1152

Ordered that Extract from these proceedings be forwarded to the Acting Sessions Judge of Trichinopoly for his information and guidance.—

Sent in No.

Read again Calendar of Case No. 15 of 1850 on the file of the Sessions Court of Nellore.—

(Here enter T. U. No. 1665 of 1850.)

Read also return under date the 8th July 1850 from the Sessions Judge of Nellore to the precept of the Tondiarce Udalut dated the 6th July 1850 conveying their orders on the foregoing case.—

(Here enter T. U. No. 1738 of 1850.)

In conformity with the recommendation made by the Sessions Judge in this case the Court of Tondiarce Udalut authorize that Officer to reduce the period of imprisonment awarded to the prisoner to seven years.—

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Nellore for his information and guidance.—

(Sent in No.

Paid

Read the following letter dated the 5th July 1850 from the Sessions Judge of Chittoor.

(Here enter T. U. No. 1723 of 1850.)

1. With the above communication the Sessions Judge submits for the consideration of the Court of Tondiarce Udalut copies of a correspondence which has passed between the Magistrate and the Subordinate Judge relative to the release by the latter Officer of certain women and children in Criminal Cases Nos. 47 and 69 on the file of the Subordinate Court.—

2. It appears that the individuals in question, who are the wives children, and female dependants of the principal offenders in the above cases, and were more or less implicated in the charges of House breaking, and Gang Robbery preferred against them, have been released by the Subordinate Judge on the ground that they, as married women, are not responsible in charges of the nature referred to, as it must be presumed, unless there is positive evidence to the contrary, that they acted under the coercion of their husbands.—

3. The Magistrate takes exception to the above exposition of the Law, and being

22nd July 1850.—

being of opinion that the release of the Prisoners on these grounds will be attended with pernicious consequences, has requested that the point may be submitted for the decision of the Foujdaree Adalut.—

4. The Court of Foujdaree Adalut are of opinion that the Subordinate Judge's exposition of the Law on the point referred for their consideration is correct, and, in directing the release of the individuals in question, they consider Mr. Brett to have evinced a sound discretion.—

Ordered, that Extract from these proceedings be forwarded to the Session Judge of Guntoor for his information and for communication to the Magistrate and Subordinate Judges respectively.—

(Sent in A°

Read Calendar of Case No. 34 of 1850 of the Session Court of Masulipatam.—

(Here enter J. A. No. 1776 of 1850.)

1. The Court of Foujdaree Adalut are of opinion that, under all the circumstances of this case, a sentence of one years imprisonment will be adequate punishment for the offence of which the Prisoner has been convicted, and on the recommendation

J. A.

22nd July 1850.—

recommendation of the Session Judge the Court will be prepared to mitigate the sentence which has now been recorded against her to that extent.—

2. If the Session Judge be unable to concur in the foregoing opinion, he will be pleased to submit a translation of the entire record of the case for the consideration of the Foujdaree Adalut.—

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

(Sent following precept A°

Read Calendar of Cases No. 22 and 23 of 1850 of the Session Court of Cuddalore.—

(Here enter J. A. Nos. 1788 and 1789 of 1850.)

1. The Court of Foujdaree Adalut are of opinion that the sentence which has been recorded against the Prisoner in each of the above Cases on his conviction of "Perjury" may with propriety be reduced to one years imprisonment with hard labor in irons—and on the recommendation of the Session Judge the Court will be prepared to mitigate the Prisoner's sentence

22nd

sentence to that extent.—

2. . . . . If the Sessions Judge be unable to concur in the above opinion, he will be pleased to submit a translation of the entire records for the consideration of the Court of Sudder Adalut.—

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

(Sent following precept. No.

Read Calendar of Case No. 37 of 1850 of the Sessions Court of Masulipatam.—

(Here enter F. H. No. 1791 of 1850)

1 The Court of Sudder Adalut consider the sentence recorded by the Sessions Judge against the Prisoner in this case to be unnecessarily severe, and that one of 6 months' imprisonment will adequately meet the demands of justice.—

2. . . . . If the Sessions Judge be unable to concur in the above opinion he will be pleased to submit a recommendation for the mitigation of the Prisoner's sentence accordingly:—if he differs therefrom he will be pleased to submit a

translation of the entire Record.—

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

(Sent following Precept No. £—

No 78

22

F.M.

Tuesday
23rd July 1850

At a Court of the Fojdaree Adalut

Present

G. A. Hooper Esqre ——— 1st Puisne Judge

H. P. Thompson Esqre ——— 2d Puisne Judge

W. A. Morehead Esqre ——— 3d Puisne Judge

Read again Calendar of Case No 24 of 1850 of the Sessions Court of Nellore.

(Here Enter F.M. No 1666 of 1850)

Read also Return dated the 13th July made by the Sessions Judge of Nellore to the Precept of the Fojdaree Adalut under date the 15 July 1850, containing the observations usual in the Courts on the above Case.

(Here Enter Pte No 1808 of 1850)

In accordance with the recommendation made by the Sessions Judge in the foregoing Return, the Court of Fojdaree Adalut resolve to direct that the sentence recorded against the Prisoners in the above Case be reduced to 7 years' imprisonment with hard labor in irons.

2. The Sessions Judge will be pleased to issue fresh Warrants in accordance with the foregoing resolution.

Ordered that Extracts from

these

these Proceedings be forwarded to the Sessions Judge of Nellore for his information and guidance.-

/Seal to issue/

Read Calendar of Case No 25 of 1850 of the Sessions Court of Nellore.-

/Here enter the No 1686 of 1850/

Read also Letter dated the 13th July 1850 from the Sessions Judge of Nellore, submitting an English translation of the Record of the above case for the final sentence of the Court of Sudder Adalut.-

/Here enter Disc. No 1806 of 1850/

1 In this Case the Prisoner was charged with having stolen from his Father, the first witness, a box containing ready money jewels and cloths valued in the aggregate at Rupees 331-3-0.-

2 The Original Fatwa of the Mahomedan Law Officer convicts the Prisoner of the Crime charged, but declares Hudd to be barred on the ground that the 1st Witness stood in the light of a Procurator. that the Prisoner did not admit the Theft before the Sessions Court- and that the Articles before the Court were not kept in Custody from the Prisoner. In reply to a second question the Moofty declared Hudd to be still barred as the evidence of the 1st Witness was uncorroborated, and the

the two objections last mentioned were still in existence.-

3 The Case has been referred by the Sessions Judge for the final sentence of the Court of Sudder Adalut on the ground that the Fatwa is erroneous.-

4 The Court of Sudder Adalut are of opinion that the reference of this Case was irregular. The Sessions Judge pronounced the Fatwa to be erroneous, but this in itself the Court observe, forms no grounds for referring the trial to the Sudder Adalut as the Fatwa might have been transmitted for the opinion of the Case. vide Circular.-

5 The Court are however of opinion that the difficulty met with in this Case arises entirely from the 2d question put by the Sessions Judge to the Moofty, to remove the technical objections raised by that officer to the declaration of "Hudd", not being sufficiently full and explicit, in as much as the said question was merely put under Clause first Section II Regulation XV of 1829 to get over the objection raised to the evidence of the first Witness, and did not include, as it ought to have done, agreeable to the provisions of Clause fourth Section II Regulation XV of 1803, the "Special exceptions" likewise held by the

23d July 1850

the Moofty to bar a Sentence of Death.

6. The Court accordingly resolve to remand the case to the Sessions Judge, who will be pleased to dispose of the same with reference to the foregoing observation.

Ordered that a Extract from these Proceedings be forwarded to the Sessions Judge of Tellore for his information and guidance.

(sent in No 890)

Read again Calendar of Cases No 13 of 1850 of the Sessions Court of Cuddalore.

(Here enter F.C. No 1888 of 1850)

Read also Return dated the 13th July made by the Sessions Judge of Cuddalore to the Precepts of the Fouzdaree Adalut under date the 6 July 1850 containing the observations of the Court in the above case.

(Here enter the No 1793 of 1850)

1. In accordance with the recommendation made by the Sessions Judge in the foregoing Return, the Court of Fouzdaree Adalut resolve to direct that the Sentence recorded against the Prisoner in the above Case, be reduced to (3) three Years' imprisonment with hard labor in irons.

2. The Sessions Judge will be pleased to issue a fresh warrant in accordance with the foregoing resolution.

Ordered that a Extract from these Proceedings be forwarded to the Sessions Judge of Cuddalore for his information and guidance.

Rd 1852.

(sent in No 891.)

F. C.

Wednesday 24th July 1850

At a Court of the Fouzdaree Adalut

Present

W.K. G. L. Hooper Esqre 1st Prisne Judge

W.K. for E.P.J. E. P. Thompson Esqre 2d Prisne Judge

W. A. Morehead Esqre 3d Prisne Judge

Read letter dated the 9th July 1850 from the Agent to the Governor in Ganjam submitting for the final judgment of the Fouzdaree Adalut the Record of Case No 17 of 1850 on the Calendar.

(Here enter F.C. No 1888 of 1850)

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,

Mr E. P. Thompson

"Bolegadoo"

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

The Court of Fouzdaree Adalut

consider the evidence of the guilt of the Prisoner in this

this case to be most complete, and are of opinion that any sentence short of the extreme penalty of the Law would be insufficient to meet the demands of justice.

2 The Court of Foujdaree Udalut resolve to direct that in all cases set down for reference for the final judgment of the Foujdaree Udalut a calendar of the case should be transmitted prepared in the form in which the Calendars are forwarded by the Session Courts, a specimen of which is sent herewith.

Ordered that Extract from these Proceedings be forwarded to the Agent to the Governor in Council for his information and guidance.

(Sent in N° 897)

Read Criminal Reports submitted by the Session Judge of Tellicherry for the month of June 1850.

(Here enter F. Ud. N° 1769 of 1850)

Report N°. Case N° 25.

It appears to the Court of Foujdaree Udalut that the offence charged in this case amounted to Highway Robbery, and as such should have been committed for trial to the Session Court.

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

(Sent in N° 898)

24th July 1850.

Read Criminal Reports submitted by the Session Judge of Salem for the month of June 1850.

(Here enter F. Ud. N° 1795 of 1850)

The Court of Foujdaree Udalut observe that the spot in which the theft charged in this case is alleged to have been committed should have been specified in the statement of charges.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Salem for communication to the Subordinate Judges.

(Sent in N° 899)

Read letter dated 10th July 1850 from the Principal Sudr Ameen of Cochin transmitting copy of a Petition from Mrs Ann Dorothy Leibschwager, and requesting that the Advocate General may be consulted as to whether any and what measures should be taken by him in his capacity of Justice of Peace against Mr. John Harris, who is charged therein with incest.

(Here enter F. Ud. N° 1811 of 1850)

The Court of Foujdaree Udalut observe that a Justice of the Peace has no jurisdiction in a case of this nature, which under the Law of England

24th July 1850

England as cognizable by the Ecclesiastical Courts also.

Ordered that Extract from these Proceedings be sent to the Principal Sudr Ameen of Cochin for his information.

D 15 (Sent in No. 900) H

F. 26.

Thursday 25th July 1850 } At a Court of the Foujdaree Adalut Present

GH — G. S. Hooper Esqr — 1st Pusne Judge
PT — C. P. Thompson Esqr — 2d Pusne Judge
W. A. Morehead Esqr — 3d Pusne Judge

Read again Miscellaneous Petitions presented on the 10th and 21st January 1850 by Tavvencata Ramanoja Iyengar of Zillah Combaconum.

(Vide enter F. M. P. Nos 14 and 42 of 1850)

Read also return under date the 15th July 1850 from the Sessions Judge of Combaconum to the Precept of the Foujdaree Adalut dated the 20th May 1850 conveying their orders upon the foregoing petitions.

(Vide enter F. Ct. No 1050 of 1850)

As it appears from the foregoing return that the Petitioner has made a false representation to the Court of Foujdaree Adalut in regard to the disposal of his complaint and the alleged refusal of the Magistrate, to grant him a copy of the order passed upon it, the Court of Foujdaree

Adalut

25th July 1850.

Udaluté consider the Sessions Judge to have acted correctly in insisting upon the Petitioners producing a copy of the order appealed from before passing orders upon his case.

2 The Petitioners application is dismissed.

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

(Sent in No. 901)

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

Read again Calendar of Case No. 10 of 1849 on the file of the Sessions Court of Cuddalore.—

(Here enter F. Uc. No. 2664 of 1849.)

Read also Miscellaneous Petition presented on the 11th April 1850 by Gyondapa Padeyāchy of Zillah Cuddalore.

(Here enter F. Uc. No. 77 of 1850)

Read also return under date the 4th July 1850 from the Sessions Judge of Cuddalore to the precept of the Fouzdaree Udaluté dated the 10th June 1850 conveying their orders on the foregoing

F. Uc
25th July 1850.

foregoing Case.

(Here enter F. Uc. No. 1710 of 1850)

The Court of Fouzdaree Udaluté

1 have attentively considered those portions of the voluminous record of this Case which have reference to the 1st 2d 3d 4th 10th 11th and 13th Persons and are of opinion that the evidence adduced justifies their conviction of the offence laid to their charge.

The Petition presented by Gyondapa

2 Padeyāchy is accordingly dismissed.

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

(Sent in No. 902.)

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

Read Miscellaneous Petition presented on the 4th July 1850 by Mootoo Coomarasamy Pillay of Zillah Tinnevelly.

(Here enter F. Uc. P. No. 110 of 1850)

The Court of Fouzdaree Udaluté

1 see no reason to question the propriety of the sentence awarded to the Petitioner's brother-in-law

Nullaseenen

Nullaseevan Pellay 1st Prisoner in Case No 26 of 1849 on the file of the Sessions Court of Tinnevelly, and this Petition is accordingly dismissed.

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

Read Calendar of Case No 203 of 1850 of the Sessions Court of Chittoor.

(Here enter F. M. No 1016 of 1850)

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this Case, that the sentence recorded against the first Prisoner on his conviction of "Housebreaking and theft" be mitigated to 5 years imprisonment with hard labor in irons - and the Sessions Judge is authorized to issue his warrant accordingly -

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

(Sent in No 903)

Read Calendar of Case No 50 of 1850 of the Sessions Court of Calicut -

(Here enter F. M. No 914 of 1850)

25th July 1850.

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this Case, that the sentence recorded against the two Prisoners on their conviction of "Housebreaking and theft" be mitigated to 10 months imprisonment with hard labor, but without irons - and the Sessions Judge is authorized to issue his warrant accordingly -

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

(Sent in No 904)

Read Calendar of Case No 214 of 1850 of the Sessions Court of Cuddalore.

(Here enter F. M. No 1045 of 1850)

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this Case, that the sentence recorded against the Prisoner on her conviction of "Housebreaking with theft" be mitigated to three (3) years' imprisonment with labor suited to her sex, and the Sessions Judge is authorized to issue his warrant accordingly -

Ordered that Extract from these

Proceedings be forwarded to the Sessions Judge of Cuddalore for his information and guidance.—

(Sent in No. 905

Read the following letter dated the 13th July 1850 from the Sessions Judge of Tellicherry

(Here enter Fl. No. 1003 of 1850.)

With the above communication the Sessions Judge submits copy of a letter from the Magistrate of Tellicherry, in which that officer requests the instructions of the Court of Foujdaree Udalut in respect to his competency under Act XIX of 1850, to place the female child of a Prisoner under the care of the Reverend W. Jewett, whose motives in undertaking the charge of her being purely religious, and beneficent, the consideration of either "premium" or "faithful service", cannot, the Magistrate observes, constitute a part of the contract, the execution of which is required by the said Act.

2. The Court of Foujdaree Udalut are of opinion that it is clearly competent to the Magistrate under the Act in question, to provide for the welfare of the child in the manner suggested in his letter. The stipulations of a "premium" and "faithful service" are merely inserted in the form of contract between the Master and Apprentice, as being a portion of the reciprocal advantages to be derived therefrom by the former but if the party receiving the Apprentice chooses to dispense with the fulfilment of those stipulations, it is obvious that he can do so without detriment to his acceptance of the contract.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judges for his information and communication to the Magistrate of Tellicherry.—

(Sent in No. 906

Circular.

Read Extract from the Minutes of Consultation of Government under date 11th July 1850 No. 1141 upon the letter from the Court of Foujdaree Udalut dated 27th June 1850 reporting that the temporary Jail in Cuttack had been destroyed by fire and that 29 of the prisoners had perished in the flames.

(Here enter Fl. No. 1754 of 1850.)

1. The Right Honorable the Governor in Council remarks that "the loss of life that has now been reported seems

"seems in a great measure to have been owing
"to the system observed in the temporary Jails
"of linking together parties of 10 or 15 Convicts
"by a Chain passed through the fetters of each.
"This practice was prohibited by the Government
22d July 1814 "under date 1st July 1814 and a Circular Order
"to that effect issued by the Foujdaree Court.
"The Judges will be pleased to repeat the
"prohibition and to make it applicable to
"all Jails temporary as well as permanent."

2 The Court of Foujdaree Udalut direct that these orders be circulated to the several Sessions Judges who will be pleased to communicate them to all Officers in charge of Jails within their jurisdiction and to enforce strict conformity to them.

Ordered that Extract from these Proceedings be sent to the several Sessions Judges for their information and for communication to all Officers in charge of Jails.

(Sentence Nos. 907)

Read Calendar of Cases Nos. 21. 22. 23. 25. and 26 of 1850 of the Sessions Court of Rajahmundry

Rajahmundry
(Here enter F. Dc. Nos. 1835. 1836. 1837. 1839 and 1840 of 1850.)

1. The Court of Foujdaree Udalut are of opinion that the sentence recorded against the 2d and 3d Prisoners in the above cases on their conviction of "receiving stolen property" may with propriety be reduced in the case of the 2d Prisoner to 7 years imprisonment, and in that of the 3d Prisoner to 5 years imprisonment, both with hard labor in irons and on the recommendation of the Sessions Judge the Court will be prepared to mitigate their sentences accordingly.

3. Should, however, the Sessions Judge dissent from the above opinion he will be pleased to submit a translation of the entire record of those Cases for the consideration of the Court of Foujdaree Udalut.

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

(Sent following Precept No. 900)

Read

25th July 1850.

Read Calendar of Cases 21 of 1850 of the Sessions Court of Mangalore.

(Here enter F. No. 775 of 1850)

The abstract of the Futwa and the precise grounds of the reference of this Case not having been entered in the Calendar as required by Foujdaree Adalut Circular Order dated the 11th October 1822, the Court of Foujdaree Adalut resolve to return the Calendar to the Sessions Judge in order that the omission may now be supplied:—

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Mangalore for his information and guidance by Precept returnable within 10 days from and after its receipt.

(Sent following Precept No. 909)

Read again Miscellaneous Petition presented on the 11th February 1850 by R. Seroonul now Vakeel on behalf of Chenaya Gowda of Zillah Honore.

(Here enter F. Mo. P. No. 39 of 1850)

Read again also Calendar of Cases No. 37 of 1849 on the file of the Sessions Court of Honore.

(Here enter F. No. No. 2472 of 1849)

25th July 1850.

Read also return under date the 11th April 1850 and Supplemental return under date the 6th July 1850 from the Sessions Judge of Honore to the Precept of the Foujdaree Adalut dated the 10th March 1850 directing the submission of an English translation of the portion of the record of the foregoing Case relating to the 1st Prisoner.

(Here enter F. No. Nos. 960 and 1775 of 1850)

The Court of Foujdaree Adalut observe that the only evidence against the 1st prisoner in this Case consists in his Crimination by the 2d and 3d prisoners and in the alleged discovery of the article No. 4 in his granary nineteen days after the robbery took place.

2 The crimination of the 1st Prisoner by the 2d and 3d Prisoners is of Course worthless if unsupported by other evidence, and to the evidence to the alleged discovery of the article No. 4, to its identity with the chain which was stolen or to the assertion that it fell to the 1st Prisoner's share and was concealed by him in his granary the Court of Foujdaree Adalut can attach no credit, the whole circumstances

circumstances of the case leading to a contrary conclusion and inducing the belief that it was put there by the Prosecutor, or by his people or the Police.—

3 The Court of Foujdaree Udalut accordingly direct that the 1st prisoner be unconditionally released.

4 The Court of Foujdaree Udalut desire to be informed why the evidence of Bapah and Chinna Veeriya who were examined before the Peishcar (Pages 47 and 53) was not taken before the Sessions Court; and whether the detention of the 1st Prisoner by the Peishcar for a period of eight days after his first apprehension has been communicated to the Magistrate.

5 The Circumstance of the 1st prisoner's apprehension on the 13th September and subsequent discharge on the 22d idem should have been stated in the Calendar of the case.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Vizagapatam by Precept returnable within 10 days from and after its receipt.

(Sent following Precept No 910).

Ordered

Ordered also that Extract from these Proceedings be granted to the Petitioner Vakeel on his application.—

4d W

F. U.

Friday 26th July, 1850.

At a Court of the Fouzdaree Adalut

Present

G. S. Hooper Esqre ——— 1st Puisne Judge

E. P. Thompson Esqre — 2nd Puisne Judge

W. A. Morehead Esqre — 3rd Puisne Judge.

Read Criminal Reports submitted by the Sessions Judge of Mangalore for the Month of June 1850.—

(Here enter F. U. No. 1831 of 1850).

Case No. 91

1. The Court of Fouzdaree Adalut require to be furnished with a further explanation shewn the remarks contained in the report of this Case convey in regard to the nature of the offence committed by the 6th witness for which it appears that he has been sentenced to pay a fine of Rupees 10. commutable in default of payment to six weeks Imprisonment, the authority quoted for such sentence being Section VII Regulation XIII of 1832.

2. The Court of Fouzdaree Adalut observe that one month is the full period of Imprisonment awardable under the Regulation quoted, and in regard to the offence charged against the witness in question Viz. the suppression of the fact of relationship existing between him and the

2nd

2nd prisoner the Court desire to be informed whether that suppression extended to a denial which they observe would be necessary to constitute a Criminal offence punishable under the Law quoted.

Ordered. That Extract from these Proceedings be sent to the Sessions Judge of Mangalore by precept returnable within V days from and after its receipt.

(Sent following Precept No. 911)

Read Criminal Reports submitted by the Acting Sessions Judge of Trichinopoly for the month of June 1850.

(Here enter S. C. No. 1857 of 1850).

Cases No. 53. 54.

1.

The Court of Foujdaree Adalut observe that the prisoners in these cases should not have been committed to the Criminal Court; the offence charged in No. 54 of refusing to pay a fine imposed by a Village Moonsiff under the provisions of Section XIX Regulation IV of 1816 being punishable by that officer under Section XXV of the same enactment.

2.

An assault having been charged in Case No. 53 the prisoner if convicted was merely liable to punishment for a breach of the Peace by the Police or Magistracy under the general Regulations.

3.

In conclusion the Court of Foujdaree Adalut

26th July 1850.

Adalut observe that resistance to legal process unless that resistance be offered to the process of a Magistrate which is specially provided for in Sections XVII. XVIII and XIX Regulation IX of 1816. does not constitute a Criminal offence.

Ordered that Extract from these proceedings be forwarded to the Acting Sessions Judge of Trichinopoly for communication to the Magistrate and Principal Sudr Ameen.

(Sent in No. 912).

Sd 1850

F. 86.

Saturday 27th July, 1850.

At a Court of the Foujdaree Adalut.

Present.

G. S. Hooper Esqr. ——— 1st Puisne Judge
E. P. Thompson Esqr. — 2nd Puisne Judge
W. A. Morehead Esqr. — 3rd Puisne Judge.

Read letter dated 15th July 1850.

from the Session Judge of Coimbatore soliciting sanction for the offer of a reward of Rupees 100 for the recapture of the Prisoner noted in the margin who effected his escape on the 7th July 1850.—

× Rungha Setty.

(Here enter F. 86. No. 1829 of 1850).

1. As it appears that the reward in question has been already published by the Magistrate the Court of Foujdaree Adalut will not decline to recommend it for the sanction of Government but they see no sufficient reason for so large a sum as 100 Rupees having been offered on this occasion and consider that the reward fixed by Circular Order of Foujdaree Adalut No. 104 would have been ample.—

2. The Court of Foujdaree Adalut further observe that the Descriptive Roll submitted with this communication has not been prepared according to their Circular Order

of

27th July 1850.

of the 16th May 1832. to which consequently the attention of the Sessions Judge will be called.—

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

(Sent in No. 917).

Ex. Bld.

H. A. L.

F. U.

Monday 29th July 1850. At a Court of the Foujdaree Udalut.

Present

GJR — G. S. Hooper Esqre. 1st Puisne Judge.

EPT — E. P. Thompson Esqre. 2nd Puisne Judge.

WAM — W. A. Morehead Esqre. 3rd Puisne Judge.

Read Criminal Reports submitted by the Sessions Judge of Chittoor for the month of June 1850.

(Here enter F. U. No. 1856 of 1850.)

Case No. 102. The Court of Foujdaree Udalut observe that the manner in which the prisoner effected his entry into the house of the Prosecutor in this case should have been entered in the statement of charge.

Case No. 107. The Court of Foujdaree Udalut direct that the amended sentence which may be passed in this case consequent upon the orders of the Sessions Judge be reported for their information.

Case No. 109. The Court of Foujdaree Udalut

direct

29th July 1850.

direct that the requisition of security under which the 2nd prisoner in this case has been placed be annulled; the power of demanding security from "old offenders" not being vested in the Criminal Courts who are authorized to make such demands only in those cases in which strong suspicion may be considered to attach to a prisoner of having committed the Specific offence charged.

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

/Sent in No. 920/

Reads Reports of cases disposed of by the Magistracy of Guntoor under the extended powers vested in it by Act VII of 1843 during the month of June 1850.

/Here enter G. O. No. 1866 of 1850./

Case No. 16

The Court of Foujdaree Udalut observe that the provisions of Clause fourth Section III Regulation VI of 1822 have been incorrectly quoted in support of the sentence awarded to the prisoner in this case the Officer of the Magistracy not having been vested with the power of disposing of Cases under the provision of

29th July 1850.

of that enactment.-

The Court of Foujdaree Udalut further observe that these reports need not be forwarded with a separate letter.-

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge for communication to the Magistrate of Guntoor.-

/Sent in No. 921/

Reads Calendar of Case No. 12 of 1850 of the Sessions Court of Guntoor.-

/Here enter G. O. No. 1869 of 1850/

The Court of Foujdaree Udalut direct that the attention of the Magistrate be drawn to the insufficiency of the grounds upon which the Prisoners in this case were committed for trial before the Sessions Court.-

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Guntoor for his information and guidance.-

/Sent in No. 922./

Reads Calendar of Case No. 18 of 1850 of the Sessions Court of Salem.-

Here

29th July 1850.

/ Here enter F. C. No. 1871 of 1850 /

Adverting to the fact that no serious injuries were received by the Prosecutors from the assault committed by the Prisoners, the Court of Foujdaree Udalut resolve to modify the Sentence recorded against the latter by the Session Judge by directing their exemption from irons.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Salem for his information and guidance—

/ Sent in No. 923 /

Read Miscellaneous Petition presented on the 11th July 1850 by Veerasamy Naidoo of Zillah Chinglepute—

/ Here enter F. C. No. 115 of 1850 /

Mr. G. S. Hooper.
Mr. E. P. Thompson
and
Mr. W. A. Morehead

The Petitioner complains of certain proceedings of the Joint Magistrate at St. Thomas' Mount in the investigation of a charge of theft preferred by the Petitioner against the Cutwall of that cantonment.—

The Court of Foujdaree Udalut observe that any representation the Petitioner may have to make against the Proceedings of

F. C.

20th July 1850.

of the Joint Magistrate at St. Thomas' Mount should be addressed in the first instance to the Magistrate of Chinglepute.

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

Read again Calendar of Case No. 7 of 1850 of the Session Court of Tinnevelly—

/ Here enter F. C. No. 925 of 1850 /

Read also Miscellaneous Petition presented on the 11th July 1850. by Cheturbara tandavum of Zillah Tinnevelly—

/ Here enter F. M. P. No. 116 of 1850 /

Mr. G. S. Hooper.
Mr. E. P. Thompson
and
Mr. W. A. Morehead.

1 This is an application for the release of the Petitioner's Brother, who was convicted in the above Case of "Sheep Stealing" and sentenced by the Court of Foujdaree Udalut to /7/ Seven years imprisonment with hard labor in irons. The Petitioner contends that the charge in question was falsely preferred against his Brother at the instigation of one "Candymeaby vandapillay" with whom his family

29th July 1850. family are at enmity, and in proof of his statement, the Petitioner adduces several instances in which charges of a similar nature have been preferred by that individual against the members of his family but which has been uniformly dis= =missed by the presiding authorities.-

2 Before passing their final Orders on this Petition the Court of Foujdaree Udalut resolve to forward the English transla= =tion thereof to the Acting Sessions Judge, who will be pleased to ascertain and report whether or not there is any foundation for the allegation of the Petitioner that enmity exists between his family and the individual named candymady vandapillay. The acting Sessions Judge will at the same time be pleased to report generally upon the character and conduct of= the accused "Vailayoodem"

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Tinnevelly by Precept = returnable within X days from and after its receipt.

/ Sent following Precept No. 924. /

Ordered

29th July 1850. Ordered also that Extract from these Proceedings be furnished to the Petitioner on his application.-

Read Report of cases disposed of by the Magistracy of Salem under the provisions of Section LIV Act VII of 1843 during the month of June 1850.

/ Here enter F. R. No. 1867 of 1850 /

Case No. 6. 1 The Court of Foujdaree Udalut direct that the report of this case in the form A may be transmitted for their consideration.

Cases Nos 7 & 8. 2 One prisoner convicted in each of these cases of abuse of authority has= been sentenced to pay a fine of Rupees 40. commutable in default of payment to = imprisonment for the term of four months, the authority quoted for such sentence being Section VII Regulation X of 1816 and Act VII of 1843.-

3 The Court of Foujdaree Udalut observe that this sentence is irregular the offence charged not being punishable under the Regulations quoted.-

4 Do. providing for the offence of

29th July 1850. of "abuse of authority" a Special enactment has been passed Viz: Regulation III of 1819 and if the Head Assistant Magistrate considered the powers vested in him by Clause Second Section III of that Regulation to be insufficient for the disposal of these cases it was incumbent upon him under Clause third of that Section to commit the prisoner for trial to the Criminal Court, the extended jurisdiction conferred on the Magistracy by Act XVII of 1843 being merely an extension of the powers formerly vested in it by Regulation IX of 1816 in cases not provided for by a Special enactment.

5 The Court of Fouzdaree Udalut accordingly resolve to direct that the Sentence passed upon the Prisoner in these Cases be cancelled and that the Prisoner be committed for trial to the Criminal Court under Clause third Section III Regulation III of 1819.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Salem for his information, and for communication to the Magistrate by Precept returnable within V days from and after its receipt.

F. 16
29th July 1850.

/ Sent following Precept No. 925 /

Read Return dated the 6th Instant from the Session Judge of Bellary to the Precept of the Fouzdaree Udalut under date the 1st Idem calling for information as to the grounds upon which case No. 68 B report was committed to the Criminal Court.

/ Here enter F. 16 No. 1747 of 1850 /

Read Calendar dated 10th Instt. Submitted by the Session Judge of Chingleput of Prisoners Sentenced under Clause 2d Section V Regulation VI of 1822.

/ Here enter F. 16. No. 1758 of 1850 /

Read Statement dated the 1st Instant submitted by the Subordinate Judge of Combaconum Shewing the amount realized by the labor of Prisoners in the Second Quarter of 1850.

/ Here enter F. 16 No. 1765 of 1850 /

Read Calendar of Case No. 26 of 1850 submitted by the Session Judge of Calicut under date the 5th Instant.

/ Here enter F. 16. No. 1766 of 1850 /

29th July 1850.

Reads report dated the 5th Instant
Submitted by the Session Judge of Tellicherry
of Casualties, convict Labor report and Statement
of Extra Peons for June 1850.

/Here enter F.C. No. 1768 of 1850/

Reads report dated the 2d Instant
Submitted by the Session Judge of Tellicherry of the
Labor of Convicts in the Jail at Cannanore for June 1850.

/Here enter F.C. No. 1770 of 1850/

Reads Calendar of Case No. 15
of 1850 Submitted by the Acting Session Judge
of Trichinopoly under date the 10th Instant.

/Here enter F.C. No. 1772 of 1850/

Reads Calendar of Case No. 18 of
1850 Submitted by the Session Judge of Cuddalore
under date the 11th Instant.

/Here enter F.C. No. 1773 of 1850/

Reads Calendar of Case No. 18 of
1850 Submitted by the Session Judge of Cuddapah
under date the 10th Instant

/Here enter F.C. No. 1774 of 1850/

Reads Statement dated the
6th Instant Submitted by the Session Judge of
Tellicherry of batta paid to ~~Prosecutors~~ and witnesses per
attending

29th July 1850

attending before the Session Judge during the 1st
Half year 1850.

/Here enter F.C. No. 1782 of 1850/

Reads Calendar of Case No. 26 of
1850 Submitted by the Session Judge of Nellore
under date the 12th Instant.

/Here enter F.C. No. 1790 of 1850/

Reads Statement dated the
11th Instant Submitted by Session Judge of
Guntoor required by Circular order No. 4 of the
Court of Foujdaree Udalut of the trials referred
by the Session Court during the 1st Half year
1850.

/Here enter F.C. No. 1792 of 1850/

Reads Return dated the 8th
Instant from the Agent to the Governor of
Vizagapatam to the precept of the Foujdaree
Udalut under date the 1st Idem explaining on
what ground a Prisoner charged with theft
was punished under Clause 4 Section 3
Regulation VII of 1822.

/Herenter F.C. No. 1794 of 1850/ S

Rs. 180.

F. No.

Tuesday
30th July 1850. At a Court of the Fouzdaree Udalut

Present.

GK — G. S. Hooper Esqre — 1st Puisne Judge.
DPT — A. P. Thompson Esqre — 2nd Puisne Judge.
WM — W. A. Morehead Esqre — 3rd Puisne Judge.

Circular Order.

No. 191.

The Court of Fouzdaree Udalut direct that a Certificate in the accompanying Form be hereafter invariably sent with every Prisoner whose removal on account of sickness to another Jail may be certified by the Medical Officer in charge to be absolutely and urgently necessary in addition to the warrants specified in Circular Order Fouzdaree Udalut No. 144 and the descriptive Roll prescribed by Circular Order 21st October 1830. B.

Nominal list of a Prisoner in the Jail Hospital at ——— under removal to the Dillah of ———

Name and Caste.	Age.	When last vaccinated or inoculated.	Nature of Disease.	Previous state of health and abstract of his case.	Summary of treatment and cures prescribed and Diet allowed.

(Signed)
Dillah. Surgeon.

(Sent following Circular Order No. 926)

Read

30th July 1850.

Read Criminal Reports submitted by the Sessions Judge of Tinnevelly for the month of June 1850.

(Here enter F. No. Nos. 1886 of 1850)

Magistrate's Report 1. Case No. 11.

The Court of Foujdaree Udalut observe that the provisions of the Law should have been stated under which the sentence awarded to the prisoner in this case was passed.

2. The Court of Foujdaree Udalut direct that the requisition of security under which the prisoners have been placed by the Assistant Magistrate be annulled, such requisition being illegal in those cases in which parties may have been convicted and punished for a specific offence.

Ordered, that Extract from these Proceedings, be forwarded to the Acting Sessions Judge of Tinnevelly, for his information and for communication to the Acting Magistrate.

(Sent in No. 927)

Read Calendar of Case No. 10 of 1850 on the file of the Sessions Court of Tellicherry.

(Here enter F. No. Nos. 1894 of 1850)

The

30th July 1850.

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this case that the period of Imprisonment awarded to the Prisoners be reduced to five years, and do the Court authorize the Sessions Judge to issue his warrant accordingly.

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

(Sent in No. 928.)

Read Criminal Reports, submitted by the Sessions Judge of Coimbatore for the month of June 1850.

(Here enter F. No. Nos. 1881 of 1850.)

Case No. 115.

The Court of Foujdaree Udalut observe that the sentence awarded in this case should have been passed under the provisions of Clause Sixth, Section II, Regulation VI of 1832; the prisoner having been convicted of House breaking and Theft.

Ordered, that Extract from these Proceedings, be forwarded to the Sessions Judge of Coimbatore, for his information and guidance.

(Sent in No. 929)

Read

30th July 1850.

Read Report of Case No. 41 of 1850 disposed of by the Sessions Judge of Masulipatam.-

(Here enter F. 26. No. 1863.)

1. The Court of Foujdaree Udalut direct that the Sessions Judge will call the attention of the Magistrate to this case, the commitment of which by the Head of Police appears to the Court to have been a most unjustifiable proceeding on the part of that Officer.-

2. The Court of Foujdaree Udalut observe that the returns of cases disposed of by the Sessions Judge in his capacity of Criminal Judge should be submitted monthly, as is the practice in the Subordinate Courts.-

Ordered, that Extract from these Proceedings, be forwarded to the Sessions Judge of Masulipatam, for his information and guidance.-

(Sent in No. 930)

Read Calendar of Cases No. 26 of 1850 of the Sessions Court of Cuddalore.-

(Here enter F. 26. No. 1882 of 1850)

The

F. 26.

30th July 1850.

1. The Court of Foujdaree Udalut are of opinion that under all the circumstances of the case a further mitigation in the Prisoner's sentence than that proposed by the Sessions Judge, may, with propriety be allowed, and under the provisions of Clause third, Section X, Regulation I of 1825, the Court resolve to direct that the term of his imprisonment be reduced to three (3) years.-

2. The Sessions Judge will be pleased to issue a fresh warrant in conformity with the foregoing resolution.-

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

(Sent following precept. No. 931)

Read the following Letter dated the 18th July 1850 from the Sessions Judge of Salem.-

(Here enter F. 26. No. 1884 of 1850.)

1. The Sessions Judge, adverting to the Extract from the Minutes of Consultation under date the 13th October 1849, directing the confinement in safe custody for life of Annant Chinnama

30th July 1850.

Chinnama Naiken Insane Prisoner in Case No. 22 on the Calendar of the Session Court of Salem for 1849, submits copy of a Letter from the Dillah Surgeon, reporting on the state of the Prisoner's mind, and requests that, with reference thereto, the further instructions of Government may be obtained in regard to the Prisoner's future disposal.-

2. The Court of Fonjdaree Udalut observe that it will not be necessary for the Session Judge to require the Medical Officer to make further reports regarding the Prisoner of the nature of that now submitted.- The Order of Government referred to by the Session Judge directs the Prisoner's confinement in safe custody for life, without reference to his future condition, and it was not contemplated that he should be thereafter delivered over to the charge of his friends.-

Ordered, that Extract from these Proceedings, be forwarded to the Session Judge of Salem for his information and guidance.-

(Sent in No. 932)

Read Supplemental Return

dated

30th July 1850.

dated 13th July 1850 from the Session Judge of Chittoor in the precept of the Court of Fonjdaree Udalut under date 23d May 1850, calling for translations of those portions of the record of Case No. 39 on the Calendar for 1849 which affect the 2d Prisoner Rabeya Begum alias Ashura Bee.-

(Here enter F. Ua. No. 1820 of 1850)

1. The Court of Fonjdaree Udalut direct that the Session Judge be required to specify the particular Count of the indictment upon which the said Prisoner was convicted.-

2. The Session Judge will be pleased also to report whether the said 2d Prisoner was placed upon her trial by the Session Judge without the intervention of the Magistrate or the Police; or whether the course prescribed in Circular Order Fonjdaree Udalut 28th October 1822 was followed by that Officer.-

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

(Sent following precept No. 933.

Read

30th July 1850.

Reads letter under date the 15th July 1850 from the Sessions Judge of Calicut submitting the Criminal Reports for the month of June 1850.

(Here enter F. No. No. 1883 of 1850.

Cases Nos. 109 110. 1. With reference to the sentences awarded in these cases, wherein the prisoners have been convicted of wounding with a knife, and have been punished by the imposition of a trifling fine, the Court of Foujdaree Udalut resolve to direct the attention of the Sessions Judge to the opinion conveyed in the Extract from the Minutes of Consultation under date the 15th November 1836 that "the great frequency of cases of cutting" "and maiming consequent on the universal" "wearing of the Knife in Malabar fully warrants" "as well as imperatively requires that the of-" "-fence should be visited with far greater" "severity, than in countries in which a simi-" "-lar state of things does not prevail".

2. With reference to the recommendation contained in para 2 of the letter which accompanied the foregoing Reports the

F. No.

30th July 1850. the Court of Foujdaree Udalut direct that the Sessions Judge will direct such a modification of the punishment awarded in Case No. 149 as may seem to him to be proper, the rule laid down in Circular Order No. 139 to which the Sessions Judge adverts as precluding him from ordering such investigation, being in the opinion of the Judges unwarranted by the provisions of the enactments to which it has reference.

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

(Sent following precept No. 934)

Reads Criminal Reports submitted by the Sessions Judge of Nellore for the month of June 1850.

(Here enter F. No. No. 1855)

Case No. 79. 1. The prisoner in this case was charged with having administered medicine to the Prosecutor's she buffalow which was big with a calf to the value of Rupees 14 and killed

30th July 1850.

killed it in a water course and on conviction has been sentenced to one years Imprisonment with hard labor in irons.

2. The Court of Fouzdaree Udalut observe that the acts charged against the prisoner as stated in the indictment do not of necessity involve any criminality on the part of the prisoner and they accordingly direct that further explanation may be submitted regarding the nature of the offence of which the prisoner has been convicted.-

Case Nº 80. 3. The Court of Fouzdaree Udalut observe that with reference to the amount of the theft proved against the prisoner in this case the sentence should have been passed under Clause fourth, Section III. Regulation VI of 1822; the theft of property exceeding in value Rupees 50 not being punishable under the provisions of Section VII, Regulation X of 1816.-

Case Nº 89. 4. The value of the property which the prisoners in this case were charged with having stolen first should have been specified in the statement of charge.-

Ordered,

30th July 1850.

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

(Sent following precept Nº 935) do

Ld Wy

W/R

Thursday
1st August 1850

At a Court of the Poydaree Adalut

Present

G. S. Hooper Esqre ——— 1st Puisne Judge
E. P. Thompson Esqre ——— 2d Puisne Judge
W. A. Morehead Esqre ——— 3d Puisne Judge

Read upon Miscellaneous Petitions presented on the 18th April and 6th June 1850 by Sreeramula Iyengar Mookhteyar Vakeel on behalf of Runjachariar and others of Tellak Trichinopoly.

Here enter Fm P No 80 and 98 of 1850

Read also Miscellaneous Petition presented on the 1st July 1850 by the same Vakeel on behalf of the same parties.—

Here enter Fm P No 109 of 1850.

Read also Return dated the 5th July 1850 made by the acting Sepoy Judge of Trichinopoly to the Precept of the Poydaree Adalut under date the 17 June 1850. calling for copies of certain documents connected with the matter marked in the foregoing Petitions.—

Here enter Fm No 1713 of 1850

Mr. G. S. Hooper

The above Petitioners seek to obtain the cancellation of an order passed by the Magistrate of Trichinopoly, and confirmed by the acting Sepoy Judge, ordering Petitioners to

to the institution of a Civil action for the recovery
of the damages alleged to have been sustained
by them in the destruction, by certain Brahmans
of the Nadagada Caste, of a Temporary Pandaram erected
by them on the Southern Rajagopuram of the Sree-
rangum Devastanam -

2. The Comte of Longdarree having taken into their consideration the order
of the Magistrate, against the Confirmation of
which by the Sessions Judge the Petitioners now
appeal, as well as a Subsequent order of the
Magistrate in the same matter submitted with
the foregoing Return, are satisfied that the
said Orders were perfectly correct and proper;
and such as were required under the circum-
stances of the case; and the Comte, therefore, refuse
to disturb them. The parties are at the same time
recommended to conform to the instructions, and to
attend to the warnings of the Magistrate as
contained in his Orders, and to avoid renewed
disputes and disturbances in future.

Ordered that extract from
these Proceedings be given to the Petitioners
named in his application.

Ordered also that extract
from these Proceedings be sent to the Acting
Sessions Judge of Trichinopoly for his information
and for communication to the Magistrate.

(True Copy) Sd/ [illegible]

Read again Miscellaneous Petition
presented on the 17th June 1850 by Maroodas Pillay
of Tillack Trichinopoly
(Vide Order 7th Aug. 1850)

Read also Return dated the
20th July made by the acting Sessions Judge
of Trichinopoly to the Precept of the Comptroller
dated 11th ult. under date the 11th July 1850 requiring
that Officer to state whether, or not, as set
forth by the above Petitioners, he declined to
receive three Petitions presented by them
(Vide Order 7th Aug. 1850)

From the foregoing Return
the Comte of Longdarree understand that
the above allegation of the Petitioners is "quite
untrue" and the Comte of Longdarree understand
therefore, resolve, to dismiss this Petition -

Mr G. S. Hooper
and
Mr W. S. Stockett

The Comte at the same time
however, deem it proper to remark with
reference to the concluding observation of the
acting Sessions Judge that in Cases of appeals
from the decisions passed by the Magistrates
under Section IV. Act VII of 1852, the production,
by the aggrieved parties, of the Order appealed
from, is not absolutely necessary to the
reception of their Petitions -

Ordered that extract from
these Proceedings be forwarded to the
Acting

1st August 1850

Acting Sessions Judge of Tinnevelly for his inform-
ation and future guidance.

(Sent on 8th 943.)

Ordered also that a Extract
from these Proceedings - Shaw 1 - be given
to the Petitioner on his application.-

Read Calendar of Case No 16 of
1850 on the file of the Sessions Court of Tinnevelly

(Here enter Pro No 1892 of 1850)

Before passing their final orders in
this Case the Court of Sudder Adawlut request
to direct that the reports sent to the Police
Magistrate immediately after the occurrence of
the Robbery with which the Prisoners are
charged, and the first complaints preferred by
the Prosecutor to the Police may be submitted
for their consideration -

2. According to the statements
in the Prosecutor's deposition that the village
Watchmen came to his house the night the
robbery took place, the Court of Sudder
Adawlut are of opinion that the evidence
of those individuals should have been taken.

3. The Court of Sudder Adawlut
desire that the accompanying copy of
the remarks recorded by the Circuit
Judge upon the Tuticorin Records in this
Case may be communicated to the
Mahomedan

No 6
1st August 1850.

Mahomedan Law Officer.

Ordered that extracts from
these Proceedings be sent to the Acting
Sessions Judge of Tinnevelly to procure returnable
to Sessions Court within Ten days from date after its receipt
(Sent following precepts No 945.)

Read Calendar of Case No
25 of 1850 submitted to the Sessions Court of Bellary
under date the 6th July 1850.

(Here enter Pro No 1782 of 1850)

Read Criminal Reports dated
5th Ultimo submitted to the Acting Sessions Judge of
Madura for the Month of June 1850.

(Here enter Pro No 1790 of 1850)

Read Criminal Reports dated
15th Ultimo submitted to the Sessions Court of
Bellary for the month of June 1850.-

(Here enter Pro No 1880 of 1850)

Read Calendars of Cases No 28 & 29
1850 submitted to the Sessions Court of Rajah-
mundry under date the 10th July 1850.

(Here enter Pros No 1862 & 1863 of 1850)

Read Letter dated 22d Ultimo
from the Acting Sessions Judge of Madura trans-
mitting the Petty Calendars of Cases disposed of
by the Magistrate and his Assistants for the
2d Quarter of 1850 and the proceedings
held thereon.

(Here enter Pro No 1913 of 1850) Read

1st August 1850.

Read Return dated 19th July 1850
from the Sessions Judge of Cuttack to the precepts
of the Tongdaree Mudulut under date the 13th
July 1850 calling upon him to report, with reference
to the prevalence of Female Sut in the Cuttack
Zilla, whether the rules laid down in Circular order
Tongdaree Mudulut &c the have been strictly attended
to, and if not to carry into the instructions therein
contained without delay

(Here enter Tabular No 1917 of 1850.)

Read Return dated 23d July 1850
from the Sessions Judge of Bundelcund to the precepts
of the Tongdaree Mudulut dated 19th July 1850
reporting the circumstances
Prisoners in Cause No 630 of the Calendar for 1849.

(Here enter Tabular No 1919 of 1850.)

Read Calendars of Causes No 17420.
of 1850 submitted by the Sessions Judge of Salem
under date the 18th instant.

(Here enter Tabular Nos 1921 & 1922 of 1850)

Read Calendar of Cause No 490 of
1850 submitted by the Sessions Judge of Cuddapah
under date the 27th July 1850.

(Here enter Tabular No 1948 of 1850.)

4th 1850.

F. W.

At a Court of the Foujdaree Udalut

Saturday — 3d August 1850

Present

G. A. Cooper Esqre —— 1st Puisne Judge

E. P. Thompson Esqre —— 2d Puisne Judge

W. A. Morehead Esqre —— 3d Puisne Judge

Read letter dated 27th Ultimo from the Sessions Judge of Mangalore submitting for the final judgment of the Foujdaree Udalut the record of Case No. 23 of 1850 of the Calendar of the Sessions Court.

(Vide enter F. W. No. 1481 of 1830)

The Court of Foujdaree Udalut

Mr. E. P. Thompson
and
Mr. W. A. Morehead

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

"Coombar Dooma"

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

(Sent following letter the 9th 50

Read

3d August 1850

Read letter dated 25th Ultimo from the Sessions Judge of Calicut submitting for the final judgment of the Foujdaree Adalut the record of Case No. 57 of 1850 on the Calendar of the Sessions Court.

(Here enter F. R. No. 1975 of 1850)

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

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

"Tayodil Choychee"

is sufficient to convict her of the crime charged, do convict her thereof, and Sentence her to be imprisoned and kept to labor suitable to her sex for and during the period of her natural life.

(Sent following letter No 951.)

Read Calendar of Case No. 16 of 1850 on the file of the Sessions Court of Combaconum.

(Here enter F. R. No. 1911 of 1850)

The Court of Foujdaree Adalut approve of the recommendation made by the Sessions Judge in this Case that

3d August 1850.

that the period of Imprisonment awarded to the prisoners be reduced to one year, and they authorize the Sessions Judge to issue his warrant accordingly.

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

(Sent in No 952

Read communication dated the 3d Ultimo from the Sessions Judge of Calicut forwarding copies of the Sessions Courts proceedings on a review of the Statements of Cases disposed of by the several Police Officers during the 1st Quarter of 1850 and of the Magistrates return thereto.

(Here enter F. R. No. 1803 of 1850)

Read Return dated 11th Ultimo from the Sessions Judge of Rajahmundry to the precept of the Foujdaree Adalut under date the 6th July 1850 requiring certain information respecting the disposal of Case No. 3 entered in the Magistrates Punished Calendar for the 1st Quarter

of

of 1850.—

(Here enter F. D. No. 1805 of 1850)

Read letter dated the 9th. Ultimo from the Sessions Judge of Chicacole stating that as no disbursements were made towards the support of any Prisoner's children, and as no articles were manufactured by them, during the 2d. Quarter, the required State=ments have not been sent.—

(Here enter F. D. No. 1807 of 1850)

Read Statement submitted by the Sessions Judge of Chicacole under date the 8th. Ultimo, of Batta paid to Prose=cutors and Witnesses attending before the Sessions Court of Chicacole, during the 1st. Half of 1850.—

(Here enter F. D. No. 1809 of 1850)

Read Calendar of Case No. 19 of 1850 submitted by the Sessions Judge of Mangalore under date the 11th. Ultimo.

(Here enter F. D. No. 1815 of 1850)

Read Criminal Report under date the 15th. Ultimo submitted by the Sessions Judge of Chingleput for the month of June 1850.

(Here enter F. D. No. 1818 of 1850)

F. D.:

3d. August 1850.—

Read Criminal Reports &c. — dated the 15th. Ultimo submitted by the Sessions Judge of Cuddalore for the month of June 1850.—

(Here enter F. D. No. 1819 of 1850)

Read Calendar dated 15th. Ultimo submitted by the Sessions Judge of Chingleput of a Prisoner sentenced under Clause 2d. Section V Regulation VII of 1822.—

(Here enter F. D. No. 1821 of 1850)

Read Statement dated 30th. June 1850 submitted by the Sessions Judge of Chingleput — of Batta paid to Prosecutors and Witnesses attending before the Sessions Court for the half years ending 30th. June 1850.—

(Here enter F. D. No. 1822 of 1850)

Read Statement dated 30th. June 1850 submitted by the Sessions Judge of — Chingleput shewing the amount realized by the labor of Prisoners for the 2d. Quarter of 1850 —

(Here enter F. D. No. 1823 of 1850)

Read Form B of Criminal Cases disposed of in the Month of June 1850 submitted by the Sessions Judge of Guntoor under

3d August 1850

under date the 15th Ultimo.

(Here enter F. D. No. 1832 of 1850)

Read Report dated the 1st Ultimo submitted by the Sessions Judge of Rajahmundry of persons apprehended in his Zillah and delivered to the Criminal Judge in the Month of June 1850.

(Here enter F. D. No. 1834 of 1850)

Ex 1850

F. 16.

Monday 5th August 1850. At a Court of the Foujdaree Udalut

Present.

GSR G. S. Hooper Esqr. 1st Puisne Judge

ER E. P. Thompson Esqr. 2nd Puisne Judge

WM W. A. Morehead Esqr. 3rd Puisne Judge

Read again Calendar of Case

N. 9 of 1850 of the Sessions Court of Tellicherry.

/Here enter F. 16 N. 1675 of 1850/.

Read also Return dated the

19th July 1850 made by the Sessions Judge of

Tellicherry to the Precept of the Foujdaree

Udalut under date the 10th July 1850 conveying

the observations and Orders of the Court on

the above Case -

/Here enter F. 16. N. 1930 of 1850/

In accordance with the recommendation made by the Sessions Judge in the foregoing Return, the Court of Foujdaree Udalut resolve to direct that the Sentence recorded against the Prisoner in the above

Case

5th August 1850

Case on his conviction of "Highway Robbery", be mitigated to three years imprisonment with hard labor in irons, and the Sessions Judge is authorised to issue his warrant accordingly &c.

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

/ Sent in No. 956 /

Read Calendar of Case No. 49 of 1850 on the file of the Sessions Court of Calicut

/ Here enter F. C. No. 1923 of 1850 /

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this case that the period of Imprisonment awarded to the prisoner be reduced to two years, and the Court of Foujdaree Udalut authorise the Sessions Judge to issue his warrant accordingly.

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

/ Sent in No. 957 /

Read

5th August 1850.

Read Calendar of Case No. 42 of 1850 of the Sessions Court of Cuddapah

/ Here enter F. C. No. 1927 of 1850 /

With reference to the remarks recorded by the Sessions Judge on this Case, the Court of Foujdaree Udalut deem it proper to direct that the Magistrate be called upon to institute a full and searching enquiry into the merits of the case, with a view to his ascertaining whether or not a Robbery actually took place, and in submitting this information, the Sessions Judge will be pleased to forward translations of the Surchasmi's report, and also of the first report of the case made to the Head of Police.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddapah for his information and guidance and for communication to the Magistrate by Precept returnable within X days from and after its receipt.

/ Sent following precept No. 950. /

Read Calendar of Case No. 14 of 1850 of the Sessions Court of Madura.

Here

5th August 1850.

/ Here enter F 66 No. 1928 of 1850 /

The Court of Foujdaree Udalut
seeing reason to question the propriety of the
disposal of the above Case, resolve to direct that
an English translation of the entire Records be
submitted for their consideration -

Ordered that Extract from
these Proceedings be forwarded to the Acting
Sessions Judge of Madura by Precept
returnable within XXX days from and after its
receipt -

/ Sent following Precept No. 967 /

Read Miscellaneous Petition
presented on the 8th July 1850 by Ponnammaul
of Zillah Combaconum -

/ Here enter F. M. P. No. 111 of 1850 /

M^r G. S. Hooper
M^r E. P. Thompson
&
M^r W. A. Morehead

The Petitioner is referred to the
former orders passed by the Court of Foujdaree
Udalut in the matter to which this Petition
relates -

Ordered that Extract from
these Proceedings be furnished to the Petitioner
on her application -

Read Miscellaneous Petition
presented

F. 66.

5th August 1850.

presented on the 8th July 1850 by Soobramanya
Pillay of Zillah Combaconum -

/ Here enter F. M. P. No. 112 of 1850 /

M^r G. S. Hooper
M^r E. P. Thompson
&
M^r W. A. Morehead

The Court of Foujdaree Udalut
seeing reason to question the propriety of the order
passed by the Sessions Judge of Combaconum -
under date the 6th May 1850 dismissing the
Petitioner's application for the reversal of the
Sentence awarded to his father in Cases No. 33
and 34 of 1850 on the file of the Subordinate
Criminal Court, and they accordingly resolve
to dismiss this application.

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

Read Miscellaneous Petition
presented on the 8th July 1850 by Thangamarraiyan
of Zillah Tinnevelly -

/ Here enter F. M. P. No. 114 of 1850 /

M^r G. S. Hooper

The Petitioner is referred to the
former order passed by the Court of Foujdaree
Udalut in the matter to which this Petition
relates and this Petition is dismissed

Ordered that Extract from
these

5th August 1850. these Proceedings be furnished to the Petitioner on his application.

Read Calendar of Case No. 24 of 1850 submitted by the Session Judge of Rajahmundry under date the 10th Ultimo.

/Here enter F. C. No. 1838 of 1850/

Read Calendar of Case No. 27 of 1850 submitted by the Session Judge of Rajahmundry under date the 10th Ultimo.

/Here enter F. C. No. 1841 of 1850/

Read Calendar of Case No. 32 of 1850 submitted by the Session Judge of Rajahmundry under date the 13th Ultimo.

/Here enter F. C. No. 1844 of 1850/

Read Calendar of Case No. 26 of 1850 submitted by the Session Judge of Bellary under date the 13th Ultimo.

/Here enter F. C. No. 1846 of 1850

Read Statement dated the 7th Ultimo submitted by the Session Judge of Combaconum of Battah paid to Prosecutors and witnesses during the 1st half of the year 1850.

/Here enter F. C. No. 1853 of 1850/

Read

5th August 1850. B

Read Report dated the 15th Ultimo submitted by the Session Judge of Masulipatam for the Month of June 1850.

/Here enter F. C. No. 1854 of 1850/

Read Statement dated the 15th Ultimo submitted by the Acting Session Judge of Trichinopoly shewing the amount realized by the labor of Prisoners in the 2nd Quarter of 1850.

/Here enter F. C. No. 1859 of 1850/

Read Statement dated the 17th Ultimo submitted by the Session Judge of Cuddalore of Batta paid to Prosecutors and witnesses who attended before the Session Court of Cuddalore during the 1st Half year of 1850.

/Here enter F. C. No. 1864 of 1850/

Read Criminal Reports dated the 17th Ultimo submitted by the Session Judge of Nellore for the Month of June 1850.

/Here enter F. C. No. 1868 of 1850/

Read Calendar of Case No. 16 of 1850 submitted by the Session Judge of-

5th August 1850.

of Salem under date the 11th Ultimo.-

/Here enter F. C. No. 1870 of 1850/

Reads Calendar of Case No. 19 of 1850 submitted by the Sessions Judge of Salem under date the 11th Ultimo.-

/Here enter F. C. No. 1872 of 1850/

Reads Calendar of Case No. 26 of 1850 submitted by the Sessions Judge of Coimbatore under date the 2d Ultimo.-

/Here enter F. C. No. 1873 of 1850/

Ex. 1820.

F C

Tuesday 6th August 1850

Acts Courts of the Tondaree Maadulu

Present:-

G. J. Cooper Esqre ——— 1st Puisne Judge

C. P. Thompson Esqre ——— 2d Puisne Judge

W. A. Morehead Esqre ——— 3d Puisne Judge

Reads Calendar of Case No 17 of 1850 on the file of the Sessions Court of Combaconum

/Here Enter F C No 1924 of 1850/

The Court of Tondaree Maadulu

approve of the recommendation made by the Sessions Judge in this Case that the period of Imprisonment awarded to the prisoner be reduced to 2 years, and they authorize the Sessions Judge to issue his warrant accordingly.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Combaconum for his information and guidance.

/Sealed in No 963./

Reads again Calendars of Cases No 22 and 23 of 1850 of the Sessions Court of Cuddalore

(Here Enter the Nos 1788 and 1789/1850)

Reads also returns dated the 25 July made by the Sessions Judge of Cuddalore, to the Precepts of the Tondaree Maadulu under date the 22d July 1850, communicating the orders

of the Court in the above cases.

(Here Enter Fee No 1931. of 1850)

In accordance with the recommendation made by the Sessions Judge in the foregoing Return, the Court of Enquiries Cuddalore resolve to direct that the Sentence recorded against the two prisoners in the above Cases in their conviction of "Perjury" be mitigated to one years imprisonment with hard labor in irons and the Sessions Judge is authorized to issue his warrant accordingly

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

(Seals pm No 963.)

Read Calendar of Case No 16 of 1850 submitted by the Sessions Judge of Madura under date the 18th ultimo.

(Here Enter Fee No 1874 of 1850)

Read Statements submitted by the Acting Sessions Judge of Madura, under date the 15th ultimo, of Batta paid to Prosecutors and Witnesses attending before him during the 1st Half year 1850.

(Here Enter Fee No 1875 of 1850.)

Read Quarterly Returns under date the 15th July 1850 submitted by the Assistants Agents to the Governor of Fort Saint George

in charge of Nurseries for the month of June 1850

(Here Enter Fee No 1877 of 1850)

Read Letter dated 19th ultimo from the Sessions Judge of Cuddalore forwarding Copy of a Warrant, and of a letter reporting the execution of the Prisoner in Case No 11 of the Calendar for 1850.

(Here Enter Fee No 1878 of 1850)

Read Statements submitted by the Acting Sessions Judge of Tinnevelly under date the 1st instant, of Batta paid to Prosecutors and Witnesses before the Sessions Court from the 1st January to 30th June 1850.

(Here Enter Fee No 1885 of 1850)

Read Half yearly Statements of Convicts ending 30th June 1850 submitted by the Acting Subordinate Judge of Madura under date the 17th ultimo.

(Here Enter Fee No 1887 of 1850)

Read Letter dated 20th ultimo from the Sessions Judge of Cuddalore forwarding the original petty Calendars of the Cases disposed of by the Acting Magistrate and his Assistants during the 2d Quarter of 1850 and also Copy of the Proceedings of the Sessions Court dated 18th July 1850 containing the observations of the Sessions Judge thereon

(Here Enter Fee No 1891 of 1850)

Read

6th August 1850.

Read Calendar of Cases Nos. 29 and 30 of 1850 submitted by the Sessions Judge of Calicut dated the 17th ultimo.

(Here Enter Nos. 1093 of 1850)

Read Calendars of Cases Nos. 25, 26, and 27 of 1850 submitted by the Sessions Judge of Mangalore under date the 16th July 1850.

(Here Enter Nos. 1894, 1895 & 1896 of 1850)

Read Calendar of Case No. 27 of 1850 submitted by the Sessions Judge of Cuddalore under date the 20th July 1850.

(Here Enter Sl. No. 1898 of 1850.)

Read Calendar of Case No. 28 of 1850 submitted by the Sessions Judge of Tanjore under date the 19th July 1850.

(Here Enter No. 1899 of 1850)

Sd 1850.

No. 1.

Wednesday 7th August 1850.

At a Court of the Tinjanore Adalut

Present

G. L. Hooper Esqre ——— 1st Puisne Judge.
C. D. Thompson Esqre ——— 2d Puisne Judge.
W. A. Morehead Esqre ——— 3d Puisne Judge

Read letter dated the 24th ultimo from the Sessions Judge of Rajahmundry, submitting for the final adjudication of the Tinjanore Adalut the Records of Case No. 19 of 1850 of the Calendar of the Sessions Court

(Here Enter No. 2014 of 1850.)

the Court of Tinjanore Adalut,

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

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

"Mynadee Rama Naikadee"

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

The Court of Tinjanore Adalut are of opinion that the prisoner should have been called upon by the Sessions Judge for any explanation he might have had to offer with reference to this

7th August 1850

his confession before the Subordinate Courts.

Ordered that Extracts from these Proceedings be sent to the Sessions Judge of Rajahmundry for his information and future guidance.

(Sent in No 966)

Read Extract from the Proceedings of the Sessions Courts of Bellary under date the 22d July 1850

(Here enter Dis No 1942 of 1850)

These proceedings have reference to a letter addressed to the Sessions Judge by the Acting Magistrate of Bellary regarding certain enquiries made upon the conduct of the Peishcar of Oravakonda in connection with case No 23 of 1850 on the file of the Sessions Courts as recorded in the letters of the Sessions Judge of the 6th July 1850 referring the case in question for the final judgment of the Courts of Sunjavara Sedalah

2. The Courts of Sunjavara Sedalah concur in the opinion recorded by the Sessions Judge that the explanation submitted by the Peishcar in regards to the course adopted by him in examining the witnesses in the case referred to, is not satisfactory and the direction that the Acting Magistrate write home and clearly to the Peishcar the several irregularities in his proceedings attended to by the Sessions Judge.

Ordered Extracts from these Proceedings

7th August 1850

be sent to the Sessions Judge of Bellary for communication to the Acting Magistrate

(Sent in No 967)

Read Calendar of Case No 18 of 1850 on the file of the Sessions Courts of Cuddapah

(Here enter Dis No 1947 of 1850)

The Courts of Sunjavara Sedalah approve of the recommendation made by the Sessions Judge in this case that the sentence of imprisonment awarded to the prisoner be reduced to three months, and they authorize the Sessions Judge to issue his warrant accordingly.

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

(Sent in No 968)

Read Calendar of Case No 30 of 1850 on the file of the Sessions Courts of Rajahmundry

(Here enter Dis No 1949 of 1850)

The Courts of Sunjavara Sedalah observe that the very shewed abstracts of the evidence recorded by the Sessions Judge in this case was unnecessary as clear and succinct exposition of the facts of the case with the opinion of the Sessions Judge as to the result of the trial being sufficient to convey the information which the Courts of Sunjavara Sedalah require regarding cases disposed of by the Sessions Courts.

Ordered

of August 1850

Ordered that Extract from these
Proceedings be sent to the Sepoy Judge of Rajah
-mundry for his information and Guidance.-
/Sent 9th Aug 1850/

Aug 1850.

F.C.

Thursday/
8th August, 1850. At a Court of the Foujdaree Udalut

Present.

G.S. Cooper, Esquire 1st Puisne Judge.
E.P. Thompson, Esquire 2d Puisne Judge.
W.A. Morehead, Esquire 3d Puisne Judge.

Read Miscellaneous Petition
presented on the 22d July 1850 by
Vencataramanaya of Zillah Salem.
/Here Enter F.C. No. P. No. 118 of 1850/

Mr G.S. Cooper.
Mr E.P. Thompson
and
Mr W.A. Morehead

The Court of Foujdaree Udalut observe that the representation contained in this Petition which has reference to the issue of a warrant for the apprehension of a relative of the Petitioner upon a charge which the Petitioner declares to be unfounded, should be addressed to the Magistrate of Salem.-

Ordered, that Extract from

from these Proceedings be furnished to the Petitioner on his application.—

Read again Calendar of Case No. 37 of 1850 on the file of the Sessions Court of Masulipatam.—

/Here Enter F.M. No. 1791 of 1850/—

Read also return under date the 26th July 1850 from the Sessions Judge of Masulipatam to the precept of the Foujdaree Udalut dated the 22d July 1850 conveying their orders on the foregoing case.—

/Here Enter F.M. No. 1972 of 1850/—

Read also Miscellaneous Petition forwarded by the Sessions Judge of Masulipatam from C. Veerasamy Naidoo of that Zillah.—

/Here Enter F.M.P. No. 120 of 1850/—

Mr. G. S. Hooper.
Mr. E. P. Thompson and
Mr. W. A. Monkhouse

Before finally disposing of the foregoing case the Court of Foujdaree Udalut deem it proper to direct that an English Translation of the record it may be submitted for their consideration and that the sentence

sentence awarded to the prisoner be suspended pending the receipt of final orders from the Foujdaree Udalut.—

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Masulipatam for his information and guidance by precept returnable within XV days from and after its receipt.—

/Sent following Precept No. 974/—

Read again Calendar of Case No. 34 of 1850 of the Sessions Court of Masulipatam.—

/Here Enter F.M. No. 1776 of 1850/—

Read also Return dated the 26th July, made by the Sessions Judge of Masulipatam to the Precept of the Foujdaree Udalut under date the 22d July 1850, communicating the Orders of the Court on the above case.—

/Here Enter F.M. No. 1971 of 1850/—

1. In accordance with the recommendation made by the Sessions

8th August, 1850

Sessions Judge in the foregoing Return the Court of Foujdaree Udalut resolve to direct that the sentence recorded against the Prisoner in the above Case be mitigated to one years' imprisonment.—

2. The Sessions Judge will be pleased to issue a fresh Warrant in conformity with the foregoing resolution.—

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Masulipatam for his information and guidance.—

/Sent in No. 975/—

Read Calendar of Cases No. 51 and 52 of 1850 of the Sessions Court of Calicut.—

/Here Enter F.C. Nos. 1978 and 1979 of 1850/

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in these Cases that the sentences, which have been passed upon the two Prisoners on their conviction of "Perjury" be mitigated

F.C.

8th August, 1850

mitigated to one years' imprisonment with hard labor in irons - and the Sessions Judge is authorized to issue his Warrants accordingly.—

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

/Sent in No. 976/—

Read again Miscellaneous Petition forwarded by the Sessions Judge of Masulipatam from Atluru Lakka-mupaty of that Zillah.—

/Here Enter F. M.P. No. 105 of 1850/—

Read also return under date the 22d July 1850 from the Sessions Judge of Masulipatam to the precept of the Foujdaree Udalut dated the 11th July 1850 conveying their orders on the foregoing Petition.—

/Here Enter F.C. No. 1950 of 1850/—

In the foregoing return

Mr. G. S. Hooper
Mr. E. P. Thompson
and
Mr. W. A. Morehead

the Sessions Judge has satisfactorily shown that the plea of insanity put

8th August, 1850

put forth in the foregoing Petition on behalf of the prisoner in case No. 20 of 1850 on the file of the Sessions Court is entirely unfounded and that the statement of his ill-health is likewise incorrect.—

2. The Court of Foujdaree Udalut accordingly resolve to dismiss the Petitioner's application.—

Ordered, that a Extract from these Proceedings be forwarded to the Sessions Judge of Masulipatam for communication to the Petitioner.—

/Sent in No. 977 /—

Translations of the record of trial in referred Sessions Case No. 114 of 1850 on the Chittoor file not having as yet been received by this Court.—

Ordered, that the Sessions Judge of Chittoor be called upon to submit the same without delay.—

/Sent in No. 978 /—

Translation

8th August, 1850.

Translations of the record of trial in referred Sessions Cases No. 29 and 36 of 1850 on the Cuddapah file not having been as yet received by this Court;

Ordered that the Sessions Judge of Cuddapah be called upon to transmit the same without delay.—

/Sent in No. 979. /—

4th 1850.

No.

Friday,
9th August, 1850.

Present

Hot a Court of the Fouzdaree Udalut.

G/R G. S. Hooper, Esquire 1st Puisne Judge.
E/P E. P. Thompson, Esquire 2d Puisne Judge.
W. A. Morehead, Esquire 3d Puisne Judge.

Read Miscellaneous Petition presented on the 25th July 1850, by Marooda Mootta Pillay of Zillah Trichinopoly.—

/Vide Enter F. M. D. No. 119 of 1850/

Mr G. S. Hooper. 1.
Mr E. P. Thompson. and
Mr W. A. Morehead.

This is an application for the interference of the Court of Fouzdaree Udalut to set aside the sentence recorded by the Principal Sudder Ameen of Trichinopoly against the Petitioner's Brother, who was convicted in Case No. 33 of 1850 of "possessing stolen property Knowingly", and adjudged to suffer two years' imprisonment with hard labor in irons.—

Petitioner

2. Petitioner asserts that his Brother is innocent of the crime charged, and contends that the alleged stolen property was placed in their house by one Sungapilly at the instigation of another individual named Rayum with whom they are at enmity.—

3. Before passing their final Orders on this Petition, the Court of Foujdaree Udalut resolve to forward it to the Acting Sessions Judge at Tuckinopoly, who will be pleased to call for the Record of the Case referred to, and after due consideration of the same pass such Orders in the matter, as may to him seem called for.—

4 The Acting Sessions Judge will also be pleased to ascertain and report for the information of the Foujdaree Udalut, under whose Orders a search was made in the Prisoner's house, and whether any complaint had

had been previously made of the robbery alleged to have been committed in November 1849 of which the property found in the Prisoners house is stated to have formed a part.—

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

/Sent following Precept No 900./—

Read again Letter dated the 22d ultimo from the Sessions Judge of Mangalore, referring for the final Judgment of the Foujdaree Udalut, the Record of Case No 21 of 1850 of the Calendar of the Sessions Court.—

/Here Enter F.C. No 1941 of 1850/—

Read also return dated the 31st ultimo from the Sessions Judge of Mangalore, to the precept of the Foujdaree Udalut under date the 25th idem,

returning

9th August, 1850

returning the Calendar of Case No. 21 of 1850 in order that the Abstract of the Futwa and the precise grounds of the reference of that case, may be entered therein.—

/Here Enter F.C. No. 2029 of 1850/

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

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,

"Soobbappoo"

is sufficient to convict him of the crime of Culpable Homicide, for which the penalty of Deyut is awardable under the Mohummedan Law as declared in Futwas of their Law Officers do convict him thereof and under the provisions of Clause 2nd, Section XV Regulation VII of 1802, sentence him to be imprisoned and kept to hard labor in Irons on the public roads or other public works for and during the period of (2) Two years.—

/Sent in No. 901/

F.C.

9th August, 1850

Read the following Letter dated the 27th July 1850 from the Subordinate Criminal Judge of Bellary.—

/Here Enter F.C. No. 1991 of 1850/

1. Adverting to his previous communication to the Foujdaree Udalut under date the 30th March last, the Subordinate Judge submits for the consideration and Orders of the Court, translations of the entire proceedings held by him in Cases Nos. 129 and 130 of 1849 - and 48 and 49 of 1850 on the file of the Criminal Court, together with copies of certain correspondence connected therewith.—

2. The Subordinate Judge states that after a careful investigation of these cases, he is satisfied that the offences charged against the Prisoner in Cases Nos. 129 and 130 of 1850 were not committed by that individual, but by the Prisoner in Cases Nos. 48 and 49 of 1850 - and under these circumstances the Subordinate Judge requests that he

he may be authorized to cancel his former sentence and to pass a fresh sentence upon the Prisoner, whom he has now convicted.—

3. The Court of Foujdaree Udalut have deemed it unnecessary to go through the entire Proceedings held in these Cases, being satisfied, from a careful consideration of the correspondence submitted with the Subordinate Judge's Letter, of the correctness of the opinion entertained by that Officer in respect to the innocence of the party sentenced by him in Cases Nos. 129 and 130 of 1850.—

The Court accordingly authorize the Subordinate Judge to cancel his former sentences, and to pass fresh sentences upon the Prisoner in Cases Nos. 48 and 49, the Calendars of which will of course be submitted as usual to the Sessions Judge.—

Ordered, that a Extract from these Proceedings be forwarded to

to the Subordinate Judge of Bellary for his information and guidance.—

/Sent in No. 902/—

Read Calendar of Case No. 28 of 1850 of the Session Court of Cuddalore.—

/Here enter F.C. No. 1960 of 1850/—

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, on the recommendation of the Session Judge, the Court will be prepared to mitigate the sentence now recorded against the Prisoner to that extent.—

1.

2. If the Session Judge be unable to concur in the above opinion, he will be pleased to submit an English translation of the entire Record for the consideration of the Foujdaree Udalut.—

The

9th August, 1850

3. The Court direct that the annexed remarks of the Cauzee-ool Coozzat upon the Futwa declared in this Case be communicated to the Mohamedan Law Officer for his information and future guidance.—

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

/Sent following Precept No. 983./—

Read Calendars of Cases Nos. 31 and 32 of 1850 submitted by the Session Judge of Bellary under date the 30th ultimo.—

/Here enter F.116. Nos. 1988 and 1989 of 1850/—

Read Calendar of Case No. 21 of 1850 submitted by the Session Judge of Cuddalore under date the 1st Instant.—

/Here enter F.116. No. 1990 of 1850/—

Read letter dated the 30th ultimo

F.116.

9th August, 1850.

ultimo from the Sessions Judge of Cuddapah, reporting the Execution of the Prisoner in Case No. 46 of the Calendar for 1850.—

/Here Enter F.116. No. 1993 of 1850/—

Read letter dated the 1st Instant from the Session Judge of Cuddalore, reporting that no Case was pending trial before the Session Court for a period exceeding 25 days calculated from the date of commitment during the month of July 1850.

/Here Enter F.116. No. 1999 of 1850/—

Read letter dated the 27th ultimo from the Session Judge of Honore, forwarding Statement of the amount realized by labor of Prisoners in the Jail at Honore in the 2d Quarter of 1850, and stating that the Sudder Ameen of Sirsy has reported that he has no such Statement to furnish.—

/Here Enter F.116. No. 2000 of 1850/—

Read

9th August, 1850.

Read return dated the 2d Instant from the Sessions Judge of Cuddalore to the precept of the Foujdaree Udalut under date the 30th July 1850 observing that a further mitigation in the sentence of the Prisoner in Session Case No. 26 of 1850 may be allowed and directing the terms of his imprisonment be reduced to three years and a fresh warrant to be issued.—

//Here Enter F.No. 2001 of 1850/-

Read Jail Report dated the 1st ultimo submitted by the Sessions Judge of Salem for the month of June 1850.—

//Here Enter F.No. 2003 of 1850/-

Read letter dated the 2d Instant from the Sessions Judge of Nellore reporting that no cases were pending before the Session Court for trial exceeding 25 days.—

//Here Enter F.No. 2005 of 1850/-

Read Statement dated the 30th ultimo submitted by the Sessions Judge

9th August, 1850.

Judge of Masulipatam of Batta paid to Prosecutors and Witnesses attending before him for the 1st half year 1850.—

//Here Enter F.No. 2008 of 1850/-

Ed. R.W.

F. U.

Monday
12 August 1850 At a Court of the Sessions Adalut

Present

G. S. Hooper Esqr ——— 1st Puisne Judge.
C. P. Thompson Esqr ——— 2d Puisne Judge.
W. R. Morehead Esqr ——— 3d Puisne Judge.

Read letter dated 20th July 1850 from the Sessions Judge of Calicut submitting copy of an application from the Magistrate of Malabar requesting that the convict Chinnoo Coorg Nair may during the remainder of his Sentence be exempted from wearing irons.

Vide Rules the N. 1955 of 1832.

Under the circumstances stated in this communication the Court of Sessions Adalut agree to the Magistrates request and authorize the Sessions Judge to exempt the convict in question from wearing irons during the remainder of his sentence.

Ordered that extract from these Proceedings be sent to the Sessions Judge of Calicut for his information

Sent in N. 991

Read letter from the Sessions Judge of Canara dated 23d July 1850 reporting that a Prisoner convicted in Case N. 51 on the Calendar for 1850, of theft, and sentenced to 7 years' imprisonment has confessed that he escaped from the Jail at Mangalore in February 1850 when undergoing a sentence of seven years' imprisonment and requesting authority

to transfer the said Convict to the Subordinate Judge of Mangalore for trial for the escape

/Here Enter the No 1973 of 1850./

The Judge of the Court of Sessions considers authorize the transfer of the Prisoner in question to Mangalore for trial for the escape, but as they see no necessity for his being retransferred to the Jails at Honore they desire that a copy of the sentence awarded to him by the Sessions Judge of Honore be forwarded to the Subordinate Judge at Mangalore, in order that the Prisoner may undergo the full period of his imprisonment in the Jails at that station

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Honore for his information and guidance

/Sent in No 992./

Read Statement, dated the 15th Ultimo, submitted by the Sessions Judge of Canara, of Batta paid to Prosecutors and Witnesses attending before the Sessions Court of Canara during the 1st Half of 1850

/Here Enter Do No 1950 of 1850/

Read Statement, dated the 1st Ultimo submitted by the Sessions Judge of Coimbatore, of Batta paid to Prosecutors and Witnesses attending before the Sessions Court during the 1st Half of 1850.

/Here Enter Do No 1901 of 1850/

Read Criminal Returns, dated the 15th Ultimo submitted by the Sessions Judge of Honore for

for the Month of June 1850.

/Here Enter the No 1903 of 1850/

Read Criminal Returns under date the 5th Ultimo submitted by the Agent to the Governor of Fort Saint George abstracts for the month of June 1850.

/Here Enter the No 1904 of 1850/

Read Statement dated 25th Ultimo submitted by the Sessions Judge of Salem of Batta paid to Prosecutors and Witnesses attending before the Sessions Court for the 1st Half of 1850.

/Here Enter the No 1932 of 1850/

Read Calendar of Case No 54 of 1850 submitted by the Sessions Judge of Calicut under date the 22d Ultimo

/Here Enter the No 1935 of 1850/

Read Calendar of Case No 29 of 1850 submitted by the Sessions Judge of Cuddalore under date the 27th Ultimo.

/Here Enter the No 1936 of 1850/

Read Calendar of Case No 26 of 1850 submitted by the Sessions Judge of Cuddapah under date the 26th Ultimo.

/Here Enter the No 1937 of 1850/

Read Calendar of Case No 13 of 1850 submitted by the Sessions Judge of Chingleput under date the 25th Ultimo

/Here Enter the No 1938 of 1850/

Read Calendar of Case No 29 of 1850 submitted by the Sessions Judge of Bellary under date the

12th August 1850

9

The 25th Millions.

(Here Enter Fn. No. 1939 of 1850)

Roobucar Letter dated the 22nd Instant from the Agent to the Governor at Bengal submitting an Extract from the Proceedings of the Court of the Agent at Ganjam under date the 18th July last.

(Here Enter Fn. No. 1946 of 1850.)

Ent. 1863.

Fn. No.

Tuesday 13th August 1850

Adawlut Court of the Foujdaree Udalut

Present

The Hon'ble G. S. Cooper Esqre — 1st Puisne Judge

The Hon'ble E. D. Thompson Esqre — 2d Puisne Judge

The Hon'ble W. A. Morehead Esqre — 3d Puisne Judge

Roobucar Letter dated 9th Instant from the Sessions Judge of Chingleput submitting for the final judgment of the Foujdaree Udalut the Police Criminal and Sessions Proceedings held in a trial for Rape in Case No. 13 of 1850, recommending the Prisoner to 3 Years imprisonment with hard labor in irons.

(Here Enter Fn. No. 2072 of 1850)

The Court of Foujdaree Udalut,

Mr. E. D. Thompson

on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner "Ramen" is sufficient to convict him of the crime of

of Rapes for which, in the absence of the requisite conditions of Hind, discretionary punishment is awardable under the Mahomedan Law, as declared in futwas of their Law Officers, do convict him thereof; and with reference to the provisions of Clause third Section VII Regulation XV of 1803 and Section XXXIV Act VII of 1843, do sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (3) three years.

(Sent in No. 993)

Read Statement dated 22nd Ultimo from the Session Judge of Masulipatam, of amount realized by the labor of Convicts in the 2nd Quarter of 1850

(Here Enter F.U. No. 1951 of 1850)

Read Statement dated 22nd Ultimo from the Session Judge of Calicut, of Batta paid to Prosecutors and Witnesses during the 1st half of 1850

(Here Enter F.U. No. 1957 of 1850)

Read Calendar of Cases No. 27 of 1850, submitted by the Session Judge of Coimbatore

13th August 1850

Coimbatore, under date the 6th Ultimo

(Here Enter F.U. No. 1959 of 1850)

Read Statement required by Circular Order No. 4 for the 1st half of 1850 submitted by the Session Judge of Calicut under date the 22nd Ultimo.

(Here Enter F.U. No. 1956 of 1850)

Read Sentence passed by the Session Judge of Coimbatore on the Jail Jemedar and 3 Peons charged with having allowed the escape of a Prisoner submitted under date the 24th Ultimo.

(Here Enter F.U. No. 1963 of 1850)

Read Convict Labour Report of the Jail at Cocanadah for the month of May 1850, submitted by the Session Judge of Rajahmundry under date the 25th Ultimo

(Here Enter F.U. No. 1969 of 1850)

Read Convict Labour Report of the Jail at Cocanadah for the month of April 1850, submitted by the Session Judge of Rajahmundry under date the 25th Ultimo

(Here Enter F.U. No. 1970 of 1850)

Read

13th August 1850

Read Calendar of Case No. 12 of 1850, submitted by the Sessions Judge of Trichinopoly under date the 29th Ultimo.

(Here Enter F. Us No 1976 of 1850)

Read Calendar of Case No 55 of 1850, submitted by the Sessions Judge of Calicut under date the 13th Ultimo.

(Here Enter F. U. No. 1977 of 1850.)

Read Calendar of Case No. 19 of 1850, submitted by the Sessions Judge of Combaconum under date the 30th Ultimo.

(Here Enter F. U. No. 1980 of 1850.)

Read Letter dated the 1st Instant from the Sessions Judge of Chingleput, reporting that no Cases to be reported on as required by the Circular Letters dated 16th October 1844 and 21st January 1845 were pending last month before the Sessions Court

(Here Enter F. U. No. 1985 of 1850)

Read Statement, dated the 1st Ultimo, submitted by the Sessions Judge of Salem, of Batta paid to Prosecutor and Witnesses for the 1st half of 1850.

(Here Enter F. U. No. 1986 of 1850)

Rs 810

F. Us.

Thursday
15th August 1850. } At a Court of the Foujdaree Udalut.

Present.

G. S. Cooper Esqre — 1st Puisne Judge.
E. P. Thompson Esqre — 2d Puisne Judge.
W. A. Morehead Esqre — 3d Puisne Judge.

Read Miscellaneous Petition presented on the 29th July 1850, by Chinnadoo Padiachey and Chidambaree Mudely of Trichinopoly.

(Here enter F. M. P. No. 121 of 1850.)

The Court of Foujdaree Udalut resolve to direct that the English Translation of the foregoing Petition be transmitted to the Acting Sessions Judge of Trichinopoly, who will be pleased to submit an explanation with reference to the allegations therein set forth.

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Trichinopoly by precept returnable within 8 days, from and after its receipt.

(Enter following precept No 990)

Read

Read again Report of cases disposed of by the Magistracy of Salem under the provisions of Section LIV Act VII of 1843 during the months of June 1850.

(Here enter F. No. 1867 of 1850.)

Read also returns under date the 2d August 1850, from the Sessions Judge of Salem, to the precept of the Fouzdaree Udalut dated the 29th July 1850, conveying their orders on the foregoing Report.

(Here enter F. No. 2004 of 1850.)

1. With reference to the orders of the Court of Fouzdaree Udalut that the sentence awarded to the prisoners in cases Nos 7 and 8 of the foregoing Report should be annulled, and that the prisoner should be committed for trial to the Criminal Court under Clause third Section III Regulation III of 1819, the Sessions Judge states that it appears from the proceedings of the Head Assistant Magistrate, that the prisoner was not in the service of Government when the charges upon which he has been convicted were preferred, and he desires to be informed whether under these circumstances the orders of the

the Fouzdaree Udalut for his commitment to the Criminal Court should be carried out.

2. The Court of Fouzdaree Udalut infer that the prisoner referred to was in the service of Government when the offences charged against him were committed and if this supposition be correct they desire that their orders for his commitment may be carried into effect.

3. If the dismissal of the prisoner from the public service had occurred previous to the commission of the acts laid to his charge, the Court of Fouzdaree Udalut are at a loss to understand how the charge of "abuse of authority" could have been established against him and they direct that on this point further explanations may be submitted.

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

(Sent following precept No. 999.)

Read letter dated 27th July 1850 from the Magistrate of Malabar reporting the assassination of the Nuzeer of Pudunagarum in Palghat and requesting authority to

15th August 1850. to offer a reward of Rupees 500 for the discovery, apprehension and conviction of the parties concerned.-

(Here enter F. P6. No 1983.)

The Court of Fouzdaree Udalut resolve with reference to the circumstances stated in the letter now before them to authorize the offer of the reward recommended by the Magistrate viz^n 500 Rupees.-

Ordered, that Extract from these Proceedings, be forwarded to the Magistrate of Malabar, for his information.-

(Sent in No 1000)

Read Letter dated the 3rd August 1850 from the Sessions Judge of Nellore, submitting the Calendars of Cases disposed of by the Magistracy for the 2nd Quarter of 1850.-

(Here enter F. P6. No 2007 of 1850.)

Calendar of persons punished. Case No 7

1. In this case one Prisoner was charged with "Petty Theft"- and on conviction has been sentenced by the Acting Head Assistant Magistrate to 20 days' imprisonment with hard labor in irons.-

The

F. P6

15th August 1850.

2. The Court of Fouzdaree Udalut observe that the amount of property stolen in this case should have been entered in the Calendar, in order that the Court might have an opportunity of judging whether the offence committed by the Prisoner was one of Petty theft.-

3. The Court request that the Sessions Judge will point out to the Magistrate, that he is not required to forward with his Petty Calendars, the Calendars of cases disposed of by the Magistracy under the extended powers vested in them by Section XIV Act VII of 1843- the transmission of the reports of such cases with the monthly Criminal Returns being sufficient.-

Ordered, that Extracts from these Proceedings, be forwarded to the Sessions Judge of Nellore for his information and for communication to the Magistrate.-

(Sent in No 1001)

Read Letter dated the 29th July 1850 from the Acting Sessions Judge of Tinnevelly, submitting the Calendars of Cases disposed

15th August 1850.

disposed of by the Magistracy for the 2d Quarter of 1850.

(Here enter F. No. No. 2016 of 1850)

1. The Court of Tonjdaree Udalut observe that in the Calendars of persons furnished during the period under review several cases have been entered which were dealt with by the Magistracy under the extended powers vested in them by Section LIV Act VII of 1843. The Acting Sessions Judge will be pleased to inform the Acting Magistrate that as the report of such cases is invariably transmitted with his monthly Criminal Returns, their entry in the Petty Calendars is uncalled for.

Ordered, that Extract from these Proceedings, be forwarded to the Acting Sessions Judge of Sumneelly for his information and guidance.

(Sent in No. 1002)

Read again Calendars of Cases Nos. 21. 22. 23. 25 and 26 of 1850 on the file of the Sessions Court of Rajahmundry.

(Here enter F. No. Nos. 1835. 1836. 1837. 1839 and 1840 of 1850)

Read

15th August 1850.

Read also return under date the 29th July 1850 from the Sessions Judge of Rajahmundry to the Precept of the Tonjdaree Udalut dated the 26th July 1850 conveying their orders on the foregoing cases.

(Here enter F. No. No. 1997 of 1850)

Read also Miscellaneous Petition forwarded by the Sessions Judge of Rajahmundry from Lakshmeedevy of Dillah Rajahmundry.

(Here enter F. No. M. P. No. 117 of 1850)

The Court of Tonjdaree Udalut

1. approve of the recommendations made by the Sessions Judge in these cases that the periods of imprisonment awarded to the 2d and 3d Prisoners may be reduced respectively to seven and five years, and do they authorize the Sessions Judge to issue his warrant accordingly.

The Court of Tonjdaree Udalut

2. do not see nothing in the Petition presented on behalf of the prisoners in question which would induce them to question the propriety of their conviction and the Petitioner's

application

15th August 1850.

application is accordingly dismissed.

Ordered, that Extract from these Proceedings, be forwarded to the Sessions Judge of Rajahmundry for his information and guidance and for communication to the Petitioner.

(Sent in No. 1003)

Read Letter dated the 29th July 1850 from the Sessions Judge of Combaconum submitting the Calendars of the Magistracy for the 2d Quarter of 1850.

(Here enter F. Us. No. 1982 of 1850)

Calendar of persons 1. punished Cases Nos. 1, 2 and 3.

The Court of Foujdaree Udalut observe that the cases noted in the margin have been incorrectly disposed of. The provisions of Section XXXV Regulation IX of 1816, which enactment has been quoted in support of the punishment awarded merely apply to cases of false complaint preferred before the Magistracy, and do not provide for the punishment of false complaints made before the Native Police which can only be dealt with by the Criminal Courts under Regulation IX of 1832.

Cases Nos. 18 and 20 2.

The Court of Foujdaree Udalut observe

F. Us.

15th August 1850. that the provisions of Section VII Regulation XII of 1832 cited in support of the punishment of these cases are not applicable to the Magistracy. As it appears, however, that the Sessions Judge has already called for a report of these cases, the Court will suspend their final Orders, pending the result of his enquiry, which they request may be duly communicated to them.

Calendar of persons required to find Security 3. Case No. 2.

It appears to the Court of Foujdaree Udalut that this case, in which the parties have been required by the Special Assistant Magistrate to furnish security under Section V Regulation XI of 1822, has also been incorrectly disposed of. The parties in question were charged with having committed a violent assault, which the Special Assistant Magistrate could only take cognizance of under the extended powers vested in him by Section LIV Act. VII of 1843, and as that Officer viewed the case as exciting strong suspicion against the accused, it was his duty to have held them to security under Clause first, Section IV Regulation XI

of

of 1822. and to have forwarded to the Sessions Judge the Calendar required under Clause Second, Section LIII. Rob VII of 1843.

Case No. 3. 4. The foregoing remarks, the Court observe, are also applicable to this case as well as to Case No 2 entered in the Calendar of persons ordered to find security, in the Joint Magistrates division, and who were released during the Quarter under review.

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

(Sent following precept No 1004)

Read letter dated the 31st. May 1850 from the Sessions Judge of Valiant submitting for the final judgment of the Foujdaree Adalut the Record of Case No 36 of 1850 of the Calendar of the Sessions Court.

(Here enter No 1405 of 1850)

W. H. A. Morehead.

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

evidence before them being of opinion that the Prisoners,

3d. Koonatodyil Oonyen

4th. Chelangareh Koyamoo

5th. Tien Kiyatamanil Vellu

and

6th. Chetty Chinno

are not convicted on presumptive proof or on the evidence of credible witnesses or on their own confessions of the crime charged, do acquit them thereof; but being of opinion that strong suspicion though not amounting to conviction attaches to them, the Court directed that under the provisions of Clause Sixth, Section II Regulation XV of 1803, the Prisoner

3d. Koonatodyil Oonyen

be required to find two sureties in (100) One hundred Rupees each surety for his good behaviour and appearance when required within three years and that in default thereof he be detained for three years in confinement, and the Prisoners

4th. Chelangareh Koyamoo

5th. Tien Kiyatamanil Vellu, and

6th. Chetty Chinnoo

do

15th August 1850.

be required each to find two sureties in (35) Thirty five Rupees each Surety for their good behaviour and appearance when required within three years and that in default thereof they be detained for three years in confinement.

The Court of Fouzdaree Udalut will take a further opportunity of noticing the remarks recorded by the Sessions Judge in the 11th para of the foregoing letter.

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

(Sent in No 1005)

Read again letter dated the 11th May 1850 from the Principal Sudr Ameen of Coimbatore submitting an application for an offer of conditional pardon to Sutchee (a female) the 2d prisoner in Case No 85 of 1850 on the file of the Principal Sudr Ameen's Court who was charged with being accessary to the Murder committed by Govinda Row the 1st Prisoner upon a girl named Tolasabeygummal aged 10

F. Dc.

15th August 1850

10 years.

(Here enter No 1218 of 1850.)

Read also again letter dated 3d July 1850 from the Sessions Judge of Coimbatore submitting for the final Judgment of the Fouzdaree Udalut the Records of Case No 21 of 1850 of the Calendar of the Sessions Court.

(Here enter No 1716 of 1850.)

Read also return dated the 6th August 1850 from the Sessions Judge of Coimbatore to the precept of the Fouzdaree Udalut under date the 18th July 1850 directing the Sessions Judge to lay before the Judges further evidence in Case No 21 of 1850 on the Calendar of the Sessions Court.

(Here enter No 2063 of 1850.)

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

The Court of Fouzdaree Udalut on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the Prisoner "Govinda Row"

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

own confession of the crime charged, do acquit thereof: but being of opinion that strong suspicion though not amounting to conviction attaches to him, the Court direct that under the Provisions of Clause Sixth Section II Regulation XV of 1803, he be required to finish 2 Sureties in (50) Fifty Rupees each Surety for his good behaviour and appearance when required within three years, and that in default thereof he be detained for three years in confinement.-

1. The Prisoner in this case was charged with having at about one o'Clock P.M. on the 1st. May 1850 murdered the Prosecutrix's younger Sister Thalavedayammal by stabbing her with a dagger with having stript her of Jewels valued at Rupees 25 and with having thrown the corpse into a well in the neighbourhood of Coimbatore and buried the jewels in question in the back-yard of the 1st. Witness' house.-

2. It appears that the deceased was missed on the evening of the day of the murder and that on the following morning

morning her absence was reported by her relatives to the Heads of Police, who sent peons to search the wells in the neighbourhood of Coimbatore, which resulted in the discovery of her body in a well within the limits of the Village of Comarapollium.- Upon the Tahsildar repairing to the well in question and examining the body of the deceased, information was given him, apparently by the 19th. Witness, which led to the apprehension of the prisoner who is stated by that witness to have been seen by him in the neighbourhood of the well at about one o'Clock of the day upon which the deceased was missed.-

3. The Prisoner's house, immediately after his apprehension, was searched by the Heads of Police, when a dagger was found in it, with which it was supposed that the murder had been committed.-

4. Orders having been issued on the same day to the Monigar of the Village of Comarapollium to institute further enquiries regarding the murder, it appears that

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that the 2d. 3d. and 4th. witnesses informed the Manigar of their having on the previous day seen the 1st. witness, a sweeper woman of the Prosecutrix's house, in company with the Prisoner and a child at the well in which the body was found. Upon this the 1st. witness was apprehended when she confessed having been present when the murder was perpetrated by the prisoner, by whom she stated that she had been requested to decoy the wife of the 15th. witness Goorco Row and the deceased to a neighbouring pagoda. that she accordingly called to them to accompany her - that Goorco Row's wife refused. but that the deceased went with her. that she (witness) took her to the prisoner who was standing near, and who led them to the well, down the bank of which he dragged the deceased and stabbed her with his dagger on the chin. that the witness ran away and returned to her house, where the prisoner in the evening brought some jewels belonging to the deceased which he buried in her backyard,

stating

F. 46.

15th. August 1850.

stating that he had killed the deceased, and that he would leave the jewels with her, until he could procure a sum of three Rupees, which he had promised her as a reward for her assistance in the matter.-

5. This witness stated that the prisoner had murdered the deceased. under the impression that she was the wife of Goorco Row, with whom he had had a quarrel on account of a Dancing girl.-

6. The Prisoner and the 1st. witness having been committed to the Criminal Court, the Principal Sudder Ameen considering that the evidence as it then stood would be insufficient to ensure the conviction of either prisoner, recommended that the 2d. prisoner should be admitted as an approver, which having been granted by the Court of Foujdaree Udalut, she was examined as a witness by the Criminal and Sessions Courts, and deposed upon oath to the circumstances stated in her confession before the Police.-

7. The Sessions Judge

in

it is in concurrence with the Mahomedan Law Officer, considered the evidence, consisting of the testimony of the Prosecutrix and first sixteen witnesses, to be conclusive to the prisoner's guilt, and do recommended that he should be sentenced to suffer death.-

8. On perusing the records the Court of Fonjdaree Udalut considered that the evidence to the circumstances, which led to the apprehension of the Prisoner and the 1st Witness, was defective; and they accordingly directed that further evidence should be taken on this point, and also that the truth of the 1st Witness' allegation in regards to the intimacy which she stated to have existed between the prisoner and herself and the existence of which the prisoner entirely denied, should be tested by the examination of witnesses competent to depose to it.

9. Upon the receipt of these orders ten additional witnesses were examined including the Heads of Police by whom the

the case was committed, whose depositions have been forwarded to the Fonjdaree Udalut.

10 On an attentive consideration of the entire records of the case, the Court of Fonjdaree Udalut have been unable to concur with the Sessions Judge in considering the evidence sufficient to the full conviction of the prisoner of the crime laid to his charge.-

11. The Court of Fonjdaree Udalut consider the alleged identification of the prisoner by the 2d 3d and 4th witnesses, as the person stated to have been seen by them at the well in company with the first witness and the deceased on the day that the murder is supposed to have taken place, to have been by no means satisfactorily established - The Court are unable to reconcile their alleged distinct recognition of the prisoner's person with their denial of having heard any screams, which, if the 1st witness' statement be correct, must obviously have proceeded from the well, while the perpetration of the murder was going on.-

J.

15th. August 1850.

12. It is to be observed that these witnesses deposed to having remarked a silver ring on the leg of the prisoner, when walking on the bank of the well; a circumstance they scarcely could have noticed at a distance of two hundred yards, which distance the well is stated to be from the spot where they were standing, when the circumstances narrated by them came under their observation.-

13. These witnesses (2nd 3d and 4th) likewise depose that the Prisoner had an Umbrella in his hand upon the occasion in question, a statement which is contradicted by the evidence of the 1st witness. the only witness who is shown to have passed near the Prisoner while the latter was in the neighbourhood of the well, and who states that he did not notice that the latter had such an article in his hands.-

14. The evidence of these witnesses the 2nd 3d and 4th is moreover inconsistent with that of the 1st witness, who states that she saw up the bank of the well, and returned to

F. 96.

15th. August 1850.

to her house, immediately after the prisoner struck the first blow upon the skin of the deceased; whereas the 2d 3d and 4th Witnesses depose that the man and woman who were seen by them to go down the bank of the well, re-ascended it together 3/4 of an hour, after they went down.-

15. On this point the Court of Fouzdaree Udalut deem it proper to observe that the Sessions Judge's examination is exceedingly defective; many obvious questions having been omitted, which might have reconciled the discrepancies under remark.-

16. It was obviously most important to ascertain how long the 1st Witness remained in the well, and with the view of reconciling the manifest inconsistencies between her Statement and those of the 2d 3d and 4th Witnesses, she should have been subjected to a most searching cross-examination.-

17. To the evidence of the Heads of Police the Court of Fouzdaree Udalut can attach no credit whatever.- It appears to them to evince an evident desire on the part of that Officer to fix the crime upon the prisoner;

prisoner; and it contains contradictions which should have been sifted by cross-examination, many of which however seemed to have entirely escaped the notice of the Sessions Judge. The Court would particularly refer to this Witness' answers to the 27th and 28th questions, from the latter of which it is obvious that the former answer is untrue, as proof of the careless manner in which this witness hazarded assertions which he must have known to be incorrect. The Court are unable to gather from the evidence of the Head of Police, who was the first person who indicated the prisoner as the probable perpetrator of the murder which had been committed. It is to be inferred that it was the 19th Witness. but on this point, which they cannot but think might have been cleared up by a more searching examination, the Court are left entirely to conjecture as also in regard to the nature of the statement made to the Head of Police by the 19th Witness, when the body was discovered regarding his previous meeting with the prisoner, concerning which, with reference to the answer given by the Head of Police to the

the 17th question, a further examination of the 19 Witness was clearly requisite.

18. The foregoing remarks on the insufficiency of the examination are likewise applicable to the evidence of the 11th Witness, the wife of Gonoo Row, who deposes to the 1st Witness on the day the deceased was missed having requested her and the deceased to accompany her to a Tank, the prisoner being close by at the time, but who has not been questioned as to her reasons for omitting, when the child was missed, to mention the circumstance in question of which she appears to have given an information, until after the apprehension of the prisoner and the 1st Witness.

19. It is to be observed that the alleged existence of an intimacy between the prisoner and the 1st Witness is entirely unsupported by evidence, the witnesses named by the latter to prove her assertion on this point having denied all knowledge of the fact asserted by her.

20. For the reasons above stated the Court of Foujdaree Udalut have considered the evidence insufficient to justify any more than

15th. August 1850.

thave a requisition of security, under which they have directed that the prisoner should be placed.

21. The Court of Fouzdaree Udalut observe that the prisoner should have been called upon to plead in answer to the further evidence taken under the orders of the Fouzdaree Udalut and they desire that the attention of the Acting Magistrate may be directed to the plan sent up by the Heads of Police of the place where the murder was alleged to have been committed, which it is observed is utterly useless for the purpose for which it was required; the relative distances of the several spots entered in the plan, which should have been ascertained by actual measurement, as for instance the distance from the spot where the 2d. 3d & 4th. Witnesses stood to the bank of the well in which the dead body was found not having been stated.

Ordered, that Extracts from these Proceedings, be forwarded to the Sessions Judge of Coimbatore for his information and guidance

S. 76

15th. August 1850.

guidance; and for communication of para 21 to the Acting Magistrate.

(Sent in a No. 1006.)

L. S.

Certificate of Pardon

to

Lutchee.

1. Whereas under date the 20th. May 1850 the Court of Fouzdaree Udalut were pleased to authorize the Principal Sudder Ameen of Coimbatore to tender an offer of Pardon to "Lutchee" on condition of her making a full disclosure of every circumstance within her knowledge, relative to the Murder committed on the 1st. May 1850 on a girl named Velasubayammal the younger sister of the Prosecutrix Kristnammal in the Nunja fields of one Lingana pundit in the Village of Komarapallium in the Zillah of Coimbatore.

2. And whereas the Court of Fouzdaree Udalut are of opinion that the conditions

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15.

conditions of the said grant of pardon have been sufficiently fulfilled.-

3. Now these are to certify and declare that in consideration thereof, the Court of Foujdaree Udalut have been pleased under the provisions of Section XX Regulation VIII of 1802, to confirm the pardon conditionally tendered as aforesaid to the said "Lutchee" in so far as regards the act therein referred to.-

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

Given under our hands and the seal of the Court this 15th day of August 1850.-

[Signed] A. J. Arbuthnot
Head Assist. to the Registrar.

Ld 18.10.

F. No.

Friday
16th. August 1850. } At a Court of the Foujdaree Udalut.

Present

Gy. S. Hooper Esqre. ——— 1st. Puisne Judge.
S. P. Thompson Esqre. ——— 2nd. Puisne Judge.
W. H. Morehead Esqre. ——— 3rd. Puisne Judge.

Read Calendar of Cases No. 29 of 1850 of the Sessions Court of Coimbatore.

(Here enter F. No. No. 2026 of 1850.)

The Court of Foujdaree Udalut approves of the recommendation made by the Sessions Judge in this Case that the sentence recorded against the two Prisoners on their conviction of "Gang Robbery" be mitigated in the case of the first Prisoner to seven years, and to that of the second Prisoner to five years' imprisonment with hard labor in irons - and the Sessions Judge is authorized to issue his warrants accordingly.

Ordered, that Extract from these Proceedings, be forwarded to the Sessions Judge of Coimbatore, for his information and guidance.

(Sent in No. 1007)

Read

16th. August 1850.

Read Calendar of Cases No. 25 of 1850 of the Sessions Court of Salem.

(Here enter F. No. No. 2042 of 1850.)

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this case, that the sentence recorded against the Prisoner on his conviction of "Theft" be mitigated to three months' imprisonment with solitary confinement and the Sessions Judge is authorized to issue his warrant accordingly.

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

(Sent in No. 1008.)

Read Letter under date the 6th. August 1850 from the Sessions Judge of Cuddapah, submitting an English Translation of the records of Case No. 59 of 1850 on the file of the Sessions Court for the final judgment of the Foujdaree Udalut.

(Here enter F. No. No. 2082 of 1850.)

Before finally disposing of this

16th. August 1850.

case the Court of Foujdaree Udalut resolve to direct that the individuals by whom the Prisoner was apprehended may be examined and that any evidence that may be procurable to the alleged removal of the Knife, with which the offence charged is stated to have been committed, on the night of the affray by the prisoner's wife and to its alleged discovery in the prisoner's house may be taken.

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

(Sent following precept No. 1009.)

Read letter dated 31st. July 1850 from the Sessions Judge of Cuddapah requesting instructions as to the execution of Koopen the Prisoner in Case No. 53 of 1850 on the Calendar for 1850.

(Here enter F. No. No. 2035 of 1850.)

The Court of Foujdaree Udalut consider that the Sessions Judge has shown

a

16th August 1850.

a want of sound judgment in deferring the execution of the sentence passed on the Prisoner in question, who they observe was on the 10th July declared by the Hillah Surgeon to be quite convalescent and free from every complaint excepting weakness and they direct that the sentence be carried into execution without further delay.

Ordered, that Extract from these Proceedings, be forwarded to the Sessions Judge of Chittoor for his information and guidance.-

(Sent in No. 1010 /50

E. W.

Saturday 17th August 1850

F. C.

At a Court of the Foujdaree Udalut

Present

G. S. Cooper Esqre ——— 1st Puisne Judge
C. P. Thompson Esqre ——— 2d Puisne Judge
W. A. Morehead Esqre ——— 3d Puisne Judge

Read miscellaneous Petition presented on the 4th March 1850 by Sabapathy, appu Naidoo, Panchayan Sobbalakshamma, and Vencatacamy Naidoo of Gillah Chittoor

(Here enter No. P. 1850. 123 of 1850)

Mr C. P. Thompson

The Petitioners pray the Court to order the restoration to them of certain articles of property found in their possession and seized by the Police upon the occasion of their apprehension upon the charges preferred against them in cases Nos 14 and 15 of 1849 on the file of the Sessions Court of Chittoor.-

2. The Petitioners having been acquitted of the offence laid to their charge, the Court of Foujdaree Udalut resolve to direct that the Sessions Judge will state in what manner the property referred to has been disposed of, and whether any objections exist to its restoration to those in whose possession it was found by the Police.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Chittoor by precept returnable within five days from and after its receipt.-

(Sent following precept No. 1013)

Ordered

Ordered also that extract from these proceedings be given to the Petitioners on their application.

Read Letter dated 31st July 1850 from the Sessions Judge of Cuddalore submitting copy of a correspondence with the Magistrate of Salabar and the Subordinate Judge and Zillah Surgeon on the subject of temporarily removing the Prisoners from the branch Jail at Porto Novo.

(Here enter the No. 2024 of 1850.)

Read also Letter dated 5th August 1850 from the same officers transmitting copy of the records of an enquiry made by the Subordinate Judge into the circumstances attending the death of a Prisoner by Cholera in the Jail above alluded to

(Here enter the No. 2052 of 1850)

The Court of Sudder Adawlut observe that the transmission of this lengthy correspondence, the transcribing of which must have occupied a copyist for many hours, and the perusal of which has seriously trenched upon the time of the Court, was wholly unnecessary. All that the Sessions Judge was called upon to report was the fact that the Prisoners had been temporarily removed into the Zillah Jail on account of Cholera, and, as the local authorities were fully competent to punish any neglect on the part of the guards, the transmission of the records of the enquiry instituted by the Subordinate Judge, could serve no useful and whatever.

Ordered that extract from these proceedings be forwarded to the Sessions Judge of Cuddalore for his information and future guidance.

(Cent. in No. 1012)

Read Letter dated 2d August 1850 from the Joint Magistrate of Cuddalore submitting a statement of the charges incurred in the subsistence of Convicts at that station, during July 1850.

(Here enter No. 2033. of 1850.)

The Court of Sudder Adawlut direct

1. that this statement be returned to the Magistrate of Cuddalore who will be instructed to control the charges in question in his general statement of contingent charges.

The Magistrate will further be desired

2. to transmit a memorandum, in the form circulated on the 15th July last, showing the returns from the Prisoners' labor during the July in question.

Ordered that extract from these proceedings be sent to the Magistrate of Cuddalore for his information.

(Cent. in No. 1015)

Read return dated 3d August 1850 from the Sessions Judge of Cuddalore to the Precept of the Sudder Adawlut under date the 19th July 1850 directing him to forward an English Translation of the Records of the case No. 125 of 1850 on the file of the Subordinate Criminal Court.

(Here enter No. 2030 of 1850)

J. 11.

Monday 19th August 1850. } At a Court of the Toujdaree Adalut

Present

W.R. G. S. Cooper Esquire 1st Puisne Judge.

P.C. E. P. Thompson Esquire 2d Puisne Judge.

W. A. Mocatta Esquire 3d Puisne Judge.

Read letter dated 29th July 1850 from the Sessions Judge of Chingleput requesting permission to withdraw the Peons now kutteed on the Southern Road to the Gillah Jail.

/Vide Enter T.C. No. 1962 of 1850/

Read also letter dated 9th August 1850 from the same Officer reporting with reference to the Memo: issued from the Registers Office on the 3 Idem, the number and strength of the gangs now employed on the road above referred to.

/Vide Enter T.C. No. 2080 of 1850/

The Sessions Judge reports that with reference to the prohibition of the practice of linking prisoners together at night in the Circular Order Toujdaree Adalut

Adalut dated 25th July 1850 he cannot answer for the safe custody of the Prisoners now employed at a distance from the Gillah Sail, and that ample work can be found for them in the immediate vicinity of Chingleput, and the Court of Foujdaree Adalut consequently authorize the removal of the Convicts now employed on the Southern Road to the Gillah Sail.

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

/Sent in No. 1017/

Read Calendar of Case No. 4 of 1850 submitted by the Sessions Judge of Guntoor under date the 2d March 1850

/Here Enter Ft. No. 555 of 1850/

Read Return dated 25 February 1850 from the Sessions Judge of Tellicherry to the Precept of the Foujdaree Adalut under date the 21 February 1850 requiring information as to manner in which the Case No. 4 of 1850 of Report B has been disposed of.

/Here Enter Ft. No. 557 of 1850/

19th August 1850

Read Calendar of Case No. 220 of 1850 submitted by the Sessions Judge of Masulipatam under date the 13th June 1850

/Here Enter Ft. No. 1593 of 1850/

Read Report dated 15th July 1850 submitted by the Agent to the Governor of Fort St. George at Vizagapatam of Persons apprehended in the Separate Tracts of Vizagapatam and delivered to the Agency in the month of June 1850.

/Here Enter Ft. No. 1869 of 1850/

Read Report dated 20th July 1850 submitted by the Sessions Judge of Chittoor of Convicts labor of the Sail at Vellore under the charge of the Head Assistant Magistrate of North Arcot for the month of June 1850.

/Here Enter Ft. No. 1933 of 1850/

Read Report dated 26th July 1850 submitted by the Acting Sessions Judge of Madura of Convicts labor of the Sail at Dambum under the charge of the Joint Magistrate for the month of June 1850.

/Here Enter Ft No. 1952 of 1850/

Read

14th August 1850.

Read report dated 1st August 1850 submitted by the Session Judge of Chittoor of Cases pending on the 31st July 1850 before the Session Court for a period in excess of 25 days calculated from the date of commitment.

(Here Enter S.R. No. 2067 of 1850)

Ad. Rd.

F. R.

Tuesday 20th August 1850.

At a Court of the Foujdaree Adalut.

Present

G. S. Hooper Esqr. — 1st Puisne Judge
E. B. Thompson Esqr. — 2nd Puisne Judge
W. A. Morehead Esqr. — 3rd Puisne Judge.

Read again Miscellaneous Petition presented on the 24th June 1850 by Parvathy — Inmate of Zillah Chittoor —

(Here enter F. R. P. No. 106 of 1850).

Read also returns under date the 29th July 1850 from the Sessions Judge of Chittoor to the precept of the Foujdaree Adalut dated the 15th July 1850 conveying their orders on the foregoing Petition —

(Here enter F. R. No. 1995 of 1850).

It would appear from the foregoing return that the complaint made by the 1st Prisoner of having received ill-treatment at the hands of the Police authorities was to a certain extent well founded; and the Court of Foujdaree Adalut direct that the Magistrate of North Arcot will issue strict orders to the Heads of Police under his jurisdiction to prevent the

the Subordinate Police officers from resorting to any improper or unnecessary means of restraint in securing prisoners captured by them.—

2. The Court of Foujdaree Adalut see no reason to question the propriety of the 1st prisoner's conviction, and they accordingly resolve to dismiss the Petitioners' application.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Chittoor for communication to the Magistrate of North Arcot.—

(Sent in No. 1020).

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

Read Miscellaneous Petition presented on the 29th July 1850. by Gaddum Ankireddy of Zillah Cuddapah.—

(Here enter F. Gr. P. No. 122 of 1850).

1. The Petitioner complains of the acquittal of the prisoner in Case No. 45 of 1850. on the file of the Sessions Court of Cuddapah, and prays the Court of Foujdaree Adalut to call for the record of the case and to pass sentence therein.—

2. The Court of Foujdaree Adalut observe

20th August 1850.

observe that the case to which the Petitioner refers having been disposed of by a competent tribunal, the acquittal of the prisoner is final and the Foujdaree Adalut have no authority to interfere in the manner the Petitioner requests.

3. This Petition is accordingly dismissed.—

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

Read again Calendar of Case No. 32 of 1850. on the file of the Sessions Court of Masulipatam.

(Here enter F. G. No. 1497 of 1850).

Read also return under date the 29th July 1850. from the Sessions Judge of Masulipatam to the precept of the Foujdaree Adalut dated the 20th June 1850. directing the submission of an English Translation of the record of the foregoing case.—

(Here enter F. G. No. 2060 of 1850).

Read also Miscellaneous Petition presented on the 1st July 1850. by R. Tersoomalroo Vakeel on behalf of Avoonoo-ladasee Lakshmi Peroomalloo of Zillah Masulipatam.—

Here enter F. Gr. P. No. 107 of 1850).

On an attentive consideration of the

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

1. entire record of this case, the Court of Foujdaree Adalut are

are of opinion, that the evidence is altogether insufficient to establish the charge upon which the Prisoners have been convicted by the Sessions Judge - and the Court accordingly direct that the Prisoners be unconditionally released.-

2. The Court of Foujdaree Adalut observe that there is no evidence to show that the Prosecutors ever possessed the sum of which they allege that they have been robbed, and if they were, the Court could attach no credit to their Statement that they had left a sum of Rupees 510. at an empty house in a trunk placed upon the roof.-

3. It is to be remarked that the Curumm's report that the Prosecutors house had been robbed, dated the 28th November 1849, makes no mention of the exact sum taken, merely stating that Jewels and ready Money, the value of which the Prosecutors were unable to state, had been stolen, a Statement which considered with reference to the Prosecutors condition in life, appears very inconsistent with the supposition that the sum of money lost by them amounted to Rupees 500, which amount they could scarcely have failed to recollect.-

4 It is to be observed that the Prosecutors

Prosecutors Statements in regard to the manner and the place in which the money alleged to have been lost by them was kept, differs from the confessions reported to have been made by the Prisoners, who are stated to have deposed that they dug the rupees out of the wall of the house.-

5. There is no evidence to show that the money delivered up by the Prisoners is the Prosecutors property, whereas the Prisoners are shown to be respectable persons and likely to be possessed of property to the amount of that which they have been charged with having stolen.-

6. Under all the circumstances of the case the Court of Foujdaree Adalut consider the manner in which it has been disposed of to be by no means creditable to the discretion or judgment of the Sessions Judge.-

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

(Sent following Precept No 1021).

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

Read report B dated the 1st Instant

Submitted

submitted by the Sessions Judge of Rajahmundry of Persons apprehended in the Zillah of Rajahmundry and delivered to the Criminal Judge in the month of July 1850.-

(Here enter F: G: No: 2123 of 1850).

Read Criminal Report 13 dated the 9th Instant submitted by the Sessions Judge of Tellicherry for the month of July 1850.-

(Here enter F: G: No: 2125 of 1850).

Read Criminal Reports dated the 15th Instant, submitted by the Acting Sessions Judge of Trichinopoly for the months of July 1850.-

(Here enter F: G: No: 2129 of 1850).

Read Criminal Reports dated the 15th Instant submitted by the Sessions Judge of Nellore for the month of July 1850.-

(Here enter F: G: No: 2130 of 1850).

Read Criminal Reports dated the 2nd Instant submitted by the Assistant Agent at Ganjam for the month of July 1850.

(Here enter F: G: No: 2132 of 1850).

Read Criminal Report dated the 12th Instant, submitted by the Acting Sessions Judge of Madura for the month of July 1850.

(Here enter F: G: No: 2133 of 1850).

Read Calendar of Case No: 17 of 1850 submitted

20th August 1850.

submitted by the Acting Sessions Judge of Trichinopoly under date the 14th Instant.-

(Here enter F: G: No: 2134 of 1850).

Read letter dated the 15th Instant from the Sessions Judge of Cuddapah forwarding the Original warrant issued for the execution of the Prisoner in Case No: 11 of the Calendar of 1850.-

(Here enter F: G: No: 2136 of 1850)

Read report dated the 2nd Instant, submitted by the Joint Magistrate in charge Pammbum of Convict Labour of the Jail at Pammbum.-

(Here enter F: G: No: 2138 of 1850).-

2d 1850

Wednesday
21st August 1850

D.U.

At a Court of the Dajdarees Adalut

Present

G.A. Hooper Esqr. 1st Puisne Judge
H.M. for C.P.S. C.P. Thompson Esqr. 2nd Puisne Judge
W.A. Morehead Esqr. 3rd Puisne Judge

Read Calendar of Case No. 7 of 1850 of the Session Court of Chicacole

(Here enter D.U. No. 2066/1850)

1. D.U. appears to the Court of Dajdarees Adalut upon perusal of the statements made by the Prosecutor and No. witness in this Case that the evidence was fully sufficient to warrant the committal of the Prisoner, and as it seems obvious from the remarks of the Session Judge that no doubt is entertained by that Officer in respect to the Prisoner's guilt, the Court are wholly unable to comprehend the grounds upon which he has been merely required to furnish security

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

(Sent in No. 1022.)

Read Calendar of Case No. 18 of 1850 of the Session Court of Madura.

(Here enter D.U. No. 2054/1850)

1. Before passing their final

Orders

L.C.:
21st August 1850.

Orders on this Case the Court of Enjidance Adalut resolve to call upon the Session Judge to state the value of the articles Nos 10 and 11 found in the house of the 2nd Prisoner, and whether those articles were such as could be satisfactorily deposed to..

2. The Court also require to be informed whether it appeared from the examination of the 4th 5th & 6th witnesses that when they came to the spot on the first alarm being given of the robbery, the Prosecutor or the 1st & 3rd witnesses denounced the above Prisoners by name..

3. And, in submitting the above information, the Acting Session Judge will be pleased to explain the cause of the delay between the occurrence of the robbery and the date of the charge..

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

(Sent following Cowcoft No 1023)

Read Letter dated 9th August 1850 from the Session Judge of Coimbatore transmitting Copy of a Letter dated 30th July 1850 in which the Acting Magistrate requests to be informed whether the provisions of Act XVI of 1850 apply to the Courts of the Magistracy..

(Here Enter L.C. No 2084/1850)

L.C.:
21st August 1850

The Court of Enjidance Adalut direct that a Copy of Para 2 of their Proceedings under date 29th May 1850 upon a similar reference be transmitted for the information of the authorities at Coimbatore..

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

(Sent in No 1024)

Read letter dated the 3rd Instant from the officiating Agent to the Governor of Fort Saint George at Vizagapatam submitting a Summary of the evidence taken before him in a case of "Highway robbery by open violence"..

(Here enter L.C. No 2065/1850)

1. The officiating Agent convicts the Prisoner "Veddadah Maunnedeyandoo" of the Crime charged against him, and recommends that he should be sentenced to (4) four years imprisonment with hard labor in irons under Clause 3rd Section IV Regulation XV of 1803 and Clause 2nd Section III Regulation I of 1825.

2. The Court of Enjidance Adalut concur in the conviction of the Prisoner and confirm the sentence proposed to be passed against him..

Ordered that Extract from these

L:U:

21st August 1850

Were Proceedings be sent to the Officiating Agent to the Governor of Fort Saint George - at Vizagapatam for his information and guidance -:

/ Sent in N°1025 /

Read Miscellaneous Petition forwarded by the Session Judge of Coimbatore from Veerun of that Zillah -.

/ Here enter L:U: P: N°126/1850 /

The Court of Sujidaree Adalut resolve to direct that the English Translation of the foregoing Petition* be forwarded to the Session Judge with instructions to that Officer to report whether or not there is any truth in the Statements it contains -.

*to be returned

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

/ Sent following Receipt N°1026 /

Read the Petty Calendars of Cases disposed of by the Magistracy in the Zillah of Bellary during the 2nd Quarter of 1850 -.

/ Here enter L:U: N°204 / 1850

The Court of Sujidaree Adalut request that the Session Judge will point out to the acting Magistrate that in all cases of Theft entered in the Petty Calendars it will be necessary for him in future to state the value

/

L:U:

21st August 1850

of the property charged or proved to have been stolen, in conformity with the provisions of Sujidaree Adalut Circular Order dated the 25th August 1818 -.

Ordered that Extract from these proceedings be forwarded to the Session Judge of Bellary for his information and for communication to the Magistrate -.

/ Sent in N°1027 /

Read letter dated the 15th Instant from the Session Judge of Combaconum submitting for the final Judgment of the Sujidaree Adalut the Record of Case N°s 20 & 21 of the Calendar of the Session Court -.

/ Here enter N°2127 /

The Court of Sujidaree 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

"Veerapen, alias Calimapiel"

is sufficient to convict him of the crimes 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 -.

/ Sent in N°1028 /

Read letter dated the 9th Instant from the Session Judge of Chittoor submitting for the final Judgment of the Sujidaree Adalut

L.C.

21st August 1850

Udalut The Record of Case No. 11 of 1850 of the Calendar of the Sessions Court

(Here enter No. 2090 of 1850)

The Court of Enjidance 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

"Moonegaudoo"

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

1. The Court of Enjidance Udalut desire to be informed under what circumstances the examination of the prisoner in this case before the Subordinate Criminal Court took place on the day preceding that upon which the witnesses for the prosecution were examined, and attending to the circumstances that the prisoner fainted when under examination before the subordinate Judge the Court of Enjidance Udalut deem it proper to direct that the impropriety of proceeding with the examination of a prisoner reduced to such a state of weakness may be pointed out to that Officer, a confession delivered under such circumstances being obviously open to some distrust ..

2. The Court of Enjidance Udalut

L.C.

21st August 1850

have founded their conviction chiefly upon the proved delivery by the Prisoner of the property of the deceased, taken into consideration with the other circumstantial evidence adduced ..

3. The Court observe that the prisoner was apprehended on the 19th of April whereas the 21st of that month is the date assigned for his apprehension in the Calendar submitted to the Enjidance Udalut ..

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

Sent following precept No. 1039

Read Calendar of Case No. 51 1752 of 1850 of the Sessions Court of Cuttack

(Here enter L.C. Nos. 2074, 2075, 2076 1850)

1. The Court of Enjidance Udalut upon an attentive consideration of all the circumstances of these Cases are of opinion that the sentence of 14 years' imprisonment with hard labor in irons, which has been passed upon the Prisoner on his conviction of Highway Robbery may with propriety be reduced to seven years' imprisonment ..

2. If the Sessions Judge upon reconsideration be enabled to concur in this opinion he will be pleased to submit a

21st August 1850

a recommendation for the mitigation of the Prisoners sentence accordingly: if he dissents therefrom he will be pleased to transmit an English translation of the entire Record of the case for the consideration of the Lordships Gladat.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddapah by Receipt returnable within III days from and after its receipt.

/Sent following Receipt No 1839/

Read Calendar in Case No 33 of 1850 submitted by the Sessions Judge of Bellary dated 31st July 1850.

/Here enter No 2009 of 1850/

Read Calendar in Case No 25 of 1850 submitted by the Sessions Judge of Cuddalore dated 3rd August 1850.

/Here enter No 2011 of 1850/

Read Calendar in Case No 41 of 1850 submitted by the Sessions Judge of Cuddapah dated 31st July 1850.

/Here enter No 2012 of 1850/

Read Calendars in Cases No 21 and 22 of 1850 submitted by the Sessions Judge of Salem dated 3rd August 1850.

/Here enter No 2019 of 1850/

Read Calendar in Case No 48 of 1850 submitted by the Sessions Judge of Cuddapah dated

21st August 1851. dated 31st July 1850.

/Here enter No 2013 of 1850/

Read Calendar in Case No 27 of 1850 submitted by the Sessions Judge of Bellary dated 2nd August 1850

/Here enter No 2020 of 1850/

Read Report dated 1st August 1850 submitted by the Sessions Judge of Cuddapah for the Month of July 1850.

/Here enter No 2021 of 1850/

Read letter dated 3rd August 1850 from the Sessions Judge of Cuddapah reporting the execution of the 2 Prisoners Bundee Lakireddy in Case No 59 of the Calendar for 1849.

/Here enter No 2022 of 1850/

Read letter dated 29th July 1850 from the Acting Sessions Judge of Tinnevelly forwarding the Petty Calendars of the Cases disposed of by the Magistrates during the 2d Quarter of 1850 together with an Extract from the Proceedings of the Sessions Court held on review of the same.

/Here enter No 2015 of 1850/

Thursday.
22d August 1850.

F U

At a Court of the Foujdaree Udalut

— Present —

G. S. Hooper Esqr. ——— 1st Puisne Judge
C. P. Thompson Esqr. ——— 2d Puisne Judge
A. A. Morehead Esqr. ——— 3d Puisne Judge

Read letter dated 3d August 1850 from the Magistrate of Malabar requesting authority to offer rewards of Rupees 250 for the apprehension and conviction of Veela Kutty and Vella Rowlan respectively

(Here enter F U. No 2057 of 1850)

It appears from the Report of the Assistant Magistrate submitted with this communication that the parties in question are not only suspected of having been concerned in the assassination of the Amelen of Pudunagaroom but have been implicated in several cases of robbery and under those circumstances the Court of Foujdaree Udalut under the provisions of Section XX Regulation IX of 1816 sanction the offer of the rewards recommended by the Magistrate.

Ordered that Extract from these proceedings be forwarded to the Magistrate of Malabar for his information.

(Sent an Ltr No 1031.)

Read

22d Augst 1850.

Read communication dated 3d Augst 1850 from the Sessions Judge of Calicut submitting copies of the Subordinate Judges Returns to the Sessions Courts Precepts dated the 27th ultimo, of the Civil Surgeons Letter therein alluded to and of the Sessions Courts Proceedings dated 1st Instant.

/Here Enter No 2050 of 1850/

Read Calendar of Case No 58 of 1850 submitted by the Sessions Judge of Calicut under date the 3d Augst 1850.

/Here Enter No 2051 of 1850/

Read Letter dated 9th Augst 1850 from the Chief Magistrate and Superintendant of Police, forwarding Report of a case tried under Act XXV of 1837 in the month of July last.

/Here Enter No 2052 of 1850/

Read communication dated 2d August 1850 from the Sessions Judge of Rajahmundry submitting copy of the Sessions Courts remarks on review of the Magistrates Petty Calendars for the 2d Quarter of 1850.

/Here Enter No 2066 of 1850/

Read Calendar dated 5th August 1850 submitted by the Sessions Judge of Coimbatore, of a Prisoner committed by the Head Assistant Magistrate of Dindigul on a charge of Escape.

/Here Enter No 2069 of 1850./

Read Calendar of Case No 60 of 1850 submitted by the Sessions Judge of Calicut under date the 6th Augst 1850.

/Here Enter No 2077 of 1850/

22d August 1850.

Read Return dated 5th August 1850 from the Sessions Judge of Mangalore to the Precepts of the 3rd instant dated under date the 26th July 1850 calling for further explanation in regards to the nature of the offence committed by the 6th Witness in Case No 49 in the Criminal Report for June 1850.

/Here Enter No 2075 of 1850/

Read communication dated 8th August 1850, from the Sessions Judge of Calicut submitting copies of the Sessions Courts Proceedings on the Magistrates Calendar for the 2d Quarter of 1850.

/Here Enter No 2089 of 1850/

Read Criminal Reports submitted by the Sessions Judge of Cuddalore, under date the 12th August 1850, for the month of July last.

/Here Enter No 2091 of 1850/

Aug 1850.

Friday

23rd August 1850

F. No.

At a Court of the Fouzdaree Udalut:

Present.

G. S. Hooper Esqre — 1st Puisne Judge.

S. P. Thompson Esqre — 2nd Puisne Judge.

W. H. Morehead Esqre — 3rd Puisne Judge.

Read Extract from the Minutes of Consultation of Government under date 14th August 1850 requesting information as to the grounds on which the Subordinate Judge of Cuddapah refused Lieutenant Kennedy's request for the services of Convicts with Carts in constructing approaches to a Bridge represented to be situated in the Centre of the Town.-

(Here enter F. No. No 2104 of 1850.)

The Court of Fouzdaree Udalut resolve to direct the Session Judge to call for the explanation required by Government from the Subordinate Judge and submit the same without delay.-

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

and

23d. August 1850.

and guidance.-

(Sent in No. 1036 /

Read again Calendar of Case No. 3 of 1850 on the file of the Sessions Court of Honore.-

(Here enter F. Vo. No. 1034 of 1850.)

Read also return under date the 29th. July 1850 from the Sessions Judge of Honore to the precept of the Fonjdaree Udalut dated the 30th. April 1850 conveying their orders on the foregoing case.-

(Here enter F. Vo. No. 2028 of 1850)

1. The Court of Fonjdaree Udalut consider the evidence in this case altogether insufficient to justify either the conviction of the 2nd. Prisoner or the requisition of security under which the 1st. Prisoner has been placed.-

2. The Court of Fonjdaree Udalut accordingly direct that the sentence awarded to the 2nd. Prisoner which, it is observed, has merged in a sentence passed upon him in another case, be annulled, and that the demand of security made upon the 1st.

23d. August 1850.

1st. prisoner be cancelled.-

3. The Court of Fonjdaree Udalut consider the manner in which this case has been disposed of, to be by no means creditable to an Officer of Mr. Lascelles' standing and experience.-

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

(Sent following precept No. 1037) /

Read again Calendar of Case No. 2 of 1850 on the file of the Sessions Court of Honore.-

(Here enter F. Vo. No. 1033 of 1850.)

Read also return under date the 22nd. July 1850 from the Sessions Judge of Honore to the precept of the Fonjdaree Udalut dated the 30th. April 1850 conveying their orders on the foregoing case.-

(Here enter F. Vo. No. 1964 of 1850.)

The Court of Fonjdaree Udalut consider the evidence in this case insufficient to justify the full conviction of the

2nd.

23d. August 1850.

2nd. prisoner of the offence laid to his charge, but being of opinion that strong suspicion attaches to him, they resolve to direct that the sentence awarded to him be annulled, and that he be placed under a requisition of security in two sureties in the sums of Rupees 50 each for the period of two years, or in default that he be imprisoned for a similar period.-

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

(Sent following precept No. 1030.)

Read again Calendar of Case No. 39 of 1849 on the file of the Sessions Court of Chittoor.

(Here enter F. No. No. 875 of 1850.)

Read again also return under date the 25th. April 1850 from the Subordinate Judge in charge of the Sessions Court of Chittoor to the precept of the Fouzdaree Udalut dated the 18th. April 1850 calling for further information with reference to the foregoing case.-

(Here enter F. No. No. 1073 of 1850.)

Read

F. No.

23d. August 1850.

Read also Miscellaneous Petition presented on the 29th. April and 20th. May 1850 by Syed Gayasooddeen of Hillah Chittoor.

(Here enter F. No. P. Nos. 85 and 89 of 1850.)

Read again also returns under date the 10th. June 1850 and Supplemental return under date the 13th. July 1850 from the Sessions Judge of Chittoor to the precept of the Fouzdaree Udalut dated the 23d. May 1850 calling for translations of those portions of the records of the foregoing case which have reference to the 2nd. Prisoner.-

(Here enter F. No. No. 1820 of 1850.)

Read also return under date the 5th. August 1850 from the Sessions Judge of Chittoor to the precept of the Fouzdaree Udalut dated the 30th. July 1850 requiring further information regarding the foregoing case.-

(Here enter F. No. No. 2064 of 1850.)

1. The Sessions Judge states in this return that the 2nd. Prisoner in the foregoing case "was charged under the three "several counts as entered in the Calendar"

but

"but found guilty only in part, namely in"
"having personated Rabiah Begum but not"
"with having defrauded or with a view to"
"defraud the Government but only to impose"
"upon the Court."

2. The Court of Fouzdaree Udalut observe that the act of which the 2d prisoner is said to have been convicted does not form any one of the Counts of the indictment upon which she was arraigned, the alleged fraud or fraudulent intent being a material part of each of the Counts in question.-

3. The Court of Fouzdaree Udalut accordingly resolve to direct that the 2d prisoner in question be unconditionally released.-

4. It is to be remarked that the prisoner was not permitted to complete the act of which she is said to have been convicted viz. the personation of Rabiah Begum, she having been made a prisoner when she was apparently upon the point of doing so, and placed upon her trial upon the indictment upon which she

was arraigned.-

5. The Court of Fouzdaree Udalut are satisfied from a perusal of the portion of the record which has been submitted to them of the guilt of the 1st prisoner and they accordingly resolve to dismiss the Petitioner's applications for the reversal of the sentence awarded to that prisoner.-

6. The Court would observe in conclusion that the Sessions Judge has failed to answer distinctly the question propounded in their proceedings of the 30th July last viz. under what particular count of the indictment the 2d prisoner was convicted having confined himself in his return to a general statement of the act of which she was found guilty without reference to any one of the three several Counts upon which she was tried.-

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

(Sent following precept No. 1039)

Ordered

2. 23 23rd August 1850.

Ordered also, that Extracts from these Proceedings, be furnished to the Petitioner on his application.—

E. W.

W. K.

J. U.

Saturday, 24th August 1850.— At a Court of the Foujdaree Udalut.—

Present

W. K. G. S. Hooper Esquire —— 1st Puisne Judge.

C. P. C. P. Thompson Esquire —— 2nd Puisne Judge.

W. M. W. A. Morehead Esquire 3d Puisne Judge.

Read letter dated 20th August 1850 from the Session Judge of Coimbatoor submitting for the final judgment of the Foujdaree Udalut the record of case No. 23 of 1850 on the Calendar of the Session Court.—

(Here enter F. U. No. 2172 of 1850.)

No. W. A. Morehead.— The Court Foujdaree Udalut, on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the Prisoner, "Permaloo"

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

(Sent in No. 1040)

Read.

Read letter dated the 11th instant from the Session Judge of Calicut transmitting the Criminal Reports for the Month of July last.—

(Here enter J. U. No. 2140 of 1850.)

Read Criminal Reports for the Month of July last submitted by the Acting Session Judge of Tinnevelly under date the 1st Instant.—

(Here enter J. U. No. 2141 of 1850.)

Read Criminal Reports for the Month of July last submitted by the Session Judge of Bellary under date the 11th Instant.—

(Here enter J. U. No. 2142 of 1850.)

Read Calendar of Case No. 11 of 1850 submitted by the Session Judge of Tellicherry under date the 31st Ultimo.—

(Here enter J. U. No. 2143 of 1850.)

Read Calendar of Case No. 19 of 1850 submitted by the Acting Session Judge of Tinnevelly under date the 13th Instant.—

(Here enter J. U. No. 2146 of 1850.)

Read Criminal Reports for the Month of July last submitted by the Session Judge of Guntoor under date the 17th Instant.—

(Here enter J. U. No. 2154 of 1850.)

Read

Read letter dated the 13th Instant from the Agent to the Governor of Fort St. George at Ganjam reporting that "Boleyadoo" the Prisoner in Criminal Trial No. 17 of 1850 has been hanged on the 12th August 1850.—

(Here enter J. U. No. 2161 of 1850)

Read Criminal Reports for the Month of July last submitted by the Session Judge of Honore under date the 15th Instant.—

(Here enter J. U. No. 2164 of 1850.)

Read Calendar of Case No. 26 of 1850 submitted by the Session Judge of Salem under date the 11th Instant.—

(Here enter J. U. No. 2166 of 1850)

Read Criminal Reports for the Month of July last submitted by the Officiating Agent to the Governor of Fort St. George at Vizagapatam under date the 15th Instant.—

(Here enter J. U. No. 2167 of 1850.)

Read letter dated 17th Instant from the Session Judge of Rajahmundry submitting copy of the letter from the Subordinate Judge stating that the final sentence of the Court of Sudder Adalut upon the Prisoner in Case No. 19 of 1850 on the Calendar has been duly executed and enclosing

the

24th August 1850.—

the Original Warrant in the above Case.—

(Here Enter F.H. No 2168 of 1850)

Read letter dated 13th Instant from the Agent to the Governor of Fort St. George at Ganjam submitting copy of his letter to Lieutenant J. P. Frye Assistant Agent requiring a separate letter in explanation of the circumstances attending the execution in Case No 17 of 1850 of his file.—

(Here enter F.H. No 2170 of 1850.)

Dd 1812.

F.H.

Monday 26th August 1850. } At a Court of the Foujdaree Adalut

Present

The Hon'ble G. I. Cooper Esqre 1st Puisne Judge

H.M. for L.P.J. E. P. Thompson Esqre 2d Puisne Judge

W. A. Morehead Esqre 3d Puisne Judge

Read again Calendar of Case No 28 of 1850 of the Sessions Court of Cuddalore.

(Here Enter F.H. No 1960 of 1850)

Read also Return dated the 13th August made by the Sessions Judge of Cuddalore to the precept of the Foujdaree Adalut under date the 9th August 1850 communicating the observations and orders of the Court on the above Case.

(Here Enter F.H. No 2106 of 1850)

In accordance with the recommendation made by the Sessions Judge in the foregoing Return the Court of Foujdaree Adalut resolve to mitigate the Sentence recorded against the Prisoner in the above Case to Four (4) years imprisonment with hard labor in irons.

The

2. The Sessions Judge will be pleased to issue a fresh warrant in accordance with this resolution.

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddalore for his information and guidance.

/ Sent in No /

Read Criminal Reports submitted by the Sessions Judge of Chittoor for the month of July 1850.

/ Here enter F.H. No 2128 of 1850 /

Report B
Case No 115

1. The Court of Foujdaree Adalut do not gather from the Statement of the charge preferred against the prisoner in this case that the act charged by him in the False complaint of which he has been convicted would if proved have amounted to a Criminal Offence and on this point they direct that explanation may be submitted; the mere act of appearing before a Police Officer and falsely accusing another person of an act not in itself Criminal not being punishable under the provisions of Regulation X of 1832.

The

Magistrates Report B Case No 5

2 The Court of Foujdaree Adalut direct that the requisition of security made in this case may be annulled, the Offence charged not being one which it was competent to the Head Assistant Magistrate to dispose of under the provisions of Section VII Regulation X of 1816.

3 If the Head Assistant Magistrate considered that strong suspicion attached to the Prisoner of having committed the specific Offence charged against him it was incumbent upon him to commit the case to the Criminal Court and this course he will now be pleased to adopt.

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

/ Sent following precept No /

Read Calendar of Cases No 1850 of 1850 of the Sessions Court of Combatore.

/ Here enter F.H. No 2135 of 1850 /

The Court of Foujdaree Adalut approve of the recommendation made

28th August 1850.

made by the Session Judge in this case, that the punishment awarded to the 1st and 2d Prisoners on their conviction of "Cattle Stealing and Killing" be mitigated to two years imprisonment with hard labor in irons. and the Session Judge is authorized to issue his warrant accordingly.

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

(Sent in Re)

Guddum Punky reddy of Zillah Cuddapah, moves the Court to return the enclosures in his Miscellaneous Petition No 122 of 1850.

Ordered accordingly.

Es
Bld.

F. W.

Tuesday - - - -
27th August 1850

At a Court of the Foujdaree Adalut

Present

G. S. Hooper Esqre — 1st Puisne Judge
E. D. Thompson Esqre — 2d Puisne Judge
W. A. Morehead Esqre — 3d Puisne Judge

Read Calendar of Cases No 28 of 1850 of the Session Court of Combatore.

(Here enter F. W. No 2109 of 1850)

The Court of Foujdaree Adalut direct that the Acting Magistrate be instructed to Submit for their consideration copy of the Orders which it is observed from the foregoing Calendar, have been issued by him in respect to Police Peons firing upon Smugglers and to state how long the practice has been in force.—

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

(Sent following Precept No 1053.

Read Criminal Reports of Cases disposed of by the Magistracy of Tanjore for the month of July 1850.

(Here enter F. W. No 2101 of 1850)

adverting

23

Case No 13.

Adverting to the nature of the offence committed by the Prisoners in this Case, the Court of Foujdaree Udalut consider the award of "irons" to have been uncalled for. The Court accordingly direct that the same be now remitted.—

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Combaconum for his information and for communication to the Magistrate.

(Sent in No 1054)

Read letter dated 13th August 1850 from the Session Judge of Calicut requesting to be informed whether by Para 2 of their Proceedings under date 30th July 1850 the Court of Foujdaree Udalut intend to cancel the Circular Order No 139 or merely to give to Sessions Judges power to authorize or order a mitigation of punishment in Cases falling under Clause 6 Section II Regulation VI of 1822, and transmitting the copy of a letter dated 10th August 1850 from the Subordinate Judge, who inquires whether in the Cases falling under the above provision of the Regulation a

discretionary power is vested in the Subordinate Court.—

(Re-enter F. W. No 2147 of 1850)

The Court of Foujdaree Udalut direct that the Civil and Sessions Judge of Calicut be informed that they expect the lower Courts to take the principle laid down in Circular Order of the 13th May 1841 No 139 ordinarily as their guide, but that they are of opinion that the Subordinate Judge has the power of awarding, at his discretion a less degree of punishment than 6 months' imprisonment in Cases falling under Clause 6 Section II Regulation VI of 1822.

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

(Sent in No 1055)

Read Calendar of Case No 54 of 1850 of the Sessions Court of Cuddapah.—

(Here enters F. W. No 2108 of 1850)

The Court of Foujdaree Udalut are of opinion that the Sentence recorded against the Prisoner in this Case on his

conviction

27th August 1850

conviction of "Highway Robbery" may with propriety be reduced to 7 years imprisonment with hard labor in irons, and, on the recommendation of the Sessions Judge, the Court will be prepared to Mitigate the Prisoner's Sentence to that extent.—

2 If the Sessions Judge be unable to concur in the foregoing opinion he will be pleased to transmit an English translation of the entire Record of the Case for the consideration of the Foujdaree Udalut.—

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

(Sent following Precept No 1856)

Ex 186

J. No.

Thursday,
29th August, 1850.

At a Court of the Foujdaree Udalut

Present—

G. S. Cooper, Esquire 1st Puisne Judge—
E. D. Thompson, Esquire 2d Puisne Judge—
W. M. W. Morehead, Esquire 3d Puisne Judge—

Read a Miscellaneous Petition presented on the 15th August 1850 by Ramakristnamoottoo Adicha Nadan of Zillah Tinnevelly through his Mookhtar Vakeel.—

(Here Enter J. M. D. No 128 of 1850)

Mr E. D. Thompson J. The Petitioner appeals from an order passed by the Acting Sessions Judge of Tinnevelly under date the 6th November 1849 confirming certain proceedings of the Assistant Magistrate in that Zillah whereby the Petitioner and others were fined in the sum of Rupees 20 each on a charge of having been concerned in irregularly cutting down certain trees.—

The

2. The Court of Foujdaree Udalut see no reason to interfere with the order from which the Petitioner appeals and which it is observed has been passed on a perusal of the proceedings held in the case by the Assistant Magistrate and of the order of the Magistrate confirming those proceedings.—

3. This Petition is accordingly dismissed.—

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

Read Calendar of Case No. 20 of 1850 submitted by the Acting Sessions Judge of Trichinapoly under date the 21st Instant.—

/Here Enter F.C. No. 2174 of 1850/—

Read Convict Labor Report submitted by the Sessions Judge of Salem of the Jails at Dharmapoory and Moondasady under charge of the Magistrate of Salem for the month of July 1850, under date the

1st Instant.—

/Here Enter F.C. No. 2177 of 1850/—

Read Convict Labor Report &c submitted by the Sessions Judge of Chittoor of the Jail at Vellore under charge of the Head Assistant Magistrate of North Arcot for the month of July 1850, under date the 14th Instant.—

/Here Enter F.C. No. 2183 of 1850/—

Read Calendar of Case No. 61 of 1850 submitted by the Sessions Judge of Cuddapah under date the 20th Instant.—

/Here Enter F.C. No. 2187 of 1850/—

Read Criminal Reports dated the 15th Instant submitted by the Sessions Judge of Chicacole for the month of July 1850.—

/Here Enter F.C. No. 2188 of 1850/—

Read letter dated the 20th Instant from the Sessions Judge of Mangalore forwarding the Warrant issued for the Execution of sentence of death passed on Coombar Doona Prisoner in Case No.

29th August, 1850.

No. 23 of 1850 on the Calendar.

/Here Enter F.M. No. 2189 of 1850/

Read Calendar of Case No. 29 of 1850 submitted by the Sessions Judge of Mangalore under date the 19th Instant.

/Here Enter F.M. No. 2194 of 1850/

Read Calendar of Case No. 33 of 1850 submitted by the Sessions Judge of Rajahmundry under date the 21st Instant.—

/Here Enter F.M. No. 2196 of 1850/—

2d I.R.

Read Supplemental return dated the 19th Instant, from the Sessions Judge of Cuddapah to the precept of the Fouzdaree Adalut under date the 19th July, directing to forward an English Translation of the Record in Case No. 125 of 1850 on the file of the Subordinate Court.—

/Here Enter F.M. No. 2175 of 1850/—

F. A.

At a Court of the Fouzdaree Adalut.

Friday 30th August, 1850.

Present.

G. S. Hooper Esqre —— 1st Puisne Judge.
E. P. Thompson Esqre — 2nd Puisne Judge.
W. A. Morehead Esqre —— 3rd Puisne Judge.

Read Criminal Reports submitted by the Sessions Judge of Masulipatam for the month of July 1850.—

(Here enter F. M. No. 2151 of 1850).

Report B.
Case No. 42.

The Court of Fouzdaree Adalut are of opinion that with reference to the trifling value of the property which the prisoner in this case is convicted of having stolen, a sentence of three months Imprisonment will be sufficient to meet the demands of Justice, and the Court accordingly direct that the Sessions Judge will call for the record and pass such orders thereon as may appear called for with reference to the circumstances of the case, reporting the same for the information of the Fouzdaree Adalut.—

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

(Sent following Precept No. 1057)

Read

Read Criminal Reports submitted by the Sessions Judge of Mangalore for the month of July 1850.-

(Here enter F: G: No. 2152 of 1850).

Magistrates Report B. Case No. 1.

The Court of Foujdaree Adalut direct that the stripes awarded to the 1st prisoner in this case may be inflicted ten days previous to the prisoner's release.-

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

(Sent in No. 1058).

Read Calendar of Case No. 28. of 1850. of the Session Court of Nellore.-

(Here enter F: G: No. 2137 of 1850).

The Court of Foujdaree Adalut observe that the value of the property destroyed in this case should have been set forth in the statement of charge, and in noticing this omission, the Court at the same time, deem it proper to draw the attention of the Sessions Judge to the careless and improper manner in which the charge has been worded. The Court expect that the Sessions Judge will in future be more careful in revising his Calendars previous to their transmission to the Foujdaree Adalut.-

Ordered

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

(Sent in No. 1059)

Read Calendar of Case No. 28 of 1850 submitted by the Session Judge of Mangalore under date the 1st. Instant.-

(Here enter F: G: No. 2025 of 1850).

Read Calendar of Case No. 50 of 1850. submitted by the Session Judge of Cuddapah. under date the 3rd. Instant.-

(Here enter F: G: No. 2027 of 1850).

Read report dated the 2nd. Instant, submitted by the Session Judge of Coimbatore of cases pending on the 30th. June and committed for trial during the month of July 1850. before the Session Court.-

(Here enter F: G: No. 2031 of 1850).

Read report dated the 1st. Instant, submitted by the Acting Session Judge of Tinnevelly of cases depending before him up to the 31st. July 1850. in which the Trial has been delayed beyond 25 days.-

(Here enter F: G: No. 2032 of 1850).

Read report dated the 1st. Instant, submitted by the Session Judge of Calicut of

Cases

Cases pending on the 30th. June and committed for trial during the month of July 1850. before him.—

(Here enter F: C: No. 2036 of 1850).

Read report dated the 2nd. Instant, submitted by the Sessions Judge of Vasulipatam of Cases pending on the 30th. June and committed for trial during the month of July 1850. before him.—

(Here enter F: C: No. 2038 of 1850).

Read report dated the 1st. Instant submitted by the Sessions Judge of Chicacole, of Cases pending on the 30th. June 1850 and committed for trial during the months of July 1850.—

(Here enter F: C: No. 2039 of 1850).

Read letter dated the 1st. Instant from the Sessions Judge of Tellicherry reporting that no case was before him during July 1850. for a period in excess of 25 days from date of Commitment.—

(Here enter F: C: No. 2040 of 1850).

Read Calendar of Case No. LVI of 1850. submitted by the Sessions Judge of Calicut under date the 2nd. Instant.—

(Here enter F: C: No. 2043 of 1850).—

F.C.

Monday. 2d. September 1850.

At a Court of the Fouzdaree Adalut

Present—

G. S. Hooper Esqr. — 1st Puisne Judge.

C. D. Thompson Esqr. — 2d Puisne Judge.

W. A. Morehead Esqr. — 3d Puisne Judge.

Read Miscellaneous Petition presented in the 5th August 1850 by Siddapa of Lillah Nellore. (Here enter F.m. C. No. 123 of 1850.)

The Petitioner prays the Court of Fouzdaree Adalut to interfere with the sentence passed by the Sessions Judge of Nellore in Case No. 19 of 1850 directing the release of the Prisoner who was charged by him with having stolen a child already espoused to him, and to give her in marriage to another person.

The Petitioner refers to a deed alleged to have been executed in his favor by the mother of the child in question, bequeathing to him her interest in certain conditions.

The Court of Fouzdaree Adalut see no reason to interfere in the case to which the Petitioner refers.

The Court of Fouzdaree Adalut observe that it is open to the Petitioner to institute a Civil suit to establish the validity of the document on which he founds his claim to the property which he prays to be

Mr. G. S. Hooper.
Mr. C. D. Thompson
and
Mr. W. A. Morehead.

the

2nd September 1850.

he alleges to have been illegally detained by him.

This application is dismissed.

Ordered that extract from these proceedings be given to the Petitioner on his application

Read Letter dated 29th August 1850 from the Sessions Judge of Cuddapah requesting to be informed whether under the Circular Order of the 1st June 1850 it is incumbent upon him to make the prescribed half yearly inspection of the Branch Jail at Gandicotta.

(Here Enter No. 2109 of 1850)

The Judges of the Court of Sudder Adawlut observe that the Sessions Judge of Cuddapah was, by their Orders of the 10th January 1850, specially exempted from the duty of inspecting the Gandicotta Jail, and that so long as there is no urgent necessity for his doing so, that exemption will continue in force.

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

(Sent in No. 1063)

Read Letter dated 9th August 1850 from the Sessions Judge of Salem submitting the records of trial in Case No. 26 of 1850 for the final confirmation of the Sentence passed.

(Here Enter No. 2203 of 1850)

Mr G. S. Harper
Mr D. Thompson

The Court of Sudder Adawlut, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the Prisoner

"Ramen"

2nd September 1850.

is sufficient to convict him of the crime of Wilful Murder, do convict him thereof and under the provisions of Section X Regulation XIII of 1807, sentence him to suffer death by being hanged at the usual time and place of execution.

(Sent in No. 1064)

Dr Bell.

F.U.

Tuesday,
3rd September, 1850.

At a Court of the Foujdaree Udalut.

Present

G.S.R. G. S. Hooper, Esquire - 1st Puisne Judge.
C.P.S. E. P. Thompson, Esquire 2d Puisne Judge.
W.A.M. W. A. Morehead, Esquire - 3d Puisne Judge.

Read Criminal Reports submitted by the Sessions Judge of Cuddapah for the month of July 1850.

(Here enter F.U. No. 2131 of 1850)

Report B. Case No. 184.

1. As it does not appear from the report of this case that the prisoner is an old offender, the Court of Foujdaree Udalut are of opinion that the period of Imprisonment awarded to him may with propriety be reduced to six months.

Case No. 208.

2. In this case the Court of Foujdaree Udalut consider that a sentence of six months' Imprisonment in the case of the 1st Prisoner and of three months in that of the 2d prisoner will be sufficient to meet the demands of

3d September, 1850.

of justice, and they accordingly resolve to direct that the Sessions Judge will review the proceedings in these cases and pass such orders thereon as he may think proper reporting the same for the information of the Foujdaree Udalut.—

3. The Court of Foujdaree Udalut are of opinion, that a certain proportion of the cases committed to the Criminal Court should be preferred to the Sudder Ameen for disposal. the zeal evinced by Mr. Mayne in disposing of all the cases himself, the Court of Foujdaree Udalut consider to be most praiseworthy; but they think it is desirable that each Sudder Ameen should have a certain amount of Criminal, as well as of Civil, business to perform.—

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddapah for his information and guidance by precept returnable within x days from and after its receipt.—

Sent following Precept No. 1068 /—

3d September, 1850.

Read Criminal Reports submitted by the Assistant Agent to the Governor of Fort St. George in Kurnool for the month of July 1850.—

/Here Enter F.H.C. No. 2153 of 1850/—

Cases Nos. 34 and 35.

The Court of Foujdaree Udalut are of opinion that the periods of Imprisonment awarded to the prisoners in these cases might with propriety be reduced to six months, and they accordingly resolve to direct that the Agent will review the proceedings and pass such orders thereon as he may think proper reporting the same for the information of the Foujdaree Udalut.—

Ordered, that Extract from these Proceedings be forwarded to the Agent to the Governor of Fort St. George in Kurnool for his information and guidance by precept returnable within x days from and after its receipt.—

/Sent following Precept No. 1069/—

Read

3rd September, 1850.

Read Criminal Reports submitted by the Sessions Judge of Coimbatore for the month of July 1850.—

/Here enter F.C. No. 2165 of 1850/-

Magistrate's Report.

A.

Case No. 58.

The Court of Fouzdaree Udalut observe that the Reports in the Form A of cases disposed of by the Criminal Courts and by the officers of the Magistracy when acting under the provisions of Section IV. Act XVII of 1843 should contain an abstract of the evidence which together with the sentence should be entered in the seventh column of the Report as directed in Circular Order No. 185.

2. Adverting to the delay of four days which has occurred in the transmission of the foregoing Reports the Court of Fouzdaree Udalut resolve to direct the attention of the Sessions Judge to the instructions contained in the 8th para. of the Circular Order above quoted that the Reports

F.C.

3rd September, 1850

in question should be invariably despatched "by the 15th day of the month succeeding "that for which they are furnished."—

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Coimbatore for his information and guidance and for communication of para: 1 to the Acting Magistrate of Coimbatore.—

/Sent in No. 1070./-

Read Calendar of Case No. 25 of 1850 of the Session Court of Chittoor.—

/Here enter F.C. No. 2193 of 1850/-

Upon a careful consideration of all the circumstances of the case the Court of Fouzdaree Udalut are of opinion that a further mitigation of the sentence recorded against the Prisoner, than that recommended by the Sessions Judge, may with propriety be allowed, and under the provisions of Clause third Section VIII Regulation I of 1825 the Court resolve to

3rd September, 1850.

to direct that the term of his imprisonment be reduced to (3) three years.—

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

/Sent following Precept No. 1071./-

Read Calendar of Case No. 30 of 1850. of the Session Court of Cuddalore.—

/Here enter F.C. No. 2195 of 1850/-

The Court of Foujdaree Udalut upon a careful consideration of all the circumstances of this case are of opinion that a further mitigation of the sentence recorded against the 1st Prisoner may, with propriety be allowed, and under the provisions of Clause third Section III Regulation I of 1835, the Court resolve to direct that the term of his imprisonment be reduced to (3) three years.—

2. And seeing reason to

3rd September, 1850.

question the propriety of the conviction of the 2d Prisoner, the Court further direct that translations of such portions of the Record as may have reference to that individual may be submitted for their consideration with the least practicable delay.—

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

/Sent following Precept No. 1072/-

Ld Blvd.

to direct that the term of his imprisonment be reduced to (3) three years.

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

/Sent following Precept No. 1071./

Read Calendar of Case No. 30 of 1850 of the Sessions Court of Cuddalore.—

/Heard under File No. 2195 of 1850/

The Court of Foujdaree Udalut upon a careful consideration of all the circumstances of this case are of opinion that a further mitigation of the sentence recorded against the 1st Prisoner may, with propriety be allowed, and under the provisions of Clause third Section III Regulation I of 1835, therefore resolve to direct that the term of his imprisonment be reduced to (3) three years.—

2. And seeing reason to

question the propriety of the conviction of the 2nd Prisoner, the Court further direct that translations of such portions of the Record as may have reference to that individual may be submitted for their consideration with the least practicable delay.—

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

/Sent following Precept No. 1072/

Lt. Blw.

F. W.

Wednesday
4th September 1850. At a Court of the Faujdaree Adalut.

Present

G. S. Hooper Esqre 1st Puisne Judge.
C. P. Thompson Esqre 2d Puisne Judge.
W. A. Morehead Esqre 3d Puisne Judge.

Read again Criminal Reports
submitted by the Sessions Judge of Nellore, for the month
of June 1850

(Here enters F.a. No 1853 of 1850.)

Read also return under date the
3d August 1850 from the Sessions Judge of Nellore,
to the proceedings of the Faujdaree Adalut dated
the 30 July 1850. respecting the Interpretation of
explanation regarding a case contained in
the foregoing reports

(There enters F.a. No 2006 of 1850)

The Court of Faujdaree Adalut observe
that an indictment ought to be drawn up clearly
and distinctly and should set forth with precision
the circumstances which constitute the offence,
and the Court desire that in all cases in which
the translations of the indictments prepared
in the Principal Sudder Ameens Courts may be
incorrect, the Sessions Judge will cause them
to be revised.-

Ordered

2nd September 1853.

Ordered that extract from these Proceedings be sent to the Resident Judge of Killore for his information and future guidance.-

/sent in No 1073/

Read letter dated 27th ult: from the acting Resident Judge of Tickmorely referring for the final judgment of the Court of Inquiry held the records of Case No 18 on the Calendar of the Resident Court.

/Here enter No 2243 of 1850/

Before finally disposing of this case, the Court of Inquiry deem it proper to call upon the acting Resident Judge to submit for their consideration & remarks of the whole of the proceedings held in the matter by the dismissed Head of Police of the Arcadore District.-

Ordered that extract from these Proceedings be sent to the acting Resident Judge of Tickmorely & Precept returnable within Ten days from and after its receipt.-

/Last following Precept No 1074/ →

2nd Nov.

F. U.

Thursday,
5th September 1850. At a Court of the Foujdaree Udalut

Present

G.S.R. G. S. Hooper Esqre. ——— 1st Puisne Judge
C.F.S. E. P. Thompson Esqre. ——— 2d Puisne Judge
W. A. Morehead Esqre. ——— 3rd Puisne Judge

Read again letter dated the 8th June 1850 from the Subordinate Judge of Mangalore requesting permission to offer a conditional pardon to the 5th and 6th prisoners in Case No. 93 of 1850 on the file of his Court.

(Here enter F. U. No. 1545 of 1850.)

Read also letter dated the 22d Ultimo from the Session Judge of Mangalore requesting that the prescribed Certificate of pardon may be forwarded to him for the purpose of being delivered to the individuals above mentioned - who were admitted to give evidence as the 1st and 2nd witnesses in Case No. 29 of 1850 on the Calendar of the Session Court.

(Here enter F. U. No. 2207 of 1850.)

The Session Judge having reported that the parties in question have fulfilled the conditions required of them, the Court of Foujdaree Udalut

5th September 1850.

Udalut resolve to forward the prescribed Certificate of Pardon.

Ordered that an Extract from these proceedings be sent to the Session Judge of Mangalore for his information and guidance.

/ Sent in No. 1078 /

L. S.

Certificate of Pardon

to

1st Eeroo, and

2nd Tunkaroo.

Whereas under date the 22nd June 1850 the Court of Foujdaree Udalut were pleased to authorize the Session Judge of Mangalore to tender an offer of Pardon to "Eeroo" and "Tunkaroo" on condition of their making a full disclosure of every circumstance within their Knowledge, relative to the Murder of "Dogra Shetty" committed on the night of the 7th May 1850 in the Village of Puddoo Talook Oodipy in the Zillah of Mangalore.

And whereas the Court of Foujdaree Udalut are of opinion that the conditions of the said

5th September 1850.

said grant of pardon have been sufficiently fulfilled.

Now, these are to Certify and declare that in consideration thereof, the Court of Foujdaree Udalut have been pleased under the provisions of Section XX Regulation VIII of 1802, to confirm the pardon conditionally tendered as aforesaid to the said "Eeroo" and "Tunkaroo" in so far as regards the act herein referred to.

And the Court do hereby confirm the said pardon accordingly.

Given under our hands and the seal of the Court this 5th day of September 1850

Read Miscellaneous Petition presented on the 5th August 1850 by Changanna Naidoo and Shatoorutpa Naidoo of Zillah Tinnevelly.

/ Here enter F. M. R. No. 125 of 1850 /

Mr. H. A. Harper
" E. P. Thompson
" R. Morehead.

The Court of Foujdaree Udalut cannot interfere in the case to which the Petitioners refer the same having been disposed of by a competent authority, and a period of one year having elapsed since the robberies referred to are stated to have occurred.

Ordered that Extract from these proceedings

5th September 1850.

proceedings be given to the Petitioners on their application.

Read letter dated the 30th August 1850 from the Session Judge of Chingleput, reporting the transfer of a sick Convict to Chicacole.

(Here enter F.U. No. 2236 of 1850.)

The Court of Foujdaree Udalut desire that it be pointed out to the Session Judge of Chingleput that as Banishment to the Zillah of Chingleput formed a part of the Sentence of the Prisoner in question, he ought not to have been removed without their special sanction.

The Court of Foujdaree Udalut further direct that the Sessions Judge of Nellore be instructed to detain the prisoner in question, in view to his being imprisoned in the Jail at that station during the remainder of his Sentence.

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

(Sent in No. 1079)

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

(Sent in No. 1080)

Read.

Mangalagiri No. 27. of 1849. of the Ganjam Agency file.

F.U.

5th September 1850.

Read again Miscellaneous Petition presented on the 25th July 1850 by Narooda Moottu Pillay of Zillah Trichinopoly.

(Here enter F.M.P. No. 119/1850.)

Read also Return dated the 28th August made by the Acting Session Judge of Trichinopoly to the Precept of the Foujdaree Udalut under date the 9th August 1850. requiring certain information relative to the application made by the above Petitioner for the cancellation of the sentence recorded against his Brother in Criminal Case No. 233. of 1850 on the file of the Principal Sudr Ameen.

(Here enter F.U. No. 2198 of 1850.)

Before passing their final Orders on the above Petition the Court of Foujdaree Udalut deem it proper to call upon the Acting Session Judge to submit for their consideration translations of the original complaint made by the Prosecutor on which the Police Ameen issued on the 25th March a warrant for searching the Prisoners house and also of the List of Stolen property given in by the Prosecutor in November 1849.

Mr. G. S. Hosper
" E. P. Thompson
" W. Marshall.

Ordered that Extract from these proceedings be forwarded to the Acting Session Judge

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of Trichinopoly by Precept returnable within 5 days from and after its receipt.

(Sent following Precept No. 1081)

Read Miscellaneous Petition presented on the 5th August 1850 by Mallia Naidoo of Lillah Chittoor.

(Here enter F. M. P. No. 124 of 1850)

Mr. G. L. Hooper
" E. P. Thompson
" W. Morehead.

The Petitioner is referred to the former orders passed by the Court of Foujdaree Udalut in the matter to which this Petitioner relates and which order the Petitioner is informed are final.

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

Read Miscellaneous Petition presented on the 20th August 1850 by Chinnaya Naidoo of Lillah Chinglepet.

(Here enter F. M. P. No. 129 of 1850.)

Mr. G. L. Hooper
" E. P. Thompson
" W. Morehead.

Before finally disposing of this Petition the Court of Foujdaree Udalut resolve to direct that the Sessions Judge will submit for their consideration a copy of the return of the Magistrate of Chinglepet referred to in Circular Order of the 24th July 1848 together with any other papers connected with

with the case therein adverted to which may be in the records of the Session Court or of the Magistrate's Office.

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

(Sent following Precept No. 1082)

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

Read again Calendar of Case No. 16 of 1850 on the file of the Session Court of Trichinopoly.

(Here enter F. C. No. 1892 of 1850)

Read also return under date the 8th August 1850 from the Acting Sessions Judge of Trichinopoly to the precept of the Foujdaree Udalut dated the 1st August 1850 conveying their preliminary orders on the foregoing case.

(Here enter F. M. No. 2083 of 1850)

Read also Miscellaneous Petitions presented on the 22d August 1850 by Inarode Asari, Veraji, and Chellai of Lillah Trichinopoly.

(Here enter F. M. P. Nos. 132. 133. 134 of 1850)

Mr. G. L. Hooper
and
Mr. E. P. Thompson

The Court of Foujdaree Udalut resolve to direct that an English Translation of the

the entire record of the foregoing case may be submitted for their consideration.

Ordered that Extract from these proceedings be forwarded to the acting Sessions Judge of Trichinopoly by precept returnable within XV. days from and after its receipt.

(Sent following Precept No. 1083)

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

Read Calendar of Cases Nos. 55 and 59 of 1850 of the Session Court of Cuddapah.

(Here enter F.U. Nos. 2199 & 2202 of 1850)

Case No. 55. 1. The Court of Foujdaree Udalut are of opinion that the Evidence against the 1st Prisoner in this case is insufficient to justify the requisition for security under which he has been placed. The Court accordingly direct that the said Prisoner be immediately and unconditionally released.

2. The Court of Foujdaree Udalut, after making due allowance for the cause of delay in the disposal of this case, adverted to by the Sessions Judge in the Note appended to the Gool thereof, are still constrained to

to record their opinion that the time occupied in the trial of it as well as of Case No. 59 was unwarrantably great. The Court trust that the Sessions Judge will endeavour to avoid such delay in future.

Ordered that Extract from these proceedings be forwarded to the Session Judge of Cuddapah by Precept returnable within III days from and after its receipt.

(Sent following Precept No. 1084)

Read Calendar of Case No. 51 of 1850 of the Session Court of Cuddapah.

(Here enter F.U. No. 2074/1850)

Read also Return dated the 26th August 1850 made by the Sessions Judge of Cuddapah to the precept of the Foujdaree Udalut under date the 21st August 1850 communicating the observations and orders of the Court on the above Case.

(Here enter F.U. No. 2206 of 1850)

1. In accordance with the recommendation made by the Session Judge in the foregoing Return the Court of Foujdaree Udalut resolve to direct that the Sentence recorded against the Prisoner in the above Case be mitigated to seven (7) years imprisonment with hard labor in irons.

Ordered

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

(Sent in No. 1085)

Read Calendar of case No. 25 of 1850 of the Sessions Court of Salem.

(Here enter F. H. No. 2217 of 1850.)

The Court of Sunderee Adalut seeing reason to question the propriety of the disposal of this Case, resolve to direct that an English translation of the entire Record thereof be submitted for their consideration.

Ordered that Extract from these proceedings be forwarded to the Session Judge of Salem by Precept returnable within 25 days from and after its receipt.

(Sent following Precept No. 1086)

Read Calendar of Case No. 34 of 1850 of the Sessions Court of Bellary under date 24th Ultimo.

(Here enter F. H. No. 2204)

Read letter dated 23d Ultimo from the Session Judge of Bellary forwarding copy of the acting Magistrate's return to his proceedings of the 5th instant, held in reviewing the Petty Calendars

Calendars for the 2nd quarter of 1850.

(Here enter F. H. No. 2209.)

Read Calendar in Case No. 27 of 1850 submitted by the Sessions Judge of Salem under date 21st Ultimo.

(Here enter F. H. No. 2216.)

Read Calendar in Case No. 30 of 1850 submitted by the Sessions Judge of Nellore under date 29th Ultimo.

(Here enter F. H. No. 2225)

Read Statement dated 1st July 1850 from the Session Judge of Chittoor of Batta paid to Prosecutors and Witnesses attended before the Sessions Court in the Zillah of Chittoor from 1st January to 30th June 1850.

(Here enter F. H. No. 2237.)

Read letter dated 28th Ultimo, from the Sessions Judge of Coimbatore reporting the result of his 4th Half yearly inspection of the Prisoners located at Palghaut, and submits as an Appendix Copies of a letter and Statements forwarded by the Head Assistant Magistrate of Malabar.

(Here enter F. H. No. 2238.)

Read letter dated 2nd Instant, from the Sessions Judge of Chingleput reporting that no Cases to be reported on as required by the Circular

Letters

5th September 1850.

Letters dated 16th October 1844 and 20th January 1845 were pending last month before the Sessions Court.

(Here enter F. H. Jr. No. 2247).

Read letter dated 2nd September 1850 from the Sessions Judge of Cuddalore reporting that no case was pending trial before the Sessions Court for a period exceeding 25 days calculated from the date of commitment during the month of August 1850.

(Here enter F. H. Jr. No. 2251.) /80

1st 180

F. H.

Tuesday 10th September 1850.

At a Court of the Foujdaree Adalut.

Present.

G. S. Hooper Esqr. — 1st Puisne Judge.

E. P. Thompson Esqr. — 2nd Puisne Judge.

W. A. Morehead Esqr. — 3rd Puisne Judge.

Read Miscellaneous Petition presented on the 20th August 1850. by Tengala Rungacharry and others of Zillah Trichinopoly.

(Here enter F. H. Jr. P. No. 130 of 1850).

The Petitioners adverting to the former Petitions presented by them with reference to the opposition offered by the Defendants in Suit No. 130 of 1808 on the file of the late Zillah Court of Trichinopoly to their (the Petitioners) enjoyment of the rights and privileges awarded to them therein represent that the measures which have been hitherto adopted by the local authorities have proved ineffectual and pray the Court of Foujdaree Adalut to reconsider their orders of the 1st Ultimo in which they declined to interfere and to order the punishment of the Defendants in question.

Mr. G. S. Hooper
Mr. E. P. Thompson
and
Mr. W. A. Morehead.

2. The Court of Foujdaree Adalut observe that the parties to whom the Petitioners refer

refer. Some been bound over by the Magistrate to keep the peace, and they see no necessity for their interference in the case, the measures adopted by the Magistrate appearing to them to be sufficient.-

3. The Court of Foujdaree Adalut accordingly resolve to dismiss this Petition.-

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

Read Miscellaneous Petition forwarded by the Sessions Judge of Mangalore from Insoo Bay of that Zillah.-

(Here enter S: Gr: P: No: 135 of 1850).

The Court of Foujdaree Adalut see no reason to question the propriety of the sentence from which the Petitioner appeals and which they observe has been confirmed by the Sessions Judge on a perusal of the record of the case.-

2. This Petition is accordingly dismissed.-

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

(Sent in No: 1095)

Read Calendar of Case No: 27 of 1850. of the Sessions Court of Nellore.-

(Here enter F: G: No: 2224 of 1850)

The

Mr: G: S: Hooper
Mr: C: P: Thompson
and
Mr: W: A: Morehead.

The Court of Foujdaree Adalut observe that the nature of the violence offered by the Prisoner towards the first witness should have been set forth in the Statement of charge in this case.-

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

(Sent in No: 1096)

Read Calendar of Case No: 21 of 1850. of the Sessions Court of Trichinopoly.-

(Here enter F: G: No: 2231 of 1850).

1. The Court of Foujdaree Adalut are of opinion that the Sentences recorded against the eleven Prisoners in this Case are unnecessarily severe, and that one of three years imprisonment with hard labor in irons in the case of the first Prisoner, and of two years in regard to each of the other Prisoners will adequately meet the demands of justice.-

2. If the Sessions Judge upon a reconsideration of all the circumstances of the case be enabled to concur in the foregoing opinion, he will be pleased to submit his recommendation for a mitigation of the Prisoner's Sentences accordingly; if he dissents therefrom he

he will be pleased to submit a translation of the entire Record for the consideration of the Foujdaree Udalut.-

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

(Sent following Precept No. 1057)

Read letter dated the 1st ult. Ultimo from the Sessions Judge of Honore stating that no cases were pending before the Sessions Court for more than 25 days during the months of July 1850.-

(Here enter F. W. No. 2047 of 1850)

Read letter dated the 31st ult. July 1850. from the Sessions Judge of Honore forwarding the Statement of Batta paid to Prosecutors and Witnesses who attended before the Sessions Court during the 1st half of 1850.-

(Here enter F. W. No. 2048 of 1850)

Read report dated the 2nd ult. Ultimo, submitted by the Sessions Judge of Mangalore of Cases pending on the 30th June and committed for trial in the month of July 1850 in the Sessions Court of Mangalore.-

(Here enter F. W. No. 2049 of 1850)

No 1850

F. W.

Wednesday ---- 11th September 1850

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esqre ---- 1st Puisne Judge

E. P. Thompson Esqre ---- 2d Puisne Judge

W. A. Morehead Esqre ---- 3d Puisne Judge

Read again Letter dated the 29th July 1850 from the Sessions Judge of Combaconum submitting the Calendar of Cases disposed of by the Magistracy of Tanjore during the 2d Quarter of 1850.-

(Here enter F. W. No. 1982 of 1850)

Read also return dated the 19th August 1850, made by the Sessions Judge of Combaconum to the precept of the Foujdaree Udalut under date the 15th August 1850 conveying the observations and orders of the Court on the above Calendar.-

(Here enter F. W. No. 2184 of 1850)

It would appear from the Report B for the Month of May, that the prisoner in Case No. 18 on the Calendar of persons punished by the Magistracy during the 2d Quarter of 1850, was examined

as

as a Witness in Case No. 7 of 1850 and the Court of Foujdaree Udalut under these circumstances observe that the putting the party in question formally upon his trial and entering it as a separate Case in the Petty Calendars, was uncalled for, and that it was only necessary under Section VIII Regulation XIII of 1832 to note the imposition of the fine in the Report A Submitted to the Sessions Judge.—

2 The Case No. 20 does not appear to be connected with any of the Cases entered in the Reports B hitherto transmitted to the Foujdaree Udalut and from the explanation afforded in the Calendar, it would seem that the subject under investigation when the Prisoner Canagasabhay Pundaram was examined as a witness, was of so serious a nature as to be beyond even the extended powers of the Magistracy—

3 Unless, therefore, the Case has been dealt with under Section IV Act VIII of 1843, in which event, the Court desire to be furnished with a copy of the report A, the fine

fine imposed is clearly illegal and should be returned, as the Court have ruled that it is only in Cases disposed of by the Magistrate under the provisions of Section VII Regulation X of 1816, that he can act under the provisions of Section VIII Regulation XIII of 1832.—

4 The Magistrate of Tanjore will observe that by this ruling the construction communicated to the Acting Magistrate in the Proceedings of the Court of Foujdaree Udalut under date the 18th May 1844 on his reference of the 27th April 1844, has been superseded.—

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

(Sent following Precept No. 1105

Read letter under date the 24th August 1850 from the Sessions Judge of Chicacole submitting Petty Calendars received from the Magistrates of Ganjam and Vizagapatam for the 2d Quarter of 1850.—

(Here enter F. W. No. 2226 of 1850)

11 September 1850.

Ganjam Calendar of persons released Case No. 10

1 The Court of Fouzdaree Udalut observe that the nature of the Misdemeanor charged in this case should have been stated.—

Calendar of persons punished by the Assistant Magistrate.— Cases Nos. 3, 5 and 6.

2 The Court of Fouzdaree Udalut desire that the attention of the Assistant Magistrate may be directed to the rule laid down in the Circular Order dated the 26th August 1818 wherein it is prescribed that in all Cases of theft the amount of property charged or proved to have been stolen should be distinctly specified in the Calendar of the Case.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Chicacole for communication to the Magistrate of Ganjam.—

(Sent in No. 1106) S

Dy 1816

Friday 13th September 1850.

F. C.

Present

No Court of the Fouzdaree Udalut.

G. A. Cooper Esquire ——— 1st Puisne Judge.
C. D. Thompson Esquire ——— 2d Puisne Judge
W. A. Morehead Esquire ——— 3d Puisne Judge.

Read Calendar of Case No. 16 of 1850 of the Sessions Court of Ganjam.

Vide enter F. C. No. 2261 of 1850

The Court of Fouzdaree Udalut observe that the Sessions Judge has neglected to forward with the foregoing Calendar a Certificate of the Medical Officer respecting the State of the Prisoners mind as required by Court of Fouzdaree Udalut in their Circular Instructions issued under date the 11th July 1849. The Sessions Judge will accordingly now be pleased to supply this omission.

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

(Sent following Precept No.)

Read again Calendar of Case No. 54 of 1850 of the Sessions Court of Cuddapah.—

(Vide enter F. C. No. 2108 of 1850.)

Read

Read also Return dated 31st August made by the Session Judge of Cuddapah to the Precept of this Foujdaree Udalut under date the 27th August 1850. communicating the orders of the Court on the above Case.-

/ Vide enter F. D. No 2249 of 1850. /

In accordance with the recommendation made by the Session Judge in the foregoing Return the Court of Foujdaree Udalut resolve to direct that the Sentence recorded against the Prisoner in the above Case be mitigated to 7 years imprisonment with hard labor in irons and the Sessions Judge will be pleased to issue a precept accordingly.-

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddapah for his information and guidance.-

/ Sent in No /

Read letter dated 27th August 1850 from the Sessions Judge of Calicut transmitting the warrant issued for the execution of the Sentence of death passed on the prisoner in Case No 53 of 1850 on the Calendar of the Sessions Court in the Zillah of Calicut with the enclosures and copy of the report of the Subordinate Judge.-

/ Vide enter F. D. No 2245 of 1850.-/

The Court of Foujdaree Udalut

Observe

Serve that the Subordinate Judge has failed to comply with the instructions conveyed in the latter part of Circular Order Foujdaree Udalut 3d May 1830 and desire that Officer be called upon to submit a report of the Convicts demeanour from the announcement of the Sentence to his appearance on the Scaffold.-

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

/ Sent following precept No /

Read Return dated 20th Ultimo from the Sessions Judge of Cuddapah to the precept of this Foujdaree Udalut dated the 5th August 1850 calling upon the Magistrate to institute a full enquiry as to whether or not a Robbery took place in Case No 42 of the Calendar for 1850 and requiring the Sessions Judge to forward translations of certain papers in the said Case.-

/ Vide enter F. D. No 2171 of 1850. /

Read Extract from the Proceedings of the Sessions Court of Canara under date the 26th August 1850 on review of the Petty Calendars from the Magistrate of Canara for the 2d Quarter of 1850.-

/ Vide enter F. D. No 2257 of 1850. /

Read Report dated the 2d Instant submitted by the Sessions Judge of Salem of Cases pending

13th September 1850.-

pending on the 31st August 1850 before him for a period in excess of 25 days calculated from the date of commitment.-

(Here enter F. W. No 2259 of 1850)

Read report of the Session Court for August 1850, submitted by the Session Judge of Nellore under date the 1st Instant.-

(Here enter F. W. No 2263 of 1850)

Read report dated the 1st Instant submitted by the Session Judge of Cuddapah of Cases pending on the 31st July and committed for trial during the Month of August 1850 which remained on the file of his Court for more than 25 days.-

(Here enter F. W. No 2265 of 1850)

Read report dated the 2d Instant submitted by the Session Judge of Bellary of cases pending on the 31st July 1850 before the Sessions Court for a longer period than 25 days.-

(Here enter F. W. No 2266 of 1850)

Read letter dated the 2d Instant from the Session Judge of Chittoor transmitting a death warrant in Calendar No 14 of 1850 duly executed and returned by the Subordinate Criminal Judge together with copy of a letter from that Officer.-

(Here enter F. W. No 2267 of 1850)

F. W.

Monday 16th September 1850

At a Court of the Foujdaree Adalut

Present

G. S. Hooper Esqre ——— 1st Puisne Judge

E. P. Thompson Esqre ——— 2d Puisne Judge

W. A. Morehead Esqre ——— 3d Puisne Judge

Read again Calendar of Case No 17 of 1849 of the Sessions Court of Coimbatore.-

(Here enter F. W. No 696 of 1849)

Read also again Miscellaneous Petition forwarded by the Sessions Judge of Coimbatore from Veerum 4th Prisoner in the above Case.-

(Here enter F. W. No 126 of 1850)

Read also Return dated the 28th August made by the Sessions Judge of Coimbatore to the Precept of the Foujdaree Adalut under date the 21st August 1850 forwarding the above Petition to the Sessions Judge for report.-

(Here enter F. W. No 2233 of 1850)

The Court of Foujdaree Adalut resolve to dismiss this Petition, seeing no grounds for their interference on the Petitioners behalf.-

Mr G. S. Hooper.-
Mr E. P. Thompson.
and
Mr W. A. Morehead.-

Ordered

Ordered that Extracts from these Proceedings be forwarded to the Sessions Judge of Coimbatore for his information and for communication to the Petitioners.—

(Sent in No. 1110

Read again letter dated the 6th August 1850 from the Sessions Judge of Calicut submitting for the final Judgment of the Foujdaree Adalut the Record of Case No. 59 of 1850 on the Calendar of the Sessions Court.—

(Here enter F. W. No. 2082 of 1850)

Read also Return dated the 2nd Instant from the Sessions Judge of Calicut to the Precept of the Foujdaree Adalut under date the 16th August 1850 directing that the individual by whom the Prisoner in Case No. 59 of 1850 on the file of the Sessions Court was apprehended should be examined, and that any evidence that may be procurable to the alleged removal of the knife with which the offence charged is stated to have been committed on the night of the affray by the Prisoner's wife and to its alleged discovery in the Prisoner's house may be taken.—

(Here enter F. W. No. 2291 of 1850)

Read also Supplemental Return dated the 6th Instant from the same Officer to the Precept of the Foujdaree Adalut of the 16th August 1850 directing further evidence to be taken in Case No. 59 of 1850.—

(Here enter F. W. No. 2306 of 1850)

Mr. E. P. Thompson
and
Mr. W. A. Morehead.—

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

"Moondamtodyil Soopy"

is sufficient to convict him of the crime of charged, do convict him thereof; and sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of (10) Ten years.—

(Sent following letter No. 1111

Read again Calendar of cases No. 9 of 1850 on the file of the Sessions Court of Chittoor

(Here enter F. W. No. 1602 of 1850)

Read also return under date the

the 1st July 1850 from the Sessions Judge of Chittoor to the precepts of the Foujdaree Udalut dated the 29th June 1850 conveying their orders on the foregoing case.—

(Here enter F. U. No. 1702 of 1850.)

Read also return under date the 5th August 1850 and supplemental return under date the 2d September 1850 from the Sessions Judge of Chittoor to the precepts of the Foujdaree Udalut dated the 15th July 1850 calling for translations of certain portions of the record of the foregoing case.—

(Here enter F. U. Nos. 2044 & 2255 of 1850)

1 On consideration of the depositions submitted with the foregoing return the Court of Foujdaree Udalut are of opinion that the evidence is not sufficient to the conviction of the 1st prisoner in this case.—

2 This prisoner, it is observed, was convicted by the Sessions Judge and sentenced to 14 years' imprisonment, with a recommendation that the period of imprisonment awarded should be reduced to five years; the guilt of the prisoner being considered by the Sessions Judge to be "clearly proved by his confession and the production of

"of the stolen property."—

3 The Court of Foujdaree Udalut observe that the confession made by the prisoner before the Police was retracted by him before the Criminal and Sessions Courts; and they consider that to the identification of the tobacco said to have been found in the prisoner's house with that which belonged to the Prosecutor and was stolen on the night of the robbery no credible evidence has been adduced.—

4 The Sessions Judge states in his return of the 1st July that "there "did not appear any peculiarities in the "Tobacco by which it could be positively "identified; and that two of the witnesses "stated that they could identify the to-"bacco by the length of the leaves and "from their having often seen it, to which "he attached no importance".— It is clear therefore from the Sessions Judge's own showing that that officer's conviction of the prisoner has been founded entirely upon his alleged confession before the Police, and this the Court of Foujdaree Udalut

consider

consider to be insufficient to establish the charge.—

5 The Court of Foujdaree Udalut accordingly resolve to direct that the 1st prisoner in this case be unconditionally released.

Page 405 Sessions Courts' proceedings.—

6. It would appear from the record that a small portion only of the stolen property was forwarded to the Sessions Court by the Subordinate Judge, the rest having been returned to the prosecutor by the latter officer.—

7 This proceeding, the Court of Foujdaree Udalut observe, was altogether irregular, it being necessary that in all cases of robbery in which stolen property has been found, the whole of the property should be transmitted to the Court on which the final disposal of the case devolves, in order to enable it to form a correct judgment of the guilt or innocence of the accused.—

8 It is obvious that in some cases the Session Court might think proper to order the restoration of all the property brought before it to the parties in whose possession it was found; a

proceeding

proceeding which would have been rendered impracticable by the course adopted in this instance by the Subordinate Judge.—

Ordered that Extract from these Proceedings be sent to the Session Judge of Chittoor for his information and guidance and for communication of paras 7, 8, and 9 to the Subordinate Judge by precept returnable within III days from and after its receipt.—

(Sent following Precept No. 1112

Read Report dated the 2d Instant submitted by the Session Judge of Coimbatore of Cases pending on the 31st July and committed for trial during the month of August 1850.—

(Here enter F. C. No. 2271 of 1850)

Read Report dated the 2d Instant submitted by the Session Judge of Masulipatam of cases pending before him on the 31st July and committed for trial in the month of August 1850.—

(Here enter F. C. No. 2272 of 1850)—

Read Report dated the 5th Instant submitted by the Session Judge of Chittoor of Cases pending before him on the 31st August 1850 for a period in excess of 25 days.—

(Here enter F. C. No. 2274 of 1850.)

Read

Read Report dated the 2d Instant submitted by the Session Judge of Calicut of cases pending before him on the 31st July and committed for trial during the month of August 1850.—

(Here enter F. W. No. 2275 of 1850)

Read Return dated the 3d Instant from the Session Judge of Chittoor to the precept of the Foujdaree Udalut under date the 26th Ultimo conveying their remarks on the Criminal Reports for the month of July last.

(Here enter F. W. No. 2277 of 1850)

Read Calendar of Case No. 14 of 1850 submitted by the Session Judge of Chingleput under date the 6th Instant.—

(Here enter F. W. No. 2282 of 1850)

Read Calendar of Case No. LXVIII of 1850 submitted by the Session Judge of Calicut under dated the 2d Instant.—

(Here enter F. W. No. 2283 of 1850)

F. W.

F. W.

Tuesday ——
17th September 1850

At a Court of the Foujdaree Udalut.

Present—

G. L. Cooper Esqre —— 1st Puisne Judge
E. P. Thompson Esqre —— 2d Puisne Judge
W. A. Morehead Esqre —— 3d Puisne Judge

Circular Order.—

No. 192.

In accordance with instructions received from Government the Court of Foujdaree Udalut direct that it be notified for the information and guidance of the authorities in the Provinces that as the Sessions Courts are alone competent to award the punishment specified in Sections 64, 65, 66 and 67 of Act VI of 1844 all persons charged with the offences against the Customs Laws defined by the said Sections must be committed in the usual course for trial by the Sessions Judge.—

(Sent in No. 1116)

Read Calendar of Case No. 31 of 1850 of the Sessions Court of Coimbatore.

(Here enter F. W. No. 2279 of 1850)

17th September 1850.

In the Futwah declared by the Mohamedan Law Officer in this Case, the Court of Foujdaree Udalut find it to be stated that the 2d witness informed the Prosecutor that he entertained suspicion against the three first Prisoners. The Court of Foujdaree Udalut require to be informed who the said witness is, and the cause of his having been led to suspect the Prisoners of the crime charged, and in submitting this information, the Session Judge will at the same time be pleased to state whether or not a warrant was issued against the Prisoners previous to the search being made in their houses and also under whose immediate authority the search was effected.

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

(Sent following Precept No 1117)

Read Calendar of Case No 26 of 1850 of the Session Court of Chittoor.

(Here enter F. W. No 2280 of 1850)

The Court of Foujdaree Udalut approve)

17th September 1850

approve of the recommendation made by the Session Judge in this Case that the punishment awarded to the Prisoner, on his conviction of Robbery by open violence, be mitigated to (4) four years' imprisonment with hard labor in irons - and the Session Judge is authorised to issue his warrant accordingly.

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

(Sent in No 1118)

Read Calendar of Case No 28 of 1850 of the Session Court of Salem.

(Here enter F. W. No 2268 of 1850)

The Court of Foujdaree Udalut approve of the recommendation made by the Session Judge in this Case, that the Sentence recorded against the Prisoner on his conviction of "House breaking by night and Theft" be mitigated to three (3) years' imprisonment with hard labor in irons - and the Session Judge is authorised to issue his warrant accordingly.

The

2. The Court of Foujdaree Udalut are of opinion that whenever any circumstances of aggravation exist in a Case tending to enhance the punishment awarded (as in the Case now under consideration in which the Prisoner is represented to be an habitual thief,) such circumstances should be set forth as a second Count in the indictment, in order that the Prisoner may be afforded an opportunity of pleading to them.

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

(Sent in No. 1119)

Read letter dated 6th September 1850 from the Sessions Judge of Mangalore submitting for the final judgment of the Foujdaree Udalut the Record of Case No. 16 of 1850 of the Calendar of the Sessions Court.—

(Here enter F.U. No. 2319 of 1850)

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

the Prisoner,

"Tampa Kegaday"

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

(Sent following letter No. 1120)

Read letter dated the 30th Ultimo from the Sessions Judge of Masulipatam transmitting the Original Petty Calendars &c. of the Magistracy for the 2d Quarter of 1850.—

(Here enter F.U. No. 2286 of 1850)

Read Calendar of Case No. 20 of 1850 submitted by the Sessions Judge of Chittoor under date the 31st May 1850.—

(Here enter F.U. No. 2288 of 1850)

Read Report dated the 4th Instant submitted by the Sessions Judge of Mangalore, of Cases pending on the 31st July and committed for trial in the Month of August 1850 in the Sessions Court of Mangalore.—

(Here enter F.U. No. 2292 of 1850)

Read

17th September 1850

Read letter dated the 2d Instant from the Sessions Judge of Tellicherry reporting that no Case was pending before him during August 1850 for a period in excess of 25 days from the date of commitment.—

(Here enter F. W. No. 2290 of 1850)

Read Calendar of Case No. 25 of 1850 submitted by the Sessions Judge of Combaconum under date the 7th Instant.—

(Here enters F. W. W. 2293 of 1850)

Read Reports dated the 1st August 1850, submitted by the Sessions Judge of Combaconum, of the Jails under the Magistracy of Tanjore for the Month of July 1850.—

(Here enters F. W. No. 2295 of 1850)

Read letter dated the 2d Instant from the Sessions Judge of Honore reporting that no Cases were pending before the Sessions Court for more than 25 days during the Month of August 1850.—

(Here enter F. W. No. 2297 of 1850)

Read Calendars of Cases No. 48 of 1850 submitted by the Sessions Judge

17th September 1850

Judge of Masulipatam under date the 30 August 1850.—

(Here enter F. W. No. 2299 of 1850.)

F W

17

F. U.

Wednesday 18th September 1850. } At a Court of the Foujdaree Adalut

Present

G. J. Hooper Esquire 1st Puisne Judge

W.h for C.P.J. E. D. Thompson Esquire 2d Puisne Judge

W. A. Morehead Esquire 3d Puisne Judge

Reads letter dated 31st ultimo from the Sessions Judge of Tanore, submitting for the final Judgment of the Foujdaree Adalut the Records of Case No. 10 of the Calendar of the Sessions Court.

/ Here enter No. 2287 of 1850 /

Mr. G. J. Hooper
Mr. W. A. Morehead

The Court of Foujdaree Adalut, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the Prisoner, 1st Rama Shetty is sufficient to convict him of the crime of Murder, do convict him thereof, and under the provisions of Section X Regulation VIII of 1802 sentence him

to

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

And being of opinion that the Prisoner-

2d Prima

is not convicted on presumptive proof or on the evidence of credible witnesses, or on his own confession of the crime charged the Court acquit him thereof, but considering that strong suspicion though not amounting to conviction attaches to him they direct that under clause Sixth Section II Regulation XV of 1803 he be required to finde two sureties in 50 Rupees each surety for his good behaviour and appearance when required within Three years, or in default thereof that he be detained in Custody for three years.

1. The Court of Foujdaree Adalut do not understand upon what grounds the Sessions Judge has recommended that the prescribed penalty of the Law in the case of the

1st

1st prisoner, who has been convicted of a most wanton and cruel Murder should be mitigated to transportation for life-

2. The Court observe that considerable delay has occurred in the transmission of the records of this case; the trial of which was closed on the 1st of April while the records was not despatched until the 31st August-

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

/ Sent in No. 1121 /

Read letter dated 6th Instant from the Sessions Judge of Tellicherry submitting for the final Judgment of the Foujdaree Adalut the Record of Case No. 18 of 1850 of the Calendar of the Sessions Court.

/ Here enter No. 2324 of 1850 /

The Court of Foujdaree Adalut

Wm. G. Hooper
Wm. Ma. Morehead

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 Dolla Ruboo,

is sufficient to convict him of the crime of Housebreaking and Theft, for which according to the Moohummedan Law, as declared in Futwas of their Law Officer, the penalty of Hud is awardable, do convict him thereof; and under the provisions of Section XXI Regulation VIII of 1802 & Clause 2nd 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 [illegible] three years.

And being of opinion that the Prisoners,

1st Pally Kandy Paker

3d Pockechere, alias, Cootoo Ruboo

and

4th Koonoomel Ruboo

are

are not convicted on presumptive proof or on the evidence of credible witnesses or on their own confession of the crimes charged, do acquit them thereof, but considering that strong suspicion though not amounting to conviction attaches to the Prisoner,

1st Pally Kandy Paker

they direct under the provisions of Clause Sixth Section VI Regulation XV of 1808, that he be required to find two sureties in 25 Rupees each surety for his good behaviour and appearance when required within one year and that in default thereof he be detained for one year in confinement, and further direct that the Prisoners;

3d Pockechere alias Cotoo Ruboo

and

4th Koonoomel Ruboo

be set at liberty.

1st The Court of Sonjdarce

Adalut observe that in all cases in which prisoners may repeat before the Criminal Court confessions made by them before

the

the Police a fresh statement as then dictated by the Prisoner should be recorded; the mere acknowledgment of the truth of the Police confession being in the opinion of the Foujdaree Adalut entitled to but little weight.

2. In this case the Court of Foujdaree Adalut have been unable to concur in the conviction of the 3d and 4th Prisoners; the only evidence against them consisting in their Police confession and in their bare acknowledgment of these confessions before the Criminal Court.

3. The Court of Foujdaree Adalut desire that it may be explained for what reason the 4th prisoner was detained so long in custody before any deposition was taken from him; his apprehension having taken place on the 15th July and the first deposition taken from him being dated the 4th August.

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

and

18th September 1850

and guidance and for communication of paras 1 and 2 to the Principal Sudr Ameen by precept returnable within V days from and after its receipt.

(Sent following Receipt No 1129)

E.H.

Thursday
19th September 1850.

F. D.

At a Court of the Fouzdaree Adalut

Present

W.R. C. S. Hooper Esqre ____ 1st Puisne Judge.
C. P. Thompson Esqre ____ 2d Puisne Judge.
W. A. Morehead Esqre ____ 3d Puisne Judge.

Read again Calendar of Case No. 37 of 1850 on the file of the Session Court of Masulipatam.

(Here enter F. D. No. 179 of 1850.)

Read again also return under date the 26th July 1850 from the Session Judge of Masulipatam to the Precept of the Fouzdaree Adalut dated the 12th July 1850 conveying their Orders on the foregoing case.

(Here enter F. D. No. 1972 of 1850)

Read again also Miscellaneous Petition forwarded by the Session Judge of Masulipatam from C. Veerasamy Naidoo of that Zillah.

(Here enter F. M. P. No. 120 of 1850)

Read also return under date the 28th August 1850 from the Session Judge of Masulipatam to the Precept of the Fouzdaree Adalut dated the 8th August 1850 directing the Submission

submission of an English Translation of the record of the foregoing case.

(Here enter F. R. No. 2252 of 1850)

1. On perusal of the record of this Case the Court of Foujdaree Adalut observe that the date upon which the deposition which the Prisoner is charged with having destroyed was delivered by him does not appear.

2. The Court of Foujdaree Adalut accordingly resolve to direct that on this point information may be supplied, and that it may be explained under what circumstances the deposition in question which it would appear from the Urzee addressed by the Prisoner to the Head Assistant Magistrate must have been given before the 29th May was detained by the Head of Police so long after it was recorded.

3. The Court observe that a copy of the said deposition is entered in the Police proceedings, but without any date affixed to it, and the Court desire that this omission may be explained.

4. The Sessions Judge will be pleased to submit for the consideration of the Foujdaree Adalut copies of any Orders that may have been issued by the Head Assistant Magistrate with reference to the Prisoners Urzees dated the 29th and 31st of May.-

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Masulipatam for his information and guidance by Precept returnable within X days from and after its receipt.-

(Sent following Precept No. 1125)

Read letter dated 10th September 1850. from the Sessions Judge of Madura submitting for the final Judgment of the F. A. the Record of Case No. 15 of the Calendar of the Sessions Court.

(Here enter F. A. No. 2348)

Mr. D. P. Thompson.

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, "Ramaswamy Naick" is sufficient to convict him of the crime of Forgery, do convict him thereof and under the provisions of Clause third Section III Regulation VI of 1811, and Section XXXIV Act VII of 1848, 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.-

(Sent in No. 1126)

Read

19th September 1850.

Read again Report of Cases disposed of by the Magistracy of Salem under the provisions of Section LIV Act VII of 1843 during the Month of June 1850.

(Here enter F. R. No. 1867 of 1850)

Read also Return dated the 6th Sept., 1850 made by the Session Judge of Salem to the Precept of the Fouzdaree Adalut under date the 15th August 1850, calling for further information relative to Cases Nos 7 and 8 entered in the above Reports-

(Here enter F. R. No. 2294 of 1850)

1- Under the explanation afforded in the Magistrate's Letter submitted with the fore-going Return the Court of Fouzdaree Adalut observe that the Sentence recorded by the Head Assistant Magistrate in the above Cases is correct and will remain undisturbed.

2. At the same time, however, the Court deem it proper to observe that the present, as well as the former, references on this subject would have been rendered unnecessary had the Head Assistant Magistrate taken the proper precaution of observing that an appropriate heading was prefixed to the Statement of the charge-

Ordered.

19th September 1850.

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

(Sent in No. 1124)

Read Miscellaneous Petition presented on the 29th August 1850 by Meenakshy of Zillah Tinnevelly-

(Here enter F. M. P. No. 136 of 1850)

The Court of Fouzdaree Adalut decline to interfere in the matter referred to in this Petition which appears to have been disposed of by competent Authority and is moreover apparently of a Civil nature.-

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

Read Report-A dated 31st May 1850 submitted by the Session Judge of Chittoor of Persons apprehended in the Sub Division and delivered to the Session Judge in the Month of May 1850.

(Here Enter F. R. No. 1642 of 1850)

Read Letter dated the 24th June 1850 from the Session Judge of Coimbatore submitting several statements called for in the Extract from the Proceedings of the Fouzdaree Adalut under date the

19th September 1850.

the 10th January 1850 as well as Copy of a communica=
=tion from the Acting Magistrate of Coimbatore in
explanation of the causes of Suicide and accidental
Deaths.

(Here enter F. Re. No. 1645 of 1850)

Read Calendar of Case No. 11 of
1850 submitted by the Session Judge of Guntoor
under date the 25th June 1850.

(Here enter F. Re. No. 1649 of 1850)

Read Calendar of Case No. 10 of 1850
submitted by the Session Judge of Mangalore
under date the 22d June 1850.

(Here enter F. Re. No. 1650 of 1850.)

Read Calendar of Case No. 20
of 1850 submitted by the Session Judge of
Cuddalore under date the 26th June 1850.

(Here enter F. R. No. 1651 of 1850)

Read Letter dated 15th June 1850
from the Agent to the Governor in Ganjam
submitting Criminal Report No. 2 of the Agents
Court together with the Reports B from the Prin=
=cipal Assistant and Assistant Agents for the
month of May 1850.

(Here enter F. Re. No. 1652 of 1850)

Read Calendar of Case No. 20
of 1850 submitted by the Session Judge of Rajah=
=mundry under date the 3d July 1850.

(Here enter F. R. No. 1715 of 1850) Read

19th September 1850.

Read Calendar of Case No. 22 of
1850 submitted by the Session Judge of Chittore
under date the 28th June 1850.

(Here enter F. Re. No. 2093 of 1850.)

Read Return dated 28th August
1850 from the 1st Session Judge of Madura to the
Receipt of the Foujdaree Gaol under date the 21st
August 1850 on Calendar No. 19 of 1850.

(Here enter F. Re. No. 2230 of 1850)

Read Letter dated the 31st August
1850 from the Session Judge of Combaconum trans=
=mitting the Returns &c. submitted by the Subordi=
=nate Judge certifying that the sentence of death
was executed in Cases Nos. 20 & 21 of 1850.

(Here enter F. R. No. 2244 of 1850)

Read Calendar of Case No. 62
of 1850 submitted by the Session Judge of Calicut
under date the 29th August 1850.

(Here enter F. R. No. 2253 of 1850)

Read Calendar of Case No. 33 of
1850 submitted by the Session Judge of Mangalore
under date the 10th Instant.

(Here enter F. R. No. 2343 of 1850)

L. 18 &c.

F. No.

Friday
20th September 1850.

At a Court of the Tenpdarce Udalate

Present—

C. S. Hooper Esqr. _____ 1st Puisne Judge
C. P. Thompson Esqr. _____ 2d Puisne Judge
W. A. Morehead Esqr. _____ 3d Puisne Judge

Read again Letter dated the 9th August 1850 from the Sessions Judge of Chittoor relative to the Records of Case No 44 of 1850 of the Calendar of the Sessions Court.

(Here Enter F.No. No 2090 of 1850)

Read also Return dated the 3d September made by the Sessions Judge of Chittoor to the precepts of the Tenpdarce Udalate under date the 21st August 1850 requiring certain explanations relative to the examination of the Prisoner in the above case before the Subordinate Magistrate's Court.

(Here Enter No No. 2278 of 1850)

Adverting to the concluding remark in the explanation afforded by the Subordinate Magt. submitted with the foregoing Return, the Court of Tenpdarce Udalate observe that as a general rule, they consider, that a Prisoner should not be classed upon his trial on the same day upon which he may first

arrive

20th September 1850.

arrive before the Criminal Court. It will be sufficient if the Criminal Judge in that day limits himself to the examination prescribed by the Instance Act dated the 27th October 1850 B

Ordered that Extract from these Proceedings be forwarded to the Supreme Judge of Chittagong for his information and for communication to the Subordinate Judge.

/Sent to - No. 1128/

Read Letter dated 20th August 1850 from the Supreme Judge of Salem, transmitting the records of trial in Case No. 23 of 1850, in the file of the Supreme Court for the trial and punishment of the Prisoners mentioned

/Here Order No. No. 2323 of 1850/

Mr. G. L. Hooper and Mr. C. P. Thompson

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

"Lutchooman"

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

/Sent in No. 1129./ 5

Dr. 1850.

F 116.

Saturday 21st September 1850

At a Court of the Fouzdaree Udalut.

Present

G. L. Cooper Esqr. ——— 1st Assistt. Judge.

E. P. Thompson Esqr. ——— 2d Assistt. Judge.

W. A. Morehead Esqr. ——— 3d Assistt. Judge.

Read Letter dated the 7th September 1850 from the Session Judge of Coimbatore, submitting copy of an Extract from the Proceedings of the Session Court in review of the Reports of cases disposed of by the Heads of Police during the first Quarter of 1850. (Hereinafter F. C. No. 2298 of 1850.)

The Court of Fouzdaree Udalut remark in the remarks made by the Session Judge relative to the impropriety of the reference made to the Magistrate in these cases, which appears to have been clearly within the competency of the Head of Police to dispose of. The Court direct that the Acting Magistrate be called upon to issue immediate instructions to his subordinate officers, enjoining them to exercise greater discretion in their reference of cases for his decision.

Pollaveram Cases Nos. 1 and 27

The Court of Fouzdaree Udalut regret to observe the great length of time to which was allowed

Colligal No. 86 of 1849

2

to

21st September 1850

to elapse previous to the disposal of this Case, in which the Prisoner for an offence, deemed sufficiently punished by the infliction of a fine of 5 Rupees commutable to 10 days imprisonment, appears to have been awaiting his sentence, either in custody or on bail, for a period of 4 months and 10 days: The Court request to be furnished with a copy of the explanation which, it is observed, has been demanded from the Magistrate in respect to this delay.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Coimbatore by Precept returnable within 7 days from and after its receipt.

(Sent following Precept No. 1133)

Read Calendar of Case No. 14 of 1850 of the Session Court of Honore.

(Here enter F. C. No. 2318 of 1850)

The Court of Fouzdaree Udalut resolve to call upon the Session Judge to submit an immediate explanation of the great delay which has occurred in the transmission of this Calendar to them. The trial of the case, it is observed was closed on the 27th April: but the Calendar was not despatches until the 4th September.

Ordered

21st September 1850

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Honore by Precept returnable within 10 days from and after its receipt.

(Sent following Precept No. 1134)

Read again letter under date the 1st May 1850 from the Acting Session Judge of Tinnevelly, submitting a translation of the record of Case No. 7 of 1850 on the file of the Session Court

(Here enter F. C. No. 1171 of 1850)

Read again also Miscellaneous Petition presented on the 11th July 1850 by Chetumbara Tandavan of Zillah Tinnevelly

(Here enter F. C. Mo. P. No. 116 of 1850)

Read also return under date the 6th September 1850 from the Acting Session Judge of Tinnevelly to the precept of the Fouzdaree Udalut dated the 29th July 1850 calling for information with reference to certain allegations contained in the foregoing Petition

(Here enter F. C. No. 2307 of 1850)

Under the circumstances represented in the foregoing return the Court of Fouzdaree Udalut

The Adalut resolve to annul the sentence passed upon the Prisoner in the foregoing Case and they accordingly resolve to direct that the said Prisoner,

"Vaitayadum"

be immediately released.

Ordered that Extract from these Proceedings be forwarded to the Acting Session Judge of Tinnevelly by Precept returnable within 11 days from and after its receipt.

(Vide following Precept No. 1135)

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

Read letter under date the 31st August 1850 from the Session Judge of Caddapah, submitting for the final judgment of the Foujdaree Adalut the record of Case No. 29 of 1850 on the file of the Session Court

(Here enter F. Us. No. 2305 of 1850)

Mr. G. T. Hooper
Mr. E. L. Thompson
Mr. W. B. Morehead

The Court of Foujdaree Adalut on deliberate consideration of all the circumstances of the Case in evidence before them, being of opinion that the prisoners,

1st K. Naugadoo
and
5th L. Gouregadoo

are not convicted on presumptive proof or on the evidence of

of credible witnesses or on their own confessions of the crimes charged, do acquit them thereof and direct that the Prisoner,

1st K. Naugadoo,

be unconditionally released.

But considering that strong suspicion though not amounting to conviction attaches to the prisoner,

5th L. Gouregadoo,

they direct under the provisions of Clause 5th Section 11 Regulation XV of 1803, that he be required to furnish two sureties in 25 Rupees each bound for his good behaviour and appearance when required within three years, and that in default thereof, he be detained for three years in confinement.

The Court of Foujdaree Adalut

2. consider the evidence insufficient to justify the requisition of security under which the 2d 3d and 4th prisoners in this case have been placed, and they direct that the prisoners in question may be unconditionally released and that in the event of security having been furnished by any or all of the said prisoners it may be immediately annulled.

The Court observe that the Session

Judge

21st September 1850.

Judge was in error in disposing of the charges against the 2nd and 3rd prisoners; those prisoners having been convicted by the Law Officer "of aiding and abetting in the murder" charged.

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

Sent in No. 1136 —

Dr. Bld.

GK

J. C.

Monday 23rd September 1850.

At a Court of the Foujdaree Adalut.

Present.

Mr. G. S. Hooper Esqr. —— 1st Puisne Judge.
E. P. Thompson Esqr. — 2nd Puisne Judge.
W. A. Morehead Esqr. —— 3rd Puisne Judge.

Read letter dated 11th September 1850 from the Session Judge of Honore — submitting for the final Judgment of the Foujdaree Adalut the Record of Case No. 29 of the Calendar of the Session Court.—

(Here enter No. 2380).

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

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

"Caetan"

is sufficient to convict him of the crime of Murder, 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 in irons on the public roads or other public works for and during the period of his natural life.—

The

The Court of Foujdaree Adalut are of opinion that considering the nature of the offence of which the Prisoner in this case has been convicted, any Sentence short of transportation for life would be insufficient to meet the demands of justice.—

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

(Sent in No. 1140).

Read Miscellaneous Petition —
presented on the 29th. August 1850 by A. Dr. Ritchie Esqr. Vakeel on behalf of Condiah of Zillah Cuddapah.

(Here enter F. Dr. P. No. 137 of 1850).

Mr. G. S. Hooper and Mr. E. P. Thompson.

1. The Petitioner prays that the order of the Court of Foujdaree Adalut under date 11th. July 1850 dismissing his brother the 1st. Prisoner in Calendar No. 63 of 1849 of the Session Court at Cuddapah from his situation of Tahsildar and prohibiting his re-employment in the Public service may be reconsidered.—

2. The Court of Foujdaree Adalut see no sufficient cause for complying with the prayer of this Petition but observing an inaccuracy in the terms in which their order of the 11th. July 1850 is drawn up, they desire that at the close

close of Para 5 the words "direct that he be immediately dismissed from his situation" be substituted for "prohibit his reemployment".—

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

(Sent in No. 1141).

Ordered also that Extract from these Proceedings be granted to the Petitioner's Vakeel on his application.—

Read letter dated 5th. September 1850 from the Session Judge of Chittoor, referring at the instance of the Magistrate for the consideration and orders of the Court of Foujdaree Adalut, an Extract from his Proceedings under date 29th. August 1850, directing the release of three Prisoners who had been committed to Jail by the latter officer under Section III. Regulation II of 1822.—

(Here enter F. Dr. No. 2289 of 1850).

1. It appears that the persons in question being deemed to be desperate and irreclaimable robbers were committed to Jail for one year by the Magistrate, who recorded his opinion that they ought not to be set at large without furnishing security in the sum of Rupees 150. each, for their good conduct and appearance when required

required; but that upon their being brought before him the Sessions Judge did not feel himself at liberty to act upon the Magistrates requisition and accordingly directed that they should be unconditionally released.—

2. The question therefore which the Court of Foujdaree Udalut are called upon to decide is this. Can persons who have been committed to jail without a demand of Security having been made upon them, for one year under clause 1st Section III Regulation II of 1822 be dealt with by the Sessions Judge under clauses 3d, 4th and 5th Section VIII Regulation VII of 1821?

3. The Court of Foujdaree Udalut are clearly of opinion that this question must be answered in the affirmative and that the view taken by the Sessions Judge as explained in the 3d para of his letter now under consideration is erroneous.—

4 The Court of Foujdaree Udalut observe that the discretionary power vested in Magistrates of incarcerating persons of notoriously bad character without a demand for security is plainly to enable them to deal rigorously with such characters and it is therefore to be inferred that parties so dealt with are the worst of characters too

too bad even to be released on security and yet under the view taken of the Regulation by the Sessions Judge such characters are placed in a better position than persons whom the Magistrate would not have hesitated to release could they have furnished security.—

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Chittoor for his information and guidance.—

(Sent in No. 1142).

Read again Criminal Reports submitted by the Sessions Judge of Masulipatam for the month of July 1850.—

(Here enter F: 66: No. 2151 of 1850).

Read also Return dated the 4th September made by the Sessions Judge of Masulipatam to the Precept of the Foujdaree Udalut under date the 30th August 1850, directing the remission of the sentence passed by the Sudr Ameen upon the Prisoner in Case No. 42 of 1850 on the Criminal file.—

(Here enter F: 66: No. 2296 of 1850).

Under the explanation afforded in the foregoing Return the Court of Foujdaree Udalut consider the sentence passed by the Sudr Ameen to be correct and proper. The said sentence will accordingly remain undisturbed.—

Ordered

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

(Sent. in No. 1143).

Read Calendar of Case No. 36 of 1850 of the Sessions Court of Combaconum.

(Here enter F. R. No. 2341 of 1850).

The Court of Foujdaree Adalut approve of the recommendation made by the Sessions Judge in this Case that the punishment awarded to the Prisoner on his conviction of "Theft" be mitigated to two years imprisonment with hard labor in irons, and the Sessions Judge is authorised to issue his warrant accordingly.

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

(Sent. in No. 1144).

Read Calendar of Case No. 36 of 1850. of the Sessions Court of Rajahmundry.

(Here enter F. R. No. 2344 of 1850).

Before passing their final Orders on this Case the Court of Foujdaree Adalut require to be informed whether or not the girdle, gold spiral ornament and gold beads stated by the Prosecutor to be his property and which were found in

in the Prisoners possession, were entered in the List of stolen property given in by the Prosecutor in Case No. 14 of 1850.

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

(Sent following Precept No. 1145).

Read Calendar of Case No. 35 of 1850 of the Sessions Court of Bellary.

(Here enter F. R. No. 2313 of 1850).

The Court of Foujdaree Adalut observe

1. that the above Case has been erroneously disposed of by the Sessions Judge.

2. The Futwa of the Law officer convicts the Prisoner of "Robbery", and declares her liable to discretionary punishment. a second Futwa should therefore have been taken and sentence passed under Section XXI Regulation VII of 1802, a mitigation of the penalty prescribed by that enactment being applied for by the Sessions Judge under Section IV Regulation I of 1825.

3. The Sessions Judge will accordingly now be pleased to amend his error by passing sentence upon the Prisoner under the above Regulation, and, adverting to the absence of any aggravating

aggravating circumstances in the commission of the robbery and to the small value of the property stolen, the Court would suggest that the Sessions Judge's recommendation for mitigation should extend to a reduction of the Prisoner's sentence to one years imprisonment with labor suited to her sex.

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

(Sent in No. 1146).

Read Calendar of Case No. 27 of 1850 of the Sessions Court of Chittoor.

(Here enter F. G. No. 2342 of 1850).

1. The Court of Foujdaree Adalut are of opinion that a sentence of three years imprisonment with hard labor in irons in the case of the first Prisoner, and of two years in that of the second Prisoner will be adequate punishment for the offence committed in this case, and the Court would suggest to the Sessions Judge the propriety of his reducing the sentences now recorded against those Prisoners to the above extent, respectively.

2. If the Sessions Judge be unable to concur in the foregoing opinion he will be pleased to submit a translation of the entire Record of the case for the consideration of the Court of Foujdaree Adalut.

Ordered

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

(Sent following Precept No. 1147).

Read the following Letter dated the 9th September 1850, from the Magistrate of North Arcot.

(Here enter F. G. No. 2310 of 1850).

With the foregoing communication

1. the Magistrate submits for the consideration of the Court of Foujdaree Adalut copies of a correspondence which has passed between himself and the Sessions Judge, in which the question is raised, whether it is competent to the latter officer to decline to furnish the former with copies of all Orders passed by the Court of Foujdaree Adalut in modification or reversal of the sentences of the Sessions Court.

It appears that this reference

2. has arisen in consequence of an application made by the Magistrate for a copy of the Order issued by the Court of Foujdaree Adalut under date the 23th August last, directing the release of the 2nd Prisoner in Case No. 39 of 1849 on the file of the Sessions Court, the said Order being required by the Magistrate, as it now appears, for submission to Government.

The

3. The Sessions Judge declined to accede to the Magistrates' application in the instance referred to, as well as to his general request to be furnished with copies of all Orders of the Foujdaree Adalut modifying or reversing the Sentences of the Sessions Courts, on the ground "that it rests with "the higher Court to decide in what cases the "Magistrate should be furnished with copies of their "proceedings," and that "when it is right or necessary "their proceedings are communicated to the Magistrate "under their Orders but not otherwise".

4. The Magistrate, taking exception to the above view of the Case, and considering it essential that he should be furnished with Copies of such Orders of the Court of Foujdaree Adalut has referred the matter for their consideration and decision.

5. The Court of Foujdaree Adalut consider the Sessions Judge to have erred in declining to furnish the Magistrate with a Copy of the Order applied for by that Officer, and in so doing, it is obvious that Mr. Lovell must have entirely overlooked the provisions of Foujdaree Adalut Circular Order dated the 10th December 1831. which expressly requires that the Sentences of the Sessions Courts and also those of the Foujdaree Adalut should be communicated to the Magistrates. The Sessions Judge will accordingly now

now be pleased to furnish the Magistrate with a Copy of the Order for which that Officer applies, and he will also be pleased to inform the Court of Foujdaree Adalut when the requisition contained in the above mentioned Circular Order ceased to be observed in the Zillah of Chittoor.—

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

(Sent following Precept No. 1148).

Ordered also that Extract from these Proceedings be forwarded to the Magistrate of North Arcot for his information.—

(Sent in No. 1149).

Read Criminal Report B. dated the 2nd Instant submitted by the Sessions Judge of Chittoor for the Month of August 1850.—

(Here enter F. C. No. 2367 of 1850).

Read Supplemental return dated the 16th Instant from the Sessions Judge of Cuddapah to the precept of the Foujdaree Adalut under date the 5th Ultimo directing to call upon the Magistrate to institute a full enquiry and inform whether or not a Robbery actually took place Vide in Case No. 42. of the Calendar for 1850.—

(Here enter F. C. No. 2369 of 1850)

Read

Read letter dated the 11th Instant from the Sessions Judge of Calicut transmitting the Criminal Reports B: and other statements from the Subordinate Judge of Calicut and Principal Sudr: Ameen of Codiw and the report A: of Case No 188 of 1850 for August last.—

(Here enter F: U: No: 2377 of 1850).

Read report B dated the 13th Instant, submitted by the Sessions Judge of Mangalore of Persons apprehended in his Zillah and delivered to the Subordinate Judge and tried in the Month of August 1850.—

(Here enter F: U: No: 2382 of 1850).

Read Criminal Reports dated the 3d Instant submitted by the Sessions Judge of Combaconum of the Magistracy for the Month of August 1850.—

(Here enter F: U: No: 2383 of 1850).

Read Criminal Report B dated the 12th Instant submitted by the Sessions Judge of Tellicherry for the Month of August 1850.—

(Here enter F: U: No: 2384 of 1850).

Read Calendar of Case No: 8 of 1850. submitted by the Sessions Judge of Chicacole under date the 14th Instant.—

(Here enter F: U: No: 2385 of 1850).—

Fr 18e

hjh

F. U.

Tuesday.
24th September 1850. At a Court of the Sunjdaree Udalut.

Present.

GJH — G. S. Hooper Esqre ——— 1st Puisne Judge.
WRJ — E. P. Thompson Esqre ——— 2d Puisne Judge.
Ud. for W. M. — W. A. Morehead Esqre ——— 3d Puisne Judge.

Read letter dated 14th September 1850 from the Session Judge of Mangalore, submitting for the final judgment of the Sunjdaree Udalut the record of Case No: 30 of 1850 of the Calendar of the Session Court.—

(Here enter S. U. No: 2381/1850)

Wm G. S. Hooper.
" W. Morehead.

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

"Avokra."

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

(Sent following letter No 1161)

Read letter dated 4th September 1850 from the Sessions Judge of Coimbatore transmitting

24th September 1850.

transmitting copy of a communication from the Acting Magistrate of that Zillah who requests instructions as to the amount of personal recognizance and security which he is competent to demand under Clause 3rd Section V. Regulation XII of 1827.

(Here enter S.D. No. 2276 of 1850)

The Court of Sudder Adalut are of opinion that, under the provisions of the enactment in question, a person may be bound in his own recognizance for 200 Rupees and at the same time be held to security in the sum of 200 Rupees. but that when no personal recognizance is taken the security must not be limited to Rupees 200

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Coimbatore for his information and guidance and for communication to the Acting Magistrate.

(Sent in No. 1162)

R. H.

F. U.

Wednesday 25th. September 1850.

At a Court of the Foujdaree Udalut.

Present.

Mr. G. S. Hooper Esqre. — 1st. Puisne Judge

Mr. E. P. Thompson Esqre. — 2nd. Puisne Judge

Mr. W. A. Morehead Esqre. — 3rd. Puisne Judge.

Read letter dated 18th. Instant, from the Sessions Judge of Cuddapah submitting for the final Judgment of the Foujdaree Udalut the Record of Case No. 58 of the Calendar of the Sessions Court for 1850.

(Here enter F. U. No. 2408 of 1850).

The Court of Foujdaree Udalut,

Mr. G. S. Hooper.
and
Mr. E. P. Thompson

on a deliberate consideration of all the circumstances of the Case in evidence before them, being of opinion that the proof against the Prisoner,

"Khodaunnukhan"

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

The Court of Foujdaree Udalut cannot recognize as valid the grounds assigned by

by the Sessions Judge for the lenient sentence recommended by him to be passed upon the prisoner in this case.-

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

(Sent in No. 1154).

Read Calendars of Cases Nos. 56 and 57. of 1850 submitted by the Sessions Judge of Cuddapah under date the 7th. Instant.-

(Here enter F: C: Nos. 2300 and 2301 of 1850).

Read Calendar of Case No. LXIII of 1850 submitted by the Sessions Judge of Calicut under date the 5th. Instant.-

(Here enter F: C: No. 2304 of 1850.-

Read return dated the 3rd. Instant from the Sessions Judge of Honore to the precept of the Fouzdaree Adalut under date the 23rd. Ultimo directing that the sentence passed upon 2nd. Prisoner Nagapa in Case No. 3 on the Calendar of the Sessions Court for 1850. be annulled, and that the demand of security made upon the 1st. Prisoner Govinda in the said Case No. 3 be cancelled.-

(Here enter F: C: No. 2308 of 1850).

Read return dated the 3rd. Instant, from the Sessions Judge of Honore to the precept of the

Fouzdaree Adalut under date the 23rd. Ultimo, directing that the sentence awarded to 2nd. Prisoner Nagapa in Case No. 2. on the Calendar of the Sessions Court for 1850. be annulled, and that he be placed under a requisition of security for two years, or in default that he be imprisoned for a similar period.-

(Here enter F: C: No. 2309 of 1850).

Read Calendar of Case No. 31 of 1850. submitted by the Sessions Judge of Guntoor under date the 5th. Instant.-

(Here enter F: C: No. 2312 of 1850).

Read Calendar of Case No. 36 of 1850. submitted by the Sessions Judge of Bellary under date the 7th. Instant.-

(Here enter F: C: No. 2314 of 1850).

Read report A dated the 7th. Instant, submitted by the Sessions Judge of Calicut of case No. 187 of 1850. disposed of by the Subordinate Judge in July last with the Courts proceedings thereon.-

(Here enter F: C: No. 2317 of 1850).

Read return dated the 9th. Instant, from the Sessions Judge of Masulipatam to the precept of the Fouzdaree Adalut under date the 20th. Ultimo, containing their final orders upon the Calendar 4th. of Case No. 32 of 1850. on the file

25th September 1850.

file of the Session Court of Masulipatam.

(Here enter F. D. No. 2321 of 1850).

Read return dated the 10th Instant from the Session Judge of Chittoor to the Precept of the Foujdaree Udalut under date the 3d Idem ordering that the term of the imprisonment of the Prisoner Vencateygaudoo in Calendar No. 25 of 1850, may be reduced to (3) Three years.-

(Here enter F. D. No. 2322 of 1850).

2d Idem:

F. D.

Thursday
26th September 1850. } At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper Esqre — 1st Puisne Judge.

W. for S. J. & E. P. Thompson Esqre — 2nd Puisne Judge.

W. A. Morehead Esqre — 3rd Puisne Judge.

Read again letter under date the 27th August 1850 from the late Acting Session Judge of Tinchinopoly submitting for the final judgment of the Foujdaree Udalut the record of Case No. 10 of 1850 on the file of the Session Court.-

(Here enter F. D. No. 2243 of 1850.)

Read also return under date the 17th September 1850 from the late Acting Session Judge of Tinchinopoly to the precept of the Foujdaree Udalut dated the 4th September 1850 directing the transmission of the proceedings held in the foregoing case by the dismissed Heads of Police of Arealore.-

(Here enter F. D. No. 2393 of 1850.)

Mr. E. P. Thompson and Mr. W. A. Morehead.

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

being of opinion that the Prisoners,

1st Nynapoodian
2nd Caroopoodian
3rd Nadapoodian
and
4th Nynapoodian

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

1. On an attentive consideration of the entire record of this case the Court of Fouzdaree Udalut have been unable to concur with the late Acting Sessions Judge in convicting the prisoners of the murder laid to their charge.-

2. The Court of Fouzdaree Udalut observe numerous discrepancies and many positive contradictions in the evidences of the Prosecutrix and her witnesses, which in the opinion of the Court render their testimony undeserving of credit.-

3. The Court of Fouzdaree Udalut would especially advert to the evidence of the

26th September 1850.

the 7th witness, who stated in his deposition before the Magistrate that, on being apprized by Nynammal of the attack which had been made by the prisoners upon the deceased, he accompanied her to the house of Mookapoodian whence he returned to his bede without proceeding to the cow-shed, while before the Sessions Court he describes his having proceeded to the cow shed with the Prosecutrix and the 1st 2nd 3rd and 4th witnesses, and having there been an eye-witness of the murder of the deceased.-

4. The Court of Fouzdaree Udalut observe that, with the exception of the 6th witness, none of the parties who went to the Cow shed on the morning after the murder is alleged to have been committed and saw the body of the deceased hanging there was examined, nor was any evidence taken regarding the state and appearance of the body when it was discovered, on both of which points it was obviously requisite that evidence should be adduced.-

5. The Court of Fouzdaree Udalut are also of opinion that the female Nynammal

by

26th. September 1850.

by whom the first alarm of the murder is stated by the Prosecutrix and her witnesses to have been given, should have been examined before the Session Court, her denial before the Magistrate of all knowledge of the murder rendering it most important as regarded the prisoners that she should have been examined by the Session Court.-

6. The Court of Fonjdaree Udalut consider the reasons assigned by the Prosecutrix for her delay in appealing to the Magistrate from the Police Officer's disposal of the charge preferred by her to be very unsatisfactory, and they deem it extremely improbable that a murder could have been committed in the centre of a village in the manner deposed to by the evidence for the prosecution in this case, and no alarm raised by the witnesses, some of whom were the nearest relatives of the deceased.-

7. The Court of Fonjdaree Udalut cannot conclude their observations on this trial without recording their opinion that the manner in which it has been conducted, is by no means creditable to the late Acting Sessions Judge, who has made no attempt to clear up the many discrepancies apparent in the statements of the Prosecutrix and her witnesses, omitting many obvious questions, which, if put, would it is more than probable have led the late Acting Sessions Judge to a different conclusion from that at which he arrived.-

8. The Court of Fonjdaree Udalut have directed that all the prisoners should be unconditionally released.-

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

/Sentence No. 1165/

Read a Miscellaneous Petition presented on the 20th August 1850 by a Native of Villiah Chittoor.-

/Fees Inter F. M. P. No. 131 of 1850/

Mr. G. S. Cooper
" E. P. Thompson
and
" W. A. Morehead.

The Petitioner is referred to the former orders passed by the Court of Fonjdaree Udalut in the matter to which the Petition relates

relates.-

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

Read again Calendar of Case No. 30 of 1850 on the file of the Sessions Court of Cuddalore.-

/Here enter F. Vo. No. 2195 of 1850./

Read also returns under date the 13th. September 1850 from the Sessions Judge of Cuddalore to the precept of the Fouzdaree Udalut dated the 3rd. September 1850 directing the submission of those portions of the records of the foregoing case which have reference to the 2nd. prisoner.-

/Here enter F. Vo. No. 2349 of 1850./

The Court of Fouzdaree Udalut resolve to direct that the period of imprisonment awarded to the 2nd. Prisoner in this case be reduced to three years.-

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddalore, by precept returnable within 11 days from and after its receipt:-

/Send following precept No. 1166/

Read Miscellaneous Petition presented on the 29th. July 1850 by Chinnadoo Padiachey and Chidambara Moodely of Villah Trichinopoly.-

/Here enter F. M. P. No. 121 of 1850./

Read also returns under date the 19th. August 1850 from the Acting Sessions Judge of Trichinopoly to the precept of the Fouzdaree Udalut dated the 15th. August 1850 conveying their orders on the foregoing Petition

/Here enter F. Vo. No. 2178 of 1850./

Read also Miscellaneous Petition presented on the 10th. August 1850 by the same parties.-

/Here enter F. M. P. No. 140 of 1850./

Read also Miscellaneous Petition presented on the 10th. September 1850 by Velayoodha Padayachy of Villah Trichinopoly.-

/Here enter F. M. P. No. 142 of 1850./

Mr. G. L. Hooper.
" E. P. Thompson
and
" W. A. Morehead

The Court of Fouzdaree Udalut resolve to direct that an English Translation of the record of Case No. 11 of 1850 on the file of the Sessions Court of Trichinopoly be submitted to

26th September 1850

submitted for their consideration.-

Ordered, that Extract from these Proceedings be furnished to the Petitioners on their application.-

Ordered also that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Trichinopoly by precept returnable within XV days, from and after its receipt.-

(Sent following precept No. 1157)

Read Miscellaneous Petition presented on the 10th September 1850 by Unkyreddy of Dillah Cuddapah.-

(Here enter F. M. P. No. 139 of 1850)

The Court of Fonjdaree Udalut resolve to refer the Petitioner to their order passed in the matter of this Petition under date the 20th August last - the said order being final.-

Mr. G. S. Hooper.
" C. P. Thompson and
" W. A. Morehead.

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

Read again Calendar of Case No. 14 of 1850 on the file of the Sessions Court of Madura.

(Here enter F. C. No. 1928 of 1850)

Read

F. C.
26th September 1850

Read also Return under date the 13th September 1850 from the Acting Sessions Judge of Madura to the precept of the Fonjdaree Udalut dated the 5th September 1850 directing the transmission of an English Translation of the records of the foregoing case.-

(Here enter F. C. No. 2368 of 1850.)

1. The prisoners in this case were charged with Highway Robbery and wounding and on conviction have been sentenced respectively to fourteen years' Imprisonment with hard labor in irons; a recommendation having been submitted by the Acting Sessions Judge that, in the case of the 1st, 7th, 10th and 12th prisoners, the prescribed period of Imprisonment should be mitigated to five years.-

2. On an attentive consideration of the records the Court of Fonjdaree Udalut see strong reason to question the sufficiency of the evidence upon which the conviction of the prisoners is based.-

3. It would appear, as far as can be gathered from the evidence which is

vague

vague and uncertain on the point, that it was
scarcely light when the Assault and robbery charged
took place, and that none of the prisoners was
personally known to the Prosecutor, or his party,
or the 1st Witness who assisted in effecting their
apprehension; while the prisoners state that
they were employed as watchers on the road
and were seized by the Prosecutor and those
other individuals and charged with the Robbery
upon which it is to be observed that no attempt
at resistance was made by them notwithstand-
ing their superiority in number over those
by whom they were apprehended.

4. That 1st Witness' account of the
seizure of the prisoners appears to the Court
to be far from satisfactory. His statements
are vague and indistinct, and no attempt
seems to have been made to clear them up by
the Acting Sessions Judge. This witness appears
to have seized the 2nd and 9th prisoners but
whether when captured they were running
away or standing still, or what they were doing
the record does not show. He states that shortly
afterwards the other prisoners joined them and
at

at once accompanied them to the Mettoo
Peon and Village Moonsiff asserting that they
were watchers and denying the perpetration of
the robbery.

5. The Court observe that no property
supposed to have been obtained by robbery
was discovered on the persons or in the house
of any of the prisoners, and that against the
1st 7th 10th and 12th, with the exception of the
fact that they returned to the spot with the
other prisoners who have been deposed to as
having taken a part in the commission of
the robbery, no evidence whatever has been
adduced.

6. The Court of Sessions Malabut
accordingly resolve to direct that the 1st 7th
10th and 12th prisoners be immediately and
unconditionally released, and that the Mettoo
Peon and Village Moonsiff alone referred to
be summoned by the Sessions Judge and ex-
amined, as well as any other persons likely
to throw light upon the circumstances of the case.

7. The Court likewise direct that
the prisoners may be examined as to their
Knowledge

26th September 1850

knowledge of the robbery having occurred, and that the above evidence, having been taken in presence of the Mahomedan Law Officer, the record thereof may be submitted for the consideration of the Foujdaree Udalut:-

Ordered, that Extract from these Proceedings, be forwarded to the Session Judge of Madura, for his information and guidance; by precept returnable within XV days from and after its receipt.-

(Sent following precept No. 1158 / 5

F. Rd. Read Criminal Report B submitted by the Session Judge of Mangalore for the month of August 1850.

(Here enter F. Co. No 2404 of 1850 /

Read returns dated the 21st Instant from the Session Judge of Cuddapah to the precept of the Foujdaree Udalut under date the 4th Idem directing him to review the proceedings in Cases Nos 184 and 208 of 1850 on the Subordinate Courts file and to pass such orders as he may think proper.

Here enter F. Co. No. 2409 of 1850.-

Read Report B submitted by the Agent to the Governor in Ganjam for the month of August 1850.

(Here enter F. Co. No. 2415 of 1850 / 5

F. Co.

Friday, 27th September, 1850.

At a Court of the Foujdaree Udalut.-

Present.

G.S.H. G. S. Hooper, Esquire - 1st Puisne Judge.-

C.P.T. C. P. Thompson, Esquire - 2d Puisne Judge.-

W.M. W. M. Morehead, Esquire - 3d Puisne Judge.-

Read Calendar of Cases No. 37 of 1850, of the Sessions Court of Rajahmundry.-

(Here enter F. Co. No. 2359 of 1850 /-

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this Case, that the punishment awarded to the Prisoner on his conviction of "Highway Robbery" be mitigated to four years' imprisonment with hard labor in irons, and the Sessions Judge is authorized to issue his Warrant accordingly.-

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

his information and guidance.—

/Sent in No. 1160/-

Read Letter dated 10th September 1850 from the Session Judge of Honore requesting instructions regarding the disposal of an insane person reported by the Zillah Surgeon to be a confirmed maniac requiring more perfect restraint and treatment than he can possibly receive in the Jail Hospital.—

Hummed.

/Here Enter No. 2363 of 1850./-

The Court of Foujdaree Udalut direct that the Lunatic in question be transferred to the Jail Hospital at Mangalore.—

Ordered, that Extract from these Proceedings be forwarded to the Session Judges of Honore and Mangalore for their information.—

/Sent in No. 1161 1162/-

Read again Calendar of Case No. 21 of 1850 of the Session Court of Tricheinopoly.

/Here enter F. C. No. 2231 of 1850./-

Read

Read also Return dated the 13th September 1850 made by the Sessions Judge of Tricheinopoly to the Precept of the Foujdaree Udalut under date the 10th September 1850, suggesting a mitigation of the sentences recorded against the Prisoners in the above Case.—

/Here Enter F. C. No. 2353 of 1850./-

1. In accordance with the recommendation made by the Sessions Judge in the foregoing Return the Court of Foujdaree Udalut resolve to direct that the sentences recorded against the eleven Prisoners in the above Case be mitigated in regard to the first Prisoner to three years' imprisonment and in regard to each of the other Prisoners to two years' imprisonment all with hard labor in irons.—

2. The Acting Sessions Judge will be pleased to issue fresh Warrants in accordance with the foregoing resolution.—

Ordered, that Extract from

th September, 1850.

from these Proceedings be forwarded to the Acting Sessions Judge of Trichinopoly for his information and guidance.

/Sent in a No. 1163./

th 1850.

Saturday.

28th September 1850.

F. H.

At a Court of the Foujdaree Adalut

Present

W.M. G. L. Hooper Esqre ——— 1st Puisne Judge

P.P.J. E. P. Thompson Esqr ——— 2d Puisne Judge

W.A.H. W. A. Morehead Esqr ——— 3d Puisne Judge.

Read Calendar of Case No. 32 of 1850 of the Sessions Court of Coimbatore.

(Here enter F. H. No. 2374 of 1850)

The Court of Foujdaree Adalut deem it proper to draw the attention of the Sessions Judge to the delay in the disposal of this Case, in which the trial was closed on the 10th September, but the Sentence was not recorded until the 16th. The Court also observe that the Moofty allowed two days to elapse before giving his Futwa.

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

(Sent in No. 1165)

Read Criminal Reports submitted by the Agent to the Governor of Fort St. George at Kurnool for the Month of August 1850.

(Here enter F. A. No. 2379 of 1850)

The

Case No. 45.

The Court of Foujdaree Adalut observe that the Offence committed by the Prisoners in this Case might have been more correctly designated as "Robbery by open violence", the word "Dacoity" being a term not in use in the Madras Presidency.-

Ordered that Extract from these Proceedings be forwarded to the Agent at Kurnool for his information.-

(Sent in No. 1165)

Translations of the record of trial in referred Sessions Case No. 36 of 1850 on the Cuddapah file not having been as yet received by this Court.-

Ordered that the Session Judge of Cuddapah be again called upon to transmit the same without delay.-

(Sent in No. 1167)

Read Calendar of Case No. 32 of 1850 of the Session Court of Nellore.

(Here enter F. A. No. 2375 of 1850)

1. The Court of Foujdaree Adalut are of opinion that a Sentence of three years' imprisonment with hard labor in irons will be adequate punishment for the offence of which the Prisoners in this Case have been convicted, and on the recommendation of

of the Session Judge the Court will be prepared to mitigate the Sentence of 7 years' imprisonment now recorded against them to that extent.-

2. If the Session Judge be unable to concur in the foregoing opinion he will be pleased to submit a translation of the entire record of the Case for the consideration of the Court of Foujdaree Adalut.-

3. In conclusion, the Court observe that the case was incorrectly disposed of - The Futwa of the Law Officer having convicted the 1st 3rd 6th and 7th Prisoners of the crime charged and declared them liable to Dohroobut, Sentence should have been passed upon them under Clause Seventh Section II Regulation XV of 1803, the Second and Third questions put to that Officer being uncalled for.-

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Nellore by Precept returnable within III days from and after its receipt.-

(Sent following Precept No. 1168)

Read Calendar of Case No. 24 of 1850 submitted by the Session Judge of Combaconum under date the 11th September 1850.

(Here enter F. A. No. 2323 of 1850)

28. 28th September 1850.

Read Return dated 12th September 1850 from the Sessions Judge of Cuddapah to the Receipt of the Fouzdaree Adalut under date the 5th Instant directing the unconditional release of the 1st Prisoner in Case No. 55 of the Calendar for 1850.

(Here enter F. A. No. 2327 of 1850)

Read Letter dated 18th September 1850 from the Sessions Judge of Salem enclosing the return in Case No. 24 on the Calendar of that Court for 1850 and the Letter required by the Circular Order of the Fouzdaree Adalut of the 20th September 1830.

(Here enter F. A. No. 2330 of 1850)

Read Letter dated 11th Instant from the Sessions Judge of Chittoor submitting for the information of the Court of Fouzdaree Adalut a copy of a letter from the Sub. Criminal Judge reporting an accident which befel a party of convicts working at a gravel pit from the fall of a stone by which one of them was killed and four others were injured.

(Here enter F. A. No. 2329 of 1850)

Read Report of Convict labor dated 5th Instant submitted by the Joint Magistrate of Madura of the Jail at Paumben under his charge for the Month of August 1850.

(Here enter F. A. No. 2335 of 1850)

W.

F. A.

Monday 30th September 1850.

At a Court of the Fouzdaree Adalut.

Present

G. L. Hooper Esqr. 1st Puisne Judge

R. P. Thompson Esqr. 2nd Puisne Judge

W. A. Morehead Esqr. 3rd Puisne Judge

Read Letter dated the 19th September 1850 from the Sessions Judge of Calicut submitting for the final judgment of the Fouzdaree Adalut the Record of Case No. 23 on the file of the Sessions Court for 1850.

(Here enter F. A. No. 2324 of 1850)

Mr. W. A. Morehead

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 Prisoners

1st Arrangat Nyedathar Chacha Koorpa alias Cornithittah Koorpa

4th Raman Kootty

5th Correy Kootty

6th Kunnambanny alias Annapalu alias Chulatil Kellan and

7th Kannan Coonhanooly,

is

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

1st Arrangal Kydathen Chacha Koorpo

alias Oonikittah Koorpoo

to be imprisoned and kept to hard labor in irons on the publice roads or other publice works for and during the period of (5) five years and the Prisoners,

4th Ramen Koilly

5th Oonery Koilly

6th Kiranthenary alias Arumapala

alias Chalatel Kellen and

7th Karanail Coonhanroty

to be imprisoned and kept to hard labor in irons on the publice roads or other public works for and during the period of (One) year.

And being of opinion that the Prisoner,

8th Manahaden Nagady

is not convicted on presumptive proof or on the evidence of credible witnesses or on his own confession of the crime charged so against him thereof and decree that he be set at liberty.

(Seal following Letter No 1173)

Read again Miscellaneous Petition presented on the 25th July 1850 by Maroodu Mootta Pillay

Pillay of Tillah Trichinopoly

(Here enter T.C. No I. No 119 of 1850)

Read also Return dated the 24th August made by the Acting Session Judge of Trichinopoly to the Precept of the Tongdarce Adalut under date the 9th August 1850, requiring certain information relative to the application made by the above Petitioner for the cancellation of the sentence recorded against his Brother in Criminal Case No 33 of 1850 on the file of the Principal Sudr Ameen of Trichinopoly

(Here enter T.C. No 3198 of 1850)

Read also Return dated 17th September made by the Acting Session Judge of Trichinopoly to the Precept of the Tongdarce Adalut under date the 5th September 1850, communicating the further Orders of the Court on the same subject

(Here enter T.C. No 2394 of 1850)

Mr G. L. Harper
Mr E. T. Thompson
Mr W. A. Morehead

On perusal of the documents submitted with the foregoing Return, the Court of Tongdarce Adalut are satisfied of the propriety of the sentence recorded against the Prisoner in the above Case and decline to disturb it.

Ordered therefore that the prayer of

30th September 1850.

of this Petition be rejected and that Extract from these Proceedings be given to the Petitioner on his application.

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

Sent on No. 1174

Circular Order

No. 193.

The Court of Foujdaree Udalut see fit to direct that the names of the Prosecutors as well as of the Prisoners be hereafter entered in Column 2 of Form B prescribed by Circular Order Foujdaree Udalut 18th January 1847. No. 185

(Sent following Letter No. 1176)

Ed 1850.

F. U.

Tuesday 1st October 1850. At a Court of the Foujdaree Udalut.

Present

G/A G. S. Hooper Esqre. ——— 1st Puisne Judge

P.R. E. D. Thompson Esqre. ——— 2nd Puisne Judge

Vt for W.M. W. A. Morehead Esqre. ——— 3rd Puisne Judge.

Read letter under date the 18th September 1850 from the Session Judge of Cuddapah

/Here enter F.U. No. 2398 of 1850/

Under the circumstances represented in the foregoing letter, the Court of Foujdaree Udalut sanction the remission of the stripes awarded to the prisoners in Cases Nos. 227 and 228 of 1849 on the file of the Subordinate Criminal Court of Cuddapah.

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

/Sent in a No. 1176.

Read letter dated 24th September 1850 from the Session Judge of Salem, submitting for the final Judgment of the Foujdaree Udalut the record of Case No. 69 of 1850 of the Calendar of the Sessions Court.

/Here enter F.U. No. 2418 of 1850/

Wm. E. P. Thompson

Wm. W. Morehead.

The Court of Foujdaree Udalut,

on

1st October 1850.

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

"Epoola Cheroomen Chatten"

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

(Sent following letter dt 9th)

Dt 1850

17

F.H.

Wednesday 2d. October 1850 } At a Court of the Foujdaree Adaulut.

Present.

G.S.R. G. S. Hooper Esquire 1st. Puisne Judge

E.P.S. E. P. Thompson Esquire 2d. Puisne Judge

W. A. Morehead Esquire 3d Puisne Judge

Read Criminal Reports submitted by the Sessions Judge of Cuddapah for the month of August 1850.

/Here Enter F.H. No. 2406 of 1850/

The Court of Foujdaree Adaulut observe that the Offence of "Bribery" charged against the Prisoners in each of these cases can only be punished as a Misdemeanor, and the Court do not consider that it falls under that class of criminal Offences, the suspicion of having committed which warrants a demand for security. The Court accordingly direct that the requisition for security under which the Prisoners in these cases have been placed be immediately annulled.

Ordered, that Extract from

these

these Proceedings be forwarded to the Sessions Judge of Cuddapah for his information and guidance.

/ Sent in No 1181 /

Read Calendar of Case No 23 of 1850 of the Sessions Court of Combatore.

/ Here Enter Fit. No 2401 of 1850 /

Adverting to the fact recorded in the Calendar of this case that certain articles of the property stolen on the occasion of the Robbery were found in the house of the Prisoner and which he entirely failed to prove belonged to himself, it appears to the Court of Foujdaree Adalut that there were grounds for more than suspicion against him.

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

/ Sent in No 1182 /

Read again Criminal Reports submitted by the Assistant Agent to the Governor of Fort St George at Kurnool

Kurnool for the month of July 1850.

/ Here Enter Fit. No 2153 of 1850 /

Read also Return dated the 15th September, made by the Agent to the Governor of Fort St George at Kurnool to the Precept of the Foujdaree Adalut under date the 5th September 1850 directing that Officer to review, and report upon, the Proceedings held by the Assistant Agent in Cases Nos 34 and 35, entered in the above Reports.

/ Here Enter Fit. No 2410 of 1850 /

The Court of Foujdaree Adalut have attentively considered the explanation afforded by the Assistant Agent in his Letter, submitted with the foregoing Return, of the circumstances which, in the opinion of that Officer, rendered necessary the severity of the punishment awarded by him to the Prisoners in the above cases. The Court, however, still adhere to their opinion that the sentences now recorded against the said Prisoners are unnecessarily severe

severe, and that one of six months' imprisonment with hard labor in irons will be adequate punishment for the offence, of which they have been respectively convicted.

2. If the agent be not disposed to concur in the foregoing opinion, and to mitigate the Prisoners' sentences accordingly, it will be necessary for him to submit a translation of the entire Records of those Cases for the consideration of the Foujdaree Udalut.

Ordered, that Extract from these Proceedings be forwarded to the Agent to the Governor of Fort St. George at Kurnool by Precept returnable within V days from and after its receipt.

/ Sent following Precept No 1183 /

Read Letter dated the 21st September 1850 from the Session Judge of Salem, submitting the Petty Calendars of Cases disposed of by the Magistracy during the 2d Quarter of 1850.

/ Here Enter F.R. No 2413 of 1850 /

Finished Calendar Case No 11.

From the statement of the charge in this case it appears to the Court of Foujdaree

Foujdaree Udalut that the act of the Prisoner amounted merely to a trespass rendering him liable to the penalty of a Civil action, and was not such as could be legally dealt with as a Criminal Offence under the general Regulations. Before passing their final Orders, however, in the matter, the Court request that the Sessions Judge will call for the proceedings held by the Acting Magistrate in the case, and pass such orders thereon as may to him seem proper, submitting a report of the same for the consideration of the Foujdaree Udalut.

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

/ Sent in No 1184 /

Read Letter dated 23d Sept. 1850 from the Sessions Judge of Tellicherry submitting for the final Judgment of the Foujdaree Udalut the Proceedings in Case No 15 of 1850 of the Calendar of the Session Court

/ Here Enter F.R. No 2443 /

The

2d October 1850

Wm. G.S. Hooper
Wm. E.P. Thompson

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

"Amanjey alias Mancambatha, alias, Mardly Bapoo."

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

/ Sent in Roll 1185 /

Circular

1. The Court of Fouzdaree Adaulut resolve to direct that in all cases where a previous conviction may expose a Prisoner on a subsequent conviction of any felony to an enhanced punishment. Such previous conviction be set forth in the indictment. And that a Certificate be entered in the Calendar containing the substance and effect of the previous offence.

In

2d October 1850

2. In such cases it will be sufficient for the presiding Judge to satisfy himself that the Prisoner then before the Court is the person who underwent the sentence mentioned in that certificate.

Ordered, that Extract from these proceedings be sent to the Session Judges for their information and for communication to the Subordinate Judges and Principal Sudder Ameens within their jurisdiction.

/ Sent Circular No 1186 /

Read Calendar of Cases No. 22 of 1850 submitted by the Sessions Judge of Combaconum under date the 14th August 1850.

/ Here enter Ft. No. 2116 of 1850 /

Read Criminal Reports for the month of July 1850 submitted by the Sessions Judge of Salem under date the 14th August 1850

/ Here enter Ft No. 2119 of 1850 /

Read Extract from the Proceedings of the Sessions Court dated 10th August 1850, submitted by the Sessions Judge of-

of Chingleput relative to the remarks made on the Petty Calendars of the Magistracy for the 2d Quarter of 1850.

/Here Enter Fit No. 2121. of 1850/

Read Criminal Reports dated 15th August 1850 submitted by the Sessions Judge of Chingleput for the month of July 1850.

/Here Enter Fit. No. 2122 of 1850/

J. W.

F. No.

Thursday
3rd October 1850. } At a Court of the Tonjadaree Udalut.

Present:

J. S. Hooper Esqre — 1st Puisne Judge.
E. P. Thompson Esqre — 2nd Puisne Judge.
W. A. Morehead Esqre — 3rd Puisne Judge

Read Miscellaneous Petition presented on the 23d October 1850 by Verrasamy Naiken late a Jail Peon.

/Here enter F. M. P. No. 140 of 1850/

Mr J. S. Hooper
Mr E. P. Thompson
and
Mr W. A. Morehead. } The Court of Tonjadaree Udalut resolve to direct that the English Translation of this Petition be forwarded to the Subordinate Judge of Chittoor the Court being of opinion that the Petitioner's request is a reasonable one.-

2 The Petitioner is recommended to repair to Chittoor and present himself before the Subordinate Judge.-

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

/Instruc. No. 1184/

Ordered also that Extract

from

3rd October 1850.

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

Read Calendar of Cases No. 64 of 1850 of the Sessions Court of Cuddalapah.

/Here enter F. Dc. No. 2391 of 1850/

1. The Court of Fouzdaree Udalut approve of the recommendation made by the Sessions Judge in this case, that the punishment awarded to the Prisoner on his conviction of having instigated others to commit Highway Robbery, be mitigated to seven years' imprisonment with hard labor in irons, and the Sessions Judge is hereby authorised to issue his warrant accordingly.

2. Adverting to the observation recorded in the sentence passed in this case to the effect that "a Puttakdar Vencatapathy told the Lurkhasum that the Prisoner requested him to commit the robbery but that he refused," the Court of Fouzdaree Udalut direct that the Magistrate be called upon to furnish further particulars respecting the character and position of the said Vencatapathy and the Sessions Judge will

3rd October 1850.

will be pleased to explain why that individual was not summoned as a witness in this case.

Ordered, that Extract from these Proceedings, be forwarded to the Sessions Judge of Cuddalapah, by Precept returnable within 7 days, from and after its receipt.

/Sent following precept No. 1188/

Read Calendar of Cases No. 33 of 1850 of the Sessions Court of Coimbatore.

/Here enter F. Dc. No. 2433 of 1850./

The Court of Fouzdaree Udalut regret to observe that the Prisoner and sentenced in this case were not declared, the former until 5 days, and the latter until 9 days, after the close of the trial. The Court expect that the Sessions Judge will not allow such delay to occur in future.

Ordered, that Extract from these Proceedings, be forwarded to the Sessions Judge of Coimbatore for his information and future guidance.

/Sent in No. 1189/

Read Letter dated 18th September 1850 from

3d October 1850.

from the Sessions Judge of Coimbatore submitting at the instance of the Acting Magistrate the question - Can a Magistrate at the requisition of a Superintendent of Division in Mysore seize and sell the goods of persons sentenced upon conviction of Theft or embezzlement to the additional punishment of fine.-

(Here enter F. Dc. No. 2395 of 1850.)

The Court of Fonjdaree Udalut observe that a Magistrate is bound to enforce the process of the Mysore Authorities in every case in which he can be called upon to enforce the process of the Magistrate of another District and that consequently Mr. Thomas is fully competent to give effect to the requisitions of the Superintendent of the Bangalore Astagram Division of Mysore out of which this reference has arisen.-

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Coimbatore for his information and for communication to the Acting Magistrate.-

(Sent in No. 1190)

F. Dc.
3d October 1850.

Read Letter dated 12th September 1850 from the Sessions Judge of Chittoor transmitting a letter from the Magistrate of North Arcot requesting, on the ground that the Mahomedan law of evidence rather than the stricter rules of evidence which the Regulations prescribe has been followed by the Sessions Judge in disposing of the Case No. 22 on the Calendar for 1850, that the Proceedings may be called up for revision by the Court of Fonjdaree Udalut.-

(Here enter F. Dc. No. 2334 of 1850)

The Court of Fonjdaree Udalut have again referred to the Calendars of the Case in question and failing to discover in the Statements of the Magistrate any reason whatever for questioning the propriety of the Sessions Judge's decision thereon decline to accede to the Magistrate's request and direct that it be pointed out to Mr. Benadikt that the most substantial grounds are necessary to justify an Appeal on the part of a Magistrate from the decision of a Sessions Judge.-

Ordered,

3d October 1850.

Ordered, that Extract from these Proceedings, be forwarded to the Sessions Judge of Chittoor for his information and for communication to the Magistrate.-

(Sent in No. 1191)

Read Miscellaneous Petition presented on the 5th September 1850 by Krishnamma of Pillala Trichinopoly.

(Here Inter S. M. P. No. 138 of 1850.)

Mr G. S. Cooper
" E. P. Thompson
and
" H. A. Morehead

1. This is an application for the reversal of the sentences awarded by the Sessions Judge of Trichinopoly to the Petitioner one Kondapa Naick a Jail Peon for conniving at the escape of certain Convicts under his charge, the sentence in question having been passed by the Sessions Judge upon an investigation held by him without the assistance of his Mahomedan Law Officer.-

2. On referring to a return made by the Sessions Judge under date the 22d May 1849 to certain orders passed by this Court upon a former Petition presented by the Petitioner the Court of Zoujdaree Udalut find that the investigation in question was held by the Sessions

3d October 1850.

Session Judge without the assistance of his Mahomedan Law Officer under a misapprehension of the instructions conveyed in this Court's proceedings under date the 9th June 1847 authorizing the Sessions Judges in charge of Jails to take primary and immediate cognizance of all offences committed either by prisoners or persons belonging to the Jails under their charge, be the nature of their offences what they may.-

3. It is to be observed and it was pointed out in this Court's proceedings of the 18th June 1849 that the orders of the 9th June 1847 did not contemplate that when the nature of the offence committed was cognizable only by the Session Judge in his capacity as such he should dispense with the form of trial prescribed by Law to be adopted by the Courts of Session.-

4. It is manifest that in the case under notice the trial of the prisoner has been conducted in an illegal manner, and they accordingly resolve to direct that he be set at liberty.-

Ordered

3rd October 1850.

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

(Sent following precept No. 1192)

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

Read Calendar of Case No 15 of 1850 of the Sessions Court of Honore.-

(Here enter F. No. No. 2434 of 1850)

1. The Court of Foujdaree Udalut observe that nearly 4 months have intervened between the close of the trial in this case and the despatch of the Calendar. The Court consider this delay to be extremely reprehensible, and desire that it may be explained.-

2. The Court further direct that the Sessions Judge will in future when recording his sentence, limit his remarks to a brief sketch of the case, and the conclusion at which he has arrived. The abstracts of the evidence which the Sessions Judge has hitherto been in the habit

F. No.

3rd October 1850

habit of recording in his sentence is deemed by the Court to be superfluous, the same being inserted in another part of the Calendar reserved for that purpose.-

Ordered, that Extract from these Proceedings, be forwarded to the Sessions Judge of Honore, for his information and future guidance.-

(Sent in No. 1193)

Read Calendar of Case No. 18 of 1850 on the file of the Sessions Court of Tinnevelly.-

(Here enter F. No. No. 2192 of 1850)

Read also Miscellaneous Petition forwarded by the Acting Sessions Judge of Tinnevelly from Ramasamy Tavee and Palaneas Tavee 7th and 8th prisoners in the foregoing case.-

(Here enter F. No. P. No. 1144 of 1850.)

1. The Court of Foujdaree Udalut not resolve to direct that an English translation of the record of the foregoing case may be submitted for their consideration.-

2. The Court of Foujdaree Udalut do

do not understand under what authority this Prosecutor proceeded to seize the Tobacco which the Prisoners are stated in the indictment to have been engaged in smuggling when the assault and wounding charged took place; the Tobacco monopoly not being in force in the District of Tinnevelly and they desire that explanation may be afforded on this point.

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

(Sent following precept No. 1194.)

Read again Miscellaneous Petition presented on the 20th August 1850 by Chinnaya Naidoo of Villah Chingleput.

(Here enter F. M. P. No. 129 of 1850.)

Read also Return under date the 21st September 1850 from the Sessions Judge of Chingleput to the precept of the Foujdaree Udalut dated the 5th September 1850 directing the transmission of certain documents connected with the matter referred to in the

the foregoing Petition

(Here enter F. M. P. No. 2405 of 1850.)

Mr. G. L. Cooper
Mr. E. P. Thompson
and
Mr. W. A. Morehead.

1. The Court of Foujdaree Udalut cannot interfere in the matter referred to in the foregoing Petition which it appears is entirely of a Civil nature and cognizable only by the Civil Courts.

2. The Lands from which the Petitioner desires that certain bricks may be removed is stated by the Magistrate to have been for a lengthened period in the possession of other parties, under which circumstances the orders passed by that officer referring the Petitioner to the institution of a Civil Suit appear to the Court of Foujdaree Udalut to be perfectly correct.

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

Read Miscellaneous Petition presented on the 29th April 1850 by J. Ouchterlony Esqre. Vakeel on behalf of Ramasamy Moodely of Villah Chingleput.

(Here enter F. M. P. No. 87 of 1850.)

The

3rd October 1850.
Mr. J. S. Hooper and Mr. W. S. Morehead.

The object of this Petition is to induce the Court of Fouzdaree Udalut to reconsider their orders of the 5th February last dismissing the Petitioner's application for the reversal of the sentence awarded to him in Case No. 18 of 1849 on the file of the Sessions Court of Chingleput.

2 The Petitioner reiterates the arguments contained in his former Petition to the effect that he is entitled to his acquittal on the ground that previous to his conviction by the Sessions Court he had been twice placed upon his trial before the Principal Sudder Ameen, and adverting to certain observations made by the Court of Fouzdaree Udalut with reference to his former Petition that "the preliminary enquiry by the Principal Sudder Ameen was like the investigation by the Grand Jury in the Courts of the Queen" he endeavors to show that the circumstances, under which the second enquiry took place, which was held by the Principal Sudder Ameen in this case, depriv that investigation of all similarity with those preliminary

No. 16.
3rd October 1850.

preliminary enquiries to which the Court have referred and conferred upon the Prosecutor undue advantages contrary to the spirit and principles of the British Law.

3. The Petitioner likewise adverts to certain points in the evidence which he alleges tend to show that the charge upon which he has been convicted was false.

4. The Court of Fouzdaree Udalut cannot admit the validity of the arguments which the Petitioner has adduced to prove the illegality of the proceedings which led to his committal for trial before the Sessions Court, there being nothing in those proceedings contrary to the principles intended by the Legislature to be followed in bringing offenders to justice.

5. The Court of Fouzdaree Udalut would observe that their remarks regarding the similarity of the preliminary enquiries held by the Subordinate Criminal Courts in cases cognizable by the Sessions Courts to the preliminary investigations of the Grand Jury in Her Majesty's Courts of Judicature merely had reference to the fact that before both the tribunals

3d October 1850.

tribunals in question the rejection of an indictment upon the evidence adduced is no bar to it's being again brought forward, and not to any similarity in forms of proceedure as the Petitioner would appear to infer.

6. The Court of Foujdaree Udalut see no reason for entering upon the merits of the case which have met with full consideration, and they accordingly resolve to dismiss the Petitioner's application.

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

Warrant for Sanction of Sutter, mere the Court to return the Enclosures in his Miscellaneous Petition, No 118 of 1850.

Dd 18th.

Ordered accordingly.

F. U.

Friday 4th October 1850 } At a Court of the Fouzdaree Adaulut

Present.

Sgd R. G. A Hooper Esquire 1st Puisne Judge

Sgd E. S. Thompson Esquire 2d Puisne Judge

W. A. Morehead Esquire 3d Puisne Judge

Reads final Return dated 23d September 1850 to the Precept of the Court of Fouzdaree Adaulut under date — 11th Idem conveying their Orders on the Calendars of Cases disposed of by the Magistracy during the 2d Quarter of 1850.

/ Here Enter F.U. No 2421 of 1850 /

It is only necessary for the Court of Fouzdaree Adaulut to express their concurrence in the opinion expressed by the Sessions Judge in para 2 of his proceedings of the 23d September 1850 which accompanied this return.

"that their proceedings of the 11th September
"1850 had no reference to act XXX of 1841,
"and that when the contempt is of the
"serious nature described in that

"enactment

"enactment the Magistrate is empowered to
"act under it whether the contempt is com-
"mitted during the trial of a case either within
"or without his final jurisdiction."

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

/ Sent in No. 1195 /

Read letter dated 21st September 1850 from the Sessions Judge of Masulipatam requesting to be informed whether appeals from his decisions in Cases disposed of by him in the capacity of Subordinate Judge, and from his orders reversing the decisions of the Sudder Ameen, should be transmitted immediately upon presentation, or together with the Monthly Criminal Reports.

/ Here Enter F.R. No. 2425 of 1850 /

The Court of Foujdaree Adalut direct that the Sessions Judge of Masulipatam be informed that appeals from his proceedings in the instances above referred to should be transmitted

transmitted together with the Monthly Criminal Reports.

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

/ Sent in No. 1196 /

Read Letter dated 20th September 1850 from the Sessions Judge of Calicut transmitting copy of the Calendar and Futwah in Case No. 66 of 1850 and reporting that the Prisoner has been placed under the observation of the Medical Officer to be again brought before the Sessions Court as soon as reported in a state of sanity.

/ Here Enter F.R. No. 2426 of 1850 /

It would appear from the remarks of the Sessions Judge that the Prisoner in question was not of sound mind when placed upon his trial and the Court of Foujdaree Adalut accordingly direct that the Proceedings in the case be cancelled and that the Prisoner be dealt with under Circular Order — Foujdaree Adalut 1st June 1829 and

23d February 1841 (No 133)

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

/ Sentence No 1194 /

Read letter dated 9th September 1850 from the Sessions Judge of Honore requesting with reference to the Extract from the Minutes of Consultation of Government under date 15th June 1850 that the necessity of sanctioning the construction of a new Gaol at Honore at an early date may be brought to the notice of Government.

/ Here Enter Fl. No 2364 of 1850 /

The Court of Foujdaree Adalut observe that the Government, in calling for new plans upon the principle suggested by the Superintendant of Gaols in the North Western Provinces, have sanationed an advance of Rupees 2,000 to the Collector for preparing materials, and that consequently if any delay, which would be obviated by the immediate sanction of the estimates

estimates formerly submitted, occur it will rest with the local officers, who have been charged by the Government with the preparation of the new plans.

2. The Court also observe that the Civil Engineer contemplates that the construction of a new Gaol will extend over two full seasons, and they consequently infer that the present buildings are capable of being made by repair safe and fit for the accommodation of Prisoners for at least another season.

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

/ Sentence No 1198 /

Read Letter dated the 12th September 1850 from the Sessions Judge of Salem, referring for the final judgment of the Foujdaree Adalut, the Record of Case No 29 of 1850 of the Calendar of the Sessions Court.

(Here enter Fl. No 2458 of 1850)

The

4th October 1850

Mr. E. P. Thompson
Mr. R.A. Morehead

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

"Poongavanum"

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

The Court of Foujdaree Adalut cannot recognize as valid the grounds upon which the Session Judge has recommended that the prisoner in this case should be exempted from undergoing the extreme penalty of the Law.

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

/ Entd in Vol 1199 /

Read

4th October 1850.

Read Calendar of Cases No 34 of 1850 submitted by the Sessions Judge of Rajahmundry under date the 7th August 1850.

/ Here Enter Ft. No. 2094 of 1850 /

Read Calendar of Case No 17 of 1850 submitted by the Acting Sessions Judge of Tinnevelly under date the 6th August 1850.

/ Here Enter Ft. No. 2095 of 1850 /

Read Monthly Returns dated 12th August 1850 submitted by the Sessions Judge of Combaconum of the Gaols in charge of the Magistracy exhibiting the manner in which the Prisoners have been employed during the month of June 1850.

/ Here Enter Ft. No. 2096 of 1850 /

Read Return dated 5th August 1850 from the Sessions Judge of Honore to the precept of the Foujdaree Adalut under date the 25th July 1850 conveying their Orders regarding the case No 37 of 1849. on the file of the Sessions Court

/ Here Enter Ft No. 2099 of 1850 /

Read

4th October 1850.

Read Return dated 9th August 1850 from the Session Judge of Calicut to the precept of the Foujdaree Adalut under date the 30th July 1850 conveying the Court's observations on the Criminal Reports for June last.

/Here Enter Ft. No. 2100 of 1850/

Read Calendar dated 14th August 1850 submitted by the Session Judge of Chingleput of Persons sentenced under clause 2nd Section V Regulation VII of 1822.

/Here Enter Ft. No. 2107 of 1850/

Read Calendar of Case No. 12 of 1850 submitted by the Session Judge of Tellicherry under date the 3rd August 1850.

/Here Enter Ft. No. 2111 of 1850/

Read Calendar of Case No. 119 of 1850 submitted by the Acting Session Judge of Trichinopoly under date the 12th August 1850.

/Here Enter Ft. No. 2113 of 1850/

4th J.H.

Saturday, 5th October 1850. F.H.

At a Court of the Foujdaree Adalut.

Present.

W.R. G. S. Hooper Esquire - 1st Puisne Judge.
C.P.S. E. O. Thompson Esquire 2d Puisne Judge.
H-M. H. A. Morehead Esquire - 3d Puisne Judge.

Read return dated 17th September 1850 from the Session Judge of Coimbatore to the Precept of the Foujdaree Adalut under date 27th August 1850 calling for a copy of the orders issued by the Acting Magistrate in respect to Police Peons firing upon smugglers.-

(Here Enter Ft. No 2397 of 1850)

1. From the papers submitted with this return it appears that on the 14th November 1831 the Magistrate, in consequence of the prevalence of Gang Robberies, directed that a Cundachar Peon armed with a firelock should be stationed at each important Village with orders to fire upon Gangs committing robbery.-

That on the 2d February 1832 the same

same officer, with reference to the escape of a band of 20 mootiers, who after some resis-=tance fled upon the Peons firing blank ca cartridges, ordered the Peons "to capture the "mootiers in future by firing their muskets "loaded with bullets and wounding them "on their legs."-

and that on the 30th November 1849 the Acting Magistrate upon 20 or 24 Smugglers escaping from a strong body of Peons after some resistance, in which a Jamadar and a Peon were wounded on the knee and leg respectively by stones, issued the following Order. "whenever the Mootiers clandestinely "convey Bundles of Tobacco or when they proceed "in Gangs for the purpose of committing rob-="beries and when they throw stones at the "persons who may pursue them and attempt "to resist them and escape detection the "Peons who are furnished with Muskets "and Cartridges should discharge their Muskets "with bullets at them so as to wound them "in their legs without endangering their lives "as in that case they would be wounded and "not be enabled to take their flight."-

The

2. The Court of Foujdaree Adalut consider the firing upon Smugglers when unarmed with any deadly weapon or when the resistance offered by them to the Peons or others attempting their capture is confined to throwing stones and is unattended with any risk to the Lives of the Peons such as would require them in self defence to have recourse to their fire arms to be wholly unjustifiable, and they therefore direct that the orders issued by the Magistrate for the use of fire arms under such circum-=stances be immediately cancelled.-

3. In regard to the resistance of Gang Robbers the Court of Foujdaree Adalut consider that the frequent publication

9th August 1825
27th December 1832
7th June 1834.

by the Magistrate of the Circular Order on the subject noted marginally would render unnecessary the issue of any other orders by that officer.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Coimbatore for communication to the Acting Magistrate.-

(Sent in No. 1202)

5th October 1850.

Read Calendar of case No 65 of 1850 submitted by the Session Judge of Calicut under date the 24th September 1850.

(Here Enter Fd No 2450 of 1850)

Read Calendar of case No 39 of 1850. submitted by the Session Judge of Bellary under date the 24th ultimo.

(Here Enter Fd No 24540 of 1850.)

Read letter dated 24th ultimo. from the Session Judge of Bellary forwarding copies of communications received from the Subordinate Judge, in regard to the escape of a prisoner from the custody of his guard, whilst working with his party within the Zaib compound on the 21st instant, and reporting upon the circumstances thereof.—

(Here Enter Fd No 2455 of 1850)

Read return dated 30th ultimo from the Session Judge of Cuddalore, to the precept of the Fouzdaree Adalut under date the 26th September 1850, directing the period of imprisonment awarded to the 2d prisoner in Session case No 30 of 1850 to be reduced to three years.

(Here Enter Fd No 24610 of 1850.)

Read return dated 26th ultimo from the Acting Sessions Judge of Tinnevelly, to the precept of the Fouzdaree Adalut under date the 21st September 1850. directing him that the prisoner in case No 7 of 1850 be unconditionally released.—

(Here Enter Fd No 24630 of 1850)

4th 1850

Monday.

7th October 1850.

F. D.

At a Court of the Fouzdaree Adalut.

Present

G. S. Hooper Esqre ——— 1st Puisne Judge.

E. P. Thompson Esqre ——— 2d Puisne Judge.

W. A. Morehead Esqre ——— 3d Puisne Judge.

Read again Miscellaneous Petition — presented on the 2d September 1850 by Balagooroo Daik Sail Pon of the Zillah of Trichinopoly. praying that with reference to his long standing and Service the Court of Fouzdaree Adalut will order his name to be entered upon the list of the fixed guard in view to his promotion to a Duffadarship.

(Here enter S. & F. M. P. No 30 of 1850)

Read also Return dated 24th Septr 1850 from the Acting Sessions Judge of Trichinopoly requiring him to submit any remarks he may have to offer on the said Petition.—

(Here enter F. D. No 1718 of 1850)

It appears that the matters referred to in this Petition have not been brought to the notice of the Sessions Court and the Court of Fouzdaree Adalut direct that the Petitioner be informed that his application should be made to

his

7th October 1850.

his immediate superior.-

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

Ordered also, that Extract from these Proceedings be forwarded to the Sessions Judge of Trichinopoly for his information.-

(Sent in No. 1203.)

No. 1803.

F. H.

Tuesday.
8th October 1850. At a Court of the Poydaree Adalut.

Present

W.S.A. — G. S. Mooper Esqr. —— 1st Puisne Judge
C.P.T. — C. P. Thompson Esqr. —— 2d Puisne Judge
W. A. Morehead Esqr. —— 3d Puisne Judge.

Read the following Letter dated the 25th September 1850 from the Session Judge of Cuddapah.

(Here enter F. H. No 2442 of 1850)

With the above communication the Session Judge submits for the consideration and Orders of the Court of Poydaree Adalut copies of a correspondence which has passed between the Magistrate of Cuddapah and himself relative to the release of the Prisoner "Lunjeeva Condadoo" who was charged in Case No 45 of 1850 on the file of the Session Court with "Forgery" -

2. From this correspondence it appears that the Magistrate seeing reason to question the propriety of the judgment passed by the Session Judge in the case referred to, and deeming the case to be of sufficient importance to be reinvestigated and recommitted, has requested, in the event of the Session Judge declining to adopt that course, that his

his appeal from the sentence of acquittal may be sub=
=mitted to the Foujdaree Adalut. The Session Judge
considering himself prohibited by the obvious construc=
=tion to be placed on Foujdaree Adalut Circular
Orders dated the 20th July 1829 and 16th November 1831.
from adopting the course suggested by the Magistrate
has accordingly referred the matter for the Court's
decision.

3. The Court of Foujdaree Adalut
observe that under no circumstances can a Prisoner,
once placed formally on his trial and acquitted by
the Sessions Court, be again placed on his trial for
the same offence, even tho' the clearest evidence may
afterwards be found against him.

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

(Sent in No. 2205)

Read return dated 21st September 1850.
from the Session Judge of Monore to the Receipt
of the Court of Foujdaree Adalut under date 13th
September 1850 calling for a certificate from the
Medical Officer of the state of mind of the Prisoner
in Calendar No. 16 of 1850.

(Here enter F. R. No. 2443 of 1850)

The Court of Foujdaree Adalut
direct

direct that, if, as would appear to have been the
case, the Prisoner in question was, when placed upon
his trial, of unsound mind, the Proceedings against
him be annulled; and that the Session Judge
be guided in disposing of the case by the
instructions laid down in Circular Order Foujdaree
Adalut dated 1st June 1829.

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

(Sent in No. 2206)

Read Letter dated 28th Ultimo, from
the Session Judge of Cuddapah, submitting for
the final Judgment of the Foujdaree Adalut
the Record of Case No. 36 of the Calendar of the
Session Court.

(Here enter No. 2460)

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

1st V. Chengadoo alias V. Nursegadoo
2d V. Condadoo
3d V. Chennoogadoo
4th V. Gareekaliegadoo
5th B. Chinnegadoo
6th D. Jayasam alias Somoolagah.
and
7th V. Ramegadoo.

are

are not convicted on presumptive proof or on the evidence of credible witnesses or on their own confessions of the crimes charged do acquit them thereof and direct that the Prisoners,

C. L. Sayasam alias Somoolagah

and

7th V. Ramasegadoo

be unconditionally released.

But considering that strong suspicion though not amounting to conviction attaches to the prisoners,

1st Y. Chengadoo alias Y. Arasegadoo
2d Y. Condadoo
3d Y. Chennagadoo
4th Y. Yarra Kalegadoo
and
5th B. Chinnegadoo

they direct under the provisions of Clause Sixth Section II Regulation XV of 1803, that they be severally required to find two Sureties in (50) fifty Rupees each surety for their good behaviour and appearance when required within three years and that in default thereof they be detained for three years in confinement.

1. The Court of Fonjaree Adalut have been unable to concur with the Sessions Judge in the conviction of any of the prisoners in this case, the evidence being in their opinion insufficient to justify more than a

a demand of security from the first five of the prisoners charged.

2. With regard to the statement made by the Session Judge in his letter of reference — that the 1st Prisoner is a convict sentenced on the 20th January 1843 to fourteen years imprisonment, but who escaped from confinement after about one years incarceration, the Court of Fonjaree Adalut observe that if sufficient evidence to this circumstance be forthcoming the prisoner in question should now be placed upon his trial for the escape and sentenced for that offence, such sentence to take effect — upon the expiration of the period of imprisonment to which he has been already adjudged.

3. It appears to the Court of Fonjaree Adalut that the Session Judge does not sufficiently perceive the distinctions between the two crimes of "wilful or express murder" and "culpable homicide," which distinction is explained in Clause Second Section XV Regulation VIII of 1802; and the Court of Fonjaree Adalut observe that in all cases similar to that under notice the indictment — should set forth a charge of "murder," leaving it to be determined upon the trial whether the crime actually committed amounts to "murder" or to the minor offence of "culpable homicide."

The

8th October 1850.

4. The Court of Foujdaree Adalut resolve to direct the attention of the Session Judge to their Circular Order of the 19th January 1825. wherein it is prescribed that a list of all papers which the Session Judge may consider it unnecessary to transmit with trials referred to the Foujdaree Adalut should be forwarded with the record for the information of the Higher Court.

5. Much unnecessary delay appears to have occurred in the transmission of the record of this case, the trial having been closed on the 25th of May and the record not having reached the Court of Foujdaree Adalut until the 2d October, while an interval of nine days elapsed between the close of the trial and the announcement of the Sessions Judge's resolution to refer the case for the final judgement of the Foujdaree Adalut.

Ordered that Extract from these proceedings be forwarded to the Session Judge of Cuddapah for his information and future guidance.-

(Sent in No. 1204)

Read Letter dated 2d Instant, from the Session Judge of Combaconum, submitting — for the final Judgement of the Foujdaree Adalut the record of Case No. 29 of 1850 of the Calendar

8th October 1850.

of the Session Court.

(Mere Enter F. A. No. 2496)

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.

"Lundoyooda padiachee"

is sufficient to convict him of Assault and Wounding for which according to the Moohummedan Law as declared in Futwas of their Law Officers discretionary punishment is awardable, do convict him thereof, and under the provisions of Clause third Section VII Regulation XV of 1803 and Section XXXIV Act VII of 1840 sentence him to be imprisoned and kept to labor without Irons on the public roads or other public works for and during the period of (6) six months.-

(Sent in No. 1208)

Read Calendar of Case No. 41 of 1850 submitted by the Session Judge of Bellary under date the 28th September 1850.

(Mere Enter F. A. No. 2468 of 1850)

Read Calendar of Case No. 31 of 1850 submitted by the Session Judge of Nellore under date the 30th September 1850.

(Mere Enter F. A. No. 2470 of 1850)

Read

8th October 1850.

Read Letter dated the 1st Instant from the Session Judge of Chingleput reporting that no Cases to be reported on as required by the Circular Letters dated 16th October 1844 and 20th January 1845 were pending last month before the Session Court.

(Here enter F. R. No. 2474 of 1850)

Read Calendar of Case No. 35 of 1850 submitted by the Session Judge of Mangalore under date the 26th September 1850.

(Here enter F. R. No. 2476 of 1850)

Read Report dated the 1st Instant submitted by the Session Judge of Salem of Cases pending before him for a period exceeding 25 days during the month of September 1850.

(Here enter F. R. No. 2481 of 1850.)

Read Report dated 1st October 1850. submitted by the Session Judge of Nellore of Cases pending before him in the month of September 1850.

(Here enter F. R. No. 2482 of 1850)

Read Report dated 1st October 1850 submitted by the Moosliy Sudder Ameen in charge of the Session Court of Gumloor of Cases pending on the 31st August and committed for trial during the month of September 1850.

(Here enter F. R. No. 2483 of 1850)

Read

8th October 1850.

Read Return dated 27th September 1850 from the Session Judge of Rajahmundry to the Receipt of the Fouzdaree Roabut under date the 23d Idem requiring to be informed whether or not the girdle, gold Spiral ornament and gold beads stated by the Prosecutor in Case No. 36 of 1850 to be his property and which were found in the Prisoners possession, were entered in the list of the stolen property given in by the Prosecutor in Case No. 14 of 1850.

(Here enter F. R. No. 2486 of 1850)

Read Letter dated the 28th September 1850 from the Session Judge of Mangalore transmitting the Warrant in Case No. 16 of 1850 on the Calendar and Copy of a Report of the Subordinate Judge certifying the due execution of the Sentence of death passed on Teampa Negaday Prisoner in the above Case.

(Here enter F. R. No. 2488 of 1850)

6 11

F. U.

Wednesday 9th October 1850 } At a Court of the Foujdaree Udalut

Present

J. R. G. S. Cooper Esquire — 1st Puisne Judge
P. S. E. D. Thompson Esquire — 2d Puisne Judge
W. H. W. A. Strickland Esquire — 3d Puisne Judge

Read letter under date the 23d. September 1850 from the Agent to the Governor of Fort St. George at Purnea the report of the trial of a prisoner charged with House breaking under Clause fifth Rule 1 of the Agency Rules.

(Hereunder F. U. No 2467 of 1850.)

The Court of Foujdaree Udalut concur with the Agent in the conviction of the prisoner in this case of the crime laid to his charge, and approving of the recommendation made by that Officer in regard to the amount of punishment to be awarded they resolve to sentence the prisoner

Ramajah

to imprisonment with hard labor in irons on the public roads or other public works for and during the period of three years.

Ordered that Extract from these Proceedings be forwarded to the Agent

to

to the Governor of Fort St. George & Turnor for his information and guidance.-

(Sentence No 1210)

Read letter dated 24th September 1850 from the Joint Magistrate in charge of Calicut recommending the tender of a free pardon, to and the admission as an approver of one Velai through whose instrumentality Unnyen Nedara a notorious Robber and an Escaped Convict has been apprehended.

(Here enter F. D. No 2469 of 1850)

Before finally disposing of this Application the Court of Foujdaree Adalut desire to have before them translates of the several depositions which may have been given by the said Velai.-

Ordered that Extract from these Proceedings be forwarded to the Joint Magistrate in charge of Calicut by Precept returnable within X days from and after its receipt.-

(Sent following precept No. 1211)

Read letter from the Magistrate of Malabar dated 21st September 1850, recommending that Tarayil Aly be admitted as an approver in a case of Gang Robbery recently perpetrated in the Nedingunad Talook.-

(Here enter F. D. No 2441 of 1850)

Before finally disposing of this Application

Application the Court of Foujdaree Adalut desire to be informed of the cause and time of this party's apprehension and by what Police officer he had been examined prior to his appearance before the Head Assistant Magistrate.-

2 The Court of Foujdaree Adalut further direct that Translations of all the Statements which may have been taken from the party in question be submitted for their consideration.-

Ordered that Extract from these Proceedings be forwarded to the Magistrate of Malabar by Precept returnable within X days from and after its receipt.-

(Sent following precept No. 1212)

Read Calendar of case No 61 of 1850 submitted by the Sessions Judge of Cuddapah dated 2d Instant.-

(Here enter F. D. No 2491 of 1850.)

Read letter dated 1st Instant from the Subordinate Judge in charge of the Sessions Court of Calicut stating that there is no case during the past month to be entered in the Reports required by the Foujdaree Courts Circular letter of the 16th October 1844.-

(Here enter F. D. No 2493 of 1850)

Read

9th October 1850.

Read report dated 1st Instant submitted by the Sessions Judge of Chittoor of cases pending on the 30th September 1850 before the Sessions Court for a period in excess of 25 days calculated from the date of commitment.-

(Here enter F. D. No 2494 of 1850)

Read report dated 1st Instant submitted by the Sessions Judge of Masulipatam of Cases pending on the 31st August and committed for trial during the Month of September 1850

(Here enter F D No 2495 of 1850)

Read report dated 1st Instant submitted by the Sessions Judge of Mangalore of cases pending on the 31st August and committed for trial in the months of September 1850.

(Here enter F. D. No 2497 of 1850)

Read letter dated 4th Instant from the Sessions Judge of Salem submitting the return to the warrant in Case No 23 on the Calendar of the Sessions Court of Salem for 1850 and the latter required by the Circular Order of the Foujdaree Udalut of the 20th September 1830.-

(Here enter F D. No 2498 of 1850)

No 180.

F. D.

Thursday 10th October 1850 } At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esqr — 1st Puisne Judge
E. P. Thompson Esqr — 2nd Puisne Judge
W. A. Morrhead Esqr — 3rd Puisne Judge

Read letter dated 17th September 1850 from the Agent to the Governor in Kurnool reporting that with reference to an application to that effect from the Assistant to the General Superintendent of the operations for the suppression of Thuggee and Dacoity he has suspended the trial of certain Prisoners and requesting to be supplied with copies of any orders that may have been issued on the subject of delivering over Prisoners to the Thuggee Department.-

(Here enter F. D.- No 2412 of 1850.)

The Court of Foujdaree Udalut see no necessity for deferring the trial of the Prisoners referred to in this Communication against whom, in addition to a charge of belonging to a Gang of Dacoits, 5 Charges of

of Gang Robbery appear to be pending. They observe that the conviction of the Prisoners in question will offer no bar to their transfer, should their services as approvers be required to the Thuggee Department, and that it will be competent to the Agent to detain them should they be acquitted until the receipt of further information from Captain Edwards.

The Court of Foujdaree Udalut further direct that copies of the Circular Orders noted marginally be transmitted to the Agent to the Governor.

16th January 1836
22nd April 1836
5th November 1836.

Ordered that Extract from these Proceedings be sent to the Governor of Fort St. George at Kurnool for his information.

(Sent in No. 1218)

Read Calendar of Cases No. 22 of 1850 Submitted by the Acting Sessions Judge of Trichinopoly under date the 2nd Instant

(Here enter F. Cs. No. 2501 of 1850.)

Read Calendars of Cases No. 23, 24, and 25 of 1850 Submitted by the Acting Sessions Judge of Trichinopoly under date the 2nd Instant

(Here enter F. Cs. No. 2502-2503 & 2504 of 1850)

Read Calendar of Cases No. 31 of 1850 Submitted by the Sessions Judge of Combaconum, under date the 3rd Instant.

(Here enter F. Cs. No. 2505 of 1850)

Read Calendar of Cases No. 33 of 1850 Submitted by the Sessions Judge of Nellore, under — date the 4th Instant.

(Here enter F. Cs. No. 2506 of 1850.)

Read Calendars of Cases No. 34 & 35 of 1850 Submitted by the Sessions Judge of Coimbatore under date the 3rd Instant.

(Here enter F. Cs. No. 2507 & 2508 of 1850)

2d 180

F. 26

Friday
11th October 1850.

At a Court of the Foujdaree Udalut.

Present

W.R. G.S. Fooper Esqre — 1st Puisne Judge
C.P.S. E.P. Thompson Esqre — 2nd Puisne Judge
W.A. W.A. Morehead Esqre — 3rd Puisne Judge

Read again Calendar of Case
No. 35 of 1850 of the Session Court of Bellary.
/Here enter F.26 No. 2313 of 1850/

Read also letter dated the 28th
September 1850 from the Session Judge of Bellary.
/Here enter F.26 No. 2465 of 1850/

In the above communication the Session Judge, adverting to the Proceedings of the Foujdaree Udalut dated the 23rd Ultimo on review of the above Calendar, states, that, having in accordance with the Court's instructions, put a second question to the Moofty, that Officer adheres to his former Futwa declaring Dookoobut and in further explanation of the Sentence recorded by him in the case in question, the Session Judge observes that the prisoner was a single unarmed person and

that

that the ~~X~~ Robbery was not committed on a Highway-

2 Under the circumstances above-stated, the Court of Foujdaree Udalut observe that the Sentence originally recorded by the Session Judge was correct and proper, and will therefore remain undisturbed-

Ordered that Extract from these Proceedings be forwarded to the Session Judge of ~~2~~ Bellary for his information and guidance-

/Sent in No. 1221/

Read again the Calendar of Session Case No. 27 of 1850 on the Chittoor file-

/Here enter F.C. No. 2342 of 1850/

Read also Return dated 26th September 1850 from the Session Judge of Chittoor to this Courts precept of the 23d Idem Suggesting a mitigation of Sentence in the above case-

/Here enter F.C. No. 2457 of 1850/

The Court of Foujdaree Udalut sanction the reduced punishment of Three years imprisonment in the case of the 1st Prisoner and Two in that of the 2nd and authorize the Session Judge to amend his warrant accordingly-

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

/Sent in No. 1222/

Read Calendar of Cases No. 27 and 28 of 1850 of the Session Court of Combaconum-

/Here enter F.C. No. 2477 of 1850/

The Court of Foujdaree Udalut approve of the recommendation made by the Session Judge in these Cases that the punishment awarded to the Prisoner on his conviction of "Housebreaking and Theft" be mitigated to three years imprisonment with hard labor in irons, and the Session Judge is authorized to issue his warrant accordingly-

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Combaconum for his information and guidance-

/Sent in No. 1223/

Read again Miscellaneous Petition presented on the 4th March 1850 by Tabapputty Appoo Naidoo, Pauchangum Soobbalakshmamma and Venkatadamy Naidoo of Zillah Chittoor-

/Here enter F.M.P. Nos. 50, 51, 52, and 53 of 1850/

Read also return under date the 27th August 1850 and Supplemental return under date the 27th September 1850 from Session Judge of Chittoor to the precept of the Foujdaree Udalut

11th October 1850 Edalut dated the 17th August 1850 conveying their orders upon the foregoing Petitions.-

/ Here enter Fls Nos 2234 and 2456 of 1850 /

W.E.P. Thompson It appears from the foregoing return that of the property forwarded to the Sessions Court with the Prisoners in Cases Nos 14 and 15 of 1849 the Articles Nos 1, 2, 18, 19 and 21 are in deposit in the Subordinate Court at Chittoor and will be restored to the Parties in whose possession they were found upon their application to the Subordinate Judge of Chittoor.

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

/ Sent in No 1224 /

Ordered also that Extract from these Proceedings be furnished to the Petitioners on their application.-

Read Calendar of Case No 69 of 1850 of the Sessions Court of Cuddapah.

/ Here enter Fls. No 2490 of 1850 /

The Court of Foujdaree Edalut observe that the quotation of Clause fourth Section II Regulation VI of 1822 in support of the Sentence recorded

Fls

11th October 1850

recorded in this case was unnecessary. The Prisoner it is observed, was convicted by the Law Officer of "attempt at Theft" and declared liable to Corporal, and it was, therefore, competent to the Sessions Judge, under the provisions of Clause seventh Section II Regulation XV of 1803, to have adjudged that individual to suffer such periods of imprisonment as he might have deemed proper.

2 The Sessions Judge will now be pleased to amend his Sentence accordingly.-

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddapah for his information and guidance.-

/ Sent in No 1225 /

Read Calendar of Case No 36 of 1850, submitted by the Sessions Judge of Coimbatore under date the 19th Ultimo.-

/ Here enter Fls. No 2509 of 1850 /

Read Calendar of Case No 42 of 1850 submitted by the Sessions Judge of Bellary under date the 2nd Instant.-

/ Here enter Fls. No 2510 of 1850 /

Read Calendar of Case No 43 of 1850 submitted by the Sessions Judge of Bellary under date the 2nd Instant.-

/ Here enter Fls. No 2511 of 1850 /

11th October 1850

Read Calendar of Case No. 30 of 1850 submitted by the Session Judge of Salem under date the 27th Ultimo.

/ Here enter F.C. No. 2515 of 1850 /

Read Calendar of Case No. 32 of 1850 submitted by the Session Judge of Salem under date the 1st Instant.

/ Here enter F.C. No. 2516 of 1850 /

Read Report dated the 1st Instant submitted by the Session Judge of Tellicherry of Cases pending on 30th September and committed for trial during August and September 1850 before the Sessions Court.

/ Here enter F.C. No. 2519 of 1850 /

Read Letter dated the 7th Instant from the Session Judge of Cuddapah, Reporting the execution of the Prisoner Khodawurkhan in Case No. 58 of 1850.

/ Here enter F.C. No. 2522 of 1850 /

Read Letter dated the 1st Instant from the Session Judge of Honore, stating that no cases were pending for more than 25 days before the Sessions Court during the month of September 1850.

/ Here enter F.C. No. 2523 of 1850 /

[illegible] 1850.

F.H.

Tuesday 15th October 1850. } At a Court of the Foujdaree Adalut

Present

G. S. Cooper Esquire 1st Puisne Judge

E. P. Thompson Esquire 2d Puisne Judge

W. A. Morehead Esquire 3d Puisne Judge

H.M. for L.P.J.

Read Letter dated the 30th September 1850 from the Agent to the Governor of Fort St. George at Kurnool, submitting for the final judgment of the Court of Foujdaree Adalut a report of the trial of two Prisoners charged with Housebreaking and Theft.

/Here Enter F.H. No 2520 of 1850/

In the above case the 1st Prisoner

1. "Condadoo"

was charged with "Housebreaking and Theft," and the 2d Prisoner

"Naregadoo"

with having been accessary to the said crime.

The Agent convicts the

2. Prisoners of the crimes respectively laid to their charge, and recommends that they

be

be sentenced to 5 years' imprisonment with hard labor in irons.

3. The Court of Fouzdaree Adalut concur with the agent in convicting the Prisoners of the crimes charged, and approving his Recommendation, direct that they be sentenced to five /5/ years' imprisonment with hard labor in irons.

Ordered, that Extract from these Proceedings be forwarded to the Agent to the Governor of Fort St. George at Kurnool for his information and guidance.

/ Sent in No. 1230. /

Read Calendar of Case No. 68 of 1850 of the Sessions Court of Calicut.

/ Here enter Ft. No. 2529 of 1850 /

With reference to the verdict of the Assessors declared in this case, the Court of Fouzdaree Adalut deem it proper to annex for the information of the Sessions Judge Extract from their Proceedings under date the 1st October 1849; in which it is ruled that Assessors have not the power of declaring a Prisoner liable to suspicion.

Ordered that Extract from these

these Proceedings be forwarded to the Sessions Judge of Calicut for his information and future guidance.

/ Sent in No. 1231. /

Read Calendar of Case No. 21 of 1850 of the Sessions Court of Tinnevelly.

/ Here enter Ft. No. 2500 of 1850 /

The Court of Fouzdaree Adalut observe that the Offence charged against the Prisoner in this case should have been designated as "Murder" in the heading to the Statement of the charge.

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Tinnevelly for his information and future guidance.

/ Sent in No. 1232 /

H. S.

F. 11.

Wednesday
16th October 1850 } At a Court of the Tonjdaree Udalut

Present

G.J.P. G. J. Hooper Esquire 1st Puisne Judge
W.N. for 2. P.J. C. D. Thompson Esquire 2d Puisne Judge
W. A. Morehead Esquire 3d Puisne Judge

Read Letter dated 4th Instant from the Sessions Judge of Cuddapah submitting for the final judgment of the Tonjdaree Udalut the Proceedings in Case No 60 of 1850 of the Calendar of the Sessions Court.

/Here Enter S.H. No 2554 of 1850/

The Court of Tonjdaree 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,

Bellum Panjiah, alias,
Bellum Papanmah

is sufficient to convict him of the crime of wilful Murder, do convict him thereof; and under the provisions of Section X — Regulation

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

/ Sent in No. 1233. /

Read Letter dated the 1st October 1850 from the Agent to the Governor of Fort St. George in Ganjam, submitting Reports A and B of Cases disposed of by the Assistant Agent for the month of August last.

/ Here Enter Ltr. No. 2574 of 1850 /

Case No. 8.

No alteration having been effected by the Agent in the sentence recorded in this case, the Court of Foujdaree Adalut observe that the submission of Report A thereof was unnecessary, a brief note appended to the foot of Case in Report B explanatory of the circumstance which elicited remark being in such cases sufficient.

Ordered, that Extract from these Proceedings be forwarded to the Agent to the Governor of Fort St. George in Ganjam, for his information and future guidance.

/ Sent in No 1234 /

Read Criminal Reports submitted by the Sessions Judge of Rajahmundry for the month of August 1850.

/ Here Enter Ltr. No. 2365 of 1850 /

Case No. 105.

The Court of Foujdaree Adalut observe that the circumstances which rendered the theft proved against the 1st Prisoner in this case punishable under the provisions of Clause fourth Section III Regulation VI of 1822 should have been stated in the report, and they direct that an explanation may be submitted.

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

/ Sent following Precept No. 1235 /

H.S.

N. P. N.

Thursday 17th October 1850.

At a Court of the Supreme Kolalue.

Present

W.R. for S.P.J. / W.R. for 3d Judge

G. S. Hooper Esquire 1st Puisne Judge
C. D. Thompson Esquire 2d Puisne Judge
W. A. Norshead Esquire 3d Puisne Judge

Pradagaun Criminal Petn

Circumscribed by the Sessions Judge of Maruthalaue for the Month of August 1850..

/Character N. P. No 2376 of 1850./

Read Miscellaneous Petition forwarded by the Sessions Judge of Maruthalaue from Allo and Candasami prisoners in Case No 43 of 1850 on the Criminal file..

/Vide ante N. P. M. D. No 151 of 1850/

1 The Court of Supreme Kolalue see no reason to question the propriety of the Petitioners' conviction of the offence laid to their charge, but they direct that that portion of the Sentence passed upon them which awards irons may be remitted..

No. G. S. Hooper.
No. C. D. Thompson.
No. W. A. Norshead.

2 The Court of Supreme Kolalue observe that all Petitions forwarded by the Sessions

17th October 1850. Sessions Courts shall be accompanied by translations.—

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Masulipatam for his information by Precept returnable within III days from and after its receipt.—

/ Sent following precept M. No 1238 /

Read Miscellaneous Petition presented on the 23d September 1850 by Grandahah Paedayachy of Gillahs Cuddalore.. / Here enter F M D No 146 of 1850. /

Mr G S Hooper
Mr E D Thompson
Mr W Rothwhead

The Petitioner is referred to the former orders passed by the Court of Foujdaree Udalut in the matter to which this Petition relates..

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

Read Miscellaneous Petition forwarded by the Sessions Judge of Masulipatam from Botta Seshayya of that Zillah.. / Here enter F M D No 145 of 1850. /

Mr G S Hooper
Mr E D Thompson
Mr W F Morehead.

The Court of Foujdaree Udalut see no reason to question the propriety of the Sentence awarded to the 2d Prisoner in the case

17th October 1850. case referred to in this Petition which is accordingly dismissed..

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Masulipatam for communication to the Petitioner.—

/ Written — No 1239 /

Read again Calendar of Case No 25 of 1850 on the file of the Sessions Court of Salem.. / Here enter F M D No 2217 of 1850. /

Read also Return under date the 8th October 1850 from the Sessions Judge of Salem to the precept of the Foujdaree Udalut dated the 5th September 1850 directing the transmission of an English translation of the record of the foregoing case.. / Here enter F M No 2530 of 1850 /

On an attentive consideration of the entire record of this case the Court of Foujdaree Udalut are unable to concur with the Sessions Judge in the conviction of the prisoner of the offence laid to his charge..

2. The Court of Foujdaree Udalut

case

17th October 1850.

can attach no credit to the alleged identification of the prisoner by the witness, nor do they consider the evidence sufficient to establish that the knife and stick produced on the trial as having been discovered at the spot when the robbery is said to have been committed are the property of the prisoner.

3. The Court of Foujdaree Adalut accordingly resolve to direct that the prisoner

Sayeed

be unconditionally released.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Salem by precept returnable within 21 days from and after its receipt.

(Sent following precept No 1240)

Read Miscellaneous Petition presented on the 30th September 1850 by Veerodanier Mookhtar Patchon behalf of Annadayer of Tillak Vicinopoly.

(Here enter F.M.D. No 154 of 1850)

The Court of Foujdaree Adalut resolve to direct that the English translation of this Petition be forwarded to the Acting Sessions Judge of Trichinopoly with instructions

Mr G. J. Harper.
Mr E. P. Thompson.
Mr W. A. Morehead.

17th October 1850.

instructions to that Officer to ascertain whether or not there be any truth in the Petitioners allegation that the Prosecutor in the Case referred to was indebted to the prisoner, when the charge upon which the prisoner has been convicted, was preferred and whether the assertion as to the non-examination of the prisoners witnesses is correct.

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Trichinopoly for his information by precept returnable within x days from and after its receipt.

(Sent following precept No 1241)

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

Read Miscellaneous Petition presented on the 10th September 1850 by Chinnama Naicker of Tillak Tinnevelly.

(Here enter F.M.D. No 141 of 1850)

The Petitioner is referred to the former orders passed by the Court of Foujdaree Adalut in the matter to which this Petition relates.

Mr G. J. Harper.
Mr E. P. Thompson.
Mr W. A. Morehead.

Ordered

17 October 1850.

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

Rd 18th.

F. U.

Friday.

18th October 1850.

Acta Court of the Faujdaree Adalut

Present

G. L. Cooper Esqre _____ 1st Puisne Judge

L. P. Thompson Esqre _____ 2d Puisne Judge

W. A. Morehead Esqre _____ 3d Puisne Judge

Circular

The Court of Faujdaree Adalut deem it proper to direct that the attention of the Sessions Judges be called to the Circular Order Faujdaree Adalut 6th March 1822 para: 3. which requires that with the records of all trials referred for their final disposal a translation of the original warrants issued for the apprehension of the accused shall be drawn out.

Ordered that Extracts from these Proceedings be sent to the several Sessions Judges and Agents for their information and future guidance.

(Sent to No. 1243.)

Read letter dated 5th August 1850 from the Sessions Judge of Rajahmundry transmitting an original letter from the Magistrate appealing against the acquittal of the Sessions Court in case No 20 on the Calendar for 1850.

(Were Papers Fwd. No 2071 of 1850)

The Magistrate in this communication endeavours to show that the Sessions Judge has been acting upon insufficient grounds the evidence adduced for the prosecution to establish a specific point affording strong

18th October 1850

strong presumption of the Prisoners Guilt — 1ly — The
utterance of threats and menaces against the deceased
by the Prisoner —

The flight of the Prisoner on the night of the murder.

That the Prisoner was the owner of the sheath of a knife
found near the corpse.

And that two of the Prisoners cloths had disappeared.

2. The arguments of the Magistrate do
not convince the Court that the case in question
has been improperly disposed of — and they would observe
in regards to them 1st — that in the absence of other well
established facts little importance is to be attached
to the utterance of vague menaces and threats
2dly that tho' the Prisoner left the Village on the night
of the murder, yet the place to which he was going
was known, and he returned, voluntarily, after being
informed that he was suspected of the deed —
(Paras 29 and 30 of the sentence) 3dly that the most
declared the Knife sheath could not be identified in which
opinion the Defendr. Counsel, who remarks that "the
identification of it is very instructive" (Para 42.)
evidently intends to express his concurrence — and 4thly
that the uncorroborated statement of the 9th
Witness who deposes — (vide para 34 of the Defendr. Counsel
sentence) that he had not been employed by the
Prisoner for 10 days before deceased died, that the
1st Prisoner had worn Cloths, and that for the
last few days he discontinued giving a of his Cloths
to wash (vide Jatwah) establishes nothing tangible
against

18th October 1850

against the Prisoner

3. The Court of Enquiry did not con-
sider therefore that the Magistrate has failed to
shew a sufficient cause to justify so extreme a
measure as this appeal against the sentence of the
Defendr. Court; and after making every allowance
for the provocation received by Mr Prendergast
in the groundless charges of misconduct insinuated
against his Police they must condemn in the
strongest terms the spirit and tenor of his com-
ments upon the remarks recorded by the
Defendr. Counsel in disposing of the case —

4. The Court of Enquiry did not
on the 25th February and 4th June 1850 found its reasons
to refuse Mr Australher to abstain from giving expression
in his sentences to remarks reflecting upon the motives
and conduct of Public officers altogether unwarrantable
by the records — Nevertheless on the present occasion the
Court that suspicions have been hastily entertained,
because the proof in the case has failed, and vague
hints and insinuations of misconduct on the part
of the Police have been recorded, without, as it appears
from the Calendar, being supported by the slightest
foundation, in any facts established during the trial

5. The Court of Enquiry did not
are therefore constrained once more to direct Mr
Australher to confine his remarks in the Calendar
submitted by him to the Court, to a succinct history
of the case and a clear statement of his own
conclusion

10th October 1850

conclusions as drawn from the facts established by the evidence. And they further desire that it be intimated to Mr. Chatterton that on every occasion when he may deem the Police to have been guilty of gross misconduct - or of misdemeanors or transgressions the rules laid down by Sections XXXIX XL. XLI and XLII Act VII of 1843. are those which he is to observe.-

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Rajahmundry for communication to the Magistrate for their information and guidance.

(Sent in No. 1244)

Read Letter dated 9th October 1850 from the Sessions Judge of Masulipatam transmitting the record of trial in Case No. 59 of 1850 on the file of the Sessions Court for the final perusal of the Foujdaree Adalut.

(Here Enter Fle No. 2363 of 1850)

Mr. Ha Morehead

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

Cuncherlapelly Lutchmooden

is sufficient to convict him of the crime of Perjury do convict him thereof; and under the provisions of Clause Third Section III Regulation IX of 1811 and Section XXXII Act VII of 1843, sentence him to be imprisoned and kept to hard labor in irons on the public roads, or other public works for and during the period of (6) six Months.

(Sent in No. 1245.)

Mr. Ha Md.

F. M.

Saturday, 19th October 1850.

At a Court of the Foujdaree Adalut.

-Present-

Mr. H. S. S. Cooper Esquire — 1st Puisne Judge.
C.P.S. C. P. Thompson Esquire — 2d Puisne Judge.
J. M. W. H. Morehead Esquire — 3d Puisne Judge.

Read Calendar of Case No. 53 of 1850 of the Sessions Court of Cuddapah.-

(Here enter F. M. No. 2534 of 1850.)

The Court of Foujdaree Adalut approve of the recommendation made by the Sessions Judge in this case that the punishment awarded to the Prisoners on their conviction of "Highway Robbery attended with wounding" be mitigated to (7) Seven years' imprisonment with hard labor in irons, and the Sessions Judge is authorized to issue his warrants accordingly.-

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Cuddapah for his information and guidance.-

(Sent in No. 1248)

Read again Calendar of Case No. 32 of 1850 of the Sessions Court of Nellore.-

(Here enter F. M. No. 2375 of 1850.)

Read

Read also Return dated the 2nd October 1850 made by the Sessions Judge of Nellore to the precept of the Foujdaree Adalut under date the 28th September 1850, suggesting a mitigation of the sentence recorded against the Prisoners in the above Case.—

(Here enter F. H. No 2479 of 1850.)

In accordance with the recommendation made by the Sessions Judge in the foregoing Return, the Court of Foujdaree Adalut direct that the sentence recorded against the Prisoners in the above Case be mitigated to three (3) years imprisonment with hard labor in irons.—

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Nellore for his information and guidance.—

(Sent in No 1249.)

Read Calendar of Case No 30 of 1850 of the Sessions Court of Coimbatoor.—

(Here enter F. H. No 2533 of 1850.)

1. Adverting to the extenuating circumstances set forth in the Calendar of this Case, and to the small amount of the money stolen, the Court of Foujdaree Adalut consider that a further mitigation in the Prisoners' sentence than that proposed by

by the Sessions Judge may, with propriety, be allowed, and, under the provisions of Clause third Section III Regulation I of 1825, the Court resolve to direct that the term of his imprisonment be reduced to three (3) years.—

2. The Sessions Judge will be pleased to issue his warrant in accordance with the foregoing resolution.—

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

(Sent following precept No 1250)

Read letter dated the 5th Instant from the Sessions Judge of Honore reporting the particulars connected with the execution of the sentence of death passed on Rama Shetty the 1st Prisoner in Case No 10 on the Calendar for 1850.

(Here enter F. H. No 2547 of 1850.)

Read Calendar of Case No 68 of 1850 submitted by the Sessions Judge of Caddapah under date the 12th Instant.—

(Here enter F. H. No 2555 of 1850.)

Read Calendar of Case No 22 of 1850 submitted by the Acting Sessions Judge of Tinnevelly

th
9 October 1850.—

Sumwelly under date the 9th Instant.—

(Here enter J. Mc. No. 2556 of 1850.)

Read Statement dated the 1st

Instant submitted by the Subordinate Judge of

Combaconum shewing the amount realized by the labor

of Prisoners in the 3d quarter of 1850.—

(Here enter J. M. No. 2557 of 1850.)

Read Return dated the 10th

Instant from the Agent to the Governor of Fort St. George

at Thurnool to the precept of the Tondaree Adalut

under date the 2d Idem directing that the period

of imprisonment with hard labor in irons awarded

to the Prisoners in Criminal Cases Nos. 34 and 35

of 1850 on the file of the Assistant Agent be reduced

to six months and pointing out that should the

Agent be not disposed to concur in the said opinion,

it will be necessary for him to submit for the con-

sideration of the Court a translation of the entire

record of the cases.—

(Here enter J. Mc. No. 2562 of 1850.)

Read Calendars of Cases Nos. 32,

33, and 34 of 1850 submitted by the Sessions Judge

of Cuddalore under date the 12th Instant.—

(Here enter J. Mc. Nos. 2566, 2567, & 2568 of 1850.)

Read

2/

J. Mc.

19th October 1850.

Read letter dated the 11th Instant

from the Sessions Judge of Mangalore transmitting

the Warrant issued by him for the execution of the

Sentence of death passed on Bookra Prisoner in

Case No. 30 on the Calendar and report of the

Subordinate Judge.—

(Here enter J. Mc. No. 2575 of 1850.)

Read Calendar of Cases Nos. 25,

26, 27 and 28 of 1850 submitted by the Sessions

Judge of Canara under date the 9th Instant.—

(Here enter J. Mc. No. 2582 of 1850.)

Mr. Mc.

Eyk

F. C.

Monday 21st October 1850.

At a Court of the Fouydaree Udalut.

Present.

W. R. G. S. Forbes Esqre 1st Puisne Judge.
E. P. Thompson Esqre 2nd Puisne Judge.
W. A. Morehead Esqre 3rd Puisne Judge.

Read Calendar of Cases No. 37 of 1850 of the Sessions Court of Coimbatore.-

Ferreter F. C. No. 2544 of 1850.

Before passing their final Orders on this case the Court of Fouydaree Udalut direct that the Session Judge be called upon to submit for their consideration a translation of the first report made of the occurrence of the Robbery and also of the defence made by the Prisoner.

Ordered that Copies of these Proceedings be forwarded to the Sessions Judge of Coimbatore by precept returnable within 15 days from and after its receipt.-

Sent following precept No. 1252.

Read Miscellaneous Petition presented

21th October 1850

presented on the 23rd September 1850 by Meenakshy of Zillah Tinnevelly.

/Here enter F. M. P. No. 147 of 1850/

M^r G. S. Hooper
M^r E. P. Thompson
and
M^r W. H. Morehead

1 The Petitioner is referred to the former orders passed by the Court of Foujdaree Adalut in the matter to which this Petition relates.

2 The Petitioner if she have any ~~claim to the~~ house to which she refers should institute a Civil Suit for its recovery.

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

Read Calendar of Case No. 32 of 1850 Submitted by the Session Judge of Combaconum under date the 9th Instant.

/Here enter F. C. No. 2539 of 1850/

Read Calendar of Case No. 20 of 1850 Submitted by the Session Judge of Madura under date the 10th Instant.

/Here enter F. C. No. 2541 of 1850/

Read Calendar of Case No. 22 of 1850 Submitted by the Session Judge of Honore under date the 3rd Instant.

/Here enter F. C. No. 2542 of 1850/

21th October 1850.

Read Calendar of Case No. 33 of 1850 Submitted by the Session Judge of Combaconum under date the 11th Instant.

/Here enter F. C. No. 2543 of 1850/

Read Calendar of Case No. 39 of 1850 Submitted by the Session Judge of Mangalore under date the 8th Instant.

/Here enter F. C. No. 2545 of 1850/.

Ex 1850

GJK

F. U.

Wednesday 23rd October 1850.

At a Court of the Foujdaree Udalut.

Present

Mr. R. G. S. Cooper Esquire 1st Puisne Judge.
C. P. C. D. Thompson Esquire 2d Puisne Judge
Mr. W. A. Morehead Esquire 3d Puisne Judge

Read Extract from the Proceedings of the Sessions Judge of Cuddapah submitting the fifty Calendars of cases disposed of by the Magistrate and his Assistants during the 2nd Quarter of 1850.

(Hereunder F. U. No. 2353 of 1850.)

Punished Calendar Joint Magistrate Case No. 9.

1 Adverting to the serious nature of the offence committed by the Prisoner the Court of Foujdaree Adalut consider that this case should have been dealt with under Section VII Regulation X of 1816 and the Prisoner subjected to a longer duration of imprisonment than that awarded.

Kadiri Assistant Magistrate Cases Nos. 10. 17 and 22.

2 The Court of Foujdaree Adalut observe that the offences charged against the Prisoners in these Cases do not constitute an abuse of authority within the meaning of Section III Regulation III of 1819. and the Court direct that the several fines, which it is observed have been imposed and recovered, be immediately refunded to the parties respectively.

By the

23d October 1850.

Case No 21.

3 Before passing their finial orders in respect to this case the Court of Foujdaree Udalut require to be informed whether the Defendants by whom the abuse of Authority is alleged to have been committed are public officers or whether they are merely private individuals and the Court request that it may be pointed out to the Head Assistant Magistrate that in all charges of this nature such information should be affordid in the Calendar.-

4 Finally the Court direct that the attention of the Joint Magistrate may be drawn to his omission to prefix an Heading to the Statement of the charge of Cases disposed of by him.-

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddapah by Precept returnable within V days from and after its receipt.-

/ Sent following Precept No 1255 /

Read letter dated the 9th October 1850 from the Joint Magistrate in charge of Malabar submitting translations of three depositions given before the Head Assistant Magistrate in 3 different Cases by the Prisoner Velai who was recommended in a previous Communication from the Joint Magistrate to be made an approver.-

/ Here enter F. C. No 2561 of 1850 /

Upon

23d October 1850.-

1 Upon an attentive consideration of the depositions submitted with the foregoing communication the Court of Foujdaree Udalut in exercise of the power vested in them by Section XII Regulation XIII of 1832 resolve to sanction the offer of a free pardon to the Prisoner Velai subject to the conditions specified in Section XX Regulation VIII of 1802.-

Ordered that Extract from these Proceedings be forwarded to the Magistrate of Malabar for his information and guidance.-

/ Sent in No 1256 /

Read report dated 3d Instant submitted by the Sessions Judge of Cuddapah of Cases pending on the 31st August and committed for trial during the month of September 1850 which remained on the file of the Session Court for more than 25 days.-

/ Here enter F. C. No 2499 /

Read Calendar of Case No 36 of 1850 submitted by the Sessions Judge of Mangalore under date the 17th October 1850.-

/ Here enter F. C. No 2621 / 5

Ent No 3.

Cyk

F. C.

Thursday 24th October, 1850. At a Court of the Foujdaree Adalut.

Present.

GSH G. S. Hooper Esqre — 1st Puisne Judge.

CPT C. P. Thompson Esqre — 2nd Puisne Judge.

WAM W. A. Morehead Esqre — 3rd Puisne Judge.

Read letter dated the 13th Ultimo, from the Sessions Judge of Salem, submitting for the final Judgment of the Foujdaree Adalut the Record of Case No. 31 of the Calendar of the Sessions Court of 1850.-

(Here enter F. C. No. 2604 of 1850).

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

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

"Coravanb alias Pereyenmm."

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

(Sent in No. 1259-).

Read

Read Miscellaneous Petition presented on the 3rd October 1850 by Raman Daraja'n and another of Zillah Tinnevelly.-

(Here enter F: M: P: No: 157 of 1850).

Mr: G: S: Hooper and Mr: E: P: Thompson

The Court of Foujdaree Adalut resolve to direct that the English Translation of this Petition be forwarded to the Acting Session Judge of Tinnevelly with instructions to that officer to submit such observations as he may have to offer with reference to the allegations it contains.-

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

(Sent following Precept No: 1260)

Ordered also that Extract from these Proceedings be furnished to the Petitioners on their application.-

Read again Calendar of Case No: 57 of 1850 of the Session Court of Masulipatam.-

(Here enter F: C: No: 2484 of 1850).

Read also Miscellaneous Petition forwarded by the Session Judge of Masulipatam on behalf of Andy Lutchmy of Zillah Masulipatam.-

(Here enter F: C: M: P: No: 162 of 1850).

Mr: G: S: Hooper
Mr: E: P: Thompson
Mr: W: A: Morehead and

The foregoing Petition has been forwarded

24th October 1850.

forwarded on behalf of the Prisoner in the above Case, and its object is to induce the Court of Foujdaree Adalut to set aside the Sentence of 4 Years imprisonment recorded against that individual on his conviction of "Fraud".-

2. The Court of Foujdaree Adalut see no reason to question the justness of the Prisoners conviction, nor the propriety of the Sentence recorded against him, and they, therefore resolve to reject this Petition.-

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Masulipatam for his information and for communication to the Petitioner.-

(Sent in No: 1261).

Read Calendar of Case No: 19 of 1850 of the Session Court of Honore.-

(Here enter F: C: No: 2565 of 1850).

1. The Court of Foujdaree Adalut approve of the recommendation made by the Session Judge in respect to the first Prisoner in this Case, to the effect, that the sentence recorded against that individual on his conviction of Housebreaking with Theft" be mitigated to (4) four years imprisonment with hard labor in irons.-

But

2. But being of opinion that a further mitigation than that proposed by the Sessions Judge may, with propriety, be allowed in the case of the second and third Prisoners the Court resolve to direct that the term of their imprisonment be reduced to (3) years.—

3. The Sessions Judge will, therefore, be pleased to issue his warrants in accordance with the foregoing resolution.—

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

(Sent following Precept No. 1262).

Read Miscellaneous Petition presented on the 30th September 1850 by R: Seroomal row Vakeel on behalf of Kocharlakota Chinnalakshmee deevamma of zillah Rajahmundry:—

(Here enter F. C. M. P. No. 153 of 1850)

Mr. G: S: Hooper
Mr. E: P: Thompson
Mr. W. A: Morehead

1 The Petitioner appeals from an order passed by the Sessions Judge of Rajahmundry under date the 2nd July 1850 refusing to interfere with an order of the Magistrate of that zillah placing certain parties in possession of a portion of a house to the whole of which the Petitioner lays claim.—

2. Before finally disposing of this Petition the

the Court of Foujdaree Adalut resolve to direct that the Sessions Judge will report for their information in whose possession the entire house referred to by the Petitioner, was, when the order of the Magistrate was passed of which the Petitioner complains.—

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

(Sent following Precept No. 1263).

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

Read Calendar of Case No. 32 of 1850 submitted by the Sessions Judge of Mangalore under date the 21st Ultimo.—

(Here enter Fr. 66: No. 3438 of 1850).

Read Calendar of Case No. 64 of 1850 submitted by the Sessions Judge of Calicut under date the 24th Ultimo.—

(Here enter Fr. 66: No. 3449 of 1850).

Read letter dated the 12th Instant from the Subordinate Judge in charge of the Sessions Court of Calicut transmitting the Warrant issued for the execution of the sentence of death passed on the Prisoner in Case No. 69 of 1850 on the Calendar of the Sessions

Sessions Court with the endorsement of the Subordinate Judge and copy of his report under Circular Order dated 3rd May 1830.-

(Here enter F: C: No. 2584 of 1850).

Read statement dated the 1st Instant submitted by the Acting Sessions Judge of Trichinopoly of amount realised by the labor of Prisoners in the 3rd Quarter of 1850.-

(Here enter F: C: No. 2587 of 1850).

Read Calendars of Cases No. 24 and 32 of 1850, submitted by the Sessions Judge of Honore under date the 11th Instant.-

(Here enter F: C: No. 2590 and 2591 of 1850)

Read Calendar of Case No. 30 of 1850, submitted by the Sessions Judge of Honore under date the 12th Instant.-

(Here enter F: C: No. 2602 of 1850)

Read letter dated the 17th Instant from the Sessions Judge of Coimbatore, acknowledging the receipt of an Extract from the Proceedings of the Foujdaree Adalut under date the 3rd Idem, and submitting explanation for the delay in passing the Sentence in Case No. 33 of 1850 of the Sessions Court.-

(Here enter F: C: No. 2593 of 1850).

Read statement dated the 30th Ultimo, submitted by the Sessions Judge of Chingleput shewing the

amount realized by the labor of Prisoners for the 3rd quarter 1850.-

(Here enter F: C: No. 2594 of 1850).

Read statements dated the 1st Ultimo submitted by the Sessions Judge of Combaconum of the Jails in charge of the Magistracy for the month of August 1850.-

(Here enter F: C: No. 2598 of 1850).

Read statement dated the 16th Instant, submitted by the Sessions Judge of Masulipatam of amount realized by the labor of Prisoners in the 3rd Quarter of 1850.-

(Here enter F: C: No. 2607 of 1850).

Read letter dated the 19th Instant, from the Sessions Judge of Salem submitting the return to the warrant in Case No. 29 on the Calendar of the Sessions Court for 1850, and the letter required by the Circular Order of the Foujdaree Adalut of the 20th September 1850.-

(Here enter F: C: No. 2608 of 1850).

Read report dated the 16th Instant, submitted by the Sessions Judge of Rajahmundry of the labour of Convicts of the Jail at Cocanada under charge of the Magistrate of Rajahmundry for the Month of September 1850.-

(Here enter F: C: No. 2614 of 1850)

Read

24th October 1850

Read Criminal Reports dated the 15th Instant submitted by the Agent to the Governor of Fort St. George at Kurnool for the month of August (supplemental) and September 1850.-

(Here enter F. C. No. 2617 of 1850).

Fr. 1810.

F. C.

Friday 25th October 1850.

At a Court of the Foujdaree Adalut.

Present.

Mr. G. S. Hooper Esqre — 1st Puisne Judge.
E. P. Thompson Esqre — 2nd Puisne Judge.
Mr. W. A. Morehead Esqre — 3rd Puisne Judge.

Read letter dated the 16th Instant, from the Sessions Judge of Mangalore submitting for the final Judgment of the Foujdaree Adalut the Record of Case No. 24 of the Calendar of the Sessions Court.-

(Here enter F. C. No. 2619 of 1850).

Mr. G. S. Hooper
Mr. E. P. Thompson
and
Mr. W. A. Morehead.

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

"Amboo"

is sufficient to convict him of the crime charged, do convict him thereof; and sentence him to be imprisoned and kept to hard labor in irons in the Gaol at Mangalore, for, and, during the period of his natural life.-

(Sent. in No. 1266).

Read Calendar of Case No. 60 of 1850.

1850 submitted by the Sessions Judge of Calicut under date the 19th. August 1850.-

(Here enter F: 66: No. 2186 of 1850).

Read Criminal Reports dated the 31st. August 1850. submitted by the Sessions Judge of Salem for the Month of August 1850.

(Here enter F: 66: No. 2337 of 1850).

Read Criminal Reports 6 in dated the 31st. August 1850. submitted by the Sessions Judge of Coimbatore for the month of August 1850.-

(Here enter F: 66: No. 2338 of 1850).

Read Criminal Report B dated the 1st. Ultimo, submitted by the Sessions Judge of Combaconum for the Month of August 1850.-

(Here enter F: 66: No. 2339 of 1850).

Read Criminal Reports dated the 12th. Ultimo, submitted by the Acting Sessions Judge of Madura, for the Month of August 1850.-

(Here enter F: 66: No. 2340 of 1850).

Read letter dated the 13th. Ultimo, from the Sessions Judge of Coimbatore, submitting copy of an Extract from the Proceedings of the Sessions Court dated 10th. Idem, held on review of the Petty Calendars of Cases disposed of by the Magistracy and Heads of Police during the 3rd. Quarter 1850, together with the Calendars in question.-

(Here enter F: 66: No. 2353 of 1850)

Read

Read Criminal Reports dated the 15th. Ultimo, submitted by the Acting Sessions Judge of Trichinopoly for the Month of August 1850.-

(Here enter F: 66: No. 2356 of 1850).-

G. 18/10.

Read letter dated the 18th. October 1850. from the Sessions Judge of Cuddapah submitting at the request of the Subordinate Criminal Judge for the consideration and orders of the Judges of the Foujdaree Adalut the 4 Enclosures in Case No. 178 of 1850 on the file of the Subordinate Criminal Court.-

(Here enter F: 66: No. 2610 of 1850).

J: W:

Monday 28th. October 1850.

At a Court of the Foujdaree Adalut.

Present

G: S: Hooper Esqre. — 1st. Puisne Judge

E: P: Thompson Esqre. — 2nd. Puisne Judge

W: A: Morehead Esqre. — 3rd. Puisne Judge.

Read Miscellaneous Petition presented on the 7th. October 1850. by Ramarajoo of Zillah Coimbatore.—

(Here enter J: W: P: No. 159 of 1850).

Mr. G: S: Hooper
Mr. E: P: Thompson
and
Mr. W: A: Morehead.

1. The above Petition has been presented on behalf of Narayana Razoo late Jemadar of the Coimbatore Jail, and has for its object the restoration of that individual to the situation from which he has been dismissed, as well as the cancellation of the Sentence recorded against him on his conviction of neglect of duty in permitting the escape of a Convict.

2. The Court of Foujdaree Adalut decline to interfere in the manner solicited, seeing nothing in this Petition which would induce them to question the justness of the Sentence which has been recorded against the above individual.—

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

Read

Read again Calendar of Cases Nos 6 and 7 of 1850 of the Sessions Court of Trichinopoly.—
(Here enter F. & C. Nos 908 and 909 of 1850).

Read also Miscellaneous Petition presented on the 10th October 1850 by Lutchmee and two others of Zillah Trichinopoly.—
(Here enter F. M. P. No. 163 of 1850).

Mr. G. S. Hooper
Mr. E. P. Thompson
and
Mr. W. A. Morehead

The Court of Foujdaree Adalut can discover nothing in the foregoing Petition which would induce them to question the justness of the sentences passed upon the Prisoners in the above Cases. The Petitioner's application for the cancellation of the same is accordingly dismissed.—

Ordered that Extract from these Proceedings be given to Petitioners on their application.

Read Miscellaneous Petition presented on the 10th October 1850 by Caloovayar of Zillah Trichinopoly.—
(Here enter F. M. P. No. 164 of 1850).

Mr. G. S. Hooper
Mr. E. P. Thompson
and
Mr. W. A. Morehead

The Petitioner is referred to the Orders already passed by the Court of Foujdaree Adalut under date the 11th February last in the Matter to which this Petition relates.—

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

Read letter dated 14th October 1850 from

28th October 1850.

from the Secretary to the Board of Revenue in the Department of Public Works forwarding an original letter from the Civil Engineer 3rd Division with a sketch Plan of the proposed Jail at Honore prepared with reference to the Extract from the Minutes of Consultation of Government under date 13th June 1850 and observing that objections have been raised to building the new upon the Site of the old Jail.—
(Here enter F. & C. No. 2586 of 1850).

Ordered that Paras 1 and 2 of the above communication be forwarded to the Sessions Judge of Honore with instructions to call upon the Zillah Surgeon to report, and to submit his own opinion upon the expediency of building the new Jail upon the site formerly purchased for that purpose.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Honore by Precept returnable within VIII days from and after its receipt.—
(Sent following Precept No. 1269).—

Sd/ Blk.

F.W.

Tuesday
29th October 1850

At a Court of the Tondaree Adaulut.

Present

G. S. Hooper Esqr. ——— 1st Pensne Judge

for E. P. Thompson Esqr. ——— 2d Pensne Judge

R. A. Morehead Esqr. ——— 3d Pensne Judge

Read Reports of Persons apprehended in the Separate Tracts of Vizagapatam and delivered to the Agency in the month of September 1850

(Here enter the No 2599 of 1850)

Case No 27

The Court of Tondaree Adaulut observe that the offences committed by the Prisoners in this Case having been erroneously designated as a "Burglary" in the Heading prefixed to the Charge has been altered by the Court into "House breaking and Theft," and the Court request that a corresponding correction may be made in the Records of the Agents Office

Ordered that Extract from these proceedings be forwarded to the Agent in Vizagapatam for his information and future guidance.

(Sent in No 1271)

Read Criminal Reports submitted by the Sessions Judge of Cuddapah for the month of September 1850

(Here enter the No 2600 of 1850)

B
Case No 27

Observing to the trifling nature of the property stolen by the Prisoners in this Case, the Court of Tondaree Adaulut consider that a sentence of two months imprisonment would have been adequate punishment for

for his offence, and they direct that the sentence now recorded against him be reduced to that extent.

Magistrate's Report B case No. 10.

2. The Comb of Tinjdaree Medalab directs that the Head Assistant Magistrate be called upon to submit any explanation which he may have to offer in respect to the unusual severity of the sentence passed by him upon the Prisoner in this case, whose offence, namely, the theft of a shell valued at 8 annas, the Comb conceive would have been adequately punished by a months imprisonment under Regulation IX of 1816.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Coodalatah by Precept returnable within 10 days from and after its receipt.

(Sent following precept No. 1242.)

Read Criminal Reports submitted by the Sessions Judge of Trichinopoly for the month of September 1850.

(Here enter No. 2558 of 1850.)

Report B case No. 72.

1. In this case the Prisoner was charged with having cheated the Prosecutrix, his employer, of Jewels valued at Rupees 253/- and on conviction has been sentenced by the Principal Sudder Ameen to three months imprisonment with hard labor in irons under Section VII Regulation X of 1816.

2. The Comb of Tinjdaree Medalab are unable to determine from a perusal of the statement of the charge whether or not the foregoing case has been correctly disposed of. The Comb observe that, if the Jewels in question were taken away or stolen by the Prisoner, their alleged value placed the case beyond the jurisdiction of the Subordinate Comb. If on the other hand the Jewels were not stolen, the case would

would seem to be of a civil, rather than of a criminal nature.

3. The Comb of Tinjdaree Medalab accordingly request that the acting Sessions Judge will review the Proceedings which have been held in this case, and do submit to the Comb his opinion thereon, together with a report of the case in Form A.

Ordered that Extract from these Proceedings be forwarded to the acting Sessions Judge of Trichinopoly by Precept returnable within 5 days from and after its receipt.

(Sent following precept No. 1243.)

(Read the following Letter dated the 11th October 1850 from the Sessions Judge of Trichinopoly

(Here enter No. 2577 of 1850.)

In the foregoing communication the acting Sessions Judge, according to the desire of the Mahomedan Law Officer previous to the completion of his written Fatwa in Case No. 27, on the file of the Sessions Comb, solicits the instructions of the Comb of Tinjdaree Medalab relative to the final disposal of that case.

2. The Comb of Tinjdaree Medalab observe that it is stated in the acting Sessions Judges communication that the deceased shortly verbally declared in other terms that the Prisoner in the case referred to was guilty of the crime charged, and under these circumstances the Comb observe that it was competent to the Sessions Judge in that declaration to have recorded sentence against him.

3. The Comb accordingly direct that the acting

29th October 1850

acting Sessions Judge do now pass sentence upon the Prisoner without further delay.

Ordered that extracts from these Proceedings be forwarded to the acting Sessions Judge of Trichinopoly for his information and guidance.

(Sent in No 1274)

Read Calendar of Case No 3 of 1850 of the Sessions Court of Honore.

(Here enter the No 2003 of 1850.)

The Court of Tinjavore Adalat approve of the recommendation made by the Sessions Judge in this case that the sentence recorded against the Prisoner on his conviction of Honore breaking with theft be mitigated to three years imprisonment with hard labor in irons, and the Sessions Judge is authorized to issue his warrant accordingly

Ordered that extracts from these proceedings be forwarded to the Sessions Judge of Honore for his information and guidance.

A. H.

(Sent in No 1275)

F. A.

Thursday 31st October 1850

At a Court of the Tanjavore Adalat

Present

G. S. Hooper Esqr — 1st Principal Judge

E. S. Thompson Esqr — 2nd Principal Judge

H. A. Morehead Esqr — 3rd Principal Judge

Read Criminal Reports submitted by the Session Judge of Salem for the month of September 1850.

(Hereunto F. A. No 2560 of 1850)

Report A. Case No 750.

1. In this case one Prisoner was charged with Gang Robbery by open violence.

2. The Acting Subordinate Judge considered the evidence to be insufficient to warrant the conviction of the Prisoner of the crime charged, but with reference to his being an old offender and suspicious character, the Acting Subordinate Judge was of opinion that heavy security should be demanded from him for his good behaviour and appearance for two years, and at the same time, deeming himself incompetent to demand security for so long a period, the Acting Subordinate Judge committed the Prisoner for trial before the Sessions Court.

The

3 The case was subsequently remanded by the Session Judge for disposal by the Subordinate Court, the Session Judge, in so doing, observing, "that "Clause third Section VIII Regulation VI of 1827. extends the "power of the Criminal Judge with respect to demanding "security for periods above 12 months from parties of "the description therein specified, and that Circular Order "of the 20th July 1829 C. declares that a Prisoner should "never be committed for trial, unless there are reason- "able grounds to believe that the evidence forthcoming "will be found sufficient for his conviction."

4 The Court of Foujdaree Udalut are of opinion that the foregoing case has been altogether erroneously dealt with both by the Session and Subordinate Courts.

5 In the first place, the Court observe that agreeably to the requisition contained in Foujdaree Udalut's Circular Order dated 20th February 1823. A the Session Judge ought to have sent up in the usual course the Calendar to the Foujdaree Udalut with his reasons for returning the case for disposal by the Subordinate Court.

6 Secondly. Adverting to the declaration upon Oath by the 1st and 2nd Witnesses, that they distinctly recognized

recognized the Prisoner on the night of the Robbery, the Court consider that the Acting Subordinate Judge was not justified in thinking of demanding security under Clause first Section XX Regulation III of 1822, and consequently his examination of the Prisoner's witnesses was irregular and improper. The Court are of opinion that the statements of the above witnesses clearly called for the committal of the case before the Session Court, with whom it alone rested to determine the value to be attached to their evidence.

7 Thirdly, in respect to the orders passed by the Session Judge in remanding the case, the Court observe that Clause third Section VIII Regulation XI of 1827. does not, as the Session Judge would appear to consider, empower a Subordinate Criminal Judge to demand security for a longer period than one year. That enactment merely authorizes the Criminal Judge to report the case at the end of the year for the consideration of the Session Judge in respect to the propriety of demanding security for a further period, but even then the Court would observe its provisions have only reference to persons of a dangerous character, and were not apparently applicable to the Prisoner in the case now under consideration.

8 And, fourthly, the Court observe that the

31st October 1850.

the insertion of the second count in the indictment was uncalled for, a note of the Prisoner's previous conviction being all that was in this case required. If, as it is to be presumed, the additional charge was framed with a view to the Prisoner being subjected to an enhanced punishment, such result, the Court would observe, could only be attained by the infliction of the penalties prescribed in Clause third Section v Regulation xx of 1803, which were clearly not applicable to the punishment of the Prisoner in the case under consideration. The Court request that the attention of the Acting Subordinate Judge may be drawn to the Circular instructions issued by this Court of Foujdaree Udalut on this subject subsequent to the disposal of this case under date the 2nd October 1850.

9 On the foregoing grounds the Court of Foujdaree Udalut resolve to annul the Proceedings held by the Sessions Judge in this case, and to direct that the same may be committed for trial before the Sessions Court with a view to it's disposal in the regular form.

Report B. 10.
Case N: 152.

Adverting to the sentence recorded against the Prisoner in this case, the Court of Foujdaree Udalut require to be informed of the nature of the misdemeanor which he is alleged to have committed

Ordered

F. U.

31st October 1850.

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

(Sent following Precept N: 1274)

Read Miscellaneous Petition presented on the 23rd September 1850 by A. M. Ritchie Esqr. Vakeel on behalf of S. Appiah and another of Tillah Nellore.

(Hereafter F. U. M. P. N: 150 of 1850)

Mr. G. L. Hooper
Mr. E. L. Thompson
Mr. W. A. Morehead

1 This is an application for the reversal of the sentence awarded to the prisoners in Case N: 37 of 1850 on the file of the Session Court of Nellore.

2. The Court of Foujdaree Udalut observe that the period of Imprisonment awarded to the prisoners in the case in question has been reduced to three years; and as the Court see nothing in this Petition which would lead them to question the correctness of the prisoners' conviction they deem it unnecessary to direct that the record of the trial should be submitted for their consideration.

3 The Petitioners' application is accordingly dismissed.

Ordered that Extract from these Proceed-

be

31st October 1850.

be given to the Petitioners Vakeel on his application.

Read Miscellaneous Petition presented on the 26th September 1850 by Syed Gayasooddeen of Tellah Chittoor.

(Here enter F. C. M. P. No. 152 of 1850)

Mr. G. S. Hooper
Mr. E. S. Thompson
Mr. W. A. Morehead.

The Court of Foujdaree Adalut see no reason to question the propriety of the sentence awarded to the 1st prisoner in Case No. 39 of 1849 on the file of the Session Court of Chittoor and this application is accordingly dismissed.

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

Read Miscellaneous Petition presented on the 3d October 1850 by T. Ramachendriah Vakeel on behalf of Ayleyetta Royapapan of Tillah Tellicherry

(Here enter F. C. M. P. No. 156 of 1850)

Mr. G. S. Hooper
Mr. E. S. Thompson
Mr. W. A. Morehead

Before finally disposing of this Petition the Court of Foujdaree Adalut resolve to direct that copies of the Decree passed in Original Suit No. 97 of 1844 on the file of the Civil Court of the decision of the Joint Magistrate of Malabar conferred in the Session Judges proceedings of the 30th July last and of the other proceedings upon which those orders were founded may be submitted for their consideration.

Ordered

31st October 1850.

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

(Sent following Precept No. 1248)

Ordered also that Extract from these proceedings be given to the Petitioners Vakeel on his application.

Chinniah Naiken of Chinglepet moves the Court to return the enclosures in his Miscellaneous Petition No. 129 of 1850.

Ordered accordingly.

£ 180.

F. U.

Friday 1st November 1850.

At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper Esqr. ——— 1st Puisne Judge

R. T. Thompsan Esqr. — 2d Puisne Judge

W. A. Morehead Esqr. — 3d Puisne Judge

Read Letter under date the 18th October 1850 from the Agent to the Governor of Fort St. George at Kurnool submitting for the final judgment of the Foujdaree Udalut a report of the trial of four prisoners charged with House-breaking by night.

(Here enter F. U. No. 2623 of 1850)

The Court of Foujdaree Udalut concur with the Agent in the conviction of the 1st 2d and 3d prisoners and in the acquittal of the 4th prisoner in the case and approving of the recommendation made by that Officer in regard to the amount of punishment to be awarded to the 1st 2d and 3d prisoners they resolve to sentence the said prisoners,

1st Mahomed Hoossain

2d Daseeree Sashadoo,

to imprisonment with hard labor in irons on the

the public roads or other public works for and during the period of four years, and the prisoner,

3rd Rungadoo,

to imprisonment with hard labor in irons on the public roads or other public works for and during the period of three years under the provisions of Section XXI Regulation VII of 1802.

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

(Sent in No. 1279)

Read letter under date the 18th October 1850 from the Agent to the Governor of Fort St. George at Kurnool submitting for the final judgment of the Fouzdaree Udalut a report of the trial of two prisoners charged with receiving stolen property

(Here enter F. Ud. No. 2624 of 1850)

The Agent has submitted the report of this case for the final judgment of the Fouzdaree Udalut on the ground that the offence charged is connected with that which forms the subject of case No. 57 of 1850 on the file of the Agent's Court, the report of which has been referred to the Fouzdaree

Fouzdaree Udalut.

2. The Court of Fouzdaree Udalut observe that this case should be disposed of by the Agent under the powers vested in him by Law, its connexion with case No. 57 not affecting the manner of its disposal which is to be determined with reference to the nature of the offence charged.

3. The Court observe that the provisions of Section IX Regulation XIII of 1832 quoted by the Agent are applicable only to the Subordinate Criminal Courts.

Ordered that Extract from these Proceedings be forwarded to the Agent to the Governor of Fort St. George in Kurnool for his information and guidance.

(Sent in No. 1280)

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F. U.

Saturday 2nd. November 1850.

At a Court of the Foujdaree Udalut

Present

G.S. Hooper Esqr. 1st. Puisne Judge

E.P. Thompson Esqr. 2nd. Puisne Judge

W.A. Morehead Esqr. 3d. Puisne Judge

Read Letter dated the 16th. October 1850 from the Session Judge of Chittoor reporting his having visited the Gang of Convicts employed under the charge of the Head Assistant Magistrate at Vellore on the 11th. Idem and stating that a Prisoner, whose petition was forwarded in his Report of the 6th. April 1850, requested that the attention of the Foujdaree Udalut might be called to the same.

(Here enter F. Uk. No. 2596 of 1850)

The Court of Foujdaree Udalut observe that the Prisoner has advanced nothing calculated to lead them to doubt the propriety of the Sentence which he is undergoing.

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