. —
H. D. Phillips, Esquire. —

Read Calendar of Cases No 3 of 1859 on the file of the Session Court of Coimbatore.

(Have entered F. Uc. No 498 of 1859.)

As herein recommended by 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.

eight years

Read again Miscellaneous Petition presented on the 11th October last, by Muar wife of the 1st and mother of the 15th prisoned, in Case No 8 of 1856

in

on the file of the Sessions Court of Madura.-

/Here entered F. M. P. No. 179 of 1858./

Read also return dated

22d Ultimo from the Officiating Sessions

Judge of Madura, to the precept of the

Foujdaree Adalut under date the 14th

idem, calling for the original records in

Calendar Cases Nos. 19 and 36 of 1856.

/Here entered F. M. No. 341 of 1859./

1. There seems to be no doubt Messrs Hassan
and
Ps. Ms.
that the Petitioners Alwar mmal
and Veeraragava appealed on behalf
of the 5 prisoners convicted in Cases
Nos. XIX and XXXVI of 1856, as well as of
the 10 prisoners in Case No. VIII of 1856, in
which are all convicted, the former
calling herself the wife of the 1st and
mother of the 13th prisoner, and the
latter mother of the 2d and cousin of
the 3d and 14th prisoners. but as Case
No. VIII only was mentioned in that
Petition, it alone was called up and
the 10 prisoners therein concerned were
ordered to be released by this Court's

proceedings

proceedings of the 22d January 1857.-

2. The evidence upon which
the 5 prisoners in Nos. XIX and XXXVI were
convicted, and sentenced by the late
Acting Sessions Judge, is precisely the same
as that which the Court of Foujdaree
Adalut saw so much reason to distrust
in Case No. VIII, and the same objections
necessarily apply to it in these 2 cases,
and these 5 prisoners are entitled to
an acquittal on the same grounds.-

3. The Court of Foujdaree
Adalut resolve therefore to direct the
immediate and unconditional
release of the said prisoners.-

E.H.D.
E.G.

C. Chevers

F. H.

Thursday. 24th March 1859.

At a Court of the Fouzdarree Adalut.

Present.

G. S. Hooper, Esquire. —
J. L. Strange, Esquire. — Puisne Judges.
H. D. Phillips, Esquire. —

Read Calendar of Cases No. 20 of 1859, submitted by the Sessions Judge of Cuttack.

/Here enter F. H. No. 513 of 1859./

The Court of Fouzdarree Adalut observe that the fact of the prisoner having been apparently associated with a European British subject in the commission of the offence in question, was no bar to his being tried by the local Courts, to which alone he is amenable. The Magistrate must therefore be instructed to send the parties back to the Sessions Court, and be left to institute such proceedings against the European British subject, as upon

upon investigation he may consider
the case to require.-

Read letter dated 19th
February 1859 from the Agent to the
Governor of Fort Saint George at Viza-
gapatam, submitting for the final
judgment of the Foujdaree Udalut, the
record of Case No. 1 of 1859 on the Calendar
of the Agent's Court.-

/Here enter F. Uc. No. 436 of 1859./

Mr Hoop.

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 Haridala Jeziranzo alias
Haliyaraushacodoshoo,
is sufficient to convict him of the
offence 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

Murder.

other

other public works, for and during the period
of his natural life.-

Mr Hoop.

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,
2d Jaddi Sungasi,
is sufficient to convict him of the
offence charged, do convict him thereof,
and under the provisions of clause 3d
Section III, Regulation 1 of 1825, sentence
him to be imprisoned and kept to
hard labor in irons on the public
roads or other public works, for and
during the period of 14 years.-

Murder.

Mr Hoop.

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,
3d Dasckaroo Sonnadoo,
4th Kimidi Sitchinnadoo,
5th Sokaji Gungadoo,
6th Chidala Sunnadoo,
and
7th Cunnaclipadal,

are

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

£4-2
£-2

C.S. Chance

J. Mc.

Friday
25th March 1859.

At a Court of the Faujdaree Adalut.

Present.

G. L. Hooper, Esquire. }
J. Le. Strange, Esquire. } Puisne Judges.
H. D. Phillips, Esquire. }

Read Calendar of Cases
No 7 of 1859, and the file of the Sessions Court
of Coimbatore.

(Here enter J. Mc. No 533 of 1859.)

It is hereby recommended,
the Court of Faujdaree 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
cases.-

7 yrs Cooly (female)
2 yrs Cooly (do)
Three years
with labor
suitable to their
sex.

Read Calendar of Cases
No 5 of 1859, from the Sessions Judge of
Cuddapah.-

(Here enter J. Mc. No 523 of 1859.)

It does not appear
fraud

from the Calendar that the Sessions
Judge has brought to the notice of
the Magistrate his remarks on the con-
-duct of the Police Officers, and espe-
-cially of the 2d and 3d witnesses, who,
he says, ought to be dismissed from
their situations, and the Court of Fouj-
-dary Adalut direct that he now do
so, reporting the result for their informa-
-tion.

Precept returnable within
x days from and after its receipt.

Read letter dated 8th March
1859 from the Sessions Judge of Tellicherry
submitting for the final judgment
of the Foujdary Adalut, the record of
Cases Nos. 1 and 2 of 1859 on the Calendar
of the Sessions Court.

/Here enter H. Do. No. 464 of 1859./

The Court of Foujdary 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 Marian Postmaster & Runner,

Mr Hoisington

is sufficient to convict him of the on-
Theft and arson offences charged, do convict him there-
-of; and under the provisions of Section
XXI, Regulation XII, of 1802, sentence him
to be imprisoned and kept to hard
labor for and during the period of
3 years, and to receive 12 lashes with
a cat o' nine tails.-

Ed. E.T.

C. S. Adams

F. U.

Saturday, 26th March 1859.— At a Court of the Sudder Udalut

Present.

G. S. Hooper, Esquire
T. L. Strange, Esquire
H. D. Phillips, Esquire
} Puisne Judges.

Read Calendar of case No. 5 of 1859 from the Acting Session Judge of Trichinopoly.—

/ Here enter F. U. No. 526 of 1859. /

The Court of Foujdaree Udalut observe that the law officer has rejected the evidence to the identity of the prisoners, and has convicted them only as receivers of the stolen property. The Acting Session Judge was not authorized to pass sentence upon them as duly convicted of perpetration of the robbery. His proper course would have been to pass sentence upon them as receivers, the measure of punishment within his powers to award them as such being equivalent to what, as appears by this sentence, he considered sufficient to subject them to.—

Read letter dated 15th Instant from the Session Judge of Rumdial, laying before the Judges the Proceedings in a case of Highway robbery, No. 39 of 1857, disposed of by the late Agent, for

their

their consideration and orders.—

/ Here Inter F. H. No. 501 of 1859. /

1 The Court of Fanjdaree Udalut looked carefully through the proceedings of the late officiating Agent upon which the sentence in this case was founded, together with the Police record, as now sent up by the Session Judge, and have considered the arguments offered by the Session Judge to the discredit of the evidence, but they can find no sufficient ground for questioning the evidence and the guilt of the prisoners.

2 The Session Judge's observations seem to the Court of an inconclusive description. There can be no question of the fact of the robbery, complaint of which was lodged the same evening that it occurred. The evidence of the parties robbed received full corroboration from the others named by them as cognizant of the event, namely, the 2d witness "Jumma Dasary", and "Nullureddy" the son of one of the complainants. There appears to be no room for suspecting concert between the 2d witness and the complainants, nor for doubting that in identifying the prisoners these parties have spoken according to their true convictions, for others brought up for inspection were declared not to be the guilty parties, and the prisoners, who were eventually produced and identified as

as such, were utter strangers to their accusers who could have had no motive in alleging their guilt.—

3 The Court of Fanjdaree Udalut see thus no reason for interfering with the sentence passed upon the prisoners.—

4 With reference to the last para of the above letter, the Court of Fanjdaree Udalut observe that it is not desirable for the Session Judge to undertake the revision of any further proceedings of his predecessor upon petitions appealing from the sentence passed against them, the proper course being to decline interference and to refer the parties to the Fanjdaree Udalut, if they have any representations to make against the justice of the sentence.—

Read Calendar of case No. 16 of 1859 on the file of the Session Court of Jimmevelly.

/ Here Inter F. H. No. 538 of 1859. /

As herein recommended, the Court of Fanjdaree 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.—

* Pinkeymada Nandan. — one year.

Read Calendar of Case No. 14 of 1859 on the file of the Session Court of Jimmevelly.

/ Here Inter F. H. No. 536 of 1859. /

As

as herein recommended, the Court of Fongidaree 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 —

× Sudalamuttu — one year.

Read Calendar of case No. 15 of 1859 on the file of the Sessions Court of Tinnevelly.

/ Here enter F. H. No. 537 of 1859. /

As herein recommended, the Court of Fongidaree 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 —

× Gnanamuttu — one year.

Read Calendar of case No. 13 of 1859 on the file of the Sessions Court of Tinnevelly.

/ Here enter F. H. No. 535 of 1859. /

As herein recommended, the Court of Fongidaree Udalut, resolve to authorize the Sessions Judge 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 —

× Samuel — one year.

Read Criminal reports for the Month of February 1859, submitted by the Sessions Judge of Chittoor.

Chittoor —

/ Here enter F. H. No. 482 of 1859. /

Magistrate's Report, No. 1. "Fraud."

With reference to the remarks of the Session Judge on this case, in which a party who had received batta or a promise to enlist as a sepoy, was, on his refusal to fulfill his engagement, charged with "Fraud," the Court have to observe that although the offence does not appear to be of such a nature as would render the party liable to be criminally prosecuted before the ordinary criminal tribunals on a charge of "Fraud"; it might perhaps be dealt with by the Military authorities, as article 157 of Act XIX of 1847 declares that all unattested recruits, under which head the defendant in this case would appear to be included, "shall be governed by these articles and liable to be tried by Court Martial." —

2 This might be pointed out to the Magistracy for their guidance in disposing of such charges when preferred before them. —

Read Miscellaneous Petition presented on the 7th Instant, by J. B. Norton Esquire and V. Sadagopa Chary, Pleaders on behalf of Nellappa Pillay and 6 others, prisoners in case No. 57 of 1858, on the Calendar of the Session Court of Tinnevelly —

/ Here enter F. M. P. No. 36 of 1859. /

H. D. Phillips —

On reference to the arguments used by

by Counsel in respect both of the severity of the sentence passed in this case and of the doubts which rest on the evidence on which the Sessions Judge has based his conviction of the seven prisoners, the Foujdaree Udalut resolve to require the submission of a translation of the depositions taken in the Sessions Court, and of the original police depositions which correspond with them; and pending the full consideration of those papers, they further resolve to direct the suspension of the sentence recorded by the Sessions Judge.

Precept returnable in X days.

C. S. Chamier

F. C.

Monday. 28th March 1859.

At a Court of Foujdaree Udalut.

Present.

G. S. Hooper, Esquire.
J. L. Strange, Esquire. — Puisne Judges.
H. D. Phillips, Esquire.

Read Criminal reports for the months of February 1859, Submitted by the Sessions Judge of Tinnevelly.

(Here enter F. C. No. 519 of 1859.)

The Court would point out

A. Report No. 9. "House-breaking" that breaking into a garden does not render the party liable to the penalty fixed by Law in House-breaking.

Read Miscellaneous Petition presented on the 21st January 1859, by Puncha-madien, of Zillah Combaconum.

(Here enter F. M. P. No. 330 of 1859.)

Messrs. Hooper and Phillips.

Petitioner appeals from an order of the Session Judge under date the 28th September last, confirmatory of the sentence passed by the Joint Magistrate on the 27th August preceding, imprisoning and fining the

the Petitioner and others on a charge of mis-demeanor.-

2. The Court of Foujdaree Udalut resolve to reject the petition as not being accompanied by a copy of the Joint Magistrate's order appealed against.-

Read letter dated the 21st instant from the Session Judge of Chingleput, recommending that the period of two years and a half, during which a convict named Bommedy Krishnama, now in his gail, was in confinement pending investigation of a charge preferred against him of escape from lawful custody, may be considered part of the term of fourteen years' imprisonment to which he was sentenced for his original offence.-

(Here enter F. Dt. No. 528 of 1859.)

The Court of Foujdaree Udalut concur with the Session Judge in the opinion that the protracted period for which the said prisoner was in confinement during the investigation of the charge of escape, must be reckoned as part of the fourteen years'

Sentence

sentence originally passed against him; and they accordingly authorize the Session Judge to discharge the prisoner when he shall have been in actual confinement a total period of fourteen years and six months.-

Read letter dated 22d instant from the Session Judge of Chittoor, submitting for the final judgment of the Foujdaree Udalut the record of trial in case No. 7 of 1859, on the Calendar of the Session Court.-

(Here enter F. Dt. No. 540 of 1859.)

Wm. Ly. 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,

Mouda Moonegandoo,

is sufficient to convict him of the offence charged, do convict him thereof; and under the provisions of Clauses 3d and 5th, Section IV. Regulation XV of 1803, sentence him to be imprisoned and kept to hard labor in Irons on the public roads or other public works, for and during the period of (8) eight years.-

C. S. Chamier

Entd. E. T.

J. No.

Wednesday 30th March 1859.

Ho Court of the Fauydaree Udalut.

Present

G. S. Hooper Esquire. — Puisne Judges.
T. L. Strange Esquire. —
H. D. Phillips Esquire. —

Read letter dated 22d March 1859, from the Acting Sessions Judge of Bellary, submitting for the final judgement of the Fauydaree Udalut the record of Case No 16 of 1859 on the file of the Sessions Court.

/Vide entry J. No. No 561 of 1859./

Messrs Hooper and Strange. — The Court of Fauydaree 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,

Murder. — Hanoomah alias Thevadoo

is sufficient to convict him of the offence charged, do convict him thereof; and under the provisions of Section X

Regulation

30th March 1859.

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

Exd Dett.

C. D. Chamier

J. No.

Thursday. 31st March 1859.

At a Court of the Sessions Adalut

Present:

G. S. Hooper Esquire, J. L. Strange Esquire, H. D. Phillips Esquire, } Puisne Judges.

Read Calendar of Cases No 18 of 1859, submitted by the Acting Sessions Judge of Bellary under date the 18th March 1859.

(Here enter J. No. No 558 of 1859.)

The Court of Sessions Adalut direct the Prisoner Vedala Eroonyah be banished to the jail at Chingleput there to be imprisoned and kept to hard labor in irons according to the terms of his sentence.-

To the Sessions Judge of Chingleput.

Read Calendar of Cases No 10 of 1859 on the file of the Sessions Court of Mangalore.-

(Here enter J. No. No 571 of 1859.)

As

As herein recommended, the Court of Faujdaree 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.

2nd Division Middle — seven years

Read again Miscellaneous Petition presented on the 20th January 1859, by Andanniah, of Zillah Nellore.

/Here enter F. Mo. P. No 16 of 1859./

Read also return dated 22nd March 1859 from the Sessions Judge of Nellore to the Precept of the Faujdaree Udalut under date the 7th idem, calling for an English translation of the record in Calendar Case No 55 of 1858.

/Here enter F. Mo. No 54 of 1859./

1. The origin of the offence imputed to the Prisoner is stated to have been an application to him by the 3rd witness for the liquidation of a debt of Rupees four, on which account Prisoner sought pecuniary aid from the Prosecutor

Messrs Horsley and Phillips

Prosecutor to the extent of Rupees twenty five; and it would seem, if the charge be a true one, that when seeking that aid, the Prisoner actually presented himself before the Prosecutor with brass counterfeits to be taken in pledge as gold articles, at a time when being at his forge, the Prosecutor, a goldsmith caste man, could at once have tested their character and worth by placing any one of them on the fire.

2. Assuming however, that the alleged pawning of the beads and pagodas did take place as narrated by the Prosecutor and the 1st to 3rd witnesses, the Faujdaree Udalut observe that the record fails to show either that the Prisoner had a guilty knowledge of the worthlessness of the articles produced by Prosecutor, or that he represented that in pledging them to the latter, they were to be accepted as articles of

the

the precious metal. This worth may by possibility have been looked upon as implied, from the nature of the Prisoner's alleged application; but it seems to the Faujdaree Adalut to be scarcely credible that the mere presentation of such articles would immediately have been followed by the advance without further ado of Rupees 22.

3. The doubts of the Court are still stronger when it is found that both Prosecutor and Prisoner are goldsmiths by caste, that they are old acquaintances, that the distance between their places of residence is only 2½ miles, and that although the Prisoner, as is asserted, had actually compromised himself by the commission of a penal offence and then placed himself in the Prosecutor's power, yet that he did quit his village in order to escape the penalty of such offence.

4. The Prisoner, it is seen, has

has throughout denied his guilt and has met the charge against himself by pleading an alibi. Whether this plea be a true or false one, the Faujdaree Adalut observe that the evidence to it has been subjected to cross-examination, whereas the statements of the witnesses for the Prosecution have been accepted in the Sessions Court without such test. The Faujdaree Adalut are of opinion that in a case presenting the doubtful features of the trial under notice, it was incumbent on the officer presiding at it to have brought all the deponents under the strictest scrutiny by which means alone a clear road was opened for arriving at the truth.

5. As the record now stands, the Court are under the necessity of doubting whether the charge has not been concocted and with the several objections to it which have been pointed to, they resolve to give the Prisoner the benefit of their distrust

and

31st March 1859

and suspicion, and to direct the
cancelment of the sentence passed on
him, and his release from confinement &c

E.F. E.F.

C.S. Chamier

F.M.P.

Friday,
1st April, 1859. At a Court of the Foujdaree Adalut.

Present.

G. L. Cooper, Esquire. }
T. L. Strange, Esquire. } Puisne Judges.
H. D. Phillips, Esquire. }

Read Miscellaneous -

Petition presented on the 17th February last, by Lutchmee Narasapa, Head of Police of Sulleyavadoo, Zillah Chittoor.

(Here enter F. M. P. No. 27 of 1859)

1. Petitioner prays the Court of Foujdaree Adalut to relieve him from the accusations cast upon him by the Sessions Judge, in recommending his dismissal from the office of Head of Police of Sulleyavadoo. -

2. The Court of Foujdaree Adalut adverting to their proceedings under

under date the 21st February 1859, consider that no order on this address is now necessary.

Read Calendar in Case No. 3 of 1859 of the Sessions Court of Rajahmundry.-

(Here Enter F.M. No. 572 of 1859)-

1. The charge is so defectively framed as to afford no idea of the crime of which the prisoner stood accused. It does not appear whether any theft of the Cattle mentioned occurred, or from whose custody or when they may have been stolen.-

2. The sentence is also defectively drawn up, as it is not apparent therefrom what it was that the witnesses produced against the prisoners sought to establish. In fact the Calendar fails to afford any of the information which it is the purpose of such a document to convey.-

The

3. The Sessions Judge is requested to be more careful in the manner of preparing his Calendars.-

Read Calendar in Case No. 2 of 1859 from the Sessions Judge of Rajahmundry.-

(Here Enter F.M. No. 580 of 1859)-

The Court of Foujdaree Udalut observe that the acts charged against the Prisoners are distinct as to time and other circumstances, and should have formed grounds of distinct cases.-

The following Foujdaree Miscellaneous Petition is rejected, Viz.; No. 41 of 1859.-

C. F. Chamier

E.P.
E.T.

J. 40.

Saturday 23 April 1859

At a Court of the Fouzdaree Adalut.

Present:

G. S. Hooper, Esquire, —
J. L. Stranger, Esquire, — Puisne Judges.
H. D. Phillips, Esquire, —

Read letter dated 23rd March 1859 from the Sessions Judge of Calicut, submitting for the final judgment of the Fouzdaree Adalut the record of Case No 22 of 1859, on the Calendar of the Session Court.

(Here enter J. 40. No 576 of 1859.)

Mr Hooper. The Court of Fouzdaree Adalut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner, Coonhy Shungrun,

is sufficient to convict him of the offence charged, do convict him thereof; and under the provisions

Murder.

of

2d April 1859

of clause 2d, Section VI, Regulation I of 1825, sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of six years. S

C. S. Chance

L.H.D. S.P.

F.116

Monday 4th April 1859

At a Court of the Foujdaree Adalut.

Present

G. S. Hooper Esquire,
T. L. Strange Esquire,
H. D. Phillips Esquire,
} Puisne Judges.

Read letter dated 23d March 1859, from the Session Judge of Combaconum, submitting for the final judgment of the Foujdaree Adalut the record of Case No. 1 of 1859 on the Calendar of the Session Court.

/Here enter F.116. No. 563 of 1859/

Mr Phillips

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 Veerapen
2d Kamaloo
12th Vytie alias Vytilingum
and
13th Sellaperoomal.

Riot and Robbery

is sufficient to convict them of the offence as charged, do convict them thereof; and under

the

Tuesday
5th April 1859

File

At a Court of the Foujdaree Adalut.

Present.

G. A. Hooper, Esquire.
J. D. Strange, Esquire. } Puisne Judges.
H. D. Phillips, Esquire.

Read Miscellaneous Petition received on the 10th January 1859, thro' the Session Judge of Cuddalore, from one Sheik Emam and others, of Zillah Guntoor

/Here enter F.M. P. No 9 of 1859/

Messrs Hooper and Strange.

1. Petitioners are the prisoners sentenced to imprisonment for life, in Case No 6 of 1840 on the file of the Zillah Court of Guntoor, and they pray the Court of Foujdaree Adalut in consideration of their advanced age and infirmity, to order the removal of the chains from their feet.

2. The Court resolve to reject the petition. They observe that the matter thereof is one that it rests with the Session Judge to take into consideration.

6th April 1859

the provision of Clause 3d, Section IV, Regulation XV of 1803, Section I, Act XVI of 1850 and Regulation VIII of 1828, 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 years, and to receive 100 lashes with a Cat o'nine tails, and to pay a fine of 200 Rupees each

Mr Phillips.

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

3d Saminadin
4th Vrucatachelapady
5th Veeranacotto
6th Savareenacotto
7th Vania Mahalingum
and
26th Adythalum.

is sufficient to convict them of the offence charged, do convict them thereof; and under the provisions of Clause 3d, Section IV, Regulation XV of 1803 and Section I Act XVI of 1850, 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 three years, and to pay a fine of 100 Rupees each.

E. Ward.

C. F. Chamier

5th April 1859.

consideration.

Read Miscellaneous Petition presented in the 5th instant, by J. D. Magne Esquire, Pleader on behalf of Chocalinga Pethena Naiker, zemindar of Athangaray of zillah of Tinnevelly.

[Here enter T. M. P. No 53 of 1859]

1. Petitioner appeals from the order of the Sessions Judge under date the 3d March 1859, confirming the decision of the Acting Magistrate dated the 18th March 1858, whereby the Petitioner was required to find security for keeping the peace. Messrs Hopkins and Strange

2. The order of the Acting Magistrate does not explain sufficiently the grounds upon which it has been passed. The Court request him to inform them upon what proved facts he has considered it necessary to require the prisoners, from them, to give security. He will be pleased at the same time to forward to the Court a copy of the minutes of Consultation referred to in his order.

Precept returnable within X days.

5th April 1859.

The following Poojdarees Miscellaneous Petitions are rejected, Viz: Nos 4-44 and 46 of 1859.

E. D. E. T. C. D. Chamier

F. No.

Wednesday
6th April 1859.

At a Court of the Foujdaree Udalut.

Present.

Gy. S. Hooper, Esquire.
J. Lo. Strange, Esquire. } Puisne Judges.
H. D. Phillips, Esquire.

Read letter dated 30th March 1859, from the Session Judge of Caliant, submitting for the final judgment of the Foujdaree Udalut, the record of Case No. 24 of 1859, on the Calendar of the Session Court.

[Here enter F. No. 618 of 1859.]

Mr. Hooper.

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

Nedoonpally Illiry,

"Wounding with intent to murder".

is sufficient to convict him of the offence charged, do convict him thereof, and sentence him to be transported to

each

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.

Read Criminal Reports submitted by the Session Judge of Coimbatore, for the months of February 1859.

[Here enter F. Mo. No. 596 of 1859]

The principles on which a crop is raised under the "Amany" mode of settlement, indicate, the Foujdaree Adalut believe, the existence of a distinct coparcenary right to the produce of the land as between the cultivator and the local representative of the ruling power, the ultimate step to the adjustment of that right, being an actual division of the grain produced, subsequent to its being harvested and threshed. It appears, therefore, to the Foujdaree Adalut, that in propounding to the Mooftly Sudder Ameen the question which appears in the above

Special Assistant Magistrate's Report No. 5 of 1859 "Misdemeanor"

Report, reference should have been made to the coparcenary position held respectively by the Cultivator and the Government; and that the Mooftly should have been required to declare whether, under such circumstances, a removal of the "Amany" crop by its cultivator, without the knowledge or consent of the Government officers, constituted an offence of a furtive character; and if so, whether, under the Mahomedan law respecting joint property, it was criminally punishable. In the event of the Mooftys replies being affirmative it would have remained for the Session Court to determine, whether the record supplied grounds for the conviction of the individual whom the Acting Special Assistant Magistrate had punished.

Read letter dated 1st April 1859, from the Session Judge of Coimbatore, submitting for the final judgment of the Foujdaree Adalut the record of Case No. 4 of 1859 on the Calendar of the Session Court.

[Here enter F. Mo. No. 608 of 1859]

The

6th April 1859.

Mr Phillips

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 Mootloo Gounden,
2d Veerapa Gounden,
3d Palanymala Gounden,
and
4th Veerapa Gounden,

Murder and Robbery.

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

Read letter dated 25th March 1859, from the Acting Session Judge of Masulipatam, submitting for the final judgment of the Foujdaree Udalut, the record of the case No. 8 of 1859 on the Calendar of the Session Court.

/Here enter F. No. No. 577 of 1859/

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

F. No.
6th April 1859.

1st Vedeeyalah Moosaliah
and
2d Mopedavy Soobbramaneyum
or Soobbaroydoo alias Soobbanah,

Murder.

is sufficient to convict them of the offence charged, 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 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,

3d Dhanoocoondah Raunnanah.

-do-

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

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

the

6th April 1859.

the proof against the prisoner,

4th Vedeeyalah Ranjanmah,

is sufficient to convict her of the offence charged, do convict her thereof; and sentence her to three months' simple imprisonment, and then to be discharged with a warning/.

Receiving stolen property.

C. S. Chamier

E.P.
E.P.

F. H.

Thursday 7th April 1859.

At a Court of the Faujdaree Adalut

Present

G. S. Hooper, Esquire. —
J. D. Strange, Esquire. — Puisne Judges.
H. D. Phillips, Esquire. —

Read letter dated 28th March 1859 from the Sessions Judge of Mangalore, submitting for the final judgment of the Faujdaree Adalut the record of Case No 7 of 1859 on the Calendar of the Sessions Court.—

/Order entered F. Ad. No. 612 of 1859./

Messrs Strange and Phillips.

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

1. Isra,

2. Somaya alias Venkuppa,

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

prisnr charged, do acquit them therefr, and direct that they be set at liberty.-

Murder.

Read Calendar of Case No. 12 of 1859, submitted by the Sessions Judge of Cuddalore.-

/Here enter F. Co. No. 608 of 1859./

The requisition of security under which the 1st prisoner has been placed the Court consider to rest on upon wrong grounds not warranting the measure. The Court are therefore constrained to cancel the order. If the 1st prisoner's confession before the police is credited, the result should be his conviction. If discredited, nothing appears against him.-

Read letter from the Sessions Judge of Vellore dated 25th March 1859.-

/Here enter F. Co. No. 551 of 1859/

"With reference to the above letter the Court of Foujdarree Adalut forward copy of Extract of

of proceedings of Foujdarree Adalut dated 13th December 1858.-

Read letter dated 30th March 1859 from the Officiating Sessions Judge of Madura, submitting for the final judgment of the Foujdarree Adalut the record of Case No. 5 of 1859, on the Calendar of the Sessions Court.-

/Here enter F. Co. No. 609 of 1859./

Mr. Cooper.

The Court of Foujdarree 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,

Thiravanattam alias

Thavasiamuni,

is sufficient to convict him of the offence charged, do convict him thereof; and under the provisions of clauses 1 and V, Section IV, Regulation XV of 1803, sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of (14) fourteen years.-

Robbery and Murder.

C. S. Chemier

Exd. E. T.

Friday,
8th April 1859.

At a Court of the Sonjdaree Adalut.

Present,

G. S. Cooper Esquire. }
F. L. Strange Esquire. } Puisne Judges.
W. D. Phillips Esquire. }

Read Calendar of Cases No. 6 of 1859, submitted by the Officiating Session Judge of Madura under date the 1st April 1859.

(Vide Enter S. H. No. 614 of 1859.)

1. The Sentence of the Session Judge, so far as it regards the prisoners from 1 to 4, is not put upon intelligible grounds. If the Session Judge consid-ered it proved, as it would appear from his concluding observations, that these prisoners were guilty of having been ringleaders in an affray, he should, on the law Officer coming to a different Judgment, have referred the trial as respected them. The Session Judge would seem, how-ever, from other parts of his Sentence, to have rejected the evidence brought against these, as well as the other prisoners, as exaggerated and unfounded. This being the case, nothing remained against the prisoners to justify the requisition of Security from them under Clause 4th, Section II, Regulation XV of 1803.

This

2. This requisition the Court must 8th April 1859.
therefore cancel.

3. The Sessions Judge would seem
to have imposed it as a safe-guard to prevent further
affrays. If such precaution were necessary, he should
have made over the parties to the Magistrate to be dealt
with under Section V, Regulation VI of 1827, and this
course it is still open to him to take.

Read Calendar of case No. 35
of 1859 on the file of the Sessions Court of Nundial.
(Herewith F. H. No. 623 of 1859.)

As herein recommended, the
Court of Foujdaree Adalut, resolve to authorize the
Sessions Judge to issue his warrant for the imprison-
ment of the prisoner for the period specified in the
margin, in mitigation of the Sentence passed upon
him in the said case.s

* Rachaiadoo. 5 Years and 60 Stripes.

E.P.
E.T.

C. S. Chamier

0

F. H.

Saturday, 9th April 1859. At a Court of the Foujdaree Adalut.

Present.

F. S. Hooper, Esqre.
J. L. Strange, Esqre. } Puisne Judges.
H. D. Phillips, Esqre.

Read letter dated 4th April 1859
from the Sessions Judge of Vizingleputt,
submitting for the final Judgment
of this Foujdaree Adalut, the record of
Case No. VII of 1859 on the file of the Sessions
Court.-

(Herewith F. H. No. 621 of 1859.)

Messrs. Hooper and 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,-

1 Pennal Reddy,

Murder. is sufficient to convict him of the offence
charged, do convict him thereof; and under
the provisions of Section X, Regulation VIII.

of

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

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,-

2. Calattee Chetty.

3. Pennal Reddy.

4. Aureemoottoo.

6. Veerasawmy, and

7. Rungappa Reddy,

is sufficient to convict them of the offence charged, do convict them; and under the provisions of Clause third, Section VII, 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 the period of (14) fourteen years.-

Aiding and abetting in Murder.

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

Prisoner,-

5. Moothen,

Aiding and abetting in Murder.

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.-

Exd
E.P.

F. U.

Monday,
11th April 1859.

At a Court of the Foujdaree Udalut.

Present,

G. S. Cooper, Esquire. }
P. L. Strange, Esquire. } Puisne Judges.
H. D. Phillips, Esquire. }

Read Calendar of case No. 11 of 1859 on the file of the Session Court of Tinnevelly.

(Here enter S. U. No. 628 of 1859.)

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.

× Ramalingataven.
5 years.

Read letter dated 21st February 1859 from the Session Judge of Salem, submitting for the final judgment of the Foujdaree Udalut the record of case No. 20 of 1859 on the Calendar of the Session Court.

(Here enter S. U. No. 415 of 1859.)

The

S. U.

Monday,
11th April 1859.

At a Court of the Foujdaree Udalut.

Present,

G. S. Cooper, Esquire.
F. L. Strange, Esquire.
H. D. Phillips, Esquire.
} Puisne Judges.

Read Calendar of case No. 11 of 1859 on the file of the Session Court of Tinnevelly.

(Here enter S. U. No. 628 of 1859.)

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.

× Ramalingatayen. 5 years.

Read letter dated 21st February 1859 from the Session Judge of Salem, submitting for the final judgment of the Foujdaree Udalut the record of case No. 2 of 1859 on the Calendar of the Session Court.

(Here enter S. U. No. 415 of 1859.)

The

11th April 1859.

The Court of Fouzdaree Udalut

on a deliberate consideration of all the circum-

stances of the case in evidence before them, being

of opinion that the proof against the prisoner,

Veerealachur,

is sufficient to convict him of the offence charged,

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 labor

without irons, for and during the period of (6) six

months.

Mr. G. S. Thomas

Forgery.

Read letter dated 31st March

1859 from the Session Judge of Nundial, submit-

ting for the final Judgment of the Fouzdaree Udalut,

the record of case No. 14 of 1859 on the 8th Calendar of the

Sessions Court.

(Here enter F. D. No. 129 of 1859.)

Mr. Ste. D. Pe.

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 prisoners,

1. Soobbadoo,

2?

11th April 1859.

1st. Pedda Ramoodoo,

and

3d. Chinna Ramoodoo,

House breaking and theft.

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.

C. S. Chauvier

F. No.

Tuesday 12th April 1859.

At a Court of the Foujdaree Udalut.

Present.

G. A Hooper Esquire. }
J. L. Strange Esquire. } Puisne Judges.
H. D. Phillips Esquire. }

Read letter dated 30th March 1859, from the Session Judge of Bellary, submitting for the final judgment of the Foujdaree Udalut, the record of Case No. 13 of 1859, on the Calendar of the Session Court.

[Here enter F. No. No. 617 of 1859.]

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 Prisoner,

Boodanah,

Murder

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

that he be set at liberty.

Read letter dated 31st March 1859,
from the Session Judge of Tellicherry,
submitting for the final judgment of
the Foujdaree Udalut, the record of case
No. 3 of 1859, on the Calendar of the Session
Court.

/Here enter F. No. No. 633 of 1859./

The Court of Foujdaree Udalut, Mr. Harper
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 Poochy Tolan
and
2d Machery Karra amboo,

is sufficient to convict them of the offence murder.
charged, do convict them thereof, and under
the provisions of Clause 3d, Section III, of
Regulation I of 1825, sentence them to be
imprisoned and kept to hard labor in
irons on the public roads or other pub-
lic works, for and during the period
of (5) five years.

Read letter dated the 31st ultimo,
from

from the Officiating Session Judge of Ma-
durai, requesting to be informed whe-
ther the Government Pleader is to con-
duct the prosecution in the Session
Court, in cases where the prosecutor may
be desirous of retaining a Vakeel for
that purpose.

/Here enter F. No. No. 616 of 1859./

1. The Court of Foujdaree
Udalut observe that the injured
party, in heinous offences, has not the
same interest in the issue of the trial,
that Her Majesty has, as General Con-
servator of the Peace. The Government
Vakeel should, therefore, always appear
for the prosecution in such cases; but
the Court see no objection to his being
assisted by a Vakeel retained at the
expense of the injured party. But
where the prosecution is a public one
from the commencement, as in the
instance of Session Case No. XI of 1858,
no other than the Government Va-
keel can, of course, appear for the
prosecution.

prosecution.

2. The Court observe that the only circumstances under which the Government Vakeel can be remunerated for his pains, are those described in the Circular Proceedings of the Foujdaree Adalut under date the 19th July 1858.

C. D. Chamier

Extd
E.T.

F. No.

Wednesday 13th April 1859. At a Court of the Foujdaree Adalut.

Present.

G. S. Hooper, Esquire. }
J. C. Strange, Esquire. } Puisne Judges.
H. D. Phillips, Esquire. }

Read letter dated the 30th ultimo from the Agent to the Governor in Ganjam, recommending that the Prisoners, in Criminal Case No. 5 of 1859, be sentenced to 4 years' imprisonment with hard labor.

(Here enter F. No. No. 637 of 1859.)

The Court of Foujdaree Adalut approve of the above sentence.

Read Calendar of Case No. 26 of 1859 on the file of the Session Court of Calicut.

(Here enter F. No. No. 640 of 1859.)

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

the prisoner for the period specified in the margin, in mitigation of the sentence passed upon him in the said case.

* Edakadawatha Hellan. three years.

Read Calendar of Case No 16 of 1859 on the file of the Session Court of Vellore.

[Here enter F. M. No 641 of 1859]

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.

* Buttula Virada. Two years

Read Calendar in Case No 15 of 1859, of the Session Court of Vellore.

[Here enter F. M. No 642 of 1859]

The Court are under the necessity of setting aside the requisition of security. If the Session Judge could receive the statements of the 1st witness, the effect of them would be the conviction of the prisoners; but as he has not thus accepted the evidence, nothing remains

remains against the Prisoners, and as they are entitled to their unconditional release. The Session Judge is requested therefore to release them accordingly.

Read Calendar in Case No 20 of 1859, of the Session Court of Masulipatam.

[Here enter F. M. No 646 of 1859]

1. The Court must call the attention of the Acting Session Judge to the wording of his sentences. His sentence, especially in the early part, is drawn up very badly.

2. The Court see no ground for mitigation of punishment in the instance of the 1st prisoner. The crime was House-breaking and Theft, and the property stolen of considerable value.

3. As respects the 2d prisoner, the Court have to observe that the Act quoted by the Acting Session Judge in support of his sentence is inapplicable, the Act relating

to

15th April 1859

to Petty thefts cognizable by a Magistrate.
In consideration of the youth of the
prisoner, the Court consent however
to his sentence being reduced to the
amount contemplated by the Acting
Session Judge, namely to light stripes
with a rattan, after which he may
be released with a warning.

£4.
£7.

C. Chamier

J. No.

Thursday,
14th April 1859.

At a Court of the Foujdaree Adalut.

Present.

G. S. Hooper, Esquire.
J. Lo. Strange, Esquire.
H. D. Phillips, Esquire.
} Puisne Judges.

Read Calendar in Case
No. 17 of 1859, submitted by the Acting Ses-
sion Judge of Masulipatam.

Here enter J. No. No. 653 of 1859.

This sentence is not on
drawn up satisfactorily. The Acting
Session Judge should have stated on
what evidence was adduced against
the prisoner and why it failed to
establish his guilt. This omission
he is requested to supply.

Precept returnable on
within III days from and after its receipt.

Read letter dated the
5th instant, from the Session Judge of
Nundial, offering further observations
regarding the case of Highway on
robbery

robbery, No. 39 of 1857.

(Here enter F. Mo. No. 64 of 1859)

1. The Court of Foujdaree Oo Udalut consider that the Session Judge would have acted with more discretion had he abstained from further offering an opinion on this case in which, as disposed of by his predecessor, he has no proper jurisdiction.

2. The Court have again referred to the deposition of the witness Timmadasary, and find that the Session Judge has misapprehended the nature of his statements before the Police.

3 The Session Judge observes that this witness had "merely stated "that the 2d prisoner" (the two prisoners) "might have committed the crime), "and that he had not positively recog- "nized the prisoners as the robbers." The Court find no such statement by the witness of inability to recognize. On the contrary he fully identified the prisoners

14th April 1859.

prisoners. He said, "I have now seen them. I saw them on the 12th instant, when they robbed Moonagala Ven- gamah and others." His reservation at the close of his deposition as to whether the crime was positively committed by the prisoners was not founded upon doubt of their identity, but sim- ply because the circumstances described by him merely left room for the pre- sumption that the prisoners had perpetrated the crime, the actual commission thereof not having been witnessed by the deponent.

The following Foujdaree Miscellaneous Petitions are rejected, Viz: Nos. 216 of 1858, and 47 and 48 of 1859.

E 4d
E 9

C. J. Chamier

J. U.

Friday /
15th April 1859. — At a Court of the Jondaara Udalut: —

Present.

G. S Hooper Esquire
J. L. Strange Esquire
H. D. Phillips Esquire

} Puisne Judges.

Read Extract from the Proceedings of the Session Court in the Zillah of Comboconum under date the 4th April 1859, submitting for the consideration of the Court his orders cancelling the sentence of the Special Assistant Magistrate in a case of Misdemeanor, with reference to a letter from the Magistrate dated 26th March 1859. —

/ Item enter J. C. No 652 of 1859 /

Before replying to the reference made in the above communication for the opinion of the Jondaara Udalut on the point raised, the Court would wish to have before them a transcript of the correspondence on which the Session Judge founded his ruling of date the 4th May 1858. —

Precept returnable within 15 days. —

Read Calendar of Case No: 14

of

15th April 1859.

of 1859 of the Session Court of Salem. —

/ Here enter S.C. No 664 of 1859 /

As represented by the Acting Session Judge in the 11th para of his Report, the conviction of the 1st Prisoner is based on his identification by a single, the 1st, witness; but the Court of Joudara Udalut observe that his identity has been deposed to also by the 2nd witness, who appears to have seen the said Prisoner as he was running away. —

Read Calendar of case No 5 on the file of the Session Court of Chingla put.

/ Here enter S.C. No 658 of 1859 /

As herein recommended, the Court of Joudara 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 mutigation of the sentence passed upon them in the said case. —

1. Moosayen
2. Gomdoo
3. Appalsky
4. Verasawmy
5. Maghaly
6. Sundra
7. Seenaw.

and Eight years

Read letter dated the 8th April 1859, from the Session Judge of Calicut, submitting for the final judgment of the Joudara Udalut the record of Case No 25 on the Calendar of the Session Court. —

16222

15th April 1859.

/ Here enter S.C. No 663 of 1859 /

Mr. J.L. Strange

The Court of Joudara —

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, —

Hanaka Cherman Coren

is sufficient to convict him of the offence of manslaughter, do convict him thereof, and under the provisions of Clause 3d, Section VIII, Regulation XV of 1803, sentence him to be imprisoned and kept to hard labor in Irons on the public roads or other public works for and during the period of (1.) one year. —

Ed Mill.

C. H. Chamier

No. 11.

Saturday 16th April 1859

At a Court of the Joujdary Udalut.

Present

G. S Hoopes Esquire
J. L. Strange Esquire
H. D. Phillips Esquire
} Puisne Judges.

The Subordinate Judge of Mangalore having been frequently called upon to furnish the information demanded by the Government in their order of the 19th October last respecting the robbery in the jailors office, and no report having been hitherto submitted, the Judges resolve to inform the subordinate Judge that if he fails to comply with the said requisition before the first of May next, it will be their duty to bring the circumstances to the notice of the Governor in Council.

Precept returnable in XII days.

Read letter dated the 7th April 1859, from the Session Judge of Masulipatam, submitting for the final judgment of the Joujdary Udalut, the

record

16th April 1859

record of case No 18 of 1859 on the Calendar of the Sessions Court.

/ Vide enter F.U. No 645 of 1859 /

The Court of Foujdary Udalut, Mess^rs Strange & Phillips on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner.

Parsa Syodhryaramoodeo

is sufficient to convict him of the offence charged, do convict him thereof; and under the provisions of Section X, Regulation XIII of 1807, sentence him to suffer death by being hanged at the usual time and place of execution. — Murder

C. S. Chamier

Ex Read.

F.U.

Monday, 18th April 1859. — At a Court of the Foujdary Udalut.

Present

G. S. Hoopes Esquire
J. Le. Strange Esquire } Puisne Judges.
H. D. Phillips Esquire

Read Calendar of Case No 16 of 1859. Submitted by the Sessions Judge of Cuddalore

/ Vide enter F.U. No 657 of 1859 /

1. The Judges desire that the value of the property robbed, and the description and value of the property found with the prisoners may be specified in the charge. —

2. These particulars, though in contemplation of law immaterial in cases of robbery by open violence, are nevertheless useful as enabling the Judges to determine whether the prescribed punishment might not be mitigated. The character of the goods found on a prisoner also aids the appreciation of the evidence against him. —

Precpt.

15th April 1

Precept returnable in x days.—

Read Calendar of Case

No. 10 of 1859 on the file of the Session Court of

Combaconum.

/ Here enter S. Tb. No 666 of 1859 /

As herein recommended,

the Court of Foujdary 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.

*Canara Saml

Three years a
to pay a fine
50 Rupees.

Read letter dated the 9th

April 1859, from the Session Judge of

Coimbatore, Submitting for the final judg-

ment of the Foujdary Udalut the record of

case No 9 on the Calendar of the Session

Court:—

/ Here enter S. Tb. No 662 of 1859 /

The Court of Foujdary

Mt. G.S. 181

Udalut, on a deliberate consideration of all the

circumstances of the case in evidence before

them, being of opinion that the Prisoner,

Muccluvanda Naick

13

18th April 1859.—

is not convicted on presumptive proof or on the

evidence of credible witnesses, or on his own

*Murder confession, of the crime charged, do acquit him

thereof, and direct that he be set at liberty.—

E. Ball.

C. J. Chamier

F. 86.

Tuesday 19th April 1859. At a Court of the Foujdaree Udalut.

Present.

G. L. Hooper, Esqr.
J. L. Strange, Esqr. } Puisne Judges.
H. D. Phillips, Esqr.

Read letter dated 12th April 1859 from the Sessions Judge of Mangalore, submitting for the final Judgment of the Foujdaree Udalut, the record of Case No 9 of 1859 on the file of the Sessions Court.

(Here enter F. C. No 695 of 1859.)

Messrs. Strange and Phillips — 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,-

Rama,

Murder — is sufficient to convict him of the offence charged, do convict him thereof; and under the provisions of Section X, Regulation VIII of 1802, sentence him to suffer death by.

19th April 1859.

by being hanged at the usual time and place of execution.-

Read letter dated 11th April 1859 from the 3d Session Judge of Masulipatam, submitting for the final Judgment of the Fouzdaree Udalut, the record of Case No. 92 of 1858 on the file of the Session Court.-

(Here enter F. Uc. No. 675 of 1859.)

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,- Messrs. Hooper and H. D. Phillips

Aurawilly Nurseegandoo, Murder

is sufficient to convict him of the offence charged, do Convict him thereof; and under the provisions of Section X, Regulation XIII of 1807, Sentence him to suffer death by being hanged at the usual time and place of execution.- S

S. D. E. J.

F. Uc.

Wednesday 20th April 1859. At a Court of the Fouzdaree Udalut.

Present:

G. S. Hooper, Esquire. — J. L. Strange, Esquire. — H. D. Phillips, Esquire. — Puisne Judges.

Read Criminal Reports, in Case No. 32 of 1859, submitted by the Sessions Judge of Nundial, for the month of April 1859.

(Here enter F. Uc. No. 688 of 1859.)

The Court observe that the offence has been wrongly designated. It was strictly Housebreaking with intent to steal, and should have been disposed of under Section II, Regulation VI of 1822. The mode of entry should have been specified in the charge.-

Read Calendar of Case No. 20 of 1859 submitted by the Acting Sessions Judge of Salem.-

(Here enter F. Uc. No. 703 of 1859.)

The

The Court of Foujdaree Adalut observe that it is unnecessary, under the word Enclosure upon the docket, to write more than the following "Case No. 20 on the Calendar for 1859. The nature of the offence &c. need not be stated.-

Read Criminal Report, in Case No. 38 of 1859, submitted by the Sessions Judge of Nundial, for the month of April 1859.-

/Here enter F. Dc. No. 697 of 1859./

The nature of the crime of which the prisoner had been convicted and the measure of his sentence should have been specified.-

Read Criminal Reports for the month of March 1859, submitted by the Sessions Judge of Chittoor.-

/Here enter F. Dc. No. 699 of 1859./

The Sessions Judge is requested to forward his remarks on the cases in the B Report in separate proceedings, and not append them in the shape of notes in

in red ink to the cases themselves.-

Read letter dated the 9th instant, from the Magistrate of Kurnool, stating that in his opinion a fine imposed by the late Assistant Agent on Mr. Gillespie, a superintendent of vaccination, in a certain criminal case, under the provisions of Regulation III of 1819, was illegal, and requesting instructions in the matter.-

/Here enter F. Dc. No. 670 of 1859./

It does not appear to the Foujdaree Adalut that the late Agent did more than peruse the Report, and advise he confirmed the Assistant Agent's sentence, and reported the matter to Government. The Court accordingly request that the Sessions Judge will call up the whole record of the case, and pass such orders thereon as may seem to be required.-

2. If dissatisfied with the Sessions Judge's decision, it will be open to Mr. Gillespie to appeal to the Foujdaree Adalut in the usual way.-

C. T. Chamier

Exd.
C.T.

F. Mc.

Thursday 21st April 1859.

At a Court of the Faujdaree Udalut

Present

Gy. S. Hooper Esquire.
J. Lo. Strange Esquire. } Puisne Judges.
H. D. Phillips Esquire.

Read Miscellaneous Petition presented on the 17th March 1859, by A. V. Branson Esquire, Pleader on behalf of Soobbareddy, Zillah Trichinopoly.

/Here enter F. Mc. P. No. 38 of 1859./

Messrs. Strange and Phillips.

1. Petitioner appeals from the sentence passed upon him by the Acting Sessions Judge in Case No. 31 of 1858 wherein he is 1st Prisoner.

2. The Court of Faujdaree Udalut resolve to send a copy of this petition to the Acting Sessions Judge, and request that officer to afford them an explanation and information connected with the various statements therein made in objection to the sentence he has passed upon the Prisoner. The Court

Court also wish to know why the Prisoners were not arrested before the 11th and 25th September, and what steps were taken in the interval to effect their arrest.

Precept returnable within 7 days from and after its receipt.

Read Criminal Reports of the Magistracy for the month of February 1859, submitted by the Sessions Judge of Coimbatore.

/Here enter J. Mo. No. 692 of 1859./

1. The Sessions Judge is requested to review the record in these cases, as the acts charged would appear rather to form the grounds of a civil action than a criminal prosecution. — No. 1 and 2. "Fraud."

2. The means by which the Prisoners "extorted" the railway tickets should have been stated in the charge. — No. 3. "Misdemeanor."

3. The Magistrate was not competent to dispose of this case which, under the Act quoted, should have been committed to the Criminal Courts, and — No. 4. "Rescue of cattle seized under trespass act."

and the sentence must therefore be cancelled.

No. 5. "Fraud."

4. The amount of which the company was defrauded should have been entered in the charge. Irons cannot be imposed in Cases of Fraud punished under Section VII Regulation X of 1816 that portion of the sentence must therefore be cancelled.

5. The Sessions Judge is requested to direct the Magistrate to submit these reports at an earlier date in future.

Read again Miscellaneous Petition presented on the 18th October 1858, by J. W. Branson Esquire, Pleader on behalf of Kilavan and others of Zillah Madura.

/Here enter J. Mo. P. No. 174 of 1858./

Read also return and supplemental return dated respectively 20th November 1858 and 22nd January 1859, to the precept of the Faujdary Adalut under date the 15th November 1858, on calling for translation of record in Case No. 63 of 1858.

/Here enter J. Mo. No. 2210 of 1858 and 150 of 1859/

His

Messrs Strange and Phillips.

1. The Court observe that the evidence against the prisoners is solely dependent upon the statements of the 1st prisoner, the party who alleges that he was robbed. This person's early declaration before the police makes it manifest that he did not absolutely identify the parties who robbed him, and his subsequent allegation that the prisoners were the parties is not therefore in the opinion of the Court deserving of acceptance. The Court finds also, in the deposition given by the witnesses at different times, discrepancies and improbabilities which lead the Court to distrust his evidence. As respects the 1st prisoner, to whom a cloth has been traced, it is by no means clear that this was an article robbed on the said occasion, and the prisoner's declarations on the subject before the police do not involve an admission on his part that he obtained the said cloth with guilty knowledge.

The

21st April 1859.

2. The Court resolve therefore to set aside the sentence appealed from, and to acquit the prisoners, and direct that they be discharged.

3. The Court further direct that the notes of the Acting Sessions Judge forwarded with his return dated the 22d January last, be returned to him.

The following Fiat for Leave to Appeal in Forma Pauperis in Miscellaneous Petitions are rejected viz. Nos 40, and 47 of 1859.

Ed Ellis.

C. J. Chevis

F. No.

Saturday, 23d. april 1859. At a Court of the Fouzdaree Udalut.

Present.

G. S. Hooper, Esquire. }
J. Lo. Strange, Esquire. } Puisne Judges.
H. D. Phillips Esquire. }

Read letter dated the 15th instant, from the Session Judge of Combaconum, recommending that his proceedings in Session case No. 3 of 1859, may be quashed, and that sanction be obtained for the trial of the case at Trichinopoly.

/Here enter F. No. No. 693 of 1859/

The circumstances stated by the Session Judge do not in the opinion of the Fouzdaree Udalut establish such a connection between himself and the person robbed as would justify the Judges in supporting with their recommendation, the Session Judge's application now to forego the complete disposal of the case

under

under trial.

Read Criminal Reports N.s submitted by the Session Judge of Coimbatore, for the months of February and March 1859.

(Here enter F. No. No. 694 of 1859.)

1. With regard to this case, the Foujdaree Adalut consider it very improbable that a Police Auneen would risk his position in the public service by dragging a respectable man out of bed in the middle of the night without any reason, and they are inclined to think that the charge had been got up against the Prisoner in consequence of his having taken up the Prosecutor for being out at night against rule. The Court therefore request that the Session Judge will call up and review the whole Record of the case.

Case No. disposed of by the Head Assistant Magistrate. "Abuse of Authority"

2. The Magistrate should be required to report the length of service of the Prisoner, his general character, and whether from information before his department

department there are any grounds for considering that the Police Auneen has been victimized.

3. The Court also require an explanation of the circumstances under which the Magistrate of Coimbatore deemed it necessary to issue his order of the 6th. January 1857, under which the Police Auneen is said to have acted.

Precept returnable within V days from and after its receipt.

Read letter dated 15th. April 1859, from the acting Session Judge of Bellary, submitting for the final judgment of the Foujdaree Adalut, the record of the Case No. 17 of 1859 on the Calendar of the Session Court.

(Here enter F. No. No. 705 of 1859.)

Mr. Phillips.

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. Wodda Timmadoo

2d.

2d. Wodda Pedda Nagados
and
3d. Wodda Nulla Venkatagados,
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. — Housebreaking and theft.

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,
4th. Wodda Timma,
is sufficient to convict him of the offence charged, do convict him thereof; and under the provisions of Section XXI, 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 one years. — do —

E.P. E.T.

C. S. Chamier

Wednesday, 27th. April 1859.

At a Court of the Foujdaree Adalut.

Present.

G. S. Hooper, Esquire.
T. L. Strange, Esquire. } Puisne Judges.
A. D. Phillips, Esquire.

Read Calendar of Case No. 16 of 1859 on the file of the Session Court of Nundial.

(Here enter F. C. No. 114 of 1859.)

1. 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 passed upon them in the said case.

× 1st. Sobbiah.
2d. Goorobasavah.
— do —
Five years.

2. The 4th. Prisoner's confession before the police not having been accepted, and nothing more appearing against him, he is entitled to unconditional release. The Court therefore cancel the requisition made of him for security and direct his discharge.

The following Foujdaree Miscel. Caseons Petition is rejected, Viz:—
No. 35 of 1859.

E.P. E.T.

C. S. Chamier

F. H.

Thursday,
28th April 1859.

At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper, Esquire
J. L. Strange, Esquire
H. D. Phillips, Esquire
— Puisne Judges.

Read Calendar of Case No. 8 of 1859
on the file of the Session Court of Trichinopoly.
(Here enter F. H. No. 750 of 1859.)

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.

Sunnivogunn pillay
2 years.

Read Criminal Reports for the month of March 1859, submitted by the Session Judge of Rajahmundry.

(Here enter F. H. No. 730 of 1859.)

No. 10. "Breach of trust."

The Court are surprised that this Case should have escaped the attention of the Session Judge, as they are totally unable to understand the grounds upon which the Prisoners 2, 3, 4, 5, and

7

7, were committed for trial and sentenced to six months'
imprisonment with hard labor in irons. They direct
that the sentences in this Case as far as regards
these prisoners be at once cancelled.

Read Calendar of Case Nº 17 of
1859 on the file of the Session Court of Salem-

/ Here enter F. W. Nº 745 of 1859./

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.

× 1st Cauttee alias Permaul.
2d Peda Veeren
4th Chinna Veeren
5th Poady
Seven years.

Read Calendar of Case Nº 21 of 1859
of the Session Court of Salem.

/ Here enter F. W. Nº 751 of 1859./

The second count in the indictment
prepared by the Acting Subordinate Judge, does not
show, as it should have done, whether the previous
conviction of the Prisoner was for "burglary, robbery,
or other heinous offence." It is requested that this
information may now be furnished, as without it,
the Foujdaree Udalut are unable to judge whether the

the commitment of the Prisoner to the Session Court
was or was not necessary-

Precept returnable within III days-
from and after its receipt.

× Golla Gatoo Ramza.
Four years, and seventy five lashes with a cat of nine tails.

Read Calendar of Case Nº 24 of 1859
on the file of the Session Court of Bellary.

/ Here enter F. W. Nº 716 of 1859./

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-

Read Calendar of Case Nº 27 of 1859
of the Session Court of Calicut.

/ Here enter F. W. Nº 709 of 1859./

Adverting to the concluding clause
of the Session Judge's sentence, the Court of Foujdaree
Udalut direct that the Prisoner in this Case be sent
to the Jail at Coimbatore in order there to undergo
his sentence of Imprisonment.

Same to the Session Judge of Coimbatore

Read Criminal Reports for the
month of March 1859, submitted by the Session Judge
of,

of Cuddalore. 28th April 1859

/ Here enter F. W. N° 712 of 1859. /

The Court have to remark that the prisoners in this Case should have been charged with "Theft". N° 35. Breach of trust.

Read Report in Form A of Criminal Case N° 21 of 1859, disposed of by the Session Judge of Guntoor in the month of April 1859.

/ Here enter F. W. N° 733 of 1859. /

The Court of Foujdaree Udalut are under the necessity of cancelling the requisition of Security made of the 2d prisoner. A case of simple assault is not one for which such a measure is appropriate. The Session Judge gives no reasons in support of this part of his sentence, and it is to be observed that if the evidence against the 2d prisoner has been distrusted, which in itself is not clear from the sentence, there remains no thing affecting him by which the order of the Session Judge in his instance could be justified.

Read again Calendar of Case N° 20 of 1859 of the Session Court of Masulipatam.

/ Here enter F. W. N° 616 of 1859. /

Read

28th April 1859.

Read also Reply from the Moofty Sudder Ameen in charge of the Session Court of Masulipatam to the Proceedings of the Foujdaree Udalut under date the 13th April 1859.

/ Here enter F. W. N° 719 of 1859. /

1. The Moofty Sudder Ameen sets forth certain extenuating circumstances under which the Acting Session Judge recommended the mitigation of punishment in the instance of the 1st Prisoner in the above Case.

2. Under this explanation the Court of Foujdaree Udalut resolve to mitigate the sentence passed upon the 1st Prisoner to One year's imprisonment with hard labor in irons, as proposed by the Acting Session Judge.

3. The Court observe that the commital of the Case to be tried by the Session Court does not appear to have been justified.

Read Miscellaneous petition presented on the 5th April 1859 by J. W. Branson Esquire, Pleader on behalf of Gunnaraneu and others, of Villah Combaconum.

/ Here enter F. W. N° 56 of 1859. /

This

28th April 1859

Messrs Hooper and Stange

1. This is an appeal from the sentence passed by the Session Judge in Case N° 54 of 1858, wherein the Petitioners were 2d 3d 4th and 5th prisoners.

2. As no overt act has been proved against the prisoners beyond having entered the premises plundered, the Court are of opinion that a more lenient sentence may suffice for them than that passed upon them. They resolve therefore to reduce the sentence to one years imprisonment with hard labor in irons.

Read Miscellaneous Petition presented on the 5th Instant by A D. Mayne Esquire, Pleader on behalf of Donacenda Ramanaik, of Zillah Masulipatam-

/ Hereunto F. Mo. P. N° 59 of 1859./

Messrs Hooper and Stange

1. This is an application for the release of the Petitioner, 3d prisoner in Case N° 8 of 1859 on the file of the Session Court of Masulipatam.

2. The Court of Fougdaree Udalut having in their proceedings of the 8th instant directed the release of the prisoner in question, no order is therefore necessary upon this petition.

Read Miscellaneous Petition presented on

28th April 1859

on the 5th Instant by Ramiah of Zillah Calicut.

/ Hereunto F. Mo. P. N° 58 of 1859./

Messrs Hooper and Stange

1. This is an appeal from the order of the Session Judge under date the 5th January 1859, confirming the Joint Majistrate's order, whereby the Petitioner was dismissed from his situation, and fined in the sum of 15 Rupees, on a charge of extortion of money from a certain party.

2. The Court observe that the sentence of the Joint Majestrate does not disclose the facts found against the petitioner and the others accused, or the evidence by which they may have been established.

3. The Court resolve therefore to direct the Session Judge to obtain the required information, and to submit it to them.

Precept returnable in X days from and after it's receipt.

The following Fougdaree Miscellaneous Petition is rejected, Viz.:

N° 20 of 1859.

C. Chamier

Exd E. T.

F. Ul

Friday, Ata Court of the Foujdaree Udalut
29th April 1859.

Present

G. A. Hooper Esquire.
J. L. Strange Esquire. } Puisne Judges.
A. D. Phillips Esquire.

Read letter dated the 27th instant, from the Session Judge of Chingleput, reporting the gross misconduct and culpable neglect on the part of the Head of Police of Cotterummaroor Talook, in the case of Murder No. 7 of 1859, on the file of the Session Court.

(Here enter F. Ul. No. 720 of 1859.)

The Court of Foujdaree Udalut can only deal with a matter such as the present under the powers vested in them by Section XXXIX Act VII of 1843. The Session Judge is requested to proceed according to the requisitions of that enactment. He should state whether he considers the Head of Police has proved himself so unfit for his situation

as

as to call for his dismissal, and communicate his opinion on the subject also to the Magistrate with a copy of the report now made to the Foujdaree Udalut. The Magistrate will then proceed to address the Court on the matter.—

Read letter dated 18th April 1859, from the Acting Session Judge of Bellary, submitting for the final judgment of the Foujdaree Udalut, the record of trial in case No. 9 of 1859 on the Calendar of the Session Court.

(Here enter P. Rc No. 724 of 1859.)

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, Mr. Hooper.

Shaik Emom,

is sufficient to convict him of the offence charged, do convict him thereof; and under the provisions of Clause 3d, Section VII, Regulation XV of 1803, sentence him to be Attempt at murder.

imprisoned

imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of (2) two years.—

Ex. Elk.

F. C.

Saturday, 30th April 1859. At a Court of the Foydaree Adalut.

Present.

G. S. Hooper Esquire
J. L. Strange Esquire
H. D. Phillips Esquire
} Puisne Judges.

Read Criminal Report

B Submitted by the Sessions Judge of Honore, for the month of March 1859.

(Here enter F. C. № 729 of 1859)

The cases entered in the above reports as disposed of by the additional Joint Magistrate under Act VII of 1843, are properly those of a petty description, and the Court are of opinion that they should have been dealt with, and reported on, as petty offences cognizable by the Magistrate in his ordinary capacity.

Read Criminal reports for the month of March, submitted by the Acting Session Judge of Bellary.

(Here enter F. C. № 733 of 1859)

With

With reference to Nos 2 – 3 & 6 in the Magistrates report, the Court have to remark that only such cases should be entered in such Report as are finally Cognizable by the Magistrates.

30th April 1859 Magistrs Report

Read Calendar of Case No 16 of the Session Court of Cuddapah

(Here enter F. C. No 759 of 1859)

1. The Court of Foujdaree Udalut are of opinion that a sentence of two 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 Session Judge will be pleased to submit an

English

30th April 1859. English translation of the entire Record of the case, for their consideration.

Ex Ellt. C. S. Cannier

Read Miscellaneous Petition presented on the 30th Instant, by J. D. Mayne Esquire, Pleader on behalf of C. Veyanna and another, of Zillah Rajahmundry.—

(Here enter F. M. No. 68 of 1859)

1. This is an appeal against the sentence passed by the Session Judge in Case No. 2 of 1859, wherein the Petitioners are 1st and 2nd Prisoners—

2. Pending the hearing of the case referred to, which will be fixed for an early date, the Foujdaree Udalut resolve to desire the Session Judge to abstain from any sale in contemplation, for the realization of the fines imposed on the prisoners who have now appealed against the sentences passed on them.

Ex Ellt.

F. Co.

Monday
2nd May 1859.

Hon Court of the Fouzdaree Udalut.

Present

G. L. Hooper Esquire
J. D. Strange Esquire } Puisne Judges.
H. D. Phillips Esquire

Read letter under date the 18th April 1859, from the Agent to the Governor in Ganjam, submitting for the final judgment of the Fouzdaree Udalut a report of the trial of Criminal Case No. 6 of 1859 on his file.

/Here enter F. Co. No. 764 of 1859./

The Court of Fouzdaree Udalut, concurring in the conviction of the Prisoner

Pethoapadra

of Culpable Homicide, resolve to confirm the sentence proposed to be passed upon him by the Agent, viz. (?) Seven years' imprisonment with hard labor in irons, under Clause 2nd, Section XV. Regulation VII of 1802.-

S. Chamier

Ed Reg.

F. Mc.

Tuesday,
3d. May 1859.

At a Court of the Foujdaree Adalut.

Present.

G. L. Hooper, Esquire.
T. Lo. Strange, Esquire. } Puisne Judges.
H. D. Phillips Esquire.

Read Extract from the Proceedings of the Session Court of Combaconum dated 4th. April 1859, submitting for the consideration of the Court, his orders cancelling the sentence of the Special Assistant Magistrate in a case of misdemeanor, with reference to a letter from the Magistrate dated 26th. March 1859.

/Here enter F. Mc. No. 652 of 1859./

Read also return dated the 21st. ultimo, from the Session Judge of Combaconum, to the precept of the Foujdaree Adalut of the 15th. idem, calling for a transcript of the correspondence on which he founded his ruling of date 4th. May 1858, referred to in his Proceedings above recorded.

/Here enter F. Mc. No. 722 of 1859./

The

1. The Court of Foujdaree Udalut observe that the Government has an undoubted coparcenary right in all crops unraised under an Ummary mode of settlement, and the secret removal of such crop by the cultivator, before his and the Government shares of the grain produce have been adjusted, by the actual measurement of what is brought from the field to the threshing floor, was, in their judgment, clearly a penal offence. If there be nothing in the Code of Regulations which specifically meets an offence of the kind, it was punishable under the Mahomedan Law, which, as observed by the Session Judge in his proceedings of 4th May 1858, treats as theft the taking away by a partner, of what is joint property; the punishment of amputation being barred under the said law (vide Hedaya page 98)

2 The Court are therefore of opinion that there was no necessity for referring any question in the matter to the Mooftу,

and

3d. May 1859.

and they consider that the sentence passed by the acting Special Assistant Magistrate on the 28th February last in Case No. 5 of 1859, need not be interfered with.

E.D.
E.T.

C.B. Phamier

F.M.C.

Wednesday 4th. May 1859.

At a Court of the Foujdaree Adalut.

Present.

G. L. Hooper Esquire.
J. L. Strange Esquire.
H. D. Phillips Esquire.
} Puisne Judges.

Read again Criminal Report A. in Case No. 32 of 1859, submitted by the Session Judge of Nundial, for the month of April 1859.

/Here enter F.M.C. No. 688 of 1859/

Read also letter dated the 25th. ultimo, from the Session Judge, submitting explanation with reference to the Proceedings of the Foujdaree Adalut under date the 20th. idem, remarking that the crime in the above case was strictly House breaking with intent to steal.

/Here enter F.M.C. No. 767 of 1859/

The Court of Foujdaree Adalut did not observe that the Session Judge's opinion amounted to one that the Prisoner entered by an open door. In such case of course there was no breaking.

and

and the remarks made on the case by the Court were not called for.

Read Calendar of Cases Nos 8 of 1859, submitted by the Officiating Session Judge of Madura.

/Here enter Fl Mo. No. 765 of 1859/

The Court of Foujdaree Adalut desire to be informed of the extent to which the evidence before the Officiating Session Judge has supported the main fact charged against the prisoner in the indictment, viz, that of substituting the names of convicts sentenced to long periods of confinement for those of short periods and thus aiding the escape of the former. The comparative guilt of several parties concerned cannot necessarily affect the prisoner's liability for a specific offence as now charged against him. The Court therefore request that the Officiating Session Judge will state more distinctly his grounds for acquitting the prisoner.

Precept returnable within III days from and after its receipt.

Read

Read letter dated 14th March 1859, from the Session Judge of Rajahmundry, submitting for the final judgment of the Foujdaree Adalut, the record of Case No. 1 of 1859 on the Calendar of the Session Court.

/Here enter Fl Mo. No. 725 of 1859/

Inv. Phillips

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,

Cundavelly Andranayadoo

Murder

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession of the crime charged, do acquit him therefrom; but considering as that strong suspicion, tho' not amounting to conviction, attaches to him, they direct that he be required, under Clause sixth, Section II Regulation XV of 1803, to find two sureties in 100 Rupees each surety for his good behaviour and appearance when required within two years, and that in default thereof,

4th May 1859.

thereof, he be detained for two years in confinement.

C. H. Chamier

Ex Hall.

T. R.

Thursday, 5th May 1859. } At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper, Esquire. }
J. Le. Strange, Esquire. } Puisne Judges.
H. D. Phillips, Esquire. }

Read letter under date the 27th April 1859 from the Sessions Judge of Nundial, requesting the instructions of the Judges as to whether the trial of Hundaloo charged with Murder, and in whose case the Jury have, contrary to the Sessions Judge's opinion, given a verdict acquitting the prisoner on the ground of insanity, can be reopened, and the evidence of the Medical officer, on which it did not occur to the Sessions Judge to require till after the close of the trial, taken as to the fact and degree of the Prisoner's madness after placing him under the observation of the Medical officer for some time.

(Here enter T. R. No. 177 of 1859.)

The Sessions Judge should

refer

refer the trial in the usual Course. If on Consideration thereof, the Foujdaree Udalut are of opinion that it is admissible & necessary to receive evidence from the Medical Officer as to the state of mind of the prisoner, they will order accordingly.

Read Calendars of Cases Nos 9. 10. 11. 12. 13. and 14 of 1859, submitted by the Session Judge of Chinglepute.

(Here enter F.H. Nos 769. 770. 771. 772. 773 & 774 of 1859)

1. With the informations furnished in the above Calendars, the Foujdaree Udalut are not in a position to appreciate the grounds on which the several prisoners have been acquitted of the charge of Perjury brought forward; as it would appear, by the Magistrate of Chinglepute.

2. They therefore resolve to request the Sessions Judge to supply a brief narration of the circumstances of the trial in which the prisoners were called on to give evidence, stating at the same time the position in that trial which the 5 witnesses took.

took, should he have been in any way concerned in it.

3. It is observed that the first Column of the Calendars under notice does not show by what Functionary the Cases in question were committed to the Session Court.

Precept in V days.

Exd E.T.

F. No.

Friday,
6th. May 1859.

At a Court of the Foujdaree Adalut.

Present.

G. A. Hooper, Esquire.
J. Lo. Strange, Esquire. } Puisne Judges.
H. D. Phillips Esquire.

Read Calendar in Case No. 13 of 1859, from the Session Judge of Cuddapah.

(Here enter F. No. No. 781 of 1859.)

It is observed that insufficient attention has been paid to the correct transcription of the Session Judge's remarks and sentence in the above trial.

Read letter from the Acting Magistrate of Cuddapah, dated 26th. April 1859.

(Here enter F. No. No. 765 of 1859.)

In this letter the Acting Magistrate of Cuddapah, with reference to Circular Order No. 206, requests the opinion of the Court of Foujdaree Adalut whether, under the terms of that order, it is competent for the Magistrate himself to abstract in English

the

the material part of the oral evidence, or as
whether this must be done in the verna-
cular.

2. The Court have on former oc-
casions ruled that such evidence must
be recorded in the vernacular language,
but on reconsideration they are of opinion
that the practice may be dispensed a-
with, and that the Magistrate may if
he think proper, record the evidence
himself in English, having a fair copy
made and signed to insure legible
handwriting.

C. S. Chamier

E.P.
E.F.

F.116.

Tuesday
10th May 1859.

At a Court of the Foujdaree Adalut

Present.

G. L. Cooper, Esquire
T. L. Strange, Esquire
H. D. Phillips, Esquire
} Puisne Judges

Read Calendar of Case
No. 15 of 1859 of the Sessions Court of
Chingleput.

Case Enter F.116. No. 799 of 1859.

1. The Court of Foujdaree
Adalut are of opinion that a sen-
tence of 3 months' 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 re-
solve to call upon the Sessions
Judge to reduce his sentence ac-
cordingly.

2. If unable to concur
with

10th May 1859.

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.—

Ed.
E.T.

C. Chamier

F. 66.

Wednesday 11th May 1859.

At a Court of the Foujdaree Adalut.

Present

G. L. Hooper Esqre.
J. L. Strange Esquire.
H. D. Phillips Esquire.
} Puisne Judges.

Read Criminal Reports submitted by the Sessions Judge of Combatoor for the month of March 1859.

/Here enter F. 66. No. 803 of 1859./

The Foujdaree Adalut conclude that the rejection by the Sessions Judge of the late Special Assistant Magistrate's request for a reconsideration of the order referred to, has been formally intimated to that officer.—

Read letter dated 30th April 1859 from the Sessions Judge of Calicut, submitting for the final judgement of the Foujdaree Adalut the record of Case No. 28 of 1859 on the Calendar of the Sessions Court.—

/Here enter F. 66. No. 793 of 1859./

The

11th May 1859.

Mofsrs Strange and Phillips.

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

Manan Allipoorakil Ramen,

is sufficient to convict him of the offence charged, do convict him of Murder. 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.-

C. S. Chamier

Ey. E.T.

F. Uc.

Thursday 12th May 1859.

At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esquire, J. L. Strange Esquire, H. D. Phillips Esquire, } Puisne Judges.

Read Petty Calendars of the Magistracy for the 1st Quarter of 1859, submitted by the Sessions Judge of Chittoor.

(Here enter F. Uc. No. 798 of 1859.)

No. 15. "Misdemeanor."

The Court of Foujdaree Udalut are of opinion that the act charged against the prisoners is insufficient to prove the ground of a criminal prosecution, and therefore resolve to cancel the sentence as illegal.-

Read Calendar of Case No. 11 of 1859 on the file of the Sessions Court of Honore.

(Here enter F. Uc. No. 795 of 1859.)

As herein recommended, the Court of Foujdaree Udalut resolve to

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 Calendar of Case No 17 of 1859 on the file of the Sessions Court of Cuddapah.-

/Here enter F. M. No 806 of 1859./

The second column of the above Calendar describes the prisoner charged, as one "Baaddagadoo." He is, however, referred to in the first line of the Sessions Judge's observations, as the "Prisoner Baaddagy Saib," a person named Baddagy Saib having, it is clear, been a principal in the fraud under trial.-

2. Again, in many of the observations adverted to, reference is made to the strong suspicion that the prisoner produced the letter; but further on mention is entered of the 1st "Prisoner" having left the Court &c.

The

To be Hanged

Five years.

The Sessions Judge concludes that an error of transcription has substituted the word "Prisoner" for "witness" in the latter sentence. It is nevertheless desirable that errors of the kind should not appear in communications of the important character of the one under notice.-

Ex Ed.

C. Casamajor

F. 76.

Friday, 13th May 1859. } At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper, Esquire. }
T. L. Strange, Esquire. } Puisne Judges.
H. D. Phillips, Esquire. }

Read Calendar of Case No. 25 of 1859 on the file of the Sessions Court of Tinnevelly.

(Here enter F. 76. No. 305 of 1859.)

As herein recommended by 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.

× 1 Soattacunnooadoo.
2 Permallaswa.
One year.

Ept.
E. T.

C. S. Chamier

Saturday, 14th May 1859.

At a Court of the Fujdaree Adalut.

Present.

G. S. Hooper, Esquire
T. L. Strange, Esquire
H. D. Phillips, Esquire
} Puisne Judges.

Read Miscellaneous Petition presented on the 7th March 1859, by J. W. Branson Esqre, Pleader on behalf of Moottapamalinga Tever, of Zillah Madura.

(Here enter F. M. P. No 37 of 1859.)

Petitioner appeals from the order of the Acting Sessions Judge under date the 19th January 1859, confirming that of the Head Assistant Magistrate dated the 10th idem, whereby that Officer directed the land in Petitioner's possession, to be made over to his opponent, leaving Petitioner at liberty to establish his title thereto by a Civil action.

Mr. T. L. Strange, and Mr. H. D. Phillips.

The Judgments given in this matter, have gone altogether upon consideration

2.

of

of the title of the respective parties, and express no opinion upon any proof adduced as to which of them was in actual possession at the time that the disputes between them arose. The Court observes that the original Complainant, M. Ramalinga Thaver, was ploughing the land, when his opponent Ramaachariar interfered with him, — and that the onus has thereby fallen upon the latter to establish, that up to that time he was in occupation, and that M. Ramalinga Thaver came in, on the day in question, as a trespasser. The Court resolves to remand the case to the Head Assistant Magistrate in order that he may pronounce upon the above issue.

Read Miscellaneous Petition presented on the 10th March 1859, by J. W. Brandon Esqre, Pleader on behalf of Colundavaloo Chetty, of Tillah Chinglepet.

(Here enter T. M. P. No. 13 of 1859)

1. Petitioner appeals from the

M. J. L. Shiny and M. H. D. Philly

the order of the Sessions Judge under date the 28th January 1859, confirmatory of the Magistrate's decision, whereby the Petitioner was fined 25 Rs., for having forcibly taken away a buggy, and assaulted a Police Duffadar in the due Execution of his duty.

2. The Court cannot find in the sentences passed in this case by the Magistrate and the Sessions Judge, any facts proved against the accused, of a character to subject him to penal Consequences. It does not seem established that he employed force in the removal of the buggy; and his own allegation is that it was surrendered to him voluntarily. He lays claim to the buggy as his own, and the matter, on the face thereof, seems to involve Civil rights only. As to the alleged assault upon the Duffadar, no facts again are given as established in proof of such assault. The Court therefore set aside the sentence passed upon the Petitioner.

Read Petty Calendars for the 1st quarter of 1859, submitted by the Agent to the

the Governor at Ganjam.

(Here enter F.M. No 812 of 1859)

No I.
"Resistance to Magistrate's Process"

"The mere "refusal to obey a Summons" does not render a party punishable under the Regulation quoted. The sentence must therefore be cancelled.

Read Miscellaneous Petition presented on the 21st April 1859, by J. W. Branson Esqr; Pleader on behalf of Soobben, 29th Prisoner in Case No 62, 2nd Prisoner in Case No 63 A, and Prisoner in Case No 63 B of 1858; and Namasoo 30th Prisoner in Case No 62, and 1st Prisoner in Case No 63 A of 1858, on the file of the Sessions Court of Combaconum, appealing from the sentence passed upon them in the above cases.

(Here enter F.M.P. No 65 of 1859.)

Mr J. L. Shaw and Mr W. D. Phillips

The Court observe that the Prisoner Soobben, besides being guilty of taking part in the grain riot, showed violence towards the authorities and the prosecutor, when they came to seize him, having attempted to use a knife on the occasion - The Court in consideration of this circumstance will not reduce the sentence passed upon him below 18 months' imprisonment with hard labor in irons - The other prisoner Namasoo, is

is to be sentenced to one year's imprisonment with hard labor in irons on the grounds set forth in the order on petition No 55 of 1859.

Read Miscellaneous Petitions presented on the 17th February and 1st April 1859, by J. W. Branson Esqr; Pleader on behalf of Kristnum Chetty and 2 others, of Zillah Combaconum, appealing from the sentence passed upon them by the Sessions Judge in Case No 62 of 1858, wherein they are 1st 2nd and 3rd Prisoners.

(Here enter F.M. P.s No 54 & 55 of 1859.)

Read also Miscellaneous Petition presented on the 14th March 1859, by the same Pleader on behalf of Cadaramungalum Veeramoottoo Padiachy and others, appealing from the sentence passed upon them in the aforesaid Case, wherein they are 4th 5th 6th 10th 11th 12th 13th 14th 18th 25th and 37th Prisoners.

(Here enter F.M.P. No 63 of 1859.)

Mr J. L. Shaw and Mr W. D. Phillips

The Court see no ground to question the justice of the conviction, but it appears to them that the sentence passed upon the convicted prisoners is unnecessarily heavy. Beyond the fact that they took part in the riot, which was accompanied with plunder, there are no overt acts established against the

the prisoners of an atrocious character. The Court are of opinion that hard labor in irons, for one year, will be sufficient punishment for them, and to that measure the Court reduce the sentence.

Read Calendar of Case No. 62 of 1858 on the file of the Session Court of Combaconum.

(Here enter F. H. No. 242 of 1859.)

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

× 7. Mahaly
15. Seroomal alias Chinna Mayloory Peroomal Chetty
24. Surmagabany Chetty
26. Muniew Chetty
27. Nagayra Chetty
31. Peleha Cooly
32. Coopa Dooallee
33. Venkatachella Pandy Chetty
34. Soobaroyalu Chetty
35. Govinda Chetty

Nine years.

Read again Miscellaneous Petition presented on the 18th December 1858, by J. W. Branson Esqr., Pleader on behalf of Seroorugadoo, of zillah Trichinopoly.

(Here enter F. M. P. No. 212 of 1858.)

Read also return dated 22nd March 1859 from the Acting Sessions Judge of Trichinopoly, to the precept of the Foujdaree

Foujdaree Udalut under date the 7th instant, calling upon him to report in what respect the act charged upon the prisoner in Case No. 12 of 1858 involved fraud.

(Here enter F. M. No. 345 of 1859.)

Messrs. J. L. Strange, and W. D. Phillips.

On examination of the record, the Court find no evidence adduced before the Acting Sessions Judge to the latter in question, when first discovered, bring in the condition mentioned by the Acting Sessions Judge in this return. That the letters, when produced before the Acting Sessions Judge, were in such condition, is certainly no proof that they were in that condition, when originally discovered, and, in the absence of such proof, there remains no ground for the presumption that the prisoner made away with the letters fraudulently.

The Court are therefore of opinion that the sentence passed upon the prisoner, is not one that can be sustained and they resolve therefore to acquit him, and to direct his discharge.

Expd. E.P.

C. S. Chamier

14th May 1859.

Read again Miscellaneous

Petition presented on the 30th Ultimo, by J. D. Mayne Esqre, Pleader on behalf of E. Veyanmah and another, of zillah Rajahmundry.

(Here enter F. M. P. No 68 of 1859.)

1 This is an appeal against the sentence passed by the Session Judge in Case No 2 of 1859, wherein the petitioners are 1st and 2nd prisoners. Mesrs T. L. Strange and H. D. Phillips.

2 The Court desire that the Session Judge will inform them whether any of the accused were in Government employ at the time of the occurrences mentioned in the charge, and will further certify the facts in evidence, on which he has come to the conclusion that on each occasion the offence of extortion was perpetrated.

Precept returnable within III days from and after its receipt.

Read Miscellaneous Petition presented on the 12th February last, by S. Seroonala Charry, Pleader on behalf of Canoongle Pucky, of zillah Calicut.

(Here enter F. M. P. No 23 of 1859.)

This

Mesrs T. L. Strange and H. D. Phillips.

This is an appeal from the order of the Session Judge under date the 10th November last, confirmatory of the decision passed by the Acting Magistrate in reversal of the order of the Head of Police, which allowed Petitioner to retain possession of a Paramboke.

2 The Court observe that the Head of Police has found, that the Paramboke in dispute was in petitioners occupancy, and that his opponent A Moideen Coutty entered thereupon upon the occasion which has given cause for these proceedings, as a trespasser, not having himself been in previous occupancy - The Head of Police thereon maintained petitioner in his occupancy - The Magistrate in setting aside this decision has done so, in Consideration of the title of the parties - a matter lying beyond his Cognizance - The Court are unable therefore to uphold the order of the Magistrate and that of the Session Judge, which affirms it - The facts found by the Head of Police are not Controverted by the said Superior officers, and they are Conclusive in establishing

the

14th May 1859.

the Petitioners' right of occupancy - The Court therefore set aside the said orders appealed from, and affirm that of the Head of Police.

Enjd
E.T.

F.M.C.

Tuesday,
17th May 1859.

At a Court of the Foujdaree Adalut.
Present.

G. S. Hooper, Esquire
T. L. Strange, Esquire
H. D. Phillips, Esquire
} Puisne Judges.

Read Calendar of Cases Nos 19 and 26 of 1859 on the file of the Sessions Court of Combaconum.

(Here enter F.M.C. No. 831 of 1859.)

1. Aroonachellom.
3. Soobramaneadjen.
4. Yabary Soobben.
5. Valayooden.
6. Teroovengada Padyachy.
7. Cheelumbara Padiachy.
8. Mookeiah.
9. Mottoosamy Pillay.
12. Apiasamy.
13. Chockan.

Two years and nine months.

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 cases. - S

C. S. Chamier

Enjd
E.T.

F. U.

Wednesday, 18th May 1859. At a Court of the Fouzdaree Adalut.

Present.

G. S. Hooper, Esquire.
T. L. Strange, Esquire. } Puisne Judges
H. D. Phillips, Esquire.

Read Criminal reports for the month of April 1859 submitted by the Sessions Judge of Guntoor.

No 26. "Misdemeanor." / Were enter F. M. No 878 of 1859. /

The possessing or offering for sale poisonous substances without Criminal intent is not punishable. The sentence in this case must therefore be cancelled

Read Criminal reports for the months of April submitted by the Officiating Session Judge of Madura.

/ Were inter F. M. No 833 of 1859. /

No 21 "Cattle stealing." The sentence in this case appears severe, and the Officiating Session Judge is requested to review the record and pass such orders thereon as he may deem fit.

No 35. "Assault and wounding" 2. The Court have to observe that the evidence to an assault should be distinct in its kind and if the charge is not substantiated thereby the accused should

should ordinarily be entitled to an unconditional release. The Officiating Session Judge is requested to review the record in this case with reference to this remark.—

Read Calendar of case No. 12 of 1859, submitted by the Sessions Judge of Manzalore under date the 9th instant.

/ Here enter F. H. No. 829 of 1859. /

The grounds of the acquittal should have been given.

Read Criminal reports for the months of March, submitted by the Sessions Judge of Coimbatore.

/ Here enter F. H. No. 832 of 1859. /

1. On account of the charge in No. 37 the prisoner was only legally liable to have security taken from him by the Magistrate to keep the Peace, and as the sentence in No. 36 had reference to his conviction in this case the Sessions Judge is requested to amend it by reducing the period awarded. — Nos. 36 and 37.

2. The Foujdaree Udalut would further wish to receive from the Sessions Judge a brief statement of the circumstances under which it

it has been deemed necessary to inflict punishment for the attempt at suicide.

Precept returnable within III days from and after its receipt.

Read Calendar of case No. 28 of 1859 on the file of the Session Court of Bellary.

/ Here enter F. H. No. 842 of 1859. /

As herein recommended, the Court of Foujdary 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.

Malan Mogadoo. — Five years.

Read Calendar of case No. 4 of 1859 on the file of the Session Court of Tellicherry.

/ Here enter F. H. No. 840 of 1859. /

As herein recommended, the Court of Foujdaree Udalut, resolve to authorise 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.

Kelatte Mayhara Govindun. — Four years.

Read Calendars of cases Nos. 13 and 14 of 1859, submitted by the Session Judge of Manzalore under date the 12 instant.

1 Case

18th May 1859.

/ Here enter F. Uc. No. 841 of 1859. /

The Session Judge should have given the grounds of the judgement. He is requested to furnish these.

Precept in III days.

Read Petty Calendars of the Magistracy, submitted by the Session Judge of Maaduleputtanu for the 1st Quarter of 1859. No 3. "Misdemeano"

/ Here enter F. Uc. No 819 of 1859. /

1. The Court resolve to cancel the sentence in this case, as it is not supported by any legal grounds.

2. From this case being entered in these Calendars it is presumed that the Magistrate was proceeding under Regulation IX of 1832, in which case he was not competent to take security under the Regulation quoted. No 15. "Cattle killing

C. S. Chamier

Ld "
E. T.

F. Uc.

Thursday 19th May 1859.

At a Court of the Foujdaree Adalut.

Present.

J. Sc. Strange Esquire.
H. D. Phillips Esquire. } Puisne Judges

Read again Calendar of Case No. 8 of 1859 submitted by the Officiating Session Judge of Madura.

/ Here enter F. Uc. No. 768 of 1859 /

Read also return dated the 9th May 1859, from the Officiating Session Judge of Madura, to the precept of the Foujdaree Adalut under date the 4th idem, calling upon him to state more distinctly his grounds for acquitting the prisoner in Calendar No. 8 of 1859.

/ Here enter F. Uc. No. 816 of 1859 /

The Court of Foujdaree Adalut are of opinion that the Officiating Session Judge should furnish a copy of the above return to the Subordinate Judge with a view to the same being

being communicated to the Inspector of Prisons.

Read letter under date the 3d May 1859, from the Agent to the Governor in Vizagapatam, submitting for the final judgment of the Foujdaree Udalut, a report of the trial of a case of Highway Robbery on the file of his Court.

/Here enter F. No. No. 838 of 1859/

The Court of Foujdaree &c Udalut concurring in the conviction of the first 3 Prisoners in the above case, resolve to sentence them, as proposed by the Agent, to 7 years' imprisonment with hard labor in irons and 3 dozen Lashes.

Read letter under date the 10th May 1859, from the Magistrate of Kurnool.

/Here enter F. No. No. 847 of 1859/

1. With reference to para 17 of Report A in Case No. 20 of 1859 of Theft, in which the Session Judge of Kurnool notices the incapacity and negligence of

19th May 1859.

of the Head of Police of Cumbum Talook, the Magistrate, in the above letter, states as his opinion that, from the utter want of zeal and the great carelessness and supineness shown by the said Head of Police in the discharge of his duties, he is totally unfit to have charge of a Talook, and therefore recommends his removal from Office.

2. The Foujdaree Udalut are required to deal with the dismissal of a Head of Police when a Session Judge brings to notice any gross misconduct, which appears to him to deserve that penalty. In this instance, the Session Judge, however reprehensible he may have considered the conduct of the Cumbum Head of Police, has offered no opinion regarding dismissal: and, apart from the general incapacity of the Police officer which the Magistrate now reports, the Foujdaree Udalut do not think they have enough before them to justify an order for dismissal. But, such

such general inefficiency as the Magistrate at present represents and complains of, is matter for representation to the Board of Revenue, from whom the Magistrate should obtain sanction for the step he desires to take.

Read Calendar of Case No. 15 of 1859, submitted by the Session Judge of Cuddapah, under date the 14th May 1859.

/Here enter T. Mo. No. 854 of 1859./

The enquiry made in the Talook in this case occupied a month and a day. The Foujdaree Adalut entrust the Session Judge has ascertained that such serious delay was unavoidable. It is obvious that disinclination to prosecute charges of Highway robbery must result from Keeping the aggrieved parties for so long a period before the police authorities.

Read Calendar of Case No. 21 of 1859, submitted by the Session Judge of Cuddapah, under date the

the 14th May 1859.

/Here enter T. Mo. No. 855 of 1859./

1. There appear to have been no sufficient grounds for the transmission to the Criminal Court of the 2d Prisoner.

2. The Foujdaree Adalut conclude that the Session Judge has satisfied himself that good cause existed for delaying this case in the Talook for a period of 36 days, viz. from the 22d February to the 29th March last.

Exd Eaa.

C. B. Chamier

F. No.

Friday,
20th. May 1859.

At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper Esquire.
J. L. Strange Esquire.
H. D. Phillips Esquire.
} Puisne Judges

Read letter from the Session Judge of Guntoor, dated 12th. May 1859, requesting instructions regarding a man of unsound mind forwarded to the Court in a Criminal case.

/Here enter F. No. No. 827 of 1859./

Adverting to the information already on record regarding the Lunatic in question, there appears to be no reason for treating as a criminal offence, the pilfering of which he is stated to have been guilty. The Court would therefore suggest that the Magistrate be referred to the provisions of Section V, Act XXXVI of 1858, and that he be directed to adopt the course therein prescribed, should he be unable to discover a relation or other person so legally

legally bound to maintain the lunatic in question.

Read Calendar of Case No. 29 of 1859, submitted by the Session Judge of Calicut, &c under date the 12th May 1859.

(Here enter S. No. No. 850 of 1859.)

1. Sentence of two years' imprisonment with hard labor in irons appears to the Foujdaree Adalut to be in excess of what would meet the demands of justice in this case. The person injured by the act of the prisoner was so injured when trespassing on the property of the latter, and the Court trace in the assault made on the trespasser, no evidence whatever of any malicious intent to cause so severe an injury as what resulted from a single kick. The Foujdaree Adalut resolve therefore to call upon the Session Judge to reduce the punishment adjudged by him from two years to six months.

2. If unable to concur with the Court in the propriety of the mitigated sentence now proposed, the Session Judge will

will be pleased to submit an English translation of the entire record of the case for their consideration.

Read letter from the Session Judge of Chicacole, submitting the Petty Calendars of the Magistracy of Vizagapatam and Ganjam, for the 1st Quarter of 1859.

(Here enter S. No. No. 856 of 1859.)

Ganjam, No. 1. "Fraud."

1. The Court have to observe that the transaction set forth in the charge would appear more properly to form the grounds of a civil suit than a criminal prosecution.

2. The Court would further observe that in cases of Fraud a fine is not an appropriate punishment, except with the view to indemnify the party defrauded. The Session Judge is requested to review the record with reference to the Court's remark in the first para.

Read Calendar of Case No. 24 of 1859, on the file of the Session Court of Tinnevelly.

(Here enter S. No. No. 866 of 1859.)

As herein recommended,

the

20th May 1859.

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.

Two years

C.S. Chamier

E.T.

E.T.

F. No.

Monday 23d May 1859.

At a Court of the Foujdaree Udalut.

Present.

J. Sc. Strange Esquire.
H.D. Phillips Esquire. } Puisne Judges

Read Criminal reports for the months of April 1859, submitted by the Session Judge of Chittoor.

[Here enter F. No. Nos. 55 & 56 of 1859.]

No. 55 "Cattle stealing"

1. The sentence in this case appears unnecessarily severe, and the Court are under the impression that the moofty Sudder Ameen may have been influenced in awarding it by the fact of another charge of the same nature having been brought against the prisoner, the Session Judge is requested therefore requested to review the record with a view to the reduction of the sentence should he think fit.

No. 57 Theft

2. This case is of a petty description and should have been disposed of by the Police or Magistracy.

The

The Court resolve to cancel such por-
tion of the sentence as may remain
unexpired on receipt of these pro-
ceedings by the Session Judge.

Read Petty Calendar of the
Magistracy for the first quarter of 1859, as
submitted by the Session Judge of Ra-
jahmundry.

[Here enter G.M.O. No. 871 of 1859.]

1. In this case the parties were
not criminally punishable unless the
act complained of was committed in-
tentionally, in which case it would
be an assault. The Session Judge will
review the record with reference to
this remark.

No. 2 "Misdemeanor"

2. The parties in these Nos. are
punished under Regulation III of 1819,
from which it is presumed that they
were in the exercise of Police duties,
the nature of their employments should
have been entered in the charge, which
should have been headed "abuse of
authority."

Nos. 3 and 16 "Extortion"

In

No. 8. "Offence under the Post Office act."

3. In cases of this description
the prosecution cannot be at the in-
stance of private parties, but must be
at the instance of the Post Master.

No. 27. "Gambling"

4. This was not a case in
which it was necessary or legal to
demand security. The sentence is there-
fore cancelled.

Read Calendar of Cases. Nos. 29
and 30 of 1859, of the Session Court of Tin-
nevelly.

[Here enter G.M.O. No. 876 of 1859.]

Adverting to the amounts
involved in the two separate frauds or
charged against the prisoner being res-
pectively Rs. 178-9-6 and Rs. 275, the Fouj-
dary Adalut would have been satis-
fied if the Session Judge had retain-
ed the trial in his own Court for
disposal. It is possible the Principal
Sudder Ameen was of opinion that
the double offence took the cases out
of his jurisdiction.

Read Calendar of Case. No. 12

of

25th May 1859.

of 1859, on the file of the Session Court of Chittoor.

/Here enter F.Mc. No. 873 of 1859/

1. 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 passed upon them in the said case.

1 Ganadee Ricatagadu
2 Moolagadu
3 Gandoo
Eight years

2. It appears to the Foujdaree Adalut to be worthy of consideration by the Magistracy whether the circumstances under which the 8th, 9th and 10th witnesses pursued and captured the Prisoners, do not entitle them to some reward under the application of Section X, Regulation XIII of 1832.

Ed. Hall.

C. F. Chamier

F. Mc.

Wednesday, 25th May 1859.

At a Court of the Foujdaree Adalut.

Present.

G. L. Hooper Esquire.
J. L. Strange Esquire. } Puisne Judges.
H. D. Phillips Esquire.

Read letter dated the 9th instant, from the Session Judge of Bellary, pointing out that under the Courts orders of the 26th February and 30th April last, cases beyond the jurisdiction of the Magistracy to determine are in fact altogether excluded from the criminal statements submitted periodically to the Foujdaree Adalut; and requesting, on behalf of the Magistrate, to be informed whether such was intended to be the effect of the orders in question.

/Here enter F.Mc. No. 817 of 1859/

The Court of Foujdaree Adalut are of opinion that all cases personally investigated by the Magistracy should appear in one or other of the criminal statements. Considering it desirable that the Quarterly Calendars should

should be confined to the exhibition of such petty cases as the Magistracy are competent to dispose of in the exercise of their ordinary judicial powers, the Court resolve to cancel their orders of the 30th ultimo, and direct that cases in which the Magistracy can do no more than hold a preliminary investigation, be entered in the Monthly Criminal Reports B, & detailed statement in the form A being sent to the Session Judge upon the disposal of every case in which the parties are discharged, but not where the parties are forwarded to the Criminal Court.

Read Criminal reports for the month of April 1859, submitted by the Session Judge of Cuddalore.

/Here enter Jl No. No. 863 of 1859/

1. The charge in this case should have alleged that the assault was committed by the prisoner in abuse of his authority as a Police officer. Magistrate's Report No. 9 "abuse of authority"

2. With reference to the A report of the above case submitted by the Session

Session Judge, the Court have to observe that it is only in cases of "Torture" that they require the A report to be submitted for their review.

Read Calendar & Case No. 12 of 1859, submitted by the Session Judge of Coimbatore.

/Here enter Jl No. No. 887 of 1859/

1. The above Calendar shows, that articles of stolen property were discovered in the houses of the 4th, 5th and 6th as well as in those of the 1st, 2d and 3d Prisoners. The three first named Prisoners are further stated to have been recognized as robbers by the witnesses from 2 to 7. They have, however, been discharged by the Session Judge, but no representation is made of the grounds on which the testimony affecting them has been rejected, although it is admitted as good and sufficient for the conviction of the other Prisoners.

2. Before disposing of the Session Judge's recommendation for a mitigated sentence on the 1st, 2d, 3d and 7th Prisoners

25th May 1859.

Prisoners, thus convicted, the Fouzdaree Udalut deem it necessary to require the Session Judge to explain the reasons on which have guided him in his appreciation of the testimony above referred to.

Precept returnable within V days from and after its receipt.

Read Calendar of Case No. 28 of 1859 of the Session Court of Combaconum.

/Here enter F. Dc. No. 895 of 1859./

The Court of Fouzdaree Udalut resolve to call upon the Session Judge to state whether in his opinion the sentence necessarily passed upon the prisoner under the act in question may not with propriety be brought to the notice of the Honorable the Government with a recommendation that a portion thereof be remitted; and if he should be in favor of such course, what punishment he would propose as sufficient to meet the requirements of the case.

Precept returnable within V days from and after its receipt.

Read

C. Chernier

F. Dc.

Thursday, 26th May 1859. At a Court of the Fouzdaree Udalut.

Present.

G. L. Hooper, Esqre.
J. L. Strange, Esqre.
H. D. Phillips, Esqre.
} Puisne Judges.

Read Criminal reports for the Month of April 1859, submitted by the Acting Session Judge of Trichinopoly.—

(Here enter F. Dc. No. 864 of 1859.)

No. 36. "Heft." 1. Looking to the value of the property stolen and to there being no previous conviction charged against the prisoner, the Court are of opinion that the Sentence is much too severe and resolve therefore to reduce it to three Months.

No. 38. "Heft." 2. The acts alleged against the prisoner would constitute the offence of robbery. The Court observe that it was remanded by the Session Court probably because the offence was within the jurisdiction of the Criminal Judge; in this Case he should have amended

the

the charge before proceeding to trial.-

3. In the heading to these charges the words "unattended with aggravating circumstances" are unnecessary. The proper title of the offence is "Housebreaking." Nos. 28, 40, 43.

4 The words "did go forth" &c. are unnecessary. " 30 & 36.

Read Calendar of Case No. 28 of 1859 on the file of the Session Court of Tinnevelly.-

(Here enter F. No. 1-903 of 1859.)

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 periods specified in the margin, in mitigation of the sentence passed upon them in the said Case.-

1st Veerabusseu 2nd Vondy taveu. Seven years.
3rd Soobbien. Four years.

Read Petty Calendars of the Magistracy, submitted by the Sessions Judge of Tinnevelly for the first quarter of 1859.-

(Here enter F. No. 1-878 of 1859.)

1 The more refusal to comply with

No. 10. Resistance to Process.

a summons is not punishable as resistance to Process. Sentence in this Case must therefore be cancelled.-

No. 42 and 43. False complaint. 2. Abuse of authority is not punishable under either Section XXXII or XXXIII of Regulation XX of 1816 and consequently a false complaint charging it cannot be punished under Section XXXV of the same Regulation.-

Read Calendar of Case No. 23 of 1859 on the file of the Session Court of Salem.

(Here enter F. No. 1-910 of 1859.)

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

x Cora Seddum prisoner for the period specified in the margin, in mitigation of the sentence passed upon him in the said case.-

Seven years.

Read letter dated 20th April 1859 from the Sessions Judge of Rajahmundry submitting for the final Judgment of the Foujdaree Udalut the record of Case No. 7 of 1859 on the Calendar of the Sessions Court.-

(Here enter F. No. 1-882 of 1859.)

The

26th May 1859.

Mr. H. D. Phillips.

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,-

Curry Pudmanabdoo,

is sufficient to convict him of the offence 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.-

Highway Robbery with attempt to murder.

C. S. Chamier

Ent.
E. P.

F. A.

Saturday,
28th May 1859.

At a Court of the Foujdaree Adalut

Present

G. S. Hooper, Esquire
T. L. Strange, Esquire
H. D. Phillips, Esquire

Puisne Judges.

Read letter dated 16th instant from the Officiating Sessions Judge of Madura, Submitting for the consideration of the Judges a lengthened correspondence between himself and the Magistrate on the subject of an order passed by the Head Assistant Magistrate, relative to a dispute between certain parties respecting the Kurnumship of Koovanthy.

(Here enter F. A. No. 360 of 1859.)

The Court of Foujdaree Adalut decline to give any opinion in this matter. The question was whether the one party or the other was in possession and was being improperly interfered with by his opponent. The Head Assistant Magistrate took one view of the matter, and on Appeal made to the Session Judge that officer took another. It remains then for the party dissatisfied with the latter order to Appeal to the Foujdaree Adalut.

Read Petty Calendars of the Magistracy for

for the 1st Quarter of 1859, submitted by the Sessions Judge of Rundiel.—

/Here enter J. M. No. 916 of 1859./

With reference to the Sessions Judge's remark on the sentence in this case, the Court have to point out that upon the charge as it appears in the Calendar the Magistrate could demand security only to keep the Peace, and was not competent to require it for good behaviour or appearance. The Sessions Judge will revise the sentence with reference to this remark.—

No. 16. "Assault with intent to wound."—

Read Miscellaneous Petition received on the 21st April 1859, from the Sessions Judge of Rundiel, forwarding Cassim and another of that Billah.—

/Here enter J. M. P. No. 64 of 1859./

Mess^rs. Strange and Phillips.—

1 This is an application for the cancellment of the sentence passed upon the prisoners in case No. 41 of 1856 on the file of the Governor's Agent at Rundiel.—

2 Before finally disposing of the above petition, the Court of Fouzdaree Udalut resolve to direct the Sessions Judge of Rundiel to submit a translation of the record connected with the case in question, inclusive of the police proceedings in the matter.—

Precept returnable within X days from (and

28th May 1859.

and after its receipt.—

Read Miscellaneous Petition presented on the 7th March 1859, by J. A. Wayne Esquire, Pleader on behalf of Coopparam Moodaly, Villah Cultivator.

/Here enter J. M. P. No. 39 of 1859./

Mess^rs. Strange and Phillips.

1 Petitioner appeals from the order of the Sessions Judge under date the 15th February 1859, confirmatory of the order of the Joint Magistrate, whereby the Petitioner was prohibited from taking away certain logs of Teakwood, and directed to establish his claim thereto by a civil suit to be brought within a month.—

2 The Court of Fouzdaree Udalut observe that the Joint Magistrate and Sessions Judge have gone beyond their powers in judging of the civil rights of the parties; and that the only question with which they could legitimately deal, was, whether the Defendant had forcibly interfered with timber in the possession of the complainant. The complainant does not appear even to have alleged such a fact, but his complaint was that the Defendant was cutting down timber within the range of his right. Such timber cannot be said to have been in the possession of the complainant, and there was consequently no ground for the interposition of the Joint Magistrate.—

3 The Court resolve therefore to set aside the orders passed in the case.—

Read

Read letter from the Sessions Judge of Tinnevelly dated 20th May 1859 —

/ Here enter F. M. No 912 of 1859. /

1 A Prisoner on trial before the Principal Sudder Ameen of Tinnevelly, having required in his defence the evidence of certain parties residing at Madras, the Sessions Judge being of opinion that such parties may be examined by a warrant of commission, requests the instructions of the Court of Foujdaree Udalut on the subject, as no specific provision is made in the law for such proceeding.

2 The Court have to observe that the want of any provision of law for examination of Witnesses in a Criminal trial by commission is a bar to that method of procedure. If the prisoner requires the evidence of these parties, he must have them summoned in the usual manner, providing at the same time for their travelling expenses —

Read Proceedings of the Madras Government dated the 10th instant, communicating certain proceedings held in the Revenue Department on the subject of the mode of disposing of criminal cases prevailing at St. Thomas' Mount, and requesting the Foujdaree Udalut to cause the Joint Magistrate

Magistrate to be furnished with the usual Forms of Statements for transmission to the Sessions Judge —

/ Here enter F. M. No 845 of 1859. /

The Court of Foujdaree Udalut observe that instructions on this subject were conveyed in their proceedings of the 27th April 1846, but that the practice of submitting the Criminal Statements appears to have been departed from of late years. The Sessions Judge will instruct the Magistrate of Chingleput to supply the Joint Magistrate of Saint Thomas' Mount with fresh Forms of the Petty Calendars, and A and B criminal Reports; and to obtain those statements at the appointed periods from the Joint Magistrate, duly filled up for transmission to the Sessions Judge. The Joint Magistrate should also be furnished with instructions as to the use of the Forms, and with a copy of the circular Proceedings of the Foujdaree Udalut dated 26th February 1859 —

Read Miscellaneous Petition presented on the 23d December 1858, by J. W. Branson Esquire, Pleader on behalf of Buttoola Jagunnadhum, of Tellah Vizagapatam.

/ Here enter F. M. P. No 215 of 1858. /

Messrs. Strange and Phillips.

1 This is an application for a review of the sentence passed by this Court in case No 14 of 1858

on

on the file of the Governor's Agent in Vizagapatam.

2 The Court are of opinion that they are not competent to pass any Judgment upon the matter of this Petition. The Sentence has been passed by a Judge having power to deal with the case, and there is no act of Legislature authorizing other Judges of the Court to undertake the revision of such Sentence. This petition must therefore be dismissed.—

Read again Miscellaneous Petition presented on the 17th March 1859, by J. W. Branson Esquire, Pleader on behalf of Seobaraddy of Tillah Trichinopoly.—

/ Here enter F. M. P. No. 38 of 1859. /

Read return dated 5th Inshaat from the Acting Sessions Judge of Trichinopoly, to the Precept of the Fouzdaree Adalut under date the 21st April 1859, calling upon him for explanation regarding the various allegations contained in the Petition.—

/ Here enter F. M. No. 802 of 1859. /

Messrs. Strange and Phillips.

The Court of Fouzdaree Adalut resolve to call upon the Acting Sessions Judge to submit a translation of the record connected with case No. 31 of 1858, and to suspend execution of the Sentence passed in the case, until further orders.—

Precept returnable within X days.—

Read again Miscellaneous Petition presented on the 7th March 1859, by J. B. Norton Esquire and

and V. Sadagopachary, Pleaders on behalf Vellappa Pillay and Six others, prisoners in Case No. 57 of 1858 on the Calendar of the Sessions Court of Tinnevelly.—

/ Here enter F. M. No. & No. 36 of 1859. /

Read also return dated 2d April 1859 from the Sessions Judge of Tinnevelly, to the precept of the Fouzdaree Adalut under date the 26th March 1859, requiring the submission of translation of the record in Sessions Case No. 57 of 1858, and suspension of the execution of sentence in the said case.

/ Here enter F. M. No. 638 of 1859. /

Messrs. Strange and Phillips.

On a review of the papers submitted with the above Return and those already before the Fouzdaree Adalut, the Court are of opinion that there is no sufficient cause for doubting that the Prisoners convicted by the Sessions Judge, were present and taking part in the riotous and unlawful proceedings which the authorities at Palamcottah were at first unsuccessful in repressing. These proceedings, however, appear to have taken place prior to the more resentful and serious opposition against which it became necessary to employ a Military force; and therefore the Fouzdaree Adalut consider that the ends of justice will be met by a milder punishment than that which the Sessions Judge has awarded. They therefore resolve to mitigate the Sentence recorded in the Sessions Court's Calendar, and to direct that the Prisoners from 1 to 7 be imprisoned for a period of two Years, with hard labor in irons, allowance being made for such

28th May 1859.

such period as may already have been passed at hard labor under the Sentence of the Sessions Judge.—

E/d
E.P.

J. No.

Monday, 30th May 1859.

At a Court of the Fouzdaree Adalut.

Present.

G. S. Hooper, Esquire.
J. C. Strange, Esquire. — Puisne Judges.
H. D. Phillips Esquire.

Read Calendar of Case No. 31 of 1859 on the file of the Sessions Court of Tinnevelly.

/Here enter F. No. No. 922 of 1859./

As herein recommended, the Court of Fouzdaree Adalut, resolve to authorize the Sessions Judge, to issue his warrant for the imprisonment of the prisoner for the period specified in the margin, in mitigation of the sentence passed upon him in the said case.—

+ Moorieu. — Two years.

Read Calendar of Case No. 32 of 1859 on the file of the Sessions Court of Tinnevelly.—

/Here enter F. No. No. 923 of 1859./

As herein recommended, the

30th May 1859.

the Court of Faujdarry 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.-

Palamcotta Jail. Two years.

C.S. Chamier

Eyd.
E.T.

F. Ho.

Tuesday 31st May 1859.

Hon Court of the Faujdarry Adalut

Present

Hy. S. Hooper Esquire
J. L. Strange Esquire
H. D. Phillips Esquire

} Puisne Judges

Read again letter dated 21st Ultimo from the Sessions Judge of Chingleput reporting the gross misconduct of the Head of Police of Ostramaloor in Case No. 7 of 1859 on the file of Sessions Court.-

(Here enter F. Ho. No. 720 of 1859)

Read letter from the Magistrate of Chingleput dated 11th May 1859, submitting his opinion of the conduct of the Head of Police in the investigation of No. 7 of 1859 on the file of the Sessions Court.-

(Here enter F. Ho. No. 813 of 1859.)

On a consideration of the whole circumstances of this case the Court are of opinion that the misconduct of the Head of Police of Ostramaloor

Cotramaloor was not of such a description as calls for his dismissal from his office by this Court under Section XXXIX Act XII of 1843.-

Read Criminal Reports for the month of April 1859, submitted by the Acting Sessions Judge of Salem.

/Here enter F. No. No 911 of 1859./

The Court observe that of 27 cases brought before the Criminal Court only 13 were taken up by the Subordinate Judge; of these four were undisposed of at the end of the month, and of the remainder the greater proportion were committa-ble cases, which require comparatively little labor or time; the remaining 14 cases were referred to the Moosiff, and the Court are of opinion that so large an amount of work should not have been imposed on that officer, who, in addition to his duties in the Sessions Court, has a considerable jurisdiction as a Civil Judge,

and

31st May 1859.

and has lately been required to take up cases as a District Moonsiff.-

Read letter from the Sessions Judge of Combaconum dated 26th May 1859, requesting the Court to apply to Government to direct Assistant Surgeon Scott, the Chemical Examiner, to appear before the Sessions Court of Combaconum to give evidence in Case No. 44 of 1859.

/Here enter F. No. No 928 of 1859./

1. The Court are unwilling to forward this application in its present form, as they doubt whether Government will accede to the request of the Sessions Judge without some explanation of the causes that, in the opinion of the Sessions Judge, necessitate Dr. Scott's personal attendance at the Court.-

2. The Court will therefore take no steps at present in the matter, but will wait for further information from the Sessions Judge.-

E. Ball.

C. S. Chamier

Wednesday 1st June 1859.

At a Court of the Foujdarree Udalut

Present

G. S. Hooper Esquire. — Puisne Judges
J. L. Strange Esquire. —
H. D. Phillips Esquire. —

Read letter dated 30th May 1859, from the Sessions Judge of Cuddalore, submitting for the final judgment of this Foujdarree Udalut, the record of Case No. 20 of 1859 on the Calendar of the Sessions Court.

/Here enter F. Ho. No. 94 of 1859./

Mr. Strange. — The Court of Foujdarree 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,

Cadernale alias Caderkhan

is sufficient to convict him of the offence charged, do convict him thereof; and sentence him to be

Murder and wounding. — transported

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 & Odl.

C. S. Chamier

F. No.

Thursday 2d June 1859.

At a Court of the Foujdaree Adalut.

Present.

G. L. Hooper, Esquire.
J. L. Strange, Esquire.
H. D. Phillips, Esquire.
} Puisne Judges.

Read the Criminal Statements submitted by the Agent at Ganjam for the year 1858.

/Here enter F. No. 374 of 1859/

Statement No. 2. District Police.

1. The Court of Foujdaree Adalut observe that 17 Cases are entered in this Statement in Columns "under trial on 1st January 1858", instead of 55 persons who were shown to have been pending trial on 31st December 1857 in Columns 20 and 23 in Statements Nos. 1 and 2 of that year.

do. No. 3. Subordinate Judge.

2. 8 Cases are entered in this Statement in the same Columns instead of 20 persons shown to have been pending on 31st December 1857 in Column 29 of the Statement No. 3 B.

do. No. 6. Agent.

3. 18 Cases are similarly entered in

in

in this statement instead of 29 persons pending on the 31st December 1857 in Column 20 of the statement No. 4.

4. The Agent is requested to enter the number of persons in lieu of cases in the statements Nos. 1. 2. 3. 5 and 6 for the present year, and to observe this rule for the future.

Precept returnable within 11 days from and after its receipt.

Read the Criminal statements submitted by the Session Judge of Mangalore for the year 1858.

/Here enter F. No. No. 432 of 1859/

1. The Court of Foujdaree Adalut observe that 14 cases are entered in this statement in Column "under trial on 1st January 1858", which should be 26 persons in accordance with the number pending on 31st December 1857, in Columns 20 and 23 in statements Nos. 1 and 2 of that year. — Statement No. 2 District Police

2. Two cases are entered in this statement in the same column instead of 4 persons in accordance with the number pending — do. — No. 3. Subordinate Judge's Principal Sudder Ameen and Sudder Ameen

pending in column 16 of the statement No. 3 A, of 1857.

Statement No. 6. Session Judge. 3. 92 Cases are entered in this statement as those in which "Proceedings were called for in consequence of appeal or otherwise." Of these 58 appear from the foot note to have been confirmed, 16 modified, and 18 reversed. The Court observe that these entries should also have been made in the body of the statement in their appropriate columns as done in statement No. 5.

4. The Session Judge is requested to enter the number of persons in lieu of cases in the statements Nos. 1. 2. 3. 5 and 6 for the present, and to observe this rule for the future.

Precept returnable within 11 days from and after its receipt.

Read Calendar in Case on No. 9 of 1859, on the file of the Session Court of Trichinopoly.

/Here enter F. No. No. 889 of 1859/

The prisoner was charged with

with giving a certain substance with the wilful intent to poison, but was convicted of giving it without any bad motive; the Session Judge does not appear to have noticed the distinction between the crime alleged and the offence proved. The Court, however, having asked the opinion of the law officer as to whether a party, administering a deleterious substance under the circumstances found by the Judge, was liable to punishment, and the law officer having answered in the affirmative, the Court will not disturb the sentence of the Session Judge.

Read Criminal reports for the month of April 1859, submitted by the Session Judge of Chicacole.

/Here enter F. No. No. 907 of 1859/

The offence did not warrant the imposition of irons as awarded in sentence.

Gunjam acting Senior Assistant Magistrate's No. 2. Misdemeanors

Read Calendar in Case No. 18 of 1859, of the Session Court of Chingleput.

Chingleput.

/Here enter F. No. No. 935 of 1859/

The matter of the prisoner's police deposition should have been entered in the charge. His examination before the Principal Sudder Ameen contained little more than the declaration that the police deposition was true, and does not afford the means of judging, by comparison with the prisoners statement before the Session Court, of the extent to which he may have perjured himself.

Read Calendar of Case No. 16 of 1859, on the file of the Session Court of Chingleput.

/Here enter F. No. No. 937 of 1859/

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. Madar Saib.
2. Ramasamy.
3. Chengum.
4. Chellamoottoo

Seven years

Read

Read letter under date the 26th May 1859, from the Session Judge of Combaconnum

/Here enter F. No. No. 929 of 1859./

1. In the above communication the Session Judge, with reference to the Extracts from the Proceedings of the Fouj: daree Udalut dated the 14th ultimo, modifying the sentences passed by him in Cases Nos. 62 and 63A and 63B of 1858, requests instructions for his guidance, as the decision in question does not recognize the distinction which, in the sentences so passed by him, he has shown between the ringleaders and the rest of the mob. He also requests to be informed whether it is intended that the corporal punishment and the fines imposed in Cases Nos. 62 and 63A and B, should be remitted.

2. The sentences passed upon the prisoners are precisely as communicated to the Session Judge and do not embrace corporal punishment and fine. The Court were not satisfied that they were ringleaders, but held that no more was satisfactorily

satisfactorily established against them than that they formed part of the crowd by whom the riot and plundering were perpetrated.

Read the Criminal Reports submitted by the Session Judge of Tinnevelly, for the year 1858.

/Here enter F. No. No. 216 of 1859./

Statement No. 2. District Police.

1. The Court of Foujdaree Udalut observe that 5 cases are entered in Column "Under trial on 1st January 1858", wherein the number of persons alone ought to have been given which should have been 10 in accordance with that pending trial on the 31st December 1857, as shown respectively in Columns 20 and 23 in Statements Nos. 1 and 2 of 1857.

Do. No. 3. Subordinate Judge, Principal Sudder Ameen, and Sudder Ameen.

2. 5 Cases are entered in this Statement in the same Column instead of 11 persons in accordance with the number pending on the 31st December 1857 shown in Column 29 of the Statement No. 3B of 1857.

Do. No. 6. Session Judge.

3. The 2 Cases similarly entered in this Statement should have been 54 persons in accordance with the entry in Column 20 of the Statement No. 4 of 1857.

4. The Session Judge is requested to enter the number of persons in lieu of

Cases

cases in the Statements Nos 1.2.3.5 and 6 for the year under review and to observe the this rule for the future.

Precept returnable within 11 days from and after its receipt.

Read the Criminal Reports submitted by the Officiating Session Judge of Madura, for the year 1858.

/Here enter F. No. No. 340 of 1859/

1. The Court of Foujdaree Udalut observe that 84 Cases are entered in Column "Under trial on 1st January 1858," which should show the number of Persons alone, viz. 282, in accordance with that pending on 31st December 1857, as shown respectively in Columns 20 and 23 of the statements Nos 1 and 2 for 1857. — Statement No 2. District Police.

2. 5 Persons instead of 3 Cases are ought to be entered in the same Column of this statement to coincide with the number pending on the 31st December 1857, shown in Column 29 of the statement No 3B for 1857. — do — No 3. Subordinate Judges Principal Sudder Ameen, and do Sudder Ameen.

3. The 4 Cases entered in this statement in the Column in question should be — do — No 5. Magistrate and Joint Magistrates

be altered to 35 persons in accordance with those pending trial on 31st December 1857 as apparent in Column 31 of the statement No 1 of 1857.

4. The Session Judge is requested to enter persons in lieu of cases in the statements Nos 1.2.3.5 and 6 for the present and future years.

Precept returnable within 11 days from and after its receipt.

Read the Criminal Statements submitted by the Session Judge of Madura for the year 1858.

/Here enter F. No. No. 592 of 1859/

Statement No 2. District Police. 1. The Court of Foujdaree Udalut observe that 6 cases are entered in Column "under trial on 1st January 1858," which should be 7 persons in accordance with the number pending on 31st December 1857, in Columns 20 and 23 in Statements Nos 1 and 2 of that year.

do — No 6. Session Judge. 2. One case is entered in Column "Under trial on 1st January 1858," which should be 6 persons in accordance with

2d June 1859.

with the number pending on 31st Decem-
ber 1857, in Column 20 in Statement No. 4
of 1857.

3. The Session Judge is requested
to enter the number of persons in lieu
of cases in the Statements Nos 1.2.3.5 and
6 for the present and to observe this
rule for the future.

Precept returnable within
11 days from and after its receipt.s

Ed. C. Ravenscroft
Ed. T.

F. 66.

Friday. At a Court of the Foujdaree Adalut
3d June 1859. Present

G. S. Hooper Esquire
J. G. Strange Esquire } Puisne Judges.
H. D. Phillips Esquire

Read the Criminal Reports
submitted by the Session Judge of Coimba-
tore for the year 1858.

(Here enter F. 66. No. 497 of 1859.)

Statement No. 1. of Subordinate Judge, Principal Sudder Ameen and Sudder Ameen.

The Court of Foujdaree
Adalut observe that 7 cases are entered
in this statement in Column "under
trial on 1st January 1858," which should
be 14 persons in accordance with the
number pending on 31st December 1857
in Column 29 in Statement No. 3, Prin-
cipal Sudder Ameen of that year.

D. No. 6. Sessions Judge.

2. 18 cases are similarly en-
tered in this Statement instead
of 89 persons shown to have been pend-
in Column 20 on 31st December 1857
of the Statement No. 4 of that year.

The

3. The Session Judge is requested to enter the number of persons in lieu of cases in the Statements Nos 1, 2, 3, 5 and 6 under review, and to observe this rule for the future.-

Precept returnable within 11 days from and after its receipt.-

Read the Criminal Report submitted by the Session Judge of Chicacole for the year 1858.-

/Here enter F.86. No. 639 of 1859./

1. The Court of Foujdarree Adalut observe that 8 cases are entered in this Statement in column "under trial on 1st January 1858" which should be 24 persons in accordance with the Total of Columns 20 and 23 of Statements Nos 1 and 2 for 1857.- Statement No. 2. District Police.

2. The 2 cases similarly entered in this Statement should be 6 persons, to tally with the aggregate of column 31 of Statement No. 1 — Magistrate of Vizagapatam, and column 41 of Statement No. 2 Magistrate of Ganjam, for the year 1857.- D° No. 5. Magistrate, Joint Magistrate &c.

The

3d June 1859.

3. The Session Judge is requested to enter the number of persons in lieu of cases in the Statements Nos 1, 2, 3, 5 and 6 under review, and to observe this rule for the future.-

Precept returnable within 11 days from and after its receipt.-

Read Criminal Reports submitted by the Session Judge of Cuddapah for the year 1858.-

/Here enter F.86. No. 486 of 1859./

Statement No. 2. / District Police. The Court of Foujdarree Adalut observe that 6 cases are entered in Columns "under trial on 1st January 1858" which should show the number of persons, Viz. 34 pending on 31st December 1857 or the aggregate of Columns 20 and 23 of this Statements Nos 1 and 2 for that year.-

D° No. 3. Subordinate Judge, Principal Sudder Ameen and Sudder Ameen. 2. 18 persons instead of 8 cases ought to be entered in the same column of this Statement to coincide with the number pending on the 31st December 1857, shown in column 29 of

the

the Statement No. 3B for 1857.

3. The 1 case similarly entered in this Statement should have been 6 persons in accordance with the entry in Column 20 of the Statement No. 4 of 1857. — Statement No. 4B. Sessions Judge.

4. The Sessions Judge is requested to enter the number of persons in lieu of cases in the Statements Nos. 1, 2, 3, 5 and 6 under review, and to observe this in rule for the future.

Precept returnable within 11 days from and after its receipt.

Read the Criminal Reports submitted by the Sessions Judge of Calicut for the year 1858.

/Here enter F.M. No. 413 of 1859./

1. The Court of Foujdaree Adalut observe that 6 cases in which "proceedings were called for in consequence of appeal or otherwise" are entered in this Statement. Of these 6 appear from the foot note to have been confirmed, 3 Reversed, and 3 Modified. These entries should — Statement No. 1B. Sessions Judge.

also have been made in the body of the Statement, in their appropriate columns.

2. The Sessions Judge is requested to enter the number of persons in lieu of cases in the Statements Nos. 1, 2, 3, 5 and 6 under review, and to observe this rule for the future.

Precept returnable within 11 days from and after its receipt.

Read the Criminal Reports submitted by the Sessions Judge of Honore for the year 1858.

/Here enter F.M. No. 622 of 1859./

Statement No. 2 of District Police. 1. The Court of Foujdaree Adalut observe that 63 cases are entered in this Statement in column "under trial on 1st January 1858" which should be 170 persons in accordance with the aggregate of columns 20 and 23 of Statements Nos. 1 and 2 for 1857.

Dy. No. 5 of Magistrate Joint Magistrate and Assistant Magistrate. 2. The 1 case entered in this Statement in the same column should be 6 persons in accordance with the

number

number appearing in Column 41 of the Statement No. 2. for 1857.-

3. The Sessions Judge is requested to enter the number of persons in lieu of Cases in the Statements Nos. 1, 2, 3, 5 and 6 under review, and to observe this rule for the future.-

Precept returnable within 11 days from and after its receipt.-

Read the Criminal Reports submitted by the Agent at Vizagapatam for the year 1858.-

(Here enter F. Dc. No. 163 of 1859.)

1. The Court of Foujdaree Adalut observe that the entry of 2 persons is omitted in this Statement in Column "under trial on 1st January 1858" with reference to the number pending on 31st December 1857 in Column 23 of the statement No. 2 of that year.- Statement No. 2. District Police.

2. 2 Cases are entered in this Statement in Column "under trial on 1st January 1858" instead of 4 persons in accordance with the number Do. No. 3. Assistant Agent.

number pending on 31st December 1857 in Column 29 of the Statement No. 3B. Subordinate Judge.-

Statement No. 3. Agent. 5 Cases are entered in this Statement in the same columns instead of 36 persons in accordance with the number pending on 31st December 1857 in Column 20 of the Statement No. 4 of that year.-

4. The Agent at Vizagapatam is requested to enter the number of persons in lieu of cases in the Statements Nos. 1, 2, 3, 5 and 6 under review, and to observe this rule for the future.-

Precept returnable within 11 days from and after its receipt.-

Read Calendar of Cases No. 10 of 1859 on the file of the Sessions Court of Rajahmundry.-

(Here enter F. Dc. No. 954 of 1859.)

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

1. Dunda Gurugadoo
2. Chigorupanty Boochegadoo
3. Pulleconda Bungarugadoo

Four years.

4. Do. Saobadoo.
5. Guddem Venkatalugadoo.
6. Cuppala Mannidugadoo.
7. Nalla Venkadoo
8. Pulla Sanadoo
9. Sada Bungarugadoo
10. Ranala Ramdoo.

Three years.

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

Read Calendar of Case No. 29 of 1859 on the file of the Sessions Court of Bellary.

/Here enter F. Co. No. 951 of 1859./

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 priod specified in the margin, in mitigation of the sentence passed upon him in the said case.-

*Boya Chinna Lingah. Seven years.

Read letter from the Sessions Judge of Chittoor dated 30th May 1859, requesting the opinion of the Court as to whether a prisoner who has escaped after sentence was passed but before it was communicated to him should be tried under clause 2 or 3 of Section V Regulation XI of 1822.-

/Here enter F. Co. No. 946 of 1859./

The

The Court are of opinion that the communication of the sentence to the prisoner is requisite before he can be laid under any penalty for breach of such sentence.-

Circular.

Much of the Courts time being unnecessarily lost in perusing translations of Criminal trials which, from their being written on thin and transparent paper, are not easily legible, the Foujdaree Adalut resolve to direct that the translated records of the Proceedings held in the Sessions Courts, whether in referred trials or in those called up, be invariably copied on Demy or other English paper, and the Police proceedings on the best paper procurable in the local market, but written only on one side, unless it be of such a quality that writing on the other side will not show through.-

Read the Criminal Reports submitted by the Acting Sessions Judge of Trichinopoly for the year 1858.

/Here enter F. Co. No. 219 of 1859./

The

3rd June 1859.

1. The Court of Foujdaree Udalut observe that 38 cases are entered in Columns "under trial on 1st January 1858" which should show the number of Persons, Viz. 165, pending on 31st December 1857, or the aggregate of Columns 20 and 23 of the Statements Nos. 1 and 2 for that year. — Statement No. 2. District Police.

2. 55 Cases in which proceedings were called for in consequence of an Appeal or otherwise are entered in this Statement. Of these, 43 appear from the foot note to have been confirmed, 9 Reversed, and 3 Modified. The Court observe that these numbers should have been included in the body of the Statement in their appropriate columns. — Statement No. 5. Magistrate and Joint Magistrate

3. The remark contained in the foregoing para applies also to this statement. — Statement No. 6. Sessions Judge

4. The Acting Sessions Judge is requested to enter the number of persons in lieu of cases in the Statements Nos. 1, 2, 3, 5, and 6 under notice, and to observe this rule for the future. —

Precept returnable within 11 days.

Exd Edl.

C. S. Chamier

0

F. No.

Monday, 6th June 1859. } At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper, Esquire.
J. L. Strange, Esquire. } Sessions Judges.
H. D. Phillips, Esquire.

Read Criminal Reports submitted by the Sessions Judge of Masulipatam for 1858. —

(Here enter F. No. 197 of 1859.)

Statement No. 2 Dist. Police. 1. The Court of Foujdaree Udalut observe that 82 persons are entered in Column "under trial on 1st January 1858," which should show the number of persons, Viz. 103 pending on the 31st December 1857, or the aggregate of Columns 20 and 23 of the Statements Nos. 1 and 2 for that year. —

2. The Sessions Judge is requested to enter the number of persons in lieu of cases in the Statements Nos. 1. 2. 3. 5 & 6 under review, and to observe this rule for the future. —

Precept returnable within 11 days.

Read

6th June 1859.

Read letter from Mr. Knox, Principal Assistant to the Agent at Vizagapatam dated 26th May 1859, submitting for the consideration of the Court copy of correspondence with the Agent regarding case No. 11 of 1858 on the file of the Principal Assistant Agent's Court.

(Here enter P. C. No. 952 of 1859.)

1. The Court are of opinion that this reference has been made unnecessarily by Mr. Knox. Whatever expression of opinion may have been recorded by the Agent in the course of his proceedings, it would seem by his reply to Mr. Knox of the 19th May, that he did not design to challenge the positions taken up by Mr. Knox, as appearing in the questions he had framed for solution by this Court. The Agent having thus dropped the discussion, Mr. Knox might have been contented with the issue, and should not have proceeded to address this Court direct in this irregular manner.

2. The Agent will furnish Mr. Knox with a copy of these proceedings for his instruction and future guide.

Read

6th June 1859.

Read the Criminal Statement, submitted by the Sessions Judge of Guntoor for the year 1858.

(Here enter P. C. No. 196 of 1859.)

Statement No. 2. Dist. Police.

1 The Court of Foujdaree Adalut observe that 2 Cases are entered in Column "under trial on 1st January 1858," which should show the number of persons, Viz. 8 pending on 31st December 1857, as appears in Column 23 of the Statement No. 2. for that year.

Statement No. 3. Sub: Judge's Prin. Sudr. Ameen and Sudr. Ameen.

2 4 Cases are entered in this Statement in the same Column instead of 4 persons, as shown in Column 16 of the Statement No. 3 A for 1857.

Statement No. 6. Sess. Judge.

3 One Case is entered in this Statement in the same way instead of one person, as shown in Column 20 of Statement No. 4 for 1857.

Statement No. 3. Bengal form.

4 The total of Column 36 of this Statement should show the aggregate of the totals in Columns 7-8-31-32-33-34 and 35, and correspond with the total of Column 6.

5 The Sessions Judge is requested to enter the number of persons in lieu of Cases in the Statements Nos. 1-2-3-5 and 6 under review,

and

and to observe this rule for the future.

Precept returnable within 11 days from and after its receipt.

Read the Criminal Returns submitted by the Sessions Judge of Chittoor for the year 1858.

(Here enter F.U. No. 238 of 1859.)

Statement No. 2. Distt. Police.

1 The Court of Foujdaree Udalut observe that 206 persons are entered in Column "under trial on 1st January 1858" instead of 339 persons in accordance with the number pending in Columns 20 & 23 on 31st December 1857, in the Statements Nos. 1 and 2 of that year.

2 8 Cases are entered in Column "under trial on 1st January 1858" in this statement instead of 9 persons in accordance with the number pending in Column 29 of the Statement No. 3 B of 1857. — Do. No. 3. Sub: Judge. Principal Sudr. Ameen and Sudr. Ameen

3 12 Persons should be entered in the similar Column in this statement instead of 4 Cases in accordance with the number pending in Columns 31 and 41 on 31st December 1857, in the Statements Nos. 1 and 2 of 1857. — Do. No. 5. Magistrate and Joint Magistrate &c.

4 1 Case is entered in the same Column in this statement instead of

4 persons in accordance with the number pending in Column 20 of the Statement No. 4 of 1857.

Statement No. 10 of Sentences passed by the Several Criminal Courts.

5 The attention of the Sessions Judge is drawn to the foot note given in this statement, and he will be pleased to transfer the entry in Column 27 to Column 28.

6 The above remark will affect the Statement No. 13. Bengal form.

Do. No. 13. Bengal form.

7 The total of Column 36 of this statement should show the aggregate of the totals in Columns 7-8-31-32-33-34-& 35, and correspond with the total of Column 6.

8 The Sessions Judge is requested to enter the number of persons in lieu of Cases in the Statements Nos. 1-2-3-5 & 6 under review, and to observe this rule in future.

Precept returnable within 11 days from and after its receipt.

Read the Criminal Reports submitted by the Sessions Judge of Nellore for the year 1858.

(Here enter F.U. No. 262 of 1859.)

Statement No. 2. District Police.

1 The Court of Foujdaree Udalut observe that 5 Cases are entered in Column "Under trial on 1st January 1858" instead of 18 persons in accordance

accordance with the number pending in Column 23 on 31st December 1857 in the Statement No 2 of that year.

2 6 Cases are entered in the same Column in this Statement instead of 18 persons in accordance with the number pending in Column 29 on 31st December 1857 in the Statement No 3B of 1857. — Statement No 3. Sub. Judge's, Addl Sub. Judge's and Sudr. Ameen.

3 1 Case is entered in a similar Column in this Statement instead of 1 person in accordance with the number pending in Column 41 on 31st December 1857 in the Statement No 2 of 1857. — Do No 5. Magistrate and Joint Magistrate Do.

4 6 Cases are entered in the same Column in this Statement instead of 11 persons in accordance with the number pending in Column 20 on 31st December 1857 in the Statement No 4 of 1857. — Do No 6. Sessions Judge's

5 The attention of the Sessions Judge is drawn to the foot note given in this Statement, and he will be pleased to transfer the entries in Columns 26 & 27 to Column 28. — Do No 10. Sentences passed by the several Criminal Courts

6 The above remark will affect the Statement No 13 - Bengal Form.

7 From the total of the entries in — Do No 13. Bengal form.

in Columns 7-8-32-33 & 34 of this Statement, that of Columns 2 and 3 of the Statement No 10 being deducted the remainder should tally with the total of Column 28 of the latter Statement.

8 The Sessions Judge is requested to enter the number of persons in lieu of Cases in the Statements Nos 1-2-3-5 & 6 under reviews, and to observe this rule in future.

Precept returnable within 11 days from and after its receipt.

Read the Criminal Reports submitted by the Sessions Judge of Cuttack, for the year 1858.

(Here enter P. No. No 544 of 1859)

Statement No 2. Dist. Police. 1 The Court of Sessions is to observe that 46 Cases are entered in this Statement in Column "under trial on 1st January 1858," which should be 75 persons in accordance with the aggregate of Columns 20 and 23 of the Statements Nos 1 and 2 for 1857.

Do No 3. Sub. Judge's, Addl Sub. Judge's and Sudr. Ameen. 2 The 11 Cases entered in this Statement in the same Column should be 17 persons, in accordance with the aggregate of Columns 16 & 29 of the Statements No 3A and 3B for 1857.

The

6th June 1859.

3 The total of Column 36 Statement No 3. Bengal forms.
of this Statement should show the aggregate
of the totals in Columns 7-8-31-32-33-34 & 35,
and correspond with the total of Column 6.-

4 The Sessions Judge is requested
to enter the number of persons in lieu of Cases
in the Statements Nos 1-2-3-5 & 6 under Review,
and to observe this rule for the future.

Precept returnable
within 11 days from and after its receipt.-

Read the Criminal Reports
submitted by the Sessions Judge of Cuddalore,
for the year 1858.

(Here enter F. C. No 606 of 1859.)

1 The Court of Tanjore
Adalut observe that 11 Cases are entered in
Column "under trial on 1st January 1858" which
should show the number of persons, Viz. 36
pending on 31st December 1857, or the aggregate
of Columns 20 and 23 of the Statements Nos 1
and 2 for that year.

2 5 Persons instead of 3 Cases
ought to be entered in the same Columns of
this Statement to coincide with the number
pending on the 31st December 1857, or the aggregate
of Columns 16 and 29 of the Statements Nos 3 A and

Statement No 2. Dist. Police.

Statement No 3 Sub. Judge. Princ. Sudr Amn and Sudr Ameen.

3B

6th June 1859

3B for 1857.

Statement Nos 1. Magistrate and Joint Magistrate &c.

3 1 Case is entered in the similar
Column of this Statement instead of 2 persons
shown to have been pending on 31st December
1857 in Column 31 of the Statement No 1 for
that year.

Statement No 4. Sessions Judge.

4 10 Cases are similarly entered
in this Statement instead of 38 persons appear-
ing in Column 20 of the Statement No 4 for 1857.-

5 The Sessions Judge is requested
to enter the number of persons in lieu of Cases
in the Statements Nos 1. 2. 3. 5 and 6 under Review,
and to observe this rule for the future.

Precept returnable within
11 days from and after its receipt. S.

Exd E.T.

F. No.

Tuesday, 7th June 1859.

At a Court of the Tondiarpet Udalut.

Present.

G. S. Hooper, Esquire.
J. L. Strange, Esquire.
H. D. Phillips, Esquire.
} Puisne Judges.

Read Criminal Reports submitted by the Sessions Judge of Chingleput, for the year 1858.

(Here enter F. No. 726 of 1859.)

Statement No. 5. Magistrate and Joint Magistrate, &c.

1 90 Persons, in whose Cases the Proceedings were called for, are entered in this Statement. Of these, by appear from the foot note to have been confirmed, 1 Modified, 11 Reversed, and 11 pending. The Court observe that these numbers should have been included in the body of the Statement in their appropriate Columns.

Statement No. 6. Sessions Judge.

2 The remark contained in the foregoing para. applies also to this Statement.

3 The Sessions Judge is requested to continue entering for the future, as has been done on the present occasion, the number of persons in

in the Statements Nos. 1 2 3 5 and 6, in lieu of cases, which the Foujdaree Udalut observe entered in some of those received from the lower Courts.

Precept in 11 days.

Read again Criminal Reports, submitted by the Session Judge of Coimbatore, for the months of February and March 1859.

(Here enter F. C. No. 694 of 1859.)

Read also return and supplemental returns dated respectively the 9th and 26th May 1859, from the Session Judge of Coimbatore, to the Precepts of the Foujdaree Udalut under date the 23rd April 1859, conveying observations and orders on a Case of "Abuse of authority" disposed of by the Head Assistant Magistrate, and entered in the above Reports.

(Here Enter F. C. Nos. 839 and 940 of 1859.)

Under the strong opinion of the Police Ameen's guilt, which the Session Judge has expressed, the Foujdaree Udalut abstain from interference with the punishment awarded. They however, resolve to require the Magistrate to withdraw the order issued by him at the request of the Head of Police in

in January 1857, as no grounds are shown for the continuance, at the present time, of a measure which so seriously invades the right of every inhabitant of the town of Coimbatore, to move about at night, should a necessity arise for so doing.

Read Calendar of Case No. 31 of 1859 on the file of the Session Court of Calicut.

(Here enter F. C. No. 977 of 1859.)

As herein recommended by the Court of Foujdaree Udalut resolve to authorize the Session Judge, to issue his warrants 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.

3rd Karoonan Kunnakkery Kelloo — 4 years.
4th Tatarayil Nanery — 4 years.
5th Koondyil Krishna Nair — 4 years.

Read the Criminal Reports, submitted by the Acting Session Judge of Salem, for the year 1858.

(Here enter F. C. No. 824 of 1859.)

Statement No. 2. District Police.

The Court of Foujdaree Udalut observe that 187 cases are entered in Column "under trial on 1st January 1858" which should show the number of persons, viz. 197 pending on

31st December 1857, or the aggregate of Columns
20 & 23 of the Statements Nos 1 and 2 for that year.

2 6 Persons instead of 2 Cases — Statement No 3. Sub. Judge, Prin. Sudr. Ameen, and Sudr. Ameen.
ought to be entered in the same Column of
this Statement to agree with the number
pending on the 31st December 1857, as shown
in Column 29 of the Statement No 3 B, for 1857.

3 The 4 Cases entered in this — Statement No 6. Sessions Judge.
Statement should have been 6 persons in ac-
cordance with the entry in Column 20 of the
Statement No 4 of 1857.

4 From the total of the entries — Statement No 3 B. Bengal form.
in Columns 7-8-32-33 & 34 of this Statement
that of Columns 2 & 3 of the Statement No 10
being deducted, the remainder should tally
with the total of Column 28 of the latter
Statement.

5 The Sessions Judge is requested
to enter persons in lieu of Cases in the Statements
Nos 1-2-3-5 and 6 under review, and to do so
in future.

Precept returnable within
14 days from and after its receipt.

Read letter dated 25th
April 1859 from the Sessions Judge of Rajahmundry,
submitting

submitting for the final judgment of the Foujdaree
Adalut the record of trial in Case No 80 of 1859
on the Calendar of the Sessions Court.

(Here enter S. C. No 953 of 1859)

Majr. J. L. Strang and H. D. Phillips

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,

Calavala Gungadoo,

is sufficient to convict him of the offence
charged, 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 execu-
tion.

Murder.

Exd
" E.T

Wednesday 1st June 1859.

At a Court of the Foujdaree Adalut

Present

G. S. Hooper Esquire
F. L. Strange Esquire
H. D. Phillips Esquire

} Puisne Judges.

Read letter dated 31st May 1859 from the Session Judge of Tinnevelly, submitting for the final judgment of the Foujdaree Adalut the record of Case No. 77 of 1859 on the file of the Session Court.—

/Here enter F. C. No. 989 of 1859/

Mr. F. L. Strange.

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

1st Moottianadan

2nd Vellacunnoo

3rd Caulaperumal

4th Kusungathaperumall

5th Soodalimanden

and

6th Coomarusspen

rescue of Cattle, rounding and bbery

is sufficient to convict them of the offence charged, do convict them thereof; and under the provisions of Clause third,

Section

8th June 1859

Section VII Regulation XV of 1803, sentence the prisoner,

1st Moottianadan

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 to pay the value of the 2d Witness' earrings, Viz. Rs. 7 0 — / Rupees seventy; the prisoner,

2d Vellacunnoo

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (2) two years, and to pay the value of the 1st Witness' earrings Viz. Rs. 14 — — / Rupees fourteen; the prisoner

3d Calapermal

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 prisoners,

4th Rusungantha permall

5th Soodalimandan

6th Coomaraspen and

to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of (6) six months. — s

Ex Read

11th June 1859.

Saturday,

At a Court of the Foujdaree Udalut.

Present

G. S. Hoopes Esquire
T. L. Strange Esquire
H. D. Phillips Esquire

} Puisne Judges.

Read letter dated 6th May 1859, from the Session Judge of Tinnevelly, submitting for the final judgment of the Foujdaree Udalut the record of Case No. 22 of 1859 on the file of the Session Court.

[Here enter F. U. No. 822 of 1859]

Mess.rs G. S. Hoopes and H. D. Phillips.

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 Somacunnoo Pillay
2nd Kasterapanlatayen
3rd Palavasamoottoo Nadan
4th Soodalimandan
5th Gnanacunnoo and
6th Gnanayoodanadan,

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

Robbery by open violence and wounding

6 to

set at liberty.—

Read letter dated 6th May 1859, from the Session Judge of Tinnevelly, submitting for the final judgment of the Foujdaree Udalut the record of Case No. 22 of 1859 on the file of the Session Court.

[Here enter F. U. No. 872 of 1859]

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,

Y. Soodalimanden

is sufficient to commit him of the offence charged, do convict him thereof, and under the provisions of clauses 3d. and 5th, section IV, Regulation XV of 1803, sentence him to be imprisoned and kept to hard labor in chains on the public roads or other public works, for and during the period of (6) six months.—

Robbery by open violence and wounding

Ex. & Seals.

F. U.

Monday 13th June 1859.

At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper Esquire.
J. L. Strange Esquire.
H. D. Phillips Esquire.
} Puisne Judges.

Read again Calendar of Case No. 12 of 1859, on the file of the Session Court of Coimbatore.

[Here enter F. U. No. 887 of 1859.]

Read also return dated the 6th instant, from the Session Judge of Coimbatore, to the precept of the Foujdaree Udalut under date the 25th May last, calling upon him to explain the reasons which guided him in rejecting the testimony of the witnesses affecting the 4th, 5th and 6th prisoners in the above case.

[Here enter F. U. No. 1007 of 1859.]

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

of

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

x 1st Rawmen.	
2d Calendoss.	
3d Parabundaran.	
7th Coopsamy.	
	Eight years.

Read letter from the agent to the Governor at Vizagapatam dated 1st June 1859.

[Here enter T. No. No. 988 of 1859.]

The Court of Foujdaree Adalut having declared in a late ruling that a Session Judge is not competent to alter or modify the sentence of a Sudder ameen except in favor of the prisoner, the agent to the Governor in Vizagapatam suggests that the principle, on which this ruling is founded, should be extended to committable cases coming before the Criminal Courts, and that when prisoners are discharged by the Criminal Judge, the Session Judge should not have the power of overruling such discharge and ordering their commitment.

2. The Court have to observe that they have not the power to pass such an order

order as is now suggested by the agent, even if they concurred with him in the expediency of doing so. As long as Section XXIII, Regulation X of 1816 remains in force, a Session Judge is legally competent to overrule the discharge by a Criminal Court of a prisoner in a committable case.

Read Calendar of cases Nos. 3-4-5-6-7-8-9-12-13-14 and 15 of 1859, on the file of the Session Court of Combaconum.

[Here enter T. No. No. 996 of 1859.]

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 passed upon them in the said cases.

x Valagoodien alias Nalen prisoner in Case No. 27 of 1859 (4) Four years.
Doorby Chetty prisoner in Case No. 29 of 1859 (5) Three years.
Appasamy Iyengar and Canoo Pooda Samoo Battar prisoners in Case No. 13 of 1859 (2) Two years and nine months.

Read Criminal Reports submitted by the Session Judge of Coimbatore, for the months of April 1859.

[Here enter T. No. No. 998 of 1859.]

The Session Judge is requested to

No. 15 of 1859.

to ascertain whether the great delay apparent in the transmission of this case from the Talook to the Court, viz: from 7th February to 16th March or 38 days was justifiable.

Precept returnable within VIII days from and after its receipt.

Read Calendar of Case No. 17 of 1859, on the file of the Session Court of Coimbatore.

/Here enter F. M. No. 1002 of 1859./

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.

* Palamycottah 1st Imprisonment. (8) eight years.

E. I. D.
E. T.

C. S. Chamier.

F. M.

Tuesday, 14th June 1859.—

At a Court of the Foujdaree Adalut

Present.

G. S. Hooper, Esquire.
T. L. Strange, Esquire. — Puisne Judges.
H. D. Phillips, Esquire.

/ No. 11 /

Read again Calendar of Case No. 28 of 1859 of the Session Court of Combaconum.

/ Here enter F. M. No. 895 of 1859./

Read also return dated 30th Ultimo from the Session Judge of Combaconum to the precept of the Foujdaree Adalut under date the 25th idem, calling upon him to state whether the Sentence passed upon the prisoner in Case No. 28 of 1859 may not be brought to the notice of the Honorable the Governor with a recommendation that a portion thereof be remitted, and if he should be in favor of such course, what punishment he would propose as sufficient to meet the requirements of the case; the Session Judge states that two years' imprisonment will be sufficient punishment for the offence.—

/ Here enter F. M. No. 963 of 1859. /

As the Sentence prescribed by Act V of 1858 is laid down peremptorily, the Court of Foujdaree Adalut

Udalut are unable to accede to the recommendation of the Sessions Judge for mitigating the sentence in this case.

2. The case, however, being one in which the Government might very properly exercise the power recognized in them by Act XVIII of 1855, of remitting a portion of the sentence passed upon the prisoner, the Court resolve to forward the Calendar, to be laid before the Right Honorable the Governor in Council, and to recommend that the sentence be reduced to 2 years imprisonment, as proposed by the Sessions Judge.—

Read Return dated 8th June 1859 from the Officiating Sessions Judge of Madura to the precept of this Court under date the 2d. Idem, returning for amendment the Criminal Returns for the year 1858.—

/ Here enter F. H. No. 1016 of 1859. /

1. With reference to the foregoing return the Officiating Sessions Judge is informed, that all the figures in Statements Nos. 1-2-3-5 and 6 should show the number of persons instead of cases, and that an additional column for persons need not be opened.

He is further informed, that the instructions conveyed in para 4 of the proceedings of this Court referred to, was intended to apply to the Reports under review, as well as the future ones.—

The Officiating Sessions Judge

2. Stat. No. 18 of 1855

will

will have to enter in Column 36 of this Statement, the Totals of the Entries in Columns 7-8-31-32-33-34 and 35, which will then correspond with the numbers in Column 6.—

The last column added to this Statement is unnecessary.

Precept &c returnable within 11 days from and after its receipt.—

Read Calendar of case No. 16 of 1859 on the file of the Sessions Court of Coimbatore.—

/ Here enter F. H. No. 1017 of 1859. /

As herein recommended, the Court of Tanjore 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.—

× 1 Tavalay
2 Cannaiyan
3 Marudan.
Term 7 Years.

Read letter from the Sessions Judge of Chingleput dated 4th June 1859, requesting the opinion of the Court as to whether at the conclusion of a trial for adultery and before sentence has been passed, he may accept of a razeenamah from the husband and dismiss the case.—

/ Here enter F. H. No. 974 of 1859. /

The Court are of opinion that the trial being concluded and it only remaining for the Judge to pass sentence, the prosecutor has not the power of stopping the proceedings—the sentence not being passed to gratify his feeling

feelings, but in satisfaction of the law and as a penalty for its breach.—

Read letter dated 26th ultimo from the Session Judge of Chingleput, submitting the proceedings in Criminal case No. 21 of 1859 on the file of the Principal Sudder Ameen, and certain communications to and from the Magistrate of that District, objecting to the orders passed by the Session Court in regard to one T. Rungacharry.—

/ Here enter F. H. No. 924 of 1859. /

Read also Miscellaneous Petition presented on the 28th ultimo, by J. W. Branson Esquire, Pleader on behalf of Rungacharry, of Tillak Chingleput.—

/ Here enter F. M. P. No. 81 of 1859 /

/ After a perusal of the translations of the Magistrate's proceedings and those taken in the Court of the Principal Sudder Ameen, the Foujdaree Adalut are of opinion, that it was the Magistrate's clear duty to bring to trial T. Rungacharry, as he was directed to do by the Sessions Judge. That person was found in possession of many valuable granite stones, the property of Government, and by the District Engineer, Captain Moberly, was

Mr. H. D. Phillips

was charged with so being in possession fraudulently. When T. Rungacharry justified his possession by declaring the stones had been sold to him by certain subordinates of the Department of Public Works, the Court think the course to be taken was, that which the Session Judge has indicated in para 5 of his letter under notice; that is, that T. Rungacharry should have been charged with stealing the stones, and the four subordinates in question, with conniving at the theft. Since, however, the Magistrate acquitted T. Rungacharry, the Court fail to appreciate the transmission of those four subordinates for trial by the Principal Sudder Ameen. If they had improperly allowed T. Rungacharry to cart away the stones, they were guilty of an act which Captain Moberly had it in his power to notice, but over which the Magistracy had no jurisdiction. If, as by his sentence of acquittal is to be inferred, the Magistrate thought there had been no fraud on T. Rungacharry's part, further steps against the Public Works Department people were superfluous.

2 The proceedings before the Foujdaree Adalut do not indicate any evidence admissible against T. Rungacharry other than that of his alleged accomplices, and should his conviction depend on their unsupported

unsupported statements, the Foujdaree Udalut do think the Session Judge will exercise a wise discretion in dropping the idea of having him now brought to trial.

3 With this exception, the Court feel bound to regard the proceedings taken by the Session Judge, as correct and proper. The Magistrate's letter, addressed to the Principal Sudder Ameen direct, might, with reference to existing practice, better have been directed to the Session Judge, who would have issued instructions to the Principal Sudder Ameen. The Court also think the Magistrate should have abstained from becoming the medium of transmitting to the Session Court, the Petition from Rungacharry.

4 It should be pointed out to the Magistrate, that when, after disposing of the prosecution against Rungacharry by acquittal, he resolved to transmit to the criminal Court, as prisoners, four of the individuals who had been witnesses in the case and had been examined on "oath," it was a matter of justice to those persons, to afford to them an opportunity of pleading to the charge, of which, in the Magistrate's opinion, they stood convicted under the evidence taken in the Rungacharry's case.

Exd
E.T

F. Co.

Wednesday 15th June 1859.

Ax Court of the Foujdaree Udalut.

Present

G. S. Hooper Esquire
T. L. Strange Esquire } Puisne Judges.
H. D. Phillips Esquire

Read Petty Calendars submitted by the Sessions Judges of Chingleput of the Magistracy for the 1st Quarter of 1859.

(Here enter F. Co. No 960 of 1859.)

The Court of Foujdaree Udalut request the Sessions Judge to inform the Magistrate that the list of names and dates of appointments of officers selected by him under the provisions of Section XI and clause I Section III Regulation IX of 1821 may, in future, be dispensed with.

Read letter from the Sessions Judge of Guntoor dated 28th May 1859.

(Here enter F. Co. No 950 of 1859.)

In this letter, at the instance of the Head Assistant Magistrate in

1.

15th June 1859.

in charge of the District, the Sessions Judge of Guntoor requests the opinion of the Court of Foujdaree Udalut as to whether the district police are competent to dispose of cases under Section XIV of Act III of 1857 (Cattle trespass Act) and award damages in cases of illegal seizure of cattle.

2. The Court are of opinion that Heads of Police are "officers having "criminal jurisdiction authorized to "receive and try complaints without "reference to the Magistrate" and are consequently competent, under the Section quoted, to take cognizance of cases of the nature above referred to.-

3. The Sessions Judge and Head Assistant Magistrate refer to a ruling of the Court as to the jurisdiction of Police officers in cases of illegal rescue of cattle under Section XIII of the same Act; copy of a later ruling of the Court on the same point is now forwarded for the information of the Magistracy.-

Ex Encl.

C. S. Chamier

F. No.

Thursday 16th June 1859.

At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper Esquire. }
J. Le. Strange Esquire. } Puisne Judges.
H. D. Phillips Esquire. }

Read again letter from the Session Judge of Combaconum dated 26th May 1859, requesting the Court to move the Chief Judicial authority at the Presidency to direct the Chemical Examiner to appear before him to give evidence in Case No. 44 on his criminal file.

(Here enter F. No. No. 928 of 1859.)

Read return to the Proceedings of the Foujdaree Udalut of the 31st May 1859, calling upon the Session Judge to state the grounds upon which he considered the attendance before the Court of the Chemical Examiner to be necessary.

(Here enter F. No. No. 1001 of 1859.)

From the information now submitted

submitted by the Session Judge it appears that a portion of the intestines of one Rungasawmy Naik, for whose murder prisoner in Case No. 44 is now on his trial, was forwarded to Dr. Scott for chemical examination; that on analysis that officer discovered a large quantity of arsenic, which fact he certified in a letter now forming part of the record before the Court; and that the Session Judge considering that this letter may have had some effect on the Session Court, is of opinion, that Dr. Scott's evidence, as a witness, is essential, in consequence of which, he made the application in his letter of the 31st May.

2. The Foujdaree Adalut are of opinion that the Session Judge has not showed sufficient grounds for requiring the attendance of Dr. Scott before the Court as a witness. The organic remains were examined by the Chemical Examiner and

and the result duly certified in the manner required by the practice in their Courts. It must be evident to the Session Judge that it is scarcely possible that the Chemical Examiner should attend on all such occasions at every Court to depose personally to the truth of his written statement; and the Courts of this country being nowhere bound to follow the strict letter of the English law of evidence which appears to have guided the proceedings of the Session Judge in this case, the Foujdaree Adalut consider they are justified in overruling one of its provisions, which, however salutary and well adapted to the state of things in England, could not be extended to this country without an excessive amount of inconvenience and difficulty.

Read letter dated 9th June 1859, from the Session Judge of Chittoor, submitting for the final judgment of the Foujdaree Adalut the record of Case No. 10

of

16th June 1859.

of 1859, on the file of the Session Court.

/Here enters F. Ala. No. 1009 of 1859./

The Court of Foujdaree Ada- Messrs Strange and Phillips.
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,

Gouree,

is sufficient to convict her of the offence
charged, do convict her thereof; and on Robbery attended with murder.
under the provisions of Section X, Re-
gulation XVII of 1802, sentence her to suffer
death by being hanged at the usual
time and place of executions.-

Exd. E. T.

C. S. Cameron

F. A.

Friday,
17th June 1859.-

At a Court of the Foujdaree Adalut.

Present.

G. L. Hooper, Esquire
T. L. Strange, Esquire
F. O. Phillips, Esquire

} Prisone Judges-

Read return dated the 13th Instant, from the Session Judge of Chingleput, to the precept of the Foujdaree Adalut of the 7th Idem, returning for amendment the Annual Criminal Statements for 1858.-

/ Here enter F. A. No. 1041 of 1859./

1. The Court having perused the remarks submitted by the Session Judge in the foregoing return, are of opinion that the amendments ordered in their Proceedings of the 7th Instant, should be made in the manner pointed out therein,- although the 90 persons whose cases were called up are already entered in Statement No. 2 as a part of the number disposed of by the Police, yet their recentry in Statement No. 5 becomes necessary in order to shew how these persons were disposed of by the Appellate or Revising authority; and for this purpose the only practicable way is to include the number of persons whose sentences may have been confirmed and modified, in the Column "convicted," those whose sentences were

were reversed, in the Column "acquitted", and the number of persons whose cases were "pending" in the column "under trial on 31st December 1858." The total of the entries in Column "discharged without trial" and in the other successive Columns when cast up will correspond with the Total of the first compartment of the Statements Nos 4, 5 and 6.—

2. The number of persons called up should not be entered in Statement No 10; in which case the disagreement referred to by the Sessions Judge in para 3 of his return will not arise. The Court observe that this is the mode in which the Statements submitted by all the other Courts have been prepared.—

Read Criminal reports for the month of April, submitted by the Sessions Judge of Rajahmundry.—

(Here enter F. N. No 1032 of 1859.)

1. The prisoner in this case should have been charged with theft and sentenced under Clause 4, Section III, Regulation VII of 1822.— No 1. "Breach of Trust."

2. The mere omission to inform the Police does not form grounds for a Criminal charge, the sentence as against the third prisoner must therefore be cancelled— No 21. "Theft."

3. The Sessions Judge is requested to review the record in this case; as it appears doubtful from the charge No 23. "Housebreaking and Theft"

17th June 1859.

charge whether there was any "breaking", and if not, sentence should be passed under Section VII Regulation X of 1816—

The Sessions Judge is requested to submit

4. these reports at an earlier date in future.—

Exd/ E.T.

F. Ct.

Saturday 18th June 1859.

At a Court of the Foujdaree Adalut.

Present.

G. S. Hooper, Esquire. }
J. L. Strange, Esquire. } Puisne Judges.
H. D. Phillips, Esquire. }

Read letter under date the 6th June 1859 from the Sessions Judge of Nundial, submitting a report in Sessions Case No. 37 of 1859 for the consideration and final sentence of the Foujdaree Adalut.

(Here enter F. Ct. No. 1021 of 1859.)

The Court of Foujdaree Adalut are of opinion that the further facts throwing light on the prisoner's state of mind should be established in evidence. They therefore direct the Sessions Judge to reopen the trial and examine the Zillah Surgeon, the Jailor, and any others who may have knowledge of the Prisoner's condition, and whose testimony he may

F. C.

Saturday 18th June 1859.

At a Court of the Foujdaree Adalut.

Present.

G. S. Hooper, Esquire. — Puisne Judges.
J. L. Strange, Esquire. —
H. D. Phillips, Esquire. —

Read letter under date the 6th June 1859 from the Sessions Judge of Nundial, submitting a report in Sessions Case No. 37 of 1859 for the consideration and final sentence of the Foujdaree Adalut.-

/Here enter F. C. No. 1021 of 1859./

The Court of Foujdaree Adalut are of opinion that the further facts throwing light on the prisoner's state of mind should be established in evidence. They therefore direct the Sessions Judge to reopen the trial and examine the Zillah Surgeon, the Jailor, and any others who may have knowledge of the Prisoner's condition, and whose testimony he may

may consider it desirable to furnish.

Read letter under date the 10th June 1859 from the Sessions Judge of Combaconum.

(Here enter R. Dc. No. 1042 of 1859.)

1. In the above letter the Sessions Judge reports that the sentences in Cases 62 and 63 A and 63 B of 1858, have been modified in accordance with the Proceedings of this Court under date the 2d Instant, and again brings to the notice of the Judges that the Foujdaree Adalut have in two cases of a similar description, viz, 52 of 1858 and 1 of 1859, which were referred to them in consequence of differences of opinion between himself and the Assessors, passed on sentences as severe as those which have since been modified, and that all the sentences which have been passed by him on other parties concerned in the late riots have been as severe as those passed by the Foujdaree Adalut in the two cases referred to. He further states that

that as the Court had not the records before them, he is unable to conjecture the grounds on which his judgments in respect to the ringleaders have been set aside.

2. The Court of Foujdaree Adalut observe that each case as brought before them must be judged of upon its individual merits, and no Court can be responsible in dealing with one case for the effect its judgment may have in influencing any opinions to be formed of other cases which have not come before it. In the present instance the cases in question were brought before the Court in appeal, and the Petition of appeal was disposed of after full hearing and discussion. Of what passed at this hearing no note has been made, but no doubtless the Advocate was armed with the records, as is common on such occasions, and put before the Court such parts as he thought would support his application, and the result was that the portions

of

of the evidence which led the Sessions Judge to conclude that the accused were ringleaders failed to produce the same on impression upon the Court.

3. The Sessions Judge in exclaiming consideration for his judgments must remember that the Court are under equal responsibilities for theirs.

The following Fouzdaree Miscellaneous Petitions are rejected, Viz: Nos 34, 61, 76 and 82, 77, 79, 83 and 84 of 1859.

Circulars. In pursuance of instructions received from the Government, the Court of Fouzdaree Udalut direct that all Joint Magistrates appointed under Act IV of 1847, be furnished with Specimens of the several Criminal Statements which the Magistracy are required to submit periodically to the Sessions Courts, viz, the A and B Reports, and Quarterly Petty Calendars, with the necessary information as

to their mode of preparation; and that they be called upon to fill up and forward such Statements in common with the rest of the Magistracy.

Circulars. 1. With reference to para. 8 of their proceedings of the 26th February last, the Court of Fouzdaree Udalut direct that cases in which the Magistracy have merely power to hold the preliminary investigation previous to commitment, be exhibited in the B Reports, whether the accused parties be committed or discharged; and that in the latter case, that is, whenever the defendants are released, a report in the Form A be submitted to the Sessions Judge, but not in cases where the defendants are forwarded to the Criminal Courts.

2. The Court of Fouzdaree Udalut further direct that petty cases tried by the Police, and reported to the Magistracy for their orders, be entered in the Monthly Statements submitted by the Police to the Sessions Courts.

Read

18th June 1859.

Read Miscellaneous Petition received on the 11th May 1859 through the Sessions Judge of Nundial from Tumballa Veerunnah of that Zillah.-

/Here enter F. Mc. P. No. 73 of 1859./

1. The contents of this address do not enable the Foujdaree Adalut to trace the case in which the Petitioner was sentenced.- Mr. Phillips.

2. No. 7 of 1858 on the file of the late Agency which, the Court observe, is noted on the address in question by the Sessions Judge of Nundial, does not supply a clue, and would seem not to be the trial in which Petitioner was concerned.-

3. The Court of Foujdaree Adalut therefore resolve to send a copy of the translate of this petition to the Sessions Judge of Nundial, and request that officer to supply such particulars as to No. and dates as will meet the above stated difficulty.-

Precept returnable within V days from and after its receipt.- S

E.P. E.P.

C. H. Cramer

F. Mc.

Monday 20th June 1859. At a Court of the Foujdaree Adalut.

Present.

G. S. Hooper Esquire.
J. Sc. Strange Esquire.
H. D. Phillips Esquire.
} Puisne Judges.

Read return dated 10th June 1859, from the Agent at Vizagapatam, to the precept of this Court under date the 3d idem, returning for amendment the Criminal Reports for the year 1858.

/Here enter F. Mc. No. 1061 of 1859./

The Court of Foujdaree Adalut

1. .but observe that the entry in Column 3, under head District Police in statement No. 10, should be transferred to Column 28.

2. The attention of the Agent is drawn to the foot note given in the statement No. 10, and he is requested to transfer the aggregate of the entries in Columns 25. 26 and 27 to Column 28.

3. The above remark will affect the statement No. 13 of Bengal form.

The

20th June 1859.

4. The agent is requested to enter in Columns 36, the aggregate of the entries in Columns 7-8-31-32-33-34 and 35, to tally with Column 6 of the statement No. 13 of Bengal forms.

5. The above alterations have been made in the Register's Office.

Read letter dated 11th June 1859, from the Session Judge of Trindial, returning the Criminal statement for the year 1858, amended.

/Here enter F. M. No. 1063 of 1859./

1. The Court of Foujdaree Adalut observe that the aggregate of the entries in Columns 25-26 and 27 under head Session Judge in statement No. 10, should be transferred to Column 28 in accordance with the foot note given in the above statement.

2. The above remark will affect the statement No. 13 of the Bengal forms.

3. The above alterations have been made in the Register's Office.s

Ed.
E.T.

C. J. Chamier

8

F. M.

Tuesday
21st June 1859

At a Court of the Foujdaree Adalut.

Present

G. S. Hooper Esquire.
J. L. Strange Esquire.
H. D. Phillips Esquire.
} Puisne Judges.

Read Petty Calendars of the Magistracy for the first quarter of 1859 submitted by the Session Judge of Coimbatore.

/Here enter F. M. No. 1060 of 1859./

Assistant Magistrates No. 1 "Vagrancy"

The Court have doubts as to the legality or propriety of the sentence in this case; the Regulation under which the first sentence was passed on the prisoner provides for his release at the end of a year, and if his release at the end of that period appears to the Magistrate to be inexpedient, he should be dealt with under the provisions of Clause 3, Section VIII, Regulation XI of 1827, if he is a dangerous character, such as is therein described. The Session Judge is requested to call for the record and pass such

orders

orders as he may deem fit reporting the same to this Court.

Read letter dated 3d June 1859, from the Session Judge of Honore, submitting for the final judgment of the Foujdaree Udalut the record of Case No. 13 of 1859 on the Calendar of the Session Court.

/Here enter F. Mc. No. 1047 of 1859/

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

Mahabalaya

is sufficient to convict him of the offence charged, 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.—S

Murder and Robbery

E.D.D.R.

C.S. Channi

F. C.

Wednesday, 22d June 1859.

At a Court of the Foujdaree Udalut.—

Present

G. L. Hooper, Esquire
L. L. Strange, Esquire
F. O. Phillips, Esquire

} Puisne Judges.

Read Calendar of Case No. 31 of 1859 on the file of the Session Court of Salem.

/ Here enter F. C. No. 1095 of 1859./

Unless the record laid before the Session Judge, afforded clear proof of the 20 Rupees which the Prisoner's servant brought to the 1st witness, being the identical coins received by the latter from his master, the Foujdaree Udalut are of opinion that no commitment to the Session Court should have been made.—

Read Criminal Report B for the month of May 1859, submitted by the Session Judge of Guntur.

/ Here enter F. C. No. 1081 of 1859./

Adverting to the character and circumstances of the charge in case No. 29, it appears to the Foujdaree Udalut that the Prisoner Tammadoo has not been adequately punished.—

Read Calendar of case No. 21 of 1859.

on

on the file of the Session Court of Mangalore.

/ Here enter F. C. No. 1086 of 1859. /

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

× 1. Rama alias Ramma
2. Babu
3. Ramma alias Ramayya
4. Appanna.
Seven years.

Read Calendar of case No. 27 of 1859 on the file of the Session Court of Salem.

/ Here enter F. C. No. 1091 of 1859. /

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

× 1. Lt Kora Comittee alias Colundagoundo
2. Rutchama.
Five years.

Read Criminal reports for the month of May 1859, submitted by the Acting Session Judge of Bellary.

/ Here enter F. C. No. 1082 of 1859. /

The Court have to observe that the mere attempt to escape, unless accompanied by violence, is not criminally punishable. If there was no actual escape, the sentence in this case must be cancelled.

No. 4. attempt to escape

Read

Read Criminal reports of the Magistracy for the month of May 1859, submitted by the Session Judge of Masulipatam.

/ Here enter F. C. No. 1070 of 1859. /

Read Extract from the Proceedings of Session Court of Masulipatam dated 14th June 1859.

/ Here enter F. C. No. 1070 of 1859. /

It is unnecessary for the Session Judge to hold any proceedings on the Criminal reports when they do not call for remarks. It is sufficient in such cases that the report be countersigned by the Session Judge.

Read Petty Calendars of the Magistracy for the first quarter of 1859, submitted by the Session Judge of Salem.

/ Here enter F. C. No. 1080 of 1859 /

Joint Magistrate Nos. 8, 12, 21 "Fraud".

1. The prisoners are only charged with a Breach of contract of which the Magistrate cannot take criminal cognizance. The sentences in these cases must therefore be cancelled.

2. The Session Judge is requested to forward these Calendars at an earlier date in future

Read Criminal report for the month of January, submitted by the Session Judge of Chingleput.

/ Here enter F. C. No. 1083 of 1859. /

The

22nd June 1859.

1. The Sentence in this case is inadequate looking to the value of the property stolen which is not sufficient to call for a heavier punishment even although the theft was not attended by aggravating circumstances. No 33. "Theft"

2. This case might have been discovered by the Magistracy. The previous convictions for smuggling and the being held to security by the Magistrate did not form grounds for a second court. As the value of the property stolen is small the Court consider the period of imprisonment the prisoner has already undergone is a sufficient punishment for the offence, and resolve to cancel the remainder of the sentence. No 35 "Theft"

3. The Sentence in this case must be cancelled and the prisoner committed as directed by the Court in their Circular of 10th June 1858. No 42 "Escape"

E.P. E.P.

F. No.

Thursday 23d June 1859.

At a Court of the Foujdaree Adalut.

Present.

G. S. Hooper Esquire.
J. Le. Strange Esquire.
H. D. Phillips Esquire.
} Puisne Judges.

Read letter dated 17th June 1859 from the Acting Session Judge of Salem, submitting for the final judgment of the Foujdaree Adalut, the record of case No 25 of 1859 of the Calendar of the Session's Court.

[Here enter F. No. No 1089 of 1859]

1. The trial of this case, before the Session Court, occupied, the Foujdaree Adalut observe, a period of only two days, viz: from the 2d to the 3d instant.

2. It is, however, further observed that although the record reached on the Subordinate Court on the 19th ultimo, nothing was done there in respect of proceeding with the trial, until the following 30th on which day the Prisoner and

and witnesses were all re-examined as to the correctness of their Police depositions.

3. The Foujdaree Adalut request the Session Judge will ascertain and report the circumstances under which a delay of thirteen days occurred in the Subordinate Court in a case of the simple nature of the one under notice.

Precept returnable within III days from and after its receipt.

Read letter dated the 13th instant, from the Magistrate of Vizagapatam, enquiring whether the Subordinate Judge of Chicacole is competent to take cognizance of criminal cases in the capacity of Justice of the Peace, where such may arise within his jurisdiction in the Town of Vizagapatam.

/Here enter Fl. Mo. No. 1099 of 1859/

The fact of his appointment, as published in the Official Gazette or being that of Subordinate Judge of Chicacole, does not, in the opinion of the Foujdaree Adalut, divest the Subordinate

Judge

Judge of authority to act as Justice of the Peace (if he has qualified) within the limits of his ordinary jurisdiction in the town or district of Vizagapatam.

Read letter dated 17th June 1859, from the Acting Session Judge of Salem, submitting for the final judgment of the Foujdaree Adalut the record of Case No. 25 of 1859 on the Calendar of the Session Court.

/Here enter Fl. Mo. No. 1089 of 1859/

Messrs. Strange and Phillips

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,

Goroomoorthy Gaum.

Murder and Robbery

is sufficient to convict him of the offence charged, 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.

E. & Ellt.

C. S. Chamier

F. No

Friday 24th June 1859.

At a Court of the Foujdaree Adalut.

Present.

G. A. Hooper Esquire. }
J. Le. Strange Esquire. } Puisne Judges.
H. D. Phillips Esquire. }

Read letter from the acting Session Judge of Bellary, dated 14th June 1859, forwarding certain proceedings connected with Case No 71 on the file of the Subordinate Court.

/Here enter F. No. No 1069 of 1859/

Prisoner in No 71 on the file of the Subordinate Court of Bellary having been charged with embezzlement was discharged by the Subordinate Judge without trial, as the facts of the case did not appear to that officer to render him liable to a criminal prosecution. On recommittal by order of the Session Judge the prisoner was put upon his trial and acquitted by the Subordinate Judge on the same grounds as he had previously

previously discharged him, and the Session Judge being of opinion that the acts alleged against the prisoner were sufficient under the Mahomedan law and Act XIII of 1850 to render him criminally liable, now refers the question for the opinion of the Fouj. daree Udalut.

2. From the Report of the case forwarded with these proceedings it appears that the prisoner received two gold rings in pledge from the prosecutor advancing him a sum of 30 rupees on this security; that the prosecutor shortly after repaid the money when one gold ring was returned to him, the prisoner promising to give back the other when he had redeemed it from another party to whom it was pledged; and that he afterwards refused to do so stating that he had only received one ring.

3. The Court of Fouj daree Udalut are of opinion that under these circumstances the prisoner was only liable to a Civil action for breach of contract,

and

and could not be criminally prosecuted either under the Mahomedan law or Act XIII of 1850.

Read Criminal reports for the month of May 1859, submitted by the Session Judge of Cuddapah.

(Here enter F. No. No. 1087 of 1859)

Magistrate's Report No. 5. "attempt to poison cattle"

This case should have been committed to the Criminal Court, a Magistrate not being competent to punish such offences under the vested powers.

C. S. Chamier

Ex. Edn.

F. Ille.

Saturday 25th June 1859.

At a Court of the Foujdaree Adalut.

Present

G. S. Hooper Esquire
J. L. Strange Esquire } Puisne Judges.
H. D. Phillips Esquire

Read Criminal Reports for the month of May 1859, submitted by the Session Judge of Calicut.

(Here enter F. Ille. No. 1104 of 1859.)

Subordinate Judge.
No. 59 of 81.
"False complaint."

It is not sufficient to charge the prisoner with having made the false complaint "without probable cause" - he must be charged with having made it falsely and maliciously.

Magistrate's Report.
No. 11.
"Cattle Stealing."

The Court, with reference to the explanation of delay in this case, have to point out that the Magistrate is not competent to review the proceedings of an Assistant Magistrate when acting under the extended powers.

If a sentence of acquittal was passed by

by the Assistant Magistrate in this Nº, the sentence of the Magistrate must be cancelled.-

Read Criminal Report for the months of May 1859, submitted by the Sessions Judge of Chicacole.-

/Here enter F. Gl. Nº 1109 of 1859./

1. As the prisoner was under sentence only of a Head of Police on account of a petty offence, he was not liable to be tried under the Regulation quoted. Sentence must therefore be cancelled.- — Sessions Judge. Nº 14. "Escape."

2. It is presumed the 2d Prisoner was sentenced to find security on under clause I Section IV Regulation II of 1822, and not under Section VIII Regulation VII of 1827, as entered in the Report.- — Nº 15. "Theft."

Read Calendar of Case Nº 20 of 1859 on the file of the Sessions Court of Coimbatore.-

/Here enter F. Gl. Nº 1123 of 1859./

As herein recommended, the Court of Foujdarry Adalut resolve to

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 Rupee
2d Rupee.
Eight years.

Read Calendar of Case Nº 14 of 1859, from the Sessions Judge of Chittoor.-

/Here enter F. Gl. Nº 1110 of 1859./

The Court feel doubtful of the propriety of the conviction in this case, and resolve therefore to call for a translate of the proceedings held thereon.-

Precept returnable within V days from and after its receipt.-

Read Criminal Report B, submitted by the Acting Sessions Judge of Trichinopoly, for the month of May 1859.-

/Here enter F. Gl. Nº 1113 of 1859./

1. In a case of cattle stealing, in another of theft, and in a

25th June 1859.

a third of "Burglary," the Foujdarree Adalut observe that the period of imprisonment awarded is nine months.-

2. They conclude that this limit is of accidental occurrence.-

Ex'd Sick.

C. J. Chamier

J. 86.

Tuesday, 28th June 1859.

At a Court of the Foujdarree Adalut.

Present.

G. S. Hooper Esquire — Puisne Judges.
J. L. Strange Esquire —
H. D. Phillips Esquire —

Read Calendar of Case No. 10 of 1859 on the file of the Sessions Court of Guntoor.-

/Here enter J. 86. No. 1140 of 1859./

The circumstances of the case are not such as to bring it within the conditions of ordinary theft. The Court of Foujdarree Adalut do not therefore view the accused as one whom it is desirable to place under security, and they consequently cancel the requisition.-

Read Criminal Report No. 1, submitted by the Sessions Judge of Nundial, for the months of June 1859.

/Here enter J. 86. No. 1141 of 1859./

The

1. The number of Prisoners charged was seven. The remarks of the Sessions Judge refer to only the 6th and 7th of these, the manner in which the other five were disposed of, being unexplained.-

2. The Court of Foujdaree Adalut request that the omission may be supplied.-

Read Calendar of Case N° 25 of 1859 on the file of the Session Court of Nellore.-

/Here enter F. Cl. N° 1143 of 1859./

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.-

× Dewasikamany Moodaly — Two years.

Read letter under date the 18th June 1859 from the Agent to the Governor

Governor in Vizagapatam, submitting for the final judgment of the Foujdaree Adalut a report of the trial before him of a Case of "Burglary".-

/Here enter F. Cl. N° 1137 of 1859./

The Court of Foujdaree Adalut concurs in the conviction of the Prisoner,

1st Sooradah Dawoo,

but being of opinion that the grounds assigned by the Governor's Agent for the very lenient sentence which he has proposed for the above Prisoner, are also grounds to a great extent for withholding punishment by the lash, they resolve to remit the corporal punishment, and affirm the sentence of 18 months' imprisonment with hard labor in irons.-

C. J. Chamier

Esqr
E. T.

F.No.

Wednesday, 29th June 1859. At a Court of the Foujdaree Adalut.

Present.

G. A. Hooper Esquire. | J. L. Strange Esquire. | H. D. Phillips Esquire. — Puisne Judges.

Read Criminal reports of the Joint Magistrate of Canara, submitted by the Session Judge of Honore.

/Here enter F. No. No. 1112 of 1859/

Nos. 6. 7. 8. 9. 10.

The amount of timber cut down in all these cases is so serious that there is every ground to presume that the parties intended to make a profit by its disposal, in which case their offence would appear to be of the character of theft, and the Session Judge is requested to watch this class of cases with reference to this remark, with a view to instruct the Magistracy to deal with them according to the nature of the offence.

Read Criminal reports

for

for the month of May 1859, submitted by the Session Judge of Combaconum.

/Here enter F. No. No. 1126 of 1859/

With reference to the note on this case by the Session Judge, the Court have to observe that the Session Judge should have reviewed the record, and if he found the second prisoner convicted on insufficient grounds should have discharged him, and the Session Judge is now requested to take this course. No. 70. "Housebreaking"

Read letter dated the 22nd instant, from the Officiating Session Judge of Madura, submitting for the final judgment of the Foujdaree Adalut an English translation of the record of the trial in Case No. 12 of 1859.

/Here enter F. No. No. 1133 of 1859/

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

1st Sundaram
and
2d Coopsamy,

Murder.

is sufficient to convict them of the offence charged, do convict them thereof; and under the provisions of Section X, Regulation VIII of 1802, sentence the 1st prisoner to suffer death by being hanged at the usual time and place of execution, and the prisoner,

2d Coopsamy,

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

The Court of Foujdaree Adalut resolve to point out to the Session Judge, that in the translation of the police and Subordinate Court proceedings, no entries have been made at the top of the pages to show the name &c. of the deponents, to whose statements the pages have reference.

C. S. Chamier

Esqrs. J.J.

F. No.

Thursday, 30th June 1859.

At a Court of the Foujdaree Adalut.

Present.

G. S. Hooper Esquire.
J. L. Strange Esquire.
H. D. Phillips Esquire.
} Puisne Judges.

Read letter dated the 16th instant from the Session Judge of Mangalore, submitting for the consideration and orders of the Foujdaree Adalut copy of a correspondence which has passed between himself and the Magistrate on the subject of rendering the landed proprietors and others liable to criminal punishment for felling forest trees in certain prohibited localities.

(Here enter F. No. 1114 of 1859)

The order of the Session Judge on the petition of Ananta Bhatta, appears to the Foujdaree Adalut to rest on an erroneous footing. The Session Judge has made for the petitioner a case which he has not put forward for himself, namely

namely

namely, a claim to the forest land in question as included within his wang. The matter really in issue is, whether the petitioner was justified by the 2d para of the Proclamation to which he refers, in cutting down the timber in question. The Court of Foujdaree Adalut accordingly resolve to set aside the order of the Session Judge, and direct that officer to dispose of the petitioner's appeal by determination of the point, above noticed, on which the appeal returns.

Read Calendar of Case No. 11 of 1859, of the Session Court of Trichinopoly.

[Here enter F. Rc. No. 1156 of 1859.]

The Foujdaree Adalut desire to have before them translations of any depositions which may have been taken on this trial, from the village moonsiff, who accompanied the witnesses to the Paishkar, as well as of any report which the Village moonsiff may have made to either of his superiors, before personally

waiting

waiting on the Paishkar.

Precept returnable within V days from and after its receipt.

Read Calendar of Case No. 14 of 1859, of the Session Court of Trichinopoly.

[Here enter F. Rc. No. 1157 of 1859.]

The Foujdaree Adalut request the acting Session Judge will report whether, on a consideration of the testimony given by the 1st and other witnesses before the Police and affirmed in the Criminal Court, he has reason to consider it truthful and trustworthy. Should he see grounds for doubting its credibility, it may be desirable to instruct the Magistracy to ascertain whether these witnesses may not themselves have had concern in the murder.

Precept returnable within V days from and after its receipt.

Exd. E.T.

C. S. Chamier