

F. M. C.

Friday,
July, 1859.

At a Court of the Fouzdaree Adalut.

Present.

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

Read Miscellaneous
Petition received on the 18th May last,
through the Sessions Judge of Nundial,
from Gungadoo, of that Zillah.
Here Enter F. M. P. No. 78 of 1859.

This is an appeal from
the sentence passed by the Sessions
Judge in Case No. 33 of 1858, wherein
the Petitioner is prisoner.

Messrs. Strange J.
and Phillips.

2 The Court of Fouzdaree
Adalut resolve to send a copy of this
petition to the Sessions Judge and
request that officer to ascertain
from the Magistrate whether the
Prisoner received the reward he
speaks of.

The

1st July, 1859.

3. The Court further direct that a translate of the record of the case in question, be submitted for their consideration.—

Precept returnable within V days.—

Read Miscellaneous Petition presented on the 10th March last, by Masselamany Moodaly, of Zillah Chingleput.—

/Here enter F. M. P. No. 45 of 1859./

Petitioner appeals from an order of the Sessions Judge under date the 3d December 1858, confirmatory of that of the Magistrate, whereby the Petitioner was fined 90 Rupees on a charge of having removed, without authority, certain idols from a Pagoda.—

Read also Counter petition presented on the 7th ultimo, by T. Vadappa Chetty of Madras.—

/Here Enter F. M. P. No. 91 of 1859./—

The Court of Sudder Adalut

Messrs Strange and Phillips.

1st July, 1859.

do not find in the order of the Magistrate, or that of the Session Judge, any statement of the facts proved, upon which these orders are based. The Session Judge is requested to inform the Court upon what evidence it has been established that petitioner's opponent was in possession of the idols in question, and in what way that possession was maintained; also when and by what means the petitioner removed the idols, and by what evidence such removal may have been established.—

Precept returnable within V days.—

Read letter, dated the 18th ultimo from the Session Judge of Chingleput, referring for the final Judgment of the Sudder Adalut, the record of Case No. 17 of 1859 of the Calendar of the Session Court.—

/Here Enter F. M. No. 1088 of 1859./—

The

1st July, 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,

1st Coollun,

is sufficient to convict him of the crime of Murder, and that against the prisoners,

2d Palanee

and

3d Iyoolo Naik,

of having had knowledge of the murder and suppressed the same, do convict them severally thereof; and under the provisions of Section X, Regulation VIII of 1802, and Clause third, Section VII, Regulation XV of 1803, sentence the prisoner,

1st Coollun,

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

2d Palanee

and

3d Iyoolo Naik,

F.46.

1st July, 1859.

to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of (2) Two years.

The following Foujdaree Miscellaneous Petitions are rejected, Viz^t, Nos. 69, 70, 71, 72, 74, 86 and 87 of 1859.—

Ed. E.J.

Fille

Saturday
2d July 1859.

At a Court of the Foujdaree Mdalut.

Present.

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

Read Miscellaneous Petition presented on the 18th ultimo, by Mr. Venkataroyaloo Naidoo, Pleader on behalf of Venkatiah, zillah Bellary.

/Here enter F. M. D. No. 99 of 1859./

Messrs Strange and Phillips.

1. This is an appeal from the sentence passed upon the prisoner in Case No. 108 of 1858 on the file of the Session Court.

2 The Court of Foujdaree Mdalut resolves to cancel the requisition of security made of the prisoner, as from the sentence of the Session Judge, they can find no facts established against him, justifying the placing him under security.

Read Calendar of Cases No 26

4

of 1859, on the file of the Session Court of
Nellore.

/Here enter F. No. No. 1174 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.

Ponnukula Narasayadu.

Five years.

Read letter from the Subordinate
Judge of Mangalore, dated 21st June 1859,
submitting remarks on the proceedings
of Government of 31st May, on his explan-
ation regarding the theft committed
in the Mangalore jail, with a view to
their being laid before Government.

/Here enter F. No. No. 1153 of 1859/

The Foujdaree Udalut are
precluded from forwarding this explan-
ation to Government, as it is not
drawn up in conformity with the
orders of Government of the 21st May 1859

&c

No. 801, which direct that every commu-
nication must be complete in itself,
and should not involve the necessity
of reference to enclosures and former
proceedings.

2. Should the Subordinate
Judge submit to the Foujdaree Udalut
another communication on this sub-
ject, his explanation regarding the
subsistence money should be more
full and complete, showing under
what circumstances and for what
reasons it was allowed to remain
in the hands of the Jailor after the
discharge of the debtors on whose ac-
count it was paid in.

&c
E.T.

Monday
4th July 1859.

At a Court of the Foujdaree Adalut.

Present.

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

Read Petition presented on the 1st april last, by J. W. Branson Esquire, Pleader on behalf of Chinnatombee Naik, a prisoner in the jail of the Session Court of Chittoor.

/Here enter F. Mo. D. No. 54 of 1859/

Mr. Strange and Mr. Phillips.

In this petition it is stated that the petitioner was held to security by the Magistrate of North Arcot; that he furnished the security so required, and was released; that he was afterwards, without any fresh matter being brought against him, arrested and placed in custody one under an order of the Session Court dated 17th December 1858. The Petitioner prays that this order may be cancelled,

on

on the grounds 1st, that the Session Court had no jurisdiction 2d, that such order is not based on any evidence and was ex parte 3d, that the correspondence referred to in the above order cannot in any way affect the petitioner and 4th, that the matter against him having once been disposed of, and the security required from him having been furnished, he cannot legally be called upon to account, unless fresh matter is brought against him.

2. This Court of Foujdaree Adalut are of opinion, that as the petitioner has furnished the security originally demanded of him by the Joint Magistrate under Section III, Regulation II of 1822, he was not legally liable to fresh proceedings under Section VIII, Regulation VII of 1827, it being specified in Clause 4th of the said Section that such proceedings shall only be instituted in the event of the security originally required not having been furnished.

This

This Court therefore direct that the prisoner be relieved from the order appealed against by him.

Read Miscellaneous Petition presented on the 28th February 1859 by J. W. Brauson Esquire, Pleader on behalf of Sangaralinga Chetty of Zillah Tinnevelly.

[Here enter F. No. 8 - No. 32 of 1859]

Mr. Strange. Petitioner opposes the prayer of the petition - No. 194 of 1858, and prays the Foujdaree Adalut to reconsider the order passed thereon under date the 9th December 1858.

2. The order of the Session Judge of the 7th august 1858 is not explicit as to the point on which the case turns, namely, whether the petitioner Shanmugaralinga Chetty, or his opponent Pichai-ma Pundit, was in actual possession of the land in issue at the date of the alleged trespass. The Magistrate refers to evidence adduced by the latter individual to the effect, that he has been in possession, and had been so for 5 years.

Said

4th July 1859.

This evidence, the Session Judge has not noticed, but refers to possession having been given to Thangaralinga Chetty in 1854 under a decree, and to the revenue receipts being in his name, proving the right to be in him, facts not inconsistent with the allegations on the side of Pichana Pandit that he has been all along the actual cultivator.

2. The Session Judge is requested to afford the Court the necessary explanation on the subject.

Precept returnable within V days from and after its receipt.

Read Criminal reports dated 13th June 1859, submitted by the Officiating Session Judge of Madura, for the month of May 1859.

/Here enter F. No. No. 1170 of 1859./

1. Adverting to the general character of the English translations of the vernacular records which are received from the Session Court at Madura

F. No.
4th July 1859.

Madura, and to the special remark recorded by the Officiating Session Judge in his proceedings on case No. 45 disposed of by the Moosly Sudder Ameen, the Foujdaree Adalut would observe that if the Foujdaree Translator's office-ency is clearly doubtful some permanent measure should be adopted for securing better agency.

2. The quotation of Section X, Regulation IX of 1816, in the observations and proceedings, as well as in those recorded on Cases 50 and 51, both tried by the Moosly Sudder Ameen, would appear to be a clerical error.

Read report of a case proceeding on the 30th June 1859, before the Session Court of Tinnevelly, for a period in excess of 25 days, calculated from the date of commitment.

/Here enter F. No. No. 1190 of 1859./

The Court of Foujdaree Adalut direct that the Magistrate of South Arcot be required to give his early

4th July 1859.

early attention to the requisition of the Sessions Judge regarding the Prisoners witnesses.

Copy also to the Magistrate.

Read Criminal reports for the months of May 1859, submitted by the acting Sessions Judge of Salem.

(Here enter F.M.C. No. 1097 of 1859)

1. The Court have again to express their dissatisfaction with the state of the criminal file of the Subordinate Judge, and the manner in which the business of his Court is conducted. Of 29 cases on his file, 12 were referred to the Mooffy Sudder Ameen; of the remainder, no less than 12 cases were under examinations at the end of the months, while the Subordinate Judge disposed of only 4 committable cases, and one case in which he had final jurisdiction. 5 committed 1 acquitted 4

2. The amount of work performed by the Subordinate Judge is so small, that other reasons must have occurred to prevent his disposal of the cases still under examination

at the end of May; and as with regard to these there appears to have been very unnecessary delay; the Subordinate Judge is directed to submit an explanation on the subject stating the several steps he has taken in each case, with the dates annexed.

Precept returnable within III days from and after its receipt.

Read again Miscellaneous Petition presented on the 17th March 1859, by J. W. Branson Esquire, Pleader on behalf of Sobbarreddy, of Gillah Trichinopoly.

(Here enter F.M.C. No. 38 of 1859)

Read also return dated 8th ultimo from the acting Session Judge of Trichinopoly, to the precept of the Foujdaree Adalut under date the 28th May 1859, calling for a translation of the record in Case No. 31 of 1858 on the file of the Session Court.

(Here enter F.M.C. No. 1022 of 1859)

1. On a consideration of the record

Messrs Strange and Phillips

record in this case, the Court of Foujdaree Udalut are unable to concur with the Sessions Judge in the conviction of the prisoners. The evidence offered, appears to them of a very questionable description. There is no testimony whether of inmates or neighbours to the actualities of the alleged robbery, that brought forward consisting of the statements of two individuals who represent themselves to have been accidentally at the prosecutor's house within it was entered and plundered. These statements do not appear to the Court to bear the resemblance of truth. The treasure said to have been plundered, had no door, and it is improbable that valuables would be kept in such a place. No property is produced as recovered but what is of insignificant value, and it is not likely that the 1st prisoner one would have left it to be found in his house seven days after the robbery.

The

The Court see also ground to doubt the fairness of the search then made.

2. Under these circumstances, the Court resolve to reverse the sentence of the Sessions Judge, and to direct that the prisoners be set at large.

Read letter dated 25th May 1869, from the Agent to the Governor of Fort St. George at Vizagapatam, submitting for the final judgment of the Foujdaree Udalut the record of Case No. 6 of 1869 on the file of the Agent's Court.

[Here enter F. Alo. No. 1067 of 1869]

Messrs. 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 prisoners,

1st Dontalandy Gerrumnaiyer

and

1st Pertambara Boyee,

4th July 1859.
Mutilation.

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

1st Dantalanaty Yrrannarazu,

to be transported to such place or places beyond sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor on the public roads or other public works for and during the period of his natural life; and under the provisions of Clause 3d, Section VIII, Regulation XV of 1803, sentences the prisoner,

4th Pectambara Bissi,

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

Read letter dated 23d May 1859, from the Agent to the Governor at Vizagapatam, submitting for the final confirmation of the Sanjdaree Adalut, the record of Case No. 7 of 1859 on the file of the Agent's Court.

[Here enter Jl. No. No. 1068 of 1859]

The

4th July 1859.

Mssrs. Strange and Phillips.

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

6th Chundrachurlanah,

Mutilation. is not convicted on presumptive or 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.T.

C. S. Chamier

authorize the Officiating Session Judge to issue his warrant for the imprisonment of the prisoner for the period specified in the margin in mitigation of the sentence passed upon him in the said case.—

2. The Officiating Session Judge should have specified the extent of punishment to which the prisoners were liable under the law quoted by him.—

Read Calendar of cases Nos. 5, 6, and 7 of 1859 on the file of the Session Court of Jellicherry.—

[Here enter F.H. No 1304 of 1859]

Assuming the Session Judge to have convicted the Prisoner in cases Nos 6 and 7. as well as in case No 5, the Court of Foujdaree Udalut see reason to consider that in respect of Moory Pokin a more severe sentence than that passed would better have met the ends of justice, as, under the circumstances shown, the Prisoner in question appears to be an habitual receiver of stolen property.—

C.E. Chamier

Ex'd Clk

5th July 185

× 1st Examination and 2d Quandsn

(3) Three

F.H.C.

Wednesday 6th July 1859

Mar Court of the Foujdaree Udalut

Present

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

Read Calendar of Case No 137 of 1859 on the file of the Sessions Court of Tellicherry.—

[Here enter F.H.C. No 1209 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 prisoner for the period specified in the margin, in mitigation of the sentence passed in open Court in the said case.—

× Naramuppa Naicken.

(2) Two years

Read Calendar of Cases No 143 of 1859 on the file of the Sessions Court of Calicut.—

[Here enter F.H.C. No 1200 of 1859]

As herein recommended by the

F.U.

Tuesday, 5th July 1859.

At a Court of the Foujdaree Udalut.

Present

G.S. Hooper Esquire. / W. Le. Strange Esquire. / H.D. Phillipps Esquire } Puisne Judges.

Read Calendar of Case No 19 of 1859 on the file of the Session Court of Coimbatore.—

(Here enter S.U. No 1181 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.—

Coolly.	
Angon.	
Cauly.	
Vellay.	
and	
Mauran	8) Eight years

Read Calendar of Case No 35 of 1859 on the file of the Session Court of Tinnevelly.—

(Here enter F.U. No 1201 of 1859.)

As herein recommended,

the Court of Foujdaree Udalut resolve to authorize

15th July 185

authorize the officiating 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. The officiating Session Judge should have specified the extent of punishment to which the prisoners were liable under the law quoted by him.—

Read Calendar of cases Nos. 5, 6 and 7 of 1859 on the file of the Session Court of Jaffna.—

/ Here enter F.H. No 1204 of 1859 /

Assuming the Session Judge to have convicted the Prisoners in cases Nos 6 and 7 as well as in case No 5, the Court of Fouydaree Udalut see reason to consider that in respect of Moory Pokin, a more severe sentence than that passed would better have met the ends of justice, as, under the circumstances shown, the Prisoner in question appear to be an habitual receiver of stolen property.—

C.F. Chanier

Ex Edit

× 1st Famun 2d and Brandra

(3) Three

No 110.

Wednesday 6th July 1859

At a Court of the Fouydaree Udalut

Present

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

Read Calendar of Cases No 5 of 1859 on the file of the Sessions Court of Jaffna.

/ Here enter F.H. No 1204 of 1859 /

As herein recommended by the Court of Fouydaree 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 said case.—

× Naraniappa Saulkeen.

(2) Two years.

Read Calendar of Cases No 6 of 1859 on the file of the Sessions Court of Caltaid.—

/ Here enter F.H. No 1205 of 1859 /

As herein recommended,

We

the Court of Foujdaree Adalut resolve to authorize the Sessions Judge to issue his warrant for the imprisonment of the prisoner for the period specified in the margin, in mitigation of the sentence passed upon him in the said case.-

Read again Calendar of Case No 16 of 1859, from the Sessions Judge of Chittoor.

(Here enter F. Dc. No 1110 of 1859.)

Read also returns dated the 2d instant, from the Sessions Judge of Chittoor, to the precept of the Foujdaree Adalut under date the 25th Ultimo, calling for a translation of the proceedings held in the above case.-

(Here enter F. Dc. No 1194 of 1859.)

1. The Court of Foujdaree Adalut do not consider the evidence of the prosecution such as can be safely relied upon.-

2. It is improbable that a Vakeel

Vakeel of Court would receive money from a client before witnesses and grant a receipt for the same in his own handwriting, and afterwards embezzle the money. It is still more improbable that he would run such risk of exposure for the insignificant sum of Rupees three.-

3. On the other hand nothing is more probable than that a party who had lost his case through neglect to provide the requisite funds should afterwards seek to retrieve himself by turning round upon his Vakeel and alleging that he had placed the funds in his hands.-

4. The allegation made by the 1st witness in support of his charge against the Prisoner depends upon his own statements and those of the 2d and 3d witnesses. The 2d witness was his surety and his attendance with him is comprehensible. The 3d witness had no business with these parties

* Vara Vellada Roanjee Sa Siar.-
(1) Fourteen

parties, and why he should have gone with them to the Prisoner's house does not appear. His evidence is moreover at remarkable issue with theirs. They state that the money now in question was deposited with the Prisoner on the same day that the stamped papers were obtained and the Vakalutnamah and petition of appeal drawn up, while the 3rd witness deposes that the said money was deposited the following day, and that he was thus twice taken to the Prisoner's house.

5. As respects the identification of the receipt the 2d witness allows he cannot read, and the 3d says that he went away before it was written.

6. As regards the identity of the handwriting and signature in the document the 5th witness, the Faujdarry Adalut observe, before the Magistrate, could only say that they

resembled

resembled the Prisoner's, but when he came before the Sessions Judge he was bold enough to say they were positively his, admitting however that they differed from the prisoner's usual hand and signature.

7. There is no part of the evidence offered which appears to the Faujdarry Adalut of a satisfactory description, and the charge being in itself a very questionable one, the Court acquit the Prisoner and direct his release.

Ex Zalla.

N. 96.

Thursday, 7th July 1859 } At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper, Esquire
S. Le. Strange, Esquire
H. D. Phillips, Esquire
} Puisnie Judges

Read. Miscellaneous Petition presented on the 28th April 1859 by A. Scobbiah, Pleader on behalf of Mahabaleeram, of zillah Salem.

(Here enter F. Mo. P. No 67 of 1859.)

1 Petitioner prays for the reversal of the Sessions Judge's order dated 11th January 1859, confirming that of the Acting Head Assistant Magistrate, but reducing the fine of 50 Rupees imposed by that officer upon the Petitioner, to 10 Rupees, on a charge of Misdemeanor.

2 The Foujdaree Udalut do not find any sufficient ground for interference with the fine imposed on Petitioner by the Acting Head Assistant Magistrate, which was subsequently diminished in amount by the order of the Sessions Judge; but would observe that the directions of the Acting Head Assistant Magistrate respecting

the

7th July 1859.

the taking of leaves for manure will not be a bar to the establishment of a suit to prohibit the practice, should the Moottadar deem it advisable to contest the right in a Civil Tribunal.

Vth

Extd
E.T

Friday.
8th July 1859.

J. 60.

Atx Court of the Faujdaree Adalut.

Present.

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

Read letter dated 30th June 1859, from the Sessions Judge of Calicut, submitting for the final judgment of this Faujdaree Adalut the record of Case No 394 of 1859 on the Calendar of the Sessions Court.

/Here enter J. 60. No 1221 of 1859./

Major 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,

1st Pallachary alias Kandachia patadyil Ramachia Nedoongady and

7th July 1859.

the taking of leaves for manure will not be a bar to the establishment of a suit to prohibit the practice, should the Moottadar deem it advisable to contest the right in a Civil Tribunal.

Wm

E.4.D.
E.T.

F. 80.

Friday. 8th July 1859.

At a Court of the Fouzdaree Adalut.

Present.

G.S. Hooper Esquire — Presiding Judge
J.L. Strange Esquire —
H.D. Phillips Esquire —

Read letter dated 30th June 1859, from the Sessions Judge of Calicut, submitting for the final judgment of this Fouzdaree Adalut the record of Case No. 394 of 1859 on the Calendar of the Sessions Court.

(Here enter F. 80. No. 1221 of 1859.)

Majors Strange and Phillips

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 prisoners,

1st Pallachary alias Kandachia patadyil Ramachia Nedoongady

and

and 2d Kellos Nedoongady
are not convicted on presumptive
proof or on the evidence of credible
witnesses, or on their own confes-
sion, of the crime charged, do Murder.
acquit them thereof, and direct
that they be set at liberty.

Read letter dated 2d July
1859 from the Sessions Judge of Mundisl,
submitting for the final judgment
of the Sangdanee Udalut the record
of Case No 28 of 1859 on the Calendar
of the Session Court.

[Here enter F. C. No 1223 of 1859.]

The Court of Sangdanee Mr Phillips
Udalut, on a deliberate consider-
ation of all the circumstances of
this case and evidence before them,
being of opinion that the proof
against the prisoner,
Nagadoo
is sufficient to convict him of
the offence charged, do convict Wounding with
him thereof, and sentence him intent to kill.

to

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

Ex Ellt. Jno. Phillips

Saturday, 9th July 1859.

At a Court of the Foujdaree Udalut.

Present.

G. S. Cooper, Esquire
T. L. Strange, Esquire
K. D. Phillipps, Esquire
} Puisne Judges.

Read letter from the Sessions Judge of Guntoor forwarding correspondence with the Magistrate as to the propriety of publishing in the District Gazette sentences passed by the Sessions and Criminal Courts with the remarks of the Judges, and requesting the opinion of the Court of Foujdaree Udalut on this point.—

(Here enter Fº No. Nº 1191 of 1859)

As the management of the Collectorate Press and of the District Gazette which issues from it, is under the Collectors and Magistrate, the Foujdaree Udalut are of opinion that it should rest with the Magistrate to exercise his discretion in publishing such parts of the sentences of the Criminal Courts which reach him, as he thinks may be made publick.—

Read

9th July 1859.

Read letter dated the 1st instant from the Sessions Judge of Cuddalore, submitting for the final judgment of the Fouzdaree Udalut, the record of Case No. 22 of 1859 on the Calendar of the Session Court.

(Here enter F. No. No. 1198 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 prisoners,

1st Parapien
2d Sinnapien
3d Parapien
4th Chinnapien
5th and Mootten,

is insufficient to convict them of the offence charged, do convict them thereof; and under the provisions of Clauses 3d and 5th, Section IV, Regulation XV of 1803, sentence them to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of (5) five years.—S

M. G. S. Hooper.

Highway Robbery

Exd
E.P.

F. No.

Monday, 11th July 1859.

At a Court of the Fouzdaree Udalut.

Present.

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

Read again Miscellaneous Petition preferred on the 6th April last by Ramiah, of Gillah, Cuddapah

(Here enter F. No. No. 58 of 1859)

Read also returns and supplemental returns dated respectively the 17th and 21st May 1859, from the Sessions Judge of Cuddapah, to the precept of the Fouzdaree Udalut under date the 28th April preceding, calling for certain information in the matter

(Here enter F. No. Nos. 894 and 913 / 1859)

The Court of Fouzdaree Udalut resolve to direct the Sessions Judge of Cuddapah to procure and submit to them an English translation of the depositions of the witnesses examined before the

11th July 1859

the Joint Magistrate in this case.

Precept returnable within X days from and after its receipt.

Read Petty Calendars of the Magistracy for the first quarter of 1859 submitted by the Sessions Judge of Loodiana.

/Here enter F. No. Nº 1183 of 1859/

1 With reference to Nos 2-14-15-16 and 18, the Court have to call attention to their late Circular directing, that in cases discharged or acquitted the Heading of the charge only should be entered.

2 In this case the accused was not liable to a Criminal prosecution on the grounds stated, and the requisition of security is equally unauthorized. The Court therefore resolve to cancel the sentence. Nº 12

3 The Sessions Judge is requested to direct the Magistrate to submit these Calendars at an earlier date in future.

Exd 11/7/59

F. No.

Wednesday 13th July 1859.

Ala Court of the Sanjdarree Adalut.

Present.

Gg. S. Hooper Esquire — Sessions Judges.
J. L. Strange Esquire —
H. D. Phillips Esquire —

Read letter dated 30th June 1859, from the Sessions Judge of Loodiana, submitting for the final judgment of the Sanjdarree Adalut the record of Case Nº 62 of 1859 on the Calendar of the Sessions Court.

/Here enter F. No. Nº 1237 of 1859./

Mr Hooper

The Court of Sanjdarree 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,

Roodurd Nursannah

is sufficient to convict him of the offence charged, do convict him

Aggravated Assault

5

hund thereof; and under the pro-
visions of clause 3rd Section VIII Regu-
lation 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 (5) five years.

Read letter dated 5th
July 1859, from the Officiating Ses-
sion Judge of Jaffnapatty, submit-
ting for the final judgment of
this Tribunal the record
of Case No 314 of 1859 on the
Calendar of the Session Court.

/Here enter F. Ms. No 1251 of 1859./

The Court of Kayts Mr Cooper.
Adjourned, for a deliberate consider-
ation of all the circumstances
of the case as evidenced before
them, being of opinion that
the proof against the prisoners,
1st Cothen
2nd Sangaralingam
3rd Coomarandy and
4th Canagaratnam

Assault.

is sufficient to convict them of the
offence charged, do convict them
thereof; and under the provisions
of clause 3rd Section VIII Regulation XV
of 1803, sentence them to be imprison-
ed and kept to hard labor in irons
on the public roads or other public
works, for and during the period
of (6) six months, and a fine of
25 Rupees each, commutable to a
further imprisonment of (3) three
months.

His Lordship

Ex Edk

him thereof; and under the provisions of clause 3d Section XII Regulation XV of 1803, sentenced him to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of (5) five years.

Road letter dated 5th July 1859, from the Officiating Sessions Judge of Tinnevelly, submitting for the final judgment of this Tribunal the record of Case No 31 of 1859 on the Calendar of the Sessions Court.

/Here enter H. Ca. No 1251 of 1859./

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

1st Cothan
2d Sungaliguna
3d Coomaraudy and
4th Cunagapanen

is

Assault.

is sufficient to convict them of the offence charged, do commit them; each thereof; and under the provisions of clause 3d Section XII 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 (6) six months, and a fine of 25 Rupees each, commutable to a further imprisonment of (3) three months.

Tho. Withers

Ex Edn

F/110.

Thursday, 14th July 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 in Case on No. 28 of 1859, on the file of the Sessions Court of Vizagapatam.

[Here enter F/110. - No. 1225 of 1859.]

The Court of Foujdaree Udalut observe that where a case is set down for reference to their Court, it is unnecessary for the Session Judge to enter into detail respecting the evidence, under the columns, "How disposed of." It will be sufficient to state in that columns that the Session Judge has resolved to refer the case for the final orders of the Foujdaree Udalut.

Read Calendar of Case No. 36 of 1859, on the file of the Session Court

Court of Bellary.

[Here enter H. M.s No. 1226 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.

Madda Nagah
(5) Five years.

Read Calendar of Case No. 27
of 1859, on the file of the Session Court
of Coimbatore.

[Here enter H. M.s No. 1232 of 1859.]

As herein recommended,
the Court of Foujdaree Udalut re-
solve to authorize the Session Judge
to issue his warrant for the impri-
sonment of the prisoners for the
period specified in the margin, in
mitigation of the sentence passed
upon them in the said case.

1st Chinnagounden
2nd Chinnan
and
3rd Ireotten
(8) Eight years

Read return dated 6th instant,
from the acting Session Judge of Salem,

to

14th July 1859.

to the precept of the Foujdaree Udalut
under date the 23rd June 1859, calling u-
pon the Acting Session Judge to ascer-
tain and report the circumstances under
which a delay of 13 days occurred in the
Subordinate Court in Session Case No.
No. 26 of 1859.

[Here enter H. M.s No. 1246 of 1859.]

The Acting Subordinate
Judge finds that the case adverted to reach-
ed the Subordinate Court on the 26th May
last, and not on the previous 19th, which
date, it is explained, is that of the case
drawing the Calendar. The Acting Subordinate
Judge adds that he proceeded with the
trial on the 30th, the 29th being Sunday, and
concludes by representing that the delay
which occurred in the Court his superin-
tendence was of only forty eight hours, and
not 13 days as the Foujdaree Udalut have
supposed.

2. The Acting Session Judge,
in respect of the detention of the case
for the latter period which he had reported

in

in the statement of delay remarks that "as is usually done" he had included in it the period during which the prisoner travelled to Salem after leaving the Talook.

3. The Foujdaree Adalut are willing to accept the above explanations, but fail in their appreciation of the manner in which the acting Subordinate Judge has demonstrated that no more than forty eight hours' delay occurred in his Court, assuming, as now reported, that the prisoner and witnesses came before him only on the 26th May, unless indeed the case arrived after Court hours and was committed early on the 30th.

4. It is further to be remarked that in the Calendar bearing the signature of the acting Subordinate Judge which was laid before the Session Court, the date of arrival of the case is set down as the 19th May; so that independently of the report from the Session

Court

Court, the acting Subordinate Judge would seem himself to have supplied data for the impression which his recent Return to the Session Court's precept is calculated to remove.

Read letter dated the 2d July 1869, from the Agent to the Governor in Ganjam, reporting the disposal of the Criminal Case No. 9 of 1869.

(Here enter F. No. — No. 1248 of 1869.)

A sentence less severe than that proposed by the Agent would, in the opinion of the Court, meet the justice of this case. The abduction of the rescued woman was a cause of serious provocation, and it does not appear from the Agent's report that the act of the prisoners was attended with malice, premeditation, or cruelty. A single blow may have been the immediate cause of the fatal result. The Court desire to have before them the confessions of the 1st and 2d prisoners and the several depositions of the

deceased

in the statement of delay remarks, that "as is usually done" he had included in it the period during which the prisoner travelled to Salem after leaving the Talook.

3. The Fouzdaree Adalut are willing to accept the above explanations, but fail in their appreciation of the manner in which the acting Subordinate Judge has demonstrated that no more than forty eight hours' delay occurred in his Court, assuming, as now reported, that the prisoner and witnesses came before him only on the 26th May, unless indeed the case arrived after Court hours and was committed early on the 30th.

4. It is further to be remarked that in the Calendar bearing the signature of the acting Subordinate Judge which was laid before the Session Court, the date of arrival of the case is set down as the 19th May; so that independently of the report from the Session Court

Court, the acting Subordinate Judge would seem himself to have supplied data for the impression which his present Return to the Session Court's precept is calculated to remove.

Read letter dated the 2d July 1859, from the Agent to the Governor in Ganjam, reporting the disposal of the Criminal Case No. 9 of 1859.

[Here enter F. No. No. 1248 of 1859.]

Sentence less severe than that proposed by the Agent would, in the opinion of the Court, meet the justice of this case. The abduction of the rescued woman was a cause of serious provocation, and it does not appear from the Agent's report that the act of the prisoners was attended with malice, premeditation, or cruelty. A single blow may have been the immediate cause of the fatal result. The Court desire to have before them the confessions of the 1st and 2d prisoners and the several depositions of the

deceased.

deceased son (1st witness), and would request the Agent to reconsider his recommendation with reference to the above observations.

Precept returnable within
III days from and after its receipt.

Read again Calendar of Case
No. II of 1859, of the Session Court of Trichinopoly.

[Here enter Jt Mo. No. 1156 of 1859]

Read also return dated the
7th July 1859, from the Acting Session
Judge of Trichinopoly, to the precept of
the Foujdaree Adalut under date the
30th June 1859, calling for translations of
certain papers connected with the re-
cord of Session Case No. II of 1859.

[Here enter Jt Mo. No. 1245 of 1859]

1. A perusal of the deposition sub-
mitted with the above Return and a
further consideration of the abstract of
evidence which is contained in the
Calendar, impresses the Foujdaree
Adalut with the conviction that the
offence

offence charged against the Prisoners
cannot be classed as a Dacoity. It is
seen that at 6 P.M. of the day when the
alleged Dacoity took place, a party of
which the 3d prisoner was one, came to
the Village Moonsiffs Agent and com-
plained of having been attacked and
robbed of the grain under their charge;
and that the Agent deferred the requi-
sy, which strictly speaking, he should
there have made. Later in the day, the
party thus aggrieved would seem to
have become perhaps in retaliation, the
attacking party, and at 11 P.M. they com-
mitted the offence for which they have
been brought to trial, all concerned being
Pullers of the Village Chittaway.

2. The Foujdaree Adalut, as
under these circumstances, resolve to
call on the Acting Session Judge to
recommend his proposed sentence, and
should he be of opinion that it cannot
with propriety be reduced to imprison-
ment with hard labor for four years,

they

14th July 1859.

they request he will prepare and submit for the consideration of the Court, a complete translation of the proceedings held before himself and the subordinate authority.

Precept returnable within V days from and after its receipt.s

Ed Hall.

F. No.

Friday, 15th July 1859.

At a Court of the Fouzdaree Adalut.

Present.

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

Read Calendar of Case No. 44 of 1859. on the file of the Sessions Court of Calicut.

(Here enter F. No. No. 1261 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.

* 1 Moplah Inhabitant of Chirakkal

Four years.

Read letter dated 6th July 1859, from the Sessions Judge of Cuddapah, submitting for the final judgment of the Fouzdaree Adalut, the record of Case No. 11 of 1859 on the Calendar of the Sessions Court.

(Here enter F. No. No. 1238 of 1859)

The

16th July 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,

Bygane Wabalacondadoo,
alias Nagadoo,

is sufficient to convict him of the
offence charged, do convict him thereof,
and under the provision of Clause 2nd,
Section VII, 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 (7) seven years.

E.T.

C. S. Chance

Mr Strange

Murder.

F. No.

Tuesday
19th July 1859

At a Court of the Foujdaree Udalut.

Present

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

} Puisne Judges

Read Criminal Report B
submitted by the Officiating Sessions Judge
of Tinnevelly, for the months of May 1859.

(Here enter F. No. N° 1146 of 1859.)

The Court observe that
the Magistracy in this district do not
use their extended powers apparently.

Read Calendar of Case
N° 36 of 1859, submitted by the Acting
Sessions Judge of Bellary.

(Here enter F. No. N° 1268 of 1859.)

The Foujdaree Udalut
desire to receive information of the
result of the Acting Sessions Judge's
communication to the Magistrate in

respect

19th July 1859.

respect of the objectionable conduct of the police subordinates in arresting the prisoners now released on the insufficient grounds shown.-

Precept returnable within III days from and after its receipt.-

C.S. Chamier

Ex Edl.

F. Mo.

Wednesday 20th July 1859.

Mo Court of the Fouzdaree Adalut.

Present

G. S. Hooper Esquire — Puisne Judges
J. L. Stranger Esquire —
H. D. Phillips Esquire —

Read again Miscellaneous Petition received on the 21st April 1859, through the Sessions Judge of Nundial, from Casim and another of that on Zillah.-

(Here enter F. Mo. P. No. 64 of 1859.)

Read also return dated 21st Ultimo, from the Sessions Judge of Nundial, to the precept of the Fouzdaree Adalut under date the 28th May 1859, directing the submission of the translation of the record in Case No. 101 of 1856.

(Here enter F. Mo. No. 1134 of 1859.)

Messrs Stranger and Phillips.

The Petitioners before the Fouzdaree

Tongdarra Uddaluh were charged, in distinct cases, with having in conjunction committed two highway robberies, for both of which they were brought to trial before Captain Ruffell, late Acting Agent at Kurnool.-

2. In one case the person said to have been attacked and robbed by the Prisoners and a brother of the 1st Prisoner not apprehended, was Sungeeruggadoo, a Taliary of a village in the vicinity of the villages of which the Prisoners are Talliaries.

3. The Head Reddy of Sungeeruggadoo village, one Mansoor Reddy, appears to have received information of the alleged robberies, though how it reached him is not apparent, and thereupon to have addressed himself to his Taliary, from whom he learnt that the guilty parties as respected Sungeeruggadoo were the Prisoners, whom Sungeeruggadoo thereupon complained

20th July 1859.

complained of by name. Mansoor Reddy further applied to Toolasuppa, the other person said to have been robbed, but the latter was unable to name those at whose hands he, his wife, and his son had suffered.-

4. Mansoor Reddy appears then to have busied himself about the capture of the Prisoners, whom, from his own account, he, three days afterwards, found drinking toddy together in a date tope near the place where they are stated to have committed the robberies, and whom he produced before the police authorities. They, there, and before the Agent, denied their guilt; and the only evidence for the coming against them was their identification by Toolasuppa and his two companions abovementioned, no portion of the property stolen from Toolasuppa having been found in their houses when searched.-

The

5. The charge as regarded the Taliary Sungeeveegadoo was thrown out by the Acting Agent, who, adverting to some material discrepancies in the evidence recorded, "did not consider he was justified in establishing that accusation against the Prisoners. The Acting Agent added that he had in every reason to suspect that Sungeeveegadoo, who is of the same caste as the Prisoners and who lives close by the Prisoners village, had entered into a compromise with the Prisoners and had evidently tried to upset the case."

6. The improbability of a highway robbery having been committed in broad daylight by these Taliaries, on the Taliary of a neighbouring village, does not seem to have occurred to the Acting Agent.

Looking

20th July 1859

7. Looking to the suspicious failure of that case, to the weakness of the evidence on which the Prisoners have been convicted, and the presumption which unavoidably arises that Maruvoor Reddy had, as is now pleaded by the Prisoners, private reasons for acting to their detriment, the Court of Foujdaree Udalut are unable to regard the testimony of Jadasuppa, his wife, and son, as credible and trustworthy; the more especially as there are marked discrepancies in the statements made by them before the Police and the Agents Court; and they therefore resolve to direct that the two Prisoners now under confinement in the Jail at Kurnool be set at liberty.-

Read letter dated 12th July 1859, from the Sessions Judge of Madura, submitting for the final judgment

20th July 1859

judgment of the Foujdaree Adalut the record of Case No. 11 of 1859 on the file of the Sessions Court.

(Here enter F. Co. No. 1271 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,

1st Tully

is sufficient to convict her of the offence charged, do convict her thereof, and under the provisions of clause second Section VII, Regulation I of 1825, sentence her to be imprisoned and kept to hard labor suitable to her sex for and during the period of (7) seven years.

And being of opinion that the prisoner,

2d Ramun

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.—

C.S. Chamier

Mofr Strange and Phillips.

Murder.

E. Hall.

F. Co.

Thursday 21st July 1859.

At a Court of the Foujdaree Adalut.

Present

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

Read Calendar of Case No. 29 of 1859 of the Sessions Court of Salem.

(Here enter F. Co. No. 1279 of 1859.)

1. Although the prisoner in this case were apprehended on the 18th and 20th May last, they would seem to have arrived, under commitment, at the Sessions Court, only on the 6th of the current month.

2. The Sessions Court's sentence was declared three days afterwards, viz on the 9th. Adverting to the observation of the Acting Sessions Judge entered as a note to the Calendar, relative to the "inconvenience and delay of the Prisoners' witnesses

"witnesses not being sent up at the same
"time as when the case first comes up"
the prosecution having been closed on
the 9th Ultimo, the Foujdaree Adalut
request the Acting Sessions Judge will
by reference to the record or otherwise,
ascertain and report on what dates
and in what terms requisitions for
the prisoners' witnesses were addressed
to the Magistracy or the Police authorities,
and if necessary that he will call
on the Magistracy to explain any
delay in conforming to those requisi-
tions which may not satisfactorily
be accounted for by the papers now
available to the Acting Sessions Judge.

Precept returnable within
VII days from and after its receipt.

Read Criminal Report
of the Magistracy of Guntoor for the
month of June 1859, submitted by
the Sessions Judge.

(Here enter F. M. P. No: 129 of 1859.)

No 3.

The Magistrate was not em-
powered to dispose of this case, in
which should have been committed
to the Criminal Court. The sentence
of security must be cancelled.

Read Miscellaneous Petition
presented on the 21st Instant, by
Mr. H. B. Saunders, Pleader on behalf
of Narain alias Narapen, of Zillah
Combaconum.

(Here enter F. M. P. No. 112 of 1859.)

Petitioner appeals from
the sentence passed upon him by
the Sessions Judge in Case No. 37 of
1859, and prays the Court of Foujdaree
Adalut forthwith to issue a precept
to the Sessions Judge to stay the sale
of the landed property attached in
satisfaction of the fine of Rupees 100
imposed upon the Petitioner.

Mesrs. Harper and Strange.

2. In case the Sessions Judge
should have ordered the sale of landed
property

21st July 1859.

property in satisfaction of the fine levied against the Petitioner in the case in question, the Court of Tanjore Udalut resolve to issue a precept cancelling the said order, as Section II Act XVI of 1850 merely provides that payment of such fine should be enforced by distress and sale of the goods of the offender, and not of real property, - as has been before ruled by this Court in their proceedings of 3rd August 1857.

Precept returnable within 7 days from and after its receipt.

Read letter dated 9th July 1859, from the Sessions Judge of Cuddapah, submitting for the final judgment of the Tanjore Udalut, the record of Case No. 36 of 1859 on the file of the Sessions Court.

/Here enter F.C. No. 1289 of 1859./

The Court of Tanjore Udalut

Mr. Phillips

21st July 1859.

Highway Robbery.

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 G. Venkatasoogadoo

is sufficient to convict him of the offence charged, do convict him thereof and under the provisions of clauses 3rd and 5th, Section IV, Regulation XX 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.

And being of opinion that the prisoners,

2d G. Mully, and

3d Gungaloogadoo

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. Adamee

G. Field

F. 66.

Friday 22nd July 1859.

At a Court of the Fouzdaree Adalut.

Present

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

Read Calendar of Case
No 24 of 1859 on the file of the Sessions
Court of Cuddalore.

(Case vide F. 66. No 1300 of 1859.)

1. Before passing orders on
the recommendation for a mitigated
punishment which has been sub-
mitted in the above calendar, the
Court of Fouzdaree Adalut desire
to receive a succinct narration from
the Sessions Judge of the circum-
stances under which certain sus-
picious persons were seen dividing
some property.

2. They would also desire
to

to be informed whether the individual
who is alleged to have given that
information to the 1st witness, was
examined in the Sessions Court
or before the Police; and if not, why
the provisions observed.

3. It is further desirable
to know why a delay of three days
took place before the said witness
gave to the police the particulars
on which their warrant was issued
for three persons. The Sessions Judge
will be pleased also to state whether
the 1st Prisoner was one of those three.

4. The Sanctions Undertook
would observe, for information to the
Principal Sudder Ameen, that the
postponement of the Report is not a
sufficient reason for deferring the
commitment of the case under
notice until the following days Report
Report being only applicable to cases

in

in which the Principal Sudder Ameen
is competent to pass sentence. In bail-
able cases, nothing more is required
than the commitment, of which
a Form is given in the Courts Co-
circular of the 26th February 1859.

Precept returnable within
7 days from and after its receipt.

Read letter dated 7th July
1859, from the Sessions Judge of Canara,
stating that the Annual Criminal
Statements for 1858 cannot be rectified
and forwarded in consequence of the
non-receipt of the Statements from
the Magistrate.

(Here order S. No. 1273 of 1859.)

The publication of the
Criminal Returns for the year 1858 being
delayed by the non receipt of the re-
vised statements from the Zillah of
Canara, which the Sessions Judge states
he cannot furnish in consequence of

the

22nd July 1859.

the failure of the Magistrate of Caruaru to supply him with the necessary details, it is hereby ordered that the said Magistrate be, by Precept, directed to transmit to the Sessions Judge without further delay the information required.

Precept returnable within 111 days from and after its receipt.

Exd Edt.

C. F. Chamier

Copy to the Sessions Judge of Pernambuco

J. No.

Saturday, 23rd July, 1859.

At a Court of the Foujdaree Adalut

Present

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

Read Miscellaneous Petition presented on the 2nd June 1859, by J. W. Branson Esquire, Pleader on behalf of Sunneasee Pattra, of Zillah Gaujam.

(Here Enter F. M. P. No. 90 of 1859.)

Messrs Hooper, Strange and Phillips

Petitioner produces an endorsement from the Agent to the Governor dated the 4th February 1859 refusing to give him copies of the papers applied for in Case No. 13 of 1858; and prays that the Agent may be instructed to allow him to take copies of all the Police and Sessions depositions in the case

in

23d July 1859

in question.

2. The Court of Foujdaree Adalut resolve to instruct the Agent to allow the Petitioner to take copies of the depositions he requires.

Read Criminal reports for the month of June, submitted by the Session Judge of Rajahmundry.

(Were entered No. 1319 of 1859)

No. 46.

1. The punishment in this case appears severe with reference to the value of the property stolen.

The Session Judge is requested to review the record and pass such orders thereon as he may deem fit.

No. 53. "Affray"

2. The sentence does not state of what offence the prisoners were found guilty. The charge is indistinct as to the property said to have been removed, upon each of which may have involved robbery and rendered the case one for committal to the Session Court.

If the prisoners have been convicted

23d July 1859

of no more than Assault and Trespass, irons should not form part of the sentence. The Session Judge will review the record with reference to these remarks.

No. 54 "Assault"

3. The Session Judge will point out to the Principal Sudder Ameen that irons should not be awarded in cases of simple Assault. This portion of the sentences is remitted by the Foujdaree Adalut.

The following Foujdaree Miscellaneous Petitions are rejected, Viz^t, Nos 93, 94 and 95 of 1859.

Exd. T.T.

C.S. Chamier.

J. Bo.

Monday, 25th July 1859.

At a Court of the Joujdaree Adalut

Present.

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

Read Criminal Reports for the month of June submitted by the Moofty Sudder Ameen in charge of the Session Court of Masulipatam.

(Here enter J. Bo. No 1298 of 1859.)

Nos 37 and 38. "Theft."

The sentence in these cases of petty cattle unnecessarily severe with reference to the value of the property stolen. The Sessions Judge is therefore requested to review the record and pass such orders thereon as he may deem fit.

Read Calendar of Cases No 54 of 1859 on the file of the Session Court of Combaconum.

(Here enter J. Bo. No 1325 of 1859.)

As

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.

Ramalingum
Three years

Read letter from the Sessions Judge of Chittoor dated 20th July 1859, forwarding a communication from the Joint Magistrate in charge of the District, recommending that a reward of 250 Rupees be given to certain parties for their praiseworthy resistance to gang robbers, the Sessions Judge further stating that in his opinion the reward should be increased to Rupees 500.

[Here enter F. No. No 1317 of 1859.]

The Court infer that the application of the Joint Magistrate rests upon Section XXIII, Regulation IX of 1816, as construed in Foujdaree Udalut Circular Order No 153; but it

supplies scarcely more than is enough to enable the Court to understand the circumstances under which it is made.

2. The Court are of opinion that the particulars set forth are not sufficient to justify the recommendation of the Sessions Judge that the reward be increased to the amount he proposed, and the Court therefore resolve to sanction the reward as suggested by the Joint Magistrate.

Read return dated 13th Instant from the Acting Sessions Judge of Salem, to the precept of the Foujdaree Udalut under date the 4th Idem, held and review of the Criminal Reports for the months of May 1859, directing the Acting Subordinate Judge to submit an explanation as to the delay in the disposal of Criminal Cases before him.

[Here enter F. No. No 1285 of 1859.]

Jud

25th July 1859.

1. In assuming the remarks of the Fouzdaree Udalut to have reference to the delay of 13 days commented on in their proceedings 23d June last, the Acting Subordinate Judge has overlooked this Court's review of the manager operations of the Court under his charge, during the months of April last. — 31st May

2. By the observations recorded in the Fouzdaree Udalut proceedings under date the 11th instant, which had not reached the Subordinate Court on the 11th instant, the date of the Acting Subordinate Judge's return under notice, that officer will have learnt in what light this Court have viewed his explanation in respect of the delay of 13 days in question. —

3. It is out of the power of this

this Court, without having the complete records before it, to test the impropriety of the explanation now submitted in regard to the extreme tardiness with which cases seem to progress through the Subordinate Court at Salem, and from that Court to the Sessions Judge's Court; but it is abundantly clear on the Acting Subordinate Judge's own showing, that cases have, in two successive weeks been unattended to whilst that officer was absent from his post for five days together. The Court would intimate that unless some marked improvement be at once perceptible in this respect, it will be necessary to adopt other measures to expedite matters. —

4. The Acting Subordinate Judge in using the words "48 hours

would

"would carry this case over till Saturday
at 12 noon 28th 29th was Sunday, & as" would
seem to be under the belief that as
a rule, a case reaching his Court,
must not be taken up until after
a lapse of 48 hours. If such be his
impression it should be removed by
an explanatory order.-

5. Requisitions for more evi-
dence are, the Court think, frequent,
as shown by the notes in the expla-
natory column of the enclosure to
the Acting Subordinate Judge's return,
and in a recent communication
from the Acting Sessions Judge, Mr Cherry
the Court have had their attention
drawn to the inconveniences which, not
withstanding these requisitions, are
felt by him from the witnesses not
coming up with cases. The Acting Sessions
Judge is the functionary through
whose supervision and control the
delays now under remark, should be

checked

25th July 1859.

checked and prevented; and the Court
would desire him carefully and thorough-
ly to inspect each record, with a
view to satisfying himself that the
tardiness visible in the movements
of the Subordinate Court do not,
as they must do, if continued, cause
injustice to those who come to it for
redress.-

6. As respects the Acting
Subordinate Judge's supposition that
the Moosfy Sudder Ameen has received
no more than a fair share of work,
the Court would point out that
those cases which are referred to him,
ordinarily involve more labor than
committable cases, from the circum-
stance that the Moofly is called on,
however "trifling" they may be, finally
to adjudicate; whereas, in committable
cases the mere acknowledgment of depo-
sitions previously recorded is mostly
the duty devolving on the Subordinate
Judge.-

It

25th July 1859.

7. It appears to the Court further that it would have been satisfactory had the Acting Session Judge given his opinion as to the sufficiency of the Acting Subordinate Judge's explanations.-

C. S. Cranmer

Extd
E.T.

F.116.

Tuesday,
26th July, 1859.

At a Court of the Foujdaree Adalut.

Present:-

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

Read Calendar of Case No. 45 of 1859 on the file of the Session Court of Calicut.-

Here enter F.116. No. 1324 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.-

Four years.

Read letter, dated the 16th July 1859 from the Session Judge of Coimbatore, referring for the final Judgment

26th July, 18

Judgment of the Foujdaree Adalut,
the Record of Case No. 24 of 1859 of
the Calendar of the Session Court.

Here Enter Fld. No. 1328 of 1859/-

The Court of Foujdaree Mr. G. S. Cooper
Adalut, on a deliberate consideration
of all the circumstances of the case
in evidence before them, being of
opinion, that the Prisoners,

1st Maraaden.
2d Manickan. Gang Robbery.
3d Payen. by open vio-
4th Raunoo. lence.
5th Maunroondee.
and
6th Chinnuppen,

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

Read letter dated the
19th July 1859 from the Session Judge
of

26th July, 1859.

of Combaconum, referring for the
final Judgment of the Foujdaree
Adalut, the Record of Case No. 44
of 1859 of the Calendar of the Session
Court.-

Here Enter Fld. No. 1336 of 1859/-

Mr. J. Le 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,

Maroodamoottoo,

Culpable Homicide is sufficient to convict him of the
offence charged, do convict him
thereof; and under the provisions
of Clause 2nd, Section XV, Regulation
VII of 1802, sentence him to be impri-
soned and kept to hard labor in
Irons on the public roads or other
public works, for and during the
period of (14) fourteen years.-

Sd/- C. J. Chamier
E. T.

F. 60.

Wednesday 27th July 1859

At a Court of the Tongdarra Adalut

Present

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

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

/Ware order F. 60. No 1321 of 1859./

Magistrate's Report No 15 "Affray."

The heading in this case should be "assault" or "trespass". The Court would point out that the Sessions Judge is not competent to pass a sentence requiring parties to furnish security to keep the Peace, and that this portion of his modification of the Magistrate's sentence must therefore be cancelled.

Read Calendar of Case No 55 of 1859 on the file of the Sessions Court

27th July 1859

Court of Cumbacconum.-

/Here enter F. Rc. No. 1335 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.-

× Saravana Pillay

Three years

Read Calendar of Case No. 33 of 1859 of the Sessions Court of Salem.

/Here enter F. Rc. No. 1342 of 1859./

1. Sixteen days elapsed between the date of apprehension of the Prisoners and their arrival from the Barampoory Talook, at the Subordinate Court, on the 25th May last.

2. The date of their commitment from that tribunal to the Sessions Court, is shown to be the 23d of the following month

27th July 1859

month, and the delay in the case is represented by the Acting Subordinate Judge to have been "owing to the non-"arrival of certain witnesses. The trial, however, was not disposed of by the Acting Sessions Judge until the 19th instant.-

3. The Foujdaree Adalut request the Acting Sessions Judge will report whether, when the case reached his Court, all those persons were in present whom it was necessary to examine, and if not, in what respect there was a deficiency of evidence, as ample time would seem to have been available in the lower Court, for rendering the record complete.-

E. Deane.

C. D. Cannier

F.M.C.

Friday, 29th. July 1859. At a Court of the Foujdaree Udalut.

Present.

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

Read Criminal reports for the month of June, submitted by the acting Session Judge of Salem.

(Here enter F.M.C. No. 1327 of 1859)

No. 121. Fraud. 1. With reference to the Regulation under which sentence is passed in this case, the Acting Session Judge will call the attention of the Moofty Sudder Ameen to Foujdaree Udalut Circular of the 10th. January 1859. The heading of the charge should have been "Theft" or "Breach of Trust."

No. 128. A. Report. 2. The Court have to point out that Heads of Police are not competent to examine witnesses for the defence, as would appear to have been done in this case.

C.S. Channell

Sup. E.T.

F. No.

Saturday 30th July 1859.

At a Court of the Foujdaree Adalut.

Present.

G. L. Hoosfert Esquire.
J. Lo. Strange, Esquires
H. D. Phillips, Esquires
} Puisne Judges.

Read Calendar of Case No. 37 of 1859. on the file of the Sessions Court of Bellary.

(Here enter F. No. No. 1346 of 1859.)

It 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 Ramoonah
2d Khadur.
(5) Five years.

Read Calendar of Case No. 31 of 1859, on the file of the Sessions Court of Bellary.

(Here enter F. No. No. 1348 of 1859.)

In accordance with the recommendation

recommendation of the Acting Session Judge, the Court of Foujdaree Udalut direct, that the Prisoner in this case be transferred to the Jail at Salem, in order there to undergo his sentence of nine years' imprisonment with hard labor in irons.

*Vudlamunu deeberala hanamsamy.

To, The Acting Session Judges of Bellary and Salem.

Read Calendar of Case No. 32 of 1859 on the file of the Session Court of Bellary.

[Here enter F. Mo. No. 1349 of 1859]

The Court of Foujdaree Udalut resolve to direct, that the Prisoner in this case be sent to the Jail at Chittoor, in order there to undergo his sentence of five years' imprisonment with hard labor in irons, as recommended by the Acting Session Judge.

*Kattarsamy

To, The Session Judges of Bellary and Chittoor.

Read Calendar of Case No. 33 of 1859 on the file of the Session Court of

Bellary.

[Here enter F. Mo. No. 1350 of 1859]

The Court of Foujdaree Udalut resolve to direct that, as recommended by the Acting Session Judge, the Prisoner in this case be sent to the Jail at Chittoor, in order there to undergo his sentence of five years' imprisonment with hard labor in irons.

*Inallimmaidoo.

To, The Session Judges of Bellary and Chittoor.

Read Calendar of Case No. 16 of 1859 of the Session Court of Rajahmundry.

[Here enter F. Mo. No. 1367 of 1859]

There appears to have been such deliberate arrangement in the steps taken by the prisoner to defraud the 1st witness, that the Foujdaree Udalut are of opinion, it would be a measure of doubtful propriety to reduce to two years, the period of imprisonment to which the prisoner is liable. They therefore direct that the sentence

30th July 1859.

sentence of four years' imprisonment, with hard labor in irons, passed upon him, be carried into effect.

Read Petty Calendar of the Magistracy for the 2d quarter of 1859, submitted by the Session Judge of Chittoor.

[Here enter F. Mo. No. 1373 of 1859.]

1. The Magistrate was not competent to dispose of this case under the Regulation quoted. The sentence must therefore be cancelled and the prisoner committed to the Criminal Court.

2. The Court have to request the Session Judge to call the attention of the Magistrate to the rules laid down for the preparation of these reports. It is quite unnecessary to enter at full length the names of all the prosecutors and defendants in every case.

Read letter dated 25th July 1859, from the Session Judge of Chittoor, submitting for the final judgment

of

No. 69 "Purchasing Regimental Necessaries"

F. Mo.
30th July 1859.

of the Foujdaree Adalut the record of Case No. 17 of 1859 on the file of the Session Court.

[Here enter F. Mo. No. 1362 of 1859.]

Messrs. Hooper and Strange

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

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.

Exd. E.T.

C.S. Clarke

F. 110.

Monday 1st August 1859. At a Court of the Foujdaree Udalut.

Present.

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

Read again Calendar of one Case - No. 24 of 1859, on the file of the Session Court of Cuddalore.

/Here enter F. 110. No. 1300 of 1859/

Read also return dated 26th ultimo, from the Session Judge of Cuddalore, to the precept of the Foujdaree Udalut under date the 22d idem, requiring explanation on certain points in the above case.

/Here enter F. 110. No. 1376 of 1859/

As recommended in the foregoing Calendar, 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,

7 yrs. Chinna Kuppusawmy.
(5) Five years.

in

1st August 1859

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

Read letter dated 23d July 1859 from the Session Judge of Mangalore, submitting for the final judgment of the Foujdaree Adalut, the record of Case No. 23 of 1859 on the Calendar of the Session Court.

/Here enter F. No. No. 1381 of 1859./

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

Said Ismail,

is sufficient to convict him of the offence charged, do convict him thereof; murder and attempt at suicide.
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

Ef
Ef

F. No.

Tuesday 2nd August 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 Cases

No. 46 of 1859 on the file of the Sessions Court of Calicut.

/Here enter F. No. No. 1386 of 1859./

1. As herein recommended, the Court of Foujdaree Adalut resolve to authorize the Sessions Judge to issue his warrant for the imprisonment of the prisoners for the period specified in the margin, in mitigation of the sentence passed upon them in the said case.

2d Ally Ammoatty. 3d Ally Hoolly. — Three years.

2. The Court do not see grounds for subjecting the Prisoners to lashes, and accordingly cancel that

that portion of their sentence.

Read Calendar of Case
№ 50 of 1859 on the file of the Sessions
Court of Mundial.

/Here enter F. Co. № 1392 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.-s

Raghavendra Row — Imprisonment.

E. Bell.

F. Co.

Wednesday 3d August 1859.

At a Court of the Foujdaree Adalut.

Present.

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

Read Form A of Criminal
Case № 42 of 1859, submitted by the Sessions
Judge of Guntoor, for the month of
July 1859.

/Here enter F. Co. № 1394 of 1859./

The Foujdaree Adalut
are of opinion that the circumstances
of this case would have justified a
sentence of imprisonment considerably in excess of that adjudged to
the Prisoner.-s

Ent.
E. T.

C. A. Chamier

F. Cc.

Monday
8th August 1859

At a Court of the Fouzdaree Adalut.

Present

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

Read Calendar of Case
No. 56 of 1859 and the file of the Sessions
Court of Cumbaconum.

(Here enter F. Cc. No. 1413 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.

x Appasamy
Padiachy
2 years.

C. J. Chamier

Ex. Clk.

F. No.

Tuesday 9th August 1859.

At a Court of the Fouzdaree Adalut.

Present.

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

Read again letter dated the 2d July 1859, from the Agent to the Governor in Ganjam, reporting the disposal of the Criminal Case No. 9 of 1859.

[Here enter F. No. No. 1248 of 1859.]

Read also Returns dated the 27th ultimo, from the Agent to the Governor in Ganjam, to the precept of the Fouzdaree Adalut, under date the 14th idem, requisitory the Agent to reconsider his sentence in the above case or with reference to this Court's observations thereon, and calling for the confessions of the 1st and 2d prisoners, and the several depositions of the deceased now (the 1st witness).

[Here enter F. No. No. 1416 of 1859.]

On

On reference to the evidence of the 1st witness, the Fouzdaree Adalut are not of opinion that it is entitled to implicit credence. Contrary to the usual order of things, that deponent's recollection of the details of the assault would seem to have improved by time. It will be sufficient, the Court consider, under all the circumstances of the case, that the 1st and 2d prisoners be imprisoned for two years; and that on the other prisoners be sentenced to six months' imprisonment with hard labor, - and the Agent is hereby directed to issue his warrant accordingly.

Read letter from the Subordinate Judge of Mangalore, dated 19th July 1859, submitting further explanations regarding the Theft that was committed in the Mangalore Jail on the 9th December 1857.

[Here enter F. No. No. 1403 of 1859.]

The Court on a former occasion, by direction of Government, submitted the

the explanation of the Subordinate Judge regarding the Theft in the Mangalore jail with their remarks; but as the subject of the present communication consists of matters specially connected with the department of the Inspector of Gaols, and also has reference to proceedings of that officer, the Court must decline submitting it to Government as requested, and would suggest that it be addressed to the Inspector of gaols for that purpose.

Read Calendar of Case No. 32 of 1859 on the file of the Session Court of Coimbatore.

[Here enter F. No. No. 1421 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 sentences passed upon them in the said case.

*1. Chinnymalay	
2. Sungarun	
3. Kantachee	
4. Coolsjon	
	Eight years

Read

9th August 1859.

Read letter dated 1st July 1859, from the Officiating Session Judge of Tinnevelly, submitting for the final judgment of the Foujdaree Udalut the record of Case No. 38 of 1859 on the Calendar of the Session Court.

[Here enter F. No. No. 1419 of 1859.]

The Court of Foujdaree or Mr. Strange
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,

Soobramenian,

is sufficient to convict him of the Murder.
offence charged, do convict him thereof
and under the provisions of Clause 2d,
Section VII, 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 his natural
life.

Read Calendar from the
Session

F. No.

9th August 1859.

Session Judge of Cuddalore, of Persons
tried by the Magistracy during the 2d
Quarter ending the 30th June 1859.

[Here enter F. No. No. 1100 of 1859.]

Cases 31 — 13. The Foujdaree Udalut de-
sire to receive from the Session Judge,
a narration of the circumstances under
which the charge of "obscenity" originated.
They observe that it appears to have been
the result of the exhibition of certain
figures in a Covil, that such exhibition
is termed "public", and that it is regard-
ed as having caused annoyance. The
Court would further wish to know
whether the figures were part of those
which it is believed are ordinarily
deposited in Covils for exhibition at
the usual Hindoo festivals of the
Country.

Precept returnable within
III days from and after its receipt.

E.F. E.F.

F. 110.

Wednesday 10th August 1859. At a Court of the Foujdaree Adalut.

Present.

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

The accompanying vakalutnamah executed by the first prisoner in Case No. 7 of 1859 on the Calendar of the Session Court of Combaconum, making no mention of the name of the pleader to whom it is given, and the pleader to whom it has been sent, viz. Mr. J. W. Branson, being unable on this account to put in the prisoner's appeal from the sentence, the Court of Foujdaree Adalut resolve to direct the Session Judge to suspend, till further orders, the infliction of the lashes forming part of the sentence, and to forward to that officer the said vakalutnamah, in order that the omission in question may be supplied, with

reference

10th August 1859.

reference to para 4 of Extract from the Proceedings of the Sudder Adalut under date the 1st December 1858.

Read letter of the Session Judge of Rajahmundry, dated 30th July 1859, in reply to Proceedings of Foujdaree Adalut of the 23d July 1859.

Here enter F. Mo. No. 1417 of 1859.

1. The Court gather from the proceedings forwarded with this letter, and the reference of the Session Judge as to the legality of that portion of the sentence awarding stripes, that the theft or robbery charged has not been proved against the prisoners, and that they have been found guilty only of Trespass and Assault.

2. The Court have to remark on the loose and incomplete manner in which the Session Judge has answered their requisition for information in this case. Where specific points were put to him, the Session Judge should have supplied the Court with specific answers, in lieu of referring the

10th August 1859.

the Court to his proceedings of the Principal Sudder Ameen and himself. These proceedings, moreover, bring far from clear in the matter on which information was required.

3. If the inference drawn by the Court, as to the nature of the offence proved, be correct, they have to remark that the sentence of irons is not warranted by law and must therefore be cancelled.

Read Calendar of Case No. 29 of 1859, on the file of the Session Court of Nellore.

Here enter F. Mo. No. 1426 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.

7 Kondreddi Pincatasamy.
Two years.

C. D. Chamier

Eyd.
E.P.

F. No.

Thursday 11th August 1859.

At a Court of the Foujdaree Udalut.

Present.

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

Read letter dated 5th August 1859 from the Sessions Judge of Chittoor, submitting for the final judgment of the Foujdaree Udalut the record of the Case No. 19 of 1859 on the file of the Sessions Court.

(Here enter F. No. No. 1418 of 1859)

Mr. Hooper

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

Sepoy Mohamed Galiff,

Theft by administering stupifying drugs.

is sufficient to convict him of Theft and receiving stolen property, do convict him thereof; and under the provisions of Section XXI, Regulation VIII of 1802, sentence him

to

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.

11th August 1859

Exd
E.T.

J. 86.

Friday
12th August 1859

At a Court of the Fanjdaree Adalut.

Present.

G. A. Hooper Esquire. }
J. B. Strange Esquire } Sessions Judges.
H. D. Phillips Esquire }

Read letter dated 26th July 1859, from the Officiating Sessions Judge of Tinnevelly, submitting for the final judgment of the Fanjdaree Adalut the proceedings of Case No. 36 of 1859 on the Calendar of the Sessions Court.

(Here enter J. 86. No. 1395 of 1859.)

Messrs. Strange and Phillips.

The Court of Fanjdaree 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 Parvathy, is sufficient to convict her of the

12th Augt

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

Jno. Williams

Ex. Ef.

F. Ho.

Saturday 13th August 1859. At a Court of the Faujdaree Adalut

Present

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

Read Calendar of Cases
No 43 of 1859, on the file of the Sessions
Court of Tinnevelly.

(Here enter F. Ho. No 1120 of 1859.)

The Court of Faujdaree
Adalut resolve to call upon the Officiating Sessions Judge to state whether in his opinion the sentence necessarily passed upon the prisoners under the Act in question may not with propriety 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

on

as sufficient to meet the requirements of the case.

Precept returnable within III days from and after its receipt.

Read Calendar of Case No. 25 of 1859 on the file of the Sessions Court of Chingleput.

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

The Court of Foujdaree Adalut resolve to call upon the Sessions 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 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.

Precept returnable within III days from and after its receipt.

Ex. Dale.

F. Rc.

Monday 15th August 1859.

At a Court of the Foujdaree Adalut.

Present.

G. A. Hooper, Esquire. }
T. Le. Stranger, Esquire. } Puisne Judges.
H. D. Phillips, Esquire. }

Read Miscellaneous Petition presented on the 18th June 1859 by Mooklyar Vakeel on behalf of Mirasdars of Zillah Coimbatore.

/Here enter Misc. Pet. No. 100 of 1859./

Mr. Stranger.

1. This is an appeal from the sentence passed by the Session Judge in Case No. 1 of 1859, wherein the Petitioner is 2d Prisoner.

2. Before finally disposing of the foregoing Petition, the Court of Foujdaree Adalut resolve to call upon the Session Judge of Coimbatore to submit for their consideration an English translation of the record connected with the case in question, and also to suspend execution of the sentence

sentence appealed from, until further orders.

Receipt returnable within X days from and after its receipt.

The following Foujdaree and Miscellaneous Petition is rejected, Viz.

No. 32 of 1859.

Read letter dated 6th August 1859, from the Session Judge of Mangalore, submitting for the final judgment of the Foujdaree Adalut the record of Case No. 24 of 1859 on the Calendar of the Session Court.

[Here enter F. Mo. No. 1149 of 1859.]

The Court of Foujdaree Adalut, Mr. Phillips on a deliberate consideration of all the circumstances of the case in evidence before them, bring of opinion that the proof against the prisoner, Nagu,

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

E. 4th E.T.

C. Chamier

F. Mo.

Tuesday, 16th August 1859.

At a Court of the Foujdaree Adalut.

Present.

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

Read again Criminal Correspondence for the months of June, submitted by the Acting Sudder Ameen in charge of the Session Court of Masulipatam.

[Here enter F. Mo. No. 1298 of 1859.]

Read also reply dated 4th August 1859, from the Acting Session Judge, to the proceedings of the Foujdaree Adalut under date the 25th ultimo, requiring the Session Judge to review the records of Cases No. 37 and 38 of 1859, on the Criminal file of his Court, and pass such orders as he may deem fit, as the sentences passed therein appeared to the Foujdaree Adalut to be unnecessarily severe.

[Here enter F. Mo. No. 1455 of 1859.]

In

16th August 1859.

1. In the above reply the acting Session Judge states that though the value of the stolen property was small, the prisoner was an old offender, and evidently a confirmed thief, he having lately been sentenced by the Session Judge of Guntoor to 3 months' imprisonment, and 35 lashes.

2. The Foujdaree Adalut observe that the prisoner's previous conviction should have been mentioned in the Report.

Read Petty Calendar in Case No. 2 of 1859, submitted by the Session Judge of Coimbatore.

(Here enter F.M. No. 1433 of 1859.)

1. Under the circumstances stated, the prisoner is shown to have been guilty of a distinct escape, as he had quitted the place where he was at hard labor, was lost for an hour, and then was reapprehended by other than his proper Custodians.

2. It does not however appear whether the prisoner was under sentence

16th August 1859.

sentence of imprisonment for the commission of either of the heinous offences pointed to in Act V of 1858. The Session Judge is accordingly requested to supply the deficiency in view to the Foujdaree Adalut considering whether the case has been disposed of according to the requirements of the present law on the subject of escape pending the receipt of further orders the sentence passed by the Session Judge will be suspended.

3. The Court observe that the term Petty Calendar is only applicable to the quarterly statements submitted by the Magistracy. No alteration should be made in the printed heading of the Calendars of the Session Courts.

Precept returnable within 3 days from and after its receipt.

Read Calendar of Case No. 38 of 1859, on the file of the Session Court of Bellary.

(Here enter F.M. No. 1438 of 1859.)

The

16th August 1859.

The Court of Fouzdaree Adalut do not think it one appropriate in such a case as the present, and therefore relieve the prisoners of that part of the sentence.

Read Calendar of Case No. 36 of 1859 on the file of the Session Court of Coimbatore.

[Here enter F. Mo. No. 1441 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. Ghurrya Mucadam
2. Gonroodadasan
3. Lutchimmy

(8) Eight years.

Read Calendar of Case No. 28 of 1859 on the file of the Session Court of Coimbatore.

[Here enter F. Mo. No. 1442 of 1859]

There is no fact found against the prisoner upon which to justify the requisition of security from

F. Mo.
16th August 1859.

from him. Of the evidence originally adduced against him the statements made by the deceased alone stand, the witnesses not having adhered to their evidence. The statements of the deceased do not appear to have been accepted by the Session Court, else the conviction of the prisoner would have followed. The Court of Fouzdaree Adalut consider therefore that there has been no evidence accepted affecting the prisoner, and consequently direct that he be released unconditionally.

Read Petty Calendars submitted by the Session Judge of Cuddapah of the cases disposed of by the Magistracy for the 2nd quarter of 1859.

[Here enter F. Mo. No. 1455 of 1859]

Case No. 23.

The Fouzdaree Adalut desire to receive from the Session Judge a statement of the circumstances of this case, the amount of the fine imposed on the accused being apparently severe for

16th August 1859.

for an offence of the character charged.

2. The Court would draw the attention of the Session Judge to the necessity of ascertaining whether the alleged trespass arose out of any or right of cultivation asserted or implied.

Precept returnable within V days from and after its receipt.

Read Calendar of Case No. 52 of 1859 on the file of the Session Court of Calicut.

(Here enter T. Mo. No. 1160 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.

Read Calendar of Case No. 57 of 1859, on the file of the Session Court of Calicut.

(Here enter T. Mo. No. 1161 of 1859.)

As

16th August 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 cases.

C. J. Chamier

Esd
" E. T.

1st Pothatchery Killa Pandikar. Five years.

4th Vattatoo Cannamboo Crady. Seven years.

J. No.

Wednesday 17th August 1859.

At a Court of the Joujdaree Adalut.

Present.

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

Read Letter from the Session Judge of Madura, requesting to be informed with reference to cases which have lately occurred in the Subordinate Courts of his district whether under Circular Order No. 184 officers are competent to award lashes to be inflicted at any time after sentence has been passed, as "a week or month before release" from imprisonment, or whether they are not bound to carry out the sentence as severe as it has been reviewed by the Higher Court.

[Here enter J. No. No. 1147 of 1859.]

The Court have frequently expressed their disapproval of the course

19th August 1859

course which seems to be pursued by the Subordinate Judicial officers in the Zillah of Madura, and have directed that all sentences of corporal punishment should be inflicted at once on the receipt of their approval and confirmation by the Higher Courts.

Ld
E.P.

C.S. Cramer

F. No.

Friday,
19th August 1859.

At a Court of the Foujdaree Adalut.

Present.

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

Read Petty Calendars of the Magistracy for the 2d quarter of 1859 submitted by the Session Judge of Bellary.

(Here enter F. No. No. 1464 of 1859)

The Magistracy are not competent to dispose of cases of any Forcible rescue of Cattle seized under the Cattle trespass Act; such cases must be committed to the Criminal Courts.

Ld
E.P.

C.S. Cramer

20th August 1859.

thereof; and under the provisions of clause 3rd Section VII Regulation XX of 1803, sentenced him to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of (2) two years.

His + mark

Ed Elds.

F. No.

Monday, 22nd August 1859.

At a Court of the Foujdaree Adalut.

Present:

G. S. Cooper Esquire. / T. S. Strange Esquire. / H. D. Phillips Esquire. } Prisnr Judges.

Read Calendars of Cases Nos 27 and 28 of 1859 on the file of the Session and Court of Mangalore.

(Here enter F. No. No. 1465 of 1859.)

1. The Court of Foujdaree Adalut consider the sentence in No. 27 too severe. The theft is not one of any great magnitude and was unattended by aggravating circumstances. The 1st prisoner, who has received an enhanced sentence, has, the Court observe, been only once before convicted, so far back as the year 1838.

2. The Foujdaree Adalut are of opinion it would suffice if the 1st prisoner were imprisoned for 7 years with hard labor in irons, and

the

F. 86.

Saturday 20th August 1859. At a Court of the Fouzdaree Adalut.

Present

Gf. S. Hooper Esquire
J. Lo. Strange Esquire — Puisne Judges.
H. D. Phillips Esquire

Read letter dated 5th August 1859, from the Sessions Judge of Cuttack, submitting for the final judgment of the Fouzdaree Adalut the record of Case No. 1475 of 1859 on the Calendar of the Session Court.

(Here enter F. 86. No. 1475 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,

Assault — Pashanatha Nail Bava Caotty is sufficient to convict him of the offence charged, do convict him thereof;

20th August 1859.

thereof; and under the provisions of clause 3rd Section VII Regulation XX 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 (2) two years.

His Letters

Ex Dale.

F. No.

Monday, 22nd August 1859.

At a Court of the Foujdaree Adalut.

Present:

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

Read Calendar of Cases Nos. 27 and 28 of 1859 on the file of the Session and Court of Mangalore.

(Here refer F. No. No. 1465 of 1859.)

1. The Court of Foujdaree Adalut consider the sentence in No. 27 too severe. The theft is not one of any great magnitude and was unattended by aggravating circumstances. The 1st prisoner, who has received an enhanced sentence, has, the Court observe, been only once before convicted, so far back as the year 1838.

2. The Foujdaree Adalut are of opinion it would suffice if the 1st prisoner were imprisoned for 7 years with hard labor in irons, and the

the prisoners from 2 to 5 for 3 years, and would suggest to the Session Judge to reduce the sentences accordingly.

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

C.S. Clarke

E.T.

F.N.O.

Tuesday 23d August, 1859.

At a Court of the Fouydaree Adalut.

Present.

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

Read Miscellaneous

Petition presented on the 23d instant, by Mr. H. B. Saunders, Pleader on behalf of Lamoo, Zillah Cambaconum.

/Here Enter F. M. P. No. 137 of 1859/

Mr. Hooper. 1. Petitioner complains of the Session Judge having caused his building ground, enclosed by a brick wall, to be sold in auction, in satisfaction of the fine awarded against Chuni in Calendar Case No. 9 of 1859, and prays that the sale in question may be cancelled, and the proceeds thereof returned to the purchaser at auction.

2. The Court of Fouydaree Adalut

23d. August 1859.

Udalut resolve to direct the Sessions Judge to cancel the sale of the property in question.—

Read Miscellaneous Petition presented on the 23d. instant, by Messrs. Boyson and Miller, as Pleaders on behalf of Rungien Cadawan and others, of Zillah Combaconum.—

Here Enter F. M. P. No. 138 of 1859.—

1. This is an appeal from the sentence passed by the Sessions Judge in Case No. 35 of 1859, wherein the Petitioners are 4th, 5th and 6th Prisoners.

2. The Court of Foujdaree Udalut resolve to direct that the infliction of the lashes, to which the prisoners have been sentenced, be suspended, pending the passing of final orders on this petition.—

Read Calendar of Case No. 146 of 1859 of the Sessions Court of Bellary.—

Here Enter F. M. No. 1186 of 1859.—

23d. August 1859.

The Court of Foujdaree Udalut do not consider this to be a case for mitigation. The attack was a bold and determined one made in open day light, and with the use of a firearm, and considerable personal violence.—

The following Foujdaree Miscellaneous Petitions are rejected, Viz^t., Nos. 8 and 98 of 1859.—

E^d. E.^r.

F/10.

Wednesday 24th August 1859.

At a Court of the Foujdaree Adalut.

Present.

Gy. S. Hooper, Esquire. }
J. So. Stranger, Esquire. } Sessions Judges.
H. D. Phillips, Esquire. }

Read Criminal reports for the month of July, submitted by the Session Judge of Rajahmundry.

(Here enter F/10. No. 1505 of 1859.)

Magistrate's report No. 5 "Forcible rescue of Cattle"

The Magistrate is not competent to take cognizance of cases of this description which must be committed to the Criminal Court.

Exd. E.T.

C.S. Chamier

F. 46.

Saturday 27th August 1859.

At a Court of the Foujdaree Adalut.

Present

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

Read Miscellaneous Petition presented on the 27th instant, by V. Sadagopa Charry, Pleader on behalf of Murthal Villa Narraina Shetty, of Zillah Calicut.

(Here enter F. Mo. P. No. 146 of 1859.)

Messrs. Hooper and Strange. This is an appeal from the sentence passed by the Sessions Judge upon the Petitioner in Case No. 56 of 1859, wherein he was 1st prisoner.

2. The Court of Foujdaree Adalut resolve to direct the Sessions Judge of Calicut to suspend execution of the sentence appealed from, until the foregoing Petition shall be finally disposed of.

S. Charrier

Ex Dell.

J. 60.

Monday 29th August 1859

At a Court of the Jurydares Holden.

Present

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

Read letter dated 19th August 1859, from the Acting Sheriff Seaforth of Salem, submitting for the final judgment of the Jurydares Holden the record of trial in Case No. 32 of 1859 of the Calendar of the Assizes Court.

[Here enter J. 60. No. 1528 of 1859.]

Mr Strange. The Court of Jurydares Holden, on a deliberate consideration of all the circumstances of the case as evidenced before them, being of opinion that the proof against the prisoner,

1st Puttayhan

is sufficient to convict him of the

the

the offence charged, do convict him thereof; and under the provisions of clause 1st Section VI Regulation II of 1822, sentence him to be imprisoned and kept to hard labor in irons on the publics roads or other publics works, for and during the period of (3) three years.

29th August 1859

Uttering Counterfeit Coin

The Acting Sessions Judge having acquitted the 2d prisoner, it does not fall to the Foujdaree Adalut to deal with him; the Acting Sessions Judge is himself competent to place him under requisitions of security.

Ex Edl.

Thos. Wilkins

No 66

Wednesday 31st August 1859

Foujdaree Adalut

Present

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

Read Calendar of Cases Nos 39 of 1859 on the file of the Sessions Court of Coimbatore.

(Case entered No 66 of No 1556 of 1859.)

The Sessions 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.

Transportation Fourteen years

Read Calendar of Cases No 65 of 1859 of the Sessions Court of Calicut.

(Case entered No 66 No 1550 of 1859.)

The Theft being to an inconsiderable

inconsiderable amount, the Court of Foujdaree Udalut are of opinion the sentence may be reduced notwithstanding the prisoner's previous conviction. They would suggest to the Session Judge to lower it to 3 years.-

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 further consideration.-

Read Calendar of Case
No 41 of 1859 on the file of the Session
Court of Ballary.-

(Here enter F. Dis. No 1530 of 1859.)

The Court of Foujdaree
Udalut observe that the mode in which
entry was effected should have been
specified.-

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

(Here enter F. Dis. No 1492 of 1859.) The

Nos 71. 116. 126. 1. The sentences in these cases appear unnecessarily severe. The Session Judge is requested to review the records and pass such orders thereon as he may deem fit.-

Nos 114. 115. 127. 2. On the other hand the sentences passed in the cases noted in the margin appear inadequate. The Session Judge is requested to give his attention thereto, and to communicate to the officers who passed them such observations as may appear to be called for.-

Read Criminal Reports
for the month of July 1859, submitted
by the Session Judge of Canara.-

(Here enter F. Dis. No 1512 of 1859.)

Sudder Ameen of Sirsy. No 3. "Cattle killing". This case should have been disposed of under Section XIII. of Regulation XIII of 1832, which does not authorize the award of irons; this part of the sentence must therefore be cancelled. Act XVI of 1850 does not authorize the imposition of a fine

in

31st August 185

in such cases, and the amount if collected must be returned.-

2. There seems considerable delay in the disposal of cases by the Principal Sudder Ameen of Kovoor, which is not satisfactorily accounted for.-

C. S. Hamier

Esqd
E.P

F. No.

Thursday, 1st September 1859.

At a Court of the Zoujdaree Adalut.

Present.

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

Read Calendar of Case on No. 43 of 1859 of the Session Court of Mad. suliputam.

[Here enter F. No. No. 1557 of 1859.]

This case is evidently one which should not have been committed to the Session Court.

Read Calendar of Case on No. 18 of 1859 of the Session Court of Rajah mundry.

[Here enter F. No. No. 1559 of 1859.]

The entering by an unfastened door and the breaking open of boxes does not constitute housebreaking. It is therefore not apparent from the charge that this crime has been committed, and the sentence throws no light on the

1st September 1859.

the subject. It appears to be further questionable whether there has been evidence to warrant the conviction of the 1st prisoner. The Court therefore resolve to call for translations of so much of the record as relates to these two points, namely, the mode of entry and the guilt of the 1st prisoner.

Precept returnable within V days from and after its receipt.s

E.P.
E.T.

J. C. Chamier

J. H. C.

Saturday.
3rd September 1859.

His Court of the Sessions Held at
Present

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

Read again Calendar and Case. No 2 of 1859 submitted by the Sessions Judge of Coimbatore.

(Vide under J. H. C. No 1433 of 1859.)

Read also return dated the 25th August 1859 from the Sessions Judge of Coimbatore, to the precept of the Sessions Held at under date the 16th idem, calling for information in the above case in view to the Court considering whether the case has been disposed of according to the requirements of the present law and the subject of escapes.

(Vide under J. H. C. No 1563 of 1859.)

The Court of Sessions Held at observe that the case falls under

under Act X of 1858 and must be committed. Should the Sessions Judge pass sentence upon the prisoner, he will be at liberty to propose a reduction of the punishment prescribed for the Prisoner's offence in the said act.-

Read again Calendars of Cases Nos 27 and 28 of 1859 on the file of the Sessions Court of Mangalore.-

/Here enter F. Co. No 1163 of 1859./

Read also reply dated the 27th Ultimo, from the Sessions Judge of Mangalore, to the proceedings of the Fouzdaree Udalut under date the 22d idem, suggesting that the sentence in Case No 27 be reduced as regards the 1st Prisoner to 7 years with hard labor in irons, and in respect of the Prisoners from 2 to 5, to 3 years.-

/Here enter F. Co. No 1567 of 1859./

As the Sessions Judge states that he sees no objection to reduce the sentence in Case No 27 as recommended,

the Fouzdaree Udalut authorize him to issue his warrant accordingly.-

Read letter from the Acting Magistrate of Cuddapah dated 30th August 1859, requesting sanction for the offer of a reward of 500 Rupees for the apprehension of the leader of a gang of robbers, and 100 Rupees for the apprehension of each of his accomplices.-

/Here enter F. Co. No 1575 of 1859./

Under the circumstances stated by the Acting Magistrate, the Court of Fouzdaree Udalut sanction the offer of the rewards recommended by the Acting Magistrate of Cuddapah.

Read letter dated the 31st Ultimo, from the Sessions Judge of Chittoor.-

/Here enter F. Co. No 1572 of 1859./

The Court of Fouzdaree Udalut are of opinion that under Act XIX of 1837, read in connection with Section XV Act II of 1855, a person, though convicted and under sentence, is competent to

to be a witness against his accomplices
in the same offence; and that such
person may be examined without
being pardoned, or receiving any
conditional promise of pardon.-

Read Criminal Reports
for the month of July 1859, submitted
by the Sessions Judges of Combaconum.

(Here enter F. Mo. No. 1540 of 1859.)

The cause of the delay of 5 months in the disposal of this case is not entered in the Report. The Sessions Judge is requested to submit an explanation on the subject, and also to state whether the parties were in confinement during the whole of that period.- No. 45.

Precept returnable within
III days from and after its receipt.-

Read Calendar of Cases
No. 31 of 1859 on the file of the Sessions Court
of Mangalore.

(Here enter F. Mo. No. 1566 of 1859.)

As herein recommended,
the

the Court of Foujdaree Adalut resolve to
authorize the Sessions Judge to issue his
warrant for the imprisonment of
1. Badaiswamy. the prisoners for the period specified
2. Appanna. in the margin, in mitigation of the
(Seven) 7 years. sentence passed upon them in the said
case.-

Read Miscellaneous Peti-
tion presented on the 4th August 1859,
by Vidula Ramiah, late Gomastah of
the Civil Court of Nellore.-

(Here enter Sundt. F. Mo. Pr. No. 23 of 1859.)

Messrs Cooper and Strange. Petitioner prays the Court
of Sudder and Foujdaree Adalut, for
reasons set forth in the petition, to
cancel the proceedings of the Officiating
Sessions Judge under date the 14th June
1859, and order his reinstatement in
the office from which he was dismissed.

2. The Court of Sudder and
Foujdaree Adalut resolve to direct the
Officiating Sessions Judge of Nellore
to submit for their consideration a
translate of the examinations on

which

which the order dismissing the Petitioner, is founded.-

Precept returnable within X days from and after its receipt.-

Read Miscellaneous Petition presented on the 16th July last, by J. D. Mayne Esquire, Pleader on behalf of C. Coopanoo, of zillah Nellore.-

/Here enter F. Mo. P. No. 107 of 1859./

Petitioner appeals from the sentence passed upon him by the Officiating Sessions Judge in Case No. 24 of 1859.-

Mssrs. Hooper and Strange.-

2. The Court considers that the act charged against the prisoner does not constitute the crime of forgery, as it did not involve any fraud of a pecuniary nature. They resolve therefore to set aside the sentence passed upon the petitioner, and to direct that he be set at liberty.-

Read Miscellaneous Petition presented on the 6th July 1859, by J. W. Branson Esquire, Pleader on behalf of

Sungun

Sungun, of zillah Trichinopoly.-

/Here enter F. Mo. P. No. 103 of 1859./

Mssrs. Hooper and Strange.

Petitioner appeals from the sentence passed upon him by the Acting Sessions Judge in Case No. 4 of 1859, wherein he is 1st prisoner.-

2. The Court of Foujdaree Adalut resolve to call upon the Acting Sessions Judge to forward an English translation of the record in the above case, and to suspend execution of the sentence appealed from, pending the disposal of this petition.-

Precept returnable within X days from and after its receipt.-

Read Miscellaneous Petition presented on the 15th June 1859, by J. W. Branson Esquire, Pleader on behalf of Chinnapil of zillah Combaconum.-

/Here enter F. Mo. P. No. 96 of 1859./

Mssrs. Hooper and Strange.

Petitioner appeals from the sentence passed upon him by the Sessions Judge in Case No. 50 of 1858, wherein he is 6th prisoner.-

The

2. The Court of Foujdarree Adalut resolves to direct the Sessions Judge to send a translation of the evidence in the above case so far as it relates to the 6th prisoner, together with the original charge and police deposition by the complainant, the original list of the stolen property, and the complainant's original deposition before the Magistrate.-

3. The Court further direct that the execution of the sentence upon the 6th prisoner be stayed &c. until further orders.-

Precept returnable within 7 days from and after its receipt.-

Read again Miscellaneous Petition presented on the 12th February last, by S. Seroomala Chetty, Pleader on behalf of Comungle Pucky, of Zillah Calicut.-

/Here enter F. M. P. No. 23 of 1859./

Read also letter dated 10th June 1859, from the Sessions Judge of

of Calicut, forwarding a communication from the Magistrate of Malabar, on the subject.-

/Here enter F. Mo. No. 1054 of 1859./

Mess^rs Hopes and Strange.

The arguments of the Magistrate affect merely the civil rights of the parties, upon which he was not competent to pass an opinion. The Magistrate advances no facts to justify the interposition of the police upon the complaint made to the Head of Police. The Court see therefore no grounds for altering the order passed by them in affirmation of the judgment passed by the Head of Police, that the trespass alleged before him had not been established.

2. The Court further observe that the Magistrate has gone beyond his functions in reopening the case, it being for a party aggrieved by an order passed to show cause against it, and not for a functionary who has dealt with the case officially, to take

3rd September 1859

take this course upon himself.-

Read Miscellaneous Petition presented on the 23rd July 1859, by John Miller Esquire, Pleader on behalf of Rungiah Kadavaren and others, of Zillah Combacconum.-

(Here enter F. M. P. No. 116 of 1859.)

1. This is an appeal from the sentence passed by the Sessions Judge in Case No. 35 of 1859, wherein the petitioners are 4th, 5th and 6th prisoners.- Messrs. Hooper and Strange.

2. The Court of Foujdaree Udalut resolve to direct the Sessions Judge to submit for their consideration a translation of the evidence as it respects the prisoners from 4 to 6 in the case in question.-

Precept returnable within X days from and after its receipt.-

Ex Ell.

VM-

0

F. 116

Monday 5th September 1859

At a Court of the Foujdaree Udalut.

Present

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

Read letter from the Session Judge of Chittoor, dated 27th August 1859.

(Here enter F. M. No. 1542 of 1859.)

1. In this letter the Session Judge of Chittoor states that a party, who has been robbed, has appeared before him and represented that the robber is in possession of considerable property, and requests that the value of the property stolen from him may be ordered to be restored to him under Sec XVI of 1850. The Session Judge having doubts as to whether the original sentence passed on the prisoner may be amended in this manner, requests the opinion of the Foujdaree Udalut on the point.

2. The Court are of opinion that

that the fine that can be awarded under
the Act above quoted must form part of
the sentence originally imposed and
cannot be adjudged at any future period.

Read Calendar of Case No. 60
of 1859 on the file of the Session Court
of Vizagapatam.

(Here enter F. No. No. 1569 of 1859)

As herein recommended,
the Court of Foujdaree Adalut resolve
to authorize the Session Judge, to issue
his warrant for the
of the prisoner for the period specified
in the margin, in mitigation of the
sentence passed upon him in the said
case.

Read letter dated the 31st ultimo
from the Session Judge of Chittoor, forwarding for the consideration of the Court of Foujdaree Adalut, his reply to a reference made to him by the acting Subordinate Judge, in order that he may be corrected if he has erred in opinion on the subject matter referred to.

(Here enter F. No. No. 1571 of 1859) The

5th September 1859

The proceedings appear correct, but it is not necessary after the Session Judge has taken his course that he should refer his act, to ascertain whether the Foujdaree Adalut concur with him.

Read Calendars of Cases Nos. 19 and 21 of 1851 of the Session Court of Trichinopoly.

(Here enter F. No. Nos. 1578 and 1579 / 1859)

The charges in these cases should have been headed "Robbery by open violence."

Read Calendar of Case No. 29 of 1859, submitted by the Session Judge of Rajahmundry.

(Here enter F. No. No. 1580 of 1859)

As the Session Judge has discredited the evidence brought against the prisoners, nothing remains established concerning them to warrant their being placed under requisition of security. The Court of Foujdaree Adalut are therefore under the necessity of cancelling the order.

E. T.

7th September 1859.

The Court of Foujdaree Udalut are of opinion that the Case is not shown to have been one for the interposition of the Magistrate. The petitioner acted unduly taking possession of property to which he lays claim, and in so doing, committed no breach of the peace upon any party. The Court see no reason therefore to cancel the said order, and to remit the fine imposed upon petitioner.

Mesrs. Cooper and Strange.

The following Foujdaree Miscel. Criminal Petitions are rejected, viz.

Nos. 123 and 129 of 1859.

Read letter dated 26th August 1859, from the Session Judge of Comilla communicating for the final judgment of the Foujdaree Udalut, the record of trial in Case No. 53 of 1859, on the Calendar of the Session Court.

(Recorded F. Mo. No. 1543 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

Mesrs. Cooper and Strange.

7th September 1859.

prisoner,

Krishnajee Row,

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. H. S.

F. 00.

Thursday 8th September 1859.

At a Court of the Fouzdaree Adalut

Present

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

Read Petty Calendars of the Magistracy for the 2nd Quarter of 1859, submitted by the Sessions Judge of Coimbatore.

(Here enter F. 00. No. 1584 of 1859.)

No. 8. Joint Magistrates' Calendars.

It would appear that the prosecutor in this case was the Joint Magistrate himself, by whom the case was disposed of. The Sessions Judge will call the attention of the Joint Magistrate to the irregularity of such a proceeding, and direct him in future, when he has cause of complaint, to bring the charge either before another Magistrate or the Subordinate Judge.

Read

8th September 1859.

Read Miscellaneous Petition presented on the 14th May last, by S.N. Cunteeraya Chetty, Pleader on behalf of Nagoor Mouthee Marager, Zillah Tinnevelly.-

/Here enters F. M.C.P. No. 75 of 1859./

1. The object of this petition Mr Strange.
is to procure the reversal of the order
of the Sessions Judge under date the
11th April 1859, confirmatory of that of
the Acting Joint Magistrate, directing
the removal of a certain building on
the ground that the site thereof
belonged to Government.-

2. The Court of Foujdaree
Adalut resolve to call upon the Sessions
Judge to explain whether this matter
was dealt with under the powers of Act
XXI of 1845, and if so, what was held
to justify the putting the same into
force on the occasion. Also whether
petitioner objected to the measure pro-
posed by the Acting Joint Magistrate,
and claimed investigation by a Pun-

Punchayet

Punchayet, and if so, why his request
may not have been complied with.-

Precept returnable within
III days from and after its receipt.-

The following Foujdaree
Miscellaneous Petitions are rejected. Viz.-
Nos. 109. 114 and 118 of 1859.-S

Ed Dde.

VVr

F. H.

Saturday 10th September 1859.

Her Court of the Foujdarree Adalut.

Present.

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

Broad letter dated 5th September 1859 from the Sessions Judge of Madura, submitting for the final judgment of the Foujdarree Adalut the record of Case No. 14 of 1859 on the Calendar of the Sessions Court.

(Case under F. H. No. 1608 of 1859.)

Mr Strange. The Court of Foujdarree Adalut on a deliberate consideration of all the circumstances of the case and evidence before them, being of opinion that the proof against the prisoner,

Nagoor Rowther
alias Pootharoor,

is sufficient to convict him of the offence charged, do convict him thereof and sentence him to be retransported

Returning from transportation.

to

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.-

Read Calendar of Case No. 32 of 1859, submitted by the Acting Sessions Judge of Nellore.-

/Here enter F. Mc. P. No. 609 of 1859./

1. The Foujdarree Adalut are of opinion that the sentence of the convicted prisoners should not be reduced to below eight years, and the Court therefore direct that this sentence be passed upon them.-

2. As regards the 2d and 3d prisoners, the Acting Sessions Judge shows that he believed the evidence offered against them, and thereupon he should have convicted them.-

Read Miscellaneous Petition presented on the 18th July last by

J

J. W. Branson Esquire, Pleader on behalf of Moonyen and others, zillah Chingleput.-

/Here enter F. Mc. P. No. 110 of 1859./

Mr. Cooper. 1. Petitioners appeal from the sentence passed by the Sessions Judge in Case No. 8 of 1859.-

2. The Court of Foujdarree Adalut resolve to call upon the Sessions Judge to submit a translation of the proceedings held in the case in question, and further direct that the sentence be suspended until further orders.-

Precept returnable within X days from and after its receipt.-

Read again Miscellaneous Petition presented on the 5th April 1859, by Ramiah, of zillah Calicut.-

/Here enter F. Mc. P. No. 58 of 1859./

Read also return and supplemental returns dated respectively 27th July and 8th August 1859 from the Sessions Judge of Calicut, to the precept of the Foujdarree Adalut under date the

11th

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.-

Read Calendar of Case No. 32 of 1859, submitted by the Acting Sessions Judge of Nellore.-

(Here enter F. Mo. P. No. 1609 of 1859.)

1. The Foujdarry Adalut are of opinion that the sentence of the convicted prisoners should not be reduced to below eight years, and the Court therefore direct that this sentence be passed upon them.-

2. As regards the 2d and 3d prisoners, the Acting Sessions Judge shows that he believed the evidence offered against them, and thereupon he should have convicted them.-

Read Miscellaneous Petition presented on the 18th July last by

J. W. Branson Esquire, Pleader on behalf of Managers and others, Zillah Chingleput.-

(Here enter F. Mo. P. No. 1107 of 1859.)

Mr. Hoopes. 1. Petitioners appeal from the sentence passed by the Sessions Judge in Case No. 8 of 1859.-

2. The Court of Foujdarry Adalut resolve to call upon the Sessions Judge to submit a translation of the proceedings held in the case in question, and further direct that the sentence be suspended until further orders.-

Precept returnable within x days from and after its receipt.-

Read again Miscellaneous Petition presented on the 5th April 1859, by Ramiah, of Zillah Cuddapah.

(Here enter F. Mo. P. No. 581 of 1859.)

Read also return and supplemental return dated respectively 27th July and 8th August 1859 from the Sessions Judge of Cuddapah, to the precept of the Foujdarry Adalut under date the

11th

11th July 1859, directing him to procure and submit an English translation of the depositions of the witnesses examined before the Joint Magistrate in the case of the Petitioner.

(Here enter F. D. Nos 1397 & 1458 of 1859.)

The Court of Tongdarre Udalut having perused the depositions of the witnesses in this case, see no reason to doubt the correctness of the orders appealed against, and accordingly refuse to interfere with them. This petition is therefore rejected.

F.D. E.T.

10th September 18

Mr Hooper

Monday,
12th September 1859

J. 16

At a Court of the Tongdarre Udalut

Present.

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

Read Miscellaneous Petition presented on the 12th Instant by J. W. Branson Esquire, Pleader on behalf of Pitchumma and others, of zillah Nellore.

(Here enter F. M. P. No. 154 of 1859.)

Petitioners appeal from the sentence passed by the Session Judge of Nellore in case No. 33 of 1859.

The Court resolve to direct the Session Judge to suspend execution of the corporal punishment awarded, pending the disposal of petitioners' appeal.

2

Read Calendar of Case No. 18 of 1859 on the file of the Session Court of Trichinopoly.

(Here enter F. C. No. 1591 of 1859.)

The Court of Tongdarre Udalut are of opinion there was ample evidence for the conviction of the Prisoner, if the Acting Session

1

Session Judge has given credit to the statements of the witnesses. The 3d Witness deposed that he saw the Prisoner stabbing a body on the ground which it is to be presumed could only have been the deceased's, and the 4th that on entering the deceased's room, it is to be presumed at the time of the Murder, he was threatened by the prisoner. How the Acting Session Judge holds that the above witnesses only prove that prisoner was near the deceased, without being able to satisfy him that he was concerned in the murder, is not shown, and on this subject the Foujdaree Udalut wish for explanation.

2

The Court have further to point out that the fact that the 2d Witness has given evidence in the case does not shelter him from being indicted for the murder, it being observed however that the said evidence cannot be adduced against him for his conviction. On this matter the Acting Session Judge should therefore take such steps as may appear to him requisite for the ends of justice.

Precept returnable within V days.

Read

12th September

12th September 1859.

Read letter dated 24th August 1859 from the Session Judge of Calicut, submitting for the final Judgment of the Foujdaree Udalut — the record of trial in case No. 59 of 1859 on the Calendar of the Session Court.

Mess. Cooper 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 Prisoners,

1st Pamasherry Mattommel Cunaden

2d - - - - Do. - - - Ally

and

3d - - - - Do. - - - Ryan,

"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.

Ed. ET.

F. C.

Tuesday 13th September 1859. At a Court of the Fouzdaree Adalut.

Present.

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

Read Calendar of case No. 72 of 1859 on the file of the Sessions Court of Calicut.—

(Here enter F. C. No. 1616 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 prisoner for the period specified in the margin, in mitigation of the sentence passed upon him in the said case.—

Hormen

Five years.

Circular. The Court of Fouzdaree Adalut observe with reference to the notification of Government dated 23rd August, relative to act XIII of 1859, that where the punishment inflicted may exceed that authorized

13th September 1859.

authorized by Section XXXII, Regulation IX of 1816, a report according to the form A, must be transmitted to the Sessions Judge, and the case be afterwards entered in the monthly Criminal Reports.

Read letter dated 7th September 1859 from the Sessions Judge of Madura, submitting for the final Judgment of the Foujdaree Udalut, the record of Case No. 15 of 1859 on the file of the Sessions Court.

(Here enter F. Rs. No. 1619 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 Veeratchy and

2 Curpanen alias Woolloocurpen,

is sufficient to convict them of the offence charged, do convict them thereof; and under the provisions of Clauses 1st & 4th Section IV, Regulation XV of 1803, Sentence them to be imprisoned and kept to hard labor in Irons on the public roads or other public works, for and during the period of (14) fourteen years.

Mr. G. S. Mr.

Robbery and Murder

Ent'd
E.T.

F. Rs.

Wednesday, 14th September 1859.

At a Court of the Foujdaree Udalut.

Present

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

No. 23

Read letter dated 6th Instant from the Sessions Judge of Madura submitting for the consideration and final judgment of the Court of Foujdaree Udalut an English translation of the Record of the trial of Case No. XIV of 1859 on the file of this Court.

(Here enter F. Rs. No. 1608 of 1859.)

The prisoner's return from transportation is proved upon his own confession and the evidence of the witnesses examined. The prisoner denies that he was warned that by so returning he incurred the penalty of death, and it has not been established that he was so warned. That such warning should have been given him is required by Clause 2nd, Section IX, Regulation XX of 1803, before he can be made liable to death. The Sessions Judge has accordingly

accordingly recommended that he be retransported for life, and that sentence the Court pass upon him.—

2 The Session Judge proposes that the prisoner be sent elsewhere than to the place from which he has made his escape (Penang), but the Court see no necessity for the measure, because he will now be duly warned of the consequences of again making his escape and thus be put on the footing of other convicts similarly sentenced, and the fear of such consequences should suffice to deter him from attempting an escape.—

3 Seeing however the want of precaution, according to the prisoners' statement, observed in the locality from whence he escaped, for the safe custody of convicts, the Court think it proper to send a copy of his defence to the Government, that they may take such notice of the matter as may seem to them proper.

Copy to Civil Judge of Madura.

Read Calendar in Case No. 40 of 1859 in the Session Court of Nundial.—

(Here enter F. No. No. 1584 of 1859.—

1 In this case a party charged with murder has been convicted of the offence, but acquitted on the grounds of insanity, a special verdict to that effect having been found by the Session Judge, who now detains the prisoner in Custody pending a reference to Government under Act IV of 1849 regarding his future disposal.—

2 The Court of Foujdaree Udalut direct that the record of this case may be submitted as it is one which by the Regulations must be referred for their final sentence.—

Read Calendar of Case No. 33 of 1859 of the Session Court of Nellore.—

(Here enter F. No. No. 1617 of 1859)

1 The Court of Foujdaree Udalut see no ground for mitigating the sentence of the 1st prisoner. The Acting Session Judge has awarded her the lowest amount of punishment which the law allows, and there are no circumstances apparent in the case to entitle her to further leniency.

2 The Court observe that the Acting Session Judge contemplates subjecting the 1st prisoner's 3rd and 4th witnesses to solitary confinement for a portion of the time they may incur imprisonment in default of paying the

the fine imposed on them. This mode of imprison-
ment they consider cannot be applied in
such a case, and they therefore direct that
this portion of the Order in question be not
carried out.—

Read Calendar of Case No. 216 of
1859 of the Session Court of Trichinopoly.

(Here Enter F. Tle. No. 1644 of 1859.)

1 The Court of Foujdaree Udalut are
of opinion that a sentence of four 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
Acting 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 3d instant
from the Officiating Session Judge of Tinne-
velly, submitting for the final judgment
of the Foujdaree Udalut the record of
trial in Case No. 45 of 1859 on the
Calendar

Calendar of the Session Court.

(Here Enter F. Tle. No. 1620 of 1859.)

Messrs. G. A. Hooper and T. P. Strange The Court of Foujdaree
Udalut on a deliberate consideration of all
the circumstances of the Case in evidence before
them, being of opinion that the proof against
the prisoner,

Soopiyen, alias Soundaram,

"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.—

T. P. S. E. T. G. A. H.

Fee.

Thursday 15th September 1859

At a Court of the Foujdaree Udalut.

Present.

Gp. A. Cooper Esquire
J. Sa. Strange Esquire
H. D. Phillips Esquire
} Puisne Judges

Read Calendar of Case No. 20 of 1859 on the file of the Sessions Court of Chittoor.

(Here enter Fee No. 1590 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 prisoner for the period specified in the margin, in mitigation of the sentence passed upon him in the said Case.

Gankala Pogiah Moorugadoo.

Eight years.

Read again Miscellaneous Petition presented on the 18th June 1859, by Mookiyar Natiel on behalf of Narrapen, of Zillah Coimbatore.

(Here enter Fee M. P. No. 100 of 1859)

Read also return dated 30th ultimo

ultimo from the Session Judge of Coimbatore, to the precept of the Foujdaree Udalut under date the 15th idem, calling for an English translation of the record of the Case - No. 1 of 1859 on the file of the Session Court.

[Here enter No. - No. 1587 of 1859.]

1. The evidence to the assault upon the prosecutrix is so discrepant as to lead the Court to believe that the circumstances of the assault have been highly exaggerated. As respects the prosecutrix having been robbed at the time, the Court think the charge has entirely failed of proof. The assault is said to have occurred at 7 P.M. and at 10 P.M. after the prosecutrix had been removed elsewhere, and even, as it is declared, to her owners, she missed her property; but that the prisoners took the same, no where appears. Mr. Strange

2. The Court think therefore that at the utmost the prisoners may have been guilty of an assault, for which they

15th September 1859.

they have already received more punishment than such an offence calls for. The Court direct accordingly that they be set at liberty.

The following Foujdaree Miscellaneous Petitions are rejected, Viz:-

Nos. 105 and 111 of 1859.

Sd/ T.T.

F. No.

Friday,
16th September 1859.

At a Court of the Fouzdaree Udalut.

Present.

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

Read Calendar of Cases on
No. 13 of 1859 on the file of the Session
Court of Combaconum.

(Here enter F. No. No. 1634 of 1859.)

It hereon proceeded,
that 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.

G.A.

E.P.
" E.P.

* 1. Padaboyee
2. Punjoosamy
Two years.

F. 66.

Saturday 17th September 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 dated 7th September 1859 from the Acting Sessions Judge of Bellary submitting for the final judgment of the Foujdaree Adalut the record of Case No 44 of 1859 on the Calendar of the Sessions Court.

(Here enter F. C. No 1588 of 1859.)

Messrs Strange and Phillips.

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

Rungadoo,

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

17th September 1859.

witnesses, or on his own confession,
of the crime charged, do acquit Mundan
kind thereof, and direct that
he be set at liberty.

Ld
" E.T.

F. Do.

Monday,
19th September 1859. At a Court of the Foujdaree Adalut.

Present.

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

Read letter dated the 14th September 1859 from the Sessions Judge of Salem, referring for the final Judgment of the Foujdaree Adalut, the Record of Case No. 64 of 1859 of the Calendar of the Sessions Court -

/ Hence enter Fdr. No. 1653 of 1859. /

Murder -

Sess. S. L. Strange and H. D. Phillips -

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

Moonyeawny,

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

death by being hanged at the usual time and place of execution -

1. In the depositions before the Session Court of the 3d. 4th. and 5th. witnesses, reference is made to two Mahazuremamahs, Nos. 5 and 6; but nothing was elicited in the examination of those persons — which identifies the Mahazuremamahs adverted to with the papers of that class which are found in the Police record - — Either the contents of the papers should have been briefly described, or some mark should have been affixed as a means of identity.

2. It is further observed that the 2d. witness was not examined in the Session Court as to the ownership of Cloths Nos. 2 and 3, which in the Subordinate Court he had declared to belong to the Prisoner -

Read Miscellaneous petition received on the 15th. July 1859, thro' the Session Judge of Rundial, from Poochoo Rungadoo

19th. September 1859.

Rungadoo of that Zillah -

/ Here enter F. Dr. D. No. 106 of 1859. /

Mr. H. D. Phillips. 1. The Court request the Session Judge will transmit for their consideration a translation of the 5th. Prisoner's confession before the Police, and of such parts of the testimony of the 3d. and 9th. witnesses as bear on the delivery by the said Prisoner of article No. 32 from the Cave in which it appears to have been secreted -

2. The Session Judge is further requested to state, whether on a review of the evidence by which the 5th. Prisoner is affected, there seems any reason to doubt its sufficiency for the conviction of that Prisoner -

Precept returnable in V days -

Read return of the Session Judge of Guntoor to the Precept of this Court under date the 24th. Ultimo, calling for a Statement of the Circumstances of Case No. 23 on the Magisterial Calendar for the 2d. Quarter of 1859 -

/ Here enter F. D. No. 1536. of 1859 /

19th September 1859

The Court of Foujdaree Sedalut are of opinion that the defendant, having been in possession of the land under the Collector's Puttah, was not liable to be prosecuted for trespass, though the permission given to defendant to cultivate, had been withdrawn before he committed the act for which he was prosecuted, which was, simply ploughing the land. The Court accordingly annul the conviction, and direct that the fine, if levied, be returned -

The following Foujdaree Miscellaneous petitions are rejected, Viz 6, Nos 104, 130, 126 and 127 of 1859 -

Exd
EF

Tuesday,
20th September 1859

F. D.

At a Court of the Foujdaree Sedalut.

Present

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

Read letter dated the 2d Instant from the Sessions Judge of Calicut, submitting for the final Judgment of the Foujdaree Sedalut the record of Case No. 63 of 1859 of the Calendar of the Sessions Court.

[Here enter F.D. No. 1638 of 1859.]

Messrs. Hooper and Strange. The Court of Foujdaree Sedalut 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 Kayatha Veathoomah,

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

place of execution -

The Court of Foujdaree Sedalut 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 Rachiyah pojib Cotty amoo,

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 (7) Seven years -

Accessary to Murder.

S
Ed
EP

Wednesday,
21st September 1859.

F. D.

At a Court of the Foujdaree Sedalut

Present

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

Read again Calendar of Case No 18 of 1859 on the file of the Sessions Court of Trichinopoly -

(Here enter F. D. No. 1591 of 1859)

Read also return dated the 16th instant from the Acting Sessions Judge of Trichinopoly, to the precept of the Foujdaree Sedalut under date the 12th instant, calling upon the Acting Sessions Judge, with reference to the above case, to explain how he holds that the 3d and 4th witnesses only proved that Prisoner was near the deceased, without being able to satisfy him that he was concerned in the Murder, and conveying certain instructions in regard to the 2d witness in the said case -

(Here enter F. D. No. 1665 of 1859)

The Court of Foujdaree Sedalut consider the explanation afforded in the foregoing return satisfactory -

21st September 1859.

Read Calendar of Case No. 24 of 1859, submitted by the Sessions Judge of Nellore, under date the 10th instant.

(Here enter F. No. No. 1668 of 1859.)

The value stolen is serious in amount and the theft involved a gross breach of confidence, the Court of Sudder Adalut do not think the case one which warrants the remission of any part of the sentence to which the Prisoner has rendered himself liable.

Read Criminal Report B submitted by the Acting Sessions Judge of Nellore, for the months of August 1859.

(Here enter F. No. No. 1647 of 1859.)

The Magistrate is only competent to punish under section XXXV, Regulation IX of 1816, when the original complaint is punishable under section XXXII or XXXIII of the same Regulation. Magistrate No. 27.

L. & E. T.

Thursday, 22nd September 1859.

F. No.

Sudder Court of the Foujdaree Adalut.

Present:

G. L. Hooper Esq.re
J. D. Strange Esq.re
H. D. Phillips Esq.re
} Puisne Judges.

Read Calendar of Case No. 53 of 1859 on the file of the Sessions Court of Bellary.

(Here enter F. No. No. 1655 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 them in the said Case.

1. Nadindla Nurseyandoo. 2. Nadindla Nagadoo. — Seven years.

Read again Miscellaneous Petition presented on the 21st July last by Mr. H. B. Saunders, Reader on behalf of Veeran alias Veerapen, of Zillah Coimbatoor.

(Here enter F. No. No. 112 of 1859.)

Mr. G. L. Hooper.

The Court of Foujdaree Adalut having considered the circumstances of the Petitioner

Petitioner's case, as set forth in Calendar
No. 37 of 1859, saw no ground to question
the propriety of his conviction, or the
justice of the sentence passed upon him, and
they accordingly resolve to reject the Petition.

Read letter dated 29th August
1859 from the Sessions Judge of Honore,
submitting for the final Judgment of the
Sovereign Udalut the Record of Case No. 21
of 1859, on the Calendar of the Sessions Court.

[Here enter P.R. No. 1631 of 1859]

The Court of Sovereign 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 Gungay (female)
and
2d Hanooma,

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

Mess.rs L. Lo. Strachey
and
H. D. Phillips

Murder

The

22d September 1859.

The following Miscellaneous
Petitions are rejected – Viz.t Nos. 139 and 1470 of 1859

Ld. " Ld.

S. Ho.

Friday. 23rd September 1859.

Sessions Court of the Sanjidarree Adalut.

Present

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

Read Calendar of Cases Nos 33, 34 and 35 of 1859 of the Sessions Court of Mangalore.

Heard entire S. Ho. No 1680 of 1859.

1. As recommended in No 33 this Court of Sanjidarree 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. Isara.
2. Somaya.
3. Venka Shetty
Four years.

2. The Court observe that the evidence brought against the 2nd prisoner in No 34 consists in his confession before the Police. As this confession has not been accepted

as

23rd September 1859

as genuine by the Sessions Court, nothing remains against the prisoner to warrant the requisition of security from him. The Court therefore deems it necessary to set aside the order subjecting him to produce security.

3. These three cases have no connection with each other, and it is inconvenient that they should be so stitched together.

Read Calendar of Cases No. 34 of 1859 of the Sessions Court of Nellore.

/Here enter F. Mo. No. 1675 of 1859./

The Court of Foujdaree Adalut observe that the evidence for the prosecution having been rejected, the prisoners became entitled to unconditional release. They are therefore under the necessity of cancelling the requisition of security laid upon them.

Ex parte.

F. Mo.

Saturday, 24th September 1859.

At a Court of the Foujdaree Adalut.

Present.

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

Read letter from the Session Judge of Rajahmundry, dated 8th September, requesting to be informed whether the ruling of the Court of the 24th August, with reference to Cattle Trespass Act supersedes their ruling of the 4th November 1857.

/Here enter F. Mo. No. 1636 of 1859./

Under a strict construction of the provisions of Act III of 1857, all cases of forcible rescue of cattle must be committed to the Criminal Court for trial. The Court therefore have to inform the Session Judge of Rajahmundry that the their ruling of the 4th November 1857 is cancelled.

Read Criminal reports for the month of August 1859, submitted by the Session

Session Judge of Chittoor.

[Here enter F. M. C. No. 1641 of 1859.]

The penalty under the Act for this Offence is fixed at 50 Rupees and cannot be altered at the discretion of the Judge. The Session Judge will point this out for the information of the Subordinate Judge.

Read Calendar of Case No. 21 of 1859, submitted by the Session Judge of Madura.

[Here enter F. M. C. No. 1679 of 1859.]

The negligence of the Police in the investigation of the case in the first instance and in the subsequent commital thereof on "palpably false and worthless evidence" should be brought to the notice of the Magistrate by the Session Judge, if he has not done so already.

Case No. 93 "Purchase of Soldiers' Provisions unnecessarily."

Read Miscellaneous Petition presented on the 11th August 1859, by J. H. Brannan Esquire, Pleader on behalf of Raghavendra Row, of Zillah Trundial.

[Here enter F. M. C. P. No. 135 of 1859.]

1. Petitioner appeals from the sentence of Mr. Phillips

sentence passed upon him in Case No. 50 of 1859 on the file of the Session Court of Trundial.

2. The Foujdaree Adalut see reason to consider that the record of the proceedings held in the case above referred to, should be brought before them for review.

3. They therefore resolve to request the Session Judge to lay before them a translation of the record.

4. They further direct that the sentence now in force against the prisoner be suspended pending the issue of final orders in the case.

Precept returnable within X days from and after its receipt.

E. D. E. T.

F.M.C.

Monday 26th September 1859.

At a Court of the Fouzdaree Adalut.

Present.

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

Read letter dated 17th September 1859, from the Session Judge of Sundial, submitting for the final judgment of the Fouzdaree Adalut the record of Case No. 36 of 1859 on the Calendar of the Session Court.

(Here enter F.M.C. No. 1701 of 1859)

Mr. Strange. 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,

Shaik Hamed,

Wounding, Robbery, and Murder. is sufficient to convict him of the offence charged, do convict him thereof and under the provisions of Clause 3d Section

26th September 1859.

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.

Entd. E.T.

J. 16.

Tuesday, 27th September 1859.

At a Court of the Foujdaree Adalut.

Present.

G. L. Cooper Esquire.
T. L. Strange Esquire.
N. D. Phillips Esquire.
} Puisne Judges.

Read Calendar of Case No. 47 of 1859 on the file of the Session Court of Salem.

(Here enter J. 16. No. 1712 of 1859.)

Adverting to the indictment entered in the above Calendar, the Foujdaree Adalut are induced to believe that a full translation has been embodied in the Charge, showing the whole of the Statements made by the accused before the Session Court.

2 Details of that kind do not however, carry into effect the instructions of this Court relative to the indictment in a case of Perjury, which are contained in Circular Order dated 23d November 1836. The Foujdaree Adalut therefore resolve to request the Session Judge to lay before them an amended Sentence, showing the words on which the

Perjury

Jury is assigned.

Except returnable within III days.

Read Calendar of Case No. 36 of 1859 on the file of the Session Court of Salem.

(Here enter F. Bk. No. 1707 of 1859.)

1 The Foujdaree Udalut do not gather from the remarks of the Session Judge in what capacity the 2d. and 3d. witnesses were engaged with the 1st. to 4th. Prisoners.—

2. They would further wish to be informed of the obstacles, if any, which prevented the disposal of the trial by the aid of assessors, during the period of the Monthly incapacity for work owing to country sore eyes.

Precept returnable within III days from and after its receipt.

Read again Miscellaneous Petition received on the 18th. May last, through the Session Judge of Arundial, from Fouzdars of that zillah.—

(Here Enter F. Bk. O. No. 78 of 1859.)

Read also return dated 30th.

ultimo,

ultimo from the Session Judge of Arundial to the precept of the Foujdaree Udalut under date the 1st. July last, directing submission of the record in case No. 33 of 1858.—

(Here enter F. Bk. No. 1588A of 1859.)

Mr. Strange 1 The proceedings in this case do not appear to the Foujdaree Udalut to warrant the conclusion arrived at by the Session Judge that the prisoner has been guilty of robbery. There seems to have been an altercation between the prisoner and the prosecutrix, when the prisoner snatched away her nose ring, and as it is said two beads from her necklace, and ran off. On being at once apprehended by persons in the neighbourhood, namely the 1st. and 2d. witnesses, none of the property was found upon him, and the prisoner's statement was that he had thrown it away. It appears to the Foujdaree Udalut unsafe to conclude from these circumstances that the prisoner took the ornaments from the prosecutrix's person with felonious intent, and the hour being 5 P.M. and other persons being then in the vicinity, the presumption is rather

the

the other way.

2. The Court therefore acquit the prisoner of robbery, and the period he has been in confinement being more than he could have been sentenced to for an assault, they resolve to direct that he be set at liberty.

Read Calendar of Case No. 41 of 1859 on the file of the Session Court of Coimbatore.

/Here enter F.C. No. 1684 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 them in the said case.

× 1 Caroonnun	Eight years.
2. Syacoothy	
3. Caroomaundy	
× Mooroogun	Seven years

Sd/ E.F.

Wednesday,
28th September 1859.

F.C.

At a Court of the Foujdaree Udalut.

Present

G. A. Hooper Esqre.
J. L. Strange Esqre.
H. D. Phillipps Esqre.
} Puisne Judges.

Read Calendar of Case No. 28 of 1859 on the file of the Session Court of Cuddalore.

/Here enter F.C. No. 1704 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 letter from the Acting Session Judge of Bellary dated 19th September 1859, requesting, by desire of the Magistrate, the opinion of the Court, as to whether an unsuccessful attempt to rescue cattle seized under the Cattle trespass Act is punishable under Section XIII of the same Act.

/Here enter F.C. No. 1693 of 1859./

In the opinion of the Court there can be no question that the offence is punishable under the section of the Act above

above quoted. The mere opposition to the seizure is punishable, and the attempt to defeat the seizure after it has taken place must have been equally intended to be visited with the same penalties.—

Read Criminal reports of the Magistracy for the month of August 1859 submitted by the Session Judge of Chingleput.

Here enter F. U. No. 1688 of 1859.

No. 4. Sentence. The Court have repeatedly directed that sentences of corporal punishment are to be carried into effect as soon as passed, unless there are special reasons to the contrary in which case they should be stated in the Calendar.—

Read letter dated 16th September 1859 from the Acting Session Judge of Bellary, submitting for the final judgment of the Foujdaree Udalut, the Record of trial in Case No. 39 of 1859 of the Calendar of the Session Court.—

(Here enter F. U. No. 1674 of 1859.)

The Court of Foujdaree Udalut M. L. S. H. on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the prisoners,

1st Koommura Chenniahgadoo

2d Madega Gorroovadoo

and

3d Mala Olungadoo,

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.—

E. T.

E. T.

M.C.

Thursday,
29th September 1859.

Mad Court of the Zoyidary Adalut.

Present.

G. L. Hooper Esqr 1st
J. L. Strange Esqr 2nd
H. D. Phillips Esqr 3rd

} Puisne Judges.

Read Miscellaneous Petition presented on the 5th instant, on behalf of Aureu and others, 2nd, 4th, 5th, 6th, 8th, 13th, 14th and 16th prisoners in Case No. 2 of 1859 on the file of the Sessions Court of Coimbatore, appealing from the sentence passed against them in the case in question.

Here enter M.M.P. No. 49 of 1859.

Mr. Hooper — 1. It is observed by the Zoyidary Adalut on a perusal of the Calendar received from the Sessions Judge, in which the trials of the Petitioners is reported, that no sufficient details are given to admit of this Court properly appreciating the objections to the evidence which are now raised.

2. The Court, therefore, resolve to forward the Translation of the above Petition

F. M.

Thursday, 29th September 1859.

At a Court of the Zoyjdary Udalut.

Present:

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

Read Miscellaneous Petition presented on the 5th instant, on behalf of Aaren and others, 2nd, 4th, 5th, 6th, 8th, 13th, 14th, and 16th prisoners in Case No. 2 of 1859 on the file of the Sessions Court of Coimbatore, &c. appealing from the sentence passed against them in the case in question.

Here enter F. M. P. No. 149 of 1859.

Mr. Hooper — 1. It is observed by the Zoyjdary Udalut on a perusal of the Calendar received from the Sessions Judge, in which the trial of the Petitioners is reported, that no sufficient details are given to admit of this Court properly appreciating the objections to the evidence which are now raised.

2. The Court, therefore, resolve to forward the Translation of the above Petition

Petition to the Sessions Judge, who is requested to state, on reference to the records, whether any and what grounds is supplied for the Petitioners' plea that the village Saliaries and the Prosecutors party have been in collusion to the detriment of the convicted prisoners.

Precept returnable in III days from and after its receipt.

Read Miscellaneous Petition presented on the 11th July 1859 by V. Sadagopa-charlu, Pleader on behalf of Mootoomeruppa Moodaly and another, of Zillah Madura praying for a Reversal of the order of the Officiating Sessions Judge under date the 11th April last, confirmatory of the decision of the Head Assistant Magistrate dated the 20th December 1858, whereby the Petitioners were fined 50 Rupees for abusive language

(Here enter F. No. P. No. 115 of 1859.)

1. The above address is transmitted to the Sessions Judge in order to his favoring the Foujdaree Adalut with such observations as the allegations made in it, appear to require

The

Mr Hooper

2. The Sessions Judge will observe that unless the Petitioners first assertions refuted by the records of proceedings held before the Head Assistant Magistrate, the Prosecutor himself would appear to have been guilty of a trespass, and thus to have given provocation to the accused servants of the alleged Trustee Tillanayagum.

3. The Foujdary Adalut further request a brief abstract of the charge stated to have been offered by the accused to the complaining parties, and of any other circumstances calculated to justify the heavy fines imposed by the Head Assistant Magistrate.

Precept returnable in III days from and after its receipt.

Read Calendar of Case No 820 of 1859 of the Sessions Court of Madura.

(Here enter F. No. No 1726 of 1859.)

The Court of Foujdaree Adalut consider the punishment awarded too lenient for the prisoners offence. He has been guilty of premeditated and unprovoked mutilation on

3

Petition to the Sessi
=ons to Mad
and

=understand he betrayed of her
confidence in him. He had moreover fixed
upon his victim an indelible mark of
disgrace.

Read Criminal Reports for
the months of July 1859, submitted by the
Session Judge of Calicut:

/Here enter F. H. No. 1696 of 1859./

The Court cancel the sentence
in this case as being illegal. To render the
prisoner liable, it was necessary to prove that
the killing was "wilful and malicious," and
this is clearly shown by the proceedings not
to have been the case.

Criminal Ja
No. 126. "Malicio
killing of Cattle

Read Criminal Reports of the
Magistracy for the Month of August, submitted
by the Session Judge of Coimbatore.

=early shown by the proceedings not
to have been the case.

Read Criminal Reports of the
Magistracy for the Month of August, submitted
by the Session Judge of Coimbatore.

=early shown by the proceedings not
to have been the case.

Read Criminal Reports of the
Magistracy for the Month of August, submitted
by the Session Judge of Coimbatore.

=of the same Regulation. Sentence under this
section must therefore be cancelled.

Read letter dated 10th September
1859 from the Session Judge of Mangalore, s=
=ubmitting for the final judgment of the Sovereign=
=-Lord Adalut the Record of Case No. 30 of 1859
on the Calendar of the Session Court.

Mess^rs. J. S. Hooper
and
H. D. Phillips.

/Here enter F. H. No. 1580 of 1859./

The Court of Zoujdaree Adalut
on a deliberate consideration of all the circum=
=stances of the case in evidence before them, s=
=eeing of opinion that the proof against the
prisoner,

1st Bantar Antappa,

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

And being of opinion that the
prisoner,

2d Jarappa,

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

of

of one who was cast upon his protection,
and he gained the opportunity to effect his
purpose by treacherous betrayal of her
confidence in him. He has moreover fixed
upon his victim an indelible mark of
disgrace.

Read Criminal reports for
the months of July 1859, submitted by the
Sessions Judge of Calicut.

/Were entered F. No. Nos. 1696 of 1859./

The Court cancel the sentence
in this case as being illegal. To render the
prisoner liable, it was necessary to prove that
the killing was "wilful and malicious", and
this is clearly shown by the proceedings not
to have been the case.

Read Criminal Reports of the
Magistracy for the Months of August, submitted
by the Sessions Judge of Coimbatore.

/Were entered F. No. Nos. 1685 of 1859./

The Court have to point out that
the Magistracy are only competent to punish
under Section XXXV, Regulation IX of 1816, where
the offence alleged in the first instance is
punishable under Section XXXII or XXXIII

of

30th September

30th September 1859.

of the same Regulation. Sentence under this
section must therefore be cancelled.

Read letter dated 10th September
1859 from the Sessions Judge of Mangalore,
submitting for the final Judgment of the Sonj-
dare Adalut the Record of Case No. 30 of 1859
on the Calendar of the Sessions Court.

/Hereunto F. Nos. 1580 of 1859./

Mess^rs. J. S. Hooper
and
A. D. Phillips.

The Court of Sunjdare Adalut
on a deliberate consideration of all the circum-
stances of the case in evidence before them,
being of opinion that the proof against the
Prisoner,

1st Bantar Entappa,

Murder

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.

And being of opinion that the
Prisoner,

2d Jarappa,

is not convicted on presumptive proof, or on the
evidence of credible Witnesses, or on his own confession,

of

Criminal Sessions
No. 136. "Malicious
killing of Cattle

Nos. 29 and 30

30th September 18

of the crime charged, do acquit him thereof, and direct that he be let at liberty.

The following Miscellaneous Petition is rejected. Vide Pet.n No. 140 of 1859.

Sd/- E.F.

Sd/-

F.M.C.

Friday, 30th September 1859. } At a Court of the Fouzdaree Adalut.

Present.

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

Read letter from the Acting Sessions Judge of Bellary dated 17th September 1859.

(Here enter F.M.C. No. 1677 of 1859.)

1. In this letter the Acting Sessions Judge of Bellary brings to the notice of the Court the circumstances connected with the dismissal of a case in which a party was committed for trial before him on a charge of Perjury, and requests the opinion of the Court on the correctness of his decision.

2. It appears that some prisoners on their trial before the Criminal Judge were acquitted principally on the evidence of a witness whom the Magistrate considered to have been guilty of perjury, inasmuch as ~~the~~ the evidence he then gave

was

was opposed to what he had previously given before the Police, and which latter the Magis-trate had reason to belive to be true. The Magistrate accordingly sent up the party to the Criminal Judge, by whom he was committed for trial before the Sessions Court, but was ordered to be released by the Acting Sessions Judge, on the ground that the Magistrate was prohibited by section VIII, Regulation II of 1822, from entertain-ing the charge against the prisoner, as it was the Criminal Judge alone, before whom the trial had taken place, who could take steps for the prosecution of the party on the charge of Perjury.

3 The Court are of opinion that the Acting Sessions Judge has misunderstood the law affecting this matter, and has taken a course very much opposed to the ends of justice. The deposition of the accused before the Subordinate Judge cast a direct reflection upon the Police authorities, a matter which the Magistrate was bound to look into. Having done so and seen reason to belive the representations of the accused to be false and himself guilty of perjury, he was equally bound to

to make the circumstances known to the Subordinate Judge, that he might take such steps in the matter as appears to him neces-sary. The Magistrate, however, should have done so, as he has proposed in his commu-nication to the Acting Sessions Judge of the 17th September, by letter, and not by preferring a charge against the accused.

4 The restriction of law, by which the Sessions Judge appears to have been guided in his proceedings is, that the charge of perjury shall not be prosecuted unless the authority before whom the trial was held is of opinion that suffi-cient grounds for prosecution exist. This does not prohibit any party in a position to address such authority from presenting to him materials whereon to form such opinion, and, therefore, the Magistrate in the present case was, the Court consider, quite at liberty to make known to the Subordinate Judge what-might lead him to enter on the prosecution of the accused. The Subordinate Judge eventually committed the accused for trial, and the charge came before the Acting Sessions Judge duly supported by the opinion

of

was opposed to what he had previously given before the Police, and which latter the Magistrate had reason to believe to be true. The Magistrate accordingly sent up the party to the Criminal Judge, by whom he was committed for trial before the Sessions Court, but was ordered to be released by the Acting Sessions Judge, on the ground that the Magistrate was prohibited by section VIII, Regulation II of 1822, from entertaining the charge against the prisoner, as it was the Criminal Judge alone, before whom the trial had taken place, who could take steps for the prosecution of the party on the charge of Perjury.

3 The Court are of opinion that the Acting Sessions Judge has misunderstood the law affecting this matter, and has taken a course very much opposed to the ends of justice. The deposition of the accused before the Subordinate Judge cast a direct reflection upon the Police authorities, a matter which the Magistrate was bound to look into. Having done so and seen reason to believe the representations of the accused to be false and himself guilty of perjury, he was equally bound to

to make the circumstances known to the Subordinate Judge, that he might take such steps in the matter as appeared to him necessary. The Magistrate, however, should have done so, as he has proposed in his communication to the Acting Sessions Judge of the 17th September, by letter, and not by preferring a charge against the accused.

4 The restriction of law, by which the Acting Sessions Judge appears to have been guided in his proceedings is, that the charge of perjury shall not be proceeded unless the authority before whom the trial was held is of opinion that sufficient grounds for prosecution exist. This does not prohibit any party in a position to address such authority from presenting to him materials whereon to form such opinion, and, therefore, the Magistrate in the present case was, the Court consider, quite at liberty to make known to the Subordinate Judge what he might lead him to enter on the prosecution of the accused. The Subordinate Judge eventually committed the accused for trial, and the charge came before the Acting Sessions Judge duly supported by the opinion

of

of the authority before whom the trial was held and the alleged perjury committed.

5 The Court therefore being of opinion that the accused was improperly discharged by the Acting Sessions Judge, direct that the case be again put on the file of the Court and disposed of on its merits.

6 With reference to the Judge's remarks in the Calendar of this case, the Court have to observe, that the accused has not been charged with having given two conflicting depositions; but, as is distinctly alleged against him in the indictment, with having deposed on oath to facts which he knew to be false, and on this issue he must be tried.

7 In reply to para 5 of the Judge's letter, the Court have to inform him that the circumstance of the Subordinate Judge having given credit to the statement of the party on oath before him, is no bar to the party's being afterwards put on his trial for perjury, should such statement turn out to be false.

Read again Calendar of Case No. 18 of 1859 submitted by the Sessions Judge

Judge of Rajahmundry.

(Here enter F.No. 1 of 1559 of 1859.)

Read also return and supplemental return dated respectively 9th and 21st September 1859 from the Sessions Judge of Rajahmundry to the precept of the Foujdaree Adalut under date the 1st idem, directing him to forward so much of the translation of the record in Case No 18 of 1859 as relates to the mode of entry into the house and the guilt of 1st prisoner in the said case.

(Here enter F.No. 1 of 1637 & 1720 of 1859.)

1. The Court of Foujdaree Adalut find that the entry, according to the 2d prisoner's confession, was made by means of an accomplice opening the door of the house from within. This constitutes burglary; but the circumstance is not mentioned in the Calendar which, in stating the crime as that of house-breaking, does not declare any fact that would show that such crime had been committed.

2. The Court are unable to concur in the conviction of the 1st prisoner.

His

His having slept on the night in question in an unusual place, and the discovery in his house of a sum of money do not serve in any respect to bring home the charge to him, both facts being quite consistent with his entire innocence. The Court therefore direct that he be released.

3 The Court have to notice that in sending up the record as it affects the 1st prisoner, the Sessions Judge should have forwarded his defence and the depositions of all witnesses cited by him in support thereof.

4 The Court further observe that while the crime was perpetrated on the night of the 27th June, and the prisoners arrested the following day, their examination and that of the witnesses affecting them was not held by the Sessions till the 20th and 21st July.

5. The Court request the Sessions Judge to ascertain what were the causes of this delay, and what the operations of the police in the mean while, and to communicate the result with his

opinion

30th September 1859.

opinion on the subject and that of the Magistrate, should he see cause to impute blame to the police, and to communicate with the Magistrate.

Read letter from the Magistrate of North Arcot dated 27th September 1859 requesting sanction for one Coorovavoony to be admitted as a witness under circumstances stated.

(Here enter Ltr. No. 1730 of 1859)

The Court are unable to give any reply to the application of the Magistrate of North Arcot until its object is more fully stated. It does not clearly appear from his letter whether he desires the Duffadar Coorovavoony to be offered a conditional pardon, and if so, in which of the two cases referred to, or how in the case against Venkatachellum it should be required at all.

Ltr. to S.J.

C. S. Chamier

F. Co.

Monday 3rd October 1859.

At a Court of the Foujdaree Adalut.

Present:

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

Read agreed Calendar viz

Case No 43 on the file of the Sessions Court of Tinnevelly.

(Vera under F. Co. No 1420 of 1859.)

Read also extract of the proceedings of the Foujdaree Adalut of the 13th August with reference to the above Calendar.

(Vera under F. Co. No 1548 of 1859.)

The Court are unable to forward the recommendation of the Sessions Judge of mitigation in this case as the Calendar now stands, it not being stated on what account the prisoners were undergoing sentence of imprisonment at the time they escaped. This should have formed part of the indictment

indictment. The Court have also to observe that although Government may reduce the time of imprisonment, it cannot award, as recommended by the Session Judge, a punishment of a totally different nature such as lashes. The Session Judge will therefore submit another recommendation of mitigation of sentence.-

Read Miscellaneous Petition presented on the 15th August 1859, by V. Sadagopa Charlu, Pleader on behalf of Raghunayeru Mammad, of Zillah Cuddapah.

/Here enter F. M. P. No. 136 of 1859./

Petitioner appeals from the order of the Session Judge under date the 27th May 1859, reversing that of the Special Assistant Magistrate, whereby that officer modified the decision passed by the Head of Police of Ernaad directing that a certain portion of land should be managed by the original complainant and the remainder by

by Karal Khalil Sayudkhadil Mahamad Coutty of Ernaad.-

2. Before passing a final order on this Petition, the Court of Sanjidarre Adalut resolve to call upon the Session Judge to forward for their perusal a copy of the decision passed by the Head of Police of Ernaad in the matter in question.-

Precept returnable within days from and after its receipt.-

The following Sanjidarre Miscellaneous Petition is rejected Viz.

No. 148 of 1859.

E. Ede.

F. 66.

Tuesday, 4th October 1859.

At a Court of the Fourjdarree Adalut.

Present.

Gp. S. Hooper Esquire. — Puisne Judges.
J. Lo. Strange Esquire. —
H. D. Phillips Esquire. —

Read Calendar of Case No 36 of 1859, submitted by the Acting Sessions Judge of Nellore.

(Vide order F. 66. No 1742 of 1859.)

1. It appears to the Fourjdarree Adalut that the Acting Sessions Judge has strained the meaning and intent of Act XIII of 1850, by applying its provisions to the offence reported on in the above Calendar.

2. They are of opinion that it might have been disposed of under the law applicable to theft of an important kind, and they would wish it to be now so treated.

3. The punishment awarded by the Acting Sessions Judge further

appears

appears to the Court to be in excess of the requirements of the act charged, which, as they view it would be adequately punished by a sentence of six months' imprisonment with hard labor.-

4. Should the Acting Sessions Judge be unable to adopt the opinion now expressed by the Foujdaree Adalut, on a consideration of only the remarks made in the Calendar, they desire to have submitted to them a complete translation of the record of proceedings held in the case.-

Read Report B for the month of August 1859, submitted by the Agent to the Governor of Fort St. George at Vizagapatam, under date the 15th Ultimo.-

[Here enter F. Dr. No. 1689 of 1859.]

No. 36. There are two Counts in this No. on two matters which are essentially different; the Court desire to know on which of the Counts the prisoner

prisoner has been sentenced.-

Precept returnable within III days from and after its receipt.-

Read Criminal Reports for the month of August, submitted by the Sessions Judge of Coimbatore.-

[Here enter F. Dr. No. 1735 of 1859.]

Joint Magistrate of Coimbatore. No. 20 "Receiving stolen property."

1. The charge is incomplete, in as much as it does not allege that the cattle were stolen, or that the prisoners were aware that they were stolen.-

No. 28. "Breach of authority."

2. As the offence charged and the first instance was not punishable under Sections XXXII or XXXIII, the party bringing the false charge cannot be punished under Section XXXV of the same Act. Sentence is therefore cancelled.-

No. 29. do.

3. The same remark refers to No. 29.

Sudder Ameen No. 149. "Forcible rescue of cattle seized under Act III of 1857."

4. It is quite unnecessary that Government should prosecute in such cases. The prosecution should be at the instance of the party aggrieved.-

This

5. This (No 150) case should have been disposed of by the Police, and not committed to the Criminal Court. The offence being so trifling and properly cognizable by the Police, the sentence for escape in Nos 151, 152, and 153 is cancelled.

No 150 Theft.
—"— 151. Escape.
—"— 152. Escape.
—"— 153. do.

6. There appears to be nothing alleged against the prisoner but that he sold a kettle belonging to the prosecutor, but whether when or how the kettle was stolen is not at all clear. The Session Judge is requested to review the record with reference to these remarks.

No 157.

Read letter dated the 22d September 1859, from the Acting Session Judge of Bellary, referring for the final judgment of the Foujdaree Adalat, the record of Case No 48 of 1859 of the Calendar of the Session Court.

[Here enter F. Dc. No 1719 of 1859.]

In the margin of the letter with which the Acting Session Judge has referred the above trial, the name of the Prisoner

Prisoner charged has erroneously been entered as "Merrayah."

2. The Court further observes that the record does not contain the points of the witnesses depositions which are required by the Circular order marginal. 27th September 1824.

by noted.

Read letter dated 22d September 1859 from the Acting Sessions Judge of Bellary submitting for the final judgment of the Foujdaree Adalat the record of Case No 48 of 1859 on the Calendar of the Session Court.

[Here enter F. Dc. No 1719 of 1859.]

Messrs Strange and Phillips.

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

Sheik Hoosain,

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.

Perjury.

H W

E D E F.

F. No.

Wednesday 5th October 1859

At a Court of the Fangidara Adalat.

Present.

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

Read letter dated 21st September 1859 from the Sessions Judge of Calicut, submitting for the final judgment of the Fangidaras Adalat the record of Case No. 73 of 1859 on the Calendar of the Sessions Court.

Read order F. No. No. 1758 of 1859/

The Court of Fangidaras

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

Mopla Edathat Coonhayen,

is sufficient to convict him of the

the

5th October 1859.

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

E.P. E.T.

Thursday
6th October 1859.

Ft. Dt.

At a Court of the Fouzdaree Adalut.

Present

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

Read letter from the Ag. Sessions Judge of Nellore under date 30th September 1859

(Here enter F.D. No. 1754 of 1859.)

In this letter the Ag. Sessions Judge of Nellore requests to be informed by the Court whether Circular order Fouzdaree Adalut No. 207, ruling that all appeals from the decisions of Joint Magistrates and Assistant Magistrates are to be referred to the Sessions Court, is intended to include such decisions as are passed by those officers on perusal of the reports of the Police authorities. The Ag. Sessions Judge being of opinion that the order does not apply to the latter class of Cases.

1.

2. The Ag. Sessions Judge is informed that there is no limitation in the order he refers to such as he contemplates,

and

and that it is intended to apply to all Cases disposed of by the Joint and Assistant Magistrates-

Read Calendar of Cases Nos. 55 and 56 of 1859 on the file of the Sessions Court of Bellary-

/Here enter F.R. Nos. 1746 & 1747 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. Anthony	
2. Ramasamy	
3. Lazar.	Twelve months.

Read Calendar in Case No. 21 of 1859 of the Sessions Court of Rajahmundry

/Here enter F.R. No. 1766 of 1859/

The Court of Foujdaree Adalut resolve to point out to the Sessions Judge, that there is no law permitting of the fine imposed upon the 1st prisoner being paid over in compensation for personal injury to the 1st witness-

This

6th October 1859.

This part of the sentence must therefore be cancelled-

Read again Calendar of Case No. 47 of 1859 of the Sessions Court of Salem-

/Here enter F.R. No. 1712 of 1859/

Read also return dated 1st instant from the Sessions Judge of Salem to the precept of the Foujdaree Adalut under date the 27th ultimo, calling for an amended sentence in the above Case-

/Here enter F.R. No. 1756 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-

+ Proolian	Three months.

E.P.
E.T.

Friday,
7th October 1859.

J. C.

At a Court of the Foujdaree Udalut.

Present

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

Read letter from the Magistrate of North Arcot dated October 6th, requesting the sanction of the Court to the admission as an approver of one Veeraluchellum, in the prosecution of the late Cash Keeper Subapetty Moodely on the charge of being accessary to Gang Robbery.

(Here enter J. C. No. 1772 of 1859)

The Court sanction the offer of a conditional pardon as requested in this case.

Read letters from the Magistrate of North Arcot dated 30th ultimo and October 5th, forwarding translations of portions of depositions of Guroovaumy and Ramavaumy and praying that they may be admitted as approvers in the Case against the Cutwal of Vellore.

(Here enter J. C. Nos. 1748 and 1770 of 1859)

The Court sanction the admissions of Guroovaumy and Ramavaumy

as

as approvers, and authorise the Magistrate to grant them a conditional pardon on their disclosing all particulars of the crime in which they were concerned.

2. With reference to the Magistrate's first letter on this subject the Court would observe that much time would have been saved had the Magistrate set forth in it more distinctly what he desired and under what Regulation the application was made to the Court. Even now the Court are in ignorance as to the willingness of those parties to give evidence against the Cutwal, the depositions sent having no reference to the case against him, and it not being stated before whom they were given and whether or not they were on oath.

Read letter dated 27th September 1859 from the Acting Session Judge of Bellary, submitting for the final Judgment of the Fouj: daree Udalut, the Record of Case No. 42 of 1859 of the Calendar of the Session Court.

(Here enter F. U. No. 1744 of 1859.)

The Court of Foujdaree Udalut on a deliberate consideration of all the

circumstances

7th October 1859.

circumstances of the case in evidence before them, being of opinion that the Prisoner,

Murregah,

assault and Robbery.

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

E.D
E.F

J. Vo.

Saturday
8th October 1859.

New Court of Sessions Judicature.

Present:

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

Read Calendar of Cases No 850 of 1859 on the file of the Sessions Court of Jimmalay.

(Here enter J. Vo. No 1762 of 1859.)

As herein recommended, the Court of Judicature, resolved to authorize the Sessions Judge, to issue the 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 Cases No 21 of 1859, submitted by the Sessions Judge of Chittoor.

(Here enter J. Vo. No 1737 of 1859.)

The Court of Judicature directs that the Prisoner 1st Marguda hoyen be removed to the Jail at Trichinopoly and the Prisoner 2d Nondy Cora Coollen to the Jail at Coimbatore, there to be imprisoned respectively

to

* 1. Kayandy Valuvan
2. Mootoodoowy
3. Cormarandy Tamen
4. Singon
5. Kistnen
and
6. Chinna Tamen.
Three Years.

8th October 1859.

to the terms of their sentence.

Read Criminal Reports of the Magistracy for the month of August, submitted by the Agent at Ganjam.

Here enter F. C. No 1755 of 1859.

1. There is no occasion to defer the trial until the apprehension of the 2d prisoner. The trial of the others should be proceeded with at once. — Acting Senior Asst Agent's No 4. "Agent"

2. The sentence in this case appears severe, and looking to the time the prisoners were in Custody before trial, and which has not been accounted for, and the punishment they have already undergone, the Court recommend to reduce the remaining portion of the sentence. — No 56. "Return of Cattle seized and Cattle released"

3. Some overt act shewing the intention to steal should have been charged. — Assistant Agent's No 8. and No 9. "Attempt at Theft"

4. The prisoner is described as an "old offender", but the 2d charge in the indictment is not of a nature to warrant such description, if therefore the severity of the sentence has reference to this part of the charge, it should be modified. The Agent is requested to — No 14 Remarks

Review

8th October 1859.

Review the record and pass such orders thereon as he may deem fit.

The following Forty three Miscellaneous Petitions are rejected. viz:-

Nos 102, 132 and 133 of 1859-S

C. B. Clarmer

Esq. Ex.

F. M.

Monday 10th October 1859

At a Court of the Fourfdarees Udalet

Present

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

Read Miscellaneous Petition presented on the 10th instant, by D. Sadasiv for Charles Prader on behalf of Rogunath Krishna Menon, appealing from the sentence passed by the Sessions Judge of Calicut in Criml. No. 71 of 1859 wherein the Petitioner is 2d Prisoner.

(Here enter F. M. P. No. 175 of 1859.)

Mr. Phillips

The representations made in the above address from the 2d Prisoner seem to require consideration by the Sessions Judge to whom it will be forwarded with a request that he will submit, in respect of the allegations the address contains, such remarks as he may deem necessary.

2. If the record of the trial does

does not afford materials from which a complete reply can be afforded, the Sessions Judge will be pleased to lay before the Foujdaree Adalut a translation of the proceedings on which his sentence is founded.

3. Pending the receipt of final instructions from this Court, the sentence in question will be suspended.

Precept returnable within this

V days from and after its receipt.

Read letter dated 4th October 1859, from the Sessions Judge of Chittoor, submitting for the final judgment of the Foujdaree Adalut the record of Case No 23 of 1859 on the Calendar of the Sessions Court.

(Here enter F. M. No 1764 of 1859)

The Court of Foujdaree Adalut, on a deliberate consideration of all the circumstances of the case as evidenced before them, being of opinion that the proof against the prisoner, Para Tevarungadoo

Mayor Macy and Phillips

is sufficient to convict him of the offence charged, do convict him thereof, and under the provisions of clause 2d Section XX Regulation XII 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 (1) one year.

Read again Calendar of Case No 11 of 1859 on the file of the Sessions Court of Trichinopoly.

(Here enter F. M. No 1156 of 1859.)

Read also letter dated 26th July 1859, from the Acting Sessions Judge of Trichinopoly, to the precept of the Foujdaree Adalut under date the 14th instant, calling upon that officer to reconsider his proposed sentence in the above case, or to submit for their consideration a complete translation of the record of the case, should he differ in opinion.

(Here enter F. M. No 1380 of 1859.)

Read also Miscellaneous Petition presented on the 15th August 1859,

1859, by V. Sadagopa Charlu, Pleader on
behalf of Rayallam and 2 others, the 1st
2d and 3d prisoners in the aforesaid case.

/Here enter F. M. P. No 137 of 1859./

1. A careful review and consideration of the entire record now laid before the Tanjore Adalut, convinces the Court that they cannot help doubting whether the Acting Sessions Judge had viewed in its proper light, the offence with which the Prisoners are charged.

2. That officer has disposed of this case as one of "Dacoity with wounding or personal injury" and he has ordered the accused to imprisonment with hard labor for the full period of fourteen years which the law sanctions in dealing with a crime of that class.

3. The Tanjore Adalut, under the information supplied by the Acting Sessions Judge in his communications of date the 7th July last above recorded, are

pointed out that the offence imputed to the Prisoners could not be classed as a Dacoity; that it was and that at 6 P.M. of the day when the alleged dacoity took place, a party of which the 3d prisoner was one came to the Agent of the Village Moonsiff and complained of an attack and robbery of grain under their charge; that the Agent improperly deferred the enquiry which he then should have made; that later in the day, the thus aggrieved party would seem to have become the aggressors and, apparently in retaliation, to have assaulted and robbed of grain under their custody, the individuals who had been before the Sessions Court as deponents against the present Prisoners.

4. With the features of the case thus developed before them, the Tanjore Adalut felt called on to suggest for consideration by the Acting Sessions Judge, the propriety of a reduction of the sentence which he had proposed

to

to pass, and to require the submission of the entire record of his and the Police proceedings in the event of his inability to adopt this Courts suggestion.

5. On the 26th July the Acting Sessions Judge intimated in reply, that the injuries sustained by the 2d witness were in his opinion of too serious a nature to admit of a mitigation of punishment being recommended, and he has remarked that the witness in question appears to have been insensible during the night of the alleged robbery, and to have been carried on a cot to the house of the Parshees.-

6. Whatever may have been the extent of the injury inflicted on the 2d witness, the Foujdaree Adalut observe that the record does not exhibit on this respect the opinion which ought to have been formally demanded from the proper professional officer. They further observe that however much when

before

before the Acting Sessions Judge on the 11th June last, this witness may have been a sufferer from a spear wound on the head in regard to the infliction of which he has given three accounts all varying with each other, he was able to specify on the 12th May previous, that is on the morning after the alleged robbery, the names of 11 individuals whom he professed to have recognized during the attack and that five days later, he specified six persons as robbers in addition to those of whom he had first made mention.-

7. But apart from the important variations in the testimony of this witness and the exaggerated character of the statements he has made before the Police, the Foujdaree Adalut find that the evidence of the other principal deponents in the case, viz the 3d, 4th, and 5th witnesses, who are Ryots, is open to material exception on the latter ground, and that,-

taken

taken as a whole, their assertions are based on such manifest party feeling as to be entitled, in the opinion of this Court, to but very slight credence.

8. At the very moment when, on the natural course of things, men suffering from an assault by persons whom they previously knew, would have complained by name of those at whose hands they had suffered, no names were mentioned. It was only the next morning after the officer of the Province had been reached in a neighbouring village, that the alleged guilty parties were suggested, and then, as appears, the accused are those whose party on the afternoon of the preceding day had themselves been complainants.

9 The examination of the case in the Sessions Court has been extremely meagre in comparison with the inquiries made before two members of the District Police that it is mainly from the records of the latter functionaries that

that this Court is enabled to judge of the real merits of the charge. The Sanjuree Ubdulut there have that a clear cause of rivalry and hostility must have existed between the present accusers and accused consequent on the proprietor of the paddy said to have been robbed, having, on the evening of the robbery substituted as watchers over the grain, a new agency instead of that previously at his disposal.

It is from the substitutes thus appointed that evidence in the present charge has been found, and the parties accused are those whose watching agency was temporarily relinquished by the proprietor. The immediate cause of such relinquishment was the refusal of the ordinary watchers (Prisoners' party) to discharge their usual duty owing to the non adjustment of a complaint against one Pungoo alleged for gleaning ears of grain and which the proprietor had promised

to

to get settled.

" With a view of this kind to
the origin of the alleged robbery and
assault, the Fanjdarree Adalut are satis-
fied that the principal evidence brought
forward in its support should be weigh-
ed with much care and suspicion,
even if it were consistent and probable.
But they find it to be otherwise. It
is replete with details of circumstances
which the time and character of the
pretended robbery would unavoidably
have precluded the watchers from col-
lecting and observing. These details are
contradictory and discrepant in the
statements made at different times
by the same witnesses and cannot
satisfactorily be reconciled with a
belief that they speak from what
they actually saw and what really
passed; and the doubt which thus
arises in the mind of the Fanjdarree
Adalut in regard to the credit due
to these witnesses, have not been en-

diminished

diminished by any attempt in the
Sessions Court to elicit an explanation
of these variations of testimony. Taken
therefore, as it stands, the Fanjdarree
Adalut are precluded from placing
on the evidence for the prosecution, or
the reliance to which the Acting Sessions
Judge has deemed it entitled and
being of opinion, therefore, under all
the circumstances of the case, that
the real and true facts are not before
the Court, they determine to give
the Prisoners the benefit of the doubt
and to order their release.

Separate Proceedings

The Fanjdarree Adalut have
been inconvenienced in their perusal
of the above record by the omission
of all mention in the fly sheet attach-
ed to the translations of the names of
the witnesses and Prisoners. It will be
obvious that to specify the mere
number affixed to these deponents
must be an insufficient guide as

where

10th October 1859

when the record of three separate and lengthened enquiries are brought under consideration.

Inconvenience has also been felt from the transcription of the record on both sides of coarse paper with pale ink, and much delay has arisen from the interlinear numbers of the witnesses referred to being inaccurately given in many places.

Circular 18th June 1859.

Ex[d] Ald.

F. 110.

Thursday, 13th October 1859.

At a Court of the Fongdaree Adalut.

Present.

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

Read Miscellaneous Petition presented on the 27th ultimo, by V. Sadasiva Chariar, Pleader on behalf of Podiapoora gil wanathy Valapil Cooma Moothy, of Gillah Calicut.

(Here enter F. M. P. No. 163 of 1859.)

Mr. Cooper. 1. Petitioner appeals from the sentence passed upon him by the Sessions Judge of Calicut in Case No. 69 of 1859, wherein he is 1st prisoner.

2. Before passing a final order on this petition, the Court of Fongdaree Adalut resolve to call for a translate of the record of trial in the case in question, and in the meantime, to order suspension of the sentence as regards the 1st prisoner.

Precipt

13th October 18

Precept returnable within X
days from and after its receipt.

Exd
E.T.

F.110

Friday
14th October 1859

At a Court of the Foujdaree Adalut.

Present.

G. A. Hooper Esquire.
T. La Strange Esquire.
H.D. Phillips Esquire.
} Puisne Judges.

Read letter from the Session
Judge of Chittagong dated 7th October, re-
questing to be informed whether there
is any objection to a sentence of corpo-
ral punishment being carried into
effect by instalments at three differ-
ent times, as the prisoner is physically
unable to bear the full number of
lashes at one time.

Here enter F.110. No. 1778 of 1859.

The Court disapprove of
the course suggested by the Civil Judge,
and the full sentence or such part of
it as the prisoner is able to bear must
be carried out at one and the same
time.

Read again Calendar of

Case

14th October 1859

Case No 36 of 1859 on the file of the Session Court of Vellore.

(Here enter F.M. No 1742 of 1859)

Read also letter dated the 7th instant from the Acting Session Judge of Vellore, offering certain elucidation on the above case, and requesting further orders of this Court.

(Here enter F.M. No 1782 of 1859)

On a perusal of the foregoing letter, the Court of Foujdaree Udalut directs, that the sentence proposed in their proceedings of the 4th instant, be carried out in the above case, leaving, however, the act quoted by the Acting Session Judge to stand as the authority under which it is passed.

Read letter dated 30th September 1859 from the Session Judge of Cuttack submitting for the final judgment of the Foujdaree Udalut the record of the Case No 75 of 1859 on the file of the Session Court.

(Here enter F.M. No 1791 of 1859)

14th October 1859

Mr Phillips.

Attempt at 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 prisoner Seelamadren 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.

E.P.
E.T.

F. 110.

Saturday
15th October 1859.

At a Court of the Fouzdaree Adalut.

Present.

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

Read a report of Criminal Case No. 45 of 1859 disposed of by the Sessions Judge of Gunteor.

[Here enter F. 110. No. 1781 of 1859]

With reference to the favourable character of the prisoner in this case, as mentioned by the Judge, the Court resolve to cancel that part of the sentence awarding lashes.

E. P.
E. T.

Monday,
17th October 1859

F. 80

At a Court of the Fouzdaree Adalut.

Present.

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

Read letter dated the 7th October 1859 from the Sessions Judge of Madura, submitting for the final Judgment of the Fouzdaree Adalut the record of trial in Case No. 72 of 1859 on the Calendar of the Sessions Court.

(Here enter F. A. No. 1787 of 1859.)

Mess.rs Hooper and Phillips.

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 Prisoners,

1st Veerabhan Ramun

and

2d Palanyandy,

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

"Murder and Theft"

them

them thereof, and direct that they be set at 17th October 1859
liberty.S
S.P. 29

Tuesday,
18th October 1859.

J. U.

At a Court of the Tongdarre Udalut.

Present.

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

Read letter from the Acting Subordinate Judge of Chittoor dated 15th October, requesting permission to offer a conditional pardon to one Narava Reddy.

(Here enter J. U. No. 1805 of 1859.)

Under the recommendation of the Acting Subordinate Judge, the Tongdarre Udalut sanction the offer of a conditional pardon to Narasa Reddy. The Certificate will be forwarded when the conditions on which the pardon is granted shall have been fulfilled.

Read Calendar of case No. 46 of 1859 on the file of the Session Court of Coimbatore.

(Here enter J. U. No. 1799 of 1859.)

As herein recommended, the Court of Tongdarre Udalut, resolve to authorize the Sessions Judge, to issue his warrant for the

imprisonment

imprisonment of the prisoners for the period specified in the margin, in mitigation of the Sentence passed upon them in the said case.

1. Ayyanna
2. Chenny
3. Ramappa
4. Venkata and
5. Ramasawmy

(5) five years.

Read letter dated the 2d July 1859 from the Agent to the Governor at Vizagapatam, submitting for the final Judgment of the Foujdaree Udalut, the Record of Case No. 4 of 1859 on his file.

(Here enter F. D. No. 1765 of 1859.)

1. The Agent has called the attention of this Court to the careless and incorrect manner in which the Principal Assistant Agent, Mr. Knox, has drawn up his remarks on the Calendar, misstating the facts deposed to by some of the witnesses—an error calculated to mislead the Higher Court and lead to serious evils, and he has forwarded, with the record, for the information and orders of the Court, copies of the correspondence that has taken place between Mr. Knox and himself on the subject and of the proceedings in which he (the Agent) pointed out to Mr. Knox the error he had committed, and a perusal thereof shews beyond doubt that the Agent is sufficiently borne out in the observations he has made.

and

and that there is much probability that the result of the said error has been, as he states, the erroneous exculpation of certain of the accused who should have been committed, and the committal of others who should have been released.

2. The tone of Mr. Knox's letter to the Agent under date the 21st May 1859 is on the face of it, in opinion of the Court, objectionable and open to censure.

Read letter dated 2d July 1859 from the Agent to the Governor at Vizagapatam, submitting for the final Judgment of the Foujdaree Udalut, the Record of Case No. 4 of 1859 on his file.

(Here enter F. D. No. 1765 of 1859.)

The Court of Foujdaree Udalut

W. G. L. Booper.

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 Vyricherla Sunyasiranze,

"Assault attended with severe wounding and Murder."

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

18th October

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

E.P.S. E.E.

C.S. Chamier

F. 16.

Wednesday, 19th October 1859. At a Court of the Fouzdaree Udalut.

Present.

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

(No. 216)

Read letter from the Sessions Judge of Madura, dated 11th October 1859.

(Hons Enter Fdle. No. 1798 of 1859)

In this letter the Sessions Judge of Madura states that presuming, as authority had been given to the Police to summon direct, without previous reference to his official superior, any public officer whose evidence might be required, that the same power was vested in the Courts, he lately while in charge of the Criminal Court summoned a Police officer to attend as a witness, but that the Magistrate of the district objected to the proceeding, assigning as his reason that the Circular Order of the Fouzdaree Udalut, above referred to, is applicable only in cases where evidence is required to be given before the Police.

C.C. No. 215

The

2 The Court have to remark that the Circular Order in question which is based upon the instructions of Government, has reference only to proceedings held by the Police. They do not however see any reason why a distinction should prevail as to the course to be taken by the different authorities having power to make such requisitions, and they will therefore forward a copy of their proceedings to Government, and at the same time suggest that the restriction in question should be removed from every department having authority to summon either in criminal or civil cases—

Extract from Minutes of Council Station 16th December 1856

Read Calendar of Case No. 37 of 1859 on the file of the Sessions Court of Vellore—

(Hon Enter F No. No 1797 of 1859)

The Court of Foujdaree Adalut deeming the mitigated punishment proposed in this case inadequate for the Prisoner's offence, resolve to direct that he be sentenced to 2 years' Imprisonment with hard labor in irons—

Copy to the Sessions Judge of Madura

Adverting to the manner in which many records of referred trials are prepared and forwarded to the Foujdaree Adalut the

Circular

the Court have to call the attention of all Sessions Judges to their Circular of the 27th September 1824, and to request that the directions for the preparation of No 6, (List of Prosecutors witnesses) be strictly complied with—

Ed. E.T.

F No.

Thursday 20th October 1859

At a Court of the Fanjdaree Udalut.

Present.

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

Read again Miscellaneous Petition received on the 15th July 1859 thro' the Session Judge of Nuddeah from Poochee Ruzadee of that Zillah.

[Here enter F No. Dr. No. 106 of 1859]

Read also return dated 30th ultimo from the Session Judge of Nuddeah to the precept of the Fanjdaree Udalut under date the 19th idem, calling for a translation of the 6th prisoner's confession in Session Case No. 46 of 1859.

[Here enter F No. Dr. No. 1773 of 1859]

Mr Phillips

The Court of Fanjdaree Udalut see no sufficient reason for further measures, and reject the above petition from the 6th prisoner.

Read

20th October

Read Miscellaneous Petition
presented on the 28th July 1859 by J. H.
Branson Esquire, Pleader on behalf of
Ramgachary, appealing from the order
of the Session Judge of Chingleput
under date the 21st June 1859, directing
the Magistrate to send up the Petitioner
to take his trial before the Criminal
Court, together with certain witnesses
named in the order.

Have enter J. M. O. No. 121 of 1859/

The Foujdaree Adalut re-
quest the Session Judge will state for
their information, whether in issuing
the order, against which the above ad-
dress is an appeal, he has had before
him evidence other than that adduced
on the record which was before this
Court at the date of their proceedings
of the 11th June last.

2. The Foujdaree Adalut ob-
serve that the witnesses mentioned
in the proceedings of the Session Judge
under notice are stated to have been

witnesses

20th October 1859

witnesses in Case No. 21 of 1859 in the
Criminal Court

Precept returnable within
III days from and after its receipt.

The following Foujdaree
Miscellaneous Petition is rejected, Viz.
No. 142 of 1859.

J. W.

E. B.
E. T.

F. C.

Friday 21st October 1859. A Court of the Foujdaree Adalut.

Present.

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

Read Calendar of Cases No 147 of 1859 on the file of the Sessions Court of Coimbatore (Murder F. C. No 1813) 1859.

As Sessions 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 them in the said Case.

1 Sullamoodin: 7 years.
2 Pandy goundan: 7 years.

The Court of Foujdaree Adalut

2. would observe to the officiating Sessions Judge that it is not necessary that his sentence should embody an abstract of the evidence. It is sufficient that his

Should

should describe the facts proved, and by what evidence; and wherein there has been a defect of proof, and how. The 9th and 10th paras of his sentence, with a little amplification, would have sufficed as a record of the grounds of judgment in this case.-

Read letter from the Acting Agent to the Governor at Vizagapatam, requesting instruction as to the mode in which he is to dispose of a case of murder, the trial having been held before the late Agent but no opinion having been recorded by him.-

(Here enter F. G. No. 1804/1859)

1. As the functions of the late Agent have now ceased, he cannot, as suggested by the present Agent, be called on by this Court to resume any portion of them.-

2. The Acting Agent should go through the proceedings and dispose of the case according to his judgment. If deemed necessary by him, he can re-open the proceedings and take any further evidence he may consider desirable.-

Entd
"E.T.

F. No.

Saturday, 22nd October 1859.

At a Court of the Foujdaree Adalut.

Present.

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

Read Miscellaneous Petition presented on the 6th instant, by Messrs. J. B. Norton and J. W. Branson, Traders on behalf of Vaugen Pitchama and others, prisoners 1. 2. 3. and 4. in the Calendar of No. 53 of 1859 on the file of the Session Court of Nellore.

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

Messrs. Hooper, Strange, and Phillips.

1. This is an appeal from the sentence passed by the Session Judge upon the above prisoners.

2. The Court of Foujdaree Adalut direct that a copy of this petition be sent to the Session Judge, who will inform them whether it be the case that the receipt in question was brought to the notice of the Police authorities

authorities immediately that the matter connected therewith arose, and several days before the date on which the Session Judge has deemed it to have been produced for the first time

3. The Session Judge is requested to send up the documents thus referred to by the petitioners, and should they contain the information the petitioners declare to be in them, he is further requested to send up translation of the record.

4. In the meanwhile, the Foujdaree Udalut direct that the sentence passed on the petitioners, be suspended.

Precept returnable within X days from and after its receipt.

Read Miscellaneous Petition presented on the 28th May 1859, by I. B. Norton Esquire and I. W. Branson Esquire, Pleaders on behalf of Ramy Pichama Iyanchiar, of zillah Madura.

/Here enter F.M.D. No. 80 of 1859/

This

22d October 1859

1. Petitioner appeals from the proceedings of the Session Court under dates the 18th and 25th April last, referring her to the Magistrate, and directing that officer, on her preferring her charge in person, to investigate it as a bimitio in that capacity, and dispose of it according to the Regulations; and prays that the said proceedings may be modified by a declaration that the petitioner is not bound to appear and prosecute in person.

Read also Counter Petition presented on the 15th August 1859, by I. D. Mayne Esquire and V. Sadagopa Charlu, Pleaders on behalf of Rance Inganoo Iyanchiar, of zillah Madura.

/Here enter F.M.D. No. 134 of 1859/

Messrs. Hooper, Strange, and Phillips. 2. The Court have only to remark upon the merits of this order that in requiring that the petitioner should prosecute her charge before the Magistrate in person, it is presumed that the Session Judge has not intended that

she

she is to be subjected to that exposure in a public office from which the Regulations protect one of the petitioner's rank and sex.

3. The Court have to notice that it has come to their knowledge in the course of other proceedings that the zemindar has now attained his majority, a circumstance which the Magistrate ought should take into consideration in judging whether he should now act upon the petitioner's representation affecting what concerns the interests of the zemindar, who is now able to protect his own interests.

Read Miscellaneous Petition presented on the 5th April 1859, by J. B. Norton Esquire and Canonnagara Iruvon, Pleaders on behalf of Subramaneya Pillay and 10 others, of Zillah Tinnevelly.

(Here enter F.M.D. No. 57 of 1859)

1. Petitioners appeal from the proceedings of the Session Judge under

Mess. Norton & Strange and Phillips

under date the 3rd January last, annulling the order of the late Magistrate Mr. Bird, and that of the acting or Joint Magistrate in charge, whereby the latter officer interdicted the carrying of the dead body of a native christian thro' a certain road in Tinnevelly to the place of burial.

2. The Court are under the necessity of setting aside the order of the Session Judge appealed from. The Magistrate interdicted the passage of dead bodies of christians through the street in question, being of belief that such use of the street would lead to a breach of the peace. The Session Judge overruled this interdiction on the ground that the street was a public highway, open to such use. The Session Judge has, it here appears to the Court, based his decision upon view of a civil right, existing in the parties desiring to

make

make the use in question of the street, and has thereby gone out of his province of Sessions Judge as respects the ground upon which the Magistrate's order was actually founded, it has been ruled by the Foujdaree Udalut under date the 6th July 1854, that the matter is one lying purely within the discretion of the Magistracy with which the Session Judge has not authority to interfere. It will rest therefore with the Magistrate to determine when to withdraw the interdiction in question.

Ed. Ed.

26th October 1859 Monday

2 L. 4th October 1859.

F. U.

At a Court of the Foujdaree Udalut,

Present:

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

Read Miscellaneous Petition presented on the 28th May 1859, by Arthur M. Ritchie Esquire and M. Venkataroyaloo Naidoo, Pleaders on behalf of Sreenivasarow, of Tillah Coimbatore.

(Here enter F. M. P. No. 85 of 1859.)

1. Petitioner appeals from the order of the Session Judge under date the 26th February 1859, confirming that of the Assistant Magistrate dated the 3d September 1858, whereby that officer dismissed the charge of robbery preferred by the Petitioner against Ragavendra Row.

2. Petitioner states that he is unable to produce to this Court a copy of the decision of the Assistant Magistrate, in consequence of that officer's refusal to grant it, as well as a copy of the proceedings held in the case, for which the Petitioner had applied.

3. Before finally disposing of the matter of the foregoing Petition, the Court of Foujdaree Udalut resolve

resolve to direct the Sessions Judge to grant to Petitioner 24th October
copies of the Magistrate's order and proceedings held in
the case in question.s

L.S. E.T.

F. No.

Tuesday, 25th October 1859.

Mr Court of the Sessions Malabar.

Present.

G. T. Hooper Esqr
T. Le. Strange Esqr
H. D. Phillips Esqr
} Puisne Judges.

Read Calendar of Cases
No 36 of 1859 on the file of the Sessions Court
of Mangalore.

Thereunder F. No. No 1819 of 1859

It herein Recommended, the
Court of Sessions Malabar, resolve to autho=
=rize 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.

6 No Mar Ther Probi
7 " " Kakra
8 " Berenar Kajumba
9 " Lorpado Kajumba
10 " Billa and Vanthappa
Seven Years.

Read Calendar of Cases No 37
of 1859 on the file of the Session Court of
Mangalore.

Thereunder F. No. No 1818 of 1859

It herein Recommended, the
Court of Sessions Malabar, resolve to authorize
the

25th October 1859.

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.

x 1st Dasya Thevan
2d Thadappa
3d Sinna.
Seven years

Read report B submitted by the Session Judge of Mangalore for the months of August and September 1859.

[Here enter F. No. 1820 of 1859.]

1. The Tongdaree Medalut observes that Kanta, the Prisoner in Case No 92, had been acquitted of the offence of Theft therein charged, but sentenced to six months imprisonment in No 93 for escaping from custody in a Village prior, it is to be inferred to reaching the Criminal Court.

2 The Tongdaree Medalut request the Session Judge will consider and report whether there are circumstances in the case which call for the infliction of such an extent of punishment; and that he will modify it should the record fail to impress him with its necessity.

Read Calendar of Cases No 26 of 1859 of the Session Court of Chittoor.

[Here enter F. No. 1862 of 1859.]

Before

25th October 1859.

1. Before disposing of the Sessions Judge's recommendation for a mitigated sentence in the case above mentioned, the Tongdaree Medalut desire to have a brief abstract of the testimony given by the eye witnesses of the Robbery charged, and of that to the apprehension of the accused with the stolen goats in their possession.

2. They further wish to know whether the sheep stated to have been stolen during the course of the year, were so stolen secretly or by open violence, and whether the persons now before the Session Court are believed to have been in any way concerned in the commission of those offences.

Precept returnable in III days from and after its receipt.

Read Extract from the Proceedings of the Session Court of Cuddapah under date the 14th Instant, submitting the Calendar of persons tried by the Magistracy of Cuddapah during the 2d Quarter of 1859.

[Here enter F. No. 1809 of 1859.]

The Session Judge's Remarks

1.

No 24.

on

on this case is unnecessary, as the information conveyed therein is given in the Calendar.

2 The Courts of Foujdaree Udalut concur with the Session Judge - In cases of this kind the discretionary powers vested in the Magistracy by Section XIV, Regulation IX of 1816, should be carefully exercised. Nos 22, 31, 32 and 38.

3. The Session Judge should have ordered the meaning of the Defendants statement that he had spent the 5 Rupees received by him "for village expenses" to be cleared up, and it requested to do so now, reporting the Result. No 37

4 It does not appear from the Remark on this case whether the Session Judge approves or condemns the course taken by the Magistracy. If, as would seem to be the case, the 1st Defendant had had an opportunity of sowing the land and gathering the crop which resulted from such sowing, the posses-sion for that year at least would seem to have been with 1st Defendant. Explanation is therefore required from the Session Judge as to the cause of his non interference with No 39.

the

No 40

Sentence of the Acting Head Assistant Magistrate.

5 The Foujdaree Udalut would wish to know more of the features of this case and of the view which the Session Judge takes of the Defendants liability to the fine imposed - The Session Judge will also be pleased to report when and where the Defendants declared their intention of not obeying in future the order of the Acting Head Assistant Magis-trate.

In Case No 42 nothing appears to indicate the social position of the Defendant Mr. G. Re. Jeffer the omission should now be supplied.

7. Of the items which form the charge in Case No 43, the 1st 2d and 4th exhibit neglect of duty on the part of the prisoner, a Village Moonsiff, which was no licensed by the Magistrate himself, and needed not under-line in the Quarterly Calendar - The 3d item is an obvious abuse of authority which, in the opinion of the Foujdary Udalut, has been inadequately punished by a fine of three Rupees;

but

25th October 18

but the said item and Nos 5 and 6, also acts of abuse of authority, should be heard formed matter for separate charges and reports.

Exd" E.T.

H. C.

Wednesday, 26th October 1859.

At a Court of the Tongdaree Wodalut:

Present:

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

Read Calendar of Cases Nos 35,
Submitted by the Sessions Judge of Chingleput:
Here enter J. C. No. 1864 of 1859.
The Tongdaree Wodalut desire to
be informed of the circumstances under which
the Sessions Judge has recorded the opinion that
the hands of the 1st Witness were purposely set
on fire.

Querying also to the Futwah,
2.
the Court would wish to know whether, as
stated by the Mahomedan Lecdder Ameen, only
the 2nd prisoner is shown to have threatened
to burn the 1st Witness' house, or whether,
as represented in the Calendar, both he
and the 1st prisoner used a threat of that kind.

Receipt returnable in V days
from and after its receipt.

Read

26th October 1859.

Read Calendar of Case
No 35 of 1859 on the file of the Sessions Court
of Chittoor.

/Here enter F. No. No 1861 of 1859./

In accordance with the
Sessions Judge's recommendation, the Court
of Zoujdaree Udalut resolve to direct
that the 1st 2d 3d and 5th Prisoners in this
Case be sent to the undermentioned Jails
in order there to undergo the sentences passed
upon them by the Sessions Judge.

1st Prisoner to the Jail at Masulipatam.
2d Do Do at Bellary.
3d Do Do at Trichinopoly.
5th Do Do at Madura.

Read Criminal Reports sub-
mitted by the Sessions Judge of Rajahmundry
for the month of September 1859.

/Here enter F. No. No 1824 of 1859./

The Zoujdaree Udalut request
information regarding the circumstances under
which the property entrusted to the Con
to be conveyed from one place to another, is
considered to have been fraudulently em-
bezzled.

The

26th October 1859.

No 92 of 1859.
By the Hon'ble J. Anan

Copy also to Sessions
of Masulipatam
Bellary, Trichino-
and Madura.

No 7 of 1859.
By the Joint Magistrate

2. The character of the grand
charged it not apparent to the Zoujdaree Uda-
lut under the use of the words "making away"
they request explanation of the circumstances of
the case and an amendment of the indictment in
the manner which the Sessions Judge may deem
necessary.

Receipt returnable within VII
days from and after its receipt.

Read Calendar of Case No 31
of 1859 on the file of the Sessions Court of Trichi-
nopoly.

/Here enter F. No. No 1836 of 1859./

As herein recommended by
the Court of Zoujdaree 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
Code.

x 1st 12 Years Gaol Guardian
Three Years.

Read Calendar of Case No 27
of 1859 on the file of the Sessions Court of Chittoor.

/Here enter F. No. No 1863 of 1859./

Ans

26th October 1859

In accordance with the Sessions Judge's recommendation, the Court of Fouzdaree Udalut resolve to direct that the Prisoner in this case be sent to the Jail at Guntoor in order there to undergo the sentence passed upon him by the Sessions Judge.

Copy also to the Sessions Judge of Guntoor

Read letter dated the 12th instant, from the Agent to the Governor in Ganjam, reporting the release of the Prisoners in the Criminal case No. 10 of 1859.

Were enter F. No. No. 1843 of 1859.

The Prisoners in the above case appear to have been very properly released by the Agent.

Read letter dated 13th September 1859, from the Acting Session Judge of Bellary, submitting for the final judgment of the Fouzdaree Udalut the record of trial in Case No. 45 of 1859, on the Calendar of the Session Court.

Were entered F. No. No. 1808 of 1859.

The Court of Fouzdaree Udalut

Reps: Hooper and Phillips.

26th October 1859.

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 Roodrah

and

2d Bommeddy Dodale,

"Assault and wounding"

is sufficient to convict them of the offence charged, do convict them thereof; and Consider the provisions of Clause 3d, 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 (5) five years.

And being of opinion that the prisoners,

3d Kamakal,

4th Sungal,

5th Lumba Buseoah,

6th Sackagal,

7th Royeppal, and

8th Murreyah,

are

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

E.P. E.P.

F.No.

Thursday, 27th October 1859. At a Court of the Fouzdaree Adalut.

Present.

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

Read Criminal reports for the month of September, submitted by the Officiating Session Judge of Tinnevelly.

[Here enter F.M.C. No. 1822 of 1859]

No. 99 "Escape."

The Court resolve to call for the Report and original record in this case, and further to direct the suspension of the sentence passed, until final orders from the Fouzdaree Adalut.

Receipt returnable within 15 days from and after its receipt.

Read Calendar of Cases No. 56 of 1859 of the Session Court of Coimbatore.

[Here enter F.M.C. No. 1871 of 1859]

The person assaulted and robbed

robbrd (1st witness) is stated to have been previously acquainted with the five prisoners, who are Coravers by caste.

2 The robbery charged appears to have been committed at 4 P.M. or in broad day light, and 1st witness denounced the prisoners by name the same evening to the Monegar. He did not, however, name them to the 2d witness, who came up just after the commission of the robbery - on "certain Coravers" only, having them been alluded to by the sufferer.

3 The 4th witness bears testimony to the 1st witness' denunciation of the prisoners by name to the monegar, as is above stated.

4 The Fouzdaree Adalut request the Acting Session Judge to inform this Court of the circumstances under which the 1st witness' acquaintance with the accused Coravers is shown to have arisen; and also to state whether the omission to mention their names to the 2d witness is in any way accounted for

27th October 1859.

for in the record. It will also be well if the Acting Session Judge explains whether there is any reason to suspect the 1st witness of playing into the hands of the village police by designating as the guilty parties persons of the Coravar caste not really known to him until he addressed the police authorities.

Precept returnable within
III days from and after its receipt.

Read Miscellaneous Petition presented on the 8th September last, by J. W. Branson Esquire and D'Seroomia Charloo, Pleaders on behalf of Narrainsawmy, Prisoner in Case No. 31 of 1859 on the file of the Session Court of Bellary.

[Here enter F.M.O. No. 150 of 1859]

Read also Miscellaneous Petition presented on the same day by the same Pleaders, on behalf of Kuttarasawmy, Prisoner in Case No. 32 of 1859 on the file of the same Court.

[Here enter F.M.O. No. 151 of 1859]

Read

27th October 1859.

Read also Miscellaneous Petition presented on the same day by the same Pleaders, on behalf of Vellaven Naicker, Prisoner in Case No. 33 of 1859 on the file of the same Court.

[Here enter F.M.D. No. 152 of 1859.]

The Court of Tanjore Ulaganathan Mudaliar, Hooper and Phillips.
but resolve to call upon the acting Sessions Judge of Trichy to submit for their consideration, a translation of the record of trial in Case No. 31 of 1859, and to suspend the sentences passed in the above cases, etc. till further orders.

Precept returnable within X days from and after its receipt.

Read Miscellaneous Petition presented on the 27th July 1859 by Messrs. J.B. Norton and J.W. Branson, Pleaders on behalf of Sawoga Ambalagaren, of Zillah Madura.

[Here enter F.M.D. No. 125 of 1859.]

1. This is an application for the interference of the Court of Tanjore Udalut to override the order of the acting

Messrs. Hooper and Phillips

F.M.C.

27th October 1859.

Officiating Session Judge under date the 4th June last, whereby that Officer, in reversal of the order of the Head Assistant Magistrate dated the 7th February 1859, directed the bull in question to be left in possession of Paniavan Ambalam, and referred this petitioner to the institution of a Civil Suit for its recovery.

2. The recital of the evidence adduced before the police authorities in re and to the possession of the bull prior to a complaint regarding these authorities, which is contained in the order of the Head Assistant Magistrate, No. 44, dated the 7th February 1859, tends clearly to create a belief that such possession was with the people of Singarapoonary, and it is obvious therefore that any arrest or violent carrying off the sacred animal by the inhabitants of Caudlia-poor was an act of which the Magistracy could take cognizance. The Sessions Judge passes no opinion as to the party with whom possession rested,

but

but broadly declares that the question at issue is clearly of a Civil nature.

3. The Fouzdaree Adalut are unable to concur in this view of the matter, and therefore determine to annul the decision of the Session Judge recorded on the 4th June last, and to uphold the award of the Head assistant Magistrate.

Read Miscellaneous Petition presented on the 23d August 1859, by Mr. Arthur Mc Ritchie Esquire and Mr. Vencataroyaloo Naidoo, Pleaders on behalf of Cootty and 7 others, of zillah Coimbatore

[Here enter F.M.D. No. 141 of 1859.]

1. This is an appeal from the sentence passed by the Session Judge in case No. 19 of 1859, wherein the Petitioners are prisoners. Messrs. Hooper and Phillips

2. Before passing a final order on the foregoing petition, the Court of Fouzdaree Adalut resolve to call upon the Session Judge to submit a translation of the record of trial in the

the case for their consideration.

Precept returnable within X days from and after its receipt.

Read Miscellaneous Petition presented on the 25th July 1859, by J. W. Branson Esquire, Pleader on behalf of Seobhummal, of zillah Salem, appealing from the order of the acting Session Judge under date the 12th May 1859, confirmatory of the Head Assistant Magistrate's decision, whereby the petitioner's opponent was put in possession of the village of Conambutty which had long been in the petitioner's occupancy.

[Here enter F.M.D. No. 122 of 1859.]

Messrs. Hooper and Phillips

1. Under the circumstances which are ascertained from the order of the acting Head assistant Magistrate, there seems to the Fouzdaree Adalut to be no reasonable ground for doubting that the petitioner was in possession of the village under an arrangement effected with the deceased predecessor of the present superior of the Inam, and

they

27th October 1859

they are of opinion that such possession should have been upheld, and the Swamy left to seek redress by means of a Civil action.

2. They therefore resolve to annul the decision of the acting Head Assistant Magistrate, which the Session Court has affirmed, and to direct that the petitioner be allowed to resume her enjoyment of the village in question.

Entd

J. No.

Friday, 28th October 1859.

At a Court of the Foujdaree Adalut.

Present

G. A. Cooper Esquire.
J. Sc. Stranger Esquire.
H. D. Phillips Esquire.
} Puisne Judges

Read Criminal reports for the month of September last, submitted by the Session Judge of Cuddapah.

- No. 135. Grand. J. No. 1873 of 1859.

The infliction of Carbie in this case was quite illegal and most improper, the sentence should have at once been cancelled by the Session Judge. The Court further desire to know how this case came before the Subordinate Court and to be noted in these reports.

- No. 140. "Escape" J. No. 2.

The Court have repeatedly ruled that a separate sentence must be passed in case of Escape.

Precept returnable one within

28th October 1859.

within III days from and after its re-
ceipt.s

Exd
E.T.

J. 60.

Saturday 29th October 1859. At a Court of the Tongidarra Adalut

Present

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

Read Calendars of Cases
Nos 48. 49 and 50 of 1859 on the files of
the Sessions Court of Salem.
(Here enter J. 60. Nos 1891. 1892 & 1893 of 1859.)

Attending to the novelty
of the duties now being discharged
by the Deputy Magistrate, the Tongidarra
Adalut are of opinion that the in-
proceedings taken by him in Cases
of the character now under notice
should be carefully watched by the
controlling authorities.

Read Criminal Report
B submitted by the Acting Sessions
Judge of Bellary for the month of
September 1859.
(Here enter J. 60. No 1811 of 1859.)

The

The sentence in these cases is so lenient as, in the Court's opinion, to amount to a failure of justice.-

Cases Nos 162 and 163. By the Sub Criminal Judge.

Read letter from the Sessions Judge of Nundial dated 18th October 1859.-

/Here notes F. 80. No. 1874 of 1859./

In this letter, the Sessions Judge requests to know, with reference to — Circular Order 27th May 1829, whether a sentence of imprisonment for perjury may be put on on his trial for forgery committed previous to such sentence, the punishment prescribed by law for both offences being the same.

2. The Court are of opinion that the same degree of criminality attaching to the two offences, and the punishment in both cases being the same, the principle on which the Circular Order referred to by the Judge is founded would forbid the prisoners being now put on his trial.-

Read Extract from the Proceedings of the Sessions Court of Trichinopoly under date the 22d instant, reviewing the Petty Calendars for the 3d Quarter of 1859.-

/Here notes F. 80. No. 1878 of 1859./

The Court of Foujdaree Adalut observe that it is unnecessary for the Sessions Judge to hold proceedings on these Calendars except when remarks are called for.-

Read Extract from the Proceedings of the Sessions Court of Salem, dated 21 instant, held on review of the Petty Calendars of the Magistracy for the 3d Quarter of 1859.

/Here notes F. 80. No. 1882 of 1859./

The Foujdaree Adalut approve the observations addressed to the Acting Magistrate in respect of the Deputy Magistrate's proceedings in

cases

Case No. 10/126.

2. It should further have been pointed out that objectionable delay appears to have occurred in the disposal of cases Nos. 7/123 and 12/128 which the Deputy Magistrate called up from the Taluk for personal investigation in his own office. When a measure of the kind has been determined on, it is specially incumbent on the Deputy Magistrate at once to proceed to enquiry so that the parties concerned may not be subjected to detention.

3. It would have been satisfactory had the Sessions Judge ascertained on what particular grounds the Deputy Magistrate felt called on to bring cases of this kind adverted to under his own investigation.

4. The explanatory remark in the last columns of the Deputy Magistrate's Calendar are deficient in

clearness.

5. In Case No. 101 of the Joint Magistrate's Calendar, such imprisonment as has been awarded should have been passed, unless the fine were paid, not in the village choultry, but in the zillah jail.

6. For the offence of theft charged in Case No. 90 a fine was not a legal punishment. The designation "fraud" has been erroneously applied to the case in question.

Ex. Edn.

J.M.

J. Ho.

Monday
31st October 1859

Ho Court of the Sangloreo Adalat.

Present.

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

Read letter dated 17th October 1859 from the Sessions Judge of Calicut, submitting for the final judgment of the Sangloreo Adalat the record of Case No 77 of 1859 on the Calendar of the Sessions Courts.-

(Record entered J. Ho. No 1897 of 1859.)

Mr Hooper — The Court of Sangloreo Adalat on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner, Kodiaparambata Aretang, is sufficient to convict him of the offence charged, do convict him thereof; and sentence him to

(wounding) with intent to Murder".

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

Ent.
" Et.

F. No.

Tuesday
1st November 1859.

At a Court of the Gonaives Modulet.

Present:

G. T. Hooper Esquire
J. L. Strange Esquire
H. D. Phillips Esquire
} Resident Judges.

Read the following letter
from the Resident Judge of Salem under date
the 21st ultimo.

Here enter J. No. 1881 of 1859.

1. In the foregoing letter the Session
Judge solicits authority to dispose by Public
auction of certain articles of property in deposit
in the Session Court, which were brought in in
Criminal cases, and which have accumulated
from the year 1843.

2. The Court of Gonaives Modulet
Resolves to authorize the disposal of the property
referred to in the manner proposed by the
Session Judge; but they direct that previous to
the sale a list of the several articles be made,
setting forth the cases in which they were

Received

received and transmitted to the Magistrate,
who should be requested to cause the same
to be published throughout the District, and
to be notified that such property will be sold
sold on left claimed before the expiration of
a certain date to be fixed by the Sessions
Judge, and to be made known in the
advertisement.

Read letter dated 22 October
1859 from the Sessions Judge of Salem, sub-
-mitting for the final Judgment of the
Tanjore Adalut the Record of Cal. No.
46 of 1859 on the Calendar of the Session
Court.

Present: No. 1883 of 1859.

The Court of Tanjore Adalut, Mess^rs G. S. Hop[illegible] and H. 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 prisoners,

1st. Candim Saib.
2d. Shimmarayen
and
3d. Seldon,

is sufficient to convict them of the offence charged "Murder"

4th November 1859.

charged, do convict them thereof; and under
the provision of Section X, Regulation VIII of
1802, sentence them to suffer death by being
hanged at the usual time and place of
execution.

H. D. P. S. T.

F. V. C.

Wednesday 3rd November 1859.

In the Court of the Joydaree Vedalak

Present:

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

Read letter from the Sessions Judge of Gunloor dated 21st October, submitting correspondence with the Magistrate of the District, and requesting the opinion of the Court on two questions connected with the disposal of cases submitted to the Moofty Sudder Ameen under Regulation 1 of 1820.

(Here enter F. C. No. 1856 of 1859)

1. It was within the competency of the Head Assistant Magistrate to abstain from committing the case under the palliating circumstances so clearly apparent. But as he chose to follow the strict course of the law rather than exercise his discretion, the Court consider the Moofty was bound to pass judgment. In doing so, solely with

a

a view to uphold the law and not to punish a man who seemed guiltless, the merest nominal punishment would have sufficed, and had such been awarded, the present reference could not have arisen.

The Court do not think the renter can be committed under Clause Ninth, Section VI, Regulation 1 of 1820; but the Moofly has properly apprehended the bearings of the case with the exception pointed out above.

Read Criminal Reports for the month of September submitted by the Sessions Judge of Chittoor.

(Here enter F. R. No. 1839 of 1859)

1. In his proceedings on the 1 Report of case No. 97, the Sessions Judge directs the Subordinate Judge to inform him of the facts of the case, and be whether in his opinion the Moofly Sudder Ameen has taken a correct view of the matter. The Court would point out that when the Subordinate Judge has once referred a case to the Moofly, it is completely out of his hands, and he has no power of controlling or superintending the proceedings, a duty which devolves on the Sessions Judge only.

2. The Court have to remark that the order of the Sessions Judge in Nos. 98 and 99 as far as regards the non disposal of the case after inquiry by the Subordinate Judge pending the orders of the Sessions Judge are illegal, and must be cancelled. The Sessions Judge can deal with the case when it comes before him in the 1 Report; but can pass no prospective orders.

Read letter dated 26th October 1859, from the Session Judge of Chittoor, submitting for the final judgment of the Tonjadare Udalut the record of trial in case No. 24 of 1859, of the Calendar of the Session Court.

(Here enter F. R. No. 1885 of 1859)

Mysrs. Hooper and Phillips

The Court of Tonjadare 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 Chennoyadoo, alias Chinnappa,

and

and

2d Baligadoo, alias Balireddy

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.

"Murder & with Robbery"

1. The Foujdaree Adalut have of late observed the frequent omission of dates in records of proceedings taken before the Police authorities in referred trials.

2. In the one above recorded the Court notices the absence of date of despatch in the communication first addressed to the Head of Police of Chandranaghery by the Village Monsiff regarding the murderous attack made on the deceased Poolleredy. It is obviously of much importance to the reviewing tribunal that no such omission should have occurred.

3. The Court further notice a similar absence of date in the return to the Warrant issued by the Head of Police for the apprehension of the Prisoners.

4. The Magistrate's attention is called to the necessity of adopting arrangements for at once securing the insertion of the dates of despatch and receipt in every communication which passes between the several police officers subordinate to his authority.

Sd. C. Chamier

Sd. E.F.

J. Uo.

Thursday. 30th November 1859.

At a Court of the Foujdaree Adaulut.

Present.

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

Read Calendar of Case
No. 66 of 1859 on the file of the Sessions
Court of Bellary.

(Here enter J. Uo. No. 1917 of 1859.)

As herein recommended,
the Court of Foujdaree Adaulut resolve
to authorize the Sessions Judge, to issue
his warrant for the imprisonment
of the prisoner for the period speci-
fied in the margin, in mitigation
of the sentence passed upon him in
the said case.

2d Cuddapah Goorroo-vadoo. (3) Three years.

Read again Miscellane-
ous Petition presented on the 23d
August 1859, by Arthur Mc. Ritchie
Esquire and Mc. Venkataroyaloo Naidoo,

Pleaders

3rd November 1859.

Pleaders on behalf of Coolly and
7 others, prisoners in Case No. 19 of 1859.

/Here enter T. Mc. P. No. 1141 of 1859./

The Court of Foujdaree Adawlut
adverting to their order
dated the 27th October 1859, resolve to direct
the Sessions Judge of Coimbatore to sus-
pend execution of the sentence appealed
from, pending the final disposal
of the foregoing petition.

Read again Miscellaneous
Petition presented on the
15th August 1859, by T. Sadagopa Charloo,
Pleader on behalf of Kaykangery Ca-
Mahomed, of Zillah Calicut.

/Here enter T. Mc. P. No. 136 of 1859./

Read also return dated
10th October 1859 from the Sessions Judge
of Calicut to the precept of the Fouj-
daree Adawlut under date the 3rd idem,
calling upon him to forward a copy
of the decision passed by the Head
of Police of Ernaad in the case of the
Petitioner.

/Here enter T. Mc. No. 1810 of 1859./

3rd November 1859.

Mr. Hoopes.

The Court of Foujdaree
Adawlut resolve to reject the Petition,
seeing no sufficient reason to inter-
fere with the order appealed against.

Read letter from the
Sessions Judge of Madura dated
20th October 1859, reporting on the con-
duct of the Head of Police of Dyn-
pooly Talook.

/Here enter T. Mc. No. 1879 of 1859./

Pending the receipt of
the Magistrate's report on this sub-
ject, the Court defer passing any
orders on this communication, a
copy of which the Court presume
has been forwarded to the Magistrate.

Read Miscellaneous
Petition presented on the 25th July
1859, by J. W. Branson Esquire,
Pleader on behalf of J. J. DeCosta,
1st Prisoner in Case No. 43 of 1857
on the file of the Sessions Judge
of Chittoor.

/Here enter T. Mc. P. No. 120 of 1859./

Petitioner

3rd November 1859.

1. Petitioner appeals from Mr. Hooper's order of the Sessions Judge under date the 1st July 1859, declining to furnish him with an authenticated copy of the sentence passed in the above case, and prays that the Sessions Judge may be instructed to grant him a copy of the sentence in question; and also permit him to take copies of all proceedings connected therewith, at his own expence.

2. The Court resolve to direct the Sessions Judge to grant copies to the Petitioner as requested.

The following Tongidaree Miscellaneous Petition is rejected Viz.t

No 176 of 1859.

Exd. E.T.

T. M.

Friday, 4th November 1859.

His Court of the Tongidaree Udalut:

Present.

G. J. Hooper Esquire
J. Le. Strange Esquire
W. D. Phillips Esquire
} Puisne Judges.

Read Calendar of Case

No 49 of 1859 on the file of the Sessions Court of Coimbatore—

1. The offence charged against the Prisoner is "Housebreaking with theft" in as it would appear the dwelling of the 1st Witness.

He is, however, represented in the Calendar that the 2nd and 3rd Witnesses clearly identified the Prisoner when in the act of robbing the 1st Witness of his property on the night in question.

3. This Remark requires explanation which the Tongidaree Udalut request the officiating Sessions Judge will furnish.

Precept returnable in 3 days from

from and after its receipt.

Read again Calendar of Case
N° 26 of 1859 on the file of the Sessions Court
of Chittoor.

(Here enter J. No. N° 1862 of 1859)

Read also return dated 27th
Ultimo from the Sessions Judge of Chittoor
to the precept of the Zoujdaree Adawlut under
date the 25th Idem, calling for certain ad-
ditional information in the above Calendar.

(Here enter J. No. N° 1903 of 1859).

As Recommended in the above
Calendar, the Court of Zoujdaree Adawlut
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 letter dated 24th October
1859 from the 2nd Sessions Judge of Trichinopoly,
submitting for the final Judgment of the
Zoujdaree Adawlut the record of Case N° 30
of 1859 on the Calendar of the Sessions Court.

(Here enter J. No. N° 1886 of 1859)

The

4th November 1859.

Present:
Mr. T. L. Hooper,
and
H. D. Phillips. Esqrs.

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

See Charangem,

"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; but considering that strong suspicion, though not amounting to conviction attaches to him, they direct that he do
Required under Clause sixth, Section 11, Regulation XV of 1803, to find two Sureties in 200 Rupees each surety, for his good behaviour and appearance when required, within 2 years, or in default thereof, he be detained for two years in confinement.

1. X Vasalanadoo alias Vencatagundo
2. Ramandoo
8 Years.

Exd
E.T.

H.P.

No 110

Monday 7th November 1859.

At a Court of the Fouydaree Adalut.

Present.

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

Read Petty Calendars of the Magistracy, submitted by the Sessions Judge of Cuddalore, for the 3d Quarter of 1859.

(Here enter Folio No. 1908 of 1859)

1 In Case No. 66, involving a charge of "Abuse of authority," the Fouydaree Adalut observe that although the complaint was preferred on the 21st February, yet that a decision had not been arrived at by the Deputy Magistrate until the 6th August last.

2 The Court of Fouydaree Adalut do not consider that any sufficient explanation has been advanced for so serious a delay in respect of a charge which, from its character,

character, demanded immediate notice. If the Talook officers were neglectful or dilatory in the submission of such information as was wanted by the Magistracy, it was the duty of the latter to urge them on to an early discharge of their duties. Charges of "abuse of authority" will cease to be made if they be ordinarily undisposed of for a series of months.

Read Miscellaneous Petition presented on the 27th September 1859 by V. Sadagopachariar, Pleader on behalf of Soobramanaya Aodiar, of Zillah Coudacoonum.

[Here enter Y.M.P. No. 162 of 1859]

1. Petitioner appeals from the order of the Session Judge under date the 31st May 1859, confirmatory of the decision of the Acting Special Assistant Magistrate dated the 11th April preceding, whereby that officer not only affirmed the dismissal by the Police Ameen, of the charge of assault and robbery preferred by the Petitioner, but likewise fined him Rs10 for preferring what he considered a litigious appeal against the proceedings of the Police Ameen. Ma. Phillips

2. The Court of Foujdaree Adalut are aware of no law or Regulation authorizing a Magistrate to impose a fine upon a party for preferring an appeal against the order of a Head of Police dismissing a charge made by him of assault and robbery; on the ground that such appeal is litigious. They therefore resolve to cancel the order of the Session Judge affirming such order by the acting Special Assistant Magistrate, and direct that the fine (if realized) be refunded to the petitioner.

7th November 1859

Read again Miscellaneous Petition presented on the 11th July 1859, by V. Sadagopachariar, Pleader on behalf of Moottoovenapa Moodely and another

another, of zillah Madura.

/Here enter F.M.D. No. 115 of 1859./

Read also return dated 8th ultimo, from the Session Judge of Madura, to the precept of the Foujdaree Udalut under date the 29th September 1859, calling for certain information in the matter.

/Here enter F.Uo. No. 1794 of 1859/

1. In their proceedings of date the 29th September last, the Foujdaree Udalut indicated the opinion of the Court in respect of the position held by the Petitioners in the village from which an attempt had been made to realize dues claimed by a Dundarum of the Pagoda, other than he under whom the Petitioners were in possession; and it was observed, that, unless that position were refuted, the complainants before the Head Assistant Magistrate would seem to have been the trespassers. Mr. Phillips.

The

2. The above return from the Session Judge does not show that any weight has been allowed to the circumstance, to which they, therefore resolve to draw his attention and will await his reply before passing final orders on the Petition before them.

3. The Session Judge will necessarily bear in mind, that activators in possession, as such, of the Pagoda villages, can have no concern with the rivalry of the two Dundarums, but would discharge their duty to whomsoever might have been declared the legal representative of the rights of the institution.

Precept returnable with in XX days from and after its receipt.

The following Foujdaree Miscellaneous Petitions are rejected. Viz. Nos. 93. 113. 121. 149. and 168 of 1859.

E. Reed

F.M.C.

Tuesday,
8th November 1859.

At a Court of the Foujdaree Adalut.

Present.

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

Read letter dated the 28th October 1859, from the Acting Session Judge of Masulipatam, submitting for the final judgement of the Foujdaree Adalut the record of Case No. 55 of 1859 on the Calendar of the Session Court.

(Here enter F.M.C. No. 1930 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 prisoner,

1st. Nundum Reddy alias Venkatareddy.

is sufficient to convict him of the offence charged, 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 (10) ten years.

8th November 1859. Assault.

Ext Evidence.

Wm. Williams

Wednesday, 9th November 1859.

S. C.

H.M. Court of the Sessions Colombo.

Present:

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

Read Criminal Reports for the month of September submitted by the Agent at Galle.

Here enter S. C. No 1030 of 1859.

No 31. "Assault, &c."

This case should have been disposed of long ago, there is no occasion to wait for the apprehension of the first prisoner.

Read petty Calendars of the Magistracy for the 3rd Quarter of 1859 submitted by the Sessions Judge of Madura.

Here enter S. C. No 1948 of 1859.

Nos 81-82-88, &c.

The Court are surprised that the Magistrate should have submitted his petty Calendars containing charges drawn up in the irregular and careless manner in

to which

9th November 1859

which those of the Assistant Magistrate now appear. It was his duty to return them with instructions for their correction by that officer, and the Court desires that he will now take this course. The Sessions Judge will also call for an explanation of the sentence in No. 92 passed under a Regulation which has been rescinded.

The Sessions Judge does not appear to have carefully reviewed these Calendars.

Entd

Thursday.
10th November, 1859.

Criminal 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. 68 of 1859 on the file of the Sessions Court of Bellary.

Name Enter Fille. No. 1927 of 1859.

This case appears to the Court of Foujdaree Adalut to have been committed on wholly insufficient grounds, as the mere act of paying for the hotel with a bad four anna piece, without circumstances to create a presumption that the Prisoner tendered it with a guilty knowledge, afforded no just grounds for suspicion or prospect of a conviction.—

Read

Read again Calendar of Case No. 56 of 1859 of the Sessions Court of Coimbatore.—

/Here Enter F.No. No. 1871 of 1859/

Read also return dated the 1st instant, from the Officiating Sessions Judge of Coimbatore, to the precept of the Foujdaree Adalut under date the 27th ultimo, calling upon him to inform the Court of the circumstances under which the 1st witness in the above case is shown to have been acquainted with the accused Coravers and report on other points noticed in the case.—

/Here Enter F.No. No. 1942 of 1859/

As recommended in the above Calendar, 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 (8) Eight years.

of the sentence passed upon them in the said case.—

Read Calendar of Case No. 33 of 1859 on the file of the Sessions Court of Cuddalore.

/Here Enter F.No. No. 1954 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.—

1st Maroothayan
2d Ramen.—

Five years.

Read Criminal Report B submitted by the Sessions Judge of Cuddapah for the month of September 1859.

/Here Enter F.No. No. 1946 of 1859/

The Court of Foujdaree Adalut observe that the delay of 21 days in the disposal by the 2d Class Deputy Magistrate, of the case of Cattle stealing which he has

1st Ramen
2d Parvanad
3d Lutchoozion
and
4th Kandchaul (female).

(8) Eight years.

has decided, would necessarily occur in every case if similar references were made to the Heads of Police. It is presumed that this officer has cause from the record to infer that the accused had formerly been punished. Otherwise the reference was objectionable.—

Circular.

Foujdaree Adalut Circular Order No. 215 authorizes Police Officers to summon direct, without reference to their official superiors, any public officer whose evidence may be required. Under the authority of Government, the Foujdaree Adalut extend the same power to all departments having authority to summon either on Civil or Criminal Cases.—

H.M.

E. & Bll.

Friday, 11th November 1859.

Fo. No.

At a Court of the Foujdaree Adalut.

Present.

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

Read letter dated 9th September 1859 from the Session Judge of Rajahmundry, submitting for the final judgment of the Foujdaree Adalut the record of Case No. 20 of 1859 on the file of the Session Court.

(Here enter Fo. No. No. 1960 of 1859.)

Mr. Hooper.

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

1st. Anikoola Tirpatigoundoo,

Housebreaking and Theft.

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

has decid
in every e
were made
It is presu
has cause f
that the ac
been punish
ference was

Order No. 215
cers to sum
reference to
any public
may be requ
thority of G
Foujdaree A
power to all
authority to
Civil or Cri

charged, do acquit him thereof, and
direct that he be discharged

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,

2d Sibbala Lutchmeedoragaudoo,

is sufficient to convict him of the offence charged, do convict him thereof under the provisions of Section XXI, Regulation VIII of 1802, and sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of (8) eight years

Read letter from the Session Judge of Coimbatore, dated 21st October 1859, requesting the Court, at the instance of the 2nd Respondent of the 21st April 1859, that none cannot be awarded under Section VIII, Regulation

4th November 1859.

of 1816, in cases of Fraud.

(Here enter File No. 1900 of 1859)

The Court are unable to alter their ruling on this point on the grounds of expediency, the law and Regulations not justifying the award of irons in such cases.

Read Calendar of Case No. 25 of 1859 on the file of the Session Court of Rajahmundry.

(Here enter File No. 1956 of 1859)

It is 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.

Respectfully Somerville.

Five Months.

E.B. E.T.

No 40.

Saturday 19th November 1859.

At a Court of the Inquisitorial Adalat.

Present.

G. L. Harris Esquire
F. L. Strange Esquire
H. D. Phillips Esquire
} Puisne Judges.

Read Calendar of Case No 67 of 1859 on the file of the Session Court of Bellary.

(Seventeen Nos. No 958 of 1859.)

The Prosecutor should have been watched if the offence subsisted even in the event of the Girl being a consenting party, as in this case, the Acting Assistant Judge considers her to have been.

Ent'd E.T.

Monday,
14th November 1859.

F. D.

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. 52 of 1859 on the file of the Sessions Court of Salem.

(Here enter F. D. Nº. 1979 of 1859.)

1 The remarks made by the Sessions Judge in the above Calendar, are insufficient to admit of the formation by the Foujdaree Adalut of an opinion relative to the propriety or otherwise of the Sessions Judge's disposal of the charge

2 The Sessions Judge is therefore requested to supply a brief but clear statement of the general features of the case, and of the testimony by which it was supported.

Precept returnable in V days.

Read letter dated the 28th Ultimo from the Sessions Judge of Calicut, submitting for the final judgement of the Foujdaree Adalut the

the record of Case No. 79 of 1859 of the Calendar of the Session Court -

/Here enter F. W. No. 1965 of 1859-/

The Court of Foujdaree Adalut Messrs. Lyall, Hooper & H. 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 prisoners, - "Murder."

1st Ayankot Cholakel Chatan -
2d Velaparatatodoogail Cholakel Chambagoo
3d Poolampooran Cholakel Chenan -
and
4th Kayadakat Cholakel Kandeo,

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 -

In a case of this important character it was of essential necessity to avoid delay in the preliminary proceedings, and with that object in view, the Foujdaree Adalut are not of opinion that the intervention of the Navarathry holidays

14th November 1859

holidays should have been regarded by the Head of Police of Thennoad, as a sufficient reason for deferring till the 2d October, the examination of the Prisoners, which, for all that appears to the contrary, might, it would seem, have been commenced on the day succeeding the 28th September, when the Police Officer saw the Corpse and authorized its removal -

Read Calendar of Case No. 36 of 1859 on the file of the Session Court of Chingleput -

/Here enter F. W. No. 1978 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 Ramasami
3d Kullan.
(3) Three years -

Read again Calendar of Case No. 49 of 1859 on the file of the Session Court of Coimbatore

/Here enter F. W. No. 1899 of 1859/

Read

Read also return dated the 8th November 1859 from the officiating Sessions Judge of Coimbatore to the precept of the Fouzdaree Adalut under date the 4th idem, calling for information as to the fact that the 2d and 3d witnesses in the above case clearly identified the prisoner when in the act of robbing the 1st witness of his property, as stated in the said Case -

/ Here enter F. D. No. 1975 of 1859 /

The Fouzdaree Adalut are not of opinion that their requisition to which the above return contains a reply, is a bar to strict conformity with this Court's instructions of date the 21st October last -

2. The requisition now answered by the officiating Sessions Judge pointed to the fact that the testimony of two witnesses showed the prisoner to have been identified in the act of robbing the 1st witness in a case where the charge was "House breaking with theft", there being, however, nothing in the indictment or in the remarks of the officiating Sessions Judge which indicated that the house broken into was the property of the 1st witness -

3. As recommended in the above Calendar, the Court of Fouzdaree Adalut resolve to authorize the officiating 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 -

× Ephraim. Five years.

Read again Criminal reports for the month of September, submitted by the officiating Sessions Judge of Tinnevelly -

/ Here enter F. D. No. 1822 of 1859 /

Read also return dated 2d November 1859, from the same officer to the precept of the Fouzdaree Adalut under date the 27th October 1859, directing the submission of Report D and the Original Record in Criminal Case No. 99 of 1859, as well as the suspension of the sentence passed in the above Case -

Here

/Have enter F. No. 1941 of 1859/

1. It is to be regretted that the officiating Sessions Judge did not, when the A. Report came under review before him, rectify or call for explanation in regard of the term "made away with a process issued by the Police officer" used in the charge under which the 1st prisoner has been punished by six months' imprisonment with hard labor in irons for "escape from custody".

2. The Foujdaree Adalut observe that this prisoner took and ran away with a Summons issued through or Mattoo Peon, to certain witnesses, in a matter in which the Prisoner was the complainant, and that this act being held it would seem by the Head of Police, to be a resistance to process, led to his arrest in order to his trial before the Police officer. It was whilst on his way to the Police Cutcherry that he was rescued by 2d Prisoner and others and effected his escape.

It

14th November 1859

3 It would seem however to have been overlooked by the officiating Sessions Judge, that the exercise in such a matter by a Head of Police, of the power of arrest which did not belong to him, had not placed the 1st Prisoner Nullacunnoo in that legal Custody from which an escape would be a punishable offence. The Foujdaree Adalut therefore resolve to annul the Principal Sudder Ameen's sentence, and direct that Nullacunnoo be set at liberty.

4 The offence charged against the 2d Prisoner is obviously of a less excusable nature inasmuch that he is not likely to have known that the issue of the process under which Nullacunnoo was arrested, had been in excess of the authority of the Police officer.

5. The Foujdaree Adalut are, however, of opinion, that the original illegality of the process cannot altogether be thrown out of consideration, and they think that under all the circumstances of the case the act of the 2d Prisoner

is

November 1859.

/14a

1. To officiating Sessions

A Report

re

is and deserving of so severe a punishment as that inflicted on him - Seeing

Murder.

Circular

the Judges have observed the omission on the part of the Police to record the exact hour and date on which the charge was preferred before them, and they direct that these particulars be invariably entered in the record sent up with the Prisoners; and that when omitted the Criminal Judge do at once call on the Police officer to remedy the defect -

Read letter dated the 24th ultimo from the officiating Sessions Judge of Coimbatore, submitting for the final judgment of the Foujdaree Adalut the record of Cases Nos 43. and 55 of 1859 of the Calendar of the Sessions Court -

/Reference F. Do. No. 1905 of 1859/

The Court of Foujdaree Adalut

Messrs Hoff 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

Forwarder Treasury,

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 -

1. The fly sheet accompanying the above record, has been erroneously prepared, inasmuch that it exhibits only the Numbers of the pages of the Sessions Courts proceedings and not those, in two separate columns, of the Police and Criminal records where are to be found the corresponding evidence of the persons examined in the Session Court.

2. The statement No 6 submitted under Foujdaree Adalut Circular order 27th September 1824, recently brought to notice by a Circular, is also faulty, because it exhibits the points of those witnesses only who were examined up to the commitment of the Cases to the Session Court - The statement under observation should have been

is not deserving of so severe a punishment as that inflicted on him - Seeing then that he has been in confinement since the 19th September, they direct his release -

In general referred trials which have lately come before the Foujdaree Adalut, the Judges have observed the omission on the part of the Police to record the exact hour and date on which the charge was preferred before them, and they direct that these particulars be invariably entered in the record sent up with the Prisoners; and that when omitted the Criminal Judge do at once call on the Police officer to remedy the defect -

Circular

Read letter dated the 24th ultimo from the officiating Sessions Judge of Coimbatore, submitting for the final judgment of the Foujdaree Adalut the record of Cases Nos 43 and 55 of 1859 of the Calendar of the Session Court -

/ Here enter F. D. No 1905 of 1859 /

The Court of Foujdaree Adalut

Messrs Hoff and Phillips

on

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

Veeramoorthee Ananany,

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 -

1. The fly sheet accompanying the above record, has been erroneously prepared, inasmuch that it exhibits only the numbers of the pages of the Sessions Court's proceedings and not those, in two separate columns, of the Police and Criminal records where are to be found the corresponding evidence of the persons examined in the Session Court.

2. The statement No 6 submitted under Foujdaree Adalut Circular order 27th September 1824, recently brought to notice by a Circular, is also faulty, because it exhibits the points of those witnesses only who were examined up to the commitment of the Cases to the Session Court - The statement under observation should have been

14th November 1859 to 14th November 1859.

been extended so as to embrace the witnesses examined in the higher tribunal.

3 The Foujdaree Adalat would further notice the omission to enter in the Police and Criminal courts' record, the number of the witnesses to which the pieces respectively relate. It is requested that the above remarks may be borne in mind on all future occasions of referring trials to this Court.

The following Foujdaree Miscellaneous petitions are rejected, Viz^t.

Nos. 175 and 183 of 1859.

Read Miscellaneous petition presented on the 21st July last, on behalf of Vyricherla Sunyasa Pauze, 1st prisoner in Case No. 4 of 1859 on the file of the Agent to the Governor in Vizagapatam.

[Here Enter F. M. P. No. 124 of 1859.]

The foregoing petition not having come under the consideration of the Court of Foujdaree Adalat when they disposed of the Case in question; the Foujdaree Adalat resolve to direct that the sentence passed in the Case on the

18th October 1859 be suspended until further orders.

S.D. S.D. C. D. Chamier

S.M.C.

Tuesday 1
15th November 1859.

At a Court of the Tinpahar Mahakut.

Present.

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

Read Calendar of case
No 66 of 1859 on the file of the Session Court of
Tombocamma.

Thwaites S.M. Vs 487 of 1859.

Mr Stein recommended,
the Court of Tinpahar Mahakut resolve to em-
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

Tangammal.
2) Pungavan.

Read Calendar of case No
81 of 1859 on the file of the Sessions Court of
Pundicherry.

Thwaites S.M. Vs 1959 of 1859.

Mr Stein recommended the
Court of Tinpahar Mahakut resolve to authorize
the Sessions Judge, to issue his warrant for the impri-
sonment of the prisoner for the period specified

2) Ramadoo
3) Three years.

on

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

Read letter from the Magistrate of Salem, late Principal Assistant to the Agent at Vizagapatam dated 9th November, submitting explanations with reference to the Proceedings of the Joujdaree Adalut, conveying their censure in regard to his disposal of case No 4 of 1859 on the file of the Criminal Court of the Principal Assistant Agent.

[Hereunto T.U. No 191 of 1859.]

The Court having already given the fullest consideration to the case in question and having perused all the proceedings and correspondence, including the Calendar referred to in para 2 of the late Principal Assistant Agent's letter, must decline to re-open the question the explanations now submitted affording no grounds for so doing.

Ent[d] E.T.

15th November 1859

J. U.

Wednesday, 16th November 1859. } At a Court of the Joujdaree Adalut.

Present:

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

Read Petty Calendars of the Magistracy for the 3d quarter of 1859, submitted by the Acting Sessions Judge of Nellore.

(Here enter J. U. No 1976 of 1859.)

No 838 & 87. The Magistrate was not authorized in demanding security in these Cases, the prisoners being charged with rape and arson, and not with being vagrants or suspicious characters. Sentence must therefore be cancelled.

No 106. "Fraud." 2 The Magistrate was not justified in awarding lashes and charge of petty fraud.

Read Calendar of Case No 34 of 1859 of the Sessions Court of Cuddalore.

(Here enter T. U. No 1985 of 1859.)

In accordance with the Sessions Judge's recommendation the Court of Joujdaree Adalut.

16th November 1859.

Udalut direct that the period of Imprisonment awarded to the Prisoner in this Case be in undergone in the Zillah Jail at Nellore,

Copy alsd to the Sessions Judge of Nellore.

Read again Letter dated the 15th Ultimo, from the Acting Subordinate Judge of Chittoor, requesting permission to offer a conditional pardon to one Narasa Reddy.

(Here enter F. Mo. No. 1803 of 1859.)

Read also Calendar of Case No. 30 of 1859 on the file of the Sessions Court of Chittoor.

(Here enter F. Mo. No. 1980 of 1859.)

1. The Foujdaree Udalut observe what is doubtless an error of the Copyist, in the Statement made that the 2d 1st and 3d Prisoners "were beaten by the robbers.

2. The Circumstances under which the 4th witness has appeared to the Sessions Judge to be deserving of reward, not being shewn in the Calendar, the Foujdaree Udalut infer that they have been brought to the notice of the Magistracy by a separate communication.

The

16th November 1859.

3. The usual Certificate of pardon accompanies these proceedings.

Foujdaree Udalut.

L.S.

Certificate of Pardon

to

Narasa Reddy.

Whereas under date the 18th October 1859, the Court of Foujdaree Udalut were pleased to authorize the Acting Subordinate Judge of Chittoor to tender an offer of pardon to Narasa Reddy, on Condition of his making a full disclosure of every Circumstance within his knowledge, relative to a Robbery committed on the night of the 4th August 1859, in the village of Nundimungalum Talook of Narraiyanavarum, in the Zillah of Chittoor.

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

Now, these are to certify and declare that in consideration thereof, the Court of Foujdaree Udalut have been pleased under the provisions of Section XX, Regulation VIII of 1802,

to

to confirm the pardon conditionally tendered as aforesaid, to the said Narasareddy, in so far as regards the act herein referred to.

And the Court do hereby confirm the said pardon accordingly.

Given under my hand and the seal of the Court this 10th day of November 1859.

E.T.

C. Chamier

F. & C.

Thursday, 17th November 1859.

At a Court of the Fouzdaree Adalut.

Present

J. L. Strange Esqre.
H. D. Phillips Esqre.
H. Forbes Esqre. (Offg.)
} Puisne Judges

Read Calendar of Case No. 70 of 1859 of the Sessions Court of Bellary (Here enter F. & C. No. 1990 of 1859.)

The Court of Fouzdaree Adalut are of opinion that a sentence of one year's imprisonment with hard labor in irons will be a degrade punishment for the offence of which the Prisoner in this Case has been convicted, and they resolve to call upon the Sessions Judge to reduce his sentence accordingly.

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

17th November 1859

to submit an English translation of the entire Record of the Case for their consideration.-

Read letter dated the 25th ultimo from the Sessions Judge of Combaconum, submitting for the final judgment of the Foujdaree Adalut, the record of Case No. 64 of 1859 of the Calendar of the Sessions Court.-

(Here enter F. Gen. No. 1906 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, Muttusamy

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.-

The Foujdaree Adalut do not find in the above record, the statement No. 6 of the points of evidence required by their

17th November 1859.

27th September 1824.

Their Circular Order marginally noted and to which a recent Circular specially called attention.-

2. It is requested that the omission may not occur in trials hereafter submitted, and that the Statement be made to embrace all such testimony as may be given before the Sessions Court.-

E. H. Hall.

J. 110.

Friday 18th November 1859. At a Court of the Sanjdara Adalut.

Present.

J. L. Strange Esquire — Puisne Judges
H. D. Phillipps Esquire —
H. Jeere Esquire. Offg.

Circular. Under the sanction of Government conveyed in its proceedings of the 3d November 1859, the Sanjdara Adalut direct that in all cases where, from the nature of the offence, the Subordinate Courts have final jurisdiction, references to Government under Act IV of 1849 shall be made direct to Government by the officers presiding over such Courts.-

Entd E.F.

Offg

J. W.

Saturday 19th November 1859

The Court of the Foujdaree Adalut

Present.

J. B. Strange Esquire
H. D. Phillips Esquire } Puisne Judges
H. Ivers Esquire (officiating)

Read Calendar of Case No. 21 of 1859 and the file of the Sessions Court of Rajahmundry.

(Here enter S. D. A. No. 2012 of 1859.)

The indictment in the above Calendar which commences "That the Prisoners, in company with "that" in Case No. 103, &c." would seem not to have received a proper degree of supervision by the Sessions Judge before that officer attached his signature to the Calendar.

The following Foujdaree Miscellaneous Petition is rejected, Viz.:-

No. 173 of 1859.-S

Ed
Ed

H. Uc.

Monday 21st November 1859.

The Court of the Forydary Udalat

Present

T. Le. Strange Esquire — Puisne Judges
H. D. Phillips Esquire —
H. Frere Esquire Offg. Jr.

Read Calendar submitted by the Sessions Judge of Nundial of persons tried by the Magistracy of Nurnoo during the 3rd Quarter of 1850.

Here enter H. Uc. No. 5 of 2007 of 1859

These Reports have been carefully and efficiently reviewed by the Sessions Judge. The Foujdary Udalat would add only that it is obvious the operations of the unexamined Magistracy should be rapid, as otherwise the benefits expected from the additional aid given to the Magistracy will be turned into a disadvantage consequent on the number of parties called up for investigation before the new officers.

Read

21st November 1859.

Read Miscellaneous Petition presented on the 15th October 1859, by S. Veerasamala Chetty, Pleader on behalf of Ganapaty Iyyen, of Zillah Tinnevelly.

/Here enter F.M. D. No. 180 of 1859/

1. The object of this petition is to obtain a reversal of the order of the Session Court under date the 16th July 1859 cancelling the decision of the Deputy Magistrate dated the 22d June preceding whereby that officer directed the reconstruction by the Petitioner at his own expense, of the mud wall which was removed by him. Messrs Strange and Frere

2. The Court are of opinion that this is not a case for the interposition of the Magistracy, but that petitioner should seek his remedy by civil action.

Ex. Edh.

F.M.

F.M.C.

Tuesday, 22d November 1859.

At a Court of the Foujdaree Adalut.

Present.

J. L. Strange Esquire
H. D. Phillips Esquire } Puisne Judges.
H. Frere Esquire (Offg.)

Read Petty Calendars of the Magistracy for the 3d Quarter of 1859, submitted by the Acting Session Judge of Masulipatam.

/Here enter F.M.C. No. 1951 of 1859/

The Court desire the Session Judge to point out to the Magistrate the irregularity of the requisition made to the Defendants in the case in the first instance, and the illegality of the sentence imposed on them for not conforming to it.

Exd. E.F.

F.M.

J. No.

Thursday 24th November 1859.

At a Court of the Foujdaree Adalut.

Present.

J. Sc. Strange Esquire. H.D. Phillips Esquire. H. Forbes Esquire (Offg.) — Puisne Judges.

Read letter dated the 16th November 1859, from the Sessions Judge of Calicut, submitting for the final judgment of the Foujdaree Adalut the record of Case No. 83 of 1859 on the Calendar of the Session Court.

(Here enter J. No. No. 2033 of 1859.)

Messrs. Phillips and Forbes.

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 on record against the prisoner Vengutta Rannah Naiken is sufficient to convict him of the offence

offence charged, do convict him there- 24th November 1859.
of; and under the provisions of Sec- Minder.
tion X, Regulation VIII of 1802, sentence
him to suffer death by being hanged
at the usual time and place of exe-
cution.

Wm. Hitchins.

Ex Reb.

Fdlo

Friday, 25th November 1859.

At a Court of the Foujdaree Adalut.

Present.

J. G. Strange Esquire
H. D. Phillips Esquire } Puisne Judges.
H. Ivers Esquire (Offg.)

Read letter dated the 2d November 1859, from the Session Judge of Tellicherry, submitting for the final judgment of this Foujdaree Adalut the record of Case No. 15 of the Calendar of this Session Court.

(Here enter Fdlo. No. 2048 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 prisoner,

Eroomapally Vella alias Hallan

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

witnesses, or on his own confession, of the crime charged, do acquit him of thereof; but considering 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 20 Rs each surety for his good behaviour and appearance when required within three years; or, in default thereof, that he be detained for three years in confinement.

Housebreaking and Theft.

Read letter dated the 14th November 1859, from the Officiating Sessions Judge of Coimbatore, submitting for the final judgement of the Foujdaree Adalut the record of Case No. 50 of 1859 on the Calendar of the Session Court.

(Here enter F. M. No. 2014 of 1859)

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

Messrs Hill and Irwin

evidence before them, being of opinion that the proof against the accusation that the proof against

prisoners

1st Parrancooreyen

is sufficient to convict him of the offence charged, do convict him thereof, and under the provisions of Sections III and 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 (10) ten years.

Highway Robbery

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,

2d Vincatan

3d Nanjan

4th Mallooanoo Moonrigan

5th Danjan alias Moonrigan

6th Vincatan

7th Valyanchakka Moonrigan

8th

8th Kunjon
9th Chickuron
10th Mandow
11th Vencatow, and
12th Tippanachickru

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

2. The Foujdaree Adalut do not find in this record, the statement No 6 of the points of evidence required by their Circular Order of date the 27th September 1824 and to which attention was called by a recent circular communication.

2. The attention of the officiating Session Judge is requested to the necessity of laying the statement in question before the Foujdaree Adalut in trials hereafter

hereafter referred. He is also requested to prepare it in such a manner as to embrace the evidence that may be given before the Session Courts

J.W. Withers.

E. Hall.

Saturday
26th November 1859.

At a Court of the Fanjdaree Adalut.

Present.

J. La Strange Esquire.
H.D. Phillips Esquire.
H. Freer Esquire (Offg.)
} Puisne Judges.

Messrs Phillips and Freer.

Read Petition No. 117 of 1859, from Sottaunnee Dadan and another, prisoners in Case No. 26 on the Calendar of the Session Court of Jun. Tinnevelly for the current year 1859.

The Court of Fanjdaree Adalut observe that the case against these prisoners is precisely the same with that against the 1st to 6th prisoners in Case No. 22 of the same year, on which was disposed of by the Court of Fanjdaree Adalut in their proceedings of the 11th June last; the Court accordingly direct the additional release of the two prisoners concerned in the present case.

Read Miscellaneous Petition

26th November 1859.

Petition presented on the 26th instant, by V. Sadagopa Charloo, Pleader on behalf of Chundanaine Nitsyaka, zillah Ganjam.

[Here enter F.M.D. No. 196 of 1859.]

1. Petitioner complains of his detention in custody by the Governor's agent at Ganjam, upon a charge &c. with which he has not been made acquainted, and prays the Court of Fouzdaree Adalut for reasons stated in the address, to discharge upon bail, and to issue orders for the trial of the case being transferred to the Session Court of Chicacole, or to the Principal Sudr Ameen of Vizagapatam.

Messrs Phillips and Frere.

2. The Court of Fouzdaree Adalut resolve to request the agent to the Governor at Ganjam will explain under what circumstances the Petitioner is under restraint, and to what cause the delay in bringing him to trial is to be attributed.

Precept

26th November 1859.

Precept returnable within V. days from and after its receipt.

Read Miscellaneous Petition presented on the 22d September 1859, by V. Sadagopachariar, Pleader on behalf of M. Moonesamy Naicker, late Fouzdaree Translator attached to the Session Court of Madura.

[Here enter F.M.D. No. 195 of 1859.]

Messrs Phillips and Frere.

The above address solicits the interference of the Fouzdaree Adalut with an arrangement of a minis-terial character, made by the Session Judge of Madura, the effect of which has been to remove Petitioner from the office of Fouzdaree Translator to the situation of English Writer on a com-salary less than that which he previously enjoyed.

2. The Petitioner designates the measure of which he questions the propriety and justice, as a com-"degradation", and prays for restora-tion to the Translatorship, his fitness

for

for which has, he alleges, been recog-
nized by Gentlemen of the services one
other than the present Judge of Ma-
dura and by that officer's predecessors.

3. The enclosures submitted
in the Petitioner's address disclose
the circumstances under which the
Session Judge has felt himself called
upon to secure efficiency of the ma-
terial establishment at his dis-
posal by acting detrimentally to the
Petitioner's pecuniary interests.

4. The Foujdaree Adalut
are not of opinion that Petitioner
has shown any sufficient reason
for their doubting or impugning
the necessity of the step taken by
the Session Judge which supplies
to the Petitioner an opening for the
recovery of the character for effi-
ciency as a Translator temporarily
thrown in doubt. The Court would
add that certain of the proceedings
of the Foujdaree Adalut recorded

since

since the 11th of January of the pre-
sent year, mark the papers connect-
ed with trials referred by the Session
Judge of Madura and other subjects,
as inferior to those received from
other Courts. The Court would
also add, that of late it has ap-
peared to them that the Madura
records have undergone an un-
mistakeable change for the better,
and that at present they are pre-
pared as well as those of any o-
ther zillah.

Read Extract from
the Proceedings of the Session Court
of Bellary under date the 2d instant,
reviewing the Petty Calendars of
the Magistracy for the 3d Quarter
of 1859.

(Here enter P. No. Nos 1940 of 1859.)

With reference to
the acting Session Judge's remarks
in Case No 103, the Court would
draw attention to Section III, Re-

Regulation

Regulation VIII of 1832, and suggest
for consideration by the Acting &c.
Session Judge whether what has
been done contravenes the power
thereby given.

Read Criminal Report B,
submitted by the Session Judge
of Caddalore, for the month of
October 1869.

/Here enter F. No. No. 7015 of 1869/

The Court would observe
that Case No. 99 under the circum-
stances of the
proceeding was one
for commitment.

Read Criminal Reports
for the month of October submitted
by the Session Judge of Tinnevelly

/Here enter F. No. No. 2036 of 1869/

The Session Judge should No. 10. "Forcible
have pointed out that irons cannot possession of cattle"
be awarded under Section XIII Act III
of 1857. The Court direct that that
portion of the sentence be cancelled.

The following Foujdaree Miscel-
laneous Petition is rejected Viz:- No. 156 of 1869.

E. P. & E. T.

Monday 28th November 1859.

At a Court of the Foujdaree Udalut.

Present:

J. Lo. Strange Esquire
H. D. Phillips Esquire
H. Frere Esquire (Offg.)
} Puisne Judges.

Read again Miscellaneous Petition presented on the 18th July last by J. W. Brandon Esqre, Pleader on behalf of Mooneyeen and others Zillah Chingleput.

/Here enter F. Mo. C. No 110 of 1859./

Read also Return dated 9th September 1859 from the Sessions Judge of Chingleput to the precept of the Foujdaree Udalut under date the 1st idem, calling upon him to submit a translation of proceedings held in Sessions case No 8 of 1859.

/Here enter F. Co. No 1678 of 1859./

Adverting to the fact that the case rests wholly on the alleged identification of the prisoners with whom the witnesses were unacquainted previous to the Robbery; and with reference also to the obvious variance between the testimony of the latter,

Maj. Phillips and Frere

as

as delivered before the Police and the Session Court, the Foujdary Adalut are of opinion that in the absence of any corroborative proof, the evidence in question cannot be regarded as deserving of implicit credit, and accordingly resolve to direct the release of the prisoners.

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

1 In the foregoing letter, the Session Judge, at the request of the Magistrate, has referred the question "whether the Session Courts is authorized "to interfere with the orders of the Magistrate when "they are directed exclusively to the maintenance of "the peace, and do not subject any party to punish-"ment" observing that among the above descrip-tion of cases are included appeals from the orders of the Magistrate respecting religious procession, caste disputes, taking forcible possession of houses, lands, or other property, in which a Magistrate may exercise a power of prohibition with the view of maintaining the peace. The

Session

Session Judge expresses his opinion that persons aggrieved by such orders are entitled to appeal to the Session Courts, such appeals being admissible under clause second, Section XI, Regu-lation IX of 1816.

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

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

In all other cases in which 4 the Magistrate may issue orders for the maintenance of the peace in reference to procession, caste disputes, and such matters,

the

28th November 185[illegible]

the Session Judge has no legal right to interfere.
The Magistrate, if he exceeds his power, being
liable to an action for damage, and being moreover
responsible for the peace of his district, in
the exercise of which responsibility he should
not be interfered with by the Session Judge.s

E.P. E.T.

C.S. Clarmier

6

F.No.

Tuesday, 29th November 1859.

At a Court of the Tanjore Adalut

Present.

J. Lb. Strange Esquire. — Puisne Judges
H.D. Phillips Esquire. —
H. Trent Esquire (Offg.)

Read Criminal Report
B submitted by the Sessions Judge
of Cuddapah for the month of
October 1859.

Case No. 1149 of 1859 by Acting Sub. Criminal Judge.

[Case under F.No. 2035 of 1859.]

The Court of Tanjore
Adalut request the Sessions Judge
will submit a brief statement of
the circumstances under which it
has been considered that the offence
of theft has been proved against
the Prisoner, and being taken to
show on what grounds the propri-
=tary right to the buried treasure
is held to have been substantiated.

Precept returnable on
within

within III days from and after its
receipt.-

Read letter dated 3d
November 1859 from the Sessions
Judge of Nundial, submitting
for the final judgment of the
Fouzdaree Adalut the record of
Case No. 65 of 1859 on the Calendar
of the Sessions Court.

(Here enter F. Ho. No. 1962 of 1859.)

The Court of Fouzdaree Adalut on a deliberate
hearing of all the circumstances
of the case as in evidence before
them, being of opinion that
the Prisoner,

Foujdar Mafsoom Sahib,

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

Read letter dated 3d November
1859

Mefsrs Phillips and Frere.

Perjury.

1859 from the Sessions Judge of Nundial,
submitting for the final judgment
of the Fouzdaree Adalut the record
of Case No. 66 of 1859 on the
Calendar of the Sessions Court.

(Here enter F. Ho. No. 1963 of 1859.)

The Court of Fouzdaree
Adalut on a deliberate considera-
tion of all the circumstances of
the case as in evidence before them,
being of opinion that the Prisoner,

Khajah Khan,

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

Read letter dated 3d November
1859 from the Sessions Judge of
Nundial, submitting for the final
judgment of the Fouzdaree Adalut
the record of Case No. 67 of 1859 on
the Calendar of the Sessions Court.

(Here enter F. Ho. No. 1964 of 1859.)

The

Mefsrs Phillips and Frere.

Perjury

29th November 1859.

Mesrs. Phillips and Frere.

The Court of Sanjdaree Adalut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the Prisoner, Hoosein Ally Khan Bahadar, 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.

Deliberation of Perjury

Read again Miscellaneous Petition presented on the 11th August 1859 by J. W. Branson Esqr., Pleader on behalf of Rugoonundarow, of Zillah Nundial.

(Here enter F. M. P. No 135 of 1859.)

Read also return dated 21st September 1859 from the Sessions Judge of Nundial to the precept of the Sanjdaree Adalut under date the 24th ideml, calling for an English translation of the record connected with

29th November 1859.

with Sessions Case No 50 of 1859.

(Here enter F. M. No 1931 of 1859.)

Mr. Phillips.

Adverting to paragraph 10 of the Calendar submitted in regard of this trial, the Sanjdaree Adalut observe that it was of obvious importance to the Prisoner Rugoonundarow to disconnect himself from any concern or complicity with the criminality attaching to Atchew. This result might effectually have been attained by statements other than those which the Prisoner is shown to have made. If he has stopped short, it is also observed, of an actual declaration that he saw the jewels in question mortgaged by Atchew to Mastay Khan, but has admitted a knowledge of certain of the circumstances under which they found their way through Atchew, into the hands of the mortgagee.

On a careful consideration 2. of the two depositions by the Prisoner

pro

are which the Sessions Judge has based the charge of perjury of which he has convicted the accused, the Foujdaree Adalut fail in discovering that direct and positive contradiction which is so essential in a prosecution for perjury, and the absence of which would alone deprive of support, a sentence of actual punishment.

3. They also fail in tracing any sufficient grounds for presuming a corrupt intention on the part of the Prisoner. The latter has been consistent throughout in his testimony relative to the main point of the transaction, viz: whether or not the articles were mortgaged to Mastay Khan, although there are certain variations in the two descriptions of the events connected with the mortgage.

4. These, however, in the opinion of the Foujdaree Adalut, required

29th November 1859.

required to be carefully and indulgently considered, seeing that the Prisoner's second deposition was given after an interval of nearly two and a half years had elapsed from the date of his first evidence. There was a further reason for such treatment in as much as the Prisoner, who appears to have had no opportunity of intermediately refreshing his memory, stated when preparing to give his later deposition, that he would state what he knew to the best of his recollection.

5. Taking the above view of the circumstances under which the prosecution was instituted, and being of opinion for the reasons above stated that the Prisoners two depositions do not exhibit such manifest contradictions as are essential for his conviction, the Foujdaree Adalut resolve to cancel the sentence of the Sessions Judge, and to direct the

29th November
1859.

the release of the Prisoner from confinement.

E.P.
" E.T.

C. Chamier

F.R.C.

Wednesday 30th November 1859.

At a Court of the Foujdaree Udalut.

Present.

J. L. Strange Esquire.
H. D. Phillips Esquire.
H. Trent Esquire (Offg.)
} Puisne Judges.

Read letter from the Sessions Judge of Coimbatore dated 18th November, requesting to be informed whether in a case in which a party on charged with a theft and with a previous conviction of the same offence, the Magistrate was competent to pass a sentence of less than the full penalty imposable under Section VII, Regulation X of 1816.

[Here enter F.R.C. No. 2040 of 1859.]

The Magistrate, the Court are of opinion, is competent to pass any sentence within the limits specified in the Regulation quoted that he thinks fit. Section III, Regulation VI of 1827, and Circular Order Foujdaree Udalut

30th November 1859

Udalut's No. 189, leaving the Court or Magistrate full discretion in such cases.

Ef P
" E.T.

No.

Thursday 1st December 1859. At a Court of the Fouzdaree Udalut.

Present:

J. L. Strange Esquire.
H. D. Phillips Esquire.
H. Trew Esquire. (Offg.) } Puisne Judges.

Read again Minutes of proceedings on the Petition presented on the 10th instant, by K. Sadagopachariar, Pleader on behalf of Kyagatha and Kristna Iyenon, appealing from the sentence passed by the Sessions Judge of Calicut in Case No. 71 of 1859, wherein the Petitioner is 2d Prisoner.

[Here enter Fm. P. No. 175 of 1859.]

Read also return dated 19th October 1859, from the Sessions Judge of Calicut, to the precept of the Fouzdaree Udalut under date the 10th October 1859, forwarding a Petition presented to that Court by the 2d Prisoner in Case No. 71 of 1859 on the Calendar, for any remarks which the Sessions Judge may deem necessary

necessary to make on the allegations
therein contained

(Here enter F. No. No. 1875 of 1859.)

1. The missing letter is ~~no~~ Messrs Phillips and Frere.
clearly shown to have reached the
Petitioner (2d Prisoner); and the Regis-
ter Book B of the postal department,
makes it appear that Petitioner hand-
ed it over to the 1st Prisoner (released),
for delivery in the usual course.

2. In his capacity of delivering
Prom, the 1st Prisoner was the
recipient of the letter; but his
denial of its transfer to himself
and its non-delivery to the addressee,
do not, in the opinion of the Sonj-
dare Udalut, establish such a ~~no~~
presumption of guilt against the
2d Prisoner, as to justify his con-
viction. The culpability attach-
ing to the disappearance of the
letter would seem, rather, to be ~~no~~
divided between the two Prisoners,
there being insufficient evidence

for

for the criminal punishment of ~~no~~
either.

3. The Court of Sonjdaree
Udalut further resolve to point
out to the Session Judge that in
this case the onus of proof cannot
be said to rest on the 2d Prisoner.
It being his duty to deliver the
letter to the 1st Prisoner, who has
been released by the Session ~~no~~
Court, it is to be presumed that
this delivery took place, unless
the contrary were proved.

Taking this view of
4. the case, as it appears from the ~~no~~
papers now before them, the Sonj-
dare Udalut resolve to annul
the sentence of the Session Judge,
and to direct the release of the
Petitioner.

Read Criminal Reports
submitted by the Session Judge of
Sylhet for the month of August 1859.

(Here enter F. No. No. 1723 of 1859.)

Read,

1st December 1859.

Read also Miscellaneous
Petition presented on the 10th October 1859,
by J. W. Brandon Esquire, Pleader on
behalf of Kurisien, appealing from
the decision passed in the Case of
No. 169 of 1859 by the Criminal Judge
of Salem, whereby the Petitioner was
sentenced to six months' imprison-
ment with hard labor in irons, &
and to pay a fine of Rs. 100, on a
charge of "Fraud."

(Case entered J.Dr. D. No. 177 of 1859.)

1. From the papers now
before them and the arguments
urged by Counsel the Sessions
Udalut are not satisfied that the
conviction of the Prisoner is sup-
ported by the evidence, and it
would appear doubtful whether
any real offence has been com-
mitted of which the Law can
take cognizance.

2. They therefore resolve to
call on the Subordinate Judge
to

Messrs Phillips and Grant.

J. No.

1st December 1859.

to submit the record of the proceed-
ings, and pending further orders, to
suspend the sentence passed on the
Prisoner, whom he will release on
security accepting his own recogni-
zance for a moderate amount.

Precept returnable with-
in X days from and after its receipt.

Read Miscellaneous Cor
Petition presented on the 15th October
1859, by V. Sadagopachariar, Pleader
behalf of Moottoo Ramalinga Co-
Sawer, Sub Division Zemindar of
Sivaganga, Zillah Madura.

(Case entered J.Dr. D. No. 179 of 1859.)

Petitioner complains of

Messrs Phillips and Grant.

an endorsement made by the Session
Judge on his petition on the 18th July
1859, refusing, on the score of delay,
to entertain his appeal against the
order passed by the Magistrate on
under date the 13th May 1859, confir-
mation of the decision of the
assistant Magistrate dated the 30th

June

June 1858, whereby Petitioner was on a charge of Assault and Trespass, fined 50 Rs, and directed to find two securities in 50 Rs each, and to enter into personal recognizance in the sum of 50 Rs for keeping the peace, for the period of one year.

2. Petitioner concludes by praying the Court, for reasons stated in the address, to order the proceedings of the Magistracy to be quashed as irregular.

3. The Sawdarce Adalut are of opinion that the case of the Petitioner should be taken up in the usual course by the Session Judge and disposed of on its merits. They accordingly direct the Session Judge to adopt that course now.

Read letter from the Session Judge of Cuttack, dated 14th November, requesting the opinion of the Court as to whether Act XIII of 1859 is to have retrospective effect.

Here enter S. No. No. 2025 of 1859.

The

The Court are clearly of opinion that the Act is applicable to all breaches of contract which may have taken place after the date on which the Act was extended to the Provinces by order of Council, at whatever time the contract may have been entered into by the parties

Read letter dated 8th November 1859, from the Officiating Session Judge of Jumeerelly, submitting for the final orders of the Sawdarce Adalut the record of trial in case No. 32 of 1859 of the Calendar of the Session Court.

Here enter S. No. No. 1994 of 1859.

Messrs Phillips and Piere.

The Court of Sawdarce Adalut 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, Sunkeranadivoo (a female), is sufficient to convict her of the offence charged, do convict her thereof; and under the provisions of Section X, Regulation VIII of

Poisoning one attended with murder.

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

The Court of Foujdaree ou Adalut resolve to point out to the Officiating Session Judge that the simple possession of a poisonous substance does not constitute a criminal offence, and that the 2d Count in the indictment should therefore have been omitted.

The following Foujdaree Miscellaneous Petitions are rejected viz.

Nos. 166-171-172 and 178 of 1859.

E.H.
E.F.

C.S. Chamier

F. Ho.

Friday, 2d December 1859.

At a Court of the Foujdaree Adalut

Present.

J. L. Strange Esquire
H. D. Phillips Esquire — Puisne Judges
H. Freer Esquire (Offg.)

Read letter from the Sessions Judge of Chittoor dated 25th November 1859, requesting the opinion of the Court as to whether cases disposed of by the Magistracy under Regulation II of 1820 should be entered in the B reports on Petty Calendars.

/Here enter F. Ho. No. 2072 of 1859/

The Court are of opinion that these cases should be entered in the B reports, the usual A report being forwarded to the Sessions Judge.

Read letter dated 23d November 1859 from the Officiating Sessions Judge of Tinnevelly, submitting for the final judgement of

2nd December 1859.

of the Tanjdaree Adalut the record of Case No. 53 of 1859 on the Calendar of the Session Court.

/Here enter F. Co. No. 2095 of 1859./

The Court of Tanjdaree Mr. Freere Adalut on a deliberate consideration of all the circumstances of this case in evidence before them, being of opinion that the Prisoners

1st Cariappen
2nd Sungun
3rd Velaithanan
4th Cauley
and
5th Sanminaikan,

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

E.P. E.T.

C. L. Chanier

F. Co.

Saturday, 3rd December 1859.

At a Court of the Tanjdaree Adalut

Present.

J. B. Strange Esquire
H. D. Phillips Esquire
H. Freere Esquire (Offg.)
} Puisne Judges.

Read Calendar of Case No. 28 of 1859 on the file of the Sessions Court of Rajahmundry.

/Warrant enter F. Co. No. 2102 of 1859./

As herein recommended.

The Court of Tanjdaree Adalut do authorize the Sessions Judge, if they see fit, 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 Criminal Report B for the months of October 1859, submitted by the Sessions Judge of Chittoor.

/Here enter F. Co. No. 2056 of 1859./

The Tanjdaree Adalut have

x 1. Gantham Chetty
2. Pindi Awana
One year.

—ment

3rd December 1859.

have perused the proceedings held by the Sessions Judge in review of the cases disposed of by the Acting Subordinate Judge, Mr. E. F. Elliott, and regret to observe that the disapprobation expressed by the Sessions Judge seems so well founded. S

Sd/- E.F.

S. No.

Monday 6th December 1859.

At a Court of the Foujdaree Adalut.

Present.

J. Lo. Strange Esquire. }
H. D. Phillips Esquire. } Puisne Judges.
H. Freer Esquire (Offg.) }

Read letter from the Head assistant Magistrate of Mirzapatam, dated 25th November 1859. (Here enter S. No. 2107. of 1859.)

In this letter the Head assistant Magistrate requests the sanction of the Court to his offering a conditional pardon to one of the accessories concerned in a case of murder.

2. The Court sanction the offer of a conditional pardon in this case as requested.

3. The Court have to point out that this application should have been made through the Magistrate of the district.S

C. L. Chamier

Sd/- E.F.

F.M.C.

Tuesday 6th December 1859

At a Court of the Tonjdaree Adalut.

Present.

J. S. Strange Esquire
H. D. Phillips Esquire } Puisne Judges.
H. Freer Esquire (offg.)

Read letter dated 25th ultimo, from the acting Session Judge of Nellore requesting to be furnished with a copy of the proceedings held by the Tonjdaree Adalut under date the 26th February 1850.

(Here enter F.M.C. No. 2079 of 1859.)

Read also letter dated 28th ultimo from the acting Session Judge of Nellore, forwarding copies of correspondence from the Officiating Magistrate, requesting to know whether authenticated copies are to be furnished on plain paper, and soliciting the opinion of the Higher Court.

(Here enter F.M.C. No. 2105 of 1859.)

Under the orders of the

Tonjdaree

Foujdaree Adalut now in force it has been declared that parties desiring copies of sentences and orders passed by the Magistracy shall be at liberty to take, or be furnished with, them on plain paper.

2. The point now raised by the Officiating Magistrate of Cuttack is whether those orders have application to authenticated copies of such sentences and orders.

3. The Court are disposed to reply in the negative to the Magistrate's question, it being clear on reference to Section XXII, Regulation XIII of 1816, s that "no copy of any paper shall be "authenticated by any public officer" "unless transcribed on stamped paper" and that authenticated copies of judicial proceedings or other documents which individuals may require for use or reference shall be written on paper of the value of eight annas.

Read

Read letter from the Session Judge of Cuttack, dated 17th November, stating that the party who had purchased the property of Petitioner in Miscellaneous Petition No. 157 had declined to return the property, and that consequently the sale could not be cancelled as directed in the Court's Proceedings of the 23d August.

[Here enter Petn. No. 2041 of 1859.]

Under the circumstances stated by the Session Judge, the only course that remains for the Petitioner is to bring a civil suit to recover the property in question.

Read letter dated 23d November 1859 from the Session Judge of Cuttack, submitting for the final judgment of the Foujdaree Adalut, the record of Case No. 86 of 1859 on the file of the Session Court.

[Here enter Petn. No. 2119 of 1859.]

The Court of Foujdaree Adalut

Messrs Phillips and Freeman

6th December 1859

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,

Thekille Edyil Krishnen Nair

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

Read letter dated 26th Novem- ber 1859 from the Officiating Session Judge of Tinnevelly, submitting for the final judgment of the Foujdaree Udalut, the record of Case No. 54 of 1859 of the Calendar of the Session Court.

[Here enter F.H.C. No. 2112 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,

Mr Phillips.

1st Periandalamuttu.

F.H.C.

6th December 1859

1st Periandalamuttu.

2d Sinna Sudalamuttu.

3d Veyelamuttu.

4th Kurukalanjee. and

6th Thalayandi.

Robbery

are not convicted on presumptive or 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.

In this as in the referred trial commented on in the proceedings of the Foujdaree Udalut marginally noted, the record has not been completed to the extent required by the orders in force. The paper now observed to be wanting, is the report submitted by the Head of Police to the Criminal Court according to the order of Foujdaree Udalut dated the 28th June 1826.

1st December 1859.

The village Mroundiff to

2.

whom the 1st witness' complaint was originally made, has been extremely

remiss

remiss in the discharge of his duties, in that he did not at once elicit on from complainant the names of the persons who had been present at the alleged robbery of the four rams. Had that item of information been then recorded, it is probable that the case, obviously a concocted one, would have fallen through before reaching the Criminal Court. This village officer was also seriously in error from neglecting for four days to take any action on the complaint and allowing himself, as it would seem, to be recalled to a sense of his duty by a communication from the Head of Police arising out of the charge being repeated and before that authority by 1st witness under permission for so doing said to have been granted by a Division-ary.

J. W. Hitchcox

Read.

Fdlo.

Wednesday 7th December, 1859.

At a Court of the Foujdaree Adalut

Present.

J. Lo. Strange, Esquire
H. D. Phillipps, Esquire } Prisoner Judges.
H. Irene, Esquire (Offg.)

Read again Miscellaneous Petition presented on the 11th May last, by S. N. Canteravaya Chetty, Pleader on behalf of Nagoor Meerheerabagan, Zillah Tinnevelly.

(Here Enter F. M. D. No. 75 of 1859.)

Read also return dated 23d September 1859 from the Officiating Sessions Judge of Tinnevelly to the precept of the Foujdaree Adalut under date the 8th instant, calling upon him for certain explanations in the matter.

(Here Enter Fdlo. No. 1738 of 1859.)

The Officiating Sessions Judge

Messrs. Phillipps and Irene.

Judge is requested to explain the nature of the inconvenience to the frequenters of the Mosque arising from the building in question, and to state in what manner the case has been found to be one to which the provisions of Act XXI of 1841 may be applied.—

Precept returnable within V days.—

Read Miscellaneous Petition presented on the 21st ultimo, by J. W. Branson Esquire, Pleader on behalf of Rungacharry of Zillah Chingleput.—

/Here enter F. M. P. No. 193 of 1859/—

1. Adverting to the orders of the Sessions Judge, which were confirmed by this Court, requiring the Magistrate of Chingleput to forward the Petitioner, with certain witnesses, to take his trial before the Criminal Court, the Petitioner prays the Court of Foujdaree Adalut, for

Messrs. Phillips and Spence

for reasons set forth in the Petition, to direct his trial to be transferred to another Zillah Court.—

The Court notice that

2. this application is irregular and inadmissible, as coming from one who has not yet surrendered himself to meet the charge pending against him.

The Court resolve therefore

3. to dismiss the petition.—

Read Calendar of Case No. 72 of 1859 of the Sessions Court of Bellary.—

/Here enter F. M. No. No. 115 of 1859/—

The doubts which are entertained by the Acting Sessions Judge respecting the reality of the confessions said to have been made by the Prisoner before the Police, taken in connection with the discrepancies in the testimony of the Peishcar Venkut Row and the Surchasum Shaik Emaum, render it desirable that the Magistracy be specially furnished with

with copies of paras: 10 to 12 of this Calendar, and order to the adoption of measures for ascertaining whether compulsion was used in causing confessions to be given by four when only two individuals would appear to have committed the robbery charged.

Read Calendar of Case No. 93 of 1859 on the file of the Sessions Court of Nundial.—

Here Enter F.M. No. 2116 of 1859.—

Whereupon it is 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.—

* Narasiya — Three Years

Read Criminal Reports submitted by the Agent to the Governor in Ganjam for the month of October 1859.—

Here Enter F.M. No. 2101 of 1859.—

The

No. 31 of 1859. By the Senior Asstt. Agent.

The Court of Foujdaree Adalut observe that notwithstanding the Prisoner had been in confinement for the period specified, on which ground he is stated to have been released, the Assistant Agent should have recorded his judgment whether of conviction or acquittal. The desired arrest of a runaway was no reason whatever for staying the prosecution of a Criminal actually in the hands of Justice. The Agent is desired to adopt measures within his range for the prevention of this irregularity for the future.—

Read letter from the Sessions Judge of Nellore dated 28th November 1859.—

Here Enter F.M. No. 2104 of 1859.—

With this letter is forwarded a communication from the Officiating Collector and Magistrate of the Nellore District, taking

exception

exception at certain remarks of the Acting Sessions Judge in Calendar Case No. 39 of 1859, reflecting on the honesty of the Jaboke and Village Shroffs of the district, the Magistrate at the same time requesting the Acting Sessions Judge to withdraw the censure thus passed on a large body of public servants.

2 The Court consider that the Magistrate had no grounds whatever on which to take exception to the remarks of the Acting Sessions Judge in the case referred to. Those remarks were general and not intended to apply particularly to the Shroffs of the Nellore district, but even if this had not been the case, the Court are of opinion that Mr. Dykes' experience in that district was too limited to admit of him calling in question the correctness and truth of the conclusions which the Acting Sessions Judge had formed on the point.

7th December, 1859.

3. The Court do not feel called on to go further into the subject of the Acting Sessions Judge's letter. As reference to this Court, they are of opinion, would have been rendered totally unnecessary, had the Sessions Judge with a view to maintaining that cordiality which is so desirable should exist between the superior officers in the same district candidly explained that Mr. Dykes that the remarks in question had neither reference to the Shroffs of the Nellore district in particular, or to its Revenue management.

4. The Sessions Judge should be furnished with a copy of the Acting Sessions Judge's letter to their address. They will not however direct that it be now sent, as they are of opinion that it is objectionable in tone and well calculated to create the impression which

7th December 1859

which in all probability would have been produced by more extensive and temperate observations.—

To the Assessor Judges of Kilkenny for communication to the Magistrates.

The following Petitions of Miscellaneous Petitions are rejected, Viz.

Nos. 350, 358 and 367 of 1859.—

E.F.
E.T.

C.S. Chemnis

No. 110.

Thursday, 8th December 1859.

At a Court of the Sessions at Kilkenny.

Present.

J. L. Strange Esquire
H. D. Phillips Esquire
H. Trench Esquire (Offs.)
} Assistant Judges.

Road Miscellaneous

Petition presented this 8th instant by J. W. Brennan Esquire, Overseer of Roads of Subscribers of Gillath Whillock

Road order No. 200 of 1859

Petitioner intimates his intention to appeal from the order of Presentment by the Assistant Judges in Case No. 32 of 1859 wherein he is presented, and prays that the Assistant Judges may be instructed to suspend that part of the said sentence which awards to personal presentments against him, until the appeal shall

Assistant Judges and Jurors

which

which the Petitioned proposes to
prefer should be disposed of.

2. Her Court of Foujdaree
Adawlut resolve to instruct the
Sessions Judge to direct the confin-
ement of that part of the sentence
passed on the Petitioner which
awards corporal punishment,
while the appeal preferred to be
presented shall have been disposed
of by the Foujdaree Adawlut.

Read letter from the
Sessions Judge of Balasore dated
22nd November requesting the opinion
of the Court as to whether Hands
of Police are competent to punish
for contempt of Court under
Act XXX of 1841.

[Here enter F. No. 2081 of 1859]

With reference to the above
the Sessions Judge is informed that
nothing in the Law empowers Police
Officers to punish for contempt
of Court.

Ent[illegible]
E.P.

Friday
9th December 1859

At a Court of the Foujdaree Adawlut

Present

J. F. Strange Esquire
H. D. Phillips Esquire
H. Fane Esquire (Offg.)

} Puisne Judges

Read letter dated the 30th
November last, from the Sessions Judge
of Sylhet, submitting for the final
judgment of the Foujdaree Adawlut
the record of Case No. 85 of 1859, on the
file of the Sessions Court
Calendar of the Session Court.
[Here enter F. No. No. 2129 of 1859.]

The Court of Foujdaree
H. Phillips
Adawlut, on a deliberate consideration
of all the circumstances of the case
as now before them, being of
opinion that the proof against
the prisoner
Notified
is sufficient to convict him of
Culpable Homicide
the offence charged, do convict
him

him thereof, and under the provisions of Clause 2nd, Section XX, Regulation VII of 1802, sentenced him to be imprisoned without irons for and during the period of (3) three months.

1. The Foujdaree Adalut observe that in the report first submitted by the Village Moonsiff of Mehidenpore, only the Murder date has been entered. No mention only has been made in this original report by the Moonsiff's communication would seem to have been accomplished.

2. It is desirable the Magistrate should attend to the Village Common, the means of recording the corresponding English dates in all papers of the character above mentioned, and they request the Sessions Judge will, in this case, look, make such communication as may be necessary.

Ex Dall.

Hot Wilkins

Fillo.

Monday 12th December 1859

Mor Court of the Foujdaree Adalut.

Present.

J. F. Strange Esquire. H. D. Sheillips Esquire } Puisne Judges
H. Pearce Esquire (officiating)

Read Calendar of Case No 70 of 1859 on the file of the Session Court of Balasore.

(Reference Fillo. No 213 of 1859.)

The acting Sessions Judge recommends that the period of imprisonment awarded to the prisoner be reduced to five years.

2. The Foujdaree Adalut considering the mitigated punishment above proposed inadequate for the prisoner's offence, direct that he be sentenced to imprisonment for seven years with hard labor in irons.

Read letter from the officiating Session Judge of Sinnamelly dated

dated 6th December, informing the re-
-port that the petition of the 1st prisoner
in Session Case No 201 was forwarded on
the 10th November

[Here refer to No 2166 of 1867]

There will be no further
further correspondence regarding the transmis-
-sion of the petition, as it has not
yet been received by the Crown Office
the above letter the Sessions Judge
should have forwarded a copy of the
said petition, and he is now directed
to do so without delay. He also to inquire
what has become of the Original
Petition stated to have been written
on 10th November.

Proof to be returnable within
24 hours from and after the receipt.

Read Miscellaneous Petition
presented under date 18th June last, by
J. W. Brunton Esquire, Barrister at Law,
on behalf of Chinnappa & 6 prisoners
in Case No 60 on the Calendar of the
Session Court of Coimbatore for 1867

[Here refer to No 2 of 1867]

Read

Read also translation of
the proceedings held on the trial of the
above prisoner, submitted by the Session
Judge pursuant to the order of this
Court

[Here refer to Nos 1671 & 1736 / 1867]

Mr Frere. The case against this
prisoner rests chiefly on the statement
of the 1st 4th 5th 6th 7th and 8th witnesses, that
they identified him as having taken
an active part in the riot and rob-
-bery supported by the fact that a
large turban said to be the property
of the prisoner was found on his
house on a search being instituted
several days afterwards.

The evidence however
as regards the turban which is of
ordinary native manufacture is un-
-satisfactory, and it is to be
observed that from the first the
prisoner strenuously asserted that
it was his own property.

Of the witnesses who
assert

12th December 1859

assert that they saw the prisoner ex-
amining the crowd at the time of the
riots, from appears from their own ex-
tainment to have had a very imper-
fect acquaintance with him, and
adverting to the numerous discrepan-
cies to be found in their testimony
and that of the remaining witness
as above mentioned, the Court of
Tongdare Uddalut are unable to
place implicit credit in their as-
sertions on this point. The Court
therefore consider it necessary to re-
verse the sentence and to direct
the release of the prisoner.

Read Appeal Petition pre-
sented by J. R. Grierson Esquire, Barris-
ter at law, under date 6th ultimo last, on behalf
of Sungum, 8th prisoner in Case No 1870 on
the Calendar of the Session Court of
Trichinopoly for the current year 1859
(Here enter F. M. R. No 103 of 1859)

Read also translation of
the trial held in the above Case, sub-
mitted by

submitted by the acting Session Judge
in accordance with a precept from
this Court.

(Here enter F. M. R. No 1852 of 1859)

Mr Irwin. The case against the five
prisoners who were convicted in this
case rests entirely on their alleged
identification at the time of the
robbery by the 2d 3d and 4th witnesses,
supported by the fact that a quantity
of paddy said to be the property of
the 5th witness was discovered on the
institution of a search in the houses
of the 3d and 6th prisoners.

The evidence of the 4th
witness the Court of Tongdare co-
nsider to be eminently im-
probable. He asserted that he was on
nothing, except in the mandy at the
time when the robbery took place and
that hearing the noise he went to the
spot, and that pressing from behind
a heap of straw he was thus enabled
to witness the proceedings

of

of the robbers and to identify many of the gang including the five prisoners who have been sentenced in this case.

3 Adverting also to the fact that the alleged identification took place by moonlight, and to other improbabilities appearing in the testimony of the 2d and 3d witnesses, the Court of Tongdaree Mdalut are unable to place any reliance in their statements. Nor does the discovery of the 8 grain, an article manifestly difficult if not impossible to identify, add much weight to the evidence for the prosecution.

4 The Court observe that the Acting Session Judge has, in his sentence, alluded to a report from the Head of Police in which the Prisoners are stated to be men of bad character. The Court consider it necessary to remark that if this was intended to operate against the prisoners,

12th December 1859.

prisoners, evidence should have been taken on the point, either from the witnesses who were actually examined on the trial, or from others who might be acquainted with their previous character.

5 The Court of Tongdaree Mdalut resolve therefore, on the above grounds, to cancel the sentence and to direct the immediate release of the Prisoners.

E. Edn.

C. S. Cramer

F. 16.

Tuesday 13th December 1859. At a Court of the Foujdaree Udalut.

Present

J. L. Strange Esquire
H. Irene Esquire } Puisne Judges
G. T. Beauchamp Esquire

Read letter dated 2nd December 1859, from the Acting Sessions Judge of Bellary, submitting for the final judgment of the Foujdaree Udalut the record of trial in Case No 52 of 1859 on the Calendar of the Sessions Court.

(Vide enter F. 16. No 2134 of 1859)

Wm H. Irene

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

Vanoomanagowd

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

C. J. Chance

G. T. B.

F. N. C.

Wednesday 14th December 1859

At a Court of the Fouzdaree Adalut

Present

J. L. Strange, Esquire
H. D. Phillips, Esquire
H. Freré, Esquire. Offg

} Puisne Judges.

Read Calendar of Cases No. 37 of 1859 of the Session Court of [illegible]

(Here enter F. N. C. No. 2141 of 1859)-

The Court of Fouzdaree Adalut are of opinion that this is a case on which corporal punishment may with propriety be added to the sentence of imprisonment, but the Court would reduce it to (100) one hundred lashes each in the case of the 2d, 5th and 6th Prisoners.-

Read letter from Mr Ratcliffe Sessions Judge of Nellore, dated 26th November 1859 forwarding correspondence with

with the Magistrate and a copy of the proceedings of the Sessions Court in the A report in No. 3 of 1859 on the file of the Head Assistant Magistrate.

(Here enters P. 116. No. 2106 of 1859)

1. After the perusal of many pages of correspondence and very lengthy proceedings of the Sessions Judge, the Court find the point upon which their opinion is required is whether a jail warrant in which the period of imprisonment awarded in default of payment of fine was originally entered as one month, may be altered to two months, on the representation of the Magistrate who passed the sentence that the first entry had been inserted by mistake or a mere clerical error on his part.

2. The Court would give the benefit of the error to the prisoner, which, it is shown, had the sanction

sanction of a signature of the Magistrate who tried and sentenced him.

3. The Court cannot approve of the measures adopted by the Sessions Judge which have led to so much needless correspondence with the Magistracy. The returns of the A report on account of certain omissions was, in their opinion, quite uncalled for and unnecessary. It would have been perfectly sufficient if the Sessions Judge had recorded the petition was required and where omissions should be supplied.

4. The Court have to express their condemnation of the length and prolixity of the Sessions Judge's proceedings and correspondence in this case. The point in dispute was simple, and after the Head Assistant Magistrate had explained that the discrepancy between the two sentences had arisen from an error,

or

or it may be blamable carelessness on his part, there was no cause for either further explanation or discussion; - indeed the Court consider Mr Ratcliffs remarks on that officer's explanation as most reprehensible, as they in fact amount almost to an expression of his disbelief of Mr Whitesides statements, such reflections being the more censurable as being based solely on Mr Ratcliffs recollection of the original sentence which is considered entitled to weight in opposition to the Head Assistant Magistrate's, Mr Whitesides, assertion, on the point. -

5. Further, while the Court fail to find, as noticed by the Sessions Judge, any objectionable features in the Assistant Magistrate's correspondence, they have much to regret the personal and unjudicial tone of Mr Ratcliffs communications, which are not only unbecoming in an officer

occupying a judicial situation, but also by their style, calculated to annoy and provoke reply from those to whom they are addressed. The Court having already had occasion to express their displeasure with Mr Ratcliff on this head, trust that their attention will not again be called to the same want of official courtesy on his part. -

To the Sessions Judge of Tellore - who will forward copy to the Magistrate for his information. -

Read letter from the Sessions Judge of Madura dated 20th October last, reporting on the conduct of Soobbiah, Head of Police of Tyumpully Talook. -

/Here Enter Fl. No. 1879 of 1859/

Read also letter dated the 28th ultimo, from the Magistrate of Madura, reporting on the proceedings of the Head of Police of Tyumpully in the matter of the escape

escape of Timmaliya, & returned con-
victs from transportation.

Ajudicature Order No. 2109 of 1859.

1. The Court are of opinion that the Sessions Judge went beyond the legal requirements of the case when he placed himself in official communication with the Magistrate relative to the reported return from transportation of a convict sentenced by the Sessions Court.

2. He was irregular, the Court are further of opinion, in calling in question and indirectly disavowing the measures adopted by the Magistrate to secure the re-apprehension of the convict.

3. It was still more irregular, to bring under judicial cognizance the misconduct, or suspension of the Head of Police, unless it had come before the Sessions Court in the manner contemplated by Section XXXIX. Act VII of 1843.

4. By the convicts return from transportation, a new offence had been committed with which it was the clear province of the Magistracy to deal. The Sessions Judge has no legal concern with the execution of sentences which he passes under the laws in force; and if the carelessness or collusion of the returned convicts guards had permitted his escape, the Criminal Court is shown by this correspondence to have before it the individuals whom the Police and Magisterial authorities have seen reason for committing for the offence of allowing the Prisoner to effect such escape.

5. The Magistrate has freely acknowledged that the Head of Police is deserving of a severe reprimand, and he concurs in this respect with the Joint Magistrate of the District, who, as well as himself, has, the Court apprehend,

long

long official and personal acquaint-
-ance with the Head of Police.-

6. There is nothing in the
papers before the Foujdaree Udalut
which indicates collusion or con-
-nivance on the part of this officer,
and the Court therefore decline to
adopt the Sessions Judge's proposi-
-tion for his removal from the
service.-

Read letter dated the
30th November 1859 from the Sessions
Judge of Calicut, submitting for the
final Judgment of the Foujdaree
Udalut, the Record of Case No. 90
of 1859 of the Calendar of the Sessions
Court.-

(Here enter F.U.C. No. 2154 of 1859.)

The Court of Foujdaree Majors Phillips and Frazer
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.U.C.

1st Chermen Chooriden.
2d ___ do. ___ Nilanden.
3d ___ do. ___ Kolaven.
and
4th ___ do. ___ Thangaren.

is sufficient to convict them of the
offence charged, do convict them
thereof; and under the provisions of
Section X, Regulation VIII of 1802, sen-
-tence the prisoners

Murder.

1st Chermen Chooriden.
and
2d ___ do. ___ Nilanden.

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

3d Chermen Kolaven.
and
4th ___ do. ___ Thangaren.

to be transported to such place or place
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.-

C. S. Chamier

E. Frazer

J. Bo.

Thursday
13th December 1859.

At a Court of the Sessions Judicial.

Present.

J. B. Strange Esquire —
H. Irene Esquire (Offg.) — Puisne Judges.
G. J. Beauchamps Esqre (Offg.)

Read Calendar of Case
No 93 of 1859 on the file of the Sessions
Court of Calicut.

(Vide order J. Bo. No 216 of 1859.)

As herein recommended
the Court of Sessions Judicial do
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.

* Ambaya
fully attained
twenty
years.

Read Calendar of Case
No 92 of 1859 of the Sessions Court
of Calicut.

(Vide order J. Bo. No 215 of 1859.)

Adverting

Adverting to the fact
that the Prisoners have been sentenced
to the full period of imprisonment
which could be awarded by law,
the Court of Fouzdaree Adalut
are of opinion that the corporal
punishment might be remitted
with propriety in this case.

Read Miscellaneous Petition
presented on the 5th Instant by J. B.
Norton Esquire, Pleader on behalf
of Narrain Naik, of zillah Trichi-
nopoly.

Here enter J. Mo. P. No. 186 of 1859.

Petitioner appeals from
1. the sentence passed upon him by
the Acting Sessions Judge in Case on
No. 20 of 1859, wherein he is 2d prisoner.
The Court of Fouzdaree
2. Adalut resolve to direct the Acting
Sessions Judge to submit for their
consideration the originals record
of the trial connected with the
case in question, and to suspend
execution

execution of the sentence, as respects
the 2d and 3d prisoners, until further
orders.

Precept returnable within
XII days from and after its receipt.

The following Fouzdaree
Miscellaneous Petitions are rejected viz.
Nos. 159, 160, and 182 of 1859.

£ s d
= =

C. A. Cramer

Mess.rs Freer and Beauchamp

F. 116.

Friday, 16th December 1859. } At a Court of the Foujdaree Adalut.

Present

J. Lo. Strange Esquire ....
H. D. Phillipps Esquire .... } Puisne Judges.
H. Freere Esquire offg. ....

Read letter from the Sessions Judge of Nellore dated 9th December 1859, offering explanations with reference to proceedings of this Court of the 7th December, and requesting that paragraphs 2 and 3 of the said proceedings may be modified.

(Here enter F. Cc. No. 2172 of 1859.)

The Court have to inform Mr. Ratcliff that their views as expressed in the above mentioned proceedings remain unaltered; they at the same time have to request that the subject may be considered as finally disposed of.

Read again letter from the Sessions Judge of Guntoor, dated 12th September 1859.

(Here enter F. Cc. No. 1640 of 1859)

In

16th December 1859.

1 In paragraph 5 of the above letter the Session Judge requests the opinion of the Court as to whether District Moonsiffs invested with Criminal powers under Act XII of 1854 are authorized to take up cases preferred direct to them; or whether they are not limited to the disposal of cases brought before them by the Police.—

2 The Court are of opinion that District Moonsiffs can only Exercise their Criminal powers in Cases brought before them by the Police.—

Read Calendar of Case No. 76 of 1859 of the Session Court of Bellary

(Here enter S. Rc. No. 2161 of 1859)

The Court of Foujdaree Udalut are of opinion that a sentence of five years' imprisonment with hard labor in irons will be adequate punishment for the offence of which the 1st Prisoner in this Case has been convicted, and they resolve to call upon the Acting Session Judge to reduce the sentence accordingly.

2 If unable to concur with the Court in the propriety of the mitigated sentence

16th December 1859.

sentence now proposed, the Acting Session Judge will be pleased to submit an English translation of the entire record of the Case for their consideration.—

Read Calendar of Case No. 36 of 1859 on the file of the Session Court of Honore

(Here enter S. Rc. No. 2183 of 1859)

It is 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 Tima Naiko — Eight years

2 Bhagira —

Ex Rec. C. D. Crame

Saturday
17th December 1859.

Trichinopoly

Mr Court of the Sessions Adalut.

Present.

J. L. Strange Esquire.
H. Freer Esquire (offg.)
G. J. Beauchamp Esqre (offg.)
} Sessions Judges.

Read Minor Mancons Petition presented on the 7th October 1859 by J. W. Branson Esquire, Pleader on behalf of Rajah Sreemunt Rungasawmy Iyyengar Bahadur of Pillah Trichinopoly.

[Here enter T.M.C. No 174 of 1859]

Messrs Strange and Freer.

Petitioner complains that the Magistrate of Trichinopoly has not accorded to him his usual title in certain proceedings, and that the acting Session Judge to whom the Petitioner appealed, refused to interfere in the matter. Petitioner therefore prays that the Magistrate of Trichinopoly may be instructed to recognize his title in all proceedings before him.

Mr.

2 The Court resolve to instruct the Acting Session Judge to communicate to the Magistrate, their proceedings of the 11th December 1854, and to instruct the Magistrate to accord to petitioner, on all occasions, the designation therein recognized as belonging to him.

Read letter from the Session Judge of Chingleput, dated 10th December 1859 requesting instructions of the Court as to the disposal of a case pending before him.

[Here enter No. 2164 of 1859]

The party having taken the buffaloe under colour of a right and with no felonious intention, cannot be held liable on a criminal charge, and the case should be at once dismissed.

Read letter from the Session Judge of Madura, dated 9th December, requesting to be informed if there is any objection to the Magistrate disposing

of

17th December 1859

of a case of conspiracy to defraud, the amount stated being more than 80 Rupees, instead of committing the case to the Criminal Judge, the Session Judge himself being the prosecutor, and there being reason to believe that it was the intention of the Defendants to attempt the same fraud on the Criminal Judge, who may therefore be considered as interested in the result of the case.

[Here enter No. No. 2169 of 1859]

Mr Goldingham the Criminal Judge having ceased to have any interest in the case, the Court see no reason why the trial should not be conducted by him, unless the prisoners should object. The prisoners should therefore be called on to state whether they have any objections, and if so, the matter being again referred to the Court, they will apply to Government for permission to transfer the case to another Zillah.

The A report can be sent

2 for

17th December 1859.

for review to this Court.

Read letter under date the 28th November 1859, from the Govt to the Governor in Ganjam, submitting for the final judgment of the Foujdaree Adalut, a report of the trial of a Criminal Case No 11 of 1859 on his file.

[Here enter F.M.C. No 2173 of 1859.]

1 The Govt having found the two prisoners in the above case guilty of the crime charged against them, on (Highway Robbery) recommends that they be sentenced to imprisonment with hard labor in irons, the 1st for one year, and the 2d, an old offender, for two years.

2 The Court of Foujdaree Adalut confirm this sentence, which, however, they would observe appears to them to be too lenient.

Read Calendar of Case No 2190 of 1859 on the file of the Session Court of Cuddalore.

[Here enter F.M.C. No 2190 of 1859.]

The

F.M.C.

17th December 1859.

The Session Judge should have called for a second futwah in this case under Clause 3d, Section II, Regulation XV of 1803, the Moofty having declared Hyd barred by reason of the evidence affording strong presumptive proof only against the Prisoner. This must be done and a fresh sentence passed.

£4th £7.

C.S. Adams

No.

Monday, 17th December 1859

At a Court of the Foujdaree Udalut

Present

T.L. Strange Esquire.
H. Forbes Esquire (Offg.)
G.J. Branchamp Esqr. (Offg.)
} Puisne Judges.

Read again Miscellaneous Petition presented on the 27th August 1859 by P. Sadagopachaslu, Pleader on behalf of Podia poorayil, Manally Valapil and of 1859 on the file of the Session Court of Calicut.

[Here enter Jgm. D. No. 163 of 1859.]

Read also Miscellaneous Petition presented on the 3rd October 1859 by J.D. Mayne Esquire, Pleader on behalf of Poodeakody Govanan Nair, 2nd prisoner in the above case.

[Here enter Jgm. D. No. 169 of 1859.]

Read also return dated 23rd November 1859 from the Session Judge of Calicut to the precept of the Foujdaree Udalut

Udalut under date the 13th October 1859
calling upon him to forward a trans-
cation of the record of trial in the
above case.

[Here enter F. No. Nos. 1959 of 1859.]

1. In this case the Sessions Court Gness 2nd Storey and Beauchamp.
have convicted the 1st prisoner merely
on the ground that he is interested
in the forgery. But this fact, unsupport-
ed by other proof, is wholly insuffi-
cient, unless it were satisfactorily shown
that there is no other person similarly
interested in the establishment of the
point for which the 1st prisoner con-
tended, that the family &c by Guach.
Katoyens.

2. The conviction of the 2d prisoner
rests on the assumption that he, as
the Head Copyist, was ordinarily the
party who received documents from
the record room; that he was in pos-
session of this document on the 26th
June, but to this fact there is nothing
but the evidence of the 4th witness, also

a copyist, and his evidence is therefore to
be received with caution, and that he
might consequently have tampered it.
But whilst there is no proof that this
document was actually delivered to
him, there is proof that documents
are given to the copyists indiscrimi-
nately, and the evidence establishes
no fact, except that 25 days after the
documents had been in the Copyists' ca-
room, he pointed out the blemishes on
it to the Record Keeper, rather
than on any other of the copyists, who
it would seem had as great facili-
ties of tampering with it as himself.

3. Adverting to the ingenious
manner in which the fraud has
been committed, the Court of Foujdaree
Udalut distrust the evidence of 1st wit-
ness, who states positively that the do-
cument was in its present state when
delivered from the Record room on the

31st May.

There

4. There is nothing in the case inconsistent with the hypothesis that the mutilation may have occurred at a much earlier date than may [illegible] the fact of the English signature of an East Indian Officer having been so closely imitated would seem to indicate that some person more familiar with that language than a Native Copyist must have been employed on the occasion of committing the fraud.

5. The Court of Tanjore Mudaliar on the above grounds, considers the proof insufficient for conviction, and direct the release of the prisoners.

Read again Miscellaneous Petition presented on the 23d August 1859, by Arthur Mc. Ritchie Esquire and Mr. Venkatarayalu Naidu, Pleaders on behalf of Coetty and 7 other prisoners in Case No. 19 of 1859 on the file of the Session Court of Coimbatore.

[Here enter F.M.P. No. 141 of 1859.]

Read

Read the return dated 23d November 1859 from the Officiating Sessions Judge of Coimbatore to the precept of the Tanjore Mudaliar under date the 27th October 1859 directing the submission of a translation of the record in the above case for their consideration.

[Here enter F.M.P. No. 2086 of 1859.]

The attention of the Court of Tanjore Mudaliar has been forcibly drawn to the inconsistent and manifestly improbable character of the evidence for the prosecution in this case. The 1st witness, whose house was robbed, states that he identified the 5 prisoners before the Session Court and seven others by torchlight; but in his report of the morning, No. 6 of the following morning, No. 6 of the Police Proceedings, it appears that although this witness gave to that officer a full account of the alleged robbery, he expressly stated at one time

Vide Sessions and Chamber

2

time that he did not recognize the robbers; and at another declined to say anything on the subject.

3. The same objection is applicable to the testimony of the 2d witness, wife of the 1st. The 3d witness, his son, denies that either 1st or 2d or witness said anything to him at the time with regard to the alleged identification.

4. The statements of the 4th & 6th witnesses, that on the night in question they concealed themselves behind a hedge and a heap of cholum stalks, and from thence watched the proceedings of the robbers; and that they were thus enabled to identify the prisoners before the Court, does not deserve much attention.

5. The property found in the possession of the prisoners consists, with one exception, of brass plates and other articles of ordinary house hold use, difficult if not impossible to

December 1859.

to identify. The exception to which allusion is above made, consists of a ruby earring found with the 2d prisoner; but adverting to the evidence with which the prosecutor and his witnesses depose to the identity of the articles above mentioned, the Court are unable to place any reliance on their statements in respect to this single article. The Court are of opinion on the above grounds that the evidence on the trial is wholly insufficient to sustain the conviction, and accordingly resolve to direct the release of the prisoners.

C/S Chamier

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F. No.

Tuesday
20th December 1859. At a Court of the Foujdaree Udalut

Present

J. Le. Strange Esquire ——
H. Fyers Esquire Offg ——
G. T. Beauchamp Esquire Offg
} Puisne Judges

Read letter from the Sessions Judge of Chittoor dated 15th December 1859, requesting the opinion of the Court, as to whether it is his duty to report the fact of admissions of guilt having been made by parties whose appeal is now before the Foujdaree Udalut.

(Here enter F. No. 2197 of 1859)

The Court are of opinion that it is not the duty of the Sessions Judge to bring to the notice of the Court the fact of such admissions of guilt having been made by parties whose appeal is now before this Court.

Ex Ell.

C. S. Chamier

F. No

Wednesday 21st December 1859.

At a Court of the Foujdaree Adalut

Present

J. L. Strange Esqr. ——
H. Frere Esqr. (Offg.) —— Puisne Judges
G. T. Beauchamp Esqr. (Offg.)

Read again Miscellaneous Petition presented on the 6th October 1859 by Messrs. J. B. Norton and J. W. Branson, Pleaders on behalf of Vanger Pitchanna and others, prisoners 1, 2, 3, and 4 in the Calendar No. 33 of 1859 on the file of the Sessions Court of Nellore.-

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

Read also return and supplemental return dated respectively 18th and 21st November 1859, from the Acting Sessions Judge of Nellore, to the precept of the Foujdaree Adalut under date the 22nd October 1859, calling for information and record in the above case.-

(Here enter F. Do. Js. Nos. 1925 & 2078 / 1859.)

Read

Read also Miscellaneous Petition presented on the 24th October 1859, by J. W. Brown Esqre. Pleader on behalf of Comandoor Narasimha Charloo, and Proozannery — Paraperedayy, 3rd and 4th witnesses for the — prisoners in the above calendar.-

(Here enter F. M. P. No. 185 of 1859.)

1. The Petitioners in No. 185 — Messrs Shaw and Beauchamp
appeal against the order of the Acting Sessions Judge under date the 7th September 1859, imposing a fine of Rupees 50 on each of them, on the score of having prevaricated in deposing to certain principal points in the said case No. 33, for the defence.-

2. The Court of Foujdaree Adalut have carefully considered the evidence in this case, together with the explanation submitted by the Acting Sessions Judge, in return to the precept of this Court under date 22nd October last, and are of opinion that although there are facts in the case which might be pleaded

as affecting the credit of the receipt dated 9th July 1859 before a Civil Tribunal, there is no distinct proof which in any way sustains the conviction of the prisoners on the charge of Forgery and uttering.-

3 The Court also observe that the Acting Sessions Judge is wholly in error in supposing that the Extract Proceedings Sudder Adalut 6th August 1857, which he has quoted, tends to justify any such cross examination of the prisoners as that to which they have been subjected in this case. The order does not in fact apply to trials before a Sessions Court.-

4 The Court would further remark that in forming his estimate of the evidence for the prosecution, the Acting Sessions Judge has attached — weight to a statement made by the 1st prisoner before the Assistant — Magistrate, which he has imported into the case before the Sessions Court without

without specific proof, and were therefore no evidence.-

5 The Court accordingly resolve to cancel the sentence in the case in question, and direct the unconditional release of the prisoners.-

6 As respects the Petitioners in Nº 185, the 3d and 4th witnesses for the defence, who were fined for prevarication, the Court of Fouzdaree Adalut on perusal of their evidence, fail to perceive that they were guilty of any such offence as would render them liable to the penalties imposed. The Court accordingly resolve to direct the refund of the amount to these Petitioners.-

Read Calendar of Case Nº 31 of 1859 on the file of the Session Court of Madura.-

(Here enter F.G. Nº 2217/1859)

1 In sentencing the Prisoner, on his conviction of Perjury, to 4 years' Imprisonment with hard labor in irons, and 80 Lashes with the cat of nine tails,

the Session Judge recommends that the period of Imprisonment be mitigated to 6 Months, which, with the stripes, he considers, will meet the ends of justice in this Case.-

2 The Court of Fouzdaree Adalut resolve to remit the stripes and to authorize that the imprisonment be reduced to 18 Months.-

Read Miscellaneous Petition presented on the 8th September last, by J.W. Brannon Esqre and S. Seroomala Chary Pleaders on behalf of Nullana Naidoo of Zillah Bellary.

(Here enter F.Mn.D.Nº 152 of 1859)

Petitioner appeals from the sentence passed upon him by the Sessions Judge in Case Nº 33 of 1859.-

Messrs Frere and Beauchamp

2 The Court of Fouzdaree Adalut resolve to call upon the Session Judge to send a translation of the record of the case in question, if any other evidence has been taken than that recorded in Case Nº 31 of 1859.

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

Read

21st Decr

Read Miscellaneous petition presented on the 8th September last, by J.W. Brannon Esqr and S. Seremala Chetty Pleaders on behalf of Huttara Saiboy of Zillah Bellary.-

(Here enter F. In. P. Nr. 151 of 1859.)

1. Petitioner appeals from the sentence passed upon him in Case Nr. 37 of 1859 on the file of the Session Court of Bellary.- Messrs Frere and Beauchamp

2. His Court of Foujdaree Adalut resolves to call upon the Session Judge to forward a translation of the record connected with the Case in question if any other evidence has been taken than that recorded in Case Nr. 31 of 1859.-

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

Read Miscellaneous Petition presented on the 13th Instant, by S. D. Iranjee Esqr, Pleader on behalf of Narrainsawmy Iraidoo of Zillah Chittoor.

(Here enter F. In. P. Nr. 209 of 1859)

1. This is an appeal from the Sentence passed by the Session Judge upon Messrs Frere and Beauchamp

7th December 1859

upon the Petitioner, prisoner in Case Nr. 33 of 1859.

2. Before finally disposing of the foregoing Petition, the Court of Foujdaree Adalut resolves to call upon the Session Judge of Chittoor to submit a translation of the entire record connected with the Case in question.-

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

Read Miscellaneous Petition received on the 18th Instant, from the Session Judge of Mangalore, from Chikkiah, prisoner in Case Nr. 31 of 1859.-

(Here enter F. In. P. Nr. 199 of 1859)

1. Petitioner in this Case appeals against the Sentence of the Session Court at Mangalore, by which he was convicted of the Crime of Robbery, and sentenced to Fourteen years' imprisonment with hard labour in irons.- Messrs Frere and Beauchamp.

2. From the Calendar forwarded by the Session Judge, it appears that the conviction rests on the evidence

of

of the 1st witness, who states that she identified the Prisoner at the time, supported by the testimony of her children, the 2nd 3rd and 4th witnesses.-

3 The Petitioner now urges, that according to the statement of these witnesses themselves, the Potaid and other neighbours came to the house of the 1st witness on the same night, and on the morning after the Robbery; that 1st witness made no mention at that time of the fact of her having recognised the Petitioner, nor was the Petitioner apprehended, though he was then present on the spot; and that in fact no mention was made of the alleged identification of the Petitioner in the Potails Report of the 17th August last, the Robbery having taken place on the night of the 15th.-

4 The Court of Kangdara Udalut resolve therefore to forward to the Sessions Judge a Copy of Translation of this Petition, and request that he

he will state for the information of this Court whether these allegations are supported by the facts of the case. If so, the Sessions Judge will be pleased to submit the entire record for the orders of this Court.-

Precept returnable within 1 days from and after its receipt.- S

Ex'd Hall. C. D. Chamier

T. Ud.

Thursday, 22nd December 1859

At a Court of the Fouzdaree Udalut

Present

J. L. Strange Esquire .....
H. Frere Esquire Offg. } Puisne Judges
G. T. Beauchamp Esquire — Do. —

Read letter dated 22nd November 1859, from the Sessions Judge of Coimbatore, submitting for the final judgment of the Fouzdaree Udalut, the record of trial in Case No. 60 of 1859 on the Calendar of the Sessions Court.

(Heera Ruler T. Ud. No. 2250 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

Vully ummaul

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

labor suitable to her sex, for and during
the period of her natural life.

Read letter dated 28th ultimo
from the Acting Agent to the Governor at
Vizagapatam, submitting for the final judg-
ment of the Foujdaree Adalut, the record of
trial in Case No. 16 of 1859, on his file.

(Here enter F. C. No. 2192 of 1859)

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 prose-
cution against
the prisoner

1st Ejjuny Venkada

is sufficient to convict him of the offence
charged, do convict him thereof; and inder
the provisions of Section X, Regulation VIII of
1802, sentence him to suffer death by being
hanged at the usual time and place of Ex-
ecution, and the prisoners

2nd Nidiabhungy Nursigadoo

and

3rd Maraganda Sathigandoo

is sufficient to convict them of being accessary
to murder, do convict them thereof, and under
the provisions of Clause 3rd Section VII Regulation XV

of

of 1803, Sentence the prisoners

2nd Nidiabhungy Nursigadoo

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 the prisoner,

3rd Maraganda Sathigandoo

to be imprisoned and kept to hard labor in irons
on the public roads or other public works
for and during the period of (7) seven years.

The defences of the Prisoners
in this Case are not in their proper place. They
should appear in their appropriate position
as occurring, at the close of the evidence for the
prosecution.

Read letter from the Sessions
Judge of Nellore, dated 13th December, with reference
to Proceedings of the Court of the 6th December
on the subject of Copies of Magistrates' orders
being on stamped papers.

(Here enter F. C. No. 2195 of 1859)

The Court see no objection to
the practice recommended by the Sessions Judge
in the case of appeals from Magistrates orders.

Read Miscellaneous Petition
presented on the 22nd Instant, by Mr. Venkatarayadoo
Naidoo,
Pleader

22nd December 1859.

Pleader on behalf of Virachola Sunnasyapay of zillah Vizagapatam.

(Here enter F. No. P. No. 218 of 1859)

1. Petitioner prays for the issue of an order to the Governor's Agent at Vizagapatam to grant him copies of certain papers on the record of the Criminal case No. 11 of 1859

2. The Court direct that this petition be forwarded to the Agent with the request that if the statements therein contained are true, the copies referred to may be furnished with all practicable Expedition.

C. S. Chamier

F. No.

Friday, 23rd December 1859.

Court of the Zemindaree Adalut.

Present.

J. Le. Strange Esqre. — Puisne Judges.
H. Forbes Esqre. (Offg.)
G. T. Beauchamp Esqre. (Offg.)

Read Calendar of cases No. 39 of 1859 on the file of the Sessions Court of Chicacole

(Here enter F. No. No. 2240 of 1859)

and recommended the Court of Zemindaree Adalut 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 them under the penal code.

Chinna Kaidi — Transmitted and Perna Kaidi — Four Years.

Read letter dated 13th December 1859 from the Sessions Judge of Cuddapah, submitting for the final Judgment of the Zemindaree Adalut the record of Case No. 81 of 1859 on the Calendar of the Sessions Court.

(Here enter F. No. No. 2328 of 1859)

W. H. Forbes

the Court of Zemindaree Adalut on a deliberate consideration of all the circumstances of the case as evidenced before them, being of opinion that

23d December 1859.

that the Prisoners,

1st Jolakadoonna Karen
Cheraperambil Mooyad
Cooly.
2d Walolly Karoo Cha Moidootty and
3d Veeran Koono thoompadikal
Pungo alias Pungan,

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.

Gang Robbery.

Read letter dated 10th December 1859 from the Offg Sessions Judge of Tinnevelly, submitting for the final judgment of the Tongadoo Velakut, the Record of Trial No. 57 of 1859 on the Calendar of the Sessions Court.

Mr. H. Frere.

[Veerapatee F. Co. No. 2206 of 1859]

The Court of Tongadoo Velakut on deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the prisoners,

1st Ramasami, son of Kullamidattaven
2d Ramasami, son of Pichataven and
3d Ramasami, son of Sidalamuttu taven,

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

House breaking and Theft attended with assault and Murder

23d December 1859.

thereof, and direct that they be set at liberty.

Exd S
E.T.

C. D. Chamier

F. Ms.

Saturday 24th December 1859.

At a Court of the Fouzdaree Adawlut.

Present.

F. L. Strange Esquire
H. Frere Esqr (Officiating)
G. T. Beauchamp Esqr (Offg.)
} Puisne Judges.

Read Calendar of Cases of 1859 of 1859 on the file the Sessions Court of Tinnevelly.

[Here enter F. Ms. No 2236 of 1859.]

The particular witnesses fined and the amount of the fines imposed should have been stated.

Read Miscellaneous Petition presented on the 21st instant by V. W. Brandon Esqr, Pleader on behalf of Sobapaty prisoner in Case No 35 of 1859 on the Calendar of the Sessions Court of Chittoor.

[Here enter F. Ms. No 2190 of 1859.]

Messrs F. L. Strange H. Frere, and G. T. Beauchamp

Petitioner appeals from an order of the Sessions Judge dated 15th December 1859, refusing copies of the evidence and proceedings in Cases Nos 8, 13 and 18 of 1859.

Petitioner

24th December 1859

2. Petitioner Represents by his Counsel that the cases in question are founded upon the same alleged event which has given Rise to the trial to which he has been subjected, and that it is of consequence to him to know and to be able to show what may have been the Statements made on the said occasions.

The Court are of opinion that should the above Representation be accurate, the petitioner should be allowed to take copies from the said Records.

Read Miscellaneous Petition presented on the 11th January 1859 by J. D. Brayne Esqr. and A. Lobbich, Pleaders on behalf of Sooroomuppa Naick of Zillah Madura.

[Here enter J. No. 2 No 14 of 1859.]

1 This is an application for a re- consideration of the order passed by this Court on the 11th October 1858, upon the Petition No 127 of 1858 presented on behalf of Venkatadamy Naick of Madura.

Mess[rs] J. D. Strange, H. Fraser, and G. T. Beauchamp.

2 The Court see no ground to interfere with the order passed in the case on the 11th October 1858.

Read

December 1859.

Read Miscellaneous Petition received on the 28th September 1859 through the Sessions Judge of Rajahmundry from Lakshmana Ling of that Zillah.

[Here enter J. No. 2 No 164 of 1859.]

24. Strange, 1. Fraser, Beauchamp. Petitioner Appeals from the Sentence passed by the Sessions Judge in case No 18 of 1859, wherein he was 1st prisoner.

2. The Court of Sudder Adawlut Madras refer the Petitioner to their proceedings of the 30th September 1859, whereby he was ordered to be released.

Read Criminal Reports for the month of November 1859 submitted by the Sessions Judge of Rajahmundry.

[Here enter J. No. No 2212 of 1859.]

No 125. This would appear to be merely a breach of civil contract, on which no Criminal proceedings can be instituted. If a Criminal offence was committed, it was beyond the jurisdiction of the Sudder Ameen, with reference to the value of the property appropriated. The Sessions Judge is requested to review the Record and pass such orders thereon as he may deem proper.

Read

Read letter from the Sessions Judge
of Chicacole dated 6th December, forwarding
for sanction a Bill for travelling expenses
of Major Strange and Dr Smith, Commissioned
as witnesses to Chicacole, in the trial of certain
parties for the murder of Capt. Leycester
[Here enter J. No. 2265 of 1859]

The Court regret that they cannot
forward the above bill for sanction as it
is not drawn out as required by Govern-
ment. The amount should be calculated
at so many days' difference between full
and half batta.

The following Miscellaneous Bills
are rejected Viz. Nos. 181 - 184 and 189.

E. F.

C. S. Channell

24th Decem 18

Read letter from the Sessions Judge of Chicacole dated 9th December, forwarding for sanction a Bill for travelling expences of Major Strange and Dr Smith, Commissioned as witnesses to Chicacole, in the trial of certain parties for the murder of Capt. Leycester

(Here enter F. No. 8 2205 of 1859)

The Court regret that they cannot forward the above bill for sanction as it is not drawn out as required by Government. The amount should be calculated as many days' difference between full and half batta.

The following Miscellaneous bills are rejected Viz. Nos. 181 - 184 and 189 Rs.

E. E.

C. S. Channell